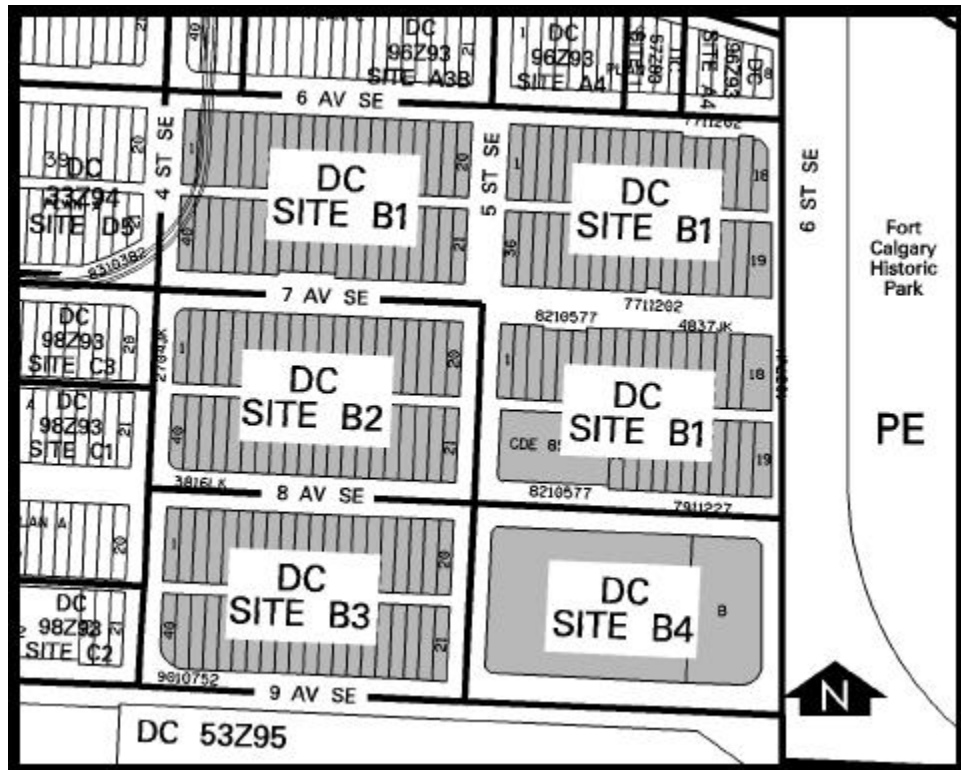


**Amendment # AM2001/0085
Bylaw # 19Z2002
Council Approval: March 10 2003**

SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. LAND USES

- (a) Permitted Uses for Sites B1, B2, B3 and B4

Home Occupations - Class 1
Parks and playgrounds
Signs (Class1) (except for *Freestanding temporary signs*)
Utilities

(b) Discretionary Uses for Sites B1, B2, B3, and B4

Accessory buildings
Apartment buildings
Apartment hotels
Child care facilities (N.P.)
Dwelling units
Essential public services
Home occupations - Class 2 (N.P.)
Hostels (N.P.)
Hotels
Live-work units (N.P.)
Parking areas (temporary) *existing on the date of adoption of this bylaw only*
Power Generation Facilities, Mid-scale
Power Generation Facilities, Small-scale
Public and quasi-public buildings
Signs (Class 2)
Special care facilities (N.P.)
Stacked townhouses
Townhouses
Utility Buildings

The following discretionary uses may only be allowed at grade or on the second storey:

- (i) in comprehensively designed residential developments on sites B1 (fronting 5 Street SE only), B2 and B3; or
- (ii) in an existing building; or
- (iii) in a building approved by a development permit that has not expired by the date of adoption of this bylaw.

Accessory food services
Athletic and recreation facilities
Billiard parlours (N.P.)
Commercial schools
Entertainment establishments (N.P.)
Financial institutions
Grocery stores
Liquor stores (N.P.)
Medical clinics
Offices
Outdoor cafes (N.P.)
Personal service businesses
Private club or organization
Restaurant/drinking establishments (N.P.)
Restaurants-food service only
Retail stores
Take-out food services

In addition on site B2 only:
Retail food stores

In addition on site B4:
Medical clinic

For the purposes of this Bylaw:

- (i) "Live-work units" shall mean the use of a dwelling unit by the resident for work purposes which may include offices, personal service businesses and retailing of goods produced on site.
- (ii) Residential uses include Apartment buildings, Dwelling units, Home occupations, Hostels, Live-work units, Special care facilities, Stacked townhouses and Townhouses. All other uses in the Discretionary Use List in Section 1(b) will be considered non-residential uses relative to the Gross Floor Area provisions of this Bylaw.
- (iii) NOTE: N.P. – Notice Posting is mandatory for these uses in accordance with Section 10(4) of Land Use Bylaw 2P80.

2. DEVELOPMENT GUIDELINES

(a) Permitted Use Rules

- (i) Permitted Uses shall conform with the Permitted Use Rules contained in Sections 51 PE Public Parks, Schools and Recreation District and Section 20(11) General Rules for Residential Districts of Bylaw 2P80.

(b) Discretionary Use Rules

- (i) The General Rules for Residential Districts contained in Section 20(11) of Bylaw 2P80 and the General Rules for Commercial Districts contained in Section 33 shall apply unless otherwise noted below.
- (ii) Density:
 - (A) The maximum Floor Area Ratio shall be 5.65. The maximum F.A.R. does not include any public or quasi-public space.
 - (B) Where dwelling units in a townhouse form are proposed as part of a comprehensive development, with each dwelling unit having a separate, direct access from grade, the total floor area of such dwelling units shall not be included in the calculation of the Floor Area Ratio.
 - (C) The net floor area for the commercial components of Sites B1 (fronting 5 Street SE only), and B3 shall not exceed a maximum of 7,870 square metres and shall be allowed only as components of comprehensively designed mixed-use residential/commercial developments. The commercial component of Sites B1 and B3 shall be distributed as follows:

- (I) Site B1
Block 37, Plan A-1, 117 square metres
Block 38, Plan A-1, 117 square metres
Block 56, Plan A-1, 117 square metres

Notwithstanding any other requirements of this Bylaw the non-residential space in the building existing on Plan 8510609 on the date of passage of this Bylaw shall not be included in the net floor area for non-residential development in Site B1.

- (II) Site B3
Lots 1-40, Block 58, Plan A- 113 square metres per lot.

- (D) The net floor area for the commercial component of Site B2 shall not exceed a maximum of 8,400 square metres or 20 percent of the total gross floor area of the development, whichever is less, and shall be allowed only as a component of a comprehensively designed mixed-use residential/commercial development.

- (E) Notwithstanding Section 2(b)(ii)(D) of this bylaw:

- (I) An additional 3,000 square metres of non-residential development may be permitted in Site B2, as a bonus, if a retail food store is developed.
- (II) Non-residential development within 45 metres of 5 Street SE in Site B2 is not required to be within a mixed-use residential/commercial building.
- (III) Non-residential uses, except parking, shall be limited to the first two storeys.

(iii) Yards:

- (A) Front Yards and Side Yards Adjacent to a Street or Public Open Space

- (I) Minimum - none.
- (II) Maximum - 3 metres.
- (III) Above 21 metres – a minimum of 4 metres from the ground floor façade.

- (B) Side Yards and Rear Yards (for portions of buildings 21 metres or below)

None.

- (C) Side Yards and Rear Yards (for portions of buildings above 21 metres)

Minimum – 5 metres, except no yard is required adjacent to a lane.

(iv) Landscaping

- (A) Required setbacks abutting the LRT right-of-way shall be landscaped to the satisfaction of the Approving Authority.

(B) All yards adjacent to a street shall be landscaped to the satisfaction of the Approving Authority.

(v) Building form and siting:

(A) Building Height, Setbacks and Floorplate Size

(I) Maximum Building Heights and Setbacks

Any portion of a building above 21 metres in height shall be set back a minimum of 4 metres from the ground floor façade that faces a street or public open space.

Any building or portion of a building within 45 metres of 5 Street SE in Site B2 shall not exceed 16 metres in height.

(II) Minimum Building Heights

Except for utility buildings, 9 metres adjacent to a street or public open space.

(III) Maximum Floorplate Size

Within 75 metres of 6 Street SE, the floorplate size of any portion of a building above 21 metres in height shall not exceed 850 square metres.

(B) Sites Fronting Streets and Public Open Spaces

Portions of the ground floor of buildings fronting streets and public open spaces shall be designed and built to accommodate non-parking uses.

(C) Riverbank Sunlight

No building shall place in shadow an area 9 metres wide throughout abutting the top of the south bank of the Bow River, as determined by the Approving Authority, from 10:00 a.m. to 4:00 p.m., Mountain Daylight Time on September 21st except areas already in shadow as a result of buildings constructed at the date that the development permit application is made.

(D) Sunlight on Public Spaces

No building shall place more of the following areas in shadow, on the dates and times indicated, than was already in shadow as a result of buildings constructed at the date that the development permit application is made.

(I) 5 Street SE(8 Avenue SE to 6 Avenue)

- The westerly 8 metres of the right-of-way and setback area from 12:30 p.m. to 1:30 p.m. Mountain Daylight Time on September 21st.
- The easterly 8 metres of the right-of-way and setback area from 1:30 p.m. to 2:30 p.m. Mountain Daylight Time on September 21st.

(II) South Plaza

- The northerly 12 metres of lots 16 to 20 contained within Plan A, Block 55 from 12:00 noon to 1:30 p.m. Mountain Daylight Time on September 21st.

(III) Riverfront Plaza

- No more than 50 % of the area of Riverfront Plaza shall be in shadow from 12:00 noon to 2:00 p.m. Mountain Daylight Time on September 21st.

(E) Ground Floor Commercial

(I) Active Building Uses

The ground floors of buildings adjacent to 5 Street SE and 8 Avenue SE shall be designed and built to accommodate a range of non-office uses such as retail stores, entertainment establishments, restaurant/drinking establishments and restaurants-food service only.

(II) Window Standard

Windows of non-residential uses shall be at least 50 percent of the ground level wall area adjacent to 5 Street SE and 8 Avenue SE. Ground level wall areas include all exterior wall areas up to 3 metres above the finished grade.

Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows shall be no more than 1.2 metres above the adjacent exterior grade.

Ground floor building facades of non-residential uses facing a street or public open space shall be designed to break the appearance of buildings fronting 5 Street SE and 8 Avenue SE into modules of between 4.5 metres and 11 metres or such other building module that the Approving Authority considers appropriate.

Ground floor building facades of individual non-residential uses shall not exceed 11 metres in width facing a street or public open space.

(III) Pedestrian Access to Commercial

Non-residential uses abutting a sidewalk or public open space shall have direct, grade-level access to the public space.

(v) Open Space (South Plaza)

(A) An open space plaza with a minimum area of 0.14 hectares shall be provided in the north east portion of Site B2.

(B) Contiguous open space shall be provided between the intersection of 5 Street SE and 7 Avenue SE, South Plaza, and 8 Avenue SE.

(vi) Amenity Space:

Amenity space may be provided to the satisfaction of the Approving Authority.

(vii) Garbage Storage:

Garbage and waste material shall be stored in accordance with the Waste By-law and shall be located within buildings.

(viii) Parking and Loading:

(A) 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.

(B) Required parking stalls shall be provided in parking structures. Visitor parking for residential uses and limited short-term parking may be provided at-grade to the satisfaction of the Approving Authority.

(C) Parking for bicycles at the minimum rate of 1 space per dwelling unit shall be available in a secure and convenient location on-site in residential or mixed-use buildings. For commercial uses, secure and convenient bicycle storage shall be provided as determined by the Approving Authority.

(D) All at-grade or above-grade parking shall be landscaped and screened to the satisfaction of the Approving Authority.

(I) Architectural Integration

Any façade of a parking structure abutting a street or open space to which the public has access or adjacent to the LRT right-of-way shall be designed to screen parked vehicles from public view and shall be designed as an integral part of the development, to the satisfaction of the Approving Authority.

(II) Building Materials and Finishes

Parking structures shall be compatible with the principal building in building form and finishing materials; the pattern, size, shape and number of window openings; the glazing and screening of window openings; and surface treatments, to the satisfaction of the Approving Authority.

(E) Loading shall be from a lane. Where no lane exists the loading doors shall be consistent with the design of the building façade and be recessed from the building facade.

(F) At grade parking areas that are not required as part of a development shall only be permitted as a temporary parking area. No new permits shall be issued for long term parking in excess of four hours.

(ix) Access

(A) No direct vehicular access shall be permitted from or to 8 Avenue SE between the LRT right of way and 5 Street SE. Access to sites shall be in a manner satisfactory to the Approving Authority.

(B) No direct vehicular access from buildings shall be permitted from or to 5 Street SE north of 8 Avenue SE. Access to sites shall be in a manner satisfactory to the Approving Authority.

(C) All vehicular access shall be designed to minimize its impact on pedestrian movement and the adjacent streetscape.

(x) Outside Storage

Outside storage of any materials, equipment or products including but not limited to the storage of trucks and trailers, is prohibited.

(xi) Floodway/floodplain regulations:

All structures located within the Floodplain shall comply with the Floodplain Regulations contained in Section 19.1 of Bylaw 2P80 to the satisfaction of the Approving Authority.

(xii) Signs

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

- (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) Painted wall identification signs are prohibited.
- (F) Third-party advertising 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).
- (H) In interpreting the regulations above, the Approving Authority shall ensure that identification signs are compatible with the mixed use neighbourhood and are pedestrian in scale.

(xiii) Setbacks

- (A) Right-of-way Setbacks
See Section 17 of Bylaw 2P80.
- (B) LRT Setback
When considering an application for a site adjacent to the LRT right-of-way, the Approving Authority shall determine the required building setback from the LRT right-of-way.

(xiv) Hotels and Apartment-Hotels

Only one hotel or apartment hotel shall be allowed in Area B and it shall be limited to 60 sleeping units.

(xv) Live-work Units

- (A) Dwelling units shall not have an at-grade entrance separate from the entrance to any work component of the unit.
- (B) The working area shall not exceed 50 percent of the total floor area.
- (C) Live-work units shall have access directly from grade.
- (D) One non-resident employee or business partner may work on site.
- (E) Each live-work unit may have one non-illuminated identification sign with a maximum area of 0.1 square metres.

(xvi) Wind and Noise

Adverse impacts of wind and noise on pedestrians shall be minimized through the design and orientation of buildings and the location of ventilation and other mechanical equipment.

(xvii) Corner Visibility Triangle

May be required to the satisfaction of the Approving Authority.

(xviii) Sidewalk Reconstruction

Where sidewalks are reconstructed within the public right-of-way and setback areas along roadways, they shall conform with the policies approved by Council.

(xix) Projections

Awnings and canopies may extend 0.6 metres into a setback of 5 metres or less, and 1.5 metres into a setback of more than 5 metres, where the underside of the projection is a minimum of 2.75 metres above grade.

(xx) Floor Area

Accessory Food Service and Take-out Food Service.

A maximum gross floor area of 15 square metres.