



The Corporation of the City of Courtenay

Bylaw No. 3135

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembles enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 3135, 2024 (small-scale, multi-unit housing).**”

2. That “Zoning Bylaw No. 2500, 2007” be amended by:

(a) **AMENDING DIVISION 3 INTERPRETATION Part 1 Definitions** by:

(i) **DELETING**

~~“**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;~~

And

REPLACING the above noted definition with:

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

(ii) **DELETING**

~~“**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.~~

And

REPLACING the above noted definition with:

“dwelling, duplex” means a building consisting of two dwelling units structurally adjoined back-to-front, side-by-side, or one above the other, and for certainty does not include a building that only contains a principal dwelling unit that contains a secondary suite.

(iii) **DELETING**

~~“**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;~~

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And

REPLACING the above noted definition with:

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

(iv) ADDING A NEW DEFINITION

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

(v) DELETING

~~***“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 90m² 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 m² in lot area.~~

~~***“secondary suite” means a dwelling unit which is accessory to the principle use being made of 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;~~

And

REPLACING the above noted definitions with:

“secondary suite” means a dwelling unit which is:

- (a) accessory to the principal use being made of the lot upon which the secondary suite is located, and***
- (b) located within a building of residential occupancy.***

(vi) DELETING

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

- ~~(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.***~~

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~~(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.~~

And

REPLACING the above noted definition with:

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

(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 and may be an interior side yard which abuts the side lot line of an adjacent lot, or an exterior side yard which abuts a street. The width of the side yard shall mean the distance from the side lot line to a line drawn parallel to it.

(b) AMENDING DIVISION 6 GENERAL REGULATIONS by:

i) DELETING Part 6 Siting Exemptions Section 6.6.1.

~~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.~~

And

REPLACING the above noted Section with a new Section 6.6.1.

6.6.1. Where chimneys, cornices, leaders, gutters, pilasters, sills, decks, posts, landings or similar 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

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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.

ii) ADDING A NEW SECTION 6.19.1.

6.19.1. The following conditions shall apply to Secondary Suites and Accessory Dwelling Units:

(i) Not more than one (1) Secondary Suite and one (1) Accessory Dwelling Unit shall be permitted as accessory to a dwelling on a lot where such principal uses are permitted, subject to all other regulations in this Bylaw, and as may be governed by the development regulations of a particular zone.

(ii) No subdivision of a Secondary Suite or Accessory Dwelling Unit shall be permitted.

(iii) The minimum floor area of a Secondary Suite or Accessory Dwelling Unit shall not be less than:

(a) 30 m² for a studio unit;

(b) 45 m² for a one bedroom unit;

(c) 65 m² for a two bedroom unit;

(d) 85 m² for a three bedroom unit.

(iv) An Accessory Dwelling Unit shall not exceed the lesser of 6.5 m in height or the height of the principal residence, unless otherwise specified in the development regulations of a particular zone. Where the width of a dormer or dormers exceeds 50% of the width of the roof on which they are located, the height of the building will be measured to the top of the dormer or to the top of the main roof, whichever is greater.

(v) Parking shall be in conformance with the regulations of this Bylaw.

(vi) Where a Secondary Suite or Accessory Dwelling Unit is permitted, a minimum area of 20 m² of private amenity space shall be provided per dwelling unit. The private amenity space shall have a direct connection to the habitable space and be defined and screened through the use of landscaping such as: plantings, architectural elements such as a trellis, low fences, planters or changes in elevation.

(vii) A lighted pathway is required from the on-site Secondary Suite or Accessory Dwelling Unit parking stall(s) to the entrance door of the Secondary Suite or Accessory Dwelling Unit, provided that the lighting does not shine directly on adjoining properties or interfere with the effectiveness of any traffic control device.

(c) AMENDING DIVISION 7 OFF STREET PARKING AND LOADING Part 7 General Requirements by:

i) ADDING A NEW SECTION 7.1.13. as follows:

7.13.1. Parking Reductions within the Walkable Areas

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

And

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ADDING A NEW SCHEDULE 7F Walkable Areas to the list of Schedules in DIVISION 7 after Schedule 7E as shown in Schedule C of this Bylaw.

ii) AMENDING Schedule 7A Required Number of Off-Street Parking Spaces

A. Residential Uses

(1) DELETING

~~*Bed and Breakfast – 2 spaces per dwelling unit and 1 space for each sleeping use used for Bed and Breakfast.*~~

And

REPLACING the above noted Subsection with

Bed and Breakfast – 1 space per dwelling unit and 1 space for each sleeping use used for Bed and Breakfast.

And

(2) DELETING

~~*Granny Flat or Carriage House – 1 space per dwelling unit*~~

And

REPLACING the above noted Subsection with

Accessory Dwelling Unit – 1 space per dwelling unit.

(3) ADDING

R-SSMUH - 1 space per dwelling unit

(d) AMENDING DIVISION 8 CLASSIFICATION OF ZONES by:

i) DELETING the following zone classifications from the table:

Zone Classification	Short Title	Lot Size	Description
Residential One	R-1	650 m ²	Single Residential
Residential One-B	R-1B	850 m ²	Single Residential

Zone Classification	Short Title	Lot Size	Description
Residential One-C	R-1C	2500 m ²	Single Residential
Residential One-D	R-1D	500 m ²	Single Residential
Residential One-E	R-1E	300 m ²	Single Residential, Carriage House, Secondary Residential
Residential One-S	R-1S	650 m ²	Single Residential

Residential Two	R-2	750 m ² 900 m ²	Duplex, Carriage House, Secondary Residential
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Residential Two A-B	R-2A	730 m ² 900 m ²	Duplex, Carriage House, Secondary Residential
Residential Two B	R-2B	365 m ² 420 m ² 550 m ²	Duplex, Carriage House, Secondary Residential

Rural Residential One	RR-1	1250 m ²	Rural Single Residential
Rural Residential Two	RR-2B	1850 m ²	Rural Single Residential
Rural Residential Two S	RR-2S	1850 m ²	Rural Single Residential
Rural Residential Three	RR-3	2000 m ²	Rural Single Residential
Rural Residential Four	RR-4	2000 m ²	Rural Single Residential
Rural Residential Five	RR-5	4000 m ²	Rural Single Residential

And

- ii) **REPLACING** the above noted Classification of Zones with the following:

Zone Classification	Short Title	Lot Size	Description
Residential Small-Scale Multi-Unit Housing	R-SSMUH	300 m²	Single Residential, Duplex, Townhouse

- (e) **AMENDING DIVISION 8 Part 1 Residential Zones** by:

- i) **DELETING** the following Subsections in their entirety:

Residential One	R-1
Residential One B	R-1B
Residential One C	R-1C
Residential One D	R-1D
Residential One E	R-1E
Residential One S	R-1S
Residential Two	R-2
Residential Two A-B	R-2A
Residential Two B	R-2B
Rural Residential One	RR-1
Rural Residential Two	RR-2B
Rural Residential Two S	RR-2S
Rural Residential Three	RR-3
Rural Residential Four	RR-4
Rural Residential Five	RR-5

And

- i) **REPLACING** the above noted Subsections with:

Residential Small-Scale Multi-Unit Housing	R-SSMUH
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As shown in Schedule A attached to and forming part of this Bylaw

2. That Schedule No. 8, (Zoning Map) to Zoning Bylaw No. 2500, 2007 Appendix A be amended in accordance with Schedules B1 through B18, each schedule containing a list of addresses and legal descriptions of properties to be rezoned to the Residential – Small-Scale Multi-Unit (R-SSMUH) Zone, Agriculture One (A-1), Public Use and Assembly Two (PA-2) accompanied by a graphic representation of the properties to be rezoned outlined in bold, all Schedules attached to and forming part of this Bylaw, and listed below as follows:

- Schedule B1** Properties to be rezoned from **Residential One (R-1) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (2119 properties)
- Schedule B2** Properties to be rezoned from **Residential One B (R-1B) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (304 properties)
- Schedule B3** Properties to be rezoned from **Residential One C (R-1C) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (41 properties)
- Schedule B4** Properties to be rezoned from **Residential One D (R-1D) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (88 properties)
- Schedule B5** Properties to be rezoned from **Residential One E (R-1E) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (2 properties)
- Schedule B6** Properties to be rezoned from **Residential One S (R-1S) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (93 properties)
- Schedule B7** Properties to be rezoned from **Residential Two (R-2) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (2422 properties)
- Schedule B8** Properties to be rezoned from **Residential Two A (R-2A) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (5 properties)
- Schedule B9** Properties to be rezoned from **Residential Two B (R-2B) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (147 properties)
- Schedule B10** Properties to be rezoned from **Rural Residential One (RR-1) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (69 properties)
- Schedule B11** Properties to be rezoned from **Rural Residential Two (RR-2) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (119 properties)
- Schedule B12** Properties to be rezoned from **Residential Two S (RR-2S) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (3 properties)
- Schedule B13** Properties to be rezoned from **Rural Residential Three (RR-3) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (13 properties)
- Schedule B14** Properties to be rezoned from **Rural Residential Four (RR-4) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (73 properties)
- Schedule B15** Properties to be rezoned from **Rural Residential Five (RR-5) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (36 properties)
- Schedule B16** Properties to be rezoned from **Residential Rural (R-RU) pursuant to the “Rural Comox Valley Zoning Bylaw No. 520, 2019” (consolidated to October 17, 2023) to Residential Small-Scale Multi-Unit Housing (R-SSMUH)** (114 properties)

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Schedule B17 Properties to be rezoned from **Rural Residential 5 (RR-5)** to **Agricultural One (A-1)** (1 property)

Schedule B18 Properties to be rezoned from **Residential One (R-1), Residential One B (R-1B), Residential One C (R-1C), Residential One D (R-1D), Residential Two (R-2), Rural Residential Five (RR-5), and Rural Residential (R-RU)** to **Public Use and Assembly Two (PA-2)** (14 properties)

3. That Zoning Bylaw No. 2500, 2007 is hereby ratified and confirmed in every other respect.

4. And that this Bylaw shall come into effect upon final adoption.

READ A FIRST TIME this 22th day of May, 2024.

READ A SECOND TIME this 22th day of May, 2024.

PUBLIC HEARING for the sole purposes of complying with section 481.3 [*zoning bylaws and small-scale multi-family housing*] are prohibited by the Local Government Act section 464 (4).

READ A THIRD TIME this 22th day of May, 2024.

FINALLY PASSED AND ADOPTED this day of , 2024.

Mayor

Corporate Officer

Certified a True Copy

Corporate Officer

Schedule A to Zoning Amendment Bylaw No. 3135, 2024 (small-scale multi-unit housing)

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

8.1.1. Intent

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

8.1.2. Permitted Uses

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

Principal Uses

- (1) *Single residential dwelling*
- (2) *Duplex*
- (3) *Townhouse dwelling*

Secondary Uses

- (4) *Secondary suite*
- (5) *Accessory buildings and structures*
- (6) *Home Occupation*
- (7) *Accessory Dwelling Unit*

8.1.3. Density

A maximum of four dwelling units per lot is permitted subject to the development regulations in this zone, and the provisions of Section 6.19.1. General Regulations for Secondary Suites and Accessory Dwelling Units.

8.1.4. Minimum Lot Dimensions

(1) Lot Size

- i. A lot shall have an area of not less than 300 m² for a single residential dwelling or duplex.
- ii. Where a lot is developed with a multiple unit form and being subdivided along a party wall, the minimum lot area for a fee simple party wall subdivision is 270 m². Where a fourplex is being created by party wall subdivision, no additional secondary dwelling units are permitted.

(2) Lot Frontage

- i. 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 shall be measured at the front yard setback line.
- ii. Where lots are being subdivided along a party wall, the minimum lot frontage shall be 9 m.

(3) Lot Depth

- i. A lot shall have a depth of not less than 30 m, measured from the front lot line to the rear lot line.

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8.1.5. Lot Coverage

The maximum lot coverage for buildings, structures and impermeable surfaces is 60%.

8.1.6. Setbacks

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

- i. Front yard: 4.0 m except that the minimum front yard setback for garages or carports shall be 6.0 m.
- ii. Rear Yard: 5.0 m
- iii. Side Yard: 1.5 m except that
 - (a) Where a side yard flanks a street, excluding a lane, the minimum side yard shall be 3.0 m, and
 - (b) Where a secondary residence or accessory dwelling unit located behind the principal building lacks side or rear lane access, the minimum side yard setback distance for the principal building on one side shall be 3.0 m.
 - (c) Where units are separated by a party wall subdivision, the side yard setback along the party wall shall be 0 m.

8.1.7. Height of Buildings

- (1) The height of a principal building shall not exceed 11.0 m.
- (2) The height of a secondary residence or accessory dwelling unit 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 be permitted in the side and rear yard provided they shall conform to all relevant siting regulations of this bylaw
- (3) Shall be permitted at the 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 3.0 m.

8.1.9. Off-Street Parking

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

8.1.10. Landscaping and Screening

- (1) In addition to the Landscape Requirements identified in Division 6, Part 14 of this bylaw, a vegetated buffer or screen fence not more than 1.5 m high shall be provided along rear or side property lines adjoining other properties.

8.1.11. Conditions of Use

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- (1) Despite the permitted use regulations in this zone, no more than one (1) Secondary Suite or one (1) Accessory Dwelling Unit shall be permitted as accessory to a single family or duplex dwelling on a lot that is not connected to community water or sewer services.

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Schedule C to Zoning Amendment Bylaw No. 3135, 2024 (small-scale multi-unit housing)