



**City of Duncan**

**Screening & Landscaping Bylaw No. 1580, 1989**

**(With Amendments to April 10, 1995)**

**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

**THE CORPORATION OF THE CITY OF DUNCAN  
BYLAW NO. 1580**

**A BYLAW TO REGULATE AND REQUIRE THE PROVISION OF  
SCREENING OR LANDSCAPING WITHIN THE CITY OF DUNCAN.**

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**WHEREAS** Section 968 of the Municipal Act, R.S.B.C. 1979, as amended empowers the Council to adopt a bylaw which requires to provision of certain screening and landscaping;

**AND WHEREAS** within the City there are certain areas, zones and highways where it is desirable that screening and landscaping be provided in order to:

- (a) Promote the economic development of the City;
- (b) Protect and enhance the tax base of the City;
- (c) Provide appropriate screening and landscaping between various uses and activities in order to create a desirable and safe environment within the City.

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

**PART ONE**

**TITLE**

- 1.1 This bylaw may be cited for all purposes as "City of Duncan Screening and Landscaping Bylaw No. 1580, 1989".

**PART TWO**

**ADMINISTRATION**

- 2.1 A breach of this Bylaw is an offence under the Offence Act of British Columbia.

**PART THREE**

**PROCEDURE**

- 3.1 The screening and landscaping requirements of the bylaw are not applicable to existing development, but must be complied with by the owner of the property prior to obtaining any one of the following approvals in respect of the property.

- 3.1.1 zoning bylaw amendment;
- 3.1.2 issuance of a development permit;
- 3.1.3 issuance of a development variance permit;
- 3.1.4 issuance of a building permit;
- 3.1.5 subdivision; or
- 3.1.6 land use contract amendment.

## **PART FOUR**

### **DEFINITIONS**

**"landscape buffer"** means an area containing any combination of grass, trees, bushes, shrubs, vines, plants, flowers, bark mulch and the like, provided and maintained to enhance and embellish the appearance of the property. Excludes parking areas and sidewalks, uncleared natural brush, undergrowth and uncontrolled weed growth.

**"landscape screen"** means a continuous opaque thick hedge, hardy shrubs, compact evergreen hedge or any combination thereof to effectively provide a visual separation or enclosure for the site and preserve the appearance and character of the surrounding neighborhood and the City, and is broken only by access drives and walks.

**"landscaping"** means any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch, decorative boulders and gravel, decorative paving, planters, foundations and sculptures, decorative fences and the like, tastefully arranged and maintained so as to enhance and embellish the appearance of a property or where necessary to effectively screen a lot, site or storage yard and shall not include paved parking areas, sidewalks, uncleared undergrowth or weed growth.

## **PART FIVE**

### **REGULATIONS**

Amended

#1764 5.1 Landscaping Generally

Within all zones other than R-1 Urban Residential, R-2 Suburban Residential, P-2 Parks and Recreation and RM-4 Medium Density (4-storey) Multi-Family Residential any portion of any lot which is not used for buildings, structures, storage, required off-street parking, required off-street loading, roadways or walkways, shall be fully landscaped.

**Amended**

**#1764** 5.2 Requirements for Residential Zones

(a) In RM-1, RM-2, RM-3 and RM-4 zones, a landscape screen not less than 1.5 m. high or a solid decorative fence at least 1.5 m. high shall be provided and maintained along rear and interior side lot lines adjacent to a zone which permits residential use.

(b) In RM-1, RM-2 and RM-3 zones, any storage area shall be screened.

5.3 Requirements in Commercial Zones

(a) A landscape screen of not less than 1.5 m. high or a solid decorative fence at least 1.5 m. high shall be provided and maintained along rear and interior side lot lines adjacent to a zone which permits residential use.

(b) Outdoor storage areas shall be screened from view from adjacent lots by a landscape screen or decorative fence or a combination thereof with minimum height of 1.8 m.

(c) Where more than three (3) parking spaces are provided, these spaces shall be separated from any street by a landscaped screen, not less than one (1) meter in width and not less than one (1) meter in height (properties zoned C-3 SERVICE COMMERCIAL excepted).

5.4 Requirements for Industrial Zones

(a) A continuous landscape buffer of at least 4.0 m. in width shall be provided and maintained along a lot which abuts a street.

(b) A landscape screen of not less than 1.8 m. high or solid decorative fence at least 1.8 m. high shall be provided and maintained along rear and interior side lot lines adjacent to a zone which permits commercial or residential uses.

(c) Outdoor storage or loading areas shall be screened from view from adjacent lots by a landscape screen or decorative fence or a combination thereof with a minimum height of 1.8 m.

5.5 Screening of Garbage Receptacles

Within all zones other than R-1 Urban Residential, R-2 Suburban Residential and P-2 Parks and Recreation, garbage receptacles stored outdoors are required to be surrounded on all sides by a solid enclosure, which cannot be seen through, or a minimum height of 1.5 m.

5.6 Care and Maintenance

All landscaping, screening and buffering required under the provisions of this bylaw on any lot shall be adequately and attractively maintained by the owner of the lot.

**Amended 5.7** Multi-Residential, Commercial and Institutional Zones  
**#1585**

Electrical and telephone service connection access from a street or lane shall be underground except in those instances where a permit to excavate the street is refused by the Public Work Superintendent, in which case an electrical and telephone service connection may have overhead access.

This Bylaw shall take effect upon its adoption by the Council.

READ THE FIRST TIME on the 23<sup>rd</sup> day of October, 1989.

READ THE SECOND TIME on the 23<sup>rd</sup> day of October, 1989.

READ THE THIRD TIME on the 23<sup>rd</sup> of October, 1989.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal

Council of The Corporation of the City of Duncan on the 14<sup>th</sup> day of November,  
1989.

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Clerk of the Municipal Council  
of the Corporation of the City  
of Duncan.

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Mayor.

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

Bylaw No. 1585, 1989 – Adopted January 22, 1990

Bylaw No. 1764, 1995 – Adopted April 10, 1995