CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2974

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. 2974"*.

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. 125 (1314-1322 Esquimalt Road) CD No. 125"

   (2) by adding the following text as Section 67.112 (or as other appropriately numbered subsection within Section 67):

   67.112 <u>COMPREHENSIVE DEVELOPMENT DISTRICT NO. 125 [CD NO. 125]</u>

   In that Zone designated as CD No. 125 [Comprehensive Development District No. 125] 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) **<u>Permitted Uses</u>**

   Only Mixed Commercial / Residential use and Cannabis Sales Store uses are permitted and the following Uses and no others shall be permitted as part of that development:

   (a) Art Gallery
   (b) Arts and Craft Studios excluding Wood and Metal working
   (c) Arts and Wellness Teaching Centre
   (d) Assembly Use
   (e) Business and Professional Office
   (f) Catering Service
   (g) Charitable Organization Office
   (h) Club House
   (i) Commercial Instruction and Education
   (j) Counselling Services
   (k) Educational Institution

(l) Entertainment and Theatre
(m) Financial Institution
(n) Fitness Centre
(o) Group Children's Day Care Centre
(p) Home Occupation
(q) Hotel
(r) Laboratory and Clinic
(s) Mixed commercial/residential
(t) Personal Service Establishment
(u) Printing Establishment, Printing and Publishing
(v) Research Establishment
(w) Restaurant
(x) Retail Store
(y) Store, Cannabis Sales
(z) Veterinary Clinic, Veterinary Services
(aa) Video Store

(2) **Number of Dwelling Units**

Not more than twelve (12) Dwelling Units shall be located in this Zone.

(3) **Size and Location of Commercial Space**

(a) The Floor Area dedicated to Cannabis Sales Store shall not be greater than 67 square metres located on the First Storey.

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

(4) **Mixed Commercial/Residential**
Where a Parcel is used for combined residential and Commercial use,

(a) The residential use shall:

(i) be contained in the same Building as the Commercial Use;

(ii) Have a separate entrance from outside.

(7) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1360 square metres.

(8) **Building Height**

No Principal Building shall exceed a Height of 9.5 metres.

(9) **Lot Coverage**

(a) Principal Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.

(10) **Siting Requirements**

(a) **Principal Buildings:**

(i) Front Setback: No Principal Building shall be located within 2.80 metres of the Front Lot Line.

(ii) Rear Setback: No Principal Building shall be located within 16.7 metres of the Rear Lot Line.

(iii) Side Setback: No Principal Building shall be located within 1.4 metres of the Western Lot Line.

(iv) Side Setback: No Principal Building shall be located within 1.5 metres of the Eastern Lot Line.

(b) **Accessory Buildings:**

(i) One Accessory Building shall be permitted for purposes of screening garbage and recycling.

(ii) Front Setback: No Accessory Building shall be located within the Front Setback.

(iii) Side Setback: No Accessory Building shall be located within 1.5 metres of the Interior Side Lot Line.

(iv) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.

(iv) The maximum size of any Accessory Building shall be 10 square metres.

(11) **Siting Exceptions**

Within the CD-125 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) Front Lot Line: 1.5 metres

(12) **Screening and Landscaping**

Screening and Landscaping shall be provided in accordance with Section 23.

(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 0.83 spaces per dwelling unit with a minimum provision of 10 parking spaces.

(b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided for Commercial Use at a ratio of 0.62 spaces per 25 square metres of gross floor area with a minimum provision of 10 parking spaces.

(3) by changing the zoning designation of PID 002-535-939, Lot A, Suburban Lot 38, Esquimalt District, Plan 27046 [1314-1318 Esquimalt Road], shown cross-hatched on Schedule 'A', from Core Commercial [C-3] to CD No. 125 [Comprehensive Development District No. 125].

(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 _____day of_____, 2019.

READ a second time by the Municipal Council on the _____ day of _____, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466, and 468 of the *Local Government Act* on the _____ day of _____ , 2019.

READ a third time by the Municipal Council on the _____ day of_____, 2019.

ADOPTED by the Municipal Council on the _____ day of _____, 2019.

BARBARA DESJARDINS MAYOR	ANJA NURVO CORPORATE OFFICER


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611
622
1334
1326
Miles St
4-601
3-601
2-601
1-601
1338
604
Constance Ave
1314
1318
1310
Admirals Rd
Esquimalt Rd
Nelson St
1325
Schedule 'A'
Bylaw No. 2974