

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**BYLAW NO. 2798**

A Bylaw to amend Bylaw No. 2050, cited as the  
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL 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. 207], 2013, NO. 2798".
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 after 'Comprehensive Development District No. 81' in Section 31 – Zone Designations of PART 5 - Zoning Districts:

"Comprehensive Development District No. 82"

- (2) by adding the following text as Section 67.69:

**67.69 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 82**  
**[CD NO. 82]**

In that Zone designated as CD No. 82 [Comprehensive Development District No. 82] 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**

The following Uses and no others shall be permitted:

- (a) Congregate Care Senior Citizens' Apartments
- (b) Business and Professional Office
- (c) Financial Institution
- (d) Personal Service Establishment
- (e) Retail Store
- (f) Restaurant
- (g) Club House
- (h) Group Children's Daycare
- (i) Food service for Congregate Care residents

(2) **Floor Area Ratio**

(a) **Residential Uses**

- (i) The Floor Area Ratio shall not exceed 3.0;

- (ii) On the provision of all of the following amenities, the Floor Area Ratio may be increased up to, but shall not exceed, 3.5:

**Streetscape Amenities:**

- (1) Enhanced sidewalk [1.5m wide stamped concrete] across frontage of 622 Admirals Road. [Enhanced sidewalk refers to the custom patterned sidewalk].
- (2) Additional Enhanced sidewalk [1.7m wide stamped concrete] across frontage of 622 Admirals Road resulting in sidewalks totalling 3.2 metres in width.
- (3) Two decorative poles including functional street lighting on 622 Admirals Road frontage.
- (4) Transit Shelter, in accordance with BC Transit specifications.
- (5) 34 metres of curb, gutter and enhanced sidewalk [3.2m wide stamped concrete] installed across the Admirals Road frontage of 1310 Esquimalt Road [Extension of custom patterned sidewalk fronting 622 Admirals Road].
- (6) 38 metres of curb, gutter, and sidewalk on north side of Miles Street between west property line of 622 Admirals Road and Constance Avenue.
- (7) 38 metres of barrier curb and gutter on the south side of Miles Street between the west property line of 622 Admirals Road and Constance Avenue.

**Landscaping Amenities**

- (8) Seven engineered tree vaults for proposed boulevard trees.
- (9) Seven irrigation supply lines from building to tree vaults.
- (10) Seven street trees.
- (11) Two street benches.

**Electrical Amenities**

- (12) Electrical power outlets provided in tree vaults, decorative poles, and in BC Transit Shelter.
- (13) Removal of two existing utility poles located to the north and south of the existing Legion facility, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the west side of Admirals Road from the north property line of 622 Admirals Road to the intersection with Esquimalt Road [including the Admirals Road frontage of 1310 Esquimalt Road].

**Integration into Community Amenities**

- (14) Cash contribution of \$30,000 to the Esquimalt Recreation Centre for the purchase and installation of a Wheel Chair Lift in the swimming pool.

The value of amenities (1) to (13) must cost no less than \$400,000 (prior to taxes), and confirmed by independent

professional auditor provided by property owner in accordance with the following procedure:

- A. An independent auditor shall determine the actual value of the Amenities provided further to subsections (1)-(13) above ("Actual Value"). For certainty, management, administrative and report costs shall not be included in the calculation of Actual Value.
- B. The report of the Auditor must be made available to the Township and the Owner at the same time, and neither party shall be permitted to review drafts of the report.
- C. Where the Actual Value of the amenities provided is less than \$400,000, the Owner must, within thirty (30) days of the Auditor's report, make an additional cash contribution equivalent to the shortfall plus 25% to the Township.
- D. The Owner acknowledges that such additional cash amenity contribution does not relieve of the provision of the amenities listed above.

**(b) Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 3.2 if the above amenities are not provided or 3.7 if the above amenities are provided.

**(3) Unit Size**

Dwelling Units shall not be less than 40.0 square metres.

**(4) Commercial Space & Mixed Use Ground Level**

- (a) The minimum Floor Area dedicated to Commercial Uses shall not be less than 575.0 square metres.
- (b) Commercial Uses are not permitted on any floor other than the ground floor.
- (c) Commercial Uses are not permitted to exceed 50% of the total ground floor area.
- (d) The maximum Floor Area dedicated to uses accessory to 67.69(1)(a) shall not be less than 350.0 square metres of the ground floor.

**(5) Design Guideline**

South side of the building shall incorporate an artistic or creative motif and/or green building design.

**(6) Building Height**

- (a) No Principal Building shall exceed a Height of 42.0 metres.

(b) No Accessory Structure shall exceed a Height of 3.6 metres.

(7) **Lot Coverage**

(a) All Principal Buildings and Accessory Structures combined shall not cover more than 67% of the Area of a Parcel.

(b) No Principle Building shall cover more than 65% of the Area of the Parcel.

(c) All Accessory Structures combined shall not cover more than 2% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Buildings:**

(i) Notwithstanding Section 28 of Zoning Bylaw, 1992, No. 2050, no Principal Building shall be located within 0.5 metres of the Front Lot Line.

(ii) No Principal Building shall be located within 2.8 metres of the northern Interior Side Lot Line.

(iii) No setback shall be required from the southern Interior Side Lot Line.

(iv) No Principal Building shall be located within 5.5 metres of the Rear Lot Line.

(v) Notwithstanding Section 7(a)(iv), roof structures, attached to the Principal Building no higher than the ceiling height of the first floor, shall not be located within 3.5 metres of the Rear Lot Line.

(b) **Accessory Structures:**

No Accessory Structure shall be located within 3.0 metres of the Rear Lot Line.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be provided as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off-Street Parking**

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

(3) by changing the zoning designation of each of the following parcels, collectively known as 622 Admirals Road, shown cross-hatched on

Schedule 'A', attached hereto, from C-3 [Core Commercial] to CD No. 82 [Comprehensive Development District No. 82]:

- (a) Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854;
  - (b) Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854;
  - (c) Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854; and
  - (d) Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL.
- (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 4<sup>th</sup> day of March, 2013.

READ a second time by the Municipal Council on the 4<sup>th</sup> day of March, 2013.

Second Reading rescinded, bylaw amended and read anew a second time by the Municipal Council on the 15<sup>th</sup> day of April, 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 27<sup>th</sup> day of May, 2013.

READ a third time by the Municipal Council on the 17<sup>th</sup> day of June, 2013.

**ADOPTED** by the Municipal Council on the 23<sup>rd</sup> day of June, 2014.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER