



The Corporation of the City of Courtenay

# Bylaw No. 3176

## **A Bylaw to amend Zoning Bylaw No. 2500, 2007**

WHEREAS Zoning Bylaw No. 2500, 2007 is applicable to all land, buildings and structures therein of the Corporation of the City of Courtenay;

AND WHEREAS amendments to *Zoning Bylaw No. 2005, 2007* and other bylaws are required for the City to comply with the provincial Bill 44 – Housing Statutes Amendment Act, 2023 and subsequent changes to the *Local Government Act*;

NOW THEREFORE the Council of the City of Courtenay, in open meeting assembled, enacts as follows:

### **Citation**

This Bylaw shall be cited as “Zoning - Amendment Bylaw No. 3176, 2025 (form & character development permit area, SSMUH)”.

### **Amendments**

“Schedule A” to “Zoning Bylaw No. 2500, 2007” is amended as follows:

1. AMENDING the title page by:
  - a) DELETING “Schedule A to Bylaw No. 3075”and  
REPLACING with “Schedule A to Bylaw No. 2500, 2007”;
2. AMENDING table of content, No. 4(a), Development Permit Areas by:
  - a) DELETING “DPA1— Commercial, Industrial, Mixed-Use Developments & Multi-Family Residences with Three or More Units”and  
REPLACING with “DPA 1 - Large-Scale Residential and Mixed-Use”;
3. AMENDING table of content, No. 4(b), Development Permit Areas by:
  - a) DELETING “DPA-2: Intensive Residential Form & Character Development Permit Area for Duplexes, Detached Secondary Residence & Heritage Neighbourhoods, and Bare Land Stratas and Mobile Home Developments”

and

REPLACING with “DPA -2: Small-Scale Multi-Unit Residential”;

4. AMENDING under heading “DEVELOPMENT PERMIT AREA DESIGNATIONS” sub-heading “DPA Categories”, “Table 1 Development Permit Area Categories” by:

- a) ADDING new text as set out in Schedule 1 attached to and forming part of this bylaw, and formatting the table to the original style;

5. AMENDING under heading “DEVELOPMENT PERMIT AREA DESIGNATIONS”, sub-heading “Exemptions for Form & Character Development Permits” by:

- a) DELETING the seventh bullet point: “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)”

and

REPLACING with new seventh bullet point: “Proposed residential development with a total of one or two dwelling units”;

6. AMENDING under section “DPA-1: COMMERCIAL, INDUSTRIAL, MIXED-USE DEVELOPMENTS & MULTI-FAMILY RESIDENCES WITH THREE OR MORE UNITS” by:

- a) DELETING section title “MIXED-USE DEVELOPMENTS & MULTI-FAMILY RESIDENCES WITH THREE OR MORE UNITS”

and

REPLACING with “LARGE-SCALE RESIDENTIAL AND MIXED USE”;

- b) DELETING text under section “Justification”

and

REPLACING with new text under section “Justification” as set out in Schedule 2 attached to and forming part of this bylaw;

- c) ADDING under section “Objectives” after no. 13 a new sub-heading: “*Within the Old Orchard and Terminal Addition Neighbourhoods (Map 2):*”;

- d) ADDING new text by inserting after new sub-heading and in numerical order:

“14. To ensure new development contributes to the community and preservation of heritage resources and special neighbourhood character of the Old Orchard and Terminal Addition neighbourhoods.”;

- e) REFORMATTING sub-headings “Justification” and “Objectives” to align with the current document style for font type, size and colour;
7. AMENDING under section “DPA-2 INTENSIVE RESIDENTIAL FORM AND CHARACTER DEVELOPMENT AREA FOR DUPLEXES, DETACHED SECONDARY RESIDENCES, HERITAGE NEIGHBOURHOODS, AND BARE LAND STRATAS AND MOBILE HOME DEVELOPMENTS” by:
- a) DELETING Section: DPA-2 INTENSIVE RESIDENTIAL FORM AND CHARACTER DEVELOPMENT AREA FOR DUPLEXES, DETACHED SECONDARY RESIDENCES, HERITAGE NEIGHBOURHOODS, AND BARE LAND STRATAS AND MOBILE HOME DEVELOPMENTS except maps and figures
- and
- REPLACING with new text as set out in Schedule 3 attached to and forming part of this bylaw;
- b) DELETING section name
- and
- REPLACING with “DPA-2: SMALL-SCALE MULTI-RESIDENTIAL”
- c) DELETING under heading “Guidelines”, sub-heading “Additional Guidelines for Mobile Homes and Bare Land Stratats” caption under image: “Example of parking and garage located respectively at the side and rear of a single residential home (*guideline 28*)” and corresponding picture;
- d) DELETING caption under heading “Guidelines”, sub-heading “Duplexes” caption under image: “Example of a duplex with significant façade articulation (*guideline 13*), and high quality siding (*guideline 14*)”;
- and
- REPLACING with new caption text: “Example of a building with shifts in massing and changes in exterior colours and textures and high-quality siding and west coast character (*Building Design 3 and 4*)”;
- e) DELETING from caption under heading “Guidelines”, sub-heading “Additional Guidelines for Mobile Homes and Bare Land Stratats” caption under image “Example of a pervious driveway treatment to allow for rainwater infiltration (*guideline 35*)”
- and
- REPLACING with “Example of a pervious driveway treatment to allow for rainwater infiltration (*Landscaping 11*)”;
- f) DELETING from caption under heading “Guidelines”, sub-heading “ADDITIONAL GUIDELINES FOR PRIMARY AND SECONDARY RESIDENCES IN THE OLD ORCHARD &

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TERMINAL ADDITIONA NEIGHBOURHOODS” caption under image “Example of a number of design elements such as gable, verandas, and decorative shingles incorporated into a single residential home to create architectural interest (*guideline 48*)”

and

REPLACING with “Example of a number of design elements such as gables, verandas, and decorative shingles to create architectural interest (*Additional Guidelines for the Old Orchard and Terminal Addition Neighbourhoods 4*)”.

**Severability**

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

Read a first time this 2<sup>nd</sup> day of April, 2025.

Read a second time this 2<sup>nd</sup> day of April, 2025.

PUBLIC HEARING held this 30th day of April, 2025 pursuant to Section 464 (1) of the *Local Government Act*.

Read a third time this \_\_\_ day of [month], 2025.

Adopted this \_\_\_ day of [month], 2025.

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Mayor Bob Wells

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Corporate Officer

**Schedule 1 to Zoning Amendment Bylaw No. 3176, 2025**

**Under heading “Development Permit Area Designations”, sub-heading “DPA Categories”**

**Table 1 Development Permit Area Categories**

<b>DPA Category</b>	<b>Purpose</b>
1. Commercial, industrial, large-scale residential and mixed-use.	Form and character guidelines contained within the Zoning Bylaw communicate urban design expectations, including for the purposes of intensive residential and multi-residential development, commercial revitalization, energy and water conservation, greenhouse gas emissions reductions, and protection of the natural environment. 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. Small-scale multi-residential.	
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.	

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## **Schedule 2 to Zoning Amendment Bylaw No. 3176, 2025**

### **Under section “DPA-1: COMMERCIAL, INDUSTRIAL, LARGE-SCALE RESIDENTIAL & MIXED-USE”**

#### **JUSTIFICATION:**

This Development Permit Area is intended to achieve attractive, architecturally coordinated and context-appropriate higher density, employment and mixed-use building and landscape designs that consider the relationship between buildings, open areas, and circulation systems, in order to promote walkable, safe, and vibrant developments. It also promotes development that considers protection of the natural environment, energy efficiency, water conservation and the reduction of greenhouse gas emissions

Pursuant to Section 488(1)(a)(d)(f)(h)(i) and (j) of the *Local Government Act*, this designation applies to all developments that contain commercial, industrial or mixed-uses and residential developments with five or more residential units within the boundaries of the City of Courtenay. Additional guidelines apply for a defined area of the downtown (as shown on enclosed Map 1) as well as in special heritage consideration areas (as shown on enclosed Map 2 - Old Orchard & Terminal Addition).

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**Schedule 3 to Zoning Amendment Bylaw No. 3176, 2025****Under section “DPA-2: SMALL-SCALE MULTI-UNIT RESIDENTIAL”****JUSTIFICATION:**

This Development Permit Area provides direction for housing and related development that meet the needs of residents while fitting well into the existing community. The intent is to support three to four dwelling unit residential infill development, and redevelopment that demonstrates a high standard of creative building design. It also promotes development that considers protection of the natural environment, energy efficiency, water conservation and the reduction of greenhouse gas emissions.

Pursuant to Section 488(1)(a)(e)(h)(i) and (j) of the *Local Government Act*, this designation applies to all three-and four-dwelling-unit residential developments within the boundaries of the City of Courtenay. Additional guidelines apply in special heritage consideration areas (as shown on enclosed Map 2 - Old Orchard & Terminal Addition and Map 3 - 40 Houses Heritage Neighbourhood).

**OBJECTIVES:**

1. Establish guidelines ground orientated, infill development in existing and new neighbourhoods that contribute to the preservation of the neighbourhood character while meeting city goals for housing diversity, gentle density, and access to employment and services.
2. Ensure new development contributes to the continuity and preservation of heritage resources and special neighbourhood character of Old Orchard and Terminal Addition Neighbourhood and 40 Houses Neighbourhood.
3. Promote a high standard of building, site planning and landscape design.
4. Encourage development that supports multi-modal transportation options and neighbourhood connectivity.
5. Encourage new development that considers protection of the natural environment, water conservation and energy efficient in site planning and design.
6. Promote net zero emissions in new development, including alterations or additions to existing buildings.

**GUIDELINES:*****Site Planning***

1. Housing development should be planned in a comprehensive manner that considers the interface between the site, adjacent development, other land uses and its relationship to the public realm.
2. The design of the site should consider access to and efficiency of pedestrians, bicycles and vehicular circulation.
3. A minimum average of 20 m<sup>2</sup> of usable private outdoor spaces should be provided for each dwelling unit in the form of a deck, balcony, patio or yard, exclusive of common amenity areas.

4. Outdoor spaces should be located to maximize sunlight, minimize noise disruptions, and minimize 'overlook' from adjacent units.
5. Site planning shall consider the location of third-party utilities, such as clearance from overhead and pad mounted electrical utilities as required by the Canadian Electrical Code.
6. Site planning should consider opportunities to retain and integrate mature trees and existing natural features. Site planning shall consider impact to mature trees and their root systems on adjacent lands.

### ***Public Realm and Streetscape***

1. Building design including the placement of windows, balconies, and doors shall consider visual privacy between residences, and perimeter fencing and/or landscaping shall provide visual privacy of adjoining properties.
2. Buildings should be sited to face the fronting street(s). Consideration should be given to preserve adequate space for landscaping, privacy and light penetrating into living spaces.
3. Principal entrances to a residence should be clearly defined using lighting, colour, paving texture, landscaping and/or enhanced architectural features, such as porches, patios, canopies, or recessed entryways.
4. On corner lots, all street-facing elevations should have an equal level of quality and design detailing.
5. For corner sites with no lane access, driveway access from the flanking street for one or more of the units is encouraged where both feasible and supported by the Development Services Department.
6. Parking and driveways should where feasible not occupy more than 50% of the area of the front yard and, where the site has a flanking side street, not more than 50% of the area of the flanking side yard.
7. Where a laneway exists, parking should access the lane where feasible.
8. Entrances and exits to parking areas shall be located and designed to reduce potential modal conflicts, maintain visual sight lines and limit impact to the transportation network.

### ***Building Design***

1. Buildings should be architecturally coordinated and provide a high quality of design. Building design should avoid repetition and monotony through subtle design variation between buildings on neighbouring properties.
2. Buildings should be designed to avoid large expanses of blank walls by incorporating architectural details, artwork, or sufficient landscaping to create visual interest.
3. Buildings should be designed to minimize their bulk with simple shifts in massing, roof articulation and use of varied architectural details, changes in exterior colours and textures.
4. Buildings should be designed with consistently high-quality and durable materials. West Coast architecture that incorporates natural design elements and materials such as exposed timber structural elements, native trees, vegetation landscaping and open concepts for natural light is encouraged.

5. Building roofs should minimize heat island effect and heat transfer into the building, such as through Energy Star-rated or high-albedo colour and materials.
6. Staircases to stacked units shall have weather protection and are encouraged to be indoor or screened from the street(s).
7. Building lighting should be designed to minimize spillage and glare to neighbouring properties, adjacent roads, Environmentally Sensitive Areas, or the sky.
8. Garbage and recycling storage located within a secure building or structure and should not be located in any yard facing a road.
9. Where individual unit heat pumps are used, they should be screened.

### ***Landscaping***

1. Existing, native vegetation within the Development Permit Area should be retained to the extent feasible to minimize disruption to habitat and to protect against erosion and slope failure where applicable.
2. Landscaping shall include a mixture of tree, shrub, ground cover and perennial plants. Tree selection for optimizing tree canopy and providing a mixture of deciduous and conifer species is encouraged.
3. Proposed planting should prioritize the selection of local plants that provide habitat, nesting, pollinator, foraging, or other biodiversity benefits and are drought tolerant.
4. Proposed planting species adapted to future climate conditions should be incorporated to the maximum extent possible.
5. Proposed planting may consider edible species and active urban agricultural uses.
6. Proposed planting should be provided in strategic locations to frame building entrances, soften edges, screen parking areas, and break up long facades where feasible.
7. Most or all of the landscaped areas should be designed to require little or no irrigation, through use of planting materials and impervious surfaces. Hand watering is encouraged. If irrigation is supplied, it should be limited to an underground system designed with high-efficiency targeted drip heads and automated weather sensors and use captured rainwater and greywater where possible.
8. Sufficient soil volumes shall be provided to support mature vegetation, including trees where applicable. This may include supplementing soil volume with structural soil or silva cell type systems within hardscape areas.  
Minimum depth of topsoil or amended organic soils must be provided:
  - Shrubs – 450 mm
  - Ground cover and grass – 300 mm, and
  - Trees – 300 mm around and below the root ball, typically to a minimum total of 900 mm.In addition, 15 m<sup>3</sup> is the minimum soil volume per tree, to be supplemented in hardscape zones with structural soil or silva cell type systems.
9. Topsoil or composted waste shall be used to assist in infiltration and increase the water holding capacity of landscaped areas.

10. All new, replacement, and upgraded street lighting in existing and proposed developments shall be LED Full-Cut Off/ Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting fixtures will also be required to be FCO.
11. To reduce impervious surfaces, permeable paving material such grassed cellular paving, porous pavers, or a comparable alternative are encouraged for driveways and parking areas.

***Additional Guidelines for Mobile Home Parks***

1. The design of the overall Mobile Home Park shall be based on a comprehensive concept and give adequate attention to the attractive layout of the mobile home lots and structure placement, landscape character and design, location and screening of parking areas, design and placement of recreation areas, and design of vehicular and pedestrian circulation.
2. Formalized pedestrian access shall be provided throughout the property to connect internal streets and parking areas with semi-private areas for residents, and to the public walkway system.
3. A street landscaping plan including tree planting plan for internal streets that provides for appropriately selected species at approximately 15-metre intervals shall be provided.

***Additional Guidelines for the Old Orchard and Terminal Addition Neighbourhoods***

1. The orientation, form, and materials proposed for a residence shall reflect and enhance heritage theme characteristics and neighbouring buildings.
2. Vehicle parking and access should be located at the side or rear and set back from the primary dwelling façade where feasible.
3. Garages incorporated into the building structure should not project beyond the front elevation.
4. Roofs should have substantial slope and articulated lines and be designed to reduce the bulk of a 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.
5. Design components that contribute to architectural interest should be incorporated. These include multiple gables, dormers, bay windows, decorative shingles, wood trim, porches, and verandas.
6. The design and finishing around windows and exterior doors should visually enrich the building elevation. Windows and doors should be articulated with trim.
7. Landscaping should include one or more fruit trees.

***Additional Guidelines for the 40 Houses Neighbourhood***

1. One-storey buildings, preservation of existing buildings, and simple rectangular massing are encouraged.
2. Maintaining the spatial relationship on the lot to the other houses in the neighbourhood is encouraged, including consistent front yard setbacks.

3. Low-pitch hipped roofs or single gable roofs shall be included.
4. Porch entries shall be minimal in keeping with the development.
5. Siding shall consist of wide plank horizontal wood or materials that resemble this effect.