

BYLAW NO. 109Z2005

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
(Land Use Amendment # LOC2005-0087)**

WHEREAS it is desirable to amend The City of Calgary Land Use Bylaw Number 2P80 to change the Land Use Designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The City of Calgary Land Use Bylaw, being Bylaw 2P80 of the City of Calgary, is hereby amended by deleting that portion of the Land Use Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use Map shown as shaded on Schedule "B" to this Bylaw, including any Land Use Designation, or specific Land Uses and Development Guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 14th DAY OF NOVEMBER, 2005.

READ A SECOND TIME THIS 14th DAY OF NOVEMBER, 2005.

READ A THIRD TIME THIS 14th DAY OF NOVEMBER, 2005.



DEPUTY MAYOR

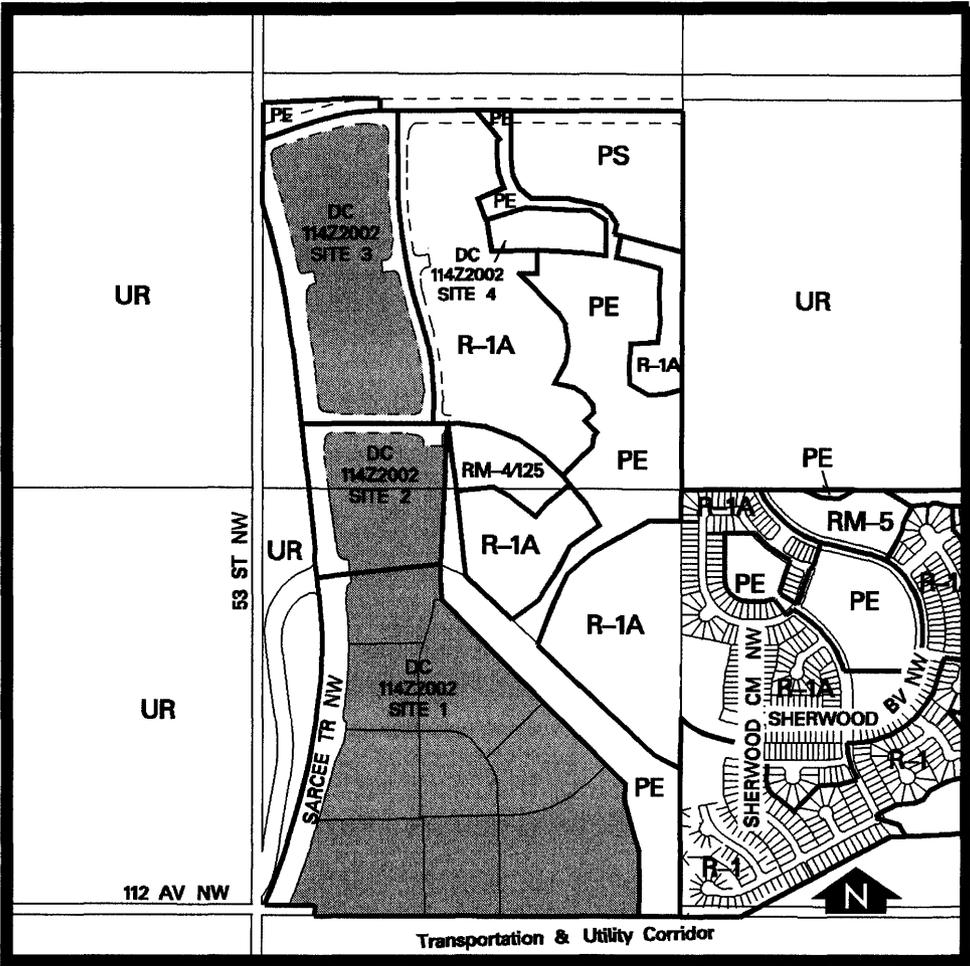
DATED THIS 14th DAY OF NOVEMBER, 2005.



ACTING CITY CLERK

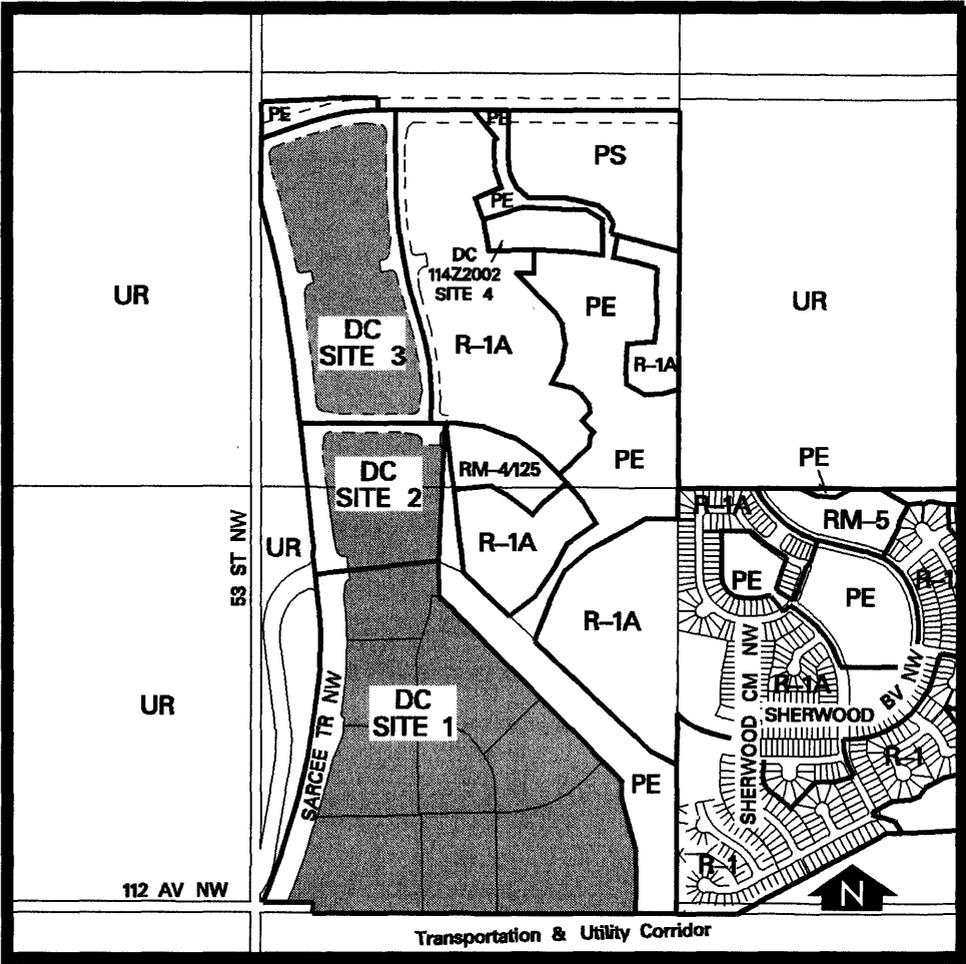
**Amendment # LOC2005-0087
Bylaw # 109Z2005**

SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

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SCHEDULE B

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Site 1 - 32.9 hectares (81.3 acres)

1. Land Use

The Permitted and Discretionary Uses of the C-5 Shopping Centre Commercial District shall be the Permitted and Discretionary Uses respectively except that the Discretionary Use of a sector (community) shopping centre (C.U.) shall be deleted and replaced with the Discretionary Use of a shopping centre (C.U.) within the district.

The location of all uses shall comply with the requirements of the Subdivision and Development Regulation as amended from time to time, specifically regarding setback requirements from sanitary land fill sites.

2. Development Guidelines

The General Rules for Commercial Districts contained in Section 33 of Bylaw 2P80 shall apply to all uses and the Permitted Use Rules of the C-5 Shopping Centre Commercial District shall apply to Permitted Uses and the Discretionary Use Rules of the C-5 Shopping Centre Commercial District shall apply to Discretionary Uses, unless otherwise noted below:

(a) Shopping Centre Floor Area

- (i) A maximum gross floor area of 73,400 square metres; and
- (ii) The total gross floor area of hotel, office, residential or other non-retail portion of any parcel on the lands that are the subject of this Bylaw shall not exceed 34,000 square metres of gross floor area.

(b) Concept Plan

- (i) In conjunction with every Tentative Plan and Development Permit application for a shopping centre, a concept plan shall be submitted for the entire area of this Bylaw showing the proposed:
 - (A) building footprint and sizes;
 - (B) parking areas;

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SCHEDULE B

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- (C) internal roads;
 - (D) access/egress points;
 - (E) regional pathway;
 - (F) landfill setback boundaries; and
 - (G) such other information determined necessary by the Approving Authority.
- (ii) The concept plan shall be revised and resubmitted, as required, with each subsequent development permit application for a shopping centre.
- (c) Phasing Plan
- (i) In conjunction with the initial development permit application for a shopping centre, a Phasing Plan shall be submitted showing:
 - (A) phasing of the shopping centre development on the entire area of Site 1;
 - (B) gross floor area of development within each phase; and
 - (C) net floor area of each retail unit over 1850 square metres within each phase.
 - (ii) The phasing plan shall be updated and resubmitted, as required by the Approving Authority, with each subsequent development permit for a shopping centre.
- (d) Building Area Ratios
- (i) A minimum of 50 percent of the net floor area of the shopping centre development within the entire area of this Bylaw shall be comprised of commercial units containing a minimum of 1,850 square metres net floor area per unit; and

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- (ii) Notwithstanding (d)(i) above, a development permit for a shopping centre that does not comply with the required building area ratio may be approved where it can be demonstrated to the satisfaction of the Approving Authority through the submission of a market impact analysis, subject to confirmation by peer review, that the proposed revision to the building area ratio identified in (d)(i) above will not compromise the future development of a pedestrian oriented retail component within a core commercial area as identified within the policies of the Symons Valley Community Plan.

- (e) Transportation Network Capacity

A development permit application for shopping centre shall not be approved unless it is demonstrated to the satisfaction of the Approving Authority that suitable transportation capacity is available or will be provided to serve the development.

- (f) Public Transit

- (i) The developer shall construct transit bus shelters on site at locations to the satisfaction of the Approving Authority; and
- (ii) An access easement to accommodate public transit bus routing shall be registered against the title of the parcels within the lands that are subject of this Bylaw, if required, to the satisfaction of the Approving Authority.

- (g) Exterior Facades

- (i) Ground floor facades that are visible from any public parking area located on the site and are available for public use shall:
 - (A) incorporate a high degree of visual interest through articulation to the satisfaction of the Approving Authority, including but not limited to such design features as enhanced building or unit entries, arcades, display windows, porches, projected windows, colonnades and canopies or other such features along no less than 40 percent of the horizontal length of the building; and
 - (B) the requirement for 40 percent articulation as identified in (A) above, shall be distributed across the façade with a maximum interval of 35

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metres between each articulation, all to the satisfaction of the Approving Authority;

- (ii) Ground floor facades that face public streets shall incorporate visual interest through articulation to the satisfaction of the Approving Authority;
 - (iii) For those commercial units with less than 500 square metres of gross floor area with separate exterior customer entrances, the portion of the front façade located between 0.9 metres and 2.4 metres above grade level shall be transparent along no less than 60 percent of the horizontal length of the commercial unit along the building façade;
 - (iv) Where the façade faces adjacent resident uses, screening through the uses of berms or landscaping shall be required to the satisfaction of the Approving Authority; and
 - (v) Side and rear elevations visible from adjacent residential development, private roads, or the regional pathway shall include architectural features, material and treatment that complement the existing development.
- (h) Storage and Loading Areas
- (i) Areas for loading, ancillary storage, garbage collection or compaction, or other such uses shall not be located within 6 metres of any public right of way;
 - (ii) Loading areas, utility metres, garbage collection or compaction or other such services shall be integrated with the overall design of the building and landscaping so that the visual impacts are screened from view of adjacent properties and public areas, and that no attention is drawn to such facilities by the use of architectural features and materials that do not complement those of the principal building;
 - (iii) Non-enclosed storage ancillary to the primary use of the site may be permitted subject to screening walls being provided that are faced with materials of similar quality and level of finish as the building which it serves, all to the satisfaction of the Approving Authority;

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- (iv) Outside storage ancillary to the primary use of the site shall not be allowed at the front of any commercial building or within 6 metres of any public right of way; and
- (v) Outside seasonal merchandising, sales, or displays may be allowed on the site where:
 - (A) it can be demonstrated that the activities will not have an adverse impact on pedestrian movements along the pedestrian space providing access to the entrances to the building; and
 - (B) the location, design and storage of seasonal merchandising, sales or displays shall be to the satisfaction of the Approving Authority.
- (i) Parking and Landscaping
 - In addition to the requirements of Sections 18 and 33 of Bylaw 2P80
 - (A) additional landscaping shall be provided at a ratio of 1.85 square metres of soft landscaping for each parking stall;
 - (B) one tree shall be provided for each 15 parking stalls;
 - (C) no parking stall shall be located more than 50 metres from a landscaped area;
 - (D) the design of the gross area of this Bylaw shall create a high degree of on-site pedestrian amenities to facilitate movement on and through the lands that are the subject of this Bylaw including but not limited to level crossing, sidewalks, and street furniture;
 - (E) internal pedestrian walkways, a minimum of 1.8 metres in width, shall be provided from the regional pathway or sidewalks on the external boundary of the lands initially subject of this Bylaw to the sidewalk along the principal customer entrance of all principal buildings on the site;

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- (F) sidewalks with a minimum of 1.8 metres in width shall be provided along the full length of any building facades featuring a customer entrance;
 - (G) pedestrian connections that provide direct access to transit routes and adjacent commercial and residential uses shall be incorporated into the site design; and
 - (H) parking areas facing Stoney Trail NW shall be separated by a minimum of 6 metres landscaped buffer to the satisfaction of the Approving Authority.
- (j) Impact on Adjacent Development
- (i) The site shall present a unifying architectural theme through features including but not limited to, exterior finishing material, colours, pedestrian and vehicle lighting, street furniture and roof screening;
 - (ii) Above the second story the building facades that front onto a public thoroughfare shall be stepped back from the first story a minimum of 1.5 metres; and
 - (iii) The Approval Authority shall ensure that, in the staging of development permits, development proceeds in generally contiguous manner and the building form and site layout appears complete.
- (k) Risk Management Plan
- (i) In conjunction with a tentative plan or development permit application, the applicant shall provide a site specific Risk Management Plan to address methane gas identified beneath the site;
 - (ii) The Risk Management Plan shall include, but not be limited to, details regarding construction requirements, methane gas management systems, monitoring programs and response plans or any other information as required by the Approving Authority; and

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- (iii) The Risk Management Plans shall be prepared by a qualified professional and shall be to the satisfaction of the Approving Authority.

Site 2 - 5.9 hectares (14.62 acres)

1. Land Use

The Permitted and Discretionary Uses of the C-5 Shopping Centre Commercial District and the I-2 General Light Industrial District of Bylaw 2P80 shall be the Permitted and Discretionary Uses respectively.

The location of all uses shall comply with the requirements of the Subdivision and Development Regulation as amended from time to time, specifically regarding setback requirements from sanitary land fill sites.

2. Development Guidelines

For uses found exclusively within the C-5 Shopping Centre Commercial District, the development guidelines for Site 1 shall apply and for any other use, the development guidelines for Site 3 shall apply, unless otherwise noted below:

(a) Shopping Centre Floor Area

A maximum gross floor area of 14,000 square metres.

(b) Risk Management

- (i) In conjunction with a tentative plan or development permit application, the applicant shall provide a site specific Risk Management Plan to address methane gas identified beneath the site;
- (ii) The Risk Management Plan shall include, but not be limited to, details regarding construction requirements, methane gas management systems, monitoring programs and response plans or any other information as required by the Approving Authority; and
- (iii) The Risk Management Plans shall be prepared by a qualified professional and shall be to the satisfaction of the Approving Authority.

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SCHEDULE B

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Site 3 - 11.1 hectares ± (27.5 acres ±)

1. Land Use

The Permitted and Discretionary Uses of the I-2 General Light Industrial District of Bylaw 2P80 shall be the Permitted and Discretionary uses respectively.

The location of all uses shall comply with the requirements of the Subdivision and Development Regulation as amended from time to time, specifically regarding setback requirements from sanitary land fill sites.

2. Development Guidelines

The General Rules for Industrial Districts contained in Section 43 of Bylaw 2P80 shall apply to all uses and the Permitted Use Rules of the I-2 General Light Industrial District shall apply to Permitted Uses and the Discretionary Use Rules of the I-2 General Light Industrial District shall apply to Direct Control unless otherwise noted below:

(a) Concept Plan

- (i)** In conjunction with the initial development permit application on the site a concept plan shall be submitted for the entire site to the satisfaction of the Approving Authority showing the proposed:
 - (A)** building footprints and sizes;
 - (B)** parking areas;
 - (C)** internal roads;
 - (D)** access/egress points;
 - (E)** landscaped areas;
 - (F)** landfill setback boundaries; and
 - (G)** such other information determined necessary by the Approving Authority.

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- (ii) The concept plan shall be revised and resubmitted, as required, with each successive development permit application.

- (b) Landfill Setback

In conjunction with the initial development permit application, a plan of survey shall be submitted showing the location of the setback boundaries from the sanitary landfill site in relation to the site as required in the Subdivision and Development Regulation.

- (c) Density

- (i) In conjunction with a Development Permit application, if required, a Transportation Impact Study shall be submitted to demonstrate that the proposed development complies with (ii) below; and
- (ii) A development shall generate a maximum of 55 vehicle trips per hectare during the weekday peak pm period.

- (d) Yards

- (i) The front yard setback shall be the greater of:
 - (A) Section 45 (3) (f) (i) of Bylaw 2P80; or
 - (B) a ratio of 3 metres per 1 metre gain in elevation between the public road and the site shall be provided to a maximum of 15 metres; and
- (ii) For the purposes of this Section, all street frontages shall be considered to be a front yard.

- (e) Landscaped Areas

In addition to the requirements of Section 45 (3) (j) of Bylaw 2P80, the required yard adjacent to the public road on the east side of the lands subject of Site 3 of this Bylaw shall be landscaped.

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(f) Parking Areas

The following shall apply in addition to the requirements of Section 18 of Bylaw 2P80:

- (A) parking areas shall not be located within a minimum front yard adjacent to a public road adjacent to the site;
- (B) additional landscaping shall be provided at a ratio of 1.85 square metres of soft landscaping for each parking stall;
- (C) a minimum of one tree for each fifteen parking stalls shall be provided within the landscaping provided under (ii) above;
- (D) no parking stall shall be located more than 50 metres from a landscaped area;
- (E) parking areas shall incorporate walkways, outdoor lighting and landscaping in the design;
- (F) pedestrian connections that provide direct access to transit routes and adjacent commercial and residential uses shall be incorporated into the site design; and
- (G) parking areas facing Stoney Trail NW shall be separated by a minimum of 6 metre landscaped buffer to the satisfaction of the Approving Authority.

(g) Outside Storage

- (i) Outside storage ancillary to the primary use of the site may be permitted subject to screening walls being provided that are faced with materials of similar quality and level of finish as the building which it serves all to the satisfaction of the Approving Authority;
- (ii) Outside storage ancillary to the primary use of the site shall not be allowed at the front of any commercial building or within six (6) metres of any public right of way; and

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- (iii) Outside seasonal merchandising, sales, displays may be allowed on the site where
 - (A) it can be demonstrated that the activities will not have an adverse impact on pedestrian movements along the pedestrian space providing access to the entrances to the building; and
 - (B) the location and design of outside storage and seasonal merchandising, sales or displays shall be to the satisfaction of the Approving Authority.

- (h) Fencing
 - (i) Screening fences and walls shall not be located within a required rear adjacent to a public road bordering the site; and
 - (ii) Fences and walls along the east boundary of the site that are greater than 15.0 metres in length shall be varied through the use of design features or landscaping to provide visual interest.

- (i) Impact on Adjacent Development
 - (i) Side and rear elevations of the buildings visible from adjacent residential development or the regional pathway shall receive similar architectural treatment and base materials as the front elevation;
 - (ii) Development within the site shall not have an adverse impact on adjacent residential development by way of noise, dust, odour, outdoor lighting and other emissions; and
 - (iii) The Approving Authority shall ensure that, in the staging of Development Permits, development proceeds in a generally contiguous manner and the building form and site layout appears complete.

BYLAW NO. 10922005

ADVERTISED IN the Calgary Sun ON Oct. 27. 05

8 BYLAW 10922005
SYMONS VALLEY

To redesignate the land located at 11606
53 Street NW, 11320 Sarcee Trail NW
& 11458, 11588, 11616, 11650, 11690,
11728, 11802 & 11938 Sarcee Trail NW
(Plan 0512306, Block 1, Lots 2 - 10 &
portions of the SW ¼ Section 25-25-
2-5) from DC Direct Control District to
DC Direct Control District to remove the
phasing requirements applicable to a
regional commercial centre.

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/109Z2005

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APPROVED AS TO CONTENT



HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM

 oct 13/05

CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)
