



Local Government Housing Initiatives **Frequently Asked Questions for Bill 47**

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The following frequently asked questions have been collated from correspondence received from local governments and questions asked during recent webinars. This document will be updated with new questions and answers as they become available. Check the Version Date to confirm if new questions have been added.

This document contains general information only and should not be construed as legal advice. Local governments should obtain legal advice on the application of their legislative authorities and to ensure that their procedures and policies comply with legislation.

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BILL 47: Transit Oriented Development (TOD)

1. How will the rezoning process work in Transit Oriented Areas (TOAs)?

There is no requirement to pro-actively zone to the prescribed heights and densities in TOAs. The Minimum Allowable Density Framework does not change the existing rezoning process of a local government.

See page 22 of the [TOA Provincial Policy Manual](#)

2. Will developers have to build to the minimum allowable density requirements?

There are no requirements for developers to build to the minimum density requirements. The Provincial density requirements are minimum allowable densities that establish an 'envelope' for development that cannot be denied based on the density being too high if the density is within the Provincial envelope.

See page 10 of the [TOA Provincial Policy Manual](#)

3. What happens to projects that are already going through approvals in these areas?

The requirements do not apply to zoning bylaws or development plan bylaws that have received first reading by Council.

See Section 631 (1) (b) of the Housing Statutes (Transit-Oriented Areas) Amendment Act

4. Can rental tenure zoning be applied in TOAs?

Yes, however, local governments are encouraged to follow best practices regarding existing residential tenancies and to ensure a diversity of housing types and tenures in transit-oriented developments (parcel level).

See page 17 of the [TOA Provincial Policy Manual](#)

5. When using the density bonus tool in TOAs, is the "base" density required to be the minimum allowable density set out in the regulations?

As an interim measure, local governments can use the existing base densities established in their zoning bylaws when using the density bonus tool in TOAs. 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 currently under development for consideration by government. It is anticipated that local governments would transition to using any new tools by mid 2025.

6. Can municipalities set parking maximums in TOAs?

Local governments cannot set parking maximums for residential uses. The new parking legislation restricts local governments' ability to require off-street parking for residential uses whether that is for minimum or maximum number of spaces in TOAs. Parking can still be required for non-residential uses, commercial loading and accessible parking in accordance with municipal parking regulations. Local governments can continue to impose design requirements for parking as determined by their bylaws.

See page 14 of the [TOA Provincial Policy Manual](#)

7. Is a public hearing required for the adoption of a TOA designation bylaw?

There is no requirement to hold a public hearing to adopt a TOA designation bylaw.

8. If geographic barriers make an "eligible" parcel of land inaccessible to transit are municipalities required to designate this parcel as part of a TOA?

Yes. Currently, there is no provision for excluding areas from the prescribed TOA.

9. Can municipalities require bicycle parking and/or transportation demand management measures in TOAs?

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.

See page 14 & 15 of the [TOA Provincial Policy Manual](#)

10. How are properties with heritage designations impacted by this legislation?

Properties that the local governments have designated by bylaw are protected by the *BC Heritage Conservation Act*. Additionally, policies established by local governments regarding heritage objects not listed in a bylaw could be negotiated during the rezoning process.

The *BC Heritage Conservation Act* is provincial legislation and, in many cases, may supersede, impose limits, or nullify density requirements within certain areas. Local governments should seek legal advice on these properties. For further information:

- [Heritage Conservation Act Transformation Project](#)
- [Historic Places in BC](#)

11. In a mixed-use building, would non-residential uses (e.g., commercial) contribute to the minimum allowable density?

Yes, all densities within mixed-used projects, including commercial, employment, institutional, or other uses, should be counted along with residential uses to the total density.

See page 9 of the [TOA Provincial Policy Manual](#)

12. How are municipalities expected to determine what constitutes a “residential use” when developing their TOA designation bylaw?

Residential uses should be determined by reading the guidance in the TOA Policy Manual along with any definitions set out in the *Local Government Act* and *Vancouver Charter* and the local government’s zoning bylaws and policy plans.

See page 9 of the [TOA Provincial Policy Manual](#)

13. If a parcel of land is subject to a non-residential zone (e.g., institutional) that allows for an ancillary residential use (e.g., a caretaker suite), does that parcel of land need to be designated as part of a TOA?

Parcels that are zoned to permit residential use that is ancillary or secondary to agricultural or industrial uses are exempted from the minimum density requirements. Institutional uses are not exempt. Please seek legal advice on the specifics of your community’s regulatory framework.

See page 9 of the [TOA Provincial Policy Manual](#)

14. Should institutional zones that allow for long-term or assisted-care facilities be designated as part of a TOA?

See answer to previous question.

15. If one parcel within a land assembly bisects a TOA will the entire future parcel from the assembly be included in the TOA designation?

The local government has discretion to interpret the legislative requirements in relation to a specific development site and the parcels of land subject to a subdivision application. Local governments may wish to seek legal advice on specific cases, such as to what extent the various parcels of a land assembly are included in a TOA.

16. Will new TOAs need to be designated in the future?

The TOA legislation and regulations apply to current transit technologies and currently active or under construction transit stations. As transit technologies evolve and as transit services expand across the province, the legislation and regulations will be updated to accommodate those additions.

See page 9 of the [TOA Provincial Policy Manual](#)

17. What should be included in a TOA designation bylaw?

The TOA bylaw must contain a map showing the boundaries of each TOA based on the coordinates listed in the regulations.

See page 31 of the [TOA Provincial Policy Manual](#)

18. How should TOA designation bylaws respond to land use changes (e.g., parcel boundaries, rezonings)?

TOA Regulations only require TOA designation bylaws to address the minimum prescribed TOA area and minimum allowable densities associated with the area. However, local governments may want to include information on current and future land use, existing zoning or other regulatory bylaws that impact development for their own purposes.

19. Can municipalities establish/use design guidelines in TOAs?

Local Governments can apply their zoning authority to regulate use and tenure and/or standard site or building regulations, such as minimum lot frontage, site coverage, setbacks, urban design guidelines, public realm improvements, etc.

20. Can local governments require minimum bicycle parking (s. 525) on sites near prescribed bus stops?

Due to the variation in ways local governments secure bicycle parking, the Province suggests local governments seek legal advice on the use of bicycle parking requirements in TOAs.

21. Will MOTI issue blanket Section 52 agreements with respect to Zoning Bylaws needed to comply with TOA requirements?

MOTI is not contemplating blanket agreements under the *BC Transportation Act*, Section 52 agreements are specific to individual local governments. If a local government is interested in creating an agreement with the province, local government should contact their Regional and District contacts for the Ministry of Transportation and Infrastructure.

22. Will the Province allow TOA Areas that are zoned residential but designated in the OCP for other non-residential future uses such as industrial or institutional to be rezoned for those purposes?

Rezoning in conformance with adopted OCP Plans and policies aligns with Provincial objectives.

23. Will the Province consider adjusting TOA boundaries to allow municipalities to better account for local conditions?

The Regulations do not allow TOA boundaries to be changed. Updates may be considered in the future.

24. How do the prescribed heights relate to federal airport zoning regulations?

Applicable Federal or Provincial statutes supersede or have a limiting effect on the Minimum Allowable Density Framework. For instance, if the minimum allowable density within a TOA is set at 20 storeys, but airport zoning regulations restrict certain areas to a maximum of 14 storeys, then the minimum allowable density for those affected areas is 14 storeys.

See page 15 of the [TOA: Provincial Policy Manual](#)