



Density Bonus & Inclusionary Zoning

Planning Institute of British Columbia
Ask A Lawyer Webinar
January 15, 2025

Overview

- Introduction (2 minutes)
- Work Plan (3 minutes)
- Key Take Aways (3 minutes)
- Wrap-Up (1 minute)





Introduction

Understanding the topic

Introduction

- Evolution from Density Bonusing + Housing Agreements to Inclusionary Zoning + Density Bonusing + Housing Agreements
- Legislative vocabulary is important
 - Conditional Density Rule/Density Benefits Zoning Bylaw & Affordable and Special Needs Housing Zoning Bylaw
- Interpretive aids use the more common terminology of Density Bonuses (DBZ) + Inclusionary Zoning (IZ)

Introduction

- **"affordable and special needs housing zoning bylaw"** means a zoning bylaw referred to in section 482.7 (1);
- **"conditional density rule"** means a density rule established under section 482 (1) to apply for a zone only on applicable conditions being met; and
- **"density benefits zoning bylaw"** means a zoning bylaw referred to in section 482 (1).

Introduction

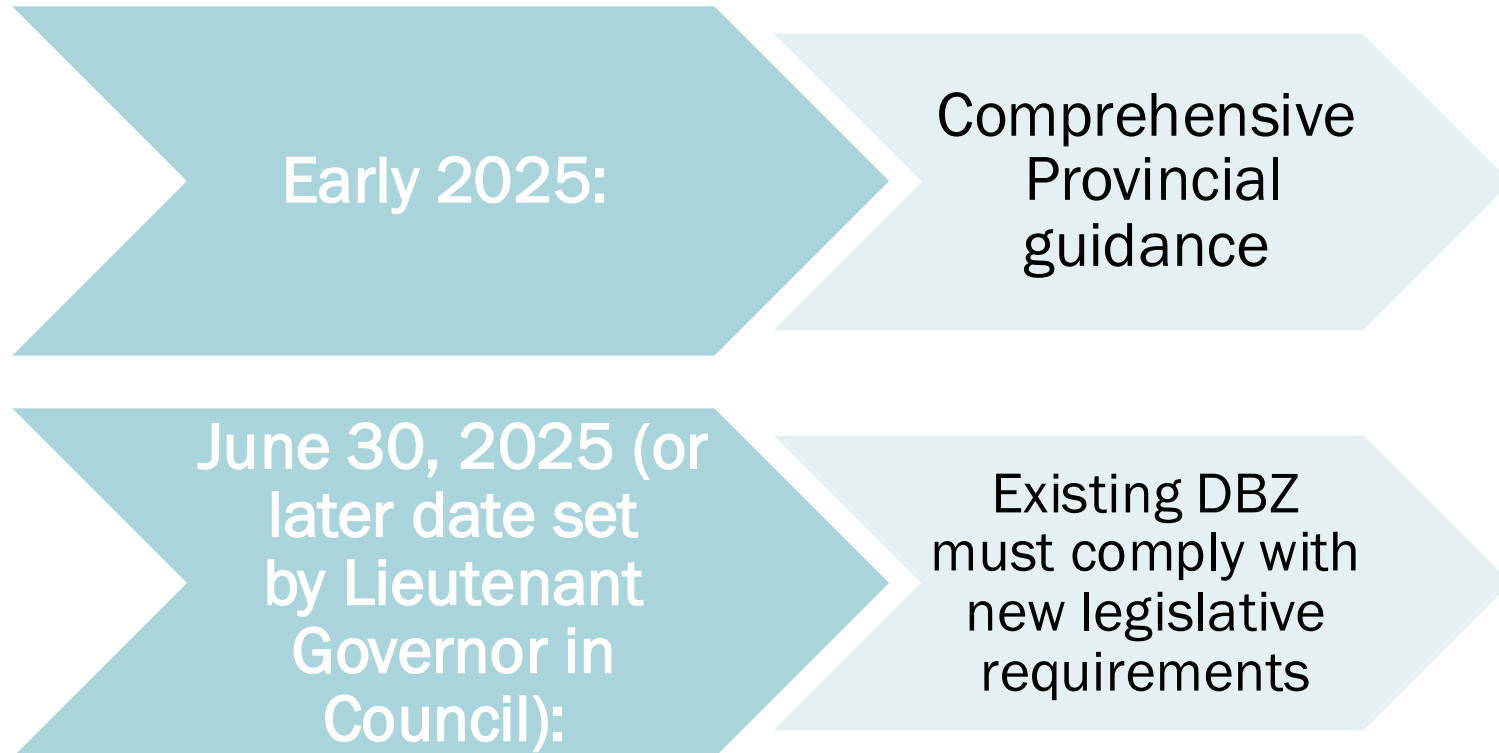
- **Key Differences:**
 - IZ is mandatory, DBZ depends on desired density
 - Both require consultation + feasibility studies, only IZ must consider and will count towards attainment of housing units in housing needs report
 - IZ only addresses affordable and special needs housing units, DBZ addresses conservation or provision of amenities, which may include housing units



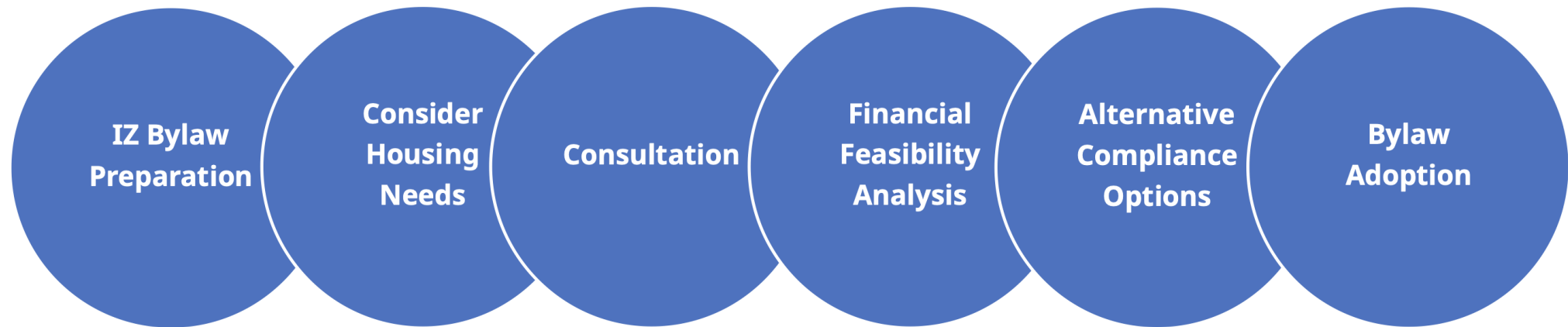
Work Plan

Process for implementation

Work Plan – Provincial Timelines

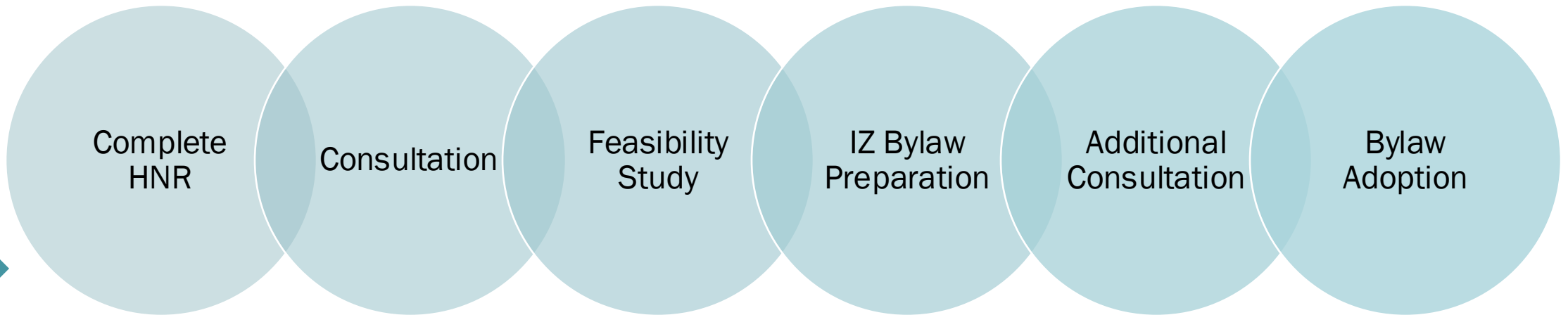


Work Plan – From Interim Guidance



Process from the Interim Guidance

Work Plan – Alternative Process





Key Take Aways

Considerations for your community

Key Take Aways

- Suitability of these tools will depend on local market demands
- Fair amount flexibility in the LGA
 - Can define affordable and special needs housing units to be provided, including ownership and management of the units, the form of tenure, the affordability & length of time units are subject to conditions

Key Take Aways

- The details must be embedded into the DBZ or the IZ bylaw(s)
- Conditional Density Rules cannot be used to undermine minimum density for SSMUH or TOA or the density permitted under IZ
- Alternative compliance options require option for developers to pay cash-in-lieu and a LG may allow the developer to provide housing units on a different parcel

Key Take Aways

- Exceptions (s. 482.7(7))
 - IZ does not apply to housing units that will be owned by certain types of affordable housing providers
- Protection for in-stream applications (s. 482.93)
 - Does not apply if a precursor application to the building permit is in-stream on the date the IZ bylaw is adopted



Wrap Up

Future changes

Wrap Up

Further Regulations:

- Consultation on DBZ (including no consultation) (s. 482.1)
- Professional designation of person carrying out financial feasibility study on DBZ (s. 482.2(4))
- Curtailing IZ authority (s. 482.7(8))

Additional Resources:

- Interim Guidance Inclusionary Zoning and Density Bonusing



Thank you

Alison Espetveidt

Lidstone & Company

604-899-2962 or 403-807-2164

espetveidt@lidstone.ca