

## 6.4 TEMPORARY COMMERCIAL USE PERMITS

As outlined in Section 921 of the *Local Government Act*, a local government may issue Temporary Commercial Use Permits, permitting the use of land or structures that is otherwise prohibited under the City's Zoning Bylaw. Temporary use permits may be issued for a period of up to two years and may, upon application, be renewed once for up to a further two years.

### Temporary Commercial Use Permits Policies

- 6.4.1 Issue temporary commercial use permits within commercial areas if Council is satisfied that:
- the temporary use is on a trial/ interim basis or a seasonal or occasional use, and where the use does not qualify as a home based business;
  - the temporary use does not adversely affect adjacent or surrounding properties in terms of pollution, odour, noise, light, traffic generation, parking or loading; and,
  - issuance of the permit will not establish a competitive advantage to the detriment of businesses operating in locations where the use is permitted.
- 6.4.2 Discontinue the temporary use permit upon expiry of the time period authorized. The use of land, buildings or structures permitted by the permit shall cease to exist and shall not be considered as a non-conforming use.





## 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

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| 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:   |
| No.2058 | (a) Construction or additions to a single-family or two-family dwelling on a single lot.  |
| No.2058 | (b) Building additions less than 10 m <sup>2</sup> (107.6 sq. ft.).   |
| No.2058 | (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 m <sup>2</sup> in area.   |

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|                   | (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.   |
| <b>Bylaw 2037</b> | (g) | Deleted by OCP Amendment Bylaw 2037, 2007.  |
|                   | (h) | Deleted by OCP Amendment Bylaw 2037, 2007.  |
| <b>No.2058</b>    | (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.   |
| <b>No.2058</b>    | (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. |

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|                   | <ul style="list-style-type: none"> <li>(c) <i>Development data</i>, including site area, site coverage, floor space, parking requirements, and number of units.</li> <li>(d) <i>Servicing information</i>, including existing and proposed water, sanitary and storm sewer services, and access.</li> <li>(e) <i>Site Context Information</i>, including sketches or photographs of the proposed development in relation to the surrounding neighbourhood.</li> </ul>   |
| 12.1.4            | <p>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:</p> <ul style="list-style-type: none"> <li>(a) <i>Transportation Study</i>, including traffic patterns and flows.</li> <li>(b) <i>Infrastructure Analysis</i>, including evaluation of local infrastructure capacity.</li> <li>(c) <i>Public Facilities Evaluation</i>, including inventory of facilities such as schools and parks, and future demand estimates.</li> <li>(d) <i>Environmental Assessment</i>, including inventories of native vegetation, wildlife and habitat, and evaluation of potential impacts.</li> </ul>   |
| 12.1.5            | <p>In accordance with Section 920(2)(a) of the <i>Local Government Act</i>, 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 <i>Act</i>.</p> <p>Council shall consider issuing development permits that vary applicable bylaws for one or more of the following:</p>   |
| <b>Bylaw 2037</b> | <ul style="list-style-type: none"> <li>• Deleted by OCP amendment Bylaw 2037, 2007;</li> <li>• variances that facilitate conformance with the applicable design guidelines;</li> <li>• Deleted by OCP amendment Bylaw 2037, 2007.</li> </ul> <p>A development variance permit shall be required where the proposed variance does not meet one or more of the above noted criteria.</p>  |
| 12.1.6            | <p>Violations of Development Permit Area requirements include:</p> <ul style="list-style-type: none"> <li>(a) Every person who: <ul style="list-style-type: none"> <li>1. violates any provision of a Development Permit Area;</li> <li>2. causes or permits any act or thing to be done in contravention or violation of any provision of a Development Permit Area;</li> <li>3. neglects to do or refrains from doing any act or thing required under a Development Permit Area;</li> <li>4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to a Development Permit Area;</li> <li>5. fails to comply with an order, direction or notice given under a Development Permit Area; or</li> <li>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;</li> <li>7. commits an offence under this Bylaw.</li> </ul> </li> <li>(b) Each day’s continuance of an offence constitutes a new and distinct offence.</li> </ul> |
| 12.1.7            | <p>A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the <i>Offence Act</i>, to the maximum penalties prescribed under the <i>Community Charter</i> for each offence committed by that person.</p>   |

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.

**12.2 DPA 1 – MULTI-FAMILY RESIDENTIAL AREAS**

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| <b>Category</b><br>Amend #2095            | <b>Form and Character/ Reduction of Greenhouse Gas Emissions</b>  |
| <b>Justification</b>                      | <p>The justification for this designation is to ensure that Council has the ability to secure necessary information and establish conditions for multi-family developments to ensure that their form and character is of high quality and compatible with surrounding uses.</p> <p>A high standard of design can help to integrate new forms and higher densities of housing into existing neighbourhoods. It can also create more livable residential development that contributes positively to the urban form and encourages a strong sense of neighbourhood. The benefits of well designed, well built multi-family development are long-term. To encourage a high standard of livability and overall quality that meets the community's and occupants' expectations for medium and high density housing types, development permits will be required for new multi-family development.</p>  |
| <b>Objective</b>                          | <p>The objective of this Development Permit area designation is to ensure that new multi-family residential development:</p> <ol style="list-style-type: none"> <li>1. Provides a healthy, safe and livable environment for residents;</li> <li>2. Minimizes its impact on the local environment;</li> <li>3. Provides for vehicular as well as pedestrian needs in a safe manner;</li> <li>4. Is compatible with surrounding land uses;</li> <li>5. Complements the social and environmental goals of this Plan; and</li> <li>6. Is constructed to high standards, both materially and aesthetically.</li> </ol>   |
| <b>Application</b>                        | <p>Where some element of the design does not comply with a guideline, a justification stating the divergence and the reason should be made. The City may diverge from the guidelines where a compelling rationale, which preserves the intent of the guidelines, is supplied.</p> <p>Variations may be considered for: required setbacks from front, rear, and/or side yard lot lines, and where the intent of the variance is to create an improved building envelope, minimize environmental impact, better relationship between buildings within a multi-family residential development, or where a setback is adjacent to park land or existing uses where the impact of the variance(s) being sought relate to the variance would be minimal or minimized through screening or a significant change in elevation. Variations may also be approved for pedestrian sidewalk location and width, and for lighting requirements.</p> |
| <b>Guidelines</b>                         | <p>The following guidelines are specifically applicable to multi-family residential sites.</p> <p><i>Applicants should provide a checklist or statement indicating how their proposal complies with these guidelines. Where some element of the design does not comply with a guideline, a justification stating the divergence and the reason should be made. Council may diverge from the guidelines where a compelling rationale that preserves the intent of the guidelines is supplied.</i></p>  |
| <b>Integration with the Existing Area</b> | <p>The orientation, scale, form, height, setback, materials, and character of new intensive residential developments are controlled by development permits to ensure compatibility with existing neighbourhoods and the surrounding</p>   |

community.

- The orientation, scale, form, height, and materials proposed for multi-family residential developments should reflect characteristics that are consistent with the context, scale and character of the surrounding neighbourhood to achieve visual harmony and neighbourliness. Sites in older neighbourhoods should be developed in a manner that improves the neighbourhood.

### Orientation

Site design is one of the most critical aspects of a successful project. Decisions made at the conceptual design stage have repercussions throughout the design development process.

- New multi-unit residential development should:
  - Maintain, enhance, or create view corridors or vistas (e.g. between buildings, along/ from roadways, and to natural features such as Mt. Prevost and Mt. Tzouhalem, Somenos Marsh, and the Cowichan River).
  - Allow sunlight penetration.
  - Ensure that units have their façade facing the street.
  - Minimize visual intrusion onto the privacy of surrounding homes.
  - Minimize the casting of shadows onto the private outdoor space of adjacent residential units.
- Apartment buildings should have at least one common entrance or foyer facing the street, at street level.
- New housing should front or appear to front abutting roadways.
- Townhouse buildings should, when oriented to the street, have at least one unit with an entrance facing the street, and appear to front onto the public road through the use of exterior treatments and through the provision of pedestrian walkways linked to the street.
- Pedestrian walkways to building entrances, parking, and/or recreational areas should have a hard slip resistant surface with a defined border of alternate material or texture to distinguish the sides or ends of paths. Layouts, width and grading must accommodate people with disabilities. Safety considerations must include clear sight lines to and from as many points as possible, such as parking lots and road entrances.
- Visual privacy will be achieved by such measures as:
  - fencing of all parking areas that face neighbouring residences with a solid material to prevent headlights disturbing neighbours;
  - locating private outdoor space so that it is not overlooked from roads or other residential buildings; and
  - locating, staggering or recessing entrances to individual units.

**Form,  
Character, and  
Building  
Materials**

New buildings should respect the scale and character of neighbouring properties to achieve some visual harmony and neighbourliness.

- New multi-unit residential development should utilize:
  - Variations in the character of rooflines (e.g.: gables and dormers).
  - Complementary roof styles and pitches.
  - Screened rooftop mechanical equipment incorporated into overall architectural treatment of building.
  - Building materials that are compatible with, and enhance, surrounding development.
  - Building materials that contribute towards an appearance of solid, quality construction and long term durability.
  - Stepped or alternate massing to break up the volume of a building to avoid a boxlike appearance.
  - Articulated walls detailed with varied cladding material, windows and doors, and patio features to create visual interest.
  - Window trim or casings and details on the fascia of the building, such as belt-courses, to enhance visual interest.
  - Complimentary exterior finishes including roofing materials, window treatments, door styles and other finishing details.
  - Maximized sound attenuation between units, between public roads and units, and between adjacent land uses and units.
  - Porches and windows overlooking the street to increase personal interaction and safety.
- Where multi-family units face single-family areas, buildings should be designed to convey a single-family appearance. This may be achieved by design features such as stepping back the building mass from the street or providing pitched roofs with varied roof lines.
- The size and siting of buildings should reflect the size and scale of adjacent development and complement the surrounding uses. To achieve this, height and setback restrictions may be imposed as a condition of the development permit.
- Multi-unit residential buildings or mixed commercial/ residential buildings in commercial areas with a zero front setback should be designed so that the upper storeys are stepped back from the building footprint, with lower building heights along the street front.
- Site lighting should provide personal safety for residents and visitors and be of the type that reduces glare and does not cause the spill over of light onto adjacent residential sites. Generally, lighting should be evenly distributed with night time visibility for 20 metres.
  - Safety will be addressed by such means as:
    - making entrances visible to other residents and the public road;
    - avoiding dark or shadowy spaces on the site; and ensuring adequate lighting in all public and semi-public areas.
- With the exception of HardiePlank and similar cementitious sidings, use of artificial materials (those that are made to appear as something they are not such as vinyl siding) is not permitted.

**Bylaw 2058**



**Landscaping**

- Landscaping should be provided with the objective of providing:
  - An effective transitional buffer through the use of open space, landscaping and edge treatment, where practical, to protect the privacy of occupants of properties adjacent to residential development.
  - A consistent visual image between adjacent properties along the streetscape.
  - Low-height vegetation between adjacent driveways to mitigate the visual impact of paved surfaces.
  - Some effective screening at the time of planting.
  - Landscaped pedestrian walkways to and from buildings and parking areas.
  - An attractive streetscape to screen off-street parking, services, and storage areas, and to enhance the overall development.
- All areas not covered by buildings, structures, and parking should be fully landscaped.
- Natural vegetation should be retained where possible to enhance the character of the development and integrate it with the existing landscape.
- Significant stands of trees, where present, should be preserved.
- An underground irrigation system should be incorporated into landscaping except for areas left in a natural state.
- Landscape screening should be provided along all property lines abutting neighbouring properties at least 1.5m high.
- Garbage containers and utility kiosks should be screened by solid fencing or landscaping or a combination of the two.
- The use of plant species which are native and may be considered drought resistant is encouraged in all landscaping.
- Landscaping should be designed to maintain sight lines for personal safety, and to avoid physical obstructions for people with disabilities.

**Loading Areas,  
Utility and  
Storage  
Structures**

- Loading areas, utility and storage structures (including garbage receptacles) should be located in a safe and convenient location on-site (preferably not in any required front or exterior side yard setback) so that they do not impede vehicular or pedestrian traffic or sight lines, where possible cluster these structures.
- Utility and storage structures (including garbage receptacles) in landscaped areas should be permitted only when integrated with the landscaping in a manner that is unobtrusive, does not deteriorate the plantings and landscape material within the landscaped area; and does not interfere with sight lines.
- Loading areas, utility and storage structures (including garbage receptacles) should be screened from adjacent roads and residential properties either by decorative fencing or by landscaping, or a combination of the two, with a minimum height of 1.8 m. The use of chain link fencing is not encouraged.

**Parking**

- Garbage receptacles should be stored outdoors with a solid enclosure on all sides, which cannot be seen through, with a minimum height of 1.5m.
- The storage of toxic, combustible or potentially hazardous material such as liquid petroleum products, fertilizers, herbicides and pesticides outside buildings is prohibited.
- Wiring (on-site and existing) should be placed underground where possible.
- New multi-family residential developments are required to provide private off-street parking in accordance with the City of Duncan's Zoning Bylaw.
- Parking areas should be located away from the street, whenever feasible, to create a more aesthetic and functional design.
- Private parking areas must be designed with the following features:
  - close access to main building entrances;
  - clearly marked, well lit pedestrian routes;
  - appropriate signage to assist people in locating pathways and building entrances;
  - adequate lighting that eliminates dark or shadow areas; and
  - opportunity for casual surveillance from a number of locations.
- Parking areas and internal access roads should be constructed using a permeable surface, alternatively other rainfall capture facilities (catch basins and landscaping) should be used to mitigate the environmental impact of the first 30 minutes of peak runoff flows (see also Policy 10.3.3).
- Internal access roads should be wide enough to permit easy negotiation to parking areas by automobiles and emergency vehicles and should clearly form and efficient circulation system.
- Parking areas should be made attractive by:
  - Breaking up surface parking areas and other large areas of paved surfaces with landscape planting. Ideally, parking should be separated by landscaped areas into clusters of no more than 6 to 10 parking spaces.
  - Considering staggering parking landscape islands and introducing curves to parking aisles, in larger sites and in areas with a strong natural landscape character, to further break the rigid geometry of parking areas.
  - Using contrasting paving materials to mark clear pedestrian routes through large parking lots, or from the street to the building and placing special emphasis on points of conflict between people and cars to improve visibility, enhance safety, and provide aesthetic appeal.
  - Considering parking lots as pedestrian spaces first, with cars as a secondary use (this can lead to a design which enhances pedestrian safety and comfort).
- Underground parking will be provided for any multi- unit residential buildings exceeding four storeys.

**Open Space and  
Amenity Areas**

- Open space must be provided that allows for active play areas and/or passive activities such as enjoying sunlight, views, and landscaping.
- The provision and location of play and recreation areas should reflect the needs of the anticipated residential population.
- Design features such as entry courts or seating in open areas should be encouraged to foster social interaction and a sense of community within medium or high density residential development.
- In developments intended for family living, adequate storage and places for outdoor play should be provided. Play areas must be safely accessible without interference by vehicular traffic and are to be located to permit visual supervision by residents.
- Where appropriate, safe and distinct pedestrian routes should be provided connecting to other residential and commercial land uses in the community and to parks, open spaces and trails.
- Spaces should be defined through design features to differentiate private, semiprivate, and public use areas within and around the project. This may be achieved through use of material changes, grade changes, exterior walls, screening, and landscaping.

**Personal Safety**

- The impact the design of the building has on the individual safety should be considered, e.g. avoid recesses, dark alcoves, the creation of hiding spots, and isolated areas. Refer to the Checklist for Safety Planning and Design (Appendix 9).

**Environmental  
Impact**

- The basic principals of Crime Prevention through Environmental Design (CPTED) should be incorporated into building and site planning/ design.
- New multi-family residential developments should minimize the impact on their environment, where practical, by siting buildings in such a way that residential units are sited around, in harmony with, and compatible with the natural topography and existing natural features (such as mature trees).

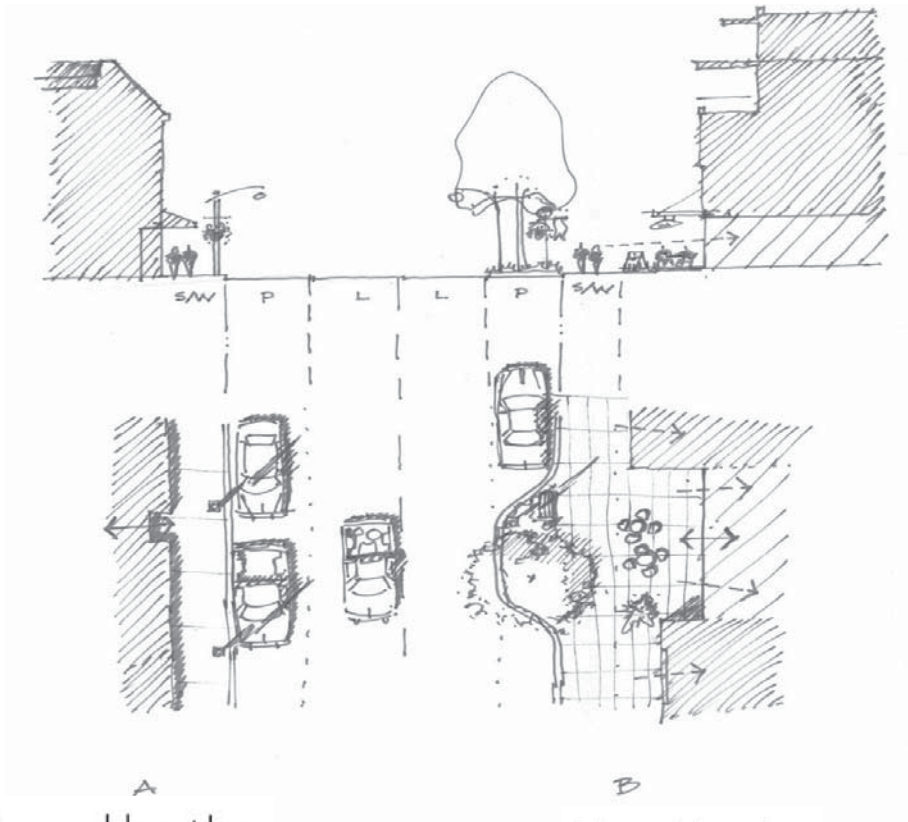
**Amend #2095**

- New multi-family residential developments should reduce greenhouse gas emissions by incorporating any or all of the following strategies: building siting; choice of building materials and colours; energy efficiency measures; highly insulated building envelope; use of renewable energy for heating and cooling; bicycle parking and storage facilities; electric vehicle parking and support facilities; and reduced automobile parking in accordance with relevant Bylaw provisions.
- The City may approve variances where the siting of buildings can be shown to lessen environmental impact.

**12.3 DPA 2 – DOWNTOWN**

|                                |   |
|--------------------------------|---|
| <b>Category</b><br>Amend #2095 | <b>Form and Character/ Revitalization /Reduction of Greenhouse Gas Emissions</b>  |
| <b>Justification</b>           | The justification for this designation is to ensure that Council has the ability to secure necessary information and establish conditions for developments within the Downtown (see Map 2) to ensure that their form and character is of high quality and compatible with surrounding uses. The underlying intention of the guidelines is to help create an economically viable, safe and beautiful downtown that will provide an appropriate setting for the diverse activities and needs of residents, business interests, public agencies and visitors.  |
| <b>Objective</b>               | <p>The City wishes to encourage sensitively integrated, high quality redevelopment within Downtown. These guidelines give physical design direction for urban growth, conservation and change. The City of Duncan supports and promotes the idea that Downtown is the civic centre and commercial heart for the entire Cowichan Region. Downtown plays a vital role as the central meeting place for the Cowichan Valley residents as they 'go to town' to run errands and connect with others in the community. Key design objectives for downtown include:</p> <ul style="list-style-type: none"> <li>• Retain small town feel <ul style="list-style-type: none"> <li>○ Public spaces, public art, rights of way, plazas and parks</li> </ul> </li> <li>• Create opportunities for face to face meetings</li> <li>• Maintain the original hierarchy of buildings <ul style="list-style-type: none"> <li>○ Civic and public</li> <li>○ Mixed use (retail and commercial plus residential)</li> <li>○ Residential apartments</li> </ul> </li> <li>• Design good contemporary architecture which compliments historic structures but does not mimic them</li> <li>• Avoid unrelated, fake or arbitrarily conjured, design themes</li> <li>• Maintain high quality buildings and landscaping standards that reflect the importance of downtown to the region.</li> <li>• Produce sustainable and ecologically sensitive design</li> <li>• Preserve existing heritage building character</li> <li>• Organize parking in small clusters, dispersed throughout the core and screened from view</li> <li>• Design downtown buildings and spaces that consider spaces which <ul style="list-style-type: none"> <li>○ Draw youth to the core</li> <li>○ Make it safe to walk at night</li> <li>○ Address the needs of downtown residents</li> <li>○ Celebrate diversity</li> </ul> </li> <li>• Recognize the interrelationship of adjacent land uses</li> <li>• Commemorate the Cowichan River</li> <li>• Develop business that compliment rather than compete with neighboring malls</li> <li>• Respond to weather conditions - protection from the summer heat and winter rains</li> <li>• Create an identifiable downtown district - accessible from the highway corridor</li> </ul> |

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| <b>Application</b>                | <p>Where some element of the design does not comply with a guideline, a justification stating the divergence and reason should be made. The City may diverge from the guidelines where a compelling rationale, which preserves the intent of the guidelines, is provided.</p> <p>Variations may be considered for: height or required setbacks from front, rear, and/or side yard lot lines, and where the intent of the variance is to create an improved building envelope, minimize environmental impact, create a better relationship between and among buildings or where a setback is adjacent to park land or existing uses where the impact of the variance(s) being sought relative to the variance would be minimal or minimized through screening or a significant change in elevation.</p>  |
| <b>Guidelines</b>                 | <p>The following guidelines are specifically applicable to the area of Downtown identified as DP – 2. (See Map 2.)</p> <p><i>Applicants should provide a checklist or statement indicating how their proposal complies with these guidelines. Where some element of the design does not comply with a guideline, a justification stating the divergence and the reason should be made. Council may diverge from the guidelines where a compelling rationale that preserves the intent of the guidelines is supplied.</i></p>  |
| <b>Design of the Public Realm</b> | <p>The design guidelines for private property are informed by the vision for the public realm. The following guidelines express the vision for Downtown:</p> <ul style="list-style-type: none"><li>• Downtown is a defined precinct, illustrated and reinforced by such measures as the pavement materials used in the City Square.</li><li>• Downtown is walkable, with sidewalks and a series of pathways which include streets, lanes, alleys and short-cuts.</li><li>• Markers, landscaping materials and other creative materials help to direct people and encourage exploration, rather than relying too much on signage and simple wayfinding.</li><li>• Nodes are established and celebrated throughout Downtown; paths connect and intersect with them and places are created – people meet, pause, sit and encounter others in the community. This could include the installation of benches or other seating/resting areas.</li><li>• Landmarks such as public art, interesting landscape features, even buildings, are located in special places to help orient people to various features and provide identifiable places for people to rendezvous.</li></ul> |



### Less like this

- A** This side of the street has:
- a minimum-sized sidewalk
  - a single entrance with no view to the activities in the building
  - no landscaping (except a hanging flower basket)
  - a continuous parking band
  - no set-back.

The building is 3 storeys high plus the one storey fake sloped roof.

### More like this

- B** This side has:
- a sidewalk that is wider to accommodate more pedestrians in the commercial core
  - building setbacks that vary to make small squares for outdoor uses
  - landscape and tree 'bulges' that bring greenery into the downtown (note that in this example, the private development is coordinated with the public right-of-way design)
  - a more transparent ground floor to allow building activities to visually 'spill' into the street
  - a building with an extra floor drawn to the set-back with a stepped back top floor
  - public amenity concessions such as public art, open space, street trees and landscaping, special paving and street furniture etc.

**Building Form,  
Siting, Height  
and Massing**

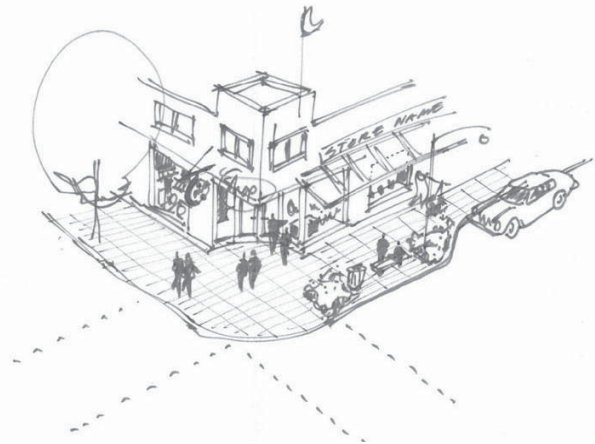
The siting of buildings can define the relationship between the public street and a private development and can establish a unique sense of place for the downtown. Height and massing of a building are integral components of a distinctive form for the community. The space along any right of way creates the dominant presence that people experience and create an atmosphere.

- Each building and location will present a unique set of design imperatives. Generally, the siting of the building should not crowd the pedestrian realm, sending the message that the pedestrian area is unimportant, yet the building should provide a defined edge and consistent street edge that is inviting to people.
- View corridors or vistas (e.g. between buildings and to natural features such as Mt. Prevost and Mt. Tzouhalem should be maintained, enhanced, or created.
- Buildings should not expose their service and refuse areas to the street

*Less like this*



*More like this*

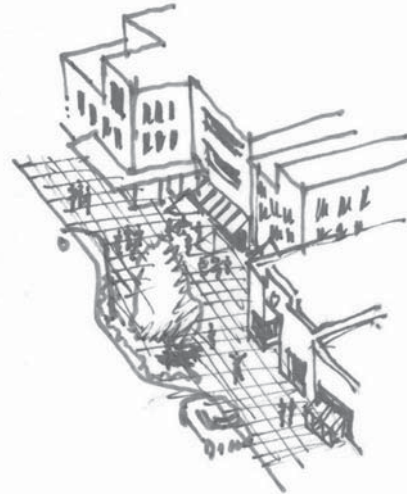


- Corner buildings should be sited so they are:
  - Set back to allow small gathering places.
  - Conducive to pedestrian movement.
  - Afford commercial exposure on both elevations.
  - Provide display windows or where there is no commercial activity encourage high architectural detail.
- Build-to lines are preferred over set-backs (with the exception of corner lots) which allow too much variation and unpredictable, undefined space.
- Where buildings are set back, they shall not have parking between their front façade and the street, rather there should be hard and soft landscape treatment, public art, gathering places or other attractive elements.
- A minimum of 75% of a building's principal or front façade must be between 2 and 2.5 metres from the property line in the downtown core – i.e. most of

the building should be close to the street edge.

- The City may approve variances where the siting of buildings can be shown to lessen environmental impact.

Illustration of the effects of variable build-to lines.



### Architecture

Along with the street pattern, there are a number of historic buildings in Duncan that contribute to creating a dignified presence in Downtown. It is imperative that new and redeveloped buildings (material and architecture) subscribe to the same high standards of design and construction.

- Where restoration of an existing historic building is proposed, heritage elements should be retained and reinforced and should adhere to the guidelines established by the City of Duncan.
- Large expanses of featureless walls should be avoided.
- False fronts should be avoided.
- Materials should be used consistently and in unison so that all aspects of the building are considered to be in public view.
- The materials and finishes for retaining walls, fences and or other architectural screening devices should be composed and considered with those of adjacent buildings.
- The traditional technique of retail and mixed commercial storefronts should be used to encourage street continuity and casual window-shopping along the sidewalk.
- Doorways and bay windows should be inset from the property line with windows, to maximize retail window area.
- Protection for pedestrians from the elements should be provided using canopies, arcades and windbreaks, particularly at building entrances, along storefront facades and at transit stops.



Screening

- Berms, fences or landscaping should be used to visually separate commercial rear yards and service areas from adjacent and nearby buildings.
- Service areas into the building should be incorporated into the site design to screen them from view.

Roof Design

- Exposed rooftop or ground-mounted utilities to views from nearby buildings should be avoided. Mechanical equipment appearance, noise and emissions and mitigate the negative impacts should be considered.
- Roofs should be considered as useable and possibly green outdoor space and they should be accessible from inside buildings.
- The roof of every building should be considered as visible from other buildings as the walls and windows. Roof colours and materials that imitate a material that they are not should be avoided.
- Traditional roof forms intended for low buildings types should be avoided on higher buildings.

Windows

- Mirrored glass or other opaque materials should be avoided at street level.
- Inset rather than flush windows should be encouraged.
- Mimicry of heritage windows should be avoided.

Personal Safety

- The impact the design of the building has on the individual safety should be considered e.g. avoid recesses, dark alcoves, the creation of hiding spots, and isolated areas. The Checklist for Safety Planning and Design (Appendix 9) should be referred to.
- The basic principals of Crime Prevention through Environmental Design (CPTED) should be incorporated.

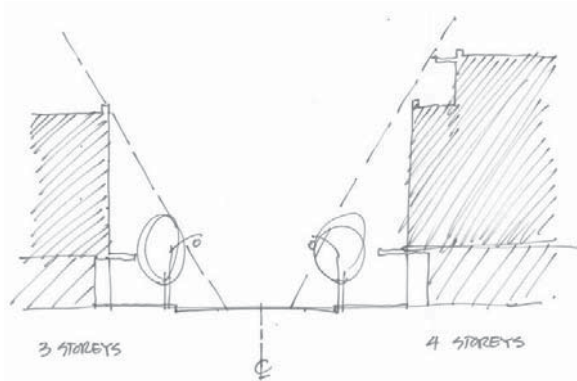
**Building  
Entrances**

A properly placed and clearly visible entrance enhances the role of the streetscape and creates an easily readable environment. By placing building entrances in a simple and straight-forward relationship to the principal frontage street, the orientation and general level of comfort of the building for site users is improved and thereby the economic success and vitality of Downtown.

- Entrances should be clearly visible and directly accessible from the principal frontage street. If this is not possible, an architectural element such as a gateway or archway may be used to signify and indicate the entrance.
- Entry design should be in scale and character with the building and carefully integrated with the overall architectural approach.
- Details and finishing materials should avoid fakery and the application of imported themes and thematic elements especially at entryways.
- Entrances, universally accessible to people with mobility challenges should be utilized.

Buildings stepped back at upper floors help reduce or eliminate the negative effects of taller structures by allowing the same view of sky and daylight as lower buildings, as well as reducing the visual impact of the upper floor.

The benefit of an extra floor can also be used to help sponsor an improvement to the public realm. This affords a balance between private benefit and public good.



**Courtyards**

It is important to add interest and adventure for those exploring on foot. Courtyards provide such an element and can enhance the urban experience.

- When a courtyard faces the street, minimum setback should be approximately 3 metres (10 feet).
- Private through-courtyards should have complimentary street furniture elements and paving materials similar to those on the public streetscape, to present a seamless relationship between public and semi-public space.
- The effects of lighting, alcoves and landscaping on personal safety should be considered.

**Building Materials**

The City does not wish to impose or prescribe the use of particular materials on buildings; however it is useful to establish criteria which encourage the use of certain materials to promote consistency and a cohesive presentation throughout the Downtown core.

- Locally produced high quality and authentic materials such as locally produced or manufactured concrete, wood, brick and stone should be used. Fake materials should be avoided.
- If stucco is to be used, cement stuccos are preferred as the look is more authentic and light reflective. Additionally, they are compatible with heritage buildings as a result of how they were traditionally made.

Colours

- Natural and locally inspired or derived colours are preferred. Ideally, the predominate colour palate will come from integrally coloured natural materials such as stone, wood and brick.

**Bylaw 2037**

- Exterior paint colours for buildings should conform to a historical colour palette such as that developed by Benjamin Moore paints.
- The use of high intensity, black and fluorescent colours is strongly discouraged.
- Building trim and accent areas may feature brighter colours, including primary colours.
- The use of artificial materials (those that are made to appear as something they are not such as vinyl siding, mirrored glass, molded 'river rock') is not permitted.

**Bylaw 2058**

- HardiePlank and other cementitious sidings are permitted.

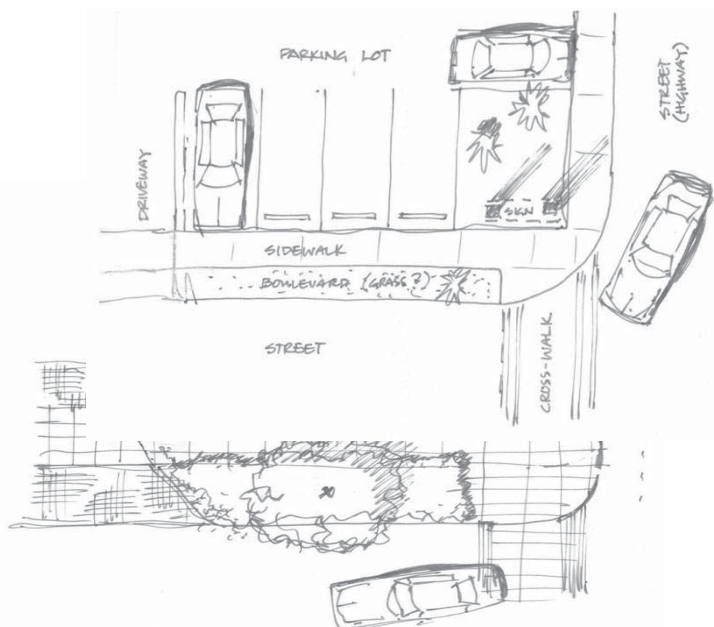
### Surface Parking

As the need for parking is crucial to commercial success, surface lots have become a dominant feature in the urban landscape and therefore have a disproportionate influence on the visual character of Downtown. Every effort should be made to mitigate the impact of parking so as to correct the imbalance of the auto over the pedestrian environment.

- Parking behind or under buildings should be located:
  - Where this is not possible or practical, parking spaces should be provided at the side of buildings or as a last resort, located no closer than 4 metres from the front property line and behind screening.
- Parking to the property line shall not be permitted.
- Alternatively, remote parking (parking located off site but within easy walking distance (100 to 150 metres) should be allowed. Cash in lieu of providing parking stalls (Bylaw 1784) is another option for developers wishing to forego on-site parking.
- Lots (and cars) should be screened by landscaping and/or fencing. Fence material should be compatible with the exterior finishes of adjacent buildings.
- Parking spaces near pedestrian paths should extend 0.5 metres beyond the standards, to allow for car overhang (standard stall length ranges from 5.5 to 5.7m).
- Parking lots of neighbouring developments should be linked with one another via pedestrian pathways or laneways.
- Parking layout should facilitate the safe movement of pedestrians by providing walkways separate from the traffic lane. Pedestrian routes should be designed to appear as conventional pedestrian sidewalks, giving priority to pedestrian movement within the lot.
- Tree planting and other landscaping features at intervals should be encouraged throughout the lot as their canopy provides shade and their height mitigates safety issues regarding sight lines.
  - The suggested standard is no less than one tree for every four stalls of 90 degree parking.
- Parking should conform to universal accessibility regulations.
- Design for maximum efficiency, including smaller parking stalls for compact cars to reduce the overall land requirements
- Top-shielded lighting should be used to minimize dispersion of light.
- Surfaces: whenever possible, permeable paving surfaces should be used, in conjunction with contamination traps, in order to minimize storm drain use and the effects of the run-off.
  - The use of concrete, preferred unit concrete pavers) made with high-fly ash content is more ecologically sound than asphalt and therefore its use encouraged. In addition, its lighter colour is more

suiting to the hot Cowichan Valley climate as it absorbs less solar heat and reduces excessive heat radiation back into the atmosphere.

- Arbours, archways and pergolas can be used to highlight parking site entries.
- Security and safety should be planned for through good parking lot design:
  - Windows and public areas should be located to allow for passive surveillance of parking areas.
  - The creation of recessed entrances, alcoves or other enclosures commonly associated with garbage areas should be avoided.
  - Lighting in parking lots should not be higher than 5 metres from the ground (see lighting section).



- Parking lot right against sidewalk
- Sidewalks along side of moving traffic
- Driveway crosses over sidewalk
- Large corner radius (encourages fast turns)
- No relief/refuge at corner for pedestrians

### Less like this

- Planted Boulevard between sidewalk and traffic
- Corner 'bulge' for more planting and trees
- Special paving for pedestrian areas
- Bench and refuse container
- Planted screen in front of parking (if parking must be at "street edge")

## Access

Cars are welcome in Downtown, however, poorly designed parking and driving lanes will undermine its appearance and safety and pedestrians will disappear. Good parking and access design will tame traffic, increase predictability and reduce conflicts.

- Building any new driveway accesses that cross sidewalk should be avoided; where possible, use rear lane access.
- Where driveway access already exists or is necessary, the driveway should be paved with special paving materials (e.g. brick, stamped concrete).
  - Large expanses of asphalt are to be avoided.
- A rumble-strip of paving (minimum of 2.5 metres wide for the width of the driveway) across the driveway should be located in the private property

side of the sidewalk, to warn drivers of the pedestrian sidewalk crossing. The strip should have a distinct texture and look that is complimentary to the pavement designs of the City square, with mortared stone or heavily textured concrete.

- Where the sidewalk crosses the driveway, the sidewalk should be maintained at grade. It should never be discontinued and, if possible, should not dip down to accommodate an apron.
  - Where possible, the apron should be on the boulevard. Where this is not practical, there should be paved strip on the driveway access on both sides of the sidewalk.
- Loading and delivery areas shall be confined to the rear of buildings.
- Access points for corner sites should be located as far from the intersection as possible.

This



Not this



### Structured Parking

- Where there is underground or structured parking, the sidewalk should be maintained at grade and the pavement should be marked to alert both drivers and pedestrians of the up-coming intersection.
  - Attention to sightlines (both driver and pedestrian) is especially important in this compact urban environment.
- Shared access between landowners is encouraged.
- Designing for personal safety (see **Appendix 9**) and crime prevention (CPTED Principals) is of paramount importance
  - This includes issues associated with appropriate levels and locations of lighting.
- Screening of service areas and unsightly equipment and machinery (air systems etc.) should be attractive and contribute to a feeling of safety.
- The exterior design should be integrated architecturally to look like a commercial building rather than institution or warehouse.
- Designs should pay attention to the aesthetics of parking infrastructure details such as ticket booths.

### Signage

Storefront signs contribute to the form and character of a community. Elements such as: continuity in the number of signs per location, orientation, size, style and

materials, help create a cohesive identity for the downtown, allowing customers to easily identify their destination as they circulate the core.

- All signage must conform to the provision of the City's Sign Bylaw.
- Signs should complement the architectural design and materials of the buildings and the adjacent landscape.
- Applicants must provide a 'sign plan' which identifies the location and style of the various signs, illustrating consistency in signage throughout the development.
- Building identification is encouraged, for the benefit of both pedestrians and drivers, particularly at street corners. Reverse lit design (*see inset*) is preferred. Back lit signs shall not be permitted.
- Signs can be printed onto awnings but the lettering must be modest in size and carefully integrated into the scale of the canopy. The intended viewing audience for such a sign is the pedestrian across the street, or the slow-moving driver.

### Canopy Design

Canopies provide interest and diversity to the streetscape as well as vital shelter from the elements. Often canopies and awnings are an after-thought - installed after the building has been designed and built. This is unfortunate.

- Canopies and awnings should be intentionally designed as an integral part of the architecture.
- Canopies shall not be back lit.
- Barrel awnings should be avoided.
- Fabric colours should not be garish, rather subdued and complimentary to the surrounding built and natural environment.

### Public Art

The private realm offers an excellent opportunity to enrich the visual experience, attract attention and expression as well as support existing public art (totem poles and some mural paintings) in the public realm. Public art promotes investment, community ownership, and pride.

- Any new development or redevelopment shall incorporate public art into its design. (See Section 8.3.)
- Accommodate external murals (two dimensional).
- Sculpture installations are strongly encouraged (three dimensional).
- Art installed in private lobbies should be visible from the street, when possible. The inclusion of artworks into the design enhances both the private development and the public realm.

### Lighting

Adequate lighting will result in increased safety by illuminating paths for pedestrians, making pedestrians visible to drivers and generally discouraging crime. In addition, better lighting will encourage more walking at night, resulting in improved health and more vibrant street life after dark.

- Lighting standards of a more human scale shall be encouraged (3-4 metres above the ground).
- High level lighting is not necessary in the core, nor should it be allowed.
- Ensure pedestrian walkways and vehicular access points are well and

warmly lit, including any cut-through paths or alleyways that are created on a site.

- Lighting that results in glare into adjacent residential properties should be avoided.
- Overhead wiring should be buried or relocated where possible.
  - Minimize the number of hydro lines crossing the street.

**Landscaping**

Investment in landscaping will have profoundly beneficial results. The City understands that the imperative to make Downtown 'greener' is both a public and private responsibility.

- Every development shall plan and maintain substantial areas of small and large shrubbery and trees.
- Even in zero lot-line situations, some form of vegetation shall be considered as part of every commercial development.
- Tree installations should be coordinated with the City's Public Works department.
- Plant species should be indigenous or compatible and should require only nominal seasonal watering. See the City's Planting Plan (Appendix 10) to ensure the development landscaping plan is compatible and complimentary.
- Columnar trees should be reserved for wide areas in the public realm such as boulevards and parking lots to create shade.
- Trees and other planting which have less invasive roots are desired.
- Landscaping should be designed to maintain sight lines for personal safety, and to avoid physical obstructions for people with disabilities.
- A Landscape Plan, developed by a certified Landscape Architect, should be submitted as part of the development application, to ensure appropriate, interesting and sustainable landscaping is installed.

**Vacant Sites**

Neglected, vacant sites leave a negative first impression. This is exacerbated by garbage, graffiti and vandalism.

- Temporary fencing should be avoided and all perimeters of private properties should be treated as determining elements of the public realm. Ambient lighting for safety and visual interest should be included.
- Sites left undeveloped for an extended time shall be landscaped or in some way mitigated to avoid looking as though they are abandoned and uncared for.

**Environmental Impact**

Amend #2095

- New developments and redevelopments should reduce greenhouse gas emissions by incorporating any or all of the following strategies: building siting; choice of building materials and colours; energy efficiency measures; highly insulated building envelope; use of renewable energy for heating and cooling; bicycle parking and storage facilities; electric vehicle parking and support facilities; and reduced automobile parking in accordance with relevant Bylaw provisions.