**Village of Rycroft**
**Request for Decision**

**Council Meeting Date: December 4, 2019**

**TOPIC:** Land Use Bylaw (LUB) Bylaw 215-19 zoning for A&B Rentals Property

**CAO RECOMMENDATION:** That Council create a Direct Control District in the Land Use Bylaw and rezone the property to that district type.

**BACKGROUND:** Council considered the zoning of Equipment Rental Use (Lots 23/24, Block 26, Plan 792 2050) at the November 6 regular Council meeting. This commercial use is located on lots that are currently zoned R1, so it is a non-conforming use. The implications of non-conformity are that the development cannot expand on the site, if the use is discontinued for 6 months or more it cannot be re-established, and if the operation were to suffer a loss by (for example) fire, it could not be rebuilt. Council chose at first reading to include "Equipment Sales, Rental and Repair on Lots 23/24, Block 26, Plan 792 2050" as a discretionary use in the R1 District, which legitimizes the existing development but does not allow for development of other commercial uses and allows for future residential redevelopment of site.

If Council considers rezoning, there are three possible options with varying degrees of pro/con:

- Rezone the site as HD-Highway Development. This is not optimal as the land does not abut any other HD zoned lands (therefore would be an isolated spot zone) and is not suited to HD use due to its small size. HD zoning also allows for a broad range of uses where the site could be redeveloped that are arguably not compatible with adjacent R1 lands.
- Extend the C2 zoning on the adjacent lots to the south to the subject site. This is preferred over the HD option as it is an extension of existing zoning on adjacent lands and is therefore not spot zoning. However, the site does not meet the district standards of the C2 District, and would have to be addressed by variances in the event future development is considered. C2 has a more limited set of allowed uses than the HD.
- Create a Direct Control District. This is site specific zoning that addresses unique sites that don't fit cleanly into other existing zones. This involves the creation of a new district that would only address the uses and site conditions (e.g. setbacks) of the development on that site. This was not an option previously available to the Village as the *MGA* only allows for DC zoning if the municipality has an MDP. A sample DC District, based on the DC District in the Town of Spirit River LUB is attached.

## IMPLICATION OF DECISION

**FINANCIAL IMPLICATIONS:** None.

**POLICY AND/OR LEGISLATIVE IMPLICATIONS:** The Municipality must follow the *Municipal Government Act* and regulations.

**ALTERNATIVE OPTIONS:**

- Council could redistrict the subject property as they see fit

**ATTACHMENTS:** Proposed Direct Control District description

Peter Thomas — November 28, 2019

**Chief Administrative Officer** — **Date**

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### *3.13 Direct Control (DC) District*

#### 3.13.1 Purpose

The purpose of this district is to provide for unique forms of development or to enable development to occur in areas of unique character or circumstance.

#### 3.13.2 Development Regulations

(a) All regulations associated with this district shall be at the discretion of Council unless otherwise specified in the Direct Control District.

(b) All development shall conform to the provisions of the Municipal Development Plan.

(c) All regulations of this Bylaw shall apply unless such regulations are specifically excluded or modified in the Direct Control District.

(d) When deciding on an application, Council shall consider the following:
(i) existing and future use of neighbouring lands;
(ii) servicing of the subject property;
(iii) access to the subject property; and
(iv) any considerations that are unique to the proposed development and/or the subject property.

(e) The Development Officer may require the applicant to submit any or all of the following documents to support their Application:
(i) an explanation of the intent of the project and why a Direct Control District is necessary;
(ii) the features of the project, which make it desirable to the general public, which includes an elevation of how the project complements existing and future plans for the surrounding lands;
(iii) a detailed development scheme which includes the following information:
1. location of all buildings;
2. elevation and architectural treatment of all buildings and associated structures;
3. proposed servicing scheme;
4. all yard setbacks, site coverage, site areas, floor areas, sizes of lots, and number of parking stalls; and

5. any other information as requested by the Development Officer so that they may complete a thorough review of the application.

### 3.13.3 Process

(a) Council is the approving authority with respect to any Bylaw amendment and development permit applications relating to Direct Control Districts.

(b) Prior to deciding on a Bylaw amendment application, the Development Officer will provide opportunities for the applicant, adjacent landowners and other interested parties to comment and make submissions on the proposal, in the form of a public meeting. These opportunities will be in addition to the Public Hearing and will be completed at least four weeks prior to the scheduled First Reading of the proposed Bylaw amendment.

(c) In accordance with the Act, there is no appeal to the Board for decisions made by Council on applications on lands in a Direct Control District.

### 3.13.4 Individual Direct Control District (DC-1)

(a) The purpose of this district is to accommodate an existing Equipment Sales, Rental and Repair use on Lots 23 and 24, Block 26, Plan 792 2050, a site previously zoned for residential use.

(b) Uses
- Equipment Sales, Rental and Repair
- Storage Yard

(c) Development Regulations

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|---|---|
| (i) Lot Area (Maximum) | 0.13 ha (0.32 ac) |
| (ii) Front Yard (Minimum) | 7.6 m (25 ft) |
| (iii) Side Yard abutting C-2 District (Minimum) | 0 m (0 ft) |
| (iv) Side Yard abutting R-1 District (Minimum) | 3 m (10 ft) |
| (v) Rear Yard (Minimum) | 1.5 m (5 ft) |