

**ROCKY VIEW COUNTY  
DIRECT CONTROL BYLAW C-4763-97**

**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:

<b>Bylaw</b>	<b>Amendment Type</b>	<b>Date of Approval</b>
C-4763-97	Original DC Bylaw	June 17, 1997
C-5052-99	Replace Schedule "A" and insert/amend/delete certain Sections	May 4, 1999
C-5335-01	Replace Schedule "A" and insert/amend certain Sections.	April 10, 2001
C-5879-04	Also known as DC-92, replace Schedule "A" Delete Section 4 & 5.	March 9, 2004
C-6694-08	Insert text in section 2.6.0 and 9.0.0	October 28, 2008
C-6846-09	Insert site specific private swimming pool as a Permitted Use.	November 3, 2009
C-6896-10	Add a provision to Section 2.9.2 – b) – minimum setbacks	April 13, 2010
C-7060-11	Add a provision to Section 2.9.2 – c) – minimum setbacks	June 14, 2011
C-7194-12	Add a provision to Section 2.2.6	October 30, 2012
C-7476-2015	Amend Section 1.16.0 and 7.3.11	June 14, 2016
C-7631-2016	Add a provision to Section 2.6.7 and amend Section 9.14.0	February 28, 2017
C-7935-2019	Site specific amendment to Section 2.9.2	November 26, 2019

## **ROCKY VIEW COUNTY DIRECT CONTROL BYLAW C-4763-97**

### **DIRECT CONTROL BYLAW REGULATIONS**

#### **1.0.0 GENERAL REQUIREMENTS**

- 1.1.0 The General Land Use Regulations as contained in Section 8 of the Land Use Bylaw do not apply except where specifically noted in this bylaw.
- 1.2.0 Except where it is specifically noted that Council approval is required, the Development Officer shall consider and decide on applications for development permits for those uses that are listed as "Permitted Uses" and "Discretionary Uses" by this Bylaw provided the provisions of Section 1.0.0 and 8.0.0 of this Bylaw are completed in form and substance satisfactory to the Municipality.
- 1.3.0 For the purposes of this Bylaw the Lands shall be notionally divided into Development Cells, the boundaries and description of which shall be more or less as indicated in Schedule "A" attached to and forming part of this bylaw, except as otherwise approved by Council.
- 1.4.0 The size and shape of each Development Cell is approximate, but shall generally comply with Bylaw C-4762-97 (Elbow Valley Area Structure Plan) and will be more precisely determined by a Tentative Plan in form and substance satisfactory to the Municipality, to be submitted to the Municipality by the Developer as an application for subdivision approval.
- 1.5.0 All Residential Development Cells shall consist exclusively of Developable Land as determined by Council in its sole and unfettered discretion.
- 1.6.0 No development shall take place within the area shown as Floodway of the Elbow River or Lott Creek as shown in Bylaw C-4762-97 (Elbow Valley ASP), except for:
  - (a) roads and bridges;
  - (b) flood or erosion protection measures or devices;
  - (c) pathways that are constructed level with the existing natural grades; and
  - (d) recreation facilities provided there are no buildings, structures, or other obstructions to flow in the floodway (excepting water control apparatus or structures).
- 1.7.0 That all buildings or additions constructed within the lands shown as:
  - (a) Flood Fringe in Bylaw C-4762-97 (Elbow Valley ASP) shall be placed on compacted fill that is 0.6 meters above the 1:100 flood elevation as shown in AGRA Elbow River Flood - M.D. of Rocky View Flood Risk Mapping Study of February 9, 1996, Drawing 1444-106 Map as revised March 1997, as amended by Flood Risk Management Map No. 96029-F01, dated December, 1998, and shown on Map No. 6 and No. 6a of the Elbow Valley Area Structure Plan (bylaw C-4762-97), as amended.

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- (b) That all development within the Floodway as shown in Bylaw C-4762-97 (Elbow Valley ASP) shall be such that during construction and upon completion there shall not be a negative impact on lands in terms of 1:100 flood levels or water flow velocity upstream and downstream of the site.
  - (c) That all development within the Floodway and Flood Fringe as shown in Bylaw C-4762-97 (Elbow Valley ASP) is discretionary.
- 1.8.0 The use of any portion of the Lands for private man-made ponds or lakes shall only be permitted if their design and construction is in accordance with plans and specifications prepared by a qualified professional to the satisfaction of the municipality and Alberta Environmental Protection.
- 1.9.0 In addition to the "Permitted Uses" contemplated by Section 2 of this Bylaw, the following shall be discretionary uses in all Development Cells subject to the approval by Council of a Development Permit, and pursuant to Bylaw C-4762-97:
- 1.9.1 roads necessary for access; and
  - 1.9.2 utility distribution and collection systems necessary to service the Development.
- 1.10.0 For the purposes of this Bylaw the following shall apply to Residential Development Cells:
- 1.10.1 Section 8.6.0 of Land Use Bylaw C-1725-84 shall apply to the siting of accessory buildings on the Lands provided that no accessory building shall exceed 5 metres (16.40 feet) in height or 69.7 metres (750 square feet) in area;
  - 1.10.2 Section 8.7.3 of Land Use Bylaw C-1725-84 shall apply to the height of any fences on the Lands;
  - 1.10.3 Section 8.15.1 of Land Use Bylaw C-1725-84 shall apply to the owner(s) of any interest in the Lands;
  - 1.10.4 Section 8.4.0 of Land Use Bylaw C-1725-84 shall apply to the height of all buildings on the Lands.
- 1.11.0 No subdivision shall be approved and no Development Permit shall be issued for the lands until a historical resources impact assessment prepared by the Developer has been submitted and is satisfactory in both form and substance to each of Council and Alberta Community Development.
- 1.12.0 No subdivision linen shall be endorsed and no Development Permit shall be issued for the lands until the Municipality and the Developer have executed a Development Agreement(s) (the "Development Agreement") where required, in form and substance satisfactory to Council or the Development Officer in its or his/her own sole and unfettered discretion.
- 1.13.0 Council may, through the Development Agreement(s) required by this Bylaw, specify any development regulation, criteria or condition necessary to ensure all Subdivision and Development on the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Council in its sole and unfettered discretion.

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1.14.0 No use shall be made of all or any portion of the Lands for Development without and until a Hydrogeological Study prepared by the Developer that establishes existing groundwater chemistry, the rate and direction of groundwater flow, a long term plan for groundwater monitoring, a chemical management plan for fertilizers, herbicides, pesticides and irrigation and the facilities that will be provided by the Developer to implement the monitoring program and chemical management plan, has been submitted and is satisfactory in both form and substance to each of Council and Alberta Environmental Protection.

1.15.0 There shall be not more than 1 dwelling unit per condominium lot.

1.16.0 Notwithstanding anything to the contrary in this Bylaw and particularly sections 2.3.1; 2.8.1; 7.4.10, there is an overall maximum of 750 total aggregate dwelling units permitted within the lands.

### **2.0.0 RESIDENTIAL DEVELOPMENT CELLS**

The purpose and intent of the Residential Development Cells is to provide for the use of portions of the Lands for residential development.

#### 2.1.0 RESIDENTIAL DEVELOPMENT CELLS 1 AND 5

##### 2.2.0 Permitted Uses

2.2.1 dwellings, single detached

2.2.2 accessory buildings

2.2.3 fences

2.2.4 trails and open space

2.2.5 home-based business – type 1

2.2.6 private swimming pool on the lands described, at the time of the passage of this Bylaw:

(a) Unit 6, Plan 9810245,

(b) Unit 112, Plan 0311031.

##### 2.3.0 Minimum and Maximum Requirements

2.3.1 maximum number of dwelling units:

(a) Cell 1 - 30 units,

(b) Cell 5 - 70 units.

2.3.2 maximum area:

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(a) Cell 1 - 14.2 ha (35.09 ac.),

(b) Cell 5 - 60.7 ha (149.99 ac.).

2.3.3 minimum titled area of lots: 4,046 m<sup>2</sup> (43,552.21 sq.ft.)

2.3.4 minimum average lot width: 30.0 m (98.42 ft.)

2.3.5 minimum habitable floor area (principal building): 140 m<sup>2</sup> (1507.00 sq.ft.)

2.3.6 maximum building height (principal building): 10.67 m (35.01 ft.)

2.3.7 minimum parking spaces: 2 per dwelling unit

2.4.0 Building Setbacks - (principal building)

2.4.1 minimum side yard - 1.5 m (4.92 ft.)

2.4.2 minimum front yard/rear yard - 6 m (19.68 ft.)

2.5.0 RESIDENTIAL DEVELOPMENT CELLS 2, 3 AND 4

2.6.0 Permitted Uses

2.6.1 dwelling, single detached (where all of the parcel is out of the flood fringe)

2.6.2 dwellings, semi-detached (where all of the parcel is out of the flood fringe)

2.6.3 accessory buildings

2.6.4 fences

2.6.5 trails and open space

2.6.6 home-based business – type 1

2.6.7 Private swimming pool on the lands described, at the time of passage of this Bylaw:

(a) Unit 64, Plan 0013252 within SE 1-24-3-W5M

(b) Unit 62, Plan 0013252 within SE 1-24-3-W5M

2.7.0 Discretionary Uses

2.7.1 dwelling, single detached (where any portion of the parcel is in the Flood Fringe)

2.7.2 dwellings, semi-detached (where any portion of the parcel is in the Flood Fringe)

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2.8.0 Minimum and Maximum Requirements

2.8.1 maximum number of dwelling units:

- (a) Cell 2 - 280 units
- (b) Cell 3 - 290 units
- (c) Cell 4 - 90 units

2.8.2 maximum area:

- (a) Cell 2 - 50.5 ha (124.78 ac.)
- (b) Cell 3 - 32.5 ha (80.31 ac.)
- (c) Cell 4 - 10.5 ha (25.95 ac.)

2.8.3 maximum number of dwelling units in a multi-unit building: 2

2.8.4 minimum lot area for single detached dwellings on a condominium lot: 464 m<sup>2</sup> (4,994.62 sq.ft.)

2.8.5 minimum lot area for a semi-detached dwelling on a condominium lot: 362.3 m<sup>2</sup> (3,899.89 sq. ft.)

2.8.6 minimum lot width for single detached dwellings: 13.72 m (45 ft.)

2.8.7 minimum lot width for dwelling units part of a semi-detached building: 11 m (36.09 ft.)

2.8.8 minimum habitable floor area (dwelling in a semi-detached building): 112 m<sup>2</sup> (1205.60 sq.ft.)

2.8.9 minimum habitable floor area (single detached dwelling): 140 m<sup>2</sup> (1507 sq.ft.)

2.8.10 maximum building height (principal building): 10.67 m (35.01 ft.)

2.8.11 minimum parking spaces: 2 per dwelling unit

2.9.0 Minimum Building Setbacks - (principal buildings)

2.9.1 minimum side yard - 1.5 m (4.92 ft.)

2.9.2 minimum front/rear yard - 6 m (19.68 ft.)

- (a) notwithstanding section 2.9.2, Unit 44, Plan 0212033 within NW-02-24-02-W5M is permitted a front yard setback to be a minimum of 5.67m, in order to allow the existing dwelling to remain.

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- (b) notwithstanding section 2.9.2, Unit 16, Plan 0311031 within NW-06-24-02-W5M is permitted a front yard setback to be a minimum of 5.87m, in order to allow the existing dwelling to remain.
- (c) notwithstanding section 2.9.2, Unit 34, Plan 0010214 within NE-01-24-03-W5M is permitted to have decks extending to a maximum of 2.16m into the required rear yard in order to allow the existing deck to remain.
- (d) notwithstanding section 2.9.2, Unit 122, Plan 9813459 within SW-06-24-02-W5M is permitted to have a deck extending to a maximum of 5.15 m into the required rear yard in order to allow the existing deck to remain

2.9.3 no minimum where a fire separation is built on a bareland condominium property line which separates units within a semi-detached building

2.10.0 Outline Plan

Each Tentative Plan for the development of a portion of a Residential Development Cell shall be accompanied by an outline plan for the entire Residential Development Cell in order to illustrate the context of the Tentative Plan with approved plans and any future plans for the remainder of the Residential Development Cell.

2.11.0 Special Fill Guidelines

Notwithstanding Sections 1.6.0 and 1.7.0 the filling of any area within Residential Development Cell 3 that requires erosion control and/or flood-proofing measures, shall occur only within Residential Development Cell 3 and shall not be allowed in areas identified as Floodway or Flood-fringe as shown on Maps 6 and 6A contained within the Elbow Valley Area Structure Plan, as amended.

**3.0.0 RECREATIONAL DEVELOPMENT CELL**

The purpose and intent of the Recreational Development Cell is to provide for the use of a certain portion of the Lands for recreational development subject to the approval of Council.

3.1.0 RECREATIONAL DEVELOPMENT CELL 6

3.2.0 Discretionary Uses

- 3.2.1 accessory buildings
- 3.2.2 private clubhouse/community centre
- 3.2.3 signs - identification
- 3.2.4 nature interpretive area and associated facilities
- 3.2.5 private recreational lake area and associated facilities

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3.2.6 trails and open space

3.3.0 Minimum Building Setbacks - all buildings

3.3.1 Front/side/rear yard - minimum 60 m (196.84 ft.) from any primary or secondary highway, 30 m (98.42 ft.) from any municipal road and 6 m (19.68 ft.) in all other cases.

3.4.0 Minimum Lake Area

3.4.1 Minimum number of required lakes - 2

3.4.2 Minimum area of each required lake - 15 acres

**6.0.0 RESIDENTIAL BALANCE DEVELOPMENT CELL**

The purpose and intent of the Residential Balance Development Cell is to provide for the park and open space development, where Council issues the Development Permit(s).

6.1.0 RESIDENTIAL BALANCE DEVELOPMENT CELL 9

6.2.0 Discretionary Uses

6.2.1 roads

6.2.2 walking paths or trails

6.2.3 private lakes

6.2.4 parks/pastures

6.2.5 signs - identification

6.3.0 Special Requirements

6.3.1 The removal of trees or disturbance of the site is prohibited except where necessary to permit the installation of uses listed under 6.2.0 above.

6.3.2 Extensive agricultural pursuits, with the maximum number of cattle and/or horses not exceeding 1 animal per 4 acres at any time, subject to a Development Permit to be issued by Council.

6.4.0 Minimum Lake Area

6.4.1 Minimum number of required lakes - 1

6.4.2 Minimum area of required lake - 5 acres



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**7.0.0 SPECIAL DEVELOPMENT AREA/SETTLEMENT CENTRE DEVELOPMENT CELL**

The purpose and intent of Cell 10 is to provide for a Special Development Area, subject to Development Permit(s) being issued by Council.

7.1.0 SPECIAL DEVELOPMENT AREA/SETTLEMENT CENTRE DEVELOPMENT CELL 10

7.2.0 Discretionary Uses

- 7.2.1 Conference/recreation settlement centre including but not limited to the following features: conference facilities, lodging facilities, meeting and banquet, food and beverage, recreation, maintenance, administration and parking facilities.
- 7.2.2 Commercial uses, such as retail sales and services of recreation-related uses, such as, but not limited to specialty shops for golf, tennis and water-related activities.
- 7.2.3 Local commercial and institutional uses, intended to serve the Elbow Valley Residential Settlement, such as, but not limited to convenience grocery stores, gas station, mini-bank, post office, offices and business support facilities, spiritual and social facilities, public and quasi-public buildings, personal, medical, educational or daycare facilities.
- 7.2.4 Recreation Support, Clubhouse/Community Centre and uses accessory to the clubhouse/community centre.
- 7.2.5 Accessory buildings; fences; trails and open space.
- 7.2.6 dwelling, single detached
- 7.2.7 dwellings, semi-detached
- 7.2.8 home based business – type 1

7.3.0 Minimum and Maximum Requirements

- 7.3.1 maximum area of site: 12.1 ha (30.0 ac.)

Commercial Uses:

- 7.3.2 minimum number of parking spaces per 92.9 m<sup>2</sup> (1000 sq.ft.) of gross leasable space: 7
- 7.3.3 maximum 8,175 m<sup>2</sup> (88,000 sq.ft.) of commercial/retail/non-conference centre building space
- 7.3.4 maximum number of guest rooms in lodging facility: 200
- 7.3.5 minimum number of parking spaces per guest room in lodging facility: 1.5
- 7.3.6 maximum number of seats for food and beverage facilities: 300

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- 7.3.7 maximum number of seats for meeting facilities: 400
- 7.3.8 maximum number of seats for banquet facilities: 440
- 7.3.9 maximum conference/settlement centre building size: 14,150 m<sup>2</sup> (152,300 sq.ft.)

Residential Uses:

- 7.3.10 maximum number of dwelling units: 50
- 7.3.11 Sections 2.8.3 to 2.8.11 inclusive and Sections 2.9.1 to 2.9.3 inclusive shall apply hereto.

7.4.0 Minimum Building Setbacks - Commercial Uses

- 7.4.1 Front/side/rear yard - minimum 60 m (196.84 ft.) from any primary or secondary highway, 30 m (98.42 ft.) from any municipal road and 6 m (19.68 ft.) in all other cases

7.5.0 Special Requirements

- 7.5.1 Notwithstanding section 9.8.0, all buildings or structures within this cell shall require a development permit, to be issued by Council.
- 7.5.2 Approval of this bylaw does not constitute or in any way imply approval of a development permit for any buildings or structures within this (or any) cell. Comprehensive site plans shall be submitted and be subject to Council's approval as part of a development permit(s) application(s) and prior to the approval of any plan of subdivision for this Cell 10 pursuant to Bylaw C-4762-97 (Elbow Valley ASP).

**8.0.0 UTILITY DEVELOPMENT CELLS**

The purpose and intent of the Utility Development Cells is to provide for the subdivision and development of two utility lots, one of which is intended to accommodate a well pump house, and the other to accommodate a water reservoir, treatment and distribution facility.

8.1.0 UTILITY DEVELOPMENT CELL 11

8.2.0 Discretionary Uses

- 8.2.1 water well pump house
- 8.2.2 access driveways and utility distribution and collection systems necessary to service the development

8.3.0 Maximum requirements

- 8.3.1 number of pump houses - 1
- 8.3.2 parcel size - 10.10 ha (25 acres)

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8.3.3 pump house size - 37.16 m<sup>2</sup> (400 ft<sup>2</sup>)

8.3.4 number of parcels - 1

8.3.5 building height - 5.5 metres (18 feet)

8.4.0 Minimum requirements

8.4.1 front, side and rear yard setback - 30 metres (98.4 feet)

8.5.0 UTILITY DEVELOPMENT CELL 12

8.6.0 Discretionary Uses

8.6.1 water reservoir, treatment and distribution building.

8.6.2 access driveways and utility distribution and collection systems necessary to service the development.

8.6.3 parking in accordance with the Land use Bylaw.

8.6.4 office uses ancillary and subordinate to the uses listed in section 8.6.1 of this bylaw.

8.7.0 Maximum requirements

8.7.1 number of water reservoir, treatment and distribution buildings - 1

8.7.2 parcel size - 1.151 ha (2.84 acres)

8.7.3 water reservoir, treatment and distribution building size - 295 m<sup>2</sup> (3,175.4 ft<sup>2</sup>)

8.7.4 number of parcels - 1

8.7.5 building height - 5.0 metres (16.4 feet)

8.8.0 Minimum requirements

8.8.1 front, side and rear yard setbacks - 15 metres (49.2 feet)

8.9.0 Special Requirements

8.9.1 The removal of trees or disturbance of the land identified in Section 8.0.0 is prohibited except where necessary to permit the installation of uses listed under 8.2.0 and 8.5.0 above.

8.9.2 Agriculture, General, with no buildings allowed, and the maximum number of cattle and/or horses not exceeding 1 animal per 4 acre at any time in Utility Development Cell 11 only, subject to a Development Permit to be issued by the Development Authority.

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- 8.9.3 No Development Permit shall be issued for any of the uses listed in sections 8.2.0 and 8.6.0, nor shall any subdivision linen be endorsed by the municipality, until a stormwater management plan has been completed by a qualified professional engineer and approved by the municipality and Alberta Environmental Protection.
- 8.9.4 No Development Permit shall be issued for any of the uses listed in section 8.2.0 or 8.5.0, nor shall any subdivision linen be endorsed by the municipality, until direct developed road access to the parcels of land contemplated by section 8.0.0 of this bylaw are approved by the municipality and Alberta Transportation and Utilities and are developed or financially secured.
- 8.9.5 No Development Permit shall be issued for the use listed in section 8.2.1 of this bylaw, nor shall any subdivision linen be endorsed by the municipality, until a qualified professional engineer has certified that the building contemplated in section 8.2.1 of this bylaw will not affect or change the floodway or flood fringe limits of the Elbow River, and that such certification is approved by Alberta Environmental Protection and the municipality.

### 9.0.0 DEVELOPMENT

- 9.1.0 No development of the Lands for residential use shall be permitted, no Development Permits or Building Permits for residential use shall be issued by Council and/or the Development Officer and the endorsement of the final plan of subdivision of the Lands shall not occur until:
- a) the Developer has prepared and submitted to Council a Construction Management Plan in form and substance satisfactory to Council.
  - b) the requirements of water supply and wastewater collection and disposal systems necessary to service the Lands or portions of it have been satisfied by the following:
    - i) the Developer has received from Council a Development Permit for a water supply and distribution system and for wastewater disposal to service the proposed subdivision and/or development, for a connection to the City of Calgary water supply system and sanitary sewer infrastructure and the Developer has submitted to Council agreement(s) for servicing satisfactory to the Council in its sole and unfettered discretion, with complete plans and specifications respecting the connection(s) thereto and the said connection(s) have been completed in accordance therewith, provided however, that the Municipality may, through Council, in its sole and unfettered discretion endorse the final plan of subdivision of the Lands or portions thereof (provided it is otherwise satisfactory) or the Council issue Development Permits for residential development if the Developer first enters into Development Agreement(s) contemplated by Section 1.13.0 hereto, and deposits with the Municipality a Letter(s) of Credit equivalent to the estimated total cost to complete the subject connections.
  - c) all necessary easements and rights-of-way related to the supply and distribution of power, water, gas and wastewater disposal have been approved by Council and registered concurrently with the final plan of subdivision by the Developer against title to the Lands or portions thereof.

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- d) an Elbow Valley Homeowner's Association has been legally established by the Developer and a restrictive covenant confirming that each owner of an interest in the Lands will be a member of the Homeowner's Association, and that said Homeowner's Association is responsible for all off-site and on-site sewer and water facilities and appurtenances thereto which restrictive covenant shall be in form and substance satisfactory to the Council, and the said restrictive covenant has been executed by the Developer and registered against title to the Lands prior to any registered financial encumbrances and registered concurrently with the plan of survey.
- e) all Development Cells have been surveyed as required by Section 1.5.0 of this bylaw and the boundary of each Development Cell has been fenced with temporary snow fencing. Recreation lake area development and the development of the water distribution and wastewater, collection and disposal facilities may proceed at the discretion of Council, notwithstanding this provision.
- f) the developer has first submitted to Council and received Council approval for development of the private recreational lakes as identified in Bylaw C-4762-97 (Elbow Valley ASP.), and the Developer has received Council approval and entered into a Development Agreement as contemplated by Section 1.12.0 and 1.13.0 hereto, with respect to the development of the private recreational lake(s) area, as established and in accordance with the Elbow Valley Area Structure Plan, and has submitted to Council complete plans and specifications pertaining to the recreational lake(s) and the same have been substantially completed in accordance with those plans;
- g) Notwithstanding section 9.1.0 f), the development of up to 326 residential units may proceed, at the sole and unfettered discretion of Council, providing:
- 1) the developer has submitted to Council and received Council and Alberta Environmental Protection approval for a two-phase development of the private recreational lakes as established in Bylaw C-4762-97 (the Elbow Valley ASP), with the first phase to comprise at least one-half of the total recreational lake area (one complete lake), based on plans and specifications pertaining to the lake area;
  - 2) the Developer has received Council and Alberta Environmental Protection approval and entered into a Development Agreement as contemplated by Section 1.12.0 and 1.13.0 hereto, with respect to the development of the first phase of the private recreational lake area, as established and in accordance with Bylaw C-4762-97 (Elbow Valley ASP) and has submitted to Council complete plans and specifications pertaining to the first phase of the recreational lake area and the same have been substantially completed in accordance with those plans; and,
  - 3) the provisions of Section 9.1.0 a), b), c), d), e), f) have been completed in form and substance satisfactory to the Council.

9.2.0 Wastewater treatment and disposal systems using septic tanks and attendant fields are not permitted within the Lands unless otherwise approved by Council.

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- 9.3.0 Separate Development Permits and/or Development Agreements shall be required for each of the Development Cells or portions of them, and each Development Permit and/or Agreement shall provide that:
- a) no stripping, excavation or construction on any of the Lands shall occur until appropriate Letter(s) of Credit acceptable in form and substance to the Council has been deposited with the Municipality.
  - b) no occupancy of any dwelling unit shall occur until the construction of all roads and utilities required to serve the Residential Development Cells or portions of them, have been completed to specifications satisfactory to the Municipality.
  - c) the development of the cells will be in accordance with a Building Scheme satisfactory to Council which has been prepared and submitted by the Developer to the Municipality and which includes, but is not limited to, proposed bareland condominium property lines, architectural guidelines, and Building Envelope boundaries which coincide with the relevant subdivision plans as approved by Council. This Scheme will be registered as a Restrictive Covenant against the Lands.
- 9.4.0 All development upon the Lands shall be in accordance with all plans and specifications submitted as part of this Bylaw and all licenses, permits and approvals pertaining to the Lands, and shall be carried out generally in phases as contemplated by the "Residential Phasing Plan" contained in Bylaw C-4762-97 (Elbow Valley ASP).
- 9.5.0 Prior to any development that will alter natural storm drainage into the Elbow River or Lott Creek, the Developer shall prepare and submit a Storm Water Management Plan in form and substance satisfactory to Council and obtain the prior approval of Alberta Environmental Protection pursuant to Bylaw C-4762-97 (Elbow Valley ASP). Such plan shall also include reclamation details for the former pond and wastewater treatment site(s) north of Hwy #8 and west of 117 St. S.W.
- 9.6.0 Private roads shall be constructed in accordance with geometric design guidelines and standards submitted by the Developer to the satisfaction of the Municipality, and in accordance with Bylaw C-4762-97 (Elbow Valley Area Structure Plan).
- 9.7.0 All Letters of Credit referred to in this Bylaw shall be calculated in accordance with current Municipal Policy and the estimate upon which the amount is to be based shall be certified by a qualified professional(s) or as determined by Council in its sole and unfettered discretion.
- 9.8.0 Except for 7.5.1, notwithstanding anything to the contrary in this bylaw, development permits shall not be required for individual residential buildings unless they are to be located within the flood fringe of the Elbow River or Lott Creek as defined by Alberta Environmental Protection pursuant to 1.7.0. No Development Permits for residential construction of any kind, nor any buildings or structures shall be permitted anywhere in the floodway of the Elbow River or Lott Creek, as defined by Alberta Environmental Protection pursuant to 1.7.0 (excepting water control apparatus or structures).
- 9.9.0 Show homes may be considered by the Development Officer as a discretionary use on the lands for up to five residential dwelling units per Residential Development Cell prior to the endorsement of a plan of

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subdivision provided that conditional approval for subdivision has been granted by Council for that cell, and further, that no occupancy of the said show homes shall occur until full municipal services (power, gas, sewer, water, telephone, etc.) are available to and immediately useable by residents of said dwellings and the plan of subdivision has been registered.

- 9.10.0 A Development Permit may be issued by the Development Authority for the removal of surplus loam from the Lands to an off-site location provided that the Developer demonstrates that the loam is surplus to the site and that removal of the loam is required in accordance with an approved site grading plan.
- 9.11.0 A temporary sales/information centre may be considered by the Development Officer as a discretionary use on the lands, provided it is not located within the Floodway of the Elbow River or Lott Creek.
- 9.12.0 Notwithstanding anything to the contrary in this Bylaw, Council in its sole and unfettered discretion, may issue Development Permits:
- a) for stripping and grading of land, provided that for any lands within the Floodway or Flood Fringe of the Elbow River and/or Lott Creek as defined in Bylaw C-4762-97, a permit and/or approvals have first been received from Alberta Environmental Protection; and
  - b) for recreational lake(s) construction provided that the provisions of 9.1.0 g) 1) and 1.8.0 of this Bylaw have been met.
- 9.13.0 Cantilever extensions into yards shall not exceed 0.6 m (2.0 ft.) and the cantilever that extends into the minimum side yard shall not exceed 30% of the length of the wall adjacent to the applicable yard. Decks shall not extend further than 2.0 m (6.6 ft.) into the required minimum side or rear yard and the resulting required minimum side or rear yard shall not be less than 1.2 m (3.9 ft.).
- 9.14.0 Draining of a private swimming pool to the existing sanitary sewer system is prohibited.

**10.0.0 DEFINITIONS**

- 10.1.0 **Area Structure Plan (ASP)** - means the Elbow Valley Area Structure Plan, Bylaw C-4762-97, as amended.
- 10.2.0 **Building**- includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway.
- 10.3.0 **Building Envelopes** - means that portion of the Lands upon which construction of a Building is located or identified in plans submitted to Council by the Developer and which are in form and substance satisfactory to the Council.
- 10.4.0 **Clubhouse/Community Centre** - means a building that is used solely by the community in the plan area for social and community gatherings and events.
- 10.5.0 **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, site erosion, sedimentation control, noise control and traffic control.

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- 10.6.0 **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.
- 10.7.0 **Developer** - means that party which owns or has a right to own all of the Lands excepting only any roadway plan therein.
- 10.8.0 **Development** - means:
- a) any excavation or stockpile and the creation of either of them, 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,
  - b) a change of 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 in the use of the land or Building, or
  - c) a change in the intensity of 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 in the intensity of use of the land or Building.
- 10.9.0 **Development Agreement** - is an agreement between the Developer and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments and subdivisions on the land conform to municipal approvals.
- 10.10.0 **Development Cells** - means an area of land that may contain a number of uses as defined in this Bylaw and which are numerically identified in Schedule 'A'.
- 10.11.0 **Letter of Credit** - means an Unconditional, Irrevocable, Letter of Credit issued by a Canadian chartered bank at the request of the Developer naming the municipality as the sole beneficiary thereof.
- 10.12.0 **Utilities** - means water treatment and distribution and wastewater collection, treatment and disposal facilities, gas, electricity, cable and telephone transmission lines and related facilities and relevant appurtenances necessary to service the development cells or portions thereof in the area covered by the Bylaw. For the purpose of this Bylaw, a system utilizing sewage holding tanks is not considered a utility.
- 10.13.0 **Residential Development Cells** - means those Development Cells which shall be used exclusively for residential purposes and associated open space.
- 10.14.0 **Building Scheme** - for the purpose of this Bylaw means a scheme to be registered against title of the Developable Land pursuant to a Restrictive Covenant describing, inter alia, the location of all proposed dwellings within the building envelopes and architectural controls pertaining to the Development thereof.
- 10.15.0 **Qualified Professional** - is a professional engineer who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA).

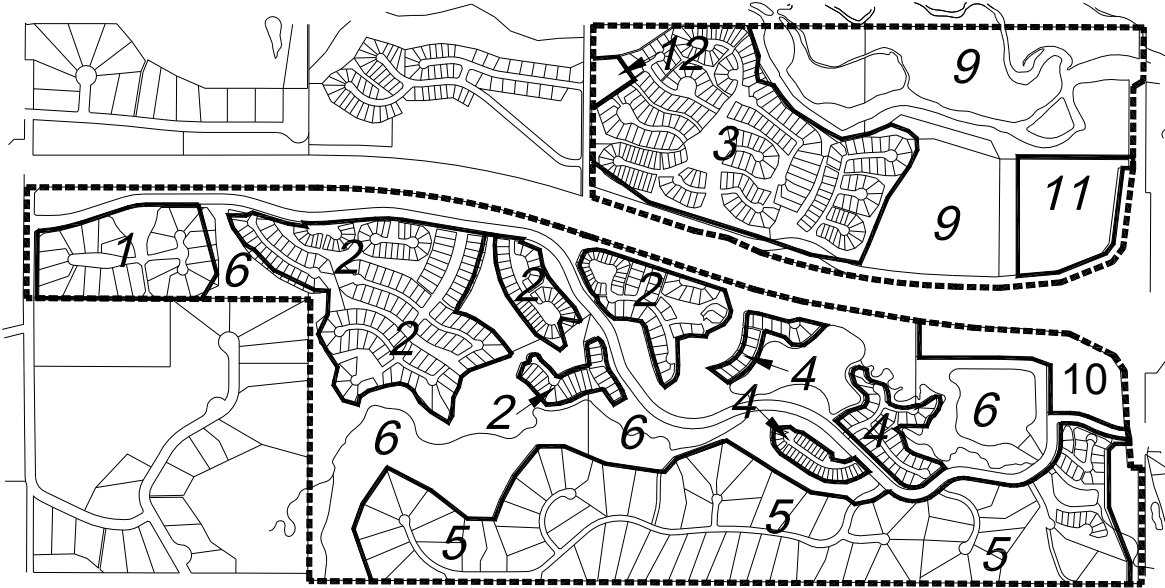


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- 10.16.0 **Substantial Completion** - means Construction Completion Certificates have been issued by the Municipality.
- 10.17.0 Terms not defined above have the same meaning as defined in Section 8 and Section 21 of the Land Use Bylaw C-4762-97, as amended, The Elbow Valley Area Structure Plan.

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**SCHEDULE "A"**



1. Residential Development Cell #1
2. Residential Development Cell #2
3. Residential Development Cell #3
4. Residential Development Cell #4
5. Residential Development Cell #5
6. Residential Development Cell #6
9. Residential Balance Development Cell #9
10. Special Development Area / Settlement Development Cell #10
11. Utility Development Cell #11
12. Utility Development Cell #12