

DEVELOPMENT PERMIT AREA DESIGNATIONS

Introduction and Context

Development Permit Areas (DPAs) offer an implementation-oriented framework to ensure that development decisions support the community's broader aspirations as articulated in the Official Community Plan (OCP) within the authorities granted by the Local Government Act (LGA).

DPAs fit within a broader land use policy context and hierarchy:

OCP

- **Land Use Designations** – Reflecting long-term community goals and ambitions, the OCP guides overall City growth by designating land uses according to area of intended activity.
- **Zoning** – Regulated according to the Zoning Bylaw, specifics of scale and type of development in each land use zone outline permitted uses, densities, heights, setbacks, etc.
- **Development Permit Areas** – These focused tools then guide form and character, access, environmental protection measures, and a variety of other characteristics for development within each Development Permit Area and specific land uses.

Zoning Bylaw

Division 7, Section 488 (1) of the LGA allows OCPs to designate DPAs for a variety of purposes, and allows for specific

design objectives to be achieved, making sure development is responsive to its context. DPAs may be designated for the purposes of:

- Protection of:
 - a) The natural environment, its ecosystems, and biological diversity
 - b) Development from hazardous conditions
 - c) Farming
- Establishment of objectives for the form and character of:
 - d) Revitalization of an area in which a commercial use is permitted
 - e) Intensive residential development
 - f) Commercial, industrial, or multi-residential development
 - g) In relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region
- Promotion of:
 - h) Energy conservation
 - i) Water conservation
 - j) Reduction of greenhouse gas emissions

With the exception of g) (resort region), all designations are contained within the Courtenay DPAs as described further in each DPA category.

DPA Categories

Five Development Permit Areas are designated, the objectives for which and lands to which they apply are described further in the following pages. All of the City of Courtenay is a Development Permit Area but only the following listed uses, lands, or specific areas are subject to Development Permits:

Table 1 Development Permit Area Categories

DPA Category	Purpose
1. Commercial, industrial, mixed-use developments and any multi-residential with three units or more.	Form and character guidelines contained within the Zoning Bylaw communicate urban design expectations, including for the purposes of commercial revitalization, energy and water conservation, greenhouse gas emissions reductions, and protection of farming for properties adjacent to agricultural lands. These guidelines support design decisions that are responsive to context and climate and offer the flexibility to respond creatively while ensuring cohesive and thoughtful planning and design of new development.
2. Intensive residential development including: duplex, detached secondary residences, single-residential homes in areas with special heritage considerations as well as bare land stratas and mobile home parks.	
3. Farm Protection.	Farm protection guidelines contained within the Zoning Bylaw communicate setback, siting, separation and screening requirements when developing adjacent to agricultural lands in order to minimize the potential for conflicts between agricultural and non-agricultural land uses.
4. Environmental.	Environmental and hazardous guidelines contained within the Zoning Bylaw communicate environmental protection and development safety considerations when conducting any form of development near Environmentally Sensitive Areas (ESA) or Steep Slopes.
5. Protection from hazardous conditions: Steep Slopes.	

In general, where land is within a DPA, 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;
- Alteration of land containing or adjacent to an Environmentally Sensitive Area (ESA).

A number of general exemptions are listed here. More specific exemptions are included within the Development Permit Area guidelines provided within the Zoning Bylaw.

Exemptions for Normal Farm Practices

Normal farm practices in accordance with the Farm Practices Protection (Right to Farm) Act do not require a Development Permit.

Exemptions for Environmental Development Permits

Environmental Development Permits are not required:

- For the replacement of windows;
- For painting the exterior of a building;
- Institutional uses; or
- For any of the activities or circumstances defined within the Exemptions section of the Environmental DPA Guidelines.

Exemptions for Form & Character Development Permits

A Form and Character Development Permit is not required if any of the following are the case, including if multiple exemptions are the case:

- Institutional uses;
- Replacement of windows;
- Painting the exterior of a building;
- Construction of a fence;
- Replacement of a roof;
- Accessory buildings that do not require a building permit;
- Single residential dwellings, except when in an Intensive Residential Development Permit Area (e.g. heritage neighbourhoods and as part of a bare land strata development).
- For a minor alteration to the exterior of a building that does not change the architectural character of the development. For the purpose of this Section, "minor" is defined as a change which does not:
 - a. Increase site coverage more than 25% of the approved coverage;
 - b. Alter more than 25% of the existing floor area to a maximum of 200 m²;
 - c. Change the exterior design of a building on any one side more than 25%, including the addition or removal of windows.
- Where a subdivision or strata plan including a phased strata plan is consistent with a Development Permit issued for a development on a property.

HOW TO USE THESE GUIDELINES

Multiple DPAs

Depending on the project, multiple DPA categories may apply. In cases where an application is subject to more than one DPA category, only one Development Permit will be issued; however, the application will be subject to meeting the guidelines of all applicable DPAs.

General & Additional Guidelines

The guidelines for each of the DPAs have been organized to include both general guidelines that apply to any type of development within that category of DPA, as well as additional guidelines that apply only to specific uses, areas, or circumstances.

DPA Section Organization

Within each DPA category, content is organized as follows:

- **Justification** - The designation of the specific use or area, including maps where relevant, as defined by Section 488 (1) of the Local Government Act
- **Objectives** - The rationale for the category and what the guidelines aim to achieve
- **Guidelines** - The instructions within a particular category, outlining topics such as:
 - Siting, Scale & Massing
 - Architectural Detail & Materials
 - Landscaping & Screening
 - Universal Design & Accessibility
 - Site Circulation, Parking & Servicing
 - Environmental Protection & Restoration
- **DPA specific exemptions** - For some DPAs, specific exemptions apply.

LANGUAGE OF GUIDELINES

The guideline sections provide a variety of measures. Some of these measures are of high importance, while others seek to guide thinking to permit flexibility in achieving outcomes.

In order to recognize this sliding scale of emphasis, language has been crafted to include verbs and adverbs that direct users on intended outcomes:

- **'Shall' / 'Must' / 'Required'** - Identifies the measure as a requirement.
- **'Shall Not' / 'Must Not' / 'Prohibited'** - Identifies the item as not allowed.
- **'Should' / 'Recommended' / 'Encouraged'** - Identifies the measure as having a strong preference, with its inclusion to be explored or an alternative approach to be justifiable / reasonable.
- **'Should Not' / 'Not Recommended' / 'Discouraged'** - Similar to above, this reflects a negative preference for the measure in question, and unless a well-reasoned justification is provided is not to be included.
- **'May' / 'Could'** - These items are optional, and will be suitable based on individual contexts.