

# TOWN OF SIDNEY

## BYLAW 2132

### A BYLAW TO AMEND ZONING BYLAW NO. 2015

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The Council of the Town of Sidney, in open meeting assembled, enacts as follows:

This Bylaw may be cited as "**Zoning Bylaw No. 2015, Amendment No. 30, Bylaw No. 2132**".

That Zoning Bylaw No. 2015 be amended as follows:

1. By amending the current definition in Section 2 Definitions, for **uph** so that it reads as follows:

**Units per hectare (uph):** An established level of residential dwelling units permitted per hectare of land, used to determine the Density of a Lot or Strata Lot, calculated as follows:

Units per Hectare x Lot Area (in hectares) = Permitted number of units

2. By amending the current definition in Section 2 Definitions, for **Density** so that it reads as follows:

The number of residential units permitted on a Lot or Strata Lot when calculated in Units per Hectare, not including Secondary Suites or Detached Secondary Dwellings, or the total amount of Gross Floor Area permitted on a Lot or Strata Lot when calculated in Floor Area Ratio.

3. By deleting the definition of **Floor Space Ratio** in Section 2 Definitions, and replacing it with:

**Floor Area Ratio (FAR):** The total gross floor area of all buildings and structures on a Lot or Strata Lot divided by the total Lot Area, not including any exclusions to Gross Floor Area as permitted elsewhere in this bylaw.

4. By adding new definitions, in alphabetical order, to Section 2 Definitions, as follows:

**Base Density:** The maximum Floor Area Ratio permitted on a lot, except where the requirements for Bonus Density have been satisfied.

**Bonus Density:** The maximum additional Floor Area Ratio permitted on a lot above the Base Density, subject to the provision of amenities as required by this bylaw and the Town of Sidney Bonus Density and Community Amenity Contribution Policy, as amended from time to time.

5. By adding to Section 5.1 General Building and Structure Regulations: All Zones, the following section:

#### **5.1.11 Floor Area Exclusions**

- a. The following parts or areas shall be excluded when calculating the Gross Floor Area of a building or structure for the purposes of determining its Floor Area Ratio:
  - i. All open balconies, sundecks, porches, or similar projections;
  - ii. All patios and rooftop patios and gardens;

- iii. Any floor area used for off-street parking and loading located within the principal building envelope in the first storey, half-storey or below grade, or within an accessory building situated in the rear yard;
  - iv. Any floor area used for bicycle storage or accessory uses that support modes of active transportation located within the principal building envelope in the first storey, half-storey or below grade, or within an accessory building situated in the rear yard, as required by the Town of Sidney Off-Street Parking and Loading Bylaw;
  - v. Any floor area used for heating or mechanical equipment that is located below grade or in a half storey;
  - vi. Any amenity areas that are accessory to a residential use such as meeting rooms or recreational or exercise facilities, up to a maximum of 10 percent of the total permitted floor area;
  - vii. Any floor area dedicated to public use that has a social, cultural or recreational nature, where the floor area is secured in the public domain by a registered agreement on the title of the property, or where the title of the property is transferred to the Town of Sidney;
  - viii. All undeveloped floor areas which are located above the highest storey or half storey and to which there is no permanent means of access other than a hatch; or adjacent to a storey or half storey with a ceiling height of less than 1.2 metres;
  - ix. Any floor area dedicated to residential storage located below grade, or residential storage areas located above grade to a maximum of 3.7 square metres per dwelling unit. Any area above 3.7 square metres per dwelling unit above grade shall count towards the Floor Area calculation;
  - x. Any floor area dedicated to the use of a Renewable Energy Apparatus or its supporting equipment to a maximum of 1 percent of the total permitted floor area;
  - xi. Any additional wall thickness above that required by the Building Code that is dedicated toward increasing the energy efficiency of the building.
6. By dividing the “Maximum Residential Density” column in Section 5.3.1, General Spatial Regulations Table: Multi-Family Residential Zones so that it has two sub-columns; a “Base Density” column and a “Bonus Density” column.
  7. By amending the “Maximum Residential Density” column in Section 5.3.1, General Spatial Regulations Table: Multi-Family Residential Zones so that Townhouses and Apartments under the RM5 zoning designation have a Base Density of 0.75 FAR and a Bonus Density of 1.30 FAR.
  8. By amending the “Maximum Residential Density” column in Section 5.3.1, General Spatial Regulations Table: Multi-Family Residential Zones so that Townhouses and Apartments under the RM6 zoning designation have a Base Density of 0.90 FAR and a Bonus Density of 1.75 FAR.
  9. By amending the “Maximum Residential Density” column in Section 5.3.1, General Spatial Regulations Table: Multi-Family Residential Zones so that Townhouses and Apartments under the RM7 zoning designation have a Base Density of 1.30 FAR and a Bonus Density of 2.00 FAR.
  10. By amending the “Maximum Residential Density” column in Section 5.3.1, General Spatial Regulations Table: Multi-Family Residential Zones so that Community Care Facility and Apartments under the RM-C zoning designation have a Base Density of 1.30 FAR and the Bonus Density column reads “None”.

11. By renaming the “Maximum Residential Density” column in Section 5.4.1, General Spatial Regulations Table: Commercial Zones to “Maximum Density” and dividing the column so that it has two sub-columns; a “Base Density” column and a “Bonus Density” column.
12. By amending the “Maximum Density” column in Section 5.4.1, General Spatial Regulations Table: Commercial Zones so that the “Abutting Beacon Avenue” row under the C1 zoning designation has a Base Floor Area Ratio of 2.30 FAR and a Bonus Floor Area Ratio of 2.70 FAR.
13. By amending the “Maximum Density” column in Section 5.4.1, General Spatial Regulations Table: Commercial Zones so that the “Abutting all other streets” row under the C1 zoning designation has a Base Floor Area Ratio of 2.40 FAR and a Bonus Floor Area Ratio of 3.00 FAR.
14. By amending the “Maximum Density” column in Section 5.4.1, General Spatial Regulations Table: Commercial Zones so that the C2 zoning designation has a Base Floor Area Ratio of 1.30 FAR and the Bonus Density column reads “None”.
15. By amending the CD40 row in Section 3.9 Zoning Group Table: Comprehensive Development Zones, so that it reads:

CD40	9818 Fourth St.	<i>To provide for a mixed-use development that includes a minimum of 51% of the dwelling units in the building to be dedicated in perpetuity as attainable rental residential dwelling units.</i>
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16. By deleting the RM5-B and RM7-B rows in Section 3.3 Zoning Group Table: Multi-Family Residential Zones.
17. By deleting Section 5.9.5 Bonus Density Amenity Requirements Table.
18. By deleting Section 5.3.10 Bonus Density Amenity Requirements Table.
19. By deleting the RM5-B and RM7-B rows in Section 5.3.1 General Spatial Regulations Table: Multi-Family Residential Zones in their entirety.
20. By adding to Section 5.3 Building and Structures: Multi-Family Residential Zones, the following new section:

**5.3.10 Bonus Density Amenity Requirements**

- a. In the RM5, RM6, and RM7 Zones, the maximum residential density on a property may not exceed the level specified in the Maximum Residential Density: Base Density column of Section 5.3.1.
- b. Notwithstanding Section 5.3.10.a, the Floor Area Ratio on a property may be increased up to the maximum specified in the Maximum Residential Density: Bonus Density column of Section 5.3.1 subject to the provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy.
- c. Notwithstanding Sections 5.3.10.a and 5.3.10.b, on the property legally described as Lots 1-8, Section 12, Range 4 East, North Saanich District, Plan VIS844, and That Part of Road Dedication on Plan 470, Section 12, Range 4 East, North Saanich District, as shown on Plan EPP64080 (2447 Henry Avenue), the maximum residential density may be increased to 168 units per hectare provided that prior to the issuance of Building Permit, the property owner shall have a)

provided Building Permit application drawings that indicate all vehicle parking for the development is to be contained in an underground parking area; and b) provided \$75,000 towards streetscape improvements.

21. By adding to Section 5.4 Building and Structures: Commercial Zones, the following new section:

5.4.4 Bonus Density Amenity Requirements

- a. In the C1 Zone, the maximum density on a property may not exceed the level specified in the Maximum Density: Base Density column of Section 5.4.1.
  - b. Notwithstanding Section 5.4.4.a, the Floor Area Ratio on a property may be increased to the maximum specified in the Maximum Density: Bonus Density column of Section 5.4.1 subject to the provision of amenities as required by the Town of Sidney Bonus Density and Community Amenity Contribution Policy.
22. By amending the Maximum Residential Density for CD40 Zone in Section 5.9.1: General Spatial Regulations Table: Comprehensive Development Zones 1 through 40, to 336 uph.
23. By amending Section 5.9.3.f, Comprehensive Development Building Regulations, so that it reads as follows:

In CD Zone 40, prior to the issuance of Building Permit, the owner shall register a Housing Agreement on the title of the lands to secure a minimum of 51% of the dwelling units in the building as attainable rental residential dwellings in perpetuity.

24. By adding to Section 5.3.8 Multi-Family Building Regulations: Townhouse Dwellings, the following section:

e. Townhouse dwellings must be a minimum of two (2) storeys, with the second storey having a minimum floor area of 25 square metres of finished habitable space.

25. By adding to Section 5.3.9 Multi-Family Building Regulations: Apartment Dwellings, the following sections:

d. A minimum of 10% of the units in each building must:

- i. have a minimum of three (3) bedrooms. All calculations shall round up to the nearest whole number; and
- ii. have a minimum gross floor area of 100 square metres; and
- iii. be located only within the first or second storey of the building.

26. By adding to Section 5.4.3 Commercial Building Regulations: All Structures, the following section:

g. Where residential units are included in a building, a minimum of 10% of the units must:

- i. have a minimum of three (3) bedrooms. All calculations shall round up to the nearest whole number; and
- ii. have a minimum gross floor area of 100 square metres; and
- iii. be located only within the first or second storey of the building.

27. By amending the “Minimum Storeys” column in Section 5.4.1, General Spatial Regulations Table: Commercial Zones so that the C2 zoning designation has a minimum 2 storey requirement.

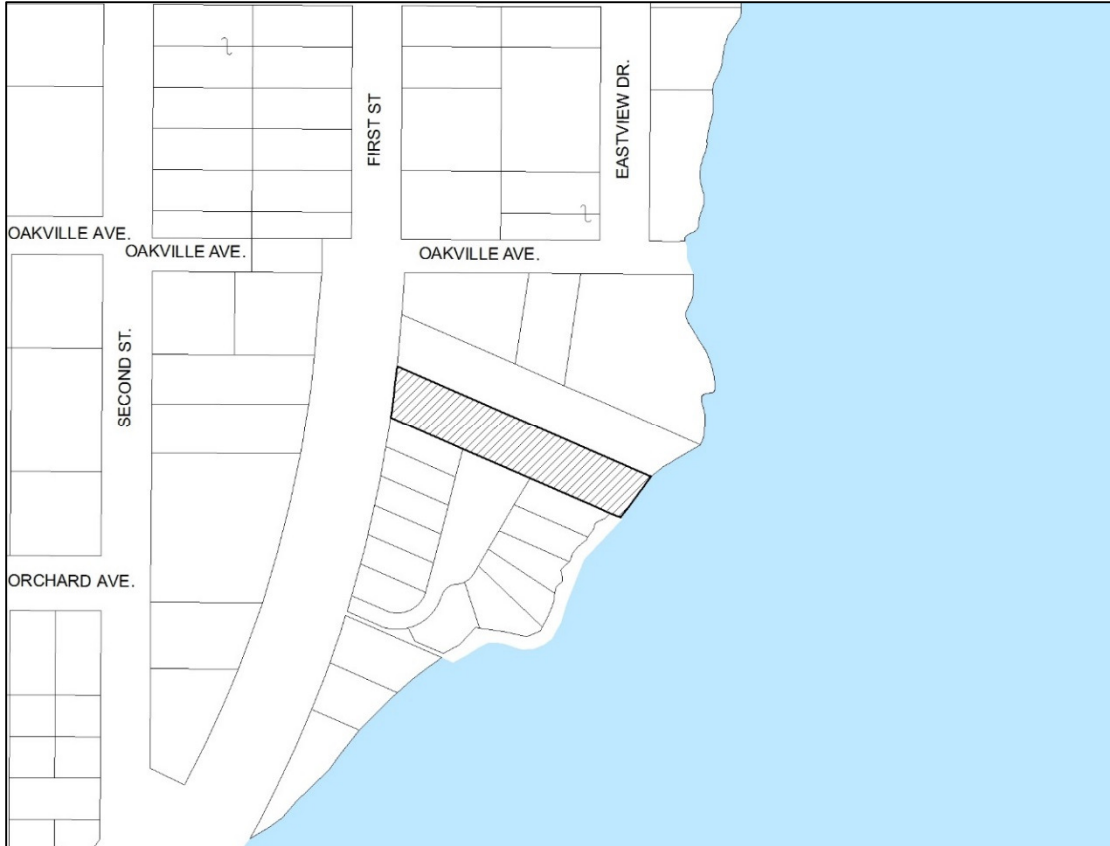


29. By re-labeling the hatched property shown below in Figure 2, and known as:

Lot 4, Section 10, Range 4 East, North Saanich District, Plan 5315 Including the Area Designated on SRW Plan VIP69656 (9667 First Street)

from RM5 Bonus Density (RM5-B) to Multi-Family Low Density Residential (RM5).

Figure 2



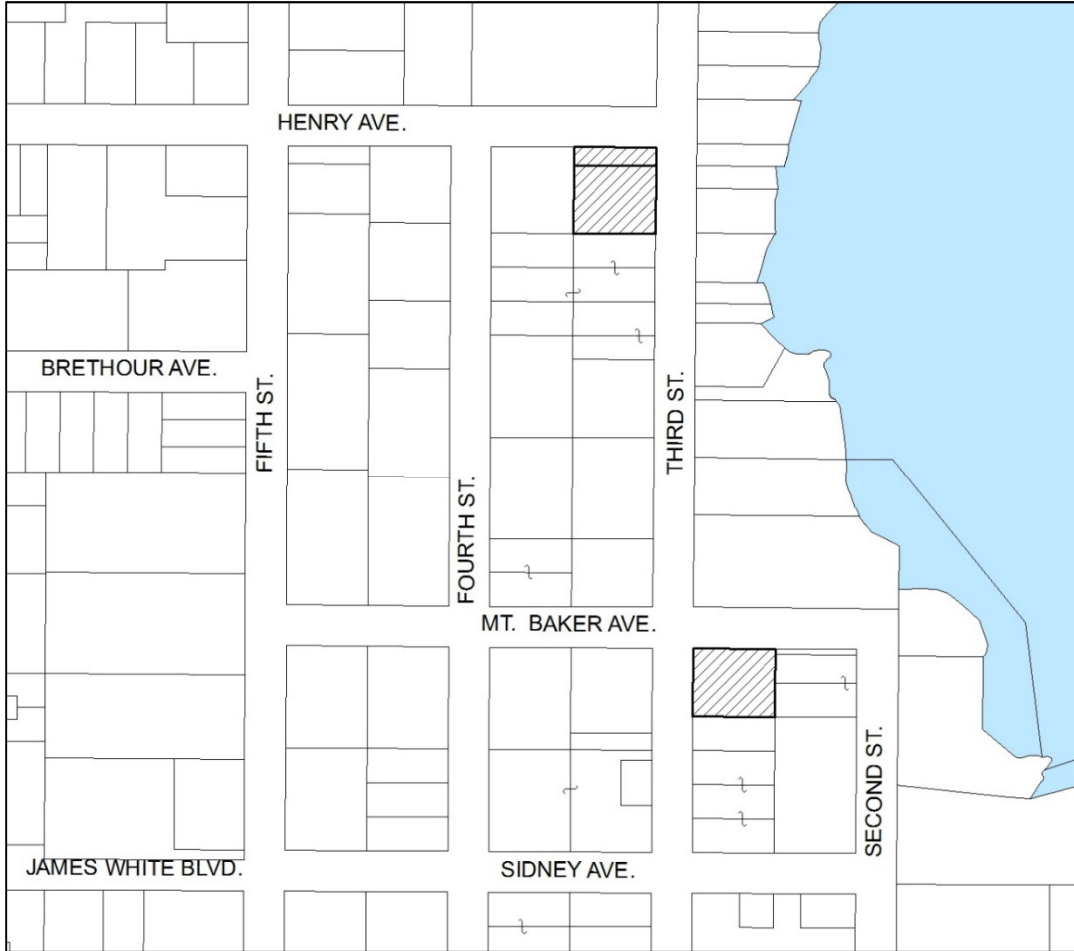
30. By re-labeling the hatched properties shown below in Figure 3, and known as:

Lot A, Section 11, Range 4 East, North Saanich District, Plan EPP68635 (2475 Mt. Baker Avenue)

Lots 1-8, Section 12, Range 4 East, North Saanich District, Plan VIS844 and That Part of Road Dedication on Plan 470, Section 12, Range 4 East, North Saanich District, as shown on Plan EPP64080 (2447 Henry Avenue)

from RM7 Bonus Density (RM7-B) to Multi-Family High Density Residential (RM7).

Figure 3



Read a first time the 3<sup>th</sup> day of March, 2017.

Read a second time the 13<sup>th</sup> day of March, 2017.

Public Hearing held the day of , 2017

Read a third time the day of , 2017.

Ministry of Transportation & Infrastructure approval the day of , 2017.

Adopted the day of , 2017.

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MAYOR

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CORPORATE OFFICER