



12.1 DEVELOPMENT PERMIT AREAS

Development Permit Area (DPA) guidelines are development guidelines pertaining to specific areas of a municipality. Section 919.1 (1) of the *Local Government Act* provides the authority for designating development permit areas to provide added control over some aspects of development. DPA's can be designated for 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; establishment of objectives for the form and character of intensive residential development; and, establishment of objectives for the form and character of commercial, industrial, or multi-family residential development.

"Design standards" should be established to assist the building inspector in assessment. Without some civic pride in what we do today, we'll leave nothing for future generations to preserve as 'heritage'. *Survey respondent*

The following procedures and steps form part of the typical process involved in the development of a building or site within the City of Duncan. The process may vary depending on the complexity of the proposed project. Once a developer has submitted an application to the City, the Building Permit/ Planning Department will coordinate a review of the proposal for compliance with the specific bylaws, policies and guidelines that apply. The City's Advisory Planning Commission (APC) may also be consulted. The Building/ Planning Department will forward its comments and recommendations to the City's Committee of the Whole. Recommendations from the Committee are then forwarded to the next City Council meeting. Council establishes whether or not to authorize issuance of the permit.

This Plan designates six DPA's for Duncan. The DPA guidelines reflect the policies of the Plan and will assist the City in evaluating development proposals. DPA's have been designated for Multi-Family Residential Areas, Downtown, the Trans Canada Highway Corridor, Other Commercial Areas, the Natural Environment and Hazard Lands (including Riparian Areas, Steep Slopes and Flood Areas).

Development Permit Area Policies

- 12.1.1 Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirement of all applicable development permit areas and associated guidelines.
- 12.1.2. Development within designated development permit areas may be exempt from development permit requirements in the following circumstances:
 - (a) Construction or additions to a single-family or two-family dwelling on a single lot.
 - No.2058 (b) Building additions less than 10 m² (107.6 sq. ft.).
 - (c) Construction within a building that does not require exterior alterations.
 - No.2058 (d) Construction of buildings or structures, other than signs, less than 10 m² in area.

	(e)	Minor alterations to the exterior of a building or structure that do not change the form or character of the development, e.g. minor changes to design, exterior finish, or landscaping.
	(f)	Minor additions to existing dwellings, emergency repairs to existing structures and public walkways where a potential safety hazard exists.
Bylaw 2037	(g)	Deleted by OCP Amendment Bylaw 2037, 2007.
	(h)	Deleted by OCP Amendment Bylaw 2037, 2007.
No.2058	(i)	Deleted by OCP Amendment Bylaw 2058, 2008.
	(j)	Replacement of sign or canopy faces with no change in location, size, or type of signage.
No.2058	(k)	Deleted by OCP Amendment Bylaw 2058, 2008
	(l)	Public works and services such as the construction, repair and maintenance of City services by the City of Duncan, or its authorized agents and contractors, provided DPA Guidelines are met.
	(m)	Emergency procedures to prevent, control or reduce fires, flooding, erosion or other immediate threats to life and property provided said activities are reported to the City of Duncan immediately.
	(n)	The cutting of hazardous trees that the City considers present an immediate danger to the safety of persons or are likely to damage public or private property.
	(o)	Removal of invasive non-native vegetation using appropriate active control methods including hand clearing, pruning, mowing, excavation, and planting of appropriate native species.
	(p)	Planting and maintenance of indigenous trees, shrubs or groundcover within a Protection Area, for the purpose of restoring or enhancing habitat values and/or soil stability, such planting is carried out in accordance with guidelines or directions provided by the City.
	(q)	Planting of non-indigenous vegetation in a Protection Area that does not contravene the guidelines set out.
	(r)	Habitat improvement activities undertaken by the City, Provincial or Federal agencies.
	(s)	Trail projects approved by the City.
	(t)	A passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast-height (DBH) of 10 centimetres.
12.1.3		Information, relevant to the project being considered, to be submitted with Development Permit applications may include:
	(a)	<i>Legal information</i> , including copies of the current certificate of title, copies of all statutory rights-of-way and covenants, including one set in legal size.
	(b)	<i>Development information</i> , including: conceptual site plan; location of all buildings and structures; building elevations; grading of building heights; architectural style (detailing, exterior finish, materials, colour of buildings, treatment of entrances, roofs); landscape plan (extent and nature of landscaping, indoor/ outdoor space relationships, and recreational area design); siting and layout of parking areas, driveways, and loading areas; and. All plans and drawings (including a coloured isometric artistic rendering of buildings) are to be prepared by a professional architect or designer.

- (c) *Development data*, including site area, site coverage, floor space, parking requirements, and number of units.
- (d) *Servicing information*, including existing and proposed water, sanitary and storm sewer services, and access.
- (e) *Site Context Information*, including sketches or photographs of the proposed development in relation to the surrounding neighbourhood.
- 12.1.4 Additional information may be required to determine the impact of the proposed activity or development. As an example (but not limited to) the following professional reports may be required:
- (a) *Transportation Study*, including traffic patterns and flows.
- (b) *Infrastructure Analysis*, including evaluation of local infrastructure capacity.
- (c) *Public Facilities Evaluation*, including inventory of facilities such as schools and parks, and future demand estimates.
- (d) *Environmental Assessment*, including inventories of native vegetation, wildlife and habitat, and evaluation of potential impacts.
- 12.1.5 In accordance with Section 920(2)(a) of the *Local Government Act*, Council may issue development permits that vary the City of Duncan's Zoning Bylaw, or any bylaw established under Division 7 or 11 of the *Act*.
- Council shall consider issuing development permits that vary applicable bylaws for one or more of the following:
- Bylaw 2037**
- Deleted by OCP amendment Bylaw 2037, 2007;
 - variances that facilitate conformance with the applicable design guidelines;
 - Deleted by OCP amendment Bylaw 2037, 2007.
- A development variance permit shall be required where the proposed variance does not meet one or more of the above noted criteria.
- 12.1.6 Violations of Development Permit Area requirements include:
- (a) Every person who:
1. violates any provision of a Development Permit Area;
 2. causes or permits any act or thing to be done in contravention or violation of any provision of a Development Permit Area;
 3. neglects to do or refrains from doing any act or thing required under a Development Permit Area;
 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to a Development Permit Area;
 5. fails to comply with an order, direction or notice given under a Development Permit Area; or
 6. prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Administrator, or person designated to act in the place of the Administrator;
 7. commits an offence under this Bylaw.
- (b) Each day's continuance of an offence constitutes a new and distinct offence.
- 12.1.7 A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

12.1.8 If any section, sentence, clause, phrase, word or schedule of the Development Permit Areas is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Development Permit Area.