

DATE OF MEETING May 6, 2024

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**SUBJECT TRANSIT-ORIENTED AREA DESIGNATION BYLAW AND  
OFF-STREET PARKING BYLAW AMENDMENTS**

## **OVERVIEW**

### **Purpose of Report**

The purpose of this report is to present a Transit-Oriented Areas Designation Bylaw and amendments to the 'Off-Street Parking Regulations Bylaw 2018, No 7266' in order to implement Bill 47 – Housing Statutes (Transit-Oriented Areas) regulations now required in the Local Government Act and associated Regulations 674 and 678. |

### **Recommendation**

That:

1. "Transit-Oriented Areas Designation Bylaw 2024 No. 7382" pass first reading;
2. "Transit-Oriented Areas Designation Bylaw 2024 No. 7382" pass second reading;
3. "Transit-Oriented Areas Designation Bylaw 2024 No. 7382" pass third reading;
4. "Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03" pass first reading;
5. "Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03" pass second reading; and,
6. Council direct Staff to proceed to a public hearing for Bylaw 7266.03 prior to consideration of third reading and final adoption, as required by Section 2.3 of the "Off-Street Parking Regulations Bylaw 2018, No. 7266".

## **BACKGROUND**

On 2024-MAR-25, Staff presented an overview of Bill 47 – Housing Statutes (Transit-Oriented Areas), and at the 2024-APR-08 meeting, Council passed the following motion:

*"direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the "Off-Street Parking Regulations Bylaw 2018 No. 7266" as outlined in the Staff report titled "Transit-Oriented Areas", dated 2024-MAR-25."*

The direction is based on requirements set out in the *Local Government Act and Regulations 674 and 678* for local governments to designate Transit-Oriented Areas (TOA) and align new off-street parking requirements by 2024-JUN-30. |

## **DISCUSSION**

This section provides an overview of the proposed “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” and the proposed “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03”.

### **Transit-Oriented Areas Designation Bylaw 2024 No. 7382**

In accordance with the *Local Government Act* and *Regulations 674 and 678*, Staff have prepared a “Transit-Oriented Areas Designation Bylaw 2024 No. 7382”. The bylaw includes the following key elements:

- A definition of ‘floor area ratio’ and ‘storey’;
- Mapping of the three prescribed TOAs (Woodgrove, Country Club, and Vancouver Island University [VIU]); and,
- The prescribed minimum density and height framework.

The mapping to designate the TOAs is reflective of the *Local Government Act* requirements. Parcels where exemptions and limitation to the minimum density framework apply are not shown on the mapping to reflect the range of municipal, Provincial and Federal requirements and statutes that may supersede or have a limiting effect on the TOA framework overtime. Exemptions and limitations that currently apply include lands zoned to permit a residential use that is ancillary or secondary to industrial or agricultural use as well as Federal Crown Land.

The proposed “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” identifies the new minimum allowable densities and heights that must be adhered to when exercising zoning authority in relation to rezoning applications or amendments to zoning bylaws. The Bylaw does not preclude the need for a rezoning application where a development proposes a density or height greater than what is permitted by current zoning. The minimum densities and heights may include other uses such as commercial, in the case of mixed-use developments. While an envelope of allowable densities and heights are available for rezoning applicants to work within, a local government may not reject a rezoning proposal based on the density or height allowed by the proposed “Transit-Oriented Areas Designation Bylaw”. Local governments retain the authority to 1) establish densities and heights greater than those prescribed by the provincial regulations; 2) secure conditions such as road dedication, non-market housing, and parkland; and, 3) consider factors such as the infrastructure deficiencies, hazardous conditions, and preservation of heritage buildings and features.

As an interim measure, the Province has granted local governments the continued use of the density bonus tool within the minimum allowable density framework. This will provide local governments with time to develop and implement new proactive planning tools, such as inclusionary zoning.

### **Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03**

In accordance with Section 525.1 of the *Local Government Act*, the City must not require off-street vehicle parking spaces for any residential use in a TOA, other than accessible parking spaces. The City may still apply parking space design requirements, as well as:

- vehicle parking spaces for other uses in TOAs;
- long- and short-term bicycle parking;
- visitor parking; and,

- electric vehicle charge receptacles and electrical outlet boxes.

Staff have reviewed the Provincial Policy Manual for Transit-Oriented Areas, as well as the ‘Off-Street Parking Regulations Bylaw 2018 No. 7266’, and have proposed a series of amendments to ensure the City is in compliance with the new legislation. The “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” contains the proposed amendments, and the rationale for each proposed amendment can be found in Attachment A.

To support the objective of reducing a reliance on vehicles in TOAs, one key change to note is that Staff is recommending that one long-term bicycle parking space be provided per multiple family dwelling unit in a TOA. This is an increase from the current rate of 0.5 long-term bicycle parking spaces per multiple-family dwelling unit in other areas of the city. The proposed rate is consistent with what is currently required in Kelowna, Victoria, and Burnaby. A long-term bicycle parking space is a secure indoor location to store a bike.

### **NEXT STEPS**

- If Council passes first and second reading of the proposed “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03”, Section 2.3 of the Off-Street Parking Bylaw requires that a public hearing be held prior to consideration of third reading and final adoption.
- To ensure compliance with the new legislation requirements, local governments are required to notify the Ministry of Transportation and Infrastructure once final adoption of the “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” occurs.

### **OPTIONS**

1. That:

1. “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” pass first reading;
  2. “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” pass second reading;
  3. “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” pass third reading;
  4. “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” pass first reading;
  5. “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” pass second reading; and,
  6. Council direct Staff to proceed to a public hearing for Bylaw 7266.03 prior to consideration of third reading and final adoption, as required by Section 2.3 of the “Off-Street Parking Regulations Bylaw 2018 No. 7266”.
- The advantages of this option: Supporting the two proposed bylaws will ensure that the City is in compliance with Bill 47 TOA legislative requirements.
  - The disadvantages of this option: The TOA catchment areas are larger than the City Plan Urban Centre designation areas for Woodgrove, Country Club, and VIU, which have implications for City Plan policies.
  - Financial Implications: Staff resources are required to comply with the Provincial Housing Legislation in 2024 and 2025.

2. That Council provide alternative direction.

**SUMMARY POINTS**

- The Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendments to the *Local Government Act*, and associated regulations, identify three bus exchanges and surrounding areas in Nanaimo that are subject to minimum densities, heights, and off-street residential parking requirements.
- To ensure the City is in compliance with the legislation by 2024-JUN-30, Staff are recommending first, second, and third reading of “Transit-Oriented Area Designation Bylaw No. 7382”; and first and second reading of the “Off-Street Parking Amendment Bylaw 2024 No. 7266.03”.
- A public hearing is required prior to consideration of third reading and adoption of the proposed “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03.

**ATTACHMENTS:**

ATTACHMENT A: Summary of Proposed TOA Amendments to the Off-Street Parking Bylaw

“Transit-Oriented Areas Designation Bylaw 2024 No. 7382”

“Off-Street Parking Amendment Bylaw 2024 No. 7266.03”

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