

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2873

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. 2873*”.
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 Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

“Comprehensive Development No. 98 (468 Head Street) CD No. 98”

- (2) by adding the following words and figures in Section 2 - Definitions of PART 1 - Interpretation:

“**Boat Rental and Passenger Charter**” means the use of land or a building or structure for the booking, registration, outfitting, and commercial transactions for boat rental, marine tours, diving expeditions, kayaking, sailing, fishing and other boat excursions.

- (3) by adding the following text as Section 67.85 (or as other appropriately numbered subsection within Section 67):

67.85 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 98 [CD NO. 98]

In that Zone designated as CD No. 98 [Comprehensive Development District No. 98] 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 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) Personal Service Establishment

- e) Retail Store
- f) Restaurant
- g) Liquor Store
- h) Convenience Store
- i) Group Children's Day Care Centre
- j) Boat Rental and Passenger Charter

(2) **Floor Area Ratio**

(a) **Residential Uses**

The Floor Area Ratio shall not exceed 1.30.

(b) **Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 1.40.

(3) **Unit Size**

Dwelling Units shall not be less than 45 square metres.

(4) **Number of Dwelling Units**

(a) Not less than sixty five (65) Dwelling Units shall be located in this Zone.

(b) Not more than seventy three (73) Dwelling Units shall be located in this Zone.

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

(a) The minimum Floor Area dedicated to Commercial Uses shall not be less than 395 square metres located on the First Storey.

(b) The maximum Floor Area dedicated to Commercial Uses shall not be greater than 425 square metres.

(c) Commercial Uses are not permitted on any Storey located above the First Storey.

(d) Commercial Uses are not permitted within 30 metres of the southwestern Lot Line.

(6) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 4075 square metres.

(7) **Building Height**

(a) No Principal Building shall exceed a Height of 23 metres.

(b) No Accessory Building shall exceed a Height of 3.3 metres.

(8) **Lot Coverage**

(a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 64% of the Area of the Parcel.

(b) Notwithstanding Section 7(a), Principal Buildings shall not cover more than 56% of the Area of the Parcel on the first storey.

(c) Principal Buildings shall not cover more than 24% of the Area of the Parcel for each storey of a Building that is located above the second storey.

(9) **Siting Requirements (As illustrated on Figure 1.)**

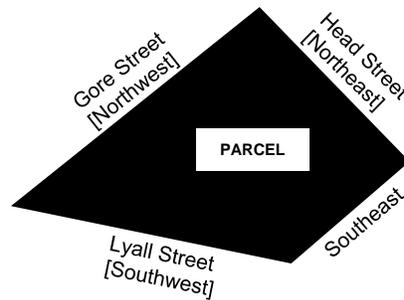


Figure 1.

(a) **Principal Buildings:**

(i) No Principal Building shall be located within 5.8 metres of the northeastern Lot Line.

(ii) No part of a Principal Building located above the second storey shall be located within 18 metres of the northeastern Lot Line.

(iii) No Principal Building shall be located within 3.2 metres of the northwestern Lot Line.

(iv) No part of a Principal Building located above the second storey shall be located within 12 metres of the northwestern Lot Line.

(v) No Principal Building shall be located within 0.9 metres of the southeastern Lot Line.

(vi) No Principal Building shall be located within 5.9 metres of the southwestern Lot Line.

(vii) That part of a Principal Building located above the second storey shall be located within 30 metres of the southwestern

Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Building shall be located within 52 metres of the northeastern Lot Line.
- (ii) No Accessory Building shall be located within 9 metres of the northwestern Lot Line.
- (iii) No Accessory Building shall be located within 16 metres of the southwestern Lot Line.
- (iv) No Accessory Building shall be located within 0.1 metres of a Principal Building.

(10) **Siting Exceptions**

Within the CD-98 zone, the minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate exterior canopies, attached to and forming part of a Principal Building:

- (a) Northeastern Lot Line: 3.0 metres
- (b) Northwestern Lot Line: 0.5 metres
- (c) Southwestern Lot Line: 0.9 metres
- (d) Southeastern Lot Line: 0.9 metres

(11) **Useable Open Space**

Useable Open Space shall be provided in an amount not less than 7.5% of the Area of the Parcel, including open space located over a parking structure.

(12) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres nor be located within 5.8 metres of a Lot Line abutting a Highway.

(13) **Off-Street Parking**

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

- (4) by changing the zoning designation of each of the following parcels, shown cross-hatched on Schedule 'A', attached hereto, from their current zoning designation, as detailed on Schedule 'B', attached hereto, to CD No. 98 [Comprehensive Development District No. 98]:

- a) PID 001-843-991 Lot 8, Block H, Section 11, Esquimalt District, Plan 292 [468 Head Street];
 - b) PID 006-720-439, Lot 5, Block H, Section 11, Esquimalt District, Plan 292 [470 Head Street];
 - c) PID 000-036-722, Lot 4, Block H, Section 11, Esquimalt District, Plan 292 [472 Head Street];
 - d) PID 009-175-024, Lot 1, Block H, Section 11, Esquimalt District, Plan 292 [515 Gore Street];
 - e) PID 009-175-016, Lot 2, Block H, Section 11, Esquimalt District, Plan 292 [509 Gore Street];
 - f) PID 000-704-580, Strata Lot 1, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [922 Lyall Street];
 - g) PID 000-704-598, Strata Lot 2, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [920 Lyall Street];
 - h) PID 009-175-008, Lot 6, Block H, Section 11, Esquimalt District, Plan 292 [918 Lyall Street]; and
 - i) PID 009-174-885, Lot 7, Block H, Section 11, Esquimalt District, Plan 292 [912 Lyall Street].
- (5) 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 16th day of May, 2016.

READ a second time by the Municipal Council on the 16th day of May, 2016.

A Public Hearing was held pursuant to Sections 464, 465, 466, and 468 of the *Local Government Act* on the 20th day of June, 2016.

READ a third time by the Municipal Council on the 20th day of June, 2016.

RESCIND third reading by the Municipal Council on the 12th day of September, 2016.

AMEND AND READ ANEW at second reading by the Municipal Council on the 12th day of September, 2016.

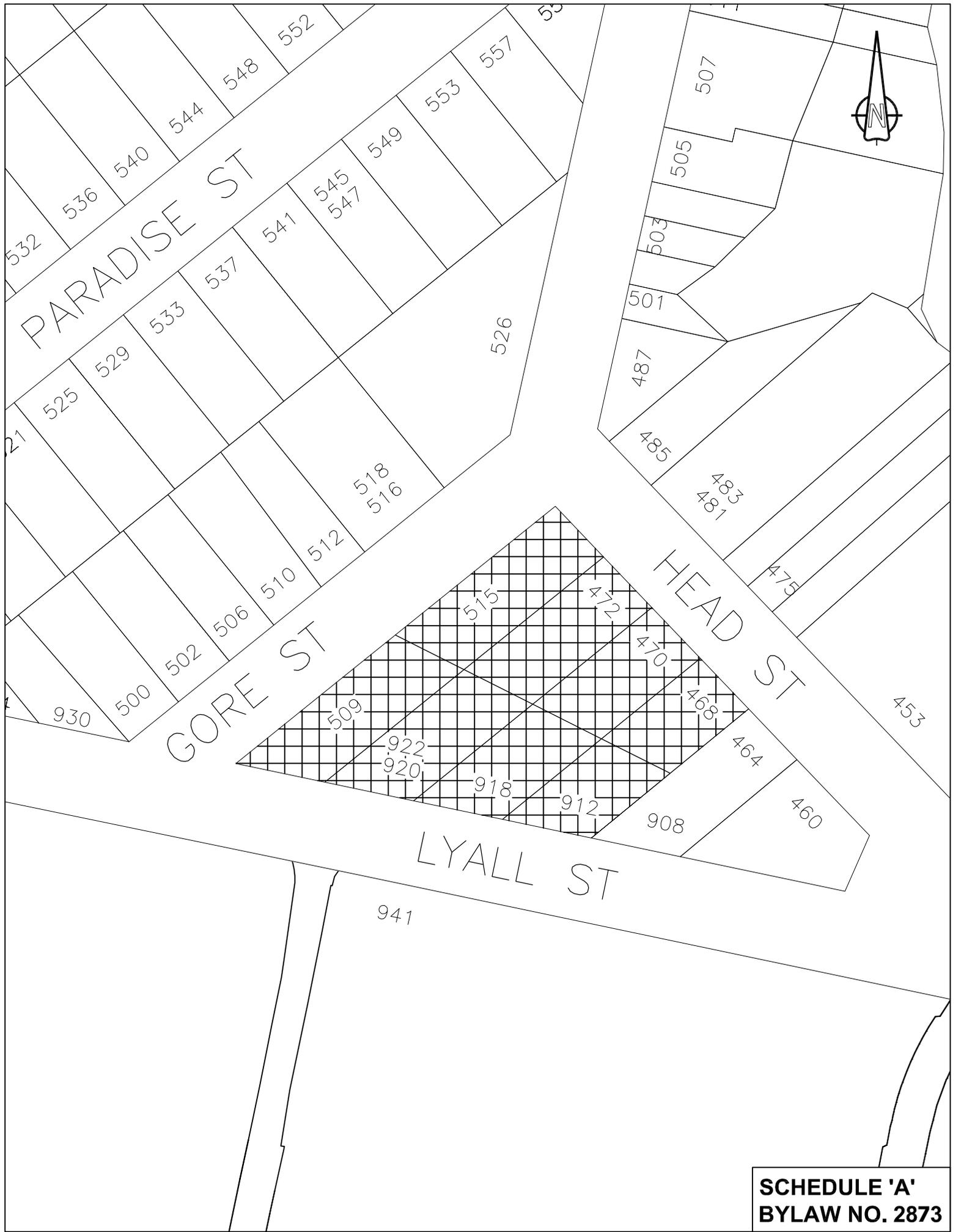
A Public Hearing was held pursuant to Sections 464, 465, 466, and 468 of the *Local Government Act* on the 3rd day of October, 2016.

READ a third time by the Municipal Council on the 3rd day of October, 2016.

ADOPTED by the Municipal Council on the 6th day of March, 2017.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER



SCHEDULE 'A'
BYLAW NO. 2873



LEGEND

- ZONE DESIGNATIONS
- PARCELS

**SCHEDULE 'B'
BYLAW NO. 2873**