

Small-scale, Multi-unit Housing

Local Government Webinar Series
January 23, 2024
Ministry of Housing



Ministry of
Housing



What We Will Cover

GOAL

Help local governments understand the legislative changes introduced in late 2023 related to small-scale, multi-unit housing (SSMUH).

TOPICS

- What is the SSMUH legislation?
- Summary of the legislative requirements
- Policy direction
- Other considerations
- Site Standards Packages
- Working toward compliance: how to get started



What is SSMUH legislation?



Bill 44 - Highlights

Legislation applies to all municipalities and regional districts in the province

Allows SSMUH development without undergoing a rezoning process

Changes allow a minimum of 2-6 units in zones currently restricted to single-family (and duplex in some cases)

June 30, 2024
Zoning bylaws must comply with SSMUH (unless extensions are granted)

The Policy Manual and Site Standards must be considered when bylaws are amended

As soon as zoning bylaws are updated, provide written notice and identify land where exemptions apply

Requirements for compliance

Local governments *must* update Zoning Bylaws by **June 30, 2024**, to permit small-scale, multi-unit housing in single-family and duplex zones.

Local governments *must* consider the Policy Manual and Site Standards and any additional technical guidance issued by the Province.

Local governments *must not* use their authorities in such a way that unreasonably prohibits or restricts the use or density of use required to be permitted under the legislation

Local governments *may* request extensions for specific areas or lots within their jurisdiction

Legislated Requirements



SSMUH at a Glance

Unit details	Secondary Suites & ADUs	Min. 3 units for lots $\leq 280 \text{ m}^2$ Min. 4 units for lots $> 280 \text{ m}^2$	Min. 6 units for lots $\geq 281 \text{ m}^2$
Must be permitted where?	Lots in single-detached residential zones in all municipalities and regional district electoral areas	Lots in single-family and duplex zones that are: <ul style="list-style-type: none">• Within UCBs identified in RGS• In municipalities with pop $> 5,000$:<ul style="list-style-type: none">○ Inside an UCB established in OCP;or○ If no UCB, all single-detached and duplex zones	Same areas as for 3 to 4 units and: <ul style="list-style-type: none">• within 400m of a prescribed bus stop, and• At least 281 m^2 in size



Secondary suites & ADUs

Unit details	Min. 1 Secondary Suite and/or ADU allowed
Must be permitted where?	On lots restricted to single-family use in all municipalities & regional district electoral areas
Exempt lots	Lands subject to: <ul style="list-style-type: none">• a rural land use bylaw• the <i>Islands Trust Act</i>• certain hazardous conditions

Local governments may choose to do any* of the following for these lots:

- permit only one secondary suite,
- permit only one ADU,
- allow landowners to choose either a secondary suite **or** an ADU, or
- permit the construction of both a secondary suite **and** an ADU.

** Only secondary suites (not ADUs) should be permitted on lots <1 hectare without a wastewater collection service operated by a local government*

3 – 6 Units

Must be allowed:

Inside a RGS UCB

Municipality population
>5,000 and no UCB

Municipality population
>5,000 and inside an OCP- UCB

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**3-6 units
allowed**

ADDITIONAL EXEMPTIONS

- Certain heritage designation
- Not connect to LG water & sewer
- Lot size > 4050 m²
- Minimum lot size for subdivision > 4050 m²
- Within a Transit Oriented Area

Minimum 3 units

Unit details

A minimum of 3 units for lots $\leq 280 \text{ m}^2$

Exempt lots

- Lands subject to a rural land use bylaw or the *Islands Trust Act*
- Subject to certain heritage protections prior to legislation coming into force
- Not connected to LG water or sewer services (*both are required*)
- Within a designated transit-oriented development area
- $\geq 4,050 \text{ m}^2$ or within a zone in which the minimum lot size is $\geq 4,050 \text{ m}^2$
- Lands subject to hazardous conditions that can't be reasonably mitigated



Minimum 4 units

Unit details

A minimum of 4 units for lots > 280 m²

Exempt lots

- Lands subject to a rural land use bylaw or the *Islands Trust Act*
- Currently subject to some heritage protections
- Not connected to LG water or sewer services (*both are required*)
- Within a designated transit-oriented development area
- $\geq 4,050 \text{ m}^2$ or within a zone in which the minimum lot size is $\geq 4,050 \text{ m}^2$
- Lands subject to hazardous conditions that can't be reasonably mitigated



Minimum 6 units

Unit details

- **Lots 281m² or greater that are within 400m of a prescribed bus stop**

Exempt lots

- Subject to a rural land use bylaw or the *Islands Trust Act*
- Currently subject to certain heritage protections
- Not connected to LG water or sewer services (*both are required*)
- Within a designated transit-oriented development area
- $\geq 4,050$ m² or within a zone in which the minimum lot size is $\geq 4,050$ m²
- Lands subject to hazardous conditions that can't be reasonably mitigated

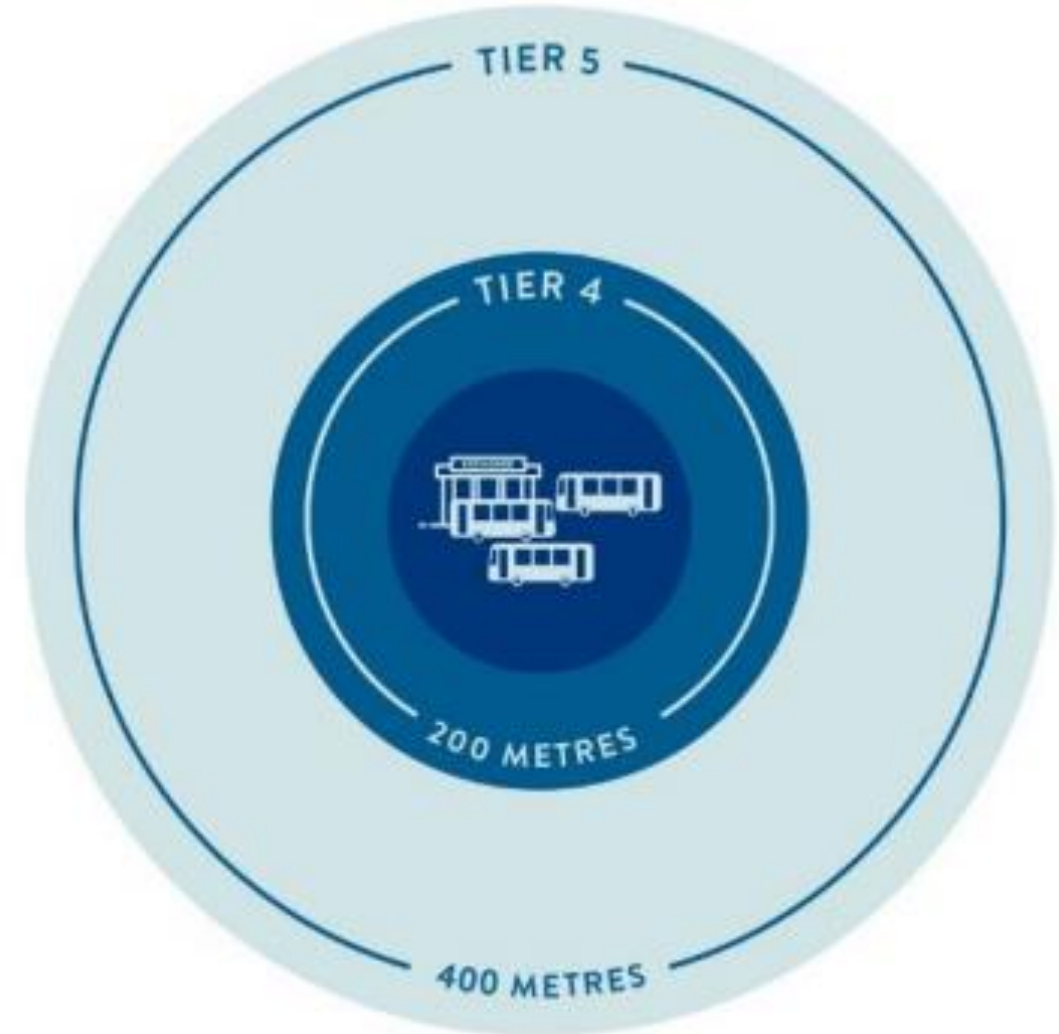
Also

- Off-street parking requirements not permitted
- Conditional density bonus rules may be established for only one of the six homes

SSMUH & TOA

Bill 47 :

- Bill 47 (transit-oriented areas) establishes minimum allowable height and density for lots close to designated transit facilities
- Densities are greater than SSMUH densities (ranging from 4 – 20 storeys)
- If lots subject to SSMUH requirements for three to six units are also included in a designated transit-oriented development area, the TOD density provisions apply



Process for exempted lots

After updating zoning bylaws to comply with SSMUH requirements, local governments must provide written notice of exempted lots to the Minister of Housing identifying:

1. the land to which the exemption applies, and
2. the section(s) of the legislation relevant to the purpose of the exemption



Extensions

One or more extensions may be granted by the Minister of Housing at the Minister's discretion, if:

- LG is **in the process of upgrading infrastructure** that services the specific area or lots for which the extension is being requested;
- the infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, **is likely to increase a risk to health, public safety, or the environment in that area**; or
- **extraordinary circumstances exist** that otherwise prevent compliance in relation to the area.



Local government responsibilities

- **Update zoning bylaws** to comply with Bill 44 by June 30, 2024
- Local governments **must not hold a public hearing** on a zoning bylaw update proposed for the sole purpose of complying with Bill 44.
- Local governments **must not** use authorities in such a way that **unreasonably prohibits or restricts the use or density of use required** to be permitted under the legislation. E.g.,
 - Do not use DPAs, heritage conservation areas or alteration permits to restrict use or density required by Bill 44
 - Do not require on-site parking on lots required to permit a min. of 6 homes
 - Do not use density bonusing as a condition of approvals for the minimum densities required (*exception for 6-units)
 - Do not create zoning bylaw regulations that impede the viability of the minimum densities required



Guidance for Zoning Bylaw Updates



Building type

Traditional approach

Unique zones for each possible form of housing (e.g., single-family zones, single-family with detached garden suite, duplex, triples)

Recommended approach

Provide flexibility to permit a range of combinations and configurations to improve project viability on a wide variety of lots

There are many ways to configure 4 units on a lot

- Principal housing unit + secondary suite + two detached ADUs
- Two duplexes
- Duplex with one secondary suite in each unit
- Triplex + detached ADU
- Fourplex
- Four townhouses
- Four detached housing units (e.g., cottage court)

Density and intensity

Common approach

Density regulations in Residential zones

- Maximum number of dwelling units = 1
- Maximum number of dwelling units = 2
- Maximum density is: 50 units per hectare

Intensity regulations in Residential zones

- Maximum Floor Area Ratio: 0.5
- Maximum lot coverage: 40% - 50%
- Floor plate shall not exceed: X m²

Alternative approaches

- Use setbacks and height restrictions to place limits on buildable area instead of FAR to improve flexibility and viability
- Restrict the size of buildings on large lots by limits on building footprint rather than FAR

Considerations

- Far limits can undermine the viability of new SSMUH units (especially single-family zone FARs)
- FAR regulations may be needed to facilitate density bonusing (beyond required SSMUH density)
- Reducing FAR limits for single-family dwellings may help improve the relative viability of SSMUH

Setbacks

Common regulations

Setback regulations in residential zones

- Minimum front yard setback: 4.5 - 6 m
- Minimum side yard setback: 1.5 m
- The sum of both side yards: ≥ 4.5 m
- Minimum rear yard setback: 6 – 7.5 m

Recommended approaches

- Reduce lot line setbacks in restricted zones (see site standards)
- Setbacks for lots required to have a min. of 6 units need minimal setbacks for viability

Considerations

- Building code requirements often set a reasonable floor for rear and side-yard setbacks
- Front yard setbacks may vary based on future infrastructure needs (e.g., sidewalks)

Building heights

Common regulations

- Maximum Building Height: 2 storeys
- Shall not exceed height of 6.5 – 8 m

Considerations

- Restrictive height limits can limit viability and variety of form, and increase site coverage
- Many trade-offs (e.g., site permeability, open/canopy space, livability, affordability)

Recommended approaches

- Allow at least three storeys and a height of 11 m to mid-point of a peaked roof in *Restricted Zones*

Lot coverage limits

Common regulations

- In most single-family and duplex zones, lot coverage ranges between 25 – 40% for all structures

Recommended approach

- Adopt different lot coverage limits for each type of lot subject to different density requirements, as per the Site Standards:
 - E.g., 60% for lots where a minimum of 6 units must be permitted, 30% on lots for which only suites and/or ADUs must be permitted.

Parking

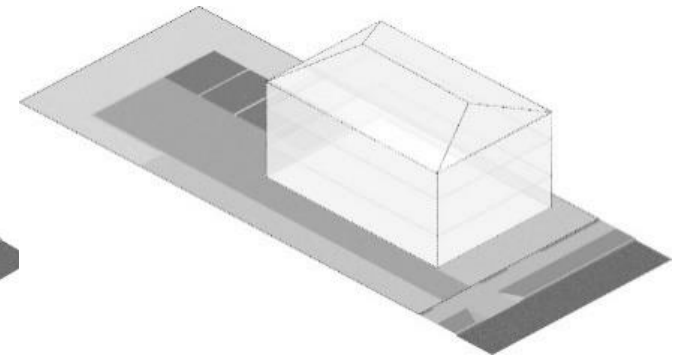
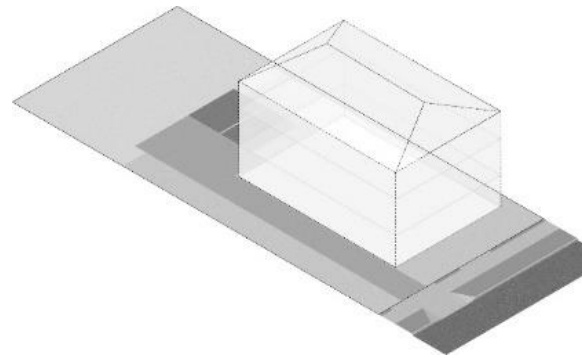
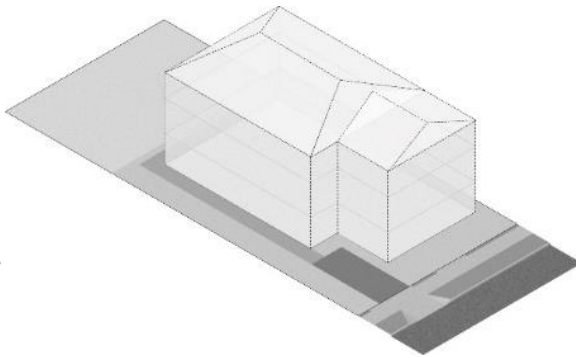
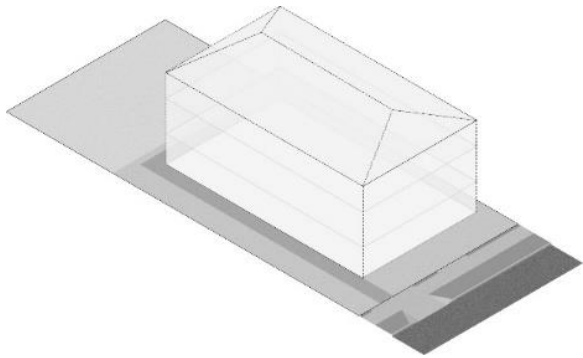
On-site vehicular parking requirements often have the greatest influence on the viability of SSMUH housing forms due to significant space requirements

Zero parking

Single front stall

Two rear stalls

Four rear stalls



Parking

Common regulations

- Many zoning bylaws require 1 to 2 parking stalls per unit with additional location rules
- This often results in overbuilding of parking and/or adds significant costs to projects

Alternative approaches

- Reduce or remove minimum parking requirements for SSMUH zones

Benefits of low or no parking

- Improved **affordability** and **equity**
- **More permeable space** on site for landscaping or recreating
- **Supports modal shifts** that help climate-change mitigation efforts

Other Considerations



Development permit areas

- **Local governments may continue to use DPAs**, provided they do not unreasonably restrict the ability to use land at the use or density prescribed by SSMUH
- DPA guidelines may need to be updated after zoning bylaws are updated to align with SSMUH
- Use the correct tool or bylaw for the task and desired outcome



DPAs for form and character

- Form and character DPAs have the greatest potential to negatively impact the development of SSMUH
- DPA guidelines add time, costs, delays, and uncertainty to projects

Common approach

- Single-family development are usually not subject to DPAs
- Most types of multi-family development are subject to DPAs

Recommended approach

- Do not use DPAs to control the form and character of SSMUH developments up to six units
- Amend definitions for Intensive Residential and Multi-family Residential development so that DPAs do not apply to SSMUH development

Other types of DPAs

DPAs for **protection of the natural environment, its ecosystems, and biological diversity**

- SSMUH development will still be subject to these DPAs
- Must not unreasonably restrict the ability to realize the use and density required under the SSMUH legislation

DPAs for **protection of development from hazardous conditions**

- SSMUH development will be subject to hazard protection DPAs to ensure development does not pose an undue risk to housing units or their occupants

DPAs to promote **energy conservation, water conservation, reduction of GHGs**

- SSMUH development will still be subject to these DPAs
- Review/develop DPAs with consideration for BC Building and Step Codes
- These requirements can increase building costs and impact project viability



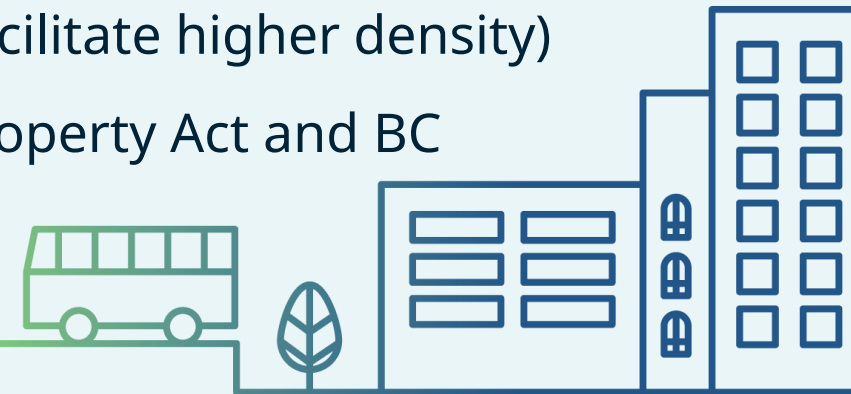
Tenure

Types of subdivision that could involve SSMUH projects include:

- Subdivision or bare land strata-titling of lot(s)
- Strata-titling of new and existing buildings (e.g., duplexes, townhomes)

Considerations

- Consider minimum lot size requirements in the various zones with the potential number and viability of units that could be built, if the minimum lot sizes were smaller (i.e., adjusting lot sizes may be desirable in urban settings to facilitate higher density)
- Consider various strata titling options within scope of Strata Property Act and BC Building Code



Heritage conservation

- Parcels of lands protected under section 611 of the LGA, and section 12.1 (2) of the Heritage Conservation Act are exempt from zoning updates otherwise required under the SSMUH legislation.
- Archaeological sites (recorded and unrecorded) are granted automatic protection through section 12.1 of the HCA.
- Local governments may update zoning regulations to comply with the SSMUH legislation on land with recorded or unrecorded archaeological sites. Land-altering activities may require a permit under HCA and HCA permitting procedures must be followed.
- Local governments are not to use new heritage designations or heritage conservation areas (LGA, s. 614) with the intention of exempting areas of their jurisdiction from the SSMUH legislation.



Infrastructure & servicing

- **Assessing implications:** in time, local governments will need to assess current and planned capacity of systems, along with demand generated by new homes resulting from SSMUH zoning changes
- **Financing upgrades/new infrastructure:** continue to use DCCs, latecomer agreements, subdivision servicing bylaws, development works agreements, and amenity cost charges (a new tool)

Considerations

- Uptake on the development of SSMUH homes will be incremental
- Lower occupancy rates than historical trends means existing surplus capacity may absorb added demand in some neighbourhoods or areas

Resources

- Two appendices in Policy Manual offer guidance for assessments
- The Province's [Community Lifecycle Infrastructure Costing Tool](#)



Site Standards



Site Standard packages

- **Specific technical guidance for zoning bylaw amendments** to:
 - help enable compliance with SSMUH legislation and
 - set provincial expectations for how local governments enable financially viable SSMUH developments by providing flexibility for builders and developers
- Four site standard packages are provided for different scenarios*
- Each consists of:
 - a description of the types of lots to which it applies,
 - policy objectives, and
 - recommended technical specifications for common parameters in zoning bylaws (e.g., height, setbacks)

** Deviations from the recommended technical guidance may be warranted to account for local conditions.*



Site Standard packages

PACKAGE A

For lots in Restricted Zones that are required to permit a secondary suite and/or an accessory dwelling unit in addition to the principal residence

PACKAGE B

For lots in *Restricted Zones* that are required to permit a minimum of three or four units and are typically sized single-family and duplex lots that are (generally less than 1,215 m²) in size

PACKAGE C

For lots in *Restricted Zones* that are required to permit a minimum of four units and are large lots (generally greater than 1,215 m²) in size and smaller than 4,050 m²

PACKAGE D

For lots in Restricted Zones that are required to permit a minimum of six units (between 281 m² and 4,050 m² in size)

Package A

A

For lots in *Restricted Zones* that are required to permit a secondary suite and/or an accessory dwelling unit in addition to the principal residence.

Zoning Bylaw Parameter	Recommended Regulation
Front Lot Line Setback	Minimum of 5 – 6 metres
Rear Lot Line Setback	Minimum of 6 metres for principal buildings Minimum of 1.5 metres for ADUs
Side Lot Line Setbacks	Minimum of 1.2 metres
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof on principal buildings At least 8 metres for accessory dwelling units
Maximum Number of Storeys	3 storeys for principal dwellings 2 storeys for accessory dwelling units
Maximum Lot Coverage	25-40%
Off-Street Parking Requirements	One space per dwelling unit

Package B

B

For lots in *Restricted Zones* that are required to permit a minimum of three or four units and are typically sized single-family and duplex lots that (generally less than 1,215 m²) in size.

Zoning Bylaw Parameter	Recommended Regulation
Front Lot Line Setback	Minimum of 2 metres
Rear Lot Line Setback	Minimum of 1.5 metres for ADUs or main buildings
Side Lot Line Setbacks	Minimum of 1.2 metres
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof
Maximum Number of Storeys	3
Maximum Lot Coverage	50%
Off-Street Parking Requirements	Maximum 0.5 space/unit if lot is within 400 m of a bus stop with service at a minimum frequency of every 15 minutes (measured between 7am – 7pm) Maximum 1 space/unit otherwise

Package C

C

For lots in *Restricted Zones* that are required to permit a minimum of four units and are large lots (generally greater than 1,215 m²) in size and smaller than 4,050 m²

Zoning Bylaw Parameter	Recommended Regulation
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
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof
Maximum Number of Storeys	3
Maximum Lot Coverage	40%
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

Package D

D

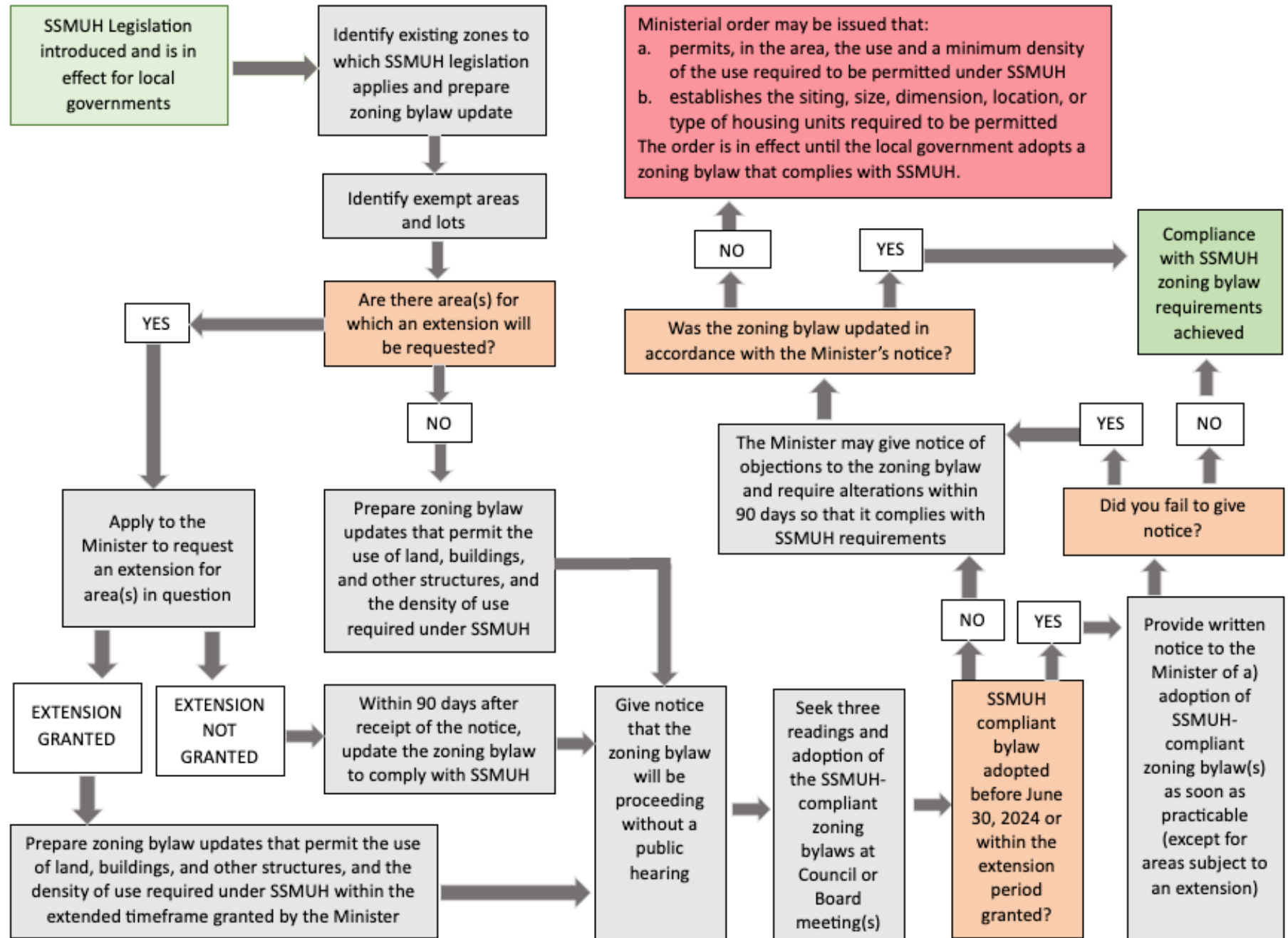
For lots in *Restricted Zones* that are required to permit a minimum of six units that are at least 281 m² and 4,050 m² or smaller

Zoning Bylaw Parameter	Recommended Regulation
Front Lot Line Setback	Minimum of 2 metres
Rear Lot Line Setback	Minimum 1.5m
Side Lot Line Setbacks	Minimum of 0 -1.2 metres
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or to the highest point of a flat roof
Maximum Number of Storeys	3
Maximum Lot Coverage	60%
Off-Street Parking Requirements	0

Moving Toward Compliance with Bill 44

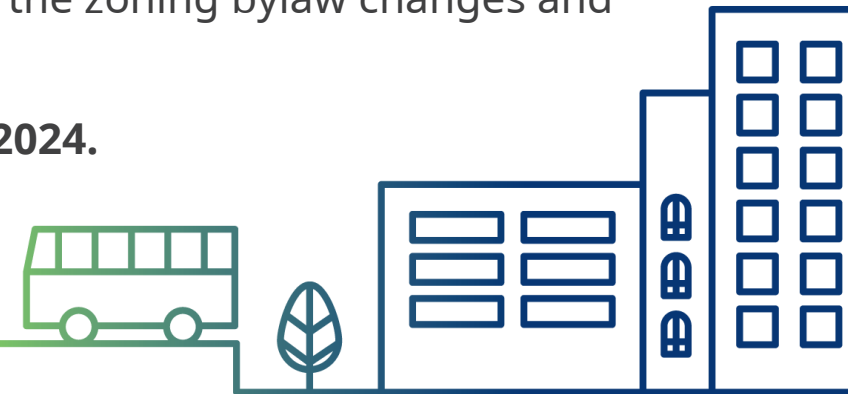


Legislative process for compliance with Bill 44



Sample work plan

1. Review the zoning bylaw to **identify impacted zones**.
2. **Work with a GIS specialist** to identify exempted lots and lots to which the various density requirements will apply.
3. Consult with public works and engineering staff to **review infrastructure servicing capacity and identify any areas for which an extension should be requested** on the basis of infrastructure upgrades that are required to address imminent capacity shortages or public safety concerns.
4. **Consult the Province's Policy Manual and identify updates for the zoning bylaw** to allow the required number of housing units in selected zones.
5. **Identify other plans, policies, and regulations that may be impacted** by the zoning bylaw changes and prioritize them for review and updates.
6. Present an **updated zoning bylaw** for Council/Board approval **by June 30, 2024**.
7. **Notify the minister** when the last zoning bylaw update is made.



Resources

- To view the Provincial Policy Manual and Site Standards, visit:
https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/ssmuh_provincial_policy_manual.pdf
- To view the technical briefing presentation, visit:
https://news.gov.bc.ca/files/Housing_Tech_Brief_Nov_01_2023.pdf
- To learn more about local government housing initiatives, visit:
<https://www2.gov.bc.ca/gov/content/housing-tenancy/local-governments-and-housing/housing-initiatives>
- To read the Homes for People action plan, visit:
https://news.gov.bc.ca/files/Homes_For_People.pdf
- To view the Homes for People technical briefing presentation, visit:
<https://news.gov.bc.ca/files/Homes4People.pdf>
- A map showing the location of all announced provincially funded housing projects in BC is available online:
<https://www.bchousing.org/homes-for-BC>
- For more information about BC legislation, visit:
<https://workingforyou.gov.bc.ca/legislation>



Questions

