

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2933

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. 2933*”.
2. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be amended as follows:

- (1) at **PART 5. – ZONING DISTRICTS**, section **67.15 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 23 [CD NO. 23]** by deleting all existing text and replacing with the following:

67.15 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 23 [CD NO. 23]

In that zone designated as CD No. 23 (Comprehensive Development District No. 23), 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 bylaw.

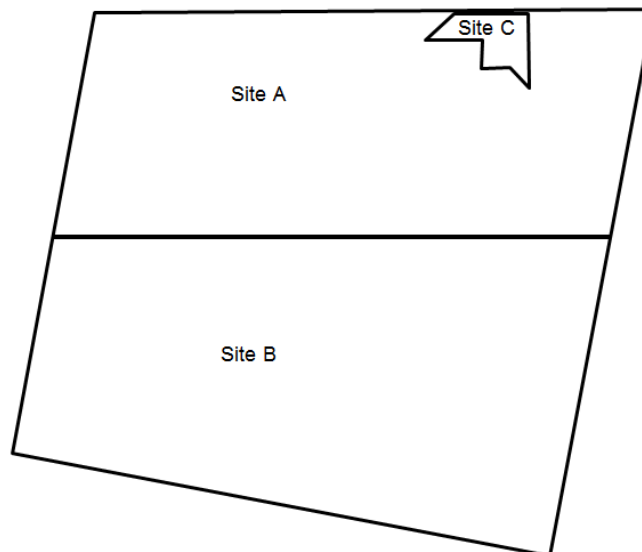


Figure 1 – Sites A, B and C within CD-23 Zone

[Note: Upon subdivision consistent with above configuration and minimum Site Area and Parcel Size requirements noted below, the Site boundaries within the CD-23 Zone shall be deemed to be consistent with the parcel boundaries created at subdivision.]

A. CD NO. 23 ZONE (SITES A, B AND C COMBINED)

(1) Density

The Floor Area Ratio shall not exceed 0.77 within this CD-23 Zone.

(2) Number of Principal Buildings

(a) Not more than three Principal Buildings shall be located within this CD-23 Zone, in particular:

- (i) St. Peter and St. Paul's Church (existing)
- (ii) Ministry Centre with residential above (new)
- (iii) The Hermitage (existing)

(b) The Church and the Ministry Centre may be attached, but shall nevertheless be considered separate Principal Buildings for the regulations of this Zone.

(3) Fencing

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

B. SITE A – THE CHURCH AND MINISTRY CENTRE SITE [Containing the heritage designated church and the proposed new ministry centre with residential above.] The minimum site area for Site A shall be 2,750 square metres.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Assembly Use
- (b) Charitable Organizational Office
- (c) Church
- (d) Counselling Services
- (e) Dwelling – Multiple Family
- (f) Group Children's Day Care Centre
- (g) Home Occupation

(2) Parcel Size

(a) The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2,750 square metres.

(b) There is no minimum Parcel Size for air space parcels.

(3) Floor Area Ratio

(a) The Floor Area Ratio shall not exceed 0.66, as determined in relation to Site A.

(4) Number and Location of Dwelling Units

- (a) Not more than twenty-four (24) Dwelling Units shall be located within Site A.
- (b) All Dwelling Units shall be located above the First Storey.

(5) Building Height

- (a) No Principal Building shall exceed a Height of 16 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(6) Lot Coverage

- (a) All Principal Buildings and Accessory Buildings combined shall not cover more than 31% of Site A.
- (b) All Accessory Buildings shall not cover more than 1% of Site A.

(7) Siting Requirements

(a) Principal Buildings

- (i) No Principal Building shall be located within 0.5 metres of Site C or a Lot Line abutting a Cemetery.
- (ii) No Principal Building shall be located within 3.0 metres of the northern Lot Line (Esquimalt Road).
- (iii) No Principal Building shall be located within 17.0 metres of the eastern Lot Line (Foster Street).
- (iv) No storey above the First Storey of a Principal Building shall be located within 39.0 metres of the eastern Lot Line (Foster Street).
- (v) No Principal Building shall be located within 3.1 metres of the western Lot Line (Grafton Street).
- (vi) No Principal Building shall be located within 9.9 metres of Site B.

(b) Accessory Buildings

- (i) No Accessory Building shall be located between the Principal Building(s) and the Lot Lines abutting Foster Street, Grafton Street or Esquimalt Road, nor within their respective Yards.
- (ii) No Accessory Building shall be located within 0.5 metres of Site B or an

Interior Side Lot Line.

- (iii) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) Siting Exceptions

- (a) The minimum distance to the northern Lot Line (Esquimalt Road) and western Lot Line (Grafton Road) may be reduced by not more than 1.2 metres to accommodate exterior decks, attached to and forming part of a Principal Building.
- (b) The minimum distance to the northern Lot Line (Esquimalt Road) and western Lot Line (Grafton Road) may be reduced by not more than 1.5 metres to accommodate eaves with associated corbels (brackets), attached to and forming part of a Principal Building.
- (c) The minimum distance to the northern Lot Line (Esquimalt Road) may be reduced by not more than 2.0 metres to accommodate stairs, attached to and forming part of a Principal Building for the heritage church.
- (d) Notwithstanding Section 16 of this Bylaw, the minimum distance to the northern Lot Line (Esquimalt Road) for an accessibility ramp may be reduced to zero metres.

(9) Off Street Parking

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended) twenty-three (23) parking spaces shall be provided exclusively for the uses on Site A.
- (b) Notwithstanding Section 9 of Parking Bylaw, 1992, No. 2011, as amended, up to ten (10) parking spaces may be located on Site B, subject to (on subdivision) the continued use of parking spaces being ensured through the registration of a Covenant and Easement, which cannot be extinguished with the approval of the Municipality.

C. SITE B – THE HERMITAGE [containing the existing 26 unit residential building, or a future replacement]

The minimum site area for Site B shall be 3,400 square metres.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Dwelling – Multiple Family
- (b) Home Occupation

(2) Parcel Size

The minimum Parcel size of fee simple Parcels created by subdivision shall be 3,400 square metres.

(3) Floor Area Ratio – [Density]

The Floor Area Ratio shall not exceed 0.90, as determined in relation to Site B.

(4) Number of Dwelling Units

Not more than twenty-six (26) Dwelling Units shall be located on Site B.

(5) Building Height

(a) No Principal Building shall exceed a Height of 14 metres.

(b) No Accessory Buildings shall be permitted.

(6) Lot Coverage

All Principal Buildings shall not cover more than 31% of Site B.

(7) Siting Requirements

(a) Principal Buildings

(i) No Principal Building shall be located within 12 metres of Site A or a northern Lot Line.

(ii) No Principal Building shall be located within 9.2 metres of the eastern Lot Line (Foster Street).

(iii) No Principal Building shall be located within 8.9 metres of the western Lot Line (Grafton Street).

(iv) No Principal Building shall be located within 4.3 metres of the southern Lot Line.

(8) Fencing

Subject to Section 22, and notwithstanding Section A(3) of this zone, a fence of not more than 2.0 metres shall be permitted between the face of the Principal building and the southern Lot Line.

(9) Off Street Parking

(a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended) twenty-eight (28) parking spaces shall be provided exclusively for the residents of Site B - The Hermitage.

D. SITE C – THE CEMETERY

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Cemetery (exclusively for cremated remains)

(2) Parcel Size

The maximum Parcel Size of fee simple Parcels created by subdivision for a Cemetery shall be 100 square metres.

(3) Number of Principal Buildings

No Buildings or Structures shall be located on Site C.

(4) Off Street Parking

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended) no parking spaces shall be provided for a Cemetery.

READ a first time by the Municipal Council on the 16th day of July, 2018.

READ a second time by the Municipal Council on the 16th day of July, 2018.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the Local Government Act on the 27th day of August, 2018.

READ a third time by the Municipal Council on the 27th day of August, 2018.

ADOPTED by the Municipal Council on the ---- day of -----, 2018.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER