

BILL 47 – 2023

**HOUSING STATUTES (TRANSIT-ORIENTED
AREAS) AMENDMENT ACT, 2023**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Local Government Act

1 *Section 455 of the Local Government Act, R.S.B.C. 2015, c. 1, is amended by adding the following definitions:*

“**transit-oriented area**” means an area within a prescribed distance from a transit station;

“**transit station**” means

- (a) a prescribed bus stop, bus exchange, passenger rail station or other transit facility, and
- (b) a planned, prescribed bus stop, bus exchange, passenger rail station or other transit facility.

2 *Section 457 (3) is amended by adding the following paragraph:*

(a.2) section 481.01 [*restrictions on zoning authority in relation to transit-oriented areas*]; .

3 *Section 473 (4) is repealed and the following substituted:*

(4) In developing or amending an official community plan, the local government must consider applicable guidelines, if any, under sections 582 [*provincial policy guidelines*] and 585.5 [*provincial policy guidelines related to transit-oriented areas*].

4 *Section 479 is amended*

(a) in subsection (4) by adding the following paragraph:

(g) different matters prescribed for the purposes of section 481.01 [*restrictions on zoning authority in relation to transit-oriented areas*]. ,
and

(b) by adding the following subsection:

- (6) In developing or adopting a bylaw under this section, a local government must consider applicable guidelines, if any, under section 585.5 [*provincial policy guidelines related to transit-oriented areas*].

5 *The following section is added:*

Restrictions on zoning authority in relation to transit-oriented areas

481.01 Despite section 479 but subject to an exemption set out in the regulations, a local government must not exercise the powers under that section to prohibit or restrict a density of use, or a size or dimension of buildings or other structures, set out in the regulations in relation to land that is in a transit-oriented area and zoned to permit

- (a) any residential use, or
- (b) a prescribed use other than residential use.

6 *The following section is added:*

Off-street parking in transit-oriented areas

525.1 (1) Despite section 525 (1) (a) but subject to the regulations, if any, a local government must not require an owner or occupier of any land in a transit-oriented area, or of any building or other structure on the land, to provide off-street parking spaces for the residential use of the land, building or other structure, other than off-street parking spaces for use by disabled persons.

- (2) If an owner or occupier of land, buildings or other structures in a transit-oriented area provides, despite not being required to do so, off-street parking spaces, other than off-street parking spaces for use by disabled persons, for the residential use of the land, buildings or other structures, a local government may, by bylaw, establish for those spaces design standards referred to in section 525 (1) (b).
- (3) If the Lieutenant Governor in Council makes regulations requiring an owner or occupier of any land in a transit-oriented area, or of any building or other structure on the land, to provide off-street parking spaces for the residential use of the land, building or other structure, section 525 (1) (b) to (d) and (2) to (10) applies in relation to those spaces as if they were required to be provided by a bylaw under section 525.
- (4) In developing or adopting a bylaw under section 525, a local government must consider applicable guidelines, if any, under section 585.5 [*provincial policy guidelines related to transit-oriented areas*].

7 *The following Division is added to Part 14:*

Division 23 – Transit-Oriented Areas

Provincial policy guidelines related to transit-oriented areas

585.5 The minister may, after consulting with the minister responsible for the administration of the *Community Charter*, establish policy guidelines regarding the following:

- (a) the process of developing and adopting, by a municipality or regional district, an official community plan or zoning bylaw that covers a transit-oriented area;
- (b) the process of developing and adopting, by a municipality or regional district, a bylaw under section 525 [*off-street parking and loading space requirements*] of this Act to the extent the bylaw relates to parking in transit-oriented areas;
- (c) the process of developing and adopting, by a municipality or regional district, a bylaw under section 585.52 of this Act;
- (d) the content of a plan or bylaw referred to in paragraph (a), (b) or (c) of this section.

Regulations related to transit-oriented areas

585.51 The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting transit-oriented areas, including, without limitation, prescribing distances for the purposes of the definition of “transit-oriented area” in section 455 [*definitions in relation to this Part*];
- (b) respecting transit stations, including, without limitation, prescribing bus stops, bus exchanges, passenger rail stations and other transit facilities for the purposes of the definition of “transit station” in section 455;
- (c) respecting exemptions from all or part of section 481.01 [*restrictions on zoning authority in relation to transit-oriented areas*];
- (d) for the purposes of section 481.01,
 - (i) respecting, within a transit-oriented area, density of use of land, buildings and other structures and the size and dimension of buildings and other structures, and uses permitted on land, including, without limitation, respecting an amount of development, a number of storeys and a floor area ratio, and
 - (ii) prescribing a use;
- (e) requiring an owner or occupier of any land, or of any building or other structure, in a transit-oriented area to provide off-street parking spaces for the residential use of the land, building or other structure.

8 *The following section is added to Division 23 of Part 14:*

Local government designation of transit-oriented areas

- 585.52** (1) A local government must, by bylaw, designate each transit-oriented area in respect of the local government.
- (2) A designation under subsection (1) must
- (a) be made by incorporating in the bylaw a map or plan or other graphic material, and
 - (b) include any land designated in respect of the local government by a regulation of the Lieutenant Governor in Council under this Act.
- (3) In developing or adopting a bylaw under this section, a local government must consider applicable guidelines, if any, under section 585.5.
- (4) As soon as practicable after adopting a bylaw under subsection (1), a local government must give written notice to the minister, together with a copy of the bylaw.

9 *The following section is added to Division 23 of Part 14:*

Lieutenant Governor in Council designation of transit-oriented areas

- 585.53** (1) On the recommendation of the minister, the Lieutenant Governor in Council may make an order designating a transit-oriented area in respect of a local government.
- (2) The minister may make a recommendation under subsection (1) only if
- (a) the minister is satisfied that the transit-oriented area designated by the local government does not meet the requirements under this Act,
 - (b) the minister has given notice to the local government of the minister's proposed recommendation, and
 - (c) the local government does not designate the transit-oriented area in accordance with the notice.
- (3) A notice under subsection (2) (b) must
- (a) identify the transit-oriented area in respect of which the minister proposes to make a recommendation,
 - (b) state the reason for the minister's proposed recommendation, and
 - (c) advise the local government that it must, within 90 days after receipt of the notice or by a later date set out in the notice, designate the transit-oriented area in accordance with the notice.
- (4) A designation under subsection (1) must be made by incorporating in the order a map or plan or other graphic material.

- (5) If a designation is made under subsection (1), the bylaw by which the local government designated the transit-oriented area is conclusively deemed to be amended to the extent necessary to reflect the transit-oriented area designated under subsection (1).

10 Section 585.53 is amended

(a) by repealing subsection (2) (a) and substituting the following:

- (a) the minister is satisfied that
- (i) the local government has failed to designate the transit-oriented area, or
 - (ii) the transit-oriented area designated by the local government does not meet the requirements under this Act, , **and**

(b) in subsection (5) by striking out “If a designation is made under subsection (1),” and substituting “If a designation under subsection (1) is made for a reason referred to in subsection (2) (a) (ii),”.

11 The following Division is added to Part 20:

Division 4 – Transit-Oriented Areas

Transition – definition in relation to this Division

- 791** In this Division, “**transit-oriented area**” has the same meaning as in section 455 [definitions in relation to Part 14].

Transition – interim designation of transit-oriented areas

- 792**
- (1) On the recommendation of the minister, the Lieutenant Governor in Council may make regulations designating a transit-oriented area in respect of a local government.
 - (2) A designation under subsection (1) must be made by incorporating in the regulation a map or plan or other graphic material.
 - (3) As soon as practicable after a designation is made under subsection (1), written notice of the designation must be given to each municipality or regional district in respect of which a transit-oriented area is designated.
 - (4) If, in the manner contemplated by section 585.52 [local government designation of transit-oriented areas], a local government designates as a transit-oriented area an area that includes the same area designated under subsection (1) of this section, for the purposes of this Act,
 - (a) the designation under subsection (1) ceases to have effect in relation to the area of overlap, and

(b) the designation of the local government prevails over the designation under subsection (1) to the extent of any inconsistency.

(5) A regulation may not be made under subsection (1) on or after June 30, 2024.

**Transition – provincial policy guidelines
related to transit-oriented areas**

793 (1) Section 473 (4) [*content and process requirements*], as it relates to applicable guidelines under section 585.5 [*provincial policy guidelines related to transit-oriented areas*], does not apply in relation to a proposed bylaw to adopt an official community plan that, on the date this section comes into force, has been given first reading.

(2) Section 479 (6) [*zoning bylaws*] does not apply in relation to a proposed zoning bylaw that, on the date this section comes into force, has been given first reading.

Transition – effect of official community plan

794 Section 478 (2) [*effect of official community plan*] does not apply, before the prescribed date, in relation to a zoning bylaw adopted by a local government for the purpose of complying with section 481.01 [*restrictions on zoning authority in relation to transit-oriented areas*].

**Transition – restrictions on zoning authority
in relation to transit-oriented areas**

795 Section 481.01 [*restrictions on zoning authority in relation to transit-oriented areas*] does not apply in relation to an application for an amendment to a zoning bylaw if, on the date this section comes into force, the proposed bylaw that would amend the zoning bylaw has been given first reading.

Transition – off-street parking

796 (1) If, on the date this section comes into force, a bylaw of a local government requires an owner or occupier of any land in a transit-oriented area, or of any building or other structure on the land, to provide off-street parking spaces for the residential use of the land, building or other structure, other than off-street parking spaces for use by disabled persons, the local government must, by the prescribed date, adopt a bylaw that complies with the restriction in section 525.1 (1) [*off-street parking in transit-oriented areas*].

(2) Section 525.1 does not apply in relation to an application for an amendment to a zoning bylaw if, on the date this section comes into force, the proposed bylaw that would amend the zoning bylaw has been given first reading.

Vancouver Charter

12 *Section 2 of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following definitions:*

“**transit-oriented area**” means an area within a prescribed distance from a transit station;

“**transit station**” means

- (a) a prescribed bus stop, bus exchange, passenger rail station or other transit facility, and
- (b) a planned, prescribed bus stop, bus exchange, passenger rail station or other transit facility; .

13 *The following section is added before section 306A:*

Off-street parking in transit-oriented areas

- 306.01** (1) Despite section 306 (1) (r) (i) but subject to the regulations, if any, the Council must not require an owner or occupier of any land or building in a transit-oriented area to provide off-street parking spaces for the residential use of the land or building, other than off-street parking spaces for use by disabled persons.
- (2) If an owner or occupier of land or buildings in a transit-oriented area provides, despite not being required to do so, off-street parking spaces, other than off-street parking spaces for use by disabled persons, for the residential use of the land or buildings, the Council may, by by-law, establish for those spaces design standards referred to in section 306 (1) (r) (ii).
- (3) If the Lieutenant Governor in Council makes regulations requiring an owner or occupier of any land or building in a transit-oriented area to provide off-street parking spaces for the residential use of the land or building, section 306 (1) (r) (ii), (iii) and (iv) and (2) to (10) applies in relation to those spaces as if they were required to be provided by a by-law under section 306 (1) (r).
- (4) In developing or adopting a by-law under section 306 (1) (r), the Council must consider applicable guidelines, if any, under section 574.61 [*provincial policy guidelines related to transit-oriented areas*].

14 *Section 561 is amended by adding the following subsection:*

- (3.2) When developing or amending a development plan under this section, the Council must consider applicable guidelines, if any, under section 574.61 [*provincial policy guidelines related to transit-oriented areas*].

15 Section 565 is amended by adding the following subsections:

- (4) In addition to the authority under subsection (3), a by-law under this section may make different provisions for different matters prescribed for the purposes of section 565.001.
- (5) In developing or adopting a by-law under this section, the Council must consider applicable guidelines, if any, under section 574.61 [*provincial policy guidelines related to transit-oriented areas*].

16 The following section is added:

Restrictions on zoning authority in relation to transit-oriented areas

565.001 Despite section 565 but subject to an exemption set out in the regulations, the Council must not exercise the powers referred to in that section to prohibit or restrict a density of use, or a height, bulk, size or floor area of buildings, set out in the regulations in relation to land that is in a transit-oriented area and zoned to permit

- (a) any residential use, or
- (b) a prescribed use other than residential use.

17 The following Division is added to Part XXVII:

Division (7) — Transit-Oriented Areas

Provincial policy guidelines related to transit-oriented areas

574.61 The minister may, after consulting with the minister responsible for the administration of the *Community Charter*, establish policy guidelines regarding the following:

- (a) the process of developing and adopting, by the Council, a by-law under section 306 (1) (r) [*off-street parking and loading space requirements*] of this Act to the extent the by-law relates to parking in transit-oriented areas;
- (b) the process of developing and adopting, by the Council, a development plan or zoning by-law that applies to a transit-oriented area;
- (c) the process of developing and adopting, by the Council, a by-law under section 574.63 of this Act;
- (d) the content of a development plan or by-law referred to in paragraph (a), (b) or (c) of this section.

Regulations related to transit-oriented areas

574.62 The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting transit-oriented areas, including, without limitation, prescribing distances for the purposes of the definition of “transit-oriented area” in section 2 [*interpretation*];
- (b) respecting transit stations, including, without limitation, prescribing bus stops, bus exchanges, passenger rail stations and other transit facilities for the purposes of the definition of “transit station” in section 2;
- (c) requiring an owner or occupier of any land or building in a transit-oriented area to provide off-street parking spaces for the residential use of the land or building;
- (d) respecting exemptions from all or part of section 565.001 [*restrictions on zoning authority in relation to transit-oriented areas*];
- (e) for the purposes of section 565.001,
 - (i) respecting, within a transit-oriented area, density of use of land and buildings and the height, bulk, size and floor area of buildings, including, without limitation, respecting an amount of development, a number of storeys and a floor-space ratio, and
 - (ii) prescribing a use.

18 Section 574.62 is amended

(a) by renumbering the section as section 574.62 (1), and

(b) by adding the following subsection:

- (2) A regulation under this section may do any of the following:
 - (a) establish different classes of parts or areas of the city, persons, property, circumstances, things and other matters;
 - (b) make different provisions, including exceptions, for different classes referred to in paragraph (a);
 - (c) make different provisions, including exceptions, for different parts or different areas of the city or different persons, property, circumstances, things and other matters.

19 The following section is added to Division (7) of Part XXVII:

Council designation of transit-oriented areas

- 574.63** (1) The Council must, by by-law, designate each transit-oriented area within the city.
- (2) A designation under subsection (1) must
- (a) be made by incorporating in the by-law a map or plan, and

- (b) include any land designated in respect of the city by a regulation of the Lieutenant Governor in Council under this Act.
- (3) In developing or adopting a by-law under this section, the Council must consider applicable guidelines, if any, under section 574.61.
- (4) As soon as practicable after adopting a by-law under subsection (1), the Council must give written notice to the minister, together with a copy of the by-law.

20 *The following section is added to Division (7) of Part XXVII:*

Lieutenant Governor in Council designation of transit-oriented areas

- 574.64** (1) On the recommendation of the minister, the Lieutenant Governor in Council may make an order designating a transit-oriented area in respect of the city.
- (2) The minister may make a recommendation under subsection (1) only if
 - (a) the minister is satisfied that the transit-oriented area designated by the Council does not meet the requirements under this Act,
 - (b) the minister has given notice to the Council of the minister’s proposed recommendation, and
 - (c) the Council does not designate the transit-oriented area in accordance with the notice.
 - (3) A notice under subsection (2) (b) must
 - (a) identify the transit-oriented area in respect of which the minister proposes to make a recommendation,
 - (b) state the reason for the minister’s proposed recommendation, and
 - (c) advise the Council that it must, within 90 days after receipt of the notice or by a later date set out in the notice, designate the transit-oriented area in accordance with the notice.
 - (4) A designation under subsection (1) must be made by incorporating in the order a map or plan.
 - (5) If a designation is made under subsection (1), the by-law by which the Council designated the transit-oriented area is conclusively deemed to be amended to the extent necessary to reflect the transit-oriented area designated under subsection (1).

21 Section 574.64 is amended

(a) by repealing subsection (2) (a) and substituting the following:

- (a) the minister is satisfied that
 - (i) the Council has failed to designate the transit-oriented area, or
 - (ii) the transit-oriented area designated by the Council does not meet the requirements under this Act, , **and**

(b) in subsection (5) by striking out “If a designation is made under subsection (1),” and substituting “If a designation under subsection (1) is made for a reason referred to in subsection (2) (a) (ii),”.

22 The following Division is added to Part XXXI:

Division (4) — Transit-Oriented Areas

Definitions for this Division

629. In this Division:

“**first reading**”, in relation to a proposed by-law, means the date on which the proposed by-law is first read by Council for the purposes of potential adoption;

“**official development plan**” has the same meaning as in section 559 [*definitions for Part XXVII*].

Transition – interim designation of transit-oriented areas

- 630.**
- (1) On the recommendation of the minister, the Lieutenant Governor in Council may make regulations designating a transit-oriented area in respect of the city.
 - (2) A designation under subsection (1) must be made by incorporating in the regulation a map or plan.
 - (3) As soon as practicable after a designation is made under subsection (1), written notice of the designation must be given to the Council.
 - (4) If, in the manner contemplated by section 574.63 [*Council designation of transit-oriented area*], the Council designates as a transit-oriented area an area that includes the same area designated under subsection (1) of this section, for the purposes of this Act,
 - (a) the designation under subsection (1) ceases to have effect in relation to the area of overlap, and
 - (b) the designation of the Council prevails over the designation under subsection (1) to the extent of any inconsistency.
 - (5) A regulation may not be made under subsection (1) on or after June 30, 2024.

**Transition – provincial policy guidelines
related to transit-oriented areas**

- 631.** (1) Section 561 (3.2) [*development plans*] does not apply in relation to either of the following:
- (a) a proposed by-law to adopt an official development plan that, on the date this section comes into force, has been given first reading;
 - (b) a proposed development plan that has been read by Council for the first time.
- (2) Section 565 (4) [*zoning by-law*] does not apply in relation to a proposed zoning by-law that, on the date this section comes into force, has been given first reading.

**Transition – restrictions on zoning authority
in relation to transit-oriented areas**

- 632.** Section 565.001 [*restrictions on zoning authority in relation to transit-oriented areas*] does not apply in relation to an application for an amendment to a zoning by-law if, on the date this section comes into force, the proposed by-law that would amend the zoning by-law has been given first reading.

Transition – off-street parking

- 633.** (1) If, on the date this section comes into force, a by-law of the Council requires an owner or occupier of any land or building in a transit-oriented area to provide off-street parking spaces for the residential use of the land or building, other than off-street parking spaces for use by disabled persons, the Council must, by the prescribed date, adopt a by-law that complies with the restriction in section 306.01 (1) [*off-street parking in transit-oriented areas*].
- (2) Section 306.01 does not apply in relation to an application for an amendment to a zoning by-law if, on the date this section comes into force, the proposed by-law that would amend the zoning by-law has been given first reading.
- (3) The Lieutenant Governor in Council may make regulations prescribing a date for the purposes of subsection (1).

Consequential and Related Amendments

Islands Trust Act

- 23** *Section 29 (1) (b) of the Islands Trust Act, R.S.B.C. 1996, c. 239, is amended by adding the following subparagraph:*

(iv) Division 23 [*Transit-Oriented Areas*]; .

Transportation Act

24 *Section 24 of the Transportation Act, S.B.C. 2004, c. 44, is amended by repealing the definition of “transit station” and substituting the following:*

“transit station” means

- (a) a bus exchange, passenger rail station or prescribed transit facility, and
- (b) a planned bus exchange, passenger rail station or prescribed transit facility; .

Commencement

25 This Act comes into force by regulation of the Lieutenant Governor in Council.