

TITLE: Corporation of the Village of Cumberland Zoning Amendment
Bylaw No. 902, 2008

APPLICANT: Trilogy Properties (Lots 2a, 2b, & 11)

PURPOSE: To rezone the subject lands from Rural Three (RU-3) to
Comprehensive Development Residential Six (CDR-6).



COUNCIL: **Date:** June 9, 2008
Decision: 1st reading

COUNCIL: **Date:** June 23, 2008
Decision: 2nd reading

COUNCIL: **Date:**
Decision:

PUBLIC MEETING: **Date:**

PUBLIC HEARING: **Date:**

COUNCIL: **Date:**
Decision:

MOT REFFERAL: **Date:**
Approval:

COUNCIL: **Date:**
Decision:

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 902

**A BYLAW TO AMEND THE
'VILLAGE OF CUMBERLAND ZONING BYLAW No. 717, 1997'**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts the following amendments to the 'Village of Cumberland Zoning Bylaw No. 717, 1997':

SECTION 1 TEXT AMENDMENT

- 1) The addition of a new Section 9.11 'Comprehensive Development Residential Six (CDR-6)' as set out in Schedule 'A' attached to and forming part of this bylaw.
- 2) The addition of a new part 3.1.33 'Comprehensive Development Residential Six Zone, CDR-6, Comprehensive Development Residential'.
- 3) Amending Part 2 'INTERPRETATION' as follows:
 - a) the addition of :

COVENANTED LOT AREA	means that portion of a lot charged by a registered covenant in favour of the Village of Cumberland for the protection of riparian areas, wetlands, and protected open space.
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 - b) deleting the definition for 'Dwelling, Patio Home' and replacing it with the following:

DWELLING, PATIO HOME	means a single storey dwelling unit located within a block of at least three side- by-side family dwelling units where each family dwelling unit is separated from each other by a party (common) wall.
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- 4) Addition of a new Part 10 DESIGN GUIDELINES, '*Development Guidelines: Multi-Family Residential*' as set out in Schedule "D" which is attached to and forming part of this bylaw.

#749

SECTION 2 ZONING DESIGNATION

That portion of

- 1) Lot A, Section 36, Comox Land District, Plan VIP78653 PID 026-263-351 (Lot 2a&2b); and
- 2) Part of Section 25, Township 10, Comox District, Plan 552H except that part Commencing at the Northeast corner of said Section thence South 24degrees 10minutes East 252 feet to the centre of Comox and Union Road thence following the road South 25degrees 50minutes West 691 feet, thence South 35degrees 50minutes West 541 feet, thence South 18degrees 30minutes West 496 feet, thence South 15degrees 30minutes East 1921 feet thence South 51degrees 50minutes West 195 Feet to post No. 1 of Chinese Cemetery being the point of commencement thence South 71degrees West 179 feet thence North 20degrees 20minutes West 295 feet thence North 78degrees 30minutes East 348 feet thence South 15degrees East 160 feet thence South 39degrees 50minutes West 165 feet more or less to the point of commencement and except those parts in Plans 4222, 11052, 1172, 17828, 24989, 25688, 23092, VIP64546 VIP65968, VIP67267, VIP67596, VIP69148, VIP72564 VIP78656, and VIP83684, PID 006-686-010 (Lot 11);

labelled as "CDR-6" on Schedule "B" attached to and forming part of this bylaw is hereby rezoned from Rural Three (RU-3) to Comprehensive Development Residential Six (CDR-6).

SECTION 3 MAP AMENDMENT

Schedule "B" of the "Village of Cumberland Zoning Bylaw No. 717, 1997" is amended to incorporate the amendments more particularly described in Section 2 ("Zoning Designation") of this bylaw.

SECTION 4 TITLE

This Bylaw may be cited for all purposes as the "Corporation of the Village of Cumberland Zoning Amendment Bylaw No. 902, 2008".

READ A FIRST TIME THIS	9TH	DAY OF	JUNE,	2008.
READ A SECOND TIME THIS	23RD	DAY OF	JUNE	2008.
PUBLIC HEARING HELD THIS		DAY OF		2008.
READ A THIRD TIME THIS		DAY OF		2008.

I hereby certify the foregoing to be a true and correct copy of the "Corporation of the Village of Cumberland Zoning Amendment Bylaw No. 902, 2008", as read a third time by the Village Council on the _____ day of, _____, 2008.

Corporate Administration Officer

**PURSUANT TO S.52(3) OF THE
TRANSPORTATION ACT APPROVED THIS** **DAY OF** **2008.**

On behalf of the Ministry of Transportation

ADOPTED THIS **DAY OF** **2008.**

Mayor

Corporate Administration Officer

I hereby certify the foregoing to be a true and correct copy of the "Corporation of the Village of Cumberland Zoning Amendment Bylaw No. 902, 2008", as adopted by the Village Council on the _____ day of, _____, 2008.

Corporate Administration Officer

9.11

**COMPREHENSIVE
DEVELOPMENT RESIDENTIAL SIX (CDR-6)**

INTENT

This zone is intended to accommodate and regulate the development of single and multi family dwelling on lands described as PID 026-263-351 & PID 006-686-010 otherwise known as Lot 2a & 2b and Lot 11 of the Trilogy Interchange Lands, and to provide for "green infrastructure" and other measures on said lands as required under the Comprehensive Planning Area - Residential Performance Standards set forth in "Village of Cumberland Official Community Plan, 2004 Bylaw 786".

1) PERMITTED PRINCIPAL USES

a) On Lot 2a:

- i) Residential use limited to single family dwellings;
- ii) Utility;
- iii) Park.

b) On Lot 2b:

- i) Residential;
- ii) Utility;
- iii) Park;
- iv) Public Assembly.

c) On any lot in 2b over 8.0 hectares (19.8 acres):

Gravel, mineral or peat extractions, gravel crushing and screening but no manufacturing or sales of concrete products.

d) On Lot 11:

- i) Residential;
- ii) Utility;
- iii) Park.

e) On any lot in Lot 11 over 8.0 hectares (19.8 acres)

Gravel, mineral or peat extractions, gravel crushing and screening but no manufacturing or sales of concrete products.

2) PERMITTED ACCESSORY USES

a) On any lot:

- i) Home occupation use;
- ii) Accessory buildings and structures;

b) On lots with single family dwellings only:

One secondary suite or one secondary dwelling but not both.

3) DENSITY

- a) **On Lot 2a:** A maximum of 5 lots;
- b) **On Lot 2b:** A maximum of 360 units;
- c) **On Lot 11:** A maximum of 160 unit;

4) SITING OF PRINCIPAL BUILDINGS AND STRUCTURES

- a) The minimum yard setbacks for single family dwellings and duplexes on lots less than 449.9.0 metres² (4,843.7 feet²) in area are as follows:
 - i) 4.0 metres (13.1 feet) from a front lot line, with the exception that a front porch may be as close as 2.0 metres (6.6 feet) from a front lot line, and a garage may not be any closer than 6.0 metres (19.7) from a front lot line;
 - ii) 7.5 metres (24.6 feet) from a rear lot line;
 - iii) 1.5 metres (4.92 feet) from a side lot line.
- b) The minimum yard setbacks for single family dwellings and duplexes on lots greater than 450.0 metres² (4,843.9 feet²) but less than 2023.9 metres² (0.5 acre) in area are as follows:
 - i) 7.5 metres (24.6 feet) from a front lot line, unless a rear lane is provided in which case the setback shall be 3.0 metres (9.8 feet);
 - ii) 7.5 metres (24.6 feet) from a rear lot line; and
 - iii) 1.5 metres (4.9 feet) from a side lot line.
- c) The minimum yard setbacks for single family dwellings and duplexes on lots greater than 2,024.0 metres² (0.5 acre) in area are as follows:
 - i) 7.5 metres (24.6 feet) from a front lot line;
 - ii) 7.5 metres (24.6 feet) from a rear lot line;
 - iii) 3.5 metres (11.5 feet) from a side lot line.
- e) The minimum yard setbacks for all other uses are as follows:
 - i) 7.5 metres (24.6 feet) from a front lot line, unless a rear lane is provided in which case 3.0 metres (9.8 feet) from a front lot line;
 - ii) 7.5 metres (24.6 feet) from a rear lot line;
 - iii) 3.5 metres (11.5 feet) from a side lot line.

5) BUILDING HEIGHTS

- a) The height of single family dwellings on lots less than 449.9.0 metres² (4,842.7feet²) in area shall not exceed 5.5 metres (18.0 feet),
- b) The height of single family dwellings, duplexes, and patio homes on lots greater than 450.0 metres² (4,843.9 feet²) shall not exceed 10.0 metres (32.8 feet).
- c) The height of townhouse or rowhouse buildings shall not exceed 15.0 metres (49.2 feet).
- d) The height of apartment buildings shall not exceed 15.0 metres (49.2 feet).

6) ACCESSORY BUILDINGS

- a) Buildings accessory to duplex, patio home, townhouse, and/or rowhouse dwelling units shall meet the following requirements:
 - i) not exceed 4.5 metres (14.8 feet) in height;
 - ii) have a combined floor area not exceeding a size of 50.0metres² (538.2 feet²) or 10% of the lot area, whichever is less;
 - iii) not be located in any required front and side yards;

- iv) not be located within 1.5 metres (4.9 feet) from a side and rear lot line, except where the side yard flanks a public road right-of-way, in which case the minimum yard distance shall be 3.5 metres (11.5 feet).
- b) Buildings accessory to single family dwellings on lots less than 2,023.9 metres² (0.5 acre) in area shall meet the following requirements:
 - i) not exceed 4.5 metres (14.8 feet) in height;
 - ii) have a maximum combined floor area of 50.0 metres² (538.2 feet²) or 10% of the area of the lot (not including area included in a Covenanted Lot Area) whichever is less;
 - iii) shall be located entirely to the rear of the principal building;
 - iv) shall be located a minimum of 1.5 metres (4.9 feet) from a side and rear lot line, except where the side yard flanks a public road right-of-way, in which case the minimum setback from the side lot line shall be 3.5 metres (11.5 feet).
- c) Buildings accessory to single family dwellings on lots greater than 2,024.0 metres² (0.5 acre) in area shall meet the following requirements:
 - i) not exceed 8.0 metres (26.3 feet) in height;
 - ii) have a maximum combined floor area of 100.0 metres² (1,076.4 feet²) or 10% of the area of the lot (not including area included in a Covenanted Lot Area) whichever is less;
 - iii) be located entirely to the rear of the principal building;
 - iv) be located a minimum of 3.5 metres (11.5 feet) from a side and rear lot line.

7) LOT COVERAGE

- 1) The maximum lot coverage for a multi-family dwelling lot is 65% of the total lot area.
- 2) The maximum lot coverage for all other uses shall not exceed 35% of the total lot area.

8) MINIMUM LOT SIZE AND FRONTAGE

- 1) Every lot for a single family dwelling use shall have a minimum area of 260.0 metres² (2,798.6 ft²) and a minimum frontage of 11.0 metres (36.0 feet), unless a rear lane is provided in which case the lot shall have a minimum frontage of 9.1 metres (30.0 feet).
- 2) Every lot for a duplex dwelling use shall have a minimum area of 465.0 metres² (5,005.2 feet²) and a minimum frontage of 15.2 metres (49.9 feet).
- 3) Every lot for a patio home, townhouse or rowhouse or apartment dwelling uses shall have a minimum area of 600.0 metres² (6458.3 feet²) and a minimum frontage of 24.4 metres (80.0 feet).

9) RESIDENTIAL COMPREHENSIVE PLANNING AREA PROVISIONS

- 1) The owner of the lands and the Village shall enter into a Comprehensive Development Agreement pursuant to Policy 3.2(b) of the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004,' The Agreement shall be filed for registration against the title of the land prior to subdivision approval.

- 2) For lands in the CDR-6 zone that permit multi-family development, is designated as a Multi-Family Development Permit Area (DPA #3) in the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004.' A Multi-Family Development Permit shall be obtained in accordance with the OCP Bylaw. Additional guidelines for a Multi-Family Development Permit include:
- i) The performance standards for Residential Comprehensive Planning Area as set out in the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004.'
 - ii) Design Guidelines as attached as Schedule 'C' which is attached to and forms part of this bylaw.

End • CDR-6

Design Guidelines: Multi-Family Residential#2

Part 1.0

OVERALL CHARACTER

1. INTRODUCTION

These development guidelines have been developed as additional guidelines to the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004' Multi-family Development Permit Area (DPA #3).

The guidelines are intended to provide development controls that will guide developers of individual parcels in the preparation of detailed development proposals.

The guidelines are structured to provide principles and a general set of acceptable solutions for the character, built form, and landscaping. The guidelines are intended to allow the design process to inform the preparation of a development proposal.

a) Key Development Objectives

- i) Preservation of wetlands and other sensitive environments. An eco-residential community.
- ii) Maintain the natural integrity of the site.
- iii) Diverse housing types.
- iv) A clustered pattern of residential development.
- v) A network of green corridors throughout.
- vi) Central public spaces as neighbourhood foci.
- vii) Distinct identity and character within Cumberland.
- viii) A connected, legible and permeable public realm.
- ix) Higher density dwellings closer to the Village Center.

2. OVERALL CHARACTER

KEY PRINCIPLES: To interpret and integrate references from Cumberland town and the natural environment into the built form instilling a unique sense of place.

- a) Clustered areas of housing.
- b) Generally small scale buildings.
- c) Building design based on simple appearance, roofs, and porches.
- d) Predominately sloping roofs of various forms.
- e) Front doors onto streets.
- f) Minimal visibility of garage doors.
- g) Opportunities for diverse architectural style using similar and common building elements.
- h) Extensive yards/plantings.
- i) Garages located behind main building facade.

Part 2.0

CHARACTER & BUILT FORM

1. MATERIALS

KEY PRINCIPLES: The overall intent is to encourage a diverse palette that is comprised of durable and cost efficient materials and produce a diversity of textures and finishes.

a) General

- i) A variety of materials should be used in combination, limiting the use of a single material or finish across a façade, thereby achieving a varied and interesting elevation treatment.
- ii) Composition of materials along the length of a façade should reinforce the sense of individual dwellings, and minimize the apparent length of a building.
- iii) Focal points such as tower or shared entrances of a building and should include materials and detailing that set them apart from rest of the building.
- iv) Emphasis on natural materials such as timber, brick, stone, and eco-materials. Stucco can be used as an accent material.
- v) Roof materials should include wood shake, shingles and metal roofing in limited applications.

2. COLOUR

KEY PRINCIPLES: Encourage the use of a diverse colour palette that is comprised predominately of natural colours.

a) General

- i) Each building should generally be comprised of more than one *colour* on each facade, with variation between principle surfaces and feature elements.
- ii) Utilize a predominately natural palette of colours with stronger *colours* used to accent feature elements.

3. SETBACKS

KEY PRINCIPLES: building setbacks from the property or building parcel are applied to ensure quality livability relationships are achieved at street edges for a variety of different uses.

a) General

- i) Building setbacks will vary by housing typology with emphasis on defining pedestrian friendly streets.
- ii) Buildings are intended to define street edges and as such need to front public streets with a consistent edge.
- iii) Above the ground floor, framed and protected balconies, opening walls and other amenities may be appropriate to form additional setback for privacy in residential units.

5. FAÇADE CHARACTER & ARTICULATION

KEY PRINCIPLES: façade articulation will contribute to a building's visual interest and

presentation to the public realm while allowing building design to respond to orientation and aspect.

a) General

- i) Façades should provide devices such as windows, balconies and /or covered patios to provide articulation and visual connections between the ground and upper levels.
- ii) Passive surveillance of the street is achieved by using elements such as a high ratio of windows, balconies and entries.
- iii) Wherever possible, the use of blank walls at grade level should be avoided.
- iv) Where areas of blank wall at grade level cannot be avoided, and are visible, they are to be treated to minimize visual presence, scale and impact with techniques such as the use of articulation, materials, colors and/or extensive planting.
- v) Limited facade projections up to 10.0 metres (32.8 feet) in length and up to 1.0 metre (3.3 feet) deep are permitted at levels above the ground floor for verandahs and balconies. Balconies on the south side are permitted provided they have no impact on the solar access on private open space below.
- vi) Blank walls may only be above the ground floor where windows are not feasible. Such walls are to be addressed with a range of options such as articulation, surface detailing, material, texture and color, and architectural features to break up the massing and visual presence of the wall.

6. BUILDING ENTRIES

KEY PRINCIPLES: building entries will be clearly discernible from the street and be scaled in accordance with their degree of private use such that a hierarchy of entry ways is obvious.

a) General

- i) Primary entries to be oriented towards the street.
- ii) Primary entries should include a significant architectural element to ensure that the building entry is prominent and provides legibility.
- iii) Entries to lobbies along a street need to be defined and identifiable as distinct from individual dwelling entries yet be sheltered and semi-private in character.
- iv) Grade separation, incorporated as a stoop or courtyard, is required to define the separation of public/private realm for individual dwelling entries.
- v) Buildings with a setback greater than 3.0 metres (9.8 feet) should provide a patio or walled courtyard. Buildings with a setback less than 3.0 metres (9.8 feet) should provide a landscape area appropriate to the internal use to provide a transition between the footpath and unit.
- vi) Disabled access shall be provided to all apartment building lobbies.
- vii) Entries at the street to the upper floors may be set back from the sidewalk by a varying amount.

- viii) Common entries to upper levels should be defined by an entry walk from the footpath that is separated from private residential entries that are serving at-grade uses in the same building.

7. ROOF FORM

KEY PRINCIPLES: Roof forms should positively contribute to the overall built form assisting with visual interest, solar objectives and weather protection.

a) General

- i) Roof design should be used to accommodate the integration of elements such as solar protection.
- ii) The visibility of rooftop mechanical equipment, communication devices and elevator overruns should be minimized by screening and integrating them.
- iii) Roofs will predominantly be sloped, including traditional gables and shed roofs, with other more dramatic forms as flying forms being encouraged.
- iv) Flat roofs are not desirable and should be integrated with feature elements used to provide articulation and interest along the street, such as gable ends, awnings etc.
- v) Roofs may include habitable space and can be expressed as attic space within the roof form.
- vi) A variety of forms and configurations are encouraged to achieve diversity between buildings.

8. BALCONIES

KEY PRINCIPLES: balconies will provide accessible private outdoor space for users while improving opportunities for ventilation, solar access and outlook.

a) General

- i) A variety of balcony typologies are encouraged depending on the streetscape character, including recessed, cantilevered, concealed, open or screened.
- ii) At least one primary balcony should be provided for each residential unit that does not have an alternate outdoor private open space.
- iii) Each primary balcony shall be sized to provide a functional outdoor space.
- iv) Secondary balcony types such as "juliets" and operable walls and screens with railings are encouraged as a means of extending internal space to the outdoor environment and of providing further architectural articulation.
- v) Balconies are to be designed and detailed to respond to site-specific conditions such as noise, sun exposure, wind, and visual privacy to the street and between units.
- vi) Balcony design should encourage surveillance of the street while respecting user privacy and safety.

9. PRIVATE OPEN SPACE

KEY PRINCIPLES: each residential unit is to have a Private Outdoor Open Space to serve as both residential amenity and as a visual and physical buffer between public and

private spaces.

a) General

- i) Each dwelling shall be provided with a minimum of 10.0 metres² (107.6 feet²) of open space. This space can be provided in the form of private open space such as balconies, courtyards, patios, porches, roof gardens and semi-private open space such as gardens, courtyards and landscaped setbacks to residential buildings.
- ii) Private outdoor open space is to be separate from the public realm, as a landscaped transition space between the footpath and the unit.
- iii) Grade separation up to 1.2 metres (3.9 feet) is encouraged between the footpath and areas of private open space.
- iv) Residential open spaces that abut the street should be designed to provide a degree of privacy for the unit while facilitating passive surveillance.
- v) Private balconies must have a minimum dimension in depth of 2.0 metres (6.6 feet) and preferably 2.4 metres (7.9 feet) for larger units, which allows for a table and four chairs.

10. SOLAR ACCESS & SHADING

KEY PRINCIPLES: the overall intent is to maximize sun access in winter months and provide some opportunity for sun shading in summer for buildings and public spaces. This shall be achieved through a variety of measures including locating and orientating buildings and public spaces to maximize the potential use of natural daylighting, while preventing glare and excessive solar heat gain in the summer months.

a) General

- i) Solar shading and other weather protection should be integrated into building design where appropriate.
- ii) Buildings shall be designed to take account of prevailing wind directions and minimize potential wind tunneling effects.
- iii) Landscape and architectural elements should be employed to fine-tune and enhance local and seasonal sun and shading conditions within the public realm.
- iv) Residential buildings are to be designed to maximize opportunities for solar access and natural ventilation.
- v) Design and location of buildings should limit overshadowing of outdoor open space amenities.
- vi) It is desirable to achieve apartments with dual aspects.

Part 3.0

LANDSCAPING

1. LANDSCAPING & FENCING

KEY PRINCIPLES: private landscaping and fencing should compliment the surrounding natural environment while defining public and private space.

a) General

- i) A mixture of deciduous and evergreen plant material can be selected as appropriate. Deciduous will be appropriate for areas that would benefit from increased solar access in winter, whereas evergreen will suit areas that require visual screening.
- ii) Private landscaping should incorporate natural infiltration where possible minimizing the use of hardstand areas.
- iii) It is recommended that consideration be given to the use of tree, plant and ground cover species that are: native, indigenous, frost and drought resistant.
- iv) Front fences are to be a maximum height of 1.2 metres (3.9 feet) and return to the side boundary or dwelling façade
- v) Front fences should incorporate piers and a base constructed from brick or masonry.
- vi) Front fences should provide visual permeability through the use of materials such as spaced timber paneling, iron and inserts within brick, rendered or stone piers.

2. VEHICLE PARKING & SERVICE AREAS

KEY PRINCIPLES: on site parking and service activities should not dominate or impact on the primary street frontage or resident living areas.

a) General

- i) On site parking for residents and visitors should not be located in common view lines from the public or private realm.
- ii) If located outside, parking and service areas should preferably be at the rear of the primary built form.
- iii) Service areas such as refuse collection points, or car washing bays, should be located to provide adequate screening and or separation from living areas within the primary building.

3. ACCESSORY STRUCTURES

KEY PRINCIPLES: Accessory structures should be located to not have a negative impact on common viewsheds.

a) General

Air conditioners, television antennae, satellite dishes, solar water heaters, clothes lines and other secondary structures should not be visible from the public realm or adjoining residential properties.