

**Municipality of North Cowichan**  
**Regular Council**  
**ADDENDUM AGENDA**

Wednesday, September 18, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers

**Pages**

**11. NEW BUSINESS**

- 11.1**     *Bylaw 3764 - "Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019" - a bylaw to re-establish siting setback regulations for heat pumps and air conditioning units*

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Purpose: To do a housekeeping amendment for Zoning Bylaw 1997, No. 2950 in order to re-establish the original siting setback regulations for heat pumps and air conditioning units that existed in the Zoning Bylaw prior to the June 19, 2019 amendment that inadvertently removed that wording.

Recommendation:

That Council give first and second reading to "Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019" No. 3764 a bylaw to re-establish siting setback regulations for heat pumps and air conditioning units;

And That Council waive the requirements for holding a public hearing as per Section 464(2)(b) of the *Local Government Act*.

# Report

Date September 18, 2019

Prospero No. SPP00065

To Council

From Rob Conway, Director of Planning

Endorsed:



Subject Regulation for Heat Pump and Air Conditioning Setbacks

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## Purpose

To do a housekeeping amendment for Zoning Bylaw 1997, No. 2950 in order to re-establish the original siting setback regulations for heat pumps and air conditioning units that existed in the Zoning Bylaw prior to the June 19, 2019 amendment that inadvertently removed that wording.

## Background

Through discussion over proposed Zoning Bylaw Amendments for the placement of heat pumps, generators, and air conditioning units at regular Council on June 19, 2019, Council did not support the proposed amendment to reduce the siting setback requirements governing heat pumps and air conditioners and passed a motion to delete that proposed amendment from the bylaw.

The effect of not supporting the proposed amendment to reduce the siting setback requirements inadvertently removed the words from Section 35(3) "a heat pump or air conditioner" but the present setbacks regulating the siting of generators still remained at 4.5m.

Staff believe it was Council's intent (by not supporting the proposed amendment on June 19, 2019) to maintain the 4.5 metre setback for heat pumps and air conditioners that existed in the Zoning Bylaw prior to the June 19, 2019 amendment. As such, a housekeeping amendment to put those words back in the bylaw needs to be done by bylaw.

## Discussion

Presently, the default setback for the placement of heat pumps or generators is the relevant lot line setback for principal buildings described in a given zone. For example, should a heat pump be placed in a side yard the, setback requirement would be the equivalent side yard setback for the principal building.

Staff recommend the re-instatement of the existing setback requirement which was 4.5m from any property line by adding heat pumps and air conditioners into section 35 (3) of the Zoning Bylaw.

As this is a housekeeping amendment to correct an administrative error, staff recommend that Council exercise its authority under Section 464(2) of the *Local Government Act* to waive the holding of a public hearing. The wording of this section states that "*a local government may waive the holding of a public hearing on a proposed zoning if (b) the bylaw is consistent with the official community plan.*"

Notice provisions for advertising in the local newspaper would still apply.

**Recommendation**

**That Council give first and second reading to “Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019” No. 3764;**

**And That Council waive the requirements for holding a public hearing as per Section 464(2)(b) of the *Local Government Act*.**

Attachments:

Draft Zoning Amendment Bylaw No. 3764



The Corporation of the District of North Cowichan  
**Zoning Amendment Bylaw (Housekeeping Amendment No. 2), 2019**  
**Bylaw 3764**

The Council of The Corporation of The District of North Cowichan enacts as follows:

**1 Section 35(3) [Projections into Required Yards/Setbacks] is amended by adding the following at the end of subsection (3):**

“, a heat pump or an air conditioner.”

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READ a first time on  
READ a second time on  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER