

APPENDIX B: Zoning Bylaw No. 3166 with changes



Zoning Bylaw No. 3166, 2017

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PART 3 – GENERAL REGULATIONS

Land Uses

3.1 Uses Permitted in All Zones

3.1.1 The following *uses* are permitted in all zones:

- (a) *Accessory buildings and structures;*
- (b) *Community Care facility for no more than 10 persons;*
- (c) *Residential Shelter/Transition House for no more than 10 persons;*
- (d) *Transportation corridors;*
- (e) *Trails;*
- (f) *Urban Food Gardens; and*
- (g) *Utilities.*

3.2 Uses Prohibited in All Zones

3.2.1 Except as otherwise stated in this Bylaw, the following *uses* are prohibited in all zones:

- (a) *Auto wrecking;*
- ~~(b) *Emergency Shelter;*~~
- ~~(c)(b) *Industrial Activity;*~~
- ~~(d)(c) *Kennel;*~~
- ~~(e)(d) *Marijuana Operations;*~~
- ~~(f)(e) *Storage of one or more Derelict Motor Vehicles;*~~
- ~~(g)(f) *Parking, storage or commercial use in a fabric covered structure;*~~
- ~~(g) *Storage Yard as a principal use; and*~~
- (h) *Temporary Accommodation, except where expressly permitted as a Transition House, Bed and Breakfast or Tourist Accommodation; and*
- (i) *Residential use of a mobile home or recreational vehicle or other temporary structure.*

3.3 Accessory Uses

3.3.1 *Accessory uses and accessory buildings* are permitted in every zone if:

- (a) a *principal use* is in existence on the *parcel*, or
- (b) a *building* for a *principal use* has been constructed on the *parcel*, or is in the process of being constructed pursuant to an active Building Permit.

3.3.2 Despite the minimum *setbacks* specified in each *zone*, one (1) *accessory building or structure* may be sited not less than 1 m from an interior side or *rear parcel line* if:

- (a) the *accessory building or structure* has a *gross floor area* less than 10 m²;
- (b) the *accessory building or structure* is placed directly on the ground or on non-permanent foundation blocks or footings; and
- (c) the *height* of the *accessory building or structure* does not exceed 3 m.

3.3.3 *Small wind energy systems and solar collectors* are permitted *accessory structures* in all *zones*, but must be sited at least 4 m from all *parcel lines* and are not permitted within

- 3.29.2 Where more than ten (10) parking spaces are required by this bylaw, an oil/water separator or bioswale, or combination thereof, must be provided. Oil/water separators must be designed by a Professional Engineer and bioswales must be designed by a professional Landscape Architect or Professional Engineer.
- 3.29.3 Lighting must be provided to illuminate any parking area and be installed so that light is downcast and adequately covers the parking area and does not spill over onto adjacent properties.

3.30 Visitor Parking

- 3.30.1 Where a *parcel* contains *multi-unit dwellings*, one (1) space of every 20 required parking spaces or portion thereof, shall be identified and maintained as visitor parking.

3.31 Minimum Off-Street Parking

- 3.31.1 *Off-street parking* spaces for *motor vehicles* must be provided as follows:

Permitted Use	Minimum Number of Off-street Parking Spaces
Residential	
<i>Assisted Living Residential Facility</i>	0.35 per dwelling unit or sleeping unit, plus an additional 0.15 per dwelling unit or sleeping unit for staff and visitors.
<i>Bed and Breakfast</i>	1 per guest room
<i>Community Care</i>	0.35 per sleeping unit or person in care, plus an additional 0.15 per unit for visitors and staff. 1 per 3 resident rooms plus an additional 15% for visitors/staff.
<i>Dwelling, Multi-Unit (including Multi-Unit Rowhouse)</i>	<p><u>Within the Downtown Parking Area described in Section 3.3736:</u> 0.5 per unit with 1 or fewer bedrooms 1 per unit with more than 1 bedroom</p> <p><u>In all other areas:</u> 1 per unit with one or fewer bedrooms 1.2 per unit with two or more bedrooms</p> <p>For a development for women who have experienced or are at risk of violence 0.35 per unit, plus an additional 0.15 per unit for visitors and staff</p>
<i>Dwelling, Single-Unit</i>	2 per unit
<i>Dwelling, Two-Unit (including Rowhouses)</i>	2 per unit
<i>Home-based business for Single-Unit Dwelling</i>	1 per business
<i>Secondary Suite, Attached or Detached</i>	1 per unit
<i>Transition House</i>	4

Gross Floor Area	Minimum Number of Off-Street Loading Spaces	Minimum Dimensions	
		Width	Length
Less than 1,000 m ²	1 per commercial <i>building</i>	2.6 m	5.8 m
1,000 – 2,000 m ²	1 per commercial <i>building</i>	3 m	12 m
Greater than 2,000 m ²	2 per commercial <i>building</i>	3 m	12 m

3.34.2 Despite subsection 3.34.1, if a *parcel* contains multiple commercial *buildings*, the minimum number of *off-street loading* spaces for all commercial *buildings* with a total *gross floor area* of less than 1,000 m² may be reduced to one (1) in total.

3.35 Commercial and Stored Vehicles

- 3.35.1 Residentially-zoned *parcels* must not be used for parking, storing or repairing a *commercial vehicle* which has, or at any time has had, a licensed gross vehicle weight greater than 5,000 kg, as indicated on a present or past *commercial vehicle* registration.
- 3.35.2 Residentially-zoned *parcels* must not be used for parking or storage of *recreational vehicles* exceeding 11 m in length;
- 3.35.3 Residentially-zoned *parcels* must not be used for parking or storage of *watercraft* exceeding 10 m in length;
- 3.35.4 Parking or storage of *motor vehicles* for a *single-unit dwelling* must not exceed a combined total of four (4) *motor vehicles, recreational vehicles, or watercraft*, and parking or storage of *motor vehicles* for a *two-unit dwelling* must not exceed a combined total of six (6) *motor vehicles, recreational vehicles, or watercraft*.
- 3.35.5 Residentially-zoned *parcels* must not be used for parking or storage of more than two *commercial vehicles*.

~~3.36 Cash-in-Lieu-of-Parking Requirements~~

~~3.36.1 Owners or occupiers of lands, buildings or structures within Medium Density Residential (MDR), High Density Residential (HDR), Neighbourhood Commercial (NC), and Downtown Comprehensive (DTC) zones may, in lieu of providing up to 25% of required off-street parking, pay to the City \$8,000 per parking space, and the City shall deposit the amount in a reserve fund established for construction of off-street parking spaces.~~

3.37.13.36 Downtown Parking Area

~~3.37.13.36.1~~ The area shaded in Figure ~~3.37.13.36.1~~ is the Downtown Parking Area referred to in subsection 3.31.1. Commercial uses on the first floor of a *building* in this area are wholly exempt from parking requirements:



Figure 3.376.1: Downtown Parking Area Map

3.383.37 Parking for Persons with Disabilities Requirements

3.38.13.37.1 For any use required to be accessible to *persons* with disabilities by the British Columbia Building Code, a minimum of one (1) parking stall for *persons* with disabilities must be provided.

3.38.23.37.2 One (1) parking space for *persons* with disabilities must be provided for the first 20 required parking spaces and one (1) additional space for every 40 required spaces thereafter.

3.38.33.37.3 All parking spaces for *persons* with disabilities must be:

- (a) a minimum of 3.7 m in width and a minimum depth of 5.8 m and a slope less than 2%;
- (b) surfaced with concrete or asphalt to provide ease of access for wheelchairs;
- (c) constructed and located to allow convenient access to the entrance of a *building* or *use* for which the spaces are provided; and
- (d) marked by a painted wheelchair symbol on the pavement and signage in accordance with the *Motor Vehicle Act*.

Medium Density Residential Zone

MDR

4.5 Intent

4.5.1 The intent of the Medium Density Residential (MDR) zone is to permit a mix of housing types and provide for *multi-unit rowhouse dwellings* and *multi-unit dwellings* that accommodate a variety of *building forms* up to four (4) storeys in height.

4.6 Permitted Uses

4.6.1 The uses permitted in the MDR zone are as follows:

Principal Uses	Accessory Uses
Community Care Facility Assisted Living Residential Facility Dwelling, Multi-Unit Dwelling, Multi-Unit Rowhouse	Home-Based Business

4.7 Development Regulations

4.7.1 Development in the MDR zone is subject to the following:

Development Criteria	Regulations		
Maximum Parcel Coverage	50% for all buildings and structures combined		
Minimum Floor Area Ratio	0.5:1		
Maximum Floor Area Ratio	Base Density	Bonus Density I	Bonus Density II
	1.2:1	1.4:1	1.6:1
Amenities Required for Bonus Density I	A density bonus of up to 0.2 above the base density is permitted if the developer enters a <i>housing agreement</i> with the City, to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental or <i>affordable housing units</i> , for a period of at least five (5) years .		

<p>Amenities Required for Bonus Density II</p>	<p>A density bonus of up to 0.4 above the base density is permitted if at least one of the following conditions are met:</p> <ul style="list-style-type: none"> (i) The developer enters a <i>housing agreement</i> with the City to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing</i> units for a period of at least ten (10) years; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i>; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.
<p>Parcel Access</p>	<p>Where a <i>parcel</i> abuts a <i>lane</i> intended for <i>motor vehicle</i> access to a <i>parcel</i>, access must only be from the <i>lane</i>.</p>

Principal Building		Regulations
Maximum Height		14 m (4 habitable storeys)
Minimum Height		2 habitable storeys
Minimum Parcel Line Setback	Front	3 m
	Rear	10 m where driveway access and parking is located behind the <i>principal building</i> . 4 m where 100% of parking is provided beneath a <i>principal building</i> .
	Side, Interior	1.5 m
	Side, Exterior	3 m
Maximum Parcel Line Setback	Front	6 m
	Side, Exterior	4 m
Minimum Garage Setback		6 m where the garage door is facing a <i>highway</i> .
Accessory Buildings and Structures		Regulations
Maximum Height		5 m
Minimum Parcel Line Setback	Front	4 m
	Rear	1.2 m
	Side, Interior	1.2 m
	Side, Exterior	4 m

4.7.2 A single unit or two unit dwelling to which this section applies may be rebuilt for a residential use if it is damaged to the extent of 75% or more of its value above the foundation, despite any rule in the *Local Government Act* that would limit the use of the building if rebuilt, provided that its *floor area* is not increased and the number of *dwelling units* in the building is not increased.

4.8 Conditions of Use and Subdivision Regulations

High Density Residential Zone	HDR
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4.9 Intent

4.9.1 The intent of the High Density Residential (HDR) zone is to permit *multi-unit dwellings* that can accommodate a variety of *building forms* up to 5 storeys in height.

4.10 Permitted Uses

4.10.1 The uses permitted in the HDR zone are as follows:

Principal Uses	Accessory Uses
<u>Assisted Living Residential Facility</u> Community Care Facility Dwelling, Multi-Unit Dwelling, Multi-Unit Rowhouse	Home-Based Business <u>Offices for the provision of support services for residents in a Multi-Unit Dwelling development for women who have experienced or are at risk of violence</u>

4.11 Development Regulations

4.11.1 Development in the HDR zone is subject to the following:

Development Criteria	Regulations		
Maximum Parcel Coverage	70% for all <i>buildings</i> and <i>structures</i> combined		
Minimum Floor Area Ratio	0.75:1		
Maximum Floor Area Ratio	Base Density 2.4:1	Bonus Density I 2.7:1	Bonus Density II 3:1
Amenities Required for Bonus Density I	A density bonus of up to 0.3 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental or <i>affordable housing units</i> , <u>for a period of at least five (5) years.</u>		

<p>Amenities Required for Bonus Density II</p>	<p>A density bonus of up to 0.6 above the base density is permitted if at least one of the following conditions are met:</p> <ul style="list-style-type: none"> (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing units</i> for a period of at least ten (10) years; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i>; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.
<p>Parcel Access</p>	<p>Where a <i>parcel</i> abuts a <i>lane</i> intended for <i>motor vehicle</i> access to a <i>parcel</i>, access must only be from the <i>lane</i>.</p>

Principal Building		Regulations
Maximum Height		17 m (5 habitable storeys)
Minimum Height		3 habitable storeys
Minimum Parcel Line Setback	Front	3 m
	Rear	10 m where driveway access and parking is located behind the <i>principal building</i> . 4 m where 100% of parking is provided beneath a <i>principal building</i> .
	Side, Interior	1.5 m
	Side, Exterior	3 m
Maximum Parcel Line Setback	Front	6 m
	Side, Exterior	6 m
Minimum Garage Setback		6 m where the garage door is facing a <i>highway</i> .
Accessory Buildings and Structures		Regulations
Maximum Height		5 m
Minimum Parcel Line Setback	Front	4 m
	Rear	1.2 m
	Side, Interior	1.2 m
	Side, Exterior	4 m

4.11.2 A single unit or two unit dwelling to which this section applies may be rebuilt for a residential use if it is damaged to the extent of 75% or more of its value above the foundation, despite any rule in the *Local Government Act* that would limit the use of the building if rebuilt, provided that its *floor area* is not increased and the number of *dwelling units* in the building is not increased.

PART 5 – COMMERCIAL ZONES

Downtown Comprehensive Zone	DTC
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5.1 Intent

5.1.1 The intent of the Downtown Comprehensive (DTC) zone is to permit a broad range of commercial and residential uses including mixed-use development up to 6 storeys in height in the downtown area.

5.2 Permitted Uses

5.2.1 The uses permitted in the DTC zone are as follows:

Principal Uses	Accessory Uses	Conditions of Use
<u>Assisted Living Residential Facility*</u> Community Care Facility* Commercial Daycare Community Use Craft Beverage Production Cultural Use Dwelling, Multi-Unit* Education Facility Financial Institution Funeral Service Facility Mobile Food Vending Hospital Office Parking Facility Public Market Recreation Facilities, Indoor Repair Service, General Retail & Personal Service* Restaurant Social Service Tourist Accommodation	Home-Based Business in a Multi-Unit Dwelling	* Multi-Unit Dwellings are permitted above the first storey only * Where the Retail & Personal Service use is a store selling previously owned or used goods, outside display of goods is limited to a maximum of 3.7 m ² . * <u>Community Care Facilities Dwelling units or sleeping units in an Assisted Living Residential Facility or Community Care Facility</u> are permitted above the first storey only * <u>Uses on the first storey of a building with an Assisted Living Residential Facility, Community Care Facility or Multi-Unit Dwelling must provide service to persons off-site, not only to owners or occupiers of the building.</u>

*Conditions of use apply

5.3 Development Regulations

5.3.1 Development in the DTC zone is subject to the following:

Development Criteria		Regulations		
Maximum <i>Parcel Coverage</i>		95%		
Minimum <i>Floor Area Ratio</i>		1.0:1		
Maximum <i>Floor Area Ratio</i>		Base Density	Bonus Density I	Bonus Density II
		3:1	3.3:1	3.6:1
Development Criteria		Regulations		
Amenities Required for Bonus Density I		A density bonus of up to 0.3 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental or <i>affordable housing units</i> , for a period of at least five (5) years.		
Amenities Required for Bonus Density II		A density bonus of up to 0.6 above the base density is permitted if at least one of the following conditions are met: (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing units</i> for a period of at least ten (10) years; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.		
Principal Building		Regulations		
Maximum <i>Height</i>		20 m (6 <i>habitable storeys</i>) for <i>Mixed-Use Development</i> 14 m (4 <i>habitable storeys</i>) for other <i>uses</i>		
Minimum <i>Height</i>		2 <i>storeys</i>		
Minimum <i>Parcel Line Setback</i>	<i>Front</i>	1 m; 0 m on Station Street and Craig Street		
	<i>Rear</i>	0 m		
	<i>Side, Interior</i>	0 m		
	<i>Side, Exterior</i>	1 m; 0 m on Station Street and Craig Street		
Maximum <i>Front or Exterior Side Parcel Line Setback</i>		3 m No more than 25% of the front or exterior side of a <i>building</i> shall be set back further than the maximum <i>setback</i> .		

Neighbourhood Commercial Zone

NC

5.6 Intent

5.6.1 The intent of the Neighbourhood Commercial (NC) zone is to permit a range of commercial and residential uses that are intended to contribute to a vibrant neighbourhood with street-oriented buildings, and infrastructure and facilities focused on active transportation.

5.7 Permitted Uses

5.7.1 The uses permitted in the NC zone are as follows:

Principal Uses	Accessory Uses	Conditions of Use
Assisted Living Residential Facility* Community Use Community Care Facility* Commercial Daycare Cultural Use Craft Beverage Production Dog Grooming Dwelling, Multi-Unit* Education Facility Financial Institution Funeral Service Facility Mobile Food Vending Indoor Recreation Facilities Office Parking Facility Public Market Repair Service, Automotive Repair Service, General Retail & Personal Service Restaurant Social Service Tourist Accommodation	Home-Based Business in a Multi-Unit Dwelling Dwelling, Accessory	* Multi-Unit Dwellings are permitted above the first storey * Community Care Facilities Dwelling units or sleeping units in an Assisted Living Residential Facility or Community Care Facility are permitted above the first storey * Uses on the first storey of a building with an Assisted Living Residential Facility, Community Care Facility or Multi-Unit Dwelling must provide service to persons off-site, not only to owners or occupiers of the building.

*Conditions of use apply

5.8 Development Regulations

5.8.1 Development in the NC zone is subject to the following:

Development Criteria	Regulations
Maximum Parcel Coverage	70%
Minimum Floor Area Ratio	0.5:1

Maximum <i>Floor Area Ratio</i>		Base Density	Bonus Density I	Bonus Density II
		1.9:1	2.1:1	2.4:1
Development Criteria		Regulations		
Amenities Required for Bonus Density I		A density bonus of up to 0.2 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing units</i> , for a period of at least five (5) years.		
Amenities Required for Bonus Density II		A density bonus of up to 0.5 above the base density is permitted if at least one of the following conditions are met: (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing units</i> for a period of at least ten (10) years; (ii) 100 percent of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.		
Outdoor Storage		Outdoor storage areas must be screened from <i>highways</i> in accordance with section 3.23.		
Principal Building		Regulations		
Maximum <i>Height</i> :		14 m (4 <i>habitable storeys</i>)		
Minimum <i>Height</i> :		2 <i>habitable storeys</i>		
Minimum <i>Parcel Line Setback</i>	Front	4 m		
	Rear	0 m, except where a <i>parcel</i> abuts a residential zone, the minimum <i>rear parcel line setback</i> is 8 m.		
	Side, Interior	0 m on one side, 4 m on the other side, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 5 m.		
	Side, Exterior	4 m		
Maximum <i>Parcel Line Setback</i>	Front	6 m		
	Side, Exterior	6 m		
Accessory Buildings and Structures		Regulations		
Maximum <i>Height</i>		5 m		
Minimum <i>Parcel Line Setback</i>	Front	8 m		
	Rear	0 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>rear parcel line setback</i> is 8 m.		

PART 6 – COMMUNITY USE ZONES

Community Service Zone	CS
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6.1 Intent

6.1.1 The intent of the Community Services (CS) zone is to permit a variety of *institutional uses* and *community-oriented uses*.

6.2 Permitted Uses

6.2.1 The uses permitted in the CS zone are as follows:

Principal Uses	Accessory Uses
<u>Assisted Living Residential Facility</u> Community Use Cultural Use Commercial Daycare Community Care Facility Education Facility Fish Hatchery Hospital Institutional Use Indoor Recreation Facilities Outdoor Recreation Treatment Centre	Dwelling, Accessory Restaurant Retail Office Mobile Food Vending

6.3 Development Regulations

6.3.1 Development in the CS zone is subject to the following:

Development Criteria		Regulations
Maximum <i>Parcel Coverage</i>		40%
Maximum <i>Density</i>		1 <i>accessory dwelling unit per parcel</i>
Principal Building		Regulations
Maximum <i>Height</i>		14 m (4 <i>storeys</i>) for <i>Principal Buildings</i>
Minimum <i>Parcel Line Setback</i>	Front	5 m
	Rear	3 m
	Side, Interior	3 m
	Side, Exterior	5 m
Accessory Buildings and Structures		Regulations
Maximum <i>Height</i>		5 m
Minimum <i>Parcel Line Setback</i>	Front	5 m
	Rear	1.2 m
	Side, Interior	1.2 m

PART 7 – DEFINITIONS

Definitions found throughout this Bylaw are as follows:

A

<i>Accessory Building</i>	means a <i>building</i> used for a purpose that is accessory and subordinate to the <i>use</i> of the <i>principal building</i> or to a <i>principal use</i> of the <i>parcel</i> and located on the same <i>parcel</i> .
<i>Accessory Use</i>	means a <i>use</i> that is accessory and subordinate to and associated with a <i>principal use</i> or <i>building</i> located on the same <i>parcel</i> .
<i>Affordable</i>	means annual housing costs (rent or mortgage and taxes) do not exceed 30% of a household's gross annual income (assuming home ownership costs include a down payment of 10%, mortgage principal and interest amortized over 25 years and taxes).
<i>Affordable Housing</i>	means housing which, under the terms of a <i>Housing Agreement</i> with the <i>City</i> , has a market or rental price that is <i>affordable</i> or is for households that have a gross income that is 60% or less than the median gross household income in the City of Duncan as reported by Statistics Canada only.
<u><i>Assisted Living Residential Facility</i></u>	<u>means a residential use which provides sleeping units or dwelling units for persons aged 55 or older, or for persons of any age with physical or mental health challenges; within which may be provided meal preparation and common dining areas, housekeeping and other support services, and may contain accessory retail and personal service uses.</u>
<i>Automotive Fueling Station</i>	means the land, <i>buildings</i> or <i>structures</i> used for the retail sale of motor fuels and lubricants and the charging of electric vehicles, which may include an accessory retail store, <i>car wash</i> , service and minor repair of <i>motor vehicles</i> and the sale of automobile accessories.
<i>Automotive Sales</i>	means the <i>use</i> of a <i>building</i> , <i>structure</i> , or land for the sale, lease, or rental of <i>motor vehicles</i> and includes the subsidiary servicing and repair of <i>motor vehicles</i> .
<i>Auto Wrecking</i>	means a business that salvages, dismantles, or stores wrecked or decommissioned vehicles.

B

Backyard Hen Enclosure	means an area of land on a <i>parcel</i> used for the keeping of <i>hens</i> .
Basement	means a <i>storey</i> or <i>storeys</i> of a <i>building</i> located below the <i>first storey</i> .
Bed and Breakfast	means the <i>accessory use</i> of a <i>parcel</i> for <i>temporary accommodation</i> in <i>sleeping units</i> in a <i>single-unit dwelling</i> or in a <i>Detached Secondary Suite</i> , where guests are provided a breakfast meal, and no other meals, on the premises.
Building	means a <i>structure</i> which is used or intended to be used for the support, enclosure or shelter of <i>persons</i> , animals or <i>property</i> .
Building Inspector	means the <i>person(s)</i> appointed as such by the <i>City</i> and includes the authorized representatives of the <i>Building Inspector</i> .
Bylaw Enforcement Officer	means the <i>person(s)</i> appointed by the <i>City</i> to enforce regulatory bylaws of the <i>City</i> .

C

Car Wash	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for washing <i>motor vehicles</i> .
Cheque-Cashing	means the <i>use</i> of <i>buildings</i> or <i>structures</i> for exchanging cheques for cash as a <i>principal use</i> .
City	means City of Duncan.
Commercial Vehicle	means any self-propelled or towed vehicle used in commerce to transport cargo or passengers.
Community Care	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the provision of care to <i>persons</i> who require specialized care for any purpose, operated in accordance with the <i>Community Care and Assisting Living Act</i> and <i>Residential Care Regulation</i> , including assisted living, personal care, supportive housing and residential daycare.

Public Market means the *use* of land, *buildings* or *structures* for the sale of food, beverages, arts and crafts by multiple vendors.

Q

R

Recreation Facilities, Indoor
(or *Indoor Recreation Facilities*) means the *use* of gymnasiums, indoor racquet courts, curling rinks, skating rinks, *swimming pools*, dance studios, aerobic studios, yoga studios or weight rooms, billiard halls, and bowling alleys and accessory *restaurants*, administrative *offices*, and retail sales of sporting goods.

Recreation, Outdoor
(or *Outdoor Recreation*) means the *use* of land, for outdoor fitness facilities, running tracks, ball courts, racquet courts, and canoe, kayak and rowing clubhouses, and includes accessory *restaurants*, administrative *offices* and retail sales.

Recreational Vehicle means a camper, travel trailer, fifth wheel trailer or motor home with a maximum width of 2.6 m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the *Motor Vehicle Act*.

Repair Service, Automotive means the *use* of land, *buildings* or *structures* for repair of automobiles and *recreational vehicles* and may include accessory retail sales of parts and accessories, but specifically excludes body repair and painting.

Repair Service, General means the *use* of land, *buildings* or *structures* for the repair of household items, small motors, electrical devices, and computers and may include accessory retail sales of parts and accessories.

Residential Use [means a use providing for the accommodation of one or more persons, where the minimum rental or occupancy period is 30 consecutive days](#)~~means the occupancy or use of a building, or part thereof, as a dwelling unit or sleeping unit.~~

Restaurant means the *use* of *buildings* or *structures* for the preparation and serving of food or beverages, including cafes, pubs, and brew pubs, but specifically excludes *drive throughs*.

Retail & Personal Service means the *use* of land, *buildings* or *structures* for the retail sale or rental of goods, foods, or wares, the provision of services to the *person* or personal goods of a customer, but specifically excludes *Pawn Shops* and *Marijuana Operations*.

Retaining Wall means a *structure* intended to hold back, stabilize or support an earthen bank.

S

School, Academic
(or *Academic School*) means land, *buildings* or *structures* used to provide academic instruction to students who have an opportunity to earn a certificate, diploma, or degree provided by the British Columbia Ministry of Education.

School, Commercial
(or *Commercial School*) means land, *buildings* or *structures* other than an *academic school*, used to provide instruction of any kind and includes art schools, language schools, business schools, and commercial training schools.

Secondary Suite, Attached
(or *Attached Secondary Suite*) means a secondary *dwelling unit* located in a *building* of residential *occupancy* containing only one other *dwelling unit*.

Secondary Suite, Detached
(or *Detached Secondary Suite*) means a secondary *dwelling unit* located in an *accessory building* on the same *parcel* as a *single-unit dwelling*.

Setback means the distance between a *building* or *structure* and a *parcel line* or other feature.

~~**Shelter, Emergency** means the use of a building for the purpose of a temporary residence providing emergency and support services, and includes extreme weather response shelters.~~

Shelter, Residential	means a <i>single unit dwelling</i> used for the purpose of a temporary residence providing emergency and support services for no more than 10 persons, but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on any part of a sentence imposed by a court.
Shipping Container	means a metal container of standard dimensions, designed for transporting cargo by ship, rail, or truck.
Small Wind Energy System	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for a wind energy conversion system consisting of a wind turbine, associated <i>structures</i> and mechanical devices with a nameplate capacity of not more than five (5) Kilowatt hours.
Sleeping Unit	means one or more rooms used for sleeping and living purposes and in which there is no <i>kitchen</i> or cooking facilities.
Social Service	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the provision of information, referrals, counselling and advocacy services, aid in the nature of food or clothing or drop-in or activity space.
Solar Collector	means equipment designed to absorb solar radiation as a source of energy for generating electricity or heat.
Storage Yard	means the <i>use</i> of land, for the storage of equipment, goods and products, vehicles, machinery and materials, either inside or outside of a <i>building</i> , but does not include <i>auto wrecking</i> .
Storey	means that portion of a <i>building</i> that 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, between the top of a floor and the ceiling above it.
Structure	means anything constructed, placed, or erected on land, including <i>retaining walls</i> greater than 1.2 m in <i>height</i> .
Subdivision	means the division of land into two (2) or more <i>parcels</i> , whether by plan, descriptive words or otherwise.

Surveyor, British Columbia Land
(or B.C. Land Surveyor) means a land surveyor licensed and registered as a land surveyor with the Province of British Columbia.

Swimming Pool means any *structure* or construction other than a hot tub, intended primarily for recreation that is, or is capable of, being filled with water to a depth of 0.6m or more.

T

Temporary Accommodation means accommodation for a period not greater than six (6) weeks.

Tenant means a *person* who occupies land or *property* rented from a *landlord*.

Transition House [means a temporary accommodation use providing sleeping units or dwelling units for the provision of emergency and support services for women and children who have experienced or are at risk of violence but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on any part of a sentence imposed by a court.](#)

Tourist Accommodation means the *use* of land, *buildings* or *structures*, for *temporary accommodation*, of [transient-traveling](#) lodgers which may include accessory facilities such as a *restaurant*, meeting rooms, convention facilities, retail sales and recreation facilities.

Trail means an unpaved pathway or walkway.

Transportation Corridor means a linear feature which facilitates one or more modes of transportation.

Treatment Centre means the *use* of land, *buildings* or *structures* to treat *persons* for substance abuse, and includes needle exchange facilities, safe injection sites, Methadone clinics, and harm reduction centres.

U

ADOPTION

PASSED FIRST READING 20-NOVEMBER-2017.
PASSED SECOND READING 20-NOVEMBER-2017.
PUBLIC NOTICE GIVEN IN ACCORDANCE WITH THE *LOCAL GOVERNMENT ACT*
15-NOVEMBER-2017 AND 22-NOVEMBER-2018.
PUBLIC HEARING 27-NOVEMBER-2017.
PASSED SECOND READING AS AMENDED 19-FEBRUARY-2018.
PUBLIC NOTICE GIVEN IN ACCORDANCE WITH THE *LOCAL GOVERNMENT ACT*
9-MARCH-2018 AND 14-MARCH-2018.
PUBLIC HEARING 19-MARCH-2018.
PASSED THIRD READING 19-MARCH-2018.
RECEIVED MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL 10-APRIL-
2018.

ADOPTED 22-MAY-2018

Phil Kent, Mayor

Allison Boyd,
A/Director of Corporate Services

Schedule A - Zoning Map

