



The Corporation of the City of Courtenay

# Bylaw No. 3203

**A bylaw to establish zones and regulate the use of land, buildings and structures in the City of Courtenay.**

A bylaw to replace “Zoning Bylaw No. 2500, 2007”

WHEREAS Division 5 of Part 14 of the *Local Government Act* authorizes a municipality to adopt a zoning bylaw to divide the municipality into zones and regulate the use, density, and siting of land, buildings and structures;

AND WHEREAS said division further provides that the Council of the Corporation of the City of Courtenay may by bylaw, regulate within the zones, the use of land, buildings and structures; regulate the density of the use of land, buildings and structures; and the area, shape and dimensions of all parcels of land that may be created by *subdivision* under the *Land Title Act* or the *Condominium Act*;

AND WHEREAS the Council of the Corporation of the *City* of Courtenay deem it necessary and expedient to revise and update the zoning regulations in the *City* of Courtenay;

AND WHEREAS the "Official Community Plan Bylaw No. 3070, 2022" has been adopted;

AND WHEREAS land use regulation within the City of Courtenay is intended to support the objectives of the Official Community Plan;

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

## **Citation**

1. This Bylaw shall be cited as “**Zoning Bylaw No. 3203, 2026**”.

## **Interpretation**

2. In this Bylaw:
  - a. words importing the singular include the plural and vice versa;
  - b. headings are for convenience only and do not form part of this Bylaw;
  - c. references to statutes include amendments and replacements.
  - d. Any reference in a City bylaw, permit, agreement, or enactment to “Zoning Bylaw No. 2500” shall be deemed to refer to “Zoning Bylaw No. 3203”.

## **Adoption of Schedule**

3. Schedule “A”, attached to and forming part of this Bylaw, is hereby adopted as the City of Courtenay

Zoning Bylaw.

**Transition provisions (application in process)**

4. Any application for rezoning, development permit, development variance permit, temporary use permit, or subdivision that has been accepted as complete prior to the adoption of this Bylaw may continue to be processed under the provisions of "Zoning Bylaw No. 2500, 2007", unless the applicant requests that the application be considered under this Bylaw.

**Severability**

5. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

**Effective date**

6. This Bylaw comes into force upon adoption.

**Repeal**

7. Upon adoption of this Bylaw, "Zoning Bylaw No. 2500, 2007" and all amendments thereto are hereby repealed.

**Readings**

Read a first time this 25th day of March, 2026

Read a second time this 25th day of March, 2026

Read a third time this 25th day of March, 2026

Adopted this 27th day of March, 2026

\_\_\_\_\_  
Mayor Bob Wells

\_\_\_\_\_  
Deputy Corporate Officer Rayanne Matthews



# City of Courtenay

**Schedule A to Zoning Bylaw No. 3203**

## **Land Acknowledgement**

The *City of Courtenay* respectfully acknowledges that the lands to which this Zoning Bylaw apply are on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

The *City of Courtenay* acknowledges that these lands and waters have been home to Indigenous peoples since time immemorial, affirms our commitment to respecting the land as well as indigenous language, history, traditions and cultural heritage. The *City of Courtenay* is committed to listening, learning, and working together to create opportunities to strengthen our relationship for now and the future. This Bylaw reflects these commitments and promotes sustainable, resilient development, mitigating adverse effects of development.

## LIST OF AMENDMENTS

This copy of Bylaw No. 3203 is consolidated for convenience only and includes the following amendment bylaws:

<b>Bylaw No.</b>	<b>Adoption Date</b>	<b>Description</b>
3221	May 27, 2026	Add MH-3 zone; Housekeeping
3222	May 27, 2026	Rezone 1700 Cumberland Road to MH-3

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**DIVISION 1            TITLE**

1.1 This Bylaw may be cited for all purposes as "Zoning Bylaw No. 3203".

**DIVISION 2            ADMINISTRATION**

**Part 1            Application**

- 2.1.1 This Bylaw shall be applicable to all land, *buildings* and *structures* therein of the Corporation of the *City* of Courtenay.
- 2.1.2 For the purpose of this Bylaw the schedules referred to herein are attached hereto, and form an integral part of this Bylaw.

**Part 2            Other Legislation**

- 2.2.1 Nothing contained in this Bylaw shall relieve any person from the responsibility to seek out and comply with other legislation applicable to their undertaking.
- 2.2.2 Where land is within an agricultural land reserve created pursuant to the *Agricultural Land Commission Act* and amendments thereto and if any portion of this Bylaw is in any way contrary to, in conflict with, inconsistent with or repugnant to the Act, the Act shall prevail.

**Part 3            Enforcement**

- 2.3.1 The Director of Development Services, or their appointed designate, shall determine whether the regulations under this Bylaw are being observed and is hereby authorized to enter any *building* or property for the purpose of enforcing this Bylaw.

**Part 4            General Prohibition**

- 2.4.1 It shall be unlawful for any person to cause, suffer, or permit any *building* or *structure* to be constructed, reconstructed, altered, moved, extended or used, or land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.

**Part 5            Violation**

- 2.5.1 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw, shall be deemed to have violated the provisions of this Bylaw.

**Part 6            Penalty**

- 2.6.1 Any person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.

- 2.6.2 Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
- 2.6.3 This Bylaw may be enforced by bylaw notice pursuant to the “Municipal Enforcement Bylaw No. 3185”, as amended or replaced.

## **Part 7      Appeal**

- 2.7.1 The Board of Variance established under the Board of Variance Bylaw of the *City of Courtenay* shall hear and determine any appeal pursuant to the *Local Government Act*.

## **Part 8      Severability**

- 2.8.1 Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent. If any part of this Bylaw is held invalid by a court of competent jurisdiction, the invalid part is severed, and the remainder continues to be valid.

## DIVISION 3 INTERPRETATION

### Part 1 Definitions

Unless otherwise provided in this Bylaw, words and phrases used herein have the same meaning as *the Local Government Act, Community Charter, or Land Title Act*, as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

For the purpose of this Bylaw:

**"accessory"** means ancillary and subordinate to a permitted *principal use or building* on the same lot.

**"agriculture"** means development or use of land for growing of crops or the production of farm products. Parcels with the Agricultural Land Reserve shall be inclusive of any farm use as identified by the *Agricultural Land Commission Act*.

**"agricultural business"** means a business in which one or more agricultural operations are conducted, and may include, but are not limited to, a wildlife interpretive centre, farm education or farm research institution to the extent that the institution conducts one or more farm operations.

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

- (i) an addition to *gross floor area or height*;
- (ii) the removal of a portion of the *building*;
- (iii) construction of, cutting into, or removal of any wall, partition, column, beam, joist, floor or chimney; and
- (iv) any change to or closing of any required means of access.

**"ambulance service"** means the provision of emergency medical services that provides urgent pre-hospital care, stabilization, and transportation of seriously ill or injured patients to definitive care facilities like *hospitals*. These services operate from a medically equipped vehicle, such as a ground ambulance. This may include incidental training facilities, as well as equipment and vehicle storage.

**"assembly hall"** means the use of a *building or structure* for the assembly, gathering, or meeting of persons for religious, charitable, philanthropic, social, cultural, educational or any other purpose not otherwise specifically defined in this Bylaw.

**"auction centre"** means the offering for sale of new and used goods by means of a request or invitation for bids but it does not include *retail* sales nor the sale of poultry or livestock nor any outdoor storage or sales of goods, equipment or materials.

**"automobile service and repairs"** the servicing and mechanical repair of automobiles or the sale, installation, or servicing of related accessories and parts. This includes but is not limited to transmission shops, muffler shops, small engine repairs, tire shops, auto glass shops, paint and upholstery shops.

**"barber shop"** means an establishment where barbers cut, style, and shave hair and beards.

**"beauty salon"** means an establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally.

**"bed and breakfast accommodation"** means the *accessory* use of a *residence* in which temporary overnight accommodation and the first meal of the day served in a common room are provided to tourists.

**“bicycle parking, long term”** means a controlled access secure space such as a bicycle room, or a bicycle locker and is intended to be for permanent bicycle parking for employees or residents of the *building*.

**“bicycle parking, short term”** means a convenient and publicly accessible parking location for bicycles that can be easily located from the main entrance of the *building* it serves. Typical examples include bicycle racks or bicycle corrals.

**“bingo facility”** means any place that is used for both paper and electronic bingo and *accessory* food sales pursuant to a licence issued by or under the authority of the provincial government and includes sale of provincial government lottery products but does not include gaming tables, slot machines, video lottery terminals or off-track betting.

**“boarding”** means the provision of sleeping accommodation in a *dwelling unit*, with or without meals, for the payment of rent.

**“boat works”** means a business that builds, repairs, or maintains boats or the process of *building* and designing boats in general.

**“boat storage”** means the storing of a boat secured in a facility, either temporarily or seasonally, to preserve its condition during periods of non-use. *Boat storage* includes wet storage in marina slips or dry dock storage.

**“building”** means a *structure* used or intended for supporting or sheltering any use or occupancy and may include a *retaining wall* 1.2 m in *height* or over.

**“building area”** means the greatest horizontal area of a *building* above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

**“building, accessory”** means a *building*, the use of which is ancillary to that of the *principal building* on the same *lot*.

**“building, agricultural”** means a *building*, the use of which is primarily for the growing, rearing, storage processing or sale of agricultural products on properties where the land is classified as farm pursuant to the *Assessment Act*.

**“building supply store”** means the use of land, *buildings* and/or structures for the purpose of retail sales of materials used in construction.

**“campground”** means premises occupied and maintained for temporary accommodation of travellers in tents or recreation vehicles. It does not include a *mobile home park*, *motel* or *hotel*.

**“cannabis”** has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

**“cannabis production facility”** means a facility licensed by the Federal Government under the *Cannabis Act* and used solely for the cultivation, production, *manufacturing*, processing, testing, packaging and/or shipping of *cannabis* products. This land use does not include the retail sale of dispensing of *cannabis*.

**“car washing establishment”** means an area or structure equipped with facilities for washing automobiles.

**“care facility”** means a use or facility in which food, lodging and care or supervision is provided, with or without charge, to persons unrelated to the operator of the facility, who on account of age, infirmity, physical or mental disability, require special care.

**“cemetery”** means land and *buildings* for the interment or storage of the remains of dead persons and includes mausolea and columbaria.

**“church”** means the use of premises for the assembly of persons for worship and related religious activities.

**"City"** means either

- (i) the Corporation of the *City* of Courtenay, in its corporate capacity, or
- (ii) the lands comprised within the municipal boundaries of the Corporation of the *City* of Courtenay as the context shall require.

**“cluster housing”** means a cluster of residential *buildings* and *accessory* uses comprising not fewer than three *dwelling units*. *Cluster housing* may contain a mix of *single residential dwellings*, *duplex dwellings*, *townhouses*, and *apartments*.

**“commercial laundry”** means a professional washing, dry-cleaning and finishing services on a large scale for businesses and organizations such as but not limited to *hotels*, *hospital* and restaurants.

**“community development centre”** means a facility that includes preschool, education, skills training, literacy courses, employment readiness, career counselling, job search, resume writing, job placement, curriculum upgrades, youth and elder programming, health and wellness programs complex learning behavioural programs, legal aid, poverty law advocacy, family law advocacy, general advocacy, *food bank*, public legal education and services, social services and associated ancillary uses.

**"community service"** means a use that may:

- (i) provide adult *day care*;
- (ii) provide referral, counselling or physical or mental health services; and/or
- (iii) provide drop-in or activity space.

**“container”** means a non-combustible unit designed to be used for the shipping, transporting or storage of goods and includes cargo *containers*, but specifically excludes dumpsters and recycling containers intended for neighbourhood collection.

**“convenience store”** means the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 275 m<sup>2</sup> in gross floor area. Typical uses include but are not limited to small food stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, or printed matter. This use does not include the sale of alcoholic beverages or *cannabis* products.

**“corner lot”** means a *lot* at the intersection or junction of two or more *streets* which has both a *front lot line* and *exterior side lot line*.

**"Council"** means the *Council* of the Corporation of the *City* of Courtenay.

**“craft industry”** means any part of any land or *building* used for the production of works of art or handcrafted works.

**“cultural facility”** means uses that include, but are not limited to museum, art gallery, library or theatre for the performing arts.

**"day care”** means a facility providing group *day care*, family *day care*, nursing school, child minding, out of school care, or specialized *day care* in accordance with the provisions of the *Community Care and Assisted Living Act*.

**“density”** means a measure of the intensity of *development* to the area of the lot, including the number of units on a lot measured in units/area or *floor area ratio*. When calculation of density involves a number

of units per lot and yields a fractional number, the number of units permitted shall be rounded down to the lowest whole number.

**“development”** includes any activity that the *City* is authorized to regulate under part 14 of the *Local Government Act*.

**“drive through facility”** means any commercial *development* providing a product or service where a queuing lane exists on-site where customers typically remain within the vehicle. These are prohibited uses in all zones unless specifically allowed in the zone.

**“dwelling unit, accessory”** means a self-contained detached *dwelling unit*, located on the same parcel of land as another *dwelling unit* that is separate, subordinate in size and *accessory* to the primary *residence*, and may include a carriage house, but does not include a *mobile home*, *recreational vehicle*, or a storage *container*.

**“dwelling, apartment”** means a *building* divided into not less than three *dwelling units* other than a *townhouse* and specifically excludes a *building* used for a *hotel* or *motel*.

**“dwelling, duplex”** means a *building* consisting of two *dwelling units* structurally adjoined back-to-front, side by side, or one above the other, but does not include a *building* containing only a single residential dwelling with a secondary suite.

**“dwelling, multi-residential”** means an *apartment*, *cluster housing*, or *townhouse dwelling*.

**“dwelling, single residential”** means a detached *building* containing one *dwelling unit*, occupied or intended to be occupied as a single *residence*, and may additionally contain one *secondary suite* where permitted by this Bylaw.

**“dwelling, townhouse”** means a *building* consisting of three or more *dwelling units*, where each unit has at least two separate direct accesses to the outside.

**“dwelling unit”** means one or more inter-connected rooms designed, occupied or intended for occupancy by a single *household* and containing living, sleeping and sanitary facilities and not more than one set of kitchen facilities and for the purposes of this definition electrical wiring and plumbing installations designed or intended to be connected to cooking or dishwashing equipment constitute “kitchen facilities” whether or not they are so connected. Dwelling unit does not include hostels, *hotels*, *motels*, or *recreational vehicles*.

**“education facility”** see “school”.

**“electrical and plumbing sales and service”** means a *development* used for the provision of electrical and/or plumbing contractor services primarily to individual households and the secondary sale of goods normally associated with the contractor services where all materials are kept within an enclosed *building*, and there are no secondary *manufacturing* activities.

**“enclosed storage facility”** means the storage of personal items and goods in *buildings* with separate compartments, each having its own access which may be external or from a common space such as a corridor.

**“facility for adults with a disability”** means a facility that is operated by a government, non-profit society or private contractor either licenced or under permit from the Provincial Government and funded by the Ministry of Social Services and Housing, whose purpose is limited to the provision of *day care* programs for counselling, teaching and job training services for adults with disabilities.

**"fairground"** means the use of land, *buildings* and structures for community events including rodeos, equestrian and related events, exhibitions, and outdoor markets. The gathering of stalls, booths or amusements for entertainment is permitted and may include the sale of goods displayed in such stalls, booths or outdoor display areas.

**"farmers market"** means the temporary use of *buildings*, structures or land for the purpose of selling agricultural products, crafts and liquor and ancillary food concessions and entertainment.

**"fence"** means any *structure* erected as an enclosure, barrier or boundary and, without limiting the generality hereof, includes trellises, walls and like structures.

**"financial institution"** means a bank, credit union, acceptance corporation, trust company, finance company or similar establishments but does not include a *building* or premises containing a single bank machine.

**"fitness facility"** means the use of land, *buildings* or structures for gymnasium, indoor or outdoor racquet courts, curling rinks, skating rinks, swimming pools, dance *studios*, aerobic *studios* or weight room and specifically excludes *games room* and entertainment facilities.

**"floor area, gross"** means the sum of the horizontal areas of each floor of a *building* measured from the exterior face of exterior walls providing that in the case of a wall containing windows, the glazing line of the windows may be used.

**"floor area, net"** means the total usable floor area in a *building* and *accessory building*, measured from the interior face of the exterior walls. *Net floor area* does not include the following subareas:

- (i) *Garages*, other enclosed or open parking areas
- (ii) Balconies, decks and patios
- (iii) Garbage or loading rooms
- (iv) Floor area devoted exclusively to mechanical or electrical equipment
- (v) Basements
- (vi) Lofts
- (vii) Stairwells and elevator shafts

**"floor area ratio"** means the numerical value of the *net floor area*, divided by the area of the lot

**"florist"** means a retail business that sells cut flowers, floral arrangements and potted plants for inside the house.

**"food bank"** means the storage and unremunerated distribution of food, clothing and personal care and similar items, as well as ancillary *office* and donations drop off activities.

**"funeral home"** means an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of bodies, and for funerals, but does not include a crematorium.

**"garage"** means any *building* used or intended or designed for use as a place for the keeping of motor vehicles.

**"garden store"** means the use of land, *buildings*, and/or structures for the purpose of *retail* sales of trees, plants, flowers, and associated gardening or *landscaping* supplies and outdoor garden equipment.

**"general service"** means a business which provides services, other than *personal service* to the individual or to other businesses but excludes automotive service uses and industrial equipment rental.

**"golf course"** means the playing area and other open space of a *golf course*, and includes club house, putting and driving ranges, maintenance buildings, and other uses and *buildings* normally associated with the sport of golf.

**"government facility "** means a *building*, site, structure, or other real property that is owned, operated, or occupied by a municipal, provincial, or federal government or governmental agency to provide a governmental service to the public or to conduct government operations

**"government office"** means an office facility where people are employed in public/governmental service work. Some *government office* facilities may provide services to the general public.

**"grade, finished"** means the average elevation of the point at which the foundation of a *building* or structure intersects with the ground, determined by averaging elevations taken at the four corners of a *building* or structure, or, in cases of irregular shaped *buildings* or structure the average elevation of points on the perimeter of the *building* or structure as a building official deems are relevant to the determination of the average elevation for the purpose of this Bylaw and, in the case of a *fence*, means the elevation of the point at which the posts intersect with the ground.

**"green building systems"** are systems that minimize negative environmental impacts and maximize positive impacts on the environment and human occupants, encompassing aspects like energy efficiency, water conservation, and indoor environmental quality. *Green building systems* may include: incorporation of recycled materials in the built form, locally sourced materials, and materials with low embodied carbon. *Green building systems* may utilize renewable energy sources like solar collection, photovoltaic systems, *small wind energy systems*, or heat pump/ geothermal energy to reduce reliance on fossil fuels.

**"green roof"** means a roofing system that utilizes vegetation over a roof membrane to minimize storm water runoff and reduce heat absorption, and may be a modular system.

**"grocery store"** means a *building* used for the sale primarily of food products, and which specifically excludes the use of specialty products as a *principal use*.

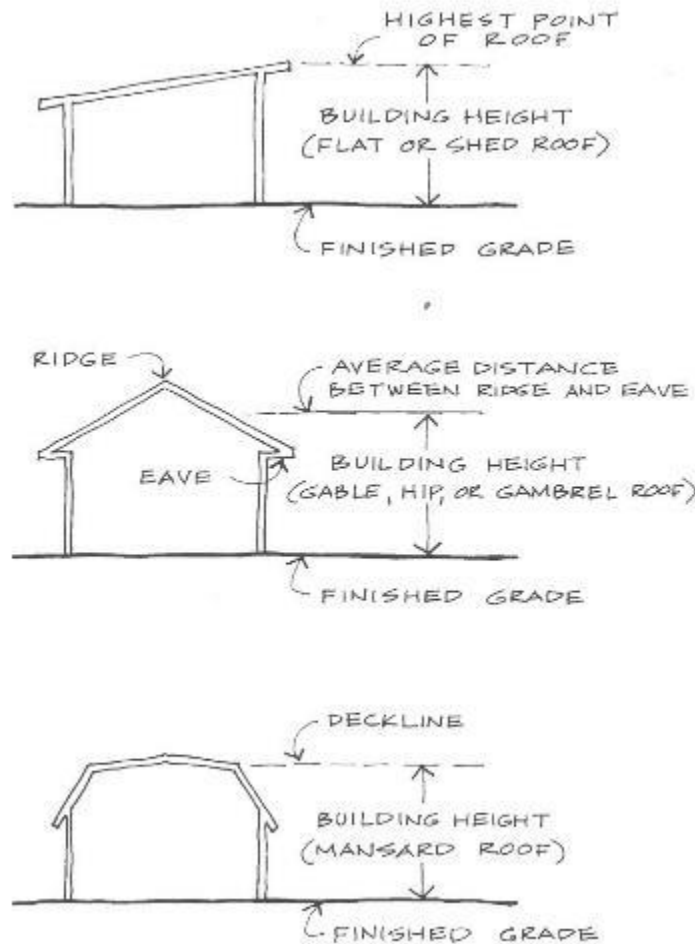
**"heavy equipment sales and leasing"** means the sale and rental of heavy vehicles, machinery or mechanical equipment typically used in *building*, roadway, pipeline, oil field and mining construction, *manufacturing*, assembling and processing operations and agricultural production.

**"height of building"** means the maximum vertical distance between the *finished grade* adjacent to a *building*:

- (i) the highest point of a roof surface of a flat roof or shed;
- (ii) the mean elevation between the eaves and the highest point of a roof ridge for a gable, hip, gambrel or other sloping roof;
- (iii) the deck line of a mansard or gable roof; and
- (iv) the highest point of a *structure* without a roof.

Dormers and other secondary roofs shall not be included in the measurement of a *building* height.

**Figure 1: Height Measurements**



**“helipad”** means a designated, surface-level area for helicopter takeoff and landing.

**“heliport”** means a small airport designed for helicopters, containing one or more *helipads*.

**“home occupation”** means a business operated in a *dwelling unit* or in an *accessory building* on the same property where the business operator resides.

**“hospital”** means a non-profit institution operated for the reception and treatment of persons suffering from physical illness or disability and in accordance with the definition of *hospital* contained in the Hospital Act R.S.B.C. 1996, c.200, as amended or replaced from time to time, but does not include private *hospitals*, nursing or convalescent homes, or mental health facilities.

**“hotel”** means a *building* or group of *buildings* intended to be occupied primarily by the traveling public which provides three or more separate sleeping units with separate entrances to a common hallway.

**“household”** means the people who occupy the same *dwelling unit*, which is their usual place of residence, and using common cooking facilities.

**“impermeable surface”** means a surface which either prevents or impedes the entry of water into the soil mantle as under natural conditions prior to *development*, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to *development*.

**“indoor entertainment facility”** means an enclosed facility whose *principal use* is entertainment, including pool halls, bowling alleys and the like, but excluding bingo facilities.

**“intensive agriculture”** means the use of land, *buildings* and *structures* by a commercial operation for the confinement of poultry, livestock or fur-bearing animals or the growing of mushrooms.

**“institutional”** means the use of land, *buildings* or *structures* for a public or private organizations that provide community services or activities, such as education healthcare facilities, places of worship, or government functions.

**“lane”** means a highway under the *Local Government Act* of more than 3.0 m but not greater than 8.0 m in width.

**“laundromat”** means a *building*, or portion of, providing washing, drying, or dry cleaning machines for rental use to the general public.

**“laundry and dry cleaning establishment”** means a premises in which the business of laundry and/or dry cleaning is housed and where the cleaning, drying, ironing, and finishing of such goods is conducted

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

**“level 2 charging”** means a Level 2 electric vehicle charging level as defined by SAE International’s J1772 standard.

**“licenced premises”** means an establishment serving liquor for consumption on the premises.

**“liquor store”** means the business through which a person may *retail* to the general public liquor and liquor products.

**“loading space”** means an on-site area reserved for temporary parking for the purpose of loading or unloading goods and materials from a commercial vehicle.

**“lot”** means any parcel, *lot*, block of other area in which land is held or into with it is subdivided under the *Land Title Act* or the *Strata Property Act* and includes a water lot, but does not include a phased *subdivision* boundary;

**“lot area”** means the total horizontal area within the *lot lines* of a *lot* and includes both land and water surfaces, but excludes any dedicated rights-of-way;

**“lot coverage”** means the total horizontal area measured to the outside of the exterior walls of the *buildings* on a *lot*, expressed as a percentage of the *lot area*;

**“lot depth”** means the horizontal distance between the centre points of front and *rear lot lines*;

**“lot line”** means the legally defined boundary of any *lot* or property line and described as;

- (i) **“front lot line”** means the *lot line* abutting the *street*, and; 1) in the case of a *corner lot*, either *lot line* which abuts the *street* may be considered the *front lot line* and the other *lot line(s)* abutting the *street* become(s) *flanking lot line(s)*, or for a *lot* configuration that is not otherwise described in this definition, *front lot line* approved by the Director of Development Services.
- (ii) **“rear lot line”** means the *lot line* opposite to and most distant from the *front line* or, where a rear portion of the parcel is bounded by interesting *side lot lines*, it shall be the point of such intersection.

- (iii) **“side lot line”** means the portion of the *lot* that is not the front or *rear lot line*;
- (iv) **“exterior side lot line”** means the *lot line* or lines adjoining a public *street*;
- (v) **“flanking lot line”** means the *lot line* marking the boundary between a *lot* and *street* and which has one or both ends intersecting with a *front lot line*;
- (vi) **“interior side lot line”** means the *lot line* not being a rear or *front lot line* and common to an adjacent parcel; and
- (vii) **“irregular lot lines”** means the *lot line* or lines that does not conform to one of the other *lot line* definitions where this may occur the Director of Development Services will be consulted for the proper interpretation of the location of the front, rear and side *yards* for the purpose of siting *buildings* and *structures*.

**“manufactured home”** means a *dwelling unit* built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture, and includes *mobile homes* constructed to the CAN/CSA Z240 standard, modular homes constructed to the CAN/CSA A277 standard, and park model trailers which are either completely self-contained or are incomplete, and fastened together and completed on site.

**“manufacturing”** means those operations which are a necessary part of and clearly related to the production of articles and goods, including the repairing of articles and *retail* and wholesale sales provided the merchandise being sold is distributed from the *lot*.

**“meat and fish market”** means an establishment where fresh, frozen, or cured meats, poultry, fish, and other seafood are prepared for sale and sold to consumers for off-premises consumption.

**“medical clinic”** means the *office*, clinic or laboratory of a health professional in the field of medicine, including a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician; and any other health professional designated under the Province of British Columbia’s *Health Professions Act* or *Emergency Health Services Act*. This use excludes Supervised Consumption Site and *veterinary clinic*.

**“medical training facility”** means the use of a *building*, or portion of a *building*, for the training and or instruction of students by a post-secondary institute offering only programs, and certificates, diplomas, degrees or other qualifications in health care sciences professions or practices and health care administration, and health care research and *development*, and includes without limitation, medicine, dentistry, nursing, dental assistants, physiotherapy, health consulting, dental technology, and medical technology

**“microbrewery”** means the use of *buildings* and *structures* for the primary purpose of brewing beer.

**“mobile home”** means a *dwelling unit* designed to be moved from time to time, which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connection of utilities, and some incidental assembly, and meets or exceeds Canadian Standards Association Z-240 Standards but specifically excludes *recreational vehicles*.

**“mobile home pad”** means an area within a *mobile home space* designated, designed and prepared for the support of a *mobile home* surfaces with compacted gravel, asphalt or concrete pavement with provisions for anchorage in accordance with the *building* regulations adopted pursuant to the Local Government Act and amendments thereto.

**“mobile home park”** means an un-subdivided parcel of land, not subdivided pursuant to the Condominium Act and amendments thereto, on which are situated *mobile homes* for the purpose of providing residential accommodation.

**“mobile home space”** means an area of land intended for the use of one *mobile home* and situated within a *mobile home park*.

**“mobile home subdivision”** means a *subdivision* designed and intended for residential use where *residence* is in *mobile homes* exclusively.

**“motel”** means sleeping units within one or more *buildings*, in which the traveling public is provided, for consideration, with lodging and parking, the entrance to each of the sleeping units being from the outdoors.

**“multimodal terminal”** means a facility that combines different modes of transportation, such as roads, rail, air, and/or sea to provide a central hub for the transfer of goods between them. These terminals may also include the temporary storage of goods.

**“multi-unit development”** means a *lot* having 3 or more dwelling units.

**“municipality”** means the Corporation of the *City of Courtenay*.

**“natural boundary”** means the visible high water mark of any lake, river, stream or other *watercourse* where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation as well in respect to the nature of the soil itself.

**“nightclub”** means an establishment licenced to serve liquor in conjunction with live entertainment and /or dancing as a Liquor primary establishment under the *Liquor Control and Licensing Act* and amendments thereto.

**“non-conforming building or use”** means any *building* or use, lawfully existing under provisions of prior Bylaws, which does not conform to all the regulations of this Bylaw at the date of *Council* adoption of this Bylaw, for the zoning district in which such *building* or use is located.

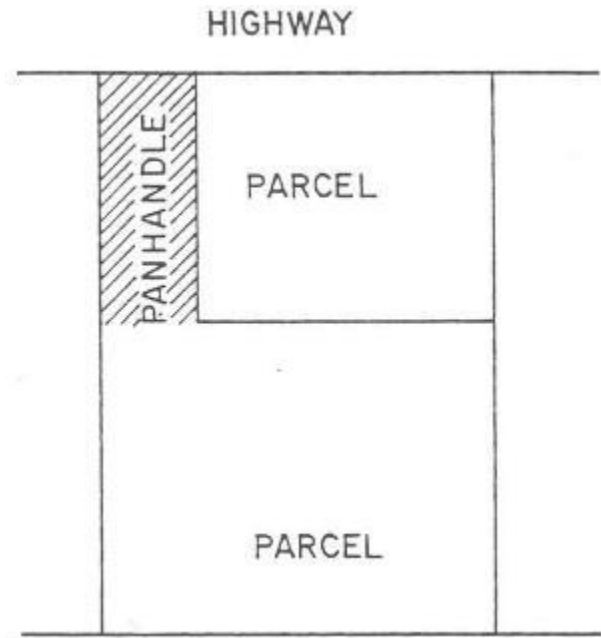
**“non-market housing”** means housing owned by a government agency or corporation, or non-profit society.

**“nursery and greenhouse”** means the use of lands principally involved in *agriculture* and horticulture, and *accessory* product sales and garden supply sales, but specifically excludes the sale of agricultural or horticultural machinery.

**“office”** means the occupancy or use of a *building* for the purpose of carrying out business or professional activities, but specifically excludes *retail* trade and *personal service*.

**“outdoor sales”** means the use of land for the *retail* sale of goods and services which require outdoor viewing and/or large space including the display, sale or rental of automobiles, heavy equipment, *recreational vehicles*, *manufactured homes*, watercrafts and marine products, lumber and *building* products and includes *accessory* servicing of such equipment.

**“panhandle”** means a narrow strip of land which provides access and highway frontage to a *parcel*, and which form part of that *parcel*, as illustrated in Figure 3.



**Figure 2: Panhandle Lot**

**“panhandle lot area”** means the total horizontal area within the lot lines of a lot and includes both land and water surfaces but excludes any dedicated rights-of-way and the panhandle portion of this type of lot.

**“parcel”** see “lot”

**“park”** means public open space with general public access for active or passive recreational use and includes natural and human-made *landscaping*, facilities, playing fields, *buildings*, and other *structures* that are consistent with the general purposes of public parkland, and includes: tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, and water features.

**“parkade”** means a multilevel *building* designed for the parking of motor vehicles.

**“parking lot”** means a *lot* or portion of a *lot* used for parking motor vehicles.

**“parking space”** means a space for the parking of one vehicle either outside or inside a *building* or *structure* but does not include maneuvering aisles and other areas providing access to the space.

**“pay parking operation”** means the use of a *building*, *structure*, *parkade*, or all or part of a *lot* or *parking lot* for the parking of motor vehicles for a fee.

**“permitted use”** means the principal permissible purpose for which land, *buildings* or *structures* may be used, and for the purpose of this Bylaw all uses not listed as permitted shall be deemed to be a prohibited use in that zone.

**“personal service”** means an establishment primarily engaged in providing services involving the care of a person or a person’s personal goods or apparel.

**“pet day care”** means the use of a *building* for the purposes of daytime care of domestic pets and specifically excludes overnight *boarding* or outdoor accommodation or storage of domestic pets.

**“principal building”** means the main *building* or *structure* on a *parcel* of land which reflects the primary use of that land.

**“principal use”** means the main purpose for which land, *buildings*, or *structures* are ordinarily used.

**“principal residence”** means a *dwelling unit* in which an individual resides for a longer period of time than any other place in a calendar year.

**“printing shop”** means a business where printing services are provided to customers, which includes activities like duplicating and printing documents, business cards, stationery, and other graphic arts products, often using offset printing or other methods.

**“printing and publishing”** means an establishment that physically manufactures books, magazines, and other materials as well as producing and distributing content, including content creation, editing, marketing, and sales to make it available to the public.

**“private amenity space”** means a usable outdoor space that is exclusively for the enjoyment of occupants of a *dwelling unit* and which abuts and is directly accessible from that dwelling.

**“private swimming pool”** means any constructed or prefabricated pool, situated on or below ground level, used or intended to be used for swimming, bathing or wading, and having a depth of more than 0.6 m, which is situated on any privately-owned real property and is considered an *accessory structure*, and which does not fall within the jurisdiction of the Provincial Regulations governing Public Swimming Pools under the *Public Health Act*.

**“produce sales stand”** means an *accessory structure* used for the sole purpose of displaying and selling *urban agriculture* products produce grown on the property where the stand is located and operated in accordance with and Part 17 of Division 6 of this bylaw.

**“purpose-built shelter”** means the provision of communal, transitional accommodation, and ancillary uses required to operate such accommodation, sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time. This use includes an ancillary *supportive housing* use if the majority of the *gross floor area* is used for temporary shelter services.

**“railway”** means a system and network of tracks that trains travel on.

**“railway passenger station”** a facility along a rail line where trains stop to allow passengers to board and disembark, often including a platform, a *building* with amenities like ticket sales and waiting areas, and connections to other transport services.

**“radio station”** means a facility and organization that produces and transmits audio content, such as music, news, and talk shows, using radio waves or the internet to reach a large audience of listeners. It can be a land-based terrestrial station broadcasting via AM or FM signals, a satellite radio station, or an internet-based streaming service.

**“recreation facility”** means the use of land or a *building* or part of a *building* or *structure* for sports, leisure time activities, special events including shows, craft fairs and trade exhibitions and other recreational activities.

**“recreational vehicle”** means a transportable conveyance intended as temporary accommodation for travel, recreation or vacation use and includes: travel trailer, fifth wheel, slide-in campers, tent trailer, motor home, or chassis -mounted campers, and which is capable of being licenced for highway use pursuant to the *Motor Vehicle Act*. A *recreational vehicle* does not include a *mobile home* or *trailer*.

**“recycling facility”** means the buying, collection, sorting, and temporary storage of bottles, cans, newspapers and similar *household* goods for reuse where all handling and storage is contained within an enclosed *building*.

**"rental apartment"** means, in relation to a *dwelling unit* in a *multi-residential building*, a tenancy governed by a landlord tenancy agreement that complies with the *Residential Tenancy Act*.

**"residence"** means:

- (i) occupancy or use of a *building* or part thereof as a dwelling; and
- (ii) the dwelling occupied or used.

**"restaurant"** means a premise primarily used for selling and serving prepared food to the public, with seating for customer consumption and specifically excludes drive-in and drive-through, except where expressly permitted in the zone.

**"restaurant, drive-thru"** means a commercial establishment where food or beverages are sold on site to customers in motor vehicles, regardless of whether or not it also serves prepared food or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**"retail"** means the sale of goods to the general public.

**"retail store"** means a business used for the sale and/or display of goods and services to the ultimate consumer and includes *household* equipment rental, *retail* warehouses and flea markets that are wholly enclosed within a *building* but excludes the sale of liquor and liquor products and the sale of *cannabis*.

**"retaining wall"** means a wall of any *height*, which may consist of concrete, rock, steel or wood but specifically prohibits the use of tires or creosote treated wood. *Retaining walls* all are identified as *structures*, and 1.2 m or more in *height* are identified as *buildings*.

**"saw mill"** means a place or *building* in which timber is cut into planks, boards or other forms usually by heavy machinery.

**"school"** means *development* that involves assembly for education, training or instruction which includes the administration offices required for the provision of such services on the same site. Typical uses include but are not limited to *schools*, community colleges, universities, and technical and vocational *schools*, and their administrative offices.

**"secondary suite"** means a separate *dwelling unit* located within the principal dwelling.

**"second hand store"** means a *retail store* which buys, procures, sells, resells or offers for sale or resale used goods of every nature and kind except empty recyclable bottles or cans, either directly or on consignment, and for greater certainty, includes a reconditioned goods store.

**"service and repairs"** means the servicing, testing, repairing and installing of parts, machinery and equipment and such use shall be undertaken within an enclosed *building*.

**"service station"** means a use providing for the *retail* sale of motor fuels or lubricating oils; may include the servicing or repair of motor vehicles, car wash, the sale of automotive accessories and the rental of trailers and motor vehicles but excludes all other sales and services.

**"setback"** means the required minimum horizontal distance measured from the respective *lot line* or *natural boundary* to any *building* or *structure* or part thereof.

**"shopping centre"** means a commercial use, located on a *lot*, exceeding 3,000 m<sup>2</sup> of floor area and incorporating a group of commercial establishments planned, constructed or managed as an entity having common or shared parking available to customers and employees.

**"short-term rental accommodation"** means the rental of a *dwelling unit* or any portion of it for a period of less than consecutive 90 days. This use does not include *bed and breakfast accommodation*.

**"site area"** means the same as *lot area* where only one *lot* is involved and means the total horizontal area within the *lot lines* of all the *lots* to be covered by a use. In the case of a strata title *lot*, *site area* shall mean the area of the parent *lot* prior to the creation of strata lots.

**"small item sales, service, rental and repair"** encompassed the repair of small item, including but not limited to computers, small appliances, bicycles, jewellery and watches, tools and small equipment, within an enclosed *building*.

**"small wind energy systems"** means a wind turbine designed for small-scale electricity generation and can be grid-connected, standalone (using batteries for storage), or hybrid systems that combine wind energy with other renewable sources like solar.

**"solar collector"** means a device that transforms solar energy into thermal energy, typically by using a dark surface to absorb sunlight and then transferring that heat to a working fluid (like water or air) and can come in various designs, including flat-plate collectors, evacuated tube collectors, and concentrating collectors.

**"storage and sale of feed and fertilizer"** means an outlet for the supply and sale of various feeds and fertilizers in large quantities, and includes the storage thereof.

**"storage yard"** means an area outside of an enclosed *building* where construction materials and equipment, solid fuels, lumber, new *building* materials, monuments, and stone products, public serve and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled or handled, sold or distributed whether a principal or *accessory* use; but specifically excludes the use of *containers*.

**"storefront cannabis retailer"** means premises licenced under the *Cannabis Distribution Act* to provide for the sale of *cannabis* for off-premises consumption.

**"storey"** means a habitable space between two floors or between any floor and the upper surface of the floor next above, except that the topmost *storey* shall be that portion of a *building* included between the upper surface of the topmost floor and the ceiling above. A basement which contains habitable accommodation shall be considered as a *storey*.

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

**"structure"** means construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, except *landscaping*, paving, *retaining walls* under 1.2 m in *height*, and *fences* under 2.0 m in *height*.

**"studio"** means a place for the study of an art and includes painting, sculpting, photography, dancing, music, singing, acting, and the making of motion pictures and the transmission of radio and television program.

**"subdivision"** means a division of land as defined in the *Land Title Act* and a bare land *subdivision* as defined in the Strata Property Act or any subsequent *Act* or *Acts*, which may be enacted in substitution, therefore.

**"supportive housing"** means subsidized housing with on-site supports for people at risk of or experiencing homelessness.

**"telecommunication antenna system"** means an exterior transmitting device(s) used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. *Telecommunication Antenna Systems*

include the antenna, and may include a supporting tower, mast, or other supporting *structure*, and a *structure* or shelter for equipment. This policy refers to the following two types:

- (i) **“freestanding antenna system”** means a *structure* built from the ground for the expressed purpose of hosting transmitting devices; and
- (ii) **“building/structure-mounted antenna system”** means a *Telecommunication Antenna System* mounted on an existing *structure* or *building* and for the purposes of height calculations, height shall be measured from the base of any *building* or *structure* to the most elevated portion of any antenna system.

**“theatre”** means a *building* that contains auditoriums for public entertainment business that contains auditoriums for viewing films for public entertainment.

**“trailer”** means a towable unit designed solely for the transport of goods, equipment, or other vehicles, and is not intended to provide temporary living or sleeping accommodation. Examples include utility trailers, boat trailers, flatbeds, and equipment trailers. *Trailer* does not include *recreational vehicle*.

**“transportation corridor”** means a *street*, path, walkway, trail, *lane*, bridge, *railway*, road, thoroughfare and any other transportation Right-of-Way within a dedicated road reserve.

**“transportation depot”** means a premise used for the pick-up and discharge of fare paying, intercity and intracity bus, train and taxi passengers and may include vehicle bays and shelters and convenience *retail stores*.

**“underground parking”** means those areas used for parking which are within the outermost walls of a *building*, or those parking *structures*, the roof of which is below the average elevation of adjoining *streets*, *lanes*, or adjacent sites, but shall not include under *building* carports in *apartment buildings*.

**“urban agriculture”** means the growing of fruits and vegetables, flowers, native and ornamental plants, edible berries and food perennials for beautification, education, recreation, community use, personal consumption, sales of produce grown on the *lot* or the donation of vegetables, fruits, edible flowers and berries only. This includes the keeping of honey bees when operating in accordance with Section 6.17.1 of this Bylaw.

**“urban agriculture – raising of hens”** means the *raising of hens* on a residential *lot* when operating in accordance with Section 6.17.1 of this Bylaw.

**“useable open space”** means a level, unobstructed area or areas available for safe and convenient use by the property’s occupants and shall include communal and/or *private amenity space* for each unit within a project, providing for recreational or leisure space normally carried outdoors. *Useable open space* shall exclude areas used for off-*street* parking, off-*street* loading, service driveways and required *landscaping* buffers unless otherwise specified herein.

**“utility facility, public”** means the use of land, *buildings* or *structures* for the provision of community water or sewer services, *park*, public access, pipelines, electric and telephone service, fire hall, *government office* or *cemetery* for municipal and crown corporations.

**“utility facility, private”** means the use of land, *buildings*, or *structures* for the provision of private water, sewer or stormwater services, private pipelines, power generation and telephone service.

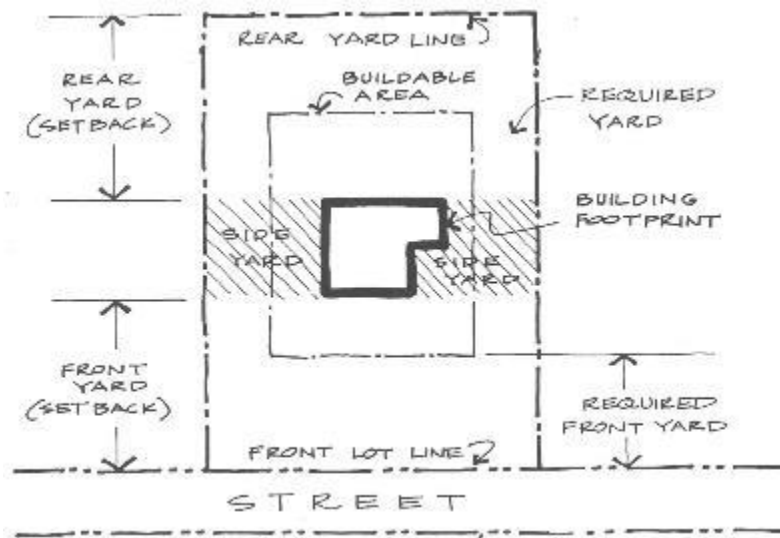
**“veterinary clinic”** means a facility or part thereof wherein animals of all kinds are treated and kept for treatment by a registered veterinarian, and where such animals can be temporarily boarded.

"**watercourse**" is any natural or man-made depression with well-defined banks and a bed 0.6 m or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two (2) square kilometres or more upstream of the point of consideration, or as required by a designated official of the Provincial Ministry.

"**wholesaling**" means the selling of goods in large quantities to be retailed by others.

"**wrecking yard**" means a place where old articles, waste, or discarded material are stored or kept, whether or not for commercial purposes or as part of a trade or calling, and such materials shall include rubber tires, metal, plastics, glass, papers, sacks, wire, ropes, rags, machinery, cans or any other scrap or salvage.

"**yard**" means an open space that lies between the principal or *accessory building or buildings* measured from the *building wall* and the nearest *lot line* which is unoccupied and unobstructed from the ground upward including, as illustrated in Figure 3 and detailed below.



**Figure 3: Required Yards**

- (i) "**yard, front**" means that portion of the *lot* extending from one side of the *lot* to the other at the narrowest point of the *lot* with road frontage. The depth of the *front yard* shall mean the minimum required distance from the *front lot line* to a line drawn parallel to it.
- (ii) "**yard rear**" means that portion of the *lot* opposite to the *front yard* extending from one side of the *lot* to the other. The depth of the *rear yard* shall mean the distance from the *rear lot line* to a line drawn parallel to it. Where the rear portion of the *lot* is bounded by intersecting *side lot lines*, the depth of the *rear yard* shall mean the minimum distance from the point of intersection to a line drawn parallel to the *front lot line*.

"**yard, side**" means that portion of the *lot* extending from the *front yard* to the *rear yard* and may be an interior *side yard* which abuts the *side lot line* of an adjacent *lot*, or an exterior *side yard* which abuts a *street* or *lane*. The width of the *side yard* shall mean the distance from the *side lot line* to the line drawn parallel to it.

## **DIVISION 4            BASIC PROVISION**

### **Part 1            Conformity**

- 4.1.1    Subject to the provisions of the *Local Government Act* respecting *non-conforming uses*, land or the surface of water shall not be used, *buildings* and *structures* constructed, altered, located or used, contrary to this Bylaw.
- 4.1.2    No use shall be permitted except as otherwise provided for in this Bylaw.
- 4.1.3    Parks, playgrounds, and municipal (public) utilities are permitted in all zones.

### **Part 2            Non-Conforming Uses**

- 4.2.1    "*Non-conforming uses*" and siting shall be regulated in accordance with the provisions of the *Local Government Act*.

### **Part 3            Licenses, Permits and Compliance with Other Bylaws**

- 4.3.1    Nothing in this Bylaw shall exempt any person from complying with the requirements of *building* bylaw or any other bylaw in force within the *municipality* from obtaining any licence, permission, permit authority, or approval required by this or any other bylaw of the Corporation of the *City* of Courtenay.

## **DIVISION 5                    AMENDMENT**

### **Part 1                    Procedure to Amend the Zoning Bylaw**

5.1.1    The procedure to amend this bylaw is included in the "Development Procedures Bylaw No. 3106, 2023" and the application fees are listed in the "City of Courtenay Fees and Charges Amendment Bylaw No. 3107, 2023", as amended from time to time.

### **Part 2                    Zoning Bylaw and Permits Available for Public Inspection**

5.2.1    A current list of zoning bylaws in effect, and permits, and zoning bylaws given first reading shall be kept and made available for public inspection in accordance with the *Local Government Act*.

## DIVISION 6                      GENERAL REGULATIONS

### Part 1                      Number and Location of Principal Buildings on a Lot

6.1.1 No residential use *building* shall be located on the same *lot* as any other *building*, except as otherwise provided for in this Bylaw.

### Part 2                      Accessory Buildings and Structures

6.2.1 *Buildings* and *structures* accessory to the *permitted use* of a *parcel* are permitted in each zone, unless otherwise specified, provided that:

- (1) the *principal use* is being performed on the *parcel*, or
- (2) a *building* for the purpose of the *principal use* has been constructed on the *parcel*; or
- (3) a *building* for the purpose of the *principal use* is in the process of being constructed on the *parcel*.

6.2.2 No *accessory building* or *accessory structure*, including swimming pools, shall be located otherwise than provided for in this Bylaw.

6.2.3 No part of an *accessory building* shall be used for human habitation.

6.2.4 *Small wind energy systems* and *solar collectors* are permitted *accessory structures* in all zones but must be at least 4.0 m from all *parcel* lines and *buildings*.

6.2.5 *Accessory buildings* and *accessory structures* are permitted a maximum height of 4.5 m, other than within the Industrial One and Industrial Two zones, where the maximum permitted height of an *accessory building* is 6.0 m.

6.2.6 Unless stated specifically within a zone *accessory buildings* and *accessory structures* shall:

- (1) be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw;
- (2) not be located within 1.5 m from the side and *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a lane, in which case the minimum *yard* distance shall be 4.5 m;
- (3) not permitted to be located at the front of a *principal building*; and
- (4) not have a total *building area* exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater, except where the *structure* is used to cover parking, in which case, the floor area shall not exceed 20% of the *rear yard* and shall not extend for more than 2/3 of the length of any property line or 30.0 m, whichever is less.

### Part 3                      Home Occupation

6.3.1 The *home occupation* must be carried on only by a person residing in the *dwelling unit* in question, with no employee.

- 6.3.2 The *home occupation* must be contained within the *dwelling unit* and/or *accessory buildings*
- 6.3.3 The premises must not be used for *manufacturing*, welding, vehicle repair or autobody service or any other industrial use.
- 6.3.4 The *home occupation* carried on therein shall not:
- (1) Sell any goods that are not directly related to the business or produced on the *parcel*;
  - (2) Have any outdoor storage;
  - (3) Create any odours, vapours, heat, glare, electrical interference, recurring ground vibration that cross a *parcel* line other than normally associated with a dwelling; and
  - (4) Create or cause a fire hazard or congestion on the *street*.
- 6.3.5 Such *home occupation* shall not involve the use of mechanical equipment save as is similar to that ordinarily employed in purely private domestic and *household* use or for recreational hobbies.
- 6.3.6 No *home occupation* shall occupy more than 50.0 m<sup>2</sup> or 50% of the *dwelling unit* whichever is the lesser.
- 6.3.7 No part of the premises shall be used as a warehouse or *retail* outlet except in the case of a *produce sales stand*.
- 6.3.8 The premises must give no exterior indication of the *home occupation* either by stored materials, displays, floodlighting, or otherwise, or by any variation from the residential character of the *dwelling unit*. However, a *home occupation* may have one non-illuminated fascia sign not exceeding 0.5 m<sup>2</sup> which includes the name of the *home occupation* as well as that of the licence holder.
- 6.3.9 The *home occupation* may operate within an *accessory building* that is no larger than 50.0 m<sup>2</sup>.
- 6.3.10 Provides for the off-*street* parking of all vehicles associated with the *residence* and business under the requirements of Division 7. The *front yard* shall not be considered as constituting the required *parking spaces* to be provided.
- 6.3.11 Any person intending to carry on a *home occupation* shall apply for a business licence pursuant to the regulations of the City of Courtenay Business Licence Bylaw.
- 6.3.12 *Cannabis production facility* is prohibited as a *home occupation*.

#### **Part 4 Garage Sales**

- 6.4.1 Garage Sales (including *yard*, moving and other similar types of sales) are permitted as an *accessory* use in residential zones, subject to the following requirements:
- (1) A garage sale may not occur on more than 4 days in a calendar year.
  - (2) A garage sale may occupy no more than 100.0 m<sup>2</sup> in area; and
  - (3) A garage sale may not involve the sale of new goods.

## Part 5 Siting of Development Adjacent to or on Watercourse

- 6.5.1 Floodplain construction specifications are established in "The *City of Courtenay Floodplain Management Bylaw No. 1743, 1994*" and must take into consideration the most up-to-date floodplain mapping information.
- 6.5.2 No houseboat, float camp or other *building, structure*, or vessel used or intended to be used for temporary or permanent *residence* shall be located on any *watercourse*.
- 6.5.3 The following *setbacks* are required for any *development* adjacent to a *watercourse*. Where more than one *setback* is applicable, the greater distance shall be required:
- (1) 30.0 m from the *natural boundary* of the Puntledge River, Tsolum River and Courtenay River;
  - (2) 15.0 m from the *natural boundary* of Morrison Creek, Piercy Creek, Milliard Creek and any other *watercourse*;
  - (3) 15.0 m from the *natural boundary* of the ocean; and
  - (4) 7.5 m from the *natural boundary* of a lake, marsh or pond.

## Part 6 Siting and Height Exceptions

### Siting Exceptions

- 6.6.1 Where chimneys, cornices, leaders, gutters, pilasters, sills, decks, landings or ornamental features project beyond the face of a *building*, the minimum distance to an abutting *lot line* as permitted elsewhere in this Bylaw may be reduced by not more than 0.6 m providing that such reduction shall apply only to the projecting feature. For a permitted zero *lot line* no feature shall project over the *lot line*.
- 6.6.2 Cantilevered extensions will be permitted to a maximum depth of 0.6 m and a length of 2.2 m for areas above the first *storey* of a *building*.
- 6.6.3 Freestanding lighting poles, warning devices, utility poles, wires, and flagpoles may be sited on any portion of a *lot*.
- 6.6.4 No *principal building* or *structure* shall be located in any required *front, side* or *rear yard*.
- 6.6.5 Wheelchair ramps are permitted to extend into *front, side, and rear yard setbacks*.
- 6.6.6 A maximum of 2 m extension into *front, side, and rear yard setback* is permitted for stairs and a landing.
- 6.6.7 Decks less than 0.6 m in height are permitted to encroach into the *rear yard setback* by 2 m.
- 6.6.8 Heat pumps are permitted to be within 1 m of a *side yard* and *rear yard setback*, but not closer to a *lot line* than 0.3 m and may not be located in the *front setback* or *front yard*.

### Height Exceptions

- 6.6.9 Water towers as a utility use shall not be subject to the *building height* requirements of this Bylaw provided that no such *structure* shall cover more than 20 percent of the *lot*.
- 6.6.10 *Church* spires, belfries, monuments, fire and hose towers, chimneys, transmission towers, aerials,

elevator housing, flag poles, rooftop cooling towers, and ham radio towers provided that no such shall exceed 1.2 times the maximum permitted height of a *building* in that zone, and no such *structure* shall cover more than 20 percent of the *lot*, or if located on a *building*, not more than 10 percent of the roof area of the *building* on which the *structure* is located.

6.6.11 *Telecommunication Antenna Systems* regulated by Innovation, Science and Economic Development Canada are exempt from maximum allowable height and siting permitted by the zone in this Bylaw.

## Part 7 Sight Triangle

6.7.1 On any *corner lot*, except for the second and subsequent stories of a *building* in the Commercial One Zone (C-1), nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a *height* of 1.0 m and 3.0 m above the centre line grade of the intersecting *street* in the area bounded by the property lines of such *corner lots* and a line joining points along said property lines 6.0 m from the point of the *street* intersection as illustrated in Figure 4.

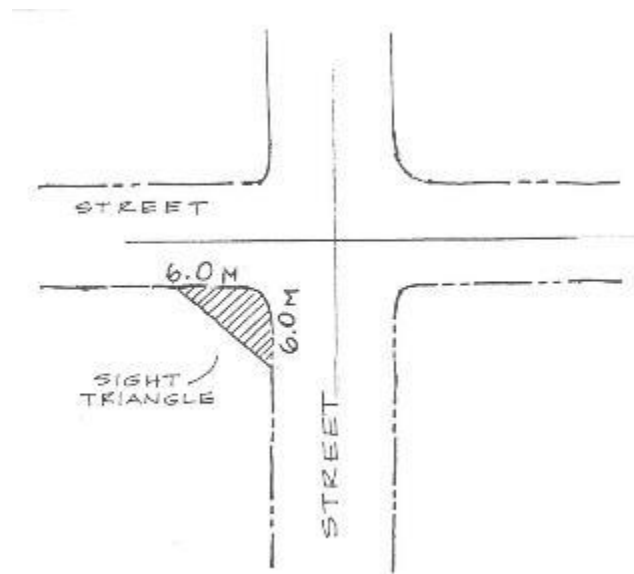


Figure 4: Sight Triangle

## **Part 8        Fences**

- 6.8.1 In the residential zones the maximum *height* for a *fence* in or along the *front yard* shall be 1.25 m and in or along the side or *rear yards* shall be 2.0 m.
- 6.8.2 In all zones other than residential zones the maximum *height* for a *fence* shall be 2.0 m except where provided for in other parts of this Bylaw.
- 6.8.3 *Fences* erected on *corner lots* are subject to Section 6.7.1 of this Bylaw.
- 6.8.4 The *height* of a *fence* or wall shall be determined by measurement from the ground level at the average grade level within 1.0 m of both sides of such *fence*, wall or hedge.
- 6.8.5 The installation of electrical, barbed or razor wire fencing is prohibited in all Residential and *Multi-residential* zones.
- 6.8.6 Every *private swimming pool* whether existing or proposed shall be enclosed with a sturdy, non-climbable *fence* not less than 1.5 m in *height* and no openings greater than 0.1 m in their least dimension. This *fence* may enclose the pool itself or any portion of the premises on which the pool is situated.
- 6.8.7 Where only the pool area is fenced, the fencing shall be such that the pool is open to full view through the *fence*. Such *fence* will be continuous except for points of access which shall be equipped with a self-closing gate, so designed as to cause the gate to return to a locked position when not in use and secured by a spring, located not less than 1.0 m above grade, and which can only be opened from the swimming pool side of the *fence*.
- 6.8.8 Every gate in every *fence* which provides access to a *private swimming pool* shall be kept in a locked position while any water remains in the swimming pool and shall only be opened for the purpose of access to or egress from said pool during such period.
- 6.8.9 Every *fence* enclosing a *private swimming pool* shall be maintained by the owner or occupier of real property on which the same is situated, in good order and repair and adequate to perform its intended function and in addition all sagging gates, loose parts, worn latches and locks and all broken or binding members shall be promptly and adequately replaced or repaired.
- 6.8.10 The siting of *private swimming pools* shall be in accordance with the applicable zoning regulations for *accessory structures*.

## **Part 9        Prefabricated, Modular or Factory-Made Dwelling Units**

- 6.9.1 Prefabricated, 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 m in width, exclusive of carports, verandas, cabanas, porches, stairways, or any other extension whatsoever to the

original prefabricated, modular, or factory made *dwelling unit*. Individual single-wide *dwelling units* including those certified under CSA Z-240 are not permitted, except in a *MH-1* or *MH-2 Zone*.

## **Part 10      Parking and Storage of Commercial or Derelict Vehicles or Refuse**

- 6.10.1 Unless specifically permitted, no *parcel* shall be used for the wrecking or storage of derelict vehicles or refuse or as a *wrecking yard*.
- 6.10.2 Any vehicle which has not been licenced for over a period of one (1) year and which is not housed in a *garage* or carport shall be deemed to be a derelict vehicle or junk.
- 6.10.3 Only the following shall be parked or stored, on any Residential or *Mobile home* zoned property:
- (1) one commercial vehicle not exceeding 907.0 kg rate capacity;
  - (2) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises; and
  - (3) recreational boats, trailers, recreational vehicle, and vehicles for the personal use of the occupants of the property.

## **Part 11      Signs**

- 6.11.1 Signs are permitted only in accordance with and subject to the provisions of the Sign Bylaw of the *City* and amendments thereto.

## **Part 12      Subdivision for Relative**

- 6.12.1 No *subdivision* shall be permitted pursuant to Section 514 of the *Local Government Act*, on lands within Agricultural Land Reserve, unless the parent *parcel* is a minimum of 10.0 ha in size. Any *parcel* created by *subdivision* under this section shall be not less than 1.0 ha in size.
- 6.12.2 A *lane* shall not be considered road frontage for the purposes of frontage affecting *subdivision*.

## **Part 13      Landscaping Requirements**

- 6.13.1 Wherever possible, *landscaping* and screening areas will retain existing trees and natural vegetation and add planting that enhances the natural environment.
- 6.13.2 Any part of a *lot* not used for *building*, parking, loading facilities or outdoor recreation shall be fully and properly landscaped and maintained and separated from the paved areas by a concrete curb or other barrier to the satisfaction of the *City*.
- 6.13.3 Where a *lot* adjoins the Agricultural Land Reserve a *fence* and landscape buffer of 10.0 m in width shall be provided inside the property line.
- 6.13.4 *Landscaping* for each *building* and the surrounding area shall be completed within twelve (12) months of the date of issuance of the final *building* inspection approval by the *City*.

## Part 14 Bed and Breakfast Accommodations

6.14.1 *Bed and breakfast accommodation* may be allowed in any residential dwelling, subject to the following requirements:

- (1) Not more than two bedrooms are used for transient accommodation.
- (2) Principal use of the *building* shall be for use as a *single residential* unit.
- (3) The *household* shall be solely engaged in the operation of the transient accommodation business.
- (4) No meals shall be provided to the customers of the operation other than breakfast.
- (5) No liquor shall be supplied to customers.

6.14.2 At least one automobile *parking space* shall be provided on the same *lot* for each room available for transient accommodation, in addition to the parking requirements for the *residence*, but *parking spaces* may be behind other *parking spaces* on the same *lot*

## Part 15 Lot Size and Lot Frontage Exceptions

6.15.1 Despite the requirements in respect of minimum *lot* frontage and minimum *lot* size set out in this Bylaw, a *lot* may be created if:

- (1) the existing *lot* is lawfully non-complying with respect to the *lot* size or *lot* frontage or both; and
- (2) the *lot* thereby created improves the existing situation and has a *lot* size and *lot* frontage greater than that of the existing non-conforming size and frontage of the existing *parcel*;
- (3) the creation of the non-conforming *parcel* thereby does not cause to create non-conforming siting, size, or frontage of the adjacent *lots*; and
- (4) no additional *lots* are being created.

## Part 16 Prohibited Uses in All Zones

6.16.1 Unless specifically permitted in this Bylaw, the use of land, water, *buildings* or *structures* for the following purpose is prohibited:

- (1) *Cannabis production facility*: except as permitted by the Agricultural Land Reserve Use Regulations.
- (2) A *cannabis production facility* is permitted on land located with the Agricultural Land Reserve when it is in compliance with the following:
  - (i) maximum *lot coverage* is 35%
  - (ii) maximum *building* height is 15 m
  - (iii) a minimum 30.0 m *setback* for all *structures* from all property *lot lines* for a *cannabis production facility*
  - (iv) a 30.0 m *setback* from any *watercourse*
  - (v) a 150.0 m *setback* from a *cannabis production facility* to *parks* and *schools*

- (vi) a 30.0 m maximum *setback* from a *cannabis production facility* to non-ALR residential uses with a buffer, or a 60.0 m maximum *setback* if a buffer is not employed
- (vii) a stormwater and agricultural liquid waste management plans will be required if the total impervious area of *cannabis buildings and structures* exceeds 3,700.0 m<sup>2</sup> or covers more than 10%
- (3) *Storefront cannabis retailer* except as approved through rezoning.
- (4) The bottling of water except where the source of the water is the municipal water supply, supplied directly to the property on which the bottling is taking place.
- (5) *Drive through facility*

## Part 17 Urban Agriculture

6.17.1 *Urban Agriculture* is allowed as an *accessory* use to any *single residential* dwelling, subject to the following:

- (1) *Urban agriculture* activity shall not generate odour, waste, noise, smoke, glare, fire hazard, visual impact, or any other hazard or nuisance, in excess of that which is characteristic of the zone in which it is located under normal circumstances wherein no *urban agriculture* exists.
- (2) A *produce sales stand* is permitted on all *lots* allowing *urban agriculture* for the sale of *urban agriculture* products grown on the *lot* subject to the following:
  - (i) a *produce sales stand* is considered an *accessory structure* subject to the requirements of the applicable zone that:
    - i. the *produce sales stand* shall have a floor area of not more than 5.0 m<sup>2</sup>;
    - ii. the *produce sales stand* shall not exceed a height of 2.5 m;
    - iii. the *produce sales stand* must be located entirely on the *lot* in which the produce is grown; and
    - iv. a *produce sales stand* may be located within the *front yard*
  - (ii) a *produce stand* must only sell produce grown on the *lot* where it is located;
  - (iii) sales are only permitted between 7am and 7pm daily;
  - (iv) a *produce sales stand* must be removed seasonally when not in use; and,
  - (v) there shall only be one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area.
- (3) Beekeeping is permitted on all *lots* allowing *urban agriculture* subject to the following:
  - (i) *lots* have a minimum width of 15.0 m;
  - (ii) *lots* have a minimum *lot area* of 550.0 m<sup>2</sup>;
  - (iii) hives shall be located at least 6.0 m from all property lines;
  - (iv) hives shall be registered with the Provincial authority, BC Ministry of Agriculture and Lands;
  - (v) only two hives with colonies shall be permitted on each *lot*; and

- (vi) honey production is for personal consumption only.
- (4) The keeping of hens is permitted on all *lots* allowing *urban agriculture* subject to the following:
  - (i) A hen coop is considered an *accessory structure* subject to the requirements of the applicable zone except that a coop shall only be permitted in the *rear yard*;
  - (ii) the maximum number of hens shall be six (6) per *lot*;
  - (iii) roosters are not permitted;
  - (iv) the sale of eggs, manure and other products associated with the keeping of hens is prohibited,
  - (v) coops and runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin;
  - (vi) stored manure shall be kept in an enclosed *structure* such as a compost bin and no more than 3.0 m<sup>3</sup> shall be stored at any one time; and,
  - (vii) home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

## **Part 18 Secondary Suites and Accessory Dwelling Units**

6.18.1 The following conditions shall apply to *secondary suites* and *accessory dwelling units*:

- (1) *Secondary suite(s)* and *accessory dwelling unit(s)* shall be permitted as *accessory* to a detached *single residential dwelling* or *duplex dwelling* on a *lot*, *occupied or intended to be occupied as a single residence*, where only such principal residential uses are permitted, subject to all other regulations in this Bylaw, and as may be governed by the development regulations of a particular zone. No subdivision of a secondary suite or accessory dwelling unit shall be permitted.
- (2) The minimum floor area of a *secondary suite* or *accessory dwelling unit* shall be:
  - i. 30.0 m<sup>2</sup> for a *studio* unit;
  - ii. 45.0 m<sup>2</sup> for a one-bedroom unit;
  - iii. 65.0 m<sup>2</sup> for a two-bedroom unit; and
  - iv. 85.0 m<sup>2</sup> for a three-bedroom unit.
- (3) An *accessory dwelling unit* shall not exceed 6.5 m in height, unless otherwise specified in the development regulations of a particular zone.
- (4) Parking shall be in conformance with the regulations of this Bylaw.
- (5) Where a *secondary suite* or *accessory dwelling unit* is permitted, a minimum area of 15 m<sup>2</sup> of *private amenity space* shall be provided per *dwelling unit* unless otherwise specified in this Bylaw. The *private amenity space* shall have a direct connection to the habitable space and be defined and screened through the use of *landscaping* such as: plantings, architectural elements such as a trellis, low *fences*, planters or changes in elevation.

## **Part 19 Short-term Rental Accommodation**

6.19.1 *Short-term rental accommodation* may be permitted within any *dwelling unit* subject to the following conditions:

- (1) The *short-term rental accommodation* may only be permitted within the following *dwelling unit* types: *single residential dwelling*, *accessory dwelling unit*, or *secondary suite* as part of a *single residential dwelling*;
- (2) No more than one *short-term rental accommodation* is permitted per *parcel*;
- (3) *Short-term rental accommodation* is not permitted in combination with *bed and breakfast accommodation* or *day care* use on the same *parcel*;
- (4) The maximum number of bedrooms for *short-term rental accommodation* use is three (3) and the owner of the *parcel* shall not allow more than six (6) guests to occupy the *dwelling unit* as part of the *short-term rental accommodation*;
- (5) Parking for the *short-term rental accommodation* must be provided in accordance with the parking and loading regulations of this bylaw;
- (6) The *short-term rental accommodation* shall only be operated by the owner of the *parcel*;
- (7) *Short-term rental accommodation* is not permitted unless the *principal residence* of the owner of the *parcel* is on the *parcel*;
- (8) No noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the *short-term rental accommodation*; and
- (9) The owner of the *parcel* must hold a valid Business Licence in accordance with the Business Licence Bylaw currently in effect.

6.19.2 Notwithstanding Section 6.20.1.6, the *principal residence* requirement does not apply to a property in respect of which a property host holds a fractional interest if the property may not be used as a *principal residence* by any person due to mandatory provisions in the applicable fractional ownership agreement, in accordance with *Short-Term Rental Accommodations Act*.

## **Part 20 Permitted Uses**

6.20.1 The following uses are permitted in all zones:

- (1) *Accessory buildings*
- (2) *Accessory structures*
- (3) *Parks*
- (4) *Transportation corridor and*
- (5) *Utility facility, public*

## **Part 21 Temporary Uses – Buildings and Structures**

6.21.1 The following uses, *buildings* or *structures* shall be permitted only to the extent expressly provided herein:

- (1) Temporary *structures* or *buildings* may be erected for the following purposes:
  - (i) to provide shelter for construction or maintenance personnel; or

- (ii) To store materials associated with the construction or maintenance of a utility, *building*, or *structure* for which a valid *building* permit has been issued. Such temporary *structures* or *buildings* shall be removed by the earlier of the following:
  - i. thirty (30) days following the completion of the permanent utility, *building*, or *structure*; or
  - ii. twelve (12) months from the date of erection or installation of the temporary *structure* or *building*.

6.21.2 Temporary accommodation within a *recreational vehicle* is permitted during the construction of a residential dwelling provided a *building* permit has been issued for the *lot* and is in good standing. This accommodation shall not include the rental, lease, or other commercial use of *recreational vehicles* for occupancy purposes.

## DIVISION 7

## OFF-STREET PARKING AND LOADING SPACE

### Part 1 Off-Street Parking Space Requirements

#### 7.1.1 Location

Where the provisions of the bylaw require allowance for the *off-street parking spaces* and *loading spaces*, every owner of land shall, upon the *lot* in question, provide and maintain *off-street parking spaces* and *loading spaces* in conformance with the minimum standards set out in this Division. Where vehicular access is required on a controlled access highway listed below, the BC Ministry of Transportation and Highways access approval is also required prior to the approval by the *City*:

- (i) Island Highway (Highway 19A from 29<sup>th</sup> Street to Ryan Road).
- (ii) Ryan Road (from Highway 19A to Anderton Road).
- (iii) South Inland Island Highway Connector (29<sup>th</sup> Street from Piercy Road to Highway 19A).

#### 7.1.2 General Requirements

- (1) The minimum number of *off-street parking spaces* shall be provided in accordance with Schedule 7A of this Bylaw.
- (2) If a use is not listed in Schedule 7A, the number of spaces shall be calculated on the basis of a similar use that is listed as determined by the *City*.
- (3) If more than one use is located on a *parcel* or involves collective parking for more than one *building* or use, the total number of spaces shall be the sum of the various classes of uses calculated separately, and a space required for one use or a *loading space* shall not be included in calculations for any other use. However, parking and *loading space* requirements for churches/places of worship and associated *assembly halls* or classrooms shall be the greater of the requirements for the two uses calculated separately, provided the two are not used concurrently.
- (4) Where the calculation of total required spaces results in a fractional number, the nearest, greater, whole number above that calculation shall be taken.
- (5) *Off-street vehicle loading space* required by this Bylaw shall not be credited as required *off-street parking space*.
- (6) *Parking spaces* required in accordance with this Bylaw shall not include any *parking spaces* used or intended to be used for the storage of goods or parking of vehicles for rent or gain, display or sale.
- (7) *Parking spaces* required in accordance with this Bylaw shall be constructed and available for use at the time of final *building* inspection approval by the *City*.

#### 7.1.3 Stall and Aisle Dimensions

All *off-street parking spaces* and aisles shall be developed in accordance with Schedule 7B of this Bylaw.

#### 7.1.4 Access

All parking areas shall have access to a public thoroughfare, such access to be not less than 4.57 m not more than 9.14 m in width. The location of all points of access and egress from a public

road to a parking area and all of the traffic patterns within the parking area shall be subject to the approval of the Municipal Engineer.

#### 7.1.5 Vertical Clearance

The minimum vertical clearance of parking stalls and aisles shall be 2.25 m.

#### 7.1.6 Specifications

- (1) Every *off-street motor* vehicle parking area required by this Bylaw to accommodate two or more vehicles shall be surfaced with a dust-free surface.
- (2) Every *off-street* motor vehicle parking area required by this Bylaw shall have:
  - (i) the individual *parking spaces*, maneuvering aisles, entrances and exits clearly marked by curbs or *fences*, lines and signs.
  - (ii) *fences* and curbs to prevent the crossing of sidewalks and boulevards except at authorized exits or entrances.
- (3) All parking and *loading spaces* shall have a maximum gradient and cross slope of 6%.
- (4) Any lighting used to illuminate any parking area shall be so arranged that all direct rays of light fall upon the parking area and not on any adjoining premises and every *off-street* motor vehicle parking area required by this Bylaw shall adequately lighted.
- (5) No *off-street parking spaces* shall be permitted to overhang any public sidewalk. Where a sidewalk is required along a highway, the minimum distance between the *off-street* parking and the property line shall be a landscaped strip of 1.5 m.
- (6) Visitor *parking spaces* shall be clearly marked by signs or by painting markings on the pavement.
- (7) Where a *parking space* or maneuvering aisle abuts a wall or *building*, the width of the *parking space* or maneuvering aisle as determined by Schedule 7B shall be increased by an additional 0.6 m.
- (8) The minimum distance from the face of a *garage* or carport to a property line or private internal access road excluding a public *lane* must be 6.0 m

#### 7.1.7 Off-Site Parking

- (1) Where all required parking spaces cannot be provided on the same parcel, required parking spaces may be located on another parcel within 225.0 m of the parcel that the space is intended to serve; does not include parking spaces for dwelling units.
- (2) The provisions of required off-site parking shall be secured by a parking covenant registered against the land to ensure the terms of the permitted use, maintenance and termination.
- (3) Within the C-1 - Central Commercial Zone an owner may, at his option in lieu of supplying an individual parking site or *structure* on the same site as the *principal use*, or otherwise, pay to the *City* of Courtenay a sum of money per *parking space* so required. The sum of money per *parking space* shall be six thousand five hundred dollars (\$6,500.00). All such monies paid to the *City* shall be placed in a Special Reserve Fund which shall be committed to the purchase of public *off-street* parking sites and *structures* within or immediately adjacent to the downtown as the *City* may see fit.

#### 7.1.8 Spaces for People with Disabilities

- (1) When any *development, building* or use requires or provides more than 20 (twenty) *off-street parking spaces*, one *parking space* shall be provided for the use of persons with a physical disability, together with one additional space for a person with a disability for each additional 75 (seventy-five) *off-street parking spaces* required or provided.
- (2) Each space for a person with a disability shall be a minimum of 4.0 m in width.
- (3) Each space for a person with a disability shall be marked with the International Symbol of Accessibility for people with a disability as specified in Schedule 7C of this Bylaw.
- (4) Each space for a person with a disability shall be located within convenient access of the *development, building* or use that it is intended to serve, and with minimum changes in level.

#### 7.1.9 Existing Buildings and Structures

Nothing in this Bylaw shall be construed to require *off-street parking spaces* for a *building* or *structures* existing at the effective date of this Bylaw, so long as the *building* or *structure* continues to be put to a use that does not require more parking or *loading spaces* than were required for the use existing at the time the bylaw came into force. Where a change in use results in additional parking or *loading spaces* being required then the number of spaces to be provided will be the difference between the *parking space* requirements for the previous use and the present use.

#### 7.1.10 Small Car Parking

- (1) Every *off-street* motor vehicle parking area required by this bylaw to accommodate twenty (20) or more vehicles, may provide up to 10% of the total number of parking stalls for small cars.
- (2) Every small car parking stall shall be a minimum of 2.5 m in width and 4.6 m in length.
- (3) Aisle dimensions shall be developed in accordance with Schedule 7B of this bylaw.
- (4) All designated small car stalls shall be clearly marked.

#### 7.1.11 Parking Amenity (Multi-Residential Dwelling)

- (1) The following provisions are applicable to multi-residential dwellings as specified below for:
  - (i) Apartments 2 to 4 inclusive
  - (ii) Townhouses 3 and 4
- (2) Where parking spaces are provided within a principal building an amount may be added to the floor area ratio (FAR) equal to 0.20 multiplied by the percentage of the total parking spaces which are provided in this manner.
- (3) Where: 15 m<sup>2</sup> = area of parking space
- (4) Within the area shown on Schedule 7D, attached hereto and forming part of this bylaw, parking can be reduced to 1 space per unit for all multi residential developments. Where this option is utilized the landscaping requirement would be provided equivalent to:
  - (i) 15 m<sup>2</sup> x the number of parking spaces reduced

#### 7.1.12 Standards for the Installation and Maintenance of Signs and Lines in *Parking lots* and Access Roads

(1) Curbs – painting colours

- (i) Yellow indicates no parking is allowed
- (ii) Red indicates no stopping at any time as the curb protects a bus stop location
- (iii) White indicates special parking or stopping provisions, e.g., commercial vehicle

Areas delineated by white paint should be qualified by signs. It is also recommended that yellow curbs have qualifying signage, e.g., No Parking, No Stopping, Fire Lane.

(2) Medians

The nose at each end of the median may be painted yellow. It is not necessary to paint the entire median curb. A divider sign to indicate the median and the traffic flow direction around the median is required.

(3) Dividing Island

Where the traffic flows in the same direction on each side of the island, it may have the curbs painted white.

(4) Parking Stall Lines

Should be painted with white paint in accordance with the *City's* parking requirements in the zoning bylaw.

(5) Stop Signs

If stop signs are installed in order to control traffic movements, stop bars may be provided and painted white. If the stop bars are installed on two-way roads or parking areas then a yellow delineating line is also required leading up to the stop bar.

(6) Crosswalks

If they are installed at 90° to the traffic flow at a stop bar then the crosswalk is to be two parallel white lines.

If the crosswalk is not at a stop sign area then it is to be zebra crosswalk painted white

(7) Speed Bumps

If installed should be painted with yellow paint. It is recommended that speed bumps are also signed to alert the public to the change in road profile.

(8) Stop or Yield Traffic Areas

If it is intended to have one or more *lanes* of traffic yield to another *lane(s)*, the yield signs are to be installed.

If multi-way stops are intended then Stop signs are to be installed with the appropriate tab sign.

(9) Directional Arrows

Painted directional arrows on road surfaces should be white and of standard size.

(10) Public Access

Public access, landing and drop-off areas shall be painted with yellow diagonal lines.

#### 7.1.13 Parking Reductions within the Walkable Areas

- (1) Properties zoned Residential Small-Scale Multi-Unit Housing (R-SSMUH) within the estimated walking distance shown on Schedule 7E may have the total amount of parking required on a property reduced by one space.

## Part 2 Off-Street Loading Space Requirements

7.2.1 Every owner of land which is the site of a *structure* or *yard* involved in the receipt or delivery of goods or materials by vehicles shall, on the *lot* in question, provide and maintain *off-street loading spaces* which shall conform to the following minimum standards:

- (1) All *off-street loading spaces* shall be a minimum of 9.0 m in length 3.0 m in width and 4.0 m for vertical clearance.
- (2) Adequate provision shall be made for access by vehicles to all *off-street loading spaces* by means of a 6.0 m maneuvering aisle and shall be located so that each separate use within a *development* has access to a space.
- (3) One *off-street loading space* shall be provided for:
  - (i) Every 1,850.0 m<sup>2</sup> of floor space or fraction thereof, of *structures* involved in the receipt or delivery of goods or materials by vehicles; and for
  - (ii) Every 1,850.0 m<sup>2</sup>, or fraction thereof, of *yard* involved in the receipt or delivery of goods or materials by vehicle.
- (4) *Off-street loading spaces* for *schools* and colleges shall be provided as follows:
  - (i) 1 space <500.0 m<sup>2</sup> of *building* floor area
  - (ii) 2 spaces: 500.0 m<sup>2</sup> – 2,000.0 m<sup>2</sup> of *building* floor area
  - (iii) 3 spaces: 2,000.0 m<sup>2</sup> – 3,500.0 m<sup>2</sup> of *building* floor area
  - (iv) 1 additional space for every 5,000.0 m<sup>2</sup> or part thereof greater than 3,500.0 m<sup>2</sup>

7.2.2 *Off-street* motor vehicle *parking space* required by this Bylaw shall not be credited as required *off-street loading space*.

7.2.3 All *off-street loading spaces* shall be clearly marked with the words "LOADING SPACE ONLY" on the pavement or wall facing.

## Part 3 Bicycle Parking Requirements

#### 7.3.1 Minimum Required Number of Bicycle Parking Spaces

Where any *development* is proposed, including new *development*, change of use of existing *development* or enlargement of an existing *development*, *off-street* bicycle parking shall be provided by the property owner in accordance with this Bylaw.

The number of short and long-term bicycle *parking spaces* required for each use class is specified in Schedule 7A.

Where calculation of the total numbers of *off-street* bicycle parking yields a fractional number less than 0.5 round down or greater round up to the nearest whole number.

## Schedule 7A – Bicycle Parking Requirements

Use	Long Term Bicycle Parking Spaces Required	Short Term Bicycle Parking Spaces Required
Residential (More than 4 dwelling units per parcel)	<ul style="list-style-type: none"> <li>• 0.75 per bachelor and one bedroom unit</li> <li>• 1 per two bedroom unit</li> <li>• 1.5 per 3+ bedroom unit</li> </ul>	10% of the long term bicycle parking stalls

### 7.3.2 Bicycle Parking Specifications

#### General:

- (1) Bicycle racks shall be:
  - (i) Constructed of theft resistant materials;
  - (ii) Securely anchored with tamper-proof hardware to the floor, *building* or ground;
  - (iii) Constructed to support two points on a bicycle frame for a horizontal rack, and
  - (iv) Constructed to enable the bicycle frame and at least one wheel to both be securely locked to the rack with a single U-style lock.

#### Long Term Bicycle Parking:

- (2) Each bicycle *parking space* shall be a minimum of 1.8 m (length) by 0.6 m (width).
- (3) Long term bicycle parking can be arranged in a ground-anchored or wall mounted configuration.
- (4) Height clearance shall be a minimum of 1.9 m.
- (5) Must be located within a *building* or a secure all weather protected dedicated bicycle parking facility accessible to residents, employees and other identified users of the *building*.
- (6) A minimum of 50% of spaces shall have access to an electrified 110V outlet.
- (7) For any multi-unit residential development requiring more than 20 Long Term bicycle parking stalls, a "bicycle repair and wash station" is required. A "bicycle repair and wash station" includes tools for bikes, a commercial grade pump, access to water, and a way to raise a bike up to perform simple maintenance.

#### Short Term Bicycle Parking:

- (8) Short term bicycle parking must be conveniently located within 15.0 m of any main entrance, in a well-lit area, clearly visible to visitors, and subject to casual surveillance by occupants of the *building*.
- (9) A minimum of 20% of spaces shall have access to an electrified 110V outlet.

### 7.3.3 Parking Reductions within the Walkable Areas

- (1) Properties zoned Residential Small-Scale Multi-Unit (R-SSMUH) within the estimated walking distance shown on Schedule 7E may have the total amount of parking required on a property reduced by one space.

## Schedule 7A-2 – Required Number of Off-Street Vehicle Parking Spaces

This schedule contains the following sections:

A. Residential B. Institutional C. Recreational D. Commercial E. Industrial

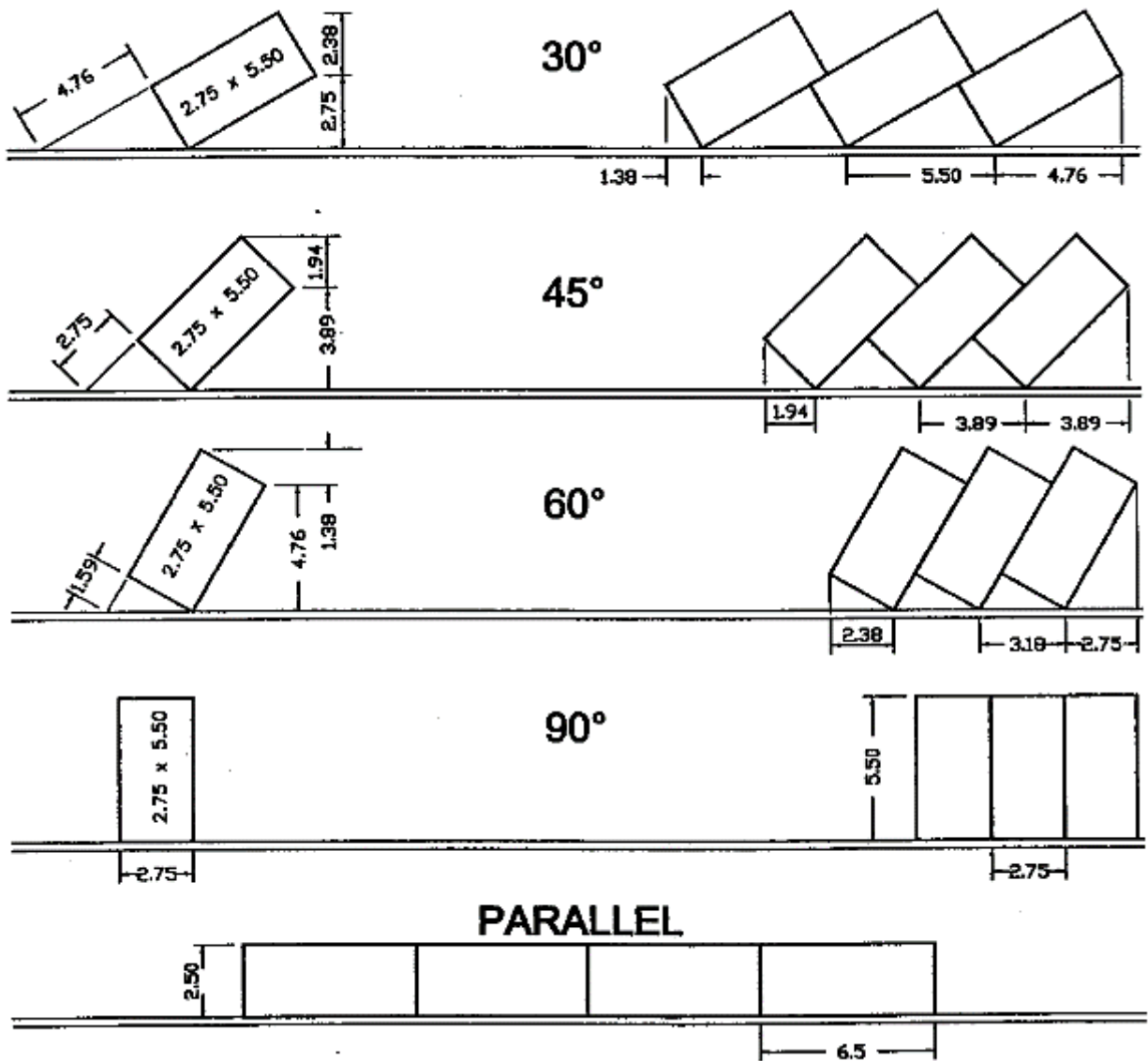
The minimum number of off-street parking spaces shall be provided in accordance with the following table.

USE	REQUIRED PARKING SPACE
<b>A. RESIDENTIAL</b>	
<i>Bed and breakfast Accommodation</i>	1 space per <i>dwelling unit</i> and 1 space for each sleeping use used for <i>Bed and Breakfast Accommodation</i>
<i>Boarding</i>	1 per 3 residents
<i>Multi-residential dwellings</i>	1.2 per <i>dwelling unit</i> with 10% of the required spaces being provided and retained for visitor parking. <b>Note: See 7.1.11 for Amenity Incentives for parking in Multi-residential zones</b>
<i>Accessory Dwelling Unit</i>	1 space per <i>dwelling unit</i>
<i>Care facility</i>	0.5 per unit
Single <i>dwelling unit</i> or <i>duplex</i> (Not located in the R-SSMUH Zone)	2 per <i>dwelling unit</i>
<i>Short-term rental accommodation</i>	1 dedicated space per short-term rental operation in addition to that required for the <i>principal residence</i> where a <i>principal residence</i> is being used as a <i>short-term rental accommodation</i> .
R-SSMUH	1 space per <i>dwelling unit</i>
<b>B. INSTITUTIONAL</b>	
<i>Assembly hall</i>	1 space per 10 m <sup>2</sup> <u>or</u> 1 space per 4 seats whichever is greater
<i>Church</i>	1 space per 4 seats
<i>Care facility</i>	1 space per 3 beds
<i>Community service</i>	1 space per 37.5 m <sup>2</sup>
<i>Day care</i>	1 space per employee
<i>Funeral home</i>	1 space per 4 seats
<i>Hospital</i>	1 space per 2 employees <u>plus</u> 1 space per 5 beds
Library	1 space/35 m <sup>2</sup>
<i>Medical clinic</i>	5 spaces per doctor, <i>office</i> for 2 doctors or less-3 <i>parking spaces</i> per doctor
Police station	1 space per 2 employees <u>plus</u> 1 space for every company vehicle located therein
<i>Schools</i>	1 <i>parking space</i> per employee for Elementary & Junior Secondary 1 <i>parking space</i> per employee plus 1 per ten students for Secondary School

<b>USE</b>	<b>REQUIRED PARKING SPACE</b>
Universities, colleges and institutes	1 space per employee <u>plus</u> 1 per 5 students
<b>C. RECREATION</b>	
<i>Assembly hall and theatre</i>	1 space per 10 m <sup>2</sup> or 1 space per 5 persons to capacity
<i>Indoor entertainment facility</i>	3 spaces per <i>lane</i>
Bingo hall	1 space per 10 m <sup>2</sup> or 1 space per 4 seats whichever is greater
<i>Campground</i>	3 spaces plus 1 space per employee
<i>Golf course -</i> 9 hole 18 hole	40 spaces 75 spaces
Golf driving range	2 spaces per tee
<i>Fitness facility</i>	1 space per 10 m <sup>2</sup> or 1 per 5 persons to capacity
Marina	1 space per 2 boat berths plus 1 space per 2 employees
<b>D. COMMERCIAL-GENERAL</b>	
<i>Fast food restaurant</i>	8 spaces plus 1 per 6 seats
<i>Restaurant</i>	1 space per 6 seats
<i>Financial institution</i>	1 space per 25 m <sup>2</sup>
Real estate offices	1 space per 25 m <sup>2</sup>
<i>Gasoline service station</i>	1 space per 2 employees plus 2 per service bay
<i>Hotel or resort condominium</i>	1 space per 2 units plus 1 per 2 employees plus 1 per 6 seats for <i>accessory</i> uses, otherwise, as required for other uses
Hostel	1 space for every 4 guests and 2 spaces for use of manager/staff
<i>Motel</i>	1 space per unit <u>plus</u> 1 space for each vehicle required for the operation plus 1 space per 6 seats for <i>accessory</i> uses, otherwise, as required for other uses
<i>Laundromat</i>	1 space per 3 washing machines
<i>Laundry and dry cleaning establishment</i>	1 space per 2 employees
Neighbourhood pub	1 space per 6 seats
<i>Nightclub</i>	1 space per 4 seats
<i>Office</i> (single or multiple tenant)	1 space per 50 m <sup>2</sup>
<i>Veterinary clinic</i>	3 spaces per veterinarian plus one space per employee
<b>COMMERCIAL - RETAIL</b>	
<i>Auction centres</i>	1 space per 10 m <sup>2</sup> or 1 space per 4 seats whichever is greater
Automobile, boat, machinery sales & service	1 space per 70 m <sup>2</sup> sales floor area plus 1 per service bay plus 1 per 2 employees
Automobile service uses ( <i>service stations</i> )	1 space per 2 employees plus 2 spaces per service bay

<b>USE</b>	<b>REQUIRED PARKING SPACE</b>
<i>Building supply store</i>	1 space per 90 m <sup>2</sup> of warehouse area and 1 space per 2 employees and 1 space per 35 m <sup>2</sup> of <i>retail</i> area and 1 space for each company vehicle located therein
<i>Convenience store, retail store, storefront cannabis retailer</i>	1 space per 35 m <sup>2</sup> of floor area
<i>Grocery store</i>	1 space per 35 m <sup>2</sup>
<i>Liquor store</i>	1 space per 12 m <sup>2</sup> of <i>retail</i> floor area plus 1 space per 20 m <sup>2</sup> of warehouse area
<i>Shopping centre</i>	1 space per 22.5 m <sup>2</sup>
<b>E. INDUSTRIAL</b>	
Taxi stands	1 space per taxi operating from taxi <i>office</i>
<i>Transportation depot</i>	1 space per 10 m <sup>2</sup> of waiting room <u>plus</u> 1 space per 2 employees
Storage <i>building, yards</i> or similar uses (not covered in "Commercial")	1 space per 90 m <sup>2</sup> <u>and</u> 1 space per 2 employees <u>and</u> one space for each company vehicle located therein
All other industrial uses including <i>Utility facility, private</i>	1 space per 3 employees and 1 space for each company vehicle located therein

## Schedule 7B – Parking Stall and Aisle Dimensions



Vehicle *parking spaces* shall measure 2.75 m x 5.50 m and aisle widths shall be in accordance with the standards below.

Parking Angle	Minimum Aisle Width
0°	3.0 m
30°	3.5 m
45°	4.5 m
60°	5.5 m
90	7.2 m

## Schedule 7C-1 – Designation for Parking Accessible Stalls for People with a Disability

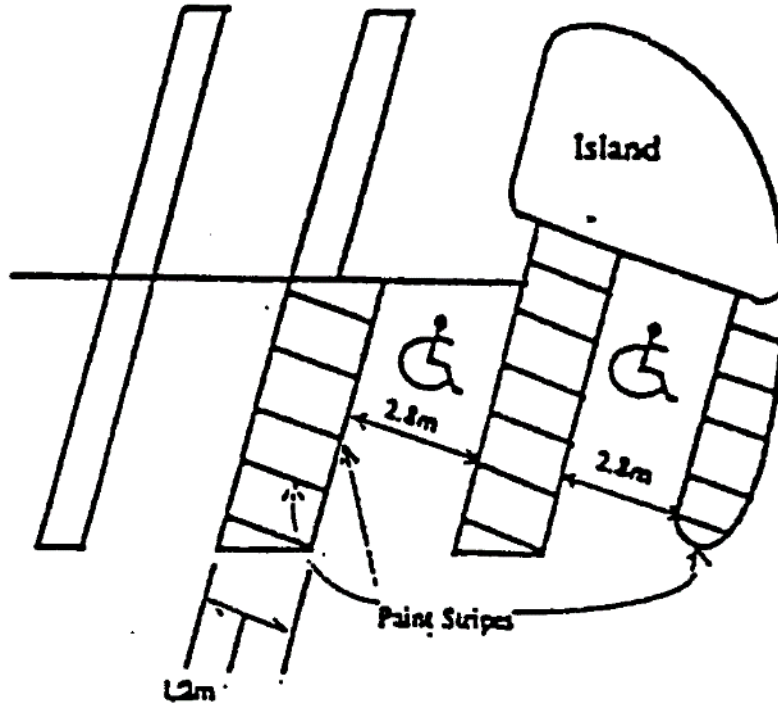
### Minimum Size

- Wall facing or sign - 0.3 m in width and 0.3 m in height
- Pavement marking - 1.0 m in width

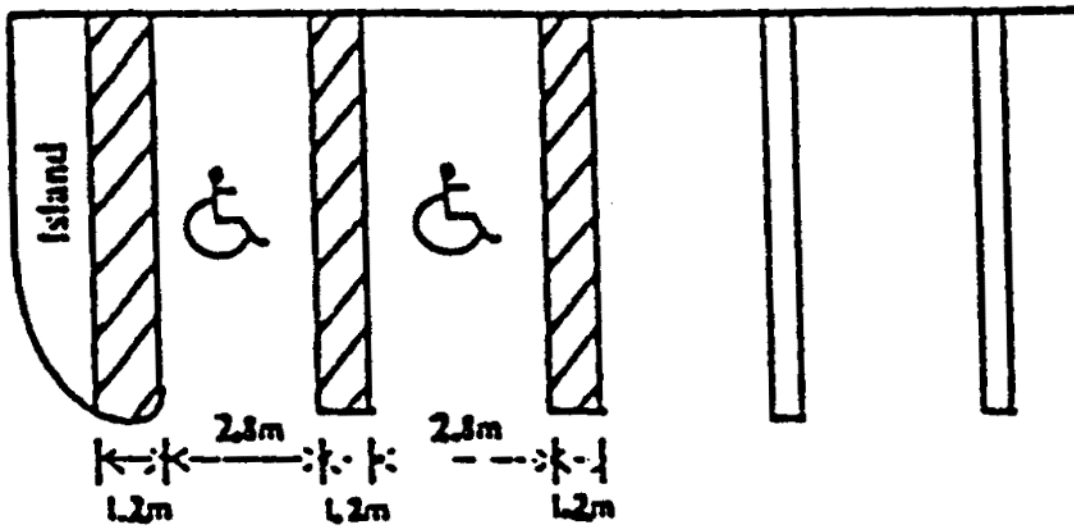


International Symbol of Accessibility for People with Disabilities

Schedule 7C-2 – Standards for Accessible Parking Stalls for People with a Disability

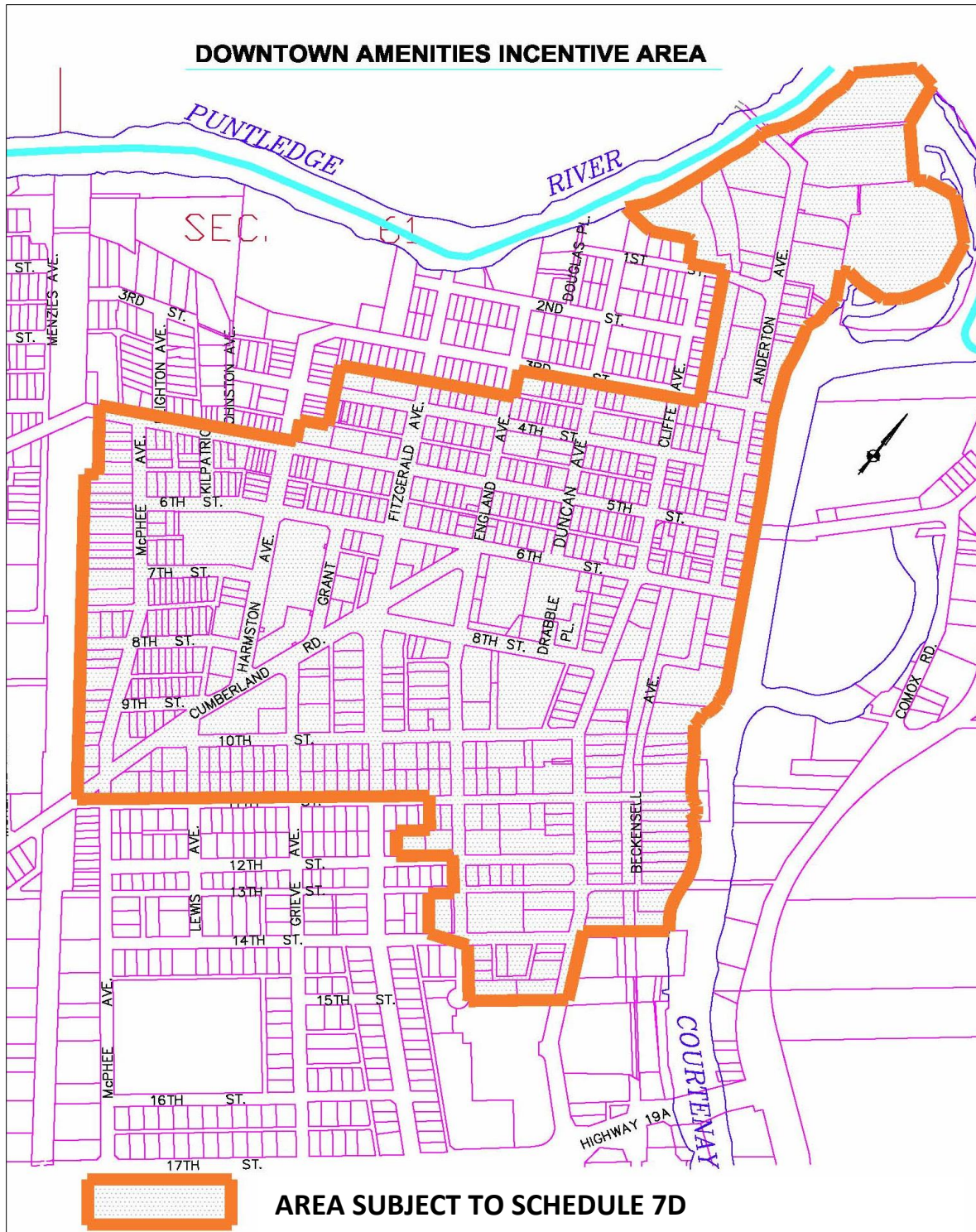


(a) 60 – Degree Parking

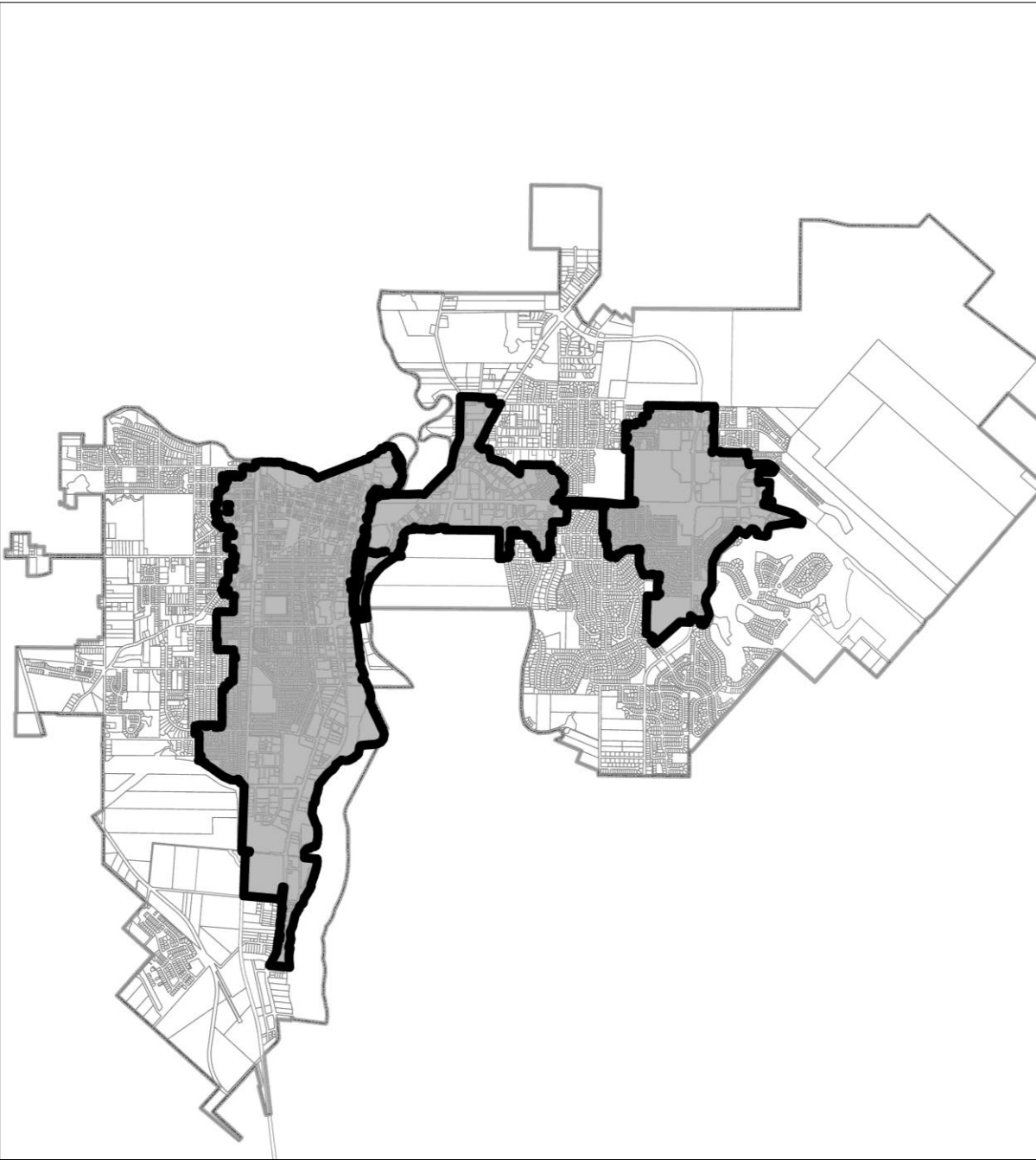


(b) 90 – Degree Parking

# Schedule 7D – Downtown Amenities Incentive Area



## Schedule 7E – Walkable Areas



## DIVISION 8

## CLASSIFICATION OF ZONES

### Introduction

For purposes of this Bylaw, the area incorporated into the Corporation of the City of Courtenay is hereby divided into zones designated and described by the following classification and their short title equivalents:

Figure 8

Zone Classification	Short Title	Lot Size	Description
Residential Small-Scale Multi-Use	R-SSMUH	280 m <sup>2</sup>	<i>Single Residential, Duplex, Townhouse, secondary suite, ADU</i>
Residential One A	R-1A	1 ha	<i>Single residential, secondary suite, ADU, home occupation</i>
Residential Three Residential Three A Residential Three B	R-3 R-3A R-3B	1250 m <sup>2</sup> 1250 m <sup>2</sup> 1250 m <sup>2</sup>	<i>Single residential, Duplex, Townhouse, Multi-residential, Secondary Suite, ADU</i>
Medium Density Multi-Residential	RM-1	2700	<i>Duplex dwelling, Townhouse dwelling, Secondary suite, Home Occupation</i>
Residential Four Residential Four A	R-4 R-4A	1250 m <sup>2</sup> 1250 m <sup>2</sup>	<i>Single residential, Duplex, Multi-residential dwellings</i>
Residential Four B	R-4B	650 m <sup>2</sup>	<i>Single residential, Duplex, secondary suites</i>
Residential Five	R-5	850 m <sup>2</sup>	<i>Single residential, Duplex, Multi-residential dwellings</i>
Mobile Home Residential Subdivision	MH-1	465 m <sup>2</sup>	<i>Single residential, mobile homes</i>
Mobile Home Park Residential	MH-2	1.2 ha	<i>Mobile Homes</i>
Multiple Use One	MU-1	650 m <sup>2</sup>	<i>Single residential, Duplex with commercial uses</i>
Multiple Use Two Multiple Use Three Multiple Use Four Multiple Use Five Multiple Use Six	MU-2 MU-3 MU-4 MU-5 MU-6	850 m <sup>2</sup> 650 m <sup>2</sup> 1250 m <sup>2</sup> 2900 m <sup>2</sup> 650 m <sup>2</sup>	<i>Single residential, Duplex, Multi-residential dwelling, with commercial uses</i>
Commercial One Commercial One A Commercial Two Commercial Two A Commercial Three Commercial Four Commercial Five	C-1 C-1A C-2 C-2A C-3 C-4 C-5	500 m <sup>2</sup> 2 ha 1250 m <sup>2</sup> 2500 m <sup>2</sup> 1250 m <sup>2</sup> 1800 m <sup>2</sup> 420 m <sup>2</sup>	Central Commercial  Service Commercial <i>Community service Commercial</i> <i>Neighbourhood Convenience Store</i> Office Commercial Heritage Character
Industrial One Industrial Two Industrial Three	I-1 I-2 I-3	2500 m <sup>2</sup> 1250 m <sup>2</sup> 8 ha	Heavy Industrial Light Industrial <i>Railway</i>
Public Use and Assembly One Public Use and Assembly Two Public Use and Assembly Three Public Use and Assembly Four	PA-1 PA-2 PA-3 PA-4	2500 m <sup>2</sup> N/A 2500 m <sup>2</sup> 2500 m <sup>2</sup>	<i>Cemetery, Churches, Hospitals</i> <i>Parks, Community Centres</i> <i>Schools, Helipad</i>
Agricultural One	A-1	8 ha	Agriculture Land Reserve

Zone Classification	Short Title	Lot Size	Description
Agricultural Two	A-2	8 ha	
Comprehensive Dev. One	CD-1	Varies	Block 72 – Crown Isle
Comprehensive Dev. Three	CD-3	550 m <sup>2</sup>	St. Andrews & Idiens Way
Comprehensive Dev. Four	CD-4	N/A	31 <sup>st</sup> Street
Comprehensive Dev. Six	CD-6	Varies	18 <sup>th</sup> and Burgess
Comprehensive Dev. Seven	CD-7	450 m <sup>2</sup>	Marsland Residential Development
Comprehensive Dev. Eight	CD-8	2 ha	29 <sup>th</sup> Street/Anfield Road
Comprehensive Dev. Nine	CD-9	1100 m <sup>2</sup>	2 <sup>nd</sup> Street/Duncan Avenue
Comprehensive Dev. Ten	CD-10	1580 m <sup>2</sup>	Lerwick Road – Church
Comprehensive Dev. Eleven	CD-11	1100 m <sup>2</sup>	Glacier View Lodge
Comprehensive Dev. Twelve	CD-12	1525 m <sup>2</sup>	Muir Road/Caledon Crescent
Comprehensive Dev. Fourteen	CD-14	3.5 ha	Creekside Commons Co-housing
Comprehensive Dev. Fifteen	CD-15	450 m <sup>2</sup>	Robert Lang/1st
Comprehensive Dev. Sixteen	CD-16	1250 m <sup>2</sup>	Idiens/Lerwick – <i>Multi-Residential</i>
Comprehensive Dev. Seventeen	CD-17	470 m <sup>2</sup>	190 Powerhouse Rd
Comprehensive Dev. Nineteen	CD-19	Varies	1360, 1470, 1480 Arden Rd
Comprehensive Dev. Twenty-One	CD-21	Varies	Buckstone Rd
Comprehensive Dev. Twenty-Two	CD-22	450 m <sup>2</sup>	2880 Arden Rd
Comprehensive Dev. Twenty-Three	CD-23	SRD 500 m <sup>2</sup>	1923, 1993 Arden Rd & 2459
		Duplex 900 m <sup>2</sup>	Cumberland Rd
Comprehensive Dev. Twenty-Four	CD-24	2000 m <sup>2</sup>	2525 Mission Rd
Comprehensive Dev. Twenty-Five	CD-25	Varies	2368, 2498, 2650 Arden Rd
Comprehensive Dev. Twenty-Six	CD-26	1.0 ha	3040 & 3070 Kilpatrick Ave
Comprehensive Dev. Twenty-Six A	CD-26A	0.4 ha	3040 Kilpatrick Ave
Comprehensive Dev. Twenty-Seven	CD-27	.55 ha	1025 Ryan Rd
Comprehensive Dev. Twenty-Eight	CD-28	2,792 m <sup>2</sup>	2355 Mansfield Dr
Comprehensive Dev. Twenty-Nine	CD-29	2274 m <sup>2</sup>	1375 Piercy Ave
Comprehensive Dev. Thirty	CD-30	N/A	Lot A, Copperfield Rd
	CD-30A	300 m <sup>2</sup>	
	CD-30B	200 m <sup>2</sup>	
	CD-30C	200 m <sup>2</sup>	
	CD-30D	200 m <sup>2</sup>	
Comprehensive Dev. Thirty-One	CD-31	7,320 m <sup>2</sup>	310 Hunt Rd
Comprehensive Dev. Thirty-Two	CD-32	1.8 ha	801 Ryan Rd
Comprehensive Dev. Thirty-Four	CD-34	1,200 m <sup>2</sup>	1679 McPhee Ave
Comprehensive Dev. Thirty-Five	CD-35	1,250 m <sup>2</sup>	1790 15th St
Comprehensive Dev. Thirty-Six	CD-36	2,350 m <sup>2</sup>	1077 Piercy Ave
Comprehensive Dev. Thirty-Eight	CD-38	1,600 m <sup>2</sup>	1560 Grieve Ave
Comprehensive Dev. Thirty-Nine	CD-39	2,030 m <sup>2</sup>	1590 Piercy Ave
Comprehensive Dev. Forty-One	CD-41	6,000 m <sup>2</sup>	120 11th St
Comprehensive Dev. Forty-Three	CD-43	12,000 m <sup>2</sup>	925 Braidwood Rd

### Extent

- (1) The extent of each zone is shown on Schedule '9' – Zoning
- (2) Where a zone boundary is designated as following a highway or a *watercourse*, the centreline of the highway or the *natural boundary* of the *watercourse* or the centreline of a creek shall be the zone boundary.

- (3) Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule '9'.
- (4) If a *lot* is divided by one or more zone boundaries, each of the *lot* portions enclosed by the *lot* boundaries and the zone boundaries must be considered as a separate *lot* for the purposes of determining the requirement of this bylaw in respect of *subdivision, setbacks and lot coverage*.
- (5) *Site area* requirements do not apply to an unattended *utility facility, public* and such uses are permitted in each zone.

## Part 1 - Residential Small-Scale Multi-Unit Housing (R-SSMUH)

### 8.1.1 Purpose

The R-SSMUH zone is intended to provide appropriate zoning for residential uses including small-scale multiple unit housing and infill development on serviced *lots*.

### 8.1.2 Permitted Uses

In the R-SSMUH Zone, the following uses are permitted, and all other uses are prohibited except as otherwise noted in this bylaw:

Principal Uses:

- (1) *Dwelling, Single detached*
- (2) *Dwelling, Duplex*
- (3) *Dwelling, Townhouse*
- (4) *Dwelling, Accessory*
- (5) *Accessory buildings and structures*
- (6) *Home occupation*

### 8.1.3 Density

A maximum of four *dwelling units* per *lot* is permitted.

### 8.1.4 Minimum Lot Dimensions

- (1) Lot Size
  - (i) A *lot* shall have an area of not less than 280.0 m<sup>2</sup>.
- (2) Lot Frontage
  - (i) A *lot* shall have a frontage of not less than 10.0 m except for a *corner lot*, where the frontage shall be not less than 13.0 m. In the case of a *lot* fronting the bulb of a cul-de-sac, the frontage shall be measured at the *front yard setback* line.
  - (ii) Where *lots* are being subdivided along a party wall, the minimum *lot* frontage shall be 8.0 m.
- (3) Lot Depth
  - (i) A *lot* shall have a depth of not less than 25.0 m, measured from the *front lot line* to the *rear lot line*.

### 8.1.5 Lot Coverage

The maximum *lot coverage* for *buildings, structures and impermeable surfaces* is 70%, or such *lot coverage* as can accommodate 4 *dwelling units*.

### 8.1.6 Setbacks

Except where otherwise specified in this Bylaw, the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 4.0 m except that the minimum *front yard setback* for *garages* or *carports* shall be 6.0 m.
- (2) *Rear yard:* 5.0 m except that for *accessory dwelling units:*
  - (i) The minimum *rear yard setback* shall be 1.5 m except that
  - (ii) Where a *rear yard* flanks a *street*, excluding a *lane*, the minimum *rear yard setback* shall be 3.0 m.
- (3) *Side yard:* 1.5 m except that:
  - (i) Where a *side yard* flanks a *street*, excluding a *lane*, the minimum *side yard* shall be 3.0 m, and
  - (ii) Where an *accessory dwelling unit* located behind the principal *building* lacks side or rear *lane* access, the minimum *side yard setback* distance for the *principal building* on one side shall be 3.0 m.
  - (iii) Where units are separated by a party wall *subdivision*, the *side yard setback* along the party wall shall be 0.0 m.

#### **8.1.7 Height of Building**

- (1) The height of a *principal building* shall not exceed 11.0 m.
- (2) The height of an *accessory dwelling unit* shall not exceed 6.5 m.

#### **8.1.8 Useable Open Space**

- (1) *Useable open space* shall be provided on a *lot* in the amount of 15.0 m<sup>2</sup> for each principal *dwelling unit*, *secondary suite* and *accessory dwelling unit*. *Useable open space* may include landscaped areas, balconies, porches, patios, decks, and/or roof terraces. Each *dwelling unit* shall have a direct connection to at least 15 m<sup>2</sup> of *useable open space*.

#### **8.1.8 Accessory Buildings and Accessory Structures (Not including Accessory Dwelling Units)**

Refer to Division for general regulations for accessory buildings and accessory structures.

#### **8.1.9 Off-Street Parking**

- (1) Except as provided in this section, *off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.
- (2) Where more than one access point to a property is available, such as a front *street* and laneway, required parking stalls must be distributed in such a manner as to prevent a continuous row of parking stalls.
- (3) Where a parking aisle is a strata access road, the minimum parking aisle width shall be 6.5 m for 90-degree parking.

#### **8.1.10 Landscaping and Screening**

- (1) Shall meet the Landscape Requirements identified in Division 6, Part 13 of this bylaw.

- (2) Garbage and recycling containers shall be located in a *building* or screened from the *street* by *landscaping* and/or a *fence* to create a visual barrier of sufficient height to effectively conceal the containers from view.

#### **8.1.11 Conditions of Use**

- (1) Despite the *permitted use* regulations in this zone, no more than one (1) *secondary suite* or one (1) *accessory dwelling unit* shall be permitted as *accessory* to a *single residential* unit or *duplex* dwelling on a *lot* that is not connected to community water or sewer services.

## Part 2 - Residential One A Zone (R-1A)

### 8.2.1 Permitted Uses

In the R-1A zone, the following uses are permitted, and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Secondary suite*
- (3) *Accessory dwelling unit*
- (4) *Accessory building and structures*
- (5) *Home occupation*
- (6) *Agricultural use on a lot over 4,000 m<sup>2</sup>*

### 8.2.2 Minimum Lot Size

A *lot* shall have an area of not less than 1.0 ha.

### 8.2.3 Density

A total of four (4) residential units is allowed on each lot.

### 8.2.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 30.0 m.

### 8.2.5 Minimum Lot Depth

A *lot* shall have a depth of not less than 35.0 m.

### 8.2.6 Lot Coverage

A *lot* shall not be covered by *building* and *accessory buildings* to a greater extent than 25% of the total area of the *lot*.

### 8.2.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 m
- (3) *Side yard:* The *side yard setbacks* shall be 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum distance shall be 4.5 m.

### 8.2.8 Height of Building

- (1) The *height* of a *principal building* shall not exceed 9.0 m.
- (2) The *height* of an *accessory dwelling unit* shall not exceed 6.5 m.

### **8.2.9 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for accessory buildings and accessory structures.

### **8.2.10 Off-Street Parking**

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

## Part 3 - Residential Three Zone (R-3)

### 8.3.1 Permitted Uses

In the R-3 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Secondary suite*
- (3) *Duplex dwelling*
- (4) *Accessory dwelling unit*
- (5) *Multi-residential dwelling*
- (6) *Accessory buildings and structures*
- (7) *Facility for adults with a disability*
- (8) *Home occupation*
- (9) *Care facility for parcels with a site area of 0.4 ha or greater*
- (10) Notwithstanding any provision of this bylaw, one triplex containing no more than three residential *dwelling units* is a *permitted use* on Lots 1-3, District Lot 118, Comox District, Plan SP4146 (2175 Arlington Place).

### 8.3.2 Minimum Lot Size

A *lot* shall have an area of not less than 1,250 m<sup>2</sup>.

### 8.3.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 30.0 m.

### 8.3.4 Floor Area Ratio

- (1) *Multi-unit residential (Apartments) - 0.60 floor area ratio*
- (2) All other residential - 0.40 *floor area ratio*
- (3) The *density* allowed on Lot 2, Section 67, Comox District, Plan 31530 shall not exceed 27.5 units per ha of which a maximum of 24 *dwelling units* of the total units permitted can be within an *apartment building*.

### 8.3.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m except for *apartments* which shall be:
  - (i) 9.0 m for the 2<sup>nd</sup> *storey*
  - (ii) 10.0 m for the 3<sup>rd</sup> *storey*

- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street*, in which case the minimum distance shall be 4.5 m.

And further, where the back of a building is adjacent to or faces a side lot line the minimum side yard setback shall be 6.0 m.

### **8.3.6 Height of Building**

The *height* of a *principal building* shall not exceed 10 m.

The *height* of an *accessory dwelling unit* shall not exceed 6.5 m.

### **8.3.7 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of 30.0 m<sup>2</sup> for each one bedroom *dwelling unit* and 50.0 m<sup>2</sup> for each *dwelling unit* with two or more bedroom. However, *useable open space* shall be provided at 10.0 m<sup>2</sup> per unit for care facilities.

### **8.3.8 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

### **8.3.9 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### **8.3.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped screen, *fence* or a combination thereof of not less than 3.0 m in height and width shall be provided and maintained to the satisfaction of the *City* on all property lines adjoining all other adjoining properties.
- (2) Where a *lot* adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 3A - Residential Three A Zone (R-3A)

### 8.3.11 Permitted Uses

In the R-3A Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Duplex dwelling*
- (3) *Accessory dwelling unit*
- (4) *Secondary suite*
- (5) *Townhouse dwelling*
- (6) *Accessory buildings and structures*
- (7) *Home occupation*

### 8.3.12 Minimum Lot Size

A *lot* shall have an area of not less than 1,250 m<sup>2</sup>.

### 8.3.13 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 30.0 m.

### 8.3.14 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum *floor area ratio* shall not exceed 0.50.

### 8.3.15 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 4.5 m except where the back of a *building* is adjacent to or faces a *side lot line* the minimum *side yard setback* shall be 6.0 m.

### 8.3.16 Height of Building

The *height* of a *principal building* shall not exceed 5.0 m.

### 8.3.17 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of 20.0 m<sup>2</sup> per *dwelling unit*.

### 8.3.18 Accessory Buildings and Accessory Structures

Refer to Division 6, Part 2, for general regulations for accessory buildings and accessory structures.

### **8.3.19 Off-Street Parking and Loading**

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this Bylaw, with the following exceptions:

The minimum number of off-street *parking spaces* shall be provided as follows:

- (1) one (1) *parking space* per *dwelling unit* for a *single residential dwelling* or *duplex*;
- (2) one (1) *parking space* per *dwelling unit* for a *townhouse dwelling* plus one (1) additional *parking space* for every three (3) *dwelling units* or portion thereof, plus one (1) additional *parking space* for each *dwelling unit* containing three (3) or more bedroom.

### **8.3.20 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped screen, *fence* or a combination thereof of not less than 3.0 m in height and width shall be provided and maintained to the satisfaction of the *City* on all property lines adjoining all other adjoining properties.
- (2) Where a *lot* adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 3B - Residential Three B Zone (R-3B)

### 8.3.21 Permitted Uses

In the R-3B Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Secondary Suite*
- (3) *Accessory dwelling unit*
- (4) *Duplex dwelling*
- (5) *Multi-residential dwelling*
- (6) *Accessory buildings and structures*
- (7) *Home occupation*

### 8.3.22 Minimum Lot Size

A *lot* shall have an area of not less than 1,250 m<sup>2</sup>.

### 8.3.23 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 25.0 m.

### 8.3.24 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum *floor area ratio* shall not exceed 0.4.

### 8.3.25 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 4.5 m for a *one storey building*  
7.5 m for a *two storey building*

And further, where the back of a *building* is adjacent to or faces a *side lot line* the minimum *side yard setback* shall be 6.0 m

### 8.3.26 Height of Building

On any one *lot* having four or more *dwelling units* a maximum of 70% of the *dwelling units* shall have a *building height* not exceeding 8.0 m, and the remainder of the *dwelling units* shall have a *building height* not exceeding 4.5 m.

The *height* of an *accessory dwelling unit* shall not exceed 6.5 m.

### **8.3.27 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of 30.0 m<sup>2</sup> for each one bedroom *dwelling unit* and 50.0 m<sup>2</sup> for each *dwelling unit* with two or more bedroom

### **8.3.28 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

### **8.3.29 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this Bylaw.

### **8.3.30 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped screen, *fence* or a combination thereof of not less than 3.0 m in *height* and width shall be provided and maintained to the satisfaction of the *City* on all property lines adjoining all other adjoining properties.
- (2) Where a *lot* adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 3 - Medium Density Multi-Residential (RM-1)

### 8.3.31 Intent

The RM-1 zone is intended to provide appropriate zoning to support low- to medium-density residential uses on lots greater than 2,700 m<sup>2</sup>.

### 8.3.32 Permitted Uses

In the RM-1 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw.

- (1) *Duplex dwelling*
- (2) *Townhouse dwelling*
- (3) *Secondary suite*
- (4) *Accessory buildings and structures*
- (5) *Home occupation*

### 8.3.33 Minimum Lot Size

A lot shall have an area of not less than 2,700 m<sup>2</sup>

### 8.3.34 Minimum Frontage

A lot shall have a frontage of not less than 25.0 m.

### 8.3.35 Minimum Lot Depth

A lot shall have a depth of not less than 35.0 m.

### 8.3.36 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum *floor area ratio* for shall not exceed 0.75.

### 8.3.37 Lot Coverage

The maximum coverage for buildings, *structures* and *impermeable surfaces* is 70%.

### 8.3.38 Setbacks

Except where otherwise specified in this bylaw the following minimum building setbacks shall apply:

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 4.0 m except that the minimum *front yard setback* for *garages* or *carports* shall be 6.0 m.
- (2) *Rear yard:* 5.0 m
- (3) *Side yard:* *The side yard setbacks shall total 4.5 m with a minimum side yard*

*setback* on one side of 1.5 m except where a *side yard* flanks a *street* or is adjacent to or faces the back of a *building* the minimum shall be 3.5 m.

#### **8.3.39 Height of Building**

The height shall not exceed 11.0 m.

#### **8.3.40 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of 20.0 m<sup>2</sup> per *dwelling unit*.

#### **8.3.41 Accessory Buildings and Structures**

Refer to Division 6, Part 2, for general regulations for accessory buildings and accessory structures except that accessory buildings and accessory structures:

- (1) Shall be permitted at the front of a principal residence but shall not be located within 7.5 m of the front lot line; and
- (2) Shall not be located within 1.5 m from the side and *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a *lane*, in which case the minimum *yard* distance shall be 3.0 m.

#### **8.3.42 Off-Street Parking and Loading**

- (1) Except as provided in this section, *off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.
- (2) Properties located within the estimated walking distance shown in Schedule 7E may have the total amount of parking required on a property reduced by 25%.
- (3) Each *dwelling unit* shall be provided with roughed-in infrastructure capable of providing, at minimum, *level 2 charging*, except:
  - (i) Properties located within the estimated walking distance shown in Schedule 7E may reduce by 25% the number of *parking spaces* with roughed-in infrastructure capable of providing, at minimum, *level 2 charging*.
- (4) Where parking aisle is a strata or private road, the minimum parking aisle width shall be 6.0 m for 90-degree parking.

#### **8.3.43 Landscaping and Screening**

Shall meet the Landscaping Requirements identified in Division 6, Part 13 of this bylaw.

## Part 4 - Residential Four Zone (R-4)

### 8.4.1 Permitted Uses

In the R-4 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Secondary suite*
- (3) *Accessory dwelling unit*
- (4) *Duplex dwelling*
- (5) *Multi-residential dwelling*
- (6) *Accessory buildings and structures*
- (7) *Facility for adults with a disability*
- (8) *Home occupation*
- (9) *Day care*

### 8.4.2 Minimum Lot Size

A lot shall have an area of not less than 1,250 m<sup>2</sup>.

### 8.4.3 Minimum Lot Frontage

A lot shall have a frontage of not less than 30.0 m.

### 8.4.4 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum *floor area ratio* for *multi-residential dwellings* shall not exceed:

- (1) *Apartments - 1.2 floor area ratio*
- (2) *All other residential - 0.70 floor area ratio*

### 8.4.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 m, except for *apartments* where the following is required:
  - (i) 9.0 m – 2<sup>nd</sup> storey
  - (ii) 10.0 m – 3<sup>rd</sup> storey
  - (iii) 13.5 m – 4<sup>th</sup> storey
- (3) *Side yard:* 4.5 m – 2 or less storeys  
6.0 m – 3<sup>rd</sup> storey  
7.5 m – 4<sup>th</sup> storey

And further, where the back of a *building* is adjacent to or faces a side *lot line* the minimum *side yard setback* shall be 6.0 m

#### **8.4.6 Height of Building**

The *height* of a *building* shall not exceed 14.0 m for an *apartment building*, not exceed 9.0 m for *townhouses, single residential dwellings duplexes* and *accessory dwelling units*.

#### **8.4.7 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of:

- (1) 20.0 m<sup>2</sup> per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m<sup>2</sup> per one bedroom *dwelling unit* and 50.0 m<sup>2</sup> per *dwelling unit* with two or more bedroom.

#### **8.4.8 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

#### **8.4.9 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this Bylaw.

#### **8.4.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped screen, *fence* or a combination thereof of not less than 3.0 m in *height* and width shall be provided and maintained to the satisfaction of the *City* on all property lines adjoining all other adjoining properties except for *building* or *development* of a *single residential dwelling* or *duplex*.
- (2) Where a *lot* adjoins 17th Street, 29th Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 4A - Residential Four A Zone (R-4A)

### 8.4.11 Permitted Uses

In the R-4A Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) Dwelling, *Single residential dwelling*
- (2) Dwelling, *Duplex dwelling*
- (3) Dwelling, *Townhouse*
- (4) *Secondary suite*
- (5) *Accessory dwelling unit*
- (6) *Multi-residential dwelling*
- (7) *Accessory buildings and structures*
- (8) *Home occupation*
- (9) *Day care*
- (10) *Care facility*
- (11) *Accessory commercial services for the personal care and convenience of onsite residents*
- (12) *Community service limited to adult day care*

### 8.4.12 Minimum Lot Size

A lot shall have an area of not less than 1,250 m<sup>2</sup>.

### 8.4.13 Minimum Lot Frontage

A lot shall have a frontage of not less than 30.0 m.

### 8.4.14 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum *floor area ratio* for *multi-residential dwellings* shall not exceed:

- (1) *Apartments:* 1.33 *floor area ratio*
- (2) *All other residential:* 8.5 *floor area ratio*
- (3) *Care facility:* 1.0 *floor area ratio*

### 8.4.15 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 6.0 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 3.0 m  
4.5 m – 4<sup>th</sup> storey or where *side yard* flanks a *street*

And further, where the back of a *building* is adjacent to or faces a side *lot line* the minimum *side yard setback* shall be 6.0 m.

Notwithstanding the *setback* requirements above, the following minimum *building setbacks* shall apply on Lots 8, 9 & 10, Block 1, Section 67, Comox District, Plan 9900:

- |     |   |   |
|-----|---|---|
| (1) | <i>Front yard:</i>                                      | 6.0 m   |
| (2) | <i>Rear yard:</i>                                       | 6.0 m   |
| (3) | Exterior <i>Side yard</i> adjacent to Cliffe Avenue     | 7.5 m   |
| (4) | <i>Side yard</i> Adjacent to Comox Logging Right of Way | 4.5 m<br>6.0 m for 3 <sup>rd</sup> storey<br>7.5 m for 4 <sup>th</sup> storey |

#### 8.4.16 Height of Building

The *height* of a *building* shall not exceed 14.0 m for an *apartment building* and not to exceed 9.0 m for *townhouses, single residential dwellings, duplexes and accessory dwelling units*.

#### 8.4.17 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of:

- (1) 20.0 m<sup>2</sup> per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m<sup>2</sup> per one bedroom *dwelling unit* and 50.0 m<sup>2</sup> per *dwelling unit* with two or more bedroom.

#### 8.4.18 Accessory Buildings and Accessory Structures

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

#### 8.4.19 Off-Street Parking

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7.

A *lane* may be used as the required aisle width as set out in Schedule 7B of Division 7 of this bylaw provided that the developer constructs the *lane* to meet all *City* standards regarding paving and drainage.

#### 8.4.20 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped screen, *fence* or a combination thereof of not less than 3.0 m in *height* and width shall be provided and maintained to the satisfaction of the *City* on all property lines adjoining all other adjoining properties.
- (2) Where a *lot* adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m

in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 4B - Residential Four B Zone (R-4B)

### 8.4.21 Permitted Uses

In the R-4B Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential dwelling*
- (2) *Dwelling, Duplex*
- (3) *Dwelling, Accessory*
- (4) *Dwelling, Townhouse*
- (5) *Dwelling, Multi unit*
- (6) *Secondary suite*
- (7) *Accessory buildings and structures*
- (8) *Day care*
- (9) *Home occupation*

### 8.4.22 Minimum Lot Size

A *lot* shall have an area of not less than 650.0 m<sup>2</sup>.

- (1) notwithstanding the above, a minimum *lot* size of 300 m<sup>2</sup> is permitted on Amended Lot 110 (DD43420N), Section 61, Comox District, Plan 472A, Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (344 3rd Street) and Lot 1, Block 72, Section 61, Comox District, Plan 472 Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (356 3rd Street).

### 8.4.23 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 12.0 m.

- (1) notwithstanding the above, a minimum frontage of 10 m is permitted on Amended Lot 110 (DD43420N), Section 61, Comox District, Plan 472A, Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (344 3<sup>rd</sup> Street).
- (2) notwithstanding the above, a minimum frontage of 11 m is permitted on Lot 1, Block 72, Section 61, Comox District, Plan 472 Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (356 3<sup>rd</sup> Street).

### 8.4.24 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum floor area ratio for *multi-residential* shall not exceed 1.0

#### 8.4.25 Setbacks

Except where otherwise specified in this bylaw, the following requirements shall apply:

- (1) *Front yard:* 15% of *lot depth*\*
- (2) *Rear yard:* 20% of *lot depth*\*
- (3) *Side yard:* 12% of *lot width* for each side except where the *side yard* flanks a *street*, in which case the minimum shall be 3.5 m along the subject property line\*

\*all *setbacks* are based on averages with the following minimum:

- (1) *Front yard:* 3.5 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 2.0 m (3.5 m where it flanks a *street*)

#### 8.4.26 Height of Building

- (1) 13.71 m for *apartments* with *underground parking*
- (2) 10.0 m for *apartments* otherwise
- (3) 9.0 m for *accessory dwelling units*
- (4) 9.15 m for all other *buildings*

#### 8.4.27 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of:

- (1) 20.0 m<sup>2</sup> per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m<sup>2</sup> per one bedroom *dwelling unit* and 50.0 m<sup>2</sup> per *dwelling unit* with two or more bedrooms.

#### 8.4.28 Accessory Buildings and Accessory Structures

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

#### 8.4.29 Off-Street Parking

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7.

*Off-street* parking shall be provided at the rate of one space per residential unit within the Residential Four B Zone (R-4B).

A *lane* may be used as the required aisle width a set out in Schedule 7B of Division 7 of this bylaw provided that the developer constructs the *lane* to meet all *City* standards regarding paving and drainage.

#### 8.4.30 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins 17th Street, 29th Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 5 - Residential Five Zone (R-5)

### 8.5.1 Permitted Uses

In the R-5 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Duplex*
- (3) *Dwelling, Townhouse*
- (4) *Multi-residential dwelling*
- (5) One recreation *building* which shall be solely for the use of tenants and their guests
- (6) *Accessory buildings and structures*

### 8.5.2 Minimum Lot Size

A *lot* shall have an area of not less than 850.0 m<sup>2</sup>.

### 8.5.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 32.0 m.

### 8.5.4 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum *floor area ratio* for *multi-residential buildings* shall not exceed:

- |     |                       |                              |
|-----|-----------------------|------------------------------|
| (1) | <i>Apartments</i>     | 0.90 <i>floor area ratio</i> |
| (2) | All other residential | 0.60 <i>floor area ratio</i> |

### 8.5.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- |     |                    |   |
|-----|--------------------|---|
| (1) | <i>Front yard:</i> | 7.5 m                                   |
| (2) | <i>Rear yard:</i>  | 7.5 m                                   |
| (3) | <i>Side yard:</i>  | 4.5 m<br>6.0 m – 3 <sup>rd</sup> storey |

And further, where the back of a *building* is adjacent to or faces a side *lot line* the minimum *side yard setback* shall be 6.0 m.

### 8.5.6 Height of Building

The *height* of a *building* shall not exceed 9.0 m in *height*.

### **8.5.7 Useable Open Space**

*Useable open space* shall be provided on the *lot* at the rate of not less than 15.0 m<sup>2</sup> for each one-bedroom unit and not less than 20.0 m<sup>2</sup> for each two-bedroom unit contained in a *building* used as a *multi-residential dwelling*.

### **8.5.8 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

### **8.5.9 Off-Street Parking**

Notwithstanding Schedule 7A a minimum of one (1) *parking space* shall be provided for every three *dwelling units* within the overall *development* plus a minimum of one (1) *parking space* for every 50.0 m<sup>2</sup> of floor area within the recreation *building*.

### **8.5.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped screen, *fence* or a combination thereof of not less than 3.0 m in *height* and width shall be provided and maintained to the satisfaction of the *City* on all property lines adjoining all other adjoining properties.
- (2) Where a *lot* adjoins 17th Street, 29th Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

## Part 11 - Mobile Home Residential Subdivision Zone (MH-1)

### 8.11.1 Landscaping and Screening

In the MH-1 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Mobile homes*
- (2) *Dwelling, Single residential* , must be one storey with no basement
- (3) *Dwelling, Accessory*
- (4) *Secondary Suites*
- (5) *Accessory buildings and structures*

### 8.11.2 Minimum Lot Size

A lot in a mobile home subdivision shall have an area of not less than 465.0 m<sup>2</sup> and 550.0 m<sup>2</sup> for a corner lot.

### 8.11.3 Minimum Lot Frontage

A lot shall have a frontage of not less than 14.0 m except for a corner lot in which case the minimum frontage shall be 15.5 m.

### 8.11.4 Minimum Lot Coverage

A lot shall not be covered by buildings to a greater extent than 40% of the total lot area.

### 8.11.5 Setbacks

Except where otherwise specified in this bylaw the following minimum building setbacks shall apply:

- (1) *Front yard:* 4.5 m  
6.0 m for a garage
- (2) *Rear yard:* 3.0 m
- (3) *Side yard:* 1.5 m on one side and 3.0 m on the other side and 4.5 m where the side yard flanks a street

### 8.11.6 Foundation

Any mobile home shall be placed on a permanent perimeter concrete foundation.

### 8.11.7 Height of Building or Structure

No building or structure shall be greater in height than 4.5 m.

#### **8.11.8 Additions**

All additions to a *mobile home* located in a *mobile home subdivision* including carports, shelters, porches, vestibules, and room shall be constructed in compliance with the current B.C. Building Code.

#### **8.11.9 Accessory Buildings and Accessory Structures**

- (1) Shall have a floor area not exceeding 45.0 m<sup>2</sup> or 10% of the *rear yard* whichever is greater
- (2) Shall be permitted in the side and rear boundary of the *mobile home space* provided they are within 1.5 m from the side and rear boundary of the *mobile home space* except where the side boundary flanks a *street*, excluding a *lane*, in which case the minimum distance shall be 4.5 m
- (3) Shall be permitted in the front of the *principal residence* provided they shall conform to all relevant siting regulations of this bylaw

#### **8.11.10 Off-Street Parking**

Off-*street* parking shall be provided and maintain in accordance with the requirements of Division 7 of this bylaw.

## Part 12 - Mobile Home Park Residential Zone (MH-2)

### 8.12.1 Permitted Uses

In the MH-2 Zone, the following uses are permitted and shall conform to this bylaw and amendments thereto and all other uses are prohibited:

- (1) *Mobile home* and their *accessory buildings* and *structures*; and
- (2) *Service buildings* and *structures*, *recreational buildings* and *structures*, or a combination thereof, *accessory* to the *mobile home* use.

### 8.12.2 General Provisions

- (1) A copy of the approved Development Permit, *mobile home park* plans and a copy of this bylaw shall be posted prominently and permanently in the *mobile home park office* for the reference of the residents.
- (2) No *mobile home* in a *mobile home park* may be occupied as a dwelling or installed unless it:
  - (i) meets the Canadian Standards Association Standards Z-240 or A-277 or British Columbia Building Code Standards;
  - (ii) is connected water, sanitary sewer, storm drainage and electrical services in accordance with the British Columbia Building Code, Plumbing Code and Electrical Code;
  - (iii) is located on a *mobile home pad* and is supported on a foundation in accordance with the British Columbia Building Code or the *Mobile home*, C.S.A. foundation standards approved by the Building Inspector; and
  - (iv) is located on an approved *mobile home lot*.
- (3) The plumbing, electrical and *building* in any *mobile home park* including additions and *alterations* shall comply with all *City* of Courtenay bylaws and regulations and the British Columbia Building Code, Plumbing Code and Electrical Code.
- (4) The *City* may require the applicant to provide additional relevant information, inspections and tests including but not limited to topographic and soil condition data.
- (5) No person shall dispose of garbage or refuse or any sort of waste except in accordance with the arrangements made by the owner of the *mobile home park*, as approved by the *City*.

### 8.12.3 Site Area

The minimum *site area* for the *mobile home park* shall be 2.0 ha.

### 8.12.4 Density

The maximum *density* for a *mobile home park* shall be 20 *mobile home* units per hectare.

#### 8.12.5 Frontage

A *mobile home park* shall have a minimum frontage of 30.0 m on to the highway from which access is obtained, with such access being for the sole purpose of allowing entry to and egress from the *mobile home park*.

#### 8.12.6 Mobile Home Space

- (1) The minimum area for a *mobile home space* shall be 325.0 m<sup>2</sup> for an internal *lot* and 360.0 m<sup>2</sup> for a *corner lot*.
- (2) The minimum frontage of each *mobile home space* abutting a roadway shall be 12.0 m and 13.5 m for a *corner lot*.
- (3) Each *mobile home space* shall be clearly and permanently marked in a format outlined on a plan registerable at the Land Title Office as prepared by a BC Land Surveyor.
- (4) All *mobile home spaces* shall:
  - (i) be clearly numbered; and
  - (ii) have access only from an internal roadway and not directly from a highway.

#### 8.12.7 Lot Coverage

A *mobile home space* shall not be covered by *buildings* to a greater extent than 40% of the area of the *mobile home space*

#### 8.12.8 Setbacks

Except where otherwise specified in this bylaw, the following minimum *building setbacks* shall apply. *Mobile homes* and additions shall be located on each *mobile home space* in a *mobile home park* so that there will be not less than the following *setbacks*:

- (1) *Front yard*: 4.5 m  
6.0 for a *garage* or carport
- (2) *Rear yard*: 3.0 m
- (3) *Side yard*: 1.5 m on one side and 3.0 m on the other side and 4.5 m where the *side yard* flanks a *street*

#### 8.12.9 Height of Building or Structure

No *building* or *structure* shall be greater in *height* than 4.5 m except for a service, storage or recreation *building* which shall not be greater than 6.0 m.

#### 8.12.10 Mobile homes per Space/Lot

No more than one *mobile home* shall be located on a *mobile home space*.

#### 8.12.11 Skirtings

No *mobile home* in a *mobile home park* may be occupied as a dwelling unless:

- (1) skirtings are installed within 60 days of installation of the *mobile home* on a *mobile home pad* which shall have two easily removable access panels of a minimum width of 1.2 m, one providing direct access to the area enclosed by the skirting for inspection or servicing the service connections to the *mobile home*, and the other providing access to the area enclosed by the skirting for storage;
- (2) skirtings installed are factory prefabricated or of equivalent quality and painted or prefinished so that the design and construction compliment the main *structure*; and
- (3) skirtings installed have ventilation openings that conform to the requirements of the British Columbia Building Code and the ground cover of the crawl space shall conform to the requirements of the British Columbia Building Code.

#### **8.12.12 Permissible Additions**

- (1) All additions or *accessory structures* to a *mobile home* located in a *mobile home park* including carports, *garages*, shelters, porches, vestibules, and room shall require a *building* permit and be constructed in compliance with the current British Columbia Building Code.
- (2) All attached or *accessory structures* such as porches, sun room, additions and storage facilities shall be factory prefabricated units or an equivalent quality and shall be painted or prefinished so that the design and construction shall compliment the main *structure*.

#### **8.12.13 Buffer Strip**

Every *mobile home park* shall have immediately within its boundaries, a buffer area of a minimum of 7.5 m in depth, within which:

- (1) No recreation, amenity or service areas may be located;
- (2) No *mobile home space* or an owner's residential plot may be located;
- (3) No *building* or *structure* may be erected or located;
- (4) No garbage disposal area shall be located;
- (5) Except where danger is involved no plant material may be removed nor may any substance of which land is composed be deposited or removed, except as part of a recognizable beautification scheme approved by the authority having jurisdiction; and
- (6) No roads except those which cross it as close to right angles as practical to connect the roadway to the highway.

#### **8.12.14 Owner's/Manager's Residential Plot**

- (1) An owner's/manager's residential plot shall be permitted within a *mobile home park* if the area of the plot is not less than 465.0 m<sup>2</sup> with a frontage of 20.0 m.
- (2) An owner's/manager's residential plot shall include sufficient area to provide two off-*street parking spaces* for owner's/manager's use and a minimum of 2 *parking spaces* for visitors and customers.

#### **8.12.15 Parking**

- (1) Two *parking spaces* measuring a minimum of 2.75 x 5.5 m shall be provided within each *mobile home pad*. In addition, for every 4 *mobile homes*, an additional *parking space* shall be provided within the *mobile home park*.
- (2) *Parking spaces* shall be graded for proper drainage and be paved and dust free.

#### **8.12.16 Accessory Buildings and Accessory Structures**

- (1) Shall have a floor area not exceeding 45.0 m<sup>2</sup> or 10% of the *rear yard* whichever is greater;
- (2) Shall be permitted in the side and rear boundary of the *mobile home space* provided they are within 1.5 m from the side and rear boundary of the *mobile home space* except where the side boundary flanks a *street* in which case the minimum distance shall be 4.5 m; and

#### **8.12.17 Tenant Storage**

- (1) One or more separate storage compounds shall be provided within a *mobile home park* for the storage of boats, trailers, recreation vehicles, or other large item owned by the tenants that are not appropriate to store on a *mobile home lot*.
- (2) The storage compound shall be securely fenced, gated and lighted for security reasons and shall be screened from public view by fencing or *landscaping* approved by the *City*.
- (3) Only communal *buildings* owned by the owner of the *mobile home park* shall be constructed in the storage compound for the sole use of the residents of the *mobile home park*.
- (4) No outdoor portion of a *mobile home park* shall be used for or permitted to be used for the wrecking or storage of derelict automobiles, trucks, tractors, machinery, lumber, flammable debris or other unused item or equipment that the *City* considers being a public nuisance or junk.

#### **8.12.18 Recreation and Landscaped Areas**

- (1) Not less than 20.0 m<sup>2</sup> per *mobile home space* shall be devoted to tenant's recreational uses, and shall be provided in a convenient and accessible location. For the purpose of calculating recreational space requirements, any indoor recreational space provided shall be counted as double its actual area.
- (2) The recreation areas shall not include buffer areas, *accessory buildings*, *mobile home spaces*, roadways and storage areas.
- (3) Recreation areas shall be provided with suitable equipment, the safety of design and construction of which shall be subject to the approval of the *City*.
- (4) All recreation areas and other areas in the *mobile home park*, other than *mobile home pads*, roadways and parking areas shall be suitably landscaped and maintained subject to the approval of the *City*.
- (5) Recreational areas and open spaces shall be connected to the internal *street* and walkway system of the *development* and such areas and spaces shall be provided in one or more convenient and accessible locations.

### 8.12.19 Access, Roadways and Walkways

- (1) Access
  - (i) No *mobile home park* shall be established or extended unless the highway access to the *mobile home park* is approved by the *City*.
  - (ii) A second access from a public highway separated by at least 60.0 m from the first access shall be provided to each *mobile home park* containing 50 or more *mobile home spaces*.
- (2) Roadways
  - (i) All *mobile home spaces*, owner's residential plot, storage areas and service *buildings* as well as other facilities where access is required shall have access by roadways.
  - (ii) Minimum roadway width requirements shall be as follows:
    - i. with parking on one side shall have a minimum paved width of 9.0 m and a right-of-way of 12.0 m.
    - ii. with no parking shall have a minimum paved width of 7.2 m and right-of-way of 12.0 m.
    - iii. one way minor roads shall not exceed 150.0 m in length unless connected to a secondary road access, and cul-de-sacs shall not exceed 60.0 m in length as measured from the centre line of a connecting roadway to the centre of the cul-de-sac turn around.
    - iv. cul-de-sacs shall have a minimum turning circle right-of-way radius of 14.0 m and a minimum pavement radius of 12.5 m.
    - v. all *streets* and roadways in the *mobile home park* shall be designed, constructed and paved in accordance with the *City of Courtenay Engineering Design Standards and Specifications* and certified by a Professional Engineer registered in BC.
    - vi. adequate *street* lighting shall be designed by a Professional Engineer to the *City's* standards and policies and installed and energized prior to the issuance of any occupancy permit(s) by the *City*. Such lighting shall meet the *City of Courtenay Engineering Design Standards and Specifications* and maintained to adequately illuminate the traveled portion of the roadway including all intersections, the turning circle of cul-de-sacs, any point at which an internal roadway changes direction 30 degrees or more, and any off-*street* visitor parking areas and storage areas in accordance with the "TAC Guide for Design of Roadway Lighting".
- (3) Walkways and Sidewalks
  - (i) A hard-surfaced walkway of minimum 1.5 m in width shall be provided to facilitate access from or within the *mobile home park* to any public open space, recreation areas, neighbourhood or public *school*.
  - (ii) A walkway or sidewalk shall be provided on at least one side of a main distributor road within the *mobile home park*.

- (iii) Walkways may be required for direct access to recreation or multi-purpose service centres if roadways are not direct.
- (iv) Cul-de-sacs having more than 10 *lots* including the *corner lots* shall be provided with a sidewalk.

#### **8.12.20 Water Supply**

- (1) The owner of a *mobile home park* shall provide a water supply system that is connected directly to the municipal water supply system. The water system shall be designed by a Professional Engineer in accordance with engineering requirements, specifications and bylaw, regulations of the *municipality* and Regional Public Health Engineer.
- (2) Water service shall be distributed to:
  - (i) each service *building*
  - (ii) each *mobile home space*
  - (iii) fire hydrants
- (3) Water shall not be distributed to any terminal from which the water would not be intercepted by an approved sewage fixture, nor to any space that is not provided with an approved *mobile home* drain terminal connected to a sewer as required.
- (4) Each water distribution branch line servicing a *mobile home space* for the use of a *mobile home*, shall have a minimum diameter of 19.0 mm.
- (5) The water terminal on each *mobile home space* shall conform to the engineering standards and specifications required by the *City*.
- (6) Hydrants for fire protection shall be provided and located within 90.0 m of each *manufactured home lot*, as measured along the *street* frontage. Hydrants shall not be located more than 200.0 m apart and shall be installed in accordance with the requirements of the *City*.
- (7) Upon completion of construction, the owner of the *mobile home park* shall provide to the *City* as-built drawings of the water system, certifying the constructed quality of the works, signed and sealed by a Professional Engineer.
- (8) Meter boxes are required to be installed at the property line or back of roadway for all *mobile home lots* for the subsequent installation of water meter in accordance with *City* standards.

#### **8.12.21 Sanitary Sewerage and Waste Water Disposal System**

- (1) The owner of a *mobile home park* shall provide for the disposal of all waste water and of all body wastes that are generated within the *mobile home park* by providing a sewer system connected to all plumbing fittings and sewage laterals in the *mobile home pads*. The sewer system shall be connected directly into the municipal sewage disposal system and shall be designed and constructed by a Professional Engineer in accordance with the engineering requirements, specifications, bylaw and regulations of the *City* and the BC Plumbing Code.
- (2) The sewer terminal on each *mobile home space* shall conform to the engineering standards and specifications required by the *City*.

- (3) Upon completion of construction, the owner of the *mobile home development* shall provide to the *City* as-built drawings of the sewage and wastewater disposal system with the construction quality of works certified by a Professional Engineer.

#### **8.12.22 Garbage Disposal**

The owner of a *mobile home park* shall dispose of garbage or refuse in accordance with the *City* of Courtenay Refuse Collection and Removal Bylaw No. 2244, 2002 and revisions thereto.

#### **8.12.23 Supervision and Reporting**

- (1) Every *mobile home park* shall be kept free of flammable debris and rubbish at all time.
- (2) The owner shall report the installation or replacement of *mobile homes* and additions in the *mobile home park*, with the exception of skirting, to the *City*.

#### **8.12.24 Occupancy**

No person shall cause or permit a *mobile home park* to be occupied by *manufactured homes* until advised in writing by the Building Inspector that authorization to do so is given.

## Part 12A - Manufactured Home Residential Three Zone (MH-3)

### 8.12.25 Purpose

The purpose of this zone is to accommodate manufactured home parks as a residential use, to recognize existing development and allow gentle densification, to meet city direction for diversity of housing and affordability.

### 8.12.26 Permitted Uses

In the MH-3 Zone, the following uses are permitted and shall conform to this bylaw and amendments thereto and all other uses are prohibited:

- (3) *Manufactured homes*
- (4) *Accessory structures and uses*

### 8.12.27 General Provisions

- (6) *All manufactured homes in a manufactured home park must:*
  - (v) Meet the Canadian Standards Association Standards Z-240 or A-277 or British Columbia Building Code Standards;
  - (vi) Be connected to municipal water, sanitary sewer; and
  - (vii) Meet all requirements for construction, including a foundation in accordance with the British Columbia Building Code or the *Manufactured home, C.S.A.* foundation standards approved by the Building Inspector.
- (7) The plumbing, electrical and *building* in any *manufactured home park* including additions and *alterations* shall comply with all *City of Courtenay* bylaws and regulations and the British Columbia Building Code, Plumbing Code and Electrical Code.
- (8) Skirtings, ground cover and crawl space must be installed to conform to British Columbia Building Code.
- (9) The owner of a *manufactured home park* shall provide solid waste collection facilities and dispose of garbage or refuse in accordance with the *City of Courtenay Refuse Collection and Removal Bylaw No. 2244, 2002* and revisions thereto.

### 8.12.28 Site Area

The minimum *site area* for the *manufactured home park* shall be 1.0 ha

### 8.12.29 Density

The maximum *density* for a *manufactured home park* shall be 20 *manufactured home* units per hectare.

### 8.12.30 Frontage

A *manufactured home park* shall have a minimum frontage of 20.0 m on to the highway.

### 8.12.31 Manufactured Home Space

- (5) The minimum area for a *manufactured home space* shall be 250 m<sup>2</sup> for an internal *lot* and 275 m<sup>2</sup> for *lots* adjacent to the highway.
- (6) The minimum frontage of each *manufactured home space* abutting a roadway shall be 9.0 m and 12.0 m for a lot adjacent to the highway.
- (7) Each *manufactured home space* shall be clearly delineated on a plan registerable at the Land Title Office as prepared by a BC Land Surveyor.
- (8) All *manufactured home spaces* shall:
  - (iii) be clearly numbered; and
  - (iv) have access only from an internal roadway.

### 8.12.32 Lot Coverage

A *manufactured home space* shall not be covered by *buildings* to a greater extent than 60% of the area of the *manufactured home space*

### 8.12.33 Setbacks

Except where otherwise specified in this bylaw, the following minimum *building setbacks* shall apply. *Manufactured homes* and additions shall be located on each *manufactured home space* in a *manufactured home park* so that there will be not less than the following *setbacks*:

- (4) *Front yard*: 4.5m  
3.0 m if the parking is provided in the side yard  
6.0 m for a *garage* or carport
- (5) *Rear yard*: 3.0 m
- (6) *Side yard*: 1.5 m, except where the *lot* is adjacent to the highway where the setback will be 3.0m

### 8.12.34 Height of Building or Structure

- (1) *Manufactured Home* shall not exceed 6 m in height
- (2) except for a service, storage or recreation *building* which shall not be greater than 6.0 m.

### 8.12.35 Manufactured homes per Space/Lot

No more than one *manufactured home* shall be located on a *manufactured home space*.

### 8.12.36 Permissible Additions

- (3) All additions or *accessory structures* to a *manufactured home* located in a *manufactured home park* including carports, *garages*, shelters, porches, vestibules shall require a *building permit* and be constructed in compliance with the current British Columbia Building Code.

### **8.12.37 Edge Treatment**

*Manufactured home parks* shall:

- (7) Install perimeter fencing of 3.0 m; and
- (8) Perimeter fencing may be supplemented with vegetative planting.

### **8.12.38 Parking**

Mobile home park is exempt from Division 7 Off Street and Loading Parking Requirements of the Zoning Bylaw and shall provide a minimum of 2.0 *parking spaces* for each *manufactured home pad*.

### **8.12.39 Accessory Buildings and Accessory Structures**

- (3) Shall have a floor area not exceeding 20 m<sup>2</sup>; and
- (4) Shall have a setback of 1.0 m from side and rear lots lines.

### **8.12.40 Tenant Storage**

- (5) The owner/operator of the *manufactured home park* may provide shared storage for tenants.
- (6) If the storage is outdoor and open for the storage of boats, trailers, recreation vehicles for example, the storage compound shall be securely fenced, gated and lighted for security reasons and shall be screened from public view by fencing or *landscaping* approved by the *City*.
- (7) If the storage is a communal *building* owned by the owner of the *manufactured home park*, it is required to apply for a building permit, shall be for the use of tenants only and shall be appropriately secured.

### **8.12.41 Recreation and Landscaped Areas**

- (6) A manufactured home park with over 50 lots shall provide communal recreation area. The recreation areas shall not include buffer areas, *accessory buildings*, *manufactured home spaces*, roadways and storage areas.
- (7) All recreation areas and other areas in the *manufactured home park*, other than *manufactured home pads*, roadways and parking areas shall be suitably landscaped and maintained subject to the approval of the *City*.
- (8) Recreational areas and open spaces shall be connected to the internal *street* and walkway system of the *development* and such areas and spaces shall be provided in one or more convenient and accessible locations.

### **8.12.42 Access, Roadways and Walkways**

- (4) Access
  - (iii) No *manufactured home park* shall be established or extended unless the highway access to the *manufactured home park* is approved by the *City*.

- (iv) A second access from a public highway separated by at least 60.0 m from the first access shall be provided to each *manufactured home park* containing 50 or more *manufactured home spaces*.
- (5) Roadways
  - (iii) All roads internal to the *manufactured home park*, are the responsibility of the *manufactured home park* owner. `
  - (iv) Internal road maximum speed shall be designated at 10 km per hour.
  - (v) Minimum roadway width requirements shall be as follows:
    - vii. Minimum paved width is 6.5 m.
    - viii. Cul de sac roads shall not exceed 100.0 m in length and shall have a minimum turning circle right-of-way radius of 12.5 m.
    - ix. All *streets* and roadways in the *manufactured home park* shall be designed and constructed in accordance the recommendations of a Professional Engineer registered in BC.

#### **8.12.43 Occupancy**

No person shall cause or permit a *manufactured home park* to be occupied by *manufactured homes* until advised in writing by the Building Inspector that authorization to do so is given.

## Part 13 - Multiple Use One Zone (MU-1)

### 8.13.1 Permitted Uses

In the MU-1 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

(1) **Residential**

- (i) *Dwelling, Single residential*
- (ii) *Dwelling, Duplex*
- (iii) *Dwelling, Accessory unit*
- (iv) *Secondary Suite*
- (v) *Boarding*
- (vi) *Home occupation*

(2) **Non-Residential**

- (i) *Accessory buildings*
- (ii) *Care facility*
- (iii) *Day care*
- (iv) *Facility for adults with a disability*
- (v) *Medical clinic*
- (vi) *Office*
- (vii) *Parking lot*
- (viii) *School*

(3) **Combined Uses**

- (i) *Combined residential - non-residential uses are permitted within the same building in this zone.*

- (4) Notwithstanding items 1-3 a mixed use building containing multi-family residential *dwelling units* is permitted and *medical clinic*, *parking lot* and *school* are prohibited on the property legally described as Lot 19, Section 41, Comox District, Plan 9230 (1465 Grieve Avenue).

### 8.13.2 Minimum Lot Size

A *lot* shall have an area of not less than 650.0 m<sup>2</sup>.

### 8.13.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

#### 8.13.4 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*

#### 8.13.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m except where the area between a *building* and a *front lot line* is landscaped and not used for off-street parking, the *setback* may be reduced to 4.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 1.5 m except where the *side yard* flanks a *street* in which case | 4.5 m

#### 8.13.6 Height of Building

The *height* of a *principal building* shall not exceed 8.0 m.

#### 8.13.7 Accessory Buildings and Accessory Structures

Shall have a floor area not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard* whichever is greater.

#### 8.13.8 Off-Street Parking and Loading

Off-street parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this Bylaw.

#### 8.13.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 14 - Multiple Use Two Zone (MU-2)

### 8.14.1 Intent

In the MU-2 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

### 8.14.2 Permitted Uses

#### (1) Residential

- (i) *Single residential dwelling*
- (ii) *Duplex dwelling*
- (iii) *Multi-residential dwelling*
- (iv) *Boarding*
- (v) *Home occupation*

#### (2) Commercial

- (i) *Accessory buildings*
- (ii) *Ambulance service*
- (iii) *Bakery and deli*
- (iv) *Barber shop and beauty salon*
- (v) *Day care*
- (vi) *Facility for adults with a disability*
- (vii) *Funeral home*
- (viii) *Fitness facility*
- (ix) *Hotel and motel*
- (x) *Laundromat*
- (xi) *Licensed premises*
- (xii) *Medical clinic*
- (xiii) *Microbrewery limited to 400.0 m<sup>2</sup> and including the accessory retail sale of goods produced on site*
- (xiv) *Nightclub*
- (xv) *Office*
- (xvi) *Parking lot, school and studio*
- (xvii) *Restaurant*
- (xviii) *Retail store limited to 375.0 m<sup>2</sup>*
- (xix) *Theatre*
- (xx) *Veterinary clinic*

(xxi) Notwithstanding the above a *bed and breakfast accommodation* is permitted as a commercial use subject to the following conditions:

- i. Not more than two bedrooms are used for transient accommodation.
- ii. Principal use of the building shall be single residential.
- iii. That a resident of the dwelling shall be alone engaged in the operation of the transient accommodation business.
- iv. No meals shall be provided to the customers of the operation other than breakfast.

(xxii) Notwithstanding the above a *liquor store* is permitted only on the following properties:

- i. Lot A, Plan VIP68799 (1590 Cliffe Avenue)
- ii. Lot A, Plan VIS4836 (1001 Ryan Road)

**(3) Combined Commercial Residential Uses**

(i) Residential units contained within a dual - use *building* shall be located above *storeys* used for commercial purposes and no *storey* can be used for both commercial and residential purposes. The zone regulations set out for the MU-2 Zone pertaining to *multi-residential dwellings* will apply to a combined commercial-residential use.

**8.14.3 Minimum Lot Size**

A *lot* shall have an area of not less than 850.0 m<sup>2</sup>.

**8.14.4 Lot Coverage**

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*

**8.14.5 Lot Frontage**

A *lot* shall have a frontage of not less than 20.0 m.

**8.14.6 Setbacks**

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- |     |  |   |
|-----|--|---|
| (1) | <i>Front yard:</i>   | 7.5 m   |
| (2) | <i>Rear yard:</i>  | 7.5 m   |
| (3) | <i>Side yard:</i>  | 7.5 m<br>4.5 m except where the <i>side yard</i> flanks a <i>street</i> in which case 7.5 m |
| (4) | <i>Side yard</i> adjacent to Comox Logging Right<br>5 m of Way Walkway | 6.0 m<br>7.5 m for 2 <sup>nd</sup> <i>storey</i><br>9.0 m 3 <sup>rd</sup> <i>storey</i>     |

And further, where the back of a *building* is adjacent to or faces a side *lot line* the minimum *side yard setback* shall be 6.0 m.

#### **8.14.7 Height of Building**

Maximum *height of building* shall not exceed 10.0 m in *height*.

Notwithstanding any provision of this bylaw, for the property shown in bold outline on Figure 7 the maximum height of a *building* shall be 14 m (not to exceed a maximum of 4 *storeys*).

#### **8.14.8 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of:

- (1) 20.0 m<sup>2</sup> per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m<sup>2</sup> per one-bedroom *dwelling unit* and 50.0 m<sup>2</sup> per *dwelling unit* with two or more bedroom.

#### **8.14.9 Accessory Buildings and Accessory Structures**

Shall have a floor area not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater

#### **8.14.10 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### **8.14.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 15 - Multiple Use Three Zone (MU-3)

### 8.15.1 Permitted Uses

In the MU-3 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

(1) **Residential**

- (i) *Single residential dwelling*
- (ii) *Duplex dwelling*
- (iii) *Multi-residential dwelling*
- (iv) *Accessory buildings and structures*
- (v) *Boarding*
- (vi) *Home occupation*

(2) **Commercial**

- (i) *Accessory buildings and Structures*
- (ii) *Bakery and deli*
- (iii) *Care facility*
- (iv) *Community service*
- (v) *Day care*
- (vi) *Facility for adults with a disability*
- (vii) *Fitness facility*
- (viii) *Financial institution*
- (ix) *Laundromat*
- (x) *Medical clinic*
- (xi) *Microbrewery limited to 400 m<sup>2</sup> and including the accessory retail sale of goods produced on site*
- (xii) *Office*
- (xiii) *Personal service*
- (xiv) *Printing and publishing*
- (xv) *Restaurant*
- (xvi) *Retail store*
- (xvii) *Second hand store*
- (xviii) *School and studio*
- (xix) *Small item sales, service, repair and rental*
- (xx) *Veterinary clinic*

(3) **Combined Commercial Residential Uses**

- (i) Residential units contained within a dual-use *building* shall be located above *storeys* used for commercial purposes and no *storey* can be used for both commercial and residential purposes.

The sale of drug paraphernalia is expressly prohibited in this zone.

**8.15.2 Minimum Lot Size**

A *lot* shall have an area of not less than 650.0 m<sup>2</sup> except for *multi-residential dwellings* wherein the minimum *lot* size shall be 1,250.0 m<sup>2</sup>.

**8.15.3 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 20.0 m.

**8.15.4 Density**

The maximum *density* shall not exceed a *floor area ratio* of 0.6. However, where parking is provided within the principal *building* the *floor area ratio* can be increased by 0.2 multiplied by the percentage of the total *parking spaces* which are provided within the principal *building*.

**8.15.5 Lot Coverage**

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

**8.15.6 Setbacks**

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 7.5 m  
9.0 m for 3<sup>rd</sup> *storey*

**8.15.7 Height of Building**

The *height* of a *building* shall not exceed 9.5 m.

**8.15.8 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of:

- (1) 20.0 m<sup>2</sup> per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m<sup>2</sup> per one bedroom *dwelling unit* and 50.0 m<sup>2</sup> per *dwelling unit* with two or more bedroom.

### **8.15.9 Accessory Buildings and Accessory Structures**

- (1) Shall not be located within 4.5 m from the side and *rear lot line*
- (2) Shall not be situated closer than 3.0 m from the *principal building* which the *accessory building* serves

### **8.15.10 Off-Street Parking and Loading**

Off-street parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### **8.15.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

### **8.15.12 Special Regulations**

- (1) Garbage containers and passive recycling containers shall not be located within any required *setback* adjacent any residential *lot*.
- (2) The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.
- (3) A *Day care* shall be located on the *lot* such that these centres have direct access to an open space and play area within the *lot*.

## Part 16 - Multiple Use Four Zone (MU-4)

### 8.16.1 Permitted Uses

In the MU-4 zone, the following uses are permitted and all other uses are prohibited, except as otherwise noted in this bylaw:

(1) **Residential**

- (i) *Single residential dwelling*
- (ii) *Duplex dwelling*
- (iii) *Multi-residential dwelling*
- (iv) *Accessory buildings and structures*
- (v) *Home occupation*

(2) **Commercial**

- (i) *Bakery and deli*
- (ii) *Care facility*
- (iii) *Community service*
- (iv) *Craft industry with wholesale and accessory retail sales*
- (v) *Day care*
- (vi) *Electrical and plumbing sales and service*
- (vii) *Enclosed storage facility*
- (viii) *Fitness facility*
- (ix) *Florist*
- (x) *Manufacturing*
- (xi) *Office*
- (xii) *Laundromat*
- (xiii) *Medical clinic*
- (xiv) *Microbrewery limited to 400.0 m<sup>2</sup> and including the accessory retail sale of goods produced on site*
- (xv) *Parking lot*
- (xvi) *Personal service*
- (xvii) *Printing and publishing*
- (xviii) *Utility facility, private*
- (xix) *Restaurant*
- (xx) *Retail store limited to 275.0 m<sup>2</sup>*
- (xxi) *Small item sales, service, rental and repair*

(xxii) *School and studio*

(xxiii) *Veterinary clinic*

(3) **Combined Commercial Residential Uses**

(i) Residential units contained within a dual-use *building* shall be located above *storeys* used for commercial purposes and no *storey* can be used for both commercial and residential purposes.

**8.16.2 Minimum Lot Size**

A *lot* shall have an area of not less than 1,250.0 m<sup>2</sup>.

Notwithstanding the minimum lot size specified above, a minimum lot size of 700 m<sup>2</sup> is permitted on LOT 9, DISTRICT LOT 127, COMOX DISTRICT, PLAN 1464 (649 McPhee Avenue).

**8.16.3 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 20.0 m.

Notwithstanding the minimum lot size specified above, a minimum lot frontage of 12.0 m is permitted on LOT 9, DISTRICT LOT 127, COMOX DISTRICT, PLAN 1464 (649 McPhee Avenue).

**8.16.4 Floor area ratio**

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.6.

**8.16.5 Lot Coverage**

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

**8.16.6 Setbacks**

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

(1) *Front yard:* 7.5 m

(2) *Rear yard:* 7.5 m

(3) *Side yard:* 3.0 m

And further, where the back of a *building* is adjacent to or faces a side *lot line* the minimum *side yard setback* shall be 6.0 m.

Notwithstanding the minimum side yard *building setback* above, a minimum 0.5 m side yard *building setback* is permitted on the south side yard and 2.8 m side yard *building setback* is permitted on the north side yard on LOT 9, DISTRICT LOT 127, COMOX DISTRICT, PLAN 1464 (649 McPhee Avenue).

**8.16.7 Height of Buildings**

The *height* of a *building* shall not exceed 9.5 m.

#### **8.16.8 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of:

- (1) 20.0 m<sup>2</sup> per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m<sup>2</sup> per one-bedroom *dwelling unit* and 50.0 m<sup>2</sup> per *dwelling unit* with two or more bedrooms.

#### **8.16.9 Accessory Buildings and Accessory Structures**

- (1) Shall not be situated closer than 3.0 m from the *principal building* that the *accessory building* serves

#### **8.16.10 Off-Street Parking and Loading**

Off-street parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### **8.16.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.
- (4) Notwithstanding the Landscaping and Screening requirements specified above, the requirements in 8.16.11 (2) and 8.16.11 (3) are not required on LOT 9, DISTRICT LOT 127, COMOX DISTRICT, PLAN 1464 (649 McPhee Avenue).

#### **8.16.12 Special Regulations**

- (1) Garbage containers and passive recycling containers shall not be located within any required *setback* adjacent any residential *lot*.
- (2) The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.
- (3) *Day care* shall be located on the *lot* such that these centres have direct access to an open space and play area within the *lot*.



## Part 17 - Multiple Use Five Zone (MU-5)

### 8.17.1 Permitted Uses

In the MU-5 zone, the following uses are permitted and all other uses are prohibited, except as otherwise noted in this bylaw:

(1) **Residential**

- (i) *Accessory residential dwelling or caretaker's suite, meaning a dwelling unit:*
  - i. having a total floor space of not more than 90 m<sup>2</sup> in area;
  - ii. located within a *principal building* of commercial or industrial occupancy;
  - iii. a maximum of 1 *accessory dwelling unit* is permitted per *parcel*.
- (ii) *Home occupation*

(2) **Commercial**

- (i) *Accessory buildings and structures*
- (ii) *Bakery and deli*
- (iii) *Car washing establishment*
- (iv) *Community service*
- (v) *Craft industry with wholesale and accessory retail sales*
- (vi) *Fitness facility*
- (vii) *Florist or Garden Store*
- (viii) *General Service*
- (ix) *Laundromat*
- (x) *Licensed premises*
- (xi) *Medical clinic*
- (xii) *Office*
- (xiii) *Outdoor sales*
- (xiv) *Personal service*
- (xv) *Restaurant*
- (xvi) *Retail store limited to 275 m<sup>2</sup>*
- (xvii) *School*
- (xviii) *Service and repairs*
- (xix) *Service station*
- (xx) *Studio*
- (xxi) *Veterinary clinic*

**(3) Industrial**

- (i) *Accessory buildings and structures*
- (ii) *Commercial laundry*
- (iii) *Enclosed storage facility including warehousing*
- (iv) *Manufacturing*
- (v) *Microbrewery including the accessory retail sale of goods produced on site*
- (vi) *Printing and publishing*
- (vii) *Transportation depot*
- (viii) *Utility facility, private*
- (ix) *Small item sales, service, rental and repair*
- (x) *Wholesaling*

**8.17.2 Minimum Lot Size**

For the purpose of *subdivision*, a *lot* shall have an area of not less than 2,900 m<sup>2</sup>.

**8.17.3 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 30.0 m.

**8.17.4 Floor area ratio**

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.6.

**8.17.5 Lot Coverage**

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

**8.17.6 Setbacks**

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 6.0 m

**8.17.7 Height of Buildings**

The *height* of a *building* shall not exceed two stories or 9.5 m.

### 8.17.8 Accessory Buildings and Accessory Structures

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met

### 8.17.9 Off-Street Parking and Loading

Off-street parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.17.10 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

### 8.17.11 Special Regulations

- (1) Garbage containers and passive recycling containers shall not be located within any required *setback* adjacent any residential *lot*.
- (2) The outdoor storage of any goods, materials or supplies is to be *setback* from any property line adjacent to a *street*.
- (3) *Day care* shall be located on the *lot* such that these centres have direct access to an open space and play area within the *lot*.
- (4) *Outdoor sales* shall not exceed the maximum *lot coverage* of the MU-5 zone.

## Part 18 - Multiple Use Six Zone (MU-6)

### 8.18.1 Permitted Uses

In the MU-6 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

(1) **Residential**

- (i) *Duplex dwelling*
- (ii) *Dwelling, Multi residential*
- (iii) *Boarding*
- (iv) *Home occupation*

(2) **Commercial**

- (i) *Accessory buildings and structures*
- (ii) *Ambulance service*
- (iii) *Day care*
- (iv) *Facility for adults with a disability*
- (v) *Funeral home*
- (vi) *Financial Institution*
- (vii) *Fitness facility*
- (viii) *Hotel and motel*
- (ix) *Laundromat*
- (x) *Licensed premise*
- (xi) *Medical clinic*
- (xii) *Microbrewery limited to 400.0 m<sup>2</sup> and including the accessory retail sale of goods produced on site*
- (xiii) *Office*
- (xiv) *Parking lot*
- (xv) *Personal services*
- (xvi) *Restaurant*
- (xvii) *Retail stores limited to 375.0 m<sup>2</sup>*
- (xviii) *School*
- (xix) *Artists Studio*
- (xx) *Theatre*
- (xxi) *Veterinary clinic*

(3) **Combined Residential Uses**

- (i) Residential units contained within a dual - use *building* shall be located above *storeys* used for commercial purposes or have separate building entrances.

**8.18.2 Minimum Lot Size**

A *lot* shall have an area of not less than 650.0 m<sup>2</sup>.

**8.18.3 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 20.0 m.

**8.18.4 Maximum Floor Area Ratio**

A *lot* shall have a floor area ratio of not more than 2.0.

**8.18.5 Lot Coverage**

- (1) A *lot* shall not be covered by buildings and *accessory* buildings to a greater extent than 60% of the total area of the *lot*.
- (2) A *lot* shall not be covered by impermeable surfaces to a greater extent than 80% of the total area of the *lot*.

**8.18.6 Setbacks**

Except where otherwise specified in this bylaw the following minimum building *setbacks* shall apply:

- (1) *Front yard:* 6.0 m except 4.0 m for balconies and other permissible projections noted in Division 6 General Regulations
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 3.0 m except 4.5 m 4th and higher *storeys* or where the *side yard* flanks a *street*

**8.18.7 Height of Building**

Maximum *height* of *building* shall not exceed 15.0 m in *height*.

**8.18.8 Useable Open Space**

*Useable open space* shall be provided on a lot in the amount of 20.0 m<sup>2</sup> per dwelling unit, of which:

- (1) A minimum of 10.0 m<sup>2</sup> must be *private amenity space*, and
- (2) Other amenity space may be publicly accessible amenity space that may be located in landscape *setbacks* along *streets*.

### **8.18.9 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for accessory buildings and accessory structures.

### **8.18.10 Off-Street Parking and Loading**

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

- (1) Minimum 0.95 *parking spaces* per residential unit plus 0.1 visitor *parking spaces* per residential unit;
- (2) Maximum 50% of residential visitor parking may be used for parking for commercial uses with hours of operation limited to between 6 a.m. and 6 p.m.;
- (3) Maximum 20% of required parking stalls are permitted to be small car parking stalls;
- (4) Minimum of 100% of required *parking spaces* must have adequate conduits for providing future charging;
- (5) Minimum 20% of required total *parking spaces* must have charging on opening day.

### **8.18.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or institutional use or adjoins 17th Street, 29th Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum height of 2 m by a landscaping screen or solid decorative fence or a combination thereof.

## Part 19 - Commercial One Zone (C-1)

### 8.19.1 Permitted Uses

In the C-1 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Accessory buildings and structures*
- (2) *Accessory dwelling unit*
- (3) *Assembly hall*
- (4) *Bakery and deli*
- (5) *Barber shop and beauty salon*
- (6) *Care facility*
- (7) *Church, including one (1) dwelling unit for each lot*
- (8) *Community service*
- (9) *Cultural facility*
- (10) *Day care*
- (11) *Duplex dwelling*
- (12) *Facility for adults with a disability*
- (13) *Farmer's market*
- (14) *Fitness facility*
- (15) *Funeral home*
- (16) *General service*
- (17) *Grocery store and shopping centre*
- (18) *Hotel*
- (19) *Indoor entertainment facility*
- (20) *Laundromat*
- (21) *Licensed premises*
- (22) *Liquor store*
- (23) *Meat and fish market*
- (24) *Medical clinic*
- (25) *Microbrewery, distilling and U-brew/U-Vin limited to 400 m<sup>2</sup> and including accessory sales*
- (26) *Multi-residential dwelling*
- (27) *Nightclub, provided that in this C-1 Zone live entertainment, shows and exhibitions are excluded unless the performers are clothed in opaque garments covering breast, buttocks and genitalia*
- (28) *Office, financial institution, and personal service*

- (29) *Parking lot*
- (30) *Printing shop*
- (31) *Restaurant*
- (32) *Retail store*
- (33) *Second hand store, within an enclosed building*
- (34) *Secondary Suite*
- (35) *School*
- (36) *Single residential dwelling*
- (37) *Small item sales, service, rental and repair*
- (38) *Studio*
- (39) *Theatre*
- (40) *Transportation depot*
- (41) Combined commercial/residential uses are permitted within the same *building* or in separate *buildings* on the same property
- (42) Notwithstanding any provision of this bylaw, an *enclosed storage facility* is allowed on Lot 7, Section 61, Comox District, Plan 311, except the easterly 18 feet (120 – 5th Street).
- (43) Notwithstanding any provision of this bylaw, a *storefront cannabis retailer* is a *permitted use* on Lot 63, Section 61, Comox District, Plan 311 (143 5<sup>th</sup> Street).
- (44) Notwithstanding any provision of this bylaw, a *storefront cannabis retailer* is a *permitted use* on Lots 1 and 2 both of Block 3, Section 61, Comox District, Plan 2068 (605/625 Cliffe Avenue).
- (45) Notwithstanding any provision of this bylaw, a *storefront cannabis retailer* is a *permitted use* on That Part of Lot 92, Section 61, Comox District, Plan 311 Lying to the South East of the South Easterly Boundary of Plan 1621-R (Unit #101-576 England Avenue).

#### **8.19.2 Minimum Lot Size**

A *lot* shall have an area of not less than 500.0 m<sup>2</sup>.

#### **8.19.3 Minimum Lot Frontage**

N/A

#### **8.19.4 Lot Coverage**

N/A

#### **8.19.5 Minimum Floor area**

N/A

#### **8.19.6 Setbacks**

Except where otherwise specified in this Bylaw there are no *setback* requirements in the C-1 Zone.

#### **8.19.7 Height of Buildings**

No *building* in this zone shall exceed 13.5 m.

#### **8.19.8 Off-Street Parking and Loading**

Notwithstanding any other provision of this bylaw, parking and *loading spaces* as a requirement under Division 7, shall be deemed not to apply to properties zoned Commercial One (C-1) except that one *parking space* is required for each residential unit.

#### **8.19.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use a landscaped area of at least 3.0 m in width extending along the entire frontage of the property shall be provided inside the property line
- (2) Where a *lot* adjoins 17<sup>th</sup> Street, Anderton Avenue, Cumberland Road, Fitzgerald Avenue or Cliffe Avenue south of 8<sup>th</sup> Street a landscaped area of at least 4.5 m in width extending along the entire frontage of the property shall be provided inside the property line.
- (3) Loading areas, garbage and recycling containers, utilities, service kiosks, m, elevator housing, exhaust elements, satellite dishes, etc. shall be screened to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.
- (4) To separate parking, internal roads, service or storage areas, a landscaped area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all affected property lines.

## Part 19A - Commercial One A (C-1A)

### 8.19.10 Permitted Uses

In the C-1A zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this Bylaw:

- (1) *Accessory buildings*
- (2) *Building supply store*
- (3) *Garden store*
- (4) *Liquor store* permitted only on the following property:
  - (i) Lot A, Section 66 & 67, Comox District, Plan 44811 Except Parts in Plans 49234, VIP66865, and VIP68598 (the Driftwood Mall)
- (5) *Service station*
- (6) *Shopping centre* including *retail store, personal service, medical clinic, restaurant, office, fitness facility, studio* and *school*.
- (7) *Theatre*
- (8) Notwithstanding any provision of this bylaw, a *storefront cannabis retailer* is a *permitted use* on Lot A, Section 66 & 67, Comox District, Plan 44811 Except Parts in Plans 49234, VIP66865 and VIP68598 (Unit #1400- 2701 Cliffe Avenue)
- (9) Notwithstanding any provision of this bylaw, a *storefront cannabis retailer* is a *permitted use* on Lot 2, Section 14, Comox District, Plan VIP53727 (#105-789 Ryan Road)

### 8.19.11 Conditions of Use

The operation of a *garden store* may be permitted outdoors provided that such outdoor area shall not exceed the *net floor area* of the *retail garden centre* operated within a *building*.

### 8.19.12 Minimum Lot Size

A *lot* shall have an area of not less than 2.0 ha.

### 8.19.13 Minimum Lot Frontage

N/A

### 8.19.14 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

### 8.19.15 Setbacks

Except where otherwise specified in this bylaw, the following *setback* requirements shall apply:

- (1) *Front yard:* 15.0 m
- (2) *Rear yard:* 15.0 m

- (3) *Side yard:* 15.0 m

#### **8.19.16 Height of Buildings**

The *height* of a *building* shall not exceed 9.5 m.

#### **8.19.17 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of 7.5 m is required inside all property lines. Where a *building* greater than 4,500 m<sup>2</sup> this landscape area shall be increased to 15.0 m.
- (2) Where any use of a *lot* in this zone adjoins a *street* a landscaped area of at least 10.0 m in width extending the entire frontage of the property shall be provided along the inside of all affected property lines.
- (3) Loading areas and garbage and recycling containers shall be screened to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.
- (4) *Parking lots* shall include, at regular intervals, curbed planters containing trees and shrubs.

#### **8.19.18 Off-Street Parking and Loading**

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except that all required parking for uses within this zone must be on the same *lot* as the *principal use* and *buildings* and the area used for parking must be zoned C-1A.

## Part 20 - Commercial Two Zone (C-2)

### 8.20.1 Permitted Uses

In the C-2 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Accessory building and uses*
- (2) *Assembly hall*
- (3) *Bakery and deli*
- (4) *Barber shop and beauty salon*
- (5) *Bed and breakfast accommodation*
- (6) *Building supply store*
- (7) *Car washing establishment*
- (8) *Day care*
- (9) *Enclosed storage facility, including warehouse, and storage yard*
- (10) *Facility for adults with a disability*
- (11) *Fitness facility*
- (12) *General service*
- (13) *Grocery store*
- (14) *Hotel and motel*
- (15) *Indoor entertainment facility*
- (16) *Laundromat*
- (17) *Licensed premises*
- (18) *Liquor store permitted only on the following properties:*
  - (i) Lot B, Plan 28292 (2355 Mansfield Drive)
  - (ii) Lot 2, Section 41, Comox District, Plan VIP75100 (1599 Cliffe Avenue)
- (19) *Nursery and greenhouse*
- (20) *Medical clinic*
- (21) *Microbrewery limited to 400.0 m<sup>2</sup> and including accessory retail sale of goods produced on site*
- (22) *Office and financial institution*
- (23) *Outdoor sales*
- (24) *Parking lot*
- (25) *Printing and publishing*
- (26) *Restaurant*

- (27) *Retail* and wholesale stores
- (28) *School*
- (29) *Second hand store*, within an enclosed *building*
- (30) *Service and repairs*
- (31) *Service station*
- (32) *Small item sales, service, rental and repair*
- (33) *Studio*
- (34) *Transportation depot* and taxi *office*
- (35) *Veterinary clinic*
- (36) Combined commercial-residential use subject to the commercial use being restricted to *retail, restaurants, offices* (including *financial institutions*) and *studios*. Residential units must be contained within a dual use *building* and shall be located above *storeys* used for commercial purposes, and no *storey* can be used for both commercial and residential purposes
- (37) Notwithstanding any provisions of this bylaw, an *auction centre* with a maximum floor area of 185 m<sup>2</sup> is permitted on Lot 2, District Lot 96, Comox District, Plan VIP53672 (1755 13th Street).
- (38) Notwithstanding any provisions of this bylaw, the following and no other is permitted on Lot K, Plan DD29186-N (4846 Headquarters Road) and Plan 870R (4860 Headquarters Road):
  - (i) Mini storage
  - (ii) *Single residential dwelling*

Conditions of use:

  - (i) No parking, loading or storage areas shall be located within 1.5 m of any property line
  - (ii) All warehousing and storage shall be contained entirely within an enclosed *building*
- (39) Notwithstanding any provisions of this bylaw, furniture refinishing and *accessory* uses, and no other use, is permitted on Parcel A (DD 379448-I) of Lot 1, Section 18, Comox District, Plan 5466 (4785 Headquarters Road) subject to the following condition:
  - (i) Sales of furniture refinished within the *building* on the subject property utilizing a *building area* of up to 25% of the permitted total *building area*.
  - (ii) The display and catalogue sales of kitchen cabinets built and shipped from off-site utilizing no more than 25% of the permitted total *building area*.

Condition of use:

  - (i) No parking, loading or storage areas shall be located within 3.5 m to any property line.
  - (ii) No outdoor storage or supply *yards* shall be permitted.

(40) Notwithstanding any provisions of this bylaw, the following and no other is permitted on Lot A, Section 20, Plan VIP55701 (2855 Wentworth Road):

- (i) *Garden store* and *accessory* outdoor storage
- (ii) *Agricultural use*
- (iii) Residential use limited to one dwelling

Conditions of use:

- (i) No areas used for outdoor storage, display, parking or loading shall be located within 3.5 m of any *lot line*.
- (ii) A landscaped buffer to a minimum depth of 3.5 m with natural vegetation consisting of a dense combination of shrubs, evergreen trees and plants to create a solid screen not less than 1.8 m in *height* where:
  - i. the adjacent or abutting *lot* is zoned Rural, Residential, or Rural Residential zone
  - ii. a *lot line* abuts a public road right-of-way
- (iii) No *building* or *structure* shall be located within:
  - i. 7.5 m of that portion of a *front lot line*
  - ii. 3.5 m of a side *lot line* that does not about a public road right-of-way
  - iii. 7.5 m of a *rear lot line*
- (iv) The maximum permitted coverage of all *buildings* and *structures* shall not exceed 50% of the *site area*, excluding greenhouses used in garden nurseries or for agricultural uses.
- (v) Minimum *lot* size – 1.0 ha
- (vi) Minimum *lot* frontage – 10% of the perimeter of the *lot*

(41) Notwithstanding the above, *Pet Day Care* is permitted on Strata Property VIS687 (241 Puntledge Road).

(42) Notwithstanding any provision of this bylaw, a *storefront cannabis retailer* is a *permitted use* on Lot A, Section 66, Comox District, Plan 34998, Except that Part in Plan 49713 (#103-2270 Cliffe Avenue).

### 8.20.2 Conditions of Use

- (1) All business, repair or servicing uses shall be conducted within a completely enclosed *building* except for permitted outdoor display, rental, sales or *storage yards*, parking and loading facilities and gasoline *service stations*.
- (2) *Outdoor sales* shall not exceed the maximum *lot coverage* of the C-2 zone.

### 8.20.3 Minimum Lot Size

A *lot* shall have an area of not less than 650.0 m<sup>2</sup> except for a combined commercial-residential use of a *lot*, in which case, an area of 1,250.0 m<sup>2</sup> is required.

#### 8.20.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

#### 8.20.5 Floor Area Ratio and Lot Coverage

Provided all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* and *lot coverage* shall not exceed in the case of:

- (1) Commercial use - lots shall not be covered by *buildings* and *accessory buildings* to a greater extent than fifty percent (50%) of total area of the *lot*.
- (2) Combined commercial/residential use - 0.60 *floor area ratio*.
- (3) A *building* used for *retail* use is limited to 4,500 m<sup>2</sup> per floor except for a *retail building supply store*.

#### 8.20.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 4.5 m except where a *lot* adjoins a residential zone without the intervention of a *street* or *lane*, in which case, the minimum shall be:
  - (i) 6.0 m in the case of a *one-storey building*
  - (ii) 7.5 m in the case of *buildings* exceeding *one-storey*.
- (3) *Side yard:* No *side yard* shall be required except where a *lot* in this zone adjoins a residential zone without the intervention of a *street* or *lane*, in which case, a *side yard* shall be provided or not less than:
  - (i) 4.5 m in the case of a *one-storey building*
  - (ii) 6.0 m in the case of *buildings* exceeding *one-storey*
  - (iii) in the case of a combined commercial-residential use, *side yards* of 4.5 m are to be provided

Notwithstanding the above:

- (1) In case of a *Service station*, the following applies:
  - (i) *buildings* and *accessory buildings* shall be at least 12.0 m from property lines.

#### 8.20.7 Height of Buildings

No *building* in this zone shall exceed 9.5 m except for a combined commercial-residential *building*, in which case, the *height* of a *building* shall not exceed 13.5 m.

#### 8.20.8 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of 20.0 m<sup>2</sup> per *dwelling unit*.

### **8.20.9 Accessory Buildings and Accessory Structures**

- (1) Shall have a floor area not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater.
- (2) Shall not be situated closer than 3.0 m from the *principal building* which the *accessory building* serves

### **8.20.10 Off-Street Parking and Loading**

Off-street parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### **8.20.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 20A - Commercial Two A Zone (C-2A)

### 8.20.12 Permitted Uses

In the C-2A zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in the bylaw:

- (1) *Assembly hall*
- (2) *Community service*
- (3) *Convenience store*
- (4) *Day care*
- (5) *General service*
- (6) *Grocery store*
- (7) *Government office and Government facility*
- (8) *Hotel and Motel*
- (9) *Indoor entertainment facility*
- (10) *Licensed premises*
- (11) *Medical clinic*
- (12) *Microbrewery limited to 400.0 m<sup>2</sup> and including accessory retail sale of goods produced on site*
- (13) *Office and financial institution*
- (14) *Parking lot*
- (15) *Personal service*
- (16) *Restaurant*
- (17) *Retail store*
- (18) *School*
- (19) *Shopping centre*
- (20) *Veterinary clinic*
- (21) Notwithstanding any provision of this bylaw, a *recycling facility* is permitted on Lot 3, Section 14, Plan 21329 (493 Puntledge Road)

### 8.20.13 Minimum Lot Size

A *lot* shall have an area of not less than 2,500 m<sup>2</sup>.

### 8.20.14 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

### 8.20.15 Density

The maximum *density* shall not exceed a *floor area ratio* of 0.6. However, where parking is provided within the principal *building* the floor space area ratio can be increased by 0.2 multiplied by the percentage of the total *parking spaces* which are provided in the *principal building*.

### 8.20.16 Lot Coverage

A *building* used for *retail* use is limited to 4,500 m<sup>2</sup> per floor except for a *retail building supply store*.

### 8.20.17 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m except where the area between a *building* and a *front lot line* is landscaped and not used for off-*street* parking, the *setback* may be reduced to 4.5 m
- (2) *Rear yard:* 4.5 m - one *storey*  
7.5 m - two *storeys*
- (3) *Side yard:* No *side yard* shall be required except where a *lot* adjoins a residential zone in which case the following applies:
  - (i) 4.5 m - one *storey*
  - (ii) 7.5 m - two *storeys*

And further, where the *side yard* flanks a *street* a minimum *setback* of 4.5 m is required.

### 8.20.18 Height of Building

No *building* in this zone shall exceed 9.14 m.

### 8.20.19 Accessory Buildings and Accessory Structures

- (1) Shall have a floor area not exceeding 46.45 m<sup>2</sup>.

### 8.20.20 Off-Street Parking and Loading

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.20.21 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins

any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 21 - Commercial Three Zone (C-3)

### 8.21.1 Permitted Uses

In the C-3 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Accessory buildings*
- (2) *Grocery store*
- (3) *One dwelling unit* in conjunction with the above use

### 8.21.2 Minimum Lot Size

A *lot* shall have an area of not less than 1,250 m<sup>2</sup>.

### 8.21.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

### 8.21.4 Lot Coverage

Provided that acceptable facilities for parking, loading, and *yard* requirements are provided in accordance with this bylaw, a *lot* may be covered by *buildings* and *accessory buildings* up to 45% of the total area of the *lot*, but in no event, shall the *buildings* and *accessory buildings* cover more than 375 m<sup>2</sup> of the *lot*.

### 8.21.5 Setbacks

Except where otherwise specified in this Bylaw, the following *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:*
  - (i) 3.0 m for a *one-storey building* except when the *side yard* flanks a *street*, in which case, the minimum distance shall be 4.5 m.
  - (ii) 6.0 m for *two-storey building*.

### 8.21.6 Height of Building

No *building* shall exceed 4.5 m in *height* except where a *dwelling unit* is incorporated in the *building* constituting a second *storey*, in which case, the maximum *height* shall not exceed 9 m.

### 8.21.7 Accessory Buildings and Accessory Structures

- (1) Shall have a floor area not exceeding 10% of the *lot area* except where a *building* serves as a parking *structure*, in which case, the floor area shall not exceed 20% of the *lot area*.

### 8.21.8 Off-Street Parking and Loading

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.21.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 22 - Commercial Four Zone (C-4)

### 8.22.1 Permitted Uses

In the C-4 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Accessory buildings and uses*
- (2) *Bingo facility*
- (3) *Community service*
- (4) *Day care*
- (5) *Medical clinic*
- (6) *Office*
- (7) *School*
- (8) *Studio*
- (9) Notwithstanding any provisions of this bylaw, “slot machines” are allowed within the *bingo facility* on Lot A, Section 14, Comox District, VIP83482 (361 Hunt Place).
- (10) Notwithstanding any provisions of this bylaw, *bingo facility* is not a *permitted use* on Lot 1, District Lot 157, Comox District, Plan VIP59557 (2488 Idiens Way).

### 8.22.2 Minimum Lot Size

A *lot* shall have an area of not less than 1,800 m<sup>2</sup>.

### 8.22.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

### 8.22.4 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 35% of the total area of the *lot*.

### 8.22.5 Setbacks

Except where otherwise specified in this bylaw, the following *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m except where a *lot* borders Ryan Road, in which case the minimum shall be 15 m.
- (2) *Rear yard:* 6.0 m except where a *lot* in this zone adjoins a residential zone without the intervention of a *street* or *lane*, in which case, a *rear yard* of 9.0 m shall be provided.
- (3) *Side yard:* 6.0 m except where a *lot* in this zone adjoins a *street* or *lane*, in which case, a *side yard* of 7.5 m shall be provided.
- (4) *Watercourse:* 15.0 m for all *buildings, structures* and *parking lots*.

#### **8.22.6 Height of Building**

The *height* of a *building* shall not exceed 9.5 m.

#### **8.22.7 Accessory Buildings and Accessory Structures**

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met.

#### **8.22.8 Off-Street Parking and Loading**

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### **8.22.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use or adjoins 17<sup>th</sup> Street, 29<sup>th</sup> Street, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road, or Mission Road landscaped area of at least 7.5 m in width, and in the case of along Ryan Road 15 m in width, extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 23 - Commercial Five Zone (C-5)

### 8.23.1 Intent

This zone is intended to provide appropriate zoning for commercial uses in a heritage character neighbourhood.

### 8.23.2 Permitted Uses

In the C-5 zone, the following uses are permitted and all other uses are prohibited within the area identified on Schedule 9, Zoning Map, except as otherwise noted in this bylaw:

- (1) *Accessory buildings and uses*
- (2) *Bed and breakfast accommodation*
- (3) *Day care*
- (4) *Home occupation*
- (5) *Office*
- (6) *Personal service*
- (7) *Retail limited to 200 m<sup>2</sup>*
- (8) *School*
- (9) *Studio*
- (10) Combined commercial-residential uses provided that residential units are contained within a dual use *building*, and no *storey* can be used for both commercial and residential purposes.
- (11) Notwithstanding any provisions of this bylaw, a *Medical Clinic* is a *permitted use* on Parcel A (DD53537W) of Lot 114 Section 61, Comox District, Plan 472A, Parcel A (DD53537W) of Lot 115, Section 61, Comox District, Plan 472A and Amended Lot 111 (DD 43419N) Section 61, Comox District, Plan 472-A Except That Part Thereof Lying to the South East of a Boundary Parallel to and Perpendicularly Distant 10 Feet from the South Easterly Boundary of Said Lot (308, 320 and 332 3<sup>rd</sup> Street).

### 8.23.3 Density

Providing all other conditions are met the maximum *floor area ratio* shall not exceed 0.50.

### 8.23.4 Lot Coverage

Maximum *lot coverage* shall not exceed 40%.

### 8.23.5 Minimum Lot Sizes

The minimum lot size is 420.0 m<sup>2</sup>.

### 8.23.6 Frontages

A *lot* shall have a frontage of not less than 12.0 m except for a *corner lot* where the frontage shall be not less than 13.5 m.

### 8.23.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 6.0 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 4.5 m.

### 8.23.8 Maximum Height

The *height* of a *principal building* shall not exceed 10.0 m.

### 8.23.9 Accessory Buildings and Structures

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met

### 8.23.10 Off-Street Parking and Driveways

Except as provided in this section, *off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.23.11 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.

Loading areas, garbage and recycling containers, utilities, service kiosks, m, exhaust elements, satellite dishes, etc., shall be screened to a minimum *height* of 2.0 m by a landscape screen or solid decorative *fence* or a combination thereof.

## Part 24 - Industrial One Zone (I-1)

### 8.24.1 Permitted Uses

In the I-1 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Saw mill*
- (2) *Boat works and Boat storage*
- (3) *Heliport*
- (4) *Manufacturing*

### 8.24.2 Conditions of Use

Uses which are noxious or otherwise undesirable because of smoke, noise, vibration, dirt, glare, odour, or electrical interference, or which are an offensive trade within the meaning of the *Health Act* shall not be permitted in this zone.

### 8.24.3 Minimum Lot Size

A *lot* shall have an area of not less than 2,500.0 m<sup>2</sup>.

### 8.24.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 30.0 m.

### 8.24.5 Lot Coverage

Lots shall not be covered by *buildings* and *accessory buildings* to a greater extent than sixty percent (60%) of the total area of the *lot*.

### 8.24.6 Setbacks

Except where otherwise specified in this bylaw, the following *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m except where a *lot* adjoins a residential zone without the intervention of a *street* or *lane* in which case the minimum shall be:
  - (i) 20.0 m in the case of a *one-storey building*
  - (ii) 30.0 m in the case of *buildings* exceeding one *storey*
- (3) *Side yard:* 4.5 m shall be required except where a *lot* in this zone adjoins a residential zone without the intervention of a *street* or *lane*, in which case a *side yard* shall be provided of not less than:
  - (i) 20.0 m in the case of a *one-storey building*
  - (ii) 30.0 m in the case of *buildings* exceeding one-*storey*.

Where a *lot* is not served by a rear *lane*, one *side yard* not obstructed and open to the sky and at least 10.0 m wide shall be provided. In the case of a *corner lot*, the *side yard* adjoining the flanking *street* shall not be less than 7.0 m wide.

#### **8.24.7 Height of Building**

No *building* shall exceed a *height* of 15.0 m.

#### **8.24.8 Accessory Buildings and Accessory Structures**

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met .

#### **8.24.9 Off-Street Parking and Loading**

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this Bylaw.

#### **8.24.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscape area of 4.5 m shall be provided along the inside of all affected property lines. Where a *building* is greater than 4,500 m<sup>2</sup> a landscape area of 15.0 m shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a residential or *institutional* use or adjoins 29<sup>th</sup> Street, Atlas Road, Anderton Road, Comox Road, Cumberland Road, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 10.0 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (4) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

#### **8.24.11 Living Quarters**

*Buildings* on lots used for Industrial One purposes shall not be used as living quarters except for one employee of the industry whose *residence* on the premises is essential for reason of security of the principal land use concerned.

## Part 25 - Industrial Two Zone (I-2)

### 8.25.1 Permitted Uses

In the I-2 zone, the following uses are permitted and other uses are prohibited except as otherwise noted in this bylaw;

- (1) *Accessory buildings*, including up to two unstacked *containers*
- (2) *Accessory office* to an industrial use
- (3) *Automobile service and repairs* including automobile storage of wrecked vehicles but excluding automobile wrecking or the use of a property as a *wrecking yard*
- (4) *Auction centre*
- (5) *Building supply store*
- (6) *Commercial laundry*
- (7) *Contractor's offices* and equipment *storage yards*
- (8) *Enclosed storage facility*
- (9) *Facility for adults with disabilities*
- (10) *Fitness facility*
- (11) *Heavy equipment sales and leasing*
- (12) *Indoor entertainment facility*
- (13) *Manufacturing*
- (14) *Microbrewery* limited to 400 m<sup>2</sup> and including *accessory retail* sale of goods produced on site
- (15) *Multimodal terminal*
- (16) *Pet day care*
- (17) *Printing and publishing*
- (18) *Radio station*
- (19) *Restaurant*
- (20) *Small item sales, service, rental and repair*
- (21) *School*
- (22) *Storage and sale of feed and fertilizer*
- (23) *Utility facility, private*
- (24) *Veterinary clinic*
- (25) Two *dwelling units* for each *lot* provided that such dwelling(s) forms an integral part of the *principal building* and that residential units are located above stories used for industrial purposes and no *storey* can be used for both industrial and residential use.
- (26) Notwithstanding any provisions of this bylaw, boat *building*, service, repair and *accessory office* is permitted on Lot 1, Section 18, Plan 4289 (4767 North Island Highway)

- (27) Notwithstanding any provisions of this bylaw, a *barber shop* is a *permitted use* of Lot 1, D.L. 230, Plan 33435. (2260 Cousins Road).
- (28) Notwithstanding any provisions of this bylaw, an *office* is a *permitted use* of Lot 23, Section 67, Comox District, Plan 35438. (801 30<sup>th</sup> Street).
- (29) Notwithstanding any provisions of this bylaw, a warehouse is a *permitted use* of Lot 1, Plan 34318. (4660 Western Road).
- (30) Notwithstanding any provisions of this bylaw, a *tattoo studio* is a *permitted use* of Lot 2, District Lot 127, Comox District, Plan VIP53974. (911 McPhee Avenue).
- (31) Notwithstanding any provisions of this bylaw, a *church* and *assembly hall* is a *permitted use* on Lot A (DD EL132291), District lot 127, Comox District Plan 1464 Except Part In Plan VIP67475 (765 McPhee Avenue).
- (32) Notwithstanding any provision of this bylaw, "*day care*" and "*community development centre*" are *permitted uses* on Lot C, Section 41, Comox District, Plan 13660 and the Remainder of Lot 5, Section 41, Comox District, Plan VIP13075 (1625 and 1679 McPhee Avenue)
- (33) Notwithstanding any provision of this bylaw, "*office*" is a *permitted use* on Strata Lots 1-8, District Lot 230, Comox District, Plan VIS6538 (2459 Cousins Avenue).
- (34) Notwithstanding any provisions of this bylaw, *food bank* is a *permitted use* on Lot 1, Block 15, Section 69, Comox District, Plan EPP123274 (1255 McPhee Avenue).
- (35) Notwithstanding any provisions of this bylaw, *day care* is a *permitted use* on Unit A, Strata Lot 5, District Lot 236, Comox District, Strata Plan VIS5235 (4655a Madrona Place).

#### **8.25.2 Condition of Use**

Uses which are noxious or otherwise undesirable because of smoke, noise, vibration, dirt, glare, odour or electrical interference, or which are an offensive trade within the meaning of the *Health Act* shall not be permitted in this zone.

#### **8.25.3 Minimum Lot Size**

A *lot* shall have an area of not less than 1,250 m<sup>2</sup>.

#### **8.25.4 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 20.0 m.

#### **8.25.5 Lot Coverage**

*Lots* shall not be covered by *buildings* and *accessory buildings* to a greater extent than sixty percent (60%) of the total area of the *lot*.

#### **8.25.6 Setbacks**

- (1) *Front yard:* 7.5 m

- (2) *Rear yard:* 4.5 m except where a *lot* adjoins a residential zone without the intervention of a *street* or *lane*, in which case the minimum *rear* shall be:
  - (i) 9.0 m in the case of a *one-storey building*
  - (ii) 10.0 m in the case of *buildings* exceeding *one-storey*
- (3) *Side yard:* No *side yard* shall be required except where a *lot* adjoins a residential zone in which case the following applies:
  - (i) 6.0 m - *one storey*
  - (ii) 7.5 m - *two storeys*

and further, where the *side yard* flanks a *street* a minimum *setback* of 7.5 m is required.

#### 8.25.7 Height of Building

No *building* shall exceed a *height* of 15.0 m.

#### 8.25.8 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of 20.0 m<sup>2</sup> per *dwelling unit*.

#### 8.25.9 Accessory Buildings and Accessory Structures

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met

#### 8.25.10 Off-Street Parking and Loading

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### 8.25.11 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscape area of 3.0 m shall be provided along the inside of all affected property lines. Where a *building* is greater than 4,500 m<sup>2</sup> a landscape area of 15.0 m shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a residential or *institutional* use or adjoins 29<sup>th</sup> Street, Atlas Road, Anderton Road, Comox Road, Cumberland Road, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 6.0 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) To separate all *storage yards* from adjacent properties, a landscaped buffer area of at least 3.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.

- (4) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 26 - Industrial Three Zone (I-3)

### 8.26.1 Permitted Uses

In the I-3 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multimodal terminal*
- (2) *Railway*
- (3) *Railway passenger station*
- (4) *Transportation and facilities corridor*

### 8.26.2 Minimum Lot Size

A lot shall have an area not less than 8.0 ha.

### 8.26.3 Minimum Lot Frontage

A lot shall have a frontage of not less than 30.0 m.

### 8.26.4 Lot Coverage

A lot shall not be covered by *buildings* and *structures* to a greater extent than 10%.

### 8.26.5 Setbacks

*Buildings* and *structures* shall be sited in accordance with the following minimum *setbacks* except as otherwise specified in this bylaw:

- (1) *Front yard:* 10.0 m
- (2) *Rear yard:* 20.0 m
- (3) *Side yard:* 10.0 m

### 8.26.6 Height of Building

The *height* of a *principal building* shall not exceed 8.0 m.

### 8.26.7 Accessory Buildings and Accessory Structures

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met

### 8.26.8 Off-Street Parking

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.26.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscape area of 7.5 m shall be provided along the inside of all affected property lines. Where a *building* is greater than 4,500.0 m<sup>2</sup> a landscape area of 15.0 m shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a *street*, a landscaped area of at least 10.0 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (4) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

## Part 27 - Public Use and Assembly One Zone (PA-1)

### 8.27.1 Permitted Uses

In the PA-1 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Assembly hall*
- (2) *Care facility*
- (3) *Cemetery*
- (4) *Church and religious centre, including one (1) accessory residential use and accessory day care*
- (5) *Facility for adults with a disability*
- (6) *Government office and Government facility*
- (7) *Hospital and related facility*
- (8) *Utility facility, private*
- (9) *School*
- (10) Notwithstanding the provisions of this bylaw, a short-term *care facility* is permitted on Lot 2, D.L. 127, Comox District, Plan VIP62286 (632 Pidcock Avenue) providing the following conditions are met.
  - (i) operated by a non-profit society either licenced or under permit from the Provincial Ministry of Human Resources for the purposes of providing short term emergency care.
- (11) Notwithstanding the provisions of this bylaw a *care facility*, with meal services, 24/7 support and staffing services for individuals who are homeless or are at risk of homelessness is permitted on the property legally described as Lot 1, District Lot 127, Comox District, Plan EPP81814 (988 8<sup>th</sup> Street).
- (12) Notwithstanding any provision of this bylaw, two (2) *accessory* residential uses are permitted on Lot 16, Section 16, Comox District, Plan 7037 Except That Part in Plan 44368 (1581 Dingwall Road).

### 8.27.2 Minimum Lot Size

A *lot* shall have an area of not less than 2,500.0 m<sup>2</sup>.

### 8.27.3 8.26.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 45.0 m.

### 8.27.4 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than forty percent (40%) of the total area of the *lot*.

#### **8.27.5 Setbacks**

Except as otherwise specified in this bylaw, the following minimum *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 9.0 m

#### **8.27.6 Height of Building**

No *building* shall exceed a *height* of 12.0 m.

#### **8.27.7 Useable Open Space**

*Useable open space* shall be provided for a *care facility* at 10.0 m<sup>2</sup> per unit.

#### **8.27.8 Accessory Buildings and Accessory Structures**

- (1) In addition to requirements identified in Part 2 of this bylaw, the following requirements shall be met

#### **8.27.9 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### **8.27.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential zone, a landscaped area of at least 7.5 m shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a *street*, a landscaped area of at least 6.0 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) Notwithstanding the above, where a property is 2.0 ha or larger, a minimum 7.5 m landscaped area shall be provided along all property lines. Retention of existing natural vegetation, including mature trees, is required and any trees which are removed or destroyed shall be replaced, provided however that a public access trail may be constructed within this buffer area.

## Part 28 - Public Use and Assembly Two Zone (PA-2)

### 8.28.1 Permitted Uses

In the PA-2 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Accessory residential use*
- (2) *Assembly hall*
- (3) *Community service*
- (4) *Park*
- (5) *Recreation facility*

### 8.28.2 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than ten percent (10%) of the total area of the *lot*.

### 8.28.3 Setbacks

Except as otherwise specified in this bylaw, the following minimum requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m except where a *lot* adjoins a residential zone without the intervention of a *street* or *lane*, in which case, the minimum shall be 15.0 m.
- (3) *Side yard:* 7.5 m shall be required except where a *lot* in this zone adjoins a residential zone without the intervention of a *street* or *lane*, in which case, a *side yard* shall be provided of not less than 15.0 m.

### 8.28.4 Height of Building

No *building* shall exceed a *height* of 12.0 m.

### 8.28.5 Off-Street Parking and Loading

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.28.6 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential zone, a landscaped area of at least 2.0 m shall be provided along the inside of all affected property lines.

- (2) Where a *lot* adjoins a *street*, a landscaped area of at least 3.0 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) Notwithstanding the above, where a property is 2.0 ha or larger, a minimum 7.5 m landscaped area shall be provided along all property lines. Retention of existing natural vegetation, including mature trees, is required and any trees which are removed or destroyed shall be replaced, provided however that a public access trail may be constructed within this buffer area.

## Part 29 - Public Use and Assembly Three Zone (PA-3)

### 8.29.1 Permitted Uses

In the PA-3 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this Bylaw:

- (1) *Recreation facility*
- (2) *School including accessory day care*

For certainty, *pay parking operation* is not a permitted use in the PA-3 zone.

### 8.29.2 Minimum Lot Size

A *lot* shall have an area of not less than 2,500.0 m<sup>2</sup>.

### 8.29.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 45.0 m.

### 8.29.4 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than twenty percent (20%) of the total area of the *lot*.

### 8.29.5 Setbacks

Except as otherwise specified in this bylaw, the following minimum *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m except where a *lot* adjoins a residential zone without the intervention of a *street* or *lane*, in which case, the minimum shall be 15.0 m.
- (3) *Side yard:* 7.5 m shall be required except where a *lot* in this zone adjoins a residential zone without the intervention of a *street* or *lane*, in which case, a *side yard* shall be provided of not less than 15.0 m.

### 8.29.6 Height of Building

No *building* shall exceed a *height* of 12.0 m.

### 8.29.7 Off-Street Parking and Loading

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.29.8 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential zone, a landscaped area of at least 2.0 m in *height* and 7.5 m in width shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) Notwithstanding the above, where a property is 2.0 ha or larger, a minimum 7.5 m landscaped area shall be provided along all property lines. Retention of existing natural vegetation, including mature trees, is required and any trees which are removed or destroyed shall be replaced, provided however that a public access trail may be constructed within this buffer area.

## Part 30 - Public Use and Assembly Four Zone (PA-4) for VIHA/NIC Hospital Site

### 8.30.1 Permitted Uses

In the PA-4 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this Bylaw:

- (1) *Hospital* and related uses
- (2) *Care facilities*
- (3) *Hospital* related commercial uses including but not limited to gift shop, confectionary store, coffee shop, pharmacy.
- (4) *Medical training facility*
- (5) *Parkade*
- (6) *Helipad*

For certainty, *pay parking operation* is not a permitted use in the PA-4 zone.

### 8.30.2 Minimum Lot Size

A *lot* shall have an area of not less than 2,500.0 m<sup>2</sup>.

### 8.30.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 45.0 m.

### 8.30.4 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than forty percent (40%) of the total area of the *lot*.

### 8.30.5 Setbacks

Except as otherwise noted in this bylaw, the following minimum *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 9.0 m

### 8.30.6 Height of Building

No *building* shall exceed a *height* of 40.0 m.

### 8.30.7 Useable Open Space

*Useable open space* shall be provided for a *care facility* at 10.0 m<sup>2</sup> per unit.

### **8.30.8 Off-Street Parking and Loading**

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### **8.30.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential zone, a landscaped area of at least 7.5 m in width shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) Where a property is 2.0 ha. or larger, an average *setback* of 7.5 m landscaped area shall be provided along all property lines which are not adjacent to a *street* or residential zone, but in no case shall the landscape area be less than 3.5 m. Retention of existing natural vegetation, including mature trees, is required and any trees which are removed or destroyed shall be replaced, provided however that a public access trail may be constructed within this buffer area.

## Part 31 - Agricultural One Zone (A-1)

### 8.31.1 Permitted Uses

In the A-1 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Accessory building and structure*
- (2) *Agricultural use*
- (3) *Agricultural business*
- (4) *Home occupation*
- (5) *Mobile home*
- (6) *Single residential dwelling*
- (7) *Secondary suite*
- (8) Notwithstanding any provisions of this bylaw, a *golf course* and clubhouse is permitted on Parcel A (DD 585411), Section 22, Comox District, except part in Plan VIP70553 (4985 Cotton Road).

### 8.31.2 Prohibited Uses

Notwithstanding the *Permitted uses* listed above, any use designated or permitted pursuant to Part 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* or farm use permitted by the Ministry of Agriculture, Food and Fisheries, except the following:

- (1) *Commercial composting facility*
- (2) *Intensive agriculture* including feedlots and stockyards
- (3) Kennels
- (4) Slaughterhouse and abattoir

### 8.31.3 Minimum Lot Size

A *lot* shall have an area of not less than 8.0 ha.

### 8.31.4 Maximum Density

Two *dwelling units*.

### 8.31.5 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 150.0 m.

### 8.31.6 Minimum Lot Depth

A *lot* shall have a depth of not less than 35.0 m.

### 8.31.7 Lot Coverage

A *lot* shall not be covered by *buildings* and *structures* to a greater extent than 10% of the total *lot*.

### 8.31.8 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- |     |                    |        |
|-----|--------------------|--------|
| (1) | <i>Front yard:</i> | 15.0 m |
| (2) | <i>Rear yard:</i>  | 15.0 m |
| (3) | <i>Side yard:</i>  | 15.0 m |

### 8.31.9 Height of Building

- (1) The *height* of a *dwelling unit* shall not exceed 9.0 m.
- (2) The *height* of *buildings* and *structures* used for the purpose of farming shall not exceed 10.0 m.

### 8.31.10 Accessory Buildings and Accessory Structures

- (1) Shall have a floor area not exceeding 46.45 m<sup>2</sup>.
- (2) Shall be permitted in front of a *principal residence* provided they shall conform to all relevant siting regulations of this bylaw.

### 8.31.11 8.30.11 Off-Street Parking

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.31.12 General Regulations

- (1) The Minimum *Setback* of all *buildings* or *structures* housing livestock or manure from all *lot lines* and/or *watercourses* shall be 30.0 m.
- (2) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act and Regulations*, and applicable orders of the Land Reserve Commission.

## Part 32 Agricultural Two Zone (A-2)

### 8.32.1 Permitted Uses

In the A-2 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Agricultural use*
- (2) *Assembly hall*
- (3) *Fairground*
- (4) *Utility facility, private*
- (5) *Recreation facility and accessory temporary accommodation*
- (6) *Accessory uses:*
  - (i) Residential use limited to one *dwelling unit*
  - (ii) On any *lot* containing *fairgrounds*:
    - i. Camping directly related to a sanctioned event occurring on the same lands
    - ii. Camping limited to a maximum period of 72 hours.

### 8.32.2 Minimum Lot Size

A *lot* shall have an area of not less than 8.0 ha.

### 8.32.3 Maximum Density

Two *dwelling units* provided one *dwelling unit* is a *mobile home*.

### 8.32.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 150.0 m.

### 8.32.5 Minimum Lot Depth

A *lot* shall have a depth of not less than 40.0 m.

### 8.32.6 Lot Coverage

A *lot* shall not be covered by *buildings* and *structures* to a greater extent than 35% of the total *lot*.

### 8.32.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- |     |                    |        |
|-----|--------------------|--------|
| (1) | <i>Front yard:</i> | 15.0 m |
| (2) | <i>Rear yard:</i>  | 15.0 m |
| (3) | <i>Side yard:</i>  | 15.0 m |

### **8.32.8 Height of Building**

- (1) The *height* of a *dwelling unit* shall not exceed 9.0 m.
- (2) The *height* of all other *buildings* shall not exceed 15.0 m.

### **8.32.9 Off-Street Parking**

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw

### **8.32.10 General Regulations**

- (1) The minimum *setback* of all *buildings* or *structures* housing livestock or manure from all *lot lines* and/or *watercourses* shall be 30.0 m.
- (2) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act and Regulations*, and applicable orders of the Land Reserve Commission.

## Part 33 - Comprehensive Development One Zone (CD-1) - Crown Isle

### 8.33.1 Intent

The CD-1 zone is intended to accommodate and to regulate the *development* of a mixture of residential and commercial uses on lands described as Block 72, Comox District, except parts outlined in red on Plan 1691R and 2117RW and except part in Plan 49168; *Lot A*, Block 72, Comox District, Plan 49168; and that part of Block 72, Comox District, shown outlined in red on Plan 1691R. and Lot 1, District 206, Comox District, Plan VIP76495 (collectively “Block 72 and Lot 1”). This property shall be developed substantially in accordance with ‘Schedule A’, forming part of this zone.

### 8.33.2 Permitted Uses

In the CD-1 Zone the following uses are permitted, and other uses are prohibited except as otherwise noted in this bylaw:

- (1) Within that portion of Block 72 identified as **Area A** on the CD-1 Zone map:
  - (i) *Accessory Buildings and Structures*
  - (ii) *Boarding*
  - (iii) *Dwelling, Single Residential*
  - (iv) *Dwelling, Duplex*
  - (v) *Dwelling, Multi-residential*
  - (vi) *Dwelling, Accessory*
  - (vii) *Golf course*
  - (viii) *Home occupation*
  - (ix) *School*
  - (x) *Secondary suite*
- (2) Within that portion of Block 72 identified as **Area B** on the CD-1 Zone map:
  - (i) *Accessory buildings and structures*
  - (ii) *Boarding*
  - (iii) *Care facility*
  - (iv) *Dwelling, Single residential*
  - (v) *Dwelling, Duplex*
  - (vi) *Dwelling, Multi-residential*
  - (vii) *Dwelling, Accessory*
  - (viii) *Home Occupation*
  - (ix) *Golf Course*
  - (x) *Motel, on Lot 2 Plan VIP64932*

- (xi) *Secondary suite*
- (3) Within that portion of Block 72 identified as **Area C** on the CD-1 Zone map:
- (i) *Accessory Buildings and Structures*
  - (ii) *Car museum*
  - (iii) *Community Services*
  - (iv) *Day Care*
  - (v) *Dwellings, Multi-residential*
  - (vi) *Farmers Market*
  - (vii) *Fitness Facility*
  - (viii) *Financial Institution*
  - (ix) *General Service*
  - (x) *Hotel*
  - (xi) *Light Industrial*
  - (xii) *Liquor Store*
  - (xiii) *Medical Clinic*
  - (xiv) *Office*
  - (xv) *Park*
  - (xvi) *Personal Services*
  - (xvii) *Pet Day Care*
  - (xviii) *Restaurant*
  - (xix) *Retail*
  - (xx) *School*
  - (xxi) *Small item sales, service, rental and repair*
  - (xxii) *Veterinary clinic*
- (4) Within that portion of Block 72 identified as **Area F** on the CD-1 Zone map:
- (i) *Accessory Buildings and Structures*
  - (ii) *Automobile sales*
  - (iii) *Automobile service and repairs*
  - (iv) *Building Supply Store*
  - (v) *Dwelling Unit, Security or Caretaker*
  - (vi) *Enclosed storage building, including warehouse*
  - (vii) *Financial Institution*
  - (viii) *Medical Clinic*
  - (ix) *Motel*

- (x) *Liquor Store*
  - (xi) *Light manufacturing, excluding sawmills, provided the manufacturing operations take place in an enclosed principal building*
  - (xii) *Office*
  - (xiii) *Parks*
  - (xiv) *Personal Services*
  - (xv) *Printers and Publishers*
  - (xvi) *Retail*
  - (xvii) *Restaurant, which may include licensed premises and micro breweries*
  - (xviii) *Service Station*
  - (xix) *Veterinary Clinic*
  - (xx) *Notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use on Lot 1, Block 72, Comox District, Plan VIP81206 (#301 & #302-444 Lerwick Rd)*
- (5) Within that portion of Block 72 identified as **Area G** on the CD-1 Zone map:
- (i) *Accessory buildings and structures*
  - (ii) *Boarding*
  - (iii) *Dwelling, Single residential*
  - (iv) *Dwelling, Duplex*
  - (v) *Dwelling, Townhouse*
  - (vi) *Dwelling, Accessory*
  - (vii) *Home occupation*
  - (viii) *Golf course*
  - (ix) *Park*
  - (x) *Secondary suite*
- (6) Within that portion of Block 72 identified as **Area H** on the CD-1 Zone map:
- (i) *Accessory buildings and structures*
  - (ii) *Boarding*
  - (iii) *Dwelling, Single residential*
  - (iv) *Dwelling, Duplex*
  - (v) *Dwelling, Multi-residential*
  - (vi) *Dwelling, Accessory*
  - (vii) *Home occupation*
  - (viii) *Secondary suite*

- (7) Within that portion of Block 72 identified as **Area I** on the CD-1 Zone map:
  - (i) *Accessory buildings and structures*
  - (ii) *Boarding*
  - (iii) *Dwelling, Single residential*
  - (iv) *Dwelling, Duplex*
  - (v) *Dwelling, Multi-residential*
  - (vi) *Dwelling, Accessory*
  - (vii) *Home occupation*
  - (viii) *Secondary suite*
- (8) Within that portion of Block 72 identified as **Area J** on the CD-1 Zone map:
  - (i) *Accessory Buildings and Structures*
  - (ii) *Boarding*
  - (iii) *Dwelling, Single residential*
  - (iv) *Dwelling, Duplex*
  - (v) *Dwelling, Multi-residential*
  - (vi) *Dwelling, Accessory*
  - (vii) *Home occupation*

### 8.33.3 Densities

Land uses within the various areas defined on the CD-1 Zone map shall not exceed the following maximum densities:

- (1) Within Area A:
  - (i) *Maximum 640 residential dwelling units*
  - (ii) *Golf Course: maximum 1,000 m<sup>2</sup> net floor area*
  - (iii) *Park: minimum area 2.4 ha*
- (2) Within Area B:
  - (i) *Maximum 1,706 residential dwelling units*
  - (ii) *Maximum 125 Care facility dwelling or sleeping units*
  - (iii) *Golf Course: Maximum 74,600 m<sup>2</sup> net floor area*
  - (iv) *Motel on Lot 2, Plan VIP64932*
- (3) Within Area C:
  - (i) *Maximum 1,350 residential dwelling units*
  - (ii) *Maximum commercial area: 3,700 m<sup>2</sup> net floor area*

- (4) Within Area F:
  - (i) Maximum commercial area: 37,160 m<sup>2</sup> of *net floor area*
- (5) Within Area G:
  - (i) *Maximum 177 residential dwelling units*
- (6) Within Area H:
  - (i) Maximum 110 residential dwelling units
- (7) Within Area I:
  - (i) Maximum 27 residential dwelling units
- (8) Within Area J:
  - (i) Maximum 330 residential dwelling units.

#### 8.33.4 Density – General Regulations

The following general density regulations shall apply:

- (1) Secondary suites and accessory dwelling units do not count towards dwelling unit density limits in the CD areas.
- (2) Notwithstanding densities in Area B, only one Golf Clubhouse is permitted.
- (3) Maximum Floor Area Ratio for multi-residential, excluding townhouse developments is 1.5.
- (4) Maximum Floor Area Ratio for commercial buildings in Areas C and D is 1.2.
- (5) Maximum Floor Area Ratio for light industrial buildings in Area D is 0.6.
- (6) Lot 1, Block 72, Comox District, Plan VIP82600 shall have a *lot area* of not less than 0.157 ha. and be permitted one *duplex unit*.

#### 8.33.5 Lot Coverage

Maximum *lot coverage* shall be as follows:

- (1) Single and *Duplex* Residential: 60%
- (2) Multi-residential: 60%

#### 8.33.6 Minimum Lot Sizes

The minimum size of *lots* which may be created by *subdivision* within the CD-1 Zone are as follows:

- (1) Area A: 300 m<sup>2</sup>
- (2) Area B: 300 m<sup>2</sup>
- (3) Area C: 465 m<sup>2</sup>
- (4) Area F: 550 m<sup>2</sup>

- (5) Area G: 550 m<sup>2</sup>
- (6) Area H: 550 m<sup>2</sup> for *single residential*
- (7) Area I: 465 m<sup>2</sup> for *single residential*  
1,600 m<sup>2</sup> for *multi-residential*
- (8) Area J: 400 m<sup>2</sup> for *single residential*

### 8.33.7 Minimum Lot Frontage

A minimum of 10% of the perimeter of every *lot* created by *subdivision* shall front on a highway, provided that this requirement may be reduced to a minimum of 2% in the discretion of the Approving Officer.

### 8.33.8 Useable Open Space

Multi-residential development shall include a minimum of 15.0 m<sup>2</sup> of usable open space per unit. Usable open space can include communal spaces, including roof top patios, communal garden plots, play areas and other recreational uses.

Every *lot* occupied by a *care facility* shall include 10.0 m<sup>2</sup> of *useable open space* for each unit on the *lot*.

### 8.33.9 Setbacks

- (1) Minimum yards shall be provided in accordance with the following table:

Type of Building	Front Yard	Rear Yard	Internal Side Yard	Exterior Side Yard
<b>AREAS A, B, G, H, I and J</b>				
<b><i>Single, duplex and townhouse residential</i></b>	4.0 m to residence 6.0 to garage	5.0 m	1.5 m	3.0 m
<b><i>Other Multi-residential</i></b>	7.5 m	7.5 m	4.5 m	4.5 m
<b>AREAS C and F</b>				
<b><i>Commercial</i></b>	3.0 m	3.0 m	3.0 m	3.0 m
<b><i>Light Industrial</i></b>	6.0 m	12.0 m	3.0 m	4.5 m
<b><i>Multi Residential</i></b>	4.0 m	6.0 m	3.0 m	3.0 m

- (2) Notwithstanding paragraph (1):
  - (i) Minimum front yard of 12.0 shall be provided for a principal automobile service station building.
  - (ii) Where a residential or commercial building occupies a lot adjacent to land used for agricultural purposes, a minimum rear yard of 15m shall be provided for a principal building.

- (iii) Where the back of a building is adjacent to or faces a side lot line the minimum side yard setback shall be 6.0m
- (iv) Where lots are being subdivided along a party wall, the minimum lot frontage shall be 8.0 m
- (v) Where lots are being subdivided along a party wall, the side yard setback along the party wall shall be 0 m.

**8.33.10 Height of Building**

Maximum height is 22.0 m, unless permitted by Comox Airport Zoning Regulations, or as listed below:

a. Dwelling, Single residential	11.0m
b. Dwelling, Duplex	11.0 m
c. Dwelling, Townhouse	11.0 m
d. Dwelling, Apartment	22.0 m
e. Care Facility	15.0 m
f. Commercial	15.0 m
g. Golf Clubhouse	15.0 m
h. Hotel	22.0 m
i. Motel	10.0 m

**8.33.10 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

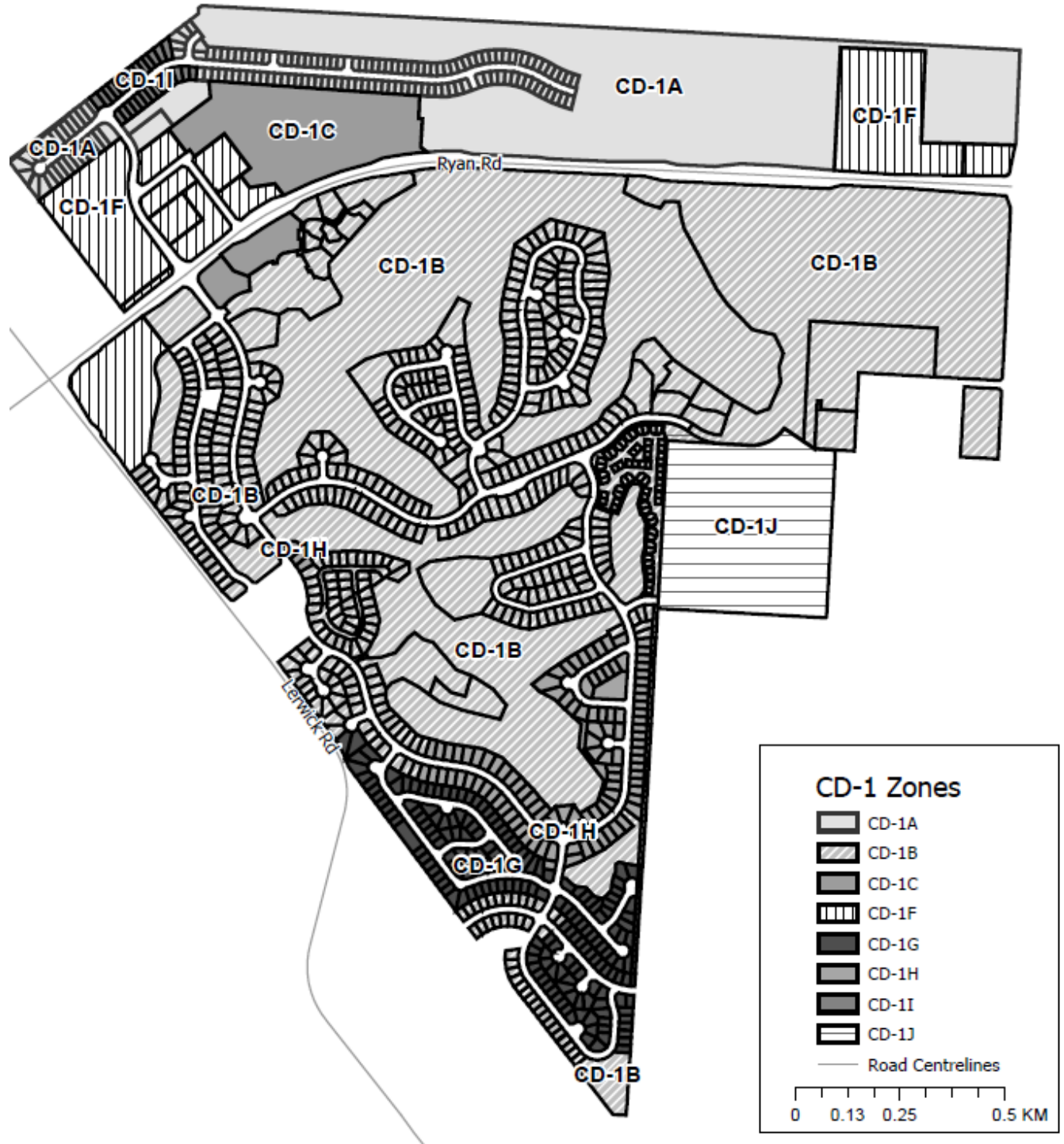
**8.33.11 Accessory Buildings and Structures**

All *Accessory buildings and structures* shall conform to the requirements of Division 2, Part 2 of this bylaw.

**8.33.12 Landscaping and Screening**

All *landscaping* and screening shall conform to Part 8 and 14 of this bylaw.

SCHEDULE 'A'



## Part 34 - Comprehensive Development Zone Three Zone (CD-3) - St. Andrews & Idiens Way

### 8.34.1 Intent

This zone is intended to accommodate and regulate the *development of single residential* and multi-residential housing.

### 8.34.2 Permitted Uses and Development

In the CD-3 Zone, the following uses and *development* are permitted and all other uses are prohibited within the area identified on Schedule 9, zoning map, except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Townhouse dwelling*
- (3) *Accessory building and structure*
- (4) *Home occupation*

### 8.34.3 Lot Coverage

Maximum *lot coverage* shall not exceed 40%

### 8.34.4 Minimum Lot Sizes and Frontages

The minimum size of *lots* which may be created by *subdivision* within the CD-3 zone area as follows:

Type of Building	Minimum Lot Size	Minimum Frontage
<i>Single residential</i>	550.0 m <sup>2</sup>	18.0 m
<i>Townhouse Dwelling</i>	1,250.0 m <sup>2</sup>	30.0 m

### 8.34.5 Useable Open Space Requirements

Every *lot* occupied by a *multi-residential dwelling* shall include a minimum of 15.0 m<sup>2</sup> of *useable open space* for each *dwelling unit* on the *lot*.

### 8.34.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

Type of Building	Front	Rear	Side	Exterior Side
<i>Single residential</i>	4.5 m	7.5 m	1.5 m	4.5 m, 6.0 for <i>garage</i> or <i>carport</i>
<i>Townhouse Dwelling</i>	7.5 m	9.0 m	4.5 m	4.5 m

and further, where the back of a *building* is adjacent to or faces a side *lot line* the minimum *side yard setback* shall be 6.0 m.

#### **8.34.7 Height**

No *building* or *structure* shall exceed 8.0 m in *height*.

#### **8.34.8 Accessory Buildings and Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total floor area not exceeding 45.0 m<sup>2</sup> or 10% of the area of the required *rear yard*, for all *accessory buildings* combined
- (3) Shall be permitted *rear yard* provided they shall confirm to all relevant siting regulations of this bylaw.
- (4) Shall not be located within 1.5 m from the side and *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a *lane*, in which case the minimum *yard* distance shall be 4.5 m

#### **8.34.9 Off-Street Parking and Loading**

Shall be provided and maintained in accordance with the requirements of Division 7 of this Bylaw and further, no more than 50% of the *front yard* can be used for off-*street* parking.

#### **8.34.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* adjoins a residential or *institutional* use a landscaped area of at least 1.5 m in width and *height* extending along the entire frontage of the property shall be provided inside the property line.
- (2) Where a *lot* adjoins a *street* a landscaped area of at least 3.0 m in width extending along the entire frontage of the property shall be provided inside the property line.

## Part 35 - Comprehensive Development Zone Four Zone (CD-4) - 31st Street

### 8.35.1 Intent

This zone is intended to accommodate and regulate the *development of single residential and duplex* use on Lots 12 and 13, Section 67, Comox District, Plan VIP55151.

### 8.35.2 Permitted Uses and Development

In the CD-4 Zone, the following uses and *development* are permitted and all other uses are prohibited within the area identified on Schedule 9, zoning map, except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Duplex*
- (3) *Dwelling, Accessory*
- (4) *Secondary Suites*
- (5) *Accessory buildings and structures*

### 8.35.3 Density

Maximum number of *dwelling units* shall not exceed 27 of which 4 *dwelling units* can be within *duplex dwellings*, provided all the applicable conditions are met.

### 8.35.4 Lot Coverage

Maximum *lot coverage* shall not exceed 45%

### 8.35.5 Minimum Lot Sizes and Frontages

The minimum *lot sizes* and frontages which may be created by *subdivision* within the CD-4 zone area as follows:

Type of Building	Minimum Lot Size	Minimum Frontage
<i>Single residential</i>	250.0 m <sup>2</sup>	8.5 m
<i>Duplex Dwelling</i>	250.0 m <sup>2</sup> /unit	15.0 m

### 8.35.6 Useable Open Space Requirements

The *building site* shall incorporate a recreation area of not less than 350.0 m<sup>2</sup> which is specifically designed and equipped for the residents of the *development*.

### 8.35.7 Setbacks

	Front	Rear	Side
<i>Parent Parcel</i>	4.5 m (Cliffe Avenue)	4.5 m	1.5 m

<b><i>Single Residential Dwelling</i></b>	4.5 m	4.5 m (external) 3.02 m (internal)	1.5 m
<b><i>Duplex Dwelling</i></b>	4.5 m	0.0 m	1.5 m

**8.35.8 Maximum Height**

Principal *buildings* shall not exceed the following *heights*:

*Single residential*                      9.5 m

*Duplex dwelling*                      5.5 m

**8.35.9 Accessory Buildings and Structures**

- (1) A maximum *height* of 4.5 m.
- (2) A maximum floor area of the 45.0 m<sup>2</sup> for all *accessory buildings* combined on a *lot*.
- (3) May be located in the required side or *rear yard*.
- (4) Shall not be located within 1.0 m from the side and rear property line.

**8.35.10 Off-Street Parking**

Shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

**8.35.11 Landscaping and Screening**

All *landscaping* shall conform to Division 6, Part 13 of this bylaw.

## Part 36 - Comprehensive Development Zone Six Zone (CD-6) - 13th and Burgess

### 8.36.1 Intent

The purpose of this zone is to provide for the siting and *development of single residential buildings* at 13<sup>th</sup> Street and Burgess Road.

### 8.36.2 Permitted Uses

In the CD-6 Zone, the following uses and *development* are permitted and all other uses are prohibited within the area identified on Schedule 9, Zoning Map, unless otherwise noted in this bylaw.

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Accessory residential*
- (3) *Secondary suite*
- (4) *Accessory buildings*
- (5) *Home occupation*
- (6) Notwithstanding any provision of this bylaw, *Multi-residential dwellings* are a *permitted use* on Lot 4, District Lot 96, Comox District, Plan 32210, Except Part in Plan VIP68472 and VIP76687 (2048 – 13<sup>th</sup> Street).

### 8.36.3 Density

The maximum number of *dwelling units* shall not exceed 66.

### 8.36.4 Lot Coverage

The maximum *lot coverage* of all *buildings* shall not exceed 35%

### 8.36.5 Floor Area Ratio

Providing all other applicable siting conditions are met, the maximum *floor area ratio* shall not exceed 0.5.

### 8.36.6 Minimum Lot Size

For the purposes of *subdivision*, the minimum *lot size* shall be 550.0 m<sup>2</sup> provided however that the *density* may be increased to a maximum of 66 lots as follows:

<u>Parcel Size</u>	<u>Percentage</u>
375 m <sup>2</sup> to 465 m <sup>2</sup>	<50%
>465 m <sup>2</sup> to 550 m <sup>2</sup>	<30%
>550 m <sup>2</sup>	>20%

And further, the amount of area designated for *park* purposes shall exceed 5% of the *lot area* to reflect the percentage of the added *density* pursuant to Part 14, Section 510 of the *Local Government Act*.

### 8.36.7 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 13.5 m for an internal *lot* and 15.0 m for a *corner lot* and where a *lot* is located on a curve or cul-de-sac, a minimum frontage of 11.0 m with an average width of 13.5 m shall be maintained.

### 8.36.8 Setbacks

Except where otherwise specified in this bylaw the following *setback* requirements shall apply.

- (1) *Front yard:* 4.5 m for a *single residential dwelling* and 6.0 m for a *garage* or carport
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 4.5 m.

### 8.36.9 Height

The *height* of a *principal building* shall not exceed 7.5 m.

### 8.36.10 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a floor area not exceeding 50.0 m<sup>2</sup>.
- (3) Shall not be located within 1.5 m from the side and *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a *lane*, in which case the minimum *yard* distance shall be 4.5 m.

### 8.36.11 Off-Street Parking

Off-*street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw and in addition, not more than 50% of the *front yard* shall be used for off-*street* parking

### 8.36.12 Landscaping and Screening

All *landscaping* shall conform to Division 6, Part 13 of this bylaw.

## Part 37 - Comprehensive Development Zone Seven Zone (CD-7) - Marsland Residential Development

### 8.37.1 Intent

The purpose of this zone is to provide for the siting and *development* of *single residential, duplex, and multi-residential buildings* on *Lot B, Sections 6 and 8, Comox District, Plan 35008.*

### 8.37.2 Permitted Use

In the CD-7 Zone, the following uses and *development* are permitted, and all other uses are prohibited within the area identified on Schedule 9, Zoning Map, unless otherwise noted in this bylaw.

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Duplex*
- (3) *Dwelling, Townhouse*
- (4) *Dwelling, Multi Residential*
- (5) *Dwelling, Accessory*
- (6) *Secondary Suite*
- (7) *Accessory building and structure*
- (8) *Boarding*
- (9) *Home occupation*

#### Minimum Lot Size:

A *lot* shall have an area of not less than 400.0 m<sup>2</sup>

#### Minimum Lot Frontage:

A *lot* shall have a frontage of not less than 15.0 m

#### Floor area ratio:

Providing all other applicable siting conditions are met, the maximum *floor area ratio* shall not exceed 0.7.

#### Lot Coverage:

A *lot* shall not be covered by *buildings* to a greater extent than 40% of the total area of a *lot*.

#### Setbacks:

Except as otherwise specified in this bylaw, the following minimum *setback* requirements shall apply:

- (1) Front: 2.0 m from *principal building* and 4.0 m from front of a *garage* or carport with a minimum of 6 m from front of *garage* or carport to back of sidewalk or curb

(2) Rear: 7.5 m

(3) Side: 1.5 m

Height:

The *height* of a *principal building* shall not exceed 15 m.

Useable open space:

*Useable open space* shall be a minimum of 15.0 m<sup>2</sup> per unit.

**8.37.3 Accessory Buildings and Accessory Structures**

Refer to Division 6, Part 2, for general regulations for *accessory buildings* and *accessory structures*.

**8.37.4 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

**8.37.5 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a multiple residential use or any parking area and/or access aisles thereto adjoins a single or *duplex* residential *lot*, a landscaped screen or a uniformly painted *fence* or wall of not less than 2.0 m in *height* and 1.5 m in width along the common *lot line* shall be provided and maintained in good condition at all times.

## Part 38 - Comprehensive Development Eight Zone (CD-8) - Anfield Centre

### 8.38.1 Intent

This zone is intended to accommodate and regulate the *development* of a *retail commercial shopping centre*.

### 8.38.2 Permitted Uses

In the CD-8 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) Small item sales, service, repair and rental
- (2) Apparel and *accessory* store
- (3) Automobile parts and supplies
- (4) Furniture and home furnishings
- (5) *Office* supplies
- (6) *Building supply* store
- (7) *Garden* store
- (8) *Retail* store
- (9) *Grocery* store
- (10) Video rental and sales

A maximum of 2 permitted *retail* uses listed above from 1 through 10 inclusive can have a *gross floor area* of less than 250.0 m<sup>2</sup> and a maximum of 3 permitted *retail* uses listed above from 1 to 10 inclusive can have a *gross floor area* between 250.0 m<sup>2</sup> and 325.0 m<sup>2</sup>.

- (1) *Financial institution*
- (2) *Barber shop* and *beauty salon*
- (3) *Theatre*
- (4) *Restaurants*
- (5) *Medical clinic*
- (6) *Service station* and gas bar
- (7) Offsite *Retail Wine Store*

### 8.38.3 Condition of Use

- (1) Garbage containers, recycling containers, storage facilities, parking, and loading facilities shall not be located within any required *setback* as specified in Section 8.37.6.
- (2) All businesses, repair or servicing uses shall be conducted within a completely enclosed *building* except as permitted for designated outdoor display and sales.

#### 8.38.4 Lot Coverage

Provided all other applicable size and siting conditions are met, the maximum *lot coverage* for *buildings* and *structures* shall be 30% of the total area of the *lot*.

#### 8.38.5 Minimum Lot Size

A *lot* shall have an area of not less than 2.0 ha.

#### 8.38.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall be:

Cliffe Avenue Frontage	15.0 m at the northeast corner of the entire site tapering across the entire frontage to 9.5 m at the southeast corner of the entire site (Anfield Road)
Anfield Road Exchange	4.5 m at the SW corner of the entire site tapering across the entire frontage to 7.5 m at the SE corner (Cliffe Avenue)
E & N Railway R/W Frontage	7.5 m
all other <i>yards</i>	3.0 m

Notwithstanding the above, the minimum *building setback* for any *building* greater than 4,500.0 m<sup>2</sup> shall be 15.0 m.

#### 8.38.7 Height

No *building* shall exceed a *height* of 9.15 m.

#### 8.38.8 Off-Street Parking and Loading

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except that all required parking for uses within this zone must be on the same *lot* as the principal use and *buildings*.

#### 8.38.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where the property borders on Cliffe Avenue (Island Highway) a landscaped area of 15.0 m at the northeast corner of the entire site tapering across the entire frontage to 9.5 m at the southeast corner of the entire site (Anfield Road) from the inside of the property line in accordance with the approved Development Permit and maintained to the satisfaction of the *City*.
- (2) Where the property borders on Anfield Road, a landscaped area of an average of 7.5 m in width with no width less than 4.5 m at any one location shall be provided from the inside of the property line in accordance with the approved Development Permit and maintained to the satisfaction of the *City*.
- (3) Where the property borders the E & N Railway a landscaped area of an average of 6.0 m

in width with no width less than 2.0 m at any one location shall be provided from the inside of the property line in accordance with the approved Development Permit and maintained to the satisfaction of the *City*.

- (4) Where the property borders all other *yards* a landscaped buffer area of an average of 4.5 m in width with no width less than 3.0 m at any one location shall be provided from the inside of the property line in accordance with the approved Development Permit and maintained to the satisfaction of the *City*.
- (5) Loading Areas, garbage containers recycling containers and storage facilities screened to a *height* of at least 2.0 m by *buildings*, a *landscaping* screen, a solid decorative *fence*, or a combination thereof.

## Part 39 - Comprehensive Development Nine Zone (CD-9) – 280 2<sup>nd</sup> Street

### 8.39.1 Intent

This CD-9 zone is intended to accommodate and regulate the *development* of a *care facility* on the property legally described as Lot A, Section 61, Comox District, Plan VIP54105 (280 2<sup>nd</sup> Street).

### 8.39.2 Permitted Uses

The following uses and *development* are permitted and all other uses are prohibited within the area identified on Schedule 9, Zoning Map, except as otherwise noted in this bylaw.

Use:	<i>Single residential dwelling, care facility and accessory buildings.</i>		
Density:	Maximum <i>lot coverage</i> of 55% Maximum <i>floor area ratio</i> of 1.4		
Minimum Yards:	Cliffe Avenue and 2 <sup>nd</sup> Street:	4.5 m	
	3 <sup>rd</sup> Street and Duncan Avenue:	3.9 m	
	Internal <i>side yards</i> :	4.9 m	
Maximum Height:	<i>Building height</i> shall not exceed 8.0 m within 32.0 m of 2 <sup>nd</sup> Street. For all other areas of the site, the <i>building height</i> shall not exceed 16.0 m.		
Useable Open Space:	10.0 m <sup>2</sup> of <i>useable open space</i> shall be provided per <i>dwelling unit</i> for <i>care facility dwelling units</i> .		

### 8.39.3 Minimum Lot Size and Frontage

The minimum *lot* sizes and frontages that may be created by *subdivision* within the CD-9 zone are:

	Minimum Lot Size	Minimum Frontage
<i>Care facility</i>	1,100.0 m <sup>2</sup>	30.0 m

### 8.39.4 Off-Street Parking and Loading

Shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.39.5 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 3.0 m in width, located within the property lines, shall be provided along all facing *streets* to the satisfaction of the *City*.

## Part 40 - Comprehensive Development Ten Zone (CD-10) - 2700 Inverclyde Way

### 8.40.1 Intent

This zone is intended to accommodate and to regulate the *development* of a *church* facility on part of Lot A, District Lot 158, Plan VIP53738.

### 8.40.2 Permitted Uses

*Church* including *day care*, activity room, gym, clubs, youth groups and community groups to a maximum seating capacity of 450.

### 8.40.3 Building Size

The maximum floor area of the *buildings* within this zone shall be 1,580.0 m<sup>2</sup>

### 8.40.4 Minimum Lot Size

For the purposes of *subdivision*, the minimum *lot* size shall not be less than 1.0 ha.

### 8.40.5 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 18.0 m.

### 8.40.6 Setbacks

Except where otherwise specified in this bylaw, the *building setback* from all property lines shall be 20.0 m.

### 8.40.7 Height of Building

The *height* of a *principal building* shall not exceed a maximum total *height* of 12.0 m.

### 8.40.8 Off-Street Parking

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

No parking or *loading spaces* are permitted within 10.0 m of a property line.

### 8.40.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 10.0 m in width extending along the entire frontage of the property on the *street* except for a roadway to the *street* shall be provided and maintained to the satisfaction of the *City*.
- (2) Where a *lot* adjoins a residentially zoned property, a landscaped screen, not less than 2.0 m in *height* and 10.0 m in width shall be provided and maintained to the satisfaction of

the *City*.

- (3) Large surface parking areas should be broken down into smaller *parking lots* evenly dispersed throughout the *development* and integrated with planted landscaped areas. Tree planting is required in parking areas.
- (4) Direct and functional pedestrian pathways to connect *building* entrances to parking areas and sidewalks of the abutting *streets* shall be provided. Installation of features such as distinct paving, sidewalks, special *landscaping* with trees and benches, and overhead weather protection on exterior *building* walls where appropriate is required.

## Part 41 - Comprehensive Development Eleven Zone (CD-11) - Glacier View Lodge

### 8.41.1 Intent

The CD-11 Zone is intended to accommodate and regulate residential *development* for seniors at 240 Back Road, for the properties described as:

- (1) Lot A, Sections 6 & 8, Comox District, Plan 35008;
- (2) Lot 1, Section 8, Comox District, Plan 2849 except part in Plan 35008; and
- (3) Lot 2, Sections 6 & 8, Comox District, Plan 2849 except part in Plan 35008.

### 8.41.2 Permitted Uses

In the CD-11 Zone, the following uses are permitted and all other uses are prohibited within the area identified on Schedule 9, Zoning Map, except as otherwise noted in this bylaw.

#### Primary uses:

- (1) *Single residential and duplex dwellings*
- (2) *Multi-residential dwellings*
- (3) *Care facility*
- (4) *Community service*

#### Accessory uses:

- (1) *Day care*
- (2) *Financial institution*
- (3) *Office*
- (4) *Medical clinic*
- (5) *Retail*
- (6) *Restaurant*

### 8.41.3 Density

*Lot coverage:* maximum *lot coverage* of 20% for single-residential and *duplex* residential uses; 30% for other primary uses; and 40% for *accessory* uses. *Accessory* uses are limited to a maximum floor area of 70 m<sup>2</sup> per use.

*Accessory buildings* for *single residential* or *duplex dwellings* are limited to a maximum floor area of 25 m<sup>2</sup>.

### 8.41.4 Setbacks

Notwithstanding any provisions of this Bylaw, any *yard setback* from private or public *streets* shall be 4.5 m except 6.0 m to face of *garage*/carport.

- (1) Internal *Side yard:*
  - 3.0 m for two *storey buildings*
  - 2.0 m for one-*storey buildings*
  - 6.0 m for greater than two *storey buildings*
  - 1.5 m for *accessory buildings* for single or *duplex dwellings*
- (2) Internal *Rear yard:*
  - 7.5 m
  - 1.5 m for *accessory buildings* for single or *duplex dwellings*

The required minimum *yard setback* along the exterior perimeter of the CD-11 zone is 12 m.

#### 8.41.5 Height of Building

No *single residential* or duplex dwellings and subordinate uses shall exceed 8.0 m.

*Accessory buildings*: 4.5 m.

All other primary *permitted uses*: 16.0 m

#### 8.41.6 Minimum Lot Size and Frontage for Subdivision

Minimum *Lot Size*: 1,100.0 m<sup>2</sup>

Minimum *Frontage*: 30.0 m

#### 8.41.7 Off-Street Parking and Loading

Notwithstanding any provisions of this Bylaw, the minimum number of *off-street parking spaces* for the following uses shall be provided as follows:

- |     |  |   |
|-----|--|---|
| (1) | <i>Single residential or duplex dwelling</i> : | 1 space per unit plus 1 visitor's space per 5 units |
| (2) | <i>Multi-residential dwelling</i> :            | 1 space per unit plus 1 visitor's space per 5 units |

All other uses (e.g., *care facility, community service*) shall be provided and maintained in accordance with the requirements of Division 7 *Off-Street Parking and Loading Spaces* of this Bylaw.

#### 8.41.8 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) The *landscaping* shall be used to ensure privacy and to complement the overall *development*.
- (2) A landscaped area of at least 3.0 m in width, located within the property lines, shall be provided along all facing *streets* including internal *streets*. A landscaped buffer area of at least 12.0 m in width shall be provided along the external perimeter of zone.
- (3) Where any *permitted use* adjoins a *single residential or duplex* property, a landscaped area of not less than 2.0 m in width and a solid *fence or landscaping* of not less than 2.0 m in *height* shall be provided and maintained.

## Part 42 - Comprehensive Development Twelve Zone (CD-12) - Muir Road/Caledon Crescent

### 8.42.1 Intent

The CD-12 Zone is intended to accommodate and regulate *single residential dwellings* for the property described as part of Lot B, Section 19, Comox District, Plan 25085

### 8.42.2 Permitted Uses

In the CD-12 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Accessory residential*
- (3) *Secondary Suites*
- (4) *Accessory buildings and structures*
- (5) *Home occupation*

### 8.42.3 Density

The maximum number of *dwelling units* shall not exceed 16.

### 8.42.4 Minimum Lot Size

For the purposes of *subdivision*, the average *lot* size shall be one *lot* per 1,525.0 m<sup>2</sup> with a minimum *lot* size of 1,250.0 m<sup>2</sup>.

### 8.42.5 8.41.5 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m where a *lot* is located at the end of a cul-de-sac, the frontage shall not be less than 15.25 m.

### 8.42.6 Minimum Lot Depth

A *lot* shall have an average depth of not less than 30.0 m.

### 8.42.7 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings*, excluding swimming pools, to a greater extent than 40% of the total area of the *lot*.

### 8.42.8 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 m

- (3) *Side yard:* The *side yard setbacks* shall be 2.0 m except where a side yard flanks a *street* in which case the minimum distance shall be 4.5 m.

#### **8.42.9 Height of Building**

The *height* of a *principal building* shall not exceed 9.0 m.

#### **8.42.10 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total floor area not exceeding 60.0 m<sup>2</sup>
- (3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall be permitted at the front of a *principal residence* provided they shall conform to all relevant siting regulations of this bylaw
- (5) Shall not be located within 2.0 m from the side and *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a *lane*, in which case the minimum *yard* distance shall be 4.5 m

#### **8.42.11 Off-Street Parking**

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### **8.42.12 Landscaping and Screening**

*Landscaping* shall conform to Division 6, Part 13 of this bylaw.

## Part 43 - Comprehensive Development Fourteen Zone (CD-14) - Creekside Commons Co-housing (Lambert Drive)

### 8.43.1 Intent

The CD-14 Zone is intended to accommodate and regulate *co-housing* dwellings, a common use *building*, a common use workshop, covered parking and *accessory* uses for the property legally described as Lot 2, District Lot 230, Plan VIP79120.

### 8.43.2 Permitted Uses

In the CD-14 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Strata cluster housing* in the form of *duplex dwellings*
- (2) Common amenity *building* including shared kitchen and dining room, two guest room, washroom, laundry, day-care and children's play area, *accessory office* and meeting room, lounge, and library.
- (3) *Accessory buildings* used for a common use workshop, ground level parking, storage, greenhouses, recycling and composting
- (4) Outdoor recreation facilities in the form of a playground, *courtyard*, kitchen garden areas, and gazebo
- (5) Common gardens
- (6) *Home occupation*

### 8.43.3 Density

The maximum number of *dwelling units* shall not exceed 36 units in 18 *duplexes*.

### 8.43.4 Minimum Lot Size

For the purposes of *subdivision*, the minimum *lot* size is 3.5 ha.

### 8.43.5 Minimum Lot Frontage

There is no minimum *lot* frontage requirement.

### 8.43.6 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 30% of the total area of the *lot*.

### 8.43.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.0 m
- (2) *Rear yard:* 7.0 m

- (3) *Side yard:* 4.5 m

#### **8.43.8 Height of Building**

The *height* of a *principal building* shall not exceed 9.5 m and no *building* shall be more than two stories.

#### **8.43.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*.
- (2) Each *dwelling unit* is permitted a private *accessory building* with a total floor area of 15.0 m<sup>2</sup> per *dwelling unit*.
- (3) *Accessory buildings* for common uses shall be limited to a total floor area of 1,500.0 m<sup>2</sup>.
- (4) Shall conform to all relevant siting regulations of this bylaw.
- (5) Shall not be located within 4.5 m from all *lot lines*.

#### **8.43.10 Off-Street Parking**

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw

#### **8.43.11 Landscaping and Screening**

*Landscaping* shall conform to Division 6, Part 13 of this bylaw.

## Part 44 - Comprehensive Development Fifteen Zone (CD-15) - Southwind Development (Robert Lang & 1st Street)

### 8.44.1 Intent

The CD-15 Zone is intended to accommodate the *development* of a combination of *Single residential Dwellings*, Bare land Strata *Single residential Dwellings* and Patio Home Style *Multi-Residential Development* for the properties legally described as *Lot B*, District *Lot 118*, Comox District, Plan VIP60328, except parts in Plans VIP61633 and VIP73074 and *Lot 1*, District *Lot 118*, Comox District, Plan VIP61663.

### 8.44.2 Permitted Uses

In the CD-15 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Duplex*
- (3) *Dwelling, Accessory*
- (4) *Dwelling, Townhouse*
- (5) *Secondary suite*
- (6) Bare land strata *single residential dwelling*
- (7) *Multi-residential dwelling*
- (8) *Home occupation*
- (9) *Accessory buildings and structures*

### 8.44.3 Density

The maximum number of *dwelling units* shall not exceed 80 units.

### 8.44.4 Minimum Lot Size

For the purposes of *subdivision*, the minimum *lot* size is as follows:

- |     |  |                        |
|-----|--|------------------------|
| (1) | <i>Single residential dwelling:</i>    | 545.0 m <sup>2</sup>   |
| (2) | Bare land strata residential dwelling: | 450.0 m <sup>2</sup>   |
| (3) | Multi-residential dwelling:            | 1,100.0 m <sup>2</sup> |

### 8.44.5 Minimum Lot Frontage

For the purposes of *subdivision*, the minimum *lot* frontage is as follows:

- |     |  |                                  |
|-----|--|----------------------------------|
| (1) | <i>Single residential dwelling:</i>    | 13.0 m                           |
| (2) | Bare land strata residential dwelling: | 10.0 m with an average of 15.0 m |
| (3) | Multi-residential dwelling:            | 20.0 m                           |

#### 8.44.6 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

#### 8.44.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

Use	Front	Rear	Side	Exterior
<i>Single residential Dwelling:</i>	4.5 m 6.0 m to <i>garage</i> face or carport	7.5 m	1.5 m	4.5 m
Bare land Strata <i>Single residential Dwelling:</i>	4.5 m 6.0 m to <i>garage</i> face or carport	7.5 m	1.5 m	4.5 m
<i>Multi-residential Dwelling:</i>	4.5 m 6.0 m to <i>garage</i> face or carport	6.0 m	4.5 m	4.5 m

#### 8.44.8 Height of Building

*Single residential dwelling* – 8.0 m.

Bare land Strata *Single residential dwelling* – 8.0 m

*Multi-residential Dwelling* – on any *lot* having four or more *dwelling units*, a maximum of 70% of the *dwelling units* may have a *building height* not exceeding 8.0 m and the remainder of the *dwelling units* shall have a *building height* not exceeding 4.5 m.

#### 8.44.9 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of 30.0 m<sup>2</sup> for each one-bedroom *dwelling unit* and 50 m<sup>2</sup> for each *dwelling unit* with two or more bedroom.

#### 8.44.10 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a floor area not exceeding 46.5 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater.
- (3) Shall be permitted in the front, side and *rear yard* provided they conform to all relevant siting regulations of this bylaw.
- (4) Shall not be located within 1.5 m from the side or *rear lot line* except where the side or *rear lot line* flanks a *street*, in which case the minimum *setback* distance shall be 4.5 m.

#### 8.44.11 Off-Street Parking

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### 8.44.12 Landscaping and Screening for Multi-residential Development

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) Any part of a *lot* not used for *building*, parking, loading facilities or outdoor recreation shall include a landscaped area of at least 2.0 m in width and *height* and separated from the paved areas by a concrete curb or other barrier.
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided and maintained to the satisfaction of the *City*.
- (3) Where a *lot* adjoins a *single residential* or *duplex* residential zoned property a landscaped screen, *fence* or a combination thereof of not less than 2.0 m in *height* and 3.0 m width shall be provided and maintained to the satisfaction of the *City*.

## Part 45 - Comprehensive Development Sixteen Zone (CD-16) - 2485 Idiens Way

### 8.45.1 Intent

The CD-16 Zone is intended to accommodate the *development* of a Multi-residential Development for the property legally described as Lot 2, District Lot 157, Comox District, Plan VIP59957 (2485 Idiens Way).

### 8.45.2 Permitted Uses

In the CD-16 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi-residential dwelling*
- (2) *Accessory buildings and structures*

### 8.45.3 Density

The maximum number of *dwelling units* shall not exceed 28 units.

### 8.45.4 Minimum Lot Size

For the purposes of *subdivision*, the minimum lot size is 1,250.0 m<sup>2</sup>.

### 8.45.5 Minimum Lot Frontage

For the purposes of *subdivision*, the minimum lot frontage is 30.0 m.

### 8.45.6 Lot Coverage

A lot shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the lot.

### 8.45.7 Yards

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- |     |                                 |        |
|-----|---------------------------------|--------|
| (1) | <i>Front yard: (Idiens Way)</i> | 7.5 m  |
| (2) | <i>Rear yard:</i>               | 12.0 m |
| (3) | <i>Side yard:</i>               | 12.0 m |

### 8.45.8 Height of Building

The height of a principal *building* shall not exceed 10.0 m.

### 8.45.9 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a floor area not exceeding 50.0 m<sup>2</sup>.

- (3) Shall not be located within 4.5 m from the side or *rear lot line*.

#### **8.45.10 Landscaping and Screening for Multi-Family Development**

Any part of a *lot* not used for *building*, parking, loading facilities or outdoor recreation shall include a landscaped area of at least 2 m in width and height and separated from the paved areas by a concrete curb or other barrier.

Where a *lot* adjoins Lerwick Road a continuous landscaped area of at least 7.5 m in width extending along the entire frontage of the property on the *street* shall be provided and maintained to the satisfaction of the *City*.

Where a *lot* in this zone adjoins a *street*, a continuous landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided and maintained to the satisfaction of the *City*.

Where a *lot* adjoins a residentially zoned property a landscaped screen, *fence* or a combination thereof of not less than 2 m in height and 4.5 m in width shall be provided and maintained to the satisfaction of the *City*.

#### **8.45.11 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of 50% of the *site area*.

#### **8.45.12 Off-Street Parking**

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

## Part 46 - Comprehensive Development Seventeen Zone (CD-17) - 190 Powerhouse Road

### 8.46.1 Intent

The CD-17 Zone is intended to accommodate the *development* of a Bare Land Strata Development for the property legally described as Lot 8, District Lot 155, Comox District, Plan 1241, Except Part in Plan 40343 and Lot 3, District Lot 155, Comox District, Plan 1241 (190 Powerhouse Road).

### 8.46.2 Permitted Uses

In the CD-17 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential unit*
- (2) *Dwelling, Accessory unit*
- (3) *Secondary suite*
- (4) *Accessory buildings and structures*

### 8.46.3 Density

The maximum number of *dwelling units* in this zone shall not exceed 69 units.

Secondary suites and accessory dwelling units do not count towards dwelling unit density limits in the CD areas.

### 8.46.4 Minimum Lot Size

For the purposes of *subdivision*, the minimum lot size shall be 470.0 m<sup>2</sup>.

### 8.46.5 Minimum Lot Frontage

For the purposes of *subdivision*, the minimum *lot* frontage is 15.0 m. Except for *lots* which front a cul-de-sac or curved road way *lot* in which case the minimum *lot* frontage is 7.0 m.

### 8.46.6 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

### 8.46.7 Yards

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 6.0 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* The *side yard setbacks* shall total 3.5 m with a minimum *side yard setback* on one side of 1.5 m except where a side

*yard* flanks a *street* in which case the minimum distance shall be 4.5 m.

#### **8.46.8 Height of Building**

The height of a principal *building* shall not exceed 9.0 m.

#### **8.46.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in height.
- (2) Shall have a floor area not exceeding 50.0 m<sup>2</sup>.
- (3) Shall not be located within 1.5 m from the side or *rear lot line*.

#### **8.46.10 Landscaping and Screening**

Any part of a *lot* not used for a residential *building*, an *accessory building*, parking, strata facility or outdoor recreation shall be landscaped.

#### **8.46.11 Useable Open Space**

*Useable open space* is provided in the adjacent public park facility encompassing the Morrison Creek wetlands.

#### **8.46.12 Off-Street Parking**

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw

## Part 47 - Comprehensive Development Nineteen Zone (CD-19) - 1360, 1400, 1470, 1480 Arden Road

### 8.47.1 Intent

The CD-19 Zone is intended to accommodate a *multi-residential development* for the properties identified on Schedule A and commonly described as 1360, 1400, 1470 and 1480 Arden Road. No *development* or land *alteration* may take place within the CD-19 Zone without first obtaining a development permit the particulars of which must conform to the Environmental and *Multi-residential* Development Permit Area Guidelines.

CD-19 encompasses:

- Lot 1, District Lot 96, Comox District, Plan 2963, Except that Part in Plan 20420;
- Lot A, District Lot 96, Comox District, Plan 20420;
- That Part of Lot 2, District Lot 96, Comox District, Plan 2963 Lying to the South East of a Boundary Parallel to and Perpendicularly Distant 132 feet from the South Easterly Boundary of Said Lot 2;
- That Part of Lot 2, District Lot 96, Comox District, Plan 2963 Lying to the North West of a Boundary Parallel to and Perpendicularly Distant 132 feet from the South Easterly Boundary of Said Lot 2;

Known as 1360, 1400, 1470, and 1480 Arden Road.

### 8.47.2 Permitted Uses

In the CD-19 Zone, the following uses are permitted, and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Multi-residential*
- (2) *Dwelling, Town house*
- (3) *Dwelling, Accessory*
- (4) *Secondary Suite*
- (5) *Dwelling, Single residential*
- (6) *Accessory buildings and structures*

### 8.47.3 Density

The maximum number of *dwelling units* in this zone shall not exceed a total of 110.

#### Lot Coverage:

A *lot* shall not be covered by *buildings* to a greater extent than 40% of the total area of a *lot*.

#### Height:

The maximum height of a *building* shall not exceed 15.0 m.

Setbacks:

Except as otherwise specified in this bylaw, the following minimum *setback* requirements shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 4.5 m

**8.47.4 Accessory Buildings and Structures**

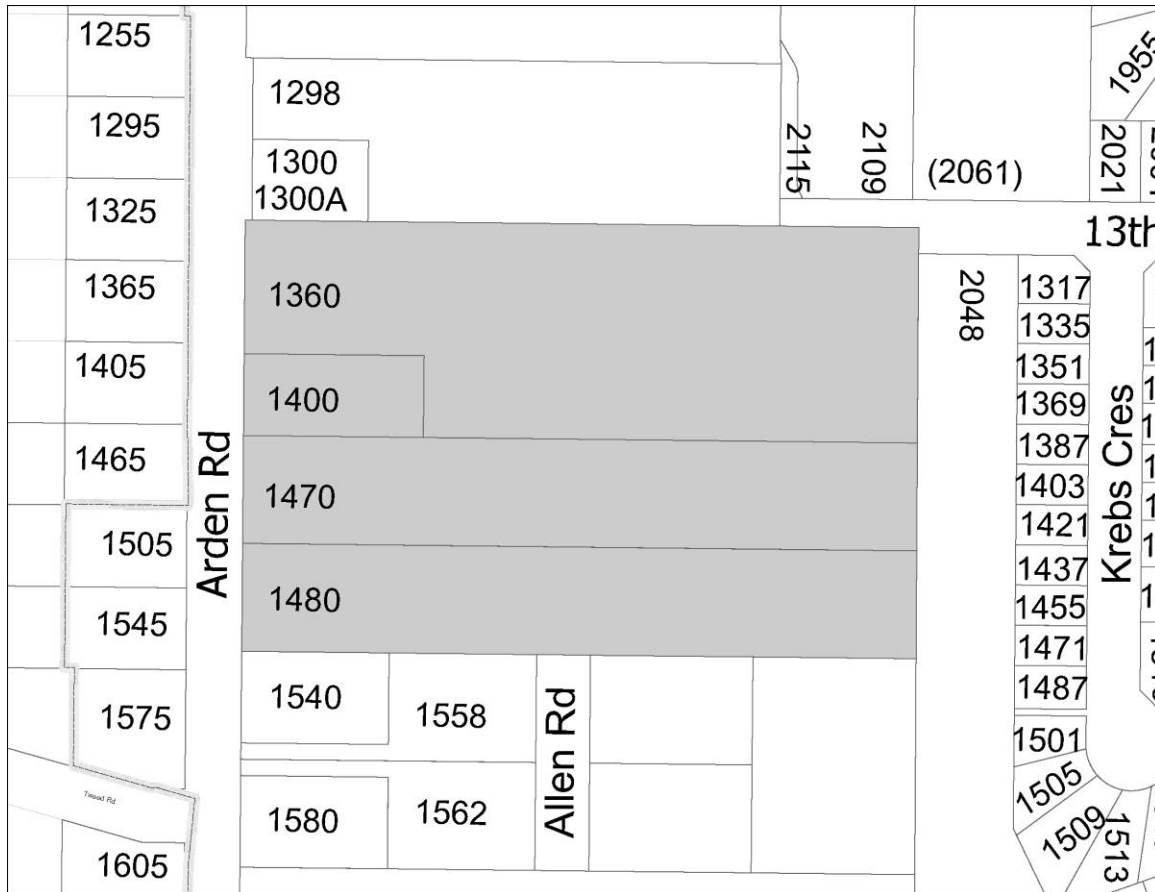
*Accessory buildings and structures* shall conform to the following regulations:

- (1) A maximum *height* of 4.5 m
- (2) A maximum floor area of 10.0 m<sup>2</sup>
- (3) Shall not be located within 1.5 m of any *lot line*, excluding a *street*, in which case the minimum *setback* shall be 7.5 m

**8.47.5 Off-Street Parking and Loading**

*Off-street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

**SCHEDULE A**



## Part 48 - Comprehensive Development Twenty-One Zone (CD- 21) - Buckstone Road

### 8.48.1 Intent

The CD-21 Zone is intended to provide for the siting and *development of single residential and duplex buildings. Single residential unit residential with secondary suites* is permitted throughout the site. *Duplex units or carriage houses* are permitted on all *lots* that have double frontages and 900.0 m<sup>2</sup> or greater *lot size for a duplex and 750.0 m<sup>2</sup> or greater lot size for a carriage house.* *Carriage houses* are permitted on properties that have *lane access and frontage onto Buckstone Road or a corner lot, with lot size of 750.0 m<sup>2</sup> or greater and may be connected to the principal residence by a ground level breezeway or hallway.* The intent is to create greater housing diversity and housing market affordability, while retaining the aesthetic of a residential neighbourhood.

### 8.48.2 Permitted Uses

In the CD-21 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Accessory unit*
- (3) *Accessory buildings and structures*
- (4) *Duplex means a residential building containing two dwelling units*
- (5) *Home occupation*
- (6) *Secondary Suite*

### 8.48.3 Minimum Lot Size

- (1) *Single residential unit:*
  - (i) a single-family *lot* shall have an area of not less than 600.0 m<sup>2</sup>.
- (2) *Duplex:*
  - (i) a *duplex lot* shall have an area on not less than 900.0 m<sup>2</sup> and must be a corner or double frontage *lot*.
- (3) *Carriage House:*
  - (i) a *carriage house* may be located on a lot of not less than 750.0 m<sup>2</sup> and must have *lane access and frontage onto Buckstone Road or a corner lot.*

### 8.48.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 16.0 m, except for a *corner lot* where the frontage shall be not less than 20.0 m.

### 8.48.5 Minimum Lot Depth

A *lot* shall have a depth of not less than 26.0 m.

#### 8.48.6 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 60% of the total area of the *lot*.

#### 8.48.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

##### Single residential unit Residence or Duplex

- (1) *Front yard:* 7.5 m except where a *lot* fronts onto Buckstone Road in which case the minimum distance can be 4.5 m.
- (2) *Rear yard:* 9.0 m except where a *lot* is less than 36.0 m in depth in which case the minimum distance can be 7.5 m.
- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 4.5 m.

##### Carriage

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 2.0 m
- (3) *Side yard:* The *side yard setbacks* shall total 3.0 m with a minimum *side yard setback* on one side of 1.5 m.

#### 8.48.8 Height of Building

- (1) The *height* of a *principal building* shall not exceed 9.0 m.
- (2) The *height* of a *Carriage House* shall not exceed 7.5 m.

#### 8.48.9 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a total *building area* not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater.
- (3) Shall be permitted in the *side* and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
- (4) Shall be permitted at the front of a *principal residence* provided they shall conform to all relevant siting regulations of this bylaw.
- (5) Shall not be located within the minimum 1.5 m *side yard* or *rear lot line setback* except where the *side* or *rear lot line* flanks a *street*, excluding a *lane* in which case the minimum *yard* distance shall be 4.5 m.

### 8.48.10 Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw. No more than 50% of any yard area or frontage on a street or lane shall be used for off-street parking.

### SCHEDULE A



## Part 49 - Comprehensive Development Twenty-Two Zone (CD-22) - 2880 Arden Road

### 8.49.1 Intent

The CD-22 Zone is intended to accommodate the *development* of a Bare Land Strata Development for the property legally described as Lot 1, DL 231, Comox District, Plan 2152 Except Part in Plans VIP68939 and VIP81437 (2880 Arden Road). Strata *subdivision* shall conform generally to Schedule A.

### 8.49.2 Permitted Uses

In the CD-22 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Accessory unit*
- (3) *Duplex dwelling on lot 10 only*
- (4) *Secondary Suites*
- (5) *Accessory buildings and structures*

### 8.49.3 Density

The maximum number of *dwelling units* in this zone shall not exceed 26 and shall be composed of 24 *single residential dwellings* and one *duplex residential dwelling* to be located on lot 10 as per Schedule A.

Secondary suites and accessory dwelling units do not count towards dwelling unit density limits in the CD areas.

### 8.49.4 Minimum Lot Size

For the purposes of *subdivision*, the minimum *lot* size shall be 450.0 m<sup>2</sup>.

### 8.49.5 Minimum Lot Frontage

For the purposes of *subdivision*, the minimum *lot* frontage is 16.0 m. Except for *lots* which front a cul-de-sac or curved road way *lot* in which case the minimum *lot* frontage is 10.0 m; for *corner lots* the *lot* frontage may be reduced to 12.0 m for one frontage only.

### 8.49.6 Lot Coverage

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 50% of the total area of the *lot*.

### 8.49.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- |     |                    |  |
|-----|--------------------|--|
| (1) | <i>Front yard:</i> | 6.0 m  |
| (2) | <i>Rear yard:</i>  | 6.0 m  |
| (3) | <i>Side yard:</i>  | The <i>side yard setbacks</i> shall total 3.0 m with a minimum <i>side yard setback</i> on one side of 1.5 m except where a <i>side yard</i> flanks a <i>street</i> in which case the minimum distance shall be 4.5 m. |

#### **8.49.8 Height of Building**

The height of a principal *building* shall not exceed 9.0 m.

#### **8.49.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in height.
- (2) Shall have a floor area not exceeding 50.0 m<sup>2</sup>.
- (3) Shall not be located within 1.5 m from the side or *rear lot line*.

#### **8.49.10 Landscaping and Screening**

Any part of a *lot* not used for a residential *building*, an *accessory building*, parking, strata facility or outdoor recreation shall be landscaped.

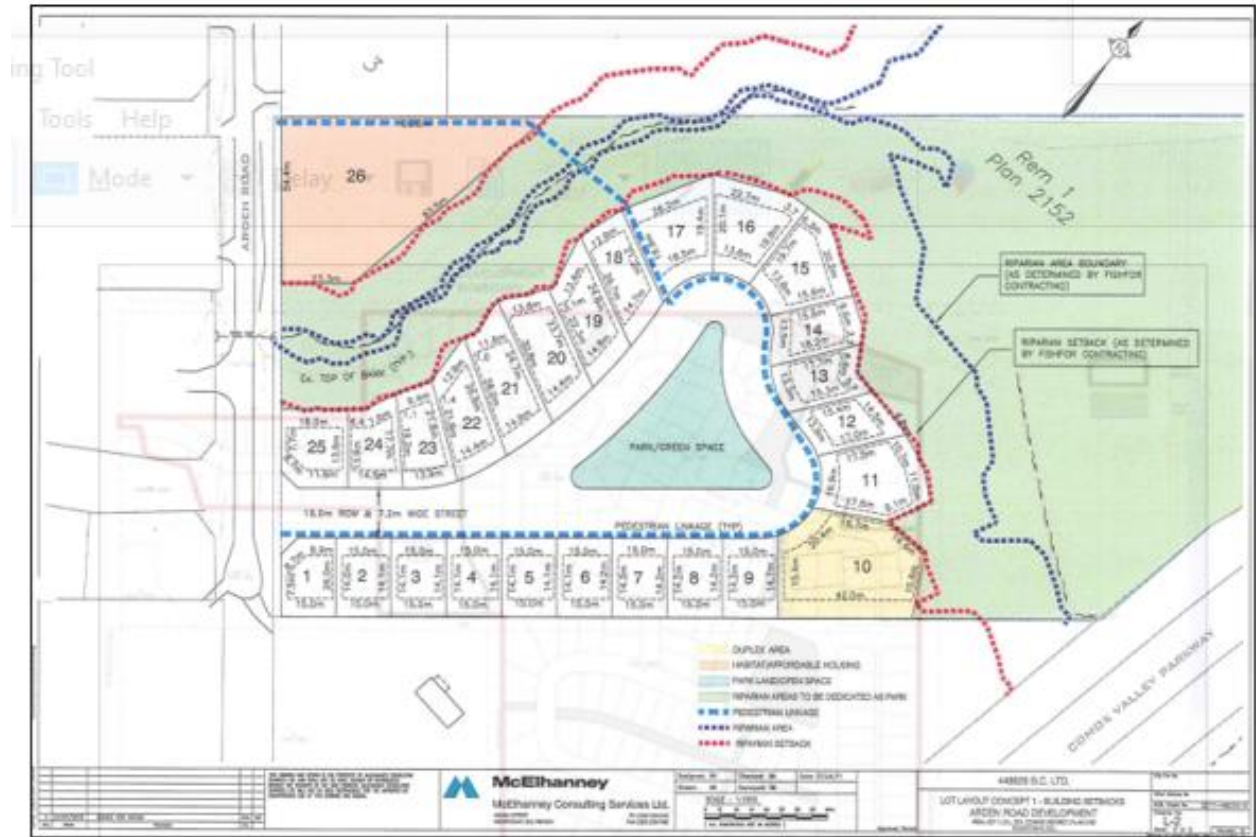
#### **8.49.11 Useable Open Space**

*Useable open space* is provided in the adjacent public park facility encompassing the Arden corridor wetlands.

#### **8.49.12 Off-Street Parking**

*Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

# SCHEDULE A



**Part 50 - Comprehensive Development Twenty-Three Zone (CD- 23) - 1921, 1993  
Arden Road & 2459 Cumberland Road**

**8.50.1 Intent**

The CD-23 Zone is intended to accommodate a mixed use residential *development* on the properties legally described as part of Lot 2, District Lot 138, Comox District, Plan 14210, Lot 1, District Lot 138, Comox District, Plan 40239, and Lot B, District Lot 138, Comox District, Plan 2607, Except that part in Plan 40239 and in general accordance with the plan attached as Schedule A.

**8.50.2 CD-23A**

Permitted Uses:

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

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Dulex*
- (3) *Dwelling, Townhouse*
- (4) *Dwelling, Accessory*
- (5) *Secondary suite*
- (6) *Duplex dwelling*
- (7) *Accessory buildings and structures*
- (8) *Home occupation*

Minimum Lot Size:

- |   |                      |
|---|----------------------|
| (1) <i>Single residential unit Residential:</i> | 500.0 m <sup>2</sup> |
| (2) <i>Duplex:</i>                              | 900.0 m <sup>2</sup> |

Minimum Lot Frontage:

A *lot* shall have a frontage of not less than 18.0 m, except for a *corner lot* where the frontage shall be not less than 20.0 m.

Minimum Lot Depth:

A *lot* shall have a depth of not less than 30.0 m

Lot Coverage:

A *lot* shall not be covered by *buildings* to a greater extent than 40% of the total *lot area*.

Setbacks:

- |                        |  |
|------------------------|--|
| (1) <i>Front yard:</i> | 7.5 m  |
| (2) <i>Rear yard:</i>  | 9.0 m  |
| (3) <i>Side yard:</i>  | The <i>side yard setbacks</i> shall total 4.5 m with a minimum |

*side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 4.5 m.

Height:

The maximum *height* of a *principal building* shall not exceed 9.0 m.

**8.50.3 CD-23B**

Permitted Uses:

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

- (1) *Dwelling, Single residential*
- (2) *Dwelling, Accessory Units*
- (3) *Secondary Suites*
- (4) *Accessory buildings and structures*
- (5) *Home occupation*

Minimum Lot Size:

The minimum *lot* size for all *lots* in this area is 400.0 m<sup>2</sup>

Minimum Lot Frontage:

A *lot* shall have a frontage of not less than 13.0 m, except for a *corner lot* where the frontage shall be not less than 15.0 m.

Minimum Lot Depth:

A *lot* shall have a depth of not less than 30.0 m

Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 40% of the total *lot* area.

Setbacks:

- (1) *Front yard:* 4.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 3.5 m.

Height:

The maximum *height* of a *principal building* shall not exceed 9.0 m

**8.50.4 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a total *building area* not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever

is greater.

- (3) Shall be permitted in the *side* and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
- (4) Shall be permitted at the front of a *principal residence* provided they shall conform to all relevant siting regulations of this bylaw.
- (5) Shall not be located within 1.5 m from the side or *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a *lane*, in which case the minimum *yard* distance shall be 4.5 m. Within the CD-23B area the minimum interior *side yard setback* shall be 1.0 m.

#### 8.50.5 Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw. No more than 50% of any *yard* area or frontage on a *street* or *lane* shall be used for off-street parking.

### SCHEDULE A



## Part 51 - Comprehensive Development Twenty-Four Zone (CD- 24) - 2525 Mission Road

### 8.51.1 Intent

The CD-24 Zone is intended to accommodate the *development* of a professional commercial centre on the property legally described as Lot 2, District Lot 236, Comox District, Plan VIP70439.

### 8.51.2 Permitted Uses

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

- (1) *Accessory building and uses*
- (2) *Medical clinic*
- (3) *Laboratory*
- (4) *Education facility*
- (5) *Office*
- (6) *Financial institution*
- (7) *Fitness facility*
- (8) *General service*
- (9) *Personal service*
- (10) *Community service*
- (11) *Retail store limited to 2000 m<sup>2</sup>*
- (12) *Studio*
- (13) *Seniors housing and Care facility*
- (14) *Assembly hall*
- (15) *Bakery and deli*
- (16) *Barber shop and beauty salon*
- (17) *Day care*
- (18) *Florist*
- (19) *Facility for adults with a disability*
- (20) *Laundromat*
- (21) *Printing and publishing*
- (22) *Restaurant*
- (23) *Parking lot*
- (24) *Veterinary clinic*
- (25) *Combined commercial-residential use subject to the commercial use being restricted to retail, restaurants, offices (including financial institutions) and studios. Residential units*

must be contained within a dual use *building* and shall be located above *storeys* used for commercial purposes, and no *storey* can be used for both commercial and residential purposes

(26) For clarity the following uses are specifically not permitted:

- (i) *Convenience store*
- (ii) *Automobile service station*
- (iii) *Automobile sales and repairs*
- (iv) *Building supply store*
- (v) *Hotel/Motel*
- (vi) *Grocery store*
- (vii) *Enclosed storage facility* including warehouse and *storage yard*
- (viii) *Methadone clinic*

#### **8.51.2 Condition of Use**

Garbage containers, recycling containers, storage facilities, parking, and loading facilities shall not be located within any required *setback* as specified in Section 8.51.8.

#### **8.51.3 Lot Coverage**

A *lot* shall not be covered by *buildings* and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

#### **8.51.4 Floor Area Ratio**

The maximum *floor area ratio* shall not exceed 0.7:1

#### **8.51.5 Minimum Lot Size**

A *lot* shall have an area of not less than 2,000.0 m<sup>2</sup>

#### **8.51.6 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 30.0 m

#### **8.51.7 Setbacks**

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Side yard:* 7.5 m
- (3) *Rear yard:* 7.5 m

Support columns may project into the minimum required *yards* to a maximum projection of 1m

#### **8.51.8 Height of Building**

Maximum *height* of a *building* shall not exceed 16.0 m with the exception of the core area which may be 19.0 m in *height*.

#### **8.51.9 Off-Street Parking and Loading**

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw unless otherwise specified.

No parking or loading area may be located within 2.0 m of a property line.

A minimum of 2 loading bays are required on the site

#### **8.51.10 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A minimum 7.5 m landscape area is required between all *building* faces and the adjacent property lines. Hard landscape features such as patios and staff seating areas are permitted within this landscape area.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

#### **8.51.11 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a total *building area* not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater.
- (3) Shall be permitted in the *side* and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
- (4) Shall not be permitted at the front of a *principal building*.

## Part 52 - Comprehensive Development Twenty-Five Zone (CD- 25) – 2368, 2498 and 2650 Arden Road

### 8.52.1 Intent

The CD-25 Zone is intended to accommodate two strata developments on the property identified on Attachment A and commonly described as 2368, 2498 and 2650 Arden Road, Courtenay, BC. No *development* or land *alteration* may take place within the CD-25 Zone without first obtaining a development permit the particulars of which must conform to the Environmental and *Multi-residential* Development Permit Area Guidelines. CD-25 encompasses:

- Lot A, District Lot 230, Comox District, Plan 48707; Parcel A (DD 10616N) of Lot 4, District Lot 230, Comox District, Plan 2152, Except that Part Shown Outlined in Red on Plan 688R and Except that Part in Plan 48707; That Part of Parcel A (DD 10616N) of Lot 4, District Lot 230, Comox District, Plan 2152 Shown Outlined in Red on Plan 688R, Except Parts in Plans 6030 and 23672 (2368, 2498 and 2650 Arden Road)

### 8.52.2 Permitted Uses

In the CD-25 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Duplex residential dwelling*
- (3) *Triplex residential dwelling*

### 8.52.3 Density

The maximum number of individual *dwelling units* in this zone shall not exceed a total of 46. This *density* may be achieved through combinations of single, *duplex* and triplex residential units.

### 8.52.4 Setbacks

- (1) Except where otherwise specified in this bylaw the *building setback* from all property lines shall be 6.0 m.
- (2) The minimum *setback* between residential *buildings* shall not be less than 5.0 m.
- (3) The minimum *setback* for a residential *building* from a strata road shall not be less than 6.0 m.

### 8.52.5 Height of Building

The maximum height for any *building* shall not exceed 8.0 m.

ATTACHMENT A



## Part 53 - Comprehensive Development Twenty-Six Zone (CD-26) -3040 & 3070 Kilpatrick Avenue

### 8.53.1 Intent

The CD-26 Zone is intended to accommodate a use mixed commercial and residential *development* on the properties legally described as Lot B, Section 67, Comox District, Plan VIP81460 and Lot 3, Section 67, Comox District, Plan VIP35438 (3040 and 3070 Kilpatrick Avenue). These properties shall be developed substantially in accordance with Schedules A, B, C, and D which form part of this zone.

### 8.53.2 Permitted Uses

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

- (1) *General Service*
- (2) *Medical Clinic*
- (3) *Financial Institution*
- (4) *Office*
- (5) *Restaurant*
- (6) *Personal Service*
- (7) *Retail*
- (8) *Fitness Facility*
- (9) *Studio*
- (10) *Community Service*
- (11) *Liquor Store*
- (12) *Multi-residential*
- (13) *Home Occupation*

### 8.53.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 40% of the total area of the *lot*.

### 8.53.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 1.2.

### 8.53.5 Minimum Lot Size

A *lot* shall have an area of not less than 1.0 ha.

### 8.53.6 Minimum Lot Frontage

A *lot* shall have a *frontage* of not less than 30.0 m

### 8.53.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m for that portion of a *building* with a height less than 9.0 m.  
11.5 m for that portion of a *building* with a height greater than 9.0 m.
- (2) *Rear yard:* 7.5 m except for *underground parking structures* which shall be a minimum of 0.6 m.

Notwithstanding the required *rear yard setback* specified above, the minimum *rear yard setback* can be reduced to 4.5 m for a *building* including balconies or to 3.2 m for a staircase for that portion of *building 1* shown in Schedule A.

- (3) *Side yard* 4.5 m except where a *building* greater than 4 *storeys* abuts a residential use, in which case the minimum distance shall be 6.5 m for the 5<sup>th</sup> *storey*.

Notwithstanding the required *side yard setback* specified above, balconies may extend up to 1.2 m into the *side yard setback* along the north property line and up to 0.8 m along the southern property line.

Notwithstanding the required front, rear, and *side yard setbacks* specified above, roof overhangs may extend up to 0.76 m into the required *setback*.

### 8.53.8 Height of Building

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. For clarity, the curb height is determined as the average curb height along the lot frontage. For *Buildings 1 and 2*, Lot 3 of Plan VIP35438 and for *Building 3*, Lot B of Plan VIP81460.

- (1) *Building 1* – 10.5 m to roof parapet, 12.5 m to top of elevator
- (2) *Building 2* – 12.5 m to roof parapet, 14.5 m to top of elevator
- (3) *Building 3* – 8.5 m

### 8.53.9 Useable Open Space

- (1) A minimum of 1,930.0 m<sup>2</sup> of *useable open space* must be provided as shown in Schedule B. For clarity this includes common outdoor areas and private balconies or patios.
- (2) A walkway connection must be provided on the site between Cliffe Avenue Greenway and Kilpatrick Avenue as shown in Schedule A.

### 8.53.10 Accessory Structures

- (1) Shall not be permitted except for waste and recycling facilities.
- (2) Shall not be permitted in the *front or rear yard*.

- (3) Shall not be located within 1.5 m of the *side lot line* abutting a commercial use or within 4.5 m of a *side lot line* abutting a residential use or *street*, except for underground garbage and recycling *structures* which shall be located a minimum of 0.6 m from the *side lot line*.

#### **8.53.11 Off-Street Parking and Loading**

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

- (1) For *multi-residential* uses parking shall be provided at a rate of 1.3 *parking spaces* per *dwelling unit* inclusive of visitor parking;
- (2) For general commercial uses parking shall be provided at a rate of 1.0 *parking spaces* for every 30.0 m<sup>2</sup> of floor area;
- (3) For *restaurants* with a drive-thru facility parking shall be provided at a rate of 1.0 *parking spaces* for every 10.0 m<sup>2</sup> of floor area.
- (4) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls
- (5) Minimum aisle width in the *underground parking structure* can be reduced to 6.7 m in accordance with Schedule C
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*

#### **8.53.12 Landscaping and Screening**

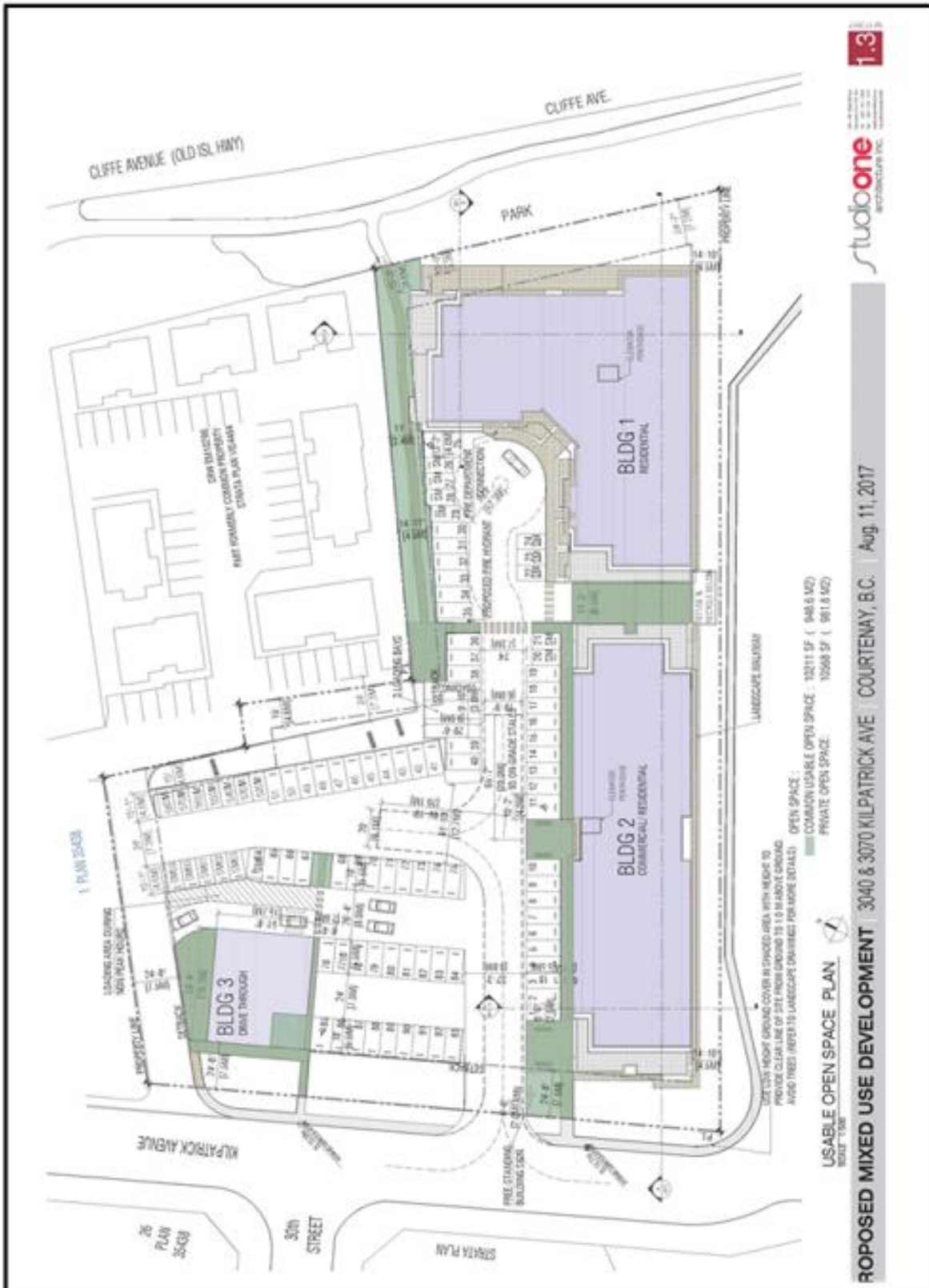
In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A.
- (2) A landscaped area of not less than 3.0 m in width shall be provided inside all *side lot lines* adjacent to commercial uses.
- (3) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line.
- (4) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.



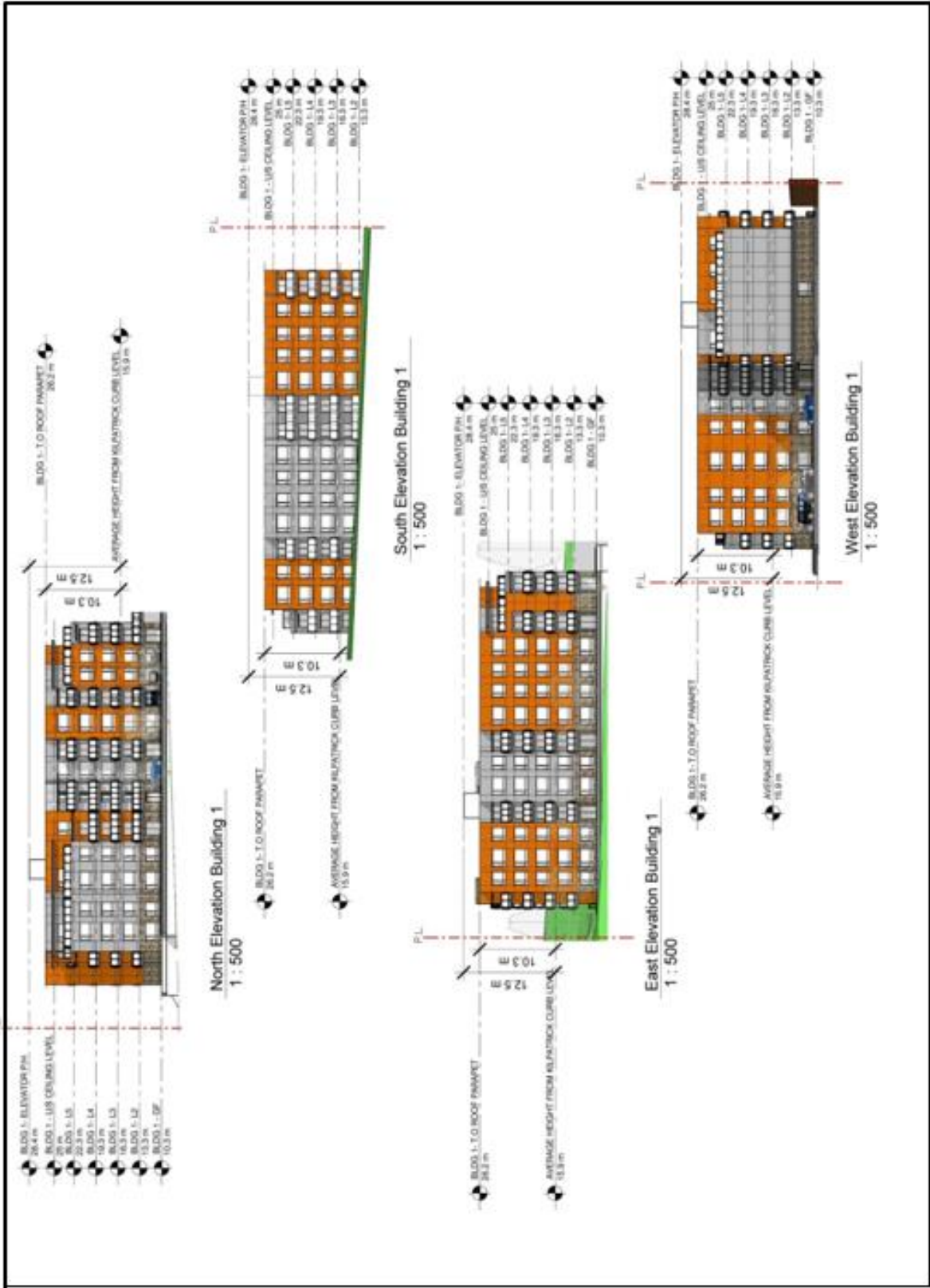
**SCHEDULE A**

Note: Please refer to full size drawings in file 3360-20-1611



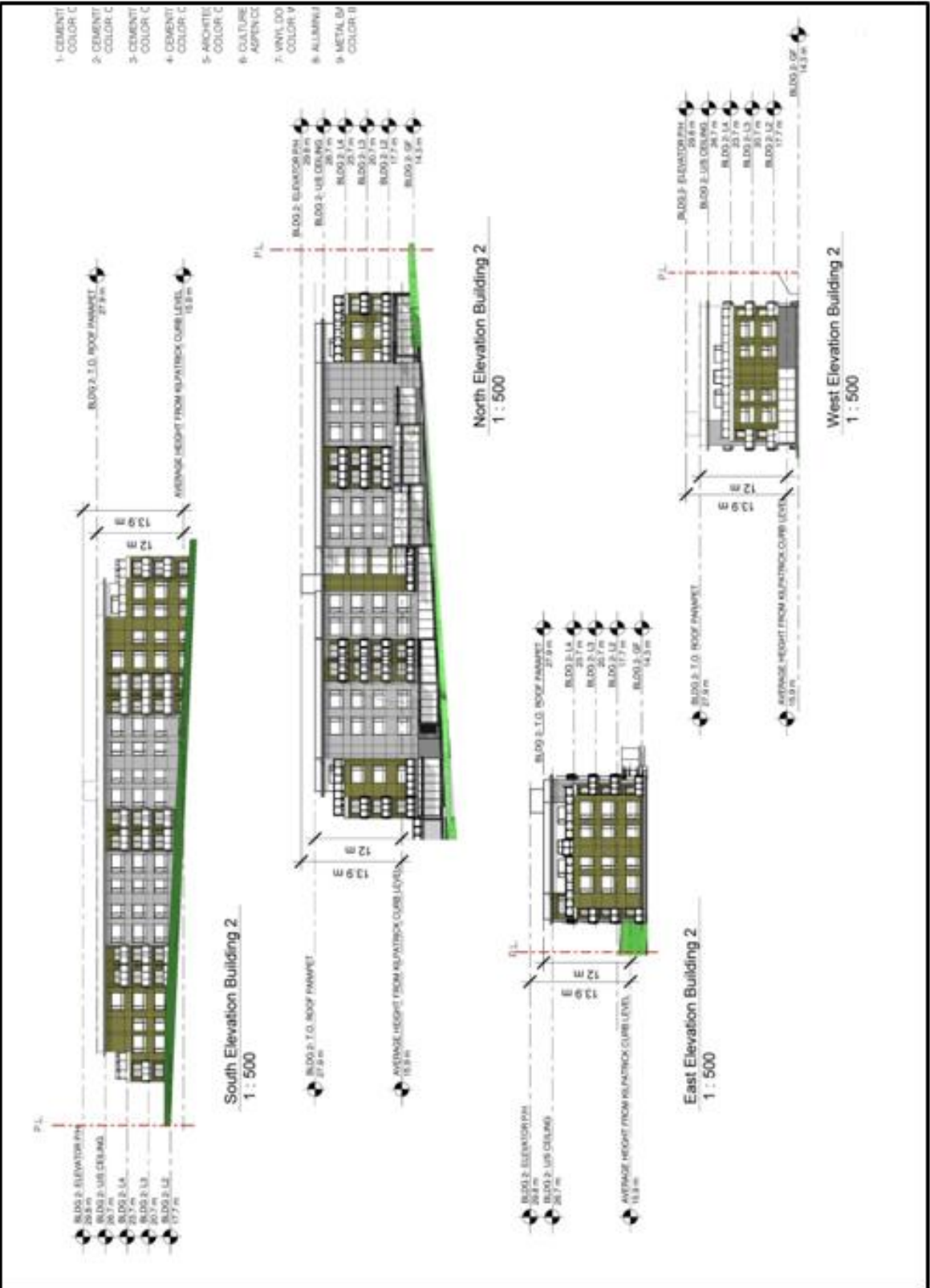
**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1611



**SCHEDULE C**

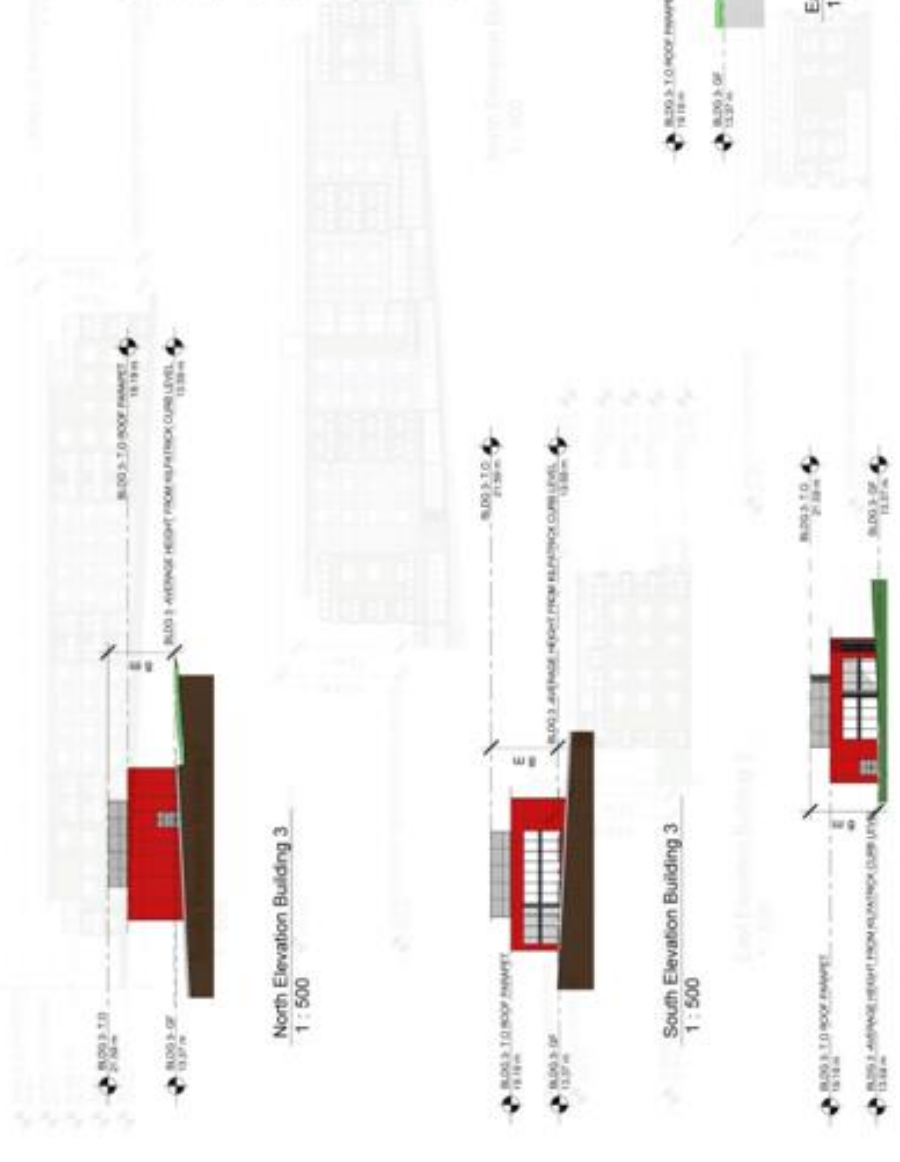
Note: Please refer to full size drawings in file 3360-20-1611



**SCHEDULE C**

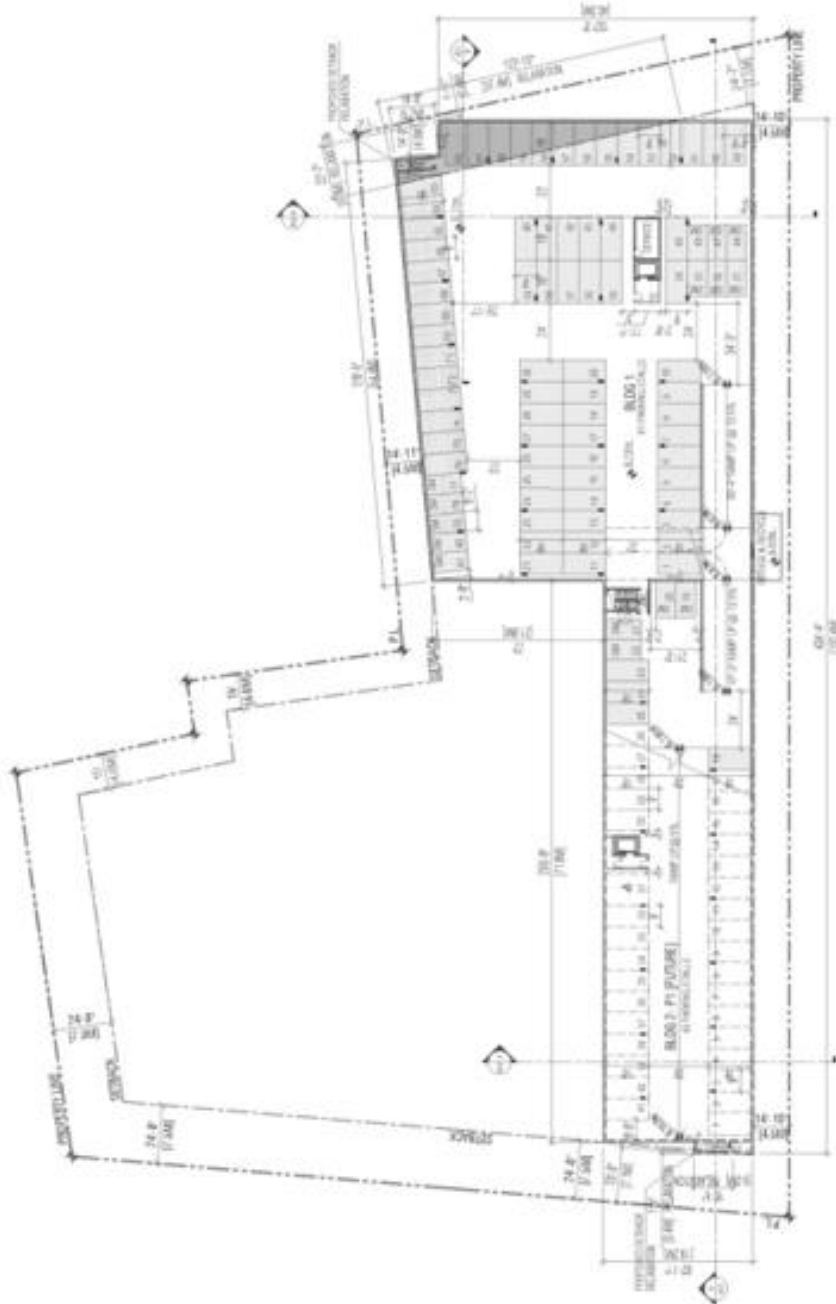
Note: Please refer to full size drawings in file 3360-20-1611

- 1- DIMENSIONAL SIDING PANELS PAINTED  
COLOR: CLC TINT IN OR SIMILAR
- 2- DIMENSIONAL SIDING PANELS PAINTED  
COLOR: CLC 1659N OR SIMILAR
- 3- DIMENSIONAL SIDING BOARDS OR PANELS PAINTED  
COLOR: CLC 2652B OR SIMILAR
- 4- DIMENSIONAL SIDING PANELS PAINTED  
COLOR: CLC 1059N OR SIMILAR
- 5- ARCHITECTURAL FINISH EXPOSED CONCRETE FINISH  
COLOR: CLC 324M OR SIMILAR
- 6- CULTURED STONE CLAZZING  
ASPEN COUNTRY OR SIMILAR
- 7- VINYL DOUBLE GLAZED WINDOWS  
COLOR: WHITE FRAME
- 8- ALUMINUM STOREFRONT WINDOWS AND DOORS  
COLOR: BLACK
- 9- METAL BALCONIES  
COLOR: BLACK



### SCHEDULE C

Note: Please refer to full size drawings in file 3360-20-1611



UIG PARKING PLAN  
SCALE 1:500

1.4

studioone  
architects inc.

PROPOSED MIXED USE DEVELOPMENT 3040 & 3070 KILPATRICK AVE COURTENAY, B.C. Aug 11, 2017

**SCHEDULE D**

Note: Please refer to full size drawings in file 3360-20-1611

**Part 53A - Comprehensive Development Twenty-Six A Zone (CD- 26A) - 3040  
Kilpatrick Avenue**

**8.53.13 Intent**

The CD-26A Zone is intended to accommodate a *multi-residential development* on the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977. This property shall be developed substantially in accordance with Schedules A, B, and C, which form part of this zone

**8.53.14 Permitted Uses**

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

- (1) *Multi-residential*
- (2) *Home Occupation*

**8.53.15 Lot Coverage**

A *lot* shall not be covered by *buildings* to a greater extent than 20% of the total area of the *lot*.

**8.53.16 Floor Area Ratio**

The maximum *floor area ratio* shall not exceed 0.82.

**8.53.17 Minimum Lot Size**

A *lot* shall have an area of not less than 0.40 ha.

**8.53.18 Minimum Lot Frontage**

A *lot* shall have a *frontage* of not less than 60.0 m.

**8.53.19 Setbacks**

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m for that portion of a *building* with a height less than 11.5 m and for railings above and affixed to said portion  
17.0 m for that portion of a *building* with a height greater than 11.5 m.  
Despite the required *front yard setbacks* above, architectural *fence* details may project into the *front yard setback* up to 1.5 m with a height up to 2.0 m
- (2) *Rear yard:* 18.0 m except for *underground parking structures* which shall be at least 14.0 m

- (3) *Side yard:* 9.5 m north side except for *underground parking structure* which shall be at least 6.5 m.  
13.0 m south side

#### **8.53.20 Height of Building**

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. Maximum *building height* is 15.0 m to roof parapet and 17.0 m to top of elevator measured from curb height. For clarity, the curb height is determined as the average curb height along the *lot* frontage

#### **8.53.21 Useable Open Space**

*Useable open space* must be provided and include at minimum:

- (1) 70.0 m<sup>2</sup> play area as shown in Schedule A.
- (2) 250.0 m<sup>2</sup> rooftop amenity area .
- (3) Patios or balconies for averaging 9.0 m<sup>2</sup> per unit, with a minimum size of 4.5 m<sup>2</sup>.

#### **8.53.22 Off-Street Parking and Loading**

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

- (1) 52 *parking spaces* shall be provided for 41 *dwelling units* on the property and corresponding visitor parking.
- (2) 33 *parking spaces* shall be provided for 3080 Kilpatrick Avenue commercial and residential use.
- (3) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls.
- (4) Minimum aisle width in the *underground parking structure* can be reduced to 6.7 m in accordance with Schedule C.
- (5) Minimum additional space for *parking spaces* and maneuvering aisles where abutting a wall or *building* can be reduced in accordance with Schedule C.
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*.
- (7) Bicycle parking facilities must be provided at a rate of one secure stall per unit.

#### **8.53.23 Landscaping and Screening**

In addition to the Landscape Requirements identified in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property

line except reduced widths shown in Schedule A

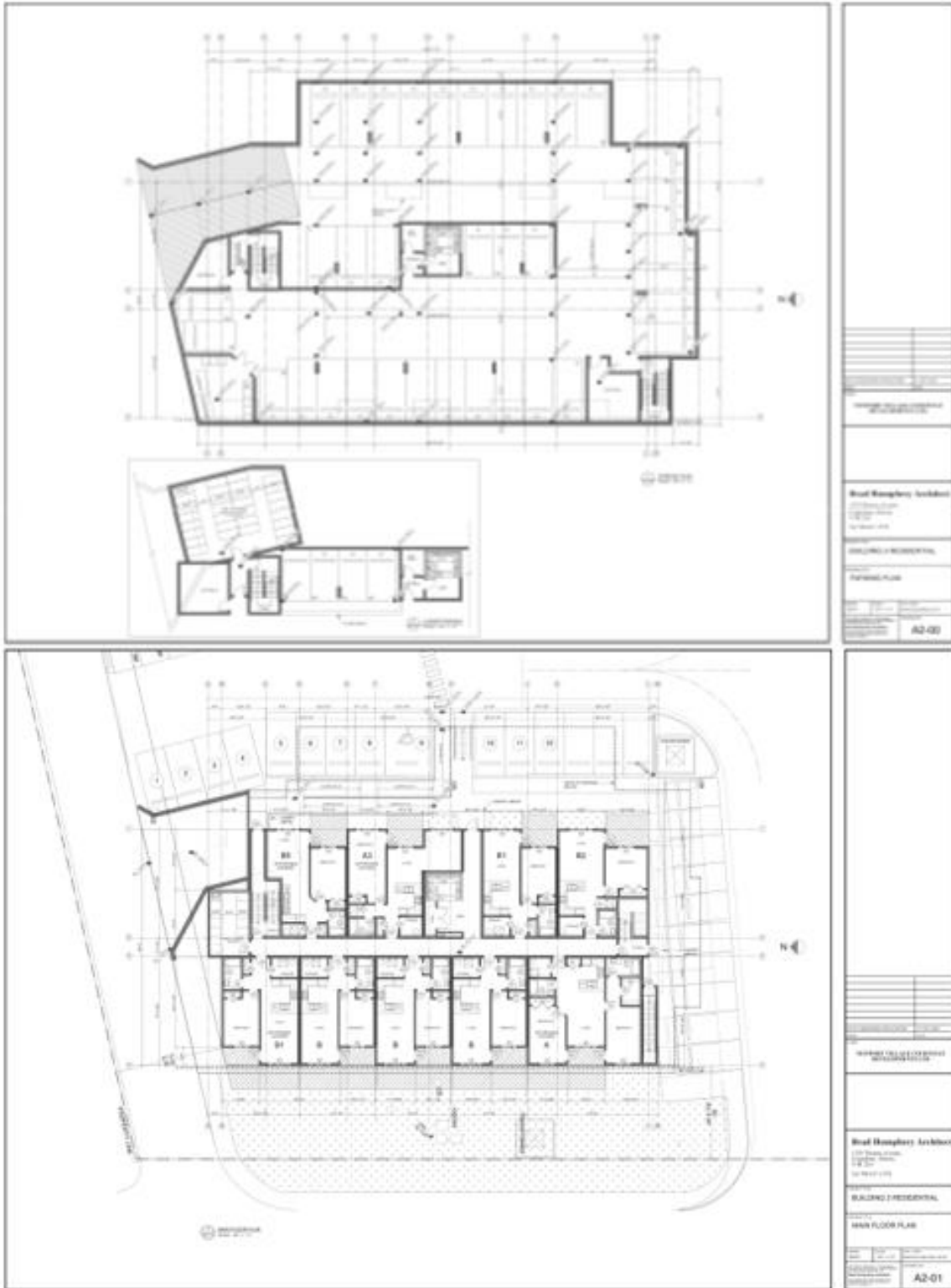
- (3) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.





## SCHEDULE C

Note: Please refer to full size drawings in file 3360-20-2102



ATTACHMENT B



## Part 54 - Comprehensive Development Twenty-Seven Zone (CD-27) - 1025 Ryan Road

### 8.54.1 Intent

The CD-27 Zone is intended to accommodate a rental *apartment development* on the property legally described as Lot B, Section 14, Comox District, Plan VIP74579 (1025 Ryan Road). The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

### 8.54.2 Permitted Uses

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

- (1) *Rental Apartment*

### 8.54.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 35% of the total area of the *lot*.

### 8.54.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 1.6.

### 8.54.5 Minimum Lot Size

A *lot* shall have an area of not less than 0.55 ha.

### 8.54.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard* (interpreted as the *yard* adjacent to the northwest property line):  
12.0 m.
- (2) *Rear yard* (interpreted as the *yard* adjacent to the southeast property line):  
17.0 m.
- (3) *Side yard* (interpreted as all other *yards*):  
4.5 m.

Notwithstanding the required *front, rear and side yard setbacks* specified above, roof overhangs may extend up to 0.76 m into the required *setback*.

### 8.54.7 Height of Building

Maximum *building height* shall be 17.7 m in accordance with Schedule B and includes the elevator and roof top mechanical systems.

#### **8.54.8 Useable Open Space**

A minimum of 2,966.0 m<sup>2</sup> of *useable open space* must be provided as shown in Schedule B. For clarity this includes common outdoor areas and private balconies or patios.

A minimum of 2.6 m<sup>2</sup> of interior amenity space must be provided. For clarity this includes fitness facilities, common rooms and co-work areas.

#### **8.54.9 Accessory Structures**

Shall not be permitted except for bike storage *structures*.

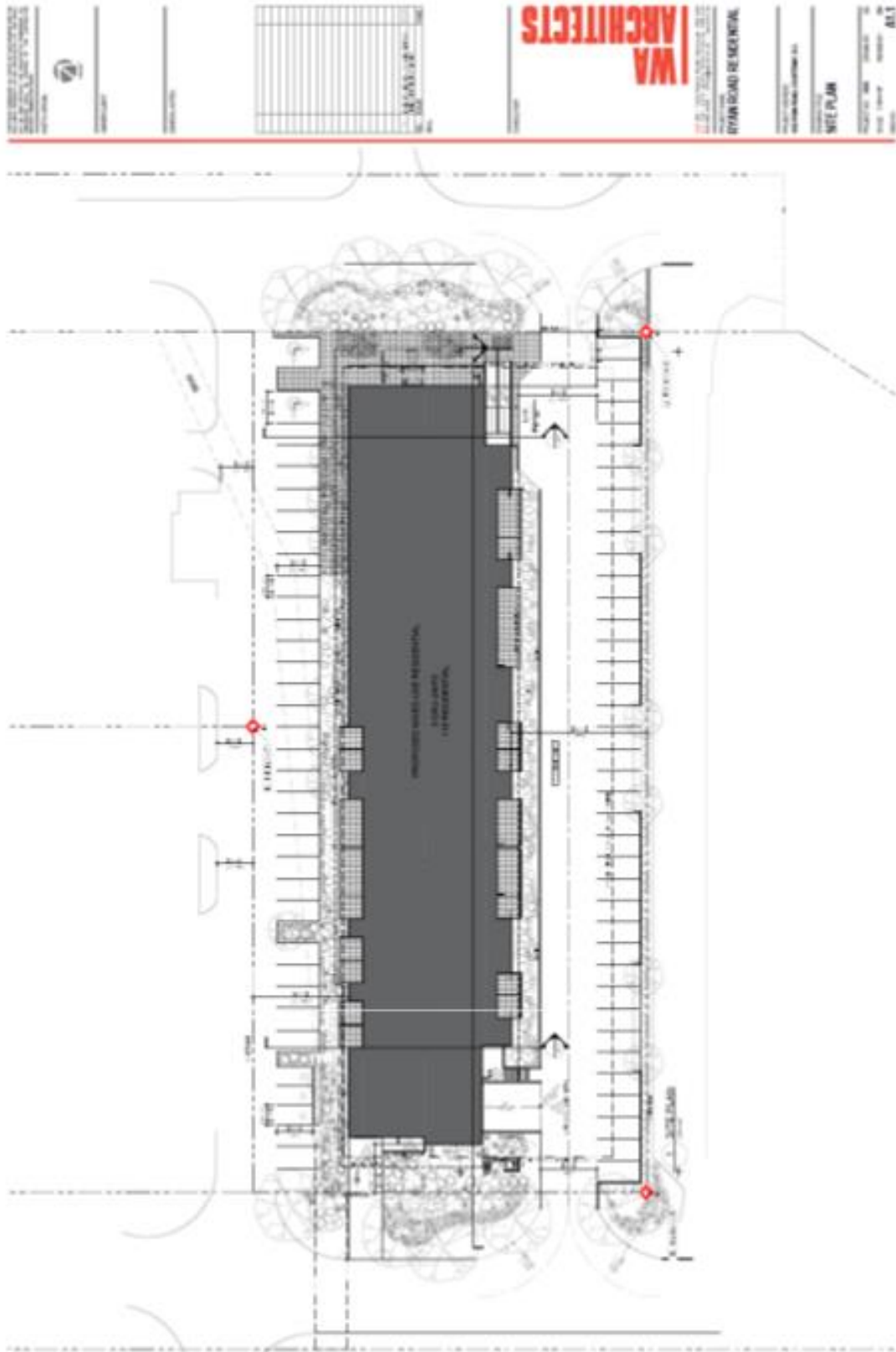
#### **8.54.10 Off-Street Parking and Loading**

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

- (1) For *Rental Apartment* uses parking shall be provided at a rate of 1.20 *parking spaces* per *dwelling unit* inclusive of visitor parking.
- (2) Bicycle parking facilities must be provided at a rate of two covered, secure stall per unit.

# SCHEDULE A

Note: Please refer to full size drawings in file 3360-20-1916



# SCHEDULE B

Note: Please refer to full size drawings in file 3360-20-1916



# SCHEDULE B

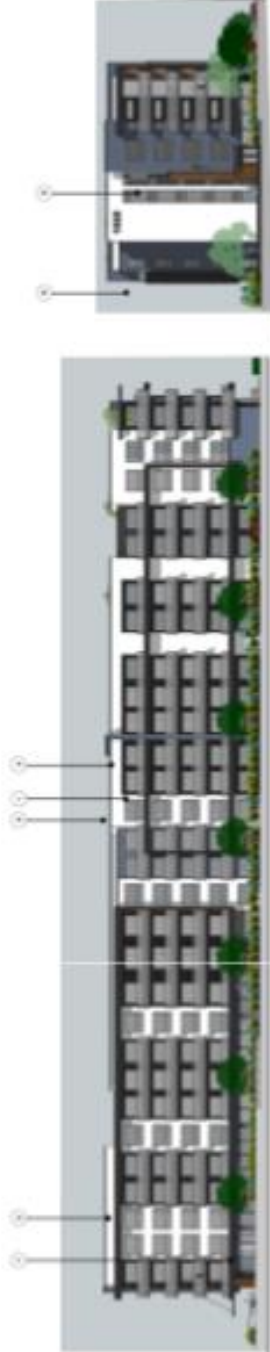
Note: Please refer to full size drawings in file 3360-20-1916

PROJECT: [REDACTED]  
 SHEET: [REDACTED]  
 DATE: [REDACTED]

IWA ARCHITECTS  
 1111 17th Street, Suite 1000  
 Irvine, CA 92614  
 PHONE: (949) 261-1111  
 WWW.IWAARCHITECTS.COM

Iwan Iwanovic  
 Principal Architect  
 License No. [REDACTED]

MATERIAL BOARD  
 SCALE: 1/8" = 1'-0"  
 DATE: [REDACTED]



- 1 GLASS CURTAIN WALL
- 2 CORRUGATED POWDER COATED METAL PANEL
- 3 3-LAYER GYP-ACRILE STUDO
- 4 WHITE VINYL WINDOW AND DOOR FINISHES
- 5 BRICK-LIKE CLADDING
- 6 BLENDED ALUMINUM COMPOSITE PANEL
- 7 ALUMINUM TRIM/ROOFLINE FOR BRICK-LIKE CLADDING

## Part 55 - Comprehensive Development Twenty-Eight Zone (CD-28) - 2355 Mansfield Drive

### 8.55.1 Intent

The CD-28 Zone is intended to accommodate a combination of commercial and *multi-residential* uses on the property legally described as Lot B, Section 66, Plan 28292 (2355 Mansfield Drive). The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

### 8.55.2 Permitted Uses

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

- (1) *Multi-residential*
- (2) *Liquor Store*
- (3) *Licensed Premises*
- (4) *Retail*
- (5) *Restaurant*

### 8.55.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 50% of the total area of the *lot*.

### 8.55.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 1.6.

### 8.55.5 Minimum Lot Size

A *lot* shall have an area of not less than 2,7992 m<sup>2</sup>.

### 8.55.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard* (interpreted as the *yard* adjacent to the north property line): 0.0 m
- (2) *Rear yard* (interpreted as the *yard* adjacent to the south property line): 19.5 m
- (3) *Side yard* (interpreted as the *yard* adjacent to the west property line): 0.5 m
- (4) *Side yard* (interpreted as the *yard* adjacent to the east property line): 2.7 m

### 8.55.7 Height of Building

Maximum *building height* shall be 18.0 m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

### 8.55.8 Useable Open Space

A minimum of 826m<sup>2</sup> of *useable open space* must be provided as shown in Schedule B. For clarity this includes *private amenity space* in the form of private balconies or patios.

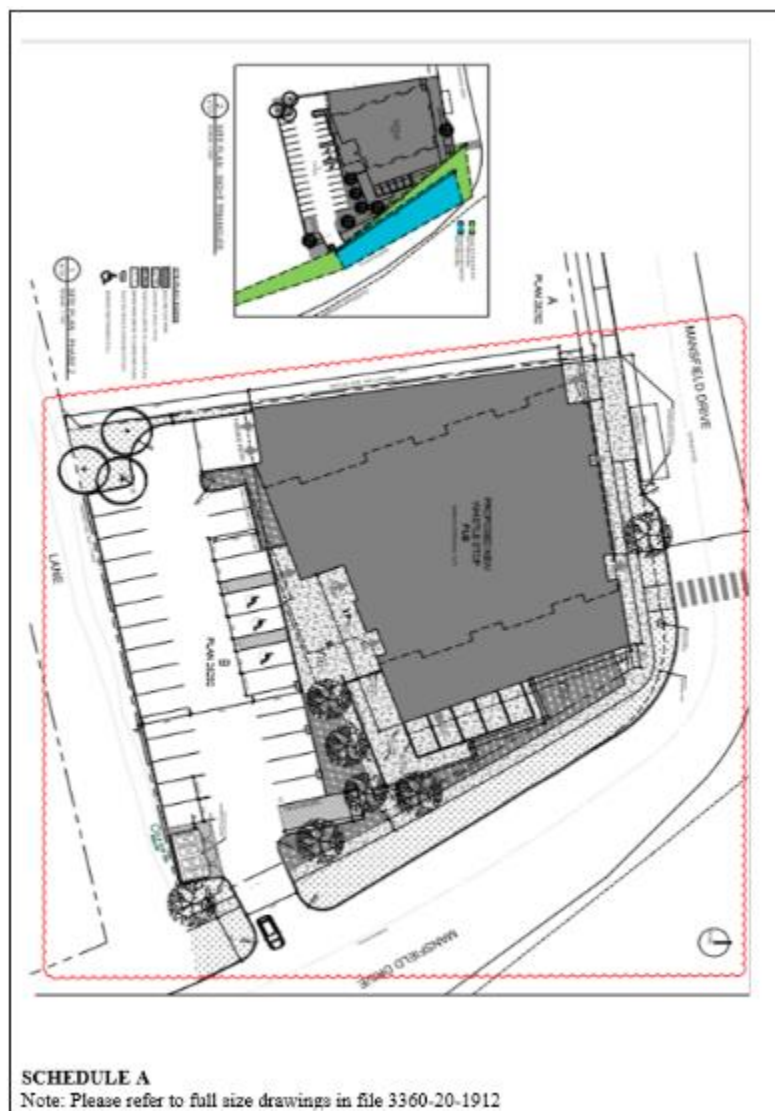
### 8.55.9 Accessory Structures

Shall not be permitted except for waste and recycling facilities.

### 8.55.10 Off-Street Parking and Loading

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

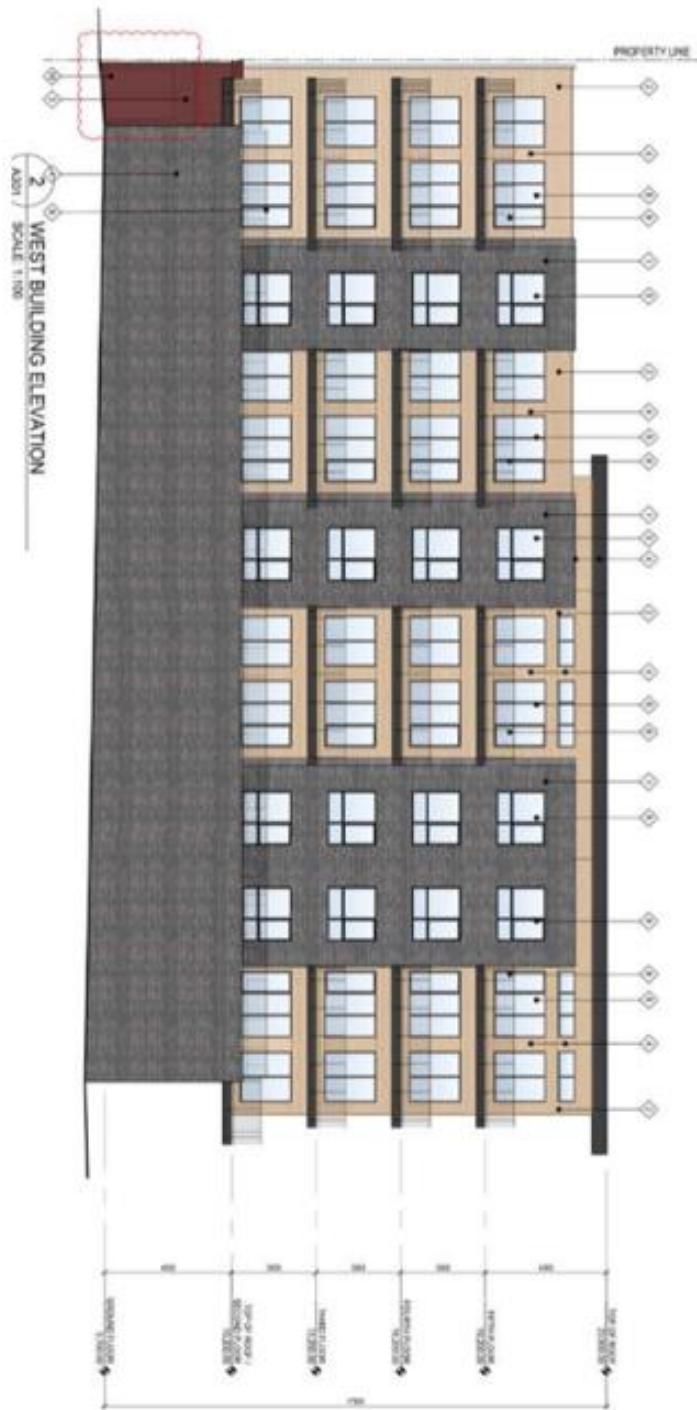
- (1) For *Multi-residential* uses parking shall be provided at a rate of 1.1 *parking spaces per dwelling unit* inclusive of visitor parking;
- (2) For *Liquor Store* use parking shall be provided at a rate of 1 space per 20.0 m<sup>2</sup> of floor area; and
- (3) For *Neighbourhood Pub* use parking shall be provided at a rate of 1 space per 6 seats.





**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



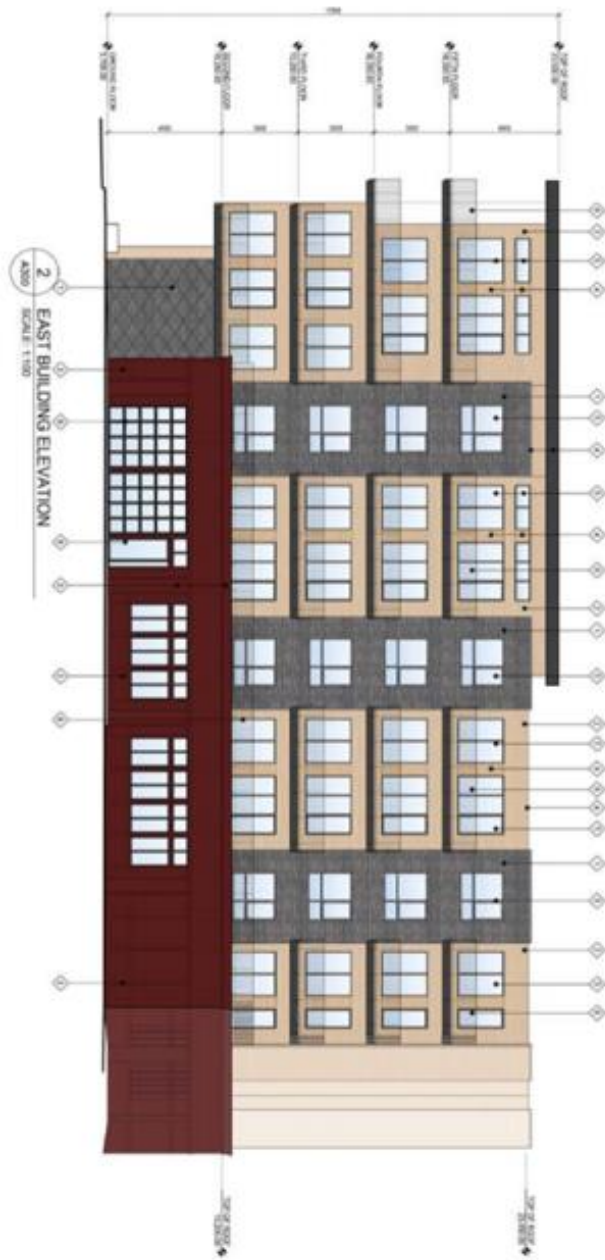
**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912

## Part 56 - Comprehensive Development Twenty-Nine Zone (CD-29) - 1375 Piercy Avenue

### 8.56.1 Intent

The CD-29 Zone is intended to accommodate an affordable housing *development* composed of three, four-unit townhomes on the property legally described as Lot 7, District Lot 104, Comox District, Plan 5659. The property shall be developed substantially in accordance with Schedule A which form part of this zone.

### 8.56.2 Permitted Uses

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

- (1) *Dwelling, Townhouse*

### 8.56.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 35% of the total area of the *lot*.

### 8.56.4 Minimum Lot Size

A *lot* shall have an area of not less than 2,274 m<sup>2</sup>.

### 8.56.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 1.0 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 2.0 m

Notwithstanding the required front, rear and *side yard setbacks* specified above, roof overhangs and decks may extend up to 0.80 m into the required *setback*.

### 8.56.6 Height of Building

Maximum *building height* shall be 8.0 m.

### 8.56.7 Off-Street Parking and Loading

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

- (1) In this zone, parking shall be provided at a rate of 1.17 *parking spaces* per *dwelling unit* inclusive of visitor parking; and
- (2) A minimum of 14 secure, enclosed bicycle parking stalls and 4 exterior stalls shall be provided.

All driveways and parking shall be located in the *yard* with direct access from the *lane*.

Parking stalls shall be delineated using concrete curbs.

#### **8.56.8 Accessory Buildings and Structures**

Except where otherwise specified in this bylaw the following minimum building *setbacks* shall apply:

(1) *Rear yard:* 2.2 m

(2) *Side yards:* 1.3 m

Notwithstanding the required rear, and *side yard setbacks* specified above, roof overhands extend up to 0.80 m into the required *setback*.



## Part 57 - Comprehensive Development Thirty (CD-30) - Lot A, Copperfield Road

### 8.57.1 Intent

The CD-30 Zone is intended to accommodate a strata community on Lot A, District Lot 138, Comox District, Plan 2607 Except Parts in Plans 312R, 14210 and 29833. The property shall be developed in accordance with Schedule A which form part of this zone, to a maximum *density* of 46 units.

### 8.57.2 CD-30A

(1) Permitted Uses:

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

- (i) *Dwelling, Single Residential.*
  - (ii) *Dwelling, Accessory unit*
  - (iii) *Secondary Suite*
  - (iv) *Accessory Buildings and Structures.*
- (2) Minimum Lot Size:
- (i) 280.0 m<sup>2</sup>.
- (3) Minimum Lot Frontage:
- (i) 10.0 m.
- (4) Maximum Lot Coverage:
- (i) *A lot shall not be covered by building to a greater extent that 70% of the total lot area.*
- (5) Setbacks:
- (i) *Front yard: 4.5 m except 2.25 m for porch projections and second storey building area.*
  - (ii) *Rear yard: 7.5 m except 1.2 m for accessory buildings and structures.*
  - (iii) *Side yard: 1.5 m except 2.25 m for side yards abutting the strata road.*
- (6) Height:
- (i) *Dwelling, Single Residential: 9.0 m.*
  - (ii) *Dwelling, Accessory Unit: 7.5m*

### 8.57.3 CD-30B

(1) Permitted Uses:

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

- (i) *Dwelling, Single Residential*

- (ii) *Dwelling, Accessory Unit*
- (iii) *Secondary Suite*
  
- (iv) *Accessory Buildings and Structures.*
- (2) Minimum Lot Size:
  - (i) *Dwelling, Single Residential* with or without a Carriage House: 300.0 m<sup>2</sup>.
- (3) Minimum Lot Frontage:
  - (i) *Dwelling, Single Residential* with or without a Carriage House: 10.0 m.
- (4) Maximum Lot Coverage:
  - (i) A lot shall not be covered by a *building* to a greater extent than 70% of the total *lot area*.
- (5) Setbacks:
  - (i) *Front yard*: 4.5 m except 2.25 m for porch projections and second storey *building* area.
  - (ii) *Rear yard*: 7.5 m except 1.2 m for Carriages Houses and *accessory buildings and structures*.
  - (iii) *Side yard*: 1.5 m except 2.25 m for *side yards* abutting the strata road.
- (6) Height:
  - (i) *Dwelling, Single Residential*: 9.0 m.
  - (ii) Carriage House: 7.5 m.

#### 8.57.4 CD-30C

- (1) Permitted Uses:

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

- (i) *Dwelling, Duplex.*
- (ii) *Accessory Buildings and Structures.*
- (2) Minimum Lot Size:
  - (i) *Dwelling, Duplex*: 200.0 m<sup>2</sup>.
- (3) Minimum Lot Frontage:
  - (i) *Dwelling, Duplex* (per unit): 8% of *lot* perimeter.
- (4) Maximum Lot Coverage:
  - (i) A lot shall not be covered by a *building* to a greater extent than 70% of the total *lot area*.
- (5) Setbacks:

- (i) *Front yard: 4.5 m except 2.25 m for porch projections and second storey building area.*
  - (ii) *Rear yard: 7.5 m except 1.2 m for accessory buildings or structures.*
  - (iii) *Side yard: 1.5 m except 2.25 m for side yards abutting the strata road.*
- (6) Height:
- (i) *Dwelling, Duplex: 9.0 m.*

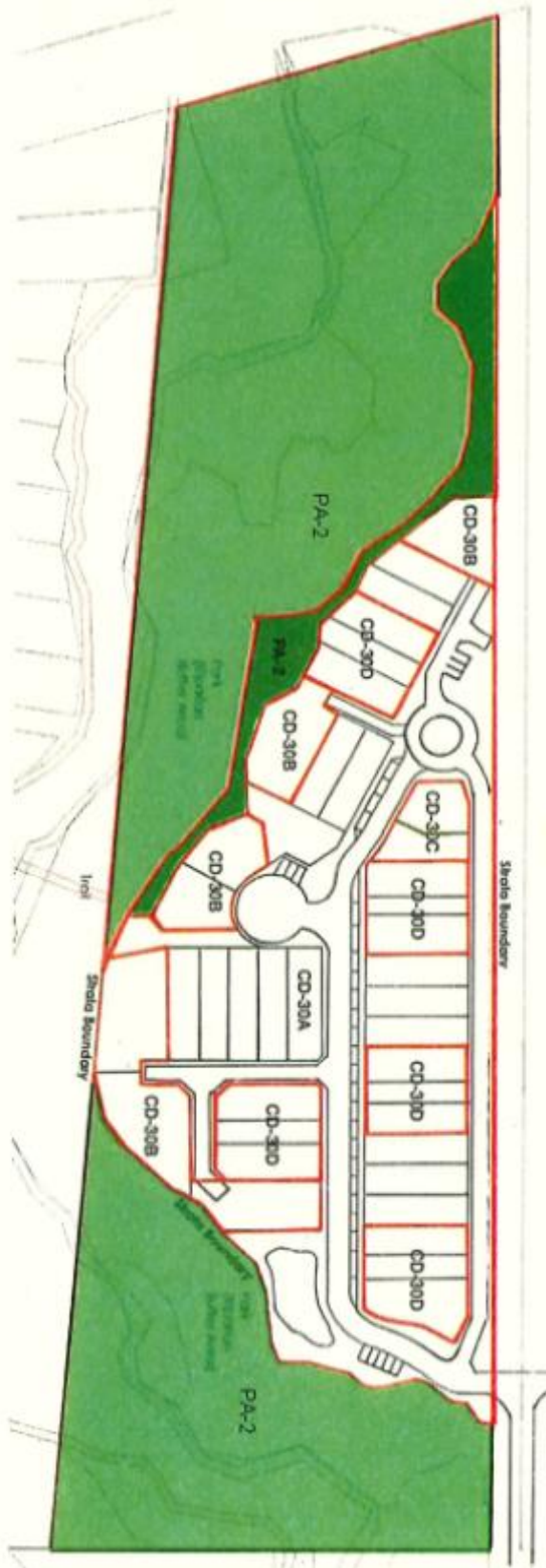
#### **8.57.5 CD-30D**

- (1) Permitted Uses:

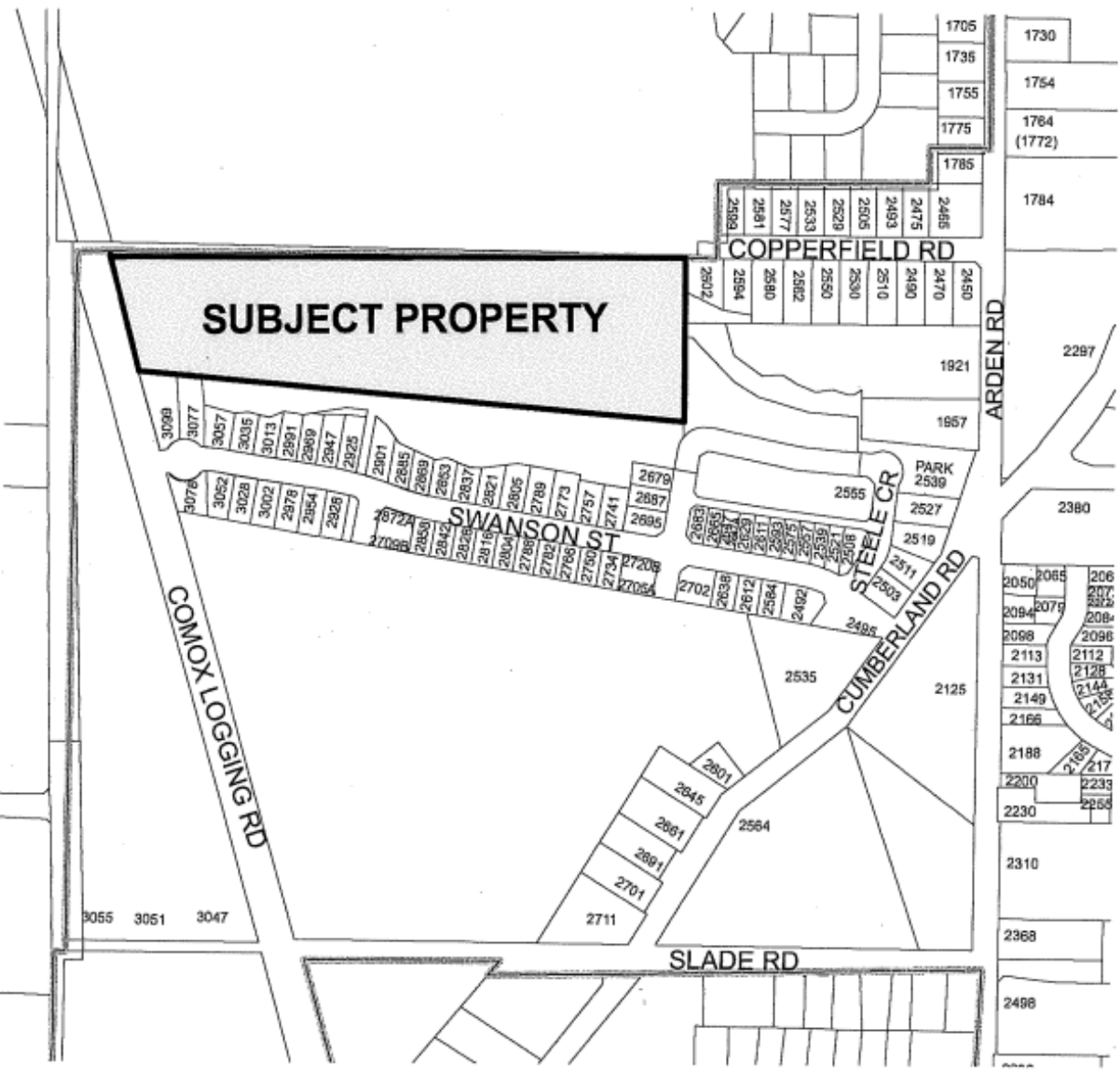
The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (i) *Dwelling, Townhouse.*
  - (ii) *Accessory Buildings and Structures.*
- (2) Minimum Lot Size:
- (i) *Dwelling, Townhouse: 200.0 m<sup>2</sup>.*
- (3) Minimum Lot Frontage:
- (i) *Dwelling, Townhouse (per unit): 8% of lot perimeter.*
- (4) Maximum Lot Coverage:
- (i) *A lot shall not be covered by a building to a greater extent than 70% of the total lot area.*
- (5) Setbacks:
- (i) *Front yard: 4.5 m except 2.25 m for porch projections and second storey building area.*
  - (ii) *Rear yard: 7.5 m except 1.2m for accessory buildings and structures.*
  - (iii) *Side yard: 0.0 m except 2.25 m for side yards adjacent to the strata road or adjacent lands zoned CD-30 A, B and C areas.*

SCHEDULE A



**Subject Property Map**



**THE CITY OF COURTENAY**  
**ATTACHMENT "B"**  
Part of Bylaw No. 2912, 2020  
Amendment to the  
Zoning Bylaw No. 2500, 2007

## Part 58 - Comprehensive Development Thirty-One Zone (CD-31) - 310 Hunt Road

### 8.58.1 Intent

The CD-31 Zone is intended to accommodate a *Hotel* on the property legally described as Lot A, Section 14, Comox District, Plan EPP101533 (310 Hunt Road). The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

### 8.58.2 Permitted Uses

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

- (1) *Hotel*

### 8.58.3 Minimum Lot Size

A *lot* shall have an area of not less than 7,320.0 m<sup>2</sup>.

### 8.58.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.75.

### 8.58.5 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 20% of the total area of the *lot*.

### 8.58.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard* (interpreted as the *yard* adjacent to the south property line): 45.0 m
- (2) *Rear yard* (interpreted as the *yard* adjacent to the north property line): 15.0 m
- (3) *Side yard* (interpreted as the *yard* adjacent to the west property line): 5.0 m
- (4) *Side yard* (interpreted as the *yard* adjacent to the east property line): 14.98m

### 8.58.7 Height of Building

Maximum *building height* shall be 15.0 m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

### 8.58.8 Accessory Structures

Shall not be permitted except for waste and recycling facilities and exterior bicycle storage areas.

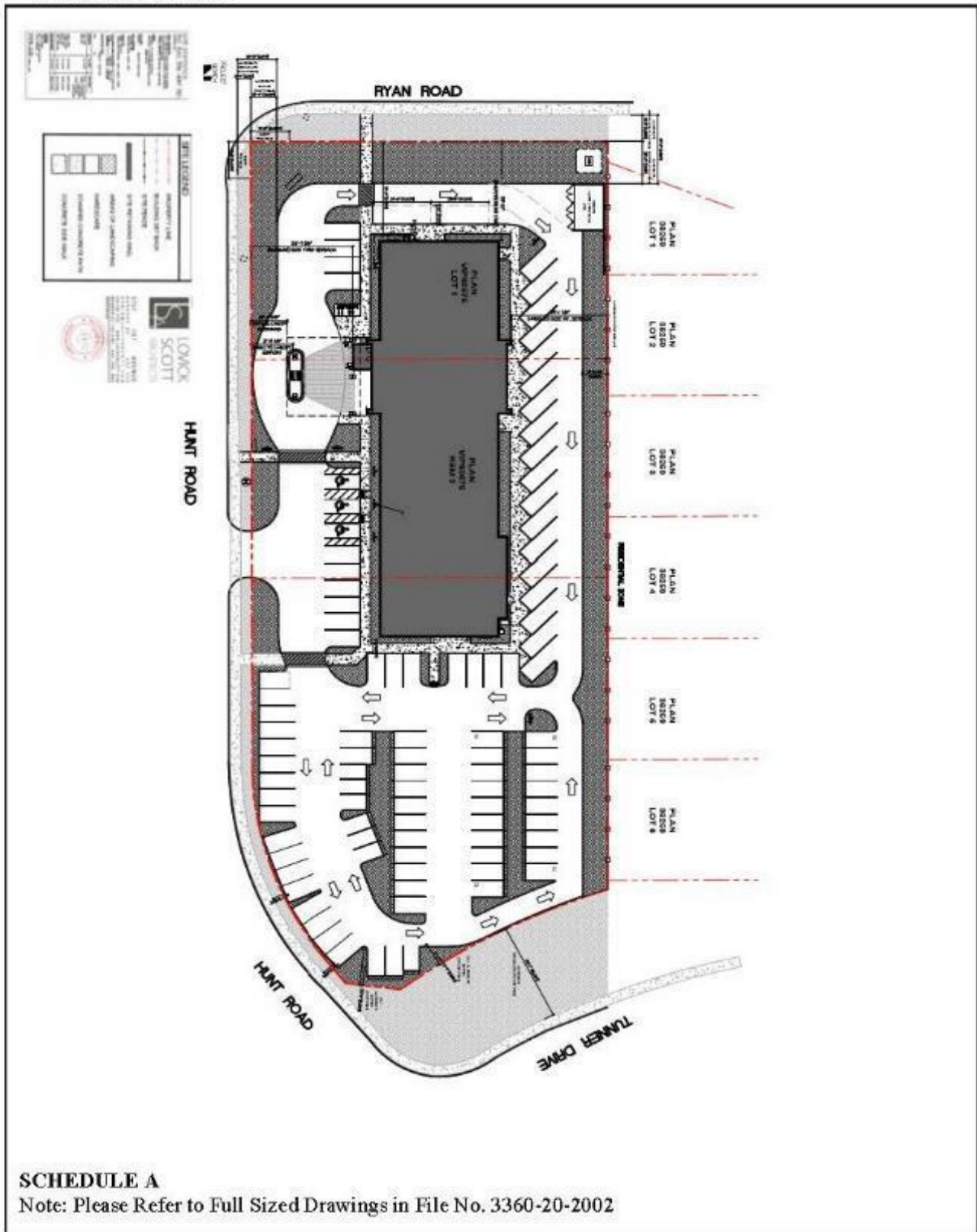
### 8.58.9 Off-Street Parking and Loading

Off-*street* parking, small car parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of *Zoning Bylaw No. 2500, 2007*.

#### **8.58.10 Landscaping and Screening**

- (1) A landscape area of at least 7.0 m in width extending along Ryan Road shall be provided.
- (2) A landscape area of at least 3.5 m in width extending along the eastern property line shall be provided.
- (3) A landscape area of at least 0.0 m to 6.0 m in width extending along Hunt Road shall be provided.
- (4) A landscape area of at least 0.0 to 3.5 m in width extending along Tunner Drive shall be provided.
- (5) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or combination thereof.

# Attachment A







**SCHEDULE B**

Note: Please Refer to Full Sized Drawings in File No. 3360-20-2002



**SCHEDULE B**

Note: Please Refer to Full Sized Drawings in File No. 3360-20-2002

## Part 59 - Comprehensive Development Thirty-Two Zone (CD-32) - 801 Ryan Road

### 8.59.1 Intent

The CD-32 Zone is intended to accommodate a *rental apartment development* on the property legally described as Lot 1, Section 14, Comox District, Plan 27905 Except Parts in Plans 38112 and VIP 53727 (801 Ryan Road). The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

### 8.59.2 Permitted Uses

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

- (1) *Rental Apartment*

### 8.59.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 30% of the total area of the *lot*.

### 8.59.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 1.4.

### 8.59.5 Minimum Lot Size

A *lot* shall have an area of not less than 1.8 ha.

### 8.59.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard* (interpreted as the *yard* adjacent to the northwest property line): 7.5 m
- (2) *Rear yard* (interpreted as the *yard* adjacent to the southeast property line): 6.0 m
- (3) *Side yard* (interpreted as all other *yards*): 3.0 m

Notwithstanding the required front, rear, and *side yard setbacks* specified above, roof overhangs and decks may extend up to 0.6 m into the required *setback*.

### 8.59.7 Height of Building

Maximum *building* height shall be 17.5 m and in accordance with Schedule B.

Notwithstanding the maximum height specified above, roof projections, elevator shafts and mechanical equipment may project beyond 17.5 m.

### 8.59.8 Useable Open Space

A minimum of 20.0 m<sup>2</sup> of *useable open space* must be provided per unit as shown in Schedule B. For clarity this includes common outdoor areas and private balconies or patios.

#### **8.59.9 Accessory Structures**

Shall not be permitted except for bike storage *structures*, pergolas, sheds, and playgrounds.

#### **8.59.10 Off-Street Parking and Loading**

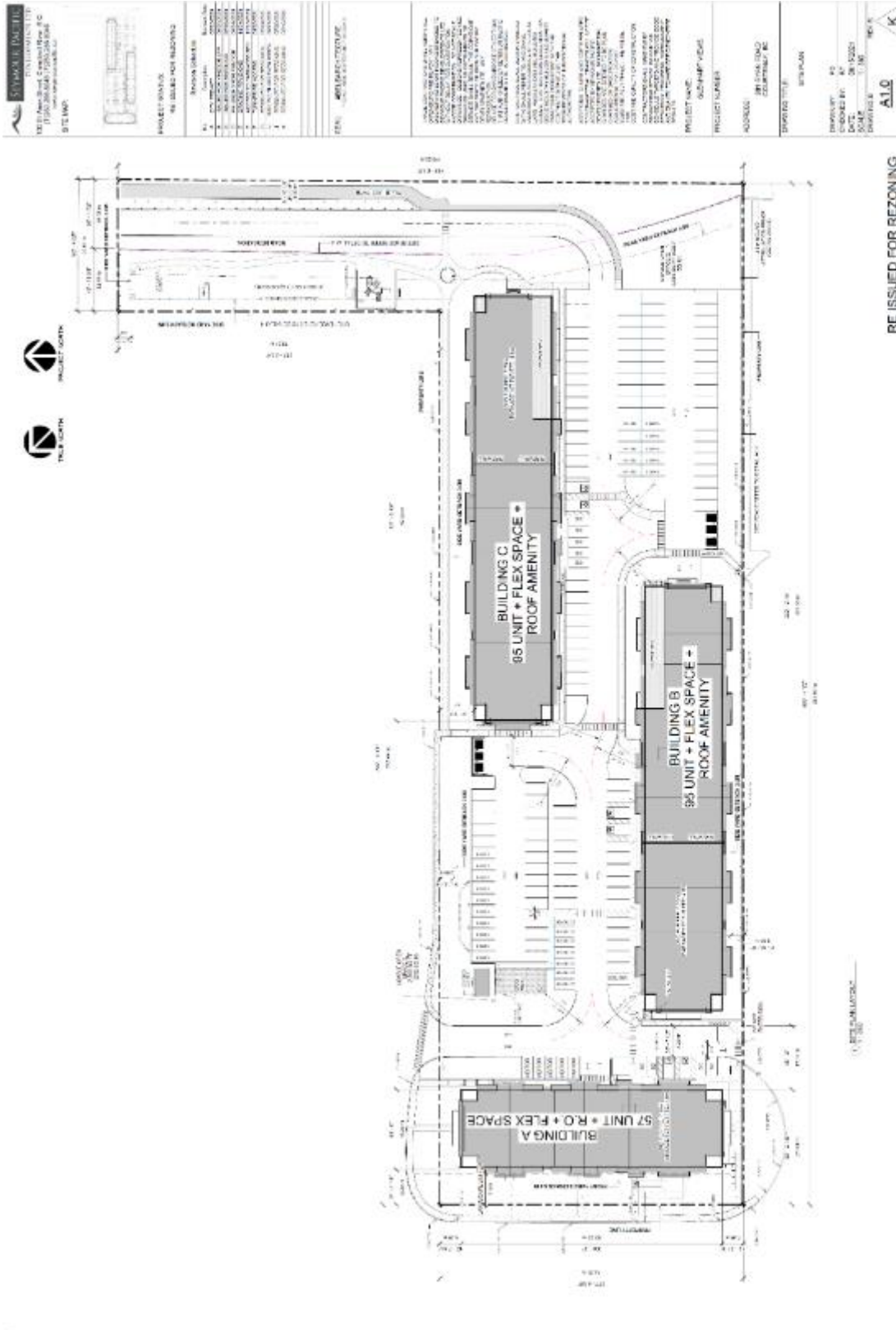
Off-*street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) For *Rental Apartment* uses parking shall be provided at a rate of 1.20 *parking spaces* per *dwelling unit* inclusive of visitor parking;
- (2) Bicycle parking facilities must be provided at a rate of one covered, secure stall per unit.

#### **8.59.11 Fencing**

The maximum height of fencing along the side property line (southwest property line) is 4.0 m.

# SCHEDULE A







**SEARCHED**  
INDEXED  
SERIALIZED  
FILED

PLANS FOR  
REVISIONS  
DATE



THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN ACCORDANCE WITH THE BUILDING CODES AND REGULATIONS OF THE STATE OF NEW YORK. THE ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE ARCHITECT OR OTHER SOURCES.

DATE OF ISSUE  
BY  
FOR

PROJECT NO.  
JOB NO.

DATE OF ISSUE  
BY  
FOR

SCALE

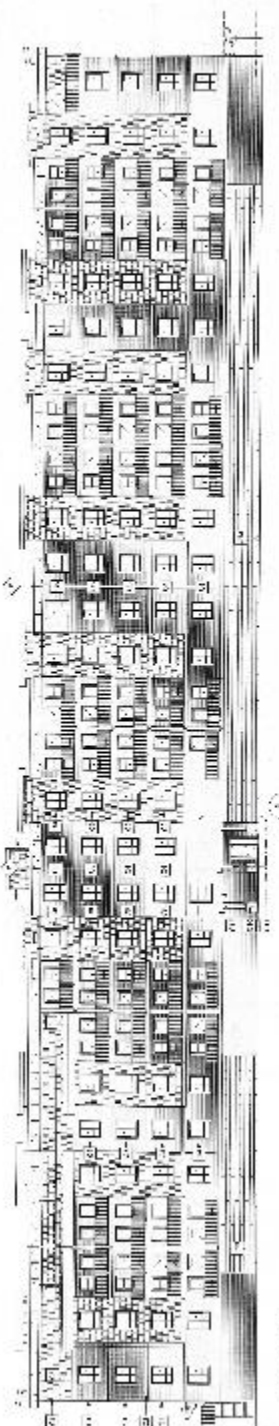


FIG. 1 - FLOOR PLAN

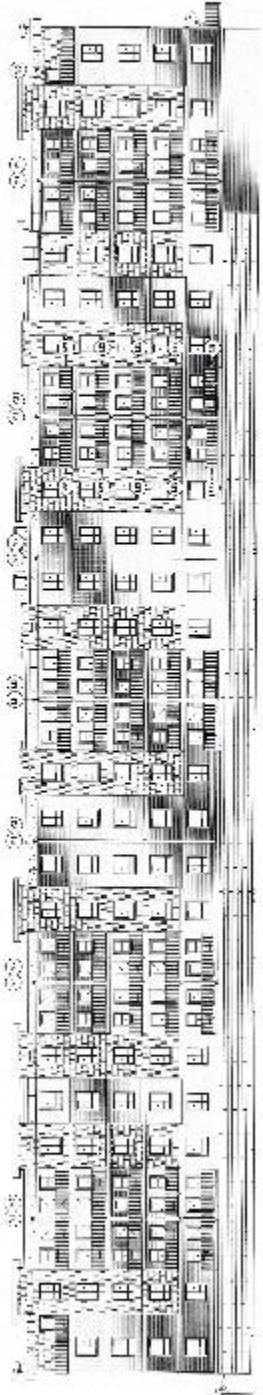


FIG. 2 - FLOOR PLAN

LAST REVISION	
NO.	DATE
1	12/31/2023
REVISIONS	
1. CORRECTED DRAWING	

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	12/31/2023
2	ISSUED FOR PERMIT	12/31/2023
3	ISSUED FOR PERMIT	12/31/2023
4	ISSUED FOR PERMIT	12/31/2023
5	ISSUED FOR PERMIT	12/31/2023
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9	ISSUED FOR PERMIT	12/31/2023
10	ISSUED FOR PERMIT	12/31/2023

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	12/31/2023
2	ISSUED FOR PERMIT	12/31/2023
3	ISSUED FOR PERMIT	12/31/2023
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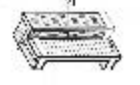


FIG. 3 - WINDOW DETAIL

FIG. 4 - WINDOW DETAIL

RE ISSUED FOR REZONING

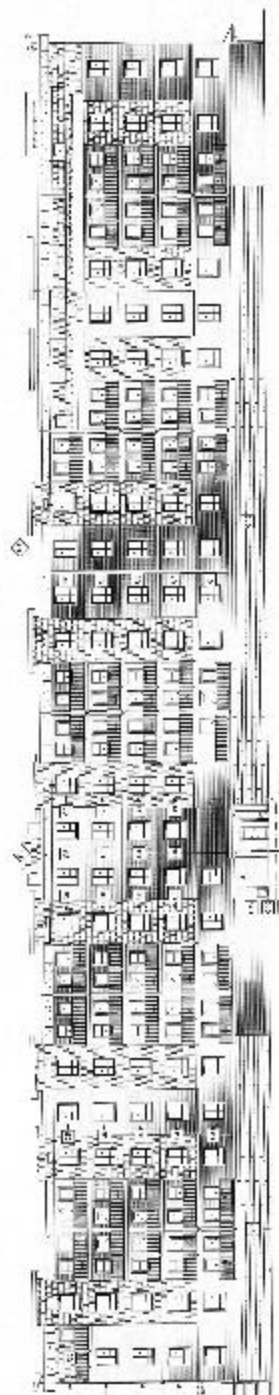
1. GENERAL CONTRACTOR  
 2. ARCHITECT  
 3. ENGINEER  
 4. INSURANCE  
 5. BOND  
 6. TAXES  
 7. PERMITS  
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 9. RECORDS  
 10. OTHER

1. GENERAL CONTRACTOR  
 2. ARCHITECT  
 3. ENGINEER  
 4. INSURANCE  
 5. BOND  
 6. TAXES  
 7. PERMITS  
 8. UTILITIES  
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PROJECT NO. 12345  
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 PROJECT ADDRESS: 12345  
 PROJECT CITY: 12345  
 PROJECT STATE: 12345  
 PROJECT ZIP: 12345  
 PROJECT DATE: 12345  
 PROJECT DRAWN BY: 12345  
 PROJECT CHECKED BY: 12345  
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 PROJECT DATE: 12345

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FLOOR PLAN  
 12345

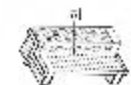


FLOOR PLAN  
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GENERAL INFORMATION		PROPERTY INFORMATION		FINANCIAL INFORMATION	
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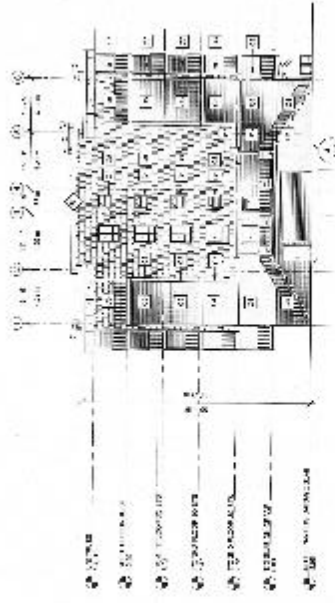


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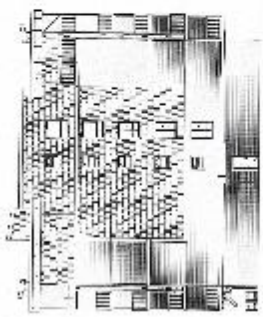
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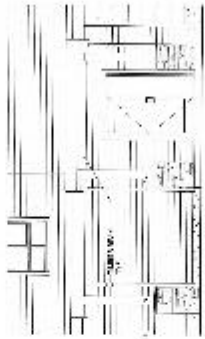
**PROFESSIONAL SEAL**  
 ARCHITECT  
 JOHN J. ...  
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FIRST FLOOR  
 1/8" = 1'-0"



SECOND FLOOR  
 1/8" = 1'-0"



ELEVATION  
 1/8" = 1'-0"



ELEVATION  
 1/8" = 1'-0"

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**PROPOSED CONSTRUCTION**

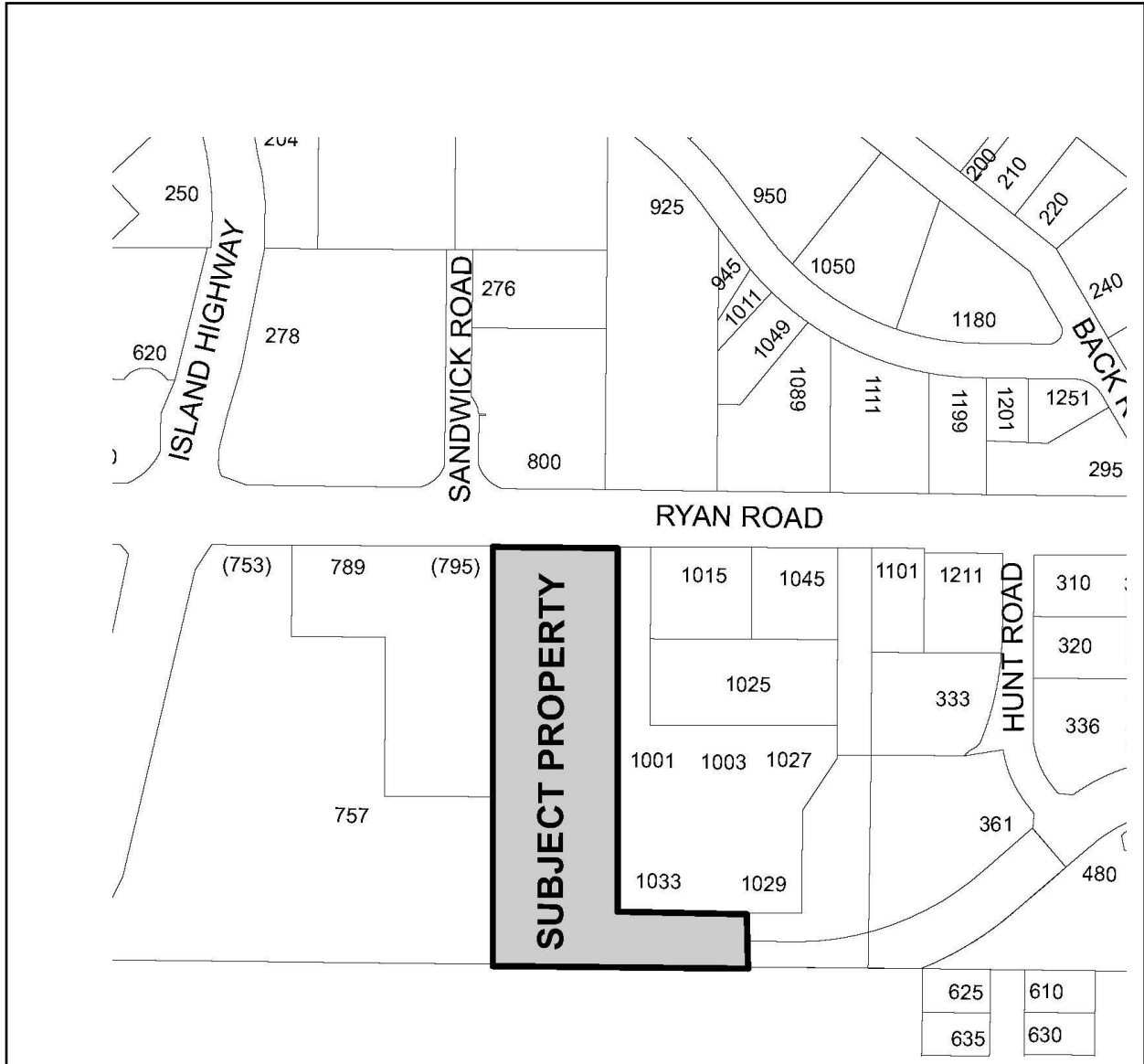
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PROPOSED CONSTRUCTION  
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PROPOSED CONSTRUCTION  
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RE ISSUED FOR REZONING

# Attachment B



## Part 60 - Comprehensive Development Thirty-Four Zone (CD-34) - 1679 McPhee Avenue

### 8.60.1 Intent

The CD-34 Zone is intended to accommodate an affordable housing *multi-residential development* on the property legally described as Lot 5, Section 41, Comox District, Plan 13075, Except Part in Plan VIP68431 (1679 McPhee Avenue). This property shall be developed substantially in accordance with Schedule A which forms part of this zone.

### 8.60.2 Permitted Uses

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

- (1) *Multi-residential*

### 8.60.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 55% of the total *lot area*

### 8.60.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 2.1

### 8.60.5 Minimum Lot Size

A *lot* shall have an area of not less than 1,200.0 m<sup>2</sup>

### 8.60.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard*: 4.0 m; canopy may project 2.0 m into *setback*
- (2) *Rear yard*: 2.0 m
- (3) *Side yard (NW)*: 5.5 m
- (4) *Side yard (SE)*: 3.0 m ground floor; canopy may project 1.3 m into *setback*  
5.0 m all other floors; roof may project 1.0 m into *setback*

### 8.60.7 Height of Building

Maximum *building* height shall be 17.5 m.

### 8.60.8 Useable Open Space

*Useable open space* must be provided and include at minimum:

- (1) Internal pathways with furnished rest areas.
- (2) 40 m<sup>2</sup> indoor amenity area.

- (3) Patios for ground floor residents

#### **8.60.9 Off-Street Parking and Loading**

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

- (1) Parking shall be provided at a rate of 0.25 *parking spaces* per *dwelling unit* inclusive of visitor parking.
- (2) Minimum parking stall dimensions are 2.7 m in width for standard stall.

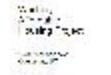




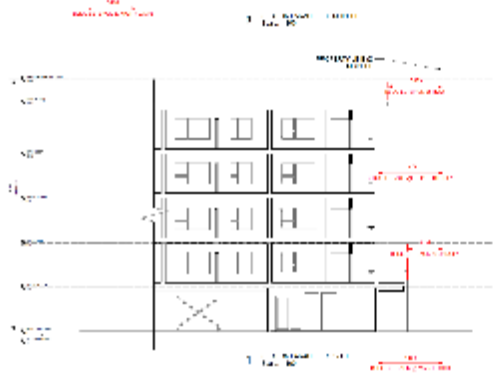
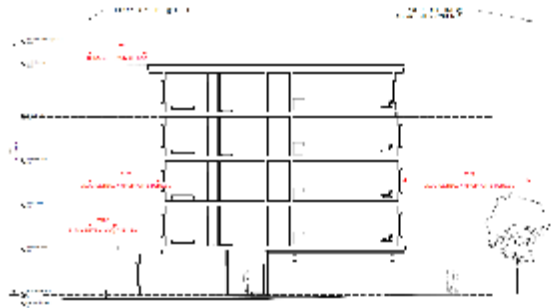
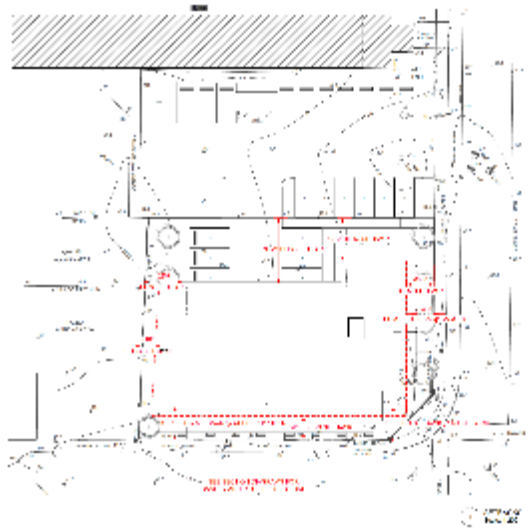
02.2.1.1.1



- 1. Wood
- 2. Metal
- 3. Glass
- 4. Concrete
- 5. Brick
- 6. Stone
- 7. Paint
- 8. Other



A2 C1




SK1.2

## Part 61 - Comprehensive Development Thirty-Six Zone (CD-36) - 1077 Piercy Avenue

### 8.61.1 Intent

The CD-36 Zone is intended to accommodate a *multi-residential development* on the property legally described as Lot 2, District Lot 104, Comox District, Plan 12602 (1077 Piercy Avenue). This property shall be developed substantially in accordance with Schedule A and Schedule B which form part of this zone, any contrary requirements of Zoning Bylaw No. 2500 notwithstanding.

### 8.61.2 Permitted Uses

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

- (1) *Rental Multi-residential, Accessory buildings and structures*

### 8.61.3 Minimum Lot Size

A lot shall have an area of not less than 2,350.0 m<sup>2</sup>.

### 8.61.4 Minimum Lot Frontage

A lot shall have a frontage of not less than 30.0 m<sup>2</sup>.

### 8.61.5 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.75.

### 8.61.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 23.0 m
- (3) *Side yard:* 2.4 m

### 8.61.7 Height of Building

Maximum *building height* shall be 9.0 m.

### 8.61.8 Useable Open Space

*Useable open space* and screening must be provided and include at minimum an average of 10 m<sup>2</sup> of patios/balconies per unit within an average of 16.8 m<sup>2</sup> of outdoor space per unit between the unit and the nearest side property line.

#### **8.61.9 Accessory Buildings and Accessory Structures**

A detached front entry archway *structure* and a rear refuse enclosure shall be permitted in substantial conformance to Schedule A

#### **8.61.10 Off-Street Parking and Loading**

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

- (1) Parking shall be provided at a rate of 0.83 *parking spaces* per *dwelling unit* inclusive of visitor parking.
- (2) Maximum proportion of small car parking is 35%.
- (3) Minimum number of stalls for people with disabilities is one (1).

#### **8.61.11 Bicycle Parking Requirements**

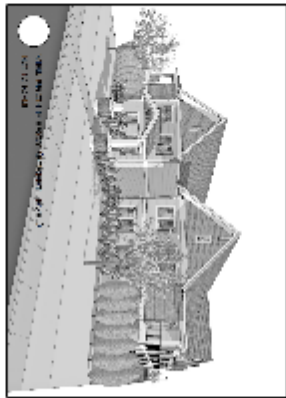
The minimum number of off-*street* bicycle *parking spaces* shall be 1.5 per unit, sited and specified in substantial conformance to Schedule A.

#### **8.61.12 Landscaping and Screening**

Must be in substantial conformance to Schedule B, including fencing and tree clusters along side *lot lines*.

# SCHEDULE A

Note: Please refer to full size drawings in file 6480-20-2104 / 3360-20-2113



GENERAL INFORMATION	
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CLIENT	1717 PERRY AVENUE
PROJECT ADDRESS	1717 PERRY AVENUE, WASHINGTON, DC 20004
PROJECT TYPE	RENOVATION - EXISTING
PROJECT PHASE	ARCHITECTURAL
PROJECT STATUS	PRELIMINARY
PROJECT START DATE	08/15/2017
PROJECT END DATE	08/15/2017
PROJECT LOCATION	WASHINGTON, DC
PROJECT OWNER	1717 PERRY AVENUE
PROJECT CONTACT	1717 PERRY AVENUE
PROJECT PHONE	1717 PERRY AVENUE
PROJECT FAX	1717 PERRY AVENUE
PROJECT EMAIL	1717 PERRY AVENUE
PROJECT WEBSITE	1717 PERRY AVENUE
PROJECT SOCIAL MEDIA	1717 PERRY AVENUE
PROJECT DESCRIPTION	RENOVATION - EXISTING
PROJECT SCOPE	RENOVATION - EXISTING
PROJECT BUDGET	RENOVATION - EXISTING
PROJECT RISK	RENOVATION - EXISTING
PROJECT COMPLIANCE	RENOVATION - EXISTING
PROJECT SCHEDULE	RENOVATION - EXISTING
PROJECT TEAM	RENOVATION - EXISTING
PROJECT CONTACT	RENOVATION - EXISTING
PROJECT PHONE	RENOVATION - EXISTING
PROJECT FAX	RENOVATION - EXISTING
PROJECT EMAIL	RENOVATION - EXISTING
PROJECT WEBSITE	RENOVATION - EXISTING
PROJECT SOCIAL MEDIA	RENOVATION - EXISTING

**HEARTH**  
1717 PERRY AVENUE

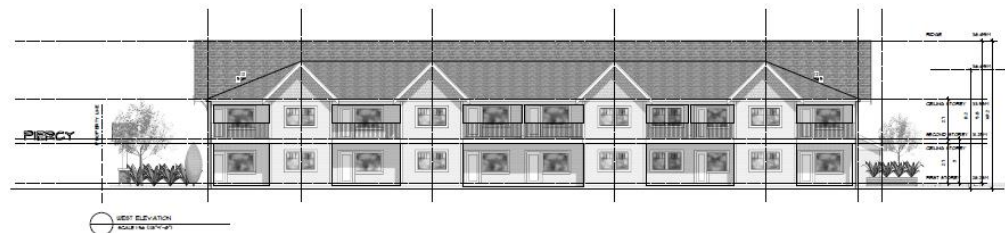
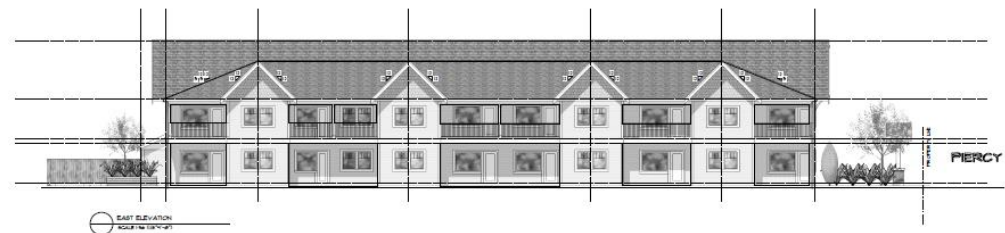
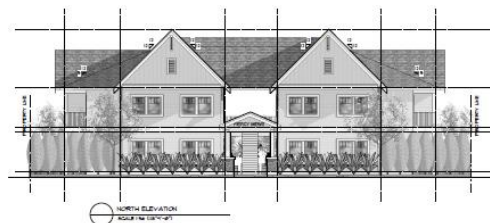
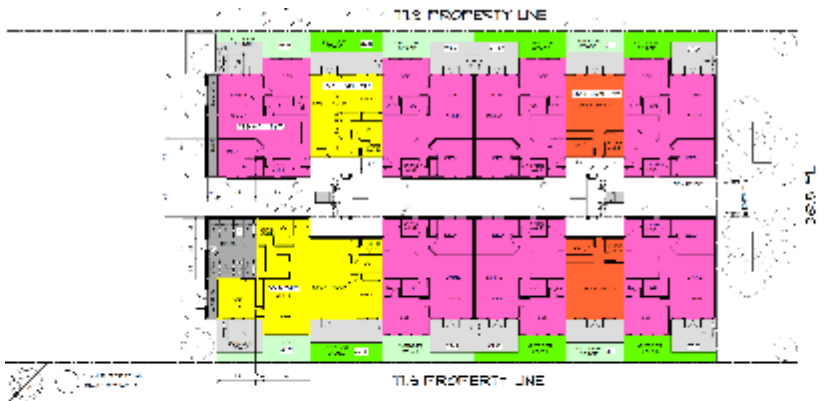
ARCHITECTURAL FIRM

1717 PERRY AVENUE, WASHINGTON, DC 20004

TEL: 202-462-1717

WWW.HEARTHARCHITECTS.COM

**ALICE**



**HEARTH**  
RESIDENTIAL

40 Southwood Drive, Suite 100  
Westwood, BC V8C 2C2 | P: 604-263-8977

www.HEARTHbc.ca

DESIGNED BY: HEARTH RESIDENTIAL  
DRAWN BY: HEARTH RESIDENTIAL  
CHECKED BY: HEARTH RESIDENTIAL  
DATE: 2023-10-10

PROJECT: APARTMENT BUILDING  
1875 PIERCY ROAD  
COMFORT BC

PROJECT ELEVATIONS

DATE: 2023-10-10  
SCALE: 1/8" = 1'-0"

Drawn by: [Signature]  
Checked by: [Signature]

DATE: 2023-10-10

PROJECT: APARTMENT BUILDING  
1875 PIERCY ROAD  
COMFORT BC

PROJECT ELEVATIONS

DATE: 2023-10-10  
SCALE: 1/8" = 1'-0"

Drawn by: [Signature]  
Checked by: [Signature]

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DESIGNED BY: HEARTH RESIDENTIAL  
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CHECKED BY: HEARTH RESIDENTIAL  
DATE: 2023-10-10

PROJECT: APARTMENT BUILDING  
1875 PIERCY ROAD  
COMFORT BC

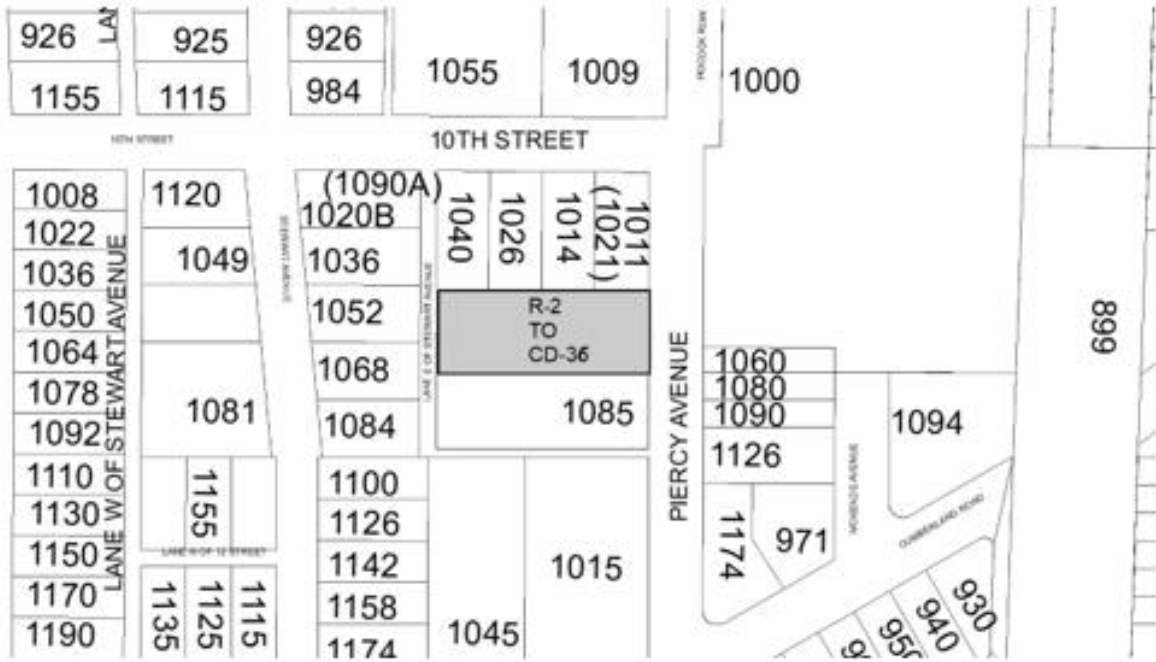
PROJECT ELEVATIONS

DATE: 2023-10-10  
SCALE: 1/8" = 1'-0"

Drawn by: [Signature]  
Checked by: [Signature]

DATE: 2023-10-10





**THE CITY OF COURTENAY**  
**ATTACHMENT "B"**  
 Part of Bylaw No. 3054, 2022  
 Amendment to the  
 Zoning Bylaw No. 2500, 2007

## Part 62 - Comprehensive Development Thirty-Eight Zone (CD-38) - 1560 Grieve Avenue

### 8.62.1 Intent

The CD-38 Zone is intended to accommodate a supportive rental *cluster housing development* on the property legally described as Lot 14, Section 41, Comox District, Plan 9456 (1560 Grieve Avenue). The property shall be developed substantially in accordance with Schedule A which form part of this zone, any contrary requirements of Zoning Bylaw No. 2500 notwithstanding.

### 8.62.2 Permitted Uses

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

- (1) Rental residential in *single, duplex and apartment dwelling units*.
- (2) One amenity *building* for shared resident use that may have a second-floor *dwelling unit* for a support person.
- (3) One *dwelling unit* for a support person located above a shared indoor resident amenity space.
- (4) *Accessory buildings and structures*.

### 8.62.3 Lot Coverage

A *lot* shall not be covered by *buildings* to a greater extent than 40% of the total area of the lot.

### 8.62.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.55.

### 8.62.5 Minimum Lot Size

A *lot* shall have an area of not less than 1,600.0 m<sup>2</sup>.

### 8.62.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply for the principal *buildings*:

- (1) Front *yard*: 7.5 m
- (2) Rear *yard*: 7.5 m
- (3) Side *yard* (interpreted as the *yard* adjacent to the northwest property line):  
3.0 m except 1.5 m for the seating wall of the amenity *building*
- (4) Side *yard* (interpreted as the *yard* adjacent to the southeast property line):  
3.0 m

For clarity, heat pumps are permitted to project into *setbacks*.

### **8.62.7 Height of Building**

Maximum *building height* shall be 8.5 m.

### **8.62.8 Useable Open Space**

A minimum of 450 m<sup>2</sup> of *useable open space* must be provided plus a minimum of 50.0 m<sup>2</sup> of indoor amenity space.

### **8.62.9 Accessory Structures**

Shall not be permitted except for bike and scooter storage *structures* and entry gazebo.

- (1) The front and southeast *side yard setbacks* for *accessory buildings* shall be 2.5 m.
- (2) The *rear yard setback* for *accessory buildings* shall be 4.0 m.
- (3) The northwest *side yard setback* for *accessory buildings* shall be 1.0 m.
- (4) The maximum height for *accessory buildings* shall be 3.5 m.

### **8.62.10 Off-Street Parking and Loading**

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

- (1) A total of six (6) vehicle *parking spaces* shall be provided, including a minimum of three (3) visitor spaces;
- (2) Bicycle parking facilities shall be provided at a minimum rate of 0.875 for long term bicycle parking covered, secure stall per unit plus 0.25 short term bicycle parking stalls per unit; and

### **8.62.11 Fencing**

- (1) The maximum height of side and rear fencing is 2.5 m.
- (2) The minimum height of *landscaping* or fencing on all property lines adjoining all other adjoining properties is 2.0 m.

# SCHEDULE A



**ADJACENT AREAS**

1. ADJACENT AREAS

2. ADJACENT AREAS



**L'Arche Comox Valley "The Anchorage"**  
 1560 Grieve Avenue, Courtenay BC

ARCHITECT: JOHN QUARTER ENGINEERING  
 1000 GRIEVE AVENUE, COURTENAY BC  
 TEL: 250-335-1111  
 WWW.JQUARTER.COM

DATE: 2014-08-15  
 DRAWING NO: 14-001-01

PROJECT NO: 14-001

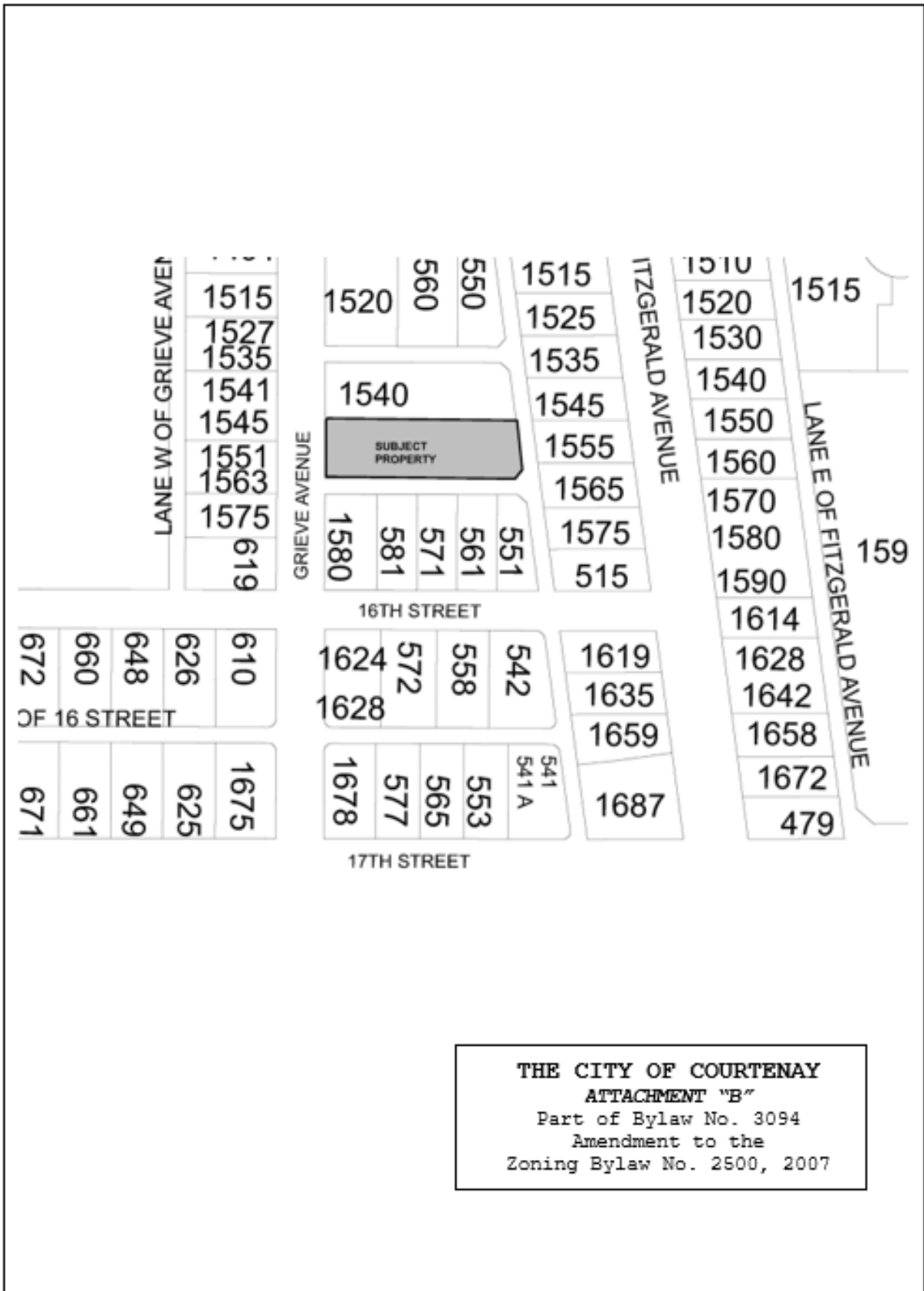
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DATE: 2014-08-15

PROJECT NO: 14-001

SCALE: 1/8" = 1'-0"

DATE: 2014-08-15



## Part 63 - Comprehensive Development 39 Zone (CD-39) - 1590 Piercy Avenue

### 8.63.1 Intent

The CD-39 Zone is intended to accommodate a strata development of three *buildings* with 9 units on the property legally described as Lot 3, Section 41, Comox District, Plan 4764, Shown Outlined in Red on Plan 1402-R (1590 Piercy Avenue). The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

### 8.63.2 Permitted Uses

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

- (1) *Dwelling, duplex*
- (2) *Dwelling, townhouse*
- (3) *Accessory buildings and structures*
- (4) *Home occupation*

### 8.63.3 Minimum Lot Size

A *lot* shall have an area of not less than 2,030.0 m<sup>2</sup>.

### 8.63.4 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.40.

### 8.63.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply for the principal *buildings*:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.3 m
- (3) *Side yard:* shall total 4.0 m, with a minimum *side yard setback* on one side of 1.5 m.

### 8.63.6 Height of Building

Maximum *building height* shall be 7.0 m.

### 8.63.7 Useable Open Space

*Useable open space* must be provided on a *lot* in the amount of 30.0 m<sup>2</sup> for each one-bedroom *dwelling unit* and 50.0 m<sup>2</sup> for each *dwelling unit* with two or more bedrooms.

### **8.63.8 Accessory Buildings and Structures**

Shall not be permitted except for a waste and recycling enclosure and exterior bicycle storage areas:

- (1) The *side yard setback* for the waste and recycling enclosure shall be 0.0 m.

### **8.63.9 Off-Street Parking and Loading**

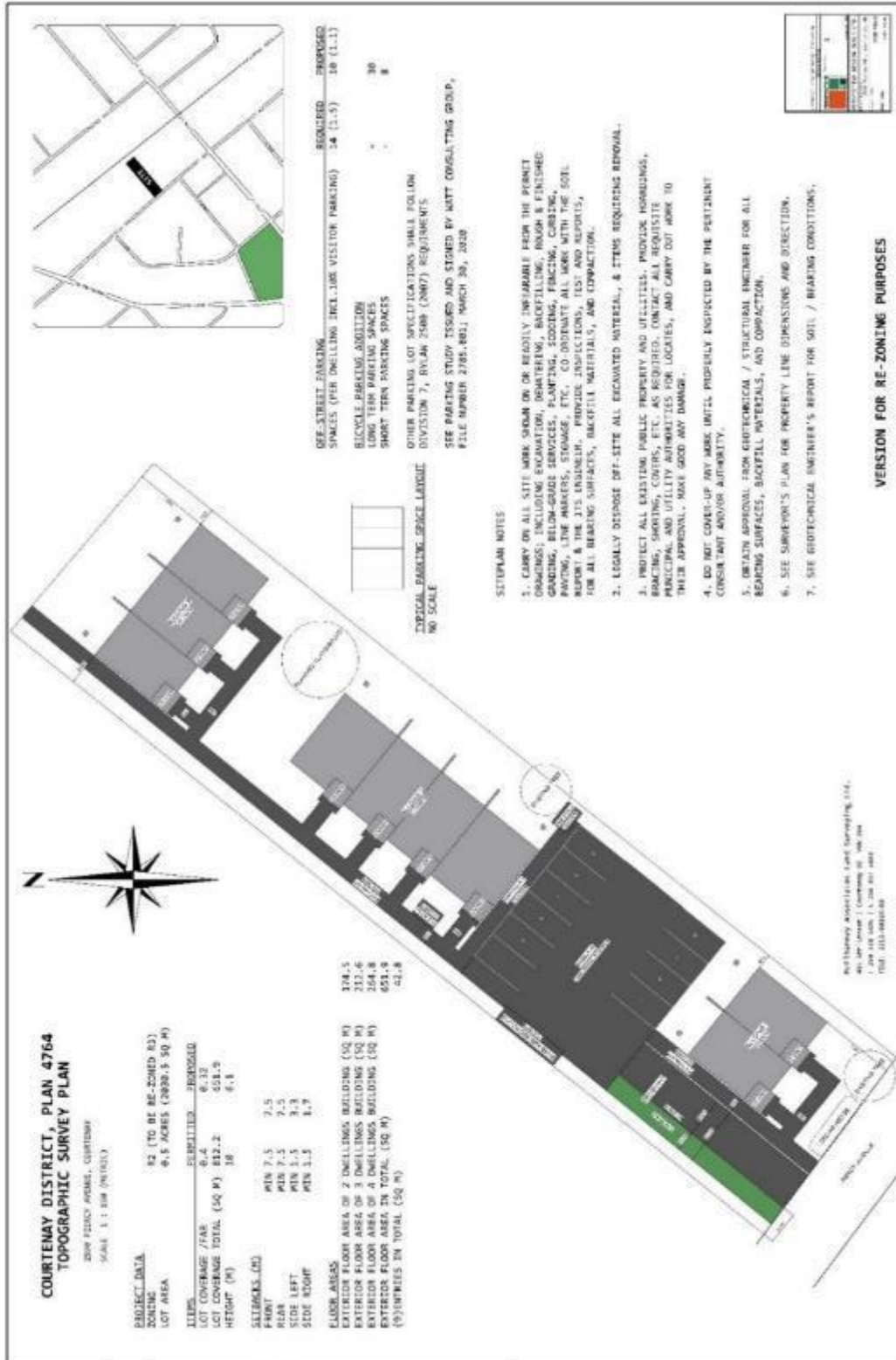
- (1) *Off-street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except in this zone, parking shall be provided at a rate of 1.11 *parking spaces* per *dwelling unit* inclusive of visitor parking;
- (2) Bicycle parking shall be provided and maintained in accordance with the requirements of Division 7, Part 3 of this bylaw.

### **8.63.10 Landscaping and Screening**

In addition to the Landscape Requirements in Division 6, Part 13 of this bylaw, the following landscape requirements shall be met:

- (1) *Landscaping* shall be used to ensure privacy and to complement the overall *development*.
- (2) A 4.5 m landscape buffer in the rear and *front yard*, except for the driveway.
- (3) A 1.5 m landscape buffer for both *side yards*, except for the driveway and garbage enclosure.

# SCHEDULE A



# SCHEDULE B





Front Elevation - 10/10/18



Right Elevation - 10/10/18



Left Elevation - 10/10/18



Rear Elevation - 10/10/18

**Materials Legend:**

- Dark Brown (Siding)
- Light Grey (Siding)
- Vertical Wood (Siding)
- Dark Brown (Trim)
- White (Trim)
- Black (Trim)
- Dark Brown (Trim)
- White (Trim)
- Black (Trim)

PROJECT: 10/10/18	DATE: 10/10/18
DRAWN BY: [Name]	CHECKED BY: [Name]
SCALE: 1/8" = 1'-0"	DATE: 10/10/18
UNIVERSITY MICRO FILMS INT'L	
SERIALS ACQUISITION	
300 N ZEEB RD	
ANN ARBOR MI 48106	

**VERSION FOR RE-ZONING PURPOSES**



Right Elevation - Not to scale



Rear Elevation- Not to scale



Front Elevation - Not to scale



Left Elevation - Not to scale

Materials Legend

Dark Brown	Horizontal Siding	Dark Brown	Dark Brown
Light Brown	Vertical Siding	Light Brown	Dark Brown
White	Dark Brown	Dark Brown	Dark Brown
Dark Brown	Dark Brown	Dark Brown	Dark Brown

For Information and/or Comments, Contact Us

Project Name	1234567890
Project No.	1234567890
Project Date	12/31/2023
Project Location	1234567890
Project Status	1234567890

VERSION FOR RE-ZONING PURPOSES

**ATTACHMENT B**



**THE CITY OF COURTENAY**  
*Attachment "B"*  
 Part of Bylaw No. 3037, 2023  
 Amendment to the  
 Zoning Bylaw No. 2500, 2007

## Part 64 - Comprehensive Development Zone (CD-41) - 120 11th Street

### 8.64.1 Intent

The CD-41 Zone is intended to accommodate a *rental apartment development* on the properties legally described as:

- (1) Lot A, Section 69, Comox District, Plan 32204;
- (2) Lot 2, Section 69, Comox District, Plan 6674;
- (3) Lot 1, Section 69, Comox District, Plan 6674; and
- (4) That part of Lot 10, Section 69, Comox District, Plan 3030, taken for road purposes and containing .27 of an acre more or less, shown in red on Plan 284 BL.

These properties shall be developed in accordance with Schedule A which forms part of this zone.

### 8.64.2 Permitted Uses

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

- (1) *Rental apartment*
- (2) *Accessory structures*

### 8.64.3 Floor Area Ratio

Provided that all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* for *rental apartment* shall not exceed 1.0 floor area ratio.

### 8.64.4 Minimum Lot Size

A *lot* shall have an area of not less than 6,000.0 m<sup>2</sup>.

### 8.64.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard*: 10.5 m.
- (2) *Rear yard*: 30.0 m, except at the site's northeast corner where it is 25.0 m in accordance with Schedule A.
- (3) *Side yard (SE)*: 4.5 m.
- (4) *Side yard (NW)*: 0.5 m to the stairwell exit, otherwise 2.5 m.

### 8.64.6 Height of Building

The height of a *building* shall not exceed 18.5 m.

#### **8.64.7 Useable Open Space**

In this zone, the calculation of *useable open space* may include common outdoor areas and balconies attached to individual rental units and shall be provided in the amount of 13.0 m<sup>2</sup> per rental unit as shown in Schedule A.

#### **8.64.8 Accessory Structures**

*Accessory structures* shall not be permitted except for *structures* related to the useable outdoor space identified in Schedule A.

#### **8.64.9 Off-Street Parking and Loading**

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

- (1) 99 *parking spaces* shall be provided, being 79 standard stalls and 20 small car stalls. Of the 99 stalls ten are reserved for visitor parking. 1 stall is to be reserved for a car share and a minimum of 20 stalls shall be outfitted with level 2 electric vehicle charging stations.
- (2) Drive isle width shall be a minimum of 6.2 m.
- (3) The parking area shall have an access to a public thoroughfare and the access shall be configured so that its width is not less than 5.0 m and not more than 10.0 m.
- (4) Where a *parking space* or maneuvering isle abuts a wall or *building*, the width of the *parking space* or maneuvering aisle as determined by Schedule 7B shall be increased by an additional 0.4 m.

#### **8.64.10 Bicycle Parking Spaces**

Notwithstanding the requirements of Division 7 of this bylaw, bicycle *parking spaces* shall be provided and maintained as detailed below:

- (1) 108 secure bicycle *parking spaces* located in either a *dwelling unit* or a secure room within the *apartment building*.
- (2) 16 secure, oversized bicycle *parking spaces* located at grade and within a separate, enclosed bicycle parking room, 2 of which are intended for visitor parking.
- (3) 40 bicycle *parking spaces* intended for visitors located at grade, illuminated and in a manner which a bicycle can be securely locked to a fixed rack.

#### **8.64.11 Landscaping and Screening**

Notwithstanding the Landscape Requirements identified elsewhere in this bylaw, the following landscape requirements shall be met:

- (1) A landscape buffer of at least 4.5 m shall be provided along the southeast property line, whereas no hardscaping or *structures* are permitted.
- (2) A landscape buffer of at least 1.0 m shall be provided along the northwest property line, except where a stairwell exists.
- (3) A continuous buffer of vegetated screening at least 3 m high shall be maintained along the property's frontage.

- (4) Loading areas, garbage and recycling containers shall be screened and gated to a minimum of 2.0 m by a *landscaping* screen or a solid decorative *fence* or a combination thereof.

## Part 65 - Comprehensive Development Forty-Three Zone (CD-43) - 925 Braidwood Road

### 8.65.1 Intent

The CD-43 Zone is intended to accommodate a *purpose-built shelter*, community services and *offices, supportive housing* and *non-market housing* on the property legally described as Lot 8, Section 16, Comox District, Plan 6065, except part in plan 1149RW (925 Braidwood Road). This property shall be developed in accordance with Schedule A, which forms part of this zone and which shows the general layout intended for this zone.

### 8.65.2 Permitted uses

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

#### Primary Uses

- (1) *Purpose-built shelter*
- (2) *Supportive housing*
- (3) *Non-market housing*

#### Secondary Uses

- (1) *Community service*
- (2) *Office*
- (3) *Accessory buildings and structures*

### 8.65.3 Lot Coverage

The maximum *lot coverage* for *buildings, structures* and *impermeable surfaces* is 60%.

### 8.65.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 1.4.

### 8.65.5 Minimum Lot Size

A *lot* shall have an area of not less than 12,000.0 m<sup>2</sup>

### 8.65.6 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

### 8.65.7 Setbacks

Except where otherwise specified in the bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 6.0 m.

- (2) *Rear yard:* 5.0 m.
- (3) *Side yard:* 4.5 m.

#### **8.65.8 Height of Building**

The *height* of a *building* shall not exceed 21.0 m.

#### **8.65.9 Useable Open Space**

*Useable open space* shall be provided on a *lot* in the amount of 20.0 m<sup>2</sup> per *dwelling unit* in a *multi-residential dwelling*. For clarity, this requirement does not apply to a *purpose-built shelter* or *supportive housing*.

#### **8.65.10 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 100.0 m<sup>2</sup>
- (3) Shall be permitted in the side provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall not be located within 3.0 m from the side and *rear lot line* except where the side or *rear yard* flanks a *street*, excluding a *lane*, in which case the minimum *yard* distance shall be 4.5 m and whereas *retaining walls* are excluded from these siting requirements.

#### **8.65.11 Off-Street Parking and Loading**

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

- (1) For a *purpose-built shelter*, 0.15 vehicle parking stalls shall be provided per shelter bed;
- (2) For *supportive housing*, 0.2 vehicle parking stalls shall be provided per *supportive housing* unit; and
- (3) For *non-market housing*, 1 vehicle parking stall shall be provided per *dwelling unit*, with 10% of the required spaces being provided and retained for visitor parking.

#### **8.65.12 Bicycle Parking Spaces**

Notwithstanding the requirements of Division 7 of this bylaw, bicycle parking shall be provided and maintained as detailed below:

- (1) *Purpose-built shelter:* 0.5 secure bicycle lockers per shelter bed
- (2) *Supportive housing:* 0.5 secure bicycle locker per *supportive housing* unit
- (3) *Non-market housing:*
  - (i) 1 secure bicycle *parking spaces* for each *studio* unit
  - (ii) 2 secure bicycle *parking spaces* for each 1-bed unit
  - (iii) 4 secure bicycle *parking spaces* for each 2 or more-bedroom unit

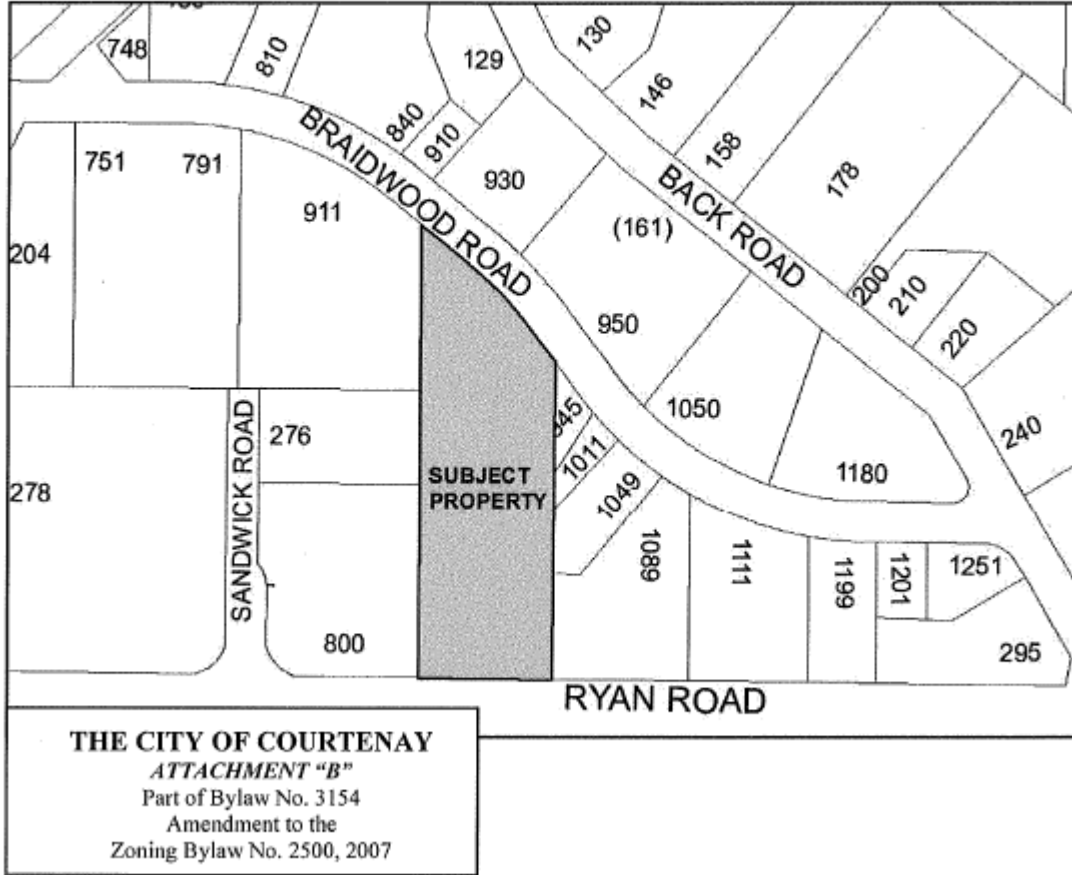
- (iv) All bicycle *parking spaces* provided for the use of residents shall be completely enclosed within the principal or an *accessory building* and must be independently accessible from a rack securely anchored to the ground or wall.
- (v) 10% of minimum required bicycle *parking spaces* shall be designed for oversized bicycle *parking spaces* with the following minimum dimensions: 3.0 m (length) by 0.9 m (width) by 2.1 m (height).
- (vi) In addition to resident bicycle parking, the number of visitor bicycle parking stalls that must be provided is calculated as 10% of number of resident bicycle *parking spaces* required.

#### **8.65.13 Landscaping and Screening**

- (1) *Landscaping* and screening should be guided by Crime Prevention Through Environmental Design (CPTED) principals and where required variations to *landscaping* requirements may be accepted, if the variation is supported by CPTED principals.
- (2) A landscaped screen, *fence* or a combination thereof of not less than 2.0 m of height shall be provided on the side property lines.
- (3) A landscaped screen, *fence* or a combination thereof of not less than 1.2 m of height and shall be provided on the front and rear property lines.
- (4) A minimum 1.5 m wide illuminated public pedestrian access connecting Braidwood Road and Ryan Road sidewalk shall be provided through the site.
- (5) Loading areas, garbage and recycling containers shall be screened and gated to a minimum height of 2.0 m by and *landscaping* screen or solid decorative *fence* or a combination thereof.

SCHEDULE A  
ATTACHMENT A





## DIVISION 9

## TEMPORARY USE PERMIT

### Justification

In accordance with the *Local Government Act*, Part 14, Division 8, the Zoning Bylaw allows a *municipality* to designate areas where temporary uses may be allowed and specify general conditions regarding the issuance of Temporary Use Permit in the areas.

### Objective

A Temporary Use Permit allows for flexible use of land, on a temporary basis, not otherwise permitted in the Zoning Bylaw. *Council* may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on such as addressing potential negative effects on existing *residences*, businesses, or other surrounding properties in terms of noise, lighting, parking, traffic, or other adverse impacts.

All Temporary Use Permits must conform to policy direction in the OCP, including fit within the character of the neighbourhood and surrounding uses. Upon expiry of a Temporary Use Permit, the *permitted uses* revert to those outlined in the Zoning Bylaw.

### Policies

- (1) All zones in the *City* are designated a Temporary Use Permit area.
- (2) The applicant must include the following relevant information at the time of the permit application:
  - (i) Duration of the proposed temporary use including assurance that the use is temporary or seasonal in nature;
  - (ii) Map indicating the existing and surrounding land use;
  - (iii) Plan of the *buildings* or *structures* that may be used;
  - (iv) Potential conflict with residential land uses;
  - (v) Potential impacts on Environmentally Sensitive Areas;
  - (vi) Provision of adequate servicing that meets *City* requirements; and
  - (vii) Site rehabilitation plan.
- (3) TUPs may be issued for a period up to three (3) years, but generally shall be a maximum of two (2) years, and may be renewed once, subject to *Council* approval.
- (4) Conditions under which a temporary use may be allowed are established in the permit and may include, but not be limited to: location, site design and layout, screening, *landscaping*, demolition, site restoration, and length of time the temporary use can occur.
- (5) Security deposits may be required and included in the permit condition to ensure all the conditions are met and the subject land is properly rehabilitated upon cessation of the use.

**DIVISION 10      DEVELOPMENT PERMIT AREAS**

**Schedule 8 – Development Permit Areas**

# DEVELOPMENT PERMIT AREAS GUIDELINES

This document contains the specific guidelines to be followed when development applicants are required to obtain a Development Permit. The Development Permit Area designations, including objectives, for all Development Permit Areas within the City of Courtenay are also contained within the draft Official Community Plan (OCP). The guidelines in this document will be added to the City of Courtenay Zoning Bylaw upon adoption of the Official Community Plan.

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3. How to Use These Guidelines. . . . .	5
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# DEVELOPMENT PERMIT AREA DESIGNATIONS

## Introduction and Context

Development Permit Areas (DPAs) offer an implementation-oriented framework to ensure that development decisions support the community's broader aspirations as articulated in the Official Community Plan (OCP) within the authorities granted by the Local Government Act (LGA).

DPAs fit within a broader land use policy context and hierarchy:

OCP

- **Land Use Designations** – Reflecting long-term community goals and ambitions, the OCP guides overall City growth by designating land uses according to area of intended activity.

- **Zoning** – Regulated according to the Zoning Bylaw, specifics of scale and type of development in each land use zone outline permitted uses, densities, heights, setbacks, etc.

Zoning Bylaw

- **Development Permit Areas** – These focused tools then guide form and character, access, environmental protection measures, and a variety of other characteristics for development within each development permit area and specific land uses.

Division 7, Section 488 (1) of the LGA allows OCPs to designate DPAs for a variety of purposes, and allows for specific

design objectives to be achieved, making sure development is responsive to its context. DPAs may be designated for the purposes of:

- Protection of:
  - a) The natural environment, its ecosystems, and biological diversity
  - b) Development from hazardous conditions
  - c) Farming
- Establishment of objectives for the form and character of:
  - d) Revitalization of an area in which a commercial use is permitted
  - e) Intensive residential development
  - f) Commercial, industrial, or multi-residential development
  - g) In relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region
- Promotion of:
  - h) Energy conservation
  - i) Water conservation
  - j) Reduction of greenhouse gas emissions

With the exception of g) (resort region), all designations are contained within the Courtenay DPAs as described further in each DPA category. The Development Permit Areas are designated within the OCP and the implementation-oriented guidelines are contained within the Zoning Bylaw.

## DPA Categories

**Five Development Permit Areas are designated, the objectives for which and lands to which they apply are described further in the following pages.** All of the City of Courtenay is a Development Permit Area but only the following listed uses, lands, or specific areas are subject to Development Permits:

**Table 1** Development Permit Area Categories

DPA Category	Purpose
1. Commercial, industrial, large-scale residential and mixed-use.	Form and character guidelines contained within the Zoning Bylaw communicate urban design expectations, including for the purposes of intensive residential and multi-residential development, commercial revitalization, energy and water conservation, greenhouse gas emissions reductions, and protection of the natural environment. These guidelines support design decisions that are responsive to context and climate and offer the flexibility to respond creatively while ensuring cohesive and thoughtful planning and design of new development.
2. Small-Scale Multi-Unit Residential.	
3. Farm Protection.	Farm protection guidelines contained within the Zoning Bylaw communicate setback, siting, separation and screening requirements when developing adjacent to agricultural lands in order to minimize the potential for conflicts between agricultural and non-agricultural land uses.
4. Environmental.	Environmental and hazardous guidelines contained within the Zoning Bylaw communicate environmental protection and development safety considerations when conducting any form of development near Environmentally Sensitive Areas (ESA) or Steep Slopes.
5. Protection from hazardous conditions: Steep Slopes.	

**In general, where land is within a DPA, an owner must obtain a development permit prior to:**

- Subdivision;
- Construction of, addition to, or alteration of a building or structure, land, or parking area;
- Alteration of land containing or adjacent to an Environmentally Sensitive Area (ESA).

A number of general exemptions are listed here. More specific exemptions are included within the Development Permit Area guidelines provided within the Zoning Bylaw.

***Exemptions for Normal Farm Practices***

Normal farm practices in accordance with the Farm Practices Protection (Right to Farm) Act do not require a development permit.

***Exemptions for Environmental Development Permits***

Environmental Development Permits are not required:

- For the replacement of windows;
- For painting the exterior of a building;
- Institutional uses; or
- For any of the activities or circumstances defined within the Exemptions section of the Environmental DPA Guidelines.

***Exemptions for Form & Character Development Permits***

A Form and Character Development Permit is not required if any of the following are the case, including if multiple exemptions are the case:

- Institutional uses;
- Replacement of windows;
- Painting the exterior of a building;
- Construction of a fence;
- Replacement of a roof;
- Accessory buildings that do not require a building permit;
- Proposed residential development with a total of one or two dwelling units;
- For a minor alteration to the exterior of a building that does not change the architectural character of the development. For the purpose of this Section, "minor" is defined as a change which does not:
  - a. Increase site coverage more than 25% of the approved coverage;
  - b. Alter more than 25% of the existing floor area to a maximum of 200 m<sup>2</sup>;
  - c. Change the exterior design of a building on any one side more than 25%, including the addition or removal of windows.
- Where a subdivision or strata plan including a phased strata plan is consistent with a Development Permit issued for a development on a property.

## HOW TO USE THESE GUIDELINES

### *Multiple DPAs*

Depending on the project, multiple DPA categories may apply. In cases where an application is subject to more than one DPA category, only one Development Permit will be issued; however, the application will be subject to meeting the guidelines of all applicable DPAs.

### *General & Additional Guidelines*

The guidelines for each of the DPAs have been organized to include both general guidelines that apply to any type of development within that category of DPA, as well as additional guidelines that apply only to specific uses, areas, or circumstances.

### *DPA Section Organization*

Within each DPA category, content is organized as follows:

- **Justification** - The designation of the specific use or area, including maps where relevant, as defined by Section 488 (1) of the Local Government Act
- **Objectives** - The rationale for the category and what the guidelines aim to achieve
- **Guidelines** - The instructions within a particular category, outlining topics such as:
  - Siting, Scale & Massing
  - Architectural Detail & Materials
  - Open Space & Amenity Areas
  - Landscaping & Screening
  - Universal Design & Accessibility
  - Site Circulation, Parking & Servicing
  - Environmental Protection & Restoration
- **DPA specific exemptions** - For some DPAs, specific exemptions apply.

## LANGUAGE OF GUIDELINES

The guideline sections provide a variety of measures. Some of these measures are of high importance, while others seek to guide thinking to permit flexibility in achieving outcomes.

In order to recognize this sliding scale of emphasis, language has been crafted to include verbs and adverbs that direct users on intended outcomes:

- **'Shall' / 'Must' / 'Required'** - Identifies the measure as a requirement.
- **'Shall Not' / 'Must Not' / 'Prohibited'** - Identifies the item as not allowed.
- **'Should' / 'Recommended' / 'Encouraged'** - Identifies the measure as having a strong preference, with its inclusion to be explored or an alternative approach to be justifiable / reasonable.
- **'Should Not' / 'Not Recommended' / 'Discouraged'** - Similar to above, this reflects a negative preference for the measure in question, and unless a well-reasoned justification is provided is not to be included.
- **'May' / 'Could'** - These items are optional, and will be suitable based on individual contexts.



# DPA-1: COMMERCIAL, INDUSTRIAL, LARGE-SCALE RESIDENTIAL AND MIXED USE

## JUSTIFICATION:

This Development Permit Area is intended to achieve attractive, architecturally coordinated and context appropriate higher density, employment and mixed-use building and landscape designs that consider the relationship between buildings, open areas, and circulation systems, in order to promote walkable, safe, and vibrant developments. It also promotes development that considers protection of the natural environment, energy efficiency, water conservation and the reduction of greenhouse gas emissions.

Pursuant to Section 488(1)(a)(d)(f)(h)(i) and (j) of the *Local Government Act*, this designation applies to all developments that contain commercial, industrial or mixed-uses and residential developments with five or more residential units within the boundaries of the City of Courtenay. Additional guidelines apply for a defined area of the downtown (as shown on enclosed Map 1) as well as in special heritage consideration areas (as shown on enclosed Map 2 - Old Orchard & Terminal Addition).

## Objectives:

1. To ensure urban infill and redevelopment is well integrated and context-sensitive.
2. To promote compact urban form that is well-connected and accessible by walking, cycling, and transit and supportive of transit supportive densities.
3. To promote the creation of new destinations that help meet residents' daily needs by short walkable trips to grocers, shops, restaurants, personal services, community centres, and gathering spaces.
4. To transform vehicle-centric developments and prioritize the pedestrian environment.
5. To ensure attractive streetscapes, landscapes, building design, and vibrant public spaces.

**Map 1** Downtown Development Permit Area



- 6. To foster neighbourhood connections and a shared sense of community across the city.
- 7. To improve urban ecological functions such as local biodiversity and rainwater infiltration.
- 8. To reduce energy and water consumption as well as greenhouse gas emissions (GHGs) associated with the built environment.

*Within the Downtown Core (Map 1):*

- 9. To protect and enhance the historic, small-scale retail character of the 4th, 5th, 6th Streets streetscape.

*On Lands with a Multi-Residential Component:*

- 10. To support a greater diversity of housing choices and affordability.
- 11. To ensure a high standard of livability and well-being within multi-residential developments.

*On Lands with a Commercial and/or Industrial Component:*

- 12. To enable the flexible and appropriate adaptive use and design of industrial lands to meet evolving community needs.
- 13. To provide convenient and safe access to industrial areas via all modes of transportation, including commercial or personal vehicles, transit, walking, and cycling.

*Within the Old Orchard and Terminal Addition Neighbourhoods (Map 2):*

- 14. To ensure new development contributes to the community and preservation of heritage resources and special neighbourhood character of the Old Orchard and Terminal Addition neighbourhoods.

# GENERAL GUIDELINES

## *Siting, Scale & Massing*

1. Passive design strategies that take advantage of site-specific climatic conditions shall be employed wherever possible depending on site characteristics. For siting considerations, this includes:
2. Buildings should be oriented to take maximum advantage of site-specific climatic conditions, especially solar access and wind flow.
3. Windows should be strategically designed, sized, and placed to manage year-round passive solar gain, while maximizing privacy where relevant (e.g. multi-residential uses).
4. Access to operable windows should be provided on at least two sides of the building to enable passive cooling through cross ventilation.
5. Roof overhangs, fixed fins, awnings, or other solar shading devices should be incorporated on south-facing windows to provide shade from peak summer sun while also enabling sunlight penetration during winter months.
6. All buildings, structures and expansions or additions thereto, shall be architecturally coordinated.
7. Where multiple buildings are proposed on one site, each building should be distinct, but designed to achieve cohesive scale, massing, and proportion.
8. The scale, form, height, setback, roofline, materials, and character of new development should complement neighbouring developments.
9. Massing should frame spaces, and create environments suitable to the location and use in which they are located.
10. Buildings should be sited to define the public realm with a continuous street wall. The building's primary façade should be facing the street and close to the minimum setback to establish a well-defined street edge.
11. Buildings should maintain and enhance existing views to surrounding natural features, particularly from sidewalks, streets, and public open spaces; and the design shall protect or mitigate impacts to identified public realm view corridors, including Comox Glacier, Courtenay, Puntledge, and Tsolum Rivers, K'ómoks Estuary, Salish Sea.
12. Stepped or varied building massing, articulated building walls and rooflines shall be incorporated to develop building form and character.
13. Buildings located on corner lots, lots adjacent to a residential property, and lots next to public open spaces should be stepped down toward the flanking street, adjacent building, or public open space.
14. Flat roofs should be structurally and architecturally designed to accommodate forms of rooftop landscaping and accessible outdoor amenity space.
15. Building frontages should be articulated and visually separated into smaller, distinctive units.

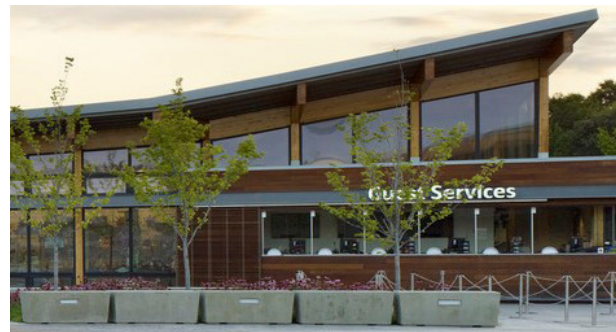
16. All street and public open space facing façades shall be activated with a diversity of visual elements and shall relate to the pedestrian scale. This may include the use of detailing of the façade, ground floor glazing, window size, awnings roof canopies, landscape treatment, distinct materiality, and building articulation.

17. Entries should be located or appear to front on to the street.

18. All exterior mechanical and electrical equipment shall be strategically located and incorporated into the overall architectural treatment in order to reduce visual impact. Equipment shall be located away from sidewalks and pedestrian amenities and screened from view or screened to blend in with the roof and/or elevator housing.



*Example of stepped building massing and articulated walls to develop building form and character (guideline 12).*



*Example of stepped and varied rooflines to develop building form and character (guideline 12).*



*Example of articulated building frontages that are visually separated into smaller distinctive units, at both the ground and upper floors (guideline 15).*



*Example of a diversity of pedestrian-scaled visual elements being incorporated into the street-facing building façade (guideline 16). In this case a number of distinct building entries are incorporated.*

## Architectural Detail & Materials

19. The design of buildings should reflect the surrounding character.
20. The architectural design and building materials shall be of a high standard that indicates energy efficiency, quality, stability, and permanence.
21. Simple shifts in massing and changes in exterior colours and textures should be utilized to articulate façades.
22. Materials such as stone, ornamental work, and wood with varied details and columns shall be included.
23. Buildings should promote an emerging west coast character that prioritizes the use of natural materials such as exposed mass timber structural elements, vegetation, and natural light.
24. Any wall of a building which is visible from an open space (including a street), or residence shall be finished to the same standard as the front of the building to provide an attractive appearance.
25. Awnings, lighting fixtures and other structures shall be architecturally integrated with the design of the buildings.
26. Large expanses of blank walls or of any one material are not acceptable without architectural detailing, artwork, or sufficient landscaping to create visual interest.
27. Building roofs shall be designed to minimize the heat island effect and heat transfer into the building through various measures, including Energy Star-rated or high-albedo colour and materials. See additional green roof guidelines for Additional Guidelines for Part 3 Buildings.
28. Insulation and glazing shall include the following design treatments wherever possible:
  - a. Maximum insulation effectiveness of the assembled building envelope to reduce heat loss.
  - b. High-performance glazing.
  - c. Punched or slightly recessed glazing on south- and west-facing elevations to reduce heat gain in summer.
  - d. Thermally broken window frames and concrete balcony slabs.
  - e. Bird-friendly glazing – The critical zone for bird collision is within a building’s first four storeys, or mature tree height, whichever is greater. Use visual markers on the external surfaces of glass that are no more than 50mm wide and 100mm high within the critical zone. Possible visual markers include UV markers, fenestration patterns, adhesives, etching, fritting, sunshades, louvers, screens, blinds, and netting.



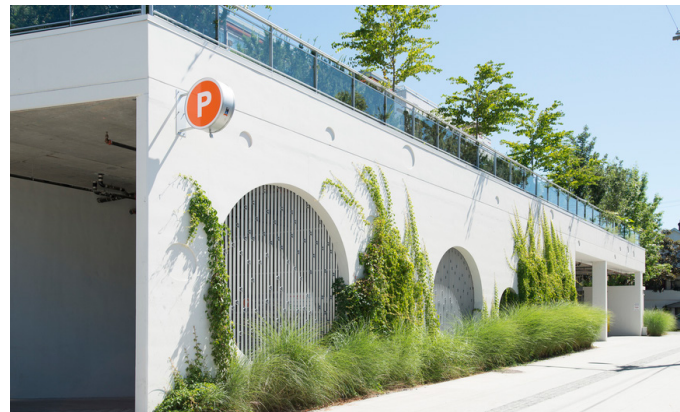
*Example of bird-friendly glazing (guideline 28). The pattern shown is etched directly on lower-floor windows to reduce the frequency of bird collisions.*



*Example of emerging west coast character of wood, including tree timbers, being incorporated into a parking structure (guideline 23).*



*Example of use of ornamental wood, wood with varied details (guideline 22); emerging west coast character (guideline 23); and downtown heritage aesthetic (guideline 103).*



*Example of an industrial building incorporating changes in exterior colours and textures (guideline 21); and wood with varied details and columns (guideline 22).*



*Examples of different forms of artistic treatments and landscaping to create visual interest along large expanses of unavoidable blank walls (guideline 26).*

## Public Realm & Streetscape

29. Streetscapes and other public realms shall include a balance of vegetated, naturalized areas with permeable hardscapes.
30. Public realms shall maximize solar access. Optimal locations may include internal courtyards, rooftops, and ground floor plazas or park spaces adjacent to the property.
31. Distinct paved surfaces and street furnishings such as benches, lamps, bike racks, and refuse containers shall be incorporated in the landscape design. These shall be consistent in character to the development.



*Example of a street-facing business providing a balance of naturalized areas and hardscapes (guideline 29).*

## Universal Design, Safety & Accessibility

32. Universal design and accessibility principles shall be designed into plazas, mid-block connections and lanes, through the appropriate selection of materials, stairs, and ramps as necessary, and the provision of wayfinding and lighting elements.
33. Ground floor units of residential buildings shall be accessible with a ramp or otherwise have no step entrances/ be level with the adjacent ground. Entrances should provide sufficient room for maneuvering wheelchairs and strollers, with a minimum turning radius of 1,500mm.
34. Streets should include frequent seating, with opportunities to sit every 50 metres.
35. On-site wayfinding strategies shall be employed that create attractive and appropriate signage using a 'suite' of similar elements that are consistent and accessible. Signage strategy shall include the needs of pedestrians, cyclists, and motorists, where applicable, and shall provide directional signage to public washrooms (in commercial and retail areas) as well as elevators. Washroom signage shall specify the location of family washrooms with change tables and accessible washrooms.
36. Lighting should be designed for security and safety. However, there should not be glare on neighbouring properties, adjacent roads, environmentally sensitive areas, or the sky.
37. All new, replacement, and upgraded street lighting in existing and proposed developments shall be LED Full-Cut Off/ Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.
38. Bird-Friendly lighting – Building-mounted lighting should be targeted and shielded to reduce light spill and its associated light pollution. Downlights are preferred, as is the use of green or blue light over white or red light.



*Example of lighting treatments designed to avoid glare to adjacent properties and the street from both the private and public realm (guideline 36).*

## **Landscaping & Screening**

39. Existing, native vegetation within the Development Permit Area shall be retained as much as possible to minimize disruption to habitat and to protect against erosion and slope failure where applicable.
40. A Tree Density Target of 50 trees per hectare shall inform the minimum tree retention and/or planting requirement as part of a landscape plan, per Tree Protection and Management Bylaw 2850.
41. On-site landscaping to promote opportunities for passive heating/cooling without negatively affecting the potential for solar thermal or solar electric systems on the site and on surrounding properties shall be considered. For example, deciduous trees can provide desirable shading in the summer and allow for desirable solar gains in the winter.
42. Landscape strategies shall include opportunities to naturally convey, capture, treat, and infiltrate rainwater wherever possible. This includes maximizing pervious surfaces on the site using permeable unit paving assemblies, grasscrete, permeable concrete, rain gardens, bioswales, bioretention cells, bioretention planters, and bioretention corner bulges, rainwater tree trenches (soil cells and structural soil), and green roofs.
43. Landscaping shall be incorporated within all setback areas and shall be distributed throughout the site.
44. All fronting public boulevard areas shall be landscaped, with trees, and consistent with the onsite landscaping plans.
45. Parking and outdoor storage shall not be located along required building setbacks and landscape areas along street frontages.
46. Most or all of the landscaped areas should be designed to require little to no irrigation, other than hand watering for initial plant species establishment.
47. If irrigation is supplied, it should be limited to an underground system designed with high-efficiency targeted drip heads and automated weather sensors and use captured rainwater and greywater where possible.
48. All proposed planting zones should prioritize the selection of local plants that provide habitat, nesting, pollinator, foraging, or other biodiversity benefits and are drought tolerant.

- a. Species adapted to future climate conditions shall be incorporated to the maximum extent possible.
- b. Plantings should be provided in strategic locations to frame building entrances, soften edges, screen parking areas, and break up long façades.
- c. Multi-functional landscape elements should be provided wherever possible, such as planting areas that also capture and filter rainwater or landscape features that feature public art or that users can interact with.
- d. In residential environments, and outside of Environmentally Sensitive Areas, tree and plant selection should prioritize edible species and active urban agricultural uses should be included.

49. Foundation landscaping along the face of buildings is encouraged.

50. Decorative fences shall be architecturally coordinated with the materials used for the principal building.

51. Chain link fencing shall not be used in the front yard and when facing streets and public open spaces, unless effectively screened by landscaping.

52. Sufficient soil volumes shall be provided to support mature vegetation, including trees where applicable. This may include supplementing soil volumes with structural soil or silva cell type systems within hardscape areas.

Minimum depth of topsoil or amended organic soils must be provided:

- a. Shrubs - 450mm
- b. Ground cover and grass - 300mm
- c. Trees - 300mm around and below the root ball, typically to a minimum total of 900mm. In addition, 15m<sup>3</sup> is the minimum soil volume per tree, to be supplemented in hardscape zones with structural soil or silva cell type systems.

53. Topsoil or composted waste shall be used to assist in infiltration and increase the water holding capacity of landscaped areas.



*Example of existing mature native vegetation being retained in a multi-residential development as part of the overall landscape concept (guideline 39).*



*Example of rainwater management features being integrated into landscape design (guideline 42).*



*Example of fronting public boulevards being landscaped and integrated into the site's landscape design (guideline 44).*

### **Definitions for different types of outdoor spaces:**

**Private:** Zones or areas for the use of the private property owner or designated group. This includes a private balcony, deck, or yard.

**Semi-Private:** Zones that are privately owned, but generally facilitate larger gatherings, such as common amenity spaces. These spaces are still generally for a designated group, with limited access to the wider public.

**Semi-Public:** Zones that allow access to the wider public, either to occupy or pass through. Common examples include seating areas or patios, right-of-ways across private developments, or parkettes provided by private development as public amenities.

**Public:** Zones that are fully accessible to the wide public, with an open sense of ownership. These are often city owned, and include areas like parks, plazas, and trail networks.

## ***Site Circulation, Parking, and Servicing***

54. Drive-through facilities are not permitted.
55. A pedestrian network shall be incorporated into the overall site design to ensure seamless and safe connections between the building(s) and parking areas and to logical destinations off-site.
56. Large lots should include mid-block connections—exterior public pedestrian routes that provide a connection or short-cut through blocks—in order to break down the scale of longer blocks and to create finer-grained connections to open space and active transportation networks.
57. Sidewalks shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting a parking area. Landscaping is encouraged as part of the design of the sidewalk.
58. The internal pedestrian network shall be distinguished from driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
59. Continuous weather protection shall be provided along exterior building walls directly adjacent to pedestrian networks and areas.
60. Off-street parking and loading spaces between the front façade of a building and the fronting street shall be avoided unless screened with significant landscaping. The preferred location of main parking and loading areas is at the rear and/or side of the building.
61. Parking areas should be broken down into smaller parking areas evenly dispersed throughout the development integrated with planted landscape areas.
62. Service and access points should prioritize pedestrian use wherever they cross walkways or the public realm.
63. Parking areas, drive-through lanes, utilities, and storage areas shall be screened from adjacent properties and from direct views from the street and other public open spaces.
64. Garbage and recycling containers shall be adequately sized to ensure maximum waste diversion opportunities on site.
65. Garbage and recycling containers shall be screened with landscaping and fencing and gated to a minimum height of 2 metres by buildings, a landscaping screen, solid decorative fence, or a combination thereof. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc., shall be screened with landscaping and fencing.
66. Sheltered, secure bicycle parking facilities shall be provided at grade near primary building entrances and pedestrian walkways.
67. Opportunities for priority car sharing and bicycle sharing parking are encouraged.
68. Electric bike parking and Electric Vehicle charging stations shall be planned and installed in convenient land accessible locations.
69. End of trip cycling facilities (e.g. washrooms, showers, lockers) are encouraged for larger developments and as part of Transportation Demand Management strategies.



*Example of an animated mid-block connection at a pedestrian scale to improve pedestrian connectivity and create opportunities for additional outdoor public space (guideline 56).*



*Example of a continuous weather protection option, such as along exterior building walls directly adjacent to pedestrian networks and areas (guideline 59).*



*Example of using exposed mass timber structural elements as part of an emerging west coast character (guideline 23). Also includes pedestrian and cycling supportive features such as private sidewalks along the length of the building entry (guideline 57); weather protection (guideline 59); and seating and bike parking (guideline 31).*

## **ADDITIONAL GUIDELINES FOR MULTI-RESIDENTIAL USES**

The following guidelines apply to any multi-unit residential development of three or more units and any mixed-use development that includes a residential component.

70. For multi-unit residential buildings, individual units shall be articulated through integration of recessed entries, balconies, materials, or projection/recess in the façade.
71. Noise impacts of highways or arterial roads upon outdoor private and semi-private areas, and interior living spaces, should be mitigated through building and site design.
72. Buildings shall be sited to ensure the privacy of residences and adjoining properties.
73. Where individual unit heat pumps are used, they shall be screened. Ducted heat pump systems are recommended wherever possible.
74. Sufficient space for waste diversion receptacles shall be provided within each dwelling unit (e.g. space under the sink or a closet for a recycling bin, compost bin, and garbage bin).
75. Personal storage space for larger items shall be provided for each dwelling unit, whether it be within the dwelling unit or within a secured and convenient location within the development.

### ***Private & Common Amenity Space***

76. A minimum average of 20 m<sup>2</sup> of usable private outdoor spaces should be provided for each dwelling unit in the form of a deck, patio or yard, exclusive of common amenity areas.

77. A minimum of 10% of the total site area should be dedicated to common amenity spaces, whether indoor or outdoor. The common amenity space shall include sufficient area to allow for larger gatherings.
  - a. Common outdoor amenity spaces should incorporate landscaping, seating, communal tables, play spaces, public art, and other elements that encourage gathering, recreation, and inter-generational activities and uses.
  - b. Common outdoor amenity spaces to grow food is strongly encouraged. Where provided, gardening areas shall be designed to be functional for routine and active gardening by multiple residents and include servicing and accessibility requirements. Gardening areas are encouraged to be designed with other amenities, including outdoor children's play areas, indoor amenity rooms with kitchens, washrooms, and eating areas, and/or outdoor seating areas.
  - c. All units shall be designed to have easy access to the usable private outdoor or common amenity spaces. Where applicable, they shall be separated from traffic and parking or include traffic calming, pedestrian-supported measures.
78. Outdoor spaces should be located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.
79. Outdoor semi-private spaces are encouraged to be integrated with public open areas to create seamless, contiguous spaces.

80. Outdoor spaces and landscaped areas shall be designed to protect and feature mature trees on site, where possible. Where mature trees cannot be protected or where no mature trees exist on site, adequate open space shall be provided to ensure shade trees reach mature sizes.

### ***Circulation & Parking***

81. Buildings shall be clustered and roads minimized, where possible.

82. Where individual multi-residential units have vehicular access via a public street, combined driveway access points are required.

83. Where multi-residential units have individual garages or carports, they shall face away from streets.

84. Where lane access is available, parking entrances should be limited to lane access.

### ***Specific to Townhouses***

85. Where townhouse units are provided:

- a. Avoid symmetrical units and mirror image residential units unless each unit has a significant amount of fenestration and architectural detail.
- b. Individual entrances should front on to the street or public open space, where applicable.
- c. The building façade along street or public open space frontages shall be set back from the property line and sufficiently landscaped to create a transition zone from public land to private individual units.



*Example of a multi-residential building that has minimized the visual impact of parking by combining driveways (guideline 82) and facing garages away from the street (guideline 83).*



*Example of a townhouse development façade setback and landscaped to create a transition zone from public land to individual units (guideline 85 c).*



*Example of a townhouse development in which mirrored units are sufficiently distinct through the use of fenestration and significant architectural detail (guideline 85 a).*



*Example of a central common outdoor amenity space (guideline 77), with easy pedestrian access to individual units, where possible (guideline 77 c).*



*Example of a rooftop common amenity space that includes both indoor and outdoor opportunities (guideline 77).*



*Example of private outdoor space provided for a residential unit within a mixed-used development (guideline 76).*

## ADDITIONAL GUIDELINES FOR COMMERCIAL USES

86. Buildings shall be designed with active frontages that include multiple, smaller storefronts, each defined by distinct signage, entrances, canopies and/or materiality. Frequent entrances and display windows shall be included to provide consistent architectural rhythm of smaller intervals.
87. Large-format retail uses should be wrapped with smaller retail units around the periphery, with individual entries accessed from the fronting sidewalk or open space.
88. Commercial, ground-level business premises should be provided continuously along pedestrian-oriented shopping areas.
89. First-floor commercial spaces should have a higher floor-to-ceiling height than upper floors.
90. Semi-public open spaces are strongly encouraged in the front of buildings. These may include:
  - a. narrow extensions of the public sidewalk, or more generous amenity plaza or courtyard areas.
  - b. setbacks for one or more adjacent buildings to collectively form a continuous open space along the street.
  - c. plantings, trees, lighting.



*Example of a semi-public courtyard shared amongst a number of businesses (guideline 90).*



*Example of a modest semi-public commercial space along a building façade that provides for visual interest (guideline 90).*



*Example of commercial buildings designed with active frontages that include multiple and distinct smaller storefronts (guideline 86).*

# ADDITIONAL GUIDELINES FOR PART 3 BUILDINGS

- 91. Opportunities for the distribution of natural daylight into a building’s interior spaces to reduce the requirement for electric lighting use should be incorporated. Avoid the use of heavily tinted or reflective glazing that reduces the penetration of daylight and increases exterior glare.
- 92. Where possible, greater floor-to-ceiling heights should be included to increase the amount of interior space that can be day-lit from windows and to allow for vertical air ventilation, particularly for units with exterior walls on only one side.
- 93. Roofs or roof structures of buildings should be oriented within 15 degrees of due south to optimize solar energy collection through the use of solar thermal and photovoltaic (PV) modules.
- 94. A minimum of 10% of building electricity demand shall be provided by a combination of solar thermal or solar photovoltaic (PV) technologies. Solar PV installations can include both roof- or wall-mounted arrays or cladding systems.
- 95. New Part 3 buildings shall have at least partial green roof coverage, according to the table at top-right. Available roof space is defined as the total roof area minus areas dedicated to renewable energy infrastructure. Where feasible, prioritize intensive green roofs that enable active uses.

Gross Floor Area (Size of Building)	Coverage of Available Roof Space (Size of Green Roof)
2,000–4,999 m <sup>2</sup>	<b>20%</b>
5,000–9,999 m <sup>2</sup>	<b>30%</b>
10,000–14,999 m <sup>2</sup>	<b>40%</b>
15,000–19,999 m <sup>2</sup>	<b>50%</b>
20,000 m <sup>2</sup> or greater	<b>60%</b>



Example of solar photovoltaic panels being incorporated with greenroof elements (guideline 94 and 95).



Example of a Part 3 building with green roof coverage (guideline 95).

## ADDITIONAL GUIDELINES FOR INDUSTRIAL USES

96. Acute noise sources shall be located as far from residential uses as possible.
97. Any office, reception, or sales component of the building shall be located closer to the street than any active industrial components.
98. A continuous perimeter of landscaped area of minimum 4.5 metres in width shall be provided along the inside of all property lines adjacent to streets, public open spaces, and residential uses.

## ADDITIONAL GUIDELINES FOR CORNER LOTS

99. Buildings on corner lots should orient frontages towards both streets and/or towards the corner and may include a corner-cut. Corner buildings should serve as anchors for the rest of the block, and consider including landmark architectural features such as:
  - a. Public plazas
  - b. Special or decorative canopies
  - c. Bay windows, balconies, turrets, or articulated roof line features
  - d. A corner entrance
  - e. A prominent public art element



*Example of a building on a corner lot designed to be visually interesting, including with a corner-cut, to provide a positive presence on both fronting streets (guideline 99).*

## **ADDITIONAL GUIDELINES FOR DOWNTOWN** *(See Map 1)*

- 100. Design shall respond positively to the scale and character of the downtown area and contribute to the evolution of the downtown’s public realm.
- 101. Building frontages shall contribute to the character of a continuous commercial street wall.
- 102. Storefronts are encouraged to front on to Duncan Avenue to support the future development of Duncan Mews and Commons public realm concept.
- 103. The incorporation of a heritage aesthetic or heritage elements is encouraged through the use of architectural style and materials.
- 104. The development of rear laneways and alleyways for active use is strongly encouraged. Rear building façades should be designed to accommodate active commercial or retail space where appropriate.
- 105. Laneway design should include the use of materials, walls, fences, lighting, and landscape treatments that are inviting and interesting to pedestrians.

## **ADDITIONAL GUIDELINES FOR PARKING LOTS WITH MORE THAN 10 SPACES**

- 106. Parking areas shall include landscaped areas, defined by concrete curbs with landscaping, to provide visual breaks between clusters of approximately 10 stalls.



*Example of fine-scale architectural details being applied to support a heritage aesthetic, such as in the downtown (guideline 103).*

- 107. Minimum landscape area dimensions shall be sufficient to support a tree at maturity.
- 108. Parking areas shall incorporate low-impact rainwater management solutions.
- 109. The termination of parking aisles shall be landscaped.
- 110. Tree planting is required throughout all parking areas where practicable given parking lot circulation and other site constraints. Tree planting plans should achieve 50% of the parking lot covered with tree canopy at tree maturity.

## ADDITIONAL GUIDELINES FOR OLD ORCHARD AND TERMINAL ADDITION HERITAGE NEIGHBOURHOODS *(Map 3a)*

- 111. The orientation, scale, form, height, and materials proposed for a residence shall reflect and enhance heritage theme characteristics and neighbouring buildings.
- 112. Buildings must be designed in context with surrounding low-density residential buildings.
- 113. Variety, continuity, and pedestrian interest should be expressed in the design of buildings, especially at the ground level.
- 114. Design components that contribute to heritage-oriented architectural interest shall be incorporated. These include multiple gables, dormers, bay windows, decorative shingles, wood trim, porches, and verandas.
- 115. Roofs shall have substantial slope, articulated lines, and be designed to reduce the bulk of upper floors. Roof slopes with greater than 6:12 pitch are preferred; however, proposals for lower-pitch rooflines with significant articulation and design interest may be considered.
- 116. Front doors shall be clearly visible and accessible from a public street or publicly accessible pathway and shall be defined by porches, dormers, port cochere, canopies, or be recessed.
- 117. The design and finishing around windows and exterior doors should visually enrich the building elevation.
- 118. The landscape plan shall include fruit trees.

**Map 2** Old Orchard and Terminal Addition Heritage Neighbourhood



*Example of a small multi-unit residence being designed to complement the context of a low-density residential neighbourhood (guideline 112).*

# DPA-2: SMALL-SCALE MULTI-UNIT RESIDENTIAL



## JUSTIFICATION:

This Development Permit Area provides direction for housing and related development that meet the needs of residents while fitting well into the existing community. The intent is to support three to four dwelling unit residential infill development, and redevelopment that demonstrates a high standard of creative building design. It also promotes development that considers protection of the natural environment, energy efficiency, water conservation and the reduction of greenhouse gas emissions.

Pursuant to Section 488(1)(a)(e)(h)(i) and (j) of the *Local Government Act*, this designation applies to all three-and four-dwelling-unit residential developments within the boundaries of the City of Courtenay. Additional guidelines apply in special heritage consideration areas (as shown on enclosed Map 2 - Old Orchard & Terminal Addition and Map 3 - 40 Houses Heritage Neighbourhood).

## Objectives:

1. Establish guidelines for ground orientated, infill development in existing and new neighbourhoods that contribute to the preservation of the neighbourhood character while meeting city goals for housing diversity, gentle density, and access to employment and services.
2. Ensure new development contributes to the continuity and preservation of heritage resources and special neighbourhood character of Old Orchard and Terminal Addition Neighbourhood and 40 Houses Neighbourhood.

3. Promote a high standard of building, site planning and landscape design.
4. Encourage development that supports multi-modal transportation options and neighbourhood connectivity.
5. Encourage new development that considers protection of the natural environment, water conservation and energy efficiency in site planning and design.
6. Promote net zero emissions in new development, including alterations or additions to existing buildings.

**Map 3a** Old Orchard and Terminal Addition Heritage Neighbourhood Development Permit Area



**Map 3b** 40 Houses Heritage Neighbourhood Development Permit Area



## GUIDELINES

### Site Planning

1. Housing development should be planned in a comprehensive manner that considers the interface between the site, adjacent development, other land uses and its relationship to the public realm.
2. The design of the site should consider access to and efficiency of pedestrians, bicycles and vehicular circulation.
3. A minimum average of 20 m<sup>2</sup> of usable private outdoor spaces should be provided for each dwelling unit in the form of a deck, balcony, patio or yard, exclusive of common amenity areas.
4. Outdoor spaces should be located to maximize sunlight, minimize noise disruptions, and minimize 'overlook' from adjacent units.
5. Site planning shall consider the location of third-party utilities, such as clearance from overhead and pad mounted electrical utilities as required by the Canadian Electrical Code.
6. Site planning should consider opportunities to retain and integrate mature trees and existing natural features. Site planning shall consider impact to mature trees and their root systems on adjacent lands.

### Public Realm and Streetscape

1. Building design including the placement of windows, balconies, and doors shall consider visual privacy between residences, and perimeter fencing and/or landscaping shall provide visual privacy of adjoining properties.
2. Buildings should be sited to face the fronting street(s). Consideration should be given to preserve adequate space for landscaping, privacy and light penetrating into living spaces.



*Example of a building with shifts in massing and changes in exterior colours and textures and high-quality siding and west coast character (Building Design 3 and 4).*

3. Principal entrances to a residence should be clearly defined using lighting, colour, paving texture, landscaping and/or enhanced architectural features, such as porches, patios, canopies, or recessed entryways.
4. On corner lots, all street-facing elevations should have an equal level of quality and design detailing.
5. For corner sites with no lane access, driveway access from the flanking street for one or more of the units is encouraged where both feasible and supported by the Development Services Department.
6. Parking and driveways should where feasible not occupy more than 50% of the area of the front yard and, where the site has a flanking side street, not more than 50% of the area of the flanking side yard.
7. Where a laneway exists, parking should access the lane where feasible.
8. Entrances and exits to parking areas shall be located and designed to reduce potential modal conflicts, maintain visual sight lines and limit impact to the transportation network.

## ***Building Design***

1. Buildings should be architecturally coordinated and provide a high quality of design. Building design should avoid repetition and monotony through subtle design variation between buildings on neighbouring properties.
2. Buildings should be designed to avoid large expanses of blank walls by incorporating architectural details, artwork, or sufficient landscaping to create visual interest.
3. Buildings should be designed to minimize their bulk with simple shifts in massing, roof articulation and use of varied architectural details, changes in exterior colours and textures.
4. Buildings should be designed with consistently high-quality and durable materials. West Coast architecture that incorporates natural design elements and materials such as exposed timber structural elements, native trees, vegetation landscaping and open concepts for natural light is encouraged.
5. Building roofs should minimize heat island effect and heat transfer into the building, such as through Energy Star-rated or high-albedo colour and materials.
6. Staircases to stacked units shall have weather protection and are encouraged to be indoor or screened from the street(s).
7. Building lighting should be designed to minimize spillage and glare to neighbouring properties, adjacent roads, Environmentally Sensitive Areas, and the sky.
8. Garbage and recycling storage should be located within a secure building or structure and not in any yard facing a road.

9. Where individual unit heat pumps are used, they should be screened.

## ***Landscaping***

1. Existing, native vegetation within the Development Permit Area should be retained to the extent feasible to minimize disruption to habitat and to protect against erosion and slope failure where applicable.
2. Landscaping shall include a mixture of tree, shrub, ground cover and perennial plants. Tree selection for optimizing tree canopy and providing a mixture of deciduous and conifer species is encouraged.
3. Proposed planting should prioritize the selection of local plants that provide habitat, nesting, pollinator, foraging, or other biodiversity benefits and are drought tolerant.
4. Proposed planting species adapted to future climate conditions should be incorporated to the maximum extent possible.
5. Proposed planting may consider edible species and active urban agricultural uses.
6. Proposed planting should be provided in strategic locations to frame building entrances, soften edges, screen parking areas, and break up long facades where feasible.
7. Most or all of the landscaped areas should be designed to require little or no irrigation, through use of planting materials and impervious surfaces. Hand watering is encouraged. If irrigation is supplied, it should be limited to an underground system designed with high-efficiency targeted drip heads and automated weather sensors and use captured rainwater and greywater where possible.

8. Sufficient soil volumes shall be provided to support mature vegetation, including trees where applicable. This may include supplementing soil volume with structural soil or silva cell type systems within hardscape areas. Minimum depth of topsoil or amended organic soils must be provided:

- Shrubs – 450 mm
- Ground cover and grass – 300 mm, and
- Trees – 300 mm around and below the root ball, typically to a minimum total of 900 mm.

In addition, 15 m<sup>3</sup> is the minimum soil volume per tree, to be supplemented in hardscape zones with structural soil or silva cell type systems.

9. Topsoil or composted waste shall be used to assist in infiltration and increase the water holding capacity of landscaped areas.
10. All new, replacement, and upgraded street lighting in existing and proposed developments shall be LED Full-Cut Off/ Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting fixtures will also be required to be FCO.
11. To reduce impervious surfaces, permeable paving material such grassed cellular paving, porous pavers, or a comparable alternative are encouraged for driveways and parking areas.

### ***Additional Guidelines for Mobile Home Parks***

1. The design of the overall Mobile Home Park shall be based on a comprehensive concept and shall give adequate attention to the attractive layout of the mobile home lots and structure placement, landscape character and design, location and screening of parking areas, design and placement of recreation areas, and design of vehicular and pedestrian circulation.
2. Formalized pedestrian access shall be provided throughout the property to connect internal streets and parking areas with semi-private areas for residents, and to the public walkway system.
3. A landscaping plan including tree planting plan for internal streets that provides for appropriately selected species at approximately 15-metre intervals shall be provided.



*Example of a pervious driveway treatment to allow for rainwater infiltration (Landscaping 11).*

## **ADDITIONAL GUIDELINES FOR THE OLD ORCHARD AND TERMINAL ADDITION NEIGHBOURHOODS** *(Map 3a)*

1. The orientation, scale, form, height, and materials proposed for a residence shall reflect and enhance heritage theme characteristics and neighbouring buildings.
2. Vehicle parking and access should be located at the side or rear and set back from the primary dwelling façade.
3. Garages incorporated into the building structure should not project beyond the front elevation.
4. Roofs shall have substantial slope and articulated lines and be designed to reduce the bulk of a residence on upper floors. Roof slopes with greater than 6:12 pitch are preferred; however, proposals for lower-pitch rooflines with significant articulation and design interest may be considered.
5. Design components that contribute to architectural interest shall be incorporated. These include multiple gables, dormers, bay windows, decorative shingles, wood trim, porches, and verandas.
6. The design and finishing around windows and exterior doors should visually enrich the building elevation. Windows and doors should be articulated with trim.
7. Landscaping should include one or more fruit trees.



*Example of a number of design elements such as gables, verandas, and decorative shingles incorporated into a single-residential home to create architectural interest (Additional Guidelines for the Old Orchard and Terminal Addition Neighbourhoods 5).*

## **ADDITIONAL GUIDELINES FOR THE 40 HOUSES NEIGHBOURHOOD** *(Map 3b)*

1. One-storey buildings, preservation of existing buildings, and simple rectangular massing are encouraged.
2. Maintaining the spatial relationship on the lot to the other houses in the neighbourhood is encouraged, including consistent front yard setbacks.
3. Low-pitch hipped roofs or single gable roofs shall be included.
4. Porch entries shall be minimal in keeping with the development.
5. Siding shall consist of wide plank horizontal wood or materials that resemble this effect.

# DPA-3 FARM PROTECTION

## Justification:

This Development Permit Area is intended to protect agriculture and farming operations from adjacent new development and to reduce conflicts that could arise between agricultural use and non-agricultural uses through the use of possible requirements for screening, landscaping, fencing and siting of buildings or other structures.

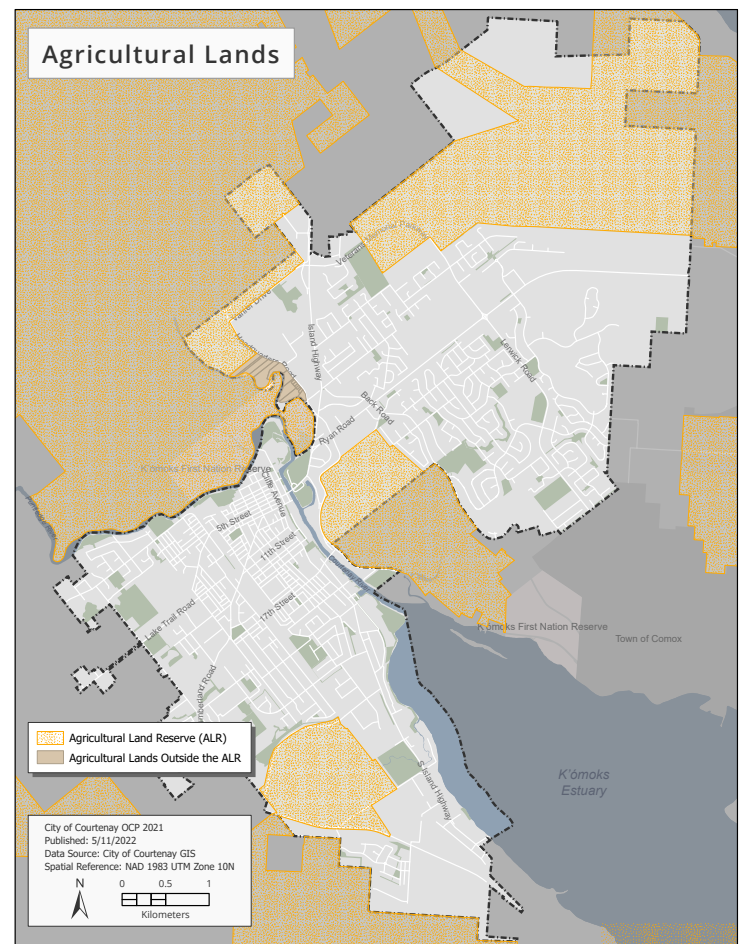
This category applies to all properties adjacent to agriculturally zoned lands, including lands adjacent to those within the Agricultural Land Reserve (ALR) (as shown on Map 4). This includes properties that are within 30 metres of agricultural lands.

The designation and guidelines are in accordance with sections 488 (1) (c) of the Local Government Act.

## Objectives:

1. To minimize the conflicts that may arise between agricultural and non-agricultural land uses including as a result of nuisances such as agricultural odor, noise and dust to urban lands, or of urban light, noise and trespass to agricultural lands.
2. To minimize the impact of urban encroachment on agricultural lands.
3. To protect and/or develop effective vegetated buffers along agricultural land boundaries.

Map 4 Agricultural Lands.



## ***Exemptions***

A Farm Protection Development Permit will not be required in the following circumstances:

1. The subdivision of land already provides the prescribed agricultural buffer.
2. Subdivision lot line adjustments.
3. Development on an existing lot, that does not require subdivision, and is separated from the ALR due to a slope greater than 30%.
4. A lot that is adjacent to an ALR property that is zoned for public and institutional uses (such as parks, schools, utilities).
5. A lot that has existing vegetation that meets the vegetated buffer requirements in the development permit guidelines as long as the intent of the guidelines for all other requirements have been met.
6. A lot separated by a dedicated road right of way of at least 20 metres wide.
7. Construction, addition or alteration of building or structure not exceeding 10m<sup>2</sup> (100 ft<sup>2</sup>) in total gross floor area and where no variance(s) of the Zoning Bylaw is required.
8. Interior / exterior building alterations that do not expand the existing building foundation.
9. Repair, maintenance, alteration or reconstruction of existing legal buildings, structures or utilities, providing there is no expansion of the footprint.

## ***Guidelines***

### **General**

1. Developments should generally follow, unless otherwise specified otherwise in the guidelines below, the guidelines and specifications provided in the Ministry of Agriculture Guide to Edge Planning and Agricultural Land Commission Landscaped Buffer Specifications.
2. The subdivision shall be designed to minimize the impacts that may occur between agricultural and urban uses on lands adjacent to agricultural lands.
3. Lots, buildings and structures should be clustered away from the agricultural lands to the maximum extent possible.
4. Topography shall be considered to minimize additional runoff from developed land onto agricultural land and minimize erosion.
5. A minimum 30 metre setback shall be established between future buildable areas and the agricultural land boundary. The 30 metre separation distance may include a watercourse, road, rail, or utility right of way.
6. A minimum 15 metre continuous vegetated buffer width shall be established parallel to the agricultural land boundary.
7. Exceeding a minimum 15 metre wide continuous vegetated buffer parallel to the agricultural land boundary is strongly encouraged to achieve the vegetated buffer widths outlined in the Ministry of Agriculture's "Guide to Edge Planning" most recent edition. When multiple uses occur on the lot, the most stringent vegetation buffer width should be used.

8. A minimum of 5 meter setback between vegetation buffer and the future buildable area shall be established to provide for sufficient access to the building(s).
9. Designing passive open space, including rainwater management infrastructure, next to the edge of any vegetated buffers is encouraged to add additional separation from agricultural and urban uses.
10. Development shall be designed to protect the vegetated buffer from potential negative impacts related to on-site activities (e.g. drainage, recreational pathways, driveways).
11. The road pattern shall be planned in such a way to direct urban traffic away from routes used by farmers to move equipment.
12. Utility extensions into agricultural land shall be avoided.
13. Lighting impacts on to agricultural land shall be avoided.
14. The vegetated buffer shall be located entirely on the non-agricultural side of the property boundary.
15. The vegetated buffer shall be designed, established and maintained to: filter noise, dust, airborne particulates and chemical spray drift from activities on adjacent agricultural land.
16. Existing native vegetation within the buffer shall be protected wherever possible; existing vegetation may serve as the entire buffer provided it meets the objectives of these development permit guidelines.
17. Vegetation buffer planting material shall be selected from the Ministry of Agriculture's "Guide to Edge Planning", most recent edition, appropriate for Courtenay's climate zone by following the criteria below:
  - a. Non-invasive;
  - b. Not harmful to nearby crops and do not harbor insects or diseases;
  - c. Drought tolerant or require minimal irrigation;
  - d. Low maintenance and require little or no fertilizer;
  - e. Native to the area where possible;
  - f. Adaptable to climate change;
  - g. Beneficial pollinator plants, wherever possible.
  - h. A deterrent to prevent trespass onto farms.
18. The vegetated portion of the buffer shall be a 'no build zone'. The area shall be free of buildings, parking, paved areas, lawn, paths, active and/or passive recreational activities.

19. A fence and educational signage about the boundary shall be installed along the agricultural land boundary and/or property line that meets the following criteria:
  - a. Up to the maximum height permitted by the Zoning Bylaw;
  - b. Solid wood, chain link, or wire mesh fabric;
  - c. According to the fencing specifications found in the Ministry of Agriculture's "Guide to Edge Planning", most recent edition.
  - d. Existing fencing may be utilized provided it is in good condition and meets the fencing guidelines.
20. The vegetated buffer shall be delineated and protected prior to the issuance of building permit.
21. A Statutory 219 Covenant shall be registered on title in order to secure the landscaping and fencing measures prescribed, including maintenance, and ensure adherence to recommendations outlined in professional reports, and/or to notify land owners of the potential for land use conflicts due to active farm operations on the adjacent agricultural lands.



# DPA 4 – ENVIRONMENTAL

## JUSTIFICATION:

This Development Permit Area is intended to protect ecosystems and features that provide habitat for aquatic and terrestrial species, preserve biodiversity, and provide ecosystem services, when conducting development near Environmentally Sensitive Areas. Where the term Environmentally Sensitive Area (ESA) is used, it is meant to include the buffers, also known as protection setbacks, of that ESA.

This category applies to all lands shown on the Terrestrial Environmentally Sensitive Area Map D-4 and the Aquatic Environmentally Sensitive Map D-5 as well as to any property that contains an Environmentally Sensitive Area, whether mapped or not. Because not all ESAs are mapped, all properties that are equal to or larger than 4,000 metres square in size are subject to an Environmental Impact Assessment prior to development approvals to confirm the presence or absence of ESAs.

The types of Environmentally Sensitive Areas fall into the following categories:

- **Freshwater aquatic ecosystems:**  
Those natural systems that are either permanently or periodically under water. Water may be running, as in a river, stream or springs or still, as in lakes and wetlands, whether connected by surface flow to fish bearing waters or not. This includes their riparian areas, specifically lands within 30 metres of the natural boundary of such ecosystems. These ecosystems may also be subject to provincial Riparian Areas Protection Regulation (RAPR). (Shown in Map D-5).
- **Estuary and marine shorelines:**  
The waters and lands adjacent to the K'ómoks Estuary as well as the Courtenay River and including to the Condensory Bridge at Anderton Avenue and Condensory Road.

- **Terrestrial ecosystems:**  
Those ecosystems that are land-based. Common designations follow the provincial Sensitive Ecosystem Inventory categories: seasonally flooded agricultural fields, terrestrial herbaceous, older forest, older second growth forest, sparsely vegetated (cliffs and bluffs), wetland, riparian, and woodland such as Garry Oak ecosystems. (Shown in Map D-4).
- **At-risk species and ecological communities:** These include, but are not limited to, species listed under the federal Species at Risk Act (SARA) and species and ecological communities provincially designated as red- or blue-listed.
- **Ecosystems Connectivity Areas:**  
The Biogeoclimatic Zone in which Courtenay is situated (the Coastal Western Hemlock, very dry maritime, CWHxm) is one of the most at risk in BC. The greatest opportunities for protecting at-risk ecological communities within this zone are generally represented in the Ecosystem Connectivity Area Opportunities shown on Map D-4 Terrestrial Environmentally Sensitive Areas. The map includes gaps in the corridor that will require restoration.
- **Raptor and heron nests:**  
Under the BC Wildlife Act, the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron, or burrowing owl is protected whether occupied by a bird or its egg or not. Raptors are a term used to describe birds of prey including hawks, owls, falcons and eagles. This includes the nests themselves and their setbacks as determined by a Registered Professional Biologist.

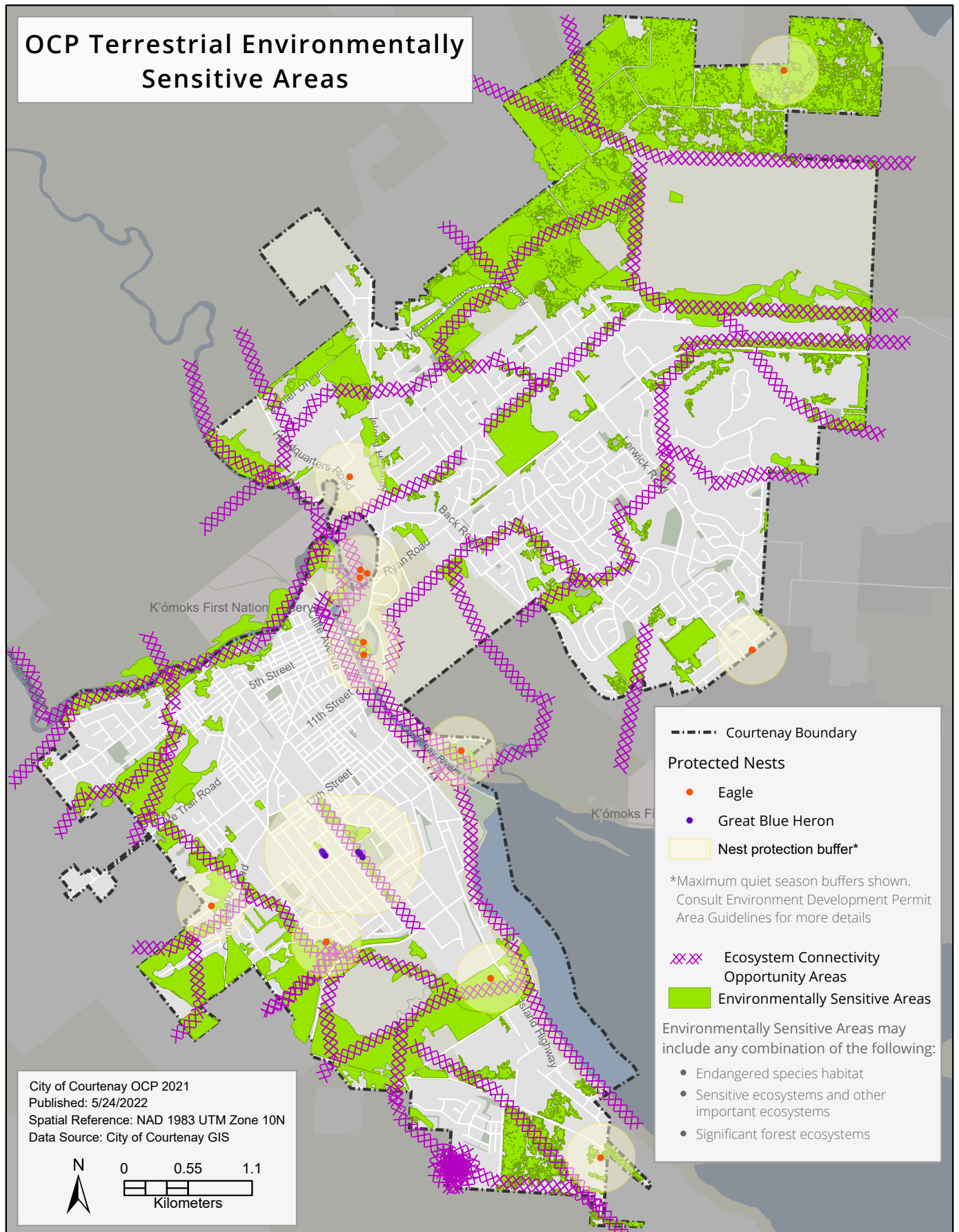
The designation and guidelines are in accordance with sections 488 (1) (a) of the Local Government Act.

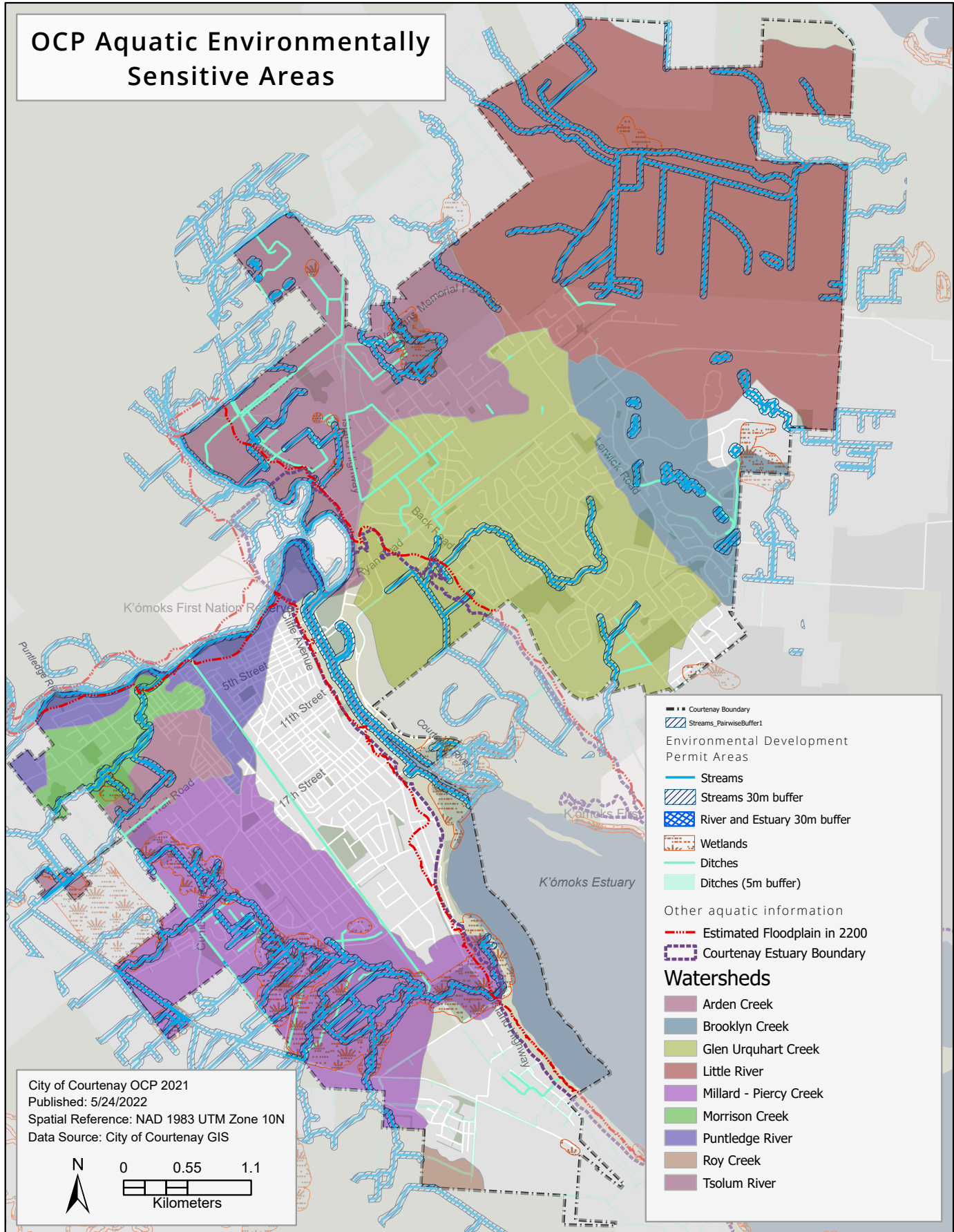
The City of Courtenay's regulations do not negate the need for compliance with any federal or provincial statutes and regulations governing the management of the environment and wildlife.

### **Objectives:**

1. Protect areas of high biodiversity and ecological sensitivity within Courtenay including ground and surface water, shorelines, forests, wildlife and important wildlife habitats, ecosystem features and functions, and rare and endangered ecosystems, ecological communities and species.
2. Maintain ecosystem connectivity.
3. Restore and enhance previously degraded ecosystems.
4. Ensure that ecosystem protection and enhancement values are elevated and prioritized in the development design and review process, and specify where and how lands are developed around Environmentally Sensitive Areas.
5. Protect and enhance water quality and prevent contamination of water from land use and development activities.
6. Meet and generally exceed the Riparian Areas Protection Regulation (RAPR) requirements.
7. Provide comprehensive environmental protection guidelines that are scientifically rigorous, clear, and transparent to development applicants and the greater community.

Map 5 Terrestrial Environmentally Sensitive Areas.







## DESIGNATED AREAS & ACTIVITIES

The Environmental Development Permit Area applies to all privately-owned land within the City of Courtenay unless subject to a defined Exemption (Exemptions Section follows).

Unless exempt, a development permit addressing the Environmental Development Permit guidelines in this chapter must be approved before any development may take place. Development includes any of the following:

- removal, alteration, disruption, or destruction of vegetation
- disturbance of gravel, sand, soils and/or peat
- deposition of gravel, sands, soil, and/or peat
- construction, erection, or alteration of buildings and structures
- creation of non-structural impervious or semi-pervious surfaces
- flood protection works
- preparation for or construction of roads, trails, docks, and bridges
- provision and maintenance of sewer and water services
- development of drainage systems
- development of utility corridors
- blasting

## GENERAL STRUCTURE

The structure of the Environmental Development Permit Area Guidelines follows the following format:

- **General Guidelines** - These generally apply to all types of development.
- **Additional Guidelines** - These apply additionally to specific types of Environmentally Sensitive Areas and are listed in box insets.

Where a property contains or is adjacent to more than one Environmentally Sensitive Area, all applicable development permit guidelines shall be followed.

## EXEMPTIONS

### **An Environmental Development Permit (EDP) will not be required in the following circumstances:**

#### **1. No Environmentally Sensitive**

**Area.** The absence of an ESA shall be demonstrated as follows:

- a. Properties that are smaller than 4,000 square metres in size and do not contain an ESA shown on Maps 5 or 6 (Terrestrial and Aquatic Environmentally Sensitive Areas) are exempt.
- b. Properties that are equal to or larger than 4,000 square metres in size will require an Environmental Impact Assessment (EIA) in order to evaluate the presence of Environmentally Sensitive Areas.
  - i. Where an ESA had previously been identified, but is no longer present, the City will take into account whether the ESA is no longer present due to its alteration.
  - ii. Where alteration in the form of land clearing, drainage, or any other alteration that affected the ESA is known to have occurred, the City will require that an EDP be registered on title to include ecological restoration provisions.
  - iii. Where the EIA demonstrates that no ESAs will be affected by the development proposal and where scenario 1.b.ii. does not apply, an EDP will not be required.

**2. Pre-existing protection.** Where a development permit of this type has already been issued or a conservation covenant under section 219 of the *Land Title Act* is registered against title, is granted to the City or a recognized conservancy and includes provisions which protect the environmentally sensitive area in a manner consistent with the current applicable EDPA guidelines, to the satisfaction of the City of Courtenay.

**3. Restoration activities only,** including invasive species removal. The proposed works are ecological restoration and enhancement, in accordance with established best management practices and senior government approvals, as required, under the purview of the City of Courtenay. This includes: hand removal of invasive plants or noxious weeds on a small scale with appropriate disposal methods; planting and maintenance of native species trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability. A restoration plan prepared by a Registered Professional Biologist must be presented to the City of Courtenay prior to these activities taking place.

**4. Sufficient senior government approvals.** Works approved by provincial or federal authorities with respect to the installation of public utilities, sewer and water lines, trail construction, stream enhancement, and fish and wildlife habitat restoration or site inspection.

**5. Public infrastructure.** Including the repair, maintenance of and improvements to all existing public structures, facilities, open spaces, trails, roads, utilities, and signage meant to include: sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric, and telephone.

**6. Emergency procedures.** Actions and activities necessary in order to prevent immediate threats to life or property. Any emergency works are to be undertaken in accordance with the Provincial Riparian Area Protection Regulations, Water Sustainability and Wildlife Acts, and the Federal Fisheries Act. Emergency actions by anyone other than authorized personnel must be reported to the City of Courtenay Operational Services Department immediately.

**7. Imminently hazardous trees.** Removal of a tree that is deemed an imminent hazard to the safety of life or buildings, as determined by an Arborist certified by the International Society of Arboriculture (ISA) with Tree Risk Assessor Certification (TRAC), provided a tree risk assessment report is provided to the City of Courtenay at the property owner's expense and removal is in accordance with the Provincial Riparian Area Protection Regulations, Water and Wildlife Acts, and the Federal Fisheries Act.



**8. Farm use in accordance with the Farm Practices Protection (Right to Farm) Act.** Provided that the proposed activity on the site will not impact the environmentally sensitive area and the activity relates solely to normal farm practices in accordance with the Act. Non-farming activities and buildings on lands that may otherwise be used, designated, or zoned for agriculture are subject to the EDP guidelines.

**9. Limited construction.** Specifically:

- a. The construction of a small accessory building if all of the following apply:
  - i. The building is not located within 30 metres of natural boundary of a watercourse or within an environmentally sensitive area or its setback;
  - ii. The building is located within an existing developed area;
  - iii. No native trees are removed;
  - iv. The total area of individual small accessory buildings is less than 10 m<sup>2</sup>.
- b. Additions to existing buildings and structures that do not encroach into the present setback between the existing building and the defined ecologically sensitive feature.
- c. Fences and unpaved paths or trails which are less than one (1) metre in width, provided they are not located within 30 metres of a watercourse, waterbody or marine foreshore and no native vegetation is removed.

**10. Repair and maintenance of existing property.** Specifically:

- a. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter

the general contours of the land or cause erosion into adjacent watercourses provided that existing native vegetation is not damaged. Use of pesticides is not permitted.

- b. Roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail and specifically no expansion of the amount of impervious area.
- c. Renovations, repair, and maintenance to existing buildings, structures, and utilities provided the structure remains on its existing foundation, does not extend the structure footprint either horizontally or vertically beyond its pre-existing condition, and is in compliance with the Local Government Act.

**11. Separated by a road.** Development within a Riparian Assessment Area where the development is separated from the body of water by a developed public road right of way, provided that no other Environmentally Sensitive Areas, including their buffers, are on the property.

**12. Lot consolidation or boundary adjustment.** A subdivision involving a lot consolidation or boundary adjustment where no new lots are being created and each remaining lot provides, outside of any environmental protection assessment areas, a building envelope of sufficient area to permit the construction of a standard sized building within the setback building envelope established by the Zoning Bylaw (the construction of a building will require an EDP).

**13. Developing near roadside ditches within a public road right of way.**

Provisions regarding setbacks from both fish-bearing and non-fish-bearing roadside ditches shall be adhered to at the building permit stage. Five (5) metre leave strips will be required for known fish-bearing ditches. Two (2) metre leave strips will be required for non-fish-bearing ditches. Where it is unknown whether the stream contains fish or not, the five metre leave strip shall apply. An EDP will be required for developing near ditches that are located on private land, and will be subject to the Riparian Areas Protection Regulation if developing within 30 metres of said ditch.



# GENERAL GUIDELINES

## Site planning

1. Development encroachment on ecosystems and their buffers identified in the EIA shall not be permitted.
2. Connectivity and linkages of ESAs on the property to adjacent ESAs, tree retention areas, and other habitat areas shall be maintained and restored wherever possible to develop a continuous network of ecosystems and minimize fragmentation. This means locating development within the parcel where it will cause the least impact to natural habitat and the movement of native fauna between adjacent areas.
3. Parcel sizes for subdivision parcels, including bare land strata lots, shall be designed to be met exclusive of any ecosystems and their buffers identified in the EIA.
4. Buffer setbacks shall include sufficient distance to protect the roots of vegetation and trees, and address forest stand stability dynamics such as increased windthrow risk following proposed removal.
5. Development on slopes greater than 30% should be avoided due to the high risk of erosion and bank slippage.
6. Grading of lands immediately adjacent to ESAs shall be matched so that engineered slopes do not exceed 3:1 for a distance of five metres from the setback boundary.
7. Development and subdivision shall be planned, designed, and implemented in a manner that supports the maintenance and restoration of natural system functions including watercourse hydrology and groundwater recharge. This includes:
  - a. Managing rainwater in accordance with the Water Balance Model or the most recent integrated watershed management or rainwater policy and design manual;
  - b. Managing rainwater on site and maintaining pre-development drainage flows. Developments shall not result in an increase to post-development surface water flows, or affect the quality of the water availability within the non-disturbance areas, unless specified in the Development Permit;
  - c. Using pervious surfaces such as absorbent landscape, pervious pavement, and similar stormwater source controls as much as practicable; and
  - d. Ensuring a minimum of 20 centimeters of topsoil on all future lawn areas.

8. Natural features including soil, groundwater, native vegetation, and tree cover throughout the development should be preserved in addition to Environmentally Sensitive Areas. This includes:
  - a. Meeting or exceeding a tree density target of 50 trees per net developable hectare, as described in the Tree Protection and Management Bylaw 2850
  - b. Except where ecosystems are characterized by isolated trees (e.g., terrestrial herbaceous ecosystems), conserving groups of trees along with their associated understories rather than isolating individual specimens.
  - c. Preserving large, wind-firm trees (living and dead) and veteran recruit trees, particularly within 500 metres of large water bodies, for the purposes of supporting raptor habitat (nesting and perching).
  - d. Preserving native vegetation and tree cover means also preserving their roots.
9. Habitat structures such as old trees, snags, trees with cavities, trees with perches for raptors, leaf litter, fallen debris, and ephemeral wetlands shall be maintained in a manner that balances FireSmart principles and public safety with ecosystem restoration under the guidance of a Registered Professional Biologist.
10. Disturbance to nesting sites and breeding areas as identified in the EIA is prohibited.
11. Wildlife crossings wherever wildlife corridors are interrupted by roadways, as determined by the EIA, shall be included.
12. Unutilized existing structures should be removed from ecosystems and their buffers identified in the EIA.
13. Lighting shall be designed to provide the minimum necessary for safety purposes and to avoid light intrusion throughout the parcel and particularly within the ESA.
14. Landscape requirements on the property, outside of the Environmentally Sensitive Areas, shall be complementary and supportive of the habitat types and ecosystem values within the protection areas.
15. The ecological value of the ESA should be enhanced by adding habitat features such as nest boxes.
16. Dedication of the Environmentally Sensitive Area, including a stream and surrounding areas, to the City of Courtenay for the preservation of the area, prior to development or subdivision of land containing or adjacent to an ESA is encouraged. These lands may not be donated in lieu of five percent parkland subdivision requirement.

## ***Restoration and recovery***

17. Environmental restoration may be required where an area has been previously cleared of native vegetation, or is cleared during the process of development. Recovery efforts may be required to enhance or re-introduce species, subspecies and populations where species are threatened, endangered, or extirpated.
18. Disturbed areas, areas of invasive species removal, or where planting stock is thin or bare shall be replanted or supplemented within the ESA identified in the EIA. Restoration plans are subject to the following guidelines:
  - a. Restore disturbed areas quickly (with consideration given to hydrologic and climatic variables) to minimize erosion, ensure sediment control, and prevent the spread of invasive species.
  - b. Use trees, shrubs, and ground cover native to the area and adapted to specific site conditions today (soil type, sun shade, and moisture) and for a changing climate, and promote habitat and erosion control functions.
  - c. Replace removed trees based on the recommendations of the EIA.
  - d. Seed those areas not covered or restored with trees, shrubs, or groundcover with native herbaceous plants, grasses, or legumes.
19. Artificial habitat features such as nesting boxes, spawning beds, and modified wildlife trees, snags, and raptor perching trees should be located where safe to do so.
20. Restoration and recovery plans must:
  - a. Be prepared by a Registered Professional Biologist.
  - b. Address opportunity for retention of existing native vegetation within the development area(s), use native species, recommend timing for plantings, provide cost estimates for the works, and recommend monitoring measures during and after said works.
  - c. Include restoration recommendations for artificial habitat features where applicable.
  - d. Be accompanied with securities to fulfill the restoration works in accordance with the Development Procedures Bylaw.
  - e. Be monitored for a minimum of five years following restoration activities.

## ***Fences, trails, and signage***

21. ESA including individual trees should be protected with permanent fencing and shall follow the protection measures identified in the EIA.
22. Fencing shall prevent encroachment into the protected areas, while also allowing for wildlife passage, as identified in the EIA. Permanent fencing specifications are to be approved by the City. Fencing must be installed sensitively so as not to damage tree roots.
23. ESA shall be protected from intrusion by motor vehicles with a curb or other suitable protective barrier if roads, driveways, or parking areas abut the ESA.
24. Trails, including stairways, where applicable, shall be designed to:
  - a. Minimize the impacts of recreational use on ESAs and adjacent natural areas and systems;
  - b. Minimize slope disturbance and changes to natural drainage patterns; and
  - c. Be designed to prevent unauthorized motorized vehicle use to the maximum extent possible.
25. Permanent signage to identify the ESAs and their values should be provided in areas where public access is provided.



## ***Construction phase***

26. Work shall be scheduled during times that minimize impact to all identified wildlife, recognizing that different species have different sensitive timing windows and some seasons pose greater development risk. For example, soil disturbance activities should be completed during the dry months of the year, while tree and vegetation cutting should occur outside of nesting windows. This includes taking care to schedule sensitive activities:
  - a. Outside of known wildlife migration seasons;
  - b. Outside of breeding, birthing, and rearing seasons (refer to Section 4 of 2014 Develop with Care Manual for breeding least risk windows where available, and Registered Professional Biologist for recommendations); and
  - c. Within least risk regional timing windows for aquatic species.
27. The roots of trees and native vegetation shall be protected during construction. Temporary fencing should be a minimum height of 1.2 m and supported by poles placed at 2.5 m intervals. The fence will remain in place throughout clearing, site preparation, construction, or any other form of disturbance. Fencing must be installed sensitively so as not to damage tree roots.
28. Invasive plant species shall be removed, controlled, and disposed of using site and species appropriate methods and under the guidance of a Registered Professional Biologist.
29. Native plants of high conservation value should be salvaged prior to clearing.
30. Foreign material shall not enter into any ESAs, including – without limitation – stockpiled materials and vehicles, garbage, greases, oils, gasoline, sediments, pesticides and other contaminants during and after the construction phase of the proposed development.
31. Sediment containment and erosion control measures shall be installed prior to any development activity and ensure they are regularly maintained to fulfill their purpose.
32. Environmental monitoring may be required to confirm the completion and compliance with required conditions of the Development Permit. Where required, monitoring shall include regular reports prepared by a Registered Professional Biologist, during construction and for the duration of the works and maintenance period.
33. A phased clearing approach may be required on large developments that are expected to be developed over a number of years in order to reduce erosion and sediment risk.

## ADDITIONAL GUIDELINES FOR DEVELOPMENT SUBJECT TO RIPARIAN AREAS PROTECTION REGULATION

The Riparian Areas Protection Regulation (RAPR) is a provincial regulation that calls on local governments to protect riparian areas during residential, commercial, and industrial development ensuring that a Qualified Environmental Professional conducts a science-based assessment of proposed activities and develops mitigation measures to avoid impacts from development to fish and fish habitat, particularly riparian habitat.

Local governments must provide protections that meet or exceed these provincial requirements. The guidelines provided below fulfill this objective and clarify when a RAPR assessment report is required as part of an EDP application. The general intent of these guidelines is to require a 30 metre setback in all possible instances, and to defer to the Riparian Area Protection Regulations methodologies for determining stream setbacks only in instances where the property will be undevelopable otherwise.

34. A 30 metre setback shall be provided from the stream boundary on all properties subject to the Riparian Areas Protection Regulation (RAPR). This means:

- a. An Environmental Development Permit (EDP) is required for development on a property that is subject to the RAPR, including on a property that contains a stream or any portion of a Riparian Assessment Area, even if development is not planned for within the Riparian Assessment Area.

- b. For new development subject to the RAPR a 30 metre setback from the stream boundary is required. In such instances the City does not require the submission of an RAPR assessment report as part of the EDP application.
- c. New lot subdivision within the 30 metre setback is not permitted.

35. The following exceptions apply to the 30 metre setback of a stream:

- a. Where a 30 metre setback from the stream boundary results in the property being unable to accommodate any development at all under the designated zoning, the RAPR determined setbacks (Streamside Protection and Enhancement Area, SPEA) may apply.
- b. Where existing structure(s), parking facilities, and landscape areas already encroach into the 30 metre setback.
  - i. When reconstructing or adding to an existing structure is proposed, the RAPR report and enhanced restoration measures that improve the existing condition of the setback are required as part of an EDP application.
  - ii. In the case of redevelopment, the 30 metre setback requirement shall apply wherever possible. However, should it not be possible, then the RAPR assessment report shall set the minimum setback and enhanced restoration measures that improve the existing condition of the setback are required as part of an EDP application.

- c. A policy of net habitat gain, including restoration, shall be adopted wherever a 30 metre setback cannot be achieved due to existing development setbacks, and where the property has space for habitat gain.

36. RAPR reports must be authored or reviewed and signed off by a Registered Professional Biologist.

### **ADDITIONAL GUIDELINES FOR DEVELOPING NEAR THE K'ÓMOKS ESTUARY AND MARINE SHORELINE**

- 37. A natural, vegetated buffer strip within the first 30 metres above the natural boundary of the sea or Courtenay River (including up to Condensory Bridge) shall be maintained except where access is essential for water transport or public use.
- 38. A policy of net habitat gain shall be adopted wherever a 30 metre setback cannot be achieved due to existing development setbacks.
- 39. Aquatic, riparian, and upland areas that have been lost or degraded by previous land uses shall be restored to maximize their value as fish and wildlife habitat.
- 40. Where recreational greenways along the Courtenay River and K'ómoks Estuary are required, public access shall be chosen with respect for estuarine and riparian habitat functions.
- 41. Shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shoreforms, natural vegetative cover, scenic vistas, diverse landscapes, historic structures, and rural and wilderness-like shores shall be maintained.

42. Suitable raptor nesting and perching trees identified in the EIA, including veteran recruit trees and trees with natural cavities shall be protected. Where no suitable perching trees are present, the possibility of pruning mature trees in order to make them more attractive to raptors shall be examined.

43. Groups of trees rather than isolated trees shall be retained where possible, to provide an interlocking tree canopy and support tree health.

44. Following the Green Shores Coastal Development Rating System is strongly encouraged including designing to preserve and protect natural beach transportation processes in their natural state.

### **ADDITIONAL GUIDELINES FOR DEVELOPING NEAR RAPTOR AND HERON NESTS**

45. Raptors and herons routinely establish new nests and therefore not all nests may be shown on Map 5 "Terrestrial Environmentally Sensitive Areas." The guidelines apply whether a nest is mapped or not.

46. A naturally vegetated "no development" buffer shall be maintained. The buffer must be based on scientifically established recommended minimum setbacks and determined by a Registered Professional Biologist with experience in assessments for the species in question. Refer to "Table 2 General guidance on raptor and heron nest setbacks."




47. An additional "no disturbance" quiet buffer shall be maintained during breeding seasons. During this time no development activities may take place unless a Registered Professional Biologist provides a mitigation plan to allow identified activities to occur.

48. Both existing and potential nest sites and perching trees as identified in the EIA shall be protected within the vicinity of the nest tree including veteran recruit trees and trees with natural cavities. Where no suitable perching trees are present, examine the possibility of

pruning mature trees in order to make them more attractive to raptors.

49. Groups of trees rather than isolated trees shall be retained where possible, to provide an interlocking tree canopy and support tree health.

**Table 2** General guidance on raptor and heron nest setbacks.

	<b>Species tolerance to activity near nest side (common species listed; list is not exhaustive)</b>	<b>Undeveloped context</b>	<b>Rural context (lot sizes 1-5ha)</b>	<b>Urban context (lots smaller than 1ha)</b>	<b>Additional quiet season buffer</b>
	<p>High tolerance: Osprey, Red-tailed Hawk, Great Horned Owl, Barred Owl.</p> <p>Moderate-high tolerance: Bald Eagle, Cooper's Hawk, Swainson's Hawk, American Kestrel, Merlin, Barn Owl, Northern Saw-whet Owl.</p>	200 metres	100 metres	1.5 tree lengths (approx. 100m) or 50 metres from cliff	Add 100 metres
	<p>Moderate tolerance: Turkey Vulture, Sharp-shinned Hawk, Peregrine Falcon, Northern Harrier, Western Screech-Owl, Short-eared Owl, Northern Pygmy Owl.</p>	500 metres	200 metres	1.5 tree lengths (approx. 100m) or 50 metres from cliff	Add 100 metres
	<p>Low-moderate tolerance: Burrowing Owl, Prairie Falcon.</p> <p>Low tolerance: Northern Goshawk, Spotted Owl.</p>	500 metres	As advised by a Registered Professional Biologist	As advised by a Registered Professional Biologist	As advised by a Registered Professional Biologist
	<p>Great blue heron. Tolerance not identified.</p>	300 metres	200 metres	60 metres	Add 200 metres

Information from Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia, 2013. Raptor setbacks are measured from the base of the tree; heron setbacks are measured from a line drawn around the outer perimeter of all nest trees.

## ADDITIONAL GUIDELINES FOR DEVELOPING NEAR ECOSYSTEM CONNECTIVITY AREAS

50. Connectivity and linkages of ESAs on the property to adjacent ESAs and other habitat areas shall be maintained wherever possible, and in general accordance with the Ecosystem Connectivity Areas Opportunities identified on Map 5, to develop a continuous network of ecosystems and minimize fragmentation. This means locating development within the parcel where it will cause the least impact to natural habitat and the movement of native fauna between adjacent areas.
51. To the maximum extent possible, the distribution and intensity of native vegetation and cover should be maintained throughout the property.
52. New road and linear utility development within Connectivity Areas shall be avoided to the maximum extent possible. If new road and linear utility development cannot be avoided:
- a. The length and width of development shall be minimized;
  - b. Crossings shall be narrow and perpendicular to the connectivity area;
  - c. Appropriate wildlife crossing infrastructure as determined by the mitigation measures described in the bio-inventory shall be designed and installed, using best practices for mitigating the effects of roads on local species.



53. Any fencing or other similar barriers to the movement of identified wildlife shall be designed with wildlife movement in mind.



# DPA 5 – HAZARDOUS CONDITIONS – STEEP SLOPES

## JUSTIFICATION:

This Development Permit Area is intended to establish a process for hazard assessment over those areas that are susceptible to land slippage and ensure that development is protected from such hazardous conditions.

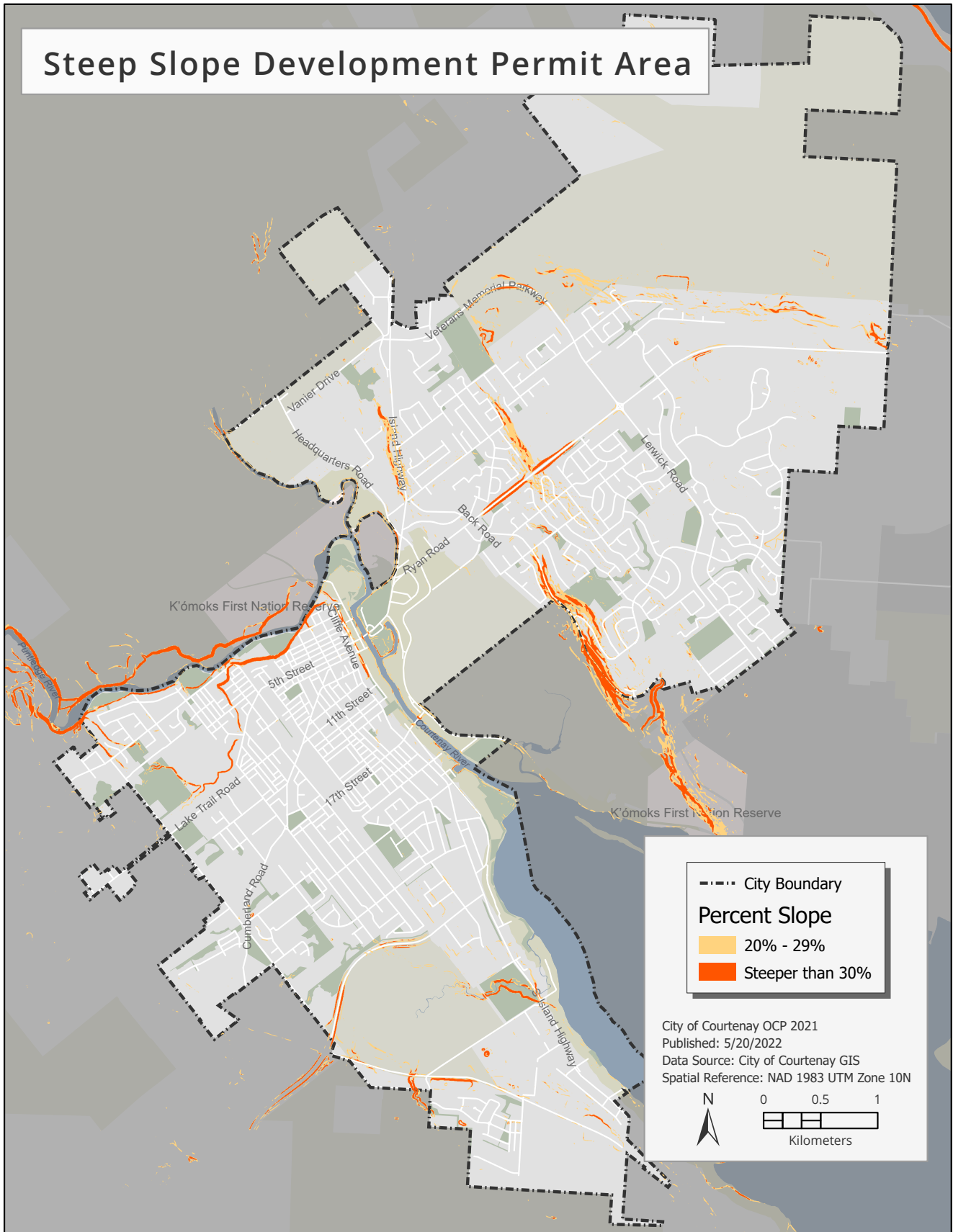
This category applies to all properties containing a slope of equal to or greater than 20% measured over a minimum horizontal distance of 10 metres (as shown on Map 7).

The designation and guidelines are in accordance with sections 488 (1) (b) of the Local Government Act.

## *Objectives:*

1. Minimize the risk to people and property from natural hazards.
2. Provide stable and accessible building sites.
3. Promote development that is appropriate for steep slope areas by respecting terrain, maintaining natural vegetation and drainage patterns.
4. Inform land owners of potential hazards and encourage development and property maintenance that is resilient to hazard risk.

Map 7 Steep Slope Development Permit Area.



## Exemptions

1. The proposed development will not be impacted by the identified hazardous conditions.
2. A restrictive covenant is in place which effectively mitigates the hazardous conditions on the property and saves harmless the City of Courtenay.
3. The only activity being proposed onsite relates to the removal of hazardous tree(s), and generally the stump must be retained. For the City to determine whether the proposed development qualifies for this exemption, applicants may be required to provide a report prepared by a certified arborist with Tree Risk Assessment Qualifications.

For the City to determine whether the proposed development qualifies for exemptions, applicants may be required to provide a report on the development and hazardous condition, prepared by a professional engineer or geoscientist experienced in geotechnical engineering (qualified professional).

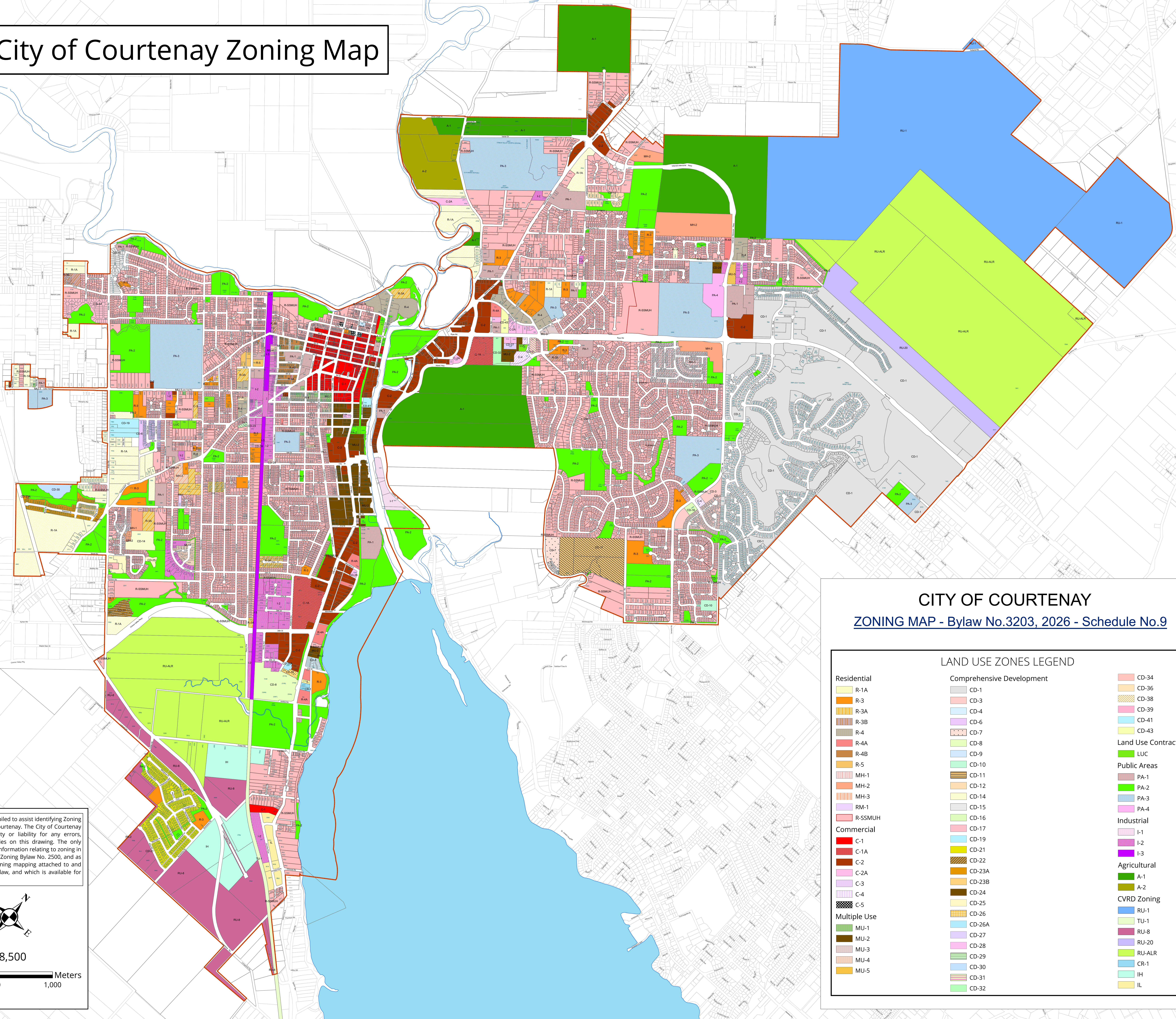
## Guidelines

1. Land shall be safe for the intended use or measures required for the land to be safe for the intended use provided.
2. A report shall be provided completed by a professional engineer or geoscientist experienced in geotechnical engineering indicating the land is safe for the intended use or measures required for the land to be safe for the intended use, in accordance with the Development Permit Area guidelines.

3. Development shall be designed to minimize any alterations to the steep slope and to reflect the site rather than altering the site to reflect the development.
4. Where risk slope stabilization measures are proposed, bioengineering approaches should be proposed prior to hard engineering solutions.
5. Buildings or permanent structures shall not be constructed in areas subject to steep slope hazardous conditions.
6. Buildings and structures shall be sited in accordance with setbacks determined by the City or a geotechnical report by a qualified professional.
7. As much as possible, the site should be designed to avoid the need for retaining walls.
8. Existing vegetation should be maintained to absorb water, minimize erosion and protect the slope.
9. Natural slopes of 30 per cent or more should be maintained as natural open space.
10. Disturbed slopes shall be revegetated where gullied or bare soil is exposed as per a qualified professional's report.
11. Fill, excavated material, sand or soil should be avoided near the top of slope.
12. Section 219 restrictive covenants may be required for areas that have been identified as hazardous.
13. The alteration of land, including vegetation, subdivision, or construction of, addition to or alteration of a building or structure should be in accordance with any required professional engineer or geoscientist report including any measures specified for the land to be safe for the intended use.



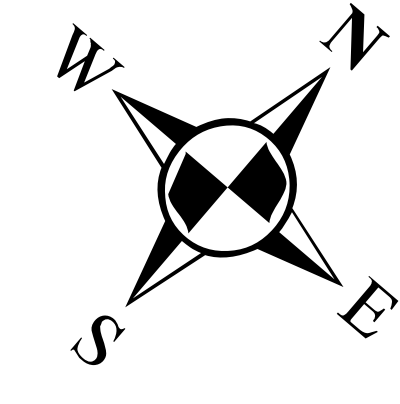
# City of Courtenay Zoning Map



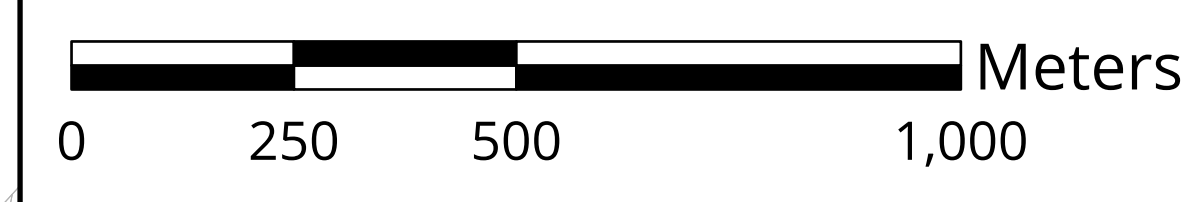
## CITY OF COURTENAY ZONING MAP - Bylaw No.3203, 2026 - Schedule No.9

LAND USE ZONES LEGEND		
<b>Residential</b>	<b>Comprehensive Development</b>	
R-1A	CD-1	CD-34
R-3	CD-3	CD-36
R-3A	CD-4	CD-38
R-3B	CD-6	CD-39
R-4	CD-7	CD-41
R-4A	CD-8	CD-43
R-4B	CD-9	<b>Land Use Contract</b>
R-5	CD-10	LUC
MH-1	CD-11	<b>Public Areas</b>
MH-2	CD-12	PA-1
MH-3	CD-14	PA-2
RM-1	CD-15	PA-3
R-SSMUH	CD-16	PA-4
<b>Commercial</b>	CD-17	<b>Industrial</b>
C-1	CD-19	I-1
C-1A	CD-21	I-2
C-2	CD-22	I-3
C-2A	CD-23A	<b>Agricultural</b>
C-3	CD-23B	A-1
C-4	CD-25	A-2
C-5	CD-26	<b>CVRD Zoning</b>
<b>Multiple Use</b>	CD-26A	RU-1
MU-1	CD-27	TU-1
MU-2	CD-28	RU-8
MU-3	CD-29	RU-20
MU-4	CD-30	RU-ALR
MU-5	CD-31	CR-1
	CD-32	IH
		IL

This plan has been compiled to assist identifying Zoning by-laws in the City of Courtenay. The City of Courtenay accepts no responsibility or liability for any errors, omissions or inaccuracies on this drawing. The only authoritative source of information relating to zoning in the City of Courtenay is Zoning Bylaw No. 2500, and as shown in the official zoning mapping attached to and forming part of that bylaw, and which is available for review at City Hall.



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