

To: Mayor and Council
From: Municipal Clerk
Date: September 26, 2013
Re: Bylaws for Council Meeting of September 30, 2013

For Third Reading and Adoption Subject to Outcome of Public Hearing

Bylaw No. 4592, Ninety-First Zoning Bylaw Amendment Bylaw, 2013

On March 5, 2012, Council directed that amendments to the Animal Control Bylaw in respect to the keeping of Poultry to, among other things, reduce setbacks for chicken coops, eliminate minimum lot size limitations for keeping poultry, and eliminate the permitting process be brought forward for Council's consideration.

On June 11, 2012, Council directed further changes to the Animal Control Bylaw to reduce the setbacks for beehives to allow them on smaller lots.

All of Oak Bay's bee keeping and poultry keeping regulations currently reside in the Animal Control Bylaw. However, in trying to determine the best way to implement the proposed relaxations to the regulations that Council requested, it became clear that legal advice was needed.

As advised by legal counsel, although Council has the broad authority to regulate in relation to animals pursuant to the *Community Charter*, the *Charter* states that it may not use those broad powers to do anything that Council is "specifically authorized to do" under Part 26 (Planning and Land Use Management) of the *Local Government Act*.

Given the advice we have received, all of the bee keeping and poultry keeping regulations, with the amendments directed to be made by Council, have been retained in the Animal Control Bylaw. Also, the regulations with respect to the use of land for keeping such animals, and the regulations for siting coops and hives, have been reiterated in the Zoning Bylaw as required, where they should properly reside and can be enforced.

Bylaw No. 4593 is the consequential amendment to reflect the appropriate ticketable offences under both the Animal Control Bylaw and the Zoning Bylaw.

For Adoption Subject to Outcome of Public Hearing

Bylaw No. 4591, Animal Control Bylaw Amendment Bylaw No. 1, 2013

Bylaw No. 4593 Ticket Information Utilization Bylaw Amendment Bylaw No. 1, 2013

For Adoption

Bylaw No. 4594, Anti-Noise Bylaw Amendment Bylaw No. 1, 2013

As requested at the Council meeting held June 10, 2013, Bylaw No. 4594 incorporates changes to the Anti-Noise Bylaw to address issues associated with long term construction

projects, as outlined in a memorandum from the Chief Administrative Officer dated June 10, 2013.

In particular the Bylaw reduces the times that construction may take place when a project has been issued a "renewal permit" pursuant to the Building and Plumbing Bylaw (as proposed in the amendment to that Bylaw described below), from between 7:00 am and 7:00 pm. Monday through Saturday, to between 9:00 am and 5:00 pm Monday through Saturday.

Other minor housekeeping changes have also been included in the Bylaw amendment.

Bylaw No. 4595, Building and Plumbing Bylaw Amendment Bylaw No. 1, 2013

The changes to the Building and Plumbing Bylaw included in Bylaw No. 4595 go hand in hand with the Anti-Noise Bylaw changes noted above, also to deal with issues related to long term construction projects.

Among other things, Bylaw 4595 would amend current definitions and add new definitions to the Building and Plumbing Bylaw. It also incorporates a six month building permit "renewal permit" category, with associated fees and time lines, for One Family Residential Use zones. This permit category would apply in those instances when the work has not been completed within the original two year period permitted for a building permit (one year building permit with an option for a permit extension for an additional year). No provisions are included for extension of a renewal permit.

Several other minor housekeeping amendments to the Building and Plumbing Bylaw have also been included in Bylaw No. 4595.

For First, Second and Third Reading

Bylaw No.4596, Property Tax Exemption Bylaw, 2013

This Bylaw will exempt the Scout Hall, the Guide Hall, the Kiwanis Tea Room and the Oak Bay Lawn Bowling Club from municipal property taxes. The assessment roll currently shows all four of them as exempt, but in fact since the buildings are occupied by parties other than the Municipality, the automatic exemption that would normally apply to Municipal property is not in effect. Therefore, Bylaw 4596 provides a permissive tax exemption pursuant to Section 224 of the *Community Charter* for the 2014 taxation year for those buildings and the land on which they sit.

Newspaper advertisements of the proposed exemptions will be published prior to consideration of final adoption, as required by the *Community Charter*.



Lorraine Hilton
Municipal Clerk

Attach.