

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3545

(**amended by Bylaws No. 3975, 4237 and 4348)

A Bylaw to regulate that part of the Municipality of the District of Oak Bay known as "The Uplands"

WHEREAS pursuant to the Oak Bay Special Powers Act, 1935, the Municipal Council of The Corporation of the District of Oak Bay may make regulations applying only to that part of the Municipality of the District of Oak Bay known as "The Uplands";

NOW THEREFORE the Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 In this Bylaw,

Deleted.

*(**Bylaw 4348, adopted Jun. 11/07)*

“ADVISORY DESIGN PANEL” means a body appointed by Council for non-binding guidance in matters of siting and architectural design;

*(**Bylaw 4237, adopted Sep. 27/04)*

"BUILDING" means a structure wholly or partly enclosed by a roof or roofs, supported by walls, columns or posts and used for the shelter or accommodation of persons, animals or chattels and includes a portion or portions of a building as well as chimneys, steeples, attached decks, enclosed stairs, porches and balconies;

“CORPORATION” means The Corporation of the District of Oak Bay;

*(**Bylaw 4237, adopted Sep. 27/04)*

“DIRECTOR OF BUILDING AND PLANNING” means the Director of Building and Planning for the Corporation, and includes a District of Oak Bay building official designated by him to act on his behalf;

*(**Bylaw 4237, adopted Sep. 27/04)*

"DWELLING" means any building used or designed to be used as a place of residence;

"COUNCIL" means the Municipal Council of the Corporation;

*(**Bylaw 4237, adopted Sep. 27/04)*

"LOT" means a parcel of land within the Uplands, shown as a lot on the plan of subdivision deposited in the Victoria Land Title Office and numbered 1216A, or on any plan of subdivision thereof deposited in the Victoria Land Title Office;

"PERSON" includes a corporation;

“MUNICIPALITY” means the geographical area of the Corporation;

(**Bylaw 4237, adopted Sep. 27/04)

"UPLANDS" means that part of the Municipality known as "The Uplands", and being the area shown on the plan of subdivision deposited in the Victoria Land Title Office and numbered 1216A, or on any plan of subdivision thereof deposited in the Victoria Land Title Office.

(**Bylaw 4237, adopted Sep. 27/04)

2 No person shall erect, construct, reconstruct, place, maintain or alter any building within the Uplands or use any building or land within the Uplands except in compliance with this Bylaw.

3 REPEALED

(**Bylaw 4237, adopted Sep. 27/04)

3 No building, and no addition to or exterior alteration thereof, shall be erected, constructed, reconstructed, placed or maintained on any lot, and no building permit shall be issued, unless and until the proposal to erect or make the same, and architectural plans (including a siting plan), elevations and specifications thereof have first been submitted to and approved as to siting and architectural design by Council, and such building, addition or exterior alteration shall be constructed only in accordance with such approved plan or plans.

4 Prior to the consideration by Council of a resolution to approve plans as to architectural design and siting pursuant to Section 3:

(1) the Director of Building and Planning shall, notwithstanding anything contained in the *Sign Bylaw, 1997*, or its successors, cause a sign of dimensions not less than 27 cm by 21 cm to be erected on the boulevard adjoining the property which is the subject of the application, on each street frontage thereof, with such sign;

(a) to have been posted:

(i) for not less than ten (10) consecutive days immediately prior to the date of the first consideration of the application by Council or a Committee of Council duly charged in that regard; or

(ii) , in respect of an application which is routed through an advisory design panel for review, for not less than four (4) consecutive days prior to the date of the first review of the completed application by the advisory design panel,

whichever is earlier;

(b) to contain the following wording:

“This site is the subject of an application for a building permit that requires local government approval as to siting and architectural design. Plans may be viewed at the Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, British Columbia, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding holidays.”;

(2) Council may seek and obtain the advice of an advisory design panel.

(**Bylaw 4237, adopted Sep. 27/04)

(**Bylaw 4348, adopted Jun. 11/07)

5 No dwelling shall be erected, constructed or reconstructed with a design the same, substantially the same, similar to or strongly resembling any existing dwelling within five hundred (500) feet of the

building lot, and a dwelling the design of which has been approved by Council pursuant to Section 3 shall be deemed to be an existing dwelling for the purpose of this Section.

(**Bylaw 4237, adopted Sep. 27/04)

- 6 (1) No person shall without authority from the Director of Building and Planning remove, deface or tamper with any sign erected pursuant to Section 4(1).
- (2) The validity of a permit issued pursuant to any approval given under this Bylaw shall not be affected by non-compliance with the requirement as to duration and timing of posting under Section 4(1)(a), provided that the required sign was erected by a date and time which, if not for unauthorized removal, would have allowed for compliance with that requirement, and provided also that such removal was not attributable to any instruction or action on the part of the applicant, his agent or the Corporation.
- (3) Deleted.

(**Bylaw 3975, adopted Apr. 14/98)

(**Bylaw 4348, adopted Jun. 11/07)

7 The keeping on any lot of any cow, ass, horse, goat, sheep, swine or poultry is prohibited.

8 The keeping on any lot of more than two (2) dogs over the age of three (3) months is prohibited.

9 All bylaws of the Corporation apply to the Uplands except insofar as they may conflict with this Bylaw, in which case this Bylaw prevails.

(**Bylaw 3975, adopted Apr. 14/98)

10 Every person who contravenes this Bylaw shall, on conviction, be liable to a fine of not less than One Hundred Dollars (\$100.00) nor more than Ten Thousand Dollars (\$10,000.00).

(**Bylaw 3975, adopted Apr. 14/98)

11 Bylaw No. 3223, being the "Uplands Regulations Bylaw, 1977", including all amendments thereto, is hereby repealed, except that Section 5(6) thereof shall continue to apply to a dwelling in respect of which a building permit has been issued prior to the date of adoption of this Bylaw, and except as to its application to any acts or things existing at this date that are contrary to the said Bylaw, as amended, which Bylaw shall continue to be in force as to such acts or things, and nothing herein shall be deemed to validate such acts or things.

12 This Bylaw may be cited as the "**UPLANDS REGULATIONS BYLAW, 1987**".

READ a first and second time by the Municipal Council on December 22, 1986

PUBLIC HEARING held on January 12, 1987

READ a third time by the Municipal Council on January 12, 1987

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on January 26, 1987

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the
District of Oak Bay.