

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001**

DC-76

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 Bylaws:

Bylaw	Amendment Type	Date of Approval
C-5479-2001	Original DC Bylaw	January 22, 2002
C-6663-2008	Delete and replace 2.5.7 – Principal & Accessory Buildings	July 22, 2008
C-7200-2012	Delete a portion of and add provisions to 2.4.0 – Minimum Requirements	November 6, 2012
C-7200-2012	Delete a portion of and add provisions to 2.5.0 – Maximum Requirements	November 6, 2012
C-7596-2016	Site specific amendment to 2.5.7 iii	July 12, 2016
C-7722-2017	Add provisions to 2.5.0 -- Maximum Requirements	November 14, 2017
C-8005-2020	Site specific amendment to Section 2.3.0 For Cannabis Facility, Cultivation, and Retail store	June 9, 2020

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001

DC-76

That the special regulations of the Direct Control District (DC) comprise:

- 1.0.0 General Regulations
- 2.0.0 Land Use Regulations
- 3.0.0 Development Regulations
- 4.0.0 Definitions

1.0.0 GENERAL REGULATIONS

- 1.1.0 The General Land Use Regulations as contained in Part Three of the Land Use By-law, apply unless otherwise specified in this Bylaw.
- 1.2.0 For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule 'A' attached hereto and forming part hereof, except as otherwise approved by Council.
- 1.3.0 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 "Permitted Uses" and "Discretionary Uses" in this By-law, provided such applications are completed in form and substance satisfactory to the Municipality.
- 1.4.0 No subdivision and/or development of the Lands shall be permitted without and until the Developer has executed a Development Agreement(s) (the "Development Agreement") in form and substance satisfactory to Council at its sole discretion, which shall describe all details of development, any development regulation, criteria, or condition, including the posting of financial securities, where necessary to ensure all subdivision and development of the Lands conforms to the development proposals upon which this Bylaw is based. The Development Agreement(s) herein shall be registered by caveat against the Lands and shall run with the lands.
- 1.5.0 Pursuant to 1.4.0 herein, Council may require the Developer to deposit with the Municipality a Letter(s) of Credit in an amount(s) sufficient to allow for the completion of the development requirement, criteria or condition specified in the Development Agreement(s).
- 1.6.0 All Letters of Credit referred to in this By-law 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(s) or as determined by Council in its sole and unfettered discretion.
- 1.7.0 No portion of the Lands shall be developed that is considered by Council, in its sole and unfettered discretion, to be unsuitable for development.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001**

DC-76

2.0.0 LAND USE REGULATIONS

2.1.0 Purpose and Intent

The purpose and intent of this District is to provide for a range of general business uses in accordance with specified regulations.

2.2.0 List of Permitted Uses

- 2.2.1 Accessory Buildings up to 200 m² (1076 ft²) in size
- 2.2.2 Extensive Agricultural Uses

2.3.0 List of Discretionary Uses

- 2.3.1 General Industry II
- 2.3.2 General Industry III
- 2.3.3 Indoor and Outdoor Commercial Recreational Facilities
- 2.3.4 Indoor and Outdoor Transshipment, Containerization and/or Storage of Materials, Goods or Products
- 2.3.5 Parks and Open Space
- 2.3.6 Public Buildings, Uses, Utilities and Services
- 2.3.7 Restaurants
- 2.3.8 Retail
- 2.3.9 Service Stations and bulk fuel suppliers
- 2.3.10 Signs
- 2.3.11 Sales, Service and Rentals Ancillary to foregoing Uses
- 2.3.12 Within Units 3, 5, 7, 8, 9, 10, 11, 12, 13, Plan 1910445, SW-31-23-28-W4M only:
 - a) Cannabis Facility
 - b) Cannabis Cultivation
 - c) Cannabis Retail Store

2.4.0 Minimum Requirements

- 2.4.1 Minimum area of lot within a business park: 1. 21 hectares (3 acres)
- 2.4.2 Front Yard (measured from the nearest limits of the road right-of-way):
 - a) 6 meters (19.68 feet) from an internal road
 - b) 30.5 meters (100 feet) from 84th Street, 61st Ave S.E. and Garden Road
- 2.4.3 Side and Rear Yards:
 - a) 6 meters (19.68 feet) from an adjacent property or in the case of a side yard abutting a railway line, no side yard is required
 - b) 30.5 meters (100 feet) from any municipal road
 - i. notwithstanding Section 2.4.3, Lot 7, Block 3, Plan 0610509 within SW-31-23-28-W4M is permitted one side yard setback of 30 metres (98.43 feet)

2.5.0 Maximum Requirements

- 2.5.1 Height of Buildings:

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001

DC-76

- 2.5.2 Principal building on a site with a setback of 30 meters: 6.71 metres (22.0 feet) or up to 9.14 metres (30 feet) with appropriate landscaping as determined by the Development Officer, to mitigate the visual impact.
- 2.5.3 Principal building on site with setback is 6 meters: 18 metres (59.0 feet).
- 2.5.4 Accessory Buildings: 6 meters (19.69 feet)
- 2.5.5 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.
- 2.5.6 Building Coverage:
- 2.5.7 Principal and Accessory Buildings: 30% of the lot.
 - i. notwithstanding Section 2.5.7, Lot 1, Block 7, Plan 0610498 within SE-31-23-28-W4M will be allowed a maximum building site coverage of 34.0 percent.
 - ii. notwithstanding Section 2.5.7, Lot 7, Block 3, Plan 0610509 within SE-31-23-28-W4M will be allowed a maximum building site coverage of 31.1 percent.
 - iii. notwithstanding Section 2.5.7, Lot 6, Block 2, Plan 0614755 within SE-31-23-28-W4M will be allowed a maximum building site coverage of 34 percent.
 - iv. notwithstanding Section 2.5.7, Lot 1, Block 2, Plan 041 2838 within SE-31-23-28-W4M will be allowed a maximum building site coverage of 33.0 percent.

3.0.0 DEVELOPMENT REGULATIONS

- 3.1.0 No development of the Lands shall be permitted, no Development Permits or Building Permits shall be issued by the Development Officer and endorsement of a final Plan(s) of Subdivision for the Lands (or portions thereof) shall not occur until:

Subdivision Endorsement Requirements

- a) a long-term groundwater monitoring plan complete with the facilities that will be provided by the Developer to implement the groundwater monitoring to establish and maintain the water quantity and quality, has been submitted and is satisfactory in both form and substance to both the Municipality and in accordance with Alberta Environment guidelines on an annual basis;
- b) the Developer has prepared and submitted a Storm Water Management Plan at each phase by a qualified professional licensed to practice in the Province of Alberta in form and substance satisfactory to the Municipality and in accordance with Alberta Environment (AE) guidelines using best management practices; storm water shall be retained on site and discharged from the lands at a rate established by AE for the Shepard Slough complex as may be approved by the Municipality and/or AE. The Developer shall design, construct and maintain the infrastructure required by the Stormwater Management Plan to the satisfaction of AE and the Municipality, including all of the retention/detention pond(s) as a component of any first phase of construction. A caveat relative to the Stormwater Management Plan against each title to all lands, to be registered concurrently with the Plan of Survey in a form satisfactory to the Municipality.

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001

DC-76

- c) an Emergency Management and Response Plan has been prepared detailing emergency response plans, including emergency accesses and measures to prevent the threat of and suppression of fire, which plan is satisfactory to the Municipality.
- d) all necessary easements, Restrictive Covenants and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the Municipality, and registered concurrently with the final plan of subdivision by the Developer against the title to the Lands or portions thereof. Said Easements and/or Restrictive Covenants shall, be registered on all titles created, and require the owners of said lots to hook up at their sole cost, the Developer has prepared and submitted to the Municipality a Construction Management Plan in form and substance satisfactory to the Municipality;
- e) the Developer has prepared, at his sole expense, architectural control guidelines, elevation drawings utilizing environmentally sustainable principles for the development including but not limited to such things as the design, character and appearance of buildings and detailed landscaping requirements. The Developer shall register by way of Restrictive Covenant the architectural control, environmentally sustainable principles and guidelines on every new lot concurrent with the registration of the Plan of Survey.
- f) the Developer shall register a caveat relative to a Deferred Services Agreement against title to all the lands concurrent with registration of the Plan of Survey and prior to any registered financial encumbrances. The Developer will register easements, restrictive covenants or a combination of the two and they shall be in a form and substance satisfactory to the Municipality in addressing the issues of water, sewage and stormwater (Deferred Services Agreement). The Deferred Services Agreement shall be to the satisfaction of the Municipality and shall outline the obligation of the Lot Owners to connect to future piped sanitary sewer and water services, at their cost, as those services become available.
- g) a Lot Owners' Association has been legally established by the Developer and a Restrictive Covenant confirming that each owner shall, in perpetuity, be a member of the Lot Owners Association, and that said Lot Owners' Association is responsible for operating and maintaining stormwater management features in accordance with the Stormwater Management Plan and AE requirements, and implementing and maintaining architectural control guidelines, and coordinating future utility installations with the utility operator in accordance with the Deferred Services Agreement and maintenance of parks and open spaces, and water and fire protection.
- h) the Developer has prepared and submitted a Traffic Impact Assessment at each phase of subdivision, by a qualified professional licensed to practice in the Province of Alberta. The results and records thereof shall form the basis for the traffic/roadway improvements and/or devices required to install by the developer at his cost or shared with others to the satisfaction of the Municipality.

Development Permit Requirements

3.2.0 Applications for development permits for uses pursuant to Section 2.0.0 of this By-law shall (in addition to the requirements of Section 1.2.0 of the Land Use By-law) provide the following information:

- a) a detailed site plan;
- b) building exterior elevations;

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001**

DC-76

- c) the number of potential employees;
- d) the estimated water demand and anticipated source (aquifer testing verifying the availability of sufficient groundwater may be required at the discretion of the Development Officer);
- e) the type and quantity of sewage effluent anticipated and the proposed method of sewage treatment and disposal (percolation testing, and technical verification of applicability of the treatment and disposal system by an independent professional engineer may be required at the discretion of the Development Officer);
- f) the nature of site disturbance and/or the proposed reclamation plan;
- g) anticipated off-site infrastructure improvements;
- h) Landscaping Plan(s) pursuant to the provisions of this By-law;
- i) the location, number, type and size of signs proposed;
- j) fire protection measures on site;
- k) any other information required by this By-law and/or deemed necessary by the Development Officer respecting the site or adjacent lands.
- l) a Chemical Management Plan has been prepared and submitted by the Developer detailing measures for the handling, storage and disposal of any toxic and/or hazardous materials or waste products within the Lands, which is satisfactory to the Municipality and in accordance with Alberta Environment guidelines.
- m) Best Management Practices in accordance with the Stormwater Management Plan.

3.3.0 Access, Off-Street Parking and Loading

- 3.3.1 Parcels shall not gain vehicular access or egress from 84 Street S.E., unless approved by The City of Calgary.
- 3.3.2 Parking space requirements, off-street parking spaces and aisle shall be in accordance with applicable requirements of the Land Use By-law

3.4.0 Architectural Regulations

- 3.4.1 All buildings shall be constructed and finished in materials designed to maintain appearance of development on the lands in accordance with Section 3.1.0(e). The Development Officer at his sole discretion in accordance with Section 25 of the Land Use By-law, may require a building's exterior appearance be improved where the appearance is inconsistent with the finishing materials and/or appearance of surrounding development.

3.5.0 Landscaping and Screening Requirements

- 3.5.1 Where required as a condition of a Development Permit, the landscaping and screening of individual parcels shall be in accordance with a Landscaping Plan as prepared by a qualified professional and submitted with an application for Development Permit.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001**

DC-76

- 3.5.2 The Landscape Plan contemplated herein shall identify the location and extent of landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.
 - 3.5.3 All parcels shall be landscaped to a minimum of 5% of the subject property where setbacks are 6m, or 10% of the subject property where setbacks are 30m.
 - 3.5.4 All outdoor work areas, storage areas and waste handling areas shall be screened utilizing solid fencing, berming, landscaping or a combination thereof.
 - 3.5.5 Outside display areas may be permitted provided a Development Permit has been granted by the Municipality for such use, and the terms and conditions of display are detailed therein.
 - 3.5.6 All foregoing requirements should be to the satisfaction of the Development Officer in his sole and unfettered discretion.
- 3.6.0 Lighting of Sites and Development
- 3.6.1 All outdoor lighting for any individual parcels shall be located, oriented and shielded to prevent light being directed at adjoining properties, or interfering with the use and enjoyment of neighbouring lands, or interfering with the effectiveness of any traffic control devices.
- 3.7.0 Performance Standards
- 3.7.1 Air Contaminants, Visible and Particulate Emissions
 - 3.7.1.1 No use or operation pursuant to Section 2.0.0 herein, shall cause or create air contaminants, remove visible emissions or particulate emissions beyond the site that produces them.
 - 3.7.1.2 Airborne particulate matter originating from storage areas, yards or roads, shall be minimized by landscaping, paving, or such other means considered appropriate by the Development Officer in accordance with Alberta Environment guidelines.
 - 3.7.2 Odorous Matter
 - 3.7.2.1 No use or operation pursuant to Section 2.0.0 herein, should cause or create the emission of odorous matter or vapor beyond the site which produces them in accordance with Alberta Environment guidelines.
 - 3.7.3 Toxic Matter
 - 3.7.3.1 No use or operation pursuant to Section 2.0.0 herein, shall cause or create the emission of toxic matter beyond the site that produces it. The handling, storage, clean up and disposal of any toxic and/or hazardous materials or wastes shall be in accordance with Alberta Environment guidelines as well as the Chemical Management Plan and/or Emergency Management and Response Plan required by this By-law.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-5479-2001**

DC-76

3.7.4 Fire and Explosion Hazards

3.7.4.1 All uses or operations pursuant to Section 2.0.0 which stores, manufactures or utilizes materials or products which may be hazardous due to their flammable or explosive characteristics shall comply with provincial fire codes, the requirements of the Municipality and/or in accordance with the Emergency Management and Response Plan required by this By-law.

4.0.0 DEFINITIONS

4.1.0 **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 throughout all phases of construction.

4.2.0 **Council** – means the Council of the Municipal District of Rocky View No. 44.

4.3.0 **Developer** – means the person or corporation who is responsible for any undertaking that requires a permit or action pursuant to this By-law.

4.4.0 **Developable Lands** – means that portion of the Lands which is considered to be suitable for Development by the Municipality and the development of which is not precluded by this By-law.

4.5.0 **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 and the construction of placing in, on, over or under land of any of them;
- (iii) a change in 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 of use of the land or the Building; or
- (iv) a change in the intensity of the 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 the change of intensity of use of the land or the Building.

4.6.0 **Development Agreement** – means an agreement between the Applicant and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments on the land conform to municipal approvals.

4.7.0 **The Lands** – means lands as identified in Schedule 'A' attached hereto.

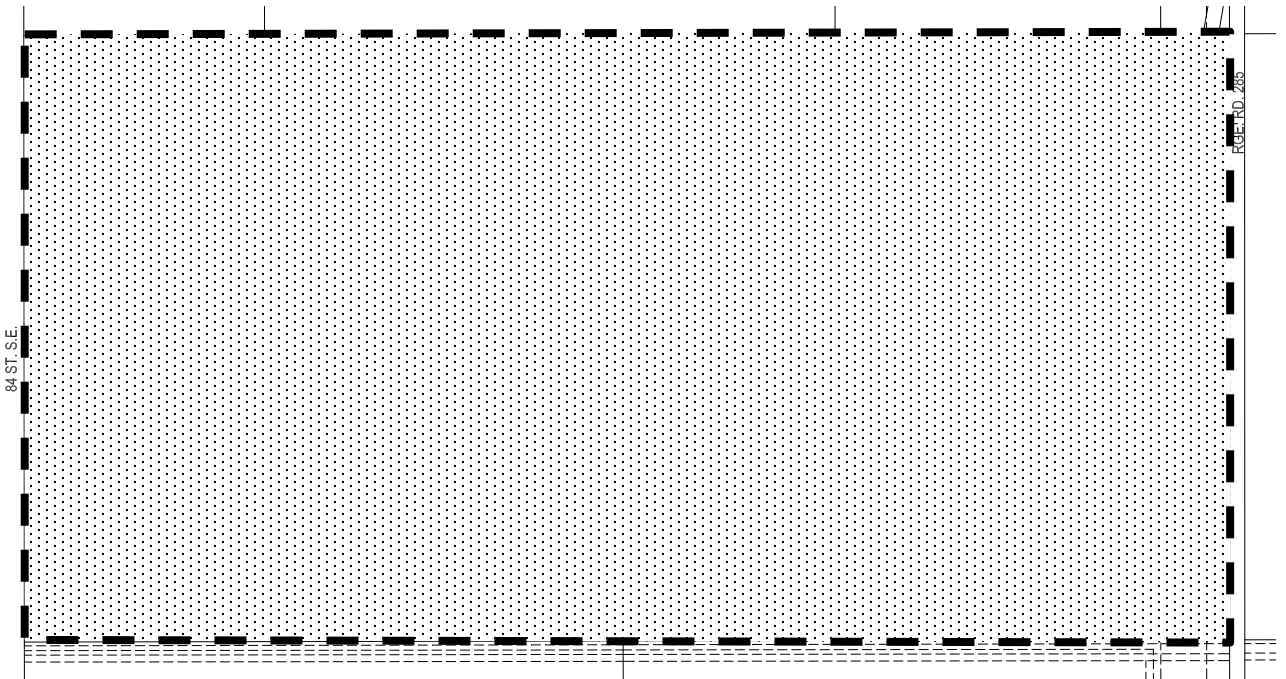
4.8.0 **Letter of Credit** – means an unconditional Letter of Credit issued by a Canadian Chartered Bank at the request of the Developer naming the Municipality as the sole beneficiary thereof.

4.9.0 **Professional Engineer** – is a professional engineer who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA).

4.10.0 Terms not defined herein have the same meaning as defined in Section 8 of the Land Use By-law C-4841-97.

SCHEDULE "A"

BYLAW: C-5479-2001

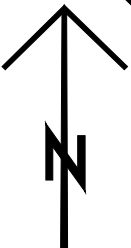


AMENDMENT

FROM Ranch and Farm District TO Direct Control District



Subject Land -----



LEGAL DESCRIPTION: S ½ 31-23-28-W4M

FILE: 03331001/03331002

