

CITY OF PORT ALBERNI
PUBLIC HEARING AGENDA

Monday, April 8, 2019 at 6:30 pm in the City Hall Council Chambers

This Public Hearing is held pursuant to Sections 464, 465 and 466 of the *Local Government Act*.

Introductory Remarks by the Chair: The Chair of the Public Hearing will describe the Public Hearing procedures.

1. Description of the Application *(To be read by the Clerk)*

Applicant: City of Port Alberni

The applicant is applying to amend the Zoning Bylaw to make changes to the definition of 'Hedge'.

The proposed bylaw is:

"Zoning Text Amendment No.T18 (Hedges), Bylaw No. 4981"

2. Background Information from the City Planner report dated April 3, 2019

3. Correspondence

4. Late Correspondence Regarding the Matter *(To be read by the City Clerk)*

5. Input from the Public regarding the Bylaw

6. Questions from Council: *(Members of Council may ask questions, through the Chair, of the City Planner or of the members of the public who may have spoken.)*

7. Calling for any Further Input: (To be asked three times by the Chair.)

Calling for any further input a first time:

Calling for any further input a second time:

Calling for any further input a third time:

8. Closing Remarks by the Chair:

After this Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made at this Hearing. In most cases, the Report of this Hearing will be presented to the next Regular Meeting of Council, where Council will decide whether or not to proceed with approving the application by way of passing further readings of the Bylaw.

Once this Public Hearing has terminated, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived of as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

9. Termination of the Public Hearing:

It was moved and seconded:

That this Public Hearing terminate at _____ pm.



CITY OF PORT ALBERNI NOTICE OF PUBLIC HEARING

Pursuant to Sections 464, 465, and 466 of the Local Government Act, Notice is hereby given that a Public Hearing will be held in the Council Chambers at City Hall, 4850 Argyle Street, Port Alberni, BC on **Monday, April 8, 2019 at 6:30 pm** to hear representation about the following proposed bylaw.

A. "Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981"

APPLICANT: City of Port Alberni - The applicant is applying to amend the Zoning Bylaw to make changes to the definition of 'Hedge'. The amendment being considered is as follows:

A. Zoning Bylaw Text Amendment:

1. Applying to amend the text of Port Alberni Zoning Bylaw 2014, No. 4832 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."

TAKE NOTICE THAT persons who deem their interest in property affected by the above noted bylaw amendment shall be afforded an opportunity to be heard before Council on matters related thereto. Written submissions should be addressed to City Council, 4850 Argyle Street, Port Alberni, BC, V9Y 1V8. The above noted bylaw amendment, together with Port Alberni Zoning Bylaw 2014, No. 4832, may be inspected at the offices of the Planning Department, City Hall, 4850 Argyle St., between Monday and Friday (exclusive of statutory holidays) from March 27, 2019 to April 8, 2019 during regular business hours (8:30 a.m. to 4:30 p.m.).

To see the relevant report to the Advisory Planning Commission see:

https://www.portalberni.ca/sites/default/files/council_mtg/APC-Agenda-February21-2019b.pdf

To see recommendations to Council from the Advisory Planning Commission see:

https://www.portalberni.ca/sites/default/files/council_mtg/APC-SummaryMinutes-February21-2019.pdf

DATED AT PORT ALBERNI, B.C. this 27th day of March, 2019.

Katelyn McDougall, M. Urb., Manager of Planning



CITY OF PORT ALBERNI

PLANNING DEPARTMENT PUBLIC HEARING REPORT

TO: Tim Pley, CAO
FROM: Katelyn McDougall, Manager of Planning
DATE: April 3, 2019

SUBJECT: Text Amendment to Zoning Bylaw 4382 – to clarify for the definition of Hedge

Issue

At issue is the consideration of a text amendment to the Zoning Bylaw to modify the definition of 'Hedge' with additional wording to provide greater clarification.

Background

Staff have been asked to clarify the definition of hedge, as the current definition is fairly broad and open to interpretation. In order to more clearly define what a hedge is, staff has recommended "Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981" to amend the definition in the Zoning Bylaw 4382.

The amending bylaw will be the focus of a public hearing scheduled for April 8, 2019 at City Hall.

Discussion

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."

Status of the Application

At the February 21, 2019 meeting of the Advisory Planning Commission the following motions were carried:

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with the following text amendment to the Zoning Bylaw:*

- a) *"Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981"*

(McRuer / Douglas) CARRIED

At the March 25, 2019 regular meeting, City Council received and accepted the APC recommendations and gave 1st and 2nd reading to "*Zoning Text Amendment No. T18 (Hedges), Bylaw No. 4981*". It is now subject to public hearing, after which Council will have the opportunity to adopt, modify and adopt, or reject the proposed zoning amendment.

Conclusion

In considering the text amendment to the Zoning Bylaw, City Council should consider whether the proposed amendments are appropriate for clarifying the definition of 'Hedge' and if there may be any anticipated negative consequences that may result from the proposed change.

Respectfully submitted,



Katelyn McDougall, M.Urb
Manager of Planning

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 25TH DAY OF MARCH, 2019.

READ A SECOND TIME THIS 25TH DAY OF MARCH, 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