

NO. 24-021

LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 21)

A BYLAW OF THE CITY OF VICTORIA

The purposes of this bylaw are to amend the Land Use Procedures Bylaw:

- (a) to align the City's public hearings and notification procedures with amendments to the *Local Government Act* from Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023*;
- (b) to eliminate reference to land use contracts procedures given that land use contracts are terminated as of June 30, 2024 pursuant to section 547 of the *Local Government Act*;
- (c) streamline and clarify certain additional processes and fees; and
- (d) add two delegations in respect of small-scale multi-unit housing in restricted zones and multi-unit residential or mixed use development up to 2.5:1 FSR and six storeys.

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Under its statutory powers, including Part 14 of the *Local Government Act* and section 154 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This bylaw may be cited as the "Land Use Procedures Bylaw, Amendment Bylaw (No. 21)".

Amendments

- 2 The Land Use Procedures Bylaw, 2016 is amended as follows:
 - (a) in the third paragraph of the preamble, by deleting the words "an amendment to a land use contract or";
 - (b) in the Table of Contents,
 - (i) by deleting "31. Opportunity for public comment";
 - (ii) by renumbering section 32 to "31";
 - (iii) at newly renumbered section 31, by adding the words ", zoning bylaw amendment or permits" after "Notice of public hearing";

- (iv) by deleting “33. Notice of opportunity for public comment”;
 - (v) by deleting “34. Notice requirements for temporary use permits”;
and
 - (vi) by renumbering “35. Reapplications” to “32.” and numbering each subsequent section accordingly;
- (c) in section 5, by deleting “(c) an amendment to a land use contract;” and renumbering each subsequent subsection accordingly;
- (d) by deleting section 7A, and replacing it with:
- “7A. The notification under section 7 will be provided to the owners and occupiers of properties located within 100 metres of the subject property of an application listed in Section 27 of this Bylaw, except if the application includes an OCP amendment, the notification distance is 200 metres.”
- (e) in section 21(b), by inserting the words “16 to” prior to the number “40”;
- (f) in section 21A, by deleting the words “of that fee” and inserting “or the application fee, whichever is less,”;
- (g) in section 22,
- (i) by deleting the comma between “public hearing” and “the waiver of a public hearing” and replacing it with the word “or”; and
 - (ii) by deleting the words “, or an opportunity for public comment” after the words “waiver of a public hearing”;
- (h) in sections 25(a) and (b), by deleting “Section 35” and replacing it with “Section 32”;
- (i) in section 26, by deleting the opening paragraph prior to the list of subsections and replacing it with the following:
- “The applicant must post signage in compliance with Schedule B of this Bylaw for the following types of permits.”;
- (j) in section 27, by deleting subsection (c) and renumbering the subsequent subsection accordingly;
- (k) in section 28, by removing the words “City-initiated amendments” and inserting the same words into subsection (a) prior to “that involve ten or more parcels; or”;
- (l) in section 29:
- (i) at subsection (a), by adding “, subject to section 29A and 29B” between “zoning bylaw” and the semicolon;

- (ii) by deleting subsection (c) and renumbering each subsection accordingly;
- (iii) in the newly renumbered subsection (c), by deleting the period and inserting the words “or alter the zoning bylaw in relation to residential rental tenure;” after “applicable zoning”;
- (iv) by adding a new subsection (d):
 - “(d) heritage designate a property.”
- (m) by inserting the following two sections immediately after section 29:
 - “29A. A public hearing on a proposed zoning amendment bylaw is not permitted if:
 - 1. (a) the bylaw is consistent with the OCP;
 - (b) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; and
 - (c) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures as part of the development; or
 - 2. the sole purpose of the bylaw is to comply with section 481.3 of the *Local Government Act*.
 - 29B. A public hearing is not required on a proposed zoning amendment bylaw if the bylaw is consistent with the OCP.”
- (n) in section 30, by inserting “and does not meet the criteria in section 29A.” after “OCP”;
- (o) by deleting section 31 “Opportunity for public comment”;
- (p) by deleting section 32 and section 32A and replacing them with the following new section 31:

Notice of public hearing, zoning bylaw amendment or permits

- 31. The distance specified for the purpose of notification of the following processes is:

<u>Process</u>	<u>Distance</u>
Notification of public hearing for:	
Amendment to the OCP	200 metres

Amendment to the zoning bylaw	100 metres
Heritage revitalization agreement bylaw or heritage designation bylaw	100 metres
Notification of zoning amendment bylaw where public hearing not permitted or has been waived	100 metres
Notice of Council resolution to issue development permit with variances, heritage alteration permit with variances, development variance permit or temporary use permit	All parcels that are the subject of, or that are adjacent to the parcels that are the subject of the permit in relation to which Council proposes to make a decision.

- (q) by deleting section 33 Notice of opportunity for public comment and section 34 Notice requirements for temporary use permits;
- (r) by renumbering section “35 Reapplications” to section 32 and renumbering each subsequent section in sequence accordingly;
- (s) in newly renumbered section 35, by deleting “Section 37” and replacing it with “Section 34”;
- (t) in newly renumbered section 42, by deleting:
 - (i) “section 46” and replacing it with “section 43”;
 - (ii) “section 48 and 49” and replacing with “section 45 and 46”;
 - (iii) “section 36” at subsection (a) and replacing with “section 33”;
- (u) in newly renumbered sections 43, 44, and 45, by deleting “section 45” where it appears and replacing with “section 42”;
- (v) in newly renumbered section 46(a) and (b), by deleting “section 48” and replacing with “section 45”;
- (w) in newly renumbered section 47, by deleting “51 to 53” and replacing with “48 to 50”;

- (x) in newly renumbered section 49, by deleting “section 50” and “section 51” and replacing with “section 47” and “section 48”, respectively;
- (y) in newly renumbered section 50, by deleting “section 52” and replacing with “section 49”;
- (z) in Schedule A, Application Fees:
- (i) by deleting section 2(2)(b) and renumbering each subsection accordingly;
 - (ii) at section 2(5)(v), by deleting subsections A and B and replacing with the following:
 - “(A) one dwelling unit: \$2,000;
 - (B) two dwelling units: \$3,000;
 - (C) three to six dwelling units: \$12,000;
 - (D) more than six dwelling units: \$15,000.”
 - (iii) by inserting the following new subsection immediately after subsection (v):
 - “(vi) Notwithstanding the previous subparagraphs, a proposal for a garden suite in Development Permits Area 15E is \$2,500.”
 - (iv) by deleting the words at section 2(8)(a)(ii) and replacing them with:
 - “Development Permit Area 15E for a garden suite is \$2,000;”
 - (v) at section 2(8)(a)(iii) by deleting subsections (A) and (B) and replacing them with:
 - “(A) one dwelling unit: \$2,000;
 - (B) two dwelling units: \$3,000;
 - (C) three to six dwelling units: \$10,000;
 - (D) more than six dwelling units: \$13,000;”
 - (vi) by deleting section 3(2);
- (aa) in Schedule D, by adding the following rows immediately after row 29:

30	A DP or HAP, with or without variances, for new buildings and building additions for small-scale multi-unit housing in a restricted zone	All DP Areas	The proposed development complies with applicable guidelines.
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