

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

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
C4977-98	Original Bylaw	December 15, 1998
C-5233-2000	Delete & replace sec 2.1.0 Insert section 2.3.2 Delete & replace sec 2.4.1 Delete & replace sec 2.5.0 Delete & replace sec 2.6.0 Delete & replace sec. 3.1.2, 3.1.4, 3.2.2, 3.4.3. Insert section 3.4.4. Insert section 4.9.0	July 18, 2000
C-6522-2007	Delete & replace sec 3.2.1 Add sec 3.2.3 Add sec 3.6.0 Add additional Lands to Direct Control Area.	September 11, 2007

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

DIRECT CONTROL BYLAW REGULATIONS

That the special 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 By-law, 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 That the Development Authority shall be responsible for the issuance of Development Permit(s) for the lands subject to this Bylaw.

2.0.0 LAND USE REGULATIONS

- 2.1.0 Purpose and Intent
The purpose and intent of this District is to provide for uses associated with the operation of multi-modal transportation, maintenance, storage, reload and distribution facilities.
- 2.2.0 List of Permitted Uses
 - 2.2.1 Fences
 - 2.2.2 Landscaping
 - 2.2.3 Accessory Buildings less than 190 sq.m. (2045sq.ft.)
- 2.3.0 List of Discretionary Uses
 - 2.3.1 Tractor Trailer Transfer and Bulk Commodity Handling Facility
 - 2.3.2 General Industry II and General Industry III.
- 2.4.0 General Land Use Regulations
 - 2.4.1 Part Two and Three of the Land Use Bylaw C-4841-97 is applicable hereto, unless otherwise stated in this bylaw.
 - 2.4.2 The Development Authority shall consider and decide on applications for Development Permits for those uses which are listed as "Permitted Uses" and "Discretionary Uses" by this bylaw provided the provisions of Sections 2.0 and 3.0 herein are completed in form and substance

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

satisfactory to the Municipality, except where specifically noted that Council approval is required.

2.4.3 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.

2.5.0 Minimum Requirements

2.5.1 Area of lot

a) 4.86 ha (12 acres)

2.5.2 Front Yard:

a) 15.0 m (49.2 feet) from any road

2.5.3 All Side Yard and Rear Yards:

a) 6.0 m (19.7 feet), or in the case of a yard abutting a railway line, no minimum requirements.

2.6.0 Maximum Requirements

2.6.1 Maximum lot coverage for all buildings – 15%

2.6.2 Maximum Height:

a) maximum height of building 18.0 m (59.0 ft)

b) maximum height of conveying equipment and storage bins 46.0 m (150.9 ft)

2.6.3 Height shall be measured for the average elevation of the finished ground level adjoining the exterior walls of a building to the highest point of a building.

2.6.4 Maximum height of fence – 4.5 m (15.0 ft)

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 Utilities

3.1.1 Prior to the issuance of a Development Permit, a Stormwater Management Plan shall be prepared by a qualified professional at the Landowner/Developer's sole expense to the satisfaction of the Municipality and in accordance with Alberta Environmental Protection (AEP) guidelines. Stormwater shall be retained on-site and discharged only after treatment and at a controlled rate to be determined to the satisfaction of the Municipality and AEP.

3.1.2 Prior to the issuance of a Development Permit, the suitability of the Lands to accommodate sewage treatment and disposal using septic tanks and fields shall be confirmed by a qualified professional engineer, to the satisfaction of the Municipality and in accordance with the Safety Codes Act.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

- 3.1.3 Any non-domestic waste water accumulated on site shall be held in a sealed tank the contents of which shall be pumped out and properly disposed of off-site to the satisfaction of the Municipality and/or AEP.
- 3.1.4 Prior to the issuance of a Development Permit, any water obtained from groundwater for any purposes, as defined in the Water Act, shall have all approvals, permits and licenses as required by Alberta Environment to the satisfaction of the Municipality.
- 3.1.5 Domestic potable water shall be supplied either by water well or cistern in accordance with Policy #303. If water is supplied by well, the Landowner/Developer is to prepare and submit a ground water evaluation report, prepared by a qualified professional, in accordance with municipal standards pursuant to Section 800.0 of the Servicing Standards for Residential Subdivision and Road Construction as approved by Council on October 21, 1997, as amended; prior to the issuance of a Development Permit. If a cistern system is to be utilized, it shall be installed to the satisfaction of the Municipality. Both alternatives are subject to conditions set out in 3.1.6 below;
- 3.1.6 Prior to the issuance of a Development Permit, the Landowner/Developer shall register a caveat relative to a Deferred Services Agreement against title to the lands and prior to any registered financial encumbrances. The Deferred Services Agreement shall be to the satisfaction of the Municipality and shall outline the obligation of the Landowner/Developer to connect to future piped sanitary sewer and water services, at the cost of the Landowner/Developer, as those services become available.

3.2.0 Access

- 3.2.1 Principle access to the subject lands shall be located on Kleyson Way or Duff Drive which extends west to access 84th Street.
- 3.2.2 A traffic Impact Analysis for the lands identified on Schedule 'A' shall be prepared by a Professional Engineer at the Landowner/Developer's sole expense to the satisfaction of the Municipality. The study shall identify any necessary on/off site transportation improvements that will be required to be implemented by the landowner/developer as a condition of a Development Permit.
- 3.2.3 Emergency access to the subject lands may be provided via the existing access easement agreement, indicated as Area 'B' Plan 021 1516, at the discretion of the Municipality.

3.3.0 Site Design Criteria

3.3.1 Building Requirements

- a) The design, character and appearance of any buildings, structures or signs proposed to be erected or located on the property must be acceptable to the Development Authority, having due regard to its affect on neighbouring developments and general amenities of the area.

3.3.2 Loading and Parking Requirements

- a) Loading and parking spaces shall be designed and located in accordance with Section 30 of the Land Use By-law.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

3.3.3 Landscaping and Controlled Appearance

- a) 10% of the site that is to be disturbed within a Development Permit shall be landscaped in accordance with Section 26 of the Land Use By-law and shall be shown in a Landscape Plan, prepared by a qualified professional, and submitted with the Development Permit application.
- b) The Landscape Plan contemplated herein shall identify the location and extent of landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.
- c) All areas of the site not disturbed as part of a Development Permit shall be maintained in a natural state or under cultivation.
- d) All areas of the site shall have a weed control program in accordance with the Weed Control Act of Alberta.
- e) Setbacks apply to all development excepting landscaping, screening, signage, driveways, and rail lines except that no landscaping, screening, signage, etc. shall impede sightlines along 84th Street/ Shepard Road, in any direction, to or from the access to the site to the satisfaction of the Municipality as specified in a Development Permit.
- f) Outdoor storage of Trucks and Trailers may be permitted and the specific size and location(s) of said storage area(s) shall be defined and in accordance with a Development Permit. Such storage shall be visually screened from 84th Street/Shepard Road and adjacent residential uses to the satisfaction of the Development Authority.

3.4.0 Performance Standards

3.4.1 Air Contaminants, Visible and Particulate Emissions

- a) Airborne particulate matter originating from storage areas, yards, roads or parking areas shall, at all times, be suppressed by paving or application of environmentally friendly dust-free treatments in accordance with AEP guidelines on those areas as defined in a Development Permit.

3.4.2 Odorous Matter

- a) No use or operation pursuant to Section 2.0.0 herein, should cause or create the emission of odorous matter or vapour beyond the site which contains the use or operation which produces them.

3.4.3 Toxic Matter

No use or operation at any location on the site shall cause or create the emission of toxic matter beyond the building that 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 Hazardous Materials Management Plans and/or Chemical Management Plan that may be required by the municipality and as defined in a Development Permit.

3.4.4 Garbage Storage

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

- a) Garbage and waste material accumulated at any location on the site shall be stored in weatherproof and animal-proof containers. Such areas shall be screened from view by all adjacent properties and public thoroughfares. Mechanical waste compactors are encouraged.
- b) Garbage/Waste disposal from the lands shall be the responsibility of the landowner/Developer, and disposal methods shall be employed which have the effect of minimizing or preventing loss of materials during transportation of such materials to an approved disposal site, all as defined in the Development Permit.

3.4.5 Fire and Explosive Hazards

- a) 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.

3.5.0 Fire Protection

Fire protection measures shall be provided to the satisfaction of the Rocky View Fire Chief and included in a Development Permit.

3.6.0 Parcel Consolidation

3.6.1 Prior to the issuance of a Development Permit, a Plan of Survey showing consolidation of the subject lands being Area A Plan 021 1516 with Lot 1 Block 1 Plan 031 1060 shall be registered.

4.0.0 DEFINITIONS

4.1.0 **A.P.E.G.G.A** - Association of Professional Engineers, Geologists and Geophysicists of Alberta.

4.2.0 **Developer** - means a person or corporation who is responsible for any undertaking that requires a Permit or action pursuant to this bylaw.

4.3.0 **Development** - means:

- a) an excavation or stockpile or the creation of them;
- b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of them,
- c) 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 a change in intensity of use of land or building; or,

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4977-1998
KLEYSON DIRECT CONTROL DISTRICT**

DC-58

- d) a change in the intensity of the 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.
- 4.4.0 **Tractor Trailer Transfer and Bulk Commodity Handling Facility** - means a facility to exchange trailers from “long haul” tractors to “short haul” tractors for local distribution of the freight and may include buildings for maintenance of vehicles and an administration office. It also means a bulk commodity transfer station where commodities arriving in bulk by rail would be loaded into trucks for local distribution. There can be temporary storage (not greater than 2 consecutive weeks) of bulk commodities while in transit with such storage to be contained within bins or buildings.
- 4.5.0 **Bulk Commodity** - means a range of unpackaged products which are transported in large volumes and confined by large containers or transportation units. The materials may include but are not limited to grains, animal feed, fertilizers, salts and lumber as examples.
- 4.6.0 **Professional Engineer** - is a professional engineer who is a member in standing of the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (A.P.E.G.G.A.).
- 4.7.0 **The Lands** - means the lands as shown on Schedule "A" attached hereto.
- 4.8.0 **Maintenance** - means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.
- 4.9.0 **Multi-modal Transportation, Maintenance, Storage, Reload and Distribution Facility** – an operation or operations which are designed to ship and receive products via multiple modes where they are unloaded, stored, reloaded/repackaged and delivered. Other activities on the site may include: maintenance of transportation equipment, offices and manufacturing of equipment or materials associated with transfer of product.

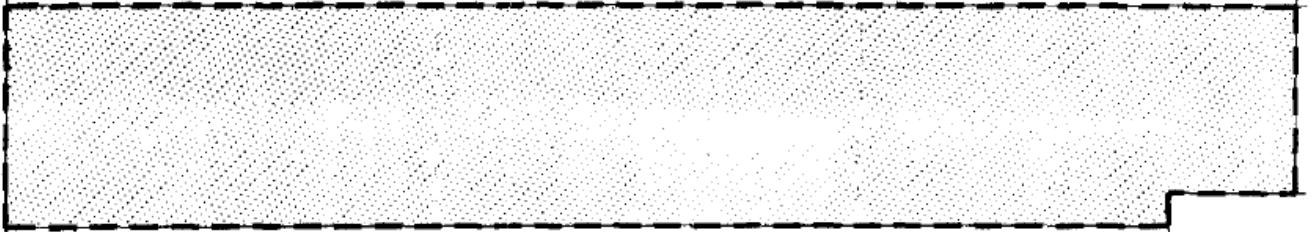
Terms not defined above have the same meaning as defined in Section 9.0.0 of Land Use Bylaw C-4841-97.

SCHEDULE "A"

DC-58

BYLAW: C-4977-98

TWP. RD. 240



AMENDMENT

FROM Ranch and Farm District TO Direct Control District



SUBJECT LAND - - - - -

LEGAL DESCRIPTION: Lot 3, Block F, Plan 9612007
N-31-23-28-W4M

FILE: 3331013



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