

BYLAW NO. 68Z2004

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
(Land Use Amendment # LOC2003-0112)**

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.
2. Bylaw 2P80 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".
3. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 13th DAY OF SEPTEMBER, 2004.

READ A SECOND TIME, AS AMENDED, THIS 24TH DAY OF JANUARY, 2005.

READ A THIRD TIME, AS AMENDED, THIS 24TH DAY OF JANUARY, 2005.



MAYOR

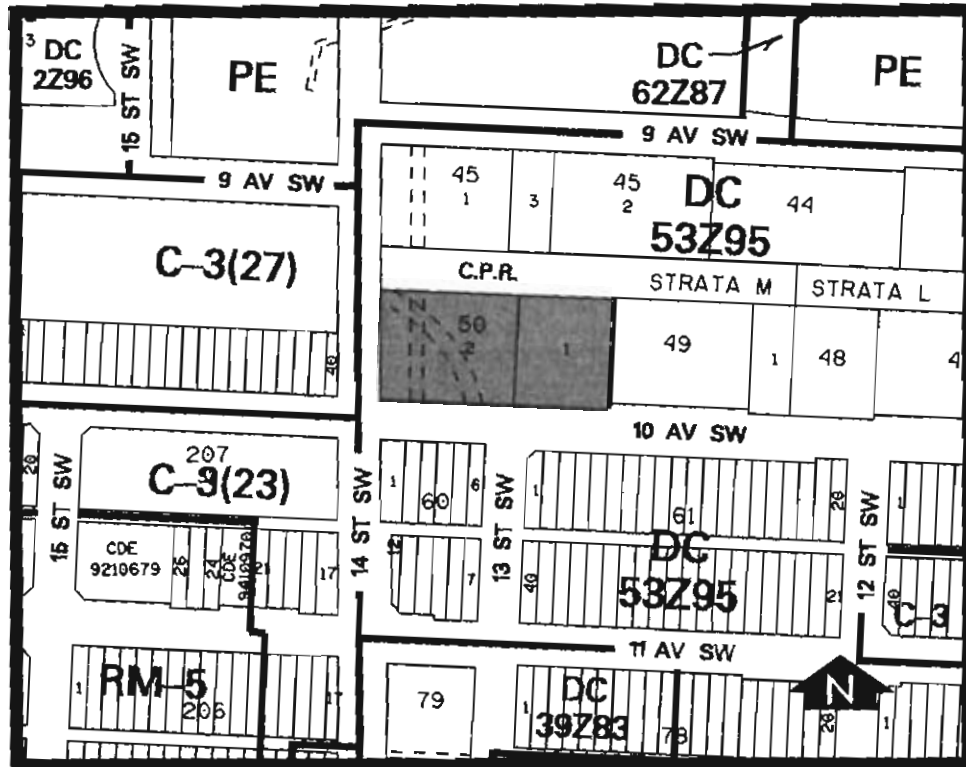
DATED THIS 27TH DAY OF JANUARY, 2005.



ACTING CITY CLERK

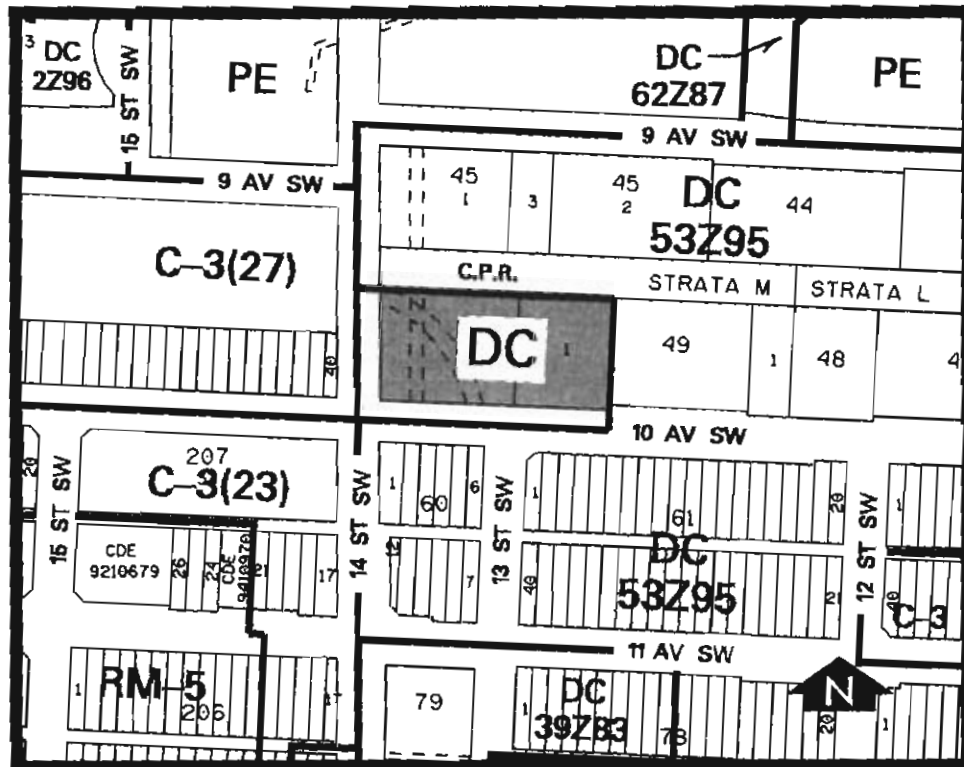
**Amendment # LOC2003-0112
Bylaw # 68Z2004**

SCHEDULE A



Amendment # LOC2003-0112 Bylaw # 68Z2004

SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. Land Use

The Permitted and Discretionary Uses of the CM-2 Downtown Business District of Bylaw 2P80 shall be the Permitted and Discretionary Uses respectively, except for the following:

Amendment # LOC2003-0112 Bylaw # 68Z2004

SCHEDULE B

CONTINUED

- (a) Live-work units (N.P.) shall be an additional Discretionary Use; and
- (b) the following uses shall be deleted:

- Automotive sales and rental
- Automotive services
- Automotive specialties
- Parking areas (temporary)
- Parking structures
- Signs – Class 2.

For the purpose of this Bylaw, “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.

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

2. Development Guidelines

The General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80 shall apply to all uses and the Permitted Use Rules of the CM-2 Downtown Business District shall apply to Permitted Uses and the Discretionary Use Rules of the CM-2 Downtown Business District shall apply to Discretionary Uses, unless otherwise noted below:

(a) Gross Floor Area

A maximum of 11 F.A.R. comprised of:

- (i) a base of 5 F.A.R.;

Amendment # LOC2003-0112

Bylaw # 68Z2004

SCHEDULE B

CONTINUED

(ii) an additional 3 F.A.R. where street oriented retail space, townhouses with direct access at-grade, enhanced pedestrian areas, and/or enhanced open space are provided, to the satisfaction of the Approving Authority;

(iii) an additional 3 F.A.R. for residential development only; and

within these maximum densities, above grade parking is allowed up to a maximum of 2 F.A.R.

(b) Existing Uses

Notwithstanding any other requirement of this Bylaw, any use approved by the Approving Authority, existing as of the date of passage of this Bylaw, shall be deemed to be a Discretionary Use but if that use is discontinued for a period of six consecutive months or more, any future use of the land shall conform with the uses specified in this Bylaw.

(c) Building Height

A maximum of 25 storeys.

(d) Design, Character and Appearance

(i) In consideration of the site's highly visible location adjacent to the west entry into the downtown core, site development shall be of high quality and design, satisfactory to the Approving Authority;

(ii) The development form shall incorporate a podium development of a minimum of 2 storeys and a maximum of 5 storeys which shall incorporate grade-level commercial, townhouses, stacked townhouses or common amenity space;

(iii) To minimize the impacts of tall buildings, development above the podium shall be in the form of point towers with a maximum floor plate of 700 square metres gross floor area;

Amendment # LOC2003-0112

Bylaw # 68Z2004

SCHEDULE B

CONTINUED

- (iv) All structures shall have finishes which normally will not require reapplication during the life of the building and are an integral part of the cladding of the development; and
 - (v) Parking areas above grade shall not abut a front or side yard and shall be designed as an integral part of the development, to the satisfaction of the Approving Authority.
- (e) **Building Setbacks**
- In addition to the bylawed setback:
- (i) a minimum of 3 metres facing a street or avenue; and
 - (ii) a minimum of 6 metres from all property lines for development above the podium.
- (f) **Dwelling Units**
- (i) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use;
 - (ii) 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 or adjoining site;
 - (iii) Amenity space may be provided to the satisfaction of the Approving Authority; and
 - (iv) Other than live-work units, dwelling units shall have an entrance separate from the entrance to any commercial component of the building.

Amendment # LOC2003-0112

Bylaw # 68Z2004

SCHEDULE B

CONTINUED

(g) Landscaped Area

The following areas, except for accessways from public thoroughfares, shall be landscaped:

- (i) all yards where they are not used for vehicle circulation;
- (ii) all on-site horizontal surfaces greater than 5.6 square metres in area that are overviewed by residential units and not required for parking or access; and
- (iii) all adjoining City boulevards.

(h) Live – Work Units

- (i) 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; and
 - (ii) The number of employees, outside of residents, of the live – work unit shall be limited to one.
- (i) That a comprehensive plan for recycling facilities be prepared and approved, to the satisfaction of the Approving Authority at the development permit stage.

BYLAW NO. 6822004

ADVERTISED IN The Calgary Sun **ON** Aug. 19. 04.

4

BYLAW #6822004

BELTLINE

To redesignate the land located at 1394 & 1400 - 10 Avenue SW (Plan 9312801, Block 50, Lots 1 & 2) from DC Direct Control District to DC Direct Control District to accommodate mixed use development at high density.

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/68Z2004

=====

APPROVED AS TO CONTENT



HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM



CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)
