
PUBLIC HEARING – AGENDA
Monday, July 31, 2023 @ 6:00 PM
In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC

CALL TO ORDER & APPROVAL OF THE AGENDA

1. Recognition of unceded Traditional Territories.

This Public Hearing is held pursuant to section 464, 465, and 466 of the *Local Government Act*.

Introductory Remarks by the Chair:

2. **Description of the Application** (*To be read by the Corporate Officer*)

Applicant: City of Port Alberni

The applicant is proposing updates to the Zoning Bylaw to address accessory dwelling units, incorporate new legislation, and provide clarity on interpretation and application of the bylaw.

The proposed bylaw is:

- i. "Zoning Bylaw No. 5074, 2023"
3. **Background Information**
Report dated July 20, 2023 from the Manager of Planning.
 4. **Correspondence**
 5. **Late Correspondence Regarding the Matter** (*To be read by the Corporate Officer*).
 6. **Questions from Council:**
 7. **Chair to Invite Input from the Public:**
For the first time, is there anyone who wishes to speak to the proposed bylaw?

For the second time, is there anyone who wishes to speak to the proposed bylaw?

Before I call for a third and final time, I would like to remind those present that once the Public Hearing has closed, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

For the third and final time, is there anyone who wishes to make any further representation regarding the proposed bylaw.

There being no further speakers, I declare this Public Hearing closed.

8. Termination of the Public Hearing:

It was moved and seconded:

That this Public Hearing terminate at _____ pm.



WE WANT TO HEAR FROM YOU



4850 Argyle St.,
Port Alberni, BC V9Y 1V8



council@portalberni.ca



Speak at the Public
Hearing

Zoning Bylaw Modernization

Public Hearing

Zoning Bylaw No. 5074, 2023

Notice of intent to repeal current *Zoning Bylaw 2014, No. 4832* and replace it with *Zoning Bylaw No. 5074, 2023*.

City Hall Council Chambers
4850 Argyle Street
Port Alberni

Details:

Zoning Bylaw No. 5074, 2023 proposes a number of changes from the existing bylaw. The bylaw was given first reading at the Regular Council meeting on June 26th and second reading at the meeting on July 10th. City Council has scheduled a Public Hearing to gather public input.

Looking for more information?

A copy of the Zoning Bylaw can be viewed online at www.letsconnectpa.ca under the **Zoning Bylaw Modernization Project** file or on the **City website** in the **July 10th Regular Council Meeting Agenda**.

Questions? Call the Development Services Dept. at 250.720.2835, or Email developmentsservices@portalberni.ca

Copies are also available for inspection at the Development Services Department, City Hall from 8:30 A.M. - 4:00 P.M. Monday through Friday (except Statutory Holidays) up to and including the date of the hearing.

We're listening. Please provide feedback.

To send written feedback by mail or e-mail:

- Correspondence must be received before noon on July 31st, 2023.
- Address to Mayor and Council, 4850 Argyle St., Port Alberni, BC V9Y 1V8.
- Identify in the subject line the *Zoning Bylaw Modernization: Zoning Bylaw No. 5074, 2023*.
- Include the name and address of the person making the submission.




To speak at the Public Hearing:

- Attend the meeting in-person at the date and time of the meeting at City Hall, Council Chambers.
- Any person who wishes to speak to this application will be afforded an opportunity during the meeting.

Alternative options are:

Hand deliver to City Hall using drop-box located left of the main entrance to City Hall or email council@portalberni.ca.

Date: July 20, 2023
File No: 3900-02-5074
To: Mayor & Council
From: M. Fox, CAO
Subject: Zoning Bylaw No. 5074, 2023 – Bylaw Modernization

Prepared by:  Brian McLoughlin, Manager of Planning	Supervisor:  Scott Smith, Dir. of Development Services Deputy CAO	A/CAO Concurrence:  S. Smith, Acting CAO
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PURPOSE

Staff are proposing updates to the Zoning Bylaw to address accessory dwelling units, incorporate new legislation, and provide clarity on interpretation and application of the bylaw.

BACKGROUND

Zoning Bylaw No. 4832 was adopted on March 10, 2014 and since this time legislation has changed along with the needs of the community. Staff are bringing forward topics for consideration to modernize the Zoning Bylaw and address issues identified by Council and staff. The intent is for the proposed Zoning Bylaw No. 5074 to replace current Zoning Bylaw No. 4832. The proposed changes are limited in scope, and are intended to address outstanding issues that have been identified by Council and staff. Following adoption of the 2042 Official Community Plan (OCP), staff will undertake a more comprehensive review of the Zoning Bylaw.

Status of the Bylaw

Staff presented the draft Zoning Bylaw No. 5074 to the Committee of the Whole on January 31, 2023, and received comments. At its Regular meeting of February 13, 2023 Council received the Committee's recommendation and resolved that staff undertake community consultation prior to bringing the bylaw to Council. This engagement was completed in March 2023.

At the Regular meeting of June 26, 2023 Council gave 1st Reading of the proposed Zoning Bylaw. At the July 10, 2023 Regular meeting, Council gave 2nd Reading to the Zoning Bylaw "as amended" to include changes from recently adopted rezoning applications. Council also scheduled a Public Hearing for July 31, 2023.

ANALYSIS

The following section summarizes proposed updates to the Zoning Bylaw. A summary table of proposed bylaw content changes is also attached to this report. Major topics addressed in the proposed bylaw include:

- New and Updated Definitions
- Accessory Dwelling Units (ADU)
- Day Care

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- Fencing
 - Density Calculation
 - Density Bonusing
 - C7 Commercial Zone Building Height
 - Building Storeys
 - Shipping Containers
 - Update to residential zones (R1, R2, R3)

Overview

The following sections summarize proposed bylaw changes according to Zoning Bylaw section:

- Section 3 User Guide and Administration

Staff are proposing to add clarification on how density is calculated. For low density development such as single detached dwellings with ADUs, semi-detached dwellings, or triplexes, *units per hectare* will be used and specified in each zone. An ADU (secondary suite, carriage house, garden suite) 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 continue to be calculated using *floor area ratio*.

- Section 4 Definitions

Staff have identified references to permitted uses in the bylaw that are not yet defined, and have added these to clarify for both staff and the public. To align with recent legislation, staff have proposed updates to existing definitions for easier application and interpretation (eg. *Housing Agreement*) and added new definitions (eg. *Affordable Housing*).

Finally, new definitions have been added to support other proposed changes under Section 6 General Regulations including *Accessory Dwelling Units*. Definitions for different types of accessory dwelling units have also been added. The summary table attached to this report explains why each definition has been 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 and increase the feasibility 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.

5.11 R1 Single Detached Residential

Revised density calculation to align with units per hectare, and adjusted side yard setback on a corner lot to be consistent with R3 zone. Accessory dwelling units added as a permitted use. Full changes are shown in the summary table.

5.12 R2 Single and Semi Detached Residential

Modified to reduce minimum lot frontage and setbacks, and increased site coverage to allow houses to be constructed on historic lots that currently would require a rezoning to provide gentle infill. Accessory dwelling units added as a permitted use. Full changes are shown in the summary table.

5.13 R3 Small Lot Single Detached Residential

Modified to reduce minimum lot frontage, setbacks and site coverage to allow these housing types to be constructed on historic lots that currently would require a rezoning to provide gentle infill. Accessory dwelling units added as a permitted use. Full changes are shown in the summary table.

5.24 C7 Core Business

Increased the maximum height of a principal building from 14 metres to 16 metres to account for changes to density bonusing that removed a potential 4 metre height bonus. A sixteen (16 m) building height will permit approximately a 5-storey building, with additional height requiring a variance. Staff will review this again after the Official Community Plan (OCP) has been adopted, and a comprehensive update to the Zoning Bylaw is underway.

- Section 6 General Regulations

6.7 Fencing and Hedges

Updated text to remove ambiguity and to clarify use of chain-link fencing on property:

- Section 6.7.6 / 6.7.7 restricts the use of fencing intended to cause injury to a person (eg. barbed wire, electrified wire, razor wire). Barbed wire fencing only permitted in industrial zones (M1– 4)
- Section 6.7.8 requires chain-link fencing to be coated or incorporate screening.

Full changes are noted in the summary table.

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 one of the following: secondary suite, carriage house, garden suite. Definitions for *Carriage House* and *Garden Suite* are provided in Section 4.

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 regulations for locating these small housing forms within a residential rear yard, including new setbacks specific to this use.

6.28 Density Bonusing

Staff are proposing some minor alternations to the existing text for RM and C7 Zones to encourage use of provisions currently listed in the bylaw. The intent is to encourage universally accessible housing units, affordable housing units, and provision of amenities as per *Local Government Act* sections 482 (a) and (b). Density bonusing provisions have been removed from each zone and placed in the Section 6 General Regulations.

Proposed changes will enable an applicant to meet each bonusing provision individually to receive the associated density increase, without being required to satisfy every provision in the density bonus list. The existing bonus structure has not been used by applicants because the financial cost of satisfying all provisions in the density bonus list often negates the benefit of the density increase. This style of bonusing will provide greater flexibility and encourage a diversity of housing options. However, density bonusing is limited to a maximum 0.3 Floor Area Ratio (FAR) increase for multi-family, and a maximum 0.5 FAR for commercial (C7), which is lower than best practice.

Additionally, the bonus for increased height (4 metres) in the C7 zone was removed to streamline density bonusing as exclusively an increase to FAR. Accordingly, maximum building height in the C7 zone has been increased slightly to compensate as the density bonusing is now easier to achieve. 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 Shipping Containers

New section provides basic regulation for shipping containers, which are not permitted under the current bylaw. In the proposed bylaw, placement of containers is limited to industrial (M) zones unless otherwise used for storage during construction with a Building Permit. Additionally, section 6.29.2 proposes that a shipping container be used to store materials for the operation of a business or facility, and not as *mini-storage*.

- Housekeeping

Some changes require edits to multiple sections throughout the bylaw. These “housekeeping” edits are summarized below:

- Existing bylaw contains references to outdated sections of legislation. The bylaw has been revised to align with current sections 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.
- Naming conventions modernized throughout the bylaw:
 - *Handicapped* changed to *accessible*.
 - *Single family dwelling* changed to *single detached dwelling*.
 - *Two family dwelling* changed to *semi-detached dwelling*.
- *Home Occupation* use has been revised to allow an office in an apartment or condominium unit to support remote working options.

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- Number of building storeys has been removed from zone regulations to reduce confusion with maximum building height requirements. Best practice is to regulate for the height of a building in all zones.
 - General formatting of the document to make it more user friendly for the public.

IMPLICATIONS

The proposed Zoning Bylaw No. 5074 will clarify use and interpretation the bylaw. It also addresses several topics identified by Council and staff in recent years, including updated definitions, day care, fencing, shipping containers, building storeys, density bonusing and density calculations.

The bylaw also proposes updates to residential zones and enables Accessory Dwelling Units, which will lead to greater housing diversity in Port Alberni. This gentle infill housing also aligns with the Government of BC's *Homes for People* action plan and forthcoming housing legislation. Additional options for housing in small-scale rental formats such as carriage suites and garden houses, will also help the City meet it's goals in the *2021 Housing Needs Assessment*.

COMMUNICATIONS

Public Hearing

Prior to the Public Hearing, staff completed all required statutory notifications. Advertisements were placed in the newspaper, but mailed notices were not required as ten or more parcels are subject to the bylaw amendment (*Local Government Act* s. 466[7]). As of July 27, 2023, no letters of correspondence have been received in response to the Public Hearing notice.

Engagement

In March 2023, a project page was created on the City's public engagement website (letsconnectpa.ca), and a message was sent to all subscribers about the proposed bylaw. A copy of the draft zoning bylaw was also uploaded for online viewing, and subscribers were invited to participate in a survey from March 17th to March 28th. An advertisement was placed in the March 15th edition of the Alberni Valley News, and posted to social media on multiple dates.

The survey ran for 10 days and 40 responses were received. A summary report with survey results is attached. Generally, the proposed changes were supported by participants, with Section 6 that includes regulations for accessory dwelling units and shipping containers receiving the most comments. Following the survey, staff made additional minor edits to the draft Zoning Bylaw and posted a new version to the LetsConnect website on May 30, 2023. On July 10, 2023, Council gave 2nd reading to the bylaw "as amended" to include recent development applications. This version of the bylaw was upload to the LetsConnect website along with the Schedule A Zoning Map on July 11, 2023.

Communications Timeline:

- January 31st – Draft Zoning Bylaw No. 5074, 2023 presented to the Committee of the Whole.
- February 13th – Council directed staff to initiate community consultation on the proposed bylaw content changes prior to 'Zoning Bylaw No. 5074, 2023' being considered by Council, as recommended by the Committee of the Whole January 31, 2023.
- March 13th – Post re: survey on City Facebook.

March 15 th –	Survey advertisement in Alberni Valley News.
March 17 th –	Survey opened. Draft Zoning Bylaw 5074 uploaded to www.letsconnectpa.ca for feedback.
March 22 nd –	Post re: survey on City Facebook.
March 28 th –	Survey closed.
April 14 th –	Update posted to City Facebook.
May 30 th –	Zoning Bylaw No. 5074 uploaded to City’s engagement website www.letsconnectpa.ca with revisions.
July 11 th –	Zoning Bylaw No. 5074 uploaded to City’s engagement website www.letsconnectpa.ca with recent updates including Schedule A Zoning Map.

Next steps

Repealing Zoning Bylaw No. 4832 and replacing it with Zoning Bylaw No. 5074, requires a formal process. Following the Public Hearing, the bylaw will be considered by Council for 3rd Reading at a subsequent meeting. If Council gives 3rd Reading, MOTI approval will be required prior to Final Adoption.

BYLAWS/PLANS/POLICIES

2023-2027 Corporate Strategic Plan

Zoning Bylaw No. 5074 aligns with Council’s mission of “*Providing or facilitating the delivery of high-quality core municipal services and programs*”. It also responds to the following Council Strategic Priorities:

- Priority #1 Respond to demographic change/improve life
- Priority #5 Foster a Complete Community (Safe, Healthy, and Inclusive)
 - 5.2 Safe and accessible housing option exist for all members of the community.
 - 5.2.1. Develop a complete housing action plan.
 - 5.2.2 Explore alternatives to lead the way in developing strategies for accessible housing options for all community members.

SUMMARY

Zoning Bylaw No. 5074 includes changes to residential zones, enabling accessory dwelling units, incorporating new legislation, and providing clarity for interpretation and application of the bylaw. The intent is for the proposed Zoning Bylaw No. 5074 to replace current Zoning Bylaw No. 4832.

ATTACHMENTS/REFERENCE MATERIALS

- *Zoning Amendment Summary Table June 15, 2023*
- *“Zoning Bylaw No. 5074, 2023”*
- *Zoning Bylaw Modernization Public Feedback Survey Report, April 2023*

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New = Items that are not currently in Zoning Bylaw 4832 (this is the bylaw being reviewed and updated)

Added = Items that are mentioned somewhere in Zoning Bylaw 4832 but are not specifically defined

Updated = Proposed revisions to provide clarification or to align with current legislation

Summary of Proposed Zoning Bylaw Changes	
Amendment	Description / Rationale
Section 3 – User Guide and Administration	
3.10 Non-Conformity 3.10.2 A use that is permitted in a <i>zone</i> may be located on any <i>lot</i> that existed prior to the adoption of this Bylaw, including a lot that does not meet the minimum <i>lot area</i> regulations as set out in this Bylaw, a lot that does not meet the minimum <i>frontage</i> requirements as set out in this Bylaw, or a lot that does not meet both the minimum <i>lot area</i> regulations and the minimum <i>frontage</i> requirements as set out in this Bylaw.	Updated. Replaced sub-section text to provide clarity on permitted uses for lots that have zoning, but do not meet the minimum dimension requirements of that zone. Caused by a lot predating adoption of the Zoning Bylaw.
3.13 Density Calculations 3.13.1 Low density residential development (single detached with carriage houses, semi-detached and triplex) is calculated on a unit/hectare basis as outlined in each zone. Accessory Dwelling Units 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 (containing four or more dwellings), Commercial and Industrial Development density is determined by floor area ratio as prescribe in the applicable zone.	New sub-section added to provide clarity on how density is to be calculated for new developments.

<p>3.14 Rounding</p> <p>3.14.1 Unless otherwise specified, fractions or decimals may be rounded to the nearest whole number, tenth or hundredth, according to the degree of precision of the provision in question.</p> <p>3.14.2 Despite 3.14.1, where this bylaw imposes as part of its regulations a minimum numerical value, no smaller values may be rounded up to achieve compliance with the provision.</p>	<p>New section to avoid ambiguity on how items are rounded throughout the Bylaw.</p>
<p>Section 4 – Definitions</p>	
<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>Updated. 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>New definition added to align with programs and housing continuum.</p>
<p>AMBULANCE STATION means a facility for the dispatch of ambulance services</p>	<p>New 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>

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.	New definition added to enable accessory dwelling units.
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.	Updated definition.
EMERGENCY SHELTER means short stay housing for less than 30 days for anyone who is experiencing homelessness 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.	New definition added to align with programs and housing continuum.
EXTREME WEATHER SHELTER means temporary spaces for people who are experiencing homelessness 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).	New definition added to align with programs and housing continuum.
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.	New definition added for use currently listed in bylaw.
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.	Updated definition.

<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 sun decks. 	<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>New 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>Added definition for use currently listed in bylaw.</p>

<p>HOTEL means a commercial building containing more than six <i>sleeping units</i> to provide temporary accommodation for the travelling public. <i>Sleeping units</i> may contain microwave, bar fridge, coffee maker 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 include ancillary amenities such as fitness rooms, pools and restaurants.</p>	<p>Updated definition.</p>
<p>HOUSEHOLD means an individual or two or more people related by blood, marriage, adoption or foster parenthood or five unrelated non-transient people living as a single group within a dwelling unit.</p>	<p>New definition added.</p>
<p>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>.</p>	<p>Updated definition added to align with housing programs.</p>
<p>LIVE-WORK means the use of premises for:</p> <p>(a) a dwelling unit, and</p> <p>(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.</p>	<p>Updated definition to clarify the occupant of the dwelling unit must be the operator of the business.</p>
<p>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.</p>	<p>Updated from 'Coverage' to 'Lot Coverage' and updated definition for clarify.</p>
<p>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.</p>	<p>Added definition added for use currently listed in bylaw.</p>
<p>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.</p>	<p>New definition added to align with programs and housing continuum.</p>

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.
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.	Updated definition.
PARKING SPACE means a space on a driveway for single, semi detached 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.	Updated definition.
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.	Updated definition.
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	Added definition added for use that is currently listed in the bylaw.
PRINTING, PUBLISHING AND ALLIED INDUSTRY means a facility for the printing, publishing, engraving, or copying of papers, plans and newsprint.	Added definition added for use that is currently listed in the bylaw.
PRINCIPAL BUILDING means a building in which the principal use of the lot on which the building is located is conducted.	Added definition. Term referred to in General Regulations.
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.	Updated definition.

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.	Added definition for use that is currently listed in the bylaw.
RECREATIONAL VEHICLE means a vehicle requiring a license 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.	Updated definition. Currently talked about in the existing bylaw.
RESIDENTIAL RENTAL TENURE means in relation to a dwelling unit in a multi-family residential building or multiple dwelling, a tenancy governed by a tenancy agreement that complies with the Residential Tenancy Act.	Updated. Text added to document. Definition previously adopted by Council
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.	Added definition added for use that is currently listed in the bylaw.
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.	Updated to include organizations certified under BC Private Training Act.
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	Updated to enable secondary suites on properties other than those with single detached homes.
Delete Storey and Half-Storey	Definition removed from bylaw. Regulated through building height requirement. Improves clarity.

<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>Added definition 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>Added definition added for use that is currently listed in the 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.</p>	<p>Updated. Replaces existing <i>Transition House</i> definition to align with programs and housing continuum.</p>
<p>USEABLE OPEN SPACE means a level, unobstructed area or areas, available for safe and convenient use by all the building's users and occupants providing for greenery, recreational space and other leisure activities normally carried on outdoors. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways, public walkways, and required front yards.</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>Added definition added for use that is currently listed in the bylaw.</p>

Section 5 – Establishment of Zones

<p>5.5 <u>Permitted in all Zones:</u></p> <p>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>
<p><i>R1 – Single Detached Residential zone</i></p> <p>5.11.1 <u>Permitted Uses</u></p> <p><i>Accessory Dwelling Unit</i></p> <p>5.11.2 <u>Site Development Regulations</u></p> <p>Density (units/hectare) 16</p> <p>Notwithstanding the provisions of 5.11.2:</p> <p>(i) On a <i>corner lot</i>, the <i>side yard</i> by the flanking <i>street</i> must be not less than 3.0 metres (9.8ft) wide.</p>	<p>Updated Permitted Uses to replace “Secondary Suite” with “Accessory Dwelling Unit” to allow a carriage house or garden suite.</p> <p>Updated density to 16 units per hectare to match 1 unit per 600 m². As per policy secondary suites do not count towards density.</p> <p>Updated to be consistent with R3 zone.</p>
<p><i>R2 – Single and Semi Detached Residential</i></p> <p>5.12.1 <u>Permitted Uses</u></p> <p><i>Accessory Dwelling Unit</i></p> <p>5.12.2 <u>Site Development Regulations</u></p> <p>Minimum Lot Area 365m² (3,929 ft²)</p> <p>Minimum Frontage 10m (32.8 ft)</p> <p>Maximum Coverage 60%</p> <p>Minimum Setbacks:</p> <p>Front yard 6.0 m (21.3 ft)</p> <p>Rear yard 6.0 m (21.3 ft)</p> <p>Side yard 1.5 m (4.9 ft)</p> <p>Density (units/hectare):</p> <p>Single detached dwelling 27</p> <p>Demi-detached dwelling 46</p>	<p>Updated Permitted Uses to replace “Secondary Suite” with “Accessory Dwelling Unit” to allow a carriage house or garden suite.</p> <p>Updated to remove different lot areas for single and semi-detached. There is now one lot area size.</p>

<p>R3 – Small Lot Single Detached Residential</p> <p>5.13.1 <u>Permitted Uses</u></p> <p><i>Accessory Dwelling Unit</i></p> <p>5.13.2 <u>Site Development Regulations</u></p> <p>Minimum Lot Area 300 m² (3,229 ft²)</p> <p>Minimum Frontage 10 m (32.8 ft)</p> <p>Maximum Coverage 60%</p> <p>Minimum Setbacks:</p> <p>Front yard 5.0 m (16.4 ft)</p> <p>Rear yard 5.0 m (16.4 ft)</p> <p>Side yard 1.5 m (4.9 ft)</p> <p>Density (units/hectare): 34</p>	<p>Updated <i>Permitted Uses</i> to add “Accessory Dwelling Unit” to allow a carriage house or garden suite. Enabling ADUs on R3 lots increases flexibility, but construction will be limited by the site development regulations (ie. lot coverage, setbacks).</p> <p>Updated to more closely match existing small lot sizes in Port Alberni.</p>
<p>5.24 C7 Core Business</p>	<p>Updated to increase maximum height to 16 m to account for changes to density bonusing that removed a potential 4 metre height increase.</p>

Section 6 – General Regulations

<p>6.7 Fences and Hedges</p> <p>6.7.5 In M zones, fences or walls not greater than 2.5 m (8.2 ft) in height are permitted in a front yard.</p> <p>6.7.6 No fence in any zone shall be constructed using barbed wire, razor wire, electrified wire or any other material intended to produce any sensation or injury to any person or animal having contact with the fence.</p> <p>6.7.7 Notwithstanding 6.7.6. barbed wire fencing is permitted in all M zones for security purposes.</p> <p>6.7.8 Where a chain link fence is constructed on property it must be coated or incorporate screening to render the fence opaque.</p> <p>6.7.9 Maximum permitted height of an open mesh or chain link fence is 3.7 m (12.1 ft) in cemeteries, public playgrounds, parks, playfields, school areas or in any M zone.</p>	<p>Updated to clarify language and reflect best practices.</p> <p>Added regulations for barbed, razor and other security fencing.</p> <p>Clarified use of chain link fencing.</p>
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<p>6.8 Landscaping</p> <p>6.8.6 Maximum area of impervious surface in any R zone is calculated as follows:</p> <p>(Lot Area – Coverage) x 0.5 = impervious surface</p>	<p>New section added to clarify impervious surface area on residential lots.</p>
<p>6.10 Accessory Buildings</p> <p>6.10.5 In R, RR, and RM zones, the total floor area of all accessory buildings shall not exceed 90 m² (969 ft²), and the height of any accessory building shall not exceed 5.5 m (18 ft), subject to 6.10.8 of this Bylaw.</p>	<p>Updated to increase maximum floor space from 75 m² to 90 m² to be consistent across zones.</p>
<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 Accessory Dwelling Units</u></p> <p><u>6.22.1 Secondary Suites</u></p> <p>Existing:</p> <ul style="list-style-type: none"> – May not exceed 90 m² in total floor area or 40% of the habitable floor space of the building, whichever is less; – Must be fully contained within the principal residence; – Must be provided with a parking space additional to the standard parking space requirements for the residence; and – Are only permitted in an owner-occupied single-family dwelling. <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 	<p>Updated 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>

<ul style="list-style-type: none"> - The principle dwelling is permanently occupied 	
<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 carriage suite from a roadway or laneway is not provided; - 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; - No portion of the <i>building</i> is located within 1 m of a rear lot line; - 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 m²; - Must have a minimum of 18 m² of useable open space; and - Provides for parking in accordance with Section 7. 	<p>New section added to enable Carriage Houses on property according to conditions.</p>

6.22.3 Garden Suites:

- 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 *building* 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 m²;
- Must have a minimum of 18 m² of useable open space; and
- Provides for parking in accordance with Section 7.

New section added to enable Garden Suites on property according to conditions.

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

Updated 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.

Updated - Bonus for increased height (4 metres) in the C7 zone removed to streamline density bonusing as exclusively an increase to FAR. Max height in C7 zone increased to compensate. See Section 5.

<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 Shipping Containers</u></p> <p>6.29.1 Use of land for the placement of shipping containers is permitted only in M zones, except under conditions authorized by 6.29.3.</p> <p>6.29.2 A shipping 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 shipping 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 shipping 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>New section added to provide basic regulation for Shipping Containers.</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
Single Family/Two Family Dwelling – Naming Convention	Change to single detached and semi-detached. .
Handicapped Parking Requirements – Naming Convention	Changed Handicapped to Accessible throughout
Home Occupation revisions	To allow for remote working options. Added ability to have office use in an apartment or condo unit.
Removed regulation of <i>Maximum Number of Principal Building Storeys</i> from zones.	Reduces confusion with building height requirements.
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



Bylaw No. 5074

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CITY OF 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 “Zoning Bylaw No. 5074, 2023” hereinafter referred to as the “Bylaw”.

2. Repeal of Bylaws

Bylaw No. 4832 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 A use that is permitted in a *zone* may be located on any *lot* that existed prior to the adoption of this Bylaw, including a lot that does not meet the minimum *lot area* regulations as set out in this Bylaw, a lot that does not meet the minimum *frontage* requirements as set out in this Bylaw, or a lot that does not meet both the minimum *lot area* regulations and the minimum *frontage* requirements as set out in this Bylaw.

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, semi-detached and triplex) is calculated on a unit/hectare basis as outlined in each zone. Accessory Dwelling Units 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 (containing four or more dwellings), Commercial and Industrial Development density is determined by floor area ratio as prescribed in the applicable zone.

3.14 Rounding

3.14.1 Unless otherwise specified, fractions or decimals may be rounded to the nearest whole number, tenth or hundredth, according to the degree of precision of the provision in question.

3.14.2 Despite 3.14.1, where this Bylaw imposes as part of its regulations a minimum numerical value, no smaller values may be rounded up to achieve compliance with the provision.

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 marijuana growing, the operation of feedlots, 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>dwelling</i>s, 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 produced 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 m ² (2,152 ft ²) 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 m ² (2,152 ft ²) 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 m ² (538 ft ²).
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 <i>use of a building or structure</i> 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 <i>building</i> between two floor levels the lower of which is wholly below <i>grade</i> and which has more than one half of its height, from finished floor to finished ceiling, below finished <i>grade</i> as determined by the <i>Building Inspector</i> .

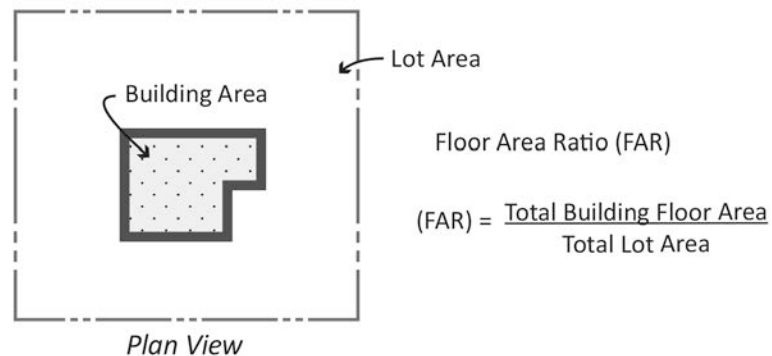
CITY ENGINEER	means the City Engineer of the City of Port Alberni.
CLUB OR LODGE	means a <i>building</i> or establishment <i>used</i> by an association or organization for fraternal, social or recreational purposes and which shall be operated for the <i>use</i> of club members and their guests only.
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</i> Day Care, Nursery <i>School</i> and Child-Minding Facilities, Facilities for Out-of-School 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 (2,153 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.
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 homelessness 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 homelessness 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:

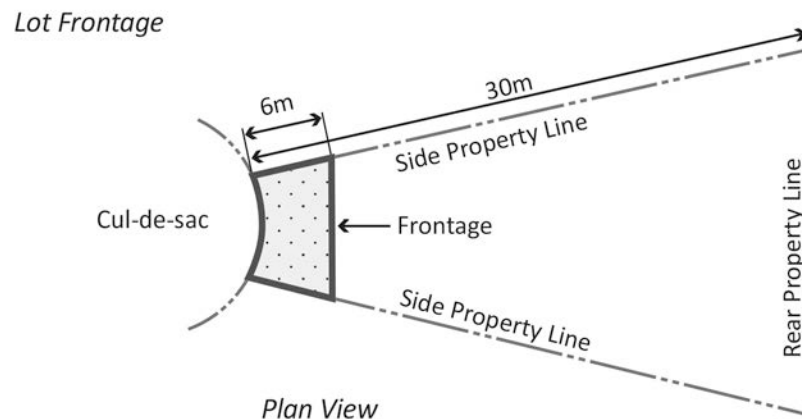
- (1) any portion of a storey used for parking purposes unless parking is a principal use.
- (2) any portion of a storey used for laundry purposes, unless laundry is the principal use.
- (3) any portion of a basement containing heating, laundry, recreational or storage facilities, but excludes areas used for habitable accommodation, and necessary access to habitable accommodation.
- (4) architectural features which are permitted as projections into setbacks areas as per section 6.12 of this Bylaw.
- (5) swimming pools and sun decks.

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.



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.

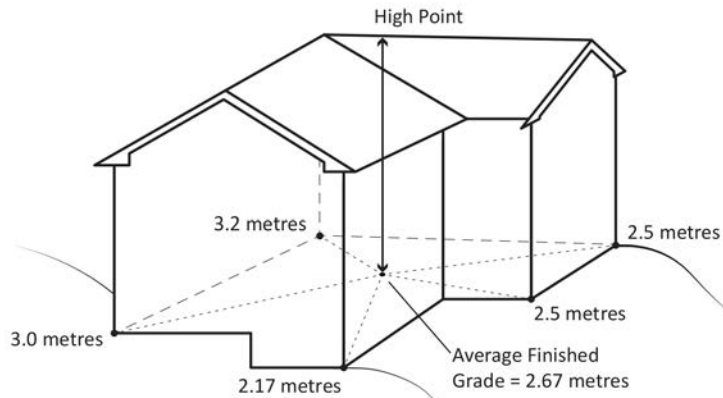
GRADE OR GRADE LEVEL means the finished average ground level at the centre of the exterior wall of a *building*.

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. *Sleeping units* may contain microwave, bar fridge, coffee makers 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 <i>structures</i> and materials so as to enhance the appearance of a property or where necessary to effectively screen a <i>lot</i> , site or <i>storage yard</i> . NOTE: <i>Landscaping</i> 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 off- <i>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 *lot* does not have a *lot* line that abuts on a public highway or private road, or way, the front line of the *lot* shall be as determined by the *Approving Officer*.
- 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 MARIJUANA 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 marijuana, but specifically excludes storefront or <i>retail</i> outlet distribution of medical marijuana.
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-round 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 <i>building</i> or group of <i>buildings</i> wherein more than six (6) units of sleeping accommodation is provided, for temporary occupation by transient motorists, none of which shall be <i>used for retail trade</i> . Each <i>sleeping unit</i> shall have a separate exterior entrance. A motel may include a café or restaurant and such ancillary facilities as self-service laundry. Each <i>sleeping unit</i> shall be self-contained, having its own bathroom with a toilet, wash basin and bath or shower. Each <i>sleeping unit</i> shall have its own <i>parking space</i> conveniently located on the <i>lot</i> 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 healthcare 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 <i>use</i> of a room or group of rooms within a <i>building</i> to conduct the affairs of a business, profession, service, industry, or government.
PARKING LOT	means an open area of land, other than a <i>street</i> or <i>lane</i> , <i>used</i> 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 <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> .

PARTY WALL	means a wall jointly owned and/or shared by two or more parties as defined in the BC <i>Building Code</i> .
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 an <i>office</i> that is used for work involving specialized areas of expertise and advice to clients. 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:

- (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 *use* 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 *building* 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 *adult retail*.

**RESIDENTIAL
RENTAL TENURE**

means in relation to a dwelling unit in a multi-family residential building or multiple dwelling, a tenancy governed by a tenancy agreement that complies with the Residential Tenancy Act.

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 *fence* or wall uniformly finished or a compact evergreen *hedge* or combination thereof, supplemented with *landscape* planting, that would effectively screen the property which it encloses, and is broken only by access driveways and walkways.

SECONDARY SUITE

means a *dwelling* unit that is contained within and accessory to a single real estate entity and is comprised of one or more habitable rooms, intended for *use* as a separate and independent residence. A secondary suite contains sleeping

facilities, a bathroom, and cooking facilities that are for the exclusive *use* of the occupant(s) of the suite.

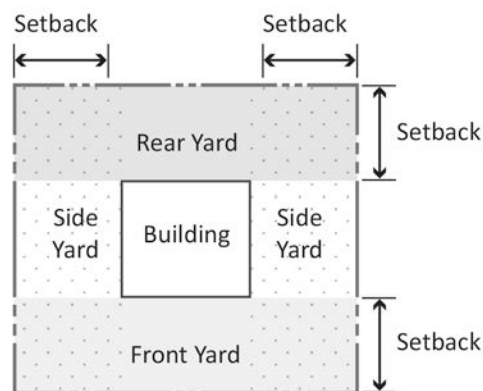
SETBACK	means the required minimum distance between a <i>building</i> or <i>use</i> and each of the respective <i>lot</i> lines.
SHOPPING CENTRE	means a group of <i>retail</i> stores and related businesses, which may include restaurants, <i>personal services</i> , <i>offices</i> , and veterinary clinics, 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 Facilities Act</i> , <i>Correction Act</i> or <i>Mental Health Act</i> 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 *lot*, extending from one *side lot line* to the other, between the front line of the *lot* and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the *lot* and the parallel line. In the case of a *through lot* there shall be two such *front yards*.

YARD, REAR means that portion of the *lot*, extending from one *side lot line* to the other, between the rear line of the *lot* and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear line of the *lot* 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)*.

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-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
TH1 – Townhouse Multi-Family
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 <i>zones</i> beginning with a single R and followed by a number.
RM zones	Shall mean all <i>zones</i> beginning with RM or MH followed by a number.
RR zones	Shall mean all <i>zones</i> beginning with RR followed by a number.
A zones	Shall mean A1 and FD <i>zones</i> .
C zones	Shall mean all <i>zones</i> beginning with C followed by a number.
M zones	Shall mean all <i>zones</i> beginning with M followed by a number.
P zones	Shall mean all <i>zones</i> 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 <i>Lot Area</i>	2 ha	(4.94 ac)
Minimum <i>Frontage</i>	100 m	(328 ft)
Maximum <i>Coverage</i>	40%	
Maximum <i>Coverage</i> : Greenhouse operations	75%	
Minimum <i>Setbacks</i> (Principal Residence):		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	4 m	(13.1 ft)
Maximum Height, Residence	10 m	(32.8 ft)
Maximum Height, <i>Livestock Building</i>	15 m	(49.2 ft)
Maximum Number of <i>Building Storeys</i>	2.5	
Maximum number of residential units per <i>lot</i>	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 (0.5 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).

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 UsesPrincipal 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 (0.5 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 UsesPrincipal Uses*Agriculture*, except *intensive agricultural uses**Aviary**Kennel*

Single detached dwelling

Accessory Uses*Bed and breakfast**Home occupation**Secondary suite**Supportive housing*Site Specific UsesA second single detached dwelling, or a semi-detached *dwelling*5.9.2 Site Development Regulations

Minimum <i>Lot Area</i>	4,000 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, Principal <i>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 (0.5 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

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>	1,160 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 low-density neighbourhoods.

5.11.1 Permitted Uses

Principal Uses

Single detached dwelling

Accessory Uses

Bed and breakfast

Home occupation

Accessory Dwelling Unit

Supportive housing

5.11.2 Site Development Regulations

Minimum Lot Area	600 m ²	6,458 ft ²
Minimum Frontage	15 m	49.2 ft
Maximum Coverage	50%	
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 (units/hectare)	16	
Maximum Height, Principal Building	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 3.0 metres (9.8 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 low-density neighbourhoods featuring single and semi-detached dwellings.

5.12.1 Permitted UsesPrincipal Uses

Single detached dwelling

Semi-detached dwelling

Accessory Uses*Bed and breakfast**Home occupation**Accessory Dwelling Unit**Supportive housing***5.12.2** Site Development Regulations

Minimum <i>Lot Area</i>	365 m ²	(3,929 ft ²)
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Minimum <i>Frontage</i>	10 m	32.8 ft ²
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Maximum <i>Coverage</i>	60%	
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Minimum *Setbacks*:

<i>Front yard</i>	6.0 m	(21.3 ft)
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<i>Rear yard</i>	6.0 m	(21.3 ft)
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<i>Side yard</i>	1.5 m	(4.9 ft)
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Density (units/hectare):

Single detached dwelling	27	
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Semi-detached dwelling	46	
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Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
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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 3.0 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.

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R3 – SMALL LOT SINGLE DETACHED RESIDENTIAL

5.13 The purpose of this zone is to provide for gentle density in areas of the city that are being redeveloped, and to provide new single detached housing in a smaller format.

5.13.1 Permitted UsesPrincipal Uses

Single detached dwelling

Accessory Uses

Home occupation

Accessory Dwelling Unit

5.13.2 Site Development Regulations

Minimum <i>Lot Area</i>	300 m ²	(3,229 ft ²)
Minimum <i>Frontage</i>	10 m	(32.8 ft)
Maximum <i>Coverage</i>	60%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	5 m	(16.4 ft)
<i>Rear yard</i>	5 m	(16.4 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Density (units/hectare)	34	
Maximum Height, Principal <i>Building</i>	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 UsesPrincipal Uses

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

Accessory Uses

Home occupation

5.14.2 Site Development RegulationsMinimum *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 MULTI-RESIDENTIAL

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

5.15.1 Permitted UsesPrincipal 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, Principal <i>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 semi-detached 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 MULTI-RESIDENTIAL

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

5.16.1 Permitted UsesPrincipal 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 RegulationsMinimum *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' = 5</i>		<i>4238 8th Avenue – Lot 11, District Lot 1, Alberni District, Plan VIP18042</i>
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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 UsesPrincipal Uses*Mobile home**Modular home**Modular- or mobile-home park*Accessory UsesCommon 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>	8,000 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 park</i> 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 UsesPrincipal 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	(5,813 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	Lot M, District Lot 112, Alberni District, Plan VIP43267

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 UsesPrincipal 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**Daycare or other preschool**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*Minimum Lot Area*800 m² (8,611 ft²)*Minimum Frontage*

15 m (49 ft)

Maximum Coverage

75%

*Minimum Setbacks:**Front yard*

0 m

Rear yard

3 m (10 ft)

<i>Side yard</i>	1.5 m	(5 ft)
Maximum Height, Principal <i>Building</i> (on lots less than 1,120 m ²)	9 m	(29.5 ft)
Maximum Height, Principal <i>Building</i> (on lots 1,120 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:
- (i) 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	<i>Lot B, District Lot 1, Alberni District, Plan VIP75178</i>
Liquor, Wine and Beer Store	2943 10th Ave. (Quality Foods)	<i>Lot A, District Lot 1, Alberni District, Plan VIP13914 Except Plan 50966 (PID: 004-503-112)</i>

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 UsesPrincipal 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 Micro-Cultivation
Cannabis Micro-Processing
Cannabis Nursery
Cartage and delivery services
 Catering establishment
Club or lodge
Contractor's shop
 Custom woodworking
 Enclosed storage and warehousing, including mini-storage
 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 <i>Setbacks</i> :		
<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>	930 m ²	(10,011 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	40%	
Minimum <i>Setbacks</i> :		
<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 (1,292 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>

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 UsesPrincipal 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	(5,813 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 <i>Lot Area</i>	2 ha	(4.9 ac)
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Minimum <i>Frontage</i>	100 m	(328 ft)
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Maximum <i>Coverage</i>	35%	
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Minimum *Setbacks*:

<i>Front yard</i>	9 m	(29.5 ft)
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<i>Rear yard</i>	9 m	(29.5 ft)
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<i>Side yard</i>	9 m	(29.5 ft)
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Maximum Height, Principal <i>Building</i>	12.5 m	(41 ft)
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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 UsesPrincipal 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**Daycare 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	(5,812.7ft 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>	16 m	(52.5 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.

5.24.4 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>
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>

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

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 (1,076 ft²) in size.
- (b) The sum total of the *gross floor area* for *accessory buildings*, including restaurants, shall not exceed 230 m² (2,530 ft²) except that an additional accessory store with a maximum of 120 m² (1,292 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 UsesPrincipal Uses

Guest House
Single detached dwelling
Semi-detached dwelling

Accessory Uses

Bed and Breakfast
Secondary suite

5.26.2 Site Development Regulations for Guest HousesMinimum *Lot Area*

Up to 4 units	900 m ²	(9,688 ft ²)
5 or 6 units	1,000 m ²	(10,764 ft ²)
7 or 8 units	1,100 m ²	(11,840 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 Marijuana 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 UsesPrincipal 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 storageLarge 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
lumberAccessory UsesCaretaker's *dwelling* unit, subject to
Section 6.16Display, 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.

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 UsesPrincipal 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 UsesCaretaker's *dwelling* unit, subject to
Section 6.16Display, storage, and *retail* sales of goods
produced on the premises*Office***5.29.2** Site Development Regulations

Minimum <i>Lot Area</i>	1,000 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 pump stations and other utilities works, whether or not publicly owned.

5.30.1 Permitted UsesPrincipal Uses

Electric power stations and installations
 Natural gas sub-station
 Parking of equipment
 Railway lines and stations
 Sewer pump stations, 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

Accessory Uses**5.30.2** Site Development Regulations

Maximum Coverage	90%
Minimum Setbacks:	
Front yard	7 m (22.9 ft)
Rear yard	3 m (9.8 ft)
Side yard (total)	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 sub-stations, 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 UsesPrincipal 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 Lot Area	540 m ²	(5,813 ft ²)
Minimum Frontage	15 m	(49.2 ft)
Maximum Coverage	40%	
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	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 1,077 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 (5,180 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 UsesPrincipal 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*1,000 m² (10,764 ft²)*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 (2,530 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</u> Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074 zoned as W1 Waterfront Commercial and shown in Schedule A to this bylaw (Attached)

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 UsesPrincipal 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*.

TH1 – TOWNHOUSE MULTI-FAMILY

5.35 The purpose of this zone is to provide for small-scale multi-family residential townhouse development.

5.35.1 Permitted usesPrincipal Uses*Multiple family dwellings*Accessory Uses*Home occupation*5.35.2 Site Development Regulations

Minimum <i>Lot Area</i>	500 m ²	(5495 ft ²)
Minimum <i>Frontage</i>	13.0 m	(42.6 ft)
Maximum <i>Coverage</i>	55%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(16.4 ft)
<i>Rear yard</i>	6 m	(19.7 ft)
<i>Side yard</i>	2.0 m	(8.2 ft)
Maximum <i>Floor Area Ratio</i>	1.0	
Maximum Height, <i>Principal Building</i>	10 m	(32.8 ft)

5.35.3 Conditions of Use

- (a) Notwithstanding any other provision of the Bylaw, *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) Notwithstanding any other provision of the Bylaw, the amount of *useable open space* required may consist exclusively of private patios, porches, balconies, or roof terraces.
- (c) The minimum side yard requirement shall be reduced to 1 m for a side yard abutting a constructed lane for the entire length of the lot line.
- (d) For multiple family dwellings where a building is sited perpendicular to the street, the minimum side yard requirement shall be increased to 3 m for a side yard where primary access to dwelling units is provided.
- (e) Principal access to each dwelling unit shall be from an outdoor area, except where a stacked townhouse unit requires access from a hallway or stairwell leading directly to an outdoor area.
- (f) A continuous building frontage shall not exceed 60 m in length.
- (g) Groups of multiple family dwellings are permitted, as an exception to Section 6.1 of this bylaw.

- (h) Minimum facing distance between buildings:
 - I. Building height under 8.5 m: 6.0 m
 - II. Building height 8.5 m to 10 m: 7.5 m
- (i) The maximum number of *multiple family dwellings* permitted within a building is eight (8).
- (j) Notwithstanding any other provision of the Bylaw up to one-hundred (100) percent of required on-site parking may be provided as *Small Car* spaces.
- (k) Where on-site parking is accessed from a driveway directly onto a street:
 - I. Minimum driveway width is 3.0 m.
 - II. Minimum 6.0 m separation is required between individual driveways.
- (l) Where a walkway is the primary access to all dwelling units, a minimum clear path width of 2.1 m is required.
- (m) Garbage bins, receptacles or storage areas must not be located in a front yard.

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

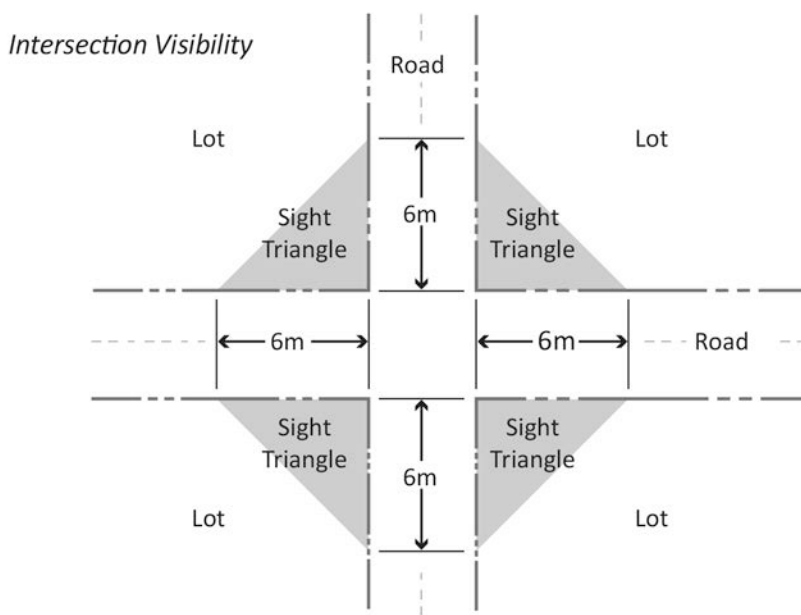
The following *structures* or structural parts shall not be subject to the *building height* requirements of this Bylaw:

- 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 M zones, *fences* or walls not greater than 2.5 m (8.2 ft) in height are permitted in a *front yard*.
- 6.7.6 No *fence* in any *zone* shall be constructed using barbed wire, razor wire, electrified wire or any other material intended to produce any sensation or injury to any person or animal having contact with the *fence*.
- 6.7.7 Notwithstanding 6.7.6. barbed wire fencing is permitted in all M zones for security purposes.

- 6.7.8 Where a chain-link *fence* is constructed on property it must be coated or incorporate screening to render the *fence* opaque.
- 6.7.9 Maximum permitted height of an open mesh or chain link *fence* is 3.7 m (12.1 ft) in cemeteries, public playgrounds, parks, playfields, *school* areas or in any M *zone*.
- 6.7.10 Notwithstanding 6.7.1 through 6.7.6, all *fences*, *hedges* and walls are subject to the provisions of 6.5.
- 6.7.11 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.
- 6.8.6 Maximum area of impervious surface in any R *zone* is calculated as follows:
 $(\text{Lot Area} - \text{Coverage}) \times 0.5 = \text{impervious surface}$

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 90 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 (969 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:
- Application shall be made in writing to the *Building Inspector* for a permit to erect a *temporary building* or *structure*; and
 - 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*:

Projection	Distance
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*:

Projection	Distance
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*:

Projection	Distance
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 Grade	
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; and
- (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.
- 6.16.4 The caretaker's presence is necessary to the facility operation and/or public safety.

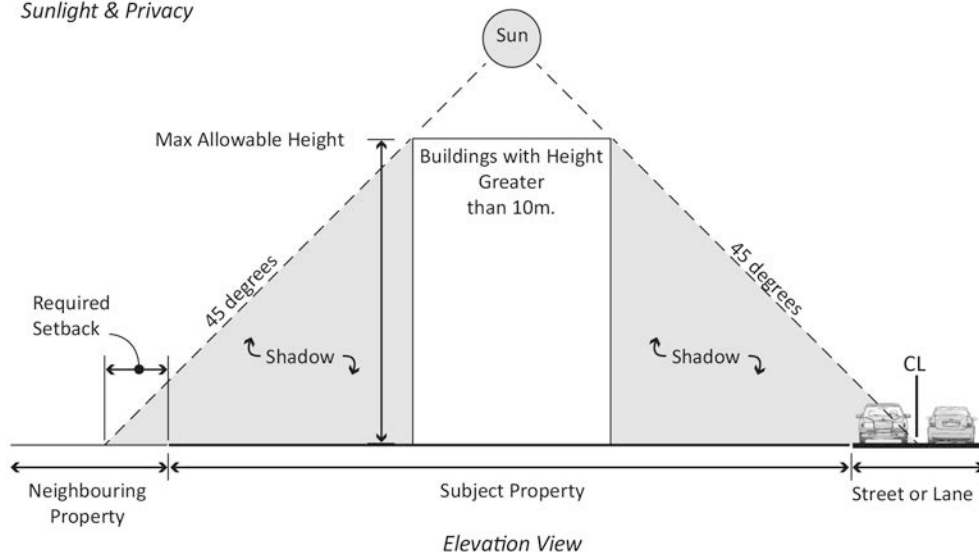
6.17 Floats and Wharves

- 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.

Sunlight & Privacy



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 daycare, school or church.

6.22 Accessory Dwelling Units

6.22.1 *Secondary suites*

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.

6.22.2 *Carriage Houses*

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;
- (f) No portion of the *building* is located within 1 m of a rear lot line;
- (g) Does not exceed a maximum height of the principal building;
- (h) 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 m²;
- (i) Must have a minimum of 18 m² of *useable open space*; and
- (j) Provides for parking in accordance with Section 7.

6.22.3 *Garden Suites*

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 *garden suite* parking area to the entrance of the *garden suite* when direct access to the *garden 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 m²;
- (i) Must have a minimum of 18 m² 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 600 m² in area except where the *lot* size is greater than 2,400 m², 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 ft²) in area.
- 6.24.2 The keeping of female *poultry* is prohibited on *lots* less than 350 m² (3,767 ft²) 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 ft²) but more than 450 m² (4,844 ft²) in size. When the *lot* is less than 450 m² (4,844 ft²), no more than four (4) female *poultry* may be kept.
- 6.24.4 Runs shall provide at least 0.8 m² (8.5 ft²) of space per bird and coops of at least 0.2 m² (2 ft²) 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 ft²) 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 ft²) in area, and a maximum of 4 hives of bees on *lots* over 929 m² (10,000 ft²) 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; and
 - (c) Where greater than seventy-five percent (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 ten percent (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; and
- (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 Shipping Containers

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

7.3 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

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

Parking Space Size	Length	Width	Height
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)

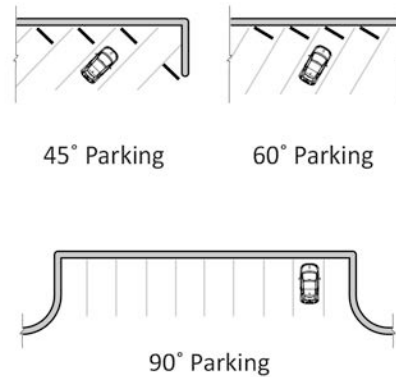
- 7.4.2 Where a *parking space* abuts a *fence*, wall or other *structure* along its length, the width of the *parking space* shall be increased by 0.3 m (1 ft) along any side that abuts such *fence*, wall, *building* or other *structure*.

- 7.4.3 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 Accessible Parking Requirements

- 7.5.1 For all RM residential *buildings*, one (1) accessible *parking space* shall be provided for each *dwelling unit* designed to be *accessible*.
- 7.5.2 Where twenty (20) or more off-street parking spaces are required for a *building* or *structure*, accessible parking shall be provided as follows:
- (a) 1 accessible *parking space* for the first twenty (20) required off-street parking spaces; and
 - (b) 1 accessible *parking space* for each additional fifty (50) required off-street parking spaces or portion thereof.
- 7.5.3 All accessible *parking spaces* shall:
- (a) meet the minimum accessible *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 an accessible *parking space*; and
 - (c) be conveniently located to an *accessible* entrance to the *building, structure* or *use*.
- 7.5.4 Each accessible *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 2,000 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 3,000 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 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, and 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; Seniors housing</i>	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 Unit in Commercial Zones*</i> *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 <i>used for offices, recreation or assembly</i>
Senior High School	1 per employee and 1 per 10 students
Junior High School	1 per employee
Elementary School	1 per employee
Community College	1 per employee and 1 per 5 students
Day Care Facility	1 per employee
Public Assembly Places, Recreational Use	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 (2,045 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>
<i>Furniture Store</i>	1 per 200 m ² (2,153 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 (2,045 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 (1,076 ft ²) of <i>gross floor area, whichever is the greater</i>
<i>Medical Marijuana Facility</i>	1 per employee or 1 per 190 m ² (2,045 ft ²) of <i>gross floor area, whichever is greater</i>
<i>Mini-storage Facility</i>	1 per 200 m ² (2,153 ft ²) of <i>gross floor area</i>
Wholesaling	1 per 200 m ² (2,153 ft ²) of <i>gross floor area</i>
Storage Area or Yard	1 per 200 m ² (2,153 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.

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

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

Maximum Floor Area Ratio

Maximum Height, Principal Building	0.5 m	
Maximum Number of Principal Building Storeys	10 m	(32.8 ft)
	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; and
 - 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.

**CD2 – COMPREHENSIVE DEVELOPMENT – MULTI-FAMILY RESIDENTIAL
INFILL – 4738 Athol Street**

8.2 The purpose of this zone is to provide for rental-oriented multi-family in-fill development in the Uptown neighbourhood at 4738 Athol Street.

8.2.1 Permitted Uses

Principal Uses

Multiple family dwellings

Accessory Uses

Home occupation

8.2.2 Site Development Regulations

Minimum Lot Area	443 m ²	(4,768 ft ²)
Minimum Frontage	12 m	(39.4 ft)
Maximum Coverage	58%	
Minimum Setbacks:		
Front yard	3.5 m	(11.5 ft)
Rear yard	5.0 m	(16.4 ft)
Side yard	1.5 m	(4.9 ft)
Maximum Floor Area Ratio	1.34	
Maximum Height, Principal Building	13.7 m	(45.9 ft)
Maximum Number of Principal Building Storeys	3	

8.2.3 Conditions of Use

- (a) Occupancy of dwelling units is restricted to Residential Rental Tenure.
- (b) Notwithstanding any other provision of the Bylaw, on-site parking shall be provided at a rate of one (1) space per dwelling unit.
- (c) Notwithstanding any other provision of the Bylaw, up to two (2) parking spaces may be Small Car parking spaces.
- (d) Notwithstanding any other provision of the Bylaw, the amount of useable open space required shall be 169 m².
- (e) Notwithstanding any other provision of the Bylaw, the amount of useable open space required may consist exclusively of roof garden areas, private balconies, and private patios.
- (f) Permanent roof top structures are not permitted except where required for access.
- (g) Home occupation as a permitted use is restricted to office space for a business which is lawfully carried on at another location.

**CD3 – COMPREHENSIVE DEVELOPMENT – MULTI FAMILY RESIDENTIAL
INFILL – 4835 & 4825 BURDE ST. AND 3614 & 3618 5TH AVE.**

8.3 The purpose of this zone is to provide for in-fill development of multi-family residential rental units.

8.3.1 Permitted Uses

Principal Uses

Multiple family dwellings

Accessory Uses

Home occupation

8.3.2 Site Development Regulations

Minimum Lot Area	789.7 m ²	(8,500 ft ²)
Minimum Frontage	20.7 m	(68.0 ft)
Maximum Coverage	50%	
Minimum Setbacks:		
Front yard	3 m	(9.84 ft)
Rear yard	8 m	(26.25 ft)
Side yard (to street or neighbour)	5 m	(16.4 ft)
Side yard (to Lane)	2 m	(6.56 ft)
Maximum Floor Area Ratio	1.0	
Maximum Height, Principal Building	12.5 m	(41.0 ft)
Maximum Number of Principal Building Storeys	3	

8.3.3 Conditions of Use

- (a) Occupancy of dwelling units is restricted to *Residential Rental Tenure*.
- (b) Notwithstanding any other provision of the Bylaw, on-site parking shall be provided at a rate of one (1) space per dwelling unit.
- (c) Notwithstanding any other provision of the Bylaw, up to eight (8) parking spaces may be Small Car parking spaces.
- (d) Groups of multiple family dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- (e) Notwithstanding any other provision of the Bylaw, useable open space may be provided in a required front yard.
- (f) Home occupation as a permitted use is restricted to office space for a business which is lawfully carried on at another location.
- (g) Notwithstanding Section 6.8.2, waste bins must be screened on three sides at a height not less than 1.5 m and not more than 1.85 m.

READ A FIRST TIME this 26th day of June, 2023.

READ A SECOND TIME this 10th day of July, 2023.

A PUBLIC HEARING WAS HELD this day of , 2023.

READ A THIRD TIME this day of , 2023.

RECEIVED the approval by the Ministry of Transportation this day of , 2023.

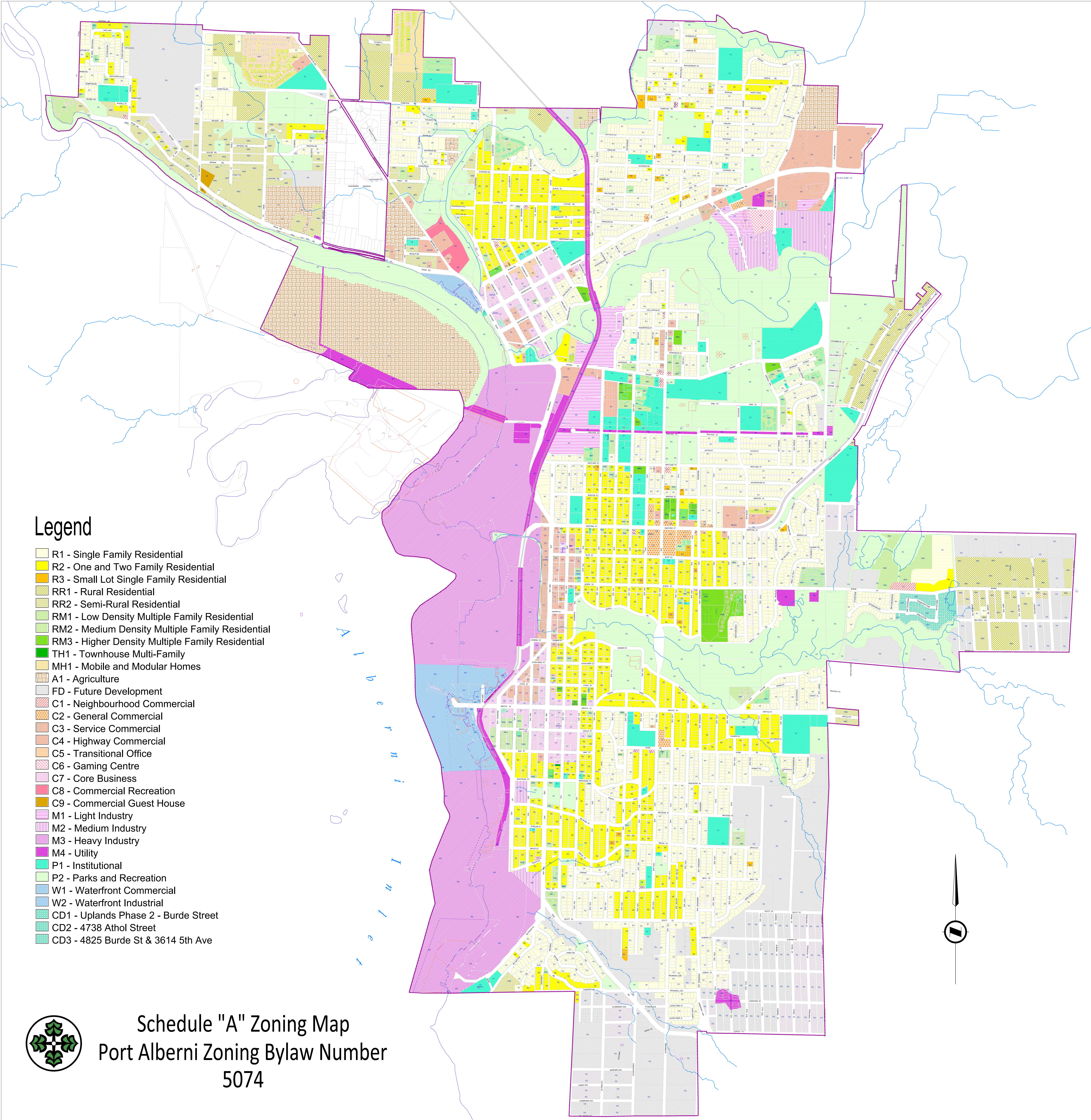
ADOPTED this day of , 2023.

Mayor

Corporate Officer

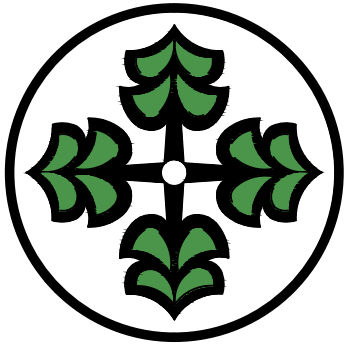
Schedule A: Zoning Map

COPY AVAILABLE FOR PUBLIC INSPECTION



Legend

- R1 - Single Family Residential
- R2 - One and Two Family Residential
- R3 - Small Lot Single Family Residential
- RR1 - Rural Residential
- RR2 - Semi-Rural Residential
- RM1 - Low Density Multiple Family Residential
- RM2 - Medium Density Multiple Family Residential
- RM3 - Higher Density Multiple Family Residential
- TH1 - Townhouse Multi-Family
- MH1 - Mobile and Modular Homes
- A1 - Agriculture
- FD - Future Development
- 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 - Utility
- P1 - Institutional
- P2 - Parks and Recreation
- W1 - Waterfront Commercial
- W2 - Waterfront Industrial
- CD1 - Uplands Phase 2 - Burde Street
- CD2 - 4738 Athol Street
- CD3 - 4825 Burde St & 3614 5th Ave



Schedule "A" Zoning Map
Port Alberni Zoning Bylaw Number
5074

This map has been consolidated to July 10, 2023. All persons making use of this consolidated map are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaw and all amending bylaws must be consulted for all purposes of interpreting and applying the law. Any parts of the original bylaw or original bylaw as amended which have been repealed have not been included in this consolidation.



ZONING BYLAW MODERNIZATION

PUBLIC FEEDBACK SURVEY REPORT

RESULTS

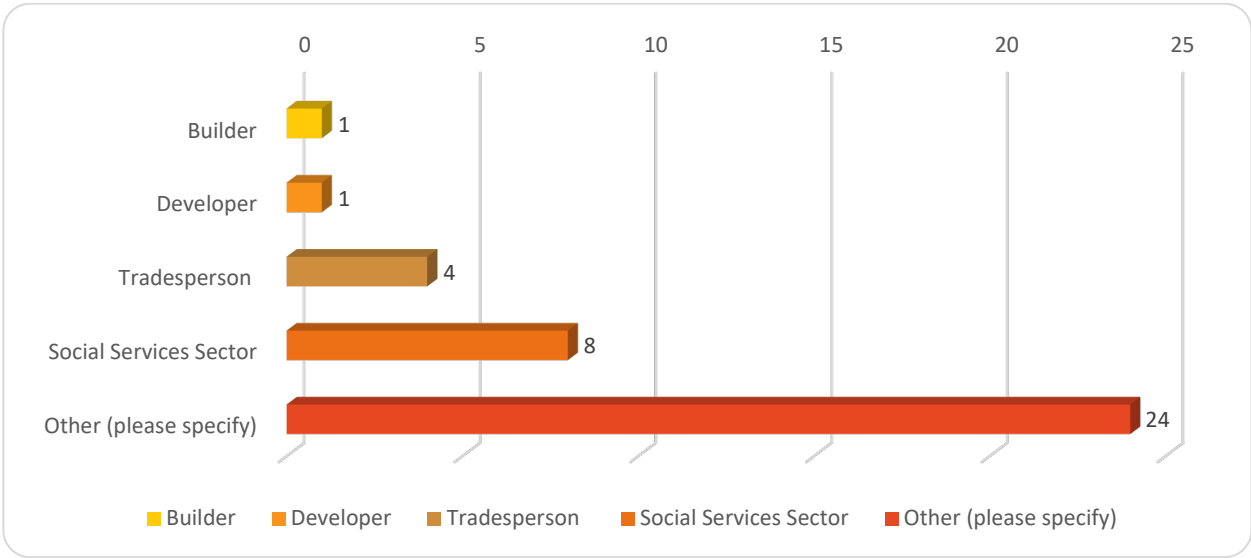
- 40 people completed the Zoning Bylaw Survey
- Survey was open between March 17 - 27, 2023

ANALYSIS

Overall, there was a majority of support for each section presented for feedback. The section that was not as strongly supported as others was the General Regulations section. This section proposes to clarify requirements for shipping containers on private property. Staff have responded to each of the comments provided by participants.

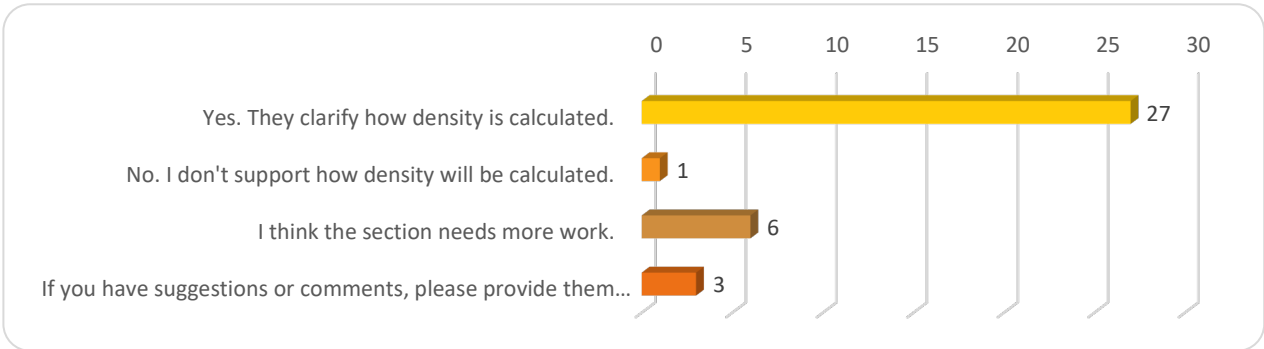
INDUSTRY PARTICIPATION AND RESIDENCE

90% of the respondents are from Port Alberni.



SECTION 3 – USER GUIDE AND ADMINISTRATION

The proposed density calculation changes were clear for the majority of participants.



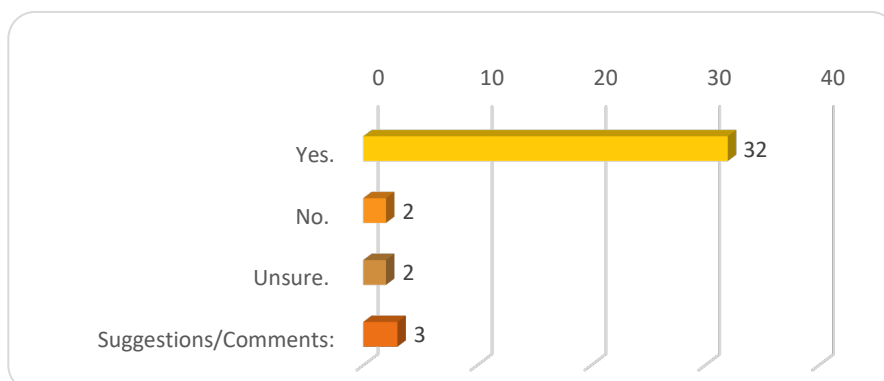
Comments

Three comments were provided by respondents. *Italicized text are responses from staff.*

- Single detached home designation should be abolished as has been done in many cities to ensure this low-density form of housing is phased out in time.
 - *Thank you for this comment. We recognize that planning practices are moving in this direction and this will be noted for the more comprehensive review.*
- Why are secondary suites not included in calculation of density considering use of water, power, waste pick up, parking, effects on air quality, etc.
 - *Historic capacity modelling has used larger number of occupants per household. Current household occupant numbers have decreased (for example from 4 people to household to approximately 2 people per household today). Therefore, there is no increase to additional suites being added. The addition of secondary suites also assists with providing an affordable type of housing.*
- Many different ways to calculate and define density, which is such an important definition as density can't be varied. I didn't see density in the list of definitions being updated. Is it also being updated in addition to this new section being added? I've also seen it worded this way: Where the calculation of allowable density results in a fractional unit, any fraction that is: a. less than one-half (0.5) shall be disregarded; and b. one-half (0.5) or greater shall be considered equivalent to one. Not sure if this wording is quite there yet, but I'll leave it with the team to determine.
 - *We acknowledge this method has been used for some municipalities. We have proposed that if it is fractional, it will be rounded up the nearest whole unit to simplify implementation.*

SECTION 4 – NEW DEFINITIONS

NEW definitions have been added to the proposed Zoning and include: Accessory Dwelling Unit, Affordable Housing, Ambulance Station, Animal Shelter, Carriage House, Emergency Shelter, Extreme Weather Shelter, Fire Hall, Garden Suite, Garden Centre, Household, and Market Housing.



82% of participants support the addition of the NEW definitions

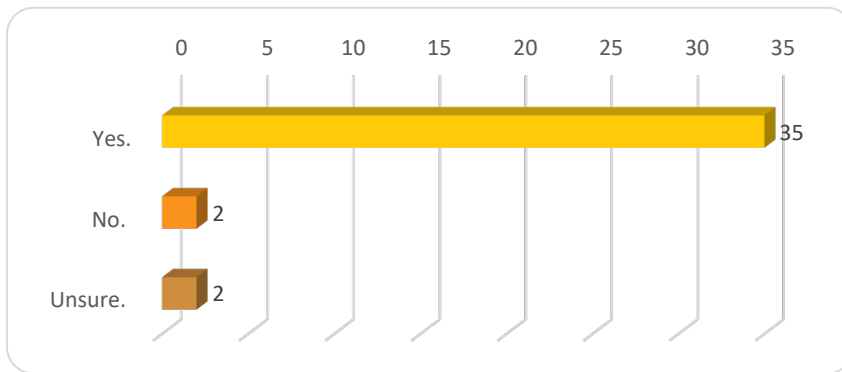
Comments

Three respondents provided comments:

- Carriage house should NOT be confined to strictly a dwelling above a garage. With the height restrictions we have very few will be eligible.
 - *The residential zones permit a 10 metre building height and this will allow for construction of a carriage house.*
- The two shelter definitions need 'homeless' replaced with 'homelessness' and the household definition should read 'up to 5 people'.
 - *Thank you for this comment. The definitions have been revised.*
- What if CMHC or BC Housing updates their definition of affordable housing, and you've included their exact definition, then you'd need to amend the Zoning Bylaw. Do most other Zoning Bylaws include this exact, specific definition?
What do “spaces” mean in extreme weather definition?
There are many different ways to define GFA. Could also add to clarify if basements are included? There are also different ways to measure (ie. from outer wall or from interior finished surfaces, etc.). Do definitions consider the BC Building Code? I’ve also seen decks, attics, and other areas/items excluded. For multi-family are common stairwells and corridors excluded?
Not sure all those exclusions need to be listed in FAR.
Hotel: could clarify on the same lot, and not for residential use?
Household: end after single group?
Lot coverage: how are buildings/structures measured?
Modular home could be shortened. Look at other LG examples.
 - *Flexibility has been written into the proposed definitions to allow for any changes to other agencies’ definition changes. “Subject to change by BC Housing or CMHC”*

SECTION 4 – ADDED DEFINITIONS

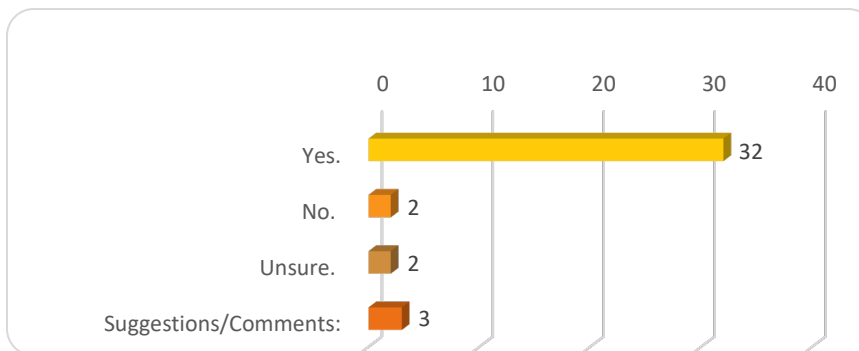
Several topics are mentioned in the existing Zoning Bylaw 4832 but not defined. The following definitions are proposed to be ADDED: Helipad; Lot Coverage; Marina; Police Station; Printing, Publishing and Allied Industry; Professional Service; Restaurant; Subsidized Housing; Theatre; and, Wholesale.



90% of respondents supported the proposed ADDED definitions

SECTION 4 - UPDATED DEFINITIONS

Several definitions have been updated to reflect current legislation and context. UPDATED definitions include: Accessory Building; Dwelling Unit; Floor Area, Gross; Floor Area Ratio; Hotel; Housing Agreement; Live-Work; Mobile Home; Modular Home; Parking Space; Personal Service; Principal Use; Recreational Vehicle; School; Secondary Suite; Supportive Housing; Transitional Housing; and, Useable Open Space.



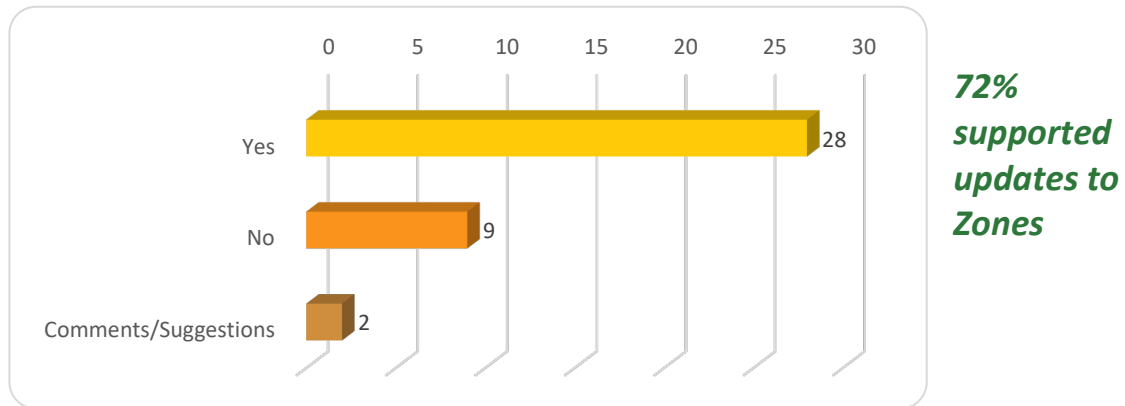
84% of respondents support the UPDATED definitions.

Comments

- Hotel - kitchen units - are they allowed? Fridge/Coffeemaker/Microwave or is this restricted to motels due to the Fire Departments ability to access should there be a cause?
 - *Under the proposed definition, a hotel can still have a fridge, coffee maker or microwave*
- "Mobile homes" are not necessarily 'mobile' after being located in one place for a number of years. Redefinition of the term is required.
 - *Mobile homes are defined based upon construction specifications and noted in the definition. How they are placed on the property determines if they are permanent or not.*

SECTION 5 - ESTABLISHMENT OF ZONES

Section 5.5 Permitted in all Zones has been updated to include daycare as a permitted use.



Comments

Two comments were provided by respondents:

- Yes, but is in home daycare limited to a maximum number of children as per provincial licensing?
 - *The daycare would have to meet the provincial requirements for operating and require a business licence.*
- Does this mean you can have Daycare in an industrial zone (Light & Heavy Industry)?
Not sure about safety in these areas (Fire/police/ambulance) for accessibility.
 - *The idea is for the employer to be able to provide a safe place for a daycare should they wish to offer this service for their employees. Any daycare would have to meet provincial health and safety requirements to obtain a business licence.*

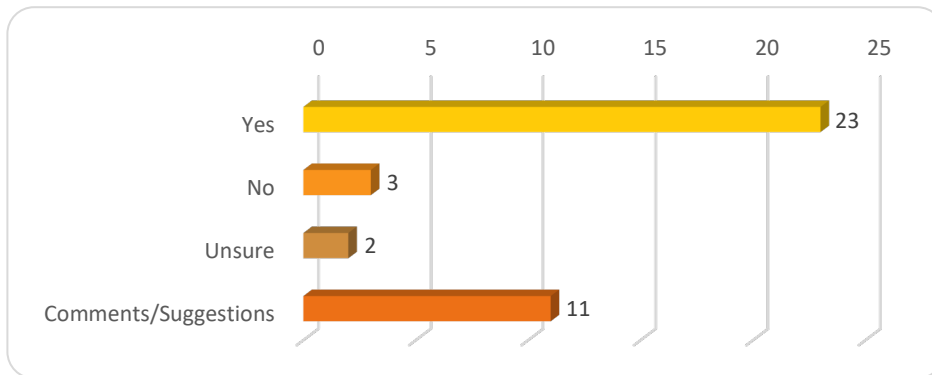
SECTION 6 - GENERAL REGULATIONS NEW SECTIONS

NEW sections to General Regulations proposed include:

6.22.2 Carriage Houses - added to enable Carriage Houses on property according to conditions.

6.22.3 Garden Houses - added to enable Garden Houses on property according to conditions.

6.29 Shipping Containers - provides basic regulation for Containers (commonly referred to as shipping container, or sea cans.). Placement limited to industrial zones unless used for storage during construction in accordance with a Building Permit.



59% of participants supported the NEW General Regulations changes.

Comments

This topic received several comments and suggestions:

Shipping Containers

- With the changes to Containers, they should be allowed on any property. They are used for storage, etc. As long as they are in the back yards, anyone should be able to have a container.
 - *Storage containers are not a building, and are not considered an accessory dwelling unit as defined in the Zoning Bylaw.*
- I don't think sea cans should be removed from residential properties. Treated as any other accessory structure. Make sure setbacks and percentage of properties are followed of course. But seems like a affordable and sustainable structure. While also recycling something that might have been melted down and repurposed into something that might end up not getting used or added to the landfill.
 - *Storage containers are not a building, and are not considered an accessory dwelling unit as defined in the Zoning Bylaw.*
- Other municipalities allow containers permanently. Can some stipulation such as additional siding be considered?
 - *While some municipalities may allow permanent containers in Industrial zones with landscaping and treatments like siding and roofs, these would be defined in a Development Permit Area (DPA). Staff will review this in the Comprehensive Zoning Bylaw update after the new Official Community Plan has been adopted.*
- In other communities such as Vancouver, sea cans are used for accommodation. Will this not be a viable option in Port Alberni?
 - *Containers are not considered a residential structure under the BC Building Code. Any adaptations to them must be undertaken with a code compliance professional and are usually temporary in nature for emergency shelter. The*

City of Vancouver is under a Charter and has different authorities than the City of Port Alberni has under the Local Government Act.

- Many areas are now using Containers as a cost-effective way of building homes and businesses. Why is it being limited to industrial zones?
 - *Containers are considered to be a non-habitable structure and are intended for storage, as such meet the definition of an Industrial use.*
- Not sure what the issue with containers is. Self storage is at a premium in town if you can even get it. I know several people who need temporary storage solutions like when someone has a complex move or needing to store things for a business coming in to town. Moveable containers seem like a good system, less carbon intensive than building a storage building, portable. Why not just make placement rules like with trailers which are everywhere (with people living in them)?
 - *Proposed regulations would allow a container to be used for construction with a Building Permit.*
 - *Containers are not habitable buildings.*
- I support the carriage house and garden suite definitions but containers are an economical, long lasting, rodent-, bear- and rain-proof option for storage...they should be allowed indefinitely if clad and roofed in appropriate materials to make them look like approved accessory buildings (i.e. sheds or garages).
 - *Please see above responses.*

Density and Carriage Houses, Garden Suites

- This effort to increase density in town is long overdue and brings us in line with modern thinking and land use
 - *Thank you for your comment.*
- It would be great to know what zones these helpful housing additions will be applied to
 - *They will be applied to R1, R2 and R3 zones.*
- The current wording limits a carriage house or garden suite to only 422 s.f. when a merely 1056 s.f. bungalow currently exists on the lot as the single detached dwelling in an R1 zone. Such lot is a narrow lot with only 44' of frontage but more than ample length to provide a rear garden suite or carriage house with 633 s.f. (50% more) habitable living space with laneway access. Please amend the wording to consider lots and their layout individually in determining appropriate maximum gross square footage of additional dwellings (garden or carriage) on same.
 - *There have been adjustments made to minimum lot size, setbacks, and lot coverage to create flexibility in dwelling layouts in R1, R2, and R3. This is to encourage gentle infill.*
 - *The 40% limit to gross floor area is to ensure the garden house or carriage suite remains accessory to the principal building, and is not a second house. Staff will reevaluate during the comprehensive Zoning Bylaw update after the new Official Community Plan has been adopted.*

- The carriage houses and garden houses seem wordy and complicated. Any way to simplify? Shipping containers are becoming a very hot topic. I'd check recent updates or proposed updates to other LG ZBs to see if any other things should be considered. Agree not to permit in Residential zones, except during construction with a BP.
 - *Thank you for your comment we will review to see if we can simplify given legislative requirements.*

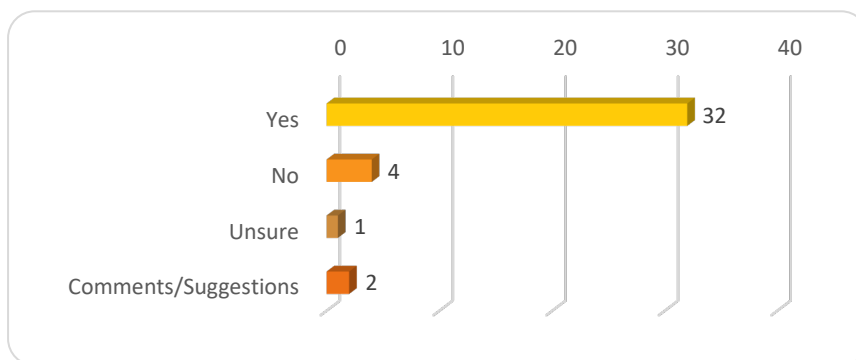
SECTION 6 - GENERAL REGULATIONS - UPDATED SECTIONS

UPDATED General Regulations proposed include:

6.15.6 Home Occupation - to permit business conducted entirely online. Relevant to business licensing.

6.22.1 Secondary Suites - to provide for greater flexibility and opportunities for gentle infill within the community. Allow for the diversification of housing rental and aging in place options. Allow for mortgage helpers for first time home buyers.

6.28 Density Bonusing - to reflect the legislative best practice for density bonusing. To create greater clarity for the administration of regulations.



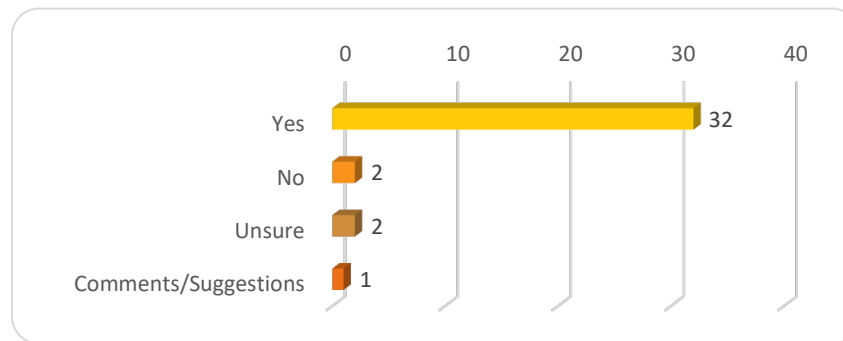
82% of respondents support the UPDATED General Regulations changes

Comments

- Could it become problematic to permit secondary suites in all townhouses, or should there be a maximum number per development? Best to check other LG examples.
 - *The British Columbia Building Code permits secondary suites in townhouse and duplex dwelling units ONLY if it's a single real estate entity, which means it would have to be subdivided and individual titles raised according to the Code. This will limit where secondary suites can be introduced.*

HOUSEKEEPING

Housekeeping changes are proposed to clean up the bylaw, provide consistency and alignment across multiple sections of the bylaw.



87% of respondents supported the housekeeping changes

Comments

- I do agree with updates to remove "family dwelling".
 - *Thank you for your comment.*

The following additional comments were provided by respondents to the Zoning Bylaw Survey:

- There should be more clarity on zoning permissions for short term (ie air bnb rentals).
 - *Staff will be working on this issue as part of the comprehensive zoning bylaw update after the new Official Community Plan is adopted.*
- Open up small artist and hobby welders from home
 - *Thank you for this comment, there are BC Building code considerations for this use that must be considered in the Home Occupation definition.*
- Property taxes are high enough as it is - use these \$\$\$\$ on upgrades to City infrastructures like street repair and not on a Quay to Quay pathway!!
 - *Thank you for your comment.*
- The section on occupants of a single family dwelling is not inclusive of unmarried couple and/or roommate situations and should be readjusted.
 - *The definition reflects this.*
- Am pleased to see that this has started outside of the OCP and sensibly enough is separated from it. Much of this is long overdue housekeeping in nature after all we need carriage homes
 - *Thank you for your comment.*
- Parking requirements need be reviewed as there is a shift to less reliance on the automobile and more reliance on public transit.
 - *Yes, many cities are exploring this concept in reforming zoning bylaws, and staff will be looking at this in the comprehensive zoning bylaw update after the new Official Community Plan is adopted.*
- Great to see updates related to housing typologies such as carriage houses and garden houses. Please provide details to the group real public about the applicable zones.

- *Thank you for your comment.*
- Allow 5 story plus on lower argyle
 - *Thank you for your support*
- Not sure of the wording. Is it women "Feeling Abuse" of "Fleeing Abuse"
 - *Thank you for your comment*
- No suggestions just felt the adjustments were well thought out considering where housing considerations need to go. Also support residential infill and it, in my opinion, would be workable and acceptable to many in the community. Well done!
 - *Thank you for the support.*
- Again, I would strongly suggest removing future zoning for and phasing out all Single Family Residential Zoning (including R1, R2 and R3)
 - *Thank you for your comment we will consider in the comprehensive zoning bylaw update and as part of the OCP update.*
- Just to say that I am all for increasing density. However density growth must be balanced by increased protection of natural areas and open recreational space. It's what makes the Alberni Valley special, it's good to remember this as we grow.
 - *This will be considered in the OCP update to establish development permit areas that will limit development.*
- I am very strongly against any reduction of setbacks, lot size and any further densification in zone R1.
 - *Thank you for your comment.*
- Lets ban Airbnb, we have a housing crisis here as well as everywhere else these days. Housing should be for single's and families to live in, not for short term rentals. There are hotels and motels for that.
 - *We will be looking at short term rentals in the comprehensive zoning bylaw update.*
- Maybe double check on areas on updating Bylaws instead of completely changing it maybe revamp the byelaw a bit since it hasn't been updated since 1976 in some areas slightly add new features and don't completely change the law in rule areas that haven't.
 - *Thank you for your comment.*
- I agree to density and increasing legal housing, but removing the clause that home owners must reside on site will result in the deterioration of the community. I also dislike daycares being able to operate in residential zones.
 - *Thank you for your comment.*
- Thanks for this, it's a great start to have a more current, easier to read/understand Zoning Bylaw.
 - *Thank you for your support.*
- Also, for multi-family density by floor area, this makes me think of the micro suite (and tiny house) trend which seems like it could be strategically applied by developers in a bylaw such as this. Micro housing offsets some quality of life aspects onto municipal services, is this bylaw ready for that?
 - *This modernization of the zoning bylaw is not considering Micro housing and this will be discussed with the OCP update and the future comprehensive zoning bylaw.*
- I work in green tech graphics and the trend as we get to net-negative energy over the years has been towards increasingly detailed calculators, higher data density.

Depending on how long this bylaw is supposed to last, it seems important to ensure these equations are detailed which can lead to more accuracy in assessing success.

Thank you for your comment.