

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97.

WHEREAS the Council deems it desirable to amend the said Bylaw; and,

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Part 5; Land Use Maps No. 46, No. 46-SOUTH of Bylaw C-4841-97 to redesignate a portion of the S ½ of Section 5-24-2-W5M from Recreation Business District to Direct Control District with special guidelines in order to accommodate the development of residential uses, as shown on the attached Schedule “A” and “B”; and,

WHEREAS a notice was published on Tuesday, August 23, 2005 and Tuesday, August 30, 2005 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, September 27, 2005; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Part 5, Land Use Maps No. 46, No. 46-SOUTH of Bylaw C-4841-97 to redesignate a portion of the S ½ of Section 5-24-2-W5M be amended from Recreation Business District to Direct Control District with special guidelines in order to accommodate the development of residential uses, as shown on the attached Schedule “A” and “B” attached hereto and forming part of the Bylaw; and
2. That a portion of the S ½ of Section 5-24-2-W5M are hereby redesignated to Direct Control District as shown on the Schedule “A” attached hereto and forming part of the Bylaw; and
3. That the regulations of the Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations
 - 3.0.0 Development Regulations
 - 4.0.0 Definitions
 - 5.0.0 Implementation

1.0.0 General Regulations

- 1.1.0 For the purposes of this Bylaw, the Lands shall be notionally divided into Development Cells, the boundaries and descriptions of which shall be more or less as indicated in Schedule “B” attached to and forming part of this bylaw, except otherwise approved by Council. The size and shape of each Development Cell is approximate and will be more precisely determined by a Tentative Plan in form and substance satisfactory to the Municipality, to be submitted to the Municipality by the Developer as an application for subdivision approval.
- 1.2.0 Parts 1, 2 & 3 of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by this Bylaw except where noted otherwise.

- 1.3.0 That the Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.4.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Bylaw provided the provisions of Section 2 and 3 herein are completed in form and substance, satisfactory to the Municipality, except where specifically noted that Council approval is required.
- 1.5.0 Notwithstanding Section 1.4.0, the following listed uses within Residential all Development Cells: Accessory Buildings; and Home Based Business-Type 1; are deemed approved when all other criteria of this Bylaw are met.
- 1.6.0 Council may, through the Development Agreement(s) required by this Bylaw, specify any development regulation, criteria or condition necessary to ensure all Subdivision and Development on the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Council and its sole and unfettered discretion.

Flood Risk Area Regulations

- 1.7.0 No development of the Lands shall be permitted without and until the Developer has received approval from the Municipal District of Rocky View, Alberta Environment, and the Department of Fisheries and Oceans Canada for removal of the Developable Lands, affecting all Development Cells, from the Flood Risk Area of the Elbow River and Lott Creek. Approvals are to be received prior to Development of any Development Cell.
- 1.8.0 The Municipality shall not endorse or register any subdivision for any Development Cell until approval has been granted by the Municipal District of Rocky View, Alberta Environment and the Department of Fisheries and Oceans Canada for the removal of the Lands from the Flood Risk Area of the Elbow River and Lott Creek.
- 1.9.0 That all buildings or additions constructed within the area shown as:
 - 1.9.1 Flood Fringe in Bylaw C-4841-97, Bylaw C-4762-97 (Elbow Valley Area Structure Plan), as amended, shall be placed on compacted fill that is 0.6 metres above the 1:100 flood elevation as shown in the AGRA Elbow River Flood – Municipal District of Rocky View Flood Risk Mapping Study of February 9, 1996, as amended. Where houses are constructed with walk-out basements, the lowest top of door sill and basement floor shall be 0.6 metres above the 1:100 year flood elevation as shown in the AGRA Elbow River Flood – Municipal District of Rocky View Flood Risk Mapping Study of February 9, 1996, as amended.
 - 1.9.2 That all development within the Floodway as shown in Bylaw C-4762-97 (Elbow Valley Area Structure Plan) as amended, shall be such that during construction and upon completion there shall not be a negative impact on lands in terms of 1:100 flood levels of water flow velocity upstream and downstream of the site.
- 1.10.0 The use of any portion of the Land for private man-made ponds, lakes, or streams shall only be permitted if their design and construction is in accordance with plans and specifications prepared by a qualified professional to the satisfaction of the Municipal District of Rocky View and Alberta Environment.

- 1.11.0 No development shall take place within the area shown as Floodway of the Elbow River or Lott Creek in Bylaw C-4841-97 as amended, Bylaw C-4762-97 (Elbow Valley Area Structure Plan), as amended, except for:
- 1.11.1 Flood or erosion protection measures or devices;
 - 1.11.2 Landscape features constructed level with the existing natural grades;
 - 1.11.3 Storm sewer outfall to Lott Creek.
- 1.12.0 In addition to the uses contemplated by Section 2.0.0, 3.0.0 and 4.0.0 of this Bylaw, the following shall be uses in all Development Cells.
- 1.12.1 Roads necessary for access;
 - 1.12.2 Utility distribution and collection systems necessary to service the Development;
 - 1.12.3 Flood or erosion protection measures or devices;
 - 1.12.4 Temporary Sales or Information Centre.
- 1.13.0 No subdivision shall be endorsed by the Municipal District of Rocky View and no Development Permit shall be issued for the lands until the Municipality and the Developer have executed a Development Agreement(s) (the “Development Agreement”) where required, in the form and substance satisfactory to the Municipality.

2.0.0 Land Use Regulations – Residential Development Cells

2.1.0 Purpose and Intent

The purpose and intent of the Residential Development Cells is to provide for a residential use in the form of single family and two family dwellings.

2.2.0 Uses

- 2.2.1 Dwelling, Single-detached
- 2.2.2 Dwelling, Semi-detached
- 2.2.3 Accessory Buildings less than 10.0 m² (107.64 ft²) building area
- 2.2.4 Community Sign
- 2.2.5 Home Based Business-Type 1
- 2.2.6 Playgrounds
- 2.2.7 Private Swimming Pools

2.3.0 Maximum and Minimum Requirements

- 2.3.1 Parcel Size:
 - Minimum: 0.10 ha (0.25 acres), Dwelling, single-detached
 - Minimum: 0.075 ha (0.18 acres), Dwelling, semi-detached per dwelling unit
- 2.3.2 Lot Width:
 - Minimum: 18.29 m (60.0 ft), Dwelling, single-detached
 - Minimum: 12.19 m (40.0 ft), Dwelling, semi-detached
- 2.3.3 Number of Lots within Development Cell:
 - Maximum (Development Cell 1): 32
 - Maximum (Development Cell 2): 32

- Maximum (Development Cell 3): 24
Maximum (Development Cell 4): 20
Maximum (Development Cell 5): 20
Maximum (Development Cell 6): 8
Maximum (Development Cell 7): 8
- 2.3.4 Number of Dwelling Units:
Maximum (All Development Cells): 150
- 2.3.5 Number of Dwelling Units per lot:
Maximum: 1
- 2.3.6 Number of Dwelling, single-detached Units:
Maximum (Development Cell 1): 25
Maximum (Development Cell 2): 25
Maximum (Development Cell 3): 20
Maximum (Development Cell 4): 16
Maximum (Development Cell 5): 12
Maximum (Development Cell 6): 4
Maximum (Development Cell 7): 4
- 2.3.7 Number of Dwelling, semi-detached Units:
Maximum (Development Cell 1): 10
Maximum (Development Cell 2): 10
Maximum (Development Cell 3): 10
Maximum (Development Cell 4): 8
Maximum (Development Cell 5): 18
Maximum (Development Cell 6): 8
Maximum (Development Cell 7): 8
- 2.3.8 Number of Dwelling Units in a Multi-Dwelling Unit:
Maximum: 2
- 2.3.9 Habitable floor area, excluding basement:
Minimum: 140 m² (1507 ft²), Dwelling, single-detached
Minimum: 111 m² (1195 ft²), Dwelling, semi-detached
- 2.3.10 Height of Buildings:
Maximum building height (principal building): 11.0 metres (36.09 ft)
Maximum building height (accessory building): 3.0 metres (9.84 ft)
- 2.3.11 Off-Street Parking:
Minimum: 2 per dwelling unit
- 2.3.12 Site Coverage
Maximum Total Site Coverage (All Buildings): 35%
- Building Setbacks*
- 2.3.13 Yard, Front:
Minimum: 3 m (9.84 ft), Dwelling, single-detached

Minimum: 3 m (9.84 ft), Dwelling, semi-detached

2.3.14 Yard, Side:

Minimum: 1.5 m (4.92 ft), Dwelling, single-detached

Minimum: 1.5 m (4.92 ft), Dwelling, semi-detached

Minimum: Zero setback where a fire separation is built on a bareland condominium unit property line which separates units within a semi-detached building.

Minimum: 0.6 m (1.97 ft), Accessory Building

2.3.15 Yard, Rear:

Minimum: 7.5 m (24.61 ft), Dwelling, single-detached

Minimum: 6.0 m (19.68 ft), Dwelling, semi-detached

Minimum: 2.0 m (6.56ft), Accessory Buildings

2.4.0 Special Regulations

2.4.1 There shall be a minimum of a 15 m (49.21 ft) setback for all buildings from the Flood Risk Area or Floodway of the Elbow River or Lott Creek.

2.4.2 There shall be no side yard extensions into the defined minimum required setback. Section 38 of the Land Use Bylaw which provides for cantilever extensions is not applicable under this Direct Control District.

2.4.3 The driveway connecting a garage (attached and/or detached) to a road shall be a minimum length of 6.5 meters (21.33 ft) when measured from the back of a curb or back of sidewalk.

2.4.4 Accessory Buildings are not permitted within the Front Yard or Side Yard Setback of any Dwelling Unit.

3.0.0 Development Regulations

3.1.0 No subdivision for residential lots shall be endorsed, and no Development or Building Permits shall be issued for any purpose, until:

3.1.1 The Developer has entered into all necessary agreements, permits and licences from the Municipal District of Rocky View, Alberta Environment and Department of Fisheries and Oceans Canada for the restoration of Lott Creek and the removal of the Developable Lands from the Flood Risk Area of the Elbow River and Lott Creek. This requirement will be subject to development of the first phase within any Development Cell.

3.1.2 The Developer has prepared a Construction Management Plan, including interim stormwater management measures, in form and substance satisfactory to the Municipality.

3.1.3 The Developer has prepared and submitted a Stormwater Management Plan prepared by a qualified Professional Engineer licensed to practice in the Province of Alberta in a form and substance satisfactory to the Municipality and/or Alberta Environment.

- 3.1.4 A Historical Resources Impact Assessment prepared by the Developer has been submitted and is satisfactory in both form and substance to the Municipality and Alberta Community Development.
- 3.1.5 Confirmation of a wastewater collection, treatment, and disposal system in a form and substance satisfactory to the Municipality, and the developer has submitted all necessary agreements for servicing to the Municipality, with complete plans and specifications respecting the connections thereto, to the satisfaction of the Municipality and Alberta Environment.
- 3.1.6 Confirmation of a piped and treated water supply, licensed by the Province of Alberta, has been confirmed, in a form and substance satisfactory to the Municipality.
- 3.1.7 All necessary easements and rights-of-way related to the supply and distribution of power, water, gas and wastewater disposal have been approved by the Municipality.
- 3.2.0 Some or all of the Development Cells may be combined in a single Development Permit or Development Agreement, and the Development Permit or Development Agreement shall provide that:
 - 3.2.1 No stripping, excavation, or construction of any of the lands shall occur until an appropriate Letter(s) of Credit acceptable in form and substance has been deposited with the Municipality; and
 - 3.2.2 No occupancy of any dwelling unit shall occur until the construction of all roads and utilities required to serve the Residential Development Cells or portions of them, have been completed to specifications satisfactory to the Municipality.
- 3.3.0 Unless otherwise approved by the Municipality, private roads shall be constructed in accordance with geometric design guidelines and standards outlines in the Servicing Standards for Subdivision and Road Construction as approved by Council, as amended.
- 3.4.0 All Letters of Credit referred to in this Bylaw shall be calculated in accordance with current Municipal Policy and the estimate upon which the amount is to be based shall be certified by a qualified professional(s) or as determined by the Municipality.
- 3.5.0 Show homes may be considered by the Development Authority as a use on the lands for up to five residential dwelling units per Residential Development Cell prior to the endorsement of a plan of subdivision provided that conditional approval for subdivision has been granted by Council for that cell and a Development Agreement has been entered into. No occupancy of the said show homes shall occur until full municipal services (power, gas, sewer, water, telephone, etc.) are available to and immediately useable by residents of said dwellings and the plan of subdivision has been registered.
- 3.6.0 Pursuant to the issuance of Development Permits or Development Agreements for grading and stripping of necessary portions of the site under Section 3.3.0 of this Bylaw, no topsoil shall be exported from the lands, and topsoil and non-topsoil materials may be utilized for grading purposes for development within the lands.

- 3.7.0 A temporary sales or information centre may be considered by the Development Authority as a use on the lands, provided it is not located within the Floodway of the Elbow River or Lott Creek and shall require a Development Permit;

4.0.0 Definitions

- 4.1.1 Unless otherwise defined in this bylaw all words and uses shall be defined as per Section 8 (Definitions) of Bylaw C-4841-97 as amended, or Bylaw C-4762-97, The Elbow Valley Area Structure Plan, as amended.
- 4.1.2 “Building” - includes anything constructed or placed on, in, over or under land but does not include a highway, public roadway or utility;
- 4.1.3 “Building Scheme” - for the purpose of this Bylaw means a scheme to be registered against title of the Developable Land pursuant to a Restrictive Covenant describing Architectural Controls pertaining to the Development thereof;
- 4.1.4 “Community Sign” - means a sign displaying the name of the community or communities within Section 2-24-3-W5M;
- 4.1.5 “Construction Management Plan” - means a program that details site management of all construction activity that may include, but is not limited to the management of construction debris and dust, site erosion, sedimentation control, noise control and traffic control;
- 4.1.6 “Developable Lands” - means that portion of the Lands which is considered to be suitable for development and by the Council and is contained outside of the Floodway Limits of the Elbow River and Lott Creek and the development of which is not precluded by this Bylaw;
- 4.1.7 “Developer” - means that party which owns or has a right to own all of the Lands excepting only any roadway plan therein;
- 4.1.8 “Development” - means:
- a) any excavation or stockpile and the creation of either of them, a building or an addition to, or replacement or repair of a building and the construction of placing in, on, over or under land of any of them;
 - b) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or Building; or
 - c) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- 4.1.9 “Development Agreement” - is an Agreement between the developer and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments and subdivisions on the land conform to municipal approvals;
- 4.1.10 “Development Cell” - means an area of land that may contain a number of uses as defined in this Bylaw and which are numerically identified in Schedule “B”;

- 4.1.11 “Letter of Credit” - means an area of land that may contain a number of uses as defined in this Bylaw at the request of the developer naming the Municipality as the sole beneficiary thereof;
- 4.1.12 “Lot Width” - is the measurement of a line drawn from the midpoint of one side property line to the midpoint of a second side property line;
- 4.1.13 “Residential Development Cells” - means those Development Cells which shall be used exclusively for residential purposes and associated open space;
- 4.1.14 “Substantial Completion” - means Construction Completion Certificates have been issued by the Municipality;
- 4.1.15 “Utilities” - means water treatment and distribution and wastewater collection, treatment and disposal facilities, gas, electricity, cable and telephone transmission lines and related facilities and relevant appurtenances necessary to service the development cells or portions thereof in the area covered by the Bylaw. For the purpose of this Bylaw, a system utilizing sewage holding tanks is not considered a utility;

5.0.0 Implementation

- 5.1.0 This Bylaw comes into effect upon the date of its third reading.

DIVISION: 3

File: 04605001/018/020/021/022/023/02 2004-RV-026

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, July 26, 2005, on a motion by Councillor Branson.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, September 27, 2005, on a motion by Councillor Branson.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, July 24, 2007, on a motion by Councillor Neustaedter.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-6128-2005

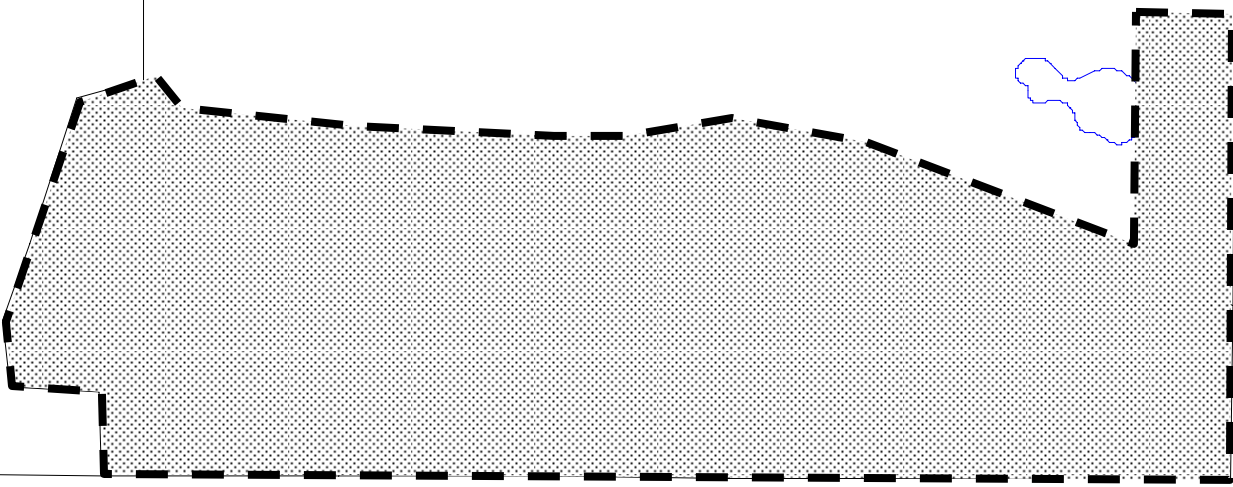
5

HIGHWAY 8

Elbow

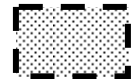
River

CITY OF CALGARY

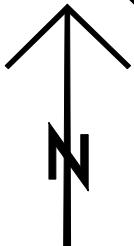


TSUU T'INA NATION

FROM Recreational Business District (B-4) TO Direct Control District



Subject Land - - - - -



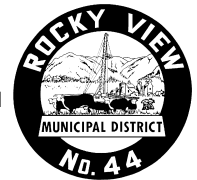
LEGAL DESCRIPTION: Lot 9, Block 1, Plan 0312250; Lot 8, Block 1, Plan 9610433;

Lot 7, Block 1, Plan 9610433; Lot 4, Block 1, Plan 8910799; Lot 5, Block 1, Plan 8910799;

Lot 6, Block 1, Plan 8910799; A portion of Lot 1, Block 2, Plan 0312251; All within the S 1/2 -5-24-2-W5M

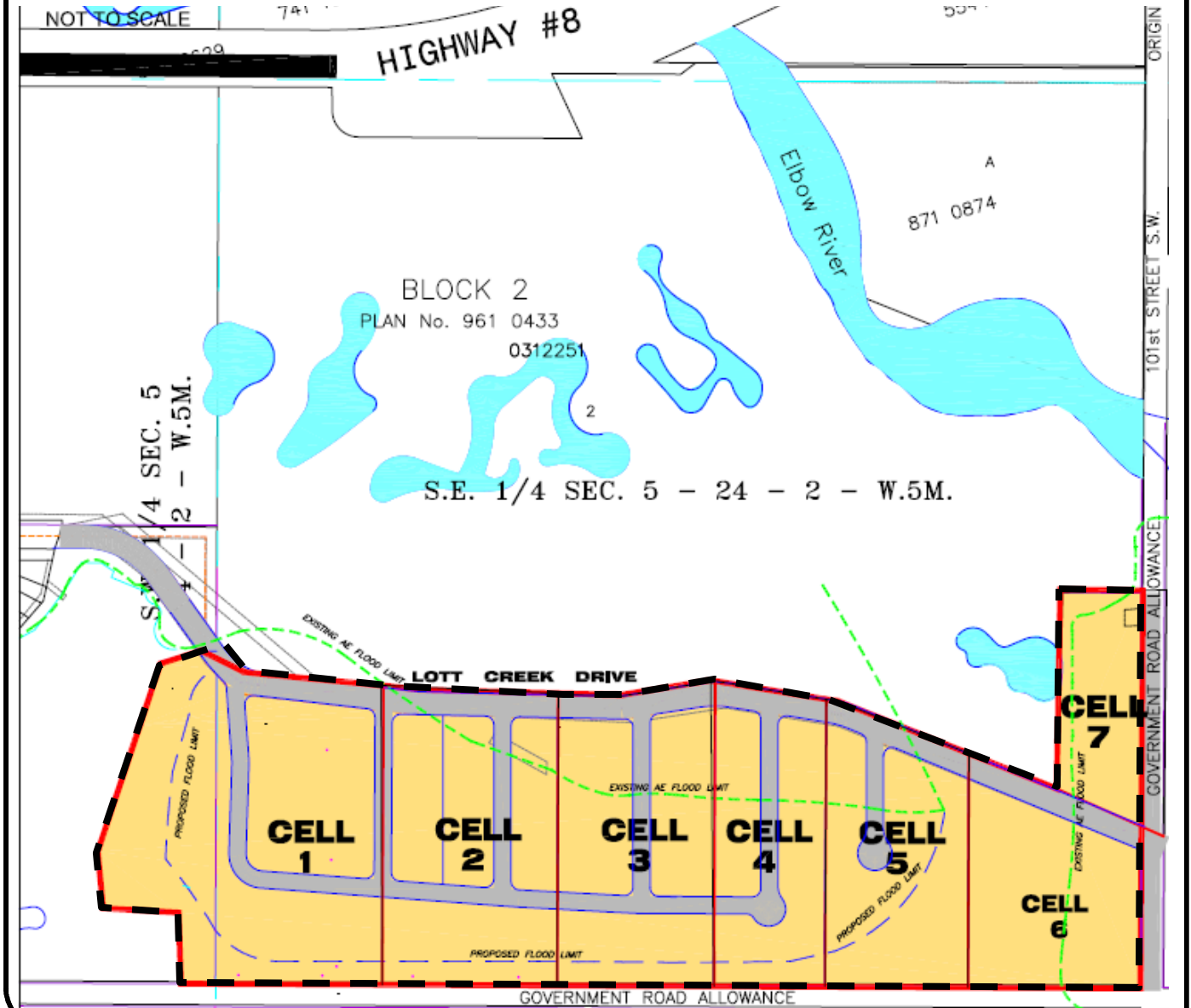
DIVISION 3

FILE: 04605001/018/020/021/022/023/024 -- 2004-RV-026



SCHEDULE "B"

BYLAW: C-6128-2005



LEGAL DESCRIPTION: Lot 9, Block 1, Plan 0312250; Lot 8, Block 1, Plan 9610433;

Lot 7, Block 1, Plan 9610433; Lot 4, Block 1, Plan 8910799; Lot 5, Block 1, Plan 8910799;

Lot 6, Block 1, Plan 8910799; A portion of Lot 1, Block 2, Plan 0312251; All within the S 1/2 -5-24-2-W5M

DIVISION 3

FILE: 04605001/018/020/021/022/023/024 -- 2004-RV-026

