

BILL 18 – 2024

**VANCOUVER CHARTER
AMENDMENT ACT (No. 2), 2024**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- 1** *Section 523K (4) (a) of the Vancouver Charter, S.B.C. 1953, c. 55, is repealed.*
- 2** *Section 559 is amended by adding the following definition:*
 - “adopt”, in relation to a by-law or an official development plan, includes amend or repeal; .
- 3** *Section 559 is amended*
 - (a)** *by adding the following definitions:*
 - “**agricultural land**” has the same meaning as in the *Agricultural Land Commission Act*;
 - “**Agricultural Land Commission**” means the Provincial Agricultural Land Commission established under section 4 of the *Agricultural Land Commission Act*; ,
 - (b)** *by repealing the definition of “development plan”,*
 - (c)** *in the definition of “heritage conservation area” by striking out “section 561 (2) (c) (iv)” and substituting “section 562.07 (b)”, and*
 - (d)** *by repealing the definitions of “official development plan” and “zoning by-law” and substituting the following:*
 - “**official development plan**” means an official development plan adopted under section 562 [*council powers respecting official development plan*] or 562.02 [*by-law to adopt interim official development plan*];
 - “**zoning by-law**” means a by-law under section 565 [*zoning by-law*].
- 4** *Section 559 is amended in the definition of “official development plan” by striking out “section 562 [*council powers respecting official development plan*] or 562.02 [*by-law to adopt interim official development plan*]” and substituting “section 562.03 [*by-law to adopt official development plan*]”.*

5 *The following Division is added to Part XXVII:*

**Division (1.1) — Public Hearings and Procedures
for Planning and Development**

**Requirement for public
hearing before adopting by-law**

- 559.02** (1) Subject to this section, the Council must not adopt
- (a) an official development plan by-law, or
 - (b) a zoning by-law
- without holding a public hearing on the by-law for the purpose of allowing the public to make representations to the Council respecting matters contained in the proposed by-law.
- (2) For the purposes of subsection (1) (b), an application for rezoning is to be treated as an application to amend a zoning by-law.
- (3) Subject to this section, the Council is not required to hold a public hearing on a proposed zoning by-law if the by-law is consistent with an official development plan.
- (4) The Council must not hold a public hearing on a proposed zoning by-law if
- (a) the by-law is consistent with an official development plan,
 - (b) the sole purpose of the by-law 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 proposed as part of the development.
- (5) The Council must not hold a public hearing on a zoning by-law proposed for the sole purpose of complying with section 565.03 [*zoning by-laws and small-scale multi-family housing*].

Public hearing procedures

- 559.03** (1) The procedures set out in this section apply to a public hearing under section 559.02 (1).
- (2) Subject to subsection (3), a public hearing may be conducted by means of electronic or other communication facilities.
- (3) The facilities referred to in subsection (2) must enable the public hearing's participants to hear, or watch and hear, each other.

- (4) All persons who consider themselves affected by a proposed by-law that is the subject of a public hearing must be provided an opportunity to be heard at the public hearing on matters contained in the proposed by-law.
- (5) A public hearing may be adjourned and no further notice of the hearing is necessary if the following are stated to those in attendance at the time the hearing is adjourned:
 - (a) the time and date of the resumption of the hearing;
 - (b) the place of the resumed hearing, if applicable;
 - (c) the way in which the hearing is to be conducted by means of electronic or other communication facilities, if applicable.

Notice of public hearing

- 559.04** (1) If a public hearing referred to in section 559.02 (1) is to be held, the Council must give notice of the hearing
- (a) in accordance with section 3 [*requirements for public notice*], and
 - (b) in the case of a public hearing on an official development plan that includes a schedule under section 596A (3) (b) [*designation of heritage conservation areas*], in accordance with section 599 [*giving notice to owners and occupiers*].
- (2) The notice must state the following:
- (a) the time and date of the hearing;
 - (b) the place of the hearing, if applicable;
 - (c) if the hearing is conducted by means of electronic or other communication facilities, the way in which the hearing is to be conducted by those means;
 - (d) in general terms, the purpose of the by-law;
 - (e) the land or lands that are the subject of the by-law;
 - (f) the place where and the times and dates when copies of the by-law may be inspected.
- (3) If the Council has adopted a by-law under section 3.2 [*by-law to provide for alternative means of publication*], the notice under this section must be published by at least one of the means of publication specified in the by-law at least 7 days and not more than 14 days before the date of the public hearing.
- (4) If the Council has not adopted a by-law under section 3.2, the last publication of the notice must be at least 7 days and not more than 14 days before the date of the public hearing.

Notice if public hearing not held

- 559.05** (1) If the Council decides not to hold, or is prohibited from holding, a public hearing referred to in section 559.02 on a proposed zoning by-law, the Council must give notice in accordance with this section.
- (2) The notice must state the following:
- (a) in general terms, the purpose of the by-law;
 - (b) the land or lands that are the subject of the by-law;
 - (c) the date the proposed by-law will be introduced;
 - (d) the place where and the times and dates when a copy of the by-law may be inspected.
- (3) Section 559.04 (3) and (4) applies to a notice under this section, except that a reference in that section to a public hearing is to be read as a reference to the relevant Council meeting.

Posted notices respecting proposed by-laws

- 559.06** (1) Without limiting the obligations to give notice under sections 559.04 and 559.05, the Council may, by by-law,
- (a) require the posting of a notice on land that is the subject of a by-law, and
 - (b) specify the size, form and content of the notice and the manner in which and the locations where it must be posted.
- (2) Specifications under subsection (1) (b) may be different for different areas, zones, uses within a zone and parcel sizes.

Procedure after public hearing

- 559.07** (1) After the conclusion of a public hearing, the Council may adopt the proposed by-law in its original form or as altered to give effect to representations made at the public hearing respecting matters contained in the proposed by-law as the Council considers appropriate.
- (2) A member of the Council who
- (a) is entitled to vote on a proposed by-law that was the subject of a public hearing, and
 - (b) was not present at the public hearing
- may vote on the adoption of the proposed by-law if an oral or written report of the public hearing has been given to the member by the Director of Planning or another official of the city.

- 6** *Section 559.02 (3) and (4) (a) is amended by striking out “with an official development plan” and substituting “with the official development plan”.*

7 *Section 561 is repealed.*

8 *The following section is added before section 561A:*

Development approval procedures

- 561.01** (1) When the Council adopts an official development plan by-law or a zoning by-law, the Council must, by by-law, define procedures under which an owner of land may apply for
- (a) an amendment to the plan or by-law, or
 - (b) the issuance of a development permit.
- (2) The Council or delegate must consider every application for
- (a) an amendment referred to in subsection (1) (a), or
 - (b) a development permit.
- (3) If a by-law under subsection (1) establishes a time limit for reapplication, the time limit may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the Council members eligible to vote on the reapplication.

9 *The following heading is added before section 562:*

Division (2.1) — Official Development Plan .

10 *Section 562 (2) to (4) is repealed.*

11 *Section 562 is repealed and the following substituted:*

Council powers respecting official development plan

- 562.** (1) In this section, “**current official development plan**” means the following official development plans adopted by the Council:
- (a) the Arbutus Corridor Official Development Plan, 2000;
 - (b) the Central Waterfront Official Development Plan, 1979;
 - (c) the Coal Harbour Official Development Plan, 1990;
 - (d) the Downtown Official Development Plan, 1975;
 - (e) the Downtown-Eastside/Oppenheimer Official Development Plan, 1982;
 - (f) the East Fraser Lands Official Development Plan, 2006;
 - (g) the False Creek North Official Development Plan, 1990;
 - (h) the False Creek Official and Area Development Plan, 1974;
 - (i) the Heritage Conservation Area Official Development Plan, 2015;
 - (j) the Southeast False Creek Official Development Plan, 2005;
 - (k) the Southeast Granville Slopes Official Development Plan, 1984;

- (l) the Rental Housing Stock Official Development Plan, 2007;
 - (m) a prescribed official development plan.
- (2) The Council may
- (a) retain one or more current official development plans, and
 - (b) by by-law, amend or repeal a current official development plan or any part of a current official development plan.
- (3) If a by-law under subsection (2) (b) adopts or amends a regional context statement required under section 446 (1) of the *Local Government Act*, before adoption of the by-law the Council must refer the by-law for comment to the board of the Metro Vancouver Regional District.
- (4) For the purposes of paragraph (m) of the definition of “current official development plan” in subsection (1), the Lieutenant Governor in Council may make regulations prescribing an official development plan.
- (5) Subject to subsection (6), this section is repealed on June 30, 2026.
- (6) The Lieutenant Governor may, before June 30, 2026, specify by regulation a later date on which this section is repealed.

12 *Section 562.01 is repealed.*

13 *The following sections are added:*

By-law to adopt interim official development plan

562.02 (1) In this section:

“**current official development plan**” means the following official development plans adopted by the Council:

- (a) the Arbutus Corridor Official Development Plan, 2000;
- (b) the Central Waterfront Official Development Plan, 1979;
- (c) the Coal Harbour Official Development Plan, 1990;
- (d) the Downtown Official Development Plan, 1975;
- (e) the Downtown-Eastside/Oppenheimer Official Development Plan, 1982;
- (f) the East Fraser Lands Official Development Plan, 2006;
- (g) the False Creek North Official Development Plan, 1990;
- (h) the False Creek Official and Area Development Plan, 1974;
- (i) the Heritage Conservation Area Official Development Plan, 2015;
- (j) the Southeast False Creek Official Development Plan, 2005;
- (k) the Southeast Granville Slopes Official Development Plan, 1984;
- (l) the Rental Housing Stock Official Development Plan, 2007;
- (m) a prescribed official development plan;

“interim official development plan” means the official development plan adopted under subsection (2);

“interim period” means the period that

- (a) starts on the date that section 562 is repealed, and
 - (b) ends on June 30, 2030, or the date prescribed under subsection (12) of this section if a date is prescribed under that subsection.
- (2) The Council must, by by-law, on or before the first day of the interim period, adopt one interim official development plan that
 - (a) applies to the whole city, and
 - (b) is in effect on the first day of the interim period.
 - (3) If a by-law under subsection (2) adopts or amends a regional context statement required under section 446 (1) of the *Local Government Act*, before adoption of the by-law the Council must refer the by-law for comment to the board of the Metro Vancouver Regional District.
 - (4) The Council must consider applicable guidelines, if any, under section 574.61 [*provincial policy guidelines related to transit-oriented areas*] before adopting an interim official development plan.
 - (5) Before adopting an interim official development plan, the Council must consider the proposed interim official development plan in conjunction with
 - (a) any financial planning documents or policies that the Council considers relevant, and
 - (b) any waste management plan under Part 3 [*Municipal Waste Management*] of the *Environmental Management Act* that is applicable in the city.
 - (6) In addition to the requirements under subsection (5), the Council may consider a proposed official development plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the Council considers relevant.
 - (7) To the extent that an interim official development plan deals with these matters, the plan should work towards the purpose and goals referred to in section 428 [*purpose of regional growth strategy*] of the *Local Government Act*.
 - (8) The Council may, during the interim period,
 - (a) retain one or more current official development plans, and
 - (b) by by-law, revise, amend or repeal a current official development plan or any part of a current official development plan.

- (9) Subsections (3) to (7) apply to a by-law described in subsection (8) (b).
- (10) For the purposes of paragraph (m) of the definition of “current official development plan” in subsection (1), the Lieutenant Governor in Council may make regulations prescribing an official development plan.
- (11) Subject to subsection (12), this section is repealed on June 30, 2030.
- (12) The Lieutenant Governor may, before June 30, 2030, specify by regulation a later date on which this section is repealed.

By-law to adopt official development plan

- 562.03** (1) The Council must, by by-law, adopt one official development plan that applies to the whole city.
- (2) If a by-law under subsection (1) adopts or amends a regional context statement required under section 446 (1) of the *Local Government Act*, before adoption of the by-law the Council must refer the by-law for comment to the board of the Metro Vancouver Regional District.
 - (3) The Council must consider applicable guidelines, if any, under section 574.61 [*provincial policy guidelines related to transit-oriented areas*] when developing or amending an official development plan.
 - (4) Before adopting an official development plan, the Council must consider the proposed official development plan in conjunction with
 - (a) any financial planning documents or policies that the Council considers relevant, and
 - (b) any waste management plan under Part 3 [*Municipal Waste Management*] of the *Environmental Management Act* that is applicable in the city.
 - (5) In addition to the requirements under subsection (4), the Council may consider a proposed official development plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the Council considers relevant.
 - (6) To the extent that an official development plan deals with these matters, the plan should work towards the purpose and goals referred to in section 428 [*purpose of regional growth strategy*] of the *Local Government Act*.

Content of official development plans

- 562.04** (1) An official development plan must include statements and map designations respecting the following:
- (a) the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 20 years;
 - (b) the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
 - (c) the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
 - (d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
 - (e) the approximate location and phasing of any major street or road, sewer and water systems;
 - (f) the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
 - (g) other matters that may, in respect of any plan, be required or authorized by the minister.
- (2) An official development plan must include housing policies of the Council respecting affordable housing, rental housing and special needs housing.
- (3) An official development plan must include targets for the reduction of greenhouse gas emissions in the area covered by the official development plan, and policies and actions of the Council proposed with respect to achieving those targets.

Official development plan and housing needs report

- 562.05** (1) The Council must consider the most recent housing needs report received by the Council under section 574.4 [*when and how housing needs report must be received*], and the housing information on which the report is based,
- (a) when developing an official development plan,
 - (b) when amending an official development plan in relation to statements and map designations under section 562.04 (1) (a), or
 - (c) when amending an official development plan in relation to housing policies under section 562.04 (2) or subsection (3) of this section.

- (2) Without limiting section 562.04 (1) (a), the statements and map designations included in an official development plan of the Council must provide for at least the 20-year total number of housing units required to meet anticipated housing needs, which total number is included in the most recent housing needs report that is received by the Council under section 574.4.
- (3) Without limiting section 562.04 (2), an official development plan of the Council must include housing policies of the Council respecting each class of housing needs required to be addressed in the most recent housing needs report that is received by the Council under section 574.4.
- (4) The Council must, within the prescribed period after December 31 of the year in which the Council received the most recent housing needs report, review and, if necessary, adopt an official development plan that includes statements, map designations and housing policies in accordance with subsections (2) and (3).

Policy statements that may be included

- 562.06** (1) An official development plan may include the following:
- (a) policies of the Council relating to social needs, social well-being and social development;
 - (b) policies of the Council respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the plan;
 - (c) policies of the Council relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity;
 - (d) policies of the Council relating to transportation demand management under section 306 (1) (r.1).
- (2) If the Council proposes to include a matter in an official development plan, the regulation of which is not within the jurisdiction of the Council, the plan may state only the broad objective of the Council with respect to that matter unless the minister has, under section 562.04 (1) (g), required or authorized the Council to state a policy with respect to that matter.

Designations that may be made

- 562.07** An official development plan may designate the following:
- (a) areas for special projects, including projects that require development or redevelopment as a whole;
 - (b) for the purposes of heritage conservation, heritage conservation areas in accordance with section 596A [*designation of heritage conservation areas*].

**Consultation during development
of official development plan**

- 562.08** (1) During the development, repeal or amendment of an official development plan, the Council must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.
- (2) For the purposes of subsection (1), the Council must
- (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and
 - (b) specifically consider whether consultation is required with the following:
 - (i) the Metro Vancouver Regional District;
 - (ii) the council of any municipality that is adjacent to the area covered by the plan;
 - (iii) First Nations;
 - (iv) boards of education and greater boards;
 - (v) the Provincial and federal governments and their agencies.
- (3) Consultation under this section is in addition to the public hearing required under section 559.02.
- (4) If the development, repeal or amendment of an official development plan might affect agricultural land, the Council must consult with the Agricultural Land Commission.

14 Section 562.1 is repealed and the following substituted:

Consultation on planning of school facilities

- 562.1** (1) If the Council has adopted or proposes to adopt an official development plan for an area that includes the whole or any part of one or more school districts, the Council must consult with the boards of education for those school districts
- (a) at the time of developing or amending the official development plan, and
 - (b) in any event, a least once in each calendar year.
- (2) For consultation under subsection (1), the Council must seek the input of the boards of education on the following:
- (a) the actual and anticipated needs for school facilities and support services in the school districts;

- (b) the size, number and location of the sites anticipated to be required for the school facilities referred to in paragraph (a);
- (c) the type of school facilities anticipated to be required on the sites referred to in paragraph (b);
- (d) when the school facilities and support services referred to in paragraph (a) are anticipated to be required;
- (e) how the existing and proposed school facilities relate to existing or proposed community facilities in the area.

15 Section 563 (1) is amended by striking out “a development plan” and substituting “an official development plan”.

16 Section 565 is amended

(a) by repealing subsection (1) (f) and substituting the following:

- (f) designating districts or zones
 - (i) in which there must not be any uniform regulations,
 - (ii) in which any person wishing to carry out development must
 - (A) submit such plans and specifications as may be required by the Director of Planning, and
 - (B) obtain the approval of the Council to the form of development, or
 - (iii) in which any person wishing to carry out development must comply with regulations and guidelines set out in an official development plan; , **and**

(b) by adding the following subsections:

- (1.1) The Council may, by by-law, delegate to an officer or employee of the city the authority to grant the approval referred to in subsection (1) (f) (ii) (B).
- (1.2) A by-law delegating the authority to grant the approval referred to in subsection (1) (f) (ii) (B) must include
 - (a) guidelines the delegate must consider in deciding whether to grant approval, and
 - (b) any terms and conditions the Council considers appropriate.
- (1.3) If the Council delegates the authority to grant the approval referred to in subsection (1) (f) (ii) (B), a person wishing to carry out development that is subject to a decision of the delegate is entitled to have the Council reconsider the matter.

17 Section 565.03 (4) (b) is amended by striking out “a development plan” and substituting “an official development plan”.

18 Section 566 is repealed and the following substituted:

Fees for amendment of zoning by-law

- 566.** (1) For the purposes of this section, an application for rezoning is to be treated as an application to amend a zoning by-law.
- (2) The Council may, by by-law, require every person applying for an amendment to a zoning by-law to accompany the application with a fee to be prescribed by by-law.
- (3) A fee under subsection (2) may vary depending on the size of the area covered by the proposed rezoning, and the by-law establishing the fee may provide for a reduction of the fee depending upon the complexity or scope of the proposed amendment.
- (4) A fee under subsection (2) must not exceed the average costs of processing, inspection, advertising and administration that are usually related to a zoning by-law amendment of the kind to which the fee relates.

19 Section 566.1 is repealed.

20 The following section is added:

Zoning of transferred land – streets

- 568.5** (1) Despite any provision in this Part, if
- (a) a street, or a part of a street, has been stopped up under an enactment, and
- (b) the ownership of the street, or part of the street, that has been stopped up is transferred to the owner of an adjoining parcel of land,
- the land that comprises the street, or part of the street, that has been stopped up is zoned for the same purpose for which the parcel of which it has become a part is zoned unless the Council, by resolution, directs otherwise.
- (2) Despite any provision in this Part, if any land zoned under this Part has been transferred to the city for street purposes, regardless of whether the land is used for street purposes, the land is considered not to be zoned unless the Council, by resolution, directs otherwise.

21 Section 569 (1) is amended by striking out “has been passed, amended, or repealed” and substituting “has been adopted”.

- 22 *Section 570 (1) is amended by striking out “an official development plan” and substituting “an official development plan by-law” and by striking out “, or of an amendment to a zoning by-law or an alteration, addition or extension to an official development plan”.*
- 23 *Section 570 (2) is amended by striking out “with a development plan in the course of preparation, or”.*
- 24 *Section 574.61 (b) and (d) is amended by striking out “a development plan” and substituting “an official development plan”.*
- 25 *Section 592 (8) is amended by striking out “section 566” and substituting “Division (1.1) [Public Hearings and Procedures for Planning and Development] of Part XXVII [Planning and Development]”.*
- 26 *Section 594 (2) is amended by striking out “Section 566 (1.1), (1.2), (3), (5) and (5.1)” and substituting “Section 559.03 [public hearing procedures]”.*
- 27 *Section 596A (4) is amended by striking out “section 562 (3) [council powers respecting official development plan]” and substituting “section 559.02 [requirement for public hearing before adopting by-law]”.*

Transitional Provisions

Transition – public hearings

- 28 Sections 559.02 (3) to (5), 559.04, 559.05 and 559.06 of the *Vancouver Charter*, as added by section 5 of this Act, do not apply in relation to a proposed adoption of a zoning by-law in respect of which, on the date this section comes into force, a notice was published in accordance with section 566 of the *Vancouver Charter*, as that provision read immediately before its repeal by section 18 of this Act.

Transition – current official development plans

- 29 (1) In this section, “**current official development plan**” has the same meaning as in section 562 of the *Vancouver Charter*, as added by section 11 of this Act, and in section 562.02 of the *Vancouver Charter*, as added by section 13 of this Act.
- (2) Sections 562.04 and 562.08 of the *Vancouver Charter*, as added by section 13 of this Act, do not apply to a current official development plan.

Commencement

30 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 1	By regulation of the Lieutenant Governor in Council
3	Sections 3 and 4	By regulation of the Lieutenant Governor in Council
4	Section 6 to 9	By regulation of the Lieutenant Governor in Council
5	Sections 11 to 15	By regulation of the Lieutenant Governor in Council
6	Section 17	By regulation of the Lieutenant Governor in Council
7	Sections 23 and 24	By regulation of the Lieutenant Governor in Council
8	Section 29	By regulation of the Lieutenant Governor in Council