

BYLAW C-6854-2009

A Bylaw of Rocky View County to amend Bylaw C-4841-97.

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:

Bylaw	Amendment Type	Date of Approval
C-6854-2009	Original Bylaw	February 9, 2010
C-7367-2014	Revise 1.4.0, Add a Permitted Use to 2.2.0, Revise Table in 2.3.1, Revise 2.3.1.1, Revise tables in 2.3.2, 2.3.3, Add a provision to 2.3.0, Amend 2.4.1, Revise table in 2.4.3, Add Section 2.5.0, Add a permitted use to 3.2.0, Revise 3.4.0, Add 3.5.0, Add two definitions,	April 22, 2014

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A Bylaw of Rocky View County to amend Bylaw C-4841-97.

1. That Part 5, Land Use Map No. 56 of Bylaw C-4841-97 be amended to redesignate a portion of the S ½ Sec. 18, Twp. 25, Rge. 2, W5M from Ranch and Farm District to Direct Control District in order to accommodate the development of a comprehensively planned residential community, with open space and servicing infrastructure, as shown on the attached Schedule “A” and Schedule “B” attached hereto and forming part of the Bylaw; and
2. That a portion of the lands within a portion of the S ½ Sec. 18, Twp. 25, Rge. 2, W5M are hereby redesignated to Direct Control District, as shown on Schedule “A” and Schedule “B” attached to and forming a part of this Bylaw; and
3. That the regulations of the Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations – Residential Area – Sites ‘1’ to ‘6’
 - 3.0.0 Land Use Regulations – Residential Area – Site ‘7’
 - 4.0.0 Land Use Regulations – Public Utility Lot – Site ‘8’
 - 5.0.0 Subdivision Regulations
 - 6.0.0 Development Regulations
 - 7.0.0 Definitions
 - 8.0.0 Implementation

1.0.0 GENERAL REGULATIONS

- 1.1.0 For the purposes of this Bylaw, the Lands shall be notionally divided into Sites 1 to 8, the boundaries and descriptions of which shall be as indicated in Schedule “B” attached to and forming part of this Bylaw. The size and shape of Sites 1 to 8 are approximate and will be precisely determined by a Tentative Plan at the subdivision stage.
- 1.2.0 Parts 1, 2 and 3 of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by this Bylaw except where noted as otherwise in this Bylaw.
- 1.3.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.4.0 Notwithstanding Section 1.3.0, a *Dwelling, Single-detached, Accessory Buildings, Dwelling, Semi-detached (Site 7)* and an *Amenity Building (Site 7)* are considered to be deemed approved without the requirement for a Development Permit when all other criteria of this Bylaw are met.
- 1.5.0 All development upon the Lands shall be in accordance with all licenses, permits and approvals pertaining to the Lands required from Alberta Environment and any other Provincial Agencies.
- 1.6.0 The policies of the Watermark at Bearspaw Conceptual Scheme should be considered in all applications for subdivision and development.

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2.0.0 LAND USE REGULATIONS – RESIDENTIAL AREA (SITES 1 TO 6)

2.1.0 Purpose and Intent

The purpose and intent is to provide for a comprehensively planned residential community, while providing for appropriate transitions from existing adjacent country residential development.

2.2.0 Uses, Permitted

- 2.2.1 *Dwelling, Single-detached*
- 2.2.2 *Accessory Buildings*
- 2.2.3 *Community Signs*
- 2.2.4 *Home Based Business, Type 1*
- 2.2.5 *Private Swimming Pools*
- 2.2.6 *Public Utilities*
- 2.2.7 *Show Homes*
- 2.2.8 *Signs*
- 2.2.9 *Temporary Sales Centre*
- 2.2.10 *Utilities*
- 2.2.11 *Secondary Suite*

2.3.0 Minimum and Maximum Requirements

2.3.1 Maximum Number of Dwelling Units

Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
14	8	13	30	70	334

2.3.1.1 The Subdivision Authority may grant a variance to each site's maximum number of dwelling units by ± 2 dwelling units. The maximum number of dwelling units shall not exceed 469 units.

2.3.2 Minimum Lot Sizes Hectares/Acres

Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
.34ha./ .92ac.	.37ha./ .92ac	.30ha./ .74ac	.28ha./ .69ac	.15ha./ .37ac	.11ha./ .26ac

2.3.2.1 The Subdivision Authority may grant a variance to each site's minimum lot size by a maximum of 5%.

2.3.3 Minimum Lot Dimensions for Standard, Rectangular-Shaped Lots Meters/Feet

Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
61x61m.	49x76m.	42.5x70m.	39.5x70m.	30.5x49m.	25x42.5m.
200x200ft.	160x250ft.	140x230ft.	130x230ft.	100x160ft.	82x140ft.

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2.3.3.1 The Subdivision Authority may grant a variance to each site's minimum dimension for standard, rectangular-shaped lots by a maximum of 5%.

2.3.4 Maximum Number of Dwelling Units per titled area: 1

2.3.5 Minimum Habitable Floor Area, excluding basement: 190 sq. m. (2045 sq. ft.)

2.3.6 Maximum Number of Accessory Buildings per titled area: 2

2.3.7 Maximum Building Height: Principal Building: 11.0 m. (36.1 ft.) Accessory Buildings: 5.5 m. (18.0 ft.)

2.3.8 Maximum Site Coverage (all buildings): 40%

2.3.9 Maximum Habitable Floor Area Ratio, for each Dwelling Unit: 50%

2.3.10 Cantilever extensions and/or decks shall not extend further than 4.00 m (12 ft.) into the required minimum *yard, rear* setback.

2.4.0 Minimum Building Envelope Setback Requirements Meters/Feet

2.4.1 Front Yard:

Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
11.0m./36.1ft.	21.5m./70.5ft.	11.0m./36.1ft.	11.0m./36.1ft.	10.0m./32.8ft.	9.0m./29.5ft.

With the exception of Lot 9, Block 4 Plan 1311979, which shall have a minimum front yard setback of 10.0m./32.8ft.

2.4.2 Side Yard:

Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
8.0m./26.2ft.	6.0m./19.7ft.	4.5m./14.8ft.	4.5m./14.8ft.	3.0m./9.8ft.	2.5m./8.2ft.

2.4.3 Rear Yard:

Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
21.0m./68.9ft	25.0m./82.0ft	24.5m./80.0ft	24.5m./80.0ft	11.0m./36.1ft	9.0m./29.5ft.

2.4.4 The Development Authority may grant a variance to each site's minimum front yard, side yard and rear yards by a maximum of 5%.

BYLAW C-6854-2009**2.5.0 Minimum and maximum requirements for Secondary Suite.**

- 2.5.1 For the purpose of preserving the existing and future residential character of the area, the total number of *Secondary Suites* approved on lots within each phase shall not exceed 10 % of the total residential lots within that phase.
- 2.5.2 At the time of receipt of a Secondary Suite Development Permit application, the Development Authority shall:
- a) determine how many *Secondary Suite* Development Permit applications have been approved within the relevant phase as at that date together with the location of the approved *Secondary Suite* developments, and
 - b) shall consider the cumulative impact of approving another *Secondary Suite* within that phase on the residential character of the neighbourhood and the use, enjoyment and value of properties within the relevant phase.
- 2.5.3 The Development Authority shall not approve the *Secondary Suite* Development Permit application where approval of the Secondary Suite Development Permit would result in:
- a) the percentage specified in 2.5.1 being exceeded, or
 - b) a negative impact on the residential character of the neighbourhood or the use, enjoyment and value of properties within the relevant phase.

3.0.0 LAND USE REGULATIONS – RESIDENTIAL AREA (SITE 7)**3.1.0 Purpose and Intent**

The purpose and intent is to provide for a multi-family residential development to be comprehensively planned via the Master Site Development Plan process.

3.2.0 Uses, Permitted

- 3.2.1 *Dwelling, Semi-detached*
- 3.2.2 *Dwelling, Single-detached*
- 3.2.3 *Accessory Buildings*
- 3.2.4 *Community Signs*
- 3.2.5 *Home Based Business, Type 1*
- 3.2.6 *Private Swimming Pools*
- 3.2.7 *Utilities*
- 3.2.8 *Show Homes*
- 3.2.9 *Signs*
- 3.2.10 *Temporary Sales Centre*
- 3.2.11 *Amenity Building*

3.3.0 Total Number of Dwelling Units: 101.

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3.4.0 Maximum and Minimum Requirements: As per Master Site Development Plan with the exception of section 3.5.0 of this Bylaw.

3.5.0 Notwithstanding any other provision, minimum building envelope setback requirements are not applicable to bare land condominium lots for decks, overhangs or cantilever building elements.

4.0.0 LAND USE REGULATIONS – PUBLIC UTILITY LOT (SITE 8)

4.1.0 Purpose and Intent

The purpose and intent of Site 8 is to allow for the development of a series of stormwater retention ponds as a part of a stormwater management system and forming a significant community open space amenity.

4.2.0 Uses, Permitted

4.2.1 *Utilities*

5.0.0 SUBDIVISION REGULATIONS

5.1.0 Unless otherwise provided for by this Bylaw, no subdivision for residential lots shall be endorsed within the Lands for any purpose, until:

- a) The Developer has submitted a Construction Management Plan, prepared by a qualified professional, to the satisfaction of the County.
- b) The Developer has submitted a Weed Management Plan, prepared by a qualified professional, to the satisfaction of the County.
- b) The Developer has submitted a Stormwater Management Plan, prepared by a qualified professional, to the satisfaction of the County and all relevant Federal & Provincial Authorities.
- c) The Developer has submitted a Traffic Impact Analysis, prepared by a qualified professional, to the satisfaction of the County.
- e) The Developer has submitted a Local Transportation Network Plan to the satisfaction of the County. The Network Plan will provide details regarding construction of new roads, upgrading of existing roads, dedication of additional road rights-of-way and other road related agreements as outlined in the Conceptual Scheme.
- f) A piped and treated water supply, to be licensed by the Province of Alberta, has been confirmed, to the satisfaction of the County.
- g) A wastewater treatment system, to be approved by the Province of Alberta, has been confirmed, to the satisfaction of the County.

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- h) The Developer has submitted a Utility Servicing Plan to the satisfaction of the County. This Plan will reflect details outlined in the Conceptual Scheme, including the creation of a Utility Company and future ownership options, regarding the implementation of water, wastewater and stormwater infrastructure in support of the development.
- i) The County has approved all necessary Easements and Rights-of-Way related to the supply and distribution of power, natural gas, cable and telephone service within the subject lands.
- j) The County has reviewed and endorsed all Condominium Bylaws, Homeowners Association Bylaws, and Architectural Controls associated with this development.
- k) The Developer has submitted a Landscaping Plan that details plantings and other related improvements proposed within the development, prepared by a qualified Landscaping Professional, to the satisfaction of the County.
- l) The Developer has submitted a Local Recreation Amenity Plan to the satisfaction of the County. This Plan will reflect details on recreational facilities and off-site improvements to be provided by the Developer as outlined in the Conceptual Scheme, including details of the Voluntary Recreation Contribution.
- m) The Developer has submitted a Solid Waste Management Plan detailing how solid waste will be collected and transported from the development.
- n) Subdivision and/or development of Site 7 may not proceed until Rocky View Council approves a Master Site Development Plan that includes specific regulations related thereto.

6.0.0 DEVELOPMENT REGULATIONS

- 6.1.0 Notwithstanding 5.1.0, the County may issue a Development Permit for Stripping and/or Grading within any portion of the development provided the County has endorsed a Construction Management Plan and a Stormwater Management Plan as required by Section 5.1.0.
- 6.2.0 Approval from the County for any use contemplated by this Bylaw may be subject to approval from all relevant Federal and/or Provincial Authorities.
- 6.3.0 No occupancy of any Dwelling, *Single detached* shall occur until the construction of all required roads and utilities have been substantially completed to the satisfaction of the County.
- 6.4.0 The County may issue a Development Permit for up to five (5) Show Homes prior to the endorsement of a conditionally approved Plan of Subdivision. No occupancy of a Show Home shall occur until all required roads and utilities have been substantially completed and a Plan of Survey has been registered with Alberta Land Titles.
- 6.5.0 No outside storage shall be permitted within any parcel containing a Dwelling, *Single detached*.

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- 6.6.0 All signage shall be of a character in keeping with the Watermark at Bears paw Architectural Controls.
- 6.7.0 Buildings and structures will be designed in accordance with the Watermark at Bears paw Architectural Guidelines as approved by the County.
- 6.8.0 Accessory Buildings shall not be attached to any Dwelling, *Single detached* and construction of carports, breezeways; lean-two and/or any other similar structure between a Dwelling, *Single detached* and an Accessory Building shall not be permitted.

7.0.0 DEFINITIONS

- 7.1.0 “Community Sign” – means a sign displaying the name of the community and may form part of a significant entranceway feature to the community;
- 7.2.0 “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, stormwater, site erosion, sedimentation control, noise control, traffic control and groundwater monitoring;
- 7.3.0 “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);
- 7.4.0 “Substantially Completed” – means Construction Completion Certificates have been issued by the County;
- 7.5.0 “Public Utilities” – means public and/or privately-owned communal water treatment & distribution systems, communal wastewater treatment and collection systems, stormwater management systems, natural gas, electricity, cable and telephone transmission lines (and related facilities), solid waste collection and recycling, and general maintenance facilities related to on-site development;
- 7.6.0 “Temporary Sales Centre” – means a building without any below-grade foundation which may be located on site, in accordance with all other setback requirements of this Bylaw, used exclusively as an office to promote the sale of residential lots specific to this development.
- 7.7.0 “Amenity Building” – means a multi-purpose community facility generally as described in the Master Site Development Plan – Site 7.
- 7.8.0 “Secondary Suite” – means a subordinate *dwelling unit* with a maximum area of 110.00 sq. m. (1184.00 sq.ft.) which is created within the principal *Dwelling, Single Detached*, where both *dwelling units* are located on the same parcel.

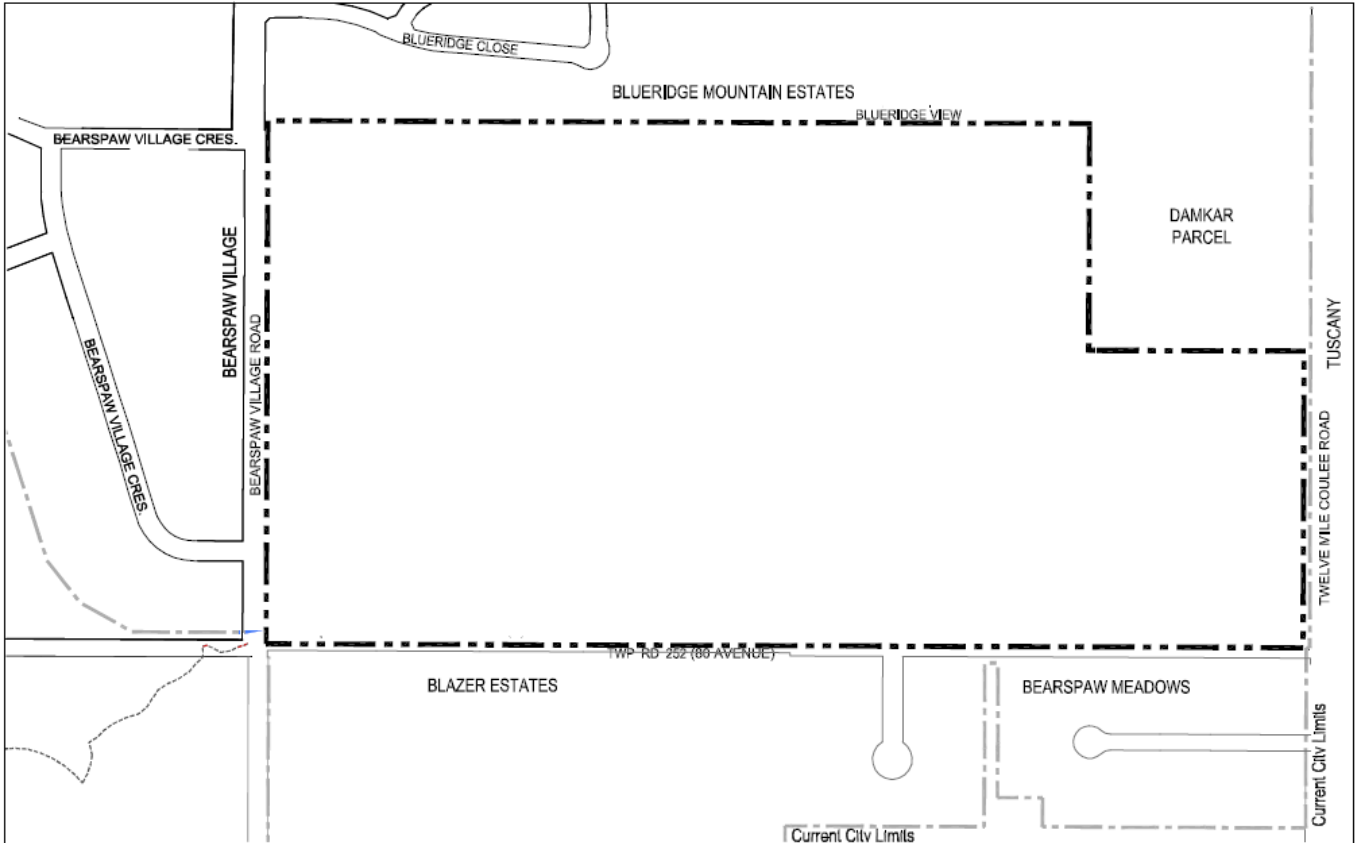
8.0.0 IMPLEMENTATION

- 8.1.0 This bylaw comes into effect upon the date of its third and final reading.

SCHEDULE "A"

DC 141

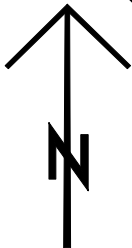
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AMENDMENT

FROM Ranch and Farm District TO Direct Control District

Subject Land -----



LEGAL DESCRIPTION: A portion of the S 1/2 18-25-2-W5M

FILE: 05618003/004-2007-RV-524

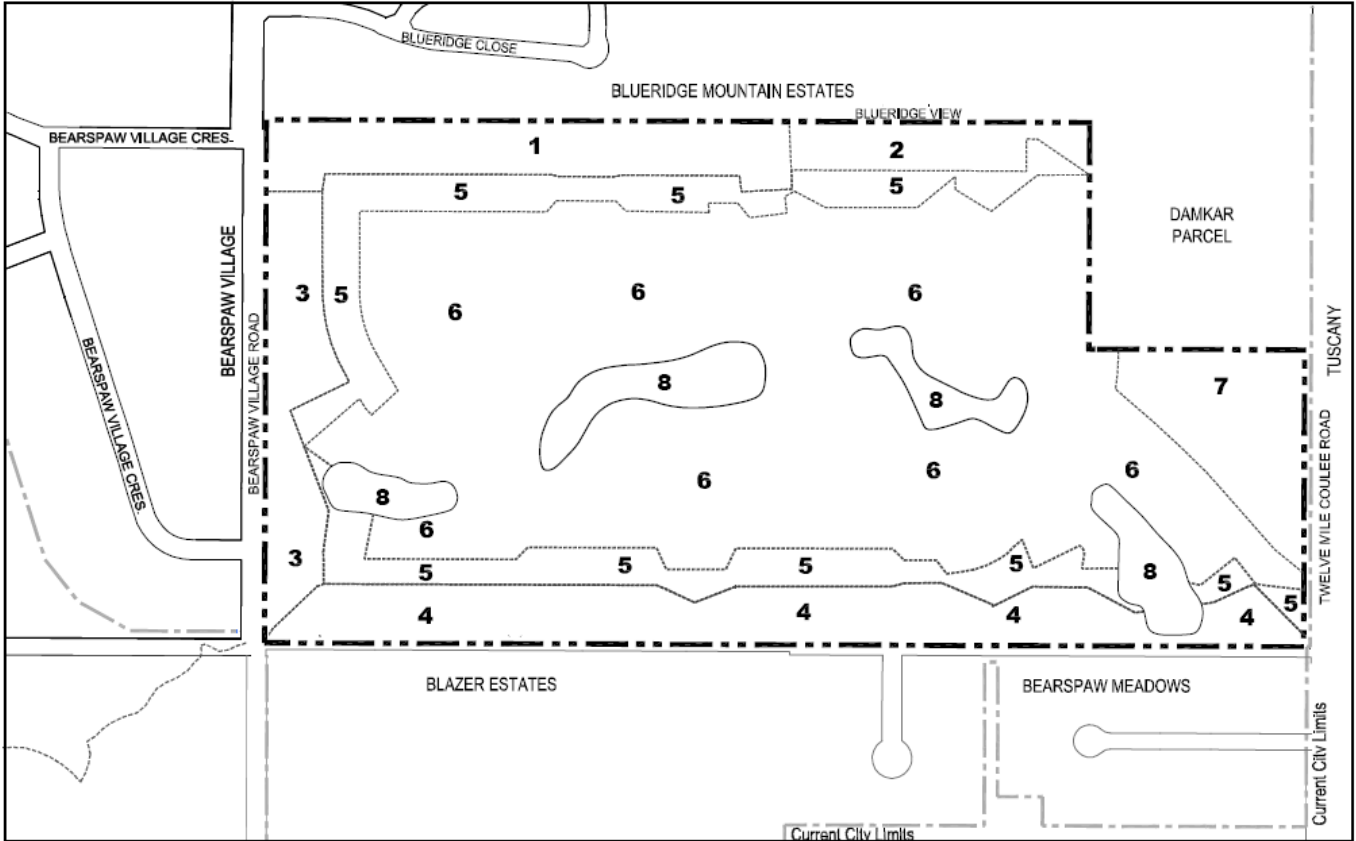
DIVISION: 8



SCHEDULE "B"

DC 141

BYLAW: C-6854-2009



AMENDMENT

FROM Ranch and Farm District TO Direct Control District
Subject Land -----



LEGAL DESCRIPTION: A portion of the S 1/2 18-25-2-W5M

FILE: 05618003/004-2007-RV-524

DIVISION: 8

