



REPORT TO COUNCIL

Council Meeting: August 2, 2022
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ22-06

SUBJECT: **BED & BREAKFASTS AND ACCESSORY RESIDENTIAL DWELLING UNITS—AMENDMENTS TO THE UCLUELET ZONING BYLAW AND BUSINESS REGULATION AND LICENSING BYLAW.** **REPORT NO:** 22- 110

ATTACHMENT(S): APPENDIX A – ZONING AMENDMENT BYLAW NO. 1310 , 2022 (WITH PROPOSED AMENDMENTS)
APPENDIX B - ZONING AMENDMENT BYLAW NO. 1310 , 2022 (WITH CHANGES TRACKED)
APPENDIX C – DRAFT UCLUELET BUSINESS REGULATION AND LICENSING BYLAW AMENDMENT BYLAW No. 1313, 2022

RECOMMENDATION(S):

1. **THAT** Council rescind second reading of *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022;*
2. **THAT** Council amend *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022,* to include the changes presented in staff report number 22-110 dated August 2, 2022;
3. **THAT** Council give second reading to *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022,* as amended;
4. **THAT** Council refer *District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022.,* to a public hearing;
5. **THAT** Council give first, second and third reading to *Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022;* and,
6. **THAT** Council direct staff to publish notice on the District website and in 2 issues of the Westerly news of the proposed *Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022,* and provide an opportunity for the public to make written representations or verbal comments to Council prior to adoption of the bylaw.

BACKGROUND:

After the public hearing held on June 28, 2022, and discussion in the Council meeting held June 29, 2022, Council resolved, *“THAT Council, with regard to Zoning Amendment Bylaw 1310, 2022, direct staff to amend the bylaw and refer the bylaw to a Committee of the Whole meeting.”* A Committee of the Whole meeting was held July 19, 2022, and the recommendations arising from that discussion were subsequently ratified by Council.

COUNCIL DIRECTION AND BYLAW CHANGES:

The Committee-of-the-Whole discussion helped clarify the desired direction on land uses allowed in single-family residential zones. The discussion differentiated between “traditional bed and breakfast (B&B)” uses (as a room or rooms within a home rented out to a vacationing guest and utilizing the main entrance to the home with a high interaction level between the guest and the owner) and a “Guest Suite” (as a vacation rental suite with a private entrance and requiring limited interaction between the owner and guest).

The discussion confirmed the following goals:

- Preserve traditional B&B use in residential areas and consider ways to slow or contain “Guest Suite” type uses in residential areas.
- Establish a balance between residential and tourist commercial accommodation in residential zones to prioritize residential uses and maintain the “Low-ish Growth Scenario”.
- Stop or slow the loss of existing long-term rental suites.
- Add ADUs as a permitted secondary use in residential zones.
- Limit the impact of B&Bs and/or accessory residential units on the public streetscape and the supply of public on-street parking.
- Provide a method of notifying neighbours when a business licence is being issued for commercial tourist accommodation in residential areas.

Council discussed and provided direction on a number of specific actions which can achieve the above goals. The following are key changes within the Zoning Bylaw and Business Regulation and Licensing Bylaw to put these into effect:

Zoning Bylaw:

1. Add new definitions to clarify what constitutes a “principal residence”.
2. Update the definition of *accessory residential dwelling unit* (ADU).
3. Replace the regulations for *bed and breakfast* uses with a new section containing the following key changes:
 - a. Clarify that the bed and breakfast must be located in the *principal residence* of the B&B operator.
 - b. Clarify a maximum of 3 bedrooms and maximum 2 guest per room.
 - c. Limit the area devoted to the *bed and breakfast* use to a maximum of 35% of the home.
 - d. Remove the ability for *bed and breakfast* rooms to have a kitchenette.
 - e. Require that a *bed and breakfast* use must not displace a *secondary suite*.
4. Allow that an ADU may be built in the front, rear or side yards of a property containing a single family dwelling.
5. Allow that an ADU may coexist on a property with a *secondary suite* or a B&B.
6. Allow that a *secondary suite* may coexist on a property with an ADU or a B&B.
7. Add a maximum width for new driveways connecting to the public road right-of-way, to maintain the potential for areas of uninterrupted public boulevard and on-street parking.

The *Ucluelet Zoning Amendment Bylaw No 1310, 2022*, has been amended to incorporate these changes. The updated bylaw can be found in **Appendix “A”**, and a version with all changes tracked and explanatory notes is found in **Appendix “B”**.

Business Regulation and Licensing Bylaw:

1. Add new definitions to clarify what constitutes a “principal residence” (mirroring the new definitions in the zoning bylaw).
2. Replace the definition of *bed and breakfast* to align with the definition in the zoning bylaw.
3. Add a new section specifying regulations for *bed and breakfast* uses:
 - a. Require that a B&B operate in the principal residence of the business owner and licence holder, and that the operator be present and available when the B&B has guests;
 - b. Make the *advertisement* of a B&B a business activity requiring a licence;
 - c. Require contact information for the B&B owner operator and, if applicable, an alternate adult operator who can be responsible for responding to inquiries;
 - d. Require that the B&B operator include in all online listings:
 - i. the valid Ucluelet business licence number.
 - ii. the number of off-street guest parking spaces available for each B&B room and a statement that is the maximum number of vehicles a guest is permitted to bring to the premises.
 - iii. the maximum permitted guest occupancy of the B&B pursuant to the zoning bylaw and the issued business licence.
 - e. Require that businesses with accommodation classification operating in residential areas (i.e., B&B’s, Guest Houses and Vacation Rentals) must display a sign complying with the District’s standard - in an exterior location near the property line and visible from the street (e.g., adjacent to the required civic address sign) - noting the business licence number, maximum occupancy, maximum number of guest vehicles and a contact number.
 - f. Require that businesses with accommodation classification operating in residential areas maintain a guest register;
 - g. Require a B&B operator to provide to the Licence Inspector upon request a copy of the guest register and booking records produced by each online listing platform;

A draft *Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*, is found in **Appendix “C”**, incorporating these changes.

The amendments to the *Business Regulation and Licensing Bylaw* include a new requirement for a small sign / decal posted where visible from the street as a mechanism to notify neighbours, provide basic information on the scale of permitted tourist accommodation, and provide the business phone number. This would provide a first point of contact in case there are questions or issues with the operation.

The new requirement for vacation rental businesses to include their business licence number in any online advertisements would aid in bylaw investigation and enforcement efforts.

Accessory Dwelling Unit (ADU) setbacks:

The updated Bylaw No. 1310 has removed any limitation of placing an ADU in the front or side yards of residential properties. The regular front yard setbacks would apply per the existing zoning. The side yard setback for an ADU would remain at a minimum of 3m.

Growth of Tourist Accommodation:

Bylaw Nos. 1310 and 1313 would leave the B&B use as an outright accessory use in most residential zones, with a maximum of 3 guest rooms. Council discussed whether to reduce the number of rooms permitted outright, and the majority appeared to support leaving it at the 3-room maximum. The continued allowance of 3-room B&B’s can be expected to result in a growing supply of tourist accommodation in

town. The future pace of this growth is unknown, and one option is to monitor whether the bylaw changes as drafted (if adopted) will have an effect on the tourist accommodation growth rate. The impact on town, and whether further changes are necessary, could be left for another day.

Alternatively, if Council wishes to slow the pace of tourist accommodation growth by reducing the maximum number of B&B rooms, that could be achieved by amending the 3-room maximum written in Bylaw Nos. 1310 and 1313 before consideration of further readings.

“Housekeeping” items:

Two items have been identified to clean up the bylaws in question:

1. In the zoning bylaw, section 403.1(5) states that a business licence is required in order to “register” a secondary suite. The schedule of business licence fees in the business licensing bylaw does not contain a fee for a secondary suite business licence, and staff can find no record of a business licence ever being issued for any of the existing secondary suites in town. Staff consider section 403.1(5) an obsolete requirement; the revised Bylaw No. 1310 would delete this subsection.
2. *Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*, as amended, contains reference to dates which have been superseded by Council direction. The business licence period for the past several years has been May 1st to April 30th of the following year. The deletion of sections 4.1(c), 4.1(d) and 5.2 – and the amendment of section 7.1 – would bring the bylaw into alignment with the District’s practices. The deletion of Schedule ‘A’ reflects that the business licence fees are now located in the Fees and Charges bylaw. The proposed amendment Bylaw No. 1313 includes these changes.

OPTIONS:

A	<p>That Council give second reading to the revised version of the bylaw and send <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i>, to a public hearing, and give three readings to <i>Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022</i>.</p>	<u>Pros</u>	<ul style="list-style-type: none"> • The changes drafted in Bylaw No. 1310 would update the zoning regulations to slow the recent pattern of commercialization of residential properties and the creation of guest suites. • Bylaw No. 1310 would facilitate the creation of new accessory dwelling units in the form of detached cottages. • Bylaw No. 1313 would assist in monitoring and enforcement of B&Bs, and also provide a means of identifying at the street front where B&Bs are licensed in a neighbourhood. • The bylaws would require that a B&B be operated in the principal residence of the business owner.
		<u>Cons</u>	<ul style="list-style-type: none"> • At some point would need to revisit OCP policies, goals and strategies for balancing tourist accommodation with adequate housing for Ucluelet residents. • 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&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 may continue to worsen.
	<u>Implications</u>	<ul style="list-style-type: none"> Adopting Bylaw No. 1310 would adjust the Zoning Bylaw to reflect the community priority of creating more affordable and diverse housing opportunities.
B	That Council make further amendments to the zoning bylaw and/or business licensing bylaw as desired.	<u>Pros</u> <ul style="list-style-type: none"> Could align with Council direction. If Council has a clear idea of changes it would like to see, they can be made as the item is being considered by Council.
		<u>Cons</u> <ul style="list-style-type: none"> If amendments need to be referred back to staff, it would be difficult for bylaw amendments to be completed in this Council term.
		<u>Suggested Motion</u> <ul style="list-style-type: none"> That Council, with regard to [<i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i>], or [<i>Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022</i>] change _____.
C	That Council abandon <i>District of Ucluelet Zoning Amendment Bylaw No. 1310, 2022</i> .	<u>Pros</u> <ul style="list-style-type: none"> Would satisfy some current property owners.
		<u>Cons</u> <ul style="list-style-type: none"> Ongoing expansion of short-term vacation rentals on residential properties throughout town. Further erosion of the secondary rental housing base in Ucluelet. Further speculation and commercialization of residential properties, exacerbating the inflation of property values. ADU detached cottages would not be permitted as a secondary use in residential zones – owners wishing to build a detached dwelling would still need to first apply for rezoning. New B&B operations could continue to be established in existing residential neighbourhoods. Would need to revisit OCP policies and goals for balancing tourist accommodation with adequate housing for Ucluelet residents. 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&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.
		<u>Suggested Motion</u> <ul style="list-style-type: none"> No motion required.

NEXT STEPS:

The *Zoning Amendment Bylaw No. 1310, 2022*, has previously been the subject of a public hearing. If amendments are desired, another public hearing would be required.

If Council is considering adopting amendments to the *Business Regulation and Licencing Bylaw*, as laid out in Bylaw No. 1313, it should give notice and provide a means for public input prior to adopting the bylaw. The form of notice is at Council's discretion.

Respectfully submitted:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING
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).

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, *residential rental tenure* tenants or non-paying guests."

- B. By adding within Division 100 – Enactment and Interpretation, Section 103 Definitions the following in alphabetical order:

"Principal Residence – Non-Property Owner" means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills;

"Principal Residence – Property Owner" means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant;

C. 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 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(3) containing the following:

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

- iii. by replacing Section 404 - Bed & Breakfasts with the following:

“404 BED & BREAKFASTS

404.1 One *bed and breakfast* use is permitted within a *single family dwelling* if all the following conditions are satisfied for the establishment and continued use and operation of the *bed and breakfast*:

- (1) *Bed and Breakfasts* are only permitted:
 - (a) in the Zones where *single family dwelling* is listed as a *principal permitted use* and *bed and breakfast* is identified as a *secondary permitted use*;
 - (b) *accessory* to a permanent *residential* use and must be administered by an occupant of the *single family dwelling* for whom the *single family dwelling* is their *principal residence*;
 - (c) within one *single family dwelling* per lot; and
 - (d) within a *building* and on a *lot* that does not include a *Daycare Centre* or a *Community Care Facility*.
- (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.
- (3) 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.
- (4) The area designated for *Bed and Breakfast* use (including *guest rooms* and any common room provided outside of the *residential* occupant’s personal area) must not contain the following:

- (a) Cooking facilities or appliances, with the exception of a kettle and/or coffee maker;
- (b) 220-volt supply which could be used for larger appliances;
- (c) Refrigerators in excess of 5.0 cubic feet capacity
- (5) A valid District of Ucluelet Business Licence is required in order to register a *bed and breakfast*.
- (6) Off-street parking must be provided in accordance with Division 500.
- (7) Consistent with a traditional bed and breakfast use a *bed and breakfast* use must include a minimum service of a continental breakfast.
- (8) A *bed and breakfast* use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes.
- (9) Any exterior door to rooms used for *bed and breakfast* uses must not be utilized as the principal entrance and exit to the *bed and breakfast* use.
- (10) A *bed and breakfast* use is an integral part of the home and must not have a separated or locked-off common area.

404.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;
- (4) must not be located in an *accessory residential dwelling unit*, in a *secondary suite* or in the area of a *single family dwelling* which was formerly a *secondary suite*.

404.3 *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo* or other *commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;

(4) must not be located in an *accessory residential dwelling unit*, in a *secondary suite* or in the area of a *single family dwelling* which was formerly a *secondary suite*.”

- iv. within Section 405 – Guest Houses and Guest Cottages by deleting “*accessory residential dwelling unit*” from subsection 405.3(3); and,
- v. 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 m².
- (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) 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*.
- (5) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (6) 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*.
- (7) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.

- (8) 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.
- (9) Off-street parking must be provided in accordance with Division 500.
- (10) An *Accessory Residential Dwelling Unit* must be located a minimum of 3m from any lot line and a minimum 4m from the principal dwelling.
- (11) 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 contain any type of *commercial tourist accommodation* use.

(3) 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.”

D. By amending Division 500 – Off-Street Parking to make the following changes:

i. within Section 504 – Off-Street Parking Design Standards by adding in alphanumeric order a new subsection 504.7 containing the following:

“504.7 Off-street parking areas on a lot serving Single Family Dwelling, Duplex Dwelling, Secondary Suite, Accessory Dwelling Unit and/or Bed & Breakfast uses shall be accessed by no more than two driveways from a public road with a maximum total combined driveway crossing width at property line of 7m, except for a corner lot which may be accessed by no more than one driveway from each of the fronting and flanking streets, with maximum driveway crossing widths at property line of 7m and 3m, respectively.”

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

F. By deleting subsection R-1.1.1(3);

G. By deleting subsection CD-3A.1.1(3); and,

H. By deleting subsection 403.1(5).

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 **28th** day of **June** , 2022.

SECOND READING RESCINDED this day of , 2022.

AMENDED this day of , 2022.

READ A SECOND TIME AS AMENDED this day of , 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.”

Mayco Noël
Mayor

Corporate Officer

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

Corporate Officer

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).

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, residential rental tenure tenants or non-paying guests."

- B. By adding within Division 100 – Enactment and Interpretation, Section 103 Definitions the following in alphabetical order:

"Principal Residence – Non-Property Owner" means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills;

“Principal Residence – Property Owner” means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant;

C. 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 401 - Accessory Buildings and Structures by adding in alphanumerical order a new subsection 401.4(3) containing the following:

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

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

“404 BED & BREAKFASTS

404.1 One bed and breakfast use is permitted within a single family dwelling if all the following conditions are satisfied for the establishment and continued use and operation of the bed and breakfast:

- (1) Bed and Breakfasts are only permitted:

- (a) in the Zones where single family dwelling is listed as a principal permitted use and bed and breakfast is identified as a secondary permitted use;
- (b) accessory to a permanent residential use and must be administered by an occupant of the single family dwelling for whom the single family dwelling is their principal residence;
- (c) within one single family dwelling per lot; and
- (d) within a building and on a lot that does not include a Daycare Centre or a Community Care Facility.

- (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.

- (3) 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.

Commented [BG1]: This would allow an ADU to be located on the water side of a waterfront through-lot property.

Commented [BG2]: This would allow an ADU to be located in the front yard of a property.

- (4) The area designated for *Bed and Breakfast* use (including *guest rooms* and any common room provided outside of the *residential occupant's personal area*) must not contain the following:
 - (a) Cooking facilities or appliances, with the exception of a kettle and/or coffee maker;
 - (b) 220-volt supply which could be used for larger appliances;
 - (c) Refrigerators in excess of 5.0 cubic feet capacity
- (5) A valid District of Ucluelet Business Licence is required in order to register a *bed and breakfast*.
- (6) Off-street parking must be provided in accordance with Division 500.
- (7) Consistent with a traditional *bed and breakfast* use a *bed and breakfast* use must include a minimum service of a continental breakfast.
- (8) A *bed and breakfast* use must be accessed from the main entry of the home in which it operates, and cannot operate remotely utilizing coded entry locks and/or key lock boxes.
- (9) Any exterior door to rooms used for *bed and breakfast* uses must not be utilized as the principal entrance and exit to the *bed and breakfast* use.
- (10) A *bed and breakfast* use is an integral part of the home and must not have a separated or locked-off common area.

404.2 For greater certainty, notwithstanding other provisions of this Bylaw, *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo or other commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and
- (3) must not be combined with or located, in whole or in part, in a *duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building*;
- (4) must not be located in an *accessory residential dwelling unit, in a secondary suite or in the area of a single family dwelling which was formerly a secondary suite*.

404.3 *Bed and Breakfasts*:

- (1) must not be combined with *Guest House, Vacation Rentals, Resort Condo or other commercial tourist accommodation*;
- (2) must not be combined with *Guest Cottage* use unless *guest cottage* is a specifically permitted use for the *Zone* in which the *Bed & Breakfast* is located; and

- (3) must not be combined with or located, in whole or in part, in a duplex, multiple family residential building, mixed commercial/residential building, or mixed industrial/residential building;
- (4) must not be located in an accessory residential dwelling unit, in a secondary suite or in the area of a single family dwelling which was formerly a secondary suite.

(5) "

~~"(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.iv.~~ within Section 405 – Guest Houses and Guest Cottages by deleting "accessory residential dwelling unit" from subsection 405.3(3); and,

vii.v. 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*.

Commented [BG3]: This would allow a guest house operator to also have an ADU or, if they have a guest cabin they could choose to rent it out as an ADU.

- (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 m².
- (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*.~~
- (4) 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*.
- (5) An *Accessory Residential Dwelling Unit* must not have more than 2 bedrooms.
- (6) 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*.
- (7) Cantilevered balconies are not permitted on the interior side or rear faces of an *Accessory Residential Dwelling Unit*.
- (8) 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.
- (9) Off-street parking must be provided in accordance with Division 500.
- (10) 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)~~(11) 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)~~(2) Must not contain any type of *commercial tourist accommodation* use.
- ~~(4)~~(3) 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.”

~~B. 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 amending Division 500 – Off-Street Parking to make the following changes:

- i. within Section 504 – Off-Street Parking Design Standards by adding in alphanumerical order a new subsection 504.7 containing the following:

“504.7 Off-street parking areas on a lot serving Single Family Dwelling, Duplex Dwelling, Secondary Suite, Accessory Dwelling Unit and/or Bed & Breakfast uses shall be accessed by no more than two driveways from a public road with a maximum total combined driveway crossing width at property line of 7m, except for a corner lot which may be accessed by no more than one driveway from each of the fronting and flanking streets, with maximum driveway crossing widths at property line of 7m and 3m, respectively.”

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

- ~~x.i.~~ R-1.1.1.1(2)(~~da~~) [R-1 Single Family Residential]
- ~~xi.ii.~~ R-2.1.1(2)(~~da~~) [R-2 Medium Density Residential]
- ~~xii.iii.~~ R-4.1.1(2)(~~da~~) [R-4 Small Lot Single Family Residential]
- ~~xiii.iv.~~ RU-1.1(2)(~~eb~~) [RU Rural Residential]
- ~~xiv.v.~~ GH-1.1(2)(b) [GH Guest House]
- ~~xv.vi.~~ CD-1.1.1(2)(~~da~~) [CD-1 Eco-Industrial Park]
- ~~xvi.vii.~~ CD-2A.1.1(2)(~~da~~) [CD-2A Big Beach - District Lot 281]
- ~~xvii.viii.~~ CD-3A.1.1(2)(~~da~~) [CD-3A Rainforest - District Lot 282]
- ~~xviii.ix.~~ CD-5B.1.1(2)(~~da~~) [CD-5B Former Weyco Forest Lands - Development Area #2 Central Park]
- ~~xix.x.~~ CD-5C.1.1(2)(~~ca~~) [CD-5C Former Weyco Forest Lands - Development Area #3 Ocean West]

C.F. By deleting subsection R-1.1.1(3); ~~and~~,

G. By deleting subsection CD-3A.1.1(3); ~~and~~.

D.H. By deleting subsection 403.1(5).

Commented [BG4]: R-1.1.1(3) lists previous site-specific approvals authorizing an ADU and would no longer be necessary.

Commented [BG5]: Similarly this subsection was for a site-specific ADU approval.

Commented [BG6]: 403.1(5) currently states that “a valid District of Ucluelet Business Licence is required in order to register a secondary suite”. This is obsolete.

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 **28th** day of **June** , 2022.

~~**SECOND READING RESCINDED** this day of , 2022.~~

~~**AMENDED** this day of , 2022.~~

~~**READ A SECOND TIME AS AMENDED** this day of , 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."

Mayco Noël
Mayor

Corporate Officer

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

Corporate Officer

DISTRICT OF UCLUELET

Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022

A bylaw to amend the "The District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003".

(Amendments to Bed and Breakfast business regulations)

WHEREAS the Council of the District of Ucluelet, has adopted the *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*;

AND WHEREAS Council has deemed it desirable to amend the *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*;

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

The *District of Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*, as amended, is hereby further amended by:

1. Text Amendment:

- A. In Section 1 - Interpretation -replace the definition of "Bed & Breakfast" with the following:
 - a. **"Bed & Breakfast"** or **"B&B"** means the accessory use of a single family dwelling where up to a maximum of three bedrooms are used or designated for use as guest rooms, provided in accordance with Section 404 of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended from time to time."
- B. In Section 1 - Interpretation - add the following definitions in appropriate alphabetical order:
 - a. **"Principal Residence – Non-Property Owner"** means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills."

b. **“Principal Residence – Property Owner”** means the dwelling where an individual lives and is the property where the person claims the provincial home owner grant.”

C. In Section 4 – Fees – replace subsections 4.1.a and 4.1.b with the following:

“

1. a) All new applications for business licences shall be accompanied by the applicable application fee in the District of Ucluelet’s Fees and Charges Bylaw 922, 2003, as amended or replaced from time to time.;
- b) All new applications and renewals shall be accompanied by the applicable licence fee in the District of Ucluelet’s Fees and Charges Bylaw 922, 2003, as amended or replaced from time to time.”

D. In Section 4 – Fees – delete subsections 4.1.c and 4.1.d.

E. In Section 5 – Licenses – delete subsection 5.2.

F. In Section 7 – Periods for Licenses – replace subsection 7.1 with the following:

“1. Licenses shall be issued for the period from May 1st to April 30th of the following year.”

G. In Section 10 – Accommodation Classifications – delete subsection 10.2.

H. In Section 10 – Accommodation Classifications – add the following subsection 6:

“6. Bed & Breakfast accommodations:

- 6.1 A requirement of this Bylaw pertaining to Bed & Breakfasts does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- 6.2 An owner may not hold more than one (1) Bed & Breakfast licence.
- 6.3 No person shall operate a Bed & Breakfast unless the premises can be demonstrated to be that person’s Principal Residence - Non-Property Owner (in the instance where the operator does not own the property) or Principle Residence - Property Owner (in the instance where the operator does own the property).
- 6.4 Notwithstanding the requirements of Section 6.3, if the operator is the property owner, it is the first year of home ownership and home ownership occurred after the property tax deadline date, the operator must demonstrate Principle Residence - Non-Property Owner.
- 6.5 No person shall operate a Bed & Breakfast without a valid and subsisting licence.
- 6.6 No person shall offer or advertise a Bed & Breakfast without a valid licence in respect of such Bed & Breakfast.
- 6.7 Bed & Breakfasts are subject to inspection by a Licence Inspector once every three (3) years, whether or not the B&B has been continuously licensed during that period. At the discretion of the Building Official, the

inspection required at the time of initial application may be waived if the subject property has been subject to a full inspection under a Building Permit within the previous three years.

- 6.8 Any person making an application for a Bed & Breakfast Licence shall at the time of making such application, in addition to the general requirements under this Bylaw, provide:
- a. proof of ownership of the premises from which the B&B will be operated;
 - b. proof of Principal Residence – Non-Property-Owner or proof of Principal Residence – Property Owner, whichever is applicable, unless exempt under section 6.4;
 - c. contact information for the business operator and consent to allow this contact information to be made publicly available, including on-line and to guests of the B&B;
- 6.9 The operator of a B&B must remain available to respond to inquiries or problems raised by guests by phone within 15 minutes and in person within 6 hours;
- 6.10 In considering an application for a Bed & Breakfast, the Licence Inspector may:
- a. consider whether a B&B licence held by the applicant has been revoked in the preceding two (2) licence periods; and
 - b. require an inspection of the premises from which the B&B will be operated notwithstanding that, a Licence Inspector may grant approval of the application without an inspection subject to the condition that if upon subsequent inspection, the B&B fails to comply with the requirements of this Bylaw, the Licence Inspector shall suspend or cancel the licence.”

- I. In Section 10 – Accommodation Classifications – add the following subsection 7:

“7. Advertising Accommodations

- 7.1 Every online advertisement for a *Bed & Breakfast, Vacation Rental or Guest House* must disclose, in respect of the accommodation being advertised:
- a. a valid Ucluelet business licence number;
 - b. the number of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the tourist accommodation business are permitted to bring to the premises; and
 - c. the maximum permitted guest-occupancy applicable to the tourist accommodation business, pursuant to the Zoning Bylaw.
- 7.2 The Licence holder for a *Bed & Breakfast, Vacation Rental or Guest House* is responsible to display a licence sign conforming to the standard provided by the District in an exterior location near the property line and visible from the street (e.g., adjacent to the required civic address sign) showing:
- a. the business licence number;
 - b. maximum occupancy;
 - c. maximum number of guest vehicles; and,

d. a contact number for the licence holder / operator of the tourist accommodation.

J. In Section 10 – Accommodation Classifications – add the following subsection 8:

“8. Guest Bookings

8.1 Every person carrying on the business of a *Bed & Breakfast, Vacation Rental or Guest House* must provide to the District upon request, booking records as produced directly from each online listing platform used to advertise the licensed premises in the current calendar year, on any day of the year between the hours of 8:00 am and 8:00 pm.”

K. In Schedule “A” – Application and Licence Fees – delete schedule ‘A’ in its entirety.

2. Effective Date:

- A. This Bylaw comes into force and effect on the date it is adopted by the District of Ucluelet Council.
- B. Notwithstanding 2.A, the provisions of subsections **10.7 Advertising Accommodations** and **10.8 Guest Registry** come into force on May 1, 2023.

3. Citation:

This bylaw may be cited as “*District of Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022*”.

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

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

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

PUBLIC NOTICE GIVEN in the , **2022** and , **2022** issues of *The Westerly News*

ADOPTED this day of , **2022.**

CERTIFIED A TRUE AND CORRECT COPY of “*District of Ucluelet Business Regulation and Licensing Bylaw Amendment Bylaw No. 1313, 2022.*”

Mayco Noël
Mayor

Deputy Corporate Officer

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

Deputy Corporate Officer