

**THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
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-8443-2023	Amendment to Schedule A of Bylaw C-5250-2000 to remove Block 2, Plan 9712096, NE-19-24-28-W04M	December 5, 2023

**THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C- 5250-2000**

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97.

WHEREAS the Council of the Municipal District of Rocky View No. 44 (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 Municipality, 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 That Direct Control Bylaw C-4439-95, is hereby rescinded.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 Notwithstanding any provisions to the contrary, the residents (lease holders) of the 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.

1.2.0(i) Notwithstanding Section 1.2.0 Attached Single Family Dwellings are deemed approved and development permits are not required.

1.3.0 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.

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- 1.4.0 In addition to the "Permitted Uses" contemplated in Section 2 hereof the following shall be "Discretionary Uses" subject to the approval of the Municipality:
- 1.4.1 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.
- 1.4.2 All utility distribution and collection systems necessary to service the Development (excluding water and sewage treatment and disposal systems).
- 1.4.3 Pedestrian pathways.
- 1.4.4 Parking and Loading facilities in accordance with Section 30 of the Land Use Bylaw.
- 1.5.0 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.
- 16.0 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.
- 1.7.0 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 Municipality and/or Alberta Environment.
- 1.8.0 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.
- 1.9.0 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 Municipality 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 the housing of

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senior citizens with related ancillary uses.

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

2.4.0 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

(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)

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- 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)

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 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;

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- 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 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, 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 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) 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 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) 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 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 (and appurtenances thereto) occasioned wholly or in part of any act or omission of the

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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 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;

- j) 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;
- 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

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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 Municipality 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 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.
- 3.5.0 A minimum of 10% of the subject Lands, for each phase, shall be landscaped in accordance with a plan approved by the Development Officer.
- 3.6.0 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 **Attached Single Family Dwelling** - means a dwelling unit, which is attached to one or more other dwelling units.
- 4.2.0 **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.
- 4.3.0 **Council** - means the Council of the Municipal District of Rocky View No. 44.
- 4.4.0 **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.
- 4.5.0 **Developer** – means the Lutheran Church – Canada, The Alberta-British Columbia District or its successor in title.
- 4.6.0 **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;

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(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.

4.7.0 **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.

4.8.0 **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.

4.9.0 **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.

4.10.0 **Seniors** - persons who have attained the age of 55 years or more

4.11.0 **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).

4.12.0 **Vehicle Storage and Parking Area** – means the area of a site set aside for the parking and /or storage of vehicles, including recreation vehicles.

4.13.0 **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

4.14.0 **Substantial Completion** - means construction Completion Certificates have been issued by the Municipality.

4.15.0 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.

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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.

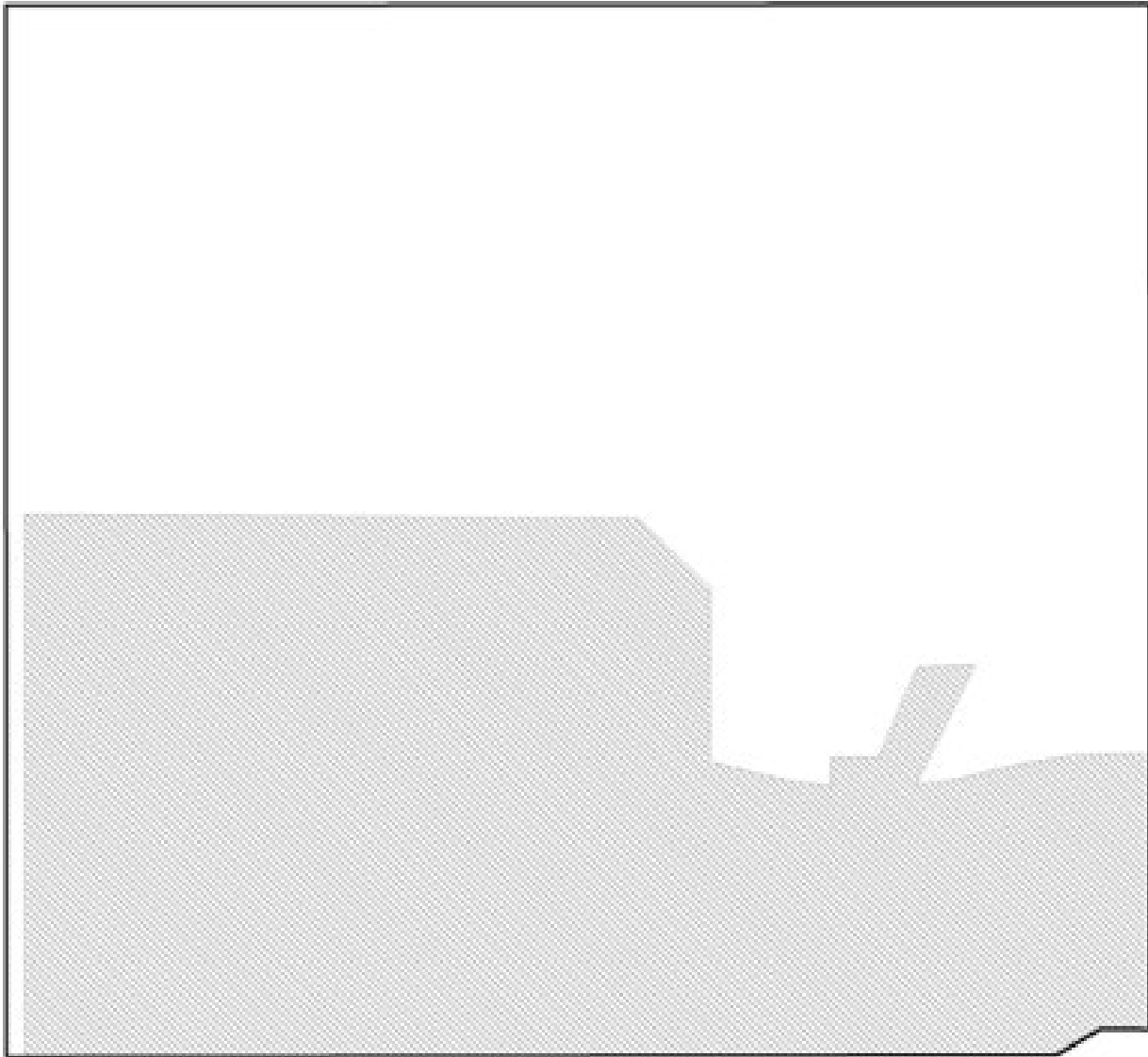
Third reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, this 12th day of December, 2000 on a motion by Councillor Stinson.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-8443-2023



CALGARY

AMENDMENT

FROM Direct Control District TO Direct Control District (amended)

