



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Legislation Details (With Text)

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On agenda: 8/27/2018 **Final action:** 8/27/2018
Title: Amendment to Omnibus Zoning Bylaw Amending Bylaw No. 2938, Staff Report DEV-18-062 related to "Group Children's Day Care Centres".
Sponsors:
Indexes:
Code sections:
Attachments: 1. Bylaw 2938 - Interim Amendments to Zoning Bylaw

Date	Ver.	Action By	Action	Result
8/27/2018	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: August 15, 2018 Report No. DEV-18-062

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Amendment to "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938", Group Children's Day Care Centre at 846 Phoenix Street

RECOMMENDATION:

That Council rescind second reading of "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938", attached as Schedule "A" to Staff Report DEV-18-062, and amend the Bylaw by:

(1) Deleting, the following wording in Section 2. (8) (b):

"Add the following new Section to Section 34, and renumber the remaining of Section 34:

(3) ***Size and Location of Group Children's Day Care Centre***

The Floor Area dedicated to Group Children's Day Care Centre shall not exceed 105 square metres"

And replacing the wording in Section 2.(8) (b) with the following:

*Amend Section (4) **Floor Area Ratio** of Section 34 with the following so it reads:*

(4) Floor Area Ratio

- (a) The Floor Area Ratio shall not exceed 0.35.*
- (b) Notwithstanding Section (4) (a) the Floor Area Ratio for the Group Children's Day Care Centre shall not exceed 0.50*

and read the Bylaw anew as amended for a second time.

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No. 2050

STRATEGIC RELEVANCE:

The proposed amendment is not specifically related to any strategic goals or objectives.

BACKGROUND:

On July 16, 2018, Council gave first and second reading to "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938" (Schedule "A"). This Bylaw contains a series of amendments to update the Zoning Bylaw. One of the amendments would add "Group Children's Day Care Centre" as a permitted use on Lot 16, Section 10, Esquimalt District, Plan 3060 [PID 001-543-547] [846 Phoenix Street]. In addition, the amendments include limiting the maximum Floor Area of the "Group Children's Day Care Centre" to 105 square metres. The purpose of this was to limit the maximum number of children to 28. However, the owner of the "Group Children's Day Care Centre" has since supplied the Township with floor plans of the Centre which indicate that the main floor is approximately 92 square meters, the lower floor is approximately 90 square meters and the upper floor is approximately 14 square meters for a total of 196 square meters. When the chimney is excluded the total floor area is approximately 195 square meters. There is an additional complication in that the way that Floor Area is measured in the Zoning Bylaw is different that the way that the Provincial licensing authority measures Floor Area in "Group Children's Day Care Centres". In order to avoid the complications of using Floor Area to limit the maximum number of children allowed in a "Group Children's Day Care Centre", the owner has agreed to enter into a Section 219 Covenant that will be registered on title and will contain provisions to limit the number of children to 28. The additional floor area also affects the Floor Area Ratio so an additional amendment is required to increase the Floor Area Ratio on the containing the "Group Children's Day Care Centre" (Lot 16, Section 10, Esquimalt District, Plan 3060 [PID 001-543-547] [846 Phoenix Street]) from 0.35 to 0.50.

ISSUES:

1. Rationale for Selected Option

Due to issues related to using Floor Area as a mechanism to control the maximum number of children at the "Group Children's Day Care Centre" located at 846 Phoenix Street, the owner has agreed to enter into a Section 219 Covenant instead. This requires deleting the provisions related to the floor area from "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938" and concomitantly adjusting the maximum Floor Area Ratio for the "Group Children's Day Care Centre" based on its actual floor area.

2. Organizational Implications

There are no significant organizational issues associated with this amendment.

3. Financial Implications

There are no significant financial implications associated with this amendment.

4. Sustainability & Environmental Implications

There are no significant sustainability and environmental implications associated with this amendment.

5. Communication & Engagement

A public hearing will be required for “Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938” as amended.

ALTERNATIVES:

Alternative 1

That Council rescind second reading of “Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938”, attached as Schedule “A” to Staff Report DEV-18-062, and amend the Bylaw by:

(2) Deleting, the following wording in Section 2. (8) (b):

“Add the following new Section to Section 34, and renumber the remaining of Section 34:

(3) ***Size and Location of Group Children’s Day Care Centre***

The Floor Area dedicated to Group Children’s Day Care Centre shall not exceed 105 square metres”

And replacing the wording in Section 2.(8) (b) with the following:

*Amend Section (4) **Floor Area Ratio** of Section 34 with the following so it reads:*

(4) **Floor Area Ratio**

(a) *The Floor Area Ratio shall not exceed 0.35.*

(b) *Notwithstanding Section (4) (a) the Floor Area Ratio for the Group Children’s Day Care Centre shall not exceed 0.50*

and read the Bylaw anew as amended for a second time.

Alternative 2

That Council not rescind second reading of “Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938”.