

Municipal District of Rocky View No. 44
Bylaw C-5290-2000

DC - 82

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. 33 and 33-NW of Bylaw C-4841-97 to redesignate a portion of Block 1, Plan 8910087 in the NW-30-23-28-W4M from Ranch and Farm District to Direct Control District with special regulations, as shown on the attached Schedule "A" ("the lands");

WHEREAS a notice was published on Tuesday, December 5, 2000 and Tuesday, December 12, 2000 in the Rocky View-Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, December 19, 2000; 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.

File: 3330013-2000-RV-177

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 tractor-trailer storage, sales and maintenance facility.
2. That Part 5; Land Use Map No. 33 and 33-NW of Bylaw C-4841-97 be amended by redesignating a portion of Block 1, Plan 8910087 in the NW-30-23-28-W4M 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-70 as shown in Part 5 of the Land Use Bylaw C-4841-97, on Land Use Map No. 33 and 33-NW.

- 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 The Development Authority shall consider and decide on applications for Development Permits for those uses that are listed as 'Permitted Uses' and 'Discretionary Uses' in this bylaw.
- 1.4.0 In addition to the uses contemplated by section 2.0.0 of this bylaw, the following shall be discretionary uses subject to the approval by the Development Authority of a Development Permit.
- 1.4.1 private pathways and driveways; and,
 - 1.4.2 underground and above ground *utility* distribution and collection systems necessary to service the development.

2.0.0 LAND USE REGULATIONS

2.1.0 Permitted Uses

- 2.1.1 Fences
- 2.1.2 Pathways and open space
- 2.1.3 Landscaping

2.2.0 Discretionary Uses

- 2.2.1 *Tractor-trailer sales, storage and maintenance facility*
- 2.2.2 Signs
- 2.2.3 *Accessory buildings*
- 2.2.4 Outdoor parking and storage area for tractor-trailers, trucks and trailers
- 2.2.5 Display area for tractor-trailers, trucks and trailers

2.3.0 Maximum Requirements

- 2.3.1 Number of *buildings* for a *tractor-trailer storage, sales and maintenance facility* – 1
- 2.3.2 Number of *accessory buildings* – 1
- 2.3.3 Area of a *building* for a *tractor-trailer storage, sales and maintenance facility* – 2,250 square metres (24,220 square feet)
- 2.3.4 Area of an *accessory building* - 185 square metres (1,991.4 square feet)
- 2.3.5 *Building height*:
 - (i) *Tractor-trailer storage, sales and maintenance facility building* – 8 metres (26.25 feet)
 - (ii) *Accessory buildings* – 8 metres (26.25 feet)
- 2.3.6 Number of signs – 2

- 2.3.7 Fence height – 2.1 metres (6.9 feet)
- 2.3.8 Area of Display area – 150 square metres (1614 square feet)

2.4.0 Minimum Requirements

- 2.4.1 Parcel area – 11.5 hectares (28.5 acres)
- 2.4.2 Minimum building setbacks for a *tractor-trailer storage, sales and maintenance facility* and an *accessory building*:
 - (i) Front yard: 33 metres (108.3 feet)
 - (ii) Side yard: 36 metres (118.1 feet)
 - (iii) Rear yard: 30 metres (98.4 feet)
- 2.4.3 Tractor-trailer display area:
 - (i) Front yard: 6 metres (19.68 feet)
 - (ii) Side yard: 6 metres (19.68 feet)
 - (iii) Rear yard: 30 metres (98.4 feet)
- 2.4.4 Tractor-trailer storage area:
 - (i) Front yard: 33 metres (108.3 feet)
 - (ii) Side yard: 6 metres (19.68 feet)
 - (iii) Rear yard: 10 metres (32.8 feet)

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 the City of Calgary, and which shows that the *development* will not adversely affect the adjacent municipal roads 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 *applicant* has prepared an overall site grading plan completed by a qualified professional engineer licensed to practice in the Province of Alberta for the lands that is based on the storm water management plan identified in 3.1.1, and which recommends specific grades for the lands, to the sole satisfaction of the Municipality;
 - 3.1.3 The *applicant* has completed a traffic impact analysis for the entire development, including an examination of off-site roads and intersections, and it has been approved to the sole satisfaction of the Municipality and the City of Calgary, and further, that all road improvements (including intersection construction and improvements, illumination and signals) identified in the traffic impact analysis as being required for the development, be completed by the *applicant* at his/her sole expense; and,

3.1.4 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.

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 the Municipality and/or Alberta Environment for a private wastewater treatment and disposal system necessary to service the proposed development, and that the *applicant* submit a report prepared by a qualified professional engineer confirming that the lands are suitable for the installation of a conventional septic tank and sewage disposal field;

3.3.2 The *applicant* has received all necessary permits and/or approvals from Alberta Environment for the drilling of a well and the supply of groundwater to service the development, and the *applicant* shall submit a groundwater evaluation report which shall include aquifer testing in accordance with Municipal standards completed by a qualified professional engineer, demonstrating that there is an adequate supply of groundwater to service the development; and,

3.3.3 The *applicant* shall register at Alberta Land titles a caveat by virtue of a deferred services agreement against the land title to the subject lands to the sole satisfaction of the Municipality. The deferred services agreement shall require the existing owner of the subject lands and all future successors in title to connect to future piped sanitary sewer and water services, at the cost of the owner, at the time the water sewer services become available.

3.4.0 Performance Standards

3.5.0 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.

3.6.0 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 engineer.

3.7.0 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.

3.8.0 Stripping and Grading

3.9.0 Notwithstanding section 3.3.0 of this bylaw, the Development Authority may consider the issuance of a Development Permit for site stripping and grading, provided that all of the requirements of section 3.1.0 of this bylaw have been completed by the *applicant*.

3.10.0 Site Design Criteria

3.10.1 The design, character and appearance of any buildings, structures or signs proposed to be erected or located on the property must be acceptable to the Development Authority, having due regard to its affect on neighbouring developments and general amenities of the area.

3.10.2 Landscaping and Controlled Appearance

- (i) A minimum of 10% of the site shall be landscaped in accordance with the requirements of the Land Use By-law and shall be shown on a Landscape Plan, prepared by a qualified professional, and must be submitted with a Development Permit application;
- (ii) The Landscape Plan contemplated in 3.10.2 (i) of this bylaw shall identify the location and extent of landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas;
- (iii) All areas of the site that are not disturbed as part of a Development Permit shall be maintained in a natural state or under cultivation;
- (iv) All areas of the lands shall have a weed control program in accordance with the Weed Control Act of Alberta;
- (v) Setbacks apply to all development excepting landscaping, screening, signage and driveways except that no landscaping, screening display or signage shall impede sightlines along 84th Street/ Shepard Road, in any direction, to or from the access to the site to the satisfaction of the Municipality as specified in a Development Permit; and,
- (vi) Outdoor storage of tractor-trailers may be permitted and the specific size and location(s) of said storage area(s) shall be defined and in accordance with a Development Permit. Such storage shall be visually screened from 84th Street/Shepard Road and adjacent uses to the satisfaction of the Development Authority.

3.11.0 Operational Standards

3.11.1 Airborne particulate matter originating from storage areas, yards, roads or parking areas shall, at all times, be suppressed by paving or application of environmentally friendly dust-free treatments in accordance with Alberta Environment guidelines on areas defined in a Development Permit;

3.11.2 No use or operation pursuant to Section 2.0.0 in this bylaw should cause or create the emission of noxious odorous matter or vapour beyond the site which contains the use or operation which produces them;

3.11.3 No use or operation at any location on the lands shall cause or create the emission of toxic matter beyond the building that contains it. The handling, storage and disposal of any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with a hazardous materials management plan that may be required by the Municipality and defined in a Development Permit; and,

3.11.4 Garbage and waste material accumulated at any location on the lands shall be stored in weatherproof and animal-proof containers. Such areas shall be screened from view by all adjacent lands and roads. Mechanical waste compactors are encouraged.

3.12.0 Uses and operations on the site which handle, store, or use products which may be hazardous due to their corrosive, poisonous, flammable, or explosive characteristics shall comply with the applicable fire regulations of the Municipality or the regulations of any other government authority having jurisdiction and in accordance with any hazardous materials or emergency management plan that may be required by the Municipality, and as defined in a Development Permit.

3.13.0 Fire protection measures shall be provided to the satisfaction of the Rocky View Fire Chief and included in a Development Permit.

4.0.0 DEFINITIONS

4.1.0 All words and uses not defined in this section shall be defined as per section 8 of the Land Use Bylaw C-4841-97.

4.2.0 *Applicant* – means the owner of the lands or his/her representative, agent or assignee.

4.3.0 *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.

4.4.0 *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.

4.5.0 *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.

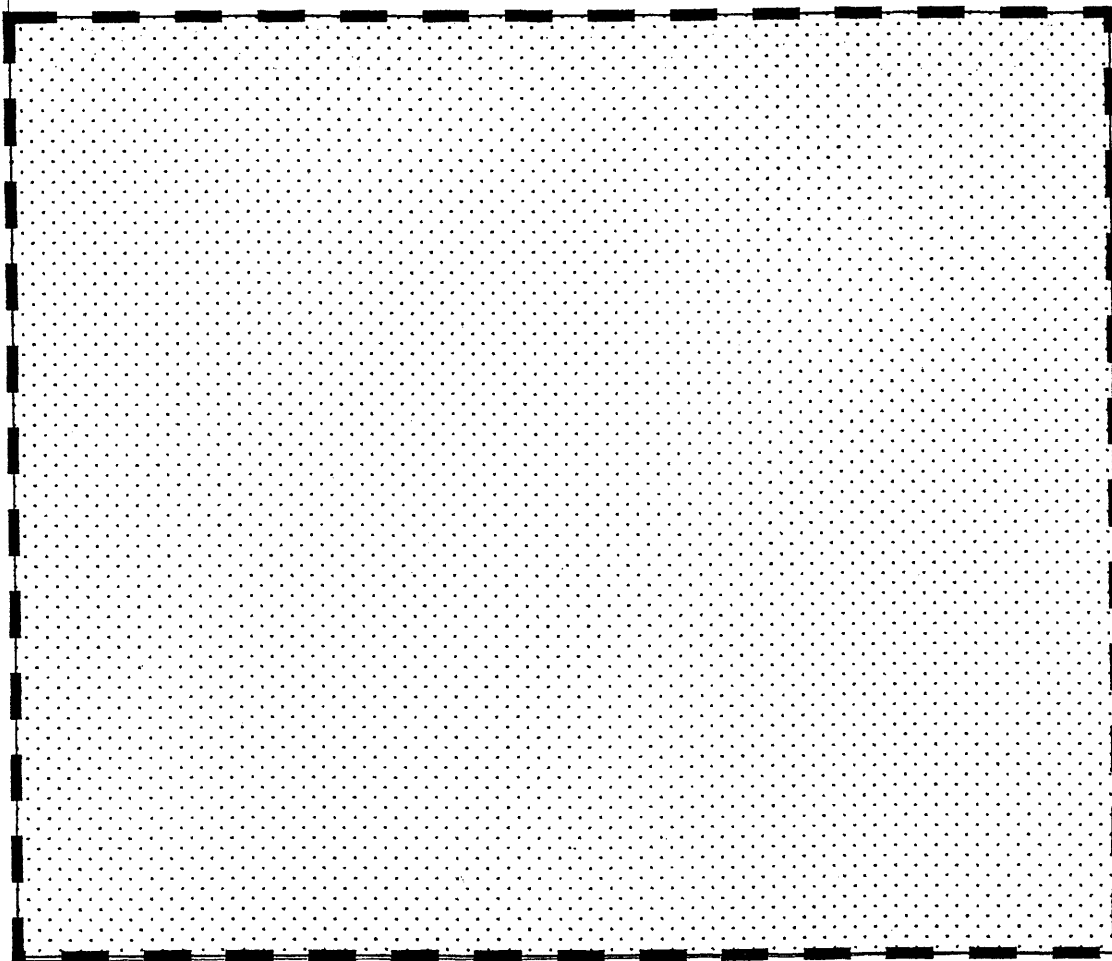
4.6.0 *Development* - means:

- 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;

SCHEDULE "A"

BYLAW: C-5290-2000

84 ST. SE.



AMENDMENT

FROM Ranch and Farm District TO Direct Control District



Subject Land - - - - -



LEGAL DESCRIPTION: NW-30-23-28-W4M

BLOCK 1, PLAN 8910087

FILE: 3330013 - 2000-177



at/vs