

26.0 Development Permit Areas (All Areas)

Goals

The Development Permit Guidelines are intended to provide guidance for any new development within any of the designated Development Permit Areas.

This policy is intended to provide applicants and staff with encompassing guidelines for development in the city. It is intended to encapsulate the design, form, character and environmental concerns brought forth during OCP public consultation processes into workable guidelines for future development.

Guiding Principles Met

- Foster prosperity for people, business and government
- Protect and preserve green spaces and sensitive areas
- Ensure housing meets the needs of the whole community
- Create a culture of sustainability
- Protect agricultural land
- Create strong, compact and complete neighbourhoods
- Provide alternative transportation
- Revitalize the Downtown
- Create a youth friendly city

Context

Each Development Permit Area (DPA) presents particular challenges and issues relevant only to that specific area, and these are addressed in each DPA section. Certain issues and challenges are common to all the DPAs, and these are discussed in this section. The following are intended as guidelines for new development or redevelopment anywhere in the city.

Development Permit approval is a mechanism that gives the City the opportunity to guide new development in the direction mandated by the public. Development Permit policies encourage functional and attractive development in keeping with the OCP Guiding Principles.

Development Permit guidelines and policies will play an integral role in the development of the designated neighbourhood centres, new multiple family development, new commercial, institutional and industrial

development, redevelopment in some existing neighbourhoods and the redevelopment of the City Centre area.

In accordance with the Local Government Act under section 488(1) the areas identified on Map 14, Development Permit Areas, are designated as Development Permit Areas (DPAs). The specific purpose, justification and guidelines are contained in each DPA section. Within any DPA, there are many different criteria related to a property or the type of development proposed that will require a Development Permit be issued, as well as associated exemptions in those situations. Development Permits are required as follows:

1. All multiple family residential in Residential Small Lot Single and Two Family, Hillside Residential and Residential Low, Medium and High Density designated areas where a project will exceed three (3) dwelling units.
2. All areas designated as Mixed Use – High Density Commercial and Residential, Neighbourhood Centre, Mixed Use – Medium Density Commercial and Residential, Community Commercial, Tourist Commercial, Public and Institutional, Parks and Open Space and any other designations that allow commercial or institutional use.
3. All areas designated as Light Industrial/Service Commercial, Airport Industrial and any other designations that allow industrial use.
4. Any ALR development meeting the agritourism criteria of the Agricultural Land Commission.
5. All Riparian Assessment Areas.
6. All areas designated on Map 15, EMA Strategy, as having medium or high conservation values.
7. All areas where 10% or more of a property has slopes 12% or greater.
8. All areas designated on Map 11, Fire Interface Areas, as within Interface Areas 2 and 3.

Where a Development Permit is required based on criteria 1-4 above, exemption from Development Permit approval applies in the following situations:

- Internal renovations where the existing buildings, structures, landscaping, parking and access are not affected.
- Addition to, alteration of, or external renovation of existing buildings or structures where the value of the work does not exceed \$200,000 (*Bylaw 5886*) and where the use of the site as defined in the *Zoning Bylaw* is not amended and where the landscaping, parking and access are not altered and where the site is not listed on the Vernon Heritage Register and where the site is not designated a Heritage site. A Development Permit Minor may be required based on criteria set out in the Development Permit Minor section below.
- Erection of new signs, or replacement, relocation, or modification of existing signs except where other policies of the OCP require Development Permit approval.
- Temporary buildings as governed by the City's *Zoning Bylaw* and the City's *Building and Plumbing Bylaw*. This includes temporary classrooms.

Where a Development Permit is required based on criteria 5, exemption from Development Permit approval applies in the following situations:

- Repair, extension or alteration to existing buildings and structures that are determined to be legally non-conforming under Section 528 of the Local Government Act and where the footprint of the building is not increased.
- Reconstruction of a building or structure damaged beyond 75% of its value, as described by Section 532 of the Local Government Act, provided it remains on its existing foundation.
- Reconstruction of buildings that are legally non-conforming as to siting after damage regardless of the percentage of damage, under Section 529 of the Local Government Act, as long as there is no further contravention of City of Vernon bylaws.
- The construction of a single pathway through the Riparian Assessment Area providing access to the lakeshore or creek. However, a Development Permit Minor will be required.
- Farming operations as defined in the Farm Practices Protection Act.
- Developments that have been approved but not constructed prior to the adoption of this bylaw, provided the approved development has not changed.
- Mining activities, hydroelectric facilities and forest management.
- Public works and services: the construction, repair, and maintenance of works by the City or its authorized agents and contractors are exempt from the formal development approval process, but only when works are completed in accordance with the assessments and recommendations of a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation, the Water Act or other applicable environmental regulation.
- Emergency procedures: actions and activities performed to prevent, control, or reduce flooding, erosion or other immediate threats to life or property, including:
 - Emergency flood or erosion protection works;
 - Clearing of an obstruction from a bridge, culvert or drainage channel; and
 - Repairs to bridges for safety fences.

Where a Development Permit is required based on criteria 6, exemption from Development Permit approval applies in the following situations:

- Repair, extension, or alteration to existing buildings and structures that are determined to be legally non-conforming under Section 528 of the Local Government Act and where the footprint of the building is not increased.
- The most recent subdivision on the property affected that took place prior to July 26, 2004, and no further subdivision of the property is proposed or required to facilitate development.
- The site has been serviced or has an established building pad in place.
- Mining activities, hydroelectric facilities and forest management.
- Public works and services: the construction, repair, and maintenance of works by the City or its authorized agents and contractors are exempt from the formal development approval process, but only when works are completed in accordance with the assessments and recommendations of a qualified environmental professional (QEP).

Where a Development Permit is required based on criteria 7, exemption from Development Permit approval applies in the following situations:

- Internal renovations where the existing buildings, structures, landscaping, parking and access are not affected
- Construction of single detached, duplex, semi-detached, three-plex housing or secondary buildings.
- Replacement, relocation or modification of existing signs except where other policies of the OCP require Development Permit approval.

Where a Development Permit is required based on criteria 8, exemption from Development Permit approval applies in the following situations:

- Development that illustrates compliance with FireSmart BC guidelines and the Community Wildfire Protection Plan, as amended.
- Construction of uncovered decks, swimming pools and structures under 10 square metres.
- Internal renovations where the existing buildings, structures, landscaping, parking and access are not affected.
- Replacement, relocation or modification of existing signs except where other policies of the OCP require Development Permit approval.

Guidelines

- 26.1 All lands designated on Map 14 are subject to Development Permit approval.
- 26.2 Applications for Development Permits shall meet or exceed the score as indicated for the desired Development Permit Area in the Development Scorecard, once implemented.
- 26.3 All buildings within the designated DPAs shall be of a finish with durable and decorative materials and should consist of colours complementary to the neighbourhood character.
- 26.4 All development on lands where 10% or more of the land is 12% in slope or greater is subject to the conditions and guidelines outlined in the document *City of Vernon Hillside Guidelines*.
- 26.5 All lands in the designated DPAs are subject to the *Environmental Management Areas Strategy*.
- 26.6 Any development within 800m of either Highway 97, Highway 6, Old Kamloops Road, Commonage Road, or are adjacent to any city boundary shared with Electoral Area B or C, requires the approval of the Ministry of Transportation and Infrastructure.

- 26.7 All Special Building Line Setback areas, as identified in Schedule B of the City's *Zoning Bylaw* for future road widening purposes, shall be suitably landscaped and shall form part of the Development Permit review and approval process.
- 26.8 Any development on lands designated in the ALR must meet the agritourism criteria identified by the Agricultural Land Commission to enhance and protect on-site and adjacent agricultural uses.
- 26.9 Landscape plans shall comply with the provisions of the *Zoning Bylaw*, *Landscape Standards Bylaw* and *Landscape Maintenance Bylaw*.
- 26.10 Landscaping that promotes plantings and techniques that conserve water through xeriscaping and the incorporation of drought resistant and native species are encouraged.
- 26.11 A detailed landscape plan must be provided with each Development Permit application, except when a Development Permit is required under criteria 6 and no other criteria. The plan shall indicate existing landscaping that is proposed to remain within the development and all new landscaping to be installed on site. The objective shall be to retain existing trees within the development.
- 26.12 All landscaping plans must include an estimate for works to be completed. A security in the amount of 125% of that estimate will be held by the City until the works are complete. A review of the landscaping by staff shall be conducted at the applicant's request. Concluding the landscaping review, the security may be drawn down, in its entirety or partially, depending on the quality and amount of works completed. Any changes or alterations to an approved landscape plan must be submitted in writing to be revised for approval, further revision or denial.
- 26.13 If development conditions include mitigation, compensation, maintenance and/or monitoring plans, a security deposit in an amount determined by the qualified professional, proportional to the proposed works and deemed acceptable by the City of Vernon is required. The security needs to be based on the full costs of industry standard complete works and shall be sufficient to guarantee that all required mitigation measures will be completed, monitored and furthermore continue to function properly as prescribed. Securities will be required prior to final approval of the development permit. A 10% hold back will be required after construction to guarantee the performance/proper functioning of the works.
- 26.14 All parking areas shall be hard surfaces, drained and maintained in accordance with the regulations of the City. Whenever possible, and where function, safety or use does not preclude it, permeable surfaces and on site stormwater retention are to be utilized. Paving stones or grass-crete is encouraged, but consideration will be given to permeable asphalt.
- 26.15 All garbage and/or recycling facilities must be provided on site and be screened with material similar to the primary building.

- 26.16 All cellular towers or communications antennas should be designed to minimize their visual impact on surrounding neighbourhoods and on view corridors, as follows:
- a. Where such structures are proposed as part of an existing or proposed building, and/or in or near an existing neighbourhood, the design of the tower should use colours and materials that are complementary to existing development, where possible. Landscaping and decorative fencing should screen the tower from view.
 - b. Where such structures are proposed on hillsides, agricultural areas or rural areas, colours and materials that help the structure blend into the surrounding environment should be used. Landscaping consisting of native species found in the vicinity of the tower should be used to screen the structure from view.
 - c. The siting of such structures should conform with the required setbacks of the zoning district it is located in.
- 26.17 Utility structures located above ground, which include, but are not limited to, water reservoirs and pump stations, should use colour, building materials, landscaping and decorative fencing to reduce the visual impact of the structure.
- 26.18 Development Permit site plans shall provide direct, safe and functional pedestrian connections from the street to the proposed building(s). These connections should safely accommodate wheelchairs and scooters, and provide curb let downs in appropriate locations to facilitate movement for those users.
- 26.19 All development of lands within 30 metres of a stream must meet the provisions in the Environmental Management Areas Strategy, Appendix 6: Implementation Guidelines - Permitting Requirements with Riparian Assessment Areas (RAAs).
- 26.20 All development of lands, as illustrated on Map 11, as within Interface Areas 2 and 3 should be designed to comply with FireSmart BC guidelines and the Community Wildfire Protection Plan, as amended. A Section 219 covenant may be used to ensure that best practices are being followed both during the development process and following occupancy. Where a proposed development does not comply with FireSmart BC guidelines, a Wildfire Interface Management and Mitigation Plan (WIP) is required as part of the Development Permit process. A WIP should address the site specific development proposal and make recommendations regarding development massing, design and lot layout in conjunction with Wildfire Interface Management principles. A WIP should also include the assessment of a wildfire hazard, the location of water sources and water supply, the grades for access and egress to the development and the need for fire sprinkler installation in case minimum buffers cannot be provided. A WIP is to be completed by a qualified professional.

- 26.21 The locations of adjacent existing and/or proposed transit locations should be indicated on any Development Permit site plans. If transit is not available to the subject property at the time of application, a location for a future transit site should be shown on the site plans.
- 26.22 Drawings submitted for any Development Permit must meet the provisions in the *Zoning Bylaw* and the following minimum requirements:
- a. The site plan must include lot dimensions and setback dimensions taken from the building to the property line;
 - b. Drawings illustrating the building appearance shall indicate the finish and colour of the buildings;
 - c. Parking, access and drainage arrangements are to be shown. All parking stalls and lots indicated on the drawings must include dimensions;
 - d. A landscape plan is to be provided that clearly illustrates the number and types of species for all plantings. All ground cover, irrigation systems and landscape amenity features are to be illustrated. All landscaping plans must comply with the regulations and conditions of the City's *Landscaping Standards Bylaw and Landscaping Maintenance Bylaw*. Development Permits that are required based on criteria 6 above are exempt;
 - e. The locations of nearby transit and cycling routes.
 - f. Where a Development Permit is required based on criteria 5, a Riparian Areas Regulation Assessment is to be provided.
 - g. Where a Development Permit is required based on criteria 6, a plan that illustrates the Sensitive Ecosystem Inventory polygons as they apply to the proposed development and Environmental Impact Assessment, including a Habitat Assessment, is to be provided.
 - h. Where a Development Permit is required based on criteria 7, a plan showing the slopes on the property is to be provided.

Development Permit Minor

The Development Permit Minor process is intended to provide guidance for development considered minor in nature and scale, such as facade upgrades, small building alterations and works within riparian areas and sensitive ecosystems.

Guiding Principles Met

Create strong, compact and complete neighbourhoods
Revitalize the Downtown

Context

The Minor Development Permit process is intended to provide a less expensive and less complex method to encourage upgrading and investment throughout the city. Minor Development Permits will be applicable in the following circumstances:

- a. All exterior or façade changes to any building or building(s) located in commercial, industrial or institutional areas;
- b. Addition to, alteration of, or external renovation of existing buildings or structures where a Development Permit would be required but the value of the work does not exceed \$200,000 (*Bylaw 5866*) and where the use of the site as defined in the Zoning Bylaw is not amended.
- c. Any property in the City Centre Neighbourhood Plan and designated within the Downtown Heritage District, once this Heritage District is established, as per Map 10; and
- d. Any residential development in the East Hill Heritage District, once this Heritage District is established, as per Map 10.
- e. Development proposed within a Riparian Assessment Area that does not require a building permit.
- f. Development proposed within areas of medium and high conservation values as designated by Map 15 - EMA Strategy that does not require a building permit.

Guidelines

- 26.23 Any façade or exterior changes to a building located within a Heritage District shall be of complementary colour and finish to the neighbouring heritage buildings.
- 26.24 Exterior changes to commercial, industrial or institutional buildings should be consistent with the design guidelines outlined in Sections 27, 28 and 29.

- 26.25 Where landscaping is proposed and/or required, landscaping plans must include an estimate for works to be completed. A security in the amount of 125% of that estimate will be held by the City until the works are complete. A review of the landscaping by staff shall be conducted at the applicant's request. Concluding the landscaping review, the security may be drawn down, in its entirety or partially, depending on the quality and amount of works completed. Any changes or alterations to an approved landscape plan must be submitted in writing to be reviewed for approval, further revision or denial.
- 26.26 Where a Riparian Assessment Area or an area of medium or high conservation value is impacted, the requirements of the Environmental Management Areas Strategy apply.



