

## Proposed amendment to DC2.558

### **(DC2) Site Specific Development Control Provision**

#### **General Purpose**

To establish a Site Specific Development Control District for retail, general commercial and office uses with specific site development criteria that will ensure a compatible relationship with the adjacent residential uses and achieve a high standard of building appearance appropriate to the location of this site.

#### **Area of Application**

The District shall apply to Lot 52A, Block 54, Plan 952 2940; Lot 53, Block 54, Plan 932 0637; Lot 54, Block 54, Plan 932 0637; Lot 55, Block 54, Plan 932 0642; **York**

#### **Uses**

- a. Automotive and Minor Recreation Vehicle Sales/Rentals
- b. Broadcasting and Motion Picture Studios
- c. Business Support Services
- d. Cannabis Retail Sales
- e. Commercial Schools
- f. Convenience Retail Stores
- g. Convenience Vehicle Rentals
- h. Custom Manufacturing
- i. Daytime Child Care Services
- j. Drive-in Food Services
- k. Equipment Rentals
- l. Gas Bars
- m. General Retail Stores
- n. Government Services
- o. Greenhouse and Plant Nurseries
- p. Health Services
- q. Household Repair Services
- r. Indoor and Outdoor Participant Recreation Services
- s. Limited Contractor Services

- t. Major Alcohol Sales
- u. Major and Minor Eating and Drinking Establishments
- v. Minor Alcohol Sales
- w. Minor Amusement Establishments
- x. Minor Secondhand Stores
- y. Minor Service Stations
- z. Minor Veterinary Services
- aa. Personal Service Shops
- aa. Private Clubs
- bb. Professional, Financial and Office Support Services
- cc. Professional Offices
- dd. Protective and Emergency Services
- ee. Public Library and Cultural Exhibits
- ff. Rapid Drive-through Vehicle Services
- gg. Recycling Depots
- hh. Religious Assembly
- ii. Residential Sales Centres
- jj. Spectator Entertainment Establishments
- kk. Warehouse Sales

**Development Criteria**

- a. The site layout shall be generally in accordance with the Site Plan attached as Appendix I.
- b. The maximum Floor Area Ratio shall be 1.0. The allowable Floor Area for the site shall be distributed among a number of separate buildings
- c. The maximum building Height for single-storey and two-storey buildings, as well as for vertical walls and architectural features such as tower elements, shall be as follows:
  - i. the maximum Height for buildings A, B, C, D, E and H shall not exceed one storey nor an overall Height of 6.5 m (21.3 ft.), measured from grade to the uppermost limit of the roof, excluding architectural features and towers;
  - ii. notwithstanding (c)(i) above, the maximum Height for single-storey buildings measured at the building wall facing the interior of the site shall be 7.5 m (24.6 ft.), provided the additional Height is used to provide a covered arcade;

- iii. the maximum Height for buildings F, G and I shall not exceed two storeys nor an overall Height of 10 m (32.8 ft.) measured from grade to the uppermost limit of the roof, excluding architectural features and towers; and
  - iv. the maximum Height of architectural features and tower elements measured from grade to the uppermost limit of the architectural feature shall not exceed 8.5 m (27.9 ft.) and 11 m (36.1 ft.) respectively for single-storey buildings, and 13 m (42.7 ft.) and 16 m (52.5 ft.) respectively for two-storey buildings. Notwithstanding the foregoing, the Development Officer may allow an architectural feature for single-storey buildings to be up to a maximum Height of 16 m (52.5 ft.), having regard to maintaining harmony between the architectural feature and the scale and architectural character of the building where it is located
- d. Building Setbacks for the District shall be as follows:
- i. a minimum building Setback of 14 m (45.9 ft.) shall be provided from the property line adjacent to Manning Drive Southbound and 137 Avenue. At the discretion of the Development Officer, this Setback requirement may be reduced to a minimum of 7.5 m (24.6 ft.) for developments having a gross Floor Area of less than 1,000 m<sup>2</sup> (10,765 sq. ft.) and a Height less than 6 m (19.7 ft.), and where landscaping and building treatments minimize the perception of massing and create a high standard of building appearance. This minimum Setback of 7.5 m (24.6 ft.) shall apply to a Gas Bar, canopies and pump islands;
  - ii. a minimum building Setback of 11 m (36.1 ft.) shall be required for all single-storey buildings adjacent to the northwest property line. A minimum building Setback of 7 m (23.0 ft.) shall be required for all single-storey buildings adjacent to the west property line, immediately north of 137 Avenue; and
  - iii. a minimum building Setback of 16 m (52.5 ft.) shall be required for any second-storey element in buildings F, G and I, adjacent to the northwest property line, with the exception that the corners of buildings I and F shall be permitted a minimum Setback of 7 m (23.0 ft.).
- e. A landscaped Yard a minimum of 7.5 m (24.6 ft.) in width shall be provided adjacent to the west and northwest property lines. The landscape treatment for this Yard shall include four mature deciduous trees, a minimum calliper of 6 cm (2.4 in.), and four coniferous trees, a minimum of 3.0 m (9.8 ft.) in Height, along with a minimum of 20 shrubs for each 35 m (114.8 ft.) of lineal Yard. The landscaping shall also include a continuous berm 2 m (6.6 ft.) in Height, centred on the property line. A 1.8 m (5.9 ft.) high solid screen fence shall be located on top of the berm. The berm, landscaping and fencing shall be completed in their entirety, prior to or concurrently with the first phase of development.
- f. A landscaped Yard, a minimum of 7.5 m (24.6 ft.) in width, shall be provided adjacent to the south property line (137 Avenue). Landscaping shall consist of groupings of deciduous trees, a minimum calliper of 6 cm (2.4 in.) and coniferous trees, a minimum Height of 3 m (9.8 ft.). These groupings shall consist of a minimum of five deciduous trees, three coniferous trees and 20 shrubs for each 35 m (114.8 ft.) of lineal frontage. A continuous screen, an average of 0.75 m in Height shall be provided within this Yard through a combination of berming and shrub planting

g. A landscaped Yard, a minimum of 7.5 m (24.6 ft.) in width, shall be provided adjacent to the east property line (Manning Drive) and a landscaped Yard a minimum of 6.0 m (19.7 ft.) in width shall be provided adjacent to the northeast property line (50A Street). Landscaping treatment therein shall consist of a mixture of coniferous and deciduous trees and shrubs grouped in clusters. Deciduous trees shall be a minimum calliper of 6 cm (2.4 in.) and coniferous trees shall be a minimum Height of 3 m (9.8 ft.). These groupings shall consist of a minimum of five deciduous trees, three coniferous trees and 20 shrubs for each 35 m (114.8 ft.) of lineal frontage. A continuous screen, an average of 0.75 m in Height shall be provided within this Yard through a combination of berming and shrub planting.

h. Detailed landscaping plans shall be submitted with the initial Development Permit application for approval by the Development Officer, in compliance with the landscaping requirements specified by the Clauses of this District and as required by Section 69.3(2) of the Land use Bylaw and the Major Commercial Corridor Overlay, Bylaw 9777 for the landscaping of parking areas to ensure a high standard of appearance and a sensitive transition to the surrounding land uses. To this end, landscaping shall be provided on the interior of the site to break up the appearance of large areas of parking, to visually define primary circulation aisles and to soften the appearance of buildings to the satisfaction of the Development Officer.

i. The Development Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit, in the amount of 100% of the established landscaping cost, the conditions of the security being:

- i. if the landscaping is not completed in accordance with the provisions of this District and the landscaping plan, within one growing season after the completion of the development, then the amount fixed shall be paid to the City, for its use to complete the landscaping;
- ii. the Development Officer shall not release the Landscaping Security until an inspection of the site has demonstrated that the landscaping has been appropriately installed, at which time 50% of the security shall be released; and
- iii. the Development Officer shall not release the remainder of the Landscaping Security until an inspection of the site has demonstrated that the landscaping has been well maintained and is in a healthy condition one growing season after completion of the landscaping, at which time 25% of the Security shall be released; and after two growing seasons, the remainder shall be released.

j. the satisfaction of the Development Officer and subject to the following provisions:

- i. no parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required Yard. Loading, trash collection and service areas shall be screened to the rear of buildings A, G and I adjacent to the northwest property line or within the associated building Setback. Storage, loading and trash collection areas situated behind buildings F and H must be enclosed or concealed behind solid walls in a manner that minimizes any visual, noise and nuisance impacts, to the satisfaction of the Development Officer, The Development Officer may request the applicant to supply information from a qualified engineer in regard to the anticipated noise impacts; and

- ii. loading, storage and trash collection areas shall be constructed and screened in a manner that is consistent with the overall design of the principal buildings and landscape theme, and shall be located in a manner that minimizes direct views from adjacent public roadways.
- k. Development shall be in accordance with the following architectural guidelines, generally as illustrated in Appendix I:
  - i. the design of the project shall establish a common architectural theme or period architecture and the principal design elements, finishing materials, colours and roof styles shall be applied to each building with minor variations, unless the function of an individual business dictates a specific style or image associated with a company. In such instances, development shall maintain harmony in terms of overall project design and appearance;
  - ii. the design of the project shall include the use of parapet details or sloped roof elements;
  - iii. all exterior finishing materials must be of good quality, durable and attractive in appearance, and the exposed faces of all buildings on the site shall have harmonious exterior finishing materials having regard to the objective of ensuring a high standard of appearance appropriate to the entrance location of this site;
  - iv. on-site security and building lighting must be situated and designed such that the illumination is directed downwards and no direct rays of light are directed outward from the site into adjacent residential properties;
  - v. all mechanical equipment on the roof of any building shall be concealed by screening in a manner compatible with the architectural character of the buildings, or connected by incorporating it within the building roof; and
  - vi. any buildings with a single wall exceeding 30 m (98.4 ft.) in length shall comply with the following guidelines:
    - A. the roofline and building facade shall include design elements and variations that reduce the perceived mass of the building and add architectural interest; and
    - B. the provision of shrubs and mature trees adjacent to building walls to minimize the perceived mass of the building and create visual interest.
      - I. Signs shall be allowed in accordance with Sign Schedule 79D of the Land Use Bylaw and subject to the provision of a comprehensive Sign Design Plan and Schedule consistent with the overall intent of Section 79D for each phase of the development to be approved by the Development Officer. Individual business identification signs located on the facade shall be similar as to proportion, construction materials and placement. The design and placement and scale of the sign shall be to the satisfaction of the Development Officer so as to ensure that signage does not detract from the overall appearance of the development and that signage is not obtrusive. Signage shall also comply with the following provisions:
        - i. no permanent or temporary sign shall be allowed above the roof line, except if incorporated into an architectural feature such as tower elements, cupolas or steeples and the sign is limited to a logogram;

- ii. no business identification signage shall be permitted on building walls adjacent to the northwest and west property lines or building walls adjacent to the RA7 District on 50A Street; and
- iii. freestanding signs shall be designed and finished in a manner that is consistent with the architectural character of the principal buildings on the site
- m. Developments in this District shall be evaluated with respect to compliance with the General Development Regulations of Section 50 to 79 inclusive of the Land Use Bylaw.
- n. The Development Officer may grant relaxations to the regulations contained in Sections 50 to 79 of the Land Use Bylaw and the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use and enjoyment of the neighbouring properties.
- o. Prior to the approval of a Development Permit for the first stage of development, the owner shall submit a Traffic Signal Assessment for the proposed all-directional access at 137 Avenue, to the satisfaction of the Transportation and Streets Department. If a traffic signal is warranted by the assessment, the owner shall be required, as a condition of Development Permit approval, to pay the Transportation Department for the cost of the traffic signal.

**Additional Development Criteria for Specific Uses**

- a. Gas Bars, Minor Service Stations, Rapid Drive-through Vehicle Services and Automotive and Equipment Repair Shops shall be developed in accordance with Section 82 of the Land Use Bylaw and the following criteria:
  - i. gas bars developed on Lot 54, Block 54, Plan 932 0637 shall be located on the southern portion of this lot;
  - ii. the design, finishing and siting of such developments, including orientation of gas pump islands and service bays, shall be to the satisfaction of the Development Officer having regard to achieving a consistent and compatible relationship with the overall design and finishing of the project, ensuring a high standard of appearance when viewed from adjacent public roadways, and minimizing traffic circulation conflicts both off and on site;
  - iii. that any canopy located over the gas pump islands shall be designed and finished in a manner consistent with the design and finishing of the principal building, with the overall Height and scale of the canopy to be to the satisfaction of the Development Officer, such that the canopy is not obtrusive and that the maximum Height of the underside of the canopy above grade does not exceed 4.3 m (14.1 ft.) and the overall Height of the canopy does not exceed 6 m (19.7 ft.);
  - iv. notwithstanding the above, the maximum Height of the underside of the canopy above grade may be increased but shall not exceed 4.9m (16 ft.) for a canopy over gas pump islands located on Lot 54, Block 54, Plan 932 0637;
  - v. the lighting of the canopy over gas pump islands on Lot 54, Block 54, Plan 932 0637 shall be designed to minimize glare and the spread of light into any neighbouring residential properties;
  - vi. all activities and mechanical equipment associated with carwash operations shall be located within an enclosed building; and

vii.all activities and mechanical equipment associated with an Automotive and Equipment and Repair Shops shall be located within an enclosed building and be limited to vehicles with a maximum weight of 2,500 kg (5,510 lbs.).

b. Drive-in Food Services shall be developed in accordance with Section 82 of the Land Use Bylaw. The location of any accessory food pick-up window and circulation shall be provided to the satisfaction of the Development Officer in consultation with the General Manager of the Transportation and Streets Department. Landscape treatments and screening of drive aisles and parking shall be incorporated into the drive-in layout to the satisfaction of the Development Officer

c. Indoor Participant Recreation Services shall be limited to athletic clubs, health and fitness clubs, bowling alleys and racquet clubs.

d. Residential Sales Centres shall be developed in accordance with Section 95 of the Land Use Bylaw.

e. Outdoor Participant Recreation Services may be allowed as interim uses at the discretion of the Development Officer, having regard to minimizing impacts on adjacent residential land uses and ensuring a high standard of appearance appropriate to this site

f. Recycling Depots shall be limited to a facility for the drop-off of bottles, cans, newspapers and other similar domestic goods, by individual households and shall be of a scale and location to the satisfaction of the Development Officer having regard for potential impacts on adjoining uses. All loading/unloading shall be to the satisfaction of the Development Officer and there shall be no outdoor storage.

g. All activities associated with the operation of a Greenhouse or Plant Nursery shall take place within an enclosed building, except that an outdoor display area for trees and shrubs shall be permitted with a maximum area of 500 m<sup>2</sup> (5,382 sq. ft.).

h. Daytime Child Care Services shall be developed in accordance with Section 93 of the Land Use Bylaw and shall be located such that direct access at grade can be provided to an outdoor play area. The outdoor play area which shall be approved by the Development Officer in consultation with the General Manager of Community Services, shall be located away from vehicular-oriented uses and from parking and loading areas on the site and shall be enclosed by building walls or a screen fence, a minimum of 1.8 m (5.9 ft.) high.

i. Protective and Emergency Services shall be limited to a facility for the provision of ambulance, police and fire safety services. Training facilities shall be excluded.

j. Minor Amusement Establishments shall be allowed only where included as a component of a Convenience Retail Store, located within Buildings B, C, D or E, or a Major or Minor Eating and Drinking Establishment and such that there is no separate, direct exterior access to the Minor Amusement Establishment.

k. All activities associated with Equipment Rentals shall take place within an enclosed building and there shall be not outdoor storage

- l. Household Repair Services and Limited Contractor Services shall be limited to front access only for the receiving of goods and materials. No outdoor storage shall be permitted.
- m. Minor Second Hand Stores shall be limited to a maximum Floor Area of 275 m<sup>2</sup> (2,960 sq. ft.).
- n. Convenience Vehicle Rentals shall be limited to the provision of an office, equipment storage space and vehicular parking stalls. Minor automotive servicing and cleaning must be performed in an enclosed building. The maximum number of vehicles permitted on site shall not exceed 15.
- o. Major Eating and Drinking Establishments shall be located in buildings B, C, D or E only and shall exclude establishments having a primary use of dancing or cabaret entertainment.
- p. Automotive and Minor Recreation Vehicle Sales/Rentals shall be limited to new car sales only and shall comply with the following criteria:
  - i. no ancillary vehicle repair or maintenance activities shall be permitted, except routine washing and dealer preparation;
  - ii. the primary sales operations shall take place within an enclosed showroom which shall not exceed a maximum Floor Area of 930 m<sup>2</sup> (10,000 sq. ft.);
  - iii. a maximum of 20 vehicles may be displayed for sale or demonstration purposes in an outdoor display area; and
  - iv. lighting for the display area shall be mounted on lamp standards and be of a scale and intensity consistent with that utilized for the surrounding parking lot. No exposed bulbs or strings of lights shall be used.
- q. Convenience Retail Stores which primarily sell convenience food or groceries shall be located within Buildings B, C, D or E only and shall be limited to a maximum Floor Area of 275 m<sup>2</sup> (2,960 sq. ft.).
- r. Private Clubs shall be located in buildings B, C, D or E only
- s. Major and Minor Alcohol Sales will be developed in accordance with Section 98 of the Land Use Bylaw.
- t. The following regulations shall apply to Cannabis Retail Sales
  - 1. Cannabis Retail Sales shall only be permitted within the area identified as Area B in Appendix 1 attached hereto and forming part of this DC2 Provision.
  - 2. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
    - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
    - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and



- c. The issuance of a Development Permit which contains a variance to separation distance as described in (2)(b) shall be issued as a Class B Discretionary Development.
3. Any Site containing Cannabis Retail Sales shall not be located less than:
  - a. [200 m](#) from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
  - b. [100 m](#) from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.
4. For the purposes of subsection 3:
  - a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
  - c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
  - d. the term "public lands" is limited to Sites zoned [AP](#), and Sites zoned [A](#).
5. Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation*, is expressly varied by the following:
  - a. any Site containing a Cannabis Retail Sales shall not be located less than:
    - Public or private education***
      - i. [200 m](#) from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;
    - Provincial health care facility***
      - ii. [100 m](#) from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and
    - School reserve or municipal and school reserve***
      - iii. [100 m](#) from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

#### ***Measurement of Separation Distances***

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary and shall not be measured from Zone boundaries or from the edges of structures.

***Sites Greater than Two Hectares***

- c. For Sites that are greater than [2.0 ha](#) in size and that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:
    - i. Subsection (3), and (5)(a) shall not apply; and
    - ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.
  - d. For the purposes of subsection (5)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.
6. Notwithstanding [Section 11](#) of this Bylaw, a Development Officer shall not grant a variance to subsection (3), (4)(a) or (5).

**Design Requirements**

7. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
- a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
  - b. the exterior of all stores shall have ample transparency from the street;
  - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
  - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.