

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998**

DC-57

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 of the following Bylaw's.

Bylaw	Amendment Type	Date of Approval
C-4871-98	Original Bylaw	June 30, 1998
C-7108-2011	Insert a site specific amendment in section 4.3 to relax one setback on Unit 13, Plan 0010219	December 6, 2011
C-7196-2012	Insert a site specific amendment in section 4.3 to relax one setback on Unit 8, Plan 0010219	October 30, 2012
C-7363-2014	Insert a site specific amendment in section 4.3 to relax one setback on Unit 5, Plan 0010219 and Discretionary variance allowances for the Development Authority	May 13, 2014

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998**

DC-57

DIRECT CONTROL BYLAW REGULATIONS

- 1.0 That Land Use Bylaw C-1725-84 be amended by redesignating the use of the Lands from Recreation Commercial District to Direct Control District in accordance with special guidelines to accommodate fourteen residential bareland condominium units;
- 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 "Permitted Uses" and "Discretionary Uses" by this Bylaw.
- 3.3 The Development Officer shall cause to be issued Development Permits which have been approved.
- 3.4 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.
- 3.5 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.
- 3.6 No development of the Lands shall be permitted until a Storm Water Management Plan has been prepared and submitted by the Developer in form and substance satisfactory to the Municipality and Alberta Environmental Protection.
- 3.7 Notwithstanding any provision to the contrary but subject to 5.1 (b) and (c) herein, a Development Permit for grading of the Lands and installation of utilities may be issued by the Development Officer provided the conditions are satisfactory to the Municipality in form and substance.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998**

DC-57

- 3.8 For the purpose of this Bylaw:
- 3.8.1 Section 8.7.3 of the Land Use Bylaw shall apply to the height of any fences on the Lands.
 - 3.8.2 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 List of Permitted Uses

- 4.1.1 dwellings, single detached

4.2 List of Discretionary Uses

- 4.2.1 accessory buildings
- 4.2.2 private roads
- 4.2.3 utility distribution and collection systems necessary to service the development
- 4.2.4 home occupations
- 4.2.5 pedestrian pathways

4.3 Minimum and Maximum Requirements

- 4.3.1 maximum number of bareland condominium lots for individual residential use: 14
- 4.3.2 maximum titled area of bareland condominium lot: 0.83 acres (37,029 sq. feet)
- 4.3.3 minimum titled area of bareland condominium lot: 0.51 acres (21,782 sq. feet)
- 4.3.4 maximum number of dwelling units: 14
- 4.3.5 maximum number of dwelling units per bareland condominium unit: 1
- 4.3.6 minimum habitable floor area of dwelling units: 139 sq. metres (1500 sq. feet)
- 4.3.7 maximum height of dwelling units: 10 metres (32.81 feet)

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998**

DC-57

- 4.3.8 maximum total building area for all accessory buildings per residential condominium lot: 120 sq. metres (1292 sq. feet)
- 4.3.9 maximum number of accessory buildings: 2
- 4.3.10 minimum setback to any property line: 8 metres (26.25 feet)
 - a) notwithstanding section 4.3, Unit 13, Plan 0010219 within SE 25-23-5-W5M is permitted one setback to be a minimum of 7.5 metres (24.61 feet), in order to allow an existing dwelling to remain.
 - b) notwithstanding section 4.3.10, Unit 8, Plan 0010219 within SE 25-23-5-W5M is permitted one setback to be a minimum of 7.94 metres (26.05 feet), in order to allow an existing dwelling to remain.
 - c) notwithstanding section 4.3.10, Unit 5, Plan 0010219 within SE 25-23-5-W5M is permitted one setback to be a minimum of 4.00 metres (13.12 feet), in order to allow an existing dwelling to remain.

4.4 Development Authority Variances

- 4.4.1 The Development Authority may issue a Development Permit to grant relaxations for setbacks to any property line for existing buildings so long as the amount of the variance does not exceed 10% of the required distance.

5.0 DEVELOPMENT REGULATIONS

- 5.1 Except as provided in 3.7 herein, no development of the Lands shall be permitted, no Development Permits or Building Permits shall be issued by the Development Officer and endorsement of the final plan of subdivision of the Lands shall not occur until:
 - a) the requirements of a wastewater collection, treatment and disposal system necessary to service the Lands have been satisfied and the Developer has received the approval of the Municipality and Alberta Environmental Protection with respect to the provision of wastewater collection, treatment and disposal facilities to the Lands to service the proposed subdivision and the Developer has submitted to the Municipality and Alberta Environmental Protection complete plans and specifications thereto and said facilities have been substantially constructed and completed in accordance therewith.
 - b) all necessary licenses, permits and/or approvals have been received from Alberta Environmental Protection with respect to a water supply and distribution system to service the Lands and a license to divert and use water is obtained from Alberta Environmental Protection.
 - c) all necessary licenses, permits and/or approvals have been received from

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998

DC-57

Alberta Environmental Protection with respect to the design, capacity, location and operation of the sewage treatment facilities serving the Lands.

- d) all necessary easements and right-of-ways related to the supply and distribution of power, water, gas, stormwater management, wastewater collection, treatment and disposal have been approved by the Municipality and registered concurrently with the final plan of subdivision by the Developer against the Lands or portions thereof.
- e) 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 securing all on-site roads, water, stormwater management, and sewer facilities. The Condominium Association is also responsible for securing water, stormwater management, and wastewater treatment for the Development Area and maintain the emergency access. The Restrictive Covenant shall be in form and substance satisfactory to the Municipality, and said Restrictive Covenant shall be executed by the Developer and registered against title to the Lands prior to any registered financial encumbrances and registered concurrently with the plan of survey.
- f) Notwithstanding anything to the contrary, the construction of 3 dwelling units for showhome purposes only, may be permitted at the discretion of the Development Officer 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 survey is registered for the applicable residential units.

5.2 All foundations proposed to be constructed on the Lands shall be designed and inspected by a qualified Professional Engineer licensed to practice in the Province of Alberta and the plans and specifications shall bear the seal of the Professional Engineer.

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;

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998**

DC-57

- 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 and regulatory 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 water treatment and distribution facilities and wastewater collection, treatment and disposal facilities and relevant appurtenances 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.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-4871-1998**

DC-57

