

**ROCKY VIEW COUNTY
BYLAW C 7265-2013**

A Bylaw of Rocky View County to amend Bylaw C-4841-97, known as the Land Use Bylaw.

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

WHEREAS the Council of Rocky View County has received an application to amend Part 5, Land Use Map No. 64 of Bylaw C-4841-97 to redesignate a portion of Block 2, Plan 931 0884 within NE 13-26-1-W5M from Business-Recreation Destination (B-RD) to Direct Control District as shown on the attached Schedule 'A'; 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 24 of the Revised Statutes of Alberta, 1995, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Part 5, Land Use Map No. 64 of Bylaw C-4841-97 be amended by redesignating a portion of Block 2, Plan 931 0884 within NE 13-26-1-W5M from Business-Recreation Destination (B-RD) to Direct Control District as shown on the attached Schedule 'A' forming part of this Bylaw.
2. That a portion of lands within Block 2, Plan 931 0884 within NE 13-26-1-W5M are hereby redesignated to Direct Control District as shown on the Schedule 'A' attached to and forming part of this Bylaw.
3. The Bylaw comes into effect upon the date of its third reading.

**Division: 7
File: 06513005 / 2011-RV-145**

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 30, 2013, on a motion by Councillor Habberfield.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on June 4, 2013, on a motion by Councillor Habberfield.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on June 4, 2013, on a motion by Councillor Boehlke.

REEVE OR DEPUTY REEVE

MUNICIPAL CLERK

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-7265-2013

That the regulations of this Direct Control District comprise:

- 1.0.0 General Regulations
- 2.0.0 Land Use Regulations
- 3.0.0 Development Regulations
- 4.0.0 Definitions

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.
- 1.2.0 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 are applicable, unless otherwise stated in this Bylaw.
- 1.3.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Bylaw provided the provisions of Sections 2 and 3 herein are completed in form and substance, satisfactory to the County.
- 1.4.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.5.0 At the time of subdivision or development of the Lands, the County may require the Owner to enter into an agreement pursuant to Section 62 of the Municipal Government Act.
- 1.6.0 All other requirements of this Bylaw have been satisfied to the satisfaction of the Development Authority.

2.0.0 LAND USE REGULATIONS

2.1.0 Purpose and Intent

The purpose and intent of this District is to provide for the development of land uses within the Balzac West Area Structure Plan, integrating existing development with new land uses while ensuring high quality, attractive and aesthetically pleasing development fronting Queen Elizabeth II Highway.

2.2.0 List of Uses:

- 2.2.1 Signs
- 2.2.2 Data Centre
- 2.2.3 Office, as an accessory use to the Data Centre
- 2.2.4 Campground, Tourist

2.2.5 Accessory Building

2.3.0 Minimum & Maximum Requirements

2.3.1 Maximum Parcel size – 1.63 ha. (4.03 ac.)

2.3.2 Maximum Building Height (principle building) – 9.14 m (30 feet) – (accessory building) 5 m (16.4 ft)

2.3.3 Maximum Building Height (accessory building) – 5.5 m (18.04 feet)

2.3.4 Minimum Front Yard – 6 m. (19.6 ft.) adjacent the easterly Service Road

2.3.5 Minimum Side Yard – 6 m. (19.6 ft.) (North Side Yard - 8 m (26.24 ft))

2.3.6 Minimum Rear Yard – 6m. (19.6 ft.)

2.3.7 Maximum Area for Principal Building – building footprint not to exceed 7,000 sq. m. (75,347sq. ft.) with a combined floor area not exceeding 14,000 sq. m. (150,694.75 sq. ft.).

2.3.8 Maximum Area for Accessory Buildings – not to exceed a combined area of 2,323 sq. m (25,000 sq. ft.).

2.3.9 The Maximum number of accessory buildings is two (2).

2.4.0 Water Supply and Sewage Treatment

2.4.1 Potable water for all development on the site shall be provided by a piped source, licensed and approved for commercial use by the Government of Alberta, or hauled to the site and stored in cisterns, all as approved by the County and to the satisfaction of the County.

2.4.2 Disposal of wastewater shall be subject to all requirements of the Government of Alberta and all County approvals pursuant to this Bylaw to the satisfaction of the County.

2.4.3 A caveat regarding a Deferred Services Agreement is registered on the Lands, notifying the Owner or any future owners and all lessees of the requirement to connect to the County owned piped water and wastewater systems at their own cost when such services become available. This Agreement is to outline the location of existing services within the Lands, the operation and maintenance of these services, the requirements for their decommissioning once County Servicing becomes available, all to the satisfaction of the County.

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 No Development Permit for any use or *development* or *building* permit for any *building* shall be issued by the Development Authority and no *development* shall occur on the lands until:

3.2.0 The Owner has received all necessary permits and/or approvals from Alberta Transportation, in accordance with the Public Highways Development Act and the Highway Development Control Regulation.

3.2.1 The Owner has prepared a Stormwater Management Plan, addressing both on-site and off-site stormwater, completed by a qualified professional engineer licensed to practice in the Province of Alberta, that is satisfactory to the County, and which shows that the development will not negatively affect adjacent lands.

- 3.2.2 An Emergency Response Plan has been prepared by the Owner and submitted to the satisfaction of the Fire Chief, and which Plan establishes, among other things, measures for chemical containment and remediation, storage of fuels and chemicals, soil contamination and fire suppression;
- 3.2.3 The Owner has prepared and submitted an overall Site Development Plan, which includes an illustration of the vehicular and pedestrian movement corridors, parking and loading facilities and all other facilities that are to be located on the site, to the satisfaction of the Development Authority.
- 3.2.4 The Owner has submitted a Construction Management Plan satisfactory to the County, which details amongst other items, erosion, dust and noise control measures during construction.
- 3.2.5 All other requirements of this Bylaw have been satisfied to the satisfaction of the Development Authority.

3.3.0 Development and Building Standards

3.3.1 Landscaping

- a) Landscaping shall be provided in accordance with a Landscape Plan to be submitted to the County upon application for a Development Permit. The Landscape Plan shall identify the location, type and extent of all hard and soft landscaping proposed for the lands, and shall require that a minimum of 15% of the lands within the Development Area be landscaped.
- b) The Landscape Plan shall include methods to enhance the visual appeal of the development along the Queen Elizabeth II Highway corridor.
- c) The Landscape Plan contemplated herein shall identify the location and extent of the landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.
- d) All plant materials shall be of a species capable of healthy growth in the County and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock.
- e) The quality and extent of landscaping 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 and shall not use potable water.
- f) A landscaping strip of at least 4 meters shall be included along the northern (side) boundary, in order to reduce associated visual impacts at this aspect.

3.3.2 The design, character and appearance of any buildings, structures or signs proposed to be erected or located on the lands must be acceptable to the Development Authority having due regard to:

- the compatibility with and the effect on adjacent properties and the surrounding rural area; and,

- the visual enhancement of Queen Elizabeth II Highway as an important transportation corridor.
 - i. All buildings adjacent to Queen Elizabeth II Highway should be oriented to face the Highway.
 - ii. Parking facilities, for domestic vehicles, shall be provided for in accordance with the requirements of the Land Use Bylaw, except that parking shall be screened and/or integrated into building architecture and/or landscaped pursuant to 3.3.1 above. Parking shall not be permitted within any setback area.
 - iii. All parking and/or loading zones for these buildings shall be located at either the rear or the side of the proposed buildings; screened from Queen Elizabeth II Highway.
 - iv. Signage shall be considered concurrently with a Development Permit application and may be integrated into building architecture and shall be consistent with the overall development theme.

3.4.0 Performance Standards

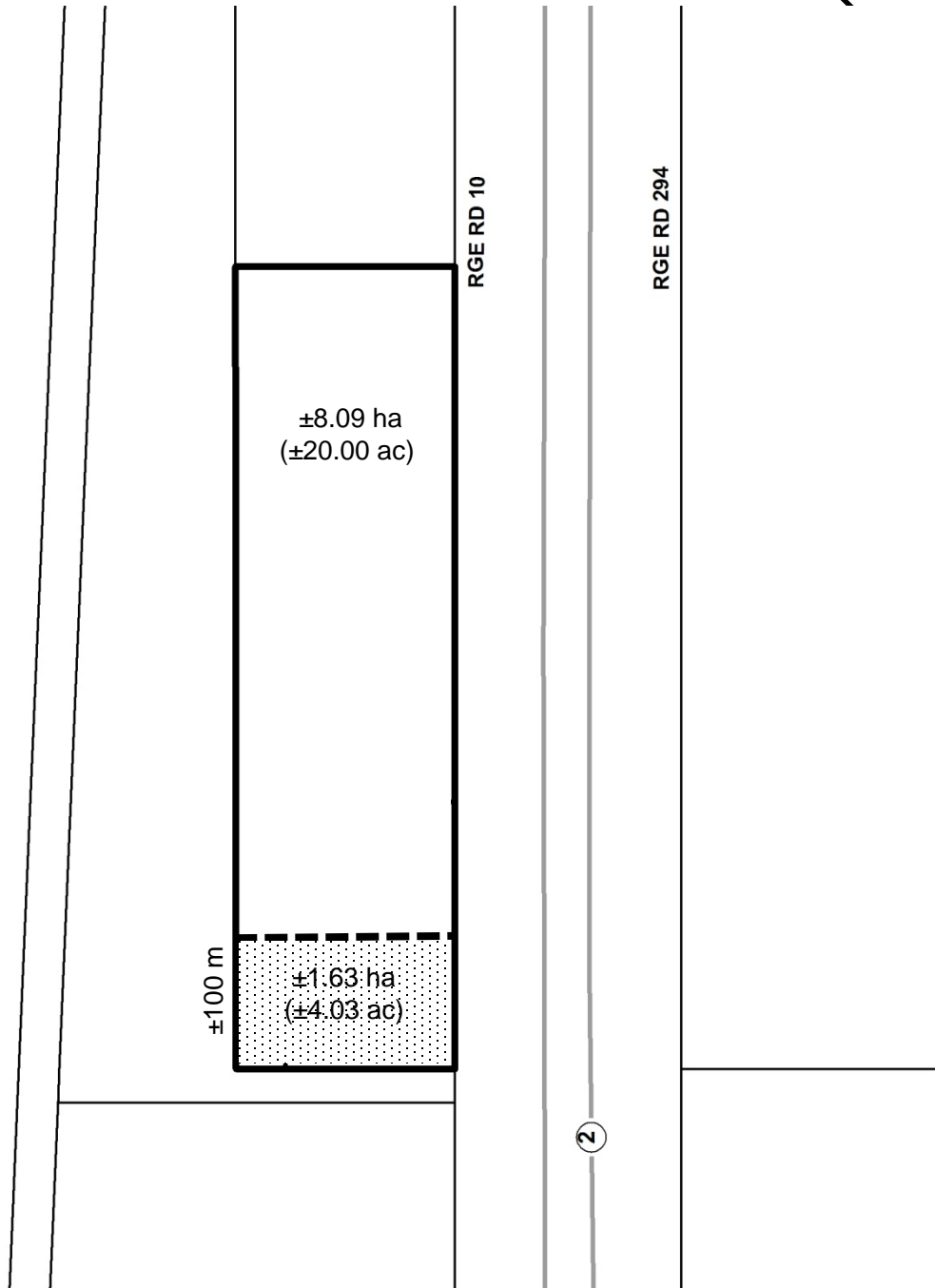
- a) Fire Protection - Fire protection measures shall be provided as may be required by the County and included in a Development Permit.

4.0.0 DEFINITIONS

Definitions have the same meaning as the Land Use Bylaw C-4841-97, unless otherwise noted.

- 4.1.0 “*Data Centre*” means a building used to store computer systems and associated components for the storage of data.

REVISED SCHEDULE "A"



AMENDMENT

FROM Recreation Business District TO Direct Control District

Subject Land _____

LEGAL DESCRIPTION: A portion of NE13-26-1-W5M

FILE: 06513005-2011-RV-145

DIVISION: 7