

**BYLAW NUMBER 112D2008**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT LOC2006-0046)**

\*\*\*\*\*

**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 dark-shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as dark-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 8<sup>th</sup> DAY OF DECEMBER, 2008.

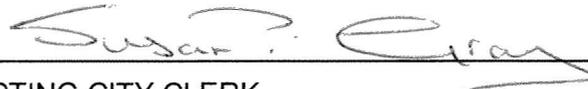
READ A SECOND TIME THIS 8<sup>th</sup> DAY OF DECEMBER, 2008.

READ A THIRD TIME THIS 8<sup>th</sup> DAY OF DECEMBER, 2008.



MAYOR

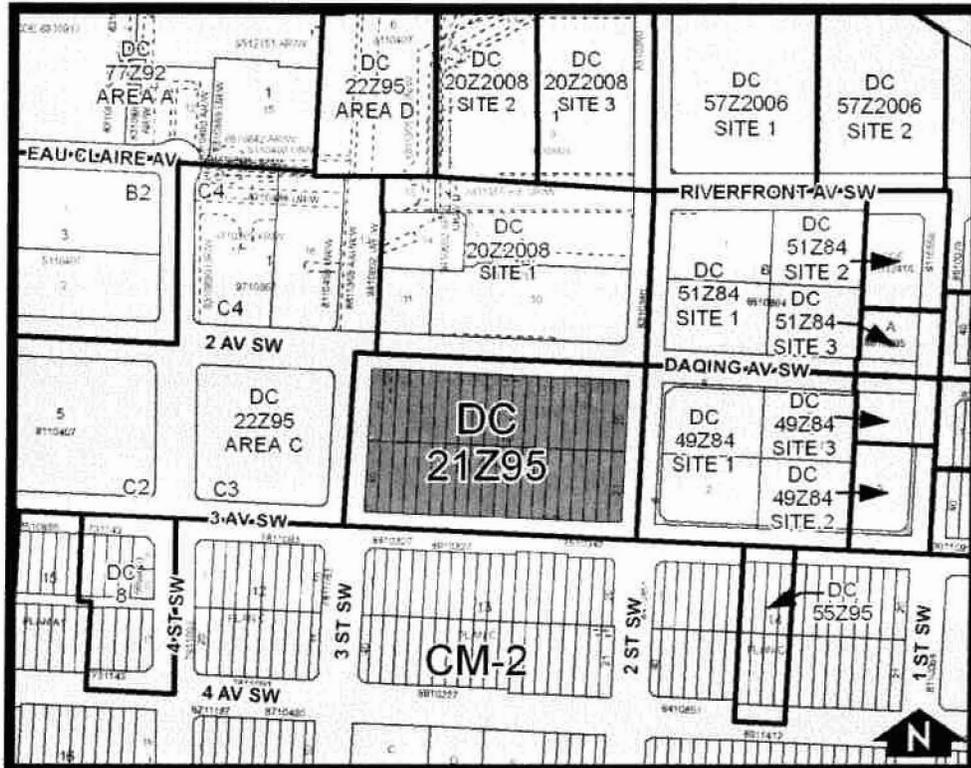
SIGNED THIS 5<sup>th</sup> DAY OF JANUARY, 2009.



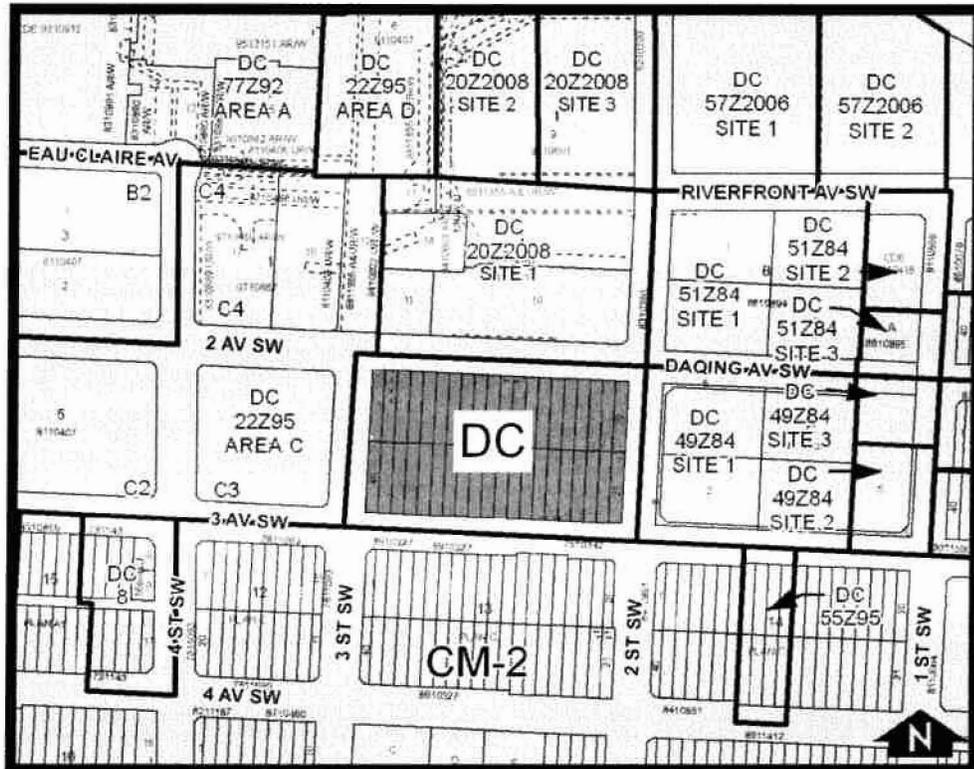
ACTING CITY CLERK

SIGNED THIS 5<sup>th</sup> DAY OF JANUARY, 2009.

SCHEDULE A



**SCHEDULE B**



**DC DIRECT CONTROL DISTRICT**

**Purpose**

- 1 This Direct Control District is intended to provide for the redevelopment of the block bounded by 2 and 3 Avenue S. and 2 and 3 Street W. for commercial, residential, or mixed commercial and residential purposes, at densities compatible with its location relative to the downtown core and the residential neighbourhood of Eau Claire.

**Compliance with Bylaw 1P2007**

- 2 Unless otherwise specified, the rules and provisions of Section 1 through 4 of Part 1, Sections 21(1) and (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 of Bylaw 1P2007 is a reference to the section as it existed on the date of passage of this Bylaw.

### General Definitions

- 4 In this Direct Control District,
- (a) "**Commercial Development**" means a development, or a portion thereof, that is not a **Residential Development**;
  - (b) "**Commercial Uses**" means all those uses that are not **Residential Uses**;
  - (c) "**East Side**" means those lands, within this Direct Control District, legally described as Plan C, Block 10, Lots 10 to 31, inclusive;
  - (d) **Five Star Hotel** means a hotel that is at least a five star luxury hotel as determined by the recognized international hotel industry research and consulting firm Smith Travel Research as of the date of passage of this Bylaw;
  - (e) "**Group A Bonus Features**" means Standards A1 and A2 set out in the Bonus Density Table in Section 42.3 of Part 10 of Bylaw 1P2007;
  - (f) "**Group B Bonus Features**" means Standards B1 to B12, inclusive, set out in the Bonus Density Table in Section 42.3 of Part 10 of Bylaw 1P2007;
  - (g) "**Principal Room**" means a living room or a bedroom in a dwelling unit;
  - (h) "**Residential Development**" means a development, or a portion thereof, that contains primarily **Residential Uses**;
  - (i) "**Residential Uses**" include apartment buildings, dwelling units, home occupations - Class 1, home occupations - Class 2, hostels, lodging houses, stacked townhouses and townhouses; and
  - (j) "**West Side**" means all of the lands within this Direct Control District except for the **East Side**.

### Permitted Uses

- 5 The permitted uses of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 are the permitted uses in this Direct Control District.

### Discretionary Uses

- 6 The discretionary uses of the CM-2 Downtown District of Part 10 of Bylaw 1P2007 are the discretionary uses in this Direct Control District with the addition of:

- (a) those uses that are existing in buildings existing at the date of approval of this Bylaw which shall be allowed to continue as discretionary uses in existing buildings.

### **Bylaw 1P2007 District Rules**

- 7 Unless otherwise specified the General Rules for Commercial Districts of Part 10 of Bylaw 1P2007 and the General Rules for Downtown Districts of Part 10 of Bylaw 1P2007 apply in this Direct Control District. In the case of a conflict the General Rules for Downtown Districts shall prevail.

### **Permitted Use Rules**

- 8 (1) Notwithstanding any other requirement of this Bylaw, proposed or existing structures or uses may be developed, redeveloped, or continue to exist provided that:
  - (a) it has been approved before the date on which this Bylaw was approved by a development permit that has not expired; and
  - (b) no variation whatsoever exists in that structure, except as may be allowed pursuant to Section 11(1)(a)(iii) of Part 10 of Bylaw 1P2007, and as may be necessary to comply with other applicable legislation.
- (2) Permitted Uses shall comply with the Discretionary Use Rules contained in Section 9 excluding subsections (1), (3), (4) and (5).
- (3) All minimum required front and side yards, except for access ways from public thoroughfares, shall be landscaped.

### **Discretionary Use Rules**

- 9 (1) **Base Density and Mandatory Requirements**
  - i. All **Commercial Development**, regardless of density shall provide **Group A Bonus Features A1 and A2**, as per Section 42.3(5)(a)(i) of Part 10 of Bylaw 1P2007.
  - ii. The maximum floor area ratio for Commercial Development allowed with the provision of all **Group A Bonus Features** is 5.0.
  - iii. All **Residential Development**, regardless of density shall provide **Group A Bonus Features A1 and A2**, as per Section 42.3(5)(a)(i) of Part 10 of Bylaw 1P2007, with the exception of the contribution to the Plus 15 Fund.
  - iv. The maximum floor area ratio allowed for **Residential Development** with the provision of all **Group A Bonus Features** is 8.0.

**Bonus Density**

- v. The floor area ratio of **Commercial or Residential Development** may be increased by provision of **Group B Bonus Features** as per Section 42.3(5)(a)(i) of Part 10 of Bylaw 1P2007.
- vi. Notwithstanding the provisions of Standard B12 in Section 42.3(5)(a)(i) of Part 10 of Bylaw 1P2007, the dollar value used shall be based on the fair market land value of a square metre of buildable floor area on the subject site at the time of Development Permit approval.
- vii. The floor area ratio for **Commercial or Residential Development** may be increased with the provision of sustainable building features to a maximum of an additional 1.0 F.A.R. where a floor area ratio of 1.0 is equal to 10 points, with points earned and pro-rated as follows:
  - (a) 1 point for every 15% of total roof area, that is not eligible to be counted towards minimum landscaped area requirements, installed with a vegetated green roof, up to a maximum of 5 points;
  - (b) 4 points for housing diversity where a minimum of 10% of all dwelling units are comprised of either multi-storey units at grade or 3 bedroom units above grade;
  - (c) 4 points for a mixed use building where one use is residential and the sum of all non-residential uses occupy at least 25% of the gross floor area of the building and in determining such, a Live Work Unit is considered a non-residential use for the purposes of this calculation;
  - (d) 1 point for use of a renewable energy source that accounts for a minimum of 5% of total annual energy use;
  - (e) 1 point for use of a renewable energy source that accounts for a minimum of 10% of total annual energy use;
  - (f) 1 point for the reuse of a minimum of 75% of an existing building shell or structure or both;
  - (g) 1 point for eliminating the use of potable water for irrigation of landscaping; and
  - (h) 1 point for a reduced development footprint to preserve or enhance existing natural or cultural site features that would not already be gained under a building setback or landscaped area requirement.

After December 31, 2011, the bonus feature in subsection (vii) will cease to be a bonus feature, and the additional F.A.R. that is currently available will no longer be available.

- viii. The floor area ratio for Commercial and Residential Development may be increased an additional 1.0 F.A.R. by a contribution to the Eau Claire

Improvement Fund. The dollar value used shall be based on the fair market land value of a square metre of buildable floor area on the subject site at the time of Development Permit approval.

### Maximum Density

- ix. Notwithstanding anything in this Bylaw, the maximum floor area ratio for **Commercial Development** must not exceed 10.0 F.A.R. and the maximum floor area ratio for **Residential Development** shall not exceed 14.0 F.A.R., minus any floor area provided for **Commercial Development**.

### (2) Minimum Yards

#### (a) Residential Development

**Residential Development** must have the following minimum yards:

- (i) Front yards shall be a minimum of 2.5 metres for the portion of a building which is 3 storeys or less in height and 6.0 metres for the portion of the building over 3 storeys in height.
- (ii) Side yards shall be a minimum of 1.2 metres for the portion of a building which is 2 storeys or less in height, a minimum of 3.0 metres for the portion of a building 3 to 6 storeys in height and a minimum of 6.0 metres for the portion of a building over 6 storeys in height.
- (i) Rear yards shall be a minimum of 7.5 metres.
- (ii) No rear or side yard is required for a parking structure which does not require external maintenance.

#### (b) Commercial Development

**Commercial Development** must have the following minimum yards:

- (i) No minimum front yard is required
- (ii) Side yards and rear yards shall be a minimum of 3.0 metres where abutting a residential district.
- (iii) No side or rear yard is required for parking structures which do not require external maintenance.

### (3) Building form and Siting

- (a) No window of a **Principal Room** shall be located closer than a horizontal distance of 7.5 metres from a side or rear property line or 24.0 metres from the facing windows of any building on the same site. The Approving Authority may relax this distance to a minimum of 15.0 metres where it is satisfied that the design and layout of the buildings

protects the privacy of residents and ensures that adequate daylight reaches each residential unit.

- (b) No dwelling other than a caretaker's residence shall be located below commercial floor space.
- (c) The ground and second floors of a **Commercial Development** shall be designed and built so as to be capable of accommodating a range of non-office **Commercial Uses** such as retail stores, entertainment establishments and restaurants - food service only and restaurants - licensed.

(4) **Public Spaces**

- (a) All indoor and outdoor public spaces, for which density has been granted, shall be:
  - (i) subject to a public access easement registered against the title of the property;
  - (ii) accessible to persons with push carts or carriages, the elderly, the physically handicapped and others whose mobility is impaired; and
  - (iii) maintained, including any landscaping, preserved heritage features, artwork, and special rights-of-way improvements, throughout the life of the development.
- (b) All indoor public spaces, including Plus 15 bridges, for which density has been granted, shall be illuminated, heated and cooled for the life of the development.
- (c) Outdoor areas, covered by an awning or canopy, projecting a maximum of 1.5 metres from the façade of a building are considered to be open to the sky.

(5) **Landscaping and Amenity Space**

- (a) Private outdoor amenity space shall be provided for multi-family dwelling units in accordance with Section 20(17) of Part 10 of Bylaw 1P2007.
- (b) Where 50% or more of the gross floor area is comprised of dwelling units, a minimum of 40% of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces. This may include areas above grade.
- (c) All on-site horizontal surfaces other than private amenity space greater than 5.6 square metres in size, overlooked by dwelling units and not required for vehicular access, shall be landscaped.

(6) **Parking and Loading**

(a) **East Side**

Notwithstanding Section 18 of Part 10 of Bylaw 1P2007, all parking and loading, for **Commercial Uses** on the **East Side**, shall be provided on site, except as allowed below, and in other respects the provisions of Section 18 shall apply with the following exceptions:

for **Commercial Uses**, a cash-in-lieu payment for required parking is only allowed where the Approving Authority is satisfied that it is not reasonably practical to provide all of the required parking on site or on an alternate site as provided for in Section 18(1)(b) of Part 10, Bylaw 1P2007.

(b) **West Side**

Section 18 of Part 10 of Bylaw 1P2007 shall apply to **Residential Uses** and **Commercial Uses** on the **West Side** with the following exceptions:

- (i) residential units require 1.33 parking stalls per dwelling unit;
- (ii) visitor parking is a minimum of 0.15 stalls per dwelling unit;
- (iii) for **Residential Uses**, a cash-in-lieu payment is not allowed as a replacement for the physical provision of parking; and
- (iv) for a **Five Star Hotel** only, 0.5 parking stalls per guest room is required all of which, notwithstanding Section 18(1.1) of Part 10 of Bylaw 1P2007, shall be provided on site, and a cash-in-lieu payment is not allowed as a replacement for the physical provision of parking.

(c) **Additional Parking Rules**

- (i) All vehicular access ways shall be located so as to minimize the disruption of traffic and pedestrian movement.
- (ii) Parking, service, drop-off and loading areas shall be located to minimize the disruption of commercial traffic into residential areas.

(d) **Off Site Parking**

Notwithstanding anything elsewhere contained in this Bylaw, in accordance with the obligations contained in Development Permit DP1985-1587, 160 parking stalls may, at the option of an applicant for a development permit, be provided on site in addition to the parking stalls required for uses occurring on the site.

(7) **Outside Storage**

No outside storage shall be allowed.

(8) **Signs**

Signs shall comply with the Sign Appendix of Part 10, Bylaw 1P2007, with the following exceptions:

- (a) Notwithstanding Section 57(2)(a), temporary signs shall be prohibited.
- (b) Notwithstanding Section 59(15), electronic message centres shall be prohibited.
- (c) Notwithstanding Section 60(2), roof identification signs shall be prohibited.
- (d) Projecting identification signs shall be allowed on buildings with a commercial component, in accordance with Section 60(4)(c)(i).
- (e) Freestanding identification sign shall be allowed on properties with a commercial component, in accordance with Section 60(4)(c)(i).
- (f) Notwithstanding Section 60(9), painted wall identification signs shall be prohibited.
- (g) Window identification signs shall be allowed in windows of the commercial portion of buildings, in accordance with Section (60)(10).