

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-5095-99

DC-63

A bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97.

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 Part 5; Land Use Map No. 59 of Bylaw C-4841-97 to redesignate a portion of 7-25-5-W5M from Ranch and Farm District to Direct Control District, as shown on the attached Schedule "A" ("the lands");

WHEREAS a notice was published on Tuesday, September 7, 1999 and Tuesday, September 21, 1999 in the Rocky View Five Village Weekly, and Saturday, September 18, 1999 in the Calgary Herald, newspapers circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, September 21, 1999; and

WHEREAS 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 the following:

1. That the purpose and intent of the Direct Control District is to allow for the establishment of a recreational development which will consist of a golf course as defined in this bylaw.
2. That Part 5; Land Use Map No. 59 of Bylaw C-4841-97 be amended by redesignating a portion of 7-25-5-W5M from Ranch and Farm District to Direct Control District with special regulations, as shown on the attached Schedule "A".
3. That the special regulations of the Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations
 - 3.0.0 *Development* Regulations
 - 4.0.0 Definitions
 - 5.0.0 Implementation

1.0.0 GENERAL REGULATIONS

- 1.1.0 That this bylaw shall be generally known as DC-63 as shown in Part 5 of the Land Use Bylaw C-4841-97, on Land Use Map No. 59.

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- 1.2.0 The General Administration (Part Two) and General Regulations (Part Three) as contained in the Land Use Bylaw (C-4841-97) shall apply unless otherwise specified in this bylaw.
- 1.3.0 Except where specifically noted that Council approval is required, the Development Authority shall consider and decide on applications for Development Permits for those uses which are listed as "Permitted Uses" and "Discretionary Uses" in this bylaw.
- 1.4.0 The use of any portion of the lands for artificial or lakes shall only be permitted if their design and construction is in accordance with plans and specifications prepared by a qualified professional engineer licensed to practice in the Province of Alberta, to the satisfaction of the Municipality and Alberta Environment.
- 1.5.0 In addition to the uses contemplated by section 2.0.0 of this bylaw, the following shall be discretionary uses in all Development Cells subject to the approval by the Development Authority of a Development Permit.
- 1.5.1 pathways and driveways; and,
 - 1.5.2 underground utility distribution and collection systems necessary to service the development.
- 1.6.0 No Development Permit for any use or *Building* Permit shall be issued for the lands until a study has been completed by a qualified professional engineer, licensed to practice in the Province of Alberta, that delineates the 1:100 year floodway and flood fringe of Livingstone Creek, and said study has been submitted to and is satisfactory in both form and substance to both the Municipality and Alberta Environment.
- 1.7.0 No *development* shall take place in the floodway of Livingstone Creek, except for the following where and if permitted by the study proposed in 1.6.0 above;
- 1.7.1 roads and bridges;
 - 1.7.2 flood or erosion protection measures or devices;
 - 1.7.3 pathways that are constructed level with the existing natural grades; and
 - 1.7.4 recreation facilities, provided there are no buildings, structures, or other obstructions to flow in the floodway (except water control apparatus or structures).
- 1.8.0 Notwithstanding 1.7.0 above, nothing may be developed in the floodway or flood fringe of Livingstone Creek without the approval of Alberta Environment.

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- 1.9.0 Any *development* proposed for lands identified in the study proposed in 1.6.0 above shall conform to the requirements as set forth in said study to the satisfaction of the Municipality and Alberta Environment.
- 1.10.0 For the purpose of this bylaw the following sections of Land Use Bylaw C-4841-97 shall apply to all Development Cells in addition to any requirements relating to them found elsewhere in this bylaw:
- 1.10.1 Section 42 relating to fences;
 - 1.10.2 Section 35 relating to signs;
 - 1.10.3 Section 30 relating parking and loading;
 - 1.10.4 Section 26 relating to landscaping and screening; and,
 - 1.10.5 Section 25 relating to design, character and appearance of buildings.

2.0.0 LAND USE REGULATIONS

2.1.0 Permitted Uses (pursuant to section 1.7.0)

- 2.1.1 Fences
- 2.1.2 Pathways and open space

2.2.0 Discretionary Uses (pursuant to section 1.7.0)

- 2.2.1 One 18-hole golf course
- 2.2.2 Golf driving range
- 2.2.3 Golf practice area
- 2.2.4 One golf concession *building*
- 2.2.5 One maintenance *building*
- 2.2.6 Parking area
- 2.2.7 One fuel, chemical and fertilizer storage area
- 2.2.8 One accessory *building*
- 2.2.9 Treated effluent storage facility
- 2.2.10 Water treatment facility
- 2.2.11 Artificial lakes and ponds
- 2.2.12 Sewage Treatment Facility

2.3.0 Maximum Requirements

- 2.3.1 Area of golf concession *building* - 200 square metres (2,151.7 square feet)
- 2.3.2 Area of accessory *building* - 90 square metres (969.0 square feet)
- 2.3.3 Area of maintenance *building* - 200 square metres (2,151.7 square feet)
- 2.3.4 *Building* height:

- (a) 12 metres (39.4 feet) for golf concession *building* and maintenance *building*; and
- (b) 6 metres (19.69 feet) for the accessory *building*.

2.4.0 Minimum Requirements

- 2.4.0 Front yard, rear and side yard setback all *buildings* - as per section 52.5.3, 52.5.4 and 52.5.5 of the Land Use Bylaw, bylaw C-4841-97

2.5.0 Special Requirements

- 2.5.1 No *development* is permitted within 15 metres of Livingstone Creek.
- 2.5.2 Artificial lakes and ponds are to be used for irrigation purposes only, and are not to be used for recreational uses.

3.0.0 DEVELOPMENT REGULATIONS

- 3.1.0 No Development Permit for any use or *development* or permit for any *building* shall be issued by the Development Authority and no *development* shall occur on the lands until:
 - 3.1.1 The *applicant* has prepared a stormwater management plan, dealing with both on-site and off-site stormwater, completed by a qualified professional engineer licensed to practice in the Province of Alberta, that is satisfactory to the Municipality, Alberta Environment and Alberta Infrastructure, and which shows that the *development* will not adversely affect the adjacent primary highways and adjacent land. Further, the stormwater management plan will ensure that post-development stormwater flows do not exceed pre-development stormwater flows;
 - 3.1.2 The *application* has completed a Traffic Impact Analysis for the entire development, and it has been approved by both the M.D. of Rocky View and Alberta Infrastructure, and further, that all road improvements (including a Type IIa intersection at a location approved by Alberta Infrastructure) in the Traffic Impact Analysis be completed by the *applicant* at his/her sole expense;
 - 3.1.3 The *applicant* has submitted aquifer testing, completed by a qualified professional engineer licensed to practice in the Province of Alberta, in accordance with Municipal Standards proving that there is sufficient groundwater to supply all of the proposed uses contemplated in section 2.0.0 of this bylaw, and has received all necessary permits and/or approvals from Alberta Environment in accordance with the Water Act for the supply of water necessary to service the development;
 - 3.1.4 The *applicant* has submitted a historical resources impact assessment prepared by a qualified archaeological consultant that is satisfactory in

both form and substance to the Municipality and Alberta Community Development, and further, that all recommendations contained in the report are completed by the applicant at his/her sole expense;

- 3.1.5 The *applicant* has submitted a hydrogeological study prepared by a qualified professional engineer, licensed to practice in the Province of Alberta, that establishes the existing groundwater chemistry, the rate and direction of groundwater flow, a long term plan for groundwater monitoring, and contains a chemical management plan for fertilizers, herbicides, pesticides, and irrigation and the facilities that will be provided by the developer to implement the monitoring program and chemical management plan, has been submitted and is satisfactory in both form and substance to each of the Municipality and Alberta Environment;
- 3.1.6 The *applicant* has submitted an *Construction Management Plan* completed by a qualified professional engineer licensed to practice in the Province of Alberta, which details, amongst other items, erosion, dust and noise control measures; and,
- 3.1.7 The applicant has submitted an Environmental Impact Assessment report for the entire *development*, completed by a qualified professional, to the satisfaction of the Municipality and Alberta Environment.

3.2.0 Servicing Standards

3.3.0 No *development* of the lands for any use contemplated in section 2.0.0 of this bylaw shall be permitted and no Development Permits or *Building Permits* for any use of *building* shall be issued until:

3.3.1 The *applicant* has received all necessary permits and/or approvals from Alberta Environment for a wastewater treatment and disposal system necessary to service the proposed development, which will include, but not be limited to the central sewage disposal facility proposed to treat raw sewage, as well as the disposal of the treated effluent and the sludge from the central treatment facility; and,

3.3.2 all necessary easements and rights-of-way related to the supply and distribution of power, water and gas have been approved by the Municipality.

3.4.0 Performance Standards

3.5.0 No *development* of the lands for the artificial lakes contemplated in section 2.0.0 of this bylaw and no Development Permits for the artificial lakes shall be issued until the developer has received the necessary permits and/or approval from Alberta Environment and the Municipality.

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- 3.6.0 No stripping, excavation, or construction on any of the lands shall occur until appropriate Letter(s) of Credit acceptable in form and substance to the Municipality have been deposited with the Municipality.
- 3.7.0 All Letters of Credit referred to in this bylaw shall be calculated in accordance with current municipal policy, and the estimate upon which the amount is to be based shall be certified by a qualified professional engineer.
- 3.8.0 All on-site lighting shall be located, oriented, and shielded to prevent any adverse effect on adjacent land.
- 3.9.0 Garbage and waste material at any location on the site shall be stored in weatherproof and animal-proof containers located within buildings or adjacent to the side or rear of buildings and shall be screened from view by all adjacent properties and roadways.
- 3.10.0 The *applicant* is to ensure the maintenance of an adequate provision of water for fire fighting to the satisfaction of the Rocky View Fire Chief.
- 3.11.0 Signage shall be considered concurrently with a Development Permit application for *development* of the primary use of each Development Cell, and shall be integrated into the site and *building* architecture and be consistent with the overall development of the lands. All signage shall meet the requirements of the Public Highways Development Act and the Province of Alberta's Highway Signing Manual, and is subject to approval by Alberta Infrastructure.

4.0.0 DEFINITIONS

- 4.1.0 *Adjacent land* - means a title of land that is contiguous to the lands and includes land that would be contiguous if not for a public roadway, river or stream, or Municipal reserve.
- 4.2.0 *Applicant* - means the person(s) or company(ies) that own or have a right to own all of the lands.
- 4.3.0 *Building* - includes anything constructed or placed on, in, over, or under land but does not include a highway, public or private roadway, or underground facilities.
- 4.4.0 *Construction Management Plan* - means a program that details site management of all construction activity that may include, but is not limited to, the management of construction debris and dust, site erosion, sedimentation control, noise control, and traffic control.
- 4.5.0 *Development* - means:

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- a) any excavation or stockpile and the creation of either of them, a building or an addition to, or replacement, or repair of a building and construction of placing in, on, over or under land or any of them;
- b) a change of use of land or a building or an act done in relations to land or a building that results in or is likely to result in change in the use of the land or building; or,
- c) 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 change in the intensity of use of the land or building.

4.6.0 *Development Agreement* - is an agreement between the *applicant* and the Municipality specifying *development* regulations, criteria, or conditions necessary to ensure all *development* on the land conform to Municipal and Provincial approvals.

4.7.0 *Letter of Credit* - means an unconditional, irrevocable, letter of credit issued by a Canadian chartered bank at the request of the developer naming the Municipality as the sole beneficiary thereof.

4.8.0 *Utilities* - means water treatment and distribution and wastewater collection, treatment and disposal facilities, gas, electricity, cable and telephone transmission lines and related facilities and relevant appurtenances necessary to service the *development* or portions in the area covered by this bylaw.

4.9.0 All words and uses not defined in this section shall be defined as per Section 8 of Bylaw C4841-97.

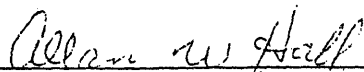
5.0.0 IMPLEMENTATION

5.1.0 The Bylaw comes into effect upon its third reading.

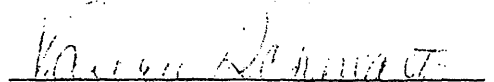
First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on July 27, 1999, on a motion by Councillor Cameron.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on September 21, 1999, on a motion by Councillor Gough.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on September 21, 1999, on a motion by Councillor Schule.



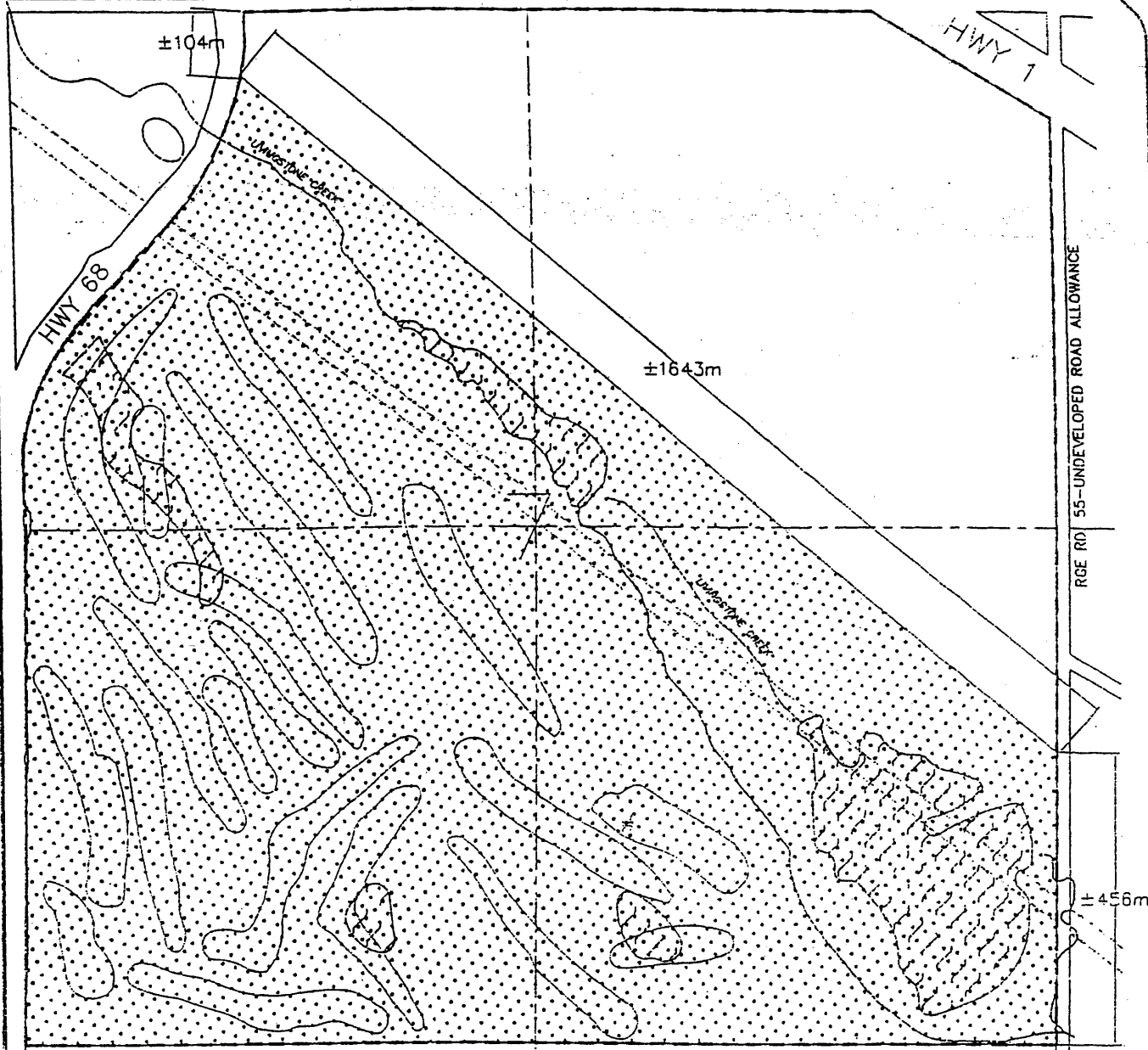
REEVE OR DEPUTY REEVE



MUNICIPAL SECRETARY

BYLAW: C-5095-99

TWP. RD. 252 - UNDEVELOPED ROAD ALLOWANCE



AMENDMENT

FROM Ranch and Farm District TO Direct Control District



SUBJECT LAND - - - - -

LEGAL DESCRIPTION: SEC. 7-25-5-W5M

FILE: 5907001/2/3/4



act