

Report

Date	June 4, 2024	File:
Subject	Zoning Amendment Bylaw No. 3964, 2024 (Housing Statutes Residential Development Amendment Compliance) for first three readings	

PURPOSE

To introduce Zoning Amendment Bylaw No. 3964, 2024 for first three readings.

BACKGROUND

At its regular meeting on May 15, 2024, Council received a report regarding proposed Bylaw 3964 responding to the provincial legislative changes announced in November 2023 in the form of Bill 44. That report set out the provisions of the Bylaw, along with a complete discussion of the rationale and implications. It also recommended inclusion of three related changes not strictly necessary to achieve compliance, but which provide additional flexibility and greater coherence in the package of changes. Council resolved:

Council directs staff to bring forward Zoning Amendment Bylaw 3964, 2024 for initial readings, including provisions that:

- a. Permit accessory dwelling units in addition to a single family dwelling wherever a zone allows for three or four units per lot;*
- b. Amend the definition of "single family dwelling" to include manufactured homes on a permanent foundation;*
- c. Remove the floor area limit for secondary suites.*

In December 2023, the Province published the *Provincial Policy Manual & Site Standards* (referred to hereafter as the "Policy Manual") to guide and assist local governments in implementing the legislation. This manual, [available here](#), is mandatory reading and must be taken into consideration when developing and adopting zoning changes. All local governments must achieve compliance by June 30, 2024, and must not hold a public hearing for zoning amendment bylaws whose purpose is to achieve such compliance.

Once the bylaw has been given first three readings, recently announced B.C. Regulation 99/2024 exempts this bylaw from statutory sign-off from the Ministry of Transportation and Infrastructure, meaning Council can proceed to adopt the bylaw at its next regular meeting on June 19, 2024.

DISCUSSION

As Council was previously advised in the May 15, 2024, report, given the short timeline for achieving legal compliance, staff have largely prepared Bylaw 3964 to reflect the minimum zoning changes necessary to achieve compliance. This report included results of "stress testing" site standards against existing and proposed zones, with due regard to the guidelines contained within the Policy Manual. In addition, Council endorsed inclusion of the three further changes identified in the above motion.

Minor changes to the bylaw from the draft seen by Council on May 15 are as follows:

- Renaming proposed R1-A zone to "R1-U" (the suffix "-U" representing the word "urban")
- Adding 11 properties to the R3 zone with a minimum lot size for subdivision purposes of 450m², reflecting subdivision applications in progress, which would otherwise be negatively affected by the changes.
- Removal of previously added "duplex" from the "multi-family residence" definition (to avoid making a potential change of use to multifamily residential zones not affected by SSMUsH legislation), noting that "duplex" is specifically provided-for in SSMUsH zones.
- Correct an error in 40.4(6)(a) in imperial measurement conversion (16 sqft to 11 sqft)

None of these changes represent a departure from the approach previously presented to Council or alter the effect of the bylaw in any substantial way. Additionally, legal counsel has reviewed the bylaw.

OPTIONS

- (1) **(Recommended Option)** WHEREAS Council has considered the applicable guidelines contained within the *Provincial Policy Manual & Site Standards* in accordance with *Local Government Act* section 481.3(7);

THAT Council gives first, second and third readings to Zoning Amendment Bylaw No. 3964, 2024.

- This option responds to the legislative imperative and will allow Council to consider adoption of the bylaw at its regular meeting on June 19, 2024.

- (2) WHEREAS Council has considered the applicable guidelines contained within the *Provincial Policy Manual & Site Standards* in accordance with *Local Government Act* (LGA) section 481.3(7);

THAT Council

- a. Gives first and second readings to Zoning Amendment Bylaw No. 3964, 2024;
 - b. Amends Zoning Amendment Bylaw No. 3964, 2024 by ... *[amendments to be identified by Council]*
 - c. Gives third reading to Zoning Amendment Bylaw No. 3964, 2024 as amended.
- Council may amend the bylaw; however, prior to doing so, it should seek and receive confirmation from staff that its proposed amendments do not do any of the following:
 - Fall short of compliance with the LGA;
 - Introduce changes not related to LGA compliance; or,
 - Require further work on the bylaw preventing initial readings taking place at this meeting.

IMPLICATIONS

The bylaw's implications were detailed in the previous staff report received by Council at its May 15 meeting. Council is statutorily required to adopt a bylaw to this effect by June 30, 2024. Failure to meet this requirement may result in subsequent ministerial orders amending or suspending parts of North Cowichan's zoning bylaw, over which the municipality would have little or no control. The impacts of such imposed amendments would likely be greater than the changes contained within Bylaw 3964, since the provincial government is unlikely to consider place-specific nuances or the notion of "doing the minimum necessary" in terms of site standards.

As previously indicated, once compliance has been achieved, progress will resume on the wider zoning bylaw rewrite, and there will be an opportunity to revisit any issues arising from changes contained in Bylaw 3964.

RECOMMENDATION

WHEREAS Council has considered the applicable guidelines contained within the *Provincial Policy Manual & Site Standards* in accordance with *Local Government Act* section 481.3(7);

THAT Council gives first, second and third readings to Zoning Amendment Bylaw No. 3964, 2024.

Report prepared by:



Chris Osborne, MCIP, RPP
Manager, Planning

Report reviewed by:



Amanda Young, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachment:

- (1) Zoning Amendment Bylaw 3964 - Housing Statutes Residential Development Amendment Compliance