



Zoning Bylaw No. 3166, 2017

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The City of Duncan Zoning Bylaw

Bylaw No. 3166

A BYLAW TO REGULATE THE USE OF LAND, BUILDINGS AND STRUCTURES; REQUIRE OFF-STREET PARKING AND LOADING SPACES; AND ESTABLISH STANDARDS FOR THE PROVISION OF LANDSCAPING AND SCREENING.

PART 1 - ADMINISTRATION

NOW THEREFORE the Council of the City of Duncan in an open meeting assembled hereby enacts as follows:

1.1 Citation

- 1.1.1 This bylaw may be cited as "Zoning Bylaw 3166, 2017".

1.2 General Compliance

- 1.2.1 No *person* may use, occupy or permit a *person* to use or occupy land, a *building* or a *structure* in contravention of this Bylaw.
- 1.2.2 No *person* may subdivide land in contravention of this Bylaw.
- 1.2.3 Nothing in this Bylaw relieves any *person* from the responsibility to comply with other legislation that applies to matters regulated in this Bylaw.
- 1.2.4 Every use of land, water, *buildings* and *structures* permitted in a zone must conform to all the regulations of the applicable zone and all regulations of this Bylaw.
- 1.2.5 For the purpose of this Bylaw, all uses not listed as *permitted uses* are deemed to be prohibited in that zone.
- 1.2.6 A continuation of a non-conforming use, *building* or *structure* shall be subject to the provisions of the *Local Government Act*.
- 1.2.7 Where a *Bylaw Enforcement Officer* observes that a contravention of this Bylaw has occurred, the *Bylaw Enforcement Officer* may issue to such *person* an Order to Comply with the requirements of this Bylaw.
- 1.2.8 A *Bylaw Enforcement Officer* or *Building Inspector* may enter onto *property* that is subject to the regulations of this Bylaw in accordance with the *Community Charter* and any other applicable legislation.

- 1.2.9 Service of an Order to Comply referred to in subsection 1.2.7 will be sufficient if a copy of the order is:
- a) mailed, by registered mail, to the address of the *owner* shown on the current property assessment roll;
 - b) delivered to the *owner or occupier* of the *property*, or placed in a mailbox, or other receptacle for the receipt of mail, on the *property*; or
 - c) posted on the *property*.
- 1.2.10 An Order to Comply under subsection 1.2.7 must state:
- a) the civic address of the subject *property*;
 - b) the legal description of the subject *property*;
 - c) the particulars of the non-compliance with this Bylaw to be remedied; and
 - d) the deadline for remedying the non-compliance with this Bylaw.
- 1.2.11 If the *owner or occupier of property* fails to comply with the *Bylaw Enforcement Officer's Order to Comply* within the time period specified, the *City*, by its workers or others, may at all reasonable times and in a reasonable manner, enter the *property* and bring about such compliance at the cost of the defaulting *owner*. Such costs shall consist of all costs and expenses incurred by the *City* to achieve compliance with this Bylaw.
- 1.2.12 If the *owner or occupier of property* defaults in paying the cost referred to in subsection 1.2.11 within 30 days after receipt of an invoice from the *City*, the *City* may either recover from the *owner or occupier* in any court of competent jurisdiction the cost as a debt to the *City*, or if unpaid on December 31 of the year in which the work was performed, may be added to and form part of the taxes payable on that *property* as taxes in arrears.
- 1.2.13 Service of an invoice for payment referred to in subsection 1.2.11 will be sufficient if a copy is served personally, or mailed by regular mail, to the *owner* of the *property* as shown on the current property assessment roll.

1.3 Penalty

- 1.3.1 The provisions of this Bylaw may be enforced by any *City Bylaw Enforcement Officer*.
- 1.3.2 Each day that a contravention of this Bylaw continues constitutes a separate offence.
- 1.3.3 Any *person* who contravenes any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000) for each offence.
- 1.3.4 Contraventions to this Bylaw are subject to fines contained within the "Bylaw Offence Notice Enforcement Bylaw" and the "Municipal Ticketing Information System Implementation Bylaw".

1.4 Zone Boundaries

- 1.4.1 The zoning adjacent to a *highway* or a *lane* applies to the *highway* or *lane*. Where a *highway* or *lane* forms a *zone* boundary, the boundary is at the centreline of the *highway* or *lane*.

1.5 Schedules and Figures

- 1.5.1 Schedule A attached to the Bylaw forms part of the Bylaw.
1.5.2 Figures form part of the Bylaw.

1.6 Interpretation

- 1.6.1 A term that is italicized in this Bylaw, other than legislation, is defined within the definitions section of this Bylaw.
- 1.6.2 The intent section in each *zone* is provided for information only and does not form part of the Bylaw.
- 1.6.3 Diagrams and illustrations in this Bylaw are provided only as examples to illustrate a regulation or term, and are not exclusive, exhaustive or restrictive, and in the event of any inconsistency with the text, the text shall govern.
- 1.6.4 References to *zones* in this Bylaw that are listed only by the *zone* designation mean the same as the *zone* listed by its full title and number.
- 1.6.5 All dimensions and measurements in this Bylaw are expressed in the Standard Interpretation Units (metric) system as follows:
- (a) metres (m)
 - (b) square metres (m²)
 - (c) kilograms (kg)

1.7 Severability

- 1.7.1 If any provision of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, that provision must be severed and the remainder of this Bylaw must continue in full force and effect.

1.8 Repeal

- 1.8.1 City of Duncan "Zoning Bylaw No. 1540, 1988", "Off-Street Parking and Loading Spaces Bylaw No. 3098, 2013", "Screening and Landscaping Regulation Bylaw No. 3112, 2014", "Fencing (Barbed Wire) Bylaw No. 607, 1955", "Payment In Lieu of Parking Bylaw No. 1784, 1996", and all amendments thereto are hereby repealed.

PART 2 – ESTABLISHMENT OF ZONES

For the purposes of this Bylaw, the *City* is divided into the following *zones*, as designated in Schedule A of this Bylaw:

2.1 Residential Zones

Residential Zones	
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR

2.2 Commercial Zones

Commercial Zones	
Downtown Comprehensive Zone	DTC
Neighbourhood Commercial Zone	NC
Highway Corridor Commercial Zone	HCC

2.3 Community Use Zones

Community Use Zones	
Community Services Zone	CS
Community Park Zone	CP

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;*
- (c) *Transportation corridors;*
- (d) *Trails;*
- (e) *Urban Food Gardens; and*
- (f) *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) *Industrial Activity;*
- (c) *Kennel;*
- (d) *Marijuana Operations;*
- (e) *Storage of one or more Derelict Motor Vehicles;*
- (f) *Parking, storage or commercial use in a fabric covered structure;*
- (g) *Storage Yard as a principal use; and*
- (h) *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 a *front yard* or *exterior side yard*.

- 3.3.4 An *accessory building* must not
- (a) be used as a *dwelling unit*;
 - (b) contain bathing facilities; and
 - (c) have more than two (2) plumbing fixtures that require drainage, unless its *use* as a *detached secondary suite* is expressly permitted by the regulations under this Bylaw that apply to the *zone* in which the *accessory building* is located.

3.4 Shipping Containers

- 3.4.1 *Shipping containers* may only be placed permanently on a *parcel* in accordance with the following:
- (a) One (1) *shipping container* is permitted per *parcel* zoned Community Services (CS) for *use* as an *emergency preparedness kiosk*.
 - (b) One (1) *shipping container* is permitted per *parcel* as an *accessory use* within the Low Density Residential Zone (LDR), Downtown Comprehensive Zone (DTC) or the Neighbourhood Commercial Zone (NC) if the container is completely clad in wood or cement board siding in a colour complementary to the existing *single-unit dwelling* or *principal building*, covered by a shed or gable roof with a pitch of not less than 4:12, ventilated to permit internal air exchange, and sited in accordance with *setback* requirements for *accessory buildings*.
- 3.4.2 *Shipping containers* may be placed temporarily on a *parcel* only for the temporary storage of tools and materials during the construction or maintenance of a *utility, building* or *structure* pursuant to a Building Permit that has not expired, but the *shipping container* must be removed prior to the issuance of any *occupancy* permit for the *building* or *structure*.
- 3.4.3 Nothing in this Bylaw prohibits the *use* of *shipping containers* as a construction material for the construction of residential or commercial *buildings* pursuant to a design prepared by a professional Architect and sealed by a professional Structural Engineer.

3.5 Secondary Suites

- 3.5.1 Where an *attached secondary suite* or *detached secondary suite* is permitted, the maximum number of suites is one *attached secondary suite* or one *detached secondary suite* per *single-unit dwelling*.
- 3.5.2 The maximum *gross floor area* of an *attached secondary suite* is 90 m² or 40% of the *habitable gross floor area* of the *single-unit dwelling* in which it is located, whichever is less.
- 3.5.3 The maximum *gross floor area* of a *detached secondary suite* is 90 m² or 60% of the *habitable gross floor area* of the *single-unit dwelling* to which it is an *accessory building*, whichever is less.

3.6 Temporary Uses

- 3.6.1 *Temporary accommodation* in a *recreational vehicle* is permitted during the construction of a *building* or *structure* pursuant to a Building Permit that has not expired, on the *parcel* that is the subject of the Building Permit, but the accommodation in the *recreational vehicle* must be discontinued before the issuance of any *occupancy* permit for the *building* or *structure*.
- 3.6.2 The temporary use of a *building* as a campaign headquarters for a political candidate is permitted in any *zone* for the duration of the campaign up to and including days remaining in the month following general election day.
- 3.6.3 Temporary *buildings* or *structures* are permitted as follows:
- (a) shelter for construction or maintenance crews engaged in work on the *parcel* on which the temporary *building* or *structure* is placed, or an abutting *parcel*;
 - (b) a sales *office* for development placed on a *parcel* under active development, or a lot contiguous to the *parcel* under active development, provided the *office* does not exceed a *gross floor area* of 70 m²; and
 - (c) the storage on a *parcel* of materials for the construction or maintenance on that *parcel* of any *utility, building* or *structure* for which a Building Permit has been issued and has not expired, but any remaining materials must be removed before the issuance of any *occupancy* permit for the *building* or *structure*.

3.7 Urban Food Gardens

- 3.7.1 An *urban food garden* is permitted in all *zones* provided that:
- (a) the total area which may be under cultivation on any *parcel* zoned for Multi-Unit *Residential* or *Commercial use* does not exceed 600 m²;
 - (b) production does not include growing and harvesting mushrooms or marijuana; and
 - (c) no artificial lighting, pesticides or herbicides are used.

3.8 Swimming Pools

- 3.8.1 *Swimming pools* must be enclosed by a *fence* between 1.5 m and 1.8 m in *height* and designed so that it does not facilitate climbing, and where gates provide access to the pool area they must be self-closing, be operated by hinges and a latch and be able to be opened freely only from the inside.

Height and Siting

3.9 Fence Height

- 3.9.1 *Fence height* is determined by measuring vertically from either *natural grade* or *finished grade*, whichever is lower, to the highest portion of the *fence*.
- 3.9.2 Decorative *fence* post caps with a *height* not greater than 0.1 m, and entrance arbours are excluded from the calculations of *fence height*.

- 3.9.3 *Retaining walls*, or portions thereof, are considered *fences* for the purposes of section 3.9.
- 3.9.4 The maximum *fence height* is as follows:

Zones	Front Yard or Exterior Side Yard	Rear Yard or Interior Side Yard
Residential	1.2 m	2 m
Commercial	Not permitted in either yard or between the front face or <i>exterior side yard</i> face of the <i>building</i> and the <i>parcel line</i> .	2 m
Community Use	1.2 m	2 m

- 3.9.5 Despite subsection 3.9.4, *fences* are permitted where required for screening in accordance with section 3.23.
- 3.9.6 Where deemed necessary for the construction of a *building*, as determined by the *Building Inspector*, a guardrail up to 1.07 m in *height* may be excluded from the total calculation of *fence height*.
- 3.9.7 Despite subsection 3.9.4, within the Residential and Commercial zones, no *fence* shall exceed a *height* of 2 m in any portion of the *parcel* not otherwise defined as a yard.
- 3.9.8 Despite subsection 3.9.4, no *fence* shall be located within any portion of the *front yard* of any *parcel* in Plan 12568, Section 17, Range 5, Quamichan District (also known as Centennial Heights).
- 3.9.9 A *fence* on a *parcel* zoned residential, commercial, community services or park must not include barbed wire, razor wire, electric wire, ultra-barrier, or any other material intended to deter trespass by threat or cause of personal injury to any animal or *person* who may come into contact with the *fence*.

3.10 Building Height

- 3.10.1 *Building height* is calculated as distance measured vertically from the average *finished grade* or average *natural grade*, whichever is less, recorded at the outermost corners of the *building*, to the highest part of the *building*. The *City* may require an applicant for a Building Permit for a *building* or *structure* to engage a *B.C. Land Surveyor* to establish grade for the purposes of such measurement.

3.11 Height Exemptions

- 3.11.1 *Green building systems*, *green roofs*, *solar collectors*, and *small wind energy systems* (including the blades), church spires, civic clock towers, church belfries, civic monuments, fire or hose towers, chimneys, transmission towers, aerials, flagpoles, rooftop water tanks, elevator penthouses and *mechanical equipment* components and enclosures are exempt from the maximum *height* regulations in this Bylaw if:

- (a) enclosures or structural elements cover no more than 20% of the *parcel* or, if located on a *building*, not more than 10% of the roof area, with the exception of a *green roof* and *solar collectors*; and
- (b) those *structures* do not exceed twice the maximum *height* when they are in a residential zone.

3.12 Building Separations

- 3.12.1 *Accessory buildings*, regardless of zone, must be sited at least 1.2 m from a principal *dwelling unit* or *principal building* measured between the exterior wall faces or supporting *structures* of each *building*.
- 3.12.2 *Detached secondary suites* must be sited at least 2.5 m from a principal *dwelling unit*, measured between the foundations of each *building*.

3.13 Projections into Yards

- 3.13.1 Except as otherwise permitted in this bylaw, the minimum *parcel line setbacks* in Parts 4 to 6 of this bylaw do not apply, to the extent indicated, to the following features:

Feature	Maximum Permitted Projection
Eave, exterior finish, <i>green wall</i> , gutter, cornice, sunlight control projection	0.6 m
Chimney	0.75 m
Steps and landing	2 m
<i>Porch</i>	2 m into a <i>front</i> or <i>exterior side yard</i> only
<i>Open Deck</i>	2 m into a <i>rear yard</i> only

- 3.13.2 Rainwater harvesting *structures*, equipment and apparatus, including rain barrels and cisterns, that do not require a Building Permit may be sited within the required *parcel line setbacks*.
- 3.13.3 Wheelchair ramps, children’s play equipment, *landscape buffers*, *fences*, *retaining walls* or other landscape features, above-ground *swimming pools* and clothesline poles may be sited within the required *parcel line setbacks*.
- 3.13.4 In-ground *swimming pools* have a minimum parcel line setback of 1.5 m.

3.14 Mechanical Equipment

- 3.14.1 Ground- or wall-affixed *mechanical equipment* may only be placed in the *interior side yard*, *exterior side yard*, or rear of a *building*.
- 3.14.2 Despite Subsection 3.14.1, *mechanical equipment* must be located a minimum of 4 m from an *interior side parcel line*, *exterior side parcel line* or *rear parcel line*.
- 3.14.3 Where *mechanical equipment* is located in the *exterior side yard*, it must be screened from view by *landscaping* or decorative *fence* enclosure not exceeding the maximum *fence height*.

3.15 Setbacks to Public Roads

3.15.1 Where a *parcel* abuts a *highway* with a dedicated width of less than 12 m, or a Downtown Road (as identified in Figure 3.15.1) an additional 1.5 m front *setback* or exterior side *setback* is required.



Figure 3.15.1: Setbacks to Public Roads Map

3.16 Visibility at Intersections

3.16.1 Despite any other regulation in this bylaw, where two *highways* intersect there must be no visual obstruction, either by *buildings*, *structures* or vegetation, to the line of vision between 1 m and 3 m above grade in the area of any *corner parcel* bounded by the intersecting *parcel lines* and a line joining each of the *parcel lines* 6 m from their point of intersection (as identified in Figure 3.16.1).

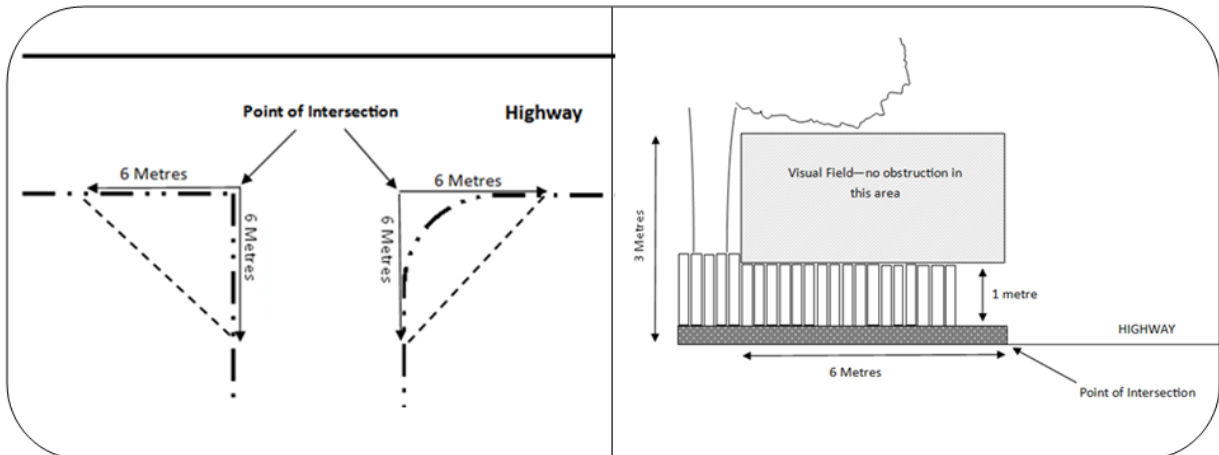


Figure 3.16.1: An illustration of the line of vision at the point of intersection

3.17 Riparian Area Protection

3.17.1 The minimum *setback* for all *buildings* and *structures* from the present *natural boundary* of the Cowichan River and its tributaries is 30 m.

3.18 Backyard Hens

3.18.1 A maximum of six (6) *hens* may be kept on a *parcel* within the Low Density Residential Zone where the lot is greater than 450 m², provided that the *owner* or *occupier* of the *parcel* registers the *hens* with the *City* in accordance with the Animal Regulation and Impounding Bylaw;

3.18.2 A *backyard hen enclosure* consisting of a coop and pen must be provided and maintained in accordance with the Animal Regulation and Impounding Bylaw, and must be:

- a) located not less than 2.5 m from the *rear parcel line*, *exterior side parcel line* and *interior side parcel lines*;
- b) located not less than 3 m from any door or window of a *dwelling unit*;
- c) located within the *rear yard* of the *parcel*; and
- d) not more than 3 m in *height*.

Residential Accessory Businesses

3.19 Home-Based Business

3.19.1 No more than two (2) *home-based businesses* are permitted per *dwelling unit* or in the case of *single-unit dwelling* with an *attached secondary suite* or *detached secondary suite*, not more than two (2) *home-based businesses* per *parcel*.

3.19.2 A *home-based business* is limited as follows:

Regulations	Home-based Business
Maximum number of non-resident employees	1
Maximum area of a <i>home-based business</i> (including storage) in <i>dwelling unit</i> or <i>accessory building</i>	40% of the <i>dwelling unit</i> up to 50 m ² ; or 40% of an <i>accessory building</i> up to 50 m ² . Where combined, not more than 70 m ² total.
Maximum number of <i>motor vehicles</i> associated with the <i>home-based business</i>	1

3.19.3 A *home-based business* must not involve any of the following:

- (a) *Automobile Repair Service* or autobody;
- (b) *Retail* sale of goods that are not directly associated with the *home-based business* or that are not produced on the *parcel*;
- (c) Outdoor storage;
- (d) Marshaling or storage of *motor vehicles*; or
- (e) Odours, vapours, heat, glare, electrical interference, or recurring ground vibrations that cross a *parcel line*.

3.19.4 A *home-based business* in a *multi-unit dwelling* or *multi-unit rowhouse* must not involve the following:

- (a) the presence of clients, patrons, customers or employees on the premises as a function of its regular business activity, unless they are permanent residents of the premises; and
- (b) advertisement by means of a sign.

3.20 Bed and Breakfast

3.20.1 The operator of a *bed and breakfast* must be a resident of the principal *dwelling unit* containing the *bed and breakfast*.

3.20.2 The maximum number of guest rooms in a *bed and breakfast* is two (2) and the maximum number of guests is four (4), excluding children under the age of 16.

3.20.3 A *bed and breakfast* is not permitted on a *parcel* with a *secondary suite*.

3.21 Residential Daycare

3.21.1 No more than one (1) *residential daycare* is permitted on a *parcel*.

3.21.2 *Residential daycare* is only permitted in a *single-unit dwelling*, an *accessory building* and an outdoor play space.

3.21.3 A *residential daycare* is limited to:

- (a) 40% of the *gross floor area* of the *single-unit dwelling* or *accessory building* in which it is contained; and
- (b) 70 m² of floor area where a daycare is contained within both the *single-unit dwelling* and an *accessory building*.

3.21.4 A *residential daycare* may be operated only by a resident of the *parcel* containing the *residential daycare* and up to one (1) employee.

Landscaping, Screening and Site Features

3.22 Landscaping

3.22.1 A *landscape area* must be provided and maintained along all *parcel frontages* of *parcels* zoned commercial, or zoned to permit *multi-unit dwellings* or *institutional use*, or for *parcels* with a *utility use* as follows:

Yard	Minimum Depth (measured from the property line) of Landscape Area	Minimum Percentage of Plant Cover in each Landscape Area
Front Yard or Exterior Side Yard	2 m	50%
Interior Side Yard	0.5 m	75%
Rear Yard	1 m	50%

- 3.22.2 Any portion of any *parcel* which is not used for *buildings, structures, storage yard, required off-street parking, required off-street loading, roadways* or *walkways*, shall also be fully landscaped.
- 3.22.3 The percentage of plant cover provided in a *landscape area* shall be calculated using the canopy cover of trees and ground cover of shrubs and grasses at maturity.
- 3.22.4 A continuous curb or similar barrier must be installed between a *landscape area* and an adjoining parking area on the same *parcel*, and interruptions in the curb or barrier may be provided to allow surface runoff water to enter rain gardens or bioswales.
- 3.22.5 At least 50% of all plant species in a *landscape area* must be drought-tolerant and all species must be non-invasive.
- 3.22.6 A security satisfactory to the *City* in an amount equal to 125% of the cost of hard *landscaping* materials (such as *fences, screening, paving, pavers, bike racks*) and soft *landscaping* materials (includes all plants and soils), irrigation, and labour, prepared by the professional Landscape Architect, is required to be submitted by the applicant at time of Building Permit application.

3.23 Screening

- 3.23.1 On all commercially-zoned *parcels*, a minimum 1 m wide *landscape buffer* comprised of both fencing and plants for the entire length of the buffer must be established adjacent to residentially-zoned *parcels* for screening.
- 3.23.2 All rooftop and grade-level *mechanical equipment* and electrical equipment must be fully screened (utilizing vegetation or decorative fencing) from view from any *highway* or adjacent multi-unit *residential use building*.
- 3.23.3 Despite Subsection 3.23.2, grade-level pad-mounted transformers that cannot be screened by plants or decorative fencing must be covered in a decorative wrap.

3.24 Procedure

- 3.24.1 The screening and *landscaping* requirements of the bylaw apply to a *parcel* when the *owner* of the *parcel* obtains a Development Permit or Building Permit for exterior improvements where the value of construction exceeds \$100,000.00.

3.25 Care and Maintenance

- 3.25.1 All *landscaping*, screening and buffering required under this bylaw on any *parcel* shall be adequately maintained by the *owners* or occupants of the *parcel*.

3.26 Recycling and Garbage Storage Facilities

- 3.26.1 All commercial, institutional, mixed use or multi-unit *residential use buildings* must provide a recycling and garbage collection facility that is either completely contained within the *principal building* or fully screened and accessible from a driveway or *lane* at an outdoor location on the *parcel*.

Parking and Off-Street Loading

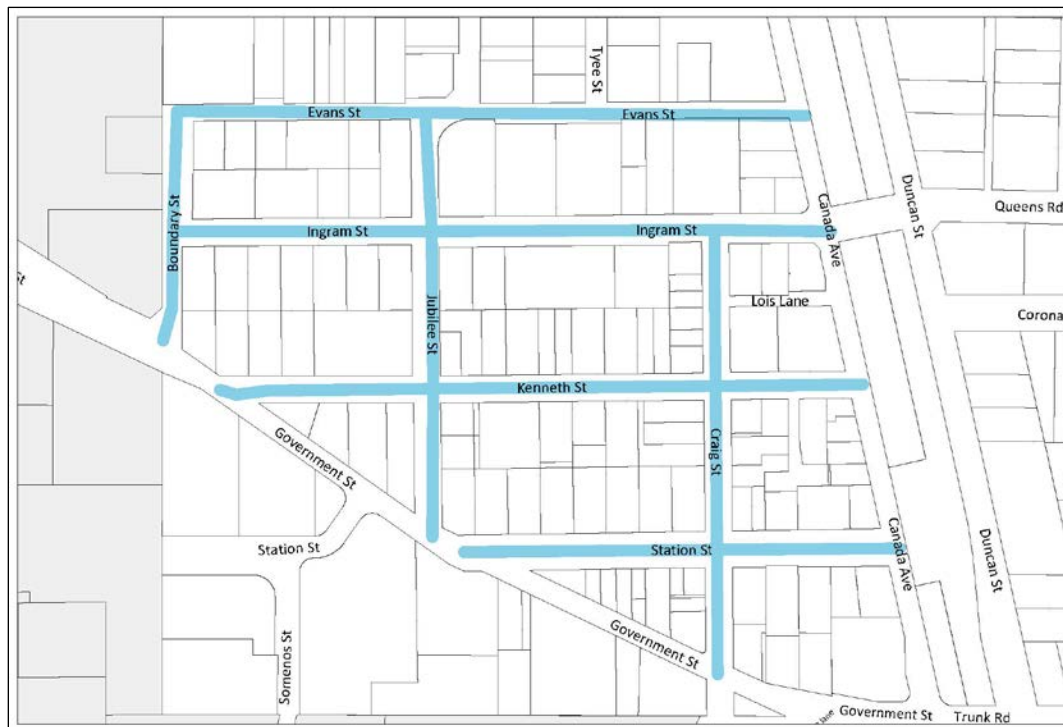
3.27 Parking and Off-Street Loading Areas

- 3.27.1 *Off-street parking spaces* required by this bylaw must not be obstructed in any way by garbage receptacles, *structures*, *derelict motor vehicles*, refuse, equipment, or materials which interfere with the ability of the parking space to serve its function.
- 3.27.2 *Off-street parking spaces*, *off-street loading spaces*, drive aisles and accesses for all *uses* except *single-unit dwellings* must be hard-surfaced.
- 3.27.3 *Off-street parking spaces* and *off-street loading spaces* must be provided on the same *parcel* as the *use* for which the spaces are required.
- 3.27.4 In all commercial *zones*, *off-street parking* is not permitted between the face of a street-oriented *principal building* and the *front parcel line* or *exterior side parcel line*.
- 3.27.5 Where the minimum number of *off-street parking spaces* required by this bylaw is based on the number of seats, each 0.6 m of pew, bench or other seating counts as one seat.
- 3.27.6 Where the minimum number of *off-street parking spaces* includes a fractional unit greater than 0.5, that fractional unit is considered one *off-street parking space*.
- 3.27.7 *Off-street parking spaces* must not be less than 1 m from any *highway*.
- 3.27.8 *Off-street parking spaces* must have a vehicle stop within each parking space not less than 0.3 m from the front end of the parking space, except where the front end of a parking space abuts the rear end of another parking space.

3.28 Access to Parking Areas

- 3.28.1 Driveway access or egress shall be not less than 15 m from the nearest point of intersection of two *highways*.

- 3.28.2 Unless otherwise specified within a *zone*, no parking space shall be accessed directly from a *highway*.
- 3.28.3 Parking spaces shall be laid out so as to permit unobstructed access to and egress from each parking space at all times.
- 3.28.4 Despite subsection 3.28.3, parking spaces for a *single-unit dwelling* containing an *attached* or *detached secondary suite* may be arranged such that one space is located behind the other space with a common or shared point of access to a *highway*.
- 3.28.5 Where a *parcel* abuts a downtown road (as identified in Figure 3.28.5) and has a frontage of less than 40 m, driveway access across a *front parcel line* shall not be permitted unless in conjunction with the provision of shared access to parking areas with neighbouring *parcels*, where the combined frontage is equal to or greater than 40 m.



— Downtown Roads Requiring Shared Access to Parking Areas

Figure 3.28.5: Downtown Roads Access Map

- 3.28.6 No driveway access shall be permitted for commercial use or *multi-unit dwellings* from Trunk Road, Coronation Avenue, Canada Avenue south of Beverly Street, Station Street or Government Street

3.29 Surfacing and Construction Standards

- 3.29.1 Where more than three (3) parking spaces are required by this bylaw, the parking area must be surfaced with asphalt, concrete, paving stones or bricks, or other dust-free material, and each space must be clearly demarcated by surface markings comprised of paint or alternate surface material.

- 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>Bed and Breakfast</i>	1 per guest room
<i>Community Care</i>	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 3.37:</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>
<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
Commercial	
<i>Tourist Accommodation</i>	1 per <i>sleeping unit</i>
<i>Office</i>	1 per 30 m ² <i>gross floor area</i>
<i>Repair Service, General</i>	1 per 30 m ² <i>gross floor area</i>
<i>Repair Service, Automotive</i>	4 per service bay
<i>Restaurant</i>	1 per 4 seats
<i>Retail</i>	1 per 30 m ² <i>gross floor area</i>
<i>Retail, Shopping Centre</i>	1 per 20 m ² <i>gross floor area</i>

Permitted Use	Minimum Number of Off-street Parking Spaces
Community Uses	
<i>Community Use</i>	1 per 10 m ² <i>gross floor area</i>
<i>Cultural Use</i>	1 per 30 m ² <i>gross floor area</i>
<i>Cultural Use – Theatre</i>	1 per 4 seats
<i>Hospital</i>	1.5 per 3 beds
<i>Recreation, Indoor</i>	1 per 10 m ² <i>gross floor area</i>
<i>School, Academic</i>	10, plus 1 per classroom (elementary) 10, plus 5 per classroom (secondary) 10, plus 10 per classroom (post-secondary)
<i>School, Commercial</i>	2, plus 2 spaces per classroom

3.31.2 Multi-unit *residential*, commercial, or community uses must install one (1) *electric vehicle charging station*, minimum Level-2, for every 20 required *off-street parking spaces*.

3.32 Dimensions of Parking Spaces

3.32.1 The minimum dimensions of the required *off-street parking spaces* for *motor vehicles* are as follows:

Standard Vehicle Parking				
Dimension	Parking Angle			
	Parallel	45°	60°	90°
Space Width	2.8 m	2.6 m	2.6 m	2.6 m
Space Length	6.5 m	5.6 m	5.6 m	5.6 m
Aisle Width – One Way	4 m	4 m	5.2 m	6 m
Aisle Width – Two Way	6.5 m	6.5 m	6.5 m	6.5 m

3.32.2 Despite subsection 3.32.1, the minimum dimensions of the required *off-street parking spaces* for *motor vehicles* may be reduced as follows, as permitted by subsections 3.32.3 and 3.32.4.

Small Vehicle Parking				
Dimension	Parking Angle			
	Parallel	45°	60°	90°
Space Width	2.8 m	2.6 m	2.6 m	2.6 m
Space Length	5 m	4.4 m	4.4 m	4.4 m
Aisle Width – One Way	4 m	4 m	5.2 m	6 m
Aisle Width – Two Way	6.0 m	6.0 m	6.0 m	6.5 m

3.32.3 Where a parking area contains more than 12 spaces, up to 30% of the total parking spaces required by this bylaw may be designed to comply with the standards in subsection 3.32.2 and each such space must be clearly identified by surface marking as a small vehicle space only.

- 3.32.4 Where a parking area contains 12 or fewer spaces, up to 50% of the parking spaces required by this bylaw may be designed to comply with the standards in subsection 3.32.2 and each such space must be clearly identified by surface marking as a small vehicle space.
- 3.32.5 Despite subsections 3.32.3 and 3.32.4, where any parking space abuts, along its length, any portion of a *fence*, wall or support *structure*, the minimum stall width shall be increased by 0.3 m for that stall only and in the case of single parking space in a garage within a rowhouse an additional 0.6 m shall be provided.

3.33 Bicycle Parking

3.33.1 Bicycle parking must be provided as follows:

Use	Minimum Number of Bicycle Parking Spaces	
	Short Term Bicycle Parking (Visitor/Client/Customer)	Long Term Bicycle Parking (Residential/Employee)
Dwelling, Multiple-Unit	1 two-sided rack per 5 units	1 per unit
Commercial	1 two-sided rack per 200 m ²	1 per 200 m ²
Community Services	1 two-sided rack per 200 m ²	1 per 200 m ²

3.33.2 Short-term bicycle parking must:

- (a) be less than 15 m from the main entrance to the *principal building*;
- (b) be visible from the main entrance to the *principal building*;
- (c) be provided in permanently anchored racks;
- (d) be well-lit; and
- (e) not obstruct pedestrian circulation.

3.33.3 Long-term bicycle parking must

- (a) be provided in a dedicated and secure bicycle storage area with bicycle racks or lockers, which is independently accessible only to residents or employees of the *building*; and
- (b) be located in close proximity and with access to *building* entrances.

3.34 Minimum Off-Street Loading

3.34.1 *Off-street loading* must be provided for commercial *buildings* as follows:

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 Downtown Parking Area

3.37.1 The area shaded in Figure 3.37.1 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:

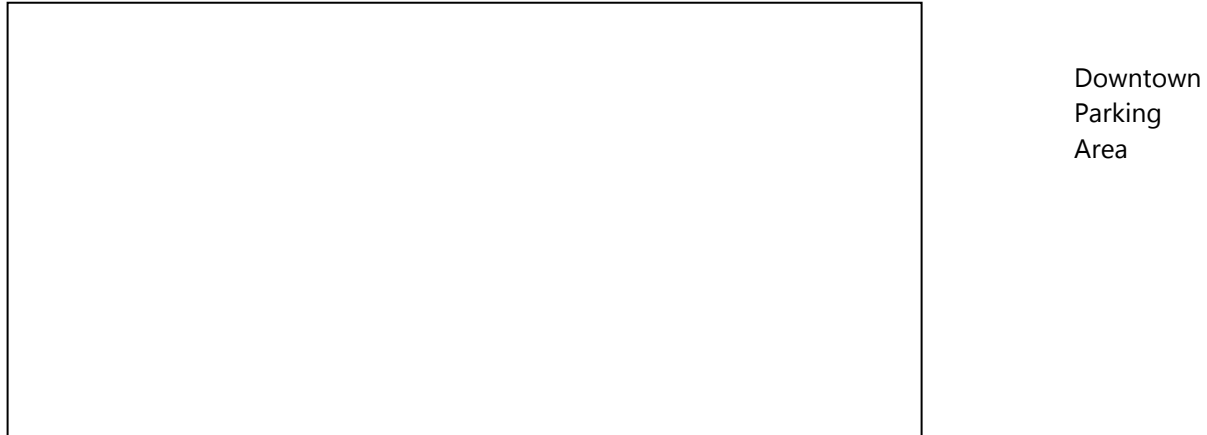


Figure 3.37.1: Downtown Parking Area Map

3.38 Parking for Persons with Disabilities Requirements

- 3.38.1 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.
- 3.38.2 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.
- 3.38.3 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*.

PART 4 – RESIDENTIAL ZONES

Low Density Residential Zone

LDR

4.1 Intent

4.1.1 The intent of the Low Density Residential (LDR) zone is to permit *single-unit dwellings, two-unit dwellings, attached secondary suites and detached secondary suites* on a variety of *parcel* sizes.

4.2 Permitted Uses

4.2.1 Subject to the specified *conditions of use*, the *uses* permitted in the LDR zone are as follows:

Principal Uses	Accessory Uses
<i>Dwelling, Single-Unit</i> <i>Dwelling, Two-Unit</i> <i>Dwelling, Two-Unit Rowhouse</i>	<i>Bed and Breakfast</i> <i>Home-Based Business</i> <i>Residential Daycare</i> <i>Secondary Suite, Attached</i> <i>Secondary Suite, Detached</i>

4.3 Development Regulations

4.3.1 Development in the LDR zone is subject to the following:

Development Criteria	Regulations
Maximum <i>Parcel Coverage</i>	35% for the <i>principal building</i> 40% for all <i>buildings and structures</i> combined
Maximum <i>Floor Area Ratio</i>	0.5:1
Driveway Access	Where a <i>parcel</i> abuts a dedicated <i>lane</i> intended for <i>motor vehicle</i> access to a <i>parcel</i> , access must only be from the <i>lane</i> .
Principal Building	Regulations
Maximum <i>Height</i>	7.5 m For <i>buildings</i> with a roof pitch less than 6:12
	8.25 m For <i>buildings</i> with a roof pitch 6:12 to 8:12
	9 m For <i>buildings</i> with a roof pitch 8:12 or greater
Minimum <i>Parcel Line Setback</i>	Front 4 m
	Rear 6 m
	Side, Interior 1.5 m, except where the <i>dwelling units</i> in a <i>two-unit rowhouse</i> are separated by a <i>party wall</i> .
	Side, Exterior 3 m

Minimum Garage Setback		6 m where the garage door attached to a <i>single-unit</i> or <i>two-unit dwelling</i> is facing a <i>highway</i> .
Accessory Buildings and Structures		Regulations
Maximum Height		5 m
		6 m for <i>buildings</i> with a flat roof where a <i>detached secondary suite</i> is located in the second storey.
		7.5 m for <i>buildings</i> with a roof pitch 8:12 or greater, if a <i>detached secondary suite</i> is located in the second storey.
Minimum Parcel Line Setback	Front	6 m
	Rear	1.5 m; 3 m for a second storey with a <i>detached secondary suite</i>
	Side, Interior	1.5 m; 3 m for a second storey with a <i>detached secondary suite</i>
	Side, Exterior	3 m

4.4 Conditions of Use and Subdivision Regulations

4.4.1 Permitted uses within the LDR zone are subject to the following:

Parcel Area and Frontage by Use	Conditions	
Minimum Parcel Area – <i>Single-Unit Dwelling</i>	400 m ²	
Minimum Parcel Frontage – <i>Single-Unit Dwelling</i>	15 m	
Average Parcel Area – <i>Single-Unit Dwelling</i>	The minimum <i>parcel area</i> is reduced by 30% if the average <i>parcel area</i> in the <i>subdivision</i> is at least 400 m ² .	
Average Parcel Frontage – <i>Single Unit Dwelling</i>	The minimum <i>parcel frontage</i> is reduced by 30% if the average <i>parcel frontage</i> in the <i>subdivision</i> is at least 15 m.	
Minimum Panhandle Parcel Frontage – <i>Single-Unit Dwelling</i>	4 m	
Minimum Panhandle Parcel Area – <i>Single-Unit Dwelling</i>	Same as minimum area for <i>Single-Unit Dwelling</i> ; however, the area of the panhandle shall not be included within the calculation of lot area.	
Minimum Parcel Area – <i>Two-Unit dwelling</i> or a <i>Single-Unit Dwelling</i> with a <i>Detached Secondary Suite</i>	600 m ²	
Minimum Parcel Area – <i>two Single-Unit Dwellings</i>	800 m ²	
Minimum Parcel Area – <i>Two-Unit Rowhouse Dwelling</i>	350 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>exterior side yard</i> .
	300 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>interior side yard</i> .

Minimum Parcel Frontage – Two-Unit Rowhouse Dwelling	9 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>exterior side yard</i> .
	7.5m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>interior side yard</i> .
Minimum Parcel Depth	25 m	

- 4.4.2 Despite subsection 4.4.1, where a *two-unit dwelling* is proposed on a *corner parcel*, one entrance must face the *front parcel line* and the other must face the *exterior side parcel line*.
- 4.4.3 Where a *panhandle parcel* is created, a reciprocal access easement agreement is required over the panhandle for purposes of a shared driveway and one consolidated single access for the new *parcel* and the remainder *parcel*.
- 4.4.4 Not more than one *panhandle parcel subdivision* is permitted per *parcel*.
- 4.4.5 Where a *panhandle parcel* abuts another panhandle on an adjacent *parcel* the total width of both panhandles must not be less than 6 m and a reciprocal access agreement must be provided for all affected *parcels* for purposes of consolidating access to one (1) single driveway.

Medium Density Residential Zone	MDR
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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
<i>Dwelling, Multi-Unit</i> <i>Dwelling, Multi-Unit Rowhouse</i>	<i>Home-Based Business</i>

4.7 Development Regulations

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

Development Criteria	Regulations		
Maximum <i>Parcel Coverage</i>	50% for all <i>buildings</i> and <i>structures</i> combined		
Minimum <i>Floor Area Ratio</i>	0.75:1		
Maximum <i>Floor Area Ratio</i>	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 <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</i> units, for a period of at least five (5) years.		
Amenities Required for Bonus Density II	A density bonus of up to 0.4 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</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.		
<i>Parcel Access</i>	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> .		

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

4.8 Conditions of Use and Subdivision Regulations

4.8.1 Permitted uses within the MDR zone are subject to the following conditions of use:

Parcel Area and Frontage by Use	Conditions	
Minimum Parcel Area for Multi-Unit Dwellings	600 m ²	
Minimum Parcel Frontage for Multi-Unit Dwellings	15 m	
Minimum Parcel Area for Rowhouse Dwelling	250 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>exterior side yard</i> .
	200 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>interior side yard</i> .
	150 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with two (2) other <i>dwelling units</i> .
Minimum Parcel Frontage for Rowhouse Dwelling	9 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>exterior side yard</i> .
	7.5 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>Interior side yard</i> .
	5 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with two (2) other <i>dwelling units</i> .

- 4.8.2 Despite Subsection 4.8.1, where the proposed *use* is a *multi-unit rowhouse dwelling, subdivision* shall only be permitted once the *building* is substantially commenced in accordance with an approved Development Permit and subsequent Building Permit.

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
<i>Dwelling, Multi-Unit</i> <i>Dwelling, Multi-Unit Rowhouse</i>	<i>Home-Based Business</i>

4.11 Development Regulations

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

Development Criteria	Regulations						
Maximum <i>Parcel Coverage</i>	70% for all <i>buildings</i> and <i>structures</i> combined						
Minimum <i>Floor Area Ratio</i>	1.2:1						
Maximum <i>Floor Area Ratio</i>	<table border="1" style="width: 100%; border-collapse: collapse; margin: 0;"> <thead> <tr style="background-color: #008080; color: white;"> <th style="width: 33%;">Base Density</th> <th style="width: 33%;">Bonus Density I</th> <th style="width: 33%;">Bonus Density II</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2.4:1</td> <td style="text-align: center;">2.7:1</td> <td style="text-align: center;">3:1</td> </tr> </tbody> </table>	Base Density	Bonus Density I	Bonus Density II	2.4:1	2.7:1	3:1
Base Density	Bonus Density I	Bonus Density II					
2.4:1	2.7:1	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</i> units, 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</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.						
<i>Parcel Access</i>	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> .						

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

4.12 Conditions of Use and Subdivision Regulations

4.12.1 Permitted Uses within the HDR zone is subject to the following conditions of use:

Parcel Area and Frontage by Use	Conditions	
Minimum Parcel Area for Multi-Unit Dwellings	600 m ²	
Minimum Parcel Frontage for Multi-Unit Dwellings	15 m	
Minimum Parcel Area for Rowhouse Dwelling	250 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>exterior side yard</i> .
	200 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>interior side yard</i> .
	150 m ²	for a <i>dwelling unit</i> which shares a <i>party wall</i> with two (2) other <i>dwelling units</i> .
Minimum Parcel Frontage for Rowhouse Dwelling	9 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has 1 <i>exterior side yard</i> .
	7.5 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with one (1) other <i>dwelling unit</i> and has one (1) <i>interior side yard</i> .
	5 m	for a <i>dwelling unit</i> which shares a <i>party wall</i> with two (2) other <i>dwelling units</i> .

4.12.2 Despite Subsection 4.12.1, where the proposed *use* is a *Multi-Unit Rowhouse Dwelling, subdivision* shall only be permitted once the *building* is substantially commenced in accordance with an approved Development Permit and subsequent Building Permit.

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
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 .

*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>		1.75:1		
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</i> units, 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</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.		
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> .		

Accessory Buildings and Structures		Regulations
Maximum <i>Height</i>		4 m
Minimum <i>Parcel Line Setback</i>	Front	15 m
	Rear	0 m
	Side, Interior	0 m
	Side, Exterior	5 m

5.4 Subdivision Regulations

5.4.1 *Subdivision* in the DTC zone is subject to the following:

Subdivision Criteria	Regulations
Minimum <i>Parcel Area</i>	700 m ²
Minimum <i>Parcel Frontage</i>	20 m

5.5 Site Specific Uses

5.5.1 The following *uses* shall be permitted on a site-specific basis only:

Site-specific Uses	Location
<i>Automotive Repair Shop</i>	462 Duncan Street - Lot 3, Block 1, Section 17, Range 6, Quamichan District - Plan 854

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
Community Use 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

*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	1:1		
Maximum Floor Area Ratio	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 <i>zone</i> , 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.
	Side, Interior	1.2 m, 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	1.2 m

5.9 Subdivision Regulations

5.9.1 *Subdivision* in the NC zone is subject to the following:

Subdivision Criteria	Regulations
Minimum <i>Parcel Area</i>	600 m ²
Minimum <i>Parcel Frontage</i>	15 m

5.10 Site Specific Uses

5.10.1 The following *uses* shall be permitted on a site-specific basis only:

Site-specific Uses	Location
<i>Automotive Fueling Station</i>	1006 Government Street - Plan 17859 - <i>Parcel A</i> , Range 5, Quamichan District,
<i>Automotive Fueling Station and Car Wash</i>	1007 Canada Avenue – PLAN VIP6745 – <i>Parcel 2</i> Plan VIP6745 Section 19 Range 6 Land District 45 Except Plan 22556
<i>Car Wash</i>	71 Trunk Road – Lot A, Plan 2070

Highway Corridor Commercial Zone

HCC

5.11 Intent

5.11.1 The intent of the Highway Corridor Commercial (HCC) zone is to permit a range of commercial uses that are automobile-oriented and require convenient access to the Trans-Canada Highway.

5.12 Permitted Uses

5.12.1 The uses permitted in the HCC zone are as follows:

Principal Uses	Accessory Uses	Conditions of Use
<i>Automotive Fueling Station</i> <i>Car Wash</i> <i>Cheque-Cashing*</i> <i>Community Use</i> <i>Craft Beverage Production</i> <i>Dog Grooming</i> <i>Drive Through</i> <i>Education Facility</i> <i>Financial Institution</i> <i>Mobile Food Vending</i> <i>Office</i> <i>Pawn Shop*</i> <i>Repair Service, Automotive</i> <i>Repair Service, General</i> <i>Retail & Personal Service</i> <i>Restaurant</i> <i>Tourist Accommodation</i>	<i>Dwelling, Accessory</i> <i>Home-Based Business</i> <i>Parking Facility</i>	<p><i>*A Cheque-Cashing business must be at least 500 m from any other Cheque-Cashing business.</i></p> <p><i>*A Pawn Shop must be at least 500 m from any other Pawn Shop.</i></p>

**Conditions of use apply.*

5.13 Development Regulations

5.13.1 Development in the HCC zone is subject to the following:

Development Criteria	Regulations
Maximum <i>Parcel Coverage</i>	40%
Minimum <i>Floor Area Ratio</i>	0.5:1
Maximum <i>Floor Area Ratio</i>	1.5:1
Maximum <i>Residential Density</i>	1 <i>accessory dwelling</i>
Outdoor Storage (does not include retail display areas)	Outdoor storage areas must be screened from <i>highways</i> in accordance with section 3.23.

Principal Building		Regulations
Maximum Height:		14 m (4 habitable storeys)
Minimum Height:		2 habitable storeys
Minimum Parcel Line Setback	Front	4 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.
	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 Front Parcel Line Setback		6 m
Accessory Buildings and Structures		Regulations
Maximum Height		5 m
Minimum Parcel Line Setback	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.
	Side, Interior	1.2 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 8 m.
	Side, Exterior	1.2 m

5.14 Subdivision Regulations

5.14.1 *Subdivision* in the HCC zone is subject to the following:

Subdivision Criteria	Regulations
Minimum Parcel Area	600 m ²
Minimum Parcel Frontage	15 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
<i>Community Use</i> <i>Cultural Use</i> <i>Commercial Daycare</i> <i>Education Facility</i> <i>Fish Hatchery</i> <i>Hospital</i> <i>Institutional Use</i> <i>Indoor Recreation Facilities</i> <i>Outdoor Recreation</i> <i>Treatment Centre</i>	<i>Dwelling, Accessory</i> <i>Restaurant</i> <i>Retail</i> <i>Office</i> <i>Mobile Food Vending</i>

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 storeys) 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
	Side, Exterior	5 m

6.4 Subdivision Regulations

6.4.1 *Subdivision* in the CS zone is subject to the following:

Subdivision Criteria	Regulations
Minimum <i>Parcel Area</i>	600 m ²
Minimum <i>Parcel Frontage</i>	15 m

Community Park Zone	CP
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6.5 Intent

6.5.1 The intent of the *Community Park (CP) zone* is to permit the full range of park and protected area *uses*, including community and neighbourhood parks.

6.6 Permitted Uses

6.6.1 The *uses* permitted in the CP zone are as follows:

Principal Uses	Accessory Uses
<i>Community Use</i> <i>Park, Community</i> <i>Indoor Recreation Facilities</i> <i>Institutional Use</i> <i>Outdoor Recreation</i> <i>Parking Facility</i>	<i>Office</i> <i>Mobile Food Vending</i> <i>Commercial Daycare</i>

6.7 Development Regulations

6.7.1 Development in the CP zone is subject to the following:

Development Criteria	Regulations
<i>Maximum Parcel Coverage</i>	30%
Principal Building	Regulations
<i>Maximum Height</i>	14 m (4 storeys) for <i>principal buildings</i>
<i>Minimum Parcel Line Setback</i>	5 m
Accessory Buildings and Structures	Regulations
<i>Maximum Height</i>	5 m
<i>Minimum Parcel Line Setback</i>	5 m

PART 7 – DEFINITIONS

Definitions found throughout this Bylaw are as follows:

A

Accessory Building means a *building* used for a purpose that is accessory and subordinate to the *use* of the *principal building* or to a *principal use* of the *parcel* and located on the same *parcel*.

Accessory Use means a *use* that is accessory and subordinate to and associated with a *principal use* or *building* located on the same *parcel*.

Affordable 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).

Affordable Housing means housing which, under the terms of a *Housing Agreement* with the *City*, has a market or rental price that is *affordable* 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.

Automotive Fueling Station means the land, *buildings* or *structures* used for the retail sale of motor fuels and lubricants and the charging of electric vehicles, which may include an accessory retail store, *car wash*, service and minor repair of *motor vehicles* and the sale of automobile accessories.

Auto Wrecking means a business that salvages, dismantles, or stores wrecked or decommissioned vehicles.

B

Backyard Hen Enclosure means an area of land on a *parcel* used for the keeping of *hens*.

Basement means a *storey* or *storeys* of a *building* located below the *first storey*.

Bed and Breakfast means the *accessory use* of a *parcel* for *temporary accommodation* in *sleeping units* in a *single-unit dwelling* or in a *Detached Secondary Suite*, where guests are provided a breakfast meal, and no other meals, on the premises.

Building means a *structure* which is used or intended to be used for the support, enclosure or shelter of *persons*, animals or *property*.

Building Inspector means the *person(s)* appointed as such by the *City* and includes the authorized representatives of the *Building Inspector*.

Bylaw Enforcement Officer means the *person(s)* appointed by the *City* to enforce regulatory bylaws of the *City*.

C

Car Wash means the *use* of land, *buildings* or *structures* for washing *motor vehicles*.

Cheque-Cashing means the *use* of *buildings* or *structures* for exchanging cheques for cash as a *principal use*.

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 *use* of land, *buildings* or *structures* for the provision of care to *persons* who require specialized care for any purpose, operated in accordance with the *Community Care and Assisting Living Act* and *Residential Care Regulation*, including assisted living, personal care, supportive housing and *residential daycare*.

Community Use means the *use* of land, *buildings* or *structures* for the assembly, gathering, or meeting of *persons* for religious, charitable, philanthropic, cultural, educational or any similar non-commercial purpose.

Condition of Use means a condition that is required to be met in order to carry out a *use* in a *zone*.

Craft Beverage Production means the *use* of land, *buildings* or *structures* for production, storage and retail sales of beer, cider, spirits, mead or wine in a micro-brewery, cidery, distillery, meadery or winery.

Cultural Use means the *use* of land, *buildings* or *structures* for a museum, art or craft gallery, visitor centre, or theatre for the performing arts.

D

Daycare, Residential
(or *Residential Daycare*) means the *use* of land, *buildings* or *structures* for the care of eight (8) or fewer *persons* who require supervision during the day.

Daycare, Commercial
(or *Commercial Daycare*) means the *use* of land, *buildings* or *structures* for the care of more than eight (8) *persons* who require supervision during the day.

Density means the quantity of *dwelling units* in a given area or space.

Derelict Motor Vehicle means all or part of any *motor vehicle*, other than a recreational trailer, which is not capable of operating under its own power and has not been insured for *use* on public *highways* within the previous 12 months.

Dog Grooming means an establishment for the hygienic care and cleaning of dogs and for enhancing their appearance, which may include dog daycare where dogs are kept indoors only and not overnight.

Drive Through means the *use* of land, *buildings* or *structures* for the provision of food, services or retail goods to customers in their *motor vehicles*, but excludes any *financial institution*, *car wash*, *automotive fueling station* or *automotive repair service* that provides such goods or services.

Dwelling, Accessory
(or *Accessory Dwelling*) means a *dwelling unit* which is an *accessory use* to a principal non-residential use on the same *parcel*.

Dwelling, Multi-Unit
(or *Multi-Unit Dwelling*) means a *building* containing three (3) or more *dwelling units*.

Dwelling, Single-Unit
(or *Single-Unit Dwelling*) means a *building* containing only one (1) *dwelling unit* and, where permitted by this bylaw, an *attached secondary suite*, and includes a factory built *dwelling unit* constructed in accordance with the British Columbia Building Code and the CSA A-277 Modular Home Standard.

Dwelling, Multi-Unit Rowhouse
(or *Multi-Unit Rowhouse Dwelling*) means a *building* comprised of at least three (3) *dwelling units* attached side by side and sharing common *party walls* by way of a legal agreement, where each *dwelling unit* has a separate ground-oriented entrance from the exterior of the *building*.

Dwelling, Two-Unit Rowhouse
(or *Two-Unit Rowhouse Dwelling*) means a *building* comprised of two (2) *dwelling units* attached side by side and sharing a common *party wall* by way of a legal agreement, where each *dwelling unit* has a separate ground-oriented entrance from the exterior of the *building*.

Dwelling, Two-Unit
(or *Two-Unit Dwelling*) means the *use* of land, *buildings* or *structures* for a dwelling comprised of two (2) *dwelling units*, where each *dwelling unit* has a separate ground-oriented entrance from the exterior of the *building*.

Dwelling Unit means a self-contained living unit with *sleeping units*, sanitary facilities, and only one (1) *kitchen*.

E

Education Facility means land, *buildings*, or *structures* used for providing academic, commercial, or curriculum-based educational services.

Electric Vehicle Charging Station means a vehicle parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric or hybrid vehicle.

Emergency Preparedness Kiosk means a container or other type of *structure* intended solely for *use* in response to natural disasters, diseases or other emergencies, and used for storage of emergency supplies such as bottled water, canned foods, clothing, bedding, and first aid supplies.

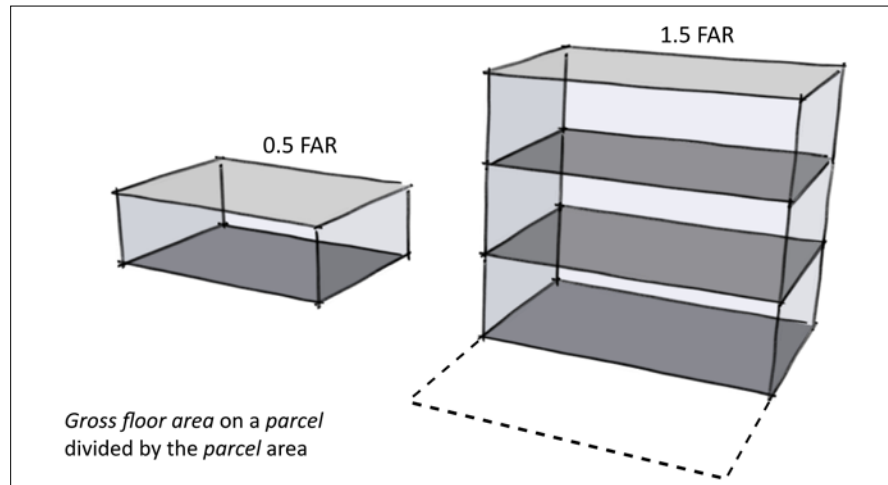
F

Fabric Covered Structure means a manufactured *structure* consisting of a wood, metal, or plastic frame, covered on the roof and a maximum of three sides with fabric, polyethylene or soft vinyl, and intended for temporary storage purposes.

Fence means a *structure* used as an enclosure or screening.

Financial Institution	means a bank, credit union, credit acceptance corporation, trust company, finance company or similar financial services establishment.
First Storey	means the uppermost <i>storey</i> having its floor level not more than 2 m above <i>finished grade</i> .
Fish Hatchery	means the land, <i>buildings</i> , or <i>structures</i> used for the purposes of artificial breeding, hatching and rearing through the early life stages of finfish or shellfish.
Food Cart	means a non-motorized mobile cart with a maximum area of 4.65 m ² from which food and beverages are carried, contained, and offered for sale to the public.
Food Trailer	means a portable self-contained trailer that is equipped to cook, prepare, or serve and offer food or beverages for sale to the public, but does not include a food cart.
Food Truck	means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare, or serve, and offer for sale food or beverages to the public, but does not include a food trailer or food cart.
Floor Area, Gross (or <i>Gross Floor Area</i>)	<p>means the sum of the total floor areas of all floors in all <i>buildings</i> on a <i>parcel</i> measured to the outer surfaces of exterior walls of the <i>building</i> and includes:</p> <ul style="list-style-type: none"> (a) all <i>habitable</i> areas, including loft spaces, mezzanines, and spaces in <i>accessory buildings</i>; (b) garages and carports; and (c) enclosed <i>porches</i>; but <u>excludes</u>: (d) common or exit stairwells, elevator shafts and floor areas occupied by mechanical systems; (e) <i>open decks</i>; (f) outdoor unenclosed parking; (g) exterior wall thickness in excess of 152 mm; (h) floor areas with a ceiling <i>height</i> of less than 1.5 m; and (i) underground parking spaces located at least 2 m below <i>natural grade</i>.

Floor Area Ratio means the figure obtained when the total *gross floor area* of all *buildings* and *structures* on a *parcel*, is divided by the area of the *parcel*.



An illustration of Floor Area Ratio

Funeral Service Facility means the use of a *building* for the storage of deceased human bodies prior to burial or cremation, or for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith, but in either case excluding the process of cremation.

G

Grade, Finished (or *Finished Grade*) means the lowest of the average levels of finished ground adjoining each exterior wall of a *building*, except that localized depressions need not be considered in the determination of average levels of finished ground.

Grade, Natural (or *Natural Grade*) means the surface elevation of a *parcel* in its natural state, prior to any disturbance, alteration of land, excavation or filling, as determined by a *B.C. Land Surveyor*, or the elevations shown on a grading plan for the *parcel* approved by the *Building Inspector*.

Green Building System means:

- (a) equipment that converts, stores, or transfers energy from a renewable energy source, including equipment used to support *solar collectors*, *small wind energy systems*, heat pump systems, waste heat recovery systems, and biomass systems, and
- (b) equipment that collects, stores and treats rainwater, greywater or both, on the site on which it falls or is produced.

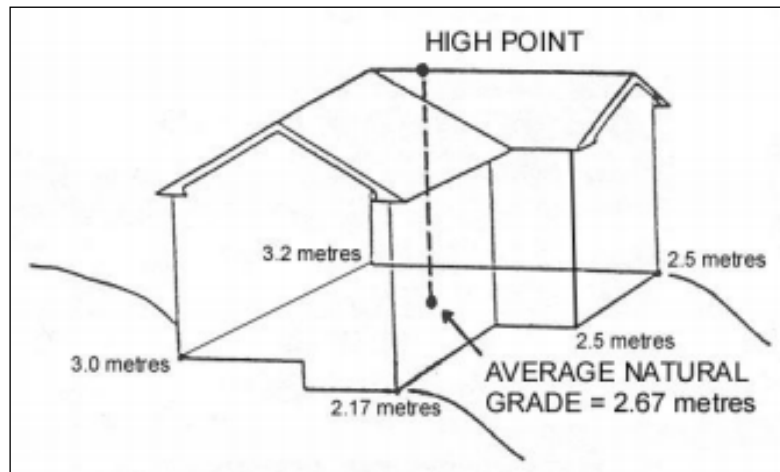
Green Roof means a roofing system that utilizes vegetation over a roof membrane to minimize storm water runoff and reduce heat absorption.

Green Wall means a *structure* affixed to a *building* wall used for growing edible or ornamental plants.

H

Habitable means an area used or intended for cooking, eating, sleeping or other human *occupancy*.

Height means the distance measured vertically from *natural grade* or *finished grade*, whichever is lesser; in the case of a *building*, recorded at the outermost corners of the *building*, to the highest part of the *building* or *structure*.



An illustration of height

Hen means the female common domestic fowl kept for egg production, but does not include a turkey, goose, duck, artificially reared grouse, partridge, quail, pheasant or ptarmigan.

Highway means a public road and any other public way, but excludes a *lane* or *trail*.

Home-Based Business means an occupation, business or professional practice which is carried on for remuneration or financial gain on a residential *parcel* as an *accessory use*.

Hospital means the *use* of land, *buildings* or *structures* for a *hospital*, as defined in the *Hospital Act*, as amended or replaced, specifically includes *treatment centres*.

Housing Agreement means an agreement between a *property owner* and the *City* pursuant to the *Local Government Act*.

I

Industrial Activity means the manufacturing, processing, assembly, fabricating, testing, servicing, repair, storage, transporting, warehousing, wholesaling, distributing, wrecking, or salvaging of goods, products or materials from raw materials, and includes the sale of heavy industrial equipment or other industrial product.

Institutional Use means the *use* of land, *buildings* or *structures* for police, ambulance, and fire stations; courts of law; legislative chambers or government administrative offices.

K

Kennel means a place where dogs or cats are bred, raised, or boarded overnight.

Kitchen means a room designed or used for the operation of a stove, grill, oven, dishwashing equipment, or any other appliance or equipment used in the preparation of food.

L

Landlord means a *person* who is an *owner* of land, who, in an exchange for rent, leases it to another individual known as the *tenant*.

Landscaping means the physical arrangement and maintenance of vegetation on a *parcel* for the purpose of enhancing the functional and aesthetic qualities of site development.

Landscape Area means an area of land that is landscaped and maintained in accordance with this Bylaw.

Landscape Buffer means a *Landscape Area* containing any combination of grass, trees, bushes, shrubs, vines, plants, flowers, or bark mulch and similar materials, provided and maintained to provide a buffer between *parcels*.

Lane means a public way that provides access to the rear of a *parcel*.

Loading, Off-Street means the *use* of an area of a *parcel* for the loading or unloading of *commercial vehicles* in connection with the *use* of that *parcel* or an adjacent *parcel*.
(or *Off-Street Loading*)

M

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

Mechanical equipment means heating, ventilation, air conditioning, or refrigeration units, or other noise-emitting equipment, such as stationary power generators.

Mixed-use Development means the *use* of *buildings* or *structures* for a combination of commercial uses and multi-unit *residential uses* on the second floor and above.

Mobile Food Vending means a *food truck*, *food trailer*, or *food cart* equipped with facilities for preparation and retail sale of food for immediate consumption.

Mobile Home means a manufactured home constructed to the CAN/CSA Z240 standard.

Motor Vehicle means a self-propelled vehicle in, on or by which a *person* or thing may be transported on a *highway*, but specifically excludes vehicles designed to be used exclusively on stationary rails or tracks, vehicles moved by human power, mobility scooters, or motor-assisted bicycles.

N

Natural Boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

O

Occupancy means the *use* or intended *use* of a *building* or *structure* or part thereof for sheltering or supporting *persons*, animals, or *property*.

Occupier has the same meaning as defined in the *Community Charter*.

Office means the *use* of a *building* for conducting the affairs of a business, profession, service, or government, including health and veterinary services, *social services*, financial services, and research.

Official Community Plan means the *City of Duncan Official Community Plan* and amendments thereto.

Open Deck means any unenclosed *structure* connected to a *principal building* which:

- a. is elevated a minimum of 0.6m from ground level;
- b. is structurally supported or cantilevered;
- c. may be covered by a canopy or trellis which is not structurally, nor in appearance, part of the roof system of the *principal use*;
- d. does not cover a carport or a garage; and
- e. may have a railing system, but no solid walls.

This includes any *structure* forming a border or walking area surrounding a hot tub, unless the rim of the hot tub is at ground level.

Owner has the same meaning as defined in the *Community Charter*.

P

Parcel means any lot, block or other area in which land is held or into which it is subdivided under the *Land Title Act* or the *Strata Property Act*.

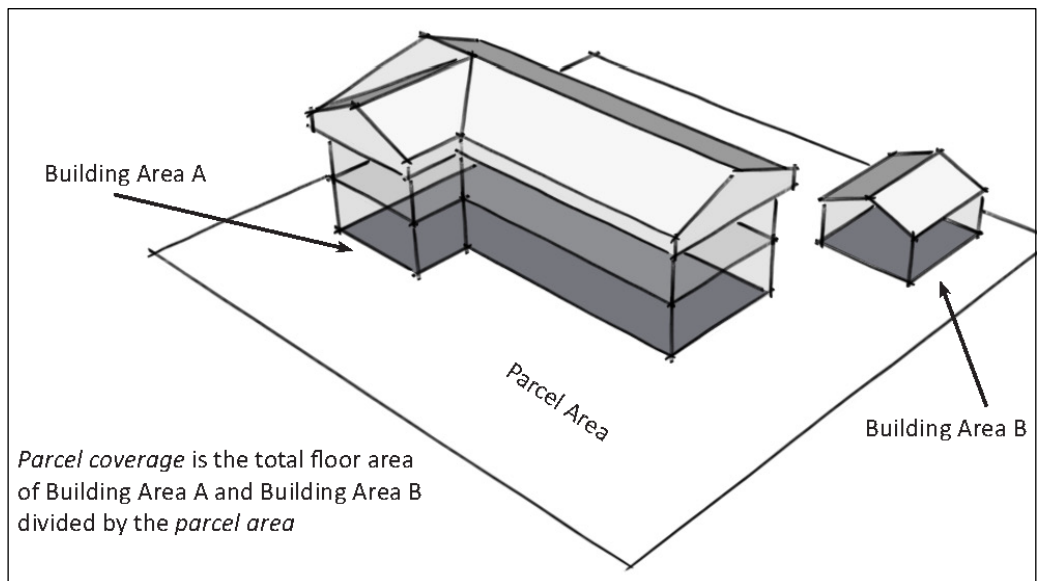
Parcel, Corner (or Corner Parcel) means a *parcel* with both a *front parcel line* and an *exterior side parcel line*.

Parcel, Panhandle (or Panhandle Parcel) means a *parcel*, the majority of whose area is physically separated from the nearest *highway* by another *parcel*, and that is connected to the *highway* by a narrow strip of land forming part of the *parcel*.

Parcel, Through (or Through Parcel) means a *parcel* abutting 2 parallel or approximately parallel *highways*, or a *corner parcel* abutting 3 *highways*.

Parcel Coverage means the percentage of the *parcel area* that is covered by *buildings and structures*, including carports, roofed entries, enclosed walkways and cantilevered areas, balconies and decks, but excludes the following:

- (a) eaves, exterior finishes, gutters and cornices;
- (b) unenclosed steps, landings and wheelchair ramps;
- (c) chimneys;
- (d) air conditioners and heat pumps;
- (e) awnings, trellises and unenclosed patio canopies;
- (f) underground *parking facilities*; and
- (g) uncovered in-ground *swimming pools* and hot tubs.

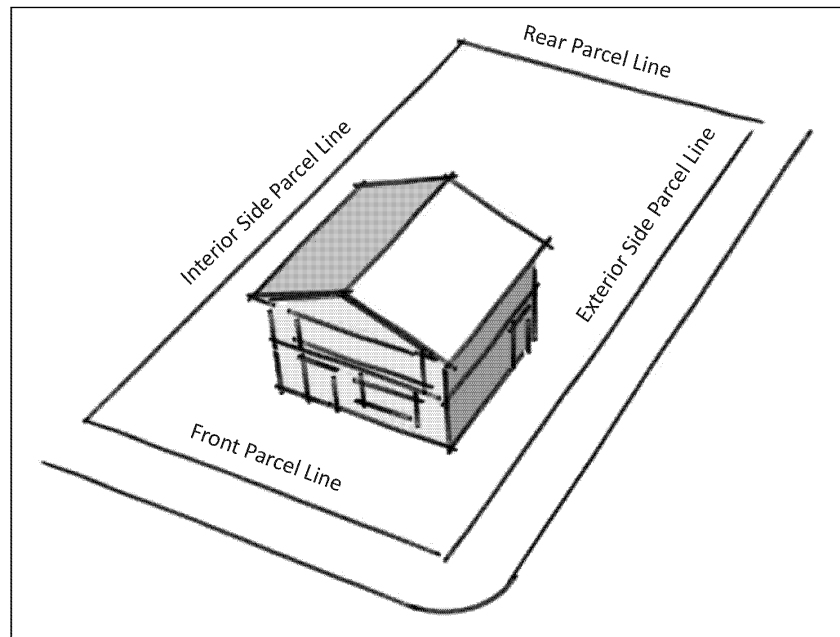


An illustration of Parcel Coverage

Parcel Depth means the shortest distance between the centre of the *front parcel line* and the *rear parcel line* or, in the case of a triangular *parcel* or an irregular *parcel* with more than four (4) *parcel lines*, the shortest distance between the *front parcel line* and the point at which any two *side parcel lines* intersect, or in the case of a *through parcel*, the centres of the two (2) *front parcel lines*.

Parcel Frontage means the length of the *parcel line* that directly abuts a *highway*, other than a path, walkway, *trail* or *lane*.

Parcel Line means a line that forms the boundary of a *parcel*.



An illustration of Parcel Line

Parcel Line, Exterior Side (or Exterior Side Parcel Line) means the *parcel line* forming the boundary between a *parcel* and *highway* that has one or both ends intersecting a *front parcel line*.

Parcel Line, Interior Side (or Interior Side Parcel Line) means any *parcel line* other than the *front parcel line*, *rear parcel line*, and *exterior side parcel line*.

<p>Parcel Line, Front (or Front Parcel Line)</p>	<p>means the <i>parcel line</i> abutting the <i>highway</i>, and:</p> <p>(a) in the case of a <i>corner parcel</i>, either <i>parcel line</i> that abuts the <i>highway</i> may be considered the <i>front parcel line</i>, in which case the other <i>parcel line</i> abutting a <i>highway</i> is deemed to be an <i>exterior side parcel line</i>; or</p> <p>(b) in the case of a <i>through parcel</i>, all <i>parcel lines</i> abutting the <i>highway</i> are considered <i>front parcel lines</i>.</p>
<p>Parcel Line, Rear (or Rear Parcel Line)</p>	<p>means the <i>parcel line</i> most opposite to and distant from the <i>front parcel line</i> as measured from the centre point of the <i>front parcel line</i> to the centre point of the <i>rear parcel line</i>, or where the rear portion of the <i>parcel</i> is bounded by intersecting <i>side parcel lines</i>, the point of intersection of the <i>side parcel lines</i>.</p>
<p>Park, Community (or Community Park)</p>	<p>means the land, water areas, <i>buildings</i> or <i>structures</i> used for recreational, archaeological, historical, educational or ecological purposes, which may also include <i>accessory buildings, structures</i> and infrastructure, including community water access, <i>cultural facilities</i>, administrative <i>offices</i>, interpretative and directional signage, seating areas, viewing platforms and information kiosks.</p>
<p>Parking Facility</p>	<p>means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the parking of <i>motor vehicles</i> or bicycles, including parking lots and parkade <i>structures</i>.</p>
<p>Parking, Off-Street (or Off-Street Parking)</p>	<p>means the <i>use</i> of land for the parking of vehicles or bicycles accessory to the <i>use</i> of the land.</p>
<p>Party Wall</p>	<p>means a shared supporting wall that is in a <i>building</i> or between two adjoining <i>buildings</i> and is situated on any part of the common boundary shared by adjoining <i>parcels</i> as defined in the <i>Land Title Act</i>.</p>
<p>Pawn Shop</p>	<p>means <i>buildings</i> or <i>structures</i> used by an establishment that engages in the business of loaning money on the security of pledges of personal goods, and retail sale of pawned personal goods.</p>
<p>Permitted Use</p>	<p>means the principal, permissible purpose for which land, <i>buildings</i> or <i>structures</i> may be used.</p>
<p>Person</p>	<p>has the same meaning as defined in the <i>Community Charter</i>.</p>

Porch means an unenclosed covered deck or patio on the *front* or *exterior side yard* face of a *building* used to provide access to the primary entrance of a *dwelling unit*.

Principal Building means a *building* in which the *principal use* of a *parcel* is conducted.

Principal Use means the primary purpose for which land, *buildings* or *structures* are ordinarily used.

Property means real property as defined in the *Community Charter*.

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 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.

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 <i>structure</i> 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 <i>person</i> who occupies land or <i>property</i> rented from a <i>landlord</i> .
Tourist Accommodation	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> , for <i>temporary accommodation</i> , of transient lodgers which may include accessory facilities such as a <i>restaurant</i> , 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 <i>use</i> of land, <i>buildings</i> or <i>structures</i> to treat <i>persons</i> for substance abuse, and includes needle exchange facilities, safe injection sites, Methadone clinics, and harm reduction centres.

U

Urban Food Garden	means the <i>use</i> of land for growing and harvesting of fruits, vegetables, and other edible plants.
Use	means the purpose or function for which land, <i>buildings</i> or <i>structures</i> are used or intended to be used or occupied.
Utility	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> to facilitate the production, transmission, delivery or furnishing of water, gas, electricity or communication services to the public, or the collection and disposal of sewage, refuse or other waste.

V

W

Watercraft	means a boat or vessel that travels on water.
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Y

Yard, Front
(or Front Yard) means the area of a lot between the *front parcel line* and the *principal building*.

Yard, Rear
(or Rear Yard) means the area of a lot between the *rear parcel line* and the *principal building*.

Yard, Exterior Side
(or Exterior Side Yard) means the area of a lot between the *exterior side parcel line* and the *principal building*.

Yard, Interior Side
(or Interior Side Yard) means the area of a lot between the *interior side parcel line* and the *principal building*.

Z

Zone means any of the areas into which the *City* is divided in accordance with this Bylaw, and for which specific regulations are set out in this Bylaw.

ADOPTION

PASSED FIRST READING XX-NOVEMBER-2017
PASSED SECOND READING XX-NOVEMBER-2017
ADVERTISING XX-NOVEMBER-2017 and XX-NOVEMBER-2017
PUBLIC HEARING XX-NOVEMBER-2017
PASSED THIRD READING XX-MONTH-2017
RECEIVED MINISTRY APPROVAL XX-MONTH-2018

ADOPTED _____.

Phil Kent, Mayor

Paige MacWilliam,
Director of Corporate Services

Schedule A - Zoning Map

