

BYLAW NO. 118Z2007

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
AND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2006-0063)**

WHEREAS it is desirable to amend The City of Calgary Land Use Bylaw Number 2P80 and the Land Use Bylaw 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 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. 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 "C" to this Bylaw and substituting therefore that portion of the Land Use District Map shown as shaded on Schedule "D" of this Bylaw.
3. Paragraph 1 of this Bylaw comes into force on the date it is passed, and paragraph 2 of this Bylaw comes into force on June 1, 2008.

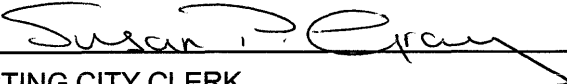
READ A FIRST TIME THIS 12th DAY OF NOVEMBER, 2007.

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

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



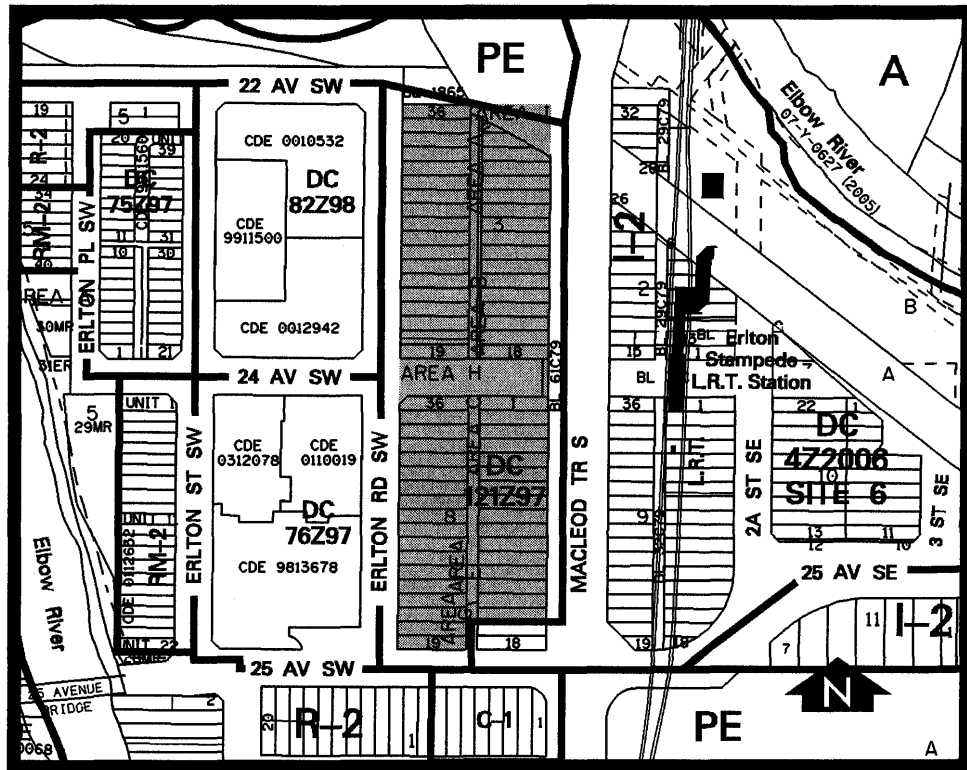
MAYOR
SIGNED THIS 12th DAY OF NOVEMBER, 2007.



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

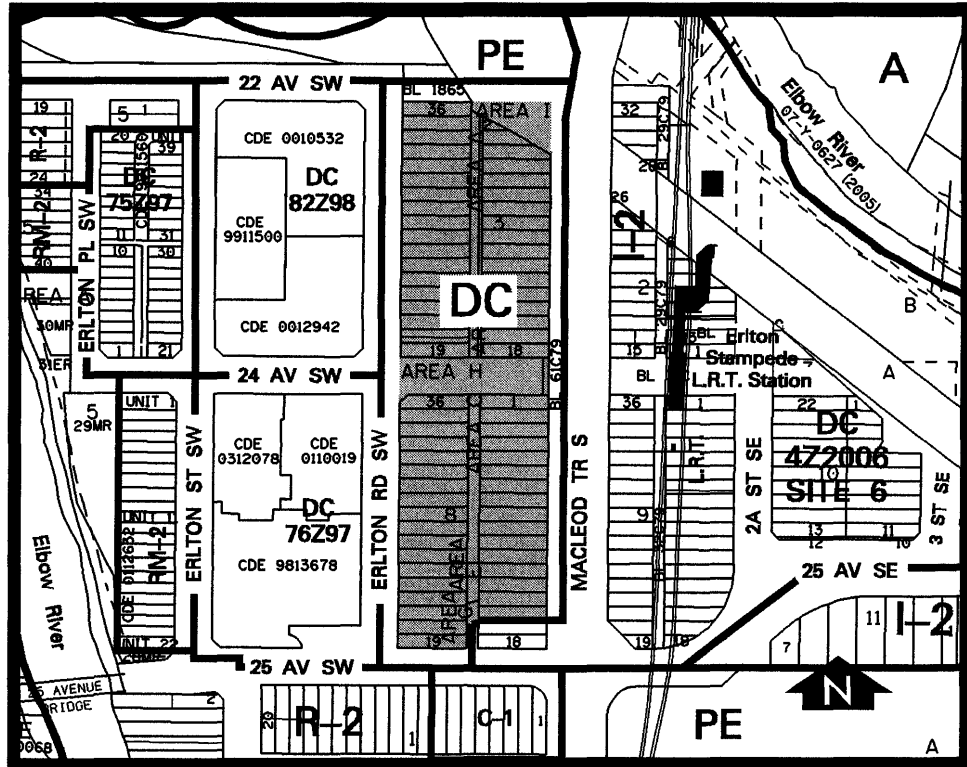
Amendment LOC2006-0063 Bylaw 118Z2007

SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. Land Use
Permitted Uses:
Essential public services
Parks and playgrounds
Utilities

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SCHEDULE B

CONTINUED

Except for utilities, essential public services, parks and playgrounds, the following uses shall be permitted only within existing buildings:

- Accessory buildings
- Apartment buildings
- Dwelling units
- Excavation, stripping and grading
- Home occupations – Class 1
- Offices
- Retail stores
- Townhouses

Discretionary Uses:

In addition to the following uses, those uses that are permitted in existing buildings shall be discretionary in proposed buildings:

- Athletic and recreational facilities
- Child care facilities
- Colleges
- Commercial schools
- Community association buildings
- Drinking establishments
- Entertainment establishments
- Financial institutions
- Grocery store
- Home occupations – Class 2 (N.P.)
- Laboratories
- Liquor stores
- Live-work Units
- Medical clinics
- Outdoor cafes (N.P.)
- Parking areas
- Parking structures
- Personal service businesses
- Private clubs or organizations
- Public or quasi-public buildings
- Restaurants - licensed
- Restaurants - food service only (excluding drive-through facilities)
- Retail food stores
- Take-out food services (excluding drive-through facilities)

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SCHEDULE B

CONTINUED

For the purpose of this Bylaw:

“Colleges” means a diploma-granting institution or postsecondary school of higher education that offers undergraduate programs without facilities for overnight accommodation for students.

“Excavation, Stripping and Grading” means the altering of a land surface and/or adjusting its slope by cutting, filling and/or smoothing for functional or aesthetic purposes.

“Laboratories” means a room or building fitted out for scientific experiments, research, teaching or the manufacture of drugs or chemicals.

“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.

2. Development Guidelines

The General Rules for Commercial Districts contained in Section 33 of Bylaw 2P80 shall apply, unless otherwise noted below:

(a) Yards

- (i) No minimum requirement for at grade commercial development;
- (ii) A minimum width of 2.0 metres for residential development along Erlton Road SW; and,
- (iii) No minimum width requirement for all other yards.

(b) Building Height

- (i) Buildings set back less than 10.0 metres from the Erlton Road property line shall have a maximum height of 24.0 metres;
- (ii) Buildings set back between 10.0 and 25.0 metres from Erlton Road shall have a maximum height of 48.0 metres, and,
- (iii) Buildings set back further than 25.0 metres from Erlton Road shall have a maximum height of 90.0 metres.

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SCHEDULE B

CONTINUED

(c) Landscaping and Amenity Area

The following areas, except for vehicle access ways from public thoroughfares, shall be landscaped:

- (i) All yards where they are not used for vehicle circulation;
- (ii) All on-site horizontal surfaces at grade greater than 5.6 square metres in area including rooftop amenity spaces and common deck areas. Areas required for parking or access, are excluded;
- (iii) All City boulevards; and,
- (iv) A detailed landscape plan shall be submitted and approved in conjunction with all Development Permits.

(d) Density:

- (i) The maximum FAR over the entire site shall not exceed 4.12;
- (ii) In addition to the maximum FAR specified above, the following shall apply:
 - (A) The maximum total FAR for residential use shall not exceed 3.44;
 - (B) The minimum total FAR for office use is 0.46, but shall not exceed a total FAR of 0.92;
 - (C) The minimum total FAR for retail and commercial uses is 0.22, but shall not exceed a total FAR of 0.46, including a retail food store; and,
 - (D) The maximum floor area for any single retail store and retail food store shall not exceed 2800 square metres per store.

(e) Retail Uses

- (i) Retail uses shall be limited to the first and second storeys of a building and each retail use shall have its own separate entrance from any residential component of the building;

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SCHEDULE B

CONTINUED

- (ii) Retail uses abutting a sidewalk shall front onto it and have individual, direct access to the sidewalk or any on-site pedestrian area;
- (iii) Retail uses shall primarily be oriented towards the 24 and 25 Avenue frontages and then towards Macleod Trail; and,
- (iv) Only retail uses that are intended to serve the local North Erlton community may be partially oriented to the Erlton Road frontage at the intersections of Erlton Road with 24 and 25 Avenues with a maximum of 20.0m retail building façade on Erlton Road at each of the intersections.

(f) Retail Food Store

A retail food store shall not be developed as a stand alone use on the site, but shall form part of a comprehensively designed development.

(g) Office Uses

- (i) Office uses shall have a separate entrance from any residential component of the building; and,
- (ii) Office uses abutting a sidewalk shall front onto it and have individual, direct access to the sidewalk or any on-site pedestrian area.

(h) Pedestrian Connections

- (i) Primary pedestrian entrances for proposed buildings shall be directly accessible from the street level and shall provide ease of entrance, visual interest and maintain human scale;
- (ii) Pedestrian connections from the North Erlton Community and Lindsay Park Sports centre shall be provided through the development to the Erlton LRT Station; and,
- (iii) Pedestrian connections shall provide for both vertical and horizontal connections.

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SCHEDULE B

CONTINUED

- (i) Design, Character, and Appearance:
 - (i) Development above the podium for residential uses shall have a maximum floor plate size of 700 square metres gross floor area, which may be increased to 750 square metres subject to the policies in Section 2.1.3.2.(f) of the amended Ertton Area Redevelopment Plan and with the approval of the Approving Authority.
 - (ii) Dwelling units shall not be located below any storey for non-residential uses.
 - (iii) The separation distance between residential buildings shall be a minimum of 24 metres;
 - (iv) All structures shall have exterior finish materials that require minimal maintenance during the life of the building;
 - (v) Where roof areas of more than 700 square metres occur on at grade retail buildings, the building shall contain a green roof covering at least 75% of the roof area. For the purpose of this bylaw, a green roof is a system of hard and soft landscaping which may include: plants, growing medium and root/waterproof membranes that act as a whole to maximize the available environmental benefits of the roof of any building that improves air temperature, air pollution, storm water quality, and provides open green space.
- (j) Garbage and Outdoor Storage
 - (i) Garbage and waste material shall be stored inside the building in a completely closed and locked space;
 - (ii) Comprehensive recycling facilities shall be provided; and,
 - (iii) No outdoor storage shall be allowed.
- (k) Right of Way Setbacks

See Section 17 of Bylaw 2P80

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SCHEDULE B

CONTINUED

(l) Parking and Loading Regulations

Section 18 of Bylaw 2P80 shall apply, except for the following:

- (i) A maximum of 1.0 parking stall shall be provided per dwelling unit 140 square metres and smaller and 1.5 parking stalls for dwelling units larger than 140 square metre per unit;
- (ii) A maximum parking ratio of 3.5 stalls per 93 square metres net floor area shall be provided for a retail food store and retail stores;
- (iii) Surface parking on the site shall only be provided along the alignments of 22, 24, 25 Avenues and adjacent to Macleod Trail. No surface parking is allowed on the site adjacent to Erlton Road except for loading and unloading.
- (iv) All surface parking shall be screened or separated from pedestrian areas and is subject to a Development Permit application for redevelopment;
- (v) Access points from Erlton Road to parking structure shall be located directly across from existing access points on the west side of Erlton Road. Access to parking structures on the closed portion of 24 Avenue shall not be permitted; and,
- (vi) Shared commercial/residential parking may be permitted where supported by an appropriate parking study prepared by a qualified transportation professional.

(m) Floodway/Floodplain Special Regulations

See Section 19.1 of Bylaw 2P80.

(n) Drive-through facilities

Drive-through facilities shall not be allowed as part of this development.

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SCHEDULE B

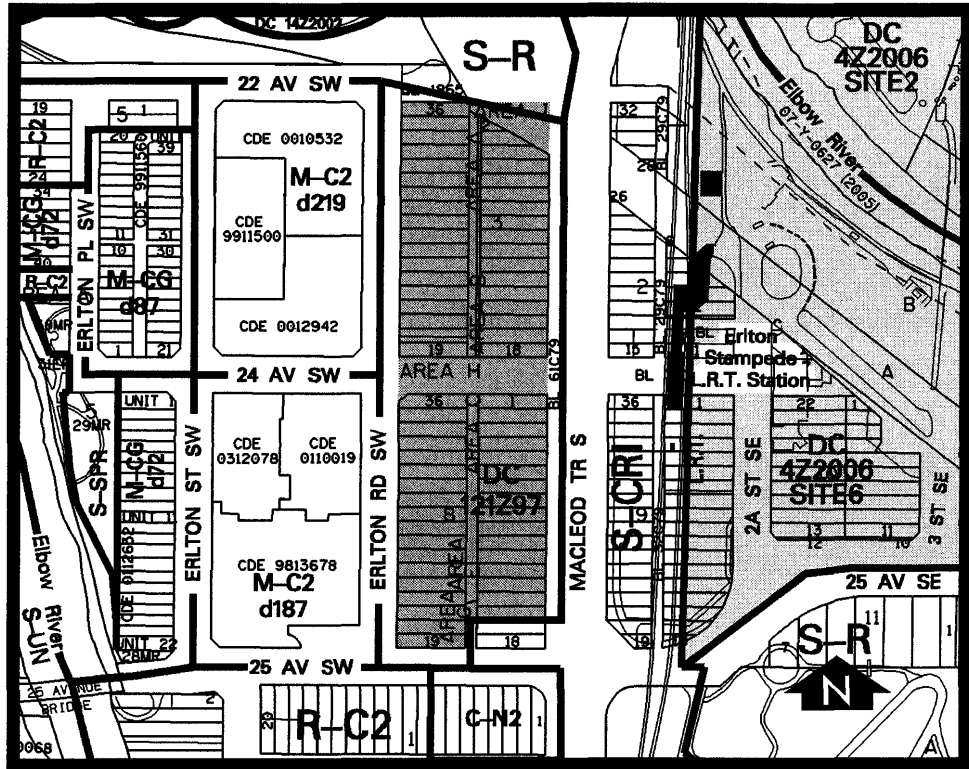
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- (o) Live-work units
 - (i) Live-work units shall be limited to those uses that do not create a nuisance by the way of dust; noise; odour; smoke; bright light or anything of an offensive or objectionable nature which is detectable to normal sensory perception outside of the live-work unit;
 - (ii) Dwelling units shall not have an at-grade entrance separate from the entrance to any work component of the unit;
 - (iii) The working area shall not exceed 70 percent of the total floor area;
 - (iv) Each live-work unit may have one non-illuminated identification sign with a maximum area of 0.2 square metres;
 - (v) Each live-work unit shall have separate direct access at grade;
 - (vi) The resident shall be the operator of the live-work unit;
 - (vii) No aspect of the operation shall be visible from outside building; and
 - (viii) There shall be no outside storage of material, goods or equipment on or immediately adjacent to the site.
- (p) Phasing and Concept Plan

With each Development Permit application for construction on the site, a phasing plan demonstrating the development concept for the entire site shall be submitted.

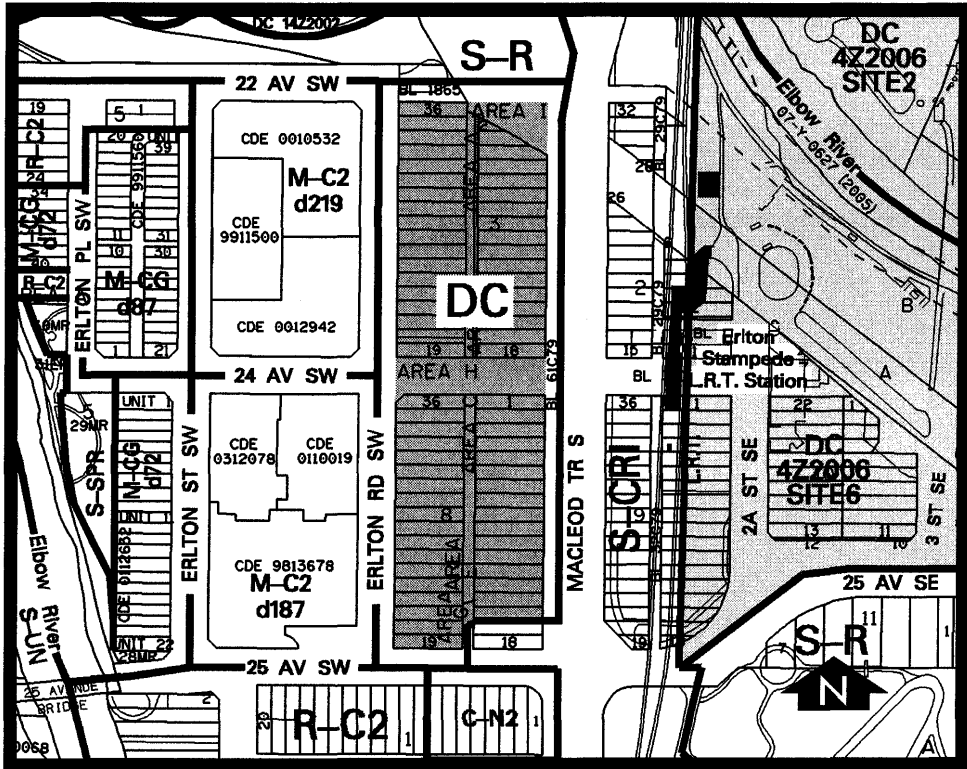
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SCHEDULE C



Amendment LOC2006-0063 Bylaw 118Z2007

SCHEDULE D



BYLAW NUMBER: 118Z2007

ADVERTISED IN THE Calgary Herald on Thursday October 18, 2007

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**Erlton
Bylaw 118Z2007**

To redesignate the land located at 2304, 2308, 2312, 2316, 2318, 2320, 2324, 2328, 2330, 2332, 2334, 2404, 2412, 2418, 2420, 2424, 2426, 2430, 2434 and 2436 Erlton Road SW and 2327, 2339, 2405, 2409, 2413, 2415, 2417, 2419, 2421, 2425 and 2429 Macleod Trail SW and the closed roads and lanes (Plan 3940L, Block 3, Lots 2 to 36; Plan 3940L, Block 8, Lots 1 to 16 and 19 to 36; Plan 0611174, Areas A to F and Plan 0713417, Areas G to I) from DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate a transit oriented mixed use development. (Bylaw 2P80)

To redesignate the land located at 2304, 2308, 2312, 2316, 2318, 2320, 2324, 2328, 2330, 2332, 2334, 2404, 2412, 2418, 2420, 2424, 2426, 2430, 2434 and 2436 Erlton Road SW and 2327, 2339, 2405, 2409, 2413, 2415, 2417, 2419, 2421, 2425 and 2429 Macleod Trail SW and the closed roads and lanes (Plan 3940L, Block 3, Lots 2 to 36; Plan 3940L, Block 8, Lots 1 to 16 and 19 to 36; Plan 0611174, Areas A to F and Plan 0713417, Areas G to I) from DC Direct Control District and Undesignated Road Right-of-Way to DC Direct Control District to accommodate a transit oriented mixed use development. (Bylaw 1P2007)

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/118Z2007

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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)
