

## 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 Part.

(1) **Primary Use**

The following Uses shall be permitted:

- (a) Urgent Primary Care Centre
- (b) Public Health Clinic or facility

The following Uses and no others shall be permitted as part of mixed-use development that includes an Urgent Primary Care Centre:

- (a) Business and Professional Office
- (b) Group Children's Day Care Centre
- (c) Home Occupation
- (d) Hospital
- (e) Laboratory
- (f) Mixed Commercial/Residential
- (g) Personal Service Establishment

- (h) Restaurant
- (i) Retail Store
- (j) Veterinary Service

(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 3.76 on the provision of all of the following amenities:
  - (i) Three 20 foot portable office/containers to be used as temporary medical facilities
  - (ii) Kayak dock constructed and located in West Bay
  - (iii) 5 parking spaces with publicly available electric vehicle charging stations
  - (iv) Built Green Canada Silver certification, 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.
  - (v) 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.

(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 fifty-seven (57) Dwelling Units shall be located on a Parcel

(6) **Design Guidelines**

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

(7) **Building Height**

No Principal Building shall exceed a Height of 45.3 metres.

(8) **Lot Coverage**

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

(9) **Siting Requirements**

- (a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 3.4 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 27.4 metres of the Rear Lot Line abutting Wollaston Street.

**(b) Accessory Buildings:**

- (i) No Accessory Building shall be permitted.

**(10) Siting Exceptions**

**(a) Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced by not more than 0.60 metre to accommodate a one storey high portico, attached to and forming part of the Principal Building.

**(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 260 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 building used as an Urgent Primary Care Centre.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as

amended), off-street parking shall be provided in the minimum ratio of 1.28 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) 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 27<sup>th</sup> day of May, 2019.

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

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

READ a third time by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**ADOPTED** by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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BARB DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER



Schedule 'A'  
Bylaw No. 2963