

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
ELBOW VALLEY WEST DIRECT CONTROL DISTRICT  
BYLAW C-5879-2004**

This document has been consolidated for convenience only. A current listing of any and all amendments can be obtained from the Municipal District Office

<b>Bylaw No.</b>	<b>Date of Approval</b>	<b>Amendment Type</b>
Bylaw C-6042-2005	April 12, 2005	Sections 2.0, Section 4.0 and Section 5.0
Bylaw C-6220-2006	May 09, 2006	Delete & replace section 1.7.0 Add section 2.2.7 Delete section 2.15.2 Add section 2.15.7 Delete & replace section 2.16.1 Delete section 2.16.2 Delete & replace section 2.16.3 Delete sections 2.16.7, 2.16.8 & 2.16.9 Delete & replace section 2.16.10 Add section 3.2.6 Delete & replace section 4.1.0 c) Add definition section 5.9.1

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A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4763-97, as amended, known as the “Elbow Valley Direct Control District Bylaw” and to amend Bylaw C-4841-97, as amended, known as the “Land Use Bylaw” and.

**WHEREAS** the Council of the Municipal District of Rocky View No. 44 has received an application to amend Bylaw C-4763-97, as amended, known as the “Elbow Valley Direct Control District Bylaw” as shown on the attached Schedule “A” and Part 5, Land Use Map No. 47 and 47-SE of Bylaw C-4841-97 to redesignate A Portion of NW 02-24-03-W5M, Block 32, Plan 791 0905; Lot 1, Block 32, Plan 971 1745 and Lot 2MR, Block 32, Plan 001 0492, all within the N ½ 2-24-3-W5M, from Direct Control District to Direct Control District, as shown on the attached Schedule “B”; and

**WHEREAS** the Council deems it desirable to amend the said Bylaw(s) affecting the lands;

**WHEREAS** a notice was published on February 24, 2004, and March 2, 2004, in the Rocky View Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advertising of a public hearing for March 9, 2004; and,

**WHEREAS** Council held a Public Hearing and has given consideration to the representations made to it in accordance Section 692, Section 230 and Section 606 of the Municipal Government Amendment 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 Bylaw C-4763-97, as amended, known as the Elbow Valley Direct Control District Bylaw, be amended in accordance with the Schedule “A” attached hereto and forming part of this Bylaw.
2. That Part 5, Land Use Map No. 47 and 47-SE of Bylaw C-4841-97 be amended by redesignating A Portion of NW 02-24-03-W5M, Block 32, Plan 791 0905; Lot 1, Block 32, Plan 971 1745 and Lot 2MR, Block 32, Plan 001 0492, all within the N ½ 2-24-3-W5M, from Direct Control District to Direct Control District as shown on the attached Schedule “B” forming part of this Bylaw;
3. That all lands within A Portion of NW 02-24-03-W5M, Block 32, Plan 791 0905; Lot 1, Block 32, Plan 971 1745 and Lot 2MR, Block 32, Plan 001 0492, all within the N ½ 2-24-3-W5M, are hereby redesignated to Direct Control District as shown on the Schedule “B” attached to and forming part of this Bylaw;
4. That this Bylaw shall come into effect upon third and final reading.

**File: 4702033/034 & 4702070/076 - 2003-RV-121**

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on February 10, 2004, on a motion by Councillor Kent.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on March 9, 2004, on a motion by Councillor Kent.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on March 9, 2004, on a motion by Councillor Korschuk.

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REEVE OR DEPUTY REEVE

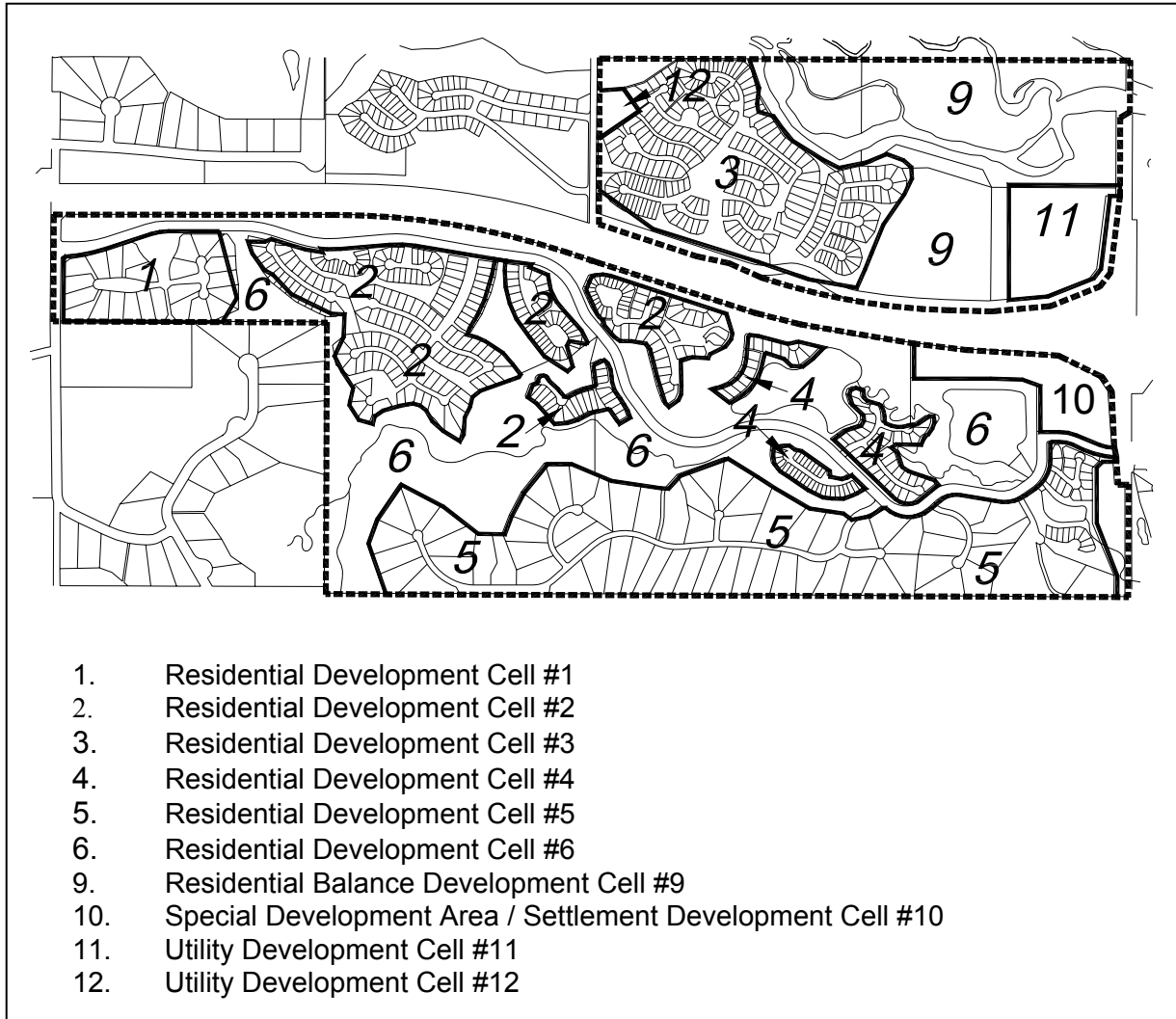
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MUNICIPAL SECRETARY

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**SCHEDULE "A"**

**0.1 AMENDMENTS TO THE ELBOW VALLEY DIRECT CONTROL DISTRICT BYLAW C-4763-97**

0.1.1 Replace Schedule "A" of Bylaw C-4763-97 with the amended Schedule "A" as shown below:

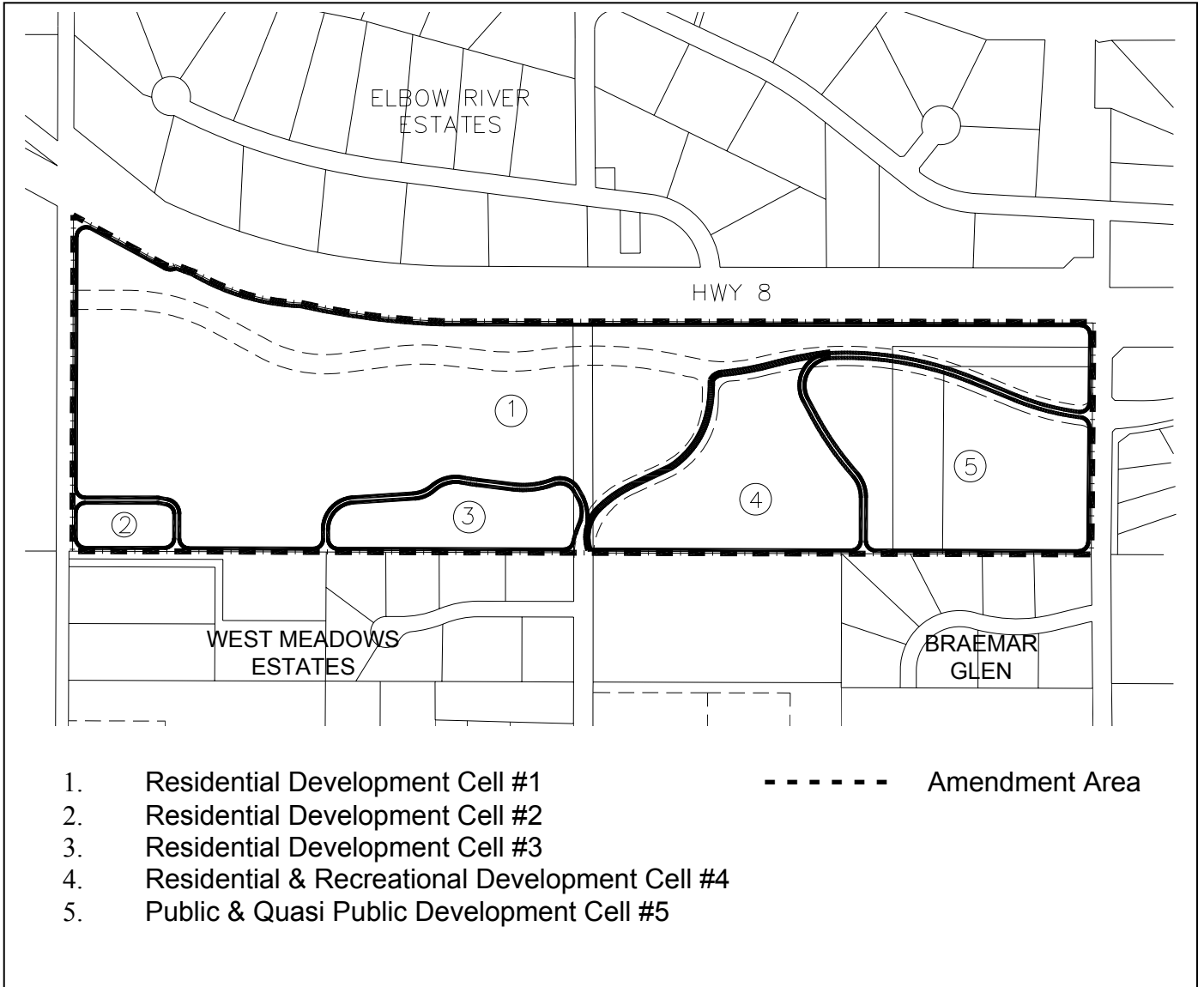


0.1.2 Delete Section 4.0.0 - Public and Quasi-Public Development Cell

0.1.3 Delete Section 5.0.0 - Agriculture Development Cell

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**SCHEDULE "B"**



**1.0.0 GENERAL REQUIREMENTS**

1.1.0 The Development Officer shall consider and decide on applications for development permits for all uses herein contemplated provided the provisions of Section 1.0.0 and 4.0.0 of this Bylaw are completed in form and substance to the satisfaction of the Municipality. All uses proposed within Development Cells 1, 2, 3 and 4 are deemed approved by the Development Officer without requirement of a Development

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Permit. All uses within Development Cell 5 shall require Development Permit Approval.

- 1.2.0 Parts 1, 2 & 3 of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by this Bylaw except where noted otherwise.
- 1.3.0 For the purposes of this Bylaw, the Lands shall be notionally divided into Development Cells, the boundaries and descriptions of which shall be more or less as indicated in Schedule "A" attached to and forming part of this bylaw, except otherwise approved by Council. The size and shape of each Development Cell is approximate and will be more precisely determined by a Tentative Plan in form and substance satisfactory to the Municipality, to be submitted to the Municipality by the Developer as an application for subdivision approval.
- 1.4.0 No Plan of Subdivision shall be endorsed and no Development Permit shall be issued for the lands (including stripping and grading) until the Municipality and the Developer have executed a Development Agreement(s) where required, in form and substance satisfactory to Council or the Development Officer in its or his/her own sole and unfettered discretion.
- 1.5.0 Council may, through the Development Agreement(s) required by this Bylaw, specify any development regulation, criteria or condition necessary to ensure all Subdivision and Development on the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Council and its sole and unfettered discretion.
- 1.6.0 There shall be not more than one (1) dwelling unit per titled lot.
- 1.7.0 Notwithstanding anything to the contrary in this Bylaw, there is an overall maximum of 121 residential dwelling units permitted within the amendment area, provided that wastewater pump-out tanks are utilized. If wastewater pump-out tanks are utilized, an overall maximum of 115 residential dwelling units permitted within the amendment area.

**2.0.0 RESIDENTIAL DEVELOPMENT CELLS**

The purpose and intent of the Residential Development Cells is to provide for the use of portions of the subject lands for residential development involving a range of parcel sizes and housing forms that gives consideration to integration of new residential development with the existing subdivision pattern of adjacent lands.

**2.1.0 RESIDENTIAL DEVELOPMENT CELL 1**

**2.2.0 Uses**

- 2.2.1 Dwellings, *Single-Detached*
- 2.2.2 Accessory Buildings
- 2.2.3 Home Based Business – *Type 1*
- 2.2.4 Private Open Space
- 2.2.5 Temporary Sales Centre

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2.2.6 Community Sign

2.2.7 Utility Infrastructure

2.3.0 Maximum and Minimum Requirements

2.3.1 Maximum number of dwelling units: 85 (subject to Section 1.7.0)

2.3.2 Maximum area of Development Cell 1: 34.6 ha (85.5 ac)

2.3.3 Minimum lot area: 0.10 ha (0.25 ac)

2.3.4 Minimum lot width: 18 m (59 ft.)

2.3.5 Minimum habitable floor area: 140 m<sup>2</sup> (1,507 ft<sup>2</sup>)

2.3.6 Maximum floor area (*accessory building*): 10 m<sup>2</sup> (107.64 ft<sup>2</sup>)

2.3.7 Maximum site coverage: 40 %

2.3.8 Maximum building height (*principal building*): 10.67 m (35 ft)

2.3.9 Maximum building height (*accessory building*): 4 m (13.12 ft.)

2.3.10 Minimum parking spaces: Two (2) per dwelling unit

2.4.0 Building Setbacks

2.4.1 Minimum side yard (where attached garage is proposed): 1.5 m (4.92 ft.) abutting the attached garage and 3.0 m (9.84 ft.) opposite the attached garage – no encroachments  
Minimum side yard (where no attached garage is proposed): 2.4 m (7.87 ft.) – no encroachments

2.4.2 Minimum front yard: 6 m (19.7 ft)

2.4.3 Minimum rear yard: 6 m (19.7 ft.)

Minimum rear yard abutting existing residential development: 10 m (32.8 ft.)

Minimum rear yard abutting a road, *municipal or road, service adjacent to a road, highway*: 10 m (32.8 ft.)

2.4.4 Minimum rear yard for accessory building 2.4 m (7.87 ft.)

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**2.5.0 Additional Requirements**

2.5.1 Within the lots adjacent to the south boundary of any portion of Development Cell #1 that abuts existing residential development, the following setbacks, lot sizes and building types shall apply:

<b>Lot size</b>	2 ac. and greater	1 ac. – 2 ac.	1 ac. – 2 ac.	Less than 1 ac.	Less than 1 ac
<b>Minimum Building Setback*</b>	15 m	15 m	25 m	25 m	35 m
<b>Building Type**</b>	2 storey	1 storey	2 storey	1 storey	2 storey

\* Building setback measured from the common property line between the West Meadows Estates northern boundary and the subject lands

\*\*Number of stories does not include walk-outs

**2.6.0 RESIDENTIAL DEVELOPMENT CELL 2**

**2.6.1 Uses**

2.6.1.1 Dwellings, *Single-Detached*

2.6.1.2 Home Based Business – *Type I*

2.6.1.3 Accessory Buildings

**2.7.0 Maximum and Minimum Requirements**

2.7.1 Maximum number of dwelling units: 3 (subject to Section 1.7.0)

2.7.2 Maximum area of Development Cell 2: 1 ha (2.5 ac)

2.7.3 Minimum lot area: 0.20 ha (0.5 ac)

2.7.4 Minimum lot width: 25 m (82 ft.)

2.7.5 Minimum habitable floor area: 140 m<sup>2</sup> (1,507 ft<sup>2</sup>)

2.7.6 Maximum floor area (*accessory building*): 10 m<sup>2</sup> (107.6 ft<sup>2</sup>)

2.7.7 Maximum site coverage: 35 %

2.7.8 Maximum building height (*principal building*): 10.67 m (35 ft)

2.7.9 Maximum building height (*accessory building*): 4 m (13.12 ft.).

2.7.10 Minimum parking spaces: 2 per dwelling unit

**2.8.0 Building Setbacks**

2.8.1 Minimum side yard (where attached garage is proposed): 1.5 m (4.92 ft.) abutting the attached garage and 3.0 m (9.84 ft.) opposite the attached garage -- no encroachments

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Minimum side yard (where no attached garage is proposed): 2.4 m (7.87 ft.) – no encroachments

2.8.2 Minimum front yard: 6 m (19.68 ft)

2.8.3 Minimum rear yard: 15 m (49.2 ft)

2.8.4 Minimum rear yard for accessory building 2.4 m (7.87 ft.)

2.9.0 Additional Requirements

2.9.1 The Developer shall plant a minimum of three (3) coniferous trees within each lot developed within Development Cell #2. All trees planted shall be a minimum height of 2.4 m (7.87 ft.) and shall be located within 6 m (19.68 ft.) from the southern boundary of Development Cell #2.

**2.10.0 RESIDENTIAL DEVELOPMENT CELL 3**

2.11.0 Uses

2.11.1 Dwellings, *Single-Detached*

2.11.2 Accessory Buildings

2.11.3 Home Based Businesses – *Type 1*

2.12.0 Maximum and Minimum Requirements

2.12.1 Maximum number of dwelling units: 4 (subject to Section 1.7.0)

2.12.2 Maximum area of Development Cell 3: 3.5 ha (8.65 ac)

2.12.3 Minimum lot area: 0.8 ha (2.0 ac)

2.12.4 Minimum lot width: 25 m (82 ft.)

2.12.5 Minimum habitable floor area: 140 m<sup>2</sup> (1,507 ft<sup>2</sup>)

2.12.6 Maximum floor area (*accessory building*): 10 m<sup>2</sup> (107.6 ft<sup>2</sup>)

2.12.7 Maximum site coverage: 35 %

2.12.8 Maximum building height (*principal building*): 10.67 m (35 ft)

2.12.9 Maximum building height (*accessory building*): 4 m (13.12 ft.)

2.12.10 Minimum parking spaces: 2 per dwelling unit

2.13.0 Building Setbacks

2.13.1 Minimum side yard (where attached garage is proposed): 1.5 m (4.92 ft.) abutting the attached garage and 3.0 m (9.84 ft.) opposite the attached garage – no encroachments  
Minimum side yard (where no attached garage is proposed): 2.4 m (7.87 ft.) – no encroachments

2.13.2 Minimum front yard: 6 m (19.68 ft)

2.13.3 Minimum rear yard: 15 m (49.2 ft.)

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2.13.4 Minimum rear yard for accessory building: 2.4 m (7.87 ft.)

**2.14.0 RESIDENTIAL AND RECREATIONAL DEVELOPMENT CELL 4**

2.15.0 Uses

2.15.1 Dwellings, *Single-Detached*

2.15.2 Accessory Buildings

2.15.3 Home Based Business – *Type I*

2.15.4 Private Open Space

2.15.5 Community Sign

2.15.6 Community Centre

2.15.7 Temporary Sales Centre

2.15.8 Utility Infrastructure

2.16.0 Maximum and Minimum Requirements

2.16.1 Maximum number of dwelling units: 36 (subject to Section 1.7.0)

2.16.2 Maximum area of Development Cell 4: 7.8 ha (19.3 ac)

2.16.3 Minimum lot area for single detached dwellings: 0.10 ha (0.25 ac)

2.16.4 Minimum lot width for single detached dwelling: 17 m (55.77 ft.)

2.16.5 Minimum habitable floor area for single detached dwelling: 140 m<sup>2</sup> (1,507 ft<sup>2</sup>)

2.16.6 Minimum lot area for semi-detached dwellings: 0.07 ha (0.17 ac)

2.16.7 Maximum floor area (*accessory building*): 10 m<sup>2</sup> (107.64 ft<sup>2</sup>)

2.16.8 Maximum building height (*principal building*): 10.67 m (35 ft)

2.16.9 Maximum building height (*accessory building*): 4 m (13.12 ft.)

2.16.10 Minimum parking spaces: Two (2) per dwelling unit

2.16.11 Minimum on-site parking space requirements for community centre: 12 stalls

2.17.0 Building Setbacks

2.17.1 Minimum side yard: 1.5 m (4.92 ft.) – no encroachments

2.17.2 There shall be no minimum side yard along the common property line which separates two individual units approved as a semi-detached dwelling

2.17.3 Minimum front yard: 6 m (19.7 ft.)

2.17.4 Minimum rear yard: 6 m (19.7 ft.)

2.17.5 Minimum rear yard for accessory building 2.4 m (7.87 ft.)

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**2.18.0 Additional Requirements**

- 2.18.1 A 3.0 m (9.84 ft.) Access Right-of-Way shall be provided adjacent to the south boundary of Development Cell #4 abutting existing residential development. The right-of-way shall be used to provide access from the public road to the stormwater management facility. A 1.2 m (3.93 ft.) open wire security fence shall be installed along the north boundary of the Access Right-of-Way. This fencing may be removed at such time the abutting parcel to the south is redeveloped with residential uses.
- 2.18.2 Within the lots adjacent to the south boundary of any portion of Development Cell #4 that abuts existing residential development, the following setbacks, lot sizes and building types shall apply:

<b>Lot size</b>	2 ac. and greater	1 ac. – 2 ac.	1 ac. – 2 ac.	Less than 1 ac.	Less than 1 ac
<b>Minimum Building Setback*</b>	15 m	15 m	25 m	25 m	35 m
<b>Building Type**</b>	2 storey	1 storey	2 storey	1 storey	2 storey

\* Building setback measured from the common property line between the West Meadows Estates northern boundary and the subject lands

\*\*Number of stories does not include walk-outs

**3.0.0 PUBLIC AND QUASI-PUBLIC DEVELOPMENT CELL**

The purpose and intent of the Public and Quasi-Public Development Cell is to provide for the development of Institutional, Educational and Recreational uses.

**3.1.0 PUBLIC AND QUASI-PUBLIC DEVELOPMENT CELL 5**

**3.2.0 Uses**

- 3.2.1 Schools, *Public or Separate*
- 3.2.2 Accessory Buildings
- 3.2.3 Public Park
- 3.2.4 Fencing
- 3.2.5 Signs
- 3.2.6 Utility Infrastructure

**3.3.0 Maximum and Minimum Requirements**

- 3.3.1 Maximum Building Height (*principal building*): 12 m (39.4 ft.)
- 3.3.2 Maximum Building Height (*accessory building*): 5.5 m (18 ft.)

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**3.4.0 Building Setbacks**

- 3.4.1 Minimum front yard: 15 m (98.4 ft) from any *road, service* adjacent to a *road, highway*
- 3.4.2 Minimum side yard: 30 m (98.4 ft) from any *road, municipal*
- 3.4.3 Minimum setback for any yard abutting existing residential development: 30 m (98.4 ft.)

**4.0.0 DEVELOPMENT REGULATIONS**

4.1.0 No subdivision for residential lots shall be endorsed, and no Development or Building Permits shall be issued within the subject lands for any purpose, until:

- a) The Developer has prepared a Construction Management Plan, including interim stormwater management measures, in form and substance satisfactory to the municipality.
- b) The Developer has prepared and submitted a Stormwater Management Plan prepared by a qualified Professional Engineer licensed to practice in the Province of Alberta in a form and substance satisfactory to the Municipality and/or Alberta Environment.
- c) The management of the sanitary sewage generated from the development may be in the form of a connection to the City of Calgary or by another waste collection system to the satisfaction of Alberta Environment, the Municipality, Alberta Infrastructure & Transportation and Calgary Health Region. No wastewater pump-out facilities shall be permitted within municipally-owned lands. Confirmation of a piped and treated water supply, licensed by the Province of Alberta, has been confirmed, in a form and substance satisfactory to the Municipality.
- d) A Historical Resources Impact Assessment prepared by the Developer has been submitted and is satisfactory in both form and substance to the Municipality and Alberta Community Development.
- e) The Municipality has approved all necessary easements and rights-of-way related to the supply and distribution of power, natural gas, cable television and telephone service within the subject lands.
- f) All Development Cells have been surveyed as required, and the boundary of the Development has been fenced with temporary snow fencing or other materials approved by, and to the satisfaction of, the Municipality.
- h) Notwithstanding any other clause in this Bylaw, the Municipality may issue a Development Permit for stripping and grading of the site provided the developer has complied with Section 4.1.0 (a) and (b) and 4.3.0 (a) of this Bylaw

4.2.0 Development within some or all of the Development Cells may be combined within a single Development Permit and/or Development Agreement and the Development Permit and/or Agreement shall provide that:

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- a) 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 Council have been deposited with the Municipality; and
  - b) no occupancy of any dwelling unit shall occur until the construction of all roads and utilities required to serve the Residential Development Cells or portions of them have been substantially completed to the satisfaction to the Municipality and Alberta Transportation.
- 4.3.0 Unless otherwise approved by the Municipality, private roads shall be constructed in accordance with geometric design guidelines and standards outlined in the Servicing Standards for Subdivision and Road Construction, June 1, 1999, as amended;
- 4.4.0 Show homes may be considered by the Development Officer as a discretionary use on the lands for up to six residential dwelling units prior to the endorsement of a plan of subdivision provided that conditional approval for subdivision has been granted by Council for that cell and further that no occupancy of the said show homes shall occur until full municipal services (power, gas, sewer, water, telephone etc.) are available to and immediately useable by residents of said dwellings and the plan of subdivision has been registered.
- 4.5.0 Pursuant to the issuance of Development Permits and/or Development Agreements for grading and stripping of necessary portions of the site under Section 4.3.0 of this Bylaw, no topsoil shall be exported from the lands and non-topsoil materials may be utilized for grading purposes for Development within the lands.

**5.0.0 DEFINITIONS**

- 5.1.0 “Building” - includes anything constructed or placed on, in, over or under land but does not include a highway, public roadway or utility;
- 5.2.0 “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;
- 5.3.0 “Developable Lands” - means that portion of the Lands which is considered to be suitable for development by the Council and the development of which is not precluded by this Bylaw;
- 5.4.0 “Developer” - means that party which owns or has a right to own all of the Lands excepting only any roadway plan therein;
- 5.5.0 “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 the construction of placing in, on, over or under land of any of them;
  - b) a change of 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 in the use of the land or Building; or
  - c) a change in the intensity of use of land or a building or an act done in relation to land or a building

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that results in or is likely to result in a change in the intensity of use of the land or building;

- 5.6.0 “Development Agreement” - is an Agreement between the developer and the Municipality specifying development regulations, criteria or conditions necessary to ensure all developments and subdivisions on the land conform to municipal approvals;
- 5.7.0 “Development Cell” - means an area of land that may contain a number of uses as defined in this Bylaw and which are numerically identified in Schedule “B”;
- 5.8.0 “Letter of Credit” - means an area of land that may contain a number of uses as defined in this Bylaw at the request of the developer naming the Municipality as the sole beneficiary thereof;
- 5.9.0 “Utilities” - means water treatment and distribution and wastewater collection, treatment and disposal facilities, gas, electricity, cable and telephone transmission lines and related facilities and relevant appurtenances necessary to service the development cells or portions thereof in the area covered by the Bylaw. For the purpose of this Bylaw, a system utilizing sewage holding tanks is not considered a utility;
- 5.9.1 “Utility Infrastructure” – means any permanent or temporary infrastructure and associated uses necessary to provide utility servicing to the subject lands in accordance with all Municipal and Provincial regulations. Temporary utility infrastructure refers to interim servicing strategies necessary to serve the lands until such time as a connection to a regional network is provided for.
- 5.10.0 “Residential Development Cells” - means those Development Cells which shall be used exclusively for residential purposes and associated open space;
- 5.11.0 “Residential and Recreation Development Cell” – means that Development Cell which shall be used exclusively for residential and recreational purposes and associated open space.
- 5.12.0 “Community Centre” – means a building(s) and associated outdoor amenity and parking space located within privately owned lands that are maintained by a Home Owner’s Association.
- 5.13.0 “Building Scheme” - for the purpose of this Bylaw means a scheme to be registered against title of the Developable Land pursuant to a Restrictive Covenant describing Architectural Controls pertaining to the Development thereof;
- 5.14.0 “Qualified Professional” - is a professional engineer who is a member in good standing with the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA);
- 5.15.0 “Substantial Completion” - means Construction Completion Certificates have been issued by the Municipality;
- 5.16.0 “Private Open Space” - means the development of parks, pathways and playground facilities and other recreational amenities that are located within privately owned lands that are maintained by a Home Owner’s Association;
- 5.17.0 “Temporary Sales Centre” - means a building without any below-grade foundation which may be located on site, in accordance with all other setback requirements of this Bylaw, uses exclusively as an office to promote the sales of residential lots specific to this development;

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- 5.18.0 “Community Sign” - means a sign displaying the name of the community or communities within Section 2-24-3-W5M;
- 5.19.0 “Lot Width” - is the measurement of a line drawn from the midpoint of one side property line to the midpoint of a second side property line;
- 5.20.0 “Existing Residential Development” - means any parcel having a residential designation, in accordance with Land Use Bylaw C-4841-97, at the time of passing of this Bylaw; and
- 5.21.0 Terms not defined above have the same meaning as those defined in Section 8 of Land Use Bylaw C-4841-97.