

## **COUNCIL REPORT**

**To:** Mayor and Council  
**From:** Administration  
**Date:** May 15, 2024  
**Subject:** Housing Legislation Changes

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### **RECOMMENDATION:**

THAT Council receive this report for information.

### **BACKGROUND:**

Before the end of 2023, the Provincial government made legislative changes related to housing, short-term rentals, and development finance tools. Since these changes, the Province has developed a provincial policy manual and site standards and has hosted numerous webinars to support local governments navigate these new requirements. The purpose of this report is to provide Council with an overview of legislative changes that directly impact the municipality and options to ensure the District moves towards compliance with new regulations.

As a community with a population of less than 5000, the District is required to do the following:

- Update Section 4.22 Suites in its Zoning Bylaw to meet new provincial regulations for set-backs, heights, and parking requirements. These changes must be adopted by June 30, 2024.
- Update our Housing Needs Report to meet new legislative requirements by December 30, 2024.
- Update the Official Community Plan to align with new zoning and housing needs assessment by December 31, 2025.

### **ZONING BYLAW UPDATE**

#### **Accessory Dwelling Units and Secondary Suites**

The Province is requiring that a minimum of 1 secondary suite and/or 1 detached accessory dwelling unit must be permitted in the single-family residential zones.

An accessory dwelling unit is generally considered to mean a building, or part of a building, that:

- (a) is a self-contained residential accommodation unit, and
- (b) has cooking, sleeping and bathroom facilities, and
- (c) is secondary to a primary dwelling unit located on the same property.

A secondary suite is generally considered to mean an accessory dwelling unit that is located in and forms part of a primary dwelling unit.

The District zoning bylaw currently meets this minimum requirement in all applicable zones.

### **Required Regulation Changes:**

The Provincial has set lot regulations that they wish every local government to adopt to support secondary suites and accessory dwelling units.

<b>Policy</b>	<b>Provincial Regulation</b>	<b>Current District Regulation</b>
Front Setback	Minimum 5 - 6 metres	Generally 10 metres for principal building 6 metres for accessory buildings
Side Setback	Minimum of 6 metres for principal buildings. Minimum of 1.5 metres for ADUs	Generally 3.5-1.2 metres for principal buildings 1.2 metres for accessory buildings
Rear Setback	Minimum of 1.2 metres	Generally 6.0 metres for principal buildings 1.2 metres for accessory buildings.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof on principal buildings At least 8 metres for accessory dwelling units	Generally 10.7 metres for principal buildings 4.8 metres for accessory.
Max Number of Storeys	3 storeys for principal dwellings 2 storeys for accessory dwelling units	
Maximum Lot Coverage	25-40%	Generally 40%
Off Street Parking Requirements	One space per dwelling unit	Generally 2 spaces per dwelling unit (principal use)

Section 4.22 – Suites in the District’s Zoning Bylaw will be required to be update to meet these new regulations.

## **Exemptions**

Under the Public Health Act, the Sewerage System Regulation applies to holding tanks and sewerage systems receiving less than 22,700 litres per day of sewage that serve single family systems or duplexes. To mitigate risks related to groundwater contamination, local governments should only permit secondary suites and not accessory dwelling units on properties under one hectare in size that are not serviced by a local government sewer system.

This would apply to our RR1 Rural Residential 1 Zone where the lots are not serviced by the local government and can be subdivided below the threshold of 1 hectare.

## **Bylaw Amendment Recommendation:**

Staff have reviewed the regulations for secondary suites and accessory dwelling units and are recommending moving forward with adopting the new provincial policies with the following additions:

- Detached suites in the form of garden suites are only permitted on parcels containing a single-detached dwelling.
- Where lots are less than 1 hectare and not connected to community sewer infrastructure, only attached suites will be permitted.

## **NEXT STEPS:**

- Receive feedback from Council regarding proposed changes;
- Submit draft zoning bylaw amendment to legal for review;
- Review and present any changes to Zoning Bylaw No. 1368 at the Regular Council Meeting of June 10, 2024;
- Distribute notice that there will be no public hearing for the Zoning Bylaw Amendment, as required by the Province;
- Bring forward final bylaw amendment to the June 24, 2024 meeting;
- Submit the bylaw to the Province of BC by June 30, 2024.

## **BUDGETARY IMPACT:**

The District has been provided \$166,129 in capacity funding from the province to support activities or projects local governments must undertake to meet new legislative requirements related to housing, short-term rentals, proactive planning and development finance. Administration anticipates initially utilizing these funds for the following activities:

- Update Zoning Bylaw No. 1368 to meet new legislation related to secondary suites and accessory dwelling units;

- Amendment of Development Procedures Bylaw No. 1369 as a result of the prohibition on public hearings related to housing and replace with advertising of first reading of proposed bylaws;
- Update the District of Mackenzie Housing Needs Report to meet new legislation; and
- Update Official Community Plan Bylaw No. 1304 to meet new legislation;

Additional activities may be explored as Council provides direction and/or Administration works through all regulatory requirements. This could include future collaboration with the District's Operations Department regarding capacity of existing water and sewerage systems.

The District must use these funds prior to December 31, 2025 and maintain records regarding the use of these funds until December 31, 2026.

### **COUNCIL PRIORITIES:**

#### **Community and Social Development**

- Our investment in the municipality's services and infrastructure, our commitment to principles of social equity and well-being, and our belief in the value of resident engagement, creates a healthy community in which everyone feels valued and enjoys a high quality of life.

### **RESPECTFULLY SUBMITTED:**

Emily Kaehn, Director of Corporate Services

**Reviewed By:** Corporate and Financial Services

**Approved By:** Chief Administrative Officer