

## MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

## BYLAW C-4793-97

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A Bylaw of the Municipal District of Rocky View No. 44 (the "Municipality") in the Province of Alberta to amend the Land Use Bylaw C-1725-84.

WHEREAS the Council of the Municipal District of Rocky View No. 44 (the "Council") has received an application to amend Section 7.3.0; Land Use Maps 39 and 39-SE of the Bylaw C-1725-84 (the "Land Use Bylaw") to change the land use designation of Block A, Plan 916 JK in the NE-2-23-5-W5M from Agricultural Balance District to Direct Control District with special regulations, described in Schedule "A" attached hereto and forming part hereof; and,

WHEREAS the Council deems it desirable to so amend the Land Use Bylaw as herein contemplated; and,

WHEREAS a notice was published in the August 26, 1997, and September 2, 1997 editions of the Calgary Rural Times, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of a Public Hearing with respect to this Bylaw on September 9, 1997; and,

WHEREAS the Council held a Public Hearing and have given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act being Chapter 24 of the Revised Statutes of Alberta 1995, and all amendments thereto.

NOW THEREFORE the Council enacts as follows:

- 1.0 That Land Use Bylaw C-1725-84 be amended by redesignating the use of the Land from Agricultural Balance District to Direct Control District in accordance with special guidelines;
- 2.0 That the guidelines of the Direct Control District comprise:
  - 3.0 General Regulations
  - 4.0 Land Use Regulations
  - 5.0 Development Regulations
  - 6.0 Definitions
  - 7.0 Implementation

**3.0 GENERAL REGULATIONS**

- 3.1 The General Land Use Regulations as contained in Section 8 of the Land Use Bylaw do not apply except where specifically noted herein.
- 3.2 The Development Officer shall consider and decide on applications for Development Permits for those uses which are listed as "Discretionary Uses" by this Bylaw.
- 3.3 No Development of the Lands shall be permitted until the Municipality and the Developer have executed a Development Agreement(s) in form and substance satisfactory to the Council in its sole discretion.
- 3.4 The Municipality 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 with the development proposals upon which this Bylaw is based as determined by and to the satisfaction of Municipality.

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3.5 For the purpose of this Bylaw:

3.5.1 Section 8.7.3 of the Land Use Bylaw shall apply to the height of any fences on the Lands.

3.5.2 Section 8.15.1 of the Land Use Bylaw pertaining to Owner's Duties and Responsibilities shall apply.

**4.0 LAND USE REGULATIONS**

**4.1 AREA A of Schedule A - Residential Units**

4.2 List of Permitted Uses

4.2.1 None

4.3 List of Discretionary Uses

4.3.1 dwellings, single detached, on bareland condominium lots

4.3.2 accessory buildings less than 150 square metres (1,614 square feet) building area

4.3.3 utility systems necessary to service the development

4.3.4 home occupations in accordance with Section 8.10.0 of the Land Use Bylaw C-1725-84

4.3.5 keeping of animals listed in Table A of Section 8.11.5 of the land Use Bylaw (C-1725-84) at densities of no greater than one animal unit per 1.6 hectares (4.0 acres)

4.3.6 private swimming pools

4.4 Minimum and Maximum Requirements

4.4.1 maximum number of bareland condominium units within Area A as shown on Schedule A: 4

4.4.2 minimum titled area of each bareland condominium unit: 8.0 acres

4.4.3 maximum number of dwelling units on each bareland condominium unit: 1

4.4.4 minimum habitable floor area of dwelling units: 112 sq. metres (1,205 sq. feet), total area of the finished levels, not including a basement.

4.4.5 maximum height of dwelling units: 10 metres (32.81 sq. feet)

4.4.6 maximum total building area for all accessory buildings: 225 sq. metres (2,422 sq. feet)

4.4.7 maximum number of accessory buildings: 2

4.4.8 minimum setback to any property line:

- Setback to west property line: 15 metres (49.21 ft.)
- Setback north and south property line: 6 metres (19.68 ft.) (excepting the north setback for Unit 1 which shall be 18 metres)
- Setback to east property line: 30 metres (98.42 ft.)

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**4.5 AREA B of Schedule A - The common condominium property**

**4.6 List of Permitted Uses**

**4.6.1 None**

**4.7 List of Discretionary Uses**

**4.7.1 private condominium roads**

**4.7.2 utility systems necessary to service the development**

**5.0 DEVELOPMENT REGULATIONS**

**5.1 No development of the Lands shall be permitted, no Development Permits or Building Permits shall be issued by the Development Officer and/or the endorsement of the final plan of subdivision of the Lands shall not occur until:**

**5.1.1 The developer has entered into a Development Agreement(s) with the Municipality for:**

**(a) the construction of a private internal subdivision road necessary to provide access to the development, and the Developer has submitted to the Municipality complete plans and specifications thereto including financial security;**

**(b) all necessary utility easements and rights-of-way have been approved by the Municipality and registered concurrently with the final plan of subdivision.**

**5.1.2 A Condominium 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 Condominium Association, and that said Condominium Association is responsible for the private condominium road within Area B of Schedule A of this Bylaw. The Restrictive Covenant shall be in form and substance satisfactory to the Municipality, and registered against title to the Lands prior to any registered financial encumbrances and registered concurrently with the plan of survey.**

**5.1.3 A qualified professional engineer duly licensed to practice in Alberta, has identified suitable building sites within Condominium Units 1-4 (inclusive) which sites contain a minimum of 1 acre of contiguous developable area where slopes are less than 15% and soils are suitable for the installation of septic fields, pursuant to the Interim Environmental Guidelines of Alberta Environmental Protection. The defined developable areas should be registered on title to each Condominium Unit as a caveat confining development to the area identified.**

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**6.0 DEFINITIONS**

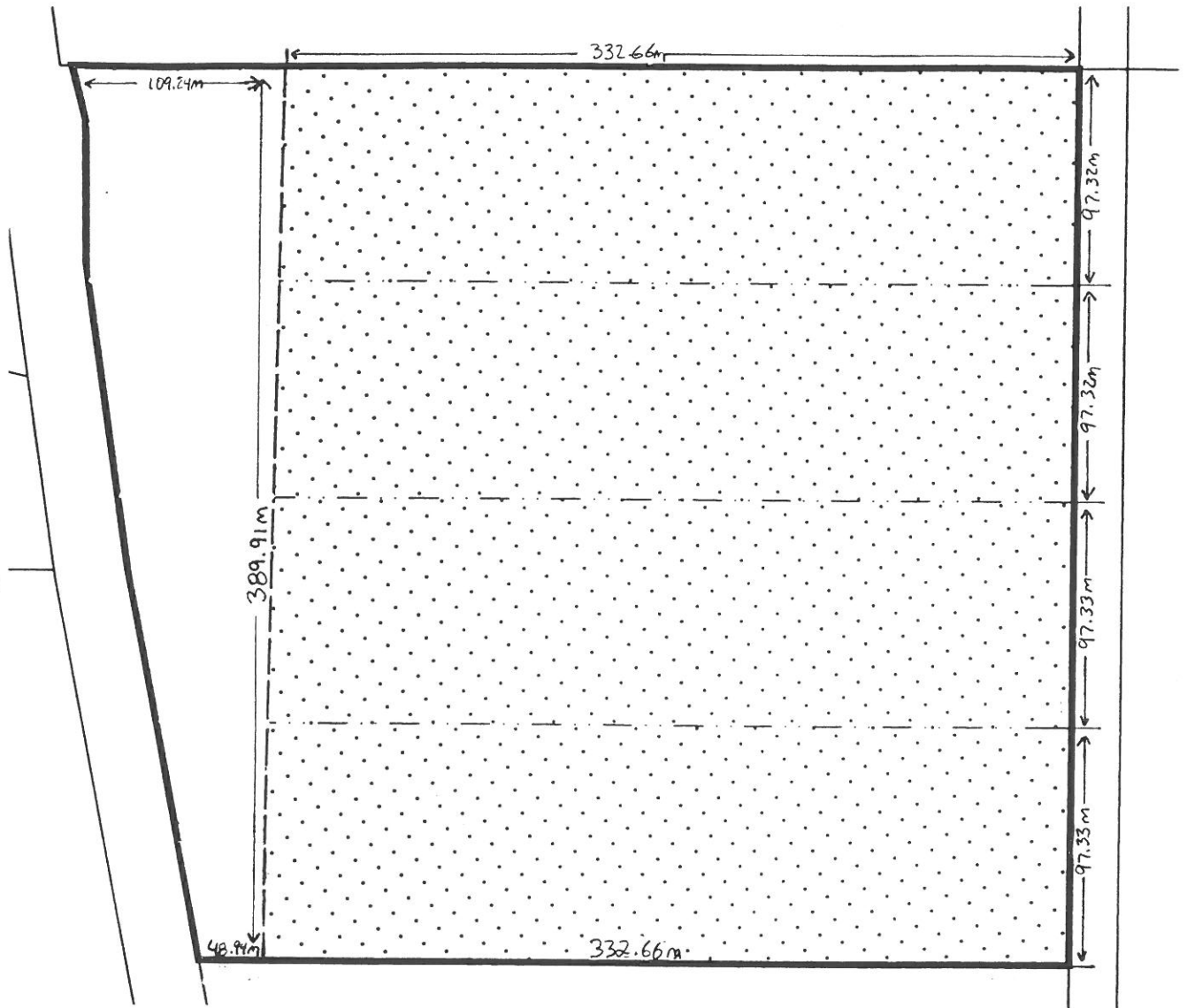
- 6.1 **Building** - includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway.
- 6.2 **Developer** - means a person or corporation who is responsible for any undertaking that requires a permit or action pursuant to this bylaw.
- 6.3 **Development** - 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 or placing of any of them in, on, over or under land;
  - iii) 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,
  - iv) 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.
- 6.4 **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.
- 6.5 **Letter of Credit** - means an unconditional and irrevocable Letter of Credit issued by a Canadian chartered bank at the request of the Developer naming the Municipality as the sole beneficiary thereof.
- 6.6 **Professional Engineer** - is a Professional Engineer who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (A.P.E.G.G.A.).
- 6.7 **Substantial Completion** - means Construction Completion Certificates have been issued by the Municipality.
- 6.8 **Utilities** - means power, gas and telephone distribution facilities necessary to service the area covered by the bylaw.
- 6.9 Terms not defined above have the same meaning as defined in Section 9.0.0 of the Land Use Bylaw C-1725-84.

**7.0 IMPLEMENTATION**

- 7.1 The bylaw comes into effect upon the date of its third and final reading.

SCHEDULE "A"

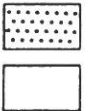
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AMENDMENT:

FROM Agricultural Balance District TO Direct Control District (Area A)

FROM Agricultural Balance District TO Direct Control District (Area B)



SUBJECT LAND:                     



LEGAL DESCRIPTION: Block A, Plan 916 JK in the NE  
2-23-5-W5M

FILE: 3902004

*WA* *Ed*

