

AGENDA - COMMITTEE OF THE WHOLE
Tuesday, January 31, 2023 @ 6:00 PM
In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC

The following pages list all agenda items received by the deadline [12:00 noon on the Wednesday before the scheduled meeting]. A sample resolution is provided for most items in italics for the consideration of Committee members. For a complete copy of the agenda including all correspondence and reports please refer to the City's website portalberni.ca or contact the Director of Corporate Services at 250.720.2823 or by email danielle_leurebourg@portalberni.ca or the Deputy City Clerk at 250.720.2822 or by email sara_darling@portalberni.ca

A. CALL TO ORDER & APPROVAL OF THE AGENDA

1. Recognition of unceded Traditional Territories.
2. Late items identified by Committee members.
3. Late items identified by the Corporate Officer.
4. Notice of Video Recording (live-streaming and recorded/broadcast on YouTube)

That the agenda be approved as circulated.

B. ADOPTION OF MINUTES - Page 2

1. Minutes of the meeting held at 4:00 pm on November 21, 2022, as presented.

C. DELEGATIONS

D. UNFINISHED BUSINESS

E. STAFF REPORTS

1. **2023 – 2027 Financial Plan Timeline**
Verbal report from the Director of Finance providing Committee members with an overview of the 2023 – 2027 Financial Plan timeline.
2. **Development Procedures Bylaw - Page 4**
Report dated January 26, 2023 from the Manger of Planning providing Committee Members with information related to establishment of a Development Procedures Bylaw.
3. **Zoning Amendment Bylaw - Page 30**
Verbal report from the Manager of Planning providing Committee members with information related to proposed zoning bylaw amendments.

F. CORRESPONDENCE

G. NEW BUSINESS

H. QUESTION PERIOD

I. ADJOURNMENT

That the meeting adjourn at pm.

MINUTES OF THE COMMITTEE OF THE WHOLE
Monday, November 21, 2022 @ 4:00 PM
In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC

PRESENT: Councillor D. Dame
Councillor J. Douglas
Councillor D. Haggard
Councillor C. Mealey, Chair
Councillor C. Solda

ABSENT: Mayor S. Minions
Councillor T. Patola

Gallery: 3

A. CALL TO ORDER & APPROVAL OF THE AGENDA

The meeting was called to order at 4:00 PM.

MOVED AND SECONDED, THAT the agenda be approved as printed and circulated.

CARRIED

B. ADOPTION OF MINUTES

MOVED AND SECONDED, THAT the minutes of the meeting held at 4:00 pm on July 25, 2022 be adopted.

CARRIED

C. DELEGATIONS

D. UNFINISHED BUSINESS

E. STAFF REPORTS

F. CORRESPONDENCE

G. NEW BUSINESS

1. Development Services | Bylaw and Policy Review

The Director of Development Services | Deputy CAO and the Manager of Planning, presented members of the Committee with an overall review of the following:

- City of Port Alberni “*Official Community Plan, Bylaw No. 4602, 2005*” Review and Update;
- Proposed Housekeeping Amendments to the City of Port Alberni “*Zoning Bylaw 2014, Bylaw No. 4832*”;
- Proposed amendments to “*Building Bylaw No. 4577, 2005*”, including fee changes;
- Establishment of a Development Services Procedures Bylaw; and
- Various new policy work for 2023.

The following outlines questions from Members of the Committee and associated staff responses.

Members of the Committee commented/questioned as follows:

- Will proposed amendments to the Zoning Bylaw include items such as development application parking requirements, carriage home allowances, etc?
Those items will be addressed within the amendments.
- Will the City's accessory dwelling regulations be based on the provincial standards?
Each municipality is responsible for accessing and reviewing best practices in the establishment of their own bylaws.
- How will the City engage with industry during the Building Bylaw amendment process?
Let's Connect [letsconnectpa.ca], surveys, etc.
- Will the Chamber of Commerce be consulted during the engagement process?
The Chamber of Commerce is included on the City's stakeholder list.
- Will the establishment of a Development Services Procedures Bylaw assist in expediting the timing of processing permits?
Yes, Bill 26 will assist in streamlining and expediting process.
- Is the OCP based on Port Alberni specifically?
The Plan is based on a grassroots approach reflecting the voice of the community.
- Request for additional advertisement of the City's engagement platform, letsconnectpa.ca, for those wanting to participate in the OCP review and update.
- Has there been any success engaging the post graduate age group within the OCP review and update?
North Island College pop-up events have been planned and further work on engagement tactics of that demographic are underway.

H. PUBLIC INPUT/QUESTION PERIOD

I. ADJOURNMENT

MOVED and SECONDED, THAT the meeting adjourn at 4:41 pm.


CARRIED

CERTIFIED CORRECT

Mayor

Corporate Officer

Date: January 26, 2023
 File No: 3900_02
 To: Mayor & Council
 From: T. Pley, CAO
 Subject: Draft Development Procedures Bylaw No. 5076

Prepared by: <i>MARIANNE WADE</i>	Supervisor: 
TITLE <i>Marianne Wade Manager of Planning</i>	<i>DIRECTOR OF DEVELOPMENT SERVICES/DEPUTY CAO</i>

RECOMMENDATION

THAT the Committee receive this report as information and provide feedback on the proposed draft Development Procedures Bylaw No. 5076.

PURPOSE

The draft bylaw outlines application requirements, processes, delegation of authority, security and third-party fees. Staff are seeking Committee’s comments prior to bringing the bylaw to Council for consideration.

BACKGROUND

Currently the City has Development Application Notice Bylaw No. 4614 which only applies to Official Community Plan (OCP) amendments and Zoning Bylaw amendments . Under part 14 of the Local Government Act (LGA) procedures for processing land development applications should be outlined in a bylaw. This draft bylaw follows the requirements in section 460 of the LGA.

Bill 26 has amended the LGA to authorize Council to have the authority to delegate under section 498 and 499 the ability to approve and issue minor development variance permits to the Director of Development Services and Manager. Staff is recommending this delegation in the draft bylaw.

Under section 490 of the LGA, Council can delegate to the Director of Development Services and Manager the authority to approve and issue development permits for Form and Character, and Technical permits as defined in the LGA. Staff is recommending this delegation in the draft bylaw.

ALTERNATIVES/OPTIONS

1. *That the Committee receive this report for information and provide feedback to staff.*
2. *That Committee provide an alternative direction to staff.*
3. *That Committee take no action.*

Staff recommend Option #1

ANALYSIS

Delegation of authority to approve and Issue Minor Development Variances Permits

Currently there are a number of minor variances that Council is considering which require public notices be mailed within 75 m and advertisement in the newspaper which have no impact on the surrounding lands or are required because of topography (hardship). Staff are proposing if the variance for setbacks, parking, height, projections, access, lot coverage is 25% or less that staff be delegated the authority to approve and issue which also removes the requirement for public notification. This will decrease the processing time for both the applicant and staff creating better customer service and creating greater staff efficiency in workload.

Delegation of authority to approve and Issue Development Permits

Currently staff prepare a council report which adds time on to the processing of a development permit applications for form and character for either Multi-family Residential(DPA1) or Commercial (DPA2). The Official Community Plan (OCP) provides the guidelines which the development must meet and staff review these for compliance. After this review if there are some non-compliance items, staff work with the applicant to bring them into compliance. Council's authority to deny or vary conditions outside of the OCP guidelines is limited. Thus, staff could reduce the processing time if a council report and scheduling of the report for Council's considered was no longer a requirement in a development permit process. Staff is recommending that Council consider delegating the authority to approve and issue a development permit to decrease processing time and increase customer service while creating efficiency in staff workload.

Third Party

Staff often requires a Third party for subject matter advise or review. The draft bylaw authorizes staff to recover these costs so that the tax payer is not paying for these services as part of the land development approval process.

Land Development Approval and Process

This bylaw clarifies the land development application process for the public and staff. This bylaw will then inform the revisions to applications and webpage.

Appeal Provisions

Under the proposed bylaw, and in accordance with the LGA, applicants have the ability to appeal a decision of the Director of Development Services and Manager to Council.

IMPLICATIONS

The proposed Development Procedures Bylaw No. 5076 will provide clarity for interpretation and application by staff and the public.

COMMUNICATIONS

This is an administrative bylaw and does not require public notice or a public hearing.

BYLAWS/PLANS/POLICIES

Responds to Bill 26 and the provincial governments priority to reduce land development application processing time to increase housing supply.

The proposed Development Procedures Bylaw No. 5076 responds to the following Council Strategic Priorities:

3. Provide and maintain quality services

SUMMARY

Staff are seeking feedback from the Committee on the proposed Development Procedures Bylaw No. 5076 prior Council considering the bylaw.

ATTACHMENTS/REFERENCE MATERIALS

- *Attachment Draft Development Procedures Bylaw No. 5076 January 26, 2023.*

C:

D. Leurebourg, Director of Corporate Services

R. Dickinson, Director of Engineering and public Works

J:\Engineering\Planning\bylawsfor update\Development Procedures Bylaw No.5076\Cow\Draft Development procedures Bylaw No.5076 report

CITY OF PORT ALBERNI

Development Procedures Bylaw, Bylaw No. 5076, 2023

A bylaw to establish procedures for the processing of land development applications.

WHEREAS the Council has adopted an official community plan and a zoning bylaw;

AND WHEREAS Section 460 of the *Local Government Act* requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, and for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS Section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

AND WHEREAS Section 94.2 of the *Community Charter* allows to provide for alternative means of publishing notices;

NOW THEREFORE the Municipal Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

PART 1: GENERAL PROVISIONS

1.1. TITLE

This Bylaw may be cited for all purposes as “City of Port Alberni Development Application Procedures Bylaw No. 5076, 2023”.

1.2. DEFINITIONS

In this Bylaw:

Advisory Planning Commission or APC	means the commission established under the Advisory Planning Commission Bylaw, 2009, Bylaw No 4738, as amended or re-enacted from time to time.
Agent	means the person(s) given authority by the Owner(s) to act on their behalf for the purposes of making and dealing with an Application to the City.
Applicant	means the Owner or the Agent making an Applicant.
Application	means a written request by an Applicant in relation to any of the matters set out in section 1.4.
Approving Officer	means the person appointed by Council to that position and includes their lawful deputy or a person designated by Council to act in their place.
Certificate of Title	means the document issued from the BC Land Title and Survey Authority identifying the Owner, legal description of

	land, and any charges registered against the title
City	means the City of Port Alberni.
Council	means the council of the City of Port Alberni.
Delegate	means the person holding the position as the City's Director of Development Services or Manager of Planning, or a person delegated the authority to act in the place of either person.
Fees and Charges Bylaw	means the Fees and Charges Bylaw, 2007, Bylaw No. 4665, as amended or re-enacted from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , RSBC 2015, c 1, as amended or re-enacted from time to time.
Minor Development Variance Permit	<p>means a development variance permit for a variance to the Zoning Bylaw that meets the following criteria:</p> <ul style="list-style-type: none"> (a) 25% for minimum parking space provision for vehicles, loading and bicycles; (b) 25% variance related to parking and loading design standards, such as dimensions, siting and access; (c) 25% variance related to dimensions and siting of garbage and recycling storage facilities; (d) 25% variance for building setbacks, lot coverage, lot frontage and useable open space, and permeable surfaces; (e) 25% variance related to dimensions of patios and decks; (f) 25% variance related to projections into a required setback; and (g) 25% variance for building height.
Official Community Plan or OCP	means Official Community Plan Bylaw 4602, as amended or re-enacted from time to time.
Owner	means the person listed in the Land Title Office as the Owner in fee simple of a parcel.
Planner	means any planning professional employed by the City to administer the provisions of this Bylaw.

Pre-Acceptance Review	means an informal review by a Planner or Delegate of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a Pre- Application Consultation Meeting.
Pre-Application Consultation Meeting	means a meeting between an applicant and the Delegate to identify the requirements and materials to assist the Applicant in their submission of a complete Application. The meeting may involve flagging issues to be addressed by the Applicant, sharing information that needs to be considered and identifying additional required reports or information.
Site Plan	means a site plan prepared by a Qualified Professional, including at a minimum all existing and proposed buildings and development with all required setbacks, and <ul style="list-style-type: none"> (a) for an application for subdivision, showing all proposed lots and all watercourses and must illustrate there is a buildable area on each parcel that is compliant with all applicable bylaws; (b) where an environmental assessment is required for any Application, showing all setbacks from the environmental features required under the applicable bylaws and regulations.
Report	means any study or information containing development approval information that fulfils or is intended to fulfil the requirements of this Bylaw.
Qualified professional	includes a landscape professional, qualified environmental professional, a registered professional biologist or a registered professional engineer, who is working within their field of expertise and is in good standing with any applicable professional organization.
Zoning Bylaw	Port Alberni Zoning Bylaw 2014, Bylaw No. 4832, as amended or re-enacted from time to time.

1.3. INTERPRETATION

In this Bylaw

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a

section in this Bylaw and a reference to a “part” is a reference to a part in this Bylaw; and

- (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
- (e) a reference to the current title of a position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.

1.4. This Bylaw applies to the following applications related to land within the boundaries of the City:

- (a) an amendment to the Official Community Plan;
- (b) an amendment to the Zoning Bylaw;
- (c) a permit issued pursuant to Part 14 of the *Local Government Act*;
- (d) subdivision; and
- (e) development of land within the Agricultural Land Reserve.

PART 2: DELEGATION OF AUTHORITY

2.1. Council delegates to the Delegate the authority to:

- (a) create, amend, publish and prescribe the form and content of Applications;
- (b) require development approval information in accordance with Part 4;
- (c) require security in accordance with Part 5, or any other bylaws of the City;
- (d) determine the form and content of permits issued under this Bylaw;
- (e) create, amend, public and prescribe templates and procedures for development notice signs required by section 7.2;
- (f) decide to process an incomplete Application in accordance with section 3.5;
- (g) grant an extension to an Application in accordance with section 6.5;
- (h) waive the requirement for a public hearing for an Application to amend the Zoning Bylaw where the Application is consistent with the Official Community Plan in accordance with section 464 (2) of the *Local Government Act* and to give notice of the decision not to hold a public hearing in accordance with section 467 of the *Local Government Act*;
- (i) issue or amend a Minor Development Variance Permit;
- (j) issue or amend all development permits within Development Permit Areas created under section 488 (1) (a) of the *Local Government Act* for protection of the natural environment where no variances are requested;
- (k) grant an exemption from a flood plain specification pursuant to section 524 (7) of

the *Local Government Act* where an Applicant has provided a certified report from a person identified in section 524 (7) (b) of the *Local Government Act*,

- (l) issue a development permit under section 488 (1) (e) and 488 (1) (f) of the *Local Government Act*,
- (m) sign any permits authorized by Part 14 of the *Local Government Act* that have been issued either by Council or by the Delegate; and
- (n) exercise any other authority which is incidental to the administration of the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building.

2.2. Council delegates to the Delegate and to a Planner the authority to:

- (a) receive, review and require development approval information in order to administer the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building;
- (b) receive and consider an Application as part of a Pre-Acceptance Review, and where the location, scale, complexity or other factors of the project so warrant, to require the Applicant participate in a Pre-Application Consultation Meeting with the Delegate; and
- (c) to require an Applicant, provide a Site Plan or to have a British Columbia Land Surveyor confirm that the Site Plan conforms to the requirements of the Zoning Bylaw or to any other bylaws of the City.

PART 3: APPLICATION REQUIREMENTS

3.1. The minimum application requirements for all applications are:

- (a) all associated application fees in accordance with the Fees and Charges Bylaw;
- (b) complete application form prescribed by the Delegate, including written authorization from all the Owner(s) of the land involved in the Application;
- (c) a Certificate of Title; and
- (d) all Reports required under Part 4 of this Bylaw, which have been identified by the Planner in a Pre-Acceptance Review or Pre-Application Consultation Meeting.

3.2. The Delegate or a Planner may require the following additional information to support an Application:

- (a) a Site Plan;
- (b) additional development approval information or review of a previously submitted Report in accordance with Part 4 of this Bylaw;
- (c) site disclosure statement in accordance with the *Environmental Management Act*; and
- (d) the payment of security in accordance with Part 5.

3.3. Applications that are deficient of any of the minimum application requirements in section 3.1 are deemed to be incomplete. On receipt of an incomplete application, the Delegate

may:

- (a) advise the Applicant in writing or verbally with the deficiencies in the application;
 - (b) inform the Applicant that the Application will be held as “pending” for 90 days from receipt of the Application; and
 - (c) if the Applicant fails to complete the Application within 6 months, the Application will be returned to the Applicant and the non-refundable portion of the application fees will be retained by the City.
- 3.4. If an Applicant submits a complete application, the Delegate or a Planner shall process the application in accordance with this Bylaw.
- 3.5. Despite section 3.3, if an Applicant submits an incomplete application, the Delegate may process the Application despite the deficiency in the minimum application requirements.
- 3.6. Any Applications processed by the Delegate under section 3.5 that are not completed within the deadlines set out in Part 6 will be closed in accordance with the provisions of that Part.
- 3.7. All Applications shall be submitted by or on behalf of all the Owner(s) of land involved and, where the Application has been submitted by an Agent, the Application must include written authorization from the Owner(s) for the Agent to act on their behalf.
- 3.8. If there is a change of ownership of a parcel of land that is the subject of a development application, the Applicant will as soon as practical provide the City with an updated Certificate of Title and written authorization from the new Owner to proceed with the Application.
- 3.9. The Delegate or a Planner will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC).
- 3.10. Where an Application requires a decision from Council, the Delegate or a Planner will prepare a planning report for Council's consideration, incorporating feedback received through the referral process in section 4.1 and the APC.
- 3.11. In addition to the application requirements established in this Bylaw, the following specific application types will generally follow the process set out as follows:

Application Type	Refer to
Official Community Plan (OCP) or Zoning Bylaw amendment	Schedule A
Temporary use permit (TUP) application	Schedule B
Development permit application - DP issuance by Council	Schedule C
Development variance permit (DVP)	Schedule D
Delegated Development Permits	Schedule E
Minor Development Variance Permit	Schedule F

PART 4: DEVELOPMENT APPROVAL INFORMATION

- 4.1. Depending on the particulars of an Application, it may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 4.2. The Delegate may require the Applicant to submit development approval information on the impact that the proposed land use may have on the Owner's lands or the surrounding lands or the community after a Pre-Application Consultation Meeting. The information required may include details and impacts on the following:
 - (a) transportation patterns including traffic, pedestrian and cycling flow,
 - (b) local infrastructure,
 - (c) public facilities including schools and parks,
 - (d) community services,
 - (e) the natural environment of the area affected;
 - (f) groundwater quantity and quality
 - (g) stormwater management;
 - (h) agricultural lands;
 - (i) aesthetic values such as visual character, integration with public areas and with the natural environment, light pollution, noise and odour migration;
 - (j) cultural and heritage resources;
 - (k) Any other information that may be reasonably required to verify the projects conformation to the requirements of the *Local Government Act*, the *Environmental Management Act*, the Official Community Plan and the Zoning Bylaw.
- 4.3. Where the Official Community Plan has specified circumstances or areas in which an Applicant is required to provide development approval information, such development information approval may be required by a Planner as part of an Application.
- 4.4. Reports to be prepared by a Qualified Professional may include, but are not limited to, geotechnical assessments, traffic impact studies, visual impact studies, rainwater management plans, erosion and sedimentation plans, biophysical assessments, and riparian areas regulation assessments.
- 4.5. Where a Planner or the Delegate requires a Report, this requirement will be conveyed to an Applicant in writing after Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 4.6. A Report required under this Part will include:
 - (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
 - (b) a description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of land that are shown on a Certificate of Title;

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- (c) a location and context map for the land that is the subject of the Application;
 - (d) a description of the methodology and assumptions used to undertake the Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 4.7 of this Bylaw;
 - (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats; and
 - (f) recommendations for conditions or requirements that Council, the Director of Development Services, Director of Infrastructure Services or the Approving Officer may impose to mitigate the anticipated impacts.
- 4.7. If the Delegate determines that a Report is incomplete or otherwise deficient, the Delegate may require, on written notice to the Applicant, that the Applicant:
- (a) revise or amend and re-submit, at its own expense, a previously submitted Report;
 - (b) retain a second Qualified Professional, unrelated to and independent of the Qualified Professional who prepared the initial Report, to conduct a peer review of the Report.
- 4.8. In addition to any application fee contained in the Fees and Charges Bylaw, an Applicant shall be responsible for the City's costs necessary to facilitate a review of any Reports required under this Part, as deemed necessary by the Delegate, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other professionals. The Applicant shall pay as a fee, the City's actual cost of such third party professional review costs prior to final consideration of the Application by the authorized decision-maker. A Planner or the Delegate may request a deposit of estimated fees at the time the Application is made or at any other time during the processing of the Application.

PART 5: SECURITY DEPOSIT

- 5.1. The Delegate may require an Applicant provide a security deposit pursuant to section 496 and 502 of the *Local Government Act* and as per the Official Community Plan, for the following:
- (a) Landscaping (Landscape Security);
 - (b) An unsafe condition or damage to the natural environment that may result as a consequence or contravention of a condition of permit (Remediation Security); and
 - (c) To guarantee the performance of the terms of a temporary use permit (Performance Security).
- 5.2. The amount of the security deposit shall be 125 per cent of the cost of an estimate as provided by a Qualified Professional, at the expense of an Applicant, to address:
- (a) landscape improvements;

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- (b) damage to the environment or improvement determined by a qualified professional; and
 - (c) the correction of the unsafe condition.
- 5.3. The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to the Delegate. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- 5.4. The procedures for the release of the security deposit shall be:
- (a) Upon completion of the works, a letter from a Qualified Professional shall be submitted to the City of Port Alberni stating that the works are in compliance with the recommendations of the professional reports included in the permit; and
 - (b) Upon confirmation that the works are in compliance to the satisfaction of the Delegate, the security deposit will be released to a maximum 80% with a 20% hold for a one-year maintenance period.
- 5.5. Where, in the opinion of the Delegate, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the City may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the permit or correct an unsafe condition or correct the damage to the environment, at the full cost of Applicant, and may apply the landscape security or the remediation security to the cost of the work, with any excess to be returned to the Applicant.
- 5.6. Council may require, as a condition of issuing a temporary use permit, a security deposit to guarantee the performance of the terms of the permit. Where a temporary use permit provides for such a security deposit, the procedures for the release of the security deposit shall be:
- (a) The Applicant confirms in writing to the Delegate that buildings or structures have been demolished and removed, and the land restored to a condition specified in the permit, and requests in writing that the performance security deposit be released;
 - (b) Once the Delegate has received confirmation that buildings or structures have been demolished and removed, and land restored to a condition specified in the permit, the Delegate will authorize the release the security deposit; and
 - (c) If the Applicant fails to undertake such restoration works or defaults on the terms of the temporary use permit, the performance security deposit will be forfeited to the City of Port Alberni.

PART 6: VALIDITY OF APPLICATIONS

- 6.1. The date of issuance for a development permit, a development variance permit, or a temporary use permit is the date of approval of the permit by Council.
- 6.2. An Application to renew or extend , a development variance permit, or a temporary use permit under this Bylaw must be made prior to the lapse of the permit
- 6.3. Other than subdivision, if the Delegate determines that an Application has been inactive for period of 6 months or longer, the Applicant will be given 30 days written notice to provide outstanding development approval information or meet outstanding

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- requirements after which time the Application will be closed. The Delegate may consider a written request from the Applicant for extension of a deadline imposed by this section.
- 6.4. If an Application is withdrawn in writing by the Applicant prior to a public hearing, the Applicant may request in writing a refund of the refundable portion of the application fees in accordance with the Fees and Charges Bylaw.
 - 6.5. Upon written request by the Applicant prior to the lapse of the Application, the Delegate may extend the deadline for one period of 6 months.
 - 6.6. If an Application has been closed due to inactivity, the Applicant must, even if the new Application is substantially the same as the closed Application, begin the Application process again in accordance with this Bylaw and submit a new, complete Application.
 - 6.7. Where an Application has been denied, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. Despite this section 6.5, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.
 - 6.8. If an Application is closed, withdrawn or denied, fees pursuant to the Fees and Charges Bylaw are applicable to any new Application.
 - 6.9. The process to amend a permit will be the same as the process for a new permit.
 - 6.10. In the event that an Application made pursuant to this Bylaw for an amendment to the Official Community Plan or Zoning Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council, the Applicant shall be notified in writing and if no response is received within 60 days:
 - (a) the Application will be deemed to be abandoned and will be closed; and
 - (b) a Planner will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application;
 - 6.11. Upon written request by the Applicant prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the Applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or development permit guidelines affecting the Application and the Applicant still has not met the requirements for final adoption and wishes to proceed with the Application, a new Application and fees will be required as per the Fees and Charges Bylaw.

PART 7: PUBLIC NOTICE REQUIREMENTS

- 7.1. The public notice requirements for Applications are prescribed in the *Local Government Act*. Any notice required to be advertised under the Part 14 of the *Local Government Act* may be given by no less than two of the following methods:
 - (a) electronically by posting the notice prominently for two consecutive weeks on City's official website;
 - (b) electronically by posting the notice prominently for two weeks on any of City s

official social media sites; or

- (c) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.

7.2. Additional Notice Requirements

- (a) Where notice is required, an Applicant must provide written notification to all properties with 100 m of the subject land. A copy of the written notification must be provided to the City prior to consideration of an application by Council.
- (b) The Applicant may be required by the City to erect or cause to be erected at the Applicant's expense a development notice sign on the subject land. The development notice sign must be consistent with the template and procedures prescribed by the Delegate, which template and procedures shall include the following requirements:
 - i. Information setting out:
 - A. Application type, application number, street address and applicant's name;
 - B. Subject property map, which may be supplied by the City of Port Alberni, with a north arrow and street names; and
 - C. Description of the project considering proposed uses, gross floor area, building height, number of units and any other relevant information.
 - ii. The minimum size shall be:
 - A. The minimum size of the sign is 1.2 metres in width and 1.2 metres in height; and
 - B. The bottom of the sign façade must be at least 1.2 metres above grade; and
 - iii. The Applicant must install the development notice sign in a location that is legible from the primary road frontage. Where there is a 0 m front yard setback the sign must be affixed to the building in a manner that it is legible to the public. The sign may be placed in a window if all other requirements of the bylaw are met.

PART 8: RECONSIDERATION

8.3. An Applicant may apply to Council for the reconsideration of a decision by the Delegate under this Bylaw by delivering to the City's corporate officer a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.

8.4. An application for reconsideration must set out:

- (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
- (b) a copy of the Delegate's written decision;
- (c) a copy of any documents which support the Applicant's request for

reconsideration by Council

- (d) reasons why the Applicant wishes the specific decision to be reconsidered by Council; and
- (e) what, if any, decision the Applicant considers the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.

8.5. The corporate officer will place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable after delivery of the application for reconsideration, and will notify the Applicant of the date of the meeting at which the reconsideration will occur.

8.6. When reconsidering the decision of the Delegate, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the decision or substitute its own decision.

PART 9: EFFECTIVE DATE, SEVERABILITY AND REPEAL

9.7. This Bylaw comes into effect on adoption.

9.8. If any section, clause, sub-clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

9.9. The following bylaws and any amendments to those bylaws thereto are hereby repealed:

- (a) "Development Application Notice Bylaw, No. 4614"

READ a first time this _____ day of _____, 2023.

READ a second time this _____ day of _____, 2023.

READ a third time this _____ day of _____, 2023.

ADOPTED this _____ day of _____, 2023.

Mayor

Corporate Officer

SCHEDULE A

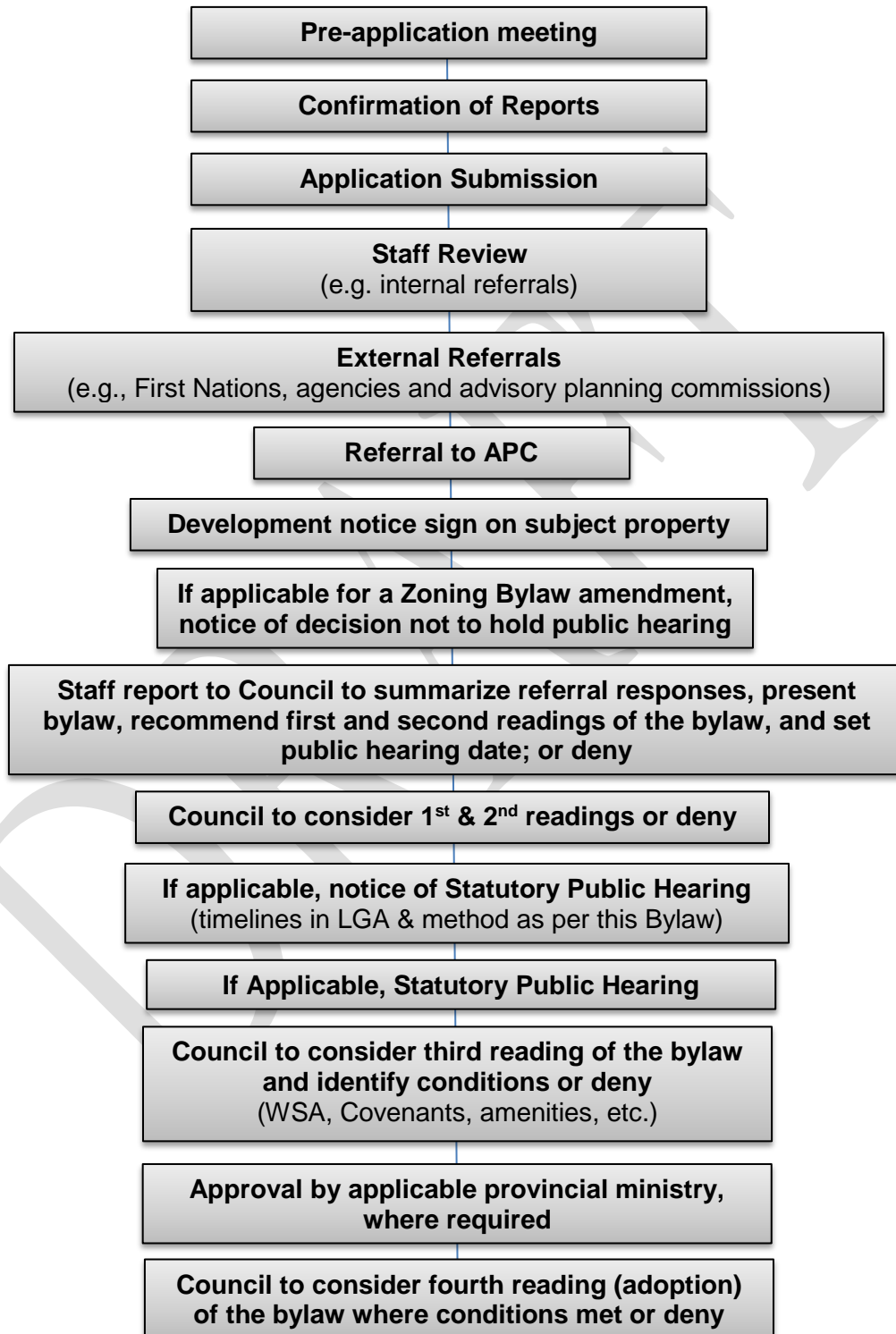
OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT

All applications for an amendment to the Official Community Plan and Zoning Bylaw submitted in accordance with this bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant will have a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate prior to submitting a formal application to the City.
- 1.2. The Delegate will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.4. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities that the City considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws and policies.
- 1.6. Planning staff will prepare an information and referral sheet and circulates for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.7. The Application will be referred to the APC prior to consideration by Council.
- 1.8. The Applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.9. For a Zoning Bylaw amendment that is consistent with the OCP, the Delegate may elect not to hold a public hearing and provide notice of this decision in accordance with the *Local Government Act* prior to first reading.
- 1.10. Planning staff will prepare a planning report for Council report to summarize referral responses, present bylaw, recommend first and second readings of the bylaw, and set public hearing date; or recommend Council deny the Application.
- 1.11. Council may, upon receipt of a report completed by Staff:
 - (a) Give 1st Reading to the bylaw amendment pursuant to the application; or
 - (b) Refer the application back to staff to make changes as directed; or
 - (c) Defer or postpone the Application; or
 - (d) Reject the application.
- 1.12. If Council does not give 1st reading, the Applicant is notified in writing. That portion of the

application fees taken for a public hearing are refunded as per the Fees and Charges Bylaw and the Application is closed.

- 1.13. An OCP or zoning bylaw amendment application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



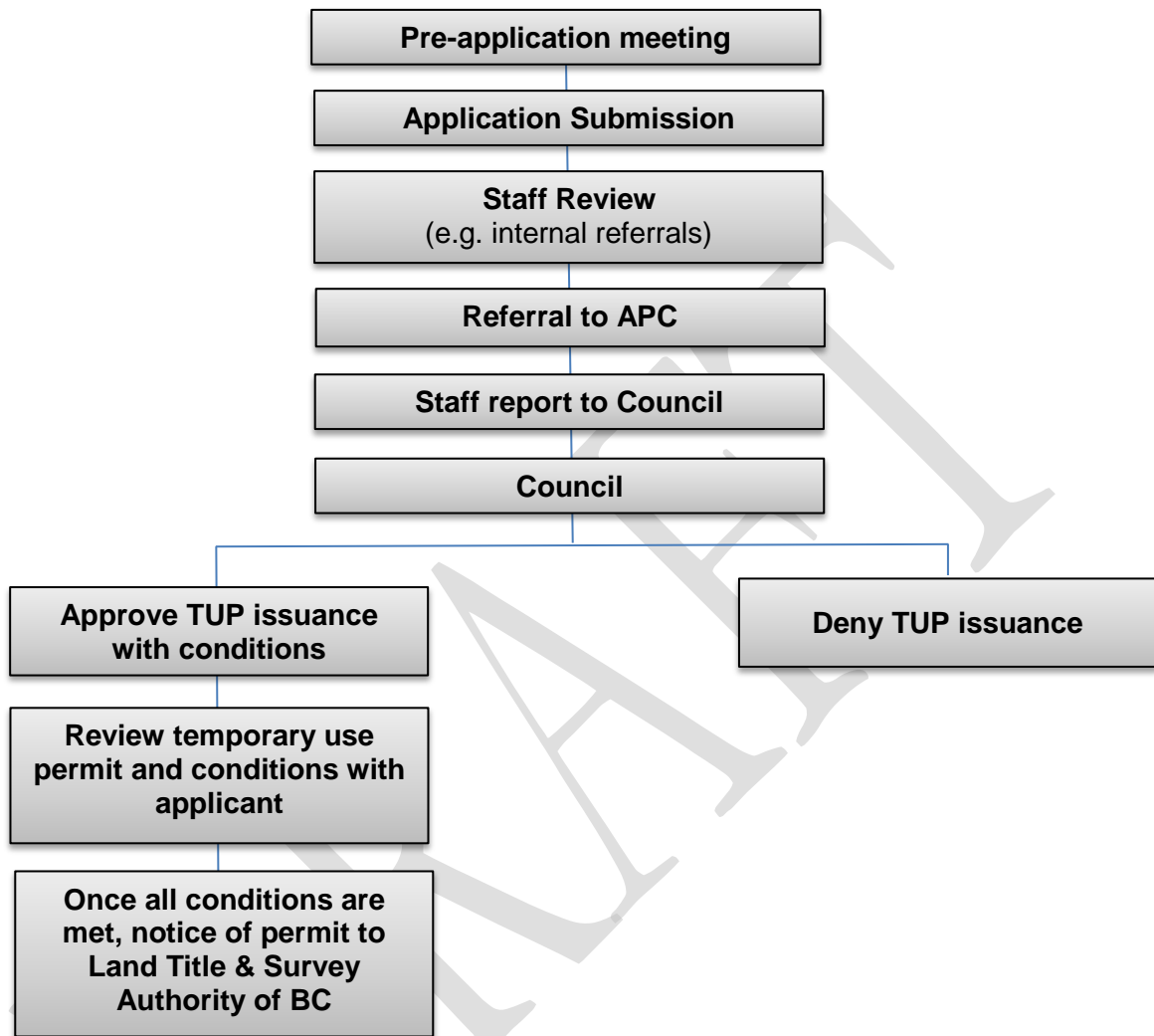
SCHEDULE B

TEMPORARY USE PERMIT (TUP) APPLICATION

This process is only available where the OCP or Zoning Bylaw designate the area as a places where temporary uses may be allowed. All applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.2. Planning staff will prepare an information and referral sheet and circulates for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.3. Planning staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC).
- 1.4. Temporary use permits are subject to statutory notification requirements as outlined in the *Local Government Act* and the alternative methods of notice set out in this Bylaw.
- 1.5. Staff will prepare a planning report for Council relating any information received through internal referral, the referral to the APC, and the notification process. The report should consider the extent to which the temporary use relates with the intent and policies of the Official Community Plan and potential impact of the use on surrounding properties.
- 1.6. Council may require an Applicant provide performance security for a temporary use permit.
- 1.7. The owner of the land in respect to which the temporary use permit has been issued has the right to use the land as authorized through the permit until the date that the permit expires, for a term not to exceed three (3) years.
- 1.8. An Applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years.
- 1.9. The renewal should be applied for and granted within the term of the original temporary use permit.
- 1.10. Council may impose additional conditions, including those that were not imposed in the original TUP.

1.11. A TUP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



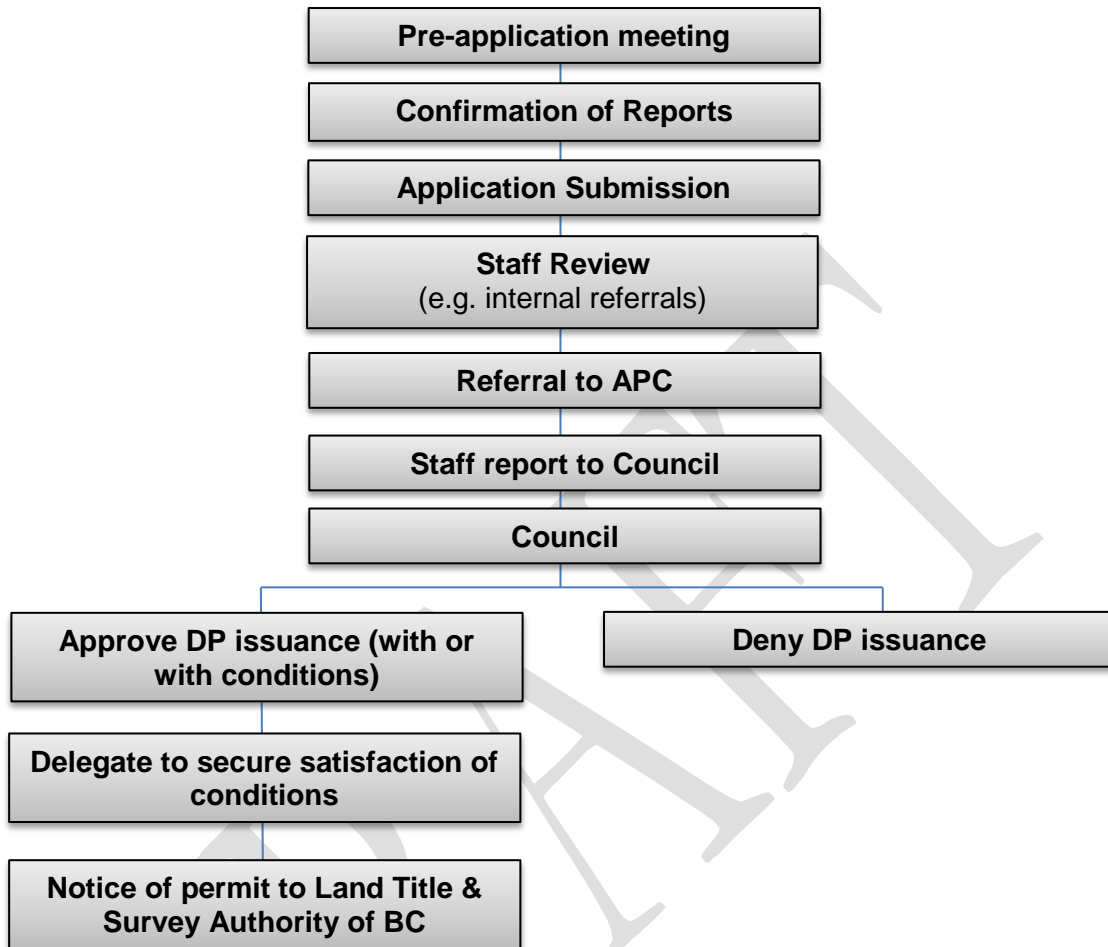
SCHEDULE C

DEVELOPMENT PERMIT APPLICATION - DP ISSUANCE BY COUNCIL

All applications for Development Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows Council to review proposed developments that fall within designated areas against detailed guidelines contained in the Official Community Plan (OCP). The areas identified require special treatment for certain purposes including protection of the natural environment, protection of development from hazards and establishing objectives for form and character.

- 1.1. This schedule applies to permits that have not been delegated by Council or where the development permit includes a variance. Where an Applicant has requested a review of a delegated decision on an Application for a development permit, Council may refer the matter to the APC prior to a decision.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Development Permit applications are not subject to Public Hearing requirements or formal notification. This process arises because Council's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the OCP.
- 1.4. Staff will prepare an information and referral sheet and circulates for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.5. Staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC).
- 1.6. Staff will prepare a planning report for Council relating any information received through internal referral and the referral to the APC. The report should consider the extent to which the development permit is consistent with the Development Permit Area Guidelines in the OCP.
- 1.7. Development permits expire 2 years from the time of issuance unless the project is substantially completed.

- 1.8. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



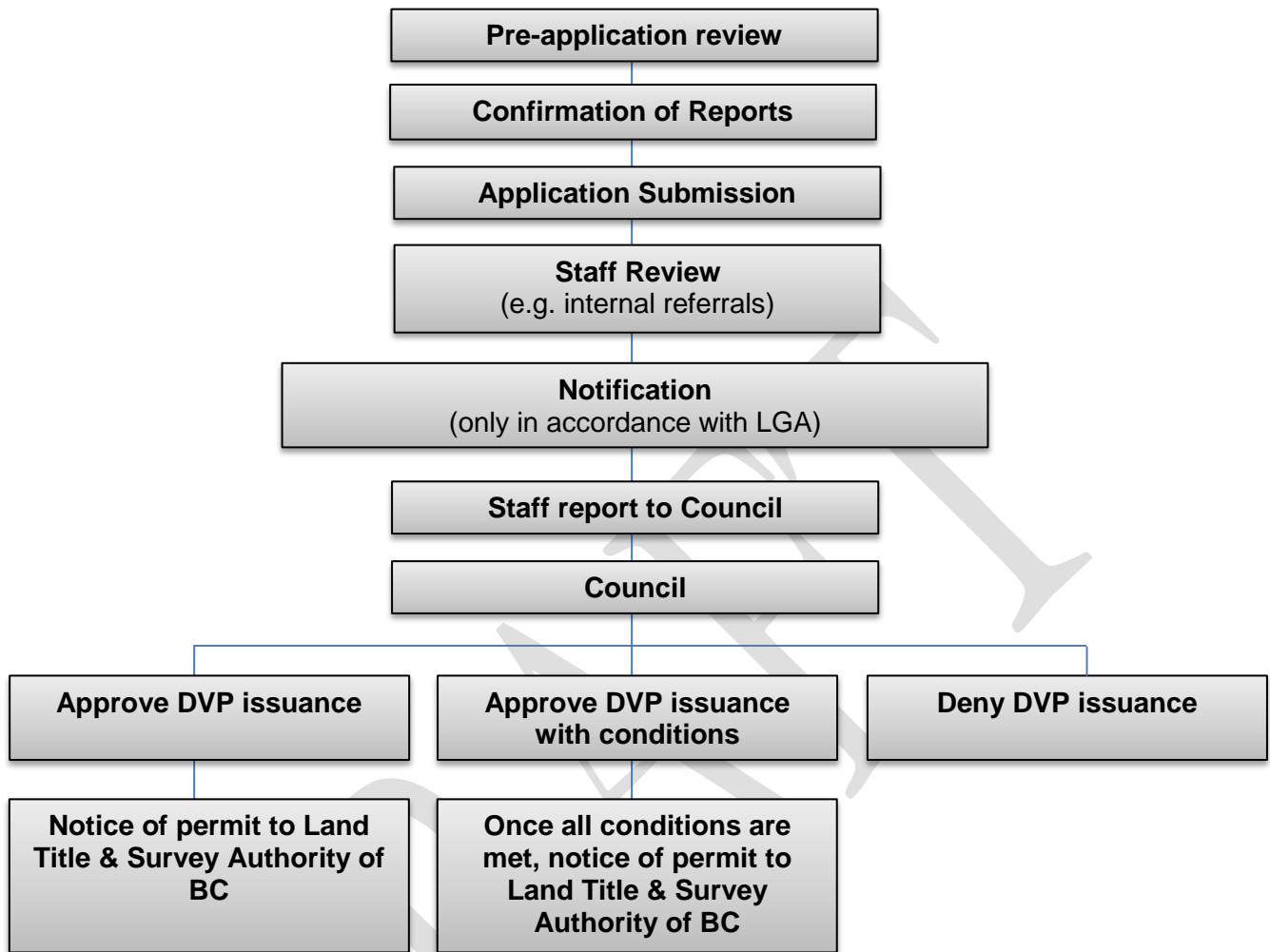
SCHEDULE D

DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION-Issued By Council

All applications for development variance permits, other than for a Minor Development Variance Permit, will be submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. Development Variance requests are typically considered where specific site characteristics or other unique circumstances do not permit strict compliance with an existing regulation. A requested variance must be reasonable, must maintain the intent of the regulation, and should minimize any potential negative impacts on neighbours or the streetscape.

- 1.1. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.2. Planning staff will review the proposal for compliance with relevant District bylaws to confirm whether the requested variance can be approved as a Minor Development Variance Permit and, if not, will process the Application in accordance with this schedule.
- 1.3. Planning staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC). The report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated, whether there is a community or environmental benefit to the larger community in granting the variance, and whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.4. Planning staff will prepare a planning report relating any information received through internal referral, the referral to the APC, and the notification process and advising on the extent of the requested variance and whether the variance is necessary or beneficial.
- 1.5. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

1.6. A DVP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

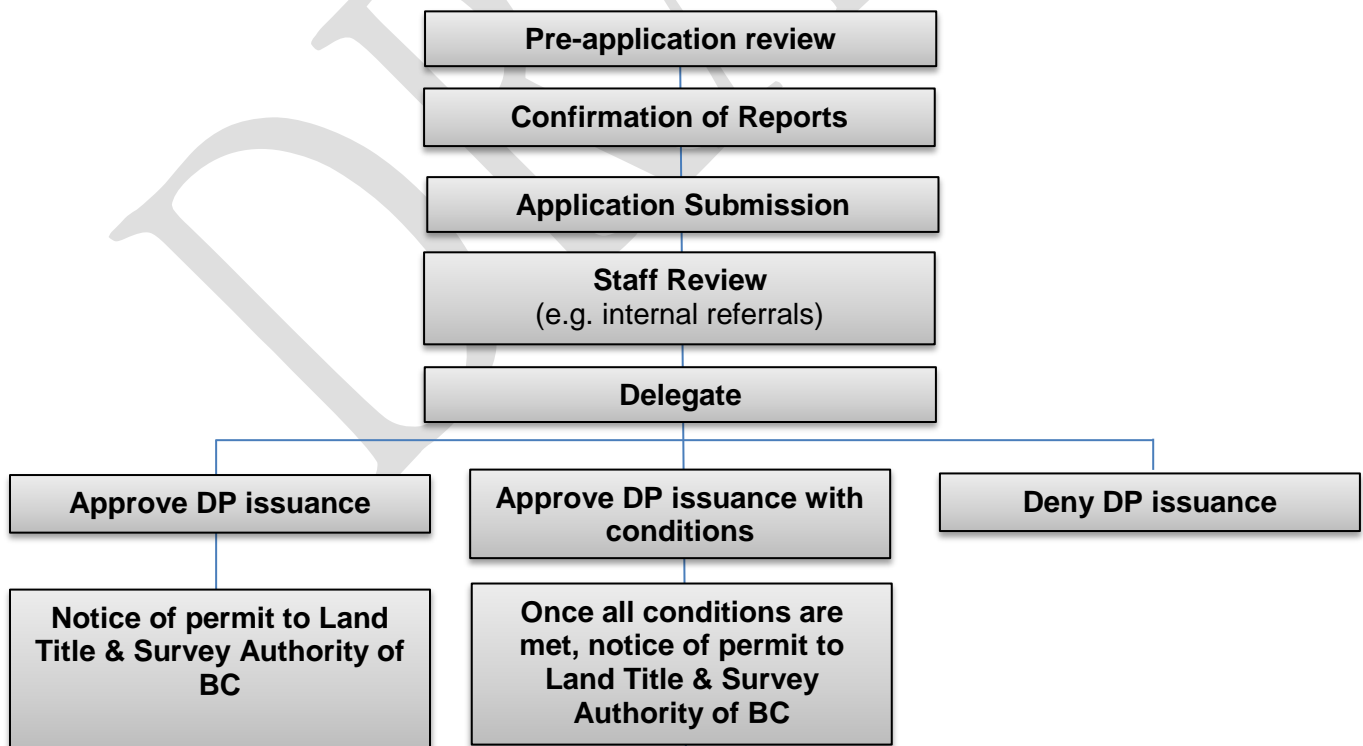


SCHEDULE E

DELEGATED DEVELOPMENT PERMIT

All applications for Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows the Delegate to approve a development permit in compliance with the Official Community Plan and Zoning Bylaw.

- 1.1. This schedule applies to permits that have been delegated by Council to the Delegate and where the development permit does not include a variance.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Development Permit applications are not subject to Public Hearing requirements or formal notification. This process arises because Council's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the OCP.
- 1.4. The Delegate may issue the development permit, issue the development permit with conditions or where the Application does not conform to the Development Permit Area Guidelines in the OCP, refuse to issue the development permit.
- 1.5. Development permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.6. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



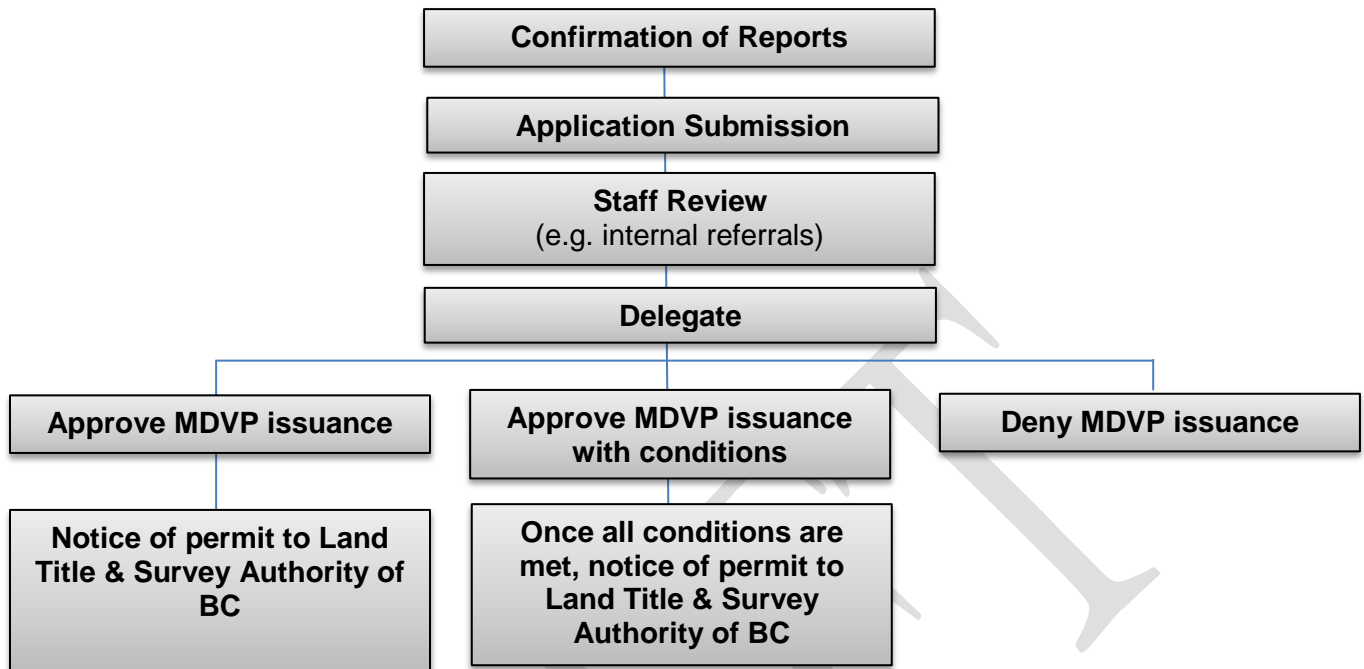
SCHEDULE F

MINOR DEVELOPMENT VARIANCE PERMIT


All applications for Minor Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Minor Development Permit allows a person to whom Council has delegated authority to review proposed variances against detailed regulations in the Zoning Bylaw.

- 1.1. This schedule applies to Minor Development Variance Permits. These decisions are subject to reconsideration by Council.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Minor Development Variance Permits applications are not subject to statutory notice provisions in the *Local Government Act* (see s. 499 (1.1)).
- 1.4. In considering whether to approve a minor variance, the Delegate will consider the following:
 - (a) the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated;
 - (b) whether there is a community or environmental benefit to the larger community in granting the variance, and
 - (c) whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.5. The Delegate may issue the Minor Development Variance Permit, issue the Minor Development Variance Permit with conditions or where the variance is not supported by the considerations above, refuse the Minor Development Variance Permit.
- 1.6. Minor Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

1.7. A Minor Development Variance Permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



Date: January 26, 2023
 File No: 3900-02
 To: Mayor & Council
 From: T. Pley, CAO
 Subject: Draft Zoning Bylaw No. 5074- Modernization

Prepared by: <i>MARIANNE WADE</i>	Supervisor: 
TITLE <i>Marianne Wade Manager of Planning</i>	<i>DIRECTOR OF DEVELOPMENT SERVICES/DEPUTY CAO</i>

RECOMMENDATION

THAT the Committee receive this report as information and provide feedback on the proposed bylaw content changes to staff.

THAT Committee support staff to initiate community engagement on the proposed bylaw content changes prior to Zoning bylaw no. 5074 being considered by Council.

PURPOSE

Zoning Bylaw No.4832 was adopted on March 10, 2014 and since this time legislation has changed as have the needs of the community. Staff are bringing forward topics for consideration that are housekeeping in nature and provide clarity to the interpretation and application of the bylaw. Staff are seeking Committee’s comments prior to initiating community consultation.

BACKGROUND

Council and the community over the last few years, have made requests for staff to address zoning items like: accessory dwelling units, infill housing, multifamily dwellings, clarity on definitions and application of site regulations and conditions of use.

Given the change in land development applications from single family to medium and higher density dwelling types over the last few years, staff have identified many aspects of the existing Zoning Bylaw that create issues for supporting the changing nature of development and housing needs in the city.

Staff have summarized these proposed bylaw content changes into a summary table divided into: Section 3 Administration, Section 4 Definitions, Section 5 Establishment of Zones, Section 6 General Regulations and Housekeeping changes through out the bylaw which is attached to this report.

The intent is for the Draft Zoning Bylaw No. 5074 to replace Zoning Bylaw No.4834 .

ALTERNATIVES/OPTIONS

1. *That the Committee receive this report for information and provide feedback on bylaw content changes to staff.*
2. *That the Committee support staff to initiate community consultation prior to the bylaw being considered by Council.*
2. *That Committee provide an alternative direction to staff by resolution.*
3. *That Committee take no action.*

Staff recommend Option #1 and #2

ANALYSIS

Attached to this report is a summary table of proposed bylaw content changes for Committee's information and feedback to staff. The summary table breaks the proposed bylaw changes into Section 3 Administration, Section 4 Definitions, Section 5 Establishment of Zones, Section 6 General Regulations and general housekeeping changes throughout the bylaw.

Major topics addressed in the proposed bylaw:

- Secondary suites
- Accessory Dwelling Units (ADU)
- Day Care
- Fencing
- Density Calculations
- Density Bonusing
- Height

Section 3 Administration

Staff are proposing to add clarification on how density is calculated. For low density development such as single detached dwellings with carriage homes or garden suites, duplexes or triplexes, *units per hectare* will be used and specified in each zone. A secondary suite in a principal dwelling is not considered a unit for density calculation.

Currently, residential zones use *floor area ratio* (FAR) to calculate density where the best practice is *units per hectare*. Multifamily, commercial and industrial development density will be continue to be calculated using *floor area ratio*.

Section 4 Definitions

Section 4 of the existing bylaw is where definitions are located. Staff have identified references to permitted uses that are not defined, and added these to improve application and clarity by both staff and the public.

For existing definitions that are not aligned with recent legislation, staff have proposed updates for improved application and clarity for interpretation.

Finally, new definitions have been added to align with proposed changes to Section 6 General Regulations such as *Accessory Dwelling Units*. Definitions for different types of accessory dwelling units have also been proposed.

The summary table attached to this report describes why the definition is being revised or added.

Section 5 Establishment of Zones

5.5 Permitted in all Zones

Staff have proposed daycare or other preschools be added to this list to provide flexibility for locations of this much needed use. Licencing of this use falls under provincial jurisdiction, but the City would issue a business license requiring fire and building inspections for life safety items that fall under BC Building code.

Section 6 General Regulations

Section 6.22 Accessory Dwelling Units

Staff are proposing to add sub-section 6.22 to permit accessory dwelling units on a single legal parcel, which could include a secondary suite, carriage house or a garden suite . Definitions for carriage house and garden suites are provided in Section 4 Definitions.

6.22.1 Secondary Suites

Staff are proposing revisions to existing regulations to encourage gentle infill housing, and provide options for owners and renters to diversify the existing housing stock. Staff propose to remove the “owner-occupied” requirement, and replace this with a need for the principal dwelling to be permanently occupied by a renter or owner. Staff have also added that the principal residence must be a “single real estate entity” to align with changes made in BC Building Code.

6.22.2 Carriage Houses and 6.22.3 Garden Suites

Staff have proposed site regulations for the location of these housing forms for the rear yard and proposed modifications to setbacks to permit this use.

6.7.6 Fencing

The existing text is ambiguous, and staff are providing clarity that the intent of this section is to limit open mesh, chain link, barbed and razor wire fences to Industrial zones (M1-4) and cemeteries, public playgrounds, parks, playfields and school areas.

6.28 Density Bonusing

Staff are proposing some minor alternations to the existing text for RM and C-7 Zones to encourage use of the provisions currently listed which are; to encourage universally accessible housing units , affordable housing

units and provision of amenities as per the *Local Government Act* section 482 (a) and (b). The density provisions will be removed from each zone and moved to the Section 6 General Regulations.

The proposed amendment will enable an applicant to choose a single bonusing provision, without being required to satisfy every provision in the density bonus list. Each zone has a maximum permitted FAR with all density provisions being met. This requirement has demonstrated to be difficult for an applicant to met resulting in not selecting the provision and abandoning density bonusing. Staff propose that an applicant be permitted to select a provision to encourage a diversity of housing options and create flexibility for the owner.

Currently the provisions only permit up to an extra .5 in floor area ratio which is not in-line with best practices. Staff will review this again after the Official Community Plan (OCP) has been adopted, and a comprehensive update to the Zoning Bylaw is underway.

6.29 Containers

Limits containers to Industrial(M) zones only.

Housekeeping

Throughout the existing Zoning Bylaw No. 4832 there are references to outdated sections of legislation that will be revised to the current section in the *Local Government Act* or *Community Charter*.

Open space provisions have been moved from each zone to general regulations for ease of use and application.

The naming convention of Family Dwelling has been changed to detached, semi or multi-unit dwelling for modernization.

Home occupation use has been revised to allow an office in an apartment or condominium unit to support remote working options.

Storey has been removed from height calculations as it created confusion in application and interpretation. Best practices are to use height in all zones.

Formatting of the document has been done to modernize it and be more user friendly for the public.

IMPLICATIONS

The proposed changes to the existing Zoning Bylaw No. 4832 will provide clarity for interpretation and application by staff and the public. The proposed amendments provide regulations to support gentle infill housing. Council has requested staff address several of these topics over the past few years.

The proposed revisions provide more regulations to enhance housing supply and diversification which address some of the City's housing needs as identified in the *2021 Housing Needs Report*.

COMMUNICATIONS

Repealing Zoning Bylaw No. 4832 and replacing it with Zoning Bylaw No. 5074, will require a formal process of first and second readings of the bylaw, a public hearing, third reading of the bylaw, MOTI approval and final adoption. This will require advertisement in the local newspaper but will not require issuance of notice as per section 466 (7) as ten or more parcels are subject to the bylaw amendment.

Staff would like to initiate community engagement prior to bringing forward Zoning Bylaw No. 5074 for consideration by Council.

BYLAWS/PLANS/POLICIES

The proposed amendments to Zoning Bylaw No. 4832 respond to the following Council Strategic Priorities:

- 1. Respond to demographic change/improve life**
- 5. Foster a Complete Community**

SUMMARY

Staff are seeking feedback from the Committee on the proposed amendments and support to initiate community consultation prior to Council considering the Zoning Bylaw No. 5074.

ATTACHMENTS/REFERENCE MATERIALS

- *Attachment Zoning Amendment Summary Table January 26, 2023*
- *Attachment Draft Zoning Bylaw No. 5074 January 26, 2023*

C:

- D. Leurebourg, Director of Corporate Services*
- R. Dickinson, Director of Engineering and public Works*
- W. Thorpe, Director of Parks, Recreation and Heritage*
- P. Deakin, Manager of Economic Development*

J:\Engineering\Planning\ZON\Zoning Bylaw Housekeeping 2022\Cow\Draft Zoning Bylaw No. 5074 report

Summary of Proposed Zoning Bylaw Changes	
Amendment	Description / Rationale
Section 3 – User Guide and Administration	
<p>3.13 Density Calculations</p> <p>3.13.1 3.13.1 Low density residential development (Single Detached with carriage houses, duplex and triplex) is calculated on a unit/hectare basis as outline in each zone. Secondary suites are not considered a unit for the calculation of density. Where the calculation of units per hectare results in a fractional value, the number of units shall be rounded up to the nearest whole unit.</p> <p>3.13.2 Multi-family, Commercial and Industrial Development density is determined by floor area ratio as prescribe in the applicable zone.</p>	<p>New sub-section added to provide clarity on how density is to be calculated for new developments.</p>
Section 4 – Definitions	
<p>ACCESSORY BUILDING means a detached building, the use or intended use of which is ancillary to that of a principal building situated on the same lot and excludes use for residential.</p>	<p>All uses were reviewed to assess the ease of interpretation and need for definitions to address exiting uses. Further, uses classes were reviewed to modernize definitions where required. In addition, many minor revisions were made to create great clarity and ease of interpretation.</p>
<p>ACCESSORY DWELLING UNIT means a subordinate dwelling unit attached to, within, or detached from a principal dwelling unit, where both dwelling units are located on the same parcel. This includes a secondary suite, carriage suite, and garden suite.</p>	<p>New definition added.</p>
<p>AFFORDABLE HOUSING means rental or ownership housing that costs less than 30% of the before tax household income, subject to change by CMHC or BC Housing.</p>	<p>Definition added to align with programs and housing continuum.</p>
<p>AMBULANCE STATION means a facility for the dispatch of ambulance services</p>	<p>Definition added for use currently listed in bylaw.</p>

<p>ANIMAL SHELTER means a facility for the temporary housing and care of lost, abandoned, or homeless domestic animals.</p>	<p>New definition added.</p>
<p>CARRIAGE HOUSE means a detached, subordinate dwelling unit that contains a garage or similar storage space on a ground floor, with a dwelling unit on an upper floor, located on a permanent, continuous foundation.</p>	<p>New definition added to enable accessory dwelling units.</p>
<p>DWELLING UNIT means one or more integrally connected habitable rooms, constituting a self-contained unit with a separate entrance, containing cooking facilities, eating, living, and sleeping areas and bathroom facilities, and occupied or constructed to be occupied by a person or persons living together as a single household unit.</p>	<p>Updated definition.</p>
<p>EMERGENCY SHELTER means short stay housing for less than 30 days for anyone who is experiencing homeless or at risk of homelessness. They operate all year, up to 24 hours a day, seven days a week. Shelters provide dormitory style sleeping arrangements, with varying levels of support to individuals usually including food.</p>	<p>Definition added to align with programs and housing continuum.</p>
<p>EXTREME WEATHER SHELTER means temporary spaces for people who are experiencing homeless made available during weather conditions where sleeping outside might threaten health and safety. Activated by local government from November 1 through March 31 (subject to change).</p>	<p>Definition added to align with programs and housing continuum.</p>
<p>FIRE HALL means a building or structure or part thereof containing offices, vehicles and equipment intended for the prevention or extinguishing of fires, including ancillary rooms and activity areas for the firefighters, and may include ancillary meeting rooms for public assemblies.</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>FLOOR AREA, GROSS means the total of all floors when measured from the outer wall of the building, including all suites or dwelling units and all areas giving access such as corridors, hallways, landings, foyers, staircases, and stairwells. Enclosed balconies, mezzanines, porches, verandas, and elevator shafts shall be included.</p>	<p>Updated definition.</p>

<p>FLOOR AREA RATIO means the value reached when dividing the <i>gross floor area</i> of all <i>buildings</i> on a <i>lot</i> by the area of the <i>lot</i>. Except that the following shall not be included as gross floor area for the purpose of computing floor area ratio:</p> <ul style="list-style-type: none"> (1) Any portion of a storey used for parking purposes unless parking is a principal use. (2) Any portion of a storey used for laundry purposes, unless laundry is the principal use. (3) Any portion of a basement containing heating, laundry. Recreational or storage facilities, but excludes areas used for habitable accommodation, and necessary access to habitable accommodation. (4) Architectural features which are permitted as projections into setbacks areas as per section XX of this Bylaw. (5) Swimming pools and sundecks. 	<p>Updated definition.</p>
<p>GARDEN SUITE means a detached, accessory dwelling unit, typically on a ground floor, located on a permanent, continuous foundation.</p>	<p>New definition added to enable accessory dwelling units.</p>
<p>GARDEN CENTRE means a building or structure or part thereof for the growing, display, wholesale or retail sale of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation, and may include the sale of other goods, products and equipment normally associated with gardening and landscaping, includes nursery and landscape supplies</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>HELIPAD means an area, either at ground level or elevated on a building or structure, licensed by the federal government, and approved for the loading, landing and takeoff of helicopters.</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>HOTEL means a commercial <i>building</i> containing more than six <i>sleeping units</i> to provide temporary accommodation for the travelling public. No <i>sleeping unit</i> shall contain private cooking facilities and in no case shall <i>sleeping units</i> be used for any other commercial use. <i>Sleeping units</i> shall have separate entrances through a common hallway and may</p>	<p>Updated definition.</p>

include ancillary amenities such as fitness rooms, pools and restaurants.	
HOUSEHOLD means an individual or two or more people related by blood, marriage, adoption or foster parenthood or 5 unrelated non-transient people living as a single group within a dwelling unit.	New definition added.
HOUSING AGREEMENT means an agreement between a property owner and the City by bylaw, as defined in Section 463 of the <i>Local Government Act</i> .	Definition added to align with housing programs.
LIVE-WORK means the use of premises for: (a) a dwelling unit, and (b) a business operated by the occupant of the dwelling unit that may include day care, <i>personal service</i> , <i>artist's studio</i> , general or professional office use, but does not include: any dating service, entertainment service, exotic dancer business, social escort business, tattooing, piercing, branding, or other similar business.	Updated definition to clarify the occupant of the dwelling unit must be the operator of the business.
LOT COVERAGE means the total area of a lot covered by buildings or structures divided by the area of the lot itself expressed as a percentage.	Added definition.
MARINA means an establishment, including buildings, structures and docking facilities, and located on and adjacent to a navigable body of water, and used for the mooring, berthing and storing of boats and marine equipment, and may include facilities for the sale, rental and repair of boats and accessory marine crafts.	Definition added for use currently listed in bylaw.
MARKET HOUSING means housing that is privately owned by an individual (or a company) who generally does not receive direct subsidies to purchase or maintain it. Prices are set by the private market.	Definition added to align with programs and housing continuum.
MOBILE HOME means a single family dwelling, factory built as a unit or units, suitable for year around occupancy, capable of being drawn or moved from place to place, and meeting the CAN/CSA-Z240 MH standard.	Updated definition.

<p>MODULAR HOME means finished sections of a complete dwelling built in a factory for transportation to the site for installation. Finished means fully enclosed on exterior and interior but need not include interior painting, taping, installation of cabinets, floor coverings, fixtures, heating systems, and exterior finishes. Modular homes conform to the National Building Code of Canada or British Columbia Building Code where mandated and contain a CSA modular home label.</p>	<p>Updated definition.</p>
<p>PARKING SPACE means a space on a driveway for single, semi detached and townhouses, or within a <i>building</i>, or a <i>parking lot for multi-residential uses</i>, for the parking of one vehicle, excluding ramps, and <i>access aisles</i>.</p>	<p>Updated definition.</p>
<p>PERSONAL SERVICE means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services may include activities such as dry cleaning, laundry, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral home, steam baths, fitness centres, health clubs, and, animal grooming services.</p>	<p>Updated definition.</p>
<p>POLICE STATION means a facility containing offices, detainment areas, laboratories and related ancillary facilities for the police in carrying out their duties of maintaining law and order</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>PRINTING, PUBLISHING AND ALLIED INDUSTRY means a facility for the printing, publishing, engraving, or copying of papers, plans and newsprint.</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>PRINCIPAL BUILDING means the a building in which the principal use of the lot on which the building is located is conducted.</p>	<p>Added definition. Term referred to in General Regulations.</p>
<p>PRINCIPAL USE means the main or primary use of a premise that is provided for in the list of permitted uses in the zones in this Bylaw.</p>	<p>Updated definition</p>
<p>PROFESSIONAL SERVICE means the use of an office where the primary activity is the performance of work, or</p>	<p>Added definition</p>

<p>provision of advice, to clients in specialized areas of expertise. Professional services may include engineering, accounting, marketing, graphic design, architecture, realty, and financial and legal services.</p>	
<p>RECREATIONAL VEHICLE means a vehicle requiring a licence and designed to be used for temporary living and travel, recreation or vacationing and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes, boats, snowmobiles, or other similar vehicles but does not include manufactured home.</p>	<p>Added definition.</p>
<p>RESTAURANT means a business establishment where food and beverages are prepared, served and consumed on the premises, and includes facilities for ordering and pick-up for consumption off-site. A restaurant may include dining establishments issued a food primary license pursuant to the Liquor Control and Licensing Act.</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>SCHOOL means a school, providing an educational program offered by a district pursuant to the School Act, an Independent School pursuant to the Independent School Act, or a college or community college or educational facility as certified under the Private Training Act and/or constituted and established pursuant to a provincial statute.</p>	<p>Updated to include organizations certified under BC Private Training Act.</p>
<p>SECONDARY SUITE means a <i>dwelling</i> unit that is an accessory to a single real estate entity and is comprised of one or more habitable rooms, intended for <i>use</i> as a separate and independent residence. A secondary suite contains sleeping facilities, a bathroom, and cooking facilities that are for the exclusive <i>use</i> of the occupant(s) of the suite</p>	<p>Updated to enable secondary suites on properties other than those with single detached homes.</p>
<p>Delete Storey and Half-Storey</p>	<p>Definition removed from bylaw. Regulated through building height requirement. Improves clarity.</p>
<p>SUBSIDIZED HOUSING means all types of housing that receive subsidy or rental assistance for those living in the private market from public sources (be they federal, provincial/territorial, or municipal).</p>	<p>Definition added to align with programs and housing continuum.</p>

<p>SUPPORTIVE HOUSING has no limit on length of stay, is a purpose-designed building that provides ongoing supports and services to individuals who cannot live independently.</p>	<p>Updated definition.</p>
<p>THEATRE means a building or part thereof devoted to dramatic, dance, musical or other live performances.</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>TRANSITIONAL HOUSING provides housing for more than 30 days up to three years that includes provision of support services, on or off site, to help individuals move towards independence and self-sufficiency. This form of housing is often called second stage housing, and includes women feeling abuse.</p>	<p>Replaces existing <i>Transition House</i> definition. Updated to align with programs and housing continuum.</p>
<p>USEABLE OPEN SPACE means a level, unobstructed area or areas, available for safe and convenient <i>use</i> by all the <i>building's</i> users and occupants providing for greenery, recreational space and other leisure activities normally carried on outdoors. Usable open space shall exclude areas <i>used</i> for off-street parking, off-street loading, service driveways, public walkways, and required <i>front yards</i>.</p>	<p>Updated definition to move technical requirements to <i>General Regulations</i>.</p>
<p>WHOLESALE means a business establishment devoted to wholesale sales, being: the sale of goods, commodities and merchandise to retail distributors; to other wholesale distributors; to industrial, commercial, institutional or professional business users; or acting as agents or brokers and buying or selling goods, commodities and merchandise for incorporation and assembly into other products.</p>	<p>Definition added for use currently listed in bylaw.</p>
<p>Section 5 – Establishment of Zones</p>	
<p><u>5.5 Permitted in all Zones:</u> The following <i>uses</i> are permitted in all <i>zones</i>:</p> <ul style="list-style-type: none"> - Accessory Buildings and Structures - Public parks and playgrounds - Unattended Public Utility Use - Community Gardens - Market Gardens - Natural areas - Daycare or other preschools 	<p>Updated to include daycare as spaces are in short number, and many are needed to support working families. This provision is to remove barriers to daycares in the community.</p>

Section 6 – General Regulations	
<p>6.15.6 <i>Home Occupation</i></p> <p>(h) In multi-unit residential zones, home occupation as a permitted use is restricted to office space.</p>	<p>Updated to permit business conducted entirely online. Relevant to business licensing.</p>
<p><u>6.22.1 Secondary Suites</u></p> <p>Existing:</p> <p><i>Secondary suites:</i></p> <ul style="list-style-type: none"> - May not exceed 90m² in total floor area or 40% of the <i>habitable floor space</i> of the <i>building</i>, whichever is less; - Must be fully contained within the principal residence; - Must be provided with a <i>parking space</i> additional to the standard <i>parking space</i> requirements for the residence; and - Are only permitted in an owner-occupied single <i>family dwelling</i>. <p><i>Proposed:</i></p> <ul style="list-style-type: none"> - May be located in any single detached, semidetached or townhouse on the following conditions: - May not exceed 40% of the habitable floor space of the building, whichever is less - Must be fully contained within the principal residence which is a single real estate entity - Must be provided with a parking space additional to the standard parking space requirements for the residence as per section 7 of this bylaw; and - The principle dwelling is permanently occupied 	<p>To provide for greater flexibility and opportunities for gentle infill within the community.</p> <p>Allow for the diversification of housing rental and aging in place options</p> <p>Allow for mortgage helpers for first time home buyers</p>
<p><u>6.22.2 Carriage Houses:</u></p> <ul style="list-style-type: none"> - May be located on a lot with a single detached dwelling on the following conditions: - Is not located on a lot that contains another accessory dwelling unit - Is provided direct access to a roadway or laneway or includes a minimum 1.0 m wide pathway constructed of durable material, extending from the carriage suite parking area to the entrance of the carriage suite when direct access to the 	<p>New section added to enable Carriage Houses on property according to conditions.</p>

<p>carriage suite from a roadway or laneway is not provided;</p> <ul style="list-style-type: none"> - Is not located in the required front yard setback area or in front of the principal dwelling; - Meets minimum side yard setback requirements of the applicable zone; - May be located in the required rear yard setback but must have a minimum 1 m rear yard setback; - Does not exceed a maximum height of the principal building; - Does not contain a gross floor area (excluding a first storey garage) greater than 40% of the gross floor area of the single detached dwelling, up to a maximum of 90.0 sq. m.; - Must have a minimum of 18 sq m of useable open space; and - Provides for parking in accordance with Section 7. 	
<p><u>6.22.3 Garden Houses:</u></p> <ul style="list-style-type: none"> - May be located on a lot with a single detached dwelling on the following conditions: - Is not located on a lot that contains another accessory dwelling unit - Is provided direct access to a roadway or laneway or includes a minimum 1.0 m wide pathway constructed of durable material, extending from the carriage suite parking area to the entrance of the carriage suite when direct access to the carriage suite from a roadway or laneway is not provided; - Is located in a rear yard; - Meets minimum side yard setback requirements of the applicable zone; - May be located in the required rear yard setback; - No portion of the <i>building</i> is located within 1 m of a rear lot line; - Does not exceed a maximum height of 8 m. - Does not contain a gross floor area greater than 40% of the gross floor area of the single detached dwelling, up to a maximum of 90.0 sq. m.; - Must have a minimum of 18 sq m of useable open space; and - Provides for parking in accordance with Section 7. 	<p>New section added to enable Garden Houses on property according to conditions.</p>

6.28 Density Bonusing

6.28.1 The purpose of the following density bonusing provisions pursuant to section 482 of the LGA are to support the development of:

- Universally Accessible housing units as per 482 (b)
- Affordable housing units as per 482 (b)
- Provision of amenities 482 (a)

6.28.2 On lands with an RM zone and the following Density Bonusing is available as follows:

- a. For each ten percent (10%) of the *dwelling* units constructed using universally accessible design standards and elevators are provided the floor area ratio may be increased by 0.1
- b. For each ten percent (10%) of the *dwelling* units that are designated as affordable the permitted the floor area ratio may be increased of 0.1
- c. Where greater than seventy-five (75%) of the required off-*street* parking is provided *underground* or enclosed underneath the principal *building*, the floor area ratio may be increased by 0.1

6.28.2.1 To receive a density bonus a proposal may use one or a combination of the above provisions. The maximum increase in FAR through these provisions is 0.5.

6.28.2.2 Where density bonusing is to be sought under 6.28.2 (b) above, a housing agreement is required as outline under section 483 of the *Local Government Act*.

6.28.3 On lands zoned C-7 the following Density Bonusing is available as follows:

- a. A 0.5 increase in FAR where a minimum of one *storey* or sixteen and one-half percent (16.5%) of the *gross floor area* of the *building* is used for commercial purposes;
- b. A 0.5 increase in FAR where greater than seventy-five percent (75%) of the required parking is provided *underground* or

To reflect the legislative best practice for density bonusing. To create greater clarity for the administration of regulations. Moved from Section 5 to General Regulations.

<p>enclosed underneath the principle <i>building</i>;</p> <ul style="list-style-type: none"> c. A 0.1 increase in FAR for each (10%) of the <i>dwelling</i> units are constructed as <i>accessible</i> and where elevators are provided to all <i>storeys</i> in the <i>building</i> d. A 0.1 increase in FAR for each ten percent (10%) of the <i>dwelling</i> units are designated as affordable e. A 0.5 increase in FAR where a common meeting room or amenity room containing a minimum of 22 m² (235 ft²) is provided. <p>6.28.3.1 To receive a density bonus a proposal may use one or a combination of the above provisions. The maximum increase in FAR through these provisions is 0.5 for a maximum FAR of 3.5.</p> <p>6.28.3.2 Where density bonusing is to be sought under 6.28.3 (d) above, a housing agreement is required as outline under section 483 of the <i>Local Government Act</i>.</p>	
<p><u>6.29 Containers</u></p> <p>6.29.1 Use of land for the placement of containers is permitted only in M zones, except under conditions authorized by 6.29.3.</p> <p>6.29.2 A container shall only be used to store materials or products that are incidental to the operation of a business or facility located on the parcel and shall not be used for mini-storage.</p> <p>6.29.3 A container may be used for the temporary storage of tools and materials on a property other than an M zone, for the construction or maintenance of a building or structure for which a required building permit has been obtained and remains active. Upon completion of construction the container must be removed with 14 days.</p> <p>6.29.4 No container may be located in the setback area, as specified by the applicable zone, or within 3 m of any lot line adjoining an R, RM, or MH zone.</p>	<p>Added basic regulation for Containers (commonly referred to as shipping container, or sea cans.).</p> <p>Placement limited to industrial zones unless used for storage during construction in accordance with a Building Permit.</p>

HOUSEKEEPING (Changes made across multiple sections of the bylaw):	
Use able open space provisions	Moved from Section 5 Zones to General Regulations – 6.27
Density Bonusing Provisions	Moved from Section 5 Zones to General Regulations – 6.28
Family Dwelling – Naming Convention	Change to detached, semi or multi-unit dwelling.
Home Occupation revisions.	To allow for remote working options. Added ability to have office use in an apartment or condo unit.
Reference to building storey(s).	Reduces confusion with building height requirements.
Minimum lot area and frontage	Updated minimum lots area and frontage in Section 5 residential zones to enable gentle infill housing.
Density	Updated Section 5 low density residential zones with density measurements in units/hectare to replace Floor Area Ratio consistent with changes to section 3.13 <i>Density Calculations</i> .
<i>Office, Professional service, and Government service</i> uses in Commercial zones.	<p>Aligned commercial zones with existing <i>Office</i> definition by listing <i>Office</i> as <i>Accessory Use</i> instead of <i>Principle Use</i>.</p> <p>Added <i>Professional service</i> to C5 Transitional Office zone.</p> <p>Added “Government service” to C7 zone as a <i>Principal use</i>. Previously embedded in definition of <i>Office</i>.</p>



Port Alberni Zoning Bylaw

2023

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Bylaw No. 5074

Table of Contents

1.	Title	3
2.	Repeal of Bylaws	3
3.	Administration	4
4.	Definitions	7
5.	Establishment of <i>Zones</i>	24
	A1 – AGRICULTURE	26
	FD – FUTURE DEVELOPMENT	28
	RR1 – RURAL RESIDENTIAL	29
	RR2 – SEMI RURAL RESIDENTIAL	31
	R1 – SINGLE DETACHED RESIDENTIAL	32
	R2 – SINGLE AND SEMI DETACHED RESIDENTIAL	33
	R3 – SMALL LOT SINGLE DETACHED RESIDENTIAL	35
	RM1 – LOW DENSITY MULTI RESIDENTIAL	36
	RM2 – MEDIUM DENSITY MULTIRESIDENTIAL	37
	RM3 – HIGH DENSITY MULTIRESIDENTIAL	38
	MH1 – MOBILE AND MODULAR HOMES	40
	C1 – NEIGHBOURHOOD COMMERCIAL	42
	C2 – GENERAL COMMERCIAL	44
	C3 – SERVICE COMMERCIAL	47
	C4 – HIGHWAY COMMERCIAL	49
	C5 – TRANSITIONAL OFFICE	52
	C6 – GAMING CENTRE	53
	C7 – CORE BUSINESS	54
	C8 – COMMERCIAL RECREATION	57
	C9 – COMMERCIAL GUEST HOUSE	58
	M1 – LIGHT INDUSTRY	59
	M2 – MEDIUM INDUSTRY	61
	M3 – HEAVY INDUSTRY	63
	M4 – UTILITIES	64
	P1 – INSTITUTIONAL	65
	P2 – PARKS AND RECREATION	68
	W1 – WATERFRONT COMMERCIAL	69
	W2 – WATERFRONT INDUSTRIAL	71
6.	General Regulations	72
7.	Parking and Loading Regulations	89
8.	Comprehensive Development Zones	96
	CD1 – Comprehensive Development – Uplands Phase 2 – Burde Street	96
	Schedule A: Zoning Map	99
	Schedule B: Permitted <i>Uses By Zone</i>	100

CITY OF PORT ALBERNI

PORT ALBERNI ZONING BYLAW

BYLAW NO. -5074

WHEREAS the *Local Government Act* of the Province of British Columbia authorizes a local government to enact bylaws, pursuant to the provisions of Sections 479 related to Zoning Bylaws, which divides the municipality into *zones* and which sets regulations for each *zone*;

WHEREAS persons who deem their interest in property affected by this Bylaw have, before the passage hereof, been afforded an opportunity to be heard on the matters contained herein before the Council of the City of Port Alberni, all in accordance with the requirements of the *Local Government Act*, including Sections 465 and 466 related to the holding of public hearings for Zoning Bylaws;

WHEREAS one of the principal purposes of this Bylaw is to guide the natural growth of the municipality in a systematic and orderly way for the ultimate benefit of the community as a whole by ensuring that the various *uses* made of land and *structures* in the municipality develop in proper relationship to one another;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Port Alberni, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited for all purposes as the “Port Alberni Zoning Bylaw”, Bylaw No. hereinafter referred to as the “Bylaw.”

2. Repeal of Bylaws

Bylaw No., cited as the “and all amendments thereto are hereby repealed.

3. Administration

NOTE: Diagrams are provided for illustration purposes only in this Bylaw.

NOTE: See Section 5 for *zone* abbreviations and *zone* groupings, as referenced throughout the bylaw.

3.1 Application

3.1.1 This Bylaw shall be applicable to all land, *buildings* and *structures*, including the surface of water, within the City of Port Alberni.

3.1.2 No *building*, *structure* or *use* shall be located, constructed, altered or expanded except as is provided for in this Bylaw.

3.1.3 This Bylaw shall not relieve any person from complying with other Bylaws and legislation that are relevant to the development or *use* of land.

3.2 Amendments to the Bylaw

3.2.1 Any person applying to have this Bylaw amended, whether a text or a zoning map amendment or both, shall apply in writing *using* the prescribed form, describing the proposed change, providing reasons in support of such application, and any additional information required for application review and assessment.

3.2.2 Where an application to amend this Bylaw has been refused no application the same as or similar to the refused amendment shall again be considered by *Council* for six (6) months after the date of refusal.

3.3 Bylaw Administration

This Bylaw is administered by officers, employees, and *agents* of the City of Port Alberni.

3.4 Enforcement and Inspection

Officers, employees, and *agents* of the City of Port Alberni are hereby authorized to:

3.4.1 Enforce this Bylaw and carry out inspections regarding the *use* and occupancy of *buildings* and *property*;

3.4.2 Enter upon any property or premises, at all reasonable times, to ascertain whether the provisions of this Bylaw are being complied with; and

3.4.3 Give notice to the owner of any property directing the owner or occupant to correct any condition which constitutes a violation of this Bylaw.

3.5 Contravention

Every person who violates any of the provisions of the Bylaw, or who acts or suffers or permits any act or thing to be done in contravention or in violation of

any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done under the provisions of this Bylaw shall be deemed to be guilty of an infraction of this Bylaw.

3.6 Penalties

Every person guilty of an infraction of this Bylaw shall be liable on summary conviction to a penalty not exceeding two thousand dollars (\$2,000) for each infraction or offence. Each day that a violation or infraction exists or is permitted to exist shall constitute a separate offence under this Bylaw.

3.7 Permits and Licences

No permit or licence shall be issued for a *building, structure, or use* which violates any of the provisions of this bylaw.

3.8 Severability

If any section, subsection, sentence or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw or the validity of the Bylaw as a whole.

3.9 Interpretation of Permitted Uses

3.9.1 No lands, *buildings, or structures* in any *zone* shall be *used* by the owner, occupier, or any other person for any *use*, except one which is provided in this Bylaw as being specifically permitted for the *zone* in which it is located. Any use not expressly permitted is prohibited.

3.10 Non-conformity

3.10.1 Non-conforming *uses* and siting are permitted in accordance with the provisions of the *Local Government Act*.

3.10.2 In all zones, other than the R2 zone, minimum lot sizes and minimum frontage requirements are set out for the purposes of subdivision only. In the R2 zone, minimum lot sizes and minimum frontage requirements are set out for the purposes of subdivision and as conditions of use. Any *lot* existing prior to the adoption of this Bylaw which, at the time of adoption of this Bylaw, fails to meet the minimum *lot size and frontage* requirements of a *zone* as set out in this Bylaw, shall not, by reason thereof, be deemed to be non-conforming or unlawful. However, any *use* of the *lot* shall comply with the regulations specified for the *zone* in which it is located.

3.11 Siting, Size, and Shape

No *building or structure* shall be constructed, reconstructed, altered, moved, or extended by the owner, occupier, or any other person so that it contravenes the requirements, as provided in this Bylaw, for the *zone* in which it is located, unless a variance has been granted for the same.

3.12 Measurement Discrepancies

If there is any discrepancy in this Bylaw between the metric and imperial measures for a given item, the metric value shall be considered the correct value for such item.

3.13 Density Calculations

3.13.1 Low density residential development (Single Detached with carriage houses, duplex and triplex) is calculated on a unit/hectare basis as outline in each zone. Secondary suites are not considered a unit for the calculation of density. Where the calculation of units per hectare results in a fractional value, the number of units shall be rounded up to the nearest whole unit.

3.13.2 Multi-family, Commercial and Industrial Development density is determined by floor area ratio as prescribe in the applicable zone.

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4. Definitions

In this Bylaw unless the context otherwise requires:

ACCESS AISLE	means a travelling lane in a parking area or <i>parking lot</i> which is immediately adjacent to a <i>parking space</i> , is <i>used</i> for and/or is necessary for turning, backing, or driving forward a motor vehicle into such <i>parking space</i> but is not <i>used</i> for the parking or storage of motor vehicles.
ACCESSORY BUILDING	A detached building, the use or intended use of which is ancillary to that of a principal building situated on the same lot and excludes use for residential.
ACCESSORY DWELLING UNIT	means a subordinate dwelling unit attached to, within, or detached from a principal dwelling unit, where both dwelling units are located on the same parcel. This includes a secondary suite, carriage house, and garden suite.
ACCESSORY USE	means a <i>use</i> which customarily is ancillary, subordinate to and exclusively devoted to a principal <i>building</i> , or <i>use</i> of a principal <i>building</i> , or a <i>principal use</i> on the <i>lot</i> upon which such <i>accessory use</i> is located.
ACCESSIBLE	means the design and construction of <i>buildings</i> in a manner to make them <i>accessible</i> and useable by persons with special needs and including features which are complementary to the BC <i>Building Code</i> .
ADULT NOVELTY	means toys of a sexual nature, intended only for adult <i>use</i> .
ADULT RETAIL STORE	means the <i>use</i> of premises to display or <i>retail</i> either or both of the following: <ul style="list-style-type: none">• <i>Adult novelties</i>• <i>Drug paraphernalia</i>.
AFFORDABLE HOUSING	means rental or ownership housing that costs less than 30% of the before tax household income, subject to change by CMHC or BC Housing.
AGENTS	means those professionals or tradespeople under contract to the City of Port Alberni with responsibility for administration of the zoning bylaw.
AGRICULTURE	means the <i>use</i> of land, <i>buildings</i> and <i>structures</i> for growing, rearing, and harvesting agricultural products or raising <i>livestock</i> . <i>Agriculture</i> includes processing crops grown on the land, horticulture, storing and repairing farm equipment <i>used</i> on the land, and other related <i>uses</i> including greenhouses. In the context of this Bylaw, <i>agriculture</i> also includes aquaculture, horticulture, and <i>forest management use</i> but excludes marihuana growing, the operation of <i>feedlots</i> , fur farms, piggeries, <i>poultry</i> farms, and slaughterhouses.
AGRICULTURE USE, INTENSIVE	means " <i>Intensive Agriculture</i> " as defined in Section 555 (1) of the <i>Local Government Act</i> : for example, the confinement of <i>poultry</i> , <i>livestock</i> or fur bearing animals, or the growing of mushrooms.

AMBULANCE STATION	means a facility for the dispatch of ambulance services
AMUSEMENT ESTABLISHMENT	means premises that are <i>used</i> as billiard and pool halls, bingo halls, bowling alleys, or premises in which three or more <i>amusement machines</i> are placed provided or kept for the purpose of gain or profit of the operator.
AMUSEMENT MACHINE	means a machine on which mechanical, electrical, automatic or computerized games are played for amusement or entertainment and for which a coin or token must be inserted or a fee charged for <i>use</i> .
ANIMAL SHELTER	means a facility for the temporary housing and care of lost, abandoned, or homeless domestic animals.
ARTIST'S STUDIO	means a workspace for artists, artisans, craftspeople, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing, dance, vocal or instrumental music, painting, photography, sculpture, and writing. May include the accessory sale of art produced on the premises.
ASSEMBLY	means <i>use</i> of a <i>building</i> or <i>structure</i> for the gathering or meeting of persons for charitable, philanthropic, cultural, political, educational or other similar purpose.
ASSEMBLY, CULTURAL AND RECREATIONAL FACILITIES	means facilities such as armouries, art galleries, auditoriums, bowling greens, community centres, cultural centres, curling rinks, gymnasiums, meeting halls, museums, libraries, skating rinks and arenas, stadiums, swimming pools and tennis courts.
AUTOMOBILE OR BOAT SALES OR RENTAL LOT	means an open area <i>used</i> for the display, sales or rental of new or <i>used</i> passenger motor vehicles, boats, mobile-homes, or trailers in operable condition, and where no repair work is done except incidental repair of vehicles.
AUTOMOTIVE SALES, REPAIR AND SERVICING	means automotive supply stores, car washes, motor vehicle dealers, motor vehicle rental <i>lots</i> , motor vehicle repair shops, tire, battery, and automotive accessory stores.
AUTOMOBILE WRECKING YARD	means an open area where motor vehicles are disassembled, dismantled or junked or where vehicles not in operable condition or <i>used</i> parts of motor vehicles are stored.
BASEMENT	means that portion of a <i>building</i> between two floor levels, the lower of which is partly underground, but which has at least one half of its height from finished floor to finished ceiling above adjacent finished <i>grade</i> as determined by the <i>Building Inspector</i> .
BED AND BREAKFAST	means the <i>use</i> of part of a single detached dwelling for the accommodation of paying overnight transient guests and where breakfast is the only meal which may be served.
BOARDING and LODGING	means a <i>dwelling</i> in which more than 2 <i>sleeping units</i> are rented, with or without meals being provided, to more than 2 and not exceeding 15 persons, other than members of the <i>family</i> of the tenant or owner.

BUILDING	means a <i>structure</i> , which is designed, erected or intended for the support, enclosure, or protection of persons or property. When a <i>structure</i> is divided by <i>party walls</i> located upon <i>lot</i> lines, then each portion of such <i>structure</i> shall be deemed to be a separate <i>building</i> .
BUILDING, FRONT LINE OF	means the furthest extending portion of the <i>building</i> which faces the front line of the <i>lot</i> .
BUILDING INSPECTOR	means the Building Inspector of the City of Port Alberni.
BUILDING, REAR LINE OF	means the furthest extending portion of the <i>building</i> which faces the rear line of the <i>lot</i> .
BUILDING, TEMPORARY	<p>means and includes:</p> <ol style="list-style-type: none"> (1) Any <i>building</i> (except a garage or other <i>accessory building</i>) not having its exterior walls supported on continuous concrete or masonry foundation or walls. (2) Notwithstanding clause (1) above, a <i>temporary building</i> shall also include boat shelters, bunkhouses, skid shacks, huts, tents, trailers, custom built mobile units or any other similar type of portable <i>building</i> or <i>structure</i>, whether or not the same be placed on foundations or affixed to the land in any way. <p>A <i>temporary building</i> shall not be construed to include permanent prefabricated residential <i> dwellings</i>, industrial, warehouse or <i>storage buildings</i> which conform to the construction standards specified in the <i>Building Bylaw</i>.</p>
CAMPGROUND	means a site operated and occupied for part of the year only as temporary accommodation for short term, transient holiday makers in <i>recreational vehicles</i> , wheeled trailers or tents. A <i>campground</i> does not include mobile-home park, <i>motel</i> , <i>hotel</i> , or <i>motor hotel</i> .
CAMPING SITE	means a part of a <i>campground</i> where one wheeled trailer, <i>recreational vehicle</i> , or tent is intended to be located.
CANNABIS	means a cannabis plant, including the phytocannabinoids produce by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marijuana shall have the same definition.
CANNABIS PRODUCTION FACILITY)	means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and shipping of cannabis/marijuana, or any products containing or derived from cannabis that are regulated under the federal

Cannabis Act. These facilities may be further categorized as either a standard or micro-cultivation use, a cannabis nursery use, or standard or micro-processing use. May also include any medical marijuana facility regulated under the Access to Cannabis for Medical Purposes Regulations. Specifically excludes storefront or retail outlet distribution of cannabis.

**CANNABIS -
STANDARD
CULTIVATION**

means the indoor large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities. Canopy space up to or more than 200 square metres (2152 square feet) is permitted.

**CANNABIS –
MICRO-
CULTIVATION**

means the indoor small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities. Canopy space up to 200 square metres (2152 square feet) is permitted.

**CANNABIS –
NURSERY**

means the indoor growing of cannabis plants to produce starting material (seed and seedlings) and associated activities. Canopy space must not exceed 50 square metres (538 square feet).

**CANNABIS -
STANDARD
PROCESSING**

means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities. There is no limitation on the amount of dried flower processed annually.

**CANNABIS –
MICRO-
PROCESSING**

means the small-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities. Up to 600 kg of dried flower may be processed annually.

**CANNABIS RETAIL
STORE**

Means a retail business in a building, or part thereof, in which cannabis and cannabis accessories, in all its forms and as licensed by the Province of British Columbia, are sold to individuals who attend the premises. This use does not include cannabis production, cultivation and distribution.

CARRIAGE HOUSE

means a detached, subordinate dwelling unit that contains a garage or similar storage space on a ground floor, with a dwelling unit on an upper floor, located on a permanent, continuous foundation.

**CARTAGE AND
DELIVERY**

means *use of a building or structure* by businesses engaged in local trucking, parcel delivery, and similar operations, but excludes the operation of freight trucking terminals.

CELLAR

means that portion of a *building* between two floor levels the lower of which is wholly below *grade* and which has more than one half of its height, from finished floor to finished ceiling, below finished *grade* as determined by the *Building Inspector*.

CITY ENGINEER

means the City Engineer of the City of Port Alberni.

CLUB OR LODGE	means a <i>building</i> or establishment <i>used</i> by an association or organization for fraternal, social or recreational purposes and which shall be operated for the <i>use</i> of club members and their guests only.
COMMUNITY CARE FACILITY	means any facility licensed or having an interim permit under the <i>Community Care and Assisted Living Act</i> or related regulations, including hospice, all facilities providing residential care for three or more children, youth, adults, or seniors, and all other facilities caring for three or more children who are not related to the operator by blood or marriage. This includes: Group Day Care, <i>Family Day Care</i> , Nursery School and Child-Minding Facilities, Facilities for Out of <i>School</i> Care, Specialized Day Care Facilities and Facilities for Residential Care for Children.
COMMUNITY GARDEN	means a non-commercial facility for the cultivation of fruits, flowers, vegetables, or ornamental plants.
CONTRACTOR'S SHOP	means an enclosed space <i>used</i> for the housing and/or operating of machinery, the provision of services, the fabrication of <i>building</i> -related products, interior storage, and may include the contractor's business <i>office</i> and exterior storage.
CONVENIENCE STORE	means a commercial <i>retail</i> outlet not exceeding 200 m ² (2153 ft ²) in gross <i>retail</i> floor area selling food, beverage and other household convenience items for off-site consumption.
COUNCIL	means the City Council of the City of Port Alberni.
COVERAGE	means the combined area covered by all <i>buildings</i> or <i>structures</i> , including <i>accessory buildings</i> and carports, on the <i>lot</i> , or any projecting portions thereof, measured at the height of the lowest <i>storey</i> above <i>grade</i> , but excluding: canopies, <i>marquees</i> and sun shades, eaves and gutters, fire escapes, steps and similar projections; calculated as a percentage of the <i>lot area</i> .
DORMITORY	means a <i>building</i> or portion thereof in which <i>sleeping units</i> are provided and/or rented by an institution, agency or industry, and which is regulated and maintained by such body. It may include commercial dining facilities.
DRIVE-IN/DRIVE-THROUGH	means a commercial establishment with facilities for accommodating and servicing customers travelling in motor vehicles, where customers remain in their vehicles and obtain goods. Does not include car washing, drive-in theatres, or gasoline service stations.
DRUG PARAPHERNALIA	means equipment supporting the consumption of illegal drugs.
DWELLING, MULTIPLE RESIDENTIAL	means any <i>building</i> consisting of three or more <i>dwelling</i> units, each of which is occupied or intended to be occupied as the permanent home or residence of one <i>household</i> .

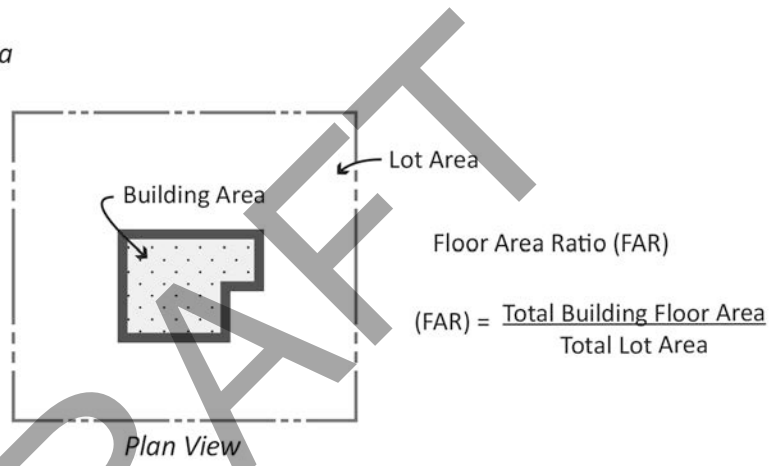
DWELLING, SINGLE DETACHED	means any <i>building</i> consisting of one <i>dwelling</i> unit which is occupied or intended to be occupied as the permanent home or residence of one <i>household</i> . May include a fully enclosed <i>secondary suite</i> .
DWELLING, SEMI-DETACHED	means any semi-detached <i>building</i> divided into two <i>dwelling</i> units, each of which is occupied or intended to be occupied as the permanent home or residence of one <i>family</i> , and in which the units share a <i>party wall</i> , or in the case of an up and down duplex, are connected by a party floor/ceiling.
DWELLING UNIT	means one or more integrally connected habitable rooms, constituting a self-contained unit with a separate entrance, containing cooking facilities, eating, living, and sleeping areas and bathroom facilities, and occupied or constructed to be occupied by a person or persons living together as a single household.
EMERGENCY SHELTER	Means short stay housing for less than 30 days for anyone who is experiencing homeless or at risk of homelessness. They operate all year, up to 24 hours a day, seven days a week. Shelters provide dormitory style sleeping arrangements, with varying levels of support to individuals usually including food.
EXTREME WEATHER SHELTER	means temporary spaces for people who are experiencing homeless made available during weather conditions where sleeping outside might threaten health and safety. Activated by local government from November 1 through March 31 (subject to change).
FAIRGROUND	means the use of premises for community events including festivals, fairs, carnivals, equestrian and related events, exhibitions, outdoor markets, and animal shows and may include the sale of goods.
FARM SALES	means direct sale of farm produce from farmer to consumer, incidental to farm production. May include sale of agricultural production from other farms in the vicinity.
FENCE	means a <i>structure used</i> as an enclosure, boundary or <i>screening</i> around all or part of a <i>lot</i> .
FIRE HALL	means a building or structure or part thereof containing offices, vehicles and equipment intended for the prevention or extinguishing of fires, including ancillary rooms and activity areas for the firefighters, and may include ancillary meeting rooms for public assemblies.
FLOOR AREA, GROSS	means the total of all floors when measured from the outer wall of the building, including all suites or dwelling units and all areas giving access such as corridors, hallways, landings, foyers, staircases, and stairwells. Enclosed balconies, mezzanines, porches, verandas, and elevator shafts shall be included.

FLOOR AREA RATIO

means the value reached when dividing the *gross floor area* of all *buildings* on a *lot* by the area of the *lot*. Except that the following shall not be included as gross floor area for the purpose of computing floor area ratio:

- (1) Any portion of a storey used for parking purposes unless parking is a principal use.
- (2) Any portion of a storey used for laundry purposes, unless laundry is the principal use.
- (3) Any portion of a basement containing heating, laundry. Recreational or storage facilities, but excludes areas used for habitable accommodation, and necessary access to habitable accommodation.
- (4) Architectural features which are permitted as projections into setbacks areas as per section XX of this Bylaw.
- (5) Swimming pools and sundecks.

Floor Area



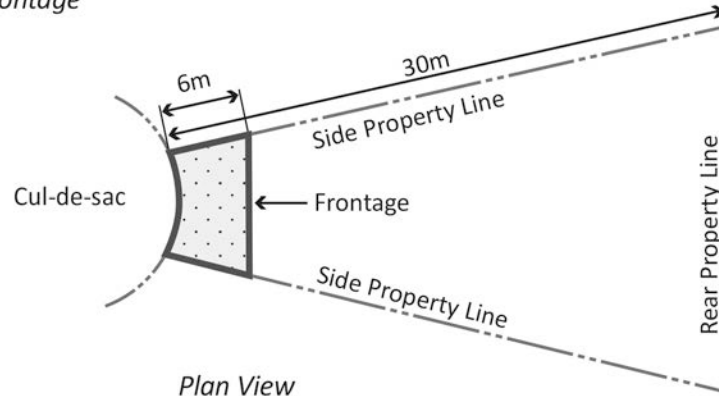
FOREST MANAGEMENT

means the management of forests for the production of wood and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife and for the protection and production of water supplies.

FRONTAGE

means the horizontal distance between the *side lot lines* measured at the point where the *side lot lines* intersect the *front lot line*. On *curvilinear streets*, frontage shall be determined by the minimum straight-line distance between the *side lot lines* calculated 6 m from the front property line.

Lot Frontage



GARDEN SUITE means a detached, subordinate dwelling unit, typically on a ground floor, located on a permanent, continuous foundation.

GAMING CENTRE means a *building* or part of a *building* where the *principal use* may include bingo, electronic bingo, slot machines, electronic gaming, and tele-wagering.

GARAGE, PRIVATE means a detached *accessory building* or a portion of a principal *building used* primarily for the parking or temporary storage of private motor vehicles and in which there are no facilities for repairing or servicing such vehicles.

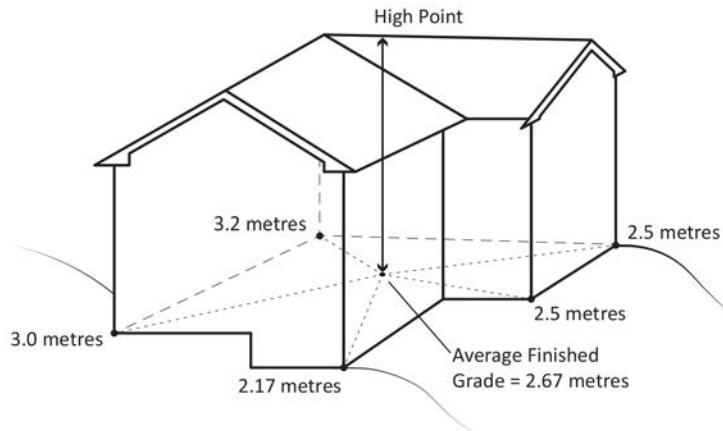
GRADE OR GRADE LEVEL means the finished average ground level at the centre of the exterior wall of a *building*.

GARDEN CENTRE means a building or structure or part thereof for the growing, display, wholesale or retail sale of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation, and may include the sale of other goods, products and equipment normally associated with gardening and landscaping, includes nursery and landscape supplies

HABITABLE FLOOR SPACE means a floor area within a *dwelling* designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom, and kitchen.

HEDGE means an arrangement of shrubs or low-growing trees that are closely planted in a strip and intended to be maintained at a certain height, used to mark a boundary or enclose or screen an area of land. Does not include vegetation, foliage, or trees naturally occurring on a property.

HEIGHT, BUILDING means the vertical distance from peak of roof to average height of all outside corners of *building* at finished *grade*.



- HELIPAD** means an area, either at ground level or elevated on a building or structure, licensed by the federal government, and approved for the loading, landing and takeoff of helicopters.
- HOME OCCUPATION** means an occupation or *use* which is ancillary or secondary to a permitted residential *use* in accordance with the provisions of this bylaw (Section 6.15).
- HOTEL** means a commercial *building* containing more than six *sleeping units* to provide temporary accommodation for the travelling public. No *sleeping unit* shall contain private cooking facilities and in no case shall *sleeping units* be used for any other commercial *use*. *Sleeping units* shall have separate entrances through a common hallway include ancillary amenities such as fitness rooms, pools and restaurants.
- HOUSEHOLD** means an individual or two or more people related by blood, marriage, adoption or foster parenthood or 5 unrelated non-transient people living as a single group within a dwelling unit.
- HOUSING AGREEMENT** means an agreement between a property owner and the City as defined in Section 483 of the *Local Government Act*.
- JUNK YARD** means an area outside of an enclosed *building* where junk, or *used*, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk yard shall not include the sale, purchase or storage of *used* furniture or any *manufacturing* operations.
- KENNEL** means any *building, structure, compound, group of pens, or cages, or land on or in* which 3 or more dogs or cats are or are intended to be trained, cared for, bred, boarded, or kept for any purpose whatsoever, and shall include any *building* or part thereof in which 2 or more dogs are kept for breeding purposes.
- LANDSCAPE BUFFER** means a *landscaped* area intended to separate two adjacent land *uses* or properties, and to partially obstruct the view or block noise, lights or other nuisances.
- LANDSCAPING AND LANDSCAPED** means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other *structures* and materials so as to enhance the appearance of a property or where necessary to effectively screen a *lot, site* or *storage yard*. NOTE: *Landscaping* may be subject to Development Permit guidelines.

LANE	means a highway which affords only a secondary means of access to a <i>lot</i> , at the <i>side lot line</i> or <i>rear lot line</i> .
LIVE-WORK	means the <i>use</i> of premises for: (a) a <i>dwelling</i> unit, and (b) a business operated by the occupant of the <i>dwelling unit</i> that may include day care, <i>personal service</i> , <i>artist's studio</i> , general or professional <i>office use</i> , but does not include: any dating service, entertainment service, exotic dancer business, social escort business, tattooing, piercing, branding, or other similar business.
LIVESTOCK	means cattle, horses, sheep, goats, swine, rabbits, and fish.
LOADING SPACE	means an <i>off-street</i> space on the same <i>lot</i> as the <i>building</i> , or contiguous to a group of <i>buildings</i> , for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a <i>street</i> , <i>lane</i> or other appropriate means of access.
LOT	means any <i>lot</i> , block or other area in which land is held or into which it is subdivided, including a bare land <i>strata lot</i> , but does not include a highway or a <i>building strata lot</i> under the <i>Strata Property Act</i> .
LOT AREA	means the total horizontal area within the <i>lot</i> lines of a <i>lot</i> .
LOT, CORNER	means a <i>lot</i> at the intersection or junction of two or more <i>streets</i> .
LOT COVERAGE	means the total area of a lot covered by buildings or structures divided by the area of the lot itself expressed as a percentage.
LOT DEPTH	means the mean horizontal distance between the front and <i>rear lot lines</i> .
LOT LINE, FRONT	means the boundary line between a <i>lot</i> and a <i>street</i> on which the <i>lot</i> abuts. <ul style="list-style-type: none"> • In the case of a <i>corner lot</i>, the shortest <i>lot</i> line shall be considered the <i>front lot line</i>. Where both <i>lot</i> lines on a <i>corner lot</i> are equal in length the <i>lot</i> line shall be considered a <i>front lot line</i> if the adjacent <i>lot</i> fronts on the same <i>street</i>. • In the case of a <i>through lot</i>, the <i>lot</i> lines abutting two parallel or approximately parallel <i>streets</i> shall both be considered as <i>front lot lines</i>. • In the case of a water access <i>lot</i> which only abuts a waterfront walkway or a waterway giving boat access, the <i>lot</i> line nearest to or adjacent to the water shall be considered the front line of a <i>lot</i>. • In the case of a <i>lot</i> which abuts a <i>street</i> and which abuts a waterway giving boat access, the <i>lot</i> line adjacent to the <i>street</i> is designated as the <i>front lot line</i>. • Where the <i>lot</i> does not have a <i>lot</i> line that abuts on a public highway or private road, or way, the front line of the <i>lot</i> shall be as determined by the <i>Approving Officer</i>.

- Where a *lot* is divided by a public way such as a dedicated road, *lane* or walkway, both sides of such public way shall be considered as *front lot lines*.

LOT LINE, REAR	means the boundary line of a <i>lot</i> furthest from and opposite to the <i>front lot line</i> , except that there shall not be more than one <i>rear lot line</i> .
LOT LINE, SIDE	means a boundary line of a <i>lot</i> connecting front and <i>rear lot lines</i> .
LOT, STRATA	means a <i>lot</i> shown on a strata plan.
LOT, THROUGH	means a <i>lot</i> abutting two parallel or approximately parallel <i>streets</i> .
LOT WIDTH	means the distance between the <i>lot</i> lines connecting front and <i>rear lot lines</i> at each side of the <i>lot</i> , measured across the rear of the required <i>front yard</i> .
MANUFACTURING	means large scale processing of raw materials to produce goods or products and includes assembly of component parts. Does not include boiler and plate work, cement manufacturing, metal fabrication, paper manufacturing, sawmill, pulp mill, or ship <i>building</i> .
MARINA	means an establishment, including buildings, structures and docking facilities, and located on and adjacent to a navigable body of water, and used for the mooring, berthing and storing of boats and marine equipment, and may include facilities for the sale, rental and repair of boats and accessory marine crafts.
MARKET GARDEN, URBAN	means the <i>use</i> of land on a limited scale for the growing, harvesting and selling of fruits, vegetables, edible plants and the like but specifically excludes the growing of mushrooms. See related regulations in Section 6.25.
MARKET HOUSING	means housing that is privately owned by an individual (or a company) who generally does not receive direct subsidies to purchase or maintain it. Prices are set by the private market.
MARQUEE	means a permanent roofed <i>structure</i> attached to or supported by a <i>building</i> and projecting over public or private sidewalks or right-of-way.
MEDICAL MARIHUANA FACILITY	means a <i>building</i> or <i>structure</i> , approved and licensed by Health Canada, for the production and/or packaging and/or laboratory testing of marihuana, but specifically excludes storefront or <i>retail</i> outlet distribution of medical marihuana.
MEDICAL SERVICES	means health professions and services such as, but not limited to doctors, dentists, chiropractors, osteopaths, registered nurses, physio and massage therapists; includes clinics and health labs.
MICRO-BREWERY/ MICRO-DISTILLERY	means a facility, for the manufacturing of beer, cider or spirits, that produces less than 10, 000 hectolitres per year and is licensed under a Manufacturing License by the Province of British Columbia and may include the following accessory uses:

wholesaling of, tours of, retail sales of, and tasting of beer, cider or spirits produced on-site.

- MINI-STORAGE** means self-contained storage rental units, with independent external entrances, for the storage of general household goods, vehicles and the like.
- MOBILE HOME** means a single detached dwelling, factory built as a unit or units, suitable for year around occupancy, capable of being drawn or moved from place to place, and meeting the CAN/CSA-Z240 MH standard.
- MODULAR HOME** means finished sections of a complete dwelling built in a factory for transportation to the site for installation. Finished means fully enclosed on exterior and interior but need not include interior painting, taping, installation of cabinets, floor coverings, fixtures, heating systems, and exterior finishes. Modular homes conform to the National Building Code of Canada or British Columbia Building Code where mandated and contain a CSA modular home label.
- MOTEL** means a *building* or group of *buildings* wherein more than six (6) units of sleeping accommodation is provided, for temporary occupation by transient motorists, none of which shall be *used* for *retail* trade. Each *sleeping unit* shall have a separate exterior entrance. A motel may include a café or restaurant and such ancillary facilities as self-service laundry. Each *sleeping unit* shall be self-contained, having its own bathroom with a toilet, wash basin and bath or shower. Each *sleeping unit* shall have its own *parking space* conveniently located on the *lot* and may contain basic cooking facilities in the units.
- MOTHER'S CENTRE** means a *shared and independent residential living space with built in supports exclusively for women and children, including counselling, childcare, and administrative office space, but does not include intensive health care services.*
- NATURAL BOUNDARY** means the visible high-water mark of any lake, river, stream or other body of water 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 or stream, or other body of water, a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.
- OFFICE** means the *use* of a room or group of rooms within a *building* to conduct the affairs of a business, profession, service, industry, or government.
- PARKING LOT** means an open area of land, other than a *street* or *lane*, *used* for the parking of vehicles. May be either commercial or non-commercial activity.
- PARKING SPACE** means a space on a driveway for single, semidetached and townhouses, or within a *building*, or a *parking lot* for *multi-residential uses*, for the parking of one vehicle, excluding ramps, and *access aisles*.
- PARTY WALL** means a wall jointly owned and/or shared by two or more parties as defined in the BC *Building Code*.

PERSONAL SERVICE	means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services may include activities such as dry cleaning, laundry, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral home, steam baths, fitness centres, health clubs, and, animal grooming services.
PLACE OF WORSHIP	means a church, temple, mosque, synagogue and the like, but excludes <i>schools</i> .
POLICE STATION	means a facility containing offices, detainment areas, laboratories and related ancillary facilities for the police in carrying out their duties of maintaining law and order
PORCH, OPEN	means an unenclosed projection from the main wall of a <i>building</i> that may or may not <i>use</i> columns or other ground supports for structural purposes.
POULTRY	means domesticated birds kept for eggs, meat, feathers, hide, or other related purposes, and includes Cornish hens, layers, meat birds, breeding stock, replacement pullets, roasters, or ducks. On properties <i>zoned</i> to permit <i>agriculture</i> , also includes geese, turkeys, game birds, and <i>ratites</i> .
PRINCIPAL BUILDING	means a building in which the principal use of the lot on which the building is located is conducted.
PRINCIPAL USE	means the main or primary use of a premise that is provided for in the list of permitted uses in the zones in this Bylaw.
PRINTING, PUBLISHING AND ALLIED INDUSTRY	means a facility for the printing, publishing, engraving, or copying of papers, plans and newsprint.
PROFESSIONAL SERVICE	means the use of an office where the primary activity is the performance of work, or provision of advice, to clients in specialized areas of expertise. Professional services may include engineering, accounting, marketing, graphic design, architecture, realty, and financial and legal services.
PUBLIC MARKET	means a market held in an open area or in a <i>structure</i> where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
PUBLIC UTILITY	means a system, works, plant, operative stationary equipment or service which furnishes services and facilities, available to or for the <i>use</i> of all the inhabitants of the City, including but not limited to: <ul style="list-style-type: none"> (1) communication by way of telephone or cable or satellite; (2) public transportation by bus or trolley coach; (3) production, transmission, delivery or furnishing of water, gas or electricity to the public at large; and (4) collection and disposal of sewage, garbage and other wastes.

A public utility can be owned or operated by or for the City or by a corporation under agreement with or a franchise from the City or under a federal or provincial statute.

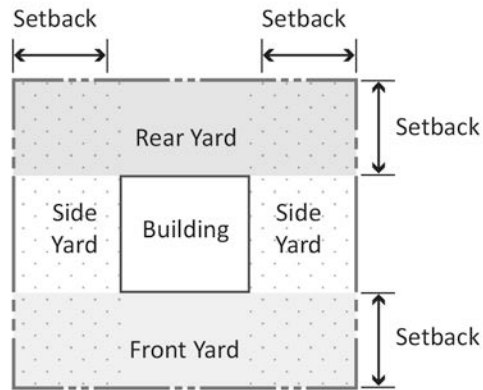
PUBLIC UTILITY, UNATTENDED	means a utility <i>use</i> where no employee is required to be on the site except for required repair and maintenance needs.
RATITE	means a bird that has small or rudimentary wings and no keel to the breastbone, and includes ostriches, rheas, and emus.
RECREATIONAL VEHICLE	means a vehicle requiring a licence and designed to be used for temporary living and travel, recreation or vacationing and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes, boats, snowmobiles, or other similar vehicles but does not include manufactured home.
RETAIL	means a <i>building</i> or part thereof in which foods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public. Does not include pawn shops or <i>adult retail</i> .
RESTAURANT	means a business establishment where food and beverages are prepared, served and consumed on the premises, and includes facilities for ordering and pick-up for consumption off-site. A restaurant may include dining establishments issued a food primary license pursuant to the Liquor Control and Licensing Act.
ROOF AREA	means the horizontal area of a roof regardless of the style or slope of the roof.
SCHOOL	means a school, providing an educational program offered by a district pursuant to the School Act, an Independent School pursuant to the Independent School Act, or a college or community college or educational facility as certified under the Private Training Act and/or constituted and established pursuant to a provincial statute.
SCREENING	means a continuous tight board <i>fence</i> or wall uniformly finished or a compact evergreen <i>hedge</i> or combination thereof, supplemented with <i>landscape</i> planting, that would effectively screen the property which it encloses, and is broken only by access driveways and walkways.
SECONDARY SUITE	means a <i>dwelling</i> unit that is contained within and accessory to a single real estate entity and is comprised of one or more habitable rooms, intended for <i>use</i> as a separate and independent residence. A secondary suite contains sleeping facilities, a bathroom, and cooking facilities that are for the exclusive <i>use</i> of the occupant(s) of the suite.
SETBACK	means the required minimum distance between a <i>building</i> or <i>use</i> and each of the respective <i>lot</i> lines.
SHOPPING CENTRE	means a group of <i>retail</i> stores and related businesses, which may include restaurants, <i>personal services</i> , <i>offices</i> , and veterinary clinics, in one or more <i>buildings</i> designed as an integrated unit, together with its ancillary parking and <i>landscaped</i> areas.

SLEEPING UNIT	Means one or more habitable rooms <i>used</i> or intended to be <i>used</i> for sleeping, or sleeping and living purposes, but not including a kitchen sink or cooking facilities. A bathroom containing a water closet, wash basin and a bath or shower may be shared.
SMALL REPAIRS	means the repair of small items such as instruments, jewellery, small appliances.
SOCIAL SERVICE CENTRE	means a <i>building used</i> for administrative purposes and to provide information, referral, counselling and advocacy services.
STEWARDSHIP CENTRE	means a building, open to the public, that includes exhibits, interpretive and educational activities related to local ecological resources through public education, planning, events, research and management.
STORAGE BUILDING	means a <i>building</i> where the <i>principal use</i> is the storage of goods, wares, merchandise, substances, articles or other items.
STORAGE YARD	means an area outside of an enclosed <i>building</i> where contractors' or construction materials and equipment, solid fuels, lumber and new <i>building</i> materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, as a principal or an <i>accessory use</i> . A storage yard does not include an automobile wrecking yard or a <i>junk yard</i> .
STREET	means a public highway, road or thoroughfare which affords the principal means of access to abutting <i>lots</i> .
STRUCTURE	means anything constructed or erected, the <i>use</i> of which requires location on the ground or attachment to something having location on the ground but shall not include walls less than 1.5 m (4.9 ft) in height or <i>fences</i> that do not exceed the height permitted in the <i>zone</i> in which they are located.
SUBSIDIZED HOUSING	means all types of housing that receive subsidy or rental assistance for those living in the private market from public sources (be they federal, provincial/territorial, or municipal).
SUBDIVISION APPROVING OFFICER	means an Approving Officer appointed by the <i>Council</i> under the <i>Land Titles Act</i> .
SUPPORTIVE HOUSING	Means housing that has no limit on length of stay, is purpose-designed building that provides ongoing supports and services to individuals who cannot live independently .
THEATRE	means a building or part thereof devoted to dramatic, dance, musical or other live performances.
TRANSITION HOUSE	means a facility providing temporary accommodation and/or counselling to persons in need or distress. Facilities operated under the <i>Community Care</i>

Facilities Act, Correction Act or Mental Health Act are not included in this definition.

TRANSITIONAL HOUSING	provides housing for more than 30 days up to three years that includes provision of support services, on or off site, to help individuals move towards independence and self-sufficiency. This form of housing is often called second stage housing.
TRANSPORTATION DISPATCH AND DEPOT	means a transportation centre. Includes taxi dispatch, bus terminals, and other similar <i>uses</i> .
UNDERGROUND PARKING	means an area devoted exclusively for parking vehicles and is located beneath a principal <i>building</i> which is completely enclosed and exclusively devoted to parking vehicles. This area shall not be considered a <i>storey</i> .
USEABLE OPEN SPACE	means a level, unobstructed area or areas, available for safe and convenient <i>use</i> by all the <i>building's</i> users and occupants providing for greenery, recreational space and other leisure activities normally carried on outdoors. Usable open space shall exclude areas <i>used</i> for off-street parking, off-street loading, service driveways, public walkways, and required <i>front yards</i> .
USE	means the purpose for which any <i>lot</i> , parcel, tract of land, <i>building</i> or <i>structure</i> is designed, arranged or intended, or for which it is occupied or maintained.
VIDEO RENTAL STORE	means a business where the primary activity is to rent or sell videos, DVD's, video games, and related items.
WHOLESALE	means a business establishment devoted to wholesale sales, being: the sale of goods, commodities and merchandise to retail distributors; to other wholesale distributors; to industrial, commercial, institutional or professional business users; or acting as agents or brokers and buying or selling goods, commodities and merchandise for incorporation and assembly into other products.
YARD, FRONT	means that portion of the <i>lot</i> , extending from one <i>side lot line</i> to the other, between the front line of the <i>lot</i> and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the <i>lot</i> and the parallel line. In the case of a <i>through lot</i> there shall be two such <i>front yards</i> .
YARD, REAR	means that portion of the <i>lot</i> , extending from one <i>side lot line</i> to the other, between the rear line of the <i>lot</i> and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear line of the <i>lot</i> and the parallel line.

Yard Setbacks



YARD, REQUIRED means the minimum front, rear, or *side yard* specified for each *zone*.

YARD, SIDE means that portion of the *lot*, extending from the *front yard* to the *rear yard* between the side line of the *lot* and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the said *lot* and the parallel line.

ZONE means an area delineated on the Schedule A Zoning Map and established and designated by this Bylaw for a specific *use(s)*.

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5. Establishment of Zones

5.1 For the purposes of this Bylaw, the lands and waters within the corporate limits of the City of Port Alberni are hereby classified and divided into the following zones:

- A1 – Agriculture
- FD – Future Development
- RR1 – Rural Residential
- RR2 – Semi Rural Residential
- R1 – Single *Detached* Residential
- R2 – Single and Semi Detached Residential
- R3 – Small *Lot* Single *Detached* Residential
- RM1 – Low Density Multi-unit Residential
- RM2 – Medium Density Multi- Residential
- RM3 – Higher Density Multi-Residential
- MH1 – Mobile and Modular Homes
- C1 – Neighbourhood Commercial
- C2 – General Commercial
- C3 – Service Commercial
- C4 – Highway Commercial
- C5 – Transitional Office
- C6 – Gaming Centre
- C7 – Core Business
- C8 – Commercial Recreation
- C9 – Commercial Guest House
- M1 – Light Industry
- M2 – Medium Industry
- M3 – Heavy Industry
- M4 – Utilities
- P1 – Institutional
- P2 – Parks and Recreation
- W1 – Waterfront Commercial
- W2 – Waterfront Industrial
- CD1 - Comprehensive Development – Uplands Phase 2 – Burde Street

5.2 For the purpose of convenience throughout the Bylaw the following designations shall be used for groups of zones:

- R zones Shall mean all zones beginning with a single R and followed by a number.
- RM zones Shall mean all zones beginning with RM or MH followed by a number.
- RR zones Shall mean all zones beginning with RR followed by a number.
- A zones Shall mean A1 and FD zones.
- C zones Shall mean all zones beginning with C followed by a number.
- M zones Shall mean all zones beginning with M followed by a number.
- P zones Shall mean all zones beginning with P followed by a number.
- W zones Shall mean all zones beginning with W followed by a number.

5.3 Zoning Map

The location and extent of each *zone* established by this Bylaw is shown on the “Zoning Map” marked Schedule “A”, attached hereto and made part of this Bylaw.

5.4 Zone Boundaries

- 5.4.1 Where a *zone* boundary is shown on the zoning map as following a road allowance or a watercourse, the centre line of such road allowance or watercourse shall be the *zone* boundary.
- 5.4.2 Where a *zone* boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of such boundary shall be determined by the *use* of a scale ruler on the Zoning Map.
- 5.4.3 Where land that originally formed part of a highway is consolidated with a *lot*, such land shall be deemed to have the same *zone* designation as the augmented *lot*.

5.5 Permitted in all Zones

The following *uses* are permitted in all *zones*:

- 5.5.1 *Accessory Buildings and Structures*
- 5.5.2 *Public parks and playgrounds*
- 5.5.3 *Unattended Public Utility Use*
- 5.5.4 *Community Gardens*
- 5.5.5 *Market Gardens*
- 5.5.6 *Natural areas*
- 5.5.7 *Daycare or other preschools*

5.6 Zone Abbreviations

Where *zone* abbreviations are *used* within the text of this Bylaw, they shall be read in the same manner as the full textual name of the *zone* would be read.

A1 – AGRICULTURE

5.7 The purpose of this zone is to permit agricultural uses.

5.7.1 Permitted uses

(may be subject to approval by the BC Agricultural Land Commission)

Principal Uses

Agriculture, except for intensive agricultural uses

Aviary

Garden shop, nursery, and landscape supplies

Kennel

Single detached dwelling

Accessory Uses

Bed and breakfast

Farm market operation

Farm sales

Guest house

Home occupation

Housing for farm labour

Secondary suite

Supportive housing

5.7.2 Site Development Regulations

Minimum *Lot Area* 2 ha (4.94 ac)

Minimum *Frontage* 100 m (328 ft)

Maximum *Coverage* 40%

Maximum *Coverage: Greenhouse operations* 75%

Minimum *Setbacks (Principal Residence):*

Front yard 7.5 m (24.6 ft)

Rear yard 9 m (29.5 ft)

Side yard 4 m (13.1 ft)

Maximum Height, *Residence* 10 m (32.8 ft)

Maximum Height, *Livestock Building* 15 m (49.2 ft)

Maximum Number of *Building Storeys* 2.5

Maximum number of residential units per *lot* 2

5.7.3 Conditions of Use

(a) Notwithstanding the provisions of 5.7.2, farm market operations shall be limited to a maximum of 200 m² (2,153 ft²) of *gross floor area*.

(b) A minimum of 50% of the farm market operations *retail* floor space shall sell farm products produced on-farm or by farms in the vicinity. No more than 50% of the *farm sales* floor space may be used for the display and sale of other products, e.g. crafts, agricultural products from outside of the local area, or other products for *retail* sale.

- (c) All *building, structures, cages, pens or runs used for kennels, aviaries, or the keeping of bees, cows, goats, horses, pigeons, and poultry* shall be located not less than 25 m (82 ft) from all *lot* lines, and not less than 9 m (29.5 ft) from a *dwelling* situate on the same *lot*.
- (d) *Lots less than 0.4 ha (1 ac) in area shall not be used for the keeping of cows, goats, horses, pigeons, or other animals, except as provided for in Section 6.24 of this bylaw.*
- (e) An area of not less than 0.2 ha (.5 ac) shall be made available for the keeping of each horse, cow, goat, sheep, or other similar animal.
- (f) The construction of additional housing for farm labour requires that the farm have “farm status” per BC Assessment, and that more than one full-time person, in addition to the principal operator/farmer, is employed on the farm.
- (g) For supportive housing, the maximum number of persons in care shall not exceed four (4).

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FD – FUTURE DEVELOPMENT

5.8 The purpose of this *zone* is to retain land required for future development in large parcels, to the extent possible, so that urban development may someday proceed in an orderly fashion. These *zone* provisions enable lands to be *used* for open space, parks, or forestry *uses* on an interim basis.

5.8.1 Permitted uses

Principal Uses

Agriculture, except for *intensive agricultural uses*

Kennel

Single detached dwelling

Accessory Uses

Bed and breakfast

Home occupation

Secondary suite

5.8.2 Site Development Regulations

Minimum <i>Lot Area</i>	4 ha	(9.88 ac)
Minimum <i>Frontage</i>	150 m	(492 ft)
Maximum <i>Coverage</i>	10%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
Maximum Number of Principal <i>Building Storeys</i>	2.5	
Maximum number of residential units per <i>lot</i>	2	

5.8.3 Conditions of Use

- (a) The maximum *coverage* calculation shall include greenhouses.
- (b) Notwithstanding the provisions of 5.8.2, all *buildings, structures, cages, pens or runs used for kennels, aviaries* and the keeping of bees, shall be located not less than 25 m (82 ft) from all *lot* lines, and not less than 9 m (29.5 ft) from a *dwelling* situate on the same *lot*.
- (c) *Lots* less than 0.4 ha (1 ac) in area shall not be *used* for the keeping of cows, goats, horses, pigeons, or other animals, except as provided for in Section 6.24 of this bylaw.
- (d) An area of not less than 0.2 ha (.5 ac) shall be made available for the keeping of each horse, cow, goat, sheep, or other similar animal.

RR1 – RURAL RESIDENTIAL

5.9 The purpose of this zone is to provide for low density development of a rural character, with larger *lots*, serviced by on-site sewage disposal field.

5.9.1 Permitted uses

Principal Uses

Agriculture, except *intensive agricultural uses*

Aviary

Kennel

Single detached dwelling

Accessory Uses

Bed and breakfast

Home occupation

Secondary suite

Supportive housing

Site Specific Uses

A second single detached dwelling, or a semi-detached *dwelling*

5.9.2 Site Development Regulations

Minimum <i>Lot Area</i>	4000 m ²	(0.988 ac)
Minimum <i>Frontage</i>	40 m	(131.2 ft)
Maximum <i>Coverage</i>	33%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	3 m	(9.8 ft)
Maximum Height, <i>Principal Building</i>	10 m	(32.8 ft)
Maximum number of residential units per <i>lot</i>	2	

5.9.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.9.2, on a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.
- (b) *Kennels*, aviaries and greenhouses are only permitted on *lots* greater than 8,000 m² (2 acres) in size.
- (c) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).
- (d) Notwithstanding the provisions of 5.9.1, only one of the three (3) following *accessory uses* is permitted on any *lot*: *bed and breakfast* OR *secondary suite* OR *supportive housing*.
- (e) *Lots* less than 0.4 ha (1 ac) in area shall not be *used* for the keeping of cows, goats, horses, pigeons, or other animals, except as provided for in Section 6.24 of this bylaw.

- (f) An area of not less than 0.2 ha (.5 ac) shall be made available for the keeping of each horse, cow, goat, sheep, or other similar animal.

5.9.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
A second single detached dwelling, or a semi-detached <i>dwelling</i>	2831 Burde <i>Street</i>	Block 20, District <i>Lot</i> 139, Alberni District, Plan VIP1401A Except Plan 37251

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RR2 – SEMI RURAL RESIDENTIAL

5.10 The purpose of this zone is to provide for low density development of a semi-rural character.

5.10.1 Permitted uses

Principal Uses

Single detached dwelling

Accessory Uses

Bed and breakfast

Home occupation

Secondary Suite

Supportive housing

5.10.2 Site Development Regulations

Minimum <i>Lot Area</i>	1160 m ²	(12,487 ft ²)
Minimum <i>Frontage</i>	23 m	(75.5 ft)
Maximum <i>Coverage</i>	33%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
Maximum number of residential units per <i>lot</i>	2	

5.10.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.10.2:
- (i) The sum of the width of both *side yards* must be equal to or greater than 20% of the *lot width*.
 - (ii) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.
 - (iii) For single detached dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.
- (b) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).
- (c) Only one of the three (3) following *accessory uses* is permitted on any *lot*: *bed and breakfast* OR *secondary suite* OR *supportive housing*.

R1 – SINGLE DETACHED RESIDENTIAL

5.11 The purpose of this zone is to establish and maintain quiet, low-density neighbourhoods.

5.11.1 Permitted uses

Principal Uses

Single detached dwelling

Accessory Uses

Bed and breakfast

Home occupation

Secondary suite

Supportive housing

5.11.2 Site Development Regulations

Minimum <i>Lot Area</i>	600 m ²	6458 ft ²
Minimum <i>Frontage</i>	15 m	49.2 ft
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Density (units/hectare)	16	
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)

5.11.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.11.2:
- (i) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.
 - (ii) For single detached dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.
- (b) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).
- (c) Only one of the three (3) following *accessory uses* is permitted on any *lot*: *bed and breakfast* OR *secondary suite* OR *supportive housing*.

R2 – SINGLE AND SEMI DETACHED RESIDENTIAL

5.12 The purpose of this *zone* is to establish and maintain quiet, low-density neighbourhoods featuring single and semi-detached dwellings.

5.12.1 Permitted uses

Principal Uses

Single detached dwelling
Semi-detached dwelling

Accessory Uses

Bed and breakfast
Home occupation
Secondary suite
Supportive housing

5.12.2 Site Development Regulations

Minimum Lot Area

Single detached dwelling	500 m ²	(5,382 ft ²)
Semi detached dwelling	250 m ² / dwelling	(2,691 ft ²)

Minimum Frontage

Single detached dwelling	15 m	(49.2 ft)
Semi detached dwelling	20 m	(65.6 ft)

Maximum Coverage

60%

Minimum Setbacks:

<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)

Density Single Detached (units/hectare)

20

Density Semi Detached dwelling (units/hectare)

40

Maximum Height, Principal *Building*

10 m (32.8 ft)

5.12.3 Conditions of Use

(a) Notwithstanding the provisions of 5.12.2:

- (i) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.
- (ii) For single detached dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.

- (b) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).
- (c) Only one of the three (3) following *accessory uses* is permitted on any *lot*:
bed and breakfast OR *secondary suite* OR *supportive housing*.
- (d) Notwithstanding Section 5.12.2, on lots less than 500 m² in area that exist prior to the adoption of this Bylaw, single detached dwelling is permitted.

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R3 – SMALL LOT SINGLE DETACHED RESIDENTIAL

5.13 The purpose of this zone is to provide for greater density in areas of the city that are being redeveloped and where small lots already exist.

5.13.1 Permitted uses

Principal Uses

Single detached dwelling

Accessory Uses

Home occupation

5.13.2 Site Development Regulations

Minimum Lot Area	350 m ²	(3767 ft ²)
Minimum Frontage	10 m	(32.8 ft)
Maximum Coverage	70%	
Minimum Setbacks:		
Front yard	5 m	(16.4 ft)
Rear yard	5.5 m	(18.0 ft)
Side yard	1.5 m	(4.9 ft)
Density (units/hectare)	29	
Maximum Height, Principal Building	10 m	(32.8 ft)

5.13.3 Conditions of Use

Notwithstanding the provisions of 5.13.2,

- (a) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.0 metres (9.8 ft) wide.
- (b) For single detached dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.
- (c) The minimum permitted *setback* from the vehicle entrance of a principal or *accessory building* to a highway other than a *lane* is 5.8 m (19 ft).

RM1 – LOW DENSITY MULTI RESIDENTIAL

5.14 The purpose of this zone is to provide for lower density multiple *family* residential development.

5.14.1 Permitted uses

Principal Uses

Community care facility
Multi-residential dwelling
Single detached dwelling
Semi-detached dwelling

Accessory Uses

Home occupation

5.14.2 Site Development Regulations

Minimum *Lot Area*

Single detached dwelling	500 m ²	(5,382 ft ²)
Semi-detached dwelling	700 m ²	(7,535 ft ²)
Four (4) <i>dwelling</i> units or less	900 m ²	(9,688 ft ²)
Over four (4) <i>dwelling</i> units	1,000 m ²	(10,764 ft ²)

Minimum *Frontage*

Single detached dwelling	15 m	49.2 ft
Semi-detached dwelling	20 m	65.6 ft
Four (4) <i>dwelling</i> units or less	25 m	82.0 ft
Over four (4) <i>dwelling</i> units	30 m	98.4 ft

Maximum *Coverage*

40%

Minimum *Setbacks*:

<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)

Maximum *Floor Area Ratio*

0.5

Maximum Height, *Principal Building*

10 m (32.8 ft)

5.14.3 Conditions of Use

- (a) The principal access to each *dwelling* unit shall be from an outdoor area.
- (b) Groups of single and semi-detached or multi-residential dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- (c) Site development for single and semi detached dwellings must be in accordance with the R2 zone regulations provided in Sections 5.12.2 and 5.12.3.

RM2 – MEDIUM DENSITY MULTIRESIDENTIAL

5.15 The purpose of this zone is to provide for medium density multiple *family* residential development.

5.15.1 Permitted uses

Principal Uses

- Boarding and lodging*
- Community care facility*
- Multi-residential dwellings
- Single detached dwelling
- Semi-detached dwelling

Accessory Uses

- Home occupation*

5.15.2 Site Development Regulations

Minimum <i>Lot Area</i>	840 m ²	(9,043 ft ²)
Minimum <i>Frontage</i>	25 m	(82.0 ft)
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	5 m	(16.4 ft)
Maximum <i>Floor Area Ratio</i>	0.8	
Maximum Height, <i>Principal Building</i>	12.5 m	(41.0 ft)

5.15.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.15.2, *useable open space* shall be provided on the *lot* of not less than 45 m² (484.4 ft²) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling* unit of smaller size.
- (b) Groups of single and semidetached or multi-residential dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- (c) Site development for single *detached* and semi detached dwellings must be in accordance with the R2 zone regulations provided in Sections 5.12.2 and 5.12.3.

RM3 – HIGH DENSITY MULTIRESIDENTIAL

5.16 The purpose of this zone is to provide for higher density multiple *family* residential development.

5.16.1 Permitted uses

Principal Uses

- Boarding and lodging
- Community care facility
- Multi-residential dwellings
- Single detached dwelling
- Semi-detached dwelling

Accessory Uses

- Home occupation

5.16.2 Site Development Regulations

Minimum *Lot Area*

Multi-residential dwelling 1,120 m² (12,056 ft²)

Minimum *Frontage*

Multi-residential dwelling 30 m 98.4 ft

Maximum *Coverage*

50%

Minimum *Setbacks*:

Front yard 6 m (19.7 ft)

Rear yard 9 m (29.5 ft)

Side yard 5 m (16.4 ft)

Maximum *Floor Area Ratio*

1.2

Maximum Height, *Principal Building*

14 m (45.9 ft)

5.16.3 Conditions of Use

- (a) Groups of single and semi-detached or multi-residential dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- (b) Site development for single and semi detached dwellings must be in accordance with R2 zone regulations provided in Sections 5.12.2 and 5.12.3.

5.16.4 Site Specific Uses

The following uses shall be permitted on a site specific basis:

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
<u>Accessory Uses:</u> Hostel Restaurant Pub Assembly	4815 Argyle Street	Lot 7, Block 41, District Lot 1, Alberni District, Plan 197B (PID: 009-251-162) and Parcel A, Block 41, Plan VIP197B, Alberni Land District (Being a consolidation of Lots 8 & 9, See FB348042)
'Maximum Height, Principal Building' = 18 m (59 ft); and	4202 and 4238 8th Avenue	4202 8th Avenue – Lot 10, District Lot 1, Alberni District, Plan VIP18042; and

<i>'Maximum Number of Building Storeys'</i> = 5		4238 8th Avenue – Lot 11, District Lot 1, Alberni District, Plan VIP18042
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MH1 – MOBILE AND MODULAR HOMES

5.17 The purpose of this zone is to establish and maintain areas for *mobile* and *modular homes*, allowing for individual strata-titled *lots* or multiple-unit *mobile-* or *modular-home* parks.

5.17.1 Permitted uses

Principal Uses

Mobile home

Modular home

Modular or mobile home park

Accessory Uses

Common recreation area or *building*

Home occupation

Single detached dwelling (1) for owner or operator of *modular* or *mobile home* park

5.17.2 Site Development Regulations for Mobile and Modular Home Parks

Minimum <i>Lot Area</i>	8000 m ²	(1.98 ac)
Minimum <i>Frontage</i>	60 m	(196.9 ft)
Maximum <i>Coverage</i>	40%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	7.5 m	(24.6 ft)
<i>Side yard</i>	7.5 m	(24.6 ft)
Maximum Height, Principal <i>Building</i>	6 m	(19.7 ft)
Average density of a <i>mobile-</i> or <i>modular-home</i> park shall not exceed	20 sites per ha	8 sites per acre

5.17.3 Site Development Regulations for Mobile and Modular Home Spaces

(a) Whether or not individual *mobile-* or *modular-home* park spaces are strata-titled, the following siting regulations shall apply:

Minimum *Frontage*

for single wide	11 m	(36 ft)
for double wide	14 m	(46 ft)

Minimum Site Area

for single wide	260 m ²	(2800 ft ²)
for double wide	350 m ²	(3765 ft ²)

Minimum *Setbacks*:

<i>Front yard</i>	3 m	(9.8 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
<i>Rear yard</i>	2.5 m	(8.2 ft)

Maximum Site *Coverage* 40%

(b) *Setbacks* pertaining to each surveyed or clearly and permanently marked *mobile-* or *modular-home* location or established space are in addition to those specified in 5.17.2.

5.17.4 Conditions of Use

- (a) Notwithstanding the provisions of 5.17.2, a *lot* complying with the minimum *lot area* requirements may be subdivided to create *strata lots* for individual mobile or *modular homes* in accordance with the standards for mobile or *modular home spaces*, as set out in 5.17.3 of this *zone*.
- (b) The yard *setbacks* set forth in the Site Development Regulations, Section 5.17.2, shall be *used* as a buffer area, with *uses* within these *setbacks* limited to the provision of open or *landscaped* areas and access crossings.
- (c) Not less than five percent (5%) of the total *lot area* shall be set aside as a recreation or open space area *accessible* to all residents. This area shall not include any *required yards*.
- (d) For a mobile- or modular-home site located on a corner, the *side yard* against the flanking internal roadway shall be a minimum of 3.5 m (11.5 ft).
- (e) Notwithstanding any other provision of this Bylaw, *accessory buildings* situated upon a mobile- or modular-home space shall not exceed 20 m² (215 ft²) in area nor 4 m (13.1 ft) in height and may be located not less than 1 m (3.3 ft) from the side or *rear lot line* at the site when located to the rear of the mobile- or modular-home.
- (f) Where a porch is less than 10 m² (107.6 ft²) in area or a carport is attached to a mobile-home, the porch or carport may project up to 1.5 m (4.9 ft) into a required 3 m (9.8 ft) *side yard*.
- (g) Internal roadways shall be a minimum of 8 m (26.2 ft) in width. Each modular-home/mobile-home park space shall have access to a roadway.
- (h) Each mobile- and modular-home space shall have its boundary clearly and permanently marked.
- (i) Notwithstanding minimum width requirements established elsewhere in this Bylaw, the minimum width of a modular-home shall be 5.0 m (16.4 ft).

C1 – NEIGHBOURHOOD COMMERCIAL

5.18 The purpose of this *zone* is to provide for small-scale commercial establishments, typically on a single *lot*, catering to the convenience needs of the immediate neighbourhood.

5.18.1 Permitted uses

Principal Uses

Artist's studio

Community care facility

Live-work

Medical service

Office

Personal service

Professional service

Restaurant (not drive-through)

Retail

Accessory Uses

Dwelling unit(s) above or behind a permitted commercial use

Site-Specific Uses

Gasoline service station

5.18.2 Site Development Regulations

Minimum <i>Lot Area</i>	540 m ²	(5813 ft ²)
Minimum <i>Frontage</i>	15 m	(49.2 ft)
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	6 m	(19.7 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum Height, <i>Principal Building</i>	9 m	(29.5 ft)

5.18.3 Conditions of Use

- (a) All business activity shall be conducted within a completely enclosed *building* except for display, restaurant patios, and parking and loading facilities.
- (b) *Dwelling* units located above or behind commercial *uses* shall comply with the following requirements:
 - (i) A completely separate and independent entrance to the *dwelling* unit shall be provided from a ground floor entrance having access directly onto the public *street*.
 - (ii) All *dwelling* units shall be entirely self-contained.
 - (iii) One off-*street parking space* shall be provided for each *dwelling* unit, located so as not to impair access to the commercial premises or the *use* of off-*street* loading facilities.
- (c) Where the *gross floor area* of commercial development is less than 200 m² (2,152.9 ft²), the loading regulations shall not apply.

5.18.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Gasoline Service Station	4007 Compton Road	<i>Lot M, District Lot 112, Alberni District, Plan VIP43267</i>

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C2 – GENERAL COMMERCIAL

5.19 The purpose of this *zone* is to establish and maintain compact, vibrant commercial areas with a broad range of pedestrian-scale uses.

5.19.1 Permitted uses

Principal Uses

Amusement establishment
Appliance repair
Artist's studio
Assembly

Automotive sales, repair and servicing
Bakery
Bank or other financial institution
Cannabis Retail Store, subject to 6.26
Club or lodge
Community care facility

Day care or other pre-school

Gasoline service station
Live-work
Medical service
Multi-residential dwelling

Office
Pawn shop
Personal service
Place of worship
Professional service
Public market
Restaurant, including drive-through
Retail

Principal Uses (continued)

School
Senior's housing
Shopping centre
Small appliances and electronics, sales, and repair
Social service centre

Veterinary clinic

Accessory Uses
Caretaker's dwelling unit, subject to Section 6.16
Dwelling unit(s) above or behind a permitted commercial use
Home occupation

Site Specific Uses

Liquor, Wine, and Beer Store

5.19.2 Site Development Regulations

<i>Minimum Lot Area</i>	800 m ²	(8,611 ft ²)
<i>Minimum Frontage</i>	15 m	(49 ft)
<i>Maximum Coverage</i>	75%	
<i>Minimum Setbacks:</i>		
<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(10 ft)

<i>Side yard</i>	1.5 m	(5 ft)
Maximum Height, Principal <i>Building</i> (on lots less than 1120 m ²)	9 m	(29.5 ft)
Maximum Height, Principal <i>Building</i> (on lots 1120 m ² or greater and where only residential units are located above commercial uses)	18 m	

5.19.3 Conditions of Use

- (a) Every *use* shall be conducted within a completely enclosed *building* except for:
- parking,
 - loading,
 - restaurant patios,
 - outdoor display,
 - rental, sales or *storage yards*,
 - activities related to the operation of a *drive-through* or *drive-in* facility,
 - activities done at gasoline service station pumps and
 - temporary garden supply *structures*.
- (b) For *shopping centres* abutting a *lot* in an R, RM or P2 zone, the required *setback* for a *side yard* shall be increased to 5 m (16.4 ft).
- (c) *Dwelling* units located above or behind commercial *uses* shall comply with the following requirements:
- Access to residential portions of a building shall be through a completely separate and independent entrance located at ground level and providing access to the outdoors directly onto a public *street* or approved pedestrian walkway through the property.
- (ii) All *dwelling* units shall be entirely self-contained.
- (iii) One off-*street parking space* shall be provided for each *dwelling* unit, located so as not to impair access to the commercial premises or the *use* of off-*street* loading facilities.
- (d) Where multi-residential dwelling units or seniors housing are located below the second *storey*, the Site Development Regulations of the RM3 Higher Density Residential zone shall apply.
- (e) No outside storage for *public market use* shall be permitted after market hours.
- (f) In *dwelling* units above or behind commercial *uses*, *home occupation* as a permitted *use* is restricted to *office* space for a business which is lawfully carried on at another location.

5.19.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Liquor, Wine and Beer Store	3764 10 th Avenue	Lot B, District Lot 1, Alberni District, Plan VIP75178
Liquor, Wine and Beer Store	2943 10th Ave. (Quality Foods)	Lot A, District Lot 1, Alberni District, Plan VIP13914 Except Plan 50966 (PID: 004-503-112)

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C3 – SERVICE COMMERCIAL

5.20 The purpose of this *zone* is to establish and maintain areas for *retail* and service operations that are vehicle-oriented or require large storage areas.

5.20.1 Permitted uses

Principal Uses

Ambulance station
Amusement establishment
 Appliances and electronics, sales and repair
Artist’s studio
Automotive sales, repair and servicing
 Bakery
 Bank or other financial institution
 Boat or *recreational vehicle* sales and repair
Building supply
Cannabis Retail Store, subject to 6.27
Cannabis Retail Store, subject to 6.27
Cannabis Micro-Cultivation
Cannabis Micro-Processing
Cannabis Nursery
Cartage and delivery services
 Catering establishment
Club or lodge

Contractor’s shop
 Custom woodworking

 Garden shop, nursery and *landscape* supplies
 Gasoline service station

 Glass shop
 Medical service

Micro-Brewery/Micro-Distillery
Office

Principal Uses (continued)

Pawn shop
Personal service
 Petroleum products, wholesale

 Prefabricated *buildings* sales
 Printing, publishing and allied industry
Public Market
 Recycling depot
 Restaurant, including drive-through

Retail
 Signs and displays industry
Transportation dispatch and depot
 Veterinary clinic
 Wholesale

Accessory Uses
 Caretaker's *dwelling* unit, *subject to Section 6.16*
 Outdoor storage

Site Specific Uses:
 Liquor, wine and beer store

 Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second storey

5.20.2 Site Development Regulations

Minimum <i>Lot Area</i>	930 m ²	(10,011 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	75%	

Minimum *Setbacks*:

<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(9.84 ft)
<i>Side yard</i>	0 m	
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)

5.20.3 Conditions of Use

- (a) Outdoor storage areas shall be screened or *fenced* on all sides not facing the principal *building* and no material shall be piled so as to be higher than such *screening*.
- (b) All industrial, business, repair or servicing *uses* shall be conducted within a completely enclosed *building* except for outdoor display, rental, sales or outdoor storage areas, activities that are normally done at gasoline service pumps, parking and loading, and activities related to the operation of a *drive-through* or *drive-in* facility.
- (c) No *club* or *lodge* shall have more than three machines on which mechanical, electrical automatic, digital or computerized games are played for amusement, recreation, competition or entertainment and for which a fee is charged for *use* or for which a coin or token must be inserted.
- (d) Notwithstanding any other provision of this Bylaw, in addition to any required commercial parking, only one-half (0.5) parking space for each residential dwelling unit is required at 3575 3rd Avenue (Lots 24-25, Block 50, District Lot 1, Alberni District, Plan197B, (PID's: 000-171-891, 000-171-905))

5.20.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Liquor, Wine and Beer Store	3684 3rd Avenue	<i>Lot 1, District Lot 1, Alberni District, Plan EPP30558</i>
Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second story	3575 3rd Avenue	<i>Parcel B, Block 50, Alberni District, Plan 197B (PID: 030-520-347)</i>

C4 – HIGHWAY COMMERCIAL

5.21 The purpose of this *zone* is to establish and maintain areas offering a range of large format *retail*, *service*, and *tourist recreational uses*, with high levels of visibility for vehicular traffic.

5.21.1 Permitted uses

Principal Uses

Automotive sales, repair and servicing

Bank or other financial institution

Boat or *recreational vehicle* sales and repair

CAMPGROUND

Cannabis Retail Store, subject to 6.26

Cannabis Micro-Cultivation

Cannabis Micro-Processing

Cannabis Nursery

Garden shop, nursery and landscape supplies

Gasoline service station

Golf driving range

Hotel

Medical service

Miniature golf

Motel and Motor hotel

Personal service

Professional service

Restaurant, including drive-through

Retail

Shopping centre

Tourist service

Transportation dispatch and depot

Veterinary clinic

Accessory Uses

Caretaker's *Dwelling Unit*, subject to Section 6.16

Outdoor storage

Office

Site Specific Uses

Liquor, wine and beer store

Nightclub, Cabaret, Bar & Pub

5.21.2 Site Development Regulations

Minimum <i>Lot Area</i>		
Minimum <i>Frontage</i>	930 m ²	(10,011 ft ²)
Maximum <i>Coverage</i>	30 m	(98.4 ft)
Minimum <i>Setbacks</i> :	40%	
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	6 m	(19.7 ft)
<i>Side yard</i>	6 m	(19.7 ft)
Maximum Height, Principal <i>Building</i>	9 m	(29.5 ft)

5.21.3 Conditions of Use

- a) All business, repair or servicing *uses* shall be conducted within a completely enclosed *building* except for garden shops, outdoor display, rental, sales or *storage yards*, restaurant patios, activities that are normally done at gasoline service pumps, parking and loading, and activities related to the operation of a *drive-through* or *drive-in* facility

5.21.4 Conditions of Use: Campgrounds

- (a) An accessory store to serve *campground* patrons is permitted to a maximum *gross floor area* of 120 m² (1292 ft²).
- (b) Except for caretakers' residences, no person, tent or *recreational vehicle* shall occupy a *camping site* within a given *campground* for more than 90 days in any calendar year.
- (c) Notwithstanding the provisions of (b), a maximum of ten percent (10%) of the *camping sites* in any given *campground*, excluding caretakers' residences, may be occupied by the same person, tent or *recreational vehicle* for more than 90 days in any calendar year.
- (d) Each *camping site* for a *recreational vehicle*, trailer or tent shall have an area of not less than 60 m² (646 ft²).
- (e) Washroom facilities shall be not more than 150 m (492 ft) from any *camping site*.
- (f) No washroom facility shall be closer than 4 m (13.1 ft) to any *camping site*.
- (g) A standpipe for potable water shall be not more than 50 m (164 ft) from any *camping site*.
- (h) Internal roads must be of a material that does not produce dust.
- (i) Garbage disposal containers shall be provided and shall be insect-tight, water-tight, and animal-proof.
- (j) A minimum of ten percent (10%) of the *lot* shall be provided for *useable open space*.

5.21.5 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Liquor, Wine and Beer Store	3825 Redford Street	<i>Lot B, District Lot 45, Alberni District, Plan EPP43903</i>
	4277 Stamp Avenue	<i>Lot A, District Lot 1, Alberni District, Plan 33048</i>
	4850 Beaver Creek Road	<i>Lot A, Block 2, District Lot 11, Alberni District, Plan VIP618B (DD FA60973)</i>
Nightclub, Cabaret, Bar and Pub	4920 Cherry Creek Road	<i>Lot A, District Lot 14, Alberni District, Plan VIP61333</i>
Nightclub, Cabaret, Bar and Pub and a Liquor, Wine and Beer Store	4940 Cherry Creek Road	<i>Lot 1, District Lot 14, Alberni District, Plan VIP51563</i>

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C5 – TRANSITIONAL OFFICE

5.22 The purpose of this zone is to establish and maintain transitional areas between residential, commercial and industrial zones. Permitted uses and buildings are intended to have little impact on neighbouring residential properties.

5.22.1 Permitted uses

Principal Uses

Artist's studio

Community care facility

Live-work

Medical service

Professional Service

Personal service

Single detached dwelling (built prior to the adoption of this bylaw), which may include any of the other permitted uses

Small appliances and electronics, sales and repair

Accessory Uses

Office

5.22.2 Site Development Regulations

Minimum <i>Lot Area</i>	540 m ²	(5813 ft ²)
Minimum <i>Frontage</i>	15 m	(49.2 ft)
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	6 m	(19.7 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum Height, <i>Principal Building</i>	9 m	(29.5 ft)

5.22.3 Conditions of Use

- (a) All business activity shall be conducted within a completely enclosed *building* except for parking and loading facilities.
- (b) Where a single detached dwelling is the principal permitted *use*, the Site Development Regulations of the R2 *zone* and off-*street* parking requirements of this Bylaw shall apply.
- (c) Notwithstanding the off-*street* parking requirements of this Bylaw, no parking shall be located in a required *front yard*.
- (d) Commercial activities on C5 *zoned* property are exempt from the loading regulations (Section 7.7).

C6 – GAMING CENTRE

5.23 The purpose of this *zone* is to establish and maintain areas for gaming facilities and related *uses*.

5.23.1 Permitted uses

Principal Uses

Gaming Centre

Accessory Uses

Helipad

Light Industrial Storage of non-toxic and non-flammable material

Lounge

Meeting Rooms

Micro-Brewery/Micro-Distillery

Office

Restaurant

5.23.2 Site Development Regulations

Minimum *Lot Area*

2 ha (4.9 ac)

Minimum *Frontage*

100 m (328 ft)

Maximum *Coverage*

35%

Minimum *Setbacks*:

Front yard

9 m (29.5 ft)

Rear yard

9 m (29.5 ft)

Side yard

9 m (29.5 ft)

Maximum Height, *Principal Building*

12.5 m (41 ft)

5.23.3 Conditions of Use

- (a) All business activity shall be conducted within a completely enclosed *building* except for restaurant patios, parking and loading facilities.

C7 – CORE BUSINESS

5.24 The purpose of this *zone* is to establish and maintain vibrant mixed use commercial core areas, with attention to providing goods and services to residents, the travelling public and tourists.

5.24.1 Permitted uses

Principal Uses

Adult retail
Amusement establishment
Appliance repair
Artist's studio
Assembly
Automotive sales, repair and servicing
Bakery

Bank or other financial institution

Boat or recreational vehicle sales and repair
Cannabis Retail Store, subject to 6.26
Club or lodge
Community care facility
Day care or other preschool
Gasoline service station
Government service
Hotel, Motor hotel and Hostel
Live-work
Lumber and Building Materials Retailers and Wholesalers
Medical service
Micro-Brewery/Micro-Distillery
Multi-residential dwelling
Nightclub, Cabaret, Bar and Pub

Parking lot
Pawn shop
Personal service
Place of worship
Printing, publishing and allied industry

Principal Uses (continued)

Professional service
Public market
Restaurant, including drive-through
Retail
School
Senior's housing
Shopping centre
Single or semi detached dwelling (built prior to the adoption of this bylaw)
Small appliances and electronics, sales and repair
Social service centre
Theatre
Tourist Services
Transportation Dispatch and Depot
Tutoring Service

Accessory Uses

Home Occupation
Residential above commercial
Office

Site-Specific Uses

Dwelling units at ground level
Glass shop
Liquor, wine, and beer store

5.24.2 Site Development Regulations

Minimum <i>Lot Area</i>	540 m ²	(5812.7 ft ²)
Minimum <i>Frontage</i>	15 m	(49.2 ft)
Maximum <i>Coverage</i>	90%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i>	0 m	
Maximum Height, Principal <i>Building</i>	14 m	(45.9 ft)
Maximum <i>Floor Area Ratio</i>	3.0	

5.24.3 Conditions of Use

- (a) All business *uses* shall be conducted within a completely enclosed *building* except for outdoor display, rental, sales or *storage yards*, restaurant patios, activities that are normally done at gasoline service pumps, parking and loading, and activities related to the operation of a *drive-through* or *drive-in* facility.
- (b) In mixed-use residential and commercial *buildings*, residential *uses* shall be located above the first *storey*, except as provided in (d).
- (c) A shared public access to the residential *dwelling* unit(s) shall be provided separate from any other *use* from a ground floor entrance opening directly onto the public *street*.
- (d) Where multi-residential dwelling units or seniors housing are located below the second *storey*, the Site Development Regulations of the RM3 Higher Density Residential *zone* shall apply.
- (e) Notwithstanding any other provision of this Bylaw, only one-half (0.5) *parking space* for every residential *dwelling* unit is required above a commercial *use* in a mixed commercial-residential *building*.
- (f) No *club or lodge* shall have more than three machines on which mechanical, electrical automatic, digital or computerized games are played for amusement, recreation, competition or entertainment and for which a fee is charged for *use* or for which a coin or token must be inserted.
- (g) In *dwelling* units above or behind commercial *uses*, *home occupation* as a permitted *use* is restricted to *office* space for a business which is lawfully carried on at another location.

5.24.5 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Glass shop	4650 Margaret Street	<i>Lot A, District Lot 1, Alberni District, Plan VIP28247</i>
Liquor, wine, and beer store	4963 Angus Street	<i>That portion of Lot B, District Lot 1, Alberni District, Plan 32610 north of Angus Street</i>
Liquor, wine, and beer store	5086 Johnston Road	<i>Lot 1, District Lot 1, Alberni District, Plan EPP13767</i>

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C8 – COMMERCIAL RECREATION

5.25 To establish and maintain areas offering large-scale tourist recreational *uses* and related activities.

5.25.1 Permitted uses

Principal Uses

Campground
 Golf Driving Ranges
 Miniature Golf
 Parks, Playgrounds and Open Spaces
 Theme Parks, excluding animals
 Water Slides

Accessory Uses

Assembly
 Lounge
 Restaurant
Retail

5.25.2 Site Development Regulations For Guest Houses

Minimum <i>Lot Area</i>	1.2 ha	(3 acres)
Minimum <i>Frontage</i>	45 m	(150 ft)
Maximum <i>Coverage</i>	35%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	9 m	(29.5 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	9 m	(29.5 ft)

5.25.3 Conditions of Use

- (a) The principal *building* on the site shall be a minimum of 100 m² (1076 ft²) in size.
- (b) The sum total of the *gross floor area* for *accessory buildings*, including restaurants, shall not exceed 230 m² (2530 ft²) except that an additional accessory store with a maximum of 120 m² (1292 ft²) is permitted in conjunction with a *campground*.
- (c) All mechanical, electrical or other service equipment located outside or on the roof of a *building* shall be screened from adjacent properties and *streets* by *landscaping*, ornamental *structures* or other means.
- (d) All outdoor storage and refuse receptacle areas shall be screened in accordance with Section 6.8.
- (e) A maximum of one caretaker's residence may be located in conjunction with the permitted *use* on the *lot*, subject to the provisions of Section 6.16.
- (f) Where a *campground* is the principal permitted *use*, the conditions of *use* contained in Section 5.21.4 (Highway Commercial) shall apply.

C9 – COMMERCIAL GUEST HOUSE

5.26 The purpose of this *zone* is to provide accommodation, primarily of a “*Bed and Breakfast*” character to tourists, visitors and vacationers. Development in this *zone* should be of compatible character and not negatively impact surrounding neighbourhoods.

5.26.1 Permitted uses

Principal Uses

Guest House
Single detached dwelling
Semi detached dwelling

Accessory Uses

Bed and Breakfast
Secondary suite

5.26.2 Site Development Regulations For Guest Houses

Minimum *Lot Area*

Up to 4 units	900 m ²	(9688 ft ²)
5 or 6 units	1000 m ²	(10764 ft ²)
7 or 8 units	1100 m ²	(11840 ft ²)

Minimum *Frontage* 25 m (82 ft)

Maximum *Coverage* 35%

Minimum *Setbacks*:

Front yard 7.5 m (24.6 ft)

Rear yard 9 m (29.5 ft)

Side yard 1.5 m (4.9 ft)

Maximum Height, *Principal Building* 10.5 m (29.5 ft)

Maximum *Floor Area Ratio* 0.6

5.26.3 Conditions of Use

- (a) The conditions of *use* pertaining to Guest Houses are specified in 6.14.
- (b) Where a single or semi detached dwelling is located in a GH *zone*, the Site Development Regulations of the R2 *zone* and off-*street* parking requirements of this Bylaw shall apply.
- (c) For single detached dwellings and semi detached dwellings having no carport or attached garage with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard* and 3 m (9.8 ft) for both *side yards* for a semi detached dwelling.
- (d) *Secondary suites* are only permitted on those *lots* where a single detached dwelling is the *principal use*. For clarity, a *secondary suite* is not permitted in conjunction with a guest house or *bed and breakfast use*.

M1 – LIGHT INDUSTRY

5.27 The purpose of this zone is to establish and maintain areas containing light industrial uses, such as wholesale, warehouse and light *manufacturing* operations.

5.27.1 Permitted uses

Principal Uses

Automotive sales, repair and servicing
Boat or recreational vehicle sales and repair
Building supply
Cannabis Standard Cultivation
Cannabis Standard Processing

Cannabis Micro-Cultivation

Cannabis Micro-Processing

Cannabis Nursery

Cartage and delivery service

Contractor's shop

Custom workshop

Electronics repair

Enclosed Storage and warehousing, including mini-storage

Exterminating service

Food and beverage processing (excluding the fish, meat and poultry products industries)

Furniture and fixture manufacturing

Garden shop, nursery and landscape supplies

Gasoline service station

Glass shop

Health and fitness centre

Machine shop

Machinery and equipment sales, rental and repair

Other light manufacturing industry

Petroleum products, wholesale

Prefabricated buildings sales

Printing, publishing and allied industry

Recycling depot

Principal Uses (continued)

Signs and displays industry

Storage yard

Transportation dispatch and depot

Veterinary clinic

Wholesale (excluding wholesalers of scrap and waste materials)

Works yard

Accessory Uses

Caretaker's dwelling unit subject to Section 6.16

Display, storage, and retail sales of goods produced on the premises

Office

Site-Specific Uses

Medical Marijuana Facility

5.27.2 Site Development Regulations

Minimum <i>Lot Area</i>	930 m ²	(10,011 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard (total)</i>	6 m	(19.7 ft)
(Permitted on one side)	0 m	
Maximum Height, Principal <i>Building</i>	12.5 m	(41 ft)

5.27.3 Conditions of Use

- (a) Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluent, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical interference or undue traffic congestion.
- (b) All portions of a required *front yard* not used for permitted parking or display areas shall be fully and suitably *landscaped* and properly maintained.
- (c) Outdoor storage areas shall be screened or *fenced* on all sides not facing the principal *building* and no material shall be piled so as to be higher than such *screening*. Required front *screening* shall be situated so as to conform with the *front yard setback* provisions.
- (d) All activities and *uses* shall be conducted within a completely enclosed *building* except for parking, loading, outside storage and product display *uses*.
- (e) Along any *lot* line adjacent to an R, RR, or RM *zone*, a continuous *landscape buffer*, excluding any areas used for access, shall be provided and shall be not less than 1.8 m (5.9 ft) in height.

5.27.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Medical Marihuana Facility	4921 Bute St.	Lot A, District Lot 1, Alberni District, Plan VIP31847

M2 – MEDIUM INDUSTRY

5.28 The purpose of this *zone* is to establish and maintain areas for both light and medium industrial *uses*, including *uses* that require outdoor storage.

5.28.1 Permitted uses

Principal Uses

All uses permitted in the M1 Zone

Animal shelter

Automobile wrecking yard

Blacksmithing and welding shop

Bulk fuel storage

Construction and assembly of pre-fabricated or modular *buildings*

Construction, house moving and excavation industry *offices*, workshops and storage

Large equipment or machinery sales and repairs

Machining

Manufacturing, excluding *uses* specifically listed in M3

Open storage

Scrap and waste materials wholesaler

Truck transport operation

Utility works yard

Wood industry , concerned with *manufacturing* or finishing from prepared lumber

Accessory Uses

Caretaker's *dwelling* unit, subject to Section 6.16

Display, storage, and *retail* sales of goods produced on the premises

Office

5.28.2 Site Development Regulations

Minimum <i>Lot Area</i>	930 m ²	(10,011 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	60%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i> (total)	6 m	(19.7 ft)
(Permitted on one side)	0 m	
Maximum Height, Principal <i>Building</i>	12.5 m	(41 ft)

5.28.3 Conditions of Use

- (a) Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluent, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical interference or undue traffic congestion.
- (b) Notwithstanding the provisions of 5.28.2, the minimum *lot area* for an *automobile wrecking yard* operation shall be one (1) hectare (2.47 ac).
- (c) All portions of a required *front yard* not *used* for permitted parking or display areas shall be *landscaped*.
- (d) Any part of a *lot used* or intended to be *used* as an outside storage area that is adjacent to a R, RR, or RM *zone* shall be separated by a solid screen from the properties in that *zone*. No material shall be piled so as to be higher than such *screening* within 15 m (50 ft) of the *lot line*.
- (e) Along any *lot line* adjacent to an R, RR or RM *zone*, a continuous *landscape buffer*, excluding any areas *used* for access, shall be provided and shall be not less than 1.8 m (5.9 ft) in height.

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M3 – HEAVY INDUSTRY

5.29 The purpose of this *zone* is to establish and maintain areas for heavy industrial and *manufacturing* activities.

5.29.1 Permitted uses

Principal Uses

All uses permitted in the M2 zone

- Boiler and plate work
- Fabricated metal products
- Fish, meat and *poultry* products industry
- Junk yard*
- Paper and allied *manufacturing* industry
- Primary metal industry
- Ready-mix concrete
- Sawmill
- Shipbuilding*, *boatbuilding* and repair
- Storage

Accessory Uses

- Caretaker's *dwelling* unit, subject to Section 6.16
- Display, storage, and *retail* sales of goods produced on the premises
- Office*

5.29.2 Site Development Regulations

Minimum <i>Lot Area</i>	1000 m ²	(10,764 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	60%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i> (total)	6 m	(19.7 ft)
(Permitted on one side)	0 m	

5.29.3 Conditions of Use

- (a) Any area of a *lot used* as, or intended to be *used* as, an outside storage area that is adjacent to a R, RR, or RM *zone* shall be separated by a solid screen at least 2.5 m (8.2 ft) in height from the properties in that *zone*. No material shall be piled so as to be higher than such *screening* within 15 m (50 ft) of the *lot* line.
- (b) Open storage shall not be permitted in a required *front yard*.
- (c) Any portion of a *lot* in the M3 *zone* which abuts the Alberni Inlet waterfront is exempt from the yard *setback* provisions.

M4 – UTILITIES

5.30 The purpose of this zone is to establish, maintain and regulate areas directly related to the operation of a railway, railway yard, high voltage transmission utility tower corridor, gas mains and related stations, reservoirs, water and sewer pumpstations and other utilities works, whether or not publicly owned.

5.30.1 Permitted uses

Principal Uses

Accessory Uses

- Electric power stations and installations
- Natural gas sub-station
- Parking of equipment
- Railway lines and stations
- Sewer pumpstations, chambers, treatment facilities and related equipment
- Telegraph and cable systems
- Telephone exchanges
- Transmission lines and sub-stations
- Utility storage
- Waste disposal facility
- Water reservoir, pump station, valve station and related equipment
- Works yard

5.30.2 Site Development Regulations

Maximum Coverage	90%	
Minimum Setbacks:		
<i>Front yard</i>	7 m	(22.9 ft)
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard (total)</i>	3 m	(9.8 ft)
Maximum Building Height	7.5 m	(25 ft)

5.30.3 Conditions of Use

- (a) Outdoor storage of mechanical equipment, natural gas substations, pump stations, valve stations and related equipment shall be screened by solid fencing or *landscaping* which obstructs the visibility of the utility installation.

P1 – INSTITUTIONAL

5.31 The purpose of this *zone* is to establish and maintain areas in which institutional *uses* can be accommodated and located in a manner complementary with surrounding *uses*.

5.31.1 Permitted uses

Principal Uses

Ambulance station

Arena

Assembly, cultural or recreational facility

Childcare centre

Community Care facility

Dormitory

Firehall

Hospital

Hostel

Medical service

Office

Parking Lot

Personal service

Place of worship

Police station

Pound

School

Supportive housing

Transition house

Tutoring service

Accessory Uses

Caretaker's *dwelling* unit, subject to Section 6.16

Site Specific *Accessory Uses* as permitted under Section 5.31.4.

5.31.2 Site Development Regulations

Minimum <i>Lot Area</i>	540 m ²	(5813 ft ²)
Minimum <i>Frontage</i>	15 m	(49.2 ft)
Maximum <i>Coverage</i>	40%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum Height, <i>Principal Building</i>	12.5 m	(41 ft)

5.31.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.31.2, the total of both *side yards* must be equal or greater than 20% of the *lot width*.
- (b) *Community care facilities* for seniors may include an accessory beauty shop or other provision of other *personal services*, limited to 16m² (172 ft²) in floor area and 2 service chairs, operating between the hours of 8:30 am to 5:00 pm, Monday to Friday and 9:00 am to 12:00 pm on Saturday.

5.31.4 Site Specific

A.

The following *Accessory Uses* are permitted on the property located at **5100 Tebo Avenue** (Lot 1, District Lot 13, Alberni District, Plan VIP78180 (PID: 001- 346-377)):

- Artist's studio
- Cabinet making
- Custom woodworking
- Furniture repair and upholstery
- Ornamental metal working
- Printing, publishing and allied industry
- Signs and displays industry
- Small repair shop

i. The following conditions apply to *Accessory Uses* listed in 5.31.4.A:

- a) All business activity shall be conducted within a completely enclosed building except for parking and loading facilities.
- b) The total area occupied shall not exceed 1077 m² (11,592 ft²).
- c) No retail activity is permitted as part of any business located on the property.

B.

Site - **4411 Wallace Street** - Lot B, District Lot 1, Alberni District, Plan 32448 VIP78180 (PID: 000-154-130)

- i. Notwithstanding the maximum coverage provisions of Section 5.31.2, for the property known as Fir Park Village, a maximum coverage of 58% is permitted.

C.

Site - **4065 6th Avenue** - Lot 16, District Lot 1, Alberni District, Plan 13685 lying to the North of a boundary parallel to and perpendicularly distant 150 feet from the Northerly boundary of said Lot 16 (PID: 004-625-919)

- i. The following accessory use is permitted:
 - Restaurant
- ii. The following conditions apply to *Accessory Uses* listed in 5.31.4.Ci:
 - a) All business activity shall be conducted within a completely enclosed building except for parking and loading facilities.
 - b) The total area occupied shall not exceed 481 m² (5180 ft²)

D.

Site – **2170 Mallory Drive** – Lot 1, District Lot 1, Alberni District, Plan VIP77152 (PID: 025-965-409)

- i. Notwithstanding Section 5.31.1 the following Principle Uses are permitted on the site:
 - a) Small Engine Repair
 - b) Mechanic
 - c) Custom Woodworking
- ii. The following conditions apply to uses listed in 5.31.4 Di:
 - All business activity shall be conducted within a completely enclosed building except for parking and loading facilities

E.

Site – **A portion of 4305 Kendall Avenue** – Lot B, District Lot 92, Alberni District, Plan VIP86344 (PID: 027-829-634)

- i. Notwithstanding Section 5.31.1 the following Principle Uses are permitted on the site:
 - a) *Mother's Centre*

P2 – PARKS AND RECREATION

5.32 The purpose of this zone is to preserve natural ravine areas, green belts and other areas deemed environmentally sensitive, to provide protection of the natural setting, ecological systems and aesthetic beauty of the City, and to establish and maintain areas for parks, recreation and community open spaces uses.

5.32.1 Permitted uses

Principal Uses

Assembly, cultural and recreational facility

Cemetery

Fairground
Fish hatchery
Forest management
Golf course
Natural Areas, Open Spaces and Parks
Public Parks and Playgrounds

Accessory Uses

Caretaker's dwelling unit, subject to Section 6.16
Carnivals, Circuses, Exhibitions, Horse, Dog and Pony Shows
Office
Picnic Area
Parking Lot
Public Toilet

5.32.2 Site Development Regulations

Minimum Lot Area	1000 m ²	(10764 ft ²)
Minimum Frontage	30 m	(98.4 ft)
Maximum Coverage	40%	
Minimum Setbacks:		
Front yard	6 m	(19.7 ft)
Rear yard	9 m	(29.5 ft)
Side yard	1.5 m	(4.9 ft)
Maximum Height, Principal Building	8 m	(26.2 ft)

W1 – WATERFRONT COMMERCIAL

5.33 The purpose of this zone is to establish and maintain areas for commercial and retail operations, especially those serving marine-based or tourist-oriented activities.

5.33.1 Permitted uses

Principal Uses

- Boat rental operations
- Boat tour and charter operations
- Commercial mooring facilities

Docks, Wharves, and Floats (for the use of water taxis, ferries, float planes and amphibious vessels)

- Fish product industry
- Marina
- Marine fuelling operations

Marine-oriented clubs such as yacht clubs

- Micro-Brewery/Micro-Distillery
- Nightclub, Cabaret, Bar and Pub
- Observation Tower
- Public market
- Restaurant, (excluding drive-in or drive-through)
- Retail
- Stewardship Centre

Accessory Uses

- Loading facility
- Office
- Permanent residence (on one boat or vessel by one member or employee of any other use permitted within this zone for purposes of security and fire protection)
- Private floats and wharves
- Storage
- Temporary boat storage
- Temporary or seasonal residence (on a boat or vessel for commercial fishing purposes)

Site Specific Uses

- Barber
- Beauty Shop
- Residential Above Commercial
- Salon
- Spa

5.33.2 Site Development Regulations

Maximum Height, Principal *Building* 8 m (26.2 ft)

5.33.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.33.1,
 - (i) Temporary or seasonal boat residence is permitted, provided that the boat or vessel is wharfed at a location where the following on-shore facilities are provided, at a minimum, in separate rooms for females and males:
 - one water-closet;
 - one wash-basin; and
 - one bathtub or shower
 - (ii) Private Floats and Wharves are permitted only where necessary for practical access by boats to commercial enterprises primarily oriented to water uses and water traffic.

- (b) Where associated with *retail* sales of live or fresh seafood in the same *building*, *fish product industry* activity is limited to a maximum *gross floor area* of 235 m² (2530 ft²).
- (c) Marine fuelling operations shall be located not less than 60 m (196.8 ft) from any R or RM *zone*.

5.33.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Barber, Beauty Shop, Salon, Spa <u>Accessory Use:</u> Residential Above Commercial	5405 Argyle Street	For a <u>portion of Lot A</u> , District Lots 1 and 118, Alberni District, Plan VIP13074 zoned as W1 Waterfront Commercial and shown in Schedule A to this bylaw (Attached)

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W2 – WATERFRONT INDUSTRIAL

5.34 The purpose of this zone is to establish and maintain areas for accommodation of industries that are related to the fishing industry, marine transportation, shipbuilding and maintenance.

5.34.1 Permitted uses

Principal Uses

- Commercial mooring facilities
- Fish and seafood buying and packing stations
- Fish product industry
- Marine and water traffic oriented:
 - Loading facility
 - Storage
 - Warehouse, and
 - Works yard
- Marine fuelling operations

Office
 Shipbuilding, boatbuilding and repair

Accessory Uses

- Loading facility
- Private floats and wharves
- Storage
- Temporary boat storage
- Permanent residence on one boat or vessel by one member or employee of any other use permitted within this zone for purposes of security and fire protection
- Temporary or seasonal residence on a boat or vessel for commercial fishing purposes

5.34.2 Site Development Regulations

Maximum Height, Principal Building 12.5 m (41 ft)

5.34.3 Conditions of Use

- (a) Marine fuelling operations shall be located not less than 60 m (196.8 ft) from any R or RM zone.
- (b) Offices as a principal use shall be permitted only on the upper storeys of any waterfront industrial building. For clarity, offices as a principal use shall be permitted only on the second storey or higher in a waterfront industrial building.

6. General Regulations

6.1 Number of Principal *Buildings* on a Site

No more than one residential *building* shall be located on a *lot*, except as otherwise provided in this Bylaw.

6.2 Location of *Buildings*

6.2.1 No *building* shall be located in any required front, side, or *rear yard* except in accordance with this Bylaw.

6.2.2 No principal *building* shall be located so as to be within more than one *lot*, except where one or more of the *lots* is an air space parcel.

6.3 Location of *Buildings* and *Structures* Adjacent to Watercourses

6.3.1 Unless otherwise required by another level of government, all *buildings*, and *structures* in all *zones* shall be located not less than 15 m (49.2 ft) from the *natural boundary* of a lake, marsh, pond, river, creek, stream, including without limitation:

- Rogers Creek;
- Dry Creek, east of the *Quadrant Street*;
- Ship Creek, east of 3rd Ave;
- Lugin Creek;
- Cherry Creek;
- Kitsuksis Creek, east of the Kitsuksis Dyke; and
- the Somass River, north of Lupsicupsi Point,
- or any other natural body of water, except the ocean.

6.3.2 *Buildings* and *structures* shall be located not less than 7.5 m (24.6 ft) from any dyke right-of-way or other flood protection *structure*.

6.3.3 Parking and loading areas and other impervious surfaces shall be located not less than 7.5 m (24.6 ft) from the *natural boundary* of any lake, marsh, pond, river, creek, stream or any other natural body of water, except the Alberni Inlet, and must fulfil the requirements of other levels of government.

6.4 Height Exemptions

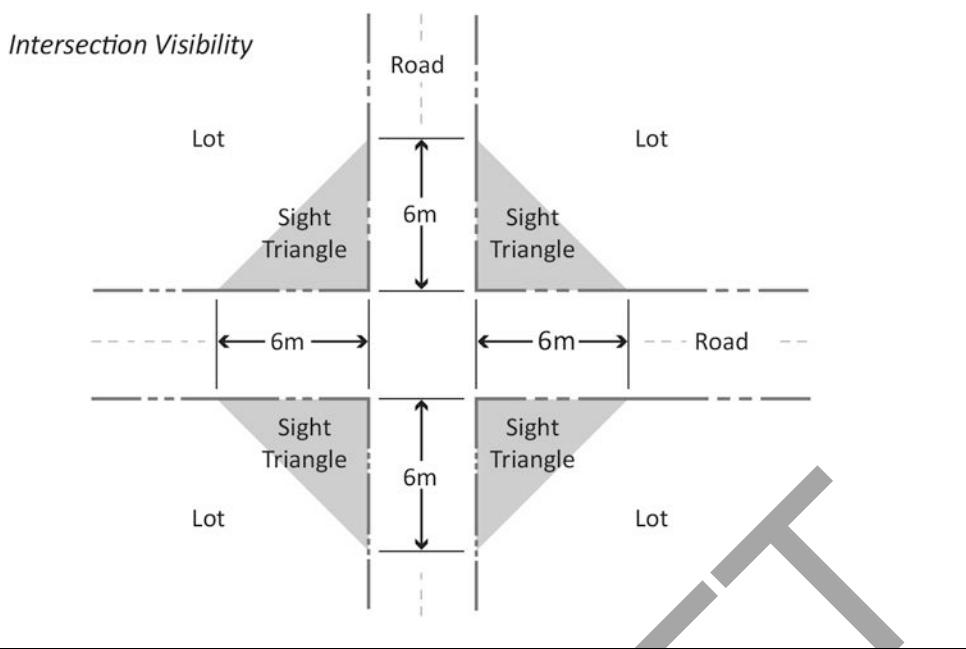
The following *structures* or structural parts shall not be subject to the *building height* requirements of this Bylaw:

- belfries;
- cellular towers;
- chimneys;
- church spires;
- domes;
- elevator and ventilating machinery penthouses
- fire and hose towers;
- flag poles;
- grain storage;
- monuments;
- observation towers;
- radio towers;
- silos;
- solar panels;
- stadiums;
- transmission towers; and
- wind turbines,
- photovoltaic cells

provided that no such *structure* shall cover more than twenty percent (20%) of the *lot* or, if located on a *building*, not more than ten percent (10%) of the *roof area* of the principal *building*.

6.5 Visibility at Intersections

Notwithstanding any other section of this Bylaw, on a *corner lot* at any *street* or *lane* intersection, except for a permitted principal *building*, there shall be no obstruction of the line of vision above a height of 1.25 m (4.1 ft) and below a height of 3.0 m (9.8 ft) in the triangular area contained by lines extending to points 6 m along each *lot* line from the corner of the *lot* and a diagonal line connecting those points.



6.6 Minimum *Lot* Size Exemptions

Notwithstanding other provisions of this Bylaw, zoning restrictions and *lot area* and *frontage* requirements do not apply to a *lot* created for an *unattended public utility use*.

6.7 Fences and Hedges

- 6.7.1** The height of a *fence*, *hedge* or wall shall be determined by measurement from ground level at the average *grade level* within 1 m (3.28 ft) of both sides of such *fence* or wall.
- 6.7.2** Notwithstanding 6.7.1, the height of a *fence*, *hedge* or wall erected along a retaining wall shall be determined by measurement from the ground level at the average *grade* within 1 m (3.28 ft) of the side which is supported by the retaining wall.
- 6.7.3** *Fences*, *hedges* or walls not greater than 1.25 m (4.1 ft) in height are permitted within a required *front yard*.
- 6.7.4** *Fences* or walls not greater than 1.8 m (6 ft) in height are permitted from the rear of the required *front yard setback* to the rear of the property.
- 6.7.5** In the C3 and M zones, *fences* or walls not greater than 2.5 m (8.2 ft) in height are permitted between the *front lot line* and the front of the primary *building* on the *lot*.

- 6.7.6** Open mesh, chain link, barbed and razor wire *fences* are prohibited all zones excluding M zoned parcels.
- 6.7.7** Notwithstanding 6.7.6 Open mesh or chain link *fences* not greater than 3.7 m (12.1 ft) in height are permitted anywhere on cemeteries, public playgrounds, parks, playfields, *school* areas or in any M zones.
- 6.7.8** Notwithstanding 6.7.1 through 6.7.6, all *fences, hedges* and walls are subject to the provisions of 6.5.
- 6.7.9** There shall be fencing having a minimum height of 1.85 m (6.0 ft) and a maximum height of 2.4 m (8.0 ft) around open swimming pools.

6.8 Landscaping

- 6.8.1** In RM, P1, C, M1 and M2 zones, all areas not *used for buildings, structures, parking, loading, access or storage* shall be *landscaped*.
- 6.8.2** In all RM, C, and P1 zones, *screening* not less than 1.5 m (4.9 ft) and not greater than 1.85 m (6.0 ft) in height shall be provided on at least three (3) sides of garbage bins, receptacles or storage areas, unless located within a completely enclosed *structure*.
- 6.8.3** Notwithstanding Section 6.7.4, *screening* not less than 1.5 m (4.9 ft) and not more than 2.4 m (8.0 ft) in height shall be provided:
- (a) along any side or rear boundary of a *lot* in a C zone that abuts an R, RR, RM, or A zone; and
 - (b) between any RM zone and any parking or access *uses* that abut any R zoned *lot*, along the common *lot* lines.
- 6.8.4** For boulevards: *Landscaping* in the form of grass, unless otherwise approved by the *City Engineer*, shall be provided between the *lot* line and curb or *street* shoulder in the absence of a curb.
- 6.8.5** Notwithstanding 6.8.1 through 6.8.4, all *landscaping* requirements are subject to the provisions of Section 6.5.

6.9 Storage of Vehicles and Equipment

- 6.9.1** No commercial vehicle, truck, bus, construction equipment, dismantled or wrecked automobile, or any similar vehicle, craft, boat, trailer, *recreational vehicle*, or equipment shall be parked or stored in the open on property in any R, RR, or RM zone, except when such vehicles or equipment are engaged in work on or about the premises upon which they are located.
- 6.9.2** Notwithstanding 6.9.1, the following types of vehicles are permitted, and may only be parked or stored in a yard other than a *front yard*:

One truck, personnel carrier bus or commercial vehicle not exceeding a length of 9 m (29.5 ft);
Any dismantled or wrecked vehicle for a period of not more than 30 successive days.

6.9.3 Notwithstanding 6.9.1, the following types of vehicles and equipment are permitted to be parked or stored in any yard:
One boat or vessel not exceeding a length of 9 m (29.5 ft); and
One trailer or *recreational vehicle*.

6.9.4 Notwithstanding Section 6.9.3, parking of one trailer or *recreational vehicle*, which may include a boat on a trailer, is permitted in the *front yard* only on a hard or gravelled surface.

6.9.5 Notwithstanding 6.9.3, in a C9 *zone* where a room is rented, the occupant of the room may park one boat or vessel not exceeding a length of 9 m (29.5 ft), or one trailer or *recreational vehicle* for the duration of their stay.

6.10 Accessory Buildings

6.10.1 *Accessory buildings* shall not be erected unless:
(a) the principal *building* has been erected; or
(b) the principal *building* will be erected simultaneously; or
(c) the *principal use* is in effect.

6.10.2 An *accessory building* shall not be used as a *dwelling*, except for a permitted caretaker's *dwelling* unit as provided for in Section 6.16.

6.10.3 Except as otherwise provided in this Bylaw, *accessory buildings* may be located in required rear and *side yards* provided that no portion of the *building* is located within 1.0 m (3.3 ft) of a rear or *side lot line*.

6.10.4 Where a garage or carport is accessed from a *lane*, said *building* shall be located not less than 1.5 m (4.9 ft) from the laneway *lot line*.

6.10.5 In R, RR, and RM *zones*, the total floor area of all *accessory buildings* shall not exceed 75 m² (807.3 ft²), and the height of any *accessory building* shall not exceed 5.5 m (18 ft) nor 1 *storey*, subject to 6.10.8 of this Bylaw.

6.10.6 In A *zones*, the total floor area of all *accessory buildings* shall not exceed 90 m² (915 ft²), and the height of any *accessory building* shall not exceed 4.5 m (14.8 ft) nor 1 *storey*.

6.10.7 In A, R, RR, or RM *zones*, not more than two-thirds of the width of the *rear yard* nor 50% of the *lot area* to the rear of the principal *building* of any *lot* shall be occupied by *accessory buildings*.

6.10.8 In A, R, RR, or RM *zones*, where a carport or garage or portion thereof is located in

the required *side yard* of the principal *building* and is attached to the principal *building*, the required *side yard* adjoining the garage shall be reduced to 0.9 m (3 ft), whether or not it is an interior or *corner lot*.

- 6.10.9** In all *zones*, on a *corner lot*, an *accessory building* or portion thereof which is located to the rear of the principal *building* shall be subject to the required *side yard setbacks* of the principal *building* whether or not it is attached to the principal *building*.
- 6.10.10** In P, C, M, W, or RM *zones*, an *accessory building* shall not exceed the maximum height of a principal *building*.
- 6.10.11** In P, C, M, W, or RM *zones*, where an *accessory building* is located within a required *rear yard*, the *accessory building* shall not exceed 4.5 m (14.8 ft) in height.
- 6.10.12** Notwithstanding 6.10.1 through 6.10.11, all *accessory buildings* are subject to the requirements of Section 6.5.

6.11 Temporary Buildings

- 6.11.1** A *temporary building* or *structure* shall not be used as a *dwelling* unit.
- 6.11.2** A trailer or *recreational vehicle* may be used as a *dwelling* only on a transitory basis and when located in a *campground*.
- 6.11.3** A *temporary building* or *structure* may be erected for construction purposes on a *lot* being developed for a period not to exceed the duration of such construction.
- 6.11.4** The erection of one fabric covered *structure* (as temporary carports, for example) on each *lot* for a maximum of 120 days in each calendar year is permitted
- 6.11.5** Except for *temporary buildings* or *structures* covered in 6.11.2 through 6.11.4:
(a) Application shall be made in writing to the *Building Inspector* for a permit to erect a *temporary building* or *structure*; and
(b) At the expiration of a permit such *temporary building* or *structure* shall be removed and the site thereof restored as nearly as possible to its former conditions.

6.12 Projections

- 6.12.1** Except in C2 (General Commercial), C3 (Service Commercial), C7 (Core Business), and M *zones*, certain architectural elements are permitted to project the specified distance into the *required yards*, as follows:

(a) into required front, rear and *side yards*:

<u>Projection</u>	<u>Distance</u>
Steps and wheelchair ramps	not restricted
Eaves and gutters	0.9 m (3 ft)
Cornices and sills	0.6 m (2 ft)
Bay windows and hutches	0.9 m (3 ft)
Chimneys and other heating and ventilating equipment	0.9 m (3 ft)

(b) into required front or *rear yards*:

<u>Projection</u>	<u>Distance</u>
Cantilevered balconies and sunshades	1.25 m (4.1 ft)
<i>Open porches</i>	1.85 m (6.0 ft)
<i>Marquee</i>	1.85 m (6.0 ft)
Canopy	1.85 m (6.0 ft)

(c) into *side yards*:

<u>Projection</u>	<u>Distance</u>
Cantilevered balconies and sunshades	the lessor of 50% of the required <i>side yard</i> or 1.25 m (4.1 ft)
<i>Open porches</i>	the lessor of 50% of the required <i>side yard</i> or 1.85 m (6.0 ft)
<i>Marquee</i>	the lessor of 50% of the required <i>side yard</i> or 1.85 m (6.0 ft)
Canopy	the lessor of 50% of the required <i>side yard</i> or 1.85 m (6.0 ft)

6.12.2 Notwithstanding 6.12.1, where a *side yard* is less than 1.5 m (4.9 ft) no projection shall project over 50% of a required *side yard*.

6.12.3 Permitted equipment for dispensing flammable or combustible liquids or gas may be located in a required front or *side yard*, provided that no part of any such pump island shall be closer than 4.5 m (14.8 ft) to any front or *side lot line*. Notwithstanding 6.12.1 and 6.12.2, a canopy may be erected over any such pump island provided only that it projects not closer to any *lot line* than 50% of the distance between the pump island and the *lot line*.

6.12.4 In *zones* where no yard is required and where the width of the public right-of-way is not less than 10 m (32.8 ft), certain architectural elements may project over the public right-of-way, provided that such architectural elements are located at or above a minimum height above *grade*, as specified in the following:

Projection	Maximum Permitted Projection Distance into R-O-W		Minimum Height Above <i>Grade</i>	
Cornice	0.6 m	(2 ft)	3.65 m	(12 ft)
Eave	0.6 m	(2 ft)	3.65 m	(12 ft)
Gutter	0.6 m	(2 ft)	3.65 m	(12 ft)
<i>Marquee</i>	1.85 m	(6 ft)	2.75 m	(9 ft)
Canopy	1.85 m	(6 ft)	2.75 m	(9 ft)
Sunshade	1.85 m	(6 ft)	2.75 m	(9 ft)

6.13 Swimming Pools

- 6.13.1 Detached and enclosed swimming pools shall be subject to the requirements established in Section 6.10 for *accessory buildings*.
- 6.13.2 Swimming pools shall be located not less than 2.0 m (6.6 ft) from any *lot* line.
- 6.13.3 Unenclosed swimming pools shall be subject to the requirements established in Section 6.7.8, fencing of swimming pools.
- 6.13.4 No swimming pool shall be located within a *front yard*.

6.14 *Bed and Breakfast* and Guest House Operations

All *Bed and Breakfast* and Guest House establishments shall conform to the following:

- 6.14.1 The operation must be conducted in a single detached dwelling;
- 6.14.2 The operation must be conducted by permanent residents of the *dwelling*. Guest House operations may utilize a maximum of two (2) non-resident employees who are specifically employed to provide services required by the Guest House.
- 6.14.3 *Bed and breakfast* operations shall have a maximum of two (2) bedrooms for *bed and breakfast* accommodation, with not more than two (2) guests per room;
- 6.14.4 Guest House operations shall have a maximum of eight (8) *sleeping units* for *Bed and Breakfast* accommodations, being provided to a maximum of sixteen (16) guests in total;
- 6.14.5 Breakfast shall be the only meal permitted to be served to guests;

- 6.14.6** One (1) *off-street parking space* for each bedroom *used* for the operation must be provided;
- 6.14.7** Tandem parking may be *used* up to two (2) deep;
- 6.14.8** Guest houses shall provide a *landscaped buffer* along property lines abutting residential *uses*.

6.15 Home Occupations

- 6.15.1** A *Home Occupation* must be conducted entirely within the *dwelling* unit.
- 6.15.2** Notwithstanding 6.15.1, where the *Home Occupation* is *urban market gardening*, the regulations in Section 6.25 apply.
- 6.15.3** A *Home Occupation* shall involve no internal structural alterations to the *dwelling* unit and there shall be no exterior indication including storage of materials, other than signage, that the *building* is being utilized for any purpose other than that of a *dwelling* unit, and no *building, structure, fence* or enclosure, other than those in conformity with permitted residential *uses* in the *zone* in which it is located, may be erected.
- 6.15.4** *Home Occupations* shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a *dwelling* unit, nor shall it create or cause a fire hazard, electrical interference or traffic congestion on the *street*. Specifically prohibited activities include *manufacturing, welding, vehicle or machinery repair* or any other light industrial *use*.
- 6.15.5** The *dwelling* unit must not be *used* as a warehouse or *retail* store.
- 6.15.6** The operation of a *Home Occupation* shall be limited to the following provisions:
- (a) Traffic related to the *Home Occupation use* is prohibited between the hours of 9:00 pm and 8:00 am, except for *Home Occupations* regulated by the *Community Care Facility Act* or related regulations.
 - (b) A maximum of one non-resident employee.
 - (c) Operator must hold a valid City of Port Alberni business licence.
 - (d) A *Home Occupation* must be licenced to and conducted by a permanent resident of the *dwelling* unit.
 - (e) In R, RR, or A *zones*, the following regulations also apply:
 - (i) Except for *Home Occupations* regulated by the *Community Care Facility Act* or related regulations, the *Home Occupation* maximum floor area must not exceed 40 m² (430.6 ft²).

- (ii) One non-illuminated fascia sign, up to 0.2 m² (2.15 ft²) in area, is permitted.
- (iii) One customer receiving service at any one time on the *lot*.
- (f) In RM and MH *zones*, the following regulations also apply:
 - (i) A maximum floor area not to exceed 19 m² (204 ft²) per *dwelling* unit;
 - (ii) No signage pertaining to a *Home Occupation* shall be permitted;
 - (iii) No customer service shall be permitted in the residence where the *Home Occupation* is conducted.
- (g) Notwithstanding 6.15.6 (e)(iii) of this Bylaw, the operation of a Tutoring/Instruction Service as a *Home Occupation* shall be limited to a maximum of eight (8) students at any one time.
- (h) In multi-unit residential *zones*, *home occupation* as a permitted use is restricted to *office* space.

6.16 Caretaker Accommodation

One (1) single detached dwelling unit for a caretaker or watchperson is permitted on a *lot* within C2, C3, C4, M, or P *zones* provided:

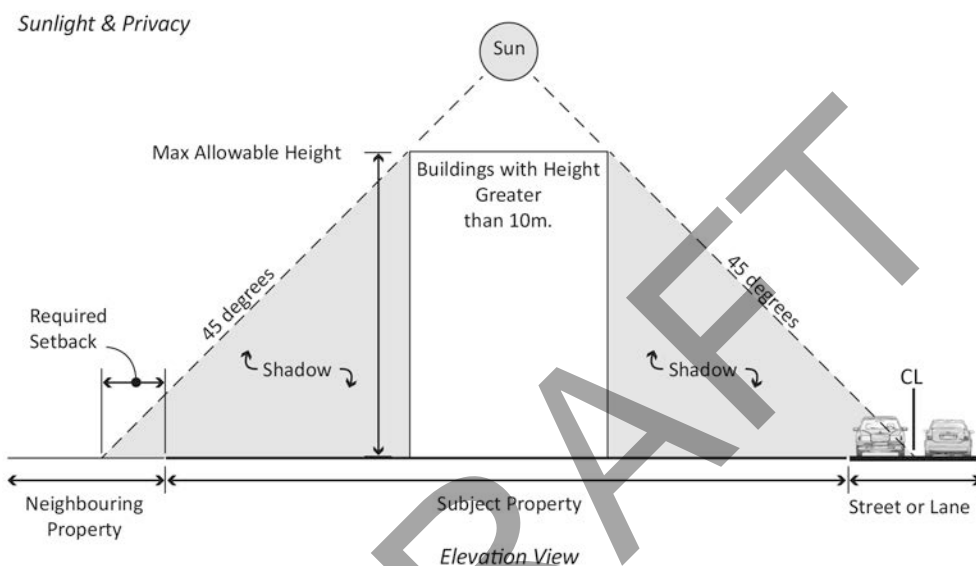
- 6.16.1 All applicable *building* and fire bylaws are met;
- 6.16.2 The *dwelling* shall be a maximum of 60 m² (645.9 sq ft);
- 6.16.3 The *dwelling* unit must be self-contained and separated from any commercial activities; and
- 6.16.4 The caretaker's presence is necessary to the facility operation and/or public safety.

6.17 Floats and Wharves

- 6.17.1 Wharves, floats, piers and boat launching facilities constructed, leased, kept or maintained are permitted in any *zone* abutting the waterfront and subject to the approval of other Government Agencies having jurisdiction.
- 6.17.2 Floats, wharves, piers, and walkways shall be located within the boundaries of a lawful water lease area or licence of occupation area.

6.18 Sunlight Protection and Privacy

In the case of a *building* having a height greater than 10 m (32.8 ft) situated in an A, R, GH or P zone, no portion of such *building* or *structure* shall project above a plane defined by lines extending towards the *building* or *structure* from all points at ground level from the neighbouring property's required *setbacks* or along the centre line of any *street* or *lane* parallel to and abutting the northerly *lot* line of the site on which the *building* or *structure* is situated and inclined at an angle of 45 degrees to horizontal.



6.19 Minimum Dwelling Unit Width

- 6.19.1** The minimum *dwelling* unit width for all Single or semi-detached dwellings shall be 5 m (16.4 ft) in width or depth, except for *mobile home* units located within the MH1 *Mobile and Modular Homes zone*.
- 6.19.2** Measurement of *dwelling* unit width shall be from the outside surface of an exterior wall and the centre line of a *party wall*.

6.20 Minimum Setback from Provincial Highway No. 4 (Johnston Road)

Development immediately adjacent to Provincial Highway No.4 (Johnston Road and River Road) requires approval of the Ministry of Transportation and Highways for purposes of legislation under their jurisdiction.

6.21 Adult Retail Store

Adult retail stores shall not be located within 0.5 km radius of a day care, school or church.

6.22 Accessory Dwelling Units

Secondary suites:

- 6.22.1** May be located in any single detached, semi detached or townhouse on the following conditions:
- (a) May not exceed 40% of the habitable floor space of the building, whichever is less
 - (b) Must be fully contained within the principal residence which is a single real estate entity
 - (c) Must be provided with a parking space additional to the standard parking space requirements for the residence as per section 7 of this bylaw; and
 - (d) The principle dwelling is permanently occupied

Carriage Houses:

- 6.22.2** May be located on a lot with a single detached dwelling on the following conditions:
- (a) Is not located on a lot that contains another accessory dwelling unit
 - (b) Is provided direct access to a roadway or laneway or includes a minimum 1.0 m wide pathway constructed of durable material, extending from the carriage suite parking area to the entrance of the carriage suite when direct access to the carriage suite from a roadway or laneway is not provided;
 - (c) Is not located in the required front yard setback area or in front of the principal dwelling;
 - (d) Meets minimum side yard setback requirements of the applicable zone;
 - (e) May be located in the required rear yard setback but must have a minimum 1 m rear yard setback;
 - (f) Does not exceed a maximum height of the principal building;
 - (g) Does not contain a gross floor area (excluding a first storey garage) greater than 40% of the gross floor area of the single detached dwelling, up to a maximum of 90.0 sq. m.;
 - (h) Must have a minimum of 18 sq m of useable open space; and
 - (i) Provides for parking in accordance with Section 7.

Garden Suites:

- 6.22.3** May be located on a lot with a single detached dwelling on the following conditions:

- (a) Is not located on a lot that contains another accessory dwelling unit
- (b) Is provided direct access to a roadway or laneway or includes a minimum 1.0 m wide pathway constructed of durable material, extending from the carriage suite parking area to the entrance of the carriage suite when direct access to the carriage suite from a roadway or laneway is not provided;
- (c) Is located in a rear yard;
- (d) Meets minimum side yard setback requirements of the applicable zone;
- (e) May be located in the required rear yard setback;
- (f) No portion of the *building* is located within 1 m of a rear lot line;
- (g) Does not exceed a maximum height of 8 m.
- (h) Does not contain a gross floor area greater than 40% of the gross floor area of the single detached dwelling, up to a maximum of 90.0 sq. m.;
- (i) Must have a minimum of 18 sq. m of useable open space; and
- (j) Provides for parking in accordance with Section 7.

6.23 Market Gardens, Urban

An *urban market garden* shall be permitted in all zones provided that:

- 6.23.1 The total area which may be under cultivation on any given parcel shall not exceed more than 600m² in area except where the *lot* size is greater than 2,400m², in which case an *urban market garden* shall not exceed 25% of the *lot area*.
- 6.23.2 Production shall be limited to the growing and harvesting of fruits, vegetables and edible plants, but specifically excludes the growing of mushrooms.
- 6.23.3 On-site sales of edible plants shall be permitted within roadside stands for products grown on site provided that:
 - (a) the size of the roadside stand does not exceed a *Gross floor area* of 9 m²;
 - (b) on-site sales and roadside stands are limited to no more than 120 days within a calendar year; and
 - (c) the roadside stand is located on the property and does not impede sight lines from the driveway.
- 6.23.4 No artificial lighting shall be *used*.
- 6.23.5 No pesticides or herbicides shall be *used*.
- 6.23.6 No uncomposted manure shall be *used*.
- 6.23.7 The *market garden* does not create noise, dust, vibration, odour, smoke, glare, fire hazard, or any other hazard or nuisance, to any greater or more frequent

extent than that usually experienced in the applicable *zone* under normal circumstances wherein no *market garden* exists.

- 6.23.8** An *urban market garden* shall not be permitted where a property has farm status classification, as defined under the *BC Assessment Act*.

6.24 Animals in Single *Detached Residential Zones*

Animal control in Port Alberni shall be in accordance with the Bylaw No. 4593, Animal Control and Pound Bylaw, 2006 (as replaced or amended from time to time), and the following regulations:

- 6.24.1** The keeping of male *poultry* is prohibited, except on ALR lands or on parcels greater than 2,000 m² (21,528 sq ft) in area;
- 6.24.2** The keeping of female *poultry* is prohibited on *lots* less than 350 m² (3,767 sq ft) in area;
- 6.24.3** The keeping of up to six (6) female *poultry* in enclosed runs is permitted on *lots* less than 2,000 m² (21,528 sq ft) but more than 450 m² (4,844 sq ft) in size. When the *lot* is less than 450 m² (4,844 sq ft), no more than four (4) female *poultry* may be kept;
- 6.24.4** Runs shall provide at least 0.8 m² (8.5 sq ft) of space per bird and coops of at least 0.2 m² (2 sq ft) of space per bird;
- 6.24.5** A *building* or *structure* used for the keeping of *poultry* must not be located in the *front yard*, and must be located at least 3 m (10 ft) from any *lot* line;
- 6.24.6** The keeping of bees on *lots* less than 600 m² (6,458 sq ft) in area is prohibited;
- 6.24.7** The keeping of bees is permitted to a maximum of 2 hives of bees on *lots* between 600 m² and 929 m² (10,000 sq ft) in area, and a maximum of 4 hives of bees on *lots* over 929 m² (10,000 sq ft) in area;
- 6.24.8** Beehives are restricted to *rear yards*;
- 6.24.9** A beehive will be located a minimum of 7.5 m (25 feet) away from the neighbouring property line;
- 6.24.10** The beehive entrance will be directed away from the neighbouring property and situated behind a solid *fence* or *hedge* that is 1.8 m (6 feet) in height running parallel to the property line;
- 6.24.11** All persons wishing to keep bees must be registered with the BC Ministry of Agriculture, and abide by the beekeeping regulations as specified in the provincial *Bee Act* and other related legislation.

6.24.12 These regulations do not apply to properties with farm status classification under the BC Assessment Act.

6.25 Cannabis Retail Store operations

All Cannabis Retail Stores shall conform to the following:

6.25.1 A Cannabis Retail Store is not permitted within 300 metres of the nearest property line of a site containing a school.

6.25.2 A Cannabis Retail Store is not permitted in conjunction with any other use.

6.26 Cannabis Production facilities

All Cannabis Production facilities shall conform to the following:

6.26.1 Any operational Cannabis Production Facility must be regulated, approved and licensed by Health Canada. A City Business License is also required for operations.

6.26.2 A Cannabis Production Facility is not permitted within 300 metres of the nearest property line of a site containing a school, licensed daycares, or another Cannabis Production Facility.

6.26.3 If zoned favorably a Cannabis Production Facility may operate a cultivation, processing, and retail use in conjunction on site. A Cannabis Production Facility is not permitted in conjunction with any other use.

6.26.4 A Cannabis Production Facility must be built to contain odor, noise, light and glare within the facility as to avoid adverse effects that impair the use, safety or livability of adjacent properties.

6.26.5 Any Cannabis Production Facility must obtain a Development Permit from the City. Architectural, landscaping, signage, and lighting plans are required to be submitted in order to be considered for approval.

6.26.6 A Cannabis Production Facility must limit their hours of operation to occur between 8:00 am and 8:00 pm.

6.27 Useable Open Space

6.27.1 All multi-unit development must provide usable open space.

6.27.2 All usable open space must meet the following:

- (a) Usable open space must be an unobstructed area or areas, available for safe and convenient *use* by all the *building's* users and occupants, having no dimension less than 5.25 m (17.2 ft) and no slope greater than 10 percent,
- (b) Usable open space shall exclude areas *used* for off-street parking, off-street loading, service driveways, public walkways, and required *front yards*.

- (c) Not more than half of the useable open space required for any *dwelling* unit may include roof garden areas where no dimension is less than 5.25 m (17.2 ft), private balconies where no dimension is less than 1.5 m (4.9 ft) and private patios where no dimension is less than 2.4 m (7.9 ft).

6.27.3 Notwithstanding the provisions of 6.27.2, useable open space within a RM-1 zoned property shall be provided on the lot of not less than 45 m² (484.4 ft²) for each dwelling unit containing 3 or more bedrooms, and not less than 28 m² (301.4 ft²) for each dwelling unit of smaller size

6.27.4 Notwithstanding the provisions of 6.27.2, *useable open space* within a RM-2 or 3 zoned properties shall be provided on the *lot* of not less than 45 m² (484.4 ft²) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling* unit of smaller size.

6.28 Density Bonusing

6.28.1 The purpose of the following density bonusing provisions pursuant to section 482 of the LGA are to support the development of:

- Universally Accessible housing units as per 482 (b)
- Affordable housing units as per 482 (b)
- Provision of amenities 482 (a)

6.28.2 On lands with an RM zone and the following Density Bonusing is available as follows:

- (a) For each ten percent (10%) of the *dwelling* units constructed using universally accessible design standards and elevators are provided the floor area ratio may be increased by 0.1
- (b) For each ten percent (10%) of the *dwelling* units that are designated as affordable the permitted the floor area ratio may be increased of 0.1
- (c) Where greater than seventy-five (75%) of the required off-*street* parking is provided *underground* or enclosed underneath the principal *building*, the floor area ratio may be increased by 0.1

6.28.2.1 To receive a density bonus a proposal may use one or a combination of the above provisions. The maximum increase in FAR through these provisions is 0.5.

6.28.2.2 Where density bonusing is to be sought under 6.28.2 (b) above, a housing agreement is required as outline under section 483 of the *Local Government Act*.

6.28.3 On lands zoned C-7 the following Density Bonusing is available as follows:

- (a) A 0.5 increase in FAR where a minimum of one *storey* or sixteen and one-half percent (16.5%) of the *gross floor area* of the *building* is used for commercial purposes;

- (b) A 0.5 increase in FAR where greater than seventy-five percent (75%) of the required parking is provided *underground* or enclosed underneath the principle *building*;
- (c) A 0.1 increase in FAR for each (10%) of the *dwelling* units are constructed as *accessible* and where elevators are provided to all *storeys* in the *building*
- (d) A 0.1 increase in FAR for each ten percent (10%) of the *dwelling* units are designated as affordable
- (e) A 0.5 increase in FAR where a common meeting room or amenity room containing a minimum of 22 m² (235 ft²) is provided.

6.28.3.1 To receive a density bonus a proposal may use one or a combination of the above provisions. The maximum increase in FAR through these provisions is 0.5 for a maximum FAR of 3.5.

6.28.3.2 Where density bonusing is to be sought under 6.28.3 (d) above, a housing agreement is required as outline under section 483 of the *Local Government Act*.

6.29 Containers

6.29.1 Use of land for the placement of containers is permitted only in M zones, except where authorized by 6.29.3.

6.29.2 A container shall only be used to store materials or products that are incidental to the operation of a business or facility located on the parcel and shall not be used for mini-storage.

6.29.3 A container may be used for the temporary storage of tools and materials on a property other than an M zone, for the construction or maintenance of a building or structure for which a required building permit has been obtained and remains active. Upon completion of construction the container must be removed within 14 days.

6.29.4 No container may be located in the setback area, as specified by the applicable zone, or within 3 m of any lot line adjoining an R, RM, or MH zone.

7. Parking and Loading Regulations

7.1 Applicability

- 7.1.1** Where any development takes place on any *lot*, off-street parking and loading areas shall be provided and maintained in accordance with the regulations of this Section.
- 7.1.2** A change in *use* or modification of a *building, structure* or *lot* shall result in a recalculation of parking and loading requirements in accordance with this section, which may result in requirements for additional *parking spaces* to be provided.
- 7.1.3** No off-street parking is required in the C7 (Core Business) zone except for:
- (a) *shopping centres*,
 - (b) food stores having a maximum *retail* floor space of greater than 400 m² (4305.7 ft²),
 - (c) residential *dwelling* units, which require 0.5 *parking spaces* per *dwelling* unit, and
 - (d) *hotels*.
- 7.1.4** No off-street parking is required in the W1 Waterfront Commercial zone.

7.2 General

- 7.2.1** All off-street parking facilities or loading areas in excess of the requirements of this Bylaw shall conform to the regulations set forth in this Bylaw.
- 7.2.2** Where a *use* is not specifically mentioned or defined, the required off-street *parking spaces* for that *use* shall be the same as for a similar *use*.
- 7.2.3** Off-street loading areas shall not be considered as nor calculated as off-street parking facilities.
- 7.2.4** Where more than one *use* is located on a *lot* or involves collective parking for more than one *building, structure* 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* shall not be included in calculations for any other *use*.
- 7.2.5** In the C7 (Core Business) or W2 (Waterfront Industrial) zones, off street parking shall be permitted on the same *lot* or on a different *lot*, provided that:

- (a) the different *lot* is not more than 150 m from the off *street* parking *use* it serves, measured as the shortest *accessible* walking route; and
- (b) a covenant pursuant to Section 219 of the *Land Title Act* is registered against the property containing the parking to ensure the required parking is provided.

7.2.6 Parking in a required *side yard* is permitted provided that no part of the parking area is less than 1 m (3.3 ft) from the *side lot line*.

7.3 The Use of Parking Facilities

All required off-*street parking spaces* shall be *used* only for the purpose of accommodating the vehicles of clients, customers, employees, members, visitors, residents or tenants who make *use* of the principal *building* or *use* for which the parking area is provided, and such parking area shall not be *used* for off-*street* loading, driveways, *street* access, *access aisles*, commercial repair work or display, sale or storage of goods of any kind.

7.4 Development and Maintenance Standards

All off-*street parking spaces* shall comply with the minimum dimensions set forth below:

<u>Parking Space Size</u>	<u>Length</u>	<u>Width</u>	<u>Height</u>
Regular	5.5 m (18 ft)	2.6 m (8.5 ft)	2.15 m (7.1 ft)
Small Car	5.0 m (16.4 ft)	2.4 m (7.9 ft)	2.15 m (7.1 ft)
Handicapped	5.8 m (19.0 ft)	3.7 m (12.1 ft)	2.15 m (7.1 ft)
Parallel	6.7 m (22.0 ft)	2.6 m (8.5 ft)	2.15 m (7.1 ft)

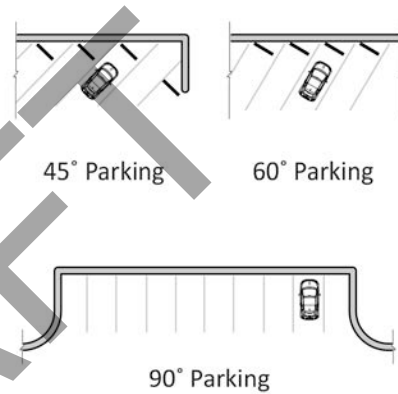
Where a *parking space* abuts a *fence*, wall or other *structure* along its length, the width of the *parking space* shall be increased by 0.3 m (1 ft) along any side that abuts such *fence*, wall, *building* or other *structure*.

All off-street *parking spaces* shall have clear access to *access aisles*.

7.4.4 Minimum *access aisles* widths shall be:

Parking Angles

Parking Angle	Width of Aisle
up to 45°	3.7 m (12.1 ft)
46° to 60°	5.2m (17 ft)
61° to 90°	6.7 m (22 ft)



7.4.5 *Access aisles* that are intended for two way traffic flow shall be not less than 6 m (19.7 ft) in width.

7.4.6 All *parking lots* shall be provided with adequate vehicle stops and curbs in order to retain all vehicles within the parking area, and to ensure that any *fences*, walls, *hedges*, *landscaped areas* or *buildings* will be protected from any vehicles *using the parking lot*.

7.4.7 The *parking lot* of any development that is required to provide more than eight (8) off-street *parking spaces* shall be paved or covered with some other hard, durable and dust-free surface.

7.4.8 All *parking lots* that are required to be paved or covered with some other hard surface shall have all *parking spaces* marked with painted lines and traffic flow directions clearly marked.

7.4.9 Any lighting *used* to illuminate any *parking lot* shall be arranged so that all direct rays of light are reflected upon such parking area and not on any adjoining property.

7.4.10 Where more than ten (10) parking spaces are required, up to twenty percent (20%) of the required *parking spaces* may be small car

parking spaces. Any small car *parking space* shall be clearly marked as such. For R and MH1 zones, one (1) of the required off-street *parking spaces* shall be a small car *parking space*.

- 7.4.11 All *parking lots* and loading areas shall be graded and drained to ensure the proper disposal of all surface water.
- 7.4.12 Except for single and semi-detached residential dwellings, *parking lots* shall be designed such that individual *parking spaces* do not have direct access to any *street*. For the purposes of this provision, a *lane* shall not be considered to be a *street*.
- 7.4.13 The location of *street* access to or from an off-street *parking lot* shall be subject to approval by the *City Engineer*.

7.5 Handicapped Parking Requirements

- 7.5.1 For all RM residential *buildings*, one (1) handicapped *parking space* shall be provided for each *dwelling* unit designed for or intended to be *used* by a handicapped person.
- 7.5.2 Where twenty (20) or more off-street *parking spaces* are required for a *building* or *structure*, handicapped parking shall be provided as follows:
 - (a) 1 handicapped *parking space* for the first twenty (20) required off-street *parking spaces*; and
 - (b) 1 handicapped *parking space* for each additional fifty (50) required off-street *parking spaces* or portion thereof.
- 7.5.3 All handicapped *parking spaces* shall:
 - (a) meet the minimum handicapped *parking space* dimensions as set out in 7.4.1. and shall be subject to the approval of the *Building Inspector*;
 - (b) be clearly identified as a handicapped *parking space*; and
 - (c) be conveniently located to an *accessible* entrance to the *building, structure* or *use*.
- 7.5.4 Each handicapped *parking space* provided shall count as one of the total number of required off-street *parking spaces*.

7.6 Measurement

- 7.6.1 Where *gross floor area* is used as a unit of measurement for the calculation of required *parking spaces*, *gross floor area* shall include the floor area of *accessory buildings* and *basements*, except where they are *used* for parking, heating or storage.

- 7.6.2** Where the number of employees is *used* as a unit of measurement, the number of employees shall mean the greatest number of persons at work during any season of the year.
- 7.6.3** Where seating accommodation is *used* as a unit of measurement, and such accommodation consists of benches, pews, booths and the like, each 0.5 m (20 inches) of width of such seating accommodation shall be counted as one seat.
- 7.6.4** Where the calculation of parking requirements results in a fractional value, the number of required *parking spaces* shall be rounded up to the nearest whole *parking space*.

7.7 Location and Siting of Loading Facilities

- 7.7.1** Off-*street* loading areas shall not be located within a required *front yard*.
- 7.7.2** Off-*street loading spaces* shall be designed and located to prevent any vehicle *using* such spaces from encroaching on a public right-of-way.
- 7.7.3** The location of *street* access to or from any off-*street* loading area shall be subject to approval by the *City Engineer*.
- 7.7.4** Where a *lot* is 15 m (49.2 ft) or greater in width and has a *rear yard* which adjoins a constructed public *lane* for a distance of not less than 15 m (49.2 ft), the *rear yard* may serve as a *loading space*.
- 7.7.5** Where a lot is less than 15 m (49.2 ft) in width and has a rear yard which adjoins a constructed public lane, the rear yard may be utilized in conjunction with the rear yard of an adjoining lot as a loading space.

7.8 Required Amount of Off-Street Loading

- 7.8.1** For the purposes of 7.8, *gross floor area* shall include the floor area of *accessory buildings* and *basements*, except where they are *used* for parking, heating, or storage.
- 7.8.2** Where there is more than one *use* or tenant in a *building* or *lot* and all such *uses* and tenants have adequate access to common loading facilities, the required off-*street* loading shall be determined by calculating the requirements of the sum of the *gross floor area* of the different *uses* and/or tenants.
- 7.8.3** For *retail*, industry, warehouse and other similar *uses*, not less than 1 off-*street loading space* shall be provided for every 2000 m² (21,529 ft²), or portion thereof, of *gross floor area*.

7.8.4 For an *office building*, place of public *assembly*, hospital, institution, *hotel, club or lodge*, auditorium, *public utility, school*, or other similar *uses*, not less than 1 off-street *loading space* shall be provided for every 3000 m² (32,293 ft²), or portion thereof, of *gross floor area*.

7.9 Required Amount of Parking

Residential Use	Required Parking Spaces
Single detached dwelling	2 2 parking spaces plus 1 extra parking space where the home is operating as a provincially licensed Group Home
Semi detached dwelling	4
<i>Suites or carriage house</i>	1 space per unit
<i>Supportive housing</i> , and <i>Community Care Facilities</i> with a maximum of 4 residents	1 space per 4 resident rooms, plus the single <i>detached dwelling</i> requirements
<i>Bed and Breakfast</i>	1 per guest room, plus the single <i>detached dwelling</i> requirements
<i>Community care facility</i> ; Seniors housing	1 space per 3 resident rooms or <i>dwelling</i> units, plus 15% of total number of rooms designated as visitor and staff parking
Mobile-Home, Modular-Home	2 per unit
Multi-residential dwellings	1.25 per <i>dwelling</i> unit
<i>Dwelling</i> Unit in Commercial Zones* *For C7 (Core Business) zone requirements, see Section 7.1.4 and 5.24.3(e)	1.25 per <i>dwelling</i> unit
Boarding, Lodging House	1 per <i>dwelling</i> or <i>sleeping unit</i>
Institutional Use	Required Parking Spaces
Hospital, Extended Care Housing for Seniors, Personal Care Homes	1 per 2 employees and 1 per 5 beds
<i>Place of Worship</i>	1 per 10 seats plus 1 per 20 m ² (215.3 ft ²) of floor area used for <i>offices</i> , recreation or <i>assembly</i>
Senior High <i>School</i>	1 per employee and 1 per 10 students
Junior High <i>School</i>	1 per employee
Elementary <i>School</i>	1 per employee
Community College	1 per employee and 1 per 5 students
Day Care Facility	1 per employee
Public <i>Assembly</i> Places, Recreational <i>Use</i>	1 per 40 m ² (431 ft ²) of <i>gross floor area</i> or 1 per 4 seats, whichever is greater

Commercial Use	Required Parking Spaces
<i>Cannabis Production Facility</i>	<i>1 per employee or 1 per 190 m² (2045 ft²) of gross floor area, whichever is the greater</i>
<i>Public Utility Office</i>	1 per employee
<i>Public Service Office</i>	1 per 35 m ² (377 ft ²) of <i>gross floor area</i>
Gasoline Service Station and Motor Vehicle Repair Shop	1 per 2 employees plus 2 per service bay
<i>Retail Store</i>	1 per 30 m ² (323 ft ²) of <i>retail floor area</i>
<i>Convenience Store</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Furniture Store	1 per 200 m ² (2153 ft ²) of <i>retail floor area</i>
<i>Shopping Centre</i> (containing more than 10 stores)	1 per 17 m ² (183 ft ²) of gross leasable floor space
Automobile Sales and Service	1 per 70 m ² (753 ft ²) of <i>gross floor area</i> plus 1 per service bay plus 1 per 2 employees
<i>Office</i>	1 per 35 m ² (377 ft ²) of <i>gross floor area</i>
Bank or Other Financial Institution	1 per 45 m ² (484 ft ²) of <i>gross floor area</i>
Laundromat	1 per 20 m ² (215 ft ²) of <i>gross floor area</i>
<i>Personal Service Shop</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Medical and Dental <i>Office</i> or Clinic	1 per 35 m ² (484 ft ²) of <i>gross floor area</i>
<i>Veterinary Office</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Funeral Home	1 per 4 seats
<i>Hotel, Motel or Motor Hotel</i>	1 per unit and 1 per 5 seats in a restaurant and the like or bar and the like
Nightclub, Lounge, Public House, <i>Drive-Through</i> and <i>Drive-In</i> Restaurant	1 per 5 seats 10 minimum for drive-in facility
Warehouse Facility	1 per 200 m ² (2153 ft ²) of <i>gross floor area</i>
Motion Picture Theatre	1 per 10 seats
Billiard and Pool Hall	1 per table
Bowling Alley	3 per lane
<i>Amusement Establishment</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Golf Course	40 spaces per 9 holes
Marina	1 per employee plus 1 per 3 berths
Health and Fitness Facility	1 per 15 m ² (161 ft ²) of <i>gross floor area</i>
Restaurant	1 per 4 seats
Industrial Use	Required Parking Spaces
<i>Cannabis Production Facility</i>	<i>1 per employee or 1 per 190 m² (2045 ft²) of gross floor area, whichever is the greater</i>
<i>Manufacturing and Industrial Use</i>	1 per 3 employees or 1 per 100 m ² (1076 ft ²) of <i>gross floor area</i> , whichever is the greater
<i>Medical Marihuana Facility</i>	1 per employee or 1 per 190 m ² (2045 ft ²) of <i>gross floor area</i> , whichever is greater
<i>Mini-storage Facility</i>	1 per 200 m ² (2153 ft ²) of <i>gross floor area</i>
Wholesaling	1 per 200 m ² (2153 ft ²) of <i>gross floor area</i>
Storage Area or Yard	1 per 200 m ² (2153 ft ²) of <i>lot area</i>

8. Comprehensive Development Zones

Comprehensive Development zones are usually site specific and often create a package of Zoning standards unique to that site.

8.1

CD1 – Comprehensive Development – Uplands Phase 2 – Burde Street

- 8.1.** The purpose of this one is to provide for varying lots sizes, for single detached dwellings, and to retain and preserve the environmentally sensitive area of the site.

8.1.1 Permitted Uses

Principal Uses

Single detached dwelling
Parks and playgrounds
Natural areas

Accessory Uses

Bed and breakfast
Home occupation
Secondary suite
Supportive housing

8.1.2 Site Development Regulations

Minimum Lot Area

<i>Single detached dwelling</i>	350 m ²	(3,767 ft ²)
<i>Single detached dwelling with Bed and breakfast</i>	600 m ²	(6,458 ft ²)
<i>Single detached dwelling with Secondary suite</i>	600 m ²	(6,458 ft ²)
<i>Single detached dwelling with Supportive housing</i>	600 m ²	(6,458 ft ²)

Minimum Frontage

<i>Single detached dwelling</i>	10 m	(32.6 ft)
<i>Single detached dwelling with Bed and breakfast</i>	15 m	(49.2 ft)
<i>Single detached dwelling with Secondary suite</i>	15 m	(49.2 ft)
<i>Single detached dwelling with Supportive housing</i>	15 m	(49.2 ft)

Minimum Setbacks

<i>Front Yard</i>	7.5 m	(24.6 ft)
OR on lots less than 600 m ² (6,458 ft ²) and/or having a lot depth of less than 33.0 m (108 ft)	5.0 m	(16.4 ft)
<i>Rear Yard</i>	9.0 m	(29.5 ft)
OR on lots less than 600 m ² (6,458 ft ²) and/or having a lot depth of less than 33.0 m (108 ft)	5.5 m	(18.0 ft)
<i>Side Yard</i>	1.5 m	(4.9 ft)

Maximum Coverage

	40%
OR on lots less than 600 m ² (6,458 ft ²)	50%

Maximum Floor Area Ratio

	0.5 m	
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
Maximum Number of Principal <i>Building Storeys</i>	2.5	

Maximum Number of <i>dwelling units</i> per lot	2
OR on lots less than 600 m ² (6,458 ft ²)	<u>1</u>

8.1.3 Conditions of Use

- a) Notwithstanding the provisions of 8.1.2:
 - i. On a corner lot, the side yard by the flanking street must be not less than 3.5 metres (11.5 ft.) wide.
 - ii. For single detached dwellings having no carport or attached garage and with no access to the rear or the side of the lot from a street or lane, the minimum side yard requirement shall be increased to 3 metres (9.8 ft.) for one side yard.
- b) For supportive housing, the maximum number of persons in care shall not exceed four (4)
- c) Only one of the three (3) following accessory uses is permitted on any lot: bed and breakfast OR secondary suite OR supportive housing.
- d) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a highway other than a lane is 5.8 metres (19 ft.).
- e) The Principal Uses 'Parks and Playgrounds' and 'Natural areas' are permitted only on property owned by the City of Port Alberni.

8.1.4 Fencing and Signage of Environmentally Sensitive Areas

- a) A minimum fence height of 1.8 m (6ft) shall be required along all residential property boundaries adjacent to environmentally sensitive areas and shall be designed to protect those areas
- b) Facing each residential lot, standard signage shall be required to identify environmentally sensitive areas

Received First Reading on the ___ day of ___, 2023.

Received Second Reading on the ___ day of ___, 2023

Public Hearing held on the ___ day of ___, 2023.

Received Third Reading on the ___ day of ___, 2023.

Received the Approval of the Ministry of Transportation and Highways on the ___ day of ___, 2023

Adopted on the ___ day of ___, 2023

Municipal Clerk

Mayor

DRAFT

Schedule A: Zoning Map

DRAFT

Schedule B: Permitted *Uses By Zone*

DRAFT