

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3158

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, 2025, NO. 3158"*.

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. 167 (1305 Saunders Street) CD
No. 167"

(2) by adding the following text as Section 67.154 (or as other appropriately
numbered subsection within Section 67):

**67.154 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 167 [CD NO.
167]**

In that Zone designated as CD No. 167 [Comprehensive Development
District No. 167] 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) Park
- (f) Playground
- (g) Playing Field
- (h) Public Open Space
- (i) Restaurant
- (j) 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 4.05 on the provision of the following conditions:
 - (i) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* over the southern portion of the Parcel bordered by Ontario Drive, Nelson Street, and Sussex Street with a minimum area of 1718 square metres to allow for privately owned publicly accessible open space prior to issuance of a building permit.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 4400 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 thirty-five (335) 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 240 square metres located on the First Storey.

(7) **Building Height**

No Principal Building shall exceed a Height of 63 metres.

(8) **Lot Coverage**

- (a) Principal Building shall not cover more than 84% 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 43% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Building:**

- (i) Setback: No Principal Building shall be located within 30.0 metres of the Lot Line abutting Sussex Street.
- (ii) Setback: No Principal Building shall be located within 1.8 metres of the Lot Line abutting Nelson Street.

- (iii) Setback: No Principal Building shall be located within 2.0 metres of the Lot Line abutting Saunders Street.
- (iv) Rear Setback: No Principal Building shall be located within 3.8 metres of the Rear Lot Line.

(b) Play Structure:

- (i) Setback: No play structure shall be located within 2.0 metres of the Lot Line abutting Sussex Street.
- (ii) Setback: No play structure shall be located within 3.0 metres of the Lot Line abutting Nelson Street.
- (iii) Rear Setback: No play structure shall be located within 3.8 metres of the Rear Lot Line.

(10) Siting Exceptions

(a) Principal Building:

- (i) The minimum distance to the Lot Line abutting Sussex Street may be reduced to 2.0 metres to accommodate the parking structure situated at or below the First Storey of a Principal Building.
- (ii) The minimum distance to the Rear Lot Line may be reduced to 0.7 metres to accommodate the parking structure situated at or below the First Storey of a Principal Building.
- (iii) The minimum distance to the Rear Lot Line may be reduced by not more than 0.8 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (iv) The minimum distance to the Lot Line abutting Sussex Street may be reduced to 2.0 metres to accommodate stairway(s) to the parking structure.
- (v) The minimum distance to the Lot Line abutting Sussex Street may be reduced to 2.0 metres to accommodate bathroom structure(s).
- (vi) The minimum distance to the Rear Lot Line may be reduced to 2.0 metres to accommodate stairway(s) to the parking structure.

(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.

3. by changing the zoning designation of PID 000-009-351 Lot 34, Suburban Lot 45, Esquimalt District, Plan 2854, PID 000-009-369 Lot 35, Suburban Lot 45, Esquimalt District, Plan 2854, PID 000-009-377 Lot 36, Suburban Lot 45, Esquimalt District, Plan 2854, PID 000-009-385 Lot 37, Suburban Lot 45, Esquimalt District, Plan 2854, PID 000-009-393 Lot 38, Suburban Lot 45, Esquimalt District, Plan 2854, PID 000-009-407 Lot 39, Suburban Lots 37, and 45, Esquimalt District, Plan 2854, PID 000-009-415 Lot 40, Suburban Lots 37, and 45, Esquimalt District, Plan 2854, PID 000-009-423 Lot 41, Suburban Lots 37, and 45, Esquimalt District, Plan 2854, PID 004-019-903 Lot 1, Suburban Lot 45, Esquimalt District, Plan 16681, PID 004-019-890 Lot 2, Suburban Lot 45, Esquimalt District, Plan 16681, and PID 004-019-911 Lot 3, Suburban Lot 45, Esquimalt District, Plan 16681, shown cross-hatched on Schedule "A" attached hereto, from RM-4 [Multiple Family Residential] to CD No. 167 [Comprehensive Development District No. 167].
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 9th day of June, 2025.

READ a second time by the Municipal Council on the 9th day of June, 2025.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 7th day of July, 2025.

READ a third time by the Municipal Council on the 7th day of July, 2025.

ADOPTED by the Municipal Council on the ____ day of _____, 2025.

BARBARA DESJARDINS
MAYOR

DEBRA HOPKINS
CORPORATE OFFICER



1310

Saunders St

1337

1340

Nelson St

638

1-633

630

2-633

633

3-633

626

625

622

Sussex St

1347

1331

1319

618

Schedule 'A'
Bylaw No. 3158