

DATE OF MEETING JANUARY 17, 2022

AUTHORED BY Karen Robertson, Deputy City Clerk

SUBJECT ABANDONING BYLAWS NOT PROCEEDING TO ADOPTION

OVERVIEW

Purpose of Report

To formally abandon bylaws that received first three readings but will not proceed to adoption.

Recommendation

That Council abandon the following bylaws:

1. "Zoning Amendment Bylaw 2019 No. 4500.153"
2. "Official Community Plan Amendment Bylaw 2019 No. 6500.041"
3. "Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046"
4. "Trapping Bylaw 2013 No. 7183"; and
5. "Port Theatre Borrowing Bylaw 2019 No. 7282"

BACKGROUND

Before a local government bylaw can take effect, there are legislatively required steps which include three readings, adoption, and in some cases the requirement for provincial or other approval prior to adoption. In some instances, there are reasons that a bylaw may not proceed to adoption after the bylaw received its initial three readings. Such examples include: an applicant changing their mind and withdrawing their development application; Minister approval not being granted; or in the case of the Port Theatre Borrowing Bylaw, the short term borrowing was contingent on the City's successful grant application. When these situations arise, the bylaw needs to be removed from the books so it does not stay in limbo; however, in order to do so, Council must pass a motion to formally abandon the bylaw.

There are 5 such bylaws before Council that need to be formally abandoned with the rationale outlined in the discussion section of the report.

DISCUSSION

Bylaw	Rationale for Abandonment
"Zoning Amendment Bylaw 2019 No. 4500.153" – to rezone 4392 Jingle Pot Road from Single Dwelling Residential (R1) to Mixed Uses Corridor (COR2).	Applicant withdrew their application

<p>“Official Community Plan Amendment Bylaw 2019 No. 6500.041” – to re-designate 4392 Jingle Pot Road on the Future Land Use Plan (Map 1) from Neighbourhood to Corridor.</p>	<p>Applicant withdrew their application</p>
<p>“Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046” – to remove the time-limit and payment exemptions for vehicles displaying disabled parking permits in City parkades.</p>	<p>On 2019-SEP-16, Council referred the bylaw to staff for consideration as part of the downtown transportation and mobility study. When presented, Council did not wish to adjust any parking rates and directed staff to revisit the matter when the Traffic and Highways bylaw is rewritten.</p>
<p>“Trapping Bylaw 2013 No. 7183” – to regulate, prohibit and impose requirements respecting body-gripping traps or devices for animals and wildlife.</p>	<p>Trapping is regulated by the Province under the <i>Wildlife Act</i>. Therefore, any municipal bylaw proposing to regulate animal traps requires approval by the Minister of Forests, Lands and Natural Resources prior to adoption. In this instance, the bylaw was given first three readings and referred to the Minister who did not sign off on the bylaw. Council subsequently passed the following resolution on 2016-DEC-12 for consideration at the 2017 AVICC AGM:</p> <p><i>That Council end the inhumane use of animal traps and direct staff to submit the adopted resolution to the AVICC for consideration at the 2017 AGM.</i></p> <p>The motion was endorsed at AVICC; however, it was not supported by the UBCM under Resolution Number: B107. Without Minister approval or support from UBCM to lobby the Ministry, the bylaw cannot proceed.</p>
<p>“Port Theatre Borrowing Bylaw 2019 No. 7282” – to authorize the borrowing of up to \$4,500,000 for the construction of the Port Theatre Community Performing Arts Centre.</p>	<p>The specific funding strategy for the \$4.5 million was based on short term borrowing for a specific grant. The grant application was unsuccessful and therefore this bylaw is no longer applicable. Should the project proceed in the future, the City would revisit how the City would fund the project. Abandoning the bylaw would not negate the commitment that Council made; however, with the bylaw being on the books, it does have an effect on the City’s future borrowing limit.</p>

OPTIONS

Option 1:

That Council abandon the following bylaws:

1. “Zoning Amendment Bylaw 2019 No. 4500.153”
2. “Official Community Plan Amendment Bylaw 2019 No. 6500.041”
3. “Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046”
4. “Trapping Bylaw 2013 No. 7183”
5. “Port Theatre Borrowing Bylaw 2019 No. 7282”

The advantage to this option is that formally abandoning the bylaws will remove them from the books.

The disadvantage is that by not formally abandoning the bylaws, they will remain in limbo and in the case of the Port Theatre Borrowing Bylaw No. 7282 having it stay at third reading will affect the City's borrowing abilities.

Option 2:

Council direction is sought.

SUMMARY POINTS

- In some instances after the initial readings of a bylaw, there are reasons that a bylaw may not proceed to adoption.
- Examples include: applicants may withdraw their development application, provincial approval may not be granted, or projects may not proceed.
- In order to prevent a bylaw from remaining in limbo, Council must pass a motion to formally abandon the bylaw.

ATTACHMENTS:

Attachment 1 – B4500.153
Attachment 2 – B6500.041
Attachment 3 – B5000.046
Attachment 4 – B7183
Attachment 5 – B7282

Submitted by:

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Concurrence by:

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