

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3078

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, 2022, NO. 3078*”.

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. 158 (859 Esquimalt Road) CD No. 158”

(2) by adding the following text as Section 67.145 (or as other appropriately numbered subsection within Section 67):

67.145 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 158 [CD NO. 158]

In that Zone designated as CD No. 158 [Comprehensive Development District No. 158] 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) Restaurant
- (n) Retail Store

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1550 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 fifty-nine (59) Dwelling Units shall be located on a Parcel

(5) **Live Work Units**

One (1) of the Dwelling Units shall be Live Work Units.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

(7) **Building Height**

No Principal Building shall exceed a Height of 21.4 metres.

(8) **Lot Coverage**

(a) Principal Building shall not cover more than 70% of the Area of the Parcel including a parking structure.

(b) Notwithstanding 7(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 55% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 5.0 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 5.0 metres of the eastern Interior Side Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 6.0 metres of the western Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 6.0 metres of the Rear Lot Line.

(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 may be reduced to 2.2 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (ii) The minimum distance to the eastern Interior Side Lot Line may be reduced to 3.7 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iii) The minimum distance to the western Interior Side Lot Line may be reduced to 3.5 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iv) The minimum distance to the rear Lot Line may be reduced to 1.9 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (v) The minimum distance to the Front Lot Line may be reduced by not more than 1.5 metres to accommodate balconies and exterior canopies, attached to and forming part of the Principal Building
- (vi) The minimum distance to the Side and Rear Lot Lines may be reduced by not more than 2.0 metres to accommodate balconies and exterior canopies, attached to and forming part of the 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 117 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 ratio of 0.74 spaces per dwelling unit.
 - (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 6 of the parking spaces required per above (11) (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 6.8 metres.
 - (d) 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 6.4 metres.
- (3) by changing the zoning designation of PID 015-233-227 Lot 10, Section 11, Esquimalt District, Plan 265 [861 Esquimalt Road] and PID 001-180-991 Lot 9, Section 11, Esquimalt District, Plan 265 [863 Esquimalt Road], shown cross-hatched on Schedule 'A' attached hereto, from RM-4 [Multiple Family Residential] to CD No. 158 [Comprehensive Development District No. 158].
- (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 11th day of July, 2022.

READ a second time by the Municipal Council on the 11th day of July, 2022.

AMENDED AND RE-READ a second time by the Municipal Council on the 7th day of October, 2024.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 4th day of November, 2024.

READ a third time by the Municipal Council on the 4th day of November, 2024.

ADOPTED by the Municipal Council on the ---- day of ----, 2024.

BARBARA DESJARDINS
MAYOR

DEBRA HOPKINS
CORPORATE OFFICER

