

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6269-2006**

DC-111

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-6269-2006	Original Bylaw	June 27, 2006
C-6906-2010	Wastewater Servicing	May 25, 2010

DIRECT CONTROL BYLAW REGULATIONS

That the regulations of this Direct Control District comprise:

- 1.0.0 Purpose & Intent
- 2.0.0 General Requirements
- 3.0.0 Subdivision Phase One & Subdivision Phase Two
- 4.0.0 Uses and Minimum/Maximum Requirements
- 5.0.0 Development Regulations
- 6.0.0 Definitions

1.0.0 PURPOSE & INTENT

The purpose and intent of this Bylaw is to create a residential community with a maximum of 22 units developed with an architectural form that is consistent with adjacent subdivision and includes a Landscaped Buffer Zone that provides a visual amenity between new and existing residential development.

2.0.0 GENERAL REQUIREMENTS

- 2.1.0 The Development Officer shall decide on applications for Development Permits for all uses contemplated by this Bylaw provided the provisions of Section 2.0.0, 3.0.0 & 4.0.0 are completed in form and substance to the satisfaction of the County.
- 2.2.0 Provided all other provisions of this Bylaw are complied with, Dwellings, *Single Detached*, contemplated by Section 4.1.0(a) are considered “deemed approved” and do not require a Development Permit.
- 2.3.0 Parts 1, 2 & 3 of the Land Use Bylaw C-4841-97 apply to all uses contemplated by this Bylaw except where noted otherwise.
- 2.4.0 For the purposes of this Bylaw, development within the Lands is referred to within context of either *Subdivision Phase One* and/or *Subdivision Phase Two* as indicated in Schedule ‘B’ attached to and forming part of this Bylaw, except as otherwise approved by Council. The development configuration of each Subdivision Phase is generally illustrated in Schedule ‘B’ and will be more precisely determined by consideration of a Tentative Plan, submitted in form and substance satisfactory to the County, to be prepared by the Developer subject to an application for subdivision.
- 2.5.0 For the purposes of this Bylaw, the Landscaped Buffer Zone within either *Subdivision Phase One* and/or *Subdivision Phase Two* shall be implemented as generally indicated in Schedule ‘C’ attached to and forming part of this Bylaw, except as otherwise approved by Council. The detailed configuration of the Landscaped Buffer Zone for each Subdivision Phase will be precisely determined at the Tentative Plan stage, in form and substance satisfactory to the County.

- 2.6.0 No Plan of Subdivision shall be endorsed and no Development Permit shall be issued for the lands until the County and the Developer have executed a Development Agreement(s), where required, in form and substance satisfactory to Council.
- 2.7.0 Council may, through a Development Agreement and/or a Development Permit required by this Bylaw, specify any regulation, criteria or condition necessary to ensure all Subdivision and Development on the Lands conforms to the development proposal and representations upon which this Bylaw is based, as determined by Council.

3.0.0 RESIDENTIAL DEVELOPMENT – SUBDIVISION PHASE ONE & SUBDIVISION PHASE TWO

Subdivision Phase One shall provide for single-family residential subdivision involving a maximum of seven (7) lots to be developed as generally illustrated by Schedule 'B' attached to this Bylaw. Development within *Subdivision Phase One* may be serviced via a licensed surface water supplier and individual private sewage treatment systems (PSDS). The design of *Subdivision Phase One* shall consider integration of new subdivision with existing residential development by establishing a Landscaped Buffer Zone as illustrated by Schedule 'C' attached to this Bylaw.

Subdivision Phase Two shall provide for a comprehensively planned single family residential community involving a maximum of twenty two (22) lots to be developed as illustrated by Schedule 'B' attached to this Bylaw. The design of *Subdivision Phase Two* shall consider integration of new subdivision with existing residential development by enhancing the Landscaped Buffer Zone established by Subdivision Phase One, as illustrated by Schedule 'C' attached to this Bylaw.

Subdivision Phase Two may proceed only when Regional Wastewater Utility Infrastructure becomes available or by individual packaged sewage treatment plants meeting the CAN/BNQ (Bureau de normalisation du Québec) and/or the NSF/ANSI Standard 40, Class 1, for Residential Waste Water Treatment Systems.

Subdivision Phase Two shall require all PSDS, that are not individual packaged sewage treatment plants meeting the CAN/BNQ (Bureau de normalisation du Québec) and/or the NSF/ANSI Standard 40, Class 1, for Residential Waste Water Treatment Systems, installed via *Subdivision Phase One* to be decommissioned and removed.

The internal road design for *Subdivision Phase Two*, shall accommodate a second access/egress as illustrated by Schedule 'A' attached to this Bylaw.

4.0.0 USES AND MINIMUM/MAXIMUM REQUIREMENTS

4.1.0 Uses

- a) Dwelling, *Single Detached*
- b) Accessory Building
- c) Home-Based Business, Type 1

- d) Private Swimming Pools
- e) Private Open Space
- f) Landscaped Buffer Zone
- g) Decorative Rail Fence
- h) Community Sign
- i) Temporary Sales Centre
- j) Utility Infrastructure

4.2.0 Minimum and Maximum Requirements

4.2.1 Minimum Parcel Size

- (a) *Subdivision Phase One*: 0.8 ha (1.98 ac)
- (b) *Subdivision Phase Two*: 0.283 ha (0.70 ac)

4.2.2 Maximum Number of Parcels: 22

- (a) *Subdivision Phase One*: 7
- (b) *Subdivision Phase Two*: 15

4.2.3 Yard, *Front*:

- (a) 45.0 m (147.6 ft.) from any *road, municipal*
- (b) 9.0 m (29.5 ft.) from any *road, internal subdivision*

4.2.4 Yard, *Side*:

- (a) 10.0 m (32.8 ft.) from any *road, municipal*
- (b) 8.0 m (26.2 ft.) from any *road, internal subdivision,*
- (c) 5.0 m (16.4 ft.) all other

4.2.5 Yard, *Rear*:

- (a) 10.0 m (32.8 ft.)

4.2.6 Minimum Habitable Floor Area, excluding basement

- (a) 167.25 m² (1,800 ft²) single storey dwelling
- (b) 167.25 m² (1,800 ft²) split level dwelling, the total area of two finished levels
- (c) 167.25 m² (1,800 ft²) split entry or bi-level on the main floor; 28 m² (301.4 ft²) finished lower level
- (d) 241.5 m² (2,600 ft²) two storey, combined floor area

4.2.7 Maximum Height of Buildings

- (a) Principal Building: 10.0 m (32.8 ft.)
- (b) Accessory Building: 5.5 m (18.0 ft.)

4.2.8 Maximum Dwelling Units per Lot: 1

- 4.2.9 Maximum Number of Accessory Buildings: 2
- 4.2.10 Maximum Building Area for First Accessory Building: 77.30 m² (832 ft²)
Maximum Building Area for Second Accessory Building: 16.0 m² (172.2 ft²)
- 4.2.11 Maximum Parcel Coverage: 20%
- 4.2.12 A Landscaped Buffer Zone shall be developed within the subject lands to define the community and provide a visual buffer between new and existing residential development through enhancements and additions to grades, trees and groundcover. A Landscaping Plan shall be prepared by a qualified landscaping professional, as a condition to *Subdivision Phase One and Subdivision Phase Two*, to detail the Landscaped Buffer Zone. The Developer shall be responsible for implementation of all landscaping improvements within the Landscaped Buffer Zone through preparation of a development-specific Building Scheme. Ongoing maintenance of the Landscaped Buffer Zone shall be the responsibility of a Homeowner's Association, a Condominium Association or a Lot Owner's Association.

5.0.0 DEVELOPMENT REGULATIONS

- 5.1.0. Unless otherwise provided for by this Bylaw, no Plan of Survey shall be endorsed, and no Development or Building Permits shall be issued within the subject lands for any purpose, until:
 - a) The Developer has submitted a Construction Management Plan in a form and substance satisfactory to the County.
 - b) The Developer has submitted a Storm Water Management Plan, prepared by a qualified professional, in a form and substance satisfactory to the County and/or Alberta Environment.
 - c) The Developer has submitted a Traffic Impact Analysis, prepared by a qualified professional, in a form and substance satisfactory to the County and/or Alberta Transportation.
 - d) The Developer has submitted all necessary Agreements for servicing to the County, with complete plans and specifications respecting the connections thereto, to the satisfaction of the County.
 - e) Confirmation of a piped and treated water supply, licensed by the Province of Alberta, has been confirmed, in a form and substance satisfactory to the County.
 - f) Confirmation of a connection with a Regional Wastewater Utility Service or servicing by individual packaged sewage treatment plants meeting the CAN/BNQ (Bureau de normalisation du Québec) and/or the NSF/ANSI Standard 40, Class 1, for Residential Waste Water Treatment Systems, in a form and substance satisfactory to the County, for Subdivision Phase Two.
 - f) The County has approved all necessary Easements and Rights-of-Way related to the supply and distribution of power, natural gas, cable television and telephone service within the subject lands.

- g) The Developer has submitted a Landscaping Plan, prepared by a qualified landscaping professional, in a form and substance satisfactory to the County.
 - h) Notwithstanding any other clause in this Bylaw, the Developer may pursue stripping and grading of the site provided that conditional approval for subdivision for either *Phase One* or *Phase Two* has been granted by Council and a Development Agreement has been issued in support of the proposed works within the site.
- 5.2.0 No occupancy of any dwelling shall occur until the construction of all roads and utilities required by each Subdivision Phase, or portions of them, have been substantially completed to the satisfaction to the County and Alberta Transportation.
- 5.3.0 Unless otherwise approved by the County, Private Roads shall be constructed in accordance with geometric design guidelines and standards outlined in the Servicing Standards for Subdivision and Road Construction, June 1, 1999, as amended.
- 5.4.0 Show Homes may be considered by the Development Officer on the lands prior to the endorsement of a Plan of Subdivision, provided that conditional approval for subdivision has been granted by Council. No occupancy of the Show Homes shall occur until full services (power, gas, wastewater, potable water, telephone etc.) are available to and immediately useable by residents of said dwellings, as required by the approved conditions of subdivision, and a Plan of Survey has been registered with Alberta Land Titles.
- 5.5.0 Pursuant to the issuance of a Development Agreement involving stripping and grading within the lands, no topsoil shall be exported from the lands. Non-native topsoil materials may be utilized for grading purposes.

6.0.0 DEFINITIONS

Definitions have the same meaning as the Land Use Bylaw C-4841-97, unless otherwise noted.

- 6.1.0 “Building Scheme” - means a Scheme to be registered against each title of Developable Land pursuant to a Restrictive Covenant describing Architectural Controls pertaining to the Development within the subject lands;
- 6.2.0 “Community Sign” - means a sign displaying the name of the community;
- 6.3.0 “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, storm water, site erosion, sedimentation control, noise control and traffic control;
- 6.4.0 “Decorative Rail Fence” - means a decorative fence designed to enhance the development character and / or for ornamentation and situated typically to define the development / property line but not to visually obstruct or limit wildlife movement.
- 6.5.0 “Developable Lands” - means that portion of the Lands which is considered to be suitable for development by the Council and the development of which is not precluded by this Bylaw;

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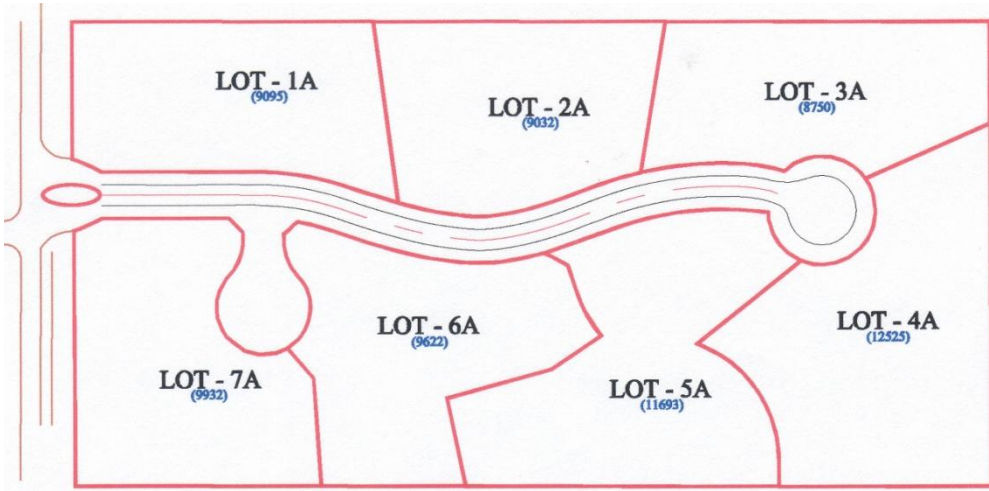
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- 6.6.0 “Developer” - means the party which owns or has a right to own all of the Lands excepting only any roadway plan therein;
- 6.7.0 “Existing Residential Development” - means any parcel having a residential designation, in accordance with Land Use Bylaw C-4841-97, at the time of passing of this Bylaw, located immediately adjacent to the subject lands;
- 6.8.0 “Landscaped Buffer Zone” - means a comprehensive landscaped area within the subject lands to define the development and create a visual buffer with existing residential development through enhancements and additions to grades, trees and groundcover. The design of the Landscaped Buffer Zone shall be prepared by a qualified landscaping professional licensed to practice in the Province of Alberta, implemented by the Developer through preparation of a Building Scheme as a condition of subdivision, and maintained by a Homeowner’s Association, a Condominium Association or a Lot Owner’s Association,
- 6.9.0 “Private Open Space” - means the development of parks, pathways and playground facilities and other recreational amenities within privately owned lands, to be implemented by the Developer and maintained by a Homeowner’s Association, a Condominium Association or a Lot Owner’s Association through site-specific design guidelines and/or architectural controls;
- 6.10.0 “Qualified Professional” - means a professional engineer licensed to practice within the Province of Alberta who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA);
- 6.11.0 “Qualified Landscaping Professional” - means a professional landscape architect licensed to practice within the Province of Alberta who is a member in good standing with the Alberta Association of Landscape Architects (AALA);
- 6.12.0 “Substantial Completion” - means Construction Completion Certificates have been issued by the Municipality;
- 6.13.0 “Temporary Sales Centre” - means a building without a below-grade foundation which may be located on site, in accordance with all other setback requirements of this Bylaw, uses exclusively as an office to promote the sales of residential lots specific to this development; and
- 6.14.0 “Utility Infrastructure” - means a regional water distribution system, a regional wastewater collection system, gas, electricity, cable and telephone transmission lines & their related facilities necessary to service each *Subdivision Phase* or portions thereof in the area covered by the Bylaw. For the purpose of this Bylaw, a wastewater system utilizing sewage holding tanks will not be permitted.

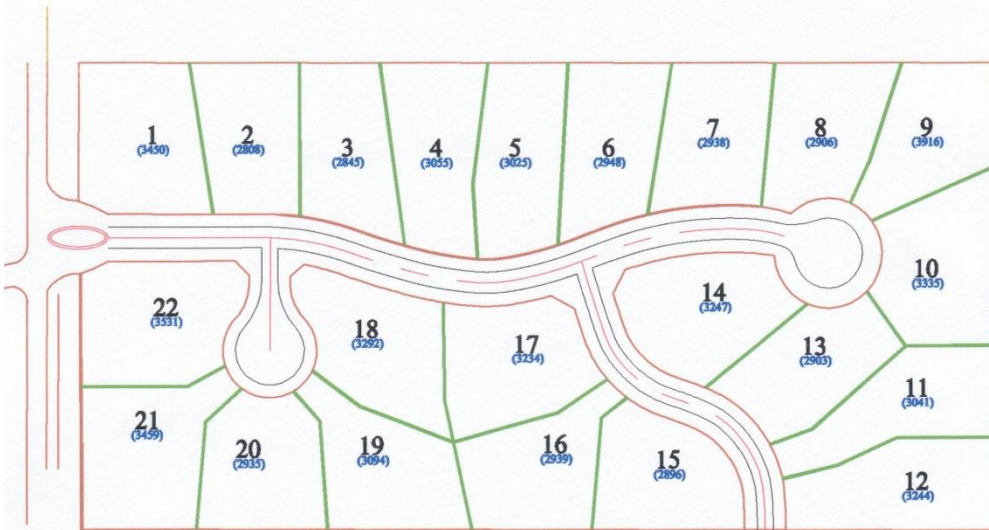
SCHEDULE "B"

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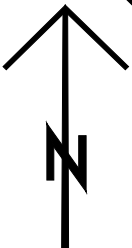
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PHASE 1



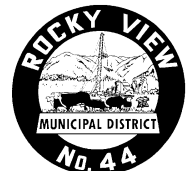
PHASE 2



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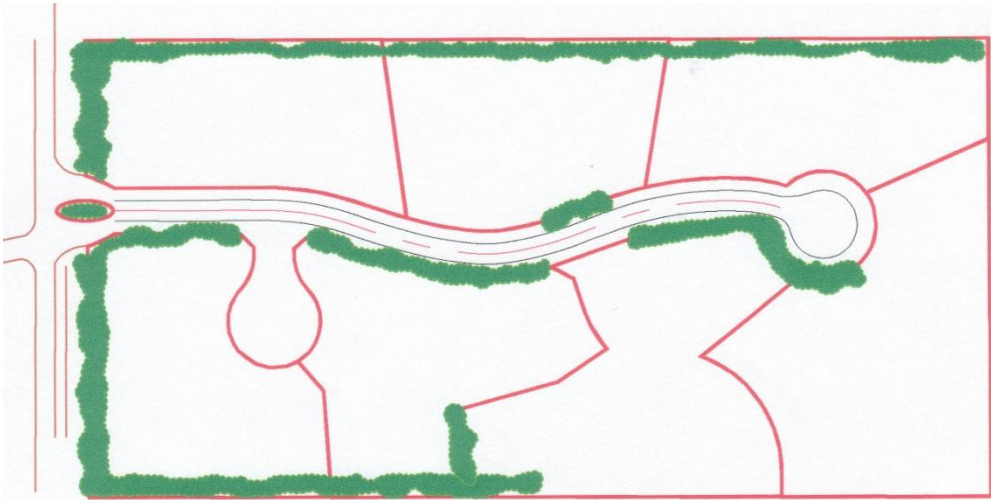
DIVISION: 3



SCHEDULE "C"

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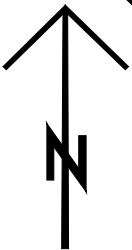
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PHASE 1 - LANDSCAPED BUFFER ZONE



PHASE 2 - LANDSCAPED BUFFER ZONE
PLANTING ENHANCEMENT



LEGAL DESCRIPTION: N ½ LSD 5 within SW 1-24-3-W5M

FILE: 04701005 - 2005-RV-278

DIVISION: 3

