

## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 2896

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. 2896*”.
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 No. 103 (460 Head Street) CD No. 103”

- (2) by adding the following text as Section 67.90 (or as other appropriately numbered subsection within Section 67):

**67.90 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 103**  
**[CD NO. 103]**

In that Zone designated as CD No. 103 [Comprehensive Development District No. 103] 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) 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 1.0.

(b) **Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 1.32.

(3) **Unit Size**

Dwelling Units shall not be less than 60 square metres.

(4) **Number of Dwelling Units**

Not more than twelve (12) 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 270 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 1200 square metres.

(7) **Building Height**

No Principal Building shall exceed a Height of 18 metres.

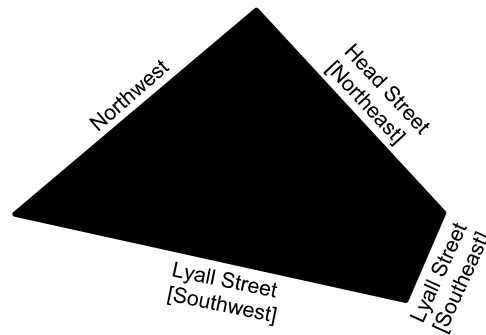
(8) **Lot Coverage**

(a) Principal Buildings and Structures combined shall not cover more than 46% of the Area of the Parcel.

(b) Principal Buildings shall not cover more than 35% of the Area of the Parcel on the fourth storey.

(c) Principal Buildings shall not cover more than 19% of the Area of the Parcel on the fifth storey.

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



**Figure 1.**

**(a) Principal Buildings:**

- (i) No Principal Building shall be located within 2.4 metres of the northeastern Lot Line.
- (ii) No part of a Principal Building located above the fourth storey shall be located within 4.7 metres of the northeastern Lot Line.
- (iii) No Principal Building shall be located within 2.7 metres of the southeastern Lot Line.
- (iv) No part of a Principal Building located above the fourth storey shall be located within 5.0 metres of the southeastern Lot Line.
- (v) No Principal Building shall be located within 2.6 metres of the southwestern Lot Line.
- (vi) No Principal Building shall be located within 1.2 metres of the northwestern Lot Line.

**(b) Accessory Buildings:**

No Accessory Buildings shall be permitted.

(10) **Siting Exceptions**

Within the CD-103 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:

- (a) Northeastern Lot Line: 1.5 metres
- (b) Southeastern Lot Line: 1.5 metres
- (c) Southwestern Lot Line: 1.1 metres
- (d) Northwestern Lot Line: 0.3 metres

(11) **Useable Open Space [Rooftop Patio]**

- (a) Useable Open Space, in the form of an unenclosed rooftop patio accessible to all dwelling units, and having an area not less than 60 square metres, shall be provided on the northwesternmost part of the building.
- (b) Notwithstanding Section 15(4)(e)(ii) Guards for rooftop patios are not required to step back a minimum of 1.5 metres from the building edge.

(12) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres.

(13) **Off-Street Parking**

- (a) Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).
- (b) Notwithstanding Section 13(a) Parking shall be provided for Commercial Use at a ratio 1 space per 25 square metres of gross floor area with a minimum provision of 18 parking spaces.

- (4) by changing the zoning designation of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street], shown cross-hatched on Schedule 'A', from West Bay Commercial [C-7] Zone to CD No. 103 [Comprehensive Development District No. 103].
- (5) by changing the zoning designation of PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street], also shown cross-hatched on Schedule 'A', from Single Family Residential [RS-1] Zone to CD No. 103 [Comprehensive Development District No. 103].
- (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 23<sup>rd</sup> day of May, 2017.

READ a second time by the Municipal Council on the 23<sup>rd</sup> day of May, 2017.

A Public Hearing was held pursuant to Sections 464, 465, 466, and 468 of the *Local Government Act* on the \_\_\_\_ day of \_\_\_\_\_, 2017.

READ a third time by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2017.

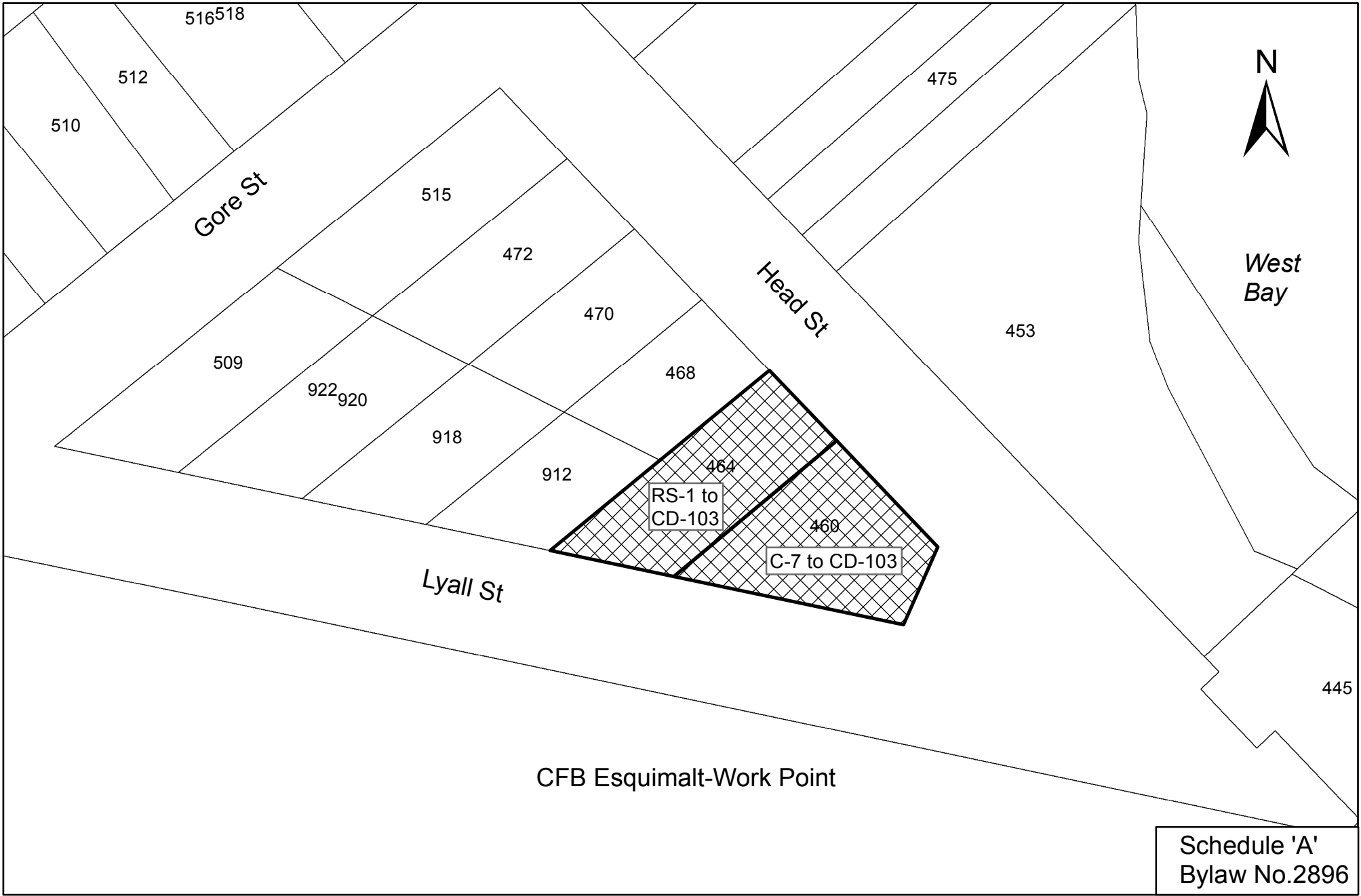
**ADOPTED** by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2017.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER



Schedule 'A'  
Bylaw No.2896