

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6610-2007**

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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-6610-2007	Original Bylaw	May 13, 2008
C-6982-2010	Addition of uses to Cells 1 and 2	November 23, 2010

DIRECT CONTROL BYLAW REGULATIONS

That the special regulations of the Direct Control District (DC) comprise

- 1.0.0 General Requirements
- 2.0.0 Subdivision Requirements
- 3.0.0 Land Use Requirements
- 4.0.0 *Development* Requirements
- 5.0.0 Performance Standards
- 6.0.0 Definitions
- 7.0.0 Implementation

1.0.0 GENERAL REQUIREMENTS

- 1.1.0 For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule 'A' attached hereto and forming part hereof, except as otherwise approved by Council.
- 1.2.0 The *Development Authority* shall be responsible for the issuance of *Development Permit(s)* for the Lands subject to this Bylaw.
- 1.3.0 Parts One, Two and Three as contained in Land Use Bylaw C-4841-97 are applicable unless otherwise stated in this Bylaw.
- 1.4.0 The *Development Authority* shall consider and decide on applications for *Development Permits* for all those uses which are listed as "*Uses*" by this Bylaw provided the provisions of Section 2, 4 and 5 herein are completed in form and substance, satisfactory to the *County*, except where specifically noted that Council approval is required.
- 1.5.0 All *development* upon the lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw and all licenses, permits and approvals pertaining to the lands required to be obtained from Alberta Environment and Alberta Infrastructure and Transportation. The policies of the Balzac East Area Structure Plan and the Balzac Business Park Conceptual Scheme shall apply to all applications for subdivision and *development*.

2.0.0 SUBDIVISION REQUIREMENTS

- 2.1.0 No subdivision of the Lands shall be permitted without and until the Developer has executed a *Development Agreement(s)* in form and substance satisfactory to the *County* at its sole discretion, which shall describe all details

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of *development*, any *development* regulation, criteria, or condition, including the posting of financial securities, where necessary to ensure all subdivision of the Lands conforms to the principles upon which this By-law is based. The *Development Agreement* shall be registered by caveat against the Lands and shall run with the Lands and shall include but not be limited to the following:

- 2.1.1 Construction of a wastewater collection, treatment and disposal system;
 - 2.1.2 Construction of a surface water supply, treatment and distribution system, including fire hydrants for fire fighting purposes;
 - 2.1.3 Construction of stormwater management facilities as per an approved Storm Water Management Plan;
 - 2.1.4 Construction of all internal road systems and construct all off-site roads necessary to serve the development as identified in the Traffic Impact Assessment for each phase of subdivision;
 - 2.1.5 Confirmation of the location of all necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the *County*; and
 - 2.1.6 Design and construction of a linear pathway linking the Balzac Business Park with Nose Creek and providing connectivity with adjacent lands, all to the satisfaction of the *County*.
- 2.2.0 No subdivision of the Lands shall be permitted without and until:
- 2.2.1 The Developer has prepared and submitted a Storm Water Management Plan complete with erosion and sedimentation control measures in form and substance satisfactory to each of the *County* and Alberta Environment. The Developer shall design, construct and maintain all of the infrastructure required by the Stormwater Management Plan to the satisfaction of Alberta Environment and the *County*;
 - 2.2.2 Issuance of all necessary licenses and permits with respect to the provision of a wastewater collection, treatment and disposal system to the satisfaction of the *County* and Alberta Environment;
 - 2.2.3 Issuance of all necessary licenses and permits with respect to the provision of a surface water supply, treatment and distribution system, including fire hydrants for fire fighting purposes to the satisfaction of the *County* and Alberta Environment;
 - 2.2.4 All necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas,

telephone and such other utilities required by the *County*, have been registered concurrently with the plan of subdivision by the Developer against the title to the Lands or portions thereof;

- 2.2.5 The Developer has prepared, at its sole expense, a master landscape plan for the Balzac Business Park Conceptual Scheme area, in accordance with the landscaping provisions of this Bylaw. The Master Landscape Plan shall be consistent with the policies and guidelines of the Intermunicipal Entranceway policies of the M.D. of Rocky View/ City of Calgary and City of Airdrie/M.D. of Rocky View Intermunicipal Development Plans, Balzac Business Park Conceptual Scheme and in particular the policies respecting the Highway 566 Transition Area, and the Residential Lands Transitional area;
- 2.2.6 A Lot Owners' Association has been legally established by the Developer and a Restrictive Covenant confirming that each owner shall, in perpetuity, be a member of the Lot Owners Association, and that the responsibilities of the Lot Owners' Association will be determined prior to subdivision approval, to the satisfaction of the *County*;
- 2.2.7 Agreements to provide for mutual access, the shared use of parking areas shall be registered on title of the affected lots when the subdivision is registered, where applicable;
- 2.2.8 A review of the Traffic Impact Analysis shall be submitted with the application for each phase of subdivision, at no expense to the *County*, to determine the timing of construction of the Highway and off-site road improvements, to the satisfaction of the *County* and Alberta Infrastructure and Transportation;
- 2.2.9 Architectural controls in conformity with the policies and guidelines contained in the Balzac Business Park Conceptual Scheme shall be registered on each parcel and enforced by the Developer until such time that a Lot Owners Association is established;
- 2.2.10 An Emergency Management and Response Plan has been prepared and approved by the *County* prior to final subdivision endorsement;
- 2.2.11 An Environmental Site Assessment that describes methods to mitigate the impact of affected phases of development adjacent to Nose Creek shall be prepared at the time of subdivision;
- 2.2.12 An Historical Resources Overview or if required by the Province, a Historical Resources Impact Assessment shall be prepared prior to any disturbances on the site, to the satisfaction of the *County* and Alberta Community Development; and

2.2.13 No Plan of Subdivision shall be endorsed and no *Development Permit* shall be issued for the lands (including stripping and grading) until the *County* and the Owner have executed a Development Agreement(s) where required, in form and substance satisfactory to the *County*.

3.0.0 LAND USE REQUIREMENTS

3.1.0 Purpose and Intent

The purpose and intent of this District is to provide for a comprehensively planned business park designed to accommodate a range of commercial and industrial uses that will not have an adverse affect on the surrounding land uses.

3.2.0 Development Cell "1"

Uses:

- 3.2.1 *Accessory Buildings*
- 3.2.2 *Accessory Uses to the principle use*
- 3.2.3 *Accommodations and Convention Services*
- 3.2.4 *Agriculture, General*
- 3.2.5 *Agricultural Support Services*
- 3.2.6 *Animal Health Care Services*
- 3.2.7 *Auctioneering Services*
- 3.2.8 *Automotive Services*
- 3.2.9 *Car Wash*
- 3.2.10 *Cemetery and Interment Services*
- 3.2.11 *Drive Through*
- 3.2.12 *Dwelling Units, accessory to the use*
- 3.2.13 *Event and Conference Facility*
- 3.2.14 *Garden Centre*
- 3.2.15 *General Industry Type I*
- 3.2.16 *Grocery Store, Regional*
- 3.2.17 *Health Care Services*
- 3.2.18 *Hotel*
- 3.2.19 *Laboratory*
- 3.2.20 *Museum*
- 3.2.21 *Office*
- 3.2.22 *Personal Service Businesses*
- 3.2.23 *Retail Store, Regional*
- 3.2.24 *Service Station*
- 3.2.25 *Signs*

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- 3.2.26 *Storage Areas*
- 3.2.27 *Warehouses*
- 3.2.28 *Warehouse Stores, excluding hazardous goods*
- 3.2.29 *Religious Assembly*
- 3.2.30 *Restaurants*
- 3.2.31 *Pathways*
- 3.2.32 *Landscaping*

3.3.0 Development Cell "2"

Uses:

- 3.3.1 *Accessory Buildings*
- 3.3.2 *Accessory Uses to the principle use*
- 3.3.3 *Accommodations and Convention Services*
- 3.3.4 *Agriculture, General*
- 3.3.5 *Animal Health Care Services*
- 3.3.6 *Event and Conference Facility*
- 3.3.7 *Health Care Services*
- 3.3.8 *Hotel*
- 3.3.9 *Laboratory*
- 3.3.10 *Museum*
- 3.3.11 *Office*
- 3.3.12 *Personal Service Businesses*
- 3.3.13 *Retail Store, local*
- 3.3.14 *Signs*
- 3.3.15 *Religious Assembly*
- 3.3.16 *Restaurants*
- 3.2.17 *Pathways*
- 3.2.18 *Landscaping*
- 3.2.19 *Warehouse stores,-excluding hazardous goods*

3.4.0 Minimum Building Requirements

- 3.4.1 the minimum front yard shall be 6.00 m (19.68 ft)
- 3.4.2 the minimum side yard shall be 6.00 m (19.68 ft)
- 3.4.3 the minimum rear yard shall be 6.00 m (19.68 ft)
- 3.4.4 the minimum yard, from parcels abutting Highway 566, shall be 30.00 m (98.42 ft)
- 3.4.5 the minimum yard, for parcels abutting Range Road 293, shall be 25.00 m (82.02 ft)

3.4.6 parcels that abut residential parcels must have a minimum rear yard of 25.00 metres (82.02 ft)

3.5.0 Maximum Requirements

3.5.1 the maximum building height shall be 15.00 m (49.21 ft) for parcels in Cell 1 and 12.00 m (39.37 ft) in Cell 2.

3.5.1.1 Notwithstanding Section 3.5.1, in Cell 1 the maximum building height for the Event and Conference Facility and the Hotel shall be 20.00 metres (65.61 ft).

3.5.2 a maximum of 30% of the lot may be used for outside storage of products and/or materials in Cell 1.

3.5.3 no outside storage is permitted in Cell 2.

3.5.4 Cell 2

3.5.4.1 The maximum *Floor Area Ratio* for all *uses* shall be 0.26 to a maximum of 4645 m² (50,000 ft²), excepting out the following uses:

Accommodations and Convention Services
Event and Conference Facility
Hotel

3.60 Principal Building

There may be more than 1 (one) principal building per lot.

4.0.0 DEVELOPMENT REQUIREMENTS

4.1.0 All *developments* within the subject lands shall conform to the provisions and policies set out in the Balzac East Area Structure Plan, as amended, and the Balzac Business Park Conceptual Scheme unless otherwise specified in this Bylaw.

4.2.0 Landscaping and Screening Requirements

4.2.1 All outdoor storage areas and waste disposal areas shall be screened utilizing solid fencing, berming, landscaping or a combination thereof.

4.2.2 Landscaping adjacent to exterior walls that are visible from adjacent public roadways are to be designed to minimize the perceived mass of the building and to improve the visual appearance of long expanses of blank walls.

4.2.3 Landscaping shall be provided for all *development* in accordance with a Landscape Plan to be submitted to the *County* upon application for a

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Development Permit. The landscape plan should be in keeping with the Master Landscape Plan for the Balzac Business Park Conceptual Scheme. The following standards apply to all landscaped areas:

- a) The Landscape Plan contemplated herein shall identify the location and extent of landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.
- b) A minimum of 20 percent of the lands within the Balzac Business Park Conceptual Scheme shall be landscaped in accordance with a Landscape Plan. Included within this 20 percent is a requirement for a minimum of 10 percent of each individual lot to be landscaped.
- c) A maximum of 50 percent of the area required to be landscaped may be landscaped with hard landscaping.
- d) Landscaping calculations for the purposes of Section 4.2.4(b) may include areas of Public Utility Lots, Municipal Reserve Lots and stormwater management features which are enhanced with landscaping treatment.
- e) In recognition of the significance of the Queen Elizabeth Highway 2 Corridor, all lots adjacent to the Nose Creek shall be landscaped within the front yard setback areas and side yards between the front and rear of the principal building when they are not proposed for vehicular movement. An area adjacent to the front of the principal building shall also be landscaped.
- f) Landscaping on each lot shall be concentrated in the front yard area adjacent to public road rights-of-way and in a 10 metre strip adjacent to Highway 566 and Range Road 293. No outdoor display areas, storage areas or parking shall be allowed within landscaped yards.
- g) The quality and extent of landscaping initially established on site shall be the minimum standard to be maintained for the life of the development. Adequate means of irrigating any soft landscaping and maintaining both hard and soft landscaping shall be detailed in the Landscape Plan.
- h) All plant materials shall be of a species capable of healthy growth in the *County* and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock.
- i) Except for road right-of-ways, trees/shrubs shall be planted and maintained in the overall minimum ratio of one tree/shrub per 45 m² (490 ft²) of the soft landscaped area identified in the Landscape

Plan. Trees shall comprise at least 50 percent of the tree/shrub mixture used to satisfy this requirement.

- j) Any areas subject to excavation, stripping or grading during construction phases of development that are not identified as a landscaped area in the Landscape Plan shall be seeded to grass.
- k) If recycled or rain water is not available for irrigation, new landscaping may only be irrigated with off-site, non – MD of Rocky View potable water.
- l) All of the foregoing requirements should be to the satisfaction of the Development Authority.

4.3.0 Signage Requirements

- 4.3.1 All signage shall conform to the guidelines contained in the Balzac Business Park Conceptual Scheme
- 4.3.2 Signs shall be considered concurrently with the initial Development Permit application and the design, placement and scale of the signs shall be to the satisfaction of the Development Authority, so as to ensure that signage does not detract from the overall appearance of the development and that signage is not obtrusive.
- 4.3.3 Any future signs will be the subject of a separate development permit.
- 4.3.4 Temporary signage is not permitted with the exception of temporary signs required during development or building construction.
- 4.3.5 All signs along the primary highway system must meet the requirements of the provincial Highway Signing Policy.
- 4.3.6 Flashing and/or animated signs are not allowed.

4.4.0 Architectural Controls

- 4.4.1 The design of the Balzac Business Park will have consistency in exterior building materials, pedestrian connectivity, landscaping and building siting. All development shall conform to the architectural controls that are established for the Balzac Business Park Conceptual Scheme.
- 4.4.2 On any yard abutting residential land, no loading bays, loading doors, or other activities creating heavy truck movements will be allowed.
- 4.4.3 Side yard building facades facing Range Road 293 shall be equal in quality and appearance to the front yard façade.

4.5.0 *Event and Conference Facility*

4.5.1 The application for a Development Permit shall include a detailed site plan, parking, landscaping and an Architectural Report. Among other things, the Architectural Report shall:

- i) illustrate how the building integrates with the landscape and how the design seeks to mitigate the massing of the building and parking areas.

5.0.0 PERFORMANCE STANDARDS

5.1.0 Air Contaminants, Visible and Particulate Emissions

No *use* or operation pursuant to Section 3.2.0 herein, shall cause or create air contaminants, visible emissions, or particulate emissions beyond the building that contains them. Nor shall a use or operation exceed the levels contained within the Province of Alberta Clean Air Act and/or the Calgary International AVPA and any pursuant legislation. Airborne particulate matter originating from storage areas, yards, roads or parking areas shall, at all times, be minimized by landscaping, paving, or wetting of these areas or by other means considered appropriate by the *County* as defined in a Development Permit in accordance with sound environmental practices.

5.2.0 Odorous Matter

No *use* or operation, pursuant to Section 3.2.0 herein, should cause or create the emission or spread of odorous matter or vapour beyond the building which contains the use or operation which produces them.

5.3.0 Noise and Vibration

No *use* or operations, pursuant to Section 3.2.0 herein, shall cause or create the emission of noise or vibration beyond the building that contains the use or operation.

5.4.0 Lighting

All on-site lighting shall be located, oriented and shielded to prevent adverse affects on adjacent residential properties and to protect the safe and efficient function of the Calgary International Airport, Highway 2 and Highway 566.

5.5.0 Toxic Matter

No *use* or operation at any location on the site shall cause or create the emission or spread of toxic matter beyond the building or storage area which contains it. The handling, storage and disposal of any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any Chemical Management Plan that may be required by the *County* and as defined in a Development Permit.

5.6.0 Garbage Storage

Garbage and waste material accumulated at any location on the site shall be stored in weather-proof and animal-proof containers located within buildings or adjacent to the side or rear of buildings that shall be screened from view by all adjacent properties and public thoroughfares. Mechanical waste compactors are encouraged.

5.7.0 Fire and Explosive Hazards

All *uses* and operations on the site which handle, store, or utilize products which may be hazardous due to their corrosive, poisonous, flammable, or explosive characteristics shall comply with the applicable fire regulations of the *County* or the regulations of any other government authority having jurisdiction and in accordance with any hazardous materials or emergency management plan that may be required by the *County*, and as defined in a *Development Permit*.

5.8.0 Fire Protection

Fire protection measures shall be provided as may be required by the *County* and included in a Development Permit.

6.0.0 DEFINITIONS

6.1.0 **Council** - means the Council of the Municipal District of Rocky View No. 44.

6.2.0 **Developable Lands** - means that portion of the Lands which is considered to be suitable for Development by the *County* and the development of which is not precluded by this bylaw.

6.3.0 **Developer** - means the person or corporation who is responsible for any undertaking that requires a permit or action pursuant to this bylaw.

6.4.0 **Development Agreement** - means an agreement between the applicant and the *County* specifying development regulations, criteria or conditions necessary to ensure all developments on the land conform to municipal approvals.

6.5.0 Drive Through - means a use where services are provided to patrons who are in a motor vehicle and that will always be approved with another use.

6.6.0 **Event and Conference Facility** – means a use

- i) that provides facilities within an enclosed building and with seating for up to 10,000 patrons that are intended for live theatrical, musical and dance performances.

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- ii) that provides facilities used for the holding of meetings, conventions, seminars, lectures, workshops, product and trade shows, or similar activities.
- iii) that provides facilities for the use of participants which may include dining, lodging and retail, as well as compatible accessory facilities.
- iv) that may include banquet facilities, including areas for food preparation; lounges, food and vending kiosks.

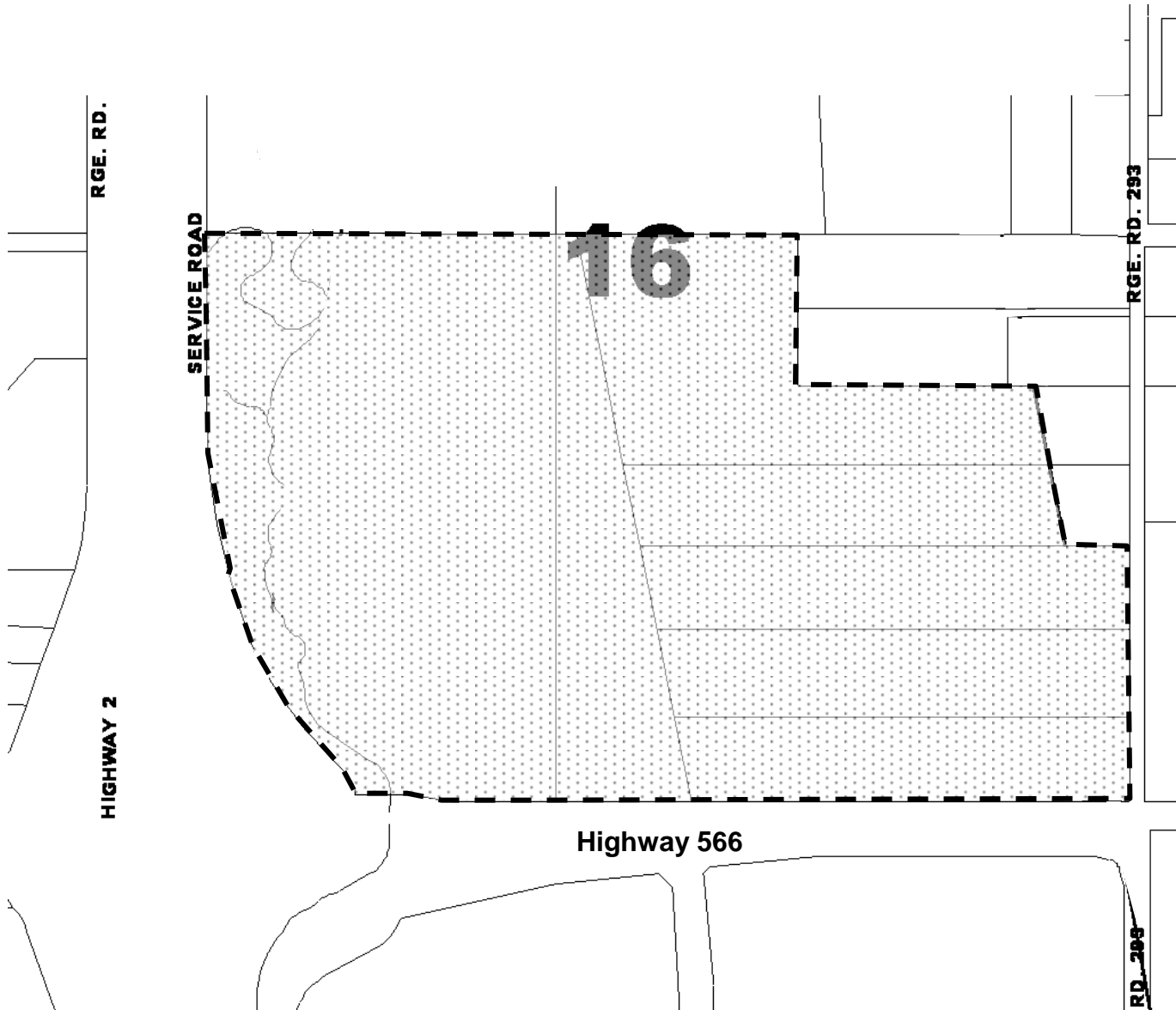
6.6.0 **Garden Centre** - means a development providing for the retail sale of bedding, produce, household and/or ornamental plants, and associated merchandise and may include display gardens, but does not include on-site outdoor cultivation or propagation of plants.

6.7.0 **Lands** - means as identified in Schedule "A" attached hereto.

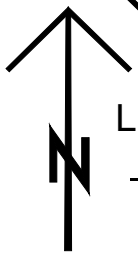
6.8.0 Terms not defined herein have the same meaning as defined in Section 8.0.0 of the Land Use Bylaw C-4841-97.

SCHEDULE "A"

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DIRECT CONTROL DISTRICT
BYLAW AREA



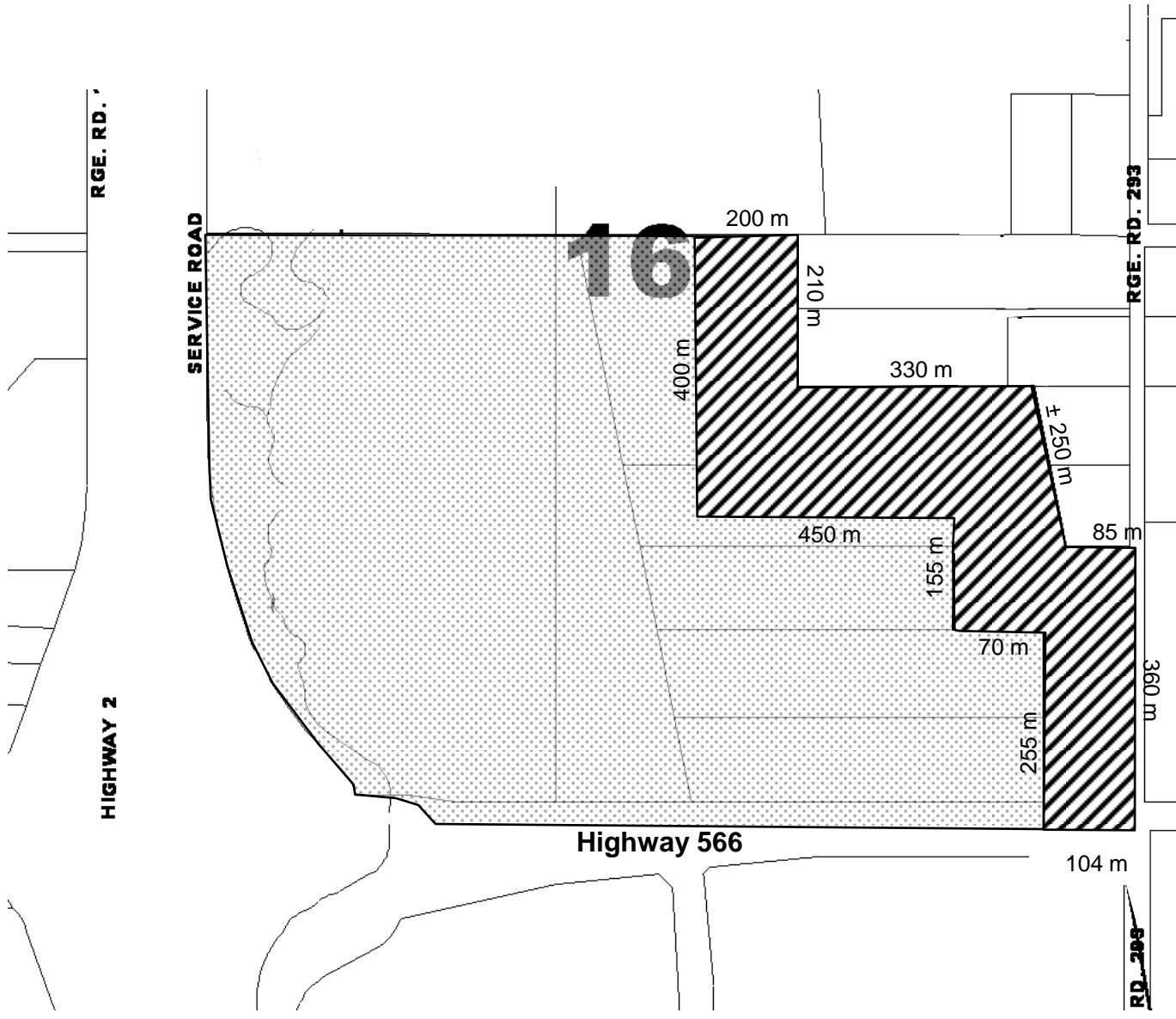
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DIVISION: 7



SCHEDULE "B"

Office Consolidation Version



-  Development Cell 1
-  Development Cell 2

LEGAL DESCRIPTION: A portion of S 1/2 16-26-29-W4M

DIVISION: 7

