

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2963

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. 2963".
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 Section 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development District No. 120 (899 Esquimalt Road) CD No. 120"
 - (2) by adding the following text as Section 67.107 (or as other appropriately numbered subsection within Section 67):

67.107 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 120 [CD NO. 120]

In that Zone designated as CD No. 120 [Comprehensive Development District No. 120] 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 section.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Business and Professional Office
- (b) Dwelling – Multiple Family
- (c) Group Children's Day Care Centre
- (d) Home Occupation
- (e) Hospital
- (f) Laboratory and clinic
- (g) Personal Service Establishment
- (h) Health Clinic or facility

(2) Density - Floor Area Ratio

- (a) **Base Density:** The Floor Area Ratio shall not exceed 1.5.
- (b) **Bonus Density:** The Floor Area Ratio may be increased to 3.87

on the provision of all of the following amenities with minimum monetary values of five hundred thousand dollars (\$500,000) plus subsidized lease rates for ten (10) years with total value of three hundred ninety-six thousand dollars (\$396,000), or such higher respective values at the owner's discretion, further details of which to be secured by Covenant under Section 219 of the *Land Title Act* registered in priority to all encumbrances of a financial nature:

- (i) Cash contribution for the provision of installation and maintenance of a kayak dock in the Township in the amount of \$150,000;
- (ii) 5 parking spaces with publicly available electric vehicle charging stations;
- (iii) Principal Building designed and built to Built Green Canada Silver standards, certified within one year of construction completion, or such longer period as required to address deficiencies provided the initial review and report is completed within the first year;
- (iv) Removal of existing utility pole located to the north of the subject property, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the south side of Esquimalt Road;
- (v) Perpetual Statutory Right of Way and associated Covenant granted under Sections 218 and 219 of the *Land Title Act*, for public access and expanded sidewalk on that part of the parcel located within 3.2 metres of the northern Lot Line on Esquimalt Road;
- (vi) Subsidized lease rates for ten (10) years for a minimum of 370 square metres [~4,000 sq.ft] of Public Health of clinic use space, with a minimum 100% subsidy in the first year, 50% subsidy in the second year and graduated annual adjustments to 5% subsidy in the tenth year with total value of \$396,000.00. The value of this amenity must be confirmed by independent professional auditor provided by the property owner;
- (vii) Annual lease hold and equipment improvement incentives, valued at \$160,000, for the purpose of facilitating the establishment of medical practices in the Township;
- (viii) Cash contribution of \$54,000 provided to the Township, to be used at the Township's discretion (e.g. provide incentives or grants, undertake or commission studies or reports, promotion, public information, temporary clinics, etc.); and
- (ix) Cash contribution of \$30,000 to be used for the provision and installation of 2 pedestrian activated crosswalk signals in the general vicinity of the subject parcel

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1350 square metres.

(4) **Number of Principal Buildings**

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

(5) **Number of Dwelling Units**

No more than sixty-six (66) Dwelling Units shall be located on a Parcel

(6) **Size of Commercial and Residential Spaces**

- (a) The minimum Floor Area dedicated to Health Clinic or facility use shall not be less than 370 square metres.
- (b) The maximum Floor Area dedicated to residential uses shall not be more than 220 square metres on the Second Storey (Esquimalt Road frontage ground floor).

(7) **Design Guidelines**

East side of building shall incorporate artistic design to provide visual character and interest.

(8) **Building Height**

- (a) No Principal Building shall exceed a Height of 35.0 metres.
- (b) No Principal Building shall exceed a Height of 3 Storeys within 21.5 metres of Wollaston Street.

(9) **Lot Coverage**

All Principal Buildings, and Structures combined, shall not cover more than 87% of the Area of the Parcel including a parking structure.

(10) **Siting Requirements**(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 3.2 metres of the Front Lot Line abutting Esquimalt Road.
- (ii) Side Setback: No Interior Side setback shall be required.
- (iii) Exterior Side Setback: Subject to Section 24, no setback shall be required from Head Street.
- (iv) Rear Setback: No Principal Building shall be located within 6.3 metres of the Rear Lot Line abutting Wollaston Street.
- (v) Rear Setback: No part of the Principal Building above the First Storey shall be located within 22.3 metres of the Rear Lot Line abutting Wollaston Street.

(b) **Accessory Buildings:**

- (i) No Accessory Building shall be permitted.

(11) **Fencing**

- (a) 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.
- (b) Notwithstanding Section 22(1), fencing located on top of a retaining wall shall be measured distinctly and shall not 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) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 300 square metres.

(13) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off street parking shall be provided in the minimum of 8 parking spaces for the portions of the commercial portions of the building.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 1.30 spaces per dwelling unit.
- (c) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 10 of the parking spaces required per above (12) (b) shall be marked "Visitor".
- (d) Notwithstanding Section 14(2)(a) of the Parking Bylaw, 1992, No. 2011 (as amended), 55% of the required parking spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (e) For greater certainty, all other uses must comply with Parking Bylaw requirements.

3. by changing the zoning designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule "A" attached hereto, from a mix of C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential] to CD No. 120 [Comprehensive Development District No. 120]
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 27th day of May, 2019.

READ a second time by the Municipal Council on the 27th day of May, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 8th day of July, 2019.

RESCIND SECOND READING, amend bylaw and read anew a second time by the Municipal Council on the 4th day of November, 2019

A further Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 25th day of November, 2019

READ a third time as amended by the Municipal Council on the 25th day of November, 2019.

ADOPTED by the Municipal Council on the _____ day of _____, 2019.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER

