

THE CORPORATION OF THE CITY OF WHITE ROCK

BYLAW NO. 1892

A BYLAW OF THE CITY OF WHITE ROCK TO AMEND “THE CORPORATION OF THE CITY OF WHITE ROCK OFFICIAL COMMUNITY PLAN BYLAW NO. 1837, 2008”

WHEREAS pursuant to Part 26, Division 2 of the *Local Government Act* in relation to Official Community Plans, the Council of the City of White Rock is empowered to establish objectives and policies to guide decisions on planning and land use management;

AND WHEREAS a Public hearing was held in accordance with the *Local Government Act*, and notice of such Hearing has been given as required;

NOW THEREFORE the Council of the City of White Rock, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as “**Official Community Plan Amendment No. 3, 2009, No. 1892**”.
2. That Chapter 3 Land Use, sub-section 3.3 Development Permit Areas, second paragraph, be deleted and replaced as follows:
Schedule D, Development Permit Areas, illustrates the Development Permit Areas in White Rock and *Appendix A: Development Permit Guidelines* includes the development permit area guidelines. Also included, on a separate map schedule, is *Schedule H, Environmental Development Permit Areas*. Associated development permit area guidelines are included at the end of *Appendix A: Development Permit Guidelines* under the sub-heading *Environmental Development Permit Guidelines*.
3. That Chapter 4 Environment, sub-section 4.2, Goals and Policies, Overall Goal, be amended by adding two new bullet points, after the last bullet point, as follows:
 - preserve and protect mature, healthy trees in the community, including those trees in the identified Significant Stands of Trees and Ravine Land Areas
 - preserve and protect watercourses and associated riparian areas in accordance with the Riparian Area Regulations
4. That Chapter 4 Environment, sub-section 4.2, Goals and Policies, Goals and Policies, be amended by adding a new goal and policy as follows:

To Preserve and Protect Mature, Healthy Trees

4.2.22 The City will seek to preserve and protect mature, healthy trees throughout the City, including the identified Ravine Lands and lands with Significant Stands of Trees, by requiring the preservation of mature, healthy trees as a primary objective on redevelopment sites, and by establishing the identified Ravine Lands and lands with Significant Stands of Trees as designated development permit areas. The intent is to ensure that mature, healthy trees are not cut or damaged to accommodate development projects; rather, that development projects are encouraged to design their projects with the specific intent of preserving and protecting healthy and mature trees on the development site.

5. That Chapter 5 Housing, sub-section 5.1, Overview, be amended by adding a new sub-heading, after the sub-heading Special Needs Housing, as follows:

Residential Infill Housing

Residential Infill is defined as the introduction of new housing into existing neighbourhoods. An infill project can take the form of a single family dwelling, residential conversion, attached, or a multiple family dwelling form of housing. It can also occur in a variety of locations, including small vacant lots, lots which have previously been divided off through subdivision, on underdeveloped sites or transitional sites between different land uses, on large irregular sites, or sites with difficult topographical constraints.

To ensure compatibility with existing neighbourhoods, all development proposals for rezoning, development permit and subdivision shall consider the goals and policies of sub-section 5.2.11 below.

6. That Chapter 5 Housing, sub-section 5.2 Goals and Policies, Goals and Policies, be amended by adding a new goal and policy as follows:

To ensure that residential infill housing is compatible with existing neighbourhood areas

5.2.11 On all development proposals for rezoning, development permit and subdivision, the City will consider the following:

- The density of the project in relation to overall densities, and the transition of those densities in the surrounding area;
- The design and character of the project in relation to the overall character of the surrounding area;
- The retention of special site features, significant stands of trees, mature landscaping, and view corridors;
- The delineation of open space, landscaping and edge treatment at site boundaries, providing transitional buffers as required from existing housing in an area;
- Whether the development would be fulfilling a desired housing need in the community;

- Whether the development serves to revitalize or assist with desired renewal of the area for which it is proposed;
- Whether opportunities exist to provide accessibility or pedestrian connection to adjacent pedestrian networks and natural areas; and,
- The servicing capacity and design standards for the area.

Single lot proposals will be discouraged unless the proposal is consistent with the existing or emerging lot configuration and zoning pattern of the immediately surrounding neighbourhood.

7. That Appendix A Development Permit Guidelines, Development Permit Area Guidelines, be amended by deleting the first three paragraphs and replacing them as follows:

Guidelines for designated Development Permit Areas are intended to protect and enhance the quality of the natural and built environment and to promote a 'West Coast or Sea Side Village' building vernacular reflective of White Rock's history and setting. This architectural style can, and has been, interpreted in many different forms with the primary intent to "be designed with nature to blend with the environment". Typical design elements include sloped roofs, large exposed wood beams or rafters and large windows.

Development Permit Areas are identified on *Schedule D, Development Permit Areas* and *Schedule H, Environmental Development Permit Areas*. This section describes the conditions that must be met prior to a Development Permit being issued. Some guidelines apply to all areas, while some guidelines are specific to a certain Development Permit Area.

In addition, all parcels of land within the City which are zoned RT-1 (Two Unit Family Residential) according to the *White Rock Zoning Bylaw, 1999, No. 1591, as amended*, and permitting a two-unit residential use are herein defined as "intensive residential development" and designated as Development Permit Areas pursuant to Section 919.1(1)(e) of the *Local Government Act*. Further, all lands zoned to permit and proposed to be developed for Special Needs Housing, including "personal care use" and "assisted living/multiple-unit residential use" are also defined as "intensive residential development" and designated as Development Permit Areas pursuant to Section 919.1(1)(e) of the *Local Government Act*. The Development Permit Area Guidelines Applicable to All Areas, supplemented by the City's *Duplex Design Guidelines (April 1997)* for RT-1 zoned lands, also apply.

The following are exempt from the development permit application approval process:

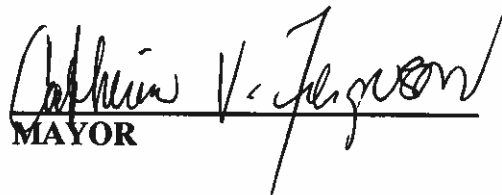
- Minor renovations or alterations where the renovation or alteration concerns less than 20% of the façade of an existing building, and no other alterations;
 - Renovations, alterations and/or additions to an existing building that increase the value of the improvements by less than 30%;
 - An addition (attached or detached), exclusive of other renovations, alterations or demolitions, and consisting of less than 55 square metres (592 square feet) floor area; and/or
 - Applications for signs only.
8. That Appendix A Development Permit Guidelines, Development Permit Guidelines Applicable to All Areas, Section 1 Form and Character, be amended by deleting sub-section 1.a) and replacing as follows:
- a. Building design should take into consideration the surrounding physical environment and the character, scale and form of other nearby buildings. The preservation of mature, healthy trees shall be a primary objective prior to the establishment of the building envelope area.
9. That Appendix A Development Permit Guidelines, Development Permit Guidelines Applicable to All Areas, Section 1 Form and Character, be amended by adding new sub-sections 1.h) to 1.u) as follows:
- h. Materials should be durable and able to maintain their appearance in the local climate;
 - i. The use of green building materials is strongly encouraged;
 - j. Natural materials are preferred as the dominant cladding materials and may include: wood siding or shingles, brick, rock or stone, exposed heavy timbers, steel, slab or poured concrete. Other materials will be considered but are not recommended;
 - k. Stucco is not recommended as a cladding material and will only be considered where natural colours are used and where strong wooden elements or materials with a wooden appearance, such as fibre cement siding are also used;
 - l. Existing stucco storefronts are encouraged to undertake façade improvements to reflect the desired west coast village vernacular. Improvements can include: the addition of paint, decorative natural wood elements, awnings, etc.
 - m. Rich natural tones which reflect the natural landscape and seascape should be the predominant colours used with brighter colours used only as accents;
 - n. Extensive use of windows / glass is encouraged;
 - o. Green roofs, roof decks or roof gardens are encouraged provided that they can be accommodated within the permitted maximum height requirements of the City's Zoning Bylaw;
 - p. Sloped or pitched roof forms are recommended;

- q. Flat roofs are not recommended but may be considered where careful attention is given to soffit design, edge treatments, and where a green roof or rooftop deck or garden are proposed;
 - r. Generous roof overhangs are encouraged for weather protection and to add articulation to the building mass;
 - s. Recommended roofing materials include: cedar shingles, shakes, clay or concrete tiles, slate shingles and asphalt shingles;
 - t. Built up roofing (e.g. tar and gravel), corrugated asbestos cement sheet, sheet metal shingle and glass fibre roofing panels are discouraged;
 - u. Articulated fenestration and the layering of materials are encouraged to create texture.
10. That Appendix A Development Permit Guidelines, Development Permit Guidelines Applicable to All Areas, Section 3 Landscaping, be amended by adding a new sub-section 3.a) as follows, and re-numbering sub-sections 3.a) to 3.f) accordingly as 3.b) to 3.g):
- a. Applicants will be required to submit a site assessment report by a certified arborist to identify all mature, healthy trees, with the objective of preserving as many mature, healthy trees as possible and incorporating them into the overall landscape plan.
11. That Appendix A Development Permit Guidelines, Development Permit Guidelines Applicable to All Areas, Section 3 Landscaping, be amended by adding new sub-sections 3.h) to 3.k) as follows:
- h. Stone or natural appearing retaining walls are preferred to interlocking block or plain concrete walls;
 - i. Native species and drought-resistant species are recommended;
 - j. Naturescape principles should be incorporated into the overall landscape design;
 - k. The incorporation of public art is encouraged in both the public and private realm which is reflective of the local landscape and heritage.
12. That Appendix A Development Permit Guidelines, Development Permit Guidelines Applicable to All Areas, be amended by adding a new section and sub-sections as follows:
- 4. Signage**
- a. Canopies and awning should respect the desired west coast village vernacular and the general character of canopies on surrounding buildings;
 - b. Signage should reflect the desired west coast village vernacular through the use of natural materials.(use of marine, heritage or other appropriate motifs deleted)
13. That Appendix A Development Permit Guidelines, Development Permit Area 1 – Town Centre, 1st sentence, be deleted and replaced as follows:
“Designated as a Development Permit Area pursuant to Sections 919.1 (1) (d) and (f) of the *Local Government Act*.”

14. That Appendix A Development Permit Guidelines, Development Permit Area 2 – Hospital Street, Section 1 Form and Character, be amended by deleting sub-section 1.p) and re-numbering 1.q) and 1.r) accordingly as 1.p) and 1.q)
15. That Appendix A Development Permit Guidelines, Development Permit Area 3 – Apartment Area, Section 1 Form and Character, be amended by deleting sub-section 1.h) and replacing as follows:
 - h. The architectural style of buildings should reflect their planned use.
Building architecture should be detailed and articulated to be interesting when viewed at close range by pedestrians.
16. That Appendix A Development Permit Guidelines, Development Permit Area 4 – Lower Town Centre, 1st sentence, be deleted and replaced as follows:
“Designated as a Development Permit Area pursuant to Sections 919.1 (1) (d) and (f) of the *Local Government Act*.”
17. That Appendix A Development Permit Guidelines, Development Permit Area 6 – Stayte Road Centre, Section 1 Form and Character, be amended by deleting sub-section 1.j) and replacing as follows:
 - j. The architectural style of buildings should reflect their planned use.
Building architecture should be detailed and articulated to be interesting when viewed at close range by pedestrians.
18. That Appendix A Development Permit Guidelines, Development Permit Area 7 – Waterfront Business Area (East & West Beach), 1st sentence, be deleted and replaced as follows:
“Designated as a Development Permit Area pursuant to Sections 919.1 (1) (d) and (f) of the *Local Government Act*.”
19. That Appendix A Development Permit Guidelines, Development Permit Area 7 – Waterfront Business Area (East & West Beach), Section 1 Form and Character, be amended by deleting sub-section 1.c) and re-numbering sub-sections 1.d) to 1.m) accordingly as 1.c) to 1.l).
20. That Appendix A Development Permit Guidelines, Development Permit Area Guidelines, Development Permit Area 7 – Waterfront Business Area (East & West Beach), Section 1 Form and Character, be amended by deleting sub-section 1.g) and replacing as follows:
 - g. The architectural style of buildings should reflect their planned use.
Building architecture should be detailed and articulated to be interesting when viewed at close range by pedestrians.
21. That Appendix A Development Permit Guidelines, Development Permit Area 8 – Waterfront Apartment Area, Section 1 Form and Character, be amended by deleting

- sub-section 1.d) and re-numbering sub-sections 1.e) to 1.w) accordingly as 1.d) to 1.v).
22. That Appendix A Development Permit Guidelines, Development Permit Area 8 – Waterfront Apartment Area, section 1. Form and Character, be amended by deleting sub-section 1.f) and replacing as follows:
- f. The architectural style of buildings should reflect their planning use.
Building architecture should be detailed and articulated to be interesting when viewed at close range by pedestrians.
23. That Appendix A Development Permit Guidelines, be amended by adding a new set of guidelines entitled ‘Environmental Development Permit Area Guidelines’, after Development Permit Area Guidelines, Development Permit Area 8 – Waterfront Apartment Area, included as ‘Schedule 1’ to this bylaw.
24. That a new ‘Schedule H – Environmental Development Permit Areas’, included as ‘Schedule 2’ to this bylaw, be added after Schedule G – Environmentally Sensitive & Hazardous Areas.

RECEIVED FIRST READING on the	27 th day of	July, 2009
RECEIVED SECOND READING on the	27 th day of	July, 2009
A PUBLIC HEARING was held on the	21 st day of	September, 2009
RECEIVED THIRD READING on the	5 th day of	October, 2009
RECONSIDERED AND FINALLY ADOPTED on the	5 th day of	October, 2009


MAYOR


CITY CLERK

SCHEDULE 1

Environmental Development Permit Area Guidelines:

Pursuant to Section 919.1 (1) (a) and (b) of the *Local Government Act*, the lands identified on *Schedule H, Environmental Development Permit Areas* are designated as Development Permit Areas.

These areas are identified as follows:

- i) floodplain areas
- ii) areas within the Riparian Assessment Area of an identified watercourse and associated drainage in accordance with the Riparian Areas Regulation
- iii) areas identified as Ravine Lands and lands having Significant Stands of Trees

Exemptions:

The following activities occurring in an Environmental Development Permit Area shall be exempt from the development permit application process:

- 1) Emergencies – all actions to resolve emergency situation must be reported to the Municipal Operations and Development Services departments, and the appropriate Federal / Provincial authorities immediately. Procedures to prevent, control or reduce flooding, erosion or other immediate threats to life, public or private property, do not require a City of White Rock development permit, including:
 - a. Emergency actions for flood protection, erosion protection and clearing of obstructions;
 - b. Emergency works to prevent, repair or replace public utilities;
 - c. Clearing of an obstruction from a culvert or drainage flow;
 - d. Repairs to safety fences;
 - e. Hazardous trees – actions required to completely or partially remove a hazardous condition caused by a tree that presents a danger to the safety of persons or are likely to damage public or private property, as determined by a qualified environmental professional (QEP). The City of White Rock will require a tree cutting permit be applied for prior to removal in areas identified as having a significant stand of trees or as ravine lands.
- 2) Public Works & Services – the construction, repair and maintenance of works by the City or its authorized agents and contractors are exempt from the formal development approval process, but, for Riparian Assessment Areas, only when the works are completed in accordance with the assessments and recommendations of a QEP in accordance with the Riparian Areas Regulation assessments.
- 3) Re-establishment of the setback area by planting vegetation in Riparian Assessment Areas.
- 4) Removal of invasive non-native vegetation does not require a development permit provided that a streamside management plan prepared by a QEP is submitted to

the City of White Rock and that replanting is provided i.e. in Riparian Assessment Areas.

- 5) Existing approved developments, including previously approved development permits or variances still in effect that were approved prior to adoption of these policies. Modifications to these permits or variances may necessitate re-application.

Development Permit Guidelines for Floodplain Areas:

The purpose of designating these areas as Development Permit Areas is to minimize property damage and health hazards in areas identified as having the potential for flood risk.

Development within the areas identified as 'floodplain' on *Schedule H, Environmental Development Permit Areas* shall be in accordance with the following guidelines:

1. All buildings for residential occupancy shall require the underside of the floor system for habitable space to be above the identified flood levels. All other development, including floor space ancillary to residential occupancies (such as parking areas or storage rooms), and floor space for commercial occupancies, may be permitted below to identified flood levels, provided that:
 - a. All electrical or mechanical equipment must be located above the identified flood levels unless a qualified engineer has confirmed that they may be safely located below the identified flood level; and,
 - b. The applicant offers and enters into a covenant under Section 219 of the Land Title Act and agrees to save harmless the City of White Rock in the event of damage to good and materials by flood waters.
2. The requirements for development permit may be waived provided that applicants agree to construct in compliance with the recommended flood elevation requirements and the requirements of item #1 above. Otherwise, a minor development permit will be required to ensure that building foundations are designed by the qualified professional engineer. Applicants for a minor development permit in 'floodplain' areas will be required to submit the following:
 - a. A report certified by a professional engineer or geoscientist experienced in geotechnical and structural engineering indicating that the land may be used safely for the use intended. Where this report has been received, development permit requirements in sub-section 1 may be waived and a building permit issued on the condition that all construction be completed strictly in accordance with the recommendations of the report.
3. Site-specific exemptions may be considered for repairs and minor alterations to existing buildings and structures, including minor additions which increase the building footprint by less than 25% or relocate habitable areas above the calculated flood level.

4. To avoid duplication of application requirements, development permit applications may be combined where overlap occurs with other development permit requirements.

Development Permit Guidelines for Watercourses:

The purpose of designating these areas as Development Permit Areas is to ensure that the City has the information necessary to evaluate proposals and establish conditions on development in order to protect and enhance riparian areas adjacent to streams and watercourses that provide water and nutrients downstream.

Development, as defined in *Appendix B*, within the areas identified as ‘watercourses and 30m strips’ on *Schedule H, Environmental Development Permit Areas* shall be in accordance with the following guidelines:

1. The City will require the submission of a site assessment report prepared by a qualified environmental professional (QEP), as defined in *Appendix B* and in the Provincial Riparian Area Regulations, acting on behalf of the owner or their authorized agent. This report shall include the following:
 - a. Information on eco-system conditions;
 - b. Significant aquatic and terrestrial environment features in relation to the proposed development; and,
 - c. Design alternatives and mitigation options that have been considered for the development site.

Development in these areas will only be permitted to proceed if a QEP carries out an assessment as described above and certifies that he or she is qualified to carry out the assessment, that the assessment methods as described in the Riparian Area Regulations have been followed, and provides their professional opinion that:

- a. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area; or,
- b. If the streamside protection and enhancement areas identified in the report are protected from the development through measures identified in the report as necessary to protect the integrity of those areas from the effects of development, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area; and,
- c. The Ministry of Water, Land and Air Protection and Fisheries and Oceans Canada have been notified and have confirmed that they have received a copy of the assessment report; and,
- d. Fisheries and Oceans Canada have confirmed that they will authorize the harmful alteration, disruption or destruction of natural features, function and conditions that support fish life processes in the riparian assessment area that will result from the implementation of the proposed development.

2. The distance that development will be setback from a watercourse / ravine will be determined through the results of the required QEP report as outlined in sub-section 1.
3. The City will require the submission of a tree protection plan prepared by a certified arborist including a tree survey and tree protection / replacement plan. Retention of mature, healthy trees as well as native vegetation and ground cover shall be included for these areas. Planting of native vegetation within the riparian setback area should also be provided to ensure the protection, restoration and enhancement of fish habitat as well as the mitigation of drainage and erosion impacts. Prior to planting of vegetation in these areas, a vegetation management plan must be prepared to a professional standard to the acceptance of the City.
4. Adequate financial security, as determined by the City of White Rock, should be provided prior to any development occurring within these areas. The value of the financial security should be equal to the amount required to pay for the costs of re-vegetating and replacing trees in the riparian area that has been disturbed by the development, as determined by the City of White Rock, in the event that the riparian area is damaged as a consequence of a contravention of a condition contained within the development permit. To assist in determining this value, the City will require the submission of a cost estimate of the landscaping work prepared by a qualified professional.
5. In extenuating circumstances, the City may require that adequate public liability insurance be provided, with the City of White Rock as an “additional named insured” in the amount of \$2,000,000.00. A copy of the certificate must be presented to the City upon demand.
6. Certification from a professional engineer or geoscientist experienced in geotechnical engineering indicating that the land may be used safely for the use intended will be required and may necessitate the registration of a restrictive covenant pursuant to Section 219 of the Land Title Act.
7. Discharge of storm water shall not negatively impact adjacent water quality. Diverted storm water collection and discharge systems require provision of grease, oil, hydrocarbon, and sedimentation removal facilities and on-going maintenance of these facilities. Such systems shall be engineered to the satisfaction of the City. Innovative designs and techniques that are consistent with the most current Stormwater Management Plan and/or design standards that maximize groundwater recharge are encouraged.
8. Where a net benefit for fish habitat can be demonstrated, the City may consider proposals to enhance fish habitat including in-stream works or the creation of wetland areas, as part of alternative design options for development projects.

Approval of these projects may be subject to approval from applicable provincial and federal government authorities.

9. The City will require the submission of a proposal for the management of sediment during construction, which shall be subject to review and approval by the City prior to commencement of any development, and must show how the adjacent watercourses and associated drainages will be protected from the affects of unmitigated construction or land clearing activities. All erosion control must be in accordance with the recommendations of the required QEP report as outlined in sub-section 1.
10. The City may require the submission of a plan detailing satisfactory building envelopes exclusive of and setback requirements or existing / proposed rights-of-way, easements and restrictive covenants. The results of this plan may necessitate the registration of a restrictive covenant pursuant to Section 219 of the Land Title Act.
11. Building profiles should follow the natural topography with as little change as possible to accommodate construction.

Development Permit Guidelines for Ravine Lands and lands with Significant Stand of Trees:

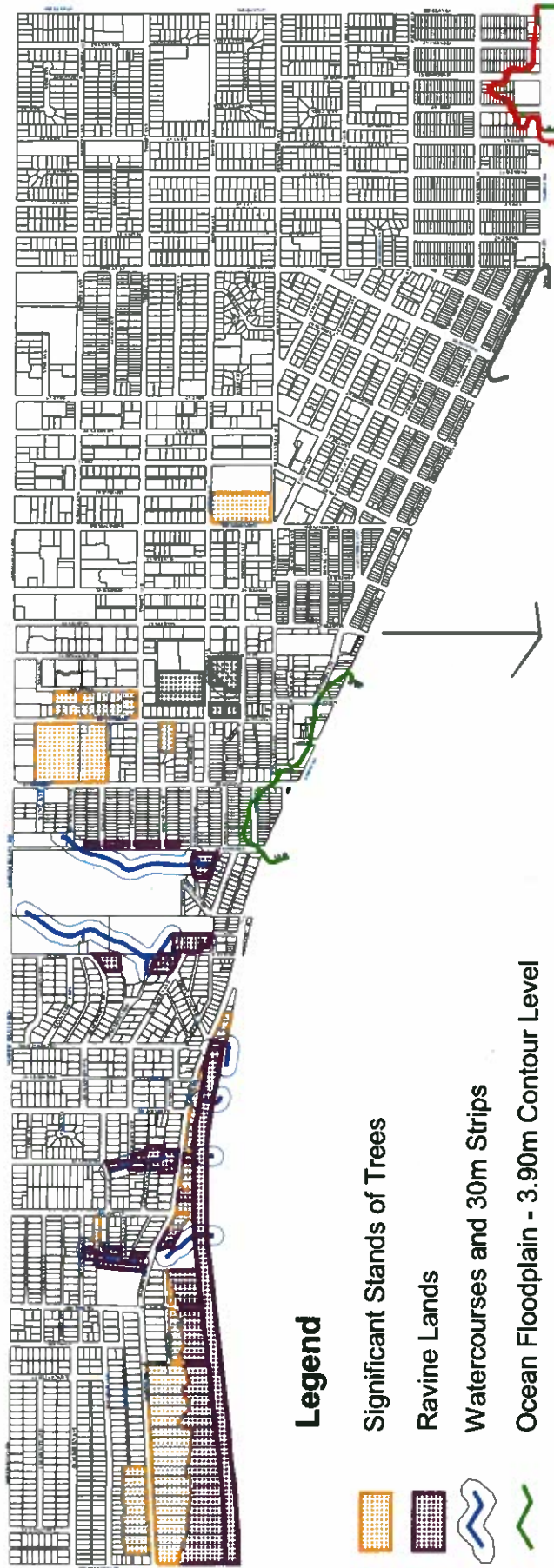
The purpose of designating these areas as Development Permit Areas is to ensure the protection of healthy, mature stands of trees which are recognized for the important function they serve for the local eco-system. It is also intended to ensure that the City has the information necessary to evaluate proposals and establish conditions on development in order to preserve and protect the ravine lands and the significant stands of healthy, mature trees.

Development within the areas identified as ‘ravine lands’ and lands with ‘significant stand of trees’ on *Schedule H, Environmental Development Permit Areas* shall be in accordance with the following guidelines:

1. The City will require the submission of a tree protection plan prepared by a certified arborist, including a tree survey and tree protection / replacement plan. Retention of mature, healthy trees as well as native vegetation and ground cover shall be included for these areas.
2. Applicants will be required to submit “construction management” and “sediment control” plans to ensure protection of these areas during the construction process.
3. Where feasible, lot clustering is encouraged to preserve existing mature trees.
4. Buildings should be sited with the aim to preserve healthy, mature trees on the site. To do so, building footprint should be kept to a minimum and, if necessary,

broken into smaller accessory buildings to allow greater flexibility in terms of siting. No tree cutting permits will be authorized until the building envelope area has been agreed to by way of approval of a development permit.

5. Council may, as part of a development permit, vary the property line setback or building height requirements of the Zoning Bylaw where it can be demonstrated that such variance is needed to facilitate the development proposal while attempting to satisfy the objective of preserving as many mature, healthy trees as possible on the site.
6. A Tree Cutting Permit, in accordance with the City's Tree Management Bylaw, will be required for any tree to be removed in this area. The City will require bonding to secure the protection of existing trees and the provision replacement trees as determined by the Parks Manager.
7. Landscaping should be selected to compliment mature, healthy trees that will remain on the site.
8. Innovative site designs which are in harmony with existing healthy, mature trees and other natural features are encouraged.
9. Building profiles should follow the natural topography of the site with as little change as possible to accommodate construction.
10. In areas identified as 'ravine lands' on *Schedule H, Environmental Development Permit Areas*, certification from a professional engineer or geoscientist experienced in geotechnical engineering indicating that the land may be used safely for the use intended will be required and may necessitate the registration of a restrictive covenant pursuant to Section 219 of the Land Title Act.
11. The City may require the submission of a plan detailing satisfactory building envelopes exclusive of and setback requirements or existing / proposed rights-of-way, easements and restrictive covenants. The results of this plan may necessitate the registration of a restrictive covenant pursuant to Section 219 of the Land Title Act.



Note: Locations of Floodplains and Watercourses shown on this map are approximate