B7  DIRECT CONTROL DISTRICTS

B7.1  GENERAL

1)  In accordance with the Act, Direct Control Districts are to be applied to areas determined by Council to be unique or of special character or where particular circumstances or difficulties are present. They are intended to ensure that land use and development occurs in these areas in accordance with any applicable provisions prescribed for such areas in a statutory plan in effect or to be put in effect to specifically guide the implementation and administration of a Direct Control District.

2)  There are two means of application for Direct Control Land Use Districts:
   a)  With Regulations – the owner, or representative, of a site may apply to amend this Land Use Bylaw to add a new Direct Control Land Use District that would apply to an area or specific site. As part of the Land Use Bylaw amendment, a Land Use District would be created which would detail uses, requirements and provisions that would apply to the subdivision and/or development of the area or site; or
   b)  Without Regulations – the owner, or representative, of a site may apply to redistrict a site to Direct Control, without the creation of site or area specific uses, requirements, or regulations. In this case, an application for a Development Permit will be considered based upon the merits of the respective proposal that is brought forward by the applicant, and would rely on the guidance and policies of any applicable statutory plans.

3)  The Direct Control Land Use District shall only be applied where the following conditions are met:
   a)  The development is, in the opinion of Council, considered appropriate for site, having regard to the policies and objectives of any plan, statutory or otherwise, the Bylaw and compatibility with the scale and character or surrounding development;
   b)  The use of any other Land Use District to accommodate the development would, in the opinion of Council, result in potential conflicts with existing or future surrounding development, should the full potential of such a Land Use District be utilized;
   c)  The development is of a unique form of nature not contemplated or reasonably regulated by another Land Use District;
   d)  The development, in the opinion of Council, shall not unduly interfere with the amenities or materially interfere with or affect the use, enjoyment, or value of neighbouring properties by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter, or other noxious emissions or containment of hazardous materials.

4)  Development Authority:
   a)  The development authority for a Direct Control Land Use District without any regulations is Council; and
   b)  The development authority for a Direct Control Land Use District with regulations may be made by the Municipal Planning Commission or Development Officer unless specified within the regulations of the Land Use District.

2)  Application Requirements:
   a)  The Development Officer may also specify the following additional application requirements when receiving applications in the Direct Control Land Use District:
      i)  a geotechnical analysis or any other engineering, environmental, or technical assessment, a public engagement survey, and information it considers necessary to properly evaluate the application;
      ii)  applicants shall fully disclose the precise nature and extent of the proposed
Use, Subdivision, or Development, including intended hours of operation, so that their applications can be thoroughly evaluated; and

iii) to assist in the comprehensive evaluation of a Direct Control District application, Council or the Development Authority may undertake, or require that the undertaking take in a manner satisfactory to it, a polling of the adjacent residential and rendering a decision on the application; and

iv) to assist in the comprehensive evaluation of a Direct Control District application, Council or the Development Authority may, prior to a decision being made, refer the application to any other municipal department or any other external agency for comment and review.

In evaluating a proposed land use, subdivision, or development in a Direct Control District, Council:
4) All parcel regulations shall be as determined by Council which, 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 pan in effect.