

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 the following Bylaws:

Bylaw	Amendment Type	Date of Approval
C-5613-2002	Original Bylaw	October 1, 2002
C-8133-2021	Amending Section 1.3.0, 1.7.0, 2.6.3, 2.6.4, 3.7.0, 4.14.0, Schedule A and Schedule B	XX, 2021

DIRECT CONTROL BYLAW REGULATIONS

1. That Land Use Bylaw C-4841-97 be amended by redesignating the use of the Lands from Ranch and Farm District and Ranch and Farm (2) District to Direct Control District in accordance with the following guidelines:

- 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 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 by this Bylaw provided the provisions of the same are completed in form and substance satisfactory to the Municipality.

- 1.2.0 For the purposes of this Bylaw, Part 1, Section 8, Definitions, General Administration (Part Two) and, General Regulations (Part Three) of the Land Use Bylaw (Bylaw C-4841-97) shall apply except where specifically excepted herein.

~~1.3.0 For the purposes of this Bylaw the Lands shall notionally identify Development Phases, the boundaries and description of which shall be more or less as indicated on Schedule "B" attached hereto and forming part hereof, except as otherwise approved by Council.~~

- ~~1.4.0~~ 1.3.0 The final location, maximum size and shape of the Development Phases will be determined at the Development Permit Approval stage, to the satisfaction of the Municipality.

- ~~1.5.0~~ 1.4.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Bylaw provided the provisions of Section 2 and Section 3 herein are completed in form and substance, satisfactory 'to the Municipality, except where specifically noted that Council approval is required.

- ~~1.6.0~~ 1.5.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.

- ~~1.7.0~~ 1.6.0 In addition to the "Uses" contemplated in Section 2 hereof, the following Uses shall be allowed with in each Phase ~~as generally shown on Schedule "B"~~ and shall be subject to the approval of the Municipality:

~~1.11.1~~ a. Private roads necessary to service the Development.

~~1.11.2~~ b. All utility distribution and collection systems necessary to service the Development, including water and sewage treatment and disposal systems, storm water management systems, shallow utilities and street lighting.

~~1.11.3~~ c. Private parks, open space and pedestrian pathways.

~~1.11.4~~ d. Vehicle Storage and Parking Areas associated with Residential Uses.

~~1.11.5~~ e. Signs.

~~1.11.6~~ f. Parking and Loading Facilities associated with Commercial Uses.

~~4.11.7~~ g. Recreational Vehicle Storage Area.

~~4.11.8~~ h. Fences.

~~4.8.0~~ 1.7.0 No development of the Lands, no Development Permits or Building Permits for any use shall be issued by the Development Officer and the endorsement of a plan of subdivision for any use shall not occur until the Owner has executed a Development Agreement(s) in form and substance satisfactory to the Municipality at its sole discretion, which shall describe all details of development, and development regulation, criteria, or condition, including the posting of financial securities in accordance with Municipal Policy, where necessary to ensure all subdivision and development of the Lands conforms to the development proposals upon which the Bylaw is based and shall include but not be limited to the following:

- a. The Owner has received the approval of Council and Alberta Environment and all necessary licenses and permits have been issued with respect to the provision of private wastewater collection, treatment and disposal;
- b. The Owner has received the approval of Council and Alberta Environment and all necessary licenses and permits have been issued with respect to the provision of a private surface water supply, treatment and distribution system, including fire hydrants for fire-fighting purposes which have been designed in conformity with Municipal Policy;
- c. 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;
- d. All necessary easements and rights-of-way related to the supply and distribution of power, telephone, gas, water, wastewater collection, treatment and disposal and stormwater management have been approved by the Municipality and registered by the Owner against title to the Lands or portions thereof;
- e. The Owner is to construct all private internal road systems in accordance with the Servicing Standards for Subdivisions and Road Construction as approved by Council on June 1, 1999, as amended and construct all off-site roads necessary to serve the development as identified in the Traffic Impact Review Assessment for each phase of development;
- f. The Owner is solely responsible for the construction, maintenance, operation and inspection of all off-site and on-site sewer and water treatment facilities and appurtenances thereto.

~~4.9.0~~ 1.8.0 A review of the Traffic Impact Analysis shall be submitted with the Development Permit application for each Phase of Residential Development and the Commercial, Community and Assisted Living Facility Phase, at the Owners sole expense, to determine the timing of construction of the Highway and off-site road improvements,

to the satisfaction of the Municipality and Alberta Transportation including but not limited to the following:

- a. Highway widening shall be dedicated, by Plan of Survey, along the entire length of the Lands adjacent to Highway #566 to the satisfaction of Alberta Transportation concurrent with the Development Permit for Residential Phase A or the Recreational and Utility Phase, whichever comes first;
 - b. Improvements to the intersection of Highway #566 and the main entrance to the Lands shall be designed and constructed, at the sole expense of the Owner, concurrent with the Development Permit for Residential Phase A or the Recreational and Utility Phase, whichever comes first to the satisfaction of the Municipality and Alberta Transportation;
 - c. A 3-meter wide, paved pedestrian walkway from the main entrance to the Lands, easterly along the south boundary of the Lands and adjacent to Highway #566, to the Hamlet of Balzac Boundary shall be designed and constructed at the sole expense of the Owner, concurrent with the Development Permit for the Residential Phase whichever comes first to the satisfaction of the Municipality and Alberta Transportation;
 - d. The Owner shall dedicate, by Plan of Survey, Road Widening along the entire length of the Lands adjacent to Rge Road 11 as a condition of Development Permit Approval for Residential Phase A or the Recreational and Utility Phase, whichever comes first to the satisfaction of the Municipality. The width of the Road Widening to be determined by the review of the Traffic Impact Analysis submitted with the Development Permit Application and its dedication is to be included as a condition of Development Permit Approval;
 - e. The intersection of Highway #566 and Rge Road 11 shall be upgraded at the sole expense of the Owner in accordance with and to the satisfaction of Alberta Transportation and the Municipality when warranted by a review of the Traffic Impact Analysis;
 - f. A temporary secondary access onto Rge Road 11 shall be provided concurrent with the Development Permit for Residential Phase A at the sole expense of the Owner to the satisfaction of the Municipality;
 - g. A permanent secondary access onto Rge Road 11 shall be provided prior to or concurrent with the Development Permit for Residential Phase E at the sole expense of the Owner to the satisfaction of the Municipality;
 - h. It is the Developers responsibility to obtain a Roadside Development Permit from Alberta Transportation regarding all highway improvements and signage pursuant. to the public Highways Development Act.
- ~~4.10.0-1.9.0~~ No development of the Lands shall be permitted without and until a Historical Impact Assessment prepared by the Owner has been submitted and is satisfactory in both form and substance to each of the Municipality and Alberta Community Development, Cultural Facilities and Historical Resources Division.
- ~~4.11.0-1.10.0~~ No development of the Lands shall be permitted until and Environmental Site Assessment is conducted and the recommendation for further testing and mitigation have been completed to the satisfaction of the municipality and/or Alberta Environment.

- ~~4.12.0~~-1.11.0 The use of any portion of the Lands for man-made lakes associated with services shall be permitted only if the design and construction thereof is in accordance with plans prepared by a qualified professional engineer to the satisfaction of the Municipality and/or Alberta Environment.
- ~~4.13.0~~-1.12.0 No use shall be made of all or any portion of the Lands for development without and until a Hydro- geological Study prepared by a qualified professional, which establishes existing groundwater chemistry, the rate and direction of the groundwater flow, a long term groundwater monitoring plan, a chemical management plan for fertilizers, herbicides, pesticides, and irrigation and the facilities that will be provided by the Owner to implement the monitoring and chemical management plan, has been submitted by the Owner and is satisfactory in both form and substance to each of the Municipality and/or Alberta Environment.
- ~~4.14.0~~-1.13.0 No development of the Lands shall be permitted without and until the Owner has prepared and submitted a Management Plan for the handling and storage of hazardous or other waste materials proposed to be generated from the development, in form and substance satisfactory to each of the Municipality and/or Alberta Environment.
- ~~4.15.0~~-1.14.0 No development of the Lands shall be permitted without and until the Owner has prepared and submitted a Storm Water Management Plan in form and substance satisfactory to each of the Municipality, Alberta Environment and Alberta Transportation.
- ~~4.16.0~~ 1.15.0 All Buildings within the Lands shall be serviced by piped water distribution and wastewater collection systems; septic tanks and tile fields or holding tanks are not permitted within the Lands except for Show Homes as detailed in Clause 3.10.0.
- ~~4.17.0~~-1.16.0 The Owner is to provide a Construction Management Plan detailing the management of all construction activity on the site to the satisfaction of the Municipality.
- ~~4.18.0~~-1.17.0 The Owner is to provide an Emergency Response Plan to include fire fighting, evacuation measures, containment of hazardous spills and derailments to be registered on the title for the Lands, to the satisfaction of Canadian Pacific Railway and the Municipality.
- ~~4.19.0~~-1.18.0 The Owner shall register a Caveat on the Lands protecting a minimum of 20 meters of natural open space buffer on either side of Wet/Dry Creek from development to the satisfaction of the Municipality.
- ~~4.20.0~~ 1.19.0 The Owner shall conduct an Environmental Assessment of Wet/Dry Creek and its riparian area to determine if additional area should be protected and may establish the criteria under which development may be allowed in proximity to the natural open space buffer.

2.0.0 LAND USE REGULATIONS

2.1.0 Purpose and Intent

The purpose and intent of this District is to provide for the use of the Lands for the development of a residential community, commercial, community and assisted living facility centre and recreation amenity including a golf course.

~~2.0.0~~ 2.2.0 General Requirements for Residential Uses

~~2.0.1~~ 2.2.1 Minimum and Maximum Requirements

- a. Maximum Number of Residential Lease Sites: 1400
- b. Maximum Number of Residential Lease Sites per Phase:
 - Phase A – 90
 - Phase B - 260
 - Phase C - 225
 - Phase D - 250
 - Phase E - 575
- c. Maximum Height of Dwellings: 6 metres (19.7 feet)
- d. Minimum Habitable Floor Area per Dwelling - 102.2 square metres (1100 square feet)
- e. Minimum Building Separations - 1.8 metres (6 feet)
- f. Minimum Setback from a Dwelling to a Sewage Treatment Facility - 100 metres (328 feet)
- g. Minimum Number of off-street parking sites per Residential Lease Site: 2
- h. Minimum Front Yard Setback from Internal Road Carriageway: 3 metres (9.84 feet)

~~2.0.2~~ 2.2.2 Each dwelling unit and any associated structures shall be located entirely within the bounds of a Residential Lease Site as shown on an approved Site Development Plan.

~~2.0.3~~ 2.2.3 Each dwelling unit" shall be fixed on a permanent foundation and shall be skirted and the hitch removed.

~~2.0.4~~ 2.2.4 Each Residential Lease Site shall be a minimum of 325.2 m² (3500 sq.ft.) and shall have a minimum mean width of 11.6 meters (38 feet).

~~2.0.5~~ 2.2.5 A minimum of one (1) Recreational Vehicle Storage Site shall be provided in the Recreational Vehicle Storage Area per every four (4) Residential Lease Sites within each Residential Development Phase.

~~2.1.0~~ 2.3.0 Residential Development Phase A

The purpose and intent of this Development Phase is to provide for residential uses and accessory uses necessary to the development of a Residential Community.

~~2.1.1~~ 2.3.1 Uses

- a. Dwellings, Single Detached
- b. Carports
- c. Decks, Covered/Open Air
- d. One accessory building per lease site not to exceed 18.6 m² (200 ft²)
- e. Home Based Business - Type 1

~~2.2.0~~ 2.4.0 Residential Development Phase B

~~2.2.1~~ 2.4.1 Uses

- a. Private Park

~~2.2.2~~ 2.4.2 Requirements

An amendment to this Direct Control Bylaw shall be required prior to the establishment of any uses in this Development Phase.

~~2.3.0~~ 2.5.0 Residential Development Phase C

~~2.3.1~~ 2.5.1 Uses

- a. Private Park

~~2.3.2~~ 2.5.2 Requirements

An amendment to this Direct Control Bylaw shall be required prior to the establishment of any uses in this Development Phase.

~~2.4.0~~ 2.6.0 Residential Development Phase D

~~2.4.1~~ 2.6.1 Uses

- a. Private Park

~~2.4.2~~ 2.6.2 Requirements

An amendment to this Direct Control Bylaw shall be required prior to the establishment of any uses in this Development Phase.

~~2.5.0~~ 2.7.0 Residential Development Phase E

~~2.5.1~~ 2.7.1 Uses

- a. Private Park

~~2.5.2~~ 2.7.2 Requirements

An amendment to this Direct Control Bylaw shall be required prior to the establishment of any additional uses in this Development Phase.

~~2.6.0~~ 2.8.0 Recreation and Utility Phase

The purpose and intent of this Development Phase is to provide for recreational amenities and utility servicing facilities associated with the Residential Development Phase.

~~2.6.1~~ 2.8.1 Uses

- i. Golf Course
- j. Golf Driving Range
- k. Related Ancillary Buildings and Facilities associated with a Golf Course and Golf Driving Range
- l. One (1) Community Facilities Building
- m. One (1) Golf Clubhouse/Recreational Centre including a Restaurant and Drinking Establishment

~~2.6.2~~ 2.8.2 Maximum Height of Community Facilities, Golf Clubhouse Buildings and Golf Driving Range: 10 metres (32.8 feet.)

~~2.6.3~~ ~~The Community Facilities Building, Golf Clubhouse and Golf Driving Range shall be generally located on the Lands as illustrated on Schedule "B".~~

~~2.6.4~~ ~~The Golf Course and Golf Driving Range shall be generally located on the Lands as illustrated on Schedule "B".~~

~~2.6.5~~ 2.8.3 Subdivision Approval: The subdivision of the Golf Course/Golf Driving Range and related facilities, but not including the water and wastewater treatment and storage facilities, may upon approval of the Subdivision Authority be subdivided and registered as one separate titled area.

~~2.7.0~~ 2.9.0 Commercial and Assisted Living Phase

The purpose and intent of this Development Phase is to recognize the future potential of the lands for Commercial, Community and Assisted Living facility development.

~~2.7.1~~ 2.9.1 Uses

a. Private Park

~~2.7.2~~ 2.9.2 Requirements

An amendment to this Direct Control Bylaw shall be required prior to the establishment of any uses in this -Development Phase.

~~2.7.3~~ 2.9.3 Subdivision Approval: The subdivision of the Commercial, Community and Assisted Living Facility may upon approval of the Subdivision Authority be subdivided and registered as one separate titled area.

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 No development of the Lands for any use shall be permitted, no Development Permits or Building Permits for any use shall be issued by the Development Officer and the endorsement of a plan of subdivision for any use shall not occur until:

- a. The Owner, of the aforementioned sewer and water treatment facilities, as owner of all of the Lands and improvements thereto and as lease agent for all residential building sites shall indemnify the Municipality, its Councillors, employees, agents and assigns and saves them harmless from and against any and all claims, actions, damages, liabilities and expenses including lawyers and other professional fees, in connection with loss of life, personal injury, damage to property, and/or any other loss or injury whatsoever arising from or related to the design, construction, operation or maintenance of any aspect of the on-site or off-site sewage or water facilities (and appurtenances thereto) occasioned wholly or in part of any act or omission of the Owner, their officers, directors, volunteers, agents, contractors or employees;
- b. The Owner shall be required to place and maintain insurance against any peril that may cause harm to be suffered against all infrastructure servicing the development. Each insurance policy shall name the Municipality and any person, firm or corporation designated by the Municipality as additional insureds as their interest may appear and such policies will contain where appropriate:
 - (i) a waiver of any subrogation rights which the Owner's insurers -may have

- against the Municipality;
- (ii) a severability of interest clause or a cross liability clause;
- (iii) a waiver in favour of the Municipality of any breach of warranty clause such that the insurance policies in question shall not be invalidated with respect to their interest, by reason of any breach or violation of any warranty, representation, declaration or condition contained in the policies; and,
- (iv) a clause stating the Owner's insurance policy will be considered as the primary insurance and shall not call into contribution any other insurance that may be available to the Municipality.

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All policies shall be taken out with insurers and shall be in a form acceptable to the Municipality acting reasonably. The Owner agrees that certificates of insurance acceptable to the Municipality, or if required by the Municipality, certified copies of each such insurance policy, will be delivered to the Municipality as soon as practicable after the placing of the required insurance. All policies shall contain an undertaking by the insurers to notify the Municipality in writing, of any material change, cancellation or termination of any provision of any policy, not less than thirty (30) days prior to the material change, cancellation or termination thereof. Should for any reason the insurance referred to in this clause not be maintained by the Owner, the Municipality may purchase the insurance on behalf of the Owner and collect the costs of the said insurance from the Owner;

- c. The Owner's liability to the Municipality and to its councillors, employees, agents and assigns under any of the foregoing clauses shall be limited to those claims covered by insurance obtained by the Owner and shall be further limited to the total amount of the insurance coverages applicable to the claims made against the Owner.
- 3.2.0 The Owner is to provide a Site Development Plan for each Phase of development to the satisfaction of the Development Officer.
- 3.3.0 The Owner is to prepare a Landscape Plan for each Phase of development; to be submitted concurrent with an application for Development Permit, to the satisfaction of the Municipality. All Lands not developed or occupied by internal roads, walkways, driveways, dwelling units, buildings or other facilities shall be landscaped.
- 3.4.0 All 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.
- 3.5.0 All buildings on the subject Lands shall conform to architectural guidelines which shall be submitted and form a condition of the Development Permit for each Phase of Development, as approved by the Development Officer.
- 3.6.0 In accordance with the Calgary International Airport Vicinity Protection Area Regulation construction of all buildings on the subject Lands shall conform to the exterior acoustic insulation requirements of Part 11 of the Alberta Building Code.
- 3.7.0 A permanent Recreational Vehicle Storage Area ~~as shown on Schedule "B"~~ shall be provided concurrent with the Development Permit for Residential Phase A and shall be

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expanded at each subsequent Phase of Residential Development to the satisfaction of the Municipality.

- 3.8.0 Parking and Storage of vehicles not owned the Owner or by lessees of Residential Lease Sites are not permitted within the Recreational Vehicle Storage Area.
- 3.9.0 No Building Permits shall be issued for any Residential Units until full services are completed and operational.
- 3.10.0 Notwithstanding 3.9.0, a Development Permit may be issued for the siting of up to five residential dwelling units per Residential Development Phase prior to the issuance of a Development Permit for that Residential Development Phase, provided that no occupancy of the said show homes shall occur until full services (power, gas, sewer, water, telephone, etc) are available to and immediately useable by residents of said dwellings and that any interim holding tank for sewage disposal has been removed and the area reclaimed.

4.0.0 DEFINITIONS

- 4.1.0 Assisted Living Facility - means a number of suites, which do not contain kitchen facilities, located in a central building for occupancy by persons no longer capable of living independently.
- 4.2.0 Community Facilities Building - means a building in which recreation and leisure amenities are provided for the residents of the community and may include but not be limited to such things as woodworking shops, craft rooms and reading rooms.
- 4.3.0 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, erosion and sedimentation control during construction and construction access requirements.
- 4.4.0 Council - means the Council of the Municipal District of Rocky View No. 44.
- 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

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- (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 Owner and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments on the land conform to municipal approvals.
- 4.7.0 Home Based Business -Type 1-has the same meaning as defined in Land Use Bylaw C-4841-97 excepting that a Home Based Business shall only be conducted within the Residential Dwelling Unit, no part of the Home Based Business shall be conducted on any other part of a Residential Lease Site.
- 4.8.0 Letter of Credit - means an unconditional and irrevocable Letter of Credit issued by a Canadian Chartered Bank at the request of the Owner naming the Municipality as the sole beneficiary thereof.
- 4.9.0 Municipality- means the Municipal District of Rocky View #44.
- 4.10.0 Owner - means Melcor Developments Ltd or its successor in title.
- 4.11.0 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).
- 4.12.0 Site Development Plan - means a plan which shows each Residential Lease Site within a Development Phase or other buildings within any Development Phase, its dimensions, areas, which side yard is the zero lot line, assigns a unique unit number to each site and any other matters required by the Development Officer.
- 4.13.0 Recreation Centre - means a building or a portion of a building used for recreation activities and may include such facilities as a swimming pool, assembly hall and attached kitchen, games room, passive recreation rooms, offices for the management of the community and related ancillary uses.
- 4.14.0 Recreational Vehicle Storage Area - means the area of the Lands, ~~as generally shown on Schedule "B"~~ set aside for the parking and/or storage of recreational vehicles owned by the Owner or lessees of the Residential Lease Sites.
- 4.15.0 Terms not defined herein have the same meaning as defined in Section 8 of the Land Use Bylaw C- 4841-97.

5.0.0 IMPLEMENTATION

- 5.1.0 This Bylaw comes into effect upon the date of its third reading