

CITY OF DUNCAN

BYLAW NO. 3166.11, 2025

A BYLAW TO AMEND ZONING BYLAW NO. 3166, 2017

The Council of the City of Duncan enacts as follows:

1. CITATION

1.1 This Bylaw may be cited as “Zoning Bylaw Amendment Bylaw No. 3166.11, 2025”.

2. GENERAL

2.1 If other bylaws that would amend Zoning Bylaw No. 3166 are adopted before this Bylaw is adopted, and references to section or sub-section numbers are impacted, the amendments in this Bylaw remain valid and will be applied to the amended Zoning Bylaw No. 3166 according to appropriate numerical sequencing.

3. AMENDMENTS

3.1 The “City of Duncan Zoning Bylaw No. 3166, 2017” is hereby amended, as follows:

(a) in Part 1 (Administration),

(i) Section 1.4 (Zone Boundaries), by replacing sub-section 1.4.1 with the following new sub-section:

“1.4.1 Unless otherwise identified in Schedule A – Zoning Map of this Bylaw, the zoning adjacent to a *highway* or *lane* applies to the *highway* or *lane*, up to the centerline of the *highway* or *lane*.”

(b) in Part 3 (General Regulations),

(i) Section 3.1 (Uses Permitted in All Zones), by inserting the word “Facility” after “Care” in sub-section 3.1.1(b);

(ii) Section 3.10 (Height Exemptions), by inserting the following new sub-section:

“Where a development permit issued by the *City* authorizes amenity spaces on the roof of a *building* that are shared by occupants of the *building*, those amenity spaces and associated features, as detailed in the development permit, are exempt from maximum *building height* regulations.

- (iii) Section 3.12, by inserting the following new sub-section:

“Structures that are solely used for weather protection for short-term bicycle parking may be sited within the required parcel line setbacks, provided that the structure is limited to a roof with supporting posts and is not enclosed with walls and provided that drainage from the structure is directed away from adjoining parcels and highways.”

- (iv) by replacing Section 3.19 (Bed and Breakfast) with the following new section:

“3.19 Short-Term Rentals

3.19.1 Where permitted in a *zone*, a *short-term rental* is only permitted subject to compliance with all requirements and provisions of the *Short-Term Rental Accommodations Act* and this bylaw.

3.19.2 A *short-term rental* is only permitted in a *single-unit dwelling, attached secondary suite, or detached secondary suite*.

3.19.3 The maximum number of *short-term rentals* per *parcel* or entire building strata is one (1).”

- (v) by replacing Section 3.21 (Landscaping) with the following new section:

“3.21 Landscaping

3.21.1 The following requirements, standards, and regulations for the provision of landscaping, which, by necessity, include the ongoing upkeep and maintenance of such *landscaping*, are established for the purpose of preserving, restoring, and enhancing the natural environment and preventing hazardous conditions:

(a) Where *landscaping* is required and has been installed and planted in accordance with the *City’s Works and Services Bylaw* or with a development permit issued by the *City*, the area occupied by the landscaping is specifically reserved for *landscaping* and must not be used for or occupied by any other use, unless permitted by the *City* through a development permit, development permit amendment, or other written *City* approval.

(b) The *landscaping* referred to in this section has inherent ecological and biodiversity value in the context of the natural environment, and also serves to help prevent hazardous conditions resulting from climate change, including providing

shade and managing the urban heat effect during extreme heat events and mitigating the impacts of storm events, and as such, must not be removed, displaced, or altered in any way without permission from the *City* to do so through a development permit, development permit amendment, or other written *City* approval.

- (c) To regulate situations where an owner has provided the landscaping referred to in in this section, but fails to take reasonably necessary actions required to ensure the survivability of the *landscaping*, the *City* views maintenance of *landscaping* as an inherent and necessary element of the “provision” of landscaping, and as such, landscaping referred to in this section must be kept up, watered, and otherwise cared for in accordance with landscape care best practices and, in the event that such landscaping dies, the *landscaping* must immediately be replaced and provided in accordance with the original landscape design, unless an alternative landscape design is approved by the *City* through a development permit, development permit amendment, or other written *City* approval.”

(vi) by deleting Section 3.23 (Procedure) and Section 3.24 (Care and Maintenance);

(vii) Section 3.26 (Parking and Off-Street Loading Areas), by deleting sub-section 3.26.5;

(viii) Section 3.26 (Parking and Off-Street Loading Areas), by replacing sub-section 3.26.6 with the following new sub-section:

“Where the minimum number of *off-street parking* spaces includes a fractional unit of 0.5 or more, that fractional unit is considered one *off-street parking* space.”

(ix) Section 3.27 (Access to Parking Areas), by replacing sub-section 3.27.5 with the following new sub-section:

“The following standards for works and services are established for the provision of shared driveway accesses:

- (a) Where a *parcel* abuts a downtown road (as identified in Figure 3.XX.5) and has a *parcel 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.

- (b) Where an easement has been provided to accommodate driveway access over one *parcel* to a neighbouring *parcel*, development on the neighbouring *parcel* must only use the shared driveway access, and, if the existing easement does not include maintenance obligations for the neighbouring *parcel*, the owner of neighbouring *parcel* must register a new easement with shared maintenance obligations, proportional to the scale of development on each *parcel*.



Figure 3.XX.5: Downtown Roads Access Map”

- (x) Section 3.27 (Access to Parking Areas), by inserting “Jubilee Street from Evans Street to White Road” after “...Coronation Avenue,” in sub-section 3.27.6;
- (xi) Section 3.28 (Surfacing and Construction Standards), by inserting “, hard-surfaced” after “dust-free” in sub-section 3.28.1;
- (xii) Section 3.29 (Visitor Parking), by replacing sub-section 3.29.1 with the following new sub-section:

“Where a *parcel* contains a development with 10 or more *dwelling units*, one (1) space of every 20 required parking spaces or portion thereof, shall be identified and maintained as visitor parking.”

- (xiii) Section 3.30 (Minimum Off-Street Parking), by replacing sub-section 3.30.1 with the following new sub-section:

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

Permitted Use	Minimum Number of Off-street Parking Spaces
<i>Residential Use</i>	1 per <i>dwelling unit</i>
<i>Affordable Housing Assisted Living Residential Facility Community Care Facility Studio or 1-Bedroom Dwelling Unit in Downtown Parking Area Transition House</i>	0.5 per <i>dwelling unit or sleeping unit</i>
<i>Home-Based Business Residential Daycare</i>	1 per business where public attends
<i>Short-Term Rental Tourist Accommodation</i>	1 per guest room
<i>Any Other Use</i>	1 per 30 m ² <i>gross floor area</i>

- (xiv) Section 3.30 (Minimum Off-Street Parking), by inserting the following new sub-section:

*“Every individual garage or carport in or attached to a *dwelling unit* in a *single-unit dwelling, two-unit dwelling, or multi-unit rowhouse dwelling* must be equipped with a 240 volt electrical outlet (Level 2 charging capabilities).”*

- (xv) Section 3.31 (Dimensions of Parking Spaces), by replacing sub-section 3.31.5 with the following new sub-section:

*“Despite any other provision in this section, 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.”*

- (c) in Part 4 (Residential Zones),

- (i) Section 4.2 (Permitted Uses [in the LDR zone]), by striking out *“Dwelling, Two-Unit Rowhouse”* and *“Bed and Breakfast”* and inserting *“Short-Term Rental”* in the list of accessory uses in the table in sub-section 4.2.1;

- (ii) Section 4.3 (Development Regulations [in the LDR zone]), by inserting the following new sub-sections:

“The maximum number of suites is one attached secondary suite or one detached secondary suite per primary dwelling unit.”

“The maximum gross floor area of an attached secondary suite or detached secondary suite is 90 m².”

- (iii) Section 4.6 (Permitted Uses [in the MDR zone]), by inserting “*Secondary Suite, Attached*” in the list of accessory uses in the table in sub-section 4.6.1;

- (iv) Section 4.7 (Development Regulations [in the MDR zone]), by inserting “for a period of 80 years” after “*housing units*” and deleting “rental or” and “rental units or” in the regulations for the amenities required for bonus density I and II development criteria;

- (v) Section 4.7 (Development Regulations [in the MDR zone]), by replacing the minimum rear parcel line setback for principal buildings with “4 m”;

- (vi) Section 4.7 (Development Regulations [in the MDR zone]), by inserting the following new sub-section:

“The maximum gross floor area of an attached secondary suite is 90 m².”

- (vii) Section 4.8 (Conditions of Use and Subdivision Regulations [in the MDR zone]), by inserting the following new sub-sections:

“An attached secondary suite is only permitted in a multi-unit rowhouse dwelling and is limited to one (1) attached secondary suite per primary dwelling unit.”

“Where a development with a multi-unit dwelling contains at least 20 dwelling units, a minimum of 20% of the dwelling units in the development must be 2-bedroom units and a minimum of 10% of the dwelling units in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one dwelling unit.”

- (viii) by inserting the following new section in the medium density residential zone:

“Site-Specific Development Regulations

The following site-specific development regulation applies to the property listed in this subsection:

Civic Address	Legal Description
Portion of 531 Herbert Street	Eastern-most portion of LOT 1 SECTION 19 RANGE 5 QUAMICHAN DISTRICT PLAN VIP76282 PID 025-818-759 , extending 24.62 m from the eastern parcel boundary.
Development Criteria	Regulation
Maximum Height of Principal Building	11 m (3 <i>habitable storeys</i>)

- (ix) Section 4.10 (Permitted Uses [in the HDR zone]), by inserting “*Secondary Suite, Attached*” in the list of accessory uses in the table in sub-section 4.10.1;
- (x) Section 4.11 (Development Regulations [in the HDR zone]), by inserting “for a period of 80 years” after “housing units” and deleting “rental or” and “rental units or” in the regulations for the amenities required for bonus density I and II development criteria;
- (xi) Section 4.11 (Development Regulations [in the HDR zone]), by replacing the minimum rear parcel line setback for principal buildings with “4 m”;
- (xii) Section 4.11 (Development Regulations [in the HDR zone]), by inserting the following new sub-section:

“The maximum *gross floor area* of an *attached secondary suite* is 90 m².”
- (xiii) Section 4.12 (Conditions of Use and Subdivision Regulations [in the HDR zone]), by inserting the following new sub-section:

“An *attached secondary suite* is only permitted in a *multi-unit rowhouse dwelling* and is limited to one (1) *attached secondary suite* per primary *dwelling unit*.”

“Where a development with a *multi-unit dwelling* contains at least 20 *dwelling units*, a minimum of 20% of the *dwelling units* in the development must be 2-bedroom units and a minimum of 10% of the *dwelling units* in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one *dwelling unit*.”
- (xiv) Section 4.13 (Site-Specific Development Regulations and Conditions of Use [in the HDR zone]), by inserting the following new sub-section:

“The following site-specific development regulation applies to the property listed in this subsection:

Civic Address	Legal Description
262 E.J. Hughes Place	LOT 1 SECTION 17 RANGE 6 QUAMICHAN DISTRICT PLAN EPP28469 PID 029-108-659
Development Criteria	Regulation
Maximum Height of Principal Building	20 m (6 <i>habitable storeys</i>)

(d) in Part 5 (Commercial Zones),

(i) Section 5.3 (Development Regulations [in the DTC zone]), by inserting “for a period of 80 years” after “housing units” and deleting “rental or” and “rental units or” in the regulations for the amenities required for bonus density I and II development criteria;

(ii) By replacing Section 5.4 (Subdivision Regulations [in the DTC zone]) with the following new section:

“Conditions of Use and Subdivision Regulations

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

Where a *mixed use development* with a *multi-unit dwelling* contains at least 20 *dwelling units*, a minimum of 20% of the *dwelling units* in the development must be 2-bedroom units and a minimum of 10% of the *dwelling units* in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one *dwelling unit*.”

(iii) Section 5.8 (Development Regulations [in the NC zone]), by inserting “for a period of 80 years” after “housing units” and deleting “rental units or” in the regulations for the amenities required for bonus density I and II development criteria;

(iv) By replacing Section 5.9 (Subdivision Regulations [in the NC zone]) with the following new section:

“Conditions of Use and Subdivision Regulations

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

Where a *mixed use development* with a *multi-unit dwelling* contains at least 20 *dwelling units*, a minimum of 20% of the *dwelling units* in the development must be 2-bedroom units and a minimum of 10% of the *dwelling units* in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one *dwelling unit*.”

- (v) Section 5.12 (Permitted Uses [in the HCC zone]), by inserting “*Commercial Daycare*,” “*Cultural Use*,” “*Funeral Service Facility*,” “*Public Market*,” and “*Recreation Facilities, Indoor*” in the list of principal uses in the table in subsection 5.12.1;
- (e) in Part 7 (Definitions),
 - (i) by deleting the following terms and associated definitions:
 - “Affordable”
 - “Bed and Breakfast”
 - “Dwelling, Two-Unit Rowhouse”
 - “Landscape Area”
 - “Parcel Depth”
 - (ii) by replacing the definition of “Affordable Housing” with the following:

“means affordable rental housing which, under the terms of a *Housing Agreement* with the *City* or an agreement with a provincial or federal government agency, has a rental price that is at least 20 percent below the market rental price or, in the case of rent geared to income, a rental price that does not exceed 30 percent of the household income of the occupants. The market rental price is the rental price that could otherwise be charged in the local market, based on appraisal evidence, as determined by a professional property valuation firm or appraiser accredited under the Appraisal Institute of Canada, and knowledge in the multi-unit residential real estate market in the Duncan area.”

(iii) by inserting the word “Facility” after “Community Care” in the Community Care term;

(iv) by replacing the definition of “Dwelling, Multi-Unit Rowhouse” with the following:

“means a *building* comprised of at least three (3) attached *dwelling units*, where each *dwelling unit* has a separate ground-oriented entrance from the exterior of the *building*.”

(v) by replacing the definition of “Landscaping” with the following:

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

(vi) by replacing the definition of “Landscaping Buffer” with the following:

“means an area containing *landscaping* to provide a buffer between *parcels*.”

(vii) by inserting the following new term and definition:

“**Short-Term Rental** means *temporary accommodation* in a building that is provided to members of the public in exchange for a fee.”

(viii) by replacing the map in “Schedule A – Zoning Map” with the new City of Duncan Zoning Map in Schedule A of this Bylaw.

PASSED FIRST READING

PASSED SECOND READING

PASSED THIRD READING

PUBLIC HEARING

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

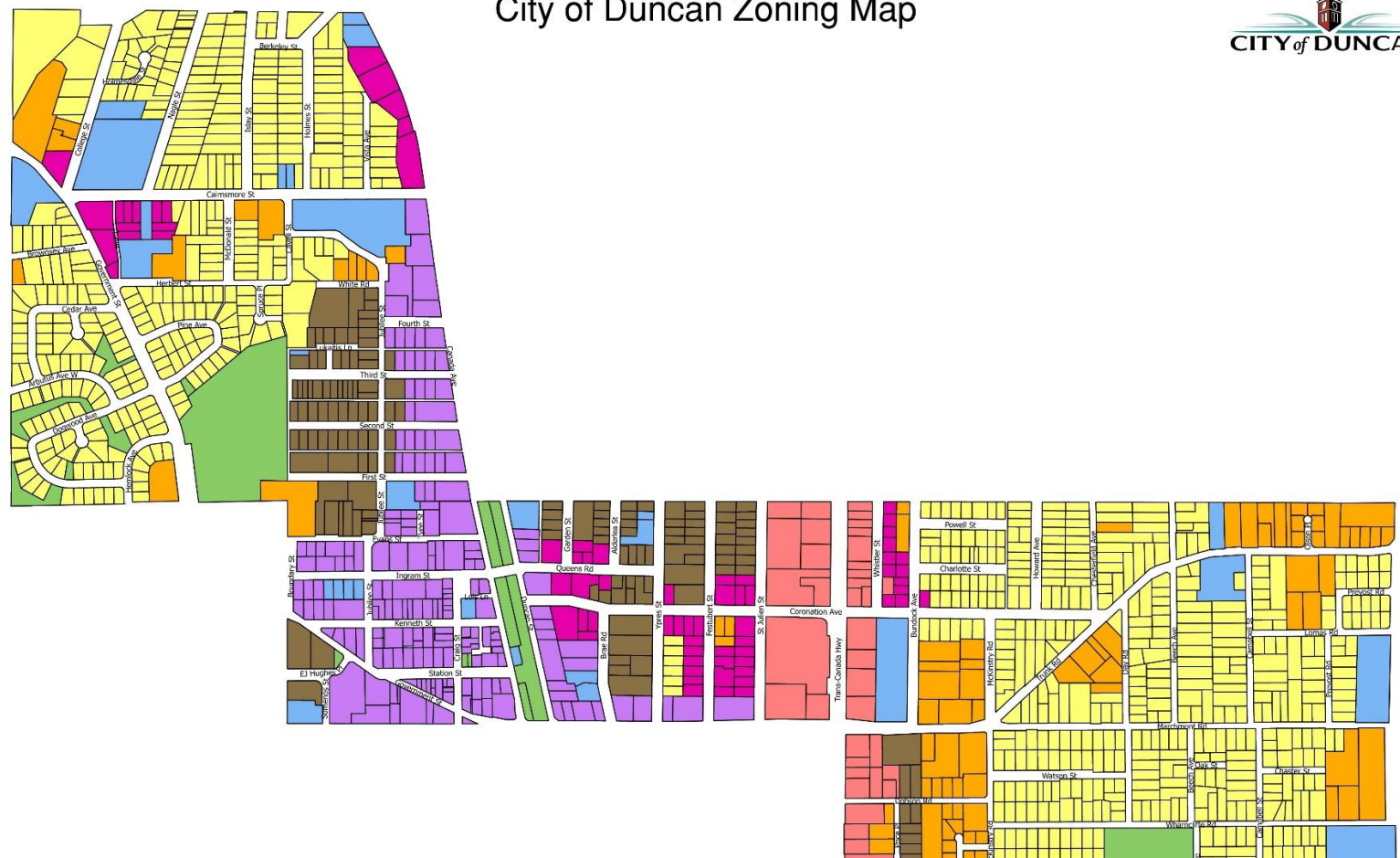
ADOPTED

Michelle Staples,
Mayor

Paige MacWilliam,
Director of Corporate Services

Schedule 'A' to Bylaw No. 3166.11, 2025

City of Duncan Zoning Map



- Low Density Residential (LDR) Zone
- Medium Density Residential (MDR) Zone
- High Density Residential (HDR) Zone
- Downtown Comprehensive (DTC) Zone
- Neighbourhood Commercial (NC) Zone
- Highway Corridor Commercial (HCC) Zone
- Community Services (CS) Zone
- Community Park (CP) Zone

