

## 8. DEVELOPMENT PERMIT AREAS

### Section 8.0

1. The Local Government Act gives Council the authority to designate areas of the City as Development Permit Areas and to implement conditions of development in the form of development guideline.

These guidelines are applicable for the:

- protection of the natural environment, its ecosystems and biological diversity
- protection of development from hazardous conditions
- protection of farming
- revitalization of an area in which a commercial use is permitted
- establishment of objectives for the form and character of intensive residential development
- establishment of objectives for the form and character of commercial, industrial or multi residential development

In general, where land is within a development permit area, an owner must obtain a development permit prior to:

- subdivision
- construction of, addition to or alteration of a building or structure, land or parking area
- land in an environmentally sensitive area is altered
- land subject to hazardous conditions is altered

Applicants are required to provide a statement indicating how their proposal complies with the guidelines contained within this section. Where some element of the design does not comply with a guideline, a justification stating the divergence and the reason shall be made.

Where land is included within more than one development permit area designation, one development permit is required, however, the application will be subject to meeting the guidelines of all applicable development permit areas.

2. The following are the designated Development Permit Areas within the City. Development Permits are required for all development within these areas illustrated on Map #5 and Map #7 or described within the specific Development Permit Areas listed below:

1. Downtown
2. Commercial
3. Shopping Centres
4. Industrial
5. Multi Residential
6. Intensive Residential
7. Environmental
8. Old Orchard & Area
9. Duplex, Carriage House and Secondary Residential Development Area
10. Arden Corridor (see Arden Corridor Local Area Plan after pg. 137)

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### 3. Exemptions

A Development Permit is not required:

- Where a subdivision or strata plan including a phased strata plan is consistent with a development permit issued for a development on a property;
- Where an addition or alteration to an existing building is less than 25% of the existing floor area to a maximum of 200 m<sup>2</sup> or where a change in the exterior design of a building on any one side involves an area of less than 25%, as determined by the City of Courtenay;
- For the replacement of windows;
- For painting the exterior of a building;
- For the construction of a fence;
- For the replacement of a roof;
- To change the copy of an existing sign provided the existing sign structure conforms to the City of Courtenay Sign Bylaw No. 2042, 1998 and all amendments thereto;
- For any new sign(s) on an existing building face or business premise provided the new sign(s) has a sign area that is equal to or less than the existing sign(s) on the building face or business premise and conforms to the City of Courtenay Sign Bylaw No. 2042, 1998 and all amendments thereto.

### 4. Guidelines for ALL Development

The guidelines in this section apply to all development requiring a development permit under Section 919.1(1) (a-f) of the *Local Government Act* and subject to section 920 of the *Local Government Act*.

1. Construction, at a time of year and using construction methods that minimize the impacts on the development permit area, shall be encouraged. All development proposals subject to a development permit shall use the Stream Stewardship, 1993 and Land Development Guidelines, 1992 publications by DFO and MELP and the Environmental Requirements and Best Management Practices for the Review of Land Development Proposals, March 2001 publication by MELP, Comox Strathcona Sensitive Habitat Atlas, or any subsequent editions where applicable.
2. All development is to be undertaken and completed in such a manner as to prevent the released of sediment to any watercourse, storm sewer or overland. The City of Courtenay will require an erosion and sediment control plan, complete with recommendations for the implementation, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion where applicable.
3. The City of Courtenay shall require an applicant to supply a drainage plan, complete with recommendations for implementation that address water quality, water quantity and erosion control that are satisfactory to the City, where applicable, so as to minimize impacts on fish habitat and to comply with the City's stormwater management policies and plans and the City's Water Balance Model.

4. On parcels where development (including tree and vegetation removal) is proposed for an area with a slope of 30% or greater, the City of Courtenay may require the applicant to supply a report, prepared by a professional geotechnical engineer, indicating that slope stability will not be jeopardized and soil erosion and site mitigation measures can be implemented, to the satisfaction of the City of Courtenay.
5. The City of Courtenay may require the applicant to supply an assessment, prepared by a qualified professional consultant, which assess the environmental impact of the proposed development and prescribes appropriate recommendations for mitigation, remediation and protection of habitat, to the satisfaction of the City of Courtenay.
6. Existing, native vegetation within the Development Permit Area is to be retained as much as possible to minimize disruption to habitat and to protect against erosion and slope failure. If the area has been previously cleared of native vegetation, or is cleared during the process of development, the City of Courtenay may require the applicant to supply a re-vegetation plan prepared by a qualified consultant to the satisfaction of the City of Courtenay. The re-vegetation plan may be included as a condition of the Development Permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas may not require planting.
7. Vegetation species used in replanting, restoration and enhancement shall be selected to suit the soil, light and groundwater conditions of the site, should be native to the City, and be selected for erosion control and/or fish and habitat wildlife habitat values as needed.
8. All replanting shall be maintained by the property owner for a minimum of 5 years from the date of completion of the planting. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season.
9. Security will be taken as a condition of issuance of a development permit to ensure that the conditions of the permit and these DPA guidelines are met. For example, security will be required, and applied against, landscaping, erosion control works, site grading, phased clearing, barrier fence installing, habitat restoration works, post-development success of re-vegetation and restoration works, or any other requirements of a development permit.
10. Prior to the development or subdivision of land containing or adjacent to a watercourse, consideration shall be given to dedication of the watercourse and surrounding area to the Crown or Municipality for the preservation of the area and protection of wildlife corridors.
11. The City will work with the principles of Crime Prevention Through Environmental Design (CPTED) in the consideration or designing buildings and landscaping.

The City shall require any of the impact studies listed below for specific situations identified in order to evaluate an application:

- environmental impact study
- geotechnical study
- traffic impact study
- storm water management study

- biological assessment
  - local infrastructure
  - tree assessment study
12. All municipal boulevards fronting a property shall be landscaped, irrigated and maintained by the adjacent development/property owner.
  13. Architectural submissions are to be prepared in accordance with the *Architects Act of BC* and Landscaped Bylaw submissions are to be prepared in accordance with the most recent B.C.S.C.A/B.C.N.T.A. standard generally completed by a Landscape Architect.

## BL2645 8.9 Duplex, Carriage House and Secondary Residential Development Permit Area

### 1. Category

The Duplex, Carriage House and Secondary Residential Development Permit area applies to all duplex, carriage house and secondary residential development on any property within the City of Courtenay with the exception of those properties that are included within the Old Orchard and Area Development Permit Area.

The Duplex, Carriage House and Secondary Residential Development Permit area is designated pursuant to the following Sections:

9.19.1(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biodiversity;

9.19.2(b) of the *Local Government Act* for the protection of development from hazardous conditions;

9.19.2(e) of the *Local Government Act* for the form and character of intensive residential development.

### 2. Justification

This development permit area designation is intended to ensure that within existing neighbourhoods, the form and character of new duplex/carriage house/secondary residential development or conversions of existing single residential development to duplexes (or adding a carriage house or a secondary residential unit) maintains and enhances the neighbourhood's sense of place and community, and that the development of new neighbourhoods contributes positively to creating a sense of place and community.

This designation is also intended to ensure that duplex, carriage house and secondary residential development incorporates design elements which create visual interest and variety, respects natural topography, is sensitive to impacts on neighbouring properties, and considers preservation or enhancement of trees and vegetation.

The following guidelines apply only to duplex dwellings, carriage house and secondary residential development (as appropriate).

### 3. Guidelines

These guidelines are intended to encourage architects and designers to work creatively in formulating duplex proposals which will fit well into and enhance existing and new neighbourhoods; and designing carriage houses/secondary residential units which contribute positively to the existing or new single home development.

Development Permits will be considered in accordance with the following guidelines.

#### A. Form and Character

1. The Orientation, scale, form, height and materials proposed for a duplex, carriage house or secondary residential unit shall reflect the positive characteristics of the surrounding neighbourhood.
2. Roofs should have articulated lines and designed to reduce the appearance of bulk of the residence on upper floors. Roof slopes with greater than 6:12 pitch are preferred, however, proposals for lower pitch rooflines with significant articulation and design interest may be considered.
3. The principal entrances to a duplex should be at the front of the building and should be defined by porches, dormers, port cochere, canopies or be recessed.

4. On corner lots, all street facing elevations should have an equal level of quality and design detailing. It is encouraged that an entrance to one unit is from the primary street and the entrance to the second unit on the flanking street.
5. Design components that can make up the required architecture components include: multiple gables, dormers, bay windows, decorative shingles, wood trim, porches and verandas.
6. Exterior finishes should be durable and have a common theme. Materials including wood, fibre cement siding, brick or stone masonry and limited amounts of stucco are appropriate. Although use of vinyl is strongly discouraged, where residences in an existing neighbourhood are predominantly vinyl-clad, vinyl may be used. Metal siding is not permitted.
7. Buildings should reflect and enhance the character of the neighbourhood by:
  - Respecting the rhythm and scale of the existing streetscape
  - Visually breaking the larger massing into smaller individual components
  - Articulating the front facades to create a sense of scale, neighbourliness and architectural interest.
8. Stepped or alternating massing should be considered in order to avoid a box-like appearance.
9. Building design including the placement of windows, balconies and doors shall ensure visual privacy between residences.
10. Duplex, carriage house and secondary residential development should fit into the immediate surroundings of its location and not appear visually out of character with adjacent homes or surrounding neighbourhood. To minimize the impact of a duplex, avoid wide, flat faces that dominate the street by articulating and staggering front facades to create depth and architectural interest.
11. To Promote variety in design, duplex developments with front to back configurations or up and down layouts should be considered as an alternative to side by side duplex development.
12. Duplexes shall reflect the façade characteristics of single family homes.
13. Mirror image duplexes are discouraged. Varying the layout and staggering duplex units is encouraged to create architectural diversity.

#### *B. Siting, Landscaping and Screening*

1. Duplexes and carriage homes should be situated to ensure the privacy of residences on adjoining properties and to retain existing significant trees where feasible.
2. Carriage houses shall be situated to the rear of the property where appropriate and in keeping with the existing neighbourhood design.

### *C. Parking and Garages*

1. Where feasible, all properties which abut a lane should access the property from the lane and all parking should be in the rear yard.
2. For corner sites with no lane access, garages/carriage houses are encouraged to be in the rear yard with access via a driveway from the flanking street subject to approval from the City Engineer.
3. Garage entrances are encouraged to be faced away from the street where possible.
4. To reduce the amount of impervious surfaces on a lot, driveways and parking areas are encouraged to be surfaced with permeable paving material such as grassed cellular paving, porous pavers, or a comparable alternative satisfactory to the City. The width of driveways should be minimized and shared between units wherever possible.
5. Garages incorporated into the building structure should not project beyond the front elevation. Garage doors shall incorporate windows.
6. Detached parking garages and associated carriage houses are encouraged to be located near the rear property line, subject to zoning bylaw siting requirements.
7. Parking and driveways shall not occupy more than 50% of the area of the front yard or, where the site has a flanking side street, not more than 50% of the area flanking side yard.

### *D. Natural Environment and Hazardous Conditions*

1. Buildings and structures must be located on the portions of the site that are not environmentally sensitive.
2. The City may require that works be constructed to protect vegetation where there is a desire to preserve significant or landmark trees or where concern may be created by the development of the land.
3. In areas where slopes are in excess of 30%, the City may require that tree preservation areas be established to control erosion and/or protect banks.
4. In order to ensure adequate protection from erosion and soil instability, the City may regulate all land clearing, land grading, irrigation works, landscaping and may require hazard lands to remain free of development.