District of Lantzville

Notice and Agenda for the Special Meeting of Council of the District of Lantzville to be held on Wednesday, June 5, 2024, at 6:00 pm in the Council Chamber, Municipal Hall - 2nd Floor, 7192 Lantzville Road, Lantzville, BC

Council members may attend this meeting in person, or electronically (except for the Mayor) for a hybrid meeting (per the *Community Charter* and the Council Procedure Bylaw). For in person and hybrid meetings, the Council Chamber will be open for the public to attend. Due to limited seating, the public is encouraged to view the open portion of the meeting starting at **7:00 pm** via the livestream, and to provide verbal public input on agenda items by registering in advance using the Zoom Webinar link provided for each Council meeting event at **lantzville.ca**, written comments by **noon** the day of the meeting and emailed to **district@lantzville.ca**, or in person. Prior to attending at Municipal Hall, please self-assess to ensure you are healthy and do not attend if you are ill. Members of the public must remain seated unless invited to address Council. Meetings recorded by the District of Lantzville may be viewed on demand at **lantzville.ca**.

Public input regarding personnel matters, legal action, nominated political candidates, applications for grants in aid or public hearing topics (EXCEPT DURING THE OFFICIAL PUBLIC HEARING) will not be included or will be severed.

Page No.

1. CALL TO ORDER

1-2 **2. ADOPTION OF THE AGENDA**

THAT Council adopts the June 5, 2024, special Council meeting agenda, as presented.

3. PUBLIC INPUT PERIOD – This item is not included due to Provincial Legislation which does not permit public input for the items on this agenda.

4. LEGISLATIVE MATTERS (Bylaws, development variance permits, agreements, contracts, grants, budgets)

3-29 a) **THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given first reading.**

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given second reading.

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given third reading.

30-84 b) **THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given first reading.**

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given second reading.

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given third reading.

5. INTRODUCTION OF LATE ITEMS (In accordance with Council Procedure Bylaw No. 141, 2020, subsection 18(8) for regular agenda)

6. INTRODUCTION OF "NOTICE OF MOTION" - Nil

7. PUBLIC CLARIFICATION *(Persons recognized by the Chair to speak must first state their name and address for the record and the agenda item regarding which they are seeking clarification (excluding public hearing topics), and may speak once for up to 2 minutes to ask clarification questions.) E.g., How did the vote go?, about technicalities – request interpretation of abbreviations or jargon, etc.*

8. MOTION TO CLOSE THE MEETING TO THE PUBLIC, pursuant to sections 90(1) (a)(c)(d)(g)(i) of the *Community Charter*, such that the following be considered:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(c) labour relations or other employee relations;

(d) the security of the property of the municipality;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Following adoption of the above motion, the meeting will be closed to the public.

MEETING REOPENS TO PUBLIC

9. RECONVENE

10. ADJOURNMENT BY THE MAYOR

Dely Wells

Dely Wells, Director of Corporate Administration

NEXT SCHEDULED COUNCIL MEETINGS:
Regular, Wednesday, **June 12, 2024 @ 6:00 pm**
Regular, Wednesday, **June 26, 2024 @ 6:00 pm**

District of Lantzville

REPORT TO CHIEF ADMINISTRATIVE OFFICER

Meeting Date: June 5, 2024

SUBJECT: "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024"

PURPOSE

To provide information for Council to consider "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024", which includes previous Council motions related to *Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023* (Bill 44). This report supersedes the staff report posted on the District website on May 22, 2024.

OPTIONS AND IMPLICATIONS

1. APPROVE THE BYLAW

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given first reading.

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given second reading.

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given third reading.

2. REFUSE THE BYLAW

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be refused.

The proposed changes to residential zones would not be implemented in Lantzville. Reapplication for a bylaw amendment shall not be considered within a six (6) month period unless by a 2/3 vote of Council.

Refusing to amend "District of Lantzville Zoning Bylaw No. 180, 2020" (Zoning Bylaw) to bring it into compliance with the *Local Government Act* will result in enforcement action from the Province, which may include a Ministerial Order that replaces Lantzville's Zoning Bylaw regulations.

3. DEFEAT THE BYLAW

Per Council Procedure Bylaw No. 141, if a motion to pass any reading or adoption of a bylaw is defeated, that bylaw shall be deemed to have been defeated. The application to amend the Zoning Bylaw would end.

Amendments to the Zoning Bylaw to comply with new Provincial legislation must be adopted by Council by June 30, 2024. Local governments that do not comply with the

requirements by the deadline may be subject to a Ministerial Order that overrides their Zoning Bylaw to permit the uses and density required by Legislation.

4. AMEND THE BYLAW

When the following motion is on the floor:

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given second reading.

Amend by motion:

THAT the motion on the floor be amended by adding "as amended [*insert amendment*]".

Vote on the main motion as amended:

THAT "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024" be given second reading, as amended [*insert preceding amendment*].

The implications are unknown until the amendments are known.

COMMITTEE/COMMISSION RECOMMENDATION

Recommendations from the April 17, 2024, Committee of the Whole meeting were adopted by Council at the regular Council meeting on April 24, 2024. Motions are outlined under the 'Background' section of this report.

BACKGROUND/RELEVANT HISTORY

The Province of British Columbia passed several housing-related bills in the fall 2023 session of the Legislature:

Bill 35 – *Short-Term Rental Accommodation Act*
Bill 44 – *Housing Statutes (Residential Development) Amendment Act*
Bill 46 – *Housing Statutes (Development Financing) Amendment Act*
Bill 47 – *Housing Statutes (Transit-Oriented Development) Amendment Act*

These Acts received Royal Assent by November 30, and regulations and policy manuals for all except Bill 46 were published on December 7, 2023. A comprehensive report on this legislation was provided to Council at the January 24, 2024, regular Council meeting. A report on options relating to the changes that Council has discretion over was presented at the April 17, 2024, Committee of the Whole meeting.

Previous Council Motions

At the regular Council meeting on April 24, 2024, Council made the following motions:

- THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to maintain current forms of housing for a future report to Council.

- THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to not alter the existing subdivisions regulations.

- THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to allow on all applicable properties solely a secondary suite in the context of the choice of having a secondary suite, a carriage house, or both.

- THAT the Committee of the Whole recommends THAT Council directs Staff to obtain a legal opinion on whether we can allow different types of dwellings on different sizes of lots under the new legislation.

- THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to not alter the existing floor area regulations.

- THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to maintain the current policy on the number of bedrooms in the secondary suite and/or carriage house.

- THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to maintain the current parking requirements for a future report to Council.

- WHEREAS due consideration to potential site standards is being given at the April 17, 2024 Committee of the Whole; THEREFORE BE IT RESOLVED THAT the Committee of the Whole recommends THAT Council instructs staff, when staff is preparing amendments to the "District of Lantzville Bylaw No. 180, 2020", to maintain existing Lantzville site standards, such as height, parcel coverage and setback requirements.

At the regular Council meeting on May 8, 2024, Council made the following motion:

- THAT WHEREAS Council members attended all three housing summits in Vancouver, and Council has formally considered Part 4 of the Policy Manual and other provincial "Guidelines" regarding housing legislation at multiple meetings of Council, sought legal advice and welcomed public feedback;

  AND WHEREAS Lantzville's lot sizes are big enough to accommodate the mandated four dwellings per lot at the setbacks, parcel coverage and height set out in the current zoning bylaw;

  AND WHEREAS page 71 of the Policy Manual "Site Standard C" states "...limiting the creation of unnecessarily large units that will not contribute to improved housing affordability" and Lantzville needs a bigger inventory of affordable small units for singles, starter couples, and units for downsizing seniors with a minimum of stairs;

  AND WHEREAS Council will receive a staff report on May 22, 2024, containing reasons in good faith for proceeding with site standards in the Small Scale Multi-Unit Housing rezoning that are the same as those set out in the current zoning bylaw and confirming

these siting variations from the Manual will not prohibit or restrict the SSMUH density or uses; (See Figure 5 & 6)

THEREFORE BE IT RESOLVED THAT Council instructs staff, when staff is preparing amendments to the "District of Lantzville Zoning Bylaw No. 180, 2020" to maintain existing Lantzville site standards, including height, parcel coverage and setback requirements.

At the closed Council meeting on May 22, 2024, Council voted to release the following motion to the public:

- THAT Council directs staff to not amend at this time the Zoning Bylaw No. 180 as it applies to Carriage Houses, meaning Carriage Houses remain permitted on lot sizes at least 1,300 m2 in area; AND FURTHER THAT this direction is not in conflict with motion 11 3) of the April 24, 2024, agenda which approved solely secondary suites being permitted on all "Restricted Zone" properties as part of a choice mandated by provincial legislation, whereas Carriage Houses are not afforded this right, but are limited by parcel size."

ANALYSIS

Proposed Text Amendments to Residential Zones

The Province requires all municipalities to update their Zoning Bylaws by June 30, 2024, to incorporate the required density. In Lantzville, all residentially zoned parcels with access to municipal water and sewer services that are > 280 m^2 and ≤ 4,050 m^2 must be permitted to construct up to four dwelling units.

The Policy Manual contains instructions for how municipalities must amend their Zoning Bylaws to comply with Provincial legislation. The Policy Manual also provides guidance on a number of factors which contain some discretionary elements. The District is required to demonstrate that it has considered the requirements of the Policy Manual in the Council report which introduces the amending bylaw.

Part 4 of the Policy Manual contains site standards packages that provide different options for zoning regulations in order to comply with Provincial requirements. The Policy Manual gives local municipalities some discretion to adjust for 'local conditions', but the expectation is that the site standards packages be given full consideration. Staff have worked through the Policy Manual and applied the site standard packages to existing zones as indicated in Figure 1:

Figure 1 – Site Standards Packages applied to different zones in Lantzville:

Site Standard	Legislative Requirement	Lantzville Zone
Package B	Lots where three or four housing units must be permitted and lots are generally less than 1,215m^2	R3, R4, R5
Package C	Lots where four housing units must be permitted and lots are generally between 1,215m^2 – 4,050m^2	R1, R2, EST

Package A and D do not apply to Lantzville. Draft changes to the residential zones indicated above are included as **ATTACHMENT 1** and changes are outlined below.

Bill 44 does not apply to the Rural, Foothills, or Upper Lantzville Ware Road Special Area Plan zones for reasons explained in Figure 2:

Figure 2 – Residential Zones Exempt from Bill 44

Zone	Justification
Rural	The minimum lot size in the Rural Zone is 1 hectare (or 0.8 hectares if lot averaging is applied). Bill 44 does not apply to lots > 4,050m².
Foothills	The maximum number of dwelling units and zoning regulations within the Foothills zone are set through a Section 219 *Land Title Act* covenant. Bill 44 does not affect existing Section 219 *Land Title Act* covenants.
Upper Lantzville Ware Road Special Plan Area	The maximum number of dwelling units and zoning regulations within the Upper Lantzville Ware Road Special Plan Area zone are set through a Section 219 *Land Title Act* covenant. Bill 44 does not affect existing Section 219 *Land Title Act* covenants.

Permitted Uses

The Policy Manual includes guidance in Part 2, Section 1 regarding building types, noting that local governments should be flexible in terms of permitting a full range of combinations and configurations to enable the minimum density to be constructed.

At the April 17, 2024, Committee of the Whole meeting, direction was provided to use the existing defined uses in the Zoning Bylaw to achieve the four-unit dwelling requirements. For the Residential zones this includes adding Duplex, Rowhouse, Townhouse, and Apartment as Primary Uses. Definitions for the permitted Primary Uses are outlined in Figure 3 below:

Figure 3: Primary Building Types in *"District of Lantzville Zoning Bylaw No. 180, 2020"*

Dwelling Type	Definition in Zoning Bylaw
House	A building containing one primary dwelling unit and up to one secondary suite, if permitted in the zoning of the parcel on which the house is located, and includes a modular home.
Duplex	A building comprised of two attached dwelling units sharing a common party wall, whether subdivided from each other or not, where each dwelling unit has a separate ground-oriented entrance from the exterior of the building and where dwelling units may be either side-by-side or stacked vertically.
Rowhouse	A building containing at least three attached dwelling units sharing common party walls, whether subdivided from each other or not, where each dwelling unit has a separate ground-oriented entrance from the exterior of the building. 

Townhouse	A building containing at least three attached dwelling units sharing common party walls, whether subdivided from each other or not, where each dwelling unit has a separate ground-oriented entrance from the exterior of the building and where dwelling units may be either side-by-side or stacked vertically. 
Apartment	A building containing three or more dwelling units, where each dwelling unit is accessible from an internal, common hallway. Includes dwelling units in a mixed use building. 

In most residential zones, property owners have the choice between a secondary suite or a carriage house as a secondary use as per provisions of Section 2.1 of the Zoning Bylaw.

Dwelling Units

The Policy Manual outlines the required density as it relates to 'Restricted Zones', which is partially based on lot size and the presence of municipal water and sewer services. A minimum of four units are required to be permitted in the 'Restricted Zones' in Lantzville. The "Dwelling Units" tables in the residential zones in the Zoning Bylaw have been adjusted accordingly to indicate the maximum number of dwelling units based on the required criteria.

Bylaw No. 369 sets out the maximum number and type of dwelling units per parcel, based on services available on the property. For parcels 4050 m² or smaller, this includes a maximum of 4 Dwellings which may consist of any combination of primary and secondary uses up to a maximum of:

Figure 4 – Maximum Number of Each Type of Dwelling Unit Permitted

Primary Use	**Secondary use**
1 House, or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling unit	1 Secondary Suite (if located in house), or 1 Carriage House

For example, a property owner could construct a triplex and a carriage house, a house with a secondary suite and a duplex, a fourplex, etc. If Council wishes to permit more than one house on a parcel, or any other building form, and amendment to Bylaw No. 369 will be required.

Siting and Height

The Policy Manual includes site standards packages included as **ATTACHMENT 2.** A breakdown of the difference between the Provincial recommendations in the site standards packages and the Lantzville zoning regulations is outlined in Figures 5 & 6 below, including a brief rationale for any discretion between the two numbers.

Figure 5 – Site Standards Package C - R1, R2 and EST

Regulation Type	Provincial Policy Manual	Lantzville Current	Justification for not Amending Site Standards
Front Setback	Minimum of 4-6 metres	6 metres for R1 & R2, 8 metres for EST	To allow for access driveways in the absence of rear lanes and accommodate soft landscaping for stormwater since the majority of the District is serviced by open roadside ditches.
Rear Setback	Minimum of 6 metres for main buildings	6 metres for R1 & R2, 8 metres for EST	To reflect lot configuration, allow for parking in rear, and to provide options for outdoor amenity space / landscaping.
Side Setbacks	Combined minimum setback for side-yards of 3 metres	2 metres each side for interior side lot lines, 3 metres for exterior lot lines for R1 & R2, 4 metres for EST	To provide space for landscaping and access to the rear yard.
Max Lot Coverage	40%	35% for R1 & R2, 30% for EST	To retain existing soft landscaping and support tree retention. Lantzville has large lot sizes compared to other municipalities.
Max Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	8 metres for a House in R1 & R2, 9 metres in EST	Due to the size of lots in Lantzville, it is possible to construct a two-storey fourplex (roof peak < 8 m) in the noted zones without exceeding maximum lot coverage.

Figure 6 – Site Standards Package B - R3, R4 and R5

Regulation Type	Provincial Policy Manual	Lantzville Current	Justification for not Amending Site Standards
Front Setback	Minimum of 2 metres	6 metres	To allow for access driveways in the absence of rear lanes and accommodate soft landscaping for stormwater since the majority of the District is serviced by open roadside ditches.
Rear Setback	Minimum of 1.5 metres for main buildings	6 metres	To reflect lot configuration, allow for parking in rear, and to provide options for outdoor amenity space / landscaping.
Side Setbacks	Minimum of 1.2 metres	2 metres each side for interior side lot lines, 3 metres for exterior lot lines	To provide space for landscaping and access to the rear yard.
Max Lot Coverage	50%	35%	To retain existing soft landscaping and support tree retention.

Max Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	8 metres	Due to the size of lots in Lantzville, it is possible to construct a two-storey fourplex (roof peak <8 m) in the noted zones without exceeding maximum lot coverage.

PUBLIC FEEDBACK

As of the time of printing this report, no public comments have been received.

NEXT STEPS

Official Community Plan and Zoning Bylaw Updates

Official community plans (OCPs) describe the long-term vision of communities. They include statements of objectives, maps, and policies that guide decisions on local government planning and land use management. Municipalities are now required to update OCPs and zoning bylaws on a regular basis for consistency with housing needs reports. Over time, this will have the effect of reducing the number of rezonings required to bring into effect land use changes that are consistent with community visions articulated through OCPs. Development permit and building permit applications will still be required.

Bill 44 introduced a new requirement to update a Housing Needs Report (HNR) following provincial regulations to better understand the current and anticipated housing needs in the community. Following the updated HNR, updates to "District of Lantzville Official Community Plan No. 150, 2019" (OCP) and "District of Lantzville Zoning Bylaw No. 180, 2020" (Zoning Bylaw) are required to incorporate the needed housing. The HNR is required to be completed by December 31, 2024, and the updates to the OCP and Zoning Bylaw are required to be completed by December 31, 2025. Staff anticipate a comprehensive review process including multiple opportunities for community engagement as a part of the 2025 mandatory OCP review process.

ATTACHMENTS

1. District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024
2. Provincial Policy Manual and Site Standards Package B and C

1. Strategic Plan Objectives

Council Strategic Priorities for 2023-2026 item #1: "High-quality neighbourhood planning: innovative/green technology (build a show case house or building); fire smart; energy efficient; social cohesion; sustainable growth."

2. Policy

None other than those already discussed.

3. Resources

N/A

4. Financial/Budget Implications

The District of Lantzville received $167,793 from the Ministry of Housing to assist in implementing recent legislative changes. Council has allocated the majority of these funds towards updating the Development Cost Charge Bylaw, retaining a consultant to prepare a background report and Amenity Cost Charge (ACC) bylaw to collect amenity contributions from small scale multiple unit development, and hiring consultants to support staff in implementing required zoning and OCP updates.

An increase in residential density may have the following financial and budget implications in Lantzville:

- Upgrades and increased maintenance on roads and utilities may be required to support increased use.
- Increased development cost charges, building permit fees, and development application fee payments. Smaller scale development may also pay the new amenity cost charge.
- Additional density and incentive to subdivide lots will increase the municipal tax base and potential utility revenues.
- The need for community police and additional fire service members may occur sooner than initially projected as population increases.

Bill 46, *Housing Statutes (Development Financing) Amendment Act* has received Royal Assent; however, we are awaiting regulations that the Province had previously indicated would be coming in January 2024. As part of Financial Plan 2024, Council directed staff to prepare an updated Development Cost Charge (DCC) Bylaw, which is currently underway.

5. Sustainability Implications

The proposed increase in residential density helps to reduce urban sprawl, auto-dependency, greenhouse gas emissions from transportation, and improve the viability of transit through gentle dentification in existing neighbourhoods.

Prepared by:

Amanda Masse, Planner

Date: May 28, 2024

Approved for submission to Council:

Glenn Morphy, Acting Chief Administrative Officer

Date: May 28, 2024

REVIEWED WITH:			
☒ Corporate Administration	☐ Fire Rescue	☐ Public Works/Engineering	☐ RCMP
☐ Financial Services	☒ Planning	☒ Solicitor	☐ Committee:
☐ Other:			

COUNCIL AGENDA INFORMATION:		
Meeting Type	**Date**	**Agenda Item #**
Regular	June 5, 2024	
Closed (In-Camera)		

File Number: 3900-20-369
Location: T:\DISTRICT OF LANTZVILLE\Reports to Council\2024\2024-06-05 Special Council Meeting\ 2024 06 05 SSMUH Zoning Bylaw Report

DISTRICT OF LANTZVILLE
BYLAW NO. 369, 2024

A BYLAW TO AMEND DISTRICT OF LANTZVILLE ZONING BYLAW NO. 180, 2020

The Municipal Council of the District of Lantzville in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as the "District of Lantzville Zoning Bylaw No. 180, 2020, Amendment (Small Scale Multi Unit Housing) Bylaw No. 369, 2024".

2. Schedule 'A' of District of Lantzville Zoning Bylaw No. 180, 2020 is hereby amended in Part 1 by deleting and replacing Sections 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6 with those Sections attached hereto as Schedule 1.

READ A FIRST TIME this day of , 2024.
READ A SECOND TIME this day of , 2024.
READ A THIRD TIME this day of , 2024.
ADOPTED this day of , 2024.

Mark Swain, Mayor

Delcy Wells, Director of Corporate Administration

'Schedule 1'

1.1 RESIDENTIAL 1 ZONE (R1)

Permitted Uses

1. The permitted primary and secondary uses are as follows:

Primary Use	Secondary Use
House Duplex Rowhouse Townhouse Apartment	Home Business Secondary Suite (must be located in a House) Carriage House

Dwelling Units

2. The maximum number and type of dwelling units per parcel is based on available services as follows:

Municipally serviced with water and sewer	No or partial municipal services
Parcel area 4050m^2 or smaller: 4 Dwellings which may consist of up to: 1 House and 1 secondary suite, or 1 Carriage House (if no secondary suite), or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling units	2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House
Parcel area greater than 4050m^2: 2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House	

Siting

3. The minimum setbacks from parcel lines are as follows:

Structure	Front	Rear	Interior Side	Exterior Side
Primary structure	6 m	6 m	2 m	3 m
Existing Carriage House	6 m	3 m	3 m	3 m
Secondary Structure	6 m	1.5 m	1.5 m	3 m

Height

4. The maximum heights are as follows:

Structure	Maximum Height
Primary structure	8 m
Carriage House with Garage Below	7 m
Carriage House without Garage Below	6 m
Secondary Structure	6 m
Fence	1.8 m

Parcel Coverage

5. The maximum parcel coverage is 35%.

Subdivision

6. The subdivision regulations are as follows:

Criteria	Regulation
Minimum Parcel Area	2,000 m^2
Minimum Parcel Frontage and Width	20 m

1.2 RESIDENTIAL 2 ZONE (R2)

Permitted Uses

1. The permitted primary and secondary uses are as follows:

Primary Use	Secondary Use
House Duplex Rowhouse Townhouse Apartment	Home Business Secondary Suite (must be located in a House) Carriage House

Dwelling Units

2. The maximum number and type of dwelling units per parcel is based on available services as follows:

Municipally serviced with water and sewer	No or partial municipal services
Parcel area 4050m^2 or smaller: 4 Dwellings which may consist of up to: 1 House and 1 secondary suite, or 1 Carriage House (if no secondary suite), or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling units	2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House
Parcel area greater than 4050m^2: 2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House	

Siting

3. The minimum setbacks from parcel lines are as follows:

Structure	Front	Rear	Interior Side	Exterior Side
Primary structure	6 m	6 m	2 m	3 m
Carriage House	6 m	3 m	3 m	3 m
Secondary Structure	6 m	1.5 m	1.5 m	3 m

Height

4. The maximum heights are as follows:

Structure	Maximum Height
Primary structure	8 m
Carriage House with Garage Below	7 m
Carriage House without Garage Below	6 m
Secondary Structure	6 m
Fence	1.8 m

Parcel Coverage

5. The maximum parcel coverage is 35%.

Subdivision

6. The subdivision regulations are as follows:

Criteria	Regulation
Minimum Parcel Area	1,300 m^2
Minimum Parcel Frontage and Width	20 m

1.3 RESIDENTIAL 3 ZONE (R3)

Permitted Uses

1. The permitted primary and secondary uses are as follows:

Primary Use	Secondary Use
House Duplex Rowhouse Townhouse Apartment	Home Business Secondary Suite (must be located in a House) Carriage House

Dwelling Units

2. The maximum number and type of dwelling units per parcel is based on available services as follows:

Municipally serviced with water and sewer	No or partial municipal services
Parcel area 4050m^2 or smaller: 4 Dwellings which may consist of up to: 1 House and 1 secondary suite, or 1 Carriage House (if no secondary suite), or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling units	2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House
Parcel area greater than 4050m^2: 2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House	

Siting

3. The minimum setbacks from parcel lines are as follows:

Structure	Front	Rear	Interior Side	Exterior Side
Primary structure	6 m	6 m	2 m	3 m
Carriage House	6 m	3 m	3 m	3 m
Secondary Structure	6 m	1.5 m	1.5 m	3 m

Height

4. The maximum heights are as follows:

Structure	Maximum Height
Primary structure	8 m
Carriage House with Garage Below	7 m
Carriage House without Garage Below	6 m
Secondary Structure	6 m
Fence	1.8 m

Parcel Coverage

5. The maximum parcel coverage is 35%.

Subdivision

6. The subdivision regulations are as follows:

Criteria	Regulation
Minimum Parcel Area	1,000 m^2
Minimum Parcel Frontage and Width	20 m

1.4 RESIDENTIAL 4 ZONE (R4)

Permitted Uses

1. The permitted primary and secondary uses are as follows:

Primary Use	Secondary Use
House Duplex Rowhouse Townhouse Apartment	Home Business Secondary Suite (must be located in a House) Carriage House

Dwelling Units

2. The maximum number and type of dwelling units per parcel is based on available services as follows:

Municipally serviced with water and sewer	No or partial municipal services
Parcel area 4050m^2 or smaller: 4 Dwellings which may consist of up to: 1 House and 1 secondary suite, or 1 Carriage House (if no secondary suite), or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling units	2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House
Parcel area greater than 4050m^2: 2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House	

Siting

3. The minimum setbacks from parcel lines are as follows:

Structure	Front	Rear	Interior Side	Exterior Side
Primary structure	6 m	6 m	2 m	3 m
Carriage House	6 m	3 m	3 m	3 m
Secondary Structure	6 m	1.5 m	1.5 m	3 m

Height

4. The maximum heights are as follows:

Structure	Maximum Height
Primary structure	8 m
Carriage House with Garage Below	7 m
Carriage House without Garage Below	6 m
Secondary Structure	6 m
Fence	1.8 m

Parcel Coverage

5. The maximum parcel coverage is 35%.

Subdivision

6. The subdivision regulations are as follows:

Criteria	Regulation
Minimum Parcel Area	800 m^2
Minimum Parcel Frontage and Width	20 m

1.5 RESIDENTIAL 5 ZONE (R5)

Permitted Uses

1. The permitted primary and secondary uses are as follows:

Primary Use	Secondary Use
House Duplex Rowhouse Townhouse Apartment	Home Business Secondary Suite (must be located in a House) Carriage House

Dwelling Units

2. The maximum number and type of dwelling units per parcel is based on available services as follows:

Municipally serviced with water and sewer	No or partial municipal services
Parcel area 4050m^2 or smaller: 4 Dwellings which may consist of up to: 1 House and 1 secondary suite, or 1 Carriage House (if no secondary suite), or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling units	2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House
Parcel area greater than 4050m^2: 2 Dwellings, limited to one House and either one Secondary Suite or one Carriage House	

Siting

3. The minimum setbacks from parcel lines are as follows:

Structure	Front	Rear	Interior Side	Exterior Side
Primary structure	6 m	6 m	2 m	3 m
Carriage House	6 m	3 m	3 m	3 m
Secondary Structure	6 m	1.5 m	1.5 m	3 m

Height

4. The maximum heights are as follows:

Structure	Maximum Height
Primary structure	8 m
Carriage House with Garage Below	7 m
Carriage House without Garage Below	6 m
Secondary Structure	6 m
Fence	1.8 m

Parcel Coverage

5. The maximum parcel coverage is 35%.

Subdivision

6. The subdivision regulations are as follows:

Criteria	Regulation
Minimum Parcel Area	960 m^2
Minimum Parcel Frontage and Width	15 m
Maximum Parcel Averaging	40%

1.6 ESTATE ZONE (EST)

Permitted Uses

1. The permitted primary and secondary uses are as follows:

Primary	Secondary
House Duplex Rowhouse Townhouse Apartment	Home Business Secondary Suite (must be located in a House) Carriage House

Dwelling Units

2. The maximum number and type of dwelling units per parcel is as follows:

Parcel Area	Maximum Number of Dwelling Units	Type of Permitted Dwelling Units
4050 m^2 or smaller with municipal water and sewer	4	1 House and 1 secondary suite, or 1 Carriage House (if no secondary suite), or 2 Duplex dwelling units, or 4 Rowhouse dwelling units, or 4 Townhouse dwelling units, or 4 Apartment dwelling units
Less than 0.8 ha	2	1 house and either 1 secondary suite or 1 Carriage House
0.8 ha or larger	2	2 houses, or 1 house and either 1 secondary suite or 1 Carriage House

Siting

3. The minimum setback for any structure is 8 m from the front and rear parcel lines and 4 m from any other parcel line.

4. The minimum interior side parcel line setback for a house from a parcel line adjoining a Residential zoned parcel is 2 m.

Height

5. The maximum heights are as follows:

Structure	Maximum Height
Any Structure	9 m
Fence	2 m

Parcel Coverage

6. The maximum parcel coverage is 30%:

Subdivision

7. The subdivision regulations are as follows:

Criteria	Regulation
Minimum Parcel Area	0.4 ha
Minimum Parcel Frontage and Width	20 m

3. Site standards package B

3.1 Where should it apply?

This suite of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit three or four units** and are typically sized single-family and duplex lots that are **generally less than 1,215 m^2 in size.** This number may vary depending on typical lot sizes in communities. An appropriate threshold should be identified at which larger setbacks and lower lot coverage limits would apply, with the objective of providing an upper limit on the size of new units to improve their affordability, while ensuring three- to four-bedroom units that could accommodate families are still possible.

SSMUH requirements specify that lots less than 280 m^2 must be permitted to have at least 3 housing units, while those equal to or greater than 280 m^2 must be permitted to have at least 4 units. The recommended zoning regulations below are appropriate for lots on which either 3 or 4 housing units are permitted.

3.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 6 include:

- improving the economic and spatial viability of establishing new units on typically sized single family and duplex lots to contributed to increased housing supply and affordability;
- contributing to street, neighbourhood and urban vibrancy through smaller front yard setbacks;
- maintaining adequate pervious surfaces to reduce impacts on stormwater services and water resources, Increase opportunities for tree retention and planning, and improve onsite livability for residents;
- reducing sprawl, auto-dependency, greenhouse gas emissions from transportation, and improving the viability of transit through gentle dentification in existing neighbourhoods; and
- providing flexibility on lots for various building forms and configurations, which will contribute to a greater diversity of housing types and improved project viability.

Table 6: Recommended zoning regulations for lots requiring a minimum of 3 or 4 units that are less than 1,215m² in size

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 2 metres	A front lot line setback of 4-6 metres may be warranted if there are no sidewalks or public boulevards for trees, or to accommodate stormwater infrastructure or future road or right-of-way dedications.
Rear Lot Line Setback	Minimum of 1.5 metres for ADUs or main buildings	Actual rear lot line setbacks will approximate 5 meters if parking in rear is required due to parking requirements and lot configuration.
Side Lot Line Setbacks	Minimum of 1.2 metres	Actual side setbacks will approximate 3 meters if parking in rear is required due to parking requirements and lot configuration.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	A universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style is recommended to help improve the viability and diversity of SSMUH housing forms.
Maximum Number of Storeys	3	
Maximum Lot Coverage	50%	Onsite parking requirements will contribute significantly to impervious surface coverage on lots. Impervious coverages exceeding 60% may require on-site stormwater retention and/or treatment.
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise	Other factors that could be used to set parking requirements include proximity to services (e.g., designated village or town centres), walk scores, and the availability of on-street or other parking alternatives. Higher maximum parking requirements (e.g., 1.5 spaces/unit) may be appropriate in smaller communities with no or limited public transportation, or for example, where on-street parking is impractical due to snow removal requirements.

4. Site standards package C

4.1 Where should it apply?

This suite of zoning bylaw regulations is intended for lots in *Restricted Zones* that are **required to permit four units** and are large lots **generally greater than 1,215 m² in size and smaller than 4,050 m².** This lot size may vary depending on typical lot sizes in communities. An appropriate threshold should be identified at which larger setbacks and lower lot coverage limits would apply, with the objective of providing an upper limit on the size of new units to improve their affordability, while ensuring three- to four-bedroom units that could accommodate families are still possible. Lots equal to or greater than 4,050 m² are exempt from the requirements to permit a minimum of 3 or 4 units due to their potential for subdivision and higher densities in urban and sub-urban contexts. Lots identified as being in a Transit Oriented Area are also exempt from SSMUH requirements. (See Part 2, Section 8.3.)

4.2 Objectives

The objectives of the recommended zoning bylaw regulations in Table 7 include:

- improving the economic and spatial viability of establishing new units on large single-family and duplex lots to contributed to increased housing supply;
- enabling appropriate family-sized units whilst limiting the creation of unnecessarily large units that will not contribute to improved housing affordability;
- maintaining adequate pervious surfaces to reduce impacts on stormwater services and water resources, increase opportunities for tree retention and planning, and improve onsite livability for residents;
- recognizing and maintaining the semi-rural nature of neighbourhoods with large lots and the potential for significant public tree canopy in these areas by maintaining front yard setbacks consistent with current conditions;
- reducing sprawl, auto-dependency, greenhouse gas emissions from transportation, and improving the viability of transit through gentle dentification in existing neighbourhoods; and
- providing flexibility on lots for various building forms and configurations, which will contributed to a greater diversity of housing types and improved project viability.

Table 7: Recommended zoning regulations for lots requiring a minimum of 4 units and are more than 1,215 m^2 in size

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 4-6 metres	
Rear Lot Line Setback	Minimum of 6 metres for main buildings Minimum of 1.5 metres for ADUs	
Side Lot Line Setbacks	Combined minimum setback for side-yards of 3 metres	Combined side-yard setback minimums (rather than individual side yard minimums) increase flexibility to respond to site conditions, and better support use of side yards for exterior living space. Minimum distances of 1.2 – 1.5 metres from property lines may be required for building code considerations (depending on combustibility). If parking is at the rear, setbacks of approximately 3 to 4 meters will be required on the side used for vehicular access.
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof	Depending on how height is measured by a local government, heights greater than 11 meters may be required on sloped sites to achieve 3 storeys.
Maximum Number of Storeys	3	
Maximum Lot Coverage	40%	Off-street parking requirements will increase impervious surface coverage significantly.
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise	Other factors to set parking requirements could include proximity to services (e.g. town centres), walk scores, and the availability of on-street or other parking alternatives. Higher maximum parking requirements (e.g., 1.5 spaces/unit) may be appropriate in smaller communities with no or limited public transportation, or for example, where on-street parking is impractical due to snow removal requirements.

District of Lantzville

REPORT TO CHIEF ADMINISTRATIVE OFFICER

Meeting Date: June 5 2024

SUBJECT: "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024."

PURPOSE

To provide Council with information regarding proposed "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024".

RECOMMENDATIONS

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given first reading.

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given second reading.

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given third reading.

COMMITTEE/COMMISSION RECOMMENDATION ALTERNATIVES AND IMPLICATIONS

1. DEFEAT THE BYLAW

Per Council Procedure Bylaw No. 141, if a motion to pass any reading or adoption of a bylaw is defeated, that bylaw shall be deemed to have been defeated.

Implications: If Council does not adopt a bylaw to establish Transit-Oriented Area (TOA) regulations by June 30, 2024, the Lieutenant Governor in Council may make an order designating a TOA in the District.

2. AMEND THE PROPOSED BYLAW

When the following motion is on the floor:

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given second and third reading.

Amend by motion:

THAT the motion on the floor be amended by adding "as amended" [*insert specific wording of amendment*].

Vote on the main motion as amended:

THAT "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" be given second and third reading, as amended [*insert preceding amendment*].

The implications are unknown until the amendments are known. Staff will amend the Bylaw as directed by Council.

ATTACHMENTS

1. Lantzville Transit-Oriented Area Map
2. Order in Council No. 674 – Local Government Transit-Oriented Areas Regulation
3. "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024"
4. Provincial Policy Manual: Transit-Oriented Areas

BACKGROUND/RELEVANT HISTORY

Previous Council Meetings

At the Committee of the Whole meeting on April 17, 2024, Staff presented an overview of *Bill 47 – 2023: Housing Statutes (Transit-Oriented Areas) Amendment Act* (Bill 47) and requested Committee direction on obtaining compliance with Bill 47.

At the regular Council meeting on April 24, 2024, Council made the following motion: THAT the Committee of the Whole recommends THAT Council instructs Staff to prepare a bylaw to designate a Transit Oriented Area (TOA) to implement the requirements under Bill 47 – *Housing Statutes (Transit-Oriented Development) Amendment Act*, 2023, for a future report to Council.

Summary of Bill 47

Bill 47 establishes minimum density requirements that local governments are required to permit in prescribed Transit-Oriented Areas (TOAs). TOAs include any parcels located wholly or partially within a prescribed distance from either an existing or planned prescribed bus stop, bus exchange, passenger rail station or other transit facility. The minimum density requirements apply to parcels within residential zones or residential mixed-use zones. Parcels zoned to permit residential use that in ancillary to agricultural or industrial uses are exempt from the minimum density requirements.

The District of Lantzville has four parcels located within 400 metres of the City of Nanaimo's Woodgrove Transit Station. Two of these parcels are exempt from Bill 47, as they are zoned 'Transportation", which only permits transportation infrastructure as a land use. (**ATTACHMENT 1**).

Bill 47 prohibits local governments from rejecting a rezoning proposal based on density or height if the proposal is less than or equal to the prescribed minimum density established in the *Local Government Transit-Oriented Areas Regulation* (**ATTACHMENT 2**).

Local governments continue to have discretion over:

1) Rezoning proposals with building heights or densities greater than the minimum required in the *Local Government Transit-Oriented Areas Regulation*.

2) Building tenure, site standards or construction regulations, and form and character guidelines.

3) Considering development constraints such as hazardous conditions and infrastructure deficiencies that may prevent a site from achieving the minimum allowable density.

The District is not required to proactively rezone parcels within a TOA. Proposed "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024" (TOA Bylaw 370) does not replace the rezoning application process.

In the interim, the District is permitted to continue using the existing base density established in "District of Lantzville Zoning Bylaw No. 180, 2020" when using the density bonus tool in a TOA. The Province anticipates that local government will transition to other planning tools, such as Amenity Cost Charges, by mid-2025.

PROPOSED TRANSIT-ORIENTED AREAS BYLAW

Proposed TOA Bylaw 370 is composed of three main parts, including 1) identifying parcels within the TOA, 2) establishing minimum densities and heights that the District is required to permit within the TOA, and 3) establishing parking regulations for residential development within the TOA. TOA Bylaw 370 is included as **ATTACHMENT 3**.

Density Regulations

Lantzville is designated as a category 4 – smaller sized local government and is required to comply with the density requirements in 'Type 3': Bus exchanges in smaller sized communities. Pursuant to the *Local Government Transit-Oriented Areas Regulation*, the District is required to permit the following densities and heights within the TOA:

Distance from Transit Station (metres)	Density (Floor Area Ratio)	Height (storeys)
Less than 200 m	2.5	Up to 6 storeys
200 m – 400 m	1.5	Up to 4 storeys

There are currently no parcels in Lantzville less than 200 metres away from a transit station.

Off-Street Parking Regulations

Section 525.1 of the *Local Government Act* prohibits local governments from requiring development within a TOA to include off-street parking spaces for residential uses. The regulation does not apply to accessible parking spaces for use by persons with disabilities.

The legislation does not prohibit developers from choosing to provide off-street parking in their building design. Local governments are permitted to establish parking design guidelines in this case. Commercial parking requirements are not impacted by Bill 47.

All requirements for off-street parking or space provisions for accessing vehicle parking, bicycle/micro-mobility parking, loading/unloading, service vehicle access, deliveries, and shared vehicles set by local governments for residential and residential mixed-use developments will still apply (**ATTACHMENT 4**, page 15).

Implementation Timeline

Local governments are required to establish a TOA Bylaw to address allowable density and off-street parking requirements by June 30, 2024. Under Section 585.53 (1) of the *Local Government Act*, the Lieutenant Governor in Council may make an order designating a transit-oriented area in respect of a local government if the local government does not establish a TOA Bylaw by June 30, 2024.

The District is required to notify the Minister of Transportation and Infrastructure in writing once a TOA Bylaw has been adopted. Local governments are not required to amend their Zoning Bylaw or Official Community Plan to designate TOAs.

The Provincial Policy Manual issued for Bill 47 is included as **ATTACHMENT 4**.

ADDITIONAL CONSIDERATIONS

1. Strategic Plan Objectives

N/A

2. Policy

None besides those already discussed.

3. Resources

N/A

4. Financial/Budget Implications

N/A

5. Sustainability Implications

The purpose of Bill 47 is to support the development of higher-density, mixed-use communities within walking distance of transit stations. Promoting growth in areas close to frequent public transit can reduce reliance on personal vehicles.

Prepared by:

Amanda Masse, Planner

Date: May 8, 2024

Approved for submission to Council:

Glenn Morphy, Acting Chief Administrative Officer

Date: May 8, 2024

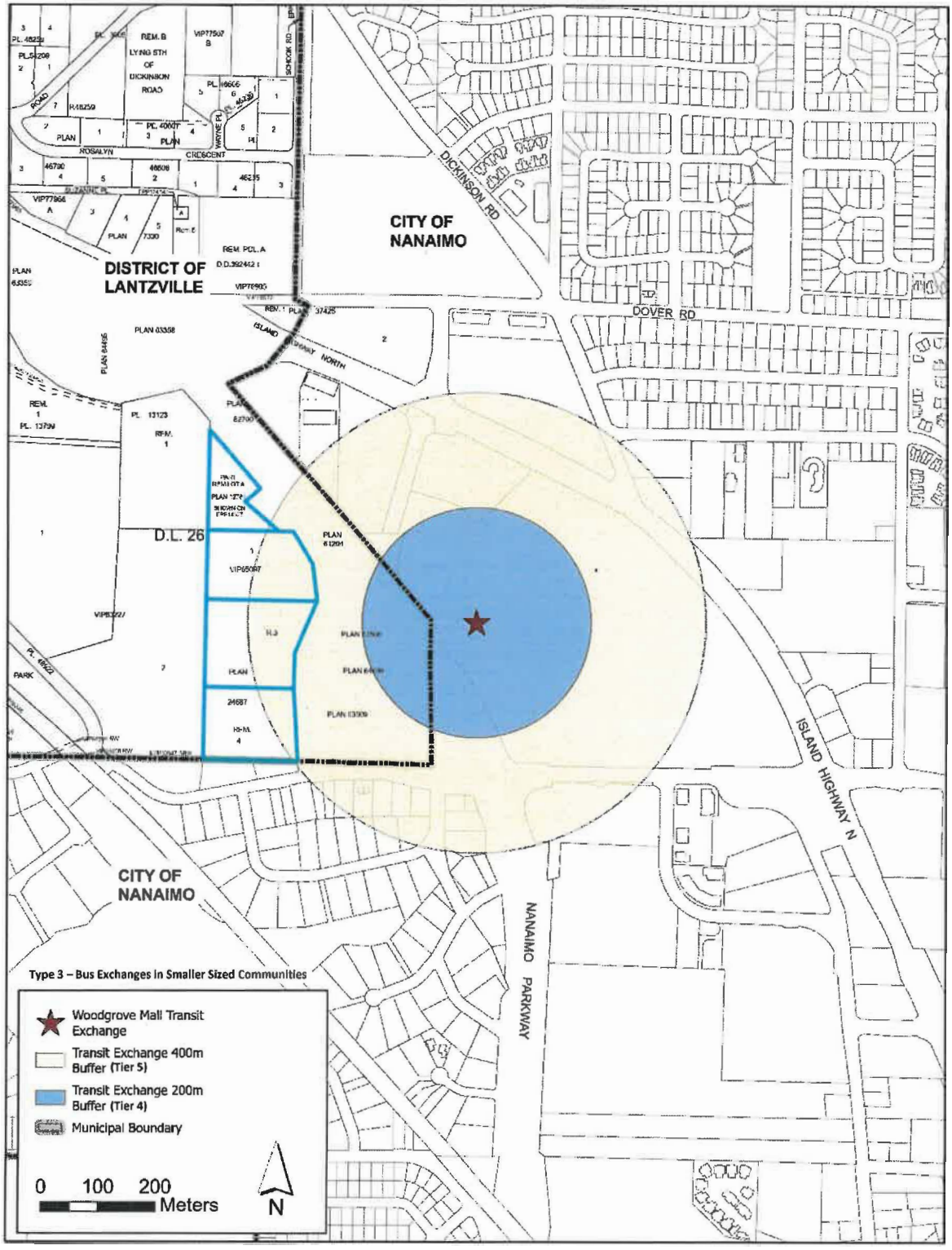
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☒ Corporate Administration	☐ Fire Rescue	☐ Public Works/Engineering	☐ RCMP
☐ Financial Services	☒ Planning	☐ Solicitor	☐ Committee:
☐ Other:			

COUNCIL AGENDA INFORMATION:		
Meeting Type	**Date**	**Agenda Item #**
Regular	June 5, 2024	
Closed (In-Camera)		

File Number: 3900-20-370
Location: T:\DISTRICT OF LANTZVILLE\Reports to Council\2024\2024-06-05 Regular Council Meeting\2024 06 05 Bylaw 370

'Schedule A'

Transit-Oriented Areas



ATTACHMENT 2

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 674 *, Approved and Ordered* December 7, 2023

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective December 7, 2023,

(a) sections 1 to 7, 9, 11, 23 and 24 of the *Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023*, S.B.C. 2023, c. 48, are brought into force, and

(b) the attached Local Government Transit-Oriented Areas Regulation is made.

Minister of Housing

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Housing Statutes (Transit-Oriented Areas) Amendment Act, 2023*, S.B.C. 2023, c. 48, s. 25
Local Government Act, R.S.B.C. 2015, c. 1, ss. 585.51 and 783

Other:

R10739437

LOCAL GOVERNMENT TRANSIT-ORIENTED AREAS REGULATION

Definitions

1 In this regulation:

"Act" means the *Local Government Act*;

"West Coast Express station" means a passenger rail station or a planned passenger rail station for the West Coast Express.

Prescribed distances for transit-oriented areas

2 (1) For the purposes of the definition of "transit-oriented area" in section 455 *[definitions in relation to Part 14]* of the Act, the following distances are prescribed:

(a) 400 m, in relation to a transit station that is a bus stop or bus exchange, a planned bus stop or bus exchange or a West Coast Express station;

(b) 800 m, in relation to a transit station that is a passenger rail station or a planned passenger rail station other than a West Coast Express station.

(2) If, because of a distance prescribed under subsection (1), the boundary of a transit-oriented area bisects a parcel of land, the parcel of land is deemed to be wholly within the transit-oriented area.

Prescribed transit stations

3 (1) The transit stations located at the longitudes set out in column 2 of the Schedule and the latitudes set out opposite in column 3 of the Schedule are prescribed for the purposes of the definition of "transit station" in section 455 of the Act.

(2) The name of the transit station set out in column 1 of the Schedule and the type of transit station set out in column 4 of the Schedule are listed for ease of reference only.

Classes of land within transit-oriented areas

4 (1) The following classes of land within a transit-oriented area in relation to a passenger rail station or a planned passenger rail station, other than a West Coast Express station, are established:

(a) tier 1 land, comprised of parcels of land that are 200 m or less from the passenger rail station;

(b) tier 2 land, comprised of parcels of land that are 400 m or less from the passenger rail station but further than 200 m from the passenger rail station;

(c) tier 3 land, comprised of parcels of land that are 800 m or less from the passenger rail station but further than 400 m from the passenger rail station.

(2) The following classes of land within a transit-oriented area in relation to a bus stop or bus exchange, a planned bus stop or bus exchange or a West Coast Express station are established:

(a) tier 4 land, comprised of parcels of land that are 200 m or less from the bus stop, bus exchange or West Coast Express station;

(b) tier 5 land, comprised of parcels of land that are 400 m or less from the bus stop, bus exchange or West Coast Express station but further than 200 m from the bus stop, bus exchange or West Coast Express station.

(3) A parcel of land that is partly within more than one class of land established under subsection (1) or (2) is deemed to be wholly within the class of land to which the highest density, as set out in section 5, applies.

Density and height requirements

5 (1) For the purposes of section 481.01 *[restrictions on zoning authority in relation to transit-oriented areas]* of the Act, the density set out in column 2 of table 1 and the height set out opposite in column 3 of table 1 are prescribed for tier 1 land in each municipality set out opposite in column 1 of table 1.

Table 1
(tier 1 land)

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
1	Burnaby, City Coquitlam, City Langley, City Langley, Township New Westminster, City Port Moody, City Richmond, City Surrey, City	5.0	20

(2) For the purposes of section 481.01 of the Act, the density set out in column 2 of table 2 and the height set out opposite in column 3 of table 2 are prescribed for tier 2 land in each municipality set out opposite in column 1 of table 2.

Table 2
(tier 2 land)

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
1	Burnaby, City Coquitlam, City Langley, City Langley, Township New Westminster, City Port Moody, City Richmond, City Surrey, City	4.0	12

(3) For the purposes of section 481.01 of the Act, the density set out in column 2 of table 3 and the height set out opposite in column 3 of table 3 are prescribed for tier 3 land in each municipality set out opposite in column 1 of table 3.

Table 3
(tier 3 land)

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
1	Burnaby, City Coquitlam, City Langley, City Langley, Township New Westminster, City Port Moody, City Richmond, City Surrey, City	3.0	8

(4) For the purposes of section 481.01 of the Act, the density set out in column 2 of table 4 and the height set out opposite in column 3 of table 4 are prescribed for tier 4 land in each municipality set out opposite in column 1 of table 4.

Table 4
(tier 4 land)

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
1	Delta, City Langley, City Maple Ridge, City North Vancouver, City North Vancouver, District Pitt Meadows, City Port Coquitlam, City Surrey, City	4.0	12

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
2	Abbotsford, City Chilliwack, City Colwood, City Kamloops, City Kelowna, City Langford, City Mission, City Nanaimo, City Prince George, City Saanich, District Vernon, City Victoria, City View Royal, Town	3.5	10
3	Lantzville, District Penticton, City Whistler, Resort Municipality	2.5	6

(5) For the purposes of section 481.01 of the Act, the density set out in column 2 of table 5 and the height set out opposite in column 3 of table 5 are prescribed for tier 5 land in each municipality set out opposite in column 1 of table 5.

Table 5
(tier 5 land)

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
1	Delta, City Langley, City Maple Ridge, City North Vancouver, City North Vancouver, District Pitt Meadows, City Port Coquitlam, City Surrey, City	3.0	8
2	Abbotsford, City Chilliwack, City Colwood, City Kamloops, City Kelowna, City Langford, City Mission, City Nanaimo, City Prince George, City Saanich, District Vernon, City Victoria, City View Royal, Town	2.5	6

Item	Column 1 **Municipality**	Column 2 **Density** **(Floor area ratio)**	Column 3 **Height** **(Storeys)**
3	Lantzville, District Penticton, City Whistler, Resort Municipality	1.5	4

Exemption related to transit-oriented areas

6 Section 481.01 of the Act does not apply in relation to land in a transit-oriented area that is zoned to permit residential use if the only residential use permitted is residential use that is ancillary or secondary to an industrial or agricultural use permitted by the zoning bylaw.

Consistency with official community plan

7 For the purposes of section 794 *[transition – effect of official community plan]* of the Act, December 31, 2025 is prescribed.

Off-street parking

8 For the purposes of section 796 (1) *[transition – off-street parking]* of the Act, June 30, 2024 is prescribed.

SCHEDULE

Item	Column 1 **Transit Station Name**	Column 2 **Location (Longitude in Degrees)**	Column 3 **Location (Latitude in Degrees)**	Column 4 **Type of Transit Station**
1	152 Street Station	-122.802435	49.166782	passenger rail station
2	160 Street Station	-122.778125	49.157360	passenger rail station
3	166 Street Station	-122.762505	49.151244	passenger rail station

Item	Column 1 **Transit Station Name**	Column 2 **Location (Longitude in Degrees)**	Column 3 **Location (Latitude in Degrees)**	Column 4 **Type of Transit Station**
4	184 Street Station	-122.713811	49.129551	passenger rail station
5	190 Street Station	-122.696905	49.121946	passenger rail station
6	Aberdeen Station	-123.136271	49.184442	passenger rail station
7	Brentwood Town Centre Station	-123.001649	49.266378	passenger rail station
8	Bridgeport Station	-123.125889	49.195529	passenger rail station
9	Burquitlam Station	-122.889853	49.261420	passenger rail station
10	Capstan Station	-123.131952	49.189102	passenger rail station
11	Columbia Station	-122.906368	49.204666	passenger rail station
12	Coquitlam Central Station	-122.800582	49.274823	passenger rail station
13	Downtown Chilliwack Exchange	-121.955722	49.168686	bus exchange
14	Inlet Centre Station	-122.828164	49.277293	passenger rail station
15	Joyce – Collingwood Station	-123.031791	49.238399	passenger rail station
16	Lafarge Lake – Douglas Station	-122.791623	49.285742	passenger rail station
17	Lansdowne Exchange	-120.326105	50.676796	bus exchange
18	Lansdowne Station	-123.136475	49.174665	passenger rail station
19	Legislature Exchange	-123.368939	48.418889	bus exchange
20	Lincoln Station	-122.793805	49.280410	passenger rail station
21	Lougheed Town Centre Station	-122.896870	49.248542	passenger rail station
22	Marine Drive Station	-123.117058	49.209779	passenger rail station
23	Metrotown Station	-123.003792	49.225763	passenger rail station
24	Mission City Station	-122.303959	49.133689	West Coast Express station

Item	Column 1 **Transit Station Name**	Column 2 **Location (Longitude in Degrees)**	Column 3 **Location (Latitude in Degrees)**	Column 4 **Type of Transit Station**
25	Moody Centre Station	-122.845593	49.277954	passenger rail station
26	New Westminster Station	-122.912608	49.201412	passenger rail station
27	North Shore Exchange	-120.359841	50.697916	bus exchange
28	Okanagan College Exchange	-119.479999	49.861109	bus exchange
29	Patterson Station	-123.012429	49.229670	passenger rail station
30	Phibbs Exchange	-123.028777	49.305479	bus exchange
31	Port Haney Station	-122.606006	49.212329	West Coast Express station
32	Richmond–Brighouse Station	-123.136330	49.168289	passenger rail station
33	Rupert Station	-123.032850	49.260754	passenger rail station
34	Rutland Exchange	-119.392045	49.890582	bus exchange
35	Sperling – Burnaby Lake Station	-122.963843	49.259157	passenger rail station
36	Uptown Exchange	-123.377227	48.455942	bus exchange

ATTACHMENT 3

DISTRICT OF LANTZVILLE
BYLAW NO. 370, 2024

A BYLAW TO ESTABLISH A TRANSIT-ORIENTED AREA

NOW THEREFORE the Municipal Council of the District of Lantzville in open meeting assembled enacts as follows:

1. TITLE

1.1 This Bylaw may be cited for all purposes as the "District of Lantzville Transit-Oriented Areas Bylaw No. 370, 2024".

2. DEFINITIONS

2.1 In this Bylaw:

a. "Accessible Parking" means parking designated for persons requiring extra space and increased convenience.

b. "Floor Area Ratio" means the ratio between a building's gross floor area and the area of the parcel the building is located on, expressed as a decimal (Gross Floor Area ÷ lot area).

c. "Gross Floor Area" means the sum of the total floor area of all floors in a building measured to the extreme outer limits of the building, but specifically excludes parking that is fully below natural or finished grade, whichever is lower.

d. "Storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

e. "Transit-Oriented Area" means an area within a prescribed distance from a transit station.

f. "Transit Station" means:
   i. a prescribed bus stop, bus exchange, passenger rail station or other transit facility, and
   ii. a planned, prescribed bus stop, bus exchange, passenger rail station or other transit facility.

3. GENERAL PROVISIONS

3.1 Every complete application for an amendment to the Official Community Plan or Zoning Bylaw shall be considered by Council as specified in this bylaw.

3.2 Any person, being the owner of land or having the written permission of the owner may apply to Council for an amendment to the Official Community Plan or Zoning Bylaw in accordance with this bylaw.

3.3 This Bylaw does not replace the rezoning application process.

4. APPLICATION OF BYLAW

4.1 This Bylaw applies to any parcels partially or wholly located within 400 metres of a transit station identified in Schedule 'A' of this Bylaw, as amended from time to time.

4.2 This Bylaw applies to parcels zoned to permit a residential use.

5. TRANSIT-ORIENTED AREA DENSITY ALLOWANCE

5.1 Pursuant to the *Local Government Transit-Oriented Areas Regulation*, the minimum densities and heights required to be permitted within Transit-Oriented Areas are as follows:

Distance from Transit Station (metres)	Density (Floor Area Ratio)	Height (storeys)
Less than 200 m	2.5	Up to 6 storeys
200 m – 400 m	1.5	Up to 4 storeys

6. PARKING IN TRANSIT-ORIENTED AREAS

6.1 Residential development within a Transit-Oriented Area is not required to meet the minimum off-street parking requirements outlined in Section 2.6 (1) of "District of Lantzville Zoning Bylaw No. 180, 2020", excluding accessible parking requirements.

6.2 Despite Section 6.1, residential development within a Transit-Oriented Area must comply with the minimum bicycle parking requirements outlined in "District of Lantzville Zoning Bylaw No. 180, 2020".

6.3 Despite Section 6.1, if a developer within a Transit-Oriented Area chooses to provide off-street parking, parking must meet the design requirements outlined in "District of Lantzville Zoning Bylaw No. 180, 2020".

7. EXEMPTIONS

7.1 This Bylaw does not apply to any parcels within a Transit-Oriented Area with the following land uses:

a. Land zoned to permit industrial use; or
b. Land zoned to permit agricultural use.

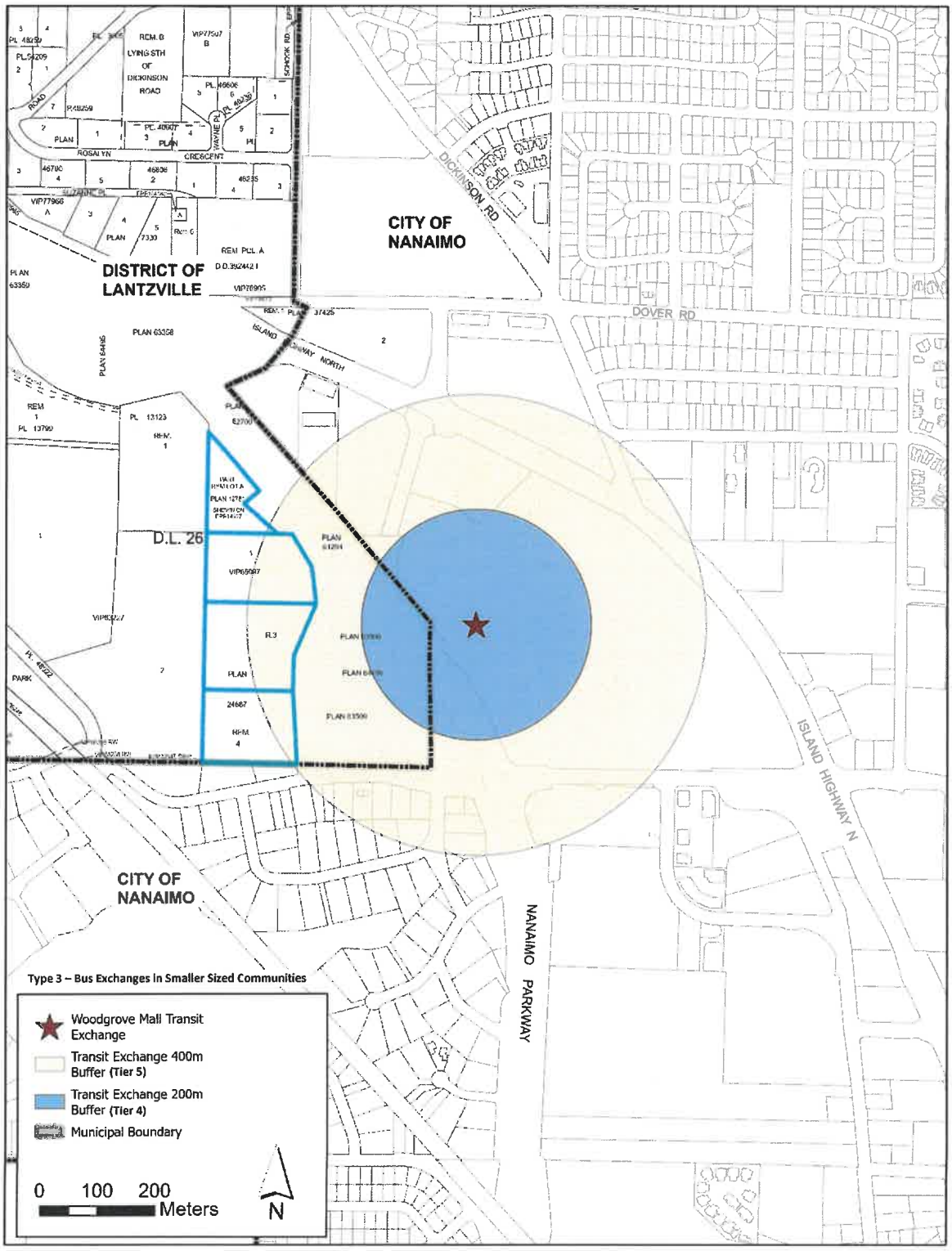
READ A FIRST TIME this day of , 2024.
READ A SECOND TIME this day of , 2024.
READ A THIRD TIME this day of , 2024.
ADOPTED this day of , 2024.

Mark Swain, Mayor

Delcy Wells, Director of Corporate Administration

'Schedule A'

Transit-Oriented Areas



BRITISH COLUMBIA

Provincial Policy Manual: Transit-Oriented Areas

Supporting Local Government Compliance with Legislative Requirements Under the *Local Government Act* and *Vancouver Charter* for Transit-Oriented Areas

Version 2.0

March 8, 2024



History of Amendments by the Ministry of Transportation and Infrastructure and Ministry of Municipal Affairs

Version	Date	Amendment
2.0	March 8, 2024	**Density Bonus:** Clarity for local government regarding the use of Density Bonus tool (Page #21) in TOAs, and flagging that local governments should be periodically checking the Local Government Density Initiatives website for more information. **Compliance:** Notification (Page #33) from local government to the Ministry of Transportation and Infrastructure on final adoption of the bylaw that is compliant with TOA requirements, including a copy of the bylaw.

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Introduction

In December 2023[1], the Province of British Columbia (BC) made amendments to the *Local Government Act* (LGA) and *Vancouver Charter* (VC) to establish transit-supportive densities adjacent to transit stations. These areas are referred to as Transit-Oriented Areas (TOAs) in the new legislation. TOAs are designated around prescribed transit stations to help achieve the goals of transit-oriented development such as mode shift and creating complete communities.

In addition to legislative amendments, the Province also established the following to define how and where to implement TOAs:

1. Designation of Transit-Oriented Areas Regulation
2. Local Government Transit-Oriented Areas Regulation
3. Vancouver Transit-Oriented Areas Regulation
4. An Order-in-Council that amends 2 and 3 above, effective June 30, 2024

collectively referred to as "the regulations" throughout this document.

In developing, amending, and adopting an official community plan (OCP), zoning bylaw, or other bylaws to support implementation of the new TOA legislation, a local government must adhere to the legislation and regulations, and must consider these Provincial Policy Guidelines (referred to herein as the "Provincial Policy Manual"). This Provincial Policy Manual is a resource to support local governments with the implementation of Provincial TOA requirements.

Subsequent resources or information bulletins may be issued by the Province to clarify or elaborate on these new TOA requirements. These resources will be available online at Local Government Housing Initiatives.[2]

[1] https://news.gov.bc.ca/releases/2023HOUS0063-001748
[2] https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-initiatives

What are Transit-Oriented Areas?

Transit-Oriented Area (TOA) is defined as an area within a prescribed distance from a transit station. TOAs are intended to be areas of mixed-use, complete communities around transit stations and bus exchanges. When thoughtfully planned and developed, TOAs provide a diversity of housing options, offer access to a variety of amenities and services, support local business and employment opportunities, and enable greater mobility options. This form of development achieves a highly efficient use of land and infrastructure, for example:



- TOAs are intended to foster vibrant urban environments that act to concentrate amenities and encourage active transportation and healthy lifestyles.
- TOAs contribute to improved environmental sustainability primarily through the reduction in energy consumption and greenhouse gas emissions due to fewer and shorter automobile trips. TOAs also enhance social sustainability by providing high-quality transportation choices and access to public spaces for all community members, regardless of age and ability. Lastly, efficient, cost-effective, and high-quality transit promotes a strong regional economy by providing workers and residents with access to places of employment, shopping, and other activities.
- The concentration of higher density and a diversity of land uses leverages public investment in transit infrastructure and ensures critical co-benefits, particularly increased housing supply and affordability.
- Since TOAs are organized around fixed transit infrastructure, they tend to retain their value as great places to live, work, and visit, even as the surrounding political, economic, and environmental landscapes fluctuate.

Overview of the Minimum Density Framework

Densification around transit hubs is a key ingredient to achieving livable, walkable, complete communities around transit. Within TOAs, local governments must comply with newly established density requirements. These prescribed densities vary according to geographic location and proximity to the transit station.

Defined Terms and Meanings

Except for references to legislation which are italicized, other italicized terms in the Provincial Policy Manual are defined in the Definitions section. For non-italicized terms, the conventional meaning of the word applies.

In legislation, *Transit-Oriented Area* (TOA) means an area within a prescribed distance from a transit station.

Per the *Local Government Act* and *Vancouver Charter*, *Transit Station* means:

a) An existing prescribed, bus stop, bus exchange, rapid transit stop, passenger rail station or other transit facility; and

b) A planned, prescribed transit bus stop, bus exchange, rapid transit stop, passenger rail station or other transit facility.

Notably, there are no bus stops prescribed in the regulations; at this time, only bus exchanges, West Coast Express stations and SkyTrain stations have been identified for TOAs.

How should this Provincial Policy Manual be used?

The legislation requires local governments to consider this Provincial Policy Manual when doing the following:

- Designating TOAs by bylaw
- Adopting/amending zoning bylaws
- Developing/amending an official community plan (OCP) or an official development plan (ODP)
- Adopting/amending an off-street parking requirements bylaw

The content of this Provincial Policy Manual is not a substitute for review of applicable legislation and regulations and is not provided as legal advice. Local governments are strongly encouraged to read the Provincial Policy Manual in its entirety and seek legal advice as necessary.

Provincial Policy Manual Structure

- **Part 1** provides an overview of the new legislative and regulatory requirements and provides an overview of how TOAs fit within the broader changes to the land use planning framework recently enacted by the Province.
- **Part 2** provides guidance on implementing the TOA legislation and regulations, including a description for how local governments should designate by bylaw the prescribed TOAs and the new permitted densities.
- The **Appendix** contains further information for local governments to assist them in complying with the legislative and regulatory requirements.

Geographic Distinctions

Local governments are required to designate TOAs and comply with the TOA legislation and regulations. This Provincial Policy Manual recognizes the significant diversity of local governments in British Columbia in terms of legal structure, size, geography, historical and current land use patterns, housing markets, etc. The Provincial Policy Manual therefore outlines a range of different considerations for different contexts. Consequently, not all contents will be applicable to every local government, geography, or parcel within a TOA boundary.

Other Guidance Material

Additional guidance material may be issued from time to time by the Province[3] to assist local governments with implementing the TOA legislative requirements. This information is intended to support the information contained in this Provincial Policy Manual.

This Provincial Policy Manual is intended to be complementary to other resources and policy documents published by the Province to guide local governments in specific areas of land use planning.

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[3] https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-initiatives

Part 1 - Overview of the Legislation and Regulations

Why is the Province introducing Transit-Oriented Area requirements?

Creating TOAs will address multiple provincial challenges simultaneously – tackling the housing crisis, multi-modal integration, real alternatives to vehicle travel, economically sustainable infrastructure investment, and the challenges of climate change, all while providing for more equitable neighbourhoods and leveraging significant investments in transit. The density, mix, and pattern of land uses around higher order transit can create the transit-supportive conditions necessary for TOAs to thrive.

What do the legislation and regulations do?

The legislative changes to the *Local Government Act* (LGA) and *Vancouver Charter* (VC) enable the Province to prescribe transit stations and require local governments to designate land within certain distances around those stations as Transit-Oriented Areas (TOAs) by bylaw. Within those TOAs, with respect to land zoned to permit any residential use or another prescribed use, local governments are required to adhere to minimum densities when amending a zoning bylaw. In the short term, the new legislation provides a temporary relief from the requirement that zoning bylaws be consistent with official community plans (OCPs) or official development plans (ODPs), which means it will **not** be necessary to simultaneously reflect these changes in OCPs or ODPs before December 31, 2025. However, as local government update their OCPs and ODPs they should ensure continued consistency with zoning bylaws as part of the regular update cycle established in other recent legislative changes.

The TOA legislation prohibits local governments from establishing requirements for off-street residential parking spaces in TOAs, other than for use by persons with disabilities, but it does not preclude a property developer from including parking in the building. Local governments can still establish design standards should developers choose to include off-street parking in their proposals.

The legislative changes also allow the Province to establish Provincial Policy Guidelines (i.e. this Provincial Policy Manual) which local governments must consider when undertaking planning or zoning changes in TOAs.

The regulations contain the prescribed transit stations, some of which take effect immediately and others which take effect June 30, 2024. The TOAs immediately in effect are in areas which already have transit supportive land use plans published by local government. Local governments will have until June 30, 2024, to designate their respective TOAs by bylaw.

The regulations also establish minimum densities that must be allowed in relation to land zoned for any residential (or other prescribed) use in TOAs. The minimum density will depend on the municipality, nature of the transit station (e.g. bus versus rail) and the distance from the transit station.

How were TOAs defined and identified?

The regulations define TOAs as geographic areas within a prescribed distance from a transit station. TOAs encompass either a 400 metre (m) or 800m radius around a transit station, which constitutes a 5 or 10-minute average walking distance, respectively. Each prescribed area is broken into Tiers, which establish the location of applicable minimum densities. The characteristics of the transit station determine whether the distance is 400m or 800m.

Currently, there are two categories of transit stations that correspond to the two TOA prescribed areas:

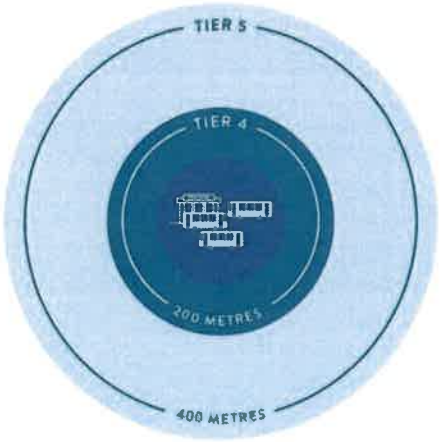


1. SkyTrain Stations

SkyTrain station TOAs include SkyTrain and subway stops, and all include a catchment area of 800m, measured as a radius from the centre of each station. SkyTrain TOAs encompass a gross land area of 200 hectares (ha) and are comprised of three distinct Tiers:

- Tier 1 encompasses a gross land area of 12.5 ha within 200m or less from the station.

- Tier 2 encompasses a gross land area of 37.5 ha greater than 200-400m from the station; and
- Tier 3 encompasses a gross land area of 150 ha greater than 400-800m from the station.



2. Bus Exchanges and West Coast Express Stations (400M)

Bus exchange and West Coast Express station TOAs have a catchment area of 400m. They encompass a gross land area of 50 ha and are comprised of two distinct Tiers:

- Tier 4 encompasses a gross land area of 12.5 ha within the 200m or less from the exchange; and
- Tier 5 encompasses a gross land area of 37.5 ha greater than 200m-400m from the exchange.

All West Coast Express stops are prescribed transit stations. Bus exchange locations were identified based on multiple service and infrastructure criteria, including:

- 15-minute service frequency (between 10am and 3pm, weekdays);
- 2 or more unique line/route connections;
- Service 7 days a week (between 7am and 7pm);
- One route meeting minimum frequency at least 12 hours/day, weekdays; and
- Permanent, purpose-built infrastructure.

Location Exemptions and Future Considerations

Some transit stations meet the above criteria but have significant site constraints, for example, sites which are not within local government's jurisdiction to regulate (ALR, federally regulated lands, etc.), and have been excluded from being prescribed in the TOA regulations.

The TOA legislation and regulations apply to current transit technologies and currently active or under construction transit stations. For example, TransLink plans to deploy Bus Rapid Transit throughout the Metro Vancouver region, but that technology has not been included in the current definitions because it does not yet exist. As transit technologies evolve and as transit services expand across the province, the legislation and regulations will be updated to accommodate those additions.

What are the minimum density requirements in TOAs?

The Province developed the Minimum Allowable Density Framework (MD Framework) that informed the prescribed densities which local governments must allow when exercising zoning powers in relation to land zoned to permit residential (or any other prescribed) use. The MD Framework is designed to ensure predictable and adequate densities within similar TOA catchment categories.

The MD Framework relies on two metrics to define minimum allowable density:

1. Density, measured by *Floor Area Ratio* (FAR[4]), and
2. *Building Height,* measured in storeys.

The MD Framework is reflected in a prescribed density table in the regulations that outlines the permissible density (i.e., FAR/FSR and storeys) as applicable, within designated TOAs.

Residential parcels mean properties which include residential uses in their zoning provisions. This includes mixed-use zones where commercial, employment, institutional, or other uses are permitted alongside residential uses.

[4] The *Vancouver Charter* uses Floor Space Ratio (FSR)

Per the regulations, parcels which are zoned to permit residential use that is ancillary or secondary to agricultural or industrial uses are exempted from the minimum density requirements.

The Density 'Envelope'

Zoning bylaws typically contain a maximum permitted density and building heights within each zone and for each allowable use. These standards allow a range of building densities and heights up to, but not exceeding, the maximums established in the zone. This approach creates a range of possible densities and heights for rezoning applicants to choose from when planning and designing their project.

Similarly, the MD Framework establishes new minimum allowable densities which local governments must adhere to when exercising their zoning authority in relation to rezoning applications or amendments to zoning bylaws. These prescribed minimum densities are also established as "up to" regulations. For example, on Tier 1 land within passenger rail (SkyTrain) station TOAs, the minimum allowable FAR/FSR is 5.0 **or less** and the minimum allowable height is 20 storeys **or less.** This provides an allowable range or envelope of densities and building heights within TOAs.

However, an important distinction is that while an envelope of allowable densities and heights are available for rezoning applicants to work within, a local government may not reject a rezoning proposal based on the density or height exceeding what is allowed in a zoning bylaw if what is proposed is less than or equal to the prescribed minimum density or height in the regulations. For instance, if a rezoning applicant proposes a 15-storey project within a Tier 1 TOA that allows 20 storeys per the regulations, but the local government's zoning bylaw limits density to 2.0 FAR/FSR and 5 storeys, the local government must not refuse the rezoning application based on height and density alone. Conversely, if an applicant proposes a 22-storey project with an FAR/FSR or 5.0 in the same Tier 1, the local government could reject the application based on height that exceeds the Provincial minimum.

It is also important to note that local governments retain the zoning authority to established densities and heights **greater than** those prescribed by Provincial regulations.

The MD framework applies to all land area within the TOA and recognizes that there may be instances where an individual site cannot achieve all the allowable density or building height, including:

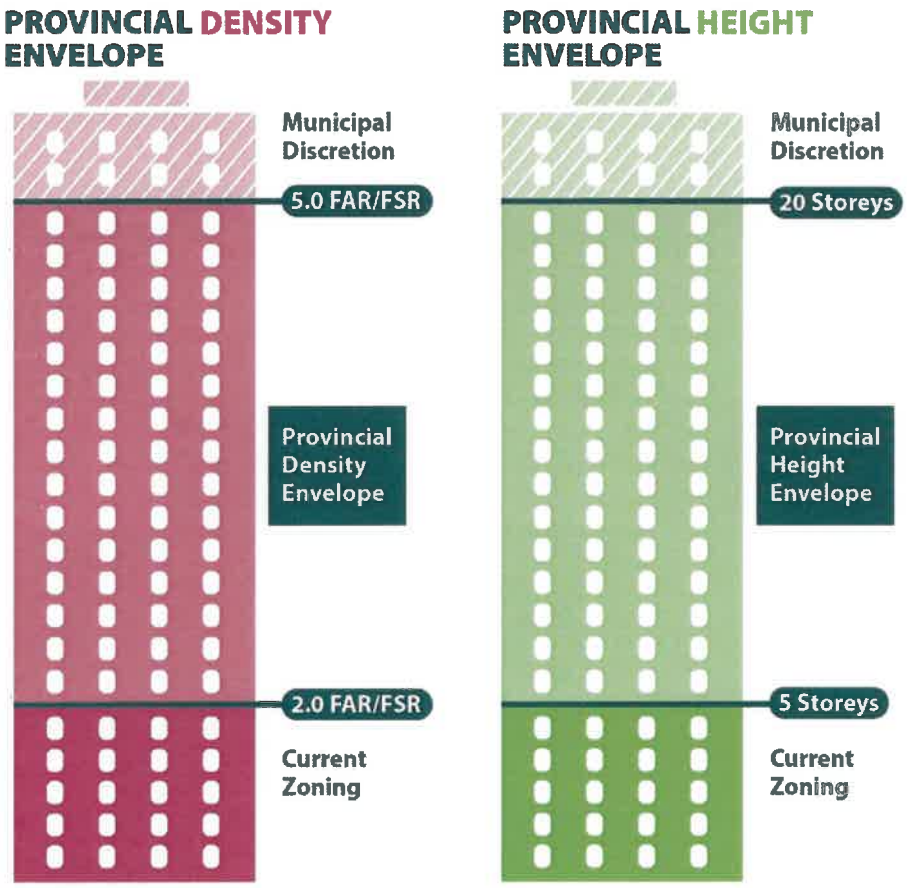
- A site cannot physically accommodate all the available density or building height (e.g. due to site size, shape, land constraints, etc.).
- Cost considerations of type of construction, building code requirements (e.g. concrete versus wood-frame or mass timber construction).
- Land assembly issues.

The MD Framework works as follows:

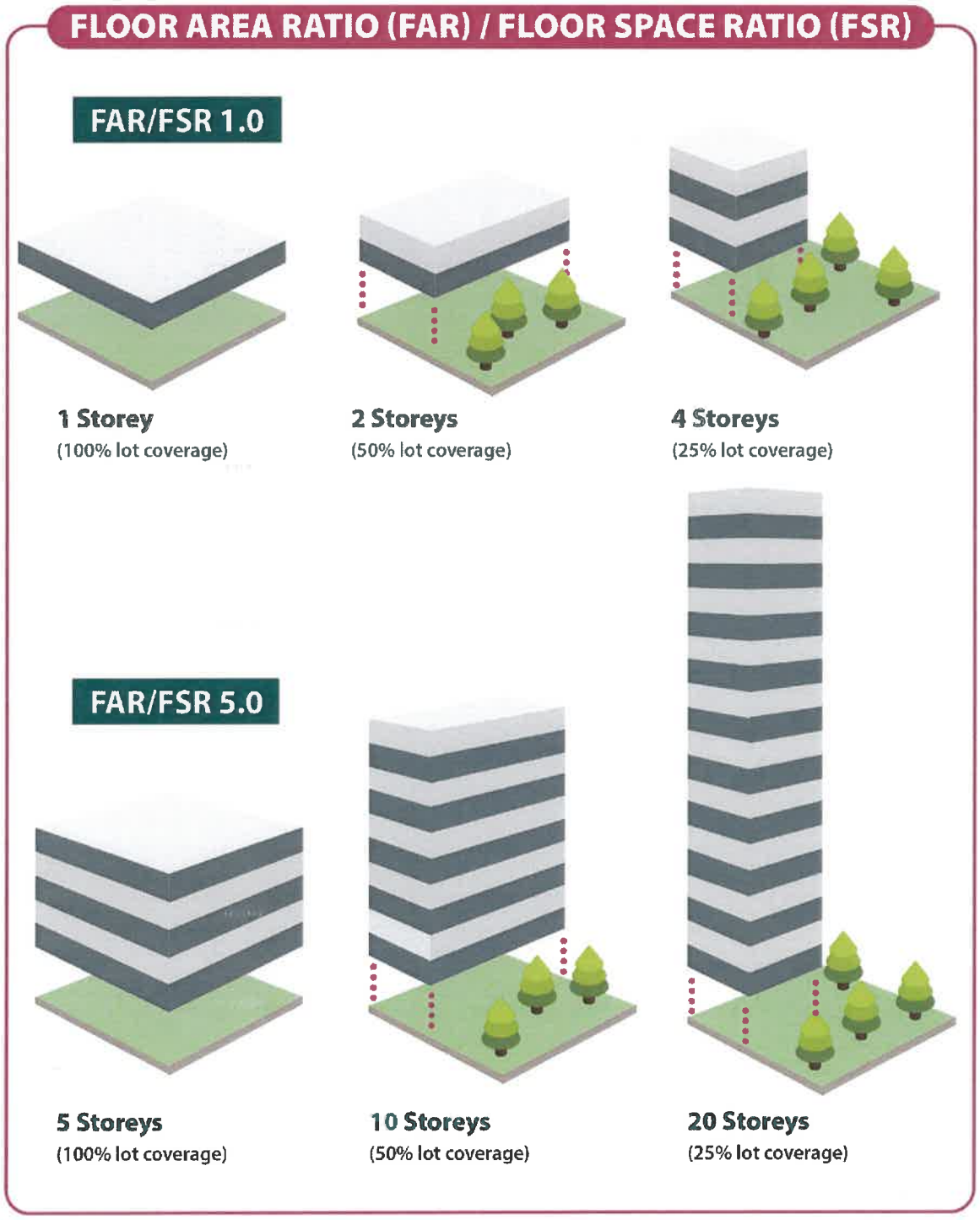
Existing Allowable Density (current zoning)	• Maximum density and building height allowed under existing zoning by the local government, prior to the MD Framework
MD Framework Density (Provincial Density Envelope)	• The required increase[5] in allowable density prescribed through the regulations that must be allowed by the local government when exercising zoning authority in relation to rezoning applications or amendments to zoning bylaws.
Discretionary Additional Increase in Density (Municipal Discretion)	• Any increase in allowable density above the prescribed densities as authorized by the local government.

[5] In most but not all cases, the MD Framework will set densities above the Existing Allowable Density (current zoning).

THE ILLUSTRATIONS BELOW PROVIDE AN EXAMPLE OF HOW THE PROVINCIAL DENSITY WORKS IN RELATION TO LOCAL GOVERNMENT AUTHORITY:



FAR/FSR:


FLOOR AREA RATIO (FAR) / FLOOR SPACE RATIO (FSR)
FAR/FSR 1.0
1 Storey
(100% lot coverage)
2 Storeys
(50% lot coverage)
4 Storeys
(25% lot coverage)
FAR/FSR 5.0
5 Storeys
(100% lot coverage)
10 Storeys
(50% lot coverage)
20 Storeys
(25% lot coverage)

Since FAR/FSR and building height do not directly correspond to one another, the MD Framework has been designed so that the FAR/FSR and building heights listed represent the maximum FAR/FSR and height a local government is required to allow. For example, if a proposed building has an FAR/FSR which is at the provincial maximum FAR/FSR, but the proposed building height exceeds the provincial maximum height, then the local government would have discretion to limit the proposal to the provincial maximum height; however, the local government could not use its zoning authority to restrict or prohibit the maximum FAR/FSR allowed by the regulations.

MINIMUM DENSITY TOA CATEGORIES

The MD Framework aims to achieve viable densities based on transit infrastructure type and the nature of the housing market, population size, land values, and geographic location while also being broadly applied across the province. As such, the MD Framework categorizes land within TOAs into tiers in the regulations to assign different minimum allowable densities. The density prescribed for a tier will vary depending on the type of transit station (i.e., SkyTrain, West Coast Express or bus exchange).

What are the new parking requirements?

Off-street parking for residential units is often provided underground as part of a development in areas around higher-order transit, often according to set minimums required by local governments. Land in these areas is often expensive and providing parking underground can be a major cost for higher density residential projects. Minimum parking requirements can strain a project's economic viability, reduce the number of residential units, reduce the affordability of units, and disincentivize residents from utilizing transit. Further, parking garages often go underutilized, resulting in an inefficiently designed building.

Many local governments have recently considered reducing or eliminating residential off-street parking requirements in proximity to frequent transit or central urban areas.

The new parking legislation restricts local governments' ability to require residential off-street parking in TOAs, except for parking for people with disabilities. The legislation also requires local governments to update their parking bylaws by June 30, 2024. This does not eliminate all parking. Local governments will still be able to require builders and developers to add parking to accommodate people living with disabilities. Commercial parking requirements will not be affected within TOAs. Builders and developers will be

able to propose projects that include residential off-street parking but cannot be required to provide it other than parking spaces for use by people with disabilities.

All existing requirements for off-street parking or space provisions for accessible vehicle parking, bicycle/micro-mobility parking, loading/unloading, service vehicle access, deliveries, and shared vehicles set by local governments for residential and residential mixed-use developments will still apply. Should a property owner opt to provide off-street residential parking spaces, these spaces must adhere to the design standards established by the respective local government.

In cases where exceptions to these parking restrictions may be required, the legislation provides the Province with the authority make regulations to require the provision of off-street parking spaces, for the residential use of the land, building or other structure.

Exemptions and Limitations

The MD Framework applies to any parcel within a TOA on which the applicable zoning permits residential land use. There are two exceptions from TOAs:

- Land zoned to permit residential use that is ancillary or secondary to industrial use.
- Land zoned to permit residential use that is ancillary or secondary to agricultural use.

In addition, there are several scenarios where municipal bylaw requirements and Federal or Provincial statutes are applicable, the provisions of which supersede or have a limiting effect on the MD Framework. For example:

- Agricultural Land Reserve (ALR)
- Airport Zoning Regulations under *Aeronautics Act*
- Federal Crown land
- Flood plains, hazard areas, riparian areas and other environmentally sensitive areas; and
- Heritage objects and sites that are subject to heritage designation, heritage revitalization agreements, etc.

Relationship with Other Provincial Legislation

When local governments designate TOAs, there are provincial statutes or regulations that will need to be considered. It is up to local governments to determine the legislative and regulatory frameworks that apply to a given parcel prior to approving development.

The *Transportation Act* governs public works related to transportation, as well as the planning, design, holding, construction, use, operation, alteration, maintenance, repair, rehabilitation, and closing of provincial highways. It also provides authority to designate arterial and controlled access highways.

Under Section 52 of the *Transportation Act*, a controlled area is defined as any land and improvements within an 800-metre radius of the intersection of a controlled access highway with any other highway. A local government zoning bylaw does not apply to the controlled area unless it has the written approval of the Minister of Transportation and Infrastructure or delegate, or the bylaw is compliant with an agreement under the signature of the Minister or delegate. Zoning amendments to implement the TOA legislation in controlled areas as defined in the *Transportation Act* will require the written approval of the Minister of Transportation and Infrastructure or delegate unless compliant with an existing agreement.

Relationship with Other Provincial Initiatives

A significant number of legislative requirements were introduced in the fall of 2023 that impact planning, reporting, and development approval processes for local governments in British Columbia. These legislative changes and related programs, such as the Single Housing Application Service and the Complete Communities Program, are designed to respond to challenges communities across the province are experiencing, including a shortage of safe and affordable housing.

These legislative changes are summarized below. They were implemented in conjunction with TOA legislation to collectively modernize land use planning processes; improve the supply, diversity, and affordability of housing; and help equip local governments with the tools needed to sustainably manage their services and infrastructure. They support the *Homes for People Action Plan,* which strives to build more inclusive and affordable communities.

Many of the legislative changes described below originated from the Province's Development Approvals Process Review which began in 2018. It was undertaken with the

goal of increasing the efficiency and effectiveness of local government development approvals processes. The extensive stakeholder consultation that informed the resulting report highlighted several systemic challenges these initiatives are designed to address.

Housing Needs Reports

In fall 2023, the Province changed legislative requirements related to local governments' preparation of housing needs reports (HNR). When updating their HNR every 5 years, local governments are now required to use a standard methodology and calculate housing needs over a longer 20-year time horizon, as well as the 5-year timeline originally required. The requirements also more directly link housing needs reports to official community plans and zoning bylaws to ensure both planning and zoning align with community housing needs.

Linkages Between Official Community Plans and Zoning Bylaws

Official community plans (OCPs) describe the long-term vision of communities. They include statements of objectives, maps, and policies that guide decisions on local government planning and land use management. Zoning bylaws are intended to implement land use planning visions expressed in OCPs and regional growth strategies by regulating how land, buildings, and other structures may be used.

In practice, zoning bylaws are often not updated for alignment with OCPs to enable the vision articulated in them to be realized. This means changes to different land uses, even if desired by local governments, are often subject to onerous and time-consuming site-specific rezoning application processes. This reduces the ability of local governments to adapt land uses to changing community needs in a timely way. It also creates a barrier to neighbourhoods and communities realizing the vision they have identified through extensive community consultation.

The fall 2023 legislative changes mean local governments are now required to update OCPs and zoning bylaws on a regular basis (every 5 years) for consistency with housing needs reports. Over time, this will have the effect of reducing the number of site-specific rezoning applications required to bring into effect land use changes that are consistent with community visions articulated through OCPs. Development permit applications will still be needed, as well as building permits. However, this will reduce administrative

requirements for local governments to process land use applications, while assisting communities in realizing their vision for growth and change sooner.

The intent of the TOA legislation and associated regulations is to enable minimum densities when local governments make zoning decisions. Local governments can turn down rezonings for reasons other than density, such as the preservation of heritage buildings and features. For example, in the case of Vancouver, which relies heavily on zoning authority to protect heritage buildings and features, Council may continue to regulate other aspects of a development (architectural expression, form of development, etc.) through their zoning authority to ensure any new development or additions are compatible and appropriate to the unique historical or cultural context of the district.

To support residents living near transit-oriented redevelopments, many municipalities have implemented policies for better tenant communication as well as considerations for tenant protections. Local governments are encouraged to follow best practices regarding existing residential tenancies and to ensure a diversity of housing types and tenures in TOD developments.

Small Scale Multi-Unit Housing Initiative

In the fall of 2023, the Province also introduced changes to the *Local Government Act* and *Vancouver Charter* to allow more small-scale, multi-unit housing in zones that are otherwise restricted to single family dwellings and/or duplexes.

Through the SSMUH legislation, enabling secondary suites or accessory dwelling units (ADUs) on single-family zoned lots throughout BC. In suburban and urban communities, the legislation requires multiple units of housing (3 to 6 units depending on the location and context) to be permitted on single-family and duplex zoned lots without the need for costly and time-consuming rezoning processes. As a result of this, local governments must amend their zoning bylaws to permit a minimum density of two units or three to six units of housing on lots identified in Restricted Zones as that term is defined by the new legislation.

The SSMUH requirements apply to all Restricted Zones, even if secondary suites or accessory dwelling units (ADUs) are currently permitted in those zones. Local governments are also encouraged (but not required) to apply the SSMUH requirements for increased density to appropriate multi-family zones (e.g., duplex, or low density attached housing zones). The SSMUH provisions are designed to reduce sprawl, ensure

new housing units are adequately and efficiently serviced by infrastructure, and protect heritage buildings and features important to communities.

It is important to note that properties within a designated Transit-Oriented Area are exempt from the requirements to zone for 3 to 6 units under the SSMUH legislation. Properties within a TOA will be subject to higher density requirements in accordance with the TOA legislation and regulations to help improve transit viability and service.

Development Financing

The TOA legislation is intended to help facilitate housing supply, which will likely create demand for new or expanded infrastructure from local governments. To address this demand, local governments have a range of financing tools available to acquire and construct new assets. The key development finance tools set out in legislation include development cost charges, and in the case of City of Vancouver, development cost levies (DCCs/DCLs) and new provisions for amenity cost charges (ACCs). Local governments can also use density bonus authorities, which is a zoning tool.

Development Cost Charges

DCCs/DCLs can be levied on new development to help pay the capital costs of new or expanded infrastructure, such as sewer, water, drainage, parks, and roads necessary to adequately service the demands of that new development. The LGA sets out the rules and requirements for using DCCs and the VC sets out the rules and requirements for using DCLs.

A new or amended DCC/DCL bylaw will also be required if a local government wishes to collect DCCs/DCLs to help pay the capital costs of fire protection facilities, police facilities and solid waste and recycling facilities, or if the updates to zoning regulations affect the assumptions used to calculate DCCs/DCLs, such as the number of residential units, housing stock mix, or occupancy rates. The same rules and requirements that exist in the DCC/DCL framework will apply to these new categories. Additional resources for DCCs/DCLs include the Province's Development Cost Charges Best Practices Guide.

Amenity Cost Charges

Local governments can also use the new ACC tool to help pay the capital costs of amenities (e.g., community and recreation centers, libraries, day care facilities) needed to

support growth and create liveable communities. Note that ACCs cannot be used to pay the capital costs of projects that are eligible to be funded through DCCs/DCLs.

Like DCCs/DCLs, ACCs must be imposed by bylaw. Local governments must determine the area or areas in their communities where they are anticipating growth and identify what amenities are needed in the area(s). When determining the area(s) and amenities, local governments will need to consider their official community plans and other relevant planning documents, expected increases in population, and the financial plan.

ACCs can then be imposed as a set charge based on units, lots, or floorspace area on new development to help pay for amenities that benefit the development and the increased population resulting from new development. When setting their charges, local governments need to consider the capital costs of the amenities, phasing of amenities, whether the charges are excessive in relation to existing standards of services, and whether charges would deter development (e.g., they will need to undertake a land economic analysis).

Charges cannot be based solely on the capital costs of the amenities. In determining charges, local governments must follow the steps below.

- Deduct any grants or other sources of funding that are helping finance an amenity.
- Allocate the costs between future residents (i.e., the portion of costs allocated to new users/to be paid by new development) and current residents (i.e., the portion attributed to existing users). As amenities often benefit the existing population, local governments will need to fairly distribute the costs of amenities between future residents (i.e., the development) and existing residents (i.e., the existing tax base).
- Deduct from the portion of costs attributed to new development an amount that will be funded by the local government. Like DCCs/DCLs, ACCs are intended to "assist" with paying the capital costs of amenities. Therefore, local governments are expected to provide a level of financial assistance to ensure that new development does not shoulder the entire costs of amenities.

There are certain circumstances in which a local government cannot impose ACCs, including on developments that have already paid an ACC, developments that do not result in an increase in population, or to cover the capital costs of the types of infrastructure for which a local government can impose DCCs/DCLs. Local governments

can waive or reduce ACCs for not-for-profit rental housing and for-profit affordable rental housing (like DCCs/DCLs).

Unlike DCCs, ACC bylaws do not require approval by the Inspector of Municipalities. Instead, the legislation sets out specific requirements for developing the bylaw, such as a requirement to consult with affected parties (e.g., the public, neighbouring local governments, the development industry, impacted parties) and rules to ensure transparency and accountability about funds received (e.g., local governments are required to report annually on their charges). The Province has the authority to establish regulations respecting specific aspects of the framework, such as to ensure that charges do not deter development and to exempt certain types of affordable housing from ACCs.

Density Bonus

Local governments can also use density bonus authorities to acquire amenities needed to support additional density, as well as affordable housing and special needs housing. Density bonus authorities allow local governments to establish a base density for a zone and then a higher density that a developer can choose to build to in exchange for providing amenities and/or affordable housing or social housing.

Amenity cost charges can be imposed according to the base density (rather than the "bonus" density), as the base density is planned for "up-front" and developers opt into the bonus density. Local governments cannot use the density bonus tool to collect for the same amenity projects for which an amenity cost charge is being collected (e.g., for an amenity project set out in an amenity cost charge bylaw).

Local governments can continue to use the density bonus tool in TOAs. When using density bonus in TOAs, local governments can set base densities within the minimum allowable density framework. This use of density bonus within the minimum allowable density framework will provide local governments with time to develop and implement new proactive planning tools, such as amenity cost charges and other tools under consideration by the province. It is anticipated that local governments will transition to using any new tools by mid-2025. The Provincial Policy Manual will be updated as new tools become available over time.

Part 2 – Implementing the Legislation and Regulations

Overview

Local governments must designate all TOAs in their jurisdiction by bylaw on or before June 30, 2024, using the list of prescribed transit stations in the regulations. In doing so, they are required to consider this TOA Provincial Policy Manual to support implementation and compliance.

The MD Framework places a restriction on zoning decisions in relation to density, size, or dimension of buildings or structures. Local governments may continue to develop and amend official community plans or development plans for areas around prescribed stations. However, as these plans are created and amended over time, local governments must ensure that they align land use designations with the MD Framework. In addition, these plans may include overall metrics, such as total capacity for housing supply or employment targets within the TOA and would consider all land uses within the TOA, account for local market conditions, and plan for the provision of services and amenities required to support a community.

Rezoning Process

There is no requirement to pro-actively zone to the prescribed heights and densities in TOAs. The MD Framework does not change the existing rezoning process of a local government. Application fees, submission requirements, staff reporting, bylaw introduction and readings, and final adoption are not affected by this legislation or the regulations. Only density and height requirements are imposed by the new framework.

However, as local governments are working to comply with the other legislative requirements to ensure that housing needs identified in their most recent housing needs report are accommodated in official community plans and zoning bylaws, they may choose to prioritize some or all areas within TOAs for pro-active zoning. Local governments pro-actively zoning in TOAs must align zoning changes to the MD Framework.

Where do the New Requirements Apply?

The regulations identify the locations of prescribed transit stations. Local governments must use the Order-in-Council that amends the Local Government and Vancouver Transit Regulations, effective June 30, 2024, for the purposes of designating TOAs by bylaw.

The Province has identified 31 local governments that must designate TOAs:

City of Abbotsford	District of Lantzville	City of Port Coquitlam
City of Burnaby	City of Maple Ridge	City of Port Moody
City of Chilliwack	City of Mission	City of Richmond
City of Colwood	City of Nanaimo	District of Saanich
City of Coquitlam	City of New Westminster	City of Surrey
City of Delta	City of North Vancouver	City of Vancouver
City of Kamloops	District of North Vancouver	City of Vernon
City of Kelowna	City of Penticton	Town of View Royal
City of Langford	City of Pitt Meadows	City of Victoria
City of Langley Township of Langley	City of Prince George	Resort Municipality of Whistler

Note: The District of Lantzville and the City of Delta do not contain prescribed transit stations. However, the prescribed transit station is in an adjacent municipality and the TOA catchment area crosses the municipal boundary.

Step-by-Step Guidance

Below is a step-by-step guide for local governments to appropriately designate TOAs and permit the minimum allowable densities prescribed in the regulations.



Step 1 – Confirm the Transit Station Category

Transit stations differ based on transit technology (bus, West Coast Express and SkyTrain); local governments with both bus/West Coast Express (WCE) and SkyTrain TOAs may have more than one type of transit station, and therefore will have more than one type of TOA.

Local governments should first confirm their transit station type in Table 1. This table is provided for convenience. Local governments should refer to the regulations to confirm the prescribed transit stations and densities that are applicable in their jurisdictions.

Table 1: Categories of Transit Station Types Required to Designate TOAs

CATEGORY	APPLICABLE MUNCIPALITIES
Category 1 SkyTrain in Metro Vancouver	Burnaby, City Coquitlam, City Langley, City Langley, Township New Westminster, City Port Moody, City Richmond, City Surrey, City Vancouver, City
Category 2 Bus Exchange or West Coast Express in Metro Vancouver	Delta, City Langley, City

	Maple Ridge, City North Vancouver, City North Vancouver, District Pitt Meadows, City Port Coquitlam, City Surrey, City Vancouver, City
Category 3 Bus Exchange or West Coast Express in Capital region and other medium sized local governments	Abbotsford, City Chilliwack, City Colwood, City Kamloops, City Kelowna, City Langford, City Mission, City Nanaimo, City Prince George, City Saanich, District Vernon, City Victoria, City View Royal, Town
Category 4 Bus Exchange in smaller sized local governments	Lantzville, District Penticton, City Whistler, Resort Municipality

Step 2 – Confirm the Locations and Types of TOA

Confirm TOA locations and types: The Province has identified TOAs across BC and local governments must determine which TOAs are within their jurisdiction. A comprehensive list of all provincially prescribed transit stations for designation as TOAs can be found in the regulations.

Confirm catchment area: On average, most people will walk approximately ten minutes to SkyTrain and approximately five minutes to access frequent bus service. These walk

times coincide with an 800-metre radius and 400-metre radius, respectively, and are referred to as the catchment area.

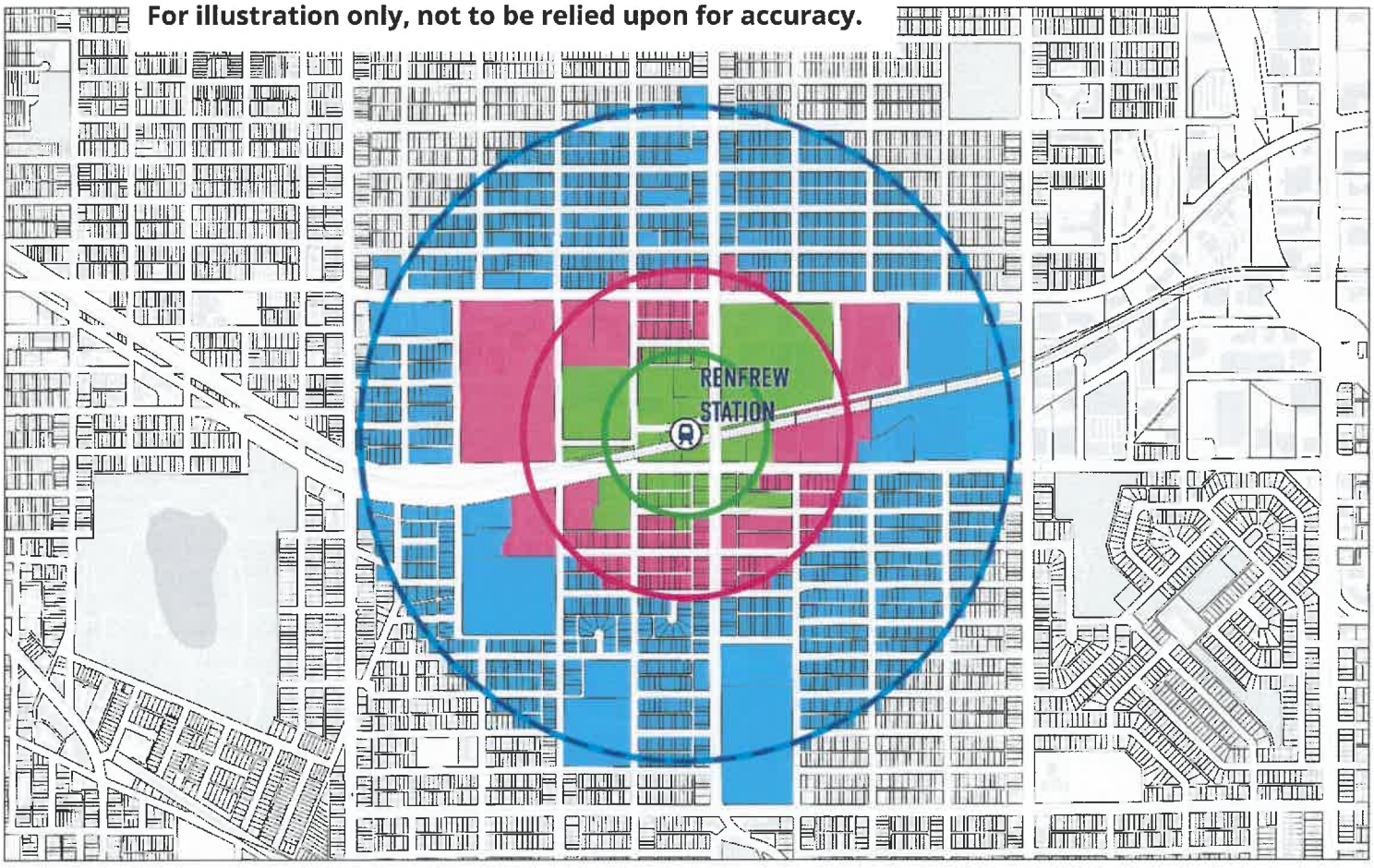
Local Governments identify catchment areas for each TOA station location. SkyTrain TOAs have a prescribed distance of 800m, and Bus Exchange and West Coast Express TOAs have a prescribed distance of 400m.

TOA Types	Catchment Area (Metres)
SkyTrain TOA	800m
Bus Exchange or West Coast Express TOA	400m

Local governments will be responsible for mapping their catchment areas. Coordinates for prescribed transit facilities are included in the regulations. These coordinates should be used as the centre point, from which a 400m or 800m radius will be drawn to establish the catchment area. Any parcel which is partially included in the catchment area is deemed to be wholly within the catchment area of that TOA. See example on next page:

Catchment Area Map Example:

For illustration only, not to be relied upon for accuracy.



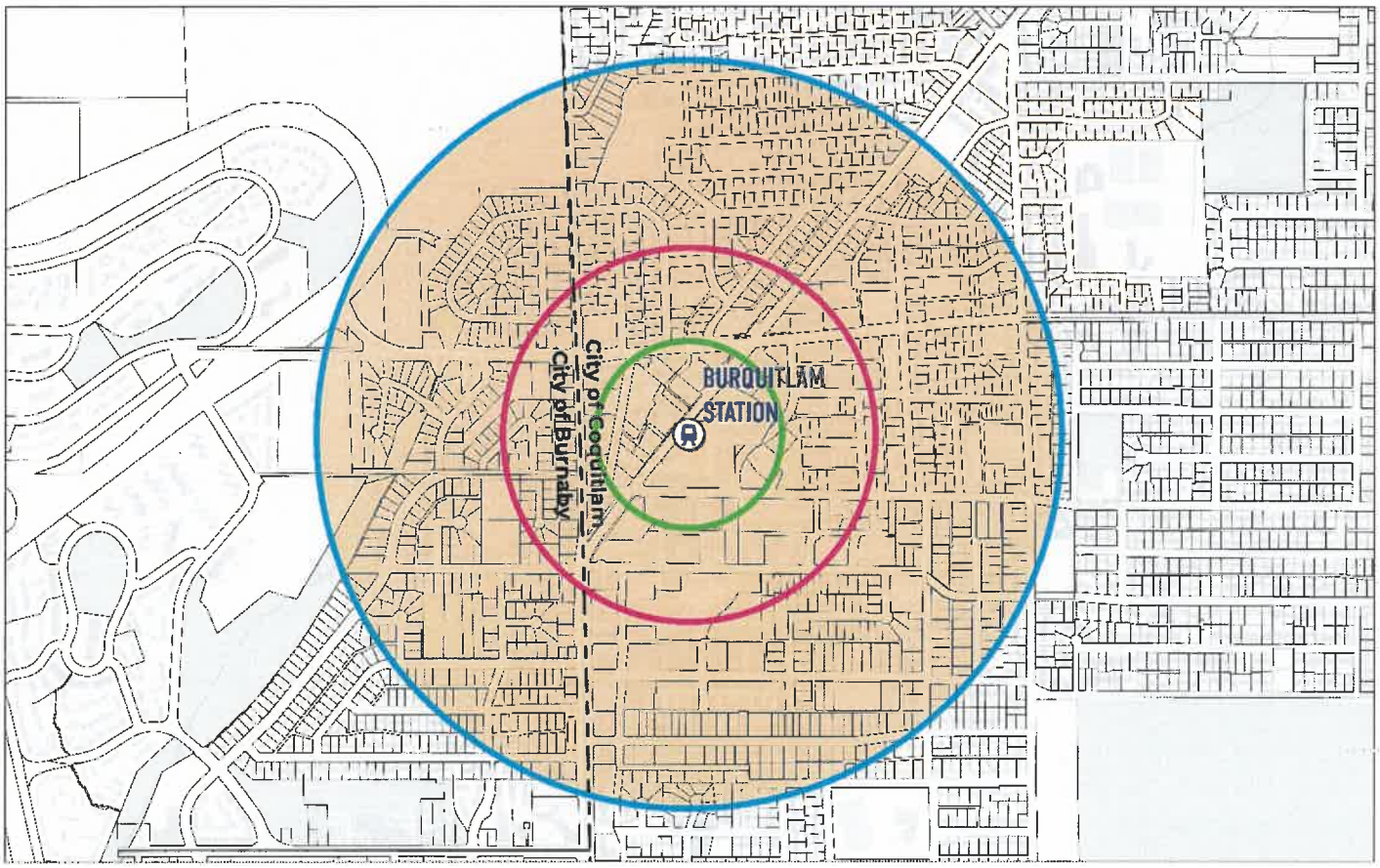
Legend

- Passenger Rail
- Transit Oriented Area
- Parcel
- 200 metre Tier
- 400 metre Tier
- 800 metre Tier
- 200 metre Tier Parcel
- 400 metre Tier Parcel
- 800 metre Tier Parcel

0 200 400
Metres

Cross-Jurisdictional TOAs

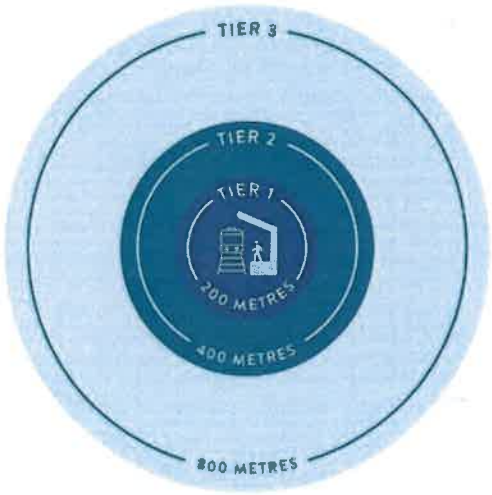
Some TOAs cross municipal boundaries. The municipalities that should designate these TOAs are listed in the regulations. In these cases, local governments will be responsible for designating the portion of the TOA that is within their jurisdiction.



Step 3 – Confirm Density Required

The density tables in the regulations outline the permissible density envelopes (i.e., FAR/FSR and Building Height) applicable to all residential zoned parcels within designated TOAs. Table 2 provides the FAR/FSR and building height parameters for each TOA Type and Tier as per the regulations.

The density table refers to the categories of local governments outlined in Table 1 and the transit technology (Passenger Rail or Bus Exchange/West Coast Express) outlined in Step 2. Local governments should use the Tables in the regulations to identify the density requirements which apply within a given TOA. Notably, Passenger Rail (e.g. SkyTrain) densities are broken out into three 'Tiers' (Tier 1, 2 and 3) and bus and West Coast Express densities are broken out into two 'Tiers' (Tier 4 and 5). See Table 2 below.



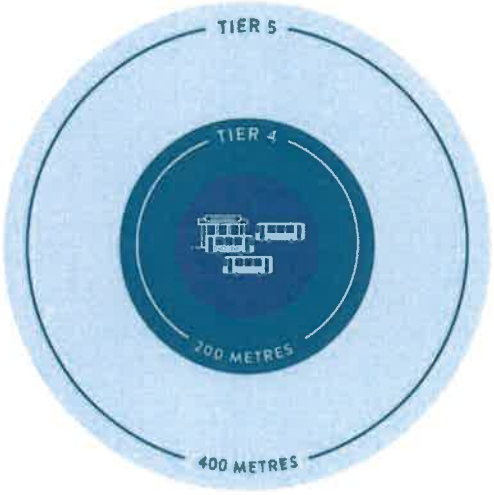


Table 2: Minimum Allowable Density Framework (FAR/FSR and Building Height)

Category	Tier	Prescribed Distance (Metre)	Minimum Allowable Density (FAR/FSR)	Minimum Allowable Height (Storeys)
Category 1: SkyTrain in Metro Vancouver	1	200 or less	Up to 5.0	Up to 20
	2	Greater than 200-400	Up to 4.0	Up to 12
	3	Greater than 400-800	Up to 3.0	Up to 8
Category 2: Bus/WCE in Metro Vancouver	4	Less than 200	Up to 4.0	Up to 12
	5	Greater than 200-400	Up to 3.0	Up to 8
Category 3: Bus/WCE	4	200 or less	Up to 3.5	Up to 10
	5	Greater than 200-400	Up to 2.5	Up to 6
Category 4: Bus	4	200 or less	Up to 2.5	Up to 6
	5	Greater than 200-400	Up to 1.5	Up to 4

Table 2 is provided for convenience purposes only. Please refer to the regulations when determining the density applicable to a given TOA.

Similar to mapping the outer border of a TOA, the 200m and 400m Tiers of a TOA must be measured from the coordinates provided in the regulations. Where parcels are bisected by two different density Tiers, the parcel is deemed to be wholly within the class of land to which the highest density applies.

The density table does not reduce or limit the density, size, or dimension permitted in existing zones established by local governments. Many local governments already allow higher densities than those listed in the density table and are encouraged to continue to do so.

Overlapping TOAs – Determining density

In some areas, TOAs will overlap due to transit station spacing. In these cases, the highest density applicable to a geographic area is the density level which must be applied.

A development proposal in an area where two TOAs overlap would be subject to the higher density and height, not a sum of the density and height of each of the overlapping

TOAs. Local governments continue to have discretion to permit density and height above the minimun allowable.

Step 4 – Map All TOAs

As noted above, bylaws designating a TOA must include a map showing each TOA boundary. The map must include the TOA type and tiers using the distances prescribed in Step 3 above.

Since TOAs are a prescribed distance of 400m or 800 m from transit stations, some TOAs may overlap with bodies of water, First Nations treaty lands, the Agricultural Land Reserve, federally regulated lands such as ports and airports, or heritage sites under the *Heritage Conservation Act.* In these cases, local governments may identify parcels where the densities in the regulations do not apply for greater certainty.

Step 5 – Designate TOAs By Bylaw

Local governments must designate each TOA with a catchment area within its jurisdiction by bylaw by June 30, 2024. There is no requirement to amend the zoning bylaw or official community plan bylaw to designate TOAs, but the bylaw must contain a map showing the boundaries of each TOA. The regulations prescribe transit stations in relation to which local governments must designate TOAs and specifies which geographic coordinates to use for the purpose of designating TOAs.

The *Local Government Transit-Oriented Areas Regulation* and the *Vancouver Transit-Oriented Areas Regulation* will be amended effective June 30, 2024.

The limitation on density will apply immediately to TOAs around transit stations which are prescribed with an effective date of December 7, 2023, even if they haven't yet been designated a TOA by bylaw. Local governments are required to designate TOAs around prescribed stations within their municipal boundaries by June 30, 2024, and the limitation on the use of zoning powers will apply in those TOAs once designation by bylaw has occurred.

The local governments subject to interim TOA designations are those with existing OCP or ODP policies which contain a commitment to supporting transit-oriented development.

At the time of the enactment of the legislation and the regulations, the Province identified 46 transit-supportive policies. Where prescribed transit stations coincide with an existing policy, the requirements of the regulations limiting local governments' use of zoning

powers within the prescribed distance of that transit station apply on December 7, 2023. To reduce uncertainty, these locations are provided in a map format in the *Designation of Transit-Oriented Areas Regulation*. In most cases, the geographies of existing policies will differ from the 400m and 800m catchment areas of provincially prescribed TOAs. In these instances, the boundary of the provincially prescribed TOA is the boundary within which the MD Framework will immediately apply. Local governments will be expected to designate these areas by bylaw by June 30, 2024.

Step 6 – Prepare TOA Plans (Optional but Encouraged)

Local governments are strongly encouraged to prepare a Transit-Oriented Area Plan (TOA Plan) for all designated TOAs. In some circumstances, the TOAs identified in the regulations will form part of an existing municipal transit supportive policies or other land use plans and only text and/or boundary amendments will be required. In TOAs without existing transit supportive policies, local governments can identify their TOA boundaries according to the regulations.

Step 7 – Implement Density Requirements

The Provincial density requirements are minimum allowable densities that establish an 'envelope' for development that cannot be denied on the basis of the density being too high if the density is within the Provincial envelope. Local governments retain discretion to approve a higher density and/or height than the Provincial density requirements.

Eligible sites within a TOA meet all the following requirements:

1. The site is zoned for all or partial residential use.
2. The site is not an exempt site (see Step 4).
3. Local government has jurisdiction over land use decisions.

a. For an *eligible site* within a TOA, a local government **must not reject** a rezoning application on the basis of the proposed density and/or building height if the density and height are both at or under the density and height specified in the Regulation.

b. For an *eligible site* within a TOA, a local government, at its discretion, **may approve** a rezoning application that exceeds the permissible density envelope (i.e., FAR/FSR and Building Height) specified in the regulations.

Transitional Provisions

The requirements and restrictions in the TOA legislation do not apply with respect to any in-stream zoning bylaws amendments that have received First Reading by their respective local government before December 7, 2023.

Compliance

How to ensure compliance with TOA designation requirements:

a. Pass a bylaw that designates each TOA in accordance with the LGA or VC, including a map, plan, or other graphic material, by June 30, 2024; and

b. Notify the Minister of Transportation and Infrastructure via email (TRAN.IntegratedDevelopment@gov.bc.ca) of the final adoption of the bylaw that is compliant with TOA requirements, including a copy of the bylaw.

Local governments that do not comply with the designation requirements may have a regulation that designates the TOAs in their municipality imposed. Prior to making a recommendation to the Lieutenant Governor in Council, the Minister must notify the local government of the recommendation and provide at least 90 days for the local government to designate the TOA. If a TOA designation by regulation is made, the bylaw by which the local government designated TOA(s) is deemed to be amended to the extent necessary to reflect the TOA designated by regulation.

Appendix A

Appendix A – Definitions and Abbreviations for terms used in this Manual.

- Bus Exchange – off-street bus exchanges where buses park temporarily, and passengers transfer from one line to another.
- Floor Area Ratio/Floor Space Ratio (FAR/FSR) – ratio of a building's total gross floor area, minus the permitted exclusions, to the total parcel size upon which it is built.
- Minimum Density (MD) – minimum FAR/FSR and building height values that must be allowed in each TOA.
- Passenger rail – Rail-based public transport systems including SkyTrain and West Coast Express. Note that in the regulations, passenger rail is often referred to as "passenger rail other than a West Coast Express Station," in these instances, the regulations refer to SkyTrain only.
- SkyTrain – The Expo Line, Millennium Line and Canada Line in Metro Vancouver.
- Transit supportive policies – policies adopted by an elected local government that guides future development within a designated TOA.
- Transit Station - any of the following facilities, when prescribed in regulation:
    - A bus stop
    - A bus exchange
    - A passenger rail station (SkyTrain or West Coast Express)
    - Other prescribed transit facility, including planned facilities
- Transit-Oriented Area (TOA) – geographic area within a prescribed distance from a transit station as defined by provincial regulation.
- Transit-Supportive Density – density, variety, and patterns of land uses around prescribed transit stations aimed at creating and maintaining transit-supportive conditions.