

5.0 Specific Use Regulations

5.1 Application

- 5.1.1 In addition to the Regulations for the specific **zones** where the specific **uses** are allowed, the Specific Use Regulation shall apply to all development unless otherwise exempted in this section.
- 5.1.2 Where these regulations may be in conflict with any **zone development** regulations or general regulations, these Specific Use Regulations shall take precedence.

5.2 Home Based Businesses, Minor

- 5.2.1 All **minor home based businesses** shall be **secondary uses** and must comply with the following:
- a **minor home based business** shall be conducted within the primary **building** and/or **secondary building/structure** and no **outdoor storage** or operation of the **minor home based business** shall be permitted;
 - no variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any primary **building** or **structure** for the purpose of accommodating a **minor home based business** shall be permitted;
 - no **nuisance** shall be produced by the **minor home based business** and, at all times, the privacy and enjoyment of **adjacent lots** shall be preserved and the **minor home based business** shall not adversely affect the amenities of the neighbourhood; and
 - the **minor home based business** shall not generate more than one client visit to the **site** from which the **business** is being operated on any given day, and
 - this **use** does not include the repair or painting of **vehicles**, trailers or boats; cabinet making; welding or machine shops; **care centres**; or cutting and wrapping of meat, including wild game.
- 5.2.2 No person other than residents of the primary residence shall be engaged in the **minor home based business**.
- 5.2.3 The total area of **minor home based businesses** shall not occupy more than 25% of the floor area of the **dwelling** up to a maximum area of 25m².
- 5.2.4 Subject to section 5.2.6, retail sales and display of products not produced on the **premises** shall not be permitted in a **minor home based business**, with the exception of
- agricultural products only in the A1, A2 and A3 Agricultural zones,
 - mail order sales,

- telephone sales,
 - goods where the customer does not enter the **premises** to pick up the goods; and,
 - products incidental to the service provided,
- subject to section 5.2.6.

5.2.5 No sign advertising the **minor home based business** is permitted.

5.2.6 The following **uses** are prohibited as **minor home based businesses**: automotive repair, cabinet making, welding, **care centres**, cutting & wrapping of meat, including wild game, escort services, and gun shops.

5.3 Home Based Businesses, Major

5.3.1 All **major home based businesses** shall be **secondary uses** and must comply with the following:

- a **major home based business** shall only be conducted within the primary **building** and/or one **secondary building/structure**;
- no **outdoor storage** or operation of the **major home based business** shall be permitted;
- no variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any primary **building** or **structure** for the purpose of accommodating a **major home based business** shall be permitted;
- no **nuisance** shall be produced by the **major home based business** and, at all times, the privacy and enjoyment of **adjacent lots** shall be preserved and the **major home based business** shall not adversely affect the amenities of the neighbourhood; and,
- the **major home based business** shall not generate more than three clients to the **site** from which the **business** is being operated at any given time; and
- this **use** does not include the repair or painting of **vehicles**, trailers or boats; welding or machine shops; care centres; or cutting and wrapping of meat, including wild game.

5.3.2 No more than two persons, other than residents of the primary residence, shall be engaged in the **major home based business**.

5.3.3 The **major home based business** shall not occupy more than 40% of the floor area of the **dwelling** unit, and in no case shall the combined area of the residence used for the **business** and a **secondary building** used for the **business** exceed 50m². (*Bylaw 5339*)

5.3.4 The display and retail sales of goods not produced on the **premises** shall not be permitted in a **major home based business**, with the exception of

- products that are associated with the goods produced on the **site**,

- agricultural products only in the A1, A2 and A3 **Agricultural zones**,
 - mail order sales,
 - telephone sales,
 - goods where the customer does not enter the **premises** to inspect or pick up the goods, and
 - products incidental to the service provided,
- subject to Section 5.3.7.

5.3.5 Parking shall be in conformance with the regulations of this Bylaw. No parking of commercial **vehicles** larger than 4100kg gross **vehicle** weight on or about the **site** is allowed for a **major home based business**.

5.3.6 A **major home based business** sign is permitted according to the provisions of the *City of Vernon Sign Bylaw No. 4489*, as amended.

5.3.7 The following **uses** are prohibited as **home based businesses**: automotive repair, welding, **care centres**, cutting & wrapping of meat, including wild game, escort services, and gun shops.

5.4 Home Based Businesses, Rural

5.4.1 All **rural home based businesses** shall be **secondary uses** and must comply with the following:

- a **rural home based business** shall only be conducted within a primary **building** or one **secondary building** or **structure**.
- no **outdoor storage** or operation of the **rural home based business** shall be permitted;
- no variation from the residential character and appearance of land, **buildings** or **structures** shall be permitted and no external structural change to any primary **building** or **structure** for the purpose of accommodating a **rural home based business** shall be permitted;
- no **nuisance** shall be produced by the **rural home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **rural home based business** shall not adversely affect the amenities of the neighbourhood; and,
- the **rural home based business** shall not generate more than three clients to the **site** from which the **business** is being operated at any given time; and
- this **use** does not include the repair or painting of **vehicles**, trailers or boats; cabinet making; welding or machine shops; care centres; or cutting and wrapping of meat, including wild game.

5.4.2 No more than two persons, other than residents of the primary residence, shall be engaged in the **rural home based business**.

- 5.4.3 The **rural home based business** shall not occupy more than 25% of the floor area of the **dwelling** unit or **secondary building** or **structure**, and in no case shall the combined area of the residence used for the **business** and a **secondary building** or **structure** used for the **business** exceed 100m².
- 5.4.4 The display and retail sales of goods not produced on the **premises** shall not be permitted in a **rural home based business**, with the exception of
- products that are associated with the goods produced on the site,
 - agricultural products only in the A1, A2 and A3 Agricultural zones,
 - mail order sales,
 - telephone sales,
 - goods where the customer does not enter the **premises** to inspect or pick up the goods, and
 - products incidental to the service provided,
- subject to Section 5.4.7.
- 5.4.5 A **rural home based businesses** shall not occupy a required **parking space**.
- 5.4.6 A **rural home based business** sign is permitted according to the provisions of the *City of Vernon Sign Bylaw No. 4489*, as amended.
- 5.4.7 The following **uses** are prohibited as **home based businesses**: automotive repair, welding, **care centres**, cutting & wrapping of meat, including wild game, escort services, and gun shops.

5.5 Secondary Suites – Conditions of Use

- 5.5.1 **Secondary suites**, where permitted, are to be located only in **single detached housing** or a **secondary building** on a **lot** containing **single detached housing**. **Secondary suites** are not permitted in or on the same lot as **multiple housing, semi-detached housing, duplexes, bed and breakfast homes, rooming houses** or **boarding rooms**. (*Bylaw 5851*)
- 5.5.2 No more than one **secondary suite** shall be permitted per **single detached housing** unit. It may be permitted either within **single detached housing** or within a **secondary building**. (*Bylaw 5851*)
- 5.5.3 No **secondary suite** will be allowed without connection to a **community sewer system** unless the **lot** is at least 830m² in area and meets the requirements of the **City** and the *Medical Health Officer* for septic disposal capacity and related regulations.

5.5.4 **A secondary suite** must have a minimum of 15m² of separated and private **open space** in addition to any **open space** provided for the principle dwelling. *(Bylaw 5851)*

5.5.5 The **net floor area** of any **secondary suite** shall not exceed the lesser of 90m² or 45% of the **net floor area** of the **building** containing **single detached housing**. *(Bylaw 5851)*

Where a **secondary suite** is located in a **secondary building** the following shall apply:

Lot Size	450m ² - 557m ²		> 557m ²	
	No Lane	Lane or Flanking Street	No Lane	Lane or Flanking street
Maximum footprint	The lesser of 80m ² or 75% of the net floor area the building containing single detached housing .		The lesser 90m ² or 75% of the net floor area of the building containing single detached housing .	
Maximum floor area	The net floor area of the upper storey can be no more than 75% of the net floor area of the first storey .		The net floor area of the upper storey can be no more than 75% of the net floor area of the first storey . The net floor area of a second storey of a suite can be 100% of the net floor area of the first storey if the net floor area of the first storey is less than 45m ² .	
	The net floor area must be the lesser of 90m ² or 60% of the net floor area of the building containing single detached housing .			
For the purposes of calculating net floor area for secondary suites contained in secondary buildings , notwithstanding the definition of net floor area , attached garages, carports , and basements shall be included in floor area calculations.				

5.5.6 A **secondary building** or structure containing a **secondary suite** shall not exceed the following **height** and **storey** limitations:

Lot Size	450m ² - 557m ²		> 557m ²	
Lot Orientation	No Lane	Lane or Flanking street	No Lane	Lane or Flanking street
Storeys	1.5 maximum			2.0 maximum
Maximum Height	The lesser of the principal building height and no higher than 4.8 metres to the midpoint of a sloped roof or the highest point of a non-sloping roof.			The lesser of the principle building height and no higher than 6.0m to the midpoint of a sloped roof or the highest point of non-sloping roof.
For the purpose of calculating height of a secondary suite located in a secondary building , notwithstanding the definition of height, a non-sloping roof will be considered any roof with <u>either</u> a single pitch or a pitch of 4:12 or less.				
No secondary building containing a secondary suite shall have a height more than the principle building, as measured from the building grade of each respective building.				

5.5.7 All dormers on a **secondary building** containing a suite shall be enclosed within and by the roof **structure**.

5.5.8 Parking shall be in conformance with the regulations of the Bylaw.

5.5.9 **Secondary suites** shall comply with all relevant *City Bylaws* and the *B.C. Building Code*.

5.5.10 A **secondary suite** shall be located on the same lot as the primary building. No strata titling shall be permitted.

5.5.11 A **secondary suite** must have direct access to outside from a dedicated exterior entrance. When a **secondary suite** is located within a principle dwelling, access may be taken from a shared vestibule, which meets the provisions of the BC Building Code. (*Bylaw 5851*)

5.5.12 The following additional conditions of use shall apply to **secondary suites** which are located in **secondary buildings**:

- i. Roof decks are prohibited.
- ii. A **deck** above the **first storey** must face a **laneway** or **flanking street**. A **deck** above the **first storey** is not permitted in **secondary buildings** with **secondary suites** on **lots** without a **laneway** or **flanking street**.
- iii. A minimum 3.0m spacing with no **structures** is required between a **secondary building** containing a **secondary suite** and any other **building** containing a **dwelling unit** on the lot.
- iv. A **secondary suite** in a **secondary building** must have an at grade enclosed entrance. Exterior stairs accessing a **secondary suite** in a **secondary building** are not permitted. Stairs with a combined rise of 0.6 metres or less are excluded. (*Bylaw 5851*)

5.6 Bed and Breakfast Homes

5.6.1 **Bed and breakfast homes** are only permitted in **single detached housing** or **semi-detached housing** or **duplex housing** and shall comply with the following regulations: (*Bylaw 5498*)

- the **bed and breakfast home use** shall be operated as a **secondary use** only within the primary **building**, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit, of a minimum area of 11m² each; and,
- the **bed and breakfast home use** shall not change the residential character or external appearance of the **dwelling** involved.

5.6.2 One sign is permitted according to the provisions of the *City of Vernon Sign Bylaw No. 4489*.

5.6.3 All **bed and breakfast homes** shall comply with the other provisions of this Bylaw, the *BC Building Code*, the *Agricultural Land Commission* regulations where applicable, and other *Fire and Health Regulations*.

5.6.4 The property owner or operator must reside in the primary **dwelling** unit at least 180 days per calendar year.

5.6.5 The **bed and breakfast home use** is not permitted in conjunction with a **rooming house**, **secondary suite** or **boarding rooms**.

5.6.6 Parking areas and open space to be used by guests of a **bed and breakfast home** shall be located away from **abutting development** to minimize the impact of the operation on neighboring properties.

5.6.7 All parking areas and open space to be used by guests of a **bed and breakfast home** have to be visually screened from **abutting** properties by opaque fencing or **landscaping**.

5.7 Rooming Houses

5.7.1 Rooming houses shall comply with the following regulations:

- the **rooming house** shall operate with a maximum of 6 sleeping units, of a minimum area of 10m² each and a housekeeping unit of a minimum area of 15m²;
- the **rooming house** must be fully contained in the primary **dwelling** unit and shall not change the residential character or external appearance of the **dwelling** involved;
- the **rooming house** shall have a minimum of one exterior access separate from that of the primary **dwelling** unit;
- the **rooming house** shall have a minimum of one shared **kitchen** and one shared bathroom per 4 sleeping units;
- the **rooming house** shall have a minimum of one handicap-accessible sleeping unit;
- the **rooming house** shall have a minimum of one shared full laundry facility;
- the **rooming house** shall have a minimum of one common room of a minimum size of 20m² for the use and enjoyment of lodgers;
- no more than one person shall occupy each sleeping unit, or a maximum of two people if related by blood, marriage, adoption or associated through foster care; and,
- the owner, manager or assignee shall reside a minimum of 240 days a year in the **rooming house**.

5.7.2 One sign is permitted according to the provisions of the *City of Vernon Sign Bylaw No. 4489*.

5.7.3 Parking shall be in conformance with the regulations of this Bylaw.

5.7.4 **Rooming houses** are not permitted in conjunction with a **bed and breakfast home, secondary suite** or **boarding rooms**.

5.7.5 All **rooming houses** shall comply with the other provisions of this Bylaw, the *BC Building Code*, the *Agricultural Land Commission* regulations where applicable, and *Fire and Health Regulations*.

5.8 Boarding Rooms

5.8.1 **Boarding rooms** shall comply with the following regulations:

- the **Boarding Rooms** shall be operated as a **secondary use** only within the primary **building**, with a maximum of 2 sleeping units, of a minimum area of 10m² each;
- the **Boarding Rooms** must be fully contained in the primary **dwelling** unit and shall not change the residential character or external appearance of the **dwelling** involved;
- the **Boarding Rooms** shall have full access to the **kitchen**, bathroom and laundry facilities of the primary **dwelling**, but shall not contain **kitchen**, bathroom or laundry facilities within the sleeping unit; and,
- no more than one person shall occupy each sleeping unit, or a maximum of two people if related by blood, marriage, adoption or associated through foster care.

5.8.2 No sign is permitted according to the provisions of the *City of Vernon Sign Bylaw No. 4489*.

5.8.3 Parking shall be in conformance with the regulations of this Bylaw.

5.8.4 **Boarding rooms** are not permitted in conjunction with **bed and breakfast homes, rooming houses, or a secondary suite**.

5.8.5 The property owner must reside in the primary **dwelling** unit 365 days per calendar year.

5.8.6 All **boarding rooms** shall comply with the other provisions of this Bylaw, the *BC Building Code*, the *Agricultural Land Commission* regulations where applicable, and *Fire and Health Regulations*.

5.9 Cellar Living Accommodation

5.9.1 No person shall lease, rent or otherwise let for human habitation a suite, **dwelling** or sleeping unit in any **cellar** within the City of Vernon, except and provided that this shall not prohibit the **use** of living accommodation in any **basement** by members of the household occupying the **dwelling** at such time, provided that it meets the requirements of the *Health Act*, and no cooking facilities are installed or used therein.

5.10 Bareland Strata Developments

5.10.1 Bareland strata **developments** shall comply with the following regulations:

- **bareland strata developments** shall comply with the minimum **lot area, coverage, width, height and yard setbacks** as stated for fee simple **lots** in the **residential zones**;
- a maximum of one **secondary building** is permitted per primary **dwelling per lot**;

- private open space may include a **secondary building** containing recreational amenities and facilities; and,
- one **secondary building** for resident recreational **use** shall be permitted per 8000m² (2 acres) of **development** area, subject to complying with all **yard setback** requirements stated in the **zone**.
(Bylaw 5339)

5.11 Vehicular-oriented Uses

5.11.1 **Vehicular-oriented uses** shall not adversely affect the functioning of surrounding public roadways or adversely impact on any **adjacent residential uses**.

5.11.2 The minimum **site** width for a **vehicular-oriented use** shall be 30.0m.

5.11.3 **Site** area shall be provided as follows:

- the minimum **site** area for any **development** incorporating a **vehicular-oriented use** shall be 930m² and the maximum **site** coverage shall be 50%;
- the minimum **site** area for a service station shall be 1,200 m² and the maximum **site** coverage, including pump islands, shall not exceed 75%;
- the minimum **site** area for a **drive-through vehicle service** shall be 140m² of **site** area not covered by **buildings** for each service bay.
- where 2 or more of these **uses** are part of a mixed **use development** on the same **site**, the total **site** area requirements shall be the sum of the requirements of the **uses** computed separately, unless there is a complementary **use** of space which would warrant a reduction in **site** area requirement. (Bylaw 5339)

5.11.4 Queuing space shall be provided as follows:

- for **drive-through services**, such as for food and banking, a minimum of 3 in-bound and 2 out-bound queuing spaces shall be provided for the drive-through **lane**.
- for **drive-through vehicle services**, excluding car washes, a minimum of 2 in-bound and 1 out-bound queuing spaces shall be provided for each service bay.
- each queuing space shall be a minimum of 6.0m long and 3.0m wide. Queuing **lanes** shall provide sufficient space for turning and maneuvering.

5.11.5 Service stations shall adhere to the following:

- all pump islands shall be located at least 6.0m from any **property line** or parking area on the **site** or laneways intended to control traffic circulation on the **site**;

- a **canopy** over a pump island shall not extend to within 3.0m of the **property line** of the **site**;
- the **canopy** area for a service station shall not constitute part of the **site coverage**; and,
- where the **canopy** is a sign, it must comply with the provisions of *City of Vernon Sign Bylaw No. 4489*, as amended.

5.12 Car Washes

5.12.1 Car washing establishments shall provide upstream **vehicle** storage for a minimum of 4 **vehicles** per washing bay except it is a minimum of 2 **vehicles** where the washing bay is coin operated and the **vehicle** is manually washed by an occupant of the **vehicle**.

5.12.2 Upstream storage spaces shall be a minimum of 6.0m long and 3.0m wide.

5.12.3 The minimum **site** area for a car wash shall be determined on the basis of 100m² of space not covered by **buildings** for each car wash bay.

5.13 Care Centres

5.13.1 **Care centres** shall comply with the following regulations:

- where located in a residential zone the **care centre** shall not change the residential character or external appearance of the building involved; or where new development is occurring, the character and external appearance shall be residential in nature and reflective on existing neighbourhood development.
- where located in a residential zone, **care centres, minor** shall not be permitted signs advertising the **care centre**.
- where located in a residential zone, **care centres, major** shall be permitted signs according to the provisions of the *City of Vernon Sign Bylaw No. 4489*, as amended.
- a safe drop-off area for patrons shall be provided on the **site**.
- where access is available to a rear lane, vehicle access for the purpose of the **care centre** is only permitted from the rear lane.

5.14 – Domesticated Animals (Excluding Livestock or Bes)

5.14.1 Four or more of any type of domesticated animal including without limitation dogs and cats (but not **livestock** or **bees** as defined in the Animal regulation and Animal Pound Bylaw No. 5252, 2010, as amended), regardless of whether they are of differing breeds, may be kept on a **premise** only where:

- the premise is a **Kennel, Animal Shelter, Animal Clinic, Minor or Animal Clinic, Major; OR**
- due to breeding, buying or selling of animals for non-business purposes not in excess of one litter or clutch per premises, per year and so long as no offspring older than six months of age are kept on the premise.

5.14.2 Despite Section 5.15.1 there is no limit on the number of fish that may be kept on a premise.

5.15 Employee Housing

5.15.1 Employee housing dormitory and employee housing dwelling developments shall comply with the following regulations:

- Employee housing may not be strata subdivided; strata titling shall not be permitted.
- No continuous building frontage shall exceed 40.0m.
- Open space shall be provided in accordance with the following ratios:
 - A minimum area of 5.0m² per dormitory sleeping unit and per bachelor dwelling;
 - A minimum area of 10.0m² of open space per 1 bedroom dwelling; and
 - A minimum area of 15.0m² of open space per dwelling with more than one bedroom.

5.15.2 Employee housing dormitory development shall comply with the following regulations:

- Maximum of 25 sleeping units per building
 - Minimum sleeping unit size: 10m² (107.6sqft); maximum unit size 28m² (300sqft).
 - Maximum of 2 employees per sleeping unit.
- Employee housing dormitory shall include common cooking, laundry, lounge and storage facilities for the use and enjoyment of employees.
- Each and every employee housing dormitory shall contain a minimum of 1 common kitchen. *(Bylaw 5493, June 9, 2014)*

5.16 Temporary Use Permits

5.16.1 Designated Areas:

Subject to Council approval and issuance of a Temporary Use Permit, Temporary Use Permits are permitted in the following areas only:

- All properties within an agricultural zoning district outside of the Agricultural Land Reserve, and in any commercial, industrial and public and institutional zoning district within the City, are designated a Temporary Use Permit Area.

5.16.2 Conditions:

Temporary Use Permits will be subject to conditions regarding the use of the land and a termination date of the permit. In considering the issuance of a Temporary Use Permit, Council will use criteria it deems reasonable which may include:

- That the Temporary Use will operate at an intensity of use suitable to the surrounding area;
- That the Temporary Use will be compatible with regard to use, design and operation with other surrounding land uses;
- That the Temporary Use will operate on a temporary basis only and include plans, or a letter of undertaking, to terminate the use prior to the expiry date of the permit.
- A financial security to ensure the Temporary Use is removed and the site is appropriately restored. *(Bylaw 5655, February 13, 2018)*

5.17 Beekeeping

5.17.1 Beehives used for the purpose of apiculture may not be placed within 7.5m of any adjacent property line except when the adjacent property is Zoned A1 – Agriculture within the ALR, or when there are no residential, commercial, industrial or institutional building located within 7.5m of the location where the hives are placed.

5.17.2 Urban beekeeping shall follow the regulations outlined in the Animal Regulation and Animal Pound Bylaw No. 5252, 2010, as amended.
(Bylaw 5739, April 23, 2019)

5.18 Temporary Shelter Services

Temporary Shelters shall comply with the regulations listed in 5.18.1, 5.18.2 and 5.18.3:

5.18.1 Adequate outdoor and indoor storage space shall be provided as follows:

- A minimum of outdoor storage space of 1.5 m² per shelter bed to a maximum of 25 m² is required.
- If storage is located outdoors, it shall be screened from public view/streets.
- The secure outdoor space shall be well lit (but not intrusive to adjacent properties) with natural surveillance from within the building.

- Secure indoor storage locker space of .20 m² per shelter bed shall be provided.

5.18.2 Adequate interior spaces and operating procedures to avoid sidewalk line-ups for access shall be provided as follows:

- Lobby/Intake areas shall be 1m² per shelter bed, to a maximum of 20 m² to receive clients.
- Front yard setbacks for new construction shall be 4.5m and include an on-site exterior entrance area.
- Large windows/glazing to provide surveillance to support adequate sightlines into intake areas and onto the street.

5.18.3 Designated on-site smoking areas and receptacles are required as follows:

- Outdoor designated smoking areas shall comply with the Provincial regulations in regards to distance from doorways, air intakes and open windows.
- Outdoor designated smoking area shall include weather protection and adequate ventilation.
- Outdoor amenity, storage, and designated smoking areas shall be well lit (but not intrusive to adjacent properties), including the use of motion detecting lighting, with natural surveillance. *(Bylaw 5788)*