



File # 11.60.00

**To:** Port Alberni Advisory Planning Commission

Ken McRae (Chair)  
John Douglas (Vice-Chair)  
Amy Anaka  
Jim Tatoosh, Hupačasath First Nation  
Don Ferster  
Jeannette Nichols  
Sandy McRuer

Chief Councillor Cynthia Dick, Tseshah (č išaaʔath) First Nation  
Larry Ransom - (SD #70)  
Councillor Deb Haggard (Council Liaison)  
Rick Newberry (P.A.F.D. Liaison)  
Rob Gaudreault (Parks Liaison)  
S. Sgt. Terry Smith (R.C.M.P. Liaison)

**From:** Katelyn McDougall, Manager of Planning

**Copy:** Cara Foden, Development Services Technician  
Councillor Helen Poon - (Alternate - Council Liaison)  
John Bennie - (Alternate - School District #70)  
Steven Tatoosh (Alternate – Hupačasath First Nation)  
Sgt. Dave Boyce – (R.C.M.P. Liaison)  
Tim Pley, CAO  
Davina Hartwell, City Clerk / Tanis Feltrin / Sara Darling - Clerks Department

**Date:** February 19, 2019

**Re: Advisory Planning Commission Meeting  
Thursday, February 21, 2019 at 12:00 pm in the Committee Room at City Hall**

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A meeting of the Advisory Planning Commission has been scheduled for **Thursday, February 21, 2019 at 12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Cara Foden at 250-720-2850 (voice mail available).

### **AGENDA**

1. **Acknowledgements** - This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations
2. **Minutes** of the December 20, 2019 meeting of the Advisory Planning Commission.
3. **DEVELOPMENT APPLICATION – Development Variance**  
**3541 10th Avenue - Lot 8, District Lot 1, Alberni District, Plan 5750, PID: 005-926-513**  
**Applicant:** C. Adams
4. **APPLICATION – Zoning Bylaw Text Amendments**
  - a. **Hedges** - City Wide amendment T18
  - b. **Family, Dwelling Unit, Parking** - City Wide amendment T19**Applicant:** City of Port Alberni

5. APPLICATION – **Zoning Bylaw Text Amendment**
  - a. **Residential Rentals** - City Wide amendment T20  
**Applicant:** City of Port Alberni
6. **Update** – Manager of Planning - Status of current projects.
7. **Other business.**
8. **Adjournment.** The next regular meeting is scheduled for March 21, 2019.



**Summary Report / Minutes of the Advisory Planning Commission Meeting  
(Held on December 20, 2018,  
in the Committee Room at City Hall, at 12:00 p.m.)**

**Advisory Planning Commission**

John Douglas (Vice-Chair)  
Jeannette Nichols  
Sandy McRuer  
Chris Washington, SD #70 Liaison  
Amy Anaka  
Rick Newberry, P.A.F.D. Liaison

**Staff**

Joe Calenda, Consulting City Planner  
Cara Foden, Dev. Services Technician

**Guests**

Members of the Public – none present

**Regrets**

Jim Tatoosh, Hupačasath First Nation  
Don Ferster  
Ken McRae (Chair)  
Cynthia Dick, Tseshah (č išaaʔath) First Nation  
Rob Gaudreault, Parks Liaison  
S. Sgt. Terry Smith, R.C.M.P. Liaison  
Councillor Deb Haggard, Council Liaison

**Alternates (not in attendance)**

Councillor Helen Poon (Alternate–Council)  
Sgt. Dave Boyce (Alternate–R.C.M.P.)  
Larry Ransom (Alternate S.D.70)  
Steve Tatoosh (Alternate Hupačasath First Nation)



**1. Adoption of November 15, 2018 Minutes**

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations.
- Introductions were made and those in attendance were welcomed by the Chair.
- The minutes of the November 15, 2018 meeting of the Advisory Planning Commission were adopted.

**( McRuer / Anaka ) CARRIED**

**2. DEVELOPMENT APPLICATION – Zoning Bylaw amendment**

**Cannabis Retail regulations**

**Applicant:** City of Port Alberni

- The City Planner summarized a report to the APC dated December 20, 2018.
- The APC discussed the application as follows:
  - Definition of Cannabis. Mr. Calenda did not feel that Cannabis required a definition in the Zoning Bylaw. APC concurred.
  - ATM machines were discussed and the Commission agreed that restrictive references to them should be removed from the proposed bylaw amendment. Section 6.26.4 referencing ATM machines will be removed prior to presentation of the bylaw for Council's consideration in January.
  - The SD70 representative reported that the School Board is pleased with the plan to retain the 300 m required separation distance between schools and permitted cannabis retail businesses.
  - The Development Permit process is not expected to change for cannabis retail stores. The provincial licensing procedures will need to be satisfied prior to issuing a municipal business license.
  - Good ventilation and odour control practices are desirable for all cannabis retail stores.

**MOTIONS:**

1. *That the Advisory Planning Commission recommends that Section 6.26.4, making reference to the restriction of ATM machines in conjunction with the operation of a Cannabis Retail Store, be removed from the proposed Zoning Bylaw amendment.*

**( McRuer / Nichols ) CARRIED**

2. *That the Advisory Planning Commission recommends that City Council proceed with a text amendment to the Zoning Bylaw to support 'Cannabis Retail Stores' as a permitted use in the 'C2 General Commercial', 'C3 Service Commercial', 'C4 Highway Commercial' and 'C7 Core Business' zones.*

**( McRuer / Nichols ) CARRIED**

3. **Update** – Joe Calenda, Consulting City Planner, updated the APC indicating that the Official Community Plan needs to be reviewed and that Katelyn McDougall, the new Manager of Planning, would start with the City on January 2, 2018.

4. **Other business** - None

5. **Adjournment** – The meeting adjourned at 1:00 p.m. The next regularly scheduled meeting is January 17, 2019.

**( Washington / McRuer ) CARRIED**

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Davina Hartwell - City Clerk



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Ken McRae – Chair



# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: February 14, 2019

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**SUBJECT: Development Variance Permit:**  
**3541 10<sup>th</sup> Avenue**  
*Lot 8, District Lot 1, Alberni District, Plan 5750, PID: 005-926-513*  
**Applicant:** C. Adams

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### **Issue**

To consider an application for a Development Variance Permit to vary the Zoning Bylaw regulations to permit an increase in the height of a fence, in the front yard, at 3541 10<sup>th</sup> Avenue.

### **Background**

The applicant wishes to install a fence that is 1.8 m (6ft.) in height within the front yard setback.

The applicant commenced building an 2.4m (8 ft) fence in his front yard on 10<sup>th</sup> Avenue. A City Bylaw Officer spoke with him and informed him that the proposed fence did not fall within the height permitted in the City's Zoning Bylaw. The current regulation 6.7.3 states:

*"Fences, hedges or walls not greater than 1.25 m (4.1 ft.) in height are permitted within a required front yard."*

Subsequently, the applicant has submitted an application to vary the Fences and Hedges regulations under Section 6.7 (Fences and Hedges) to allow a 1.8 m (6ft.) fence in the front yard, a variance of .55 m (1.8 ft). Concerns raised by the applicant in support of the requested Variance include:

- Security in the form of a barrier to unwanted visitors/criminals.
- Security in the form of a barrier to large dogs that belong to neighbours.
- Safety for the family and their tenants (Suite is unauthorized).
- Food production and protection of garden from deer.
- Privacy on busy street.

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## **Discussion**

### **Zoning Regulations**

The regulations found in Section 6.7 'Fences and Hedges' of the Zoning Bylaw are included in the bylaw for the following reasons:

1. Promote a sense of community, walkability, and contact between residents and to present a welcoming and attractive streetscape that is attractive to both visitors and residents alike. Lower fence heights minimize the impact of walls and fences on the street frontage and contribute positively to the streetscape.
2. Support the House Numbering bylaw (Bylaw No. 3297) which requires numbering to be placed on a residence in a manner such that Emergency Response calls are not impeded due to lack of visibility from the street.;
3. Promote public safety through the use of C.P.T.E.D. (*Crime Prevention Through Environmental Design*) principles as used by the R.C.M.P. when reviewing development and land use proposals. To improve household security, low/open style fences are encouraged.

### **C.P.T.E.D. (*Crime Prevention Through Environmental Design*)**

Acceptance of CPTED has grown in recent years. In 1991, criminologist Tim Crowe began to demonstrate how opportunities to commit crimes could be reduced using CPTED. Evidence has shown that implementing CPTED reduces crime.

#### ***CPTED Principle #1 - Natural Surveillance***

*"See and be seen" is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention Through Environmental Design."*

However, the applicant has requested a variance to construct a front yard fence taller than the maximum height allowed in order to achieve a greater sense of safety and privacy for the residents.

At this location both privacy and safety are legitimate concerns. The proposed variance would likely result in the enhanced opportunity for enjoyment and personal use of the front yard due to increased privacy and protection from traffic, without degrading the walkability and the sense of community at this location.

If a variance is granted, the applicant would be requested to include proper numbering on the outside of the fence, facing 10<sup>th</sup> Avenue, in order to support the requirements of the House Numbering bylaw.

### **Property and Neighbourhood**

"The property" is approximately 479 m<sup>2</sup> (5156 ft<sup>2</sup>) with 12.6 m frontage on 10<sup>th</sup> Avenue. The surrounding area is described as both commercial and residential in the immediate area. 10<sup>th</sup> Avenue is a designated arterial road.

North	a mix of commercial development and residential consisting of R1, R2 and RM3
East	primarily residential, consisting of a mix of R1, R2 and an anticipated large RM3 development

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South	primarily R2 residential and park
West	primarily R2 residential neighbourhood and nearby commercial

The neighbourhood could be generally described as having a mix of uses, with higher density RM3 and commercial developments located within close proximity to “the property”. Along 10<sup>th</sup> Avenue, other front yard fences or hedges above 4 ft. in height can be found. The proposed variance would not have a significant impact on the surrounding neighborhood, or be uncharacteristic for this location.

### **Conclusion**

The Planning Department is willing to support the issuing of a Development Variance Permit for “the property” at 3541 10<sup>th</sup> Avenue for the following reasons:

- The variance in height to a front yard fence would facilitate privacy and a sense of security that would allow for use of the applicant’s front yard.
- The variance in height to a front yard fence should be appropriate in this location due to the proximity to an arterial road that currently generates air quality and noise concerns for the applicant.
- The variance in height to a front yard fence at this location does not seem uncharacteristic for this location.
- The variance in height to a front yard fence would not likely have impact on the continued use or value of adjacent properties and the surrounding neighborhood.
- The variance in height to a front yard fence would have no impact to sightlines at a corner intersection.
- The applicant would be requested to include proper numbering on the outside of the fence, facing 10<sup>th</sup> Avenue, in order to support the requirements of the House Numbering bylaw.

If City Council wishes to proceed with a variance then Public Notice will be provided to area residents, so they may give comments before City Council makes any final decision on the proposed variance.

### **Recommendations**

The following resolutions are proposed:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw #4832 as follows:*

*Vary Fences and Hedges Section 6.7.3, by varying the height permitted within a required Front Yard from 1.25 metres (4.1 ft) to 1.8 metres (6 ft), a Variance of 0.55 metres (1.8 ft), on Lot 8, District Lot 1, Alberni District, Plan 5750, PID: 005-926-513 (3541 10<sup>th</sup> Avenue).*

Respectfully submitted,

*Katelyn McDougall*


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Katelyn McDougall, M.Urb  
Manager of Planning



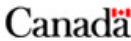







Gendarmerie royale  
du Canada

Royal Canadian  
Mounted Police





## Service de Police Autochtones

aboriginal.cb.grc.ca

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## Crime Prevention Through Environmental Design (CPTED)

CPTED is an approach to building and property planning and development that reduces opportunities for crime.

Communities, neighbourhoods, individual homes, and other buildings, streets, and parks can all be made safer through the application of design principles that make it more difficult to carry out inappropriate or criminal activities.

CPTED can reduce crime and the fear of crime through:

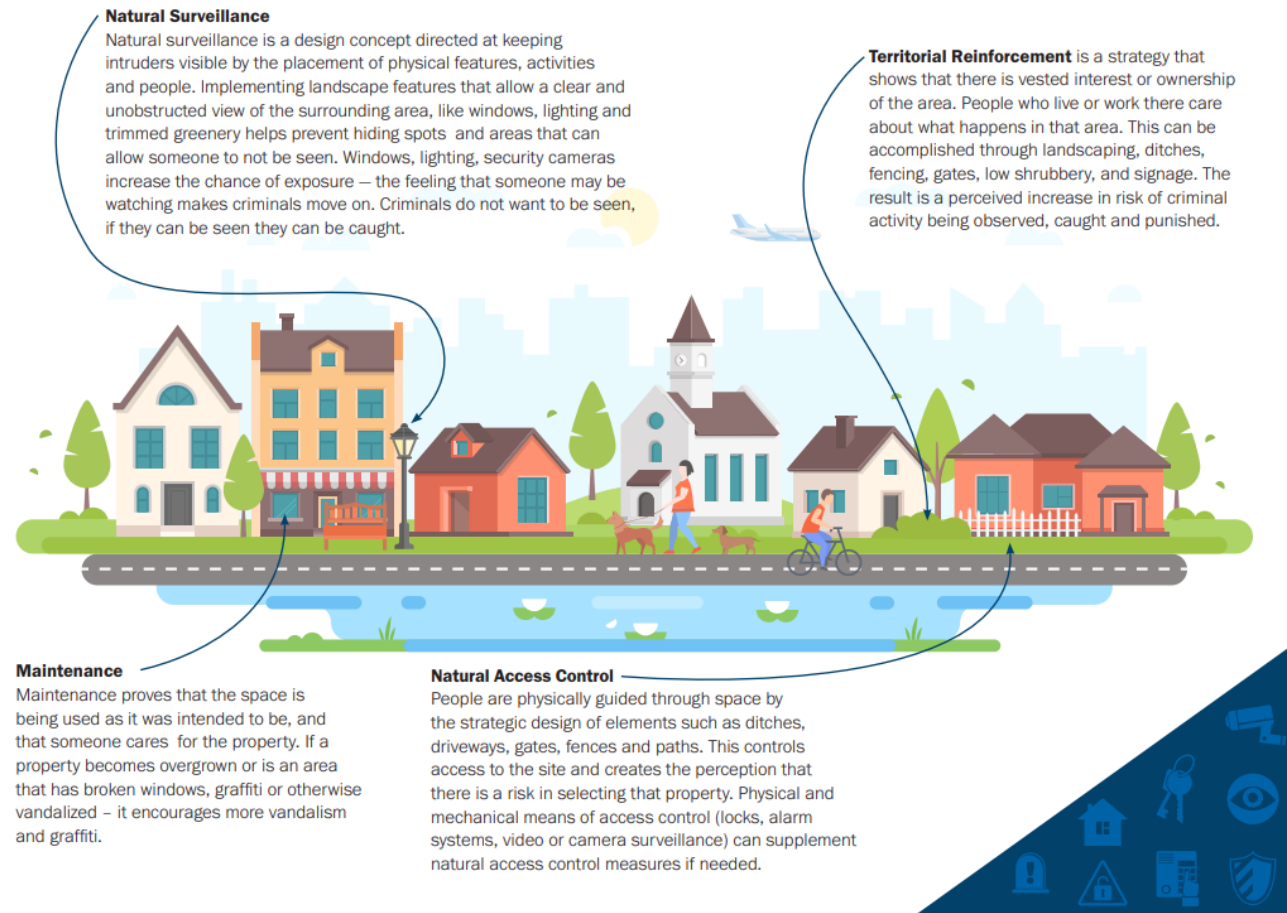
- Territoriality - fostering residents' interaction, vigilance, and control over their neighbourhood.
- Surveillance - maximizing the ability to spot suspicious people and activities.
- Activity support - encouraging the intended use of public space by residents.
- Hierarchy of space - identifying ownership by delineating private space from public space through real or symbolic boundaries.
- Access control/target hardening - using physical barriers, security devices and tamper-resistant materials to restrict entrance.
- Environment - a design or location decision that takes into account the surrounding environment and minimizes the use of space by conflicting groups.
- Image/Maintenance - ensuring that a building or area is clean, well-maintained, and graffiti-free.

The North Vancouver RCMP offers CPTED evaluations for free to the citizens of North Vancouver. During an evaluation, a police officer trained in CPTED will attend the location in question to photograph and review the area. They will then compose a formal report with suggestions about how to change the environment of the location to reduce crime.

For more information or to request this service, please contact the Front Counter at:

North Vancouver RCMP Detachment  
147 East 14th Street  
North Vancouver, BC  
V7L 2N4  
Non-Emergency: 604-985-1311  
Facsimile: 604-985-0935  
Email: [nvanrcmp@rcmp-grc.gc.ca](mailto:nvanrcmp@rcmp-grc.gc.ca)

## CPTED's Four Strategies



### CPTED Principle 1 - Natural surveillance[\[edit\]](#)

Natural surveillance increases the perceived risk of attempting deviant actions by improving visibility of potential offenders to the general public. Natural surveillance occurs by designing the placement of physical features, activities and people in such a way as to maximize visibility of the space and its users, fostering positive social interaction among legitimate users of private and public space. Potential offenders feel increased scrutiny, and thus inherently perceive an increase in risk. This perceived increase in risk extends to the perceived lack of viable and covert escape routes.

- Design streets to increase pedestrian and bicycle traffic
- Place windows overlooking sidewalks and parking lots.
- Leave window shades open.
- Use passing vehicular traffic as a surveillance asset.
- Create landscape designs that provide surveillance, especially in proximity to designated points of entry and opportunistic points of entry.
- Use the shortest, least sight-limiting fence appropriate for the situation.
- Use transparent weather vestibules at building entrances.
- When creating lighting design, avoid poorly placed lights that create blind-spots for potential observers and miss critical areas. Ensure potential problem areas are well lit:

- 
- pathways, stairs, entrances/exits, parking areas, ATMs, phone kiosks, mailboxes, bus stops, children's play areas, recreation areas, pools, laundry rooms, storage areas, dumpster and recycling areas, etc.
- Avoid too-bright [security lighting](#) that creates blinding glare and/or deep shadows, hindering the view for potential observers. Eyes adapt to night lighting and have trouble adjusting to severe lighting disparities. Using lower intensity lights often requires more fixtures.
  - Use shielded or cut-off luminaires to control glare.
  - Place lighting along pathways and other pedestrian-use areas at proper heights for lighting the faces of the people in the space (and to identify the faces of potential attackers).
  - Utilizing curved streets with multiple view points to multiple houses' entrances as well as making the escape route difficult to follow.

Natural surveillance measures can be complemented by mechanical and organizational measures. For example, [closed-circuit television](#) (CCTV) cameras can be added in areas where window surveillance is unavailable.

## 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.





lower string line is @ 4Ft.  
Top string line is @ 6 Ft from Grade.  
I am 6Ft tall.  
fence post will be cut flush with top of  
fence.



6 Ft board for scale to show 6 Ft fence height in addition to Retaining wall on the same block 4 Foot fence beside it



8 Ft + Hedge lining front of property 1 block away



8 Ft + Hedge on corner lot within 1 block Radius of my property





image shows 4 foot cement wall with 6 ft  
hedge bordering alley.





# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT ADVISORY PLANNING COMMISSION REPORT

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TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning  
Flynn Scott, Manager of Bylaw Services

DATE: February 14, 2019

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**SUBJECT: Zoning Bylaw Text Amendments - Definition of Hedge, Family and Dwelling Unit and modification of Parking regulations**

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### **Issue**

At issue is the consideration of housekeeping and text amendments to the Zoning Bylaw to redefine 'Hedge', 'Family' and 'Dwelling Unit' and to update/modify the parking requirements for single family dwellings.

### **Background**

Staff are recommending text amendment bylaws to the Zoning Bylaw for housekeeping and/or clarity of interpretation purposes as detailed in attached proposed bylaws. "Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981", is proposed to amend the definition of 'Hedge'; and "Zoning Text Amendment No. T19 (Family, Dwelling Unit, Parking), Bylaw No. 4982" is proposed to amend the definitions of 'Family' and 'Dwelling Unit' and to update the parking requirements for single family dwellings.

### **Discussion**

#### **Hedges**

As currently defined in the Zoning Bylaw 'Hedge' could be misinterpreted to include a row of mature trees. Staff propose that naturally occurring trees on a property, in whatever configuration they occur, should be excluded from the definition of 'Hedge'.

'Hedge' is currently defined as:

*"Hedge means plant material characterized by dense growth planted in a strip to mark a boundary or enclose or screen an area of land."*

Staff recommend the current definition be replaced by the following:

*"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."*

## Family

The definition of 'Family' is too limiting for traditional and non-traditional families as they are constituted today.

'Family' is currently defined as:

*"Family means one or more persons related by blood, marriage or common law status, legal adoption, legal guardianship, or a group of not more than five (5) unrelated non-transit persons, occupying a dwelling unit. No more than six (6) unrelated persons may occupy a provincially licensed Group Home in a Single Family Dwelling."*

Staff recommend the current definition be replaced by the following:

*"Family means one or more persons related by blood, marriage or common law status, legal adoption, legal guardianship, **and/or** a group of not more than five (5) unrelated non-transit persons, occupying a dwelling unit. No more than six (6) unrelated persons may occupy a provincially licensed Group Home in a Single Family Dwelling."*

## Dwelling Unit

The definition of 'Dwelling Unit' limits the number of kitchens to one which does not accommodate multi-generational or extended families who wish to live together as one household under one roof.

'Dwelling Unit' is currently defined as:

*"Dwelling unit means one or more habitable rooms, constituting a self-contained unit with a separate entrance, containing not more than one kitchen room and used or intended to be used together for living and sleeping purposes for not more than one family."*

Staff recommend the current definition be replaced by the following:

*"Dwelling unit means one or more habitable rooms, constituting a self-contained unit with a separate entrance, containing **one or more kitchens**, and used or intended to be used together for living and sleeping purposes for not more than one family."*

## Parking Requirements for Single Family Dwelling

Parking requirements should be synchronized with changes to the definition of what constitutes a 'Family' in order to mitigate the impacts of that change on neighbouring residents.

Section 7.9 Required Amount of Parking table, for Single Family Dwellings currently states the following number of parking spaces:

*"2 parking spaces plus 1 extra parking space where the home is operating as a provincially licensed Group Home"*

Staff recommend the current requirement be replaced by the following:

*"2 parking spaces plus 1 extra parking space where the home is operating as a provincially licensed Group Home or where a family and additional non-related persons are residing within one dwelling unit."*

**Recommendation**

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with proposed text amendments to Zoning Bylaw 2014, Bylaw No. 4382 as presented in the following attached draft bylaws:*
  - a. *"Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981"*
  - b. *"Zoning Text Amendment No. T19 (Family, Dwelling Unit, Parking), Bylaw No. 4982"*

Respectfully submitted,



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Katelyn McDougall, M.Urb, Manager of Planning

*CityWide-Housekeeping-HedgeFamilyDwellingUnit-ReportToAPC*

# CITY OF PORT ALBERNI

## BYLAW NO. 4981

### A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981**"

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended as follows:

a) By **deleting** the following text in Section 4 Definitions:

*"Hedge means plant material characterized by dense growth planted in a strip to mark a boundary or enclose or screen an area of land."*

b) By **adding** the following text to Section 4 Definitions:

*"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."*

READ A FIRST TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2019.

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2019.

A PUBLIC HEARING WAS HELD THIS \_\_\_\_ DAY OF \_\_\_\_, 2019.

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 2019.

FINALLY ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_, 2019.

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Mayor

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Clerk

# CITY OF PORT ALBERNI

## BYLAW NO. 4982

### A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Text Amendment No. T19 (Family, Dwelling Unit, Parking), Bylaw No. 4982**".

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended as follows:

a) By **deleting** the following text in Section 4 Definitions:

*"Family means one or more persons related by blood, marriage or common law status, legal adoption, legal guardianship, or a group of not more than five (5) unrelated non-transit persons, occupying a dwelling unit. No more than six (6) unrelated persons may occupy a provincially licensed Group Home in a Single Family Dwelling."*

b) By **adding** the following text to Section 4 Definitions:

*"Family means one or more persons related by blood, marriage or common law status, legal adoption, legal guardianship, **and/or** a group of not more than five (5) unrelated non-transit persons, occupying a dwelling unit. No more than six (6) unrelated persons may occupy a provincially licensed Group Home in a Single Family Dwelling."*

c) By **deleting** the following text in Section 4 Definitions:

*"Dwelling unit means one or more habitable rooms, constituting a self-contained unit with a separate entrance, containing not more than one kitchen room and used or intended to be used together for living and sleeping purposes for not more than one family."*

d) By **adding** the following text to Section 4 Definitions:

*"Dwelling unit means one or more habitable rooms, constituting a self-contained unit with a separate entrance, containing **one or more kitchens**, and used or intended to be used together for living and sleeping purposes for not more than one family."*

e) By **deleting** the following text in Section 7.9 Required Amount of Parking for Single Family Dwelling:

*"2 parking spaces plus 1 extra parking space where the home is operating as a provincially licensed Group Home."*

f) By **adding** the following text to Section 7.9 Required Amount of Parking for Single Family

Dwelling:

*"2 parking spaces plus 1 extra parking space where the home is operating as a provincially licensed Group Home or where a family and additional non-related persons are residing within one dwelling unit."*

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

A PUBLIC HEARING WAS HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

FINALLY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk





# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT ADVISORY PLANNING COMMISSION REPORT

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TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning  
Flynn Scott, Manager of Bylaw Services

DATE: February 14, 2019

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**SUBJECT: Zoning Bylaw Text Amendments – Residential Rental Accommodations**

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### **Issue**

At issue is the consideration of text amendments to the Zoning Bylaw to address residential rental accommodations including secondary suites, short term rentals, and bed and breakfast.

### **Background**

Staff is proposing a number of text amendments to the Zoning Bylaw to amend the provisions for secondary suites and bed and breakfast, and to also introduce provisions for short term rental accommodations.

### **Discussion**

1. Short term rental (STR) accommodations are neither a permitted or accessory use in any residential zone. Bed and breakfast, home occupation and secondary suites are accessory uses in each of the RR1-Rural Residential, RR2-Semi Rural Residential, R1-Single Family Residential and R2-One and Two Family Residential zones. It is proposed that short term rental (STR) be added as an accessory use to each of these zones.

It is also proposed that the Conditions of Use regulations in each of these zones be amended to provide for one (1) of the five (5) accessory uses permitted on a lot. Accordingly sections 5.9.3 (d), 5.10.3 (c), 5.11.3 (c) and 5.12.3 (c) would be amended to read:

*“Only one of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

Furthermore, it is proposed that the Conditions of Use regulations in each of these zones be amended to permit that notwithstanding the provisions in sections 5.9.3 (d), 5.10.3 (c), 5.11.3 (c) and 5.12.3 (c), in an authorized secondary suite a short term rental is a permitted use.

The following definition of short term rental is proposed to be added to section 4 Definitions:

*“Short term rental means the use of a dwelling unit to provide temporary accommodations to the traveling public for less than 30 consecutive days in exchange for remuneration.”*

It is also proposed that a new section 6.27 Short Term Rental Accommodations be added to section 6 General Regulations. It would include the following provisions:

- The principal use of a property containing or comprising the Short Term Rental shall remain a residential use. The use must be conducted on a lot that is occupied by a permanent resident, whether the property owner or a tenant.
  - Must be conducted within a single family dwelling, and may be conducted in an authorized secondary suite.
  - Are prohibited within any vehicle, tent, temporary structure, accessory building, or similar.
  - Only one Short Term Rental is permitted per lot.
  - Within a dwelling unit a maximum of three (3) bedrooms may be provided to up to a total of six (6) guests at one time for a Short Term Rental.
  - One (1) off-street parking space must be provided for each bedroom used for the operation, in addition to the required amount of parking for the principle use of the property.
  - Comply with the licensing requirements of the Business License Bylaw.
2. Bed and breakfast use and regulations also need to be modified in consideration of the changes proposed for secondary suites and short term rental accommodations. It is proposed that bed and breakfast be added as an accessory use in the R3-Small Lot Single Family Residential Zone, where home occupation is already an accessory use. The amendment would permit bed and breakfast operations in R3 zones to recognize that those dwelling units have bedrooms that are suitable for this type of residential rental accommodation.
- Section 6.14.3, general regulations, is also proposed to be amended to provide for a maximum of three (3) bedrooms for bed and breakfast accommodations, being provided to a maximum of (6) guests at one time. This change would increase the number of bedrooms allowable for a bed and breakfast. It would also increase the number of guests permitted to use the accommodations in accordance with the number of bedrooms, but reworded in a way that is easier to regulate and enforce.
3. The general regulations for secondary suites have been proposed to be amended by removing section 6.22.4, which states that secondary suites are only permitted in an owner-occupied single family dwelling. This change would permit a secondary suite to be occupied in instances where a single family dwelling is not owner-occupied, which could in theory create more rental opportunities in Port Alberni. However, this change will facilitate a greater number of instances where the property owner does not reside on the property. One anticipated consequence of permitting secondary suites in single family dwellings that aren't owner occupied is an increase in the number of noise, traffic, and other bylaw related complaints.

With the introduction of short term rentals, removing section 6.22.4 would allow for a short term rental to be conducted in a single family dwelling only if a permanent resident occupies

the lot. The principle use of a property would remain residential, thus protecting housing stock, while not prohibiting an opportunity for a short term rental to be permitted. As such, it is proposed that a definition of permanent resident be added to section 4. The proposed definition is as follows:

*“Permanent resident means, in respect of any dwelling or lot, a person who normally resides on the lot and cannot normally reside at more than one location within the City of Port Alberni. May be the property owner or a tenant.”*

Attached is Bylaw No. 4983, a bylaw to amend Port Alberni Zoning Bylaw 2014, No. 4832, by amending the provisions for secondary suites and bed and breakfast, and also introducing provisions for short term rental accommodations.

### **Recommendation**

1. It is recommended that the attached “Zoning Text Amendment No. T20 (Residential Rental Accommodations), Bylaw No. 4983”, be referred to Council for first and second readings and a public hearing scheduled.

Respectfully submitted,



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Katelyn McDougall, M.Urb  
Manager of Planning

# CITY OF PORT ALBERNI

## BYLAW NO. 4983

### A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Text Amendment No. T20 (Residential Rental Accommodations), Bylaw No. 4983**".

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended as follows:

- a) By **deleting** the following text in General Regulations, Section 6.14.3 under the Bed and Breakfast and Guest House Operations:

*"Bed and breakfast operations shall have a maximum of two (2) bedrooms for bed and breakfast accommodations, with not more than two (2) guests per room"*

- b) By **adding** the following text in General Regulations, Section 6.14.3 under the Bed and Breakfast and Guest House Operations:

*"Bed and breakfast operations shall have a maximum of three (3) bedrooms for bed and breakfast accommodations, being provided to a maximum of (6) guests at one time"*

- c) By **deleting** the following text in RR1 – Rural Residential Section 5.9.3 (d):

*"Notwithstanding the provisions of 5.9.1, only one of the three (3) following accessory uses is permitted on any lot: bed and breakfast OR secondary suit OR supportive housing."*

- d) By **adding** the following text in RR1 – Rural Residential Section 5.9.3 (d):

*"Notwithstanding the provisions of 5.9.1, only one of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental."*

- e) By **adding** the following text in RR1 – Rural Residential Section 5.9.3:

*(g) "Notwithstanding the provisions of 5.9.3 (d), in an authorized secondary suite a short term rental is a permitted use."*

- f) By **deleting** the following text in RR2 – Semi Rural Residential Section 5.10.3 (c):

*"Only one of the three (3) following accessory uses is permitted on any lot: bed and breakfast OR secondary suite OR supportive housing."*

- g) By **adding** the following text in RR2 – Semi Rural Residential Section 5.10.3 (c):

*“Only one of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

- h) By **adding** the following text in RR2 – Semi Rural Residential Section 5.10.3:

*(d) “Notwithstanding the provisions of 5.10.3 (c), in an authorized secondary suite a short term rental is a permitted use.”*

- i) By **deleting** the following text in R1 – Single Family Residential Section 5.11.3 (c):

*“Only one of the three (3) following accessory uses is permitted on any lot: bed and breakfast OR secondary suite OR supportive housing.”*

- j) By **adding** the following text in R1 – Single Family Residential Section 5.11.3 (c):

*“Only one of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

- k) By **adding** the following text in R1 – Single Family Residential Section 5.11.3:

*(d) “Notwithstanding the provisions of 5.11.3 (c), in an authorized secondary suite a short term rental is a permitted use.”*

- l) By **deleting** the following text in R2 – One and Two Family Residential Section 5.12.3 (c):

*“Only one of the three (3) following accessory uses is permitted on any lot: bed and breakfast OR secondary suite OR supportive housing.”*

- m) By **adding** the following text in R2 – One and Two Family Residential Section 5.12.3 (c):

*“Only one of the five (5) following accessory uses is permitted on any lot: bed and breakfast OR home occupation OR secondary suite OR supportive housing, OR short term rental.”*

- n) By **adding** the following text in R2 – One and Two Residential Section 5.12.3:

*(d) “Notwithstanding the provisions of 5.12.3 (c), in an authorized secondary suite a short term rental is a permitted use.”*

- o) By **deleting** the following text in General Regulations, under Section 6.22 Secondary Suites:

*“6.22.4 Are only permitted in an owner-occupied single family dwelling.”*

- p) By **adding** the following text to Section 4 Definitions:

*“Permanent resident means, in respect of any dwelling or lot, a person who normally resides on the lot and cannot normally reside at more than one location within the City of Port Alberni. May be the property owner or a tenant.”*

- q) By **adding** the following text to Section 4 Definitions:  
*“Short term rental means the use of a dwelling unit to provide temporary accommodation to the traveling public for less than 30 consecutive days in exchange for remuneration.”*
- r) By **adding** the following text to Section 5.9.1 the list of Permitted Uses, under Accessory Uses, in the RR1 – Rural Residential:

*“Short Term Rental”*

- s) By **adding** the following text to Section 5.10.1 the list of Permitted Uses, under Accessory Uses, in the RR2 – Semi Rural Residential:

*“Short Term Rental”*

- t) By **adding** the following text to Section 5.11.1 the list of Permitted Uses, under Accessory Uses, in the R1 – Single Family Residential:

*“Short Term Rental”*

- u) By **adding** the following text to Section 5.12.1 the list of Permitted Uses, under Accessory Uses, in the R2 – One and Two Family Residential:

*“Short Term Rental”*

- v) By **adding** the following text to Section 5.13.1 the list of Permitted Uses, under Accessory Uses, in the R3 – Small Lot Single Family Residential:

*“Bed and Breakfast”*

- w) By **adding** the following to Section 6 General Regulations:

*6.27 Short Term Rental operations:*

*Any Short Term Rental shall conform to the following:*

*6.27.1 The principal use of a property containing or comprising the Short Term Rental shall remain a residential use. The use must be conducted on a lot that is occupied by a permanent resident, whether that is the owner or a tenant.*

*6.27.2 A Short Term Rental must be conducted within a single family dwelling, and may be conducted in an authorized secondary suite.*

*6.27.3 A Short Term Rental may not be permitted within any vehicle, tent, temporary structure, accessory building or similar.*

*6.27.4 Only one Short Term Rental is permitted per lot.*

*6.27.5 Within a dwelling unit a maximum of three (3) bedrooms may be provided to up to a total of six (6) guests at one time for a Short Term Rental.*

*6.27.6 One (1) off-street parking space must be provided for each bedroom used for the Short Term Rental operation, in addition to the required amount of parking for the*



*principle use of the property.*

*6.27.7 A Short Term Rental must comply with the licensing requirements of the Business License Bylaw.*

- x) By **adding** the following to Section 7 Parking and Loading Regulations in 7.9 Required Amount of Parking:

*Short Term Rental*

*One (1) parking space in addition to the required amount of parking for the principle use of the property.*

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

A PUBLIC HEARING WAS HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

FINALLY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk