

**ROCKY VIEW COUNTY  
DIRECT CONTROL BYLAW C-4861-1998**

**DC-51**

**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-4861-98	Original Bylaw	March 3, 1998
C-5401-2001	Amend Unit 4, Plan 9912201 from 30 to 16 bareland condominium units in phase 3 (Schedule B)	July 31, 2001
C-5697-2003	Unit 1, Condominium Plan 991 2201 within SE 12-24-3 W5M and a portion of SW 7-24-2-W5M was redesignated from DC 51 to B-4 (Schedule C)	March 18, 2003
C-6943-2010	Addition of site specific front setback requirement alterations	July 27, 2010

**DIRECT CONTROL BYLAW REGULATIONS**

That the regulations of the Direct Control District comprise:

- 1.0.0 General Regulations
- 2.0.0 Land Use Regulations - Residential Development Cell
- 3.0.0 Land Use Regulations - Recreation Development Cell
- 4.0.0 Land Use Regulations - Utility Development Cell
- 5.0.0 Development Regulations
- 6.0.0 Definitions
- 7.0.0 Implementation

**1.0.0 GENERAL REGULATIONS**

- 1.1.0 For the purposes of this Bylaw, Section 8 of the Land Use Bylaw (Bylaw C-1725-84) shall apply except where specifically defined herein.
- 1.2.0 Except where specifically noted that Council approval is required, the Development Officer shall consider and decide on applications for Development Permits for those uses which are listed as "Discretionary Uses" by this Bylaw provided the provisions of the same herein are completed in form and substance satisfactory to the Municipality.
- 1.3.0 The Development Officer shall cause to be issued Development Permits which have been approved.
- 1.4.0 For the purposes of this Bylaw, the lands shall generally be divided into Development Cells, the boundaries and description of which shall be more or less as indicated in Schedule "A" attached hereto and forming part herein, except as otherwise approved by Council.
- 1.5.0 The location, maximum size and shape of the Development Cells are approximate and will be determined by Plan of Survey in form and substance satisfactory to the Municipality, to be submitted to the Municipality by the Developer as an application for subdivision approval. In no case, however, shall the Residential Cell be larger than that identified in the Residential Land Use Regulations forming part of this Bylaw.
- 1.6.0 The Residential Development Cell shall consist exclusively of Developable Land as determined by the Municipality.
- 1.7.0 For the purposes of this Bylaw the Floodway and Flood Fringe of the Elbow River shall be as delineated in the Agra Elbow River Flood - MD of Rocky View Flood Risk Mapping Study of February 9, 1996, as revised March 1997 and adopted by Council on September 30, 1997 through Bylaw C-4764-97.

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- 1.8.0 No development, including lakes associated with the storage of treated waste water or storm water, shall take place within the area shown as Floodway or Flood Fringe of the Elbow River (as described in 1.7.0) except for:
- 1.8.1 pathways that are constructed level with the existing natural grades.
- 1.9.0 In addition to the “Permitted Uses” contemplated in Sections 2.0, 3.0 and 4.0 herein, the following shall be “Discretionary Uses” subject to the approval of the Municipality.
- 1.9.1 Public roads necessary for access; and public roads contemplated herein shall be constructed in accordance with the Municipality’s Servicing Standards for Residential Subdivision and Road Construction to the satisfaction of the Municipality and included in a Development Agreement. Private roads contemplated herein shall be constructed in accordance with design guidelines and standards included in the Stonepine Concept Plan.
- 1.9.2 All utility distribution and collection systems necessary to service the Development.
- 1.9.3 Pedestrian pathways and trails.
- 1.9.4 All development within the Flood Way or Flood Fringe area as identified in 1.7.0 above.
- 1.10.0 No subdivision and/or development of the lands shall be permitted until an Historical Impact Assessment prepared by the Developer has been submitted and is satisfactory in both form and substance to each of the Municipality and the Alberta Community Development, Cultural Facilities and Historical Resources Division.
- 1.11.0 The final Plan of Subdivision shall not be endorsed until the Municipality and the Developer have executed a Development Agreement in form and substance satisfactory to the Municipality.
- 1.12.0 The use of any portion of the Lands for man-made lakes associated with services shall be permitted only if the design and construction thereof is in accordance with plans prepared by a qualified Professional Engineer licensed to practice in the Province of Alberta to the satisfaction of the Municipality and/or Alberta Environmental Protection.
- 1.13.0 No use shall be made of all or any portion of the Lands for Development without and until a Hydrogeological Study prepared by a qualified Professional Engineer licensed to practice in the Province of Alberta which establishes existing groundwater chemistry, the rate and direction of the groundwater flow, a long term groundwater monitoring plan, irrigation and the facilities that will be provided by the developer to implement the monitoring plan, has been submitted and is satisfactory in both form and substance to each of the Municipality and/or Alberta Environmental Protection

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(AEP). The Hydrogeological Study and monitoring program is to be determined by AEP and required as a condition of issuing the necessary permits to construct and operate the wastewater and stormwater systems.

- 1.14.0 No development of the Lands shall be permitted without and until the Developer has prepared and submitted a Storm Water Management Plan prepared by a qualified Professional Engineer licensed to practice in the Province of Alberta in form and substance satisfactory to each of the Municipality and/or Alberta Environmental Protection and/or Alberta Transportation and Utilities.
- 1.15.0 Council may, through the Development Agreements required by this Bylaw, specify any development regulation, criteria or condition necessary to ensure all subdivision and development on the lands conforms with the development proposal upon which this Bylaw is based as determined by and to the satisfaction of the Municipality.
- 1.16.0 No final Plan of Subdivision shall be endorsed for any portion of the lands until all necessary improvements to accommodate anticipated traffic volumes (which includes the construction of an access to HWY #8), have been completed, or suitable arrangements have been made to complete the improvements, to access Highway 8, all to the satisfaction of Alberta Transportation and Utilities and the Municipality.

**2.0 LAND USE REGULATIONS - RESIDENTIAL DEVELOPMENT CELL**

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

2.1.0 Residential Development Cell - (Cell #1)

2.1.1 List of Permitted Uses

- accessory buildings

2.1.2 List of Discretionary Uses

- dwelling units, semi-detached
- dwelling units, detached, single family
- 2 (two) signs for identification of the development only
- fences
- home occupations

2.1.3 Minimum and Maximum Requirements

- a) Maximum area of residential development cell: 14.163 ha (35 acres)
- b) Maximum number of dwelling units in residential development cell: 92
- c) Maximum number of dwelling units per lot: 1
- d) Minimum area of lot: - single detached dwelling: 1393.5 sq.m. (15000 sq. ft.)

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- semi-detached dwelling: 696.75 sq.m.  
(7500 sq. ft.)
- e) Minimum average width of lot:
  - single detached dwelling: 30 m (98.42ft.)
  - semi-detached dwelling: 15m. (49.21 ft.)
- f) Minimum front yard: 6m (19.68 ft.)
  - 1) notwithstanding section 2.1.3, Unit 85, Plan 0110010 within NE-1-24-3-W5M is permitted a front yard setback to be a minimum of 3.5 m, in order to allow for an addition to the existing attached garage.
- g) Minimum side yard:
  - street side of corner site: 3m (9.84 ft.)
  - all other sites: 2.4m (7.87 ft.)
  - no minimum where a fire separation is built on a bareland condominium property line which separates units within a semi-detached building
- h) Minimum rear yard:
  - principal building: 8m. (26.25 ft.)
  - accessory building: 2.4m. (7.87 ft.)
- i) Minimum habitable floor area of dwelling unit: 111.48sq.m (1200 sq.ft.)
- j) Maximum area of accessory building: 9.29 sq. m. (100 sq. ft.)
- k) Maximum number of accessory buildings per lot: one (1)
- l) Maximum building height
  - principal building: 10m (32.8 ft.)
  - accessory building: 3.05m (10 ft.)
- m) Minimum off-street parking spaces: 2 per dwelling unit

**3.0.0 LAND USE REGULATIONS - RECREATION DEVELOPMENT CELLS**

The purpose and intent of the Recreational Development Cell is to provide for the use of portions of the Lands for recreational development and open space uses.

**3.1.0 Recreational Development Cell (Cell #2)**

**3.1.1 List of Permitted Uses**

- private park left in natural state only

**3.1.2 List of Discretionary Uses**

- private park improvements
- trails and pathways
- signs for identification purposes only

**4.0.0 LAND USE REGULATIONS - UTILITIES DEVELOPMENT CELL**

The purpose and intent of the Utilities Development Cell is to provide for the use of portions of the Lands for sewage treatment, disposal and storage facilities.

4.1.0 Utilities Development Cell

4.1.1 List of Permitted Uses

- private park left in natural state only

4.1.2 List of Discretionary Uses

- sewage collection, treatment, storage and disposal facilities and appurtenances

4.1.3 Special Regulations

- The spray irrigation or other disposal of waste water from development on the site shall be subject to all requirements of Alberta Environmental Protection and/or Alberta Labour and all Municipal approvals pursuant to this Bylaw.

**5.0.0 DEVELOPMENT REGULATIONS**

5.1.0 The endorsement of any final Plan of Subdivision for any portion of the lands shall not occur until:

b) the requirements of a wastewater collection, treatment and disposal system necessary to service the Lands have been satisfied by the following:

i) the Developer has received the approval of Alberta Environmental Protection and/or Alberta Labour with respect to the provision of wastewater collection, treatment, storage and disposal facilities within the Lands to service the proposed subdivision and/or development,

**and,**

the Developer has submitted to and had approved by Alberta Environmental Protection and/or Alberta Labour complete plans and specifications thereto and said facilities have been constructed and are operable in accordance therewith

**or;**

ii) the Developer has received the approval of the M.D. of Rocky View Council; the City of Calgary; or operator of the sanitary sewage system; Alberta Environmental Protection and/or Alberta Labour with respect to the provision of an off-site wastewater collection, treatment and disposal system utilizing the City of Calgary Sanitary Sewage System to service the proposed subdivision and/or development

**and,**

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the Developer has submitted to the Municipality and Alberta Environmental Protection and/or Alberta Labour complete plans and specifications thereto and said facilities have been constructed and are operable in accordance therewith.

- c) all necessary licenses, permits and approvals have been received from Alberta Environmental Protection with respect to a water supply and distribution system to service the Lands or portions thereof to the satisfaction of the Municipality.
- d) all necessary easements and rights-of-way related to the supply and distribution of power, water, gas, telephone and wastewater collection, treatment and disposal shall be registered concurrently with the final Plan of Subdivision by the Developer against title to the Lands or portions thereof to the satisfaction of the Municipality.
- f) a Condominium Association shall be legally established by the Developer pursuant to 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 all sewer and water treatment facilities and appurtenances thereto and all roads and common areas within the Development area. The Restrictive Covenant shall be in form and substance satisfactory to the Municipality and the Registrar of the Southern Alberta Land Titles District, and said Restrictive Covenant Shall be executed by the Developer and registered concurrently with the Plan of Subdivision against all titles on the Lands.
- g) the stability of all slopes proposed for development or adjacent to development have been confirmed by a site-specific evaluation prepared by a qualified qualified Professional Geotechnical Engineer licensed to practice in the Province of Alberta and the appropriate building setbacks are determined to the satisfaction of the Municipality. The building setbacks shall be identified and enforced through the Condominium Association and registered concurrently with the Plan of Subdivision on the titles of affected lots by Restrictive Covenant to the satisfaction of the Municipality.

5.2.0 Notwithstanding anything in this Bylaw, to the contrary, the construction of four residential dwelling units for show-home purposes only, may be permitted at the discretion of the Development Officer within the Residential Development Cell upon the issuance of a Development Permit by the Municipality . No residential occupancy of the said dwelling units shall occur until such time as all required utility services are installed, available and working to service the said dwelling units and the Development Officer has issued an Occupancy Permit, and until a Plan of Subdivision is registered for the applicable residential dwelling units.

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5.3.0 Stripping, grading, excavation or construction on any of the Lands shall not occur until a subdivision application has received conditional approval by Council and appropriate Letters of Credit acceptable in form and substance to the Municipality have been deposited therewith.

5.4.0 Except for 5.2 above, no building permit shall be issued for any residential dwelling unit until the construction of all roads and utilities required to serve the Residential Development Cell or portions thereof, have been completed to specifications satisfactory to the Municipality.

**6.0.0 DEFINITIONS**

6.1.0 **Building** - includes anything constructed or placed on, in, over or under land but does not include private or public roads.

6.2.0 **Developable Lands** - means those portions of the Lands which are considered to be suitable for development by the Council and the development of which is not precluded by this Bylaw.

6.3.0 **Developer** - means a person or corporation who is responsible for any undertaking that requires a permit or action pursuant to this Bylaw.

6.4.0 **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
- iii) a change of use of land or a building or an act done in relation to land or a building that results in a change in the use of the land or building.
- 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 a change in the intensity of use of the land or building.

6.5.0 **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.

6.6.0 **Development Cell** - means an area of land contains uses as defined and prescribed by this Bylaw.

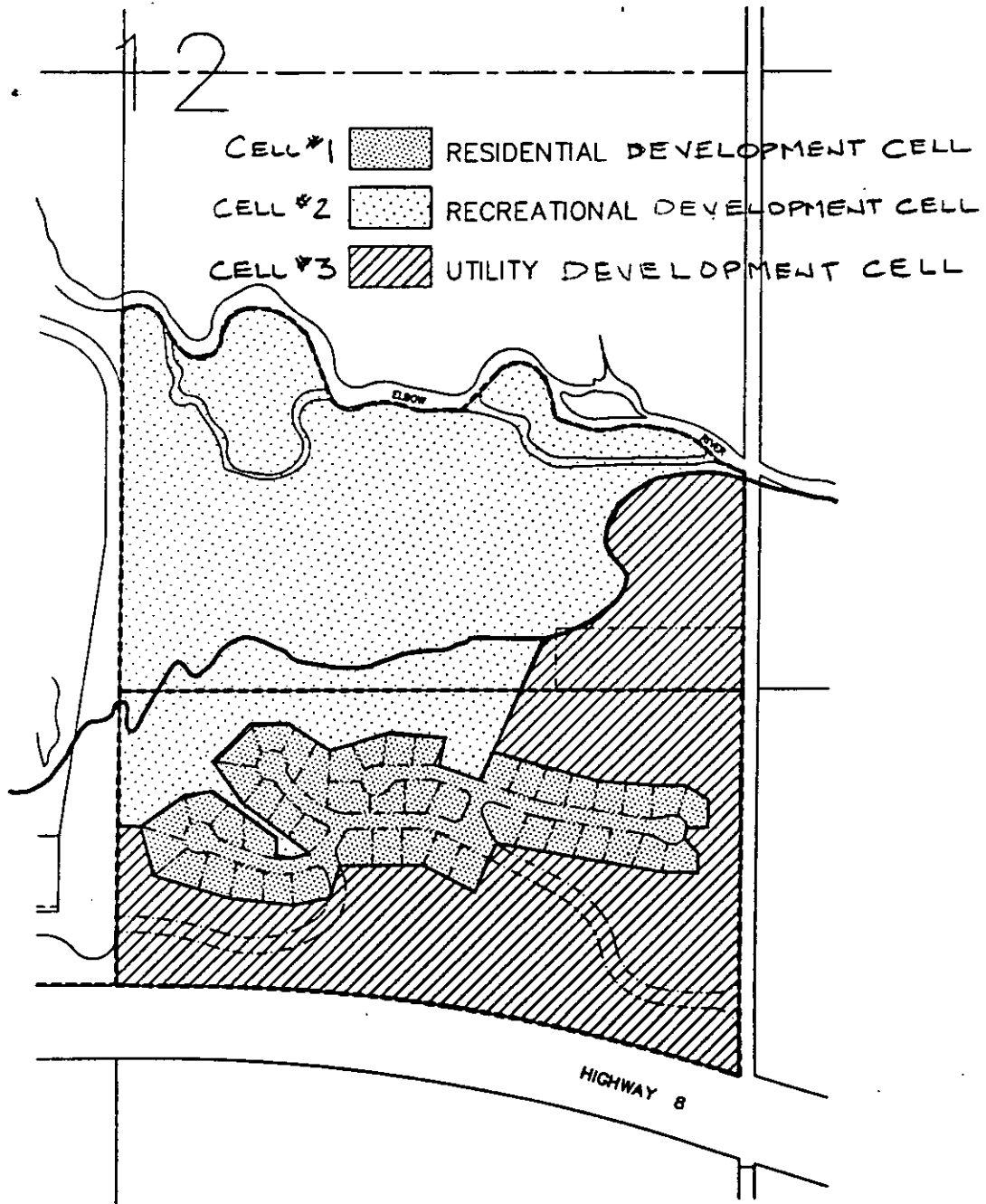
6.7.0 **Letter of Credit** - means irrevocable Letter of Credit, with no conditions, from a local branch of a Canadian chartered bank, Alberta Treasury Branch or Credit Union, naming the Municipality as the sole beneficiary thereof.

6.8.0 **Utilities** - means water treatment and distribution facilities and wastewater collection, treatment and disposal facilities and stormwater collection treatment and disposal facilities and all related appurtenances necessary to service the development.



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C-2  
120423



### SCHEDULE 'A'

PTN. NE-1-24-3-W5M  
PTN. SE-12-24-3-W5M

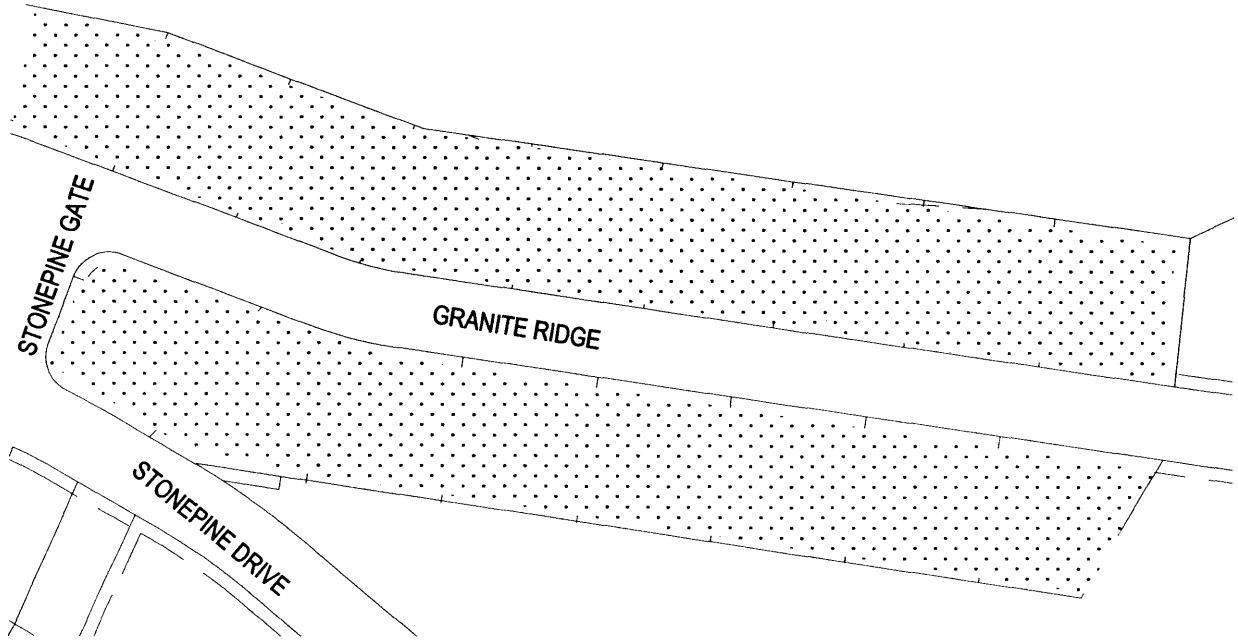
DATE: MAR.'97

SCALE: NTS

FILE: 4701004/4712001

# SCHEDULE "A"

BYLAW: C-5401-2001



## AMENDMENT

FROM Direct Control District TO Direct Control District



Subject Land - - - - -



LEGAL DESCRIPTION: NE-01-24-03-W5M

FILE: 04701088

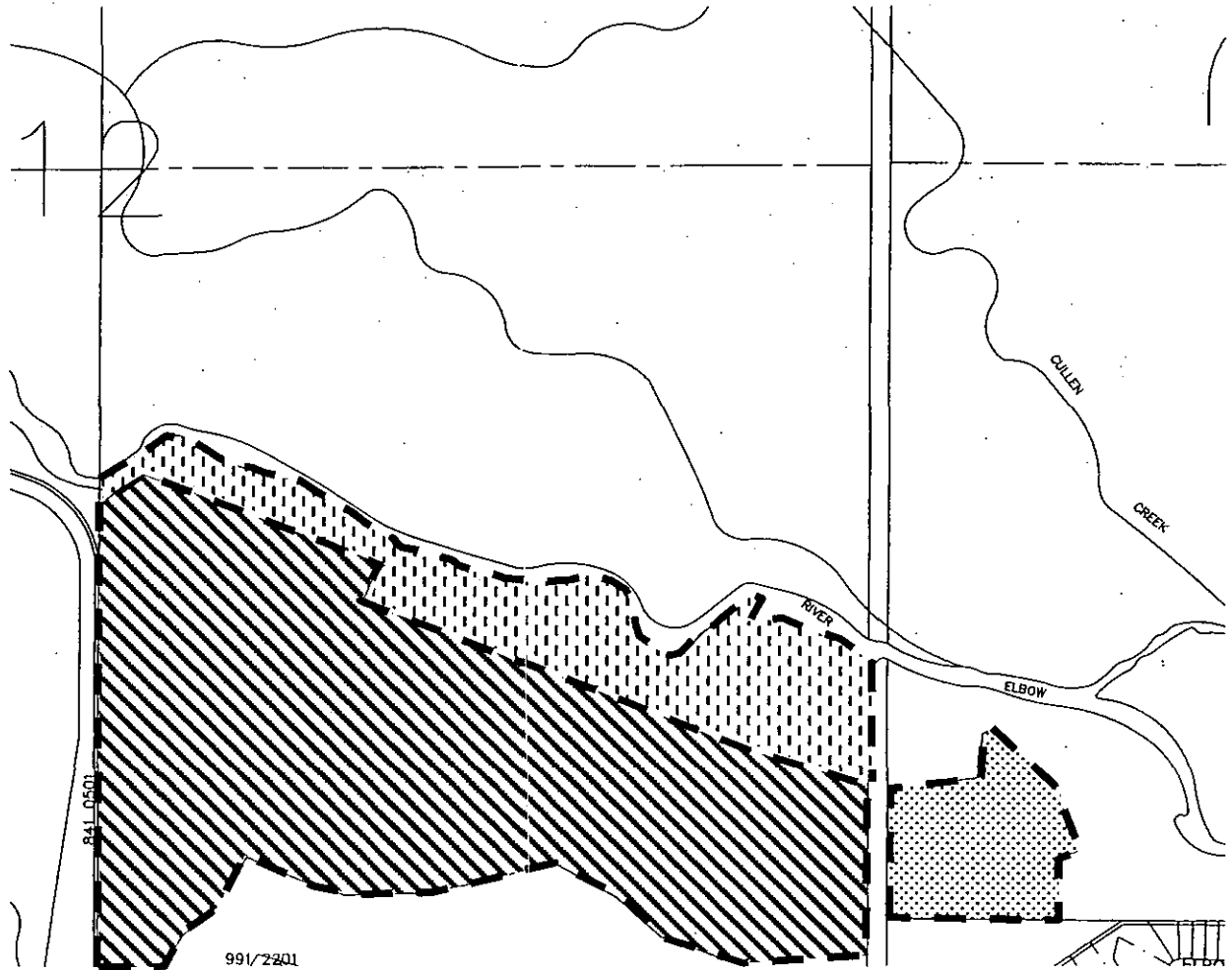


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# SCHEDULE "A"

BYLAW: C-5697-2003



## AMENDMENT

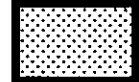
FROM Direct Control District TO Ranch and Farm District



FROM Direct Control District TO Recreation Business District



FROM Ranch and Farm District TO Recreation Business District



Subject Land - - - - -



LEGAL DESCRIPTION: Unit 1, Condominium Plan 991 2201  
within the SE-12-24-3-W5M and a portion of the SW-7-24-2-W5M

FILE: 2002220 - 04607002/04711001/04712001/005

