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*The following sections “User Guide”, “Using the Port Alberni Zoning Bylaw” and “Port Alberni Zoning Bylaw Format” are intended for information only and do not form part of the City of Port Alberni Zoning Bylaw 4832, 2014.*

## User Guide

The City of Port Alberni’s Zoning bylaw has a number of purposes:

1. For the City, it provides the regulations for land *use* and helps the community develop according to its values and goals, as contained in the Official Community Plan and other plans that have been adopted by Council.
2. For Port Alberni residents, it provides a level of comfort about what types of activities (land *uses*) and *structures* (types of housing or other *buildings*) might occur in their neighbourhood.
3. For developers, it provides a tool for identifying where specific projects might be welcome, based on the proposed *use*. It also provides information about what conditions must be met to get approval for projects, things like maximum *building* heights, and so on.
4. For other levels of government, it specifies conditions in relation to their areas of concern. For example, the Ministry of the Environment is concerned about stream setbacks, and the Transportation Ministry is concerned about highway setbacks, and so on.

In addition to observing the zoning bylaw, any development within the City of Port Alberni must also respect other City bylaws, as well as any applicable Acts and regulations of the Province of British Columbia and Government of Canada.<sup>1</sup> It is up to the individual to ensure that relevant laws are observed.

Zoning bylaws always include certain sections:

- Administration – how the bylaw can be changed or enforced
- Definitions – to be clear on exactly what is meant by certain words *used* in the bylaw
- Regulations for each *zone* – including permitted *uses*, density (how much development can take place on a particular *lot*), *lot* coverage, setbacks, and anything else that might be appropriate. The provisions for commercial and industrial areas are different than for housing areas or for institutional *uses* or for parks
- General regulations – that apply everywhere in the City, and are not specific to a particular *zone*

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<sup>1</sup> Users of this bylaw in regard to the zoning of lands in the City of Port Alberni are advised that they may also need to be knowledgeable of the requirements of the following legislation: *Land Title Act, Local Government Act, Strata Property Act, BC Building Code, BC Fire Code, Real Estate Act, Agricultural Land Reserve Act, City of Port Alberni Parking Bylaw, City of Port Alberni Animal Control Bylaw, City of Port Alberni Building Bylaw, City of Port Alberni Floodplain Bylaw, City of Port Alberni Official Community Plan Bylaw, City of Port Alberni Subdivision Bylaw, and so on.*

- Rules about parking and loading *zones* – to make sure enough space is available, to take these functions off the *street*
- Zoning map – showing the zoning of individual properties.

Regardless of whether you own, rent, or invest in Port Alberni, zoning affects you. As the most direct method for controlling land *use*, zoning determines what you can *use* your property for, as well as how your neighbour can *use* his or her property. Zoning impacts development in your community by identifying whether or not a corner store can be located in your neighbourhood, or how high the house across from you can be. By reviewing the City's Zoning Bylaw and Official Community Plan, you can gain a clearer understanding of the form and type of development and *uses* that may occur on specified parcels and within your neighbourhood.

### **Using the Port Alberni Zoning Bylaw**

#### **1. Determining Zoning and Regulations for a Specific Parcel**

1. To determine regulations applicable to a specific parcel, you must first find the parcel on the Zoning Bylaw Map (Schedule A). The map will show the zoning that applies to the parcel.
2. Look up the corresponding regulations. Start with the *Zones* (PART 5). The *zone* description identifies what *uses* are permitted and contains most standards that apply.

#### **2. Developing a Specific Parcel (Subdivision or Change of Use)**

1. To determine regulations applicable to a specific parcel, you must first find the parcel on the Zoning Bylaw Map. The map will show the zoning that applies to the parcel.
2. Look up the corresponding regulations. Start with the *Zones* (PART 5). The *zone* description identifies what *uses* are permitted and contains most standards that apply. These development regulations can help guide the preparation of a subdivision and/or development plan.
3. Check the General Regulations (PART 6) to see if there are any regulations that apply to your plan, and check the Parking and Loading Regulations (PART 7) to see whether your plan will change the amount of parking required.
4. If your proposal relates to a mixed *use*, commercial, industrial, or multi-*family* development, you must refer to the City of Port Alberni's Development Permit Guidelines. A Development Permit Application will be required. For subdivision, check the Subdivision Bylaw.
5. Review PART 3 for additional information on how to apply the regulations to your specific parcel.
6. Discuss your proposed development with the City Planner.

#### **3. Determining Where a Specific Use May Locate**

1. To determine where a specific *use* may locate, you must first find out in which *zones* that specific *use* is permitted. Permitted *uses* are either principal *uses* (the main type of *use* of

- the property), or accessory (only permitted in support of a principal *use*). Use the table in Schedule B to identify the *zones* where the *use* is permitted.
2. Review the *zones* (found in PART 5) identified in Step 1, to determine the most appropriate *zone*. Your choice will be influenced by where a particular *zone* is located, and how compatible the development regulations are with your proposal.
  3. Check the General Regulations to see if there are additional regulations that apply to your proposed *use*.
  4. Discuss your idea with the City Planner.

If you require assistance with the Zoning Bylaw, please call or visit the City of Port Alberni's Planning Department. The current version of the Zoning Bylaw, including all updates, is available at City Hall.

### **Port Alberni Zoning Bylaw Format**

*Outline.* The City of Port Alberni's Zoning Bylaw follows a simple layout intended to facilitate its *use*. Major divisions within the Zoning Bylaw are called "Sections." The divisions in the Zoning Bylaw are shown below.

- 5. Section
  - 5.5 Subsection
    - 5.5.1 Paragraph
      - (a) Sub-paragraph
        - (i) Sub-sub paragraph

*References in the Port Alberni Zoning Bylaw.* To reference a section of the Bylaw, start with the Section number and continue down to the appropriate level for the reference. Alternatively, it is appropriate to reference a portion of the Zoning Bylaw as, for example, Section 5.5.1(a) ...

*Referencing Other Documents.* When reference is made to a separate document outside of the City of Port Alberni's Zoning Bylaw, the referenced document's name is in italics, such as *Local Government Act*.

*Definitions.* The Port Alberni Zoning Bylaw has been written as plainly as possible and the meaning is intended to be clear. However, because it is also a statutory document and because of the need for terms with specific meanings, the Bylaw also provides guidance on how specific terms are *used*. Words with a definition in the Zoning Bylaw are also italicized.

*Amendments to the Port Alberni Zoning Bylaw.* From time to time, the Zoning Bylaw is amended by Council. The regulations related to the amendment process can be found in Section 3.2 of this bylaw. When the bylaw is amended, the changes are made to the text of the bylaw, and/or the map, and shown with a small notation. A complete list of amendments can be found at the front of the bylaw.

*Official Version of the Zoning Bylaw.* The City of Port Alberni occasionally consolidates and updates the Zoning Bylaw and posts it on the Port Alberni website to make this information more easily available. However, the official version of the Zoning Bylaw and amendments are located at City Hall. This version of the Zoning Bylaw should be consulted in all cases where a certified version of the Bylaw is required. In cases of disagreement, the official version will prevail.

If you require assistance with the Port Alberni Zoning Bylaw, please call or visit the City of Port Alberni's Planning Department.

**CITY OF PORT ALBERNI**  
**PORT ALBERNI ZONING BYLAW 2014**  
**BYLAW NO. 4832**

WHEREAS the *Local Government Act* of the Province of British Columbia authorizes a local government to enact bylaws, pursuant to the provisions of Sections 903 and 904 related to Zoning Bylaws, which divides the municipality into *zones* and which sets regulations for each *zone*;

WHEREAS persons who deem their interest in property affected by this Bylaw have, before the passage hereof, been afforded an opportunity to be heard on the matters contained herein before the Council of the City of Port Alberni, all in accordance with the requirements of the *Local Government Act*, including Sections 890 and 891 related to the holding of public hearings for Zoning Bylaws;

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

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

## **1. Title**

This bylaw may be cited for all purposes as the “Port Alberni Zoning Bylaw 2014”, Bylaw No. 4832, hereinafter referred to as the “Bylaw.”

## **2. Repeal of Bylaws**

Bylaw No. 4395, cited as the “Port Alberni Zoning Bylaw 1998,” 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.
- 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 Minimum *lot* sizes and minimum *frontage* requirements are set out for the purposes of subdivision only. Any *lot* existing prior to the adoption of this Bylaw which, at the time of adoption of this Bylaw, fails to meet the minimum *lot* size and *frontage* requirements of a *zone* as set out in this Bylaw, shall not, by reason thereof, be deemed to be non-conforming or unlawful. However, any *use* of the *lot* shall comply with the regulations specified for the *zone* in which it is located.
- 3.11 Siting, Size, and Shape**
- No *building* or *structure* shall be constructed, reconstructed, altered, moved, or extended by the owner, occupier, or any other person so that it contravenes the requirements, as provided in this Bylaw, for the *zone* in which it is located, unless a variance has been granted for the same.
- 3.12 Measurement Discrepancies**
- If there is any discrepancy in this Bylaw between the metric and imperial measures for a given item, the metric value shall be considered the correct value for such item.
- 3.13 Variances**
- Variances to this Bylaw may be granted
- 3.13.1 By the Board of Variance, in accordance with the provisions of the *Local Government Act*.
- 3.13.2 By *Council* through the issuance of temporary *use* permits, in accordance with the *Local Government Act*.
- 3.13.3 By *Council* through the issuance of development variance permits, in accordance with the *Local Government Act*.
- 3.13.4 By *Council* through the issuance of development permits, in accordance with the *Local Government Act*.