

Housing Statutes (Residential Development)

Amendment Act, 2023 – Bill 44

Planning and Development Committee

Thursday February 22, 2024

Bill 44



Housing Statutes (Residential Development) Amendment Act, 2023 – Bill 44

- Adopted on November 30, 2023:
 - new housing needs reporting requirements;
 - Increases to residential densities;
 - requires OCPs be updated more frequently;
 - requires pre-zoning to accommodate a 20-year housing supply; and
 - changes to public hearing requirements.

Important Timelines

- Dec. 2023 – SSMUH policy manual and site standards released.
- Feb. 2024 – HNR instructions provided to local governments.
- Feb. 2024 – Details announced for \$51 million funding allocation.
- June 30/24 – Bylaws to be updated to accommodate SSMUH reqmts.
- July 2024 – OCP/zoning update instructions provided to municipalities.
- Dec. 31/24 – Interim HNR must be completed.
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Small-Scale Multi-Unit Housing

Proposed OCP & Zoning Bylaw Amendments

New BC Legislation Will Override Cities, Allow 6 Units Per Lot

Langley neighbourhood plans on hold in light of B.C.s new housing rules

Council may ditch plans for 3 communities as Bill 44 changes density rules

BC Is Allowing Up To Six Units Per Lot. Will They Actually Be Built?

Maple Ridge councillors concerned about housing rules

New laws will allow up to six units on a single family lot

Provincial housing bill to impact Merritt

Vaughn Palmer: End of the line for single-family neighbourhoods in most of B.C.

Opinion: B.C. NDP unapologetically introduces legislation to abolish “outdated zoning” that puts most housing “out of reach for many people and families”

Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements :

- Bill 44 introduced the concept of a “restricted zone” into the *Local Government Act*.
- A “restricted zone” is one in which a local government has only allowed the following:
 - single family dwelling;
 - duplex;
 - secondary suite; or
 - accessory dwelling.



Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements :

- If a local government has a “restricted zone” in its zoning bylaw the Act states that it **must**, by June 30, 2024, use its zoning powers to do one of the following:
 - allow 2 dwelling units per parcel; or
 - allow 3-4 dwelling units per parcel.



Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements:

- requirement to allow 2 dwelling units per parcel applies to all communities within the province*.
- requirement to allow 3-4 dwelling units per parcel applies to the following:
 - lands within an RGS “urban containment boundary”; and
 - serviced by local government water and sewerage systems.



Small-Scale Multi-Unit Housing (SSMUH)

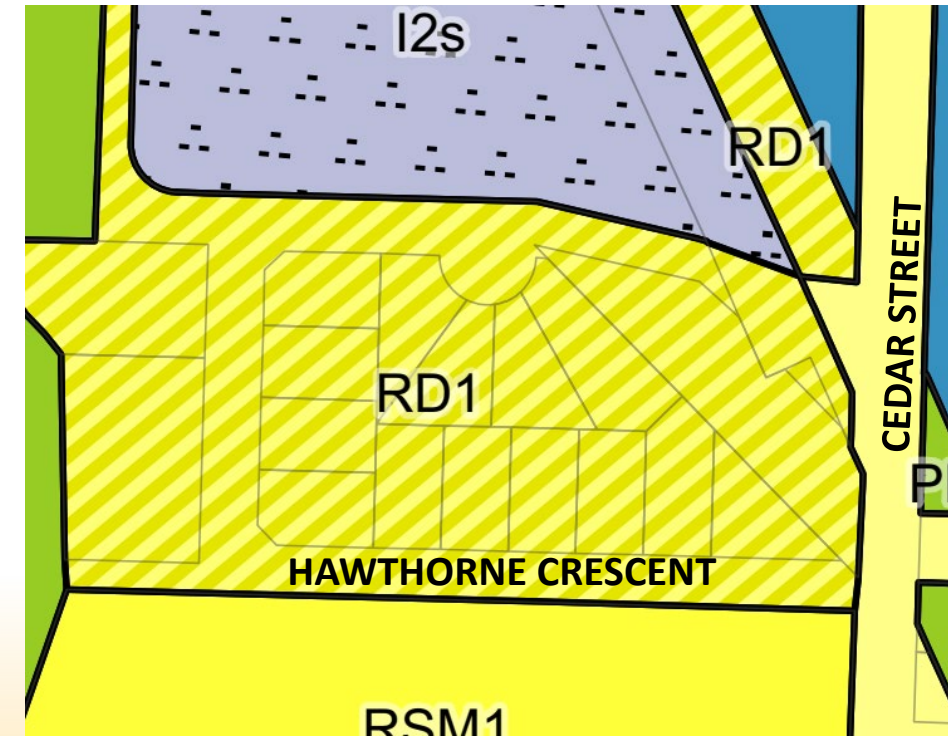
SSMUH Requirements:

- Allowing 2 dwelling units per parcel can be in one of the following forms:
 - one (1) single detached dwelling and one (1) suite;
 - one (1) single detached dwelling and one (1) acc. dwelling; or
 - one duplex (which comprises 2 units).
- This is the form of density increase that will apply to a majority of the electoral areas.

Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements:

- Most residential zones in the electoral areas already allow for 2 units per parcel.
- On parcels less than 1.0 ha in area without sewer service, this density is in the form of secondary suites.
- Exceptions include duplex zone (e.g. RD1) where there is servicing.



Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements:

- Allowing 3-4 dwelling units per parcel can be in one of the following forms:
 - apartment building (3-4 units);
 - townhouse (3-4 units);
 - duplex with secondary suites (2-4 units); or
 - single detached dwelling with a secondary suite and accessory dwelling (1-3 units).

Small-Scale Multi-Unit Housing (SSMUH)

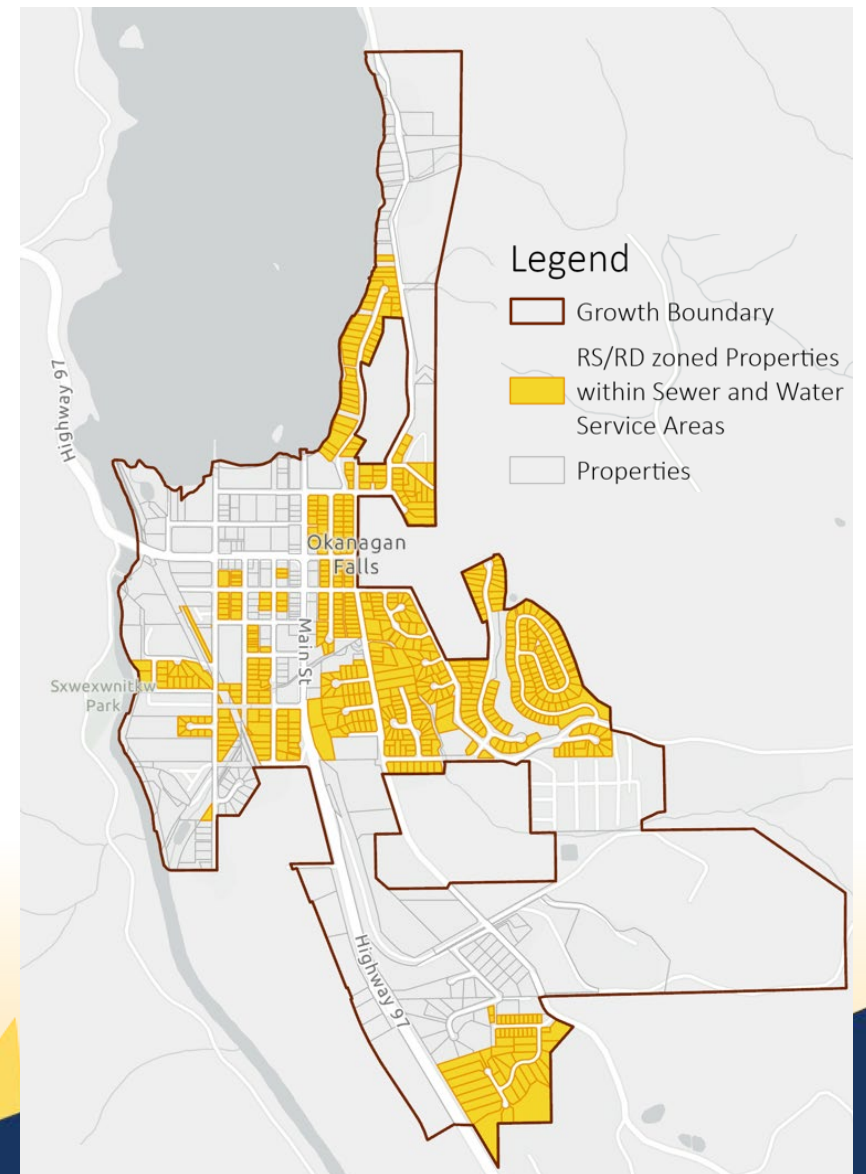
SSMUH Requirements:

- determining if a parcel is to be permitted 3 or 4 units is to be based on the following criteria:
 - inclusion within an RGS “urban containment boundary”;
 - provision of local government water and sewer service;
 - parcel size:
 - ❖ less than 280 m² = 3 units
 - ❖ greater than 280 m² = 4 units

Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Requirements:

- requirement to zone for 3-4 units is only seen to apply to OK Falls.
- will affect parcels zoned RS2, RS3 & RD1.
- only one (1) parcel is less than 280 m² in area (e.g. all other parcels will be required to be permitted 4 units).



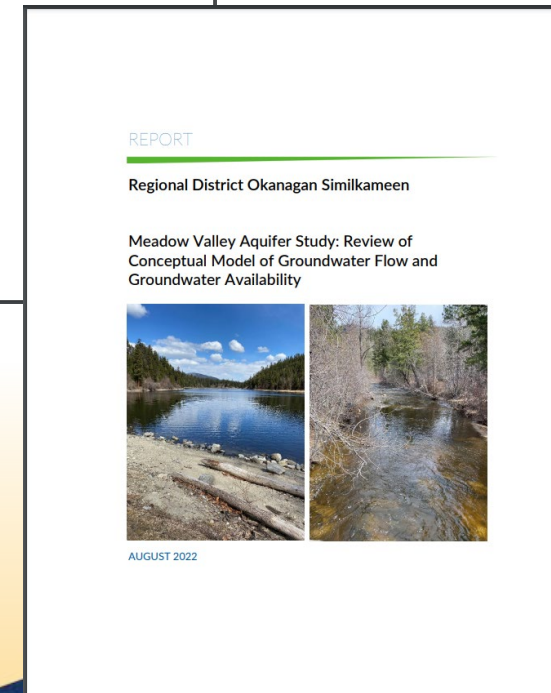
Small-Scale Multi-Unit Housing (SSMUH)



Small-Scale Multi-Unit Housing (SSMUH)

SSMUH Exemptions:

- A hazard report exists and concludes that.
 - increasing density would significantly increase the threat or risk from the hazard; and
 - the threat or risk from the hazard cannot be practically mitigated.



Small-Scale Multi-Unit Housing (SSMUH)

Miscellaneous SSMUH Items:

- 6 units must be permitted on parcels close to transit stops with frequent service – not applicable to electoral areas.
- A local government must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with SSMUH requirements.
- No exemption to accommodate ALC conditions of approval.

Small-Scale Multi-Unit Housing (SSMUH)

Miscellaneous SSMUH Items:

- the Board “must consider applicable guidelines” made by the Minister;
- the Manual includes recommended approaches to building types, density, setbacks, height, parcel coverage, vehicle parking requirements.
- the Board should create “a favourable regulatory environment” for new building forms in areas traditionally reserved for detached single-family and duplex homes.



Overview of proposed land use bylaw amendments

Small-Scale Multi-Unit Housing (SSMUH)

Proposed Zone “Flexibility”:

- consolidate existing low density residential zones as follows:

CURRENT RS ZONES	PROPOSED RS ZONES
Low Density Residential One (RS1)	Low Density Residential One (RS1)
Low Density Residential Two (RS2)	
Low Density Residential Three (RS3)	
Low Density Residential Apex (RS4)	
Low Density Residential Duplex (RD1)	
Low Density Residential Duplex Apex (RD2)	
[various zones in Okanagan Falls]	Small-Scale Multi-Unit Housing (RS2)
Low Density Residential West Bench (RS5)	Low Density Residential West Bench (RS3) – No Changes
Low Density Residential Manufactured Home Park (RSM1)	Low Density Residential Manufactured Home Park (RSM1) – No Changes

Small-Scale Multi-Unit Housing (SSMUH)

Draft RS1 Zone – Permitted Uses:

Principal

- duplex dwelling;*
- single detached dwelling;

Accessory

- accessory buildings & structure;
- accessory dwelling;*
- bed and breakfast operation;
- home occupation; and
- secondary suite.

* to be connected to community sewer on parcels less than 1.0 ha

Small-Scale Multi-Unit Housing (SSMUH)

Parcel Line Setbacks (Principal):

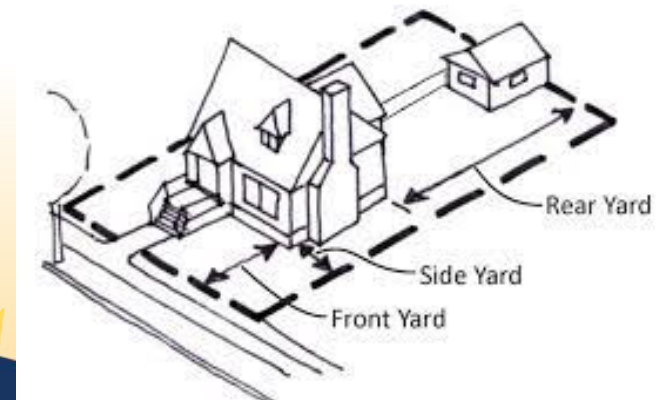
Current

- 7.5 metres (front)*
- 7.5 metres (rear)*
- 1.5 metres (side)
- 4.5 metres (exterior side)

Proposed (RS1)

- 6.0 metres (front)
- 6.0 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)

* current RS1 Zone setbacks are 6.0 metres



Small-Scale Multi-Unit Housing (SSMUH)

Parcel Line Setbacks (Accessory):

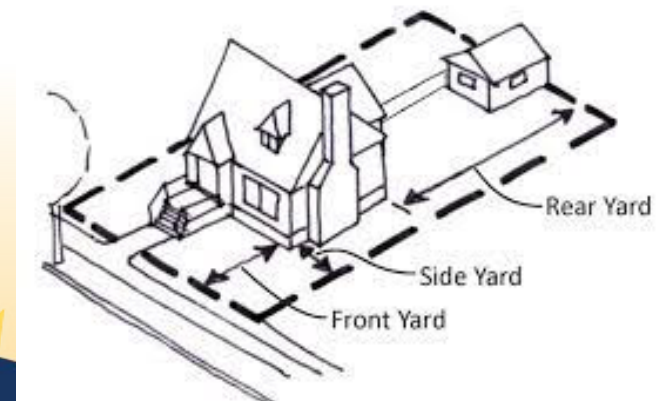
Current

- 7.5 metres (front)*
- 1.0 metres (rear)*
- 1.0 metres (side)
- 4.5 metres (exterior side)

Proposed (RS1)

- 6.0 metres (front)
- 1.5 metres (rear)
- 1.2 metres (side)
- 3.0 metres (exterior side)

* current RS1 Zone setbacks are 6.0 metres



Small-Scale Multi-Unit Housing (SSMUH)

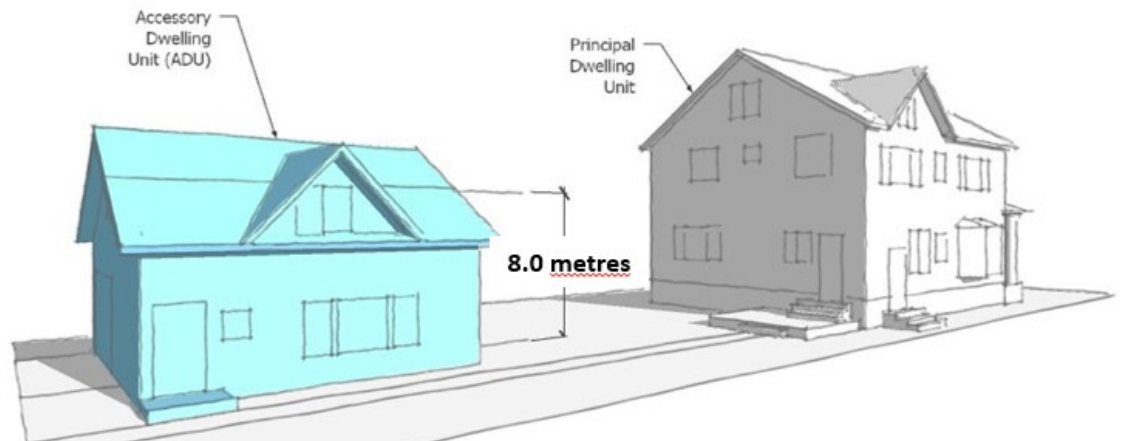
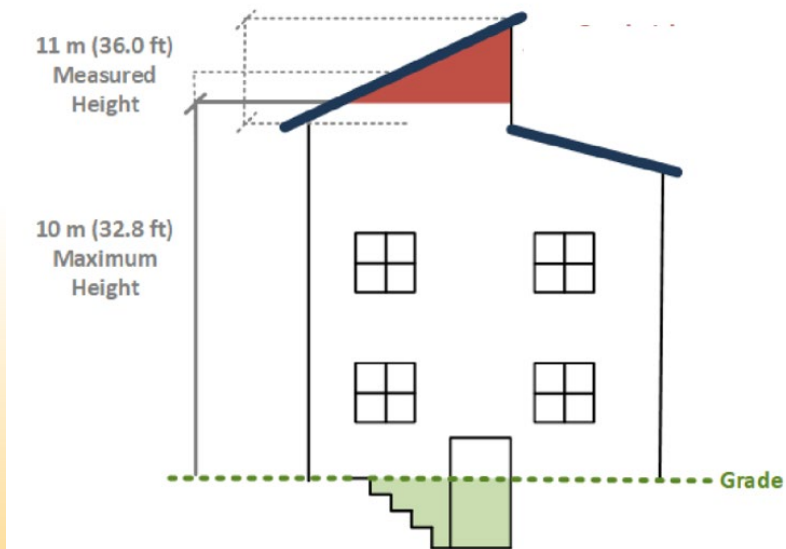
Draft RS & SH zones – Building Height:

Current

- 10.0 metres (principal)
- 4.5 metres (accessory)

Proposed

- 11.0 metres (principal)
- 4.5 metres (accessory)
- 8.0 metres (accessory dwelling)



Small-Scale Multi-Unit Housing (SSMUH)

RM1 Zone – Building Height:

Current

- 12.0 metres (principal)

Proposed

- 15.0 metres (principal)



4 storeys = 13-14 metres (approx.)

Small-Scale Multi-Unit Housing (SSMUH)

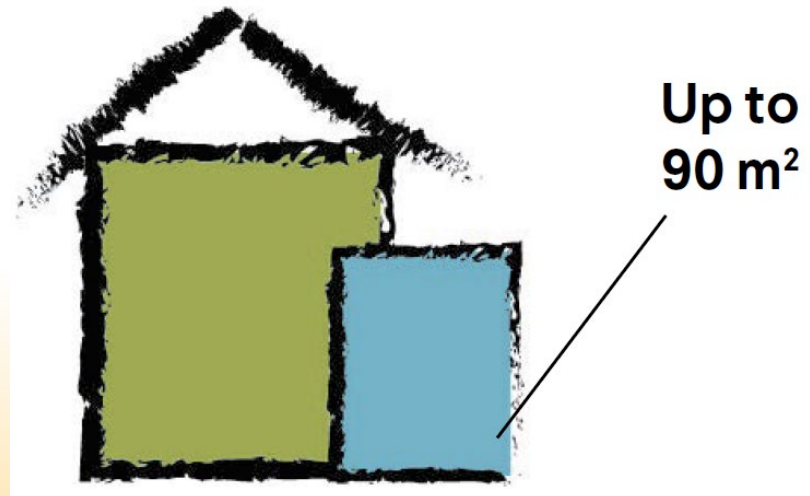
Secondary Suite Floor Area:

Current

- 125 m²

Proposed

- No restriction



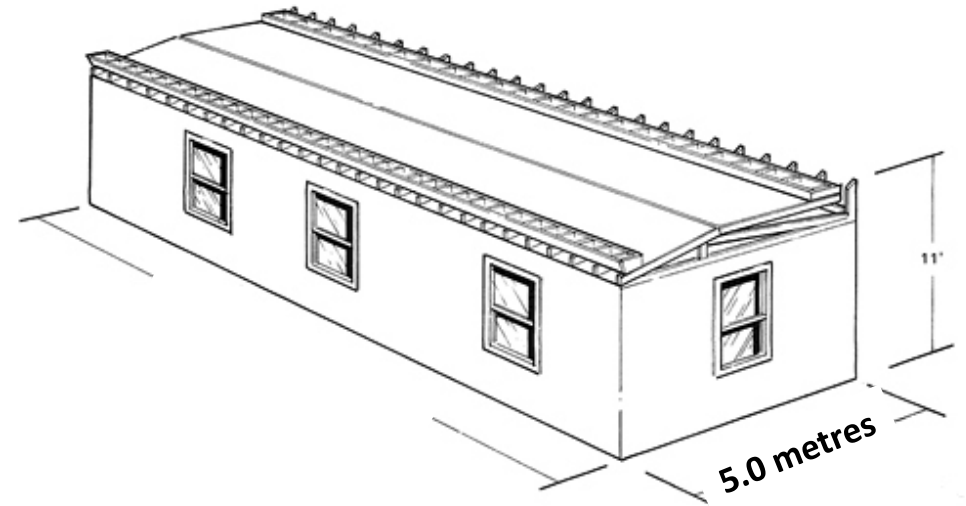
Pre-2019 Suite Floor Area Restriction: 90 m² or 40% of principal dwelling floor area.

Small-Scale Multi-Unit Housing (SSMUH)

Building Width Requirement:

Current

- 5.0 metres as originally designed and constructed



Proposed

- No restriction



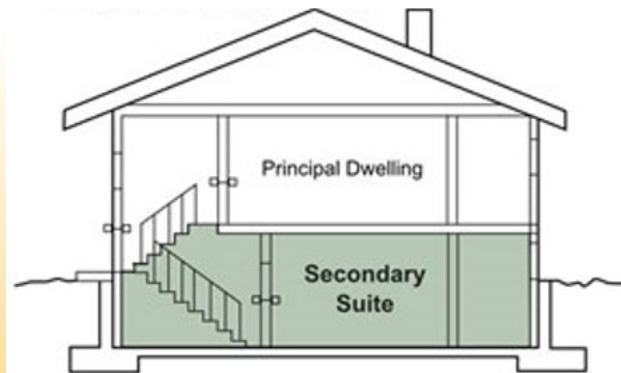
Z240 Single Wide Mobile Home Floor Plan = 4.8 metre width)

Small-Scale Multi-Unit Housing (SSMUH)

Rural Zone Density:

Current

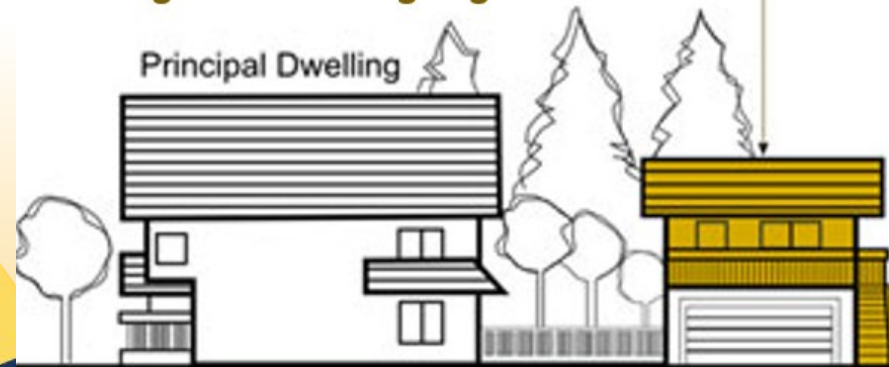
- secondary suites count against the number of accessory dwellings permitted per parcel.



Proposed

- secondary suites do not count against the number of accessory dwellings permitted per parcel.

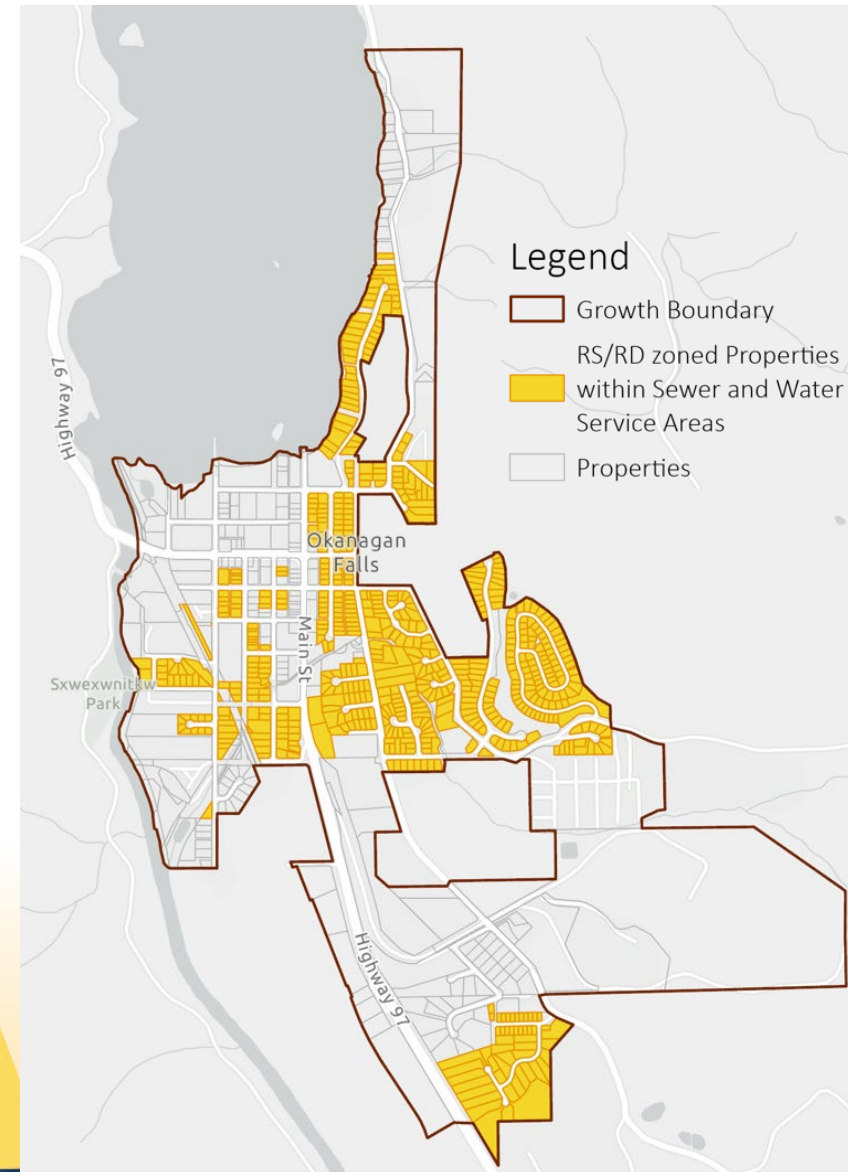
Dwelling unit above a garage



Small-Scale Multi-Unit Housing (SSMUH)

Proposed “Small-Scale Multi-Unit House (RS2) Zone”

Okanagan Falls Primary Growth Area



Small-Scale Multi-Unit Housing (SSMUH)

Draft RS2 Zone – Permitted Uses:

Principal

- apartment building
- duplex dwelling;
- single detached dwelling;
- townhouse;

Accessory

- accessory buildings & structure;
- accessory dwelling;
- bed and breakfast operation;
- home occupation; and
- secondary suite.

Small-Scale Multi-Unit Housing (SSMUH)

Draft RS2 Zone:

- Parcel Size: 1,000 m²
- Density: 3 units (<280 m²) & 4 units (>280 m²)
- Setbacks: 4.0 m (front), 1.5 m (rear),
1.2 m (side), 3.0 m (ext. side)
- Building Height: 11.0 metres
- Parcel Coverage: 50%

Small-Scale Multi-Unit Housing (SSMUH)

Implementation:

- amend the Okanagan Valley Zoning Bylaw;
- options for Electoral Areas “G” & “H” include:
 - 1) replace existing electoral area zoning bylaws with a consolidated Similkameen Valley Zoning Bylaw;
 - 2) replace existing electoral area zoning bylaws;
 - 3) amend existing electoral area zoning bylaws; or
- consolidate all electoral area zoning bylaws.

Small-Scale Multi-Unit Housing (SSMUH)

Extension Option:

- Announced February 16, 2024;
- Deadline is June 1, 2024;
- Extension is related to the following:
 - infrastructure is in the process of being upgrading;
 - increased densities would increase risks to health, public safety or the environment due to current state of infrastructure in an area; or
 - extraordinary circumstances exist that otherwise prevent compliance in relation to the area.

Application to Request an Extension to SSMUH Compliance Deadline

Small-Scale Multi-Unit Housing (SSMUH)

Next Steps:

- Prepare amendment bylaw responding to “restricted zone” requirement under the Act by **June 30, 2024**;
- Prepare Interim Housing Report by **December 31, 2024**.
 - provincial funding announced in January; and
 - provincial criteria to be released in February.
- Prepare amendment bylaws responding to Interim HNR by **December 31, 2025**.

QUESTIONS?