

SECTION 5: 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 development regulations in any zone or the general regulations, these specific **Use** regulations shall take precedence.

▲ 5.2 Minimum Dwelling Unit Size

- 5.2.1 The minimum size of a **Dwelling Unit** is 30 m² (323 ft²) **Net Floor Area** except that for **Apartment Housing** a maximum of 20% of the **Dwelling Units** may be less than 30 m² (323 ft²) **Net Floor Area**. *(Bylaw 6012)*

▲ 5.3 Home Based Businesses

- 5.3.1 All **Home Based Businesses** shall be **Accessory Uses** and must comply with the following:
- .1 a **Home Based Business** shall be conducted within a **Principal Building** and/or one **Accessory Building** or **Structure** and no outdoor storage for, or outdoor operation of, a **Home Based Business** shall be permitted;
 - .2 no variation from the housing character and appearance of land or **Buildings** shall be permitted and no external structural change to any **Principal Building** or **Structure** for the purpose of accommodating a **Home Based Business** shall be permitted;
 - .3 the **Home Based Business** shall not generate more than two clients to the **Site** from which the business is being operated at any given time;
 - .4 no person other than residents of the **Dwelling Unit** shall be engaged in the **Home Based Business**;
 - .5 all parking spaces for customers of the **Home Based Business** must be provided for on the **Lot** where the **Home Based Business** is operating; and
 - .6 the total area of **Home Based Businesses** shall not occupy more than 30% of the **Floor Area** of the **Dwelling Unit** up to a maximum area of 50 m².

▲ 5.4 Secondary Suites & Accessory Dwellings

5.4.1 Secondary Suites

- 5.4.1.1 The **Gross Floor Area** of a **Secondary Suite** shall not exceed 49% of the **Gross Floor Area** of the respective **Dwelling Unit** it is **Accessory** to.
- 5.4.1.2 A **Secondary Suite** must be provided with the minimum **Private Amenity Area** required in the applicable zone in addition to any **Private Amenity Areas** provided for any other **Dwelling Units**.
- 5.4.1.3 **Secondary Suites** must have a separate entrance with exterior access, except where access is provided through a shared hall.
- 5.4.1.4 A 1.5 m wide **Barrier-free**, lit, and clearly marked pathway from the **Street** to the main entrance of the **Secondary Suite** must be provided, except that the pathway may have barriers such as stairs on properties where the natural topography prevents an appropriate grade for the pathway. *(Bylaw 6012)*

5.4.2 Accessory Dwelling Units

- 5.4.2.1 The **Net Floor Area** of an **Accessory Dwelling Unit** must not exceed 100 m². Where an **Accessory Dwelling Unit** is located within a larger **Accessory Building**, the total combined footprint of the **Accessory Building** and the **Accessory Dwelling Unit** must not exceed 150 m².
- 5.4.2.2 The maximum **Height** of an **Accessory Building** with an **Accessory Dwelling Unit** is 8.0 m.
- 5.4.2.3 An **Accessory Dwelling Unit** must be provided with the minimum **Private Amenity Area** required in the applicable zone in addition to any **Private Amenity Areas** provided for any other **Dwelling Units**.
- 5.4.2.4 A 1.5 m wide **Barrier-free**, lit, and clearly marked pathway from the **Street** to the main entrance of the **Accessory Dwelling Unit** must be provided, except that the pathway may have barriers such as stairs on properties where the natural topography prevents an appropriate grade for the pathway. *(Bylaw 6012)*
- 5.4.2.5 Rooftop **Decks** or patios are not permitted on **Accessory Dwelling Units**.

▲ 5.5 Short-term Rental Accommodation

- 5.5.1 No more than one booking or reservation for **Short-term Rental Accommodation** is permitted in each **Dwelling Unit** at one time.
- 5.5.2 No more than two adults may occupy a **Sleeping Unit** used for **Short-term Rental Accommodation**.

- 5.5.3 Parking must be provided in accordance with the parking and loading regulations of Section 7 and may not use required visitor parking spaces.

▲ 5.6 Bareland Strata Developments

- 5.6.1 Bareland strata developments shall comply with the following regulations:

- .1 bareland strata developments shall comply with the minimum **Lot Area**, **Site Coverage**, **Landscaping**, **Lot Width**, **Height** and **Setbacks** as stated for fee simple **Lots** in the applicable housing zone; and
- .2 a maximum of one **Accessory Building** is permitted per **Dwelling Unit**.

▲ 5.7 Vehicular-oriented Uses

- 5.7.1 The minimum **Lot Width** for a vehicular-oriented **Use** shall be 30.0 m.

- 5.7.2 **Lot Area** shall be provided as follows:

- .1 the minimum **Lot Area** for any development incorporating a vehicular-oriented **Use** shall be 930 m² and the maximum **Site Coverage** shall be 60%; (*Bylaw 6012*)
- .2 the minimum **Lot Area** for a service station shall be 1,200 m² and the maximum **Site Coverage**, including pump islands, shall not exceed 75%;
- .3 the minimum **Lot Area** for **Drive-through Vehicle Services** shall be 140 m² of **Lot Area** not covered by **Buildings** for each service bay; and
- .4 where 2 or more of these **Uses** are part of a **Mixed-Use Housing** development on the same **Site**, the total **Lot Area** requirements shall be the sum of the requirements of the **Uses** calculated separately.

- 5.7.3 Queuing space shall be provided as follows:

- .1 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;
- .2 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; and
- .3 each queuing space shall be a minimum of 6.0 m in length and 3.0 m in width. Queuing lanes shall provide sufficient space for turning and maneuvering.

- 5.7.4 **Minor Fuel Stations** shall adhere to the following:

- .1 all pump islands shall be located at least 6.0 m from any **Lot Line** or **Parking Area** on the **Site** or **Laneways** intended to control traffic circulation on the **Site**;

- .2 a **Canopy** over a pump island shall not extend to within 3.0 m of any **Lot Line**;
- .3 the **Canopy** area shall not constitute part of the **Site Coverage**; and
- .4 where the **Canopy** is a sign, it must comply with the provisions of *City of Vernon Sign Bylaw No. 4489*.

5.7.5 Outdoor **Vehicle Storage** shall adhere to the following:

- .1 all storage areas shall have a dust-free surface;
- .2 storage areas must be secured with perimeter fencing; and
- .3 drive aisles within storage areas must be clearly delineated and meet requirements of Section 7.2.10 of this bylaw. (*Bylaw 6012*)

▲ 5.8 Car Washes

- 5.8.1 Car washing establishments shall provide in-bound **Vehicle** queueing 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**. (*Bylaw 6012*)
- 5.8.2 In-bound queueing spaces shall be a minimum of 6.0 m in length and 3.0 m in width. (*Bylaw 6012*)
- 5.8.3 The minimum area for a car wash shall be determined on the basis of 100 m² of space not covered by **Buildings** for each car wash bay.

▲ 5.9 Temporary Use Permits

5.9.1 Designated Areas:

- .1 temporary **Use** permits are permitted on any **Lot** within the City.

5.9.2 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:

- .1 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; and

a financial security to ensure the temporary **Use** is removed and the site is appropriately restored.

▲ 5.10 Temporary Shelter Services

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

- .1 a minimum of outdoor storage space of 1.5 m² per shelter bed to a maximum of 25 m² is required;
- .2 if storage is located outdoors, it shall be screened from public view and **Streets**;
- .3 the secure outdoor space shall be well lit (but not intrusive to **Adjacent** properties) with natural surveillance from within the **Building**; and
- .4 secure indoor storage locker space of 0.20 m² per shelter bed shall be provided.

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

- .1 lobby and intake areas shall be 1 m² per shelter bed, to a maximum of 20 m² to receive clients;
- .2 **Front Setbacks** for new construction shall be 4.5 m and include an on-site exterior entrance area; and
- .3 large windows or glazing to provide surveillance to support adequate sightlines into intake areas and onto the **Street**.

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

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

▲ 5.11 Retail Cannabis Store

5.11.1 An application to authorize a new **Retail Cannabis Store** or relocate an existing authorized **Retail Cannabis Store** must not be approved unless the proposed location of the new **Retail Cannabis Store** is at least 500 m from any other authorized **Retail Cannabis Store**.

5.11.2 An application to authorize a new **Retail Cannabis Store** or relocate an existing authorized **Retail Cannabis Store** must not be approved unless the proposed location of

the **Retail Cannabis Store** is at least 250 m from any institution, public or independent, that provides delivery of the Provincial education curriculum to minors including elementary, middle and secondary **Schools**.

5.11.3 If an application to authorize a new **Retail Cannabis Store** does not comply with Sections 5.11.1 and/or 5.11.2, the application may be approved if any of the following circumstances apply:

- .1 the shortest travelling distance by road between the proposed location and the location of another authorized **Retail Cannabis Store** is greater than 500 m due to a physical separation created by a **Watercourse**, body of water or other natural landscape feature; and
- .2 the shortest travelling distance by road between the proposed location and the location of an institution identified in 5.11.2 is greater than 250 m due to a physical separation created by a **Watercourse**, body of water or other natural landscape feature.

5.11.4 If an application to authorize the relocation of an existing authorized **Retail Cannabis Store** does not comply with Sections 5.11.1 and/or 5.11.2, the application may be approved if any of the following circumstances apply:

- .1 the proposed new location has the same permanent parcel identifier assigned under the *Land Title Act* as its current location;

the proposed new location is not closer to another use identified in 5.11.1 and/or 5.11.2 than its current location;

the shortest travelling distance by road between the proposed location and the location of another authorized **Retail Cannabis Store** is greater than 500 m due to a physical separation created by a **Watercourse**, body of water or other natural landscape; and

the shortest travelling distance by road between the proposed location and the location of an institution identified in 5.11.2 is greater than 250 m due to physical separation created by a **Watercourse**, body of water or other natural landscape feature.