

TOWN OF COMOX

BYLAW 1850.48

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 1850.48”

2. Amendments

Comox Zoning Bylaw 1850 is hereby amended as follows:

A. Section 2.7(2) Penalties is amended by adding the following:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Failure to comply with regulations – RM6.1 zone	211	\$250.00
Failure to comply with regulations – RM7.1 zone	213	\$250.00

B. Section 3.2, Definitions, is amended by:

(1) Adding alphabetically the following text:

Greenway

A street or portion thereof that is:

(a) 6.0 metres or more in width, restricted to pedestrian or bicycle use, or

(b) used for stormwater retention or detention pond maintenance access.

(2) Replacing the following text:

i. Exterior Side Lot line

A lot line other than a front or rear lot line, which abuts a street; does not include a lot line which abuts a lane.

with

Exterior Side Lot line

A lot line other than a front or rear lot line, which abuts a street; does not include a lot line which abuts a lane or greenway.

ii. Exterior Side Yard

A side yard which abuts a street other than a lane

with

Exterior Side Yard

A side yard which abuts a street other than a lane or greenway.

iii. Front Lot Line

A lot line common to a parcel and a street other than a lane. Where a parcel abuts two or more streets, only the street with the shortest length along the parcel shall be used to determine front lot lines. Where a parcel does not abut a street, lot lines from which common vehicle access is provided shall be deemed to be common to a street. Notwithstanding the above, for parcels next to the sea, *front lot line* is defined as a lot line next to the sea.

with

Front Lot Line

A lot line common to a parcel and a street other than a lane or greenway. Where a parcel abuts two or more streets, only the street with the shortest length along the parcel shall be used to determine front lot lines. Where a parcel does not abut a street, lot lines from which common vehicle access is provided shall be deemed to be common to a street. Notwithstanding the above, for parcels next to the sea, *front lot line* is defined as a lot line next to the sea.

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

**RM 6.1 APARTMENT
RM 7.1 TOWNHOUSE**

D. General Regulations, Section 5 is amended as follows:

(1) Section 5.3 Fences is amended by:

- i. Adding as subsection (5) the following text:

In RM6.1 zone, no fences are permitted within a front and exterior side yard, as shown in Figure 5-2.

- ii. Adding as subsection (6) the following text:

In the RM7.1 zone, no fences are permitted withing a front and exterior side yard, as shown in figure 5-2, and no fence visible from the street shall exceed 1.5 metres in height.

(2) Section 5.12 Projections into Required Setback is amended by:

- i. 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 the RM6.1, RM6.2 and RM7.1 zones.

- ii. Replacing subsection (3) with the following text:

In all zones other than the R1.0, R1.2, R3.4, R3.5, R3.6, R3.7, I2.1, CD16, CD27, CD28, CD29, CD30; RM6.1, RM6.2 and RM7.1, 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.

- iii. adding as subsection (12) the following text:

In the RM6.1 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.

iv. Adding as subsection (13) the following text:

In the RM7.1 zone:

- d) awnings, canopies, cornices, eaves, gutters, leaders, ornamental features, pilasters, sills, or sunshades may project up to 0.6 m into a required setback;
- e) 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
- f) balconies may project up to 1.0 metre into a required setback.

E. Section 6 Parking and Loading is amended by:

(a) adding as subsection 6.11(2)(e) the following text:

In the RM6.1 and RM7.1 zones, parking and loading areas shall not be located within a front or exterior side yard.

F. Section 7, Class I and Class II Bicycle Parking Spaces is amended by replacing Section 7.3 with the following text:

Required Bicycle Parking Spaces for Downtown and RM6.1 and RM7.1 zones

The following applies to all lands shown shaded in Appendix "S" and all lands zoned RM6.1 and RM7.1:

- (1) Class I and Class II bicycle parking spaces shall be provided in accordance with the requirements in Sections 7.6(1) and 7.8(1). In the case of a use not specifically mentioned, the required Class I and Class II bicycle parking spaces shall be the same as for the most comparable use.
- (2) At the option of the owner or occupier of a parcel, structure, or part thereof, rather than provide the Class I bicycle parking spaces in accordance with

Section 7.3(1), the owner or occupier may pay to the Town the sum of \$2,000.00 for each bicycle parking space not provided.

- (3) The monies referred to in Section 7.3(2) are payable in accordance with the provisions of the *Local Government Act* of British Columbia, for the purpose of providing transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
- (4) Transportation infrastructure provided under Section 7.3(3) shall not be available on a reserved or dedicated basis.

G. 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.

H. Schedule "A" is amended by:

- (a) adding as Section 211 the RM 6.1 Apartment zone, as shown in Schedule "1", which is attached to and forms part of this Bylaw;
- (b) adding as Section 213 the RM7.1 Townhouse zone, as shown in **Schedule "2"**, which is attached to and forms part of this Bylaw;

I. Comox Zoning Bylaw 1850, Schedule "B" (the Zoning Map) is hereby amended by:

1. Rezoning the northern portion of the of the property legally described as **LOT 4 DISTRICT LOT 170 COMOX DISTRICT PLAN VIP60685** (2123 Hector Road), shown shaded on Schedule "3" which is attached to and forms part of this Bylaw,

from R3.3 Single-Family – Large Lot
to RM 6.1 Apartments
2. Rezoning the southern portion of the of the property legally described as **LOT 4 DISTRICT LOT 170 COMOX DISTRICT PLAN VIP60685** (2123 Hector Road), shown shaded on Schedule "4" which is attached to and forms part of this Bylaw,

from R3.3 Single-Family – Large Lot
to RM 7.1 Townhouses

- J. 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 18th day of September, 2024
- (2) ADVERTISED A SECOND time this 25th day of September, 2024
- (3) READ A FIRST AND SECOND time this th day of , 2024
- (4) READ A THIRD time this day of , 2024
- (5) ADOPTED this day of, 2024

Mayor

Corporate Officer

BYLAW 1850.48

SCHEDULE "1"

RM 6.1 Apartment zone

DRAFT

211. RM 6.1 APARTMENT

211.1 Permitted Uses:

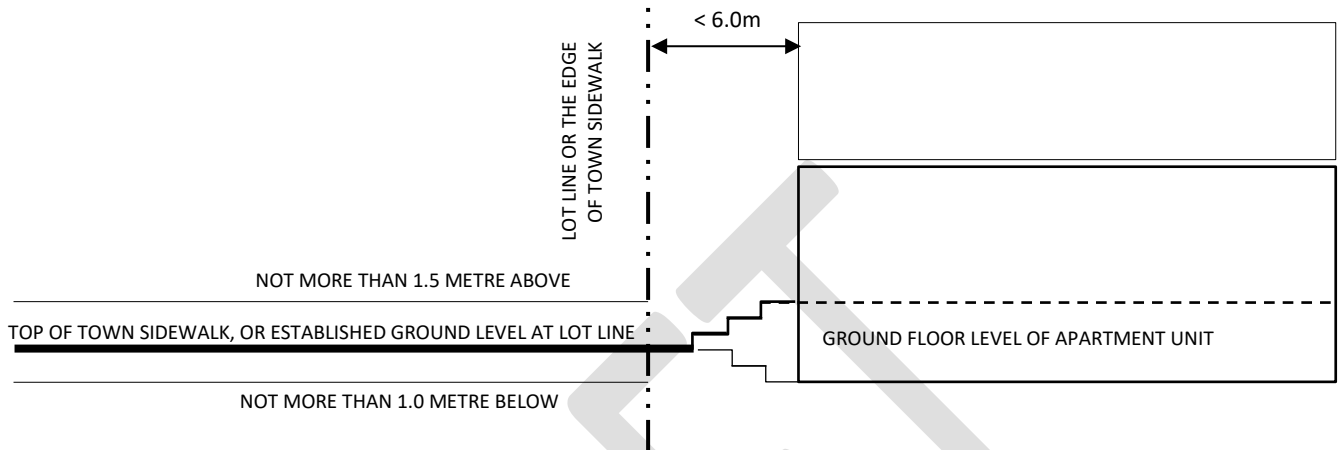
In the RM 6.1 zone, the following uses are permitted, and all other uses are prohibited:

- (1) Accessory structures and uses, excluding:
 - (i) Buildings other than those used for dwelling unit accessory or child care facility uses; and
 - (ii) Outside storage
- (2) Apartment dwellings
- (3) Child care facilities
- (4) Home occupations
- (5) Townhouse dwellings

211.2 Conditions of Use:

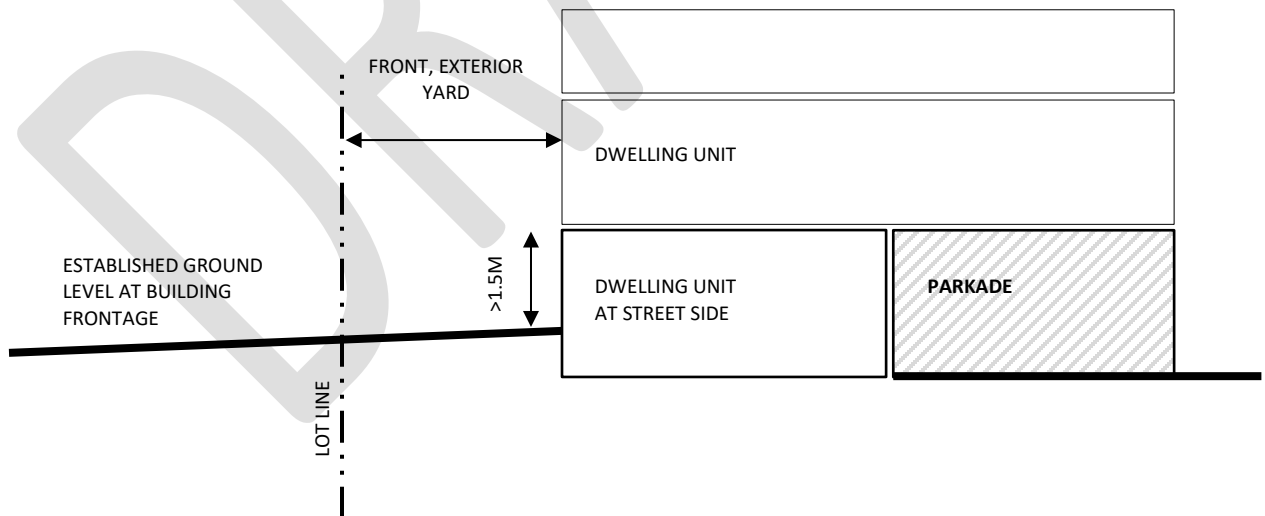
- (1) All permitted uses shall be located within a portion of a building, completely enclosed by exterior walls, except for landscape material, childcare facilities, accessory structures and accessory uses.
- (2) Child care facilities shall be located on the ground floor of an apartment building or accessory building.
- (3) Townhouse dwelling units shall:
 - (a) only be located within an apartment building;
 - (b) not be located above or below another townhouse dwelling unit; and
 - (c) not be located above a second storey of an apartment building.
- (4) Not less than 25% of all dwellings units on a parcel shall include 2 or more bedrooms. Where the calculation of 25% of dwelling units results in a fractional number, the nearest whole number shall be used.
- (5) Apartment and townhouse 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 211-1 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 211.2(5)(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 211-1.



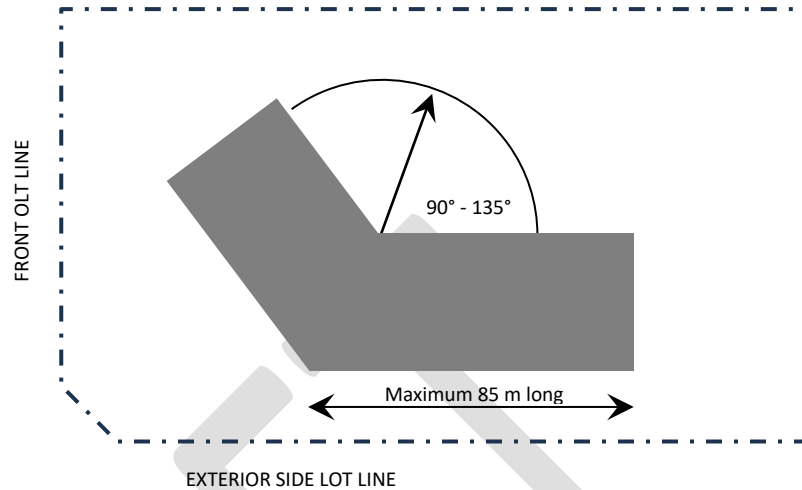
- (6) Along a front or exterior side yard, parking located within a building at or more than 1.50 metres above the established ground level shall be screened from the street by dwelling units in accordance with Figure 211-2.

Figure 211-2.



- (7) Residential building length shall:
 - (a) not exceed 85 metres in length, including projections; and
 - (b) where a directional turn of 90° to 135° degrees is provided; no section of a residential building shall exceed 85 metres in length, as shown in Figure 211-3.

Figure 211-3.



- (8) Garbage and recycling storage, and accessory uses such as dog runs and community gardens shall not be located within front or exterior side yard.

211.3 Density:

- (1) Density shall not be less than 55 units per hectare;
- (2) Density shall not exceed 80 units per hectare;
- (3) Notwithstanding 211.3(2), where not less than 40 % of total on-site parking is provided underground or within a residential building footprint, density shall not exceed 150 units per hectare; and
- (4) Notwithstanding 211.3(2), where in excess of 80 % of total on-site parking is underground parking or provided within a building footprint – density N/A.

211.4 Parcel Area:

Parcel area shall not be less than 3,500 square metres.

211.5 Parcel Frontage:

Parcel frontage shall not be less than 50.0 metres.

211.6 Parcel Depth:

Parcel depth shall not be less than 50.0 metres.

211.7 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%.

211.8 Height and Storeys:

Height shall not exceed:

- (1) 16.0 m for buildings up to 4 storeys; and
- (2) 12.0 m for buildings up to 3 storeys.

211.9 Required Setbacks

(1) Front

- (a) For 9.0 metres as measured parallel to and at the front setback – Front setback shall not be less than 9.0 metres in accordance with Figure 211- 4;
- (b) Additional 211.9(1)(a) setback area shall be provided for every 100 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; and minimum spacing between the multiple 9.0 metres setback areas shall be 20.0 metres;
- (c) All other situations – Front setback shall not be less than 3.0 metres.

(2) Rear

- (a) Rear setback shall not be less than 9.0 metres; and
- (b) Notwithstanding 211.9(2)(a), for building elevations measuring 25.0 metres or less in width along the rear yard – Rear setback shall not be less than 5.0 metres, in accordance with Figure 211- 5.

(3) Side -interior

- (a) Interior side setback shall not be less than 9.0 metres; and
- (b) Notwithstanding 211.9(3)(a), for building elevations measuring 25.0 metres or less in width along the interior side yard – Interior side setback shall not be less than 5.0 metres, in accordance with Figure 211- 5.

(4) Side - exterior

- (a) For 9.0 metres as measured parallel to and at the exterior side setback – Exterior side setback shall not be less than 9.0 metres in accordance with Figure 211- 4;
- (b) Additional 211.9(4)(a) setback area shall be provided for every 100 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; and minimum spacing between the multiple 9.0 metres setback areas shall be 20.0 metres;
- (c) All other situations – Exterior side setback shall not be less than 3.0 metres.

Figure 211-4.

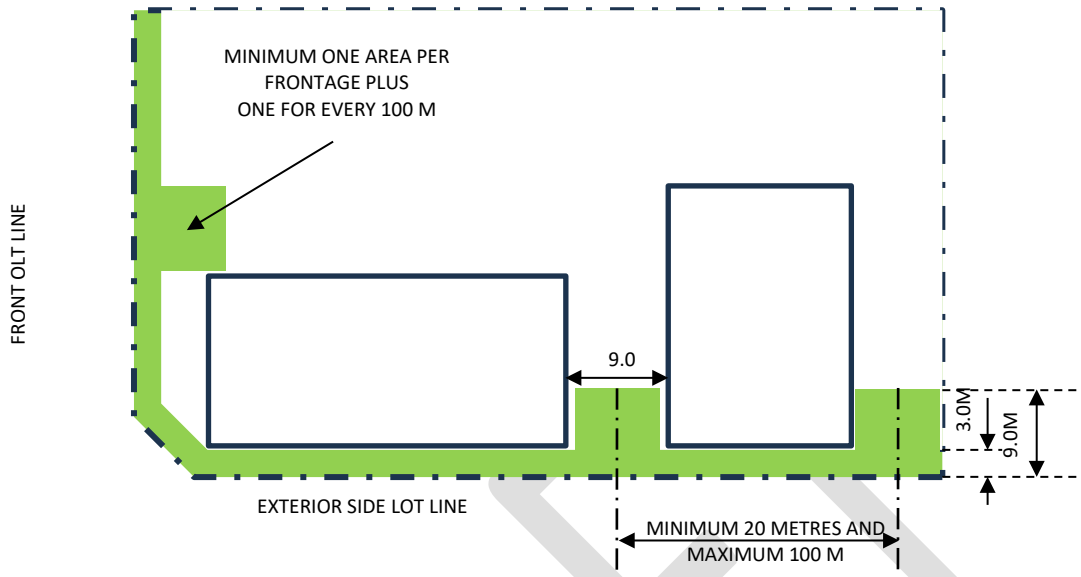
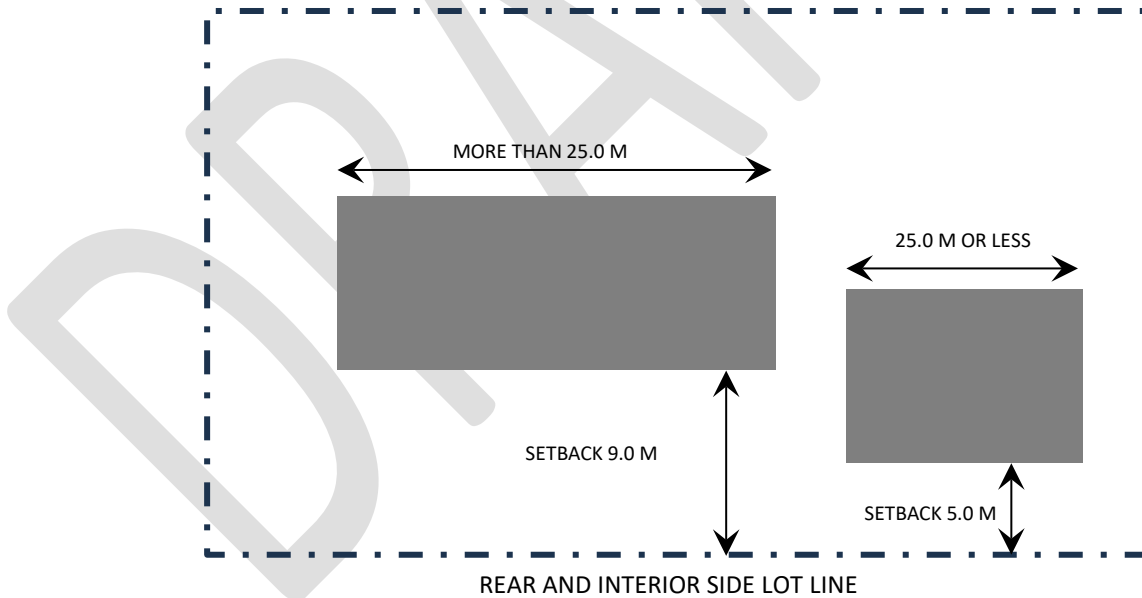


Figure 211-5



- (5) Notwithstanding sections 211.9 (1) to (4), where a parcel abuts a greenway that is not less than 10.0 metres in width, the setback from a lot line abutting a greenway shall be not less than 5.0 metres.
- (6) Notwithstanding section 211.9, building setback from any lot lines shared with the Agricultural Land Reserve shall be not less than 15.0 metres.

211.10 Accessory Buildings and Structures

Accessory Buildings shall:

- (1) Not be located within front or exterior side yard;
- (2) have a parcel coverage not exceeding 5%;
- (3) Not exceed 9.0 metres and 2 storeys in height, for accessory buildings used for multi-family amenity and recreation; and
- (4) Not exceed 4.5 metres in height, for other accessory buildings.

211.11 Screening

- (1) Along a front or exterior side yard, parking located within a building more than 0.6 metres but less than 1.50 metres above finished grade at building frontage shall be screened from streets by vegetation and landscaping.
- (2) The following shall be screened in accordance with Section 8:
 - (a) Off-street parking and loading areas;
 - (b) Above ground utility boxes and utility transformers;
 - (c) Garbage or recycling compounds and collection areas, unless enclosed in a building;
 - (d) RM6.1 zoned parcels from abutting Residential zoned parcels; and
 - (e) Parcels abutting land within the Agricultural Land Reserve, in accordance with specifications in Appendix B1.

211.12 Off-Street Vehicle Parking and Loading

- (1) Off-street vehicles parking and loading shall be provided in accordance with Section 6;
- (2) No more than one driveway per street frontage shall be permitted on a parcel;
- (3) Internal driveways shall not exceed 6.0 metres in width.

211.13 Off-Street Bicycle Parking

- (1) Off-street parking for bicycles shall be provided in accordance with Section 7; and
- (2) Notwithstanding Section 7, Class II bicycle rooms may be provided within individual storage units located on either the ground level or underground parkade level of an apartment building with direct access to the outdoors.

211.14 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 1850.48

SCHEDULE "2"

RM 7.1 Townhouse zone

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213. RM 7.1 TOWNHOUSE

213.1 Permitted Uses:

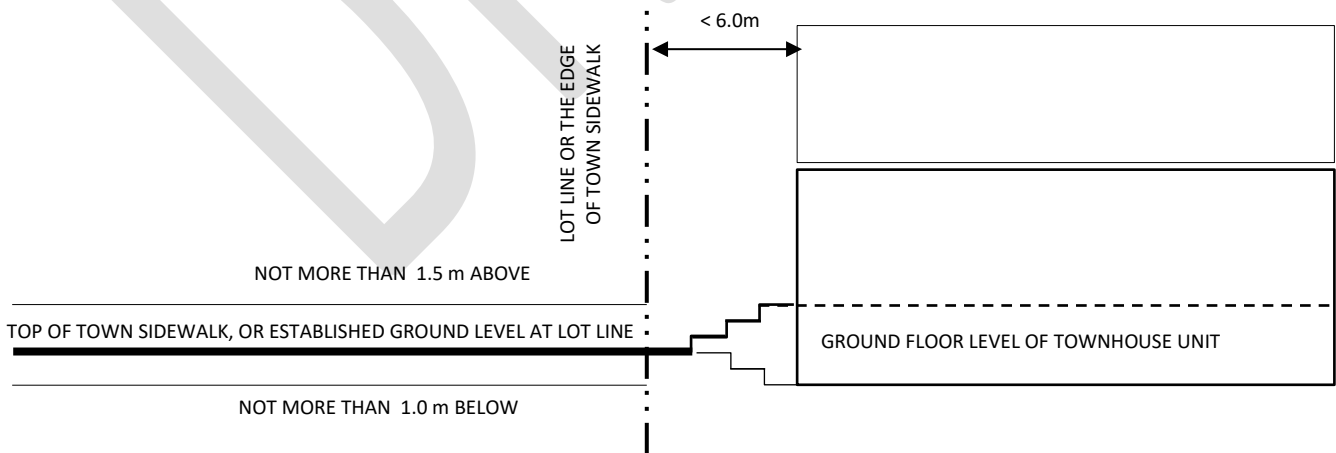
In the RM 7.1 zone, the following uses are permitted and all other uses are prohibited:

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

213.2 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:
 - (c) 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 213-1 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
 - (d) section 213.2(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 213-1.



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

213.3 Density:

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

213.4 Parcel Area:

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

213.5 Parcel Frontage:

Parcel frontage shall not be less than 30.0 metres.

213.6 Parcel Depth:

Parcel depth shall not be less than 30.0 metres.

212.7 Parcel Coverage:

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

213.8 Height and Storeys:

Height shall not exceed 12.0 m and 3 storeys.

213.9 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 213-2;
- (b) Additional 213.9(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.

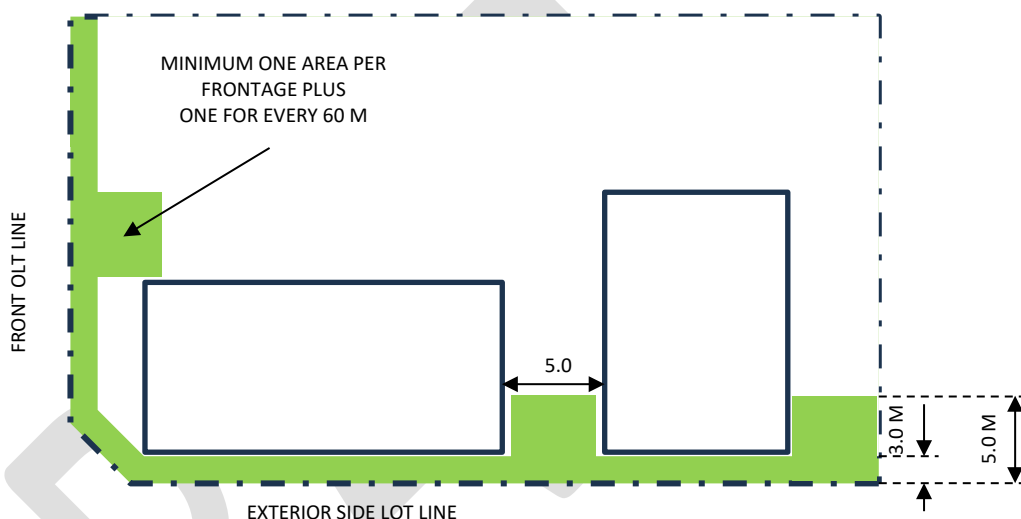
(3) Side-interior

- (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 213-2;
- (b) Additional 213.9(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 213-2



- (5) Notwithstanding sections 213.9 (2) and (3) above, building setback from any lot lines shared with the Agricultural Land Reserve shall be not less than 15.0 metres.

213.11 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 213.11(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.

213.12 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.

213.13 Off-Street Vehicle Parking and Loading

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

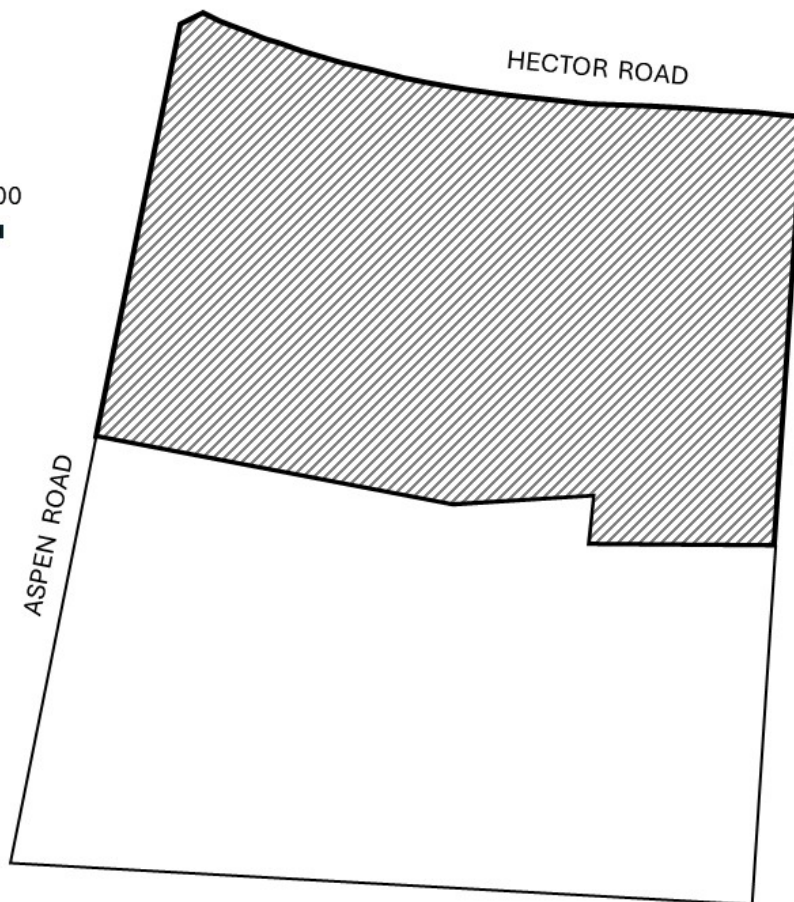
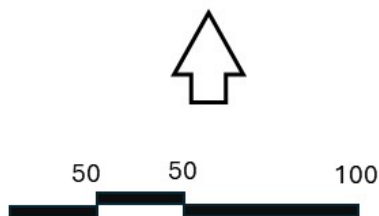
213.14 Other Requirements:

- (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.

BYLAW 1850.48

SCHEDULE "3"

**Northern portion of
2123 Hector Road
PID 023-020-148
LOT 4 DISTRICT LOT 170 COMOX DISTRICT PLAN VIP60685**



BYLAW 1850.48

SCHEDULE "4"

**Southern portion of
2123 Hector Road
PID 023-020-148
LOT 4 DISTRICT LOT 170 COMOX DISTRICT PLAN VIP60685**

