

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3103

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, 2023, NO. 3103*”.
2. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be amended as follows:
 - (1) at PART 1 – INTERPRETATION Section 2. DEFINITIONS by adding the following definition:

“**Live Work Unit**” means a Dwelling Unit with a mix of residential dwelling use and at least one commercial use listed as a permitted use within the zone that the unit is located. The Principal Use of the Live Work Unit can be either residential or commercial, as long as both uses are present at all times.

- (2) at PART 4 – GENERAL REGULATIONS, By adding the following as Section 30.8:

30.8 LIVE WORK UNITS

Live Work Units, where expressly permitted, are subject to the following regulations:

- (1) Live Work Units shall have an entrance facing the Highway or Access Route.
- (2) The commercial portion of the Live Work Unit shall:
 - (a) be located only at ground level;
 - (b) comprise a minimum of 35% of the building frontage; and
 - (c) comprise a minimum of 40% of the total Floor Area of the Live Work Unit.
- (3) The Front Face of the Live Work Unit shall consist of a minimum glazing area of 75%.
- (4) The business(es) operated in a Live Work Unit must be owned and operated by a person occupying the residential portion of the same Live Work Unit as their Permanent Residence.

- (3) By adding the following words and figures in Section 31, Zone Designations, in the appropriate alpha-numeric sequence:
“Comprehensive Development District No. 161 (820 Esquimalt Road) CD No. 161”.
- (4) By adding the following text as Section 67.148 (or as other appropriately numbered subsection within Section 67):

67.148 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 161 [CD NO. 161]

In that Zone designated as CD No. 161 [Comprehensive Development District No. 161] 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**

The following Uses and no others shall be permitted:

- (a) Dwelling – Multiple Family
- (b) Home Occupation
- (c) Live Work Unit
- (d) Art Gallery
- (e) Arts and Craft Studios excluding Wood and Metal working
- (f) Arts and Wellness Teaching Centre
- (g) Business and Professional Office
- (h) Charitable Organization Office
- (i) Counselling Services
- (j) Group Children’s Day Care Centre
- (k) Medical Clinic
- (l) Personal Service Establishment
- (m) Retail Store

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 3500 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Buildings shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than one hundred and thirty-five (135) Dwelling Units shall be located on a Parcel.

(5) **Live Work Units**

- (a) Two (2) of the Dwelling Units shall be Live Work Units.
- (b) Notwithstanding Part 4, Section 30.8 (3), the Front Face of the

Live Work Unit shall consist of a minimum glazing area of 60%.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.52.

(7) **Height**

(a) No Principal Building shall exceed a Height of 21.5 metres.

(b) No Pergola, Arbour, or Trellis shall exceed a Height of 3.0 metres.

(8) **Lot Coverage**

(a) Principal Building shall not cover more than 74% of the Area of the Parcel including a parking structure.

(b) Notwithstanding 8(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 58% of the Area of the Parcel.

(c) Pergolas, Arbours, and Trellises shall not cover more than 250 square metres in total area.

(9) **Siting Requirements**

(a) **Principal Building:**

(i) Front Setback: No Principal Building shall be located within 4.5 metres of the Front Lot Line abutting Esquimalt Road.

(ii) Side Setback: No Principal Building shall be located within 4.6 metres of any of the Interior Side Lot Lines.

(iii) Rear Setback: No Principal Building shall be located within 8.0 metres of the Rear Lot Line abutting Old Esquimalt Road.

(iv) Rear Setback: No part of the Principal Building above the Fourth Storey shall be located within 16 metres of the Rear Lot Line abutting Old Esquimalt Road.

(b) **Accessory Buildings:**

(i) No Accessory Buildings shall be permitted.

(10) **Siting Exceptions**

(a) **Principal Building:**

(i) The minimum distance to the Front Lot Line abutting Esquimalt Road may be reduced to 4.0 metres to accommodate the parking structure situated below the First Storey of the Principal Building.

- (ii) The minimum distance to the western Interior Side Lot Line may be reduced to 0.4 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iii) The minimum distance to the eastern Interior Side Lot Line may be reduced to 2.2 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iv) The minimum distance to the Front Lot Line abutting Esquimalt Road may be reduced by not more than 2.0 metres to accommodate exterior canopies, attached to and forming part of a Principal Building.
- (v) The minimum distance to the Rear Lot Line abutting Old Esquimalt Road may be reduced by not more than 5.0 metres to accommodate exterior canopies, attached to and forming part 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 Part 4, 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 280 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 ratio of 1.0 spaces per Dwelling Unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 14 of the parking spaces required per above (12) (a) shall be marked "Visitor".
- (c) 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 7.0 metres.

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

- (5) By changing the zoning designation of PID 025-648-519 Lot A, Section 11, Esquimalt District, Plan VIP75185 [820 Esquimalt Road], shown cross-hatched on Schedule 'A' attached hereto, from C-2 [Neighbourhood Commercial] to CD No. 161 [Comprehensive Development District No. 161]; and by changing zoning designation of PID 006-007-023 Lot 4, Section 11, Esquimalt District, Plan 4861 [833 Old Esquimalt Road] and PID 006-007-007 Lot 3, Section 11, Esquimalt District, Plan 4861 [837 Old Esquimalt Road], shown cross-hatched on Schedule 'A' attached hereto, from RD-3 [Two Family/Single Family Residential] to CD No. 161 [Comprehensive Development District No. 161].

- (6) 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 1st day of May, 2023.

AMENDED AND READ a second time by the Municipal Council on the ____ day of _____, 2023.

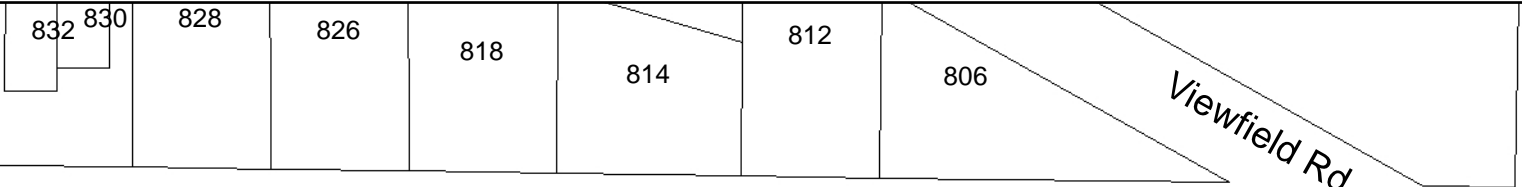
A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the ____ day of _____, 2023.

READ a third time by the Municipal Council on the ____ day of _____, 2023.

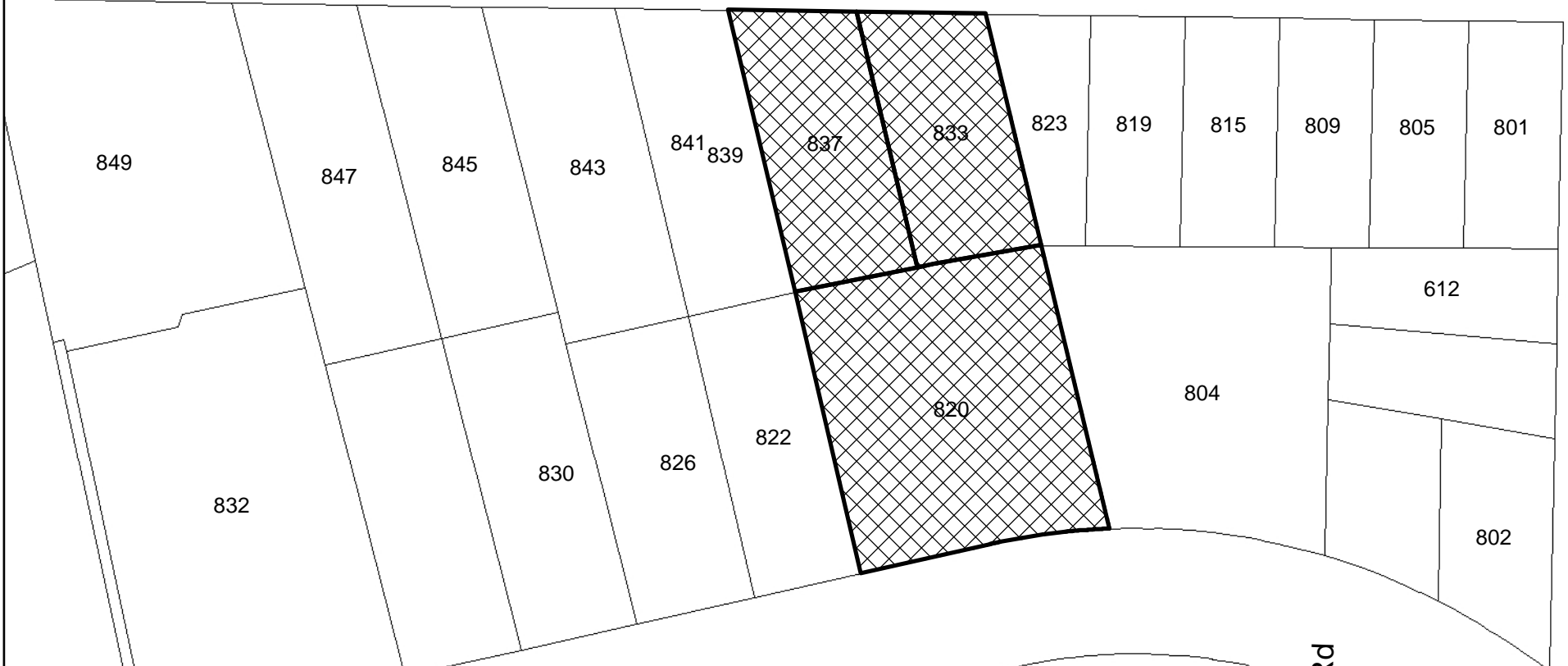
ADOPTED by the Municipal Council on the ____ day of _____, 2023.

BARBARA DESJARDINS
MAYOR

DEBRA HOPKINS
CORPORATE OFFICER



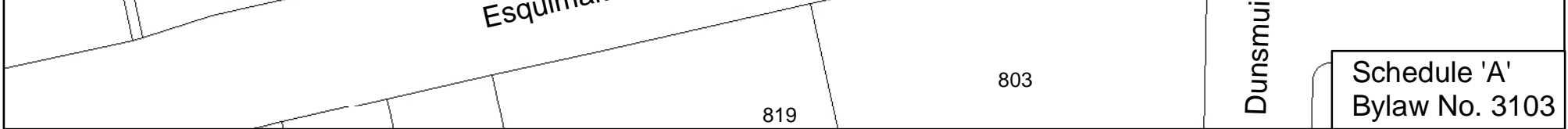
Old Esquimalt Rd



Dominion Rd

Esquimalt Rd

Dunsmuir Rd



Schedule 'A'
Bylaw No. 3103