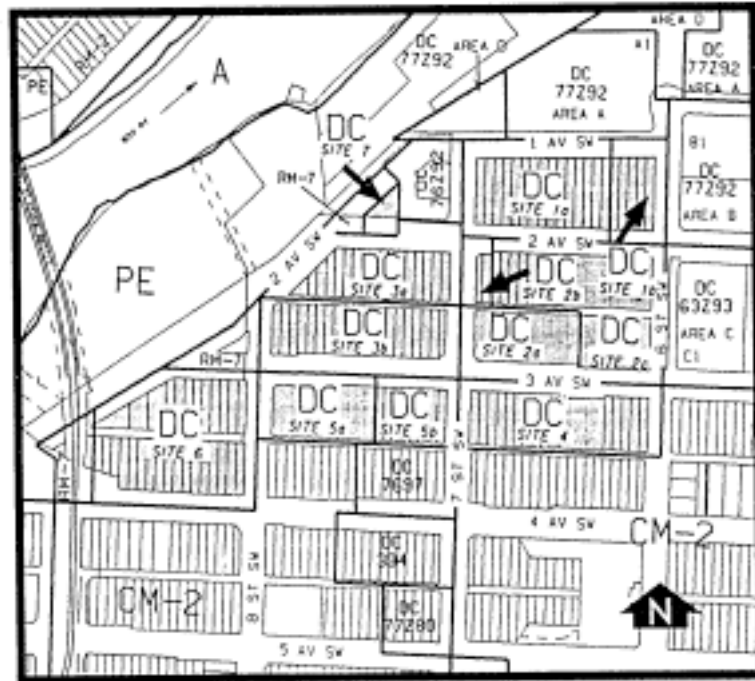


**Amendment No. 95/005**  
**Bylaw No. 19Z95**  
**Council Approval: 18 April 1995**

**SCHEDULE B**



**A. PURPOSE**

This area, generally bounded by 1 and 2 Avenues S., 6 and 9 Streets W. and 4 Ave. S., is intended to be redeveloped as a medium to high density residential neighbourhood, to provide for a range of household types.

**B. DEFINITION**

For the purposes of this By-law, 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.

**C. PERMITTED LAND USES**

**1. Permitted Uses**

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

- 1.2 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 D.1; and
  - (b) have been approved on or before the date on which this By-law was approved, by a development permit which has not expired.

## **2. Permitted Use Rules**

- 2.1 Notwithstanding any other requirement 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.
- 2.2 Permitted Uses shall comply with the Discretionary Use Rules contained in Sections D.2., excluding Sub-sections D.2.3, D.2.5., and D.2.6.
- 2.3 All minimum required front and side yards, except for access ways from public thoroughfares, shall be landscaped.

## **D. DISCRETIONARY LAND USES**

### **1. Discretionary Uses**

- 1.1. Sites 1 - 7 inclusive:

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  
Senior citizens housing  
Single detached dwellings  
Special care facilities (N.P.)  
Stacked townhouses  
Townhouses  
Triplex dwellings

1.2. In addition to the uses specified in Section D.1.1, the following uses may be allowed on individual sites:

Site 1b - In the building existing on-site at the date on which this By-law was approved, and provided its heritage character is satisfactorily maintained:

Health clubs

Offices

Fronting 6 St. W. and at grade level only:

Grocery stores

Personal service businesses

Retail stores

Site 2a - Fronting 3 Ave. S. at grade level only, in the building existing on-site at the date on which this By-law was approved:

Grocery stores

Outdoor cafes existing on-site at the date on which this By-law was approved (N.P.)

Personal service businesses

Restaurant existing on-site at the date on which this By-law was approved

Retail stores

Site 2b - Restaurant in building existing on-site at the date on which this By-law was approved.

Site 2c - Up to 10% of the residential units may be rented for periods of a week to a month in buildings existing on-site at the date on which this By-law was approved.

Site 6 - Temporary parking area abutting 4 Ave. S. only

- As part of a comprehensive residential development, with the commercial component not to exceed 2790 square metres (30,000 square feet):

Apartment-hotels

On the ground and second floors of buildings fronting 4 Ave. S.:

Athletic and recreational facilities

Drinking establishments (N.P.)

Financial institutions

Grocery stores

Liquor stores (N.P.)

Medical clinics

Outdoor cafes (N.P.)

Personal service businesses

Private clubs or organizations (N.P.)

Retail stores

Restaurants

Veterinary clinics

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

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

## **2. Discretionary Use Rules**

### **2.1 Compliance with other regulations:**

- (a) The General Rules for Residential Districts contained in Section 20 and the General Rules for Downtown Districts contained in Section 42.1 of By-law 2P80 shall apply unless otherwise noted below. In the case of differing rules, the provisions of Section 42.1 shall supersede those of Section 20.
- (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 By-law 2P80 (R-2 Residential Low Density District).

### **2.2 Definition of Residential and Commercial Uses:**

For the purposes of this By-law:

- (a) Residential uses comprise those uses listed in Sections C.1.1 and D.1.1;
- (b) Commercial uses comprise those uses listed in Section D.1.2.

### **2.3 Density:**

- (a) The maximum number of dwelling units per hectare (UPH) and per acre (UPA) which is allowed per site is 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;
  - (iii) For sites in excess of 4000 square metres in area, a maximum of 395 units per hectare (160 units per acre).
- (b) The maximum floor area ratio (FAR) allowed in each site is shown in column (2) of Table 1. With the exception of Site 3a, these maxima may be increased by up to 0.5 FAR as a result of the density transfer provisions of Section D.2.3 (e).
- (c) For the purposes of this By-law, the floor area of buildings designated as municipal historic resources shall be excluded from the calculation of gross floor area.

**Table 1 Maximum Development allowed**

(1) Site	(2) FAR	(3) Build. storeys height*	(4) Build.
-------------	------------	----------------------------------	---------------

		*	(in metres)
1a	3.5	10	27
1b	3.5	15	41
2a,b,c	3.5	12	32
3a	3.9	15	46
3b	3.6	15	41
4	4.0	17	46
5a	3.5	15	41
5b	4.0	17	46
6	3.5	15**	41**
7	3.5	8	22

\* Notwithstanding the maximum building height and number of storeys allowed above, both maximum building height and storeys shall comply with sunlight standards established in Section D.2.5.(h)

\*\* maximum of 5 storeys and 14 metres abutting the riverbank open space.

(d) The provisions of Section 20 (14) (b) of By-law 2P80, regarding increased density for senior citizens' housing shall apply only to units per hectare or acre, and not to FAR.

(e) In order to encourage the preservation of buildings listed as Category A and B on the City of Calgary's Inventory of Potential Heritage Sites, and subject to the building's designation as a municipal historic resource, any unused development potential on a Category A or B Heritage Site may be transferred to another residential site within the area subject to this By-law, provided the receiving site is judged to be suitable, in terms of location and urban design, to accommodate the surplus density. A density transfer and building retention agreement that is satisfactory to the City Solicitor shall be registered against the Certificate of Title of any site from which the density has been transferred. The site currently eligible to transfer density is the Trinity Lutheran Church, located on the parcel with the legal description Plan A1, Block 8, lots 36 and 37, provided that the necessary conditions related, among others, to municipal historic resource designation and density transfer and building retention agreements are met.

The transferred gross floor area should not increase the floor area ratio of the receiving site by more than 0.5. The number of units allowed on the receiving site would increase at the rate of one unit per 100 square metres (1076 square feet) of density transferred from the heritage site. In view of the density already allowed on the site, Site 3a is not eligible to receive a heritage density transfer.

## 2.4 Minimum yards:

(a) Residential buildings:

- (i) Front yards - 3.0 metres (9.8 feet) for the portion of a building which is three storeys or less in height;
  - 6.0 metres (19.6 feet) for the portion of a building over three storeys in height.
- (ii) Rear yards - 7.5 metres (24.6 feet).

- (iii) Side yards - 1.2 metres (3.9 feet) for the portion of a building up to two storeys in height;
  - 3 metres (9.8 feet) for the portion of a building 3 - 6 storeys in height;
  - 6 metres (19.7 feet) 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 (9.8 feet) 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 maximum number of storeys above grade and the maximum heights allowed in each site are shown in columns (3) and (4) of Table 1, subject to Section D.2.5(h).
- (b) The lower levels of residential buildings shall be oriented towards the road.
- (c) 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.
- (d) For residential buildings, either:
  - (i) a three-storey street wall element should be provided at the three metre front yard line, with upper storeys stepped back at least an additional three metres; or
  - (ii) a three-storey "expression line" should be incorporated in buildings over three storeys in height which make use of the six metre minimum front yard.
- (e) Buildings shall be designed and located to minimize overshadowing of public and private open spaces both on and off site.
- (f) 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.
- (g) The scale and massing of buildings close to the riverbank shall reflect their important location close to these regional assets, and shall contribute positively

to the use of this open space by both residents and the general public. In this regard, buildings shall:

- create an active edge along the riverbank by orienting entrances and/or windows of primary living areas onto the riverbank;
  - minimize the creation of a wall effect along the river's edge;
  - create a positive interface between buildings and the river pathway and open space system.
- (h) 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 St. W. East of the northerly extension of 7 St. W., it shall be taken as the major change in slope that occurs just north of the existing pedestrian pathway.

- (i) Building design and layout shall respect views of the riverbank along 5,6, 7 and 8 Streets W. and along 1 and 2 Ave. S.
- (j) Appropriate design and construction techniques shall be used to buffer dwelling units from noise, 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.
- (k) Residential unit design, orientation and screening shall enhance privacy.
- (l) 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 6.0 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.
- (m) 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.
- (n) 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.
- (o) 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.

- (p) No dwelling other than a caretaker's residence shall be located below commercial floor space.
- (q) Design of new buildings should be sensitive to their relationship with any adjacent heritage buildings.
- (r) New construction on sites designated as municipal historic resources should reflect the historic style and exterior finish of the heritage buildings.
- (s) 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.
- (t) 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 By-law 2P80.
- (d) Where 50% or more of the gross floor area is comprised of dwelling units, a minimum of 40% 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% landscaping requirement, equivalent off-site landscaping or public amenity 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 By-law and shall be visually screened from all adjacent sites and thoroughfares.

**2.8 Parking and Loading:**



- (a) Above-grade parking should be discouraged, and 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 By-law 2P80 for residential and commercial uses in the Downtown Parking Area, with the following exceptions:
  - (i) for residential units greater than 140 square metres (1,500 sq. ft.), 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 physical 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(10)(b) of By-law 2P80.
- (c) 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 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 ingress of commercial traffic into residential areas.

**2.9 Floodway/floodplain regulations:**

All structures located within the Bow River Floodplain shall comply with the Floodplain Regulations contained in Section 19 of By-law 2P80, as amended from time to time, to the satisfaction of the Approving Authority.

**2.10 Right-of-Way Setbacks**

See Section 17 of By-law 2P80.

**2.11 Outside Storage**

Outside storage is not allowed.

## **2.12 Signs**

Signs shall comply with the Sign Appendix of By-law 2P80, with the following exceptions:

- (a) Notwithstanding Section 57(2)(a), temporary signs shall be prohibited.
- (b) Notwithstanding Section 59(15), electronic message centres shall be prohibited.
- (c) Notwithstanding Section 60(2), roof identification signs shall be prohibited.
- (d) Projecting identification signs shall be allowed on buildings with a non-residential component, in accordance with Section 60(3)(b)(i).
- (e) Freestanding identification signs shall be allowed on properties with a non-residential component, in accordance with Section 60(4)(c)(i).
- (f) Notwithstanding Section 60(9), painted wall identification signs shall be prohibited.
- (g) Window identification signs shall be allowed in windows of the non-residential portion of buildings, in accordance with Section 60(10).
- (h) 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 By-law 2P80.

## **2.14 Development Permits**

Approval of this District 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.