



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

File #: 20-340, Version: 1

REQUEST FOR DECISION

DATE: June 29, 2020

Report No. DEV-20-046

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Text amendment to the Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114 Zone in order to delete Section 67.100 (4) being the density provisions.

RECOMMENDATION:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002" (Appendix "A"), as attached to Staff Report DEV-20-046, which would delete Section 67.100 (4) of the Zoning Bylaw, 1992, No. 2050, be given first and second readings, and

2. That Council waive the Public Hearing pursuant to Local Government Act, Section 464(2) for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002 and direct staff to proceed with appropriate public notification and return the bylaw to Council for consideration of third reading and adoption.

RELEVANT POLICY:

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Declaration of Climate Emergency

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

STRATEGIC RELEVANCE:

The proposed deletion of Section 67.100 (4) of Zoning Bylaw, 1992, No. 2050 does not directly support any of the goals or objectives in the Strategic Plan.

BACKGROUND:

Appendix "A" - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002.

Appendix "B" - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2947.

Appendix "C" - Proposed plan of subdivision.

Appendix "D" - Air photo, key map, zoning map excerpt, OCP map excerpt of proposed land use designations.

Chronology:

Application Received:

June 5, 2020

Application reviewed by the Advisory Planning Commission: June 16, 2020

Purpose of Application:

On May 27, 2019, Council adopted Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2947 which amended the Zoning Bylaw to created a site specific zone; namely "Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114" (Appendix "B"). This Zone allowed for the creation of two lots through subdivision from a single parent lot (Appendix "C") for the property located at 1198 Munro Street (Appendix "D"). Section (4) of the "Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114" Zone states that:

(4) Density

The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in this CD No. 114 Zone shall be limited two [2], for a minimum density of one [1] unit per 357 square metres.

In this situation, this section is both confusing and unnecessary. In addition, it does not reflect the fact that there is a legal suite in the current detached dwelling on the property, both of which will remain after the subdivision of the parent lot (Appendix "C"). Therefore, as per the current zoning, the property has already reached its maximum density of two Dwelling Units which is not the intent of the Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114 Zone. The proposed subdivision would create a lot (Lot B Plan EPP93840) that could not be developed because the maximum density in the Zone has been reached. And while regulating "density" is a legitimate purpose of zoning - in this case - there is no need for a density provision since the Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114 Zone only allows one principal single detached dwelling on each proposed lot and a suite in the existing single detached dwelling. Density is *defacto* regulated by the permitted uses and the fact that there can only be one principal building on each lot.

Context

Applicant: Byron and Karen Rotgans

Owner: Byron and Karen Rotgans

Property Size: 958 m²

OCP Land Use Designation:

Current: Low Density Residential

Proposed: No change

Zoning:

Existing Zone: Comprehensive Development District No 14 (1198 Munro Street) CD No. 114
Proposed Zone: No change

Surrounding Land Uses:

North: Single Family Residential [RS-1]
South: Single Family Residential [RD-3]
East: Single Family Residential RD-3
West: Charitable Organization Office & Park [P-2]

OCP Analysis:

This proposal is consistent with the 'Present' and 'Proposed' Land Use Designations applied to the subject property, namely "Low Density Residential".

The following policies were considered in evaluating this rezoning application:

Section 5 Housing & Residential Land Use

Objective: Support the expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character.

- Policy: Support the development of a variety of housing types and designs to meet the anticipated housing needs of residents. This may include non-market and market housing options that are designed to accommodate young and multi-generational families, the local workforce, as well as middle and high income households.

Section 5.2 Low Density Residential Redevelopment

Objective: Strive for redevelopment and infill development that improves and enhances the appearance and livability of neighbourhoods and the community as a whole.

- Policy: Proposed redevelopment or infill within present low density residential land use designated areas should be built to high quality design and landscaping standards and respond sensitively to existing neighbourhood amenities.

Zoning Analysis:

The proposed deletion of the density provisions in the Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114 Zone would make the Zone far easier to interpret.

Parking Analysis:

The proposed development meets the requirements of the Parking Bylaw, 1992, No. 2011.

Comments from the Advisory Planning Commission:

The Advisory Planning Commission reviewed the application to amend the Zoning Bylaw at their June 16, 2020 regular meeting. At that time staff were proposing to amend Section 67.100 (4) to make it consistent with the intention of the Zone, however, after discussions with legal counsel, it was decided that it would be better just to delete the section in its entirety. The Commission unanimously supported the amending of the density section since it is correcting an oversight and made no change to what was proposed by the original rezoning application.

ISSUES:

1. Rationale for Selected Option

Due to an oversight, the existing density section does not reflect the intent of the Comprehensive Development District No. 114 (1198 Munro Street) CD No. 114 Zone. Rather than make a complicated and confusing amendment to the section, it is easier just to delete the section in its entirety. This does not have any impact on the intent of the Zone.

2. Organizational Implications

There are not organizational implications.

3. Financial Implications

There are no significant financial implications.

4. Sustainability & Environmental Implications

There are not sustainability or environmental implications.

5. Communication & Engagement

If the public hearing is waived, land owners and occupants within 100 metres of the subject property will receive a notice in the mail indicating that the public hearing has been waived. In addition, a notice will be published in two consecutive editions of a local newspaper indicating that the public hearing will be waived.

During the public hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2947 being the Bylaw that created the CD No. 114 Zone; all three speakers supported the proposed Bylaw.”

ALTERNATIVES:

- 1) 1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002” [Appendix “A”], as attached to Staff Report DEV-20-046, which would delete Section 67.100 (4) of the Zoning Bylaw, 1992, No. 2050, be given first and second readings, and
 2. That Council waive the Public Hearing pursuant to Local Government Act, Section 464(2) for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002 and direct staff to proceed with appropriate public notification and return the bylaw to Council for consideration of third reading and adoption.
- 2) 1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002” [Appendix “A”], as attached to Staff Report DEV-20-046, which would delete Section 67.100 (4) of the Zoning Bylaw, 1992, No. 2050, not be given first and second readings.
- 3) That Council request receipt of additional information before making a decision.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3002

A Bylaw to amend Bylaw No. 2050, cited as the
“Zoning Bylaw, 1992, No. 2050”

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the “*ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 3002*”.
2. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be amended as follows:
 - (1) at PART 5 – ZONING DISTRICTS, Section 67.100 (4) Density:
 - a. By deleting this section in its entirety and inserting a note stating that the section was deleted by Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002.

READ a first time by the Municipal Council on the ___ day of _____, 2020.

READ a second time by the Municipal Council on the ___ day of _____, 2020.

A Public Hearing was waived pursuant Sections 464(2) and 467 of the *Local Government Act* on the ___ day of _____, 2020.

READ a third time by the Municipal Council on the ___ day of _____, 2020.

ADOPTED by the Municipal Council on the ___ day of _____, 2020.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2947

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2947".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
 - (1) by adding the following words and figures in Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development No.114 (1198 Munro Street) CD No.114"

- (2) by adding the following text as Section 67.100 (or as other appropriately numbered subsection within Section 67):

67.100 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 114 [CD NO. 114]

In that Zone designated as CD No. 114 [Comprehensive Development District No.114] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Part.

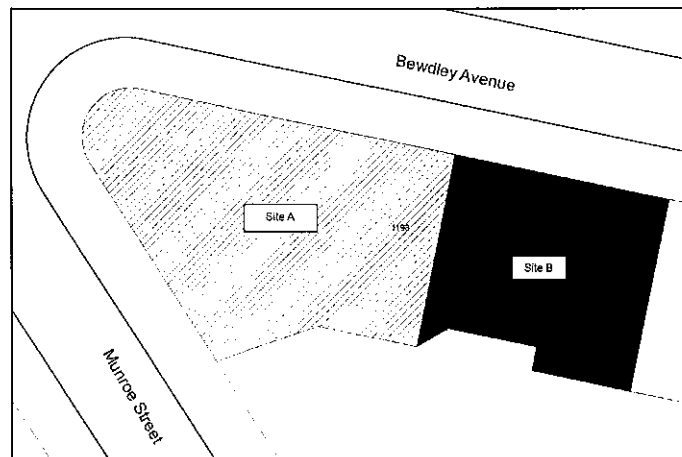


Figure 1. Site A & Site B

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- a) Single Family Residential
- b) Home Occupation
- c) Boarding: subject to the requirements of Section 30.3
- d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- e) Secondary Suite (Site A)

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 357 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Density**

The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in this CD No. 114 Zone shall be limited to two [2], for a minimum density of one [1] unit per 357 square metres.

(5) **Floor Area Ratio**

The Floor Area Ratio of the principal building shall not exceed 0.33 for a parcel created by subdivision consistent with Site A [Figure 1].

The Floor Area Ratio of the principal building shall not exceed 0.40 for a parcel created by subdivision consistent with Site B [Figure 1].

(6) **Lot Coverage**

The Lot Coverage of the principal building shall not exceed 25% for a parcel created by subdivision consistent with Site A [Figure 1].

The Lot Coverage of the principal building shall not exceed 34% for a parcel created by subdivision consistent with Site B [Figure 1].

(7) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback - West (Site A [Figure 1]): The principal building shall not be located within 7.1 metres of the Front

- Lot Line.
- (ii) Side Setback - North (Site A [Figure 1]): The principal building shall not be located within 2.8 metres of the Northern Exterior Lot Line.
 - (iii) Side Setback – South (Site A [Figure 1]): The principal building shall not be located within 2.4 metres of the Southern Interior Lot Lines.
 - (iv) Rear Setback - East (Site A [Figure 1]): The principal building shall not be located within 4.2 metres the Rear Lot Line.
 - (v) Front Setback - North (Site B [Figure 1]): The principal building shall not be located within 5.1 metres of the Front Lot Line.
 - (vi) Side Setback - East (Site B [Figure 1]): The principal building shall not be located within 3.4 metres of the Eastern Interior Lot Line.
 - (vii) Side Setback – West (Site B [Figure 1]): The principal building shall not be located within 5.0 metres of the Western Interior Lot Line.
 - (viii) Rear Setback - South (Site B [Figure 1]): The principal building shall not be located within 2.1 metres the Rear Lot Lines.
 - (ix) The Principal Buildings within Comprehensive Development District No.114 [CD No. 114] shall be separated by not less than 6.0 metres.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

- (a) Within the CD-114 zone, the following reductions are permitted to the siting requirements to accommodate the deck on the principal building located on Site A (Figure 1):
 - (i) The distance to the Rear Lot Line may be reduced by no more than 2.6 metres.
- (b) Within the CD-114 zone, the following reductions are permitted to the siting requirements to accommodate the overhang on the principal building located on Site B (Figure 1):
 - (i) The distance to the Front Lot Line may be reduced by no more than 1.0 metres.
 - (ii) The distance to the Western Interior Lot Line may be

- reduced by no more than 0.5 metres.
- (iii) The distance to the Rear Lot Line may be reduced by no more than 0.3 metres.

(10) **Home Occupation**

Notwithstanding Section 13(3) The Home Occupation shall not occupy more than 20% of the Gross Floor Area and in any event shall not exceed 28 square metres for the principle building located on Site B (Figure 1).

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No.2011 (as amended).

- (3) by changing the zoning designation of PID 005-455-031; Lot 1, Section 11, Esquimalt District, Plan 44436 [1198 Munro Street] shown cross-hatched on Schedule "A" attached hereto from RD-3 [Two Family/ Single Family Residential] to **CD No. 114** [Comprehensive Development District No. 114].
- (4) by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" to show the changes in zoning classification effected by this bylaw.

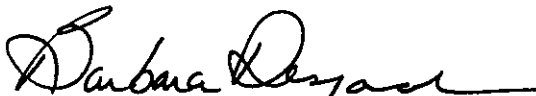
READ a first time by the Municipal Council on the 17th day of December, 2018.

READ a second time by the Municipal Council on the 17th day of December, 2018.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 21st day of January, 2019.

READ a third time by the Municipal Council on the 21st day of January, 2019.

ADOPTED by the Municipal Council on the 27th day of May, 2019.


BARBARA DESJARDINS
MAYOR


ANJA NURVO
CORPORATE OFFICER



398

Fraser St

399

Munro St

1194

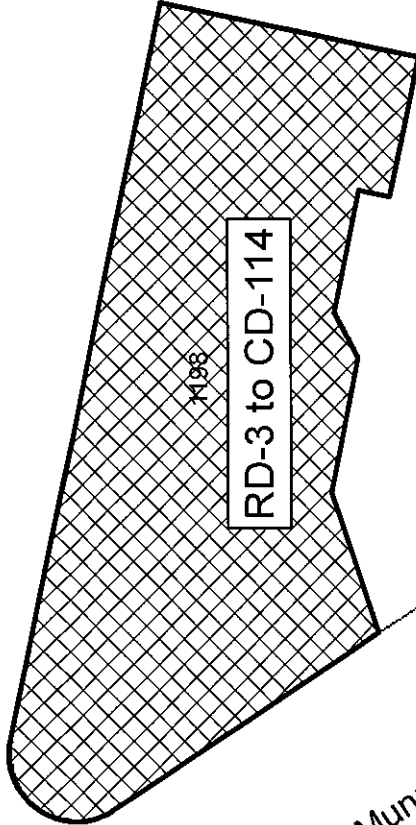
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1191

Bewdley Ave

409

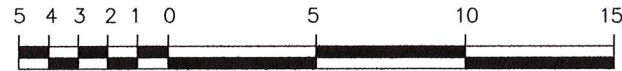
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RD-3 to CD-114

Schedule 'A'
Bylaw No. 2947

Proposed Subdivision Plan Of:
Lot 1, Section 11,
Esquimalt District, Plan 44436.
P.I.D. 005-455-031



Scale = 1:250

Dated this 5th day of July, 2018.

B.C.L.S. (Not valid unless originally signed & sealed)

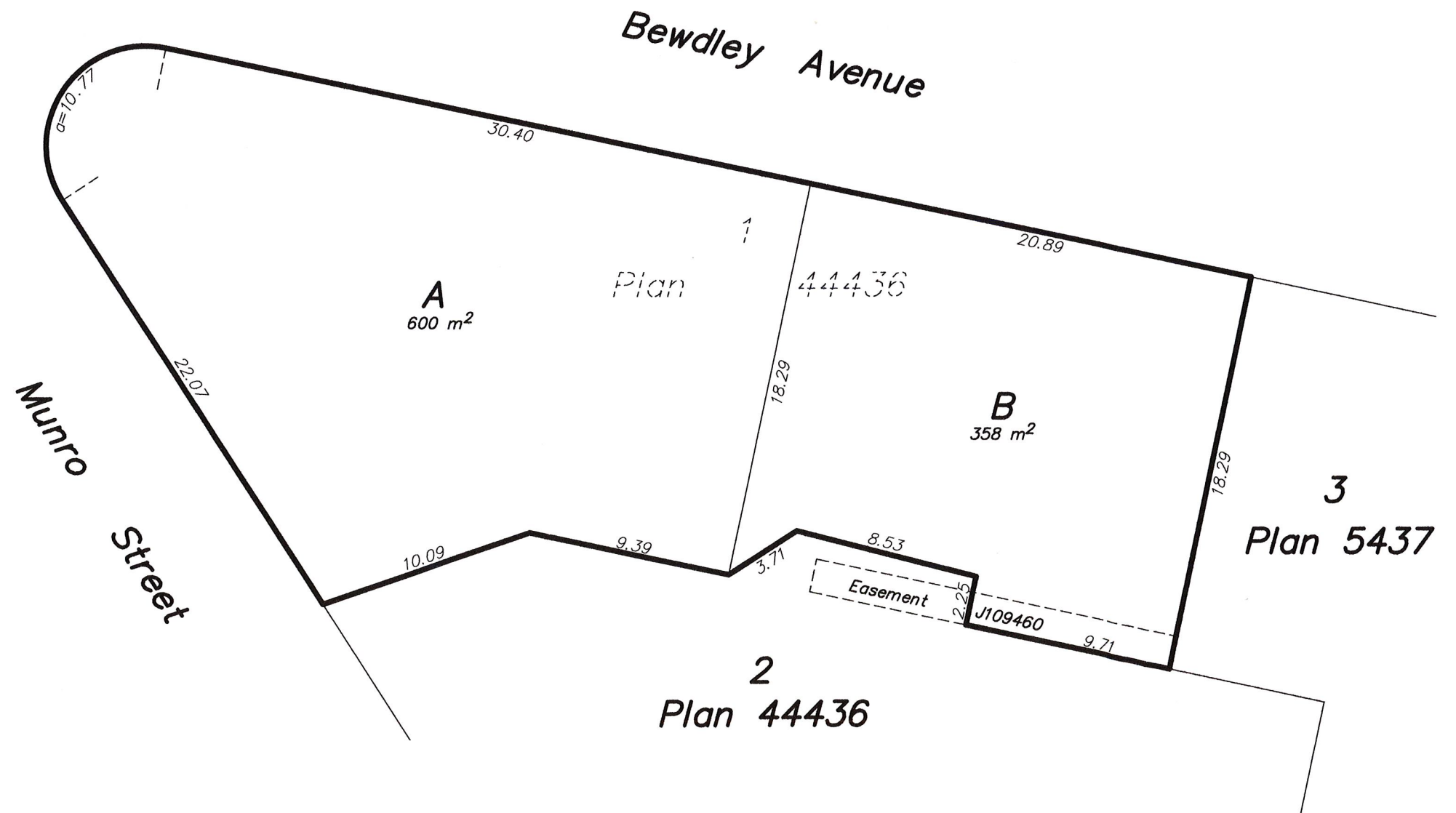
Distances and elevations shown are in metres.

Elevations are based on geodetic datum CVD28BC and derived from OCM 87H3781.

This site plan is for building and design purposes and is for the exclusive use of our client.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The subject property is affected by the following registered documents:
J109460.



Wey Mayenburg Land Surveying Inc.

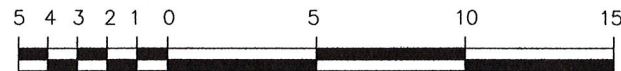
www.weysurveys.com

#4-2227 James White Boulevard
 Sidney, BC V8L 1Z5

Telephone (250) 656-5155

File: 180193\SIT\GH

**Proposed Subdivision Plan Of:
 Lot 1, Section 11,
 Esquimalt District, Plan 44436.
 P.I.D. 005-455-031**



Scale = 1:250

Dated this 5th day of July, 2018.

B.C.L.S. (Not valid unless originally signed & sealed)

Distances and elevations shown are in metres.

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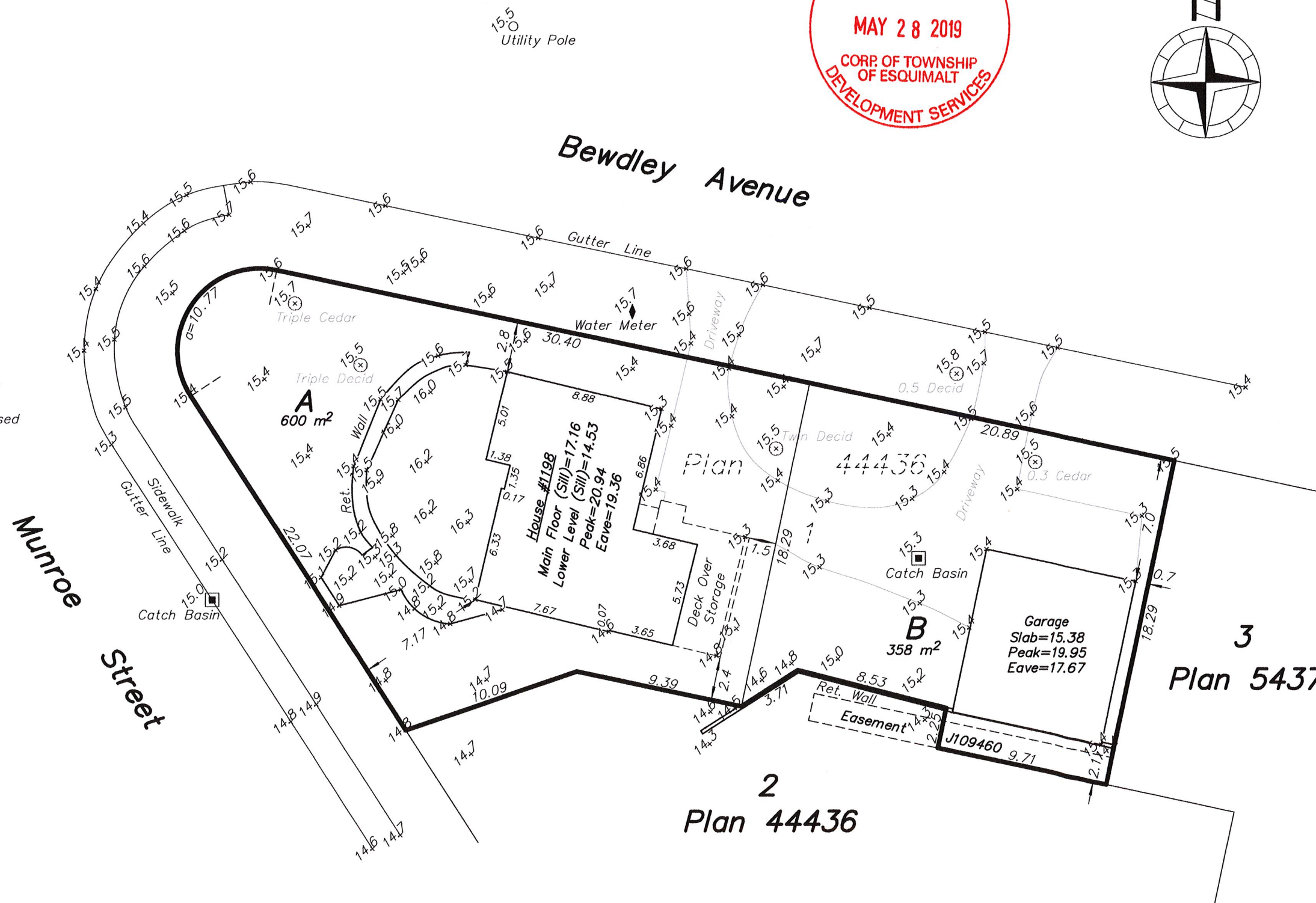
www.weysurveys.com

#4-2227 James White Boulevard

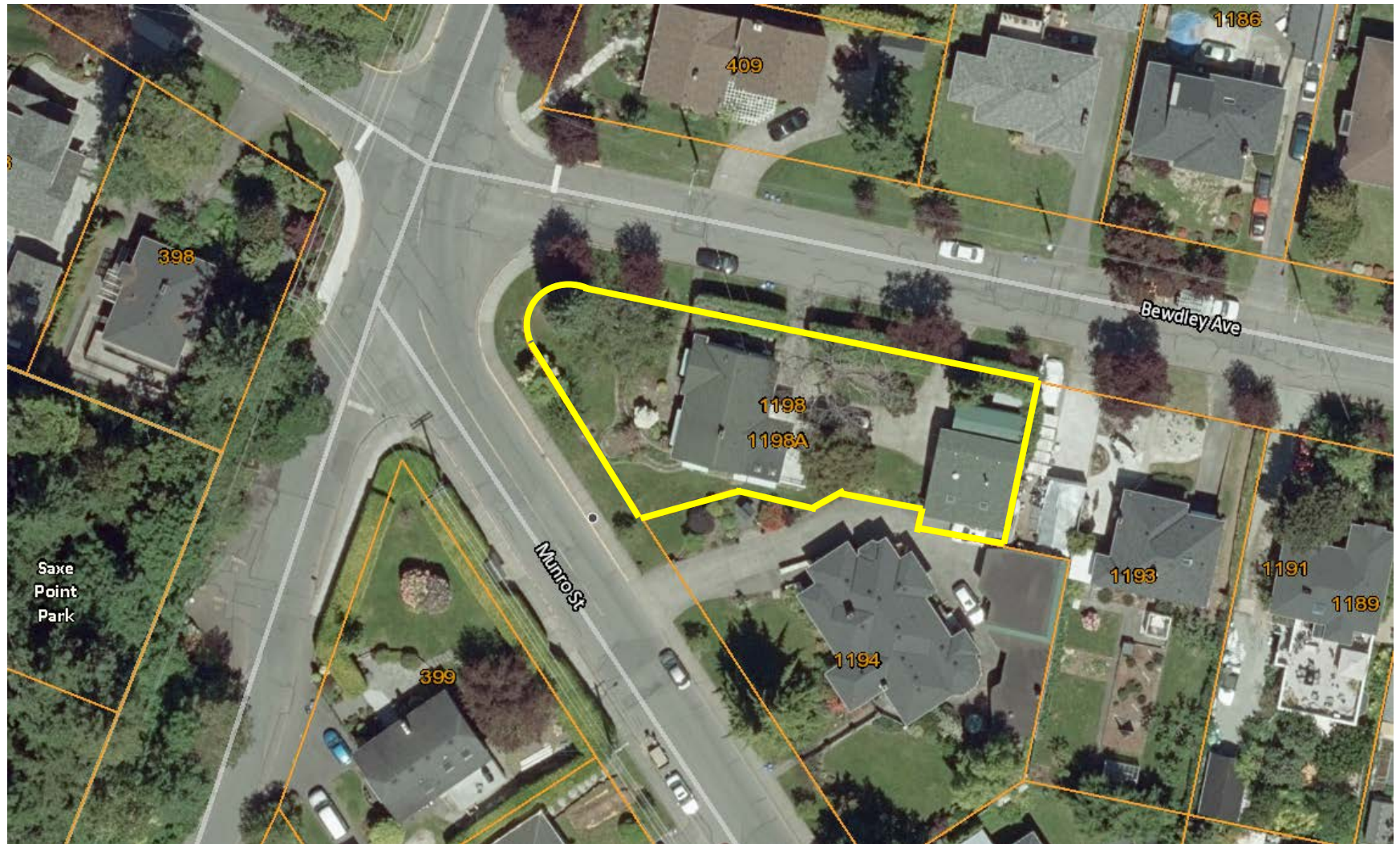
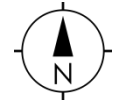
Sidney, BC V8L 1Z5

Telephone (250) 656-5155

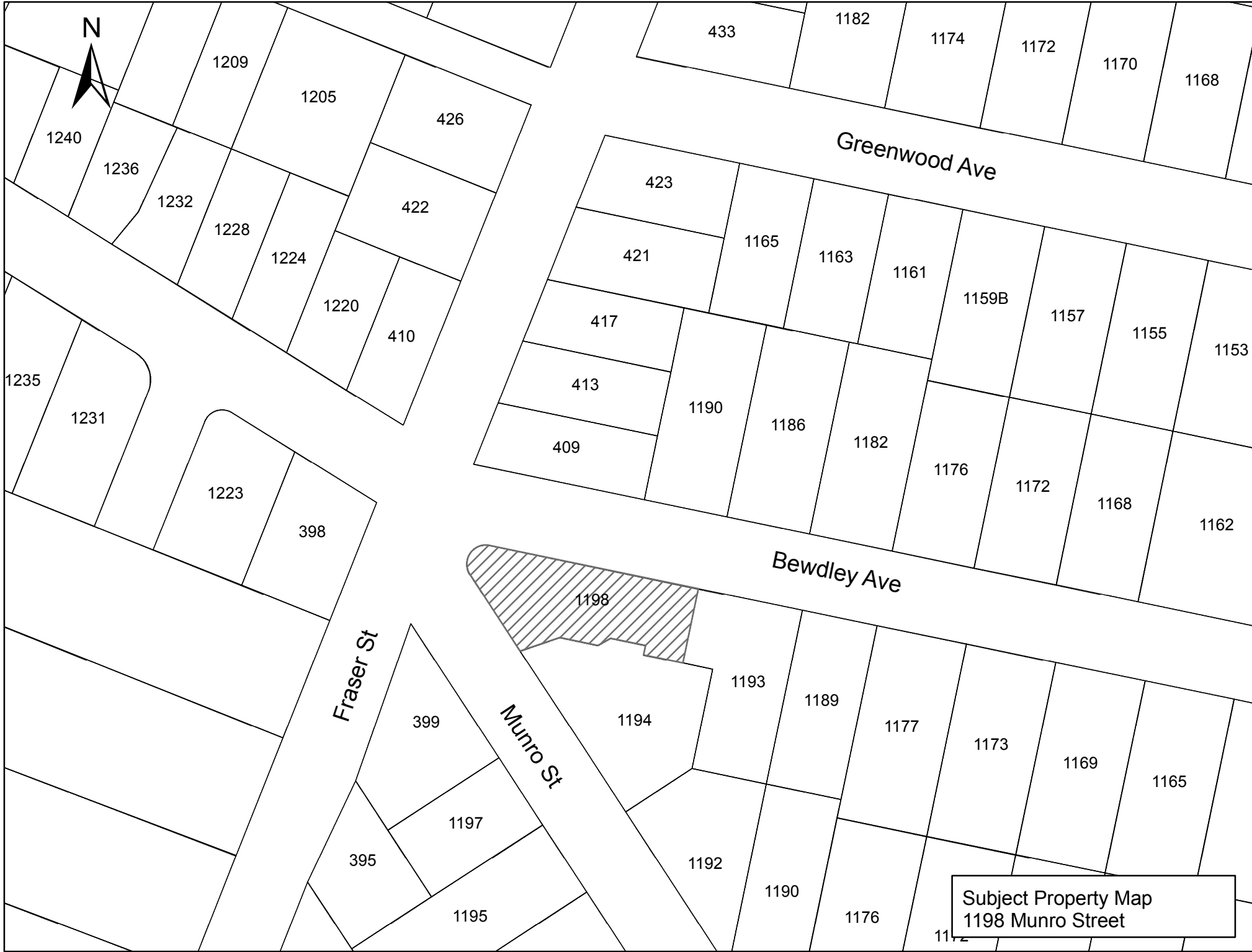
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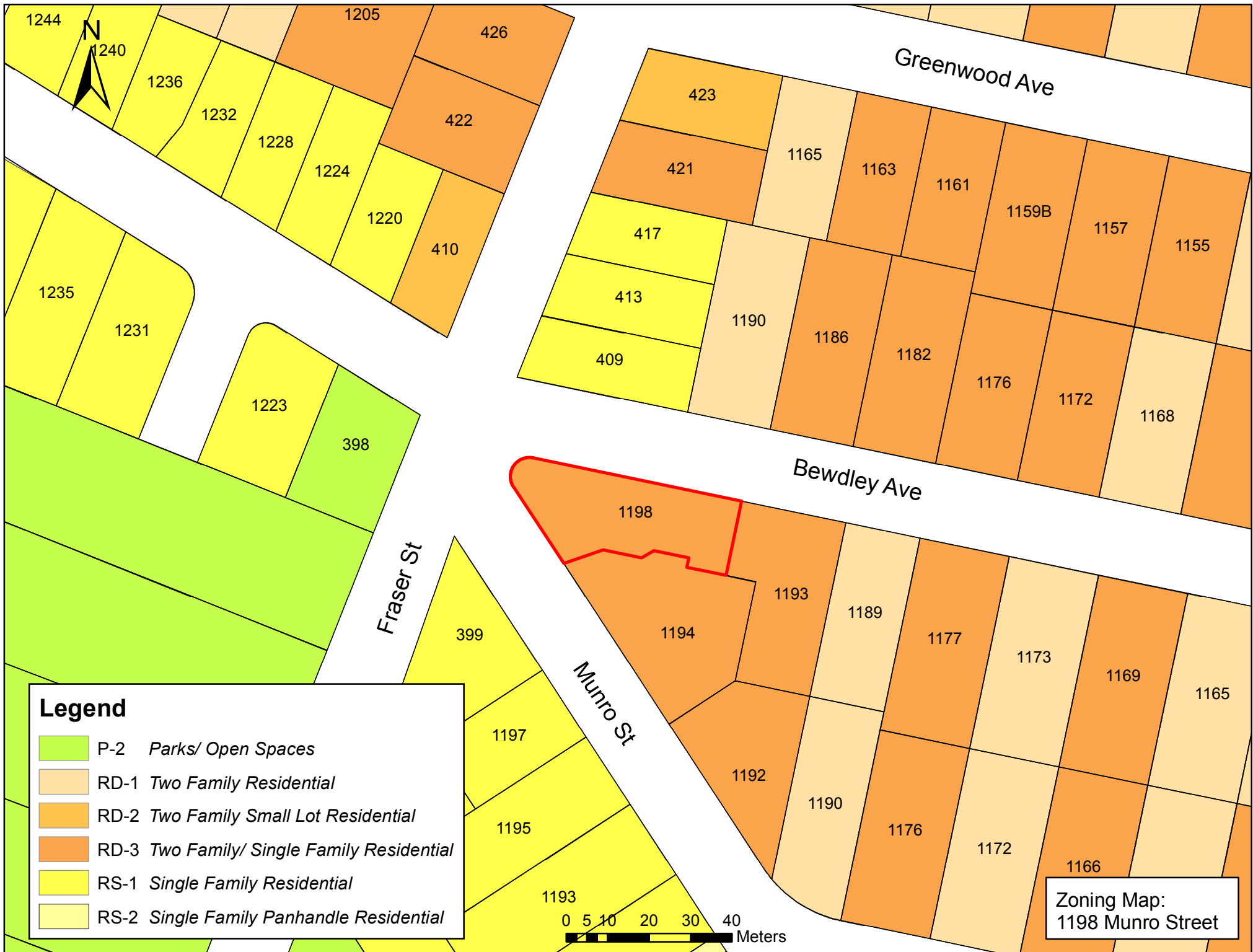
1198 Munro Street



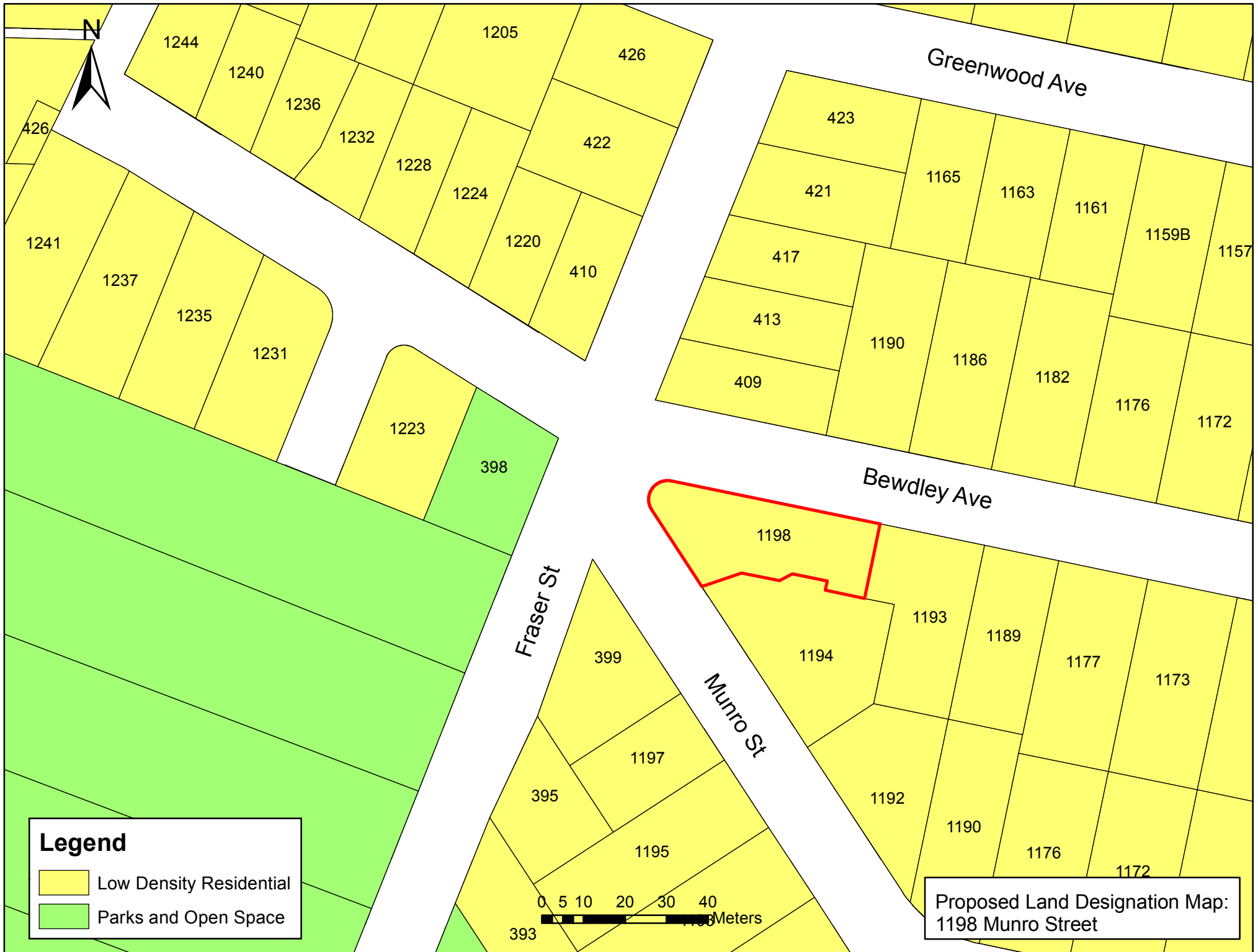
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Subject Property Map
1198 Munro Street



Zoning Map:
1198 Munro Street



Legend

- Low Density Residential
- Parks and Open Space

Proposed Land Designation Map:
1198 Munro Street

