

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-5899-2004

DC-91

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. 43 and 43 NW of Bylaw C-4841-97 to redesignate Lot 3, Block B, Plan 8146 JK in the SW 28-24-28 W4M from Agricultural Holding District to Direct Control District, as shown on the attached Schedule "A"; and

WHEREAS a notice was published on Tuesday, March 30, 2004 and Tuesday, April 06, 2004, 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 April 27, 2004; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance 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 Part 5, Land Use Maps No. 43 and 43-NW of Bylaw C-4841-97 be amended by redesignating Lot 3, Block B, Plan 8146 JK in the SW 28-24-28 W4M from Agricultural Holding District to Direct Control District (DC), as shown on the attached Schedule "A" forming part of this Bylaw.
2. 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
 - 5.0.0 Implementation

1.0.0 GENERAL REGULATIONS

1.1.0. For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule "A" and shall notionally identify Development Cells as indicated in Schedule "B" attached hereto and forming part hereof, except as otherwise approved by Council.

1.2.0. The final location and shape of the Development Cells will be determined at the Developmetn Permit stage, to the satisfaction of the Municipality.

1.3.0. That the Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.

1.4.0. Parts One, Two and Three of Land Use Bylaw C-4841-97 are applicable unless otherwise stated in this Bylaw.

1.5.0. Section 21 inclusive, of Land Use Bylaw C-4841-97 are applicable unless otherwise stated in this Bylaw.

1.6.0. The Development Authority shall consider and decide on applications for Development Permits for those uses which are listed as "Permitted Uses" and "Discretionary Uses" by this Bylaw provided the provisions of Section 2 and 3 herein are completed in form and substance, satisfactory to the Municipality, except where specifically noted that Council approval is required.

1.7.0. All development upon the Lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw and all licenses, permits and approvals pertaining to the Lands.

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2.0.0 LAND USE REGULATIONS**2.1.0 Purpose and Intent**

The purpose of this District is to provide for the expansion of an existing Home Based Business Type 2 (Catering) and development of a Recreational Vehicle Storage Facility on the Lands.

2.2.0 All Development Cells**2.2.1 Permitted Uses:**

- a. Fences
- b. Landscaping
- c. Parking
- d. Signs

2.3.0 Development Cell "A"**2.3.1 Permitted Uses,**

- a. All development existing on the lands as of the date of passage of this bylaw

2.3.2 Discretionary Uses

- a. Tasting Room, accessory to the Home Based Business

2.4.0 Development Cell "B"**2.4.1 Permitted Uses**

- a. General Agriculture

2.4.2 Discretionary Uses

- a. Outdoor Recreational Vehicle Storage Area
- b. Office, associated with and accessory to the Recreational Vehicle Storage facility

2.5.0 General Land Use Regulations

2.5.1 Maximum capacity of the Tasting Room shall not exceed 25 patrons.

2.5.2 Maximum number of non-resident, on-site employees associated with the Home Based Business Type 2 (Catering): 10.

2.5.3 Maximum number of non-resident, on-site employees associated with the Recreational Vehicle Storage Area: 2.

2.5.4 Maximum number of stored Recreational Vehicles: 400.

2.5.5 Maximum area of Recreational Vehicle Storage Area shall not exceed 12 acres.

2.5.6 Maximum area of Office associated with the Recreational Vehicle Storage Facility shall not exceed 46.45 sq.m. (500 sq. ft.).

2.5.7 Maximum Height of Office associated with the Recreational Vehicle Storage Facility shall not exceed 8m (26.2 ft.)

2.5.8 The entire area of the Recreational Vehicle Storage Area shall be fenced.

2.5.9 Maximum height of fence – 3.1 m (10.17 ft.)

2.5.10 Minimum Side Yard Set back from property lines to Recreational Vehicle Storage Area – 9.14 m (30ft.)

2.5.11 Minimum Set Back from property line adjacent to Highway Right of Way to Recreational Vehicle Storage Area – 30.48 m (100 ft.)

3.0.0 DEVELOPMENT REGULATIONS**3.1.0 Utilities**

3.1.1 Prior to the issuance of a Development Permit, a Stormwater Management Plan shall be prepared by a qualified professional at the Landowner/Developer's sole expense to the satisfaction of the Municipality and in accordance with Alberta Environment (AE) guidelines and any recommendations regarding overland drainage and storm water retention facilities shall be implemented as part of the Development Permit approval. Stormwater shall be retained on-site and discharged only after treatment and at a controlled rate to be determined to the satisfaction of the Municipality and Alberta Environment.

3.1.2 Disposal of wastewater from the development on the site shall be subject to all requirements of Alberta Environment and/or Alberta Municipal Affairs and all Municipal approvals pursuant to this Bylaw. Waste water shall be treated and disposed of by septic tank and field, installed to the satisfaction of the Municipality or stored in holding tanks and removed on a regular basis for disposal and treatment at an approved disposal facility.

3.1.3 Any non-domestic waste water, anti-freeze, oil or fuels accumulated on site shall be held in sealed tanks, the contents of which shall be pumped out and properly disposed of off-site to the satisfaction of the Municipality and/or Alberta Environment.

3.1.4 Potable water for all development on the site shall be provided through the use of water wells, licensed and approved for commercial use by Alberta Environment, to the satisfaction of the Municipality or hauled to the site and stored in cisterns, as approved by the Municipality and to the satisfaction of the Municipality.

3.1.5 Solid waste shall be disposed of on a regular basis at an approved disposal site.

3.1.6 A caveat regarding a Deferred Services Agreement is registered on the Lands, notifying the Owner and its lessees of the requirement to connect to Municipally owned piped water and wastewater systems at their own cost when such services become available. This Agreement is to outline the location of existing services within the Lands, the operation and maintenance of these services, the requirements for their decommissioning once Municipal Servicing becomes available and a commitment from the Owner to participate in mutually beneficial discussions with the Municipality regarding the provision of future Municipal Services including the possible future ownership of their facilities by the Municipality, all to the satisfaction of the Municipality;

3.2.0 Access

3.2.1 Access to and from the entire development shall be restricted to Twp Rd. 244a, no access shall be permitted directly on to Hwy #1.

3.2.2 A Traffic Impact Analysis for the lands identified on Schedule 'A' shall be prepared by a qualified professional at the Owner expense to the satisfaction of the Municipality. The Study shall identify any necessary improvements to Twp Rd 224a which will be required to be carried out to accommodate the RV storage business on the lands, and such improvements shall be completed as a condition of a Development Permit.

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3.3.0 Site Design Criteria

3.3.1 Building Requirements

a. 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.

3.3.2 Landscaping and Controlled Appearance

a. Recreational vehicle storage areas shall at all times be visually screened from Highway #1 and the adjacent uses to the satisfaction of the Development Authority.

b. A minimum of 10% of the site shall be landscaped in accordance with Section 26 of the Land Use By-law pursuant to a Landscape Plan, prepared by a qualified professional, and submitted with the Development Permit application.

c. 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.

d. All areas of the site not disturbed as part of a Development Permit shall be maintained in a natural state or under cultivation.

e. All areas of the site shall have a weed control program in accordance with the Weed Control Act of Alberta, and confirmed in a Development Permit.

f. Setbacks apply to all development excepting landscaping, screening, signage, driveways, and except that no landscaping, screening, signage, etc. shall impede sightlines along Highway #1 in any direction, to or from the access to the site to the satisfaction of the Municipality as specified in a Development Permit.

3.4.0 Performance Standards

3.4.1 Air Contaminants, Visible and Particulate Emissions

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

3.4.2 Odorous Matter

a. No use or operation pursuant to Section 2.0.0 herein, should cause or create the emission or spread of odorous matter or vapour beyond the site which contains the use or operation which produces them.

3.4.3 Toxic Matter

a. No use or operation at any location on the site shall cause or create the emission or spread of toxic matter beyond the building or storage area which 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 any Hazardous Materials Management Plan that may be required by the Municipality and as defined in a Development Permit.

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3.4.4 Garbage Storage

a. Garbage and waste material accumulated at any location on the site shall be stored in weatherproof and animal-proof containers. Such areas shall be screened from view by all adjacent properties and public thoroughfares.

3.4.5 Fire and Explosive Hazards

a. Uses and operations on the site which handle, store, or utilize 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.

3.5.0 Fire Protection

a. Fire protection measures shall be provided as may be required by the Municipality and included in a Development Permit.

4.0.0 DEFINITIONS

The Lands - means the lands as shown on Schedule "A" and Schedule "B" attached hereto.

Recreational Vehicle Storage – means an area of land set aside or otherwise defined for the outdoor storage of recreational vehicles and may include one office for the conduct of the Recreational Vehicle Storage business.

Tasting Room – means a portion of the building in which the Home Based Business Type 2 (Catering) is carried out where potential clients may be served a demonstration meal in conjunction with or prior to entering into a catering contract.

Terms not defined above have the same meaning as defined in Section 9.0.0 of Land Use Bylaw C-4841-97.

5.0.0 IMPLEMENTATION

5.1.0 The Bylaw comes into effect upon the date of its third reading.

File: 4328010 2003-RV-323

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on March 23, 2004, on a motion by Councillor Cameron.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 27, 2004, on a motion by Councillor Cameron.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 27, 2004, on a motion by Councillor Konschuk


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MUNICIPAL SECRETARY

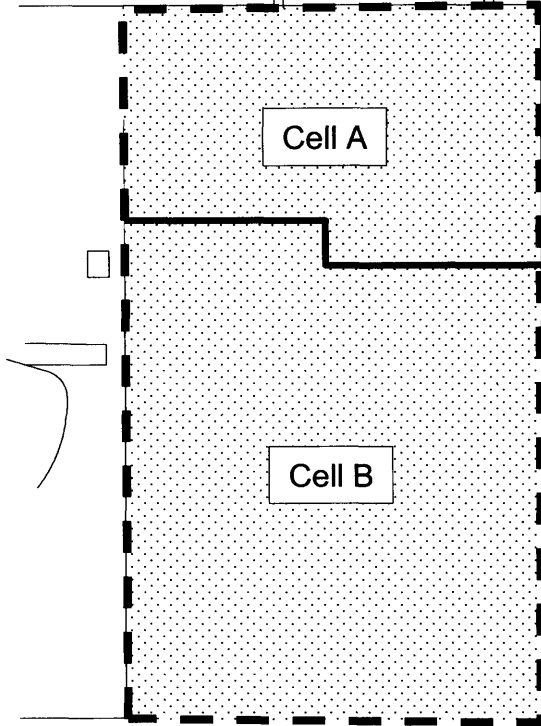
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SCHEDULE "A"

DC-91

BYLAW: C-5899-2004

TWP. RD. 244A



Cell A

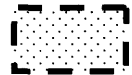
Cell B

HWY 1

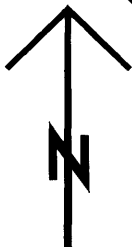
TRANS-CANADA HIGHWAY

AMENDMENT

FROM Agricultural Holdings District TO Direct Control District



Subject Land - - - - -



LEGAL DESCRIPTION: Lot 3, Block B, Plan 8146 JK
Within the SW-28-24-28-W4M

FILE: 04328010 - 2003-RV-323



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