

ROCKY VIEW COUNTY
BYLAW C-____-2015

A Bylaw of Rocky View County to amend Bylaw C-4841-97, being the Land Use Bylaw

WHEREAS the Council deems it desirable to amend the said Bylaw;

WHEREAS the Council of Rocky View County has received an application to amend Part 5, Land Use Map No. 39-NE of Bylaw C-4841-97 to redesignate a portion of SW 25-23-5-5 from Recreation Business District to Direct Control District as shown on the attached Schedule 'A' and Schedule 'B'; and

WHEREAS Council held a Public Hearing and has given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Part 5, Land Use Map No. 39-NE of Bylaw C-4841-97 be amended by redesignating a portion of SW 25-23-5-5 from Recreation Business District to Direct Control District as shown on the attached Schedule 'A' and Schedule 'B' forming part of this Bylaw.
2. That the regulations of the Direct Control District comprise:
 - 1.0 General Regulations
 - 2.0 Development Cell A – Residential Cell
 - 3.0 Development Cell B – Village Core Cell
 - 4.0 Development Cell C – Golf Cell
 - 5.0 General Development Regulations
 - 6.0 Definitions
 - 7.0 Implementation

1.0 General Regulations

- 1.1 For the purposes of this Bylaw, the Lands shall be divided into Cell A, Cell B, and Cell C, the boundaries of which are generally indicated in Schedule "B" attached to and forming part of this bylaw. The size and shape of Cell A, Cell B, and Cell C are approximate and will be more precisely determined at the subdivision and development stages in accordance with the regulations of this Bylaw and with regard to Figure XX of the Wintergreen Conceptual Scheme.
- 1.2 The following uses are permitted in all Development Cells:
 - 1.2.1 Roads necessary for access and internal vehicular circulation (including road rights-of-way, bridges and areas for intersection improvements);
 - 1.2.2 Deep and shallow utility distribution and collection systems and facilities such as sewage, stormwater, potable water or solid waste disposal system or telecommunication, electrical power, water, or gas distribution systems and water treatment facilities;
 - 1.2.3 Stormwater systems and facilities;
 - 1.2.4 Raw water supply, storage (i.e. reservoir) and distribution facilities;
 - 1.2.5 Earthworks necessary for the preparation of land for site construction;
 - 1.2.6 Reserve and public utility lots;

- 1.2.7 Parking and loading;
 - 1.2.8 Planting and seeding;
 - 1.2.9 Pedestrian pathways;
 - 1.2.10 Temporary marketing facilities and signage; and
 - 1.2.11 Fences
- 1.3 The Subdivision Authority shall be responsible for decisions regarding subdivision applications affecting the land the subject of this Bylaw.
- 1.4 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.5 The Development Authority may decide on an application for a development permit even though the proposed development does not comply with this bylaw or is a nonconforming building if, in the opinion of the Development Authority, the proposed development will not unduly interfere with the amenities of the neighbourhood, interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and the proposed use conforms with the uses outlined within this Bylaw.
- 1.6 A Dwelling, Single-detached, Dwelling, Semi-Detached, Home-Based Business, Type I, Utilities, and Accessory Buildings are considered deemed approved without requirement for a Development Permit when all other criteria of this Bylaw are met.
- 1.7 Any accessory building over 10 square metres shall be of the same architectural design and have the same exterior finishing materials and appearance as the principal building.
- 1.8 *A building may* be occupied by a combination of one or more uses listed in the Cell where the land is located and each use *shall* be considered as a separate use, and each use *shall* obtain a *Development Permit*. A *Development Permit may* include a number of uses and/or units within a building.
- 1.9 All signage shall be of a character in keeping with the Wintergreen Architectural Guidelines.
- 1.10 Buildings and structures will be designed in accordance with the Wintergreen Architectural Guidelines as approved by the Municipality.
- 1.11 A temporary sales and information centre and show homes may be considered by the Development Authority as uses on the subject lands in Development Cells A & B.
- 1.12 Show homes in Cells A & B may be considered by the Development Officer prior to the endorsement of a plan of subdivision provided that:
- a) conditional approval for subdivision has been granted by Council for that cell
 - b) no occupancy of the said homes shall occur until full municipal services (power, gas, sewer, water, telephone, etc.) are available to and immediately usable by residents of said dwellings and the plan of subdivision has been registered;
 - c) the hours that any show homes may be open to the public shall not be earlier than 9:00 a.m. or later than 8:00 p.m.; and
 - d) prior to show home construction, an endorsed and secured Development 1.12.1.1 Agreement is required.

- 1.13 Parts 1, 2, & 3 of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by this Bylaw except where otherwise noted.

2.0 Development Cell A – Residential Cell

2.1 Purpose and Intent

The purpose and intent of Cell A is to provide an area for single and semi-detached dwellings that comprise a mountain-style community. The lower-density residential nature of this hillside development will be complemented by the inclusion of a public path system that connects to parks, recreational amenities, and commercial areas throughout the entire community. Emphasis will be placed on providing residents with well-designed and integrated access to outdoor recreation opportunities and community facilities, while maintaining a mountain village character.

2.2 Uses

Accessory buildings
Commercial communications facilities, Type A
Commercial communications facilities, Type B
Commercial communications facilities, Type C
Dwelling, semi-detached
Dwelling, single detached
Equestrian boarding and riding facility
Government services
Home-Based Business, Type I
Home-Based Business, Type II
Outdoor participant recreation services
Private Swimming Pools
Public buildings
Public parks

2.3 Development Regulations

- 2.3.1 *Parcel Size*: The minimum *parcel* size shall be 0.08 hectares (0.2 acres).
(a) Parcels intended as public utility lots will have no minimum size.
- 2.3.2 *Minimum Yard, Front for Buildings*: 7.00 m (22.97 ft),
- 2.3.3 *Minimum Yard, Side for Buildings*:
(a) Minimum of 2.00 m (6.56 ft),
(b) Except where adjacent to the street on corner lots where is shall be 3.00 m (9.84 ft),
- 2.3.4 *Minimum Yard, Rear for Buildings*: 7.50 m (24.61 ft).
- 2.3.5 *Maximum Height of Buildings*: 12.00 metres (39.37 ft).
- 2.3.6 *Maximum site coverage for all buildings* shall be 40%.

3.0 Development Cell B – Village Core Cell

3.1 Purpose and Intent

The purpose and intent of Cell B is to provide a careful combination of residential and commercial uses, services, and amenities that will jointly serve the residents of Cell A, the broader community of Bragg Creek, and recreation users in Cell C. With a focus on creating a village centre for the Wintergreen community, Cell B is to have a pedestrian focus and be designed to facilitate social gathering and accommodate community events. Streetscape design should emphasize a mountain main street aesthetic, with significant attention to appropriate infrastructure that supports this objective.

3.2 Uses

Accessory buildings
Amenity spaces for pedestrian uses
Arts and cultural centre
Athletic and recreation facilities
Child care facility
Commercial communications facilities, Type A
Commercial communications facilities, Type B
Commercial communications facilities, Type C
Conference centre
Dwellings, row
Farmers market
Government services
Grocery store, local
Health care services
Hotel
Live/work unit
Museum
Offices
Outdoor café
Outdoor participant recreation services
Patio, accessory to the principal business use
Personal service business
Private clubs and organizations
Public buildings
Public parks
Restaurant
Retail store, local
Signs

3.3 Development Regulations

- 3.3.1 *Parcel Size*: The minimum *parcel* size shall be 0.04 hectares (0.09 acres).
- (a) Parcels intended as public utility lots will have no minimum size.
- 3.3.2 *Minimum Yard, Front for Buildings*:
- (a) 30.00 m (98.43 ft) from any road, *County*

- (b) 0.00 m (0.00 ft) from and road, *internal subdivision*
- 3.3.3 Minimum *Yard, Side* for *Buildings*: 0.00 m (0.00 ft),
- 3.3.4 Minimum *Yard, Rear* for *Buildings*: Minimum of 0.00 m (0.00 ft).
- 3.3.5 Maximum Height of *Buildings*:
 - (a) 12.00 m (39.37 ft) for *Dwelling, row*
 - (b) 15.00 m (49.21 ft) for all other uses
- 3.3.6 Maximum number of accommodation units within a *Hotel*: 100 units

4.0 Development Cell C – Golf Cell

4.1 Purpose and Intent

The purpose and intent of Cell C is to provide an area for the existing golf course and related uses that are compatible with the uses outlined for Cells A and B.

4.2 Uses

Accessory buildings
Amenity spaces for pedestrian uses
Arts and cultural centre
Athletic and recreation facilities
Commercial communications facilities, Type A
Commercial communications facilities, Type B
Commercial communications facilities, Type C
Commercial recreational facilities
Government services
Indoor participant recreation services
Outdoor participant recreation services
Patio, accessory to the principal business use
Private clubs and organizations
Public buildings
Public parks
Signs
Tourism uses/facilities, recreational

4.3 Development Regulations

- 4.3.1 *Parcel Size*: The minimum *parcel* size shall be 2.02 hectares (4.99 acres).
 - (a) Parcels intended as public utility lots will have no minimum size.
- 4.3.2 Minimum *Yard, Front* for *Buildings*:
 - (a) 10.00 m (32.81 ft) from any road, *County*
 - (b) 15.00 m (49.21 ft) from and road, *internal subdivision*
- 4.3.3 Minimum *Yard, Side* for *Buildings*:
 - (a) Minimum of 10.00 m (32.81 ft),

- 4.3.4 Minimum *Yard*, Rear for *Buildings*:
 - (a) Minimum of 15.00m (49.21 ft)
- 4.3.5 Maximum Height of Buildings:
 - (a) 12.00 metres (39.37 ft).

5.0 General Development Regulations

- 5.1. The following items are required prior to the endorsement of a plan of subdivision or the issuance of a Development Permit;
 - 5.1.1 A Construction Management Plan, satisfactory to the County, which details amongst other items, erosion, dust, weed and noise control measures and stormwater management during construction, prepared by a qualified professional, to the satisfaction of the County.
 - 5.1.2 A Weed Management Plan, prepared by a qualified professional, to the satisfaction of the County.
 - 5.1.3 A Stormwater Management Plan, prepared by a qualified professional, to the satisfaction of the County and all relevant Federal & Provincial Authorities.
 - 5.1.4 A Transportation Impact Analysis, prepared by a qualified professional, to the satisfaction of the County.
 - 5.1.5 A Biophysical Impact Analysis, prepared by a qualified professional, to the satisfaction of the County.
 - 5.1.6 A Historical Statement of Justification, prepared by a qualified professional, to the satisfaction of the County and all relevant Federal & Provincial Authorities.
 - 5.1.7 A Geotechnical Evaluation, prepared by a qualified professional, to the satisfaction of the County.
 - 5.1.8 A Wildfire Risk Assessment, prepared by a qualified professional, to the satisfaction of the County.
 - 5.1.9 A Utility Servicing Plan to the satisfaction of the County. This Plan will reflect details outlined in the Conceptual Scheme, including:
 - a) The establishment of future County ownership arrangements (Transfer Agreement) at no cost on a deficiency free basis, regarding the implementation of water, wastewater and stormwater infrastructure to service the development; and
 - b) The identification of the area for spray irrigation disposal and the registration of a restrictive covenant over the affected area. The restrictive covenant shall restrict the use of the land to accepting treated effluent until such time as an alternative means of effluent disposal, that is acceptable to the County and the relevant provincial authority, is established.

- 5.1.10 A Solid Waste Management Plan detailing how solid waste will be collected and transported from the development.
- 5.1.11 A Manure Management Plan prepared by a qualified professional in a form and substance satisfactory to the Municipality.
- 5.1.12 A Parking and Loading Plan for all commercial/retail uses that details the configuration of all parking lots, including the location of all parking stalls, access points, loading area and vehicle manoeuvring. The plan will outline how all the parking lots will be linked and provide an efficient circulation pattern. A Parking Assessment prepared by a qualified professional may be submitted to determine appropriate parking/loading requirements if different than Section 30 – Parking and Loading and Schedule 5 – Parking, Schedule 6 – Loading, of the Land Use Bylaw (C-4841-97) as amended, to the satisfaction of the County. The Parking Assessment shall form part of the Parking and Loading Plan.
- 5.1.13 Calculations that address the amount of Municipal Reserve owning and how the required Municipal Reserve will be provided (ie cash in lieu or land dedication).
- 5.1.14 Architectural Controls that addresses building form and finishings and the relationship of the buildings to each other and the adjacent streets, parking lots and open spaces.
- 5.1.15 An Emergency Response Plan prepared by a qualified professional in a form and substance satisfactory to the Municipality.
- 5.1.16 All necessary easements and rights-of-way related to the sanitary sewer, water and stormwater systems, and the supply and distribution of power, gas, telephone, and cable television have been confirmed in form and substance.
- 5.1.17 A Landscaping Plan that details plantings and other related improvements proposed within the development, prepared by a qualified Landscaping Professional, to the satisfaction of the County.
- 5.1.18 An Outdoor Lighting Plan that addresses the Municipality’s Dark Sky Policy as well as the International Dark Sky Association Guidelines.
- 5.1.19 All necessary licenses permits and approvals have been obtained from Alberta Environment with respect to:
 - a) a potable water supply and distribution system to service the subject lands or portions thereof and any necessary License/s to Divert and Use Water is obtained from Alberta Environment with regards to piped water supply and distribution system required to service the development and this piped water supply and distribution system has been confirmed;
 - b) the design, location and operational protocol of the sewage treatment facilities servicing the subject lands or portions thereof, including the treatment facility and surface disposal (ie. spray irrigation) required to

service the development and this wastewater system and treatment facility has been confirmed; and

- c) stormwater system required to service the development and this stormwater system has been confirmed.

5.2 Stripping & Grading

Notwithstanding provisions stated elsewhere in this Bylaw, the Municipality may issue a Development Permit for stripping and grading, which does not include installation of underground services, gravel or paving, prior to subdivision endorsement or issuance of a Development Agreement provided the following is submitted to and approved by the Municipality.

- a) A Site Development Plan that locates all buildings, roadways, open spaces, parking lots and pathways; and
- b) A Construction Management Plan, satisfactory to the County, which details among other items, erosion, dust, weed and noise control measures and stormwater management during construction.

6.0 Definitions

- 6.1 “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, stormwater, site erosion, sedimentation control, noise control, and traffic control.
- 6.2 “Equestrian Boarding and Riding Facility”- means public facilities (*buildings*, shelters, paddocks, or other structures) at which horses are boarded, exercised, or trained. A maximum of 20 horses shall be present at the facility at one time, and training and exercise shall occur exclusively for horses boarding on-site. The facility shall not be used for equestrian competitions or shows.
- 6.2 “Qualified Landscaping Professional” - means a professional landscape architect licensed to practise within the Province of Alberta who is a member in good standing with the Alberta Association of Landscape Architects (AALA).

7.0 Implementation

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

Division: 1
File: PL20150066

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

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on _____, on a motion by Councillor _____.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on _____, on a motion by Councillor _____.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY