

PART 16 DIRECT CONTROL DISTRICTS

16.1 DC1 – DIRECT CONTROL DISTRICT 1 – GENERAL



.1 General Purpose

The purpose of this district is to provide for developments that, due to their unique characteristics and/or site conditions, require specific direction unavailable in conventional land use districts. This district is not intended to be used in substitution for any other land use district in this Bylaw that could be used to achieve the same result.

.2 Decision-Making Authority

In this district, the Decision-Making Authority is Council.

.3 District Boundaries

Any *parcel* or portion thereof which Council wishes to assign direct control over as approved through the defined amendment process in Part 3 of this Bylaw.

.4 Uses

Any *use* deemed appropriate by Council.

.5 General Requirements

- (a) In evaluating a proposed land *use* or *development* in a DC1 district, Council shall have regard for, but not be limited to:

- (i) the existing *use* of the lands;
- (ii) the general and special regulations as contained elsewhere in this Bylaw;
- (iii) the land *use* Regulations of adjoining districts;
- (iv) shall comply with the *Municipal Government Act*, Subdivision and Development Regulations, Municipal Development Plan and any *statutory plan* or Outline Plan in effect specifically for the purpose of directing the implementation and administration of this district; and
- (v) all *parcel* regulations shall be as determined by Council, who, in determining such regulations, shall consider all information it obtains pursuant to the provisions of this Section and comply with any applicable provisions of any *statutory plan* in effect. This district shall not be used for lands which require *subdivision* as there are no underlying *uses* in this district.

- (b) The design, external finish, architectural appearance, siting, *landscaping*, *screening* and *buffering* of any *building* or structure shall be to the satisfaction of Council so that there shall be general conformity in such matters with respect to *adjacent buildings*, adequate protection afforded to the amenities of the *adjacent* residential properties, and any objectionable aspects or potential incompatibility with other *uses* and *developments* in *adjacent* districts is or can be minimized.

- (c) Notwithstanding any *development permit* application requirements to the contrary in the Bylaw, and in addition to any requirements of the specified *subdivision* and *development* regulation or any policies of the County, Council may specify the following additional application requirements in the case of an application within a DC1 district:

- (i) to determine if the lands in question are suitable for and can physically support the *use* or *development* in question, Council may require, before accepting an application as complete, geotechnical analysis or any other engineering, environmental or technical assessment and information it considers necessary to properly evaluate the application. Council will require that the information required is prepared or substantiated by a *practicing professional*;

- (ii) to the level of detail determined by Council, applicants shall fully disclose the precise nature and extent of the proposed *use or development*, including intended hours of operation, so that applications can be thoroughly evaluated; and
- (iii) to assist in the comprehensive evaluation of a DC district application, Council may undertake, or require that the applicant undertake in a manner satisfactory to Council, a polling of the *adjacent* and/or affected landowners.

.6 Application Process and Decision

- (a) Prior to deciding upon a *development permit* application before it, Council may provide public notice, through means and to whom it considers necessary, that a decision on a *development permit* pursuant to a DC1 district is to be made and Council will afford an opportunity to any interested person to make representations on the application and may take into account any such representations made when giving final consideration to the application.
- (b) Council may approve, without or with any conditions deemed suitable, or refuse the application.
- (c) Council may also impose such conditions as Council finds appropriate to regulate the proposed *development* including:
 - (i) as a condition of approval, require that the applicant enter into a *Development Agreement* with the County pursuant to the *Municipal Government Act* and this Bylaw. To ensure compliance with the conditions in the agreement, the County may be protected by caveat registered in favour of the County;
 - (ii) set a time period for which the *Development Agreement* is to remain in effect;
 - (iii) as a condition of approval, require financial guarantees from the applicant, in a form and amount acceptable to the County, to secure performance of any of the conditions of the approval;
 - (iv) revoke an approval in the case where satisfactory arrangements have not been made by a *developer* for the supply of water, sewer, stormwater and *road* access, or any of them, including payment of the costs of installing or constructing any such utility by the *developer*; or
 - (v) in the case of new construction, Council may require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the *building* that is the subject of the *development permit* application, be submitted by the *landowner or developer* upon completion of the *building foundation*, or siting in the case of mobile or portable units on permanent *foundations*, and prior to commencement of framing or further structural construction to ensure that the *building* is sited according to the provisions of the *development permit* and this Bylaw.
- (d) Council may stipulate the times of day or week during which an approved *use or development* may operate as well as the length of time its approval remains in effect.
- (e) As a condition of approval, Council may require, to their satisfaction, that an approved *use or development* be *screened* from public thoroughfares and *adjacent* residential *uses* by a solid wall, *fence* or other means.
- (f) When part of the site is to be *used* for outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner.
- (g) Council may approve a temporary *development permit* where Council is of the opinion that the proposed *use* is of a temporary nature.
- (h) If at any time, in the opinion of Council, any of the provisions of this Bylaw have not been complied with, Council or the *Development Authority* may utilize the enforcement mechanisms available under the *Municipal Government Act* and this Bylaw.