

BYLAW NUMBER 67D2010

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2010-0037)

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 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;

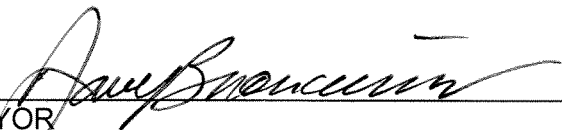
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District 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 7TH DAY OF JUNE, 2010.

READ A SECOND TIME THIS 7TH DAY OF JUNE, 2010.

READ A THIRD TIME THIS 7TH DAY OF JUNE, 2010.



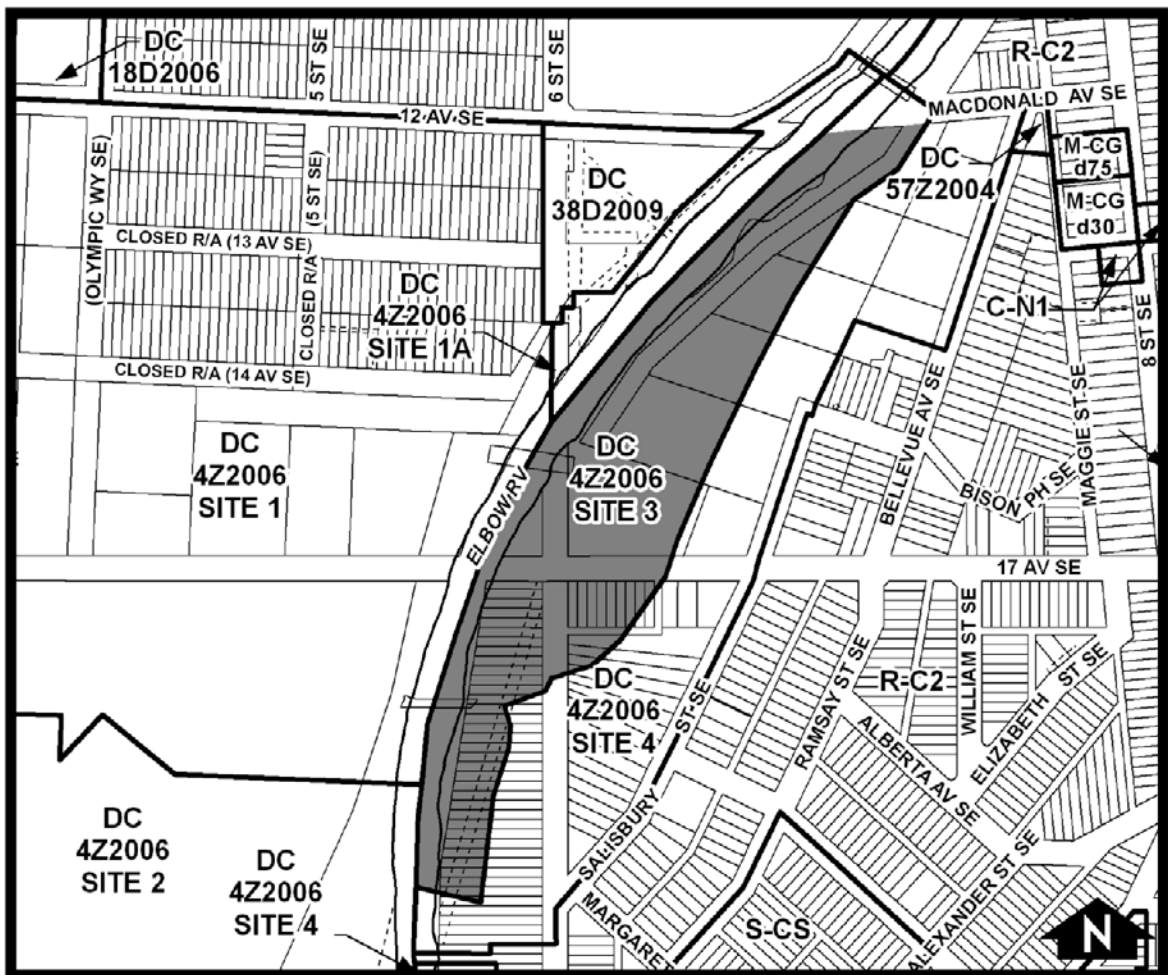
MAYOR
SIGNED THIS 7TH DAY OF JUNE, 2010.



ACTING CITY CLERK
SIGNED THIS 7TH DAY OF JUNE, 2010.

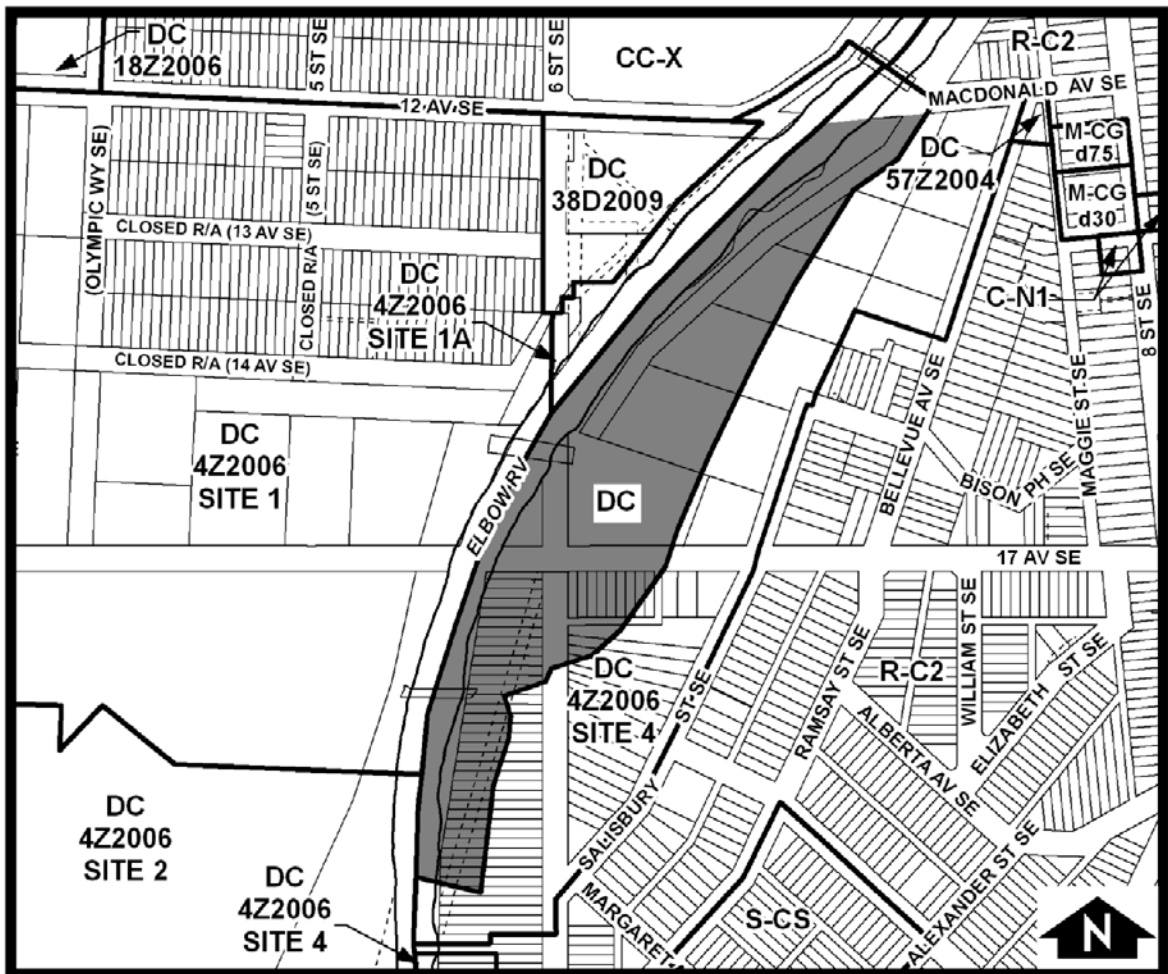
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

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A. PURPOSE

The purpose of this Direct Control District is:

- to provide for the long-term development of Stampede Park as a year-round, multi-use facility in a park-like setting;
- to contribute to Calgary's urban vitality, to link with the local community and to preserve and promote southern Alberta's unique western heritage and values;
- to integrate a range of compatible uses that include open space, entertainment, gaming, education, interpretative, exhibition, agricultural and viable commercial facilities; and
- to ensure that these uses evolve in accordance with a long-range concept plan, function efficiently, take account of the community context, and are sensitive to the river valley environment and to the cultural heritage of Stampede Park.

B. REFERENCE TO BYLAW 1P2007

Within this Direct Control District, a reference to a section of Bylaw 1P2007 is a reference to the section as it existed on the date of passage of this Bylaw.

C. DEFINITIONS

For the purposes of this Bylaw:

- 1) **Indian Village** means an area and buildings set aside to celebrate the cultural heritage of First Nations, including but not limited to teepees, displays of crafts or artifacts, permanent stages or other performance spaces, temporary accommodations for horses, ancillary commercial uses, and storage facilities.
- 2) **Special function tents** (restricted use) means a collapsible shelter that is ancillary to the principal use of the site and erected for the purposes of restaurant food service only, take-out food service, or retail store.
- 3) **Stampede Park** means those lands known in the City of Calgary as Calgary Exhibition and Stampede Park and which are the subject of this Bylaw, Bylaw 38D2009 and Bylaw 4Z2006.
- 4) **Top of bank** means the natural transition line or upper natural topographical break at the top of a valley, or at the top of a channel that contains a watercourse, between a slope where the grade exceeds 15 percent and the adjacent upper level area where the grade is less than 15 percent, and where the area that is less than 15 percent in slope is at least 15 metres wide.

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D. LAND USE

1) Permitted Uses

(a) Uses existing or approved by a development permit that is valid and subsisting prior to the date of passage of this Bylaw shall be permitted only within buildings existing on site as of the date of passage of this bylaw.

(b) The following shall be Permitted Uses:

Indian village
Natural areas
Parks and recreation areas
Power generation facilities, small-scale
Restaurants – food services only
Signs – Class 1
Special function tents (restricted use)
Special function tents (recreational)
Utilities

2) Discretionary Uses

The following shall be Discretionary Uses:

Ancillary commercial uses
Private clubs and organizations
Public and quasi-public buildings
Restaurants – licensed
Utility buildings

E. DEVELOPMENT RULES

The General Rules contained in Section F herein and the General Rules for Special Districts contained in Section 48 of Part 10 of Bylaw 1P2007 shall apply to all uses and the Permitted Use Rules contained in Section 51 PE Public Park, School and Recreation District of Part 10 of Bylaw 1P2007 shall apply to the Permitted Uses and the Discretionary Use Rules contained in Section 51 PE Public Park, School and Recreation District of Part 10 of Bylaw 1P2007 shall apply to the Discretionary Uses, except that:

1) The maximum height of a building shall be two storeys not exceeding an overall height of 10 metres;

2) The maximum net floor area for 'Restaurants – food services only' and 'Restaurants – licensed' shall be 75 square metres, excluding kitchen area;

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- 3) The Approving Authority may require development permit applications to include a slope stability report showing that the proposed development is suitable in the proposed location; and
- 4) Notwithstanding the foregoing, where any of these rules conflict, the General Rules contained in Section F herein shall prevail.

F. GENERAL RULES

1) Concept Plan

(a) Definition

The Concept Plan is a long-range, conceptual and physical development framework for the evolution of Stampede Park as a year-round multi-use facility in a park like setting. The Concept Plan addresses the integration of a range of compatible uses and ensures that these uses function efficiently and take account of the community context, the river valley environment and the cultural heritage of Stampede Park. The concept plan shall be prepared by the applicant for any development permit as outlined below.

(b) Approval and Effect

The applicant for any development permit shall submit a Concept Plan for Stampede Park to accompany and form part of the application and the applicant shall ensure and certify to the Approving Authority the compatibility of the development permit application and the concept plan. The Approving Authority shall require a comprehensive Concept Plan for review at the time of the first development permit application in Stampede Park after 23 January, 2006 and shall require amendments to the Concept Plan, where required to respond to changing conditions, at the time each subsequent development permit application is considered.

(c) Scope

The Concept Plan shall include detailed concepts with respect to:

- (i) Development phasing, including interim uses and landscaping treatment of sites prior to full development;
- (ii) Landscaping;
- (iii) Pedestrian, cyclist and vehicular circulation and transportation infrastructure proposals to improve access and provide pedestrian, cyclist and transit connectivity to adjacent lands;

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- (iv) Regional pathways in accordance with the Pathway & Bikeway Plan Technical Report (2000) and Implementation Plan (2001);
- (v) Pedestrian and bicycle access from the regional pathways to major facilities within Stampede Park;
- (vi) Parking for vehicles, including bicycle parking in accordance with City standards;
- (vii) Options for mitigation of the potential impact of development on archaeological and historical resources, including potential heritage buildings and sites;
- (viii) Relationships with the adjacent communities and co-ordination with plans for adjacent areas, including the Beltline, Ramsay and Centre City plans;
- (ix) Edge conditions and interface between sites adjacent to or abutting the boundary of this Direct Control District and all adjoining properties; and
- (x) Floodway and floodplain guidelines.

2) Elbow River Environment

(a) Riparian Environment

Where possible provision shall be made for the protection and enhancement of the environment alongside the river, below the top of bank, including but not limited to the natural interface of the riparian and aquatic habitats.

(b) Regional Pathway

- (i) Any development along the eastern / southern edge of the river, above the top of bank, shall make provision for a continuous pathway to form part of the regional pathway system; and
- (ii) A pathway along the western / northern edge of the river, above the top of bank, may be provided to form part of the regional pathway system, subject to ensuring a safe separation between people and animals in this area and consultation with the community and other affected stakeholders.

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(c) Floodway, Floodplain and Overland Flow Area

Section 19.1 of Part 10 of Land Use Bylaw 1P2007 shall apply to the floodway, floodplain and overland flow area, except that:

- (i) In addition to those uses set out in section 19.1(2)(a), the following uses are allowed in the Floodway:

Indian Village
Public and quasi public buildings;

- (ii) Notwithstanding section 19.1(2)(b)(i), new buildings associated with the uses listed in these General Rules F(2)(c)(i) above are allowed provided that there is no net increase to the obstruction of floodwaters on the site or increased detrimental effect on the hydrological system or water quality of the river based on the conditions of Stampede Park at the date of the passage of the Bylaw; and

- (iii) Notwithstanding that the rules of section 19.1 of Part 10 of Land Use Bylaw 1P2007 apply to this DC District, the floodway, floodplain and overland flow area shall be determined by reference to the Floodway/Floodfringe maps deposited with the City Clerk. Wherever the map indicates "Floodfringe" the rules relating to the Floodplain shall apply.

3) Special Function Tents

- (a) Special Function Tents shall not be in place for more than 90 cumulative days on each site in any one calendar year.
- (b) Once the 90 day maximum referred to in sub-paragraph (a) has been reached, no Special Function Tent shall be located on site for the remainder of the calendar year.
- (c) The time to erect and dismantle the Special Function Tents shall be included in the calculation of the 90 cumulative days.
- (d) Special Function Tents shall not be occupied for more than 60 cumulative days on each site in any one calendar year.
- (e) The total gross floor area of Special Function Tents at any given time shall not exceed 2,000 square metres.
- (f) For clarification, teepees shall not be considered to be Special Function Tents.