

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44**  
**BYLAW C-6692-2008**

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 (the “Municipality”) has received an application to amend Section 5, Land Use Map No. 64 of Bylaw C-4841-97 to redesignate a portion of the NE¼ 16-26-29-W4M from Ranch and Farm to Direct Control District as shown on attached Schedule ‘A’ (“the Lands”); and

**WHEREAS** a notice was published on September 16, 2008 and September 23, 2008 in the Rocky View Weekly, a newspaper circulating in the Municipality of Rocky View No. 44 advertising the public hearing for October 21, 2008; and

**WHEREAS** Council held a Public Hearing and has given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter 24 of the Revised Statutes of Alberta 1995, and all amendments thereto.

**NOW THEREFORE** the Council enacts the following:

1. That Section 5, Land Use Map No. 64 of Bylaw C-4841-97 be amended by redesignating a portion of the NE¼ 16-26-29-W4M from Ranch and Farm to Direct Control District as shown on Schedule ‘A’ attached to and forming part of this Bylaw.
2. That all lands within a portion of the NE¼ 16-26-29-W4M are hereby redesignated to Direct Control District as shown on Schedule ‘A’ attached to and forming part of this Bylaw.
3. That the special regulations of the Direct Control District comprise:
  - 1.0.0 General Regulations
  - 2.0.0 Subdivision Requirements
  - 3.0.0 Land Use Regulations - Cell A
  - 4.0.0 Land Use Regulations - Cell B
  - 5.0.0 Land Use Regulations - Cell C
  - 6.0.0 Development Regulations
  - 7.0.0 Performance Standards
  - 8.0.0 Definitions
  - 9.0.0 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 of Subdivision or Site Development Plan, in form and substance satisfactory to the Municipality. Tentative Plans of Subdivision or Site Development Plans are to be submitted to the Municipality by the Developer in support of an application for Subdivision Approval or Development Permit.

- 1.2.0 The General Regulations contained in this Section are applicable to the entire Development Area which includes all development cells.
- 1.3.0 The Operative and Interpretative Clauses (Part One) General Administration (Part Two) and General Regulations (Part Three) as contained in the Land Use Bylaw (C-4841-97) shall apply unless otherwise specified in this Bylaw.
- 1.4.0 All uses in all Development Cells, including the expansion of uses, shall require a Development Permit.
- 1.5.0 In addition to the uses contemplated by Section 3.0.0 and 4.0.0 of this Bylaw, the following may be uses in all Development Cells:
  - a) Roads necessary for access and internal vehicular circulation; and
  - b) Services and utilities necessary to service the Development.
- 1.6.0 Council or the Development Authority may, through Development Agreement(s) required by this Bylaw, specifically any development regulation, criteria or condition necessary to ensure all Development and Subdivision 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 or the Development Authority at its sole and unfettered discretion.
- 1.7.0 The Development Authority shall consider and decide on applications for Development Permits for all those uses which are listed as "Uses" by this Bylaw provided the provisions of Sections 2, 5 and 6 herein are completed in form and substance, satisfactory to the Municipality, except where specifically noted that Council approval is required.
- 1.8.0 All development upon the lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw and all licenses, permits and approvals pertaining to the lands required to be obtained from Alberta Environment and Alberta Infrastructure and Transportation. The policies of the Balzac East Area Structure Plan, the 566 Crossing Conceptual Scheme and the 566 Crossing Outline Plan shall apply to all applications for subdivision and development.

## **2.0.0 DEVELOPMENT AGREEMENT AND SUBDIVISION REQUIREMENTS**

- 2.1.0 No subdivision of the Lands shall be permitted without and until the Developer has executed a Development Agreement(s) in form and substance satisfactory to the

Municipality at its sole discretion, which shall describe all details of development, any development regulation, criteria, or condition, including the posting of financial securities, where necessary to ensure all subdivision of the Lands conforms to the principals upon which this Bylaw is based. The Development Agreement shall be registered by caveat against the Lands and shall run with the Lands and shall include but not be limited to the following:

- 2.1.1 Construction of a wastewater collection, treatment and disposal system in accordance with the Servicing Standards for Subdivisions and Road Construction as approved and amended by Council to the satisfaction of the Municipality;
  - 2.1.2 Construction of a surface water supply, treatment and distribution system, including fire hydrants for fire fighting purposes in accordance with the Servicing Standards for Subdivisions and Road Construction as approved and amended by Council to the satisfaction of the Municipality;
  - 2.1.3 Construction of stormwater management facilities as per an approved Stormwater Management Plan in accordance with the Servicing Standards for Subdivisions and Road Construction as approved and amended by Council;
  - 2.1.4 Construction of all internal road systems in accordance with the Servicing Standards for Subdivisions and Road Construction as approved and amended by Council and construct all off-site roads necessary to serve the development as identified in the Traffic Impact Assessment for each phase of subdivision;
  - 2.1.5 Confirmation of the location of all necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the Municipality; and
  - 2.1.6 Design and construction of a linear pathway within 566 Crossing providing connectivity with adjacent lands, all to the satisfaction of the Municipality.
- 2.2.0 No subdivision of the Lands shall be permitted without and until:
- 2.2.1 The Developer has prepared and submitted a Stormwater Management Plan complete with erosion and sedimentation control measures in form and substance satisfactory to each of the Municipality, Alberta Environment and Alberta Infrastructure and Transportation. The Developer shall design, and construct all of the infrastructure required by the Stormwater Management Plan to the satisfaction of Alberta Environment and the Municipality;
  - 2.2.2 Issuance of all necessary licenses and permits with respect to the provision of a wastewater collection, treatment and disposal system to the satisfaction of the Municipality and Alberta Environment;

- 2.2.3 Issuance of all necessary licenses and permits with respect to the provision of a surface water supply, treatment and distribution system, including fire hydrants for fire fighting purposes to the satisfaction of the Municipality and Alberta Environment;
- 2.2.4 All necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the Municipality, have been registered concurrently with the plan of subdivision by the Developer against the title to the Lands or portions thereof;
- 2.2.5 The Developer has prepared, at its sole expense, a master landscape plan for the 566 Crossing Outline Plan Area, in accordance with the landscaping provisions of this Bylaw. The Master Landscape Plan shall be consistent with the policies and guidelines of the 566 Crossing Conceptual Scheme and 566 Crossing Outline Plan;
- 2.2.6 The Developer shall register a caveat relative to a Deferred Services Agreement, should it be deemed necessary at the time of subdivision, against title to all the lands concurrent with registration of the Plan of Survey and prior to any registered financial encumbrances to address issues of water, sewage and stormwater. The Deferred Services Agreement shall be to the satisfaction of the Municipality and shall outline the obligation of the Lot Owners to connect to future Municipality piped sanitary sewer and water services, at their cost, as those services become available;
- 2.2.7 Agreements to provide for mutual access, the shared use of parking areas shall be registered on title of the affected lots when the subdivision is registered, where applicable;
- 2.2.8 A review of the Traffic Impact Analysis shall be submitted with the application for each phase of subdivision, at no expense to the Municipality, to determine the timing of construction of the highway and off-site road improvements, to the satisfaction of the Municipality and Alberta Infrastructure and Transportation.
- 2.2.9 Architectural controls in conformity with the policies and guidelines contained in the 566 Crossing Conceptual Scheme and Outline Plan shall be registered on each parcel and enforced by the Developer until such time that a Lot Owners Association is established;
- 2.2.10 An Emergency Management and Response Plan has been prepared and approved by the Municipality prior to final subdivision endorsement;
- 2.2.11 An Environmental Site Assessment that describes methods to mitigate the impact of affected phases of development adjacent to the intermittent channel shall be prepared at the time of subdivision;

2.2.12 An Historical Resources Overview, if required by Alberta Community Development, shall be prepared prior to any disturbances on the site, to the satisfaction of the Municipality and Alberta Community Development;

2.2.13 No Plan of Subdivision shall be endorsed and no Development Permit shall be issued for the lands (including stripping and grading) until the Municipality and the Owner have executed a Development Agreement(s) where required, in form and substance satisfactory to the Municipality.

### **3.0.0 LAND USE REGULATIONS - CELL A**

#### **3.1.0 Purpose and Intent**

The purpose and intent of this District is to provide for a range of general business and industrial uses that will be of a high visual standard. Uses within Cell A will carry out their activities both within the building and outdoors provided there is no affect on the adjacent properties.

#### **3.2.0 List of Uses**

- 3.2.1 Accessory Buildings
- 3.2.2 Accessory Uses
- 3.2.3 Accommodation and Convention Services
- 3.2.4 Amusement and Entertainment Services
- 3.2.5 Animal Health Care Services
- 3.2.6 Auctioneering Services
- 3.2.7 Automotive, Equipment and Vehicle Services II
- 3.2.8 Commercial Communication Facilities - Type "A" and Type "B"
- 3.2.9 Drinking Establishments
- 3.2.10 Garden Centre
- 3.2.11 General Industry Type I
- 3.2.12 General Industry Type II
- 3.2.13 Grocery Store
- 3.2.14 Health Care Services
- 3.2.15 Hotel
- 3.2.16 Indoor and Outdoor Commercial Recreation Facilities
- 3.2.17 Indoor Participant Recreation Services
- 3.2.18 Laboratory
- 3.2.19 Motel
- 3.2.20 Museum
- 3.2.21 Office
- 3.2.22 Outdoor Café
- 3.2.23 Outdoor Display Areas in association with the principal use
- 3.2.24 Parks and Open Space
- 3.2.25 Personal Service Businesses
- 3.2.26 Public or Quasi-Public Buildings

- 3.2.27 Religious Assembly
- 3.2.28 Restaurants
- 3.2.29 Sales, Service and Rentals Ancillary to foregoing uses
- 3.2.30 School - Private
- 3.2.31 Service Stations and Bulk Fuel Suppliers
- 3.2.32 Signs
- 3.2.33 Outdoor Storage Areas in association with the principal use
- 3.2.34 Utilities
- 3.2.35 Warehouses
- 3.2.36 Warehouse Stores, excluding hazardous goods

### 3.3.0 Minimum Requirements

- 3.3.1 the minimum front yard shall be 6.0 m (19.7 feet)
- 3.3.2 the minimum side yard shall be 3.0 m (9.8 feet)
- 3.3.3 the minimum rear yard shall be 6.0 m (19.7 feet)
- 3.3.4 notwithstanding Section 3.3.3, the minimum rear yard setback for lots abutting the eastern property boundary shall be 20 m (65.61 feet)

### 3.4.0 Maximum Requirements

- 3.4.1 the maximum building height shall be 15.0 m (49.0 feet).
- 3.4.2 a maximum of 30% of the lot area may be used for outside storage of products and/or materials.

### 3.5.0 Principal Building

There may be more than 1 (one) principal building per lot.

## **4.0.0 LAND USE REGULATIONS - CELL B**

### 4.1.0 Purpose and Intent

The purpose and intent of this District is to provide for general businesses and a limited range of industrial. Development within Cell B will be of a high visual quality and compatible with the natural landform and sensitive to existing residences in the vicinity. Activities within Cell B will be carried on within an enclosed building.

### 4.2.0 List of Uses

- 4.2.1 Accessory Buildings
- 4.2.2 Accessory Uses
- 4.2.3 Accommodation and Convention Services
- 4.2.4 Amusement and Entertainment Services
- 4.2.5 Animal Health Care Services
- 4.2.6 Auctioneering Services

- 4.2.7 Commercial Communication Facilities - Type “A” and Type “B”
- 4.2.8 Drinking Establishments
- 4.2.9 Garden Centre
- 4.2.10 General Industry Type I
- 4.2.11 Grocery Store
- 4.2.12 Health Care Services
- 4.2.13 Hotel
- 4.2.14 Indoor and Outdoor Commercial Recreation Facilities
- 4.2.15 Indoor Participant Recreation Services
- 4.2.16 Laboratory
- 4.2.17 Motel
- 4.2.18 Museum
- 4.2.19 Office
- 4.2.20 Outdoor Café
- 4.2.21 Outdoor Display Areas in association with the principal use
- 4.2.22 Parks and Open Space
- 4.2.23 Personal Service Businesses
- 4.2.24 Public or Quasi-Public Buildings
- 4.2.25 Religious Assembly
- 4.2.26 Restaurants
- 4.2.27 Retail Food Store
- 4.2.28 Retail Store
- 4.2.29 Sales, Service and Rentals Ancillary to foregoing uses
- 4.2.30 School - Private
- 4.2.31 Signs
- 4.2.32 Utilities
- 4.2.33 Warehouses
- 4.2.34 Warehouse Stores, excluding hazardous goods

#### 4.3.0 Minimum Requirements

- 4.3.1 the minimum front yard shall be 6.0 m (19.7 feet)
- 4.3.2 the minimum side yard shall be 3.0 m (9.8 feet)
- 4.3.3 the minimum rear yard shall be “12 metres (39.4 ft), which for the purposes of this Bylaw shall be the property line adjacent to Twp. Rd. 263

#### 4.4.0 Maximum Requirements

- 4.4.1 the maximum building height shall be 15.0 m (49.0 feet).

#### 4.5.0 Principal Building

There may be more than 1 (one) principal building per lot.

## **5.0.0 LAND USE REGULATIONS - CELL C**

### **5.1.0 Purpose and Intent**

The purpose and intent of this District is to provide for a range of general business and a limited range of industrial uses that will be of a high visual standard and do not include any outdoor storage.

### **5.2.0 List of Uses**

- 5.2.1 Accessory Buildings
- 5.2.2 Accessory Uses
- 5.2.3 Accommodation and Convention Services
- 5.2.4 Amusement and Entertainment Services
- 5.2.5 Animal Health Care Services
- 5.2.6 Auctioneering Services
- 5.2.7 Commercial Communication Facilities - Type "A" and Type "B"
- 5.2.8 Drinking Establishments
- 5.2.9 Garden Centre
- 5.2.10 General Industry Type I
- 5.2.11 Grocery Store
- 5.2.12 Health Care Services
- 5.2.13 Hotel
- 5.2.14 Indoor and Outdoor Commercial Recreation Facilities
- 5.2.15 Indoor Participant Recreation Services
- 5.2.16 Laboratory
- 5.2.17 Motel
- 5.2.18 Museum
- 5.2.19 Office
- 5.2.20 Outdoor Café
- 5.2.21 Outdoor Display Areas in association with the principal use
- 5.2.22 Parks and Open Space
- 5.2.23 Personal Service Businesses
- 5.2.24 Public or Quasi-Public Buildings
- 5.2.25 Religious Assembly
- 5.2.26 Restaurants
- 5.2.27 Sales, Service and Rentals Ancillary to foregoing uses
- 5.2.28 School - Private
- 5.2.29 Signs
- 5.2.30 Utilities
- 5.2.31 Warehouses
- 5.2.32 Warehouse Stores, excluding hazardous goods



### 5.3.0 Minimum Requirements

- 5.3.1 the minimum front yard shall be 6.0 m (19.7 feet)
- 5.3.2 the minimum side yard shall be 3.0 m (9.8 feet)
- 5.3.3 the minimum rear yard shall be 6.0 m (19.7 feet)

### 5.4.0 Maximum Requirements

- 5.4.1 the maximum building height shall be 15.0 m (49.0 feet).

### 5.5.0 Principal Building

There may be more than 1 (one) principal building per lot.

## **6.0.0 DEVELOPMENT REQUIREMENTS**

6.1.0 All developments within the subject lands shall conform to the provisions and policies set out in the Balzac East Area Structure Plan, as amended, the 566 Crossing Conceptual Scheme and the 566 Crossing Outline Plan unless otherwise specified in this Bylaw.

### 6.2.0 Special Requirements - Cell B

- 6.2.1 Within Cell B, no parking shall be permitted between any building and Township Road 263.
- 6.2.2 Within Cell B, no building shall have loading facilities between the building and Township Road 263.

### 6.3.0 Special Requirements – Cells B and C

- 6.3.1 Within Cells B and C, no outdoor storage shall be permitted.

### 6.4.0 Landscaping and Screening Requirements

- 6.4.1 All outdoor storage areas and waste disposal areas shall be screened utilizing fencing, berming, landscaping or a combination thereof.
- 6.4.2 Parcels that abut residential parcels must be landscaped to the satisfaction of the MD of Rocky View.
- 6.4.3 Landscaping adjacent to exterior walls that are visible from adjacent public roadways are to be designed to minimize the perceived mass of the building and to improve the visual appearance of long expanses of blank walls.
- 6.4.4 Landscaping shall be provided for all development in accordance with a Landscape Plan to be submitted to the Municipality upon application for a Development Permit. The landscape plan should be in keeping with the Master Landscape Plan

for the 566 Crossing Outline Plan. The following standards apply to all landscaped areas:

- a) The Landscape Plan contemplated herein shall include both hard and soft landscaping, identify the location and extent of landscaping areas, the plant material proposed, and the methods of irrigation and maintenance of landscaped areas.
- b) A minimum of 20 percent of the lands within the 566 Crossing Outline Plan shall be landscaped in accordance with a Landscape Plan. Included within this 20 percent is a requirement for a minimum of 10 percent of each individual lot to be landscaped.
- c) A maximum of 50 percent of the area required to be landscaped may be landscaped with hard landscaping.
- d) Landscaping calculations for the purposes of Section 4.2.4(b) may include areas of Public Utility Lots, Municipal Reserve Lots and stormwater management features which are enhanced with landscaping treatment, e.g. bioswale.
- e) Landscaping on each lot shall be concentrated in the front yard area adjacent to public road rights-of-way. No outdoor display areas, storage areas or parking shall be allowed within landscaped yards.
- f) Notwithstanding 4.6.2.4(e), lots in Cell B shall be landscaped within the rear yard setback areas and the lot in Cell C shall be landscaped along the east side yard.
- g) The quality and extent of landscaping initially established on-site shall be the minimum standard to be maintained for the life of the development. Adequate means of irrigating any soft landscaping and maintaining both hard and soft landscaping shall be detailed in the Landscape Plan.
- h) All plant materials shall be of a species capable of healthy growth in the Municipality and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock.
- i) Except for road rights-of-way, trees/shrubs shall be planted and maintained in the overall minimum ratio of one tree/shrub per 45 m<sup>2</sup> (490 ft<sup>2</sup>) of the soft landscaped area identified in the Landscape Plan. Trees shall comprise at least 50 percent of the tree/shrub mixture used to satisfy this requirement.
- j) Any areas subject to excavation, stripping or grading during construction phases of development that are not identified as a landscaped area in the Landscape Plan shall be seeded to grass.

k) All of the foregoing requirements should be to the satisfaction of the Development Authority.

6.4.5 All rooftop mechanical equipment shall be screened in order to improve its visual appearance as viewed from adjacent parcels, particularly when adjacent parcels are higher in elevation than the parcel being developed.

#### 6.5.0 Signage Requirements

6.5.1 All signage shall conform to the guidelines contained in the 566 Crossing Outline Plan.

6.5.2 Signs shall be considered concurrently with the initial Development Permit application and the design, placement and scale of the signs shall be to the satisfaction of the Development Authority, so as to ensure that signage does not detract from the overall appearance of the development and that signage is not obtrusive.

6.5.3 Any future signs will be the subject of a separate development permit.

6.5.4 Temporary signage is not permitted with the exception of temporary signs required during development or building construction.

6.5.5 All signs along the primary highway system must meet the requirements of the provincial Highway Signing Policy.

6.5.6 Flashing and/or animated signs are not allowed.

#### 6.6.0 Architectural Controls

6.6.1 The design of 566 Crossing will have consistency in exterior building materials, pedestrian connectivity, landscaping, and building siting. All development shall conform to the architectural controls that are established for 566 Crossing.

### **7.0.0 PERFORMANCE STANDARDS AND DEVELOPMENT GUIDELINES**

7.1.0 Performance standards and development guidelines shall be as per the Balzac East Area Structure Plan.

### **8.0.0 DEFINITIONS**

8.1.0 **Automotive Equipment and Vehicle Services II** - means *development* used for the rental, lease, sale, storage, service, restoration, and/or mechanical repair of automobiles, trucks, trailers, motorcycles, travel trailers, or similar vehicles. Uses and facilities would also

include repair facilities and fleet services involving *vehicles, motor* for the delivery of people, goods or services, but exclude uses where *vehicles, motor* are dismantled.

- 8.2.0 **Council** - means the Council of the Municipal District of Rocky View No. 44.
- 8.3.0 **Developable Lands** - means that portion of the Lands which is considered to be suitable for Development by the Municipality and the development of which is not precluded by this Bylaw.
- 8.4.0 **Developer** - means the person or corporation who is responsible for any undertaking that requires a permit or action pursuant to this Bylaw.
- 8.5.0 **Development Agreement** - means an agreement between the Applicant and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments on the land conform to municipal approvals.
- 8.6.0 **Garden Centre** - means a development providing for the retail sale of bedding, produce, household and/or ornamental plants, and associated merchandise and may include display gardens, but does not include on-site outdoor cultivation or propagation of plants.
- 8.7.0 **The Lands** - means lands as identified in Schedule 'A' attached hereto.
- 8.8.0 Terms not defined herein have the same meaning as defined in Section 8.0.0 of the Land Use Bylaw C-4841-97.

## 9.0.0 IMPLEMENTATION

- 9.1.0 This Bylaw comes into effect upon the date of its third and final reading.

File: **06416013 2006-RV-649**

First reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, on September 9, 2008, on a motion by Deputy Reeve Boehlke.

Second reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, on October 21<sup>st</sup>, 2008, on a motion by Reeve Habberfield.

Third reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, on October 21<sup>st</sup>, 2008, on a motion by Councillor Boehlke.

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Reeve or Deputy Reeve

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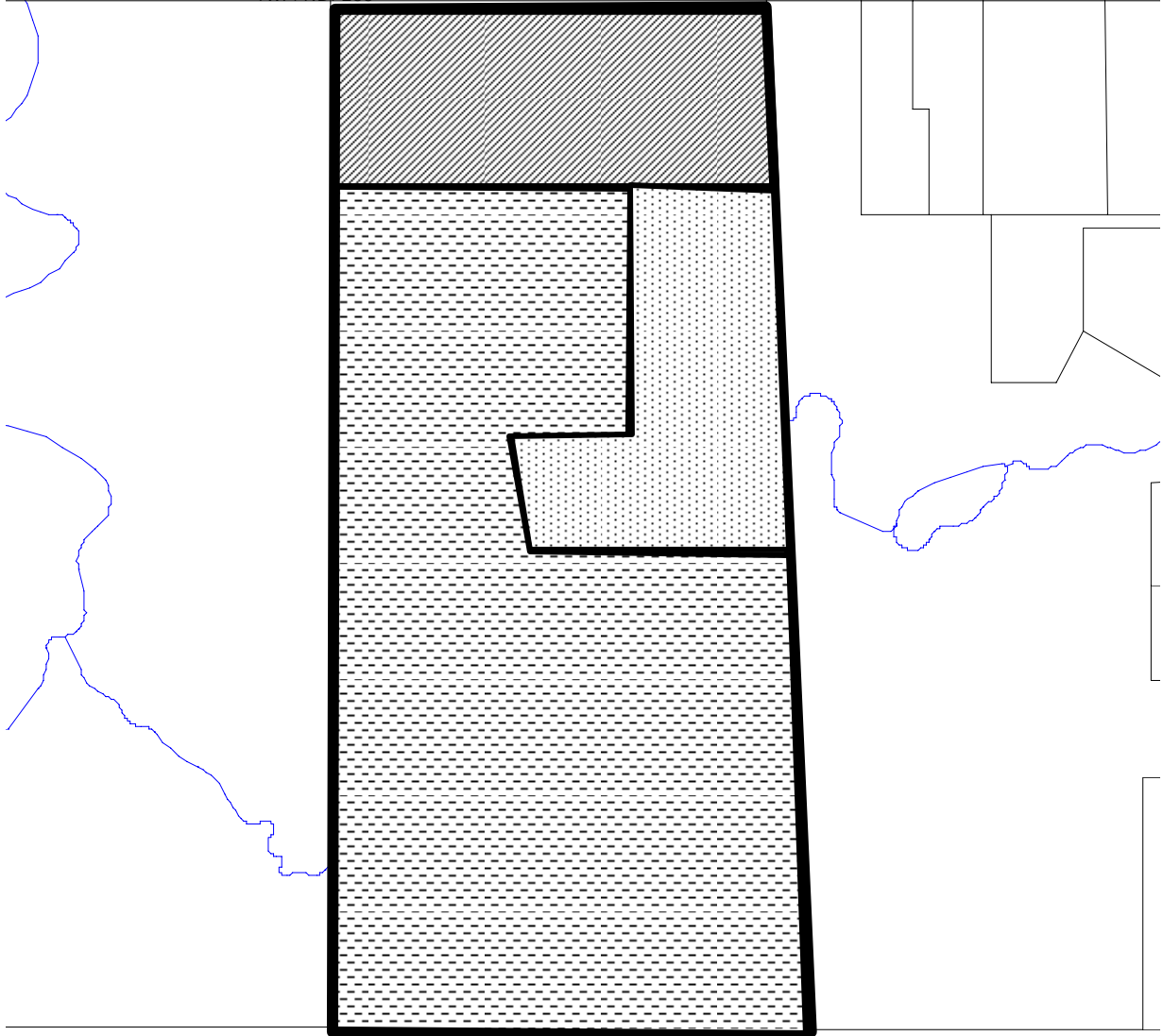
Municipal Secretary



SCHEDULE "B"

BYLAW: C-6692-2008

TWP. RD. 263



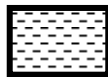
AMENDMENT

16

FROM Ranch and Farm District TO Direct Control District



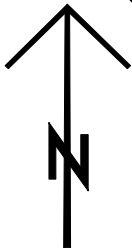
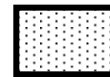
Cell A



Cell B



Cell C



LEGAL DESCRIPTION: N 1/2-16-26-29-W4M

06416013/003/004/014/015/016/017/018/019/020/0  
FILE: 21/022/023/024 2006-RV-649 DIVISION: 7

