



City of Duncan

Zoning Bylaw 1540, 1988 (With Amendments to January 4, 2016)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 1562, 1989 – Adopted July 10, 1989
Bylaw No. 1563, 1989 – Adopted May 8, 1989
Bylaw No. 1607, 1988 – Adopted August 13, 1990
Bylaw No. 1609, 1990 – Adopted August 13, 1990
Bylaw No. 1611, 1990 – Adopted September 10, 1990
Bylaw No. 1620, 1990 – Adopted December 10, 1990
Bylaw No. 1623, 1990 – Adopted January 14, 1991
Bylaw No. 1628, 1991 – Adopted February 11, 1991
Bylaw No. 1632, 1991 – Adopted September 23, 1991
Bylaw No. 1637, 1991 – Adopted June 10, 1991
Bylaw No. 1650, 1991 – Adopted February 10, 1992
Bylaw No. 1651, 1992 – Adopted June 28, 1993
Bylaw No. 1655, 1992 – Adopted March 23, 1992
Bylaw No. 1657, 1992 – Adopted March 23, 1992

I certify this bylaw to be a true and correct copy of the Consolidated "City of Duncan Zoning Bylaw No. 1540, 1988."

Karen Burley, Director of Corporate Services

Bylaw No. 1678, 1992 – Adopted January 11, 1993
Bylaw No. 1682, 1992 – Adopted October 13, 1992
Bylaw No. 1702, 1993 – Adopted August 9, 1993
Bylaw No. 1705, 1993 – Adopted April 13, 1993
Bylaw No. 1708, 1993 – Adopted May 25, 1993
Bylaw No. 1720, 1993 – Adopted July 12, 1993
Bylaw No. 1724, 1993 – Adopted October 12, 1993
Bylaw No. 1746, 1994 – Adopted September 12, 1994
Bylaw No. 1751, 1994 – Adopted October 11, 1994
Bylaw No. 1763, 1995 – Adopted July 13, 1995
Bylaw No. 1777, 1995 – Adopted October 23, 1995
Bylaw No. 1781, 1996 – Adopted January 8, 1996
Bylaw No. 1782, 1996 – Adopted January 8, 1996
Bylaw No. 1788, 1996 – Adopted April 9, 1996
Bylaw No. 1790, 1996 – Adopted May 13, 1996
Bylaw No. 1792, 1996 – Adopted May 13, 1996
Bylaw No. 1822, 1997 – Adopted April 14, 1997
Bylaw No. 1826, 1997 – Adopted August 11, 1997
Bylaw No. 1838, 1997 – Adopted January 26, 1998
Bylaw No. 1846, 1998 – Adopted March 23, 1998
Bylaw No. 1849, 1998 – Adopted July 13, 1998
Bylaw No. 1861, 1998 – Adopted September 14, 1998
Bylaw No. 1864, 1998 – Adopted August 14, 1998
Bylaw No. 1865, 1998 – Adopted May 25, 1999
Bylaw No. 1877, 1999 – Adopted June 14, 1999
Bylaw No. 1907, 2000 – Adopted January 8, 2001
Bylaw No. 1941, 2002 – Adopted December 9, 2002
Bylaw No. 1946, 2003 – Adopted January 13, 2003
Bylaw No. 1948, 2003 – Adopted April 14, 2003
Bylaw No. 1970, 2004 – Adopted August 9, 2004
Bylaw No. 1981, 2004 – Adopted November 22, 2004
Bylaw No. 1987, 2005 – Adopted September 12, 2005
Bylaw No. 2007, 2006 – Adopted September 10, 2007
Bylaw No. 2009, 2006 – Adopted January 22, 2007
Bylaw No. 2019, 2007 – Adopted April 10, 2007
Bylaw No. 2020, 2007 - Adopted April 10, 2007
Bylaw No. 2053, 2008 – Adopted May 26, 2008
Bylaw No. 2054, 2008 – Adopted May 26, 2008
Bylaw No. 2096, 2010 – Adopted July 19, 2010
Bylaw No. 3003, 2010 – Adopted October 18, 2010
Bylaw No. 3011, 2011 – Adopted February 21, 2011
Bylaw No. 3016, 2011 – Adopted March 21, 2011
Bylaw No. 3021, 2011 – Adopted August 2, 2011
Bylaw No. 3034, 2011 – Adopted November 21, 2011 – zoning map change only
Bylaw No. 3035, 2011 – Adopted June 20, 2011
Bylaw No. 3045, 2011 – Adopted December 19, 2011
Bylaw No. 3022, 2012 – Adopted February 20, 2012
Bylaw No. 3024, 2012 – Adopted February 20, 2012
Bylaw No. 3023, 2012 – Adopted February 20, 2012 – zoning map change only
Bylaw No. 3073, 2012 – Adopted November 19, 2012 – backyard hens
Bylaw No. 3078, 2012 – Adopted January 21, 2013 – dog grooming – training
Bylaw No. 3097, 2013 – Adopted December 16, 2013 – Secondary Suites

Bylaw No. 3099, 2013 – Adopted December 16, 2013 – Zoning Map Change Only
Bylaw No. 3105, 2014 – Adopted March 17, 2014 – Zoning Map Change Only
Bylaw No. 3122, 2014 – Adopted May 20, 2014 – Seniors Centre permitted C-1 Zone
Bylaw No. 3123, 2014 – Adopted May 20, 2014 – Zoning Map Change Only
Bylaw No. 3127, 2014 – Adopted August 18, 2014 – Housekeeping Amendments
Bylaw No. 3030, 2014 – Adopted December 22, 2014 – C-1-B Zone – General Commercial
Mixed Use
Bylaw No. 3150, 2015 – Adopted January 4, 2016 – Marijuana Operation

CITY OF DUNCAN

ZONING BYLAW NO. 1540, 1988

A Bylaw to Establish Zones and Regulate
the Use of Land, Buildings and
Structures Within the Zones

WHEREAS pursuant to Section 963 of the Municipal Act, R.S.B.C. 1979, c.290 (the "Act") the City Council is empowered to prepare and adopt a zoning bylaw;

AND WHEREAS it is deemed appropriate to adopt a zoning bylaw respecting those lands within the City of Duncan;

NOW THEREFORE the Council of the City of Duncan in open meeting assembled HEREBY ENACTS AS FOLLOWS:

PART ONE	TITLE
1.1	This bylaw may be cited for all purposes as "City of Duncan Zoning Bylaw No. 1540, 1988".

PART TWO	ADMINISTRATION
2.1	<p>The Administrator, being an Officer; the Building Inspector and the Public Works Superintendent, being designated to act in the place of the Administrator for the purpose of this bylaw and such other person or persons as may be designated by Council resolution to act on behalf of the Administrator are authorized</p> <ul style="list-style-type: none">(a) between 0800 hours and 1700 hours of any day, or(b) at such other time of the day as may be agreed to with the owner or occupier of the land to be inspected

to enter upon any property subject to the regulations of this bylaw to ascertain whether such regulations are being obeyed, provided that:

- (a) consent to inspect the property has been obtained from the owner or occupier of the land, or
 - (b) where such consent has been refused, notice of the intent to inspect has been given to the owner not less than 24 hours prior to the time of inspection.
- 2.2 Every person who:
- (a) violates any of the provisions of this bylaw;
 - (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
 - (c) neglects or omits to do anything required under this bylaw;

"commerce" means the selling, servicing and repair of goods, the provision of services and commercial office functions;

Amend# 1822

Added "commercial storage" means the storage, for hire or gain, of goods, merchandise, materials or equipment in an enclosed building other than a temporary building but shall not include a warehouse

Amend# 3127

Added "commercial vehicle" means a commercial vehicle as defined in the *Commercial Transport Act*, and includes any commercial trailer. The tractor portion of a commercial vehicle with an attached commercial trailer is deemed to be one commercial vehicle. The tractor portion of a commercial vehicle having an unattached commercial trailer is also deemed to be one commercial vehicle, as is an unattached commercial trailer.

"convenience store" means a retail sales outlet contained under one roof, having a floor area not exceeding 200 square metres and providing for the sale of items regularly used by households, including books, magazines or household accessories, and food and beverage take out service;

"daycare" means the use of a residence or other building for the caring and keeping of children and may include the entertainment, education or training of such children as well as the provision of light meals or snacks to these children;

Amend# 1822

Added "decorative features" means those portions of a building or structure which purely serve to enhance the appearance or architectural form of a building, and serve no structural or functional purpose.

Amend# 3078

Added "Dog Grooming" means an establishment for the hygienic care and cleaning of [dogs](#) and for enhancing their appearance, which may include dog daycare where the dogs are kept indoors only and not overnight "duplex" means two residential dwellings placed one above the other or side by side in a principal building on a single parcel;

"dwelling" means a self-contained set of habitable rooms with a separate entrance intended for year round occupancy with complete living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation;

Amend# 3097

Added "Dwelling, Single Family Residential" means any detached building with the principal use of dwelling unit, or a detached building consisting of a combination of one principal dwelling unit and one secondary suite;

"exterior side parcel line" means a parcel boundary, other than a front parcel line, located between a parcel and a highway;

"family" means:

- (a) two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling; or
- (b) not more than five unrelated persons sharing one dwelling;

"fence" includes arbor, archway, gate, screen, trellis and wall;

Amend#1861

Added "first storey" means the uppermost storey having its floor level not more than two metres above grade measured at the center line of the abutting street at right angles to the center of the front of the building;

Amend#1705 "floor space ratio" means the ratio which the gross floor areas of buildings on a lot bears to the area of the lot;

Amend#1822

Added

"footprint" means when used for calculating parcel coverage, the total horizontal area above ground covered by a building or structure, measured to the outside surface of exterior walls and in the case of supporting posts or similar structures, to the outside line of the posts. Not included are eaves, unenclosed stairs and landings, and open walkways. Decorative features extending beyond the foundation line and which are not otherwise exempted shall also be excluded from being part of the building footprint. Such decorative features shall be limited to a maximum of 5% of the parcel area.

"front parcel line" means a parcel boundary common to a parcel and a highway other than a lane, provided that where a parcel is contiguous to the intersection of two highways, the front parcel line is the shortest parcel boundary contiguous to a highway other than a lane;

Amend#3097

Added

"Garden Suite" refers to a single-unit independent suite in a free-standing, single-story accessory building located behind the primary single family residential dwelling;

"gas bar" means a premise containing not more than two gasoline pumping stations and which is used solely for the sale of motor vehicle fuel, lubricating oil and minor motor vehicle accessories directly to the users of motor vehicles;

"grade" means the lowest of the average levels of ground adjoining each face of a structure;

Amend#1705

"gross floor area" means the sum of the gross areas of the floors of a building or buildings measured from the exterior faces of exterior walls excluding, however, in respect of all buildings:

- (a) floor spaces under a ceiling which is less than 1.8 metres above the average level of all finished ground adjoining the building at all exterior walls, and
- (b) floor space used for off-street parking to the extent that such parking is required;

"group home" means a residence for six or more mentally or physically handicapped persons;

Amend.#1861

Added

"ground floor" means the same as first storey;

Amend.#1946

"height" means the vertical distance from the average finished ground level at the perimeter of a building or structure, to the highest point of the building or structure. In the case of residential accessory buildings the measurement shall be taken to the mean distance between the eaves and the peak;

"high water mark" means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, which plan was most recently filed in a Land Title Office before the adoption of this bylaw;

"highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property;

"horticulture" means the practice of growing fruits, vegetable, flowers or ornamental plants;

Amend# 3127

"home occupation" means an occupation or profession as an accessory use to a permitted residential use, carried out in a dwelling or accessory building to the dwelling;

"independent suite" means living quarters within a residential dwelling which are separate and distinct from the dwelling use and includes its own living, cooking, sleeping and sanitation facilities and may include a separate entrance;

"industry" means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods, materials or things;

"institution" includes an arena, armory, cemetery, college, community center and community hall, court of law, fire hall, hospital, library, government office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool;

"interior side parcel line" means a parcel boundary between two parcels other than a front, rear or exterior side parcel line;

"kennel" means the use of a parcel, building, or structure for the boarding or breeding of dogs and cats;

"lane" means a highway which provides a second access to a parcel and is less than 11 metres wide;

Amend#3046

"live/work studio" means a dwelling unit which includes space for a professional office, artist studio, repair shop, custom workshop, and the like;

Amend#3150

"marijuana operation" means cultivating, growing, producing, packaging, storing, distributing, dispensing, trading or selling of cannabis (Marijuana) or its derivatives;

Amend#2096

"microbrewery" means a facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail or wholesale. The maximum brewing capacity shall not exceed 7,500 hectolitres per year. The facility must include retail sales, tours and tastings.

Amend#3127

"mobile home" means a dwelling unit, factory built and factory assembled, designed for conveyance after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. Neither a prefabricated home (or structure) nor motor home, travel trailer or recreation vehicle shall be included in this definition;

"motel" means a building which contains sleeping units and may contain auxiliary assembly, commerce, entertainment, indoor recreation or restaurant uses and premises licensed to serve alcoholic beverages;

"multiple family residence" means three or more residential dwellings on a parcel, and includes townhouse and apartment;

"municipal sewer system" means a system of laterals, collectors, mains, trunks, and appurtenant works, including treatment and disposal facilities owned and operated by the City of

Duncan and approved by the Waste Management Branch, of the Province of B.C. and provides a connection for sites or parcels of land within the boundaries of the system;

"municipal water system" means a system of waterworks which is owned, operated and maintained by the City of Duncan;

"panhandle shaped parcel" means any parcel the street frontage of which is provided solely through a narrow access less than 15 metres wide, which is an integral part of the lot, the building area of such lot being located behind that of another lot or other lots which are in the same block;

"parcel" means any lot, block or other area in which land is held or into which it is subdivided including water lease lots, but does not include a highway;

Amend#1822 "parcel coverage" *means the combined area covered by all buildings and structures (footprint) on a lot, expressed as a percentage of the total lot area.*

"parcel width" means the distance between two side parcel lines measured at a point at which a principal building is or is to be established, and in no case shall such a dimension be measured within the panhandle portion of a panhandle lot;

Amend# 3022
Added

"parking, Class I" means bicycle parking facilities where bicycles will be left for hours at a time; it requires a high degree of security and weather protection, with well-designed racks in covered areas, lockers, storage rooms, or fenced areas with restricted access;

Amend# 3022
Added

"parking, Class II" means bicycle parking where bicycles will be left for short stops; it requires a high degree of convenience (as close to destinations as possible); at least some short-term bicycle parking should be protected from the weather;

"personal service establishment" means a commercial establishment which provides direct personal goods or services to persons such as barber shops, hairdressers, drug stores, doctor and dentist offices, laundromats and fitness studios;

"principal" with respect to a use or building means primary and chief;

"public park" means public land used or intended for outdoor recreation, including lands set aside for archaeological, historical or ecological purposes;

"pumphouse" means a building measuring not greater than 9.0 square metres in floor area and uses exclusively for housing water pumping equipment;

"rear parcel line" means the parcel boundary which lies the most opposite to and is not connected to the front parcel line;

"recreation vehicle" means a vehicle, trailer, coach, structure or conveyance designed to travel or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters by travelers;

"residence" means:

(a) occupancy or use of a building or part thereof as a dwelling; and

(b) the dwelling occupied or used;

"retail" means the sale of goods to the general public;

Amend# 3022
Added

"retail, restricted" means the sale of goods to the general public except for the use of a convenience store;

Amend#3097 "Secondary Suite" means an additional dwelling unit fully contained within and subordinate to a single family residential dwelling;

Amend#3122 "Seniors Centre" means a recreational activity centre for seniors;

"service station" means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and the servicing of motor vehicles, but not wholesale sales or motor vehicle structural or body repairs or painting;

"setback" means the minimum permitted distance required under this bylaw between a building and a specified parcel line;

"sleeping unit" means a dwelling which may or may not contain cooking facilities;

Amend#1861 *"storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;*

"structure" means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing of a parcel;

"subdivision" means the division of land into two or more parcels, whether by plan, apt descriptive words or otherwise; and includes parcels created under the Land Titles Act and the Condominium Act;

Amend#3097 "Suite" means an area operated as a single tenancy within a dwelling unit or accessory building;

"tourist accommodation" means a building or set of buildings used for transient accommodation which contain sleeping units and may contain auxiliary assembly, commerce, entertainment, or restaurant rises, premises licensed to serve alcoholic beverages and staff accommodation and includes hotel, motel, resort, lodge and guest cabins;

"townhouse" means a building other than an apartment containing three or more dwellings wherein each dwelling has a separate entrance and yard area;

Amend# 3127
Added

"trailer" means a vehicle that is not capable of motivation under its own power except:

(a) an implement of husbandry;

(b) a side car attached to a motorcycle; and

(c) a disabled motor vehicle that is towed by a tow car;

and includes a semi-trailer as defined in the Commercial Transport Act

"underground parking" means any enclosed area used or intended to be used for parking or movement of automobiles which is contained wholly below the grade of the parcel on which it is situated;

"utility" means broadcast transmission, electrical, telephone, sewer or water services and facilities established or licensed by a government and includes navigation aids and seawalls;

Amend# 3022

Added

"vehicle, shared community" means a vehicle provided for the exclusive shared use of residents of the residential building or complex;

"video arcade" means a building or portion of a building containing four or more video games;

"video game" means an electronic or mechanical game machine made available for use for the public;

"watercourse" means a depression with a bed 0.6 metres or more below the natural elevation of surrounding and:

- (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or
- (b) having a drainage area of two square kilometers or more.

Amend# 3127

Added

"wrecked vehicle" includes a vehicle that is:

- (a) not licensed or insured for the current year; or
- (b) not capable of moving under its own power or is reduced to parts but does not include a recreation vehicle that is a trailer.

PART FOUR

BASIC PROVISIONS

- 4.1 This bylaw applies to the entire area of the City of Duncan,
- 4.2 Land or the surface of water shall not be used and structures shall not be constructed, altered, located or used except as specifically permitted by this bylaw.
- 4.3 Notwithstanding any other provision of this bylaw, the following uses are permitted in any zone:
 - (a) utility use;
 - (b) public park;
 - (c) group home for the mentally and physically handicapped;
 - (d) transition homes with a maximum of 10 beds.
- 4.4 Except as specifically permitted in this bylaw, the following uses shall be prohibited in all zones:
 - (a) a use located in whole or in part: in a mobile home, tent or trailer;
 - (b) auto wrecking;
 - (c) kennel;
 - (d) video arcade;
 - (e) industrial use;
 - (f) junk yard;
 - (g) marijuana operation.
- 4.5 Except where otherwise specifically stated, all uses permitted by this bylaw, include those uses reasonably auxiliary to the permitted principal uses and all buildings or structures include all buildings or structures reasonably auxiliary to buildings or structures constructed, located or used with respect to permitted principal uses.
- 4.6 The correct name of each zone provided for in this bylaw is set out in Column I of Section 6.1 of this bylaw. The inclusion of the names contained in Column II of Section 6.1 is for convenience only.
- 4.7 If any section, subsection, sentence, clause or phrase of this bylaw 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.

Amend#3150

PART FIVE

GENERAL REGULATIONS

5.1 Applicability

Except as otherwise specified in this bylaw, all provisions of Part Five apply to all zones established under this bylaw.

5.2 Siting

- (a) The siting regulations of this bylaw apply to parcels and, notwithstanding the generality of the foregoing, to bare land strata lots.
- (b) The interior side parcel line requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more dwellings within a building.

5.3 Setback Exceptions

Except as otherwise provided in particular zones, the setback requirements of this bylaw do not apply with respect to:

- (a) pump houses;
- (b) gutters, cornices, sills, belt courses, bay windows, exterior finish, heating or ventilating equipment if the projections do not exceed one metre, measured horizontally; and
- (c) eaves, unenclosed stairwells or balconies, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - (i) 1.5 metres in the case of front and side yards, or
 - (ii) 2 metres in the case of rear yards

and no other features may project into a required setback area.

5.4 Front Yard Prohibitions

No provision shall be made for the following uses, buildings or structures to be located in a front yard setback as specified by this bylaw:

- (a) swimming pool;
- (b) residential accessory building or structure;
- (c) outdoor storage yard; and
- (d) *parking in multi-family residential developments.*

5.5 Setbacks from Trans Canada Highway

Notwithstanding any other provisions of this bylaw, no building or part thereof shall be located less than 7.5 metres from a parcel line boundary fronting on the Trans Canada Highway.

Amend#1763
Added

5.6 Storage of Wrecks

Amend#3127

Unless specifically permitted by this bylaw, no parcel shall be used for the storage, collection or accumulation of all or part of any *wrecked vehicle* unless the wrecked vehicle is completely enclosed within a structure.

5.7 Storage of Heavy or Oversize Equipment/Vehicles

Amend#3127

No provision shall be made for the storage of the following types of equipment or vehicles on any residentially zoned parcel:

- (i) commercial vehicles in excess of 4086 kilograms (9,000 lbs.) gross vehicle weight;
- (ii) **recreation** vehicles in excess of 5443.20 kilograms (12,000 lbs.) gross vehicle weight;
- (iii) sailing vessels or pleasure motor craft in excess of 10.0 m in length;
- (iv) **commercial vehicles in excess of 6.0 m in length;**
- (v) industrial, construction or logging equipment;
- (vi) more than two commercial vehicles each having a gross vehicle weight of less than 4086 kilograms (9,000 lbs.).

5.8 Attached Garage

A garage or carport attached to a principal building is deemed to be a portion of the principal building.

5.9 Number of Principal Buildings Per Parcel

Not more than one principal building shall be located on any one parcel except as specifically permitted by this bylaw.

5.10 Accessory Buildings and Structures

- (a) Buildings and structures accessory to principal uses, (buildings and structures) are permitted in any zone.
- (b) No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building is incidental, has been erected or will be erected simultaneously with the accessory building on the same parcel.
- (c) Notwithstanding Section 5.10(b), an accessory building may be situated on a parcel contiguous to a parcel on which the principal building is situated.
- (d) An accessory building shall not be used as a dwelling except as otherwise provided for in this bylaw.
- (e) One greenhouse not exceeding 25 square m in floor area shall be permitted per parcel as an accessory residential structure. Greenhouses exceeding 25 square m in floor area shall be considered as agricultural buildings and shall respect the relevant agricultural building setbacks from parcel lines.
- (f) *notwithstanding the provisions of clause 4.4.(a) of this bylaw, tent structures shall be permitted as accessory structures in commercial zones as temporary seasonal storage buildings and for special events, provided they comply with all*

Amend#3127

Amend#1946
Added

other aspects of this bylaw. Tents shall not be used for assembly occupancies, except for special events as authorized by Council.

- (g) *Tent structures shall require temporary permits which shall be for a term not to exceed two years. Renewal of permits shall be subject to review.*

5.11 Height

Except as specifically permitted elsewhere in this bylaw,

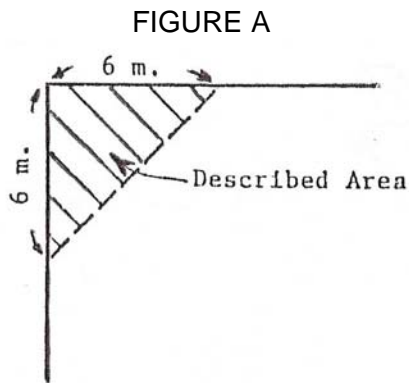
Amend#1763

- (a) no structure shall exceed the lesser of 13.5 metres or *four* storeys in height except where the centerline of a contiguous highway is above the average elevation of the finished grade of the parcel, in which case the building height may be increased by the distance between the average finished grade and street curb level to a maximum additional allowance of 3.0 metres, and
- (b) no accessory building or structure shall exceed 7.5 metres in height.

- 5.12 An industrial crane, grain elevator, tower tank and bunker, retaining wall, radio or television antenna, church spire, belfry and dome, monument, smoke and fume disposal and dispersing facilities, drive-in theatre screen, stadium bleacher, lighting pole, windmill, silo, elevator shaft, stair tower, or scenery loft may be of unlimited height.

Amend#1628

- 5.13 On a corner parcel contiguous to a highway intersection, no structure, *fence, tree, shrub, hedge or other object*, be allowed at a height greater than 1.0 metre above the established elevation of the center point of intersecting highways, and within an area extending out from the corner of the parcel and bound by a line joining a point on each parcel line, a distance of 6.0 metres from the corner of the parcel. For greater certainty, a diagram shown as part of this section and labeled "Figure A" depicts the area described in this section.



5.14 Fences

Except as otherwise specifically stated in this bylaw,

- (a) the height of a fence or wall shall be measured to the highest point from and perpendicular to a line representing the average grade level at the base;
- (b) a fence within a required front yard shall not exceed a height of 1.2 metres and fences in all other parts of a parcel shall not exceed a height of 2.0 metres except within zones in which commercial or industrial use is permitted, in which case the maximum height permitted is 2.5 metres;
- (c) fences may be constructed within any required setback area except that the provisions of Section 5.13 shall be applicable;
- (d) notwithstanding the provisions of Section 5.14(b) and (c) no fence shall be located in a front yard area respecting properties contained within Plan 12568, Section 17, Range 5, Quamichan District (Centennial Heights);
- (e) *notwithstanding the provisions of Section 5.14 (c), on any commercial or multi-family residentially zoned property, the approval of the Planning Committee of City Council shall be obtained prior to constructing a "fence" on or within 1 metre of a property line contiguous to a highway.*

Amend#1781
Add

Amend#1782

5.15 Home Occupation Regulations

- (a) *The use must be clearly incidental and accessory to the use of the dwelling unit for residential purposes.*
- (b) *The use shall be conducted totally within the principal or accessory building except in the case of child care program uses where outdoor recreation uses are permitted.*
- (c) *The use shall be conducted by the principal occupant of the residential building in which it is permitted and not more than one additional person shall be engaged in the use.*
- (d) *Except as provided in Sections 5.15(e), no external indication of the existence of the use shall be given, whether by displays, floodlighting, storage of materials, alteration of the appearance of the building(s) or by any other means.*
- (e) *Signage shall be limited to a single unilluminated name plate not exceeding 0.3m².*
- (f) *The maximum floor area of the use shall be 40% of the gross floor area of the dwelling unit or 50m², whichever is less.*
- (g) *The use shall not require parking or loading areas in excess of what is normally required for the residential use and zone in which the residence is located.*
- (h) *The use shall not create noise, dust, vibration, odour, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy in the zoning district in question under normal circumstances wherein no home occupation exists.*
- (i) *A valid City of Duncan Business License is required for a home occupation use.*
- (j) *A Business License for a home occupation use shall be subject to periodic review to ensure compliance with the provisions of this Bylaw.*
- (k) *In addition to the regulations in Section 5.15(a) through (j), a Home Occupation in a townhouse or apartment:*
 - (i) *Shall not involve the presence of clients, patrons, customers, or employees on the premises unless they are permanent residents of the premises, as a function of its normal business activity; and*

Amend#3127

Amend#3127

Amend#3127

(ii) Shall not be advertised by means of a sign.

Amend#3097 5.16 Bed and Breakfast Regulations

In the zones permitted, a bed and breakfast use shall:

- (a) Be completely contained within a single family residence which is the principal use on the parcel or suite as permitted under Section 5.21.
- (b) Be conducted by the principal resident(s) who may employ not more than one person on the premises.
- (c) Not involve the use of more than three rooms at any one time for guest accommodation.

Amend#3097 5.17 Boarding House Regulations

In the zones permitted, a boarding house use shall

- (a) be conducted by the principal resident(s) of the dwelling;
- (b) not involve the use of more than two bedrooms as sleeping units;
- (c) not occupy more than 30.0 square m of the dwelling in which the boarding house use is located.
- (d) Not be located in a suite

5.18 Setback from a Watercourse

- (a) Notwithstanding any other provisions of the bylaw, no habitable building shall be located:
 - (i) within 30 metres of the high water mark of the Cowichan River, or
 - (ii) within 15 metres of the high water mark of any other watercourse or a lake or the sea.
- (b) Notwithstanding the provisions of Section 5.18(a), the Ministry of Environment and Parks may through the provision of a Floodplain Management Plan impose different standards respecting flood protection including varying the standards in Section 5.18(a).

Amend#1563

Add

5.19 Pre-fabricated, Modular or Factory-Made Dwelling Units Restriction

Pre-fabricated, modular or factory-made dwelling units that are certified under CSA Z-240 or A-277 are permitted provided that such a dwelling unit is a minimum of 6.5 metres (21.3 feet) in width exclusive of carports, verandas, cabanas, porches, stairways, or any other extension whatsoever to the original pre-fabricated, modular, or factory-made dwelling units.

Amend#3073

5.20 Backyard Hen Enclosure

In the zones permitted, a Backyard Hen Enclosure must:

- (a) be an accessory use conducted by a resident of the parcel;
- (b) consist of at most six (6) hens kept for personal egg consumption;
- (c) be located in a backyard such that the dwelling unit is between the Backyard Hen Enclosure and the front parcel line;
- (d) use only a Pen and a Coop as each of those terms are defined by the Animal and Poultry Regulation and Animal Pound Bylaw, and no other structures;

- (e) have a Coop no larger than 8 square metres in floor area and no higher than 3 metres;
- (f) have the Coop and the Pen placed at least:
 - (i) 2.5 metres from the exterior side parcel line, the interior side parcel line and the rear parcel line;
 - (ii) 17.5 metres from the front parcel line; and
 - (iii) have the Coop and the Pen placed at least 7.5 metres from every road, laneway, and public path.

Amend#3097 5.21 Suites

- (a) Suites, specifically both Secondary Suites and Garden Suites, shall be permitted in all areas zoned R-1, R-2, and RM-1, where only one principle single family residential dwelling exists. Secondary Suites and Garden Suites are subject to the following requirements:
 - (i) An owner of the principal single family residential dwelling must occupy either the suite or the principal dwelling;
 - (ii) Not more than one suite (secondary suite or garden suite) shall be permitted per principle single family residential dwelling on a lot;
 - (iii) a secondary suite or garden suite cannot be stratified, subdivided, or otherwise legally separated from the principle single family residential dwelling on the property wherein it is located;
 - (iv) Secondary suites and garden suites are not permitted on a lot less than 460 square meters in lot area;
 - (v) Secondary Suites and garden suites are not permitted in association with a mobile home;
 - (vi) All forms of secondary suites must meet floodplain building requirements; and
 - (vii) Appropriate service availability, including water sizing, sewer size and grading, must be confirmed.
- (b) One secondary suite or garden suite is a permitted use in association with a principle single family residential dwelling provided that the suite:
 - (i) for a suite within a principle single family residential dwelling, does not exceed 40% of the gross floor area of the single family dwelling, or 85 square meters (915 square feet), whichever is less;
 - (ii) for a garden suite, does not exceed 40% of the gross floor area of the single family dwelling or 60 square meters (646 square feet), whichever is less;
 - (iii) is a minimum of 30 square meters (323 square feet);
 - (iv) is a maximum of two bedrooms;
 - (v) is provided with one additional off-street parking space;
 - (vi) Complies with the B.C. Building Code; and
 - (vii) Has access to an exterior entrance with outdoor lighting.
- (c) Additionally, all garden suite structures must meet the following conditions:
 - (i) garden suites must meet the requirements of the Homeowner Protection Office for home warranty insurance;

- (ii) garden suites must not exceed the permitted accessory building height requirements;
- (iii) is provided with screening (hard or soft landscaping) to provide privacy in relation to both the principle dwelling and neighbouring properties;
- (iv) is provided with access to private outdoor space;
- (v) in no case shall a garden suite be located closer than 2.5 meters from a principal residential dwelling unit or the rear property line;
- (vi) in no case shall a garden suite be located in front of the principal use building or within 12 meters of the front property line, whichever is greater; and
- (vii) in no case shall a garden suite be located within the required side yard setback for a principal use building.”

PART SIX CREATION AND DEFINITIONS OF ZONES

6.1 Creation of Zones

The area of the City of Duncan is divided into the zones identified in Column I and each zone is briefly described in Column II.

<u>Column I</u>	<u>Column II</u>
R-1	URBAN RESIDENTIAL
R-2	SUBURBAN RESIDENTIAL
RM-1	LOW DENSITY MULTI-FAMILY RESIDENTIAL
Amend#1763 RM-2	MEDIUM DENSITY (RESTRICTED) MULTI-FAMILY RESIDENTIAL
Amend#1763 RM-3	MEDIUM DENSITY (3 storey) MULTI-FAMILY RESIDENTIAL
Amend#1763 RM-4	MEDIUM DENSITY (4 storey) MULTI-FAMILY RESIDENTIAL
Amend#1788 RM-6	HIGH DENSITY (6-storey) RESIDENTIAL COMMERCIAL
Amend# 3024 RM-6-A	HIGH DENSITY (6-storey) RESIDENTIAL COMMERCIAL (BONUS)
C-1	GENERAL COMMERCIAL
Amend#2096 C-1-A	GENERAL COMMERCIAL/MICROBREWERY
Amend#3130 C-1-B	GENERAL COMMERCIAL MIXED USE
C-2	OFFICE COMMERCIAL
C-3	SERVICE COMMERCIAL
C-4	TOURIST RECREATIONAL COMMERCIAL
C-5	LOCAL COMMERCIAL
P-1	INSTITUTIONAL
P-2	PARKS AND RECREATION

6.2 Definition of Zone

- (a) The definition of each zone is defined by Schedule A.
- (b) Where a zone boundary is shown on Schedule A as following a road allowance or a watercourse, the center line of the road allowance or watercourse shall be the zone boundary.

Amend#1763
Added

- (6) The total residential floor area shall not exceed 0.5 times the total horizontal area of the parcel.

Amend#3073
#3097

7.2 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

The following uses and no others are permitted in an R-2 Zone:

- (1) single family residential dwelling;
- (1a) Backyard Hen Enclosure accessory to a single family residential dwelling;
- (2) two family residential dwelling;
- (3) horticulture;
- (4) home occupation;
- (5) boarding house;
- (6) bed and breakfast accommodation;
- (7) daycare, nursery school accessory to a residential use;
- (8) Suite as permitted under Section 5.21.

(b) Conditions of Use

For any parcel in an R-2 Zone:

- (1) the parcel coverage shall not exceed 35 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 7.5 metres except for accessory buildings which shall not exceed a height of 4.0 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II and III:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Accessory Residential Use
Front	7.5 metres	17.5 metres
Side (Interior)	1.5 Metres	0.5 metres
Side (Exterior)	4.5 metres	4.5 metres
Rear	7.5 metres	0.5 metres

- (4) The minimum floor space area of:
 - i) a single family residential dwelling shall be not less than 85.0 square metres;
 - ii) a two family residential dwelling shall be not less than 60.0 square metres per dwelling unit.
- (5) In no case shall a residential accessory building be located closer than 2.5 metres from a principal residential dwelling unit.

Amend# 1981
 Amend# 3073
 Amend# 3097

7.3 RM-1 ZONE - LOW DENSITY MULTI-FAMILY RESIDENTIAL

(a) Permitted Uses:

The following uses and no others are permitted in the RM-1 zone:

- (1) single family residential dwellings;
- (2) two family residential dwellings;
- (3) townhouses;
- (4) horticulture;
- (5) home occupation;
- (6) Suite as permitted under Section 5.21.
- (7) bed and breakfast accommodation and/or daycare, nursery, and accessory to a use permitted in 7.3(a)(1) or (2) above

Amend#3127

(b) Conditions of Use:

For any parcel in the RM-1 zone:

- (1) the parcel coverage shall not exceed 40% for all buildings and structures;
- (2) notwithstanding the provisions of Section 7.3(b)(1), the parcel coverage shall not exceed 50 percent for all buildings and structures on a parcel where all required off-street parking is provided by means of underground or rooftop parking;
- (3) the height of any principal building or structure shall not exceed the lesser of 10.0 metres or 2 ½ storeys where a half storey is defined as "a storey under a sloping roof, the wall plates of which, on at least two opposite walls are not more than 0.6 metres above the finished floor of such storey.
- (4) the height of any accessory building shall not exceed 4.0 metres;
- (5) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all buildings and structures in Columns II, III and IV:

Amend#1763

COLUMN I Type of Parcel Line	COLUMN II Single and Two Family Residential Dwelling Use	COLUMN III Townhouse Use	COLUMN IV Accessory Residential Use
Front	7.5 metres	7.5 metres	17.5 metres
Side (Interior)	1.5 metres	3.0 metres	0.5
Side (Exterior)	4.5 metres	6.0 metres	4.5
Rear	7.5 metres	7.5 metres	0.5

- (8) In no case shall a residential accessory building be located closer than 2.5 metres from a principal residential dwelling unit.
- (9) The minimum gross floor area for the type of residential dwelling unit as set out in Column I of this section shall be as set out in column II:

COLUMN I Dwelling Type	COLUMN II Minimum Gross Floor Area Per Dwelling
Single Family Dwelling	85 sq.m.
Two Family Dwelling	60 sq.m.
Townhouse - one bedroom	50 sq.m.
Townhouse - two bedroom	65 sq.m.

Townhouse – three bedroom	85 sq.m.
---------------------------	----------

Amend#1981

- (8) Single family residential dwellings are permitted in this zone with the density subject to the requirements of the minimum lot size for the R-1 (Urban Residential) zone. The parcel may be either a strata or bare land strata development.
 - (9) Two family residential dwellings are permitted in this zone with the density subject to the requirements of the minimum lot size for the R-2 (Suburban Residential) zone. The parcel may be either a strata or bare land strata development.
- (c) Density:
For any parcel in the RM-1 zone, the maximum density of dwelling units shall not exceed 40 units per hectare of parcel area.

Amend#1724
Amend# 1763

7.4 RM-2 ZONE - MEDIUM DENSITY (RESTRICTED) MULTI-FAMILY RESIDENTIAL

(a) Permitted Uses:

The following uses and no others are permitted in the RM-2 zone:

- (1) Apartment
- (2) Home Occupation

(b) Conditions of Use:

For any parcel in the RM-2 zone:

- (1) the parcel coverage shall not exceed 40% for all buildings and structures;
- (2)(i) notwithstanding the provisions of section 7.4(b)(1), the parcel coverage shall not exceed 50 percent for all buildings and structures on a parcel where all required off-street parking is provided by means of underground or roof-top parking;
- (ii) notwithstanding the provisions of Section 7.4(b)(1) and (2)(i), where a part of the parking requirement is within the principal building, the allowed parcel coverage may increase by not more than the ratio that the enclosed spaces bears to the total parking requirement, but the gross parcel coverage shall not exceed 50%.
- (3) the height of any principal building shall not exceed the lesser of 12.0 metres or three stories;
- (4) the height of any accessory building shall not exceed 4.0 metres;
- (5) the minimum setbacks for the types of parcel lines set out in Column 1 of this section are set out for all buildings and structures in columns II, III and IV;

COLUMN I Type of Parcel Line	COLUMN II Apartment Use	COLUMN III Accessory Residential Use
Front	7.5 metres	17.5 metres
Side: (Interior)	3.0 metres	0.5 metres
(Exterior)	6.0 metres	4.5 metres
Rear	7.5 metres	0.5 metres

- (c) for the type of residential dwelling units as set out in Column I of this section, the gross floor area shall be within the range as specified in Column II and the mix of residential dwelling types per parcel shall be as set out in Column III:

COLUMN I Dwelling Type	COLUMN II Required Gross Floor Area Per Dwelling (In Square Metres)	COLUMN III Percentage of Total Dwellings of Each Type Per Parcel
Apartment - One Bedroom (Single Occupancy)	46 - 50	85.0
Apartment - One Bedroom (Double Occupancy)	50 - 56	10.0
Apartment - One Bedroom (Wheelchair Accessible)	52-56	5.0
TOTAL		100.0

(d) **Density**

For any parcel in the RM-2 Zone, the maximum density shall not exceed 130 residential dwelling units per hectare.

Amend#3127

Amend#1763
 Amend#2054
 Amend#3035
 Amend#3127

7.5 RM-3 ZONE - MEDIUM DENSITY (3 storey) RESIDENTIAL

(a) Permitted Uses:

The following uses and no others are permitted in the RM-3 zone:

- (1) (deleted by Bylaw No. 3035)
- (2) (deleted by Bylaw No. 3035)
- (3) townhouse;
- (4) apartment;
- (5) horticulture;
- (6) (deleted by Bylaw No. 3127)
- (7) parking as a principal use provided it is for the exclusive use of a permitted principal use on an adjacent parcel zoned P-1 Institutional which meets the same requirements specified in subsection 4.4 (b) of "City of Duncan Off-Street Parking and Loading Bylaw No. 1556, 1988", for similar off-site parking in the C-1 and C-2 zones.

(b) Conditions of Use:

For any parcel in the RM-3 zone:

- (1) the parcel coverage shall not exceed 40% for all buildings and structures;
- (2)(i) notwithstanding the provisions of Section 7.5(b)(1), the parcel coverage shall not exceed 50 percent for all buildings and structures on a parcel where all required off-street parking is provided by means of underground or roof-top parking;
- (ii) notwithstanding the provisions of Section 7.5(b)(1) and (2)(i), where a part of the parking requirement is within the principal building, the allowed parcel coverage may increase by not more than the ratio that the enclosed spaces bears to the total parking requirement, but the gross parcel coverage shall not exceed 50%.
- (3) the height of any principal building shall not exceed the lesser of 12.0 metres or three habitable stories;
- (4) the height of any accessory building shall not exceed 4.0 metres;
- (5) the minimum setbacks for the types of parcel lines set out in Column 1 of this section are set out for all buildings and structures in Columns II, III and IV;

Amend By#3035

COLUMN I Type of Parcel Line	COLUMN II (deleted Bylaw #3035)	COLUMN III Townhouse and Apartment Use	COLUMN IV Accessory Residential Use
Front		7.5 metres	17.5 metres
Side (Interior)		3.0 metres	0.5 metres
Side (Exterior)		6.0 metres	4.5 metres
Rear		7.5 metres	0.5 metres

6. The minimum gross floor area for the type of residential dwelling unit as set out in Column I of this section shall be as set out in Column II:

	COLUMN I Dwelling Type	COLUMN II Minimum Gross Floor Area Per Dwelling
Amended Bylaw#2035	Apartment – bachelor unit	33 sq.m.
	Apartment – one bedroom	50 sq.m.
	Apartment – two bedroom	65 sq.m.
	Apartment – three bedroom	85 sq.m.

Amend#
2019

- (c) Density:

For any parcel in the RM-3 zone, the maximum density of dwelling units shall be 100 per hectare.

Amend#1763
Amend#3035
Amend#3127

7.6 RM-4 ZONE – MEDIUM DENSITY (4 Storey) MULTI-FAMILY RESIDENTIAL

(a) Permitted Uses:

The following uses and no others are permitted in the RM-4 zone:

- (1) (deleted by Bylaw No. 3035)
- (2) (deleted by Bylaw No. 3035)
- (3) Townhouse;
- (4) Apartment;
- (5) Horticulture; and
- (6) (deleted by Bylaw No. 3127)

(b) Conditions of Use:

For any parcel in the RM-4 zone:

- (1) the parcel coverage shall not exceed 40% for all buildings and structures;
- (2)(i) Notwithstanding the provisions of section 7.6 (b)(1), the parcel coverage shall not exceed 50 percent for all buildings and structures on a parcel where all required off-street parking is provided by means of underground or roof-top parking;
- (ii) Notwithstanding the provisions of Section 7.6 (b)(1) and (2)(i), where a part of the parking requirement is within the principal building, the allowed parcel coverage may increase by not more than the ratio that the enclosed spaces bears to the total parking requirement, but the gross parcel coverage shall not exceed 50%.
- (3) The height of any principal building shall not exceed the lesser of 13.5m or four habitable storeys.
- (4) The height of any accessory building shall not exceed 4.0 metres;
- (5) The minimum setbacks for the types of parcel lines set out in Column 1 of this section are set out for all buildings and structures in columns II, III and IV;

Amend
By#3035

COLUMN I Type of Parcel Line	COLUMN II (deleted by Bylaw 3035)	COLUMN III Townhouse and Apartment Use	COLUMN IV Accessory Residential Use
Front		7.5 metres	17.5 metres
Side (Interior)		3.0 metres	0.5 metres
Side (Exterior)		6.0 metres	4.5 metres
Rear		7.5 metres	0.5 metres

- (6) The minimum gross floor area for the type of residential dwelling unit as set out in Column I of this section shall be as set out in column II:

COLUMN I Dwelling Type	COLUMN II Minimum Gross Floor Area Per Dwelling
Apartment – bachelor unit	33 sq.m.
Apartment – one bedroom	50 sq.m.
Apartment – two bedroom	65 sq.m.
Apartment – three bedroom	85 sq.m.

Amend
#3035

Amend
2019

- (c) Density:

For any parcel in the RM-4 zone, the maximum density of dwelling units shall be 100 per hectare”.

Amend#1788
Amend# 3127

7.8 RM-6 ZONE – HIGH DENSITY (6 Storey) RESIDENTIAL COMMERCIAL

(a) Permitted Uses:

The following uses and no others are permitted in the RM-6 zone:

- (1) Apartment
- (2) Private hospital, commercial care facility, rest home
- (3) Theatres, auditorium, places of recreation
- (4) Business or professional offices, banks
- (5) Retail stores
- (6) Laundry, dry cleaning and personal service uses
- (7) Government, institutional, schools, churches
- (8) Premises licensed for the sale of alcoholic beverages
- (9) Medical laboratory
- (10) Catering service, restaurant, excluding drive-in and drive-through.
- (11) Home Occupation

(b) Conditions of Use:

For any parcel in the RM-6 zone:

- (1) Any use other than residential shall be restricted to the floor or floors below grade, and the ground floor;
- (2) The height of any principal building shall not exceed the lesser of 20.0 metres or 6 storeys;
- (3)(i) The parcel coverage of an apartment building with or without a non-residential component shall not exceed the percentage determined by reference to the number of storeys in such a building as follows:

Storeys	Maximum Parcel Coverage
1	50%
2	50%
3	40%
4	40%
5	30%
6	30%

- (ii) where all parking is within the principal building, the maximum parcel coverage of an apartment building may be determined as follows:

Storeys	Maximum Parcel Coverage
1	60%
2	60%
3	50%
4	50%
5	40%
6	40%

- (iii) Where a part of the parking requirement is within the principal building, the allowed parcel coverage may increase by not more than the ratio that the enclosed spaces bear to the total parking requirement, but the gross parcel coverage shall not exceed the values in article (b)(3)(ii).
- (4) Off-street surface parking shall not be located in the required setback from a street boundary;
- (5) The minimum setback for the types of parcel lines in Column I of this section are as shown in Column II:

COLUMN I Type of Parcel Line	COLUMN II Building & structure
Front	7.5 m
Side (interior)	3.0 m
Side (exterior)	6.0 m
Rear	7.5 m

(c) Density

For any parcel in the RM-6 zone the maximum density of dwelling units shall not exceed 180 units per hectare of parcel area.

7.9 RM-6-A ZONE – HIGH DENSITY (6 Storey) RESIDENTIAL COMMERCIAL (BONUS)

(a) Permitted Uses:

The following uses and no others are permitted in the RM-6-A zone:

- (1) Apartment
- (2) Private hospital, commercial care facility, rest home
- (3) Theatres, auditorium, places of recreation
- (4) Business or professional offices
- (5) Banks
- (6) Retail, restricted
- (7) Laundry, dry cleaning and personal service uses
- (8) Government, institutional, schools, churches
- (9) Medical laboratory
- (10) Catering Service
- (11) Restaurant, excluding drive-in and drive-through.
- (12) Home Occupation

(a)(i) Prohibited Uses:

The following uses are prohibited in the RM-6-A zone:

- (1) Premises licensed for the sale of alcoholic beverages
- (2) Convenience store

(b) Conditions of Use:

For any parcel in the RM-6-A zone:

- (1) Any use other than residential shall be restricted to the floor or floors below grade, and the ground floor;
- (2) The height of any principal building shall not exceed the lesser of 20.0 metres or 6 storeys;
- (3)(i) The parcel coverage of an apartment building with or without a non-residential component shall not exceed the percentage determined by reference to the number of storeys in such a building as follows:

Table 1 Maximum Parcel Coverage

Storeys	Maximum Parcel Coverage
1	50%
2	50%
3	40%
4	40%
5	30%
6	30%

- (3)(ii) where all parking is within the principal building, the maximum parcel coverage of an apartment building may be determined as follows:

Table 2 Maximum Parcel Coverage Where Parking is Within the Principal Building

Storeys	Maximum Parcel Coverage
1	60%
2	60%
3	50%
4	50%
5	50%
6	50%

- (3)(iii) Where a part of the parking requirement is within the principal building, the allowed parcel coverage may be increased by not more than the ratio that the enclosed spaces bear to the total parking requirement applied to the difference between the usual Maximum Parcel Coverage (Table 1) and the Maximum Parcel Coverage Where Parking is Within the Principal Building (Table 2), but in no case shall the parcel coverage exceed the values in article (b)(3)(ii).
- (4) Notwithstanding the requirements of Column II of Table of the Off-Street Parking and Loading Bylaw No. 1556, 1988 as amended, required off-street parking requirements for residential uses shall be as depicted in Table 3 Transportation Facility Requirements.
- (5) Notwithstanding City of Duncan Payment in Lieu of Parking Bylaw 1996, 1784 as amended, there shall be no payment in lieu of automobile parking in this zone for residential uses.
- (6) Off-street surface automobile parking shall not be located in the required setback from a street boundary.
- (7) For a residential use a Transportation Demand Management (TDM) approach is established for determining transportation related facilities for automobiles, bicycles, pedestrians and transit. Requirements are established in Table 3 Transportation Facility Requirements.

Table 3 Transportation Facility Requirements

Type of Transportation	Facility or Program	Requirement
Bicycle	1. Class I parking	1. One space per every two (2) dwelling units
	2. Class II parking	2. One space per every five (5) dwelling units
	3. Shared community bicycle for resident use	3. One for every twenty-five (25) dwelling units
Automobile	1. Minimum number of off-street parking spaces	1. One (1) per dwelling unit

	2. Maximum number of off-street parking spaces	2. Additional spaces beyond the minimum may not exceed 10% of all parking provided in accordance with the requirements
	3. "Car free" exemption	3. Notwithstanding requirement for one (1) off-street parking space per dwelling unit, no off-street parking spaces shall be required for any unit on which a "car free" agreement is in place to the satisfaction of the City
	4. Shared community vehicle for resident use	4. One (1) whenever the allowable density is greater than the Base Density (100 units per hectare)
Pedestrian	1. Sidewalk	1. Construct new or repair existing sidewalks along any abutting street frontage to a minimum 1.5 meter width.
Public Transit	1. Bus stop bench	1. Contribution of one (1) installed bench at a bus stop. Location to be determined by the City.

(8) For all non-residential uses, off-street automobile parking shall be in accordance with Column II of Table of the Off-Street Parking and Loading Bylaw No. 1556, 1988 as amended. Any reductions in required off-street automobile parking shall be authorized by a Development Variance Permit and the number of reduced spaces determined on the basis of a Transportation Demand Management study, conducted to the satisfaction of the City, in order to determine requirements for transportation facilities for automobiles, bicycles, pedestrians and public transit.

(9) The setbacks for the types of parcel lines in Column I of this section are as shown in Column III:

Table 4 Parcel Line Setbacks

COLUMN I Type of Parcel Line	COLUMN II Nature of Requirement	COLUMN III Building & structure
---	--	--

Front	"Build to" line for 50% of the first storey of a building	7.5 m
Side (interior)	Minimum setback	3.0 m
Side (exterior)	Minimum setback	6.0 m
Rear	Minimum setback	7.5 m

(c) Density of Development

- (1) For any parcel in the RM-6-A zone the maximum density of dwelling units shall not exceed 100 units per hectare of parcel area except developments in accordance with 7.9(c)(2).
- (2) Notwithstanding subsection 7.9 (c) (1), - the density of development may exceed 100 dwelling units per hectares of parcel area up to a maximum of a total 180 dwelling units per hectare as per Table 5 Density Bonus, if the developer of the land undertakes either one or a combination of the following actions:
 - a. Enters into a Housing Agreement under which the occupancy of the unit is limited to persons who neither directly nor indirectly store or park a motorized vehicle (excepting scooters or medical mobility devices) on the land or anywhere else in the City of Duncan ("Car-Free" column 2 of Table 5).
 - b. Enters into a housing agreement and covenant with the City in respect of particular dwelling units in the building requiring the owner to restrict the selling price in the year 2011 of a bachelor unit to no more than \$66,000; a one bedroom unit to no more than \$71,000 and a two bedroom unit to no more than \$93,000; for any units sold by the developer or subsequent owners, and in subsequent years the price may increase by a percentage no greater than the annualized published British Columbia Consumer Price Index of the previous year ("Price-Restricted" column 3 of Table 5). The City may elect to designate a third party non-profit affordable or special needs housing provider to purchase and manage the price restricted unit.

Table 5 Density Bonus

Column 1	Column 2	Column 3	Column 4
Base Density	"Car-free" Bonus	Price Restricted Bonus	Maximum Density with Bonus
100 units per hectare	1.3 additional units for every 1 "Car-Free" unit	3.6 additional units for every 1 "Price-Restricted" Unit	180 units per hectare

Interpretive Provisions for Table 5

- 1) *Council may vary the bonus requirements of Table 5.*
- 2) *All numbers with decimals in Table 5 shall be rounded downward.*

PART EIGHT COMMERCIAL ZONES

8.0 COMMERCIAL ZONES

8.1 C-1 ZONE – GENERAL COMMERCIAL

Amend#1763
Amend#1861
Amend#2020
Amend#3046
Amend#3122
Amend#3127

(a) Permitted Uses

The following uses and no others are permitted in a C-1 zone:

1. Bakery
2. Bank, financial institution
3. Barbershop, beauty parlour
4. Bus or transportation depot
5. Churches
6. Fitness studio, racquet club
7. Funeral parlour
8. Home Occupation
9. Independent school
10. Live/Work Studio above a permitted General Commercial use.
11. Medical laboratory
12. Office use
13. Premise licensed for the sale of alcoholic beverages
14. Printing and publishing
15. Repair and servicing of personal and household goods, power tools, electric and electronic goods
16. Residential use above a permitted General Commercial use
17. Restaurant, catering, but excluding drive-in and drive- through
18. Retail store, including wholesale sales use
19. Seniors Centre
20. Shoe repair, retail, laundry and dry cleaning and other home and personal service use
21. Theatre, art gallery, museum
22. Tourist accommodation
23. Vehicle parking and storage use
24. Veterinary clinic

Amend# 3003

(b) Accessory Uses

The following uses and no others are permitted as accessory uses in the C-1 Zone:

1. Commercial storage

Amend#2020
Amend#2053

(c) Conditions of Use

For any parcel in a C-1 zone:

1. the maximum floor space ratio shall not exceed 3:1 for all buildings and structures;
2. the maximum height for all principle buildings and structures shall not exceed four (4) storeys nor 18m;
3. the maximum height for all accessory buildings and structures shall not exceed 4.5m;
4. The minimum setbacks for all buildings and structures shall be:

Type of Parcel Line	Buildings and Structures
Front	0 m
Side [interior]	0 m
Side [exterior]	0 m
Rear	0 m
A parcel line abutting a residential zoned parcel	4.5 m

Amend# 3003

5. For a Commercial storage use:
 - i. commercial storage shall only be permitted when a principal use is established in accordance with the permitted uses for this Zone District;
 - ii. all commercial storage facilities shall be within a basement or located above the first storey only and shall not be permitted within the first storey;
 - iii. the gross floor area of the commercial storage use, inclusive of hallways, shall not exceed twenty-five (25) % of the total gross floor area of the principal building in which it is located;
 - iv. access to the commercial storage shall be via an alley, a parking lot adjacent to the rear or side of a building, or internally within the building only;
 - v. no direct access to the commercial storage by any part of the building fronting a public street is permitted; and
 - vi. no outdoor storage is permitted.

Amend#2020
Amend#2053

(d) Density

For any parcel in the C-1 zone, the maximum density of residential dwelling units shall not exceed 150/ha.

Amend#2096
Amend#3127

8.1.1 C-1-A ZONE – GENERAL COMMERCIAL/MICROBREWERY

(a) Permitted Uses

The following uses and no others are permitted in a C-1-A zone:

1. Bakery
2. Bank, financial institution
3. Barbershop, beauty parlour
4. Bus or transportation depot
5. Churches
6. Fitness studio, racquet club
7. Funeral parlour
8. Home Occupation
9. Independent school
10. Medical laboratory
11. Microbrewery
12. Office use
13. Premise licensed for the sale of alcoholic beverages
14. Printing and publishing

15. Repair and servicing of personal and household goods, power tools, electric and electronic goods
16. Residential use above a permitted General Commercial use
17. Restaurant, catering, but excluding drive-in and drive-through
18. Retail store, including wholesale sales use
19. Shoe repair, retail, laundry and dry cleaning and other home and personal service use
20. Theatre, art gallery, museum
21. Tourist accommodation
22. Vehicle parking and storage use
23. Veterinary clinic

(b) Conditions of Use

For any parcel in a C-1-A zone:

1. the maximum floor space ratio shall not exceed 3:1 for all buildings and structures;
2. the maximum height for all principle buildings and structures shall not exceed four (4) storeys nor 18m;
3. the maximum height for all accessory buildings and structures shall not exceed 4.5m;
4. The minimum setbacks for all buildings and structures shall be:

Type of Parcel Line	Buildings and Structures
Front	0 m
Side [interior]	0 m
Side [exterior]	0 m
Rear	0 m
A parcel line abutting a residential zoned parcel	4.5 m

(c) Density

For any parcel in the C-1-A zone, the maximum density of residential dwelling units shall not exceed 150/ha.”

Amend# 3130

8.1.2 C-1-B ZONE – GENERAL COMMERCIAL MIXED USE
(a) Permitted Uses

The following uses and no others are permitted in a C-1 zone:

1. Bakery
2. Bank, financial institution
3. Barbershop, beauty parlour
4. Churches
5. Fitness studio, racquet club
6. Home Occupation
7. Independent School
8. Live/Work Studio above a permitted General Commercial use.
9. Medical laboratory
10. Office use
11. Premise licensed for the sale of alcoholic beverages
12. Printing and publishing
13. Repair and servicing of personal and household goods, power tools, electric and electronic goods
14. Residential use above a permitted General Commercial use
15. Restaurant, catering, but excluding drive-in and drive-through
16. Retail store, including wholesale use
17. Seniors Centre
18. Shoe repair, retail, laundry and dry cleaning and other home and personal service use
19. Theatre, art gallery, museum
20. Tourist accommodation
21. Veterinary clinic

(b) Conditions of Use:

For any parcel in a C-1-B zone:

1. The maximum floor space ratio shall not exceed 3:1 for all buildings and structures;
2. The maximum height for all principle buildings and structures shall not exceed five (5) storeys nor 18m;
3. The maximum height for all accessory buildings and structures shall not exceed 4.5m;
4. The minimum setbacks for all buildings and structures shall be:

Type of Parcel Line	Minimum Setback	Maximum Setback
Front	1.5 m at the ground level at least 2 m back from the ground level building front for the 4 th & 5 th storeys	4 m at ground level 7 m for 4 th & 5 th storeys
Side [interior]	0	-
Side [Exterior]	1.5 m at least 2 m back from the ground level building front for the 4 th & 5 th storeys	4 m at ground level 7 m for 4 th & 5 th storeys
Rear	0	-
A parcel line abutting a residential zoned parcel	4.5 m	-

5. Where a maximum front yard setback is required, no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback.

(c) Density:

For any parcel in the C-1 zone, the maximum density of residential dwelling units shall not exceed 150 units per hectare, except where one (1) parking space per residential unit is provided in an underground structure, the maximum density shall be increased to 200 units per hectare.

8.2 C-2 ZONE – OFFICE COMMERCIAL

Amend# 3127

(a) Permitted Uses

The following uses and no others are permitted in a C-2 Zone:

- (1) office use;
- (2) bank, financial institution;
- (3) retail store, restaurant and home or personal service use;
- (4) residential use located above a permitted Commercial Use;
- (5) home occupation;
- (6) Vehicle parking and storage use for a C-1 (General Commercial) or C-2 (Office Commercial) Zoned property located within 153 meters from the subject property.

(b) Conditions of Use

Amend# 1861
Amend# 3127

For any parcel in a C-2 Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 12.0 metres except for accessory buildings which shall not exceed a height of 4.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	7.5 m
Side (interior)	1.5 m
Side (exterior)	4.5 m
Rear	7.5 m

- (4) a retail store, restaurant and home or personal service use shall only be located on the ground floor of a principal building (in which the principal use is an office use) and in no case shall the total gross floor area utilized for a retail store use, restaurant, home or personal service use (or combination thereof) exceed 25 percent of the total gross floor area of the principal building in which they are located;

- (6) The minimum gross floor area for the type of residential dwelling unit as set out in Column I of this section shall be as set out in Column II:

<i>COLUMN I Dwelling Type</i>	<i>COLUMN II Minimum Gross Floor Area Per Dwelling</i>
<i>Apartment – bachelor unit</i>	<i>33 sq. m.</i>
<i>Apartment – one bedroom</i>	<i>50 sq.m.</i>
<i>Apartment – two bedroom</i>	<i>65 sq.m.</i>
<i>Apartment – three bedroom</i>	<i>85 sq.m.</i>

(c) Density

For any parcel in the C-2 zone, the maximum density of dwelling units shall not exceed 70 units per hectare of parcel area, with the following exception:

- i. That for Lot 9, Block 9, Section 17, Range 6, Quamichan District, Plan 1063 and Lot B, Block 9, Section 17, Range 6, Quamichan District, Plan VIP54167 (330 & 340 Festubert Street), the maximum number of dwelling units permitted in this zone is 80 dwelling units per hectare of land.

Amend#1970

8.3 C-3 ZONE – SERVICE COMMERCIAL

Amend#3127

(a) Permitted Uses

The following uses and no others are permitted in a C-3 Zone:

- (1) motor vehicle sales, rental, servicing and repair; service station, excluding auto wrecking and storage of wrecked vehicles;
- (2) retail and wholesale sale of motor vehicle parts and accessories;
- (3) retail and wholesale sale of building and camping supplies, including ancillary outdoor storage;
- (4) sale, rental or servicing of mobile homes, recreation vehicles, boats, motorcycles, farm and industrial equipment, power tools and household equipment;
- (5) parking garage and parking lot, bus depot or transportation terminal;
- (6) commercial plant nurseries, horticulture, retail sales of gardening supplies and produce, accessory outdoor storage;
- (7) restaurants, catering, including drive-in and drive-thru restaurants;
- (8) convenience store, grocery outlet;
- (9) office, retail and wholesale sales and warehousing*;
- (10) car wash, laundromat;
- (11) cabaret;
- (12) single family residential use as an accessory use to a use permitted in Section 8.3 (a)(2) to (10) above and
- (13) tourist accommodation
- (14) bank, financial institution
- (15) personal service establishment
- (16) dog grooming
- (17) indoor dog training

Amend#1763 ADD

Amend#3016 ADD

Amend#3016 ADD

Amend#3078 ADD

Amend#3078 ADD

(b) Conditions of Use

For any parcel in a C-3 Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 12 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	4.5 metres
Side (Interior)	0.0 metres
Side (Exterior)	4.5 metres
Rear	0.0 metres

**includes bottle depot/collection depot (Regular Meeting of City Council September 27, 1999 – interpretation clarified)*

- (4) notwithstanding the setback provisions of Section 8.3(b)(3) in cases where a parcel situated within this zone adjoins a residentially zoned parcel, a setback for all buildings and structures shall be not less than 4.5 metres.
- (5) the minimum gross floor area of a principal building shall be not less than 45 square metres;
- (6) outdoor storage accessory to a permitted use shall be permitted under circumstances in which:
 - i) it is located at the rear of a principal building which is accessible by a public road or land and;
 - ii) the area used is surfaced by asphalt or concrete;
 - iii) the area used is fenced or otherwise screened from public view from the property line; and
 - iv) the stored material does not exceed a height of 1.8 metres.

Amend#3127 8.4

C-4 ZONE – TOURIST RECREATIONAL COMMERCIAL

(a) Permitted Uses

The following uses and no others are permitted in a C-4 Zone:

- (1) tourist accommodations;
- (2) campground, including recreation vehicle park;
- (3) rooming house use, boarding house use;
- (4) retail sales, personal service use, gift shop accessory to a tourist accommodation use; and
- (5) one single family residential dwelling use per parcel accessory to a use permitted in Section 8.4(a)(1) or (2).

(b) Conditions of Use

For any parcel in a C-4 Zone:

- (1) the maximum site coverage shall not exceed 40 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 12 metres;
- (3) not less than 30 percent of the site area shall be retained as open space wherein no buildings, structures, parking area, loading area or access driveway shall be located;
- (4) the minimum setback for all buildings and structures from any parcel line shall be not less than 7.5 metres.

8.5 C-5 ZONE – LOCAL COMMERCIAL

(a) Permitted Uses

The following uses and no others are permitted in a C-5 Zone:

- (i) convenience store;
- (ii) café or coffee shop auxiliary to and in addition to a use in Section 8.5(a)(1) above;
- (iii) one single family residential dwelling per parcel within a principal building where such use is auxiliary to and in addition to a use in Section 8.5(a)(1) above.

(b) Conditions of Use

For any parcel in a C-5 Zone:

- (1) the parcel coverage shall not exceed 40 percent for any buildings and structures;
- (ii) the height of all buildings and structures shall not exceed 7.5 metres;
- (iii) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	7.5 metres
Side (Interior)	1.5 metres
Side (Exterior)	4.5 metres
Rear	3.0 metres

- (iv) the minimum gross floor area for an auxiliary single family residential dwelling shall be 70.0 square metres;

PART NINE

PARK AND INSTITUTIONAL ZONES

9.1 P-1 ZONE - INSTITUTIONAL

(a) Permitted Uses

The following uses and no others are permitted in a P-1 Zone:

- (1) institution;
- (2) assembly use;
- (3) personal care facility;
- (4) public school, private school, including boarding facilities;
- (5) public parking use;
- (6) fish hatchery;
- (7) public works yard and public utility use; and
- (8) one single family residential dwelling unit per parcel accessory to a permitted use as specified in 9.1(a)(1) to (6) above.

(b) Conditions of Use

For any parcel in a P-1 Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 12.0 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I	COLUMN II
Type of Parcel Line	Buildings and Structures
Front Yard	6.0 metres
Side Yard	6.0 metres
Rear Yard	6.0 metres

9.2 P-2 ZONE – PARKS AND RECREATION

(a) Permitted Uses

The following uses and no others are permitted in a P-2 zone:

- (1) park, park reserve and greenbelt;
- (2) playground;
- (3) ecological reserve, wildlife sanctuary; and
- (4) public botanical garden.

(b) Conditions of Use

For any parcel in a P-2 zone:

- (1) the parcel coverage shall not exceed 15 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 12.0 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I	COLUMN II
Type of Parcel Line	Buildings and Structures
Front Yard	6.0 metres
Side Yard	6.0 metres
Rear Yard	6.0 metres

PART TEN AREA, SHAPE AND DIMENSIONS OF PARCELS

10.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II, the minimum parcel size shall, except to the extent as varied by the provisions of Sections 10.2, 10.3, 10.4 and 10.11 be in accordance with the following table assuming connection to municipal sewage disposal and water supply systems:

Amend#1763
Amend#1788

MINIMUM PARCEL SIZE

COLUMN I Zoning Classification Under Zoning Bylaw No. 1540		COLUMN II Minimum Parcel Size in Square Metres
R-1	Urban Residential	460*
R-2	Suburban Residential	600*
RM-1	Low Density Multi-Family Residential	1400
RM-2	Medium Density (Restricted) Multi-Family Residential	1600
RM-3	Medium Density (3-Storey Residential)	1600
RM-4	Medium Density (4-Storey) Multi-Family Residential	1600
RM 6	High Density (6-Storey) Residential Commercial	1600
C-1	General Commercial	560
C-2	Office Commercial	560
C-3	Service Commercial	800
C-4	Tourism Recreational Commercial	1800
P-1	Institutional	460
P-2	Parks and Recreation	N/A

* In the case of bare land strata subdivision, the minimum parcel size may vary within the development, but in no case shall the number of strata lots created exceed the density requirements as stated above had a conventional subdivision been undertaken.

- 10.2 (a) The minimum parcel size provisions specified in Section 10.1 may be decreased by as much as five (5%) percent in case where due to:
- i) unusual terrain;
 - ii) the size or configuration of the parcel; or
 - iii) additional highway dedication being required above and beyond what is necessary to serve the parcels to be created;

iv) the parcel size as stated in Section 10.1 cannot be achieved and therefore subdivision would be precluded provided that at the decreased size all other requirements of this and any other relevant bylaws may be met.

(b) The provisions of Section 10.2(a) shall apply to not more than one parcel to be created.

10.3 Notwithstanding the requirements of Section 10.1, existing parcels which are smaller than permitted in these regulations may be consolidated and re-subdivided into new parcels, provided that:

- (a) all parts of all new parcels are contiguous;
- (b) as many new parcels as practicable meet the area requirements of this bylaw;
- (c) the requirements of this bylaw respecting siting of buildings is complied with.

10.4 No subdivision shall be created which creates new severed parcels unless a covenant is registered in the name of the City of Duncan prohibiting the further subdivision of the newly created severed parcel prior to subdivision approval.

10.5 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II, the minimum parcel frontage shall, except to the extent as varied by the provision of Section 10.6, through 10.8, be in accordance with the following table:

Amend#1763
Amend#1788

COLUMN I Zoning Classification Under Zoning Bylaw No. 1540		COLUMN II Minimum Parcel Frontage (in metres)
R-1	Urban Residential	15.0
R-2	Suburban Residential	15.0
RM-1	Low Density Multi-Family Residential	30.0
RM-2	Medium Density (Restricted) Multi-Family Residential	30.0
RM-3	Medium Density (3-Storey) Multi-Family Residential	30.0
RM-4	Medium Density (4-Storey) Multi-Family Residential	30.0
RM-6	High Density (6-Storey) Residential Commercial	30.0
C-1	General Commercial	15.0
C-2	Office Commercial	15.0
C-3	Service Commercial	18.0*
C-4	Tourist Recreational Commercial	18.0
P-1	Institutional	13.5

* In the case of a gasoline or service station use the minimum frontage width in the C-3 Zone shall not be less than 30.0 metres.

10.6 Notwithstanding the provisions of Section 10.5, the minimum frontage may be reduced for parcels on a road curve with a radius of 80 metres or less subject to the required frontage being attained at the required front yard setback as stated for the zone in which the parcel is situated.

- 10.7 No provision shall be made for creation of panhandle shaped parcels.
- 10.8 The minimum parcel size provisions as specified in Section 10.1 shall not apply:
- (a) Where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
 - i) a bus shelter, railway station, public transit station;
 - ii) a municipal water system;
 - iii) a municipal sewer system;
 - iv) a community gas distribution system;
 - v) a community radio or television receiving antenna;
 - vi) a radio or television broadcasting antenna;
 - vii) a telecommunication relay station;
 - viii) an automatic telephone exchange;
 - ix) an air or marine navigational aid;
 - x) other public utilities not specifically listed but considered to be similar in nature to those uses listed in 1) through ix) above;
 - (b) to parks; and
 - (c) where the owner agrees in writing to registering a condition or covenant pursuant to Section 215 of the Land Title Act in favour of the City of Duncan at the time the subdivision is registered, and shall restrict or prohibit the construction of buildings or structures on. and/or the use of any parcel.

PART ELEVEN

TRANSITION

11.1 City of Duncan Zoning Bylaw No. 1207, 1979, and all amendments thereto are hereby repealed except in so far as it repeals any off-street parking and loading standard respecting the use of land or a building or structure in the City of Duncan.

READ A FIRST TIME THIS 13th DAY OF June, 1988

READ A SECOND TIME THIS 13th DAY OF June, 1988

READ A THIRD TIME THIS 24th DAY OF October, 1988

RECONSIDERED AND ADOPTED THIS 19th DAY OF December, 1988.

APPROVED PURSUANT TO THE HIGHWAY ACT RSBC 1979, C. 167 THIS 21st DAY OF OCTOBER, 1988

MAYOR

ADMINISTRATOR

APPENDIX

METRIC CONVERSION TABLE

The following conversions are provided for reference purposes only. This table does not form part of the bylaw and in case of any inconsistency between the metric and imperial units of measurement listed below the metric units shall be applicable.

<u>METRIC UNIT</u>	<u>IMPERIAL UNIT</u> <u>(Gross) Approximation</u>
0.5 metres	20 inches
0.6 metres	2.0 feet
1.0 metres	3.3 feet
1.2 metres	4.0 feet
1.5 metres	5.0 feet
1.8 metres	6.0 feet
2.0 metres	6.6 feet
2.5 metres	8.2 feet
3.0 metres	10 feet
4.0 metres	13 feet
4.5 metres	15 feet
6.0 metres	20 feet
7.5 metres	25 feet
10.0 metres	33 feet
11.0 metres	36 feet
12.0 metres	40 feet
13.5 metres	45 feet
15.0 metres	50 feet
17.5 metres	57.5 feet
18.0 metres	60 feet
30.0 metres	100 feet
80.0 metres	260 feet
8 sq. metres	86 sq. feet
25 sq. metres	270 sq. feet
30 sq. metres	325 sq. feet
35 sq. metres	375 sq. feet
45 sq. metres	485 sq. feet
50 sq. metres	538 sq. feet
60 sq. metres	645 sq. feet
65 sq. metres	700 sq. feet
85 sq. metres	915 sq. feet
200 sq. metres	2,153 sq. feet
460 sq. metres	4,950 sq. feet
560 sq. metres	6,028 sq. feet
600 sq. metres	6,460 sq. feet
800 sq. metres	8,412 sq. feet
1400 sq. metres	15,070 sq. feet
1600 sq. metres	17,223 sq. feet
1800 sq. metres	19,376 sq. feet
1 hectare	10,000 m ²
1 hectare	2.471 acres