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**FROM:** BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ22-06  
**SUBJECT:** ZONING AMENDMENT BYLAW NO. 1310, 2022 – B&B’s vs. ADU’s **REPORT NO:** 22-93  
**ATTACHMENT(S):** APPENDIX A – DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1310, 2022

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Prior to the adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*, consideration should be given to the representations from the public hearing held on June 28, 2022.

**RECOMMENDATION(S):**

**THAT** Council give third reading to *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*; and,  
**THAT** Council adopt *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*.

**BACKGROUND:**

*District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022* (the “Bylaw”) received first and second reading at the May 31, 2022, Regular Council meeting and was referred to a Public Hearing. The required statutory notification was subsequently completed for a hearing held on June 28, 2022. Once a public hearing has been held and adjourned, Council is in a position to consider third reading of the Bylaw.

After the close of the public hearing, Council can consider third reading, and - because there are no conditions to be met between third reading and adoption - Council could thereafter also adopt the Bylaw (the Bylaw is attached in **Appendix “A”**).

**ANALYSIS OF OPTIONS**

The Bylaw proposes to shift the streamlined or “default” path of accessory uses on residential properties from short-term vacation rentals to expanded long-term housing options. In simple terms, secondary rental housing in Ucluelet has been losing ground to the expansion of the *Bed and Breakfast (“B&B”)* use brought about by the invention (in 2008) and increasing popularity of online vacation rental bookings. Adapting the zoning regulations is one step – and the most direct step - that Ucluelet can take to counterbalance changes in the cost and availability of housing brought about by the “AirBnB effect” on the community. This action is consistent with the policies adopted in the 2020 Official Community Plan and the recommendations of the *2021 Ucluelet Housing Needs Report*.

Alternatives include adding opportunities for more public discussion and input, making changes to the bylaw and/or abandoning the bylaw altogether. Implications for these alternatives are overviewed below.

Note that a separate companion bylaw, Zoning Amendment Bylaw No. 1311 – would establish a “B&B Overlay” for the continued operation of existing and in-stream B&B’s. Bylaw No. 1311 has not yet proceeded to a public hearing and is discussed in a separate report prepared for the June 29, 2022 agenda.

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| A | That Council discuss and consider the representations from the public received at the public hearing and give third reading to <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> , and consider adopting the bylaw thereafter. | <u>Pros</u>             | <ul style="list-style-type: none"> <li>Adopting Bylaw No. 1310 would update the zoning regulations to act on the policy of shifting the primary function of residential properties back to <i>housing</i>.</li> <li>Removing B&amp;B as a default secondary use in most single-family residential zones would slow the current trend of rapidly expanding B&amp;B use.</li> <li>Removing B&amp;B as a default secondary use in most single-family residential zones would slow the current trend of converting long-term housing in secondary suites into short-term vacation rentals.</li> <li>Adopting Bylaw No. 1310 would facilitate the creation of new accessory dwelling units in the form of detached cottages.</li> <li>Removing B&amp;B as an outright secondary use would provide an opportunity for neighbourhood input before new B&amp;B operations are approved in residential areas.</li> </ul> |
|   |  | <u>Cons</u>             | <ul style="list-style-type: none"> <li>Understandably, a number of property owners have expressed concern at what is perceived as a loss of the B&amp;B use.</li> </ul>   |
|   |  | <u>Implications</u>     | <ul style="list-style-type: none"> <li>Adopting Bylaw No. 1310 would adjust the Zoning Bylaw to reflect the community priority of creating more affordable and diverse housing opportunities.</li> </ul>  |
| B | That based on public input, Council not give third reading to <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> , at this time and direct changes to the bylaw and/or process as desired.                                      | <u>Pros</u>             | <ul style="list-style-type: none"> <li>Could enable more time for additional public discussion and input.</li> </ul>  |
|   |  | <u>Cons</u>             | <ul style="list-style-type: none"> <li>It would be unlikely that bylaw amendments to prioritize housing over expanded B&amp;B uses would be completed in this Council term.</li> </ul>  |
|   |  | <u>Suggested Motion</u> | <ul style="list-style-type: none"> <li>That Council, with regard to <i>Ucluelet Official Community Plan Bylaw No. 1306, 2022</i>, direct staff to [e.g., amend the bylaw / refer the bylaw to a CoW meeting, etc.] _____.</li> </ul>  |
| C | That Council abandon <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> .   | <u>Pros</u>             | <ul style="list-style-type: none"> <li>Would satisfy some current property owners.</li> </ul>   |
|   |  | <u>Cons</u>             | <ul style="list-style-type: none"> <li>Ongoing expansion of short-term vacation rentals on residential properties throughout town.</li> <li>Further erosion of the secondary rental housing base in Ucluelet.</li> <li>Further speculation and commercialization of residential properties, exacerbating the inflation of property values.</li> <li>ADU detached cottages would not be permitted as a secondary use in residential zones – owners wishing to</li> </ul>   |

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|--|--------------------------------|--|
|  |                                | <p>build a detached dwelling would still need to first apply for rezoning.</p> <ul style="list-style-type: none"> <li>• New B&amp;B operations could continue to be established in existing residential neighbourhoods with no opportunity for input from neighbours.</li> <li>• Would need to revisit OCP policies and goals for balancing tourist accommodation with adequate housing for Ucluelet residents.</li> <li>• Would need to revisit the long-term growth scenario analysis and the “Low(ish) Growth” pattern endorsed by Council in the OCP; all growth scenarios assumed that B&amp;B uses in residential areas would be capped and not continue expanding per the recent trend. Without a change in the existing regulations, the balance of housing vs. tourist accommodation would continue to worsen.</li> </ul> |
|  | <p><u>Suggested Motion</u></p> | <p>No motion required.</p>   |

**POLICY OR LEGISLATIVE IMPACTS:**

The adoption of *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022*, would enact changes within the existing single-family residential zones defined in *District of Ucluelet Zoning Bylaw No. 1160, 2013*, as amended. Adoption of the Bylaw would be consistent with the housing policies adopted in the 2020 OCP and would take action on the following resolutions from September 21, 2021:

1. *THAT Council adopt the following goals aimed at improving the availability and affordability of housing in the community:*
  - a. *prioritize long-term residential housing;*
  - b. *slow and contain the proliferation of short-term vacation rentals within residential neighbourhoods;*
  - c. *create opportunities for more diverse and new forms of housing, with a priority on more affordable forms of housing; and,*
  - d. *create opportunities for the development of new rental housing.*
2. *THAT Council direct staff to further explore regulatory and development strategies to action Council’s goals for addressing housing availability and affordability in the community.*

Should the current bylaw not proceed, staff will look for Council direction to explore alternative directions and next steps.

**Respectfully submitted:** BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING  
 JOHN TOWGOOD, MUNICIPAL PLANNER  
 DUANE LAWRENCE, CAO

**DISTRICT OF UCLUELET**

**Zoning Bylaw Amendment Bylaw No. 1310, 2022**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.

(Zoning amendments to replace *Bed & Breakfast* with *Accessory Residential Dwelling Unit* uses in most residential zones).

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**WHEREAS** Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

**1. Text Amendments:**

Schedule “B” of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- A. By replacing within Division 100 – Enactment and Interpretation, Section 103 Definitions the definition of *Accessory Residential Dwelling Unit* so that the new definition reads as follows:

“Accessory Residential Dwelling Unit” (“ADU”) means one *accessory building* used as a *dwelling unit* for *residential* purposes only, accessory to a *single family dwelling* on the same *lot*, and may be occupied by the property owners, their family members, caretakers, tenants or non-paying guests.”

- B. By amending Division 400 – Supplemental Regulations to make the following changes:

- i. within Section 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(2)(c) containing the following:

“(c) an *accessory residential dwelling unit* in a Zone that lists such as a permitted use.”

- ii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(1)(a) with the following:

“(a) in a *single family dwelling* on a lot identified in the B&B Overlay as set out in Schedule “D” ”

- iii. within Section 404 - Bed & Breakfasts by replacing subsection 404.1(2) with the following:
 

“(2) A maximum of three (3) guest rooms may be used for the *bed and breakfast* with a maximum occupancy of two (2) guests per room.”
- iv. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(6) containing the following:
 

“(6) A *bed and breakfast* must be administered by a permanent resident of the *single family dwelling* for whom the *single family dwelling* is their principal residence.”
- v. within Section 404 - Bed & Breakfasts by adding in alphanumerical order a new subsection 404.1(7) containing the following:
 

“(7) The gross floor area devoted to the *bed and breakfast* use must not exceed 35% of the habitable area of the *single family dwelling* in which it is located.”
- vi. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- vii. by adding a new Section 408 – Accessory Residential Dwelling Units in alphanumerical order containing the following:

**“408 ACCESSORY RESIDENTIAL DWELLING UNIT (ADU)**

408.1 Where a Zone specifically includes an *Accessory Residential Dwelling Unit* as a permitted secondary use, one *Accessory Residential Dwelling Unit* use is permitted if all the following conditions are satisfied for the establishment and continued use of the *Accessory Residential Dwelling Unit*.

- (1) *Accessory Residential Dwelling Units* are only permitted in the *Zones* where *single family dwelling* is listed as a *principal permitted use* and *Accessory Residential Dwelling Unit* is identified as a *secondary permitted use*.
- (2) The *gross floor area* of the *Accessory Residential Dwelling Unit* must not exceed 7% of the lot area to a maximum of 90 m<sup>2</sup>.
- (3) The *gross floor area* of the *Accessory Residential Dwelling Unit* can be excluded from the calculation of maximum size for accessory buildings in the regulations specific to each zone.
- (4) An *Accessory Residential Dwelling Unit* shall only be located to rear of a principal *single family dwelling*.

- (5) A minimum outdoor space equal to the gross floor area of the *Accessory Residential Dwelling Unit* shall be provided as a dedicated space for use by residents of the *Accessory Residential Dwelling Unit*.
- (6) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (7) A clear pathway with a minimum width of 1.0m shall be provided from the sidewalk or street to the front door of the *Accessory Residential Dwelling Unit*.
- (8) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.
- (9) An *Accessory Residential Dwelling Unit* is only permitted where the owner of the lot has registered a covenant under section 219 of the *Land Title Act* against the title of the lot, in favour of the District of Ucluelet and satisfactory in its form and priority of registration, providing that the *Accessory Residential Dwelling Unit* must not be subdivided from the lot containing the principal building, whether pursuant to the *Strata Property Act*, the *Land Title Act*, or otherwise.
- (10) Off-street parking must be provided in accordance with Division 500.
- (11) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (12) Despite subsection (1) *Accessory Residential Dwelling Units* are also permitted in some Industrial and Commercial zones according to the regulations of those zones.

408.2 In addition to minimum height requirements of other parts of this bylaw:

- (1) For an *Accessory Residential Dwelling Unit* whose roof pitch is equal to or greater than 3:12, the maximum height shall not exceed 4.2m.
- (2) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the maximum height shall not exceed 3.75m.
- (3) The height of an *Accessory Residential Dwelling Unit* may be increased by 0.3m vertical distance for every 0.6m increase in excess of the minimum setbacks established by this bylaw, to a maximum height of 6.5m.
- (4) For an *Accessory Residential Dwelling Unit* with flat roofs or roofs with a pitch less than 3:12, the area of a second floor shall be no greater than 60% of the total floor area beneath it.

408.3 For greater certainty, notwithstanding other provisions of this Bylaw, an *Accessory Residential Dwelling Unit* :

- (1) Must not contain a *home occupation* if the principal *single family dwelling* contains a *home occupation*.
- (2) Must not be established or operate on a property where the principal *single family dwelling* contains a *Secondary Suite*, or has been issued a business licence for a *Bed & Breakfast*.
- (3) Must not contain any type of *commercial tourist accommodation* use.
- (4) Must not be established or operate in addition to the maximum number of *dwelling units* in the form of *Guest Cottages* on a property in the GH – Guest House zone.”

C. By deleting “*Bed and Breakfast*” as a permitted secondary use from the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vi. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- vii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- viii. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]
- ix. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

D. By inserting “*Accessory Residential Dwelling Unit*” as a permitted secondary use into the list of permitted uses in the following subsections within the Zones:

- i. R-1.1.1.1(2)(a) [R-1 Single Family Residential]
- ii. R-2.1.1(2)(a) [R-2 Medium Density Residential]
- iii. R-4.1.1(2)(a) [R-4 Small Lot Single Family Residential]
- iv. RU-1.1(2)(b) [RU Rural Residential]
- v. GH-1.1(2)(b) [GH Guest House]
- vi. CD-1.1.1(2)(a) [CD-1 Eco-Industrial Park]
- vii. CD-2A.1.1(2)(a) [CD-2A Big Beach - District Lot 281]
- viii. CD-3A.1.1(2)(a) [CD-3A Rainforest - District Lot 282]
- ix. CD-5B.1.1(2)(a) [CD-5B Former Weyco Forest Lands – Development Area #2 Central Park]

- x. CD-5C.1.1(2)(a) [CD-5C Former Weyco Forest Lands – Development Area #3 Ocean West]

E. By deleting subsection R-1.1.1(3); and,

F. By deleting subsection CD-3A.1.1(3).

**2. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022”.

**READ A FIRST TIME** this **31st** day of **May** , 2022.

**READ A SECOND TIME** this **31st** day of **May** , 2022.

**PUBLIC HEARING** held this    day of    , 2022.

**READ A THIRD TIME** this    day of    , 2022.

**ADOPTED** this    day of    , 2022.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.”

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Mayco Noël  
Mayor

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Corporate Officer

**THE CORPORATE SEAL** of the  
District of Ucluelet was hereto  
affixed in the presence of:

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Corporate Officer