

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

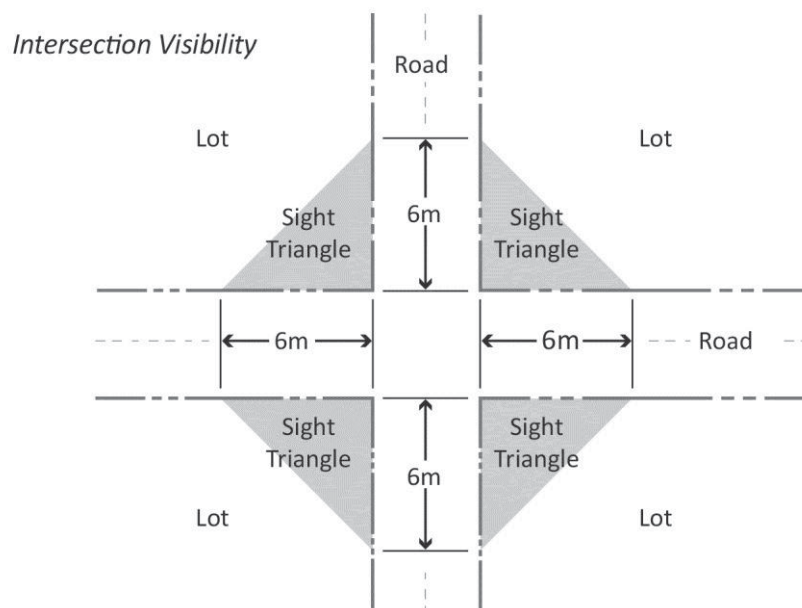
The following *structures* or structural parts shall not be subject to the *building height* requirements of this Bylaw:

- 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,

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

6.5 Visibility at Intersections

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



6.6 Minimum *Lot* Size Exemptions

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

6.7 Fences and Hedges

- 6.7.1** The height of a *fence, hedge* or wall shall be determined by measurement from ground level at the average *grade level* within 1 m (3.28 ft) of both sides of such *fence* or wall.
- 6.7.2** Notwithstanding 6.7.1, the height of a *fence, hedge* or wall erected along a retaining wall shall be determined by measurement from the ground level at the average *grade* within 1 m (3.28 ft) of the side which is supported by the retaining wall.
- 6.7.3** *Fences, hedges* or walls not greater than 1.25 m (4.1 ft) in height are permitted within a required *front yard*.

- 6.7.4** *Fences* or walls not greater than 1.8 m (6 ft) in height are permitted from the rear of the required *front yard setback* to the rear of the property.
- 6.7.5** In the C3 and M zones, *fences* or walls not greater than 2.5 m (8.2 ft) in height are permitted between the *front lot line* and the front of the primary *building* on the *lot*.
- 6.7.6** Open mesh or chain link *fences* not greater than 3.7 m (12.1 ft) in height are permitted anywhere on cemeteries, public playgrounds, parks, playfields, *school* areas or in any M zones.
- 6.7.7** Notwithstanding 6.7.1 through 6.7.6, all *fences, hedges* and walls are subject to the provisions of 6.5.
- 6.7.8** 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:
1. along any side or rear boundary of a *lot* in a C zone that abuts an R, RR, RM, or A zone; and
 2. between any RM zone and any parking or access *uses* that abut any R zoned *lot*, along the common *lot* lines.
- 6.8.4** For boulevards: *Landscaping* in the form of grass, unless otherwise approved by the *City Engineer*, shall be provided between the *lot* line and curb or *street* shoulder in the absence of a curb.
- 6.8.5** Notwithstanding 6.8.1 through 6.8.4, all *landscaping* requirements are subject to the provisions of Section 6.5.

6.9 Storage of Vehicles and Equipment

- 6.9.1** No commercial vehicle, truck, bus, construction equipment, dismantled or wrecked automobile, or any similar vehicle, craft, boat, trailer, *recreational vehicle*, or equipment shall be parked or stored in the open on property in any R, RR, or RM zone, except when such vehicles or equipment are engaged in work on or about the premises upon which they are located.

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

6.10 Accessory Buildings

- 6.10.1** *Accessory buildings* shall not be erected unless:
- (a) the principal *building* has been erected; or
 - (b) the principal *building* will be erected simultaneously; or
 - (c) the *principal use* is in effect.
- 6.10.2** An *accessory building* shall not be used as a *dwelling*, except for a permitted caretaker's *dwelling* unit as provided for in Section 6.16.
- 6.10.3** Except as otherwise provided in this Bylaw, *accessory buildings* may be located in required rear and *side yards* provided that no portion of the *building* is located within 1.0 m (3.3 ft) of a rear or *side lot line*.
- 6.10.4** Where a garage or carport is accessed from a *lane*, said *building* shall be located not less than 1.5 m (4.9 ft) from the laneway *lot line*.
- 6.10.5** In R, RR, and RM *zones*, the total floor area of all *accessory buildings* shall not exceed 75 m² (807.3 ft²), and the height of any *accessory building* shall not exceed 5.5 m (18 ft) nor 1 *storey*, subject to 6.10.8 of this Bylaw.
- 6.10.6** In A *zones*, the total floor area of all *accessory buildings* shall not exceed 85 m² (915 ft²), and the height of any *accessory building* shall not exceed 4.5 m (14.8 ft) nor 1 *storey*.

- 6.10.7** In A, R, RR, or RM zones, not more than two-thirds of the width of the *rear yard* nor 50% of the *lot area* to the rear of the principal *building* of any *lot* shall be occupied by *accessory buildings*.
- 6.10.8** In A, R, RR, or RM zones, where a carport or garage or portion thereof is located in the required *side yard* of the principal *building* and is attached to the principal *building*, the required *side yard* adjoining the garage shall be reduced to 0.9 m (3 ft), whether or not it is an interior or *corner lot*.
- 6.10.9** In all zones, on a *corner lot*, an *accessory building* or portion thereof which is located to the rear of the principal *building* shall be subject to the required *side yard setbacks* of the principal *building* whether or not it is attached to the principal *building*.
- 6.10.10** In P, C, M, W, or RM zones, an *accessory building* shall not exceed the maximum height of a principal *building*, except as provided in Section 6.10.13.
- 6.10.11** In P, C, M, W, or RM zones, where an *accessory building* is located within a required *rear yard*, the *accessory building* shall not exceed 4.5 m (14.8 ft) in height.
- 6.10.12** Notwithstanding 6.10.1 through 6.10.11, all *accessory buildings* are subject to the requirements of Section 6.5.

6.11 Temporary Buildings

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

6.12 Projections

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

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

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

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

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

(c) into *side yards*:

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

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

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

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

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

6.13 Swimming Pools

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

6.14 *Bed and Breakfast* and Guest House Operations

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

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

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

6.15 Home Occupations

- 6.15.1 A Home Occupation must be conducted entirely within the dwelling unit.
- 6.15.2 Notwithstanding 6.15.1, where the Home Occupation is urban market gardening, the regulations in Section 6.24 apply.
- 6.15.3 A Home Occupation shall involve no internal structural alterations to the dwelling unit and there shall be no exterior indication including storage of materials, other than signage, that the building is being utilized for any purpose other than that of a dwelling unit, and no building, structure, fence or enclosure, other than those in conformity with permitted residential uses in the zone in which it is located, may be erected.
- 6.15.4 Home Occupations shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a dwelling unit, nor shall it create or cause a fire hazard, electrical interference or traffic congestion on the street. Specifically prohibited activities include manufacturing, welding, vehicle or machinery repair or any other light industrial use.
- 6.15.5 The dwelling unit must not be used as a warehouse or retail store.
- 6.15.6 The operation of a Home Occupation shall be limited to the following provisions:
 - (a) Traffic related to the Home Occupation use is prohibited between the hours of 9:00 pm and 8:00 am, except for Home Occupations regulated by the Community Care Facility Act or related regulations.
 - (b) A maximum of one non-resident employee.
 - (c) Operator must hold a valid City of Port Alberni business licence.
 - (d) A Home Occupation must be licenced to and conducted by a permanent resident of the dwelling unit.
 - (e) In R, RR, or A zones, the following regulations also apply:
 - (i) Except for Home Occupations regulated by the Community Care Facility Act or related regulations, the Home Occupation maximum floor area must not exceed 40 m² (430.6 ft²).

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

6.16 Caretaker Accommodation

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

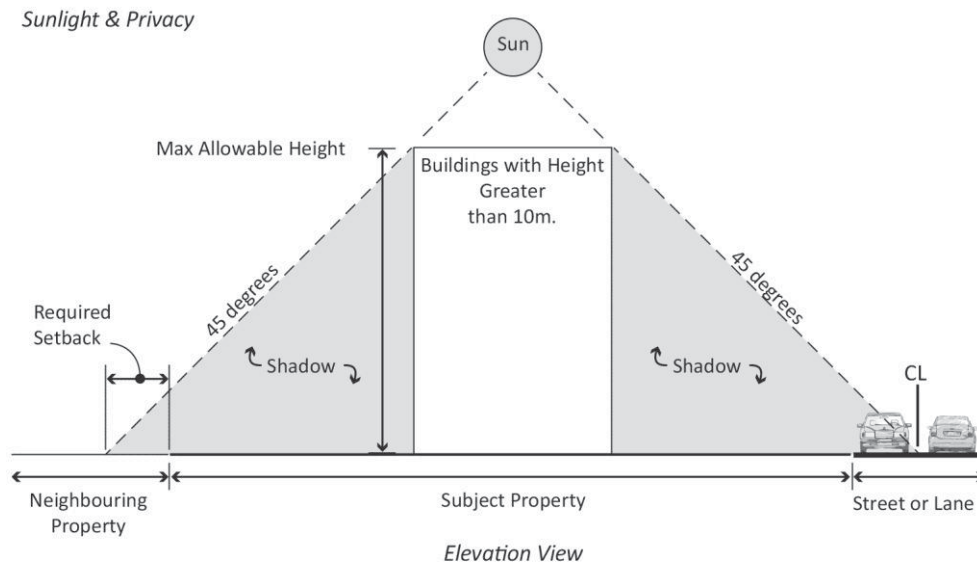
- 6.16.1 All applicable *building* and fire bylaws are met;
- 6.16.2 The *dwelling* shall be a maximum of 60 m² (645.9 sq ft);
- 6.16.3 The *dwelling* unit must be self-contained and separated from any commercial activities; and
- 6.16.4 The caretaker's presence is necessary to the facility operation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

6.17 Floats and Wharves

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

6.18 Sunlight Protection and Privacy

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



6.19 Minimum Dwelling Unit Width

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

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

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

6.21 Adult Retail Store

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

6.22 Secondary Suites

Secondary suites:

- 6.22.1 May not exceed 90m² in total floor area or 40% of the *habitable floor space* of the *building*, whichever is less;
- 6.22.2 Must be fully contained within the principal residence;
- 6.22.3 Must be provided with a *parking space* additional to the standard *parking space* requirements for the residence; and
- 6.22.4 Are only permitted in an owner-occupied single *family dwelling*.

6.23 Supportive housing

Supportive housing:

- 6.23.1 Must provide a private lockable room for each resident;
- 6.23.2 Must provide separate common areas for residents' dining and socializing;
- 6.23.3 Must provide meals and housekeeping;
- 6.23.4 Must operate in accordance with the Residential Care Regulations of the *Community Care and Assisted Living Act*;
- 6.23.5 Requires a business license to operate.

6.24 Market Gardens, Urban

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

- 6.24.1 The total area which may be under cultivation on any given parcel shall not exceed more than 600m² in area except where the *lot* size is greater than 2,400m², in which case an *urban market garden* shall not exceed 25% of the *lot area*.
- 6.24.2 Production shall be limited to the growing and harvesting of fruits, vegetables and edible plants, but specifically excludes the growing of mushrooms.
- 6.24.3 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.

- 6.24.4 No artificial lighting shall be *used*.
- 6.24.5 No pesticides or herbicides shall be *used*.
- 6.24.6 No uncomposted manure shall be *used*.
- 6.24.7 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.
- 6.24.8 An *urban market garden* shall not be permitted where a property has farm status classification, as defined under the *BC Assessment Act*.

6.25 Animals in Single *Family 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:

- 6.25.1 The keeping of male *poultry* is prohibited, except on ALR lands or on parcels greater than 2,000 m² (21,528 sq ft) in area;
- 6.25.2 The keeping of female *poultry* is prohibited on *lots* less than 350 m² (3,767 sq ft) in area;
- 6.25.3 The keeping of up to six (6) female *poultry* in enclosed runs is permitted on *lots* less than 2,000 m² (21,528 sq ft) but more than 450 m² (4,844 sq ft) in size. When the *lot* is less than 450 m² (4,844 sq ft), no more than four (4) female *poultry* may be kept;
- 6.25.4 Runs shall provide at least 0.8 m² (8.5 sq ft) of space per bird and coops of at least 0.2 m² (2 sq ft) of space per bird;
- 6.25.5 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;
- 6.25.6 The keeping of bees on *lots* less than 600 m² (6,458 sq ft) in area is prohibited;
- 6.25.7 The keeping of bees is permitted to a maximum of 2 hives of bees on *lots* between 600 m² and 929 m² (10,000 sq ft) in area, and a maximum of 4 hives of bees on *lots* over 929 m² (10,000 sq ft) in area;
- 6.25.8 Beehives are restricted to *rear yards*;
- 6.25.9 A beehive will be located a minimum of 7.5 m (25 feet) away from the neighbouring property line;

- 6.25.10** 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;
- 6.25.11** 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.
- 6.25.12** These regulations do not apply to properties with farm status classification under the *BC Assessment Act*.