

To: Port Alberni Advisory Planning Commission

Ken McRae (Chair)	Chief Councillor Cynthia Dick (Tseshah First Nation)
John Douglas (Vice-Chair)	Chris Washington - (SD #70)
Amy Anaka	Councillor Deb Haggard (Council Liaison)
Jim Tatoosh (Hupacasath First Nation)	Rick Newberry (P.A.F.D. Liaison)
Don Ferster	Rob Gaudreault (Parks Liaison)
Jeannette Nichols	S. Sgt. Terry Smith (R.C.M.P. Liaison)
Sandy McRuer	

From: Katelyn McDougall, Manager of Planning

Copy: Councillor Helen Poon - (Alternate - Council Liaison)
Larry Ransom - (Alternate - School District #70)
Sgt. Peter Dione – (Alternate – R.C.M.P. Liaison)
Steven Tatoosh (Alternate – Hupacasath First Nation)
Darren Mead-Miller (Alternate – Tseshah First Nation)
Cara Foden – Development Services Technician
Davina Hartwell - City Clerk
Tanis Feltrin/Sara Darling - Clerks Department

Date: May 23, 2019

Re: Advisory Planning Commission Meeting
Thursday, May 23, 2019 at 12:00 pm in the Committee Room at City Hall

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, May 23, 2019 at 12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Katelyn McDougall at 250-720-2808 (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 April 18, 2019 meeting of the Advisory Planning Commission.
- 3. DEVELOPMENT APPLICATION - Development Variance Permit**
3510 12th Avenue
Lot 3, District Lot 1, Alberni District, Plan VIP6084 (PID: 001-314-009)
Applicant: Mark Trowbridge
- 4. ZONING BYLAW REVIEW – Fence and Hedge Height**
- 5. Update** – Manager of Planning - Status of current projects.

6. Other business.

7. Adjournment. The next regular meeting is being requested for June 27, 2019.



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on April 18, 2019,
in the Committee Room at City Hall, at 12:00 p.m.)**

Advisory Planning Commission Present

Ken McRae (Chair)
Jeannette Nichols
Sandy McRuer
Amy Anaka
Don Ferster
Steve Tatoosh (Alternate Hupačasath F. N.)
Larry Ransom (Alternate S.D.70)
Councillor Deb Haggard, Council Liaison
Rick Newberry, P.A.F.D. Liaison
Rob Gaudreault, Parks Liaison

Staff

Katelyn McDougall, Manager of Planning
Cara Foden, Planning Technician

Guests

Aaron Brevick – Applicant
Members of the Public – R. Corbeil

Regrets

Jim Tatoosh, Hupačasath F. N.
Cynthia Dick, Tseshah (č išaaʔath) F. N.
Chris Washington, S.D.70 Liaison
S. Sgt. Terry Smith, R.C.M.P. Liaison
John Douglas (Vice-Chair)

Alternates (not in attendance)

Councillor Helen Poon (Alternate–Council)
Peter Dione (Alternate–R.C.M.P.)
Darren Mead-Miller (Alternate – Tseshah F.N.)



1. Adoption of March 20, 2019 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. The applicant present was welcomed by the Chair.
- The minutes of the March 20, 2019 meeting of the Advisory Planning Commission were adopted.
- APC agreed to discuss the Compton Road application before discussing the Athol St. application.

(McRae / Nichols) CARRIED

2. DEVELOPMENT APPLICATION – Zoning Bylaw Amendment

5119 Athol Street – Lot 4, Block 84, District Lot 1, Alberni District, Plan 197D

(PID: 009-230-823)

Applicant: A. Brevick

- The Manager of Planning summarized her report to the APC dated April 10, 2019.
- The APC discussed the application as follows:
 - Chair invited the applicant to speak about the proposal. The applicant addressed the financial investment required for the project and indicated that a foreign investor would be carrying the financial burden while the applicant would be involved as a 10% partner and has a purchase agreement for the building. He invited the APC to ask questions about cannabis cultivation and processing.
 - Several members noted that the building and area appear to fit in with neighbouring properties however taking time to work together with the ACRD to devise a valley wide strategy for similar applications would be appropriate.

- It was noted by the Hupačasath First Nation (HFN) representative that the Federal Government had not consulted with First Nations regarding the regulation of the cultivation and processing of cannabis and the HFN would not support this application at this time.
- It was proposed that a Committee of the Whole meeting be requested to address the topic of micro-cultivation and micro-processing cannabis in the City and A.C.R.D.
- Most members felt that a unified or complementary approach to applications should be pursued with the A.C.R.D.

MOTIONS:

1. *That the Advisory Planning Commission defers the application and recommends to City Council that staff investigate and determine specific zones for cannabis production (cultivation and processing) before proceeding with the application for 5119 Athol Street and that:*

- a) *Community engagement be made a priority including consultation with local First Nations; and*
- b) *Council move forward with the engagement process as quickly as possible.*

(Haggard / Ferster) CARRIED

3. DEVELOPMENT APPLICATION – Proposed Zoning Bylaw Amendment

5189 Compton Road - Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613 (PID: 005-356-407)

Applicant: D. Potter

- The Manager of Planning summarized her report to the APC dated March 13, 2019.
- The APC discussed the application as follows:
 - There are no known plans for demolishing the existing home on the property. The applicants are only wanting to subdivide a small portion of the site along Compton Rd.
 - Parkland dedication or payment in lieu would be required.
 - It was noted that a geotechnical report or professional Engineers report would be required during the Subdivision process. The Manager of Planning explained that the details pertaining to the servicing of the site and the proposed subdivision would be addressed as part of the subdivision process.
 - The APC agreed that the proposed land use was appropriate for the neighbourhood.

MOTIONS:

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation on a portion of Lot 1, District Lot 20, Alberni District, Plan 9584 Except part in Plan 10613 (PID: 005-356-407) located at 5189 Compton Road from 'RR 1 - Rural Residential' to R3 – Small Lot Single Family Residential.*

2. *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*

- a) *Receive a Preliminary Layout Approval letter for the proposed subdivision from the City of Port Alberni's Approving Officer.*

(Ransom / McRuer) CARRIED

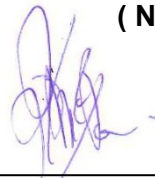
4. **Update** - Manager of Planning - Status of current projects.

- 3503 11th Avenue (Sattar) – PLA will precede final adoption of "Zoning Bylaw Map Amendment No. 31 (3503 11th Avenue – Sattar), Bylaw No. 4978"
- 2940 Bellshill Road - PLA will precede final adoption of (Carriere_ "Official Community Plan Amendment No. 27 (2940 Bellshill Road – Carriere), Bylaw No. 4985" and "Zoning Bylaw Map Amendment No. 32 (2940 Bellshill Road – Carriere), Bylaw No. 4986"
- 3512 Gagne Rd. (Bourelle) - PLA will precede final adoption of "Zoning Bylaw Map Amendment No. 33 (3512 Gagne Road – Bourelle), Bylaw No. 4987"
- Report to Council re: Definitions of Family and Dwelling Unit – will go directly to Council (Zoning Text Amendment No. T19 (Family, Dwelling Unit, Parking), Bylaw No. 4982")
- Development Permit for 4721 Johnston Rd. and for 4000 Burde St. (Portview Apartments) are in progress.
- RFP for Harbourview Lands will be reviewed by Council before advertised.
- A Social Planning Commission will be considered by Council.
- A second report regarding short term rentals will be prepared for consideration by the APC.
- Upcoming for May APC
 - 4202/4238 8th Ave. – Zoning amendment application.
 - Fence Height report
 - 3510 12th Avenue - Development Variance for front porch.

5. **Other business** - No other business

6. **Adjournment** – The meeting adjourned at 1:00 p.m. The next regular meeting is scheduled for Thursday, May 16, 2019.

(Nichols / Ferster) CARRIED



Davina Hartwell - City Clerk

Ken McRae – Chair



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: May 16, 2019

SUBJECT: DEVELOPMENT APPLICATION - Development Variance Permit
3510 12th Avenue
Lot 3, District Lot 1, Alberni District, Plan VIP6084 (PID: 001-314-009)
Applicant: Mark Trowbridge

ISSUE

At issue is the consideration of an application for a Development Variance Permit (DVP). The applicant is seeking relief from the regulations of the Zoning Bylaw as it relates to front yard building setbacks, in order to permit the construction of a new porch.

BACKGROUND

The applicant wishes to construct a 6.8 m (22.3 ft) wide by 2.4 m (7.9 ft) deep porch attached to the front of the existing building. This will require a minor variance to allow relief from the front yard setback. The proposed porch would replace a small landing and projection of stairs located at the front entryway of the house. The porch (8 ft), stairs (2 ft), roof overhang/ eaves (2 ft) will encroach into the required front yard setback.

However, in accordance with section 6.12.1 of the Zoning Bylaw “**Projections**” the projection of steps into a front yard setback are not restricted, and the projection of eaves and gutters into a front yard setback are permitted up to 0.9 m (3ft). As proposed by the applicant, the projection of steps and eaves will not be required to be calculated as part the variance permit. The variance permit, if granted, would vary the front yard setback from 7.5 m to 5.4 m permitting an additional 2.1 m to the existing structure.

DISCUSSION

The Property

The property at 3510 12th Avenue is designated ‘Residential’ in the OCP and zoned ‘R2 - One and Two Family Residential’ in the Zoning Bylaw. The property is 12.2 m (40 ft) wide, and has a depth of 38.1 m (125 ft) giving it an area of 464.5 m² (5000 ft²). The existing building is a 1940s era home that is legally nonconforming with regards to the minimum frontage (12.2 m instead of 15 m). Parking is accessed from the rear lane off North Park Drive. There is no driveway access on 12th Avenue.

The 'Minimum Front Yard Setback' required by the Zoning bylaw is 7.5 metres (24.6 ft). If the variance is granted to reduce the minimum front yard setback, the new front yard setback will be 5.4 m (17.7 ft). This is still greater than the minimum required front yard setback in the 'R3 – *Small Lot Single Family Residential*' zone, which is 5 m (16.4 ft).

The intent of the 'R2 – *One and Two Family Residential*' zoning designation is to establish or maintain quiet, low density neighborhoods featuring single family and two family dwellings. In terms of land use and density, the variance is minor and the application will not impact what currently exists on the subject site.

Surrounding Area

The surrounding neighborhood is primarily single family residential to the north, east and west. One block east from the subject property, along Anderson Ave, a master planned community is currently being developed to include a mix of low, medium and high density residential options including rental apartments, townhomes and patio/garden homes. To the south of the property is North Park Drive and Dry Creek Ravine Park. The variance, as proposed, does not pose any adverse impacts on the surrounding uses.

Along 12th Avenue near the subject property most homes appear to have been constructed in the same era, are typically one or two storeys high, and have similar building characteristics. For example, several homes have stairs that go up to a small outdoor landing near the front entranceway, but currently none of the other homes on this part of the street have a large porch in the front yard. Certain styles of porches are usually an attractive addition to the front of a single family home, specifically when restricted to a certain height near street level.

Site Plan

The applicant has proposed to construct a new 2.4 m (7.9 ft) deep porch attached to the front of existing building. An extra 0.6 m (2 ft) for the roof overhang/eaves, and an extra 0.6 m (2ft) will also be included, but both aspects are permitted projections in a front yard setback.

The front yard setback to the existing foundation is 7.8 m (25.5 ft), which exceeds the required setback of 7.5 m by 0.3 m. The finished setback for the covered extension is 3.6 m (12 ft). The total extension to the front of the house, excluding steps and eave projections, would be 2.4 m (7.9 ft). The encroachment into the Front Yard Setback is 2.1 m (2.4 m minus 0.3 m). The variance permit required is for a minimum front yard setback of 5.4 m.

Existing Front Yard	Required Front Yard	Proposed Total Extension	Required Variance for Construction	New Front Yard
7.8 m (25.5')	7.5 m (24.6')	3.6 m (12')	2.1 m (6.8')	5.4 m (17.7')

The subject property is 12.2 m (40 ft) wide, and has a depth of 38.1 m (125 ft) giving it an area of 464.5 m² (5000 ft²). The allowable maximum lot coverage in the R2 zone is 40%. The total lot coverage of the building with the proposed new porch structure equates to 28%, well below the zoning requirement. The porch structure will contribute to an increase in site coverage from 116.4 m² (1254.3 ft²) to 132.76 m² (1429 ft²), a total increase of 174 ft² which is 3% of the total proposed future site coverage.

Planning Context

Sometime after World War II the front porch became an architectural feature of the past, and many new single family home developments adopted a new style that placed preference on private space. Suburbanization permitted new larger lots with large back yards. Garages/carports became a popular feature for many homes, and these were often placed at the front of a house replacing the front porch or the need for a large walk-in entrance.

However, around the 1980s the popularity of the front porch began to rise again with the emergence of “New Urbanism” planning and design theory. New Urbanism is strongly influenced by urban design practices that were prominent up until World War II, and the central values focus on building a sense of community through design, and developing these communities in a sustainable fashion.

According to New Urbanists there are many positive functions that a front porch serves, including aesthetic, safety, and social purposes. Front porches contribute to the social fabric of vibrant and attractive neighborhoods. Porches built just above the street level can help improve neighborhood safety by enhancing natural surveillance, a key CPTED (crime prevention through environmental design) principle. People spending time on a front porch help promote casual observation of the surrounding area, which discourages undesirable activity. This in turn translates to a more walkable and pedestrian friendly community overall.

The style of development on the subject property and in the surrounding neighborhood is fairly consistent with design principles commonly praised by New Urbanists. For example, placing buildings close to the street and placing parking to the rear of buildings accessed by an alley are key design features here. As such, the addition of a front porch for the subject property would likely appear consistent with the architectural style of the neighborhood.

In future, the Planning Department may wish to review the Zoning Bylaw to consider how to better enable similar styles of front porches. Doing so could help contribute to the goals of the City’s Official Community Plan by creating neighbourhoods that are safe, walkable, and connected.

CONCLUSION

The applicant requires a minor variance to reduce the front yard building setback from 7.5 m to 5.4 m in order to facilitate the construction of a front porch. The variance required would permit an additional 2.1 m (6.9 ft) of building into the front yard setback, which would otherwise be encroaching. As proposed by the applicant, the projection of steps and the roof overhang/eaves will not be required to be calculated as part the variance permit.

Planning staff are of the opinion that the variance to the front yard setback is appropriate and in keeping with the character of the street. The proposed porch would enhance the design quality of the existing structure, adding to the streetscape, and enhancing the opportunity for social connection in the neighborhood. Similar types of porches are a common architectural element on single family homes. Furthermore, only a small portion of the front yard would be used. The size of the porch ensures the retention of a suitable amount of front yard space.

In terms of land use and density, the variance application will not impact what currently exists on the subject site. The Planning Department is satisfied that the front yard setback variance for the proposed porch maintains the general intent and purpose of the Zoning

Bylaw. The requested variance will also meet the requirements to issue a Building Permit. As such, the Planning Department supports the variance application for 3510 12th Avenue.

RECOMMENDATIONS

The Planning Department recommends:

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 Section 5.12.2 R2 - One and Two Family Residential Minimum Setbacks, Front Yard, from 7.5 m to 5.4 m, a variance of 2.1 m (6.9 ft) for the property located at 3510 12th Avenue and legally described as Lot 3, District Lot 1, Alberni District, Plan VIP6084 (PID: 001-314-009.

2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 93 for 3510 12th Avenue.*

Respectfully submitted,



Katelyn McDougall, M.Urb
Manager of Planning

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11TH AVE.

12TH AVE.

NORTH PK.

DR.

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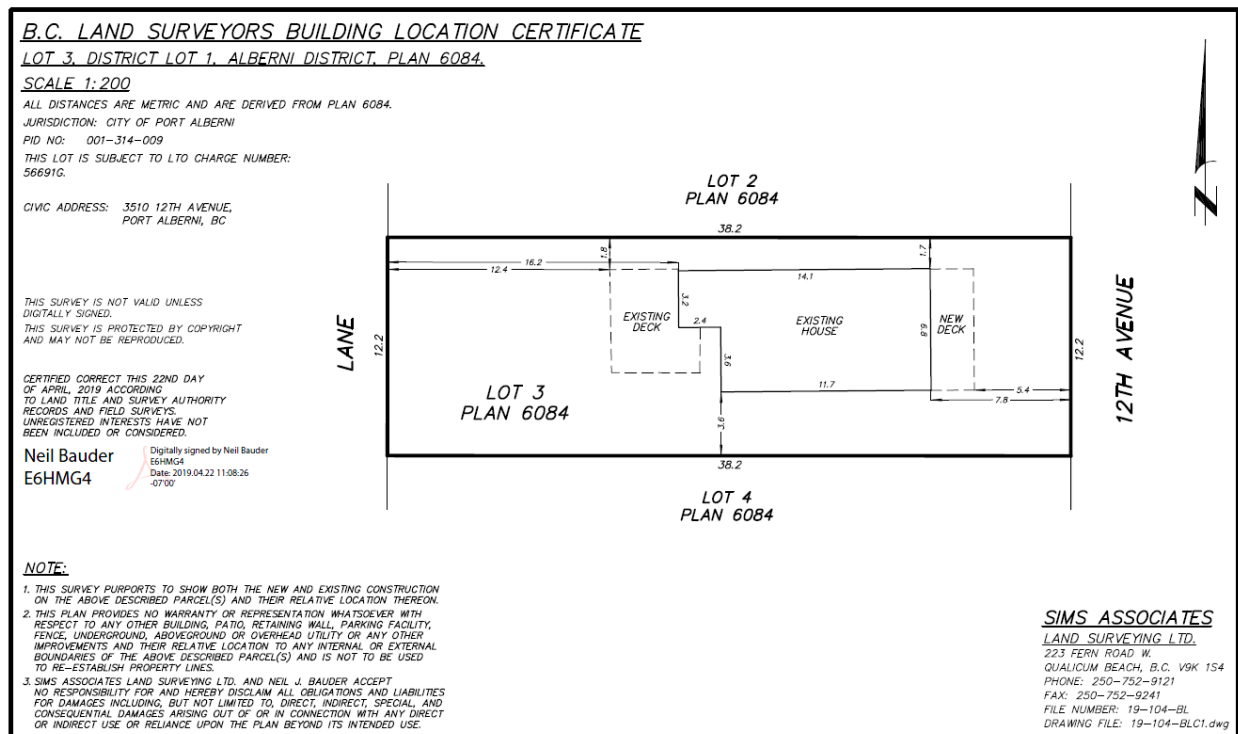
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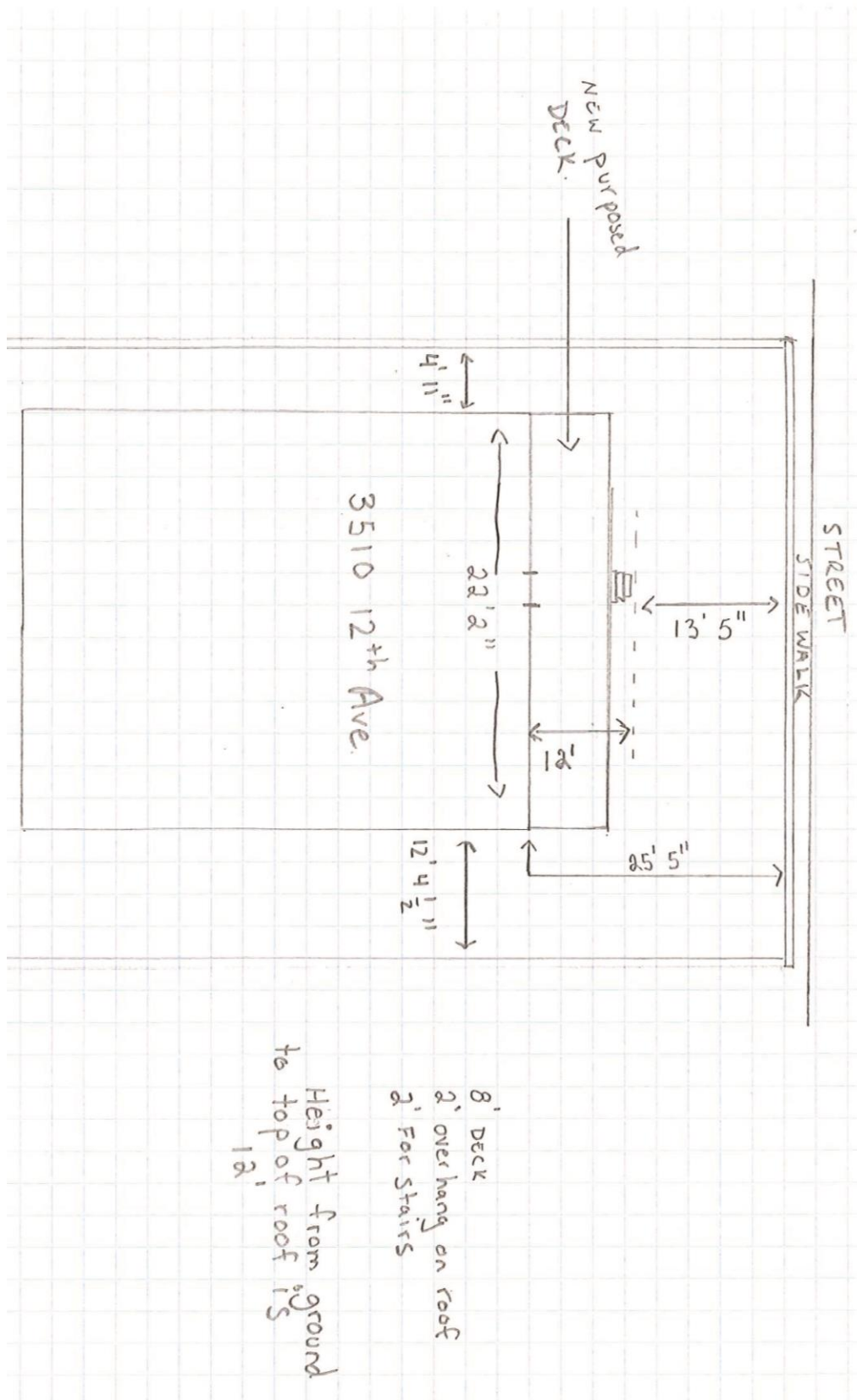
SURVEY SITE PLAN:



STREET VIEW:



PROPOSED PLAN:





CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: May 13, 2019

SUBJECT: Review of Fence and Hedge Zoning Bylaw Regulations

ISSUE:

The Planning Department has been directed to review the City of Port Alberni's Fence and Hedge regulations as contained in the Zoning bylaw.

BACKGROUND:

Recently, an application for a Development Variance Permit to increase the height of a fence in a front yard setback at 3541 10th Avenue was reviewed by the Advisory Planning Commission.

In reviewing this application, it was brought to the City's attention that many other non-conforming fences are located throughout the city. With limited staff capacity the bylaw department works primarily on a complaint basis, except with matters that have been deemed a priority that the City then proactively enforces. To date, the bylaw department has not been directed to prioritize enforcing height restrictions on front yard fences and hedges.

In response to the DVP application, the Advisory Planning Commission asked that staff undertake a review the provisions for fences and hedges in the Zoning Bylaw with special attention to arterial roads, corner lot visibility, height, and materials and design. Council also endorsed a review of the Zoning Bylaw's definition and general provisions for fences and hedges.

Staff conducted a review of the fence and hedge regulations in five other municipalities to compare them to Port Alberni (see attached table for comparison). The following report provides a summary of those findings, some discussion of the rationale for regulating fence and hedge heights, and staff's recommendations.

DISCUSSION:

The following definitions of fences and hedges are outlined in the City of Port Alberni's Zoning Bylaw:

FENCE means a structure used as an enclosure, boundary or screening around all or part of a lot.

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 areas of land. Does not include vegetation, foliage, or trees naturally occurring on a property.

With regards to Zoning Bylaw's General Regulations (which apply everywhere in the City, and are not specific to a particular zone), the following provisions are outlined in section **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.

The fence and hedge regulations have been created to serve both the property owner and the community as a whole. The intent of these bylaws places a focus on safety (especially vision clearance at corners), access to view, and to degree community and neighborhood aesthetic.

Certain aspects of section 6.7 Fences and Hedges are reviewed below, with comparison to the approach of other nearby municipalities when available.

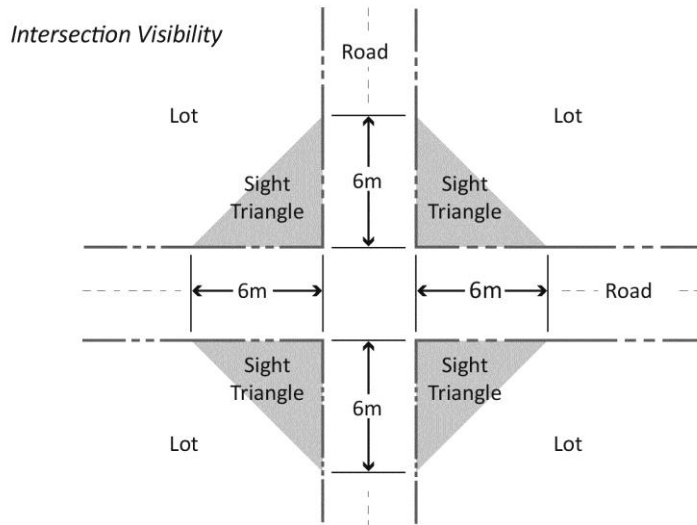
Visibility at Intersection

A provision regulating vision clearance at street intersections is common within most zoning regulations, and can be found within the City of Port Alberni's Zoning Bylaw. The main difference among sight triangle provisions are height limits, setback distances, and the method of determining setback distances.

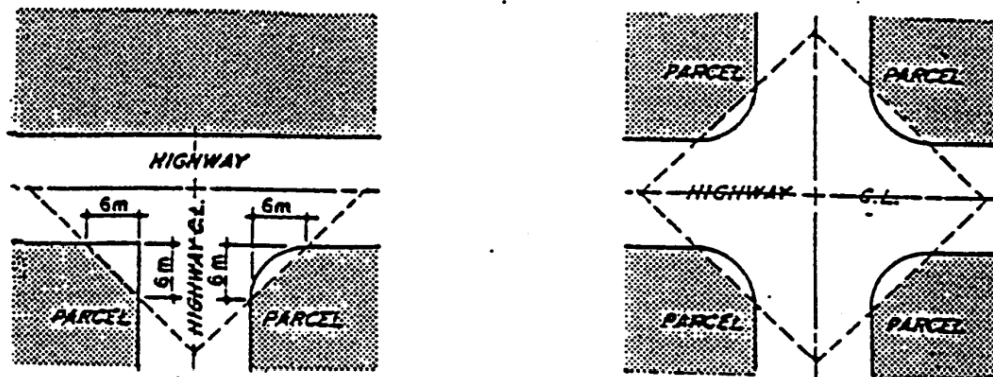
Sight visibility is defined differently in each of the municipalities that staff reviewed. The City of Powell River's was the most complex. The triangular area defined by Port Alberni and Parksville compare in terms of size, however the method used to determine the setback starting point are

different (see image below). Nanaimo's site triangle is slightly larger in size. Campbell River did not mention of a sight triangle in their bylaw. Both Victoria and Powell River use a projected "line of vision" to center line of roadway to define their site triangle. A comparison of heights permitted within the sight triangles (excluding Campbell River) reveals that Port Alberni is the least restrictive at 1.25 m and Parksville is the most restrictive at 0.5 m.

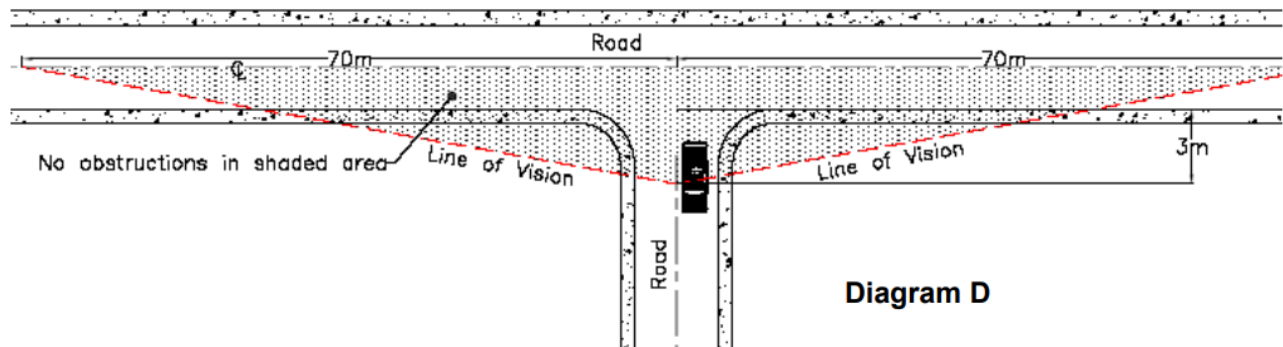
City of Port Alberni – Sight Triangle



City of Parksville – Sight Triangle



City of Powell River – Line of Vision



Arterial Streets:

Arterial streets are the most travelled roads in a community, making them the most visible streets in any given city. For residential properties located along an arterial road fences and hedges can be used to create a shield or buffer against noise and air-borne materials, which in turn can help a residential property have a more protected and usable yard.

These main arteries also present a strategic land use planning opportunity to encourage a gradual transformation from lower density to more compact, mixed-use, pedestrian-oriented patterns of development. It is important to foster pedestrian friendly streetscape along major arterial roads to reflect a positive impression of Port Alberni for both visitors and local residents. Provisions made to regulate the height of fences and hedges along main arterials should keep these factors in mind.

One possible strategy for managing residential livability along major arterial roads would be to consider rezoning the land adjacent to these corridors. Densification along these routes could be approached in a way that would remove ground level housing, replacing it with less sensitive land uses such as commercial, institutional, and other spaces, while also providing residential units higher above the street level. These types of developments would also serve as a noise barrier for residential homes located behind them, eliminating a need for noise fencing. Increasing mixed-use development and residential densification along corridors through an integrated land use and transportation approach would also help encourage travel by non-vehicular modes.

While the City of Port Alberni should address the need for noise/debris reduction for homes located along arterial roads, the Planning Department would encourage minimizing the use of fencing and hedges for this purpose as there are other alternative methods of achieving noise attenuation along arterial roads. The City could develop guidelines to ensure that fencing is complementary to the surrounding environment (minimizing the adverse aesthetic impacts) if fencing is the only option for noise attenuation along an arterial road. Currently no such guidelines exist. If developed, they could include the following:

- Specific aesthetic guidelines for noise attenuation fences
- A combination of soft and hard landscaped features (complementary landscaping)
- Complimentary palette of colors, material, forms, and motifs
- Location and placement (i.e. no further than 0.3 m from a lot line)
- Height regulations and articulation

Materials and Design

Typically if a Zoning Bylaw regulates fence material it is for the purpose of alleviating risk to members of the public by banning unsafe materials. Examples of materials banned in most urban environments include barbed wire, electrified fencing, or fences with spikes. In instances where fencing material is used to prevent intrusion (like barbed wire) the fence must be adequate height (8 ft) above the ground. Sometimes barbed wire must face away from the side of the fence that fronts on a sidewalk or other public way to prevent projections that might cause injury to members of the public.

Currently, the City has minimal regulations in the Zoning Bylaw with regard to fence materials and design. While the desire to control unattractive fences is in the best interest of the community, the City must ensure a fair and practical approach to the Zoning Bylaw that is not overly restrictive.

Deterioration fencing materials and non-uniform fencing styles may be challenging to regulate and mitigate through the Zoning Bylaw, but could be reviewed and addressed through the City of Port Alberni's Property Maintenance Bylaw.

Height Restrictions

One of the most common aspects of a fence or hedge to be regulated by a Zoning Bylaw is the permitted height (based on location in front, side, and rear yards). Across the different regulations that staff compared there is a high level of consistency with regards to height permitted in the front yard setback. Heights permitted within a rear yard setback vary from 1.8 m to 2.5 m. Fence heights permitted in the side yard setbacks of each community are typically harmonized with permitted heights in front and rear yard setbacks. The height of a fence permitted in a front yard is typically lower for safety purposes and to ensure a view to the property from the street.

The City of Port Alberni's Fence and Hedge height regulations are designed to accomplish the following benefits for the community as a whole:

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.
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.
4. Provide a community image and aesthetic that is supportive and attractive to those who wish to improve upon and invest in Port Alberni. Not all investment can be said to be healthy investment. Both the Official Community Plan and Strategic Plan recognize the power that an attractive image and aesthetic hold to attract healthy investment to the community.

In some municipalities, fences that have slats/openings/lattice large enough to create a certain amount of opaqueness may be permitted to a higher height. For example, the City of Victoria created a Fence Bylaw which states that:

(1) A fence that is constructed on a parcel of land that is zoned for other than residential use must not exceed a height of 1.83 m.

(2) Subsection (1) does not apply to a fence that (a) is constructed of wire, strands, vertical iron, 15.24 cm spaced pickets or lattice with

- (i) at least 75% open space in the fence design; and*
- (ii) a height not exceeding 2.13 m.*

If the City of Port Alberni decides to consider a similar approach the main objective should be to accommodate an increase in the height of a fence – within certain limits – if and only when a defined amount of open space/transparency (to be clearly defined in the Zoning Bylaw) is met. However, these types of openness provisions can be difficult to enforce and are not recommended by staff.

In addition to fences, the height of walls and hedges are regulated by the Zoning Bylaw because these obstructions are similar to fences. In Port Alberni hedge (and wall) heights appear to be regulated in a manner consistent with fence heights. This is similar in some communities, while other communities choose to regulate hedges within other bylaws (i.e. Property Maintenance Bylaws).

In Port Alberni, within a front yard setback, fence, hedge, and wall heights are regulated consistently to achieve the same objectives. It should be noted that only the height of a fence or a wall is regulated within the side and rear yard, meaning hedges can grow to whatever height if located in the side or rear yard. The City may wish to consider amending section 6.7.4 to include hedges. Section 6.7.4 currently states:

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.

Finally, with regards to height, the City may wish to further consider reviewing section 6.7.2 of the Zoning Bylaw which states that:

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.

The implications of this are that a retaining wall (also currently not regulated in height) can be built with a fence on top. The City of Vancouver provides us with one possible solution to consider:

Where a fence is erected or placed above a common boundary retaining wall or within 1.0 m of a common boundary retaining wall, the maximum permissible height of a fence shall be reduced by half the height of the retaining wall.

The City of Nanaimo defines a retaining wall as part of the fence itself, which consequentially regulates the height of the two things even when combined. The City of Powell River similarly defines the portion of a retaining wall which projects above the surface of the ground to be considered as part of a fence.

CONCLUSIONS:

It is common for local governments to regulate fences and hedges. Often fence regulations are created to serve both the property owner and the general public. Zoning bylaws usually specify height and sometimes detailed design criteria for fences. Fence height is an important consideration in municipal planning as it affects the visual character of a street, or can interfere with views, and limit visibility of a property. Front yard fence heights generally have to be low to maintain visibility, while rear yard and side yard fences are allowed to be slightly taller in height. Hedges are usually addressed in fence regulations, subject to setback and other restrictions, in addition to height.

When considering this matter, it is important to remember the primary purpose of the Zoning Bylaw, which is:

- For the City, it provides the regulations for land use and helps the community develop according to its values and goals, as contained in the Official Community Plan and other plans that have been adopted by Council.

- For Port Alberni residents, it provides a level of comfort about what types of activities (land uses) and structures (types of housing or other buildings) might occur in their neighbourhood.

Overall the current regulations for fences and hedges are consistent with most other communities, and meet the goals of the OCP. Minor amendments to the Zoning Bylaw could be considered to address the following matters:

- Restricting the height of fence on top of a retaining wall
- Restricting the height of hedges in rear yards

Another option that would need further consideration and review of the Zoning Bylaw would be to permit an increase in height to front yard fences if a certain level of openness is achieved, as is the approach the City of Victoria has taken with their Fence Bylaw.

The outstanding issue at this point in time is not that the City of Port Alberni's regulations are overly restrictive or unfair, but that we have not yet prioritized enforcement in effort to uphold and ensure compliance with the Zoning Bylaw.

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 amending section 6.7.2 and 6.7.4 of the Zoning Bylaw by removing the current text and adding the following:*

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. **Where a fence is erected or placed above a retaining wall or within 1 m of a retaining wall, the maximum permissible height of a fence shall be reduced by half the height of the retaining wall.***

6.7.4 *Fences, **hedges**, 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.*

Respectfully submitted,



Katelyn McDougall, M.Urb
Manager of Planning

Residential Fences and Hedge Heights Review									
Community	Height in Front Yard	Height in Rear Yard	Height in Flanking Side Yard	Site Triangle	Height permitted Inside Site Triangle	Ornamentation	Retaining Walls	Hedge Heights	Comments
Port Alberni	1.25 m (4.1 ft) in Front Setback	1.8 m (6.0 ft)	1.2 m - 1.8 m as permitted within FY and RY setbacks.	6.0 m	1.25 m (4.1 ft)	Included in fence height		As per permitted fence heights.	House Numbering Bylaw - Emergency Response requires visibility.
Nanaimo	1.2 m for most residential zones	2.4 m (8.0 ft)	1.2 m - 1.8 m as permitted within FY and RY setbacks.	7.0 m	1.2 m	Included in fence height	Regulated by fence height regs. Retaining wall ht is included in fence height. Railings are included in retaining wall height.	Heights of hedges / trees / landscaping are not applicable to fence height regulations	
Parksville	1.2 m in Front setback	2.5 m (8.2 ft)	1.2 m - 2.0 m as permitted within FY and RY setbacks.	6.0 m	0.5 m	Not specifically mentioned. Assumed included in fence height.			
Campbell River	1.2 m in Front setback	1.8 m (6.0 ft)	1.2 m - 1.8 m as permitted within FY and RY setbacks.	N/A	N/A	Not specifically mentioned. Assumed included in fence height.			Chain Link not permitted in Front Yard setback
Powell River	1.2 m in Front setback	2.0 m (6.6 ft)	1.2 m - 2.0 m as permitted within FY and RY setbacks.	3.0 m - line of vision as per bylaw	1.0 m	Not specifically mentioned. Assumed included in fence height.	Included in Fence Height	Regulated by Property Maintenance Bylaw - Must be trimmed and pruned.	
Victoria	1.22 m in Front setback	1.83 m (6.0 ft)	1.2 m - 1.83 m as permitted within FY and RY setbacks.	3.0 m - line of vision as per highway access bylaw	Not permitted	Not specifically mentioned. Assumed included in fence height.	Not mentioned in Fence bylaw	Not mentioned in Fence bylaw	Height not exceeding 2.13 m is permitted if fence design is at least 75% open space