



The Corporation of the City of Courtenay

# Bylaw No. 3108

## A bylaw to amend Zoning Bylaw No. 2500, 2007.

WHEREAS “Zoning Bylaw No. 2500, 2007” regulates the use of land, buildings and structures in the City of Courtenay;

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

### Citation

1. This Bylaw shall be cited as “Zoning - Amendment Bylaw No. 3108 (2270 Cliffe Ave.)”.

### Amendment

2. “Zoning Bylaw No. 2500, 2007” is amended as follows:
  - a) Add “Part 62 – Comprehensive Development Forty-Four Zone (CD-44) (2270 Cliffe Avenue)” attached as **Schedule A**, following “Part 61 – Comprehensive Development Forty-Three Zone (CD-43) 925 Braidwood Road” in Division 8 – Classification of Zones.
  - b) By rezoning from “Commercial Two Zone (C-2)” to “Comprehensive Development Forty-Four Zone (CD-44)” for the subject property legally described as follows:
    - LOT A, SECTION 66, COMOX DISTRICT, PLAN 34998 EXCEPT THAT PART IN PLAN 49713 (2270 Cliffe Avenue)and as shown in bold outlined on **Schedule B**, which is attached hereto and forms part of this bylaw.
  - c) That Schedule No. 8. Zoning Map be amended accordingly.

Read a first time this [day] day of [month], [year]

Read a second time this [day] day of [month], [year]

Read a third time this [day] day of [month], [year]

Adopted this [day] day of [month], [year]

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Mayor Bob Wells

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Corporate Officer

**Schedule A: Zoning – Amendment Bylaw No. 3108****Part 62 – Comprehensive Development Forty-Four Zone (CD-44)  
2270 Cliffe Avenue****8.67.1 Intent**

The CD-44 Zone is intended to accommodate a mixed-use commercial/residential development on the property legally described as Lot A, Section 66, Comox District, Plan 34998 except that part in Plan 49713. This property shall be developed substantially in accordance with Schedule A, forming part of this zone and shows the general layout intended for this zone.

**8.67.2 Permitted Uses**

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi-residential dwelling*
- (2) *Accessory building*
- (3) *Bakery and deli*
- (4) *Barber shop and beauty salon*
- (5) *Cannabis retailer, limited to one in total on the subject property*
- (6) *Convenience store*
- (7) *Day care*
- (8) *Facility for adults with a disability*
- (9) *Fitness facility*
- (10) *Florist*
- (11) *General Service*
- (12) *Grocery store*
- (13) *Laundromat and dry cleaning*
- (14) *Licensed premises*
- (15) *Meat and fish market*
- (16) *Medical clinic*
- (17) *Micro-brewing limited to 400 m<sup>2</sup> and including accessory retail sale of goods produced on site*
- (18) *Office*
- (19) *Personal service*
- (20) *Printing shop*
- (21) *Restaurant*
- (22) *Retail store*
- (23) *School*
- (24) *Small item sales, services, rental and repair*
- (25) *Studio*
- (26) *Veterinary clinic*

**8.67.3 Conditional Use Regulations for Dwelling Units**

- (1) Dwelling units shall not be located within a portion of the first *storey* of the building

**8.67.4 Conditional Use Regulations for Non-Residential**

- (1) Commercial uses are permitted only within the first *storey* of the building
- (2) Commercial units must front onto a public street
- (3) Despite Division 7 Off-Street Parking and Loading Spaces General Requirements, where the calculation of required on-site parking spaces for individual commercial units results in fractional numbers, the fractional amounts shall be combined. The total shall be rounded up to the nearest whole number. The resulting parking spaces attributed to these combined fractional amounts shall be shared among all commercial units.

**8.67.5 Subdivision Regulations**

- (1) Minimum Lot Area: 5,000 m<sup>2</sup>
- (2) Minimum Lot Width: 60.0 m
- (3) Minimum Lot Depth: 80.0 m

**8.67.6 Maximum Floor Area Ratio: 2.21****8.67.7 Maximum Total Floor Area for All Non-Residential Units: 1,200 m<sup>2</sup>****8.67.8 Maximum Site Coverage of All Buildings: 57%****8.67.9 Principal Building**

- (1) Maximum Height: 22.0 m excluding solar panels and elevator equipment
- (2) Minimum Front Yard Setback: 5.2 m to main building wall and 3.4 m to projecting features
- (3) Minimum Side Yard Setback (from west property line): 7.3 m to main building wall and 3.2 m to projecting features
- (4) Minimum Side Yard Setback (from east property line): 7.3 m to bottom four *storeys*, 10.0 m to fifth *storey*, 13.5 m to sixth *storey*
- (5) Minimum Rear Yard Setback: 13.0 m

**8.67.10 Accessory Building – Refuse Storage**

- (1) Maximum Height: 3.1 m
- (2) Minimum Front Yard Setback: 80.0 m
- (3) Minimum Side Yard Setback (from west property line): 60.0 m
- (4) Minimum Side Yard Setback (from east property line): 0.25 m
- (5) Minimum Rear Yard Setback: 2.0 m

**8.67.11 Minimum Useable Open Space: 14.5 m<sup>2</sup> per residential unit****8.67.12 Off-Street Parking and Loading**

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 Off-Street Parking and Loading Spaces of this bylaw except:

- (1) Minimum 166 total *parking spaces*;
- (2) Maximum 44 of the total required *parking spaces* may be small car *parking spaces*;
- (3) Minimum 0.94 *parking spaces* per residential unit plus 0.1 visitor *parking spaces* per residential unit;
- (4) Maximum 50% of residential visitor parking may be used for parking for commercial uses with hours of operation limited to between 6am and 6pm;
- (5) Minimum one (1) parking space is required per 47 m<sup>2</sup> of retail commercial *floor area*;
- (6) Minimum one (1) parking space is required per 50 m<sup>2</sup> of office commercial floor area;
- (7) Minimum one (1) parking space is required per 37.5 m<sup>2</sup> of medical clinic floor area;
- (8) Minimum additional parking stall width where abutting wall or *building*: 0.3 m;
- (9) Minimum additional maneuvering aisle width where abutting wall or *building*: 0.0 m;
- (10) Minimum of 100% of required *parking spaces* must have adequate conduits for providing, at minimum, future Level 2 charging;
- (11) Level 2 charging is defined as featuring an energized outlet of 208-240V AC and minimum 40A circuit breaker; and
- (12) Minimum 22 of required total *parking spaces* must have, at minimum, Level 2 charging.

#### **8.67.13 Bicycle Parking**

- (1) Division 7 Part 3 Bicycle Parking Requirements do not apply
- (2) Bicycle parking spaces shall be provided and maintained as detailed below:
  - a. Residential bicycle parking spaces located in secure, covered rooms are required at a minimum rate of two (2) spaces per *dwelling unit* with two (2) or more bedrooms and one (1) residential bicycle parking space per *dwelling unit* with fewer than two (2) bedrooms
  - b. Additional bicycle parking spaces intended for visitor use, located at grade, illuminated and configured so that a bicycle can be securely locked to a fixed rack, are required at a minimum rate of 10% of the number of required residential bicycle parking spaces
  - c. Oversized bicycle parking spaces are required at a minimum rate of 10% of the total number of required bicycle parking spaces

#### **8.67.14 Landscaping and Screening**

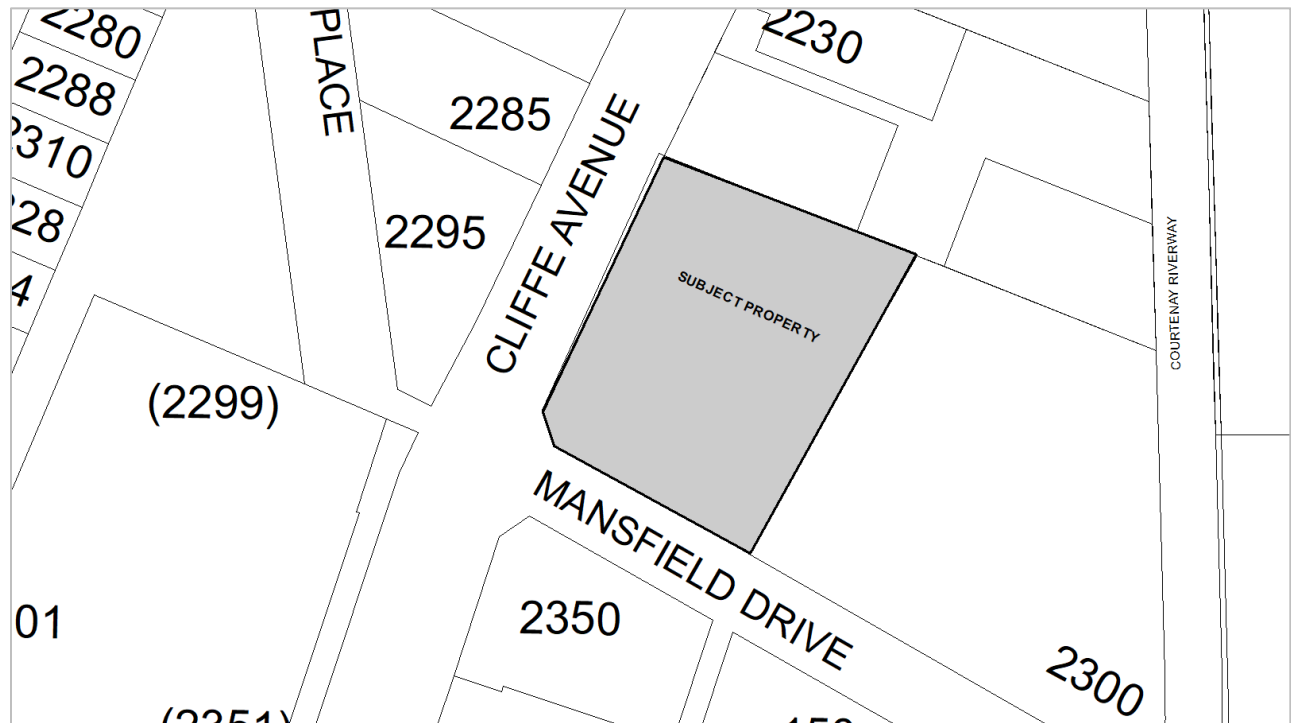
- (1) Minimum *landscaping* width along Cliffe Avenue frontage: 7.3 m
- (2) Minimum *landscaping* width along Mansfield Crescent frontage: 5.2 m
- (3) Minimum *landscaping* width along rear (north) property line: 1.8 m

**Schedule A**

**Figure 1: Site Plan**



**Schedule B: Zoning – Amendment Bylaw No. 3108**



THE CITY OF COURTENAY  
SCHEDULE "B"  
Part of Bylaw No. 3108  
Amendment to the  
Zoning Bylaw No. 2500, 2007