

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: April 14, 2025

TO: Mayor and Council

FROM: Anne Berry, Director, Planning and Development Services

SUBJECT: White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]

RECOMMENDATION(S)

THAT Council:

1. Receive the Corporate Report dated April 14, 2025, from the Director of Planning and Development Services, titled "White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]";
 2. Give the first three readings to "White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]"; and
 3. Waive the Public Hearing requirement in accordance with Section 464(2) and 467 of the *Local Government Act* for "White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]".
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EXECUTIVE SUMMARY

Council adopted Zoning Bylaw No. 2506 on June 27, 2024, to incorporate Small Scale Multi Unit Housing regulations for the City of White Rock, as required by Provincial Legislation. Through the implementation of Zoning Bylaw 2506 the need for refinement has been identified. Those refinements are the purpose of this report to Council.

INTRODUCTION/BACKGROUND

Council adopted Zoning Bylaw No. 2506 on June 27, 2024, to incorporate Small Scale Multi Unit Housing regulations for the City of White Rock, as required by Provincial Legislation. It is normal after large amendments to zoning bylaws to bring forward to Council amendments within the first year from the adoption of the zoning bylaw after a time of implementation. Putting the bylaw into practice helps identify gaps and areas of concern to the community and allows staff to assess what works well and what does not.

Following implementation of the bylaw, staff received feedback regarding the challenges within definitions and terminology, the lack of the ability to develop in a financially sustainable model, and the desire to re-implement certain types of floor area exclusions.

Through the implementation of Zoning Bylaw 2506 the need for several refinements to the bylaw have been identified, particularly as this bylaw was developed within a mandated timeline that did not provide the typical review process for zoning bylaw preparation.

While it is not possible to revert to all of the regulations that existed in the former pre-SSMUH zoning requirements, this feedback has been taken under consideration, and a number of refinements have been prepared, including the following:

Bylaw Section	Highlights of Changes
Definitions	<p><u>New Definitions – (Appendix A)</u></p> <ul style="list-style-type: none"> ▪ Bedroom ▪ Cooking facility ▪ Crawlspace ▪ Height ceiling ▪ Localized depression ▪ Party Wall ▪ Preparation cooking facility, residential ▪ Rowhouse residential building ▪ Semi-detached residential building ▪ Window Well <p><u>Rationale</u></p> <p>The proposed new definitions are to accompany refinements to the zones that contain Small Scale Multi Unit Housing (SSMUH). In addition, there are new definitions based on feedback from staff and applicants use of the zoning bylaw.</p> <p><u>Refinements of Existing Definitions – (Appendix A)</u></p> <ul style="list-style-type: none"> ▪ Accessory Dwelling Unit ▪ Ancillary Building ▪ Basement ▪ Dwelling Unit ▪ House-plex ▪ Residential gross floor area ▪ Structure <p><u>Rationale</u></p> <p>The proposed amendments to existing definitions are to address refinements to zones that contain Small Scale Multi Unit Housing (SSMUH). In addition, there are refinements to definitions based on feedback from staff and applicants use of the zoning bylaw.</p> <p><u>Deletions – (Appendix A)</u></p> <ul style="list-style-type: none"> ▪ Habitable Room

	<p><u>Rationale</u></p> <p>The removal of “habitable room” is proposed to reflect ongoing conflicts within the zoning bylaw as well as reflect the refinements to zones that contain Small Scale Multi Unit Housing (SSMUH).</p>
<p>General Regulations</p>	<ul style="list-style-type: none"> ▪ Amendment to floor area ratio calculation to remove the words non habitable basement. ▪ New regulation to prohibit the projection of mechanical equipment into any required setback. ▪ New regulation that states residential ceiling heights that exceed 5m will be considered as two floors; therefore, it will be included in calculating residential gross floor area. ▪ Housekeeping to include semi-detached residential structures and rowhouse residential structures within the general regulations. ▪ Housekeeping to reflect Council direction to remove 15053 Marine Drive as a permitted property for the sale of Cannabis, as well as change the number of cannabis stores from three (3) to two (2) for the issuance of temporary use permit. <p><u>Rationale</u></p> <p>The proposed amendments to general regulations are to address refinements to zones that contain Small Scale Multi Unit Housing (SSMUH). In addition, there are also refinements based on feedback from staff and applicants use of the zoning bylaw.</p>
<p>RS-1 SSMUH Residential Zone</p> <p><u>Rationale</u></p> <p>The proposed amendments to the RS-1 SSMUH Residential Zone will facilitate the inclusion of semi-detached residential building and rowhouse residential buildings. These two new permitted principal uses are a result of several elements:</p> <ul style="list-style-type: none"> ▪ Feedback from developers that this form of development is the typology that fulfill the market requirements. It 	<ul style="list-style-type: none"> ▪ Update to principal permitted uses, which includes the following: <ul style="list-style-type: none"> - One-unit residential must have a minimum parcel size of 742m². - Basements in House-plex are prohibited if the house-plex contains two dwelling units or less. There is a minimum parcel size required for a house-plex of 742m². - Addition of semi-detached residential building. - Addition of rowhouse residential building. ▪ Accessory Uses <ul style="list-style-type: none"> - Refinements to accessory uses. - Inclusions of semi-detached residential building and rowhouse residential building and the accessory uses permitted with them. ▪ Subdivision – minimum standards

<p>has benefits for phased building and financing.</p> <ul style="list-style-type: none"> ▪ Provide additional opportunities to support the 20 year housing number requirements from the <i>Interim Housing Needs Report</i> (2025). ▪ This form of development fulfills the Provincial legislation for SSMUH. In addition, Canadian Housing and Mortgage Corporation (CMHC) has develop “The Housing Design Catalogue” that supports these two additional housing choices. <p>The proposed changes to accessory uses are to streamline the permitted uses and refine the permitted uses based on staff use of these provisions.</p> <p>The inclusion of additional subdivision requirements is to facilitate the subdivision of semi-detached residential buildings and rowhouse residential buildings.</p>	<ul style="list-style-type: none"> - Update requirements for one-unit residential use and house-plex. - Include requirements for semi-detached residential building and rowhouse residential building. <ul style="list-style-type: none"> ▪ Maximum Lot Coverage <ul style="list-style-type: none"> - Updates include lot coverage for semi-detached residential building use and rowhouse residential building uses. ▪ Maximum density per lot <ul style="list-style-type: none"> - Updated to reflect the inclusion of semi-detached residential building and rowhouse residential building. ▪ Siting Requirements <ul style="list-style-type: none"> - New siting requirements for semi-detached residential building and rowhouse residential building and ancillary buildings, structures or accessory dwelling units to those principal uses.
<p>RS-2 SSMUH Residential Zone</p> <p><u>Rationale</u></p> <p>The proposed amendments to the RS-2 SSMUH Residential Zone will facilitate the inclusion of semi-detached residential building and rowhouse residential buildings. These two new permitted principal uses are a result of several elements:</p> <ul style="list-style-type: none"> ▪ Feedback from developers that this form of development is the 	<ul style="list-style-type: none"> ▪ Update to principal permitted uses which includes the following: <ul style="list-style-type: none"> - Addition of semi-detached residential building. - Addition of rowhouse residential building. ▪ Accessory Uses <ul style="list-style-type: none"> - Refinements to accessory uses. - Inclusions of semi-detached residential building and rowhouse residential building and the accessory uses permitted with them. ▪ Subdivision – minimum standards

<p>typology that fulfill the market requirements. It has benefits for phased building and financing.</p> <ul style="list-style-type: none"> ▪ Provide additional opportunities to support the 20 year housing number requirements from the <i>Interim Housing Needs Report (2025)</i>. ▪ This form of development fulfills the Provincial legislation for SSMUH. In addition, Canadian Housing and Mortgage Corporation (CMHC) has develop “The Housing Design Catalogue” that supports these two additional housing choices. <p>The proposed changes to accessory uses are to streamline the permitted uses and refine the permitted uses based on staff use of these provisions.</p> <p>The inclusion of additional subdivision requirements is to facilitate the subdivision of semi-detached residential buildings and rowhouse residential buildings.</p>	<ul style="list-style-type: none"> - Update requirements for one-unit residential use and house-plex. - Include requirements for semi-detached residential building and rowhouse residential building. <ul style="list-style-type: none"> ▪ Maximum Lot Coverage <ul style="list-style-type: none"> - Updates include lot coverage for semi-detached residential building use and rowhouse residential building uses. ▪ Maximum density per lot <ul style="list-style-type: none"> - Updated to reflect the inclusion of semi-detached residential building and rowhouse residential building. ▪ Siting Requirements <p>New siting requirements for semi-detached residential building and rowhouse residential building and ancillary buildings, structures or accessory dwelling units to those principal uses.</p>
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Some of the proposed amendments to the Zoning Bylaw will provide the opportunity for the subdivision of land to build several forms of residential development to support SSMUH. Staff have been in dialogue with development applicants that are supportive of the proposed changes and are waiting to proceed with their developments pending the outcome of the recommendations in this report. These amendments to the zoning bylaw were not incorporated in the first phase of SSMUH as there was insufficient time for staff to review the requirements to facilitate the requirements for subdivision.

Staff also heard some of the exemptions to residential gross floor area were confusing and unclear. In light of this, staff have clarified these exemptions including the removal of habitable and non-habitable basements. Also, new maximum residential gross floor area exemptions are being re-introduced for the following:

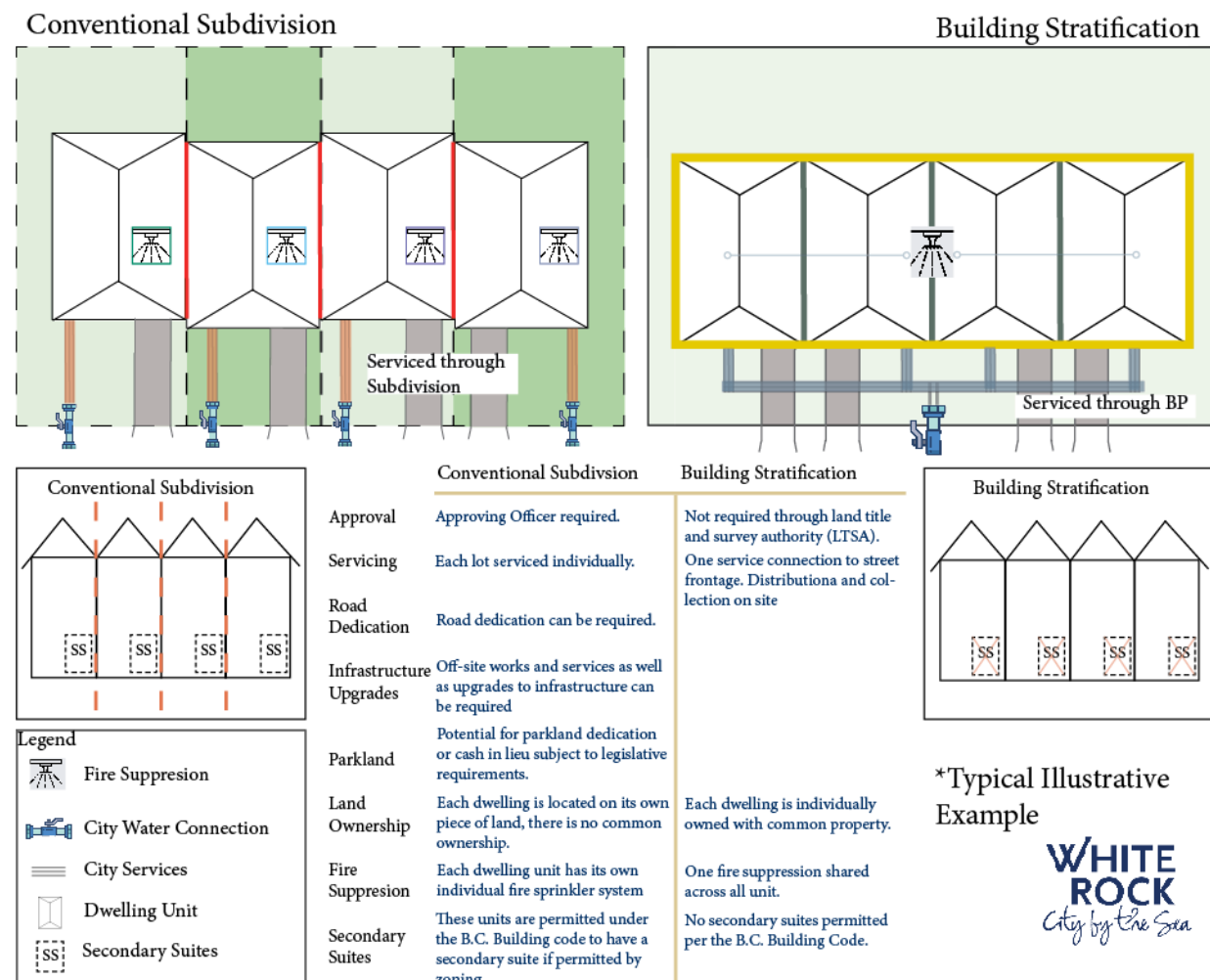
- carports or garages up to 46.5m².
- stairwells up to 13m².
- covered patios and decks up to 37m².

These changes will provide more flexibility in building design than the current bylaw allows.

Additionally, the proposed changes to the zoning bylaw will provide the same form of subdivision that is predominant in the city. Conventional subdivision for multi-unit buildings, by the way of introduction of party wall agreements, is a recommended amendment to the bylaw. This form of subdivision will allow developers to build homes in a gradual fashion to meet the needs of the community. The diagram below illustrates how applying conventional subdivision mechanisms could look on a typical lot, and the subsequent text provides Council an overview of the difference between building strata and conventional subdivisions. A major drawback for building strata is that secondary suites are not permitted per the BC Building Code, therefore staff have recommended conventional subdivision (party wall agreement) as an alternative approach.

The other amendments to the zoning bylaw are general housekeeping amendments. The draft bylaw is attached to this report as Appendix A.

Subdivision - types



In a strata subdivision ... “there are “two essential elements” that make up the legal conception of a strata property: “first, the division of property into units, to be individually owned, and common elements, to be owned in common by the owners of the units; and, second, an administrative framework to enable the owners to manage the property.” At the heart of the strata-property concept is an attempt to accommodate individual ownership within a collective, multi-unit structure.”¹ This method of subdivision can create conflict, as noted in outcomes from the Civil Resolution Tribunal that mediates strata disputes. Two-unit residential units (Duplex) may appear to look like one-unit residential houses rather than multi-unit building; however, like any other strata development, the owners of each of the shared property have shared responsibilities. With only two units, each decision must be unanimous. Coming to a unanimous decision does not always occur so important decisions such as repair and maintenance of their shared building end up in the Civil Resolution Tribunal. It does not matter how big or small the strata it is governed by the Strat Property Act, Standard Bylaws and Regulations.

With a conventional subdivision with either a zero property line or a party wall agreement, there is no shared ownership of the building or property. The maintenance of each of the buildings is

¹ British Columbia Law Institute, Report on Strata Property Law: Phase One, British Columbia Law Institute, 2012 CanLIIDocs 366, <<https://canlii.ca/t/sg1t>>, retrieved on 2025-03-21

the same as single family home. In cases where there is a party wall agreement, the roles and responsibilities are detailed within the agreement. If there are any issues with respect to the party wall, the agreement will have detailed the process to resolve any issues.

The *Provincial Policy Manual* for SSMUH notes that Local Governments should be aware that mandating certain tenure types through regulations may diminish the viability of some SSMUH projects. Prior to the proposed amendments, the City's bylaw did not contemplate any form of individual ownership of units in a SSMUH development. The introduction of the changes in the draft bylaw is intended to improve the feasibility of construction of SSMUH development by allowing multiple legal titles.

LEGAL IMPLICATIONS

It was mandatory that the City achieve compliance with the province's requirements for regulation implementation and bylaw updates no later than June 30, 2024 for SSMUH, which the City did. Typically, by legislation, local governments cannot enact new zoning regulations that do not comply with the Official Community Plan (OCP) (LGA s. 478 (2)). However, zoning bylaw updates required to ensure that the City is in compliance with the SSMUH legislation are excluded from the provisions of s. 478 of the LGA until December 31, 2025. The proposed changes to the zoning bylaw further support SSMUH legislation; therefore, if any inconsistencies exist with the OCP the City has until December 31, 2025 to eliminate any inconsistencies. This time line is also in keeping with the City's target to complete the update to the OCP.

Council has the authority under the *Local Government Act* to amend zoning bylaws without the approval of the landowner whose land may be affected by the zoning change. Section 458 of the *Local Government Act* does not require Council to provide compensation to the property owner (see expert below) from the *Local Government Act*, Section 458:

Limit on compensation

458 (1) *Compensation is not payable to any person for any reduction in the value of that person's interest in land, or for any loss or damages that result from any of the following:*

(b) the adoption of a bylaw under

(i) Division 5 [Zoning Bylaws];²

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

The *Local Government Act* removed the requirement for local governments to hold public hearings for zoning bylaw amendments that are consistent with the Official Community Plan (OCP). Council can waive the requirement of the Public Hearing in accordance with the *Local Government Act* Sections 464(2) and 467. Council is prohibited from holding a Public Hearing for SSMUH regulations implementation

Prior to Council considering the proposed new zoning bylaw for first reading, public notification was posted on the City of White Rock website and in the newspaper. A notice of Council consideration was prepared stating that the draft Zoning Bylaw will be considered for readings, which was advertised in the April 3 and 10 editions of the Peace Arch News.. Accordingly, a Public hearing will not be held for the zoning amending Bylaw No. 2506 , Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments] unless Council directs otherwise.

² [Local Government Act](#)

ALIGNMENT WITH STRATEGIC PRIORITIES

The proposed changes to the zoning bylaw will contribute to the creation of more housing as well as a variety of housing options within the City.

ALTERNATIVES

The following alternative options are available for Council's consideration:

1. Defer consideration of "White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]" pending further direction from Council.
2. Reject consideration of "White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]".

CONCLUSION

This report proposes several Zoning Bylaw housekeeping amendments, which include refinements to the Definition Section and the inclusion of Semi-detached and Rowhouse Residential. The proposed housekeeping updates to Zoning Bylaw, 2024, No. 2506, are expected to make the interpretation of the zoning bylaw simpler for the users and provide a variety of housing options, including the possibility to include secondary suites within Semi-detached and Rowhouse Residential dwelling units.

Respectfully submitted,

Reviewed by,



Wendy Cooper, M.Sc., MCIP, RPP
Planner

Neethu Syam
Planning Lead

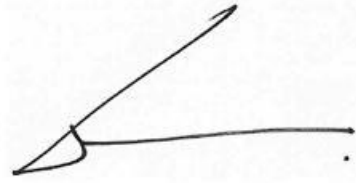
Reviewed and Approved by,



Anne Berry, MCIP, RPP
Director, Planning and Development Services

Comments from the Chief Administrative Officer

I concur with the recommendation(s) of this corporate report.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Draft “White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 3, 2024, No. 2517 [Housekeeping Amendments]”