

**ROCKY VIEW COUNTY  
DIRECT CONTROL BYLAW C-5610-2002**

**DC-81**

**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.

<b>Bylaw</b>	<b>Amendment Type</b>	<b>Date of Approval</b>
C-5610-2002	Original Bylaw	September 17, 2002
C-6866-2009	Add a provision to Section 2.4.0 "Building Setbacks" (minimum side yard)	April 13, 2010

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**DIRECT CONTROL BYLAW REGULATIONS**

That the Guidelines of the Direct Control District comprise;

- 1.0 General Regulations
- 2.0 Land Use Regulations – Residential Development Cells
- 3.0 Land Use Regulations – Open Space
- 4.0 Development Regulations
- 5.0 Definitions

**1.0.0 GENERAL REGULATIONS**

- 1.1.0 The General Regulations as contained in Part 3 of the Land Use Bylaw C-4841-97 do not apply except where specifically noted in this bylaw.
- 1.2.0 Except where it is 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 by this Bylaw provided the provisions of Section 1.0.0 and 4.0.0 of this bylaw are completed in form and substance satisfactory to the Municipality.
- 1.3.0 For the purposes of this Bylaw the Lands shall be notionally divided into Development Cells, known as Cell 1 – Single Detached Residential, Cell 2 – Semi-Detached Residential Development, and Cell 3 – Open Space, the boundaries and description of which shall be more or less indicated in Schedule “B” attached to and forming part of this Bylaw, except as otherwise approved by Council.
- 1.4.0 The maximum number of dwelling units permitted in all Development Cells is 90 units.
- 1.5.0 All Residential Development Cells shall consist exclusively of Developable land as determined by the Municipality.
- 1.6.0 No development shall take place within the area shown as Floodway of the Elbow River or Lott Creek in Bylaw C-4841-97, Bylaw C-4762-97 (Elbow Valley Area Structure Plan), as amended by Bylaw C-4769-97 and Bylaw C-5087-99, except for:
  - (a) roads and bridges;
  - (b) flood or erosion protection measures or devices;
  - (c) pathways that are constructed level with the existing natural grades; and
  - (d) recreation facilities provided there are no buildings, structures, or other obstructions to flow in the floodway (exception water control apparatus or structures);
  - (e) storm sewer and outfall to Lott Creek.
- 1.7.0 That all buildings or additions constructed within the lands shown as:

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- (a) Flood Fringe in Bylaw C-4841-97, Bylaw C-4762-97 (Elbow Valley Area Structure Plan), as amended by Bylaw C-4769-97 and Bylaw C-5087-99, shall be placed on compacted fill that is 0.6 metres above the 1:100 flood elevation as shown in the AGRA Elbow River Flood – Municipal District of Rocky View Flood Risk Mapping Study of February 9, 1996, Drawing 1444-106 Map as revised June 1998. Where houses are constructed with walk-out basements, the lowest top of the footing shall be placed on compacted fill that is 0.3 metres above the 1:100 year flood elevation as shown in the AGRA Elbow River Flood – Municipal District of Rocky View Flood Risk Mapping Study of February 9, 1996, Drawing 1444-106 Map as revised June 1998.
  - (b) That all development within the Floodway as shown in Bylaw C-4762-97 (Elbow Valley Area Structure Plan) and Bylaw C-5087-99, amending Bylaw C-4769-97, shall be such that during construction and upon completion there shall not be a negative impact on lands in terms of 1:100 flood levels or water flow velocity upstream and downstream of the site.
- 1.8.0 The use of any portion of the Land for private man-made ponds or lakes shall only be permitted if their design and construction is in accordance with plans and specifications prepared by a qualified professional to the satisfaction of the Municipality and Alberta Environment.
- 1.9.0 In addition to the uses contemplated by Section 2.0.0 and 3.0.0 of this Bylaw, the following shall be uses in all Development Cells.
- 1.9.1 Roads necessary for access; and
  - 1.9.2 Utility distribution and collection systems necessary to service the Development.
- 1.10.0 For the purposes of this Bylaw the following shall apply to Residential Development Cells:
- 1.10.1 Land Use Bylaw C-4841-97 shall apply to the siting of accessory buildings on the Lands provided that no accessory building shall exceed 5 metres (16.40 feet) in height nor 69.7 metres (750 square feet) in area.
- 1.11.0 No subdivision linen shall be endorsed and no Development Permit, except for stripping and grading, shall be issued for the lands until the Municipality and the Developer have executed a Development Agreement(s) (the “Development Agreement”) where required, in form and substance satisfactory to the Municipality.
- 1.12.0 Council 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 to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Municipality.
- 1.13.0 There shall be not more than 1 dwelling unit per condominium lot.
- 1.14.0 All uses listed for each cell shall have the same meaning as in the Land Use Bylaw, unless otherwise noted.

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**2.0.0 LAND USE REGULATIONS - RESIDENTIAL DEVELOPMENT CELLS**

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

**2.1.0 CELL 1 – SINGLE DETACHED RESIDENTIAL**

**2.2.0 Uses**

- 2.2.1 dwellings, single detached
- 2.2.2 accessory buildings
- 2.2.3 fences
- 2.2.4 home-based business, type 1
- 2.2.5 trails and open space
- 2.2.6 entry features and signage

**2.3.0 Minimum and Maximum Requirements**

- 2.3.1 maximum number of dwelling units (Cell 1): 36 units
- 2.3.2 maximum area (Cell 1): 3.86 ha (9.54 ac)
- 2.3.3 minimum titled area of units: 0.079 ha (0.19 acres)
- 2.3.4. minimum lot width: 18.29 m (60.04 ft.)
- 2.3.5 minimum habitable floor area (principal building): 140 m<sup>2</sup> (1507.00 sq. ft.)
- 2.3.6 maximum building height (principal building) 11.0 m (36.09 ft.)
- 2.3.7 minimum parking spaces: 2 per dwelling unit

**2.4.0 Building Setbacks – (principal building)**

- 2.4.1 minimum side yard – 1.22 m ( 4.0ft.)
  - a.) notwithstanding section 2.4.1, Unit 75, Plan 0313344 within SW-5-24-2-W5M is permitted one side yard setback to be a minimum of 0.98m, in order to allow a 2.44m long cantilever extension to remain.
- 2.4.2 minimum front yard – 3 m (9.84 ft.)
- 2.4.3 minimum rear yard – 7.5 m (24.61 ft.)

**2.5.0 CELL 2 – SEMI-DETACHED RESIDENTIAL**

**2.6.0 Uses**

- 2.6.1 dwelling, semi-detached
- 2.6.2 accessory buildings
- 2.6.3 fences
- 2.6.4 home-based business, type 1
- 2.6.5 trails and open space

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- 2.6.6 entry features and signage
- 2.8.0 Minimum and Maximum Requirements
  - 2.8.1 maximum number of dwelling units: 54
  - 2.8.2 maximum area: 3.59 ha (8.86 acres)
  - 2.8.3 minimum lot width for semi-detached dwellings: 11.90 (39.04 ft)
  - 2.8.4 maximum number of dwelling units in a multi-unit building: 2
  - 2.8.5 minimum habitable floor area (dwelling in a semi-detached building): 112 m<sup>2</sup> (1205.60 sq. ft.)
  - 2.8.6 maximum building height (principal building): 11.0 m (36.09ft.)
  - 2.8.7 minimum parking spaces: 2 per dwelling unit
- 2.9.0 Minimum Building Setbacks – (principal buildings)
  - 2.9.1 minimum side yard – 1.22 m ( 4.0 ft.) (side yard of common wall not applicable)
  - 2.9.2 minimum front yard – 3 m (9.84 ft.)
  - 2.9.3 minimum rear yard – 6 m (19.68 ft)

**3.0.0 LAND USE REGULATIONS - OPEN SPACE**

The purpose and intent of the Open Space Cell is to provide for the use of a certain portion of the Lands for recreational development and stormwater management subject to the approval of Council.

**3.1.0 CELL 3 - OPEN SPACE**

**3.2.0 Uses**

- 3.2.1 trails and open space
- 3.2.2 stormwater management facility
- 3.2.3 furnishings and playground equipment
- 3.2.4 accessory buildings
- 3.2.5 signs – identification
- 3.2.6 nature interpretive area and associated facilities

**4.0.0 DEVELOPMENT REGULATIONS**

- 4.1.0 No subdivision for residential lots shall be endorsed, and no Development or Building Permits shall be issued for any purpose, until:

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- a) the Developer has prepared a Construction Management Plan, including interim stormwater management measures, in form and substance satisfactory to the municipality.
  - b) the Developer has prepared and submitted a Stormwater Management Plan prepared by a qualified Professional Engineer licensed to practice in the Province of Alberta in a form and substance satisfactory to the Municipality and/or Alberta Environment.
  - c) the City of Calgary and Alberta Environment have granted approval, for the expansion of the City of Calgary sanitary sewer in a form and substance satisfactory to the Municipality, and the developer has submitted all necessary agreements for servicing to the Municipality, with complete plans and specifications respecting the connections thereto, to the satisfaction of the Municipality.
  - d) confirmation of a piped and treated water supply, licensed by the Province of Alberta, has been confirmed, in a form and substance satisfactory to the Municipality.
  - e) all necessary easements and rights-of-way related to the supply and distribution of power, water, gas and wastewater disposal have been approved by the Municipality.
  - f) all Development Cells have been surveyed as required, and the boundary of the Development has been fenced with temporary snow fencing or other materials approved by, and to the satisfaction of, the Municipality.
  - g) Notwithstanding any other clause in this Bylaw, the Municipality may issue a Development Permit for stripping and grading of the site provided the developer has complied with Section 4.1.0(a) of this Bylaw
- 4.2.0 Wastewater collection, treatment, and disposal systems required to accommodate subdivision and/or development within the Lands shall be provided solely by connection to the City of Calgary sanitary sewer infrastructure.
- 4.3.0 Some or all of the Development Cells may be combined in a single Development Permit and/or Development Agreement, and the Development Permit and/or Agreement shall provide that:
- a) no stripping, excavation or construction of any of the lands shall occur until appropriate Letter(s) of Credit acceptable in form and substance has been deposited with the Municipality.
  - b) no occupancy of any dwelling unit shall occur until the construction of all roads and utilities required to serve the Residential Development Cells or portions of them, have been completed to specifications satisfactory to the Municipality.
- 4.5.0 Unless otherwise approved by the Municipality, private roads shall be constructed in accordance with geometric design guidelines and standards outlined in the Servicing Standards for Subdivision and Road Construction as approved by Council on June 1, 1999, as amended.

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- 4.6.0 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(s) or as determined by the Municipality.
- 4.7.0 Show homes may be considered by the Development Officer as a use on the lands for up to five residential dwelling units per Residential Development Cell prior to the endorsement of a plan of subdivision provided that conditional approval for subdivision has been granted by Council for that cell, and further, that no occupancy of the said show homes shall occur until full municipal services (power, gas, sewer, water, telephone, etc.) are available to and immediately useable by residents of said dwellings and the plan of subdivision has been registered.
- 4.8.0 Pursuant to the issuance of Development Permits and/or Development Agreements for grading and stripping of necessary portions of the site under Section 4.3.0 of this Bylaw, no topsoil shall be exported from the lands, and topsoil and non-topsoil materials may be utilized for grading purposes for Development within the lands.
- 4.9.0 A temporary sales/information centre may be considered by the Development officer as a use on the lands, provided it is not located within the Floodway of the Elbow River or Lott Creek.
- 4.10.0 The Developer shall enter into an agreement with the Municipality respecting payment of a proportionate share of the cost of all upgrades completed and/or underway at the intersection of Highway 8 and Range Road 25, to the satisfaction of the Municipality. The monies collected shall be forwarded to Hopewell Residential Communities as compensation for costs incurred through the said upgrades.

**5.0.0 DEFINITIONS**

- 5.1.0 Area Structure Plan (ASP) – means the Elbow Valley Area Structure Plan Bylaw C-4762-97, as amended.
- 5.2.0 Building – includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway.
- 5.3.0 Building Envelopes – means that portion of the lands upon which construction of a Building is located or identified in plans submitted to the Developer and which are in form and substance satisfactory to the Municipality.
- 5.4.0 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, stormwater management, noise control and traffic control.
- 5.5.0 Developable Lands – means that portion of the Lands which is considered to be suitable for Development by the Council and the Development of which is not precluded by this Bylaw.
- 5.6.0 Developer – means that party which owns or has a right to own all of the Lands excepting only any roadway plan therein.
- 5.7.0 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 the construction of placing in, on, over or under land of any of them,
  - b) 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
  - 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 a change in the intensity of use of the land or Building.
- 5.8.0 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.
- 5.9.0 Development Cells – means an area of land that may contain a number of uses as defined in this Bylaw and which are numerically identified in Schedule “A”.
- 5.10.0 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.
- 5.11.0 Lot width – means the distance between side property lines of the lot and is measured at right angles from the midpoint of the shortest property line
- 5.12.0 Utilities – means water treatment and distribution and wastewater collection, treatment and disposal facilities, stormwater management facility, gas, electricity, cable and telephone transmission lines and related facilities and relevant appurtenances necessary to service the development cells or portions thereof in the area covered by the Bylaw. For the purpose of this Bylaw, a system utilizing sewage holding tanks is not considered a utility.
- 5.13.0 Residential Development Cells – means those Development Cells that shall be used exclusively for residential purposes and associated open spaces.
- 5.14.0 Qualified Professional – is a professional engineer who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA).
- 5.15.0 Substantial Completion – means Construction Completion Certificates have been issued by the Municipality.
- 5.16.0 Terms not defined above have the same meaning as defined in Section 8.0.0 of the Land Use Bylaw C-4841-97 or Bylaw C-4762-97, The Elbow Valley Area Structure Plan.



# SCHEDULE "A"

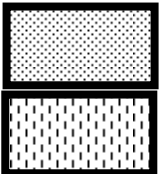
BYLAW: C-5610-2002



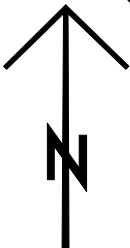
## AMENDMENT

FROM Direct Control District TO Direct Control District

FROM Recreational Business District TO Direct Control District



Subject Land - - - - -



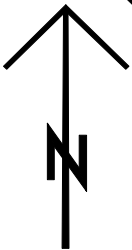
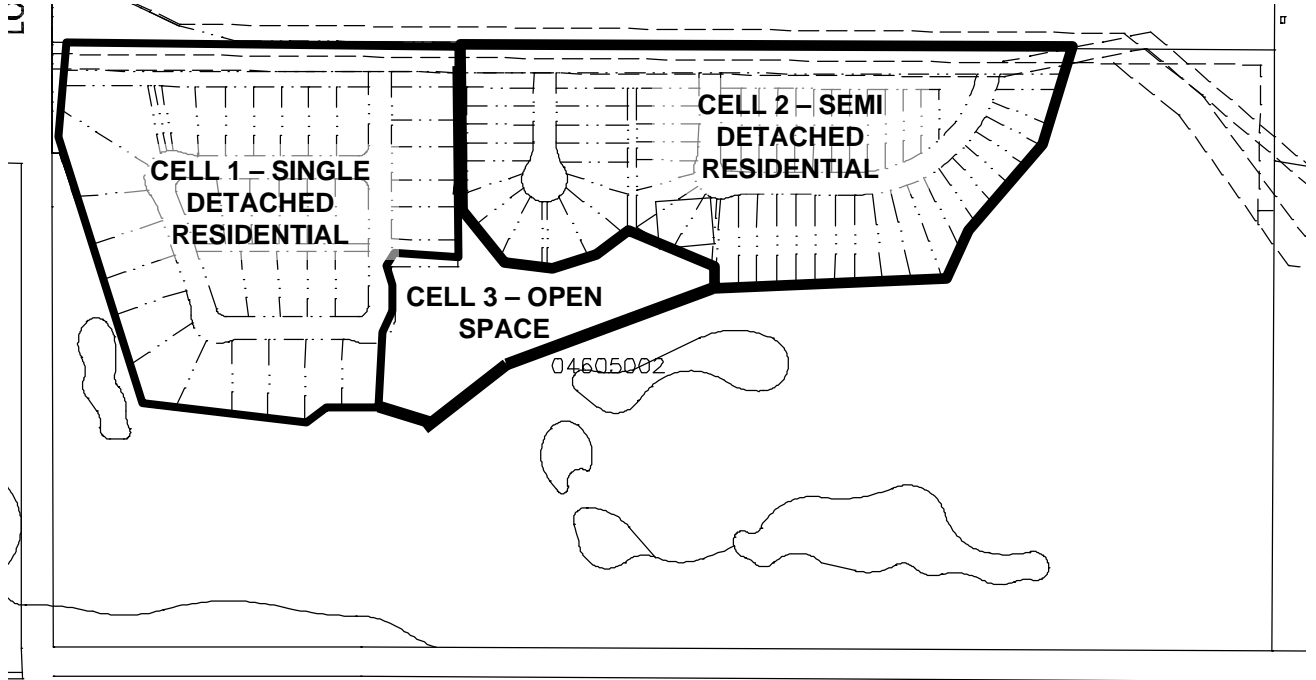
LEGAL DESCRIPTION: A portion of Block 1  
Plan 871 1397 within the SW-5-24-2-W5M

FILE: 04605002 -- 2002110



SCHEDULE "B"

BYLAW: C-5610-2002



LEGAL DESCRIPTION: A portion of Block 1  
Plan 871 1397 within the SW-5-24-2-W5M

FILE: 04605002 -- 2002110

