

CITY OF COLWOOD
NOTICE OF PUBLIC HEARING
Wednesday, June 22, 2011 at 7:00 p.m.
3300 Wishart Road Colwood BC Council Chambers

The PUBLIC HEARING relates to Bylaw No. 1399, cited as the "COLWOOD LAND USE BYLAW NO. 151, 1989, AMENDMENT NO. 119, (CD 19 Zone-468 Goldstream Avenue), BYLAW NO. 1399, 2011

Approved By: Ross McPhee

The general purpose of Bylaw No. 1399 is to amend the Land Use Bylaw by rezoning the property located at 468 Goldstream Avenue, more particularly described as :
Lot 24, Section 1, Esquimalt District, Plan 2574, except Part in Plan 12542,
from the Residential 1 (R1) Zone to the new Comprehensive Development 19 (CD19) Zone for the purpose of facilitating a mixed-use development with a maximum floor space ratio of 2.4:1 and a maximum building height of 8 storeys.

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1. OPEN PUBLIC HEARING

1.1. Public Hearing Statement for Bylaw 1399

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2. PUBLIC HEARING

2.1. Bylaw No. 1399

Colwood Land Use Bylaw No. 151, 1989, Amendment No. 119
(CD19 Zone-468 Goldstream Avenue), Bylaw 1399, 2011
(3900-20-LAN-16998)

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3. CLOSE PUBLIC HEARING

This Notice is posted in accordance with "Council/Committee Procedure Bylaw No. 754, 2004" and the *Community Charter*.



STATEMENT TO BE READ BY THE CHAIR OF THE PUBLIC HEARING

This public hearing is convened pursuant to Section 890 of the *Local Government Act* to allow the public to make the representations to Council respecting matters contained in the following proposed Bylaw:

“Colwood Land Use Bylaw No. 151, 1989, Amend No. 119 (CD19 Zone – 468 Goldstream Avenue), Bylaw No. 1399, 2011”.

Every one of you present who believes that your interest in the property is affected by the proposed bylaw shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed bylaw.

When speaking please commence your remarks by clearly stating your name and address.

The function of council at this public hearing is to listen to you rather than to debate the merits of the proposed bylaw.

After this public hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made at this hearing.



CITY OF COLWOOD

BYLAW NO. 1399

PUBLIC HEARING
JUNE 22, 2011

A BYLAW TO AMEND BYLAW NO. 151, BEING THE “COLWOOD LAND USE BYLAW, 1989.”

The City of Colwood Council, in open meeting assembled hereby enacts as follows:

1. Bylaw No. 151, the “*Colwood Land Use Bylaw, 1989*” is amended as follows:

In Section 1.2 “DEFINITIONS”, delete the definition of “Comprehensive Development Zone” and insert the following new definition:

- a) “COMPREHENSIVE DEVELOPMENT ZONE” means the RBCD1, RBCD2, RBCD3, RBCD4, CD1, CD2, CN1, CD3, CD4, CD5, CD6, CD8, CD9, CD10, CD11, CD12, CD13, CD15, CD16, CD17, CD18 and CD19 Zones.”
- b) In Section 1.3.09 under the heading “SHORT FORM” and after “CD18” insert “CD19” and under the heading “ZONE” and after “Comprehensive Development 18” insert “Comprehensive Development 19 –Old Colwood Dairy”.
- c) Insert the following new section:

“SECTION 10.24 COMPREHENSIVE DEVELOPMENT 19-OLD COLWOOD DAIRY (CD 19) ZONE

10.24.1 Purpose

The purpose of this zone is to provide for the orderly development of lands at 468 Goldstream Avenue in north Colwood. A base level of development is provided for which would permit the development of the lands in the zone at a rural density. Alternative regulations are specified for development at greater density, subject to the owner providing amenities and attainable housing contributions as contemplated by Section 904 of the *Local Government Act*.

10.24.2 Basic Development

- 1) In addition to the uses permitted by Section 2.1.10, the following uses and no others are permitted in the CD19 Zone:
 - a) Within that part of the lands identified as Area 1 on the CD19 Zone Map:
 - i. Apartment dwelling units;
 - ii. Accessory buildings and structures;
 - iii. Home occupations – office use only;
 - iv. Sales centre not exceeding 180 m²;
 - v. Bakeries with a gross floor area of not more than 300 m² located on the ground floor only;
 - vi. Daycares located on the ground floor only;

- vii. Offices located on the ground floor only;
 - viii. Personal service establishments, including but without limiting the generality of the foregoing: barber shop, beauty parlour, appliance repair shop, launderette (automatic self-service only), optical or watch repair shop, photographic studio and shoe repair located on the ground floor only;
 - ix. Post offices located on the ground floor only;
 - x. Premises licensed pursuant to the Liquor Control and Licensing Act located on the ground floor only;
 - xi. Restaurants located on the ground floor only;
 - xii. Retail stores located on the ground floor only;
 - xiii. Civic uses; and
 - xiv. Accessory dwelling unit.
- b) Within that part of the lands identified as Area 2 on the CD19 Zone Map:
- i. Park and open space.
- 2) In the CD19 Zone the number of dwelling units shall not exceed 2 per lot.

10.24.3 Comprehensive Development

- 1) Notwithstanding the restriction in Subsection 10.24.2 (2), the density of development in Section 10.24.4 is permitted in the CD19 Zone in accordance with Sections 10.24.4 through 10.24.13 if the Owner:
- a) contributes toward the Community Amenity Fund the amount of \$1,000 per apartment dwelling unit, and for this purpose “community amenity” means community buildings to house community services and service providers such as community health services, youth programs, community policing, fire protection, cultural facilities, community centre, recreational buildings and facilities, and other similar amenities;
 - b) contributes \$250 per apartment dwelling unit towards the Colwood Dairy Conservation Fund, and for this purpose “Colwood Dairy conservation” means public historical interpretation signs and related installations, public art intended to enhance historical context and fencing and/or other improvements constructed in association with the conservation of the historic Colwood Dairy structure;
 - c) contributes \$500 per apartment dwelling unit towards the City Centre Fire Hall Fund, and for this purpose “City Centre Fire Hall” means the land, buildings and equipment associated with the creation of a fire hall in the general location of the Colwood City Centre Area;
 - d) provides the City with a minimum of 35% of the parent parcel for public park; and
 - e) enters into a housing agreement with the City of Colwood that requires that 10% of all dwelling units be rented to the public at rates set 10% below the previous year’s annual regional average, as determined by Canada Mortgage and Housing Corporation for a period of not less than 10 years.
- 2) Payments pursuant to paragraphs 10.24.3 (1)(a), 10.24.3 (1)(b) and 10.24.3 (1)(c) shall be made at the time of building permit issuance.

- 3) Transfer of the lands to the City of Colwood pursuant to paragraph 10.24.3 (1)(d) shall be completed at the time of building permit issuance.
- 4) Registration of the housing agreement pursuant to paragraph 10.24.3 (1)(e) shall be completed at the time of building permit issuance.

10.24.4 Permitted Development

- 1) The number of dwelling units in Area 1 on the CD19 Zone Map shall not exceed 100.
- 2) The floor area ratio in Area 1 on the CD19 Zone Map shall not exceed 2.4.

10.24.5 Building Height

- 1) The maximum height of a building in Area 1 on the CD19 Zone Map shall not exceed eight storeys, which shall not exceed 30 m in height.

10.24.6 Yard Requirements

The minimum yard setback requirements for all buildings and structures in the CD19 Zone shall be as follows:

- 1) Area 1:

Front (to historic dairy building)	2.0 m
Front (to all other structures)	12.0 m
Rear	3.0 m
Side (North –to historic dairy building)	1.5 m
Side (North –to all other structures)	6.0 m
Side (South)	6.0 m

10.24.7 Projections into Required Yards

- 1) Despite Section 2.1.04, steps, stairs and associated structures such as handrails and retaining walls may project into a required rear yard, provided that such projections do not project more than 2.5m into the required rear yard.

10.24.8 Lot Coverage

- 1) The maximum lot coverage in Area 1 on the CD19 Zone Map shall be 40%.

10.24.9 Building Separations

Minimum building separations shall be as follows:

- 1) Apartment building to apartment building: 10 m.

10.24.10 Landscaping and Screening

- 1) The regulations in this subsection apply to the provision and maintenance of screening and landscaping to mask or separate uses, or to enhance the natural environment.
- 2) Landscape and screening areas will retain existing trees and native vegetation where feasible and add planting that enhances the natural environment.
- 3) Landscape and screening areas containing planting areas of native shrubs and trees not less than 1 m in width and decorative fencing must be provided around the perimeter of Area 1, excluding front and rear in the CD19 Zone Map.

10.24.11 Off-Street Parking

- 1) Despite Section 2.2.01, the required number of parking spaces for apartment dwelling units shall be 1.6 per apartment dwelling unit, of which 0.2 parking spaces per apartment dwelling unit shall be designated for visitor use only.
- 2) Despite Section 2.2.01 the required number of parking spaces for commercial uses shall be 1 per 13 m² of gross floor area.

10.24.12 Subdivision Requirements

- 1) Land in Area 1 in the CD19 Zone Map shall not be subdivided other than by building strata unless the owner grants to the City a covenant under s.219 of the *Land Title Act* allocating among the parcels created the density of development permitted by this bylaw in the CD19 Zone, including the base density permitted by Section 10.24.2(2) and the additional density permitted by Section 10.24.4, together with the attainable housing, park dedication and amenity contributions required in relation to such additional density, such that the development of all of the subdivided parcels cannot exceed the overall limits for the CD19 Zone established by this bylaw.

10.24.13 General

The relevant provisions of Division 2 shall apply. In the case of a conflict between the provisions of Division 2 and the provisions of this zone, the latter shall prevail.”

This bylaw may be cited for all purposes as “**Colwood Land Use Bylaw No. 151, 1989, Amend No. 119 (468 Goldstream Avenue), Bylaw No. 1399, 2011**”.

READ A FIRST TIME THIS 24th DAY OF MAY, 2011.

PUBLIC HEARING HELD THIS _____ DAY OF _____, 2011.

READ A SECOND TIME THIS _____ DAY OF _____, 2011.

READ A THIRD TIME THIS _____ DAY OF _____, 2011.

FINALLY PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

3900-20-LAN-16998 - Land Use Bylaw No. 1399-Amendment No. 119

CD19 ZONE MAP

