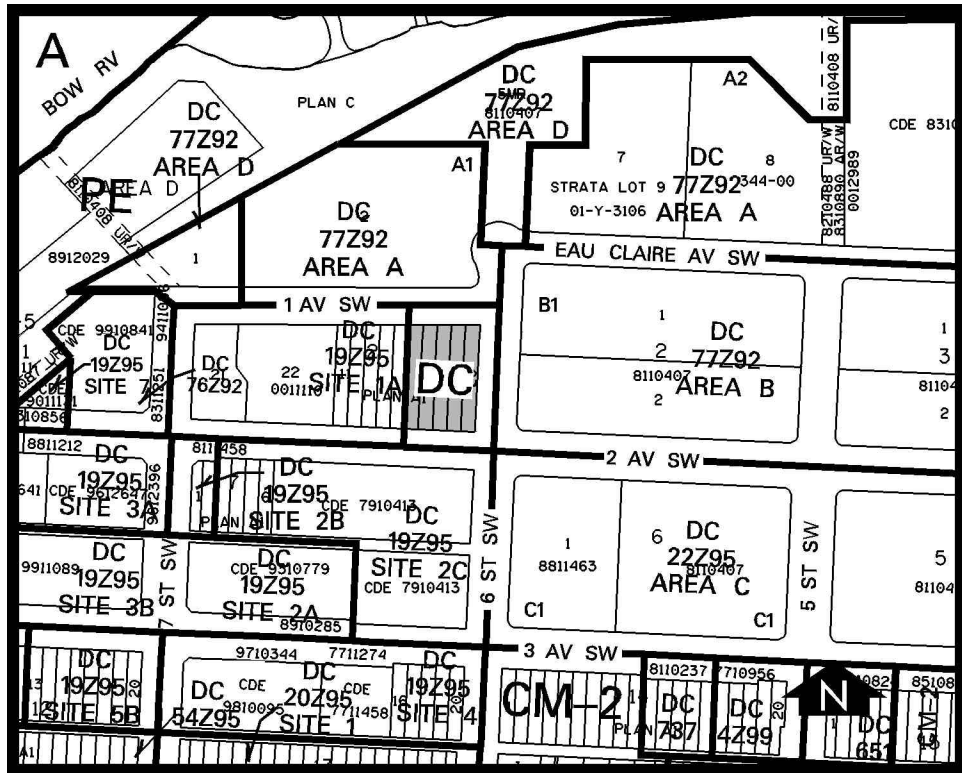


**Amendment # 2000/092
Bylaw # 4Z2001
Council Approved: 2001 January 15**

SCHEDULE B



DC DIRECT CONTROL DISTRICT

A. Permitted Land Uses

1. Permitted Uses

- Home occupations - Class 1
- Natural areas
- Parks and playgrounds
- Utilities

Notwithstanding any other requirement of this Bylaw, proposed or existing uses of the site shall be Permitted Uses on the site if they:

- (a) are included in the list of Discretionary Land Uses in Section (B); and

- (b) have been approved on or before the date on which this Bylaw was approved, by a development permit which has not expired.

2. Permitted Use Rules

- (a) Notwithstanding any other requirement of this Bylaw, a proposed or existing structure may be developed, redeveloped, or continue to exist provided that:
 - (i) there is no variation whatsoever, except as may be allowed pursuant to Section 11(1)(a)(iii) of Bylaw 2P80, in that structure except as may be necessary to comply with other applicable legislation; and
 - (ii) it has been approved before the date on which this Bylaw was approved, by a development permit that has not expired.
- (b) Permitted Uses shall comply with the Discretionary Use Rules contained in Sections B(2), excluding Sub-sections 2.3, 2.5., and 2.6.
- (c) All minimum required front and side yards, except for accessways from public thoroughfares, shall be landscaped.

B. Discretionary Land Uses

1. Discretionary Uses

Accessory buildings
Apartment buildings (C.U.)
Child care facilities (N.P.)
Community association buildings
Dwelling units
Duplex dwellings
Essential public services (C.U.)
Fourplex dwellings
Home occupations - Class 2 (N.P.)
Hostels
Identification and directional signs
Lodging houses
Public and quasi-public buildings
Semi-detached dwellings
Single-detached dwellings
Special care facilities (N.P.)
Stacked townhouses
Townhouses
Triplex dwellings

- 1.1** In addition to the Discretionary Uses, the following uses may be allowed only within the building existing on-site on the date of passage of this Bylaw including a proposed one storey addition provided its heritage character is maintained to the satisfaction of the Approving Authority:

Apartment hotels
Health clubs
Offices

and where fronting onto 6 St W. at grade level only:

Grocery stores
Personal service businesses
Retail stores

For the purpose of this Bylaw, a “health club” means an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms, lockers, an ancillary pro shop and food services.

Note: C.U. - Certainty of Land Use is afforded applications which meet the requirements of Section 11 (2)(b) of Bylaw 2P80.

N.P. - Notice Posting is required for these uses in accordance with Section 10(4) of Bylaw 2P80.

2. Discretionary Use Rules

2.1 Compliance with other regulations

- (a) The General Rules for Residential Districts contained in Section 20 of Bylaw 2P80 and the General Rules for Downtown Districts contained in Section 42.1 shall apply,
- (b) Except when an integral part of a comprehensive multi-dwelling development, single-detached, semi-detached and duplex dwellings shall comply with the rules contained in Section 23 of Bylaw 2P80.
- (c) In the case of differing rules, the provisions of Section 42.1 shall supersede those of Section 20.

2.2 Definition of “Residential Uses” and “Commercial Uses”

For the purposes of this Bylaw “Residential Uses” comprise those uses listed in Sections A (1) and B (1) and “Commercial Uses” comprise those uses listed in Section (B1.1).

2.3 Density

- (a) The maximum number of dwelling units per hectare (uph) and per acre (upa) which are allowed per site are as follows:
 - (i) for sites up to 1600 square metres in area, a maximum of 321 units per hectare (130 units per acre);
 - (ii) for sites between 1600 and 4000 square metres in area, the density may be increased from 321 units per hectare (130 units per acre) to a maximum of 395 units per hectare (160 units per acre) at a rate of 2.47 additional units per hectare (one unit per acre) for every 80 square metres of site area in excess of 1600 square metres;
- (b) For the purposes of this Bylaw, the floor area of buildings designated as municipal historic resources shall be excluded from the calculation of gross floor area.

- (c) The maximum development allowed on the site shall be a F.A.R. of 3.5, 10 storeys in height with a maximum building height of 27 metres.
- (d) Notwithstanding the maximum building height and number of storeys allowed, both maximum building height and storeys shall comply with sunlight standards established in Section B.2.5.(f).

2.4 Minimum Yards

- (a) Residential buildings:
 - (i) Front yards
 - 3.0 metres for the portion of a building which is 3 storeys or less in height;
 - 6.0 metres for the portion of a building over 3 storeys in height.
 - (ii) Rear yards
 - 7.5 metres.
 - (iii) Side yards
 - 1.2 metres for the portion of a building up to 2 storeys in height;
 - 3 metres for the portion of a building 3 - 6 storeys in height;
 - 6 metres for the portion of a building over 6 storeys in height.
- (b) Commercial or mixed commercial/residential buildings:
 - (i) Front yards
 - nil
 - (ii) Side and rear yards
 - 3 metres where abutting a residential district.
 - No side or rear yard is required for parking structures which do not require external maintenance and which are located to the rear or side of the building.

2.5 Building Form and Siting

- (a) The lower levels of residential buildings shall be oriented towards the road.
- (b) The impact of tall buildings on the character and continuity of the streetscape shall be minimized by encouraging towers to be set back from their lower base level and configured to diminish bulk.
- (c) For residential buildings, either:
 - (i) a 3-storey street wall element should be provided at the three metre front yard line, with upper storeys stepped back at least an additional 3 metres; or

- (ii) a 3-storey "expression line" should be incorporated in buildings over 3 storeys in height which make use of the 6 metre minimum front yard.
- (d) Buildings shall be designed and located to minimize overshadowing of public and private open spaces both on and off site.
- (e) Buildings abutting open space shall be sensitively designed to create a positive interface between the buildings and the open space which clearly defines public, semi-private, and private open space.
- (f) No building shall place more of the following area in shadow on the dates and times indicated than was already in shadow as a result of buildings constructed at the date the development permit application was made:
 - an area 20 metres wide throughout abutting the top of the south bank of the Bow River, from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time on September 21.

The top of the south bank of the Bow River shall be taken as the 1048 geodetic datum west of the northerly extension of 7 Street W. East of the northerly extension of 7 Street W., it shall be taken as the major change in slope that occurs just north of the existing pedestrian pathway.

- (g) Building design and layout shall respect views of the riverbank along 5,6, 7 and 8 Streets W. and along 1 and 2 Avenues S.
- (h) Appropriate design and construction techniques, such as orienting outdoor areas and bedrooms away from noise sources, using alternate ventilation to minimize opening windows and using glass block walls or acoustically rated glazing, shall be used to buffer dwelling units from noise.
- (i) Residential unit design, orientation and screening shall enhance privacy.
- (j) 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 building on the same site. The Approving Authority may relax this distance to a minimum of 6 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.
- (k) Safety and a sense of security shall be fostered by such actions as maximizing opportunities for natural surveillance of sidewalks, entries, circulation routes, semi-private areas and parking entrances. Consideration should be given to grouping laundry facilities, amenity rooms and storage rooms for higher visibility and surveillance.
- (l) Buildings containing garages with direct street access should be discouraged, and where permitted, should be designed to ensure that the garages do not dominate the appearance of the street.

- (m) Where mixed residential and commercial uses are allowed in a project, there should be a clear definition between residential and non-residential uses, with separate means of access and servicing.
- (n) No dwelling other than a caretaker's residence shall be located below commercial floor space.
- (o) Design of new buildings should be sensitive to their relationship with any adjacent heritage buildings.
- (p) New construction on sites designated as municipal historic resources should reflect the historic style and exterior finish of the heritage buildings.
- (q) In residential complexes which comprise 30 or more units, a meeting or recreation room of sufficient size to accommodate all residents shall be provided, in a visible location at or above grade and in proximity to either the entrance to the complex or other community facilities.
- (r) In order to develop a sense of identity for Eau Claire, on-site lighting, fixtures, furnishings and signage should be compatible with those proposed on public streets and lands.

2.6 Landscaping and Amenity Space

- (a) In order to achieve a park-like setting for the residential parts of Eau Claire, boulevards and high quality soft landscaping will be encouraged in both private developments and public spaces.
- (b) Public, semi-private and private open spaces shall be clearly delineated, with particular attention paid to the interface between public and private open space and the use of good quality screening materials.
- (c) Private outdoor amenity space shall be provided for multi-family dwelling units in accordance with Section 20(17) of Bylaw 2P80.
- (d) Where 50 percent or more of the gross floor area is comprised of dwelling units, a minimum of 40 percent of the gross site area shall be provided as outdoor landscaped area. This may include areas above grade. Where retention of heritage buildings precludes compliance with the 40 percent landscaping requirement, equivalent off-site landscaping or public amenity space shall be required by the Approving Authority.
- (e) 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.

2.7 Garbage Storage

Garbage and waste material shall be stored in weatherproof and animal-proof containers in accordance with the Waste Bylaw and shall be visually screened from all adjacent sites and thoroughfares.

2.8 Parking and Loading

- (a) Above-grade parking should be discouraged but where allowed, should be concealed in structures which are integrated and aesthetically compatible with the buildings they serve.
- (b) Unless otherwise authorized by the Approving Authority, on-site parking and loading shall be in accordance with the provisions of Section 18 of Bylaw 2P80, with the following exceptions:
 - (i) for residential units greater than 140 square metres, a minimum of 1.5 stalls per dwelling unit;
 - (ii) for visitor parking, 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 provision of parking;
 - (iv) 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 Bylaw 2P80.
- (c) Parking for bicycles at the rate of 1 space per 5 dwelling units shall be available in a secure and convenient location on site in residential buildings with a common parking area. In commercial buildings, secure and convenient bicycle storage shall be provided in sufficient quantities as determined by the Approving Authority and located on a site-specific basis.
- (d) All at-grade or above-grade parking shall be landscaped and screened to the satisfaction of the Approving Authority so as to minimize impact on adjacent residences and streetscapes.
- (e) Where loading bays are provided, they shall be covered and screened. They must be properly paved and finished with adequate signage and lighting. Where possible, they shall be enclosed with overhead doors.
- (f) All vehicular access ways shall be located so as to minimize the disruption of traffic and pedestrian movement.
- (g) Parking, service, drop-off and loading areas shall be located to minimize the impact of commercial traffic on residential areas.

2.9 Floodway/Floodplain Regulations

See Section 19.1 of Bylaw 2P80.

2.10 Right-of-Way Setbacks

See Section 17 of Bylaw 2P80.

2.11 Outside Storage

Outside storage is not allowed.

2.12 Signs

Signs shall comply with the Sign Appendix of Bylaw 2P80, with the following exceptions:

- (a) Temporary, electronic message centres, roof identification and painted wall signs are prohibited.
- (b) Projecting identification signs may be allowed on buildings with a non-residential component.
- (c) Freestanding identification signs may be allowed on properties with a non-residential component.
- (d) Window identification signs shall be allowed in windows of the non-residential portion of buildings.
- (e) In interpreting the above regulations, the Approving Authority shall ensure that identification signs are compatible with the residential neighbourhood and are pedestrian in scale.

2.13 Conditions of Development

In addition to the guidelines contained in this Direct Control District, the Approving Authority may impose conditions in a Development Permit as provided for in Section 11(2)(a)(i) of Bylaw 2P80.

2.14 Development Permits

Approval of this Bylaw does not constitute approval of a development permit. Comprehensive plans, including building design, site layout, exterior finishes and colour, landscaping, parking, and access, shall be subsequently submitted to the Approving Authority as part of a development permit application.