

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF TRANSPORTATION
AND INFRASTRUCTURE

Community Charter and Local Government Act

Ministerial Order No. M114

I, Rob Fleming, Minister of Transportation and Infrastructure, order that the attached Approval Exemption (Controlled Access Highway) Regulation is made.

May 8, 2024

Date



Minister of Transportation and Infrastructure

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Community Charter*, S.B.C. 2003, c. 26, ss. 280 and 282 (1); *Local Government Act*, R.S.B.C. 2015, c. 1, ss. 249 and 783 (1)

Other:

R10783237

APPROVAL EXEMPTION (CONTROLLED ACCESS HIGHWAY) REGULATION

Interpretation

- 1 (1) In this regulation, “**zoning bylaw**” has the same meaning as in section 1 of the Schedule to the *Local Government Act*.
- (2) A reference in this regulation to the *Local Government Act* or a regulation made under that Act is a reference to that Act or regulation as the Act or regulation read on December 7, 2023.

Exemption from approval requirement

- 2 (1) The requirement in section 52 (3) (a) [*development near controlled access highway*] of the *Transportation Act* for the approval of the minister or the minister’s designate does not apply to a zoning bylaw if
 - (a) the bylaw is made only for the purpose of complying with section 481.3 [*zoning bylaws and small-scale multi-family housing*] of the *Local Government Act*,
 - (b) the bylaw permits the use and minimum density of use set out in section 481.3 of the *Local Government Act* or a regulation made under that section, and
 - (c) the bylaw does not permit a density of use that is greater than the minimum density of use set out in section 481.3 of the *Local Government Act* or a regulation made under that section.
- (2) For certainty, the requirement in section 52 (3) (a) of the *Transportation Act* continues to apply to a zoning bylaw to the extent that the zoning bylaw permits either or both of the following:
 - (a) a use other than a use set out in section 481.3 of the *Local Government Act* or a regulation made under that section;
 - (b) a density of use that is greater than the minimum density of use set out in section 481.3 of the *Local Government Act* or a regulation made under that section.