

OFFICE CONSOLIDATION

This document has been consolidated for convenience only. A copy of the original Bylaw and all amending Bylaws can be obtained from Rocky View County. This office consolidation comprises of the following Bylaw's.

Bylaw	Amendment Type	Date of Approval
C-6721-2008	Original Bylaw	January 27, 2009
C-6941-2010	Amendment to Schedule A & B by including an area from DC 109, DC 98 and Residential Two to DC	July 20, 2010
C-7285-2013	Amendment to add section 2.4.1 a.	October 8, 2013
C-8241-2021	Amended Schedules D and E as per original amending Bylaw C-8147-2021 on July 13, 2021	December 7, 2021

DIRECT CONTROL BYLAW REGULATIONS

The regulations of the Direct Control District comprise:

- 1.0.0 General Regulations
- 2.0.0 Land Use Regulations – Cell 1 – Industrial / Commercial and *Flex Space*
- 3.0.0 Land Use Regulations – Cell 2 – Office / Industrial / Commercial and *Flex Space*
- 4.0.0 Land Use Regulations – Cell 3 – Office / Industrial / Commercial and *Flex Space*
- 5.0.0 Land Use Regulations – Cell 4 – Industrial and *Flex Space*
- 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 boundaries and description of the Lands shall be more or less as indicated in Schedule “A” attached hereto and forming part hereof, except as otherwise approved by Council.
- 1.2.0 For the purposes of this Bylaw, the Lands shall be notionally divided into four Development Cells, the boundaries and description of which shall be more or less as indicated in Schedule “A” attached to and forming part of this bylaw, except otherwise approved by Council.
- 1.3.0 Parts One, Two and Three as contained in the Land Use Bylaw (C-4841-97, as amended) shall apply unless otherwise specified in this bylaw;
- 1.4.0 The policies of the Balzac East Area Structure Plan and the Nose Creek Business Park Conceptual Scheme shall apply unless otherwise specified in this Bylaw;
- 1.5.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw;
- 1.6.0 All uses or change in uses require a Development Permit;
- 1.7.0 Notwithstanding 1.6.0, a Development Permit shall not be required where there is a change of tenant/owner of land/building but no change in use.
- 1.8.0 With each Development Permit application, a Site plan shall be submitted for the area covered by the development permit application. The plan shall show anticipated building use, building footprints, building orientation, parking areas, vehicular access/egress, internal roads, servicing between parcels, outside storage and seasonal merchandise areas, open space, landscaping, signage, pedestrian circulation to/from and within the Site and other information to the satisfaction of the Development Authority;

1.9.0 The following uses are deemed approved without a Development Permit:
Agriculture, General

1.10.0 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;

2.0.0 Land Use Regulations – Cell 1 - Industrial / Commercial and Flex Space

2.1.0 Purpose and Intent

The purpose and intent of Cell 1 is to provide for a transition between the adjacent commercial uses in the North Business Area and the industrial uses located in Cell 4. This is accomplished by allowing within Cell 1 a mix of commercial and retail uses that would complement the commercial uses to the north while also permitting light industrial development. Buildings may include *flex space* where one use or a variety of different uses can be accommodated. Architecture and landscaping within Cell 1 will be used to limit visual impacts to the public travelling on Township Road 261 and any adjacent residents.

2.2.0 List of Uses

Accessory Building
Accessory Use
Accommodation and Convention Services
Adult Education
Agriculture, General
Agriculture Support Services
Amusement and Entertainment Services
Animal Health Care Services
Ancillary Use
Child Care Facility in accordance with the Calgary International Airport Vicinity Protection Area Regulation
Commercial Recreation Facilities in accordance with the Calgary International Airport Vicinity Protection Area Regulation
Commercial Communications (CC) Facilities – Type A, B
Conference Centre
Convenience Store
Dealership/Rental Agency, Automotive excepting out any lots adjacent to the Queen Elizabeth II Highway or the service road paralleling the Queen Elizabeth II Highway
Drinking Establishment; not within 100 m of a school or child care facility
Drive Through
Financial Institution
Gaming Establishment, Bingo

Gaming Establishment, Casino
General Industry – Type I
Government Services
Grocery Store, Local
Grocery Store, Regional
Hotel
Indoor Participant Recreation Services
Laboratories
Liquor Sales
Motel
Museum
Offices
Outdoor Café
Outdoor Display Area
Outside Storage, associated with primary use
Personal Service Business
Private Clubs and Organizations in accordance with the Calgary International Airport
Vicinity Protection Area Regulation
Public Building
Public Market
Religious Assembly in accordance with the Calgary International Airport Vicinity
Protection Area Regulation
Research Parks
Restaurant
Retail Garden Centre
Retail Store, Local
Retail Store Regional
Service Station
Shopping Centre, Local
Special Function Tent - Commercial
Tourism Uses/Facilities, General
Tourist Information Services and Facilities
Vehicle Services
Warehouse
Warehouse Store

2.3.0 Minimum Requirements

2.3.1 Yard, Front: 6 metres (19.69 feet)

2.3.2 Yard, Side: 6 metres (19.69 feet)

2.3.3 Yard, Rear: 6 metres (19.69 feet)

2.4.0 Maximum Requirements

2.4.1 Building Height: 15 metres except a maximum of 30 metres for Hotels and Offices.

- a. Notwithstanding Section 2.4.1, Block D, Plan 741 0441 within NW 4-26-29-W4M is permitted a maximum building height of 25 metres except a maximum of 30 metres for *Hotel* and *Office* uses.

2.4.2 Outside Display Area: 20% site coverage

2.4.3 Outside Storage Area: 30% site coverage

3.0.0 Land Use Regulations – Cell 2 – Office / Industrial / Commercial and Flex Space

3.1.0 Purpose and Intent

The purpose and intent of Cell 2 is to offer businesses a presence along the Queen Elizabeth II Highway while enhancing the inter-municipal gateway to the Municipal District of Rocky View and the City of Calgary. Cell 2 will also provide for a transition between the Queen Elizabeth II Highway and the industrial uses located in Cell 4. In turn, office, commercial and industrial uses will be permitted within the Cell 2 area. Buildings may include *flex space* where one use or a variety of different uses can be accommodated. Architecture and landscaping within Cell 2 will be used to limit visual impacts upon the Queen Elizabeth II Highway.

3.2.0 List of Uses

All Cell 1 Uses
Excluding Dealership/Rental Agency, Automotive
Excluding *Vehicle Services*

3.3.0 Minimum Requirements

3.3.1 Yard, Front: 15.0 metres (32.8 feet)

3.3.2 Yard, Side: 6 metres (19.6 feet)

3.3.3 Yard, Rear: 6 metres (19.6 feet)

3.4.0 Maximum Requirements

3.4.1 Building Height: 15 metres except a maximum of 30 metres for Hotels and Offices.

3.4.2 Outside Display Area: 20 % site coverage

3.5.0 Lot Fronts

3.5.1 That portion of the lot adjacent to the Queen Elizabeth II Highway or its service road is considered to be the front of the lot.

3.6.0 Building Orientation

3.6.1 The building front for those lots adjacent to Queen Elizabeth II Highway and its service road may be orientated in any direction on the lot.

4.0.0 Land Use Regulations – Cell 3 – Office / Industrial / Commercial and Flex Space

4.1.0 Purpose and Intent

The purpose and intent of Cell 3 is to offer businesses a presence along future Range Road 294. Cell 3 also provides for a transition between Cells 1 and 2 and Cell 4. This is accomplished by allowing along with the Cell 1 uses an increase in the variety of industrial uses. Buildings may include *flex space* where one use or a variety of different uses can be accommodated.

4.2.0 List of Uses

All Cell 1 Uses
Dealership/Rental Agency, Automotive
Dealership/Rental Agency, Implement and Equipment
Dealership/Rental Agency, Recreational Vehicle
General Industry – Type II
Mini-Storage

4.3.0 Minimum Requirements

4.3.1 Yard, Front: 6 metres (19.69 feet)

4.3.2 Yard, Side: 6 metres (19.69 feet)

4.3.3 Yard, Rear: 6 metres (19.69 feet)

4.4.0 Maximum Requirements

4.4.1 Building Height: 15 metres excepting a maximum of 30 metres for Hotels and Offices.

5.0.0 Land Use Regulations – Cell 4 – Industrial and Flex Space

5.1.0 Purpose and Intent

The purpose and intent of Cell 4 is to accommodate a diversity of industrial uses that may be more intensive than found in Cell 1, 2 or 3. The Cell will also allow for commercial uses that are compatible with the industrial activities. Retail uses will be limited to service and employee related retail uses serving the immediate area work force. Buildings may include *flex space* where one use or a variety of different uses can be accommodated. Development within Cell 4 is expected to take advantage of its proximity to major road networks and the Canadian Pacific Rail Line. Architecture and landscaping within Cell 4 will be used to limit visual impacts upon adjacent residents.

5.2.0 List of Uses

- Accessory Building
- Accessory Use
- Agriculture, General
- Ancillary Use
- Auctioneering Services
- Automotive Services
- Convenience Store
- Commercial Communications (CC) Facilities – Type A, B
- Dealership/Rental Agency, Automotive
- Dealership/Rental Agency, Implement and Equipment
- Dealership/Rental Agency, Recreational Vehicle
- General Industry – Type I
- General Industry – Type II
- Grocery Store, Regional
- Government Services
- Indoor Participant Recreation Services
- Kennels
- Laboratories
- Mini-Storage
- Museum
- Offices
- Outdoor Café
- Outdoor Participant Recreation Services
- Outdoor Storage, Recreational Vehicle
- Outside Storage
- Public Building
- Restaurant
- Research Parks
- Service Station
- Signs
- Special Function Tent - Commercial*
- Storage Area
- Truck Stop

Warehouse
Warehouse Store

5.3.0 Minimum Requirements

5.3.1 Yard, Front: 6.0 metres (19.68 feet)

5.3.2 Yard, Side:

a) Street side: 6.0 metres (19.68 feet)

b) Adjacent to a property line: 3.0 metres (9.84 feet)

5.3.3 Yard, Rear: 3.0 metres (9.84 feet), or in the case of a yard, abutting a railway, no rear yard may be required.

5.3.4 Road Widening

Notwithstanding the minimum yard setbacks, if road widening occurs in the area shown on Schedule 'C' the setbacks on land adjacent to the road widening shall be reduced to 2.5 metres.

5.3.5 Lot Size: 1.01 hectares (2.5 acres)

5.3.6 Notwithstanding Section 5.3.3 all buildings shall be setback from the centre line of a sour gas pipeline that is parallel to the south boundary of Cell 4 according to the recommendation of the Energy Resources Conservation Board.

5.4.0 Maximum Requirements

5.4.1 Building Height: 15 metres except a maximum of 30 metres for Hotels and Offices.

6.0.0 Development Regulations

6.1.0 Landscaping

6.1.1 A Landscape Plan shall be submitted by the developer for each phase of subdivision, to the satisfaction of the Municipality and shall be in accordance with Part 3 of the Land Use Bylaw unless otherwise specified by the Business Use Performance Standards and Development Guidelines section of the *Balzac East Area Structure Plan* or the following sections of the Direct Control Bylaw:

6.1.1.1 The Landscape Plan shall comply with the Business Use Performance Standards and Development Guidelines section of the *Balzac East Area Structure Plan*.

- 6.1.1.2 Implementation of the Landscape Plan shall be through the Development Agreement or the Development Permit at the time of subdivision approval for each applicable phase.
- 6.1.1.3 Use of potable water for landscape irrigation shall not be permitted.
- 6.1.1.4 The Landscaping Plan shall incorporate water conservation principles such as the use of sustainable and low maintenance landscaping, suitable native and drought tolerant vegetation, and stormwater collection and irrigation systems.
- 6.1.1.5 The Landscape Plan shall be undertaken in a manner that includes a unified and cohesive design, compliments the existing and future surrounding land uses and limits visual and sound impacts upon them.
- 6.1.1.6 The Landscape Plan shall be undertaken in a manner that enhances the visual appearance from the Queen Elizabeth II Highway.
- 6.1.1.7 Landscaping of individual lots shall respond to the character of the lot while respecting the principles of the Landscape Plan.
- 6.1.1.8 Landscape design emphasis should be on the yards that are adjacent to the Queen Elizabeth II Highway, Township Road 261, and the existing residential development along Range Road 293 between 144th Avenue NE and Township Road 261.
- 6.1.1.9 A minimum of 20% of the Direct Control Bylaw area shall be landscaped. Included within this 20 percent is a requirement for a minimum of 10 percent of each individual lot to be landscaped.
- 6.1.1.10 A maximum of 50 percent of the area required to be landscaped may be landscaped with hard landscaping.
- 6.1.1.11 Landscaping calculations for the purposes of Section 6.1.10 may include areas of Public Utility Lots, Municipal Reserve Lots and stormwater management features which are enhanced with landscaping treatment, e.g. bio-swale

6.2.0 Building Design

- 6.2.1 The design, character and appearance of all buildings shall be appropriate to and compatible with their intended use and the surrounding area and shall be constructed of durable materials designed to maintain the initial quality throughout the life of the project.

- 6.2.2 All colours, materials and finishes should be co-ordinated on all exterior elevations of the buildings to achieve total continuity and comprehensiveness of design within each lot.
 - 6.2.3 The finish and appearance of any accessory buildings shall complement the principal building.
 - 6.2.4 Building design emphasis should be on those building elevations that are openly visible from the Queen Elizabeth II Highway, Township Road 261, and the existing residential development along Range Road 293 between 144th Avenue and Township Road 261.
 - 6.2.5 Building elevations facing the Queen Elizabeth II Highway shall be a primary element on each site through the use of quality architecture and co-ordinated colour schemes. Exterior finishing materials may include quality metal panel products, glass, pre-cast concrete, architectural site-cast concrete, architectural tile, and commercial grade stucco, brick or stone masonry, Wood, completely unfinished concrete and concrete block may be used as a secondary material only.
 - 6.2.6 It shall be encouraged in the architectural guidelines that buildings include water conservation measures including installing water efficient plumbing fixtures such as low flow or dual flush toilets and low flow shower heads, installing water metres, and the capture and reuse of rainwater.
- 6.3.0 Parking
- 6.3.1 Parking shall be visually screened from the Queen Elizabeth II Highway and Township Road 261 with appropriate berming, vegetation, low level structures, and/or fencing.
 - 6.3.2 Parking areas located in Cells 1, 2 and 3 and any other areas adjacent to residential development shall be paved with an asphalt or concrete surface.
- 6.4.0 Signage
- 6.4.1 The size and placement of all signage shall be considered an integral part of site development and complement the overall character of the development.
 - 6.4.2 Unnecessary and unsightly signage that overpowers both individual buildings and their surroundings shall not be permitted.
 - 6.4.3 Signs shall be built of durable permanent quality materials.
- 6.5.0 Outside Storage

6.5.1 All outside storage shall be screened to soften the visual impact on neighbouring sites and public streets with appropriate berming, vegetation, and/or fencing. Outside storage shall not be located within any required setback, excepting out setbacks required by the Energy Resources Conservation Board.

6.5.3 Outside storage shall not be located within the front yard of those lots adjacent to the Queen Elizabeth II Highway and its service road or Township Road 261.

6.5.3.1 Outside storage in these areas is allowed in the rear of the yard.

6.5.3.2 Outside storage in these areas is allowed in the side yard if the following conditions are met:

- (i) All storage is recessed 10 metres from the plane of the building that is orientated to Queen Elizabeth II Highway or Township Road 261.
- (ii) All outside storage shall be screened to soften the visual impact on neighbouring sites and public roads with appropriate berming, vegetation, and/or fencing. Screening should incorporate architectural elements of the proposed building.
- (iii) Upon application for the first Development Permit that proposes side yard storage for any development adjacent to the Queen Elizabeth II Highway, a *build to* line will be identified. The first and all subsequent buildings that propose side yard storage must be located on the build to line.
- (iv) Upon application for the first Development Permit that proposes side yard storage for any development adjacent to the Township Road 261, a *build to* line will be identified. The first and all subsequent buildings that propose side yard storage must be located on the build to line.

6.5.4 Where residential development directly faces Range Road 293, between 144th Avenue NE and Township Road 261, outside storage shall be setback a minimum of 30 metres from the property line. No trucks or tractor trailer parking may occur within the 30 metre setback, subject to the following exceptions:

- (i) Loading and unloading of tractor trailer units may occur only at designated bays;

Section 6.5.4 shall no longer apply when a Conceptual Scheme or equivalent planning document for business and/or industrial development for the adjacent residential area has been adopted.

6.6.0 Outside Display

- 6.6.1 Outside display areas shall be permitted provided they are limited to examples of equipment, products and/or items related to the use of the respective individual lot
- 6.6.2 Outside display shall not occupy more than 20% of the total frontage facing the Queen Elizabeth II Highway or Township Road 261 unless it is considered appropriate by the Development Authority.
- 6.6.3 Outside display areas shall not be located within any required setback.
- 6.6.4 Outside display areas shall not face the existing residential development along Range Road 293, between 144th Avenue and Township Road 261, unless a Conceptual Scheme or equivalent planning document for business and/or industrial development for the adjacent residential area has been adopted.
- 6.7.0 Special Function Tent - Commercial
 - 6.7.1 A special function tent (commercial) shall not be erected on a site, or portion thereof, for any longer than 15 cumulative days in any one calendar year;
 - 6.7.2 A maximum building height of 9 metres shall be permitted for special function tents (commercial);
 - 6.7.3 No separation from a side or rear property line is required; and
 - 6.7.4 No additional parking is required in respect of a special function tent (commercial).
- 6.8.0 Weed Management
 - 6.8.1 A Weed Management Plan shall be submitted at the subdivision application stage for the entire project area to the satisfaction of the Municipality.
- 6.9.0 Special Development Restrictions
 - 6.9.1 Liquor Sales and Gaming Establishments are not allowed within 100 m of a Child Care Facility.
 - 6.9.2 A Child Care Facility is not allowed within 100 metres of permanent Liquor Sales or Gaming Establishments.
- 7.0.0 Performance Standards**
 - 7.1.0 Air Contaminants, Visible and Particulate Emissions

No use or operation shall cause or create air contaminants, visible emissions, or particulate emissions beyond the site that contains them.

7.2.0 Odorous Matter

No use or operation should cause or create the emission or spread of odorous matter or vapour beyond the site which contains the use or operation which produces them.

7.3.0 Noise and Vibration

No use or operations shall cause or create the emission of noise or vibration beyond the site that contains the use or operation.

7.4.0 Rail Line Activity

Notwithstanding 7.1.0, 7.2.0, and 7.3.0, air contaminants, visible emissions, particulate emissions, odorous matter, noise and vibration associated with the rail line is permitted.

7.5.0 Lighting

All on-site lighting shall be night sky friendly; and located, oriented and shielded to prevent adverse affects on adjacent residential properties and to protect the safe and efficient function of the Calgary International Airport, Queen Elizabeth II Highway and Township Road 261.

7.6.0 Toxic Matter

No use or operation at any location on the site shall cause or create the emission or spread of toxic matter beyond the building or storage area which contains it. The handling, storage and disposal of any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any Chemical Management Plan that may be required by the Municipality and as defined in a Development Permit.

7.7.0 Garbage Storage

Garbage, waste, and recycling material accumulated at any location on the site shall be stored in weather-proof and animal-proof containers. Such containers shall be located within buildings or adjacent to the side or rear of buildings. The containers shall be screened from view by all adjacent properties and public thoroughfares with appropriate berming, vegetation, low level structures, and/or fencing.

7.8.0 Fire and Explosive Hazards

All uses and operations on the site which handle, store, or utilize products which may be hazardous due to their corrosive, poisonous, flammable, or explosive characteristics shall comply with the applicable fire regulations of the Municipality or the regulations of any other government authority having jurisdiction and in accordance with any hazardous materials or emergency management plan that may be required by the Municipality, and as defined in a Development Permit.

7.9.0 Fire Protection

Fire protection measures shall be provided as may be required by the Municipality and included in a Development Permit.

8.0.0 Definitions

- 8.1.0 ADULT EDUCATION – means a private or public institution for the teaching and training of persons over the age of 18 and is in accordance with the Calgary International Airport Vicinity Protection Area Regulation.
- 8.2.0 DRIVE THROUGH means a use where services are provided to patrons who are in a motor vehicle and that will always be approved with another use including restaurants and *financial institutions*.
- 8.3.0 FLEX SPACE means floor space within a building or buildings constructed such that the space could be used for a variety of commercial and industrial uses.
- 8.4.0 FINANCIAL INSTITUTION means a bank, trust company, credit union or similar establishment.
- 8.5.0 SPECIAL FUNCTION TENT – COMMERCIAL means a collapsible shelter that is ancillary to the principal use of the Cell and erected for the purposes of a drinking establishment, restaurant-licensed, restaurant food service only, take-out food service, entertainment establishment, vehicle sales, retail store or warehouse store.
- 8.6.0 VEHICLE SERVICES means a development used for the rental, lease, sale, service, restoration, mechanical repair and the retail sale of parts and petroleum products for motorized vehicles including automobiles, trucks, motorcycles, and snowmobiles but excluding recreational vehicles and trailers. The storage of vehicles and wrecking yards are excluded from this use.
- 8.7.0 Terms not defined above have the same meaning as defined in Section 9.0.0 of the Land Use Bylaw C-4841-97.

SCHEDULE "A"

BYLAW: C-6941-2010

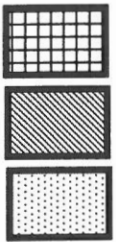


AMENDMENT

FROM Direct Control District (C-6234-2006) TO Direct Control District (C-6721-2008)

FROM Direct Control District (C-6021-2005) TO Direct Control District (C-6721-2008)

FROM Residential Two District TO Direct Control District (C-6721-2008)



Subject Land 



LEGAL DESCRIPTION: Block D, Plan 7410441; Block C, Plan 1421 LK;
Block E, Plan 7410441 within NW-4-26-29-W4M and Lot 8, Block 3, Plan 0912138
within SW-9-26-29-W4M

FILE: 06404003/008/009/06409022-2009-RV-262

DIVISION: 7



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SCHEDULE "B"

BYLAW: C-6941-2010



AMENDMENT

Direct Control District

Subject Land



LEGAL DESCRIPTION: A portion of Sec 9 and all of
SW 10-26-29-W4M

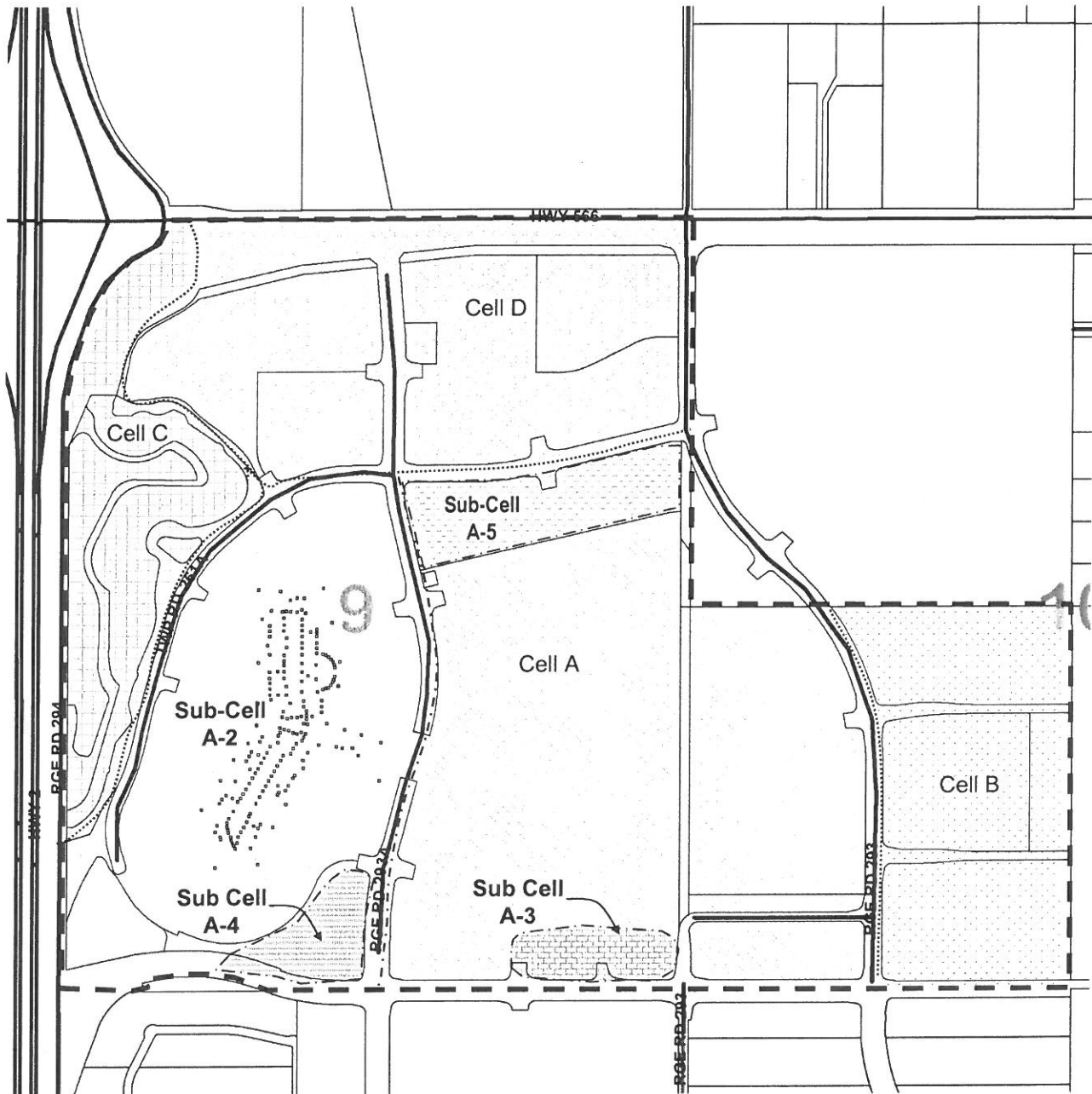
FILE: 06404003/008/009/06409022-2009-RV-262 DIVISION: 7



ash

SCHEDULE "C"

BYLAW: C-6941-2010



AMENDMENT

Direct Control District

Subject Land

LEGAL DESCRIPTION: A portion of Sec 9 and all of
SW 10-26-29-W4M

FILE: 06404003/008/009/06409022-2009-RV-262

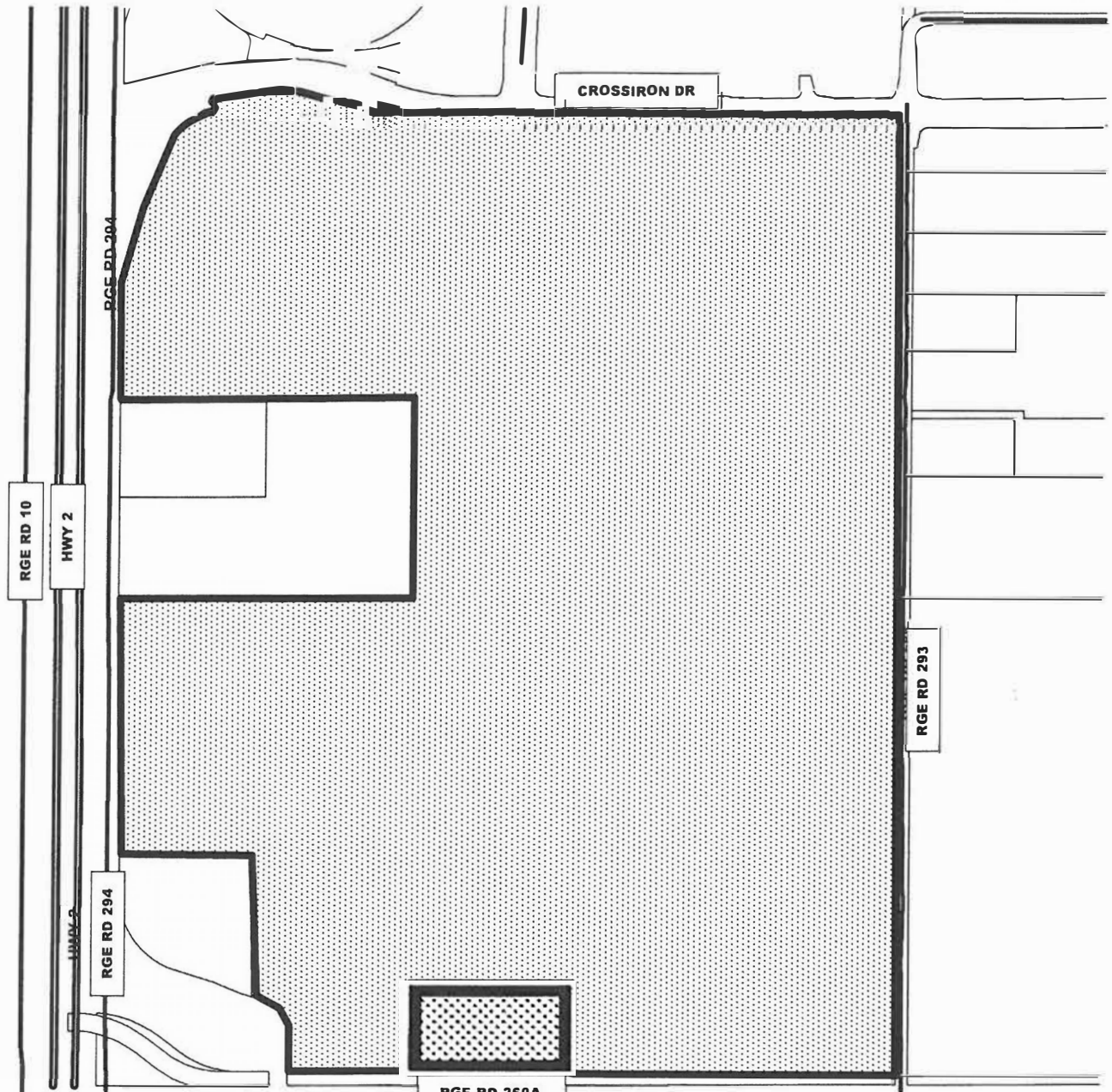
DIVISION: 7



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SCHEDULE "D"

BYLAW: C-6941-2010



AMENDMENT

Direct Control District

Subject Land

LEGAL DESCRIPTION: S 1/2 NW & NE 4-26-29-W4M
a portion of SW-9-26-29-W4M

FILE: 06404003/008/009/06409022-2009-RV-262 DIVISION: 7



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SCHEDULE "E"

BYLAW: C-6941-2010



Cell 1



Cell 3



Cell 2



Cell 4



LEGAL DESCRIPTION: S 1/2 NW & NE 4-26-29-W4M and a portion of SW-9-26-29-W4M

FILE: 06404003/008/009/06409022-2009-RV-262 DIVISION: 7



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