

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4372-94**

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-1725-84.

WHEREAS the Council of the Municipal District of Rocky View No. 44 (the "Council") deems it desirable to amend said Bylaw; and

WHEREAS the Council has received an application to amend Land Use Bylaw C-1725-84 (the "Land Use Bylaw") to change the land use designation from Recreation Commercial District (RC) to Direct Control District (DC) with Special Regulations with respect to a portion of the SW 1/4 5-24-2-W5 described in Schedule "A" attached hereto and forming part of this Bylaw; and

WHEREAS a notice was published on November 29, 1994 and December 6, 1994 in the Rocky View Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44 advertising the Public Hearing for December 13, 1994; and

WHEREAS Council held a public hearing and has given consideration to the representations made to it in accordance with Sections 139 and 140 of the Planning Act being Chapter P-9 of the Revised Statutes of Alberta 1980, as amended.

NOW THEREFORE the Council enacts the following:

1. That the Land Use Bylaw be amended by redesignating the use of the Lands from Recreation Commercial District (RC) to Direct Control District (DC) - with Special Regulations.
2. That the special regulations of the Direct Control District (DC) are as follows:

1.0.0 GENERAL REGULATIONS

- 1.1.0 The Development Officer shall consider and decide on applications for development permits for those uses which are listed as "Permitted Uses" and "Discretionary Uses" in this District provided the provisions of same are completed in form and substance satisfactory to the Development Officer.
- 1.2.0 The Development Officer shall cause to be issued development permits which have been approved.
- 1.3.0 For the purposes of this Bylaw, the boundaries of the Lands shall be notionally described more or less as indicated on Schedule "A" attached hereto and forming part thereof, except as otherwise approved by Council.
- 1.4.0 No development of the Lands shall be permitted without and until the Applicant has executed a Development Agreement(s) (the "Development Agreement") in both form and substance satisfactory to the Council in its sole discretion which shall describe all regulations and conditions contained in this District 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.
- 1.5.0 Council may through the Development Agreement(s) required by this District, specify any

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development regulation, criteria or condition necessary to ensure all development on the Lands conforms to the development proposal upon which this District is based as determined by and to the satisfaction of Council.

- 1.6.0 Where Council at its sole discretion considers it appropriate, it may require the Applicant to provide securities satisfactory to the Council with respect to the observance of the conditions stipulated in the Development Agreement(s) required herein.
- 1.7.0 All securities referred to herein shall be calculated in accordance with Council policy and the estimate upon which the amount is to be based shall be certified by a professional engineer to the satisfaction of and as determined by Council at its sole discretion, at the applicant's sole cost.
- 1.8.0 No use shall be made of all or any portion of the Lands for the development of permanent buildings in the flood fringe of Lott Creek unless the proposed development is elevated through grading above the 1:100 year flood elevation to the satisfaction of the Municipality and Alberta Environmental Protection. Where development proposes the use of fill to elevate the Lands or a portion thereof above the 1:100 year flood elevation, the Applicant shall submit to the Municipality an evaluation by a professional engineer indicating that the placing of fill will not have a detrimental affect on the flow of water, either in Lott Creek or on adjacent lands.
- 1.9.0 Prior to the approval of any development that will alter natural storm drainage into Lott Creek, the Applicant shall prepare and submit a Storm Water Management Plan for the Lands in form and substance satisfactory to the Municipality and Alberta Environmental Protection.
- 1.10.0 The land use regulations contained in Section 8 of the Land Use Bylaw apply in addition to the regulations contained herein.

2.0.0 LAND USE REGULATIONS

2.1.0 Purpose and Intent

The purpose and intent of this District is to provide for the development of Wastewater Collection and Treatment Facilities on the Lands, in accordance with specified regulations.

2.2.0 List of Discretionary Uses

- Wastewater collection and treatment facilities and appurtenances.
- Accessory Buildings
- Antenna Structures
- Signs
- Berms

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3.0.0 DEVELOPMENT REGULATIONS

In addition to the regulations referenced by 1.0.0 and 2.0.0 herein, the following regulations shall apply to wastewater collection, treatment, and disposal facilities and relevant appurtenances in this District:

- 3.1.0 All Wastewater collection and treatment facilities and relevant appurtenances shall be located above the 1:100 year flood level of Lott Creek as required pursuant to the provisions herein or as otherwise determined by Council and Alberta Environmental Protection.
- 3.2.0 Where Wastewater collection and treatment facilities contain a sewage lagoon(s), a minimum setback of 26 feet (8 metres) shall be provided between the top of bank of Lott Creek and the toe of slope for the lagoon berms.
- 3.3.0 The design, location and construction of Wastewater collection and treatment facilities and relevant appurtenances shall be in accordance with plans and specifications prepared by a qualified professional engineer and in accordance with Alberta Environmental Protection's guidelines.
- 3.3.0 No Development Permits shall be issued by the Development Officer for Wastewater collection and treatment facilities and relative appurtenances without and until all necessary licences, permits and approvals have been received from Alberta Environmental Protection with respect to the design, location, operation and maintenance of same.
- 3.3.0 No Development Permit shall be issued by the Development Officer for Wastewater collection and treatment facilities that will cause treated wastewater to discharge directly to Lott Creek or other naturally occurring waterway or waterbody.
- 3.4.0 No Development Permit shall be issued by the Development Officer for Wastewater collection and treatment facilities that contravenes Alberta Environmental Protection's separation distances to residential development.

4.0.0 DEFINITIONS

- 4.1.0 **Applicant** - means the registered owner of the Lands or their representative or agent authorized to act on their behalf.
- 4.2.0 **Council** - means the Council of the Municipal District of Rocky View No. 44.
- 4.3.0 **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 of use of land or Building or an act done in relation to land or Building that results in or is likely to result in a change of use of the land or Building;
 - (iv) a change in intensity of the use of land or a Building or an act done in relation to

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land or a Building that results in or is likely to result in the change in the intensity of use of the land or building.

- 4.4.0 **Development Agreement** - means an agreement between the Applicant and the Municipal District of Rocky View No. 44 specifying development regulations, criteria or conditions necessary to ensure all developments on the Lands conform to municipal approvals.
- 4.5.0 **Municipality** - means the Municipal District of Rocky View No. 44.
- 4.6.0 Terms not defined herein have the same meaning as defined in Section 9.0.0 of the Land Use Bylaw C-1725-84.

5.0.0 IMPLEMENTATION

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

4605002

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 8th day of November, 1994 on a motion by Councillor Hall;

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 13th day of December, 1994 on a motion by Councillor Devitt.

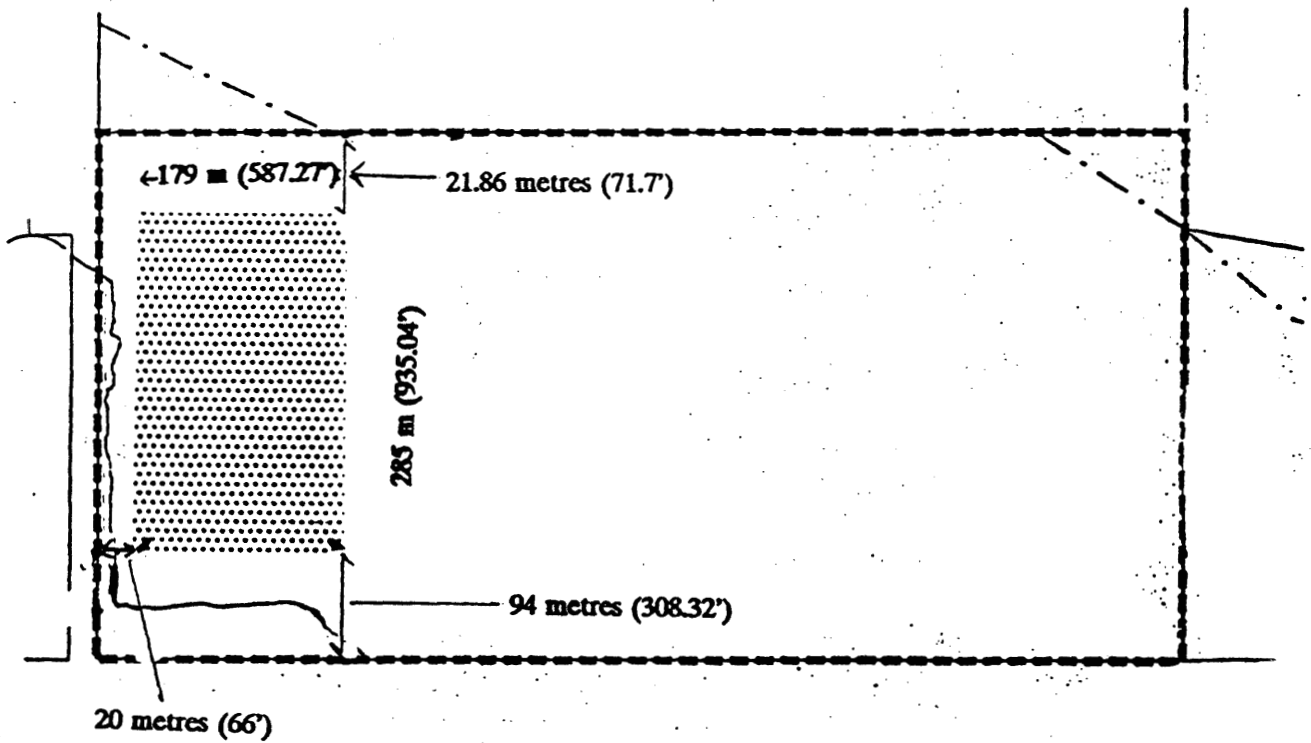
Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 13th day of December, 1994 on a motion by Councillor Wilkinson.


REEVE OR DEPUTY REEVE


MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-4372-94



AMENDMENT

FROM Recreation Commercial District TO

Direct Control District



SUBJECT LAND: ■■■■■



LEGAL DESCRIPTION: _____

A portion of the SW ¼ 5-24-2-W5M

FILE: 4605002

