

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6675-2008**

A bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4891-97.

WHEREAS the Council of the Municipal District of Rocky View No. 44 deems it desirable to amend this Bylaw, and

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Part 5, Land Use Maps No. 33 and No. 33 – NW to redesignate Block 1, Plan 881 0299 within NE 30-23-28-W4M from Ranch and Farm District to Direct Control District as shown on Schedule ‘A’, attached to and forming part of this Bylaw; and

WHEREAS a notice was published on August 5, 2008 and August 12, 2008 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising on the Public Hearing for September 9, 2008; 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 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 Maps No. 33 and No. 33 – NW of Bylaw C-4841-97 be amended by redesignating Block 1, Plan 881 0299 within NE 30-23-28-W4M from Ranch and Farm District to Direct Control District as shown on Schedule ‘A’, attached to and forming part of this Bylaw.
2. That all lands within Block 1, Plan 881 0299 within NE 30-23-28-W4M are hereby redesignated to Direct Control District as shown on Schedule “A” attached hereto and forming part of the Bylaw.
3. That the 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 Performance Standards
 - 5.0.0 Definitions
 - 6.0.0 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” attached hereto and forming part hereof.
- 1.2.0 The Operative and Interpretative Clauses (Part One), General Administration (Part Two) and General Regulations (Part Three) as contained in the Land Use Bylaw C-4841-97 are applicable, unless otherwise stated in this Bylaw.

1.3.0 The policies of the Shepard Area Structure Plan (Bylaw C-5330-2001) and the WesGroup Conceptual Scheme (Bylaw C-6676-2008) shall apply unless otherwise specified in this Bylaw.

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

2.0.0 Land Use Regulations

2.1.0 Purpose and Intent

The purpose and intent of this District is to ensure the development of a comprehensively planned limited-service industrial business park. The industrial business park will accommodate a diversity of business and industrial uses that are appropriate on limited service sites, require mid to large land parcels, are compatible with each other and do not create any significant adverse offsite impacts. The range of operations that will take place within the development may include offices as well as the manufacturing, transporting or retailing of a wide variety of items. Local retail stores may be permitted providing that they are limited to serving the local business area.

2.2.0 List of Uses

- Accessory Building
- Accessory Use
- Agriculture, General
- Agricultural Support Services
- Animal Health Care Services
- Auctioneering Services
- Automotive Services
- Automotive, Equipment and Vehicle Services
- Caretaker's Dwelling Unit
- Commercial Communications (CC) Facilities – Type A, B, C
- Composting Facility Type I, II
- Contractor, General
- Contractor, Limited
- Dealership/Rental Agency, Automotive
- Dealership/Rental Agency, Recreational Vehicle
- Dealership/Rental Agency, Implement and Equipment
- General Industry – Type I
- General Industry – Type II
- Health Care Services
- Indoor Participant Recreation Services
- Kennels
- Laboratories
- Mini-Storage
- Offices
- Offices, ancillary to the principal business use
- Outdoor Display Area
- Outside Storage
- Outside Storage, Recreational Vehicle
- Personal Service Business
- Restaurant

Retail Store, Local
Signs
Storage Area
Tractor Trailer Service Depot
Utilities
Warehouse
Warehouse Store, excluding hazardous good
Waste Transfer Site

2.2.1 In addition to the uses contemplated in this Bylaw, the following shall be permitted uses within all Development Sites:

- a) Roads and sidewalks necessary for access;
- b) Parking areas and structures;
- c) Utility distribution, buildings and collection systems necessary to service the Development and;
- d) All other services and infrastructure required to service development.

2.3.0 Minimum/Maximum Requirements for Buildings

2.3.1 Minimum Yard, Front: 6.0 metres (19.68 feet)

2.3.2 Minimum Yard, Side:

- a) Street side: 6.0 metres (19.68 feet)
- b) Adjacent to a property line: 3.0 metres (9.8 feet)

2.3.3 Minimum Yard, Rear: 3.0 metres (9.8 feet)

2.3.4 Minimum Lot Size: 1.01 hectares (2.5 acres)

2.3.5 Notwithstanding Section 2.3.4, the Minimum Lot Size does not apply for the purposes of approving and registering a bareland condominium for the purposes of creating a unit for the registration of a future building condominium.

2.3.6 Maximum Building Height: 20.0m (65.62 ft)

3.0.0 Development Regulations

3.1.0 Subdivision Requirements

The Municipality may require any or all of the following items as part of an application for subdivision or subdivision approval:

3.1.1 Completion of a Traffic Impact Analysis by the Owner for the entire development, that is approved by the Municipality, and further, the Owner enters into a Development Agreement with the Municipality respecting all road improvements identified in the Traffic Impact Analysis, to the satisfaction of the Municipality.

- 3.1.2 Preparation of a Stormwater Management Plan by the Owner, dealing with both onsite and offsite stormwater, completed by a qualified professional engineer licensed to practice in the Province of Alberta, that is satisfactory to the Municipality, and which shows that the development will not negatively affect adjacent lands, to the satisfaction of the Municipality.
- 3.1.3 The Municipality may require that an access agreement in the name of the Municipal District of Rocky View be registered on the title of each lot for the purposes of remedying any breach by the lot Owner of any non-compliance in the construction, operation or maintenance of the lot Owners' storm pond or stormwater management facilities.
- 3.1.4 Preparation of an Emergency Response Plan by the Owner, that is submitted to the satisfaction of the Fire Chief, and which plan establishes, among other things, measures for chemical containment and remediation, storage of fuels and chemicals, soil contamination and fire suppression.
- 3.1.5 Preparation and submission of an Overall Site Development Plan by the Owner, which includes an illustration of the vehicular and pedestrian movement corridors, parking and loading facilities as well as all other facilities that are to be located on the site, and a development phasing plan to the satisfaction of the Development Authority.
- 3.1.6 Submission of a Construction Management Plan by the Owner to the satisfaction of the Municipality, which details amongst other items, erosion, dust and noise control measures and stormwater management during construction.
- 3.1.7 Submission of a Biophysical Impact Assessment by the Owner to the satisfaction of the Municipality.
- 3.1.8 Completion of all other requirements of this Bylaw, to the satisfaction of the Development Authority.

3.2.0 Development and Building Permits Requirements

No Development Permit for any use or *development* or *building* permit for any building shall be issued by the Development Authority and no *development* shall occur on the lands until:

- 3.2.1 The Owner has completed a Traffic Impact Analysis for the entire development, and it has been approved by the Municipality, and further, the Owner has entered into a Development Agreement with the Municipality respecting all road improvements identified in the Traffic Impact Analysis, to the satisfaction of the Municipality.
- 3.2.2 The Owner has prepared a Stormwater Management Plan, dealing with both onsite and offsite stormwater, completed by a qualified professional engineer licensed to practice in the Province of Alberta, that is satisfactory to the Municipality, and which shows that the development will not negatively affect adjacent lands, to the satisfaction of the Municipality.
- 3.2.3 If required, a site-specific Stormwater Management Plan has been prepared and submitted by the Owner to the satisfaction of the Municipality.

- 3.2.4 An Emergency Response Plan has been prepared by the Owner and submitted to the satisfaction of the Fire Chief, and which plan establishes, among other things, measures for chemical containment and remediation, storage of fuels and chemicals, soil contamination and fire suppression.
 - 3.2.5 The Owner has prepared and submitted an Overall Site Development Plan, which includes an illustration of the vehicular and pedestrian movement corridors, parking and loading facilities as well as all other facilities that are to be located on the site, and a development phasing plan to the satisfaction of the Development Authority.
 - 3.2.6 The Owner has submitted a Construction Management Plan to the satisfaction of the Municipality, which details amongst other items, erosion, dust and noise control measures and stormwater management during construction.
 - 3.2.7 The Owner has prepared and submitted a Biophysical Impact Assessment to the satisfaction of the Municipality.
 - 3.2.8 All other requirements of this Bylaw have been completed, to the satisfaction of the Development Authority.
- 3.3.0 Water Supply and Sewage Treatment Requirements
- 3.3.1 Potable water for all development on the site shall be provided via a commercial well, licensed and approved for commercial use by Alberta Environment, or hauled to the site and stored in cisterns, all as approved by the Municipality and to the satisfaction of the Municipality.
 - 3.3.2 Disposal of wastewater shall be subject to all requirements of the Safety Codes Act, as amended, pursuant to this Bylaw.
 - 3.3.3 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.
 - 3.3.4 Chemically treated waste shall be collected via an approved dump station, and shall then be placed in holding tanks and removed on a regular basis for disposal and treatment at an approved disposal facility, to the satisfaction of Alberta Environment.
 - 3.3.5 Solid waste shall be disposed of on a regular basis at an approved disposal site, to the satisfaction of the Municipality.
 - 3.3.6 A caveat regarding a Deferred Services Agreement shall be registered on the Lands, notifying the Owner and any future owners and all 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, all to the satisfaction of the Municipality.

3.4.0 Landscaping

- 3.4.1 Landscaping shall be provided in accordance with a Landscape Plan. The Landscape Plan shall be submitted to the Municipality upon application for a Development Permit. The Landscape Plan shall identify the location, type and extent of all hard and soft landscaping proposed for the lands, the plant material proposed, the methods of irrigation and maintenance, and shall require that a minimum of 10% of the lands within the development area shall be landscaped.
- 3.4.2 The quality and extent of landscaping established on site shall be the minimum standard to be maintained for the life of the development. Adequate means of irrigating any soft landscaping and maintaining both hard and soft landscaping shall be detailed in the Landscape Plan.
- 3.4.3 Landscaping treatment within the Plan Area means the modification and enhancement of the surface area of a site through the use of any or all of the following elements:
 - a) Soft landscaping consisting of vegetation such as berms, trees, shrubs, hedges, grass and ground cover; and
 - b) Hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt.
- 3.4.4 Any landscaping that dies and is part of the landscape plan shall be replaced by June 30 the following year.
- 3.4.5 All areas of the site not disturbed as part of the Development Permit shall be maintained in a natural state or under cultivation.
- 3.4.6 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.
- 3.4.7 The Landscape Plan shall incorporate the principles of the Storm Water Management Plan such as the use of sustainable and low maintenance landscaping, suitable native and drought tolerant vegetation, and stormwater collection and irrigation systems.
- 3.4.8 The Landscape Plan shall be undertaken in a manner that enhances the visual appearance of Garden Road (Range Road 285) and provides visual relief from the development by incorporating berming along that frontage of the subject lands.

3.5.0 Building Design

- 3.5.1 The design, character and appearance of all buildings shall be appropriate to and compatible with the surrounding area and shall be constructed of durable materials able to maintain the initial quality throughout the life of the project.
- 3.5.2 All colours, materials and finishes should be co-ordinated on all exterior elevations of the buildings to achieve total continuity and comprehensiveness of design within each lot.

3.5.3 The finish and appearance of any accessory buildings shall complement the principal building.

3.5.4 Building design emphasis should be on those building elevations that are openly visible to Garden Road (Range Road 285).

3.6.0 Signage

3.6.1 Signage shall be considered concurrently with a Development Permit application and may be integrated into building architecture and shall be consistent with the overall development theme.

3.6.2 There shall be no flashing or animated signs.

3.6.3 No signage shall be permitted within view triangles at intersections.

3.7.0 Outside Storage

3.7.1 Outside storage shall not be located within any required setback.

3.8.0 Outside Display

3.8.1 Outside display areas shall be permitted provided they are limited to examples of equipment, products and/or items related to the use of the respective individual lot.

4.0.0 Performance Standards

4.1.0 Air Contaminants, Visible and Particulate Emissions

No use or operation shall cause or create air contaminants, visible emissions, or particulate emissions beyond the site that contains them.

4.2.0 Odorous Matter

No use or operation 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.

4.3.0 Lighting

All outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties; interfere with the use and enjoyment of neighbouring lands; or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.

4.4.0 Toxic Matter

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 Chemical Management Plan that may be required by the Municipality and as defined in a Development Permit.

4.5.0 Garbage Storage

Garbage, waste, and recycling material accumulated at any location on the site shall be stored in weather-proof and animal-proof containers. Such containers shall be located within buildings or adjacent to the side or rear of buildings. The containers shall be screened from view from public thoroughfares with appropriate berming, vegetation, low level structures, and/or fencing.

4.6.0 Fire and Explosive Hazards

All 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.

4.7.0 Fire Protection

Fire protection measures shall be in accordance with the Alberta Building Code.

5.0.0 Definitions

5.1.0 CARETAKER'S DWELLING UNIT means a single dwelling unit that is used as a residence by a caretaker or watchman or which is merely inhabited in order to provide extra security to the premises.

6 Implementation

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

Division: 5
File: 03330002 2007-RV-330

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, July 29, 2008 on a motion by Councillor Solberg.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, September 9, 2008, on a motion by Councillor Solberg.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, September 9, 2008, on a motion by Councillor McLean.

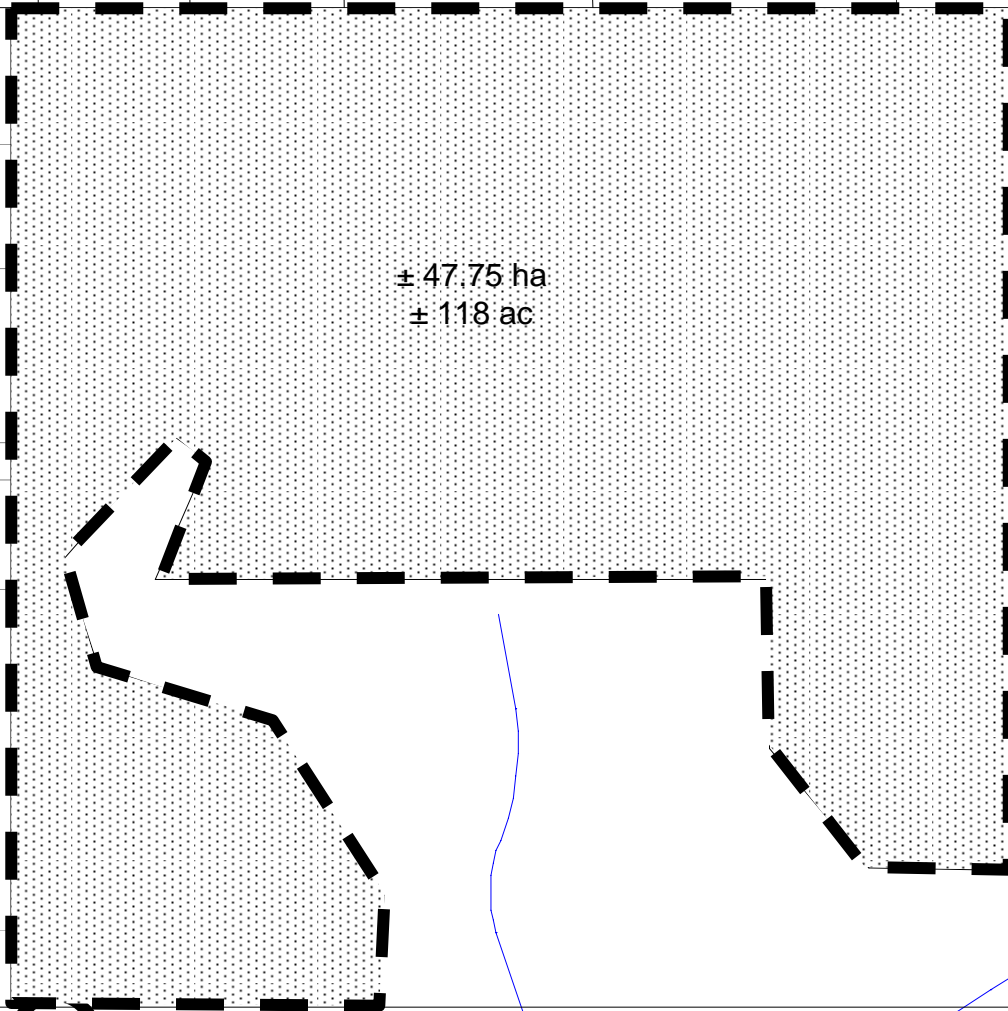
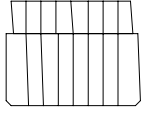
REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-6675-2008

WRANGLER WAY



± 47.75 ha
± 118 ac

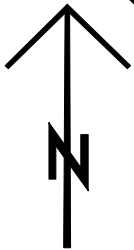
RGE. RD. 285

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AMENDMENT

FROM Ranch and Farm District TO Direct Control District

Subject Land - - - - -



LEGAL DESCRIPTION: Block 1, Plan 881 0299
within NE 30-23-28-W4M

FILE: 03330002-2007-RV-330

DIVISION: 5

