



## **2. Permitted Uses**

Notwithstanding any other requirement of this Bylaw, 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 on or before the date on which this bylaw was approved by a development permit that has not expired.

## **3. Permitted Use Rules**

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 Bylaw 2P80, to comply with other applicable legislation; and
- (b) it has been approved on or before the date on which this bylaw was approved by a development permit that has not expired.

## **4. Discretionary Land Uses**

Apartment buildings (C.U.)  
Apartment hotels  
Athletic & recreational facilities  
Child care facilities (N.P.)  
Cinemas  
Commercial schools  
Community association buildings  
Dwelling units (C.U.)  
Essential public services  
Financial institutions  
Grocery stores  
Home occupations (N.P.)  
Hostels (N.P.)  
Identification Signs  
Laboratories  
Liquor stores (excluding cold beer vendors) (N.P.)  
Live theatres  
Lodging houses (N.P.)  
Mechanical reproduction and printing establishments  
Medical clinics  
Offices (C.U.)  
Parking areas (temporary)  
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  
Veterinary clinics (N.P.)

NOTE: N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) of Bylaw 2P80.  
C.U. - See Section B.17 as follows.

## **B. DISCRETIONARY USE RULES**

In addition to the General Rules for Downtown Districts contained in Section 42.1 of Bylaw 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 Bylaw :**

- (a) Residential uses include Apartment buildings, Dwelling units, Home occupations, Lodging houses, Hostels, Senior citizens housing, Stacked townhouses, Townhouses; and
- (b) All other uses in the Discretionary Use List in Section A.4. will be considered commercial uses relative to the Gross Floor Area provisions of this bylaw.

### **2. Gross Floor Area**

- (a) Commercial Uses

All development, regardless of density, shall provide the features in Table 1 attached hereto, to the satisfaction of the Approving Authority. The maximum gross floor area for commercial uses shall be 3.0 F.A.R. which shall be located between grade and the sixth storey only.

- (b) Residential Uses

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) above. Only open balconies will be excluded from the calculation of residential density.

- (c) Exceptions and Qualifications

- (i) 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, purpose-built space 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 Massing and Siting**

(a) Orientation

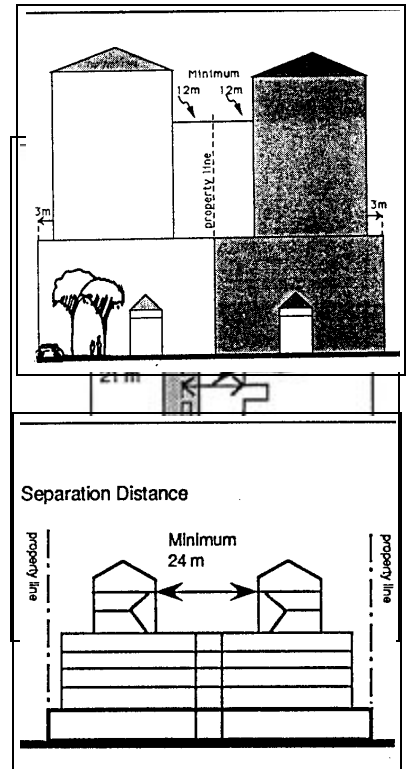
- (i) Building faces shall be aligned parallel to the street grid.
- (ii) Buildings shall be designed and located to minimize overshadowing of public and communal open spaces both on and off site.

(b) Height and Bulk

- (i) Buildings in the West End shall provide for a generally continuous "street wall" through a low to mid-rise element having a minimum height of 9.0 metres located within 3.0 metres of the setback line (or setback lines in the case of corner sites). This base or podium must be no higher than 21 metres (Illustration 1).
- (ii) Portions of the building rising above the base or podium creating the "street wall" must step back a minimum dimension of 3.0 metres from the front of that podium, measured perpendicular to the property line abutting the roadway. All portions of the building over 21 metres in height must comply with this stepping back requirement (Illustration 1).
- (iii) In order to maintain the slimness of towers and avoid slab forms, floorplates located above 21 metres shall be limited to a maximum gross floor plate of 600 square metres (excluding only open balconies from this total).

(c) Separation Distances Between Towers

All portions of buildings which rise above the podium and/or above 21 metres in height are required to provide a minimum 12.0 metre separation distance from the nearest common side or rear property line (Illustration 2),



except where the amount of residential development in a building which contains primarily commercial uses is less than 1.0 F.A.R., the separation distance to the nearest property line may be relaxed provided that the distance between any living or bedroom windows and existing or potential development shall be a minimum of 24 metres (Illustration 3).

(d) Light and Ventilation

- (i) Private outdoor amenity spaces located within three floors of grade should be oriented away from areas with concentrations of automobile exhaust fumes, particularly major intersections.

5. Yards

- (a) All yards located adjacent to local or secondary roads shall be intensively landscaped using soft landscaping to reinforce the "green street" character and add to the visual amenity of the street.

(b) Front Yard

- (i) A maximum of 3.0 metres as measured from the setback line for 75% of the frontage. The remaining 25% of the frontage can be used to articulate the facade or provide pocket parks (Illustration 4).

(c) Side Yard

None permitted.

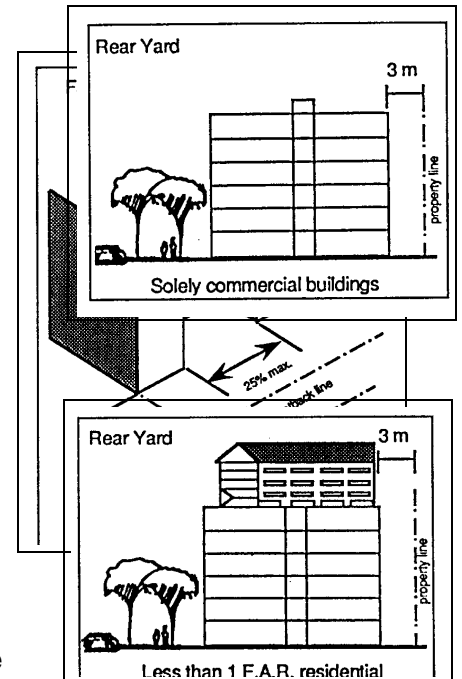
(d) Rear Yard

- (i) A minimum of 9.0 metres with the following exceptions where the rear yard may be reduced to 3.0 metres:

- A. solely commercial buildings (Illustration 5); or
- B. buildings where the residential portion is less than 1.0 F.A.R. (Illustration 6); or

- (ii) The Approving Authority shall consider relaxations to a portion of the rear yard for residential buildings where the quality or usability of the communal amenity space would be significantly improved by being elevated. This relaxation will not be granted where development or potential development on other sites will be adversely affected.

- (iii) All portions of the rear yard at grade are to be attractively treated in recognition of the role of the lanes as the primary location of quiet



communal open space for residential projects and as secondary pedestrian access routes for residents.

## 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) A meeting room of sufficient size to accommodate all residents shall be provided. This must be situated in a visible location at or above grade in proximity to either the entrance lobby or other communal amenities.
- (c) For each dwelling unit, a private amenity space having a minimum area of 5.6 square metres, shall be provided in the form of an open or enclosed balcony and having 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.

A line drawing of a building with a balcony. A sign on the balcony is labeled 'Privacy'. The drawing shows a person on the balcony and some landscaping in the foreground.
- (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 vehicular access, shall be usable and 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,
  - (i) 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 6(b) and 6(d) above.
- (f) Privacy

Achieving adequate privacy is a crucial aspect of livability (Illustration 7).

  - (i) Unit orientation and screening shall enhance privacy.
  - (ii) Dwelling units at grade must be designed to provide adequate privacy through yards, level changes and/or screening.
- (g) Noise
  - (i) Appropriate design and construction techniques should 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;
- using glass block walls or acoustically rated glazing.

## **7. Safety**

Safety and a sense of security are key components of livability.

- (a) Separate entrances, lobbies and circulation, including elevating, shall be provided for commercial and residential uses. Lobbies should be visible from the street.
- (b) Residential design should clearly delineate public, private and semi-private spaces to remove any ambiguity as to who may use which spaces in any given development.
- (c) Both residential and commercial buildings should maximize 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.

## **8. Roofs**

- (a) Low and mid-rise building roofs shall be designed to be usable as open space or to be attractive as seen from above and should incorporate appropriate screening of rooftop mechanical equipment.

## **9. Entrances**

- (a) Multiple entrances animate the street and reinforce a separate identity for dwelling units and commercial enterprises. All entrances to retail, restaurant and service establishments abutting a roadway shall be directly accessible from the sidewalk.

## **10. Lane Edges**

While sidewalks adjacent to roadways will continue to be the primary pedestrian routes, lanes in the West End will be important visual elements either as they are overviewed by dwelling units and common spaces, or as they will be seen as people enter parking areas.

- (a) All lanes will be paved and curbed at the property line. A 2.5 metre sidewalk and pedestrian level lighting must be provided adjacent to the lane.
- (b) Development walls viewed from the lane shall be fully designed and made attractive to neighbouring developments and passersby through use of quality materials, colours, textures, articulation and landscaping.

## **11. Right-of-Way Setbacks**

See Section 17 of Bylaw 2P80.

## **12. Parking and Loading**

- (a) See Section 18 of Bylaw 2P80 for parking and loading requirements except as provided below.
- (b) Restaurants shall provide a minimum of 1 space per 140 net square metres of development.
- (c) 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 Bylaw 2P80.
- (d) Parking provided for any commercial or residential development shall be located in structures below grade.
- (e) Residential parking is to be secured and separate from any commercial parking on-site.
- (f) All vehicular access to developments for parking and loading shall be from the lane via streets not avenues.
- (g) 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.
- (h) 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.

## **13. Outside Storage**

No outside storage shall be allowed.

## **14. Floodway and Floodplain Special Regulations**

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

## **15. Identification Signs**

Identification signs only shall be allowed. All third party advertising signs shall be prohibited.

The provisions of the Sign Appendix of Bylaw 2P80 shall apply, mutatis mutandis, to an Identification Sign as if such a sign were located in the CM-2 District.

## **16. 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 Bylaw 2P80.



**17. Certainty of Use**

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