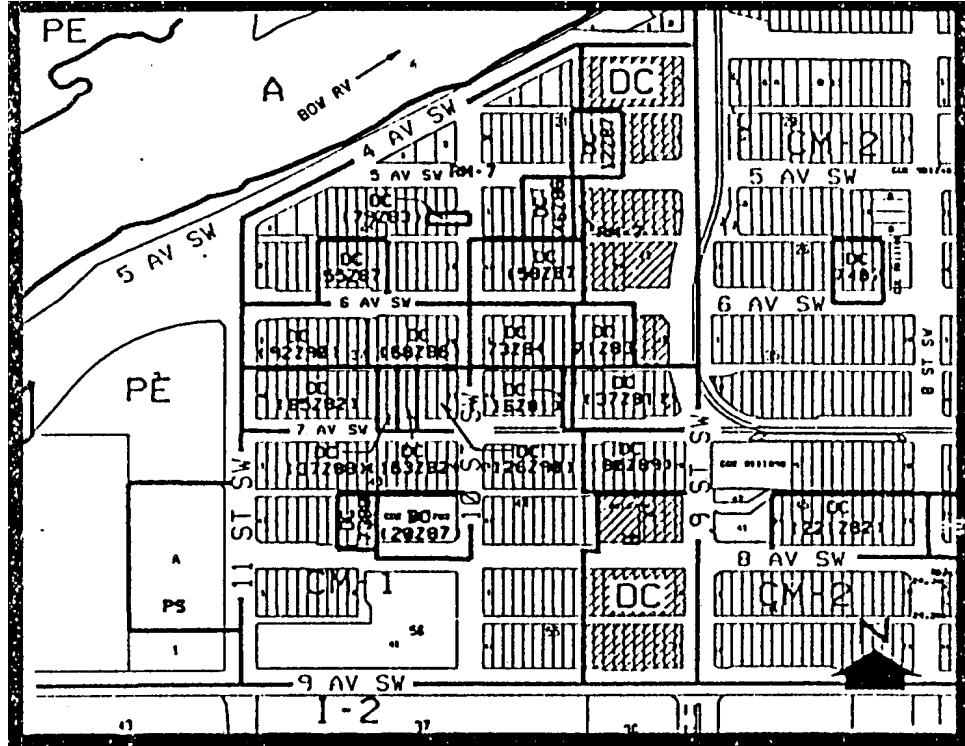


Amendment No. 92/022
Bylaw No. 48Z92
Council Approval: 15 June 1992

SCHEDULE B



AREA B WEST END DC: DIRECT CONTROL DISTRICT

**GENERALLY APPLYING TO THE AREA BETWEEN 9 STREET W. AND MID-BLOCK
BETWEEN 9 AND 10 STREET W. AND BETWEEN 9 AVENUE S. AND THE BOW RIVER**

A. LAND USES

1. Purpose

The purpose of this district is to:

- (a) provide for commercial and residential development at medium to high densities;
- (b) establish a comprehensive system for the provision of amenities available to the public to meet the special needs of Downtown.

2. **Permitted Uses**

Notwithstanding any other requirement of this By-law, proposed or existing uses of a site shall be permitted uses on that site if they:

- (a) are included in the list of discretionary uses in Section A.4.; and
- (b) have been approved before the date on which this By-law was approved by a development permit that has not expired.

3. **Permitted Use Rules**

Notwithstanding any other requirements of this By-law, a proposed or existing structure may be developed, redeveloped, or continue to exist provided that:

- (a) there is no variation whatsoever, except as may be allowed pursuant to Section 11 (1)(a)(iii) of By-law 2P80, in that structure except as may be necessary to comply with other applicable legislation; and
- (b) it has been approved before the date on which this By-law was approved by a development permit that has not expired.

4. **Discretionary Uses**

Amusement arcades
Apartment buildings (C.U.)
Apartment-hotels
Athletic and recreational facilities
Automotive sales and rental
Automotive services
Automotive specialties
Billiard parlours
Child care facilities (N.P.)
Commercial schools
Community association buildings
Drinking establishments
Dwelling units (C.U.)
Entertainment establishments
Essential public services
Financial institutions
Grocery stores
Home occupations
Hostels (N.P.)
Hotels
Identification Signs
Laboratories
Liquor stores (N.P.)
Lodging houses
Mechanical reproduction and printing establishments
Medical clinics
Offices (C.U.)
Parking areas (temporary)
Parking structures
Parks and playgrounds
Personal service businesses
Private clubs and organizations
Private schools
Public and quasi-public buildings (N.P.)

Public and separate schools
Public transportation facilities
Radio and television studios
Restaurants
Retail food stores
Retail stores
Senior citizens housing (C.U.)
Special care facilities (N.P.)
Stacked townhouses (C.U.)
Townhouses (C.U.)
Universities, colleges and provincial training centres
Utilities
Veterinary clinics (N.P.)

NOTE: N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) of By-law 2P80.

C.U. - See Section B.13 as follows.

B. DISCRETIONARY USE RULES

In addition to the General Rules for Downtown Districts contained in Section 42.1 of By-law 2P80, the following rules shall apply (illustrations are also included to assist in understanding the intent of the following Discretionary Use Rules):

1. In this By-law:

- (a) Residential uses include Apartment buildings, Dwelling units, Home occupations, Hostels, Lodging houses, Senior citizens housing, Stacked townhousing and Townhouses.
- (b) Commercial uses are all other uses in the Discretionary Use List in Section A.4.

2. Gross Floor Area

(a) Method of Calculation - Commercial Uses

All development, regardless of density, shall provide all Bonus Group A features to the satisfaction of the Approving Authority. The maximum gross floor area for commercial uses, calculated using the Bonus Density Tables attached hereto, shall be:

- **5.0 F.A.R.** which shall not be refused on the grounds of density only, where all Group A features are provided to the satisfaction of the Approving Authority;
- **7.0 F.A.R.** where, in addition to satisfactory provision of all Group A features, Group B features of a type, location, and design required by and acceptable to the Approving Authority are provided.

(b) Method of Calculation - Residential Uses

All development, regardless of density, shall provide Bonus Group A features as required to the satisfaction of the Approving Authority. The maximum gross floor area for residential uses shall be 7.0 F.A.R., less any commercial density provided in accordance with Section B.2(a). Only open balconies will be excluded from the calculation of residential density.

(c) Exceptions and Qualifications

Notwithstanding the requirements of Section B.2(a) and (b), the Approving Authority may allow up to an additional 0.5 F.A.R. for purpose-built public auditoria, cinemas, and theatres. A permanent sign identifying these spaces must be affixed to the exterior of the building.

3. **Public Spaces - General Performance Requirements**

- (a) All public spaces, for which density has been granted, shall be:
- (i) subject to a public access easement registered against the title of the property and satisfactory to the Approving Authority.
 - (ii) accessible to persons with push carts or carriages, the elderly, the physically handicapped and others whose mobility is impaired, and
 - (iii) maintained, including any landscaping, artwork and special right-of-way improvements, throughout the life of the building.
- (b) Outdoor areas, covered by either an awning or canopy, projecting a maximum of 1.5 metres are considered to be open to the sky.

4. **Building Design**

The ground and second floors of a development shall be designed and built so as to be capable of accommodating a range of non-office uses such as dwelling units, retail stores, personal services, entertainment establishments and restaurants.

5. **Maximum Building Height**

Subject to the other requirements of this District, a maximum of 76.2 metres.

6. **Dwelling Units**

Buildings containing dwelling units shall be subject to the following:

- (a) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use.
- (b) No window of a living room or bedroom shall be located closer than a horizontal distance of 12 metres from a side or rear property line or 24 metres from the facing windows of any other building on the same site (Illustration 1).
- (c) For each dwelling unit, a private amenity space, having a minimum area of 5.6 square metres, shall be provided either in the form of an open or enclosed balcony with a glazed opening to the outside amounting to no less than 75 percent of the exterior wall and 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. A permanent sign posted in the elevator lobby shall identify this communal space.
- (d) All on-site horizontal surfaces, other than private amenity space, greater than 5.6 square metres in size, that are overviewed by dwelling units and not required for parking or access, shall be landscaped to the satisfaction of the Approving Authority.

- (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 provided under Section B.6.(d).

7. **Right-of-Way Setbacks**

See Section 17 of By-law 2P80.

8. **Parking and Loading**

- (a) See Section 18 of By-law 2P80 for parking and loading requirements except as provided below:
 - (i) Parking provided for any commercial or residential development may not be located at or above grade.
 - (ii) Restaurant uses shall provide parking at the rate of one space per 140 net square metres of development.
 - (iii) Parking areas (temporary) shall only be allowed where sites front on primary roadways as illustrated on Map 1, Roadway Network, in Section 42.1 of By-law 2P80.
 - (iv) Parking for bicycles at the rate of 1 space per five dwelling units shall be available in a secure and convenient location on-site in residential or mixed-use buildings. 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.

9. **Identification Signs**

Identification signs only shall be allowed. All third party advertising signs shall be prohibited. The provisions of the Sign Appendix of By-law 2P80 shall apply, mutatis mutandis, to an Identification Sign as if such a sign were located in the CM-2 District.

10. **Outside Storage**

No outside storage shall be allowed.

11. **Floodway/Floodplain**

The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Section 19.1 of By-law 2P80 as amended from time to time to the satisfaction of the Approving Authority.

12. **Conditions of Development**

In addition to the guidelines contained in this DC District, the Approving Authority may impose conditions on a Development Permit as provided for in Section 11(2)(a)(i) of By-law 2P80.

13. **Certainty of Use**

Where an application is for a use listed as a discretionary use and is followed by the letters "C.U.", the application shall not be refused by the Approving Authority on the grounds of use.

14. **Roofs**

Low and mid-use building roofs should incorporate appropriate screening of roof-top mechanical equipment.

*****See original bylaw for Illustration 1 and Bonus Group Tables A and B*****