

Proposed Direct Control Guidelines

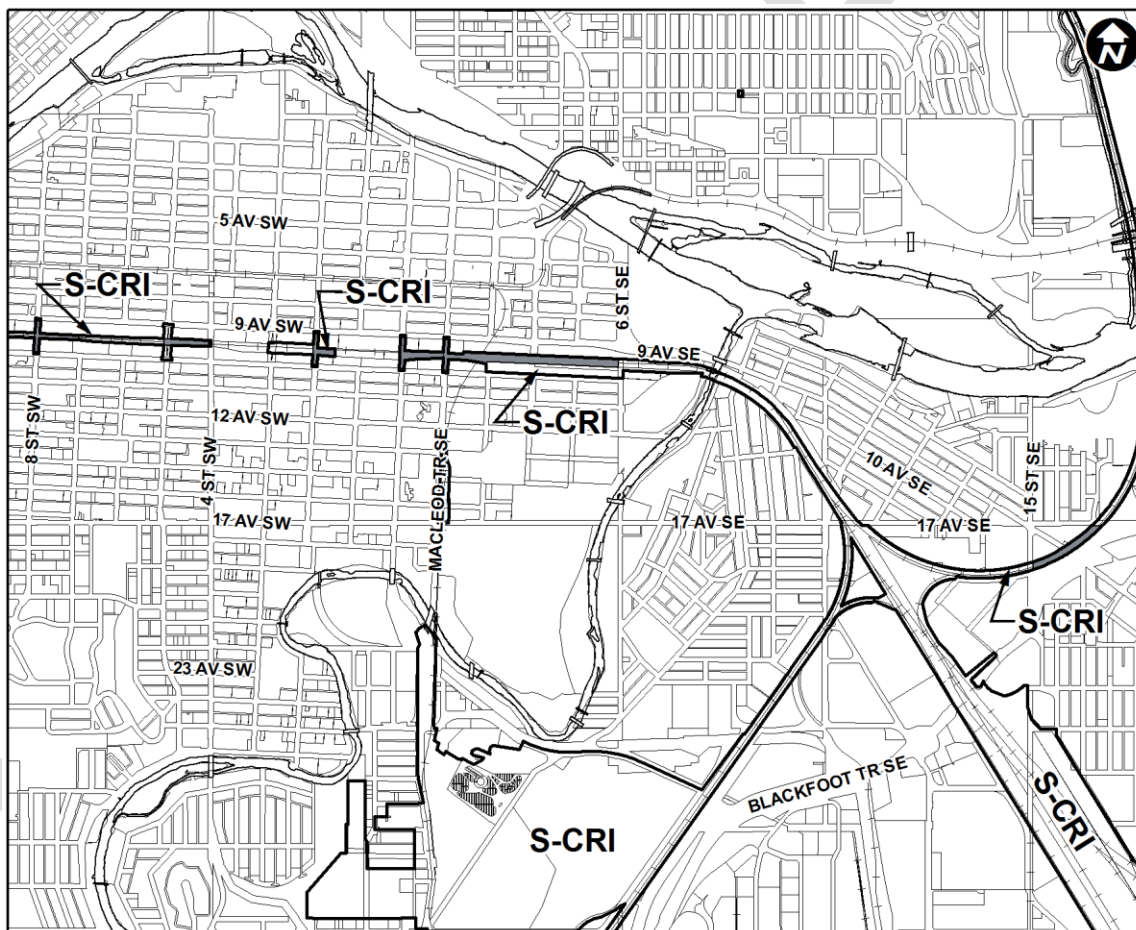
WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

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:

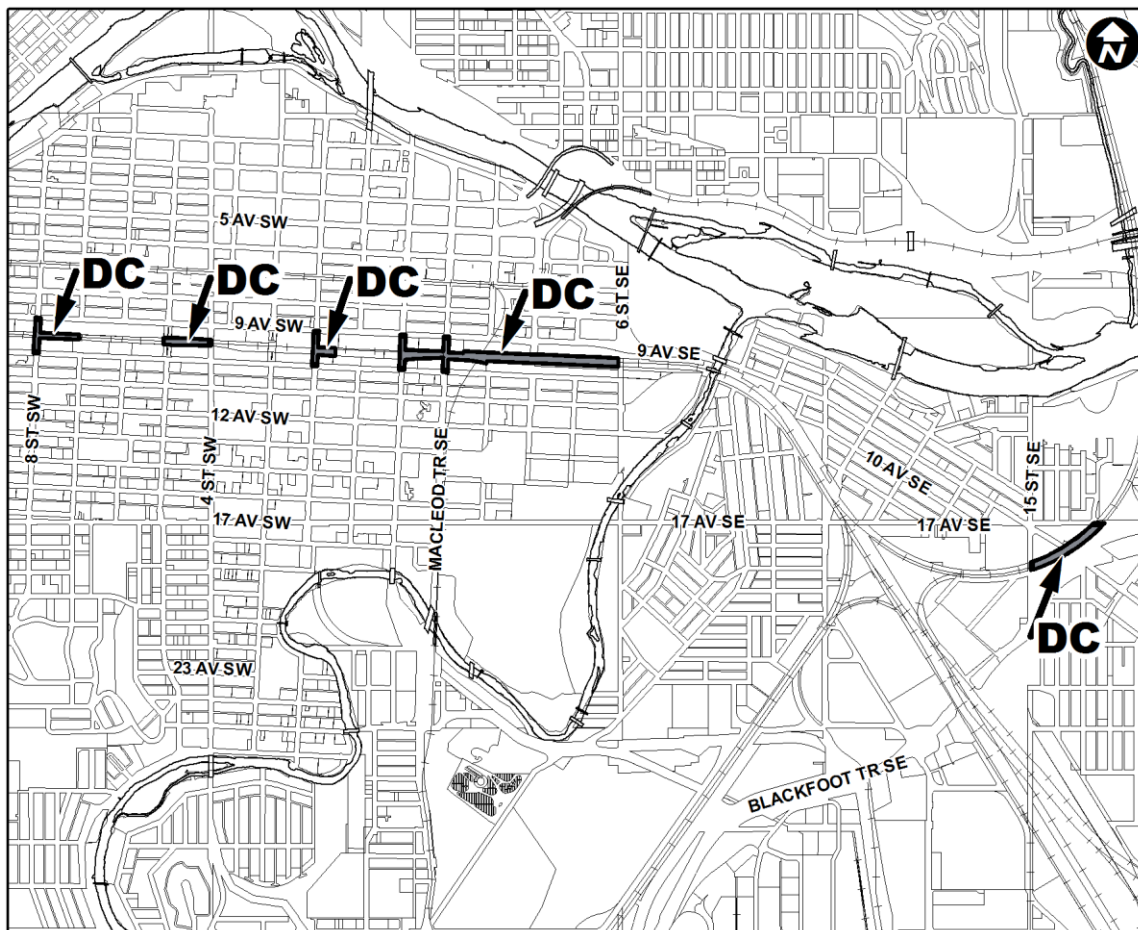
1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".

SCHEDULE A



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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) allow for the additional **discretionary uses** of **Sign – Class F** and **Sign – Class G** on railway bridges owned, controlled or operated by Canadian Pacific Railway and its successors and assigns; and
- (b) provide for specific **development** rules and standards applicable to **Digital Message Signs**, **Third Party Advertising Signs** and **Digital Third Party Advertising Signs** attached to or located on railway bridges owned, controlled or operated by Canadian Pacific Railway and its successors and assigns.

Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

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Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Special Purpose – City and Regional Infrastructure (S-CRI) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Special Purpose – City and Regional Infrastructure (S-CRI) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Sign – Class F**; and
- (b) **Sign – Class G**.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Special Purpose – City and Regional Infrastructure (S-CRI) District of Bylaw 1P2007 apply in this Direct Control District.

Additional Sign Rules

- 7 (1) Notwithstanding section 5(1), section 26(1) and Part 3, Division 5 of Bylaw 1P2007, Canadian Pacific Railway and its successors and assigns, or its authorized agent, may apply for a **development permit** for a **Digital Message Sign, Third Party Advertising Sign, or Digital Third Party Advertising Sign** on either or both sides of a railway bridge which it owns, controls or operates, whether or not the bridge is located on a **parcel**.
- (2) The **Development Authority** may approve a **sign** referenced in subsection (1) provided:
- (a) no part of the **sign** protrudes below the bridge structure or obscures or materially diminishes the legibility of any signage required by a government or regulatory authority;
 - (b) only one **Sign – Class F** or **Sign – Class G** is located on each face of the bridge;
 - (c) the **sign** does not change the minimum vertical clearance envelope between the bridge and road surface as required by the **Development Authority**;
 - (d) the **sign area** does not exceed a vertical dimension of 2.13 metres by a horizontal dimension of 7.62 metres;
 - (e) the **sign** does not have a height greater than 10.0 metres, when measured from the top of the **sign** to the surface of the road directly beneath the **sign**;

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- (f) the light output for the **digital display** when measured from the **sign** face at its maximum brightness is no greater than:
 - (i) 7500 Nits from sunrise to sunset; and
 - (ii) 170 Nits from sunset to sunrise;
- (g) a safety study for the **City**, completed by a qualified engineer licensed to practice in Alberta, is submitted in conjunction with each **development permit** application, and the **Development Authority** is satisfied that mitigation measures identified in the study will minimize safety risks to vehicles, cyclists, and pedestrians;
- (h) if the proposed **sign** is located less than 30.0 metres from an intersection, pedestrian crosswalk or railway crossing, a study for the **City**, completed by a qualified engineer licensed to practice in Alberta, is submitted with the **development permit** application indicating that the **sign** does not impede or obstruct the intersection, pedestrian crosswalk or railway crossing at the proposed location;
- (i) the initial **development permit** is issued for a period of ten (10) years, subject to the rules in subsection 7(4) of this Direct Control District, and all subsequent **development permits** are issued for a term not exceeding ten (10) years; and
- (j) there are conditions on the **development permit** requiring:
 - (i) that the **sign owner** perform ongoing monitoring of the impact of the **sign**, including impacts on collision activity on any upstream intersections;
 - (ii) that the **sign owner** submit safety studies for the **City**, as required by the **Development Authority**, which studies must include an assessment of whether the **sign** poses a safety risk to vehicles, cyclists or pedestrians and recommended mitigation measures to minimize such safety risks, to the **Development Authority** at regular intervals;
 - (iii) that the **sign owner** comply with all recommendations and mitigations set out in any safety study required by the **Development Authority** to be submitted in connection with the **sign**; and
 - (iv) that, in the event of a collision resulting in a fatality or injury at an intersection **adjacent** to or approaching the **sign** that requires response by the Calgary Police Service collision reconstruction team, the **Development Authority** may require that the **sign owner**.

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- A. have the **sign** display an inactive mode for a reasonable period during incident management;
 - B. reset the **sign** to conditions present at the time of the incident to assist with collision reconstructions;
 - C. submit a safety study for the **City**, completed by a qualified engineer licensed to practice in Alberta, that includes an updated risk assessment of the **sign** and proposed mitigation measures;
 - D. have the **sign** display an inactive mode until such time as the study required in subsection (iii) has been completed and the mitigation measures identified therein have been implemented, provided that the **City's** review of such study must be completed within a reasonable time after such study has been submitted by the **sign owner**; and
 - E. perform any other actions reasonably necessary to assist the Calgary Police Service collision reconstruction team in collision reconstruction.
- (2) The rules set out in subsections 7(2)(d) and 7(2)(e) of this Direct Control District may be relaxed by the **Development Authority**, provided that the test for relaxation set out in Bylaw 1P2007 has been met.
- (3) In addition to the conditions set out in Section 38 of Bylaw 1P2007, the **Development Authority** may, as a condition of issuing a **development permit** for a **sign** under subsection 7(2), impose conditions respecting traffic safety.
- (4) Subject to subsection 7(5), in addition to the suspension or cancellation rules set out in Bylaw 1P2007, the **Development Authority** may suspend or cancel a **development permit** issued under subsection 7(2) if:
- (a) the **sign owner** has not complied with a safety study required by the **Development Authority** to be submitted in connection with the **sign**; or
 - (b) in the opinion of the **Development Authority**, the mitigative measures identified in a safety study required by the **Development Authority** to be submitted in connection with the **sign** or otherwise proposed by the **sign owner** will not adequately address the risks identified in the study.
- (5) The **Development Authority** may only suspend or cancel a **development permit** in accordance with subsection 7(4) after providing the **sign owner** with advance written notice and a reasonable period for the **sign owner** to address any non-compliance matters or to propose alternative mitigative measures, provided that:

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- (a) upon receipt of written notice of suspension or cancellation of the **development permit**, the **sign owner** must have the **sign** display an inactive mode; and
 - (b) the **sign** must remain in an inactive mode until such time as any non-compliance matters or alternative mitigative measures have been resolved and implemented to the satisfaction of the **Development Authority**.
- (6) In addition to the rule in section 43(3) of Bylaw 1P2007, the **sign owner** must physically remove the **sign** within 30 days of notification by the **Development Authority** of cancellation of the **development permit**.

Non-Application of Rules Contained in Bylaw 1P2007

8 The following sections of Bylaw 1P2007, and the rules contained therein, do not apply to **Digital Message Signs, Third Party Advertising Signs and Digital Third Party Advertising Signs** attached to or located on railway bridges owned, controlled or operated by Canadian Pacific Railway and its successors and assigns:

- (a) Section 104 – Digital Message Sign;
- (b) Section 111 – Prohibited Locations for Third Party Advertising Signs;
- (c) Section 112 – Siting of Third Party Advertising Signs;
- (d) Section 113 – Height and Size of Third Party Advertising Signs;
- (e) Section 114 – General Rules for Third Party Advertising Signs;
- (f) Section 115.2 – Prohibited Locations for Digital Third Party Advertising Signs
- (g) Section 115.3 – Siting of Digital Third Party Advertising Signs;
- (h) Section 115.4 – Height and Size of Digital Third Party Advertising Signs; and
- (i) Section 115.5 – General Rules for Digital Third Party Advertising Signs.