

## 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)

BL2550  
BL2645  
BL2756

### 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.