

Small-Scale Multi-Unit Housing Zoning: Legislation and Bylaw Amendments

PLN Webinar #1 – “Ask a lawyer”: Provincial Housing Legislation
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Statutory Framework

- Bill 44 – 2023 *Housing Statutes (Residential Development) Amendment Act*, 2023: royal assent on November 30, 2023
 - Introduced significant amendments to the LGA
- Local Government Zoning Bylaw Regulation: Order in Council issued December 7, 2023
- The Provincial Policy Manual & Site Standards: released December 7, 2023

Key Component (pre-zoning): Local governments must amend their zoning bylaws to comply with the SSMUH density requirements by June 30, 2024.

Density Entitlements

- 1 additional unit (secondary suite or ADU) on single-family zones
 - Applies uniformly across jurisdictions
- Higher density requirements for lands in more urban areas
 - Applies to duplex and single-family zones (that may permit secondary suites/ADUs)

Initial Applicability of 3 – 6 Unit Density

1. Are the lands in a "restricted zone"?

- Is the residential use otherwise restricted to:
 - single-family dwellings
 - single-family dwellings + one additional unit (ADU/secondary suite)
 - duplexes; or
 - duplexes + up to two additional units (ADUs/secondary suites)
- If yes - continue to step 2

2. Where are the lands located?

- Are the lands located:
 - (a) wholly or partly within an urban containment boundary established by a RGS
 - if (a) does not apply, within a municipality with a population > 5,000 and wholly or partly within an urban containment boundary in an OCP
 - if (a) or (b) does not apply, lands located in a municipality with a population > 5,000
- If yes - continue to step 3

3. What is the size of the lands?

- Are the lands:
 - less than 280m²: if yes = 3 units
 - greater than 280m²: if yes = 4 units
 - at least 281m² and located within 400m from a "prescribed" bus stop: if yes = 6 units AND no off-street parking requirements

Two exemptions that apply to all the SSMUH requirements:

QP certifies that the additional density would significantly increase a hazardous condition

Land within a transit-oriented area (regulated distinctly)



3 – 6 unit requirement will not apply to land:

protected under *Heritage Conservation Act*

that was *already* designated under a heritage designation bylaw on December 7, 2023

that is not connected to water or sewer services

in zones with a minimum lot size of 4050 m²

greater than 4050 m²

Notice

If an exemption applies, local governments do not have discretion to simply exclude those lands from zoning amendments without giving proper notice to the Minister.

Notice Must Specify:

- Exempt lands
- Provision exemption is exercised

Bylaw Updates

Practice Advice & Approaches

The Policy Manual

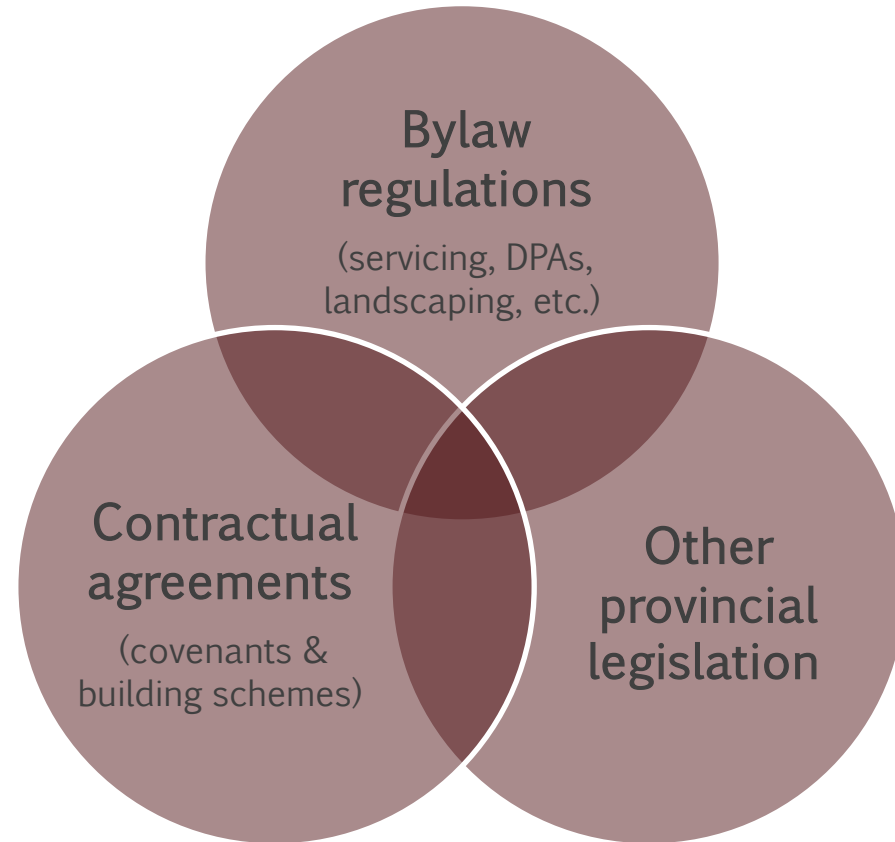
- Local governments “must consider” the Policy Manual
 - Does not require strict compliance
- Only Part 4 provides the guidelines that must be considered
- Document rationale for diverging from guidelines
 - Identify specific Policy Manual recommendation and reasons for diverging from it
 - Can be included in the accompanying staff report



Adoption Impacts

- No automatic or immediate rights to the SSMUH density
- Density entitlements will apply when zoning bylaw is amended (by June 30, 2024)
 - Current density regulations & density bonusing schemes will continue to apply
- In-stream rezoning applications may become unnecessary
 - Advise applicant of coming changes and allow them to decide how to proceed

Areas of Overlap

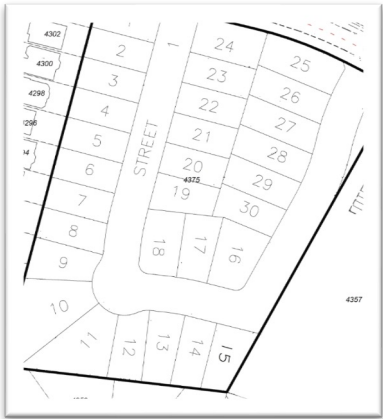


- Section 457.1 – local governments must not exercise the following powers in a manner that “unreasonably prohibits or restricts” the SSMUH density:
 - Permits: DPs, TUPs, DVPs, tree cutting
 - Zoning bylaws
 - Phased development agreements
 - Runoff control bylaws
 - Flood plain bylaws
 - Sign bylaws
 - Screening & landscaping bylaws
 - Heritage alteration permits
 - Heritage conservation areas

Restriction on Regulatory Powers

An unreasonable prohibition or restriction is one that is not based on any rational analysis and that is not justified in the circumstances.

Traditional growth model



Servicing response:

- Significant infrastructure upgrades on a development basis

SSMUH growth model



Servicing response:

- No significant upgrades on a per-development basis
- But gradual, cumulative impact on service capacity

Infrastructure Considerations



ESTABLISH ADEQUATE SERVICING
STANDARDS BY BYLAW



COLLECT DCCS TO COMPLETE
THE SERVICES

- SSMUH developments pose challenges around emergency access and fire protection
 - Ex. ADUs located behind principal dwellings
- More relaxed fire prevention standards for Part 9 buildings
- Consider:
 - Addressing procedures to name accessory units via main access
 - Regulate emergency access routes for SSMUH developments
 - S. 2(b) of the *Building Act General Regulation*
 - Access route modifications when emergency access is inadequate
 - BC *Building Code A* – 9.10.20.3.(1)

Emergency Services

If emergency access routes are inadequate (in the opinion of the local government/fire authority), the BC Building Code provides authority for local governments to require an “access route modification” that could require a sprinkler system.

Thank you

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