



City of Duncan

Zoning Bylaw 1540, 1988 (With Amendments to December 19, 2011)

Consolidated for Convenience Only

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

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

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

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

CITY OF DUNCAN

ZONING BYLAW NO. 1540, 1988

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

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

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

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

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

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

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

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

- (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
- (e) fails to comply with an order, direction or notice given under this bylaw; or
- (f) prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Administrator, Manager (Land Use Services), Planner, Chief Building Inspector, Senior Building Inspector or Building Inspector on property under Section 2.1

shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

- 2.3 Each day's continuance of an offence under Section 2.2 constitutes a new and distinct offence.
- 2.4 Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding \$2,000 and the costs of prosecution.

PART THREE DEFINITIONS

3.1 In this bylaw, unless the context otherwise requires:

"accessory" means ancillary or subordinate to a principal use;

"alteration" means a structural change to a building and also includes:

- (a) an addition to gross floor area or height;
- (b) the removal of a portion of the building;
- (c) construction of, cutting into, or removal of any wall, partition, column, beam, joist, floor or chimney; and
- (d) any change to or closing of any required means of access;

"assembly" means the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes;

Amend#1861 "basement" means a storey or storeys of a building located below the first storey (Ground Floor);

"bed and breakfast accommodation" means the accessory use of a residential dwelling for the overnight accommodation of transient paying guests in which breakfast is the only meal served;

"boarding house" means the use of a residential dwelling for purpose of providing accommodation and meals for non-family residents, but does not include an independent suite;

"building" means any structure with a gross floor area exceeding 8 square metres used or intended for supporting or sheltering any use of occupancy;

"church" means an assembly building used for public worship;

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

Amend# 1822

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

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

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

Amend# 1822

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

"duplex" means two residential dwellings placed one above the other or side by side in a principal building on a single parcel;

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

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

"family" means:

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

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

Amend#1861

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

Amend#1705

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

Amend#1822

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

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

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

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

Amend#1705 "gross floor area" means the sum of the gross areas of the floors of a building or buildings measured from the exterior faces of exterior walls excluding, however, in respect of all buildings:

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

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

Amend.#1861

Added "ground floor" means the same as first storey;

Amend.#1946 "height" means the vertical distance from the average finished ground level at the perimeter of a building or structure, to the highest point of the building or structure. In the case of residential accessory buildings the measurement shall be taken to the mean distance between the eaves and the peak;

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

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

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

"home occupation" means an occupation or craft and the sale of the goods made on the same parcel where such activity is carried on as an accessory use in a dwelling or accessory building to the dwelling;

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

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

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

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

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

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

Amend#3046 "live/work studio" means a dwelling unit which includes space for a professional office, artist studio, repair shop, custom workshop, and the like;

Amend#2096 "microbrewery" means a facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail or wholesale. The maximum brewing capacity shall not exceed 7,500 hectolitres per year. The facility must include retail sales, tours and tastings.

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

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

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

"municipal sewer system" means a system of laterals, collectors, mains, trunks, and appurtenant works, including treatment and disposal facilities owned and operated by the City of Duncan and approved by the Waste Management Branch, of the Province of B.C. and provides a connection for sites or parcels of land within the boundaries of the system;

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

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

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

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

"parcel width" means the distance between two side parcel lines measured at a point at which a

principal building is or is to be established, and in no case shall such a dimension be measured within the panhandle portion of a panhandle lot;

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

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

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

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

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

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

"residence" means:

- (a) occupancy or use of a building or part thereof as a dwelling; and
- (b) the dwelling occupied or used;

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

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

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

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

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

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

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

"tourist accommodation" means a building or set of buildings used for transient accommodation which contain sleeping units and may contain auxiliary assembly, commerce, entertainment, or

restaurant rises, premises licensed to serve alcoholic beverages and staff accommodation and includes hotel, motel, resort, lodge and guest cabins;

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

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

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

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

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

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

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

PART FOUR

BASIC PROVISIONS

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

PART FIVE

GENERAL REGULATIONS

5.1 Applicability

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

5.2 Siting

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

5.3 Setback Exceptions

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

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

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

5.4 Front Yard Prohibitions

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

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

5.5 Setbacks from Trans Canada Highway

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

5.6 Storage of Wrecks

Unless specifically permitted by this bylaw, no parcel shall be used for the storage, collection or accumulation of all or part of any automobile wreck or all or part of any motor vehicle which is not:

- (a) validly registered and licensed in accordance with Motor Vehicle Act; or
- (b) capable of motivation under its own power.

5.7 Storage of Heavy Equipment/Vehicles

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

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

5.8 Attached Garage

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

5.9 Number of Principal Buildings Per Parcel

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

5.10 Accessory Buildings and Structures

- (a) Buildings and structures accessory to principal uses, (buildings and structures) are permitted in any zone.
- (b) No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building is incidental, has been erected or will be erected simultaneously with the accessory building on the same parcel.
- (c) Notwithstanding Section 5.8(b), an accessory building may be situated on a parcel contiguous to a parcel on which the principal building is situated.
- (d) An accessory building shall not be used as a dwelling except as otherwise provided for in this bylaw.
- (e) One greenhouse not exceeding 25 square m in floor area shall be permitted per parcel as an accessory residential structure. Greenhouses exceeding 25 square m in floor area shall be considered as agricultural buildings and shall respect the relevant agricultural building setbacks from parcel lines.

Amend#1946
Added

- (f) *notwithstanding the provisions of clause 4.4.(a) of this bylaw, tent structures shall be permitted as accessory structures in commercial zones as temporary seasonal storage buildings and for special events, provided they comply with all other aspects of this bylaw. Tents shall not be used for assembly occupancies, except for special events as authorized by Council.*
- (g) *Tent structures shall require temporary permits which shall be for a term not to exceed two years. Renewal of permits shall be subject to review.*

5.11 Height

Except as specifically permitted elsewhere in this bylaw,

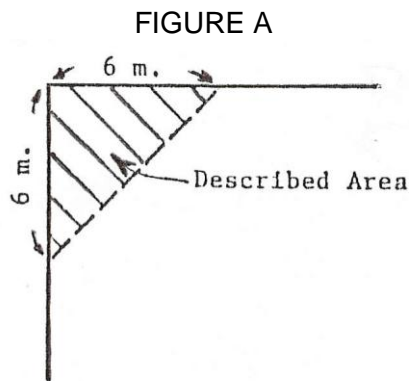
Amend#1763

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

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

Amend#1628

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



5.14 Fences

Except as otherwise specifically stated in this bylaw,

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

Amend#1781
Add

Amend#1782

5.15 Home Occupation Regulations

- (a) *The use must be clearly incidental and accessory to the use of the dwelling unit for residential purposes.*
- (b) *The use shall be conducted totally within the principal or accessory building except in the case of child care program uses where outdoor recreation uses are permitted.*
- (c) *The use shall be conducted by the principal occupant of the residential building in which it is permitted and not more than one additional person shall be engaged in the use.*
- (d) *Except as provided in Sections 301.2 and 301.5, no external indication of the existence of the use shall be given, whether by displays, floodlighting, storage of materials, alteration of the appearance of the building(s) or by any other means.*
- (e) *Signage shall be limited to a single unilluminated name plate not exceeding 0.3m² which shall be placed within or flat against the main front wall of the dwelling unit.*
- (f) *The maximum floor area of the use shall be 40% of the gross floor area of the dwelling unit or 50m², whichever is less.*
- (g) *The use shall not require parking or loading areas in excess of what is normally required for the residential use and zone in which the residence is located.*
- (h) *The use shall not create noise, dust, vibration, odour, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy in the zoning district in question under normal circumstances wherein no home occupation exists.*
- (i) *A valid City of Duncan Business License is required for a home occupation use.*
- (j) *A Business License for a home occupation use shall be subject to periodic review to ensure compliance with the provisions of this Bylaw.*

5.16 Bed and Breakfast Regulations

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

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

5.17 Boarding House Regulations

In the zones permitted, a boarding house use shall

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

5.18 Setback from a Watercourse

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

Amend#1563

Add

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

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

PART SIX CREATION AND DEFINITIONS OF ZONES

6.1 Creation of Zones

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

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

6.2 Definition of Zone

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

PART SEVEN RESIDENTIAL ZONES

7.0 RESIDENTIAL ZONES

7.1 R-1 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

The following uses and no others are permitted in an R-1 Zone:

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home occupation;
- (4) boarding house;
- (5) bed and breakfast accommodation; and
- (6) daycare, nursery school accessory to a residence.

(b) Conditions of Use

For any parcel in an R-1 Zone:

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

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

- (4) the minimum floor space area of a single-family residential dwelling shall be not less than 85.0 square metres.
- (5) in no case shall a residential accessory building be located closer than 2.5 metres from a principal residential dwelling unit.
- (6) The total residential floor area shall not exceed 0.5 times the total horizontal area of the parcel.

Amend#1763
Added

7.2 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

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

- (1) single family residential dwelling;
- (2) two family residential dwelling
- (3) horticulture;
- (4) home occupation;
- (5) boarding house;
- (6) bed and breakfast accommodation; and
- (7) daycare, nursery school accessory to a residential use.

(b) Conditions of Use

For any parcel in an R-2 Zone:

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

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

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

Amend# 1981

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

(a) Permitted Uses:

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

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

(b) Conditions of Use:

For any parcel in the RM-1 zone:

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

Amend#1763

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

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

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

Amend#1981

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

Amend#1724
Amend# 1763

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

(a) Permitted Uses:

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

- (1) apartment

(b) Conditions of Use:

For any parcel in the RM-2 zone:

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

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

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

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

(d) Density

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

7.5 RM-3 ZONE - MEDIUM DENSITY (3 storey) RESIDENTIAL(a) Permitted Uses:

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

- (1) (deleted by Bylaw No. 3035)
- (2) (deleted by Bylaw No. 3035)
- (3) townhouse;
- (4) apartment;
- (5) horticulture;
- (6) home occupation, bed and breakfast accommodation and /or day care/nursery accessory to a use permitted in 7.5(a)(1) or (2) above;
- (7) parking as a principal use provided it is for the exclusive use of a permitted principal use on an adjacent parcel zoned P-1 Institutional which meets the same requirements specified in subsection 4.4 (b) of "City of Duncan Off-Street Parking and Loading Bylaw No. 1556, 1988", for similar off-site parking in the C-1 and C-2 zones.

(b) Conditions of Use:

For any parcel in the RM-3 zone:

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

Amend By#3035

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

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

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

Amend#
2019

- (c) Density:

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

Amend#1763
Add
Amend#3035

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

(a) Permitted Uses:

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

- (1) (deleted by Bylaw No. 3035)
- (2) (deleted by Bylaw No. 3035)
- (3) Townhouse;
- (4) Apartment;
- (5) Horticulture; and
- (6) Home occupation, bed and breakfast accommodation and/or day care/nursery accessory to a use permitted in 7.6 (a) (1) or (2) above.

(b) Conditions of Use:

For any parcel in the RM-4 zone:

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

Amend
By#3035

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

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

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

Amend
#3035

Amend
2019

- (c) Density:

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

Amend#1788
Add

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

(a) Permitted Uses:

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

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

(b) Conditions of Use:

For any parcel in the RM-6 zone:

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

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

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

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

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

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

(c) Density

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

PART EIGHT COMMERCIAL ZONES

8.0 COMMERCIAL ZONES

8.1 C-1 ZONE – GENERAL COMMERCIAL

Amend#1763
Amend#1861
Amend#2020
Amend#3046

(a) Permitted Uses

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

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

Amend# 3003

(b) Accessory Uses

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

1. Commercial storage

Amend#2020
Amend#2053

(c) Conditions of Use

For any parcel in a C-1 zone:

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

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

Amend# 3003

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

Amend#2020

Amend#2053

(d) Density

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

Amend#2096

8.1.1 C-1-A ZONE – GENERAL COMMERCIAL/MICROBREWERY
(a) Permitted Uses

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

1. Bakery
2. Bank, financial institution
3. Barbershop, beauty parlour
4. Bus or transportation depot
5. Churches
6. Fitness studio, racquet club
7. Funeral parlour
8. Independent school
9. Medical laboratory
10. Microbrewery
11. Office use
12. Premise licensed for the sale of alcoholic beverages
13. Printing and publishing
14. Repair and servicing of personal and household goods, power tools, electric and electronic goods
15. Residential use above a permitted General Commercial use
16. Restaurant, catering, but excluding drive-in and drive-through

17. Retail store, including wholesale sales use
18. Shoe repair, retail, laundry and dry cleaning and other home and personal service use
19. Theatre, art gallery, museum
20. Tourist accommodation
21. Vehicle parking and storage use
22. Veterinary clinic

(b) Conditions of Use

For any parcel in a C-1 zone:

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

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

(c) Density

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

8.2 C-2 ZONE – OFFICE COMMERCIAL

(a) Permitted Uses

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

- (1) office use;
- (2) bank, financial institution;
- (3) retail store, restaurant and home or personal service use in a building where an office use is the principal use;
- (4) residential use accessory to a permitted use as specified in 8.2(a)(1) above.

(b) Conditions of Use

For any parcel in a C-2 Zone:

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

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

- (4) a retail store, restaurant and home or personal service use shall only be located on the ground floor of a principal building (in which the principal use is an office use) and in no case shall the total gross floor area utilized for a retail store use, restaurant, home or personal service use (or combination thereof) exceed 25 percent of the total gross floor area of the principal building in which they are located;
- (5) an accessory residential use shall be located above the first storey (ground floor) level of a permitted principal building and must have a separate entrance.

Amend#1861

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

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

(c) Density

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

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

Bylaw 1970

8.3 C-3 ZONE – SERVICE COMMERCIAL

(a) Permitted Uses

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

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

Amend#1763 ADD
Amend#3016 ADD
Amend#3016 ADD

(b) Conditions of Use

For any parcel in a C-3 Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;

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

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

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

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

8.4 C-4 ZONE – TOURIST RECREATIONAL COMMERCIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in a C-4 Zone:

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

8.5 C-5 ZONE – LOCAL COMMERCIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in a C-5 Zone:

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

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

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

PART NINE

PARK AND INSTITUTIONAL ZONES

9.1 P-1 ZONE - INSTITUTIONAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in a P-1 Zone:

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

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

9.2 P-2 ZONE – PARKS AND RECREATION

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in a P-2 zone:

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

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

PART TEN AREA, SHAPE AND DIMENSIONS OF PARCELS

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

Amend#1763
Amend#1788

MINIMUM PARCEL SIZE

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

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

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

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

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

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

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

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

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

Amend#1763
Amend#1788

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

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

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

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

PART ELEVEN

TRANSITION

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

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

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

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

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

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

MAYOR

ADMINISTRATOR

APPENDIX

METRIC CONVERSION TABLE

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

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