

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4579-95**

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 Section 7.3.0; Land Use Map No.'s 39, 39-SE and 39-1 of Bylaw C-1725-84 to redesignate Lot 1, Block 2, Plan 1741 EW in the SE 13-23-5-W5M from Hamlet Residential (1) District to Direct Control District, as shown on the attached Schedule "A"; and

WHEREAS a notice was published on December 5, 1995 and December 12, 1995 in the Rocky View Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44 advising of the Public Hearing for December 19, 1995; and

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

NOW THEREFORE the Council enacts the following:

1. That Section 7.3.0; Land Use Map No.'s 39, 39-SE and 39-1 of Bylaw C-1725-84 be amended by redesignating Lot 1, Block 2, Plan 1741 EW in the SE 13-23-5-W5M from Hamlet Residential (1) District to Direct Control District, as shown on the attached Schedule "A" forming part of this Bylaw.
2. That all lands within Lot 1, Block 2, Plan 1741 EW in the SE 13-23-5-W5M are hereby redesignated to Direct Control District as shown on the attached Schedule "A" forming part of this Bylaw.
3. That the Development Officer shall be responsible for the issuance of Development Permit(s) for the lands subject to this Bylaw.
4. That the Land Use Rules of the Direct Control District be as follows:

4.1 Purpose and Intent

The purpose and intent of this District is to provide for a commercial development for the establishment of business offices and the retail sales of goods and services.

4.2 List of Permitted Uses

3.2.1 None

4.3 List of Discretionary Uses

- 4.3.1 Business Offices
- 4.3.2 One Coffee Shop
- 4.3.3 Personal Service Shops
- 4.3.4 Retail Stores
- 4.3.5 Signs

4.4 General Land Use Regulations

4.4.1 Section 8 of Land Use Bylaw C-1725-84 is applicable hereto, unless

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4579-95

Page 2

otherwise stated in this bylaw.

- 4.4.2 The Development Officer shall consider and decide on applications for Development Permits for those uses which are listed as "Permitted Uses" and "Discretionary Uses" by this bylaw provided the provisions of Section 4.0 herein are completed in form and substance satisfactory to the Municipality.
- 4.4.3 All development of the Lands shall be in accordance with plans and specifications as approved by the Development Officer pursuant to a Development Permit issued for the lands.
- 4.4.4 No occupancy of the Lands for commercial use shall be permitted, no Development Permits or Building Permits for commercial use shall be issued by the Development Officer for the Lands until:
- a) the Developer has, at his sole expense, installed an on-site sewage collection system and underground holding tank and entered into a contractual agreement respecting the handling, removal and safe transport of said sewage to an approved disposal facility, all to the satisfaction of the Municipality.
 - b) the Developer has, at his sole expense, installed an on-site potable water underground holding tank and distribution system and entered into a contractual agreement respecting the regular supply of water to the site, all to the satisfaction of the Municipality.
 - c) pursuant to (a) and (b) above, the Developer shall register a Restrictive Covenant on title ensuring that the owner shall be responsible for maintaining the contractual agreements and on-site water supply and sewage facility in perpetuity, including the provision of funds for on-going maintenance and repair.

4.5 **Minimum Requirements**

- 4.5.1 Area of lot:
- (a) 0.36 ha (0.9 acres)
- 4.5.2 Front Yard:
- (a) 6m (19.69 ft.)
- 4.5.3 Side Yard:
- (a) none required
- 4.5.4 Rear Yard:
- (a) 15.24m (50 ft.)

4.6 **Maximum Requirements**

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4579-95**

4.6.1 Height of Buildings:

- (a) principal buildings: 9m (29.5 feet)

4.6.2 Height shall be measured from the average elevation of the finished ground level adjoining the exterior walls of a building to the highest point of a building.

4.6.3 Building Coverage:

- (a) principal and accessory buildings: 25% of the lot

4.6.4 Seating Capacity of Coffee Shop: 20 persons

4.7 Development Standards

4.7.1 Site Planning

- (a) a Storm Water Management Plan for the entire site shall be prepared by a qualified professional at the Developer's sole expense to the satisfaction of the Municipality prior to the approval of any Development Permit. Storm water shall be retained on-site where possible.
- (b) site grading and drainage plans for the lot shall be prepared to the satisfaction of the Municipality and approved prior to any development commencing on the site.

4.7.2 Landscaping and Controlled Appearance

- (a) landscaping shall be carried out in accordance with a Landscaping Plan approved by the Development Officer and the Design Review Committee.
- (b) existing mature trees on the site are to be protected and incorporated into the Landscaping Plan.
- (c) the Landscaping Plan shall illustrate the location of vegetation, which is to remain undisturbed and any new vegetation to be planted. Wherever possible, indigenous tree, shrub and plant species shall be used.
- (d) all areas of the lands not otherwise utilized for building, parking, storage, loading and vehicle movement shall be landscaped in accordance with the Landscape Plan and such Landscape Plan shall be a condition of a Development Permit.
- (e) Landscaping shall include the planting of grasses, shrubs and trees and shall be continuously maintained, including replacement of any deceased trees, shrubs or plants by the end of the next growing season.
- (f) Irrigation and maintenance shall be detailed in the Landscape Plan and defined in the Development Permit.

4.7.3 Architectural Control

The design, character and appearance of any buildings, structures or signs proposed to be erected or located on the property must be approved by the

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4579-95**

Page 4

Development Officer in consultation with the Design Review Committee, having due regard to its affect on neighbouring developments, general amenities of the area, and conform to the guidelines referred to herein.

4.8 Refuse Control

Garbage and waste material on and around the site shall at all times be stored in weatherproof and animal-proof containers which shall be screened from view from all adjacent properties and public thoroughfares.

4.9 Fire Protection

Fire protection measures shall be provided in accordance with the Alberta Fire Code and included in a Development Permit.

4.10 Definitions

4.10.1 Building - includes anything constructed or place on, in, over, or under land but does not include a highway or public roadway.

4.10.2 Business Offices - means a portion or portions of a building where services of a professional nature are offered for sale, such as but not limited to legal, financial and medical services for example.

4.10.3 Coffee Shop - A building or part of a building set aside for the serving and/or seating of patrons where beverages, sandwiches, soups, pastries and similar foods are offered for sale and on-site consumption. Drive-through service not permitted.

4.10.4 Design Review Committee - is the Design Review Committee established by Council pursuant to the Bragg Creek Commercial Core Plan.

4.10.5 Developer - means a person or corporation who/which is responsible for any undertaking that requires a Permit or action pursuant to this bylaw.

4.10.6 Development - means:

- i) an 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 in, on, over or under land of any of them,
- 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

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-4579-95

land or building.

- 4.10.7 **Personal Service Shops** - means a portion or portions of a building where services are offered for sale to individuals, which services may include but are not limited to health, beauty and laundry services for example.
- 4.10.8 **Professional Engineer** - is a professional engineer who is a member in good standing of the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (A.P.E.G.G.A.).
- 4.10.9 **The Lands** - means the lands as shown on Schedule "A" attached hereto.
- 4.10.10 Terms not defined above have the same meaning as defined in Section 9.0.0 of Land Use Bylaw C-1725-84.

5.0 Implementation

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

File: 3913046

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 28th day of November, 1995, on a motion by Councillor Fullerton.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 19th day of December, 1995, on a motion by Councillor Vincent.

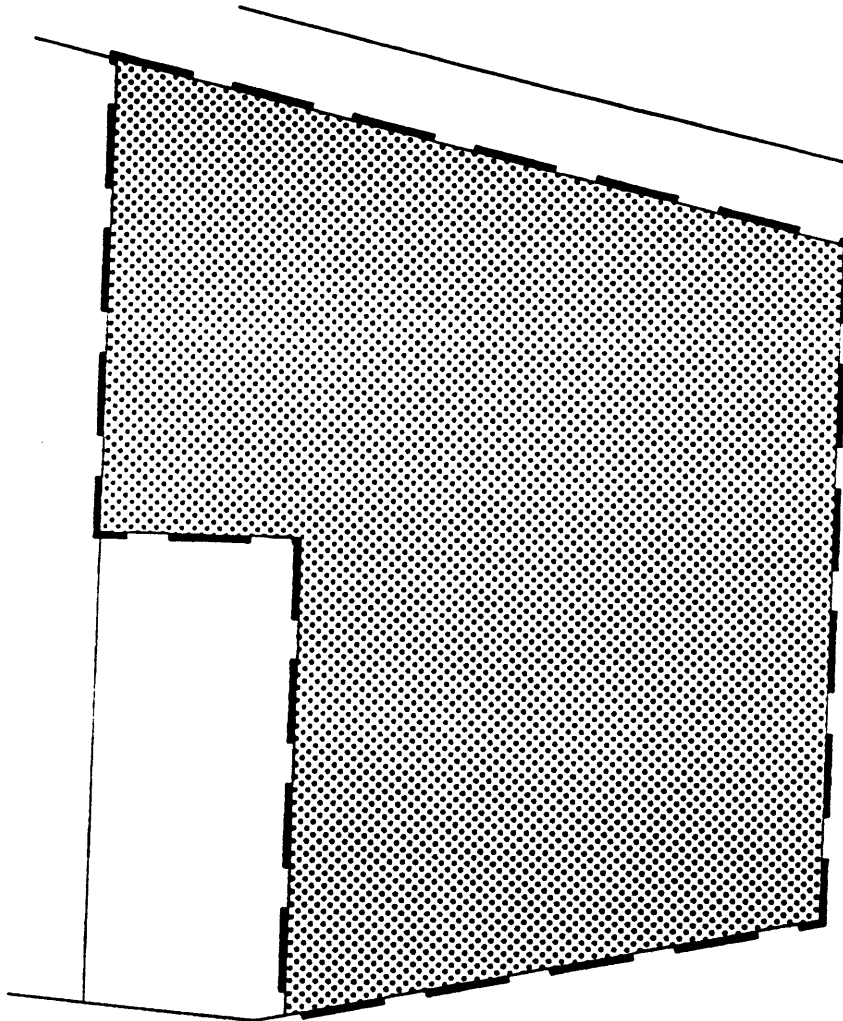
Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 19th day of December, 1995, on a motion by Councillor Isley.


REEVE OR DEPUTY REEVE


MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-4579-95



AMENDMENT

FROM Hamlet Residential (1) District TO Direct Control District



SUBJECT LAND: -----

[Handwritten signature]



LEGAL DESCRIPTION: Lot 1, Block 2, Plan 1741 EW in
the SE 13-23-5-W5M

FILE: 3913046

