

BYLAW NUMBER 85D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0056)**

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 shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District 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.

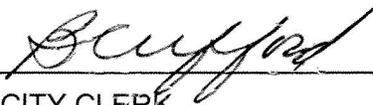
READ A FIRST TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A THIRD TIME THIS 3rd DAY OF NOVEMBER, 2008.



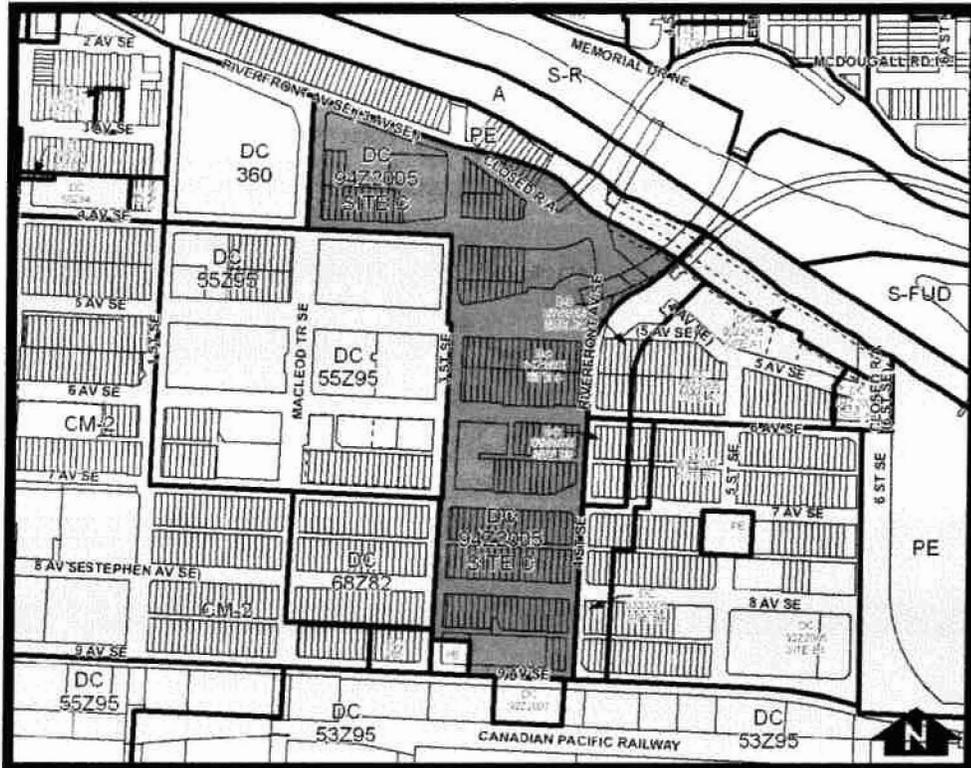
MAYOR
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.



ACTING CITY CLERK
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.

AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008

SCHEDULE A



**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

Reference to Bylaw 1P2007

- 3** Unless otherwise specified 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) "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.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

- (i) "Residential Uses" means apartment buildings, dwelling units, home occupations, hostels, live-work units, special care facilities, stacked townhouses and townhouses.
- (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.

Permitted Uses

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

- (a) Essential public services
- (b) Home Occupations - Class 1
- (c) Parks and playgrounds
- (d) Signs (Class1)
- (e) Utilities

Discretionary Uses

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

- (a) Accessory buildings
- (b) Accessory food services
- (c) Apartment buildings (C.U.)
- (d) Apartment hotels
- (e) Athletic and recreational facilities
- (f) Child care facilities (N.P.)
- (g) Commercial schools
- (h) Drinking establishments (N.P.)
- (i) Dwelling units
- (j) Entertainment establishments (N.P.)

CONTINUED

- (k) Financial institutions
- (l) Grocery stores
- (m) Home occupations - Class 2 (N.P.)
- (n) Hostels (N.P.)
- (o) Hotels
- (p) Liquor stores (N.P.)
- (q) Live-work units (N.P.)
- (r) Medical Clinics
- (s) Offices
- (t) Outdoor cafes (N.P.)
- (u) Parking areas (temporary) existing on the date of adoption of this Bylaw only
- (v) Personal service businesses
- (w) Power Generation Facilities, Mid-scale
- (x) Power Generation Facilities, Small-scale
- (y) Private clubs and organizations
- (z) Private schools
- (aa) Public and quasi-public buildings
- (bb) Public and separate schools
- (cc) Restaurants-food service only
- (dd) Restaurants-licensed
- (ee) Retail food stores
- (ff) Retail stores
- (gg) Signs (Class 2)
- (hh) Special care facilities (N.P.)
- (ii) Stacked townhouses
- (jj) Take-out food services
- (kk) Townhouses
- (ll) Universities and colleges
- (mm) Utility buildings

Permitted Use Rules

- 7 The Permitted Use Rules contained in Section 51 PE Public Park, School and Recreation District in Part 10 of Bylaw 1P2007 and Section 20(11) contained in the General Rules for Residential Districts in Part 10 of Bylaw 1P2007 shall apply.

Discretionary Use Rules

- 8 The General Rules for Downtown Districts contained in Section 42.1, except Section 42.1(8)(b), in Part 10, of Bylaw 1P2007 and Section 20(11) contained in the General Rules for Residential Districts in Part 10 of Bylaw 1P2007 shall apply unless otherwise noted below.

Application

- 9 The provisions in sections 10 through 23 apply only to discretionary uses.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

Density

10 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.

Frontage-Type Standards

11 (1) Location of Frontage-Types

- (a) Frontage-types are required in the locations depicted in the attached Schedule I; and,
- (b) The transition between frontage-types shall integrate the rules for both frontage-types, to the satisfaction of the Approving Authority.

(2) Public Frontage-Type and Required Retail Frontage-Type

- (a) Front yards
 - (i) A maximum of 3 metres; and,
 - (ii) 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.
- (b) Building Design
 - (i) The floor of the first storey shall be at grade level.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

- (ii) 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.
 - (iii) 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:

 - (A) Accessory food services
 - (B) Drinking establishments (N.P.)
 - (C) Grocery Stores
 - (D) Liquor stores (N.P.)
 - (E) Outdoor cafes (N.P.)
 - (F) Personal Service Businesses
 - (G) Restaurants-food service only
 - (H) Restaurants-licensed
 - (I) Retail stores
 - (J) Take-out food services
 - (iv) The following uses shall have a maximum net floor area of 140 square metres, excluding kitchen area:
 - (A) Drinking establishments (N.P.)
 - (B) Entertainment establishments (N.P.)
 - (v) Universities and colleges shall only be located below the 9th storey;
 - (vi) Accessory food service and take-out food service shall have a maximum gross floor area of 15 square metres;
 - (vii) 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,
 - (viii) Entrances shall be operable, functional and available for the use of the public.
- (c) Window Standards
- (i) 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,

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

- (ii) 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.
 - (iii) 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.
- (3) Residential Frontage-Type
- (a) Front yards
 - (i) A minimum of 1.5 metres and a maximum of 3 metres; and,
 - (ii) 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.
 - (b) Building Design
 - (i) 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;
 - (ii) Each dwelling unit located on the first storey shall have separate direct primary access at grade; and,
 - (iii) Entrances shall be operable and functional.

Building Types

12 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;
 - (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,

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

- (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
 - (A) Podium height shall be a maximum of 4 storeys or 17 metres, whichever is less; and,
 - (B) Notwithstanding section 4(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
 - (A) 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;
 - (B) 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;
 - (C) Tower façades shall be set back from podium façades a minimum of 2.5 metres;
 - (D) For sites abutting 8 Avenue SE only, the gross floor area of any floor shall not exceed 650 square metres; and,
 - (E) 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;

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

- (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.

Residential Unit Mix

- 13** 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.

Riverbank Sunlight

- 14** 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.

Plus 15 System

- 15** (1) 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) in Part 10 of Bylaw 1P2007, to the satisfaction of the Approving Authority;
- (2) 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;
- (3) Where Plus 15 bridges and walkways are provided, they shall be in accordance with Section 42.3 in Part 10 of Bylaw 1P2007, unless otherwise approved by the Approving Authority; and,
- (4) Where Plus 15 bridges and walkways are provided in accordance with Section 42.3 in Part 10 of Bylaw 1P2007, the Approving Authority may allow additional density pursuant to the Bonus Density Table of Section 42.3 in Part 10 of Bylaw 1P2007.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

Garbage

- 16** (1) Garbage and waste material shall be stored inside the building in a completely enclosed, lockable space;
- (2) Neither garbage, nor any installations for its collection, storage, compaction or disposal, shall be visible from outside the building;
- (3) The space for storage and collection of garbage shall be readily accessible for pick-up; and,
- (4) Waste recycling facilities shall be provided.

Parking and Loading

- 17** Parking and loading shall be in accordance with the provisions of Section 18 in Part 10 of Bylaw 1P2007 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.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

Floodway Floodplain Special Regulations

18 See Section 19.1 in Part 10 of Bylaw 1P2007, as amended

Signs

19 Signs shall comply with Sections 55 to 66 inclusive (Appendix Sign Regulations) in Part 10 of Bylaw 1P2007, 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) in Part 10 of Bylaw 1P2007; and,
- (h) Identification signs shall be compatible with the mixed use neighbourhood and be pedestrian in scale, to the satisfaction of the Approving Authority.

Setbacks

- 20 (1)** Right-of-way Setbacks
See Section 17 in Part 10 of Bylaw 1P2007, as amended.
- (2)** 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.

Live-work Units

- 21 (1)** 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;

**AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008**

CONTINUED

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

Sidewalk Reconstruction

22 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.

Landscaping

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

AMENDMENT LOC2008-0056
BYLAW NUMBER 85D2008

Schedule 1

