



Port Alberni Zoning Bylaw

2024

Bylaw No. 5105

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CITY OF PORT ALBERNI

ZONING BYLAW

BYLAW NO. 5105

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 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. 5105, 2024” hereinafter referred to as the “Bylaw”.

2. Repeal of Bylaws

Bylaw No. 5074 and all amendments thereto are hereby repealed.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 Rounding

3.13.1 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.

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

4. Definitions

In this Bylaw unless the context otherwise requires:

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

AMBULANCE STATION	means a facility for the dispatch of ambulance services.
AMUSEMENT ESTABLISHMENT	means premises that are <i>used</i> as billiard and pool halls, bingo halls, bowling alleys, or premises in which three or more <i>amusement machines</i> are placed provided or kept for the purpose of gain or profit of the operator.
AMUSEMENT MACHINE	means a machine on which mechanical, electrical, automatic or computerized games are played for amusement or entertainment and for which a coin or token must be inserted or a fee charged for <i>use</i> .
ANIMAL SHELTER	means a facility for the temporary housing and care of lost, abandoned, or homeless domestic animals.
ARTIST'S STUDIO	means a workspace for artists, artisans, craftspeople, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing, dance, vocal or instrumental music, painting, photography, sculpture, and writing. May include the accessory sale of art produced on the premises.
ASSEMBLY	means <i>use</i> of a <i>building</i> or <i>structure</i> for the gathering or meeting of persons for charitable, philanthropic, cultural, political, educational or other similar purpose.
ASSEMBLY, CULTURAL AND RECREATIONAL FACILITIES	means facilities such as armouries, art galleries, auditoriums, bowling greens, community centres, cultural centres, curling rinks, gymnasiums, meeting halls, museums, libraries, skating rinks and arenas, stadiums, swimming pools and tennis courts.
AUTOMOBILE OR BOAT SALES OR RENTAL LOT	means an open area <i>used</i> for the display, sales or rental of new or <i>used</i> passenger motor vehicles, boats, mobile-homes, or trailers in operable condition, and where no repair work is done except incidental repair of vehicles.
AUTOMOTIVE SALES, REPAIR AND SERVICING	means automotive supply stores, car washes, motor vehicle dealers, motor vehicle rental <i>lots</i> , motor vehicle repair shops, tire, battery, and automotive accessory stores.
AUTOMOBILE WRECKING YARD	means an open area where motor vehicles are disassembled, dismantled or junked or where vehicles not in operable condition or <i>used</i> parts of motor vehicles are stored.
BASEMENT	means that portion of a <i>building</i> between two floor levels, the lower of which is partly underground, but which has at least one half of its height from finished floor to finished ceiling above adjacent finished <i>grade</i> as determined by the <i>Building Inspector</i> .

BED AND BREAKFAST	means the <i>use</i> of part of a <i>single detached dwelling</i> for the accommodation of paying overnight transient guests and where breakfast is the only meal which may be served.
BOARDING and LODGING	means a <i>dwelling</i> in which more than 2 <i>sleeping units</i> are rented, with or without meals being provided, to more than 2 and not exceeding 15 persons, other than members of the <i>family</i> of the tenant or owner.
BUILDING	means a <i>structure</i> , which is designed, erected or intended for the support, enclosure, or protection of persons or property. When a <i>structure</i> is divided by <i>party walls</i> located upon <i>lot</i> lines, then each portion of such <i>structure</i> shall be deemed to be a separate <i>building</i> .
BUILDING, FRONT LINE OF	means the furthest extending portion of the <i>building</i> which faces the front line of the <i>lot</i> .
BUILDING INSPECTOR	means the <i>Building Inspector</i> of the City of Port Alberni.
BUILDING, REAR LINE OF	means the furthest extending portion of the <i>building</i> which faces the rear line of the <i>lot</i> .
BUILDING, TEMPORARY	<p>means and includes:</p> <ol style="list-style-type: none">(1) any <i>building</i> (except a <i>garage</i> or other <i>accessory building</i>) not having its exterior walls supported on continuous concrete or masonry foundation or walls.(2) notwithstanding clause (1) above, a <i>temporary building</i> shall also include boat shelters, bunkhouses, skid shacks, huts, tents, trailers, custom built mobile units or any other similar type of portable <i>building</i> or <i>structure</i>, whether or not the same be placed on foundations or affixed to the land in any way. <p>a <i>temporary building</i> shall not be construed to include permanent prefabricated residential <i>dwellings</i>, industrial, warehouse or <i>storage buildings</i> which conform to the construction standards specified in the <i>Building Bylaw</i>.</p>
CAMPGROUND	means a site operated and occupied for part of the year only as temporary accommodation for short term, transient holiday makers in <i>recreational vehicles</i> , wheeled trailers or tents. A <i>campground</i> does not include mobile-home park, <i>motel</i> , <i>hotel</i> , or <i>motor hotel</i> .
CAMPING SITE	means a part of a <i>campground</i> where one wheeled trailer, <i>recreational vehicle</i> , or tent is intended to be located.
CANNABIS	means a cannabis plant, including the phytocannabinoids 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 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 m² (2,152 ft²) is permitted.

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 NURSERY means the indoor growing of cannabis plants to produce starting material (seed and seedlings) and associated activities. Canopy space must not exceed 50 m² (538 ft²).

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 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.

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 m² (2,152 ft²) is permitted.

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.

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

CARTAGE AND DELIVERY	means <i>use</i> of a <i>building</i> or <i>structure</i> by businesses engaged in local trucking, parcel delivery, and similar operations, but excludes the operation of freight trucking terminals.
CELLAR	means that portion of a <i>building</i> between two floor levels the lower of which is wholly below <i>grade</i> and which has more than one half of its height, from finished floor to finished ceiling, below finished <i>grade</i> as determined by the <i>Building Inspector</i> .
CITY ENGINEER	means the <i>City Engineer</i> of the City of Port Alberni.
CLUB OR LODGE	means a <i>building</i> or establishment <i>used</i> by an association or organization for fraternal, social or recreational purposes and which shall be operated for the <i>use</i> of club members and their guests only.
COMMUNITY CARE FACILITY	means any facility licensed or having an interim permit under the <i>Community Care and Assisted Living Act</i> or related regulations, including hospice, all facilities providing residential care for three or more children, youth, adults, or seniors, and all other facilities caring for three or more children who are not related to the operator by blood or marriage. This includes: Group Day Care, <i>Family Day Care</i> , <i>Nursery School</i> and Child-Minding Facilities, Facilities for Out-of-School Care, Specialized Day Care Facilities and Facilities for Residential Care for Children.
COMMUNITY GARDEN	means a non-commercial facility for the cultivation of fruits, flowers, vegetables, or ornamental plants.
CONTRACTOR'S SHOP	means an enclosed space <i>used</i> for the housing and/or operating of machinery, the provision of services, the fabrication of <i>building</i> -related products, interior storage, and may include the contractor's business <i>office</i> and exterior storage.
CONVENIENCE STORE	means a commercial <i>retail</i> outlet not exceeding 200 m ² (2,153 ft ²) in gross <i>retail</i> floor area selling food, beverage and other household convenience items for off-site consumption.
COUNCIL	means the City Council of the City of Port Alberni.
DORMITORY	means a <i>building</i> or portion thereof in which <i>sleeping units</i> are provided and/or rented by an institution, agency or industry, and which is regulated and maintained by such body. It may include commercial dining facilities.
DRIVE-IN/DRIVE-THROUGH	means a commercial establishment with facilities for accommodating and servicing customers travelling in motor vehicles, where customers remain in their vehicles and obtain goods. Does not include car washing, drive-in theatres, or gasoline service stations.

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

FLOOR AREA, GROSS

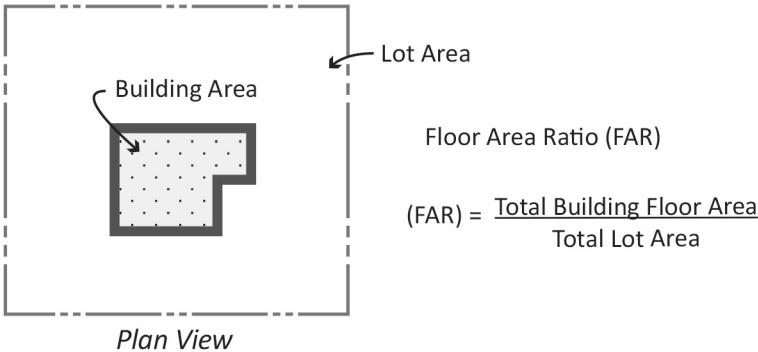
means the total of all floors when measured from the outer wall of the *building*, including all suites or *dwelling units* and all areas giving access such as corridors, hallways, landings, foyers, staircases, and stairwells. Enclosed balconies, mezzanines, porches, verandas, and elevator shafts shall be included.

FLOOR AREA RATIO

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

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

Floor Area



Floor Area Ratio (FAR)

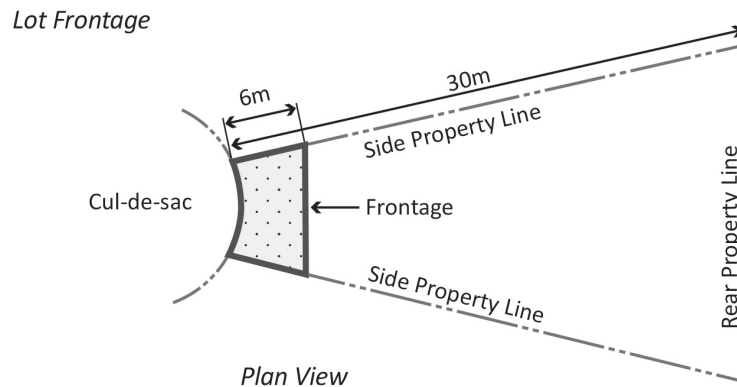
$$(FAR) = \frac{\text{Total Building Floor Area}}{\text{Total Lot Area}}$$

FOREST MANAGEMENT

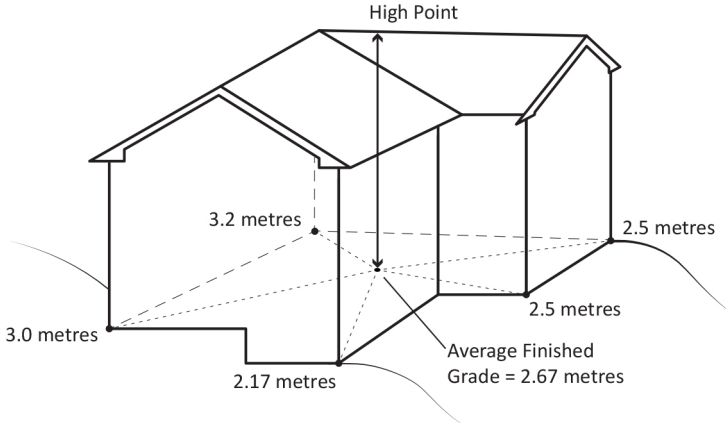
means the management of forests for the production of wood and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife and for the protection and production of water supplies.

FRONTAGE

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



- GARDEN SUITE** means a detached, subordinate *dwelling unit*, typically on a ground floor, located on a permanent, continuous foundation.
- GAMING CENTRE** means a *building* or part of a *building* where the *principal use* may include bingo, electronic bingo, *slot* machines, electronic gaming, and tele-wagering.
- GARAGE, PRIVATE** means a detached *accessory building* or a portion of a principal *building used* primarily for the parking or temporary storage of private motor vehicles and in which there are no facilities for repairing or servicing such vehicles.
- GRADE OR GRADE LEVEL** means the finished average ground level at the centre of the exterior wall of a *building*.
- GARDEN CENTRE** means a building or structure or part thereof for the growing, display, wholesale or retail sale of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation, and may include the sale of other goods, products and equipment normally associated with gardening and landscaping, includes nursery and landscape supplies.
- HABITABLE FLOOR SPACE** means a floor area within a *dwelling* designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom, and kitchen.
- HEDGE** means an arrangement of shrubs or low-growing trees that are closely planted in a strip and intended to be maintained at a certain height, used to mark a boundary or enclose or screen an area of land. Does not include vegetation, foliage, or trees naturally occurring on a property.
- HEIGHT, BUILDING** means the vertical distance from peak of roof to average height of all outside corners of *building* at finished *grade*.



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

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

HOTEL means a commercial *building* containing more than six *sleeping units* to provide temporary accommodation for the travelling public. *Sleeping units* may contain microwave, bar fridge, coffee makers and in no case shall *sleeping units* be used for any other commercial *use*. *Sleeping units* shall have separate entrances through a common hallway include ancillary amenities such as fitness rooms, pools and restaurants.

HOUSEHOLD means an individual or two or more people related by blood, marriage, adoption or foster parenthood or 5 unrelated non-transient people living as a single group within a *dwelling unit*.

HOUSING AGREEMENT means an agreement between a property owner and the City as defined in Section 483 of the *Local Government Act*.

IMPERMEABLE SURFACE means a surface which:

- either prevents or impedes the entry of water into the soil mantle as under natural conditions prior to development; and/or
- a hard surface area which causes water to run off the surface in greater quantities or at a rate of flow greater than those present under natural conditions prior to development.

A surface will be considered impermeable when the runoff coefficient is calculated to be greater than 0.3, as per the following table.

Surface	Runoff Coefficient
Concrete	0.8-0.95

Shingle Roof		0.75-0.95
Asphalt		0.7-0.95
Brick Pavers (12mm joint or less)		0.7-0.95
Turfstone		0.25
Uni Eco-Stone (with permeable joints)		0.25
Grasspave		0.1-0.25
Lawns,poor drained (clay soil)	Over 7% slope	0.25-.035
	2-7% slope	0.18-0.22
	Up to 2% slope	0.13-0.17
Lawns,well drained (sandy soil)	Over 7% slope	0.15-0.2
	2-7% slope	0.1-0.15
	Up to 2% slope	0.05-0.1
Forested		0.059-0.2

Surfaces other than those listed in the table are to be presented to the City for approval with all applicable support material such as historical and manufacturer details outlining the proposed runoff coefficient and surface designation. All manufactured surfaces are to be installed with permeable joints and base material. The base material is to be to a depth recommended by the manufacturer to ensure sufficient infiltration and storage.

INTERNAL ROADWAY

means a private road or driveway which affords access to a *lot* from a *street*, excluding *parking lots*, *parking spaces*, and *loading spaces*.

JUNK YARD

means an area outside of an enclosed *building* where junk, or *used*, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk yard shall not include the sale, purchase or storage of *used* furniture or any *manufacturing* operations.

KENNEL

means any *building*, *structure*, compound, group of pens, or cages, or land on or in which 3 or more dogs or cats are or are intended to be trained, cared for, bred, boarded, or kept for any purpose whatsoever, and shall include any *building* or part thereof in which 2 or more dogs are kept for breeding purposes.

LANDSCAPE BUFFER

means a *landscaped* area intended to separate two adjacent land *uses* or properties, and to partially obstruct the view or block noise, lights or other nuisances.

LANDSCAPING AND LANDSCAPED

means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other *structures* and materials so as to enhance the appearance of a property or where necessary to effectively screen a *lot*, site or *storage yard*. NOTE: *Landscaping* may be subject to Development Permit guidelines.

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

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

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

License by the Province of British Columbia and may include the following *accessory uses*: wholesaling of, tours of, retail sales of, and tasting of beer, cider or spirits produced on-site.

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

PARKING SPACE	means a space on a driveway for single, semidetached and townhouses, or within a <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> .
PARKING SPACE, ACCESSIBLE	means the design and construction of a <i>parking space</i> in a manner that is <i>accessible</i> and useable by persons with special needs and including features which are complementary to the BC Building Code such as a marked pedestrian aisle.
PARTY WALL	means a wall jointly owned and/or shared by two or more parties as defined in the BC <i>Building Code</i> .
PERSONAL SERVICE	means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services may include activities such as dry cleaning, laundry, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral home, steam baths, fitness centres, health clubs, and, animal grooming services.
PLACE OF WORSHIP	means a church, temple, mosque, synagogue and the like, but excludes <i>schools</i> .
POLICE STATION	means a facility containing offices, detainment areas, laboratories and related ancillary facilities for the police in carrying out their duties of maintaining law and order.
PORCH, OPEN	means an unenclosed projection from the main wall of a <i>building</i> that may or may not <i>use</i> columns or other ground supports for structural purposes.
POULTRY	means domesticated birds kept for eggs, meat, feathers, hide, or other related purposes, and includes Cornish hens, layers, meat birds, breeding stock, replacement pullets, roasters, or ducks. On properties <i>zoned</i> to permit <i>agriculture</i> , also includes geese, turkeys, game birds, and <i>ratites</i> .
PRINCIPAL BUILDING	means a <i>building</i> in which the principal use of the lot on which the <i>building</i> is located is conducted.
PRINCIPAL USE	means the main or primary use of a premise that is provided for in the list of permitted uses in the zones in this Bylaw.
PRINTING, PUBLISHING AND ALLIED INDUSTRY	means a facility for the printing, publishing, engraving, or copying of papers, plans and newsprint.
PROFESSIONAL SERVICE	means an <i>office</i> that is used for work involving specialized areas of expertise and advice to clients. Professional services may include engineering, accounting, marketing, graphic design, architecture, realty, and financial and legal services.

PUBLIC MARKET	means a market held in an open area or in a <i>structure</i> where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
PUBLIC UTILITY	means a system, works, plant, operative stationary equipment or service which furnishes services and facilities, available to or for the <i>use</i> of all the inhabitants of the City, including but not limited to: <ol style="list-style-type: none">(1) communication by way of telephone or cable or satellite;(2) public transportation by bus or trolley coach;(3) production, transmission, delivery or furnishing of water, gas or electricity to the public at large; and(4) collection and disposal of sewage, garbage and other wastes. a public utility can be owned or operated by or for the City or by a corporation under agreement with or a franchise from the City or under a federal or provincial statute.
PUBLIC UTILITY, UNATTENDED	means a utility <i>use</i> where no employee is required to be on the site except for required repair and maintenance needs.
RATITE	means a bird that has small or rudimentary wings and no keel to the breastbone, and includes ostriches, rheas, and emus.
RECREATIONAL VEHICLE	means a vehicle requiring a licence and designed to be used for temporary living and travel, recreation or vacationing and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes, boats, snowmobiles, or other similar vehicles but does not include manufactured home.
RETAIL	means a <i>building</i> or part thereof in which foods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public. Does not include pawn shops or <i>adult retail</i> .
RESIDENTIAL RENTAL TENURE	means in relation to a <i>dwelling unit</i> in a multi-family residential <i>building</i> 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 <i>fence</i> or wall uniformly finished or a compact evergreen <i>hedge</i> or combination thereof, supplemented with <i>landscape</i> planting, that would effectively screen the property which it encloses, and is broken only by access driveways and walkways.
SECONDARY SUITE	means a <i>dwelling</i> unit that is contained within and accessory to a single real estate entity and is comprised of one or more habitable rooms, intended for <i>use</i> as a separate and independent residence. A secondary suite contains sleeping facilities, a bathroom, and cooking facilities that are for the exclusive <i>use</i> of the occupant(s) of the suite.
SETBACK	means the required minimum distance between a <i>building</i> or <i>use</i> and each of the respective <i>lot</i> lines.
SHOPPING CENTRE	means a group of <i>retail</i> stores and related businesses, which may include restaurants, <i>personal services</i> , <i>offices</i> , and veterinary clinics, in one or more <i>buildings</i> designed as an integrated unit, together with its ancillary parking and <i>landscaped</i> areas.
SLEEPING UNIT	means one or more habitable rooms <i>used</i> or intended to be <i>used</i> for sleeping, or sleeping and living purposes, but not including a kitchen sink or cooking facilities. A bathroom containing a water closet, wash basin and a bath or shower may be shared.
SMALL REPAIRS	means the repair of small items such as instruments, jewellery, small appliances.
SOCIAL SERVICE CENTRE	means a <i>building used</i> for administrative purposes and to provide information, referral, counselling and advocacy services.
STEWARDSHIP CENTRE	means a building, open to the public, that includes exhibits, interpretive and educational activities related to local ecological resources through public education, planning, events, research and management.
STORAGE BUILDING	means a <i>building</i> where the <i>principal use</i> is the storage of goods, wares, merchandise, substances, articles or other items.
STORAGE YARD	means an area outside of an enclosed <i>building</i> where contractors' or construction materials and equipment, solid fuels, lumber and new <i>building</i> materials, monuments and stone products, public service and utility equipment,

or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, as a principal or an *accessory use*. A storage yard does not include an *automobile wrecking yard* or a *junk yard*.

STREET	means a public highway, road or thoroughfare which affords the principal means of access to abutting <i>lots</i> .
STRUCTURE	means anything constructed or erected, the <i>use</i> of which requires location on the ground or attachment to something having location on the ground but shall not include walls less than 1.5 m (4.9 ft) in height or <i>fences</i> that do not exceed the height permitted in the <i>zone</i> in which they are located.
SUBSIDIZED HOUSING	means all types of housing that receive subsidy or rental assistance for those living in the private market from public sources (be they federal, provincial/territorial, or municipal).
SUBDIVISION APPROVING OFFICER	means an Approving Officer appointed by the <i>Council</i> under the <i>Land Titles Act</i> .
SUPPORTIVE HOUSING	means housing that has no limit on length of stay, is purpose-designed <i>building</i> that provides ongoing supports and services to individuals who cannot live independently.
THEATRE	means a <i>building</i> or part thereof devoted to dramatic, dance, musical or other live performances.
TRANSITION HOUSE	means a facility providing temporary accommodation and/or counselling to persons in need or distress. Facilities operated under the <i>Community Care Facilities Act</i> , <i>Correction Act</i> or <i>Mental Health Act</i> are not included in this definition.
TRANSITIONAL HOUSING	provides housing for more than 30 days up to three years that includes provision of support services, on or off site, to help individuals move towards independence and self-sufficiency. This form of housing is often called second stage housing.
TRANSPORTATION DISPATCH AND DEPOT	means a transportation centre. Includes taxi dispatch, bus terminals, and other similar <i>uses</i> .
UNDERGROUND PARKING	means an area devoted exclusively for parking vehicles and is located beneath a principal <i>building</i> which is completely enclosed and exclusively devoted to parking vehicles. This area shall not be considered a <i>storey</i> .

USEABLE OPEN SPACE means a level, unobstructed area or areas, available for safe and convenient *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*.

USE means the purpose for which any *lot*, parcel, tract of land, *building* or *structure* is designed, arranged or intended, or for which it is occupied or maintained.

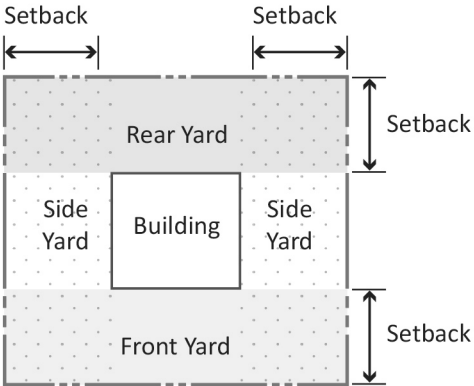
VIDEO RENTAL STORE means a business where the primary activity is to rent or sell videos, DVD's, video games, and related items.

WHOLESALE means a business establishment devoted to wholesale sales, being: the sale of goods, commodities and merchandise to retail distributors; to other wholesale distributors; to industrial, commercial, institutional or professional business users; or acting as *agents* or brokers and buying or selling goods, commodities and merchandise for incorporation and assembly into other products.

YARD, FRONT means that portion of the *lot*, extending from one *side lot line* to the other, between the front line of the *lot* and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the *lot* and the parallel line. In the case of a *through lot* there shall be two such *front yards*.

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

Yard Setbacks



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

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

such yard shall mean the perpendicular distance between the side line of the said *lot* and the parallel line.

ZONE

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

5. Establishment of Zones

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

A1 – Agriculture
 FD – Future Development
 RR – Rural Residential
 R – Primary 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
 CD2 – Comprehensive Development – Multi-Family Residential Infill – 4738 Athol Street
 CD3 – Comprehensive Development – Multi-Family Residential Infill – 4835 & 4825 Burde St. and 3614 & 3618 5TH Ave.
 CD4 – Comprehensive Development – 3830 5th Avenue
 CD5 – Comprehensive Development - 3045, 3053, 3063 Kingsway Avenue

- 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.
 RM *zones* Shall mean all *zones* beginning with RM or MH followed by a number.
 RR *zones* Shall mean all *zones* beginning with RR.
 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: Greenhouse operations</i>	75%	
Minimum <i>Setbacks</i> (Principal Residence):		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	4 m	(13.1 ft)
Maximum <i>Height, Residence</i>	10 m	(32.8 ft)
Maximum <i>Height, Livestock Building</i>	15 m	(49.2 ft)
Maximum Number of <i>Building Storeys</i>	2.5	
Maximum number of residential units per <i>lot</i>	2	

5.7.3 Conditions of Use

- a) Notwithstanding the provisions of 5.7.2, farm market operations shall be limited to a maximum of 200 m² (2,153 ft²) of *gross floor area*.
- b) A minimum of 50% of the farm market operations *retail* floor space shall sell farm products produced on-farm or by farms in the vicinity. No more than 50% of the *farm sales* floor space may be *used* for the display and sale of other products, e.g. crafts, agricultural products from outside of the local area, or other products for *retail* sale.

- c) All *building, structures, cages, pens or runs used for kennels, aviaries, or the keeping of bees, cows, goats, horses, pigeons, and poultry* shall be located not less than 25 m (82 ft) from all *lot* lines, and not less than 9 m (29.5 ft) from a *dwelling* situate on the same *lot*.
- d) *Lots* less than 0.4 ha (1 ac) in area shall not be *used* for the keeping of cows, goats, horses, pigeons, or other animals, except as provided for in Section 6.24 of this Bylaw.
- e) An area of not less than 0.2 ha (0.5 ac) shall be made available for the keeping of each horse, cow, goat, sheep, or other similar animal.
- f) The construction of additional housing for farm labour requires that the farm have “farm status” per BC Assessment, and that more than one full-time person, in addition to the principal operator/farmer, is employed on the farm.
- g) For supportive housing, the maximum number of persons in care shall not exceed four (4).

FD – FUTURE DEVELOPMENT

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

5.8.1 Permitted UsesPrincipal Uses*Agriculture, except for intensive agricultural uses**Kennel**Single detached dwelling*Accessory Uses*Bed and breakfast**Home occupation**Secondary suite***5.8.2** Site Development Regulations

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

5.8.3 Conditions of Use

- a) The maximum *coverage* calculation shall include greenhouses.
- b) Notwithstanding the provisions of 5.8.2, all *buildings, structures, cages, pens* or runs *used for kennels, aviaries* and the keeping of bees, shall be located not less than 25 m (82 ft) from all *lot* lines, and not less than 9 m (29.5 ft) from a *dwelling* situate on the same *lot*.
- c) *Lots* less than 0.4 ha (1 ac) in area shall not be *used* for the keeping of cows, goats, horses, pigeons, or other animals, except as provided for in Section 6.23 of this Bylaw.
- d) An area of not less than 0.2 ha (0.5 ac) shall be made available for the keeping of each horse, cow, goat, sheep, or other similar animal.

RR – RURAL RESIDENTIAL

5.9 The purpose of this zone is to provide for gentle density and small-scale multi-unit residential development of a semi-rural character.

5.9.1 Permitted Uses

Principal Uses

- Single detached dwelling
- Semi-detached dwelling
- Multi-residential dwellings
- Aviary
- Kennel
- Agriculture, except intensive agriculture uses

Accessory Uses

- Home occupation
- Accessory Dwelling Unit
- Secondary Suite
- Bed and breakfast
- Supportive Housing

Site Specific Uses

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

5.9.2 Site Development Regulations

Minimum Lot Area	1100 m ²	(11840 ft ²)
Minimum Frontage	20 m	(65.6 ft)
Maximum Number of Dwelling Units per Lot	4	
Maximum Coverage	40%	
Minimum Setbacks:		
Front yard	6 m	(19.7 ft)
Rear yard	6 m	(19.7 ft)
Side yard	1.5 m	(4.9 ft)
Maximum Height, Principal Building	11 m	(36.1 ft)
Maximum Impermeable Surface Area	60%	

5.9.3 Conditions of Use

- a) Notwithstanding the provisions of 5.9.2:
 - (i) On a corner lot, the side yard by the flanking street must be not less than 3 m (9.8 ft) wide.
 - (ii) For principal buildings 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.
 - (iii) Internal roadways that access more than two dwelling units are excluded from the calculation of maximum impermeable surface area.
- b) Groups of single and semi-detached dwellings are permitted, as an exception to Section 6.1 of this bylaw.

- c) Any combination of *dwelling units* is permitted on a lot so long as a *principal building* is present on the lot.
- d) Notwithstanding Sections 5.9.1 and 5.9.2, any lot that is larger than 4,050 m² (1 ac) or not connected to municipal water and sanitary sewer services is limited to one *single-detached* dwelling plus *secondary suite*.
- e) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).
- f) *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 6.23 of this Bylaw.
- g) 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.
- h) *Kennels*, aviaries and greenhouses are only permitted on *lots* greater than 8,000 m² (2 acres) in size.
- i) *Agriculture uses* are only permitted on *lots* greater than 0.4 ha (1 ac).

5.9.4 Site Specific Uses

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

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

R – PRIMARY RESIDENTIAL

5.10 The purpose of this zone is to provide for gentle density and small-scale multi-unit residential development.

5.10.1 Permitted UsesPrincipal Uses*Single detached dwelling**Semi-detached dwelling**Multi-residential dwellings*Accessory Uses*Home occupation**Accessory Dwelling Unit**Secondary Suite**Bed and Breakfast**Supportive Housing***5.10.2** Site Development Regulations

Minimum <i>Lot Area</i>	280 m ²	(3,014 ft ²)
Minimum <i>Frontage</i>	10 m	(32.8 ft)
Maximum Number of <i>Dwelling Units</i> per Lot	4	
OR on lots less than 280 m ² (3,014 ft ²)	3	
Maximum <i>Coverage</i>	60%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	3 m	(9.8 ft)
<i>Rear yard</i>	5 m	(16.4 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum <i>Height, Principal Building</i>	11 m	(36.1 ft)
Maximum <i>Impermeable Surface Area</i>	70%	

5.10.3 Conditions of Use

- a) Notwithstanding the provisions of 5.10.2:
- (i) On a *corner lot*, the *side yard* by the flanking street must be not less than 3 m (9.8 ft) wide.
 - (ii) For *principal buildings* 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.
 - (iii) *Internal roadways* that access more than two *dwelling units* are excluded from the calculation of maximum *impermeable surface area*.
 - (iv) The maximum *impermeable surface area* when a *lot* contains three or more *dwelling units* is 75%.
- b) Groups of single and *semi-detached dwellings* are permitted, as an exception

- to Section 6.1 of this bylaw.
- c) Any combination of *dwelling units* is permitted on a lot so long as a *principal building* is present on the lot.
 - d) Notwithstanding Sections 5.10.1 and 5.10.2, any lot that is larger than 4,050m² (1 ac) or not connected to municipal water and sanitary sewer services is limited to one *single-detached* dwelling plus *secondary suite*.
 - e) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).

RM1 – LOW DENSITY MULTI-RESIDENTIAL

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

5.11.1 Permitted UsesPrincipal Uses

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

Accessory Uses

Home occupation

5.11.2 Site Development RegulationsMinimum *Lot Area*

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

Minimum *Frontage*

<i>Single detached dwelling</i>	15 m	49.2 ft
<i>Semi-detached dwelling</i>	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)

5.11.3 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 R zone regulations provided in Sections 5.10.2 and 5.10.3.

RM2 – MEDIUM DENSITY MULTI-RESIDENTIAL

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

5.12.1 Permitted Uses

Principal Uses

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

Accessory Uses

- Home occupation*

5.12.2 Site Development Regulations

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

5.12.3 Conditions of Use

- a) Notwithstanding the provisions of 5.12.2, *useable open space* shall be provided on the *lot* of not less than 45 m² (484.4 ft²) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling* unit of smaller size.
- b) Groups of single and semi-detached or multi-residential dwellings are permitted, as an exception to Section 6.1 of this Bylaw.
- c) Site development for *single detached* and *semi-detached dwellings* must be in accordance with the R zone regulations provided in Sections 5.10.2 and 5.10.3.

RM3 – HIGH DENSITY MULTI-RESIDENTIAL

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

5.13.1 Permitted Uses

Principal Uses

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

Accessory Uses

Home occupation

5.13.2 Site Development Regulations

Minimum *Lot Area*

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

Minimum *Frontage*

Multi-residential dwelling 30 m 98.4 ft

Maximum *Coverage*

50%

Minimum *Setbacks*:

Front yard 6 m (19.7 ft)

Rear yard 9 m (29.5 ft)

Side yard 5 m (16.4 ft)

Maximum *Floor Area Ratio*

1.2

Maximum *Height, Principal Building*

14 m (45.9 ft)

5.13.3 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 R zone regulations provided in Sections 5.10.2 and 5.10.3.

5.13.4 Site Specific Uses

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

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
<u>Accessory Uses:</u> <i>Hostel</i> <i>Restaurant</i> <i>Pub</i> <i>Assembly</i>	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)

<p><i>'Maximum Height, Principal Building'</i> = 18 m (59 ft); and <i>'Maximum Number of Building Storeys'</i> = 5</p>	<p><i>4202 and 4238 8th Avenue</i></p>	<p><i>4202 8th Avenue – Lot 10, District Lot 1, Alberni District, Plan VIP18042; and</i> <i>4238 8th Avenue – Lot 11, District Lot 1, Alberni District, Plan VIP18042</i></p>
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MH1 – MOBILE AND MODULAR HOMES

5.14 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.

5.14.1 Permitted UsesPrincipal Uses*Mobile home**Modular home**Modular- or mobile-home park*Accessory UsesCommon recreation area or *building**Home occupation**Single detached dwelling* (1) for owner or operator of *modular- or mobile-home park***5.14.2** Site Development Regulations for Mobile- and Modular-Home Parks

Minimum <i>Lot Area</i>	8,000 m ²	(1.98 ac)
Minimum <i>Frontage</i>	60 m	(196.9 ft)
Maximum <i>Coverage</i>	40%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	7.5 m	(24.6 ft)
<i>Rear yard</i>	7.5 m	(24.6 ft)
<i>Side yard</i>	7.5 m	(24.6 ft)
Maximum <i>Height, Principal Building</i>	6 m	(19.7 ft)
Average density of a <i>mobile-</i> or <i>modular-home park</i> shall not exceed	20 sites per ha	8 sites per acre

5.14.3 Site Development Regulations for Mobile- and Modular-Home Spaces

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

Minimum *Frontage*

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

Minimum Site Area

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

Minimum *Setbacks*:

<i>Front yard</i>	3 m	(9.8 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
<i>Rear yard</i>	2.5 m	(8.2 ft)
Maximum Site <i>Coverage</i>	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 5.14.2.

5.14.4 Conditions of Use

- a) Notwithstanding the provisions of 5.14.2, 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 5.14.3 of this *zone*.
- b) The yard *setbacks* set forth in the Site Development Regulations, Section 5.14.2, shall be *used* as a buffer area, with *uses* within these *setbacks* limited to the provision of open or *landscaped* areas and access crossings.
- c) Not less than five percent (5%) of the total *lot area* shall be set aside as a recreation or open space area *accessible* to all residents. This area shall not include any *required yards*.
- d) For a mobile- or modular-home site located on a corner, the *side yard* against the flanking internal roadway shall be a minimum of 3.5 m (11.5 ft).
- e) Notwithstanding any other provision of this Bylaw, *accessory buildings* situated upon a mobile- or modular-home space shall not exceed 20 m² (215 ft²) in area nor 4 m (13.1 ft) in *height* and may be located not less than 1 m (3.3 ft) from the side or *rear lot line* at the site when located to the rear of the mobile or modular home.
- f) Where a porch is less than 10 m² (107.6 ft²) in area or a carport is attached to a mobile home, the porch or carport may project up to 1.5 m (4.9 ft) into a required 3 m (9.8 ft) *side yard*.
- g) Internal roadways shall be a minimum of 8 m (26.2 ft) in width. Each modular-home/mobile-home park space shall have access to a roadway.
- h) Each mobile- and modular-home space shall have its boundary clearly and permanently marked.
- i) Notwithstanding minimum width requirements established elsewhere in this Bylaw, the minimum width of a modular home shall be 5.0 m (16.4 ft).

C1 – NEIGHBOURHOOD COMMERCIAL

5.15 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.

5.15.1 Permitted UsesPrincipal Uses*Artist's studio**Community care facility**Live-work*

Medical service

*Office**Personal service*

Professional service

*Restaurant (not drive-through)**Retail*Accessory Uses*Dwelling unit(s)* above or behind a permitted commercial useSite-Specific Uses

Gasoline service station

5.15.2 Site Development Regulations

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

5.15.3 Conditions of Use

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

5.15.4 Site Specific Uses

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

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

C2 – GENERAL COMMERCIAL

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

5.16.1 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 Section 6.2
Club or lodge
Community care facility
Daycare or other preschool
Gasoline service station
Live-work
Medical service
Multi-residential dwelling
Office

Principal Uses (continued)

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

5.16.2 Site Development Regulations

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

<i>Rear yard</i>	3 m	(10 ft)
<i>Side yard</i>	1.5 m	(5 ft)
Maximum <i>Height, Principal Building</i> (on lots less than 1,120 m ²)	9 m	(29.5 ft)
Maximum <i>Height, Principal Building</i> (on lots 1,120 m ² or greater and where only residential units are located above commercial uses)	18 m	

5.16.3 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.

5.16.4 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>
Liquor, Wine and Beer Store	3764 10 th Avenue	Lot B, District Lot 1, Alberni District, Plan VIP75178
Liquor, Wine and Beer Store	2943 10th Ave. (Quality Foods)	Lot A, District Lot 1, Alberni District, Plan VIP13914 Except Plan 50966 (PID: 004-503-112)

C3 – SERVICE COMMERCIAL

5.17 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.

5.17.1 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 6.24
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 landscaping 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

5.17.2 Site Development Regulations

Minimum <i>Lot Area</i>	930 m ²	(10,011 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	75%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(9.84 ft)
<i>Side yard</i>	0 m	
Maximum <i>Height, Principal Building</i>	10 m	(32.8 ft)

5.17.3 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).

5.17.4 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>
<i>Dwelling unit(s)</i> behind street facing commercial units and <i>dwelling unit(s)</i> on the second story	3575 3rd Avenue	<i>Parcel B, Block 50, Alberni District, Plan 197B (PID: 030-520-347)</i>

C4 – HIGHWAY COMMERCIAL

5.18 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.

5.18.1 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 6.24

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

5.18.2 Site Development Regulations

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

5.18.3 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.

5.18.4 Conditions of Use: Campgrounds

- a) An accessory store to serve *campground* patrons is permitted to a maximum *gross floor area* of 120 m² (1,292 ft²).
- b) Except for caretakers' residences, no person, tent or *recreational vehicle* shall occupy a *camping site* within a given *campground* for more than 90 days in any calendar year.
- c) Notwithstanding the provisions of (b), a maximum of ten percent (10%) of the *camping sites* in any given *campground*, excluding caretakers' residences, may be occupied by the same person, tent or *recreational vehicle* for more than 90 days in any calendar year.
- d) Each *camping site* for a *recreational vehicle*, trailer or tent shall have an area of not less than 60 m² (646 ft²).
- e) Washroom facilities shall be not more than 150 m (492 ft) from any *camping site*.
- f) No washroom facility shall be closer than 4 m (13.1 ft) to any *camping site*.
- g) A standpipe for potable water shall be not more than 50 m (164 ft) from any *camping site*.
- h) Internal roads must be of a material that does not produce dust.
- i) Garbage disposal containers shall be provided and shall be insect-tight, water-tight, and animal-proof.
- j) A minimum of ten percent (10%) of the *lot* shall be provided for *useable open space*.

5.18.5 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

5.19 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.

5.19.1 Permitted Uses

Principal Uses

- Artist’s studio*
- Community care facility*
- Live-work*
- Medical service*
- Professional Service*
- Personal service*

Accessory Uses

- Office*

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

5.19.2 Site Development Regulations

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

5.19.3 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 R *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

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

5.20.1 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

5.20.2 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)

5.20.3 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

5.21 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.

5.21.1 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

5.21.2 Site Development Regulations

Minimum <i>Lot Area</i>	540 m ²	(5,812.7ft ²)
Minimum <i>Frontage</i>	15 m	(49.2 ft)
Maximum <i>Coverage</i>	90%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i>	0 m	
Maximum <i>Height, Principal Building</i>	16 m	(52.5 ft)
Maximum <i>Floor Area Ratio</i>	3.0	

5.21.3 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 Section 5.21.3(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.

5.21.4 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

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

5.22.1 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*

5.22.2 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)

5.22.3 Conditions of Use

- (a) The principal *building* on the site shall be a minimum of 100 m² (1,076 ft²) in size.
- (b) The sum total of the *gross floor area* for *accessory buildings*, including restaurants, shall not exceed 230 m² (2,530 ft²) except that an additional accessory store with a maximum of 120 m² (1,292 ft²) is permitted in conjunction with a *campground*.
- (c) All mechanical, electrical or other service equipment located outside or on the roof of a *building* shall be screened from adjacent properties and *streets* by *landscaping*, ornamental *structures* or other means.
- (d) All outdoor storage and refuse receptacle areas shall be screened in accordance with Section 6.8.
- (e) A maximum of one caretaker’s residence may be located in conjunction with the permitted *use* on the *lot*, subject to the provisions of Section 6.16.
- (f) Where a *campground* is the principal permitted *use*, the conditions of *use* contained in Section 5.18.4 (Highway Commercial *zone*) shall apply.

C9 – COMMERCIAL GUEST HOUSE

5.23 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.

5.23.1 Permitted UsesPrincipal Uses

Guest House

*Single detached dwelling**Semi-detached dwelling*Accessory Uses*Bed and Breakfast**Secondary suite***5.23.2 Site Development Regulations for Guest Houses**Minimum *Lot Area*Up to 4 units 900 m² (9,688 ft²)5 or 6 units 1,000 m² (10,764 ft²)7 or 8 units 1,100 m² (11,840 ft²)Minimum *Frontage* 25 m (82 ft)Maximum *Coverage* 35%Minimum *Setbacks*:*Front yard* 7.5 m (24.6 ft)*Rear yard* 9 m (29.5 ft)*Side yard* 1.5 m (4.9 ft)Maximum *Height, Principal Building* 10.5 m (29.5 ft)Maximum *Floor Area Ratio* 0.6**5.23.3 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 R 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

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

5.24.1 Permitted UsesPrincipal Uses

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

5.24.2 Site Development Regulations

Minimum *Lot Area*

930 m² (10,011 ft²)

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</i> (total)	6 m	(19.7 ft)
(Permitted on one side)	0 m	
Maximum <i>Height, Principal Building</i>	12.5 m	(41 ft)

5.24.3 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.

5.24.4 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>
Medical Marijuana Facility	4921 Bute St.	Lot A, District Lot 1, Alberni District, Plan VIP31847

M2 – MEDIUM INDUSTRY

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

5.25.1 Permitted UsesPrincipal Uses**All uses permitted in the M1 Zone***Animal shelter**Automobile wrecking yard*

Blacksmithing and welding shop

Bulk fuel storage

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

Construction, house moving and excavation

Industry *offices*, workshops and 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 lumberAccessory UsesCaretaker's *dwelling* unit, subject to Section 6.16Display, storage, and *retail* sales of goods produced on the premises*Office*5.25.2 Site Development Regulations

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

5.25.3 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 5.25.2, 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

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

5.26.1 Permitted UsesPrincipal Uses**All uses permitted in the M2 zone**

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

Accessory Uses

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

5.26.2 Site Development Regulations

Minimum <i>Lot Area</i>	1,000 m ²	(10,764 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	60%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i> (total)	6 m	(19.7 ft)
(Permitted on one side)	0 m	

5.26.3 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

5.27 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.

5.27.1 Permitted Uses

Principal Uses

Accessory 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

5.27.2 Site Development Regulations

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

5.27.3 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

5.28 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*.

5.28.1 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 5.28.4.

5.28.2 Site Development Regulations

<i>Minimum Lot Area</i>	540 m ²	(5,813 ft ²)
<i>Minimum Frontage</i>	15 m	(49.2 ft)
<i>Maximum Coverage</i>	40%	
<i>Minimum 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)
<i>Maximum Height, Principal Building</i>	12.5 m	(41 ft)

5.28.3 Conditions of Use

- a) Notwithstanding the provisions of 5.28.2, the total of both *side yards* must be equal or greater than 20% of the *lot width*.
- b) *Community care facilities* for seniors may include an accessory beauty shop or other provision of other *personal services*, limited to 16m² (172 ft²) in floor area and 2 service chairs, operating between the hours of 8:30 am to 5:00 pm, Monday to Friday and 9:00 am to 12:00 pm on Saturday.

5.28.4 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 5.28.4.A:
 - a) All business activity shall be conducted within a completely enclosed *building* except for parking and loading facilities.
 - b) The total area occupied shall not exceed 1,077 m² (11,592 ft²).
 - c) No retail activity is permitted as part of any business located on the property.

B.

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

- a) Notwithstanding the maximum coverage provisions of Section 5.28.2, 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 5.28.4.Ci:
 - a) All business activity shall be conducted within a completely enclosed *building* except for parking and loading facilities.
 - b) The total area occupied shall not exceed 481 m² (5,180 ft²).

D.

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

- i. Notwithstanding Section 5.31.1 the following Principal 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 5.28.1 the following Principal Uses are permitted on the site:
 - *Mother's Centre*

P2 – PARKS AND RECREATION

- 5.29** 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.

5.29.1 Permitted UsesPrincipal Uses

Assembly, cultural and recreational facility
Cemetery
Fairground
Fish hatchery
Forest management
Golf course
Natural Areas, Open Spaces and Parks
Public Parks and Playgrounds

Accessory Uses

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

5.29.2 Site Development Regulations

<i>Minimum Lot Area</i>	1,000 m ²	(10,764 ft ²)
<i>Minimum Frontage</i>	30 m	(98.4 ft)
<i>Maximum Coverage</i>	40%	
<i>Minimum Setbacks:</i>		
<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	9 m	(29.5 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
<i>Maximum Height, Principal Building</i>	8 m	(26.2 ft)

W1 – WATERFRONT COMMERCIAL

5.30 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.

5.30.1 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

5.30.2 Site Development Regulations

Maximum Height, Principal Building 8 m (26.2 ft)

5.30.3 Conditions of Use

- a) Notwithstanding the provisions of 5.30.1,
- (i) Temporary or seasonal boat residence is permitted, provided that the boat or vessel is wharfed at a location where the following on-shore facilities are provided, at a minimum, in separate rooms for females and males:
- one water-closet;
 - one wash-basin; and
 - one bathtub or shower
- (ii) Private Floats and Wharves are permitted only where necessary for practical access by boats to commercial enterprises primarily oriented to water uses and water traffic.

- b) Where associated with *retail* sales of live or fresh seafood in the same *building*, *fish product industry* activity is limited to a maximum *gross floor area* of 235 m² (2,530 ft²).
- c) Marine fuelling operations shall be located not less than 60 m (196.8 ft) from any R or RM *zone*.

5.30.4 Site Specific Uses

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

<u>Principal Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Barber, Beauty Shop, Salon, Spa <u>Accessory Use:</u> Residential Above Commercial	5405 Argyle Street	For <u>a 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

5.31 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.

5.31.1 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

5.31.2 Site Development Regulations

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

5.31.3 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

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

5.32.1 Permitted usesPrincipal Uses*Multiple family dwellings*Accessory Uses*Home occupation*5.32.2 Site Development Regulations

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

5.32.3 Conditions of Use

- a) Notwithstanding any other provision of the Bylaw, *useable open space* shall be provided on the *lot* of not less than 45 m² (484.4 ft²) for each *dwelling unit* containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling unit* of smaller size.
- b) Notwithstanding any other provision of the Bylaw, the amount of *useable open space* required may consist exclusively of private patios, porches, balconies, or roof terraces.
- c) The minimum side yard requirement shall be reduced to 1 m for a side yard abutting a constructed lane for the entire length of the lot line.
- d) For multiple family dwellings where a *building* is sited perpendicular to the street, the minimum side yard requirement shall be increased to 3 m for a side yard where primary access to *dwelling units* is provided.
- e) Principal access to each *dwelling unit* shall be from an outdoor area, except where a stacked townhouse unit requires access from a hallway or stairwell leading directly to an outdoor area.
- f) A continuous *building frontage* shall not exceed 60 m in length.
- g) Groups of multiple family dwellings are permitted, as an exception to Section 6.1 of this bylaw.

- h) Minimum facing distance between *buildings*:
 - i. *Building height* under 8.5 m: 6.0 m
 - ii. *Building height* 8.5 m to 10 m: 7.5 m
- i) The maximum number of *multiple-residential 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;

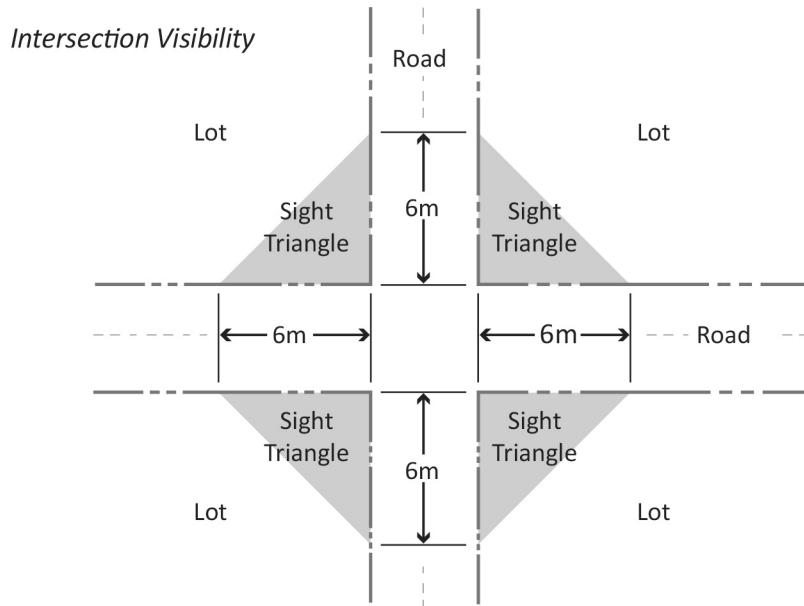
- observation towers;
- radio towers;
- silos;
- solar panels;
- stadiums;
- transmission towers; and
- wind turbines,
- photovoltaic cells

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

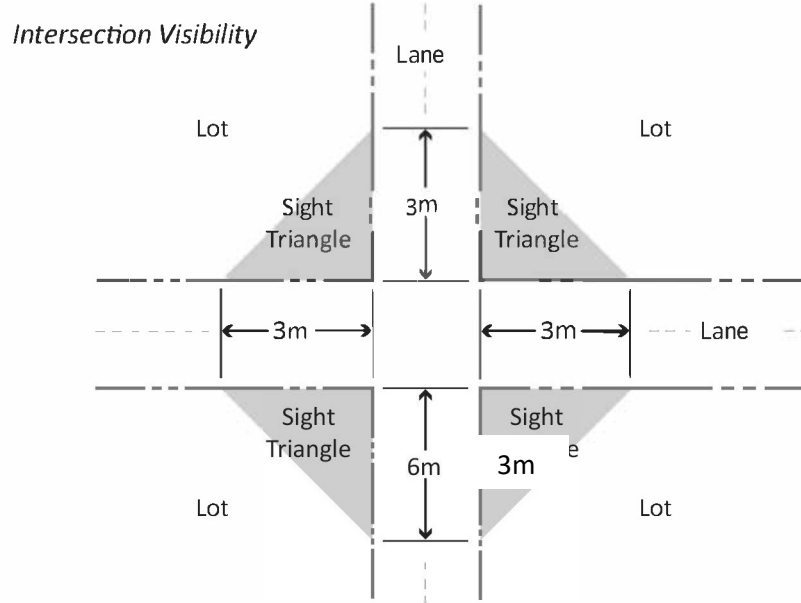
6.5.1

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



6.5.2

Notwithstanding any other section of this Bylaw, on a *corner lot* at any *lane-to-lane* intersection, there shall be no obstruction of the line of vision above a height of 1.26 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 3 m along each *lot* line from the corner of the *lot* and a diagonal line connecting those points.



6.6 Minimum Lot Size Exemptions

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

6.7 Fences and Hedges

- 6.7.1 The height of a *fence*, *hedge* or wall shall be determined by measurement from ground level at the average *grade level* within 1 m (3.28 ft) of both sides of such *fence* or wall.
- 6.7.2 Notwithstanding Section 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 Section 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 Sections 6.7.1 through 6.7.6, all *fences, hedges* and walls are subject to the provisions of Section 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 Sections 6.8.1 through 6.8.6, all *landscaping* requirements are subject to the provisions of Section 6.5.
- 6.8.7 In the R and RR zones, a minimum of 40% of a *front yard* shall be soft *landscaping*. Soft *landscaping* may include areas covered by lawns, plants, shrubs and trees but does not include *impermeable surfaces*.

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 Section 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*:
- a) One truck, personnel carrier bus or commercial vehicle not exceeding a length of 9 m (29.5 ft);
 - b) Any dismantled or wrecked vehicle for a period of not more than 30 successive days.
- 6.9.3 Notwithstanding Section 6.9.1, the following types of vehicles and equipment are permitted to be parked or stored in any yard:
- a) One boat or vessel not exceeding a length of 9 m (29.5 ft); and
 - b) One trailer or *recreational vehicle*.
- 6.9.4 Notwithstanding Section 6.9.3, parking of one trailer or *recreational vehicle*, which may include a boat on a trailer, is permitted in the *front yard* only on a hard or gravelled surface.
- 6.9.5 Notwithstanding 6.9.3, in a C9 *zone* where a room is rented, the occupant of the room may park one boat or vessel not exceeding a length of 9 m (29.5 ft), or one trailer or *recreational vehicle* for the duration of their stay.

6.10 Accessory Buildings

- 6.10.1 *Accessory buildings* shall not be erected unless:
- a) the principal *building* has been erected; or
 - b) the principal *building* will be erected simultaneously; or
 - c) the *principal use* is in effect.
- 6.10.2 An *accessory building* shall not be *used* as a *dwelling*, except for a permitted caretaker's *dwelling* unit as provided for in Section 6.16.
- 6.10.3 Except as otherwise provided in this Bylaw, *accessory buildings* may be located in required rear and *side yards* provided that no portion of the *building* is located within 1.0 m (3.3 ft) of a rear or *side lot line*.
- 6.10.4 Where a *garage* or carport is accessed from a *lane*, said *building* shall be located not less than 1.5 m (4.9 ft) from the laneway *lot line*.
- 6.10.5 In R, RR, and RM *zones*, the total floor area of all *accessory buildings* shall not exceed 90 m² (807.3 ft²), and the *height* of any *accessory building* shall not exceed 5.5 m (18 ft) nor 1 *storey*, subject to 6.10.7 of this Bylaw.
- 6.10.6 In the A *zone*, the total floor area of all *accessory buildings* shall not exceed 90 m² (969 ft²), and the *height* of any *accessory building* shall not exceed 4.5 m (14.8 ft) nor 1 *storey*.
- 6.10.7 In A, R, RR, or RM *zones*, not more than two-thirds of the width of the *rear yard* nor 50% of the *lot area* to the rear of the principal *building* of any *lot* shall be occupied by *accessory buildings*.

- 6.10.8 In A 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 Sections 6.11.2 through 6.11.4:
 - a) Application shall be made in writing to the *Building Inspector* for a permit to erect a *temporary building* or *structure*; and
 - b) At the expiration of a permit such *temporary building* or *structure* shall be removed and the site thereof restored as nearly as possible to its former conditions.

6.12 Projections

- 6.12.1 Except in C2, C3, C7, 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 Section 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 Notwithstanding Section 6.12.1., no projection is permitted to project into a required *front yard* in an R zone.
- 6.12.4 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*.
- 6.12.5 Notwithstanding Sections 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.
- 6.12.6 In zones where no yard is required and where the width of the public right-of-way is not less than 10 m (32.8 ft), certain architectural elements may project over the public right-of-way, provided that such architectural elements are located at or above a minimum height above *grade*, as specified in the following:

Projection	Maximum Permitted Projection Distance into R-O-W		Minimum Height Above Grade	
	Maximum	Permitted	Minimum	Height
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)
Marquee	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 6.7.11, 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 Section 6.15.1, where the *Home Occupation* is urban *market gardening*, the regulations in Section 6.22 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) A *Home Occupation* must be licenced to and conducted by a permanent resident of the *dwelling unit*;
 - d) In R, RR, or A *zones*, the following regulations also apply:
 - i. Except for *Home Occupations* regulated by the *Community Care Facility Act* or related regulations, the *Home Occupation* maximum floor area must not exceed 40 m² (430.6 ft²);
 - ii. One non-illuminated fascia sign, up to 0.2 m² (2.15 ft²) in area, is permitted;
 - iii. One customer receiving service at any one time on the *lot*;
 - e) In RM and MH *zones*, the following regulations also apply:
 - i. A maximum floor area not to exceed 19 m² (204 ft²) per *dwelling unit*;
 - ii. No signage pertaining to a *Home Occupation* shall be permitted;
 - iii. No customer service shall be permitted in the residence where the *Home Occupation* is conducted;
 - f) Notwithstanding Section 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
 - g) In multi-unit residential *zones*, *home occupation* as a permitted *use* is restricted to *office* space.

6.16 Caretaker Accommodation

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

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

6.17 Floats and Wharves

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

6.18 Sunlight Protection and Privacy

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

6.19 Minimum *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.

6.20 Adult Retail Store

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

6.21.1 Accessory Dwelling Units

6.21.1 *Carriage Houses*

May be located on a lot with a principal *building* on the following conditions:

- a) Is provided direct access to a *street* or includes a minimum 1.0 m wide pathway constructed of durable material, extending from the *street* to the entrance of the *carriage house* when direct access is not provided.
- b) Is not located in the required front yard setback area or in front of the principal *building*;
- c) Except as otherwise provided in this Bylaw, *carriage houses* may be located in the 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*;
- d) Does not exceed a maximum *height* of 8.5 m;
- e) Does not contain a *gross floor area* (excluding a first-storey *garage*) greater 90 m²;

- f) Provides for parking in accordance with Section 7.

6.21.2 *Garden Suites*

May be located on a lot with a principal *building* on the following conditions:

- a) Is provided direct access to a *street* or includes a minimum 1.0 m wide pathway constructed of durable material, extending from the *street* to the entrance of the *garden suite* when direct access is not provided.
- b) Is located in a rear yard;
- c) Except as otherwise provided in this Bylaw, *garden suites* may be located in the required rear and side yard setbacks provided that no portion of the *building* is located within 1.0 m (3.3 ft) of a *rear or side lot line*.
- d) Does not exceed a maximum *height* of 8.5 m;
- e) Does not contain a *gross floor area* greater than 90 m²;
- f) Provides for parking in accordance with Section 7.

6.22 **Market Gardens, Urban**

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

- 6.22.1 The total area which may be under cultivation on any given parcel shall not exceed more than 600 m² in area except where the *lot size* is greater than 2,400 m², in which case an *urban market garden* shall not exceed 25% of the *lot area*.
- 6.22.2 Production shall be limited to the growing and harvesting of fruits, vegetables and edible plants, but specifically excludes the growing of mushrooms.
- 6.22.3 On-site sales of edible plants shall be permitted within roadside stands for products grown on site provided that:
 - a) the size of the roadside stand does not exceed a *gross floor area* of 9 m²;
 - b) on-site sales and roadside stands are limited to no more than 120 days within a calendar year; and
 - c) the roadside stand is located on the property and does not impede sight lines from the driveway.
- 6.22.4 No artificial lighting shall be *used*.
- 6.22.5 No pesticides or herbicides shall be *used*.
- 6.22.6 No uncomposted manure shall be *used*.
- 6.22.7 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.
- 6.22.8 An *urban market garden* shall not be permitted where a property has farm status classification, as defined under the BC *Assessment Act*.

6.23 **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:

- 6.23.1 The keeping of male *poultry* is prohibited, except on ALR lands or on parcels greater than 2,000 m² (21,528 ft²) in area.
- 6.23.2 The keeping of female *poultry* is prohibited on *lots* less than 350 m² (3,767 ft²) in area.
- 6.23.3 The keeping of up to six (6) female *poultry* in enclosed runs is permitted on *lots* less than 2,000 m² (21,528 ft²) but more than 450 m² (4,844 ft²) in size. When the *lot* is less than 450 m² (4,844 ft²), no more than four (4) female *poultry* may be kept.
- 6.23.4 Runs shall provide at least 0.8 m² (8.5 ft²) of space per bird and coops of at least 0.2 m² (2 ft²) of space per bird.
- 6.23.5 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.
- 6.23.6 The keeping of bees on *lots* less than 600 m² (6,458 ft²) in area is prohibited.
- 6.23.7 The keeping of bees is permitted to a maximum of 2 hives of bees on *lots* between 600 m² and 929 m² (10,000 ft²) in area, and a maximum of 4 hives of bees on *lots* over 929 m² (10,000 ft²) in area.
- 6.23.8 Beehives are restricted to *rear yards*.
- 6.23.9 A beehive will be located a minimum of 7.5 m (25 feet) away from the neighbouring property line.
- 6.23.10 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.
- 6.23.11 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.
- 6.23.12 These regulations do not apply to properties with farm status classification under the BC Assessment Act.

6.24 Cannabis Retail Store Operations

All *Cannabis Retail Stores* shall conform to the following:

- 6.24.1 A *Cannabis Retail Store* is not permitted within 300 metres of the nearest property line of a site containing a school.
- 6.24.2 A *Cannabis Retail Store* is not permitted in conjunction with any other use.

6.25 Cannabis Production Facilities

- 6.25.1 Any operational *Cannabis Production Facility* must be regulated, approved, and licensed by Health Canada. A City Business License is also required for operations.
- 6.25.2 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*.
- 6.25.3 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.
- 6.25.4 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.
- 6.25.5 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.
- 6.25.6 A *Cannabis Production Facility* must limit their hours of operation to occur between 8:00 am and 8:00 pm.

6.26 Useable Open Space

- 6.26.1 All multi-unit development must provide usable open space.
- 6.26.2 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).
- 6.26.3 Notwithstanding the provisions of Section 6.26.2, useable open space within a RM-1 zoned property shall be provided on the lot of not less than 45 m² (484.4 ft²) for each *dwelling unit* containing 3 or more bedrooms, and not less than 28 m² (301.4 ft²) for each *dwelling unit* of smaller size.
- 6.26.4 Notwithstanding the provisions of Section 6.22.2, useable open space within a RM-2 or 3 zoned properties shall be provided on the lot of not less than 45 m² (484.4 ft²) for each *dwelling unit* containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling unit* of smaller size.

6.27 Density Bonusing

- 6.27.1 The purpose of the following density bonusing provisions pursuant to Section 482 of the *Local Government Act* 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)
- 6.27.2 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.
- 6.27.3 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.
- 6.27.4 Where density bonusing is to be sought under Section 6.27.2 (b) above, a housing agreement is required as outline under Section 483 of the *Local Government Act*.
- 6.27.5 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 principal *building*;
 - c) A 0.1 increase in FAR for each ten percent (10%) of the *dwelling units* are constructed as *accessible* and where elevators are provided to all storeys in the *building*;
 - d) A 0.1 increase in FAR for each ten percent (10%) of the *dwelling units* are designated as affordable; and
 - e) A 0.5 increase in FAR where a common meeting room or amenity room containing a minimum of 22 m² (235 ft²) is provided.
- 6.27.6 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.
- 6.27.7 Where density bonusing is to be sought under Section 6.27.3 (d) above, a housing agreement is required as outline under Section 483 of the *Local Government Act*.

6.28 Shipping Containers

- 6.28.1 Use of land for the placement of shipping containers is permitted only in M zones, except where authorized by Section 6.28.3.
- 6.28.2 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.
- 6.28.3 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.
- 6.28.4 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.

6.29 Secondary Suites

May be located within a principal *building* on the following conditions:

- a) May not exceed 40% of the *habitable floor space* of the principal *building*;
- 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 principal dwelling is permanently occupied.

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 *zone* except for:
- a) *shopping centres*;
 - b) food stores having a maximum *retail* floor space of greater than 400 m² (4305.7 ft²);
 - c) residential *dwelling units*, which require 0.5 *parking spaces* per *dwelling unit*; and
 - d) *hotels*.
- 7.1.4 No *off-street* parking is required in the W1 Waterfront Commercial *zone*.

7.2 General

- 7.2.1 All *off-street* parking facilities or loading areas in excess of the requirements of this Bylaw shall conform to the regulations set forth in this Bylaw.
- 7.2.2 Where a *use* is not specifically mentioned or defined, the required *off-street parking spaces* for that *use* shall be the same as for a similar *use*.
- 7.2.3 *Off-street* loading areas shall not be considered as nor calculated as *off-street* parking facilities.
- 7.2.4 Where more than one *use* is located on a *lot* or involves collective parking for more than one *building, structure* or *use*, the total number of spaces shall be the sum of the various classes of *uses* calculated separately, and a space required for one *use* shall not be included in calculations for any other *use*.
- 7.2.5 In the C7 or W2 *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*, *principal use*, or *accessory dwelling units* for which the parking area is provided, and such parking area shall not be *used* for off-street loading, driveways, *street access*, *access aisles*, commercial repair work or display, sale or storage of goods of any kind.

7.4 Development and Maintenance Standards

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

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

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

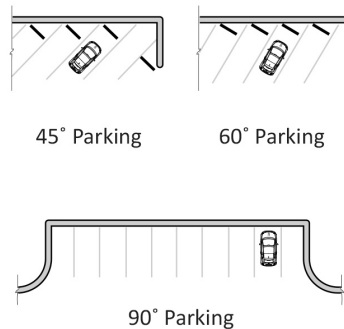
7.4.3 Notwithstanding Section 7.4.1, the minimum dimensions for *accessible parking spaces* shall accommodate design features that are complementary to *accessible parking spaces* per the BC Building Code, such as a marked pedestrian aisle.

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

7.4.5 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)



- 7.4.6 *Access aisles* that are intended for two-way traffic flow shall be not less than 6 m (19.7 ft) in width.
- 7.4.7 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*.
- 7.4.8 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.
- 7.4.9 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.
- 7.4.10 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.
- 7.4.11 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*.
- 7.4.12 All *parking lots* and loading areas shall be graded and drained to ensure the proper disposal of all surface water.
- 7.4.13 *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*.
- a) In the R and RR zones, *parking spaces* provided for dwelling units on dedicated and separate driveways with access to a *street* is allowed for three-plexes and four-plexes.
- 7.4.14 Tandem *parking spaces* are permitted for single-detached, semi-detached, three-plex, four-plex, and row housing under the following conditions:
- a) Each dwelling has one parking space that is directly accessible to any *street*;
 - b) Visitor *parking spaces* are not configured in tandem.
 - c) Only one tandem *parking space* is located in front of any garage or carport.
- 7.4.15 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 Section 7.8, *gross floor area* shall include the floor area of *accessory buildings* and *basements*, except where they are *used* for parking, heating, or storage.
- 7.8.2 Where there is more than one *use* or tenant in a *building* or *lot* and all such *uses* and tenants have adequate access to common loading facilities, the required off-street loading shall be determined by calculating the requirements of the sum of the *gross floor area* of the different *uses* and/or tenants.
- 7.8.3 For *retail*, industry, warehouse and other similar *uses*, not less than 1 off-street *loading space* shall be provided for every 2,000 m² (21,529 ft²), or portion thereof, of *gross floor area*.
- 7.8.4 For an *office building*, place of public *assembly*, hospital, institution, *hotel*, *club* or *lodge*, auditorium, *public utility*, *school*, or other similar *uses*, not less than 1 off-street *loading space* shall be provided for every 3,000 m² (32,293 ft²), or portion thereof, of *gross floor area*.

7.9 Required Amount of Parking

Residential Use	Required Parking Spaces
<i>Single detached dwelling</i>	1 space per unit plus 1 extra parking space where the home is operating as a provincially licensed Group Home
<i>Semi-detached dwelling</i>	1 space per unit
<i>Suites or Accessory Dwelling Units</i>	1 space per unit
<i>Supportive housing</i> , and <i>Community Care Facilities</i> with a maximum of 4 residents	1 space per 4 resident rooms, plus the <i>single detached dwelling</i> requirements
<i>Bed and Breakfast</i>	1 per guest room, plus the <i>single detached dwelling</i> requirements
<i>Community care facility</i> ; Seniors housing	1 space per 3 resident rooms or <i>dwelling</i> units, plus 15% of total number of rooms designated as visitor and staff parking
Mobile-Home, Modular-Home	2 per unit
Multi-residential dwellings	1.25 per <i>dwelling unit</i>
Multi-residential dwellings in R and RR zones	1 per <i>dwelling unit</i>

<i>Dwelling Unit</i> in Commercial Zones* *For C7 zone requirements, see Section 7.1.4 and 5.21.3(e)	1.25 per <i>dwelling unit</i>
<i>Boarding, Lodging House</i>	1 per <i>dwelling or sleeping unit</i>
Institutional Use	Required Parking Spaces
Hospital, Extended Care Housing for Seniors, Personal Care Homes	1 per 2 employees and 1 per 5 beds
<i>Place of Worship</i>	1 per 10 seats plus 1 per 20 m ² (215.3 ft ²) of floor area used for <i>offices, recreation or assembly</i>
Senior High School	1 per employee and 1 per 10 students
Junior High School	1 per employee
Elementary School	1 per employee
Community College	1 per employee and 1 per 5 students
Day Care Facility	1 per employee
Public Assembly Places, Recreational Use	1 per 40 m ² (431 ft ²) of <i>gross floor area</i> or 1 per 4 seats, whichever is greater
Commercial Use	Required Parking Spaces
<i>Cannabis Production Facility</i>	1 per employee or 1 per 190 m ² (2,045 ft ²) of <i>gross floor area, whichever is the greater</i>
<i>Public Utility Office</i>	1 per employee
<i>Public Service Office</i>	1 per 35 m ² (377 ft ²) of <i>gross floor area</i>
Gasoline Service Station and Motor Vehicle Repair Shop	1 per 2 employees plus 2 per service bay
<i>Retail Store</i>	1 per 30 m ² (323 ft ²) of <i>retail floor area</i>
<i>Convenience Store</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Furniture Store	1 per 200 m ² (2,153 ft ²) of <i>retail floor area</i>
<i>Shopping Centre</i> (containing more than 10 stores)	1 per 17 m ² (183 ft ²) of <i>gross leasable floor space</i>
<i>Automobile Sales and Service</i>	1 per 70 m ² (753 ft ²) of <i>gross floor area</i> plus 1 per service bay plus 1 per 2 employees
<i>Office</i>	1 per 35 m ² (377 ft ²) of <i>gross floor area</i>
Bank or Other Financial Institution	1 per 45 m ² (484 ft ²) of <i>gross floor area</i>
Laundromat	1 per 20 m ² (215 ft ²) of <i>gross floor area</i>
<i>Personal Service Shop</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Medical and Dental <i>Office</i> or Clinic	1 per 35 m ² (484 ft ²) of <i>gross floor area</i>
<i>Veterinary Office</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Funeral Home	1 per 4 seats
<i>Hotel, Motel or Motor Hotel</i>	1 per unit and 1 per 5 seats in a restaurant and the like or bar and the like
Nightclub, Lounge, Public House, <i>Drive-Through</i> and <i>Drive-In</i> Restaurant	1 per 5 seats 10 minimum for <i>drive-in</i> facility
Warehouse Facility	1 per 200 m ² (2153 ft ²) of <i>gross floor area</i>
Motion Picture Theatre	1 per 10 seats

Billiard and Pool Hall	1 per table
Bowling Alley	3 per lane
<i>Amusement Establishment</i>	1 per 30 m ² (323 ft ²) of <i>gross floor area</i>
Golf Course	40 spaces per 9 holes
Marina	1 per employee plus 1 per 3 berths
Health and Fitness Facility	1 per 15 m ² (161 ft ²) of <i>gross floor area</i>
Restaurant	1 per 4 seats

Industrial Use	Required Parking Spaces
<i>Cannabis Production Facility</i>	<i>1 per employee or 1 per 190 m² (2,045 ft²) of gross floor area, whichever is the greater</i>
<i>Manufacturing and Industrial Use</i>	<i>1 per 3 employees or 1 per 100 m² (1,076 ft²) of gross floor area, whichever is the greater</i>
<i>Medical Marijuana Facility</i>	<i>1 per employee or 1 per 190 m² (2,045 ft²) of gross floor area, whichever is greater</i>
<i>Mini-storage Facility</i>	<i>1 per 200 m² (2,153 ft²) of gross floor area</i>
Wholesaling	1 per 200 m ² (2,153 ft ²) of <i>gross floor area</i>
Storage Area or Yard	1 per 200 m ² (2,153 ft ²) of <i>lot area</i>

8. Comprehensive Development Zones

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

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

<u>Principal Uses</u>	<u>Accessory Uses</u>
Multiple family dwellings	Home occupation

8.2.2 Site Development Regulations

Minimum Lot Area	443 m ²	(4,768 ft ²)
Minimum <i>Frontage</i>	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 <i>Floor Area Ratio</i>	1.34	
Maximum <i>Height, Principal Building</i>	13.7 m	(45.9 ft)
Maximum Number of <i>Principal Building Storeys</i>	3	

8.2.3 Conditions of Use

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

- g) Home occupation as a permitted use is restricted to office space for a business which is lawfully carried on at another location.

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

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

8.3.1 Permitted Uses

Principal Uses

Multiple family dwellings

Accessory Uses

Home occupation

8.3.2 Site Development Regulations

Minimum Lot Area	789.7 m ²	(8,500 ft ²)
Minimum <i>Frontage</i>	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 <i>Floor Area Ratio</i>	1.0	
Maximum <i>Height, Principal Building</i>	12.5 m	(41.0 ft)
Maximum Number of Principal <i>Building Storeys</i>	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)
- e) Groups of multiple family dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- f) Notwithstanding any other provision of the Bylaw, useable open space may be provided in a required front yard.
- g) Home occupation as a permitted use is restricted to office space for a business which is lawfully carried on at another location.
- h) 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.

CD5 – COMPREHENSIVE DEVELOPMENT – 3045, 3053, 3063 Kingsway Avenue

8.5 The purpose of this zone is to provide for in-fill development of a multi-residential *building*.

8.5.1 Permitted uses

Principal Uses

Multiple family dwellings

Accessory Uses

Home occupation

8.5.2 Site Development Regulations

Minimum Lot Area	1151 m ²	(12,389 ft ²)
Maximum <i>Coverage</i>	55%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	1.8 m	(5.91 ft)
<i>Rear yard</i>	5.9 m	(19.36 ft)
<i>Side yard (north)</i>	3.4 m	(11.15 ft)
<i>Side yard (south)</i>	2.8 m	(9.19 ft)
Maximum <i>Floor Area Ratio</i>	1.62	
Maximum <i>Height, Principal Building</i>	18 m	
Maximum number of <i>dwelling units</i> :	25	

8.5.3 Parking

8.5.3.1 Vehicle parking will be provided at the following minimum rates:

Type	Bed(s)	Spaces per <i>Dwelling unit</i>
Multi-family	Studio	0.75
Multi-family	1 bed	0.75
Multi-family	2 bed	1.25
Multi-family	3 bed	1.50

8.5.3.2 Secure bicycle storage will be provided at a rate of 0.96 spaces per *dwelling unit*.

8.5.4 Useable Open Space

8.5.4.1 A total of 395 m² of *Usable Open Space* will be provided at a rate of 15.8 m² per *dwelling unit*.

8.5.4.2 Notwithstanding Section 6.27.2(c), required useable open space may consist exclusively of roof garden areas, private balconies, and private patios.

8.5.5 Landscaping

8.5.5.1 Landscape screening will be provided along the side and rear property lines except where vehicle access is provided.

8.5.6 Signage

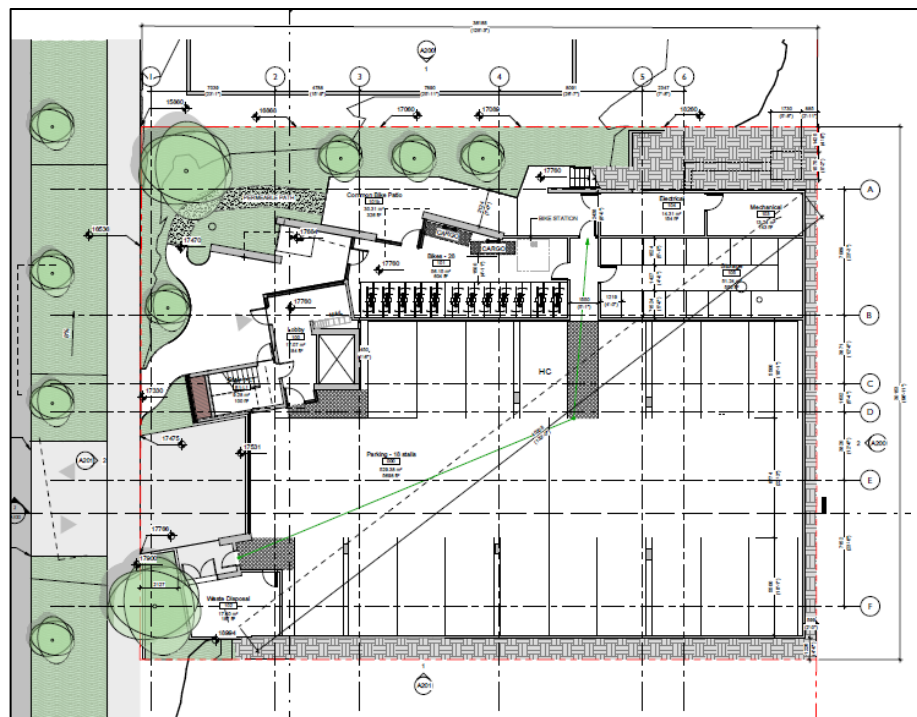
8.5.6.1 All signage must meet the requirements for multi-family zones in Port Alberni Sign Bylaw No. 4843.

8.5.7 Conditions of Use

- a) Limits to *Home Occupation* listed as Section 6.15.6(f) apply to this zone.
- b) Notwithstanding Section 11.1.2, a minimum side yard setback of 1.15 m is permitted for an *underground parking* structure to a maximum height of 3.5 m above *grade*.

8.5.8 Site Plan

8.5.8.1 *Site Plan at Ground Floor*



READ A FIRST TIME this day of .

READ A SECOND TIME this day of .

A PUBLIC HEARING WAS HELD this day of .

READ A THIRD TIME this day of .

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

ADOPTED this day of.

Mayor

Corporate Officer

Schedule A: Zoning Map