

**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

**IMAGE OF DOCUMENT REGISTERED AS:**

**141162478**

**ORDER NUMBER: 29919248**

**ADVISORY**

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THIS RESTRICTIVE COVENANT AGREEMENT dated for reference May 6, 2013.

BETWEEN:

**THE CITY OF CALGARY**

and

**THE CITY OF CALGARY**

**THIS RESTRICTIVE COVENANT AGREEMENT WITNESSES THAT**, for good and valuable consideration, including the provisions of this Agreement, the receipt and sufficiency of which is hereby acknowledged, **THE PARTIES AGREE AS FOLLOWS:**

**1. DEFINITIONS AND INTERPRETATION**

1.01. In the Agreement the following words and phrases when capitalized shall have the following meanings:

- (a) "Agreement" means this restrictive covenant agreement, all attached schedules and any subsequent amendments hereto;
- (b) "City" means The City of Calgary;
- (c) "Consultant" means an architect or engineer registered to practice in Alberta retained by an Owner of the Servient Lands;
- (d) "Design Review Committee" means OLSH, singularly, or OLSH in combination with such other firm or person as the City may appoint from time to time;
- (e) "Development" means constructing, placing or erecting upon the Servient Lands any buildings, structures, landscaping or improvements;
- (f) "Dominant Lands" means the lands legally described in Schedule "A" attached hereto;

- (g) "Government Authority" means any federal, provincial, municipal or other governmental body, agency, tribunal, or authority having jurisdiction and lawfully empowered to make or impose laws, by-laws, rules or regulations with respect to the Dominant Lands or the Servient Lands and the parties' obligations hereunder;
- (h) "Guidelines" means the Architectural and Development Design Guidelines, a copy of which is attached hereto as Schedule "B";
- (i) "OLSH" means The City of Calgary, Office of Land Servicing & Housing, in its capacity as the developer of the Dufferin North Distribution and Intermodal Site industrial lands;
- (j) "Owner of the Dominant Lands" means a registered owner from time to time of any of the Dominant Lands;
- (k) "Owner of the Servient Lands" means a registered owner from time to time of any of the Servient Lands;
- (l) "Restrictions" means the provisions, restrictions and stipulations contained in Section 2.01; and
- (m) "Servient Lands" means the lands legally described in Schedule "A" attached hereto. ✓

## 2. RESTRICTIVE COVENANT

2.01. The City, as owner of the Servient Lands and the Dominant Lands, annexes to the Dominant Lands the benefit of the Restrictions, and burdens the Servient Lands with the Restrictions; namely that no Development shall be permitted on the Servient Lands unless it conforms to and complies with the Guidelines for a period of TWENTY (20) YEARS commencing on June 3, 2014. As part of complying with the Guidelines, an Owner of the Servient Lands shall follow the approval process set out in Article 3. ✓

2.02. Notwithstanding anything else contained in the Agreement, the Restrictions and Article 3 hereof shall not apply to any Development on the Servient Lands for which a development permit was approved by the appropriate Government ✓

Authority prior to the registration of the Agreement at the Alberta Land Titles Office, provided the Development on the Servient Lands is built in accordance with, and otherwise complies with, the approved development permit. Any Development on the Servient Lands which requires an amendment to such development permit or a new development permit to be approved by the appropriate Government Authority after the registration of the Agreement at the Alberta Land Titles Office shall be subject to the Restrictions and Article 3 hereof.

### **3. APPROVAL PROCESS**

3.01. Prior to commencing Development and submission of a development permit application, the Consultant shall submit to the Design Review Committee, for preliminary review and comment, all documents set out in Section 3.05 of the Guidelines and such other documents, plans and information as may reasonably be required by the Design Review Committee. The Design Review Committee shall review the documents and provide comments (the "Architectural Review Submission").

3.02. The Design Review Committee shall review the documents and either approve or reject it. If rejected, the process set out in Section 3.01 shall be repeated until the Architectural Review Submission is approved.

3.03. Upon the Design Review Committee's written approval of the Architectural Review Submission, the Owner of the Servient Lands shall submit this written approval along with the development permit application to the applicable Government Authority.

Upon the development permit being approved, the Owner of the Servient Lands shall advise the Design Review Committee in writing and any subsequent revisions to the originally approved development shall be sent to the Design Review Committee for additional comments, prior to re-submission to the applicable Government Authority.

#### 4. GENERAL PROVISIONS

4.01. The provisions of the Agreement are enforceable by any one or more Owner(s) of the Dominant Lands. Any abrogation or waiver from strict compliance with any provision of the Agreement shall not of itself constitute an abrogation or a waiver from strict compliance with:

- (a) any other provision of the Agreement;
- (b) the same provision in the future; or
- (c) any provision of the Agreement by any other owner.

4.02. Nothing herein shall require the City or the Design Review Committee to enforce the Restrictions contained in the Agreement or render the City or the Design Review Committee responsible or liable for the failure of any owner to adhere to or comply with the Restrictions contained in the Agreement, it being the intention that the obligation to comply with the Restrictions runs with the Servient Lands and the benefits of the Restrictions run with the Dominant Lands. No action shall lie against the City or the Design Review Committee for any breach of any of the Restrictions unless one or more of these parties are the then registered Owner(s) of the Servient Lands. This provision shall constitute an absolute defence to any such action and may be pleaded as such.

4.03. If any one of the provisions or the application thereof shall be held by any Court of competent jurisdiction to be invalid or unenforceable to any extent, then such provision shall be severed from the Agreement and the remainder of the Agreement shall be valid and enforceable to the fullest extent permitted by the law.

4.04. The Restrictions are in addition to any requirements of the applicable Government Authority in respect of the development and use of the Servient Lands and nothing contained herein shall be construed as modifying or superseding anything which is required by any applicable Government Authority.

4.05. In the event of any conflict between the provisions contained in the body of the Agreement and the provisions contained in the schedules to the Agreement, the provisions contained in the body of the Agreement shall prevail.

IN WITNESS WHEREOF the parties hereto have duly executed the Agreement.

APPROVED	
As to Content Corporate Services	<i>AD</i>
As to Form Law	<i>AD</i>

**THE CITY OF CALGARY**

Per: *Paul Amintey*  
 Director  
 Office of Land Servicing & Housing

Per: *Susan [Signature]*  
 City Clerk (seal)  
**JUN 17 2014**

**THE CITY OF CALGARY**

Per: *Paul Amintey*  
 Director  
 Office of Land Servicing & Housing

Per: *Susan [Signature]*  
 City Clerk (seal)  
**JUN 17 2014**

SCHEDULE "A"

LANDS

1. Dominant Lands:

✓ (i)

PLAN 1411013  
BLOCK 4  
LOT 2  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 26.84 HECTARES (66.32 ACRES) MORE OR LESS  
Municipally known as: 6301 106 Avenue SE

✓ (ii)

FIRST  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 14  
THAT PORTION OF THE NORTH WEST QUARTER WHICH LIES SOUTH OF THE  
SOUTH WEST LIMITS OF RAILWAY RIGHT OF WAY ON PLANS IRR51 AND RY11  
EXCEPTING THEREOUT:  
8.01 HECTARES (19.8 ACRES) MORE OR LESS DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE SOUTH WEST LIMIT OF RAILWAY  
RIGHT OF WAY ON PLAN IRR51 WITH THE WEST BOUNDARY OF SAID QUARTER  
SECTION,  
THENCE SOUTHERLY ALONG THE SAID WEST BOUNDARY 926.8 FEET,  
THENCE SOUTH EASTERLY AND PARALLEL TO THE SAID SOUTH WEST LIMIT  
841 FEET,  
THENCE NORTH EASTERLY AND AT RIGHT ANGLES TO THE LAST DESCRIBED  
COURSE TO A POINT ON THE SOUTH WEST LIMIT OF RAILWAY RIGHT OF WAY  
ON PLAN RY11,  
THENCE NORTH WESTERLY ALONG THE SOUTH WEST LIMITS OF RAILWAY  
RIGHT OF WAY PLANS RY11 AND IRR51 TO THE POINT OF COMMENCEMENT  
SECONDLY EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES MORE OR LESS
SUBDIVISION	9911853	9.932	24.54
SUBDIVISION	0112722	5.16	12.8

EXCEPTING THEREOUT ALL MINES AND MINERALS

✓

SECOND  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 14  
QUARTER NORTH EAST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
RAILWAY	RY11	1.19	2.94
RIGHT OF WAY POWER LINE			
RIGHT OF WAY	7910236	1.364	3.37
SUBDIVISION	9911853	0.401	0.99

✓ ROAD 1313106 0.383 0.95  
SUBDIVISION 1411013 21.82 53.92  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

✓ THIRD  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 14  
QUARTER SOUTH EAST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
RAILWAY	RY11	4.38	10.83
RIGHT OF WAY			
SUBDIVISION	9911853	26.393	65.22
SUBDIVISION	0112600	24.975	61.7
SUBDIVISION	1411013	0.483	1.19

EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME  
Municipally known as 11020 52 ST SE

✓ (iii)

PLAN 5110AP  
BLOCKS 2, 3, 8, 9 AND 13 TO 17 INCLUSIVE  
EXCEPTING THEREOUT:  
SUBDIVISION PLAN 1411013 AS TO PORTION FROM BLOCKS 3, 9 AND 13 TO 16  
INCLUSIVE  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 10520 - 52<sup>nd</sup> Street SE

✓ (iv)

FIRST  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 23  
THAT PORTION OF THE SOUTH WEST QUARTER  
WHICH LIES SOUTH EAST OF RIGHT OF WAYS 'B'  
AND 'C' ON PLAN 8610019  
CONTAINING 2.15 HECTARES (5.32 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES) MORE OR LESS
SUBDIVISION	1411013	1.77	4.37

EXCEPTING THEREOUT ALL MINES AND MINERALS

✓ SECOND  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 23  
THAT PORTION OF THE SOUTH EAST QUARTER  
WHICH LIES SOUTH EAST OF RIGHT OF WAYS 'B'  
AND 'C' ON PLAN 8610019  
CONTAINING 36.9 HECTARES (91.24 ACRES) MORE OR LESS  
EXCEPTING THEREOUT

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
ROAD	1313106	0.497	1.23

SUBDIVISION 1411013 4.11 10.16  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 9425 - 68<sup>th</sup> Street SE

✓ (v)

ALL STREETS AND LANES CONTAINED WITH PLAN 5110AP  
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES) MORE OR LESS
SUBDIVISION	1411013	1.92	4.74

EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 10700 52 Street SE

OT

✓ (vi)

PLAN 1213366  
AREA G  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 9972R 52 Street SE

2. Servient Lands:

✓ (i)

PLAN 1411013  
BLOCK 4  
LOT 2  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 26.84 HECTARES (66.32 ACRES) MORE OR LESS  
Municipally known as: 6301 106 Avenue SE

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THENCE SOUTH EASTERLY AND PARALLEL TO THE SAID SOUTH WEST LIMIT  
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RIGHT OF WAY PLANS RY11 AND IRR51 TO THE POINT OF COMMENCEMENT  
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RIGHT OF WAY	7910236	1.364	3.37
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EXCEPTING THEREOUT ALL MINES AND MINERALS  
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PLAN 5110AP  
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Municipally known as 10700 52 Street SE

✓ (vi) PLAN 1213366  
AREA G  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 9972R 52 Street SE

**SCHEDULE "B"**

**GUIDELINES**

The following Architectural Control Guidelines

have been prepared for the use of:



THE CITY OF  
**CALGARY**

---

for the

**Dufferin North Industrial Park**

OFFICE OF LAND SERVICING & HOUSING

April 30, 2014

## INTRODUCTION

The Vendor, through the Office of Land Servicing & Housing ("OLSH"), has established the Guidelines for Dufferin North Industrial Park ("Dufferin North"), being those lands as shown on Map 1, on pg. 5) to ensure higher levels of architecture and design, create an improved and ordered industrial park environment and provide business owners with long term benefits that sustain and support social, economic and environmental vitality.

The Guidelines were created to:

- ensure a high-quality sustainable industrial park development is achieved through augmented requirements above the bylaw that achieve good quality building and site design;
- conserve resources through sustainable land and building development by purchasers;
- encourage industrial development that represents good urban design and planning, with attention to overall site development and landscaping, building and site safety, external storage of goods and materials;
- enhance the quality of the industrial park through the incorporation of aesthetic and environmental guidelines for the design of each property within Dufferin North;
- maintain a standard that links development to property value, quality of life, and enhanced competitiveness;
- protect owners, lessees and/or tenants of buildings within Dufferin North against incompatible and improper use of other building sites, and to foster the implementation of high quality improvements for all building sites; and
- supplement the existing land use bylaw standards and requirements.

## 1. DEFINITIONS

1.01 In the Guidelines, the following words and phrases when capitalized shall have the following meanings:

- (a) "Architect" means a registered professional architect, licensed to practice in the Province of Alberta;
- (b) "Development" means the construction, placement, erection or alteration of any buildings, structures, improvements upon the Servient Lands and also includes, but is not limited to any landscaping, clearing, grading or paving of the Servient Lands;
- (c) "Development Authority" means the municipal approving authority having jurisdiction and lawfully empowered to make or impose bylaws, rules or regulations with respect to planning and development within Dufferin North;
- (d) "Dominant Lands" means those lands benefitted by this restrictive covenant and legally described in Appendix "A" attached hereto;
- (e) "DP" means the development permit to be obtained by the lot purchaser, or any Proponent, for any development in Dufferin North;
- (f) "DRC" means the design review committee;
- (g) "Dufferin North" means The City of Calgary's Dufferin North Industrial Park;
- (h) "Guidelines" means these architectural and development control guidelines for Dufferin North;

- (i) "Lot(s)" means one or more of the lots in Dufferin North and legally described in Appendix "A" attached hereto;
- (j) "LUB1P2007" means the *Land Use Bylaw (1P2007)*, as amended from time to time;
- (k) "OLSH" means The City of Calgary, Office of Land Servicing & Housing;
- (l) "Proponents" means all owners, tenants, developers, builders, and design consultants;
- (m) "Restrictive Covenant" means this restrictive covenant, which incorporates the Guidelines; and
- (n) "Servient Lands" means those lands burdened by this restrictive covenant, consisting of one or more of the Lot(s) and legally described in Appendix "A" attached hereto; and
- (o) "Vendor" means The City of Calgary.

## **2. RESTRICTIVE COVENANT**

- 2.01 The Vendor is the registered owner of an estate in fee simple of the Dominant and Servient Lands. The Vendor is not acting in the capacity as the Development Authority.
- 2.02 The Vendor is developing a planned industrial development described as Dufferin and will be registering the Restrictive Covenant against all the Lots for the purpose of establishing and maintaining the general development and individual character of Dufferin North and to protect the value, market desirability and aesthetic attractiveness of Dufferin North.
- 2.03 No Development shall be permitted on the Servient Lands unless it conforms to and complies with the Guidelines for a period of TWENTY (20) YEARS commencing on the 3 day of June, 2014, and as part of complying with the Guidelines, the Proponents shall follow the approval process as set out in Section 3.

## **3. BASIC REQUIREMENTS, REVIEW PROCESS AND ROLE OF THE GUIDELINES**

- 3.01 Proponents shall retain the services of an Architect to prepare submissions required by the DRC.
- 3.02 The Proponents shall not make a DP submission or permit any Development prior to receiving written authorization from the DRC.
- 3.03 The Vendor will establish a DRC. The DRC will monitor adherence to the Guidelines by the Proponents by reviewing and approving documentation required for development within Dufferin North as stipulated within the Guidelines. The intent of the reviews is to ensure and enforce the Guidelines' requirements.
- 3.04 The Proponents shall arrange for a design review(s) with the DRC to review the Proponents' project.
- 3.05 For the design review(s) the Proponents shall submit the necessary documentation required by the DRC to convey the full design intent of the Proponents' project and its adherence to the Guidelines. This may include but is not limited to site development plans, landscaping, a draft development site servicing plan ("DSSP"), renderings, building elevations, materials, finishes and colours.
- 3.06 Upon the Proponents' submission of its project, the DRC shall review same and either reject or accept it. If the DRC rejects the Proponents' project, the DRC shall provide comments and the process set out in Sections 3.04, 3.05, and 3.06 shall be repeated until the Proponent(s)' project is approved.

- 3.07 Upon receipt of written approval by the DRC, the Proponents shall submit a copy of such written approval with the DP application to the Development Authority.
- 3.08 Upon approval of the DP application from the Development Authority, the Proponent(s) shall advise the DRC in writing.
- 3.09 Any subsequent revisions to the originally approved DP shall be sent to the DRC prior to a re-submission to the Development Authority for additional comments. Changes from the originally approved DP shall be highlighted and identified to the DRC.
- 3.10 Any notice, request or communication shall be in writing and delivered to the DRC at the following address:

P.O. Box 2100, Stn. M, #195  
Calgary, AB T2P 2M5  
or, by facsimile at 403-537-3099.

The principal contact is the Manager, Real Estate Sales & Marketing, who may be reached directly at (403)268-3797. As a secondary point of contact the identified Sales Agent for Dufferin North may be reached through the OLSH offices at (403) 268-8979.

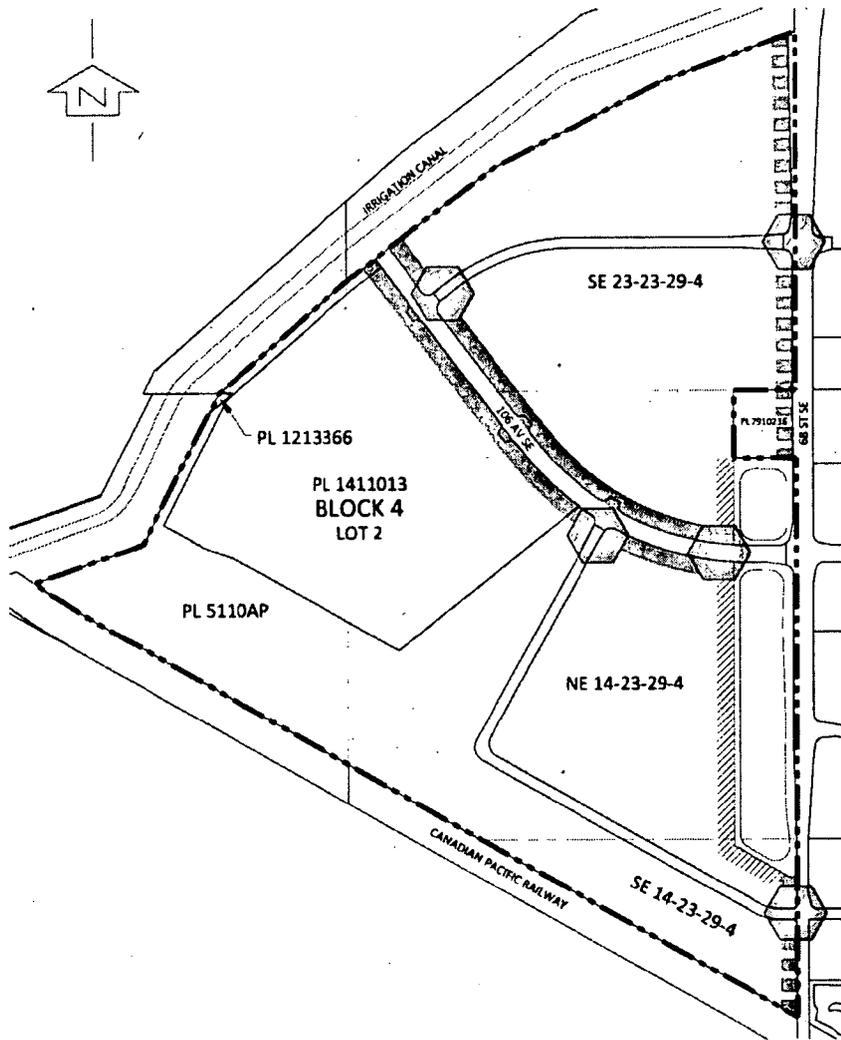
- 3.11 The DRC, at its discretion, reserves the right to vary compliance with the Guidelines. It is, however, the intent of the DRC to maintain the applicability and validity of the Guidelines for the duration of the land sales, and, principally, to reserve the right to alter the Guidelines if market indicators warrant the alteration.

#### **4. DRC AND VENDOR NOT LIABLE FOR APPROVAL**

- 4.01 The DRC (either Vendor and/or the Vendor's consultant) shall not be liable for any loss, expense, damage, action, claim or proceeding suffered, incurred or brought against any person on account of:
- (a) the approval or disapproval of any plans, drawings and documentation;
  - (b) the Development; or
  - (c) the construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings and any other documentation.
- 4.02 Any approval given by the DRC shall not provide evidence or confirm compliance with or approval of any bylaws, codes, laws, or requirements of the Development Authority.
- 4.03 No action shall lie against the DRC or the Vendor for damages for breach of any one or more of the requirements of the Guidelines or of the covenants contained within the Guidelines, and this shall constitute an absolute defense to any such action and may be pleaded as such.

*This portion intentionally left blank*

### MAP 1: DUFFERIN NORTH DEVELOPMENT STRATEGY



- Land Uses
-  Dufferin Guideline Boundary
  -  Improvement Zone - A
  -  Improvement Zone - B
  -  Improvement Zone - C
  -  Interaction Zone D - Primary

NTS  
Project: DUFFERIN NORTH INDUSTRIAL PARK

Title: **Development Strategy**

## 5. IMPROVEMENT AND INTERSECTION ZONES AFFECTING PRIVATE LAND

- 5.01 Refer to Map 1 for the development concept for the subject areas.
- 5.02 Certain lands shall be considered improvement and intersection zones, which require additional elevated level of quality and design in order to place emphasis either on the location or intersection where they are situated.
- 5.03 Improvement Zone A, as shown outlined on Map 1, (all Lots fronting onto 106<sup>th</sup> Avenue SE) shall:
- (a) be landscaped (in acceptable native species only) to provide a common and enforced strategy to visually, and aesthetically mitigate the impact of each development upon the public lands;
  - (b) be landscaped at a ratio of ONE (1) tree/THIRTY FIVE (35) SQUARE METRES within the front yard setbacks.
- 5.04 Improvement Zone B, as shown outlined on Map 1, (all Lots backing, facing or are adjacent to 68<sup>th</sup> Street SE) shall:
- (c) have a contiguous yard setback;
  - (d) have mound berming extending the full length of the setback area excluding any requirements for utility right of ways;
  - (e) have those façades facing the perimeter transportation corridors utilize the same predominant building material of the principal building façade;
  - (f) shall not incorporate pre-engineered or portal frame structures without significant design upgrades (see 10.01(g); and
  - (g) free standing signage if proposed to comply with Article 14.
- 5.05 Improvement Zone C, as shown outlined on Map 1, (all Lots backing onto the storm pond) shall:
- (h) have rear yard screening. Landscaping (in acceptable native species only) to provide a common and enforced strategy to visually, acoustically, and aesthetically mitigate the impact of each development upon the public lands associated with the wetlands;
  - (i) be landscaped at a ratio of ONE (1) tree/THIRTY FIVE (35) SQUARE METRE within the rear yard setbacks;
  - (j) have principal buildings rear façades predominant building materials match the materials required for the front façades; and
  - (k) not have blank wall façades to facilitate view opportunities.
- 5.06 Intersection Zone D, as outlined on Map 1 (primary gateway intersection), have the following requirements:
- (l) accommodate the DRC requirements for gateway elements within an area minimally equal to a SEVEN AND A HALF (7.5) METRE triangle measured from the corner with as much as an additional TWO AND HALF (2.5) METRES inboard of that corner setback;

- (m) landscaping shall consist of an effective combination of trees, shrubs and ground cover consisting of grass and approved dry landscaped materials designed to not impede corner visibility;
- (n) an elevated level of landscaping to be designed to provide a significance to the point of entry to Dufferin North; and
- (o) there shall be clear designation as to the lands that are within and outside of Dufferin North.

## 6. SUSTAINABLE DEVELOPMENT REQUIREMENTS

6.01 The concepts of "sustainable building" and "sustainable site" design are required to support sustainable goals and objectives. Appendix "B" has been provided as a suggested option list for consideration.

6.02 Proponents shall summarize, as part of their submission, how their development will:

- (a) improve energy efficiency through building and equipment design;
- (b) incorporate sustainable site design elements; and
- (c) promote water conservation initiatives.

## 7. SITE DESIGN GUIDELINES

7.01 New development shall in all ways enhance the character of its surrounding area through quality architecture, enhanced landscaping, and appropriate and considered site configuration. Furthermore, a "thread of continuity" shall exist throughout Dufferin North in order for any sense of community or a controlled development to be perceived as evident.

As a result, the following site designs are specified below:

- (a) buildings, parking areas and driveways, landscaping, outdoor storage and other outdoor operation functions shall be configured to minimize aesthetic impacts visible from the street;
- (b) buildings shall be oriented so that building entrances, office areas, and pedestrian-scaled amenities are visible from the street;
- (c) noise and/or odour generating functions on the Lot – service lanes and loading zones, dumpsters and compactors, guard dogs, loudspeakers, etc. – shall not be situated so as to negatively impact adjacent Lots, and, if they exist, sufficient buffer space, mechanical dampening and landscaping shall be incorporated to successfully mitigate such negative impact;
- (d) where reasonable, customer and staff vehicular traffic and parking shall be separated from truck loading access;
- (e) an outdoor employee area shall be provided and connected via a walkway system to the on-site principal building(s). Employee areas are to provide seating capability and landscaping as appropriate to the application;
- (f) the provision of a separate public amenity area will also be encouraged;
- (g) those Lots which occupy nodal locations within Dufferin North – i.e., entranceways to the park, intersections – shall accept the responsibility to provide an upgraded or improved Lots design commensurate with their high visibility in the overall development;

- (h) the location and design of communication towers will be subject to review by the DRC. Preferred locations will be located at the rear of Lots;
- (i) each development is encouraged to provide preferential parking space for use by car pools, hybrid and car share vehicles; and
- (j) corner Lots shall be sited and designed to address adjacent public streets.

## **8. BUILDING FORM AND CHARACTER**

8.01 Building design, materials and exterior finishes, colours, and landscaping shall support the creation of an attractive industrial environment and shall conform to the provisions of the Guidelines. The basic guidelines are outlined as follows:

- (a) all façades shall have architectural expression including plane articulation, controlled changes of material, texture and colour, and have a generous percentage of windows and openings;
- (b) principal entrances shall be oriented to the street and be well-defined;
- (c) front façades shall be designed to create visual interest;
- (d) all colours and branding schemes shall be approved by the DRC;
- (e) blank walls on any façade are not permitted;
- (f) entries shall be defined architecturally;
- (g) in multi-building complexes, a consistent architectural concept shall be maintained through the use of complimentary building design, material and colours;
- (h) all mechanical, electrical, pollution control or waste handling equipment ancillary to the building shall be screened from view and from public rights of way;
- (i) natural lighting is encouraged to provide a significant part of the building illumination strategy;
- (j) lighting energy demand to be provided through high efficiency luminaires;
- (k) outdoor lighting shall be designed to minimize the amount of light produced;
- (l) the use of glass will be encouraged – particularly in areas where the impact of natural daylighting would have most benefit to building occupants – for the office and the warehouse/ workshop/ manufacturing components of the building(s);
- (m) parapet height and variation shall not be arbitrary;
- (n) all fans, vents, and any roof-top mechanical equipment shall be located in a manner to minimize the distraction they create from the attractiveness of the architecture, shall be screened from public view, and shall be hidden by screening designed as an integral part of the building; and

- (o) pre-engineered buildings if used shall be subject to a review of their design, pattern, colour and choice of materials.

## 9. PARKING, CIRCULATION AND SERVICE FACILITIES

9.01 Vehicular and pedestrian circulation within the Lots shall be designed to function efficiently and to provide maximum safety, using the following guidelines:

- (a) the location of parking spaces within parking areas on a Lot shall be subject to the approval of the DRC;
- (b) pedestrians shall be separated from vehicular traffic and be clearly demarcated;
- (c) landscape buffers shall always be provided between parking lots and public streets;
- (d) appropriate landscaping between parking lots and buildings shall be provided at reasonable locations. At minimum these buffers shall be a minimum of NINE (9) FEET or TWO POINT SEVEN FIVE (2.75) METRES wide, whether only landscaping or when equal to the width of the sidewalk with the exception of staff parking in side or rear yards adjacent to a building façade without doors or windows;
- (e) all roads provided in Dufferin North will have an integral concrete curb and gutter. It shall be the responsibility of Proponent to provide curb-cuts for their entrance driveways. Proposed entrance driveways will match existing curb and road pavement grades and design, and/or, comply with The City of Calgary standards.
- (f) loading and receiving areas should be located to the rear of sites. Any exceptions to be approved by the DRC, at its sole discretion;
- (g) all loading dock configurations shall be approved by the DRC;
- (h) all service areas – vehicular activity yards, garbage enclosures, outside storage, loading areas, at-grade or roof-top mechanical equipment – shall be located so as to be visually screened from public thoroughfares, and, shall be integrated with the building character and constructed of the same materials employed on the principal building(s) Any exceptions to be approved by the DRC, at its sole discretion;
- (i) garbage storage facilities shall be compatible with and/ or finished with the same predominant exterior material(s) as the principal building(s);
- (j) garbage storage facilities shall be screened such that they are screened from any street, adjacent Lot, or building entrance;
- (k) outside product display shall be limited to items of equipment, product or process produced and/or sold by the business or industry on the Lot;
- (l) significant fence improvements or mature landscaping shall be provided to screen the storage or yard areas from the street; and
- (m) parking and other paved areas are encouraged to be designed to reduce surface run off volume and improve quality, and to direct storm water runoff into the landscape design.

## 10. LANDSCAPING

10.01 The Proponents are to refer to the following guidelines when it comes to landscaping the Lots:

- (a) All open site areas without parking, storage, circulation, or buildings principally within, but not limited to, the front, side, and rear yard setback areas shall be planted and landscaped according to an approved plan.
- (b) only drought-resistant, and preferably indigenous, grasses and plants shall be used for all Lots. The Proponent is responsible to provide the DRC appropriate documentation to indicate the proposed landscaping meets the landscaping intent;
- (c) Proponents are encouraged to utilize front setback areas as storm water collection for low impact development (bio retention) areas.
- (d) landscaping shall be predominantly living plant material that meets or exceeds Canadian Nursery Trades Association Standards and Specifications;
- (e) the owner of the Lot, or his successor/assignees, shall be responsible for the proper maintenance of the landscaping;
- (f) boulevard ground-cover landscaping from the edge of the road to the property line will be installed by the Proponent and will be maintained by the Lot owner from the installation date;
- (g) all landscaping – both within the property line boundaries of each individual parcel and including the City boulevard – is solely the responsibility of the Proponent, and shall be constructed to the specifications of The City of Calgary, Parks Department;
- (h) landscaped islands and peninsulas shall be a minimum of FIVE (5) FEET TEN (10) INCHES or ONE POINT SEVEN FIVE (1.75) METRES wide and shall be provided every TEN (10) parking spaces. A major shade tree shall be planted in each peninsula, and a minimum of two shade trees shall be planted in each island. No parking stall row shall end without an island or peninsula of landscaping;
- (i) a safe and logical pedestrian circulation pathways from parking areas to the building(s) should be provided;
- (j) a parking area which is visible from public streets shall be partially screened;
- (k) a garbage collection area or an outdoor service area which is visible from an adjoining site or street shall have screen planting;
- (l) deciduous trees shall have a minimum calliper of FIFTY (50) MILLIMETRES and at least FIFTY (50.0) PERCENT of the provided deciduous trees shall have a minimum calliper of SEVENTY (75) MILLIMETRES at the time of planting;
- (m) mechanical equipment should not be located within the front yard setback between the building(s) and the public rights-of-way;
- (n) landscaped areas shall be located to create a continuity of landscaped areas with adjacent Lots;

- (o) landscape areas shall be concentrated or clustered to avoid sparse tree plantings and create functional green spaces;
- (p) trees and shrubs should be planted to protect buildings from prevailing winter winds, and summer sun, intercept precipitation, reduce surface heating, enhance appearance and protect pedestrians from the elements; and
- (q) climate controlled irrigation should be incorporated to minimize water demands.

## **11. SIGNAGE**

The Proponents shall use the following guidelines when dealing with signage in Dufferin North:

- (a) the only signs that shall be permitted on any building site are those indicating the name, address, and type of business(es) which is (are) located and operating on the Lot(s);
- (b) third party advertising, other advertising devices and any other signs, shall not be permitted within Dufferin North; and
- (c) all site signs and their proposed locations to be approved by the DRC. The DRC reserves the right to request signage review for approval even when the signage application occurs after DRC approval has been given for the DP application.

## **12. LIGHTING**

- 12.01 The lighting of buildings and their surroundings should be low-key, yet lighting design should provide for safety and security on the building site. Lighting should be used to accent entrances, façade features, and to illuminate parking areas with lighting levels which promote a sense of safety. Floodlighting which causes light spillage and glare shall not be permitted.
- 12.02 Appropriately integrated and controlled ground-mounted or complementary up-down wall-wash lighting of buildings will be the only type of lighting permitted. Where lighting fixtures are attached to the building, the design and colour of the fixture will be compatible

**APPENDIX "A"**  
**DESCRIPTION OF LANDS**

PROPERTY DESCRIPTIONS

- (i) PLAN 1411013  
BLOCK 4  
LOT 2  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 26.84 HECTARES (66.32 ACRES) MORE OR LESS  
Municipally known as: 6301 106 Avenue SE
- (ii) FIRST  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 14  
THAT PORTION OF THE NORTH WEST QUARTER WHICH LIES SOUTH OF THE SOUTH WEST LIMITS  
OF RAILWAY RIGHT OF WAY ON PLANS IRR51 AND RY11  
EXCEPTING THEREOUT:  
8.01 HECTARES (19.8 ACRES) MORE OR LESS DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE SOUTH WEST LIMIT OF RAILWAY RIGHT OF WAY  
ON PLAN IRR51 WITH THE WEST BOUNDARY OF SAID QUARTER SECTION,  
THENCE SOUTHERLY ALONG THE SAID WEST BOUNDARY 926.8 FEET,  
THENCE SOUTH EASTERLY AND PARALLEL TO THE SAID SOUTH WEST LIMIT 841 FEET,  
THENCE NORTH EASTERLY AND AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE TO A POINT  
ON THE SOUTH WEST LIMIT OF RAILWAY RIGHT OF WAY ON PLAN RY11,  
THENCE NORTH WESTERLY ALONG THE SOUTH WEST LIMITS OF RAILWAY RIGHT OF WAY PLANS  
RY11 AND IRR51 TO THE POINT OF COMMENCEMENT  
SECONDLY EXCEPTING THEREOUT:
- | PLAN        | NUMBER  | HECTARES | ACRES MORE OR LESS |
|-------------|---------|----------|--------------------|
| SUBDIVISION | 9911853 | 9.932    | 24.54              |
| SUBDIVISION | 0112722 | 5.16     | 12.8               |
- EXCEPTING THEREOUT ALL MINES AND MINERALS

SECOND  
MERIDIAN 4 RANGE 29 TOWNSHIP 23  
SECTION 14  
QUARTER NORTH EAST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
RAILWAY RIGHT OF WAY POWER LINE	RY11	1.19	2.94
RIGHT OF WAY	7910236	1.364	3.37
SUBDIVISION	9911853	0.401	0.99
ROAD	1313106	0.383	0.95
SUBDIVISION	1411013	21.82	53.92

EXCEPTING THEREOUT ALL MINES AND MINERALS  
AND THE RIGHT TO WORK THE SAME

## THIRD

MERIDIAN 4 RANGE 29 TOWNSHIP 23

SECTION 14

QUARTER SOUTH EAST

CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
RAILWAY	RY11	4.38	10.83
RIGHT OF WAY			
SUBDIVISION	9911853	26.393	65.22
SUBDIVISION	0112600	24.975	61.7
SUBDIVISION	1411013	0.483	1.19

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

Municipally known as 11020 52 ST SE

(iii)

PLAN 5110AP

BLOCKS 2, 3, 8, 9 AND 13 TO 17 INCLUSIVE

EXCEPTING THEREOUT:

SUBDIVISION PLAN 1411013 AS TO PORTION FROM BLOCKS 3, 9 AND 13 TO 16 INCLUSIVE

EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 10520 – 52<sup>nd</sup> Street SE

(iv)

FIRST

MERIDIAN 4 RANGE 29 TOWNSHIP 23

SECTION 23

THAT PORTION OF THE SOUTH WEST QUARTER

WHICH LIES SOUTH EAST OF RIGHT OF WAYS 'B'

AND 'C' ON PLAN 8610019

CONTAINING 2.15 HECTARES (5.32 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES) MORE OR LESS
SUBDIVISION	1411013	1.77	4.37

EXCEPTING THEREOUT ALL MINES AND MINERALS

## SECOND

MERIDIAN 4 RANGE 29 TOWNSHIP 23

SECTION 23

THAT PORTION OF THE SOUTH EAST QUARTER

WHICH LIES SOUTH EAST OF RIGHT OF WAYS 'B'

AND 'C' ON PLAN 8610019

CONTAINING 36.9 HECTARES (91.24 ACRES) MORE OR LESS

EXCEPTING THEREOUT

PLAN	NUMBER	HECTARES	ACRES (MORE OR LESS)
ROAD	1313106	0.497	1.23
SUBDIVISION	1411013	4.11	10.16

EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 9425 – 68<sup>th</sup> Street SE

- (v) ALL STREETS AND LANES CONTAINED WITH PLAN 5110AP  
EXCEPTING THEREOUT:  
PLAN                    NUMBER            HECTARES (ACRES) MORE OR LESS  
SUBDIVISION        1411013            1.92                    4.74  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 10700 52 Street SE
- (vi) PLAN 1213366  
AREA G  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
Municipally known as 9972R 52 Street SE

## APPENDIX "B"

### SUSTAINABLE DESIGN PRINCIPLES FOR ACHIEVING BEST PRACTICE OBJECTIVES

The currently accepted and established industry practices for sustainable building and site design should be applied to achieve sustainable objectives for development within Point Trotter. The following represents a suggested option list of sustainable design strategies which all Proponents may use to help enable them to incorporate as many best practice building and site design principles as possible. It is ultimately the responsibility of each Proponent to determine to what degree these strategies are implemented, but unquestionably, there are many market-driven reasons to make each development as aligned as possible with the objectives of the items listed below in order for that project to be deemed 'sustainable development'.

#### 1. Sustainable Sites

1.01 Develop through proper selection and provision of amenities sustainable site amenities which encourage or provide:

- alternative transportation amenities such as bicycle storage and changing rooms, fuel efficient vehicle parking;
- protection of existing natural areas, or restoration of damaged areas to provide habitat and promote biodiversity;
- maximize open space to promote biodiversity;
- reduce heat islands through considered Lot and building coverage materials;
- minimize light pollution and trespass; and
- increase tree ratios around paved areas to increase site shading.

#### 2. Water Efficiencies

2.01 Increase water efficiencies through to reduce impact on municipal water supply:

- (a) rainwater harvesting technologies, which are encouraged to eliminate use of potable water for landscaping requirements;
- (b) provide alternate storm water management strategies, which recharge ground water and supplement on-site irrigation;
- (c) incorporation of low impact development; and
- (d) provide dual flush and/or low flow toilets and fixtures; provide waterless urinals.

#### 3. Energy Efficiency

3.01 Maximizing energy efficiency and the use of passive heating and cooling technologies will be encouraged:

- (a) provide climatically effective horizontal sun-shading devices on south elevations;
- (b) provide operable windows for natural cross ventilation;
- (c) provide landscaping or vertical sun shading devices to screen west elevation to reduce excessive heat gain;
- (d) provide "white" (high albedo) membrane material for flat roofs to reduce "heat island effect";
- (e) provide a heat recovery mechanism on exhaust air;
- (f) improve the quality and performance of the building envelope and incorporate higher value walls and roofs;
- (g) provide spectrally selective glazing in thermally broken frames; and
- (h) provide daylight and views into the regularly occupied areas of the building.

**4. Renewable Energy and Materials**

4.01 Renewable and low embodied energy materials are strongly encouraged. Contracts for energy from renewable energy are encouraged.

**5. Indoor Environment**

5.01 For better indoor air quality, use non-toxic materials. The health of occupants should be of primary consideration when selecting interior materials and finishes. Daylighting to all work areas should be provided - including low occupancy warehouses and workshops:

- (a) enhance indoor air quality in buildings to improve the comfort and well-being of the occupants;
- (b) increase air ventilation to improve indoor air quality; and
- (c) reduce indoor air contaminants that are harmful to the comfort of the occupants.

**6. Resource Conservation**

6.01 Consider the use of materials and strive for methods to reduce material use:

- (a) divert construction and demolition debris from disposal in landfills and incineration facilities;
- (b) minimize construction dust, construction waste, and to re-use construction materials;
- (c) incorporate recycled materials into construction such as fly ash in concrete, gypsum board, carpet using recycled materials, misc. steel, insulation, aluminum panels, roofing components etc.;
- (d) develop a construction waste management plan that includes measures to control soil erosion during construction is desirable;
- (e) incorporate the storage and collection of recyclables within the development; and
- (f) develop a recycling plan for the site.

**7. Landscape Maintenance**

7.01 Provide and implement a landscape maintenance program without pesticides or herbicides.

**8. Energy Efficient Lighting**

8.01 Energy efficient light fixtures should be used for lighting all work areas. Occupancy sensors, or programmed light usage management should be incorporated. In general, low general illumination levels both indoors and outdoors should be implemented on site.

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BETWEEN:

**THE CITY OF CALGARY**

and

**THE CITY OF CALGARY**

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**RESTRICTIVE COVENANT AGREEMENT**

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The City of Calgary  
Law Department  
12<sup>th</sup> Floor, Calgary Municipal Building  
800 Macleod Trail SE  
Calgary, AB T2G 2M3

(P. O. Box 2100, Station "M" (8053)  
Calgary, AB T2P 2M5)

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Law File No.: RE2244 (L. Lau)  
OLSH File No.: 11020 – 52<sup>nd</sup> Street SE  
10520 – 52<sup>nd</sup> Street SE  
9425 – 68<sup>th</sup> Street SE (A. DeCaria)



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