

**BYLAW NO. 35D2008**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT LOC2008-0016)**

\*\*\*\*\*

**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;

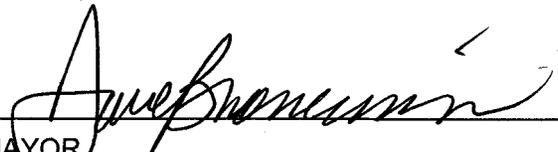
**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

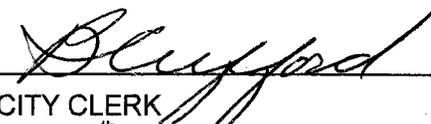
1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Maps shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Maps shown as shaded on Schedule "B" to this Bylaw, 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 June 1, 2008.

READ A FIRST TIME THIS 12<sup>th</sup> DAY OF MAY, 2008.

READ A SECOND TIME THIS 12<sup>th</sup> DAY OF MAY, 2008.

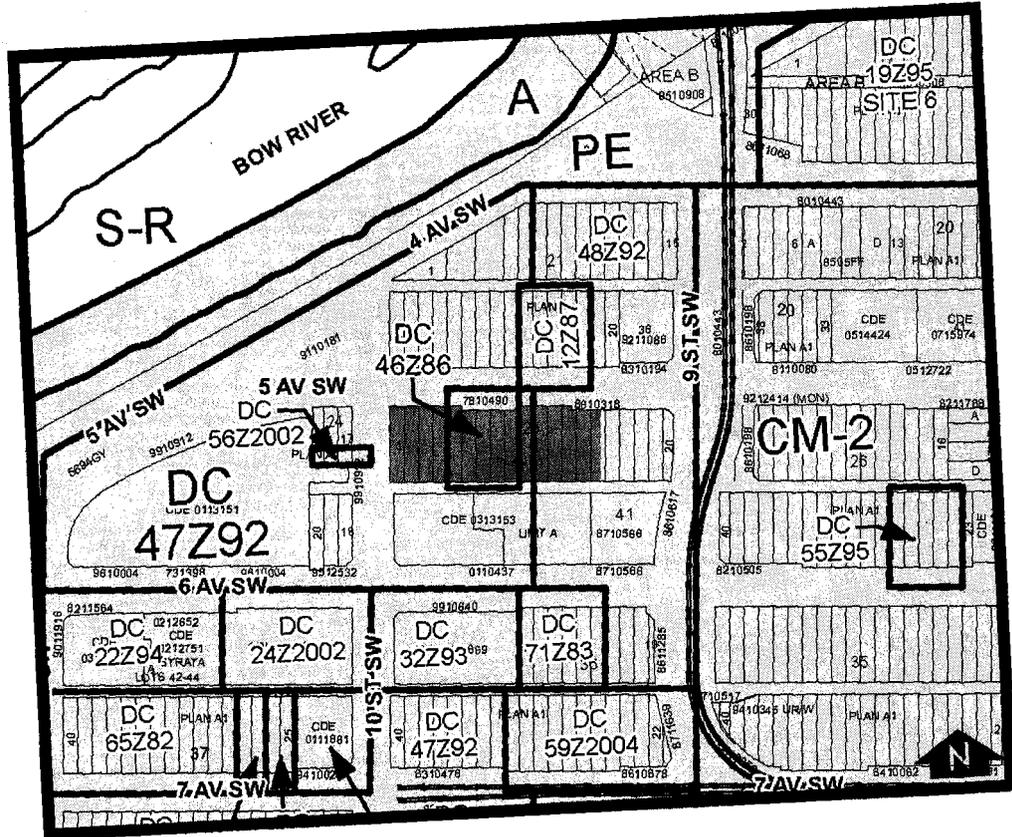
READ A THIRD TIME THIS 12<sup>th</sup> DAY OF MAY, 2008.

  
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MAYOR  
SIGNED THIS 12<sup>th</sup> DAY OF MAY, 2008.

  
\_\_\_\_\_  
ACTING CITY CLERK  
SIGNED THIS 12<sup>th</sup> DAY OF MAY, 2008.

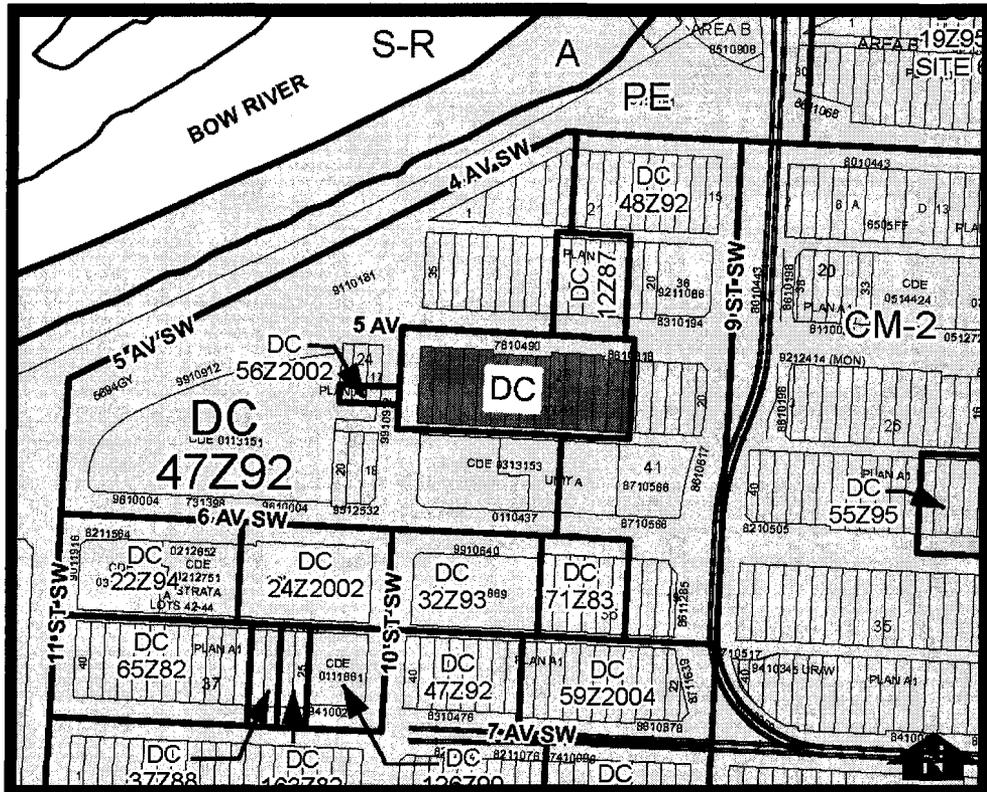
# Amendment LOC2008-0016 Bylaw 35D2008

## SCHEDULE A



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## SCHEDULE B



### DC DIRECT CONTROL DISTRICT

#### Purpose

- 1 This Direct Control District is intended to:
  - (a) accommodate a high density residential development; and
  - (b) implement the density and design provisions of the West End Policy Consolidation.

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## SCHEDULE B

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### 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.

### Reference to Bylaw 1P2007

- 3 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.

### General Definitions

- 4 In this Direct Control District,
- (a) "commercial uses" means those discretionary uses listed in section 7, other than residential uses.
  - (b) "residential uses" means Apartment buildings, Dwelling units, Home occupations, Lodging houses, Hostels, Special care facilities, Stacked townhouse and Townhouses.

### Defined Uses

- 5 In this Direct Control District,
- (a) "Live-work unit" means a use:
    - (i) that is a type of Dwelling unit used by the resident for working and living purposes; and
    - (ii) that may include, but is not limited to, offices, personal service businesses and selling of goods produced on site.

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## SCHEDULE B

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### Permitted Uses

6 The following uses are permitted uses in this Direct Control District:

- (a) Home Occupations – Class 1;
- (b) Parks and Playgrounds; and
- (c) Utilities.

### Discretionary Uses

7 The following uses are discretionary uses in this Direct Control District:

- (a) Apartment buildings (C.U.);
- (b) Apartment hotels;
- (c) Athletic and recreational facilities;
- (d) Child care facilities (N.P.);
- (e) Commercial schools;
- (f) Community association buildings;
- (g) Drinking establishments;
- (h) Essential public services;
- (i) Financial institutions;
- (j) Grocery stores;
- (k) Home occupations – Class 2;
- (l) Hostels (N.P.);

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## **SCHEDULE B**

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- (m) Laboratories;
- (n) Liquor stores (N.P.);
- (o) Live-work units;
- (p) Lodging houses (N.P.);
- (q) Mechanical reproduction and printing establishments;
- (r) Medical clinics;
- (s) Offices (C.U.);
- (t) Outdoor cafes;
- (u) Parking areas (temporary);
- (v) Personal service businesses;
- (w) Private clubs and organizations;
- (x) Private schools;
- (y) Public and quasi-public buildings (N.P.);
- (z) Public and separate schools;
- (aa) Restaurant – food Service only;
- (bb) Restaurant – licensed;
- (cc) Retail food stores;
- (dd) Retail stores;
- (ee) Signs – class 1;

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- (ff) Signs – class 2;
- (gg) Special care facilities (N.P.);
- (hh) Stacked townhouses (C.U.);
- (ii) Take out food service;
- (jj) Townhouses (C.U.);
- (kk) Universities, colleges and provincial training centres; and
- (ll) Veterinary clinics (N.P.).

### Existing Uses

- 8** (1) Any use approved by the Approving Authority and existing as of the date of passage of this Bylaw, shall be deemed to be a discretionary use.
- (2) If a deemed discretionary use referred to in subsection (1) is discontinued for a period of six consecutive months or more, any future use of land shall conform with the uses specified in this Bylaw.

### Bylaw 1P2007 District Rules

- 9** Unless otherwise specified, the General Rules for Downtown Districts in Part 10, section 42.1 of Bylaw 1P2007 apply to this Direct Control District.

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### SCHEDULE B

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#### Yards

10

- (1) A maximum yard of 3.0 metres may be provided adjacent to 5 Avenue SW as measured from the setback line for 75 percent of the frontage and the remaining 25 percent of the frontage can be used to articulate the façade.
- (2) A minimum yard of 3.0 metres to a maximum yard of 10.0 metres shall be provided adjacent to 10 Street SW.
- (3) A yard is not required on the interior of the site.
- (4) A minimum yard of 9.0 metres is required adjacent to the lane but may be reduced to 3.0 metres when:
  - (a) the building contains solely commercial uses;
  - (b) the building has less than 1.0 F.A.R.; or
  - (c) if the depth of the podium portion of development which is oriented to 10 Street SW (i.e. has windows of habitable rooms and entrances oriented to the street) is no greater than a dimension of 15 metres as measured perpendicular to the side property line.
- (5) The Approving Authority may consider relaxations to the yard requirement adjacent to the lane for residential buildings where:
  - (a) the quality or usability of the communal amenity space would be significantly improved by being elevated; and
  - (b) development or potential development on other sites will not be adversely affected.
- (6) All portions of the yard adjacent to the lane are to be attractively treated in recognition of the role of the lanes as the primary location of quiet communal open space for residential projects and as secondary pedestrian access routes for residents.

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#### Gross Floor Area

- 11 (1) The maximum gross floor area for "commercial uses" is 3.0 F.A.R., which shall be located between grade and the sixth storey only.
- (2) The maximum gross floor area for "residential uses":
- (a) is 7.0 F.A.R., less any commercial density provided pursuant to subsection (1); and
- (b) will not include any open balconies in the calculation of residential density.

#### Shadow Protection on Riverbank

- 12 New buildings shall not cast shadows beyond a line 20 metres wide throughout abutting the top of the south bank of the Bow River, as determined by the Approving Authority, between the hours of 10:00am and 4:00pm Mountain Daylight Time on September 21.

#### Building Design and Siting

- 13 (1) The project shall be two towers on a podium.
- (2) Buildings shall be designed and located to minimize overshadowing of public and communal open spaces both on and off site.
- (3) New residential buildings shall be designed to ensure that at least one window of any habitable room (excluding a kitchen or bathroom) provides a minimum unimpeded horizontal view plane with an angle of 50 degrees, or two angles that sum up to 70 degrees, for a distance of 18 metres.
- (4) Building faces below 21 metres in height shall be aligned parallel to the street grid.
- (5) The building shall be sited to minimize impact on adjacent development to the south.

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- (6) Private outdoor amenity spaces located within three floors of grade should be oriented away from areas with concentrations of automobile exhaust fumes, particularly major intersections.
- (7) Development walls viewed from the lane shall be fully designed and made attractive to neighbouring developments and passersby through use of quality materials, colours, textures, articulation and landscaping.
- (8) Low and mid-rise building roofs shall be designed to be usable as open space or to be attractive as seen from above and should incorporate appropriate screening of rooftop mechanical equipment.
- (9) Separate entrances, lobbies and circulation, including elevating, shall be provided for commercial and residential uses. Lobbies should be visible from the street.
- (10) All entrances to retail, restaurant and service establishments abutting a roadway shall be directly accessible from the sidewalk.

#### **Building Height and Bulk**

- 14 (1) All buildings shall provide for a generally continuous "street wall" through a low to mid-rise element having a minimum height of 9.0 metres located within 3.0 metres of the setback line (or setback lines in the case of corner sites) and a maximum height of 21 metres.
- (2) Portions of the building rising above the base or podium creating the "street wall" and any portion of the building more than 21 metres in height must step back a minimum dimension of 3.0 metres from the front of that podium, measured perpendicular to the property line abutting the roadway.
- (3) In order to maintain the slimness of towers and avoid slab forms, floor plates located above 21 metres shall be limited to a maximum gross floor plate of 650 square metres, excluding only open balconies from this total.
- (4) Notwithstanding subsection (3), the Approving Authority may relax the floor plate restriction in order to achieve compliance with the shadow guideline specified in section 12.

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#### Separation Distances for Towers

**15** For any floorplates located above 21 metres, the minimum separation distance for a tower shall be:

- (a) 24 metres between two towers contained on site;
- (b) no separation distance is required adjacent to the street for corner sites;
- (c) 12 metres adjacent to a common property line; and
- (d) 9.0 metres from the rear property line.

#### Dwelling Units

**16 (1)** In buildings containing dwelling units:

- (a) no dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use;
- (b) a meeting room of sufficient size to accommodate all residents shall be provided, and must be situated in a visible location at or above grade in proximity to either the entrance lobby or other communal amenities;
- (c) a private amenity space having a minimum area of 5.6 square metres shall be provided for each dwelling unit in the form of an open or enclosed balcony, having a minimum dimension of 1.8 metres. This requirement may be waived by the Approving Authority if the development provides an equivalent amount of space in the form of private secure storage for each unit and communal amenity space suitable to the needs of the expected residents;
- (d) all on-site horizontal surfaces other than private amenity space greater than 5.6 square metres in size, that are overlooked by dwelling units and not required for vehicular access, shall be usable and landscaped to the satisfaction of the Approving Authority;

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- (e) where 50 percent or more of the gross floor area of a building is comprised of dwelling units, a minimum of 40 percent of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces, which may include accessible and usable spaces referenced in subsections (b) and (d) above; and
  - (f) unit orientation and screening shall enhance privacy.
- (2) Appropriate design and construction techniques should be used to buffer dwelling units from noise, such as:
- (a) orienting outdoor areas and bedrooms away from noise sources;
  - (b) using alternate ventilation to minimize opening windows; and
  - (c) using glass block walls or acoustically rated glazing.

#### Live-Work Units

17 For live-work units:

- (a) activities 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) the working area shall not exceed 50 percent of the total floor area;
- (c) a maximum of one non-resident employee or business partner may work on site;
- (d) signage is limited to the interior of the building;

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- (e) no aspect of the operation shall be visible from outside the building;
- (f) there shall be no outside storage of material, goods or equipment on or immediately adjacent to the site;
- (g) except at-grade, no live-work unit shall be located on the same storey as a purely residential use; and
- (h) no live-work unit shall be located on a storey above a purely residential use.

#### **Outdoor Cafe**

- 18** The use of an outdoor speaker system in association with an outdoor cafe is prohibited.

#### **Drinking Establishment**

- 19** The maximum net floor area for a Drinking establishment is 100 square metres.

#### **Recycling Facilities**

- 20** Comprehensive recycling facilities shall be provided to the satisfaction of the Approving Authority.

#### **Parking and Loading**

- 21** In addition to the parking and loading requirements in Part 10, section 18 of Bylaw 1P2007, the following shall apply:
- (a) a minimum of 0.9 stalls is required for each residential and live work unit;

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- (b) a minimum of 0.15 stalls per residential unit is required for visitor parking, unless a lesser amount is demonstrated to the satisfaction of the Approving Authority;
- (c) parking provided for any commercial or residential development shall be located in structures below grade;
- (d) all vehicular access to developments for parking and loading shall be from the lane via streets not avenues; and
- (e) where loading bays are provided:
  - (i) they shall be covered and screened;
  - (ii) they must be properly paved and finished with adequate signage and lighting; and
  - (iii) they shall be enclosed, where possible, with overhead doors.

### Right-of-Way Setbacks

- 22** The right-of-way property line setback provisions in Part 10, section 17 of Bylaw 1P2007 shall apply.

### Floodway and Flood Fringe Special Regulations

- 23** The development shall conform with The City of Calgary Floodway and Flood Fringe regulations specified in Part 3, Division 3 of Bylaw 1P2007 as amended from time to time to the satisfaction of the Approving Authority.

### Signs

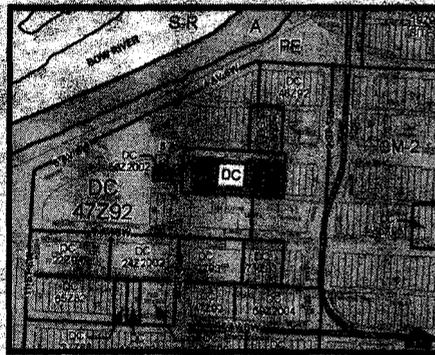
- 24** (1) The provisions of the Sign Appendix in Part 10 of Bylaw 1P2007 shall apply for Class 1 and Class 2 signs.
- (2) Third Party Advertising signs are prohibited.

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ADVERTISED IN: Calgary Sun on Thursday April 24, 2008

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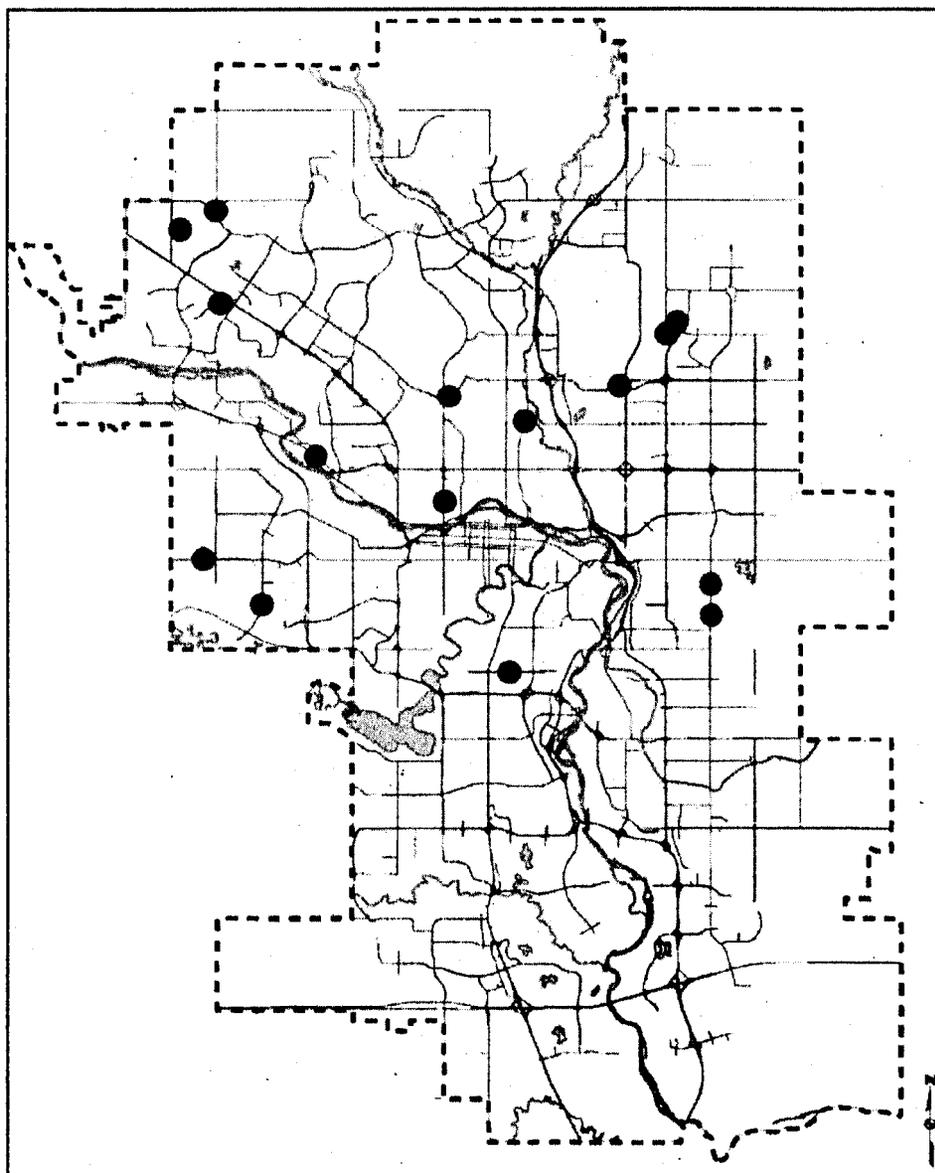
LEGEND - Land Use Districts (Bylaw 1P2007)	
Existing Land Use Districts	Proposed Land Use Districts
DC 46Z86 - Direct Control District	DC - Direct Control District
DC 47Z92 - Direct Control District	
DC 48Z92 - Direct Control District	



Municipal Address		Legal Description	Current 1P2007 LUD	Proposed 1P2007 LUD
6 AV SW	1013, 1016, 1019	Plan A1, Block 25, Lots 11-15	DC 48Z92	DC
	1039	Portion of Plan A1, Block 25, Lots 1 and 2	DC 47Z92	
	1021, 1033, 1035	Plan A1, Block 25, Lots 3, 4 and 10	DC 47Z92	
	1023, 1025, 1027, 1031	Plan A1, Block 25, Lots 5-9	DC 46Z86	
10 ST SW	508, 510	Portion of Plan A1, Block 25, Lots 1 and 2	DC 47Z92	DC

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**ADVERTISED IN: Calgary Sun on Thursday April 24, 2008**



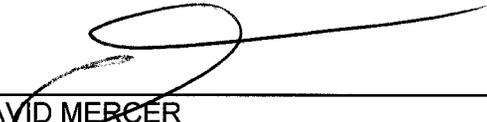
TO: CITY CLERK  
FROM: DEVELOPMENT AND BUILDING APPROVALS  
RE: LUB/35D2008

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HEAD – ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM

  
\_\_\_\_\_  
DAVID MERCER  
CITY SOLICITOR

BUDGET PROGRAM NO.  
(if applicable)

\_\_\_\_\_

DATE OF COUNCIL INSTRUCTION  
(if applicable)

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