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## AGENDA - REGULAR MEETING OF COUNCIL

Monday, July 10, 2023 @ 2:00 PM

In the City Hall Council Chambers – 4850 Argyle Street, Port Alberni, BC

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*The following pages list all agenda items received by the deadline [12:00 noon on the Wednesday before the scheduled meeting]. A sample resolution is provided for most items in italics for the consideration of Council. For a complete copy of the agenda including all correspondence and reports please refer to the City's website [portalberni.ca](http://portalberni.ca) or contact Corporate Services at 250.723.2146 or by email [corp\\_serv@portalberni.ca](mailto:corp_serv@portalberni.ca)*

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### **A. CALL TO ORDER & APPROVAL OF THE AGENDA**

1. Council for the City of Port Alberni respectfully acknowledges that we are holding our meeting on the unceded traditional territories of Tseshaht and Hupacasath First Nations.
2. Late items identified by Councillors.
3. Late items identified by the Corporate Officer.
4. Notice of Video Recording (live-streaming and recorded/broadcast on YouTube)

*That the agenda be approved as circulated.*

### **B. ADOPTION OF MINUTES - Page 5**

1. Minutes of the Special meeting held at 11:00 am and Regular Council meeting held at 2:00 pm on June 26, 2023, as presented.

### **C. DELEGATIONS**

### **D. UNFINISHED BUSINESS**

*Includes items carried forward from previous Council meetings.*

### **E. STAFF REPORTS**

*Members of the public may be recognized by Council to speak to a report if the report is a response to their correspondence or an application.*

#### **1. Accounts**

*THAT the certification of the Director of Finance dated July 10, 2023, be received and the cheques numbered \_\_\_\_\_ to \_\_\_\_\_ inclusive, in payment of accounts totalling \$ \_\_\_\_\_, be approved.*

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**F. BYLAWS**

*Bylaws are required for the adoption of regulations, financial plans, changes to land use policy and to approve borrowing. A bylaw requires four separate resolutions to be adopted and must be considered over a minimum of two [2] Council meetings. Each reading enables Council to reflect on the bylaw before proceeding further.*

1. **Zoning Bylaw Amendment | 5189 Compton Road - Page 12**

Report dated July 4, 2023 from the Director of Development Services/Deputy CAO requesting Council consider final reading of the proposed bylaw.

*THAT "Zoning Bylaw Map Amendment No. 34 (5189 Compton Road - Potter), Bylaw No. 4989" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 4989.*

2. **Zoning Bylaw Amendment | 5801 and 5837 Compton Road - Page 29**

Report dated June 29, 2023 from the Director of Development Services/Deputy CAO requesting Council consider final reading of the proposed bylaw.

*THAT "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5065.*

3. **Zoning Bylaw No. 5074, 2023 | Bylaw Modernization - Page 38**

Report dated June 30, 2023 from the Manager of Planning requesting Council consider second reading of the proposed bylaw and authorization to advance the bylaw to a Public Hearing.

*a. THAT "Zoning Bylaw No. 5074, 2023" be read a second time, as amended.*

*b. THAT "Zoning Bylaw No. 5074, 2023" be advanced to a Public Hearing on Monday, July 31, 2023 at 6:00 pm in City Hall, Council Chambers.*

4. **Waterworks and Sewer Bylaw Amendments 2023 - Page 169**

Report dated July 4, 2023 from the Director of Finance requesting Council consider three readings of the proposed bylaws.

*a. THAT " Waterworks Bylaw No. 5088, 2023" be now introduced and read a first time.*

*b. THAT " Waterworks Bylaw No. 5088, 2023" be read a second time.*

*c. THAT " Waterworks Bylaw No. 5088, 2023" be read a third time.*

*d. THAT " Sewer Connection and Regulation Bylaw No. 5089, 2023" be now introduced and read a first time.*

*e. THAT " Sewer Connection and Regulation Bylaw No. 5089, 2023" be read a second time.*

*f. THAT " Sewer Connection and Regulation Bylaw No. 5089, 2023" be read a third time.*

5. **Reserve Fund Establishment Bylaw No. 5086, 2023** - Page 180  
*THAT "Reserve Fund Establishment Bylaw No. 5086, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5086.*
6. **Growing Communities Reserve Fund Bylaw No. 5087, 2023** - Page 183  
*THAT "Growing Communities Reserve Fund Bylaw No. 5087, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5087.*

## **G. CORRESPONDENCE FOR ACTION**

*Correspondence addressed to the Mayor and Council where there is a specific request may be included on an agenda. Correspondence regarding personnel matters, legal action and/or items of a confidential nature will not be included. Correspondence addressed to Council that is administrative or operational in nature will be circulated to Council weekly and referred to the appropriate department for review and follow-up where necessary.*

1. **Western Vancouver Island Industrial Heritage Society (WVIHS) | Annual Antique Truck & Machinery Show** - Page 186  
Letter dated June 28, 2023 requesting Council authorization for the Antique Truck & Machinery Show.

*THAT Council authorize WVIHS to block off City streets on Friday, September 1, 2023 from 5:00 pm to 5:00 pm on Sunday, September 3, 2023 on Dunbar Street, from the corner of 7<sup>th</sup> Avenue to 9<sup>th</sup> Avenue and from the corner of 9<sup>th</sup> Avenue and Dunbar Street for the purpose of a truck show subject to:*

- the notification of emergency services and BC Transit;*
- consultation with all affected businesses/residents;*
- implementation of a Traffic Plan/Site Plan; and*
- provision of standard liability insurance in the amount of \$5M [minimum].*

## **H. PROCLAMATIONS**

### **I. CORRESPONDENCE FOR INFORMATION**

*Correspondence found here provides information to Council. Correspondence regarding personnel matters, legal action and/or items of a confidential nature will not be included. Correspondence addressed to Council that is administrative or operational in nature will be circulated to Council weekly and referred to the appropriate department for review and follow-up where necessary.*

1. **Correspondence Summary** - Page 188
  - a. District of North Saanich | Homes for People Action Plan
  - b. Ministry of Forests | Tree Farm Licence 44 Allowable Annual Cut Determination
  - c. City of Surrey | Surrey Police Transition
  - d. City of Prince George | Resolution Submission to 2023 UBCM Convention

### **J. REPORT FROM IN-CAMERA**

1. **Alberni Harbour Quay | Unit 9**  
Council releases for public consumption Notice of its Intent to lease Unit 9 to E. Hansen for the operation of Soul of the Shore for a five-year term, at the Alberni Harbour Quay.

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**K. COUNCIL REPORTS**

**1. Council and Regional District Reports**

*THAT the Council reports outlining recent meetings and events related to the City's business, be received.*

**L. NEW BUSINESS**

*New items of business requiring Council direction as well as an opportunity for Council to raise issues as a result of the business of the meeting or to identify new items for subsequent meetings by way of a 'Notice of Motion'.*

**1. License Agreement | Cougar Smith Park - Page 196**

Report dated July 4, 2023 from the Recreation Services Manager requesting Council consideration of a Licence agreement.

*THAT Council authorize the Mayor and Corporate Officer to execute the Licence Agreement between the City of Port Alberni and the Alberni Clayoquot Regional District for use of Cougar Smith Bike Park [9028 Faber Road] for the purpose of recreational mountain bike camps and courses as attached to the report dated July 4, 2023.*

**2. BC Ambulance Shortage | Notice of Motion provided June 26, 2023**

*THAT Council direct staff to prepare a letter to the province requesting additional ambulance coverage and higher levels of training for Port Alberni Station No. 124.*

**3. Alternative Route to Hwy 4 | Notice of Motion provided June 26, 2023**

*THAT Council direct staff to write a letter on behalf of Council urging the Government of Canada and the Province of BC to take immediate action on securing a permanent second access road into the City of Port Alberni.*

**4. Tree Removal Policy | Notice of Motion provided June 26, 2023**

*THAT Council direct staff to establish a policy related to tree removal within the City.*

**M. QUESTION PERIOD**

*An opportunity for the public to ask questions of Council on decisions or recommendations made during the course of the meeting. A maximum of three [3] questions will be permitted per speaker.*

**N. ADJOURNMENT**

*That the meeting adjourn at      PM*



**MINUTES OF THE IN-CAMERA MEETING OF COUNCIL**  
**MONDAY, June 26, 2023 @ 11:00 AM**  
**City Hall Committee Room | 4850 Argyle Street, Port Alberni, BC**

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**PRESENT:** Mayor S. Minions  
Councillor D. Dame  
Councillor J. Douglas @ 11:06 am  
Councillor D. Haggard  
Councillor C. Mealey  
Councillor T. Patola  
Councillor C. Solda

Staff: M. Fox, Chief Administrative Officer  
D. Monteith, Director of Corporate Services  
A. McGifford, Director of Finance  
S. Smith, Director of Development Services | Deputy CAO

Call to order: @ 11:02 am.

*MOVED and SECONDED, THAT Council conduct a special Council meeting closed to the public on the basis that one or more matters covered under Section 90 of the Community Charter will be considered, specifically outlined as follows:*

**Section 90 (1)(a)** personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and

**Section 90 (1)(e)** the acquisition, disposition or expropriation of land or improvements and where the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

***CARRIED***

The meeting was adjourned at 1:17 pm.

CERTIFIED CORRECT

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

**MINUTES OF THE REGULAR MEETING OF COUNCIL**  
**Monday, June 26, 2023 @ 2:00 PM**  
**In the City Hall Council Chambers – 4850 Argyle Street, Port Alberni, BC**

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**Present:** Mayor S. Minions  
Councillor D. Dame  
Councillor J. Douglas  
Councillor D. Haggard  
Councillor C. Mealey  
Councillor T. Patola  
Councillor C. Solda

**Staff:** M. Fox, Chief Administrative Officer  
A. McGifford, Director of Finance  
D. Monteith, Director of Corporate Services  
S. Smith, Director of Development Services | Deputy CAO  
R. Macauley, Deputy Director of Finance  
B. McLoughlin, Manager of Planning  
K. Love, Manager of Communications

**Gallery:** 5

**A. CALL TO ORDER & APPROVAL OF THE AGENDA**

The meeting was called to order at 2:00 PM.

*MOVED AND SECONDED, THAT the agenda be amended to include items under New Business L.16 Notice of Motion - BCEHS Shortage | L.17 Rainbow Gardens [Westporte Place Park Replacement] | L.18 Notice of Motion – Alternate Route to Hwy 4. The agenda was then adopted as amended.*

**CARRIED**

**B. ADOPTION OF MINUTES**

*MOVED AND SECONDED, THAT the Minutes of the Special meeting held at 12:00 pm and Regular Council meeting held at 2:00 pm on June 12, 2023, be adopted, as presented.*

**CARRIED**

**C. DELEGATIONS**

**D. UNFINISHED BUSINESS**

**E. STAFF REPORTS**

**1. Accounts**

*MOVED AND SECONDED, THAT the certification of the Director of Finance dated June 26, 2023, be received and the cheques numbered 152931 to 153006 inclusive, in payment of accounts totalling \$ 710,522.57, be approved.*

**CARRIED | Res. No. 23-195**

**F. BYLAWS**

**1. Reserve Fund Establishment Bylaw No. 5086, 2023**

*MOVED AND SECONDED, THAT "Reserve Fund Establishment Bylaw No. 5086, 2023" be now introduced and read a first time.*

**CARRIED | Res. No. 23-196**

*MOVED AND SECONDED, THAT "Reserve Fund Establishment Bylaw No. 5086, 2023" be read a second time.*

**CARRIED | Res. No. 23-197**

*MOVED AND SECONDED, THAT "Reserve Fund Establishment Bylaw No. 5086, 2023" be read a third time.*

**CARRIED | Res. No. 23-198**

**2. Growing Communities Reserve Fund Bylaw No. 5087, 2023**

*MOVED AND SECONDED, THAT "Growing Communities Reserve Fund Bylaw No. 5087, 2023" be now introduced and read a first time.*

**CARRIED | Res. No. 23-199**

*MOVED AND SECONDED, THAT "Growing Communities Reserve Fund Bylaw No. 5087, 2023" be read a second time.*

**CARRIED | Res. No. 23-200**

*MOVED AND SECONDED, THAT "Growing Communities Reserve Fund Bylaw No. 5087, 2023" be read a third time.*

**CARRIED | Res. No. 23-201**

**3. Zoning Bylaw No. 5074, 2023 | Bylaw Modernization**

*MOVED AND SECONDED, THAT "Zoning Bylaw No. 5074, 2023" be now introduced and read a first time.*

**CARRIED | Res. No. 23-202**

**4. OCP and Zoning Bylaw Amendments | 2846 4<sup>th</sup> Avenue**

*MOVED AND SECONDED, THAT "Official Community Plan Amendment (2846 4<sup>th</sup> Avenue) Bylaw No. 5078, 2023" be read a third time.*

**CARRIED | Res. No. 23-203**

*MOVED AND SECONDED, THAT "Zoning Amendment (2846 4<sup>th</sup> Avenue) Bylaw No. 5079, 2023" be read a third time.*

**CARRIED | Res. No. 23-204**

*MOVED AND SECONDED, THAT "Official Community Plan Amendment (2846 4<sup>th</sup> Avenue) Bylaw No. 5078, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and number 5078.*

**CARRIED | Res. No. 23-205**

*MOVED AND SECONDED, THAT "Zoning Amendment (2846 4<sup>th</sup> Avenue) Bylaw No. 5079, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5079.*

**CARRIED | Res. No. 23-206**

**G. CORRESPONDENCE FOR ACTION**

**1. 2023 UBCM Convention | Meeting Requests**

Council provided direction to staff regarding meeting requests with Provincial Ministries, Agencies, Commissions, and Corporations (MACC) staff during the UBCM Convention scheduled September 18 – 22, 2023 in Vancouver.

**2. Alberni Pacific Railway | #7 Steam Locomotive Festival**

*MOVED AND SECONDED, THAT Council support the #7 Steam Locomotive Festival taking place on August 6, 2023 at Alberni Pacific Railway Roundhouse from 10:00 am – 5:00 pm subject to:*

- receipt of confirmation that a Special Event Permit from the LCRB has been issued;
- submittal of a Site Plan to be approved by the City of Port Alberni;
- Traffic Implementation Plan [parking];
- consultation with all affected businesses/residents;
- provision of standard liability insurance in the amount of \$5M [minimum]; and
- Technical Safety BC approval.

**CARRIED | Res. No. 23-207**

**H. PROCLAMATIONS**

**I. CORRESPONDENCE FOR INFORMATION**

*The Director of Corporate Services summarized correspondence to Council as follows:*

- a. Minister of Fisheries, Oceans and the Canadian Coast Guard | Responding to the City's letter of February 8, 2023 regarding Ghost Gear
- b. N. van Viegen | Public Safety Building [City response dated June 15<sup>th</sup> included]
- c. S. Recksiedler | Alternate Highway Route
- d. V. & D. McConnell | Alternate Highway Route

**J. REPORT FROM IN-CAMERA**

**1. Alberni Harbour Quay | Grassroots Café**

Council released for public consumption Notice of its Intent to lease Unit 16 to C. Dupas and G. Gorton for the operation of Grassroots Café at the Alberni Harbour Quay for a five-year term.

**2. Annual Report 2022**

Council released for public consumption the draft 2022 Annual Municipal Report as amended and further, directed staff to make the report available for public inspection as per legislative requirements.

**K. COUNCIL REPORTS**

**1. Council and Regional District Reports**

Verbal report provided by Councillor Douglas.

**L. NEW BUSINESS**

**1. Director of Corporate Services | Presentation of the Annual Report**

*MOVED AND SECONDED, THAT Council for the City of Port Alberni endorse the Annual Report for the year ended December 31, 2022 as presented.*

**CARRIED | Res. No. 23-208**

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2. **Statement of Financial Information**  
*MOVED AND SECONDED, THAT Council approve the statements and schedules included in the Statement of Financial Information for 2022, prepared to comply with the Financial Information Act, as outlined in the report from the Director of Finance dated June 14, 2023.*  
**CARRIED | Res. No. 23-209**
  3. **BC Transit Annual Operating Agreement 2023 – 2024 | Amendment**  
*MOVED AND SECONDED, THAT the Mayor and Corporate Officer be authorized to execute the amended BC Transit | 2023 – 2024 Annual Operating Agreement between the City of Port Alberni and British Columbia Transit to reflect the changes required for Umo, the electronic fare collection system.*  
**CARRIED | Res. No. 23-210**
  4. **Kitsuksis Dyke Renewal | Financial Plan Amendment**  
*MOVED AND SECONDED, THAT Council amend the “City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023” by allocating \$55,000 from the Canada Community-Building Fund to repair, resurface and renew sections of the Kitsuksis Dyke Walkway.*  
**CARRIED | Res. No. 23-211**
  5. **Boundary Extension | Johnston Road**  
*MOVED AND SECONDED, THAT Council authorize staff to engage Urban Systems to conduct Phase 1 of the proposed boundary extension process for 3386, 3376, 3344, 3330 and 3310 Johnston Road; 4930 John Street and 4935 Broughton Street as reflected in the proposal dated May 19, 2023, subject to the applicants funding 100% of the costs of the report on a pro rata basis, as determined between the applicants.*  
**CARRIED | Res. No. 23-212**
  6. **Bylaw Enforcement Policy**  
*MOVED AND SECONDED, THAT Council approve Policy 3008-1 “Bylaw Enforcement”.*  
**CARRIED | Res. No. 23-213**
  7. **Sports Fields**  
*MOVED AND SECONDED, THAT Council direct staff to obtain preliminary costs for the recommended capital projects for City-owned sports fields for Council consideration at a future Regular meeting.*  
**CARRIED | Res. No. 23-214**  
  
*MOVED AND SECONDED, THAT Council direct staff to utilize a portion of the awarded Growing Communities Fund to complete a Parks, Recreation and Heritage master plan.*  
**CARRIED | Res. No. 23-215**



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8. **Growing Communities Fund | Grant Priorities Plan**  
*MOVED AND SECONDED, THAT Council direct staff to allocate Growing Communities funds in the amount of \$5,269,000 as follows:*
- *20% of the funding to address information gaps in populating long-term financial planning for community growth and the City's major assets.*
  - *80% of funding to set specific capital priorities based on the results of the long-term financial planning.*
- CARRIED | Res. No. 23-216**
9. **Permissive Tax Exemptions Policy**  
*MOVED AND SECONDED, THAT Council direct staff to proceed with establishing new Permissive Tax and Places of Public Worship Bylaws for the years 2024 to 2027 [4-year term] based on the Permissive Tax Exemption Policy dated June 10, 2019.*  
**CARRIED | Res. No. 23-217**
10. **Tseshaht First Nation | Draft Letter in Support of an Alternative Access Road**  
*MOVED AND SECONDED, THAT Council support the letter provided by Tseshaht First Nation addressed to the Prime Minister and Premier Eby requesting the establishment of an alternative access road in response to the Cameron Lake Bluffs fire and associated closure of Highway 4.*  
**CARRIED | Res. No. 23-218**
11. **Recruitment and Retention of Medical Staff**  
*MOVED AND SECONDED, THAT Council direct staff to work with the Regional District to determine who is best suited to lead a joint Task Force as it relates to the recruitment and retention of medical staff in the Alberni Valley.*  
**CARRIED | Res. No. 23-219**
12. **Community Action Team | Poisoned Drug Crisis**  
Council received the information presented at the June 19<sup>th</sup> Committee of the Whole meeting related to the poisoned drug crisis and will continue to advocate services for the community.
13. **2022 Surplus Funds | Notice of Motion deferred from the June 12<sup>th</sup> Regular Meeting**  
*MOVED AND SECONDED, THAT Council allocate the 2022 surplus equally between the R.C.M.P; Parks, Recreation and Heritage; and Aquatic Centre Replacement Reserve Funds.*  
**CARRIED | Res. No. 23-220**
14. **Prohibit Illicit Drugs in Public Spaces | Notice of Motion provided June 12, 2023**  
*MOVED AND SECONDED, THAT Council direct staff to draft a bylaw that would prohibit the use of illicit drugs in public spaces.*  
**DEFEATED**  
*MOVED and SECONDED, THAT Council direct staff to prepare a report exploring the community implications of decriminalization, and options to keep City public spaces safe for use of all community members.*  
**CARRIED | Res. No. 23-221**

15. **Notice of Motion for July 17<sup>th</sup> Committee of the Whole Meeting | Council Meeting Leave Policy**  
That Council direct staff to establish a policy related to Council member leave from City Council meetings.
16. **Notice of Motion for July 10<sup>th</sup> Regular Meeting | BCEHS Ambulance Shortage**  
That Council direct staff to prepare a letter to the province requesting additional ambulance coverage and higher levels of training for Port Alberni Station No. 124.
17. **Rainbow Gardens| Westporte Place Park Replacement**  
Status update on the Council request for a staff report regarding potential alternative park/playground space in Westporte Place.
18. **Notice of Motion for July 10<sup>th</sup> Regular Meeting | Alternative Route to Highway 4**  
That Council direct staff to write a letter on behalf of Council urging the Government of Canada and the Province of BC to take immediate action on securing a permanent second access road into the City of Port Alberni.
19. **Notice of Motion for July 10<sup>th</sup> Regular Meeting | Tree Removal Policy**  
That Council direct staff to establish a policy related to tree removal within the City.

**M. QUESTION PERIOD**

**D. Stevens**

Queried regarding question period and property taxes.

**W. Kerr**

Requested Council consider writing a letter to the federal government requesting unvaccinated staff members be permitted to return to work in health fields.

**M. Ahlroos**

Queried regarding the train service in the Alberni Valley, and the location of the emergency operations centre.

**N. ADJOURNMENT**

*MOVED AND SECONDED, THAT the meeting adjourn at 5:16 pm.*

**CARRIED**

CERTIFIED CORRECT

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Mayor

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Corporate Officer





Regular Council Meeting  
For the Meeting of July 10, 2023

Date: July 4, 2023  
File No: 3360-20-5189 Compton Rd  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment  
5189 Compton Road - LOT 1, Section 20, Alberni District, Plan VIP9584, Except Plan  
VIP10613 (PID: 005-356-407)  
Applicant: James and Jennie Potter

|   |   |   |
|---|---|---|
| Prepared by:<br><b>S. Smith</b><br><i>Director of Development<br/>Services   Deputy CAO</i> | Supervisor:<br><b>M. Fox</b><br><i>Chief Administrative<br/>Officer</i> | CAO Concurrence:<br><br><i>M. Fox, CAO</i> |
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**RECOMMENDATION**

THAT "Zoning Bylaw Map Amendment No. 34 (5189 Compton Road - Potter), Bylaw No. 4989" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 4989.

**PURPOSE**

To consider final adoption of Zoning Map Amendment No. 4989 to rezone a portion of 5189 Compton Road from 'RR1 Rural Residential' to 'R3 Small Lot Single Family Residential' in order to facilitate a subdivision application for the property.

**BACKGROUND**

Council gave first and second reading to the amending bylaw at the Regular meeting on May 13, 2019 for the property at 5189 Compton Road.

The Public Hearing for "Zoning Bylaw Map Amendment No. 34 (5189 Compton Road - Potter), Bylaw No. 4989" was held on June 24, 2019 under the previous Council. Council gave third reading of the bylaw on July 22, 2019, with final adoption of the bylaw being subject to receipt of a Preliminary Layout Review letter for subdivision. The applicant took some time to consider the application to subdivide, but have received the PLR letter and now wish to proceed with Council consideration for final adoption the bylaw.

For new Council members who did not participate in the Public Hearing, under Section 470 (2) of the *Local Government Act*, a member of Council may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given. The Public Hearing report dated June 17, 2019 and the minutes of the Public Hearing held on June 24, 2019 are attached to this report for Councils information.

### ALTERNATIVES/OPTIONS

1. That "Zoning Bylaw Map Amendment No. 34 (5189 Compton Road - Potter), Bylaw No. 4989" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 4989.
2. That Council defeat final adoption of the bylaw
3. That Council provide alternative direction.

### IMPLICATIONS

Supporting the application will rezone a portion of 5189 Compton Road to the R3 Small Lot Single Family Residential, facilitating a subdivision application for the portion of the property fronting Compton Road.

### COMMUNICATIONS

Notices for the Public Hearing held on June 24, 2019 were placed in the newspaper according to the requirements of the *Local Government Act* and the applicant updated the on-site public notice sign. The City also issued 18 public notices to properties within 75 metres on the property.

### BYLAWS/PLANS/POLICIES

The application is to amend Zoning Bylaw No. 4832. The following Zoning Bylaw amendment is proposed:

1. Zoning Map Amendment No. 4989 to rezone a portion of 5189 Compton Road from 'RR1 Rural Residential' to 'R3 Small Lot Single Family Residential' in order to facilitate a subdivision application for the property.

### SUMMARY

The proposed change in zoning from 'RR1 Rural Residential' to 'R3 Small Lot Single Family Residential' in order to facilitate a subdivision application for a portion the property is consistent with adjacent land uses and the overall proposal aligns with the OCP land use desitinations.

Staff supports final adoption of the Zoning amendment as it aligns with the OCP and provides the potential for additional single-family residential lots.

### ATTACHMENTS/REFERENCE MATERIALS

- *Staff report to the June 17, 2019 Public Hearing meeting*
- *Public Hearing Minutes dated June 24, 2019*
- *"Zoning Bylaw Map Amendment No. 34 (5189 Compton Road - Potter), Bylaw No. 4989"*

C: D. Monteith, Interim Director of Corporate Services  
A. McGifford, Director of Finance



SUBJECT PROPERTY – 5189 COMPTON ROAD



J:\Engineering\Planning\Development Applications\Zoning\Amend\ZON-2019\5189-ComptonRd-Potter\5189-ComptonRd-Potter-SiteMap\Ortho.dwg, 1/29/2019 5:05:36 PM



## CITY OF PORT ALBERNI

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### PLANNING DEPARTMENT PUBLIC HEARING REPORT

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TO: Tim Pley, CAO

FROM: Katelyn McDougall, Manager of Planning

DATE: June 17, 2019

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**SUBJECT: DEVELOPMENT APPLICATION – Proposed Zoning Bylaw Amendment**  
**5189 Compton Road**  
Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613  
(PID: 005-356-407)  
**Applicant: D. Potter**

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#### Issue

The purpose of this report is to consider an application for a map amendment to the Zoning Bylaw for the property at 5189 Compton Road.

#### Background

An application has been made to amend the Zoning Bylaw to rezone a portion of 5189 Compton Road, in order to facilitate a subdivision application. There is an existing house with multiple outbuildings on the relatively large property and the applicant proposes to subdivide the property to create four new residential lots fronting Compton Road.

#### Official Community Plan and Zoning Bylaw

- a) 5189 Compton Road, Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613 (PID: 005-356-407), is currently designated 'Residential' on the Official Community Plan Schedule A – Land Use Map. The property is not within a Development Permit Area on the Schedule B – Development Permit Areas Map. No amendments are required.
- b) 5189 Compton Road, Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613 (PID: 005-356-407), is currently zoned 'RR1 - Rural Residential'. A map amendment to the Zoning Bylaw Schedule A - Zoning Map is requested to designate a portion of the property as 'R3 – Small Lot Single Family Residential'.

#### Discussion

##### Zoning:

The property at 5189 Compton Road is an irregular "L" shaped lot, which has a total frontage along Compton Road that measures approximately 73.71 metres (248.82 ft) and a lot depth

measuring approximately 90.86 metres (298.11 ft). The total area of the site is  $\pm 7605 \text{ m}^2$  (81,862 ft<sup>2</sup>).

The R3 zone has a minimum frontage requirement of 10 metres (33 ft) and a minimum lot area requirement of 350 m<sup>2</sup> (3,767 ft<sup>2</sup>). With the total site area being  $\pm 7605 \text{ m}^2$  (81,862 ft<sup>2</sup>) it should be possible to create four smaller lots that would each meet or exceed the minimum lot size requirement of 350 m<sup>2</sup>. The maximum site coverage permitted in the R3 zone is 50% which is adequate to allow development if the parcel is subdivided into three lots. See attached conceptual site plan.

### Surrounding Area

The area contains a mix of uses but is predominately single family residential use to the immediate west and south. To the immediate north and east is AW Neill elementary school. A newer subdivision was recently developed just to the north of the subject property and elementary school. While the north west side Port Alberni does have a more rural feel, with more RR1 and RR2 zoning compared to other areas of town, it would not be uncommon to see smaller lot sizes in the area.

Nearby the subject property is a large forested area containing Kitsuksis Creek that leads down and connects into the Kitsuksis Dyke, which is surrounded by a public trail network.

### Infrastructure

Water: There is a water main located on Compton Road. There is also a water main running along the west side of the property.

Sewer: The main sanitary sewer connection is from Compton Road, and there are mains along the west side of the property as well.

Storm: Main is located along Compton Road and there is culvert and catchment drain located at the south east portion of the site.

The capability of the existing infrastructure for the apartment building will need to be proven out by the developers' engineer and approved by the City Engineering department. The detailed issues and costs regarding servicing requirements will be specified during the Subdivision process and included in a Preliminary Layout Approval letter to the applicant.

### Topography and Geotechnical

There is a significant existing retaining wall along the south and west property lines. These retaining walls will need to be considered in a geotechnical report as part of the subdivision process.

### Referrals

#### RCMP

- Interests unaffected by the proposal.

#### PARKS

- Drainage in the area to be diverted into storm drain not open ditch.

#### BUILDING

- No comments.

**FORTIS**

- FortisBC Energy Inc. has no objections or concerns.

**BC Hydro**

- Has 3 phase power on the south side of Compton Rd. The four lots would be serviceable by BC Hydro. The existing lot shows as being serviced by BC Hydro from the southwest corner where there is a proposed 7.3 m lot. If the new lots continue to be serviced from that location then that piece should either not be subdivided off or BC Hydro would require a right of way over that piece before subdivision is approved.

**Status of the Application**

At the April 18, 2019 meeting of the Advisory Planning Commission the following motions were carried:

1. That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation on a portion of Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613 (PID: 005-356-407) located at 5189 Compton Road from 'RR 1 - Rural Residential' to R3 – Small Lot Single Family Residential.
2. That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:
  - a. Receive a Preliminary Layout Approval letter for subdivision from the City of Port Alberni's Approving Officer.

At the May 13, 2019 regular meeting, City Council received and accepted the APC recommendations and gave 1st and 2nd reading to "Zoning Bylaw Map Amendment No. 34 (5189 Compton Road – Potter), Bylaw No. 4978".

**Conclusions**

In considering the zoning amendment City Council should consider whether the proposed amendment is appropriate for the site and for the community.

The R3 – Small Lot Single Family Residential zone allows for slightly greater density while maintaining a single family residential character. The proposed small lot subdivision meets the strategic goal of a livable and sustainable community. The Official Community Plan is supportive of encouraging development within existing developed areas through infill and redevelopment. The proposed zoning and subdivision are compatible with the character of the neighbourhood and the Planning Department supports the zoning amendment to the R3 zone.

Respectfully submitted,

*Katelyn McDougall*

Katelyn McDougall, M.Urb  
Manager of Planning



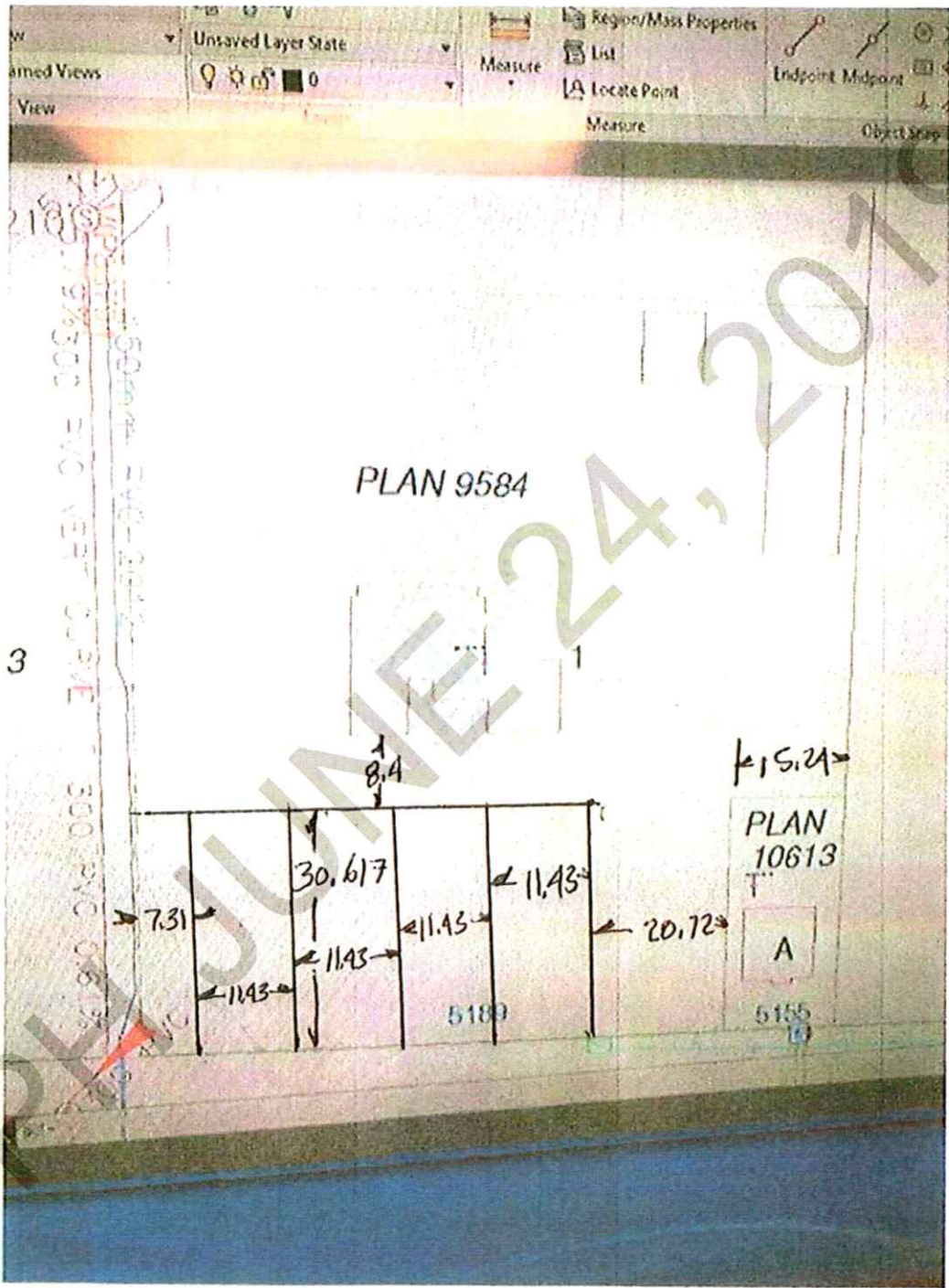
**SUBJECT PROPERTY – 5189 Compton Road**



J:\Engineering\Planning\Development Applications\ZoningAmend\ZON-2019\5189-ComptonRd-Potter\5189-ComptonRd-Potter-SiteMap\Ortho.dwg, 1/29/2019 5:05:36 PM



**Conceptual Layout – 4 Lots**



**R3 – SMALL LOT SINGLE FAMILY RESIDENTIAL**

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

5.13.1 Permitted usesPrincipal Uses

Single family dwelling

Accessory Uses

Home occupation

5.13.2 Site Development Regulations

Minimum Lot Area

350-m<sup>2</sup> (3767 ft<sup>2</sup>)

Minimum Frontage

10 m (32.8 ft)

Maximum Coverage

50%

Minimum Setbacks:

Front yard

5 m (16.4 ft)

Rear yard

5.5 m (18.0 ft)

Side yard

1.5 m (4.9 ft)

Maximum Floor Area Ratio

0.5

Maximum Height, Principal Building

10 m (32.8 ft)

Maximum Number of Principal Building Storeys

2.5

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 family 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).

PID # 005-356-407

## WATER &amp; SEWER SERVICE CONNECTION RECORD CARD

EXCEPT 10613

5189 COMPTON RD. 20 - 1 9582

HOUSE No. STREET D.L. BLK. LOT PLAN

↑ N

Rock RET. WALL

COMPTON RD.

300mm PVC W/L

| STORM                                 |  | WATER                           |  | SEWER                                 |  |
|---------------------------------------|--|---------------------------------|--|---------------------------------------|--|
| INSTALLATION DATE                     |  | INSTALLATION DATE               |  | INSTALLATION DATE                     |  |
| CONNECTION DATE                       |  | CONNECTION DATE                 |  | CONNECTION DATE                       |  |
| SIZE                                  |  | SIZE                            |  | SIZE                                  |  |
| LENGTH                                |  | DISTANCE FROM MAIN TO CURB STOP |  | LENGTH                                |  |
| RISER                                 |  | CORP. STOP                      |  | RISER                                 |  |
| FITTING AT MAIN                       |  | CURB STOP                       |  | FITTING AT MAIN                       |  |
| * BENDS                               |  | COUPLINGS                       |  | * BENDS                               |  |
| DEPTH AT PROPERTY LINE                |  | REDUCER                         |  | DEPTH AT PROPERTY LINE                |  |
| DISTANCE FROM M.H. TO FITTING ON MAIN |  |                                 |  | DISTANCE FROM M.H. TO FITTING ON MAIN |  |
| MEASURED                              |  | MEASURED                        |  | MEASURED                              |  |
|                                       |  | 29.7m EAST OF SOUTH WEST R      |  |                                       |  |

Printed by Lucky Printers



## WATER &amp; SEWER SERVICE CONNECTION RECORD CARD

NOTE: Distances in meters unless otherwise shown

THIS DRAWING IS FOR CITY OF PORT ALBERNI RECORDS ONLY. THE CITY OF PORT ALBERNI DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED IN THE DRAWING

5189 COMPTON 20 - 1 9584

HOUSE No. STREET D.L. BLK. LOT PLAN

5189

2.6

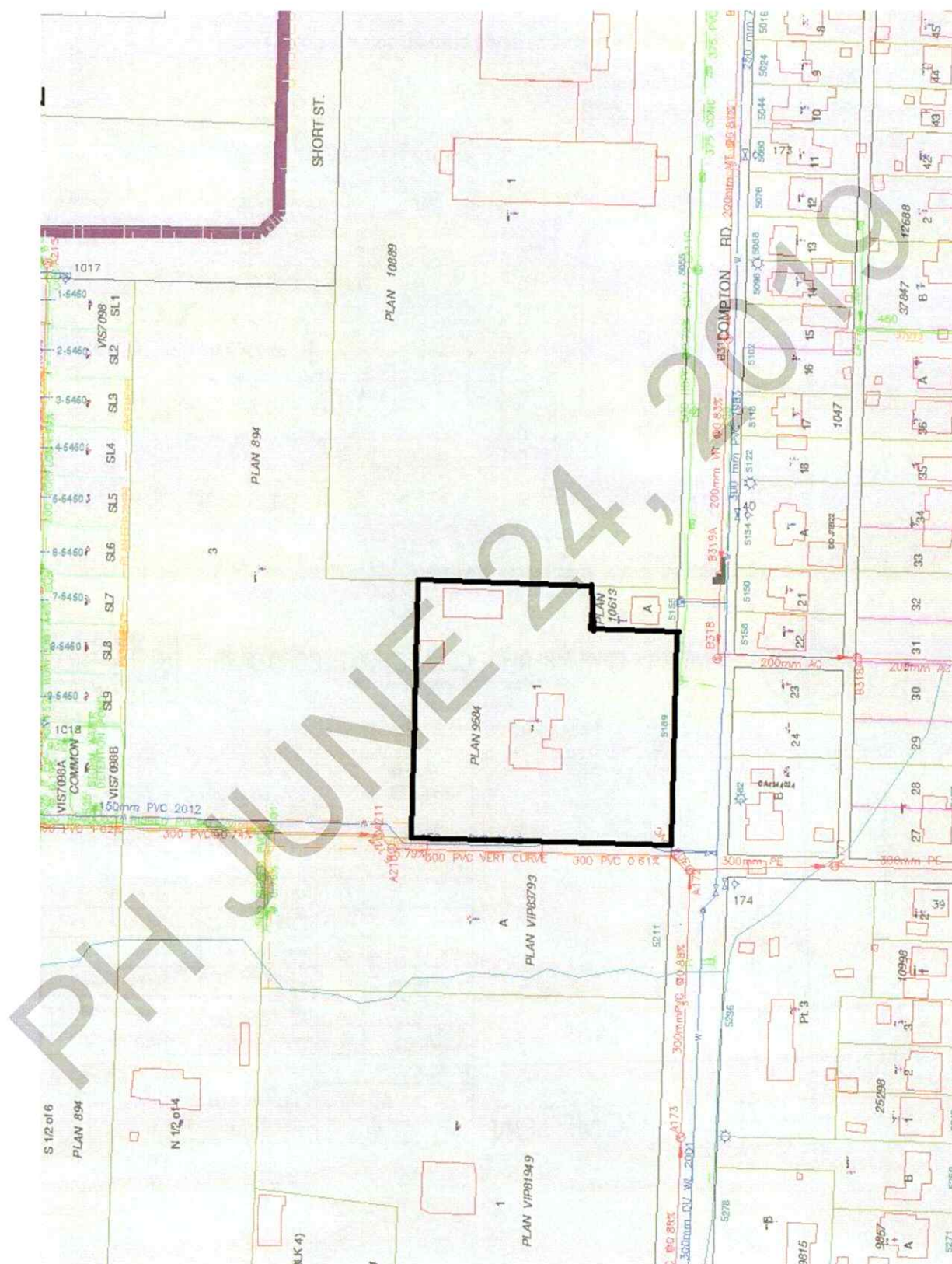
A172

VALVE

COMPTON

| STORM                                 |    | WATER                                       |       | SEWER                                 |             |
|---------------------------------------|----|---|-------|---------------------------------------|-------------|
| INSTALLATION DATE                     |    | INSTALLATION DATE                           |       | INSTALLATION DATE                     |             |
| CONNECTION DATE                       |    | CONNECTION DATE                             |       | CONNECTION DATE                       |             |
| SIZE                                  | mm | SIZE  | mm    | SIZE                                  | PVC mm      |
| LENGTH                                |    | DISTANCE FROM MAIN TO CURB STOP             | METER | LENGTH                                | 12          |
| RISER                                 |    | CORP. STOP                                  | mm    | RISER                                 |             |
| FITTING AT MAIN                       |    | CURB STOP                                   | mm    | FITTING AT MAIN                       | WYE         |
| * BENDS                               |    | COUPLINGS                                   |       | * BENDS                               | 22.5-45 1-1 |
| DEPTH AT PROPERTY LINE                |    | REDUCER                                     |       | DEPTH AT PROPERTY LINE                | 2.4         |
| DIST from D/S M.H. TO FITTING ON MAIN |    | SHUT OFF DEPTH                              |       | DIST from D/S M.H. TO FITTING ON MAIN |             |
| MEASURED                              |    | MEASURED                                    |       | MEASURED                              |             |
|                                       |    | METER IS 28M E. AND 1.0M SOUTH OF S.W. I.P. |       | C/O IS 2.6 E. AND 0.6 S. OF S.W. I.P. |             |
|                                       |    |   |       | SERVICE INTO MH A172                  |             |









**REPORT OF THE PUBLIC HEARING HELD ON MONDAY, JUNE 24, 2019  
AT 6:30 PM IN COUNCIL CHAMBERS TO HEAR REPRESENTATION RELATIVE TO  
PROPOSED AMENDMENTS TO THE ZONING BYLAWS**

**PRESENT:**           **Council:**   Mayor Minions (Chair)  
  Councillor Corbeil  
  Councillor Haggard  
  Councillor Paulson  
  Councillor Solda  
  Councillor Washington  
  Councillor Poon

**City Staff:**   Tim Pley, Chief Administrative Officer  
  Alicia Puusepp, Manager of Communications  
  Katelynn McDougall, Manager of Planning

**Members of the Public:**

The Chair explained the Public Hearing procedures for the meeting.

**Applicant:**    City of Port Alberni

**1.    Description of the Application**

The (Acting) City Clerk provided a summary of the application:

The applicant is applying to amend the Zoning Bylaw to facilitate the subdivision of the property to create four small lot, single family residential parcels facing onto Compton Road.

The proposed bylaw is:

- "Zoning Bylaw Map Amendment No.34 (5189 Compton Road – Potter), Bylaw No.4989"

**2.    Background Information from the City Planner**

The City Planner provided background information regarding the proposed amendment by way of summarizing the City Planner's report of June 17, 2019, attached hereto and forming part of this report.

**3.    Correspondence**

None

**4. Late Correspondence Regarding the Matter**

None

**5. Input from the Public regarding the Bylaw**

Four members of the public were in attendance. Two spoke to the proposed zoning bylaw amendments.

Amanda Hall, 5221 Compton Road, stated that it was an older area and was interested to see how the proposed new buildings would fit the character of the neighbourhood. Ms. Hall expressed concern around how busy Compton Road is and requested that if the subdivision was to move forward, that safety considerations be a high priority.

Craig Peters, 5236 Compton Road, did not oppose the subdivision, but rather the number of lots in the proposal and their potential access points. Given the high volume of traffic on Compton Road and the location of the subdivision in relation to the elementary school, he is concerned that multiple driveways could pose a safety risk and parking in front of the proposed subdivision could cause line-of-sight issues. He also noted the lack of sidewalk in the area and stated that a sidewalk would greatly benefit the neighbourhood and help ensure the safety of students walking to and from school.

**6. Questions from Council:**

In response to a question from Council the City Planner advised that if sidewalk requirements exist in relation to new developments, they would be found in the Engineering Standards held with the Engineering & Public Works Department.

In response to a question from Council the City Planner advised that if power connection (underground vs. overhead) requirements exist in relation to new developments, they would be found in the Engineering Standards held with the Engineering & Public Works Department.

**7. Calling for any Further Input: (To be asked three times by the Chair.)**

The Chair asked for any further input from the public. There was none.

The Chair called a second time for input. There was none.

The Chair asked for input for a third and final time. There was none.



**8. Closing Remarks by the Chair:**

The Chair made closing remarks on the matters of the public hearing.

*It was moved and seconded:*

***That the Public Hearing terminate at 6:51 pm.***

**CARRIED**

Pursuant to Sections 464, 465 and 466 of the *Local Government Act*, I hereby certify the foregoing to be a fair and accurate summary of the representations made at the Public Hearing held June 24, 2019 regarding:

- "Zoning Bylaw Map Amendment No.34 (5189 Compton Road – Potter), Bylaw No.4989"

Alicia P. Dusepp  
A/City Clerk

# CITY OF PORT ALBERNI

## BYLAW NO. 4989

### A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Bylaw Map Amendment No. 34 (5189 Compton Road – Potter), Bylaw No. 4989**".

2. Zoning Amendment

2.1 That a portion of Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613 (PID: 005-356-407), located at **5189, Compton Road**, as shown outlined in bold on Schedule A attached hereto, and forming part of this bylaw, is hereby rezoned from 'RR1 – Rural Residential' to '**R3 Small Lot Single Family Residential**'.

3. Map Amendment

3.1 Schedule "A" (Zoning District Map) which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended to denote the zoning outlined in Section 2 above.

READ A FIRST TIME this 13<sup>th</sup> day of May, 2019.

READ A SECOND TIME this 13<sup>th</sup> day of May, 2019.

A PUBLIC HEARING WAS HELD this 24<sup>th</sup> day of June, 2019.

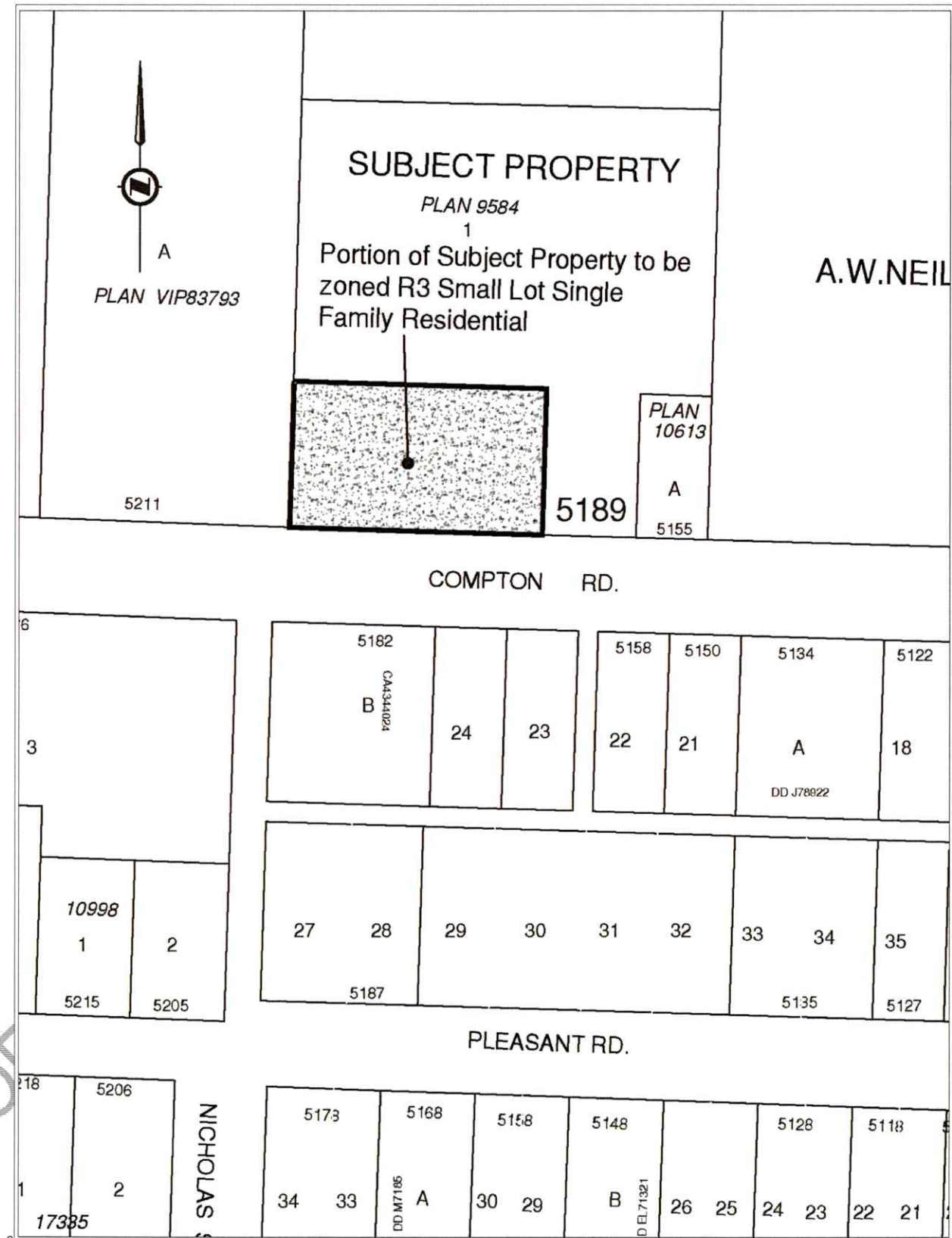
READ A THIRD TIME this 22<sup>nd</sup> day of July, 2019.

FINALLY ADOPTED this     day of     , 2023.


\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

# Schedule "A" to Bylaw No. 4989



Date: June 29, 2023  
File No: 3360-20-5801\_5837 Compton Rd  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment  
5801 and 5837 Compton Road  
LOT A, Section 21, Alberni District, Plan VIP20721 (PID: 003-573-796)  
LOT B, District Lot 21, Alberni District, Plan VIP20721 (PID: 003-573-818)  
Applicant: Guy Cicon

|   |   |  |
|---|---|--|
| Prepared by:<br><b>S. Smith</b><br>Director of Development<br>Services   Deputy CAO | Supervisor:<br><b>M. Fox</b><br>Chief Administrative<br>Officer | CAO Concurrence:<br><br>M. Fox, CAO |
|---|---|--|

#### RECOMMENDATION

THAT "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5065.

#### PURPOSE

To consider final adoption of "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" to rezone 5801 and 5837 Compton Road from 'RR2 Semi Rural Residential and P2 Parks and Recreation' to 'R1 Single Family Residential' for portions of the properties and maintain the P2 zone on the balance of the land, facilitating a subdivision application for portions of the property.

#### BACKGROUND

Council gave first and second reading to the amending bylaw at the Regular meeting on October 24, 2022 for the properties at 5801 and 5837 Compton Road. Council also passed a resolution to waive the Public Hearing as permitted under the *Local Government Act* (s. 467) as the application aligns with the Official Community Plan land use designation. Council gave third reading at its November 28, 2022 meeting. Since the property is within 800 metres of Highway 4, the bylaw also requires approval from the Ministry of Transportation and Infrastructure. This approval was received on March 9, 2023. The applicant has also received a subdivision Preliminary Layout Review letter from the City's Approving Officer. The staff report from the November 28, 2022 meeting is attached.

### ALTERNATIVES/OPTIONS

1. That "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5065.
2. That Council defeat final adoption of the bylaw.
3. That Council provide alternative direction.

Staff support Option #1.

### IMPLICATIONS

Supporting the application will rezone 5801 and 5837 Compton Road from 'RR2 Semi Rural Residential and P2 Parks and Recreation' to 'R1 Single Family Residential' for portions of the properties and maintain the P2 zone on the balance of the land, facilitating a subdivision application for portions of the property.

### COMMUNICATIONS

At the October 24, 2022 Regular meeting, Council passed a resolution to waive the Public Hearing. Accordingly, staff issued 123 public notices to properties within 75 metres of the property as per Section 467 of the *Local Government Act*. The applicant also updated their public notice sign to state the Public Hearing had been waived as per Council resolution under Section 467 of the *Local Government Act*. Notices were placed in the newspaper according to the requirements of *Local Government Act*. The notices provide an opportunity for the public to provide written feedback to Council. No correspondence was received.

### BYLAWS/PLANS/POLICIES

The application is to amend Zoning Bylaw No. 4832. The following Zoning Bylaw amendment is proposed:

1. Portions of the subject properties are currently zoned 'RR2 Semi Rural Residential and P2 Parks and Recreation' on the Zoning Bylaw Schedule A – Zoning Map. An amendment is requested to change the zoning on portions of the properties to 'R1 Single Family Residential' with the remainder of the property to stay 'P2 Parks and Recreation'.

### SUMMARY

The proposed change in zoning from 'RR2 Semi Rural Residential and P2 Parks and Recreation' to 'R1 Single Family Residential' for portions of the properties and maintaining the P2 zone on the balance of the land is consistent with adjacent land uses and the overall proposal aligns with the OCP land use designations.

Staff supports final adoption of the Zoning amendment as it aligns with the OCP and provides the potential for additional single-family residential lots.

### ATTACHMENTS/REFERENCE MATERIALS

- Staff report to the November 28, 2022 Council meeting
- "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065"

C: D. Monteith, Interim Director of Corporate Services  
A. McGifford, Director of Finance




SUBJECT PROPERTY – 5801, 5837 COMPTON ROAD



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Date: November 17, 2022  
File No: 3360-20-5801\_5837 Compton Rd  
To: Mayor & Council  
From: T. Pley, CAO  
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment  
5801 and 5837 Compton Road  
LOT A, Section 21, Alberni District, Plan VIP20721 (PID: 003-573-796)  
LOT B, District Lot 21, Alberni District, Plan VIP20721 (PID: 003-573-818)  
Applicant: Guy Cicon

|   |  |   |
|---|--|---|
| Prepared by:<br><b>S. Smith</b><br>Director of Development<br>Services   Deputy CAO | Supervisor:<br><b>T. Pley</b><br>Chief Administrative<br>Officer | CAO Concurrence:<br><br>T. Pley, CAO |
|---|--|---|

#### RECOMMENDATIONS

1. THAT "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" be read a third time.

#### PURPOSE

To consider third reading of "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" to rezone 5801 and 5837 Compton Road from 'RR2 Semi Rural Residential and P2 Parks and Recreation' to 'R1 Single Family Residential' for portions of the properties and maintain the P2 zone on the balance of the land, facilitating a subdivision application for the properties.

#### BACKGROUND

Council gave first and second reading to the amending bylaw at the Regular meeting on October 24, 2022 for the properties at 5801 and 5837 Compton Road. Council also passed a resolution to waive the Public Hearing as permitted under the *Local Government Act* (s. 467) as the application aligns with the Official Community Plan land use designation. The staff report from the October 24, 2022 meeting is attached. There has been a minor correction to "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" to correct the name of Lugin Creek on Schedule "A".



### ALTERNATIVES/OPTIONS

1. That "Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065" be read a third time.
2. That Council not give third reading to the bylaw.
3. That Council provide alternative direction.

Staff support Option #1.

### ANALYSIS

The property at 5837 Compton Road is occupied by a single-family residential dwelling and the property at 5801 Compton Road is currently vacant. The immediate area is primarily single-family residential, with a variety of property sizes. Lugin Creek and ravine traverses the northeast corner of the property. A larger mobile/modular home development is located to the east, on the other side of Lugin Creek. This portion of Compton Road is a dead-end road and is not constructed East of the subject property. There are no plans to extend this portion of Compton Road to the East.

Subdivision of the lands would require additional infrastructure and site servicing with the details to be confirmed with the Director of the Engineering Department, identified in the Preliminary Layout Review and addressed prior to construction commencing. The applicant will be responsible for the cost of all improvements.

The proposed rezoning aligns with the Residential designation in the Official Community Plan. The Lugin Creek portion of the property will remain under the P2 Parks and Recreation zone, which is consistent with the OCP.

### IMPLICATIONS

In considering the proposed Zoning Bylaw amendment, City Council should consider whether it is appropriate for the site and for the community.

As part of the development approval process for 5801 and 5837 Compton Road, the applicant will be required to receive a Preliminary Layout Review letter issued by the City's Approving Officer before Council considers final adoption of Bylaw.

### COMMUNICATIONS

At the October 24, 2022 Regular meeting, Council passed a resolution to waive the Public Hearing. Accordingly, staff issued 123 public notices to properties within 75 metres of the property as per Section 467 of the *Local Government Act*. The applicant also updated their public notice sign to state the Public Hearing had been waived as per Council resolution under Section 467 of the *Local Government Act*. Notices were placed in the newspaper according to the requirements of *Local Government Act*. The notices provide an opportunity for the public to provide written feedback to Council. As of the date of this report, no correspondence has been received. If any correspondence is received between now and the regular meeting it will be brought forward by staff at the Council meeting.

This property is within 800 metres of a provincial highway and as per the *Local Government Act* will require Ministry of Transportation and Infrastructure to authorize prior to Adoption of the Bylaw. The Ministry has commented that they have no objection to the application.

#### **BYLAWS/PLANS/POLICIES**

The application is to amend Zoning Bylaw No. 4832. The following Zoning Bylaw amendment is proposed:

1. Portions of the subject properties are currently zoned '*RR2 Semi Rural Residential and P2 Parks and Recreation*' on the Zoning Bylaw Schedule A – Zoning Map. An amendment is requested to change the zoning on portions of the properties to '*R1 Single Family Residential*' with the remainder of the property to stay '*P2 Parks and Recreation*'.

#### **SUMMARY**

The proposed change in zoning from '*RR2 Semi Rural Residential and P2 Parks and Recreation*' to '*R1 Single Family Residential*' for portions of the properties and maintaining the P2 zone on the balance of the land is consistent with adjacent land uses and the overall proposal aligns with the OCP land use designations.

Staff supports third reading of the Zoning amendment as it aligns with the OCP and provides the potential for additional single-family residential lots.

#### **ATTACHMENTS/REFERENCE MATERIALS**

- *Subject Property Map | 5801 & 5837 Compton Road*
- *Staff report to the October 24, 2022 Council meeting*
- *"Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065"*

C: T. Slonski, Director of Corporate Services  
A. McGifford, Director of Finance  
R. Gaudreault, Building/Plumbing Inspector

**SUBJECT PROPERTY – 5801, 5837 COMPTON ROAD**



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CITY OF PORT ALBERNI

BYLAW NO. 5065

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Map Amendment No. 55 (5801 and 5837 Compton Road - Cicon), Bylaw No. 5065**".

2. Zoning Map Amendment

2.1 A portion of Lot A, Section 21, Alberni District, Plan VIP20721 (PID: 003-573-796), located at **5801 Compton Road** shown outlined in heavy line, and with the portion to be rezoned shaded in grey on Schedule A attached hereto and forming part of this bylaw, is hereby rezoned from 'P2 Parks and Recreation' to '**R1 Single Family Residential**'.

2.2 Lot B, District Lot 21, Alberni District, Plan VIP20721 (PID: 003-573-818), located at **5837 Compton Road** shown outlined in heavy line and shaded in grey on Schedule A attached hereto and forming part of this bylaw, is hereby rezoned from 'RR2 Semi Rural Residential' to '**R1 Single Family Residential**'.

3. Map Amendment

Schedule "A" (Zoning Map) which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended to denote the zoning outlined in Section 2 above.

READ A FIRST TIME this 24<sup>th</sup> day of October, 2022.

READ A SECOND TIME this 24<sup>th</sup> day of October, 2022.

A PUBLIC HEARING WAS WAIVED this 24<sup>th</sup> day of October, 2022.

READ A THIRD TIME this 28<sup>th</sup> day of November, 2022.

APPROVED by the Ministry of Transportation this 9<sup>th</sup> day of March, 2023.

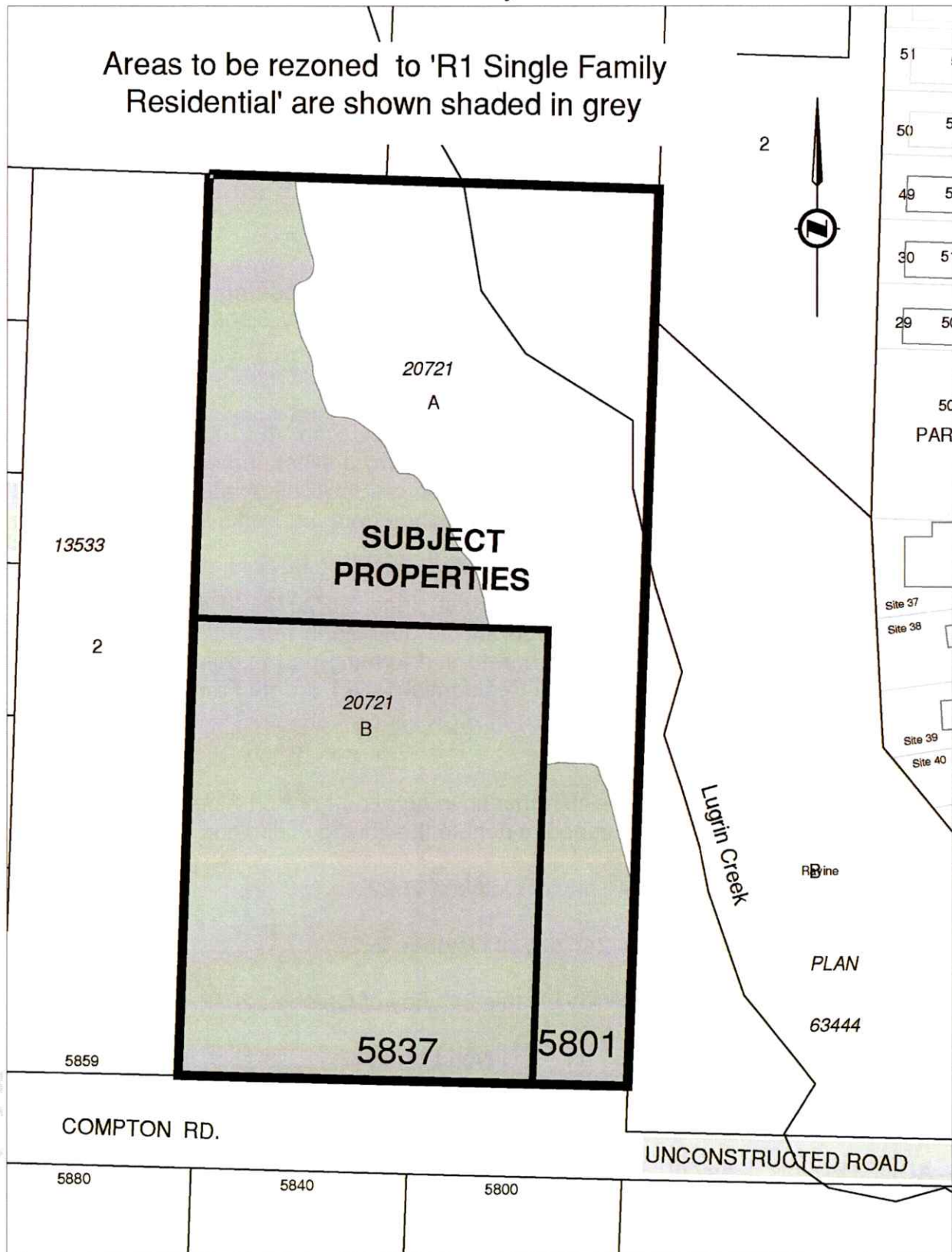
ADOPTED this      day of      , 2023.

\_\_\_\_\_  
Mayor

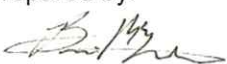
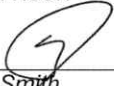

\_\_\_\_\_  
Corporate Officer



Schedule "A" to Bylaw No. 5065



Date: June 30, 2023  
File No: 3900-02-5074  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: Zoning Bylaw No. 5074, 2023 | Bylaw Modernization

|   |   |  |
|---|---|--|
| Prepared by:<br><br>Brian McLoughlin,<br>Manager of Planning | Supervisor:<br><br>Scott Smith,<br>Dir. of Development<br>Services   Deputy CAO | CAO Concurrence:<br><br>M. Fox, CAO |
|---|---|--|

#### RECOMMENDATION

- THAT "Zoning Bylaw No. 5074, 2023" be read a second time, as amended.
- THAT "Zoning Bylaw No. 5074, 2023", be advanced to a Public Hearing on Monday July 31, 2023 at 6:00 pm in City Hall, Council Chambers.

#### 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 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 Bylaw

At the Regular meeting on June 26<sup>th</sup>, Council gave first reading to "Zoning Bylaw No. 5074, 2023". Staff are now bringing the bylaw forward for consideration of second reading, and proposing that a Public Hearing date be scheduled.

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## ALTERNATIVES/OPTIONS

1. *THAT “Zoning Bylaw No. 5074, 2023”, be read a second time, as amended and be advanced to a Public Hearing on Monday July 31, 2023 at 6:00 pm in City Hall, Council Chambers.*
2. *THAT Council provide an alternative direction to staff by resolution.*
3. *THAT Council take no action and the bylaw does not proceed.*

*Staff recommend Option #1.*

## ANALYSIS

The attached *Zoning Amendment Summary Table* outlines proposed bylaw content changes corresponding to the sections of the Zoning Bylaw. The staff report dated June 15, 2023 contains additional details and rationale.

Major topics addressed in the proposed bylaw include:

- New and Updated Definitions
- Accessory Dwelling Units (ADU)
- Day Care
- Fencing
- Density Calculation
- Density Bonusing
- C7 Commercial Zone Building Height
- Building Storeys
- Shipping Containers
- Update to residential zones (R1, R2, R3)

### Updates since First Reading (Proposed Zoning Bylaw No. 5074)

Since first reading of the proposed bylaw on June 26<sup>th</sup>, Council has adopted amendments to the existing Zoning Bylaw No. 4832. These changes have now been added to the new proposed bylaw.

The changes relate to amending Bylaw 5074 for the development application at 2846 4<sup>th</sup> Avenue, and the creation of the TH1 Townhouse Multi-Family zone. An updated Zoning Map forming Schedule A to proposed bylaw is also included.



## 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 its goals in the *2021 Housing Needs Assessment*.

## COMMUNICATIONS

Staff presented the draft "*Zoning Bylaw No. 5074, 2023*" to Committee of the Whole (COW) at the January 31<sup>st</sup> meeting and received comments. At its Regular meeting of February 13<sup>th</sup> Council received the Committee's recommendation and resolved that staff undertake community consultation prior to bringing the bylaw to Council. In March 2023, a project page was created on the City's public engagement website ([letsconnectpa.ca](https://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 17<sup>th</sup> to March 28<sup>th</sup>. An advertisement was placed in the March 15<sup>th</sup> 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, however, Section 6 which includes regulations for accessory dwelling units and shipping containers received 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<sup>th</sup>.

### Communications Timeline:

- January 31<sup>st</sup> – Draft "*Zoning Bylaw No. 5074, 2023*" presented to the Committee of the Whole.
- February 13<sup>th</sup> – 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 13<sup>th</sup> – Post re: survey on City Facebook.
- March 15<sup>th</sup> – Survey advertisement in Alberni Valley News.
- March 17<sup>th</sup> – Survey opened. Draft "*Zoning Bylaw 5074, 2023*" uploaded to [www.letsconnectpa.ca](https://www.letsconnectpa.ca) for feedback.
- March 22<sup>nd</sup> – Post re: survey on City Facebook.
- March 28<sup>th</sup> – Survey closed.
- April 14<sup>th</sup> – Update posted to City Facebook.
- May 30<sup>th</sup> – Draft "*Zoning Bylaw No. 5074, 2023*" uploaded to City's engagement website [www.letsconnectpa.ca](https://www.letsconnectpa.ca) with revisions.

### Next steps

Repealing Zoning Bylaw No. 4832 and replacing it with "*Zoning Bylaw No. 5074, 2023*" requires a formal process. If Council gives second reading, and sets a Public Hearing date, staff will proceed with required public



notice. Advertisements will be placed in the local newspaper, but letters will not be mailed as ten or more parcels are subject to the bylaw amendment (*Local Government Act* s. 466[7]). Following the Public Hearing staff would bring the bylaw for consideration of Third Reading. The bylaw would require approval from MOTI prior to consideration of Final Adoption.

## **BYLAWS/PLANS/POLICIES**

### *2023-2027 Corporate Strategic Plan*

The proposed “Zoning Bylaw No. 5074, 2023” 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**

Staff are proposing updates to modernize the Zoning Bylaw which 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, 2023” to replace current Zoning Bylaw No. 4832.

Staff are seeking support for second reading of “Zoning Bylaw No. 5074, 2023” and proposing that Council schedule a Public Hearing for July 31, 2023.

## **ATTACHMENTS/REFERENCE MATERIALS**

- *Zoning Amendment Summary Table June 15, 2023*
- “Zoning Bylaw No. 5074, 2023”
- *Staff Report to Council | June 26, 2023*

C: D. Monteith, Interim Director of Corporate Services  
W. Thorpe, Director of Parks, Recreation and Heritage  
P. Deakin, Manager of Economic Development

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

**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  |
| <b>Section 3 – User Guide and Administration</b>   |  |
| 3.10 Non-Conformity<br><br>3.10.2<br>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.  | <b>Updated.</b> 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<br><br>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.<br><br>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. | <b>New</b> sub-section added to provide clarity on how density is to be calculated for new developments.   |

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| <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><b>New</b> section to avoid ambiguity on how items are rounded throughout the Bylaw.</p>   |
| <p><b>Section 4 – Definitions</b></p>  |   |
| <p><b>ACCESSORY BUILDING</b> 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><b>Updated.</b> 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><b>ACCESSORY DWELLING UNIT</b> 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><b>New</b> definition added.</p>   |
| <p><b>AFFORDABLE HOUSING</b> 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><b>New</b> definition added to align with programs and housing continuum.</p>  |
| <p><b>AMBULANCE STATION</b> means a facility for the dispatch of ambulance services</p>  | <p><b>New</b> definition added for use currently listed in bylaw.</p>   |
| <p><b>ANIMAL SHELTER</b> means a facility for the temporary housing and care of lost, abandoned, or homeless domestic animals.</p>   | <p><b>New</b> definition added.</p>   |

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| <b>CARRIAGE HOUSE</b> 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.  | <b>New</b> definition added to enable accessory dwelling units.           |
| <b>DWELLING UNIT</b> 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. | <b>Updated</b> definition.  |
| <b>EMERGENCY SHELTER</b> 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.      | <b>New</b> definition added to align with programs and housing continuum. |
| <b>EXTREME WEATHER SHELTER</b> 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).   | <b>New</b> definition added to align with programs and housing continuum. |
| <b>FIRE HALL</b> 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.   | <b>New</b> definition added for use currently listed in bylaw.            |
| <b>FLOOR AREA, GROSS</b> 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.  | <b>Updated</b> definition.  |



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| <p><b>FLOOR AREA RATIO</b> 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"> <li>(1) Any portion of a storey used for parking purposes unless parking is a principal use.</li> <li>(2) Any portion of a storey used for laundry purposes, unless laundry is the principal use.</li> <li>(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.</li> <li>(4) Architectural features which are permitted as projections into setbacks areas as per section XX of this Bylaw.</li> <li>(5) Swimming pools and sun decks.</li> </ul> | <p><b>Updated</b> definition.</p>                                      |
| <p><b>GARDEN SUITE</b> means a detached, accessory dwelling unit, typically on a ground floor, located on a permanent, continuous foundation.</p>   | <p><b>New</b> definition added to enable accessory dwelling units.</p> |
| <p><b>GARDEN CENTRE</b> 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><b>New</b> definition added for use currently listed in bylaw.</p>  |
| <p><b>HELIPAD</b> 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><b>Added</b> definition for use currently listed in bylaw.</p>      |

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| <b>HOTEL</b> 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. | <b>Updated</b> definition.   |
| <b>HOUSEHOLD</b> 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.  | <b>New</b> definition added.   |
| <b>HOUSING AGREEMENT</b> means an agreement between a property owner and the City by bylaw, as defined in Section 463 of the <i>Local Government Act</i> .  | <b>Updated</b> definition added to align with housing programs.  |
| <b>LIVE-WORK</b> means the use of premises for:<br>(a) a dwelling unit, and<br><br>(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.                                | <b>Updated</b> definition to clarify the occupant of the dwelling unit must be the operator of the business. |
| <b>LOT COVERAGE</b> means the total area of a lot covered by buildings or structures divided by the area of the lot itself expressed as a percentage.   | <b>Updated</b> from 'Coverage' to 'Lot Coverage' and updated definition for clarify.                         |
| <b>MARINA</b> 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.   | <b>Added</b> definition added for use currently listed in bylaw.   |
| <b>MARKET HOUSING</b> 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.   | <b>New</b> definition added to align with programs and housing continuum.                                    |

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| <b>MOBILE HOME</b> 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.   |
| <b>MODULAR HOME</b> 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.   |
| <b>PARKING SPACE</b> 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.   |
| <b>PERSONAL SERVICE</b> 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.   |
| <b>POLICE STATION</b> 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. |
| <b>PRINTING, PUBLISHING AND ALLIED INDUSTRY</b> 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. |
| <b>PRINCIPAL BUILDING</b> 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.            |
| <b>PRINCIPAL USE</b> 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.   |



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| <b>PROFESSIONAL SERVICE</b> 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.  | <b>Added</b> definition for use that is currently listed in the bylaw.                                 |
| <b>RECREATIONAL VEHICLE</b> 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.                                | <b>Updated</b> definition. Currently talked about in the existing bylaw.                               |
| <b>RESIDENTIAL RENTAL TENURE</b> 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.   | <b>Updated.</b> Text added to document. Definition previously adopted by Council                       |
| <b>RESTAURANT</b> 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.   | <b>Added</b> definition added for use that is currently listed in the bylaw.                           |
| <b>SCHOOL</b> 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.                          | <b>Updated</b> to include organizations certified under BC Private Training Act.                       |
| <b>SECONDARY SUITE</b> 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 | <b>Updated</b> to enable secondary suites on properties other than those with single detached homes.   |
| <b>Delete Storey and Half-Storey</b>   | Definition <b>removed</b> from bylaw. Regulated through building height requirement. Improves clarity. |



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| <b>SUBSIDIZED HOUSING</b> 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).  | <b>Added</b> definition to align with programs and housing continuum.  |
| <b>SUPPORTIVE HOUSING</b> has no limit on length of stay, is a purpose-designed building that provides ongoing supports and services to individuals who cannot live independently.  | <b>Updated</b> definition.   |
| <b>THEATRE</b> means a building or part thereof devoted to dramatic, dance, musical or other live performances.   | <b>Added</b> definition added for use that is currently listed in the bylaw.                                       |
| <b>TRANSITIONAL HOUSING</b> 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.  | <b>Updated.</b> Replaces existing <i>Transition House</i> definition to align with programs and housing continuum. |
| <b>USEABLE OPEN SPACE</b> 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. | <b>Updated</b> definition to move technical requirements to <i>General Regulations</i> .                           |
| <b>WHOLESALE</b> 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. | <b>Added</b> definition added for use that is currently listed in the bylaw.                                       |

## Section 5 – Establishment of Zones

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| <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"> <li>- Accessory Buildings and Structures</li> <li>- Public parks and playgrounds</li> <li>- Unattended Public Utility Use</li> <li>- Community Gardens</li> <li>- Market Gardens</li> <li>- Natural areas</li> <li>- Daycare or other preschools</li> </ul>  | <p><b>Updated</b> 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><b>Updated</b> <i>Permitted Uses</i> to replace “Secondary Suite” with “Accessory Dwelling Unit” to allow a carriage house or garden suite.</p> <p><b>Updated</b> 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><b>Updated</b> 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 365m<sup>2</sup> (3,929 ft<sup>2</sup>)</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><b>Updated</b> <i>Permitted Uses</i> to replace “Secondary Suite” with “Accessory Dwelling Unit” to allow a carriage house or garden suite.</p> <p><b>Updated</b> to remove different lot areas for single and semi-detached. There is now one lot area size.</p>   |

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| <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 m<sup>2</sup> (3,229 ft<sup>2</sup>)</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><b>Updated</b> <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><b>Updated</b> to more closely match existing small lot sizes in Port Alberni.</p> |
| <p>5.24 C7 Core Business</p>   | <p><b>Updated</b> 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

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| <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><b>Updated</b> 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><b>New</b> 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 m<sup>2</sup> (969 ft<sup>2</sup>), 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><b>Updated</b> to increase maximum floor space from 75 m<sup>2</sup> to 90 m<sup>2</sup> 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><b>Updated</b> 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"> <li>– May not exceed 90 m<sup>2</sup> in total floor area or 40% of the habitable floor space of the building, whichever is less;</li> <li>– Must be fully contained within the principal residence;</li> <li>– Must be provided with a parking space additional to the standard parking space requirements for the residence; and</li> <li>– Are only permitted in an owner-occupied single-family dwelling.</li> </ul> <p>Proposed:</p> <ul style="list-style-type: none"> <li>– May be located in any single detached, semidetached or townhouse on the following conditions:</li> <li>– May not exceed 40% of the habitable floor space of the building, whichever is less</li> <li>– Must be fully contained within the principal residence which is a single real estate entity</li> <li>– 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</li> </ul> | <p><b>Updated</b> 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"> <li>- The principle dwelling is permanently occupied</li> </ul>  |  |
| <p><b><u>6.22.2 Carriage Houses:</u></b></p> <ul style="list-style-type: none"> <li>- May be located on a lot with a single detached dwelling on the following conditions:</li> <li>- Is not located on a lot that contains another accessory dwelling unit;</li> <li>- 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;</li> <li>- Is not located in the required front yard setback area or in front of the principal dwelling;</li> <li>- Meets minimum side yard setback requirements of the applicable zone;</li> <li>- May be located in the required rear yard setback;</li> <li>- No portion of the <i>building</i> is located within 1 m of a rear lot line;</li> <li>- Does not exceed a maximum height of the principal building;</li> <li>- 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 m<sup>2</sup>;</li> <li>- Must have a minimum of 18 m<sup>2</sup> of useable open space; and</li> <li>- Provides for parking in accordance with Section 7.</li> </ul> | <p><b>New</b> 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 m<sup>2</sup>;
- Must have a minimum of 18 m<sup>2</sup> 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.

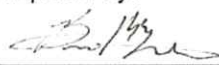
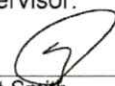



|   |   |
|---|---|
| <p>enclosed underneath the principle <i>building</i>;</p> <ul style="list-style-type: none"> <li>c. A 0.1 increase in FAR for each (10%) of the <i>dwelling</i> units are constructed as <i>accessible</i> and where elevators are provided to all <i>storeys</i> in the <i>building</i></li> <li>d. A 0.1 increase in FAR for each ten percent (10%) of the <i>dwelling</i> units are designated as affordable</li> <li>e. A 0.5 increase in FAR where a common meeting room or amenity room containing a minimum of 22 m<sup>2</sup> (235 ft<sup>2</sup>) is provided.</li> </ul> <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><b>New</b> 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> |

Date: June 15, 2023  
File No: 3900-02-5074  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: Zoning Bylaw No. 5074, 2023 – Bylaw Modernization

|   |   |  |
|---|---|--|
| Prepared by:<br><br>Brian McLoughlin,<br>Manager of Planning | Supervisor:<br><br>Scott Smith,<br>Dir. of Development<br>Services   Deputy CAO | CAO Concurrence:<br><br>M. Fox, CAO |
|---|---|--|

#### RECOMMENDATION

THAT Zoning Bylaw No. 5074, 2023, be now introduced and read a first time.

#### 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.

Staff brought the draft Zoning Bylaw No. 5074 to the Committee of the Whole on January 31, 2023. Council supported staff engaging with the public on the draft bylaw, and this has now been completed.

#### ALTERNATIVES/OPTIONS

1. THAT Zoning Bylaw No. 5074, 2023, be now introduced and read a first time.
2. THAT Council provide an alternative direction to staff by resolution.
3. THAT Council take no action and the bylaw does not proceed.

Staff recommend Option #1.

ENTERED



## ANALYSIS

Attached to this report is a summary table of proposed bylaw content changes. The summary table divides the list into sections that correspond with the format of the existing Zoning Bylaw:

- Section 3 Administration
- Section 4 Definitions
- Section 5 Establishment of Zones
- Section 6 General Regulations
- Housekeeping (Changes made across multiple sections of the bylaw)

Major topics addressed in the proposed bylaw include:

- New and Updated Definitions
- Accessory Dwelling Units (ADU)
- Day Care
- 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. Placement of containers is limited to industrial (I) 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.
- 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 draft 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

Staff presented the draft Zoning Bylaw No. 5074 to Committee of the Whole (COW) at the January 31<sup>st</sup> meeting and received comments. At its Regular meeting of February 13<sup>th</sup> Council received the Committee's recommendation and resolved that staff undertake community consultation prior to bringing the bylaw to Council. In March 2023, a project page was created on the City's public engagement website ([letsconnectpa.ca](https://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 17<sup>th</sup> to March 28<sup>th</sup>. An advertisement was placed in the March 15<sup>th</sup> 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, however, Section 6 which includes regulations for accessory dwelling units and shipping containers received 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<sup>th</sup>.

#### Communications Timeline:

January 31<sup>st</sup> – Draft Zoning Bylaw No. 5074, 2023 presented to the Committee of the Whole.

February 13<sup>th</sup> – 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 13<sup>th</sup> – Post re: survey on City Facebook.

March 15<sup>th</sup> – Survey advertisement in Alberni Valley News.

March 17<sup>th</sup> – Survey opened. Draft Zoning Bylaw 5074 uploaded to [www.letsconnectpa.ca](http://www.letsconnectpa.ca) for feedback.

March 22<sup>nd</sup> – Post re: survey on City Facebook.

March 28<sup>th</sup> – Survey closed.

April 14<sup>th</sup> – Update posted to City Facebook.

May 30<sup>th</sup> – Draft Zoning Bylaw No. 5074 uploaded to City's engagement website [www.letsconnectpa.ca](http://www.letsconnectpa.ca) with revisions.

#### Next steps

Repealing Zoning Bylaw No. 4832 and replacing it with Zoning Bylaw No. 5074, requires a formal process. If Council supports the proposed bylaw the process will include First and Second Readings, a Public Hearing, Third Reading of the bylaw, MOTI approval and Final Adoption. This will require advertisement in the local newspaper, but will not require issuance of notice as per section 466 (7) of the *Local Government Act* as ten or more parcels are subject to the bylaw amendment.

#### **BYLAWS/PLANS/POLICIES**

##### *2023-2027 Corporate Strategic Plan*

The proposed 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**

Staff are proposing updates to modernize the Zoning Bylaw that 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.

Staff are seeking support for First Reading of Zoning Bylaw No. 5074.

#### **ATTACHMENTS/REFERENCE MATERIALS**

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

C: *D. Monteith, Interim Director of Corporate Services*  
*W. Thorpe, Director of Parks, Recreation and Heritage*  
*P. Deakin, Manager of Economic Development*

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

RCM JUNE 26, 2023



# 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:

|                                   |   |
|-----------------------------------|---|
| <b>ACCESS AISLE</b>               | 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.   |
| <b>ACCESSORY BUILDING</b>         | 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.   |
| <b>ACCESSORY DWELLING UNIT</b>    | 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.   |
| <b>ACCESSORY USE</b>              | 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.  |
| <b>ACCESSIBLE</b>                 | 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> .  |
| <b>ADULT NOVELTY</b>              | means toys of a sexual nature, intended only for adult <i>use</i> .   |
| <b>ADULT RETAIL STORE</b>         | 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"><li>• <i>Adult novelties</i></li><li>• <i>Drug paraphernalia</i></li></ul>  |
| <b>AFFORDABLE HOUSING</b>         | means rental or ownership housing that costs less than 30% of the before tax household income, subject to change by CMHC or BC Housing.   |
| <b>AGENTS</b>                     | means those professionals or tradespeople under contract to the City of Port Alberni with responsibility for administration of the zoning bylaw.  |
| <b>AGRICULTURE</b>                | 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. |
| <b>AGRICULTURE USE, INTENSIVE</b> | 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.  |

|   |   |
|---|---|
| <b>AMBULANCE STATION</b>                              | means a facility for the dispatch of ambulance services.  |
| <b>AMUSEMENT ESTABLISHMENT</b>                        | 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.  |
| <b>AMUSEMENT MACHINE</b>                              | 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> .   |
| <b>ANIMAL SHELTER</b>                                 | means a facility for the temporary housing and care of lost, abandoned, or homeless domestic animals.   |
| <b>ARTIST'S STUDIO</b>                                | 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. |
| <b>ASSEMBLY</b>                                       | 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.   |
| <b>ASSEMBLY, CULTURAL AND RECREATIONAL FACILITIES</b> | 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.  |
| <b>AUTOMOBILE OR BOAT SALES OR RENTAL LOT</b>         | 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.  |
| <b>AUTOMOTIVE SALES, REPAIR AND SERVICING</b>         | 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.   |
| <b>AUTOMOBILE WRECKING YARD</b>                       | 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.   |
| <b>BASEMENT</b>                                       | 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> .   |
| <b>BED AND BREAKFAST</b>                              | 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 *dwelling* in which more than 2 *sleeping units* are rented, with or without meals being provided, to more than 2 and not exceeding 15 persons, other than members of the *family* of the tenant or owner.

**BUILDING**

means a *structure*, which is designed, erected or intended for the support, enclosure, or protection of persons or property. When a *structure* is divided by *party walls* located upon *lot* lines, then each portion of such *structure* shall be deemed to be a separate *building*.

**BUILDING, FRONT  
LINE OF**

means the furthest extending portion of the *building* which faces the front line of the *lot*.

**BUILDING  
INSPECTOR**

means the Building Inspector of the City of Port Alberni.

**BUILDING, REAR  
LINE OF**

means the furthest extending portion of the *building* which faces the rear line of the *lot*.

**BUILDING,  
TEMPORARY**

means and includes:

- (1) any *building* (except a garage or other *accessory building*) not having its exterior walls supported on continuous concrete or masonry foundation or walls.
- (2) notwithstanding clause (1) above, a *temporary building* shall also include boat shelters, bunkhouses, skid shacks, huts, tents, trailers, custom built mobile units or any other similar type of portable *building* or *structure*, whether or not the same be placed on foundations or affixed to the land in any way.

a *temporary building* shall not be construed to include permanent prefabricated residential *dwelling*s, industrial, warehouse or *storage buildings* which conform to the construction standards specified in the *Building Bylaw*.

**CAMPGROUND**

means a site operated and occupied for part of the year only as temporary accommodation for short term, transient holiday makers in *recreational vehicles*, wheeled trailers or tents. A *campground* does not include mobile-home park, *motel*, *hotel*, or *motor hotel*.

**CAMPING SITE**

means a part of a *campground* where one wheeled trailer, *recreational vehicle*, 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<sup>2</sup> (2,152 ft<sup>2</sup>) 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<sup>2</sup> (2,152 ft<sup>2</sup>) 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<sup>2</sup> (538 ft<sup>2</sup>).

**CANNABIS -  
STANDARD  
PROCESSING**

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

**CANNABIS -  
MICRO-  
PROCESSING**

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

**CANNABIS RETAIL  
STORE**

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

**CARRIAGE HOUSE**

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

**CARTAGE AND  
DELIVERY**

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

**CELLAR**

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

|                                       |  |
|---------------------------------------|--|
| <b>CITY ENGINEER</b>                  | means the City Engineer of the City of Port Alberni.   |
| <b>CLUB OR LODGE</b>                  | 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.  |
| <b>COMMUNITY CARE FACILITY</b>        | 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. |
| <b>COMMUNITY GARDEN</b>               | means a non-commercial facility for the cultivation of fruits, flowers, vegetables, or ornamental plants.  |
| <b>CONTRACTOR'S SHOP</b>              | 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.  |
| <b>CONVENIENCE STORE</b>              | means a commercial <i>retail</i> outlet not exceeding 200 m <sup>2</sup> (2,153 ft <sup>2</sup> ) in gross <i>retail</i> floor area selling food, beverage and other household convenience items for off-site consumption.   |
| <b>COUNCIL</b>                        | means the City Council of the City of Port Alberni.  |
| <b>DORMITORY</b>                      | 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.   |
| <b>DRIVE-IN/DRIVE-THROUGH</b>         | 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.   |
| <b>DRUG PARAPHERNALIA</b>             | means equipment supporting the consumption of illegal drugs.   |
| <b>DWELLING, MULTIPLE RESIDENTIAL</b> | 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> .   |
| <b>DWELLING, SINGLE DETACHED</b>      | 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> .   |

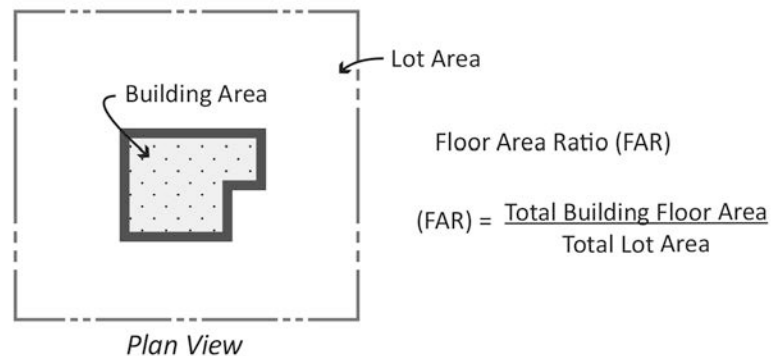
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|--------------------------------|--|
| <b>DWELLING, SEMI-DETACHED</b> | means any semi-detached <i>building</i> divided into two <i>dwelling</i> units, each of which is occupied or intended to be occupied as the permanent home or residence of one <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. |
| <b>DWELLING UNIT</b>           | 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.           |
| <b>EMERGENCY SHELTER</b>       | 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.               |
| <b>EXTREME WEATHER SHELTER</b> | 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).  |
| <b>FAIRGROUND</b>              | 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.   |
| <b>FARM SALES</b>              | 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.  |
| <b>FENCE</b>                   | means a <i>structure used</i> as an enclosure, boundary or <i>screening</i> around all or part of a <i>lot</i> .   |
| <b>FIRE HALL</b>               | 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.  |
| <b>FLOOR AREA, GROSS</b>       | 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 sundecks.

*Floor Area*



**FOREST  
MANAGEMENT**

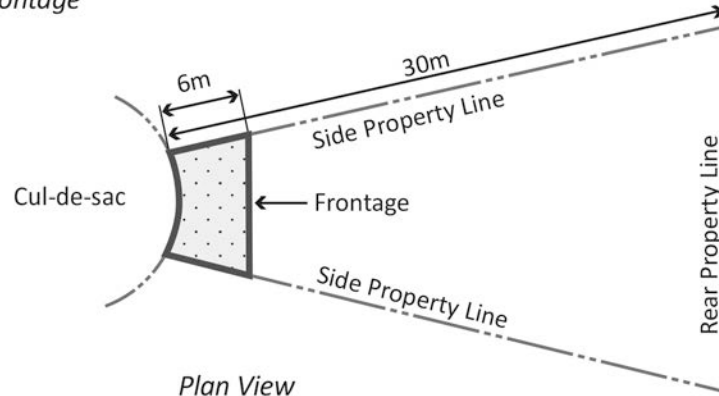
means the management of forests for the production of wood and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife and for the protection and production of water supplies.

**FRONTAGE**

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



Lot Frontage



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

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

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

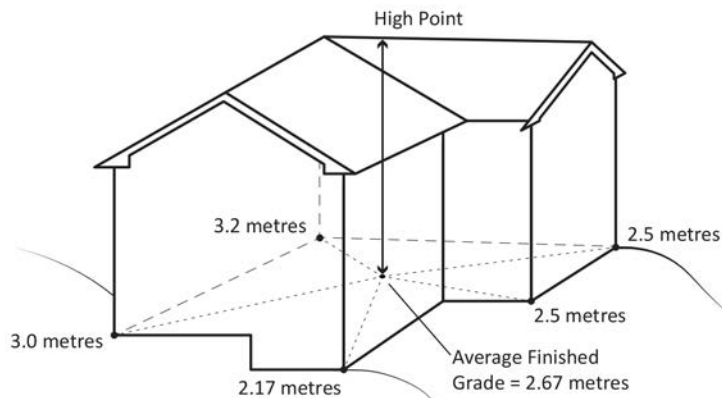
**GRADE OR GRADE LEVEL** means the finished average ground level at the centre of the exterior wall of a *building*.

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

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

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

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



**HELIPAD** means an area, either at ground level or elevated on a building or structure, licensed by the federal government, and approved for the loading, landing and takeoff of helicopters.

**HOME OCCUPATION** means an occupation or *use* which is ancillary or secondary to a permitted residential *use* in accordance with the provisions of this Bylaw (Section 6.15).

**HOTEL** means a commercial *building* containing more than six *sleeping units* to provide temporary accommodation for the travelling public. *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.

|                                   |   |
|-----------------------------------|---|
| <b>LANDSCAPING AND LANDSCAPED</b> | 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.   |
| <b>LANE</b>                       | 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> .  |
| <b>LIVE-WORK</b>                  | means the <i>use</i> of premises for: <ul style="list-style-type: none"> <li>(a) a <i>dwelling</i> unit, and</li> <li>(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.</li> </ul>  |
| <b>LIVESTOCK</b>                  | means cattle, horses, sheep, goats, swine, rabbits, and fish.   |
| <b>LOADING SPACE</b>              | 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.   |
| <b>LOT</b>                        | 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> .  |
| <b>LOT AREA</b>                   | means the total horizontal area within the <i>lot</i> lines of a <i>lot</i> .   |
| <b>LOT, CORNER</b>                | means a <i>lot</i> at the intersection or junction of two or more <i>streets</i> .  |
| <b>LOT COVERAGE</b>               | means the total area of a lot covered by buildings or structures divided by the area of the lot itself expressed as a percentage.   |
| <b>LOT DEPTH</b>                  | means the mean horizontal distance between the front and <i>rear lot lines</i> .  |
| <b>LOT LINE, FRONT</b>            | 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"> <li>• 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>.</li> <li>• 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>.</li> <li>• 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>.</li> <li>• 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>.</li> </ul> |

|                                   |   |
|-----------------------------------|---|
|                                   | <ul style="list-style-type: none"> <li>• where the <i>lot</i> does not have a <i>lot</i> line that abuts on a public highway or private road, or way, the front line of the <i>lot</i> shall be as determined by the <i>Approving Officer</i>.</li> <li>• where a <i>lot</i> is divided by a public way such as a dedicated road, <i>lane</i> or walkway, both sides of such public way shall be considered as <i>front lot lines</i>.</li> </ul> |
| <b>LOT LINE, REAR</b>             | 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> .   |
| <b>LOT LINE, SIDE</b>             | means a boundary line of a <i>lot</i> connecting front and <i>rear lot lines</i> .  |
| <b>LOT, STRATA</b>                | means a <i>lot</i> shown on a strata plan.  |
| <b>LOT, THROUGH</b>               | means a <i>lot</i> abutting two parallel or approximately parallel <i>streets</i> .   |
| <b>LOT WIDTH</b>                  | 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> .  |
| <b>MANUFACTURING</b>              | 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> .  |
| <b>MARINA</b>                     | 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.  |
| <b>MARKET GARDEN, URBAN</b>       | 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.  |
| <b>MARKET HOUSING</b>             | 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.   |
| <b>MARQUEE</b>                    | 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.  |
| <b>MEDICAL MARIJUANA FACILITY</b> | 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.   |
| <b>MEDICAL SERVICES</b>           | 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.   |



|  |  |
|--|--|
| <b>MICRO-BREWERY/<br/>MICRO-DISTILLERY</b> | 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.  |
| <b>MINI-STORAGE</b>                        | means self-contained storage rental units, with independent external entrances, for the storage of general household goods, vehicles and the like.   |
| <b>MOBILE HOME</b>                         | 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.  |
| <b>MODULAR HOME</b>                        | 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.  |
| <b>MOTEL</b>                               | 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. |
| <b>MOTHER'S CENTRE</b>                     | 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.  |
| <b>NATURAL<br/>BOUNDARY</b>                | 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.  |
| <b>OFFICE</b>                              | 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.  |
| <b>PARKING LOT</b>                         | 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.  |
| <b>PARKING SPACE</b>                       | 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> .  |

|   |   |
|---|---|
| <b>PARTY WALL</b>                               | means a wall jointly owned and/or shared by two or more parties as defined in the BC <i>Building Code</i> .   |
| <b>PERSONAL SERVICE</b>                         | 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. |
| <b>PLACE OF WORSHIP</b>                         | means a church, temple, mosque, synagogue and the like, but excludes <i>schools</i> .   |
| <b>POLICE STATION</b>                           | 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.  |
| <b>PORCH, OPEN</b>                              | 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.   |
| <b>POULTRY</b>                                  | 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> .   |
| <b>PRINCIPAL BUILDING</b>                       | means a building in which the principal use of the lot on which the building is located is conducted.   |
| <b>PRINCIPAL USE</b>                            | 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.   |
| <b>PRINTING, PUBLISHING AND ALLIED INDUSTRY</b> | means a facility for the printing, publishing, engraving, or copying of papers, plans and newsprint.  |
| <b>PROFESSIONAL SERVICE</b>                     | 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.  |
| <b>PUBLIC MARKET</b>                            | 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.   |
| <b>PUBLIC UTILITY</b>                           | 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.

|                              |   |
|------------------------------|---|
| <b>SETBACK</b>               | means the required minimum distance between a <i>building</i> or <i>use</i> and each of the respective <i>lot</i> lines.  |
| <b>SHOPPING CENTRE</b>       | 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.   |
| <b>SLEEPING UNIT</b>         | 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.   |
| <b>SMALL REPAIRS</b>         | means the repair of small items such as instruments, jewellery, small appliances.   |
| <b>SOCIAL SERVICE CENTRE</b> | means a <i>building used</i> for administrative purposes and to provide information, referral, counselling and advocacy services.   |
| <b>STEWARDSHIP CENTRE</b>    | 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.  |
| <b>STORAGE BUILDING</b>      | means a <i>building</i> where the <i>principal use</i> is the storage of goods, wares, merchandise, substances, articles or other items.  |
| <b>STORAGE YARD</b>          | 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> . |
| <b>STREET</b>                | means a public highway, road or thoroughfare which affords the principal means of access to abutting <i>lots</i> .  |
| <b>STRUCTURE</b>             | 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.   |
| <b>SUBSIDIZED HOUSING</b>    | 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).  |



|  |  |
|--|--|
| <b>SUBDIVISION APPROVING OFFICER</b>     | means an Approving Officer appointed by the <i>Council</i> under the <i>Land Titles Act</i> .  |
| <b>SUPPORTIVE HOUSING</b>                | 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.  |
| <b>THEATRE</b>                           | means a building or part thereof devoted to dramatic, dance, musical or other live performances.   |
| <b>TRANSITION HOUSE</b>                  | 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.  |
| <b>TRANSITIONAL HOUSING</b>              | 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.   |
| <b>TRANSPORTATION DISPATCH AND DEPOT</b> | means a transportation centre. Includes taxi dispatch, bus terminals, and other similar <i>uses</i> .  |
| <b>UNDERGROUND PARKING</b>               | 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> .  |
| <b>USEABLE OPEN SPACE</b>                | 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> . |
| <b>USE</b>                               | 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.  |
| <b>VIDEO RENTAL STORE</b>                | means a business where the primary activity is to rent or sell videos, DVD's, video games, and related items.  |
| <b>WHOLESALE</b>                         | 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.                     |

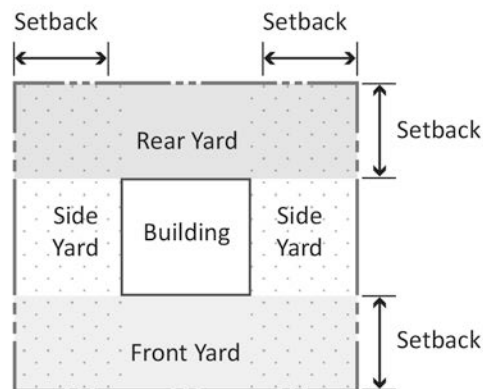
**YARD, FRONT**

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

W zones                      Shall mean all *zones* beginning with W followed by a number.

### **5.3      Zoning Map**

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

### **5.4      Zone Boundaries**

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

### **5.5      Permitted in all Zones**

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

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

### **5.6      Zone Abbreviations**

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



## A1 – AGRICULTURE

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

### 5.7.1 Permitted Uses

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

#### Principal Uses

*Agriculture*, except for *intensive agricultural uses*

Aviary

Garden shop, nursery, and *landscape*  
supplies

*Kennel*

Single detached dwelling

#### Accessory Uses

*Bed and breakfast*

Farm market operation

*Farm sales*

Guest house

*Home occupation*

Housing for farm labour

*Secondary suite*

*Supportive housing*

### 5.7.2 Site Development Regulations

|                         |      |           |
|-------------------------|------|-----------|
| Minimum <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 *Setbacks* (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 m<sup>2</sup> (2,153 ft<sup>2</sup>) 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 Uses

#### Principal Uses

*Agriculture*, except for intensive agricultural  
*uses*

*Kennel*

Single detached dwelling

#### Accessory Uses

*Bed and breakfast*

*Home occupation*

*Secondary suite*

### 5.8.2 Site Development Regulations

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

### 5.8.3 Conditions of Use

- The maximum *coverage* calculation shall include greenhouses.
- 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*.
- 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.
- 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 Uses

#### Principal Uses

*Agriculture*, except *intensive agricultural uses*

*Aviary*

*Kennel*

Single detached dwelling

#### Accessory Uses

*Bed and breakfast*

*Home occupation*

*Secondary suite*

*Supportive housing*

#### Site Specific Uses

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

### **5.9.2** Site Development Regulations

|  |                      |            |
|--|----------------------|------------|
| Minimum <i>Lot Area</i>                            | 4,000 m <sup>2</sup> | (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 m<sup>2</sup> (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 Lot Area                            | 1,160 m <sup>2</sup> | (12,487 ft <sup>2</sup> ) |
| Minimum Frontage                            | 23 m                 | (75.5 ft)                 |
| Maximum Coverage                            | 33%                  |                           |
| 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 Height, Principal Building          | 10 m                 | (32.8 ft)                 |
| Maximum number of residential units per lot | 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 <sup>2</sup> | 6,458 ft <sup>2</sup> |
| 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 Uses

Principal 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 <sup>2</sup> | (3,929 ft <sup>2</sup> ) |
| Minimum <i>Frontage</i>                   | 10 m               | 32.8 ft <sup>2</sup>     |
| Maximum <i>Coverage</i>                   | 60%                |                          |
| Minimum <i>Setbacks</i> :                 |                    |                          |
| <i>Front yard</i>                         | 6.0 m              | (21.3 ft)                |
| <i>Rear yard</i>                          | 6.0 m              | (21.3 ft)                |
| <i>Side yard</i>                          | 1.5 m              | (4.9 ft)                 |
| Density (units/hectare):                  |                    |                          |
| Single detached dwelling                  | 27                 |                          |
| Semi-detached dwelling                    | 46                 |                          |
| Maximum Height, Principal <i>Building</i> | 10 m               | (32.8 ft)                |

**5.12.3** Conditions of Use

- (a) Notwithstanding the provisions of 5.12.2:
- (i) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.0 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 Uses

Principal Uses

Single detached dwelling

Accessory Uses

Home occupation

Accessory Dwelling Unit

**5.13.2** Site Development Regulations

|   |                    |                          |
|---|--------------------|--------------------------|
| Minimum <i>Lot Area</i>                   | 300 m <sup>2</sup> | (3,229 ft <sup>2</sup> ) |
| 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 Uses

Principal Uses

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

Accessory Uses

Home occupation

**5.14.2** Site Development Regulations

Minimum *Lot Area*

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

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 Uses

Principal Uses

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

Accessory Uses

*Home occupation*

**5.15.2** Site Development Regulations

|   |                    |                          |
|---|--------------------|--------------------------|
| Minimum <i>Lot Area</i>                   | 840 m <sup>2</sup> | (9,043 ft <sup>2</sup> ) |
| 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 m<sup>2</sup> (484.4 ft<sup>2</sup>) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m<sup>2</sup> (193.3 ft<sup>2</sup>) 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 Uses

#### Principal Uses

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

#### Accessory Uses

Home occupation

### 5.16.2 Site Development Regulations

#### Minimum Lot Area

Multi-residential dwelling 1,120 m<sup>2</sup> (12,056 ft<sup>2</sup>)

#### 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>   |
|--|--------------------------|---|
| <b><u>Accessory Uses:</u></b><br>Hostel<br>Restaurant<br>Pub<br>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'<br>= 18 m (59 ft); and              | 4202 and 4238 8th Avenue | 4202 8th Avenue – Lot 10, District Lot 1, Alberni District, Plan VIP18042; and  |

|  |  |  |
|--|--|--|
| 'Maximum Number<br>of Building Storeys'<br>= 5 |  | 4238 8th Avenue – Lot 11, District<br>Lot 1, Alberni District, Plan VIP18042 |
|--|--|--|

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## MH1 – MOBILE AND MODULAR HOMES

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

### 5.17.1 Permitted Uses

#### Principal Uses

*Mobile home*

*Modular home*

*Modular- or mobile-home park*

#### Accessory Uses

Common recreation area or *building*

*Home occupation*

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

### 5.17.2 Site Development Regulations for Mobile- and Modular-Home Parks

|   |                      |                  |
|---|----------------------|------------------|
| Minimum <i>Lot Area</i>   | 8,000 m <sup>2</sup> | (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- or 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 <sup>2</sup> | (2800 ft <sup>2</sup> ) |
| for double wide | 350 m <sup>2</sup> | (3765 ft <sup>2</sup> ) |

#### 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 m<sup>2</sup> (215 ft<sup>2</sup>) 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 m<sup>2</sup> (107.6 ft<sup>2</sup>) in area or a carport is attached to a mobile home, the porch or carport may project up to 1.5 m (4.9 ft) into a required 3 m (9.8 ft) *side yard*.
- (g) Internal roadways shall be a minimum of 8 m (26.2 ft) in width. Each modular-home/mobile-home park space shall have access to a roadway.
- (h) Each mobile- and modular-home space shall have its boundary clearly and permanently marked.
- (i) Notwithstanding minimum width requirements established elsewhere in this Bylaw, the minimum width of a modular home shall be 5.0 m (16.4 ft).

## ***C1 – NEIGHBOURHOOD COMMERCIAL***

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

### **5.18.1** Permitted Uses

#### Principal Uses

*Artist's studio*

*Community care facility*

*Live-work*

*Medical service*

*Office*

*Personal service*

*Professional service*

*Restaurant (not drive-through)*

*Retail*

#### Accessory Uses

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

#### Site-Specific Uses

*Gasoline service station*

### **5.18.2** Site Development Regulations

|   |                    |                          |
|---|--------------------|--------------------------|
| Minimum <i>Lot Area</i>                   | 540 m <sup>2</sup> | (5,813 ft <sup>2</sup> ) |
| 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 m<sup>2</sup> (2,152.9 ft<sup>2</sup>), 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<br>112, Alberni District, Plan<br>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 Uses

#### Principal Uses

Amusement establishment  
Appliance repair  
Artist's studio  
Assembly  
  
Automotive sales, repair and servicing  
Bakery  
Bank or other financial institution  
Cannabis Retail Store, subject to 6.26  
Club or lodge  
Community care facility  
  
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 m <sup>2</sup> | (8,611 ft <sup>2</sup> ) |
| 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 <sup>2</sup> )  | 9 m   | (29.5 ft) |
| Maximum Height, Principal <i>Building</i> (on lots 1,120 m <sup>2</sup> 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 <sup>th</sup> 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<br/>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 Uses

Principal Uses

Ambulance station  
*Amusement establishment*  
Appliances and electronics, sales and repair  
*Artist's studio*  
*Automotive sales, repair and servicing*  
Bakery  
Bank or other financial institution  
Boat or *recreational vehicle* sales and repair  
*Building supply*  
  
*Cannabis Retail Store*, subject to 6.27  
*Cannabis 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 <sup>2</sup> | (10,011 ft <sup>2</sup> ) |
| 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 <sup>2</sup> | (10,011 ft <sup>2</sup> ) |
| 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 m<sup>2</sup> (1,292 ft<sup>2</sup>).
- (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 m<sup>2</sup> (646 ft<sup>2</sup>).
- (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 Uses

#### Principal Uses

*Artist's studio*

*Community care facility*

*Live-work*

*Medical service*

*Professional Service*

*Personal service*

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

Small appliances and electronics, sales and repair

#### Accessory Uses

*Office*

### 5.22.2 Site Development Regulations

|   |                    |                          |
|---|--------------------|--------------------------|
| Minimum <i>Lot Area</i>                   | 540 m <sup>2</sup> | (5,813 ft <sup>2</sup> ) |
| Minimum <i>Frontage</i>                   | 15 m               | (49.2 ft)                |
| Maximum <i>Coverage</i>                   | 50%                |                          |
| Minimum <i>Setbacks</i> :                 |                    |                          |
| <i>Front yard</i>                         | 6 m                | (19.7 ft)                |
| <i>Rear yard</i>                          | 6 m                | (19.7 ft)                |
| <i>Side yard</i>                          | 1.5 m              | (4.9 ft)                 |
| Maximum Height, <i>Principal Building</i> | 9 m                | (29.5 ft)                |

### 5.22.3 Conditions of Use

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

## **C6 – GAMING CENTRE**

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

**5.23.1** Permitted Uses

Principal Uses

*Gaming Centre*

Accessory Uses

Helipad

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

Lounge

Meeting Rooms

*Micro-Brewery/Micro-Distillery*

*Office*

Restaurant

**5.23.2** Site Development Regulations

Minimum *Lot Area* 2 ha (4.9 ac)

Minimum *Frontage* 100 m (328 ft)

Maximum *Coverage* 35%

Minimum *Setbacks*:

*Front yard* 9 m (29.5 ft)

*Rear yard* 9 m (29.5 ft)

*Side yard* 9 m (29.5 ft)

Maximum Height, *Principal Building* 12.5 m (41 ft)

**5.23.3** Conditions of Use

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

## **C7 – CORE BUSINESS**

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

5.24.1 Permitted Uses

Principal Uses

*Adult retail*

*Amusement establishment*

*Appliance repair*

*Artist's studio*

*Assembly*

*Automotive sales, repair and servicing*

*Bakery*

*Bank or other financial institution*

*Boat or recreational vehicle sales and repair*

*Cannabis Retail Store, subject to 6.26*

*Club or lodge*

*Community care facility*

*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 <sup>2</sup> | (5,812.7ft <sup>2</sup> ) |
| 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 m<sup>2</sup> (1,076 ft<sup>2</sup>) in size.
- (b) The sum total of the *gross floor area* for *accessory buildings*, including restaurants, shall not exceed 230 m<sup>2</sup> (2,530 ft<sup>2</sup>) except that an additional accessory store with a maximum of 120 m<sup>2</sup> (1,292 ft<sup>2</sup>) is permitted in conjunction with a *campground*.
- (c) All mechanical, electrical or other service equipment located outside or on the roof of a *building* shall be screened from adjacent properties and *streets* by *landscaping*, ornamental *structures* or other means.
- (d) All outdoor storage and refuse receptacle areas shall be screened in accordance with Section 6.8.
- (e) A maximum of one caretaker's residence may be located in conjunction with the permitted *use* on the *lot*, subject to the provisions of Section 6.16.
- (f) Where a campground is the principal permitted *use*, the conditions of *use* contained in Section 5.21.4 (Highway Commercial) shall apply.

## C9 – COMMERCIAL GUEST HOUSE

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

### 5.26.1 Permitted Uses

#### Principal Uses

Guest House  
Single detached dwelling  
Semi-detached dwelling

#### Accessory Uses

*Bed and Breakfast*  
*Secondary suite*

### 5.26.2 Site Development Regulations for Guest Houses

#### Minimum *Lot Area*

|               |                      |                           |
|---------------|----------------------|---------------------------|
| Up to 4 units | 900 m <sup>2</sup>   | (9,688 ft <sup>2</sup> )  |
| 5 or 6 units  | 1,000 m <sup>2</sup> | (10,764 ft <sup>2</sup> ) |
| 7 or 8 units  | 1,100 m <sup>2</sup> | (11,840 ft <sup>2</sup> ) |

|                         |      |         |
|-------------------------|------|---------|
| Minimum <i>Frontage</i> | 25 m | (82 ft) |
|-------------------------|------|---------|

|                         |     |
|-------------------------|-----|
| Maximum <i>Coverage</i> | 35% |
|-------------------------|-----|

#### 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 Height, Principal <i>Building</i> | 10.5 m | (29.5 ft) |
|---|--------|-----------|

|                                 |     |
|---------------------------------|-----|
| Maximum <i>Floor Area Ratio</i> | 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 <sup>2</sup> | (10,011 ft <sup>2</sup> ) |
| 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 Uses

#### Principal Uses

#### **All uses permitted in the M1 Zone**

Animal shelter

*Automobile wrecking yard*

Blacksmithing and welding shop

Bulk fuel storage

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

Construction, house moving and excavation

Industry *offices*, workshops and storage

Large equipment or machinery sales and repairs

Machining

*Manufacturing*, excluding *uses* specifically listed in M3

Open storage

Scrap and waste materials wholesaler

Truck transport operation

Utility works yard

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

#### Accessory Uses

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

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

### 5.28.2 Site Development Regulations

|   |                    |                           |
|---|--------------------|---------------------------|
| Minimum <i>Lot Area</i>                   | 930 m <sup>2</sup> | (10,011 ft <sup>2</sup> ) |
| 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 Uses

Principal Uses

**All uses permitted in the M2 zone**

Boiler and plate work

Fabricated metal products

Fish, meat and *poultry* products industry

*Junk yard*

Paper and allied *manufacturing* industry

Primary metal industry

Ready-mix concrete

Sawmill

*Shipbuilding*, *boatbuilding* and repair

Storage

Accessory Uses

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

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

*Office*

**5.29.2** Site Development Regulations

|                           |                      |                           |
|---------------------------|----------------------|---------------------------|
| Minimum <i>Lot Area</i>   | 1,000 m <sup>2</sup> | (10,764 ft <sup>2</sup> ) |
| 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 Uses

#### Principal 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 Uses**

#### **Principal Uses**

Ambulance station

Arena

*Assembly, cultural or recreational facility*

Childcare centre

*Community Care facility*

*Dormitory*

Firehall

Hospital

Hostel

Medical service

*Office*

Parking Lot

*Personal service*

*Place of worship*

Police station

Pound

*School*

*Supportive housing*

*Transition house*

Tutoring service

#### **Accessory Uses**

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

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

### **5.31.2 Site Development Regulations**

|                         |                    |                          |
|-------------------------|--------------------|--------------------------|
| Minimum <i>Lot Area</i> | 540 m <sup>2</sup> | (5,813 ft <sup>2</sup> ) |
|-------------------------|--------------------|--------------------------|

|                         |      |           |
|-------------------------|------|-----------|
| Minimum <i>Frontage</i> | 15 m | (49.2 ft) |
|-------------------------|------|-----------|

|                         |     |  |
|-------------------------|-----|--|
| Maximum <i>Coverage</i> | 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 Height, Principal <i>Building</i> | 12.5 m | (41 ft) |
|---|--------|---------|

5.31.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.31.2, the total of both *side yards* must be equal or greater than 20% of the *lot width*.
- (b) *Community care facilities* for seniors may include an accessory beauty shop or other provision of other *personal services*, limited to 16m<sup>2</sup> (172 ft<sup>2</sup>) 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 m<sup>2</sup> (11,592 ft<sup>2</sup>).
  - 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 m<sup>2</sup> (5,180 ft<sup>2</sup>).

**D.**

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

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

**E.**

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

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

## ***P2 – PARKS AND RECREATION***

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

### **5.32.1 Permitted Uses**

#### **Principal Uses**

*Assembly, cultural and recreational facility*

*Cemetery*

*Fairground*

*Fish hatchery*

*Forest management*

*Golf course*

*Natural Areas, Open Spaces and Parks*

*Public Parks and Playgrounds*

#### **Accessory Uses**

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

*Carnivals, Circuses, Exhibitions, Horse, Dog and Pony Shows*

*Office*

*Picnic Area*

*Parking Lot*

*Public Toilet*

### **5.32.2 Site Development Regulations**

*Minimum Lot Area*

1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>)

*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 m<sup>2</sup> (2,530 ft<sup>2</sup>).
- (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<br><br><u>Accessory Use:</u><br>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 Uses

#### Principal Uses

Commercial mooring facilities  
Fish and seafood buying and packing stations  
Fish product industry  
Marine and water traffic oriented:

- Loading facility
- Storage
- Warehouse, and
- Works yard

Marine fuelling operations

*Office*

*Shipbuilding, boatbuilding* and repair

#### Accessory Uses

Loading facility

Private floats and wharves

Storage

Temporary boat storage

**Permanent** residence on one boat or vessel by one member or employee of any other *use* permitted within this *zone* for purposes of security and fire protection

**Temporary** or seasonal residence on a boat or vessel for commercial fishing purposes

### **5.34.2** Site Development Regulations

Maximum Height, Principal *Building* 12.5 m (41 ft)

### **5.34.3** Conditions of Use

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

## 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 uses

#### Principal Uses

*Multiple family dwellings*

#### Accessory Uses

*Home occupation*

### 5.35.2 Site Development Regulations

|   |                    |                         |
|---|--------------------|-------------------------|
| Minimum <i>Lot Area</i>                   | 500 m <sup>2</sup> | (5495 ft <sup>2</sup> ) |
| 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 m<sup>2</sup> (484.4 ft<sup>2</sup>) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m<sup>2</sup> (193.3 ft<sup>2</sup>) 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:

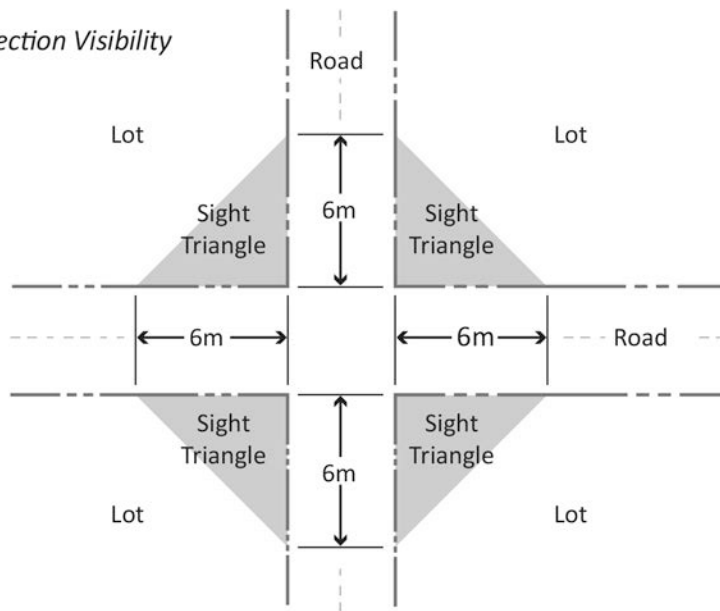
- belfries;
- cellular towers;
- chimneys;
- church spires;
- domes;
- elevator and ventilating machinery penthouses
- fire and hose towers;
- flag poles;
- grain storage;
- monuments;
- observation towers;
- radio towers;
- silos;
- solar panels;
- stadiums;
- transmission towers; and
- wind turbines,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

Intersection Visibility



## 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 m<sup>2</sup> (807.3 ft<sup>2</sup>), 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 m<sup>2</sup> (969 ft<sup>2</sup>), 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*:

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

(c) into *side yards*:

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

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

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

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

| <u>Projection</u> | <u>Maximum Permitted Projection Distance into R-O-W</u> |        | <u>Minimum Height Above Grade</u> |         |
|-------------------|---|--------|-----------------------------------|---------|
| 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 m<sup>2</sup> (430.6 ft<sup>2</sup>);
    - (ii) One non-illuminated fascia sign, up to 0.2 m<sup>2</sup> (2.15 ft<sup>2</sup>) 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 m<sup>2</sup> (204 ft<sup>2</sup>) 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 m<sup>2</sup> (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.

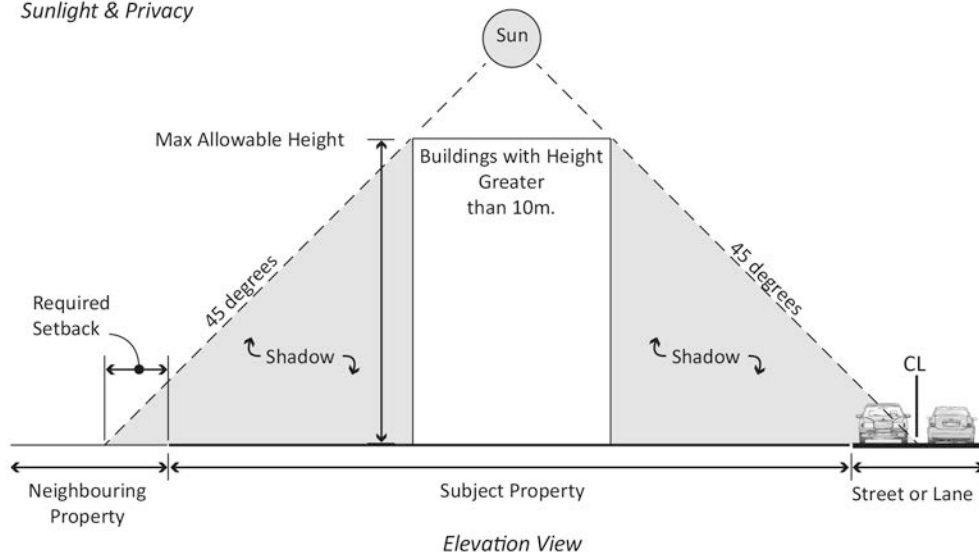
#### 6.17 Floats and Wharves

- 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 m<sup>2</sup>;
- (i) Must have a minimum of 18 m<sup>2</sup> 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 m<sup>2</sup>;
- (i) Must have a minimum of 18 m<sup>2</sup> 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 m<sup>2</sup> in area except where the *lot* size is greater than 2,400 m<sup>2</sup>, 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 m<sup>2</sup>;
  - (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 m<sup>2</sup> (21,528 ft<sup>2</sup>) in area.
- 6.24.2 The keeping of female *poultry* is prohibited on *lots* less than 350 m<sup>2</sup> (3,767 ft<sup>2</sup>) 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 m<sup>2</sup> (21,528 ft<sup>2</sup>) but more than 450 m<sup>2</sup> (4,844 ft<sup>2</sup>) in size. When the *lot* is less than 450 m<sup>2</sup> (4,844 ft<sup>2</sup>), no more than four (4) female *poultry* may be kept.
- 6.24.4 Runs shall provide at least 0.8 m<sup>2</sup> (8.5 ft<sup>2</sup>) of space per bird and coops of at least 0.2 m<sup>2</sup> (2 ft<sup>2</sup>) 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 m<sup>2</sup> (6,458 ft<sup>2</sup>) 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 m<sup>2</sup> and 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) in area, and a maximum of 4 hives of bees on *lots* over 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) 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 m<sup>2</sup> (484.4 ft<sup>2</sup>) for each dwelling unit containing 3 or more bedrooms, and not less than 28 m<sup>2</sup> (301.4 ft<sup>2</sup>) 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 m<sup>2</sup> (484.4 ft<sup>2</sup>) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m<sup>2</sup> (193.3 ft<sup>2</sup>) 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 m<sup>2</sup> (235 ft<sup>2</sup>) 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 m<sup>2</sup> (4305.7 ft<sup>2</sup>);
  - (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:

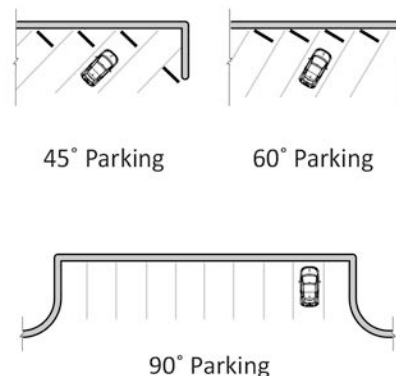
7.4.2 Where a *parking space* abuts a *fence*, wall or other *structure* along its length, the width of the *parking space* shall be increased by 0.3 m (1 ft) along any side that abuts such *fence*, wall, *building* or other *structure*.

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 m<sup>2</sup> (21,529 ft<sup>2</sup>), 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 m<sup>2</sup> (32,293 ft<sup>2</sup>), 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><br>*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 <sup>2</sup> (215.3 ft <sup>2</sup> ) 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 <sup>2</sup> (431 ft <sup>2</sup> ) of <i>gross floor area</i> or 1 per 4 seats, whichever is greater                   |

| <b>Commercial Use</b>  | <b>Required Parking Spaces</b>  |
|--|---|
| <i>Cannabis Production Facility</i>  | <i>1 per employee or 1 per 190 m<sup>2</sup> (2,045 ft<sup>2</sup>) 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 <sup>2</sup> (377 ft <sup>2</sup> ) 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 <sup>2</sup> (323 ft <sup>2</sup> ) of <i>retail floor area</i>  |
| <i>Convenience Store</i>   | 1 per 30 m <sup>2</sup> (323 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| Furniture Store  | 1 per 200 m <sup>2</sup> (2,153 ft <sup>2</sup> ) of <i>retail floor area</i>   |
| <i>Shopping Centre</i> (containing more than 10 stores)                              | 1 per 17 m <sup>2</sup> (183 ft <sup>2</sup> ) of gross leasable floor space  |
| Automobile Sales and Service   | 1 per 70 m <sup>2</sup> (753 ft <sup>2</sup> ) of <i>gross floor area</i> plus 1 per service bay plus 1 per 2 employees     |
| <i>Office</i>  | 1 per 35 m <sup>2</sup> (377 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| Bank or Other Financial Institution  | 1 per 45 m <sup>2</sup> (484 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| Laundromat   | 1 per 20 m <sup>2</sup> (215 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| <i>Personal Service Shop</i>   | 1 per 30 m <sup>2</sup> (323 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| Medical and Dental <i>Office</i> or Clinic   | 1 per 35 m <sup>2</sup> (484 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| <i>Veterinary Office</i>   | 1 per 30 m <sup>2</sup> (323 ft <sup>2</sup> ) 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<br>10 minimum for drive-in facility   |
| Warehouse Facility   | 1 per 200 m <sup>2</sup> (2153 ft <sup>2</sup> ) 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 <sup>2</sup> (323 ft <sup>2</sup> ) 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 <sup>2</sup> (161 ft <sup>2</sup> ) of <i>gross floor area</i>   |
| Restaurant   | 1 per 4 seats   |
| <b>Industrial Use</b>  | <b>Required Parking Spaces</b>  |
| <i>Cannabis Production Facility</i>  | <i>1 per employee or 1 per 190 m<sup>2</sup> (2,045 ft<sup>2</sup>) of gross floor area, whichever is the greater</i>       |
| <i>Manufacturing and Industrial Use</i>  | 1 per 3 employees or 1 per 100 m <sup>2</sup> (1,076 ft <sup>2</sup> ) of <i>gross floor area, whichever is the greater</i> |
| <i>Medical Marijuana Facility</i>  | 1 per employee or 1 per 190 m <sup>2</sup> (2,045 ft <sup>2</sup> ) of <i>gross floor area, whichever is greater</i>        |
| <i>Mini-storage Facility</i>   | 1 per 200 m <sup>2</sup> (2,153 ft <sup>2</sup> ) of <i>gross floor area</i>  |
| Wholesaling  | 1 per 200 m <sup>2</sup> (2,153 ft <sup>2</sup> ) of <i>gross floor area</i>  |
|  |   |
| Storage Area or Yard   | 1 per 200 m <sup>2</sup> (2,153 ft <sup>2</sup> ) 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 <sup>2</sup> | (3,767 ft <sup>2</sup> ) |
| <i>Single detached dwelling with Bed and breakfast</i>  | 600 m <sup>2</sup> | (6,458 ft <sup>2</sup> ) |
| <i>Single detached dwelling with Secondary suite</i>    | 600 m <sup>2</sup> | (6,458 ft <sup>2</sup> ) |
| <i>Single detached dwelling with Supportive housing</i> | 600 m <sup>2</sup> | (6,458 ft <sup>2</sup> ) |

*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 <sup>2</sup> (6,458 ft <sup>2</sup> ) 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 <sup>2</sup> (6,458 ft <sup>2</sup> ) 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 <sup>2</sup> (6,458 ft <sup>2</sup> ) | 40% |
|  | 50% |

*Maximum Floor Area Ratio*

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

|  |          |
|--|----------|
| Maximum Number of <i>dwelling units</i> per lot                  | 2        |
| OR on lots less than 600 m <sup>2</sup> (6,458 ft <sup>2</sup> ) | <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 <sup>2</sup> | (4,768 ft <sup>2</sup> ) |
| 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 m<sup>2</sup>.
- (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 <sup>2</sup> | (8,500 ft <sup>2</sup> ) |
| 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 26<sup>th</sup> day of June, 2023.

**READ A SECOND TIME** this      day of      , 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 June, 2023.

---

Mayor

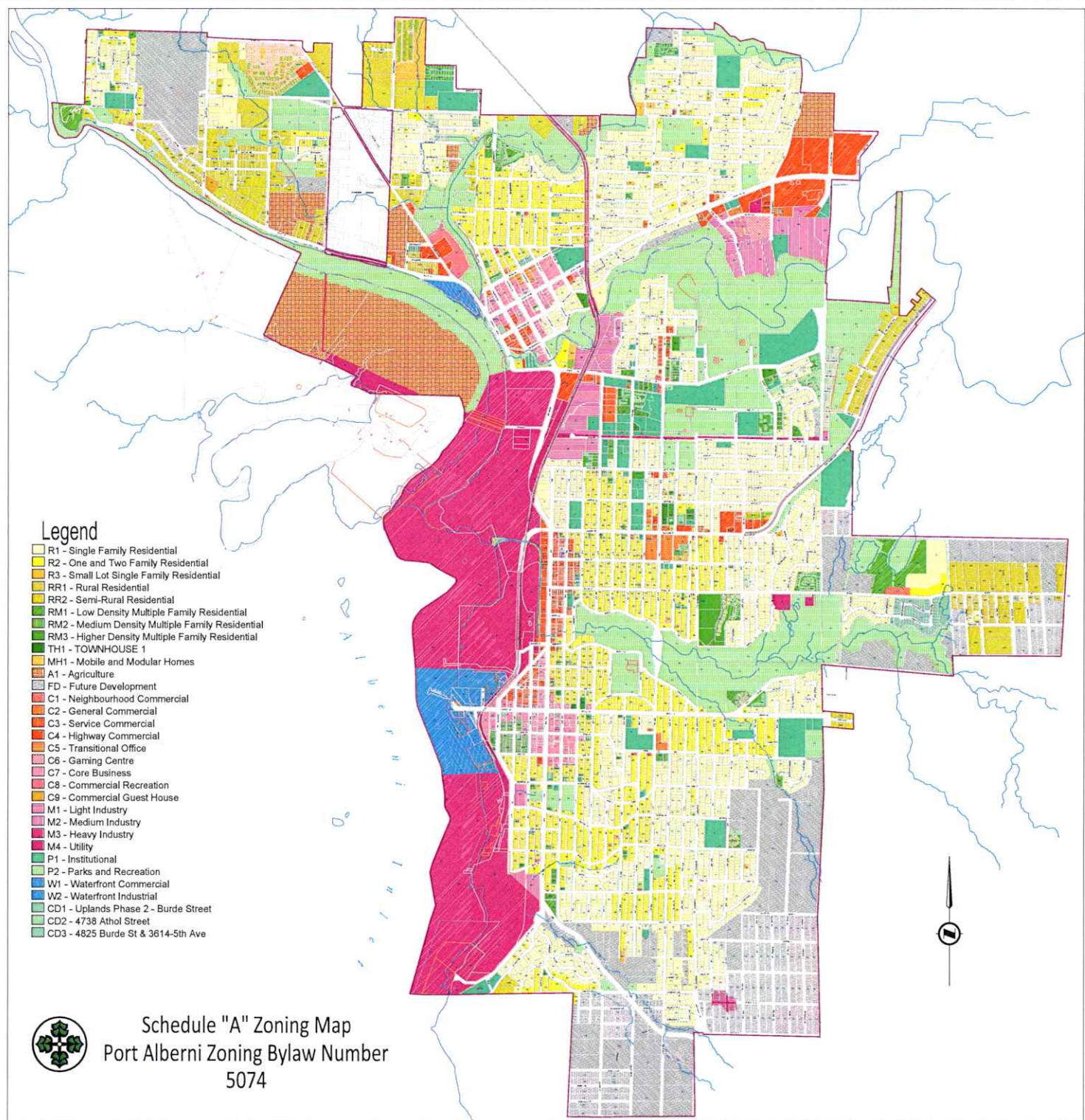
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Corporate Officer



## **Schedule A: Zoning Map**

COPY AVAILABLE FOR PUBLIC INSPECTION



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.

Date: July 4, 2023  
File No: 3900-20-5088\_5089 [Water & Sewer Rates]  
To: Mayor & Council  
From: Mike Fox, CAO  
Subject: **Waterworks and Sewer Bylaw Amendments 2023**

|  |   |                                       |
|--|---|---------------------------------------|
| Prepared by:<br><i>A. McGIFFORD</i><br>Director of Finance | Supervisor:<br><i>M. FOX</i><br>CHIEF ADMINISTRATIVE<br>OFFICER | CAO Concurrence:<br><br>Mike Fox, CAO |
|--|---|---------------------------------------|

#### RECOMMENDATION

- a. THAT "Waterworks Bylaw No. 5088, 2023" be now introduced and read a first time.
- b. THAT "Waterworks Bylaw No. 5088, 2023" be read a second time.
- c. THAT "Waterworks Bylaw No. 5088, 2023" be read a third time.
- d. THAT "Sewer Connection and Regulation Bylaw No. 5089, 2023" be now introduced and read a first time.
- e. THAT "Sewer Connection and Regulation Bylaw No. 5089, 2023" be read a second time.
- f. THAT "Sewer Connection and Regulation Bylaw No. 5089, 2023" be read a third time.

#### PURPOSE

For Council to consider amending the water and sewer rates subsequent to City Council adopting the "City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023" in advance of the September 1, 2023 billing period.

#### BACKGROUND

On June 24, 2013 Econics Enterprises [now Waterworth] attended the Regular meeting of Council to present information regarding the City's water and sewer rates outlining the need for increases over the next 20 years in order for the system to be sustainable and to provide incentives for water conservation.

At that time the City Engineer also presented a report recommending implementation of a Water Conservation Plan. The *Water Conservation Plan* was adopted by Council May 9, 2013.

On July 28, 2014 Econics Enterprises attended Council's Regular meeting to present an overview of the proposed water conservation rate structure and outlined a three-pronged approach as follows:



- 
- full cost recovery [long term sustainability];
  - establishing the cost of the service and equity [fairness and public acceptability]; and
  - design rates to meet objectives [promote conservation, minimize billing impacts].

It was at this same time that the City Engineer noted that senior governments will no longer provide grant funding to municipalities unless they are able to demonstrate that a conservation-based rate structure is in place.

#### **ALTERNATIVES/OPTIONS**

1. That " Waterworks Bylaw No. 5088, 2023" and " Sewer Connection and Regulation Bylaw No. 5089, 2023" be introduced and read three times.
2. That Council request revisions prior to applying readings of the proposed bylaws.

#### **ANALYSIS**

Effective September 1, 2023, the *"City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023"* includes a targeted 5% increase for overall revenue on metered sales of water consumption, connections and sundry services; and a 5% increase for sewer fees, connections and sundry charges. The sewer fee increase includes debt servicing on borrowed funds to complete the sewage treatment system.

#### **IMPLICATIONS**

With the adoption of the *"City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023"* and the approved water and sewer budgets, the City's existing water and sewer rates bylaws require amendments prior to the September 1, 2023 billing period.

The rate reviews are required to ensure:

- revenue sufficiency for system maintenance and capital replacements;
- rate equity for fairness;
- resource conservation to improve management and reduce operating costs.

#### **COMMUNICATIONS**

Information regarding the increase to water and sewer rates will be included on the 3<sup>rd</sup> quarterly utility bills.

#### **BYLAWS/PLANS/POLICIES**

Bylaw amendments are required in order to apply new rates applicable to water consumption/connections as well as sewer fees/connections. Amending bylaws are attached to this report for Council's consideration of first, second and third reading.

#### **ATTACHMENTS/REFERENCE MATERIALS**

- Draft – " Waterworks Bylaw No. 5088, 2023"
- Draft – " Sewer Connection and Regulation Bylaw No. 5089, 2023"

Copy: D. Monteith, Director of Corporate Services  
Clinton Wright, Manager of Operations  
Hilary Adams, Utility Clerk

## CITY OF PORT ALBERNI

### BYLAW NO. 5088

#### A BYLAW TO AMEND WATERWORKS BYLAW NO. 4494

The Municipal Council of the City of Port Alberni in Open Meeting Assembled enacts as follows:

1. **Title**

This Bylaw may be known and cited for all purposes as "**Waterworks Bylaw No. 5088, 2023**".

2. **Amendments**

Waterworks Bylaw No. 4494 is hereby amended as follows:

Schedules "A", "B" and "C" attached to Waterworks Bylaw No. 4494 are hereby deleted and Schedules "A", "B" and "C" attached hereto are substituted and shall become effective for the third billing period of 2023 [September 1, 2023].

3. **Repeal**

Upon effect of Bylaw No. 5088, "City of Port Alberni Waterworks Bylaw No. 5062, 2022" shall be hereby repealed.

**READ A FIRST TIME** this     day of     , 2023.

**READ A SECOND TIME** this     day of     , 2023.

**READ A THIRD TIME** this     day of     , 2023.

**ADOPTED** this     day of     , 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## SCHEDULE "A" TO WATERWORKS BYLAW, NO. 5088

### METERED CONSUMPTION RATES AND BILLING

#### 1. Rates for Water Consumption

Rates for Water Consumption are calculated on the basis of cubic metre (m<sup>3</sup>).  
One m<sup>3</sup> equals 1,000 litres.

| Customer Category         | Description   | Volume Rate   |
|---------------------------|---|---|
| Single Family Residential | Service to a single-family dwelling unit is billed at the residential unit rate   | First 60 m <sup>3</sup> : \$0.71 per m <sup>3</sup><br>Over 60 m <sup>3</sup> : \$0.94 per m <sup>3</sup> |
| Multifamily Residential   | Service that is shared by two or more single family dwelling units, including duplexes, apartments, and condominiums, is billed at the multifamily rate | \$0.71 per m <sup>3</sup>   |
| Commercial                | Service to commercial and light industrial units  | \$0.62 per m <sup>3</sup>   |
| Industrial                | Service to specific high-volume customers   | \$0.44 per m <sup>3</sup>   |
| Outside Residential       | Single family residential outside City boundaries   | First 60 m <sup>3</sup> : \$0.96 per m <sup>3</sup><br>Over 60 m <sup>3</sup> : \$1.29 per m <sup>3</sup> |
| Special Service Agreement | Bulk provision to Hupacasath First Nation; Tseshahat First Nation; Beaver Creek   | \$0.55 per m <sup>3</sup>   |

## 2. Fixed System Charge

Fixed System Charges are calculated monthly, based on the size of Meter in metric (millimetre or mm) measure.

| <b>Meter Size</b><br>millimetres | <b>Meter Size</b><br>inches | <b>Inside City</b><br><b>Boundaries</b><br><b>Monthly</b><br><b>Charge</b> | <b>Outside City</b><br><b>Boundaries</b><br><b>Monthly</b><br><b>Charge</b> |
|----------------------------------|-----------------------------|--|---|
| 16                               | 5/8                         | \$ 21.54   | \$ 29.10  |
| 19                               | 3/4                         | \$ 21.54   | \$ 29.10  |
| 25                               | 1                           | \$ 44.75   | \$ 60.42  |
| 38                               | 1 1/2                       | \$ 57.78   | \$ 77.99  |
| 50                               | 2                           | \$ 75.55   | \$ 101.96   |
| 75                               | 3                           | \$ 119.58  | \$ 161.45   |
| 100                              | 4                           | \$ 169.39  | \$ 228.66   |
| 150                              | 6                           | \$ 286.69  | \$ 387.07   |
| 200                              | 8                           | \$ 419.80  | \$ 566.73   |
| 250                              | 10                          | \$ 568.69  | \$ 767.75   |

## 3. Billing Period

Unless otherwise determined by resolution of Council, Meters shall be read and the Water Consumption determined of at least three times a year and the resulting charges shall be due and payable on the date stated as the "Due Date".



**SCHEDULE "B" TO WATERWORKS BYLAW, NO. 5088**  
**UNMETERED CONSUMPTION RATES AND BILLING**

**1. Rates for Water Consumption**

| <b>Category of Single Family Residential or Commercial Premises</b> | <b>Monthly Rate</b> |
|---|---------------------|
| (a) Unmetered (refusals)  | \$ 175.42           |
| (b) Inside City Boundaries - awaiting Meter installation            | \$ 43.86            |
| (c) Outside City Boundaries - awaiting Meter installation           | \$ 59.17            |

The establishment of a rate for unmetered (refusals) Premises in (a) above does not interfere with or relieve an Owner from the obligation under Section 34 of this Bylaw to have a Meter installed on their Premises.

**2. Fire Line Rates**

The monthly rate for all Fire Lines shall be \$30.00.

**3. Billing Period**

Unless otherwise determined by resolution of Council, accounts for the above shall be billed every four months in advance and shall be due and payable on the date stated on the invoice. No prepayment for any service shall prevent the amount of any increase being charged to and collected from any Owner.

## SCHEDULE "C" TO WATERWORKS BYLAW, NO. 5088

### CUSTOMER SERVICE CHARGES

(1) Water Service Connections

| Size of Service Connection | Inside City Boundaries Charge       | Outside City Boundaries Charge                           |
|----------------------------|-------------------------------------|--|
| 25 mm                      | As per current Fees & Charges Bylaw | As per current Fees & Charges Bylaw or At estimate cost* |
| Larger than 25 mm          | At estimated cost*                  | At estimated cost*                                       |

(2) Use of Fire Hydrant for Water Supply

Application charge of \$65.00 plus \$65.00 for each week or portion thereof of connection to the Fire Hydrant plus \$65.00 non-refundable equipment use fee for use of City supplied backflow assembly.

(3) Turn Off and Turn On

(i) A charge of \$65.00 shall be charged for turning OFF a Supply of Water.

(ii) A charge of \$65.00 shall be charged for turning ON a discontinued Supply of Water.

(iii) A charge of \$65.00 shall be charged for turning water on/off after usual City business hours for the purposes of emergency repair or maintenance.

(iv) The charges noted in (i), (ii) and (iii) above do not apply where turning off the Supply of Water was required due to the Premises being substantially damaged by fire.

(4) Meter Testing

\$150.00 per test

(5) Interim Meter Read

\$35.00

(6) Account Adjustment due to Meter Failure

\$12.00

(7) Processing of Application for Account Adjustment due to Leak

\$65.00

# CITY OF PORT ALBERNI

## BYLAW NO. 5089

### A BYLAW TO AMEND SEWER CONNECTION AND REGULATION BYLAW, NO. 3224

The Municipal Council of the City of Port Alberni in Open Meeting Assembled enacts as follows:

#### 1. Title

This Bylaw may be known and cited for all purposes as "**Sewer Connection and Regulation Bylaw No. 5089, 2023**".

#### 2. Amendments

Sewer Connection and Regulation Bylaw, Bylaw No. 3224 is hereby amended by:

- (a) Deleting Schedule 'A' and substituting it with Schedule 'A' attached hereto and forming part of this bylaw.
- (b) Amending Schedule 'B' Customer Service Charges as follows:

##### 1. Septage Dump Fee

A charge of \$180.00 per load shall be charged for dumping of septage by tanker trucks.

Deleting Section 7A02 and replacing it with the following:

#### 7A. Fish Processing Facilities

- 7 A02 Liquid Industrial Wastes discharged from fish processing facilities into the City's Sewerage System will be subject to user charges set out in Table 1 below. These charges are in addition to the usual charges associated with any connection to and use of the City's Sewerage System:

| <b>Table 1</b><br><b>Special User Charges for Fish Processing Facilities</b> |                         |                 |
|--|-------------------------|-----------------|
| <b>Quality Indicator</b>   | <b>Concentration</b>    | <b>Fee</b>      |
| a) Biochemical Oxygen Demand (BOD5)  | 0 - 0.69 tonne per day  | No Charge       |
|  | 0.7 - 1.6 tonne per day | \$415 per tonne |
|  | over 1.6 tonne per day  | Not Permitted   |
| (b) Total Suspended Solids (TSS)   | 0 - 1.1 tonne per day   | No Charge       |
|  | 1.2 - 2.6 tonne per day | \$225 per tonne |
|  | Over 2.6 tonne per day  | Not Permitted   |

**3. Repeal**

Upon effect of Bylaw No. 5089, "City of Port Alberni Sewer Connection and Regulation Bylaw No. 5063, 2022" shall be hereby repealed.

**READ A FIRST TIME** this     day of     , 2023.

**READ A SECOND TIME** this     day of     , 2023.

**READ A THIRD TIME** this     day of     , 2023.

**ADOPTED** this     day of     , 2023.

---

**Mayor**

---

**Corporate Officer**

**CITY OF PORT ALBERNI  
SEWER CONNECTION AND REGULATION BYLAW  
SCHEDULE "A"  
METERED CONSUMPTION RATES AND BILLING**

**1. Rates for City Sewerage System**

**1.1. Rates for Sewer User Consumption**

Rates for connection to the City Sewerage System for all users are based on water consumption in of cubic metres (m<sup>3</sup>). One cubic metre is 1,000 litres. Sewer user consumption rates are as follows:

| Customer Category             | Description   | Volume Rate               |
|-------------------------------|---|---------------------------|
| Residential                   | Service to a single family dwelling unit is billed at the residential unit rate   | \$0.48 per m <sup>3</sup> |
| Non-Residential (low volume)  | Service that is not to a single family dwelling and that is consuming less than 35,000 cubic meters of water per year is billed for sewer at the non-residential low use rate | \$0.67 per m <sup>3</sup> |
| Non-Residential (high volume) | Service that is not to a single family dwelling and that is consuming more than 35,000 cubic meters of water per year is billed for sewer at the non-residential high rate    | \$0.59 per m <sup>3</sup> |

**1.2. Fixed System Charge**

Fixed System Charges are calculated monthly based on the size of water meter.

| Meter Size<br>(millimetres) | Meter Size<br>(inches) | Monthly Charge |
|-----------------------------|------------------------|----------------|
| 16                          | 5/8                    | \$ 22.35       |
| 19                          | 3/4                    | \$ 22.35       |
| 25                          | 1                      | \$ 22.35       |
| 38                          | 1 1/2                  | \$ 46.56       |
| 50                          | 2                      | \$ 46.56       |
| 75                          | 3                      | \$130.36       |
| 100                         | 4                      | \$130.36       |
| 150                         | 6                      | \$130.36       |

|     |    |          |
|-----|----|----------|
| 200 | 8  | \$130.36 |
| 250 | 10 | \$279.36 |

## 2. Billing Period

Unless otherwise determined by resolution of Council, Meters shall be read and the Water Consumption and Fixed System Charge determined at least three times a year and the resulting charges shall be due and payable on the date stated as the "Due Date".



# CITY OF PORT ALBERNI

## BYLAW NO. 5086

### RESERVE FUND ESTABLISHMENT BYLAW

**WHEREAS** Section 188 (2) of the *Community Charter*, S.B.C. 2003, c. 26, as amended, authorizes a local government to establish by bylaw reserve funds for a specified purpose and direct that money be placed to the credit of the reserve fund; and

**WHEREAS** Section 189 (1) of the *Community Charter* authorizes the local government to provide for the expenditure of money in a reserve fund and interest earned on it for the purposes specified in the bylaw establishing the reserve fund;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:**

**1. Title**

- 1.1 This Bylaw may be known and cited for all purposes as "**Reserve Fund Establishment Bylaw No 5086, 2023**".

**2. Reserve Fund**

- 2.1 There is hereby established a Reserve Fund pursuant to the provisions of the *Community Charter*, to be known as the "Reserve Fund Establishment Bylaw".

**3. Source of Funds**

- 3.1 Ten percent (10%) of Parks and Recreation admissions, registered programs, and facility rentals revenue and 100% of revenues collected from the sale of logs from parks must be placed to the credit of the Parks & Recreation Capital Reserve.
- 3.2 Money received from the sale of surplus equipment and vehicles shall be placed to the credit of The Equipment Replacement Reserve Fund.
- 3.3 Except for tax sale proceeds and sale of park lands, money from the sale of land must be placed to the credit of the Land Sale Reserve Fund in accordance to Section 188 of the *Community Charter*.
- 3.4 Funds from the following sources may be placed to the credit of a reserve fund established in Section 3:



- a) Funds appropriated from capital or operating budgets, or from general revenues, as authorized by the City's Five-Year Financial Plan annually;
- b) Funding contributions from other levels of government, developers and members of the public for the same purpose of the reserve fund in which the money is being placed.

**4. Use of Funds**

- 4.1 Subject to Section 189 of the *Community Charter*, money in a reserve fund, and interest earned on it, must only be used for the purpose for which the fund was established.

**5. Transfer of Funds**

- 5.1 Money held by the City at the time of the adoption of this Bylaw in reserve fund established for the same purpose as a reserve fund established by this Bylaw, will, on adoption of this Bylaw, be transferred, together with interest earned on it, and placed to the credit of the applicable reserve fund established under Section 3 having the same purpose for which the money was received.
- 5.2 Despite Section 5, if the amount to the credit of a reserve fund is greater than required for the purpose for which the fund was established, Council may, by bylaw, transfer all or part of the amount to another reserve fund in accordance with Section 189 of the *Community Charter*.

**6. Investment of Funds**

- 6.1 Funds held by the City that are not immediately required and placed to the credit of a reserve fund may only be invested or reinvested in accordance with Section 183 of the *Community Charter*.

**7. Repeal**

The following bylaws, and all amendments, are hereby repealed:

- Land Sale Reserve Fund Bylaw No. 4306, 1999;
- Equipment Replacement Reserve Fund Bylaw No. 3178, 1973;
- Capital Works Reserve Fund Bylaw No. 4187, 1973;
- City of Port Alberni Capital Works Reserve Fund Bylaw No. 4197, 1994;
- Alberni Valley Community Forest Reserve Fund, Bylaw No. 4854, 2014;
- Parks and Recreation Capital Reserve Bylaw No. 4452, 2000;
- Port Alberni Carbon Fund Bylaw No 4817, 2013

**READ A FIRST TIME** this 26<sup>th</sup> day of June, 2023.

**READ A SECOND TIME** this 26<sup>th</sup> day of June, 2023.

**READ A THIRD TIME** this 26<sup>th</sup> day of June, 2023.

**ADOPTED** this    day of    , 2023

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**Mayor**

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**Corporate Officer**

# CITY OF PORT ALBERNI

## BYLAW NO. 5087

### GROWING COMMUNITIES FUND RESERVE BYLAW

**WHEREAS** Section 188 (2) of the *Community Charter*, S.B.C. 2003, c. 26, as amended, authorizes a local government to establish by bylaw reserve funds for a specified purpose and direct that money be placed to the credit of the reserve fund; and

**WHEREAS** Section 189 (1) of the *Community Charter* authorizes the local government to provide for the expenditure of money in a reserve fund and interest earned on it for the purposes specified in the bylaw establishing the reserve fund;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:**

**1. Title**

This Bylaw may be known and cited for all purposes as "**Growing Communities Reserve Fund Bylaw No. 5087, 2023**".

**2. Reserve Fund**

2.1 There is hereby established a Reserve Fund pursuant to the provisions of the *Community Charter*, to be known as the "*Growing Communities Reserve Fund Bylaw*".

**3. Source of Funds**

3.1 Growing Communities Fund grants received from the Province of British Columbia shall be deposited into this reserve fund.

3.2 Expenditures from this fund shall be authorized by a resolution of Council citing the Growing Communities Fund as the source of funds, and specify the use of the funds.

3.3 Amounts in this fund shall be invested in accordance with the City's investment policy and practice as determined from time to time, and interest so earned shall be credited to this fund.

3.4 Eligible expenditures from this fund are for capital projects, as follows:

3.4.1 Enhancement of the public drinking water supply, treatment facilities, and water distribution.

- 3.4.2 The local portion of affordable/attainable housing developments.
- 3.4.3 Childcare facilities.
- 3.4.4 Municipal or regional capital projects that service, directly or indirectly, neighbouring First Nation communities.
- 3.4.5 Wastewater conveyance and treatment facilities.
- 3.4.6 Storm water management.
- 3.4.7 Solid waste management infrastructure
- 3.4.8 Public safety/emergency management equipment and facilities not funded by senior level of government.
- 3.4.9 Local road improvements and upgrades.
- 3.4.10 Sidewalks, curbing and lighting.
- 3.4.11 Active transportation amenities not funded by senior level governments.
- 3.4.12 Improvements that facilitate transit service.
- 3.4.13 Natural hazard mitigation.
- 3.4.14 Park additions/maintenance/upgrades including washroom/meeting space and other amenities.
- 3.4.15 Recreation-related amenities.
- 3.4.16 Further to the above noted capital costs, one-off costs can include:
  - (a) Costs of feasibility studies, including infrastructure capacity assessment.
  - (b) Other early-stage development work.
  - (c) Costs of designing and tendering.
  - (d) Costs of acquiring land where it is wholly required for constructing an eligible infrastructure project.
  - (e) And, in limited situations, non-capital administrative costs where these are necessary for the completion of the eligible project.

#### **4. Use of Funds**

- 4.1 Subject to Section 189 of the *Community Charter*, money in a reserve fund, and interest earned on it, must only be used for the purpose for which the fund was established.

**5. Transfer of Funds**

- 5.1 Money held by the City at the time of the adoption of this Bylaw in reserve fund established for the same purpose as a reserve fund established by this Bylaw, will, on adoption of this Bylaw, be transferred, together with interest earned on it, and placed to the credit of the applicable reserve fund established under Section 3 having the same purpose for which the money was received.
- 5.2 Despite Section 5, if the amount to the credit of a reserve fund is greater than required for the purpose for which the fund was established, Council may, by bylaw, transfer all or part of the amount to another reserve fund in accordance with Section 189 of the *Community Charter*.

**6. Investment of Funds**

- 6.1 Funds held by the City that are not immediately required and placed to the credit of a reserve fund may only be invested or reinvested in accordance with Section 183 of the *Community Charter*.

**READ A FIRST TIME** this 26<sup>th</sup> day of June, 2023.

**READ A SECOND TIME** this 26<sup>th</sup> day of June, 2023.

**READ A THIRD TIME** this 26<sup>th</sup> day of June, 2023.

**ADOPTED** this     day of     , 2023.

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**Mayor**

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**Corporate Officer**

WESTERN VANCOUVER ISLAND  
INDUSTRIAL HERITAGE SOCIETY

- |  |  |
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| <input type="checkbox"/> Council                       | <input type="checkbox"/> Economic Development                    |
| <input type="checkbox"/> Mayor                         | <input checked="" type="checkbox"/> Engineering/PW <i>Eclint</i> |
| <input checked="" type="checkbox"/> CAO                | <input checked="" type="checkbox"/> Parks, Rec. & Heritage       |
| <input type="checkbox"/> Finance                       | <input type="checkbox"/> Development Services                    |
| <input checked="" type="checkbox"/> Corporate Services | <input type="checkbox"/> Community Safety                        |
| <input checked="" type="checkbox"/> Agenda             | <input type="checkbox"/> Other                                   |

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JUN 29 2023

CITY OF PORT ALBERNI

*RCM July 10, 2023*  
*810-20-WV.I.H.S.* Jun 28, 2023

CAO,  
City of Port Alberni,  
Port Alberni, BC

Dear Sir,

Re. Annual Antique Truck & Machinery Show


We wish to confirm our plans to host, along with the AV Museum, our annual Truck Show at the Industrial Heritage Centre (Old Arena).

As we usually do, for the Safety and Security of Participants and Visitors, we would like your permission to block off Dunbar Street, from the corner of Seventh Avenue to Ninth Avenue, from the corner of Ninth & Dunbar, from 5 p.m., Sept. 1<sup>st</sup> till 5 p.m., Sept 3. We usually ask City Works for several of their plastic traffic barriers to do this, while ensuring access for Emergency vehicles.

We will be informing local Emergency services – Police, Fire, Ambulance - of the Event and of the temporary road closure. We will also inform our neighbours. We will have overnight Security on September 1<sup>st</sup> and 2<sup>nd</sup>, as well as the necessary insurance coverage.

Trusting that this will meet your approval and waiting for any comments or advice, I am

Yours sincerely,

  
D. Hooper  
Show Organizer,  
W.V.I.H.S.

*Enclosure.*



DRAFT

# ANTIQUE TRUCKS & MACHINERY SHOW 2023 PORT ALBERNI

September 2-3  
2023  
INDUSTRIAL  
HERITAGE CENTRE

Sat. 10 a.m. to  
5 p.m.  
Sun. 10 a.m. to  
3 p.m.



Photos: D. Jones

Radio-controlled  
Models & Boats.  
Model logging and road  
building demos.

Information / Registration: D. Hooper

E-mail: [REDACTED]

Everyone Welcome / Free Admission

Donations welcome

Miniature  
Steam Train  
Rides for Kids





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JUL - 4 2023

CITY OF PORT ALBERNI

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| <input type="checkbox"/> Council                       | <input type="checkbox"/> Economic Development   |
| <input type="checkbox"/> Mayor                         | <input type="checkbox"/> Engineering/PW         |
| <input checked="" type="checkbox"/> CAO                | <input type="checkbox"/> Parks, Rec. & Heritage |
| <input type="checkbox"/> Finance                       | <input type="checkbox"/> Development Services   |
| <input checked="" type="checkbox"/> Corporate Services | <input type="checkbox"/> Community Safety       |
| <input checked="" type="checkbox"/> Agenda             | <input type="checkbox"/> Other                  |

File #. 0400-60- Rem June 10, 23

June 21, 2023

Via email: [HOUS.minister@gov.bc.ca](mailto:HOUS.minister@gov.bc.ca)

The Honourable Ravi Kahlon  
Ministry of Housing  
PO Box 9844 Stn Prov Govt  
Victoria, BC V8W 9T2

Dear Honourable Kahlon:

**Re: Province of British Columbia's Home for People Action Plan**

At its Regular Council meeting held June 19, 2023, the District of North Saanich Council approved the following resolution:

*"That the Mayor be authorized to send a letter to the Minister of Housing, with copies to the MLA for Saanich North and the Islands and all members of the Union of British Columbia Municipalities, regarding the recently announced action plan "Homes for People" and request that the Minister take into consideration the following:*

- 1. The diversity and size of communities throughout the province and their unique housing needs;*
- 2. The differences between rural and urban communities and their availability of infrastructure; and,*
- 3. The significant impact on existing local infrastructure capacity to service increased development and density.*

*And that the Minister be further advised that the District of North Saanich is concerned that broad legislative changes may curtail the local planning authority vested in local governments and expressed in their Official Community Plans and Zoning bylaws, for which significant public input has been received and accounted for in these important planning policy instruments."*

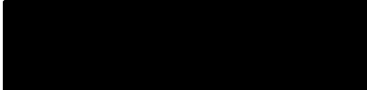
A good portion of North Saanich is in the Agricultural Land Reserve (ALR); as such, we have concerns regarding the potential conflict between residential and agricultural land use. We have struggled with this very issue in recent years as have other communities surrounded with rural areas and have experienced development pressure.

Respectfully, we request you consider that there are other communities, just as unique as ours, for which a province-wide, "one-size-fits-all", approach to increasing housing supply may not be in their best interest and may result in communities that no longer resemble the ones that people chose to live in. If the Province targeted support to communities either better suited or desirous of increased density, British Columbians would have the ability to choose the housing type and the community that is the best fit for them.

1

**We thank you for your thoughtful consideration of our concerns on this very important initiative.**

**Sincerely,**



**Peter Jones  
Mayor**

**cc: Adam Olsen, MLA for Saanich North and the Islands  
Members of the Union of BC Municipalities**

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JUL - 4 2023

☒ Council  
☒ Mayor  
☒ CAO  
☐ Finance  
☒ Corporate Services  
☐ Agenda  
☐ Economic Development  
☐ Engineering/PW  
☐ Parks, Rec. & Heritage  
☐ Development Services  
☐ Community Safety  
☐ Other  
File # 0400-20-MBF **RCM July 10, 23.**

From: Perdue, Mark E FOR:EX <[Mark.Perdue@gov.bc.ca](mailto:Mark.Perdue@gov.bc.ca)> CITY OF PORT ALBERNI

Sent: June 26, 2023 3:47 PM

To: Mike Fox <[mike\\_fox@portalberni.ca](mailto:mike_fox@portalberni.ca)>; Sharie Minions <[sharie\\_minions@portalberni.ca](mailto:sharie_minions@portalberni.ca)>;  
[dsailand@acrd.bc.ca](mailto:dsailand@acrd.bc.ca)

Cc: Proteau, James FOR:EX <[James.Proteau@gov.bc.ca](mailto:James.Proteau@gov.bc.ca)>; Brown, Jim W FOR:EX  
<[WJim.Brown@gov.bc.ca](mailto:WJim.Brown@gov.bc.ca)>

Subject: Tree Farm Licence 44 Allowable Annual Cut Determination

Good afternoon,

I am writing to inform the City of Port Alberni and the Alberni-Clayoquot Regional District that the BC Ministry of Forests, Deputy Chief Forester has just released his allowable annual cut (AAC) determination for Tree Farm Licence (TFL) 44.

TFL 44 is held by Tsawak-qin Forestry Inc, a limited partnership between Huu-ay-aht First Nations-owned Huumiis Ventures Limited Partnership and Western Forest Products Inc. TFL 44 covers a total of 136 900 hectares located in the South Island Natural Resource District, near the City of Port Alberni.

Section 8(1) of the *Forest Act* requires that the deputy chief forester determine an AAC for each Timber Supply Area (TSA) and TFL in the province once every ten years. The AAC is the rate of timber harvest permitted each year from a specified area of land and is expressed in cubic meters of wood.

The deputy chief forester has carefully reviewed all the communications received from the public and First Nations, and have taken all comments and concerns into consideration. At this time, we would like to inform you that in accordance with Section 8 of the *Forest Act*, a new AAC for TFL 44 has been determined.

Information on the deputy chief foresters AAC determination for TFL 44 will be posted on the following websites at 3:30 PM today, June 26<sup>th</sup>:

News Release:

<https://news.gov.bc.ca/ministries/forests>

The deputy chief foresters *Rationale for Allowable Annual Cut Determination*:

<https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/timber-supply-review-and-allowable-annual-cut/allowable-annual-cut-tree-farm-licences>

If you have questions about this email or the AAC determination rationale, please contact James Proteau, District Manager, South Island Natural Resource District by telephone at 250 736-6882 or via email to [James.Proteau@gov.bc.ca](mailto:James.Proteau@gov.bc.ca).

---

Mark Perdue, RPF  
Senior Analyst TFLs  
Ministry of Forests  
Forest Analysis and Inventory Branch



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CITY OF PORT ALBERNI

CITY OF SURREY

OFFICE OF THE MAYOR

July 4, 2023

Port Alberni (City)  
4850 Argyle Street  
Port Alberni, BC V9Y 1V8

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Council            | <input type="checkbox"/> Economic Development         |
| <input checked="" type="checkbox"/> Mayor              | <input type="checkbox"/> Engineering/PW               |
| <input checked="" type="checkbox"/> CAO                | <input type="checkbox"/> Parks, Rec. & Heritage       |
| <input type="checkbox"/> Finance                       | <input type="checkbox"/> Development Services         |
| <input checked="" type="checkbox"/> Corporate Services | <input type="checkbox"/> Community Safety             |
| <input checked="" type="checkbox"/> Agenda             | <input checked="" type="checkbox"/> Other <u>RCMP</u> |
| File #   | <u>0400-60</u>  |

By email: [citypa@portalberni.ca](mailto:citypa@portalberni.ca)

Dear Mayor and Council,



BRENDA LOCKE  
MAYOR

MAYOR@SURREY.CA

604.591.4126

It is important for local governments to know the impact of the Surrey Police Transition on your city, town or regional district, should it go ahead.

As you may know, Surrey Council voted to keep the RCMP as the police of jurisdiction (POJ). We communicated our decision to the Solicitor General (SG) who, continued to "recommend" that the city stay with the transition to the Surrey Police Service (SPS), but asked that the City choose between two options,

- 1) To continue the transition to the SPS with no evaluation of the SPS model.
- 2) To stay with the RCMP as the POJ with conditions.

The Premier, the SG and the Ministry's report recognize that it is the role of municipalities to choose their policing model. The SGs' authority under the Act is a safety net if the "adequate and effective" policing standard is not met. It does not grant the SG the authority to impose hundreds of millions of dollars' worth of costs into the municipal budget on a political whim.

I am writing to you today for two reasons.

**Firstly**, is to express my deep concern for the statements made by the provincial government and the Solicitor General suggesting that should Surrey remain with the RCMP would create a public safety crisis; this is not truthful.

In fact, the ministry's own report states *"It is not based on a failure by police to deliver adequate and effective policing nor a failure in public safety. Quite the opposite is true, front-line officers in the SPS and the RCMP are working hard to serve those who reside in and visit Surrey"*. It went on to say *"This Director's Report is not a comparative assessment of the two police models. It is also not intended to provide a comprehensive assessment of the impacts of continuing with the current police transition to the SPS."*

This interference should have significant concern to local government if the SG establishes a precedent of indiscriminately imposing massive costs onto



13450 - 104 AVENUE SURREY BRITISH COLUMBIA CANADA V3T 1V8

municipal government with no rationale other than vaguely referencing public safety concerns. Adequate and effective policing is in place in our city and our province, and for the Premier and the Solicitor General to infer there is a public safety crisis is not supported by data.

The central fear articulated by the premier and SG is the sudden dissolution of the SPS may lead to a walk out. The SPS Board has provided assurances that the SPS officers will remain on duty. Because the SPS Board reports to the province (not the city), they will take its instructions from the Ministry of the Solicitor General and Public Safety. One simple mandate letter from the province would remove the only concern for this public safety threat.

On the other hand, approving the SPS would create massive pressure on policing in the province, which would not exist if we remained with the RCMP. The only police training facility in the province, the JIBC, was past its capacity to meet the needs of municipal policing in BC even before the SPS was established. It is also important to recognize that police officer training at the JIBC has been under scrutiny. In order to properly address the police training needs in British Columbia would require expanding the JIBC. To date, the provincial budget has not addressed this expensive and time-consuming need. Waiting years for the JIBC training to fill the SPS cadet requirement will not only cost Surrey millions in time delays, but it will also impact other municipal police forces who cannot get seats at the JIBC.

Therefore, the only other route to full capacity for the SPS is hiring experienced police officers from your communities as they have done to date.

If the SG were to impose the SPS on Surrey, I would strongly recommend you communicate directly to the SG that you expect him to impose the same "public safety" restrictions on the SPS hiring from LMD communities as he has placed on the RCMP.

**Secondly**, and perhaps more important to local governments, is the financial and human resource impact that continuing with the Surrey Police Transition will have on every city, town, transit police and regional district in the province.

The SG's plan to move forward with the SPS will cost you financially if you are currently an RCMP jurisdiction. As RCMP divisional administrative costs are shared costs among all RCMP jurisdictions, so far it is estimated that because of the size of the Surrey detachment, your policing costs will increase by up to 7%.

If you are served by a municipal police force, it is important to know that the provincially appointed Surrey Police Board signed the richest collective agreement in Canada. This agreement will likely impact all future municipal police board negotiations.

The Surrey RCMP requires approx. 170 officers to return to full complement. Over 80 SPS officers have expressed interest in making this move according to the Officer in Charge. Further, the RCMP has stated that they can and will accommodate the human resource needs, not only to Surrey, but throughout the region, with the new recruiting and experienced officer programs.

In contrast, the Surrey Police Service (SPS) requires over 400 additional officers beyond those hired to date, to get to full strength. Although the province recognized the scope of the Surrey police transition from the beginning, they did not increase the funding to the Justice Institute of British Columbia (JIBC) in order to accommodate the officer training needed. The reality is that, just as the SPS has done to date, the vast majority of the SPS hires will come by recruiting from the RCMP, TransLink and other municipal forces throughout the province.



**In closing,**

**My concern is the duplicity of the provincial government on this matter. The Ministry report and SG explicitly stated that we had two choices - to remain with the RCMP or the SPS - and conditions to meet with either option.**

**Based on the facts we examined, we chose the RCMP - with a more significant majority of council than we had originally - and we have committed to meeting the binding conditions.**

**The SGs' response is to move the goalposts and claim the need to review the plan and potentially overturn the council decision. I have offered to work with the province to ensure the requirements are met, and the province refuses to acknowledge the offer.**

**As local government leaders, we need to stand up for our authority under the Police Act. Like with your municipality, Surrey Council knows our community best. We cannot allow a "manufactured crisis" to drive a significant and costly public safety decision that will impact generations to come.**

**Please do not hesitate to contact me if you have any questions, I look forward to hearing from you.**

**Sincerely,**



**Brenda Locke  
Mayor**



**13450 – 104 AVENUE SURREY BRITISH COLUMBIA CANADA V3T 1V8**

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JUL - 4 2023

CITY OF PORT ALBERNI

☒ Council  
☒ Mayor  
☒ CAO  
☐ Finance  
☒ Corporate Services  
☒ Agenda  
☐ Economic Development  
☐ Engineering/PW  
☐ Parks, Rec. & Heritage  
☐ Development Services  
☐ Community Safety  
☐ Other  
File # **0390-20-UBCM 2023**

From: Kellett, Leslie <[Leslie.Kellett@princegeorge.ca](mailto:Leslie.Kellett@princegeorge.ca)>

Sent: June 28, 2023 2:47 PM

Subject: City of Prince George Resolution Submission to 2023 UBCM Convention

Good afternoon, Mayor and Council,

At the June 26, 2023 regular council meeting, City of Prince George Council approved submitting a resolution to the 2023 UBCM Convention regarding "Reimbursing Local Governments for Medical Services Provided by Local Government Fire and Rescue Services" and further resolved to share this resolution with UBCM member municipalities.

We appreciate your consideration to support this resolution at the 2023 UBCM Convention.

Sincerely,



**LESLIE KELLETT**

Deputy Corporate Officer

5<sup>th</sup> Floor, 1100 Patricia Blvd., Prince George, B.C. V2L 3V9

p: 250.561.7655 | f: 250.561.0183

[leslie.kellett@princegeorge.ca](mailto:leslie.kellett@princegeorge.ca)

[www.princegeorge.ca](http://www.princegeorge.ca)



**Reimbursing Local Governments for Medical Services Provided by Local Government Fire and Rescue Service**

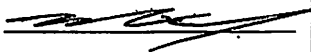
*WHEREAS communities across British Columbia are facing a significant increase in calls to respond to emergency medical incidents;*

*AND WHEREAS local governments provide for their fire departments to support prehospital patient care in their community by providing emergency medical services that assist the Provincial Government's BC Ambulance Service;*

*AND WHEREAS the costs associated with supporting prehospital care by local government fire departments has increased significantly in relation to response hours and increased use of first aid and other medical supplies and that such costs are funded solely through local government property taxation;*

*THEREFORE BE IT RESOLVED that the Provincial Government develop a funding model to compensate local governments who provide emergency medical services through their fire and rescue services fulfilling the responsibility of the provincial government with consideration given to community population and the fire department's authorized level of emergency medical response.*

Date: July 4, 2023  
File No: 2240-20-ACRD  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: License Agreement | Cougar Smith Park

|   |  |  |
|---|--|--|
| Prepared by:<br><u>S. BOURGOIN</u><br>RECREATION SERVICES MANAGER | Supervisor:<br><u>W. THORPE</u><br>DIRECTOR OF PARKS,<br>RECREATION & HERITAGE | CAO Concurrence:<br><br>M. Fox, CAO |
|---|--|--|

#### RECOMMENDATION[S]

*THAT Council authorize the Mayor and Corporate Officer to execute the Licence Agreement between the City of Port Alberni and the Alberni Clayoquot Regional District for use of Cougar Smith Bike Park [9028 Faber Road] for the purpose of recreational mountain bike camps and courses as attached to the report dated July 4, 2023.*

#### PURPOSE

For Council to consider execution of a Licence to Use agreement between the City of Port Alberni and Alberni Clayoquot Regional District [ACRD] for the continued use of Cougar Smith Park for trail riding programs.

#### BACKGROUND

Cougar Smith Park provides a unique and structured opportunity for participants to learn and practice riding skills that are relevant and applicable for riding on mountain biking trails. The park is an ideal location for both trail riding skills as well as other activities that coaches [staff] organize while on site. We anticipate that Alberni Trail Riding programs will continue to use Cougar Smith Park until such time that a similar Jump Park is built here in Port Alberni.

The Alberni Trail Riding Program was first developed by the City's Recreation staff in summer 2021 in response to the growing interest for instruction for trail riding and mountain biking for children and youth as well as providing an excellent outdoor activity during the COVID-19 pandemic. Since that time, the program has grown from 12 riders in 2, 1-week camps with two coaches to over 100 riders 5-16 years of age with multiple weeks of camps and programs in the spring, summer and fall with seven coaches, including one professional mountain bike instructor. The program utilizes trails owned and maintained by the City, trails on ACRD land, and trails on Mosaic Forest Management land.

In summer 2022, City recreation camps and programs started utilizing Cougar Smith Park as an additional location to host these sessions. Until this point, programs have been attending the park without an agreement in place.

Currently, Alberni Trail Riding sessions are organized and programmed based on trail riding skill level – Groms (beginner), Shredders (intermediate) and Senders (advanced), plus a few specialized courses. The registrations for these programs have increased each year, including a high number of repeat registrants. The City of Port Alberni is one of the few municipalities that organize and run trail riding programs as part of our internal program offerings.

#### **ALTERNATIVES/OPTIONS**

1. That Council authorize the Mayor and Corporate Officer to execute the Licence Agreement between the City of Port Alberni and the Alberni Clayoquot Regional District for use of Cougar Smith Bike Park [9028 Faber Road] for the purpose of recreational mountain bike camps and courses as attached to the report dated July 4, 2023.
2. That Council direct staff to discontinue using Cougar Smith Park for Trail Riding Programs and utilize only City-owned trails.

#### **ANALYSIS**

By following the terms and conditions in the ACRD Cougar Smith Park License of Use agreement, the Alberni Trail Riding Program can continue to utilize the park for skill development and training. This will also provide an opportunity to learn which features to include in a future City of Port Alberni Jump Park. Should the City discontinue use of Cougar Smith Park, the Alberni Trail Riding Program will cease the opportunity to develop certain skills in a safe and controlled environment.

#### **IMPLICATIONS**

Coaches and participants are required to commute to Cougar Smith Park for each session (~30 minutes round trip).

#### **COMMUNICATIONS**

Coaching staff and participants of the program will be notified of any change to the location of the program.

#### **BYLAWS/PLANS/POLICIES**

Utilizing Cougar Smith Park for mountain bike programs aligns with the goal of “provision and maintenance of quality services” within Council’s *2023 – 2027 Corporate Strategic Plan*.

#### **SUMMARY**

Execution of the Licence of Use agreement will formalize the continued support of the Alberni Trail Riding Program as an additional location for skill development.

#### **ATTACHMENTS/REFERENCE MATERIALS**

- Cougar Smith Park – License of Use

## License Agreement

### ***APPLICATION AND AGREEMENT FOR LICENSED USE OF ACRD FACILITIES, GROUNDS and EQUIPMENT***

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_

BETWEEN:

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT  
3008 Fifth Avenue  
Port Alberni, British Columbia  
V9Y 2E3

(hereinafter called the "ACRD" or "Licensor")

OF THE FIRST PART

AND:

CITY OF PORT ALBERNI  
4850 Argyle Street  
Port Alberni, British Columbia  
V9Y 1V8

(hereinafter called the "City" or "Licencee")

OF THE SECOND PART

W H E R E A S:

- A. The Licensor is the owner of the lands and premises in Regional District of Alberni-Clayoquot legally described as shown on the sketch attached as Schedule "A" (the "**Cougar Smith Bike Park**").
- B. The parties hereto wish to enter into this Agreement whereby the Licensor shall grant to the Licencee a non-exclusive use licence for activities as identified in this agreement.

The City hereby applies for use of the following ACRD facilities/grounds/equipment:

|                                 |   |
|---------------------------------|---|
| FACILITY NAME & STREET ADDRESS: | Cougar Smith Park 9028 Faber Road       |
| FACILITY APPLIED FOR:           | Bike Park and associated infrastructure |

|  |
|--|
| DATE(S)/TIME(S) REQUESTED: Schedule to be provided separately and approved by the ACRD   |
| LICENSE FEE AND TERMS OF PAYMENT: No Fee   |
| PURPOSE/FUNCTION: Alberni Valley recreational mountain bike camps and courses  |
| <p>ACTIVITIES TO BE UNDERTAKEN:</p> <p>Anticipated number of participants: 10-20 riders/visit (1-2 city instructors) Age range of anticipated attendants: 5 – 16 years of age</p>  |
| CUSTODIAL SERVICES PROVIDED: None. Instructors will hose down tracks if dusty  |
| SET-UP REQUIRED: None  |
| EQUIPMENT INCLUDED: None   |
| SPECIAL REQUIREMENTS (e.g. signage): None  |
| <p>LICENSE CONTACT INFORMATION: Name/Address/ Work Phone Number/ Emergency Phone Number/Email</p> <p>Shawn Bourgoin, Recreation Services Manager</p> <p>4255 Wallace Street, Port Alberni</p> <p>250-735-6135 (cell) 250-720-2519 (office)</p> <p>Shawn_bourgoin@portalberni.ca</p> <p>PERSON IN CHARGE OF SUPERVISION OF THE GROUP- (if different from above): Name/Address/ /Work Phone number/ Emergency Phone Number/Email</p> <p>Dave Osborne, Recreation Programmer</p> <p>3737 Roger Street, Port Alberni</p> |

250-735-3746 (cell) 250-720-2525 (office)

Dave\_osborne@portalberni.ca

The Licensee agrees to abide by the following listed terms and conditions and to be responsible for the conduct and supervision of all persons admitted to the grounds by the Licensee:

**Purpose/Function and Activities to be Undertaken:** The Licensee will use the facility ONLY for the activities identified in the agreement.

**Shared Public Use:** The Licensee will not hold exclusive use for this facility unless otherwise agreed. It will remain open to the general public during programing events

**Custodial Services, Set-up Required, Equipment:** The City will contact the ACRD for access to the park, use of any equipment and set-up and take down (if applicable). The City will only use the facility as specified in the Agreement.

**Supervision:** The City will provide adequate supervision of participants for the duration of the activity and will be in attendance during the entire programing period.

**Improvements:** If the City requires any improvements to the area, the City will pay for the improvements. Prior to implementing the improvements, the plans must be approved by the ACRD. Any improvements become the property of the ACRD.

**Maintenance and Repair:** The ACRD is responsible for the maintenance and repair of the Park area.

**ACRD Cancellation:** The ACRD will notify the City of the need to cancel a scheduled time for any circumstances as soon as possible.

**Indemnification and Hold Harmless:** The City shall indemnify and hold harmless the ACRD and any of its officers, employees, servants, agents, and contractors from any and all loss, liability, claims or expenses arising out of the use and/or occupation of the property belonging to the ACRD by the City and any of its officers, employees, servants, agents, contractors, and volunteers, except to the extent that such loss arises from the independent negligence of the ACRD.

**Liability Insurance:** The City shall, without limiting its obligations or liabilities herein and at its own expense, provide and maintain the following insurances with insurers licensed in British Columbia and in forms and amounts acceptable to the ACRD:

General liability insurance with a limit of not less than Two Million Dollars (\$2,000,000.00)(or such other amount as the ACRD may choose), inclusive per occurrence for bodily injury and property damage including loss of use thereof.

Such insurance shall extend to cover the City, its officers, employees, servants, agents,

contractors, and volunteers and shall include the ACRD, its officers, employees, servants, agents, contractors and volunteers as additional Insured's with respect to liability arising out of the use or occupation by the City of the property belonging to the ACRD.

The City will provide at least 30 days notice of any cancellation or material change to the insurance coverage.

**Insurance Certificate:** The City shall provide the ACRD with evidence of all required insurance prior to the City use of the ACRD premises. Such evidence of insurance shall be in the form of a certificate of insurance. When requested by the ACRD, the City shall provide certified copies of required insurance policies.

**Responsibility for Damages to ACRD Facilities, Grounds and Equipment:** The City is responsible for any and all damage to the ACRD premises and property arising out of the use of the ACRD premises and property. The City will pay the ACRD forthwith for the costs of any repairs or replacements of the ACRD premises and property.

**Reporting Requirements:** The City will immediately report any incidents where the City (or any staff, employees, agents, contractors, volunteers or invitees) is involved as either a witness or participant and medical or first aid is required or where there is loss or damage to the ACRD property.

**Regulations:** The City will comply with all fire, safety, health and governmental or other regulatory requirements while at the park.

This contract includes the terms and conditions set out in the Licensee Agreement. I certify that I have read, understood and agreed to the terms and conditions of the Licensee Agreement. I agree to accept the ACRD Facilities, Grounds and Equipment as indicated and to abide by the Regulations.

LICENSEE:

Alberni-Clayoquot Regional District

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

DATE:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name and Title

(please print):

(please print):

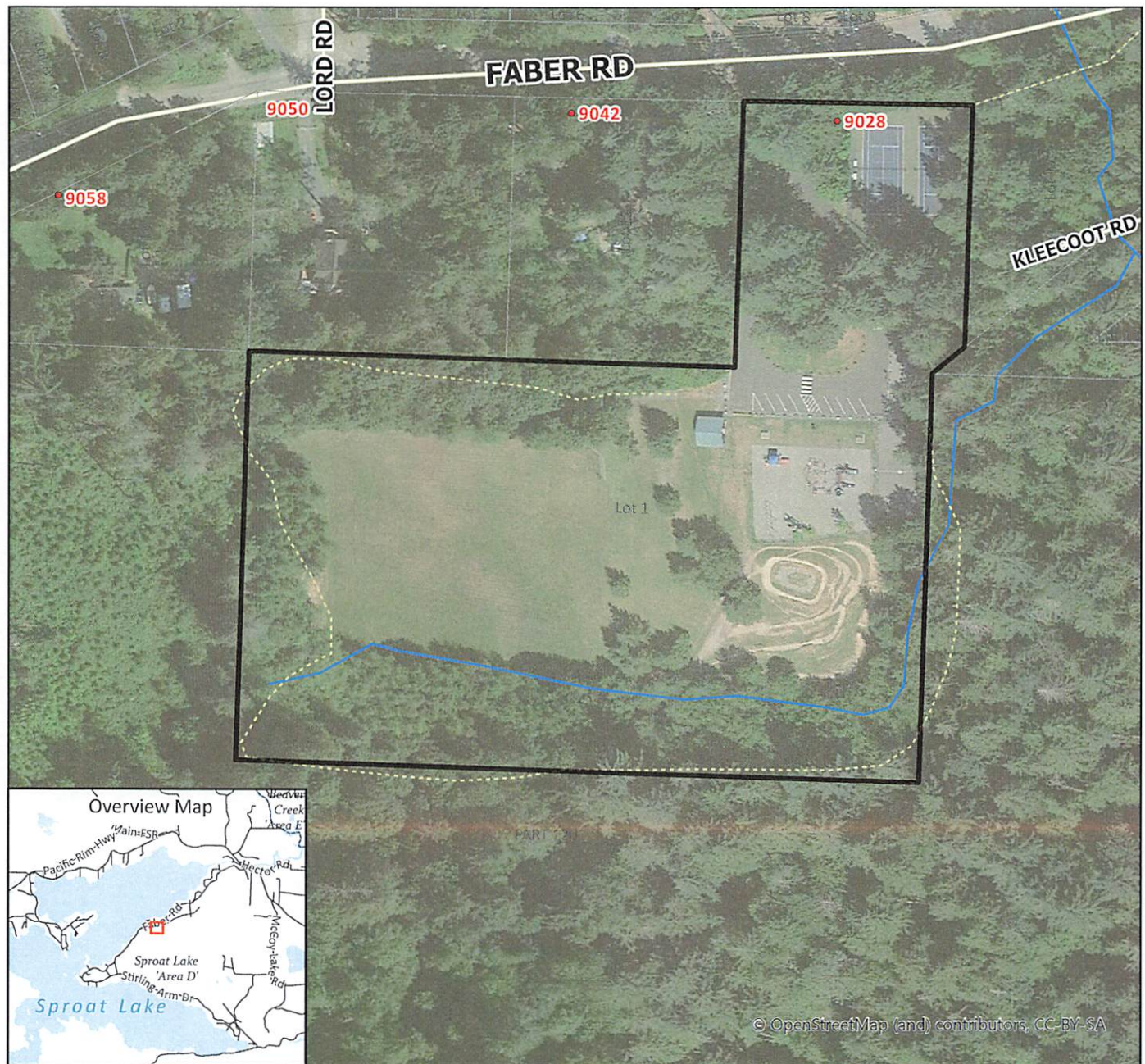
\_\_\_\_\_  
Address:



**Schedule "A" (the " Cougar Smith Bike Park").**

# Schedule 'A'

## Cougar Smith Bike Park



0 20 40  
Meters

Address: 9028 Faber Road

Legal description: LOT 1, DISTRICT LOT 41, ALBERNI DISTRICT, PLAN 15671

2023-06-02