



The Corporation of the City of Courtenay

# Bylaw No. 3177

## A Bylaw to amend Official Community Plan Bylaw No. 3070, 2022

WHEREAS Official Community Plan Bylaw No. 3070, 2022 establishes a policy framework to guide development decision to support the community's long-term goals and objectives in the City of Courtenay and Development Permit Areas are used to implement this broader land use policy context;

AND WHEREAS amendments to Official Community Plan Bylaw No. 3070, 2022 and other bylaws are required for the City to comply with 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 “Official Community Plan - Amendment Bylaw No. 3177, 2025 (form & character development permit area, SSMUH)”.

### Amendments

“Official Community Plan Bylaw No. 3070, 2022” is amended as follows:

1. AMENDING under “Part B, Managing Growth”, “SPECIFIC LAND USE DESIGNATION POLICIES” by:
  - a) DELETING from under heading “Urban Residential”, sub-heading “Built Form”, the third bullet point: “One (1) storey residential in the 40 Houses neighbourhood”;
2. AMENDING under “Part B, Managing Growth”, “SPECIFIC LAND USE DESIGNATION POLICIES” by:
  - a) DELETING from under heading “Urban Residential Area-Specific Profiles and Planning Directions”, sub-heading “40 Houses Heritage Neighbourhood”, “Policies” No.2: “Create a new zone in the Zoning Bylaw to reflect the traditional height, massing, and siting.”, and renumber in numerical order;
3. AMENDING under “Part D, Implementation”, section “3. Development Application Tools”, sub-section “C. DEVELOPMENT PERMIT AREA DESIGNATIONS”, “Table D-6 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.
4. AMENDING under 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";

- 5. AMENDING under section "DPA-1 COMMERCIAL, INDUSTRIAL, MIXED-USE & MULTI-RESIDENTIAL FORM AND CHARACTER DEVELOPMENT PERMIT AREA" by:

- a) DELETING from title "MIXED-USE DEVELOPMENTS & MULTI-FAMILY RESIDENTIAL FORM AND CHARACTER DEVELOPMENT PERMIT AREA"

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 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."

and

- d) REFORMATTING sub-headings "Justification", "Objectives" and "Guidelines" to align with the current document style for font type, size and colour.

- 6. AMENDING under section "DPA-2 INTENSIVE RESIDENTIAL FORM AND CHARACTER DEVELOPMENT PERMIT AREA FOR DUPLEXES, DETACHED SECONDARY RESIDENCES, HERITAGE NEIGHBOURHOODS AND BARE LAND STRATAS AND MOBILE HOME DEVELOPMENTS" by:

- a) DELETING section title

and

REPLACING with "DPA-2: SMALL-SCALE MULTI-UNIT RESIDENTIAL";

- b) DELETING section "JUSTIFICATION"

and

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

- c) DELETING section “Objectives” except keeping maps

and

REPLACING with new “Objectives” section text as set out in Schedule 3 attached to and forming part of this bylaw;

- d) REFORMATTING sub-headings “JUSTIFICATION”, “Objectives” and “Guidelines” to align with the current document style for font type, size and colour.

### **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 2nd day of April, 2025.

Read a second time this 2nd 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 this \_\_\_\_ day of [month], 2025.

\_\_\_\_\_  
Mayor Bob Wells

\_\_\_\_\_  
Corporate Officer

## Schedule 1 to Official Community Plan - Amendment Bylaw No. 3177, 2025

Under heading “C. DEVELOPMENT PERMIT AREA DESIGNATIONS”, sub-heading “DPA Categories”

Table d-6 Development Permit Area Categories

DPA Category	Purpose
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.

## **Schedule 2 to Official Community Plan – Amendment Bylaw No. 3177, 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).

## **Schedule 3 to Official Community Plan – Amendment Bylaw No. 3177, 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).

## **Schedule 4 to Official Community Plan – Amendment Bylaw No. 3177, 2025**

### **Under section “DPA-2: SMALL-SCALE MULTI-UNIT RESIDENTIAL”**

#### **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.