

Rationale for Amendments to the Land Use Bylaw

Proposed Land Use Bylaw (LUB) Amendments for Industrial Action Plan: The following amendments to the Land Use Bylaw will address the 2022 Industrial Action Plan.

Topic	Rationale	Outcomes
<p>Better regulations for recycling operators</p> <p>Amend the Bylaw to allow the processing of salvaged and recycled material using heat or the application of chemicals within a building under each of the General Industrial – Heavy, General Industrial – Light, and General Industrial – Medium uses.</p>	<p>Challenge:</p> <p>Current LUB distinction between processing of recycled material using heat or application of chemicals is difficult to apply, creates challenges for compliance, and presents unnecessary barriers for the growth of recycling businesses.</p> <p>Currently, any land use that includes the processing of salvaged and recycled material using heat or the application of chemicals are only allowed on a parcel designated as a Direct Control District that specifically lists this use.</p> <p>This poses challenges for approval and compliance, while creating confusion and barriers for applicants and does not usefully manage the potential impacts of these operations.</p> <p>Proposed Solutions:</p> <ul style="list-style-type: none"> • Allow the crushing, dismantling, sorting or processing of collected materials that include recyclables, where activities that involve chemicals or the application of heat are contained within a fully enclosed building in the following uses: <ul style="list-style-type: none"> ○ General Industrial – Heavy ○ General Industrial – Light ○ General Industrial – Medium • Treat as a Direct Control use if any of the processing of recycled material occurs outside of a building. 	<p>These changes would eliminate barriers for prospective recycling business applicants and better align regulations with the potential impacts of operations.</p> <p>The location of activities is a better indicator of the impact of the proposed operations and is easier to determine at the application stage than whether a recycling operation uses heat or chemicals in processing.</p> <p>In previous Council direction from 2009, the Calgary Fire Department (CFD) raised risks associated with the potential for bulk storage of flammable or otherwise dangerous chemicals. At this time, these risks predated the need for these land uses to be excluded from industrial districts and be regulated with their own Direct Control Bylaw.</p> <p>In the 10-plus years since this direction, fire and safety codes have become more stringent, and CFD has more ability to regulate and enforce safety measures that safeguard against flammable and dangerous chemicals. Based on current Fire Code requirements enforced by CFD, the presence of industrial ovens or flammable chemicals are well-managed. The processing of recycled materials indoors is mitigated by existing business license</p>

		<p>approvals and building safety and fire inspections.</p> <p>This change supports low-carbon and circular economy goals outlined in Calgary's Climate Strategy and The Recycling Council of Alberta's Circular Cities Project.</p>
<p>Better Regulations for Waste Uses</p> <p>Amend the Bylaw to include three new definitions:</p> <ul style="list-style-type: none"> • Hazardous Waste • Recyclables • Waste <p>Amend the Bylaw to include three new uses:</p> <ul style="list-style-type: none"> • Hazardous Waste Management Facility • Landfill • Waste Storage Site 	<p>Challenge:</p> <p>Misalignment between Provincial Legislation and The Bylaw creates challenges for The City to grant land use approval to certain waste facilities. Under the current Bylaw, certain types of business that are identified as waste facilities by Provincial Legislation can be approved as industrial land uses. As these businesses are subject to specific Provincial requirements that prohibit the operation of schools, hospitals, food uses or residences within close proximity, approving these as typical industrial uses causes impacts to many types of business that operate in industrial areas.</p> <p>Proposed Solutions:</p> <p>Adding new definitions and uses for specific waste uses.</p>	<p>These changes would help to clarify the distinction between waste uses and industrial uses, thereby streamlining the approval process for waste uses and reducing the likelihood of uses subject to Provincial setbacks being approved in industrial districts. These changes would also result in more coordination between compliance and approvals, ensuring appropriate operations of waste uses.</p>
<p>Streamline regulation of storage uses:</p> <p>Consolidate the 313 Storage Yard and 190 Equipment Yard uses into one updated use of Storage Yard.</p> <p>Consolidate the three uses of 327 Vehicle Storage – Large, 328 Vehicle Storage – Passenger and 329 Vehicle Storage</p>	<p>Challenge:</p> <p>Current LUB distinctions between multiple storage uses are unclear, causing unnecessary complications for approval processes.</p> <p>Storage uses feature many of the same characteristics and are allowed in similar land use districts. Consolidating compatible uses can help to reduce complications with applications and clarify appropriate uses.</p> <p>Proposed Solutions:</p> <ul style="list-style-type: none"> • Delete Section 190 Equipment Yard 	<p>(Updated) Storage Yard would:</p> <ul style="list-style-type: none"> • Allow for storage of goods and materials outside. • Allow for storage, servicing, cleaning, repair, and rental of equipment when not in use. • Allow for storage of goods and materials within containers, provided the containers are not buildings or permanent structures. <p>(New) Vehicle Storage would:</p>

<p>– Recreational into one new use of Vehicle Storage</p>	<ul style="list-style-type: none"> • Update Section 313 Storage Yard • Delete Section 327 Vehicle Storage – Large • Delete Section 328 Vehicle Storage – Passenger • Delete Section 329 Vehicle Storage – Recreational • Add New Section 327 Vehicle Storage • Update 134.1 Deemed Uses 	<ul style="list-style-type: none"> • Allow for the storage of all sizes of motor vehicles and recreational vehicles. • Not allow for storage of equipment. • Not allow for storage of salvage or freight
<p>Streamline Development Process for Certain Industrial Developments:</p> <p>Eliminate a rule that turns permitted uses into discretionary uses on Major Streets and Expressways in the I-G district.</p>	<p>Challenge:</p> <p>Many permitted uses in the Industrial – General (I-G) district are currently subject to unnecessary discretionary review if the use is located on a major street or expressway, creating barriers while providing limited benefits.</p> <p>This rule was designed to ensure high standards of form and design by screening uses and activities from the view of major streets. In practice, it provides little value for form and design over existing screening and landscaping rules. This rule is the primary reason that over 60% of applications for General Industrial – Light developments in the I-G district have been processed as discretionary since the adoption of the current Bylaw.</p> <p>Proposed Solutions:</p> <ul style="list-style-type: none"> • Eliminate Section 908(1)(b), which currently treats a list of permitted uses in the I-G as discretionary uses where they are located on a major street or expressway. 	<p>With this change, most listed uses in the I-G district would be allowed as permitted uses. This will significantly streamline application processing, reducing cost and timelines to the benefit of both applicants and Administration.</p> <p>Developments affected by this change would continue to be subject to rules that require adequate site servicing as well as additional setback, screening, and landscaping requirements for developments in these higher visibility locations.</p>
<p>Streamline Development Process for Certain Industrial Developments:</p>	<p>Challenge:</p> <p>Reviews of numerous Development Permit applications for routine changes of use create administrative burden while</p>	<p>With this change, any change of use application in these districts would be exempt from a DP, if the proposed use is a permitted use within the district. This will significantly streamline</p>

<p>No longer require Development Permits (DPs) for change of use applications in the I-G, I-B and I-C districts, if the proposed use is a permitted use in the district.</p>	<p>providing limited value for regulating impacts.</p> <p>Change of use applications in these districts significantly outnumber those for new uses each year. Business turnover is a constant reality within Calgary's industrial districts, driven by the rapidly changing dynamics of the industrial sector. Many industrial developers deal with a constant cycle of small business turnovers as they manage the buildout and operations of their developments.</p> <p>Proposed Solutions:</p> <p>Add the following rules to Section 25 (2) Exempt Developments:</p> <p>a change of use for a building or portion of a building does not require a development permit if:</p> <ul style="list-style-type: none"> (i) it is located in the I-G, I-B or I-C districts; (ii) it does not include additions, exterior alterations, or changes to site plans; (iii) the proposed use is listed as a permitted use in the district; and (iv) if the proposed use is not Brewery, Winery and Distillery. 	<p>application processing, reducing cost and timelines to the benefit of both applicants and Administration.</p> <p>This change would target specific uses in specific land use districts, and by only exempting permitted uses, risks associated with uses normally subject to discretionary review would be managed.</p> <p>Developments affected by this change would continue to be subject to rules that require adequate site servicing as well as any applicable Provincial regulations, such as the AVPA or SDR.</p>
<p>Streamline Development Process for Certain Industrial Developments:</p> <p>Amend Section 912, to eliminate the building height rule in the I-G district, unless where the parcel shares a property line with an S-SPR district or any residential district.</p>	<p>Challenge:</p> <p>The Bylaw currently restricts building height of any building in the I-G district to 16 metres. Multiple applications in the I-G district in the past year have sought relaxations to construct buildings taller than this current limit. These relaxations result in complicated and costly application processes.</p> <p>Increasing the current maximum height limits for buildings in I-G districts would help to modernize land use regulations for industrial uses and position Calgary to accommodate future industrial developments critical to our sustained economic resilience.</p>	<p>This change will allow buildings of any height to be constructed on I-G parcels, unless the parcel shares a property line with a parcel whose land use designation is S-SPR, or any residential district.</p> <p>Where building height restrictions do apply to an I-G parcel, the maximum building height is 18.0 metres.</p> <p>Restricting building height on parcels that border residential districts or S-SPR districts would help to mitigate any impacts to less-compatible uses.</p>

	<p>Proposed Solutions:</p> <p>Update Section 912:</p> <p>(1) Unless otherwise referenced in subsection (2), there is no maximum building height for a building located on a parcel in the Industrial – General (I-G) District:</p> <p>Where the parcel shares a property line with a parcel in the S-SPR District or a parcel designated as a residential district, the maximum building height is 18.0 metres.</p>	<p>Continuing to limit office uses in I-G would help to mitigate any issues arising from development of office towers on industrial lands.</p> <p>Warehouses over a certain size are currently subject to specific fire / building safety / business licensing requirements. These requirements should help to mitigate any risks of larger and more intensive warehouse operations.</p>
<p>Expanding Listed Uses in Certain Industrial Districts:</p> <p>Amend the listed uses in the I-B district to add General Industrial – Light as a permitted use.</p>	<p>Challenge:</p> <p>The limited range of low-intensity industrial uses allowed in the I-B districts poses barriers to applicants and restricts the long-term development potential of these areas.</p> <p>The I-B district was designed to promote prestige, high quality, manufacturing, research, and office employment centre style developments. In practice, I-B districts struggle to reach their full development potential due to the limited range of uses allowed and the lack of compatible uses between I-B and I-G districts. This results in a continual need for Land Use Amendments for compatible uses.</p> <p>Proposed Solutions:</p> <p>Update Section 923 (2) to add General Industrial – Light as a permitted use in the I-B district</p>	<p>This change will provide more flexibility for land use/tenant mix in I-B developments and reduce the need for Land Use Amendments between I-B and I-G districts. This will significantly streamline application processing, reducing cost and timelines to the benefit of both applicants and Administration.</p> <p>To align with the purpose of the I-B district and to mitigate issues of compatibility, all activities associated with General Industrial – Light uses, including storage, must be contained within buildings.</p>
<p>Expanding Listed Uses in Certain Industrial Districts:</p> <p>Amend the listed uses in the I-G and I-R districts to add Vehicle Rental - Minor as a discretionary use.</p>	<p>Challenge:</p> <p>While small-scale vehicle rental uses are allowed in the I-B and I-C districts, they are not allowed in the I-G or I-R districts. The I-C, I-G and I-R districts all allow small-scale vehicle sales uses.</p> <p>The Vehicle Rental – Minor and Vehicle Sales – Minor uses are very similar in nature, both being small-scale operations</p>	<p>This change will allow small-scale vehicle rental uses to operate in more industrial districts, reducing the need for Land Use Amendments between districts. This will significantly streamline application processing, reducing cost and timelines to the benefit</p>

	<p>that are ancillary activities to larger and more intensive activities. Treating these uses differently provides no obvious value in land use regulation, and only poses barriers for development.</p> <p>Proposed Solutions:</p> <ul style="list-style-type: none"> Update Section 907 to add Vehicle Rental – Minor as a discretionary use in I-G <p>Update Section 969 to add Vehicle Rental – Minor as a discretionary use in I-R</p>	<p>of both applicants and Administration.</p> <p>Retaining the discretionary review consistent with vehicle sales uses in these districts would help to mitigate any issues with compatibility.</p> <p>Certain motor vehicle businesses would still be subject to Provincial business license approvals.</p>
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LUB Housekeeping Amendments: The following amendments to the Land Use Bylaw will address specific housekeeping items.

Topic	Rationale	Outcomes
<p>Align regulations for Payday Loan in MU-1 District</p>	<p>Issue:</p> <p>Section 1373 (3) currently references Payday Loan use regarding rules for façade width for uses facing a street in the MU-1 district but Payday Loans is not a listed use in the MU-1 district.</p> <p>Proposed Solutions:</p> <p>Update section 1373 (2) to remove reference of Payday Loan</p>	<p>This change would align the listed uses with the rules of the district.</p>
<p>Resolve conflicts resulting from Cannabis Store separation distances to schools with locations for Child Care Services</p>	<p>Issue:</p> <p>The Province of Alberta requires separation distances for licensed cannabis stores from services that fall under the Provincial Education Act. The Child Care Service use includes opportunities to provide early childhood services, or kindergartens, within day care facilities. The conflict between these regulations limits the commercial locations where Child Care Services may be approved since the Cannabis Stores are often located in commercial centres that are also ideal locations for child care.</p>	<p>This change will make it more straightforward to approve Child Care Services in appropriate commercial locations by eliminating separation distances from Cannabis Stores allowed in similar commercial locations.</p>

	<p>Proposed Solutions:</p> <p>Add a subsection 6(2)(c) to the section that defines municipal variances of separation distances for Cannabis Stores to exclude Child Care Service from the requirement.</p> <p>Add a defined term of “<i>early childhood services</i>” to define and align the with the Education Act in reference to a kindergarten and update the definition of Child Care Service to include this more specific term.</p>	
<p>Update references to the “School Act” to the current “Education Act” legislation</p>	<p>Issue:</p> <p>The Province of Alberta has replaced the School Act with the Education Act and references in the Land Use Bylaw need to be aligned with this change.</p> <p>Proposed Solutions:</p> <p>Replace all references in the Land Use Bylaw to the “School Act” with “Education Act”.</p>	<p>Aligns the Land Use Bylaw with Provincial legislation.</p>
<p>Eliminate a rule that creates obsolete landscaping calculation method.</p>	<p>Issue:</p> <p>Section 14 (2) was established to ease the calculation of landscape planting rates across different frontages. In practice, it is more straightforward, and results better outcomes, to calculate landscape areas and plantings based on actual frontage types.</p> <p>Proposed Solutions:</p> <p>Delete Section 14 (2)</p>	<p>With this change, applications would be subject to applicable screening and landscaping rules established within land use districts.</p> <p>The removal of this obsolete rule will streamline application processing.</p>