

Section 10.6 Direct Control Mixed Use (DCMU) Land Use District

(BL42/2005)

(1) **Application**

This section applies to the areas designated as Direct Control Mixed Use (DCMU) on the Land Use District Map, Schedule A of this Bylaw.

(2) **Purpose**

The purpose of the Direct Control Mixed Use (DCMU) District is to provide an area for a mixture of commercial, institutional and medium to high density residential land uses. Such areas should be relatively compact, attractive, pedestrian-friendly and reasonably compatible with surrounding areas. Developments within this land use district should provide a variety of housing options, the provision of commercial and residential uses within the same structure, and an appropriate ratio of non-residential uses to create a community where residents have the opportunity to live and work.

(3) **Land Uses – Council Approval**

For uses that are not listed under subsection (4) or subsection (5), Council:

- (a) shall determine the land uses that may be allowed in a DCMU district; and
- (b) may impose such standards and conditions it considers appropriate to regulate that use. In determining the development regulations that may be applied, Council may refer to the DCMU or any other land use district or any part of the Land Use Bylaw.

(4) **Permitted Land Uses**

Council delegates the following permitted uses for approval by the Development Officer:

- (a) apartment building;
- (b) art gallery;
- (c) business support service;
- (d) cannabis retail store; **(BL12/2018)**
- (e) catering service with up to 3 vehicles;
- (f) communal amenity area;
- (g) convenience store;
- (h) dwelling units above a ground floor commercial use;
- (i) financial institution;
- (j) general retail store; **(BL6/2016)**
- (k) general service;
- (l) government service;
- (m) grocery store; **(BL6/2016)**
- (n) health service;
- (o) indoor recreation service;
- (p) liquor store; **(BL6/2016)**

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- (q) live/work unit; **(BL6/2016)**
- (r) parking structure;
- (s) professional office;
- (t) residential sales centre;
- (u) restaurant up to 100 seats;
- (v) specialty store;
- (w) take-out restaurant;
- (x) shopping centre;
- (y) supportive housing;
- (z) townhousing; and
- (aa) video outlet

(5) Discretionary Land Uses

Council delegates the following discretionary uses that may be approved by the Development Officer:

- (a) amusement arcade;
- (b) artist studio; **(BL14/2008)**
- (c) broadcasting studio;
- (d) deleted **(BL6/2016)**
- (e) cinema;
- (f) commercial school;
- (g) community hall with a gross floor area up to 745 sq. m;
- (h) drinking establishment;
- (i) family day home;
- (j) deleted; **(BL6/2016)**
- (k) deleted; **(BL6/2016)**
- (l) home occupation;
- (m) hotel; **(BL18/2017)**
- (n) household repair service;
- (o) deleted; **(BL6/2016)**
- (p) deleted; **(BL6/2016)**
- (q) pool hall;
- (r) religious assembly;
- (s) deleted; **(BL6/2016)**
- (t) theatre;

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- (u) veterinary clinics without outdoor kennels, pens, runs or similar enclosures;
- (v) wall mural; and
- (w) accessory developments to any use listed in (3), (4) or (5).

(6) Pre-Application Requirements

In addition to the application requirements of Section 3.3 of this Bylaw, an applicant for a development permit within a DCMU Land Use District must submit, to the satisfaction of the Development Officer:

- (a) an overall conceptual site development plan for the area designated as DCMU or, if the applicant is only developing a portion of the subject area, a site development plan in relation to the portion to be developed in which plan the applicant has also illustrated how the development will be integrated with the area designated as DCMU;
- (b) a traffic impact analysis that demonstrates that traffic impacts are compatible with the purpose of the DCMU District and do not prejudice safety and traffic movements with the area designated as DCMU or on adjacent public roadways;
- (c) details regarding the architectural guidelines for a development, including design drawings illustrating the colour scheme and building materials and the architectural guidelines proposed for the development; and
- (d) a building height impact assessment for any building that is proposed to exceed 15 m in building height, demonstrating to the satisfaction of the Development Officer that the impact on either adjacent buildings or adjacent property has been minimized.

(7) Urban Design Review (BL6/2016)

There are two types of review:

- (a) External Urban Design Review

An External Urban Design Review is required for any development that:

- (i) has a total building footprint greater than 2,500 sq. m;
- (ii) is located on a Landmark Site identified in Schedule F;
- (iii) is greater than either ten (10) storeys or 3525 metres in height; or,
- (iv) in the opinion of the Development Officer is deemed to have significant impact on the subject Character Area's urban design.

This review will result in an Urban Design Review Recommendations Report from a City-designated reviewer. This Urban Design Review Recommendations Report is a requirement of the development permit application and will include recommendations from the reviewer that may range from acknowledgement of positive design qualities of the proposal to suggestions for a design that better complies with the City's policies and plans related to Downtown.

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Applicants are expected to consider and implement, wherever possible, any recommendations of the Urban Design Review Recommendations Report into the final application.

(b) Internal Urban Design Review

If a development does not require an External Urban Design Review, but an applicant wishes to receive recommendations related to urban design, they may request an Internal Urban Design Review by Planning and Development staff prior to submission of an application. This review will result in an Urban Design Review Recommendations Report from staff designated by the Development Authority and will include recommendations that may range from acknowledgement of positive design qualities of the proposal, to suggestions for design that better comply with the City's policies and plans related to Downtown.

Applicants are expected to consider and implement, wherever possible, any recommendations of the Urban Design Review Recommendations Report into the final application.

(c) Performance Standards

In addition to the Urban Design Review Recommendations Report, all applications shall be considered with regard to the following Performance Standards:

- (i) site design contributes to streetscape and the character area;
- (ii) appropriate location of uses to support active streetscapes and fit within the character areas;
- (iii) high quality building design integrated with streetscape and surrounding buildings;
- (iv) pedestrian orientation; and
- (v) well-designed amenity areas.

(8) Floor Area (BL6/2016)

(a) The maximum gross floor area for any building is 3.21 times the site area. In determining this calculation, the Development Officer may consider the total site area for multiple sites that comprise an integrated, mixed use development inclusive of public roadways conveyed to the City; and

a.1 Notwithstanding clause (a), the maximum gross floor area for any building is 1.9 times the site area for the following properties:

i. Lot 5, Block 1, Plan 1224934 (230 Bellerose Drive);

ii. Lot 1B, Block 1, Plan 1224934 (250 Bellerose Drive), and

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iii. Lot 2A, Block 1, Plan 1021490 (300 Orchard Court).

including any future revisions to these legal descriptions based on a subdivision or condominium plan.

(c) a minimum of 25% of the total gross floor area shall be used for commercial (non-residential) purposes. In determining this calculation, the Development Officer may consider the total commercial gross floor area for all buildings on multiple sites that comprise an integrated, mixed use development. **(BL17-2017)**

~~(e)(d)~~ Notwithstanding clause ~~(b)(c)~~, a minimum of 11.6% of the total gross floor area shall be used for commercial (non-residential) purposes for the following properties:

(i) Lot 67, Block 1, Plan 152 4029 (5 St. Louis Street);

(ii) Lot 68, Block 1, Plan 152 4029 (4 St, Louis Street); and

(iii) Lot 69, Block 1, Plan 152 4029 (22 Sir Winston Churchill Avenue).

including any future revisions to these legal descriptions based on a subdivision or condominium plan. **(BL17-2017)**

d.1 Notwithstanding clause (c), a minimum of 5% of the total gross floor area shall be used for commercial (non-residential) purposes for the following properties:

(i) Lot 5, Block 1, Plan 1224934 (230 Bellerose Drive);

(ii) Lot 1B, Block 1, Plan 1224934 (250 Bellerose Drive), and

(iii) Lot 2A, Block 1, Plan 1021490 (300 Orchard Court).

including any future revisions to these legal descriptions based on a subdivision or condominium plan.

(9) **Building Height** (BL6/2016)

(a) The maximum building height is 25 m. **(BL17-2017)**

(b) Notwithstanding clause (a), the building heights for parcels located within the Downtown Area Redevelopment Plan area are subject to the minimum and maximum building heights defined in the Downtown Area Redevelopment Plan Bylaw 5/2010 as amended. **(BL17-2017)**

(c) Notwithstanding ~~clause~~clauses (a) and (b), the maximum building heights shown in Schedule F - Map 1 of this Bylaw shall apply to the following properties:

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- (i) Lot 67, Block 1, Plan 152 4029 (5 St. Louis Street);
- (ii) Lot 68, Block 1, Plan 152 4029 (4 St. Louis Street); and
- (iii) Lot 69, Block 1, Plan 152 4029 (22 Sir Winston Churchill Avenue).

including any future revisions to these legal descriptions based on a subdivision or condominium plan.

c.1 Notwithstanding clauses (a) and (c), the maximum building heights shown in Schedule F – Map 2 of this Bylaw shall apply to the following properties:

- (i) Lot 5, Block 1, Plan 1224934 (230 Bellerose Drive);
- (ii) Lot 1B, Block 1, Plan 1224934 (250 Bellerose Drive), and
- (iii) Lot 2A, Block 1, Plan 1021490 (300 Orchard Court).

including any future revisions to these legal descriptions based on a subdivision or condominium plan.”

(10) **Location of Buildings** (BL6/2016)

The minimum separation distances for buildings are:

- (a) 10 m between the exterior wall of an apartment building and any other residential building; and
- (b) where greater separation distances are required in accordance with the Alberta Building Code or the Alberta Fire Code, the distances required by the Alberta Building Code or the Alberta Fire Code prevail.

(11) **Building Setbacks**

The minimum building setbacks shall be provided as follows:

- (a) the front and rear yard building setback shall be determined by the Development Officer with regard to adjacent uses, urban design considerations and on-site constraints;
- (b) the minimum side yard building setback is 5 m, unless otherwise determined by the Development Officer taking into account adjacent uses, urban design considerations and on-site constraints;
- (c) the minimum setback for an accessory building is 3 m; and
- (d) where a larger setback is required in accordance with the Alberta Building Code or the Alberta Fire Code, the distances required by the Alberta Building Code or the Alberta Fire Code prevail.

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(12) Design, Character and Appearance of Buildings

In addition to the requirements of Section 6.7 6.8 of this Bylaw, the Development Officer may require that a building or buildings be designed and finished with one or more of the following:

- (a) design techniques including but not limited to, the use of variations in building setbacks, and articulation of building facades in order to create architectural interest, to provide a unified building exterior, and to minimize the perceived mass and linearity of buildings;
- (b) the establishment of a common architectural theme for a development including principal design elements, finishing materials, colours and roof style;
- (c) the use of high quality materials on the exterior including brick, brick veneer or other high quality finish of a colour acceptable to the Development Officer;
- (d) the use of a setback for the second or higher storey along a façade facing a public roadway; and
- (e) the use of clear glazing on the ground floor to facilitate pedestrian interaction and safety.

(13) Residential Development

Residential development:

- (a) must provide a private amenity area in the form of a balcony or patio for dwelling units within an apartment building;
- (b) within a mixed use building must not be located below any storey used for commercial purposes;
- (c) within a mixed use building must have an entrance separate from the entrance to any commercial component of the building; and
- (d) all townhousing developments in a DCMU district must comply with the following requirements for development in the R3A District: **(BL16/2016)**
 - (i) lot area;
 - (ii) lot frontage;
 - (iii) lot depth;
 - (iv) landscaping;
 - (v) lot coverage;
 - (vi) building height; and
 - (vii) private amenity area and setbacks.
- (e) building height for townhousing developments within the Downtown Area Redevelopment Plan (DARP), must comply with Section 10.6(9). **(BL16/2016)**

(14) Overhead Weather Protection (BL6/2016)

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- (a) Continuous weather protection is encouraged along building frontages with retail uses at grade, and at residential lobbies or unit entrances at grade where practical.
- (b) Commercial and mixed-use buildings will provide overhead weather protection in a method suitable to the architectural style and function of the building to the satisfaction of the Development Officer, having regard for the following:
 - (i) provision of weather protection at pedestrian entrances;
 - (ii) weather protection provided at a height and depth to provide sufficient protection; and
 - (iii) location of weather protection to allow for signage and wayfinding.

(15) Landscaping and Communal Amenity Areas

Developments shall be subject to the following requirements:

- (a) a development that adjoins a public roadway shall provide perimeter landscaping in accordance with Section 6.13(7). For residential buildings located adjacent to a public roadway, the perimeter landscaping shall be increased to a minimum width of 6 m;
 - (i) Notwithstanding 10.6.(15)(a) properties built to the property line are exempt from the perimeter landscaping requirement, however will be required to provide planters, hanging baskets and other landscaping items in consultation with Engineering Services. **(BL6/2016)**
- (b) parking lots with more than 10 parking stalls shall be landscaped in accordance with Section 6.13(6);
- (c) a building that includes 40 or more dwelling units must provide an indoor or outdoor communal amenity area for the benefit of the residents of the building, to the satisfaction of the Development Officer; and
- (d) for developments containing 3 or more buildings, an outdoor communal amenity area of not less than 100 square metres must be provided for residents and patrons of the development, to the satisfaction of the Development Officer in accordance with following:
 - (i) the amenity area may include seating areas, raised gardens, courtyards and recreational areas;
 - (ii) the amenity area may include a plaza or focal point;
 - (iii) the amenity area may include such elements as street furnishings, hard surfacing, plantings, amenities, art and sculpture and architectural features to create a strong sense of communal gathering space. The amenity area must also provide

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for an area of overhead weather protection as a portion of the amenity area; (BL6/2016)

- (iv) the amenity area must have convenient pedestrian connections and provide for barrier free access; and
- (v) the amenity area must be located within 50 metres of the development it is required for. (BL6/2016)

(16) Vehicular and Pedestrian Circulation

In addition to the requirements of Sections 6.10 and 6.27 of this Bylaw, the following applies:

- (a) in making a determination about the design of on-site motor vehicle and pedestrian circulation within the DCMU District, the Development Officer must ensure that motor vehicle and pedestrian routes are located and designed in a manner that provides a clearly defined, safe, efficient and convenient circulation pattern for both vehicles and pedestrians, including barrier-free routes. Loading bays must be located in such a manner as not to impede the safe and efficient flow of traffic and pedestrian movement and minimize impacts on adjacent land uses.
- (b) In addition to Section 9.9 of this Bylaw, the Development Officer may impose whatever conditions the Development Officer considers necessary in order to require that the applicant:
 - (i) provide connections to parking areas, and to public rights-of way adjoining a development for access to transit, services and amenities;
 - (ii) provide pedestrian access to ensure a development is integrated with a surrounding area;
 - (iii) provide pedestrian walkways along storefronts which have doors or similar openings;
 - (iv) separate pedestrian movements and motor vehicle traffic by delineating crosswalks with special paving or, where possible, raising crosswalks; and
 - (v) construct and maintain the pedestrian walkways for use by the public.

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Summary Table - DCMU District

Summary tables are provided for reader convenience only and do not form part of this Bylaw. For any discrepancies between the following table and any other section of this Bylaw the latter shall govern.

Floor Area	Max. is 3.21 x site area Min. 25% of total gross floor area must be commercial	
Max. Building Height	25 m	
Min. Front Yard	Development Officer discretion	
Min. Side Yard	5 m unless otherwise determined by the Development Officer	
Min. Rear Yard	Development Officer discretion	
Building Location	10 m Min. separation between the exterior wall of an apartment building and any other residential building	
Parking	business support service, catering service, commercial school, convenience store, financial institution, general retail store, general service, health service, household repair service, liquor store, professional service, specialty store, take-out restaurant, veterinary clinic, video outlet	1 stall/45 sq. m
	art gallery, amusement arcade, broadcasting studio, pool hall, residential sales centre	as determined by Development Officer
	cinema, theatre	1 stall/10 seats
	community hall	1 stall/5 seats or 1 stall/20 sq. m; whichever is greater
	drinking establishment, restaurant	1 stall/6 seats
	family day home	4 stalls or 1 stall/2 employees + 1 stall/10 patrons, whichever is greater
	government service, religious assembly	1 stall/8 seats or 1 stall/45 sq. m, whichever is greater
	grocery store	1 stall/20 sq. m
	hotel	1 stall/guest room
	indoor recreation service	(see text in Section 7.3)
	shopping centre	1 stall/30 sq. m

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	bachelor unit	1 stall/unit
	1 bedroom unit	1 stall/unit
	2 bedroom unit	1.5 stalls/unit
	3+ bedroom unit	2 stalls/unit
	supportive housing	(see text in Section 7.3)
	townhousing	2 stalls/unit
	residential use visitor parking	1 stall/5 dwelling units (for supportive housing and townhousing, see text in Section 7.3)

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