

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2893

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. 2893”*.
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 No. 102 (101 Island Highway) CD No. 102”

- (2) by adding the following text as Section 67.89 (or as other appropriately numbered subsection within Section 67):

67.89 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 102 [CD NO.102]

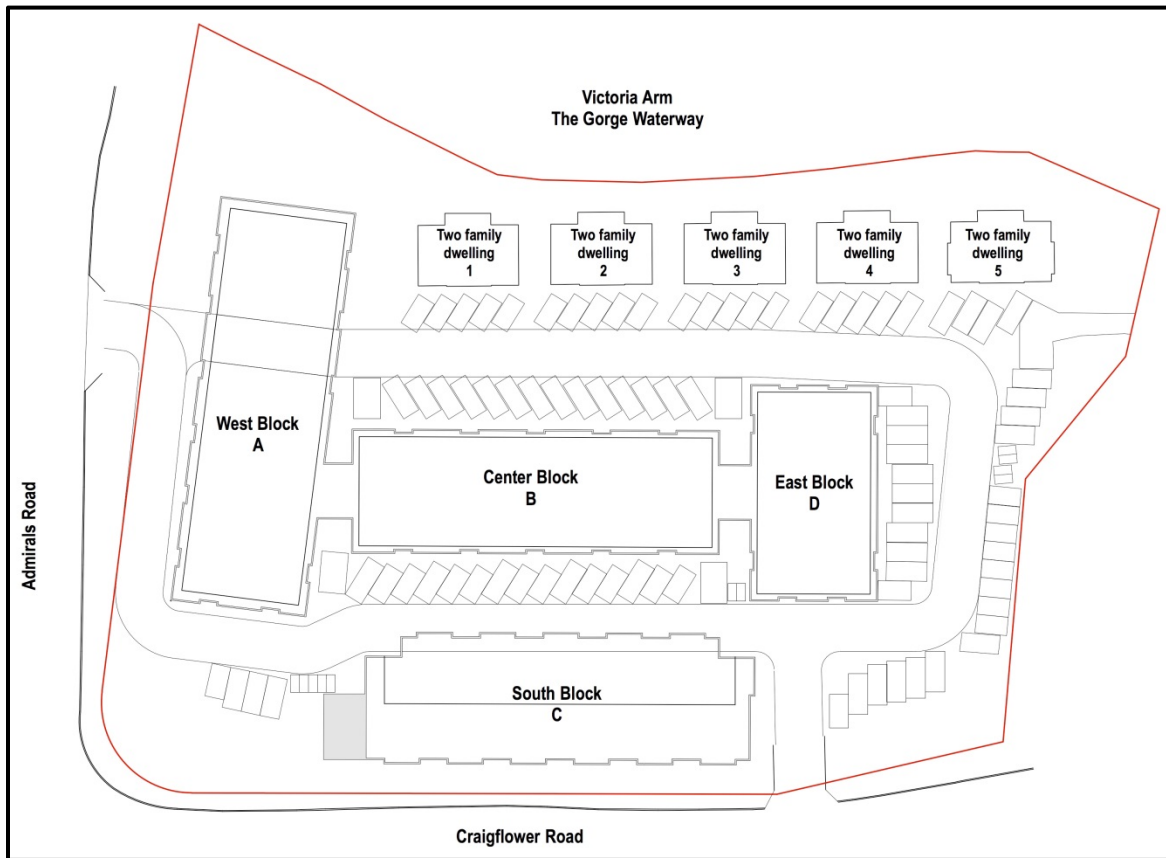
In that Zone designated as CD No. 102 [Comprehensive Development District No. 102] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Part.

1) **Permitted Uses**

Only Mixed Commercial / Residential use is permitted, however, within the CD-102 Zone, institutional use is not permitted, and, for the life of the existing buildings noted as Blocks A-D on the Key Map attached in Section 2 below, Mixed Commercial/ Residential use shall apply as if those buildings function collectively as one building. Two Family Dwellings are also permitted for the life of each respective existing building, and Part 4, Section 12 of this Bylaw does not apply. The following Uses and no others shall be permitted:

- a) Business and Professional Office
- b) Dwelling – Multiple Family
- c) Dwelling – Two Family
- d) Fitness Centre
- e) Home Occupation
- f) Retail Store
- g) Restaurant
- h) Tourist Accommodation

2) **Key Map**



[Note: Existing Two Family Dwellings and Building A - West Block are non-conforming as to siting with respect to the Waterfront Setback. They are subject to Local Government Act provisions regarding non-conforming siting, and development permit restrictions and requirements under the Township's Official Community Plan.]

3) **Density**

(a) **Base Combined Mixed Use Density**

- (i) The Floor Area Ratio shall not exceed 0.42, of which a minimum 74% must be devoted to residential uses;
- (ii) The maximum number of Dwelling Units shall not exceed 48 units;
- (iii) A maximum of 13 units may be used for Tourist Accommodation, with the units permitted by (ii) reduced proportionately;
- (iv) The Lot Coverage of all Principal Buildings and Structures combined shall not exceed 35% of the Area of the Parcel;
- (v) The maximum residential Floor Area for Buildings shall not exceed:

Building (As illustrated on Key Map)	Maximum Residential Floor Area (m ²)
Mixed Commercial/ Multi-Family Block [West/ Center/ East Block combined]	2179.0
South Block	1110.0
Two Family Dwelling(s)	111.0
Total	3400.0

(b) **Bonus Combined Mixed Use Density**

- (i) The Floor Area Ratio may be increased up to, but shall not exceed 0.46, of which a minimum 47% must be devoted to residential uses;
- (ii) The maximum number of Dwelling Units shall not exceed 96 units;
- (iii) A maximum of 45 units may be used for Tourist Accommodation, with the units permitted by (ii) reduced proportionately;
- (iv) The Lot Coverage of all Principal Buildings and Structures combined may be increased up to, but shall not exceed, 41% of the Area of the Parcel;
- (v) The maximum residential Floor Area for Buildings shall not exceed:

Building (As illustrated on Key Map)	Maximum Residential Floor Area (m ²)
Mixed Commercial/ Multi-Family Block [West/ Center/ East Block combined]	2900.0
South Block	1110.0
Two Family Dwellings	555.0
Total	4565.0

However, the maximum residential Floor Area of the Mixed Commercial/ Multi-Family Block and the South Block may be increased proportionately with the removal of Two Family Dwellings, up to a maximum 555 square metres. For clarity, the maximum residential Floor Area of the Mixed Commercial/ Multi-Family Block and the South Block combined shall not exceed 4565 square metres.

all on the provision of all of the following conditions:

- (1) Housing Agreement:** The owner shall enter into a Housing Agreement under Section 483 of the *Local Government Act* with the Township, including
- restricting the residential portion of the development to market rental,
 - ensuring Dwelling Units are available to all classes of

persons, except that units built as accessible units may be restricted to those persons with disabilities requiring such units, and

- provisions related to the administration and management of all the units that further any of the regulations of this zone, including restrictions on leasing more than 10 units to an individual, governmental agency or corporation, and reporting requirements, including with respect to allocation of units and floor area amongst the uses.

(2) S.219 Covenant: The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of:

- maximizing Dwelling Units for use as individual residential accommodations, including by prohibiting subdivision, including building stratification, and prohibiting institutional uses, releasing and indemnifying the Township; and
- restricting use, building, development and re-construction within 20m of The Gorge Waterway to passive recreation uses and the potential future public trail (noted below), as consistent with the Official Community Plan, while respecting the reasonable lifespan of current non-conforming Two-Family Dwellings.

(3) Statutory Right of Way: The owner shall grant a perpetual Statutory Right of Way under Section 218 of the *Land Title Act* over that part of the parcel located within 20 metres of the High Water Mark of The Gorge Waterway for future trail corridor and development, for public use at all times of day and night, the final trail design to be subject to the owner's approval, not to be unreasonably withheld.

All documents to be satisfactory to the Township, generally consistent with terms for other developments of similar magnitude, as updated from time to time, and registered in priority to all encumbrances of a financial nature.

4) **Minimum Dwelling Unit Size**

Building (As illustrated on Key Map)	Minimum Dwelling Unit Size (m ²)
Mixed Commercial/ Multi-Family Block [West/ Center/ East Block combined]	30
South Block	30
Two Family Dwelling(s)	55

5) **Size and Location of Commercial Space**

(a) The minimum Floor Area dedicated to Commercial Use shall be limited to those uses specified in Section 67.89(1) and shall not be less than 205 square metres.

- (b) Commercial Use shall be limited to those uses specified in Section 67.89(1) and shall only be permitted within the West Block (As illustrated on Key Map).
- (c) Notwithstanding 5(b), Tourist Accommodation use may be permitted anywhere on the Lands provided:
 - (i) If any of the Two Family Dwellings are used for Tourist Accommodation, there may be only one other “Block” (as illustrated on Key Map) that contains Tourist Accommodation uses;
 - (ii) If none of the Two Family Dwellings are used for Tourist Accommodation, only two “Blocks” (as illustrated on Key Map) may contain Tourist Accommodation uses at any given time;
 - (iii) No “Block” or other building may be used for Tourist Accommodation use and residential uses at the same time.

6) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 10,750 square metres.

7) **Maximum Building Height**

No Principal Building shall exceed a Height of 9.0 metres.

8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: No Principal Building shall be located within 5.5 metres of Front Lot Lines abutting Island Highway.
- (ii) Exterior Side Setback: No Principal Building shall be located within 4.0 metres of Exterior Side Lot Lines abutting Craigflower Road.
- (iii) Southeastern Setback: No Principal Building shall be located within 11.5 metres of the Southeastern Lot Lines.
- (iv) Waterfront Setback: No Principal Building shall be located within 20.0 metres of the High Water Mark of the Gorge Waterway. The Setback shall follow a line drawn parallel to the indentation and sinuosities of the High Water Mark.
- (v) Building Separation: Principal Buildings shall be separated by not less than 3.4 metres.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

9) **Fencing**

(a) Subject to Part 4, Section 22, no fence shall exceed a Height of:

- (i) 1.2 metres within 8.0 metres of the Front Lot Lines abutting Island Highway;
- (ii) 1.2 metres within 5.0 metres of the Exterior Side Lot Line abutting Craigflower Road;
- (iii) 2.0 metres otherwise.

(b) Notwithstanding Section 9(a), Fencing shall not be permitted to be installed within 20 metres of the High Water Mark.

10) **Off-Street Parking**

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

(b) Notwithstanding Section 10(a) Parking shall be provided as follows:

- (i) Dwelling - Multiple Family, Dwelling Two Family, and Home Occupation = 0.90 spaces per dwelling unit including the provision of Visitor Parking spaces at a ratio of 0.10 per unit.
- (ii) Tourist Accommodation = 1.0 space per unit
- (iii) All other uses = 1 space per 25 square metres of gross floor area with a minimum provision of 13 parking spaces.

(3) by changing zoning designations as follows:

- 1) change the zoning designation of PID 000-025-569 Lot A, Section 2, Esquimalt District, Plan 39273 [101 Island Highway] shown cross-hatched on Schedule 'A', attached hereto, from Tourist Commercial [C-5A] to Comprehensive Development District No. 102 [CD No. 102].
- 2) change the zoning designation from Marine Navigation [M-4] to Comprehensive Development District No. 102 [CD No. 102] of the two portions of land shown in bold outline on Plan EPP67312, being a Sketch Plan to Accompany Rezoning Application, attached as Schedule 'B' to this bylaw [*such change resulting from Plan EPP67312 incorporating former harbour bed to the above noted property further to approval by the Surveyor General*].

(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 15th day of May, 2017.

READ a second time by the Municipal Council on the 15th day of May, 2017.

A Public Hearing was held pursuant to Sections 464, 465, 466, and 468 of the *Local Government Act* on the ____ day of ____, 2017.

READ a third time by the Municipal Council on the ____ day of ____, 2017.

ADOPTED by the Municipal Council on the ____ day of ____, 2017.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER



Admirals Rd (Island Hwy)

Victoria Arm

101

Craigflower Rd

1454

906

904

902

W PI

Legend



Township of Esquimalt Boundary



Parcels

Schedule 'A'
BYLAW NO. 2893

SKETCH PLAN TO ACCOMPANY REZONING APPLICATION

LOT A, SECTION 2, ESQUIMALT DISTRICT, PLAN 39273
PURSUANT TO SECTION 100 1 a, LAND TITLE ACT

BCGS - 92B.063

PLAN EPP67312

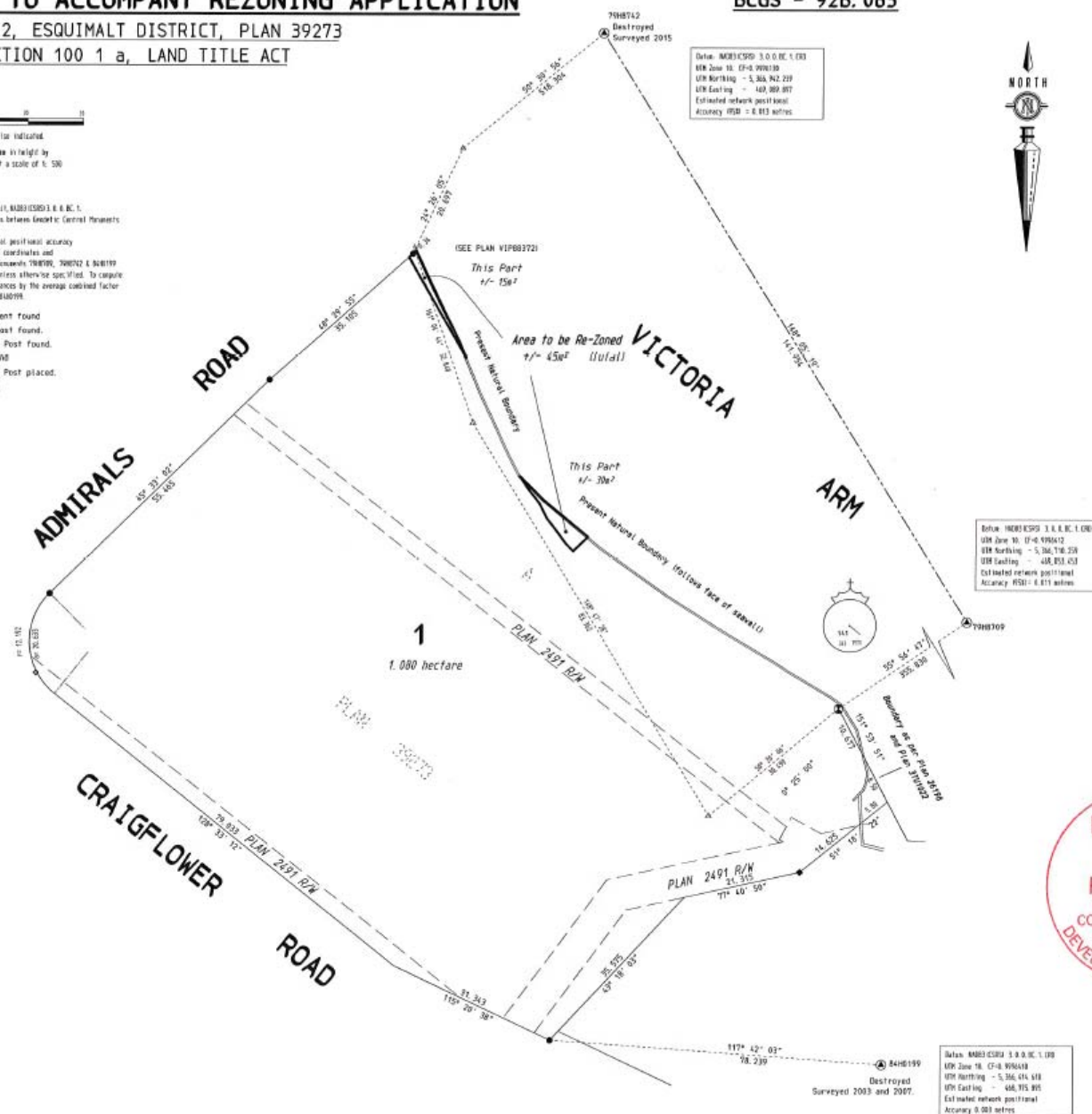
SCALE

All distances are in metres, unless otherwise indicated.
The intended plot size of this plan is 420m in height by
500m in width. It is shown when plotted at a scale of 1:500

LEGEND

Integrated Survey Area 38, City of Esquimalt, BCGS 92B.063 & B.C. 1.
Grid bearings are derived from observations between known to Control Monuments
7985742 and 7985709 AND 7985709
The UTM coordinates and estimated horizontal positional accuracy
achieved are derived from NAD83 published coordinates and
standard deviations for geodetic control monuments 7985742, 7985709 & 7985709
This plan shows ground-level distances, unless otherwise specified. To compute
grid distances, multiply ground-level distances by the average combined factor
0.999544, which is derived from monument 7985742.

- ⊙ - denotes - Control Monument found
- ⊙ - denotes - Capped Iron Post found.
- - denotes - Standard Iron Post found.
- - denotes - IRON PILE FOUND
- - denotes - Standard Iron Post placed.
- NF - denotes - Nothing Found



Date: 1980/03/03 3.0.0 RE 1.00
UTM Zone 18, CF-8, 7985742
UTM Northing - 5,366,716.239
UTM Easting - 448,853.433
Estimated network positional
Accuracy: 0.811 metres

Date: 1980/03/03 3.0.0 RE 1.00
UTM Zone 18, CF-8, 7985742
UTM Northing - 5,366,716.239
UTM Easting - 448,853.433
Estimated network positional
Accuracy: 0.811 metres



FILE: 11365 - 36
Brad Cunin Land Surveyor
101-2610 Douglas Street
Victoria, BC V8T 4M1
ph: (250) 381-2257 fx: (250) 381-2789

THIS PLAN LIES WITHIN THE
CAPITAL REGIONAL DISTRICT.
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED ON THE 17th DAY OF JANUARY, 2017
BRADLEY W. CUNIN, BCLS 677

Schedule 'B' - BYLAW NO. 2893