

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

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-5426-2001	Original DC Bylaw	September 25, 2001
C6539-2007	Amend Sections 2.6.0 and 3.1.0 spelling errors Add words in Section 2.1.0 Assisted after Supported Delete word in Section 2.2.0 Permitted Add Section 2.2.3 Community & Administration Facility Add Section 2.2.4 Supported/assisted Living Facility Add Section 2.2.5 Private Roads, Parking and Loading Areas Add Section 2.2.6 signs Add Section 2.2.7 Landscaping Delete and replace Section 2.3.0 List of Discretionary Uses And replace section 2.3.0 with maximum requirements Delete Section 2.4.0 (Maximum Requirements) Re-number Sections 3.3.0 to 3.6.0 Delete words in Section 4.1.0 "Permitted and Discretionary" Delete Section 4.5.0 "Developer" Add Definitions in Section 4.0 "Community & Administration Facility and Supported/Assisted Living Facility" Re-number Section 4.0 Definitions appropriately	December 4, 2007

DIRECT CONTROL BYLAW REGULATIONS

That Land Use Bylaw C-4841-97 be amended by redesignating the use of the Lands from Public Service District to Direct Control District in accordance with the following Regulations:

- 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 Notwithstanding any provisions to the contrary, the residents of the Supported Living residential units or the subject lands shall be "Seniors".
- 1.2.0 Except where specifically noted that Council approval is required, the Development Officer 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 the same are completed in form and substance satisfactory to the Municipality.
- 1.3.0 No development of the lands shall be permitted until the Municipality and the Developer have executed a Development Agreement(s) in form and substance satisfactory to the Municipality.
- 1.4.0 For the purposes of Section 2.0.0 of this Bylaw, Part Three, General Regulations, of the Land Use Bylaw (Bylaw C-4841-97) shall apply except where specifically defined herein.
- 1.5.0 Private roads necessary for access and private roads contemplated herein shall be constructed in accordance with geometric design guidelines and standards submitted by the Developer to the satisfaction of the Municipality and included in a Development Agreement.
- 1.6.0 The Municipality may, through the Development Agreement(s) required by the Bylaw, specify any development regulation, criteria or condition necessary to ensure all subdivision and development on the Lands conform with the development proposals upon which this Bylaw is based as determined by and to the satisfaction of the Municipality.
- 1.7.0 The use of any portion of the Lands for man-made lakes associated with services shall be permitted only if the design and construction thereof is in accordance with plans prepared by a qualified professional engineer to the satisfaction of the Municipality and/or Alberta Environment.
- 1.8.0 No use shall be made of all or any portion of the Lands for a Development without and until a Hydrological Study prepared by the Developer which establishes existing

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

groundwater chemistry, the rate and direction of the groundwater flow, a long term groundwater monitoring plan, a chemical management plan for fertilizers, herbicides, pesticides, and irrigation and the facilities that will be provided by the Developer to implement the monitoring and chemical management plan, has been submitted or the existing Hydrological Study updated and amended, and is satisfactory in both form and substance to each of the Municipality and/or Alberta Environment.

- 1.9.0 No development of the Lands shall be permitted without and until the Developer has prepared and submitted a Management Plan for the handling and storage of hazardous or other waste materials proposed to be generated from the development in form and substance satisfactory to each of the Municipality and/or Alberta Environment.
- 1.10.0 No development of the Lands shall be permitted without and until the Developer has prepared and submitted a Storm Water Management Plan in form and substance satisfactory to each of the Municipality and/or Alberta Environment.
- 1.11.0 Notwithstanding any provision of this bylaw to the contrary, a Development Permit for foundations, grading of the Lands and installation of utilities may be issued by the Development Officer provided the conditions are satisfactory to the Municipality in form and substance.

2.0.0 LAND USE REGULATIONS

2.1.0 The purpose and intent of this District is to provide for the development of a Community and Administration Facility for the Prince of Peace Village and a Supported and Assisted Living facility for the housing of Seniors with related ancillary uses.

2.2.0 List of Uses

2.2.1 - Parks and Open Space

2.2.2 - Fences

2.2.3 Community and Administration Facility

Principal Uses

- a) Community Hall
- b) Recreation Rooms and Facilities
- c) Facility Administration Offices and Reception Areas
- d) Restaurants
- e) Drinking Establishment

Accessory Uses

- f) Indoor Storage Areas
- g) Facility Maintenance Offices and Workshops
- h) Funeral Staging Facilities
- i) Personal Service Businesses

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

- j) Convenience Store
- k) Dry cleaning/Linen Service
- l) Medical-Practice
- m) Chapel
- n) Child Care Facilities
- o) Pharmacy
- 2.2.4 Supported/Assisted Living Facility
 - a) Residential Dwelling Suites
 - b) Lobby and Resident Open Areas
 - c) Ancillary Special Use Areas
 - d) Nursing Stations
- 2.2.5 Private Roads, Parking and Loading Areas
- 2.2.6 Signs
- 2.2.7 Landscaping, including outdoor patios and pathways
- 2.3.0 Maximum Requirements
 - 2.3.1 Parcel size: 1.95 hectares (5 acres)
 - 2.3.2 Community and Administration Facility
 - a) Facility Ground Floor Area including Basement: 4,687 m² (50,455ft²)
 - b) Height of Building: 6.7 metres (22 feet)
 - c) Combined Floor Area of Accessory Uses: not to exceed 50% of total Ground Floor Area excluding Basement.
 - d) Convenience Store and Pharmacy: floor area - 140 sq. m. (1,507 sq. ft.)
 - 2.3.3 Supported Living Facility
 - a) Number of Residential Suites: 170
 - b) Number of Floors, including Ground Floor: 3
 - c) Height of Building: 12 metres (39.4 ft)
 - d) Ground Floor Area: 5,000 M² (53,821 ft²)
 - e) Second Floor Area: 5,000 M² (53,821 ft²)
 - f) Third Floor Area: 5,000 M² (53,821 ft²)
 - 2.3.4 Minimum Requirements
 - a) Parcel Size: 1.22 hectares (3 acres)

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

- b) Minimum Setback Distance to a Sewage Treatment Facility - 300 metres (984 feet)
- c) Yard Setbacks: to be in accordance with the Site Development Plan as required by Section 3.1.0(h) of this bylaw

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 Except as provided in Section 1. herein, no development of the Lands for any use shall be permitted, no Development Permits or Building Permits for any use shall be issued by the Development Officer and the endorsement of a plan of subdivision for any use shall not occur until:

- a) The Developer has received the approval of the Municipality and Alberta Environment with respect to the provision of private wastewater collection, treatment and disposal facilities located within the Prince of Peace Village lands to service the subdivision and/or development contemplated herein and the Developer has submitted to and had approved by the Municipality and Alberta Environment, complete plans and specifications thereof and said facilities have been substantially constructed and completed in accordance therewith, provided however, that the Municipality may endorse a plan of subdivision for the Lands or portions thereof, or issue development permits for the development, if the Developer and the Municipality enter into a Development Agreement, and the Developer deposits with the Municipality a Letter(s) of Credit in an amount(s) equivalent to the estimated total cost to complete the construction of the facilities according to the said plans and specifications as certified by independent qualified professionals at the developer's expense, all at the sole discretion and satisfaction of the Municipality; and;

The provisions of Section 3.1.0 b), c), d), e), f), g) and h) have been completed in form and substance satisfactorily to the Municipality;

- b) all necessary licenses, permits and approvals have been received from Alberta Environment and the Municipality with respect to the design, location and operation of the sewage treatment facilities servicing the Lands or portions thereof to the satisfaction of the Municipality;
- c) the Developer has received the approval of the Municipality and Alberta Environment with respect to the provision of a private water supply, treatment and distribution system located within the Prince of Peace Village lands to service the proposed subdivision and/or development and the Developer has submitted to and had approved by the Municipality and Alberta Environment, complete plans and specifications thereof and said facilities have been substantially constructed and completed in accordance therewith, provided however, that the Municipality may endorse a plan of subdivision for the Lands or portions thereof, or issue development permits for the development, if the Developer and the Municipality enter into a Development Agreement, and the Developer deposits with the Municipality a Letter(s) of Credit in an amount(s)

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

equivalent to the estimated total cost to complete the construction of the facilities according to the said plans and specifications as certified by independent qualified professionals at the developer's expense, all at the sole discretion and satisfaction of the Municipality; and;

the provisions of Section 3.1.0 a), b), d), e), f), g) and h) have been completed in form and substance satisfactorily to the Municipality;

- d) all necessary licenses, permits and approvals have been received from Alberta Environment with respect to a water supply and distribution system to service the Lands or portions thereof, and a License to divert and use water is obtained from Alberta Environment;
- e) all necessary easements and rights-of-way related to the supply and distribution of power, water, gas and wastewater collection, treatment and disposal have been approved by the Municipality and registered concurrently with the final plan of subdivision by the Developer against title to the Lands or portions thereof;
- f) That a joint use agreement has been established with the existing Condominium Corporation and church/school facility regarding the provision of roads, water, sewer and storm water facilities to the proposed development to the satisfaction of the Municipality and that said Condominium Corporation has been legally established by the Developer and a restrictive covenant confirming that said Developer is solely responsible for all roads, off-site and on-site sewer and water treatment facilities and appurtenances thereto and, which restrictive covenant is in form and substance satisfactory to the Municipality, and has been executed by the Developer and registered against the title to the Lands prior to any registered financial encumbrances, and is registered concurrently with the plan of survey;
- g) a Plot Plan has been submitted to the Development Officer by the Developer indicating where a proposed permitted and/or discretionary use(s) (as described by this Bylaw) is/are to be sited on the lands such that said proposed permitted and/or discretionary use(s) is/are in accordance with an overall Site Development Plan which has received the prior approval of Council;
- h) all necessary licences, permits and approvals have been received from Alberta Infrastructure with respect to the design and location of the road access directly and indirectly serving the Lands, and are satisfactory at the sole discretion of and approved by the Municipality;
- i) the Developer, as owner of all of the Lands, the aforementioned sewer and water treatment facilities and all developments thereon shall indemnify the Municipality, its Councillors, employees, agents and assigns and saves them harmless from and against any and all claims, actions, damages, liabilities and expenses including lawyers and other professional fees, in connection with loss of life, personal injury, damage to property, and/or any other loss or injury whatsoever arising from or related to the design, construction, operation or maintenance of any aspect of the on-site or off-site sewage or water facilities

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

(and appurtenances thereto) occasioned wholly or in part of any act or omission of the Developer, their officers, directors, volunteers, agents, contractors or employees;

- j) the Developer shall be required to place and maintain insurance against any peril that may cause harm to be suffered against all infrastructure servicing the development. Each insurance policy shall name the Municipality and any person, firm or corporation designated by the Municipality as additional insureds as their interest may appear and such policies will contain where appropriate:
 - (i) a waiver of any subrogation rights which the Developer's insurers may have against the Municipality;
 - (ii) a severability of interest clause or a cross liability clause;
 - (iii) a waiver in favour of the Municipality of any breach of warranty clause such that the insurance policies in question shall not be invalidated with respect to their interest, by reason of any breach or violation of any warranty, representation, declaration or condition contained in the policies; and,
 - (iv) a clause stating the Developer's insurance policy will be considered as the primary insurance and shall not call into contribution any other insurance that may be available to the Municipality.

All policies shall be taken out with insurers and shall be in a form acceptable to the Municipality acting reasonably. The Developer agrees that certificates of insurance acceptable to the Municipality, or if required by the Municipality, certified copies of each such insurance policy, will be delivered to the Municipality as soon as practicable after the placing of the required insurance. All policies shall contain an undertaking by the insurers to notify the Municipality in writing, of any material change, cancellation or termination of any provision of any policy, not less than thirty (30) days prior to the material change, cancellation or termination thereof. Should for any reason the insurance referred to in this clause not be maintained by the Developer, the Municipality may purchase the insurance on behalf of the Developer and collect the costs of the said insurance from the Developer;

- k) the Developer's liability to the Municipality and to its councillors, employees, agents and assigns under any of the foregoing clauses shall be limited to those claims covered by insurance obtained by the Developer and shall be further limited to the total amount of the insurance coverages applicable to the claims made against the Developer.
- l) the developer is solely responsible for the construction, maintenance, operation and inspection of all off-site and on-site sewer and water treatment facilities and appurtenances thereto;

3.2.0 Wastewater treatment and disposal systems utilizing septic tanks and tile fields or holding tanks are not permitted within the Lands.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79

- 3.3.0 All Letters of Credit referred to in this Bylaw shall be calculated in accordance with Municipal policy and the estimate upon which the Letter of Credit is based shall be certified by a professional engineer or as determined by the Municipality at its sole discretion.
- 3.4.0 A minimum of 10% of the subject Lands, shall be landscaped in accordance with a plan approved by the Development Officer.
- 3.5.0 All buildings on the subject Lands shall conform to an architectural theme as approved by the Development Officer.

4.0.0 DEFINITIONS

- 4.1.0 **Ancillary Special Use Areas** – means rooms or areas used for facilities necessary for the operation and/or maintenance of the Uses listed in this bylaw, including but not limited to tub room(s), laundry room(s), library, janitorial room(s), etc.
- 4.2.0 **Community and Administration Facility** – means a building or a portion of a building for the administration of the Supported / Assisted Living Facility, and other land, buildings and facilities within the Prince of Peace Campus. The Facility will also provide services to the Prince of Peace Campus that may include, but are not limited to, community meeting areas, recreation rooms and facilities, restaurants, chapel and medical offices.
- 4.3.0 **Construction Management Plan** - means a program that details site management of all construction activity that may include, but is not limited to the management of construction debris and dust.
- 4.4.0 **Council** - means the Council of the Municipal District of Rocky View No. 44.
- 4.5.0 **Development** - means:
 - (i) any excavation or stockpile and the creation of either of them;
 - (ii) a Building or an addition to, or replacement, or repair of a Building and the construction of placing in, on, over or under land of any of them;
 - (iii) a change in 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 of use of the land or the Building; or
 - (iv) 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 the change of intensity of use of the land or the Building.
- 4.6.0 **Development Agreement** - means an agreement between the Developer and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments on the land conform to municipal approvals.
- 4.7.0 **Letter of Credit** - means an unconditional and irrevocable Letter of Credit issued by a Canadian Chartered Bank at the request of the Developer naming the Municipality as the sole beneficiary thereof.

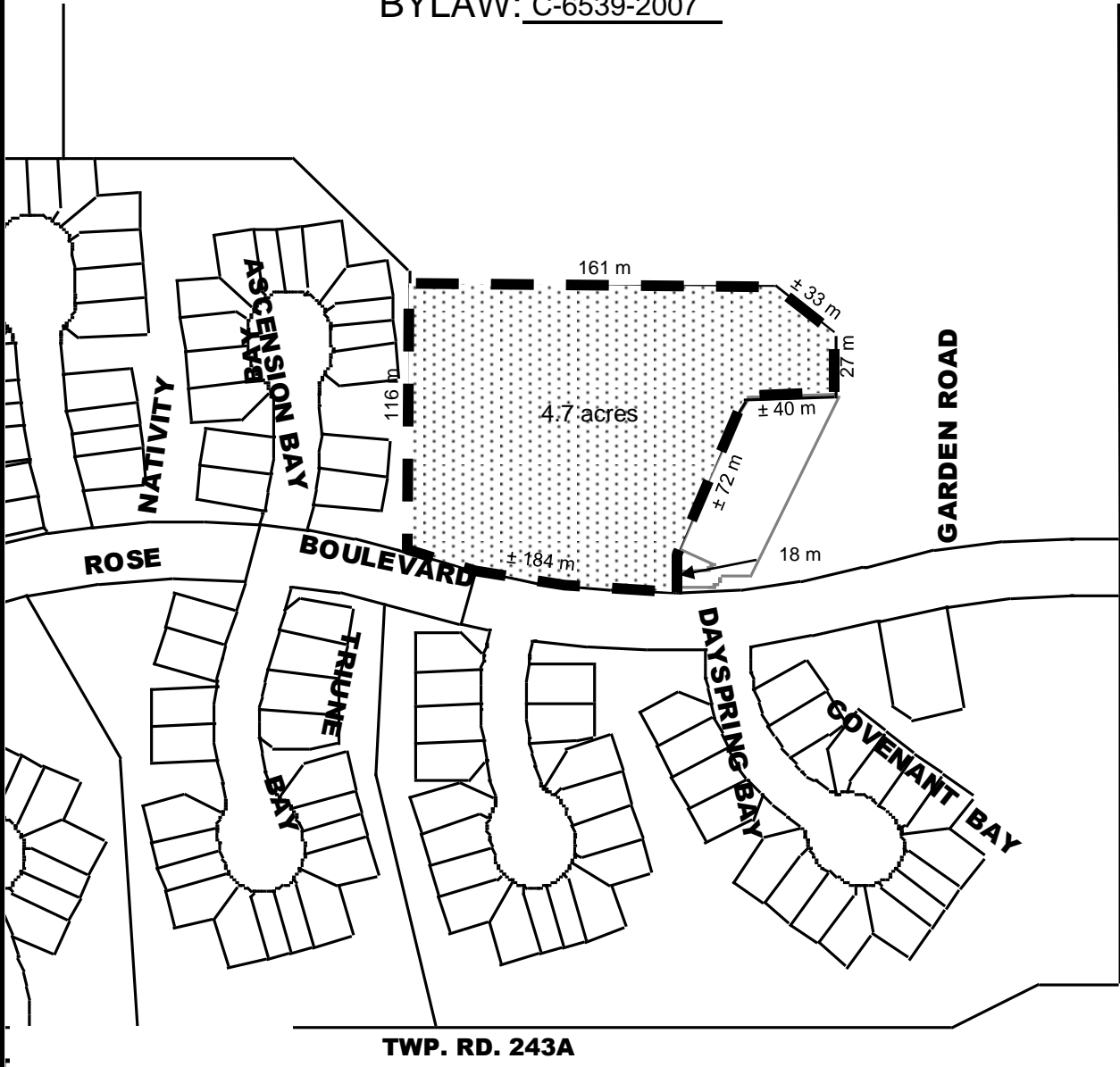
**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5426-2001**

DC-79


- 4.8.0 **Plot Plan** - means a dimensional plan to scale which shows the property lines of a lot and the location of existing and or proposed buildings and the distances which separate buildings, proposed buildings, and property lines.
- 4.9.0 **Professional Engineer** - is a professional engineer who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA).
- 4.10.0 **Residential Dwelling Suite**- means a room or group of rooms for occupancy but does not contain kitchen facilities.
- 4.11.0 **Seniors** – means persons who:
- a) have attained the age of 55 years or more; or
 - b) are married to an individual who has attained the age of 55 years or more and is a resident of the facility.
- 4.12.0 **Site Development Plan** - means a plan which shows each lot within a Development Cell and the area within each lot where a building could be located pursuant to Section 2.0.0 of this Bylaw
- 4.13.0 **Substantial Completion** - means construction Completion Certificates have been issued by the Municipality.
- 4.14.0 **Supported / Assisted Living Facility** means a building or a portion of a building that provides residential suites for seniors who may need support and assistance. The Facility will incorporate common and private areas. Support and assistance includes but is not limited to such services as 24-hour monitoring, emergency response, security, meals, housekeeping, nursing care, life-enrichment activities, spiritual care, personal care and health services.
- 4.15.0 Terms not defined herein have the same meaning as defined in Section 8 of the Land Use Bylaw C-4841-97.

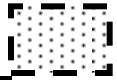
SCHEDULE "A"

BYLAW: C-6539-2007



AMENDMENT

FROM Direct Control District TO Direct Control District (Amended)
Subject Land 



LEGAL DESCRIPTION: Lot 1, Block 4, Plan 031 1251
within NE 19-24-28-W4M

FILE: 04319202-2007-RV-298

DIVISION: 5

