

TOWN OF COMOX

BYLAW 1850.45

A BYLAW TO AMEND COMOX ZONING BYLAW 1850

WHEREAS Council has the authority under the provisions of the *Local Government Act* to amend the Zoning Bylaw;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the “Comox Zoning Amendment Bylaw 1850.45”

2. Amendments

(1) Comox Zoning Bylaw 1850 is hereby amended as follows:

- a) Administration Section 2.7(2) Penalties is amended by adding the following rows sequentially:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlawful use – RM7.1 zone	212.1	\$250.00
Failure to comply with conditions – RM7.1 zone	212.2	\$250.00
Unlawful accessory buildings – RM7.1 zone	212.11	\$250.00

- b) Establishment of Zones, Section 4.1 Classification of Zones is amended by adding the following text under the heading Multi-Family Residential Zones and after RM5.2 Marine Plaza:

RM 7.1 TOWNHOUSE

- c) General Regulations is amended as follows:

- i) Section 5.3 Fences is amended by adding as subsection (6) the following text:

In the RM7.1 zone, no fences are permitted within a front and exterior side yard and no fence visible from the street shall exceed 1.5 metres in height.

- ii) Section 5.12 Projections into Required Setbacks is amended by:

- (1) Replacing subsection (2) with the following text:

Deck, stairs and landings less than 0.6 metres above immediately adjacent finished grade may be located up to 0.6 metres from a front, interior side, or exterior side lot line and up to 1.5 metres from a rear lot line in Residential, Multi-family Residential or Commercial zones, except as otherwise provided for in Section 5.12(13) for the RM7.1 zone.

- (2) Replacing subsection (3) with the following text:

In all zones other than the R1.4, R2.3, R3.4, R3.5, R3.6, R3.7, R3.8, R5.1, R5.2, I2.1, CD16, CD23, CD24, CD27, CD28, CD29, CD30; RM7.1, Area B of the CD 13 zone, as shown in Appendix A1; and Area A of the CD26 zone, as shown in Appendix "W", awnings, balconies, bay windows, canopies, chimneys, cornices, eaves, gutters, landings, leaders, ornamental features, pilasters, porches, sills, stairs, sunshades or steps may project up to 1.75 metres into a required front, rear or exterior side setback and up to 0.6 metres into a required interior side setback.

- (3) Adding as subsection (13) the following text:

In the RM7.1 zone:

- a) awnings, canopies, cornices, eaves, gutters, leaders, ornamental features, pilasters, sills, or sunshades may project up to 0.6 m into a required setback;
 - b) decks, patios, stairs, and landings less than 0.6 m above immediately adjacent finished grade, may project up to 1.5 metres into a required setback; and
 - c) balconies may project up to 1.0 metre into a required setback.
- d) Parking, Section 6.11 Location and Siting is amended by adding as subsection 6.11(2)(e) the following text:
- In the RM7.1 zone, parking and loading areas shall not be located within a front or exterior side yard.
- e) Parking, Section 6.15 Required Off-Street Parking Spaces Outside Downtown is amended by:
- i) Adding as subsection (4) the following text:

Notwithstanding section 6.15(3), for Lot 3, Block 1, Section 53, Comox District Plan 4032 for the Use: Dwelling, townhouse, the minimum required parking space is 1.375 per dwelling unit plus 0.125 per dwelling unit for visitors.

- f) Screening, Section 8.9 Above Ground Utility Boxes and Utility Transformers is amended by replacing section 8.9(1) with the following text:

Materials: Landscape material, hedge, or combination thereof, so as to be effective year round, or wrapping with Town of Comox approved image by certified installers.

- g) Schedule "A" is amended by adding as Section 212, RM7.1 Townhouse, as shown in **Schedule "1"**, which is attached to and forms part of this Bylaw;
- h) Schedule "B" (the Zoning Map) is amended by rezoning the property legally described as **LOT 3, BLOCK 1, SECTION 53, COMOX DISTRICT, PLAN 4032** shown shaded on **Schedule "2"** which is attached to and forms part of this Bylaw, from R1.1 Single-Family to RM7.1 Townhouse.

- (2) Comox Zoning Bylaw 1850 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of the bylaw.

3. Adoption

- (1) ADVERTISED A FIRST time this _____ day of _____, 2024
- (2) ADVERTISED A SECOND time this _____ day of _____, 2024
- (3) READ A FIRST time this _____ day of _____, 2024
- (4) READ A SECOND time this _____ day of _____, 2024
- (5) READ A THIRD time this _____ day of _____, 2024
- (6) ADOPTED this _____ day of _____, 2024

Mayor

Corporate Officer

BYLAW 1850.45

SCHEDULE "1"

212. RM 7.1 TOWNHOUSE

212.1 Permitted Uses:

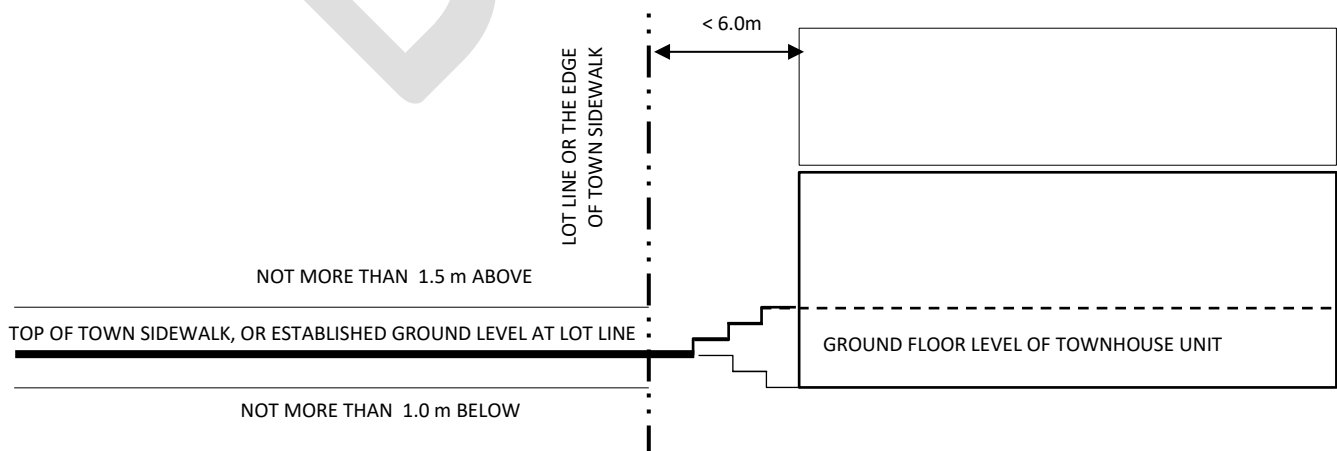
In the RM 7.1 zone, the following uses are permitted and all other uses are prohibited:

- (1) Accessory structures and uses,
- (2) Child care facilities
- (3) Home occupations
- (4) Townhouse dwellings
- (5) Two-Family dwellings

212.2 Conditions of Use:

- (1) The number of two-family dwelling units on a parcel shall not exceed 20% of all the dwelling units on the parcel. Where the calculation of 20% dwelling units results in a fractional number, the nearest whole number shall be used.
- (2) Townhouse and two-family dwelling units shall:
 - (a) have a ground floor located not more than 1.5 metres above or 1.0 metre below the top of an adjacent Town sidewalk in accordance with Figure 212-1 when located along a front or exterior side yard, and in the absence of a Town sidewalk, as measured from established ground level at the front or exterior side lot line; and
 - (b) section 212.2(2)(a) does not apply to dwelling units located 6.0 metres or more from an edge of a town sidewalk, and in the absence of a Town sidewalk, from a front or exterior side lot line.

Figure 212-1.



- (3) Garbage or recycling storage shall not be located within front or exterior side yard.

212.3 Density:

- (1) Density shall not be less than 30 units per hectare; and
- (2) Density shall not exceed 80 units per hectare.

212.4 Parcel Area:

Parcel area shall not be less than 1,500 square metres.

212.5 Parcel Frontage:

Parcel frontage shall not be less than 30.0 metres.

212.6 Parcel Depth:

Parcel depth shall not be less than 30.0 metres.

212.7 Parcel Coverage:

- (1) Parcel coverage shall not exceed 40%; and
- (2) Parcel coverage including parking areas, loading areas and driveways that are open sided and roofless shall not exceed 75%.

212.8 Height and Storeys:

Height shall not exceed 12.0 m and 3 storeys.

212.9 Required Setbacks:

(1) Front

- (a) For 5.0 metres as measured parallel to and at the front setback – Front setback shall not be less than 5.0 metres as shown in Figure 212-2;
- (b) Additional 212.9(1)(a) setback area shall be provided for every 60 metres of front lot line length, excluding lot lines that form a corner cut off or are within 6.0 metres of the intersection of two streets, other than a lane;
- (c) All other situations – Front setback shall not be less than 3.0 metres

(2) Rear

- (a) Rear setback shall not be less than 5.0 metres.

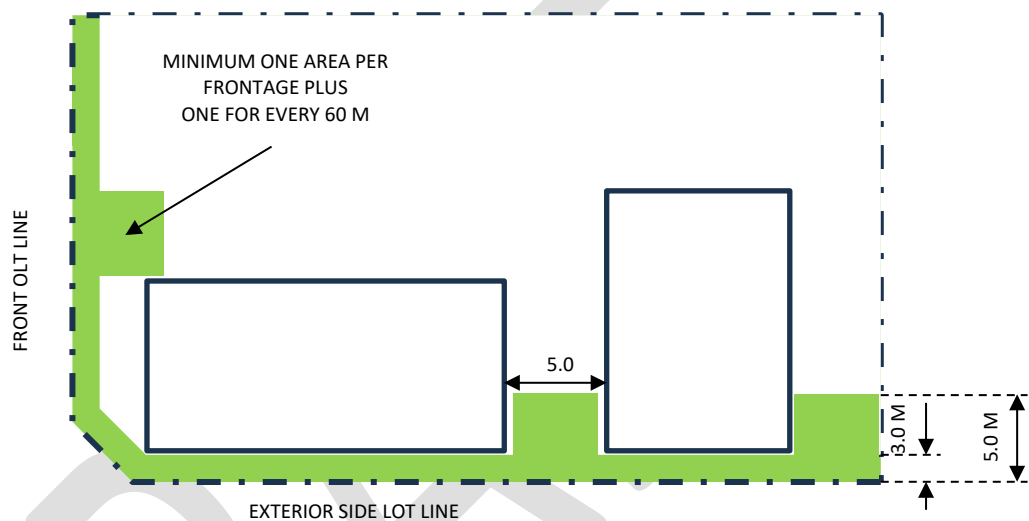
(3) Side-interior

- (a) Interior side setback shall not be less than 5.0 metres.

(4) Side-exterior

- (a) For 5.0 metres as measured parallel to and at the exterior side setback – Exterior side setback shall not be less than 5.0 metres as shown in Figure 212-2;
- (b) Additional 212.9(4)(a) setback area shall be provided for every 60 metres of exterior side lot line length, excluding lot lines that form a corner cut off or are within 6.0 metres of the intersection of two streets, other than a lane;
- (c) All other situations – Exterior side setback shall not be less than 3.0 metres.

Figure 212-2



- (3) Notwithstanding sections 212.9 (2) and (3) above, building setback from any lot lines shared with the Agricultural Land Reserve shall be not less than 15.0 metres.

212.11 Accessory Buildings

Accessory buildings shall:

- (1) Be excluded from required rear and interior side setbacks, provided that no accessory building is located closer than 2.0 metres to a rear or interior side lot line;
- (2) Not be located within front or exterior side yard;
- (3) Have a parcel coverage not exceeding 5%;
- (4) Not exceed 4.5 metres in height; and
- (5) Notwithstanding section 212.11(4) accessory buildings intended for exclusive use of individual dwelling unit: not exceed 6.5 m² in gross floor area per dwelling unit and not exceed 2.5 metres in height.

212.12 Screening

The following shall be screened in accordance with Section 8:

- (i) Above ground utility boxes and utility transformers;

- (ii) Garbage or recycling compounds and collection areas, unless enclosed in a building;
- (iii) Parcels abutting land within the Agricultural Land Reserve, in accordance with specifications in Appendix B1.

212.13 Off-Street Vehicle Parking and Loading

Off-street vehicles parking and loading shall be provided in accordance with Section 6.

212.14 Other Requirements:

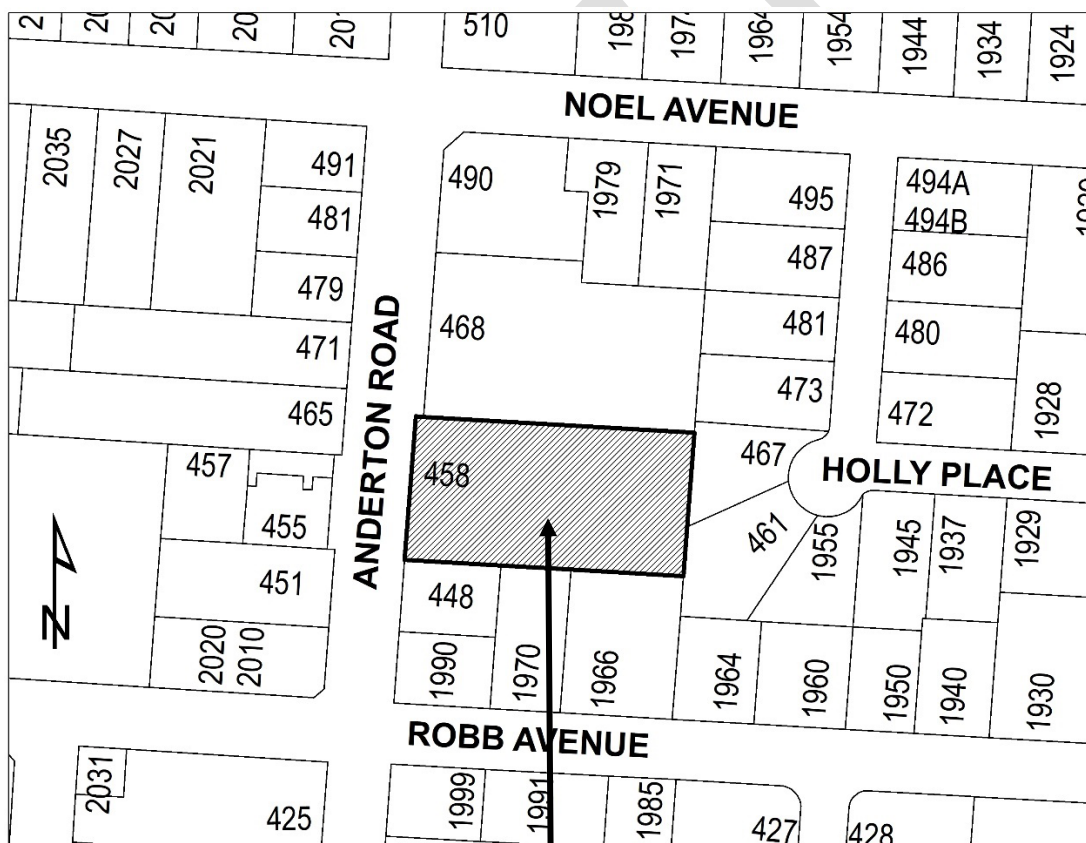
- (1) Overhead wiring shall not be permitted on a parcel. All new services on a parcel shall be placed underground.
- (2) Unoccupied open spaces shall be fully and suitably landscaped with landscape material; this does not include environmentally sensitive areas and required buffers where native planting is to be left undisturbed, including watercourse setbacks as specified in Section 5.19.
- (3) All buildings shall conform to Section 5.19, Watercourse Regulations.

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BYLAW 1850.45

SCHEDULE "2"

SUBJECT PROPERTY



Subject Property:
458 ANDERTON ROAD
PID 005-544-394
LOT 3, BLOCK 1, SECTION 53, COMOX DISTRICT, PLAN 4032