



# ***ZONING BYLAW***

***NO. 2500, 2007***

***Appendix "A"***

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THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2500

A Bylaw to establish zones and regulate the use of land, buildings and structures within the zones.

WHEREAS Division (7) of Part 26 of the Local Government Act Chapter 323 provides that the *Council* of the Corporation of the *City* of Courtenay may by bylaw, divide the whole or a portion of the area of the *municipality* into zones and define each zone;

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 reconsider the zoning regulations in the *City* of Courtenay;

AND WHEREAS the "Official Community Plan Bylaw No. 2387, 2005" has been adopted;

AND WHEREAS there is a need for land use regulation within the *City* of Courtenay reflecting the intent of the Official Community Plan;

AND WHEREAS there is a need to consolidate the existing zoning bylaws within the *City* of Courtenay;

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

## **DIVISION 1 TITLE**

- 1.1 This Bylaw may be cited for all purposes as "Zoning Bylaw No. 2500, 2007".

## **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 Enforcement**

- 2.2.1 The Administrator, or his appointed designate, shall determine whether the regulations under this Bylaw are being observed and is hereby authorized to enter any *building* or on property for the purpose of enforcing this Bylaw.
- 2.2.2 It shall be unlawful for any person to prevent or obstruct any official from the carrying out his duties under this Bylaw.

### **Part 3 Prohibition**

- 2.3.1 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 4 Violation**

- 2.4.1 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 5 Penalty**

- 2.5.1 Any person who violates the provisions of this Bylaw is liable on summary conviction to a penalty not exceeding Two Thousand (\$2,000.00) Dollars or imprisonment for a period not exceeding thirty (30) days.
- 2.5.2 Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

**Part 6 Appeal**

2.6.1 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 7 Severability**

2.7.1 If any provision of this Bylaw is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.



## DIVISION 3 INTERPRETATION

### Part 1 Definitions

In this Bylaw, unless the context otherwise requires:

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

**"agriculture"** means growing, rearing, producing or harvesting agricultural crops or livestock and includes processing on a *parcel* the primary agricultural products harvested, reared or produced on that *parcel* and the storage of farm machinery, implements and agricultural supplies, but excludes *intensive agriculture* and the wholesale distribution of farm products.

**"agricultural business"** means a business in which one or more agricultural operations are conducted, and includes a wildlife interpretive centre, farm education or farm research institution to the extent that the institution conducts one or more farm operations.

**"aisle space"** means the area of a *parcel* which provides space for motor vehicle access and does not include required space for motor vehicle parking.

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

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

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

**"bingo facility"** means any place that is used for both paper and electronic bingo and *accessory* food sales pursuant to a license 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.

**"building"** means a *structure* used or intended for supporting or sheltering any use or occupancy and includes 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 trailers, tents, or recreation vehicles. It does not include a *mobile home park*, *motel* or *hotel*.

2935 **"cannabis"** has the same meaning as in the Cannabis Act (Canada), subject to any prescribed modifications

2803 **"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.

2551 **"carriage house"** means an accessory dwelling unit located on the second storey of an accessory building accessory to a single residential use which contains no interior access to any part of the accessory building below the carriage house and is located on a lot which is a single real estate entity.

**"City"** means either

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

3074 **"class I bicycle parking space"** means a bicycle parking space provided within a bike rack and is intended to be for visitor or temporary bike parking.

3074 **"class II bicycle parking space"** means a bicycle parking space provided within a controlled access secure space such as a bicycle room, or a bicycle locker and is intended to be for longer term permanent bicycle parking.

2618 **"cluster housing"** means a cluster of residential buildings and accessory uses comprised of not less than three dwelling units. Cluster housing may contain a mix of single residential dwellings, duplex dwellings, townhouses, and apartments.

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

- (a) provide adult *day care*;
- (b) provide referral, counselling or physical or mental health services;
- (c) provide drop-in or activity space.

2563 **"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.

**“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.

2803 **“Cultural Facility”** means a 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 facility Act*.

**“dry cleaning”** means a *building* used for the purpose of receiving articles or goods of fabric or leather to be subjected to the process of *dry cleaning*, dry dyeing, or cleaning, processing or repairing and for the distribution of such articles and goods which have been subject to any such processes.

2618 **“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.

2618 **"dwelling, duplex"** means a building consisting of two dwelling units structurally adjoined back-to-front, side by side, or one above the other. A secondary suite is not permitted in a duplex dwelling.

2618 **“dwelling, multi-residential”** means an apartment dwelling, cluster housing, townhouse dwelling.

**"dwelling, single residential"** means a detached *building* containing one *dwelling unit*, occupied or intended to be occupied as a single *residence*.

2618 **"dwelling, townhouse"** means a *building* consisting of three or more dwelling units, where each unit has separate direct access to the outside at grade and wherein no dwelling unit is located wholly or partly above another dwelling.

**"dwelling unit"** means one or more inter-connected room 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.

**"facility for adults with a disability"** means a facility that is operated by a non-profit society or private contractor either licensed 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* program 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.

2948 **“family 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.

2803 **“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.

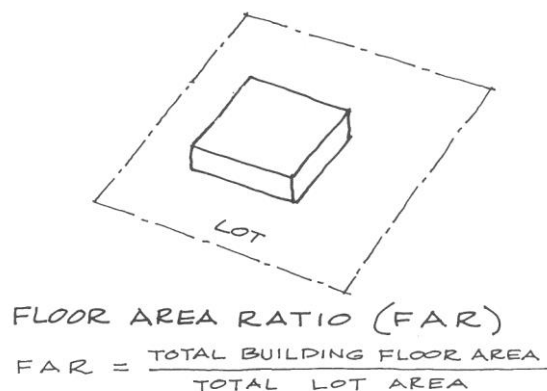
**“fence”** means any *structure* erected as an enclosure, barrier or boundary and, without limiting the generality hereof, includes trellises, walls and like structures.

**“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”** means the space on any *storey* of a *building* between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the *storey*, and the area of an enclosed attached *garage* to a maximum size of twenty (20) square metre, per *dwelling unit*.

**“floor area ratio”** means the figure obtained when the gross *floor area* of all the floors of the buildings on a *lot* is divided by the area of the *lot* excluding *underground parking* or basement area containing heating, laundry or storage facilities, and unenclosed decks, as illustrated in Figure 1.



**Figure 1: Floor Area Ratio**

3066 **“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.

**“games room”** means any room, *building*, store, or other place open to the public and containing two or more amusement machines.

"**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* but excludes any *building* except as expressly permitted;

2551

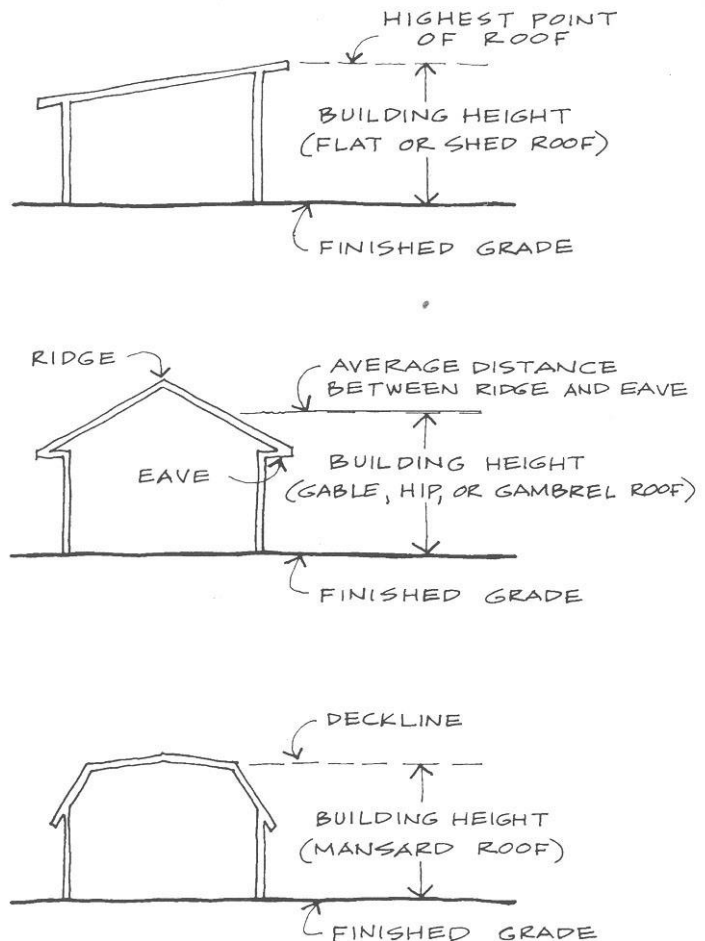
"**granny flat**" means an accessory dwelling unit located in an accessory building accessory to a single residential use on a lot which is a single real estate entity.

"**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*.

"**height of building**" means the vertical distance from the curb level to the highest point of the roof surface if a flat roof; the deck line of a mansard roof; and to the mean *height* level between the eaves and ridge of a gable, hip, or gambrel roof. When a *building* is situated on ground above the curb level, such *height* shall be measured from the average elevation of the natural grade of the *lot* along the front of the *building*, as illustrated in Figure 2.

"**home occupation**" means a non-employable type of occupation clearly incidental to the use of a *dwelling unit* for residential purposes, carried on in a home by the residential tenants of such home, and the occupation is limited to the provisions of Section 6.3.1 of this Bylaw.

"**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..

## Figure 2: Height of Building

2512

**“household”** means an individual; two or more persons related by blood, marriage, adoption or foster parenthood; or not more than (5) unrelated persons.

**“indoor entertainment facility”** means an enclosed facility whose *principal use* is family 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:

- (a) the confinement of poultry, livestock or fur bearing animals or
- (b) the growing of mushroom

**“junk 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, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans or any other scrap or salvage.

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

**“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.

**“licensed 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.

**“lot”** means an area of land designated as a separate and distinct *parcel* on a legally recorded *subdivision* plan or description filed in the Land Registry *Office*;

**“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 line”** means the legally defined line or lines bounding any *parcel*:

- (a) exterior side *lot line* means a *lot line* or lines adjoining a public *street*;
- (b) front *lot line* means a *lot line* common to the *lot* and abutting highway excluding a lane, or where there is more than one such line, the shortest such line shall be considered as the front *lot line* and where it cannot be defined, then it will be determined by the City; for a *panhandle lot*, the line separating the body of the *lot* from a *panhandle* shall be considered the front *lot line*.

- (c) interior side *lot line* means a *lot line* not being a rear *lot line* and common to more than one *parcel*.
- (d) rear *lot line* means the *lot line* opposite to and most distant from the front *lot line* or, where a rear portion of the *parcel* is bounded by intersecting side *lot lines*, it shall be the point of such intersection.

**“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*.

**“medical clinic”** is a facility or part thereof where doctors provide professional medical or dental services within a shared *floor area* with a common reception area and support facilities and specially excludes a *veterinary clinic*.

2935

**“Medical Marihuana Production Facility”** means a building or part thereof used by a licensed producer, as defined in the Access to Cannabis for Medical Purposes Regulations (ACMPR) under the Controlled Drugs and Substances Act, and any subsequent regulations or Acts, to produce marihuana for medical use, including cultivation, drying, testing and research laboratory, storage, destroying, packaging and shipping and includes the sale of marihuana only to customers who are not present on the same premises.

**“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.

**“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 licensed 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.

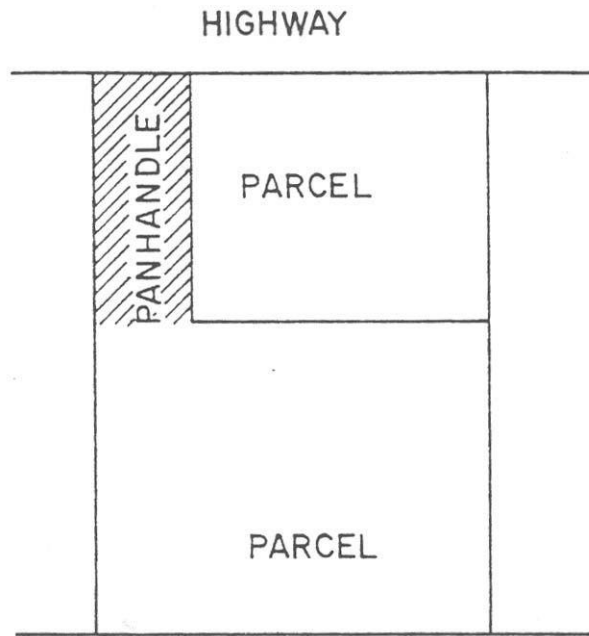
**“non-conforming building or use”** means any *building* or use which does not conform to all the regulations of this Bylaw or any amendments thereto, for the zoning district in which such *building* or use is located.

**“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 and shall not exceed the maximum *lot coverage* of the zone.

**“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 3: Panhandle Lot**

**“parcel”** see “lot”

2875

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



**“parking lot”** means 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 manoeuvring aisles and other areas providing access to the space.

2875 **“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 his or her personal goods or apparel.

**“pet daycare”** means the use of a building for the purposes of daytime care of domestic pets and does not include overnight care or the 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.

**“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 *Provincial Health Act*.

3025 **“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 Part 3 and Part 18 of Division 6 of this bylaw.

**“recreational vehicle”** means any vehicle, trailer, coach, housecar, *structure*, or conveyance designed to travel or be transported on a highway and constructed or equipped to be used as temporary living or sleeping quarters by travellers.

2586 **“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.

2990 **“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:

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

**“retail”** means the sale of goods to the general public.

2935 **“retail store”** means the business of selling goods or merchandise to the ultimate consumer for personal consumption or household use and not for resale purposes and includes convenience stores, video rental, household equipment rental, retail warehouses and flea markets which 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.

2953 **“secondary residence”** means an additional *dwelling unit* which:

- (a) is accessory to a *single residential dwelling*,
- (b) having a total floor area of not more than 90m<sup>2</sup> in area,
- (c) located on a property of residential occupancy containing only one other *dwelling unit*,
- (d) located on a property which is a single real estate entity,
- (e) located on a property over 1,250 m<sup>2</sup> in *lot area*.

2551 **“secondary suite”** means a *dwelling unit* which is accessory to the principle use being made of  
3071 the lot upon which the secondary suite is located:

- (a) having a floor space less than 40% of the habitable floor space of the building,
- (b) located within a building of residential occupancy containing only one other *dwelling unit*,
- (c) located in and part of a building which is a single real estate entity.

**“service and repair”** 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, 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 3000m<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.

**“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*.

**“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.

2935 "***storefront cannabis retailer***" means a premises where cannabis is sold or otherwise provided to a person who attends at the premises.

"***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, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property. Notwithstanding the above, for the purposes of frontage affecting *subdivision*, a lane shall not be considered road frontage.

"***structure***" means a construction of any kind, whether fixed to, supported by, or sunk into land or water and includes swimming pools and major improvements *accessory* to the *principal use* of land, but specifically excludes *landscaping*, paving improvements, *retaining walls* under 1.0 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, singing, acting, and the making of motion pictures and the transmission of radio and television program.

"***subdivision***" means any change in the existing size, shape, number or arrangement of a *parcel* registered in the Land Title *Office* so as to require that a new Certificate of Indefeasible Title be issued.

"***transportation depot***" means a premises 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.

3025 "***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 6.18.1.

3038 "***urban agriculture – raising of hens***" means the raising of hens on an residential lot when operating in accordance with Section 6.18.1.

"***useable open space***" means a level, unobstructed area or areas available for safe and convenient use by the property's occupants and shall include private 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

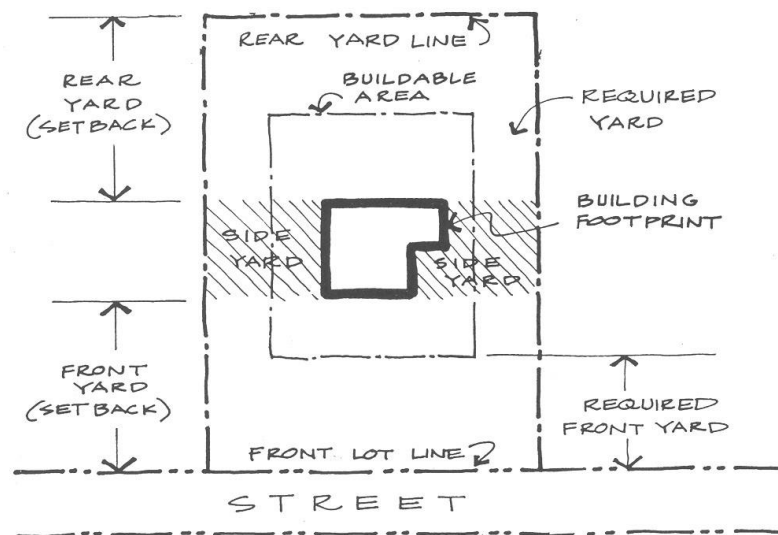
landscaping along property boundary and *building* perimeter.

**“utility facility”** 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.

**“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 Ministry of Environment of the Province of British Columbia.

**“yard”** means an open space that lies between the principal or accessory building or buildings and the nearest lot line which is unoccupied and unobstructed from the ground upward including, as illustrated in Figure 4 and detailed below:



**Figure 4: Required Yards**

- (a) **“front yard”** 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.
- (b) **“rear yard”** 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 distance from the point of intersection to a line drawn parallel to the front lot line.

- (c) "*side yard*" means that portion of the lot extending from the front yard to the rear yard. The width of the side yard shall mean the distance from the side lot line to a line drawn parallel to it.

## **DIVISION 4 BASIC PROVISIONS**

### **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.

### **Part 2 Non-conforming uses**

- 4.2.1 “*Non-conforming uses*” and siting shall be regulated in accordance with the provisions of Section 911 of the Local Government Act.

### **Part 3 Licences, 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.

### **Part 4 Additional Requirements**

- 4.4.1 Parks, playgrounds and municipal utilities may be located in any zone.

## **DIVISION 5 AMENDMENT**

### **Part 1**

- 5.1.1 The procedure to amend this bylaw is included in the "*City of Courtenay Application Procedure Bylaw No. 1794, 1994*" and the application fees are listed in the "*City of Courtenay Fees and Charges Bylaw No. 1673, 1992*".

### **Part 2**

- 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.
- 6.1.2 No *principal building* or *structure* shall be located in any required front, side or *rear yard*.

### 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:
- (i) the *principal use* is being performed on the *parcel*; or
  - (ii) a *building* for the purpose of the *principal use* has been constructed on the *parcel*; or
  - (iii) 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.
- An *accessory building* shall not be used as a dwelling except as otherwise provided in this Bylaw.

2563 6.2.3 *Building and Structure Height Exemptions*

The following types of buildings, *accessory* structures, or structural parts shall not be subject to the *building height* requirements of this bylaw:

water towers as a utility use provided that no such structure shall cover more than 20 percent of the lot;

church spires, fire and hose towers, transmission towers, rooftop cooling towers, and ham radio towers provided that no such *structure* 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.

### Part 3 Home Occupation

- 3024 6.3.1 The following *home occupations*, are permitted subject to all conditions of the Bylaw:
- (i) office (general)
  - (ii) personal service
  - (iii) home crafts (hobby and related crafts)
  - (iv) music, dancing and related lessons providing that the number of pupils on the premises at any one time are five (5) or less
  - (v) small appliance repairs where appliances serviced have a maximum volume of 23m<sup>2</sup>
  - (vi) schools or kindergartens for five (5) children or less
  - (vii) day care pursuant to the *Community Care and Assisted Living Act*
  - (viii) photography
- 3025 (ix) produce sale stand



- 6.3.2 The *home occupation* must be carried on only by a person residing in the *dwelling unit* in question, with no outside assistance.
- 6.3.3 The premises must not be used for *manufacturing*, welding or any other light industrial use, and the *home occupation* carried on therein shall not produce noise, vibration, smoke, dust, odour, litter, or heat, other than normally associated with a dwelling, nor shall it create or cause a fire hazard, glare, electrical interference or traffic congestion on the *street*.
- 6.3.4 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.
- 3025 6.3.5 No part of the premises shall be used as a warehouse or *retail* outlet except in the case of a produce sales stand.
- 3024 6.3.6 No *home occupation* shall occupy more than 50m<sup>2</sup> or 50% of the dwelling unit whichever is the lesser.
- 6.3.7 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 un-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 license holder.
- 6.3.8 The *home occupation* must be carried on wholly within the *dwelling unit*, **except:**
- (i) That in the case of day nurseries, schools and kindergartens, the *rear yard* of the property can be used as a play area;
  - (ii) And in the case of home crafts, to a maximum *floor area* of 30 m<sup>2</sup>, which may be located in an *accessory building*.
- 6.3.9 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.
- 6.3.10 Materials and commodities shall not be delivered to or from the *residence* in such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer.
- 6.3.11 Any person intending to carry on a *home occupation* shall apply for an application for a business license pursuant to the regulations of the *City of Courtenay Business License Bylaw*.
- 6.3.12 Bed and breakfast accommodation may be allowed in any residential dwelling, subject to the following requirements:
- (i) Not more than two bedrooms are used for transient accommodation.
  - (ii) Principle use of the building shall be for occupation by a single family.
  - (iii) That the family or a member of it 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.
  - (v) No liquor shall be supplied to customers.
  - (vi) 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.

2779 6.3.13 *Medical Marihuana 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:

- (i) A garage sale may not occur on more than 4 days in a calendar year;
- (ii) A garage sale may occupy no more than 100m<sup>2</sup> in area;
- (iii) A garage sale may not involve the sale of new goods.

**Part 5 Siting of Development Adjacent to or on Watercourses**

6.5.1 Floodplain construction specifications are established in "The *City of Courtenay* Floodplain Management Bylaw No. 1743, 1994"

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:

- i) 30 m from the *natural boundary* of the Puntledge River, Tsolum River and Courtenay River;
- ii) 15 m from the *natural boundary* of Morrison Creek, Piercy Creek, Milliard Creek and any other *watercourse*;
- iii) 15 m from the *natural boundary* of the ocean;
- iv) 7.5 m from the *natural boundary* of a lake, marsh or pond.

**Part 6 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 and except for a zero *lot line* in which case no feature shall project over the *lot line*.

Cantilevered extensions will be permitted to a maximum depth of 0.6 metres and a length of 2.2 metres for areas above the first storey of a building.

6.6.2 Freestanding lighting poles, warning devices, utility poles, wires, and flagpoles may be sited on any portion of a *lot*.

## 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 5.

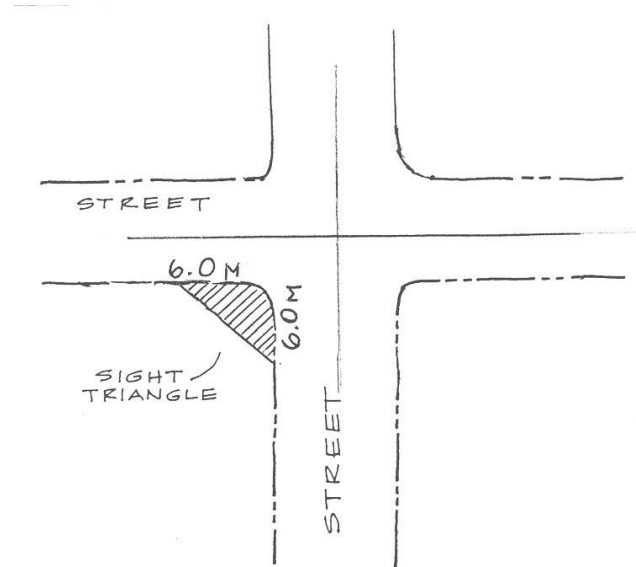


Figure 5: Sight Triangle

## 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 lock-closed position while any water remains in the swimming pool and shall only be opened for the purpose of access to or egress from the 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 Use of Mobile Homes and Trailers**

- 6.9.1 It shall be unlawful to use or occupy a *mobile home* or trailer as a *dwelling unit* or living or sleeping quarters anywhere in the *City* save and except where such *mobile home* or trailer is located within a *MH-1* or *MH-2 Zone*.

### **Part 10 Prefabricated, Modular or Factory Made Dwelling Units**

- 6.10.1 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 11 Parking and Storage of Commercial or Derelict Vehicles or Refuse**

- 6.11.1 Unless specifically permitted, no *parcel* shall be used for the wrecking or storage of derelict vehicles or refuse or as a *junk yard*.
- 6.11.2 Any vehicle which has not been licensed 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.
- 6.11.3 Only the following shall be parked or stored, on any Residential or *Mobile home* Zoned property:
- one commercial vehicle not exceeding 907 kg rate capacity;
  - trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises;
  - recreational boats, trailers, and vehicles for the personal use of the occupants of the property.

### **Part 12 Signs**

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

### **Part 13 Subdivision for Relative**

- 6.13.1 No *subdivision* shall be permitted pursuant to Section 946 of the Local Government Act, on lands not within Agricultural Land Reserve, unless the parent *parcel* is a minimum of 10 hectares in size. Any *parcel* created by *subdivision* under this section shall be not less than 1 hectare.

## **Part 14 Landscaping Requirements**

- 6.14.1 A landscape plan prepared by a Landscape Architect is required to be submitted as part of a development permit application and the provisions of this bylaw will apply in addition to the applicable development permit guidelines.
- 6.14.2 Wherever possible, *landscaping* and screening areas will retain existing trees and natural vegetation and add planting that enhances the natural environment.
- 6.14.3 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*.
- 6.14.4 Where a *lot* adjoins the Agricultural Land Reserve a *fence* and landscape buffer of 10 m in width shall be provided inside the property line.
- 6.14.5 *Landscaping* for each *building* and the surrounding area shall be completed within six (6) months of the date of issuance of the occupancy permit for such *building* by the *City*.

## **Part 15 Bed and Breakfast Accommodation**

- 6.15.1 Bed and breakfast accommodation are permitted in any single residential dwelling located in any residential or multi residential zone, subject to the following requirements:
- (a) Not more than two bedrooms are used for transient accommodation.
  - (b) Principle use of the *building* shall be *single residential*.
  - (c) That the residents of the dwelling shall be alone engaged in the operation of the transient accommodation business.
  - (d) No meals shall be provided to the customers of the operation other than breakfast.
  - (e) No liquor shall be supplied to customers.
- 6.15.2 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 16 Lot Size and Lot Frontage Exceptions**

- 2551 6.16.1 Despite the requirements in respect of minimum lot frontage and minimum lot size set out in this Bylaw, a lot may be created if:
- (a) the existing lot is lawfully non-complying with respect to the lot size or lot frontage or both; and
  - (b) 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; and
  - (c) the creation of the non-conforming parcel thereby does not cause to create non-conforming siting, size, or frontage of the adjacent lots; and
  - (d) no additional lots are being created.

## Part 17 Prohibited Uses in All Zones

- 2839 6.17.1 Unless specifically permitted in this Bylaw, the use of land, water, buildings or structures for the following purpose is prohibited:
- (a) *Medical Marihuana Production Facility*: with the exception of lands that are located within the Agricultural Land Reserve.
  - (b) *A Medical Marihuana Production Facility* is permitted on land located within the Agricultural Land Reserve if:
    - 2935 (i) the operation of medical marihuana is contained wholly within licensed facilities permitted by the Access to Cannabis for Medical Purposes Regulations (ACMPR).
    - (ii) The minimum setback for all structures associated with medical marihuana production is 30.0 metres from all property lines.
  - 2935 (c) Storefront cannabis retailer except as approved through rezoning.
  - 2959 (d) 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.

## 3025 Part 18 Urban Agriculture

- 6.18.1 *Urban Agriculture* is allowed as an accessory use to any single residential dwelling, subject to the following:
- (a) *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.
  - (b) *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 5.0m<sup>2</sup>;
      - ii. the *produce sales stand* shall not exceed a height of 2.5m;
      - 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.
  - (c) Beekeeping is permitted on all lots allowing *urban agriculture* subject to the following:
    - i. lots have a minimum width of 15.0m;
    - ii. lots have a minimum *lot area* of 550.0m<sup>2</sup>;
    - iii. hives shall be located at least 6.0m 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.

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- (d) 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 3.0m<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.



## **DIVISION 7 OFF-STREET PARKING AND LOADING SPACES**

### **Part 1 Off-Street Parking space Requirements**

#### **7.1.1 Location**

Where the provisions of the bylaw requires 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*;

-Island Highway (Highway 19A from 29<sup>th</sup> *Street* to Ryan Road)

-Ryan Road (from Highway 19A to Anderton Road)

-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 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 issuance of an Occupancy Permit.

#### **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 bituminous or other dust-free surface.
- (2) Every off-*street* motor vehicle parking area required by this Bylaw shall have:
  - (i) the individual *parking spaces*, manoeuvring 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 manoeuvring aisle abuts a wall or *building*, the width of the *parking space* or manoeuvring 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) An owner of land may provide and maintain off-*street* motor vehicle *parking spaces* when required by the Bylaw off the site of the development if:
  - (i) the minimum number *parking spaces* required by this Bylaw of the particular use as set out in Schedule 7A can be provided on another site within 225.0 m of the site containing the development.
  - (ii) the owner of the site to be used for parking enters into covenant in the form of Schedule 7C attached hereto with the *City*. The covenant is registered as a first charge against the parking property in the British Columbia Land Registry *Office* in Victoria.
- (2) 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 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 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 7D 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 Dwellings)

The following provisions are applicable to multi residential dwellings as specified below for:

- Apartments 1 to 3 inclusive
- Townhouses 2 and 3

Where *parking spaces* are provided within a principle *building* an amount may be added to the *floor area ratio* (FAR) equal to .20 multiplied by the percentage of the total *parking spaces* which are provided in this manner.

Where the parking requirement is reduced from 1.5 to 1.25 spaces per unit, a landscaped area in the location and with materials satisfactory to the *municipality* in addition to all other requirements including required *yards* of this bylaw shall be provided equivalent to:

2685  $7.5\text{m}^2 \times \text{the number } \textit{parking spaces} \text{ reduced} \times 2$

Where:  $15\text{m}^2 = \text{area of } \textit{parking space}$

Within the area shown on Schedule 7E, 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:

$15\text{m}^2 \times \text{the number of } \textit{parking spaces} \text{ reduced}$

Within the Commercial One Zone (C-1), 1.0 *parking space* per residential *apartment* unit.

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

#### (1) Curbs – painting colours

- a) Yellow indicates no parking is allowed
- b) Red indicates no stopping at any time as the curb protects a bus stop location
- c) 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.

## **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 manoeuvring 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 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 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:
  - 1 space <500m<sup>2</sup> of *building floor area*
  - 2 spaces: 500m<sup>2</sup> - 2000m<sup>2</sup> of *building floor area*
  - 3 spaces: 2000m<sup>2</sup> - 3500m<sup>2</sup> of *building floor area*
  - 1 additional space for every 5000 m<sup>2</sup> or part thereof greater than 3500 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

A minimum number of off-street parking spaces shall be provided in accordance with the following table, unless otherwise stated within a specific zone:

USE	MINIMUM REQUIRED BICYCLE PARKING SPACES
<b>1) RESIDENTIAL</b>	
Multi-residential	<ul style="list-style-type: none"> <li>- Class II Bicycle Parking Spaces per dwelling unit – 2</li> <li>- Class I Bicycle Parking Spaces – calculated as 10% of the minimum number of Class II spaces required</li> </ul>

7.3.2 Bicycle Parking Specifications

General:

- 1) Each standard bicycle parking space shall be a minimum of 1.8 metres (length) by 0.6 metres (width) by 2.1 metres (height).
- 2) 10% of minimum required bicycle parking spaces shall be designed for oversized bicycle parking spaces with the following minimum dimensions: 3.0 metres (length) by 0.9 metres (width) by 2.1 metres (height).
- 3) Each bicycle parking space must be independently accessible from a sturdy rack designed for frame, not wheel-only, support.
- 4) Racks shall be of a design such that the user is able to lock a bicycle frame and one wheel to the rack with a u-shaped lock.
- 5) Racks shall be securely anchored to the ground or a wall to prevent removal.
- 6) Access shall be provided from each bicycle space to a street, excluding a lane.

Specific to Class I:

- 7) Racks shall be located at ground level, within 15.0 metres of the main entrance of the principal building.
- 8) The first 12 parking spaces, and 50% of all remaining spaces, shall include overhead shelter with a vertical clearance of a minimum of 2.1 metres (height) to protect bicycles from weather.
- 9) A minimum of 20% of spaces shall have access to an electrified 110V outlet.

- 10) A minimum of 50% of oversized bicycle parking spaces shall have access to an electrified 110V outlet.
- 11) Rack locations should allow for a high degree of visual surveillance by building occupants or from streets that abut the parcel.
- 12) Racks shall be illuminated with metal halide type lighting, consisting of either full cut off/flat lens pole lighting or fully shielded all lighting.

Specific to Class II:

- 13) A minimum of 100% of spaces shall have access to an electrified 110V outlet.
- 14) Bicycle Rooms:
  - a. Shall be completely enclosed within the principal or an accessory building; interior walls may be comprised of chain link fencing.
  - b. Shall be illuminated and lighting shall be enclosed in a tamper-proof housing.
  - c. No more than 20 bicycles shall be provided in each bicycle room. However, larger bicycle rooms may be used if the room is compartmentalized into smaller rooms using chain link fencing with lockable chain link doors. If a larger room is utilized, each compartment shall provide no more than 20 bicycle parking spaces.
  - d. Where pedestrian aisles are provided, they shall be a minimum of 1.5m in width.
  - e. The whole room shall generally be visible from the entry door.
  - f. There shall be a separate security lock and key for each room and compartment. Security locks shall consist of a minimum one-inch throw dead bolt.
  - g. Entry doors shall be hinged on the inside unless tamper-proof hinges are used, and shall be constructed of chain link fencing, or steel with a security window that allows permanent visibility and that is constructed of a laminate of tempered glass and polycarbonate in a steel frame.
  - h. If directly accessible from the outside, access shall be located in a visible location and illuminated with metal halide type lighting.

15) Bicycle Lockers

- a. Each bicycle locker shall count as one bicycle parking space.
- b. The minimum inside dimensions of each bicycle locker shall be:
  - i. Width at the door end – 0.6 metres
  - ii. Width at opposite end – 0.22 metres
  - iii. Length – 1.8 metres (unless oversized parking space which shall be 3.0 metres)
  - iv. Height – 1.2 metres
- c. Shall be securely anchored to the ground, floor, or a wall to prevent removal.
- d. There shall be a separate security lock and key for each locker. The security lock shall consist of a minimum one-inch throw dead bolt.
- e. Bicycle lockers shall be made of materials that are solid, sturdy, opaque, and weather proof, and constructed in such a manner as

to be highly resistant to bicycle theft. Bicycle lockers need not be enclosed within a building.

- f. All fasteners shall be internal, unless the locker is completely set within a building wall.
- g. Entry doors shall be constructed out of steel and hinged on the inside unless tamper-proof hinges are used.
- h. If directly accessible from the outside, access shall be located in a visible location and illuminated with metal halide type lighting.



## Schedule 7A – Required Number of Off-Street 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:

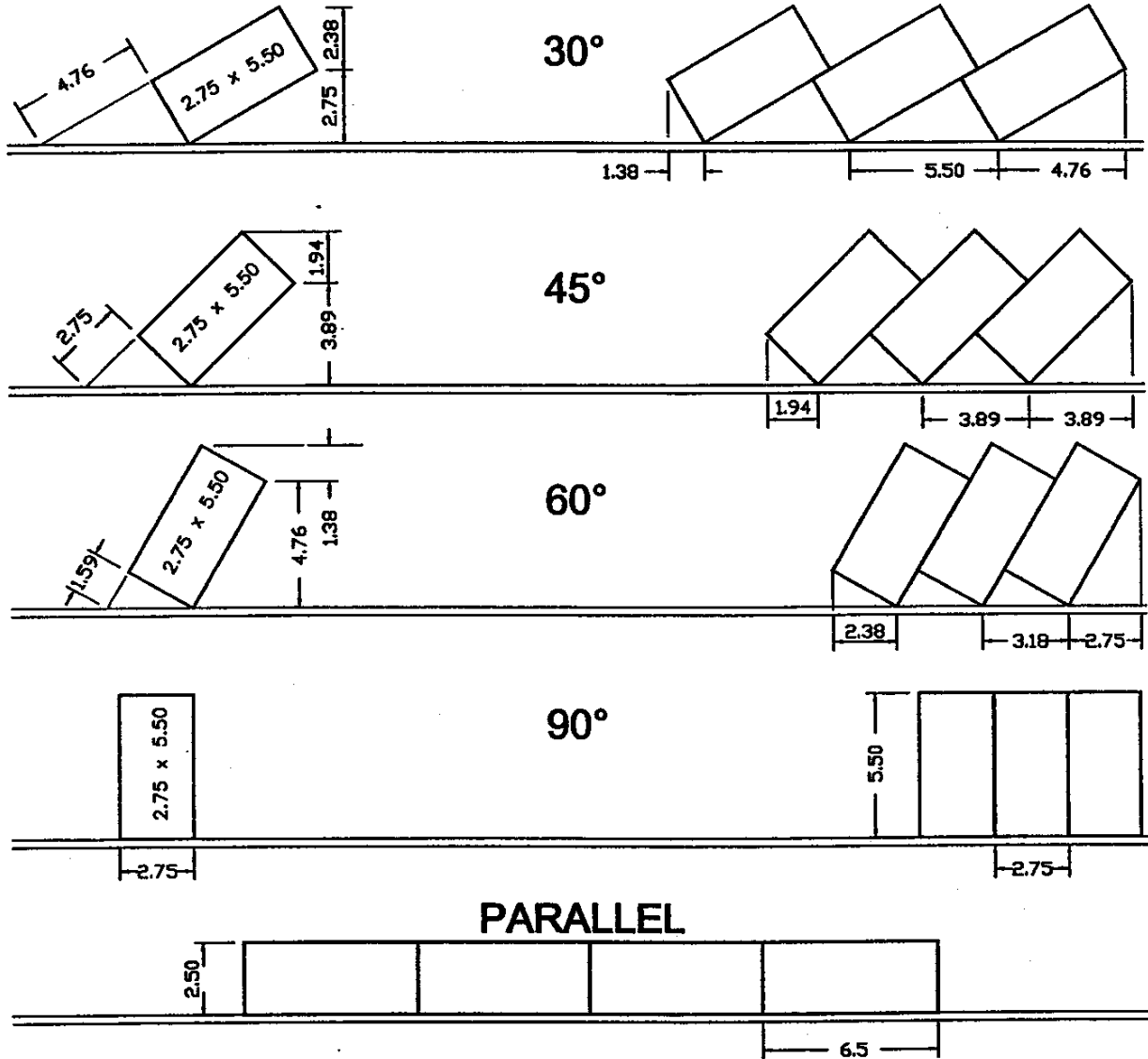
USE	REQUIRED PARKING SPACE
<b>A. RESIDENTIAL</b>	
Bed and breakfast	2 spaces per <i>dwelling unit</i> and 1 space for each sleeping use used for Bed and Breakfast
<i>Boarding</i>	1 per 3 residents
3074 Multi residential dwellings	1.2 per <i>dwelling unit</i> with 10% of the required spaces being provided and retained for visitor parking. <b>Note: See 7.1.11 for Amenity Incentives for parking in Multi Residential zones</b>
3071 <i>Secondary suite</i>	1 per <i>secondary suite</i> only where a <i>secondary suite</i> is located on a property fronting a cul-de-sac
<i>Care facility</i>	0.5 per unit
Single <i>dwelling unit</i> or <i>duplex</i>	2 per <i>dwelling unit</i>
2551 <i>Granny flat or carriage house</i>	1 per <i>dwelling unit</i>
<b>B. INSTITUTIONAL</b>	
<i>Assembly hall</i>	1 space per 10m <sup>2</sup> or 1 space per 4 seats whichever is greater
Church	1 space per 4 seats
<i>Care facility</i>	1 space per 3 beds
<i>Community service</i>	1 space per 37.5m <sup>2</sup>
<i>Day care</i>	1 space per employee
<i>Funeral home</i>	1 space per 4 seats
Hospital	1 space per 2 employees plus 1 space per 5 beds
Library	1 space/35m <sup>2</sup>
<i>Medical clinic</i>	5 spaces per doctor, <i>office</i> for 2 doctors or less-3 parking spaces per doctor

Police station	1 space per 2 employees <u>plus</u> 1 space for every company vehicle located therein
Schools	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
Universities, colleges and institutes	1 space per employee <u>plus</u> 1 per 5 students
<b>C. RECREATION</b>	
<i>Assembly hall</i> and theatre	1 space per 10m <sup>2</sup> or 1 space per 5 persons to capacity
<i>Indoor entertainment facility</i>	3 spaces per lane
Bingo hall	1 space per 10m <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 10m <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>	
Fast food restaurant	8 spaces plus 1 per 6 seats
Restaurant	1 space per 6 seats
<i>Financial institution</i>	1 space per 25m <sup>2</sup>
Real estate offices	1 space per 25m <sup>2</sup>
<i>Gasoline service station</i>	1 space per 2 employees plus 2 per service bay
<i>Hotel</i> or resort condominium	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

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<i>Laundromat</i>	1 space per 3 washing machines
Laundry and <i>dry cleaning</i> establishment	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 37.5 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 10m <sup>2</sup> or 1 space per 4 seats whichever is greater
Automobile, boat, machinery sales & service	1 space per 70m <sup>2</sup> sales <i>floor area</i> 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
<i>Building supply store</i>	1 space per 90m <sup>2</sup> of warehouse area and 1 space per 2 employees and 1 space per 35m <sup>2</sup> of <i>retail area</i> and 1 space for each company vehicle located therein
Convenience stores, <i>retail stores</i> , <i>storefront cannabis retailer</i>	1 space per 35m <sup>2</sup> of <i>floor area</i>
<i>Grocery store</i>	1 space per 35m <sup>2</sup>
<i>Liquor store</i>	1 space per 12m <sup>2</sup> of <i>retail floor area</i> plus 1 space per 20m <sup>2</sup> of warehouse area
<i>Shopping centre</i>	1 space per 22.5m <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 10m <sup>2</sup> of waiting room <u>plus</u> 1 space per 2 employees
Storage <i>building</i> , <i>yards</i> or similar uses (not covered in "Commercial")	1 space per 90m <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</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 2.75m x 5.50m 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



NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of One Dollar (\$1.00) (receipt of which is hereby acknowledged by the Grantor) and in consideration of the *City* agreeing to the provision of off-site parking in lieu of on-site parking for the business property owned by John Doe as hereinbefore related, the Grantor hereby covenants and agrees with the Grantee as follows:

1. The Grantor herein hereby agrees that the parking property shall:
  - a) Be used only for the parking of motor vehicles in connection with the business carried on at the *building* situate on the business property and shall not be used for any other purpose or in any other particular manner.
  - b) Not be built upon except for such *landscaping*, paving and other improvements necessary to provide the said parking facilities.
  - c) Be used to satisfy the parking requirements according to the *City* of Courtenay Zoning Bylaw No. 2500, 2007 and amendments thereto.

THIS AGREEMENT shall pursuant to Section 219 of the *Land Titles Act*. R.S.B.C. 1996 Chapter 250 and all amendments thereto be construed as a covenant running with the land hereinbefore described in Paragraph 1 and no part of the fee of the land shall be vested in the Grantee by these presents.

THIS AGREEMENT shall be binding upon and enure to the benefit of the parties hereto and their respective successors, executors, administrators and assigns.

IN WITNESS whereof the parties hereto have set their hands and seals on the day and year first above mentioned.

SIGNED, SEALED AND DELIVERED  
in the presence of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Corporate Seal of the Corporation of the *City* of Courtenay was hereunto affixed in the presence of:

\_\_\_\_\_  
MAYOR

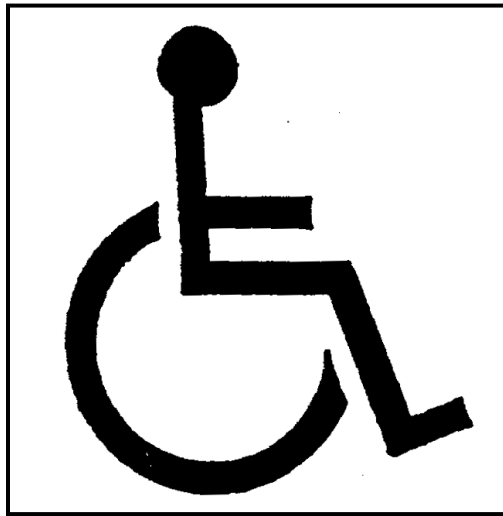
\_\_\_\_\_  
MANAGER OF CORPORATE  
ADMINISTRATION

## Schedule 7D – Designation for Parking Stalls for People with a Disability

### Minimum Size

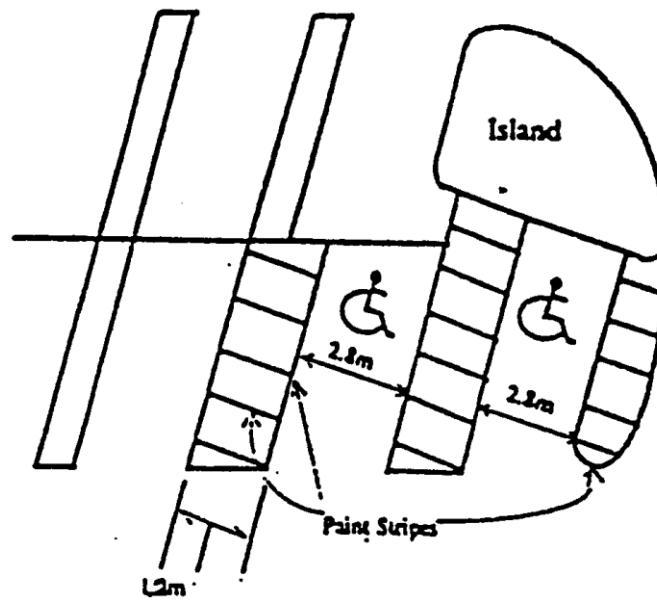
Wall facing or sign - 0.3 m in width and 0.3 m in *height*

Pavement marking - 1.0 m in width

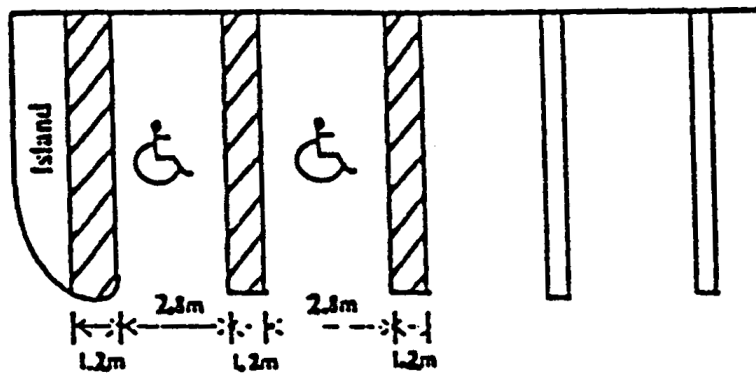


International Symbol of Accessibility for the Handicapped

Schedule 7D – Standards for Parking Stalls for People with a Disability



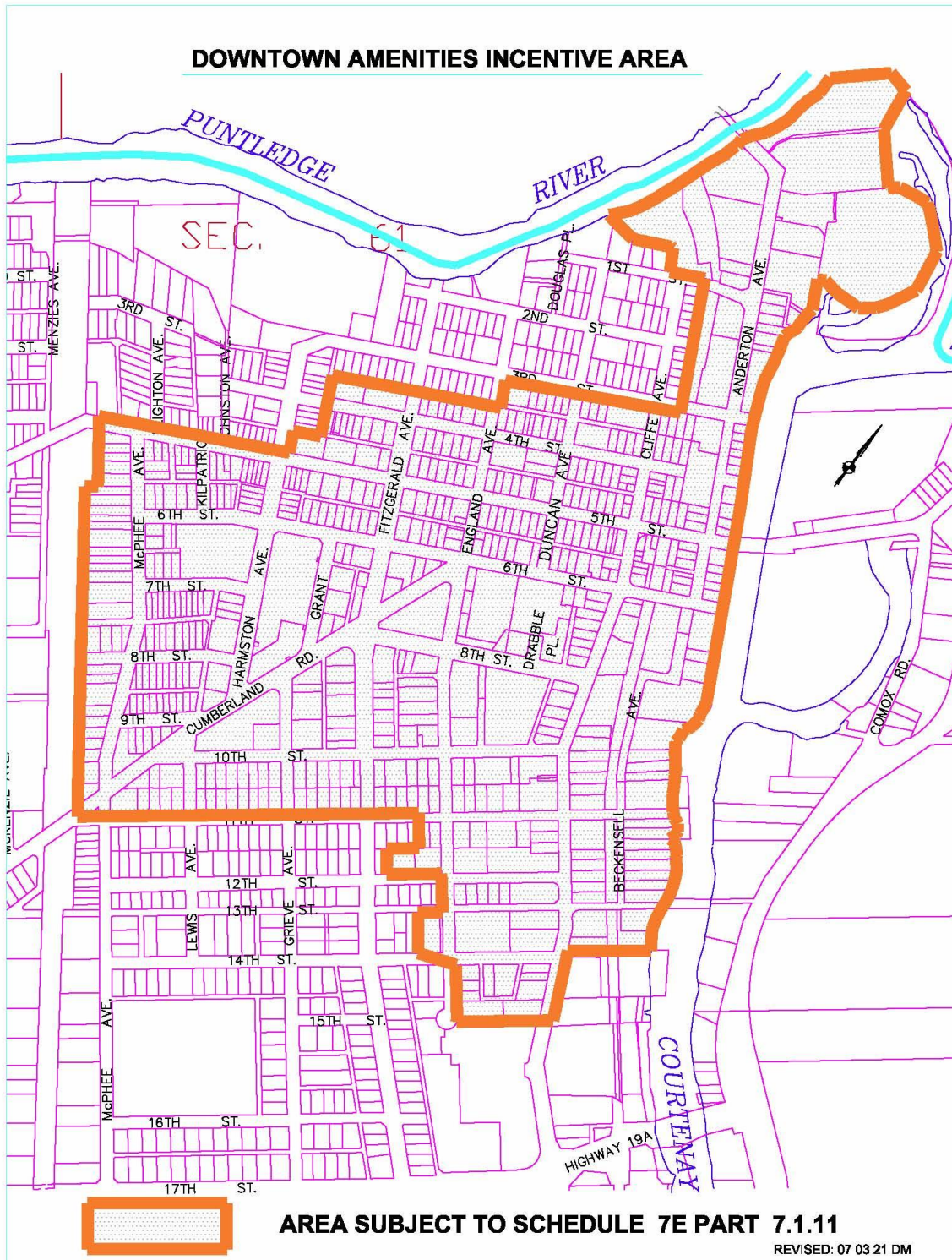
(a) 60 – Degree Parking



(b) 90 – Degree Parking



# Schedule 7E – Downtown Amenities Incentive Area



## **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:

<b>Zone Classification</b>	<b>Short Title</b>	<b>Lot Size</b>	<b>Description</b>
Residential One Residential One A Residential One B Residential One C Residential One D Residential One E Residential One S	R-1 R-1A R-1B R-1C R-1D R-1E R-1S	650 m <sup>2</sup> 1 ha 850 m <sup>2</sup> 2500 m <sup>2</sup> 500 m <sup>2</sup> 300 m <sup>2</sup> 650 m <sup>2</sup>	Single Residential     Single Residential, Carriage House, Secondary Residential
Residential Two  Residential Two A  Residential Two B	R-2  R-2A  R-2B	750 m <sup>2</sup> 900 m <sup>2</sup> 750 m <sup>2</sup> 930 m <sup>2</sup> 365 m <sup>2</sup> 420 m <sup>2</sup> 550 m <sup>2</sup>	Duplex, Carriage House, Secondary Residential
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>	Low Density Multi Residential
Residential Four Residential Four A Residential Four B	R-4 R-4A R-4B	1250 m <sup>2</sup> 1250 m <sup>2</sup> 650 m <sup>2</sup>	Medium and High Density Multi Residential
Residential Five	R-5	850 m <sup>2</sup>	Low Density Multi Residential
Rural Residential One Rural Residential Two Rural Residential Two S Rural Residential Three Rural Residential Four Rural Residential Five	RR-1 RR-2 RR-2S RR-3 RR-4 RR-5	1250 m <sup>2</sup> 1850 m <sup>2</sup> 1850 m <sup>2</sup> 2000 m <sup>2</sup> 2500 m <sup>2</sup> 4000 m <sup>2</sup>	Rural Single Residential
<i>Mobile home subdivision</i> <i>Mobile home park</i>	MH-1 MH-2	465 m <sup>2</sup> 1.2 ha	Mobile Home Residential
Multiple Use One Multiple Use Two Multiple Use Three Multiple Use Four Multiple Use Five	MU-1 MU-2 MU-3 MU-4 MU-5	650 m <sup>2</sup> 850 m <sup>2</sup> 650 m <sup>2</sup> 1250 m <sup>2</sup> 2900 m <sup>2</sup>	Low and Medium Density Mixed Residential/Commercial
Commercial One Commercial One A	C-1 C-1A	500 m <sup>2</sup> 2 ha	Central Commercial

<b>Zone Classification</b>	<b>Short Title</b>	<b>Lot Size</b>	<b>Description</b>
Commercial Two	C-2	1250 m <sup>2</sup>	Service Commercial
Commercial Two A	C-2A	2500 m <sup>2</sup>	Community service Commercial
Commercial Three	C-3	1250 m <sup>2</sup>	Neighbourhood Convenience Store
Commercial Four	C-4	1800 m <sup>2</sup>	Office Commercial
Commercial Five	C-5	420 m <sup>2</sup>	Heritage Character
Industrial One	I-1	2500 m <sup>2</sup>	Heavy Industrial
Industrial Two	I-2	1250 m <sup>2</sup>	Light Industrial
Industrial Three	I-3	8 ha	Railway
Public Use and Assembly	PA-1	2500 m <sup>2</sup>	Cemetery, Churches, Hospitals
Public Use and Assembly	PA-2	N/A	Parks, Community Centres
Public Use and Assembly	PA-3	2500 m <sup>2</sup>	Schools
Agricultural One	A-1	8 ha	Agriculture Land Reserve
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/1 <sup>st</sup>
Comprehensive Dev. Sixteen	CD-16	1250 m <sup>2</sup>	Idiens/Lerwick – Multi-Residential
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	SFD 500m <sup>2</sup> Duplex 900m <sup>2</sup>	1923, 1993 Arden Rd & 2459 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-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-One	CD-31	7,320 m <sup>2</sup>	310 Hunt Rd
Comprehensive Dev. Thirty-Four	CD-34	1,200 m <sup>2</sup>	1679 McPhee Ave

## **Extent**

1. The extent of each zone is shown on Schedule '8'
2. Where a zone boundary is designated as following a highway or a *watercourse*, the centerline of the highway or the *natural boundary* of the *watercourse* or the centerline 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 '8'
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 and such uses are permitted in each zone.

## Part 1 – Residential One Zone (R-1)

### 8.1.1 Permitted Uses

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

- 3071 (1) *Single residential dwelling*
- (2) *Secondary suite*
- 3040 (3) *Accessory buildings and structures*
- (4) *Home occupation*
- (5) Notwithstanding any provisions of this bylaw, a *carriage house* is a permitted use on Lot 10, District Lot 159, Comox District Plan 41314 (1236 Malahat Drive).

### 8.1.2 Minimum Lot Size

A *lot* shall have an area of not less than 650 m<sup>2</sup> except where it is a *corner lot*, in which case, it shall have an area of not less than 725 m<sup>2</sup>.

### 8.1.3 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 19.5 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured at the front yard setback line.

### 8.1.4 Minimum Lot Depth

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

### 8.1.5 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*.

### 8.1.6 Setbacks

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

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 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.

### 8.1.7 Height of Buildings

- 3040 (1) The *height* of a *principal building* shall not exceed 8.0 m.
- (2) The *height* of a *carriage house* shall not exceed 6.5 m.

### **8.1.8 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50 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 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.

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

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

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

### 8.1.10 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:

3071

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

### 8.1.11 Minimum Lot Size

A *lot* shall have an area of not less than 1 ha.

### 8.1.12 Minimum Lot Frontage

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

### 8.1.13 Minimum Lot Depth

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

### 8.1.14 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*.

### 8.1.15 Setbacks

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

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

### 8.1.16 Height of Buildings

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



### **8.1.17 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50 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 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

### **8.1.18 Off-Street Parking**

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

## Part 1 - Residential One B Zone (R-1B)

### 8.1.19 Permitted Uses

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

3071

- (1) *Single residential dwelling*
- (2) *Secondary suite*
- (3) *Accessory buildings and structures*
- (4) *Home occupation*

### 8.1.20 Lot Size

- (1) For the purpose of *subdivision*, the average *lot* size shall be one *lot* per 850 m<sup>2</sup> with a minimum *lot* size of 750 m<sup>2</sup> except where it is a *corner lot*, in which case, it shall have an area of not less than 875 m<sup>2</sup>.

### 8.1.21 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 19.5 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured at the front yard setback line.

### 8.1.22 Minimum Lot Depth

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

### 8.1.23 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*.

### 8.1.24 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 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.

### 8.1.25 Height of Buildings

The *height* of a *principal building* shall not exceed 9 m.

### **8.1.26 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50 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 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

### **8.1.27 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

## Part 1 - Residential One C Zone (R-1C)

### 8.1.28 Permitted Uses

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

- (1) *Single residential dwelling*
- 3071 (2) *Secondary suite*
- (3) *Accessory building and structure*
- (4) *Home occupation*
- (5) *Agricultural use on a lot over 4,000m<sup>2</sup>*
- (6) *Notwithstanding any provisions of this bylaw, a care facility is a permitted use on Lot 8, District Lot 158, Plan 21400 (1926 Cummings Road).*
- 3026 (7) *Notwithstanding any provisions of this bylaw, a secondary residence is a permitted use on Lot 14, District Lot 158, Comox District, Plan 21400 (2011 Cummings Road).*

### 8.1.29 Minimum Lot Size

A lot shall have an area of not less than 2,500 m<sup>2</sup>

### 8.1.30 Minimum Lot Frontage

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

### 8.1.31 Minimum Lot Depth

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

### 8.1.32 Lot Coverage

A lot shall not be covered by *building* and structures to a greater extent than 25%.

### 8.1.33 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 total 4.5 m with a minimum *side yard setback* on one side of 1.75 m except where a *side yard* flanks a *street*, in which case, the minimum distance shall be 4.5 m.

### 8.1.34 Height of Buildings

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

### **8.1.35 Accessory Buildings and Accessory Structure**

- (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 *residence*
- (5) 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

### **8.1.36 Off-Street Parking**

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

## Part 1 - Residential One D Zone (R-1D)

### 8.1.37 Permitted Uses

In the R-1D 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 buildings and structures*
- (4) *Home occupation*

### 8.1.38 Minimum Lot Size

A *lot* shall have an area of not less than 500 m<sup>2</sup> for a *single residential dwelling* except where it is a *corner lot*, in which case, it shall have an area of not less than 550 m<sup>2</sup>.

### 8.1.39 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 16.0 m for a *single residential dwelling* except where it is a *corner lot*, in which case, it shall be a minimum of 18.0 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured at the front yard setback line.

### 8.1.40 Minimum Lot Depth

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

### 8.1.41 Lot Coverage

A *lot* shall not be covered by buildings and structures to a greater extent than 40%.

### 8.1.42 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 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.

### 8.1.43 Height of Buildings

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

#### **8.1.44 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 45.0 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 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

#### **8.1.45 Off-Street Parking**

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

## Part 1 - Residential One E Zone (R-1E)

### 8.1.46 Intent

The R-1E Zone is intended to provide appropriate zoning for compact infill residential development.

### 8.1.47 Permitted Uses

In the R-1E Zone, the following uses and development are permitted and all other uses are prohibited within the area identified on Schedule 8, Zoning Map, except as otherwise noted in this bylaw:

- (1) *Single residential* dwelling
- (2) *Secondary suite* located on a lot with an area of not less than 450 m<sup>2</sup>
- (3) *Secondary residence* located on a lot with an area of not less than 600 m<sup>2</sup>, despite lot size requirements elsewhere in this Bylaw
- (4) *Carriage house* located on a lot with an area of not less than 600 m<sup>2</sup>, with a total floor area of no more than 90 m<sup>2</sup>
- (5) *Home occupation*
- (6) *Accessory* buildings and structures

### 8.1.48 Density

- (1) *Minimum Lot Size*: A lot shall have an area of not less than 300 m<sup>2</sup>
- (2) *Floor Area Ratio*: The maximum permitted *floor area ratio* (FAR) is 0.7

### 8.1.49 Minimum Lot Frontage

A lot shall have a frontage of not less than 10 m except for a corner *lot*, where the frontage shall be not less than 13 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured in the *front yard setback* line.

### 8.1.50 Lot Coverage

The maximum *lot coverage* shall not exceed 40%.

### 8.1.51 Setbacks

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

- (1) *Front yard*: 6.0 m except that steps, landings, ramps, railings, decks, patios, awnings and covered entry features up to 3.5 m in total width and up to 3.0 m in *height* may project up to 1.0 m into the *front yard setback*
- (2) *Rear yard*: 6.0 m except:
  - i. steps, landings, ramps, railings, decks, patios, awnings and covered entry features up to 3.5 m in total width and up to 3.0 m in *height* may project up to 1.0 m into the *rear yard setback*, and



- ii. 1.5 m for a *carriage house* where it is accessed from a lane, where i. above does not apply
- (3) *Side yard:* 1.5 m except:
- i. where a *side yard* flanks a street, excluding a lane, in which case, the minimum distance shall be 3.0 m, and
  - ii. where a *secondary residence* or *carriage house* behind the *principal building* lacks side or rear *street* or laneway access, the minimum *side yard* setback distance for the *principal building* on one side shall be 3.0 m.

### 8.1.52 Height of Buildings

- (1) The *height* of a *principal building* shall not exceed 8.0 m.
- (2) The *height* of a *secondary residence building* or *carriage house* shall not exceed 6.5 m

### 8.1.53 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 45.0 m<sup>2</sup>, Notwithstanding the maximum building area in (2), accessory buildings and accessory structures shall have a total building area not exceeding 45.0 m<sup>2</sup> or 10% of the rear yard, whichever is greater, on That Part of Lot 8, District Lot 104, Comox District, Plan 2317, lying to the South East of a Line Bisecting the North Easterly and South Westerly Boundaries of Said Lot (1540 Willemar Avenue).
- (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* 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

### 8.1.54 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) No more than 50% of the *front yard* area shall be used for off-*street* parking
- (3) Where a parking aisle is a strata access road, the minimum parking aisle width shall not exceed 6.5 m
- (4) Where two secure, covered bicycle parking spaces are provided on a lot, the minimum number of vehicle parking spaces for a primary residence on the lot may be reduced by one space, except;
- (5) In the case of a strata lot, where 0.5 common property visitor parking spaces and two secure covered bicycle parking spaces are provided per lot, the minimum number of vehicle parking space for primary residences on each strata lot may be reduced by one space

### 8.1.55 Landscaping and Screening

In addition to the Landscape Requirements identified in Division 6, Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A vegetated buffer that will reach a minimum of 3.0 m in height upon maturity shall be provided and maintained to the satisfaction of the City on all pre-existing property lines adjoining all other adjoining properties

## Part 1 - Residential One S Zone (R-1S)

### 8.1.56 Permitted Uses

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

3071

- (1) *Single residential* dwelling
- (2) *Secondary suite*
- (3) *Accessory* buildings and structures
- (4) *Home occupation*

### 8.1.57 Minimum Lot Size

A *lot* shall have an area of not less than 650 m<sup>2</sup> except where it is a *corner lot*, in which case, it shall have an area of not less than 725 m<sup>2</sup>.

### 8.1.58 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 19.5 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured at the front yard setback line.

### 8.1.59 Minimum Lot Depth

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

### 8.1.60 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*.

### 8.1.61 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 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.

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Notwithstanding the setback requirements above, the following minimum building setbacks shall apply on Lot 1, District Lot 236, Comox District, Plan VIP89215 (3300 Mission Road):

- (1) *Front yard:* 4.5 m
- (2) *Rear yard:* 12.0 m

### 8.1.62 Height of Buildings

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

### **8.1.63 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 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.

### **8.1.64 Off-Street Parking**

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

## Part 2 - Residential Two Zone (R-2)

### 8.2.1 Permitted Uses

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

- (1) *Single residential dwelling or duplex*
- (2) *Accessory buildings and structures*
- (3) *Home occupation*
- (4) Notwithstanding any provisions of this bylaw, the following is a *permitted use* on Lot 1, District Lot 127, Comox District, Plan 27453 (1279 Fifth Street):  
Food preparation business for delivery and service off the premises, provided the following conditions are met:
  - (a) The activity carried on at the premises therein shall not produce noise, vibration, smoke, odour, litter, or heat, other than normally associated with a dwelling, nor shall it create or cause a fire hazard, glare, electrical interference or traffic congestion on the *street*.
  - (b) No part of the premises shall be used as a warehouse or *retail* outlet.
  - (c) The activity must be carried on wholly within the *building*.
  - (d) The premises must give no exterior indication of the activity either by stored materials, displays, floodlighting, or otherwise, or by any variation from the residential character of the *building*, provided, however, that such business may have one un-illuminated name plate not exceeding one square foot (0.09 m<sup>2</sup>) in an area placed within, or flat against the *building* and that the said name plate be permitted to include the name of the business as well as that of the license holder.
  - (e) Materials and commodities shall not be delivered to or from the *building* in such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer.
- (5) *“Secondary Suite”*
- (6) *“Secondary Residence”* means an additional *dwelling unit*:
  - (a) which is accessory to a single residential dwelling
  - (b) having a total *floor area* of not more than 90.0 m<sup>2</sup> in area
  - (c) located on a property of residential occupancy containing only one other *dwelling unit*
  - (d) located on a property which is a single real estate entity
  - (e) located on a property over 1,250 m<sup>2</sup> in *lot area*
  - (f) must meet *setbacks* as specified in Section 8.2.7
  - (g) notwithstanding the required lot size stated in (e), a secondary residence is permitted on Parcel A (Being a consolidation of Lots 9 and 10) Block 1, District Lot 127, Comox District, Plan VIP1951 (560 Pidcock Avenue)
- (7) *“Carriage House”* means an additional *dwelling unit*:
  - (a) which is accessory to a single residential dwelling
  - (b) having a total *floor area* of not more than 75 m<sup>2</sup>
  - (c) located on a property over 1,250 m<sup>2</sup> in *lot area*
  - (d) notwithstanding the required lot size in (c), a *carriage house* is permitted on Lot 2, District Lot 104, Comox District, Plan 4723 (1253 Cumberland Road)
- (8) Notwithstanding any provisions of this bylaw no more than two residential units shall be permitted on a lot.

### 8.2.2 Minimum Lot Size

For the purpose of subdivision a lot shall have an area of not less than the following:

- (1) *Single Residential:* 750 m<sup>2</sup>
- (2) *Duplex:* 900 m<sup>2</sup>

### 8.2.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m except for a *corner lot* where the frontage shall be not less than 21.5 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured from the front yard setback line.

### 8.2.4 Minimum Lot Depth

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

### 8.2.5 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.

### 8.2.6 Regulations for a Duplex

- (1) Duplexes are not allowed on a *panhandle lot*.
- (2) *Secondary suite* or a *secondary residence* is not permitted on a lot with a duplex.
- (3) *Carriage House* is not permitted on a lot with a duplex.

### 8.2.7 Setbacks

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

#### (a) Single Family Residence or Duplex

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 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.

#### (b) Secondary Residence

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 3.0 m (except where a *side yard* flanks a street in which case the minimum distance shall be 4.5 m)

#### (c) Carriage House

- (4) *Front yard:* 7.5 m
- (5) *Rear yard:* 4.0 m (except where *carriage house* is accessed from a lane in which case the setback may be reduced to 1.5 m)

- (6) *Side yard:* 3.0 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 Buildings**

- (1) The height of a principal building shall not exceed 8.0 m.
- (2) The height of a secondary residence building shall not exceed 5.5 m.
- (3) The height of a *Carriage House* shall not exceed 6.5 m.

### **8.2.9 Accessory Buildings and 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 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.

### **8.2.10 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.

## Part 2 - Residential Two A Zone (R-2A)

### 8.2.11 Permitted Uses

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

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- (1) *Single residential dwelling or duplex*
- (2) *Secondary suite*
- (3) *Accessory buildings and structures*
- (4) *Home occupation*

### 8.2.12 Minimum Lot Size

A *lot* shall have an area of not less than:

- (1) 750 m<sup>2</sup> for a *single residential dwelling*
- (2) 930 m<sup>2</sup> for a *duplex*

except where it is a *corner lot*, in which case, it shall have:

- (1) 800 m<sup>2</sup> for a *single residential dwelling*
- (2) 1,000 m<sup>2</sup> for a *duplex*

### 8.2.13 Minimum Lot Frontage

A *lot* shall have a frontage of not less than the following:

- (1) 20.0 m except for a *corner lot* where the frontage shall be not less than 21.5 m for a *single residential dwelling*
- (2) 25.0 m except for a *corner lot* where the frontage shall be not less than 27.5 m for a *duplex*

### 8.2.14 Minimum Lot Depth

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

### 8.2.15 Lot Coverage

A *lot* shall not be covered by buildings and structures to a greater extent than 40%.

### 8.2.16 Regulations for Dwelling Units

- (1) *Panhandle lots* are not permitted.
- (2) Width of *building envelope* shall be not less than 14.0 m



### **8.2.17 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:* 3.0 m except where a side yard fronts a street in which case the minimum distance shall be 4.5 m

### **8.2.18 Height of Buildings**

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

### **8.2.19 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>
- (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 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

### **8.2.20 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.

## Part 2 - Residential Two B Zone (R-2B)

### 8.2.21 Intent

This zone is intended to provide appropriate zoning for low density residential in a heritage character neighbourhood.

### 8.2.22 Permitted Uses

In the R-2B Zone, the following uses and development are permitted and all other uses are prohibited within the area identified on Schedule 8, Zoning Map, except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Duplex*
- (3) *Secondary suite*
- (4) *Carriage house*
- (5) *Granny flat*
- (6) *Home occupation*
- (7) *Accessory buildings and structures*

### 8.2.23 Density

Providing all other conditions are met the maximum *floor area ratio* shall not exceed the following:

- (1) The maximum permitted *floor area ratio* for *single residential dwellings* is 0.45.
- (2) The maximum permitted *floor area ratio* for *duplex dwellings* is 0.50.
- (3) The maximum permitted *floor area ratio* for a property containing a *single residential dwelling* with a *secondary suite, carriage house, or granny flat* is 0.55.

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### 8.2.24 Lot Coverage

The maximum *lot coverage* shall not exceed 40%.

### 8.2.25 Minimum Lot Sizes

The minimum *lot size* for a *single residential dwelling* is 365 square metres.

The minimum *lot size* to construct a *duplex* is 420 square metres on a *lot* that abuts a lane.

The minimum *lot size* to construct a *duplex* is 550 square metres on a *lot* that does not abut a lane.

### 8.2.26 Frontages

The minimum frontage for a *single residential dwelling* is 12 metres.

The minimum frontage to construct a *duplex* is 12 metres except for a corner lot where the frontage to construct a *duplex* shall be not less than 13.5 metres.

### 8.2.27 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:* 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.

### 8.2.28 Maximum Height

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

### 8.2.29 Duplexes

A *secondary suite* is not permitted in duplex dwellings.

A *carriage house* or *granny flat* is not permitted on a *lot* with a *duplex*.

### 8.2.30 Carriage House

A *carriage house* is only permitted where a *lot* abuts a rear or side lane, in which case a *carriage house* may be located above a detached garage with direct physical access to a lane.

In no case shall the floor space of a *carriage house* exceed 48 square metres.

A *carriage house* shall contain a maximum of two bedrooms, one bathroom, one living room, and only one, kitchen.

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Notwithstanding the above, a *carriage house* is allowed on Lot A, Section 61, Comox District, Plan VIP57557, Lots 19 and 20 of Section 61, Comox District, Plan 1517, and Lots 3 and 4 of Block A, Section 61, Comox District, Plan 1395 (291, 279 3<sup>rd</sup> Street and 224, 232, 225 2<sup>nd</sup> Street).

### 8.2.31 Granny Flat

A *granny flat* is only permitted where a *lot* abuts a rear or side lane, in which case a *granny flat* may be located in the rear yard with direct physical access to a lane.

In no case shall the floor space of a *granny flat* exceed 40 percent of the *gross floor area* on a parcel.

The maximum floor space of a *granny flat* is 48 square metres.

A *granny flat* shall contain a maximum of two bedrooms, one bathroom, one living room, and only one, kitchen.

All required surface parking areas for a lot with a *granny flat* shall be constructed with a permeable paving material such grassed cellular paving or comparable alternative satisfactory to the City.

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Notwithstanding the above a *granny flat* is allowed on Lot A, Section 61, Comox District, Plan VIP57557, and Lots 19 and 20 of Section 61, Comox District, Plan 1517, and Lots 3 and 4 of of Block A, Section 61, Comox District, Plan 1395 (291, 279 3<sup>rd</sup> Street and 224, 232, 225 2<sup>nd</sup> Street).

### **8.2.32 Accessory Building and Structures**

- (1) Shall not exceed 4.5 m in *height*, except when there is a *carriage house* above a detached garage, in which case the *height* shall not exceed 6 m.
- (2) Shall have a total *building area* not exceeding 48.0 m<sup>2</sup> for all accessory buildings combined on a lot, except as otherwise specified in Section (3).
- (3) Notwithstanding Section (2), the maximum permitted gross *floor area* for an *accessory building* containing a *carriage house* is 90 m<sup>2</sup>.
- (4) In no case shall a *lot* contain both an *accessory building* containing a *granny flat* and an *accessory building* containing parking use.
- (5) Shall be permitted in the *side* and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
- (6) 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.

### **8.2.33 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.

On all *lots* which abut a lane, all driveways and parking shall be located in the yard with direct access from the lane.

Driveways shall not exceed 6 metres in width.

All required surface parking areas for a parcel with a *granny flat* shall be constructed with a permeable paving material such as grassed cellular paving or comparable alternative satisfactory to the City.

### **8.2.34 Landscaping and Screening**

All *landscaping* shall conform to Part 14 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:

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- (1) *Single residential dwellings*
- (2) *Secondary suite*
- (3) *Duplex dwellings*
- (4) *Multi residential dwellings*
- (5) *Accessory buildings and structures*
- (6) *Facility for adults with a disability*
- (7) *Home occupation*
- (8) *Care facility* for parcels with a *site area* of 0.4 ha or greater
- (9) “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

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

- (1) apartments - .60 *floor area ratio*
- (2) all other residential - .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:
  - (a) 9.0 m for the 2nd *storey*
  - (b) 10.0 m for the 3rd *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 Buildings

The *height* of a *principal building* shall not exceed 10 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, usable 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

- (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, 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.
- (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 *residence*
- (5) 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

### 8.3.9 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 3 - 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* dwellings
- (2) *Duplex* dwellings
- (3) *Townhouse* dwellings
- (4) *Accessory* buildings and structures
- (5) *Home Occupation*

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### 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 Buildings

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

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50.0 m<sup>2</sup>, 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.
- (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 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

### 8.3.19 Off-Street Parking

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:

- (3) 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.
- (1) 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 - 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 dwellings*
- (2) *Duplex dwellings*
- (3) *Multi residential dwellings*
- (4) *Accessory buildings and structures*
- (5) *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 Buildings

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.

### 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

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50.0 m<sup>2</sup>, 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 m, whichever is less
- (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 *residence*
- (5) 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

### 8.3.29 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:

- (4) 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.
- (1) 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 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 dwellings*
- (2) *Duplex dwellings*
- (3) *Multi residential dwellings*
- (4) *Accessory buildings and structures*
- (5) *Facility for adults with a disability*
- (6) *Home occupation*
- (7) *Daycare*

### 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 - .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:
  - 9.0 m - 2nd *storey*
  - 10.0 m - 3rd *storey*
  - 13.5 m - 4th *storey*
- (3) *Side yard:*
  - 4.5 m - 2 or less *storeys*
  - 6.0 m - 3rd *storey*
  - 7.5 m - 4th *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* and duplexes.

#### **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**

- (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, 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
- (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 *residence*
- (5) 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

#### **8.4.9 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 Part 14 of this bylaw, the following landscape requirements shall be met:

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- (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 4 - 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) *Single residential dwellings*
- (2) *Duplex dwellings*
- (3) *Multi residential dwellings*
- (4) *Accessory buildings and structures*
- (5) *Home occupation*
- (6) *Daycare*
- 2870 (7) *Care Facility*
- 2870 (8) *Accessory commercial services for the personal care and convenience of onsite residents*
- 2870 (9) *Community Service limited to adult daycare*

### 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 - .85 floor area ratio*
- 2870 (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 - 4th *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) *Front yard:* 6.0 m
- (2) *Rear yard:* 6.0 m  
3.0 m  
4.5 m - 4th storey or where *side yard* flanks a *street*
- (3) Exterior *Side yard* adjacent to Cliffe Avenue 7.5 m
- (4) *Side yard* Adjacent to Comox Logging Right of Way 4.5 m  
6.0 m for 3<sup>rd</sup> Storey  
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 townhouse dwellings.

#### **8.4.17 Useable Open Space**

Usable 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**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50.0 m<sup>2</sup>, 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
- (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 *residence*
- (5) 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

#### **8.4.19 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 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 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 4 - 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) *Single residential dwellings*
- (2) *Secondary suite*
- (3) *Duplex dwellings*
- (4) *Multi residential dwellings*
- (5) *Accessory buildings and structures*
- (6) *Day care*
- 2513 (7) *Home Occupation*

### 8.4.22 Minimum Lot Size

A lot shall have an area of not less than 650 m<sup>2</sup>.

- 2842 (a) 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.

- 2842 (a) notwithstanding the above, a minimum frontage of 10 metres 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).
- 2842 (b) notwithstanding the above, a minimum frontage of 11 metres 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) Apartments - 1.0 *floor area ratio* except where parking is provided within a principle *building* in which case an amount may be added to the floor space ratio equal to 0.2 multiplied by the percentage of the total *parking spaces* which are provided in this manner.
- (2) All other residential - 0.7 *floor area ratio*

#### 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

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

#### 8.4.27 Useable Open Space

Usable 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.

#### 8.4.28 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a *building area* not exceeding 50.0 m<sup>2</sup>, except where the *structure* is used to cover parking, in which case, the *floor area* shall not exceed 50% of the *rear yard*, and shall not extend for more than 2/3 the length of any property line or 30.0 m, whichever is less
- (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 *residence*

- (5) 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

#### 8.4.29 Off-Street Parking

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

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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 14 of this bylaw, the following landscape requirements shall be met:

2720

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

### 8.5.2 Minimum Lot Size

A *lot* shall have an area of not less than 850 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) Apartments            | .90 <i>floor area ratio</i> |
| (2) All other residential | .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              |
|                        | 6.0 m – 3rd 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 Buildings

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

### 8.5.7 Useable Open Space

Usable 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

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a *building area* not exceeding 50.0 m<sup>2</sup>, 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
- (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 *residence*
- (5) 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

### 8.5.9 Off-Street Parking and Loading

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 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 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 6 - Rural Residential One Zone (RR-1)

### 8.6.1 Permitted Uses

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

- 3071
- (1) *single residential dwelling*
  - (2) *secondary suite*
  - (3) *accessory buildings and structures*
  - (4) *home occupation*
  - (5) agricultural use on a *lot* over 4,000 m<sup>2</sup>
  - (6) Notwithstanding any provisions of this bylaw, a *secondary suite* is a *permitted use* on Lot B, Section 17, Comox District, Plan EPP72243 (1544 Dingwall Road)
- 3101
- (7) Notwithstanding any provisions of this bylaw, a detached secondary residence is a *permitted use* on Lot 3, Section 47, Comox District, Plan 20073 (1410 Glen Urquhart Drive)

### 8.6.2 Minimum Lot Size

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

### 8.6.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 10% of the perimeter of the *lot*.

### 8.6.4 Minimum Lot Depth

A *lot* shall have an average depth of not less than 30.0 m.

### 8.6.5 Lot Coverage

A *lot* shall not be covered by buildings and *accessory buildings*, excluding swimming pools, to a greater extent than 30% of the total area of the *lot*.

### 8.6.6 Setbacks

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

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 m
- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.75 m except where a *side yard* flanks a *street*, in which case, the minimum distance shall be 4.5 m.

### 8.6.7 Height of Buildings

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

### **8.6.8 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 90.0 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 1.75 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.

### **8.6.9 Off-Street Parking**

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

## Part 7 - Rural Residential Two Zone (RR-2)

### 8.7.1 Permitted Uses

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

3071

- (1) *single residential dwelling*
- (2) *secondary suite*
- (3) *accessory buildings and structures*
- (4) *home occupation*
- (5) agricultural use on a *lot* over 4,000 m<sup>2</sup>
- (6) Notwithstanding any part of this bylaw, a duplex is allowed on Parcel G (DD21003N) of Section 18, Comox District (4718/4720 Island Highway)

### 8.7.2 Minimum Lot Size

For the purpose of *subdivision*, the average *lot* size shall be 1,850 m<sup>2</sup> with a minimum *lot* size of 1,250 m<sup>2</sup>.

### 8.7.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 10% of the perimeter of the *lot*.

### 8.7.4 Minimum Lot Depth

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

### 8.7.5 Lot Coverage

A *lot* shall not be covered by buildings and *accessory* buildings, excluding swimming pools, to a greater extent than 30% of the total area of the *lot*.

### 8.7.6 Setbacks

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

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

### 8.7.7 Height of Buildings

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



### **8.7.8 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 90.0 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

### **8.7.9 Off-Street Parking**

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

## Part 7 - Rural Residential Two S Zone (RR-2S)

### 8.7.10 Permitted Uses

In the RR-2S 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 suites*
- (3) *accessory buildings and structures*
- (4) *home occupation*
- (5) agricultural use on a *lot* over 4,000 m<sup>2</sup>

### 8.7.11 Minimum Lot Size

For the purpose of *subdivision*, the average *lot* size shall be 1,850 m<sup>2</sup> with a minimum *lot* size of 1,250 m<sup>2</sup>.

### 8.7.12 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 10% of the perimeter of the *lot*.

### 8.7.13 Minimum Lot Depth

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

### 8.7.14 Lot Coverage

A *lot* shall not be covered by buildings and *accessory* buildings, excluding swimming pools, to a greater extent than 30% of the total area of the *lot*.

### 8.7.15 Setbacks

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

- (4) *Front yard:* 7.5 m
- (5) *Rear yard:* 10.0 m
- (6) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

### 8.7.16 Height of Buildings

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

### **8.7.17 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 90.0 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

### **8.7.18 Off-Street Parking**

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

## Part 8 - Rural Residential Three Zone (RR-3)

### 8.8.1 Permitted Uses

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

3071

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

### 8.8.2 Minimum Lot Size

For the purpose of *subdivision*, a *lot* shall have an area of not less than 2,000 m<sup>2</sup>.

### 8.8.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 10% of the perimeter of the *lot*.

### 8.8.4 Minimum Lot Depth

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

### 8.8.5 Lot Coverage

A *lot* shall not be covered by buildings and *accessory* buildings, excluding swimming pools, to a greater extent than 30% of the total area of the *lot*.

### 8.8.6 Setbacks

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

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

### 8.8.7 Height of Buildings

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

### **8.8.8 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 90.0 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.

### **8.8.9 Off-Street Parking**

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

## Part 9 - Rural Residential Four Zone (RR-4)

### 8.9.1 Permitted Uses

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

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

3071

### 8.9.2 Minimum Lot Size

For the purpose of *subdivision*, a *lot* shall have an area of not less than 2,500 m<sup>2</sup>.

### 8.9.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 10% of the perimeter of the *lot*.

### 8.9.4 Minimum Lot Depth

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

### 8.9.5 Lot Coverage

A *lot* shall not be covered by buildings and *accessory* buildings, excluding swimming pools, to a greater extent than 30% of the total area of the *lot*.

### 8.9.6 Setbacks

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

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

### 8.9.7 Height of Buildings

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

### **8.9.8 Accessory Buildings and Accessory Structure**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 90.0 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

### **8.9.9 Off-Street Parking**

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

## Part 10 - Rural Residential Five Zone (RR-5)

### 8.10.1 Permitted Uses

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

- (1) One *single residential* dwelling
- 3071 (2) *Secondary suite*
- (3) *Accessory building and structure*
- (4) *Home occupation*
- (5) Agricultural use on a *lot* over 4,000 m<sup>2</sup>
- 2953 (6) Notwithstanding any provision of this bylaw, a *secondary residence* is a permitted use on Lot 2, Section 18, Comox District, Plan VIP77045 (2991 Chapman Road).
- 2971 (7) Notwithstanding any provision of this bylaw, a *secondary suite* or *secondary residence* or *carriage house* is a permitted use on Lot 6, District Lot 179, Comox Plan VIP1962, Except Part in VIP69550 (Arden Road).

### 8.10.2 Minimum Lot Size

For the purpose of *subdivision*, a *lot* shall have an area of not less than 4,000 m<sup>2</sup>.

### 8.10.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 10% of the perimeter of the *lot*.

### 8.10.4 Minimum Lot Depth

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

### 8.10.5 Lot Coverage

A *lot* shall not be covered by buildings and *accessory* buildings, excluding swimming pools, to a greater extent than 10% of the total area of the *lot*.



### 8.10.6 Setbacks

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

(a) *Single Family Residence*

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

2953

(b) *Secondary Residence*

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

2971

(c) *Carriage House*

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 10.0 m
- (3) *Side yard:* 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

### 8.10.7 Height of Buildings

2953

The *height* of a *principal residence* shall not exceed 9.0 m.

The *height* of a *secondary residence* shall not exceed 5.5 m.

2971

The *height* of a *carriage house* shall not exceed 6.5 m.

### 8.10.8 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 150 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 3.5 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.

### 8.10.9 Off-Street Parking

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

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

### 8.11.1 Permitted Uses

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) *Single residential dwelling*, must be one *storey* with no basement
- (3) *Accessory buildings and structures*
- (4) Notwithstanding the provisions of this bylaw a secondary suite is permitted on the property legally described as Lot 64, District Lot 159, Comox District, Plan 30921 (446 Qualicum Avenue).

2930

### 8.11.2 Minimum Lot Size

A *lot* in a *mobile home subdivision* shall have an area of not less than 465 m<sup>2</sup> and 550 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 not exceed 4.5 m in *height*
- (2) Shall have a *floor area* not exceeding 45.0 m<sup>2</sup> or 10% of the *rear yard* whichever is greater
- (3) 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
- (4) 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:
  - (a) meets the Canadian Standards Association Standards Z-240 or A-277 or British Columbia *Building Code* Standards;
  - (b) is connected water, sanitary sewer, storm drainage and electrical services in accordance with the British Columbia *Building Code*, Plumbing Code and Electrical Code;
  - (c) 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
  - (d) 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 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 m<sup>2</sup> for an internal *lot* and 360 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:
  - (a) be clearly numbered; and
  - (b) 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 m 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 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*, on 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 not exceed 4.5 m in *height*;
- (2) Shall have a *floor area* not exceeding 45.0 m<sup>2</sup> or 10% of the *rear yard* whichever is greater;
- (3) 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
- (4) Shall be permitted in the front of the principal *residence* provided they shall conform to all relevant siting regulations of this bylaw.

### **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**

- (a) No *mobile home park* shall be established or extended unless the highway access to the *mobile home park* is approved by the *City*.
- (b) 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**

- (a) 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.
- (b) 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 m.
  - (ii) with no parking shall have a minimum paved width of 7.2 m and right-of-way of 12 m.
  - (iii) one way minor roads shall not exceed 150 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**

- (a) 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.
- (b) A walkway or sidewalk shall be provided on at least one side of a main distributor road within the *mobile home park*.
- (c) Walkways may be required for direct access to recreation or multi-purpose service centres if roadways are not direct.
- (d) 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:
  - (a) each service *building*
  - (b) each *mobile home* space
  - (c) 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 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 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 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                        | (2) Non-Residential                              | (3) Combined Uses   |
|--|--|---|
| (a) <i>Single residential dwelling</i> | (a) <i>Accessory buildings</i>                   | Combined residential - non-residential uses are permitted within the same <i>building</i> in this zone. |
| (b) <i>Duplex dwelling</i>             | (b) <i>Care facility</i>                         |   |
| (c) <i>Boarding</i>                    | (c) <i>Day care</i>                              |   |
| (d) <i>Home occupation</i>             | (d) <i>Facility for adults with a disability</i> |   |
|  | (e) <i>Medical clinic</i>                        |   |
|  | (f) <i>Office</i>                                |   |
|  | (g) <i>Parking lot</i>                           |   |
|  | (h) <i>School</i>                                |   |

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

### 8.13.6 Height of Buildings

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

### **8.13.7 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> 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 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

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

### 8.14.1 Permitted Uses

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

- |  |   |   |
|--|---|---|
| <p><b>(1) Residential</b></p> <ul style="list-style-type: none"><li>(a) <i>Single residential dwelling</i></li><li>(b) <i>Duplex dwelling</i></li><li>(c) <i>Multi residential dwelling</i></li><li>(d) <i>Boarding</i></li><li>(e) <i>Home occupation</i></li></ul> | <p><b>(2) Commercial</b></p> <ul style="list-style-type: none"><li>(a) <i>Accessory buildings</i></li><li>(b) <i>Ambulance service</i></li><li>(c) <i>Bakery and deli</i></li><li>(d) <i>Barber shop and beauty salon</i></li><li>(e) <i>Day care</i></li><li>(f) <i>Facility for adults with a disability</i></li><li>(g) <i>Funeral home</i></li><li>(h) <i>Fitness facility</i></li><li>(i) <i>Hotel and motel</i></li><li>(j) <i>Laundromat and drycleaner</i></li><li>(k) <i>Licensed premise</i></li><li>(l) <i>Medical clinic</i></li><li>(m) <i>Micro-brewing limited to 400 m<sup>2</sup> and including the accessory retail sale of goods produced on site</i></li><li>(n) <i>Nightclub</i></li><li>(o) <i>Office</i></li><li>(p) <i>Parking lot, school and studio</i></li><li>(q) <i>Restaurant</i></li><li>(r) <i>Retail stores limited to 375 m<sup>2</sup></i></li><li>(s) <i>Theatre</i></li><li>(t) <i>Veterinary clinic</i></li></ul> | <p><b>(3) Combined Commercial Residential Uses</b></p> <p>Residential units contained within a dual - use <i>building</i> shall be located above <i>storeys</i> used for commercial purposes and no <i>storey</i> 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.</p> |
|--|---|---|
- (u) 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) Principle 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.

- (v) 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)

**8.14.2 Minimum Lot Size**

A *lot* shall have an area of not less than 850 m<sup>2</sup>.

**8.14.3 Minimum Lot Frontage**

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

**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 Setbacks**

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

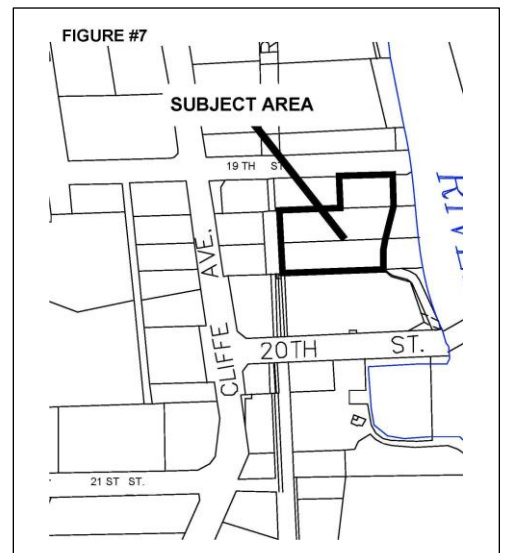
- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 4.5 m except where the *side yard* flanks a *street* in which case 7.5 m
- (4) *Side yard* adjacent to Comox Logging Right of Way Walkway
  - 6.0 m
  - 7.5 m for 2<sup>nd</sup> storey
  - 9.0 m for 3<sup>rd</sup> storey

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

**8.14.6 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 metres (not to exceed a maximum of 4 storeys).



### **8.14.7 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.

### **8.14.8 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> 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*
- (5) 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

### **8.14.9 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.

### **8.14.10 Landscaping and Screening**

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

- (1) 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 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:

- |   |   |   |
|---|---|---|
| <b>(1) Residential</b>                        | <b>(2) Commercial</b>   | <b>(3) Combined Commercial Residential Uses</b>   |
| (a) <i>Single residential dwelling</i>        | (a) <i>Accessory buildings and uses</i>   | Residential units contained within a dual-use <i>building</i> shall be located above <i>storeys</i> used for commercial purposes and no <i>storey</i> can be used for both commercial and residential purposes. |
| (b) <i>Duplex dwellings</i>                   | (b) <i>Bakery and Deli</i>  |   |
| (c) <i>Multi residential dwellings</i>        | (c) <i>Care facility</i>  |   |
| (d) <i>Accessory buildings and structures</i> | (d) <i>Community service</i>  |   |
| (e) <i>Boarding</i>                           | (e) <i>Day care</i>   |   |
| (f) <i>Home occupation</i>                    | (f) <i>Facility for adults with a disability</i>  |   |
|   | (g) <i>Fitness facility</i>   |   |
|   | (h) <i>Financial institution</i>  |   |
|   | (i) <i>Laundromat</i>   |   |
|   | (j) <i>Medical clinic</i>   |   |
|   | (k) <i>Micro-brewing limited to 400 m<sup>2</sup> and including the accessory retail sale of goods produced on site</i> |   |
|   | (l) <i>Office</i>   |   |
|   | (m) <i>Personal Service</i>   |   |
|   | (n) <i>Printing and Publishing</i>  |   |
|   | (o) <i>Restaurant</i>   |   |
|   | (p) <i>Retail store</i>   |   |
|   | (q) <i>Second hand store</i>  |   |
|   | (r) <i>School and studio</i>  |   |
|   | (s) <i>Small item sales, service, repair and rental</i>   |   |
|   | (t) <i>Veterinary clinic</i>  |   |

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 m<sup>2</sup> except for multi residential dwellings wherein the minimum *lot* size shall be not less than 1,250 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 principle *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 principle *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 Buildings

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

#### 8.15.8 Useable Open Space

Usable 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 exceed 4.5 m in *height*
- (2) Shall have a *floor area* not 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
- (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 *residence*
- (5) Shall not be located within 4.5 m from the side and rear *lot line*
- (6) 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 Part 14 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:

- |  |   |   |
|--|---|---|
| <p><b>(1) Residential</b></p> <ul style="list-style-type: none"><li>(a) <i>Single residential dwelling</i></li><li>(b) <i>Duplex dwelling</i></li><li>(c) <i>Multi residential dwelling</i></li><li>(d) <i>Accessory buildings and structures</i></li><li>(e) <i>Home occupation</i></li></ul> | <p><b>(2) Commercial</b></p> <ul style="list-style-type: none"><li>(a) <i>Bakery and deli</i></li><li>(b) <i>Care facility</i></li><li>(c) <i>Community services</i></li><li>(d) <i>Craft industry with wholesale and accessory retail sales</i></li><li>(e) <i>Day care</i></li><li>(f) <i>Electrical and plumbing sales and service</i></li><li>(g) <i>Enclosed storage facilities</i></li><li>(h) <i>Fitness facility</i></li><li>(i) <i>Florist</i></li><li>(j) <i>Manufacturing</i></li><li>(k) <i>Office</i></li><li>(l) <i>Laundromat and dry cleaning</i></li><li>(m) <i>Medical clinic</i></li><li>(n) <i>Micro-brewing limited to 400 m<sup>2</sup> and including the accessory retail sale of goods produced on site</i></li><li>(o) <i>Parking lot</i></li><li>(p) <i>Personal Service</i></li><li>(q) <i>Printers and publishers</i></li><li>(r) <i>Utility facility</i></li><li>(s) <i>Restaurant</i></li><li>(t) <i>Retail stores limited to 275 m<sup>2</sup></i></li><li>(u) <i>Small item sales, service, rental and repair</i></li><li>(v) <i>School and studio</i></li><li>(w) <i>Veterinary clinic</i></li></ul> | <p><b>(3) Combined Commercial Residential Uses</b></p> <p>Residential units contained within a dual-use <i>building</i> shall be located above <i>storeys</i> used for commercial purposes and no <i>storey</i> can be used for both commercial and residential purposes.</p> |
|--|---|---|

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### **8.16.2 Minimum Lot Size**

A *lot* shall have an area of not less than 1250 m<sup>2</sup>.

### **8.16.3 Minimum Lot Frontage**

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

### **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

### **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 bedroom.

### **8.16.9 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> or 10% of the *rear yard*, whichever is greater, except where the *structure* is used to covered parking, in which case, the *floor area* shall not exceed 20% of the applicable *yard*, and shall not extend for more than 2/3 of the length of any property line or 30.0 m, whichever is less
- (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
- (4) 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 Part 14 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.

### **8.16.12 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:

- | <b>(2) Residential</b>  | <b>(2) Commercial</b>   | <b>(3) Industrial</b>  |
|---|---|--|
| (a) <i>Accessory residential dwelling or caretakers suite, meaning a dwelling unit:</i> | (a) <i>Accessory buildings and uses</i>                             | (a) <i>Accessory buildings and uses</i>  |
| a. having a total floor space of not more than 90m <sup>2</sup> in area;                | (b) <i>Bakery and deli</i>  | (b) <i>Commercial Laundry</i>  |
| b. located within a principal building of commercial or industrial occupancy;           | (c) <i>Car washing establishment</i>                                | (c) <i>Enclosed storage facilities including warehousing</i>                           |
| c. a maximum of 1 <i>accessory dwelling unit</i> is permitted per parcel.               | (d) <i>Community services</i>                                       | (d) <i>Manufacturing</i>   |
| (b) <i>Home occupation</i>  | (e) <i>Craft industry with wholesale and accessory retail sales</i> | (e) <i>Micro-brewing including the accessory retail sale of goods produced on site</i> |
|   | (f) <i>Fitness facility</i>   | (f) <i>Printers and publishers</i>   |
|   | (g) <i>Florist or Garden Store</i>                                  | (g) <i>Transportation depot</i>  |
|   | (h) <i>General Service</i>  | (h) <i>Utility Facility</i>  |
|   | (i) <i>Laundromat and dry cleaning</i>                              | (i) <i>Small item sales, service, rental and repair</i>                                |
|   | (j) <i>Licensed Premises</i>  | (j) <i>Wholesaling</i>   |
|   | (k) <i>Medical clinic</i>   |  |
|   | (l) <i>Office</i>   |  |
|   | (m) <i>Outdoor sales</i>  |  |
|   | (n) <i>Personal Service</i>   |  |
|   | (o) <i>Restaurant</i>   |  |
|   | (p) <i>Retail stores limited to 275 m<sup>2</sup></i>               |  |
|   | (q) <i>School</i>   |  |
|   | (r) <i>Service and repairs</i>                                      |  |
|   | (s) <i>Service Station</i>  |  |
|   | (t) <i>Studio</i>   |  |
|   | (q) <i>Veterinary clinic</i>  |  |

### 8.17.2 Minimum Lot Size

For the purpose of subdivision a *lot* shall have an area of not less than 2900 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) Shall not exceed 4.5 m in *height*
- (2) Shall have a *floor area* not exceeding 50.0 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater, except where the *structure* is used to covered parking, in which case, the *floor area* shall not exceed 20% of the applicable *yard*, and shall not extend for more than 2/3 of the length of any property line or 30.0 m, whichever is less
- (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
- (4) Shall not be situated closer than 3.0 m from the *principal building* that the *accessory building* serves

#### **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 Part 14 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*.



## Part 18 - Commercial One Zone (C-1)

### 8.18.1 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:

- 2803 (1) *Accessory buildings and structures*
- (2) *Assembly hall*
- (3) *Bakery and deli*
- (4) *Barber shop and beauty salon*
- 2803 (5) *Care facility*
- 2803 (6) *Carriage house*
- (7) *Church, including one (1) dwelling unit for each lot*
- (8) *Community service*
- 2803 (9) *Cultural facility*
- (10) *Day care*
- 2803 (11) *Duplex dwelling*
- (12) *Facility for adults with a disability*
- 2803 (13) *Farmer's Market*
- (14) *Fitness facility*
- (15) *Funeral home*
- (16) *General service*
- 2803 (17) *Granny flat*
- (18) *Grocery store and shopping centre*
- (19) *Hotel*
- (20) *Indoor entertainment facility*
- (21) *Laundromat and dry cleaning*
- (22) *Licensed premises*
- (23) *Liquor store*
- (24) *Meat and fish market*
- (25) *Medical clinic*
- (26) *Micro-brewing, distilling and U-brew/U-Vin limited to 400 m<sup>2</sup> and including accessory sales*
- 2803 (27) *Multi residential dwellings*
- 2501 (28) *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*
- (29) *Office, financial institution, and personal service*
- (30) *Parking lot*
- (31) *Printing shop*
- (32) *Restaurant*
- (33) *Retail stores*
- (34) *Secondhand store, within an enclosed building*
- 2803 (35) *Secondary Suite*
- (36) *School*
- 2803 (37) *Single residential dwelling*
- (38) *Small item sales, service, rental and repair*
- (39) *Studio*
- (40) *Theatre*

- 2803 (41) *Transportation depot*
- 2803 (42) Combined commercial/residential uses are permitted within the same building or in separate buildings on the same property
- (43) 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).
- 2949 (44) 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).
- 2950 (45) 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).
- 2958 (46) 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)

### **8.18.2 Minimum Lot Size**

A *lot* shall have an area of not less than 500 m<sup>2</sup>.

### **8.18.3 Minimum Lot Frontage**

N/A

### **8.18.4 Lot Coverage**

N/A

### **8.18.5 Minimum Floor area**

N/A

### **8.18.6 Setbacks**

- 2803 Except where otherwise specified in this Bylaw there are no setback requirements in the C-1 Zone.

### **8.18.7 Height of Buildings**

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

- 2803 **8.18.8 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.

**8.18.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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, meters, 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 18 - Commercial One A (C-1A)

### 8.18.10 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*
- 2633 (4) *Liquor store* permitted only on the following property:  
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*
- 2944 (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)
- 2946 (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)

### 8.18.11 Conditions of Use

- (1) 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*.

### 8.18.12 Minimum Lot Size

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

### 8.18.13 Minimum Lot Frontage

N/A

### 8.18.14 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*.

### 8.18.15 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

### **8.18.16 Height of Buildings**

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

### **8.18.17 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 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.

### **8.18.18 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 19 - Commercial Two Zone (C-2)

### 8.19.1 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, subject to the following conditions:
  - (a) Not more than two bedroom are used for transient accommodation;
  - (b) Principle use of the *building* shall be *single residential*;
  - (c) That a resident of the dwelling shall be alone engaged in the operation of the transient accommodation business
  - (d) No meals shall be provided to the customers of the operation other than breakfast
  - (e) 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*
- (6) *Building supply store*
- (7) Car washing establishment
- (8) *Day care*
- (9) Enclosed storage *building*, 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 and dry cleaning*
- (17) *Licensed premises*
- (18) *Liquor store* permitted only on the following properties:
  - Lot B, Plan 28292 (2355 Mansfield Drive)
  - Lot 2, Section 41, Comox District, Plan VIP75100 (1599 Cliffe Avenue)
- (19) *Nursery and greenhouse*
- (20) *Medical clinic*
- (21) Micro-brewing limited to 400 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 stores, 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*
- 2618 (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
- 2703 (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):
  - (a) Mini storage
  - (b) *Single residential dwelling*
 Conditions of use:
  - (a) No parking, loading or storage areas shall be located within 1.5 m of any property line
  - (b) 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:
  - (a) 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*.
  - (b) 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:
  - (c) No parking, loading or storage areas shall be located within 3.5 m to any property line.
  - (d) 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):
  - (a) *Garden store* and *accessory* outdoor storage
  - (b) Agricultural use
  - (c) Residential use limited to one dwelling

Conditions of use:

- (a) No areas used for outdoor storage, display, parking or loading shall be located within 3.5 m of any *lot line*.
- (b) 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
- (c) 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*
- (d) 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.
- (e) Minimum *lot size* – 1.0 ha
- (f) Minimum *lot frontage* – 10% of the perimeter of the *lot*

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- (41) Notwithstanding the above, *Pet Day Care* is permitted on Strata Property VIS687 (241 Puntledge Road).

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- (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).

### 8.19.2 Conditions of Use

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*.

### 8.19.3 Minimum Lot Size

A *lot* shall have an area of not less than 650 m<sup>2</sup> except for a combined commercial-residential use of a *lot*, in which case, an area of 1,250 m<sup>2</sup> is required.

### 8.19.4 Minimum Lot Frontage

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

### 8.19.5 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 - .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*.



### 8.19.6 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*
  - (i) 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
  - (a) *buildings* and *accessory buildings* shall be at least 12.0 m from property lines.

### 8.19.7 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.

### 8.19.8 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*.

### 8.19.9 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> 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*
- (5) 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
- (6) Shall not be situated closer than 3.0 m from the *principal building* which the *accessory building* serves

### **8.19.10 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.

### **8.19.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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 18 - Commercial Two A Zone (C-2A)

### 8.19.12 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 offices and facilities*
- (8) *Hotel and Motel*
- (9) *Indoor entertainment facility*
- (10) *Licensed premises*
- (11) *Medical clinic*
- (12) *Micro-brewing limited to 400 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 stores*
- (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)

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### 8.19.13 Minimum Lot Size

A *lot* shall have an area of not less than 2500 m<sup>2</sup>.

### 8.19.14 Minimum Lot Frontage

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

### 8.19.15 Density

The maximum density shall not exceed a *floor area ratio* of 0.6. However, where parking is provided within the principle *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*.

### 8.19.16 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*.

### 8.19.17 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.

### 8.19.18 Height of Buildings

No *building* in this zone shall exceed 9.14 m.

### 8.19.19 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a *floor area* not exceeding 46.45 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 not be permitted at the front of a *principal building*
- (5) 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

### 8.19.20 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.

### 8.19.21 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 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 20 - Commercial Three Zone (C-3)

### 8.20.1 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

### 8.20.2 Minimum Lot Size

A *lot* shall have an area of not less than 1250 m<sup>2</sup>.

### 8.20.3 Minimum Lot Frontage

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

### 8.20.4 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*.

### 8.20.5 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*.

### 8.20.6 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.

### 8.20.7 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) 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*
- (3) Shall be permitted in the side and *rear yard* only, provided they shall conform 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

### **8.20.8 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.

### **8.20.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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 Four Zone (C-4)

### 8.21.1 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).

### 8.21.2 Minimum Lot Size

A *lot* shall have an area of not less than 1,800 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

A *lot* shall not be covered by buildings and *accessory buildings* to a greater extent than 35% of the total area of the *lot*.

### 8.21.5 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*.



### 8.21.6 Height of Buildings

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

### 8.21.7 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> 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*
- (5) 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

### 8.21.8 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 Part 14 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 22 - Commercial Five Zone (C-5)

### 8.22.1 Intent

This zone is intended to provide appropriate zoning for commercial uses in a heritage character neighbourhood.

### 8.22.2 Permitted Uses

In the C-5 zone, the following uses are permitted and all other uses are prohibited within the area identified on Schedule 8, Zoning Map, except as otherwise noted in this bylaw:

- (1) *Accessory* buildings and uses
- (2) Bed and Breakfast
- (3) *Day care*
- (4) *Home Occupation*
- (5) *Office*
- (6) *Personal Service*
- (7) *Retail* limited to 200 square metres
- (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).

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### 8.22.3 Density

Providing all other conditions are met the maximum *floor area ratio* shall not exceed 0.50.

### 8.22.4 Lot Coverage

Maximum *lot coverage* shall not exceed 40%.

### 8.22.5 Minimum Lot Sizes

The minimum lot size is 420 square metres.

### 8.22.6 Frontages

A *lot* shall have a frontage of not less than 12 metres except for a *corner lot* where the frontage shall be not less than 13.5 metres.

### 8.22.7 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.

### 8.22.8 Maximum Height

The *height* of a *principal building* shall not exceed 10.0 m.

### 8.22.9 Accessory Buildings and 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 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

### 8.22.10 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.

### 8.22.11 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 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, metres, 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 23 - Industrial One Zone (I-1)

### 8.23.1 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) Boatworks and storage
- (3) Heliport
- (4) *Manufacturing*

### 8.23.2 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.

### 8.23.3 Minimum Lot Size

A *lot* shall have an area of not less than 2500 m<sup>2</sup>.

### 8.23.4 Minimum Lot Frontage

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

### 8.23.5 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*.

### 8.23.6 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.

### 8.23.7 Height of Buildings

No *building* shall exceed a *height* of 15.0 m.

### 8.23.8 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 6.0 m in *height*
- (2) Shall have a *floor 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*
- (5) 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

### 8.23.9 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.

### 8.23.10 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 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 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.

### 8.23.11 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 24 - Industrial Two Zone (I-2)

### 8.24.1 Permitted Uses

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

- 2563
- (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*
- 2513
- (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) *Micro-brewing limited to 400 m<sup>2</sup> and including accessory retail sale of goods produced on site*
  - (15) *Pet Day Care*
  - (16) *Printers and publishers*
  - (17) *Radio station*
  - (18) *Restaurant*
  - (19) *Small item sales, service, rental and repair*
  - (20) *School*
  - (21) *Storage and sale of feed and fertilizer*
  - (22) *Truck and rail loading terminal*
  - (23) *Utility facility*
  - (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).*

- 2836 (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).
- 2921 (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).
- 2948 (32) Notwithstanding any provision of this bylaw, “*day care*” and “*family 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)
- 2992 (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).
- 3066 (34) Not withstanding 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).
- 3095 (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).

#### 8.24.2 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.

#### 8.24.3 Minimum Lot Size

A *lot* shall have an area of not less than 1250 m<sup>2</sup>.

#### 8.24.4 Minimum Lot Frontage

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

- (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 yard* 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.

#### **8.24.7 Height of Buildings**

No *building* shall exceed a *height* of 15.0 m.

#### **8.24.8 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*.

#### **8.24.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 6.0 m in *height*
- (2) Shall have a *floor area* not exceeding 50.0 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 not be permitted at the front of a *principal building*

#### **8.24.10 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.

#### **8.24.11 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 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 25 - Industrial Three Zone (I-3)

### 8.25.1 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) Railway
- (2) Railway loading and unloading terminal
- (3) Railway passenger station
- (4) Transportation and facilities corridor

### 8.25.2 Minimum Lot Size

A *lot* shall have an area not less than 8.0 ha.

### 8.25.3 Minimum Lot Frontage

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

### 8.25.4 Lot Coverage

A *lot* shall not be covered by buildings and structures to a greater extent than 10%.

### 8.25.5 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

### 8.25.6 Height of Buildings

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

### 8.25.7 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a *floor area* not exceeding 45.0 m<sup>2</sup>
- (3) Shall conform to all relevant siting regulations of this bylaw

### 8.25.8 Off-Street Parking

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

### 8.25.9 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 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 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 26 - Public Use and Assembly One Zone (PA-1)

### 8.26.1 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 facility*
- (7) *Hospital and related facility*
- (8) *Utility facility*
- (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:
  - 2684 (a) operated by a non-profit society either licensed or under permit from the Provincial Ministry of Human Resources for the purposes of providing short term emergency care;
  - 2932 (3) 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 8th Street).
  - 2984 (4) 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).

### 8.26.2 Minimum Lot Size

A lot shall have an area of not less than 2,500 m<sup>2</sup>.

### 8.26.3 Minimum Lot Frontage

A lot shall have a frontage of not less than 45.0 m.

### 8.26.4 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.

### **8.26.5 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

### **8.26.6 Height of Buildings**

No *building* shall exceed a *height* of 12.0 m.

### **8.26.7 Usable Open Space**

Usable open space shall be provided for a *care facility* at 10.0 m<sup>2</sup> per unit.

### **8.26.8 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 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*

### **8.26.9 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.

### **8.26.10 Landscaping and Screening**

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

- (1) 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 27 - Public Use and Assembly Two Zone (PA-2)

### 8.27.1 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) Parks and playground
- (5) Recreation facility

### 8.27.2 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*.

### 8.27.3 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 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 m.

### 8.27.4 Height of Buildings

No *building* shall exceed a *height* of 12.0 m.

### 8.27.5 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.

### 8.27.6 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 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 28 - Public Use and Assembly Three Zone (PA-3)

### 8.28.1 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) Schools including *accessory day care*

2875

For certainty, *pay parking operation* is not a permitted use in the PA-3 zone.

### 8.28.2 Minimum Lot Size

A *lot* shall have an area of not less than 2,500 m<sup>2</sup>.

### 8.28.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 45.0 m.

### 8.28.4 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*.

### 8.28.5 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.

### 8.28.6 Height of Buildings

No *building* shall exceed a *height* of 12.0 m.

### 8.28.7 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.

### **8.28.8 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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 29 - Public Use and Assembly Four Zone (PA-4) for VIHA/NIC Hospital Site

### 8.29.1 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 related education and training facilities
- (5) Parkade
- (6) Helipad

2875

For certainty, *pay parking operation* is not a permitted use in the PA-4 zone.

### 8.29.2 Minimum Lot Size

A *lot* shall have an area of not less than 2,500 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 forty percent (40%) of the total area of the *lot*.

### 8.29.5 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

### 8.29.6 Height of Buildings

No *building* shall exceed a *height* of 40.0 m.

### 8.29.7 Usable Open Space

Usable open space shall be provided for a *care facility* at 10.0 m<sup>2</sup> per unit.

### 8.29.8 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.

### 8.29.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 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 3.5m. 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 - Agricultural One Zone (A-1)

### 8.30.1 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 58541I), Section 22, Comox District, except part in Plan VIP70553 (4985 Cotton Road).

3071

### 8.30.2 Prohibited Uses

Notwithstanding the *Permitted uses* listed above, any use designated or permitted pursuant to Section 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

### 8.30.3 Minimum Lot Size

A *lot* shall have an area of not less than 8.0 ha.

### 8.30.4 Maximum Density

3071

Two *dwelling units*.

### 8.30.5 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 150 m.

### 8.30.6 Minimum Lot Depth

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

### **8.30.7 Lot Coverage**

A *lot* shall not be covered by buildings and structures to a greater extent than 10% of the total *lot*.

### **8.30.8 Setbacks**

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

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

### **8.30.9 Height of Buildings**

- (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.

### **8.30.10 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a *floor area* not exceeding 46.45 m<sup>2</sup>
- (3) Shall be permitted in front of a principal *residence* provided they shall conform 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

### **8.30.11 Off-Street Parking**

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

### **8.30.12 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 31 - Agricultural Two Zone (A-2)

### 8.31.1 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) Fairgrounds
- (4) *Utility facility*
- (5) Recreation facility and *accessory* temporary accommodation
- (6) *Accessory* uses:
  - (a) Residential use limited to one *dwelling unit*
  - (b) 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.

### 8.31.2 Minimum Lot Size

A *lot* shall have an area of not less than 8.0 ha.

### 8.31.3 Maximum Density

Two *dwelling units* provided one *dwelling unit* is a *mobile home*.

### 8.31.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 150 m.

### 8.31.5 Minimum Lot Depth

A *lot* shall have a depth of not less than 40.0 m.

### 8.31.6 Lot Coverage

A *lot* shall not be covered by buildings and structures to a greater extent than 35% of the total *lot*.

### 8.31.7 Setbacks

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

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

### **8.31.8 Height of Buildings**

- (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.

### **8.31.9 Off-Street Parking**

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

### **8.31.10 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 32 - Comprehensive Development One Zone (CD-1)**  
**Crown Isle (Block 72)**

**8.32.1 Intent**

This zone is intended to accommodate and to regulate the development of a mixture of 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 (collectively “Block 72”). Block 72 has been designated a Development Permit Area in “Official Community Plan Bylaw No. 2397, 2005” and accordingly, development must be consistent with the objectives and guidelines therein.

**8.32.2 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:
  - (a) *Single residential dwellings*
  - (b) *Secondary suite*
  - (c) *Duplex dwellings*
  - (d) *Multi residential dwellings*
  - (e) *Accessory buildings and structures*
  - (f) *Boarding*
  - (g) *Home occupation*
  - (h) *Golf course* including *accessory* buildings
  
- (2) Within that portion of Block 72 identified as Area B on the CD-1 Zone map:
  - (a) *Single residential dwellings*
  - (b) *Secondary suite*
  - (c) *Duplex dwellings*
  - (d) *Multi residential dwellings*
  - (e) *Accessory buildings and structures*
  - (f) *Boarding*
  - (g) *Care facility*
  - (h) *Home occupation*
  - (i) *Golf course*, including one clubhouse with *accessory* restaurants, *accessory* meeting room, *accessory* lounges and pro-shop, driving range, golf school, *golf course* maintenance and supply yards and buildings, car museum as part of a golf clubhouse
  - (j) *Motel* including single and *duplex* units on Lot 2, Plan VIP64932
  
- (3) Within that portion of Block 72 identified as Area C on the CD-1 Zone map:
  - (a) *Car museum*
  - (b) *Hotel*

- 2597 (4) Within that portion of Block 72 identified as Area F on the CD-1 Zone map:
- (a) *Retail sales, personal services, offices, restaurants, licensed premises, entertainment (excluding amusement arcades), automobile service station uses and medical clinic*
  - (b) *Motel*
  - (c) *Liquor store*
  - (d) *Automobile sales and accessory repair shops*
  - (e) *Light manufacturing, excluding sawmills, provided the manufacturing operations take place in an enclosed principle building*
  - (f) *Family amusement centre including mini-golf, bumper boats, and children's arcade*
  - (g) *Building material sales*
  - (h) *Auto and truck repairs*
  - (i) *Printers and publishers*
  - (j) *Veterinary Clinic*
  - (k) *Communications, office and studio*
  - (l) *Enclosed storage building, including warehouse, and storage yard*
  - (m) *Wholesale sales outlets*
  - (n) *Residential quarters may be incorporated above a principal building*
  - (o) *Financial Institutions*
  - (p) *Parks*
  - (q) *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)*
- 3010
- 3071 (5) Within that portion of Block 72 identified as Area G on the CD-1 Zone map:
- (a) *Single residential dwellings*
  - (b) *Secondary suite*
  - (c) *Duplex dwellings*
  - (d) *Townhouse dwellings*
  - (e) *Accessory buildings and structures*
  - (f) *Boarding*
  - (g) *Home occupation*
  - (h) *Golf course including accessory buildings*
  - (i) *Park*
- 2748 (6) Within that portion of Block 72 identified as Area H on the CD-1 Zone map:
- (a) *Single residential dwellings*
  - (b) *Secondary suite*
  - (c) *Multi residential dwellings*
  - (d) *Accessory buildings and structures*
  - (e) *Boarding*
  - (f) *Home occupation*
  - (g) *Golf course, including accessory buildings*
- 3071
- 2763 (7) Within that portion of Block 72 identified as Area I on the CD-1 Zone map:
- (a) *Single residential dwelling*
  - (b) *Secondary suite*
  - (c) *Multi residential dwellings*
  - (d) *Accessory buildings and structures*
  - (e) *Boarding*
  - (f) *Home occupation*
- 3071



### 8.32.3 Densities

Land uses within the various areas defined on the CD-1 Zone map shall not exceed the following maximum densities:

- 2597 &  
2763
- (1) Within Area A:
- (a) *Single residential dwellings*: 477 *dwelling units* within 42.88 ha
  - (b) *Single residential, duplex and multi residential dwellings*: 190 *dwelling units* within 7.7 ha
  - (c) Park: 2.4 ha
  - (d) *Golf course*, including one clubhouse, *accessory* restaurants, lounges and pro-shop, *golf course* maintenance and supply *building*, not exceeding a cumulative *floor area* of 1,000 m<sup>2</sup> within 11.46 ha
- 2748
- (2) Within Area B:
- (a) *Single residential dwellings*: 1008 *dwelling units* within 89.2 ha
  - (b) *Single residential, duplex and multi residential dwellings*: 670 *dwelling units* within 16.38 ha
  - (c) *Golf course*, including a clubhouse, *accessory* restaurants, lounges and pro-shop, car museum as part of a golf clubhouse, driving range: 2,787 m<sup>2</sup> of *floor area* within 72.6 ha
  - (d) *Motel* including single and *duplex* units on Lot 2, Plan VIP64932
  - (e) Commercial: 242 m<sup>2</sup> of *floor area* within 0.6 ha
  - (f) *Care facility* of 125 dwelling or sleeping units within 1.2 ha
- (3) Within Area C:
- (a) *Hotel*
  - (b) Car museum
- 2597
- (4) Within Area F:
- (a) Commercial: 124,486 m<sup>2</sup> of *floor area* within 32.54 ha
- (5) Within Area G:
- (a) *Single residential, duplex and townhouse dwellings*: 210 *dwelling units* within 18.82 ha
  - (b) *Townhouse* development shall not exceed 20 units per ha
- 2748
- (6) Within Area H:
- (a) Approximately 104 single family and *multi residential dwellings* within 16.3 ha
- 2763
- (7) Within Area I:
- (a) Approximately 30 single family and multi residential dwellings within 2.43 ha

### 8.32.4 Density – General Regulations

- 2597
- (1) A maximum of one *principal building* and one *accessory building* or *structure* may be constructed on a single residential lot.
  - (2) Notwithstanding paragraph (1) one clubhouse and any number of *accessory buildings* may be situated on a *golf course* in Area B.

2833

- (3) No *lot* occupied by a multi residential *building* containing more than 2 *dwelling units* shall have a *floor area ratio* exceeding 0.4 except for:
  - (a) Strata Plan VIS5490
  - (b) Lot 1, Plan VIP76675
  - (c) the property lying immediately to the east of Strata Plan VIS5490 and Lot1, Plan VIP76675 between the remainder of Lot A, Plan VIP722239 and Royal Vista Way containing 2 hectares.
  - (d) Properties within Area A
- (4) No *lot* occupied by a commercial or light industrial *building* shall have a *floor area ratio* exceeding 0.6.
- (5) No commercial *building* shall be situated on a *lot* less than 550 m<sup>2</sup> in area.
- (6) No *duplex* dwelling shall be situated on a *lot* less than 550 m<sup>2</sup> in area.
- (7) No *townhouse* dwelling shall be situated on a *lot* less than 1,100 m<sup>2</sup> in area, other than in Area B, where no *townhouse* may be situated on a *lot* less than 550 m<sup>2</sup> in area.
- (8) No *apartment* dwelling shall be situated on a *lot* less than 1,100 m<sup>2</sup> in area.
- (9) No *golf course* shall be situated on a *lot* less than 25 acres in area.
- (10) No *care facility* shall be situated on a *lot* less than 1,100 m<sup>2</sup> in area and no *care facility* shall exceed a *lot coverage* of 40%.
- (11) 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.

### 8.32.5 Lot Coverage

Maximum *lot coverage* shall be as follows:

- (1) Single and *Duplex* Residential: 45%
- (2) Multi Residential: 40%

### 8.32.6 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: 465 m<sup>2</sup>
- (2) Area B: 465 m<sup>2</sup>
- (3) Area C: 465 m<sup>2</sup>
- (4) Area E: 700 m<sup>2</sup>
- (5) Area F: 550 m<sup>2</sup>
- (6) Area G: 550 m<sup>2</sup> for *single residential*  
900 m<sup>2</sup> for *duplex*  
8,000 m<sup>2</sup> for *multi residential*
- 2748 (7) Area H: 465 m<sup>2</sup> for *single residential*  
1600 m<sup>2</sup> for *multi residential*
- 2763 (8) Area I: 465 m<sup>2</sup> for *single residential*  
1600 m<sup>2</sup> for *multi residential*

### **8.32.7 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.

### **8.32.8 Useable Open Space**

2618

Every *lot* occupied by multi residential dwellings shall include a minimum of 15.0 m<sup>2</sup> of useable open space for each dwelling unit on the lot. 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.

### 8.32.9 Setbacks

(1) Minimum yards shall be provided in accordance with the following table:

	Type of Building	Front yard	Rear yard	Side yard	Exterior Side yard
	<b>AREAS A</b>				
	<i>Single residential lot</i>	6.0 m	7.5 m	1.5 m	3.0 m
	<i>Duplex lot</i>	6.0 m	7.5 m	1.5 m	3.0 m
	<i>Multi Residential</i>	7.5 m	7.5 m	4.5 m	4.5 m
2833	<i>Multi Residential adjacent to Residential Use</i>	See 8.32.9(2)	See 8.32.9(2)	See 8.32.9(2)	See 8.32.9(2)
2833	<i>Multi Residential adjacent to Commercial Use</i>	7.5 m	7.5 m	4.5 m	4.5 m
	<b>AREAS B - F</b>				
	<i>Single residential lot</i>	7.5 m	9.0 m	1.5 m	3.0 m
	<i>Duplex lot</i>	6.0 m	9.0 m	1.5 m	3.0 m
	<i>Townhouse dwelling</i>	7.5 m	7.5 m	4.5 m	4.5 m
	<i>Care Facility</i>	7.5 m	10.0 m	4.5 m	4.5 m
	<i>Multi Residential</i>	7.5 m	10.0 m	4.5 m	4.5 m
	<i>Commercial</i>	6.1 m	1.75 m	0	4.5 m
	<i>Light Industrial</i>	6.0 m	12.0 m	3.0 m	4.5 m
	<i>Clubhouse</i>	7.5 m	7.5 m	7.5 m	7.5 m
2748	<b>AREA G</b>				
	<i>Single residential lot</i>	6.0 m	7.5 m	1.5 m	3.0 m
	<i>Duplex lot</i>	6.0 m	7.5 m	1.5 m	3.0 m
	<i>Townhouse dwelling</i>	7.5 m	7.5 m	4.5 m	4.5 m
2763	<b>AREAS H - I</b>				
	<i>Single residential lot</i>	6.0 m	7.5 m	1.5 m	3.0 m
	<i>Multi Residential</i>	7.5 m	7.5 m	4.5 m	4.5 m

- 2618 (2) Notwithstanding paragraph (1):
- (a) where a *multi residential building* in Area A is adjacent to a *residential* use the setbacks to the adjoining property line are:
- 2597        i) Front yard: 7.5 m  
           ii) Rear yard: 7.5 m – 2 or less storeys  
                           10.0 m – 3<sup>rd</sup> storey  
                           13.5 m – 4<sup>th</sup> storey  
           iii) 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
- (b) where a *multi residential dwelling* exceeds two *storeys* in *height*, 2.0 m shall be added to the minimum *rear yard setback* requirement for each *storey* in excess of 2 *storeys*
- (c) where a commercial *building* occupies a *lot* adjacent to a *lot* zoned to permit residential or institutional uses, the *yard* on each side of the *building* adjoining a residential or institutional *lot* shall be a minimum of 7.5 m
- (d) a minimum *front yard* of 12.0 m shall be provided for a principal automobile *service station building*
- (e) where a residential or commercial *building* occupies a *lot* adjacent to land used for agricultural purposes, a minimum *rear yard* of 15.0 m shall be provided for a *principal building*
- (f) 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

### 8.32.10 Heights

- (1) *Principal buildings* shall not exceed the following *heights*:

- |      |  |        |
|------|--|--------|
| 2597 | (a) <i>Single residential</i>  | 8.0 m  |
|      | (b) <i>Duplex</i>  | 8.0 m  |
|      | (c) <i>Townhouse dwelling</i>  | 15.0 m |
|      | (d) <i>Multi Residential</i>   | 15.0 m |
|      | (e) <i>Care facility</i>   | 15.0 m |
|      | (f) <i>Commercial</i>  | 15.0 m |
|      | Notwithstanding, where a commercial building occupies a lot adjacent to a lot zoned to permit residential use, institutional or park, principal buildings shall not exceed 9.15 m in height. |        |
|      | (g) <i>Golf Clubhouse</i>  | 15.0 m |
|      | (h) <i>Hotel</i>   | 15.0 m |
|      | (i) <i>Motel</i>   | 9.15 m |

### 8.32.11 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.

### 8.32.12 Accessory Buildings and Structures

*Accessory* buildings and structures shall conform to the following regulations:

If *accessory* to a *single residential dwelling, duplex dwelling, townhouse dwelling, apartment dwelling, commercial or industrial building*:

- (1) A maximum *height* of 4.5 m
- (2) A maximum *floor area* of the greater of 45.0 m<sup>2</sup> or 10% of the area of the required *rear yard*, for all *accessory* buildings combined
- (3) may be located in the required *rear yard*
- (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

2685

### 8.32.13 Landscaping and Screening

All *landscaping* and screening shall conform to Part 14 of this bylaw.

**Part 33 - Comprehensive Development Zone Three Zone (CD-3)**  
**St. Andrews & Idiens Way**

**8.33.1 Intent**

This zone is intended to accommodate and regulate the development of *single residential* and multi residential housing.

**8.33.2 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 8A, zoning map, except as otherwise noted in this bylaw:

- (1) *Single residential* dwelling
- (2) *Townhouse* dwelling
- (3) *Accessory building and structure*
- (4) *Home occupation*

**8.33.3 Lot Coverage**

Maximum *lot coverage* shall not exceed 40%

**8.33.4 Minimum Lot Sizes and Frontages**

The minimum size of lots which may be created by *subdivision* within the CD-3 zone area as follows:

	<b>Minimum Lot Size</b>	<b>Minimum Frontage</b>
<i>Single residential</i>	550.0 m <sup>2</sup>	18.0 m
<i>Townhouse</i>	1,250 m <sup>2</sup>	30.0 m

**8.33.5 Useable Open Space Requirements**

Every *lot* occupied by a multi residential dwelling shall include a minimum of 15 m<sup>2</sup> of *useable open space* for each *dwelling unit* on the *lot*.

### 8.33.6 Setbacks

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

<b>Type of Building</b>	<b>Front</b>	<b>Rear</b>	<b>Side</b>	<b>Exterior Side</b>
<i>Single residential</i>	4.5 m	7.5 m	1.5 m	4.5 m, 6.0 m 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.

### 8.33.7 Height

No *building* or *structure* shall exceed 8.0 m in *height*.

### 8.33.8 Accessory Buildings and Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 45 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 conform 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

### 8.33.9 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.

### 8.33.10 Landscaping and Screening

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

- (1) 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 34 - Comprehensive Development Zone Four Zone (CD-4)

### 31<sup>st</sup> Street

#### 8.34.1 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.

#### 8.34.2 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 8A, zoning map, except as otherwise noted in this bylaw:

- (1) *Single residential* and *duplex* dwellings
- (2) *Accessory* buildings and structures

#### 8.34.3 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.

#### 8.34.4 Lot Coverage

Maximum *lot coverage* shall not exceed 45%

#### 8.34.5 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:

	Minimum <i>Lot Size</i>	Minimum <i>Frontage</i>
<i>Single residential</i> Dwelling	250 m <sup>2</sup>	8.5 m
<i>Duplex</i> Dwelling	250 m <sup>2</sup> /unit	15.0 m

#### 8.34.6 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.

### 8.34.7 Setbacks

	<b>Front</b>	<b>Rear</b>	<b>Side</b>
<b>Parent Parcel</b>	4.5 m (Cliffe Avenue)	4.5 m	1.5 m
<b>Single residential Dwelling</b>	4.5 m	4.5 m (external) 3.02 m (internal)	1.5 m
<b>Duplex Dwelling</b>	4.5 m	0 m	1.5 m

### 8.34.8 Maximum Height

Principle buildings shall not exceed the following *heights*:

*Single residential* 9.5 m

*Duplex dwelling* 5.5 m

### 8.34.9 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

### 8.34.10 Off-Street Parking

Shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

### 8.34.11 Landscaping and Screening

All *landscaping* shall conform to Part 14 of this bylaw.

**Part 35 - Comprehensive Development Zone Six Zone (CD-6)**  
**13<sup>th</sup> and Burgess**

**8.35.1 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.

**8.35.2 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 8A, Zoning Map, unless otherwise noted in this bylaw.

3071  
2927

- (1) *Single residential* dwellings
- (2) *Secondary suite*
- (3) *Accessory* buildings
- (4) *Home occupation*
- (5) 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).

**8.35.3 Density**

The maximum number of *dwelling units* shall not exceed 66.

**8.35.4 Lot Coverage**

The maximum *lot coverage* of all buildings shall not exceed 35%

**8.35.5 Floor Area Ratio**

Providing all other applicable siting conditions are met, the maximum *floor area ratio* shall not exceed 0.5.

**8.35.6 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 Section 904 of the *Local Government Act*.

### 8.35.7 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.

### 8.35.8 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.

### 8.35.9 Height

The *height* of a *principal building* shall not exceed 7.5 m.

### 8.35.10 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

### 8.35.11 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

### 8.35.12 Landscaping and Screening

All *landscaping* shall conform to Part 14 of this bylaw.

## Part 36 - Comprehensive Development Zone Seven Zone (CD-7)

### Marsland Residential Development

#### 8.36.1 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.*

#### 8.36.2 Permitted Uses

In the CD-7 Zone, the following uses and development are permitted and all other uses are prohibited within the area identified on Schedule 8A, Zoning Map, unless otherwise noted in this bylaw.

#### 8.36.3 Area CD-7A

Permitted uses:

- (1) *Single residential dwelling*
- (2) *Accessory building and structure*
- (3) *Home occupation*

Minimum Lot Size:

A lot shall have an area of not less than 450.0 m<sup>2</sup>

Minimum Lot Frontage:

A lot shall have a frontage of not less than 15.0 m

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:

- |        |  |
|--------|--|
| Front: | 2 m from <i>principal building</i> and 4 m from front of a <i>garage</i> or carport with a minimum of 6 m from front of <i>garage</i> or carport to back of sidewalk or curb |
| Rear:  | 7.5 m  |
| Side:  | 1.5 m  |

Height:

The *height* of a *principal building* shall not exceed 8 m.

#### 8.36.4 Area CD-7B

Permitted Uses:

- (1) *Single residential dwelling*
- (2) *Duplex dwelling*
- (3) *Accessory building or structure*
- (4) *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.

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:

- Front: 2.0 m from *principal building* and 4.0 m from front of a *garage* or carport with a minimum of 6.0 m from front of *garage* or carport to back of sidewalk or curb.
- Rear: 7.5 m to *street* and 3.0 m to property line with a minimum of 6.0 m from front of *garage* or carport to back of sidewalk or curb.
- Side: 1.5 m and 3.04 m where *side yard* flanks a *street*.

Height:

The *height* of a *principal building* shall not exceed 8 m.

**8.36.5 Area CD-7C**

Permitted uses:

- (1) *Single residential* dwelling
- (2) *Duplex* dwelling
- (3) *Multi residential* dwellings
- (4) *Accessory* buildings and structures
- (5) *Home occupation*

Minimum Lot Size:

A lot shall have an area of not less than 1,100 m<sup>2</sup>.

Minimum Lot Frontage:

A lot shall have a frontage of not less than 30 m.

Floor area ratio:

Providing all other applicable siting conditions are met, the maximum *floor area ratio* shall not exceed 0.7.

Setbacks:

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

- Front: Back Road Frontage: 7.5 m
- Marsland Place: 2.0 m from *principal building* and 4.0 m from front of a *garage* or carport with a minimum of 6.0 m from front of *garage* or carport to back of sidewalk or curb.

Rear: 90% of length to be a minimum of 7.5 m and the balance to be a minimum of 3.0 m.  
Side: 3.0 m

Height:

The *height* of a *principal building* shall not exceed 8 m.

**8.36.6 Area CD-7D**

Permitted uses:

- (1) *Single residential dwelling*
- (2) *Duplex dwelling*
- (3) *Multi residential dwellings*
- (4) *Accessory buildings and structures*
- (5) *Boarding*
- (6) *Home occupation*

Minimum Lot Size:

A *lot* shall have an area of not less than 1,100 m<sup>2</sup>.

Minimum Lot Frontage:

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

Floor area ratio:

Providing all other applicable siting conditions are met, the maximum *floor area ratio* shall not exceed 1.0.

Setbacks:

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

Front: For structures with more than 2 *dwelling units* the minimum *setback* is 15.0 m. For structures with 2 or less *dwelling units*, 2.0 m from a *principal building* and 4.0 m from front of a *garage* or carport with a minimum of 6.0 m from front of *garage* or carport to back of sidewalk or curb.

Rear: 9.0 m

Side: 1.5 m for structures with 2 or less *dwelling units*  
5.0 m for structures with more than 2 *dwelling units*

Height:

For structures with two or less *dwelling units*, 2 *storeys* or 8.0 m. For structures with more than 2 *dwelling units*, 4 *storeys* or 13.71 m, for apartments and 2 *storeys* or 9.15 m for townhouses.

Useable open space:

*Useable open space* shall be a minimum of 30.0 m<sup>2</sup> per unit.

### **8.36.7 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*;
- (2) Shall have a *floor area* not exceeding 46.45 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 year, and shall not extend for more than □ of the length of any property line or 30.0 m, whichever is less.
- (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 *residence*;
- (5) 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;
- (6) Shall not be situated closer than 3.0 m from the *principal building* that the *accessory building* serves.

### **8.36.8 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 for CD-7D in which case parking shall be provided at a rate of 1.25 *parking spaces* per *dwelling unit*.

### **8.36.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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 37 - Comprehensive Development Eight Zone (CD-8)

### Anfield Centre

#### 8.37.1 Intent

This zone is intended to accommodate and regulate the development of a *retail commercial shopping centre*.

#### 8.37.2 Permitted Uses

a. 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>.

- b. (1) *Financial institution*
- (2) Barber shop and beauty salon
- (3) Theatre
- (4) Restaurants
- 2685 (5) *Medical clinic*
- (6) *Service station* and gas bar
- 2644 (7) Offsite Retail Wine Store

#### 8.37.3 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 8.36.6.
- (2) All businesses, repair or servicing uses shall be conducted within a completely enclosed *building* except as permitted for designated outdoor display and sales.

### 8.37.4 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*.

### 8.37.5 Minimum Lot Size

A *lot* shall have an area of not less than 2 hectares.

### 8.37.6 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 m<sup>2</sup> shall be 15.0 m.

### 8.37.7 Height

No *building* shall exceed a *height* of 9.15 m.

### 8.37.8 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 principle use and buildings.

### 8.37.9 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 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 38 - Comprehensive Development Nine Zone (CD-9)

### 2nd/Duncan Avenue

#### 8.38.1 Intent

This zone is intended to accommodate and regulate the development a *care facility* for the properties described as:

- (1) *Lot 8, Section 61, Comox District, Plan 2834;*
- (2) *Lots 3 & 4, Block A, Section 61, Comox District, Plan 1395;*
- (3) *Lot A, Section 61, Comox District, Plan VIP57557;*
- (4) *Lots 19, 20, 21 & 22, Section 61, Comox District, Plan 1517; and,*
- (5) *Lot A, Section 61, Comox District, Plan VIP54105.*

#### 8.38.2 Permitted Uses

In the CD-9 Zone, the following uses and development are permitted and all other uses are prohibited within the area identified on Schedule 8A, Zoning Map, except as otherwise noted in this bylaw.

Use:	<i>Single residential</i> dwelling, care facility and <i>accessory</i> buildings. <i>Single residential</i> dwellings must conform to Sections 8.1.2 through 8.1.9 inclusive, of the <i>City of Courtenay Zoning Bylaw</i> .
Density:	Maximum <i>lot coverage</i> of 55% Maximum <i>floor area ratio</i> of 1.4
Minimum Yards:	Cliffe Avenue and 2nd <i>Street</i> : 4.5 m 3rd <i>Street</i> 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 2nd <i>Street</i> . For all other areas of the site, the <i>building height</i> shall not exceed 16 m.
<i>Useable open space</i> :	10.0 m <sup>2</sup> of usable open space shall be provided per <i>dwelling unit</i> for <i>care facility dwelling units</i> .

#### 8.38.3 Minimum Lot Size and Frontage

The minimum *lot* sizes and frontages that may be created by *subdivision* within the CD-9 zone are:

	Minimum <i>Lot Size</i>	Minimum <i>Frontage</i>
<i>Care facility</i> :	1,100 m <sup>2</sup>	30.0 m

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

Shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### **8.38.5 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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 39 - Comprehensive Development Ten Zone (CD-10)**

### **Church (2700 Inverclyde Way)**

#### **8.39.1 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.

#### **8.39.2 Permitted Uses**

Church including daycare, activity room, gym, clubs, youth groups and community groups to a maximum seating capacity of 450.

#### **8.39.3 Building Size**

The maximum *floor area* of the buildings within this zone shall be 1,580 m<sup>2</sup>

#### **8.39.4 Minimum Lot Size**

For the purposes of *subdivision*, the minimum *lot size* shall not be less than 1 ha.

#### **8.39.5 Minimum Lot Frontage**

A *lot* shall have a frontage of not less than 18 m.

#### **8.39.6 Setbacks**

Except where otherwise specified in this bylaw, the *building setback* from all property lines shall be 20 m.

#### **8.39.7 Height of Buildings**

The *height* of a *principal building* shall not exceed a maximum total *height* of 12 m.

#### **8.39.8 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.

#### **8.39.9 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 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 40 - Comprehensive Development Eleven Zone (CD-11)

### Glacier View Lodge (2450 Back Road)

#### 8.40.1 Intent

The CD-11 Zone is intended to accommodate and regulate residential development for seniors 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.

#### 8.40.2 Permitted Uses

In the CD-11 Zone, the following uses are permitted and all other uses are prohibited within the area identified on Schedule 8A, 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) *Restaurant*
- (6) *Retail*

#### 8.40.3 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>

#### 8.40.4 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:*
  - 2.0 m for one-*storey* buildings
  - 3.0 m for two *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.



#### **8.40.5 Height of Buildings**

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 m

#### **8.40.6 Minimum Lot Size and Frontage for Subdivision**

Minimum *Lot Size*: 1100 m<sup>2</sup>

Minimum *Frontage*: 30 m

#### **8.40.7 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) *Single residential or duplex* dwelling: 1 space per unit plus 1 visitor's space per 5 units
- (2) *Multi residential* dwelling: 1 space per unit plus 1 visitor's space per 5 units

All other uses (eg. *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.

#### **8.40.8 Landscaping and Screening**

In addition to the *Landscape Requirements* identified in Part 14 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 41 - Comprehensive Development Twelve Zone (CD-12)

### Muir Road/Caledon Crescent

#### 8.41.1 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

#### 8.41.2 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) *Single residential* dwelling
- (2) *Accessory* buildings and structures
- (3) *Home occupation*

#### 8.41.3 Density

The maximum number of *dwelling units* shall not exceed 16.

#### 8.41.4 Minimum Lot Size

For the purposes of *subdivision*, the average *lot* size shall be one *lot* per 1525 m<sup>2</sup> with a minimum *lot* size of 1250 m<sup>2</sup>.

#### 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.

#### 8.41.6 Minimum Lot Depth

A *lot* shall have an average depth of not less than 30 m.

#### 8.41.7 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*.

#### 8.41.8 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.

### **8.41.9 Height of Buildings**

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

### **8.41.10 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *floor area* not exceeding 60 square m
- (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

### **8.41.11 Off-Street Parking**

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

### **8.41.12 Landscaping and Screening**

*Landscaping* shall conform to Part 14 of this bylaw.

**Part 42 - Comprehensive Development Fourteen Zone (CD-14)**  
**Creekside Commons Co-housing (Lambert Drive)**

**8.42.1 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.

**8.42.2 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:

- 2618 (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
- 2513 (6) *Home Occupation*

**8.42.3 Density**

The maximum number of *dwelling units* shall not exceed 36 units in 18 duplexes.

**8.42.4 Minimum Lot Size**

For the purposes of *subdivision*, the minimum *lot* size is 3.5 hectares.

**8.42.5 Minimum Lot Frontage**

There is no minimum *lot* frontage requirement.

**8.42.6 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*.

**8.42.7 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

#### **8.42.8 Height of Buildings**

The *height* of a *principal building* shall not exceed 9.5 m and no *building* shall be more than two stories.

#### **8.42.9 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 m<sup>2</sup> per *dwelling unit*.
- (3) *Accessory buildings* for common uses shall be limited to a total *floor area* of 1500 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*.

#### **8.42.10 Off-Street Parking**

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

#### **8.42.11 Landscaping and Screening**

*Landscaping* shall conform to Part 14 of this bylaw.

**Part 43 - Comprehensive Development Fifteen Zone (CD-15)**  
**Southwind Development (Robert Lang & 1<sup>st</sup> Street)**

**8.43.1 Intent**

The CD-15 Zone is intended to accommodate the development of a combination of *Single residential Dwellings*, *Bareland 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.

**8.43.2 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:

3071

- (1) *Single residential dwellings*
- (2) *Secondary suite*
- (3) *Bareland strata single residential dwellings*
- (4) *Multi residential dwellings*
- (5) *Home occupation*
- (6) *Accessory buildings and structures*

**8.43.3 Density**

The maximum number of *dwelling units* shall not exceed 80 units.

**8.43.4 Minimum Lot Size**

For the purposes of *subdivision*, the minimum *lot* size is as follows:

- |  |                     |
|--|---------------------|
| (1) <i>Single residential dwelling:</i>          | 545 m <sup>2</sup>  |
| (2) <i>Bareland strata residential dwelling:</i> | 450 m <sup>2</sup>  |
| (3) <i>Multi residential dwelling:</i>           | 1100 m <sup>2</sup> |

**8.43.5 Minimum Lot Frontage**

For the purposes of *subdivision*, the minimum *lot* frontage is as follows:

- |  |                                |
|--|--------------------------------|
| (1) <i>Single residential dwelling:</i>          | 13 m                           |
| (2) <i>Bareland strata residential dwelling:</i> | 10.0 m with an average of 15 m |
| (3) <i>Multi residential dwelling:</i>           | 20 m                           |

**8.43.6 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*.

### 8.43.7 Setbacks

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

<u>Use</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Exterior Side</u>
<i>Single residential Dwelling:</i>	4.5 m 6 m to <i>garage</i> face or carport	7.5 m	1.5 m	4.5 m
Bareland 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
Multi Residential Dwelling:	4.5 m 6.0 m to <i>garage</i> face or carport	6 m	4.5 m	4.5 m

### 8.43.8 Height of Buildings

*Single residential Dwelling* – 8 m.

Bareland Strata *Single residential Dwelling* – 8 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.

### 8.43.9 Usable Open Space

Usable open space shall be provided on a *lot* in the amount of 30 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.

### 8.43.10 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.

#### **8.43.11 Off-Street Parking**

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

#### **8.43.12 Landscaping and Screening for Multi Residential Development**

In addition to the Landscape Requirements identified in Part 14 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 44 - Comprehensive Development Sixteen Zone (CD-16)**

### **Lot 2, District Lot 157, Plan VIP59557 (2485 Idiens Way)**

#### **8.44.1 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 VIP59557 (2485 Idiens Way).

#### **8.44.2 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 dwellings
2. Accessory buildings and structures

#### **8.44.3 Density**

The maximum number of dwelling units shall not exceed 28 units.

#### **8.44.4 Minimum Lot Size**

For the purposes of subdivision, the minimum lot size is 1250 m<sup>2</sup>.

#### **8.44.5 Minimum Lot Frontage**

For the purposes of subdivision, the minimum lot frontage is 30 metres.

#### **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 Yards**

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

- |     |                         |            |
|-----|-------------------------|------------|
| (1) | Front Yard (Idiens Way) | 7.5 metres |
| (2) | Side Yard               | 12 metres  |
| (3) | Rear Yard               | 12 metres  |

#### **8.44.8 Height of Buildings**

The height of a principle building shall not exceed 10 metres.

#### **8.44.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in height.
- (2) Shall have a floor area not exceeding 50 m<sup>2</sup>.
- (3) Shall not be located within 4.5 m from the side or rear lot line.

#### **8.44.10 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.

#### **8.44.11 Usable Open Space**

Usable open space shall be provided on a lot in the amount of 50% of the site area.

#### **8.44.12 Off-Street Parking**

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

**Part 45 - Comprehensive Development Seventeen Zone (CD-17)**  
**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)**

#### **8.45.1 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).

#### **8.45.2 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) Single family residential
- (2) Accessory buildings and structures

#### **8.45.3 Density**

The maximum number of dwelling units in this zone shall not exceed 69 units.

#### **8.45.4 Minimum Lot Size**

For the purposes of subdivision, the minimum lot size shall be 470 m<sup>2</sup>.

#### **8.46.4 Minimum Lot Frontage**

For the purposes of subdivision, the minimum lot frontage is 15 metres. Except for lots which front a cul-de-sac or curved road way lot in which case the minimum lot frontage is 7 metres.

#### **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) Front Yard | 6.0 m  |
| (2) 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. |
| (4) Rear Yard  | 6.0 m  |

#### **8.45.8 Height of Buildings**

The height of a principle building shall not exceed 9.0 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 1.5 m from the side or rear lot line.

#### **8.45.10 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.

#### **8.45.11 Usable Open Space**

Useable open space is provided in the adjacent public park facility encompassing the Morrison Creek wetlands.

#### **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 Nineteen Zone (CD-19)**

**Lot 1, District Lot 96, Comox District, Plan 2963, Except that Part in 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 (1360, 1470, 1480 Arden Road)**

### **8.46.1 Intent**

The CD-19 Zone is intended to accommodate a multi-residential development for the property identified on Attachment A and commonly described as 1360, 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.

### **8.46.2 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) Multi-residential dwelling
- 2) Single residential dwelling
- 3) Accessory buildings and structures

### **8.46.3 Density**

The maximum number of dwelling units in this zone shall not exceed a total of 102.

### **8.46.4 Area CD-19A**

#### Permitted Uses:

Multi Residential

#### Density:

The maximum number of residential units shall not exceed 8 within a single building.

The maximum total number of residential units shall not exceed 16.

#### 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 10 metres.

#### Setbacks:

Except as otherwise specified in this bylaw, the following minimum setback requirements shall apply:

Front Yard	7.5 m
Rear Yard	9.0 m
Side Yard	4.5 m

#### **8.46.5 Area CD-19B**

Permitted Uses:

1. Multi residential dwelling
2. Single residential dwelling

Density:

The maximum number of residential dwellings shall not exceed 18.

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 10 metres.

Setbacks:

Except as otherwise specified in this bylaw, the following minimum setback requirements shall apply:

Front Yard	7.5 m
Rear Yard	4.5 m
Side Yard	4.5 m

#### **8.46.6 Area CD-19C**

Permitted Uses:

1. Single residential dwelling
2. Multi residential dwelling

Density:

The maximum number of residential dwellings shall not exceed 72. No more than 32 residential dwellings shall be permitted within a single building.

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 13 metres.

Setbacks:

Except as otherwise specified in this bylaw, the following minimum setback requirements shall apply:

Front Yard	7.5 m
Rear Yard	6.0 m
Side Yard	4.5 m

2685 **8.46.7 Accessory Buildings and Structures**

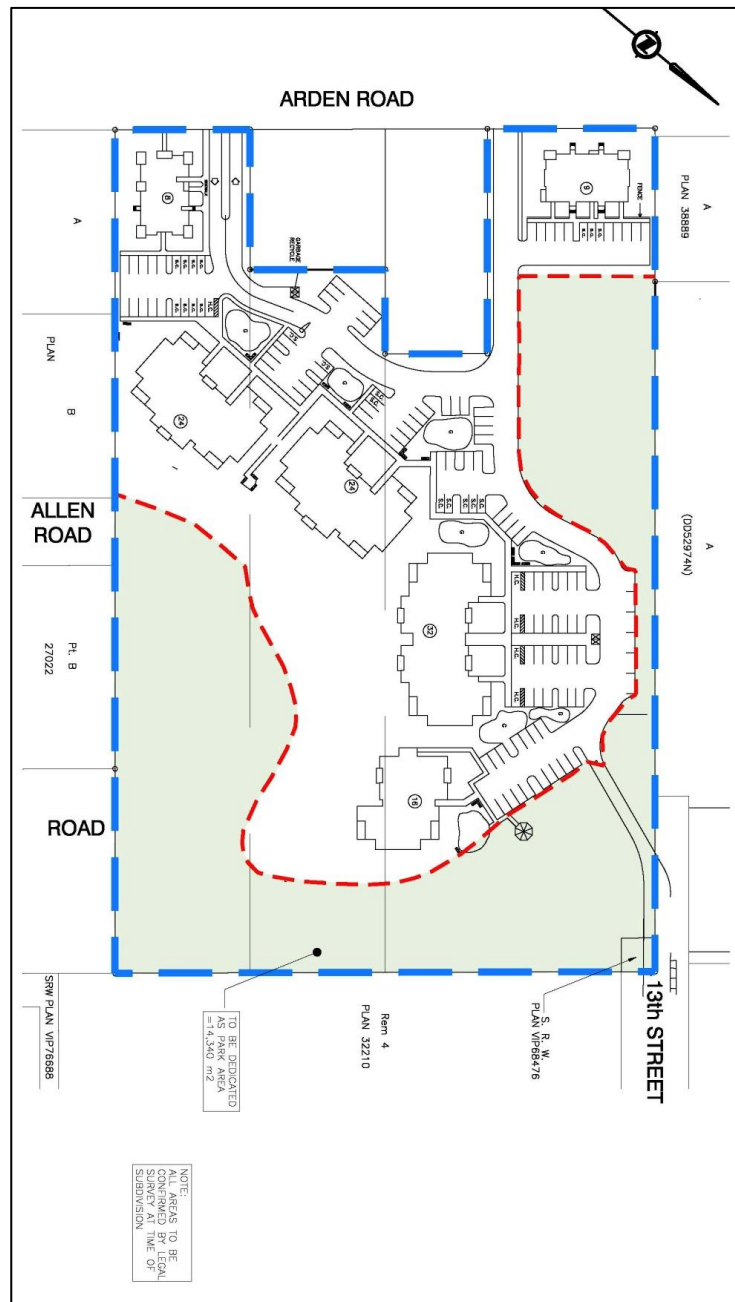
Accessory buildings and structures shall conform to the following regulations:

- (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

2685 **8.46.8 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.

**SCHEDULE A**



**Part 48 - Comprehensive Development Twenty-One Zone (CD- 21)  
(Buckstone Road)**

**8.48.1 Intent**

2771

The CD-21 Zone is intended to provide for the siting and development of *single residential* and *duplex* buildings. Single family 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 m<sup>2</sup> or greater lot size for a duplex and 750 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 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 neighborhood.

**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. *Single residential* means a *dwelling unit*
2. *Accessory buildings and structures*
3. *Duplex* means a residential building containing two *dwelling units*
4. *Home occupation*
5. “*Secondary Suite*”
6. “*Carriage House*” means an additional *dwelling unit*:
  - i. which is permitted on a *lot* which abuts a rear lane and is greater than 750 m<sup>2</sup> or on a *lot* which has double frontage (i.e. a corner lot)
  - ii. which is located above a *garage*
  - iii. having a total floor area of not more than 90.0 m<sup>2</sup>
  - iv. which may have internal or external access and may be connected to the primary residence

2771

**8.48.3 Minimum Lot Size**

1. *Single Family*
  - (a) a single family *lot* shall have an area of not less than 600 m<sup>2</sup>
2. *Duplex*
  - (a) a duplex *lot* shall have an area on not less than 900 m<sup>2</sup> and must be a corner or double frontage *lot*
3. *Carriage House*
  - (a) a *carriage house* may be located on a lot of not less than 750 m<sup>2</sup> and must have lane access and frontage onto Buckstone Road or a corner lot

2771

**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:

#### (a) Single Family Residence or Duplex

- |      |     |                   |  |
|------|-----|-------------------|--|
| 2724 | (1) | <i>Front Yard</i> | 7.5 metres except where a <i>lot</i> fronts onto Buckstone Road in which case the minimum distance can be 4.5 metres.  |
| 2724 | (2) | <i>Rear Yard</i>  | 9.0 metres except where a <i>lot</i> is less than 36 metres in depth in Which case the minimum distance can be 7.5 metres.   |
|      | (3) | <i>Side Yard</i>  | The side yard setbacks shall total 4.5 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 street in which case the minimum distance shall be 4.5 m. |

#### (b) Carriage

- |      |     |                   |  |
|------|-----|-------------------|--|
|      | (1) | <i>Front Yard</i> | 7.5 metres   |
| 2771 | (2) | <i>Rear Yard</i>  | 2.0 metres   |
| 2771 | (3) | <i>Side Yard</i>  | The side yard setbacks shall total 3.0 m with a minimum <i>side yard setback</i> on one side of 1.5 m. |

### 8.48.8 Height of Buildings

- |      |     |   |
|------|-----|---|
| 2724 | (1) | The height of a <i>principle building</i> shall not exceed 9.0 m. |
| 2771 | (2) | The height of a <i>Carriage House</i> shall not exceed 7.5 m.     |

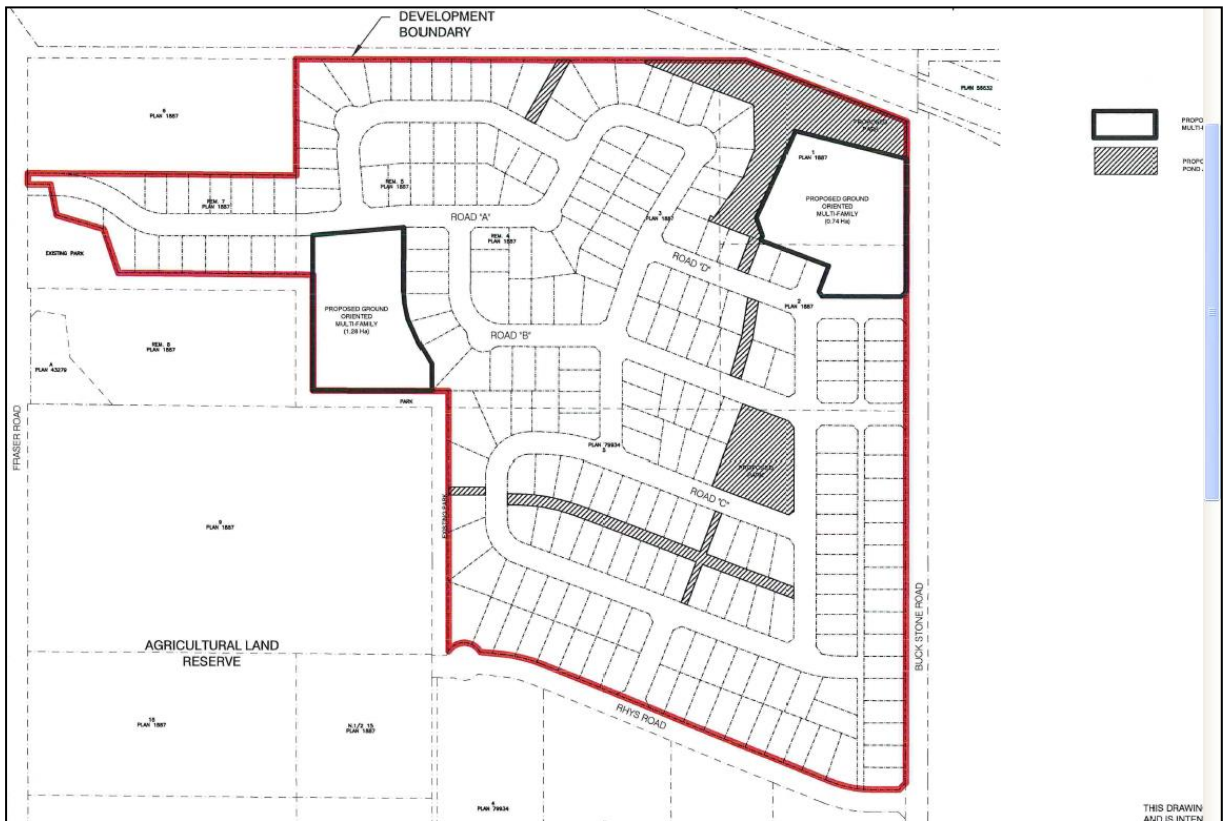
### 8.48.9 Accessory Buildings and Accessory Structures

- |      |     |   |
|------|-----|---|
|      | (1) | Shall not exceed 4.5 m in <i>height</i> .   |
|      | (2) | Shall have a total <i>building area</i> not exceeding 50 m <sup>2</sup> or 10% of the <i>rear yard</i> , whichever is greater.  |
|      | (3) | Shall be permitted in the <i>side</i> and <i>rear yard</i> provided they shall conform to all relevant siting regulations of this bylaw.  |
|      | (4) | Shall be permitted at the front of a principal <i>residence</i> provided they shall conform to all relevant siting regulations of this bylaw.   |
| 2771 | (5) | Shall not be located within the minimum 1.5 m <i>side yard</i> or rear <i>lot line setback</i> except where the side or rear <i>lot line</i> flanks a <i>street</i> , excluding a lane in which case the minimum <i>yard</i> 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. *Single residential* dwelling
2. *Duplex* residential dwelling on lot 10 only
3. *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.

### 8.49.4 Minimum Lot Size

For the purposes of subdivision, the minimum lot size shall be 450 m<sup>2</sup>.

### 8.49.5 Minimum Lot Frontage

For the purposes of subdivision, the minimum lot frontage is 16 metres. Except for lots which front a cul-de-sac or curved road way lot in which case the minimum lot frontage is 10 metres; for corner lots the lot frontage may be reduced to 12 metres 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) Front Yard | 6.0 m  |
| (2) Side Yard  | The side yard setbacks shall total 3.0 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. |
| (3) Rear Yard  | 4.0 m  |

### 8.49.8 Height of Buildings

The height of a principle 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.

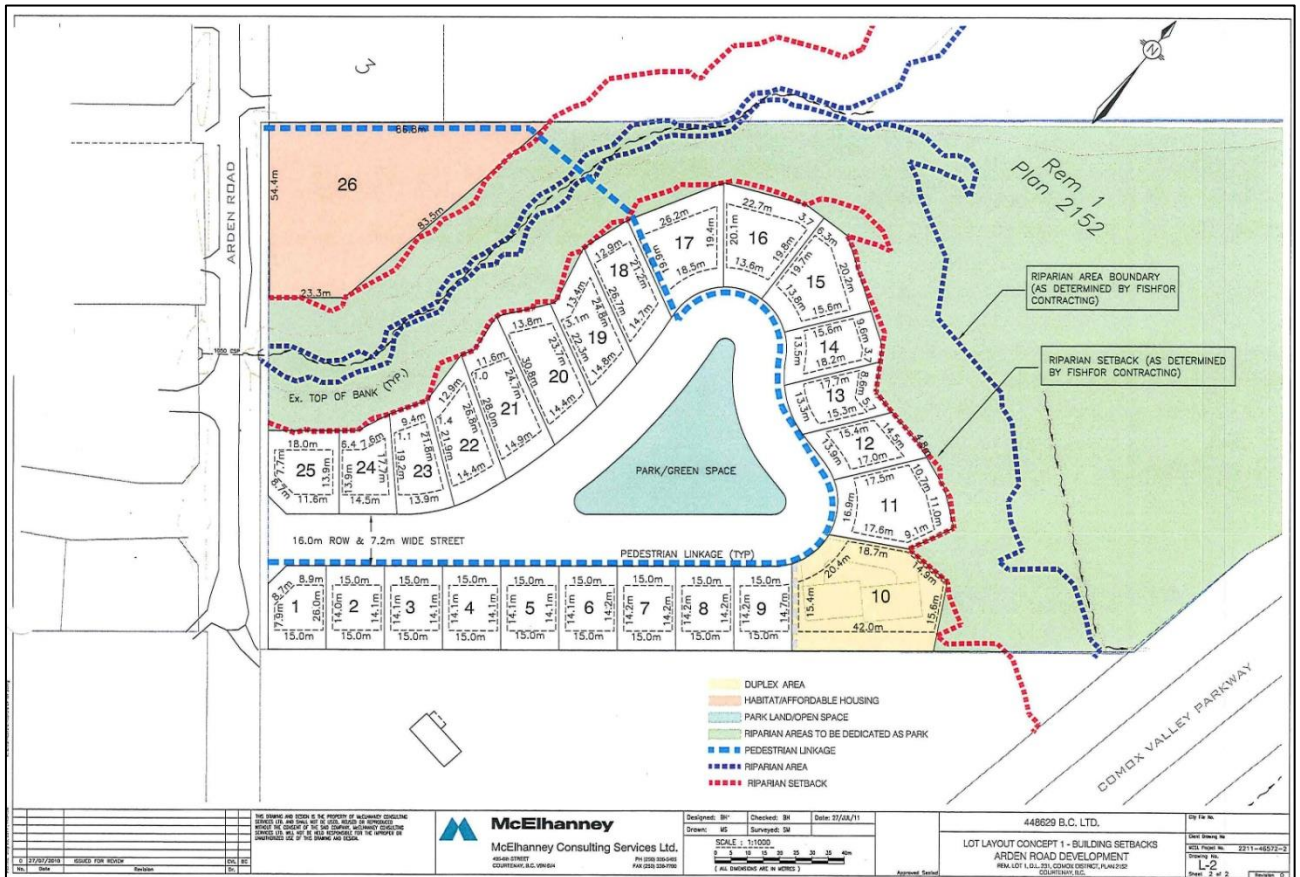
### 8.49.11 Usable Open Space

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**

**(1) Permitted Uses**

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 residential dwelling*
4. *Accessory buildings and structures*
5. *Home occupation*

**(2) Minimum Lot Size**

- a) *Single Family Residential:* 500m<sup>2</sup>
- b) *Duplex:* 900m<sup>2</sup>

**(3) Minimum Lot Frontage**

A lot shall have a frontage of not less than 18.0m, except for a *corner lot* where the frontage shall be not less than 20.0m.

**(4) Minimum Lot Depth**

A lot shall have a depth of not less than 30.0 m

**(5) Lot Coverage**

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

**(6) Setbacks**

- a) *Front Yard* 7.5 metres
- b) *Rear Yard* 9.0 metres
- c) *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.

**(7) Height**

The maximum *height* of a *principle building* shall not exceed 9 metres

### 8.50.3 CD-23B

#### (1) Permitted Uses

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

1. *Single residential dwelling* with or without a *secondary suite*
2. *Accessory buildings and structures*
3. *Home occupation*

#### (2) Minimum Lot Size

The minimum *lot* size for all lots in this area is 400m<sup>2</sup>

#### (3) Minimum Lot Frontage

A *lot* shall have a frontage of not less than 13.0m, except for a corner lot where the frontage shall be not less than 15.0m.

#### (4) Minimum Lot Depth

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

#### (5) Lot Coverage

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

#### (6) Setbacks

- a) *Front Yard* 4.5 metres
- b) *Rear Yard* 7.5 metres
- c) *Side Yard* 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 3.5 m.

#### (7) Height

The maximum *height* of a *principle building* shall not exceed 9 metres

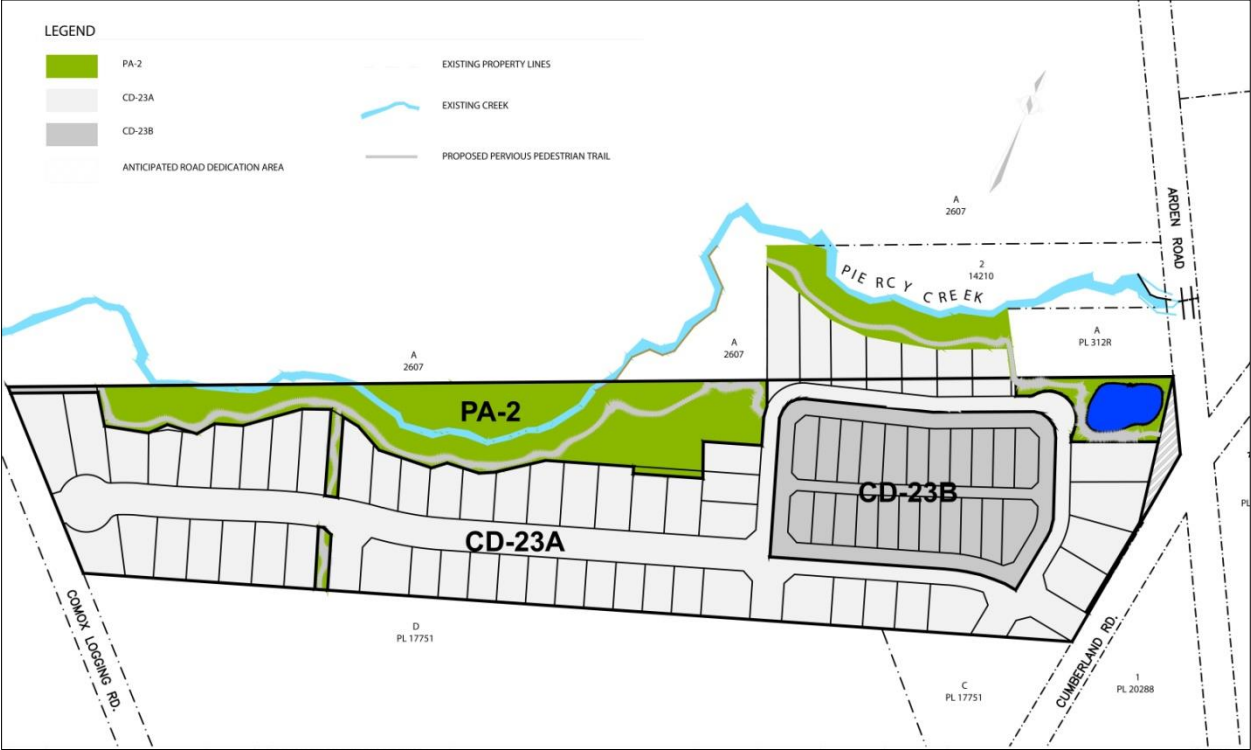
### 8.50.4 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a total *building area* not exceeding 50 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 4.5m. Within the CD-23B area the minimum interior *side yard setback* shall be 1.0 metres.

**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. *Educational facility*
5. *Office*
6. *Financial institution*
7. *Fitness facility*
8. *General service*
9. *Personal service*
10. *Community service*
11. *Retail stores* limited to 2000 m<sup>2</sup>
12. *Studio*
13. Seniors Housing and Care Facilities
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* and *dry cleaning*
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:
  - a) Convenience store
  - b) Automobile service station
  - c) Automobile sales and repairs
  - d) Building supply store



- e) Hotel/Motel
- f) Grocery store
- g) Enclosed storage building including warehouse and storage yard
- h) Methadone clinic

### **8.51.3 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.

### **8.51.4 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*.

### **8.51.5 Floor Area Ratio**

The maximum floor area ratio shall not exceed 0.7:1

### **8.51.6 Minimum Lot Size**

A lot shall have an area of not less than 2000 m<sup>2</sup>

### **8.51.7 Minimum Lot Frontage**

A lot shall have a frontage of not less than 30m

### **8.51.8 Setbacks**

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

- |                |      |
|----------------|------|
| (1) Front Yard | 7.5m |
| (2) Side Yard  | 7.5m |
| (3) Rear Yard  | 7.5m |

Support columns may project into the minimum required yards to a maximum projection of 1m

### **8.51.9 Height of Building**

Maximum *height* of a *building* shall not exceed 16.0 m with the exception of the core area which may be 19.0m in *height*.

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

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

No parking or loading area may be located within 2.0m of a property line.

A minimum of 2 loading bays are required on the site

### **8.51.11 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 minimum 7.5m 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 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

### **8.51.12 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*.
- (2) Shall have a total *building area* not exceeding 50 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)**

**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)**

### **8.52.1 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.

### **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 6m.
2. The minimum setback between residential buildings shall not be less than 5m.
3. The minimum setback for a residential building from a strata road shall not be less than 6m.

### **8.52.5 Height of Buildings**

The maximum height for any building shall not exceed 8m.

Attachment A



**Part 53 - Comprehensive Development Twenty-Six Zone (CD-26)  
(3040 & 3070 Kilpatrick Ave)****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. 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 hectare.

**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 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 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 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 Part 14 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.

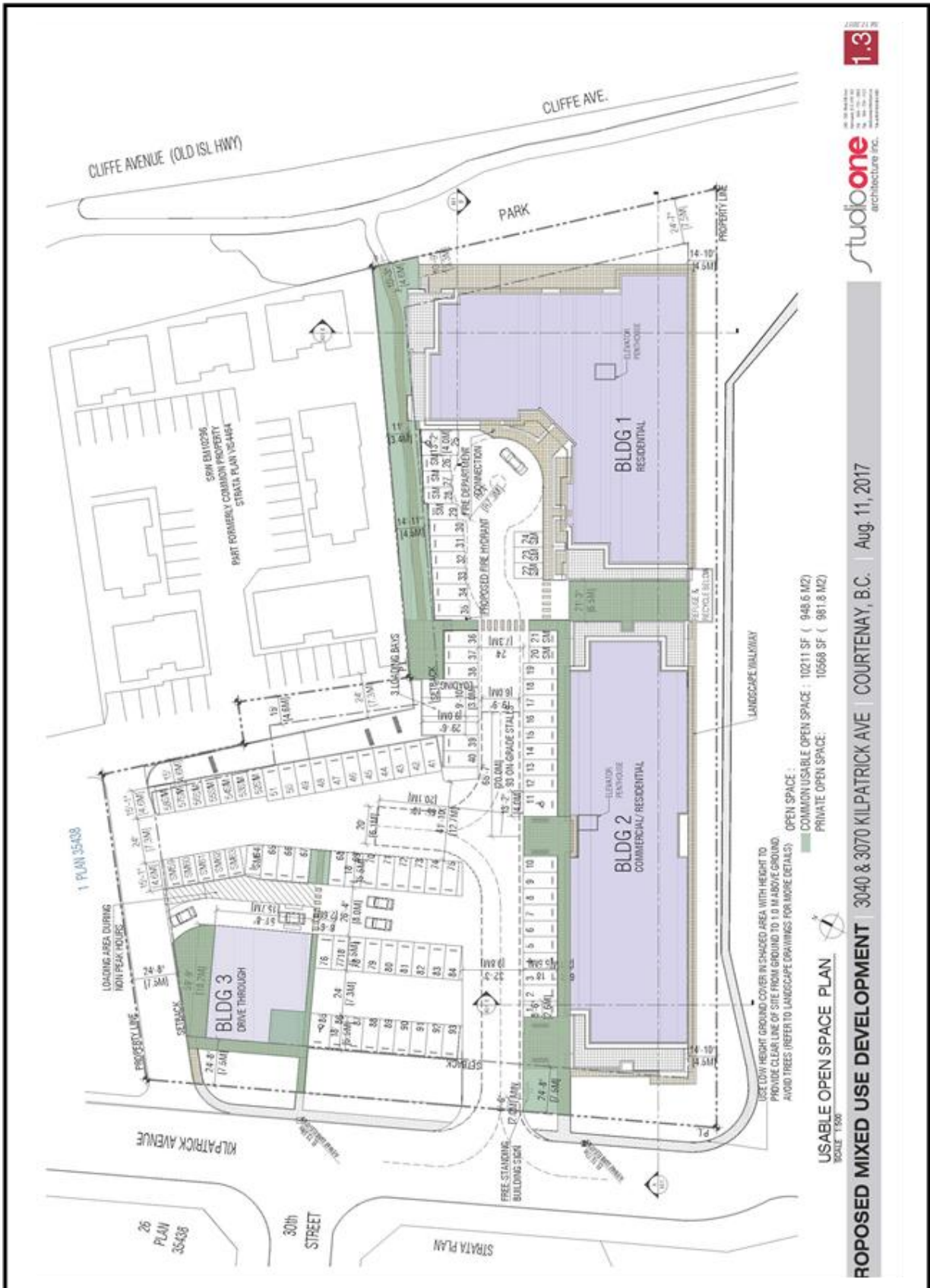


SITE PLAN  
SCALE: 1/8"=1'-0"

**SCHEDULE A**

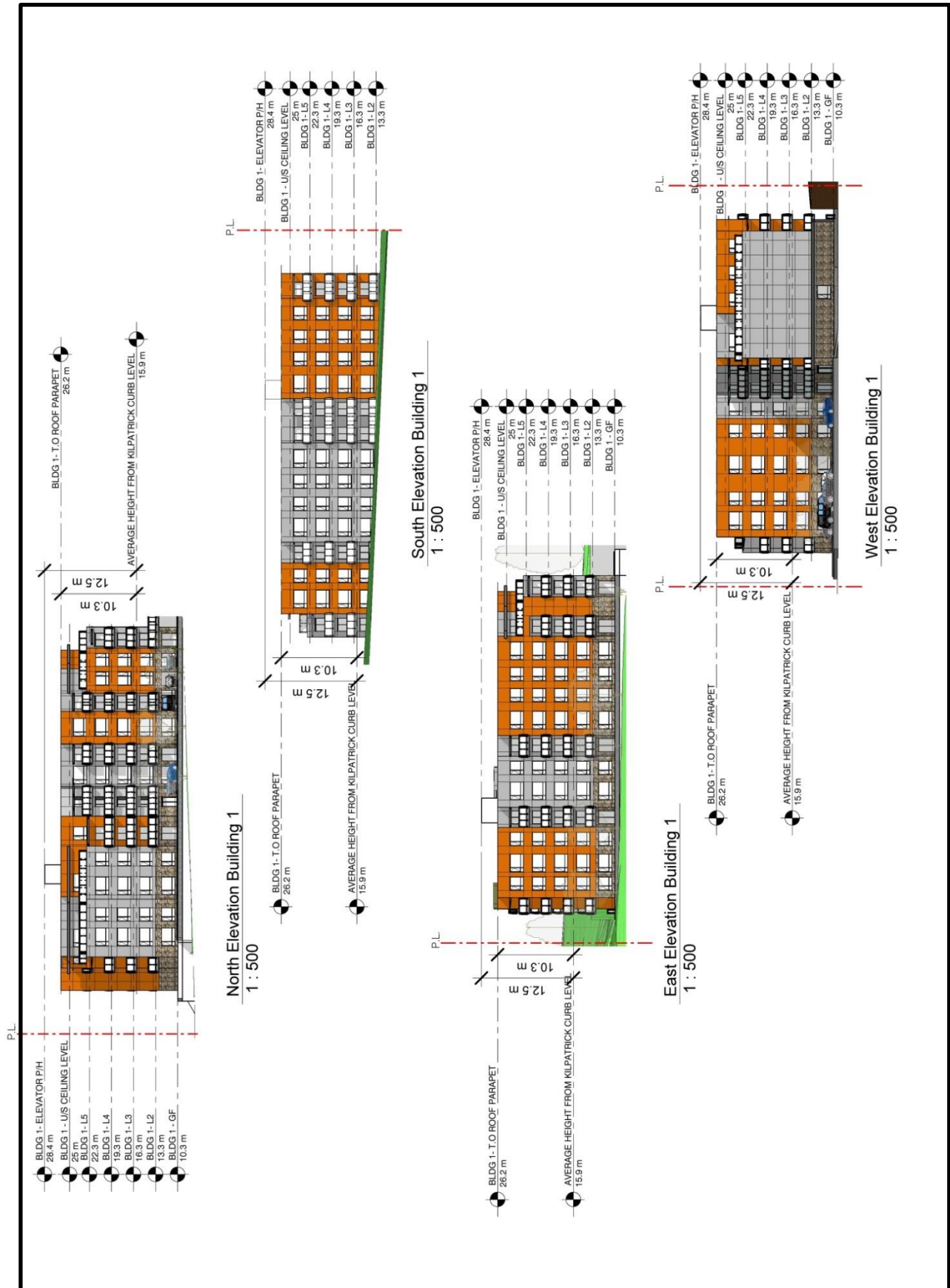
Note: Please refer to full size drawings in file 3360-20-1611





**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1611



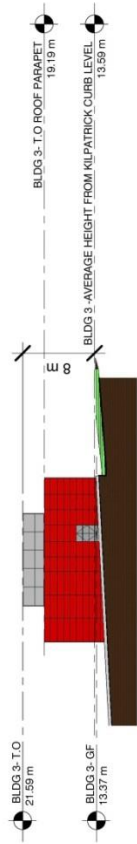
**SCHEDULE C**

Note: Please refer to full size drawings in file 3360-20-1611

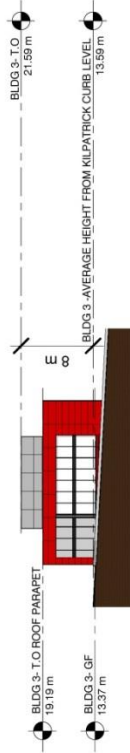


**SCHEDULE C**

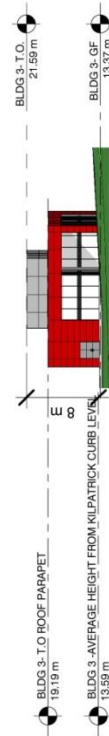
Note: Please refer to full size drawings in file 3360-20-1611



North Elevation Building 3  
1 : 500

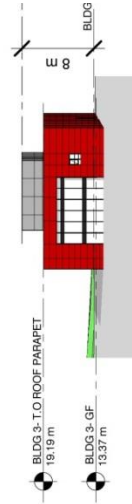


South Elevation Building 3  
1 : 500



West Elevation Building 3  
1 : 500

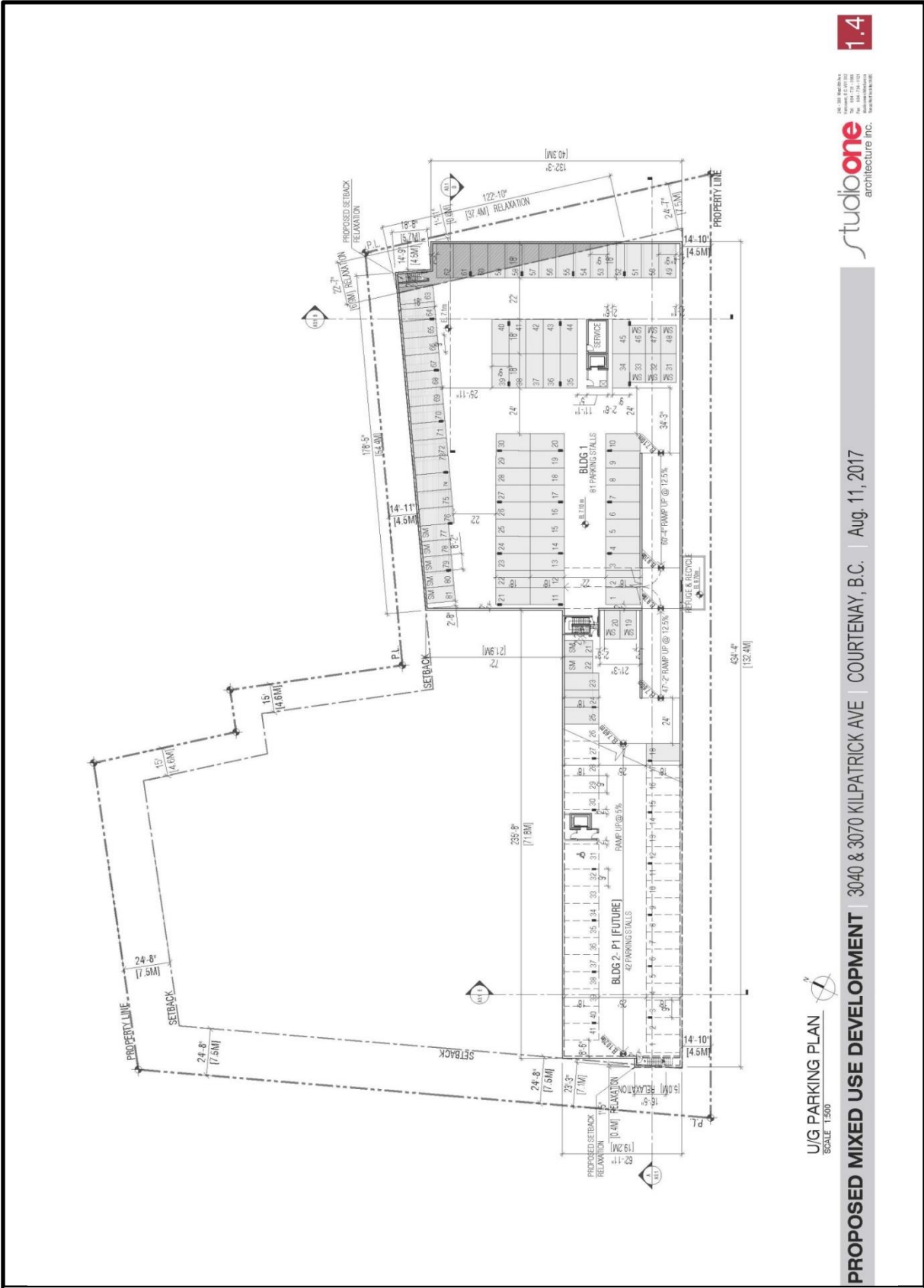
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COLOR: CLV 11411N OR SIMILAR
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COLOR: CL 1656N OR SIMILAR
- 3- CEMENTITIOUS SIDING BOARDS OR PANELS PAINTED  
COLOR: CL 2932W OR SIMILAR
- 4- CEMENTITIOUS SIDING PANELS PAINTED  
COLOR: CLC 1288N OR SIMILAR
- 5- ARCHITECTURAL FINISH EXPOSED CONCRETE PAINT  
COLOR: CL 3214M OR SIMILAR
- 6- CULTURED STONE CLADDING  
ASPEN COUNTRY OR SIMILAR
- 7- VINYL DOUBLE GLAZED WINDOWS  
COLOR: WHITE FRAME
- 8- ALUMINUM STOREFRONT WINDOWS AND DOORS  
COLOR: BLACK



East Elevation Building 3  
1 : 500

### SCHEDULE C

Note: Please refer to full size drawings in file 3360-20-1611



U/G PARKING PLAN  
SCALE 1:500

**SCHEDULE D**

Note: Please refer to full size drawings in file 3360-20-1611

# Attachment A

## Part 53 - Comprehensive Development Twenty-Six A Zone (CD- 26A) (3040 Kilpatrick Ave.)

### 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 hectares

### 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 Buildings**

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 m<sup>2</sup> play area as shown in Schedule A
- (2) 250 m<sup>2</sup> rooftop amenity area
- (3) Patios or balconies for averaging 9 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 manoeuvring 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 Part 14 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 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

**Schedule A**

Note: Please refer to full size drawings in file 3360-20-2102

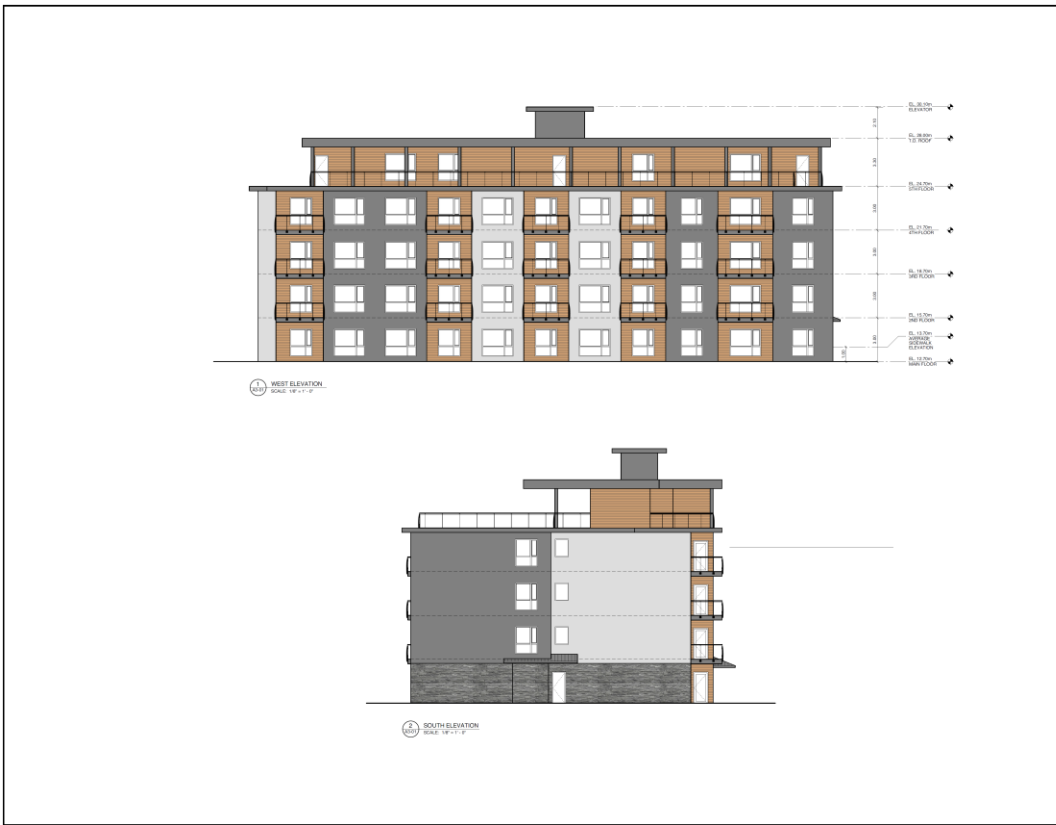


<p><b>Project Title</b> NEWPORT VILLAGE DEVELOPMENTS LTD.</p>	
<p><b>Client</b> NEWPORT VILLAGE DEVELOPMENTS LTD.</p>	
<p><b>Architect</b> Brad Humphrey Architect 1205 TRINIDAD AVENUE CORCORAN, ILLINOIS 62204 TEL: 788.887.1298</p>	
<p><b>Project File</b> NEWPORT VILLAGE CONTEMPORARY DEVELOPMENTS LTD.</p>	
<p><b>Building Title</b> BUILDING 3 SITE PLAN</p>	
<p><b>Scale</b> 1" = 10'</p>	<p><b>Date</b> 2018.03.15</p>
<p><b>Sheet Number</b> A1-01</p>	

**Schedule B**

Note: Please refer to full size drawings in file 3360-20-2102



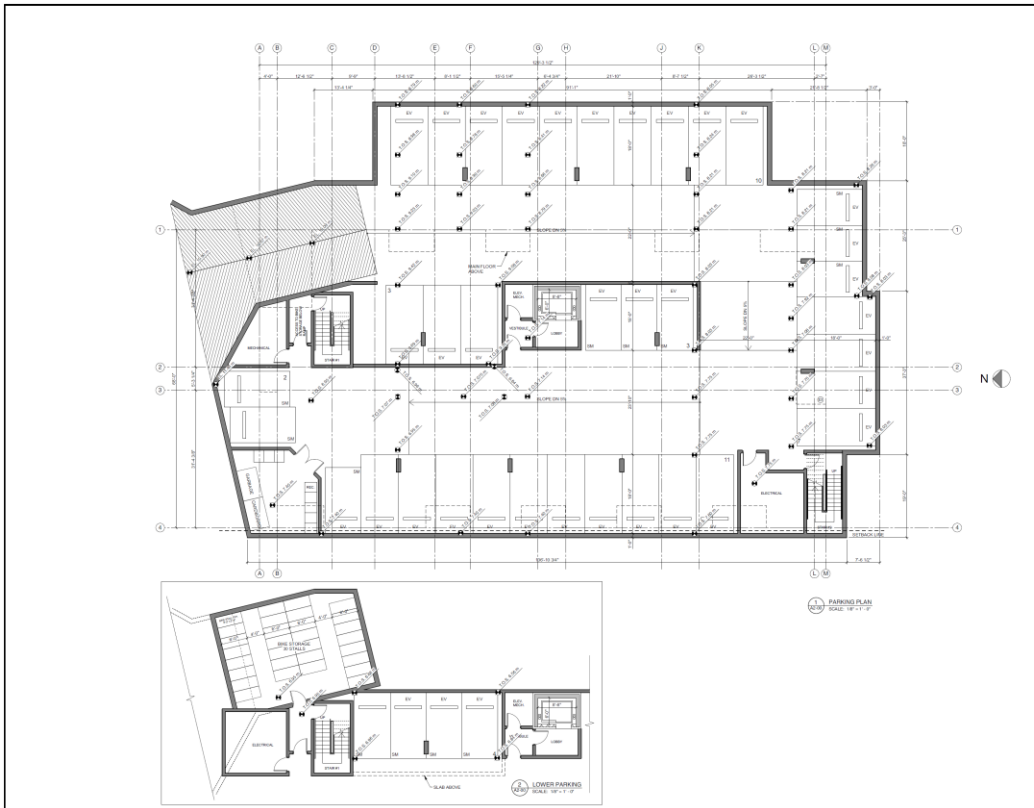


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NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.	
<b>Brad Humphrey Architect</b> 1125 Thomas Avenue, Calgary, Alberta T2K 2L4 Tel: 780.817.1578	
PROJECT TITLE: BUILDING 3 RESIDENTIAL	
ELEVATIONS: WEST & SOUTH	
DATE: 01/01/21	SCALE: 1/8\"/>
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<b>Brad Humphrey Architect</b> 1125 Thomas Avenue, Calgary, Alberta T2K 2L4 Tel: 780.817.1578	
PROJECT TITLE: BUILDING 3 RESIDENTIAL	
ELEVATIONS: EAST & NORTH	
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A3-02	

**Schedule C**  
 Note: Please refer to full size drawings in file 3360-20-2102

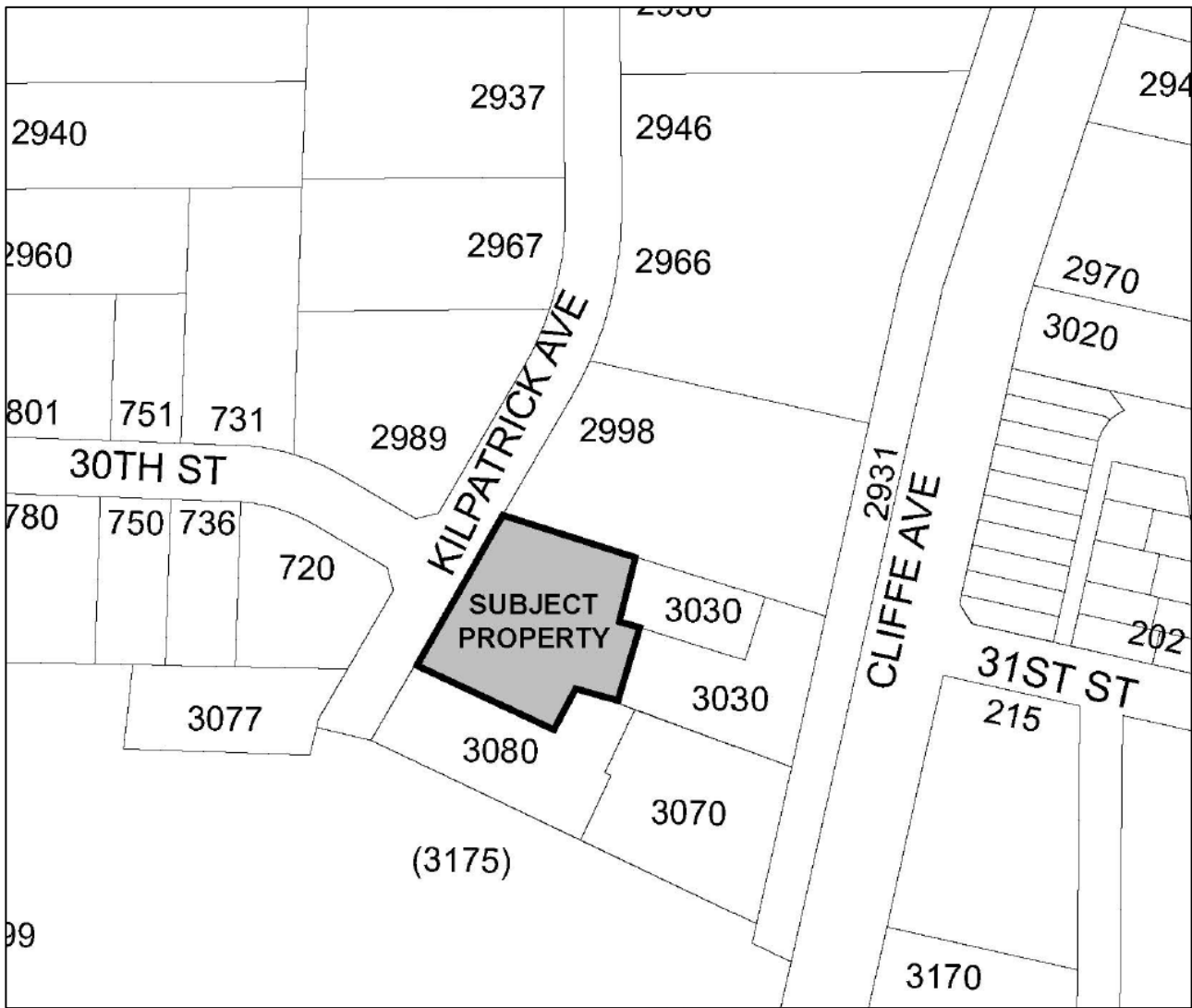


OCP & RECORD APPLICATION: 21 OCT 2021 DATE:		
NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.		
<b>Brad Humphrey Architect</b> 1325 Thomas Avenue, Calgary, Alberta V1K 2L4 Tel 780.817.1578		
PROJECT TITLE: <b>BUILDING 3 RESIDENTIAL</b>		
DRAWING TITLE: <b>PARKING PLAN</b>		
DRAWN: BSH	SCALE: 1/8" = 1'-0"	PLOT DATE: 2021 SEP 21 10:21
SHEET NO. <b>A2-00</b>		



OCP & RECORD APPLICATION: 21 OCT 2021 DATE:		
NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.		
<b>Brad Humphrey Architect</b> 1325 Thomas Avenue, Calgary, Alberta V1K 2L4 Tel 780.817.1578		
PROJECT TITLE: <b>BUILDING 3 RESIDENTIAL</b>		
DRAWING TITLE: <b>MAIN FLOOR PLAN</b>		
DRAWN: BSH	SCALE: 1/8" = 1'-0"	PLOT DATE: 2021 SEP 21 10:21
SHEET NO. <b>A2-01</b>		

**Attachment B**



**Part 54 - Comprehensive Development Twenty-Seven Zone (CD-27)  
(1025 Ryan Rd)****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. 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 hectare.

**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 17.7m in accordance with Schedule B and includes the elevator and roof top mechanical systems.

**8.54.8 Useable Open Space**

A minimum of 2,966m<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 2.6m<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:

- (4) For *Rental Apartment* uses parking shall be provided at a rate of 1.20 parking spaces per dwelling unit inclusive of visitor parking;
- (5) Bicycle parking facilities must be provided at a rate of two covered, secure stall per unit.

CONTRACTOR RESPONSIBLE FOR THE PROJECT SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE ARCHITECT'S LIABILITY IS LIMITED TO THE TECHNICAL SERVICES PROVIDED BY THE ARCHITECT.



DATE: 10/15/2016

GENERAL NOTES:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/15/16
2	REVISIONS	
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100	REVISIONS	

**WMA ARCHITECTS**

PROJECT NAME: RYAN ROAD RESIDENTIAL

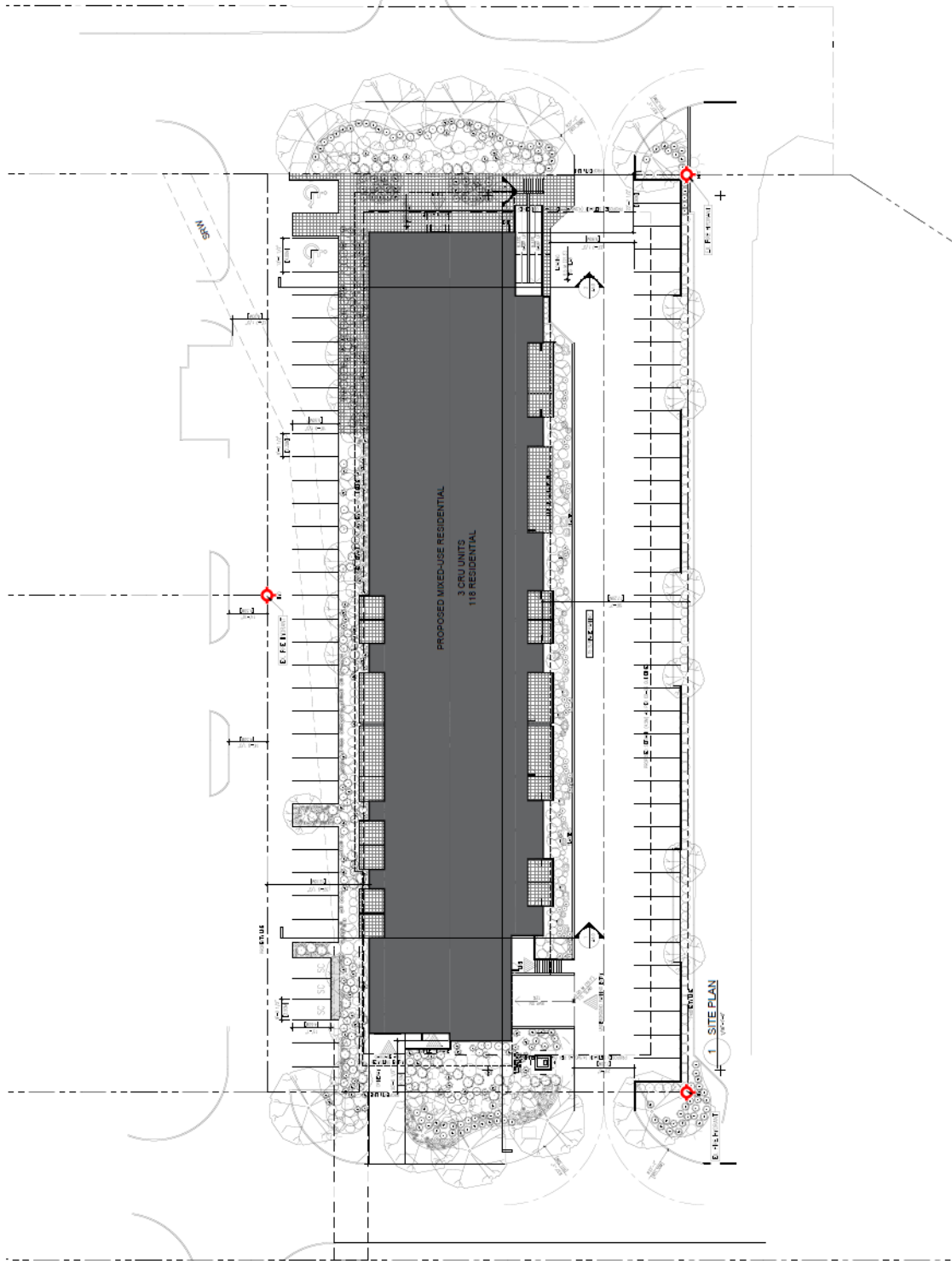
PROJECT ADDRESS: 1851 RYAN ROAD, WASHINGTON, WA 98048

OWNER: SYSTEMIC COURTNEY & CO.

DATE: 10/15/2016

SCALE: 1/8"=1'-0"

REVISION: A1.1



**SCHEDULE A**

Note: Please refer to full size drawings in file 3360-20-1916

CONSTRUCTION NOTES:  
 1. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.  
 2. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.  
 3. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.  
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 9. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.  
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GENERAL NOTES:  
 1. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.  
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 10. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.

**WMA ARCHITECTS**

1001 2017 1444 AVENUE NORTH, SUITE 1000, DENVER, CO 80202  
 303.733.1111  
 444 AVENUE NORTH, SUITE 1000, DENVER, CO 80202

PROJECT NAME:  
**RYAN ROAD RESIDENTIAL**

PROJECT NUMBER:  
**RESIDENTIAL COURTYARD, S.C.**

DATE:  
**11/20/20**

SCALE:  
**1/8" = 1'-0"**

CONSOLE:

1. NORTHWEST ELEVATION  
1/8" = 1'-0"

2. SOUTHWEST ELEVATION  
1/8" = 1'-0"

3. NORTHWEST ELEVATION  
1/8" = 1'-0"

4. SOUTHEAST ELEVATION  
1/8" = 1'-0"

5. SOUTH ELEVATION  
1/8" = 1'-0"

6. SOUTH ELEVATION  
1/8" = 1'-0"

PROJECT NUMBER:  
**RESIDENTIAL COURTYARD, S.C.**

DATE:  
**11/20/20**

SCALE:  
**1/8" = 1'-0"**

CONSOLE:

**WMA ARCHITECTS**

1001 2017 1444 AVENUE NORTH, SUITE 1000, DENVER, CO 80202  
 303.733.1111  
 444 AVENUE NORTH, SUITE 1000, DENVER, CO 80202

PROJECT NAME:  
**RYAN ROAD RESIDENTIAL**

PROJECT NUMBER:  
**RESIDENTIAL COURTYARD, S.C.**

DATE:  
**11/20/20**

SCALE:  
**1/8" = 1'-0"**

CONSOLE:

**SCHEDULE B**  
 Note: Please refer to full size drawings in file 3360-20-1916





**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. 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 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.

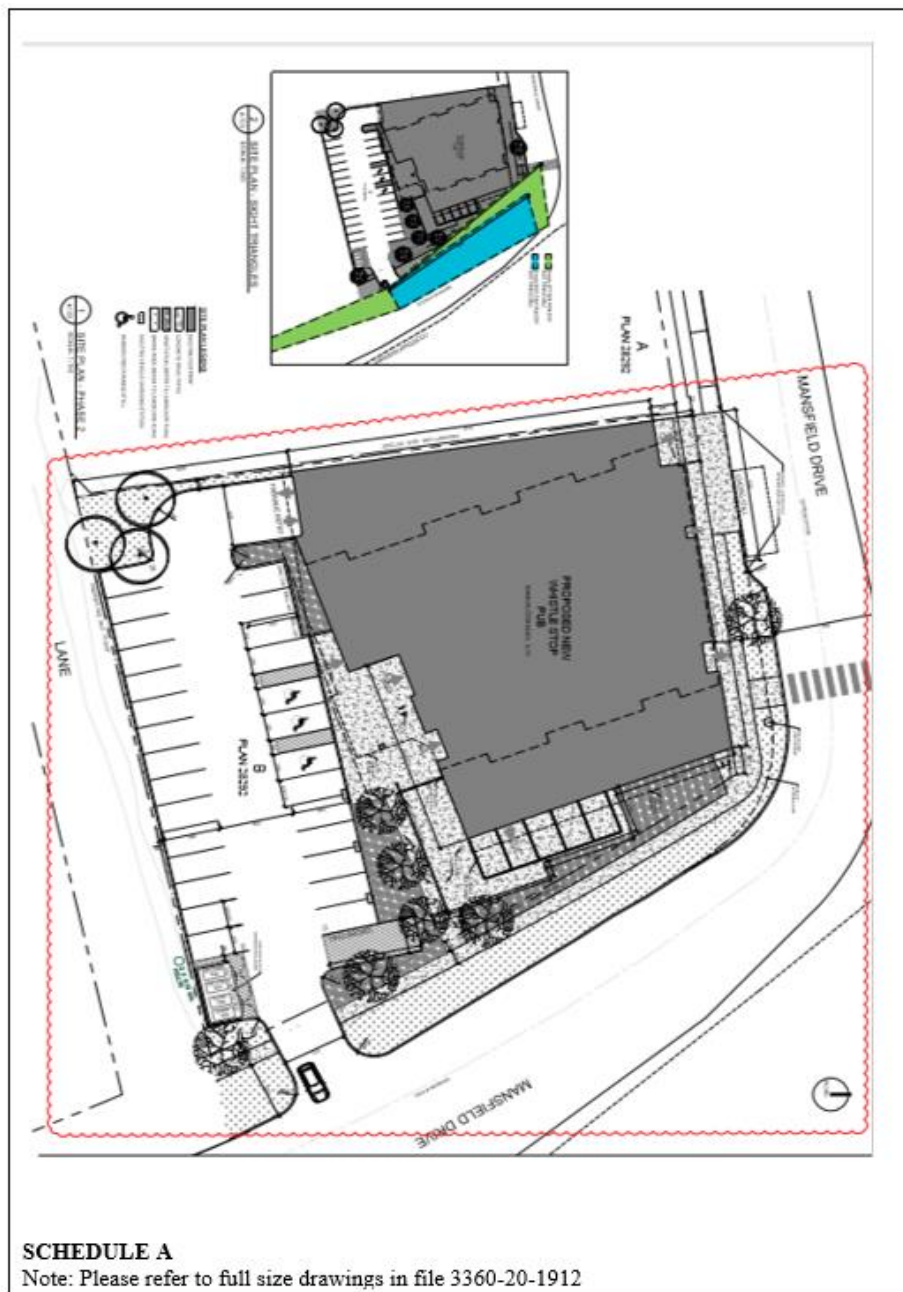
### 8.55.9 Accessory Structures

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 20m<sup>2</sup> of *floor area*; and
- (3) For *Neighborhood Pub* use parking shall be provided at a rate of 1 space per 6 seats.





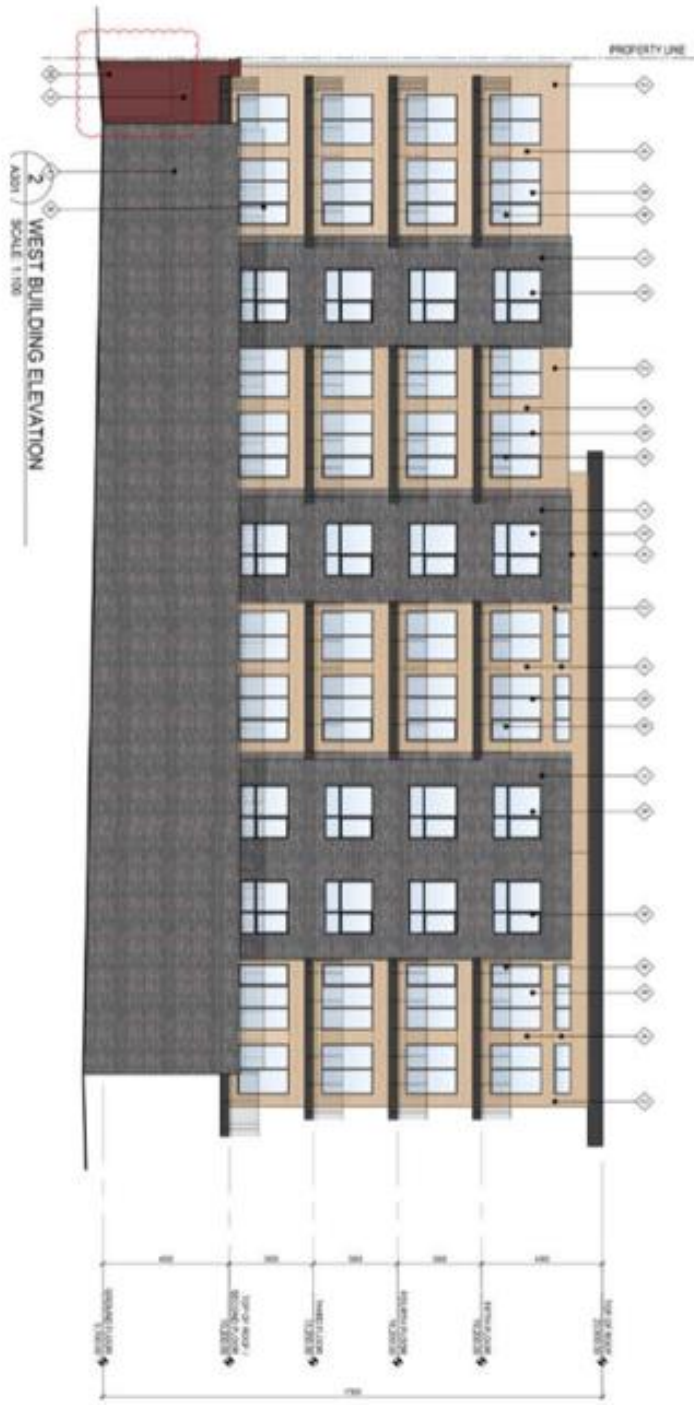
**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



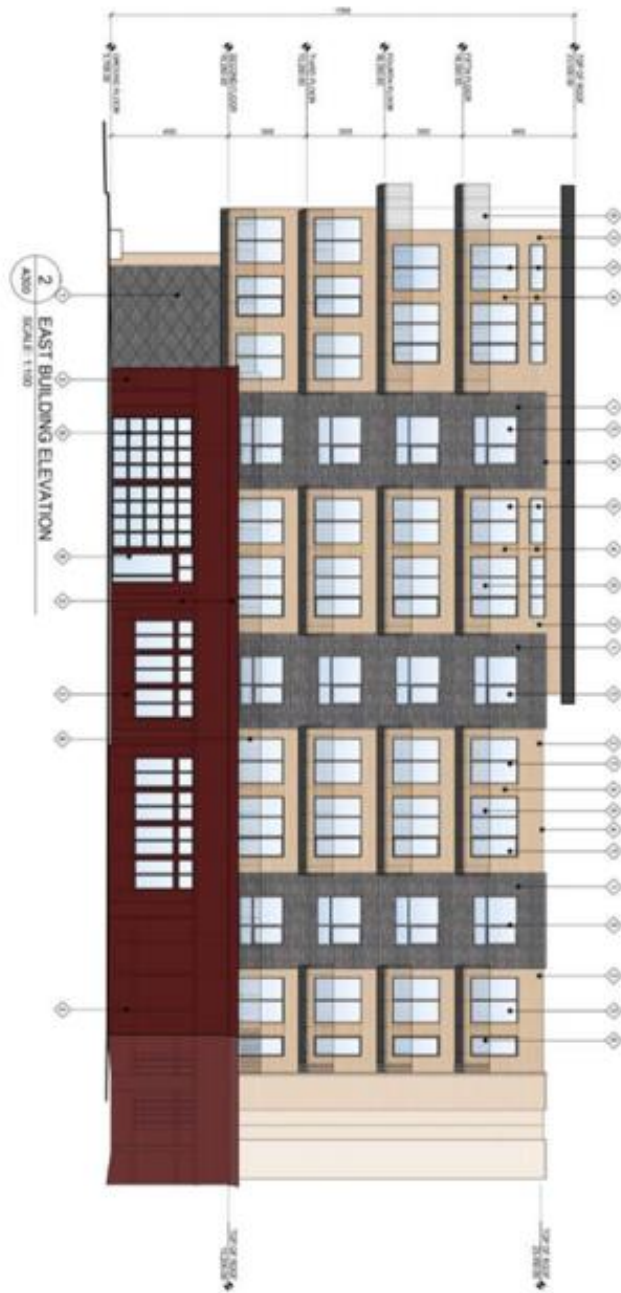
**SCHEDULE B**

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 Ave)****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;
- (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: 2.2m
- (2) Side Yards: 1.3m

Notwithstanding the required rear, and side yard setbacks specified above, roof overhands extend up to 0.80m into the required setback.



**SCHEDULE A**

Note: Please refer to full size drawings in file 3360-20-2006



**THOMAS DISHLEUOY  
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FAX: (613) 733-9351  
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**REVISIONS**

DATE	BY	DESCRIPTION
01 FEB 02/20	TD	ISSUE FOR REVIEW
27 MAR 02/20	TD	FOR PERMITS
02 APR 02/20	TD	FOR PERMITS
02 APR 02/20	TD	FOR PERMITS
24 APR 02/20	TD	FOR PERMITS

**PROJECT:** HABITAT PIERCY  
**CLIENT:** HABITAT PIERCY  
**LOCATION:** 1575 PIERCY AVENUE, COURTNEY  
**TITLE:** SITE PLAN

**DATE:** 01 FEB 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 27 MAR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 02 APR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 02 APR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 24 APR 02/20  
**BY:** TD  
**CHECKED:** TD

**SCALE:** 1/8" = 1'-0"

**DATE PUBLISHED:** 24 APRIL 2020  
**DATE:** 24 APR 2020  
**SCALE:** AS SHOWN

**PROJECT:** HABITAT PIERCY  
**CLIENT:** HABITAT PIERCY  
**LOCATION:** 1575 PIERCY AVENUE, COURTNEY  
**TITLE:** SITE PLAN

**DATE:** 01 FEB 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 27 MAR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 02 APR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 02 APR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 24 APR 02/20  
**BY:** TD  
**CHECKED:** TD

**SCALE:** 1/8" = 1'-0"

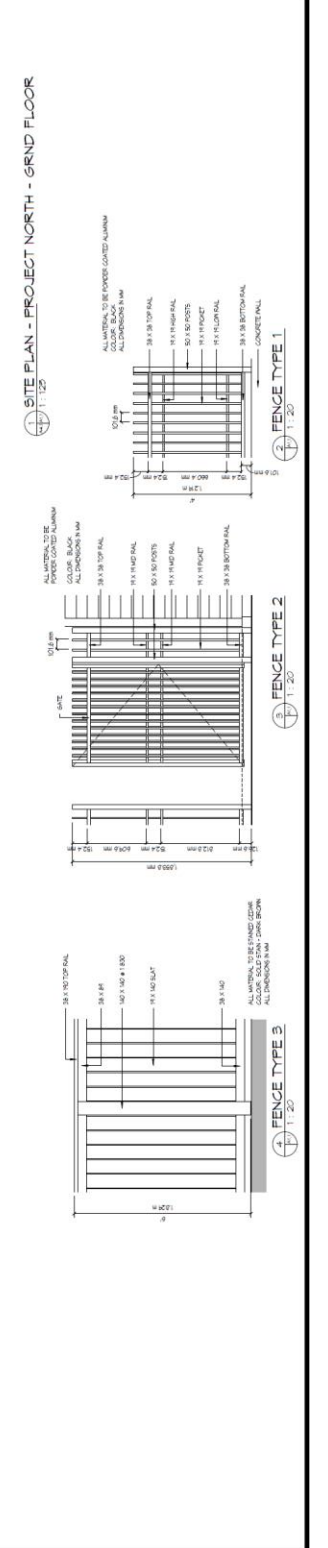
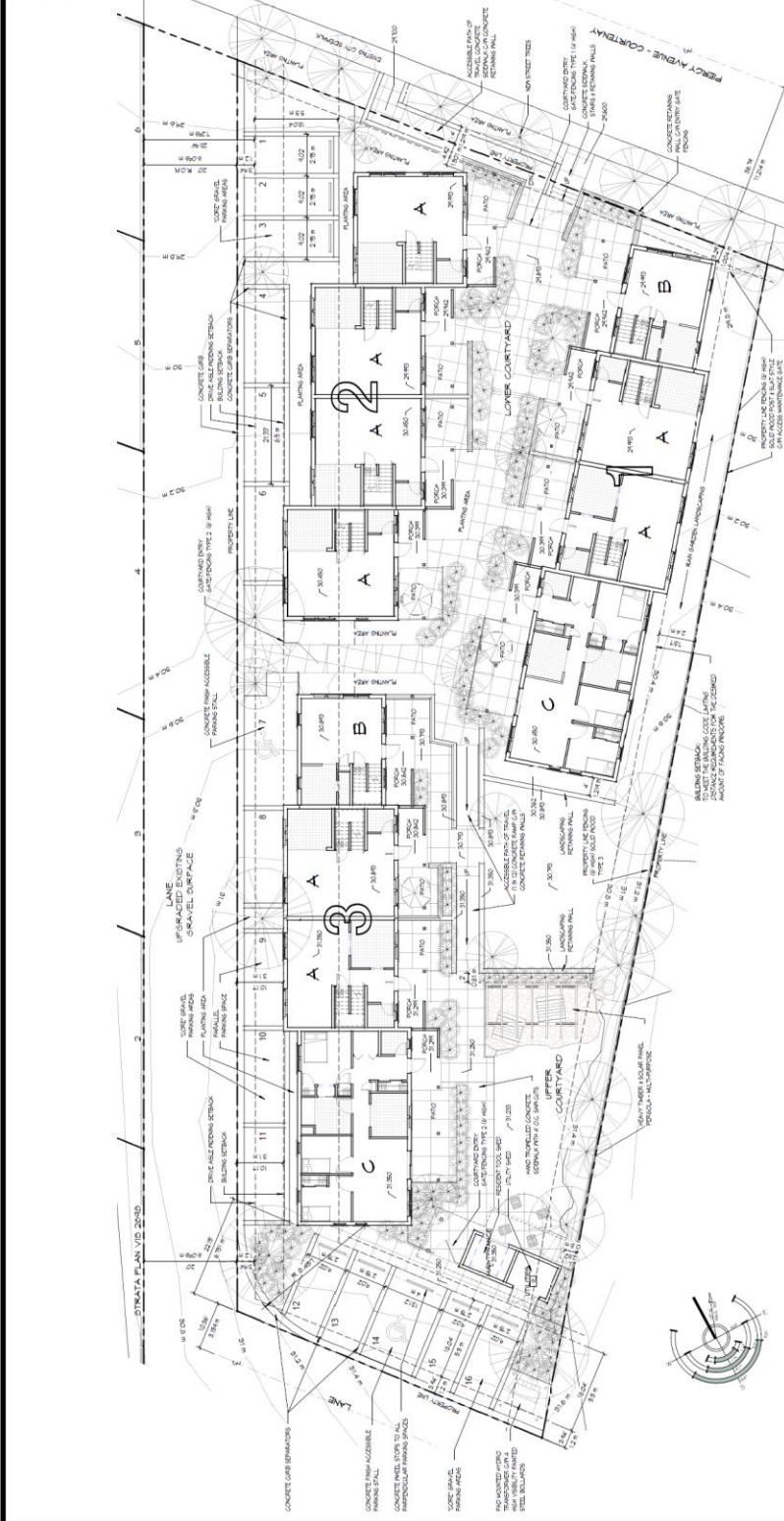
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**DATE:** 24 APR 2020  
**SCALE:** AS SHOWN

**PROJECT:** HABITAT PIERCY  
**CLIENT:** HABITAT PIERCY  
**LOCATION:** 1575 PIERCY AVENUE, COURTNEY  
**TITLE:** SITE PLAN

**DATE:** 01 FEB 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 27 MAR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 02 APR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 02 APR 02/20  
**BY:** TD  
**CHECKED:** TD  
**DATE:** 24 APR 02/20  
**BY:** TD  
**CHECKED:** TD

**SCALE:** 1/8" = 1'-0"

**DATE PUBLISHED:** 24 APRIL 2020  
**DATE:** 24 APR 2020  
**SCALE:** AS SHOWN



**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.

**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:

- a) Dwelling, Single Residential with or without Carriage House
- b) Accessory Buildings and Structures

**2. Minimum Lot Size**

- a) Dwelling, Single Family with or without Carriage House: 300m<sup>2</sup>

**3. Minimum Lot Frontage**

- a) Dwelling, Single Family with or without Carriage House: 10m

**4. Maximum Lot Coverage**

- a) A lot shall not be covered by building to a greater extent than 70% of the total lot area

**5. Setbacks**

- a) Front Yard: 4.5m except 2.25m for porch projections and second storey building area
- b) Rear Yard (with laneway access): 13.5m except 1.2m for Carriage Houses and Accessory Buildings
- c) Rear Yard (without laneway access): 13.5m
- d) Side Yard: 1.5m except 2.25m for side yards abutting the strata road

**6. Height**

- a) Dwelling, Single Residential: 9.0m
- b) Carriage House: 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:

- a) Dwelling, Duplex
- b) Accessory Buildings and Structures

#### (2) Minimum Lot Size

- a) Dwelling, Duplex: 200m<sup>2</sup>

#### (3) Minimum Lot Frontage

- a) Dwelling, Duplex (per unit): 8% of lot perimeter

#### (4) Maximum Lot Coverage

- a) A lot shall not be covered by building to a greater extent than 70% of the total lot area

#### (5) Setbacks

- a) Front Yard: 4.5m except 2.25m for porch projections and second storey building area
- b) Rear Yard: 13.5m
- c) Side Yard: 1.5m except 2.25m for side yards abutting the strata road

#### (6) Height

- a) Dwelling, Duplex: 9.0m

### **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:

- a) Dwelling, Townhouse with or without Carriage House
- b) Accessory Buildings and Structures

#### (2) Minimum Lot Size

- a) Dwelling, Townhouse: 200m<sup>2</sup>

#### (3) Minimum Lot Frontage

- a) Dwelling, Duplex (per unit): 8% of lot perimeter

#### (4) Maximum Lot Coverage

- a) A lot shall not be covered by building to a greater extent than 70% of the total lot area

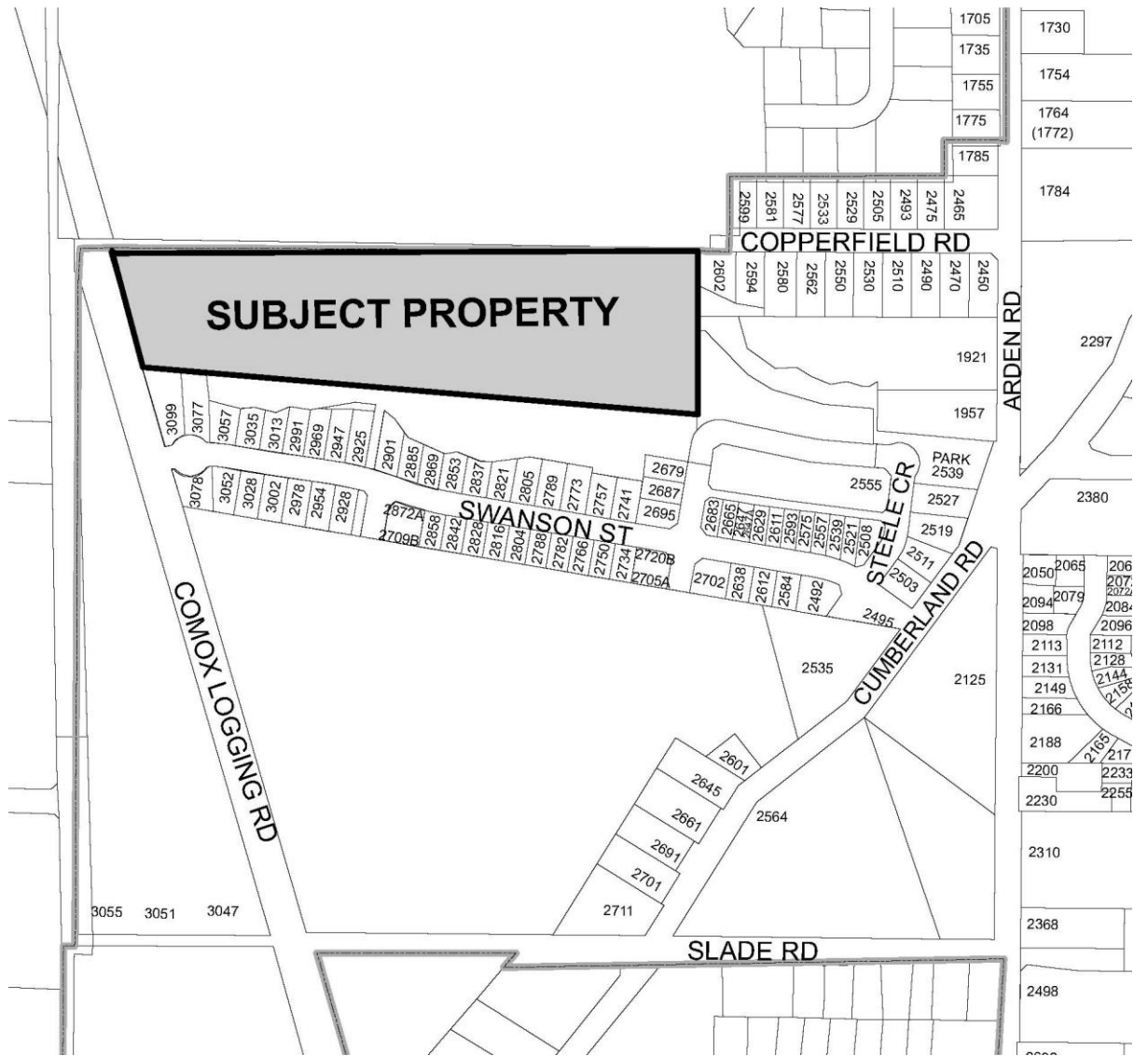
(5) Setbacks

- a) Front Yard: 4.5m except 2.25m for porch projections and second storey building area
- b) Rear Yard (with laneway access): 13.5m except 1.2m for Carriage Houses and Accessory Buildings
- c) Rear Yard (without laneway access): 13.5m
- d) Side Yard: 0m except 2.25m for side yards adjacent to the strata road or CD-30 A or B 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. 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 7,320m<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): 45.0m
- (2) *Rear Yard* (interpreted as the yard adjacent to the north property line): 15.0m
- (3) *Side Yard* (interpreted as the yard adjacent to the west property line): 5.0m
- (4) *Side Yard* (interpreted as the yard adjacent to the east property line): 14.98m

### 8.56.7 Height of Building

Maximum *building height* shall be 15.0m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

### 8.56.8 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

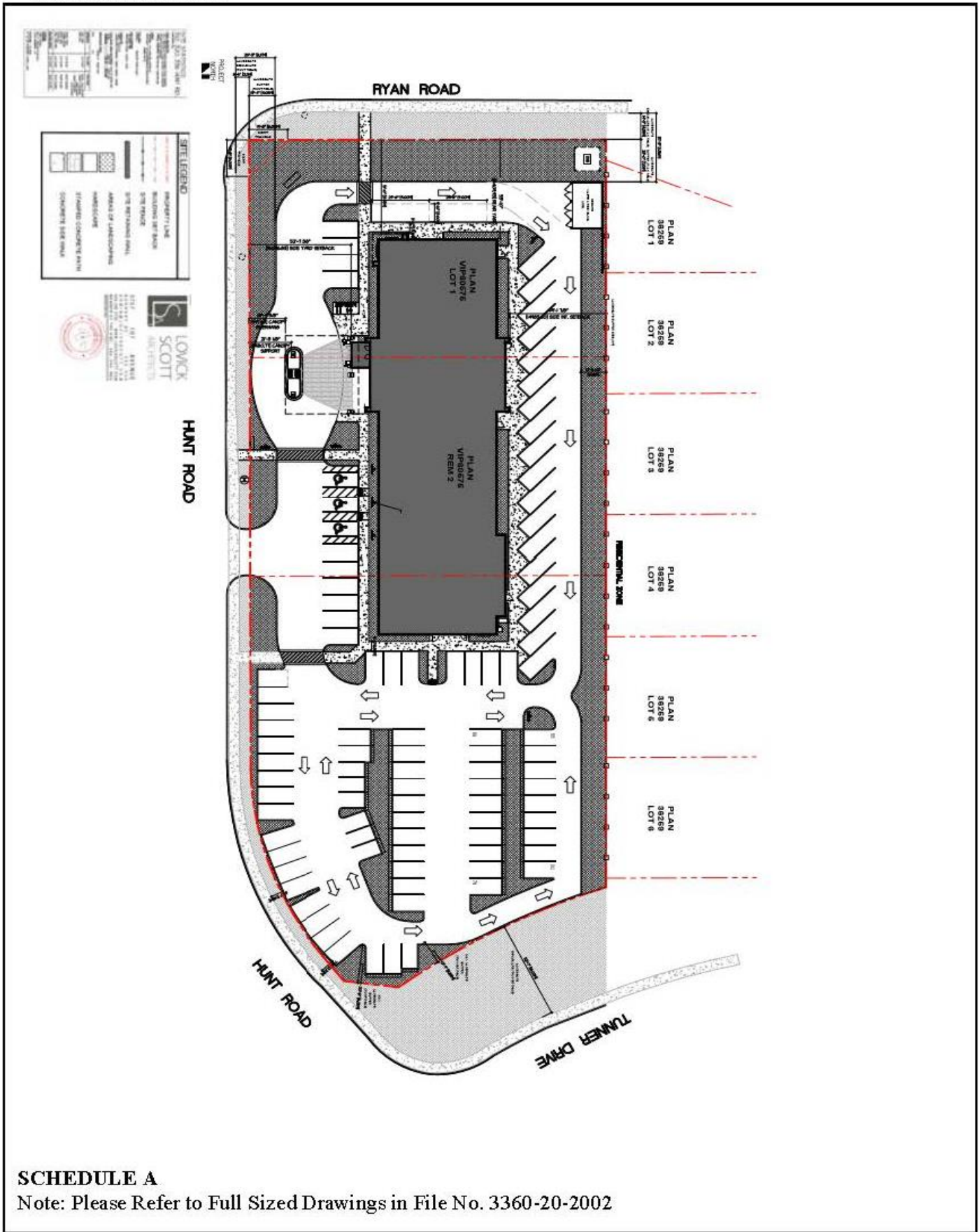
Off-street parking, small car parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of *Zoning Bylaw No. 2500, 2007*.

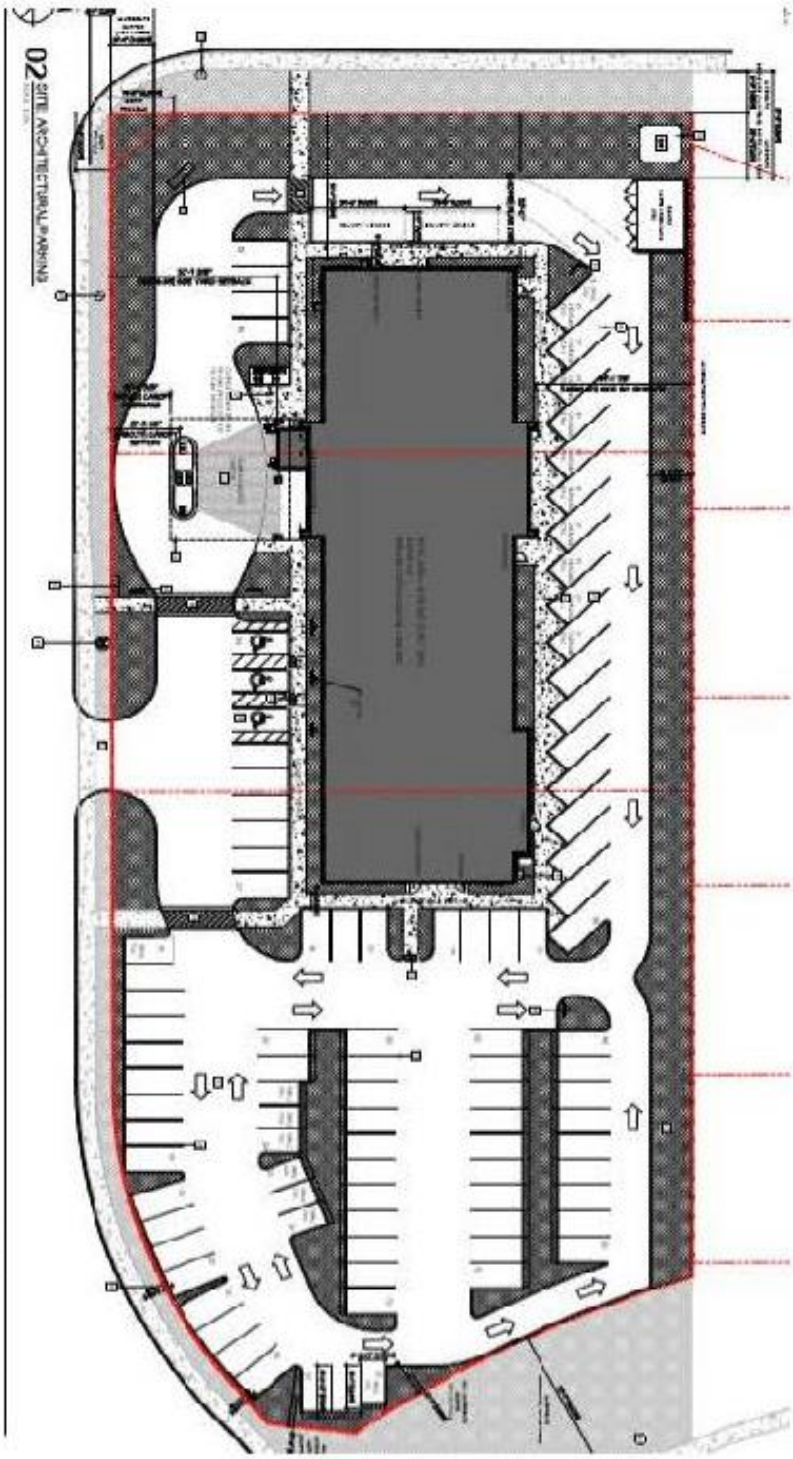
#### **8.58.10 Landscaping and Screening**

- (1) A landscape area of at least 7.0m in width extending along Ryan Road shall be provided.
- (2) A landscape area of at least 3.5m in width extending along the eastern property line shall be provided.
- (3) A landscape area of at least 0m to 6.0m in width extending along Hunt Road shall be provided.
- (4) A landscape area of at least 0 to 3.5m 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 2.0m by a landscaping screen or solid decorative *fence* or combination thereof.



# Attachment A





FOR APPROVAL:

NO.	DESCRIPTION	DATE	BY
1	PREPARED FOR SUBMITTAL	11/11/11	LS
2	REVISION	11/11/11	LS
3	REVISION	11/11/11	LS
4	REVISION	11/11/11	LS
5	REVISION	11/11/11	LS
6	REVISION	11/11/11	LS
7	REVISION	11/11/11	LS
8	REVISION	11/11/11	LS
9	REVISION	11/11/11	LS
10	REVISION	11/11/11	LS

SITE LEGEND

[Symbol]	PROPERTY LINE
[Symbol]	BUILDING FOOTPRINT
[Symbol]	5 FT FENCE
[Symbol]	5 FT RETAINING WALL
[Symbol]	AREA TO LANDSCAPE
[Symbol]	LANDSCAPE
[Symbol]	FINISHED CONCRETE PAH
[Symbol]	CONCRETE SIDE WALK

**LOWICK SCOTT**  
ARCHITECTS

1111 - 101 - 4848  
1111 - 101 - 4848  
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**SCHEDULE A**

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



**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)**

### **8.54.1 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. 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:

7. *Rental Apartment*

### **8.54.3 Lot Coverage**

A *lot* shall not be covered by buildings to a greater extent than 30% of the total area of the lot.

### **8.54.4 Floor Area Ratio**

The maximum *floor area ratio* shall not exceed 1.4.

### **8.54.5 Minimum Lot Size**

A lot shall have an area of not less than 1.8 hectares.

### **8.54.6 Setbacks**

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

- (4) Front Yard (interpreted as the yard adjacent to the northwest property line): 7.5 m
- (5) Rear Yard (interpreted as the yard adjacent to the southeast property line): 6.0 m
- (6) 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.

### **8.54.7 Height of Buildings**

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.

### **8.54.9 Usable Open Space**

A minimum of 20 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.

### **8.54.10 Accessory Structures**

Shall not be permitted except for bike storage structures, pergolas, sheds, and playgrounds.

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

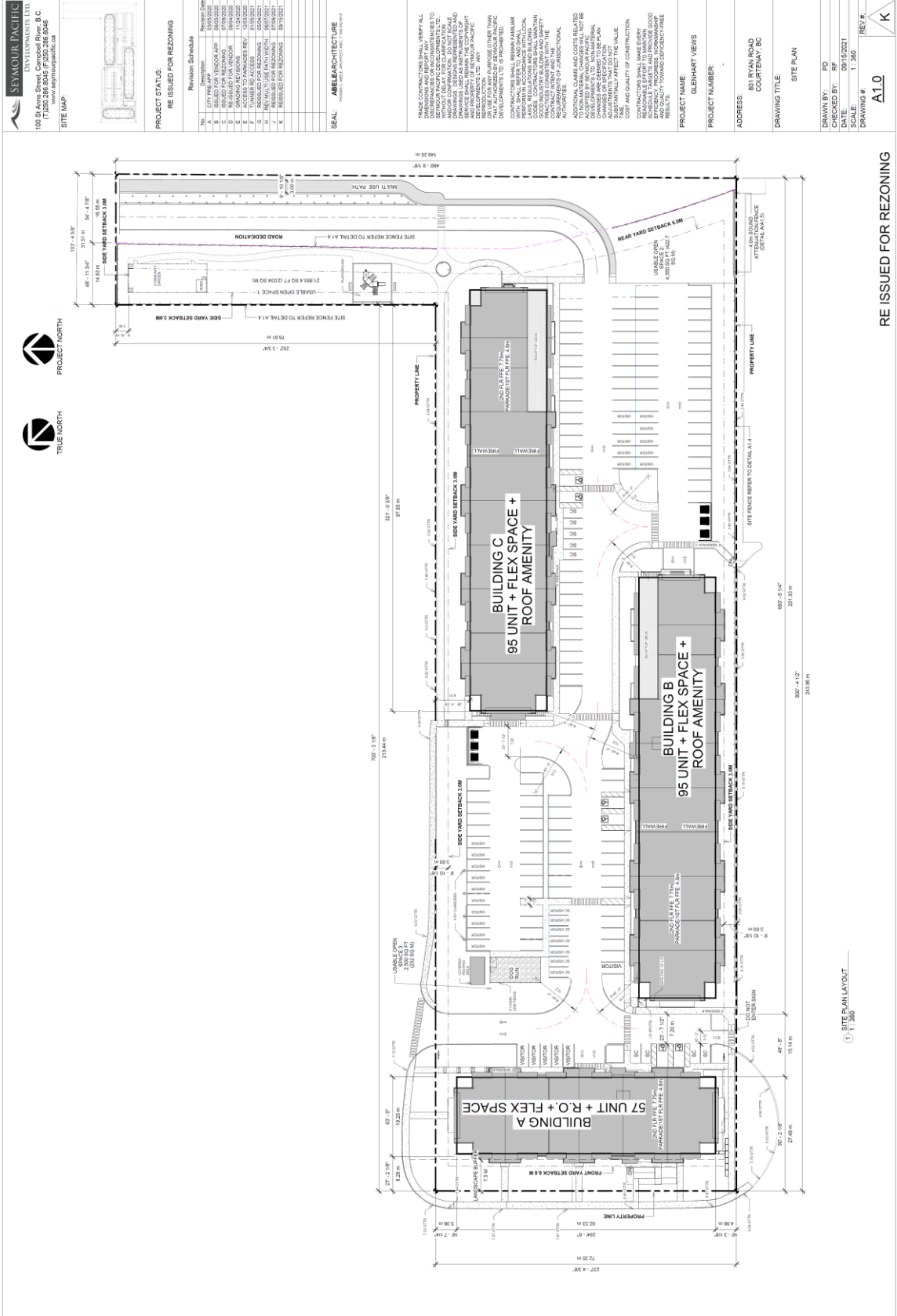
Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (6) For *Rental Apartment* uses parking shall be provided at a rate of 1.20 parking spaces per dwelling unit inclusive of visitor parking;
- (7) Bicycle parking facilities must be provided at a rate of one covered, secure stall per unit.

### **8.54.12 Fencing**

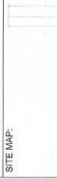
The maximum height of fencing along the side property line (southwest property line) is 4.0 m.

SCHEDULE A









PROJECT STATUS:  
**RE-ISSUED FOR REZONING**

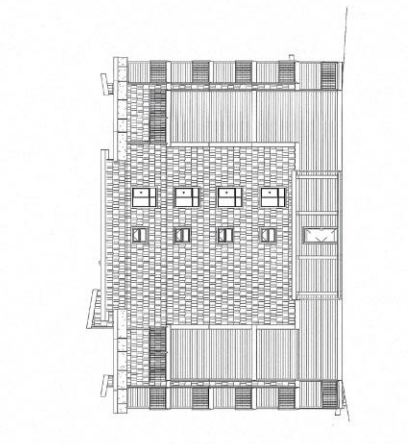
Revision Schedule

No.	Description	Revision Date
A	ISSUED FOR PERMIT	05/04/2020
B	ISSUED FOR REZONING	05/04/2020
C	RE-ISSUED FOR REZONING	05/04/2020
D	RE-ISSUED FOR REZONING	05/04/2020
E	RE-ISSUED FOR REZONING	05/04/2020
F	RE-ISSUED FOR REZONING	05/04/2020
G	RE-ISSUED FOR REZONING	05/04/2020
H	RE-ISSUED FOR REZONING	05/04/2020
I	RE-ISSUED FOR REZONING	05/04/2020
J	RE-ISSUED FOR REZONING	05/04/2020

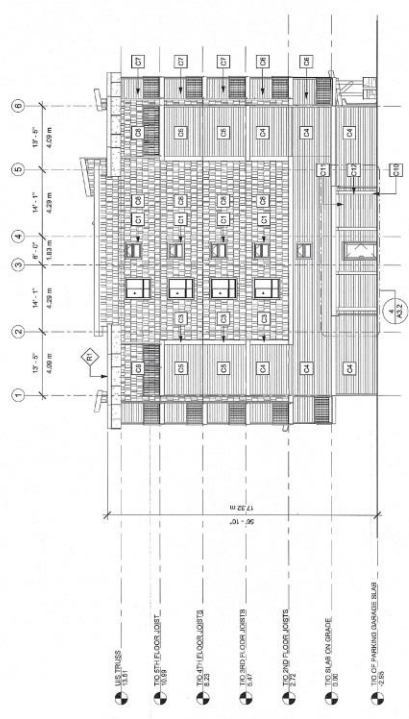
SEAL: **AREL ARCHITECTURE**  
 ARCHITECT  
 100 St. Anne Street, Campbell River, B.C.  
 (250) 288-8946 (F) 250-286-8046  
 www.seymourpacific.ca

THESE CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE WORK TO BE DONE PRIOR TO COMMENCING WORK WITHOUT DELAY. FOR TO ADJUST THE DRAWINGS, DESIGNERS REPRESENTED AND CONTRACTORS SHALL BE RESPONSIBLE FOR ANY CHANGES TO THE DRAWINGS. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ANY OTHER AGENCIES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ANY OTHER AGENCIES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ANY OTHER AGENCIES.

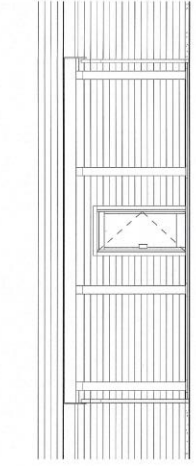
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 PROJECT NUMBER:  
 ADDRESS: 861 RYAN ROAD  
 COURTNEY, BC  
 DRAWING TITLE: ELEVATIONS 2 OF 2 - BUILDING A  
 DRAWN BY: PJ  
 CHECKED BY:  
 DATE: 05/04/2020  
 SCALE: As Indicated  
 DRAWING #: **A3.2**  
 REV #:



2 RIGHT ELEVATION  
 Scale: 1:125



1 LEFT ELEVATION  
 Scale: 1:125



4 SIDE ENTRY ELEVATION  
 Scale: 1:48



3 FRONT ENTRY ELEVATION  
 Scale: 1:48

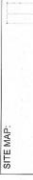
EXTERIOR ROOFING PRODUCT	DESCRIPTION	COLOR
(A)	ROOFING SHINGLES - 30 YEAR LAMINATE	BLACK
(B)	ATTIC STANDING JOIST	BLACK

NOTES

- 1 ALL RESIDENTIAL UNITS TO HAVE INDIVIDUAL AC UNIT
- 2 ALL RESIDENTIAL UNITS TO HAVE WINDOWS WITH RATING OF STC30

EXTERIOR METAL PRODUCT	DESCRIPTION	COLOR	LOCATION
(A)	ALUMINUM DOWNSPOUTS	BLACK	REFER TO DETAIL 04A2
(B)	ALUMINUM GUTTER	BLACK	REFER TO DETAIL 04A3
(C)	ALUMINUM FLASHING	BLACK	FACIA BOARD
(D)	PREPARED FLASH COIL	WHITE	REFER TO DETAIL 04A2
(E)	4 PANEL CLASSIC ROFFT	UNFIN	REFER TO DETAIL 04A2
(F)	WALL FLASHING	BLACK	REFER TO DETAIL 04A2
(G)	SINGLE STEP FLASHING	BLACK	REFER TO DETAIL 04A2
(H)	ROOF EDGE FLASHING	BLACK	VARIOUS
(I)	DIP CAP FLASHING	WHITE	PLANK WINDOW TRIM
(J)	REVERSE DIP FLASHING	WHITE	VARIOUS
(K)	FLAETIC VENT	BLACK	VARIOUS
(L)	GUTTER COIL FLASHING	BLACK	VARIOUS
(M)	FOUNDATION TRANSITION F.		

EXTERIOR CLADDING PRODUCT	DESCRIPTION	COLOR	LOCATION
(A)	4" CEMENT BOARD TRIM	ANTIC WHITE	WINDO W/ WALL
(B)	12" CEMENT BOARD TRIM	ANTIC WHITE	BELLY BAND
(C)	12" CEMENT BOARD TRIM	ANTIC WHITE	VERT. PARTITION WALL
(D)	PLANK - CEDAR MULL	DEEP OCEAN	LEVEL 1 - 3
(E)	PLANK - CEDAR MULL	BOOTHBAY BLUE	LEVEL 4 - 5
(F)	PLANK - CEDAR MULL	DEEP OCEAN	LEVEL 1 - 3 BALCONY/TOP
(G)	PLANK - CEDAR MULL	BOOTHBAY BLUE	LEVEL 4 - 5 BALCONY / TOP
(H)	SHANK - STRAIGHT EDGE	GRAY BLAZE	BUMP OUT BUILDING FINISH
(I)	SHANK - STRAIGHT EDGE	TRADITIONAL RED	BUMP OUT
(J)	COLORFUL STONE	ELEGANT'S COUNTRY	ROOF CHIMNEY DENTS & BUILDING ENDS
(K)	TIMBER COLUMN	LEGGERS TONE	
(L)	TIMBER BEAM		
(M)	12" CEMENT BOARD TRIM	STAINED	



PROJECT STATUS:  
 RE-ISSUED FOR REZONING

No.	Description	Revision Date
A	CITY PRELIMINARY APPROVAL	07/20/2010
B	RE-ISSUED FOR REZONING	07/20/2010
C	RE-ISSUED FOR REZONING	07/20/2010
D	RE-ISSUED FOR REZONING	07/20/2010
E	RE-ISSUED FOR REZONING	07/20/2010
F	RE-ISSUED FOR REZONING	07/20/2010
G	RE-ISSUED FOR REZONING	07/20/2010
H	RE-ISSUED FOR REZONING	07/20/2010
I	RE-ISSUED FOR REZONING	07/20/2010
J	RE-ISSUED FOR REZONING	07/20/2010

SEAL: ABLE ARCHITECTURE  
 ABLE ARCHITECTURE INC. VANCOUVER

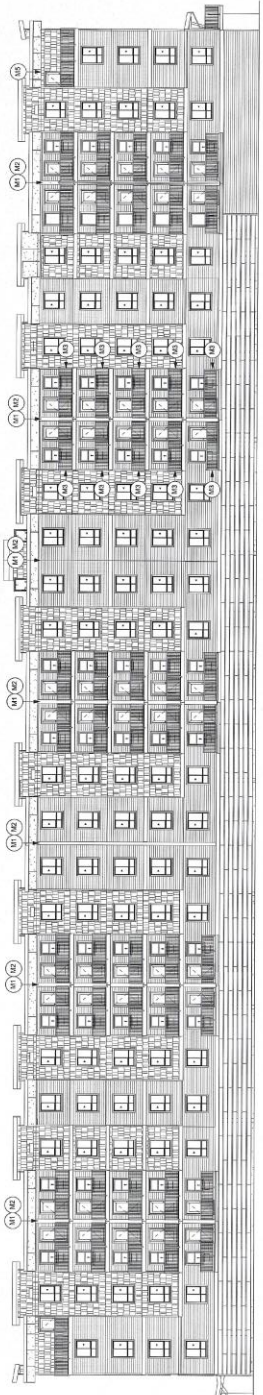


THOSE CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE AND UTILITIES PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

PROJECT NAME: GLENHART VIEWS  
 PROJECT NUMBER:  
 ADDRESS: 501 RYAN ROAD, COQUITLAM, BC  
 DRAWING TITLE: ELEVATIONS 1 OF 2 - BUILDING B  
 DRAWN BY: PD  
 CHECKED BY: RE  
 DATE: 07/20/2010  
 SCALE: AS SHOWN  
 DRAWING #: A3.3  
 REV. # J



1 FRONT ELEVATION  
 Scale: 1/10



2 BACK ELEVATION  
 Scale: 1/10

EXTERIOR ROOFING PRODUCT	
DESCRIPTION	COLOR
ROOFING BRICKS 36 YEAR LAMINATE	BLACK
ATTIC BRICK UNIT	BLACK

NOTES  
 1 ALL RESIDENTIAL UNITS TO HAVE INDIVIDUAL A/C UNIT  
 2 ALL RESIDENTIAL UNITS TO HAVE WINDOWS WITH RAINING OF 81C.36

EXTERIOR METAL PRODUCT		
DESCRIPTION	COLOR	LOCATION
ALUMINUM DOWNSPUTTERS	BLACK	REFERS TO DETAIL 8M4.2
ALUMINUM GUTTERS	BLACK	REFERS TO DETAIL 8M4.2
ALUMINUM BALUNS	BLACK	REFERS TO DETAIL 8M4.2
PREPRESSED FLT COIL	WHITE	TRUSS BOARD
4 PANEL CLASSED JOIST	UNISH	REFERS TO DETAIL 8M4.2
WALL FLASHING	BLACK	
SHINGLE KITTY FLASHING	BLACK	
TRIP CAP FLASHING	WHITE	REFERS TO DETAIL 8M4.2
REINFORCED FLASHING	WHITE	WINDUS
PLASTIC VENT	BLACK	PI ANCH WINDOW TRIM
GUTTER COIL FLASHING	BLACK	
FOUNDATION TRANSITION F.		

EXTERIOR CLADDING PRODUCT		
DESCRIPTION	COLOR	LOCATION
4" CEMENT BOARD TRIM	ANTIC WHITE	WINDUS TRIM
12" CEMENT BOARD TRIM	ANTIC WHITE	WINDUS WALLS
12" CEMENT BOARD TRIM	ANTIC WHITE	BELLY BAND
PLANK - CEDARWALL	DEEP OCEAN	VERT. PARTITION WALL
PLANK - CEDARWALL	BOOTHBAY BLUE	LEVEL 1 - 3
PLANK - CEDARWALL	DEEP OCEAN	LEVEL 4 - 6
PLANK - CEDARWALL	BOOTHBAY BLUE	LEVEL 1 - 3 BALCONY/PAC
SHAKE - 5" THICK EDGE	GRAY SLATE	LEVEL 4 - 6 BALCONY/PAC
SHAKE - 5" THICK EDGE	TRADITIONAL RED	BUMP OUT
CULTURED STONE	EUROPEAN COUNTRY	FRONT CANOPED PORTALS
TIMBER COLUMN	LEGGESTONE	BUILDING ENDS
TIMBER BEAM	STAINED	
12" CEMENT BOARD TRIM	STAINED	



3 3/4" In. - Inside Deck Corner  
 Scale:



4 3/4" In. - Inside Deck Corner  
 Scale:

RE ISSUED FOR REZONING



SITE MAP



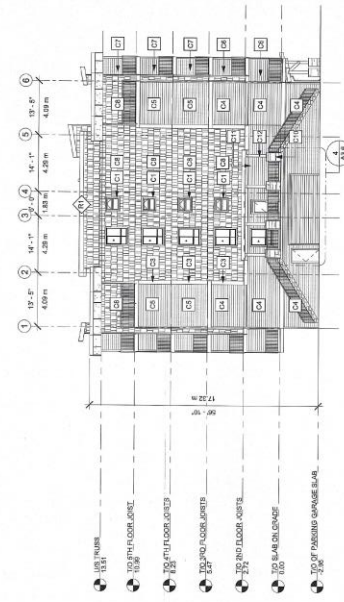
PROJECT STATUS:  
**RE-ISSUED FOR REZONING**

Revision Schedule	
No.	Revision
A	CITY PERMITS (03/05/2020)
B	RE-SUBMIT FOR REZONING (03/05/2020)
C	RE-SUBMIT FOR REZONING (03/05/2020)
D	RE-SUBMIT FOR REZONING (03/05/2020)
E	RE-SUBMIT FOR REZONING (03/05/2020)
F	RE-SUBMIT FOR REZONING (03/05/2020)
G	RE-SUBMIT FOR REZONING (03/05/2020)

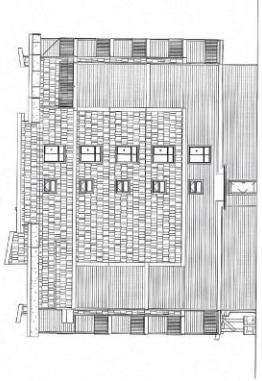
SEAL: **ABEL ARCHITECTURE**  
 PROFESSIONAL ARCHITECTURE INC. VANCOUVER  
 1100 WEST 10TH AVENUE, SUITE 100  
 VANCOUVER, BC V6H 2T6  
 TEL: 604.681.1111  
 WWW.ABELARCHITECTURE.COM

THOSE CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY. CONTRACTORS SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. CONTRACTORS SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. CONTRACTORS SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. CONTRACTORS SHALL BE RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

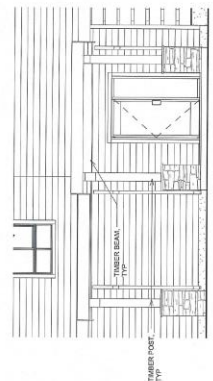
PROJECT NAME: **OLENHART VIEWS**  
 PROJECT NUMBER:  
 ADDRESS: **801 RYAN ROAD COURT ENBY, BC**  
 DRAWING TITLE: **ELEVATIONS 2 OF 2 - BUILDING C**  
 ELEVATIONS 2 OF 2 - BUILDING C  
 DRAWN BY: PD  
 CHECKED BY: RF  
 DATE: 08/04/2020  
 DRAWING # AS REVISION #  
**A3.6**



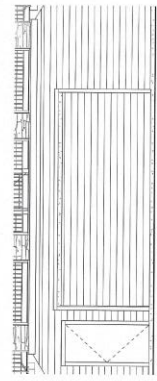
1 FRONT ELEVATION  
 Scale: 1 : 50



2 RIGHT ELEVATION  
 Scale: 1 : 50



3 FRONT ENTRY ELEVATION  
 Scale: 1 : 48



4 SIDE ENTRY ELEVATION  
 Scale: 1 : 48

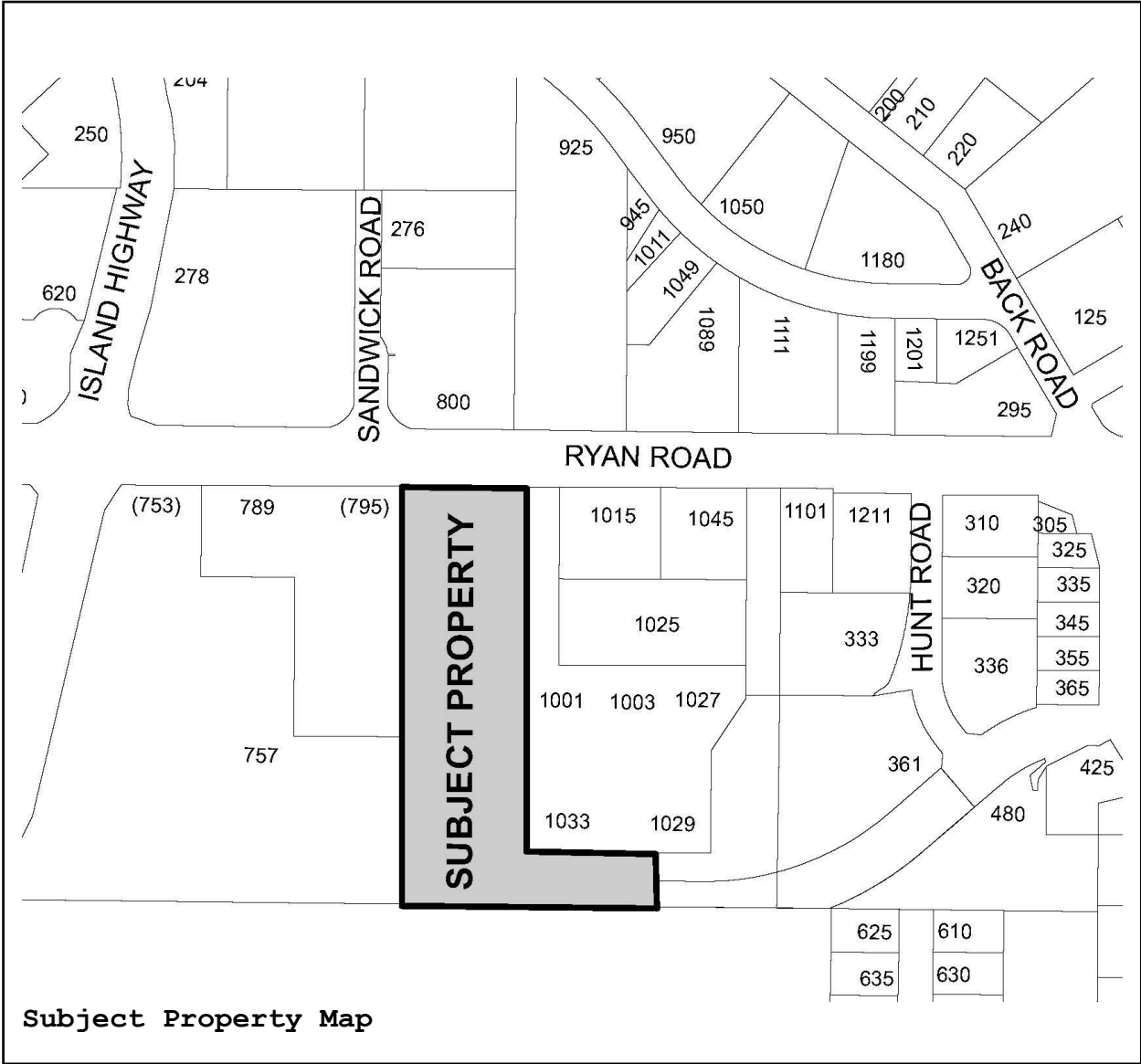
EXTERIOR CLADDING PRODUCT	
DESCRIPTION	COLOR
4" CERAMIC BOARD TRIM	ARTIC WHITE
12" CERAMIC BOARD TRIM	ARTIC WHITE
12" CERAMIC BOARD TRIM	ARTIC WHITE
PLANK - CEDARBELL	DEEP OCEAN
PLANK - CEDARBELL	BOOTHBAY BLUE
PLANK - CEDARBELL	DEEP OCEAN
SHAKE - STAMFORD EDGE	GRAY SLATE
SHAKE - STAMFORD EDGE	TRADITIONAL RED
CULTURED STONE	ESCALANTE COUNTRY LEICESTER
TIMBER COLUMN	
TIMBER BEAM	
12" CERAMIC BOARD TRIM	STANED

EXTERIOR METAL PRODUCT	
DESCRIPTION	LOCATION
ALUMINUM DOWNPOUTS	
ALUMINUM GUTTER	REFER TO DETAIL B&Z
ALUMINUM RAILING	REFER TO DETAIL B&Z
PREPARED PLAT COIL	PANOR BOARD
4 PANEL CLASSIC DOTTIT	REFER TO DETAIL B&Z
WALL FLASHING	
SHINGLE STEP FLASHING	
ROOF EDGE FLASHING	REFER TO DETAIL B&Z
DEEP GUT FLASHING	WINDOWS
REVERSE SHIP FLASHING	PANOR WINDOW TRIM
PLASTIC VENT	
GUTTER COIL FLASHING	
FOUNDATION TRANSITION F	

EXTERIOR ROOFING PRODUCT	
DESCRIPTION	COLOR
ROOFING SHINGLES - 30 YEAR LAMINATE	BLACK
ARTIC STYRIC VENT	

NOTES:  
 1 ALL ESSENTIAL UNITS TO HAVE INDIVIDUAL AC UNIT  
 2 ALL RESIDENTIAL UNITS TO HAVE WINDOWS WITH RATING OF R20-30

# Attachment B



Subject Property Map

<b>Part 60 - Comprehensive Development Thirty-Six Zone (CD-36) (1077 Piercy Ave.)</b>
---

**8.60.1 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. 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.

**8.60.2 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*

**8.60.3 Minimum Lot Size**

A lot shall have an area of not less than 2,350 m<sup>2</sup>

**8.60.4 Minimum Lot Frontage**

A lot shall have a frontage of not less than 30.0 m<sup>2</sup>

**8.60.5 Floor Area Ratio**

The *maximum floor area ratio* shall not exceed 0.75

**8.60.6 Setbacks**

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

- (1) *Front Yard:*            7.5 m
- (2) *Rear Yard:*            23.0m
- (3) *Side Yard :*            2.4 m

**8.60.7 Height of Building**

Maximum *building height* shall be 9.0 m.

**8.60.8 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.

**Part 61 – Comprehensive Development Thirty-Four Zone (CD-34)  
(1679 McPhee Ave)**

**8.59.1 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. This property shall be developed substantially in accordance with Schedule A which forms 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) *Multi Residential*

**8.59.3 Lot Coverage**

A lot shall not be covered by buildings to a greater extent than 55% of the total *lot area*

**8.59.4 Floor Area Ratio**

The maximum floor area ratio shall not exceed 2.1

**8.59.5 Minimum Lot Size**

A lot shall have an area of not less than 1200 m<sup>2</sup>

**8.59.6 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

**8.59.7 Height of Building**

Maximum building height shall be 17.5 m.

### **8.59.8 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

### **8.59.9 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:

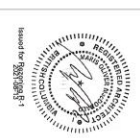
- (1) Parking shall be provided at a rate of 0.25 parking spaces per dwelling unit inclusive of visitor parking
- (2) Minimum parking stall dimensions are 2.7 m in width for standard stall







Wachilay  
Affordable  
Housing Project  
1037 MacArthur Ave.  
Cochrane, BC



MAIN FLOOR PLAN

A1.01

MATERIAL BOARD



- Material Legend**
- ① Contrasting wood batten
  - ② 4" board and batten cementitious wood panel
  - ③ Charcoal Vinyl window
  - ④ cementitious board - Smooth Finish - Color Charcoal
  - ⑤ Wood Inlaid Interlame Elements
  - ⑥ 4" metal panel - wood print



4 NORTH ELEVATION  
Scale: 1/32'



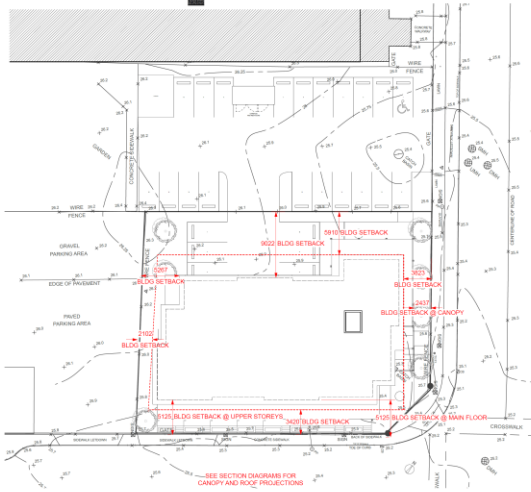
3 SOUTH ELEVATION  
Scale: 1/32'



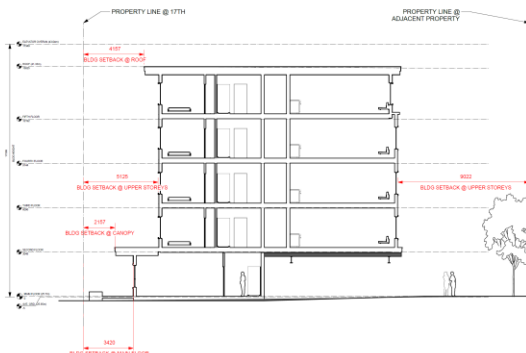
1 EAST ELEVATION  
Scale: 1/32'



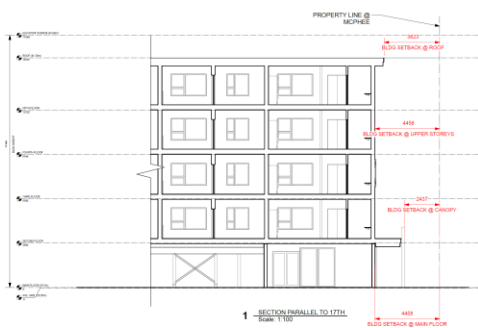
2 WEST ELEVATION  
Scale: 1/32'



4 SETBACKS  
Scale: 1/320'



3 SECTION PARALLEL TO MACPHEE  
Scale: 1/100'



1 SECTION PARALLEL TO 17TH  
Scale: 1/100'



Wachiy Affordable Housing Project  
1679 Milliken Ave.  
Courtenay, BC



Issued for 2023/05/11

ELEVATIONS

A2.01



Wachiy Affordable Housing Project  
1679 Milliken Ave.  
Courtenay, BC



Issued for 2023/05/11

SETBACK DIAGRAM

SK1.2

3051

**Part 62 - Comprehensive Development Thirty Five Zone (CD-35)  
(1790 15<sup>th</sup> Street.)**

**8.60.1 Intent**

The CD-35 Zone is intended to accommodate a strata development of two duplexes on the property legally described as Lot 8, District Lot 96, Comox District, Plan 6619. 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:

- (3) *Duplex* dwellings
- (4) *Accessory* buildings and structures
- (5) *Home occupation*

**8.60.5 Minimum Lot Size**

A *lot* shall have an area of not less than 1250 m<sup>2</sup>

**8.60.3 Minimum Lot Frontage**

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

**8.60.4 Floor Area Ratio**

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.40.

**8.60.6 Setbacks**

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

- (7) *Front Yard:* 7.5 m
- (8) *Rear Yard:* 7.5 m
- (9) *Side Yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m.

**8.60.7 Height of Building**

Maximum *building height* shall be 10 m.

### **8.60.8 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 50.0m<sup>2</sup> for each *dwelling unit* with two or more bedrooms.

### **8.60.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5m in *height*
- (2) Shall have a total building area not exceeding 50.0m<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 30.0m, whichever is less.
- (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 residence.
- (5) Shall not be located within 1.5, from the side and rear *lot line*.

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

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

### **8.60.11 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 3.0m in *height* and 1.5m in *width* shall be provided and maintained along the southern property boundary.



Project Renderings













FRONT ELEVATION



REAR ELEVATION

1790 15TH STREET

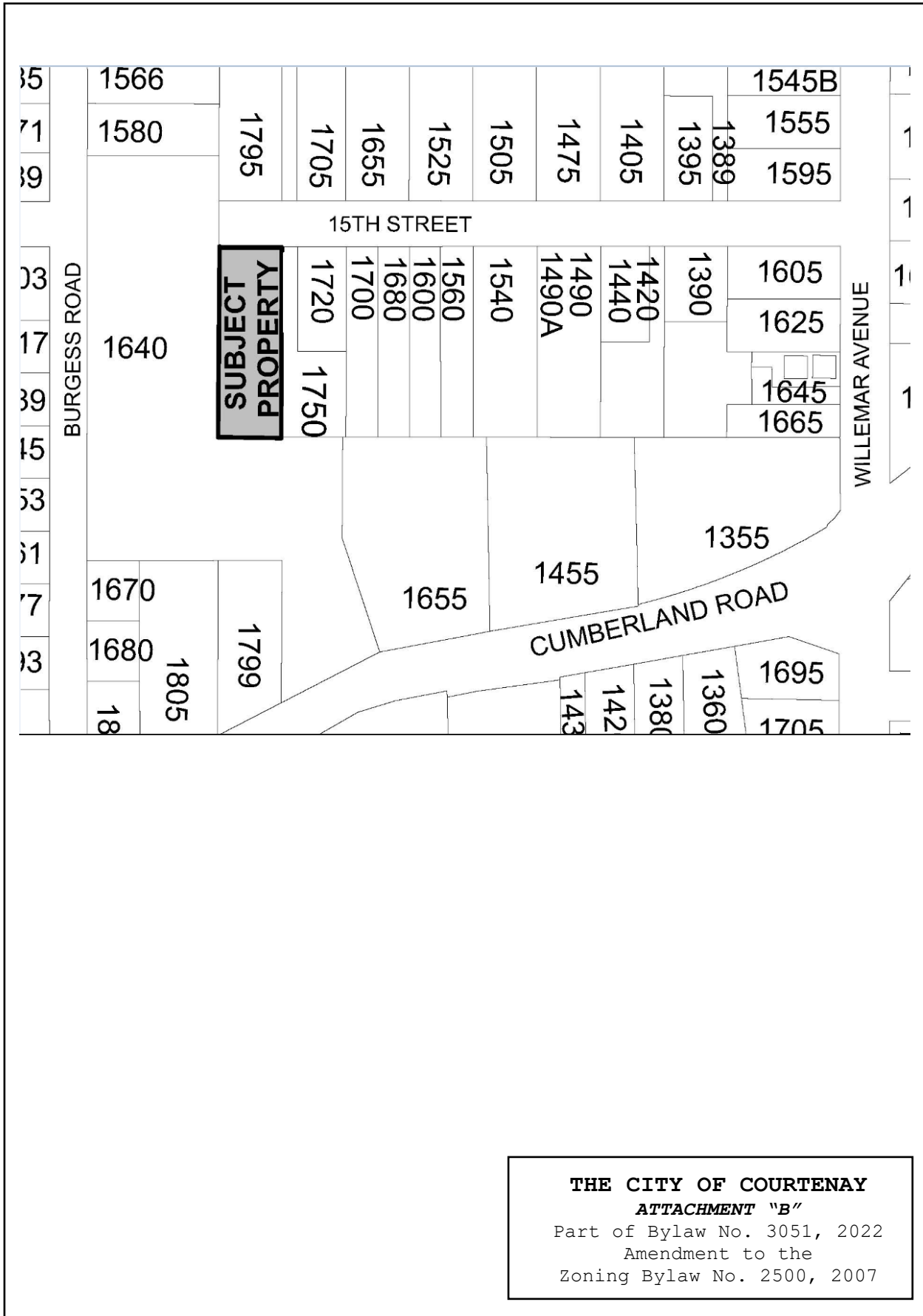


RIGHT ELEVATION



LEFT ELEVATION

1790 15TH STREET



**THE CITY OF COURTENAY**  
**ATTACHMENT "B"**  
 Part of Bylaw No. 3051, 2022  
 Amendment to the  
 Zoning Bylaw No. 2500, 2007

## Part 60 – Comprehensive Development Thirty-Five Zone (CD-35) (1790<sup>th</sup> Street)

### 8.60.1 Intent

The CD-35 Zone is intended to accommodate a strata development of two duplexes on the property legally described as Lot 8, District Lot 96, Comox District, Plan 6619. 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) *Duplex* dwellings
- (2) *Accessory* building and structures
- (3) *Home occupation*

### 8.60.5 Minimum Lot Size

A *lot* shall have an area of not less than 1250 m<sup>2</sup>

### 8.60.3 Minimum Lot Frontage

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

### 8.60.4 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.40.

### 8.60.6 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*: The *side yard setbacks* shall total 4.5 m with a minimum *side yard set back* on one side of 1.5 m.

### 8.60.7 Height of Building

Maximum *building height* shall be 10 m.

### 8.60.8 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.

### **8.60.9 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5m in *height*
- (2) Shall have a total building area not exceeding 50.0m<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 30.0m, whichever is less.
- (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 residence.
- (5) Shall not be located within 1.5, from the side and rear *lot line*.

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

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

### **8.60.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Par 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 1.5 m in *width* shall be provided and maintained along the southern property boundary.

**Justification**

In accordance with the Local Government Act (Sections 492 & 493), the Zoning Bylaw designates areas allowing temporary uses, and specifies 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:
  - a) Duration of the proposed temporary use including assurance that the use is temporary or seasonal in nature;
  - b) Map indicating the existing and surrounding land use;
  - c) Plan of the buildings or structures that may be used;
  - d) Potential conflict with residential land uses;
  - e) Potential impacts on Environmentally Sensitive Areas;
  - f) Provision of adequate servicing that meets City requirements; and
  - g) 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.



3075 **DIVISION 10 DEVELOPMENT PERMIT AREAS GUIDELINES**

As included in Schedule A (after page 290)

**DIVISION 11 ADOPTION**

**Part 1 Repeal of Previous Bylaws**

Bylaw No. 1427, being the "City of Courtenay Zoning Bylaw No. 1427, 1986", and all amending bylaws thereto, are hereby repealed.

**Part 2 Effective Date of Bylaw**

This Bylaw shall come into force and effect upon final adoption hereof.

Starr Winchester  
Mayor

John Ward  
Manager of Corporate Administration



# SCHEDULE A TO BYLAW NO. 3075

# 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 Official Community Plan (OCP).

1. Introduction and Context .....	2
2. General Exemptions .....	4
3. How to Use These Guidelines .....	5
4. Development Permit Areas .....	7
a. DPA-1: Commercial, Industrial, Mixed-Use Developments & Multi-Family Residences with Three or More Units .....	7
b. DPA-2: Intensive Residential Form & Character Development Permit Area for Duplexes, Detached Secondary Residences & Heritage Neighbourhoods, and Bare Land Stratas and Mobile Home Developments .....	27
c. DPA-3 Farm Protection .....	34
d. DPA-4 Environmental .....	38
e. DPA-5 Hazardous Conditions – Steep Slopes .....	56

## 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.
- **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.

Zoning Bylaw

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.

## 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, mixed-use developments and any multi-residential with three units or more.	Form and character guidelines contained within the Zoning Bylaw communicate urban design expectations, including for the purposes of commercial revitalization, energy and water conservation, greenhouse gas emissions reductions, and protection of farming for properties adjacent to agricultural lands. 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. Intensive residential development including: duplex, detached secondary residences, single-residential homes in areas with special heritage considerations as well as bare land stratas and mobile home parks.	
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;
- Single residential dwellings, except when in an Intensive Residential Development Permit Area (e.g. heritage neighbourhoods and as part of a bare land strata development).
- 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
  - 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, MIXED-USE DEVELOPMENTS & MULTI-FAMILY RESIDENCES WITH THREE OR MORE UNITS

## *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.

This category applies to all development proposals that contain commercial, industrial and mixed-uses as well as multi-residential buildings with more than three dwelling units. Within this category, additional guidelines are provided for a defined area of the downtown as shown on Map 1.

The designation and guidelines are integrated within this DPA in order to achieve a number of objectives. The designation and guidelines are in accordance with sections 488 (1) (a), (d), (f), (h), (i), and (j) of the Local Government Act.

## *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.
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.

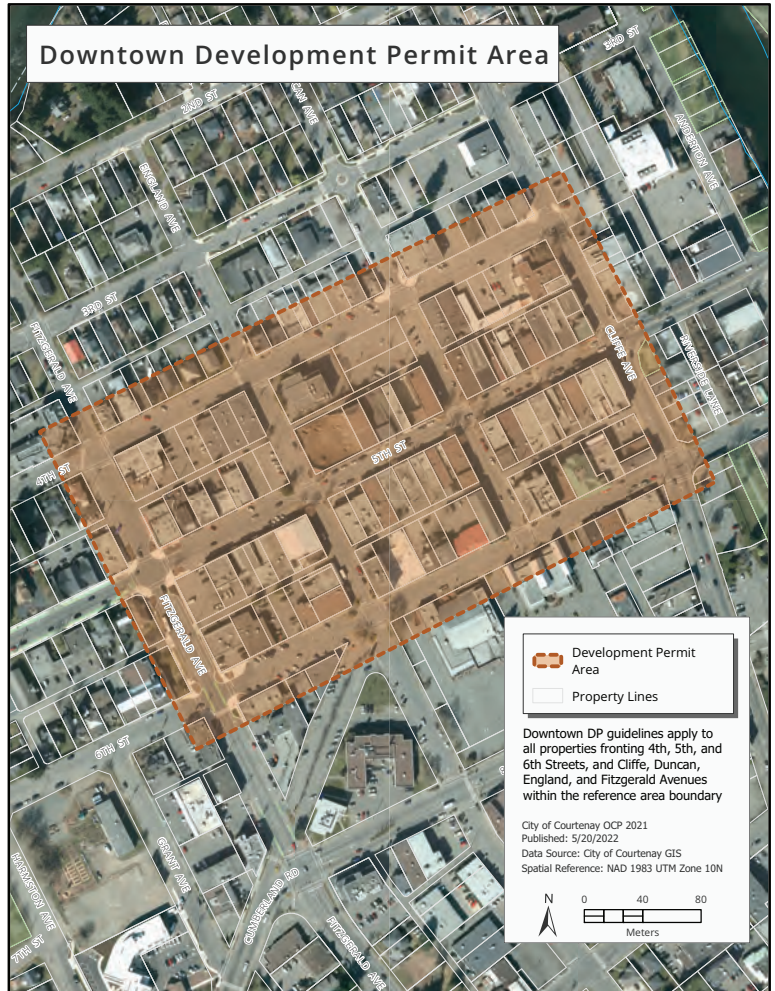
*On Lands with a Multi-Residential Component:*

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.

**Map 1** Downtown Development Permit Area



## 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).



Above two images: 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 net developable 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, 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. For all proposed planing zones:
  - a. Should prioritize the selection of local plants that provide habitat, nesting, pollinator, foraging, or other biodiversity benefits and are drought tolerant.



- b. Species adapted to future climate conditions shall be incorporated to the maximum extent possible.
  - c. Plantings should be provided in strategic locations to frame building entrances, soften edges, screen parking areas, and break up long façades.
  - d. 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.
  - e. 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, accesses shall be separated from traffic and parking or include traffic calming, pedestrian-supported measures.
78. Outdoor spaces should be located to maximize sunlight, 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 Downtown 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 2)*

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 INTENSIVE RESIDENTIAL FORM AND CHARACTER DEVELOPMENT AREA FOR DUPLEXES, DETACHED SECONDARY RESIDENCES, HERITAGE NEIGHBOURHOODS, AND BARE LAND STRATAS AND MOBILE HOME DEVELOPMENTS

## JUSTIFICATION:

This Development Permit Area is intended to ensure that new residential infill development achieves attractive, architecturally coordinated, and context-appropriate residential designs.

This category applies to all duplex and detached secondary residences as well as single-residential homes in areas with special heritage consideration (as shown on Maps 2 and 3) as well as bare land stratas and mobile home parks with three or more dwellings.

The designation and guidelines are integrated within this DPA in order to achieve a number of objectives. The designation and guidelines are in accordance with sections 488 (1) (a), (e), (h), (i), and (j) of the Local Government Act.

## *Objectives:*

1. To support housing choices and affordability in both established and new neighbourhoods while protecting existing character.
2. To enable intensive residential development, including duplexes and detached secondary residences, to enhance and evolve the neighbourhood's sense of community and place.
3. To ensure single-residential homes in areas with special heritage consideration reflect neighbourhood characteristics.

4. To contribute positively to the urban form of the city by establishing well defined streets, designing appropriately scaled buildings, activating building frontages, enhancing the public realm, and improving urban ecological functions.
5. To reduce energy and water consumption as well as greenhouse gas (GHG) emissions associated with the built environment.

## CONTENT ORGANIZATION:

The Intensive Residential Development Permit Area content is structured to provide comprehensive guidelines within the headings of:

- a. Duplexes
- b. Carriage Houses and other Detached Secondary Residences
- c. Bare land strata and mobile home developments with three or more dwellings

Additional guidelines are also provided for when developing these forms of residences, as well as single family residences, within specific heritage neighbourhoods.

**Map 2** Old Orchard and Terminal Addition Heritage Neighbourhood Development Permit Area



**Map 3** 40 Houses Heritage Neighbourhood Development Permit Area



## GUIDELINES

### *Duplexes*

1. Passive design strategies that take advantage of site-specific climatic conditions are encouraged wherever possible. Strategies may include, but not be limited to, building orientation and strategic placement of windows and awnings to achieve passive heating, cooling, and natural light objectives.
2. The primary façade of buildings should be oriented to face the fronting street(s).
3. Building design including the placement of windows, balconies, and doors shall ensure visual privacy between residences.
4. On corner lots, all street-facing elevations shall have an equal level of quality and design detailing. It is encouraged that an entrance to one unit is from the primary street and the entrance to the second unit is on the flanking street.
5. Where a laneway exists, parking shall be accessed from the lane.
6. For corner sites with no lane access, driveway access from the flanking street for one of the units is encouraged, subject to approval from the City Engineer.
7. Vehicle parking and access should be located at the side or rear and set back from the primary dwelling façade.
8. Parking and driveways shall 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.
9. Where applicable, detached parking garages should be located near the rear property line.
10. Garage entrances should be faced away from the street where possible.
11. Garages incorporated into the building structure should not project significantly beyond the front elevation.
12. Principal entrances to a residence shall be clearly defined using lighting, colour, paving texture, landscaping and enhanced architectural features, such as porches, patios, canopies, or recessed entryways.
13. The front of the building shall be articulated.
14. High-quality and a variety of siding types are required. Siding and building accents should include local building materials such as fir beams, cedar, and stone.



*Example of a duplex with significant façade articulation (guideline 13), and high-quality siding (guideline 14).*

15. Roofs should have articulated lines and be designed to reduce the appearance of bulk of the residence on upper floors.
16. Garage doors shall incorporate windows.
17. Side-by-side style duplexes shall be staggered.
18. For stacked style duplex units the staircase to the upper unit should be embedded within the building.
19. Private usable outdoor spaces shall be provided for each dwelling unit. Where possible, these should be located to the south or west to optimize solar exposure.
20. Shared parking areas located on a fronting street should contain a dividing landscape buffer between unit parking stalls.
21. To reduce impervious surfaces, driveways and parking areas shall use permeable paving material such as grassed cellular paving, porous pavers, or a comparable alternative.
22. Passive design strategies that take advantage of site-specific climatic conditions are encouraged wherever possible. Strategies may include, but not be limited to, building orientation and strategic placement of windows and awnings to achieve passive heating, cooling, and natural light objectives.
23. Secondary residences should be located to the rear of the property where appropriate and in keeping with the existing neighbourhood character.
24. Garage entrances should be faced away from the street where possible.
25. Garages incorporated into the building structure should not project significantly beyond the front elevation.
26. Garage doors shall incorporate windows.
27. Where applicable, detached parking garages should be located near the rear property line.
28. Vehicle parking and access should be located at the side or rear and set back from the primary dwelling façade.
29. Parking and driveways shall 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.
30. Where a laneway exists, parking shall be accessed from the lane.
31. Where a laneway exists, units located towards the rear of the property shall be oriented to face the laneway, and buildings entrances, lighting, landscaping, and materials shall be used to reinforce a safe and attractive public realm.
32. For corner sites with no lane access, driveway access from the flanking street is encouraged, subject to approval from the City Engineer.
33. Building design including the placement of windows, balconies, and doors shall ensure visual privacy between residences.
34. Buildings should have similar or complementary siding material and style to the primary dwelling on the property.

### ***Carriage Houses and Other Detached Secondary Residences***



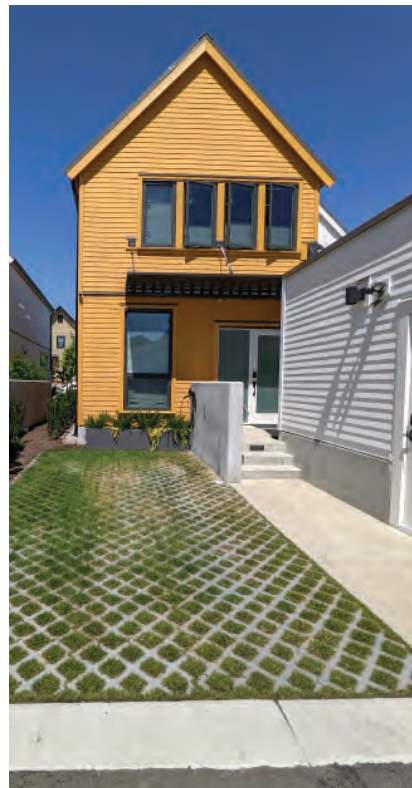
- 35. To reduce impervious surfaces, driveways and parking areas shall use permeable paving material such as grassed cellular paving, porous pavers, or a comparable alternative satisfactory to the City.
- 36. Windows and doors should be articulated with trim. Large expanses of glass are not supported.

### ***Additional Guidelines for Mobile Homes and Bare Land Stratas***

- 37. The design of the overall project shall be based on a comprehensive concept and shall give adequate attention to the attractive layout of the mobile or bare land strata 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.
- 38. Formalized pedestrian access shall be provided throughout the project to connect internal streets and parking areas with semi-private areas for residents, and to the public walkway system.
- 39. A street tree planting plan for internal streets that provides for appropriately selected species at approximately 15 metre intervals shall be provided.



*Example of parking and garage located respectively at the side and rear of a single-residential home (guideline 28).*



*Example of a pervious driveway treatment to allow for rainwater infiltration (guideline 35).*

## **ADDITIONAL GUIDELINES FOR PRIMARY AND SECONDARY RESIDENCES IN THE OLD ORCHARD & TERMINAL ADDITION NEIGHBOURHOODS** *(Map 2)*

40. Passive design strategies that take advantage of site-specific climatic conditions are encouraged wherever possible. Strategies may include, but not be limited to, building orientation and strategic placement of windows and awnings to achieve passive heating, cooling, and natural light objectives.
41. The orientation, scale, form, height, and materials proposed for a residence shall reflect and enhance heritage theme characteristics and neighbouring buildings.
42. On corner lots, all street-facing elevations shall have an equal level of quality and design detailing.
43. Vehicle parking and access should be located at the side or rear and set back from the primary dwelling façade.
44. Where a laneway exists, parking should be accessed from the lane.
45. Parking and driveways shall 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.
46. Garage entrances should be faced away from the street where possible.
47. Garages incorporated into the building structure should not project beyond the front elevation.



*Example of a number of design elements such as gables, verandas, and decorative shingles incorporated into a single-residential home to create architectural interest (guideline 48).*

48. 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.
49. The primary façade of principal buildings should be oriented to face the fronting street and/or public open space.
50. 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.
51. Design components that contribute to architectural interest shall be incorporated. These include multiple gables, dormers, bay windows, decorative shingles, wood trim, porches, and verandas.
52. Stepped or alternating front façades shall be considered to create a sense of scale, neighbourliness, and architectural interest.

53. The design and finishing around windows and exterior doors should visually enrich the building elevation. Windows and doors should be articulated with trim. Garage doors shall incorporate windows.
54. Front yard parking areas shall be adequately screened with landscaping or fencing.

61. Siding shall consist of wide plank horizontal wood or materials that resemble this effect.
62. Parking and driveways shall 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.
63. Properties shall contain a minimum of one tree.

## **ADDITIONAL GUIDELINES FOR PRIMARY AND SECONDARY RESIDENCES IN THE 40 HOUSES NEIGHBOURHOOD** *(Map 3)*

55. Passive design strategies that take advantage of site-specific climatic conditions are encouraged wherever possible. Strategies may include, but not be limited to, building orientation and strategic placement of windows and awnings to achieve passive heating, cooling, and natural light objectives.
56. Buildings shall be one storey.
57. Houses shall maintain the spatial relationship on the lot to the other houses in the development, including consistent front yard setbacks.
58. Houses shall maintain the simple rectangular massing of the development.
59. Low-pitch hipped roofs or single gable roofs shall be included.
60. Porch entries shall be minimal in keeping with the development.

# 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.

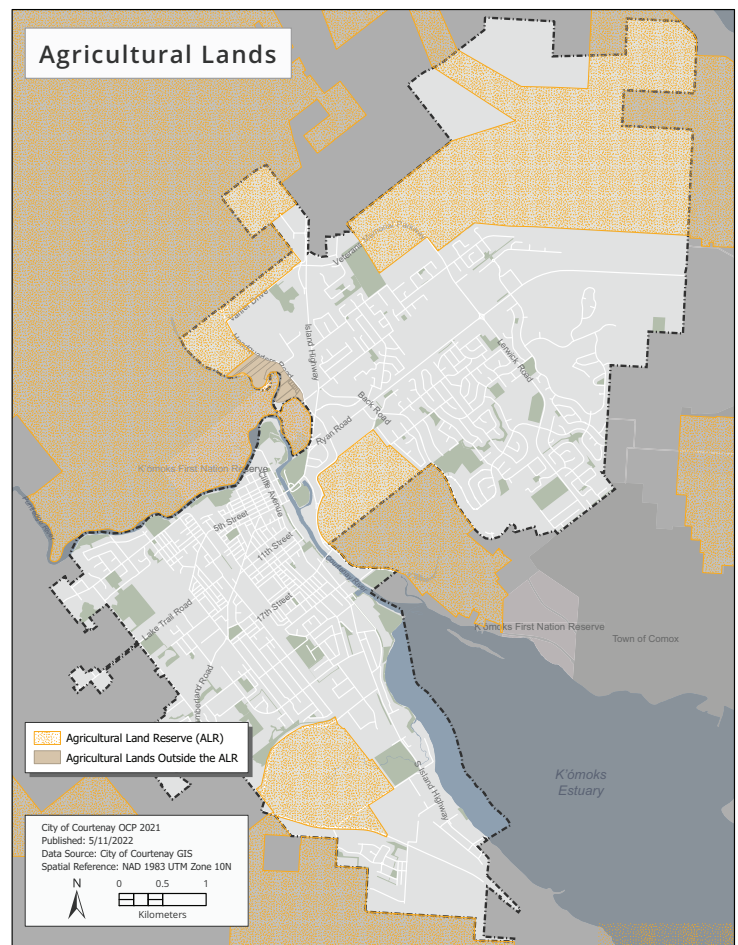
This category applies to all properties adjacent to agriculturally zoned lands, including lands adjacent to those within the Agricultural Land Reserve (ALR) (as shown on Map 4). This includes properties that are within 30 metres of agricultural lands.

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 5 and the Aquatic Environmentally Sensitive Map 6 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 6).
- **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 5).

- **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 5 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.

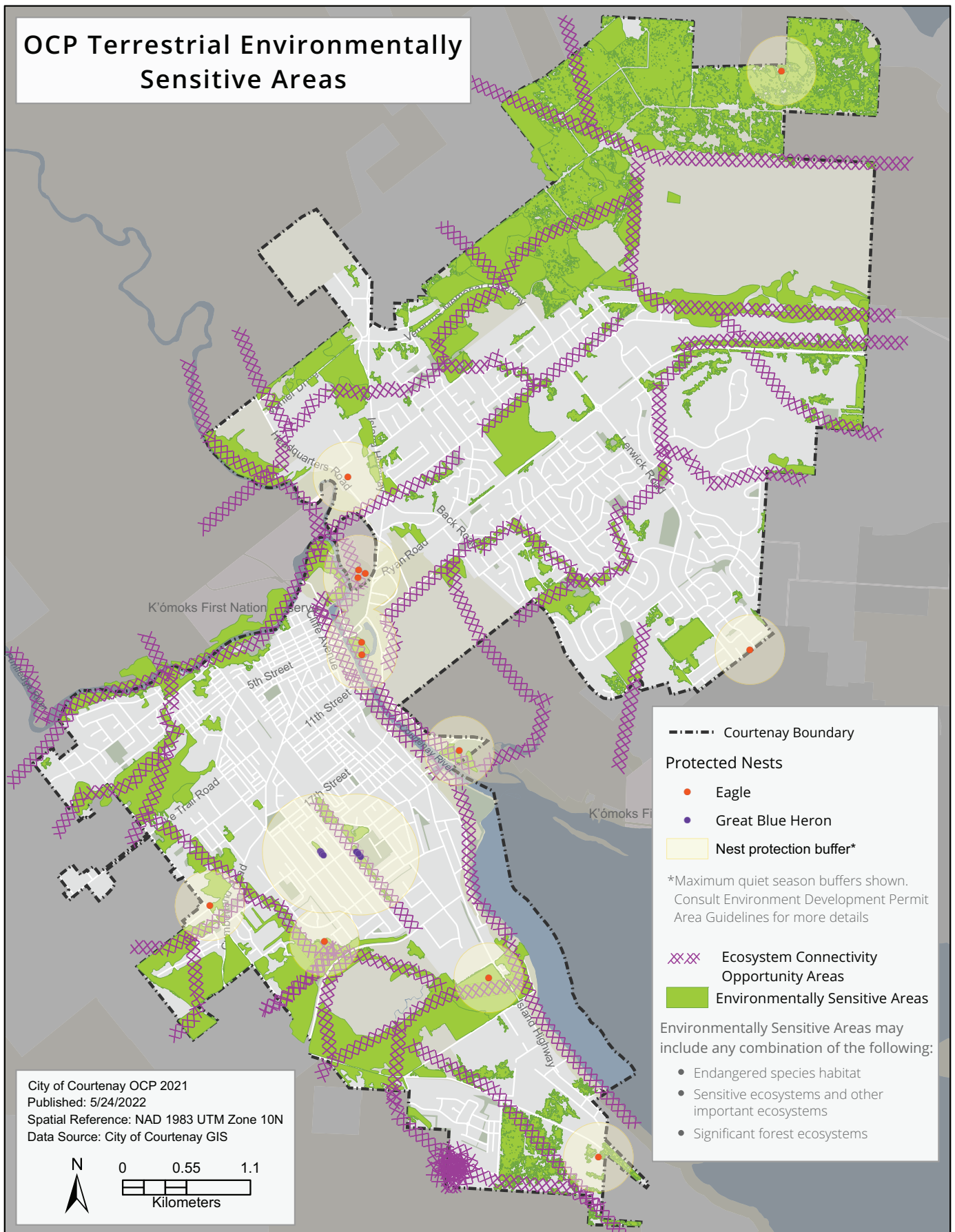
The designation and guidelines are in accordance with sections 488 (1) (a) of the Local Government Act.

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.

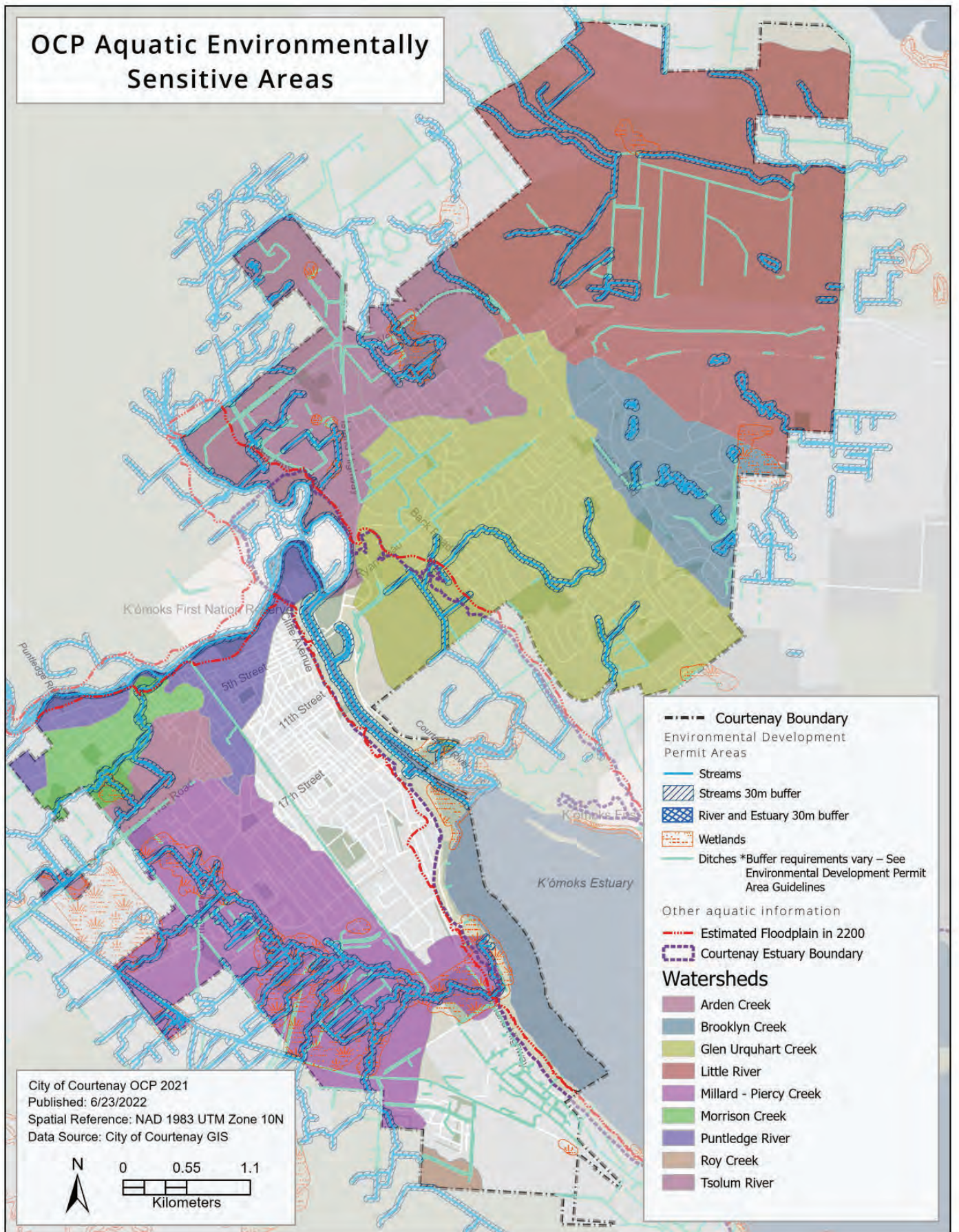
### **Objectives:**

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.



Map 6 Aquatic Environmentally Sensitive Areas.





## DESIGNATED AREAS & ACTIVITIES

The Environmental Development Permit Area (EDPA) 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, sand, 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 (ESA).**

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 Regulation, 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 Regulation, 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 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; and
  - 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 Environmentally Sensitive 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 buffers will be required for known fish-bearing ditches. Two (2) metre buffers will be required for non-fish-bearing ditches. Where it is unknown whether the stream contains fish or not, the five metre buffer 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, and if the development is subject to the Riparian Area Protection Regulation.





## 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 shall 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 Regulation 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.

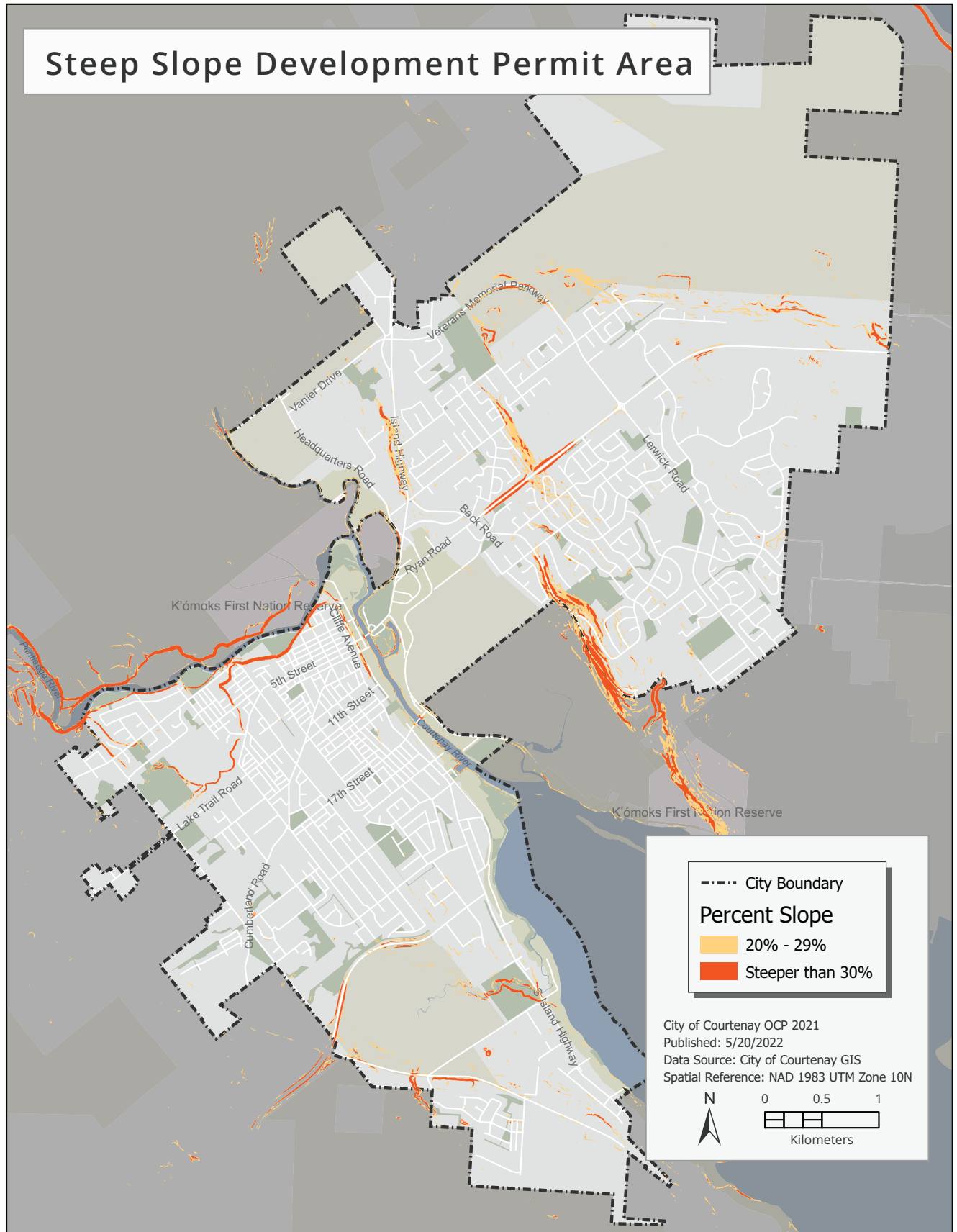
This category applies to all properties containing a slope of equal to or greater than 20% measured over a minimum horizontal distance of 10 metres (as shown on Map 7).

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(s) 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 shall be 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.