



CITY OF DUNCAN

Agenda

Public Hearing Meeting

Monday, March 19, 2018 @ 5:00 p.m.

Council Chambers, City Hall, 200 Craig Street, Duncan, BC

Page #

1. Call to Order

1.1. Call to Order

Mayor Kent to call the Public Hearing to order for "Official Community Plan Amendment Bylaw No. 3178, 2018 and Zoning Bylaw No. 3166, 2017"

2. Public Hearing Process

2.1. Explanation of Public Hearing Process

3

Mayor Kent to provide an explanation of the Public Hearing Process.

Acting Director of Corporate Services to provide an explanation of how the Public Hearing was publicized.

3. Official Community Plan Amendment Bylaw No. 3178, 2018

3.1. Staff Introduction of Official Community Plan Amendment Bylaw No. 3178, 2018

4 - 24

3.2. Correspondence Received Regarding Official Community Plan Amendment Bylaw No. 3178, 2018

3.3. Public Comment Period

Mayor Kent to call for representatives from the public in attendance as follows:

- The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
- Mayor Kent will recognize ONLY speakers at the podium.
- Speakers are asked to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- Final calls for representation (Mayor Kent will ask three times).

4. Zoning Bylaw No. 3166, 2017

- | | |
|--------------------------------------------------------------------|----------------|
| 4.1. Staff Introduction of Zoning Bylaw No. 3166, 2017 | 25 - 91 |
| 4.2. Correspondence Received Regarding Zoning Bylaw No. 3166, 2017 | 92 - 96 |
| 4.3. Public Comment Period | |

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- Mayor Kent will recognize ONLY speakers at the podium.
- Speakers are asked to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- Final calls for representation (Mayor Kent will ask three times).

5. Adjournment

5.1. Adjournment

Unless Council directs that the Public Hearing on the bylaw in question be held open, Mayor Kent will state to the gallery that the Public Hearing on the bylaws is closed.

Citizen – March 9th and March 14th.

3 columns



**NOTICE OF PUBLIC HEARING
ZONING BYLAW NO. 3166, 2017 AND
OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 3178, 2018**

City of Duncan Council will hold a Public Hearing at 5:00 pm on Monday, March 19, 2018 to allow Council to receive public input on Bylaw No. 3178, which proposes to amend "Official Community Plan Bylaw No. 2030, 2007", and Bylaw No. 3166, which proposes to replace the current "City of Duncan Zoning Bylaw No. 1540, 1988", "City of Duncan Off-Street Parking and Loading Spaces Bylaw No. 3098, 2013", "Screening and Landscaping Regulation Bylaw No. 3112, 2014" and "Fencing (barbed wire) Bylaw 1955".

What is Official Community Plan Amendment Bylaw No. 3178, 2018 about?

The proposed bylaw amendment contains revisions to the Temporary Use Permits section, to allow a Temporary Use Permit to be issued for emergency shelters. Additionally, the bylaw will amend the Development Permit Area Policies section to exempt downtown property owners from requiring a Development Permit for minor exterior changes (paint, landscaping, etc.), as well as general updates to the design guidelines for the Multi-Family and Downtown Development Permit Areas.

What is Zoning Bylaw No. 3166, 2017 about?

The Zoning bylaw regulates all land uses within the City of Duncan. The purpose of the proposed bylaw is to replace the current "City of Duncan Zoning Bylaw No. 1540, 1988" with a new bylaw that will be consistent with the Official Community Plan, be more user friendly, and facilitate development that meets the needs of Duncan's current and future citizens. Bylaw No. 3166 will also incorporate required components of "City of Duncan Off-Street Parking and Loading Spaces Bylaw No. 3098, 2013", "Screening and Landscaping Regulation Bylaw No. 3112, 2014" and "Fencing (barbed wire) Bylaw 1955".

How do I get more information?

The proposed bylaws and staff reports can be viewed on the City's website at www.duncan.ca or at City Hall, 200 Craig Street, Duncan, BC, Monday to Friday, between 8:30 am and 4:00 pm. (except public holidays), and from the date of publication of this notice until 4:00 pm on the date of the Public Hearing.

How do I express my views on these Bylaws?

Attend the **PUBLIC HEARING at 5:00 pm on Monday, March 19, 2018**, City Hall Council Chambers, 200 Craig Street, Duncan. If you cannot attend the Public Hearing, you may write to **City Council**, 200 Craig Street, Duncan, BC V9L 1W3, send a FAX to 250-746-6129, or send an e-mail to allison@duncan.ca before **11:00 a.m. on Wednesday, March 14, 2018** to be included in the Public Hearing Agenda. All correspondence received by 4:00 pm on the day of the meeting will be read out at the Public Hearing and form part of the public record.

CITY OF DUNCAN

BYLAW NO. 3178, 2018

A BYLAW TO AMEND THE CITY OF DUNCAN
"OFFICIAL COMMUNITY PLAN BYLAW NO. 2030, 2007"

WHEREAS the Council of the City of Duncan wishes to amend City of Duncan "Official Community Plan Bylaw No. 2030";

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

1. Title:

This Bylaw may be cited as "Official Community Plan Amendment Bylaw No. 3178, 2018."

2. Amendments

"Official Community Plan Bylaw No. 2030, 2007" is hereby amended as follows:

- 2.1 By deleting the word "commercial" from the title of section 6.4 and from the phrase "temporary commercial use permits" throughout section 6.4.
- 2.2 By inserting a new section 6.4.2 and renumbering the current section 6.4.2 to 6.4.3:
- 6.4.2 Issue Temporary Use Permits for emergency shelters, as defined in the Zoning Bylaw, provided that Council is satisfied that:
- the applicant has undertaken public consultation in accordance with Section 11.1 of the OCP; and
 - the applicant has provided detailed implementation information, including a description of measures that will mitigate any negative impacts that operation of the emergency shelter may have on the surrounding commercial and residential neighbourhoods (e.g. hours of operation, cleanup plans for the area, supporting agencies, etc.).
- 2.3 Introduction section to *Section 12.1 Development Permit Areas* by:
- a) replacing the words "Section 919.1 (1) of the *Local Government Act*" with the words "Section 488 (1) of the *Local Government Act*".
 - b) adding the words ";and, establishment of objectives to promote energy and water conservation, or the reduction of greenhouse gas emissions" after the words "multi-family residential development".
 - c) deleting the words "The following procedures and steps form part of the typical process involved in the development of a building or site within the City of Duncan. The process may vary depending on the complexity of the proposed project. Once a developer has submitted an application to the City, the Building Permit/ Planning Department will coordinate a review of the proposal for

compliance with the specific bylaws, policies and guidelines that apply. The City's Advisory Planning Commission (APC) may also be consulted. The Building/ Planning Department will forward its comments and recommendations to the City's Committee of the Whole. Recommendations from the Committee are then forwarded to the next City Council meeting. Council establishes whether or not to authorize issuance of the permit."

2.4 By replacing section 12.1.2 (e) with the following:

Within Development Permit Areas DPA 1 - Multi-Family Residential , DPA 3 - Trans Canada Highway Corridor, and DPA 4 - Other Commercial Areas; Minor alterations to the exterior of a building or structure that do not change the form or character of the development, e.g. minor changes to design, exterior finish, or landscaping.

2.5 By adding a new section 12.1.2 (u) as follows:

Within the Downtown DPA (DPA 2), an owner shall be exempted from the requirement for a development permit, provided the owner supplies advance written notice to the City showing how their impending works conform to the applicable development permit guidelines and furnishes sufficient swatches, pictures, and drawings displaying the proposed works. Exemptions shall apply to the following:

1. Install or replace canopies and awnings, as specified in the 'Canopy Design' section.
2. Paint the exterior of an existing building in any colour contained in the following, as specified in the 'Building Materials – Colours' section:
 - a) the Benjamin Moore 'Historical Colours' Palette
 - b) the Cloverdate Paint 'Artisan Canadian' Palette
 - c) the General Paint 'Color Directions Exteriors' Palette
 - d) the Sherwin Williams 'Exterior Historic Colors' Palette
3. Install, replace, or remove fencing using the same fencing materials and finishes or replacing fencing with fencing that meets the Downtown DPA guidelines (fencing regulations within the Zoning Bylaw still apply).
4. Install, replace, or remove landscaping, as specified in the 'Landscaping and Screening' section and the Zoning Bylaw, as long as the net area of landscaping on the parcel is not reduced.

2.6 By replacing *Section 12.2 - DPA 1 – Multi-family Residential Areas* with a new *Section 12.2 - DPA 1 – Multi-family Residential Areas* attached as Schedule "A" to this Bylaw.

2.7 By replacing *Section 12.3 DPA 2 – Downtown* with a new *Section 12.3 DPA 2 – Downtown* attached as Schedule "B" to this Bylaw.

PASSED FIRST READING THE 19th DAY OF February, 2018.

PASSED SECOND READING THE 19th DAY OF February, 2018.

PUBLIC NOTICE GIVEN IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT ON THE 9th DAY OF MARCH, 2018 AND THE 14th DAY OF MARCH, 2018.

PUBLIC HEARING HELD THE 19th DAY OF MARCH, 2018.

Bylaw No. 3178, 2018

Page 3 of 3

PASSED THIRD READING THE XX DAY OF XX, 2018.
APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THE XX DAY
OF XX, 2018.
ADOPTED THE XX DAY OF XX, 2018.

Phil Kent
Mayor

Jane Armstrong
A/ Director of Corporate Services

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Schedule A

2 12.2 DPA 1 – MULTI-FAMILY RESIDENTIAL AREAS

Category
Amend #2095

Form and Character/ Reduction of Greenhouse Gas Emissions

Justification

The justification for this designation is to ensure that Council has the ability to secure necessary information and establish conditions for multi-unit developments to ensure that their form and character is of high quality.

A high standard of design can help to integrate new forms and higher densities of housing into existing neighbourhoods. It can also create more livable residential development that contributes positively to the urban form and encourages a strong sense of neighbourhood. The benefits of well designed, well built multi-unit development are long-term. To encourage a high standard of livability and overall quality that meets the community's and occupants' expectations for medium and high density housing types, development permits will be required for new multi-unit development.

Objective

The objective of this Development Permit area designation is to ensure that new multi-unit residential development:

1. Provides a healthy, safe and livable environment for residents;
2. Minimizes its impact on the local environment;
3. Provides for vehicular as well as pedestrian needs in a safe manner;
4. Is compatible with surrounding land use objectives in the OCP;
5. Complements the social and environmental goals of this Plan; and
6. Is constructed to high standards, both materially and aesthetically, creating visual delight.

Application

Applicants should provide a checklist or statement indicating how their proposal complies with these guidelines. Where some element of the design does not comply with a guideline, a justification stating the divergence and the reason should be made. The City may diverge from the guidelines where a compelling rationale, which preserves the intent of the guidelines, is supplied.

Variations may be considered for:

- minor increases to building height,
- required setbacks from parcel lines,
 - where the intent of the variance is to create an improved building envelope, minimize environmental impact, better relationship between buildings and the public realm within a multi-unit residential context;
 - where a setback is adjacent to park land or existing uses where the impact of the variance would be minimal or minimized through screening or a significant change in elevation; or
 - where the siting of buildings can be shown to lessen environmental impact

Guidelines

The following guidelines are specifically applicable to multi-unit residential development.

3

Integration with the Existing Area

The orientation, scale, form, , materials, and character of new intensive residential developments are controlled by development permits to ensure compatibility with and improvement of existing neighbourhoods and the surrounding community.

- Where an existing neighbourhood is in transition in accordance with the OCP, new developments help to establish new form and character which future developments may be required to be sympathetic to. Sites in older neighbourhoods should be developed in a manner that improves the neighbourhood and establishes new form-makers to transition the neighbourhood forward.

Orientation

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

- New multi-unit residential development should:
 - Maintain, enhance, or establish view corridors or vistas (e.g. between buildings, along/ from roadways, and to natural features).
 - Allow sunlight penetration through increased fenestration where sun exposure is maximized.
 - Ensure that units have their façade facing and engaging the street.
- Minimize visual intrusion and the casting of shadows onto the private outdoor space of adjacent residential units (unless adjacent residential units are legal non-conforming and re-development in accordance with zoning is anticipated)
- New multi-unit residential development should front abutting roadways.
 - New development on a corner site should be designed to contribute to both streetscapes.
- At street level, buildings should have strong entry features (such as overhangs, porticos and awnings) and architectural designs that encourage interaction with the street.
 - Individual entrances to townhouse units with direct connections to the public sidewalk are encouraged.
 - The primary entrance to an apartment building should face the street.
- Accessible travel routes to building entrances, parking, and/or recreational areas should have a hard slip resistant surface with a defined border of alternate material or texture to distinguish the sides or ends of paths, and shall conform to the requirements of the current British Columbia Building Code.
- Visual privacy will be achieved by such measures as:
 - fencing or landscaped screening of all parking areas that face neighbouring residences with a solid or light-impermeable material;
 - locating private outdoor space so that it is not overlooked from roads or other residential buildings; and
 - staggering or recessing entrances to individual units.

**Form,
Character, and
Building
Materials**

New buildings should respond to a human scale, and the character of neighbouring areas, considering the intent of the adjacent zoning, with a goal to achieve some visual harmony at the street level.

- New multi-unit residential development should utilize:
 - Variations in the character of rooflines (e.g. gables and dormers).
 - Visually interesting roof forms and pitches.
 - Screened rooftop mechanical equipment incorporated into overall architectural treatment of building.
 - Building materials that are durable, high-quality, attractive and enhance surrounding development.
 - Stepped or distinctive massing and architectural treatments to break up the volume of a building.
 - Articulated building design detailed with varied cladding material, windows and doors, and patio features to create visual interest.
 - Complementary exterior finishes including roofing materials, window treatments, trim or fascia, door styles and other finishing details.
 - Porches and windows overlooking the street to increase natural surveillance, personal interaction and public safety.
- Where development is proposed adjacent to a lower-density zone, the size and siting of buildings should be sympathetic to the size and scale of adjacent development and complement the surrounding uses.
- Buildings between four and six storeys should be designed so that the fourth storey and above are stepped back along the street front to enable sunlight penetration, mitigate the perception of building mass, and provide opportunities for balconies and rooftop terraces.
- Site lighting should support personal safety for residents and visitors and should be of the type that reduces glare and does not cause the spill over of light onto adjacent residential sites. Generally, lighting should be evenly distributed with night time visibility for 20 metres.

Bylaw 2058

- High quality, varied finishing materials and textures are encouraged, to enhance the street frontage and contribute to the public realm.
 - Cementitious siding material is permitted
 - Locally derived or inspired materials, such as red brick, wood and stone, are encouraged.
 - Vinyl siding is not permitted.

Landscaping

- All areas not covered by buildings, structures, and parking should be fully landscaped.
- Natural vegetation should be retained where possible to enhance the character of the development and integrate it with the existing landscape.
- Significant stands of trees, where present, should be preserved.
- An underground irrigation system should be incorporated into landscaping except for areas left in a natural state.
- Landscape screening should be provided along all property lines abutting neighbouring properties at least 1.5m high.
- The use of native and drought resistant plant species is encouraged.

**Loading Areas,
Utility and
Storage
Structures**

- Landscaping should be designed to maintain sight lines for personal safety, and to avoid physical obstructions for people with disabilities.
- Landscaping shall be designed, installed and maintained consistent with the British Columbia Landscape Standard.
- Loading areas, utility and storage structures (including garbage receptacles) should be located and clustered in a safe and convenient location within the rear or interior side yard so that they do not impede vehicular or pedestrian traffic or sight lines.
- Utility and storage structures in landscaped areas should be permitted only when integrated with the landscaping in a manner that is unobtrusive, does not deteriorate the plantings and landscape material within the landscaped area.
- Loading areas, utility and storage structures should be screened from adjacent roads and residential properties either by decorative fencing or by landscaping, or a combination of the two, with a minimum height of 1.8 m. The use of chain link fencing is not encouraged.
- Garbage receptacles should be stored outdoors with a solid enclosure on all sides, which cannot be seen through, with a minimum height of 1.5m.
- Wiring (on-site and existing) should be placed underground where possible.

Parking Areas

- Parking areas should be located away from the street, whenever feasible, to create a more aesthetic and functional design.
- Private parking areas must be designed with the following features:
 - close access to building entrances;
 - clearly marked, well lit pedestrian routes;
 - appropriate signage to assist people in locating pathways and building entrances;
 - adequate lighting that eliminates dark or shadow areas; and
 - opportunity for casual surveillance from a number of locations.

**Parking Areas
(continued)**

- Parking areas and internal access roads should be constructed using a permeable surface, alternatively other rainfall capture facilities (catch basins and landscaping) should be used to mitigate the environmental impact of the first 30 minutes of peak runoff flows (see the Works and Services Bylaw).
- Parking areas should be made attractive by:
 - Breaking up surface parking areas and other large areas of paved surfaces with landscape planting. Ideally, parking should be separated by landscaped areas into clusters of no more than 6 to 10 parking spaces.

Open Space and Amenity Areas

- Staggering landscape islands and introducing curves to parking aisles, in larger sites, to further break the rigid geometry of parking areas.
- Using contrasting paving materials to mark clear pedestrian routes through large parking lots, or from the street to the building and placing special emphasis on points of conflict between people and cars to improve visibility, enhance safety, and provide aesthetic appeal.
- Considering parking lots as pedestrian spaces first, with cars as a secondary use (this can lead to a design which enhances pedestrian safety and comfort).

Accessibility & Personal Safety

- Underground or structured parking is encouraged.
- Open space should be provided that allows for active play areas and/or passive activities such as enjoying sunlight, views, and landscaping.
- The provision and location of play and recreation areas should reflect the needs of the anticipated residential population.
- Design features such as entry courts or seating in open areas should be encouraged to foster social interaction and a sense of community .
- Where appropriate, safe and distinct pedestrian routes should be provided connecting to other residential and commercial land uses in the community and to parks, open spaces and trails.
- Spaces should be defined through design features to differentiate private, semiprivate, and public use areas within and around the project. This may be achieved through use of material changes, grade changes, exterior walls, screening, and landscaping.
- Accessibility should be addressed in site, building and landscape design, to address the needs of all users.
 - Disabled access should be incorporated in the main access.
 - When provided, access ramps or related features should be visually integrated within the overall building design and site plan.
 - Accessible travel routes to building entrances, parking, and/or recreational areas should have a hard, slip resistant surface with a defined border of alternate material or texture to distinguish the sides or ends of paths, and shall meet the requirements of the current British Columbia Building Code.
- The basic principals of Crime Prevention through Environmental Design (CPTED) should be incorporated into building and site planning/ design (e.g. avoid recesses, dark alcoves, the creation of hiding spots, and isolated areas). Refer to the Checklist for Safety Planning and Design (Appendix 9).

Environmental Impact

- New development should minimize the impact on the environment, where practical, by siting buildings around, and compatible with the natural topography, existing natural features (such as mature trees) and to maximize sunlight exposure.

Amend #2095

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

1

Schedule B

2 12.3 DPA 2 – DOWNTOWN

Category
Amend #2095**Form and Character | Revitalization | Reduction of Greenhouse Gas Emissions
| Energy and Water Conservation****Justification**

The justification for this designation is to ensure that Council can secure information and establish conditions for downtown development, to facilitate the development of high-quality form and character, and compatibility with the surroundings. The underlying intention of the guidelines is to help create an economically viable, safe, and beautiful downtown that will provide an appropriate setting for the diverse activities and needs of residents, business interests, public agencies, and visitors.

Objectives

The City wishes to encourage sensitively integrated, high-quality development within Downtown. These guidelines give physical design direction for urban growth, conservation, and change. The City of Duncan supports and promotes the idea that Downtown is the civic centre and commercial heart for the entire Cowichan Region. Downtown plays a vital role as the central meeting place for the Cowichan Valley residents as they 'go to town' to run errands and connect with others in the community. Key design objectives for downtown include:

Downtown Character and Aesthetics

- 1) Retain small town feel and preserve existing heritage building character (e.g. through the use of red brick as an important example of local vernacular design).
- 2) Encourage contemporary architecture which complements historical structures but does not mimic them.
- 3) Avoid unrelated, fake, or arbitrarily conjured, design themes. Maintain high-quality buildings and landscaping standards that reflect the importance of downtown to the region.
- 4) Organize parking in small clusters, dispersed throughout the core and screened from view.

Ecological Sensitivity

- 5) Ensure maximum efficiency of land use.
- 6) Facilitate sustainable and ecologically sensitive design.
- 7) Respond to the climate of the Cowichan Valley – protection from the summer heat and winter rains.

Accessibility

- 8) Enhance connectivity to the Cowichan River (e.g. through exploring opportunities to create a corridor to connect from the City to the river).
- 9) Create an identifiable downtown district, accessible from highway gateways.
- 10) Retain downtown as walkable, with a series of routes including sidewalks, lanes, alleys, short-cuts, and pathways.

Inclusivity

- 11) Create high-quality, mixed-use infill development, which:
 - a. Provides a safe, comfortable, and attractive environment for pedestrians, patrons, and residents;



Application

Where some element of the design does not comply with a guideline, a justification stating the divergence and reason should be made. The City may diverge from the guidelines where a compelling rationale, which preserves the intent of the guidelines, is provided.

Variations may be considered for:

- height – provided that the building will not shade public spaces or block important views
- setbacks from front, rear, and/or side yard lot lines
- improving a building envelope
- minimizing environmental impact
- creating synergy between buildings and spaces, where adjacent uses would be minimally impacted

Guidelines

The following guidelines are specifically applicable to the area of Downtown identified as DPA 2.

Applicants shall provide a checklist or statement indicating how their proposal complies with these guidelines.

Design of the Public Realm

The design guidelines for private property are informed by the vision for the public realm. The following guidelines express the vision for Downtown:

Streetscapes

- Downtown is a defined precinct, illustrated and reinforced by visually pleasing streetscapes, featuring unique paving materials, streetlights, and street trees.

Wayfinding

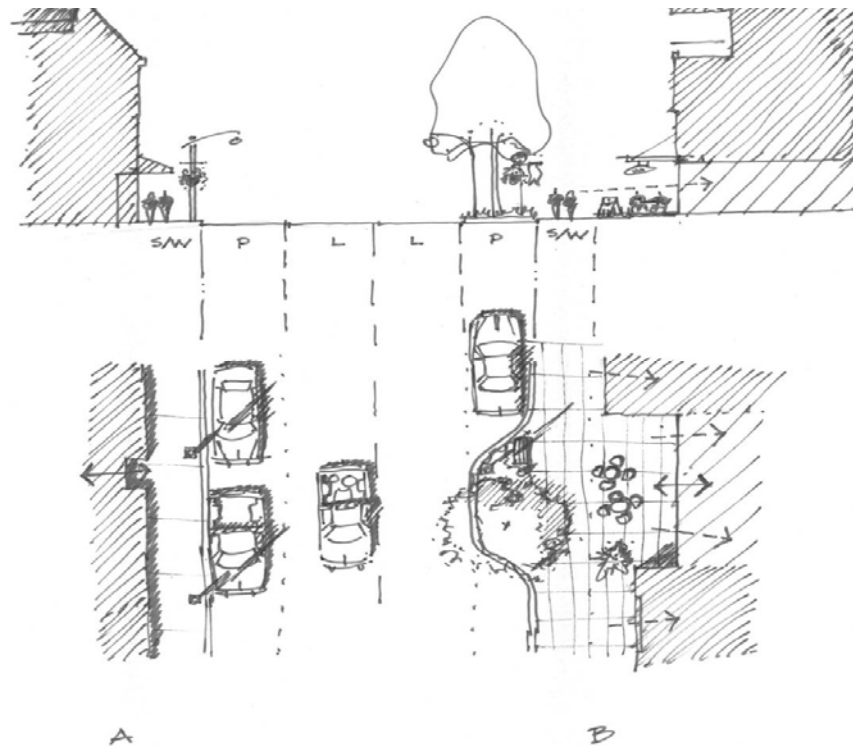
- Markers, landscaping materials, and other creative wayfinding materials help to direct people and encourage exploration, rather than relying too much on signage.
- Landmarks such as public art, interesting landscape features, even buildings, are oriented to provide identifiable places for people to rendezvous.

Connectivity

- Downtown is walkable, with wider sidewalks, lanes, alleys, shortcuts, and pathways through parks.
- Nodes are established and celebrated throughout Downtown; paths connect and intersect with them, and places are created – people meet, pause, sit and encounter others in the community.



Comparison of poorly designed public realm (left) and properly designed public realm (right)



Less like this

More like this

A This side of the street has:

- a minimum-sized sidewalk
- a single entrance with no view to the activities in the building
- no landscaping (except a hanging flower basket)
- a continuous parking band
- no set-back
- The building is 3 storeys high plus the one storey fake sloped roof.

B. This side has:

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

Architecture, Form and Character

The visual appearance of a building plays a key role in contributing to the overall atmosphere of the downtown and sets a precedent for future development. Careful consideration should, therefore, be taken with the exterior design of any new development to ensure it blends with its surroundings and represents the best possible image for the City through high-quality urban design.

Along with the street pattern, there are a number of historic buildings in Duncan that contribute to creating a dignified presence in Downtown. It is imperative that new and



redeveloped buildings demonstrate the same high standards of design and construction.

General

- Each building and location will present a unique set of design imperatives. The siting of the building should not crowd the pedestrian realm, yet the building should provide a defined and consistent street edge that is inviting to people.
- Buildings should not expose their service and refuse areas to the street.
- Where restoration of an existing historic building is proposed, heritage elements should be retained and reinforced.
- Large expanses of featureless walls should be avoided.
- False fronts should be avoided, unless being used to shield rooftop mechanical systems from view.
- Materials should be used consistently so that all areas of the building exterior are considered to be in public view.
- The traditional technique of retail and mixed commercial storefronts should be used to encourage street continuity and casual window-shopping along the sidewalk.
- Doorways and bay windows should be inset from the property line with windows, to maximize retail window area.
- Protection for pedestrians from the elements should be provided using canopies, arcades, and windbreaks, particularly at building entrances, along storefront facades and at transit stops.
- New downtown development should utilize:
 - Visually interesting roof forms and pitches.
 - Building materials that are durable, high-quality, attractive, and enhance surrounding development.
 - Stepped or distinctive massing and architectural treatments to break up the volume of a building and provide opportunities for balconies and rooftop terraces.
 - Articulated building design detailed with varied cladding material, windows and doors, and patio features to reduce massing, promote architectural definition, and create visual interest.
 - Complementary exterior finishes including roofing materials, window treatments, trim or fascia, door styles, and other finishing details.
 - Porches and windows overlooking the street to increase natural surveillance, personal interaction, and public safety.
- Where development is proposed adjacent to a lower-density zone, the size and siting of buildings should be sympathetic to the size and scale of adjacent development and complement the surrounding uses.

Less like this



More like this

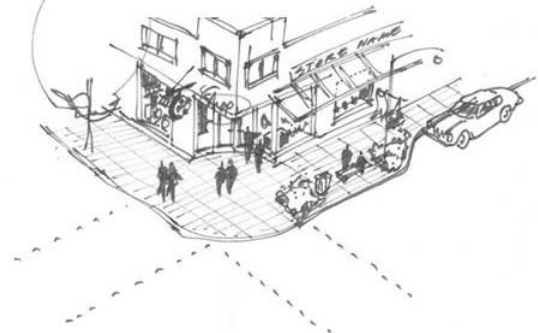


Illustration of how building form and siting influences the public realm



Roof Design

- Roof-mounted utility and communication equipment should be screened from view by structural features that are an integral part of the architectural design.
- Green roofs are encouraged; roofs should be considered useable as green outdoor space and they should be accessible from inside buildings.
- The roof of every building should be considered visible from other buildings, similar to the walls and windows.
- Traditional roof forms intended for low building types should be avoided on higher buildings.

Windows

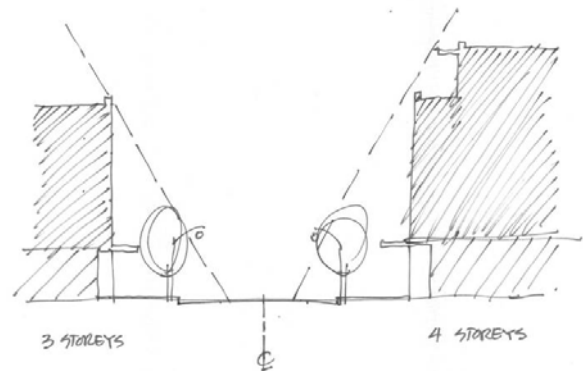
- Mirrored glass or other opaque materials at street level should be discouraged.
- Window displays and visibility into the store are encouraged.
- Inset rather than flush windows are encouraged.
- Mimicry of heritage windows should be avoided.

Mixed Use Guidelines

- Mid-rise and high-rise multi-unit residential buildings are encouraged to be stepped in order to provide opportunities for balconies and rooftop terraces to take advantage of sunlight and views.
- The exposed undersides of balconies and porches that are visible from a street or public walkway should be clad with exterior materials that result in a finished appearance and which complement the palette of exterior materials used on the rest of the building.

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

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



Orientation

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

- New downtown development should front abutting roadways.
- New development on a corner site should be designed to contribute to both streetscapes.
- Corner buildings should be sited so they:
 - Are set back to allow small gathering places.

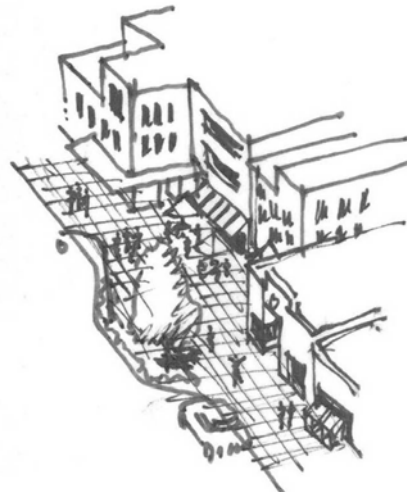


- Are conducive to pedestrian movement.
- Afford commercial exposure on both faces.
- Provide display windows or where there is no commercial activity encourage high architectural detail.
- Buildings should be constructed near the front or exterior side property line(s). Variations in the setback from the property line(s) may be appropriate when the resulting setback provides greater accommodation for pedestrian circulation, outdoor dining areas, enhanced entries, public art, street furniture, and improves the pedestrian realm.
- At street level, buildings should have strong entry features (such as overhangs, porticos, and awnings) and architectural designs that encourage interaction with the street.
- Accessible travel routes to building entrances, parking, and/or recreational areas should have a hard slip resistant surface with a defined border of alternate material or texture to distinguish the sides or ends of paths and shall conform to the requirements of the current British Columbia Building Code.
- If adjacent to a residential development, buildings should be sited to ensure sufficient visual privacy, as well as protection from site illumination and noise.

Mixed Use Guidelines

- New mixed-use development should:
 - Maintain, enhance, or establish view corridors or vistas between buildings, along/from roadways, and to natural features such as Mt. Tzouhalem or Mt. Prevost.
 - Allow sunlight penetration through increased fenestration where sun exposure is maximized.
 - Ensure that units have their façade facing and engaging the street.
 - Minimize visual intrusion and the casting of shadows onto the private outdoor space of adjacent residential units (unless adjacent residential units are legal non-conforming and re-development by zoning is anticipated)
 - Be sited and oriented to overlook public streets, parks, and walkways.

Illustration of the positive effects of variable building setbacks.



Building Entrances



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

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

Mixed Use Guidelines

- Mixed-use residential buildings should provide separate entrances for the residential and commercial components.

Open Space

It is important to add interest and adventure for those exploring on foot. Courtyards, plazas, squares, recessed balconies, atriums, and rooftop gardens provide such an element and can enhance the urban experience.

- Semi-public open spaces shall be designed to promote social interaction, barrier free access, and social inclusiveness.
- When a courtyard faces the street, the minimum setback should be at least 3 m.
- Private through-courtyards should have complementary street furniture elements.
- Measures should be taken to enhance public safety and security such as carefully considering the placement of lighting, alcoves, and landscaping.
- Pedestrian-scale amenities and details should be incorporated into the design through the appropriate use of lighting, public art, street furniture, paving materials, or other architectural and landscape features.
- Open spaces should be orientated to receive the most natural light with amenities such as shade trees or trellises added to provide sun relief.

Mixed Use Guidelines

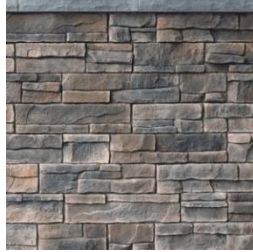
- Private open space should be included as an integral part of mixed-use developments.

Building Materials

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

- Natural and locally inspired materials such as locally produced or manufactured concrete, wood, brick and stone are preferred while simulated

- or artificial materials, other than fibre cement siding, should be avoided.
- If stucco is to be used, cement stuccos are preferred as the look is more authentic and light reflective. Additionally, they are compatible with heritage buildings as a result of how they were traditionally made.



Colours

- Natural and locally inspired or derived finishing materials are preferred. Ideally, the predominant colour palette will come from natural materials such as stone, wood, and brick.
- Exterior paint colours for buildings should be derived from historical colour palettes, such as: Benjamin Moore 'Historical Colours' Palette, Sherwin Williams 'Exterior Historic Colours', Cloverdale Paint 'Artisan Canadian' Palette, or General Paint 'Color Directions Exteriors' Palette.
- The use of high intensity, black, and fluorescent colours as the primary building colour is strongly discouraged.
- Building trim and accent areas may feature brighter colours, including primary colours.
- The use of artificial materials (those that are made to appear as something they are not such as vinyl siding, mirrored glass, molded 'river rock') is discouraged.

Amend #2037

Amend #2058

Surface Parking

As the need for parking is crucial to commercial success, surface lots have become a dominant feature in the urban landscape and, therefore, have a disproportionate influence on the visual character of Downtown. Every effort should be made to mitigate the impact of parking to shift priority to active transportation.

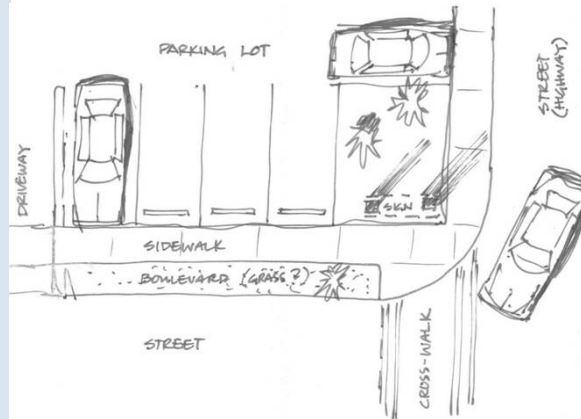


- All surface parking should be provided on-site and be located at the rear of the building or within the building structure.
- Parking lots (and cars) should be screened by landscaping (trees or shrubs) and/or fencing. Fence material should be compatible with the exterior finishes of adjacent development.
- Chain link fencing is not permitted.
- Parking lots of neighbouring developments should be linked with one another with pedestrian pathways.
- Shared driveway access and consolidated parking is encouraged to reduce the number of vehicle access points.
- Parking layout should facilitate the safe movement of pedestrians by using unique paving materials or landscaping to provide clearly marked walkways separate from traffic lanes.
- Tree planting and other landscaping features at intervals should be encouraged throughout the lot. The recommended standard is no less than one tree for every four stalls of 90-degree parking.
- Parking lots should be designed to provide the most efficient use of space, including smaller parking stalls for compact cars, to reduce the overall land

requirements

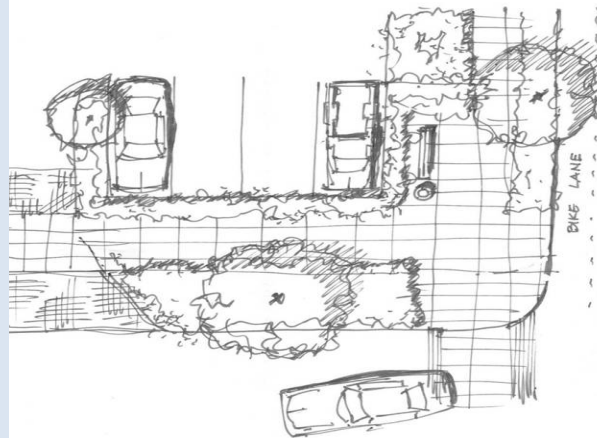
- Parking lot lighting should not be intrusive to neighbouring residential properties.
- Permeable paving material, bioswales, or rain gardens should be incorporated into parking lot design to reduce the amount of storm water runoff.

Less like this



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

More like this



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

Illustrations (above) comparing undesirable and more desirable street corner design

Access

Cars are welcome Downtown. However, the needs of vehicles, pedestrians, and other modes of transportation must be balanced to ensure that Downtown is easily accessible and safe for all users. Good parking and access design will tame traffic, increase predictability and reduce conflicts.

- Building a new driveway access that crosses a sidewalk should be avoided; wherever possible access should be provided from the rear, or be shared with a neighbouring property.
- Where driveway access already exists or is necessary, the driveway should

- be paved with special paving materials (e.g. brick, stamped concrete).
- A rumble-strip of paving (minimum of 2.5 metres wide for the width of the driveway) across the driveway should be located in the private property side of the sidewalk, to warn drivers of the pedestrian sidewalk crossing. The strip should have a distinct texture and look that is complementary to the pavement designs of the City square, with mortared stone or heavily textured concrete.
- Where a sidewalk crosses a driveway, the sidewalk should be maintained at grade. It should never be discontinued and, if possible, should not dip down to accommodate an apron.
 - Where possible, the apron should be on the boulevard. Where this is not practical, there should be a paved strip on the driveway access on both sides of the sidewalk.
- Loading and delivery areas shall be confined to the rear of buildings. Access points for corner sites should be located as far from the intersection as possible.

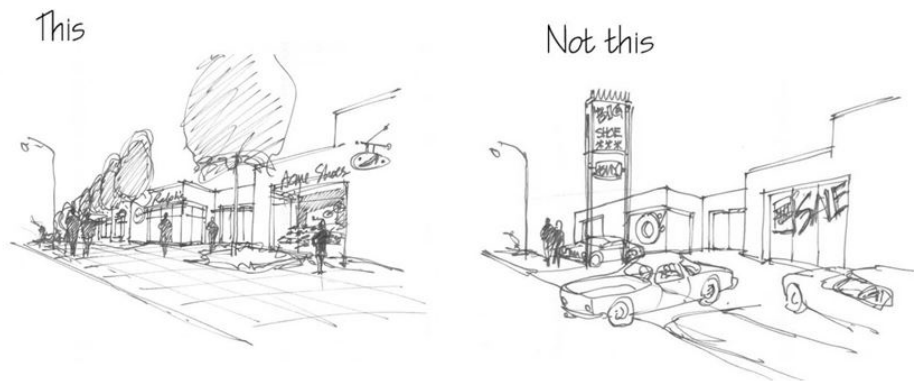


Illustration of desired streetscape design

Structured Parking

- Where there is underground or structured parking, the sidewalk should be maintained at grade, and the pavement should be marked to alert both drivers and pedestrians of the upcoming intersection.
 - Attention to sightlines (both driver and pedestrian) is especially important in this compact urban environment.
- Designing for personal safety and crime prevention (CPTED principals) is of paramount importance.
 - This includes issues associated with appropriate levels and locations of lighting.
- The exterior design should be integrated architecturally to look like a commercial building rather than an institution or warehouse.

Signage

Storefront signs contribute to the form and character of a community. Elements such as continuity in the number of signs per location, orientation, size, style, and materials, help create a cohesive identity for the downtown, allowing customers to easily identify their destination as they circulate the core.

- All signage must conform to the provision of the City's Sign Bylaw.
- Signs should complement the architectural design and materials of the buildings and the adjacent landscape.
- For major developments, applicants must provide a 'sign plan' which identifies the location and style of the various signs, illustrating consistency in signage throughout the development.
- Building identification is encouraged, for the benefit of both pedestrians and drivers, particularly at street corners.

- Halo-lit channel letter design is preferred. Internally illuminated signs shall not be permitted unless only the lettering is illuminated and the background is substantially opaque.

Signs can be printed onto awnings but the lettering must be modest in size and carefully integrated into the scale of the canopy. The intended viewing audience for such a sign is the pedestrian across the street or the slow-moving driver.

Canopy Design

Canopies provide interest and diversity to the streetscape as well as vital shelter from the elements.

- Canopies and awnings should be intentionally designed as an integral part of the architecture.
- Awnings shall not be back lit.
- Barrel awnings are not permitted.
- Fabric colours should be subdued and complementary to the surrounding environment.

Public Art

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

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

Lighting

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

- Lighting standards of a more human scale shall be encouraged (3-4 metres above the ground).
- High-level lighting is not necessary for the core.
- Ensure pedestrian walkways and vehicular access points are well and warmly lit, including any cut-through paths or alleyways that are created.
- Lighting that results in glare into adjacent properties should be avoided.
- Overhead wiring should be buried or relocated where possible.
 - Minimize the number of hydro lines crossing the street.
- Developments should employ energy efficient lighting design such as Light Emitting Diodes (LED) and motion or photo-sensitive lighting for all outdoor lighting.

Landscaping and Screening

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

- Every development shall plan and maintain substantial areas of small and large shrubbery and trees.



- Even in zero setback situations, some form of vegetation shall be considered as part of every commercial development.
- Shrubs, grasses, and groundcover plantings should be plant species native to the eastern Vancouver Island and/or drought tolerant ornamental species requiring minimal watering.
- A variety of street trees selected from the City of Duncan Preferred Planting List should be incorporated into the landscape plan; tree species shall be selected to establish the landscape character for a given street.
- Columnar and small ornamental trees should be installed within narrow boulevards where soil volumes and growing space are insufficient for full canopy trees.
- Larger, full canopy tree species should be installed along the boulevard or within curb bulges where soil volumes are sufficient and tree canopies can be accommodated.
- Landscaping should be designed to maintain sightlines for personal safety and to avoid physical obstructions for people with disabilities.
- Permeable paving materials should be used in plazas, courtyards, walkways, and parking areas.
- Rooftop gardens, green roofs, and living walls are encouraged.
- A Landscape Plan, developed by a Registered Landscape Architect, should be submitted as part of the development application, to ensure appropriate, interesting, and sustainable landscaping is installed.

Screening

- Landscape screening should be used to visually separate commercial rear yards and service areas from adjacent and nearby buildings.
- Service areas, including mechanical systems, should be incorporated into the site design and screened from view from the street.
- Materials and finishes for retaining walls, fences, and/or other architectural screening devices should be composed and considered with those of adjacent development.

Vacant Sites

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

- Temporary fencing should be avoided, and all perimeters of private properties should be treated as determining elements of the public realm.
- Chain link fencing is not permitted.
- Ambient lighting for safety and visual interest should be included.
- Sites left undeveloped for an extended time shall be landscaped or in some way mitigated from looking as though they are abandoned and uncared for.

Accessibility and Personal Safety

- Accessibility should be addressed in site, building, and landscape design, to address the needs of all users.
 - Disabled access should be incorporated in the main access.
 - When provided, access ramps or related features should be visually integrated into the overall building design and site plan.
 - Accessible travel routes to building entrances, parking, and/or recreational areas should have a hard, slip-resistant surface with a defined border of alternate material or texture to distinguish the sides or ends of paths, and shall meet the requirements of the current British Columbia Building Code.
- The basic principles of Crime Prevention through Environmental Design (CPTED) should be incorporated into building and site planning/design (e.g.

**Environmental
Impact
Amend #2095**

avoid recesses, dark alcoves, the creation of hiding spots, and isolated areas). Refer to the Checklist for Safety Planning and Design (Appendix 9).

- New developments and redevelopments should reduce greenhouse gas emissions by incorporating any or all of the following strategies: building siting; choice of building materials and colours; energy efficiency measures; highly insulated building envelope; use of renewable energy for heating and cooling; bicycle parking and storage facilities; electric vehicle parking and support facilities; and reduced automobile parking in accordance with relevant Bylaw provisions.
- Building design should include passive heating, lighting, and cooling design features.
- Landscaping and building design should consider the incorporation of natural daylight and seasonal shade needs.
- Adaptive reuse of buildings and on-site materials is encouraged, where permitted within the BC Building Code and under relevant legislation.
- Development projects should minimize impervious areas and incorporate on-site integrated stormwater management solutions.

1

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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.

ADMINISTRATION

- 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 1.2.12 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* facility for no more than 10 persons;
- (c) *Residential Shelter;*
- (d) *Transportation corridors;*
- (e) *Trails;*
- (f) *Urban Food Gardens; and*
- (g) *Utilities.*

3.2 Uses Prohibited in All Zones

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

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

3.3 Accessory Uses

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

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

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

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

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

GENERAL REGULATIONS

- 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*.

GENERAL REGULATIONS

- 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:

GENERAL REGULATIONS

- (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).

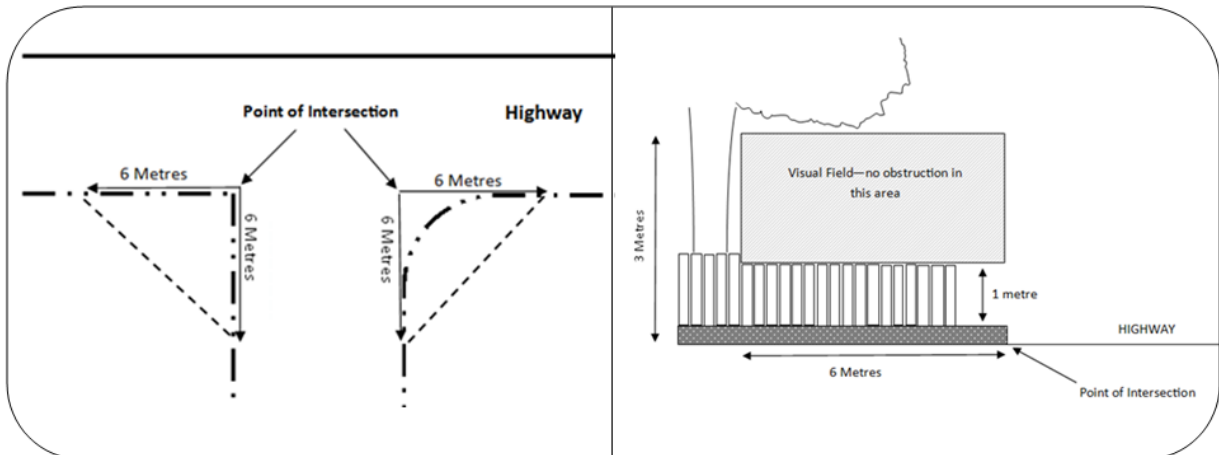


Figure 3.16.1: An illustration of the line of vision at the point of intersection

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:

GENERAL REGULATIONS

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

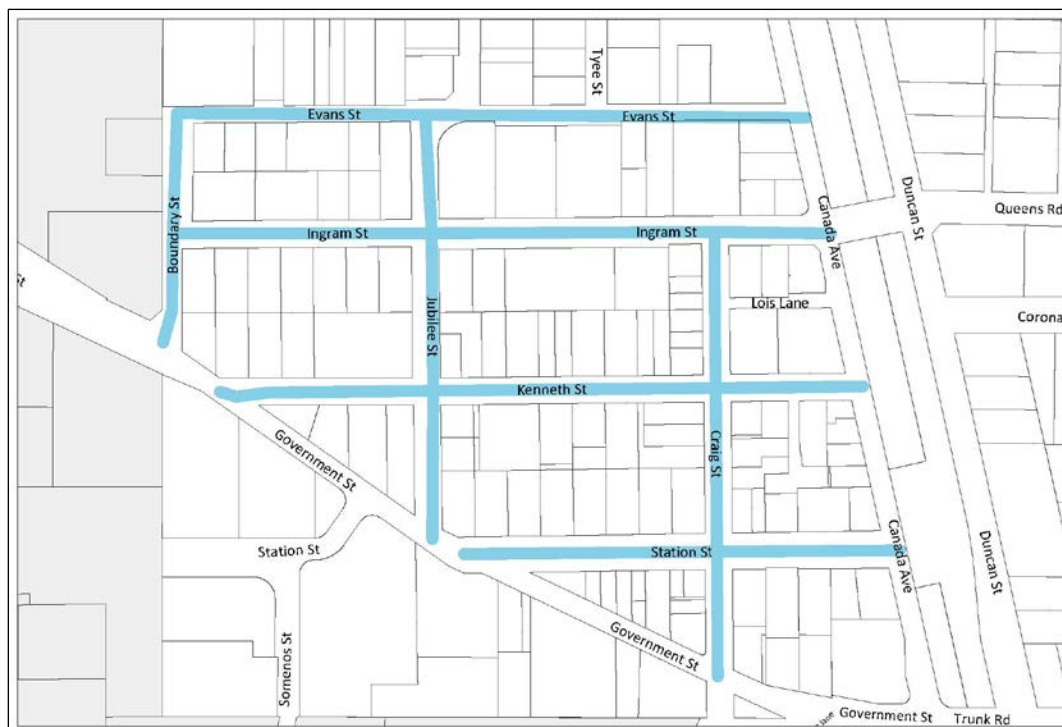
- 3.27.1 *Off-street parking spaces* required by this bylaw must not be obstructed in any way by garbage receptacles, *structures*, *derelict motor vehicles*, refuse, equipment, or materials which interfere with the ability of the parking space to serve its function.
- 3.27.2 *Off-street parking spaces*, *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*.

GENERAL REGULATIONS

- 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.

GENERAL REGULATIONS

- 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>

GENERAL REGULATIONS

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.

GENERAL REGULATIONS

- 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)
<i>Dwelling, Multiple-Unit</i>	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

GENERAL REGULATIONS

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

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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> .

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Minimum Parcel Frontage – <i>Two-Unit Rowhouse Dwelling</i>	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>Community Care Facility Dwelling, Multi-Unit 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>	0.5:1						
Maximum <i>Floor Area Ratio</i>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <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>1.2:1</td> <td>1.4:1</td> <td>1.6:1</td> </tr> </tbody> </table>	Base Density	Bonus Density I	Bonus Density II	1.2:1	1.4:1	1.6:1
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: <ul style="list-style-type: none"> (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing</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. 						

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

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

4.8 Conditions of Use and Subdivision Regulations

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 <i>Multi-Unit Dwellings</i>	600 m ²	
Minimum Parcel Frontage for <i>Multi-Unit Dwellings</i>	15 m	
Minimum Parcel Area for <i>Rowhouse Dwelling</i>	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> .

RESIDENTIAL ZONES

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

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
Community Care Facility Dwelling, Multi-Unit Dwelling, Multi-Unit Rowhouse	Home-Based Business

4.11 Development Regulations

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

Development Criteria	Regulations		
Maximum Parcel Coverage	70% for all buildings and structures combined		
Minimum Floor Area Ratio	0.75:1		
Maximum Floor Area Ratio	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 City, 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 City to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing</i> units for a period of at least ten (10) years; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.		
Parcel Access	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> .		

RESIDENTIAL ZONES

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

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

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> .

RESIDENTIAL ZONES

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

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
<i>Community Care Facility*</i> <i>Commercial Daycare</i> <i>Community Use</i> <i>Craft Beverage Production</i> <i>Cultural Use</i> <i>Dwelling, Multi-Unit*</i> <i>Education Facility</i> <i>Financial Institution</i> <i>Funeral Service Facility</i> <i>Mobile Food Vending</i> <i>Hospital</i> <i>Office</i> <i>Parking Facility</i> <i>Public Market</i> <i>Recreation Facilities, Indoor</i> <i>Repair Service, General</i> <i>Retail & Personal Service*</i> <i>Restaurant</i> <i>Social Service</i> <i>Tourist Accommodation</i>	<i>Home-Based Business in a Multi-Unit Dwelling</i>	* <i>Multi-Unit Dwellings</i> are permitted above the <i>first storey</i> only * Where the <i>Retail & Personal Service use</i> is a store selling previously owned or used goods, outside display of goods is limited to a maximum of 3.7 m ² . * <i>Community Care Facilities</i> are permitted above the <i>first storey</i> only

*Conditions of use apply

5.3 Development Regulations

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

Development Criteria		Regulations		
Maximum <i>Parcel Coverage</i>		95%		
Minimum <i>Floor Area Ratio</i>		1.0:1		
Maximum <i>Floor Area Ratio</i>		Base Density	Bonus Density I	Bonus Density II
		3:1	3.3:1	3.6:1
Development Criteria		Regulations		
Amenities Required for Bonus Density I		A density bonus of up to 0.3 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental or <i>affordable housing</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: <ul style="list-style-type: none"> (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing</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> .		

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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

5.3.2 A *multi-unit dwelling* strata development with more than 74% *parcel coverage*, to which this section applies, may be rebuilt in its existing location if it is damaged to the extent of 75% or more of its value above the foundation, provided that its *floor area* is not increased and the number of *dwelling units* in the building is not increased.

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 VIP 854
<i>Car Wash</i>	71 Trunk Road – Lot A, Block 2, Section 17, Range 6, Quamichan District, Plan VIP 2070
<i>Motorcycle Repair and Sales</i>	277 Government Street – Lot 7, Block 12, Section 17, Range 6, Quamichan District, Plan VIP 2070

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 Community Care Facility* Commercial Daycare Cultural Use Craft Beverage Production Dog Grooming Dwelling, Multi-Unit* Education Facility Financial Institution Funeral Service Facility Mobile Food Vending Indoor Recreation Facilities Office Parking Facility Public Market Repair Service, Automotive Repair Service, General Retail & Personal Service Restaurant Social Service Tourist Accommodation	Home-Based Business in a Multi-Unit Dwelling Dwelling, Accessory	* Multi-Unit Dwellings are permitted above the <i>first storey</i> * Community Care Facilities are permitted above the <i>first storey</i>

*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 <i>Parcel Coverage</i>	70%		
Minimum <i>Floor Area Ratio</i>	0.5:1		
Maximum <i>Floor Area Ratio</i>	Base Density	Bonus Density I	Bonus Density II

COMMERCIAL ZONES

		1.9:1	2.1:1	2.4:1
Development Criteria		Regulations		
Amenities Required for Bonus Density I		A density bonus of up to 0.2 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing units</i> , for a period of at least five (5) years.		
Amenities Required for Bonus Density II		A density bonus of up to 0.5 above the base density is permitted if at least one of the following conditions are met: (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or <i>affordable housing units</i> for a period of at least ten (10) years; (ii) 100 percent of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.		
Outdoor Storage		Outdoor storage areas must be screened from <i>highways</i> in accordance with section 3.23.		
Principal Building		Regulations		
Maximum <i>Height</i> :		14 m (4 <i>habitable storeys</i>)		
Minimum <i>Height</i> :		2 <i>habitable storeys</i>		
Minimum <i>Parcel Line Setback</i>	Front	4 m		
	Rear	0 m, except where a <i>parcel</i> abuts a residential zone, the minimum <i>rear parcel line setback</i> is 8 m.		
	Side, Interior	0 m on one side, 4 m on the other side, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 5 m.		
	Side, Exterior	4 m		
Maximum <i>Parcel Line Setback</i>	Front	6 m		
	Side, Exterior	6 m		
Accessory Buildings and Structures		Regulations		
Maximum <i>Height</i>		5 m		
Minimum <i>Parcel Line Setback</i>	Front	8 m		
	Rear	0 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>rear parcel line setback</i> is 8 m.		
	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 – Lot A, Section 19, Range 5, Quamichan District, Plan VIP 54586
<i>Automotive Fueling Station and Car Wash</i>	1007 Canada Avenue – Lot 2, Section 19, Range 6, Quamichan District, Plan VIP 6745 (except Plan 22556)

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>*A <i>Cheque-Cashing</i> business must be at least 500 m from any other <i>Cheque-Cashing</i> business.</p> <p>*A <i>Pawn Shop</i> must be at least 500 m from any other <i>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>	0.3:1
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.

COMMERCIAL ZONES

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 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 <i>Front Parcel Line Setback</i>		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 <i>residential</i> 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 <i>residential</i> 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 <i>Parcel Area</i>	600 m ²
Minimum <i>Parcel Frontage</i>	15 m

5.15 Site Specific Uses and Development Regulations

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

Site-specific Uses	Location
<i>Automotive Sales</i>	439 Trans Canada Highway – Lot A, Section 17, Range 6, Quamichan District, Plan VIP 44109
<i>Automotive Sales</i>	461 Trans Canada Highway – Lot 1, Section 17, Range 6, Quamichan District, Plan VIP 53706
<i>Automotive Sales</i>	467 Trans Canada Highway – the southern half of Lot 1, Section 17, Range 6, Quamichan District, Plan VIP 29603
<i>Automotive Sales</i>	466 St. Julien Street – Lot A, Section 17, Range 6, Quamichan District, Plan VIP 82436

COMMERCIAL ZONES

5.15.2 Principal buildings used for *automotive sales* on the *parcels* in sub-section 5.15.1 are not subject to the *Minimum Floor Area Ratio*, *Minimum Height* or *Maximum Front Parcel Line Setback* regulations in section 5.13.

PART 6 – COMMUNITY USE ZONES

Community Service Zone

CS

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>Community Care Facility</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 <i>storeys</i>) for <i>Principal Buildings</i>
Minimum <i>Parcel Line Setback</i>	Front	5 m
	Rear	3 m
	Side, Interior	3 m
	Side, Exterior	5 m
Accessory Buildings and Structures		Regulations
Maximum <i>Height</i>		5 m
Minimum <i>Parcel Line Setback</i>	Front	5 m
	Rear	1.2 m
	Side, Interior	1.2 m
	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 SERVICES ZONES

Community Park Zone

CP

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

Automotive Sales means the *use* of a *building*, *structure*, or land for the sale, lease, or rental of *motor vehicles* and includes the subsidiary servicing and repair of *motor vehicles*.

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*.

DEFINITIONS

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

C

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

DEFINITIONS

Condition of Use	means a condition that is required to be met in order to carry out a <i>use</i> in a <i>zone</i> .
Craft Beverage Production	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> 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 <i>use</i> of land, <i>buildings</i> or <i>structures</i> for a museum, art or craft gallery, visitor centre, or theatre for the performing arts.

D

Daycare, Residential (or <i>Residential Daycare</i>)	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the care of eight (8) or fewer <i>persons</i> who require supervision during the day.
Daycare, Commercial (or <i>Commercial Daycare</i>)	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the care of more than eight (8) <i>persons</i> who require supervision during the day.
Density	means the quantity of <i>dwelling units</i> in a given area or space.
Derelict Motor Vehicle	means all or part of any <i>motor vehicle</i> , other than a recreational trailer, which is not capable of operating under its own power and has not been insured for <i>use</i> on public <i>highways</i> 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 <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the provision of food, services or retail goods to customers in their <i>motor vehicles</i> , but excludes any <i>financial institution</i> , <i>car wash</i> , <i>automotive fueling station</i> or <i>automotive repair service</i> that provides such goods or services.
Dwelling, Accessory (or <i>Accessory Dwelling</i>)	means a <i>dwelling unit</i> which is an <i>accessory use</i> to a principal non- <i>residential use</i> on the same <i>parcel</i> .
Dwelling, Multi-Unit (or <i>Multi-Unit Dwelling</i>)	means a <i>building</i> containing three (3) or more <i>dwelling units</i> .

DEFINITIONS

Dwelling, Single-Unit (or <i>Single-Unit Dwelling</i>)	means a <i>building</i> containing only one (1) <i>dwelling unit</i> and, where permitted by this bylaw, an <i>attached secondary suite</i> , and includes a factory built <i>dwelling unit</i> constructed in accordance with the British Columbia Building Code and the CSA A-277 Modular Home Standard.
Dwelling, Multi-Unit Rowhouse (or <i>Multi-Unit Rowhouse Dwelling</i>)	means a <i>building</i> comprised of at least three (3) <i>dwelling units</i> attached side by side and sharing common <i>party walls</i> by way of a legal agreement, where each <i>dwelling unit</i> has a separate ground-oriented entrance from the exterior of the <i>building</i> .
Dwelling, Two-Unit Rowhouse (or <i>Two-Unit Rowhouse Dwelling</i>)	means a <i>building</i> comprised of two (2) <i>dwelling units</i> attached side by side and sharing a common <i>party wall</i> by way of a legal agreement, where each <i>dwelling unit</i> has a separate ground-oriented entrance from the exterior of the <i>building</i> .
Dwelling, Two-Unit (or <i>Two-Unit Dwelling</i>)	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for a dwelling comprised of two (2) <i>dwelling units</i> , where each <i>dwelling unit</i> has a separate ground-oriented entrance from the exterior of the <i>building</i> .
Dwelling Unit	means a self-contained living unit with <i>sleeping units</i> , sanitary facilities, and only one (1) <i>kitchen</i> .

E

Education Facility	means land, <i>buildings</i> , or <i>structures</i> 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 <i>structure</i> intended solely for <i>use</i> 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

<i>Fabric Covered Structure</i>	means a manufactured <i>structure</i> 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.
<i>Fence</i>	means a <i>structure</i> used as an enclosure or screening.
<i>Financial Institution</i>	means a bank, credit union, credit acceptance corporation, trust company, finance company or similar financial services establishment.
<i>First Storey</i>	means the uppermost <i>storey</i> having its floor level not more than 2 m above <i>finished grade</i> .
<i>Fish Hatchery</i>	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.
<i>Food Cart</i>	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.
<i>Food Trailer</i>	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.
<i>Food Truck</i>	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.

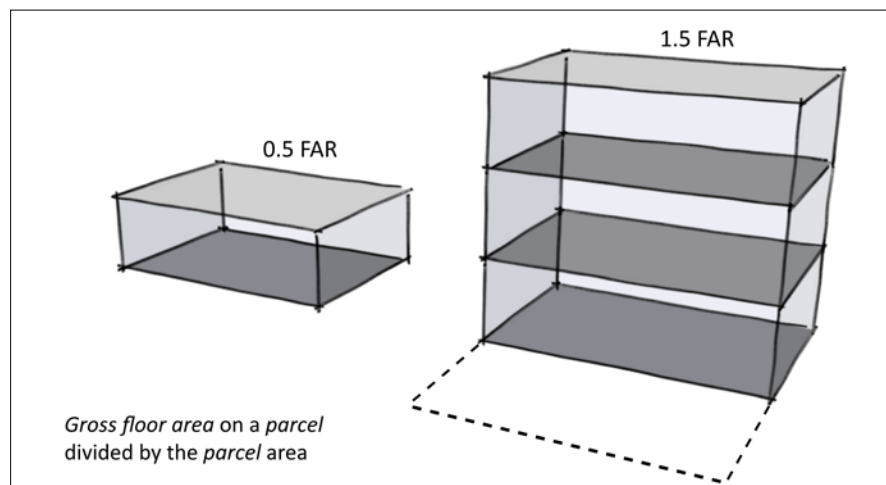
DEFINITIONS

Floor Area, Gross
(or Gross Floor Area)

means the sum of the total floor areas of all floors in all *buildings* on a *parcel* measured to the outer surfaces of exterior walls of the *building* and includes:

- (a) all *habitable* areas, including loft spaces, mezzanines, and spaces in *accessory buildings*;
- (b) garages and carports; and
- (c) enclosed *porches*; but excludes:
- (d) common or exit stairwells, elevator shafts and floor areas occupied by mechanical systems;
- (e) *open decks*;
- (f) outdoor unenclosed parking;
- (g) exterior wall thickness in excess of 152 mm;
- (h) floor areas with a ceiling *height* of less than 1.5 m; and
- (i) underground parking spaces located at least 2 m below *natural grade*.

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.

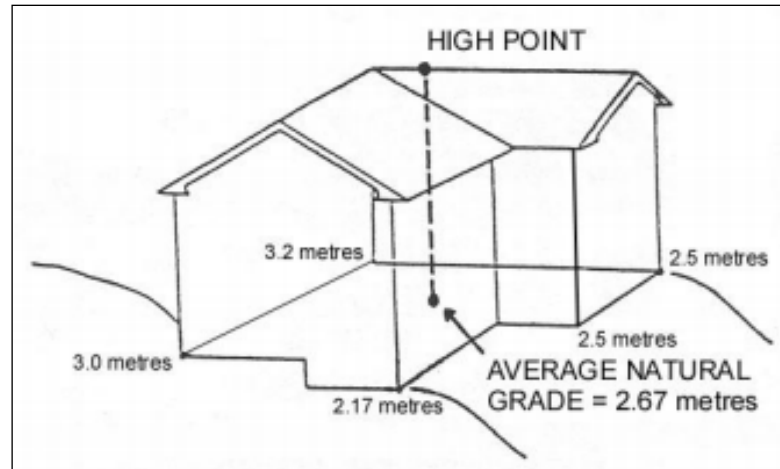
Green Wall means a *structure* affixed to a *building* wall used for growing edible or ornamental plants.

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*.

DEFINITIONS



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.
-

DEFINITIONS

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.

DEFINITIONS

<i>Mechanical equipment</i>	means heating, ventilation, air conditioning, or refrigeration units, or other noise-emitting equipment, such as stationary power generators.
<i>Mixed-use Development</i>	means the <i>use of buildings or structures</i> for a combination of commercial uses and multi-unit <i>residential uses</i> on the second floor and above.
<i>Mobile Food Vending</i>	means a <i>food truck, food trailer, or food cart</i> equipped with facilities for preparation and retail sale of food for immediate consumption.
<i>Mobile Home</i>	means a manufactured home constructed to the CAN/CSA Z240 standard.
<i>Motor Vehicle</i>	means a self-propelled vehicle in, on or by which a <i>person</i> or thing may be transported on a <i>highway</i> , 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.
<i>Motorcycle Repair and Sales</i>	means the <i>use of a building, structure, or land</i> for the servicing, repair, sale, lease, or rental of two or three-wheeled <i>motor vehicles</i> .

N

<i>Natural Boundary</i>	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.
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O

<i>Occupancy</i>	means the <i>use or intended use of a building or structure</i> or part thereof for sheltering or supporting <i>persons, animals, or property</i> .
<i>Occupier</i>	has the same meaning as defined in the <i>Community Charter</i> .
<i>Office</i>	means the <i>use of a building</i> for conducting the affairs of a business, profession, service, or government, including health and veterinary services, <i>social services</i> , financial services, and research.
<i>Official Community Plan</i>	means the <i>City of Duncan Official Community Plan</i> and amendments thereto.

DEFINITIONS

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

- is elevated a minimum of 0.6m from ground level;
- is structurally supported or cantilevered;
- may be covered by a canopy or trellis which is not structurally, nor in appearance, part of the roof system of the *principal use*;
- does not cover a carport or a garage; and
- 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*.

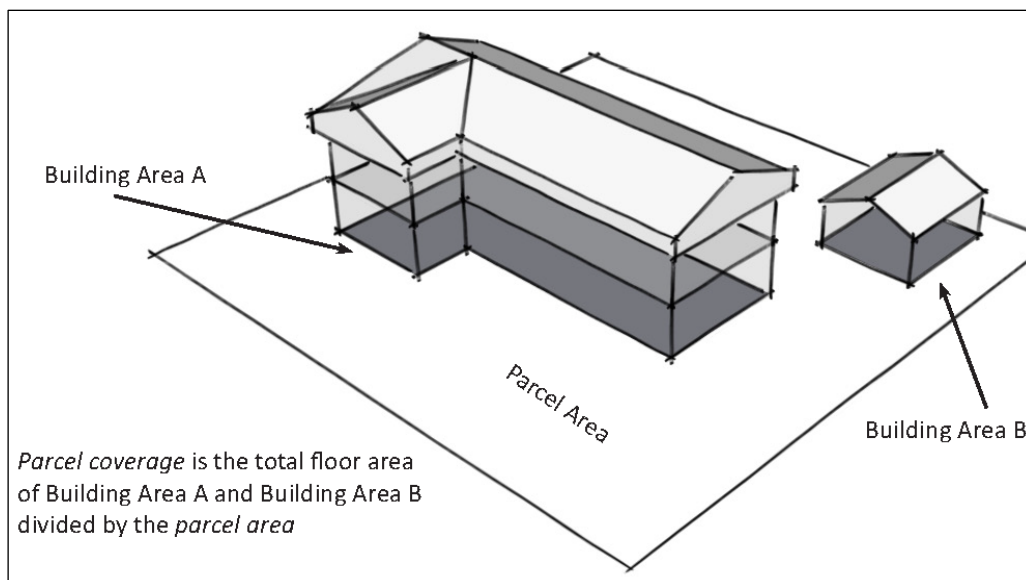
Parcel, Panhandle
(or *Panhandle Parcel*) means a *parcel*, the majority of whose area is physically separated from the nearest *highway* by another *parcel*, and that is connected to the *highway* by a narrow strip of land forming part of the *parcel*.

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:

- eaves, exterior finishes, gutters and cornices;
- unenclosed steps, landings and wheelchair ramps;
- chimneys;
- air conditioners and heat pumps;
- awnings, trellises and unenclosed patio canopies;
- underground *parking facilities*; and
- uncovered in-ground *swimming pools* and hot tubs.

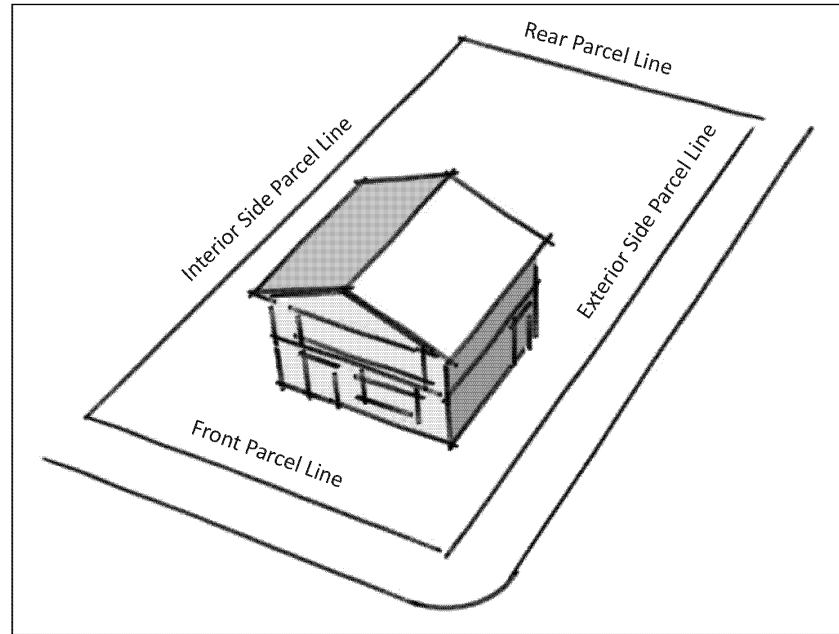
DEFINITIONS



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*.

DEFINITIONS



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*.

Parcel Line, Front
(or Front Parcel Line)

means the *parcel line* abutting the *highway*, and:

- (a) in the case of a *corner parcel*, either *parcel line* that abuts the *highway* may be considered the *front parcel line*, in which case the other *parcel line* abutting a *highway* is deemed to be an *exterior side parcel line*; or
- (b) in the case of a *through parcel*, all *parcel lines* abutting the *highway* are considered *front parcel lines*.

Parcel Line, Rear
(or Rear Parcel Line)

means the *parcel line* most opposite to and distant from the *front parcel line* as measured from the centre point of the *front parcel line* to the centre point of the *rear parcel line*, or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, the point of intersection of the *side parcel lines*.

DEFINITIONS

Park, Community (or <i>Community Park</i>)	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.
Parking Facility	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> .
Parking, Off-Street (or <i>Off-Street Parking</i>)	means the <i>use</i> of land for the parking of vehicles or bicycles accessory to the <i>use</i> of the land.
Party Wall	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> .
Pawn Shop	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.
Permitted Use	means the principal, permissible purpose for which land, <i>buildings</i> or <i>structures</i> may be used.
Person	has the same meaning as defined in the <i>Community Charter</i> .
Porch	means an unenclosed covered deck or patio on the <i>front</i> or <i>exterior side yard</i> face of a <i>building</i> used to provide access to the primary entrance of a <i>dwelling unit</i> .
Principal Building	means a <i>building</i> in which the <i>principal use</i> of a <i>parcel</i> is conducted.
Principal Use	means the primary purpose for which land, <i>buildings</i> or <i>structures</i> are ordinarily used.
Property	means real property as defined in the <i>Community Charter</i> .
Public Market	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the sale of food, beverages, arts and crafts by multiple vendors.

Q

R

Recreation Facilities, Indoor (or <i>Indoor Recreation Facilities</i>)	means the <i>use</i> of gymnasiums, indoor racquet courts, curling rinks, skating rinks, <i>swimming pools</i> , dance studios, aerobic studios, yoga studios or weight rooms, billiard halls, and bowling alleys and accessory <i>restaurants</i> , administrative <i>offices</i> , and retail sales of sporting goods.
Recreation, Outdoor (or <i>Outdoor Recreation</i>)	means the <i>use</i> of land, for outdoor fitness facilities, running tracks, ball courts, racquet courts, and canoe, kayak and rowing clubhouses, and includes accessory <i>restaurants</i> , administrative <i>offices</i> 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 <i>Motor Vehicle Act</i> .
Repair Service, Automotive	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for repair of automobiles and <i>recreational vehicles</i> and may include accessory retail sales of parts and accessories, but specifically excludes body repair and painting.
Repair Service, General	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> 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 <i>occupancy</i> or <i>use</i> of a <i>building</i> , or part thereof, as a <i>dwelling unit</i> or <i>sleeping unit</i> .
Restaurant	means the <i>use</i> of <i>buildings</i> or <i>structures</i> for the preparation and serving of food or beverages, including cafes, pubs, and brew pubs, but specifically excludes <i>drive throughs</i> .
Retail & Personal Service	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the retail sale or rental of goods, foods, or wares, the provision of services to the <i>person</i> or personal goods of a customer, but specifically excludes <i>Pawn Shops</i> and <i>Marijuana Operations</i> .

DEFINITIONS

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

S

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

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

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

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

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

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

**Shelter,
Residential** means a *single unit dwelling* used for the purpose of a temporary residence providing emergency and support services for no more than 10 persons, but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on any part of a sentence imposed by a court.

**Shipping
Container** means a metal container of standard dimensions, designed for transporting cargo by ship, rail, or truck.

DEFINITIONS

<i>Small Wind Energy System</i>	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.
<i>Sleeping Unit</i>	means one or more rooms used for sleeping and living purposes and in which there is no <i>kitchen</i> or cooking facilities.
<i>Social Service</i>	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.
<i>Solar Collector</i>	means equipment designed to absorb solar radiation as a source of energy for generating electricity or heat.
<i>Storage Yard</i>	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> .
<i>Storey</i>	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.
<i>Structure</i>	means anything constructed, placed, or erected on land, including <i>retaining walls</i> greater than 1.2 m in <i>height</i> .
<i>Subdivision</i>	means the division of land into two (2) or more <i>parcels</i> , whether by plan, descriptive words or otherwise.
<i>Surveyor, British Columbia Land</i> (or <i>B.C. Land Surveyor</i>)	means a land surveyor licensed and registered as a land surveyor with the Province of British Columbia.
<i>Swimming Pool</i>	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

<i>Temporary Accommodation</i>	means accommodation for a period not greater than six (6) weeks.
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DEFINITIONS

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 <i>front parcel line</i> and the <i>principal building</i> .
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DEFINITIONS

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

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

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

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

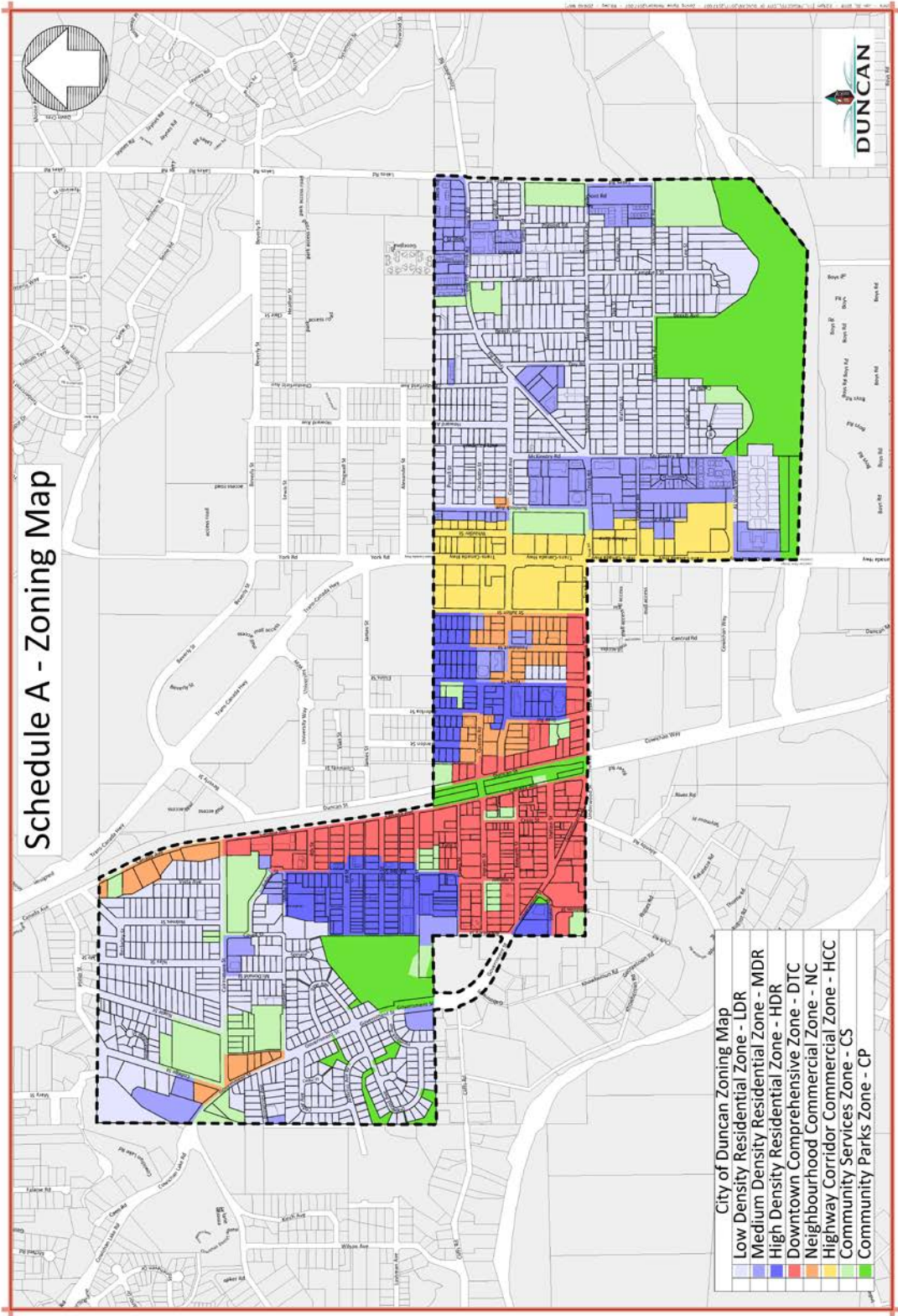
PASSED FIRST READING 20-NOVEMBER-2017.
PASSED SECOND READING 20-NOVEMBER-2017.
PUBLIC NOTICE GIVEN IN ACCORDANCE WITH THE *LOCAL GOVERNMENT ACT*
15-NOVEMBER-2017 AND 22-NOVEMBER-2018.
PUBLIC HEARING 27-NOVEMBER-2017.
PASSED SECOND READING AS AMENDED 19-FEBRUARY-2018.
PUBLIC NOTICE GIVEN IN ACCORDANCE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

ADOPTED DAY-MONTH-2018

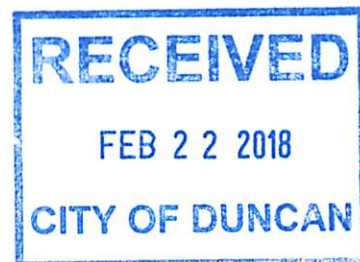
Phil Kent, Mayor

Director of Corporate Services

Schedule A - Zoning Map



Please Read
Re New Bylaw and how it affects
270 Evans Street
Thank you.



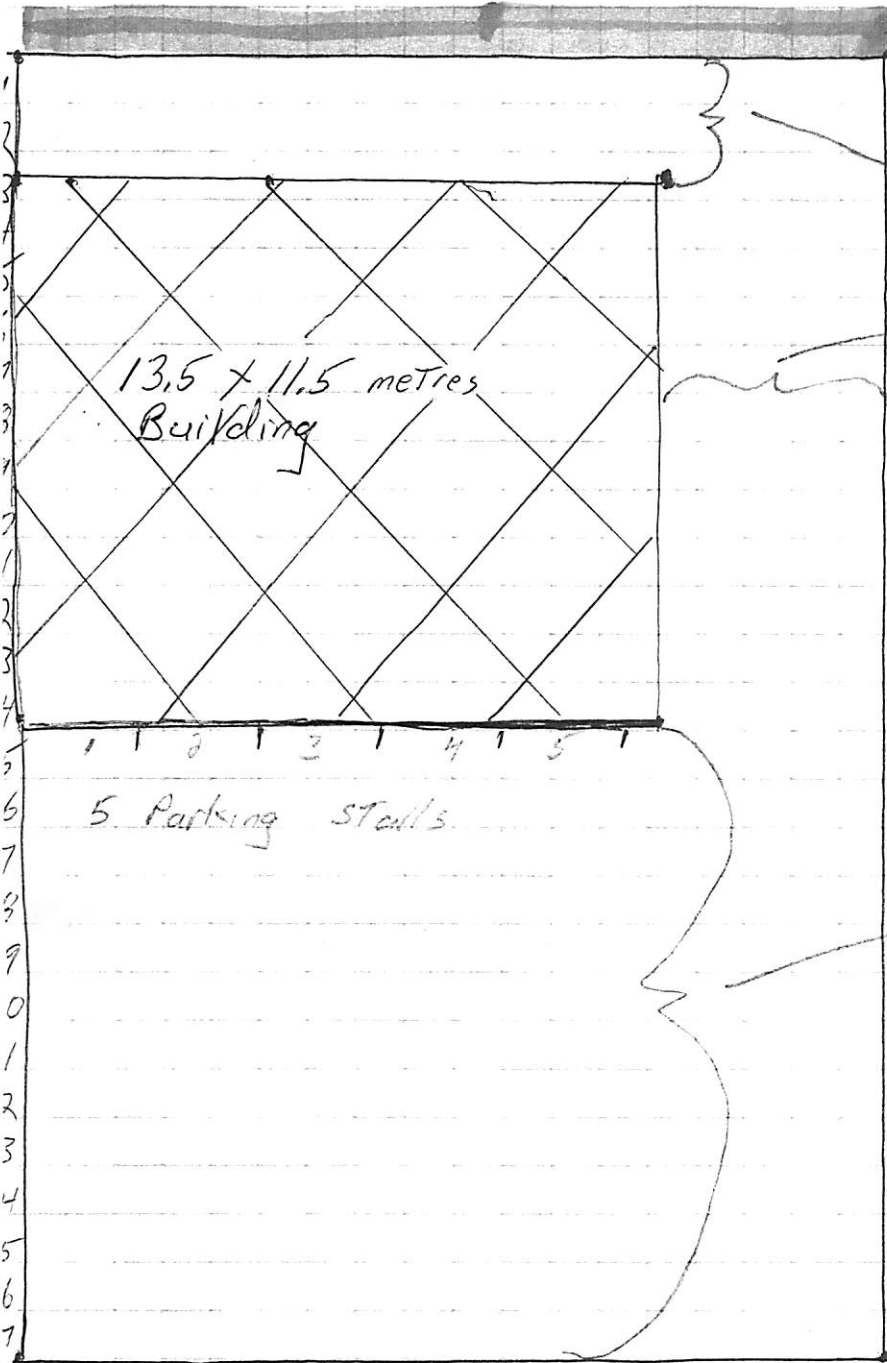
Please call to discuss what our company
plans were and how bylaw affects those
plans and our own expansion plans

Thank
Daryl
250-818-6979

For Mayor &
all Council
members please



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18



shaded area 44" city owns
already distance property peg to
Road

2.5 new bylaw controlled
setback 2.5 metres

New bylaw minimum distance
driveway set back
4.5 metres.

5 Parking stalls

New bylaw minimum
parking space distance
with pull out 13.1 metres
might have to be
14.5 metres so building
loses another 1.4 metres

- 1) The above building is the ~~max~~ allowed with variances under new bylaw as Properties on Evans is 18 metres NOT 40.
- 2) Max 5 parking stalls versus 7
- 3) From property peg to Road is 44 inches adding 2.5 metres makes bylaw controlling 3.67 metres. If city only needs 2.5 metres then leave as 1.5 metres as it is now.
- 4) This new bylaw is affecting our future business plans.
Please call 250-818-6979 Daryl Thank You

Please review how you think this new bylaw helps the future of small business or development in the Duncan downtown core.

Thank you Daryl 250-818-6979

Please call so I can explain how new bylaw is affecting our future business plans for the Duncan area.

Please see if I built at back of property and full width it allows 18 x 13 metres approx. This is allowing for 1.5 metre setback (not including the already 1.18 metres city owns ie: property req. to roadside)

- this allows for 7 parking stalls
 - This allows for the 13.1 metres for parking and turn around (so no parking right to roadside as exists or used by evans now)
- I have allowed for the 13.1 metres req'd for behind the building parking.



March 8, 2018

Daryl Youlden
270 Evans Street, Duncan, BC

Re: February 22, 2018 letter to Council

Dear Daryl,

I am writing to acknowledge your letter addressed to Council regarding your potential plans for redevelopment of 270 Evans Street and concerns with the new Zoning Bylaw. A copy of this letter will also be provided to Council.

A building with the area shown would likely require six parking spaces. If the parking spaces were arranged along the rear of the property, staff believe there is enough width for six spaces instead of the five shown in your sketch (2.6 m wide each plus 0.3 m extra for the two end stalls and 0.5 m landscaping along the interior property line). Your letter notes that there is space for seven parking spaces if arranged across the property, however, this would require a variance to the width of the parking spaces. Your sketch also does not show a commercial loading space, which would be required.

Parking for commercial uses depends on the size of the building, so any building larger than what you have shown would require parking variances (or cash-in-lieu payment to the City parking reserve fund). Therefore, a constructing a larger building extending closer to the property line (or at the rear of the property) would require at least one additional parking space.

If you have a proposal for a different size of building or layout on the property, staff would be able to evaluate it and the potential variances required. Development plans that do not meet the proposed bylaw can be considered through a Development Variance Permit or Zoning Amendment, where you make a case that those particular regulations should not apply to your specific site and specific proposal. Additional regulations not mentioned in your letter would also need to be considered, such as the 1.0 Minimum Floor Area Ratio (gross floor area in relation to the parcel area) and two storey Minimum Height requirement in the Downtown Comprehensive Zone.

Please note that the existing parking layout on your property is non-conforming - the current Downtown Development Permit Area guidelines (adopted in 2007) and the Off Street Parking and Loading Bylaw (and parking regulations in the new Zoning Bylaw) do not permit parking to the front property line or backing directly onto the street.

The Zoning Bylaw was drafted to implement the Official Community Plan, including the Downtown Development Permit Area Guideline that new development should be located between 2 m and 2.5 m from the front property line. It is not necessarily only for the purpose of expanding road or sidewalk widths, but to create a desirable aesthetic without crowding the streetscape, including allowing space for landscaping and other features.

Please contact staff if you have further development layouts or details that you would like reviewed.

There will be a Public Hearing at 5 pm on March 19, 2018, for which you are also welcome to submit a letter to Council, or attend in person to speak regarding your concerns.

Sincerely,



Michelle Geneau, MCIP, RPP
Manager of Planning

c.c. CAO; Director of Public Works and Development Services; Council