of learning from past experiences while embracing future innovation. For anyone watching the profession from a distance: planning matters, people in planning matter, and the work goes on.

If there was a single takeaway from the gala event, it was that planning is an intergenerational project: one that needs the institutional memory of experienced practitioners like Oleg Verbenkov, the stewardship of professional bodies like CIP and LGMA, and the energy of a new cohort of RPPs ready to shape the next four decades.

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100 Years of Zoning: Part 2

Bill Buholzer FCIP

In Part 1 of this article, published in the Summer 2025 issue of *Planning West* magazine, we examined the context surrounding the enactment of British Columbia's 1925 Town Planning Act. This included planning influences from Britain, the United States, and other Canadian provinces; model planning legislation promoted by the Commission of Conservation and its town planning advisor, Thomas Adams; and the Act's provisions authorizing the preparation of official town plans.

Zoning Bylaws: land use control and an opportunity to be heard

The scope of zoning regulations authorized under the *Town Planning Act* was limited to the use of land and the use, height, bulk and siting of buildings; development standards were required to be uniform throughout the designated districts. (Municipal councils were enabled, but not required, to indicate future zoning district boundaries with their respective land use regulations in the official town plan.) Management of the architectural design or appearance of buildings was not within the scope of a zoning bylaw; this would eventually be permitted generally under the Vancouver Charter and on the University Endowment Lands, and for buildings other than single-family dwellings by way of the development permit system under the Local Government Act. A municipal council enacting zoning regulations under the *Town Planning Act* was required to "have due regard" to six enumerated considerations (which would be retained in the zoning enabling legislation for decades and can still be found in the recitals to some B.C. zoning bylaws):

- the promotion of public health, safety, convenience and welfare;
- the prevention of overcrowding and the preservation of the amenity of residential districts;
- the securing of adequate access, light and air;
- the suitability of districts for particular uses;
- the conservation of property values;
- the direction of development.

The Commission of Conservation had strongly emphasized the promotion of public health as a principal concern for town planning – a focus that garnered support from organizations like local boards of trade that might otherwise have been at best ambivalent about planning legislation.

Procedurally, the Act required the Council to afford to "all persons who might be affected by the proposed bylaw" an opportunity to be heard on the matters covered in a zoning bylaw. This language would be amended in 1928 to require a hearing at which "all persons who deem themselves affected by the proposed bylaw shall be afforded an opportunity to be heard". To what extent has this early shift in wording from "might be affected" (suggesting an objective test of standing to speak at a hearing) to "deem themselves affected" (indicating a subjective test) been responsible for the subsequent evolution of public hearing practices in B.C., including the affording of opportunities to be heard on proposed land use changes to pretty much anyone who shows up at a hearing?[1] Also added in 1928 was authority for the Council to, without further notice, "give such effect as it deems fit to representations made at the hearing" – authority that would subsequently be narrowed (but not in Vancouver) by limiting post-hearing density reductions and prohibiting post-hearing changes in permitted land use.

In relation to amendment and repeal of a zoning bylaw, the 1925 Act permitted owners to "protest" such a bylaw. If at least 20% of the owners of affected street frontage (or properties across the street or lane from affected frontage) presented their protest prior to the public hearing, the bylaw could be adopted only by a 3/5 vote of all members of Council. This feature would be repealed.

The *Town Planning Act* contained simple provisions dealing with non-conforming uses, withholding of building permits during Council consideration of a zoning bylaw "when the Council is of opinion that the construction of the building would interfere with the work of zoning", and property being deemed not to be taken or injuriously affected by the passage of a zoning bylaw – the "no compensation" rule that continues in both the *Local Government Act* and the *Vancouver Charter*. This rule replaced provisions of the Commission of Conservation's model Act that required compensation for impairment of land value attributable to planning but also subjected owners to a planning betterment levy that anticipated (by a half-century) "land value capture" mechanisms such as community amenity contributions. Zoning boards of appeal were given jurisdiction to relax the zoning bylaw not only where literal enforcement would create "unnecessary hardship", but also where an appellant was simply dissatisfied with the decision of an official charged with the administration or enforcement of the bylaw. The latter aspect of board of variance jurisdiction survives only under the Vancouver Charter.

Town Planning Commissions: citizen planners

In the early 20th century, town planning was often initiated by civic associations and civic-minded individuals rather than local politicians or planning professionals. The preparation of Vancouver's first city plan, for example, was overseen by the Vancouver City Planning Commission, which engaged the U.S. firm Harland Bartholomew & Associates to prepare the plan. The *Town Planning Act* accommodated this approach by authorizing the creation of town planning commissions acting in an advisory capacity to the Council. Once a TPC was established, any proposed zoning bylaw had to be referred for recommendations on appropriate district boundaries and associated regulations. This was not required for official town plans, though councils could have chosen to refer a proposed plan to their TPC. Any proposal to undertake public works that were not consistent with an adopted official plan (which a council could approve by a vote of 2/3 of its members) had first to be referred to the TPC for consideration and report. (Such works now cannot be undertaken under any circumstances.) Apart from some provisions for *ex officio* TPC membership for mayors (eventually replaced by a prohibition on elected official participation in these advisory bodies), and the mandatory referral of proposed zoning bylaws (all such referrals are now discretionary), the current enabling provisions for advisory planning commissions in the *Local Government Act* and *Vancouver Charter* differ very little from those in the 1925 *Town Planning Act*.

Launching the Legislation: building attractive cities

Having granted Royal Assent to the *Town Planning Act*, the Lieutenant-Governor in closing the second session of the Sixteenth Parliament towards the end of 1925 mentioned the Act as a highlight of the session: "The Town Planning Bill is designed to encourage a more scientific and better-adjusted system governing the erection of buildings in populous centres, and should be the means of imparting an added attractiveness to our growing cities." This mildly-stated enthusiasm for planning can be contrasted with Herbert Hoover's preface to the revised 1926 version of the Department of Commerce's Standard State Zoning Enabling Act, in which he boasted that the "discovery that it is practical by city zoning to carry out reasonable neighbourhood agreements as to the use of land has made an almost instant appeal to the American people", citing the enactment of 170 new city zoning ordinances in the U.S. between September of 1921 and the end of 1923, and more than 200 more by the end of 1925. In our province, by the 1960s most municipalities of any significant size had adopted official plans and enacted zoning regulations, with only a handful of regional district electoral areas steadfastly resisting the allure of zoning. No B.C. municipality or regional district seems ever to have repealed its official plan or zoning bylaw without replacing it, and recent changes to Part 14 of the *Local Government Act* related to housing supply have eliminated that option. With the addition of tools like rental tenure zoning and inclusionary zoning (which would perhaps not have had "instant appeal to the American people" 100 years ago), our planning and zoning tools have been modestly updated to deal with 21st century land use management issues. Whether the "attractiveness of our growing cities" mentioned in the Legislature 100 years ago can be further enhanced by means of land use regulations that support or require a broader range of housing opportunities than B.C.'s planning legislation has produced so far, will be a principal concern as our planning legislation enters its second century.

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[1] A footnote to the U.S. Department of Commerce Standard State Zoning Enabling Act asserted that both "parties in interest" and citizens generally *Local Government Act* should have an opportunity to be heard because "it is right that every citizen should be able to make his voice heard and protest any ordinance that might be detrimental to the best interests of the city" – not, it may be noted in relation to the NIMBY phenomenon, detrimental to their own best interests.