

## **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

### **BYLAW NO. 3027**

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. 3027*".
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 at PART 5 – ZONING DISTRICTS, Section 31. ZONE DESIGNATIONS, in the appropriate alpha-numeric sequence:

"Comprehensive Development District No. 136 (819 Esquimalt Road) CD No. 136"
  - (2) by adding the following text as Section 67.132 (or as other appropriately numbered subsection within Section 67):

#### **67.132 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 136 [CD NO. 136]**

In that Zone designated as CD No. 136 [Comprehensive Development District No. 136] 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) Congregate Care Senior Citizens Apartments
- b) Dwelling – Multiple Family
- c) Home Occupation
- d) Business and Professional Office
- e) Personal Service Establishment
- f) Retail Store
- g) Restaurant
- h) Group Children's Day Care Centre

(2) **Floor Area Ratio**

(a) **Residential Uses**

The Floor Area Ratio shall not exceed 2.95.

(b) **Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 3.0.

(3) **Unit Size**

Dwelling Units shall not be less than 45 square metres.

(4) **Number of Dwelling Units**

No more than ninety-two (92) 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 100 square metres located on the First Storey.

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

(6) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2025 square metres.

(7) **Building Height**

(a) No Principal Building shall exceed a Height of 30 metres.

(b) Notwithstanding Section 7(a), No portion of the Principal Building containing Floor Area shall exceed a Height of 27 metres.

(c) No Accessory Building shall exceed a Height of 4.5 metres

(8) **Lot Coverage**

(a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 85% of the Area of the Parcel.

(b) Notwithstanding Section 8(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 51% of the Area of the Parcel for each storey of a Building that is located above the fourth storey.

(d) All Accessory Buildings and Structures combined shall not cover more than 3% of the Area of the Parcel

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 6.0 metres of the Front Lot Line.
- (ii) No part of a Principal Building located above the fourth storey shall be located within 8.0 metres of the Front Lot Line.
- (iii) No Principal Building shall be located within 5.0 metres of the Western Side Lot Line.
- (iv) No part of a Principal Building located above the fourth storey shall be located within 7.0 metres of the Western Side Lot Line.
- (v) No Principal Building shall be located within 5.0 metres of the Eastern Side Lot Line.
- (vi) No part of a Principal Building located above the fourth storey shall be located within 7.0 metres of the Eastern Side Lot Line.
- (vii) No Principal Building shall be located within 7.0 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) No Accessory Building shall be located within 23.0 metres of a Side Lot Line.
- (iii) No Accessory Building shall be located within 1.0 metre of the Rear Lot Line.
- (iv) No Accessory Building shall be located within 2.0 metres of a Principal Building.

(10) **Siting Exceptions**

- (a) Within the CD-136 zone, the minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate balconies and exterior canopies attached to and forming part of a Principal Building:

- (i) Front Lot Line: 2.0 metres for that portion of the building located above the fourth storey.
- (ii) Western Side Lot Line: 2.0 metres
- (iii) Eastern Side Lot Line: 2.0 metres

(b) Within the CD-136 zone, the minimum distance to the Front Lot Line may be reduced by not more than 3.0 metres to accommodate the First Storey open patio attached to and forming part of the Principal Building.

(c) Within the CD-136 zone, the minimum distance to a Lot Line may be reduced to the following distances to accommodate a parking structure situated below the First Storey of a Principal Building:

- (i) Front Lot Line: 0.6 metres.
- (ii) Eastern Side Lot Line: 0.6 metres
- (iii) Rear Lot Line: 0.6 metres

(11) **Useable Open Space**

Useable Open Space shall be provided in an amount not less than 13% 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 in front of the front face of the Principal Building and 2.0 metres behind the front face of the Principal Building.

(13) **Off-Street Parking**

- (a) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011 (as amended), 1 in every 8 required Parking Spaces shall be designated and clearly marked as Visitor Parking and shall be available for use by non-occupants of the parcel at all times.
- (b) Notwithstanding Section 12(2) of Parking Bylaw, 1992, No. 2011 (as amended), Parking Spaces for Persons with Disabilities shall be provided in a ratio of 1 for every 11 required Parking Spaces
- (c) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 0.67 spaces per dwelling unit.
- (d) Notwithstanding Section 14(4) of Parking Bylaw, 1992, No. 2011 (as amended), where any space abuts any portion of a fence or structure, the minimum stall width shall not increase.

- (e) For greater certainty, all other uses must comply with Parking Bylaw, 1992, No. 2011 (as amended) requirements.
- (3) by changing the zoning designation of PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265 [819 Esquimalt Road], from C-1 [Convenience Commercial] and by changing the zoning designation of PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265 [821 Esquimalt Road] and PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265 [823 Esquimalt Road] from RM-4 [Multiple Family Residential], all shown cross-hatched on Schedule "A" attached hereto, to CD No. 136 [Comprehensive Development District No. 136]
- (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 12<sup>th</sup> day of April, 2021.

READ a second time by the Municipal Council on the 12<sup>th</sup> day of April, 2021.

A Public Hearing was held pursuant to Sections 464, 465, 466, and 468 of the *Local Government Act* on the 30<sup>th</sup> day of August, 2021.

READ a third time by the Municipal Council on the 30<sup>th</sup> day of August, 2021.

**ADOPTED** by the Municipal Council on the 2<sup>nd</sup> day of May, 2022.

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BARBARA DESJARDINS  
MAYOR

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DEBRA HOPKINS  
CORPORATE OFFICER