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Attachment #3

DEVELOPMENT PERMIT AREAS





Every place is given its character by certain patterns of events that keep on happening there. These patterns of events are locked in with certain geometric patterns in the space. Indeed, each building and each town is ultimately made out of these patterns in the space, and out of nothing else; they are the atoms and molecules from which a building or a town is made.

- Christopher Alexander, Architect & Author



10.0 INTRODUCTION AND CONTEXT

DEVELOPMENT PERMITS:

Development permits are one of the tools available to achieve the vision and objectives of this OCP. Where a property is included in a development permit area, a development permit is required and applications for development permits are expected to comply with applicable guidelines and regulations before a permit is issued and development proceeds.

[Part 14, Division 7 of the Local Government Act¹](#) authorizes local governments to establish Development Permit Areas for one or more of the following purposes:

- 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.
- Establish objectives for the form and character of intensive residential development, and/or commercial, industrial or multi-family residential development.
- Establish objectives to promote energy conservation, water conservation and reduce greenhouse gases.

Unless exempted by the 'General Exceptions' or specific exemptions in the development permit guidelines, the following forms of development within designated DPAs require a development permit:

- a. Alteration of land, including, excavation, deposition of soil or other material, and blasting.
- b. Construction and erection of buildings and other structures.
- c. Creation of non-structural impervious or semi-pervious surfaces.
- d. Subdivision of land.

GENERAL EXEMPTIONS:

Development generally excluded from the requirement for a development permit includes:

- Subdivisions for park, lot line adjustment or parcel consolidation.
- Planting of trees, shrubs or ground cover for slope and soil stabilization, habitat improvement, erosion control and beautification.
- Construction within a building that does not require exterior alteration.
- Structural alterations to legal or legal non-conforming buildings and structures within the existing footprint and building envelope.
- Building envelope remediation and/or replacement of exterior finishes where the exterior appearance is maintained;
- Temporary works authorized by a temporary use permit.
- The replacement or alteration of existing signs that are in full compliance with the Sign Bylaw.

DEVELOPMENT PERMIT AREA DESIGNATIONS:

Development Permit Areas established under this Official Community Plan are:

- DPA-1: Multi-Unit and Intensive Residential Development
- DPA -2: Commercial and Industrial Development
- DPA-3: Natural Environment
- DPA-4: Hazard Lands
- DPA-5: Farm Land Protection
- DPA-6: GHG Emissions and Energy Reduction

Where land is subject to more than one Development Permit Area (DPA) designation, development will be subject to the guidelines and requirements of all applicable DPAs.

¹Read the full Act here: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_14

10.1 DPA-1 MULTI-UNIT AND INTENSIVE RESIDENTIAL DEVELOPMENT

PURPOSE

This development permit area is intended to achieve walkable, vibrant, attractive and safe residential neighbourhoods and communities at various scales and densities. The guidelines are intended to provide direction for housing and associated development that meets the needs of residents and integrates new housing into the larger community.

DESIGNATION

In accordance with the provision of [Section 488 \(1\)\(e\)&\(f\)](#) of the *Local Government Act*, all lands within the boundaries of Municipality of North Cowichan, and shown on Map 1 - North Cowichan and Area are designated a development permit area for the form and character of multi-family, multi-unit, and intensive residential development.

The Multi-Unit and Intensive Residential Development Permit Area (DPA-1) applies to:

- Construction of new buildings with three or more attached dwelling units.
- Additions to or alteration of existing buildings with one or more new dwelling units that increases the number of dwellings beyond two.
- The subdivision of land for residential use where lots (fee simple or bare land strata) are less than 350 square metres.
- Building strata housing projects with three or more dwelling units.
- Mobile home parks with three or more dwelling units.

OBJECTIVES

The objectives of DPA-1 are:

- a. Establish guidelines for multi-unit housing that supports liveability, accessibility and a high quality of life for residents.
- b. Promote a high standard of building, site, and landscape design.
- c. Encourage new forms of housing that meet current and emerging housing needs that also integrate sensitively into the surrounding environment.
- d. Integrate higher density housing into the Village Residential and Village Core designations.
- e. Recognize and promote the distinctive character of communities and neighbourhoods.
- f. Promote pedestrian connectivity, alternative transportation modes and transit use.
- g. Integrate new and creative housing types into existing neighbourhoods and communities.

GUIDELINES

See [Zoning Bylaw No. 2950](#).

10.2 DPA-2 COMMERCIAL AND INDUSTRIAL DEVELOPMENT

PURPOSE

To establish objectives and form and character guidelines for commercial and industrial development that respect the operational requirements of business and industry while promoting safety, efficient land use, building and site aesthetics and the integration of mixed uses at the site, neighbourhood and community level.

DESIGNATION

In accordance with the provision of [Section 488 \(1\)\(d\)&\(f\)](#) of the *Local Government Act*, all lands within the boundaries of Municipality of North Cowichan, and shown on Map 1 - North Cowichan and Area are designated a development permit area for the form and character of commercial and industrial development and the revitalization of an area in which a commercial use is permitted.

The Commercial and Industrial Development Permit Area (DPA-2) applies to:

- Development on land or water that is designated as Village Core, Commercial, Industrial, Marine Commercial or Marine Industrial use on Map 2 – Growth and Land Use Management.
- Development on land or water zoned for commercial, industrial, marine commercial or marine industrial use.

OBJECTIVES

The objectives of DPA-2 are:

- a. Achieve a high standard of building, site and landscape design.
- b. Minimize potential conflicts with adjacent non-commercial and industrial uses.
- c. Promote development that fosters vibrant public spaces in Village Cores and other locations frequented by the public.
- d. Support local business through cohesive and high quality urban design.
- e. Promote safe and efficient movement of vehicles, pedestrians and cyclists.
- f. Enable residents to meet more of their daily needs within their neighbourhoods.
- g. Promote social interactions and strengthen neighbourhood cohesion.
- h. Encourage active lifestyles and equitable access to amenities and services.

GUIDELINES

See [Zoning Bylaw No. 2950](#).

10.3 DPA-3 NATURAL ENVIRONMENT

PURPOSE

The purpose of the Natural Environment Development Permit Area (DPA-3) is to establish objectives and guidelines to protect and enhance environmentally sensitive areas, ecosystems and biological diversity, and to ensure development has a positive impact on natural features and functions.

DESIGNATION

In accordance with the provision of [Section 488 \(1\)\(a\)](#) of the *Local Government Act*, all lands within the boundaries of Municipality of North Cowichan are designated a development permit area for the protection of the natural environment, its ecosystems and biodiversity.

The Natural Environment Development Permit Area (DPA-3) applies to:

- a. **Streams and Watercourses:**
 - Any development within 30 metres of a stream, as defined by the Riparian Area Protection Regulation.
 - Any development within a Riparian Assessment Area, as defined by the Riparian Area Protection Regulation.
- b. **Environmentally Sensitive Areas:**
 - Development within 15 metres of any environmentally sensitive area shown on Map 4 – Environmentally Sensitive Areas or identified as environmentally sensitive by a qualified environmental professional.
 - Development within 25 metres of a raptor nest tree.
- c. **Marine Riparian Areas:**
 - Any development within a 30 metre horizontal distance of the high water mark of the ocean.
- d. **Aquifer Protection:**
 - Any land with a high vulnerability rating as shown on Map 5 – Water Source Protection.

OBJECTIVES

The objectives for DPA-3 are:

- a. Protect the natural environment, its ecosystems, habitat and biological diversity from potential development impacts.
- b. Restore lost or degraded ecosystems and ecosystem functions.
- c. Promote and encourage ecological resilience in the natural environment to respond to climate change.
- d. Protect against flooding, erosion and sea level rise in ways that preserve environmental, cultural and recreational values.
- e. Establish procedures and guidelines for restoring environmentally sensitive lands damaged by unauthorized development.
- f. Protect shallow and vulnerable aquifers from risk of groundwater contamination.

GUIDELINES

See [Zoning Bylaw No. 2950](#).

10.4 DPA-4 HAZARD LANDS

PURPOSE

To establish a process for hazard assessment over those areas of the Municipality susceptible to land slippage, erosion, wildfires and flood. Control over development in these areas protects people and property from hazardous conditions.

DESIGNATION

In accordance with the provision of [Section 488 \(1\)\(b\)](#) of the *Local Government Act*, lands shown on Map 6 – Natural Hazard Area and Map 7 - Steep Slopes (& Scenic Character) are designated a development permit area for protection from hazardous conditions.

The Hazard Lands Development Permit Area (DPA-4) applies to:

- Steep slopes over 20%, measured over a minimum horizontal distance of 10 metres as identified on Map 7 - Steep Slopes (& Scenic Character).
- Lands vulnerable to wildfire hazard risk and identified as having a "high" or "extreme" fire hazard rating on Map 6 - Natural Hazard Areas.
- Lands on flood plains.
- Coastal lands vulnerable to flooding and sea level rise.

OBJECTIVES

The objectives for DPA-4 are:

- a. Protect people, property and the natural environment from the consequences of development on land that is potentially hazardous.
- b. Identify and mitigate hazards while protecting and enhancing environmentally sensitive areas.
- c. Confirm stable and accessible building sites.
- d. Promote development that is appropriate for steep slope areas by respecting terrain, maintaining natural vegetation and drainage patterns.
- e. Inform land owners of potential hazards and require development and property maintenance that is resilient to hazard risk.
- f. Protect the Municipality from liability associated with development on and near hazard lands.

GUIDELINES

See [Zoning Bylaw No. 2950](#).

10.5 DPA-5 FARM LAND PROTECTION

PURPOSE

To protect agricultural lands and operations from conflicts with adjacent non-agricultural uses in urban interface areas.

DESIGNATION

In accordance with the provision of [Section 488 \(1\)\(c\)](#) of the *Local Government Act*, all lands outside the Urban Containment Boundary, as shown on Map 2 – Growth and Land Use Management, and any land within 30 metres of the Agricultural Land Reserve boundary, are designated a development permit area for the protection of farming.

OBJECTIVES

The objectives for DPA-5 are:

- a. To protect farms and farm operations from nuisances, complaints and land use conflicts from adjacent or nearby non-agriculture land uses.
- b. To reduce impacts of farming activities on residents and businesses in agricultural interface areas by establishing separation and buffer requirements adjacent to agricultural land.

GUIDELINES

See [Zoning Bylaw No. 2950](#).

10.6 DPA-6 GHG REDUCTION, ENERGY AND WATER CONSERVATION

PURPOSE

To establish objectives and guidelines for new development that reduce GHG emissions and energy consumption in the Municipality of North Cowichan and help meet the Official Community Plan target of net-zero GHG emissions by 2050.

DESIGNATION

In accordance with the provision of [Section 488 \(1\)\(h\)\(i\)&\(j\)](#) of the *Local Government Act*, all lands within the boundaries of Municipality of North Cowichan, as shown on Map 1- North Cowichan and Area, are designated a development permit area for the purpose of GHG reduction and energy and water conservation.

The GHG Reduction, Energy and Water Conservation DPA (DPA-6) applies to:

- Multi-unit and intensive residential development that is in DPA-1 and requires a development permit.
- Commercial and industrial development that is in DPA-2 and requires a development permit.
- The construction of buildings for institutional use that exceed a gross floor area of 100 square metres.

OBJECTIVES

The objectives for DPA-6 are:

- a. Promote GHG reduction and energy efficiency through thoughtful site, building and landscape design.
- b. Move towards a net-zero emissions target by improving efficiency of new buildings.
- c. Reduce the volume of embodied carbon in new construction.
- d. Encourage the design and construction of new buildings that are resilient and responsive to climate change.
- e. Reduce water consumption demands from new development.

GUIDELINES

See [Zoning Bylaw No. 2950](#).