

**Rocky View County
Bylaw C-6859-2009**

A Bylaw of Rocky View County to amend Bylaw C-4841-97 (The Land Use Bylaw).

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

WHEREAS Rocky View County Council has received an application to amend Part 5; Land Use Maps No. 62 and 62-2 of Bylaw C-4841-97 to redesignate the SW 15-26-27-W4M, Lots 1, 2 and 3, Plan 5323GT, Lot 5 Plan 941 0774, and Lot 1, Block 1, Plan 081 1316 from Ranch & Farm District (RF), Ranch and Farm Two District (RF2) and Public Service District (PS) to Direct Control District (DC), hereby known as Kathryn Direct Control District, as shown on Schedule 'A' and Schedule 'B' attached to and forming part of this Bylaw.

WHEREAS a notice was published on Tuesday, October 27, 2009 and Tuesday, November 3, 2009 in the Rocky View Weekly, a newspaper circulating in Rocky View County, advising of the Public Hearing for Tuesday, December 1, 2009; 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. 62 and 62-2 of Bylaw C-4841-97 be amended to redesignate portions of the SW 15-26-27-W4M; Lots 1, 2 and 3, Plan 5323GT; Lot 5 Plan 941 0774; and Lot 1, Block 1, Plan 081 1316 from Ranch & Farm District (RF), Ranch and Farm Two District (RF2) and Public Service District (PS) to Direct Control District (DC), as shown on Schedule 'A' and Schedule 'B' attached to forming part of this Bylaw.
2. That the regulations of this Direct Control Bylaw comprise of:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations – Comprehensive Residential Development Cell
 - 3.0.0 Land Use Regulations – Public Services Development Cell
 - 4.0.0 Land Use Regulations – Interim Homestead Development Cell
 - 5.0.0 Land Use Regulations – Future Development Cell
 - 6.0.0 Subdivision & Development Regulations
 - 7.0.0 Definitions
 - 8.0.0 Implementation

1.0.0 General Regulations

- 1.1.0 For the purposes of this Bylaw, the Lands shall be divided into Development Cells, the boundaries and descriptions of which are indicated in Schedule "B" attached to and forming part of this Bylaw. The size and shape of the Cells are approximate and will be precisely determined by an approved Subdivision Plan.
- 1.2.0 Parts 1, 2 & 3 of the Land Use Bylaw C-4841-97 shall apply to all uses except where noted otherwise by this Bylaw.

- 1.3.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.4.0 Accessory Buildings, Dwellings, *Single-detached*, Dwellings, *Semi-detached*, Agriculture, *General*, Home Based Businesses, *Type I*, and Utilities as a component of a Development Agreement or approved Subdivision are deemed approved uses without requirement for a Development Permit when all other criteria of this Bylaw are met.

2.0.0 Land Use Regulations – Comprehensive Residential Development Cell (CRD)

2.1.0 Purpose and Intent

The purpose and intent of the Residential Development Cell is to provide for comprehensively planned residential uses with a variety of single-family and semi-detached dwellings supported by communal potable water, sanitary wastewater servicing and a variety of publicly-accessible recreation amenities.

2.2.0 Uses

- 2.2.1 Accessory Building
- 2.2.2 Community Sign
- 2.2.3 Child Care Facility
- 2.2.4 Dwelling, *Single-detached*
- 2.2.5 Dwelling, *Semi-detached*
- 2.2.6 Home Based Business, *Type I & Type II*
- 2.2.7 Public Park
- 2.2.8 Accessory Dwelling Unit
- 2.2.9 Show Home
- 2.2.10 Utilities

2.3.0 Minimum Requirements

2.3.1

	SINGLE FAMILY DWELLING		SEMI-DETACHED DWELLING	
Min. Parcel Size	696.8 m ² (7,500 ft ²) or 0.068 ha (0.17 ac)		418 m ² (4,500 ft ²) or 0.04 ha (0.10 ac)	
Min. Lot Width	15.24 m (50 ft)	18.29 m (60 ft)	9.14 m (30 ft)	
Min. Front Yard	4 m (13.12 ft)	6 m (19.7 ft)	4 m (13.12 ft)	
Min. Rear Yard	15 m (49.2 ft)			
Min. Side Yard	1.5 m (5 ft)		1.5 m (5 ft)	0 m on party wall side
Minimum habitable floor area, excluding basement	92.9 ² (1,000 ft ²)			

- 2.3.2 Minimum Side Yard (Accessory Building): 1 m (3.28 ft)
- 2.3.3 Minimum Rear Yard (Accessory Building): 1.2 m (4 ft)
- 2.3.4 Minimum Off-Street Parking: 2 per Dwelling Unit

2.4 Maximum Requirements

- 2.4.1 Maximum height of buildings
Principal Building: 11.0 m (36.09 ft)
Accessory Building: 5.5 m (18.04 ft)
- 2.4.2 Maximum Number of Lots: 175
- 2.4.3 Maximum Number of Dwelling Units per Lot: 1
- 2.4.4 Maximum Total Site Coverage (All Buildings): 35 %

2.5.0 Special Regulations

- 2.5.1 The driveway connecting a garage to an road, *internal subdivision* shall be a minimum length of 6.0 m (19.75 ft) when measured from the back of a curb or back of sidewalk (whichever is greater) to the closest portion of the garage.
- 2.5.2 The driveway connecting a garage to a rear lane shall either be a minimum of 1.2 m (4 ft) or greater than (or equal to) 6.0 m (19.75 ft).
- 2.5.3 Accessory Buildings are not permitted within the Front Yard of any lot containing a Dwelling Unit.
- 2.5.4 Notwithstanding 2.4.3, Accessory Dwelling Units (ADU) may be permitted subject to the following criteria:
 - 2.5.4.1 only permitted within residential parcels containing single-detached dwellings;
 - 2.5.4.2 must be contained within the principal building or as part of a detached garage;
 - 2.5.4.3 when contained within a principal building, shall be accessed through a side or rear entrance (or via a common landing);
 - 2.5.4.4 shall be designed to blend with the architectural character of the principal building;
 - 2.5.4.5 shall be serviced with utilities which are connected with the principal building;
 - 2.5.4.6 shall be restricted in size to a maximum of 80 m²;
 - 2.5.4.7 Section 28.4 of Land Use Bylaw C-4841-97 is applicable, unless otherwise stated in this Bylaw;

3.0.0 **Land Use Regulations – Public Services Development Cell**

3.0.0 Purpose & Intent

The purpose and intent of the Public Services Development Cell is to provide for publicly-accessible community amenities including: Institutional, Educational, Recreational and Community uses as well as Utility Infrastructure and related uses required to service the development.

3.1.0 Uses

- 3.1.1 Accessory Buildings
- 3.1.2 Arts & Cultural Center
- 3.1.3 Athletic & Recreation Services

- 3.1.4 Commercial Communication Facilities (*Type 'A', Type 'B'*)
- 3.1.5 Community Garden
- 3.1.6 Indoor Participant Recreation Services
- 3.1.7 Public or Quasi-Public Building
- 3.1.8 Public Park
- 3.1.9 Recycling Collection Point
- 3.1.10 School, *Public or Separate*
- 3.1.11 Signs
- 3.1.12 Utilities

3.2.0 Minimum Requirements

- 3.2.1 Front Yard Setbacks
Minimum: 15 m (49.2 ft) from any road, *municipal*
Minimum: 6 m (19.7 ft) from any road, *internal subdivision*
- 3.2.2 Side Yard Setbacks
Minimum: 15 m (49.2 ft) from any road, *municipal*
Minimum: 0 m (0 ft) where yard abuts another parcel within the same Development Cell
Minimum: 3 m (9.8 ft) all others
- 3.2.3 Rear Yard Setbacks
Minimum: 8 m (26.2 ft)

3.3.0 Maximum Requirements

- 3.3.1 Maximum height of buildings
Principal Building: 12 m (39.4 ft)
Accessory Building: 5.5 m (18ft)

4.0.0 Land Use Regulations – Interim Homestead Development Cell

4.1.0 Purpose & Intent

The purpose and intent of the Interim Homestead Development Cell is to facilitate title separation of the existing 'farm-related' residential building site within the SW 15-26-27-W4 pending its eventual redevelopment with comprehensive residential subdivision.

4.2.0 Uses

- 4.2.1 Accessory Buildings *less than 500 m² (5,382 ft²)*
- 4.2.2 Dwelling, *Single Detached*
- 4.2.3 Agriculture, *General*
- 4.2.4 Home Based Business, *Type I & II*
- 4.2.5 Keeping of livestock at a density of no greater than 2 animals per 1.6 ha (4.0 ac) on parcels 1.6 ha (4.0 ac) or more

4.3.0 Minimum and Maximum Requirements

- 4.3.1 Minimum Parcel Size: 8.1 ha (20 ac)
- 4.3.2 Front Yard Setback (*abutting Highway 566*)
Minimum: 45.0 m (147.6 ft)
- 4.3.3 Side Yard Setback
Minimum: 6.0 m (19.7 ft)

- 4.3.4 Rear Yard Setback (*abutting the internal subdivision road*)
Minimum: 45.0m (147.6 ft)
- 4.3.5 Minimum Habitable Floor Area (excluding basement): 92.0 m² (990.3 ft²)
- 4.3.6 Maximum Number of Lots: 1
- 4.3.7 Maximum Number of Dwellings per Lot: 2
- 4.3.8 Maximum height of buildings
Principal Building: 10.0 m (32.8 ft)
Accessory Building: 5.5 m (18.0 ft)

5.0.0 Land Use Regulations – Future Development Cell

5.1.0 Purpose & Intent

The purpose and intent of the Future Development Cell is to provide for general agricultural and utility service infrastructure uses pending the site's eventual redevelopment with future comprehensive residential redesignation and subdivision approval processes.

5.2.0 Uses

- 5.2.1 Agriculture, *General*
- 5.2.2 Keeping of livestock at densities no greater than two (2) animal units per 1.6 ha (4.0 ac) on parcels 1.6 ha (4.0 ac) or more
- 5.2.3 Utilities

5.3.0 Minimum and Maximum Requirements

- 5.3.1 Minimum Parcel Size: 3.23 ha (8 ac)
- 5.3.2 Maximum Number of Lots: 5

6.0.0 Subdivision & Development Regulations

- 6.1.0 No subdivision proposing the creation of residential lots shall be endorsed by the County until:
 - 6.1.1 The Municipal Government Act and Subdivision and Development Regulations, and the County's Servicing Standards for Subdivision and Road Construction, have been adequately addressed.
 - 6.1.2 The Applicant has prepared and submitted a Landscaping & Public Amenities Plan affecting proposed improvements within the Municipal Reserve parcels (MR), and the landscaped berm, prepared by a qualified professional, in a form satisfactory to the County.
 - 6.1.3 The Applicant has prepared an encumbrance to be registered against each lot referencing Architectural Controls as per Policy 11.1.1 of the Hamlet of Kathryn Conceptual Scheme's Appendix 'A'.
 - 6.1.4 The Applicant has prepared an encumbrance to be registered against each lot referencing the roles and responsibilities of the Kathryn Home Owner's Association as per Policy 5.2.2 of the Hamlet of Kathryn Conceptual Scheme's Appendix 'A'.

7.0.0 Definitions

- 7.1.0 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;

- 7.2.0 “*Accessory Dwelling Unit*” – means a subordinate self-contained area within a single family residence or accessory building having complete provision for residential living by the occupants of said area including living, sleeping, kitchen and sanitary facilities. For purposes of this Bylaw, *Accessory Dwelling Units* are not considered to be a *Dwelling Unit* and shall not be included as part of the maximum # of lots permitted by Section 2.4.2;
- 7.3.0 “*Community Garden*” – means an area of publicly-owned land cultivated by members of the community including individual plots to be rented to local gardeners by the Kathryn Home Owner’s Association for a fee, all subject to the terms of a Lease Agreement with the County.
- 7.4.0 “*Community Sign*” – means a sign displaying the name of the community or communities within portions of Section 15 & 16-26-27-W4M;
- 7.5.0 “*Development Cell*” – means an area of land that may contain a number of uses as defined in this Bylaw and which are identified in Schedule “B”;
- 7.6.0 “*Landscaping & Public Amenities Plan*” – means a Plan, prepared by a qualified professional, to describe all recreational amenities planned within the site, a description of which amenities will be accessible to the general public and a detailed Site Plan illustrating their location and configuration.
- 7.7.0 “*Lot Width*” – is the length of a line drawn from one side property line to the opposite side property line, measured from the respective 6 m setback points from the front property line;
- 7.8.0 “*Utilities*” – means facilities and infrastructure required for potable water treatment & distribution, wastewater collection & distribution, stormwater collection & distribution, waste management, natural gas, electricity, cable and telecommunication transmission lines and related facilities and relevant appurtenances necessary to service the development cells or portions thereof in the area covered by the Bylaw.

8.0.0 Implementation

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

DIVISION: 6
2009-RV-054
File: 06215002/005/007/008/009/010/011

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, October 20, 2009, on a motion by Councillor Boehlke.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, December 1, 2009, on a motion by Councillor Boehlke.

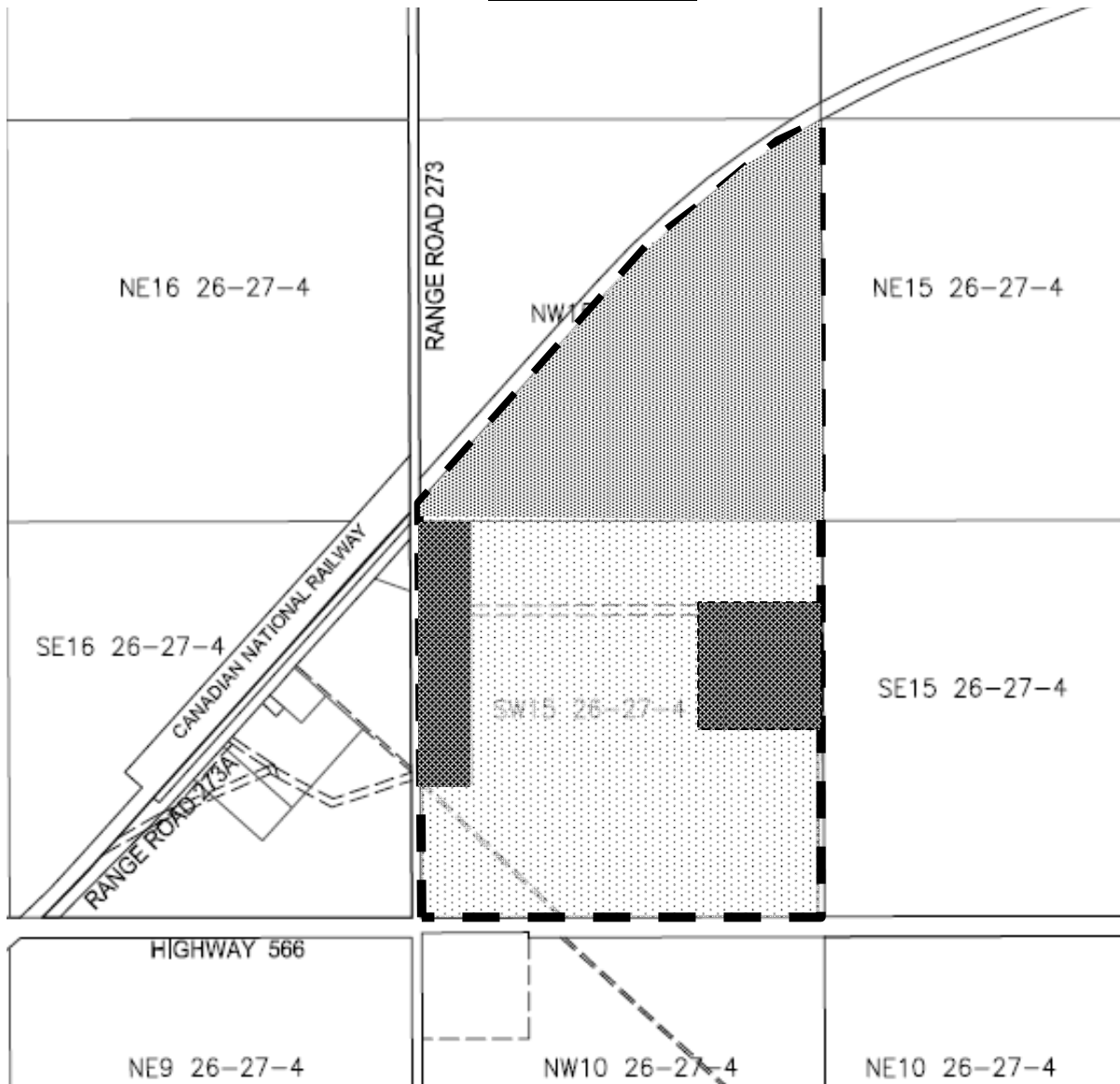
Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, December 1, 2009, on a motion by Councillor Rheubottom.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-6859-2009



AMENDMENT

FROM: Ranch & Farm District
Ranch & Farm Two District
Public Service District

TO: Direct Control District
Direct Control District
Direct Control District

Subject Lands -----

LEGAL DESCRIPTION: SW 15-26-27-4, Lots 1, 2 and 3, Plan 5323GT, Lot 5 Plan 941 0774 and Lot 1 Block 1 Plan 081 1316

06215002/005/007/008/009/010/011 /

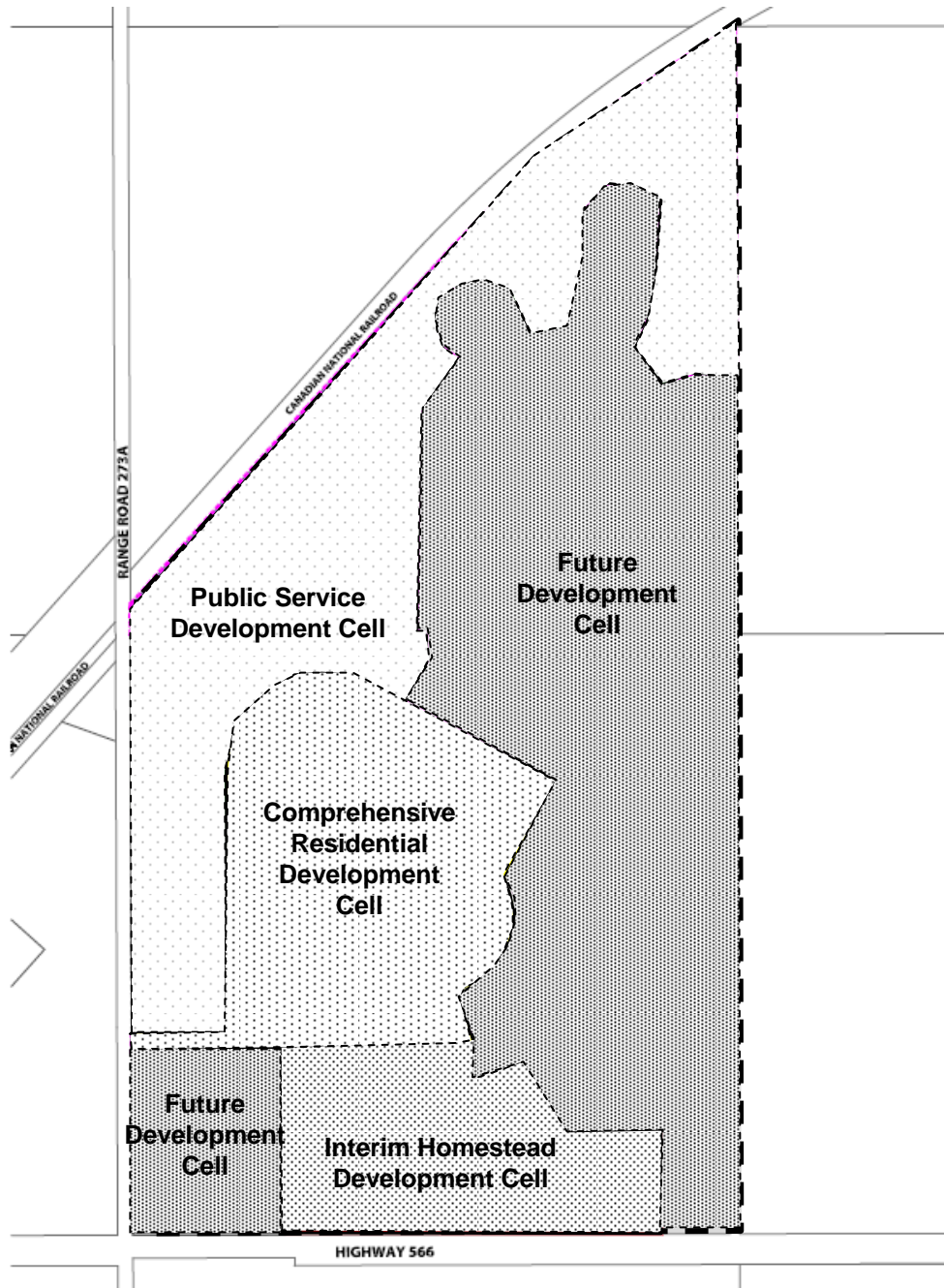
FILE: 2009-RV-054

DIVISION: 6

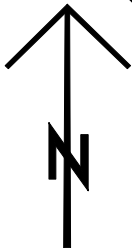


SCHEDULE "B"

BYLAW: C-6859-2009



----- Subject Lands



SW 15-26-27-4, Lots 1, 2 and 3, Plan 5323GT, Lot
LEGAL DESCRIPTION: 5 Plan 941 0774 and Lot 1 Block 1 Plan 081 1316
06215002/005/007/008/009/010/011 /
FILE: 2009-RV-054

DIVISION: 6

