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### **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-4397-1994	Original Bylaw	February 28, 1995
C-4802-1997	Add section 5.1.0aa Add section 5.4.1	October 28, 1997
C-6323-2006	Delete & replace 2.3.2.1 Add new regulation 2.3.2.10	September 26, 2006
C-6962-2010	Add a provision to Section 3.1.1.0 Golf Course Driving Range	September 28, 2010
	Add a provision to Section 5.0.0 Golf Course Driving Range are limited to between dawn and dusk	
C-7268-2013	Delete & replace 2.1.3.0 Add new regulation 2.1.3.1 a)	June 04, 2013

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#### **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 Residential Development Cells
- 3.0.0 Land Use Regulations Recreation Development Cells
- 4.0.0 Land Use Regulations Utilities Development Cell
- 5.0.0 Development Regulations

#### 1.0.0 GENERAL REGULATIONS

- 1.1.0 The General Land Use Regulations as contained in Section 8 of the Land Use Bylaw do not apply except where specifically noted herein.
- 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 The Development Officer shall cause to be issued development permits which have been approved.
- 1.4.0 For the purposes of this Bylaw, the Lands shall be notionally divided into Development Cells, the boundaries and description of which shall be more or less as indicated in Schedule "A" attached hereto and forming part hereof, except as otherwise approved by Council.
- 1.5.0 The location, maximum size and shape of the Development Cells is approximate and will be determined by Plan of Survey in form and substance satisfactory to Council, and to be submitted to the Municipality as an application for subdivision approval.
- 1.6.0 All residential Development Cells shall consist of Developable Land.
- 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 Council and/or Alberta Environmental Protection.
- 1.8.0 No development of the Lands shall be permitted without and until an Archaeological and Historical Impact Assessment prepared by the Developer has been submitted and is satisfactory in form and substance to each of the Council and the Alberta Community Development.
- 1.9.0 No subdivision and/or development of the Lands shall be permitted without and until the Developer has executed a Development Agreement(s) (the "Development Agreement") in form and substance satisfactory to Council in its sole discretion which

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shall describe all regulations and conditions contained in this Bylaw or otherwise imposed by Council upon the use and development of the Lands. The Development Agreement(s) herein shall be registered by caveat against the lands and shall run with the Lands.

- 1.10.0 Notwithstanding 1.9.0 hereof, a development permit for grading of the Lands may be issued by the Development Officer provided the provisions of same are satisfactory to the Municipality in form and substance.
- 1.11.0 Council may, through the Development Agreement(s) required by this Bylaw, specify any development regulation, criteria, or condition necessary to ensure all subdivision and development of the Lands conforms to the development proposals upon which this Bylaw is based as determined by and to the satisfaction of Council.
- 1.12.0 No use shall be made of all or any portion of the Lands for a Development without and until a Hydrogeological Study prepared by the Developer which establishes existing 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 and is satisfactory in both form and substance to each of the Council and Alberta Environmental Protection.
  - 1.12.1 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 Council and Alberta Environmental Protection.
  - 1.12.2 No development of the Lands identified on Schedule `A' 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 Council and Alberta Environmental Protection.
- 1.13.0 For the purposes of Section 2 of this Bylaw:
  - (i) Section 8.6.0 of the Land Use Bylaw shall pertain to the siting of accessory buildings on the Lands provided that no accessory building shall exceed 6.48 metres (16.00 feet) in height or 200 square feet (18.58 square metres) in area.
  - (ii) Section 8.7.3 of the Land Use Bylaw shall pertain to the height of any fences on the Lands.
  - (iii) Section 8.15.1 of the Land Use Bylaw shall apply to the owners of any interest in the Lands.
- 1.14.1 Emergency Vehicle Access shall be provided at a location as determined by Council and included in a Development Agreement, within Development Cell 1 to provide access for emergency vehicles from the development contemplated under this Bylaw to the NE-2-25-3-W5M.
- 1.15.0 In addition to the "Permitted Uses" contemplated by Section 2 and Section 3 hereof the

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following shall be "Discretionary Uses" in all Development Cells subject to the approval of the Council:

- 1.15.1 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
- 1.15.2 All utility distribution and collection systems necessary to service Development (excluding water and sewage treatment and disposal facilities).

#### 2.0.0 LAND USE REGULATIONS - RESIDENTIAL DEVELOPMENT CELLS

The purpose and intent of the Residential Development Cells is to provide for the use of portions of the Lands for residential development.

- 2.1.0.0 Residential Development Cells 1 Both Cells labelled as "Cell 1" as shown on Schedule `A' attached hereto
  - 2.1.1.0 List of Permitted Uses
    - 2.1.1.1 dwellings, single detached
    - 2.1.1.2 accessory buildings
    - 2.1.1.3 fences
  - 2.1.2.0 Minimum and Maximum Requirements
    - 2.1.2.1 maximum aggregate number of residential lots in both cells 1 as shown on Schedule `A' attached hereto: 52
    - 2.1.2.2 maximum combined area of both cells shown as "cell 1" on Schedule `A' attached hereto: 20 ac. (8.094 ha.)
    - 2.1.2.3 minimum titled area of residential lots: 6,620 sq. ft. (615 sq. m)
    - 2.1.2.4 minimum average residential lot width: 50 ft. (15.24 m)
    - 2.1.2.5 minimum habitable floor area for single detached dwelling unit: 1,507 sq. ft. (140 sq. m.)
    - 2.1.2.6 maximum height of single detached dwelling unit: 32.8 feet (10 metres)
    - 2.1.2.7 maximum number of single detached dwelling units per lot: one
    - 2.1.2.8 maximum number of accessory buildings: 2
    - 2.1.2.9 maximum aggregate size of all accesory buildings: 200 square feet (18.58 square metres)
  - 2.1.3.0 Minimum Building Separations (detached dwelling units)
    - 2.1.3.1 minimum separation: 9.84 ft. (3 metres)

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a) notwithstanding section 2.1.3.1, Unit 3, Plan 0210521 within SW-12-25-3-W5M is permitted one setback to be a minimum of 1.08 metres (3.54 feet), in order to allow an existing dwelling to remain.

		ex	disting dwelling to remain.	
2.2.0.0	Residential Development Cell 2			
	2.2.1.0	<u>List of Permitted Uses</u>		
		2.2.1.1 -	dwellings, single detached	
		2.2.1.2 -	accessory buildings	
		2.2.1.3 -	fences	
	2.2.2.0	<u>Minimum</u>	and Maximum Requirements	
		2.2.2.1 -	maximum number of residential lots in cell: 34	
		2.2.2.2 -	maximum area of cell: 8.74 ac. (3.54 ha.)	
		2.2.2.3 -	minimum area of residential lots: 7,986 sq. ft. (649 sq. m)	
		2.2.2.4 -	minimum average single residential lot width: 60 ft. (18.29 m)	
		2.2.2.5 -	minimum habitable floor area for single detached dwelling unit: 1,507 sq. ft. (140 sq.m)	
		2.2.2.6 -	maximum height of single detached dwelling unit: 32.8 feet (10 metres)	
		2.2.2.7 -	maximum number of single detached dwelling units per lot: one	
		2.2.2.8 -	maximum number of accessory buildings: 2	
		2.2.2.9 -	maximum aggregate size of all accesory buildings: 200 square feet (18.58 square metres)	
	2.2.3.0	Minimum Building Separations (detached dwelling units)		
		2.2.3.1 -	minimum separation: 9.84 ft. (3 metres)	
2.3.0.0	Resident	Residential Development Cell 4		
	2.3.1.0	<u>List of Permitted Uses</u>		
		2.3.1.1 -	dwellings, single detached	
		2.3.1.2 -	accessory buildings	
		2.3.1.3 -	fences	
	2.3.2.0	Minimum and Maximum Requirements		
		2.3.2.1 -	maximum number of residential lots in cell: 36	

2.3.2.2 - maximum area of cell: 11.03 ac. (4.46 ha.)

2.3.3.0

2.4.1.0

2.4.2.0

2.4.2.8 -

2.4.0.0

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2.3.2.3 minimum titled area of residential lots: 6,620 sq. ft. (615 sq. m) 2.3.2.4 minimum average residential lot width: 50 ft. (15.24 m) minimum habitable floor area for single detached dwelling 2.3.2.5 unit: 1,507 sq. ft. (140 sq. m.) 2.3.2.6 maximum height of single detached dwelling unit: 32.8 feet (10 metres) 2.3.2.7 maximum number of single detached dwelling units per lot: 2.3.2.8 maximum number of accessory buildings: 2 maximum aggregate size of all accesory buildings: 200 2.3.2.9 square feet (18.58 square metres) The remaining area of Cell 4 shall be retained as public 2.3.2.10 open space. Minimum Building Separations (detached dwelling units) 2.3.3.1 minimum separation: 9.84 ft. (3 metres) Residential Development Cell 5 List of Permitted Uses 2.4.1.1 dwellings, single detached 2.4.1.2 accessory buildings 2.4.1.3 fences Minimum and Maximum Requirements 2.4.2.1 maximum number of residential lots in cell: 12 2.4.2.2 maximum area of cell: 12.88 ac. (5.21 ha.) 2.4.2.3 minimum titled area of residential lots: 6,986 sq. ft. (649 sq. 2.4.2.4 minimum average residential lot width: 60 ft. (18.29 m) 2.4.2.5 minimum habitable floor area for single detached principal building: 1,507 sq. ft. (140 sq. m.) 2.4.2.6 maximum height of single detached dwelling unit: 32.8 feet (10 metres) 2.4.2.7 maximum number of single detached dwelling units per lot: one

maximum number of accessory buildings: 2

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- 2.4.2.9 maximum aggregate size of all accesory buildings: 200 square feet (18.58 square metres)
- 2.4.3.0 Minimum Building Separations (detached dwelling units)
  - 2.4.3.1 minimum separation: 9.84 ft. (3 metres)

#### 3.0.0 LAND USE REGULATIONS - RECREATION DEVELOPMENT CELLS

The purpose and intent of the Recreational Development Cells is to provide for the use of a certain portion of the Lands for recreational development.

#### 3.1.0.0 Recreational Development Cell 3

- 3.1.1.0 <u>List of Discretionary Uses</u>
  - 3.1.1.1 golf course
  - 3.1.1.2 accessory buildings
  - 3.1.1.3 club house
  - 3.1.1.4 signs and identification
  - 3.1.1.5 lakes and treated wastewater storage ponds
  - 3.1.1.6 Golf Course Driving Range

### 3.2.0.0 Recreational Development Cell 6

- 3.2.1.0 List of Discretionary Uses
  - 3.2.1.1 golf course
  - 3.2.1.2 accessory buildings
  - 3.2.1.3 club house
  - 3.2.1.4 signs and identification
  - 3.2.1.5 lakes and treated wastewater storage ponds

### 3.3.0.0 Recreational Development Cell 7

- 3.3.1.0 <u>List of Discretionary Uses</u>
  - 3.3.1.1 club house
  - 3.3.1.2 accessory buildings
  - 3.3.1.3 signs and identification
  - 3.3.1.4 parking

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#### 4.0.0 LAND USE REGULATIONS - UTILITIES DEVELOPMENT CELL

The purpose and intent of the Utilities Development Cell is to provide for a Sewage Treatment and disposal facilities and all appurtenances.

#### 4.1.0.0 Utilities Development Cell 8

#### 4.1.1.0 List of Discretionary Uses

4.1.1.1 - sewage collection, treatment and disposal facilities and appurtenances

#### 5.0.0 DEVELOPMENT REGULATIONS

- 5.1.0 No development of the Lands for residential use shall be permitted, no Development Permits or Building Permits for residential use shall be issued by the Development Officer and the endorsement of a plan of subdivision for residential uses shall not occur until:
  - the Developer has received the approval of Council and Alberta a) Environmental Protection with respect to the provisions of wastewater collection, treatment and disposal facilities within the Lands to service the proposed residential subdivision and / or development and the Developer has submitted to and had approved by Council and Alberta Environmental Protection, 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, (provided the plan of subdivision is otherwise satisfactory) or issue development permits for residential development, if the Developer and the Municipality enter into a Development Agreement contemplated herein, 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.
    - aa) Notwithstanding anything to the contrary in this Bylaw and pursuant to Section 5.4.1 of this Bylaw, Council may, in its sole and unfettered discretion, permit the Developer the option of providing sanitary sewage service to the residential development and golf course by connection to the proposed Cochrane-Calgary sewage pipeline."
  - all necessary licenses, permits and approvals have been received from Alberta Environmental Protection with respect to the design, location and operation of the sewage treatment facilities servicing the Lands or portions

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thereof.

- c) all necessary licenses, permits and approvals have been received from Alberta Environmental Protection 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 Environmental Protection.
- d) 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.
- e) the stability of all slopes proposed for residential development have been confirmed by a site-specific and/or technical evaluation in a report(s) prepared by a qualified professional engineer which is satisfactory to and approved by the Municipality.
- f) a Homeowners' Association has been legally established by the Developer and a restrictive covenant confirming that each owner of an interest in the Lands will be a member of the Homeowner's Association, and that said homeowner's Association is responsible for all off-site and on-site sewer and water treatment facilities and appurtenances thereto, 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 building(s) is/are to be sited on the lands or condominium lots, such that said building(s) is/are in accordance with an overall Site Development Plan which has received the prior approval of Council.
- h) the Developer has received Municipal approval and entered into a Development Agreement contemplated by Sections 1.9.0 and 1.11.0 with respect to the development of an 18 hole regulation length golf course and submitted to the Municipality complete plans and specifications pertaining thereto and the said golf course has been substantially constructed and completed in accordance with those plans and specifications to the satisfaction of Municipality. The Municipality may at its sole unfettered discretion, endorse a Plan of Subdivision of the Lands or portions of the Lands (provided said plans are otherwise satisfactory) prior to the completion of the 18 hole regulation length golf course if the Developer first deposits with the Municipality a Letter(s) of Credit in such amount(s) sufficient to allow for the completion of the 18 hole regulation length golf course as certified by an independent qualified professional Golf Course Architect or Engineer at the sole cost and expense of the Developer.

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Notwithstanding 5.1.0 h) above, at the sole discretion of the Municipality, which 5.2.0 discretion is not required to be exercised reasonably, it may endorse a Plan of Subdivision for not more than 66 condominium lots if the Developer first receives Municipal approval for and enters into a Development Agreement contemplated by Sections 1.9.0 and 1.11.0 hereto with respect to the development of the first 9 holes of the golf course contemplated in Section 3.0.0 of this Bylaw, and has submitted to the Municipality complete plans and specifications pertaining thereto and the said 9 holes of the golf course have been substantially constructed and completed in accordance to the plans and specifications, with such determinations to be made solely by the Municipality. The Municipality may endorse a Plan of Subdivision of the Lands for not more than 66 condominium lots (provided said plans are otherwise satisfactory) prior to the completion of the said 18 hole regulation length golf course if the Developer first deposits with the Municipality and the Municipality accepts in writing a Letter(s) of Credit in such amount(s) sufficient to allow for the completion of the first 9 holes of the golf course as certified by an independent qualified professional Golf Course Architect or Engineer at the Developer's expense and in form and substance satisfactory to the Municipality and;

the provisions of Section 5.1.0 a) b) c) d) e) f) g) have been completed in form and substance satisfactory to Council.

- 5.3.0 Where the first 9 holes of the 18 hole golf course contemplated in Section 3.0.0 of this Bylaw have been constructed, completed or secured in accordance with Section 5.2.0 of this Bylaw, Section 5.1.0 shall apply to the remainder of the said 18 hole golf course.
- 5.4.0 Wastewater treatment and disposal systems utilizing septic tanks and tile fields or holding tanks are not permitted within the Lands.
  - 5.4.1 Notwithstanding Section 5.4.0, and subject to the approval of Council in its sole and unfettered discretion and by Alberta Environmental Protection, sewage from up to 78 of the residential lots on the lands plus the golf course club house and golf course accessory buildings may be disposed of by use of the existing holding tanks and haulage, on a temporary basis not to exceed 12 months from the date of said approvals, pending review of the feasibility of connection to the proposed Cochrane-Calgary sewage pipeline, and connection thereto if possible. Upon expiration of said 12-month period, connection to the alternative wastewater collection and transmission facilities shall be installed pursuant to Section 5.0 of this Bylaw."
- 5.5.0 Separate Development Agreements may be required for each of the Development Cells as determined by the Municipality at its sole discretion.
- 5.6.0 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.

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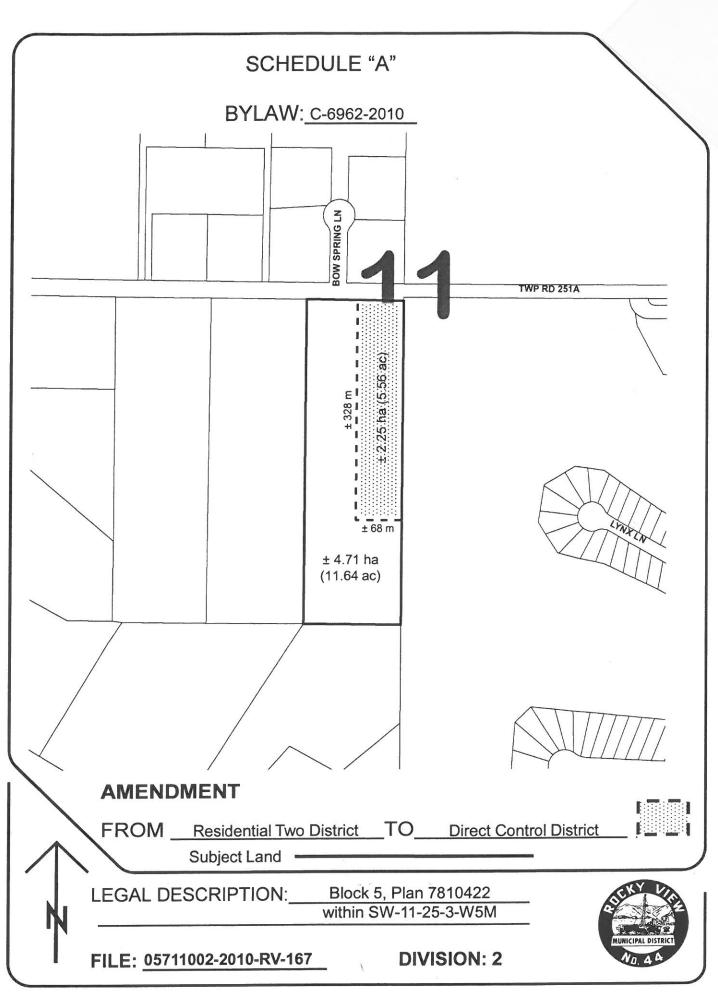
- 5.7.0 ONotwithstanding anything to the contrary, the construction of one single detached dwelling unit may be permitted within one condominium lot in each of the residential development cells upon the issuance of a Development Permit by the Municipality, provided the provisions of Section 5.1.0 a) b) c) d) e) f) g) have been completed in form and substance satisfactory to Council and that no occupancy of the said dwelling shall occur until such time as all required utility services are installed, available and working to service the said dwelling and the Development Officer has issued an Occupancy Permit, and until a plan of survey is registered for the applicable residential development cell.
- 5.8.0 Subject to the appropriate contractual arrangements under 5.1.0 f), landowners in the Emerald Bay Phase I development (Block 1, Lots 1 through 20 and Lot 22 MR and Block 2, Lots 1 through 10 and Lot 11 MR, all in Plan 9310786) shall be permitted to connect to the on-site sewage treatment facilities to be constructed on the Lands.
- 5.9.0 The day to day operations of the Golf Course Driving Range are limited to between dawn and dusk

#### 6.0.0 DEFINITIONS

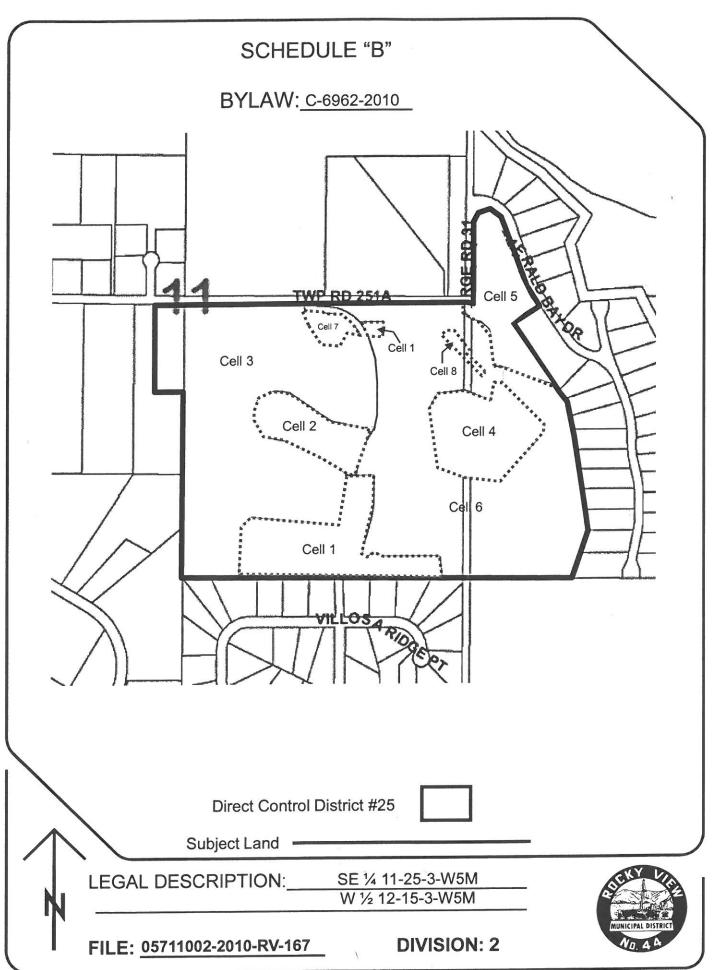
- 6.1.0 Construction Management Plan means a program that details site management of all construction activity that may include, but is not limited to the management of construction debris and dust.
- 6.2.0 Council means the Council of the Municipal District of Rocky View No. 44.
- 6.3.0 **Developer -** A person or corporation who is responsible for any undertaking that requires a permit or action pursuant to this Bylaw.
- 6.4.0 **Developable Lands -** means that portion of the Lands which is considered to be suitable for Development by Council and the development of which is not precluded by this Bylaw.
- 6.5.0 **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.
- 6.6.0 **Development Agreement -** means an agreement between the Developer and the Municipality specifying development regulations, criteria or conditions necessary to

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- ensure all developments on the land conform to municipal approvals.
- 6.7.0 **Development Cells -** area of land that may contain a number of uses as defined by this Bylaw.
- 6.8.0 **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.
- 6.9.0 **Residential Development Cells -** means those Development Cells in which a residential land use is a principal use.
- 6.10.0 **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.
- 6.11.0 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).
- 6.12.0 **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
- 6.13.0 **Substantial Completion -** means construction Completion Certificates have been issued by the Municipality.
- 6.14.0 Terms not defined herein have the same meaning as defined in Section 9.0.0 of the Land Use Bylaw C-1725-84.



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#### SCHEDULE 'C'

### FORMING PART OF BYLAW C-6962-2010

Schedule of textual amendments to Direct Control Bylaw C-4397-94

### Amendment #1

Add a provision to Section 3.1.1.0 List of Discretionary Uses to read:

3.1.1.6 Golf Course Driving Range

### Amendment #2

Add a provision to Section 5.0.0 – Development Regulations

5.9 The day to day operations of the Golf Course Driving Range are limited to between dawn and dusk

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