

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3126

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, 2024, NO. 3126*”.

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. 164 (604 Nelson Street) CD No. 164”

(2) by adding the following text as Section 67.151 (or as other appropriately numbered subsection within Section 67):

67.151 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 164 [CD NO. 164]

In that Zone designated as CD No. 164 [Comprehensive Development District No. 164] 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**

Only Mixed Commercial / Residential use is permitted and the following Uses and no others shall be permitted as part of that development:

- (a) Dwelling – Multiple Family
- (b) Home Occupation
- (c) Business and Professional Office
- (d) Group Children’s Day Care Centre
- (e) Restaurant
- (f) Retail Store

(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 up to, but

shall not exceed 4.78 on the provision of the following:

- (i) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to:

- secure 26 below-market Dwelling Units to be rented at no more than 30% of the gross annual income for households at or below the BC Housing Income limits for the Greater Victoria region, as determined by size of unit from time to time, and

- (ii) The owner shall dedicate a portion of the land as public park pursuant to section 107 of the *Land Title Act* with a minimum area of 465 square metres.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 3800 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 three hundred and fourteen (314) Dwelling Units shall be located on a Parcel.

(6) **Size and Location of Commercial Space**

The minimum Floor area dedicated to Commercial Uses shall not be less than 350 square metres located on the First Storey.

(7) **Building Height**

No Principal Building shall exceed a Height of 45 metres.

(8) **Lot Coverage**

(a) Principal Building shall not cover more than 88% of the Area of the Parcel including a parking structure.

(b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 74% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Building:**

(i) Setback: No Principal Building shall be located within 3 metres of the Lot Line abutting Sussex Street.

(ii) Setback: No Principal Building shall be located within 3

metres of the Lot Line abutting Nelson Street.

- (iii) Side Setback: No Principal Building shall be located within 3 metres of the Interior Lot Lines.
- (iv) Side Setback: Notwithstanding Part 5, Section 67.151 (9) (a) (iii), No setback is required for the southernmost Interior Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Building shall be permitted.

(10) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Lot Line abutting Sussex Street may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (ii) The minimum distance to the Interior Lot Lines may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a 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) **Off-Street Parking**

- (a) Notwithstanding Sections 11 and 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum of 14 parking spaces to serve 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 0.8 space per dwelling unit.
- (c) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a two way manoeuvring aisle accessing one bank of parking shall be 6.6 metres.

(d) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a two way manoeuvring aisle accessing two banks of parking shall be 6.6 metres.

(e) For greater certainty, all other uses must comply with Parking Bylaw requirements.

- 3. by changing the zoning designation of PID 004-930-941 Lot B, Suburban Lot 37, Esquimalt District, Plan 11993 [602 Nelson Street], PID 005-398-991 Lot 2, Suburban Lots 37 and 45, Esquimalt District, Plan 9871 Except Part in Plan 16394 [608 Nelson Street], and PID 005-398-860 Lot 1, Suburban Lot 45, Esquimalt District, Plan 9871 [612 Nelson Street], shown cross-hatched on Schedule "A" attached hereto, from CD No. 150 [Comprehensive Development District No. 150] to CD No. 164 [Comprehensive Development District No. 164]; and by changing the zoning designation of PID 000-122-513 Lot 48, Suburban Lot 45, Esquimalt District, Plan 2854 + PID 000-122-521 Lot 49, Suburban Lot 45, Esquimalt District, Plan 2854 [618 Nelson Street], PID 027-555-356 Lot A, Suburban Lot 45, Esquimalt District, Plan VIP85251 [1319 Sussex Street], PID 000-774-961 Lot 44, Suburban Lot 45, Esquimalt District, Plan 2854 + PID 000-774-987 Lot 45, Suburban Lot 45, Esquimalt District, Plan 2854 [1331 Sussex Street], and PID 006-375-031 Lot 42, Suburban Lot 45, Esquimalt District, Plan 2854 + PID 006-375-057 Lot 43, Suburban Lot 45, Esquimalt District, Plan 2854 [1347 Sussex Street], shown cross-hatched on Schedule "A" attached hereto, from RM-1 [Multiple Family Residential] to CD No. 164 [Comprehensive Development District No. 164].
- 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 the ____ day of _____, 2024.

READ a second time by the Municipal Council on the ____ day of _____, 2024.

READ a third time by the Municipal Council on the ____ day of _____, 2024.

ADOPTED by the Municipal Council on the ____ day of _____, 2024.

BARBARA DESJARDINS
MAYOR

DEBRA HOPKINS
CORPORATE OFFICER



Sussex St

1347

1331

1319

618

612

613
617

615

612

608

1342

602

Miles St

4-601

3-601

2-601

1-601

1336

Sturdee St

Nelson St

Esquimalt Rd

Schedule 'A'
Bylaw No. 3126