

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

WHEREAS the Council deems it desirable to amend the said Bylaw; and

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Bylaw C-1725-84 to redesignate Blocks A and B, Plan 7510139, E-1/2-7-25-2-W5M from Country Residential District to Direct Control District (with guidelines); and

WHEREAS a notice was published on August 30 and September 6, 1988 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44 advising of the Public Hearing for September 27, 1988; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with Section 139 and 140 of the Planning Act being Chapter P-9 of the Revised Statutes of Alberta 1980, amendments thereto; and

WHEREAS Council considers it desirable to exercise particular control over the use and development of the subject lands in order to ensure that:

1. the development, including particularly the golf course and all roadways and utilities to service the development, once started, is completed;
2. there is a degree of uniformity and consistency in the layout and size and in the aesthetics of all buildings, including particularly residences;
3. the building locations proposed are sympathetic to the possible future subdivision of the lands to urban standards and densities in the event that the lands are annexed to the City of Calgary in the future;
4. all Alberta Environment requirements and all utilities requirements are adequately and properly met; and
5. all the dwellings are located on a building envelope which shall be the land held in fee simple, pursuant to a Bare Land Condominium Plan.

NOW THEREFORE the Council enacts the following:

1. That Bylaw C-1725-84 be amended by redesignating Blocks A and B, Plan 7510139, E-1/2-7-25-2-W5M from Country Residential District to Direct Control District (with guidelines) as shown on Map 22.

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2. That all lands within Blocks A and B, Plan 7510139, E-1/2-7-25-2-W5M are hereby redesignated to Direct Control District, in accordance with the following guidelines:

Land Use

The land uses which shall be allowed at the discretion of the Municipal Planning Commission having regard to compliance with the Development Guidelines including, without limitation, concerns relative to exterior finish and roof materials, and building locations.

Discretionary Uses are as follows:

- Accessory buildings which are less than 10 square metres (107.64 sq. ft.)
- Dwellings, single detached and semi-detached
- Recreational uses such as but not limited to, tennis facilities, golf course, swimming pool

Development Guidelines

- Minimum habitable floor area, excluding basement;
 - (a) 140 sq.m. (1,507 sq.ft.) single storey dwelling
 - (b) 140 sq.m. (1,507 sq.ft.) split level dwelling, the total area of the two finished levels
 - (c) 121 sq.m. (1,302.5 sq.ft.) split entry or bi-level, the main floor
28 sq.m. (301.4 sq.ft.) finished lower level
 - (d) 150 sq.m. (1,614.6 sq.ft.) two storey dwelling, combined floor area
- Maximum height of buildings
 - (a) principal building, 10 metres (32.81 ft.)
 - (b) accessory building, 3 metres (9.84 ft.)
- Maximum number of dwelling units
 - (a) Phase I (see definition below) - 44 units
 - (b) Phase II (see definition below) - 58 units

Exterior Finish and Roof Materials

The exterior finish of all buildings and structures shall generally involve earth-tone materials utilizing predominantly brick, wood and stucco, all to be in accordance with the requirements of the Municipal Planning Commission to be reflected in the condition of a development permit.

Phasing of Development

The project may be constructed in two phases, as follows:

Phase I is located in Block B, Plan 7510139, SE-1/4-7-25-2-W5M
Phase II is located in Block A, Plan 7510139, NE-1/4-7-25-2-W5M

Sideyards and Setbacks

Building envelopes, of a minimum area of 22,000 square feet, shall be established on a plan prepared by the developer within which the dwelling units will be constructed. The building envelope boundaries shall coincide with the titled area, shall be shown on a plan of survey, and be approved by the Subdivision Approving Authority pursuant to a Bare Land Condominium Plan. The dwelling unit may be placed anywhere inside the boundaries of the building envelope, provided the dwelling unit is placed a minimum of 24 metres (78.74 feet) from the centre line of any private or public roadway, and provided also that the building location will permit the possible future subdivision of the lands to urban standards should the lands be annexed to the City of Calgary in the future.

Development and Permits

Development permits are required for all uses including the following, but not limited to, the dwelling units, golf course, road, parking area, and installation of water lines and systems to serve the development.

No development permits for any development on the site, nor any building permits for any residential development, shall be issued until;

- a) approval has been received from Alberta Environment with respect to a communal surface water supply to service the site and an Interim Licence to Divert and Use Water is obtained from the Water Rights Branch of Alberta Environment;
- b) approval has been received from Alberta Environment and Alberta Labour on the type of sanitary sewer system or septic tanks and fields necessary to service each phase of development;
- c) all necessary easements and rights-of-way related to the supply of power, water, gas and sewage disposal have been received and registered;
- d) a development permit is applied for and issued for the golf 18 hole course and the golf course is fully constructed, according to complete plans and specifications supplied by the developer as approved by the Municipal Planning Commission. Where construction of any dwelling units is contemplated prior to the completion of the golf course, a letter of credit, based on 100% of the costs estimated to complete the golf course according to said plans and specifications, shall be issued in favour of the Municipality for all the outstanding work required to complete the golf course pursuant to the said specifications. The amount of the letter of credit is not to be less than the amount of an estimate prepared by a Professional Engineer who is a member in good standing of A.P.E.G.G.A., who shall be acceptable to the Municipality and the developer. The golf course may be phased into two phases with nine holes being constructed with each phase, but all of the above requirements are required to complete each phase;

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- e) a development permit shall be required for each phase of the residential development. It shall be a requirement of each phase of residential development that:
- i) no stripping, excavation or construction of any kind shall occur until a letter of credit for 100% of the estimated cost of required roads and utilities to service the phase, as determined by the Municipal Engineer, has been deposited with the Municipality;
 - ii) no excavation for any residential dwelling unit shall be commenced until all road bases and utilities required to service the entire phase have been installed in accordance with municipal specifications to the satisfaction of the Municipal Engineer;
 - iii) no occupancy of any dwelling units shall occur until the surface of all roads required to service the entire phase have been installed in accordance with municipal specifications to the satisfaction of the Municipal Engineer;
 - iv) the value of the letter of credit required in (a) above shall be calculated in accordance with the Municipality's Policy No. 627 and the estimate on which the amount of the letter of credit based shall be certified by a Professional Engineer who is member in good standing of A.P.E.G.G.A. The amount of the letter of credit shall be to the satisfaction of the Municipal Engineer.
 - v) The developer shall pay in conjunction with the fee regularly payable in respect of a development permit for the golf course, a fee of \$1566.00 representing the Municipality's legal fees relative to the preparation and review of this Direct Control Bylaw.

3. The Bylaw comes into effect upon the date of its third reading.

File: 2502-07E(5)

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 23rd day of August, 1988, on a motion by Councillor Isley.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 14th day of March, 1989, on a motion by Councillor Copithorne.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 14th day of March, 1989, on a motion by Councillor MacFarlane.


REEVE OR DEPUTY REEVE


MUNICIPAL SECRETARY