

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

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 the following Bylaws:

Bylaw	Amendment Type	Date of Approval
C-5250-2000	Original Bylaw	July 25, 2000
C-7785-2018	Amendment to Section 2.2.2 to remove the Parsonage requirement	June 26, 2018
C-8039-2020	Amendments throughout to allow <i>Accessory Buildings, Private Clubs/Organizations, and Utilities</i> on common properties	September 1, 2020

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

A Bylaw of the Rocky View County (the County) to amend Bylaw C-4841-97.

WHEREAS the *Council* of the Rocky View County (the "*Council*") has received an application to amend Part 5; Land Use Maps No. 43 and 43NW of Bylaw 4841-97 (the "Land Use Bylaw") and to change the land use designation from Public Service and Direct Control District to Direct Control District, with guidelines, with respect to those certain lands in a portion of the NE-19-24-28-W4M, described in Schedule "A" attached hereto and forming part hereof (the "Lands"); and

WHEREAS the *Council* deems it desirable to amend the Land Use Bylaw as herein contemplated; and

WHEREAS a notice was published on August 29, 2000 and September 5, 2000, in the Rocky View Five Village Weekly, a newspaper circulating in the County, advertising the public hearing for September 12, 2000; and

WHEREAS *Council* held a Public Hearing and has given consideration to the representation 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 That Direct Control Bylaw C-4439-95, is hereby rescinded.
2. That Land Use Bylaw C-4841-97 be amended by redesignating the use of the Lands from Direct Control District to Direct Control District in accordance with the following guidelines:
 - 1.0.0 General Regulations.
 - 2.0.0 Land Use Regulations.
 - 3.0.0 Development Regulations.

1.0.0 GENERAL REGULATIONS

1.1.0 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 County.

1.1.1 Notwithstanding Section 1.1.0, *Attached Single Family Dwellings* are deemed approved and Development Permits are not required.

1.2.0 Parts One, Two, and Three of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by the Bylaw, except where noted as otherwise in the Bylaw.

1.3.0 In addition to the "Permitted Uses" contemplated in Section 2 hereof the following shall be "Discretionary Uses" subject to the approval of the County:

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

- 1.3.1 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 County and included in a *Development Agreement*.
- 1.3.2 All *utility* distribution and collection systems necessary to service the *development* (excluding water and sewage treatment and disposal systems).
- 1.3.3 Pedestrian pathways.
- 1.3.4 Parking and Loading facilities in accordance with Section 30 of the Land Use Bylaw.
- 1.4.0 For the purposes of Section 2.0.0 of this Bylaw, Section 42 of the Land Use Bylaw shall pertain to the height of any fences on the Lands.
- 1.5.0 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 County and/or Alberta Environment.
- 1.6.0 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 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 County and/or Alberta Environment.
- 1.7.0 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 County and/or Alberta Environment.
- 1.8.0 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 County and/or Alberta Environment.

2.0.0 LAND USE REGULATIONS

- 2.1.0 The purpose and intent of this District is to provide for the use of Lands for housing with related ancillary uses.

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

2.2.0 List of Permitted Uses

2.2.1 - *Attached Single Family Dwellings*

2.2.2 - *One Detached Single Family Dwelling*

2.2.3 - *Fences*

2.3.0 List of Discretionary Uses

2.3.1 - *Sewage Treatment and Storage Facilities*

2.3.2 - *Storm Water Retention Ponds*

2.3.3 - *Water Storage and Treatment Facilities*

2.3.4 - *Vehicle Storage and Parking Areas*

2.3.5 - *Signs*

2.3.6 - *Accessory Buildings* at Plan 0013287, Unit 82 and Unit 83, Plan 0113520, Unit 131, Plan 0111629, Unit 105, Plan 0310076, Unit 196 and Unit 197, Plan 9812469, Unit 38, and Plan 0011410, Unit 62 all within NE-19-24-28-W4M as shown on Schedule B of the Bylaw.

2.3.7 *Utility (Utilities)* at Plan 0013287, Unit 82 and Unit 83, Plan 0113520, Unit 131, Plan 0111629, Unit 105, Plan 0310076, Unit 196 and Unit 197, Plan 9812469, Unit 38, and Plan 0011410, Unit 62 all within NE-19-24-28-W4M as shown on Schedule B of the Bylaw.

2.3.8 *Private Clubs and Organizations (Multi-Purpose Building)* at Plan 0013287, Unit 82 within NE- 19-24-28-W4M and Plan 0011410, Unit 62 within NE-19-24-28-W4M as shown on Schedule C of the Bylaw.

2.4.0 Minimum and Maximum Requirements

2.4.1 Single Family Dwelling

(i) Maximum number of *Attached Single Family Dwellings* - 174

(ii) Maximum number of *Attached Single Family Dwellings* in a group - 4

(iii) Maximum number of *Detached Single Family Dwellings* – 1

ROCKY VIEW COUNTY
BYLAW C- 5250-2000

- iv) Maximum height of Attached or *Detached Single Family Dwelling* - 8 metres (26.25 feet)
- v) Maximum number of bare-land condominium lots for *Attached Single Family Dwellings* – 174
- vi) Maximum number of *Attached Single Family Dwelling* units per bare-land condominium lot – 1
- vii) Minimum habitable floor area of an *Attached Single Family Dwelling* - 83.61 square metres (900 square feet)
- viii) Maximum habitable floor area of an *Attached Single Family Dwelling* – 153.28 square metres (1650 square feet)
- ix) Minimum area of bare-land condominium lots - 185.9 square metres (2,000 square feet)
- x) Minimum building separations - 3 metres (9.84 feet)
- xi) Minimum setback to a Sewage Treatment Facility - 100 metres (328 feet)
- xii) Minimum habitable floor area of a *Detached Single Family Dwelling* - 140 Square metres (1,507 square feet)
- xiii) Maximum total area of *Vehicle Storage and Parking Areas* – 9290 square metres (100,000 square feet)

2.4.2 *Accessory Buildings*

- i) Minimum setbacks: 3 metres (9.84 ft.)
- ii) Maximum height: 5.50 metres (18.04 ft.)
- iii) Maximum building area: 65 sq. m. (699.5 sq. ft.)

2.4.3 *Private Clubs and Organizations (Multi-Purpose Building)*

- i) Minimum setbacks: 3 metres (9.84 ft.)
- ii) Maximum height: 8 metres (26.25 ft.)
- iii) Maximum building area: 278 sq. m. (3,000 sq. ft.)

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 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 *Council* and Alberta Environment with respect to the provision of private 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 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, (provided the plan of subdivision is otherwise satisfactory) or issue Development Permits for residential *development*, if the *Developer* and the County enter into a *Development Agreement*, and the *Developer* deposits with the County 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 County; 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 County;

- b) all necessary licenses, permits and approvals have been received from Alberta Environment and the County with respect to the design, location and operation of the sewage treatment facilities servicing the Lands or portions thereof to the satisfaction of the County;
- c) the *Developer* has received the approval of *Council* and Alberta Environment with respect to the provision of a private water supply, treatment and distribution system 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 Environment, complete plans and specifications thereof and said facilities have been substantially constructed and completed in accordance therewith, provided however, that the County 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 County enter into a *Development Agreement*, and the *Developer* deposits with the County 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 County; 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 County;

- d) all necessary licenses, permits and approvals have been received from Alberta Environment

ROCKY VIEW COUNTY
BYLAW C- 5250-2000

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 County and registered concurrently with the final plan of subdivision by the *Developer* against title to the Lands or portions thereof;
- f) a Condominium Corporation has been legally established by the *Developer* and a restrictive covenant confirming that said *Developer* is solely responsible for all 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 County, 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) 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;
- h) the *Developer*, of the aforementioned sewer and water treatment facilities, as owner of all of the Lands and all condominium units shall indemnify the County, 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 (and appurtenances thereto) occasioned wholly or in part of any act or omission of the *Developer*, their officers, directors, volunteers, agents, contractors or employees;
- i) 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 County and any person, firm or corporation designated by the County 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 County;
 - (ii) a severability of interest clause or a cross liability clause;
 - (iii) a waiver in favour of the County 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 County.

ROCKY VIEW COUNTY
BYLAW C- 5250-2000

All policies shall be taken out with insurers and shall be in a form acceptable to the County acting reasonably. The *Developer* agrees that certificates of insurance acceptable to the County, or if required by the County, certified copies of each such insurance policy, will be delivered to the County as soon as practicable after the placing of the required insurance. All policies shall contain an undertaking by the insurers to notify the County 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 County may purchase the insurance on behalf of the *Developer* and collect the costs of the said insurance from the *Developer*;

- j) the *Developer*'s liability to the County 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*;
- k) 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 or condominium lots, 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*;
- l) 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 *Council*.

3.2.0 Notwithstanding 3.1.0 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 County in form and substance.

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

3.4.0 All Letters of Credit referred to in this Bylaw shall be calculated in accordance with County policy and the estimate upon which the *Letter of Credit* is based shall be certified by a *professional engineer* or as determined by the County at its sole discretion.

3.5.0 A minimum of 10% of the subject Lands, for each phase, shall be landscaped in accordance with a plan approved by the Development Officer.

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

4.0.0 DEFINITIONS

- 4.1.0 **Accessory Buildings** means detached buildings, with or without a permanent foundation, which are subordinate or incidental to the Principal Use or Principal Building located on the same site;
- 4.2.0 **Attached Single Family Dwelling** - means a dwelling unit, which is attached to one or more other dwelling units.
- 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 Rocky View County.
- 4.5.0 **Detached Single Family Dwelling** - means a building over 5 metres (16.4 feet) in width containing one dwelling unit which is completely separated on all sides from any other dwelling or structure and, except as otherwise allowed by this Bylaw, used for no other purpose.
- 4.6.0 **Developer** – means the Lutheran Church – Canada, The Alberta-British Columbia District or its successor in title.
- 4.7.0 **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.
- 4.8.0 **Development Agreement** - means an agreement between the Developer and the County specifying *development* regulations, criteria or conditions necessary to ensure all *developments* on the land conform to municipal approvals.
- 4.9.0 **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 County as the sole beneficiary thereof.

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

- 4.10.0 **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.
- 4.11.0 **Private Clubs and Organizations (Multi-Purpose Building)** means a *development* or a building used for the meeting, social or recreation activities of members of a non-profit philanthropic, social service, athletic, business, or fraternal organization, without on-site residences. *Private clubs* may include rooms for eating, drinking, and assembly;
- 4.12.0 **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).
- 4.13.0 **Utility (Utilities)** means the components of sewage, stormwater, or solid waste disposal systems or a telecommunication, electrical power, water, or gas distribution system. *Utilities* may include (but is not limited to) Pumphouses, Sewage Treatment and Storage Facilities, Storm Water Retention Ponds, and Water Storage and Treatment Facilities;
- 4.14.0 **Vehicle Storage and Parking Area** – means the area of a site set aside for the parking and /or storage of vehicles, including recreation vehicles.
- 4.15.0 **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
- 4.16.0 **Substantial Completion** - means construction Completion Certificates have been issued by the County.
- 4.17.0 Terms not defined herein have the same meaning as defined in Section 8 of the Land Use Bylaw C-4841-97.

5.0.0 IMPLEMENTATION

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

**ROCKY VIEW COUNTY
BYLAW C- 5250-2000**

First reading passed in open *Council* assembled in the City of Calgary, in the Province of Alberta, this 25th day of July 2000, on a motion by Councillor Cameron.

Second reading passed in open *Council* assembled in the City of Calgary, in the Province of Alberta, this 26th day of September, 2000 on a motion by Councillor Stinson.

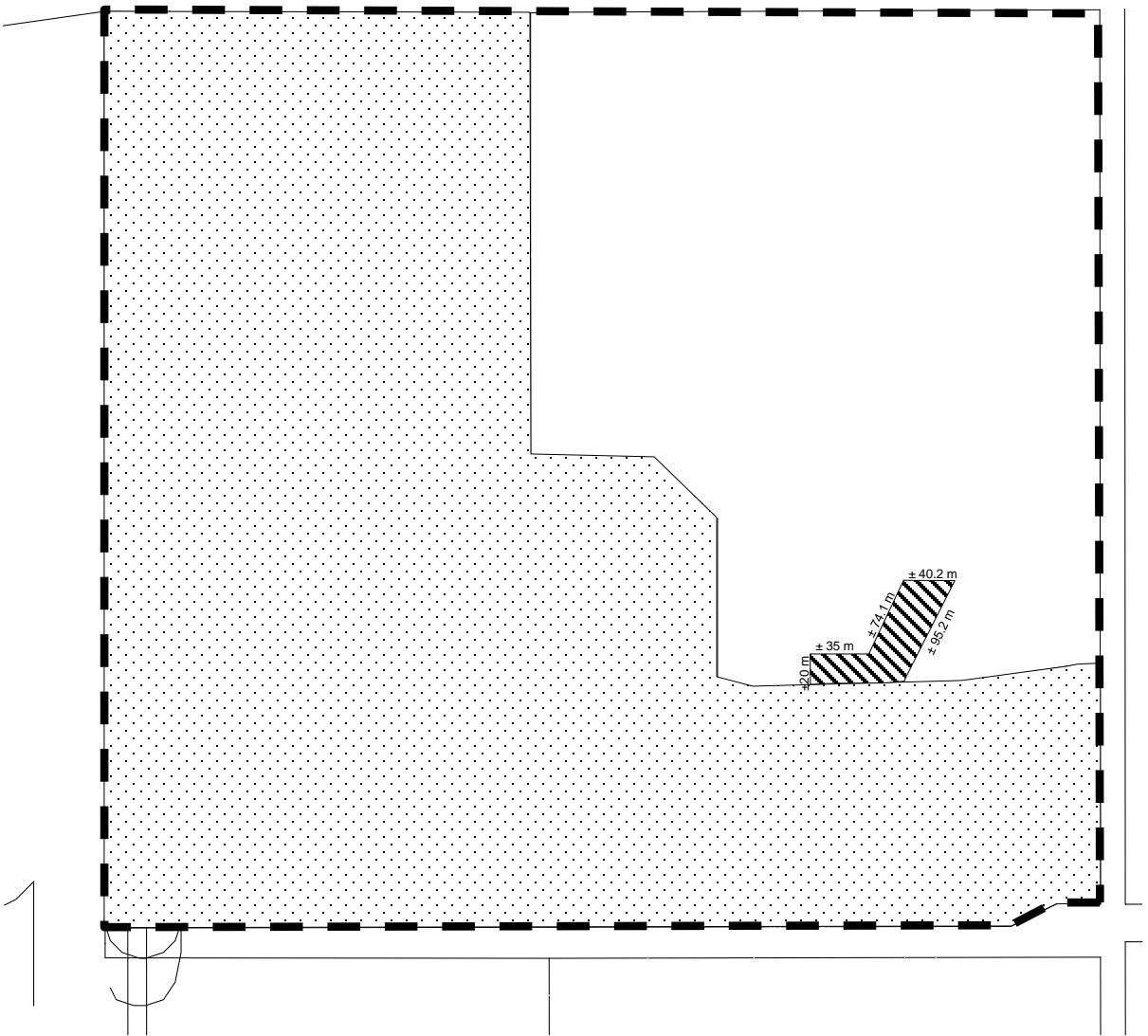
Third reading passed in open *Council* assembled in the City of Calgary, in the Province of Alberta, this 12th day of December, 2000 on a motion by Councillor Stinson.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-5250-2000



AMENDMENT

FROM Direct Control District TO Direct Control District (Amended)



FROM Public Services District TO Direct Control District



Subject Land - - - - -

LEGAL DESCRIPTION: NE-19-24-28-W4M
PORTIONS

FILE: 4319010 - 2000-146

