

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**ZONING BYLAW, 1992, NO. 2050**

**CONSOLIDATED FOR CONVENIENCE  
*to September 25, 2023***

***In case of discrepancy, the original Bylaw  
or Amending Bylaws must be consulted.***

## ZONING BYLAW, 1992, NO. 2050

The following list of amendments are included in this "Consolidated Bylaw":

Zoning Bylaw, 1992, No. 2050	Bylaw No.
1993	
AMENDMENT NO. 1 [833 Dunsmuir Road]	2064
AMENDMENT NO. 2 <b>ABANDONED</b>	2069
AMENDMENT NO. 3 [448 Admirals Road]	2070
AMENDMENT NO. 4 [929 Agnes Street]	2071
AMENDMENT NO. 5 [847 Carrie Street]	2072
AMENDMENT NO. 6 [511 Comerford Street]	2073
AMENDMENT NO. 7 <b>ABANDONED</b>	2074
AMENDMENT NO. 8 <b>ABANDONED</b>	2075
AMENDMENT NO. 9 [445 Fraser Street]	2076
AMENDMENT NO. 10 [647 Grenville Avenue]	2077
AMENDMENT NO. 11 [651 Grenville Avenue]	2078
AMENDMENT NO. 12 [658 Grenville Avenue]	2079
AMENDMENT NO. 13 [511 Lampson Street]	2080
AMENDMENT NO. 14 [519 Lampson Street]	2081
AMENDMENT NO. 15 [930 Lyall Street]	2082
AMENDMENT NO. 16 <b>ABANDONED</b>	2083
AMENDMENT NO. 17 [728 Stancombe Place]	2084
AMENDMENT NO. 18 [968 Wollaston Street]	2085
AMENDMENT NO. 19 [987 Wollaston Street]	2086
AMENDMENT NO. 20 <b>ABANDONED</b>	2094
AMENDMENT NO. 21 [872 & 873 Coles Street]	2095
AMENDMENT NO. 22 <b>ABANDONED</b>	2096
AMENDMENT NO. 23 [Waterlot Lease Gorge Point – CD No. 7]	2099
AMENDMENT NO. 24 [Creation of RS-5 zone in Parklands]	2101
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AMENDMENT NO. 31 <b>ABANDONED</b>	2118
AMENDMENT NO. 32 [896 Admirals Road]	2126
AMENDMENT NO. 33 [body/escort]	2127
AMENDMENT NO. 34 [918-924 Arm Street]	2139
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AMENDMENT NO. 37 [322 Clifton Terrace]	2144
AMENDMENT NO. 38 [1183 Rhoda Lane]	2145
AMENDMENT NO. 39 [923 Forshaw Road/920 Sioux Place]	2146
AMENDMENT NO. 40 [Housekeeping]	2151
AMENDMENT NO. 41 [906 Admirals Road]	2154
AMENDMENT NO. 42 [Olde England Inn/Wychbury]	2157
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AMENDMENT NO. 46 [520 Constance Avenue - P-4 Zone]	2166
AMENDMENT NO. 47 [675 Lampson Street – BC Tel]	2168
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1995	
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	AMENDMENT NO. 53 <b>ABANDONED</b>	2214
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	AMENDMENT NO. 55 [Floor Area Calculation]	2217
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	AMENDMENT NO. 57 [649 Admirals Road – CD No. 11]	2231
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# THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## BYLAW NO. 2050

A bylaw to regulate the Use of land, Buildings and related matters and Structures within the Corporation of the Township of Esquimalt.

Whereas Council may pursuant to the *Local Government Act*, divide the whole or part of the Municipality into Zones; limit the vertical extent of the Zones and provide other Zones above or below it; regulate the Uses; density of Use, siting, size and dimensions of Buildings and Structures and Uses permitted on the land; regulate the shape, dimensions and area including minimum and maximum sizes of all parcels of land that may be created by subdivision and to prohibit any Use or Uses in any Zone.

Now, therefore, the Council of the Corporation of the Township of Esquimalt in open meeting, assembled, enacts as follows:

1. **Citation**

This Bylaw may be cited for all purposes as the "Zoning Bylaw, 1992, No. 2050."

## **PART 1 - INTERPRETATION**

### **2. DEFINITIONS**

Words and phrases used in this Bylaw that are not included in this list of definitions shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw. Unless otherwise specified, the following definitions shall apply:

**"Access Route"** means lands forming a corridor that provides vehicular access to the bare land strata lots in a bare land strata subdivision, but does not include a Highway. **[Amendment, 2018, Bylaw No. 2938]**

**"Access Strip"** means that part of a Parcel forming a corridor not exceeding seven metres in width, which provides access to a Highway from the remaining part of the Parcel.

**"Accessory Building"** means a Building or Structure:

- 1) having an area greater than 1.0 square metre;
- 2) located on the same Parcel as the Principal Building yet subordinate in area and extent, and whose purpose is customarily incidental to the Principal Building; and
- 3) having no shower/ bathtub or cooking facilities;

and includes but is not limited to a detached Garage, garden/storage shed, gazebo, workshop, studio and greenhouse, but does not include Landscaping. **[Amendment, 2018, Bylaw No. 2938]**

**"Accessory Retail"** means the ancillary retail sale of goods produced by or related to a business.

**"Accessory Tourist Commercial"** means a Use that is ancillary to a principal tourist accommodation Use that is intended to serve the needs of individuals who are occupying the tourist accommodation and specifically includes gift shops, Restaurants, coffee shops, and similar Uses.

**"Accessory Use"** means a Use customarily incidental and subordinate to a permitted Principal Use on the same Parcel.

**"Adult Entertainment Use"** means:

- 1) the Use of any Building, or portion of a Building, for the offering for rent, Use, viewing or sale of an object (other than a contraceptive device), commodity, good, material, device, machine or Entertainment which is designed or intended to be used in, or is a depiction of, a sexual act as defined in the *Motion Picture Act Regulations (B.C. Reg. 260/86)*; or
- 2) the Use of a Building, or portion of a Building, not licensed to sell or serve liquor under the *Liquor Control and Licensing Act R.S.B.C. 1996, c. 267*, in which strippers or exotic dancers perform.

**"Adult Motion Picture"** means a motion picture which comes within the definition

of "Adult Motion Picture" contained in the *Motion Picture Act, R.S.B.C. 1996, c. 314*.

**"Adult Motion Picture Studio"** means the Use of any Building, or portion of a Building, for the production or reproduction of Adult Motion Pictures.

**"Adult Theatre"** means a Building, or portion of a Building, or open area used, or intended to be used, for the projection of Adult Motion Pictures or motion picture films classified or designated as "restricted" under the *Motion Picture Act, R.S.B.C. 1996, c. 314*, and where there is provision for the viewing of pictures or films by members of the public."

**"Adult Video Store"** means a Building, or portion of a Building, used by any person licensed as an adult film distributor or adult film retailer under the *Motion Picture Act R.S.B.C. 1996, c. 314*, where more than 10 percent of the motion pictures available for distribution, sale or rental are Adult Motion Pictures.

**"Apartment"** see "Dwelling, Multiple Family".

**"Area of a Parcel"** means the total horizontal area contained within the Lot Lines of a Parcel.

**"Arts and Wellness Teaching Centre"** means a commercial space where music, dance, yoga, meditation, and similar arts and health services are provided to individuals and small groups of people, in an area not greater than 100 square metres.

**"Assembly Use"** means a gathering of persons for religious, charitable, philanthropic, social, entertainment, cultural, private educational and private recreational purposes.

**"Authority Having Jurisdiction"** means the governmental body responsible for the enforcement of any applicable Code, Regulations or Act or the official or agency designated by that body to exercise such a function.

**"Balcony"** means a platform which projects from the wall of a Building above existing ground level and that is partially enclosed by a low parapet or Guard in such a manner as to remain permanently exposed to outside weather.  
**[Amendment, 2018, Bylaw No. 2938]**

**"Basement"** means a Storey or Storeys of a Building located below the first storey.

**"Bed and Breakfast"** means sleeping accommodation for transient guests provided within a Single Family Dwelling to whom no more than one (1) meal is served or provided in any day.

**"Beverage Manufacturer"** means the use of land or a building or structure for the production of any liquid that is a ready-to-serve drink including the brewing, fermentation, and/or distilling of alcohol for human consumption.  
**[Amendment, 2020, Bylaw No. 3003]**

**"Beverage Manufacturer with Liquor Lounge"** means a Beverage Manufacturer where part of a building thereof including decks, patios and balconies is used as a licensed manufacturer lounge subject to the *Liquor Control and Licensing Act*, as amended.**[Amendment, 2020, Bylaw No. 3003]**

**"Boarding"** means the accessory Use of a Single Family Dwelling or Two Family Dwelling for the provision of residential lodging, with or without meals, for compensation, where the rooms and area used for such lodging do not include a separate kitchen, and the boarder is not provided with, nor provides their own separate cooking facilities or appliances.

**"Boat"** means Vessel. **[Amendment, 2018, Bylaw No. 2938]**

**"Boat Moorage Facility"** means piers, wharves, floats and ramps located over or on the surface of the water.

**"Boat Rental and Passenger Charter"** means the use of land or a building or structure for the booking, registration, outfitting, and commercial transactions for boat rental, marine tours, diving expeditions, kayaking, sailing, fishing and other boat excursions.

**"Body Painting Establishment"** means a place where directly or indirectly, a fee is paid or charged for an activity involving the application, by any means, of dyes, paint or similar materials to a person's body.

**"Body Rub Parlour"** means:

- 1) a place where a body rub is performed, offered or solicited; and
- 2) a referral agency that accepts requests to provide a person to perform a body rub at a location chosen by the person requesting the body rub.

**"Building"** means any Structure used or intended for supporting or sheltering any Use.

**"Business and Professional Offices"** means the Use of a Building for the purpose of carrying out Business or professional activities, but excludes all retailing stores (e.g. Retail Store, Convenience Store, Cannabis Sales Store, Liquor Store) and Personal Service Establishments.

**"Cannabis"** means the same meaning as defined in the *Cannabis Act* (Canada). **[Amendment, 2019, Bylaw No. 2984]**

**"Cannabis Distribution"** means the distribution of Cannabis by any means, and includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available Cannabis in any manner, whether directly or indirectly, and offering to do any of those things as lawfully licensed, permitted and authorized under the *Cannabis Distribution Act* (British Columbia). **[Amendment, 2019, Bylaw No. 2984]**

**"Cannabis Lounge"** means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking or oral consumption) of Cannabis and related products or derivatives. **[Amendment, 2019, Bylaw No. 2984]**

**"Cannabis Plant"** means the same meaning as defined in the *Cannabis Act* (Canada). **[Amendment, 2019, Bylaw No. 2984]**

**"Cannabis Production"** means the production of Cannabis by any method or

process, including by manufacturing, packaging, synthesis, altering its physical or chemical properties by any means (including destruction), or cultivating, propagating, or harvesting it or any living thing from which it may be extracted or otherwise obtained as lawfully licensed, permitted and authorized under the *Cannabis Act* (Canada).

**[Amendment, 2019, Bylaw No. 2984]**

**"Club House"** means a Building or establishment used by an association or organization for fraternal, social, or recreational purposes which may include limited cooking facilities, and which is operated for the Use of Club House members and their guests only.

**"Commercial Use"** means any Use permitted within the C-1 to C-7A Zones.

**"Commercial Vehicle"** means a Commercial Vehicle defined pursuant to the *Commercial Transport Act* exceeding a licensed gross vehicle weight (GVW) of 5600 kilograms.

**"Community Care Facility"** means any community based group living arrangement, licensed pursuant to the *Community Care and Assisted Living Act*, which provides for the wellbeing of persons who have social, emotional, or behavioural problems or who are physically or mentally disabled.

**"Congregate Care Senior Citizens' Apartments"** means a multiple Family residential Building intended for senior citizens and where meals are prepared and served to residents in a communal dining room on a daily basis.

**"Convenience Store"** means a retail outlet devoted to the retail sale of groceries, perishable items and sundry household items catering to the day to day needs of residents of the local neighbourhood.

**"Corner Lot"** means a Parcel having a continuous Frontage along two or more Highways, or Access Routes (or combination), but excluding lanes.

**"Dating Service"** means a business which:

- (1) introduces or offers to introduce a person to another person for the purpose of providing companionship for a short period of time; and
- (2) charges or otherwise imposes a fee each time that an introduction is made or companionship is provided.

**"Detached Accessory Dwelling Unit" (also "Garden Suite"):** means a detached secondary Building, subordinate to and on the same parcel as a detached Single Family Dwelling that does not contain a Secondary Suite, consisting of one Dwelling Unit, which is occupied or intended to be occupied as the Permanent Residence by one Family.

**[Amendment, 2020, Bylaw No. 2999]**

**"Derelict Vehicle"** means a Vehicle which is any one or more of the following:

- (1) physically wrecked or disabled;
- (2) not capable of operating under its own power;

(3) not displaying a current and valid licence plate in accordance with the *Motor Vehicle Act*.

**"Dwelling Unit"** means one or more habitable rooms used for the residential accommodation of one Family when such rooms contain or provide for the installation of only one (1) set of cooking facilities and one or more sets of sanitary facilities, but specifically excludes a Recreational Vehicle. **[Amendment Bylaw, 2022, No. 3048]**

**"Dwelling - Multiple Family" (also "Multiple Family Residential", also "Apartment")** means a Building which contains three or more Dwelling Units each of which is occupied or intended to be occupied as the Permanent Residence by one Family, with the majority of Dwelling Units having their principal access from an entrance, hallway or exterior walkway common to the other Dwelling Units, and

(1) may be accompanied by Accessory Buildings; and

(2) may be accompanied by other Accessory Uses where specifically permitted by this bylaw.

**"Dwelling - Single Family" (also "Single Family Residential", also "Single Family Residence")**, means any detached Building consisting of one Dwelling Unit containing only one kitchen with cooking facilities, which is occupied or intended to be occupied as the Permanent Residence by one Family; and

(1) may include Boarding as an accessory use only;

(2) may contain a second subordinate Dwelling Unit (Secondary Suite) if in full compliance with this bylaw;

(3) may be accompanied by Accessory Buildings; and

(4) may be accompanied by other Accessory Uses where specifically permitted by this bylaw.

**"Dwelling – Townhouse" (also "Townhouse Residential")** means a Building which contains three or more Dwelling Units, with each Dwelling Unit having its principal access from a separate exterior entrance, and

(1) may be accompanied by Accessory Buildings where specifically permitted by this bylaw; and

(2) may be accompanied by other Accessory Uses where specifically permitted by this bylaw. **[Amendment, 2018, Bylaw No. 2938]**

**"Dwelling - Two Family" (also "Two Family Residential")** means a detached Building consisting of two principal Dwelling Units, each of which is occupied or intended to be occupied as the Permanent Residence by one Family, with each Dwelling Unit having its principal access from a separate exterior entrance, and

(1) may include Boarding as an accessory use only;

(2) each principal Dwelling Unit may contain a second subordinate Dwelling Unit (Secondary Suite) if in full compliance with this bylaw, where specifically permitted by this bylaw;

(3) may be accompanied by Accessory Buildings; and

(4) may be accompanied by other Accessory Uses where specifically permitted by this bylaw. **[Amendment, 2022, Bylaw No. 3074]**

**"Entertainment"** means a Commercial Use contained within a Building providing recreational opportunities to the general public and specifically includes arcades, bowling alleys, billiard and pool halls, roller rinks, dance halls, Theatres, and similar Uses, but specifically excludes Adult Theatres.

**"Escort Service"** means a business which:

(1) introduces or offers to introduce a person to another person for the purpose of providing companionship for a short period of time; and

(2) charges or otherwise imposes a fee each time that an introduction is made or companionship is provided.

**"Family"** means one or more persons related by blood, marriage, common law, adoption, or foster parenthood; or not more than four (4) unrelated persons sharing one Dwelling Unit but excludes residents of a Recovery Home.

**"Fence"** means a vertical barrier which accomplishes any one or more of the following:

(1) prevents access;

(2) provides physical separation;

(3) provides visual separation;

(4) provides enclosure of a Parcel or portion of a Parcel;

but does not include a Retaining Wall, a Guard or a hedge.

**[Amendment, 2018, Bylaw No. 2938]**

**"Floor Area"** means the entire area which in plan is enclosed by the interior face of the exterior walls of a Building, calculated in accordance with Section 14. **[Amendment, 2018, Bylaw No. 2938]**

**"Floor Area Ratio"** means the figure obtained when the Floor Area of all floor levels in all Buildings on a Parcel is divided by the Area of the Parcel, calculated in accordance with Section 14. **[Amendment, 2018, Bylaw No. 2938]**

**"Floating Home"** means a house-like Structure built on a floatation system, intended for Use or being used or occupied as a Dwelling Unit and is not primarily intended for or usable in navigation.

**"Floating Boat Shelter"** means a Structure, intended for the protection of a boat, built on a floatation system.

**"Front Building Line"** means a line most parallel to the Highway, on which a Parcel has its Frontage, at:

(1) where a Parcel has an existing or previous Principal Building, the Front Face of that Principal Building, or

(2) where a Parcel has not yet been developed with a Principal Building, the required Front Setback for that Parcel.

**"Front Face"** means the nearest projection of a Principal Building measured at right angles to the Front Lot Line, but specifically excludes those features listed as Siting Exceptions in Section 16.

**"Frontage"** means that length of a Parcel boundary which immediately joins a Highway other than a lane or walkway. On a Parcel where more than one of the Parcel boundaries adjoins a Highway, the shortest Parcel boundary shall be considered its Frontage.

**"Gaming Activity"** means any game played on any mechanical or electronic device or machine for money, or anything of value, but excludes the purchase and sale of lottery tickets and electronic bingo in licensed bingo facilities.

**"Garage"** means an Accessory Building or a portion of a Principal Building used primarily for the parking or temporary storage of vehicles owned by residents of the Parcel.

**"Gas Bar"** means any Building or Structure used or intended to be used for the retail sale of motor fuels and lubricants and excludes vehicle servicing.

**"Grade"** means the average of the existing ground (as determined by a BC Land Surveyor) of those points of a polygon having the shortest perimeter that will encompass the outermost walls of a building or structure, provided that localized depressions such as vehicle or pedestrian entrances need not be considered in the determination of the average of existing ground. **[Amendment, 2018, Bylaw No. 2938]**

**"Group Children's Day Care Centre"** means a facility providing for the care of children and licensed under the *Community Care and Assisted Living Act*.

**"Guard"** means a protective barrier around openings in floors, or at the open side of stairs, landings, balconies, mezzanines, galleries, or raised walkways to prevent accidental falls from one level to another.

**"Habitable Areas"** means Floor Area as calculated in accordance with Section 14.

**"Height"** means the vertical distance of a Building or Structure measured from Grade to a defined point on a Building or Structure in accordance with Section 15.

**"High Water Mark"** means the Lot Line established by a British Columbia Land Surveyor on a legal survey plan between land and any body of water.

**"Highway"** includes a street, road, lane, bridge, viaduct, and any other way open to the use of the public, but does not include a private right of way on private property.

**"Home Occupation"** means any occupation or profession carried on by a resident of a Parcel on that Parcel, the nature of which is clearly incidental to the Use of the Dwelling Unit for residential purposes.

**"Hotel"** means a Building in which more than six sleeping units of accommodation without private cooking facilities are provided for transient lodgers. It may have a public dining room, café, banquet rooms, convention facilities, or licensed liquor



facilities subject to the *Liquor Control and Licensing Act*.

**"Landscaping"** means:

- (1) the planting and maintenance of trees, shrubs, gardens, and lawns,
- (2) walking paths and patios,
- (3) a wooden surface (deck) less than 0.4 metres vertical distance above the existing ground at any point,
- (4) Fences permitted within a Zone,
- (5) Retaining Walls less than 1.2 metres in Height,
- (6) Pergolas, Arbours and Trellis less than 10 square metres in area and with a height less than 2.5 metres; and
- (7) children's play structures, including playhouses and tree forts, less than 4.0 square metres in area where the height to the mid-point of the roof is less than 1.8 metres above existing ground.

and specifically excluding driveways and parking areas of concrete, asphalt or a similar paving material. **[Amendment, 2018, Bylaw No. 2938]**

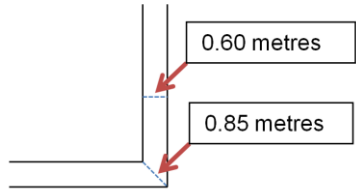
**"Lane"** means a Highway more than 3 metres but not greater than 8 metres in width, intended to provide secondary access to a Parcel.

**"Liquor Store"** means a retail liquor store operated by the provincial government or by an agent appointed under the *Liquor Distribution Act* or a licensee retail store [commonly known as Cold Beer and Wine Stores].

**"Liveaboard"** means a boat that is primarily intended for or usable in navigation and is used as a Dwelling Unit.

**"Lot Coverage"** means the percentage of the Area of a Parcel that is covered by all Buildings and Structures and specifically excludes: **[Amendment, 2018, Bylaw No. 2938]**

- (1) Landscaping and parking areas,
- (2) the portion of swimming pools, hot tubs, exterior stairs and window wells that are at or below existing ground,
- (3) that portion of exterior stairs less than 0.4 metres vertical distance above the existing ground at any point, and
- (4) building gutters, sills, sunlight control projections, eaves and canopies that extend no more than 0.60 metres from the building's exterior wall and no more than 0.85 metres at the building corners (generally as shown on the following diagram).

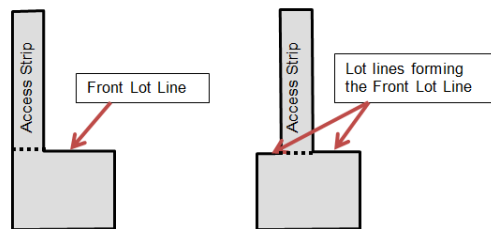


"**Lot Line**" means the boundary of a Parcel or a Water Lot designated on a legal survey plan.

"**Lot Line, Exterior Side**" means a Lot Line(s) that is not a Front Lot Line or the Rear Lot Line and is common to the Parcel and, a Highway or Access Route.

"**Lot Line, Front**" means the Lot Line(s) common to the Parcel and an abutting Highway or Access Route, but: **[Amendment, 2018, Bylaw No. 2938]**

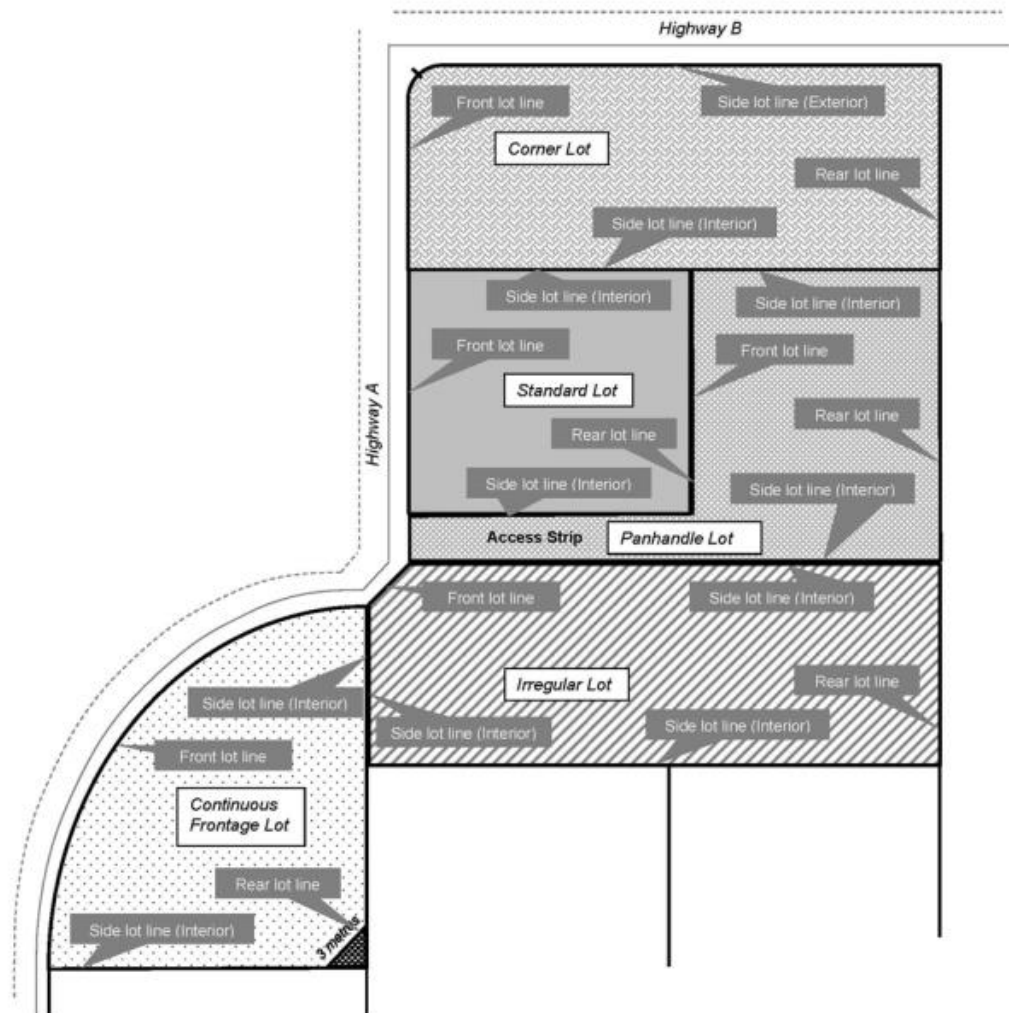
- (1) Where a Parcel has Lot Lines abutting two or more Highways, or Access Routes, the Lot Line (or combined Lot Lines abutting one Highway) having the shorter length abutting a Highway or Access Route is the Front Lot Line;
- (2) Where a Parcel is a Panhandle Lot, the Front Lot Line means the Lot Line(s) adjoining and approximately perpendicular to the Access Strip, excluding any lot line in the Access Strip (generally as shown on the following diagrams).



"**Lot Line, Interior Side**" means a Lot Line(s), not being a Front or Rear Lot Line, common to more than one Parcel, or a Parcel and a body of water.

"**Lot Line, Rear**" means the Lot Line opposite to and most distant from the Front Lot Line(s) or, in the case of triangle shaped Parcel, a line 3 metres in length entirely within the Parcel, parallel to and at a maximum distance from the Front Lot Line.

## Lot Lines



### **“Medical Marijuana Production Facility”** ***Deleted [Amendment, 2019, Bylaw No. 2984]***

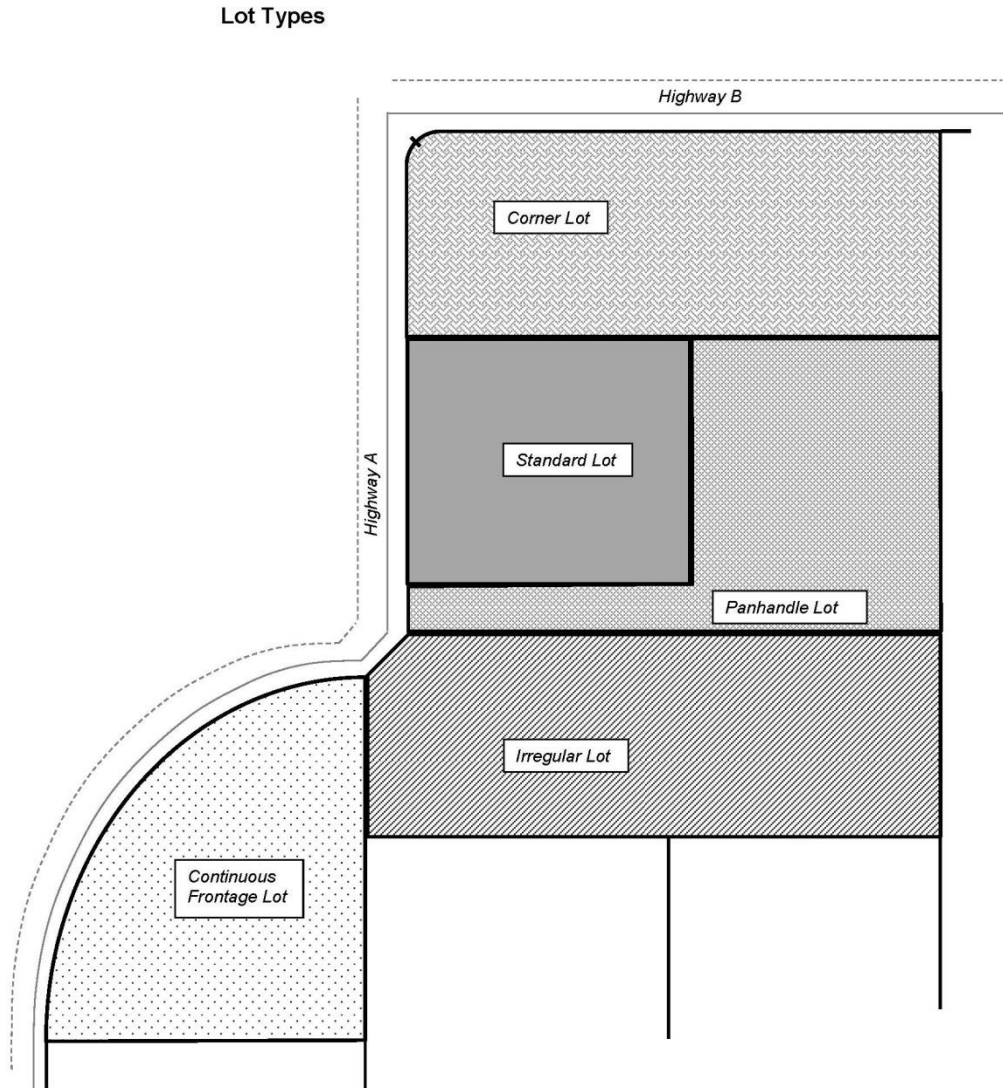
**"Mixed Commercial/Residential"** means a Building which contains at least one Commercial Use or Institutional Use (or both), and at least one Dwelling Unit which is occupied or intended to be occupied as the Permanent Residence by one Family.

**"Mobile Home"** means a Dwelling Unit built in one or more units to be occupied in a place other than that of its manufacture and meeting Canadian Standards Association Standard Z240, equipped with a toilet, bathtub or shower, waste from which is disposed directly into a Municipal sewage collection system.

**"Motel"** means the commercial provision of temporary accommodation in which each sleeping unit has its own exterior access.

**"Natural Boundary"** means the visible High Water Mark of any river, creek or other body of water as established by a British Columbia Land Surveyor.

**"Panhandle Lot"** means a Parcel with an access strip and a Frontage of less than 10% of its perimeter.



**"Parcel"** means any lot, block or other area in which land is held or into which it is subdivided, but does not include a Highway or Access Route. **[Amendment, 2018, Bylaw No. 2938]**

**"Parcel Size"** means the total horizontal Area within the Lot Line boundaries of a Parcel.

**"Park"** means an area of natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats.

**"Permanent Residence"** means premises used by individuals for daily eating, sleeping and living needs, occupied on an ongoing basis.

**"Personal Service Establishment"** means a Building or part of a Building wherein personal service is provided and includes the sale of articles accessory to the provision of such service.

**"Principal Building"** means a Building or Structure accommodating the Principal Use of a Parcel.

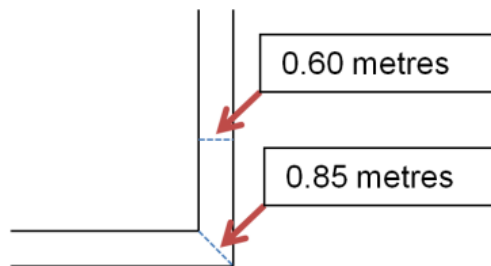
**"Principal Use"** means the main purpose for which land, Buildings or Structures are ordinarily used.

**"Private Hospital"** has the meaning assigned to it in the *Hospital Act*.

**"Private Open Space"** means a useable open space area exclusive of required front yard and side yard building setbacks and parking areas which is developed for the recreational use of the residents of a dwelling unit, and may include balconies, indoor common amenity space, patios, decks and level landscaped recreation areas.

**"Rear Yard Coverage"** means the percentage of the Area of a Rear Yard that is occupied by a building or structure and specifically excludes the following:

- (1) Landscaping and parking areas,
- (2) the portion of swimming pools, hot tubs, exterior stairs and window wells that are at or below existing ground,
- (3) that portion of exterior stairs less than 0.4 metres vertical distance above the existing ground at any point, and
- (4) building gutters, sills, sunlight control projections, eaves and canopies that extend no more than 0.60 metres from the building's exterior wall and no more than 0.85 metres at the building corners (generally as shown on the following diagram).



**"Recovery Home"** means the use of a dwelling unit, not designated to be a community care facility pursuant to the *Community Care and Assisted Living Act* and its regulations, to provide a supportive and structured environment, for no more than 6 residents experiencing the immediate post-acute phase of recovery from drug and alcohol dependency or addiction as a transition into independent living.

**"Recreational Vehicle"** means any vehicle, trailer, coach, or portable structure designed to travel or be transported on highways and designed as temporary

accommodation for recreational and travel use, but specifically excludes a Mobile Home. **[Amendment Bylaw, 2022, No. 3048]**

**“Recreational Vehicle Pad”** means an area within a Recreational Vehicle Park used for one Recreational Vehicle. **[Amendment Bylaw, 2022, No. 3048]**

**“Recreational Vehicle Park”** means Use providing for the temporary accommodation of the travelling public in Recreational Vehicles; and may include as an Accessory Use only, the provision of laundry facilities, shower facilities, washroom facilities, meeting rooms, an office, retail sales, and a restaurant. **[Amendment Bylaw, 2022, No. 3048]**

**"Restaurant"** means an eating establishment where food is sold to the public for immediate consumption within the premises, or for removal from the premises, but where no provision is made for the consuming of food in motor vehicles on the site.

**"Restaurant, Drive-in"** means an eating establishment with facilities for serving customers in motor vehicles on the site of the Restaurant.

**"Rest Home"** means a boarding home or other institution where food or lodging, together with care or attention are furnished, with or without charge, for two or more persons who, on account of age, infirmity, physical or mental defect, or other disability, require attention or care, excepting a home maintained by a person to whom the residents are related by blood or marriage.

**"Retaining Wall"** means a structure constructed to hold back or stabilize material (usually soil), not forming part of a building. **[Amendment, 2018, Bylaw No. 2938]**

**"Screening"** means visual barrier formed by a row of shrubs or trees or by a wooden fence or a masonry wall or by a combination thereof.

**"Sea"** means any Area of salt water within the boundaries of the Corporation of the Township of Esquimalt.

**"Secondary Suite"** " means a secondary Dwelling Unit which is occupied or intended to be occupied as the Permanent Residence by one Family, contained within and subordinate to a principal Dwelling Unit. **[Amendment, 2022, Bylaw No. 3074]**

**"Setback"** means the required minimum distance between a Building, Structure, or Use and each of the respective Lot Lines.

**"Service Station"** means any Building or land Used or intended to be used for the retail sale of motor fuels and lubricants, the minor servicing, maintenance or mechanical repair of licensed motor vehicles, and may include the sale of automobile accessories, and a car wash.

**"Sewage Pumping Facility"** means a combination of electrical and mechanical equipment, primarily within one or more buildings that includes odour control for the facility, that establishes a hydraulic head on raw sewage.

**"Sewage Screening Facility"** means the equipment necessary to remove and dispose of objects from raw sewage, including grit as well as objects that would otherwise float when discharged to the Sea.

**“Single Family Residence”** means a detached building containing one Dwelling

Unit intended for the use of one Family.

**“Store, Cannabis Sales”** means the use of lands, building or a structure for the retail sale of Cannabis by a person, including a corporation or other form of business, who holds a valid and sustaining provincial licence to sell Cannabis through the retail market under the *Cannabis Control and Licensing Act* (British Columbia). **[Amendment, 2019, Bylaw No. 2984]**

**“Store, Retail”** means the retail sales of goods and services, and may include temporary outdoor storage and display but does not include Cannabis Sales Store or Liquor Store.

**“Storey”** means that portion of a Building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**“Storey, First”** means the uppermost Storey having its floor level not more than 2 metres above grade.

**“Street”** means a Highway greater than 8.0 metres in width.

**“Structure”** means any material or combination of materials that is erected or constructed that is attached to, supported by or sunk into land or water (including hot tubs and swimming pools); but does not include Landscaping or driveways.

**“Tourist Accommodation”** means Use providing for the accommodation of the travelling public in individual Dwelling Units or sleeping units; may include within the Principal Building dining rooms, meeting rooms and retail sales.

**“Theatre”** means a Building, Structure, or part thereof intended for the production and viewing of the performing arts or the screening and viewing of motion pictures but excludes Adult Theatre.

**“Urban Hen”** means a domesticated female chicken or duck that is at least 4 months old.

**“Usable Open Space”** means a compact, level unobstructed area available for safe and convenient Use by all the Building's occupants, having no dimension less than 6.0 metres and no slope greater than 10%, providing for greenery, recreational space and leisure activities normally carried on outdoors. Usable Open Space shall exclude areas used for off street parking, off street loading, service driveways and required Front Yards, and roof Areas unless otherwise permitted in this Bylaw.

**“Use”** means the purpose for which any Parcel, water surface, Building or Structure is designed, arranged or intended, occupied or maintained.

**“Vessel”** means the same meaning as the Navigation Protection Act R.S.C., 1985, c. N-22. **[Amendment, 2018, Bylaw No. 2938]**

**“Video Store”** means a Building, or portion of a Building, where motion pictures are available for distribution, sale or rental.

**“Warehouse Sales”** means a Use of all or part of a Building where only furniture, carpets and floor coverings, curtains and drapery, light fixtures, plumbing fixtures and supplies, pictures, picture frames, mirrors and appliances are displayed and

offered for sale to the public.

**"Water Lot"** means an Area of land covered by water below the historical High Water Mark designated as a separate and distinct Parcel on a legal Water Lot lease issued by the Authority Having Jurisdiction.

**"Wholesaling and Wholesale Distribution"** means the Use of land, Buildings, or Structures by businesses engaged in selling merchandise for resale to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers buying merchandise for or selling merchandise to such businesses.

**"Yard"** means an open space within a Parcel which is unoccupied and unobstructed by Structures or Buildings, except as otherwise provided for in this Bylaw.

**"Yard, Front"** means that portion of the Parcel, extending across the full width of the Parcel from the Front Lot Line to the nearest projection of the Principal Building (but specifically excludes those features listed as Siting Exceptions in Section 16) and measured at right angles to the Front Lot Line.





Exceptions in Section 16) and measured at right angles to the Exterior Side Lot Line(s).

**"Zone"** means a Zone established under the *Local Government Act* by this Bylaw.

## **PART 2 - APPLICATION, COMPLIANCE, AND SEVERABILITY**

### **1. APPLICATION**

This Bylaw shall apply to all land, the surface of water, Buildings, and Structures within the boundaries of the Corporation of the Township of Esquimalt subject to the provisions of other Provincial and Federal statutes.

### **2. COMPLIANCE**

Subject to the provisions of the *Local Government Act* respecting non-conforming Uses, no Building, Structure or land, including the surface of water, shall be used or occupied, and no Building or Structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with this Bylaw.

### **3. SEVERABILITY**

Any section, subsection, sentence, clause or phrase of this Bylaw which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of this Bylaw.

## **PART 3 - ADMINISTRATION AND ENFORCEMENT**

### **6. ADMINISTRATION**

- (1) The Director of Development Services, Senior Planner, Planner, Director of Community Safety Services, Bylaw Management Officer, Director of Parks and Recreation Services and Director of Engineering and Public Works, and other persons appointed by Council for the purpose, are authorized to administer this Bylaw.
- (2) Persons appointed under Section 6(1) may enter any property subject to this Bylaw at all reasonable times for the purpose of ascertaining whether this Bylaw is being observed.

### **7. VIOLATION**

- (1) No person shall contravene this Bylaw or suffer or permit any act or thing in contravention of this Bylaw.
- (2) No person shall prevent or obstruct any official appointed under Section 6(1) from the carrying out of their powers and duties under this Bylaw.

### **8. PENALTY**

- (1) Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, is punishable in accordance with the *Offence Act*, and shall be liable to the penalties hereby imposed.
- (2) Any person who violates any of the provisions of this Bylaw shall upon summary conviction thereof be liable to a penalty of not more than ten thousand dollars.
- (3) Each day that violation of this Bylaw is caused to continue, constitutes a separate offence.

### **9. UNIT OF MEASURE**

All units of measure contained within this Bylaw are Metric (SI) Standards.

### **10. HEADINGS**

Section headings, including the statements of intent contained in Part 5 do not form part of this Bylaw. They are included for convenience only and shall not be used in interpreting this Bylaw. This section does not apply to "Lot Coverage" and "Rear Yard Coverage" headings.

## **PART 4 - GENERAL REGULATIONS**

### **11. PERMITTED USES**

- (1) No land, the surface of water, Buildings or Structures in any Zone shall be used by the owner, occupier or any other person for any Use except as specifically permitted for the Zone in which they are located.
- (2) No Accessory Building, Garage, or any portion of a parcel shall be used for repairing or servicing of vehicles, other than minor repairs and maintenance of vehicles owned by the primary residents of the Parcel. For greater certainty no commercial vehicle repair equipment or facilities shall be located in an Accessory Building, Garage or on any portion of a parcel zoned for residential use.
- (3) Notwithstanding Section 11(1), land in the RD Zones may be used for Single Family Residential Use, land in the RM Zones may be used for Single Family and Two Family residential Use and land in the RM-4 and RM-5 Zones may be used for Single Family, Two Family and Townhouse Residential Use, subject to the following conditions:
  - (a) only one type of residential Use shall be developed on a Parcel;
  - (b) a Building developed for a Use which is not permitted except pursuant to this section shall be developed in accordance with the density, siting, size and dimension regulations in the lowest numbered Zone in which that Use is permitted;
  - (c) Parcels zoned RS-4 and RS-4A shall be used only for Uses permitted in Section 36.1(1) and 37(1) and no Bed and Breakfast residential Uses are permitted in any other Zone; and
  - (d) Where the parcel is at least 530.0 square metres in area, and is developed solely for Single Family Residential use, one Secondary Suite may be permitted in the Single Family Dwelling, if in full compliance with this bylaw. For greater certainty, this provision does not prevent a Secondary Suite on parcels less than 530.0 square meters if expressly permitted by the Zone in which the parcel is located, or where a parcel size variance has been granted.
- (4) The following Uses shall be permitted in all zones:
  - (a) Temporary "laydown site" Use of lands for any combination of temporary structures, storage of construction materials, equipment parking, and the mobilization of equipment all directly related to a public Highway construction or public infrastructure projects; provided:
    - (i) there is only one such "laydown site" per project; and,
    - (ii) the "laydown site" ceases and is restored to its previous state or improved Landscaped condition within fourteen [14] days of substantial completion of the project or within sixty [60] days of first establishment of the "laydown site", whichever occurs first.

- (b) Park.
- (5) Notwithstanding any other provision in this bylaw, the retail sale of Cannabis is prohibited in all zones and public road ways, unless the location is specifically rezoned to allow a Cannabis Sales Store, or where the sale is by a licensed Pharmacist, for medical purposes, to a person with a medical prescription for Cannabis.
  - (6) Notwithstanding any other provision in this bylaw, Cannabis Lounges, and similar facilities are prohibited in all zones.
  - (7) Notwithstanding any other provision in this bylaw, Cannabis Production and Cannabis Distribution are prohibited except:
    - (a) Cannabis Production and Cannabis Distribution on lands within the British Columbia Agricultural Land Reserve, but only in the manner and to the extent that Cannabis Production and Cannabis Distribution are permitted as farm uses pursuant to *the Agricultural Land Commission Act*, and regulations thereunder.
    - (b) on lands specifically rezoned to permit Cannabis Production and Cannabis Distribution under the authority of one or more Health Canada issued licences, subject however to such production being in a building that is:
      - (i) Setback a minimum of 10 metres from all property lines;
      - (ii) located more than 50 metres from any building that contains a residential use; and
      - (iii) located more than 250 metres from schools, daycares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.
    - (c) Cannabis Production by a person authorized to do so under Part 14 of the Cannabis Regulations SOR/2018-144 "Access to Cannabis for Medical Purposes", subject to such production being in a building that is:
      - (i) located in the Rear yard and Setback a minimum of 5 metres from all property lines; and
      - (ii) located more than 250 metres from school, day cares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.
    - (d) Cannabis Production by an individual within a Dwelling Unit up to a maximum of four (4) Cannabis Plants per Dwelling Unit.  
***[Amendment, 2019, Bylaw No. 2984]***

**12. NUMBER OF PRINCIPAL BUILDINGS**

Not more than one (1) Principal Building shall be located on any Parcel zoned Single Family or Two Family Residential.

**13. HOME OCCUPATIONS**

A Home Occupation is permitted provided:

- 1) There is only one Home Occupation that typically involves the presence of more than one (1) customer or client on the premises at any one time permitted in a Dwelling Unit, subject however to a maximum of two (2) Home Occupations per Dwelling Unit, irrespective of clientele;
- 2) the Home Occupation, including any accessory storage of goods or materials, shall be operated and contained completely within the Dwelling Unit or Accessory Buildings;
- 3) the Home Occupation shall not occupy more than 15% of the Gross Floor Area of the Dwelling Unit, and in any event shall not exceed 46 square metres;
- 4) there is no evidence of the Home Occupation Use, including no exterior storage or operation of the Home Occupation, except a sign identifying the Home Occupation which shall comply with the Corporation of the Township of Esquimalt Sign Bylaw;
- 5) the Home Occupation Use is conducted only by a resident of the Dwelling Unit;
- 6) no person other than a member of the immediate Family occupying the Dwelling Unit is employed by the operator of the Home Occupation Use within the Dwelling Unit;
- 7) no discharge or emission of odorous, toxic or noxious matter of vapours, heat, glare, noise, electrical interference, radiation or recurring ground vibration occurs;
- 8) the Home Occupation does not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighbourhood within which it is located;
- 9) no automobile, vehicle, boat, bicycle, machinery, heavy equipment, or major appliance servicing or repair is permitted;
- 10) the Home Occupation shall comply with all other applicable bylaws, including but not limited to Business Licence, Noise, Parking and Streets and Traffic;
- 11) no Body Painting Establishment, Body Rub Parlour, Dating Service and/or Escort Service is permitted;
- 12) any Home Occupation that typically involves the presence of more than one (1) customer or client on the premises at any one time is not permitted within a Detached Accessory Dwelling Unit or a Secondary Suite.

**14. CALCULATION OF FLOOR AREA AND FLOOR AREA RATIO  
[Amendment 2018, Bylaw No. 2938] [Amendment 2023, Bylaw No. 3112]**

- (1) The following shall not be included as Floor Area for the purposes of computing Floor Area Ratio:
  - (a) balconies,
  - (b) open decks and sun decks,

- (c) unenclosed porches and verandas,
- (d) chimneys forming part of an exterior wall,
- (e) projecting bay windows where the bottom of the window is located a minimum 0.3 metres above the floor, and no area of the bay window in plan exceeds 1.0 square metre,
- (f) Accessory Buildings,
- (g) all portions of a Building used or intended to be used for the parking or temporary storage of vehicles,
- (h) Notwithstanding subsection (f) and (g) the area used and maintained as a Garage, in a Principal Building, equal to or less than:
  - (i) 45 square metres in a Single-Family Dwelling;
  - (ii) 40 square metres in a Two-Family Dwelling;
  - (iii) 40 square metres per Dwelling Unit in a Townhouse Dwelling;
 (*For certainty, the area of Garages exceeding the above amounts must be included*),
- (i) stairs and stairwells,
- (j) areas that have no surface on which to stand and are open to below,
- (k) any portion of a penthouse containing elevator or ventilating machinery,
- (l) any portion of a Building where the ceiling height is less than 1.2 metres above the floor; and
- (m) any Basement, ground floor, or portion thereof, within a Single Family, Two Family, or Townhouse Dwelling where the ceiling is less than 1.2 metres above the natural ground level at any point.

(2) In addition, the following shall not be included as Floor Area in Multiple Family Dwellings, Mixed Commercial/ Residential Buildings, Mixed Institutional/ Residential Buildings and Mixed Commercial/ Institutional Buildings:

- (a) the floor of any and all portions of the Building intended to be used by all occupants of the building, including but not limited to the following:
  - (i) mezzanines,
  - (ii) corridors and hallways,
  - (iii) foyers;
  - (iv) elevator shafts; and
  - (v) secure bicycle storage facilities (bike lockers) not located within a Dwelling Unit.
- (b) the floor area of the following portions of the Building where the floor of the portion of the Building is a minimum of 1.8 m below finished grade:
  - (i) mechanical, electrical (including substations), water, communications, and similar utilities and service rooms;
  - (ii) change rooms with bathroom and shower facilities;
  - (iii) storage rooms;
  - (iv) generator rooms;
  - (v) areas of low clearance;
  - (vi) maintenance, janitorial, and similar rooms;
  - (vii) workshops and similar rooms;
  - (viii) ventilation equipment including ventilation shafts; and
  - (ix) cisterns, attenuation tanks, and similar structures.



## 15. HEIGHT CALCULATIONS

- (1) For Buildings and Structures with a flat roof, those with a pitch less than 3:12, those with a pitch greater than 12:12, and including a mansard roof or domed (curved or barrel) roof, height is measured from Grade to the highest point.
- (2) For Buildings and Structures with a gable, hip, gambrel, or a sloping roof with a pitch greater than or equal to 3:12 and less than 12:12, height is measured from Grade to the midpoint between the eaves and highest ridge. **[Amendment, 2018, Bylaw No. 2938]**
- (3) For all other Buildings, and for Structures without a roof, height will be measured to the highest point of the structure.
- (4) The following Structures may exceed the maximum heights provided elsewhere in this bylaw, provided they conform to all the provisions of Section 15: parapets, guards for roof top patios, church spires, chimneys, masts, satellite dishes, aerials, fluid storage tanks, monuments, transmission towers, elevator shafts, roof stairwell entrances, solar panels, ventilation machinery, and flagpoles for federal, provincial and municipal flags. However,
  - (a) If projecting from a Building or Structure, all such Structures (except solar panels) must occupy less than 7% of the area of the roof;
  - (b) Elevator shafts and roof stairwell entrances for direct access to rooftop common areas shall not project more than 4.0 metres above the highest point of a roof;
  - (c) Chimneys, satellite dishes, transmission towers, fluid storage tanks, ventilation machinery, and ventilation machinery screening shall not project more than 1.5 metres above the highest point of the roof;
  - (d) Parapets shall not project more than 1.0 metre above the roof surface;
  - (e) Guards for rooftop patios:
    - (i) shall not project more than 1.2 metres above the roof surface or as required by the BC Building Code; and
    - (ii) shall step back a minimum of 1.5 metres from the building edge.**[Amendment, 2018, Bylaw No. 2938]**

## 16. SITING EXCEPTIONS

- (1) The required Setback may be reduced by not more than 0.6 metres only for the following features if projecting beyond the face of a Building:
  - (a) chimneys,
  - (b) gutters, sills, and eaves,
  - (c) sunlight control projections and canopies,
  - (d) bay windows having no Floor Area, where the bottom of the window is located a minimum 0.3 metres above the floor, and no area of the

bay window in plan exceeds 1.0 square metre,

- (e) ornamental features, and
- (f) that portion of exterior stairs less than 0.4 metres vertical distance above the existing ground at any point. **[Amendment, 2018, Bylaw No. 2938]**

(2) The required Setback may be reduced by not more than 0.9 metres (plus the width of their supporting walls that are below ground level) only for the following features if projecting beyond the face of a Building:

- (a) below existing ground stairs, and
- (b) below existing ground window wells.  
**[Amendment, 2018, Bylaw No. 2938]**

(3) Accessibility ramps authorized by a Building Permit, and located a minimum of 1.0 metre from all Lot Lines, shall be exempt from the regulations under the "Lot Coverage" and "Siting Requirements" headings of the applicable Zone.

17. ***[This section deleted by Amendment, 2016, Bylaw No. 2861]***

18. **NON-CONFORMING USES**

The lawful Use of any land, Building or Structure existing at the time of the adoption of this Bylaw may be continued subject to the provisions of the *Local Government Act*, although such Use does not conform with the provisions of this Bylaw.

19. **NON-CONFORMING SITING, DIMENSIONS, PARKING**

Where a Building or Structure's siting, size, dimensions, parking or loading does not meet the requirements of a Zoning Bylaw adopted after they were constructed, the Buildings or Structures may be repaired, extended or altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the Bylaw beyond the contravention that existed prior to the time the repair, extension or alteration were commenced.

20. **NON-CONFORMING PARCEL SIZE**

Where a Parcel of land shown on a plan duly registered in the Land Title Office prior to the effective date of this Bylaw does not contain the minimum Parcel Size Area required in the Zone in which the Lot is located, the Parcel may be used subject to all other requirements of the Zone being met.

21. **ACCESSORY BUILDINGS AND USES**

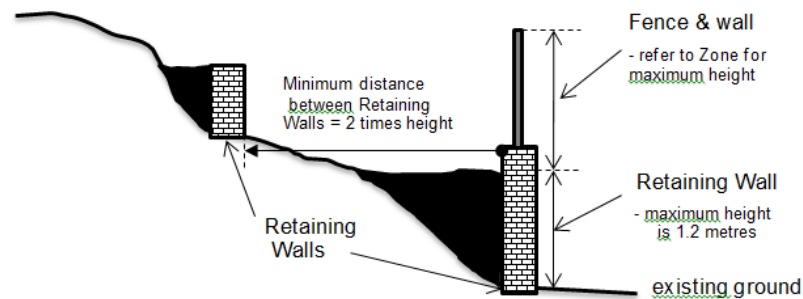
- (1) No Accessory Building or Structure shall be erected on any Parcel unless the Principal Building to which the Accessory Building is an incidental Use has been erected or is being erected simultaneously with the Accessory Building.
- (2) Where an Accessory Building is attached to the Principal Building, it is considered a part of the Principal Building and shall comply in all respects

with the requirements of the Bylaw applicable to the Principal Building.

**22. FENCES and RETAINING WALLS**  
**[Amendment, 2018, Bylaw No. 2938]**

- (1) Retaining Walls shall not exceed a height of 1.2 metres above the existing ground measured from the low side of the Retaining Wall, to the highest point of the Retaining Wall.
- (2) Retaining Walls must be spaced at a minimum of 1:2 height to horizontal separation ratio of the Retaining Wall having the greater height.

**Retaining walls**



- (3) Where a Parcel has an Exterior Side Lot Line, no Fence shall exceed a Height of 1.2 metres, within the Front Yard and the Exterior Side Yard.
- (4) On a Panhandle Lot no Fence in a Front Yard shall exceed a height of 2.0 metres, however, fencing along the Access Strip (or Access Route) shall be subject to the Fence height requirements of the properties abutting the Access Strip (or Access Route).
- (5) Barbed wire fencing or any other like material shall not be used.
- (6) Fences shall not be electrified.
- (7) Sections 34(10), 38(11), 40(11), 67.32(8) and 67.58(8) notwithstanding, where a residential parcel is located immediately adjacent to the E & N right of way, a Fence located immediately adjacent and parallel to that right of way may have a Height of no more that 2.0 metres above the Grade of the E & N right of way to ensure privacy for the residents.
- (8) Section 22(1) notwithstanding, where a residential parcel is located immediately adjacent to the north side of the E & N right of way, a Fence on top of a retaining wall located immediately adjacent and parallel to that right of way may have a Height of not more than 2 metres above the Grade of the E & N right of way to ensure privacy for the residents.

**23. SCREENING AND LANDSCAPING**

- (1) Where a Parcel is developed for a commercial, industrial, or institutional Use and where such a Parcel shares a property line(s) with a Parcel that is

Zoned for Residential Uses, Screening along such property line(s) of not less than 2 metres in Height shall be provided.

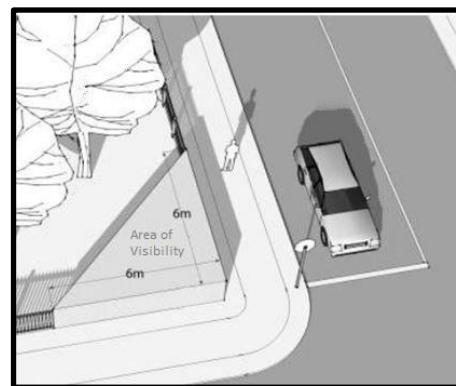
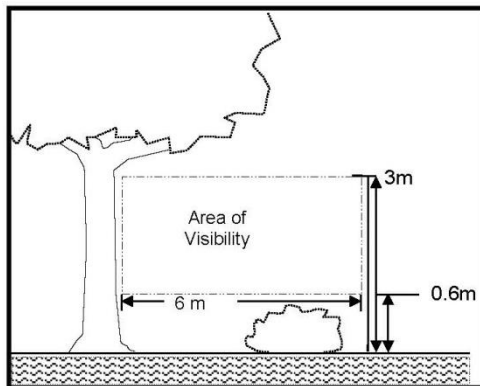
- (2) Where a Parcel is developed for a commercial, industrial, or institutional Use and where such a Parcel is separated by a lane from a Parcel that is Zoned for Residential Uses, Screening along the entire property line abutting the lane of not less than 1.2 metres in Height shall be provided.
- (3) Notwithstanding sub-section 23(2), Screening is not required for the points of ingress and egress and for a distance of 3 metres on either side of the points of ingress and egress.
- (4) Screening and Landscaping required by this Bylaw shall be maintained at all times by the owner of the Parcel on which it is required.
- (5) No garbage container exceeding 0.5 cubic metres in capacity shall be located so as to be visible from any Highway other than a lane.

#### **24. VISIBILITY AT INTERSECTIONS**

In the area bounded by the intersecting lot lines at the intersections of two or more Highways, and a line joining points along the lot lines 6.0 metres from their point of intersection:

- (1) No Structure or other visual obstruction shall be located within 0.6 metres to 3.0 metres above the crown of the abutting Highways; and
- (2) No Landscaping, Screening or other vegetation shall be maintained or allowed to grow so as to obstruct the zone of visual clearance between 0.6 metres and 3.0 metres above the crown of the abutting Highways;

all generally as shown on the following diagrams.



#### **25. DERELICT VEHICLES**

- (1) No owner, occupier or other person shall cause or permit the parking, storage or accumulation of one or more Derelict Vehicles on a Parcel, or parts of a Derelict Vehicle or of a wrecked, broken or dismantled trailer, boat or mechanical equipment; whether the vehicle is licensed or not.
- (2) Subsection (1) shall not apply where the Zone permits the principal use of Automobile, recreational vehicle and trailer repair, servicing and body shop, or repair shop, provided that Derelict Vehicle, trailer, boat or mechanical

equipment or their parts are stored in a manner so as not to be visible from a Highway, public place or any other Parcel.

- (3) Not more than one unlicensed vehicle shall be kept on any Parcel of land outside of a Building or Structure unless specifically permitted within a particular Zone. Unlicensed vehicles shall not be located within a Front Yard, Access Strip or Access Route.

**26. ACCESSORY RESIDENTIAL USE IN COMMERCIAL AND INDUSTRIAL ZONES**

- (1) An accessory residential Use within a commercial or industrial Zone shall:
  - (a) be contained in the same Building as the Principal Use;
  - (b) be located over or behind the Principal Use;
  - (c) have separate exterior entrances from the portion of the Building used for the Principal Use; and
  - (d) have a maximum Floor Area per Dwelling Unit of 60 square metres.
- (2) Only one accessory residential Dwelling Unit is permitted on a Parcel Zoned for commercial or industrial Uses and the unit shall be used only for the accommodation of the owner, operator or an employee of the establishment on the Parcel.

**27. TEMPORARY BUILDING**

Temporary Structures or Buildings for the purpose of providing temporary office space or shelter for a caretaker or storage of materials for any residential, commercial or industrial Building or Structure for which a required Building permit has been obtained, shall be permitted provided the temporary Structure or Building is removed within thirty (30) days of completion of the Principal Building.

**28. *[This section deleted by Amendment, 2016, Bylaw No. 2861]***

**29. BARE LAND STRATA LOTS**

- (1) This Bylaw applies to land subdivided by a bare land strata plan under the *Strata Property Act*.
- (2) Where a bare land strata lot does not front on a Highway, the boundary line between the bare land strata lot and an Access Route shall be deemed to be the Front Lot Line of that bare land strata Lot.

**30. AREA, SHAPE AND DIMENSION OF LOTS**

- (1) No subdivision shall be created in any Zone so that any Parcel created by the subdivision has an area or dimension less than that set out for the Zone in which it is located as specified by this Bylaw.
- (2) No Panhandle Lot shall be created in any Zone other than in the Single Family Panhandle Residential (RS-2) Zone or in a Comprehensive Development (CD) Zone.

### **30.1 GENERAL PROHIBITION**

- (1) No person shall Use any land, Building or Structure for any Gaming Activity.
- (2) The prohibition in Section 30.1(1) shall not apply to those lands zoned I-3 (Bulk Petroleum Storage). *[now called "McLoughlin Point Special Use"]*

### **30.2 VIDEO STORES**

Where a Video Store is a permitted Use and the retailer is the holder of a joint licence to carry both motion pictures and Adult Motion Pictures, Adult Motion Pictures may be sold or rented in the Video Store, subject to the following conditions:

- (1) The portion of the Video Store in which the Adult Motion Pictures are displayed:
  - (a) is partitioned from the general area of the Video Store, having limited access and being signed to the effect that no person under 18 is allowed inside;
  - (b) comprises not more than 10% of total floor space of the retail/rental portion (not including storage, offices or staff space) of the Video Store;
  - (c) contains not more than 10% of the total retail/rental supply of motion pictures in the Video Store;
  - (d) contains no equipment by which Adult Motion Pictures may be viewed;
- (2) There is no external signage or advertising indicating that Adult Motion Pictures are available for sale or rental.

### **30.3 BOARDING**

Boarding is permitted in the zoning districts where Single Family Residential or Two Family Residential are Permitted Uses, provided that:

- (1) The Building does not contain any Secondary Suite(s);
- (2) Not more than two rooms and not more than 25% of the Floor Area of the dwelling is used for such lodging;
- (3) Boarding only occurs in a Principal Building that contains only one kitchen;
- (4) No component of Boarding may occur in a Detached Accessory Dwelling Unit, Accessory Building or Garage; and
- (5) Boarding does not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the neighbourhood within which it is located.

### **30.4. URBAN HEN, DOG, CAT, RABBIT, RODENT, BIRD, AND BEE HOUSING**

- (1) In addition to this section, the keeping and care of Urban Hen(s), Dog(s),

Cat(s), Rabbit(s), Rodent(s), Bird(s) and Bees is governed by the Animal Management Bylaw, 2015, No. 2841, as amended from time to time.

- (2) The keeping and care of Urban Hen(s), Rabbit(s), Bird(s) and Bees and other livestock, fowl or similar animal that produce food, or may itself become food, whether for personal or commercial production, is considered an urban agricultural use accessory to residential dwellings only.
- (3) Any Building or Structure containing Urban Hen(s), Dog(s), Cat(s), Rabbit(s), Rodent(s), Bird(s) or Bees, whether portable or stationary, shall be located at least 1.5 metres from any Lot Line.
- (4) Additional Regulations for Urban Hens:
  - (a) Only one (1) Structure containing Urban Hen(s) is permitted on a parcel;
  - (b) Notwithstanding the restriction contained elsewhere in this Bylaw, on placing Accessory Buildings and Structures in front of the front face of a Principal Building, an Accessory Building or Structure used to house Urban Hen(s) may be located within the Front Yard, provided that it is fully and suitably screened by vegetation so as not to be visible from a Highway, public place or any other Parcel.
- (5) Additional Regulations for Bees:
  - (a) A maximum of three (3) beehives is permitted on a Parcel;
  - (b) Beehives must be placed so that flight paths do not cross publicly frequented areas; and shall have a vertical screen in front of the entrance to the hive measuring at least 1.8 metres high, located within 0.6 metres of the entrance to the hive.

### **30.5 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS**

In circumstances where a proposed commercial or industrial land use may be necessary or desirable but does not fit with the current zoning, Council may consider allowing such a use on a temporary basis for a period of two years.

Temporary Commercial and Industrial Use Permits may only be considered after appropriate notification as required by the *Local Government Act* has been given. If necessary, the temporary commercial or industrial use permit may be renewed for a second two year term, however, only one (1) renewal is permitted.

### **30.6 SECONDARY SUITES**

Secondary Suites, where expressly permitted, are subject to the following regulations:

- (1) Only one Secondary Suite shall be permitted in any Single Family Dwelling.
- (2) A Secondary Suite may not be located within a Multiple Family Residential building but may be located within a Two-Family Dwelling building where

specifically permitted by this bylaw. **[Amendment, 2022, Bylaw No. 3074].**

- (3) Secondary Suites are limited to a Floor Area not exceeding 90 square metres, or 40% of the total Floor Area of the Principal Building, whichever is less. The Floor Area of a Secondary Suite shall be measured from the interior face of the exterior walls of the suite.
- (4) A Secondary Suite is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, because the suite is an accessory and secondary use only and cannot satisfy the land use, density and other zoning regulations, nor the parcel size and other subdivision regulations, nor the provisions for singular control by the owner of the Single Family Dwelling or Two Family Dwelling, if separated from the Single Family Dwelling's or Two Family Dwelling's principal Dwelling Unit. **[Amendment, 2022, Bylaw No. 3074].**
- (5) **[Deleted in its entirety by Amendment, 2018, Bylaw No. 2938]**
- (6) For a Parcel with a Secondary Suite, Boarding is not permitted.
- (7) A Secondary Suite may not be located on any Parcel with a Detached Accessory Dwelling Unit.

### **30.7 DETACHED ACCESSORY DWELLING UNITS**

Detached Accessory Dwelling Units, where expressly permitted, are subject to the following regulations:

- (1) No Detached Accessory Dwelling Unit shall be erected on any Parcel unless the Single Family Dwelling to which the Detached Accessory Dwelling Unit relates has been erected or is being erected simultaneously with the Detached Accessory Dwelling Unit.
- (2) A Detached Accessory Dwelling Unit may not be located on any Parcel with a Secondary Suite.
- (3) Only one Detached Accessory Dwelling Unit shall be permitted on a Parcel.
- (4) Detached Accessory Dwelling Unit must not have a Basement or any habitable space below or above the First Storey.
- (5) Detached Accessory Dwelling Unit must not have separate services, but must share services with the Principal Building, the sufficiency of which must be confirmed at the time of construction (or upgraded accordingly). Services between Principal Building and a Detached Accessory Dwelling Unit must be underground.
- (6) Detached Accessory Dwelling Unit must be provided with a minimum of 20 square metres of open space at grade, that:
  - (a) is separate and distinct from that space available for the occupants of the principal dwelling;
  - (b) is developed for the exclusive outdoor recreational use of the resident(s) of a Detached Accessory Dwelling Unit;
  - (c) is immediately adjacent to and accessible from the Detached



- Accessory Dwelling Unit;
- (d) is defined and screened through the use of any combination of landscaping, plantings, fences, trellises or changes in grade;
  - (e) is distinct from the pathway from the Street
  - (f) is not usable as a vehicle parking space; and
  - (g) has no dimension less than 2.0 metres and no slope greater than 10%.
- (7) An Accessory Building built after the date of adoption of this bylaw cannot be converted to a Detached Accessory Dwelling Unit unless it fully complies with all the provisions of this Section and first obtains a development permit.
- (8) **Development Permits:** Detached Accessory Dwellings Units are subject to Development Permit requirements under Development Permit Areas No.1 Natural Environment, DPA No.3 Enhanced Design Control Residential, DPA No.7 Energy Conservation & Greenhouse Gas Reduction and DPA No.8 Water Conservation. For greater certainty, existing exemptions were contemplated before Detached Accessory Dwelling Units were created as a distinct land use, and therefore no exemptions apply for Detached Accessory Dwellings Units.
- (9) **Development Permit Design Guidelines:** The following guidelines apply to DADUs in the RS-5, RS-6 and RD-4 Zones, to supplement the guidelines identified in the Official Community Plan for Development Permit Areas No.1 Natural Environment, DPA No.3 Enhanced Design Control Residential, DPA No.7 Energy Conservation & Greenhouse Gas Reduction and DPA No.8 Water Conservation:
- (a) The entrance to the Detached Accessory Dwelling Unit shall be oriented to and visible from the street, well-lit and provide protection from the elements by either a projecting roof or by recessing the front door.
  - (b) On corner lots and laneways, the primary entry to the Detached Accessory Dwelling Unit should be oriented to the side street or laneway, rather than the front lot line. If this orientation is not possible, the entryway should face the interior of the lot rather than the exterior.
  - (c) A minimum 1.2 m wide, unobstructed pathway shall be provided to the front door of the Detached Accessory Dwelling Unit from the street; for certainty, this cannot also be a driveway.
  - (d) The Detached Accessory Dwelling Unit shall be provided with a garbage / recycling collection bin storage area onsite, screened from the view of pedestrians on the street.
  - (e) The Detached Accessory Dwelling Unit shall be provided with a bicycle storage area, onsite, screened from the view of pedestrians on the street.
  - (f) Windows oriented towards adjacent properties are discouraged, unless it can be demonstrated that overlook is mitigated by a design or natural feature.

- (g) Roof decks and balconies on the roof are not permitted.
- (h) Siting should respect mature trees both on-site and on adjacent properties by locating the Detached Accessory Dwelling Unit to minimize the impact on a tree's root system. A certified arborist report may be required as part of the application.
- (i) On sloping sites, the scale, mass and location of the Detached Accessory Dwelling Unit should adapt to the topography and natural features. The view from adjacent properties should be considered in the design of the Detached Accessory Dwelling Unit.
- (j) Hydro utility meters and mechanical systems should not be placed on the front façade of a building and, if placed in a manner which is visible from the street, will be appropriately screened by the owner in a manner consistent with BC Hydro requirements.
- (k) Exterior side yards on corner lots should be designed and treated as the main entrance to the Detached Accessory Dwelling Unit. Screening and landscaping between the street and outdoor space should be used to define the transition from public to private space.
- (l) Designs which incorporate as many of the green building features outlined on the Green Building Checklist as possible are encouraged.
- (m) Where dormers are used to provide interior room height, the exterior face of the dormer should be set back a minimum of 0.6 m from the exterior wall edge, and 1.2 metres from projecting roof eaves.

**30.8 DEVELOPMENT PERMIT EXEMPTIONS**  
***[Amendment 2023, Bylaw No. 3112]***

In addition to General Development Permit Exemptions noted in Section 17.3 of the Official Community Plan, a development permit is not required for:

- (1) All types of Subdivision (For greater certainty, buildings and land alterations associated with subdivision continue to require a development permit);
- (2) Except for development within 20 m of the Gorge Waterway high watermark, 10 m of the Strait of Juan de Fuca, or within the Hazardous Conditions Development Permit Area:
  - (a) Signage in all areas except DPA #11; and,
  - (b) Accessory Buildings that do not contain plumbing except for a single sink or single toilet or both.

## **PART 5 - ZONING DISTRICTS**

### **31. ZONE DESIGNATIONS**

For the purpose of this Bylaw, the Corporation of the Township of Esquimalt is classified and divided into the following Zones:

<u>Zone Title</u> <u>Designation</u>	<u>Short</u>
Single Family Residential	RS-1
Single Family Panhandle Residential	RS-2
Single Family Waterfront Residential	RS-3
Bed and Breakfast Residential	RS-4A
Single Family Bed and Breakfast Residential	RS-4
Single Family Large Lot Residential	RS-5
Single Family DADU Residential	RS-6
Two Family Residential	RD-1
Two Family Small Lot Residential	RD-2
Two Family Small Lot Residential Modified	RD-2X
Two Family/Single Family Residential	RD-3
Two Family DADU Residential	RD-4
Multiple Family Residential	RM-1
Multiple Family Residential	RM-2
Multiple Family Residential	RM-3
Multiple Family Residential	RM-4
Multiple Family Residential – Congregate Care	RM-4C
Multiple Family Residential – Congregate Care	RM-4CP
Multiple Family Residential	RM-5
Convenience Commercial	C-1
Neighbourhood Commercial	C-2
Core Commercial	C-3
Town Centre	T-C
Core Commercial Liquor	C-3A
Service Station Commercial	C-4
Tourist Commercial	C-5A
Licensed Liquor Establishment	C-6
Licensed Liquor Establishment – Professional Office	C-6A
West Bay Commercial	C-7
West Bay Commercial 2	C-7A
Light Industrial	I-1
Heavy Industrial	I-2
Bulk Petroleum Storage	I-3
Utility	I-4
Sewage Handling Facilities	I-5
Public/Institutional	P-1
Parks and Open Space	P-2
Golf Course	P-3
Community Care Facility	P-5
Marine (Land) Commercial	M-1

Marine Commercial	M-2
Marine Residential	M-3
Marine Navigation	M-4
Marine Small Dock	M-5

Comprehensive Development DADU Zones (Various)	RS-5, RS-6, RD-4
Comprehensive Development No. 1	<b>(Abandoned)</b>
Comprehensive Development No. 2	(1325 Esquimalt Road) CD No. 2
Comprehensive Development No. 3	(924 Ellery Street) CD No. 3
Comprehensive Development No. 4	<b>(Abandoned)</b>
Comprehensive Development No. 5	(1083 Tillicum Road) CD No. 5
Comprehensive Development No. 6	(1085 Tillicum Road) CD No. 6
Comprehensive Development No. 7	(Gorge Boat Moorage) CD No. 7
Comprehensive Development No. 8	(735 Admirals Road) CD No. 8
Comprehensive Development No. 9	(851 Wollaston Street) CD No. 9
Comprehensive Development No. 10	(434 Fraser Street) CD No. 10
Comprehensive Development No. 11	(649 Admirals Road) CD No. 11
Comprehensive Development No. 13	(572 Head Street) CD No. 13
Comprehensive Development No. 14	(445 Admirals Road) CD No. 14
Comprehensive Development No. 15	(1132 Craigflower Road) CD No. 15
Comprehensive Development No. 16	<b>(Abandoned)</b>
Comprehensive Development No. 17	(1129 Wychbury Avenue) CD No. 17
Comprehensive Development No. 18	(1179 Munro Avenue) CD No. 18
Comprehensive Development No. 19	(1116 Craigflower Road) CD No. 19
Comprehensive Development No. 20	<b>(Abandoned)</b>
Comprehensive Development No. 21	(1112 Craigflower Road) CD No. 21
Comprehensive Development No. 22	(612 Lampson Street) CD No. 22
Comprehensive Development No. 23	(1379 Esquimalt Road) CD No. 23
Comprehensive Development No. 24	(483 Constance Avenue) CD No. 24
Comprehensive Development No. 25	<b>(Abandoned)</b>
Comprehensive Development No. 26	(1011 Wychbury Avenue) CD No. 26
Comprehensive Development No. 27	(750/754 Lampson Street) CD No. 27
Comprehensive Development No. 28	(Gorge Vale Golf Course) CD No. 28
Comprehensive Development No. 29	<b>(Abandoned)</b>
Comprehensive Development No. 30	(1128 Wychbury Avenue) CD No. 30
Comprehensive Development No. 31	(819 Dunsmuir Road) CD No. 31
Comprehensive Development No. 32	(800 Colville Road) CD No. 32
Comprehensive Development No. 33	(506 Grafton Street) CD No. 33
Comprehensive Development No. 34	(489 Foster Street) CD No. 34
Comprehensive Development No. 35	(1137 Greenwood Avenue) CD No. 35
Comprehensive Development No. 36	(1180 Munro Street) CD No. 36
Comprehensive Development No. 37	(1128 Craigflower Road) CD No. 37
Comprehensive Development No. 38	<b>(Abandoned)</b>
Comprehensive Development No. 39	(960 Admirals Road) CD No. 39
Comprehensive Development No. 40	(484 Foster Street) CD No. 40
Comprehensive Development No. 41	(487 Foster Street) CD No. 41
Comprehensive Development No. 42	(1120 Wychbury Avenue) CD No. 42
Comprehensive Development No. 43	(824 MacLeod Avenue) CD No. 43
Comprehensive Development No. 44	(1169 Lyall Street) CD No. 44
Comprehensive Development No. 45	(812 Lampson Street) CD No. 45
Comprehensive Development No. 46	(1004 DeCosta Place) CD No. 46
Comprehensive Development No. 47	(876 Admirals Road) CD No. 47
Comprehensive Development No. 48	(1232 Lyall Street) CD No. 48
Comprehensive Development No. 49	(847 Dunsmuir Road) CD No. 49
Comprehensive Development No. 50	(1176 Colville Road) CD No. 50
Comprehensive Development No. 51	(939 Craigflower Road) CD No. 51

Comprehensive Development No. 52	(615/617 Drake Avenue)	CD No. 52
Comprehensive Development No. 53	<b>(Defeated)</b>	
Comprehensive Development No. 54	(930 Lyall Street)	CD No. 54
Comprehensive Development No. 55	(860 Selkirk Avenue)	CD No. 55
Comprehensive Development No. 56	(951 Admirals Road)	CD No. 56
Comprehensive Development No. 57	(1156-1180 Colville Road)	CD No. 57
Comprehensive Development No. 58	(625 Drake Avenue)	CD No. 58
Comprehensive Development No. 59	(1130 Wychbury Avenue)	CD No. 59
Comprehensive Development No. 60	(934 Lyall Street)	CD No. 60
Comprehensive Development No. 61	(659 Admirals Road)	CD No. 61
Comprehensive Development No. 62	(1303 Lyall Street)	CD No. 62
Comprehensive Development No. 63	<b>(Rescinded)</b>	
Comprehensive Development No. 64	(1105 Esquimalt Road)	CD No. 64
Comprehensive Development No. 65	(971 Wollaston Street)	CD No. 65
Comprehensive Development No. 66	(875 Phoenix Street)	CD No. 66
Comprehensive Development No. 67	(349 Lampson Street)	CD No. 67
Comprehensive Development No. 68	(934/936 Craigflower Road)	CD No. 68
Comprehensive Development No. 69	(924/928 Esquimalt Road)	CD No. 69
Comprehensive Development No. 70	(933 Colville Road)	CD No. 70
Comprehensive Development No. 71	(1187 Colville Road)	CD No. 71
Comprehensive Development No. 72	(847 Carrie Street)	CD No. 72
Comprehensive Development No. 73	(1120 Craigflower Road)	CD No. 73
Comprehensive Development No. 74	(617 Admirals Road)	CD No. 74
Comprehensive Development No. 75	(838 Admirals Road)	CD No. 75
Comprehensive Development No. 76	(1127 Wychbury Avenue)	CD No. 76
Comprehensive Development No. 77	(354 Lampson Street)	CD No. 77
Comprehensive Development No. 78	(363 Kinver Street Road)	CD No. 78
Comprehensive Development No. 79	(1141 Bewdley Avenue)	CD No. 79
Comprehensive Development No. 80	(856/858 Esquimalt Road)	CD No. 80
Comprehensive Development No. 81	(616 Lampson Street)	CD No. 81
Comprehensive Development No. 82	(622 Admirals Road)	CD No. 82
Comprehensive Development No. 83	<b>(Defeated)</b>	CD No. 83
Comprehensive Development No. 84	(429 Lampson Street)	CD No. 84
Comprehensive Development No. 85	(1108 Craigflower Road)	CD No. 85
Comprehensive Development No. 86	(in progress)	CD No. 86
Comprehensive Development No. 87	(448 Admirals Road)	CD No. 87
Comprehensive Development No. 88	(1030 Tillicum Road)	CD No. 88
Comprehensive Development No. 89	(1060 Tillicum Road)	CD No. 89
<del>Comprehensive Development No. 90</del>	<del>(825 Lampson Street)</del>	<del>CD No. 90</del>
<b>[Rescinded by Bylaw 2942]</b>		
Comprehensive Development No. 91	(622 Head Street)	CD No. 91
Comprehensive Development No. 93	(519 Foster Street)	CD No. 93
Comprehensive Development No. 94	(865 Kindersley Road)	CD No. 94
Comprehensive Development No. 95	<b>(Defeated)</b>	CD No. 95
Comprehensive Development No. 96	(826 Esquimalt Road)	CD No. 96
Comprehensive Development No. 97	(616 & 620 Lampson St)	CD No. 97
Comprehensive Development No. 98	(468 Head Street)	CD No. 98
Comprehensive Development No. 99	(Esquimalt Town Square)	CD No. 99
Comprehensive Development No. 100	(910 McNaughton Avenue)	CD No. 100
Comprehensive Development No. 101	(455 Nelson Street)	CD No. 101
Comprehensive Development No. 102	(101 Island Highway)	CD No. 102
Comprehensive Development No. 103	(460 Head Street)	CD No. 103
Comprehensive Development No. 104	(780 Dominion Road)	CD No. 104
Comprehensive Development No. 105	(615 Fernhill Road)	CD No. 105
Comprehensive Development No. 106	(1052 Tillicum Road)	CD No. 106
Comprehensive Development No. 107	(669 Constance Avenue)	CD No. 107
Comprehensive Development No. 108	(835 Dunsmuir Road)	CD No. 108

Comprehensive Development No. 109	(840 Admirals Road)	CD No. 109
Comprehensive Development No. 110	(638 Constance Avenue)	CD No. 110
Comprehensive Development No. 111	(1109 Lyall Street)	CD No. 111
Comprehensive Development No. 112	(939 Colville Road)	CD No. 112
Comprehensive Development No. 113	(471 Kinver Street)	CD No. 113
Comprehensive Development No. 114	(1198 Munro Street)	CD No. 114
Comprehensive Development No. 115	(916,920 Old Esquimalt R)	CD No. 115
Comprehensive Development No. 116	(636/ 640 Drake Avenue)	CD No. 116
Comprehensive Development No. 117	(821/823/825 Wollaston St)	CD No. 117
Comprehensive Development No. 118	(901 Selkirk Avenue)	CD No. 118
Comprehensive Development No. 119	(1158 Craigflower Road)	CD No. 119
Comprehensive Development No. 120	(899 Esquimalt Road)	CD No. 120
Comprehensive Development No. 121	(612 Constance Avenue)	CD No. 121
Comprehensive Development No. 122	(615 Bryden Court)	CD No. 122
Comprehensive Development No. 123	(689 Admirals Road)	CD No. 123
Comprehensive Development No. 125	(1314-1322 Esquimalt Rd)	CD No. 125
Comprehensive Development No. 126	(937 Colville Road)	CD No. 126
Comprehensive Development No. 127	(522-526 Admirals Road)	CD No. 127
Comprehensive Development No. 128	(1072 Colville Road)	CD No. 128
Comprehensive Development No. 129	(1076 Colville Road)	CD No. 129
Comprehensive Development No. 130	(874 Fleming Street)	CD No. 130
Comprehensive Development No. 131	(1100 Esquimalt Road)	CD No. 131
Comprehensive Development No. 132	(1048 Tillicum Road)	CD No. 132
Comprehensive Development No. 133	(842 Carrie Street)	CD No. 133
Comprehensive Development No. 134	(851 Lampson Street)	CD No. 134
Comprehensive Development No. 136	(819 Esquimalt Road)	CD No. 136
Comprehensive Development No. 137	(881 Craigflower Road)	CD No. 137
Comprehensive Development No. 138	(500 Park Place)	CD No. 138
Comprehensive Development No. 139	(1300 Saunders Street)	CD No. 139
Comprehensive Development No. 140	(1131 Wychbury Avenue)	CD No. 140
Comprehensive Development No. 141	(481 South Joffre Street)	CD No. 141
Comprehensive Development No. 142	(876 Dunsmuir Road)	CD No. 142
Comprehensive Development No. 145	(880 Fleming Street)	CD No. 145
Comprehensive Development No. 146	(820 Dunsmuir Road)	CD No. 146
Comprehensive Development No. 147	(1075 Tillicum Road)	CD No. 147
Comprehensive Development No. 148	(1253 Lyall Street)	CD No. 148
Comprehensive Development No. 149	(445 Head Street)	CD No. 149
Comprehensive Development No. 150	(604 Nelson Street)	CD No. 150
Comprehensive Development No. 151	(821 Selkirk Avenue)	CD No. 151
Comprehensive Development No. 152	(1221 Carlisle Avenue)	CD No. 152
Comprehensive Development No. 154	(485 South Joffre Street)	CD No. 154
Comprehensive Development No. 156	(904 Admirals Road)	CD No. 156
Comprehensive Development No. 157	(812 Craigflower Road)	CD No. 157
Comprehensive Development No. 160	(906 Old Esquimalt Road)	CD No. 160

**32. ZONING MAP**

The zoning designation of all land is shown on Schedule "A" Zoning Map, attached to and forming part of this Bylaw.

**33. ZONING BOUNDARIES**

All zoning boundaries follow legally defined Lot Line, municipal boundary lines or the centre line of a Highway.

## DIVISION 1 - RESIDENTIAL ZONES

### 34. SINGLE FAMILY RESIDENTIAL [RS-1]

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw
- (f) Group Children's Day Care Centre, located at Lot 16, Section 10, Esquimalt District, Plan 3060 [PID 001-543-547] [846 Phoenix Street]. ***[Amendment, 2018, Bylaw No. 2938]***

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 530.0 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 16 metres measured at the Front Building Line.

(4) **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.35.
- (b) Notwithstanding Section (4) (a) the Floor Area Ratio for the Group Children's Day Care Centre shall not exceed 0.50. ***[Amendment, 2018, Bylaw No. 2938]***

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(7) **Building Width**

The minimum width for any Single Family Dwelling shall be 7 metres.

(8) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined,

shall not cover more than 30% of the Area of a Parcel.

- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of Parcel.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Fencing**

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.

(11) **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 11(a) No parking space need be provided for a Group Children's Day Care Centre. ***[Amendment, 2018, Bylaw No. 2938]***



**35. SINGLE FAMILY PANHANDLE RESIDENTIAL [RS-2]**

The intent of this Zone is to accommodate Single Family Dwellings on Panhandle Lots.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6.
- (d) Boarding: subject to the requirements of Section 30.3.
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel size for Parcels created by subdivision shall be 650 square metres, excluding the Access Strip.

(3) **Parcel Shape**

All Parcels created by subdivision shall be Panhandle Lots.

(4) **Minimum Lot Width**

- (a) The minimum Frontage shall be 4.6 metres and Parcels in this zone shall be exempted from the statutory frontage requirement in Section 512 of the *Local Government Act*.
- (b) The minimum Width of Parcels created by subdivision shall be 18 metres, measured at the Front Building Line.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(6) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Building Width**

The minimum width for any Single Family Dwelling shall be 7 metres.

(9) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined

shall not cover more than 30% of the Area of a Parcel.

- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(10) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line. In the case where the Parcel abuts the sea, no Building shall be located within 12 metres of the High Water Mark.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line. In the case where a Parcel abuts the sea, no Accessory Building shall be located within 4.5 metres of the High Water Mark.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(11) **Fencing**

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.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**36. SINGLE FAMILY WATERFRONT RESIDENTIAL [RS-3]**

The intent of this Zone is to accommodate Single Family Dwellings on properties that abut the Sea.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 530 square metres.

(3) **Minimum Lot Width**

The minimum width of a Parcel created by subdivision shall be 16 metres, measured at the Front Building line.

(4) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(7) **Building Width**

The minimum width for any Single Family Dwelling shall be 7 metres.

(8) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.
- (iv) Waterfront Setback: No Principal Building shall be located within 7.5 metres of the High Water Mark. The Setback shall follow a line drawn parallel to the indentations and sinuosities of the High Water Mark.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Waterfront Setback: No Accessory Building shall be located within 4.5 metres of the High Water Mark. The Setback shall follow a line drawn parallel to the indentations and sinuosities of the High Water Mark.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 2 metres except that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres.

(11) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

### **36.1 BED AND BREAKFAST RESIDENTIAL [RS-4A]**

The intent of this Zone is to accommodate Bed and Breakfast in Single Family Dwellings on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Bed and Breakfast
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Number of Guests**

No more than six (6) transient guests shall be accommodated, not including children who share a room with an adult.

(3) **Number of Rooms**

No more than three (3) rooms shall be provided for Bed and Breakfast.

(4) **Duration of Rental**

No Bed and Breakfast room shall be rented to the members of one Family for a continuous period of more than two (2) weeks.

(5) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 530 square metres.

(6) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 16 metres, measured at the Front Building Line.

(7) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.46.

(8) **Floor Area**

The minimum Floor Area of the First Storey of a Principal Building shall be 88 square metres.

(9) **Building Height**

- (a) No Principal Building shall exceed a Height of 9.2 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(10) **Building Width**

The minimum width for any Single Family Bed and Breakfast Dwelling shall be 7 metres.

(11) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(12) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line nor within 3.6 metres of an Exterior Side Lot Line. The total setback of both Side Yards shall not be less than 4.5 metres.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of a Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres from an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(13) **Fencing**

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.

(14) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**37. SINGLE FAMILY BED AND BREAKFAST RESIDENTIAL [RS-4]**

The intent of this Zone is to accommodate Bed and Breakfast in Single Family Dwellings on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Bed and Breakfast
- (c) Boarding: subject to the requirements of Section 30.3.
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Number of Guests**

No more than six (6) transient guests shall be accommodated, not including children who share a room with an adult.

(3) **Number of Rooms**

No more than three (3) rooms shall be provided for Bed and Breakfast.

(4) **Duration of Rental**

No Bed and Breakfast room shall be rented to the members of one Family for a continuous period of more than two (2) weeks.

(5) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 530 square metres.

(6) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 16 metres, measured at the Front Building Line.

(7) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(8) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(9) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(10) **Building Width**

The minimum width for any Single Family Dwelling shall be 7 metres.

(11) **Lot Coverage**

(a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.

(b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(12) **Siting Requirements**

(a) **Principal Building**

(i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

(ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

(iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.

(ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.

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

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

(13) **Fencing**

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.

(14) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).



### 37.1 **SINGLE FAMILY LARGE LOT RESIDENTIAL [RS-5]**

The intent of this Zone is to accommodate Single Family Dwellings on large individual Parcels of land, with the option of one additional dwelling unit in the form of Detached Accessory Dwelling Unit or a Secondary Suite.

#### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw.
- (d) Boarding: subject to the requirements of Section 30.3 of this bylaw.
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (f) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.

#### (2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 930 square metres.

#### (3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 21.3 metres measured at the Front Building Line.

#### (4) **Base Density:**

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

#### (5) **Bonus Density:**

- (a) 2 buildings containing dwelling unit(s)
- (b) 2 Dwelling Units on the provision of all of the following conditions:
  - (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;

(ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:

(1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.

(2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(6) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(7) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(8) **Building Height**

(a) No Principal Building shall exceed a Height of 7.3 metres.

(b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser.

(c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.

(d) No Accessory Building shall exceed a Height of 3.6 metres.

(9) **Lot Coverage and Rear Yard Coverage**

(a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.

(b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(10) **Siting Requirements**

(a) **Principal Building**

(i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. No Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a rear Lot Line.
- (iv) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

(c) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

(11) **Fencing**

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.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No 2011 (as amended).

## 37.2 **SINGLE FAMILY DADU RESIDENTIAL [RS-6]**

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land, with the option of one additional dwelling unit in the form of Detached Accessory Dwelling Unit or a Secondary Suite.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (c) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw.
- (d) Home Occupation
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (f) Boarding: subject to the requirements of Section 30.3 of this bylaw.

### (2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 530 square metres.

### (3) **Base Density:**

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

### (4) **Bonus Density:**

- (a) 2 building containing dwelling unit(s)
- (b) 2 Dwelling Units  
on the provision of all of the following conditions:
  - (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;
  - (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:
    - (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.

- (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(5) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser.
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 10% of the Area of the Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

**(b) Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. No Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

**(c) Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

**(10) Fencing**

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.

**(11) Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**38. TWO FAMILY RESIDENTIAL [RD-1]**

The intent of this Zone is to accommodate Two Family Dwelling Units on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Floor Area Ratio**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4.

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.

(7) **Building Width**

The minimum width of any Two Family Dwelling shall be 7 metres.

(8) **Lot Coverage**



- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(8.1) **Building Massing** [*Amendment, 2018, Bylaw No. 2938*]

- (a) Second and Third Storey Setback: The front face of the second and third storey(s) shall be set back a minimum of 1.5 metres from the front face of the First Storey of the Principal Building.
- (b) Design Guideline: Articulation of building elements is encouraged, to add visual interest and reduce apparent building height and volume.



(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot line.

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

(c) **Garage Setback [Amendment, 2018, Bylaw No. 2938]**

Detached Garages, and that portion of a Principal Building used as a Garage, shall be set back a minimum of 1.5 metres from the front face of the Principal Building.

(10) **Common Wall Requirements**

The common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(11) **Fencing**

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.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

(13) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two (2) single lane driveways serving a Two Family Dwelling.

**39. TWO FAMILY SMALL LOT RESIDENTIAL [RD-2]**

The intent of this Zone is to accommodate existing Two Family Dwelling Units on existing small Parcels of land between 557 and 668 square metres.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.4.

(5) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.

(6) **Building Width**

The minimum width of any Two Family Dwelling shall be 7 metres.

(7) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(7.1) **Building Massing [Amendment, 2018, Bylaw No. 2938]**

- (a) Second and Third Storey Setback: The front face of the second

and third storey(s) shall be set back a minimum of 1.5 metres from the front face of the First Storey of the Principal Building.

- (b) Design Guideline: Articulation of building elements is encouraged, to add visual interest and reduce apparent building height and volume.



(8) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(c) **Garage Setback [Amendment, 2018, Bylaw No. 2938]**

Detached Garages, and that portion of a Principal Building used as a Garage, shall be set back a minimum of 1.5 metres from the front face of the Principal Building.

(9) **Common Wall Requirements**

The common wall overlap between the habitable areas of the two (2) Dwelling Units shall be not less than 50%.

(10) **Fencing**

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.

(11) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

(12) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two (2) single lane driveways serving a Two Family Dwelling.

### 39.1 **TWO FAMILY SMALL LOT RESIDENTIAL MODIFIED [RD-2X]**

The intent of this Zone is to accommodate existing Two Family Dwelling Units on existing small Parcels of land less than 668 square metres.

#### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

#### (2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres.

#### (3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

#### (4) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.62.

#### (5) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

#### (6) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 35% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

#### (7) **Siting Requirements**

##### (a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Lot Line, with the total Setback of all Side Yards to be not less than 4.5 metres.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(iv) Building Separation: No Principal Building shall be located within 4 metres of any other Principal Building

(b) **Accessory Building**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.

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

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

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

(8) **Common Wall Requirements**

The common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(9) **Fencing**

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 no fence shall exceed a Height of 2 metres behind the front face of the Principal Building.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**40. TWO FAMILY/SINGLE FAMILY RESIDENTIAL [RD-3]**

The intent of this Zone is to accommodate Single Family or Two Family Dwelling Units on individual Parcels of land.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3.
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

**(2) Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres.

**(3) Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

**(4) Floor Area Ratio**

- (b) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (c) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4.
- (d) The Floor Area Ratio shall not exceed 0.35 for parcels with a Single Family Dwelling.

**(5) Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

**(6) Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.



(7) **Building Width**

The minimum width of any Single Family or Two Family Dwelling shall be 7 metres.

(8) **Lot Coverage**

(a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.

(b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(8.1) **Building Massing** [*Amendment, 2018, Bylaw No. 2938*]

(a) Second and Third Storey Setback: The front face of the second and third storey(s) shall be set back a minimum of 1.5 metres from the front face of the First Storey of the Principal Building.

(b) Design Guideline: Articulation of building elements is encouraged, to add visual interest and reduce apparent building height and volume.



(9) **Siting Requirements**

(a) **Principal Building**

(i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

(ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

(iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.

- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(c) **Garage Setback** [*Amendment, 2018, Bylaw No. 2938*]

Detached Garages, and that portion of a Principal Building used as a Garage, shall be set back a minimum of 1.5 metres from the front face of the Principal Building.

(10) **Common Wall Requirements**

In Two Family Dwellings the common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(11) **Fencing**

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.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

(13) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two (2) single lane driveways serving a Two Family Dwelling.

#### **40.1 TWO FAMILY DADU RESIDENTIAL [RD-4]**

The intent of this Zone is to accommodate Single Family or Two Family Dwelling Units on individual Parcels of land, with the option of one additional dwelling unit in the form of a Detached Accessory Dwelling Unit on parcels that only have a Single Family Dwelling.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (d) Home Occupation
- (e) Boarding: subject to the requirements of Section 30.3 of this bylaw.
- (f) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 668 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Single Family Dwelling - Base Density:**

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

(5) **Single Family Dwelling - Bonus Density:**

- (a) 2 building containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;

(ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:

- (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.
- (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(6) **Two Family Dwelling - Density**

- (a) Not more than one (1) Principal Building shall be located on a Parcel.
- (b) The number of Dwelling Units located on a Parcel shall be limited to two (2).

(7) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(8) **Floor Area Ratio**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4.
- (c) The Floor Area Ratio shall not exceed 0.35 for parcels with a Single Family Dwelling.

(9) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(10) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) All Accessory Buildings and Structures combined shall not cover

more than 10% of the Area of the Parcel.

- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(11) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case of a Corner Lot, no Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

(c) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located

within 2.5 metres of a Principal Building.

- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

(12) **Fencing**

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.

(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**41. MULTIPLE FAMILY RESIDENTIAL [RM-1]**

The intent of this Zone is to accommodate low density Townhouse development.

**(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

**(2) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.40.

**(3) Building Height**

- (a) No Principal Building shall exceed a Height of 7.5 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

**(4) Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

**(5) Siting Requirements**

**(a) Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 4.5 meters of an Interior Side Lot Line, nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

**(b) Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located

within 2.5 metres of a Principal Building.

(6) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 5% of the Area of the Parcel.

(7) **Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).



## 42. **MULTIPLE FAMILY RESIDENTIAL [RM-2]**

The intent of this Zone is to accommodate medium density Townhouse development.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

### (2) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.50.

### (3) **Building Height**

- (a) No Principal Building shall exceed a Height of 9 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

### (4) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

### (5) **Siting Requirements**

#### (a) **Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 4.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

#### (b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located

within 2.5 metres of a Principal Building.

(6) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 5% of the Area of the Parcel.

(7) **Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**43. MULTIPLE FAMILY RESIDENTIAL [RM-3]**

The intent of this Zone is to accommodate high density Townhouse or low density Apartment development.

**(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Apartment Residential
- (c) Home Occupation

**(2) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.60.

**(3) Building Height**

- (a) No Principal Building shall exceed a Height of 9 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

**(4) Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 25% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

**(5) Siting Requirements**

**(a) Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 4.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

**(b) Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.

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

(6) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

(7) **Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

#### 44. **MULTIPLE FAMILY RESIDENTIAL [RM-4]**

The intent of this Zone is to accommodate medium density Apartment development.

##### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Residential
- (b) Home Occupation

##### (2) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.0.

##### (3) **Building Height**

- (a) No Principal Building shall exceed a Height of 11 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

##### (4) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

##### (5) **Siting Requirements**

###### (a) **Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 6 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

###### (b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located

within 2.5 metres of a Principal Building.

(6) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

(7) **Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

#### 44.1 **MULTIPLE FAMILY RESIDENTIAL – CONGREGATE CARE [RM-4C]**

The intent of this Zone is to accommodate medium density Apartment development.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Residential
- (b) Congregate Care Senior Citizens Apartments
- (c) Home Occupation
- (d) Food service for Congregate Care residents

(2) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.0.

(3) **Building Height**

- (a) No Principal Building shall exceed a Height of 11 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

(4) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(5) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 6 metres of an Interior Side Lot Line nor within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.

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

(6) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

(7) **Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).



#### **44.2 MULTIPLE FAMILY RESIDENTIAL – CONGREGATE CARE [RM-4CP]**

The intent of this Zone is to accommodate medium density seniors Apartment development.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Residential
- (b) Congregate Care Senior Citizens Apartments
- (c) Food service for Congregate Care residents

(2) **Floor Area Ratio**

The maximum Floor Area for the proposed Lot 1 (previously Lot A and part of Lot B, Plan 13654) shall be 2,950 square metres.

(3) **Building Height**

- (a) No Principal Building shall exceed a Height of 11 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

(4) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

For the purpose of calculating Lot Coverage, the Area of the Parcel shall be considered as the combined area of Lots A and B, Suburban Lot 26, Esquimalt District, Plan 13654 as it was before the dedication of park land.

(5) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 4.5 metres of an Interior Side Lot Line or within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7 metres of a Rear Lot Line.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line or any Rear Lot Line

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

(6) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

(7) **Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**45. MULTIPLE RESIDENTIAL [RM-5]**

The intent of this Zone is to accommodate high density Apartment development.

**(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Residential
- (b) Home Occupation

**(2) Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.5.

**(3) Building Height**

- (a) No Principal Building shall exceed a Height of 20 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

**(4) Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel.
- (b) The Floor Area of each storey above the second storey of a Principal Building shall not exceed 25% of the Area of the Parcel.

**(5) Siting Requirements**

**(a) Principal Building**

No Principal Building shall be located with 7.5 metres of a Front, Side or Rear Lot Line.

**(b) Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

**(6) Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

**(7) Fencing**

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.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

## **DIVISION 2 - COMMERCIAL ZONES**

### **46. CONVENIENCE COMMERCIAL [C-1]**

The intent of this Zone is to accommodate a local Convenience Store that serves the day-to-day shopping needs of the residents of the immediate neighbourhood.

#### **(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Convenience Store
- (b) Accessory residential, subject to Section 26
- (c) Video Store

#### **(2) Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

#### **(3) Floor Area**

The maximum Floor Area for a Convenience Store shall be 275 square metres.

#### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 7.5 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

#### **(5) Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

#### **(6) Siting Requirements**

##### **(a) Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Lot Line: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

(iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.

(ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.

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

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

(7) **Screening and Landscaping**

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

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**47. NEIGHBOURHOOD COMMERCIAL [C-2]**

The intent of this Zone is to accommodate commercial establishments that serve the shopping, service, and Entertainment needs of a neighbourhood.

(1) **Permitted Uses** [*Amendment, 2018, Bylaw No. 2938*]

The following Uses and no others are permitted:

- (a) Art Gallery
- (b) Arts and Craft Studios excluding Wood and Metal working
- (c) Arts and Wellness Teaching Centre
- (d) Business and Professional Office
- (e) Catering Service
- (f) Charitable Organization Office
- (g) Club House
- (h) Commercial Instruction and Education
- (i) Convenience Store
- (j) Counselling Services
- (k) Drive-in Restaurant
- (l) Educational Institution
- (m) Entertainment
- (n) Fitness Centre
- (o) Group Children's Day Care Centre
- (p) Home Occupation
- (q) Laboratory and Clinic
- (r) Mixed commercial/residential subject to Section 47(7)
- (s) Personal Service Establishment
- (t) Printing Establishment, Printing and Publishing
- (u) Research Establishment
- (v) Restaurant
- (w) Retail Store
- (x) Veterinary Clinic, Veterinary Services
- (y) Video Store

(2) **Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

(3) **Building Height**

No Building shall exceed a Height of 13 metres.

(4) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 80% of the Area of the Parcel for each Storey of a Building that is above the second Storey.

(5) **Siting Requirements**

- (a) Front Setback: Subject to Sections 24 and 28, no front Setback shall

be required.

- (b) Side Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.
- (c) Exterior Side Lot Line: Subject to Section 24 and 28, no Exterior Side Yard setback shall be required.
- (d) Rear Setback: In cases where a Parcel abuts a residential Use within a residential Zone no Building shall be located within 3 metres of the common property line.

(6) **Screening and Landscaping**

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

(7) **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.
- (b) the Commercial Use shall be limited to those Uses specified in Section 47(1); and
- (c) Dwelling Units shall not be less than 30 square metres.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).



**48. CORE COMMERCIAL [C-3]**

The intent of this Zone is to accommodate commercial establishments usually found in the major commercial Area.

(1) **Permitted Uses** *[Amendment, 2018, Bylaw No. 2938]*

The following Uses and no others are permitted:

- (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 subject to Section 48(7)
- (t) Personal Service Establishment
- (u) Printing Establishment, Printing and Publishing
- (v) Research Establishment
- (w) Restaurant
- (x) Retail Store
- (y) Veterinary Clinic, Veterinary Services
- (z) Video Store

(2) **Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

(3) **Building Height**

No Building shall exceed a Height of 13 metres.

(4) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 80% of the Area of the Parcel for each Storey of a Building that is above the second Storey.

(5) **Siting Requirements**

- (a) Front Setback: Subject to Section 24 and 28, no front Setback shall

be required.

- (b) Side Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.
- (c) Exterior Side Lot Line: Subject to Section 24 and 28, no Exterior Side Yard Setback shall be required.
- (d) Rear Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.

(6) **Screening and Landscaping**

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

(7) **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;
- (b) the Commercial Use shall be limited to those Uses specified in Section 48(1); and
- (c) Dwelling Units shall not be less than 30 square metres.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

## 48.1 **TOWN CENTRE [TC]**

### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Uses permitted under Section 48(1) C-3 Core Commercial Zone
- (b) Uses permitted under Section 58(1) P-1 Public/Institutional Zone
- (c) Uses permitted under Section 59(1) P-2 Parks and Open Space
- (d) Off street parking
- (e) Accessory Uses to those permitted under (1)(a)(b)(c) and (d) above.
- (f) Group Children's Day Care Centre

### (2) **Building Height**

No Building shall exceed a Height of 15 metres.

### (3) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 60% of the Area of the Parcel.

### (4) **Siting Requirements**

No Building shall be located within

- (a) 7.5 metres of the Parcel boundary abutting Carlisle Avenue.
- (b) 3 metres of any Interior Side Lot Line.

### (5) **Screening and Landscaping**

Screening and Landscaping shall be provided along all Interior Side Lot Lines and along the Carlisle Avenue frontage.

### (6) **Off Street Parking**

- (a) Off street parking shall be provided to a standard of one (1) space for every 30 square metres of Gross Floor Area.
- (b) Notwithstanding section 9(1) and 9(6) of Parking Bylaw, 1992, No. 2011 (as amended), up to 100% of the required parking stalls may be located on adjacent parcels. ***[Amendment, 2018, No. 2938]***

## **48.2 CORE COMMERCIAL LIQUOR [C-3A]**

The intent of this Zone is to accommodate commercial establishments that serve the shopping, service and entertainment needs of the community including Liquor Stores.

### **(1) Permitted Uses [Amendment, 2018, Bylaw No. 2938]**

The following Uses and no others are permitted:

- (a) Art Gallery
- (b) Arts and Craft Studios excluding Wood and Metal working
- (c) Arts and Wellness Teaching Centre
- (d) Business and Professional Office
- (e) Catering Service
- (f) Charitable Organization Office
- (g) Club House
- (h) Commercial Instruction and Education
- (i) Counselling Services
- (j) Educational Institution
- (k) Entertainment and Theatre
- (l) Financial Institution
- (m) Fitness Centre
- (n) Group Children's Day Care Centre
- (o) Home Occupation
- (p) Hotel
- (q) Laboratory and Clinic
- (r) Liquor Store
- (s) Mixed commercial/residential subject to Section 48.2(9)
- (t) Personal Service Establishment
- (u) Printing Establishment, Printing and Publishing
- (v) Research Establishment
- (w) Restaurant
- (x) Retail Store
- (y) Veterinary Clinic, Veterinary Services
- (z) Video Store

### **(2) Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

### **(3) Number of Liquor Stores**

Only one (1) Liquor Store is permitted on any Parcel.

### **(4) Maximum Floor Area for Liquor Store Use**

The maximum floor area permitted for Liquor Store use in this zone shall be 372 square metres.

### **(5) Building Height**

No Building shall exceed a Height of 13 metres.

(6) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 80% of the Area of the Parcel for each Storey of a Building that is above the second Storey.

(7) **Siting Requirements**

- (a) Front Setback: Subject to Section 24 and 28, no front Setback shall be required.
- (b) Side Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.
- (c) Exterior Side Lot Line: Subject to Section 24 and 28, no Exterior Side Yard Setback shall be required.
- (d) Rear Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.

(8) **Screening and Landscaping**

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

(9) **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;
- (b) the Commercial Use shall be limited to those Uses specified in Section 48(1); and
- (c) Dwelling Units shall not be less than 30 square metres.

(10) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**49. SERVICE STATION COMMERCIAL [C-4]**

The intent of this Zone is to accommodate Service Stations.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Gas Bar
- (b) Accessory Convenience Store
- (c) Service Station
- (d) Video Store

**(2) Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

**(3) Floor Area**

An accessory Convenience Store is limited to a maximum Floor Area of 60 square metres.

**(4) Building Height**

No Building or Structure shall exceed a Height of 6 metres.

**(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.

**(6) Siting Requirements**

**(a) Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 3 metres of an Interior or Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 3 metres of a Rear Lot Line.

**(b) Accessory Building**

No Accessory Building shall be located within 3 metres of a Front, Side, or Rear Lot Line.

**(7) Screening and Landscaping**

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

**(8) Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**50. TOURIST COMMERCIAL [C-5A]**

The intent of this Zone is to accommodate commercial development that caters to the needs of the traveling public.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Motel
- (b) Accessory Tourist Commercial Use
- (c) Accessory Residential, subject to Section 26

(2) **Building Height**

No Building shall exceed a Height of 9 metres.

(3) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.

(4) **Siting Requirements**

- (a) Front Setback: No Building shall be located within 7.5 metres of a Front Lot Line.
- (b) Side Setback: No Building shall be located within 4.5 metres of an Interior Side Lot Line nor 7.5 metres of an Exterior Side Lot Line.
- (c) Rear Setback: No Building shall be located within 7.5 meters of a Rear Lot Line.

(5) **Screening and Landscaping**

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

(6) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).



**52. LICENSED LIQUOR ESTABLISHMENT [C- 6]**

The intent of this Zone is to accommodate licensed liquor establishments.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Licensed liquor establishments subject to the provisions of the *Liquor Control and Licensing Act* and Regulations
- (b) Accessory Residential, subject to Section 26
- (c) Liquor Store

**(2) Building Heights**

No Building shall exceed a Height of 9 metres.

**(3) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.

**(4) Siting Requirements**

**(a) Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of a Front Lot Line.
- (ii) Side Setback: No Building shall be located within 3 metres of an Interior Side Lot Line nor 7.5 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

**(b) Accessory Building**

- (i) No Accessory Building shall be located within 3 metres of a Front, Side or Rear Lot Line.
- (ii) No Accessory Building shall be located within 2.5 metres of a Principal Building.

**(5) Screening and Landscaping**

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

**(6) Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

## 52.1 **LICENSED LIQUOR ESTABLISHMENT - PROFESSIONAL OFFICE [C-6A]**

The intent of this Zone is to accommodate licensed liquor establishments.

### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Licensed liquor establishments subject to the provisions of the *Liquor Control and Licensing Act* and Regulations
- (b) Business and Professional Office
- (c) Accessory Residential, subject to Section 26
- (d) Liquor Store

### (2) **Building Heights**

No Building shall exceed a Height of 9 metres.

### (3) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.

### (4) **Siting Requirements**

#### (a) **Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of a Front Lot Line.
- (ii) Side Setback: No Building shall be located within 3 metres of an Interior Side Lot Line nor 7.5 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

#### (b) **Accessory Building**

- (i) No Accessory Building shall be located within 3 metres of a Front, Side or Rear Lot Line.
- (ii) No Accessory Building shall be located within 2.5 metres of a Principal Building.

### (5) **Screening and Landscaping**

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

### (6) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

## 52.2 **WEST BAY COMMERCIAL [C-7]**

### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Retail Store
- (b) Business and Professional Office
- (c) Entertainment
- (d) Home Occupation
- (e) Personal Service Establishment
- (f) Restaurant
- (g) Tourist Accommodation
- (h) Mixed commercial/residential, subject to Section 52.2(7)
- (i) Video Store

### (2) **Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

### (3) **Building Height**

No Building shall exceed a Height of 13 metres.

### (4) **Lot Coverage**

In order to create a stepped appearance, each Storey of a Building above the first Storey shall not cover more than 80% of the Area of the Parcel.

### (5) **Siting Requirements**

- (a) Front Setback: Subject to Sections 24 and 28, no front Setback shall be required.
- (b) Side Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.
- (c) Exterior Side Lot Line: Subject to Sections 24 and 28, no Exterior Side Yard setback shall be required.
- (d) Rear Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.

### (6) **Screening and Landscaping**

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

(7) **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 the outside.
- (b) the Commercial Use shall be limited to those Uses specified in Section 52.2 (1); and
- (c) Dwelling Units shall not be less than 30 square metres in area.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

### 52.3 **WEST BAY COMMERCIAL 2 [C-7A]**

#### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Retail Store
- (b) Business and Professional Office
- (c) Entertainment
- (d) Home Occupation
- (e) Personal Service Establishment
- (f) Restaurant
- (g) Tourist Accommodation
- (h) Mixed commercial/residential, subject to Section 52.2(7)
- (i) Video Store

#### (2) **Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

#### (3) **Building Height**

No Building shall exceed a Height of 11.7 metres.

#### (4) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.

#### (5) **Siting Requirements**

- (a) Front Setback: Subject to Sections 24 and 28, no front Setback shall be required.
- (b) Side Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.
- (c) Exterior Side Lot Line: Subject to Sections 24 and 28, no Exterior Side Yard setback shall be required.
- (d) Rear Setback: In cases where a Parcel abuts a residential Use within a residential Zone, no Building shall be located within 3 metres of the common property line.

#### (6) **Screening and Landscaping**

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

(7) **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 the outside.
- (b) the Commercial Use shall be limited to those Uses specified in Section 52.2 (1); and
- (c) Dwelling Units shall not be less than 30 square metres in area.

(8) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

## DIVISION 3 - INDUSTRIAL ZONES

### 53. LIGHT INDUSTRIAL [I-1]

The intent of this Zone is to accommodate light industrial establishments and related Uses.

(1) **Permitted Uses** [*Amendment, 2018, Bylaw No. 2938*] [*Amendment, 2020, Bylaw No. 3003*]

The following Uses and no others are permitted:

- (a) Accessory residential subject to Section 26
- (b) Arts and film studio and production
- (c) Arts and Wellness Teaching Centre
- (d) Auction
- (e) Automobile, recreational vehicle and trailer repair, servicing and body shop
- (f) Automobile, recreational vehicle and trailer sales
- (g) Beverage Manufacturer
- (h) Beverage Manufacturer with Liquor Lounge
- (i) Building supply store or lumber yard
- (j) Business or professional office
- (k) Car wash
- (l) Catering Service
- (m) Charitable Organization Office
- (n) Club House
- (o) Cold storage plant
- (p) Commercial instruction and education
- (q) Commercial laundry or drycleaning plant
- (r) Commercial parking
- (s) Fitness centre
- (t) Food preparation
- (u) Laboratory and clinic
- (v) Light manufacturing and processing, including accessory retail
- (w) Personal Service Establishment, excluding Body Painting Establishment, Body Rub Parlour, Dating Service and Escort Service
- (x) Printing and publishing
- (y) Repair shop provided that all work takes place within the Principal Building
- (z) Research establishment
- (aa) Restaurant or coffee shop
- (bb) Trade contractor establishment
- (cc) Transportation and trucking
- (dd) Veterinary Clinic
- (ee) Warehouse Sales
- (ff) Warehousing and storage
- (gg) Wholesaling and Wholesale Distribution, including Accessory Retail

(2) **Conditions of Uses**

Notwithstanding Section 53(1), a Use which is an offensive trade within the meaning of the *Public Health Act* or *Waste Management Act* and amendments thereto, or which is noxious or offensive because of odour, dust, smoke, gas, noise, vibration, heat, glare, electrical interference, or is

a nuisance beyond the limits of the Parcel on which the Use is located, shall not be permitted.

(3) **Floor Area**

(a) **Accessory Retail**

The Floor Area of an accessory retail Use shall not exceed 30% of the Floor Area of the Principal Use.

(b) **Liquor Lounge**

The floor area of a liquor lounge shall not exceed 60 square metres including washrooms, and food and drink service preparation areas.

***[Amendment. 2020, Bylaw No. 3003]***

(4) **Building Height**

No Building shall exceed a Height of 10 metres.

(5) **Siting Requirements**

(a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel Zoned for a residential Use.

(b) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.

(c) Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.

(6) **Screening and Landscaping**

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

(b) Landscaping shall occupy not less than 5% of the land area of the Parcel and shall be a minimum of 3 metres in depth provided along the Front Lot Line or in the case of a corner Lot, along the Front Lot Line and the Exterior Side Lot Line.

(7) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

(8) **Commercial Parking Use**

A commercial parking Use shall comply with the standards in Parking Bylaw, 1992, No. 2011 (as amended) in relation to design, siting, layout and surfacing of the parking facility.



## 54. **HEAVY INDUSTRIAL [I-2]**

The intent of this Zone is to accommodate heavy industrial establishments and related Uses.

### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) General and heavy construction contractor
- (b) Sale, service and manufacturing of machinery and heavy equipment
- (c) Welding shop
- (d) Cargo handling and wharf facility
- (e) Roofing contractor
- (f) Manufacturing, processing or packaging of food products
- (g) Manufacturing or processing textile products
- (h) Manufacturing or processing of wood and paper products
- (i) Adult Theatre
- (j) Manufacturing, processing, or finishing of certain non-metallic mineral products
- (k) Accessory office
- (l) Accessory residential subject to Section 26
- (m) Body Painting Establishment
- (n) Body Rub Parlour
- (o) Dating Service
- (p) Escort Service

### (2) **Conditions of Uses**

Notwithstanding Section 54(1) a Use which is an offensive trade within the meaning of the *Public Health Act* or *Waste Management Act* and amendments thereto, or which is noxious or offensive because of odour, dust, smoke, gas, noise, vibration, heat, glare, electrical interference, or is a nuisance beyond the limits of the Parcel on which the Use is located, shall not be permitted.

### (3) **Floor Area**

The Floor Area of an accessory office Use shall not exceed 20% of the Floor Area of the Principal Use, or 185 square metres, whichever is the lesser of the two.

### (4) **Building Height**

No Building shall exceed a Height of 30 metres.

### (5) **Siting Requirements**

- (a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel Zoned for a residential Use.
- (b) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (c) Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.

(6) **Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.
- (b) Landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall also be landscaped except for points of ingress and egress.

(7) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

55. **McLOUGHLIN POINT SPECIAL USE [I-3]**

The intent of this Zone is to accommodate the Core Area Liquid Wastewater Treatment Plant, and commercial, high-tech industrial, recreational and educational and accessory uses, or any combination thereof. The Zone provides for the wastewater treatment plant, and a density-bonusing structure and amenities to maximize the development potential of the site for the proposed 108 mL wastewater treatment plant by redirecting amenities that might otherwise have been located on these lands to other municipal, waterfront and community projects that support the use and long-term integration with the site, and providing for amenities off-site given the lost opportunity for amenities on-site. Non-industrial uses are contingent on satisfaction of environmental and contaminated site requirements.

(1) **Permitted Uses**

- (a) Accessory office
- (b) Accessory Residential, subject to Section 26
- (c) Wastewater Treatment Plant, which may include any or all of the following uses:
  - (i) Commercial Instruction and Education
  - (ii) Educational Interpretive Centre
  - (iii) Research Establishment
  - (iv) Business and Professional Office
  - (v) Marine Outfall
  - (vi) Accessory uses
- (d) Business and Professional Office
- (e) High technology uses
- (f) Accessory Retail
- (g) Hotel
- (h) Entertainment and Theatre
- (i) Boat Moorage Facility
- (j) Park

(2) **Density – Wastewater Treatment Plant**

In this section:

**“Immediate Community”** means the upland area travelling from the subject property, west along the marine boundary to and including Macaulay Point Park, north along Clifton Terrace and Lampson Street to Esquimalt Road, then east along Esquimalt Road to the Township’s municipal boundary, south along the municipal boundary then along the marine boundary back to the subject property;  
and

**“Nearby Community”** means the upland areas within a 2.5 kilometre radius of the subject property, and including the Immediate Community.

In accordance with the provisions of Section 482 of the *Local Government Act*, density for the wastewater treatment plant (“WWTP”) is established by way of base density, for which no conditions apply, and bonus density on the provision or satisfaction of conditions identified below, including the provision of amenities in the Immediate and Nearby Community in recognition of the owner’s desire for maximum development coverage on-

site for the wastewater treatment plant, and the corresponding lost opportunity to provide amenities on-site. For greater certainty, the regulations of this section do not apply to other uses in this Zone.

(a) **Base Density:**

- (i) The Floor Area Ratio shall not exceed 0.05;
- (ii) The Floor Area shall not exceed 675 square metres, excluding processing tanks and generators completely enclosed within a Building;
- (iii) Lot Coverage shall not exceed 15%;
- (iv) Plant capacity not to exceed 15 million litres per day, Average Dry Weather Flow (ADWF);

(b) **Bonus Density:**

- (i) The Floor Area Ratio shall not exceed 0.35;
- (ii) The Floor Area shall not exceed 4,500, square metres, excluding processing tanks and generators completely enclosed within a Building;
- (iii) Lot Coverage shall not exceed 65%;
- (iv) Plant capacity not to exceed 108 million litres per day, Average Dry Weather Flow (ADWF);

all on the provision or satisfaction of all of the following conditions:

- (1) Traffic integration amenities, in the form of traffic calming, speed bumps, speed cushions, speed readers with signage, enhanced boulevard curbing and landscaping and bike lanes on streets in the Immediate Community, as follows:
  - a. Township's streets adjacent to and within one block radius of all elementary schools, and
  - b. Township's Lyall Street from Lampson Street to Head Street and Head Street from Lampson Street to Dunsmuir Street,
  - c. on all remaining Township streets between Lampson Street and Esquimalt Road and the subject property that are materially affected by construction traffic,items (1)(a) and (1)(b) collectively of a value no less than \$950,000.
- (2) Education and Interpretive Centre: space that can be used for a conference room on-site for students and the public to learn about wastewater treatment and management, made available at no charge for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation: Minimum 75 square metres of floor area, either in main lobby or a separate room.
- (3) High efficiency air filter systems to mitigate any negative effects caused by the construction and related traffic of the WWTP project on air quality and odour reduction for the following schools:
  - a. Esquimalt High School
  - b. Rockheights Middle School
  - c. École Macaulay Elementary School
  - d. École Victor Brodeur

- (4) Operations and Maintenance Building portion of the wastewater treatment plant designed and built to LEED® Gold standard, certified within one year of construction completion, or such longer period as required to address deficiencies provided the initial review and report is completed within the first year.
- (5) Macaulay Point Pump station, upgraded to standards of design, materials and quality of construction consistent with recent Craigflower Pump Station project, with odour mitigation measures to be installed in Macaulay Pump station, and Lang Cove Pump station, providing for an odour detection level no greater than five (5) odour units measured at the property lines (or fence lines where applicable).
- (6) Public open space (no less than 140 square metres).
- (7) Public Art on public open space of a value no less than \$100,000, if on-site then visible and oriented both to passing boats and floatplanes, respecting and exploiting the subject property's prominent position as entrance to the Victoria Harbour; or off-site, both options in accordance with the Township's public art policy.
- (8) The provision of public open space improvements of a value no less than \$75,000.
- (9) Public Walkway: Design of building and site to either incorporate public accessible trail along waterfront, or to provide for Statutory Right of Way for future trail corridor and development.
- (10) Operations & Maintenance Building portion of wastewater treatment plant use to incorporate a green roof, with a minimum area(s) of 1600 square metres and for a minimum of 80% of the roof, including for the purposes of providing screening and bird habitat.
- (11) Heritage Interpretative Signage, recognizing the historic uses on the subject property and process to transition to current uses (Minimum 5 signs for stations in public open space area).
- (12) Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of wastewater treatment plant, to a condition equal to or better than existed before construction.
- (13) Odour-reducing measures providing for an odour detection level no greater than five (5) odour units measured at the property lines, and noise mitigation measures including a high degree of noise attenuation with all louvres, doors, and noisy equipment such as blowers requiring noise attenuation, such that noise does not exceed 60 dBA outside of the property lines.
- (14) Facility design to ensure that any products, byproducts, biosolids or other goods and commodities be transported off-site only by means of piping or marine access, thereby reducing negative transportation impacts on the Immediate Community.
- (15) That no odour-causing and/or methane-producing (of any level) facilities related to the use of the subject property be located off-site within the Nearby Community, except for

pipes, outfalls, pumping stations and accessory appurtenances.

- (16) One-time contribution of \$17,000,000 [Seventeen Million Dollars] to the McLoughlin Point Amenity Reserve Fund(s), to be used or committed for use for capital projects in relation to municipal waterfront parks, municipal community recreational buildings and spaces and the Township's emergency services and public safety facilities within a period of 5 years from the receipt of funds by the Township.
- (17) Annual contribution of \$55,000 adjusted annually for any increase in CPI for Victoria, British Columbia, to McLoughlin Point Operating Reserve Fund.
- (18) Ongoing liaison committee formed with representatives from Township, local schools, health authority, DND officials community groups and other interested parties (all as available and as interested), along with operators on subject property, with meeting space provided on subject property at no cost at least once/monthly, including to review satisfaction of above conditions and ongoing operations.

(3) **Building and Structure Height**

- (a) No Building or Structure shall exceed a Height of 15 metres.
- (b) Notwithstanding anything to the contrary in this section, the maximum height of a building or structure located within 20 metres of the High Water Mark is 5.0 metres.
- (c) In this Zone, given the disturbed nature of the brownfield site, Grade is deemed to be calculated based on the average of the sum of the existing elevations measured at each vertex of a hypothetical polygon formed by sides connecting the outermost limits of the proposed building such that no interior angle exceeds 180 degrees and the sum of all interior an interior angles of the polygon is equal to: (the number of sides of the polygon -2) x 180. Existing grades were established by survey on January 27, 2017.
- (d) For greater certainty with respect to the height exemptions of Section 15(4), chimneys may project more than 1.5m from the highest point of the roof provided that they do not exceed a maximum height of 16.5 metres as measured from Grade, and provided the purposes of the chimney height includes reduction of odour and noise in the Immediate Community.

(4) **Siting Requirements**

- (a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel zoned for residential Use.
- (b) Front Setback: No Building shall be located within 5.75 metres of the Front Lot Line, and the main building for the site shall not be set back more than 6.25 metres from the Front Lot Line.
  - (i) For the purposes of this Zone, where there is no abutting highway, the private road from which the property gains access shall be considered the Front Lot Line;

- (ii) The Front Setback for Buildings does not apply to electrical generators, transformers and other similar structural appurtenances.
  - (c) Exterior Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.
  - (d) No Building shall be located within:
    - (i) 10 metres of the High Water Mark at the eastern portion of the site as measured from a line parallel to the north property line at a (straight-line) distance of 144 metres from the north property line, as shown on Plan EPP36468;
    - (ii) 7.5 metres of the High Water Mark for all remaining portions of the site.
- (5) **Screening and Landscaping**
- (a) Screening and Landscaping shall be provided in accordance with Section 23.
  - (b) Subject to subsection (c), landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall be landscaped except for points of ingress and egress.
  - (c) For the wastewater treatment plant use:
    - (i) A landscaped buffer shall be located between the building and the High Water Mark which:
      - (1) shall be a minimum 4.5 metres in width for at least 85% of the exterior perimeter retaining wall facing the marine boundary;
      - (2) shall average an overall minimum 5.0 metres in width;
      - (3) shall cover a minimum area of 1,250 square metres; and
      - (4) landscaping shall be of sufficient quality and quantity as to contribute to the screening of a wastewater treatment plant building and tanks from the marine environment.
    - (ii) A landscaped buffer shall be located in the Front Setback and shall be the entirety of the Front Yard, except for:
      - (1) places of entrance, egress and loading spaces, and
      - (2) the placement of generators, transformers and other similar structural appurtenances that are screened from the road and parking spaces.
    - (iii) A landscaped buffer a minimum width of 5.0 metres shall be located at or adjacent to the north property line of the site, which buffer may be located on adjacent lands.
    - (iv) Section 22(1) and (2) do not apply to the retaining walls associated with the sea wall, landscaped buffer or located within the setback from the HWM.
- (6) **Off Street Parking**
- (a) Off street parking shall be provided in accordance with the

requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended) for all uses other than wastewater treatment plant use and its included uses under Section 55(1)(c).

- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street parking spaces for wastewater treatment plant use, and its included uses under Section 55(1)(c), shall be two (2) spaces, with maximum four (4) spaces, and may not be located within the setback areas from the HWM.
- (c) Notwithstanding Section 9(3), 14 and 15 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street loading spaces for wastewater treatment plant use shall be two (2) spaces, and loading areas and loading spaces may be located within the area of landscaped buffer for the Front Setback only, and partially off-site.

(7) **Severability and Satisfaction**

- (a) In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by the decision of any Court of competent jurisdiction, that measure of density, condition or amenity may be severed without affecting the validity of the density-bonusing scheme and other measures of density, conditions or amenities.
- (b) Where a condition requires the approval or permission of an authority beyond the control of the property owner, then the condition shall be interpreted as requiring the property owner's all reasonable efforts to secure such approval or permission.
- (c) Where a condition is severed, or all reasonable efforts under this provision have not resulted in the necessary third-party approval, then the condition shall be deemed satisfied on the provision of:
  - (i) an independent appraisal estimating the cost of the provision of the amenity or satisfaction of the condition, if the condition had been satisfied; and
  - (ii) a cash contribution equivalent to the cost of the provision of the amenity or satisfaction of the condition, from the property owner to the Township for the McLoughlin Point Amenity Reserve Fund, such monies to be used for replacement amenities or conditions that are consistent with governing authority, including amenities that reflect the intent of the amenity that could not be provided, or further enhancements or additions to remaining amenities or conditions.



**56. UTILITY [I-4]**

The intent of this Zone is to accommodate installations related to gas and electrical distribution utilities.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Gas pressure reduction facility
- (b) Electrical substation facility
- (c) Communication facility.

(2) **Conditions of Use**

Notwithstanding Section 56(1), all facilities and operation of said facilities shall conform to the regulations established by the Authority Having Jurisdiction. A Use which is offensive or noxious because of odour, dust, smoke, gas, noise, vibration, heat, glare, electrical interference or is a nuisance beyond the limits of the Parcel on which the Use is located shall not be permitted.

(3) **Floor Area**

The Floor Area of an Accessory Building shall not exceed 5% of the Lot Area.

(4) **Building and Structure Height**

No Accessory Building shall exceed a Height of 7.5 metres.

(5) **Siting Requirements**

- (a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel Zoned for a residential Use.
- (b) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (c) Exterior Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.

(6) **Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.
- (b) Landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall also be landscaped except for points of ingress and egress.

(7) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements specified in Parking Bylaw, 1992, No. 2011 (as amended).

## 57. **SEWAGE HANDLING FACILITIES [I-5]**

The intent of this Zone is to accommodate sewage handling facilities and related Uses.

### (1) **Permitted Uses**

- (a) Regional Sewage Pumping Facility
- (b) Sewage Screening Facility
- (c) Accessory laboratory
- (d) Accessory operation/alarm control centre
- (e) Accessory service and repair shop

### (2) **Condition of Use**

Notwithstanding Section 57(1), all facilities and operations of the said facilities shall comply with the regulations established by the Authority Having Jurisdiction.

### (3) **Building Height**

No Building shall exceed a Height of 7 metres.

### (4) **Siting Requirements**

- (a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel Zoned for a residential Use.
- (b) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (c) Exterior Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.

### (5) **Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.
- (b) Landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall also be landscaped except for points of ingress and egress.

### (6) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

## **DIVISION 4 - INSTITUTIONAL AND CIVIC ZONES**

### **58. PUBLIC/INSTITUTIONAL [P-1]**

The intent of this Zone is to accommodate public and institutional facilities.

#### **(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Library
- (b) Government office
- (c) Sports Centre
- (d) Recreation Centre
- (e) Group Children's Day Care Centre
- (f) Group home
- (g) Rest home
- (h) Community Care Facility
- (i) Schools (public and private)
- (j) Hospital
- (k) Public Health Clinic or facility
- (l) Church
- (m) Fire hall
- (n) Police station
- (o) Parks nursery
- (p) Archive
- (q) Museum
- (r) Cemetery
- (s) Charitable organization office
- (t) Counselling Services
- (u) Assembly Use

#### **(2) Building Height**

No Building shall exceed a Height of 13 metres.

#### **(3) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.

#### **(4) Siting Requirements**

- (a) Front Setback: No Building shall be located with 7.5 metres of a Front Lot Line.
- (b) Side Setback: No Building shall be located within 4.5 metres of an Interior or Exterior Side Lot Line.
- (c) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

#### **(5) Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.

(b) Landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall also be landscaped except for points of ingress and egress.

(6) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements specified in Parking Bylaw, 1992, No. 2011 (as amended).

**59. PARKS AND OPEN SPACE [P-2]**

The intent of this Zone is to accommodate public and private outdoor recreation opportunities.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Park
- (b) Playground
- (c) Playing field
- (d) Boat launch
- (e) Public Open Space
- (f) Assembly Use

**(2) Building Height**

No Building shall exceed a Height of 6 metres.

**(3) Siting Requirements**

- (a) Front Setback: No Building shall be located with 7.5 metres of a Front Lot Line.
- (b) Side Setback: No Building shall be located within 4.5 metres of an Interior or Exterior Side Lot Line.
- (c) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

**(4) Screening and Landscaping**

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

**(5) Off Street Parking**

Off street parking shall be provided in accordance with the requirements of the Parking Bylaw, 1992, No. 2011 (as amended).

**60. GOLF COURSE [P-3]**

The intent of this Zone is to accommodate golf course facilities and associated Uses.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Golf Course
- (b) Golf driving range
- (c) Golf Club House
- (d) Retail sales and service of golf equipment
- (e) Restaurant, liquor lounge and coffee shop facilities
- (f) Agricultural

**(2) Building Height**

- (a) No Principal Building shall exceed a Height of 7.5 metres.
- (b) No Accessory Building shall exceed a Height of 3.5 metres.

**(3) Siting Requirements**

- (a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel Zoned for a residential Use.
- (b) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (c) Exterior Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.

**(4) Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.
- (b) Landscaping shall be provided in order to separate a Highway from Principal Buildings, Accessory Buildings, and off street surface parking Lots to the following depths adjacent to a Highway:
  - (i) 7.5 metres for Front Yards;
  - (ii) 4.5 metres for Side Yards;
  - (iii) 3 metres for surface parking Lots except for points of ingress and egress.

**(5) Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**60.1 INSTITUTIONAL DAY USE [P-4]**

*[This section deleted by Amendment Bylaw No. 2919]*

## 60.2 **COMMUNITY CARE FACILITY [P-5]**

The intent of this zone is to accommodate facilities serving persons requiring professional care and attention not available within their own family or in an independent living situation.

### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Community Care Facility
- (b) Group Children's Day Care Centre
- (c) Rest Home
- (d) Private Hospital

### (2) **Building Height**

No Principal Building shall exceed a Height of 12 metres.

### (3) **Lot Coverage**

All Principal Buildings, and Structures combined, shall not cover more than 38% of the Area of a Parcel.

### (4) **Siting Requirements**

- (a) Front Setback: No Principal Building shall be located within 5.1 metres of the Front Lot Line.
- (b) Side Setback: No Principal Building shall be located within 1.8 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 7.6 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 5.7 metres.
- (c) Rear Setback: No Principal Building shall be located within 8.3 metres of a Rear Lot Line.

### (5) **Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.
- (b) Notwithstanding Section 23, Landscaping shall be provided along the entire Front Lot Line for a minimum depth of 5 metres except for land dedicated to ingress, egress, and parking.

### (6) **Off Street Parking**

Notwithstanding Parking Bylaw, 1992, No. 2011 (as amended), no less than five (5) off street parking spaces, including one (1) Disabled Person's parking space, shall be provided.



## **DIVISION 5 - MARINE ZONES**

### **61. MARINE [LAND] COMMERCIAL [M-1]**

The intent of this Zone is to accommodate land based commercial establishments that are related to the water and tourists.

#### **(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Boat rental and passenger charter
- (b) Marine Retail Store
- (c) Marine related Business and Professional Offices
- (d) Pleasure and commercial boat sales and service
- (e) Restaurants
- (f) Accessory Residential, subject to Section 26

#### **(2) Building Height**

No Building shall exceed a Height of 7.3 metres.

#### **(3) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.

#### **(4) Siting Requirements**

No Building shall be located within 7.5 metres of a Front Lot Line and 4.5 metres of a Side Lot Line nor 4.5 metres of the High Water Mark or Rear Lot Line.

#### **(5) Screening and Landscaping**

- (a) Screening shall be provided in accordance with Section 23.
- (b) Landscaping shall be provided along the entire Front Lot Line for a minimum width of 3 metres except for points of ingress and egress.

#### **(6) Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

## 61.1 **MARINE COMMERCIAL [M-2]**

The intent of this Zone is to accommodate land based commercial establishments that are related to the water and tourists.

### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Marine Pub
- (b) Boat rental and passenger charter
- (c) Marine Retail Store
- (d) Marine related Business and Professional Offices
- (e) Pleasure and commercial boat sales and service
- (f) Restaurants
- (g) Tourist Accommodation
- (h) Accessory Residential, subject to Section 26

### (2) **Building Height**

No Building shall exceed a Height of 11.5 metres.

### (3) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of a Parcel.

### (4) **Siting Requirements**

No Building shall be located:

- (a) within 7.5 metres of a Front Lot Line.
- (b) within 4 metres of a Side Lot Line.
- (c) within 0 metres of the High Water Mark or Rear Lot Line.

### (5) **Screening and Landscaping**

- (a) Screening shall be provided in accordance with Section 23.
- (b) Landscaping shall be provided along the entire Front Lot Line except for points of ingress and egress.

### (6) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**62. MARINE RESIDENTIAL [M-3]**

The intent of this Zone is to accommodate water based facilities on Water Lots adjacent to residential zoned properties.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Home Occupation
- (b) Pleasure Boat Moorage

**(2) Prohibited Uses**

- (a) Commercial or industrial activity on a Boat Moorage Facility
- (b) Floating Homes and Floating Boat Shelters
- (c) Liveaboards
- (d) The mooring of more than two (2) boats

**(3) Siting Requirements**

- (a) All Boat Moorage must be located within the boundaries of a Water Lot.
- (b) No section of a Boat Moorage shall exceed a width of 3 metres.

**63. MARINE NAVIGATION [M-4]**

The intent of this Zone is to accommodate the navigation of commercial and recreational boats.

**(1) Permitted Uses**

The following Uses and no others are permitted:

- (a) Navigation of boats
- (b) Navigational aids installed by the Authority Having Jurisdiction
- (c) Wastewater treatment marine outfalls and related piping and accessory appurtenances under a provincially-approved Liquid Waste Management Plan
- (d) Boat Moorage Facility, abutting Lot 1, Plan EPP36468

**(2) Prohibited Uses [Amendment, 2018, Bylaw No. 2938]**

- (a) The anchoring or mooring of vessels for a continuous period exceeding 48 hours.
- (b) The anchoring or mooring of vessels for more than 72 hours within a 30-day period.
- (c) Anchoring buoys.

### 63.1 **MARINE SMALL DOCK [M-5]**

The intent of this Zone is to accommodate small private docks on Water Lots adjacent to residential properties.

#### (1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Boat Moorage Facility for small pleasure boats
- (b) Home Occupation

#### (2) **Prohibited Uses**

- (a) Commercial or industrial activity
- (b) Floating Homes and Floating Boat Shelters
- (c) Liveaboards
- (d) The mooring of more than two small boats
- (e) Accessory Buildings

#### (3) **Siting Requirements**

All Boat Moorage must be located within the boundaries of the Water Lot.

#### (4) **Maximum Size**

- (a) No section of a Boat Moorage ramp shall exceed a width of 1.5 metres.
- (b) The combined length of a Boat Moorage Facility (wharf, ramp, landing and dock), measured from the shoreline, shall not be more than 21 metres.
- (c) The area of a dock or float shall not be greater than 18.5 square metres in area.

## **DIVISION 6 - COMPREHENSIVE DEVELOPMENT ZONES**

### **64. COMPREHENSIVE DEVELOPMENT DISTRICT NO. 2 [CD NO. 2]**

In that Zone designated as CD No. 2 (Comprehensive Development District No. 2), 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 Part.

(1) **Permitted Uses**

- (a) Apartment Use
- (b) Home Occupation

(2) **Number of Buildings**

Not more than one Apartment Building shall be erected, constructed, placed or maintained on any one Parcel of land.

(3) **Floor Area**

No Apartment Building shall have a Floor Area in excess of 4,000 square metres.

(4) **Lot Coverage**

The aggregate Site Coverage of any and all Buildings and Structures on a Parcel of land upon which there is an Apartment Building shall not exceed 35%.

(5) **Building Height**

No part of any Building shall exceed 18.5 metres in Height.

(6) **Number of Dwelling Units**

The maximum number of Dwelling Units on a Parcel shall be fifty-two (52).

(7) **Number of Storeys**

The maximum number of Storeys shall be six (6).

(8) **Siting Requirements**

- (a) No part of any Building or Structure on a Parcel shall be within 7 metres of the Front Lot Line.
- (b) No Building or Structure on a Parcel shall be within 4.6 metres of the Side Lot Line.
- (c) No Building or Structure on a Parcel shall be within 16 metres of the Rear Lot Line.

(9) **Screening and Landscaping**

- (a) Landscaped Open Site Space shall be provided and maintained on

every Parcel on which an Apartment is situated and such Landscaped Open Site Space shall have an Area in plan equal to not less than 30% of the Area in plan of the Parcel.

- (b) Landscape Screens shall be provided and maintained on the perimeter of all Areas used or intended to be used for surface parking on a Parcel on which there is an Apartment so that, save only for necessary entrances and exits thereto and therefrom, a Landscape Screen or part thereof shall be interposed in plan between any and all points in any and all such Areas and any and all points in any and all Parcels immediately adjacent to the Lot or Parcel on which the Apartment is situated.

(10) **Walls and Fences**

No wall or fence erected, constructed or placed on or along any boundary that a Lot or Parcel of land has in common with a Highway shall exceed 1.5 metres in Height or in the case of any other boundary, 2 metres in Height and where the Parcel is bounded on two or more sides by intersecting Highways, no wall or fence or part thereof lying within a distance of 6 metres of the point or any of the points of intersection of such Highways shall exceed 1 metre in Height.

(11) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**65. COMPREHENSIVE DEVELOPMENT DISTRICT NO. 3 [CD NO. 3]**

In that Zone designated as CD No. 3 (Comprehensive Development District No. 3), 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 Part.

(1) **Permitted Uses**

- (a) Ambulance Station Uses

(2) **Number of Buildings**

Not more than one Ambulance Station Building shall be erected, constructed, placed or maintained on any Parcel.

(3) **Floor Area**

No Ambulance Station Building shall have a Floor Area in excess of 225 square metres.

(4) **Lot Coverage**

The aggregate Site Coverage of any and all Buildings and Structures on Parcel upon which there is an Ambulance Station Building shall not exceed 45%.

(5) **Building Height**

No part of any Building shall exceed 8.5 metres in Height.

(6) **Siting Requirements**

- (a) No part of any Ambulance Station Building or of any other Building or Structure on a Parcel on which there is an Ambulance Station Building shall be nearer to any point on the Front Lot Line of the Parcel than 7.6 metres.
- (b) On a site other than a Corner Lot, a Side Yard shall be provided on each side of the Ambulance Station Building so that the total of the two Side Yards shall be at least 4 metres and that no Side Yard be less than 1 metre wide, and further, provided that where a Lot is not served by a rear lane, one Side Yard shall be at least 3 metres wide.
- (c) No Ambulance Station Building or other Building or Structure on a Parcel on which there is an Ambulance Station Building and no part thereof shall be nearer to any point on any Rear Lot Line of the Parcel than a distance of 1 metre.

(7) **Screening and Landscaping**

- (a) Landscaped Open Site Space shall be provided and maintained on every Parcel on which an Ambulance Station Building is situated and such Landscaped Open Site Space shall have an Area in plan equal to not less than 20% of the Area in plan of the Parcel.
- (b) Landscape Screens shall be provided and maintained on and along



the perimeter of all Areas used or intended to be used for surface parking on a Parcel on which there is an Ambulance Station Building so that, save only for necessary entrances and exits thereto and therefrom, a Landscape Screen or part thereof shall be interposed in plan between any and all such Areas and any and all points in any and all Parcels immediately adjacent to the Parcel on which the Ambulance Station Building is situated.

(8) **Walls and Fences**

No wall or fence erected, constructed or placed on or along any boundary that a Parcel has in common with a Highway shall exceed 1.5 metres in Height or in the case of any other boundary, 2 metres in Height and where the Lot or Parcel is bounded on two or more sides by intersecting Highways, no wall or fence or part thereof lying within a distance of 6 metres of the point or any of the points of intersection of such Highways shall exceed 1 metre in Height.

(9) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended).

**66. COMPREHENSIVE DEVELOPMENT DISTRICT NO. 5 [CD NO. 5]**

In that Zone designated as CD No. 5 (Comprehensive Development District No. 5), 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 part.

(1) **Permitted Uses**

- (a) Apartment Uses
- (b) Home Occupation

(2) **Number of Buildings**

Not more than one Apartment Building shall be erected, constructed, placed or maintained on any one lot or Parcel of land.

(3) **Floor Area**

No Apartment Building shall have a Floor Area in excess of 8,500 square metres.

(4) **Lot Coverage**

The aggregate Site Coverage of any and all Buildings and Structures on a Parcel upon which there is an Apartment Building shall not exceed 42%.

(5) **Building Height**

No part of any Building shall exceed 12 metres in Height.

(6) **Number of Dwelling Units**

The maximum number of Dwelling Units on a Parcel shall be sixty-six (66).

(7) **Number of Storeys**

The maximum number of Stories shall be five (5), including any basement, or underground parking areas.

(8) **Siting Requirements**

- (a) Front Setback: No part of any Building or Structure on a Parcel of land shall be nearer to any point on the Front Lot Line than a distance of 6 metres.
- (b) Side Setback: No Building or Structure on a Parcel shall be nearer to any point on any side boundary of the Parcel than a distance of 6 metres.
- (c) Rear Setback: No Building or Structure on a Parcel shall be nearer to any point on any rear boundary of the Parcel than a distance of 7.6 metres.
- (d) Waterfront Setback: No part of any Building shall be nearer to any point on the High Water Mark than a distance of 7.5 metres. The Setback shall follow the indentations and sinuosities of the High

Water Mark.

(9) **Vehicle Parking**

Off street facilities for the parking of motor vehicles shall be provided as follows:

- (a) There shall be provided and maintained on every Parcel of land on which there is an Apartment, no fewer than as many parking units as shall be equal to the aggregate number of Dwelling Units in the Apartment situate on the lot or Parcel multiplied by a factor of 1.53.
- (b) Of the parking units referred to in Sub-section (a), no fewer than one (1) parking unit for every four (4) Dwelling Units on the Parcel shall be set aside and used exclusively for the purpose of providing space for the parking of motor vehicles in the care or control of the persons other than tenants or residents of the Parcel while such persons are actually in attendance within the Parcel as the guests or invitees of a tenant or resident thereof.
- (c) The parking units referred to in Subsection (b) shall be designated by conspicuous signs bearing the words 'Visitor Parking' which signs shall be displayed at all times and at all appropriate places including the entrance or entrances to the driveways giving access to the parking units so designated.
- (d) No charge shall be made for parking in order to discourage on-street parking by tenants and visitors.

(10) **Landscaped Open Site Space**

Landscaped Open Site Space shall be provided and maintained on every Parcel on which an Apartment is situate and such Landscaped Open Site Space shall have an area in plan equal to not less than 30% of the area in plan of the Parcel.

(11) **Landscape Screen**

Landscape Screens shall be provided and maintained on and along the perimeter of any and all areas used or intended to be used for surface parking on a Parcel on which there is an Apartment so that, save only for necessary entrances and exits thereto and therefrom, a Landscape Screen or part thereof shall be interposed in plan between any and all points in any and all such areas and any and all points in any and all Parcels immediately adjacent to the lot or Parcel on which the Apartment is situate.

(12) **Walls and Fences**

No wall or fence erected, constructed or placed on or along any Boundary that a Parcel of land has in common with a Highway shall exceed 1.5 metres in Height or in the case of any other boundary, 2 metres in Height and where the Parcel is bounded on two or more sides by intersecting Highways, no wall or fence or part thereof lying within a distance of 6 metres of the point or any of the points of intersection of such Highways shall exceed 1 metre in Height.

**67. COMPREHENSIVE DEVELOPMENT DISTRICT NO. 6 [CD NO. 6]**

In that Zone designated as CD No. 6, (Comprehensive Development District No. 6), 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 incorporate by reference into this Part.

(1) **Permitted Uses**

- (a) Apartment Use
- (b) Home Occupation

(2) **Number Of Buildings**

Not more than one Apartment Building shall be erected, constructed, placed or maintained on any one Parcel.

(3) **Floor Area**

No Apartment Building shall have a Floor Area in excess of 6,000 square metres.

(4) **Lot Coverage**

The aggregate Site Coverage of any and all Buildings and Structures on a Parcel upon which there is an Apartment Building shall not exceed 30%.

(5) **Building Height**

No part of any Building shall exceed 12 metres in Height.

(6) **Number of Dwelling Units**

The maximum number of Dwelling Units on a Parcel shall be forty-six (46).

(7) **Number of Storeys**

The maximum number of Stories shall be five (5), including any basement, or underground parking areas.

(8) **Siting Requirements**

- (a) Front Setback: No part of any Building or Structure on a Parcel shall be nearer to any point on the Front Lot Line than a distance of 7.6 metres.
- (b) Side Setback: No Building or Structure on a Parcel shall be nearer to any point on any side boundary of the Parcel than a distance of 6 metres.
- (c) Rear Setback: No Building or Structure on a Parcel shall be nearer to any point on any rear boundary of the lot or Parcel than a distance of 7.6 metres.
- (d) Waterfront Setback: No part of any Building shall be nearer to any point on the High Water Mark than a distance of 7.5 metres. The Setback shall follow the indentations and sinuosities of the High

Water Mark.

(9) **Vehicle Parking**

Off street facilities for the parking of motor vehicles shall be provided as follows:

- (a) There shall be provided and maintained on every Parcel on which there is an Apartment, no fewer than as many parking units as shall be equal to the aggregate number of Dwelling Units in the Apartment situate on the lot or Parcel multiplied by a factor of 1.53.
- (b) Of the parking units referred to in Subsection (a), no fewer than one (1) parking unit for every four (4) Dwelling Units on the Parcel shall be set aside and used exclusively for the purpose of providing space for the parking of motor vehicles in the care or control of the persons other than tenants or residents of the Parcel while such persons are actually in attendance within the Multiple Dwelling as the guests or invitees of a tenant or resident thereof.
- (c) The parking units referred to in Subsection (b) shall be designated by conspicuous signs bearing the words 'Visitor Parking' which signs shall be displayed at all times and at all appropriate places including the entrance or entrances to the driveways giving access to the parking units so designated.
- (d) No charge shall be made for parking in order to discourage on-street parking by tenants and visitors.

(10) **Landscaped Open Site Space**

Landscaped Open Site Space shall be provided and maintained on every Parcel on which an Apartment is situate and such Landscaped Open Site Space shall have an area in plan equal to not less than 40% of the area in plan of the Parcel.

(11) **Landscape Screen**

Landscape Screens shall be provided and maintained on and along the perimeter of any and all areas used or intended to be used for surface parking on a lot or Parcel on which there is an Apartment so that, save only for necessary entrances and exits thereto and therefrom, a Landscape Screen or part thereof shall be interposed in plan between any and all points in any and all such areas and any and all points in any and all Parcels immediately adjacent to the lot or Parcel on which the Apartment is situate.

(12) **Walls and Fences**

No wall or fence erected, constructed or placed on or along any Boundary that a Parcel has in common with a Highway shall exceed 1.5 metres in Height or in case of any other Boundary, 2 metres in Height and where the Parcel is bounded on two or more sides by intersecting Highways, no wall or fence or part thereof lying within a distance of 6 metres of the point or any of the points of intersection of such Highways shall exceed 1 metre in Height.

**67.1 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 7 [CD NO. 7]**

In that zone designated as CD No. 7 (Comprehensive Development District No. 7), no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land or water surface shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this part.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Pleasure Boat Moorage ancillary to Comprehensive Development District No. 5 and Comprehensive Development District No. 6

(2) **Prohibited Uses**

- (a) Commercial or Industrial activity on a Boat Moorage Facility
- (b) Floating Homes and Floating Boat Shelters
- (c) Liveaboards

(3) **Siting Requirements**

- (a) All Boat Moorage facilities and Pleasure Boats shall be located within the boundaries of a Water Lot No. 128.
- (b) No section of a Boat Moorage Facility shall exceed a width of 3 metres.

## 67.2 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 8 [CD NO. 8]**

In that Zone designated as CD No. 8 (Comprehensive Development District No. 8), 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 Part.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

### (2) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.75.

### (3) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 75 square metres.

### (4) **Building Height**

- (a) No Principal Building shall exceed a Height of 10 metres.
- (b) No Accessory Building shall exceed a Height of 4 metres.

### (5) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 31% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not cover more than 10% of the Area of Parcel.

### (6) **Siting Requirements**

#### (a) **Principal Building**

- (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 4.5 m of an Interior Side Lot Line nor 3.6 metres of an Exterior Lot Line.
- (iii) Rear Setback: No Building shall be located within 6 metres of the Rear Lot Line.

#### (b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within

1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Lot Line.

- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(7) **Usable Open Space**

Usable open space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

(8) **Fencing**

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.

(9) **Off Street Parking**

- (a) The number of parking stalls shall be provided in the ratio of one (1) stall for every Dwelling Unit.
- (b) Parking stall dimensions and location shall be in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).



### 67.3 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 9 [CD NO. 9]**

In that Zone designated as CD No. 9 (Comprehensive Development District No.9), 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Multiple Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel size of Parcels created by subdivision shall be 316 square metres for the Single Family dwelling and 986 square metres for the Multiple Family dwelling.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 8.8 metres for the Single Family dwelling and 27.6 metres for the Multiple Family dwelling measured at the Front Building Line.

(4) **Number of Buildings**

Not more than one Single Family dwelling and one Multiple Family dwelling shall be erected, constructed, placed or maintained on Lots 55 and 56, Esquimalt District, Plan 265.

(5) **Floor Area Ratio**

(a) **Combined**

The total combined Floor Area Ratio for the development of Lots 55 and 56, Plan 265, shall not exceed 0.53.

(b) **Multi-Family Lot**

The Floor Area Ratio shall not exceed 0.56.

(c) **Single Family Lot**

The Floor Area Ratio shall not exceed 0.43.

(6) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 37 square metres.

- (7) **Building Height**
- (a) The Multiple Family dwelling shall not exceed a Height of 10.7 metres.
  - (b) The Single Family dwelling shall not exceed a Height of 7.8 metres.
  - (c) No Accessory Building shall exceed a Height of 3.6 metres.
- (8) **Lot Coverage**
- (a) **Combined**  
The total combined lot coverage for the development of Lots 55 and 56, Plan 265 shall not exceed 30%.
  - (b) **Multi-Family Lot**
    - (i) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Parcel.
    - (ii) All Accessory Buildings and Structures combined shall not cover more than 10% of the Area of a Parcel.
  - (c) **Single Family Lot**
    - (i) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.
    - (ii) All Accessory Buildings and Structures combined shall not cover more than 10% of the Area of a Parcel.
- (9) **Siting Requirements**
- (a) **Principal Buildings**
    - (i) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
    - (ii) Side Setback: No Building shall be located within 1.5 metres of an Interior Side Lot Line.
    - (iii) Rear Setback: No Building shall be located within 7.5 metres of the Rear Lot Line.
    - (iv) Building Separation: No Principal Building shall be located within 4.5 metres of the other Principal Building on this Parcel or any other Parcel.
  - (b) **Accessory Building**
    - (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
    - (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.

- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the Area of the Parcel.

(11) **Fencing**

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.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**67.4 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 10 [CD NO. 10]**

In that Zone designated as CD No. 10 (Comprehensive Development District No. 10), 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Density**

The number of Dwelling Units permitted shall be limited to four (4) for a density of one unit per 472.6 square metres.

(3) **Floor Area Ratio**

The total combined Floor Area Ratio shall not exceed 0.32.

(4) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall be not less than 133 square metres.

(5) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(6) **Lot Coverage**

- (a) The total combined lot coverage of all Principal Buildings, Accessory Buildings and Structures shall not exceed 40% of the Area of the Parcel.
- (b) The total combined lot coverage of all Accessory Buildings and Structures shall not exceed 10% of the Area of the Parcel.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) Front Setback: No Principal Building shall be located within 7.85 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line.

- (iii) No Principal Building shall be located within 8.4 metres of another Principal Building on the same property.
- (iv) Rear Setback: No Principal Building shall be located within 1.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 1.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22 of Zoning Bylaw No. 2050, no fence shall exceed a Height of 1.2 metres in front of the front face of a Principal Building and 2 metres behind the front face of a Principal Building.

(9) **Off Street Parking**

Two (2) off street parking spaces shall be provided for each Dwelling Unit.

## 67.5 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 11 [CD NO. 11]**

In that Zone designated as CD No. 11 (Comprehensive Development District No. 11), 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 Part.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Multiple Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### (2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2,296 square metres.

### (3) **Density**

The number of Dwelling Units permitted shall be limited to twelve (12) for a density of one (1) unit per 191.3 square metres.

### (4) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 51.6 metres measured at the Front Building Line.

### (5) **Number of Buildings**

Not more than one Building containing a Single Family dwelling and two Buildings containing Multiple Family dwellings shall be erected, constructed, placed, or maintained on Lot A, Suburban Lot 43, Esquimalt District, Plan 19331.

### (6) **Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot A, Suburban Lot 43, Esquimalt District, Plan 19331, shall not exceed 0.50.

### (7) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 60 square metres.

### (8) **Building Height**

- (a) The Buildings containing multiple Family Dwelling Units shall not exceed a Height of 7.9 metres.
- (b) The Single Family dwelling shall not exceed a Height of 6.9 metres.

(c) No Accessory Building shall exceed a Height of 2.4 metres.

(9) **Lot Coverage**

The total combined lot coverage for the development of Lot A, Suburban Lot 43, Esquimalt District, Plan 19331 shall not exceed 21%.

(10) **Siting Requirements**

(a) **Principal Buildings**

- (i) Front Setback: No Building shall be located within 6.9 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 3 metres of an Interior Lot Line.
- (iii) Rear Setback: No Building shall be located within 7.6 metres of the Rear Lot Line.
- (iv) Building Separation: No Principal Building shall be located within 4.2 metres of another Principal Building on this Parcel or any other Parcel.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Buildings.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 0.75 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 0.9 metres of a Principal Building.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7.5% of the area of the Parcel.

(12) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building closest to Admirals Road and 2 metres behind the front face that Building.

(13) **Off Street Parking**

Parking stall dimensions shall be in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

## 67.7 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 13 [CD NO. 13]**

In that Zone designated as CD No. 13 (Comprehensive Development District No.13), 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 Part.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Two (2) detached single Family residential Dwelling Units
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### (2) **Number of Buildings**

Not more than two (2) residential Buildings shall be erected, constructed, placed, or maintained on Lot 1, Block E, Section 11, Esquimalt District, Plan 292.

### (3) **Number of Dwelling Units**

The maximum number of Dwelling Units on Lot 1, Block E, Section 11, Esquimalt District, Plan 292 shall be two (2).

### (4) **Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### (5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 35% of the Area of a Parcel.

### (6) **Siting Requirements**

#### (a) **Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 3.4 metres of the Front Lot Line.
- (ii) Side Setback: No residential Building shall be located within 0 metres of any Interior Side Lot Line or within 0.21 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No residential Building shall be located within 0.28 metres of a Rear Lot Line.

#### (b) **Accessory Buildings**



- (i) Front Setback: No Accessory Building shall be located in front of the front face of either of the two (2) residential Buildings on the subject property.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(7) **Walls and Fences**

Notwithstanding Sections 22(1) and 24(1), the existing stone wall along the perimeter of the subject property shall be maintained.

(8) **Off Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.
- (b) Parking stall dimensions and location shall be in accordance with Table 2 of Parking Bylaw, 1992, No. 2011 (as amended).

## **67.8 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 14 [CD NO. 14]**

In that Zone designated as CD No. 14 (Comprehensive Development District No. 14), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,585 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot A (DD EE90338), Section 11 and Suburban Lot 49, Esquimalt District, Plan 17985 shall be limited to four (4) for a density of one (1) unit per 396.0 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of Lot A (DD EE90338), Section 11 and Suburban Lot 49, Esquimalt District, Plan 17985.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot A (DD EE90338), Section 11 and Suburban Lot 49, Esquimalt District, Plan 17985 shall not exceed 0.35.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 3.35 metres of the Front Lot Line.

(ii) Side Setback: No residential Building shall be located within 1.5 metres of any Interior Side Lot Line or within 3.56 metres of any Exterior Side Lot Line.

(iii) Rear Setback: No residential Building shall be located within 1.5 metres of a Rear Lot Line.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located within 7.46 metres of the Front Lot Line.

(ii) Side Setback: No Accessory Building shall be located within 2.1 metres of any Interior side Lot Line or within 3.6 metres of any Exterior Side Lot Line.

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

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Buildings closest to Admirals Road and 2 metres behind the front face of that Building.

(9) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of 1.75 stalls for each Dwelling Unit.

## 67.9 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 15 [CD NO. 15]**

In that Zone designated as CD No. 15 (Comprehensive Development District No. 15), 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 Part.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### (2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,053 square metres.

### (3) **Density**

The number of Dwelling Units permitted on Lot 3, Section 10, Esquimalt District, Plan 6105 shall be limited to two (2) or a density of one (1) unit per 526 square metres.

### (4) **Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### (5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of Lot 3, Section 10, Esquimalt District, Plan 6105.

### (6) **Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 3, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.35.

### (7) **Siting Requirements**

#### (a) **Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 7.3 metres of the Front Lot Line.
- (ii) Side Setback: No residential Building shall be located within 1.5 metres of any Interior Side Lot Line.

- (iii) Rear Setback: No residential Building shall be located within 1.5 metres of a Rear Lot Line.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit located closest to Craigflower Road.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building closest to Craigflower Road and 2 metres behind the front face of that Building.

(9) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

## **67.10 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 17 [CD NO. 17]**

In that Zone designated as CD No. 17 (Comprehensive Development District No. 17), 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 to this Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 841 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District, Plan 5564 shall be limited to two (2) for a density of one (1) unit per 420 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 6.5 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 26% of the Area of Lot 1, Section 11, Esquimalt District, Plan 5564.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 1, Section 11, Esquimalt District, Plan 5564 shall not exceed 0.36.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Residential Building shall be located within 8.3 metres of the Front Lot Line.
- (ii) Side Setbacks: No Residential Building shall be located within 2.84 metres of any Interior Side Lot Line nor within 4.38 metres of any Exterior Side Lot Line.

- (iii) Rear Setback: No Residential Building shall be located within 6.1 metres of a Rear Lot Line.
- (iv) Building Separation: No Residential Building shall be located within 4.38 metres of any other Residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit fronting on Wychbury Avenue or in front of the front face of the Dwelling Unit fronting on Kinver Street.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line nor within .36 metres of any Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Dwelling Unit and no fence shall exceed a Height of 2 metres behind the front face of either Dwelling Unit.

(9) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.11 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 18 [CD NO. 18]**

In that Zone designated as CD No. 18 (Comprehensive Development District No. 18), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2,494 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lots 1 and 2, Section 11, Esquimalt District, Plan 31508 shall be limited to three (3) for a density of one (1) unit per 831 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 8.8 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 22% of the Area of the consolidated Lots 1 and 2, Section 11, Esquimalt District, Plan 31508.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lots 1 and 2, Section 11, Esquimalt District, Plan 31508 shall not exceed 0.31.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 20.1 metres of the Front Lot Line.
- (ii) Side Setback: No residential Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No residential Building shall be located



within 7.62 metres of a Rear Lot Line.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located within 30.3 metres of the Front Lot Line.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 7.62 metres of a Rear Lot Line.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building closest to Munro Street and 2 metres behind the front face of that Building.

(9) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.12 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 19 [CD NO. 19]**

In that Zone designated as CD No. 19 (Comprehensive Development District No. 19), 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 an subject to the regulations contained in or incorporated by reference into this Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,092 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 7, Section 10, Esquimalt District, Plan 6105 shall be limited to two (2) for a density of one (1) unit per 546 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.0 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 22% of the Area of Lot 7, Section 10, Esquimalt District, Plan 6105.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 7, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.28.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 8.2 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 1.79 metres of any Interior Lot Line.
- (iii) Rear Setback: No residential Building shall be located within

7.6 metres of a Rear Lot Line.

- (iv) Building Separation: No residential Building shall be located within 4.5 metres of any other residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit fronting on Craigflower Road.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Dwelling Unit nearest to Craigflower Road and no fence shall exceed a Height of 2 metres behind the front face of the Dwelling Unit nearest to Craigflower Road.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

## **67.13 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 21 [CD NO. 21]**

In that Zone designated as CD No. 21 (Comprehensive Development District No. 21), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,053 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 8, Section 10, Esquimalt District, Plan 6105 shall be limited to two (2) for a density of one (1) unit per 526 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 22% of the Area of Lot 8, Section 10, Esquimalt District, Plan 6105.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 8, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.30.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 12 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) Rear Setback: No residential Building shall be located within

7.5 metres of the Rear Lot Line.

- (iv) Building Separation: No residential Building shall be located within 4.5 metres of any other residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit fronting on Craigflower Road.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Dwelling Unit nearest to Craigflower Road and no fence shall exceed a Height of 2 metres behind the front face of the Dwelling Unit nearest to Craigflower Road.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

## **67.14 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 22 [CD NO. 22]**

In that zone designated as CD No. 22 (Comprehensive Development District No. 22), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,081 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 4, Section 11, Esquimalt District, Plan 4618 shall be limited to two (2) for a density of one (1) unit per 540 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 21% of the area of Lot 4, Section 11, Esquimalt District Plan 4618.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 4, Section 11, Esquimalt District, Plan 4618 shall not exceed 0.35.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 16.25 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 1.5 metres of the north Interior Lot Line or within 4 metres of the south Interior Lot Line.

(iii) Rear Setback: No residential Building shall be located within 5 metres of the Rear Lot Line.

(iv) Building Separation: No residential Building shall be located within 12.3 metres of any other residential Building.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit fronting on Lampson Street.

(ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.

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

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

(8) **Fencing**

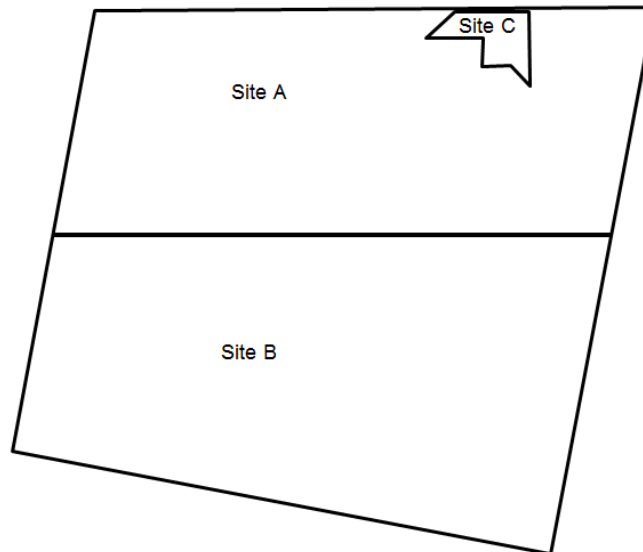
Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Dwelling Unit nearest to Lampson Street and no fence shall exceed a Height of 2 metres behind the front face of the Dwelling Unit nearest to Lampson Street.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

**67.15 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 23 [CD NO. 23]**  
***[Amendment, 2018, Bylaw No. 2933]***

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**

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 without 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**

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.

## **67.16 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 24 [CD NO. 24]**

In that Zone designated as CD No. 24 (Comprehensive Development District No. 24), 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 to this Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 978 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Amended Lot 7 (DD247591i), Block C, Suburban Lot 49, Esquimalt District, Plan 4618 shall be limited to two (2) for a density of one (1) unit per 489 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 25% of the Area of Amended Lot 7 (DD247591i), Block C, Suburban Lot 49, Esquimalt District, Plan 4618.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Amended Lot 7 (DD247591i), Block C, Suburban Lot 49, Esquimalt District, Plan 4618 shall not exceed 0.34.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 4.4 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 0.9 metres of any Interior Side Lot Line.

(iii) Rear Setback: No residential Building shall be located within 7.5 metres of any other residential Building.

(iv) Building Separation: No residential Building shall be located within 6 metres of any other residential Building.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit furthest from Constance Avenue.

(ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.

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

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

(8) **Fencing**

(a) West Side: Subject to Section 22, no fence shall exceed a Height of 1.2 metres along that side of the property.

(b) North Side: Subject to Section 22, no fence shall exceed a Height of 1.2 metres along that portion of the north property line which is in front of the front face of Dwelling Unit A and no fence shall exceed a Height of 2 metres behind the front face of Dwelling Unit A.

(c) East Side: Subject to Section 22, no fence shall exceed a Height of 2 metres along the east property line.

(d) South Side: Subject to Section 22, no fence shall exceed a Height of 1.2 metres along that portion of the south Lot Line which is in front of the front face of Dwelling Unit B and no fence shall exceed a Height of 2 metres behind the front face of Dwelling Unit B.

(9) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.17 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 26 [CD NO. 26]**

In that Zone designed as CD No. 26 (Comprehensive Development District No. 26), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel size of fee simple Parcels created by subdivision shall be 816 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot A, Section 11, Esquimalt District, Plan VIP 60066 shall be limited to two (2) for a density of one (1) unit per 408 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.65 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 26% of the area of Lot A, Section 11, Esquimalt District, Plan VIP 60066.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot A, Section 11, Esquimalt District, Plan VIP 60066 shall not exceed 0.32.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 5.95 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) Rear Setback: No residential Building shall be located within

10.4 metres of the Rear Lot Line.

- (iv) Building Separation: No residential Building shall be located within 3.5 metres of any other residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit nearest to Wychbury Avenue.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Dwelling Unit nearest to Wychbury Street and no fence shall exceed a Height of 2 metres behind the front face of the Dwelling Unit nearest to Wychbury Avenue.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ration of one (1) stall for each Dwelling Unit.



## **67.18 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 27 [CD NO.27]**

In that Zone designed as CD No. 27 (Comprehensive Development District No. 27) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel size of fee simple Parcels created by subdivision shall be 2,228 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lots 9 and 10, Section 10, Esquimalt District, Plan 5563 shall be limited to four (4) for a density of one (1) unit per 557 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.62 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 19% of the area of Lots 9 and 10, Section 10, Esquimalt District, Plan 5563.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lots 9 and 10, Section 10, Esquimalt District, Plan 5563 shall not exceed 0.21.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 3 metres of the southern Lot Line.
- (iii) Side Setbacks: No residential Building shall be located

within 19 metres of the northern Lot Line.

(iv) Rear Setback: No residential Building shall be located within 5.4 metres of the Rear Lot Line.

(v) Building Separation: No residential Building shall be located within 5.4 metres of any other residential Building.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit nearest to Lampson Street.

(ii) Side Setbacks: No Accessory Building shall be located within 14.6 metres on any Interior Side Lot Line.

(iii) Rear Setback: No Accessory Building shall be located within 18 metres of the Rear Lot Line.

(iv) Building Separation: No Accessory Building shall be located within 6.7 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Dwelling Unit nearest to Lampson Street and no fence shall exceed a Height of 2 metres behind the front face of either Dwelling Unit nearest to Lampson Street.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.25 stalls for each Dwelling Unit.

**67.19 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 28 [CD NO. 28]**

In that Zone designed as CD No. 28 (Comprehensive Development District No. 28), 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Dwellings
- (b) Townhouse Dwellings
- (c) Home Occupation

(2) **Parcel Size**

The minimum Parcel size of fee simple Parcels created by subdivision shall be 13,000 square metres.

(3) **Density**

The number of Dwelling Units permitted shall not exceed the following:

- 12 Townhouse Dwellings
- 98 Apartment Dwellings
- 110 Total Dwellings

(4) **Building Height**

No residential Building shall exceed a Height of 20.5 metres.

(5) **Lot Coverage**

Lot coverage for all Principal Buildings, Accessory Buildings and Structures combined shall not exceed 32% of the area of the Parcel.

(6) **Floor Area Ratio**

The total Floor Area Ratio for all Buildings shall not exceed 1.00.

(7) **Siting Requirements**

**Residential Buildings**

- (a) Front Setback (Craigflower Road): No Building containing Townhouse Dwellings shall be located within 6.2 metres of the Front Lot Line. No Building containing Apartment Dwellings shall be located within 25.5 metres of the Front Lot Line.
- (b) Side Setbacks: No residential Building shall be located within 2.4 metres of any Side Lot Line.
- (c) Rear Setback: No Building shall be located within 2.4 metres of the Rear Lot Line.
- (d) Building Separation: No residential Building shall be located within

3.5 metres of any other residential Building.

(8) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.61 stalls for each Dwelling Unit.

## **67.20 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 30 [CD NO. 30]**

In that Zone designed as CD No. 30 (Comprehensive Development District No. 30) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel size of fee simple Parcels created by subdivision shall be 802 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 4, Block 3, Section 11, Esquimalt District, Plan 6016 shall be limited to two (2) for a density of one (1) unit per 401 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.35 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 26% of the area of Lot 4, Block 3, Section 11, Esquimalt District, Plan 6016.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 4, Block 3, Section 11, Esquimalt District, Plan 6016 shall not exceed 0.35.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No residential Building shall be located within 9 metres of the Front Lot Line.
- (ii) Side Setbacks: No residential Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) Rear Setback: No residential Building shall be located within

13 metres of the Rear Lot Line.

- (iv) Building Separation: No residential Building shall be located within 4.5 metres of any other residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Dwelling Unit and no fence shall exceed a Height of 1.8 metres behind the front face of either Dwelling Unit.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.21 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 31 [CD NO. 31]**

In that zone designated as CD No. 31 (Comprehensive Development District No. 31), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 867 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 13, Section 11, Esquimalt District, Plan 330 shall be limited to four (4) for a density of one (1) unit per 216 square metres.

### **(4) Building Height**

- (a) No Residential Building shall exceed a Height of 8.7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 35% of the area of Lot 13, Section 11, Esquimalt District, Plan 330.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 13, Section 11, Esquimalt District, Plan 330 shall not exceed 0.72.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Residential Building shall be located within 7.9 metres of the Front Lot Line.
- (ii) Side Setbacks: No Residential Building shall be located within 3.9 metres of any Interior Lot Line.
- (iii) Side Setbacks: No Residential Building shall be located within 3.9 metres of any Exterior Lot Line.

- (iv) Rear Setback: No Residential Building shall be located within 2.4 metres of the Rear Lot Line.
- (v) Building Separation: No Residential Building shall be located within 9.7 metres of any other Residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located within the front yard or the exterior side yard.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres along the Dunsmuir Road frontage or along the Sea Terrace frontage.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.



## **67.22 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 32 [CD NO. 32]**

In that zone designated as CD No. 32 (Comprehensive Development District No. 32), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3.
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel size of fee simple Parcels created by subdivision shall be 5,580 square metres.

The average size of bare land strata lots will be 250 square metres with no lot being less than 232 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lots 1 to 18, Section 10, Esquimalt District, Plan VIS5131 shall be limited to eighteen (18) for a density of one (1) unit per 310 square metres.

### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 8.6 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 50% of the area of the Parcel.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 1, Section 10, Esquimalt District, Plan VIP 72764 shall not exceed 0.60.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) Front Setback: No Principal Building shall be located within 4.5 metres of the Front Lot Line.

- (ii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any interior Lot Line.
- (iii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Exterior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 4.5 metres of the Rear Lot Line.
- (v) Building Separation: No Principal Building shall be located within 3 metres of any other residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of any Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres along the Colville Road frontage or a Height of 2 metres along the east, south and west property lines.

(9) **Off Street Parking**

The number of off street parking spaces shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.23 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 33 [CD NO. 33]**

In that zone designated as CD No. 33 (Comprehensive Development District No. 33), 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 to this Part.

### **(1) Permitted Uses**

The following uses and no others shall be permitted:

- (a) Apartment Use
- (b) Home Occupation

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,990 square metres.

### **(3) Number of Buildings**

Not more than one (1) Apartment Building shall be erected, constructed, placed or maintained on any one Parcel of land.

### **(4) Floor Area**

No Apartment Building shall have a Floor Area in excess of 2985 square metres. For the purpose of calculating lot coverage, that Area of Lot 8, Section 21, Esquimalt District, Plan 2538 that has been dedicated for park use is included in the Parcel Area.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 45% of the Area of Lot 8, Section 21, Esquimalt District, Plan 2538. For the purpose of calculating lot coverage, that Area of Lot 8, Section 21, Esquimalt District, Plan 2538 which has been dedicated for park use is included in the Parcel Area.

### **(6) Building Height**

No part of any Building shall exceed 13 metres in Height.

### **(7) Number of Dwelling Units**

The maximum number of Dwelling Units on Lot 8, Section 21, Esquimalt District, Plan 2538 shall be forty (40).

### **(8) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Building or Structure intended for residential Use shall be located within 6.0 metres of the

- Front Lot Line (i.e. Esquimalt Road).
- (ii) Rear Setback: No Building or Structure intended for residential Use shall be located within 19.4 metres of the Rear Lot Line.
  - (iii) Side Setback: No Building or Structure intended for residential Use shall be located within 2.1 metres of any Interior Side Lot Line.

(b) **Accessory Buildings**

Front Setback: No Accessory Building or Structure shall be located in front of the front face of the Principal Building metres of the Front Lot Line.

(9) **Landscaping and Open Space**

- (a) Landscaped Open Space shall be provided and maintained along the Esquimalt Road and Grafton Street frontages.
- (b) Usable Open Space shall be provided in an amount of not less than 10% of the Area of the Parcel.

(10) **Fencing**

No fence bordering the Front Lot Line or any Exterior Side Lot Line shall exceed a Height of 1.2 metres and no fence bordering the Rear Lot Line or any Interior Side Lot Line shall exceed a height of 2 metres.

(11) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

## **67.24 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 34 [CD NO. 34]**

In that zone designated as CD No. 34 (Comprehensive Development District No. 34), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel size of fee simple Parcels created by subdivision shall be 751 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 6, Suburban Lot 47, Esquimalt District, Plan 722A shall be limited to two (2) for a density of one (1) unit per 375 square metres.

### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 6.4 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 28% of the area of Lot 6, Suburban Lot 47, Esquimalt District, Plan 722A.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 6, Suburban Lot 47, Esquimalt District, Plan 722A shall not exceed 0.36.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) Front Setback: No Principal Building shall be located within 7.6 metres of the Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line.

(iii) Rear Setback: No Principal Building shall be located within 13.3 metres of the Rear Lot Line.

(iv) Building Separation: No Principal Building shall be located within 3 metres of any other Principal Building.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Buildings.

(ii) Side Setback: No Accessory Building shall be located within 1.5 metres of any Side Lot Line.

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

(iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Dwelling Units or a Height of 2 metres behind the front face of the Dwelling Units.

(9) **Off Street Parking**

The number of off street parking spaces shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.25 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 35 [CD NO. 35]**

In that zone designated as CD No.35 (Comprehensive Development District No. 35), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 840 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 12, Block 2, Section 11, Esquimalt District, Plan 5725 shall be limited to two (2) for a density of one (1) unit per 420 square metres.

### **(4) Building Height**

- (a) No Residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 28% of the area of Lot 12, Block 2, Section 11, Esquimalt District, Plan 5725.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 12, Block 2, Section 11, Esquimalt District, Plan 5725 shall not exceed 0.32.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Residential Building shall be located within 7.9 metres of the Front Lot Line (i.e. the Greenwood Avenue frontage).
- (ii) Side Setbacks: No Residential Building shall be located

within 4.5 metres of the Interior Lot Line or within 4.5 metres of the Exterior Lot Line (i.e. Kinver Street), however the front portico of the Dwelling Unit on Lot A may be within 3.4 metres of the Exterior Lot Line.

- (iii) Rear Setback: No Residential Building shall be located within 4.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Residential Building shall be located within 5.4 metres of any other Residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of any Dwelling Unit
- (ii) Side Setbacks: No Accessory Building shall be located within 0.3 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 0.3 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 1.8 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres on either the Greenwood or Kinver frontages and no fence shall exceed a Height of 2 metres behind the front face of either of the Dwelling Units.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.



## **67.26 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 36 [CD NO. 36]**

In that zone designated as CD No.36 (Comprehensive Development District No. 36), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 898 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District, Plan 5050 except that part in Plan 14484, shall be limited to two (2) for a density of one (1) unit per 449 square metres.

### **(4) Building Height**

- (a) No Residential Building shall exceed a Height of 6.4 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 20% of the area of Lot 1, Section 11, Esquimalt District, Plan 5050 except that part in Plan 14484.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 1, Section 11, Esquimalt District, Plan 5050 except Plan 14484 shall not exceed 0.24.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Residential Building shall be located within 8.2 metres of the Front Lot Line (i.e. the Munro Street frontage).

- (ii) Side Setbacks: No Residential Building shall be located within 6.1 metres of the Interior Lot Line or within 4.0 metres of the Exterior Lot Line.
- (iii) Rear Setback: No Residential Building shall be located within 4.6 metres of the Rear Lot Line.
- (iv) Building Separation: No Residential Building shall be located within 4 metres of any other Residential Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face any Dwelling Unit.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres on the Hadfield Avenue or Munro Street frontages and no fence shall exceed a Height of 2 metres on the Rear and Interior Lot Lines.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.27 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 37 [CD NO. 37]**

In that zone designated as CD No. 37 (Comprehensive Development District No. 37), 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 1,053 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 4, Section 10, Esquimalt District, Plan 6105 shall be limited to two (2) for a density of one (1) unit per 526 square metres.

### **(4) Building Height**

- (a) No Residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 26% of the area of Lot 4, Section 10, Esquimalt District, Plan 6105.

### **(6) Floor Area Ratio**

The total combined Floor Area Ratio for the development of Lot 4, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.35.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) Front Setback: No Principal Building shall be located within 9.1 metres of the Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 3.6 metres of the west Interior Lot Line or within 2.1 metres

of the east Interior Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 6.9 metres of the Rear Lot Line.
- (iv) Building Separation: No Principal Building shall be located within 4.5 metres of any other Principal Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Dwelling Unit fronting on Craigflower Road.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Dwelling Unit nearest to Craigflower Road and no fence shall exceed a Height of 2 metres behind the front face of the Dwelling Unit nearest to Craigflower Road.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stalls for each Dwelling Unit.

## **67.28 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 39 [CD NO. 39]**

In that Zone designated as CD No. 39 (Comprehensive Development District No. 39) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 9,000 square metres.

### **(3) Number of Dwelling Units**

The maximum number of Dwelling Units shall not exceed thirty (30).

### **(4) Lot Coverage**

All Buildings and Structures combined shall not cover more than 35% of the Area of the Parcel.

### **(5) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.40.

### **(6) Building Height**

- (a) No Principal Building shall exceed a Height of 7.75 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) No Principal Building shall be located within 4.5 metres of the south lot line.
- (ii) No Principal Building shall be located within 7 metres of the southwest lot line.
- (iii) No Principal Building shall be located within 9.3 metres of the west lot line.
- (iv) No Principal Building shall be located within 2.8 metres of the north lot line.

(v) No Principal Building shall be located within 5.8 metres of the east lot line.

(b) **Accessory Buildings**

(i) No Accessory Building shall be located within 1.5 metres of any Lot Line.

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

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 2 metres.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 10/2002.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit and thirty (30) of the required stalls may be tandem (i.e. stacked) parking spaces.

## **67.29 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 40 [CD NO. 40]**

In that Zone designated as CD No. 40 (Comprehensive Development District No. 40) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 375 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 9, Block G, Suburban Lot 30, Esquimalt District, Plan 772A shall be limited to two (2) for a density of one (1) unit per 375 square metres.

### **(4) Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 25% of the Area of Lot 9, Block G, Suburban Lot 30, Esquimalt District, Plan 772A.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio for Lot 9, Block G, Suburban Lot 30, Esquimalt District, Plan 772A shall not exceed 0.31.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line.

(iii) No Principal Building shall be located within 7.5 metres of the Rear Lot Line.

(iv) The separation between Principal Buildings shall not be less than 3 metres.

(b) **Accessory Buildings**

(i) No Accessory Building shall be located in front of the front face of either of the Principal Buildings.

(ii) No Accessory Building shall be located within 1.5 metres of any Interior or Rear Lot Line.

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

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings and no fence shall exceed a height of 1.8 metres behind the front face of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 15/2002.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.



### **67.30 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 41 [CD NO. 41]**

In that Zone designated as CD No. 41 (Comprehensive Development District No. 41) no Building or Structure or part hereof 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 375 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 8, Block F, Suburban Lot 47, Esquimalt District, Plan 772A shall be limited to two (2) for a density of one (1) unit per 375 square metres.

(4) **Building Height**

- (a) No residential Building shall exceed a Height of 7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 26% of the Area of Lot 8, Block F, Suburban Lot 47, Esquimalt District, Plan 772A.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot 8, Block F, Suburban Lot 47, Esquimalt District, Plan 772A shall not exceed 0.32.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) No Principal Building shall be located within 7.6 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line.

(iii) No Principal Building shall be located within 12.8 metres of the Rear Lot Line.

(iv) The separation between Principal Buildings shall not be less than 3 metres.

(b) **Accessory Buildings**

(i) No Accessory Building shall be located in front of the front face of either of the Principal Buildings.

(ii) No Accessory Building shall be located within 1.5 metres of any Interior or Rear Lot Line.

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

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings and no fence shall exceed a height of 1.8 metres behind the front face of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 14/2002.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.31 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 42 [CD NO. 42]**

In that Zone designated as CD No. 42 (Comprehensive Development District No. 42) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Density**

The number of Dwelling Units permitted on each of Lots 1 and 2, Section 11, Esquimalt District, Plan 5091 shall be limited to two (2) for a total of four (4) units with a density not to exceed one (1) unit per 385 square metres.

(3) **Building Height**

- (a) No residential Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(4) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 29% of the Parcel Area.

(5) **Floor Area Ratio**

The combined Floor Area Ratio shall not exceed 0.35.

(6) **Siting Requirements**

(a) **Principal Buildings**

- (i) No Principal Building shall be located within 7.1 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) No Principal Building shall be located within 8 metres of the Rear Lot Line.
- (iv) The separation between Principal Buildings shall not be less than 6 metres.

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of either of the Principal Buildings.
- (ii) No Accessory Building shall be located within 1.5 metres of any Interior or Rear Lot Line.
- (iii) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(7) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings and no fence shall exceed a height of 1.8 metres behind the front face of the Principal Buildings.

(8) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 12/2002.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

**67.32 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 43 [CD NO. 43]**

In that Zone designated as CD No. 43 (Comprehensive Development District No. 43) no Building or Structure or part hereof 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 375 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 20, Section 10, Esquimalt District, Plan 7328 shall be limited to two (2) for a density of one (1) unit per 410 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 22% of the Area of Lot 20, Section 10, Esquimalt District, Plan 7328.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot 20, Section 10, Esquimalt District, Plan 7328 shall not exceed 0.26.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 3 metres of any Exterior Lot Line.

- (iii) No Principal Building shall be located within 6 metres of any Interior Lot Line.
- (iv) No Principal Building shall be located within 6 metres of the Rear Lot Line.
- (v) The separation between Principal Buildings shall not be less than 15 metres.

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of either of the Principal Buildings.
- (ii) No new Accessory Building shall be located within 1.5 metres of an Interior or Rear Lot Line.
- (iii) The separation between any new Accessory Building and any Principal Building shall not be less than 2.5 metres.

(8) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings and no fence shall exceed a Height of 1.6 metres behind the front face of either of the Principal Buildings on Lot 20, Section 10, Esquimalt District, Plan 7328.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 19/2002.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

### **67.33 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 44 [CD NO. 44]**

In that Zone designated as CD No. 44 (Comprehensive Development District No. 44) no Building or Structure or part hereof 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 Part.

#### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

#### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 357 square metres.

#### **(3) Density**

The number of Dwelling Units permitted on Lot 1, Block 1, Section 11, Esquimalt District, Plan 6016 except that part in Plan 13605 shall be limited to two (2) for a density of one (1) unit per 402 square metres.

#### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 6.8 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

#### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 25% of the Area of Lot 1, Block 1, Section 11, Esquimalt District, Plan 6016 except that part in Plan 13605.

#### **(6) Floor Area Ratio**

The combined Floor Area Ratio for Lot 1, Block 1, Section 11, Esquimalt District, Plan 6016 except that part in Plan 13605 shall not exceed 0.37.

#### **(7) Siting Requirements**

##### **(a) Principal Buildings**

- (i) No Principal Building shall be located within 4.8 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line.

(iii) No Principal Building shall be located within 3 metres of the Rear Lot Line.

(iv) The separation between Principal Buildings shall not be less than 4.5 metres.

(b) **Accessory Buildings**

(i) No Accessory Building shall be located in front of the front face of either of the Principal Buildings.

(ii) No Accessory Building shall be located within 1.5 metres of an Interior or Rear Lot Line.

(iii) The separation between any Accessory Building and any Principal Building shall not be less than 2.5 metres.

(8) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings and no fence shall exceed a Height of 1.6 metres behind the front face of either of the Principal Buildings on Lot 1, Block 1, Section 11, Esquimalt District, Plan 6016 except that part in Plan 13605.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 21/2002.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.



**67.34 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 45 [CD NO. 45]**

In that Zone designated as CD No. 45 (Comprehensive Development District No. 45) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 530 square metres.

(3) **Density**

The number of dwelling units permitted on Lot 1, Section 10, Esquimalt District, Plan 6700 shall be limited to two (2) for a density of one (1) unit per 646 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 21% of the Area of Lot 1, Section 10, Esquimalt District, Plan 6700.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot 1, Section 10, Esquimalt District, Plan 6700 shall not exceed 0.31.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 4.2 metres of the Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 2.9 metres of any southern Interior Lot Line. No

Principal Building shall be located within 1.9 metres of the northern Interior Lot Line.

- (iii) Rear Setback: No Principal Buildings shall be located within 10.9 metres of the Rear Lot Line.
- (iv) Building Separation: No Principal Building shall be located within 4.6 metres of any other Principal Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building closest to Lampson Street.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres on any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building closest to Lampson Street and no fence shall exceed a Height of 2 metres behind the front face of the Principal Building closest to Lampson Street.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 01/2004.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

**67.35 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 46 [CD NO. 46]**

In that zone designated as CD No. 46 (Comprehensive Development District No. 46), 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Multiple Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 1,656 square metres.

(3) **Floor Area Ratio**

The combined Floor Area Ratio shall not exceed 0.30.

(4) **Density**

The number of Dwelling Units permitted shall be limited to three (3) for a density of one (1) unit per 552 square metres.

(5) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(6) **Lot Coverage**

- (a) All Principal Buildings and Structures combined shall not cover more than 25% of the Area of the Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) No Principal Building shall be located within 11.6 metres of the south Lot Line.
- (ii) No Principal Building shall be located within 3.6 metres of either the east or west Lot Line.
- (iii) No Principal Building shall be located within 20 metres of the High Water Mark of the Gorge Waters.

- (iv) No Principal Building shall be located within 7.6 metres of any other Principal Building.

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of the Principal Building closest to DeCosta Place.
- (ii) No Accessory Building shall be located within 1.5 metres on any Lot Line.
- (iii) No Accessory Building shall be located within 20 metres of the High Water Mark of the Gorge Waters.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

No fence shall exceed a Height of 2 metres.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 5/03.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 2.6 stalls per Dwelling Unit.

**67.36 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 47 [CD NO. 47]**

In that Zone designated as CD No. 47 (Comprehensive Development District No. 47) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 465 square metres.

(3) **Density**

The number of dwelling units permitted on Lot A, Section 2, Esquimalt District, Plan 18637, except that part thereof lying North Easterly of a line parallel to and 65 feet perpendicularly distant from the North Easterly boundary of the said Lot A shall be limited to three (3) for a density of one (1) unit per 479 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 20% of the Area of Lot A, Section 2, Esquimalt District, Plan 18637, except that part thereof lying North Easterly of a line parallel to and 65 feet perpendicularly distant from the North Easterly boundary of the said Lot A.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot A, Section 2, Esquimalt District, Plan 18637, except that part thereof lying North Easterly of a line parallel to and 65 feet perpendicularly distant from the North Easterly boundary of the said Lot A shall not exceed 0.30.

(7) **Siting Requirements**

- (a) **Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 6 metres of any Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 1.6 metres of any Interior Lot Line. No Principal Building shall be located within 3.9 metres of any Exterior Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 6 metres of any Rear Lot Line.
- (iv) Building Separation: No Principal Building shall be located within 4.5 metres of any other Principal Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of either the Principal Building fronting on Admirals Road or the Principal Buildings fronting on Cole Street.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.6 metres of any Interior Side Lot Line or within 3.9 metres of any Exterior Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any of the Principal Buildings and no fence shall exceed a Height of 2 metres behind the front face of any Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 05/2004.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.37 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 48 [CD NO. 48]**

In that Zone designated as CD No. 48 (Comprehensive Development District No. 48) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 274 square metres.

(3) **Density**

The number of dwelling units permitted on Lot J (DD EG63914), Suburban Lot 40, Esquimalt District, Plan 2854 shall be limited to two (2) for a density of one (1) unit per 395 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 6.6 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 23% of the Area of Lot J (DD EG63914), Suburban Lot 40, Esquimalt District, Plan 2854.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of both Dwelling Units located on Lot J (DD EG63914), Suburban Lot 40, Esquimalt District, Plan 2854 shall not exceed 0.34.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 6.7 metres of any Front Lot Line.

- (ii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line. No Principal Building shall be located within 3.6 metres of any Exterior Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 6.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Principal Building shall be located within 3.9 metres of any other Principal Building.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of either the Principal Buildings fronting on Lyall Street or Comerford Street.
- (ii) Side Setbacks: No Accessory Building shall be located within 3.6 metres of any Interior Side Lot Line or within 3.6 metres of any Exterior Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Principal Building or along the property lines parallel to Lyall Street or Comerford Street. No fence shall exceed a Height of 2 metres behind the front face of either of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 10/2004.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.



**67.38 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 49 [CD NO. 49]**

In that Zone designated as CD No. 49 (Comprehensive Development District No. 49), 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 Part, or otherwise by this bylaw made applicable to this Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted within Comprehensive Development District No. 49:

- (a) Apartment Residential
- (b) Townhouse Residential
- (c) Home Occupation
- (d) Park
- (e) Single Family Residential
- (f) Boarding: subject to the requirements of Section 30.3
- (g) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Development Area and Conservation Area**

For the purposes of this zone, Schedule "B" of this Bylaw sets out the general location of the Development and Conservation Areas.

(3) **Parcel Size**

- (a) No Parcel within the Development Area of this zone shall be created with less than 2500 square metres in Area.
- (b) Subdivision shall not be permitted in the Conservation Area of this zone.

(4) **Number of Buildings**

More than one (1) building is permitted on a parcel.

(5) **Lot Coverage**

The aggregate lot coverage of any and all buildings on parcels in this zone, excluding balconies, shall not exceed 15%.

(6) **Maximum Floor Area**

The maximum combined Floor Area of all buildings within this zone shall not exceed 17,350 square metres.

(7) **Siting Requirements**

- (a) No Building shall be located within 9 metres of Dunsmuir Road.

- (b) No Building shall be located within 9 metres of an Interior or Exterior Side Lot Line.

(8) **Building Height**

The maximum height of any Building shall be 31 metres.

(9) **Landscaping and Open Space**

- (a) Landscaped Open Space shall be provided and maintained and have an Area of not less than 30% of the Area of a Parcel.
- (b) The Conservation Area as shown in Schedule “B” of this Bylaw shall be preserved as a natural area.

(10) **Off Street Parking**

The required number of off street parking stalls shall be provided in the following ratio:

- (a) For Apartment Residential Use – 1.4 stalls per Dwelling Unit.
- (b) For Townhouse Residential Use – 2 stalls per Dwelling unit.
- (c) For Single Family Residential Use – 2 stalls per Dwelling Unit.



WEST BAY **Schedule "B" of CD No. 49 (847 Dunsmuir Road)**

**67.39 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 50 [CD NO. 50]**

In that Zone designated as CD No. 50 (Comprehensive Development District No. 50) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Multiple Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 5,000 square metres.

(3) **Building Height**

- (a) No Principal Building shall exceed a Height of 15.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(4) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 25% of the Area of Lot 2, Section 10, Esquimalt District, Plan 6987 and Lots 3, 4, 5, 6, and 7, Section 10, Esquimalt District, Plan 6743.

(5) **Floor Area Ratio**

- (a) The combined Floor Area Ratio of all Apartment Dwelling Units and Single Family Dwelling Units shall not exceed 1.07.
- (b) The combined Floor Area Ratio of all Single Family Dwelling Units shall not exceed 0.25.

(6) **Siting Requirements**

**Residential Buildings**

- (a) Front Setback: No Principal Building shall be located within 2.0 metres of any Front Lot Line.
- (b) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line.
- (c) Rear Setback: No Principal Building shall be located within 5.0

metres of any Rear Lot Line.

- (d) Building Separation: No Principal Building shall be located within 3 metres of any other Principal Building.

(7) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building. No fence shall exceed a Height of 2 metres behind the front face of any Principal Building.

(8) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 09/2004.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the following ratios:

- (a) 1 stall for each Single Family Dwelling Unit.
- (b) 1.3 stalls for each Multiple Family Dwelling Unit.

**67.40 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 51 [CD NO. 51]**

In that Zone designated as CD No. 51 (Comprehensive Development District No. 51) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 639 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 1, Section 10, Esquimalt District, Plan 2856 shall be limited to two (2) for a combined density of one (1) unit per 319.5 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 8.6 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 28% of the Area of Lot 1, Section 10, Esquimalt District, Plan 2856.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of the two (2) Dwelling Units on Lot 1, Section 10, Esquimalt District, Plan 2856 shall not exceed 0.50.

(7) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 5.7 metres of the Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within

3.9 metres of any Interior Lot Line. No Principal Building shall be located within 3 metres of any Exterior Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 16 metres of any Rear Lot Line.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line or within 3.7 metres of any Exterior Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building. No fence shall exceed a Height of 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 12/2004.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in a ratio of one (1) per Dwelling Unit.

**67.41 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 52 [CD NO. 52]**

In that zone designated as CD No. 52 (Comprehensive Development District No. 52), 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 1,346 square metres.

(3) **Floor Area Ratio**

The combined Floor Area Ratio shall not exceed 0.40.

(4) **Density**

The number of Dwelling Units permitted shall be limited to four (4) for a density of one (1) unit per 336.5 square metres.

(5) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(6) **Lot Coverage**

The aggregate lot coverage of all Principal Buildings, Accessory Buildings and Structures shall not exceed 30%.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) No Principal Building shall be located within 6 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 7.5 metres of the Rear Lot Line.
- (iii) No Principal Building shall be located within 1.5 metres of



any Interior Lot Line.

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of the Principal Building closest to Drake Street.
- (ii) No Accessory Building shall be located within 1.5 metres on any Rear or Side Lot Line.
- (iii) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings fronting onto Drake Street and no fence shall exceed a Height of 1.6 metres behind the front face of either of the Principal Buildings fronting onto Drake Street.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 03/2005.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.5 stalls per Dwelling Unit.

## **67.42 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 54 [CD NO. 54]**

In that Zone designated as CD No. 54 (Comprehensive Development District No. 54) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 340 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 3, Section 11, Esquimalt District, Plan 8212 shall be limited to two (2) for a density of one (1) unit per 341 square metres.

### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 8 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of Lot 3, Section 11, Esquimalt District, Plan 8212.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio for Lot 3, Section 11, Esquimalt District, Plan 8212 shall not exceed 0.40.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) No Principal Building shall be located within 2.09 metres of any Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line.

(iii) No Principal Building shall be located within 2.96 metres of any Rear Lot Line.

(iv) The separation between Principal Buildings shall not be less than 12.8 metres.

(b) **Accessory Buildings**

(i) No Accessory Building shall be located in front of the front face of any of the Principal Buildings.

(ii) No Accessory Building shall be located within 0.5 metres of any Interior Lot Line.

(iii) No Accessory Building shall be located within 0.6 metres of any Rear Lot Line.

(iv) The separation between any Accessory Building and any Principal Building shall not be less than 1.8 metres.

(8) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of any of the Principal Buildings and no fence shall exceed a Height of 1.6 metres behind the front face of any of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.43 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 55 [CD NO. 55]**

In that Zone designated as CD No. 55 (Comprehensive Development District No. 55) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 530 square metres.

(3) **Density**

The number of dwelling units permitted on Lot 2, Section 10, Esquimalt District, Plan 7511 and Part of the Common Property of Strata Plan VIS5535 shall be limited to two (2) for a density of one (1) unit per 530 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 24% of the Area of Lot 2, Section 10, Esquimalt District, Plan 7511 and Part of the Common Property of Strata Plan VIS5535.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot 2, Section 10, Esquimalt District, Plan 7511 and Part of the Common Property of Strata Plan VIS5535 shall not exceed 0.35.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 11.7 metres of the Front Lot Line.

- (ii) Side Setbacks: No Principal Building shall be located within 3 metres of any Interior Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Principal Building within Lot 2, Section 10, Esquimalt District, Plan 7511 and Part of the Common Property of Strata Plan VIS5535 shall be located within 9.7 metres of any other Principal Building within that Parcel.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building fronting on Selkirk Avenue.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building fronting on Selkirk Avenue and no fence shall exceed a Height of 2 metres behind the front face of that Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 23/2005.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.5 stall for each Dwelling Unit for a total of three (3) spaces.

**67.44 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 56 [CD NO. 56]**

In that Zone designated as CD No. 56 (Comprehensive Development District No. 56) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 483 square metres.

(3) **Density**

The number of dwelling units permitted on Lot 1, Section 2, Esquimalt District, Plan 29066 shall be limited to two (2) for a density of one (1) per 483 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 26% of the Area of Lot 2, Section 2, Esquimalt District, Plan 29066.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot 2, Section 2, Esquimalt District, Plan 29066 shall not exceed 0.34.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 3.6 metres of any Interior Lot Line.

(iii) Rear Setback: No Principal Building shall be located within 3.6 metres of any Rear Lot Line.

(iv) Building Separation: No Principal Building within Lot 2, Section 2, Esquimalt District, Plan 29066 shall be located within 7.5 metres of any other Principal Building within that Parcel.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building fronting on Luscombe Place or Admirals Road.

(ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.

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

(iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and no fence shall exceed a Height of 2 metres behind the front face of any Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 29/2005.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.5 stalls for each Dwelling Unit for a total of three (3) spaces.

**67.45 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 57 [CD No. 57]**

In that Zone designated as CD No. 57 (Comprehensive Development District No. 57), no Building of 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Multiple Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw
- (f) The following Uses at 1182 Colville Road – Unit 15 [PID 026-875-683; Strata Lot 15 Section 10 Esquimalt District Strata Plan VIS6147] (“Unit 15”), subject to subsection 67.45(2) [**Amendment, 2019, Bylaw No. 2977**]:
  - (i) Arts and Wellness Teaching Centre
  - (ii) Group Children’s Day Care
  - (iii) Business and Professional Office
  - (iv) Convenience Store
  - (v) Personal Service Establishment
  - (vi) Retail Store
  - (vii) Mixed Commercial/ Residential

(2) **Unit 15 Commercial and Mixed Commercial/ Residential [Amendment, 2019, Bylaw No. 2977]**

- (a) The Minimum Floor Area dedicated to commercial use shall not be less than 80 square metres.
- (b) Where this Unit 15 is used for combined residential and commercial use,
  - (i) the residential use shall
    - a. be contained in the same Building as the Commercial Use;
    - b. have a separate entrance from outside.
  - (ii) the commercial use shall be limited to those Uses specified in Section 47(1)(f); and
  - (iii) only one dwelling unit is permitted and only on the Second Storey.

(3) **Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 2,700 square metres.



(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 15.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 38% of the combined Area of Lots A, B and C, Section 10, Esquimalt District, Plan VIP78136 and Lot 1, Section 10, Esquimalt District, Plan 6987.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Apartment Dwelling Units and Single Family Dwelling Units shall not exceed 1.2.

(7) **Number of Dwelling Units**

The maximum number of Dwelling Units shall not exceed:

108	Apartment Dwellings
14	Single Family Dwellings
<u>1</u>	<u>Combined Commercial / Residential Dwelling Unit</u>
123	Total Dwelling Units

(8) **Siting Requirements**

- (a) Front Setback: No Principal Building shall be located within 1.8 metres of any Front Lot Line.
- (b) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line.
- (c) Rear Setback: No Principal Building shall be located within 1.8 metres of any Rear Lot Line.
- (d) Building Separation: No Principal Building shall be located within 3 metres of any other Principal Building.

(9) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building fronting onto Colville Road.

(10) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans prepared by Lombard North Group and included as Schedule "B" of Development Permit No. 09/2004 and Schedule "B" of Development Permit 22/2005.

(11) **Off-Street Parking**

Notwithstanding Section 13 (1) of Parking Bylaw, 1992, No. 2011(as amended)

the number of off street parking stalls shall be provided as follows [**Amendment, 2019, Bylaw No. 2977**]:

- (a) 1.5 spaces for each Single Family Dwelling Unit.
- (b) 1.3 spaces for each Multiple Family Dwelling Unit.
- (c) 3 spaces for Unit 15.

**67.46 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 58 [CD NO. 58]**

In that Zone designated as CD No. 58 (Comprehensive Development District No. 58) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

- (a) The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2,107 square metres.
- (b) Notwithstanding the above, where bare land strata lots are created by subdivision, the minimum average lot size shall not be less than 340 square metres.

(3) **Density**

The total number of Dwelling Units permitted on combined Lots 6, 7, and 8, Block 3, Suburban Lots 41 and 50, Plan 1153 shall be limited to five (5) for a density of one (1) unit per 421.4 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 6.6 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 24% of the combined Area of Lots 6, 7, and 8, Block 3, Suburban Lots 41 and 50, Esquimalt District, Plan 1153.

(6) **Floor Area Ratio**

The Floor Area Ratio for combined Lots 6, 7, and 8, Block 3, Suburban Lots 41 and 50, Esquimalt District, Plan 1153 shall not exceed 0.36.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) No Principal Building shall be located within 1.12 metres of

- (ii) the Front Lot Line.  
No Principal Building shall be located within 0.5 metres of any exterior Lot Line.
- (iii) No Principal Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) The separation between Principal Buildings shall not be less than 2.5 metres.

(b) **Principal Buildings where lots are bare land strata**

- (i) No Principal Building shall be located within 1.12 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 0.5 metres of any Exterior Lot Line.
- (iii) No Principal Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) The separation between Principal Buildings shall not be less than 2.5 metres.

(c) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of any of the Principal Buildings.
- (ii) No Accessory Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) The separation between any Accessory Building and any Principal Building shall not be less than 2.5 metres.

(8) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of any of the Principal Buildings and no fence shall exceed a Height of 1.6 metres behind the front face of any of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.4 stalls for each Dwelling Unit.

**67.47 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 59 [CD NO. 59]**

In that Zone designated as CD No. 59 (Comprehensive Development District No. 59) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 375 square metres.

(3) **Density**

The number of dwelling units permitted on Lot 3, Block 3, Section 11, Esquimalt District, Plan 6016 shall be limited to two (2) for a density of one (1) unit per 401 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 6.5 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 31% of the Area of Lot 3, Block 3, Section 11, Esquimalt District, Plan 6016.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot 3, Block 3, Section 11, Esquimalt District, Plan 6016 shall not exceed 0.41.

(7) **Siting Requirements**

(a) **Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 5.49 metres of the Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 3.93 metres of any Rear Lot Line.
- (iv) Building Separation: No Principal Building within Lot 3, Block 3, Section 11, Esquimalt District, Plan 6016 shall be located within 5.5 metres of any other Principal Building within that Parcel.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building fronting on Wychbury Avenue or of the Principal Building fronting on Kinver Street.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building fronting on Wychbury Avenue or the Principal Building fronting on Kinver Street and no fence shall exceed a Height of 2 metres behind the front face of either Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 14/2006.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.5 stalls for each Dwelling Unit for a total of three (3) spaces.

**67.48 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 60 [CD NO. 60]**

In that zone designated as CD No. 60 (Comprehensive Development District No. 60), no Building of 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 280 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 2, Section 11, Esquimalt District, Plan 8212 shall be limited to two (2) for a density of one (1) unit per 282.5 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the combined Area of Lot 2, Section 11, Esquimalt District, Plan 8212.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of Dwelling Units within Lot 2, Section 11, Esquimalt District, Plan 8212 shall not exceed 0.42.

(7) **Siting Requirements**

- (a) Front Setback: No Principal Building shall be located within 2.1 metres of the Front Lot Line parallel to Lyall Street or within 4.6 metres if the Front Lot Line parallel to Paradise Street.
- (b) Side Setbacks: No Principal Building shall be located within 1.3 metres of any Interior Lot Line.

- (c) Rear Setback: No Principal Building shall be located within 5.5 metres of any Rear Lot Line.
- (d) Building Separation: No Principal Building shall be located within 13.1 metres of any other Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 03/2006.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall per Dwelling Unit.



#### **67.49 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 61 [CD NO. 61]**

In that zone designated as CD No. 61 (Comprehensive Development District No. 61), no Building of 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 721 square metre.

(3) **Density**

The number of Dwelling Units permitted on Lot 2, Section 11, Esquimalt District, Plan 8212 shall be limited to two (2) for a density of one (1) unit per 360 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 20% of the combined Area of Lot 160, Esquimalt District, Plan 2854, Portion Exc West 5 feet.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of Dwelling Units within Lot 160, Esquimalt District, Plan 2854, Portion Exc West 5 feet shall not exceed 0.25.

(7) **Siting Requirements**

- (a) Front Setback: No Principal Building shall be located within 18 metres of the Front Lot Line.
- (b) Side Setbacks: No Principal Building shall be located within 1.4 metres of the northern Interior Lot Line or within 3.4 metres of the southern Interior Lot Line.

(c) Rear Setback: No Principal Building shall be located within 13 metres of the Rear Lot Line.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 17/2006.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall per Dwelling Unit.

## **67.50 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 62 [CD NO. 62]**

In that zone designated as CD No. 62 (Comprehensive Development District No. 62), no Building of 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The Minimum Parcel size of fee simple parcels created by subdivision shall be 284 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 1 and the east 8.9 feet of Lot 2, Block C, Suburban Lot 49, Esquimalt District, Plan 772 shall be limited to two (2) for a density of one (1) unit per 376 square metres.

### **(4) Building Height**

- (a) The Principal Building fronting onto Lyall Street shall not exceed a Height of 6.8 metres.
- (b) The Principal Building fronting onto Admirals Road shall not exceed a Height of 4.5 metres.
- (c) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the combined Area of Lot 1 and the east 8.9 feet of Lot 2, Block C, Suburban Lot 49, Esquimalt District, Plan 772.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio of Dwelling Units within Lot 1 and the east 8.9 feet of Lot 2, Block C, Suburban Lot 49, Esquimalt District, Plan 772 shall not exceed 0.38.

### **(7) Siting Requirements**

- (a) **Principal Buildings**

- (i) Front Setback: The Principal Building fronting onto Admirals Road shall not be located within 4.5 metres of the Front Lot Line.
- (ii) Front Setback: The Principal Building fronting onto Lyall Street shall not be located within 8.6 metres of the Front Lot Line.
- (iii) Side Setback: The Principal Building fronting onto Admirals Road shall not be located within 3 metres of the northern Interior Lot Line or within 1.5 metres of the southern Interior Lot Line.
- (iv) Side Setback: The Principal Building fronting onto Lyall Street shall not be located within 9 metres of the eastern Exterior Lot Line or within 1.5 metres of the western Interior Lot Line.
- (v) Rear Setback: The Principal Building fronting onto Admirals Road shall not be located within 4.5 metres of the Rear Lot Line.
- (vi) Rear Setback: The Principal Building fronting onto Lyall Street shall not be located within 1.5 metres of the Rear Lot Line.
- (vii) Building Separation: No Principal Building shall be located within 4.5 metres of any other Principal Building.

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of any Principal Buildings.
- (ii) No Accessory Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) The separation between any Accessory Building and any Principal Building shall not be less than 2.5 metres.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 03/2007.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall per Dwelling Unit.

## **67.51 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 64 [CD NO. 64]**

In that Zone designated as CD No. 64 (Comprehensive Development District No. 64) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

### **(2) Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 980 square metres.

### **(3) Density**

The number of dwelling units permitted on Lots 1 and 2, Section 11, Esquimalt District, Plan 1466 shall be limited to six (6) for a density of one (1) unit per 163 square metres.

### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 9.7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 44% of the Area of Lots 1 and 2, Section 11, Esquimalt District, Plan 1466.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio for Lots 1 and 2, Section 11, Esquimalt District, Plan 1466 shall not exceed 0.73.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 4.5 metres of any Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line.
- (iii) Side Setbacks: No Principal Building shall be located within 3.2 metres of any Exterior Lot Line.

- (iv) Rear Setback: No Principal Building shall be located within 3.6 metres of any Rear Lot Line.
- (v) Building Separation: No Principal Building within Lots 1 and 2, Section 11, Esquimalt District, Plan 1466 shall be located within 6.3 metres of any other Principal Building within those Parcels.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of any of the Principal Buildings.
- (ii) Side Setbacks: No Accessory Building shall be located within the Exterior side yard.
- (iii) Side Setbacks: 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.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Principal Building and no fence shall exceed a Height of 2 metres behind the front face of either Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 17/2007.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 2 stalls for each Dwelling Unit plus two (2) visitor spaces for a total of fourteen (14) spaces.

## **67.52 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 65 [CD NO. 65]**

In that Zone designated as CD No. 65 (Comprehensive Development District No. 65) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of Parcels created by bare land strata subdivision shall be 475 square metres.

### **(3) Density**

The number of dwelling units permitted on Lot 1, Section 11, Esquimalt District, Plan 8096 (971 Wollaston Street) shall be limited to two (2) for a density of one (1) unit per 574 square metres.

### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 22% of the Area of Lot 1, Section 11, Esquimalt District, Plan 8096.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio for Lot 1, Section 11, Esquimalt District, Plan 8096 shall not exceed 0.25.

### **(7) Siting Requirements**

#### **(a) Residential Buildings**

- (i) Front Setback: No Principal Building shall be located within 9 metres of any Front Lot Line.
- (ii) Side Setbacks: No Principal Building shall be located within 1.5 metres of any Interior Lot Line.



(iii) Rear Setback: No Principal Building shall be located within 7.9 metres of any Rear Lot Line.

(iv) Building Separation: No Principal Building within Lot 1, Section 11, Esquimalt District, Plan 8096 shall be located within 7 metres of any other Principal Building.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of either of the Principal Buildings.

(ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.

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

(iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either Principal Building and no fence shall exceed a Height of 2 metres behind the front face of either Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 19/2007.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit for a total of three (3) spaces.

**67.53 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 66 [CD NO. 66]**

In that Zone designated as CD No. 66 (Comprehensive Development District No. 66) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 244 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot AM3, Section 10, Esquimalt District, Plan 276 shall be limited to two (2) for a density of one (1) unit per 265 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 6.8 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 33% of the Area of Lot AM3, Section 10, Esquimalt District, Plan 276.

(6) **Floor Area Ratio**

The combined Floor Area Ratio for Lot AM3, Section 10, Esquimalt District, Plan 276 shall not exceed 0.35.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) No Principal Building shall be located within 3 metres of any Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line.

- (iii) No Principal Building shall be located within 1.5 metres of the Rear Line.
- (iv) The separation between Principal Buildings shall not be less than 3 metres.

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in front of the front face of either of the Principal Buildings.
- (ii) No Accessory Building shall be located within 1.5 metres of an Interior or Rear Lot Line.
- (iii) The separation between any Accessory Building and any Principal Building shall not be less than 2.5 metres.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of either of the Principal Buildings or along the Phoenix Road frontage and no fence shall exceed a Height of 2.0 metres behind the front face of either of the Principal Buildings on Lot AM3, Section 10, Esquimalt District, Plan 276.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 03/2008.

(10) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the number of off street parking stalls shall be provided in the ratio of two (2) stalls or each Dwelling Unit.

Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), the two (2) required off street parking stalls on Lot B may be located as shown on the plans attached to Development Permit No. 03/2008.

## **67.54 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 67 [CD NO. 67]**

In that Zone designated as CD No. 67 (Comprehensive Development District No. 67) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 360 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot A, Section 11, Esquimalt District, Plan 44390 shall be limited to three (3) for a density of one (1) unit per 394 square metres.

### **(4) Building Height**

- (a) No Principal Building shall exceed a Height of 7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 32% of the Area of Lot A, Section 11, Esquimalt District, Plan 44390.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio Lot A, Section 11, Esquimalt District, Plan 44390 shall not exceed 0.47.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) No Principal Building shall be located within 5 metres of any Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line or 3.6 metres of an Exterior Lot Line.

- (iii) No Principal Building shall be located within 6 metres of the Rear Lot Line.
- (iv) The separation between Principal Buildings shall not be less than 3.5 metres.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of any of the Principal Buildings.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line or within 3.6 metres of any Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of any of the Principal Buildings or along the Munro Street frontage; and no fence shall exceed a Height of 2.0 metres behind the front face of any of the Principal Buildings on Lot A, Section 11, Esquimalt District, Plan 44390.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 22/2007.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.55 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 68 [CD NO. 68]**

In that Zone designated as CD No. 68 (Comprehensive Development District No. 68) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Multiple Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2,100 square metres.

(3) **Building Height**

No Principal Building shall exceed a Height of 10.2 metres.

(4) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 43% of the combined area of Lot B, Section 10, Esquimalt District, Plan 326 and Lot PT 8, Section 10, Esquimalt District, Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot.

(5) **Floor Area Ratio**

The combined Floor Area Ratio Lot B, Section 10, Esquimalt District, Plan 326 and Lot PT 8, Section 10, Esquimalt District Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot, shall not exceed 0.80.

(6) **Siting Requirements**

(a) **Principal Buildings**

- (i) No front Setback will be required.
- (ii) No Principal Building shall be located within 1.5 metres of an Interior Lot Line.
- (iii) Notwithstanding Section 6(a)(ii), no Principal Building shall be located within 7 metres of the eastern most Interior Lot Line.
- (iv) No Principal Building shall be located within 4.3 metres of the Rear Lot Line.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(7) **Fencing**

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 no fence shall exceed a height of 2 metres behind the front face of the Principal Building.

(8) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the plans submitted with the application and controlled by Development Permit No. 15/2008.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 2.15 spaces per dwelling unit.

**67.56 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 69 [CD NO. 69]**

In that Zone designated as CD No. 69 (Comprehensive Development District No. 69) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Residential
- (b) Home Occupation

(2) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.32.

(3) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 60 square metres.

(4) **Building Height**

No Principal Building shall exceed a Height of 20 metres.

(5) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 33% of the Area of a Parcel.
- (b) The Floor Area of each storey above the second storey of a Principal Building shall not exceed 29% of the Area of the Parcel.

(6) **Siting Requirements**

**Principal Building**

- (a) Front Setback: No Building shall be located within 7.5 metres of the Front Lot Line.
- (b) Side Setback: No Building shall be located within 5.5 metres of an Interior Side Lot Line or within 5.0 metres of an Exterior Side Lot Line.
- (c) Rear Setback: No Principal Building shall be located within 10.35 metres of a Rear Lot Line.

(7) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 8.5% of the Area of the Parcel.



(8) **Fencing**

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.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.2 spaces per dwelling unit. A minimum of thirteen (13) Visitor parking spaces must be provided.

## **67.57 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 70 [CD NO. 70]**

In that Zone designated as CD No. 70 (Comprehensive Development District No. 70) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Meditation Centre
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 640 square metres.

### **(3) Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres measured at the Front Building Line.

### **(4) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.33.

### **(5) Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

### **(6) Building Height**

No Principal Building shall exceed a Height of 6.9 metres.

### **(7) Building Width**

The minimum width for any Single Family Dwelling shall be 7 metres.

### **(8) Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 33% of the Area of a Parcel.

### **(9) Siting Requirements**

#### **(a) Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.6 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line and one (1) side yard shall not be less than 4.4 metres in width. The total Setback of all side yards shall not to be less than 5.9 metres.
- (iii) Rear Setback: No Principal Building shall be located within 3.6 metres of a Rear Lot Line.

(b) **Accessory Building**

No Accessory Buildings shall be permitted.

(10) **Fencing**

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.

(11) **Off Street Parking**

The number of off street parking spaces provided shall total three (3).

**67.58 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 71 [CD NO. 71]**

In that Zone designated as CD No. 71 (Comprehensive Development District No. 71) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 294 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 1, Block 17, Section 10, Esquimalt District, Plan 2546 shall be limited to two (2) for a density of one (1) unit per 317 square metres.

(4) **Building Height**

No Principal Building shall exceed a Height of 7.2 metres.

(5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 29% of the Area of Lot 1, Block 17, Section 10, Esquimalt District, Plan 2546.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 1, Block 17, Section 10, Esquimalt District, Plan 2546 shall not exceed 0.36.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) The northernmost Principal Building, facing Colville Road, shall not be located within 7.5 metres of the northern Lot Line.
- (ii) The southernmost Principal Building, facing Intervale Avenue, shall not be located within 7.5 metres of the southern Lot Line.

- (iii) No Principal Building shall be located within 1.9 metres of any Interior Side Lot Line.
- (iv) No Principal Building shall be located within 1.5 metres of the eastern Lot Line.
- (v) No Principal Building shall be located within 4.9 metres of any other Principal Building.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(8) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Buildings or along the Colville Road frontage. No fence shall exceed 1.8 metres behind the front face of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.59 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 72 [CD NO. 72]**

In that Zone designated as CD No. 72 (Comprehensive Development District No. 72) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 333 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 3 and Lot 4, Section 10, Esquimalt District, Plan 329 shall be limited three (3) for a density of one (1) unit per 348 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.7 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 32% of the Area of Lot 3 and Lot 4, Section 10, Esquimalt District, Plan 329.

(6) **Floor Area Ratio**

The combined Floor Area Ratio Lot 3 and Lot 4, Section 10, Esquimalt District, Plan 329 shall not exceed 0.44.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) The northernmost and southernmost Principal Buildings, fronting on Carrie Street, shall not be located within 7.5 metres of the Front Lot Line.

- (ii) The existing Principal Building, fronting on Carrie Street, shall not be located within 4.25 metres of the Front Lot Line.
- (iii) No Principal Building shall be located within 1.5 metres of any Interior Lot Line or 3 metres of an Exterior Lot Line.
- (iv) The northernmost and southernmost Principal Buildings, fronting on Carrie Street, shall not be located within 5 metres of the Rear Lot Line.
- (v) The existing Principal Building, fronting onto Carrie Street, shall not be located within 7.5 metres of the Rear Lot Line.
- (vi) The separation between Principal Buildings shall not be less than 4.5 metres.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of any of the Principal Buildings.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line or within 3.6 metres of any Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Buildings and 2 metres behind the front face of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.60 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 73 [CD NO. 73]**

In that Zone designated as CD No. 73 (Comprehensive Development District No. 73) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1,093 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 6, Section 10, Esquimalt District, Plan 6105 shall be limited two (2) for a density of one (1) unit per 546 square metres.

### **(4) Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

### **(5) Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 31% of the Area of Lot 6, Section 10, Esquimalt District, Plan 6105.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio for Lot 6, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.30.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) The northernmost Principal Building shall not be located within 7.5 metres of the northeastern Lot Line.
- (ii) The southernmost Principal Building shall not be located within 5.6 metres of the southwestern Lot Line.
- (iii) No Principal Building shall be located within 3.2 metres of



the southeastern Side Lot Line.

- (iv) No Principal Building shall be located within 1.7 metres of the northwestern Side Lot Line.
- (v) No Principal Building shall be located within 12.5 metres of any other Principal Building.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(8) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Buildings and 2 metres behind the front face of the Principal Buildings.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.61 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 74 [CD NO.74]**

In that Zone designated as CD No. 74 (Comprehensive Development District No. 74) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

(2) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.56.

(3) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 60 square metres.

(4) **Building Height**

No Principal Building shall exceed a Height of 10 metres.

(5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 29% of the Area of a Parcel.

(6) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Building shall be located within 4.0 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 2.7 metres of the northern Interior Side Lot Line or within 6.7 metres of the southern Interior Side Lot Line. The total Setback of all side yards shall not be less than 9.4 metres.
- (iii) Rear Setback: No Principal Building shall be located within 9.7 metres of a Rear Lot Line.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(7) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 12%

of the Area of the Parcel.

(8) **Fencing**

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.

(9) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of 1.5 spaces per dwelling unit. A minimum of two (2) visitor parking spaces must be provided.

## **67.62 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 75 [CD NO. 75]**

In that Zone designated as CD No. 75 (Comprehensive Development District No. 75) 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 315 square metres.

### **(3) Density**

The number of Dwelling Units permitted on Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546, Except that part in Plan VIP86845 shall be limited to two (2) for a density of one (1) unit per 375 square metres.

### **(4) Building Height**

No Principal Building shall exceed a Height of 7.1 metres.

### **(5) Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 27% of the Area Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546, Except that part in Plan VIP86845.

### **(6) Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546, Except that part in Plan VIP86845 shall not exceed 0.41.

### **(7) Siting Requirements**

#### **(a) Principal Buildings**

- (i) The Principal Building, facing Naden Street, shall not be located within 4.2 metres of the easternmost Lot Line.
- (ii) The Principal Building, facing Naden Street, shall not be located within 5.6 metres of the northernmost Lot Line.

- (iii) The Principal Building, facing Naden Street, shall not be located within 3.3 metres of the westernmost Lot Line.
- (iv) The Principal Building, facing Admirals Road, shall not be located within 4 metres of the easternmost Lot Line.
- (v) The Principal Building, facing Admirals Road, shall not be located within 5.5 metres of the southernmost Lot Line
- (vi) The Principal Building, facing Admirals Road, shall not be located within 7 metres of the westernmost Lot Line
- (vii) No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(8) **Fencing**

The following conditions apply to all fences:

- (a) No fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building.
- (b) No fence shall exceed a height of 1.2 metres along the Admirals Road frontage within a distance of 5.5 metres measured from the southernmost Lot Line.
- (c) No fence shall exceed 2 metres behind the front face of any Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## 67.63 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 76 [CD NO. 76]**

In that Zone designated as CD No. 76 (Comprehensive Development District No. 76) 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 Part.

### (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

### (2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 421 square metres.

### (3) **Density**

The number of Dwelling Units permitted on Lot 2, Section 11, Esquimalt District, Plan 5564 shall be limited to two (2) for a density of one (1) unit per 421 square metres.

### (4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.4 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### (5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 28% of the Area Lot 2, Section 11, Esquimalt District, Plan 5564.

### (6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 2, Section 11, Esquimalt District, Plan 5564 shall not exceed 0.33.

### (7) **Siting Requirements**

#### (a) **Principal Buildings**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of any Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3 metres

(iii) Rear Setback: No Principal Building shall be located within 16.4 metres of the Rear Lot Line.

(iv) Building Separation: The separation between Principal Buildings shall not be less than 3 metres.

(b) **Accessory Buildings**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building

(ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.

(iii) Rear Setback: No Accessory Building shall be located within 3 metres of any Rear Lot Line.

(iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

No fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.64 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 77 [CD NO. 77]**

In that Zone designated as CD No. 77 (Comprehensive Development District No. 77) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 300 square metres.

(3) **Density**

The number of Dwelling Units permitted on Amended Lot 1, Section 11, Esquimalt District, Plan 4150, Except that part in Plan 16255 shall be limited to two (2) for a density of one (1) unit per 451 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 28% of the Area of Amended Lot 1, Section 11, Esquimalt District, Plan 4150, Except that part in Plan 16255.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Amended Lot 1, Section 11, Esquimalt District, Plan 4150, Except that part in Plan 16255 shall not exceed 0.37.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) The Principal Building with frontage on Munro Street shall not be located within 9 metres of the Front Lot Line.



- (ii) The Principal Building with frontage on Munro Street shall not be located within 1.9 metres of any Interior Side Lot Line, and not be located within 3.6 metres of any Exterior Side Lot Line.
- (iii) The Principal Building with frontage on Munro Street shall not be located within 1.5 metres of the Rear Lot Line.
- (iv) The Principal Building with frontage on Lampson Street shall not be located within 6.2 metres of the Front Lot Line.
- (v) The Principal Building with frontage on Lampson Street shall not be located within 1.6 metres of any Interior Side Lot Line, with the total setback of all Side Yards not to be less than 4.6 metres.
- (vi) The Principal Building with frontage on Lampson Street shall not be located within 7.6 metres of the Rear Lot Line.
- (vii) Principal Buildings shall be separated by not less than 3.1 metres.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

No fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.65 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 78 [CD NO. 78]**

In that Zone designated as CD No. 78 (Comprehensive Development District No. 78) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 405 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District, Plan 6063 shall be limited to two (2) for a density of one (1) unit per 459 square metres.

(4) **Building Height**

No Principal Building shall exceed a Height of 7.1 metres.

(5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 29% of the Area Lot 1, Section 11, Esquimalt District, Plan 6063.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 1, Section 11, Esquimalt District, Plan 6063 shall not exceed 0.36.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) The Principal Building facing Kinver Street shall not be located within 4.88 metres of the Front Lot Line.
- (ii) The Principal Building facing Kinver Street shall not be located within 1.5 metres of any Interior Side Lot Line, and not be located within 7.59 metres of any Exterior Side Lot Line.

- (iii) The Principal Building facing Kinver Street shall not be located within 3.9 metres of the Rear Lot Line.
- (iv) The Principal Building facing Hadfield Avenue shall not be located within 6 metres of the Front Lot Line.
- (v) The Principal Building facing Hadfield Avenue shall not be located within 1.5 metres of any Interior Side Lot Line, with the total setback of all Side Yards not to be less than 4.5 metres.
- (vi) The Principal Building facing Hadfield Avenue shall not be located within 6.1 metres of the Rear Lot Line.
- (vii) Principal Buildings shall be separated by not less than 4.55 metres.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(8) **Fencing**

No fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

**67.66 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 79 [CD NO. 79]**

In that Zone designated as CD No. 79 (Comprehensive Development District No. 79) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 517 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 10, Section 11, Esquimalt District, Plan 6077 shall be limited to two (2) for a density of one (1) unit per 517 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 2.75 metres.

(5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 28% of the Area Lot 10, Section 11, Esquimalt District, Plan 6077.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 10, Section 11, Esquimalt District, Plan 6077 shall not exceed 0.30.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) No Principal Building shall be located within 10 metres of any Front Lot Line.
- (ii) The easternmost Principal Building shall not be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3.3 metres.

- (iii) The westernmost Principal Building shall not be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3.1 metres.
- (iv) The easternmost Principal Building shall not be located within 19.2 metres of the Rear Lot Line.
- (v) The westernmost Principal Building shall not be located within 16.5 metres of the Rear Lot Line.
- (vi) The separation between Principal Buildings shall not be less than 3.5 metres.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(8) **Fencing**

No fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of one (1) stall for each Dwelling Unit.

## **67.67 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 80 [CD NO. 80]**

In that Zone designated as CD No. 80 [Comprehensive Development District No. 80] 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Dwelling – Apartment
- (b) Dwelling - Townhouse
- (c) Home Occupation
- (d) Business and Professional Office
- (e) Financial Institution
- (f) Personal Service Establishment
- (g) Retail Store
- (h) Restaurant
- (i) Entertainment
- (j) Video Store
- (k) Liquor Store
- (l) Group Children's Daycare

### **(2) Prohibited Uses**

- (a) Adult Entertainment Uses
- (b) Adult Motion Picture Studio
- (c) Adult Theatre
- (d) Adult Video Store
- (e) Escort Services

### **(3) Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

### **(4) Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 35 square metres.

### **(5) Commercial Space**

The minimum Floor Area dedicated to Commercial Uses shall not be less than 934 square metres.

### **(6) Building Height**

No Principal Building shall exceed a Height of 36 metres.

### **(7) Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 39% of the Area of a Parcel.

(8) **Siting Requirements**

**Principal Buildings**

- (a) No Building shall be located within 3 metres of the Front Lot Line.
- (b) The eastern wing of the southern Building shall not be located within 7.5 metres of the eastern Interior Side Lot Line.
- (c) The northwestern wing of the southern Building shall not be located within 8.9 metres of the western Interior Side Lot Line.
- (d) The southwestern wing of the southern Building shall not be located within 9.9 metres of the western Interior Side Lot Line.
- (e) The northernmost Building shall not be located within 6.9 metres of the eastern Interior Side Lot Line nor within 10.7 metres of the western Interior Side Lot Line.
- (f) No Building shall be located within 3.2 metres of the Rear Lot Line.
- (g) The separation between the eastern wing of the southern Building and the northernmost Building shall not be less than 14 metres.
- (h) The separation between the northwestern wing of the southern Building and the northernmost Building shall not be less than 22 metres.
- (i) The separation between the northwestern wing of the southern Building and the southwestern wing of the southern Building shall not be less than 12 metres.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be provided as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street parking spaces shall be provided as follows:

- (a) Commercial Use = 46 spaces (plus 1 Loading Space).
- (b) Dwelling – Apartment Use (Southernmost Building) = 110 spaces including no less than 26 Visitor Spaces.
- (c) Dwelling – Townhouse Use (Southernmost Building) = 8 spaces.
- (d) Dwelling – Apartment Use (Northernmost Building) = 91 spaces including no less than Nineteen (19) Visitor Spaces (plus one [1] Loading Space).

(e) Dwelling – Townhouse Use (Northernmost Building) = 22 spaces.



**67.68 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 81 [CD NO. 81]**

In that Zone designated as CD No. 81 (Comprehensive Development District No. 81) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size created by subdivision shall be 482 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 5, Section 11, Esquimalt District, Plan 4618 shall be limited to two (2) for a density of one (1) unit per 579 square metres.

(4) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(5) **Lot Coverage**

All Principal Buildings and Structures combined shall not cover more than 17% of the Area of Lot 5, Section 11, Esquimalt District, Plan 4618.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 5, Section 11, Esquimalt District, Plan 4618 shall not exceed 0.27.

(7) **Siting Requirements**

(a) **Principal Buildings**

- (i) The easternmost Principal Building shall not be located within 9.4 metres of the Front Lot Line.
- (ii) The westernmost Principal Building shall be located within 6.4 metres of the Front Lot Line
- (iii) The easternmost Principal Building shall not be located within 3 metres of the northern Interior Side Lot Line with

the total setback of all Side Yards not to be less than 4.5 metres.

- (iv) The westernmost Principal Building shall not be located within 1.8 metres of the northern Interior Side Lot Line with the total setback of all Side Yards not to be less than 8.5 metres.
- (v) The easternmost Principal Building shall not be located within 11.5 metres of the Rear Lot Line.
- (vi) The westernmost Principal Building shall not be located within 13.7 metres of the Rear Lot Line

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(8) **Fencing**

- (a) No fence shall exceed a Height of 1.2 metres in front of the front face of the easternmost Principal Building and 1.8 metres behind the front face of the easternmost Principal Building.
- (b) Notwithstanding Section 22(1), a fence located on top of a retaining wall shall not exceed 1.2 metres in front of the front face of the easternmost Principal Building and 1.8 metres behind the front face of the easternmost Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

The number of off street parking stalls shall be provided in the ratio of two (2) stalls for each Dwelling Unit.

## **67.69 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 82 [CD NO. 82]**

In that Zone designated as CD No. 82 [Comprehensive Development District No. 82] 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Congregate Care Senior Citizens' Apartments
- (b) Business and Professional Office
- (c) Financial Institution
- (d) Personal Service Establishment
- (e) Retail Store
- (f) Restaurant
- (g) Club House
- (h) Group Children's Daycare
- (i) Food service for Congregate Care residents

### **(2) Floor Area Ratio**

#### **(a) Residential Uses**

- (i) The Floor Area Ratio shall not exceed 3.0;
- (ii) On the provision of all of the following amenities, the Floor Area Ratio may be increased up to, but shall not exceed, 3.5:

#### **Streetscape Amenities:**

- (1) Enhanced sidewalk [1.5m wide stamped concrete] across frontage of 622 Admirals Road. [Enhanced sidewalk refers to the custom patterned sidewalk].
- (2) Additional Enhanced sidewalk [1.7m wide stamped concrete] across frontage of 622 Admirals Road resulting in sidewalks totalling 3.2 metres in width.
- (3) Two decorative poles including functional street lighting on 622 Admirals Road frontage.
- (4) Transit Shelter, in accordance with BC Transit specifications.
- (5) 34 metres of curb, gutter and enhanced sidewalk [3.2m wide stamped concrete] installed across the Admirals Road frontage of 1310 Esquimalt Road [Extension of custom patterned sidewalk fronting 622 Admirals Road].
- (6) 38 metres of curb, gutter, and sidewalk on north side of Miles Street between west property line of 622 Admirals Road and Constance Avenue.
- (7) 38 metres of barrier curb and gutter on the south side of Miles Street between the west property line of 622 Admirals Road and Constance Avenue.

#### **Landscaping Amenities**

- (8) Seven engineered tree vaults for proposed boulevard trees.

- (9) Seven irrigation supply lines from building to tree vaults.
- (10) Seven street trees.
- (11) Two street benches.

**Electrical Amenities**

- (12) Electrical power outlets provided in tree vaults, decorative poles, and in BC Transit Shelter.
- (13) Removal of two existing utility poles located to the north and south of the existing Legion facility, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the west side of Admirals Road from the north property line of 622 Admirals Road to the intersection with Esquimalt Road [including the Admirals Road frontage of 1310 Esquimalt Road].

**Integration into Community Amenities**

- (14) Cash contribution of \$30,000 to the Esquimalt Recreation Centre for the purchase and installation of a Wheel Chair Lift in the swimming pool.

The value of amenities (1) to (13) must cost no less than \$400,000 (prior to taxes), and confirmed by independent professional auditor provided by property owner in accordance with the following procedure:

- A. An independent auditor shall determine the actual value of the Amenities provided further to subsections (1)-(13) above (“Actual Value”). For certainty, management, administrative and report costs shall not be included in the calculation of Actual Value.
- B. The report of the Auditor must be made available to the Township and the Owner at the same time, and neither party shall be permitted to review drafts of the report.
- C. Where the Actual Value of the amenities provided is less than \$400,000, the Owner must, within thirty (30) days of the Auditor’s report, make an additional cash contribution equivalent to the shortfall plus 25% to the Township.
- D. The Owner acknowledges that such additional cash amenity contribution does not relieve of the provision of the amenities listed above.

**(b) Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 3.2 if the above amenities are not provided or 3.7 if the above amenities are provided.

**(3) Unit Size**

Dwelling Units shall not be less than 40.0 square metres.

**(4) Commercial Space & Mixed Use Ground Level**

- (a) The minimum Floor Area dedicated to Commercial Uses shall not be less than 575.0 square metres.
  - (b) Commercial Uses are not permitted on any floor other than the ground floor.
  - (c) Commercial Uses are not permitted to exceed 50% of the total ground floor area.
  - (d) The maximum Floor Area dedicated to uses accessory to 67.69(1)(a) shall not be less than 350.0 square metres of the ground floor.
- (5) **Design Guideline**
- South side of the building shall incorporate an artistic or creative motif and/or green building design.
- (6) **Building Height**
- (a) No Principal Building shall exceed a Height of 42.0 metres.
  - (b) No Accessory Structure shall exceed a Height of 3.6 metres.
- (7) **Lot Coverage**
- (a) All Principal Buildings and Accessory Structures combined shall not cover more than 67% of the Area of a Parcel.
  - (b) No Principal Building shall cover more than 65% of the Area of the Parcel.
  - (c) All Accessory Structures combined shall not cover more than 2% of the Area of the Parcel.
- (8) **Siting Requirements**
- (a) **Principal Buildings:**
    - (i) Notwithstanding Section 28 of Zoning Bylaw, 1992, No. 2050, no Principal Building shall be located within 0.5 metres of the Front Lot Line.
    - (ii) No Principal Building shall be located within 2.8 metres of the northern Interior Side Lot Line.
    - (iii) No setback shall be required from the southern Interior Side Lot Line.
    - (iv) No Principal Building shall be located within 5.5 metres of the Rear Lot Line.
    - (v) Notwithstanding Section 7(a)(iv), roof structures, attached to the Principal Building no higher than the ceiling height of the first floor, shall not be located within 3.5 metres of the Rear Lot Line.

(b) **Accessory Structures:**

No Accessory Structure shall be located within 3.0 metres of the Rear Lot Line.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be provided as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**67.71 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 84 [CD NO. 84]**

In that Zone designated as CD No. 84 (Comprehensive Development District No. 84) 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 Part.

**A. CD NO. 84 Density:** The Floor Area Ratio for COMPRHENSIVE DEVELOPMENT DISTRICT NO. 84 [CD NO. 84] [including all Sites and Parcels] shall not exceed 1.15. ***[Amendment, 2016, Bylaw No. 2880]***

**B. Site A – the Manor house site [containing the heritage designated building].**  
The minimum Site area for Site A shall be 4580 square metres.  
***[Amendment, 2016, Bylaw No. 2880]***

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Tourist Accommodation, Restaurant, Liquor Lounge with Accessory Uses
- (b) Single Family Residential
- (c) Multiple Family Residential
- (d) Congregate Care Senior Citizens Apartments
- (e) Home Occupation
- (f) Boarding: subject to the requirements of Section 30.3
- (g) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel size for parcels created by subdivision shall be 4,580 square metres.

(3) **Floor Area Ratio – [ Density ]**

The Floor Area Ratio shall not exceed 0.47 as determined in relation to Site A.  
***[Amendment, 2016, Bylaw No. 2880]***

(4) **Unit Size**

The minimum Floor Area for each Multiple Family Dwelling unit shall be not less than 60 square metres.

(5) **Building Height**

- (a) Notwithstanding the definition of Height in this Bylaw, in this Zone, the highest point of any building or Structure must not exceed 37.2 metres geodetic (above sea level). For greater certainty, the Height exceptions of Section 15 continue to apply.

- (b) No Accessory Building shall exceed a Height of 3.6 metres.
- (6) **Lot Coverage**
- (a) All Principal Buildings, Accessory Building and Structures combined shall not cover more than 20% of the Area of Site A.
- (b) All Accessory Buildings and Structures combined shall not exceed 5% of the Area of Site A.
- (7) **Siting Requirements**
- (a) **Principal Building**
- The existing principal building shall be sited as detailed on the survey plan prepared by McElhanney Associates Land Survey Ltd., stamped "Received September 9, 2013", and attached hereto as Schedule 'C', including an inset from the survey provided for convenience purposes.
- (b) **Accessory Buildings**
- (i) No Accessory Building shall be located in the Front Yard.
- (ii) No Accessory Building shall be located with 1.5 metres of an Interior or Rear Lot Line.
- (iii) Building Separation: No Accessory Building shall be located within 2.5 metres of the Principal Building.
- (8) **Usable Open Space**
- Useable open space shall be provided in an amount of not less than 20% of Site A. ***[Amendment, 2016, Bylaw No. 2880]***
- (9) **Fencing**
- No fence shall be placed in the Front Yard. No fence shall exceed a Height of 2 metres.
- (10) **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 (10)(i) the existing use of 14 or fewer hotel rooms shall provide 12 parking spaces.
- C. Site B – the Remainder of CD NO. 84.**  
The minimum Site area for Site B shall be 12,056 square metres.  
***[Amendment, 2016, Bylaw No. 2880]***
- (11) **Permitted Uses**



The following Uses and no others shall be permitted:

- (a) Multiple Family Residential
- (b) Townhouse Residential
- (c) Single Family Residential
- (d) Congregate Care Senior Citizens Apartments
- (e) Tourist Accommodation, with Accessory Uses
- (f) Home Occupation
- (g) Boarding: subject to the requirements of Section 30.3
- (h) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(12) **Parcel Size**

The minimum Parcel size for parcels created by subdivision shall be 12,056 square metres. ***[Amendment, 2016, Bylaw No. 2880]***

(13) **Floor Area Ratio – [ Density ]**

The Floor Area Ratio shall not exceed 1.38 as determined in relation to Site B. ***[Amendment, 2016, Bylaw No. 2880]***

(14) **Number of Buildings**

More than one (1) principal building is permitted on Site B.

(15) **Unit Size**

The minimum Floor Area for each Multiple Family Dwelling unit shall be not less than:

- (a) 60 square metres for not less than 90 percent of the units; and
- (b) 35 square metres otherwise.

***[Amendment, 2016, Bylaw No. 2880]***

(16) **Building Height**

- (a) No Principal Building shall exceed a Height of 21 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(17) **Lot Coverage**

- (a) All Principal Buildings, Accessory Building and Structures combined shall not cover more than 50% of the Area of Site B.
- (b) All Accessory Buildings and Structures combined shall not exceed 5% of the Area of Site B.

(18) **Siting Requirements** ***[Amendment, 2016, Bylaw No. 2880]***

(a) **Principal Building**

(i) Front Lot Line setback	7.5 metres (minimum)
(ii) Eastern Lot Line setback Building elements up to 11 metres in height Building elements over 11 metres in height	3.5 metres (minimum) 7.5 metres (minimum)
(iii) Northern Lot Line setback Building elements up to 11 metres in height Building elements over 11 metres in height	4.5 metres (minimum) 7.5 metres (minimum)
(iv) Southern Lot Line setback Building elements up to 11 metres in height Building elements over 11 metres in height	4.5 metres (minimum) 7.5 metres (minimum)
(v) Site A/ Site B shared Lot Line setback Building elements up to 11 metres in height Building elements over 11 metres in height	3.5 metres (minimum) 7.5 metres (minimum)

(b) **Accessory Buildings**

- (i) No Accessory Building shall be located in the Front Yard.
- (ii) No Accessory Building shall be located with 1.5 metres of any Site A lot line, Eastern Lot Line, Northern Lot Line, and Southern Lot Line.
- (iii) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(19) **Usable Open Space**

Useable open space shall be provided in an amount of not less than 7.5% of Site B.

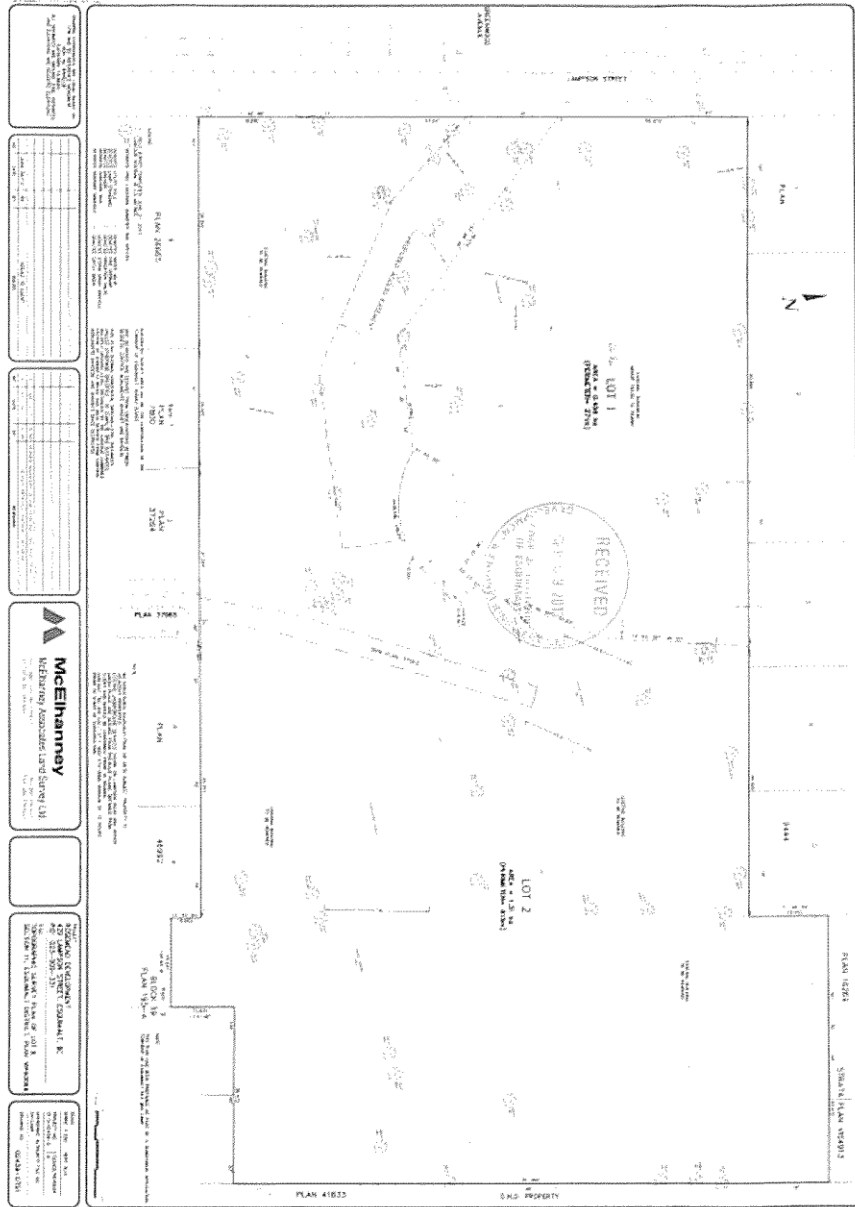
(20) **Fencing**

Fencing is prohibited within 36.7 metres of the Front Lot Line. No fence shall exceed a Height of 2 metres.

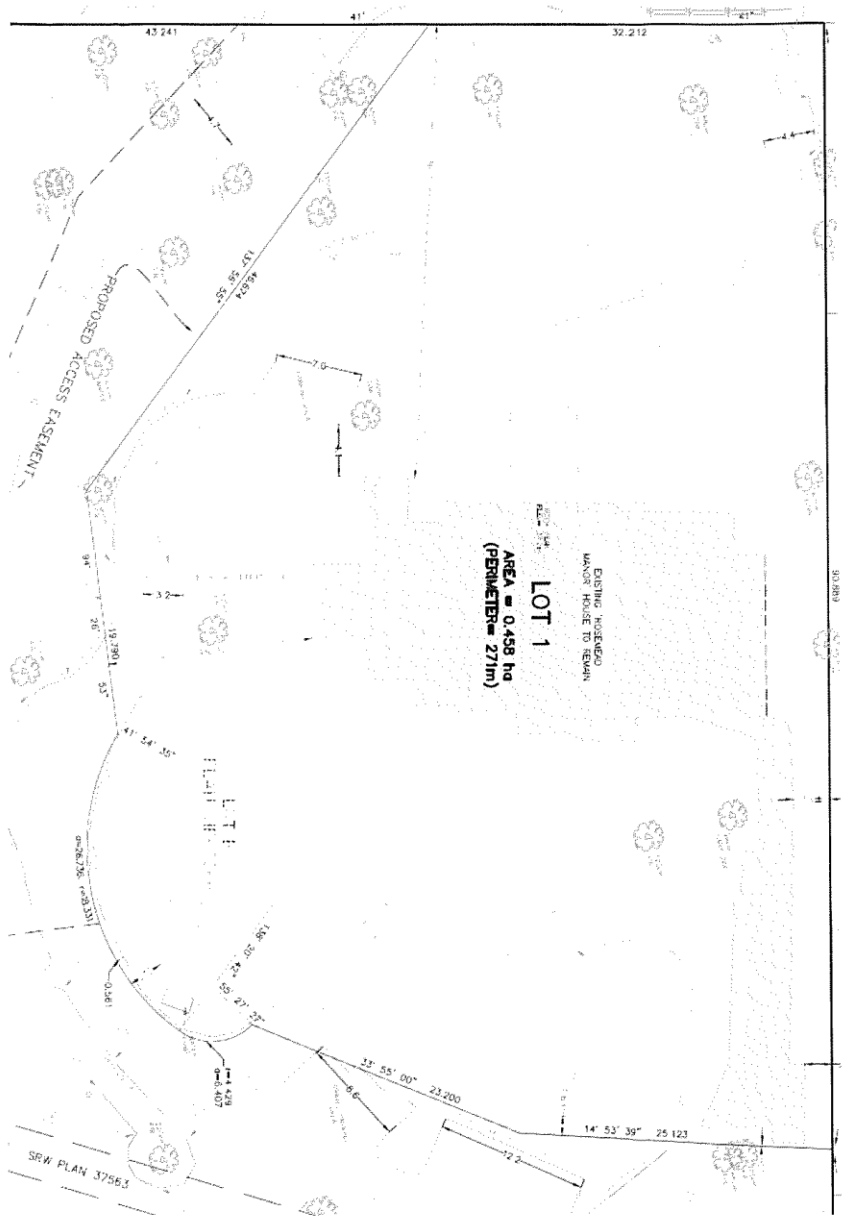
(21) **Off- Street Parking**

- (a) Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).
- (b) Notwithstanding Section (21) (a) No more than 10% of the area of Site B, not covered by Principal Buildings, Accessory Buildings and Structures (Lot coverage), may be used for surface parking (excluding driveways).

Page 1 of 2  
 Schedule "C" of CD No. 84  
 (429 Lampson Street)  
 Siting of Existing Principal Building



Page 2 of 2  
Schedule "C" of CD No. 84  
(429 Lampson Street)  
Siting of Existing Principal Building  
(Inset from the Survey - for convenience)



**67.72 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 85 [CD NO. 85]**

In that Zone designated as CD No. 85 [Comprehensive Development District No. 85] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 527 square metres.

(3) **Density**

The number of Dwelling Units permitted on Lot 9, Section 10, Esquimalt District, Plan 6105 shall be limited to two [2] for a density of one [1] unit per 527 square metres.

(4) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(5) **Lot Coverage**

- (a) All Principal Buildings and Structures combined shall not cover more than 25% of the Area Lot 9, Section 10, Esquimalt District, Plan 6105.
- (b) Notwithstanding Section 5(a) Principal Buildings shall not cover more than 22% of the Area Lot 9, Section 10, Esquimalt District, Plan 6105.

(6) **Floor Area Ratio**

The combined Floor Area Ratio of all Principal Buildings on Lot 9, Section 10, Esquimalt District, Plan 6105 shall not exceed 0.28.

(7) **Siting Requirements**

- (a) **Principal Buildings**

- (i) The easternmost Principal Building shall not be located within 11.8 metres of the Front Lot Line.
- (ii) The westernmost Principal Building shall not be located within 14.9 metres of the Front Lot Line.
- (iii) No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3.3 metres.
- (iv) The easternmost Principal Building shall not be located within 22.0 metres of the Rear Lot Line.
- (v) The westernmost Principal Building shall not be located within 19.0 metres of the Rear Lot Line.
- (vi) The separation between Principal Buildings within Comprehensive Development District No. 85 [CD No. 85] shall not be less than 3.3 metres.

(b) **Accessory Buildings**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 7.0 metres of any Principal Building.

(8) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(9) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(10) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**67.74 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 87 [CD NO. 87]**

In that Zone designated as CD No. 87 [Comprehensive Development District No. 87] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

- (a) The minimum Parcel Size of Parcels created by subdivision shall be 365 square metres.
- (b) The maximum Parcel Size of Parcels created by subdivision shall be 370 square metres.

(3) **Lot Width**

The width of parcels created by subdivision shall be 10.19 metres measured at the Front Lot Line.

(4) **Density**

The number of Dwelling Units permitted in this CD-87 Zone shall be limited to three [3] for a density of one [1] unit per 365 square metres.

(5) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a parcel.

(6) **Floor Area**

- (a) The Floor Area of the First Storey of a Principal Building shall not exceed 84 square metres.
- (b) The total Floor Area of a Principal Building shall not exceed 149 square metres.
- (c) Notwithstanding Section 6(a), the Floor Area of the First Storey of a Principal Building, not including a Private Garage, shall not exceed 63 square metres.
- (d) In this zone, Floor Area located in any Basement, or portion thereof, within of a Principal Building, where the ceiling is less than 1.2 metres above the natural Grade at any point shall be exempt

from the requirements of Section 6(b).

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Building Width**

The maximum width for a Principal Building shall be 6.8 metres.

(9) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of a parcel.
- (b) Notwithstanding Section 9(a) Principal Buildings shall not cover more than 27% of the Area of a parcel.

(10) **Siting Requirements**

- (a) **Principal Buildings:** Where lands in this CD-87 zone have been subdivided into three parcels:
  - (i) The northernmost Principal Building shall not be located within 9.9 metres of the Front Lot Line.
  - (ii) The centremost Principal Building shall not be located within 8.6 metres of the Front Lot Line
  - (iii) The southernmost Principal Building shall not be located within 7.5 metres of the Front Lot Line.
  - (iv) No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line with the total setback of all Side Yards not to be less than 3.3 metres.
  - (v) The northernmost Principal Building shall not be located within 11.2 metres of the Rear Lot Line.
  - (vi) The centremost Principal Building shall not be located within 12.4 metres of the Rear Lot Line.
  - (vii) The southernmost Principal Building shall not be located within 13.6 metres of the Rear Lot Line.
  - (viii) The separation between Principal Buildings within Comprehensive Development District No. 87 [CD No. 87] shall not be less than 3.3 metres.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.



(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 5.0 metres of any Principal Building.

(11) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**67.75 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 88 [CD NO. 88]**

In that Zone designated as CD No. 88 [Comprehensive Development District No. 88] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by Subdivision shall be 335 square metres.

(3) **Frontage**

The minimum Frontage of parcels created by subdivision shall be 17.5 metres measured at the Front Lot Line abutting Gosper Crescent.

(4) **Density**

The number of Dwelling Units permitted in this CD-88 Zone shall be limited to two [2] for a density of one (1) unit per 365 square metres.

(5) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a parcel.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.38

(7) **Floor Area**

The minimum Floor Area of the for the first storey of a Principal Building shall be 80 square metres

(8) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(9) **Building Width**

The minimum width for a Principal Building shall be 7.0 metres

(10) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of a parcel.
- (b) Notwithstanding Section 9(a), a Principal Building shall not cover more than 28% of the Area of a parcel.

(11) **Siting Requirements**

- (a) **Principal Buildings:** Where lands in this CD-88 zone have been subdivided into two Parcels:

- (i) The westernmost Principal Building shall not be located within 3.5 metres of the Front Lot Line.
- (ii) The westernmost Principal Building shall not be located within 4.6 metres of the westernmost Lot Line.
- (iii) The westernmost Principal Building shall not be located within 1.5 metres of the eastern Lot Lines.
- (iv) The westernmost Principal Building shall not be located within 5.5 metres of the southernmost Lot Line.
- (v) The easternmost Principal Building shall not be located within 3.9 metres of the Front Lot Line abutting Gosper Crescent.
- (vi) The easternmost Principal Building shall not be located within 3.0 metres of the western Lot Lines.
- (vii) The easternmost Principal Building shall not be located within 7.5 metres of the Exterior Side (Tillicum Road) Lot Line.
- (viii) The easternmost Principal Building shall not be located within 1.6 metres of the southernmost Lot Line.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

- (b) **Accessory Buildings:**

- (i) **Front Setback:** No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) **Side Setbacks:** No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line nor 7.5 metres of an Exterior Side Lot Line.
- (iii) **Rear Setback:** No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.

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

(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 any Principal Building, or within 7.5 metres of a Lot Line abutting a Highway and no fence shall exceed 2 metres behind the front face of the Principal Building.

(13) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(14) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**67.76      COMPREHENSIVE DEVELOPMENT DISTRICT NO. 89 [CD NO. 89]**

In that Zone designated as CD No. 89 [Comprehensive Development District No. 89] 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 Part.

(1)      **Permitted Uses**

The following Uses and no others shall be permitted:

- (a)      Townhouse Residential
- (b)      Two Family Residential
- (c)      Home Occupation
- (d)      Boarding: subject to the requirements of Section 30.3
- (e)      Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2)      **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2070 square metres.

(3)      **Number of Principal Buildings**

Not more than four (4) Principal Buildings shall be located on a Parcel.

(4)      **Number of Dwelling Units**

No more than ten (10) Dwelling Units shall be located on a Parcel.

(5)      **Unit Size**

Dwelling Units shall not be less than 130 square metres.

(6)      **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.69.

(7)      **Building Height**

- (a)      No Principal Building shall exceed a Height of 9.6 metres.
- (b)      No Accessory Building shall exceed a Height of 2.5 metres.

(8)      **Lot Coverage**

- (a)      Principal Buildings and Structures combined shall not cover more than 39% of the Area of the Parcel.
- (b)      Notwithstanding Section 8(a), Principal Buildings shall not cover more than 38% of the Area of the Parcel

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 5.0 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 3.8 metres of the northeastern Side Lot Line.
- (iii) No Principal Building shall be located within 5.5 metres of the southwestern Side Lot Line.
- (iv) No Principal Building shall be located within 5.0 metres of the Rear Lot Line.
- (v) Principal Buildings shall be separated by not less than 2.9 metres

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of a Principal Building
- (ii) Side Setbacks: No Interior Side Yard setback shall be required
- (iii) Rear Setback: No Rear Yard setback shall be required
- (iv) Building Separation: No Accessory Building shall be located within 1.0 metre of any Principal Building.

(10) **Siting Exception**

Within the CD-89 zone, the minimum distance to the northeastern and southwestern Lot Lines may be reduced by not more than 2.1 metres to accommodate exterior decks, attached to and forming part of a Principal Building.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 6.3 metres of a Lot Line abutting a Highway
- (b) Notwithstanding Part 4, Section 22(a), fencing located on top of a retaining wall abutting the Front Lot Line shall be measured distinctly and shall not exceed a height of 1.2 metres.
- (c) No fence sited beyond 6.3 metres of a Lot Line abutting a Highway shall be less than a height of 1.8 metres nor exceed a height of 2.0 metres.
- (d) No fence sited beyond 6.3 metres of a Lot Line abutting a Highway shall be visually permeable at a height less than 1.5

metres.

(12) **Landscaping and Open Space**

Landscaping and Open Space shall be provided as shown on the landscape plan approved as part of the active Development Permit.

(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 1.3 spaces per Dwelling Unit.

(b) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), one (1) parking stall, contained within a Principal Building, shall be provided for each Dwelling Unit.

(c) A minimum of 3 Visitor Parking Spaces shall be provided.



67.77 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 90 [CD NO. 90]**

*[Deleted by Bylaw No. 2942]*

**67.78      COMPREHENSIVE DEVELOPMENT DISTRICT NO. 91 [CD NO. 91]**

In that Zone designated as CD No. 91 [Comprehensive Development District No. 91] 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 Part.

(1)      **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Apartment Residential
- (b) Business and Professional Office
- (c) Personal Service Establishment
- (d) Restaurant
- (e) Retail Store
- (f) Hotel
- (g) Home Occupation

(2)      **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 960 square metres.

(3)      **Number of Dwelling Units**

No more than eleven (11) Dwelling Units shall be located within the Principal Building.

(4)      **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.55

(5)      **Unit Size**

Dwelling Units shall not be less than 26 square metres.

(6)      **Commercial Space**

The minimum Floor Area dedicated to Commercial Uses shall not be less than 26 square metres.

(7)      **Building Height**

- (a) No Principal Building shall exceed a Height of 10.0 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8)      **Lot Coverage**

Principal Buildings and Structures combined shall not cover more than 35% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: No Principal Building shall be located within 9.0 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.6 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 6.0 metres.
- (iii) No Principal Building shall be located within 9.0 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of a Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.5 metres in front of the front face of the Principal Buildings and 2.0 metres behind the front face of the Principal Buildings.

(11) **Landscaping and Open Space**

Notwithstanding Section 23, Landscaping and Open Space shall be provided as shown on the landscape plan approved as part of the active Development Permit.

(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), but provided one (1) unit is provided for Commercial Uses and no more that eleven (11) Dwelling Units for Apartment Residential use, the minimum number of required off-street parking spaces shall be provided as follows:
  - (i) Commercial Uses = 2 parking spaces.
  - (ii) Apartment Residential Use = 8 parking spaces including no visitor parking spaces.
- (b) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as

amended), the minimum width of a manoeuvring aisle accessing only one bank of parking shall be 3.8 metres.

**67.79 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 92 [CD NO. 92]**

In that Zone designated as CD No. 92 [Comprehensive Development District No. 92] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 330 square metres.

(3) **Lot Width**

The width of parcels created by subdivision shall not be less than 9.0 metres measured at the Front Lot Line.

(4) **Density**

The number of Dwelling Units permitted in this CD-92 Zone shall be limited to two [2] for a density of one [1] unit per 330 square metres.

(5) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a parcel.

(6) **Floor Area**

- (a) The Floor Area of the First Storey of a Principal Building shall not exceed 77 square metres.
- (b) The total Floor Area of a Principal Building shall not exceed 154 square metres.
- (c) Notwithstanding Section 6(a), the Floor Area of the First Storey of a Principal Building, not including a Private Garage, shall not exceed 58 square metres.
- (d) In this zone, Floor Area located in any Basement, or portion thereof, within a Principal Building, where the ceiling is less than 1.2 metres above the natural Grade at any point, shall be exempt from the requirements of Section 6(b).

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Building Width**

The maximum width for a Principal Building shall be 5.6 metres

(9) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 29% of a parcel.
- (b) Notwithstanding Section 9(a) Principal Buildings shall not cover more than 27% of the Area of a parcel

(10) **Siting Requirements**

- (a) **Principal Buildings:** Where lands in this CD-92 zone have been subdivided into two parcels:
  - (i) No Principal Building shall be located within 7.5 metres of a Front Lot Line.
  - (ii) No Principal Building shall be located within 1.5 metres of any Side Lot Line with the total setback of all Side Yards not to be less than 3.3 metres.
  - (iii) The westernmost Principal Building shall not be located within 12 metres of the Rear Lot Line.
  - (iv) The easternmost Principal Building shall not be located within 10.7 metres of the Rear Lot Line.
  - (v) The separation between Principal Buildings within Comprehensive Development District No. 92 [CD No. 92] shall not be less than 3.6 metres.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

(b) **Accessory Buildings:**

- (i) **Front Setback:** No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) **Side Setbacks:** No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line.
- (iii) **Rear Setback:** No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) **Building Separation:** No Accessory Building shall be located within 7.0 metres of any Principal Building.

(11) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of any Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

## **67.80 COMPREHENSIVE DEVELOPMENT DISTRICT No. 93 [CD No. 93]**

In that Zone designated as CD No. 93 [Comprehensive Development District No. 93] 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

### **(2) Number of Buildings and Dwelling Units**

Maximum One (1) Building containing not more than four (4) Townhouse Dwellings in total. No Accessory Buildings or Structures permitted.

### **(3) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.66

### **(4) Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 130 square metres.

### **(5) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 860 square metres.

### **(6) Building Height**

No Building shall exceed a Height of 9.0 metres.

### **(7) Lot Coverage**

All Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.

### **(8) Siting Requirements**

#### **(a) Building**

- (i) Front Setback: No Building shall be located within 5.5 metres of the Front Lot Line.
- (ii) Side Setback: No Building shall be located within 6.9 metres of the northern Interior Side Lot Line or within 4.5 metres of the southern Interior Side Lot Line. The total Setbacks of all side yards shall not be less than 11.4 metres.

- (iii) Rear Setback: No Building shall be located within 7.5 metres of a Rear Lot Line.

(9) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 7% of the Area of the Parcel.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Building and 2 metres behind the front face of the Building.

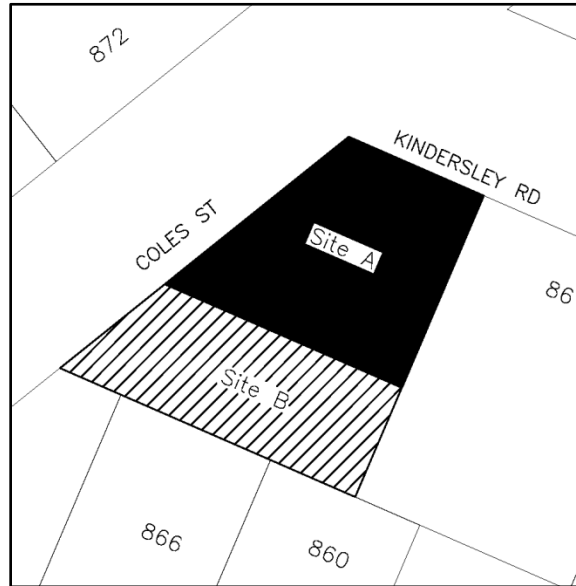
(11) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011, off- street parking shall be provided in the ratio of 1.5 spaces per dwelling unit.
- (b) A minimum of 2 of the parking spaces required above (11)(a) shall be marked "Visitor".



**67.81 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 94 [CD NO. 94]**

In that Zone designated as CD No. 94 [Comprehensive Development District No. 94] 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 Part.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6, except any subsection otherwise prohibiting that use within this zone.

(2) **Parcel Size**

- (a) The minimum Parcel Size for a Parcel created by subdivision consistent with Site A [Figure 1] shall be 530 square metres.
- (b) The minimum Parcel Size for a Parcel created by subdivision consistent with Site B [Figure 1] shall be 430 square metres.

(3) **Frontage**

- (a) The minimum Frontage of a parcel created by subdivision consistent with Site A [Figure 1] shall be 16.4 metres measured at the Front Lot Line.
- (b) The minimum Frontage of a parcel created by subdivision consistent with Site B [Figure 1] shall be 15.0 metres measured at the Front Lot Line.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a parcel.

(5) **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.47 for a parcel created by subdivision consistent with Site A [Figure 1].
- (b) The Floor Area Ratio shall not exceed 0.39 for a parcel created by subdivision consistent with Site B [Figure 1].

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(6) **Floor Area**

The minimum Floor Area for the first storey of a Principal Building shall be 80 square metres.

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Building Width**

The minimum width for a Principal Building shall be 7.0 metres.

(9) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 29% of a parcel.
- (b) Notwithstanding Section 9(a), a Principal Building shall not cover more than 27% of the Area of a parcel

(10) **Siting Requirements**

- (a) **Principal Buildings:** Where lands in this CD-94 zone have been subdivided into two Parcels:
  - (i) Front Setback (Site A [Figure 1]): No Principal Building shall be located within 6.1 metres of the Front Lot Line.
  - (ii) Side Setback (Site A [Figure 1]): No Principal Building shall be located within 2.1 metres of any Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.3 metres.
  - (iii) Rear Setback (Site A [Figure 1]): No Principal Building shall be located within 3.5 metres of the Rear Lot Line.
  - (iv) Front Setback (Site B [Figure 1]): No Principal Building shall be located within 7.5 metres of the Front Lot Line.

- (v) Side Setback (Site B [Figure 1]): No Principal Building shall be located within 1.5 metres of any Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres.
- (vi) Rear Setback (Site B [Figure 1]): No Principal Building shall be located within 8.1 metres of the Rear Lot Line.
- (vii) Principal Buildings within Comprehensive Development District No. 94 [CD No. 94] shall be separated by not less than 6.5 metres.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line nor 6.5 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(11) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of:

- (a) 1.2 metres in front of the front face of any Principal Building;
- (b) 1.2 metres along Coles Street, except that a maximum of 2.0 metres is permissible from the southwest corner of the Principal Building to the Rear Lot Line of Site A provided the fence is set back at least 5.6 m. from Coles Street; and
- (c) 2.0 metres otherwise.

(12) **Landscaping and Open Space**

Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

### **67.83 COMPREHENSIVE DEVELOPMENT DISTRICT No. 96 [CD No. 96]**

In that Zone designated as CD No. 96 [Comprehensive Development District No. 96] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Multiple Family Residential
- (b) Home Occupation

(2) **Number of Buildings and Dwelling Units**

Maximum One (1) Building containing not more than thirty (30) Multiple Family Dwellings in total. No Accessory Buildings or Structures permitted.

(3) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.15

(4) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 44 square metres.

(5) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 920 square metres.

(6) **Building Height**

No Building shall exceed a Height of 18 metres.

(7) **Lot Coverage**

- (a) A Building shall not cover more than 90% of the Area of a Parcel.
- (b) Notwithstanding 7(a), that portion of a Building constructed above the First Storey shall not cover more than 62% of the Area of a Parcel.

(8) **Siting Requirements**

(a) **Building**

- (i) Front Setback [First Storey]: No Building shall be located within 5.0 metres of the Front Lot Line.
- (ii) Front Setback [Above First Storey]: No Building shall be located within 6.0 metres of the Front Lot Line.

- (iv) Side Setback [First Storey]: No Side Setbacks shall be required
- (iv) Side Setback [Above First Storey]: No Building shall be located within 1.5 metres of the western Interior Side Lot Line or within 2.1 metres of the eastern Interior Side Lot Line.
- (v) Rear Setback [First Storey]: No Rear Setback shall be required.
- (vi) Rear Setback [Above First Storey]: No Building shall be located within 3.3 metres of the Rear Lot Line.

(9) **Siting Exception**

Within the CD-96 zone, the minimum distance to the Front Lot Line, measured from the Front Setback [Above First Storey], may be reduced by not more than 2.1 metres to accommodate a front eave, attached to and forming part of a Principal Building.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Building and 2 metres behind the front face of the Building.

(11) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011, off-street parking shall be provided in the ratio of 0.8 spaces per dwelling unit.
- (b) A minimum of 4 of the parking spaces required above (11(a)) shall be marked "Visitor".
- (c) A minimum of 1 of the parking spaces required above (11(a)) shall be marked "Car Share Vehicle".
- (d) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011, a maximum of 2 parking spaces may be located closer to the Front Lot Line than the front face of the Principal Building.

**67.84 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 97 [CD NO. 97]**

In that Zone designated as CD No. 97 [Comprehensive Development District No. 97] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2212 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than twelve (12) Dwelling Units shall be located on a Parcel.

(5) **Unit Size**

Dwelling Units shall not be less than 145 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.70.

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.9 metres.
- (b) No Accessory Building shall exceed a Height of 2.5 metres.

(8) **Lot Coverage**

- (a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 32% of the Area of the Parcel.
- (b) Notwithstanding Section 8(a), Principal Buildings shall not cover more than 31% of the Area of the Parcel

(9) **Siting Requirements**

- (a) **Principal Buildings:**
  - (i) No Principal Building shall be located within 6.5 metres of the Front Lot Line.
  - (ii) No Principal Building shall be located within 5.9 metres of the northern Side Lot Line.
  - (iii) No Principal Building shall be located within 13.8 metres of the southern Side Lot Line.
  - (iv) No Principal Building shall be located within 7.5 metres of the Rear Lot Line.

- (b) **Accessory Buildings:**
  - (i) Front Setback: No Accessory Building shall be located in front of the front face of a Principal Building
  - (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line
  - (iii) Rear Setback: No Accessory Building shall be located within 7.5 metres of a Rear Lot Line
  - (iv) Building Separation: No Accessory Building shall be located within 8.0 metres of a Principal Building

(10) **Siting Exceptions**

- (a) Within the CD-97 zone, the minimum distance to the northern Lot Line may be reduced by not more than 1.0 metre to accommodate exterior stairs to ground level, attached to and forming part of a Principal Building
- (b) Within the CD-97 zone, the minimum distance to the eastern Lot Line may be reduced by not more than 0.4 metres to accommodate the entrance to the end unit, and not more than 1.0 metre to accommodate the canopy over the entrance to the end unit, attached to and forming part of a Principal Building

(11) **Development Permit Design Guidelines**

The Principal Building will have a general character that shall modulate at approximately 0.8 metre offsets at approximate 9 metre (30 foot) increments, generally as illustrated on the following diagram.



(12) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 7.5 metres of a Lot Line abutting a Highway

- (b) No fence sited beyond 7.5 metres of a Lot Line abutting a Highway shall be less than a height of 1.8 metres nor exceed a height of 2.0 metres.

(13) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 14% of the Area of the Parcel.

(14) **Screening**

A coniferous hedge shall be provided and maintained along the northern Lot Line having a minimum height of 3.0 metres in order to provide additional privacy for the Yards located along this lot line

(15) **Off-Street Parking**

- (a) Off-street parking shall be provided in the ratio of 2.0 spaces per Dwelling Unit.
- (b) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), one (1) parking stall, contained within a Principal Building, shall be provided for each Dwelling Unit.
- (c) A minimum of six (6) Visitor Parking Spaces shall be provided.



## **67.85 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 98 [CD NO. 98]**

In that Zone designated as CD No. 98 [Comprehensive Development District No. 98] 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 Part.

### **(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 1.30.

#### **(b) Combined Mixed Use**

The combined Floor Area Ratio for all uses shall not exceed 1.40.

### **(3) Unit Size**

Dwelling Units shall not be less than 45 square metres.

### **(4) Number of Dwelling Units**

- (a) Not less than sixty five (65) Dwelling Units shall be located in this Zone.
- (b) Not more than seventy three (73) 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 395 square metres located on the First Storey.
- (b) The maximum Floor Area dedicated to Commercial Uses shall not be greater than 425 square metres.
- (c) Commercial Uses are not permitted on any Storey located above the First Storey.

- (d) Commercial Uses are not permitted within 30 metres of the southwestern Lot Line.

(6) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 4075 square metres.

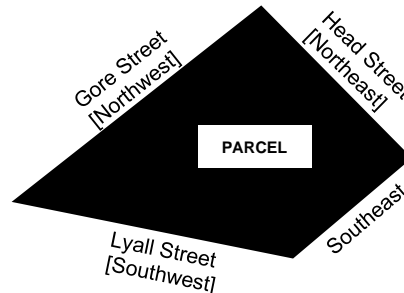
(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 23 metres.
- (b) No Accessory Building shall exceed a Height of 3.3 metres.

(8) **Lot Coverage**

- (a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 64% of the Area of the Parcel.
- (b) Notwithstanding Section 7(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 24% of the Area of the Parcel for each storey of a Building that is located above the second storey.

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



**Figure 1.**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 5.8 metres of the northeastern Lot Line.
- (ii) No part of a Principal Building located above the second storey shall be located within 18 metres of the northeastern Lot Line.
- (iii) No Principal Building shall be located within 3.2 metres of the northwestern Lot Line.
- (iv) No part of a Principal Building located above the second storey shall be located within 12 metres of the northwestern Lot Line.
- (v) No Principal Building shall be located within 0.9 metres of the southeastern Lot Line.

- (vi) No Principal Building shall be located within 5.9 metres of the southwestern Lot Line.
- (vii) That part of a Principal Building located above the second storey shall be located within 30 metres of the southwestern Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Building shall be located within 52 metres of the northeastern Lot Line.
- (ii) No Accessory Building shall be located within 9 metres of the northwestern Lot Line.
- (iii) No Accessory Building shall be located within 16 metres of the southwestern Lot Line.
- (iv) No Accessory Building shall be located within 0.1 metres of a Principal Building.

(10) **Siting Exceptions**

Within the CD-98 zone, the minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate exterior canopies, attached to and forming part of a Principal Building:

- (a) Northeastern Lot Line: 3.0 metres
- (b) Northwestern Lot Line: 0.5 metres
- (c) Southwestern Lot Line: 0.9 metres
- (d) Southeastern Lot Line: 0.9 metres

(11) **Useable Open Space**

Useable Open Space shall be provided in an amount not less than 7.5% 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 nor be located within 5.8 metres of a Lot Line abutting a Highway.

(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

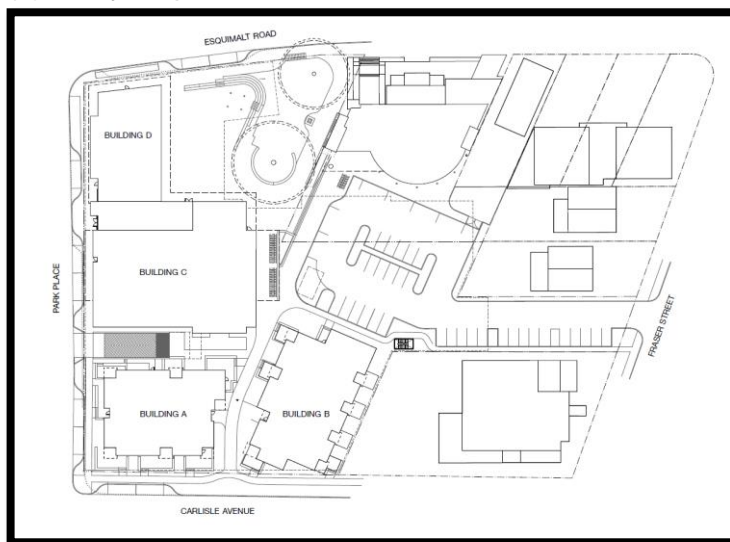
**67.86 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 99 [CD NO. 99]**

In that Zone designated as CD No. 99 [Comprehensive Development District No. 99] 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 Part.

**(1) Permitted Uses [Amendment, 2018, Bylaw No. 2938]**

- (a) Art Gallery
- (b) Arts and Craft Studios excluding Wood and Metal working
- (c) Arts and Wellness Teaching Centre
- (d) Business and Professional Office
- (e) Catering Service
- (f) Charitable Organization Office
- (g) Commercial Parking Facility
- (h) Conference or Convention Centre
- (i) Day Nursery
- (j) Dwelling – Multiple Family
- (k) Educational Institution
- (l) Financial Institution (excluding pay day loan offices)
- (m) Group Children’s Day Care Centre
- (n) Home Occupation
- (o) Laboratory
- (p) Library
- (q) Licensed Liquor Establishment including Brew Pub
- (r) Liquor Store
- (s) Personal Service Establishment
- (t) Printing Establishment
- (u) Restaurant
- (v) Retail Store
- (w) Veterinary Service

**(2) Key Map**



**(3) Maximum Floor Areas for Buildings**

Building "A"

Floor	Maximum Floor Area (m <sup>2</sup> )
Level 1	490
Level 2	505
Level 3	505
Level 4	505
Level 5	375
Level 6	375
Roof	45
Total	2800

Building "B"

Floor	Maximum Floor Area (m <sup>2</sup> )
Level 1	570
Level 2	605
Level 3	605
Level 4	605
Level 5	445
Level 6	445
Roof	40
Total	3315

Building "C"

Floor	Maximum Floor Area (m <sup>2</sup> )
Level 1 (Library and Office)	1145
Level 1 (Community Meeting Space)	145
Level 2	890
Level 3	890
Level 4	890
Level 5	890
Total	4850

Building "D"

Floor	Maximum Floor Area (m <sup>2</sup> )
Level 1	475
Level 2	525
Level 3	525
Level 4	525
Level 5	525
Level 6	375
Roof	050
Total	3000

Parkade	Maximum Floor Area (m <sup>2</sup> )
Level 1	1,100

(4) **Floor Area Ratio**

The Floor Area Ratio for the site shall not exceed 1.9.

(5) **Minimum Dwelling Unit Size**

Building	Minimum Dwelling Unit Size (m <sup>2</sup> )
A	40
B	40
C	40
D	40

(6) **Maximum Number of Dwelling Units**

Building	Maximum Number of Dwelling Units
A	32
B	37
C	0
D	34
Total	103

(7) **Minimum Commercial Floor Area**

The minimum Floor Area dedicated to Commercial Uses in Building D shall not be less than 390 square metres located on the first storey.

(8) **Maximum Building Height**

Building	Height From Grade
A	25.5 m
B	25.5 m
C	26.5 m
D	26.8 m

(9) **Maximum Lot Coverage**

All principal structures except the parkade shall have a maximum site coverage of 50%.

(10) **Siting Requirements**

Building	Esquimalt Road	Park Place	Carlisle Avenue	Internal Lot Lines
A Level 1	N/A	2.5	2.5	N/A
A Level 2	N/A	4.0	2.5	N/A
A Level 3	N/A	4.0	2.5	N/A
A Level 4	N/A	4.0	2.5	N/A
A Level 5	N/A	4.0	2.5 (5.0 building face)	N/A
A Level 6	N/A	5.0	2.5 (5.0 building)	N/A

Building	Esquimalt Road	Park Place	Carlisle Avenue	Internal Lot Lines
			face)	
A Roof	N/A	5.0	5.0	N/A
B Level 1	N/A	N/A	0.0	2.5
B Level 2	N/A	N/A	0.0	2.5
B Level 3	N/A	N/A	0.0	2.5
B Level 4	N/A	N/A	0.0	2.5
B Level 5	N/A	N/A	0.0	2.5
B Level 6	N/A	N/A	2.5	2.5
B Roof	N/A	N/A	3.5	5.0
C Level 1	N/A	0.5	N/A	0.0
C Level 2	N/A	0.0	N/A	0.0
C Level 3	N/A	0.0	N/A	0.0
C Level 4	N/A	0.0	N/A	0.0
C Level 5	N/A	0.0	N/A	0.0
D Level 1	0.5	0.5	N/A	N/A
D Level 2	0.5	0.5	N/A	N/A
D Level 3	0.5	0.5	N/A	N/A
D Level 4	0.5	0.5	N/A	N/A
D Level 5	0.5	0.5	N/A	N/A
D Level 6	0.5	0.5	N/A	N/A
D Roof	2.0	2.0		
Parkade	0.0 m	0.0 m	0.0 m	0.0 m

(11) **Accessory Buildings**

No accessory building shall be located within 10.0 m of a highway.

(12) **Useable Open Space**

The minimum usable open space as defined by the area delineated by Building “D” on the west, Building “C” on the south, the Municipal Hall on the east, and Esquimalt Road to the north shall be 1300 m<sup>2</sup>.

(13) **Fencing**

The maximum height of fencing shall be 1.3 m

(14) **Off-Street Parking**

Location	Motor Vehicles	Bicycles
Underground	176	182
Surface	39	24

Sub Total	215	206
For the use of the Municipal Hall	15	0
Total available to the project	200	206



**67.87 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 100 [CD NO. 100]**

In that Zone designated as CD No. 100 [Comprehensive Development District No. 100] 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 Part.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding subject to the requirements of section 30.3

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 325 square metres.

(3) **Frontage**

- (a) The minimum Frontage of a Parcel created by subdivision consistent with Site A [Figure 1] shall be 16.0 metres measured at the Front Lot Line.
- (b) The minimum Frontage of a Parcel created by subdivision consistent with Site B [Figure 1] shall be 17.5 metres measured at the Front Lot Line.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.38.

(6) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 50 square metres.

(7) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(8) **Building Width**

The minimum width for a Principal Building shall be 7.0 metres.

(9) **Lot Coverage**

A Principal Building shall not cover more than 30% of a Parcel.

(10) **Siting Requirements**

(a) **Principal Buildings:** Where lands in this CD-100 zone have been subdivided into two Parcels:

- (i) Front Setback (Site A [Figure 1]): No Principal Building shall be located within 6.0 metres of the Front Lot Line.
- (ii) Side Setback (Site A [Figure 1]): No Principal Building shall be located within 4.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 9.5 metres.
- (iii) Rear Setback (Site A [Figure 1]): No Principal Building shall be located within 1.5 metres of the Rear Lot Line.
- (iv) Front Setback (Site B [Figure 1]): No Principal Building shall be located within 4.5 metres of the Front Lot Line.
- (v) Side Setback (Site B [Figure 1]): No Principal Building shall be located within 3.0 metres of any Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 6.4 metres.
- (vi) Rear Setback (Site B [Figure 1]): No Principal Building shall be located within 5.5 metres of the Rear Lot Line.
- (vii) Principal Buildings within Comprehensive Development District No. 100 [CD No. 100] shall be separated by not less than 3.9 metres.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

(11) **Siting Exception**

- (a) Within the CD-100 zone, the minimum distance to the eastern Lot Line may be reduced by not more than 1.4 metres to accommodate exterior stairs to ground level, attached to and forming part of any Principal Building.
- (b) Within the CD-100 zone, the minimum distance to the southern Lot Line may be reduced by not more than 1.1 metres to accommodate exterior stairs to ground level, attached to and forming part of any Principal Building.

(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 any Principal Building and 2 metres behind the front face of any Principal Building.

(13) **Landscaping and Open Space**

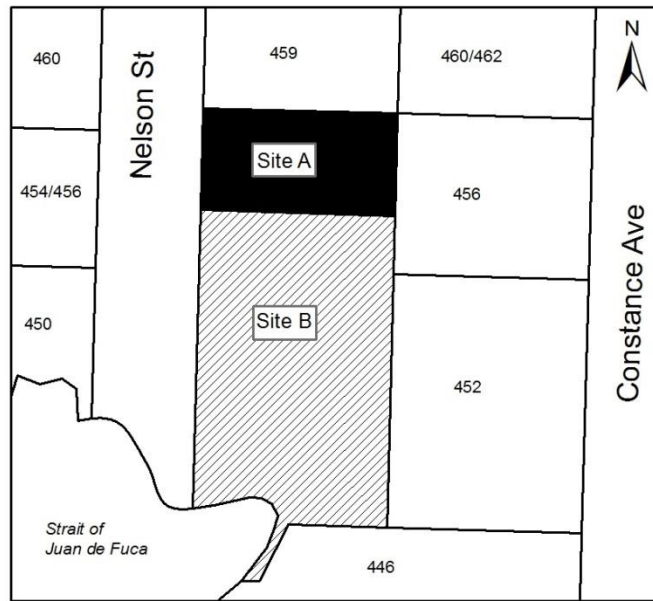
Landscaping and Open Space shall be as shown on the landscape plan approved as part of the active Development Permit.

(14) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**67.88 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 101 [CD NO. 101]**

In that Zone designated as CD No. 101 [Comprehensive Development District No. 101] 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 Part.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3

(2) **Parcel Size**

- (a) The minimum Parcel Size for a Parcel created by subdivision consistent with Site A [Figure 1] shall be 355 square metres.
- (b) The minimum Parcel Size for a Parcel created by subdivision consistent with Site B [Figure 1] shall be 1090 square metres.
- (c) This Zone may contain no more than two parcels.

(3) **Frontage**

- (a) The minimum Frontage of a Parcel created by subdivision consistent with Site A [Figure 1] shall be 13.5 metres measured at the Front Lot Line.
- (b) The minimum Frontage of a Parcel created by subdivision consistent with Site B [Figure 1] shall be 38 metres measured at the Front Lot Line.

- (c) The minimum Frontage of a Parcel created by subdivision inconsistent with Figure 1 shall be 20.5 metres measured at the Front Lot Line.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.37 for a Parcel created by subdivision consistent with Site A [Figure 1].
- (b) The Floor Area Ratio shall not exceed 0.32 for a Parcel created by subdivision consistent with Site B [Figure 1].

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(6) **Floor Area**

The minimum Floor Area for the First Storey of any Principal Building shall be 70 square metres.

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Building Width**

The minimum width for any Principal Building shall be 7.0 metres.

(9) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined located on a parcel created by subdivision consistent with Site A [Figure 1] shall not cover more than 31% of a Parcel.
- (b) Notwithstanding Section 9(a), a Principal Building located on a parcel created by subdivision consistent with Site A [Figure 1] shall not cover more than 30% of the Area of a Parcel.
- (c) All Principal Buildings, Accessory Buildings and Structures combined located on a parcel created by subdivision consistent with Site B [Figure 1] shall not cover more than 19% of a Parcel.
- (d) Notwithstanding Section 9(c), a Principal Building located on a parcel created by subdivision consistent with Site B [Figure 1] shall not cover more than 18% of the Area of a Parcel.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(10) **Siting Requirements**

- (a) **Principal Buildings:** Where lands in this CD-101 zone have been subdivided into two Parcels:
- (i) Front Setback (Site A [Figure 1]): No Principal Building shall be located within 5.8 metres of the Front Lot Line.
  - (ii) Side Setback (Site A [Figure 1]): No Principal Building shall be located within 2.0 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 5.4 metres.
  - (iii) Rear Setback (Site A [Figure 1]): No Principal Building shall be located within 6.3 metres of the Rear Lot Line.
  - (iv) Front Setback (Site B [Figure 1]): No Principal Building shall be located within 7.0 metres of the Front Lot Line.
  - (v) Side Setback (Site B [Figure 1]): No Principal Building shall be located within 1.6 metres of any Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 21.6 metres.
  - (vi) Rear Setback (Site B [Figure 1]): No Principal Building shall be located within 6.2 metres of the Rear Lot Line
  - (vii) Waterfront Setback: No Principal Building shall be located within 20.0 metres of the High Water Mark. The Setback shall follow a line drawn parallel to the indentations and sinuosities of the High Water Mark.
  - (viii) Principal Buildings within Comprehensive Development District No. 101 [CD No. 101] shall be separated by not less than 5.0 metres.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

- (b) **Accessory Buildings:**
- (i) Front Setback: No Accessory Building shall be located in front of the front face of any Principal Building
  - (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
  - (iii) Rear Setback: No Accessory Building shall be located within 1.2 metres of a Rear Lot Line.
  - (iv) Waterfront Setback: No Accessory Building shall be located within 4.5 metres of the High Water Mark. The Setback shall follow a line drawn parallel to the indentations and sinuosities of the High Water Mark.
  - (v) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(11) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of:

- (a) 1.2 metres in front of the front face of a Principal Building;
- (b) 1.2 metres abutting the High Water Mark; and
- (c) 2.0 metres otherwise.

(12) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**67.89 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 102 [CD NO.102]**

In that Zone designated as CD No. 102 [Comprehensive Development District No. 102] 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 Part.

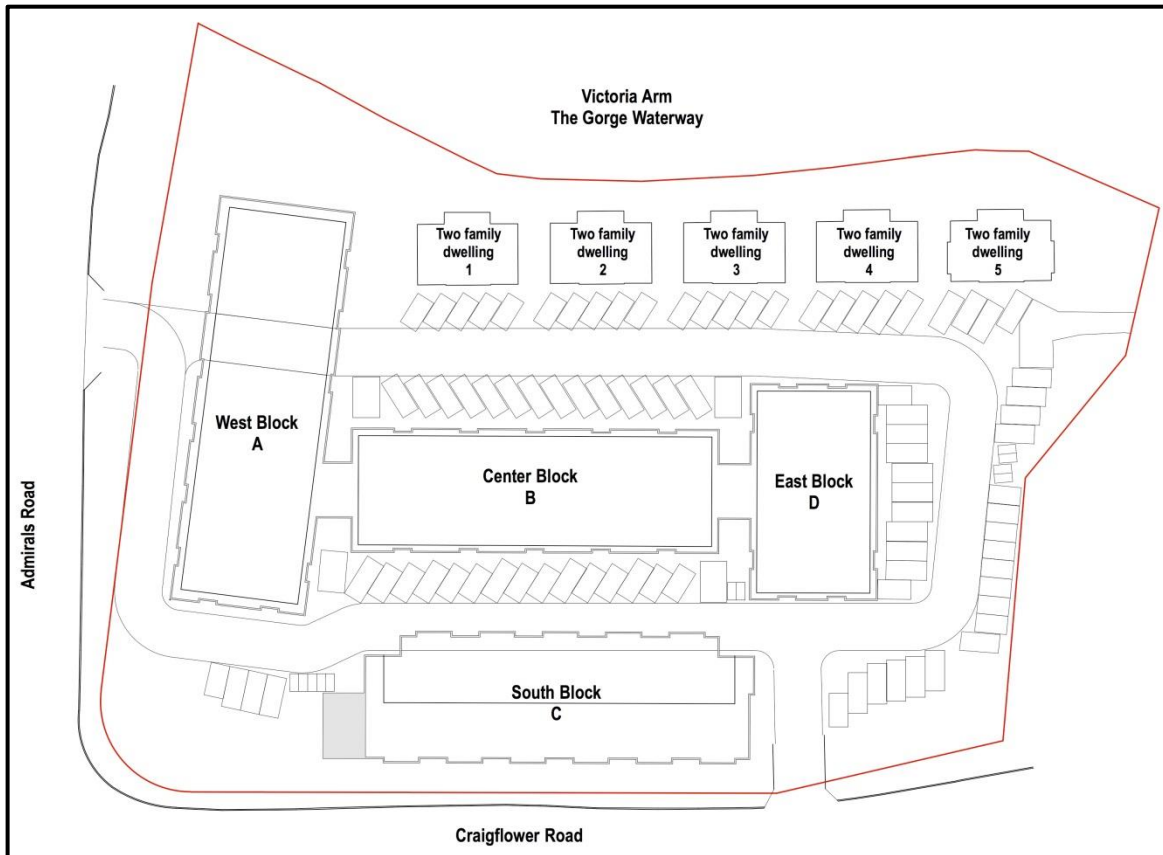
(1) **Permitted Uses**

Only Mixed Commercial / Residential use is permitted, however, within the CD-102 Zone, institutional use is not permitted, and, for the life of the existing buildings noted as Blocks A-D on the Key Map attached in Section 2 below, Mixed Commercial/ Residential use shall apply as if those buildings function collectively as one building. Two Family Dwellings are also permitted for the life of each respective existing building, and Part 4, Section 12 of this Bylaw does not apply. The following Uses and no others shall be permitted:

- (a) Business and Professional Office
- (b) Dwelling – Multiple Family
- (c) Dwelling – Two Family
- (d) Fitness Centre
- (e) Home Occupation
- (f) Retail Store
- (g) Restaurant
- (h) Tourist Accommodation



(2) **Key Map**



*[Note: Existing Two Family Dwellings and Building A - West Block are non-conforming as to siting with respect to the Waterfront Setback. They are subject to Local Government Act provisions regarding non-conforming siting, and development permit restrictions and requirements under the Township's Official Community Plan.]*

(3) **Density**

(a) **Base Combined Mixed Use Density**

- (i) The Floor Area Ratio shall not exceed 0.42, of which a minimum 74% must be devoted to residential uses;
- (ii) The maximum number of Dwelling Units shall not exceed 48 units;
- (iii) A maximum of 13 units may be used for Tourist Accommodation, with the units permitted by (ii) reduced proportionately;
- (iv) The Lot Coverage of all Principal Buildings and Structures combined shall not exceed 35% of the Area of the Parcel;

- (v) The maximum residential Floor Area for Buildings shall not exceed:

Building (As illustrated on Key Map)	Maximum Residential Floor Area (m <sup>2</sup> )
Mixed Commercial/ Multi-Family Block [West/ Center/ East Block combined]	2179.0
South Block	1110.0
Two Family Dwelling(s)	111.0
<b>Total</b>	<b>3400.0</b>

(b) **Bonus Combined Mixed Use Density**

- (i) The Floor Area Ratio may be increased up to, but shall not exceed 0.46, of which a minimum 47% must be devoted to residential uses;
- (ii) The maximum number of Dwelling Units shall not exceed 96 units;
- (iii) A maximum of 45 units may be used for Tourist Accommodation, with the units permitted by (ii) reduced proportionately;
- (iv) The Lot Coverage of all Principal Buildings and Structures combined may be increased up to, but shall not exceed, 41% of the Area of the Parcel;
- (v) The maximum residential Floor Area for Buildings shall not exceed:

Building (As illustrated on Key Map)	Maximum Residential Floor Area (m <sup>2</sup> )
Mixed Commercial/ Multi-Family Block [West/ Center/ East Block combined]	2900.0
South Block	1110.0
Two Family Dwellings	555.0
<b>Total</b>	<b>4565.0</b>

However, the maximum residential Floor Area of the Mixed Commercial/ Multi-Family Block and the South Block may be increased proportionately with the removal of Two Family Dwellings, up to a maximum 555 square metres. For clarity, the maximum residential Floor Area of the Mixed Commercial/ Multi-Family Block and the South Block combined shall not exceed 4565 square metres.

all on the provision of all of the following conditions:

- (1) Housing Agreement:** The owner shall enter into a Housing Agreement under Section 483 of the *Local Government Act* with the Township, including
- restricting the residential portion of the development to market rental,
  - ensuring Dwelling Units are available to all classes of persons, except that units built as accessible units may be restricted to those persons with disabilities requiring such units, and
  - provisions related to the administration and management of all the units that further any of the regulations of this zone, including restrictions on leasing more than 10 units to an individual,

governmental agency or corporation, and reporting requirements, including with respect to allocation of units and floor area amongst the uses.

**(2) S.219 Covenant:** The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of:  
 - maximizing Dwelling Units for use as individual residential accommodations, including by prohibiting subdivision, including building stratification, and prohibiting institutional uses, releasing and indemnifying the Township; and  
 - restricting use, building, development and re-construction within 20m of The Gorge Waterway to passive recreation uses and the potential future public trail (noted below), as consistent with the Official Community Plan, while respecting the reasonable lifespan of current non-conforming Two-Family Dwellings.

**(3) Statutory Right of Way:** The owner shall grant a perpetual Statutory Right of Way under Section 218 of the *Land Title Act* over that part of the parcel located within 20 metres of the High Water Mark of The Gorge Waterway for future trail corridor and development, for public use at all times of day and night, the final trail design to be subject to the owner’s approval, not to be unreasonably withheld.

All documents to be satisfactory to the Township, generally consistent with terms for other developments of similar magnitude, as updated from time to time, and registered in priority to all encumbrances of a financial nature.

(4) **Minimum Dwelling Unit Size**

Building (As illustrated on Key Map)	Minimum Dwelling Unit Size (m <sup>2</sup> )
Mixed Commercial/ Multi-Family Block [West/ Center/ East Block combined]	30
South Block	30
Two Family Dwelling(s)	55

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

- (a) The minimum Floor Area dedicated to Commercial Use shall be limited to those uses specified in Section 67.89(1) and shall not be less than 205 square metres.
- (b) Commercial Use shall be limited to those uses specified in Section 67.89(1) and shall only be permitted within the West Block (As illustrated on Key Map).
- (c) Notwithstanding 5(b), Tourist Accommodation use may be permitted anywhere on the Lands provided:
  - (i) If any of the Two Family Dwellings are used for Tourist Accommodation, there may be only one other “Block” (as illustrated on Key Map) that contains Tourist Accommodation uses;

- (ii) If none of the Two Family Dwellings are used for Tourist Accommodation, only two “Blocks” (as illustrated on Key Map) may contain Tourist Accommodation uses at any given time;
- (iii) No “Block” or other building may be used for Tourist Accommodation use and residential uses at the same time.

(6) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 10,750 square metres.

(7) **Maximum Building Height**

No Principal Building shall exceed a Height of 9.0 metres.

(8) **Siting Requirements**

(a) **Principal Buildings**

- (i) Front Setback: No Principal Building shall be located within 5.5 metres of Front Lot Lines abutting Island Highway.
- (ii) Exterior Side Setback: No Principal Building shall be located within 4.0 metres of Exterior Side Lot Lines abutting Craigflower Road.
- (iii) Southeastern Setback: No Principal Building shall be located within 11.5 metres of the Southeastern Lot Lines.
- (iv) Waterfront Setback: No Principal Building shall be located within 20.0 metres of the High Water Mark of the Gorge Waterway. The Setback shall follow a line drawn parallel to the indentation and sinuosities of the High Water Mark.
- (v) Building Separation: Principal Buildings shall be separated by not less than 3.4 metres.

(b) **Accessory Buildings**

No Accessory Buildings shall be permitted.

(9) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of:
  - (i) 1.2 metres within 8.0 metres of the Front Lot Lines abutting Island Highway;
  - (ii) 1.2 metres within 5.0 metres of the Exterior Side Lot Line abutting Craigflower Road;
  - (iii) 2.0 metres otherwise.

- (b) Notwithstanding Section 9(a), Fencing shall not be permitted to be installed within 20 metres of the High Water Mark.

(10) **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 10(a) Parking shall be provided as follows:
  - (i) Dwelling - Multiple Family, Dwelling Two Family, and Home Occupation = 0.90 spaces per dwelling unit including the provision of Visitor Parking spaces at a ratio of 0.10 per unit.
  - (ii) Tourist Accommodation = 1.0 space per unit
  - (iii) All other uses = 1 space per 25 square metres of gross floor area with a minimum provision of 13 parking spaces.

**67.90 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 103 [CD NO. 103]**  
***[Amendment, 2017, Bylaw No. 2896]***

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.

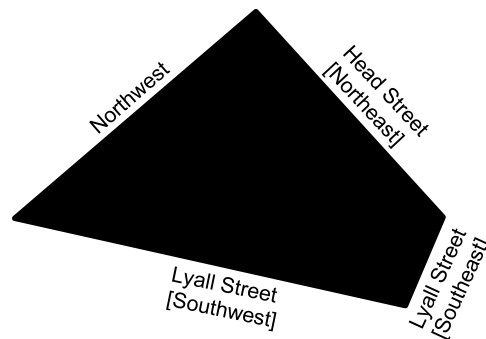
(7) **Building Height**

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 northwestern most 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.



## **67.91 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 104 [CD NO. 104]**

In that Zone designated as CD No. 104 [Comprehensive Development District No. 104] 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 Part.

### **(1) Permitted Uses**

Only the following Uses and no others shall be permitted:

- (a) Dwelling – Multiple Family
- (b) Home Occupation
- (c) Group Children’s Day Care Centre

### **(2) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.60.

### **(3) Size and Location of Group Children’s Day Care Centre**

- (a) The Floor Area dedicated to Group Children’s Day Care Centre shall not exceed 75 square metres.
- (b) Group Children’s Day Care Centre use is not permitted on any Storey located above the Second Storey.

### **(4) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 650 square metres.

### **(5) Building Height**

- (a) No Principal Building shall exceed a Height of 9 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

### **(6) Lot Coverage**

- (a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

### **(7) Siting Requirements**

#### **(a) Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 4.5 metres

of an Interior Side Lot Line.

- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(8) **Usable Open Space**

Usable Open Space shall be provided in an amount of not less than 15 % of the Area of the Parcel.

(9) **Fencing**

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.

(10) **Screening and Landscaping**

Notwithstanding Section 23, a wooden fence of 1.2 metres in height shall be provided along the perimeter of the Front Yard, including in front of the 2 parking spaces, excluding the driveway entrance.

(11) **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 14(a) Parking shall be provided for Group Children's Day Care Centre at a ratio 3 spaces per 75 square metres of Day Care Centre Floor Area with a minimum provision of 1 parking space located next to or behind the Principal Building, and 2 spaces located within the Front Yard.

## **67.92 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 105 [CD NO. 105]**

In that Zone designated as CD No. 105 [Comprehensive Development District No. 105] 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 Part.

### **(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 765 square metres.

### **(3) Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

### **(4) Number of Dwelling Units**

No more than ten (10) Dwelling Units shall be located on a Parcel.

### **(5) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.99.

### **(6) Building Height**

No Principal Building shall exceed a Height of 11 metres.

### **(7) Lot Coverage**

Principal Building and Structures combined shall not cover more than 51% of the Area of the Parcel.

### **(8) Siting Requirements**

#### **(a) Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 5.85 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 4.50 metres of the northern Interior Side Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 4.15 metres of the southern Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 5.65 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) Within the CD-105 zone, the minimum distance to the Front Lot Line and the Interior Side Lot Lines may be reduced by not more than 1.30 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (ii) Within the CD-105 zone, the minimum distance to the Front Lot Line may be reduced by not more than 2.80 metres to accommodate the Basement of a Principal Building.
- (iii) Within the CD-105 zone, the minimum distance to the Front Lot Line may be reduced by not more than 5.85 metres to accommodate the First Storey open patio attached to and forming part of the Principal Building.
- (iv) Within the CD-105 zone, the minimum distance to the northern Interior Side Lot Line may be reduced by not more than 1.70 metres to accommodate a trellis attached to and forming part of a Principal Building.

(10) **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(a), 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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 100 square metres. For this Zone, Usable Open Space is not required to have no dimension less than 6.0 metres.

(12) **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 1.2 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 2 of the parking spaces required per above (12)(a) shall be marked "Visitor".

## **67.93 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 106 [CD NO. 106]**

In that Zone designated as CD No. 106 [Comprehensive Development District No. 106] 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 Part.

### **(1) Permitted Uses**

The following Uses and no others shall be permitted:

- (g) Townhouse Residential
- (h) Two Family Residential
- (i) Home Occupation
- (j) Boarding: subject to the requirements of Section 30.3

### **(2) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 980 square metres.

### **(3) Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

### **(4) Number of Dwelling Units**

No more than five (5) Dwelling Units shall be located on a Parcel.

### **(5) Unit Size**

Dwelling Units shall not be less than 130 square metres.

### **(6) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.70.

### **(7) Building Height**

No Principal Building shall exceed a Height of 9.2 metres.

### **(8) Lot Coverage**

Principal Buildings and Structures combined shall not cover more than 34% of the Area of the Parcel.

### **(9) Siting Requirements**

#### **(a) Principal Buildings:**

- (i) No Principal Building shall be located within 6.8 metres of the Front Lot Line.
- (ii) No Principal Building located within 20.0 metres of the Front Lot Line

shall be located within 7.8 metres of the northeastern Side Lot Line, and otherwise no Principal Building shall be located within 3.0 metres of the northeastern Side Lot Line.

- (iii) No Principal Building shall be located within 2.9 metres of the southwestern Side Lot Line.
- (iv) No Principal Building shall be located within 6.4 metres of the Rear Lot Line.
- (v) Principal Buildings shall be separated by not less than 7.6 metres

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(10) **Siting Exceptions**

- (a) The minimum distance to the northeastern and southwestern Side Lot Lines may be reduced by not more than 0.35 metres to accommodate cantilevered parts of a building constructed above the first storey.
- (b) The minimum separation between Principal Buildings may be reduced by not more than 1.4 metres to accommodate cantilevered parts of buildings constructed above the first storey.
- (c) The minimum distance to the Front Lot Line and the Rear Lot Line may be reduced by not more than 2.5 metres to accommodate exterior decks, attached to and forming part of a Principal Building.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 6.5 metres of the Front Lot Line [Tillicum Road].
- (b) No fence sited beyond 6.5 metres of the Front Lot Line shall:
  - (i) be less than a height of 1.8 metres,
  - (ii) exceed a height of 2.0 metres, and
  - (iii) be visually permeable at a height less than 1.5 metres, except for fencing located along the Rear Lot Line may be visually permeable.

(12) **Screening**

A coniferous hedge shall be provided and maintained along the Rear Lot Line having a minimum height of 2.0 metres in order to mask and separate this use from adjacent lots and to provide additional privacy for the Yards located along this lot line.

(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 1.6 spaces per Dwelling Unit.
- (b) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as

amended), one (1) parking stall, contained within a Principal Building, shall be provided for each Dwelling Unit.

- (c) A minimum of 3 Visitor Parking Spaces shall be provided.

## **67.94 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 107 [CD NO. 107]**

In that Zone designated as CD No. 107 [Comprehensive Development District No. 107] 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 Part.

### **(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 1930 square metres.

### **(3) Number of Principal Buildings**

Not more than one Principal Buildings shall be located on a Parcel. No Accessory Buildings or Structures permitted.

### **(4) Number of Dwelling Units**

No more than eighty-three (83) Dwelling Units shall be located on a Parcel.

### **(5) Unit Size**

The minimum Floor Area for each Multiple Family Dwelling unit shall not be less than:

- (a) 90 square metres for not less than 7 percentage of the units;
- (b) 60 square metres for not less than 50 percentage of the units;
- (c) 40 square metres for not less than 36 percent of the units; and
- (d) 35 square metres otherwise.

### **(6) Floor Area Ratio**

The Floor Area Ratio shall not exceed 3.0.

### **(7) Building Height**

No Principal Building shall exceed a Height of 36.0 metres.

### **(8) Lot Coverage**

- (a) Principal Buildings shall not cover more than 87% of the Area of the Parcel including a parking structure.
- (b) Notwithstanding 8(a), that portion of the Principal Building constructed above the second Storey, shall not cover more than 55% of the Area of the Parcel.

### **(9) Siting Requirements**



(a) **Principal Buildings:**

- (i) Front Setback [First Storey]: No Principal Building shall be located within 2.0 metres of the Front Lot Line (Constance Avenue).
- (ii) Front Setback [Above First Storey]: No Principal Building shall be located within 0.80 metres of the Front Lot Line (Constance Avenue).
- (iii) Side Setback [North]: No Principal Building shall be located within 1.5 metres of the northernmost Side Lot Line.
- (iv) Side Setback [North] [Above Ninth Storey]: No Principal Building shall be located within 6.0 metres of the northernmost Side Lot Line.
- (v) Side Setback [South]: No part of a Principal Building shall be located within 0.3 metres of the southern Side Lot Lines.
- (vi) Side Setback [South] [Above First Storey]: No part of a Principal Building located within 24 metres of a Lot Line abutting a Highway shall be located within 2.7 metres of the southern Side Lot Lines and otherwise no part of a Principal Building shall be located within 8.0 metres of the southern Side Lot Lines.
- (vii) Side Setback [South] [Above Eighth Storey]: No part of a Principal Building shall be located within 6.8 metres of the southern Side Lot Lines.
- (viii) Exterior Side Setback (Admirals Road): No Principal Building shall be located within 5.7 metres of an Exterior Side Lot Line abutting Admirals Road.
- (ix) Exterior Side Setback (Admirals Road) [Above Third Storey]: No Principal Building shall be located within 3.1 metres of an Exterior Side Lot Line abutting Admirals Road.
- (x) Rear Setback (Admirals Road): No Principal Building shall be located within 7.5 metres of the Rear Lot Line abutting Admirals Road.
- (xi) Rear Setback (Admirals Road) [Above Third Storey]: No Principal Building shall be located within 9.5 metres of the Rear Lot Line abutting Admirals Road.

(b) **Accessory Buildings:**

No Accessory Buildings or Structures shall be permitted.

(10) **Siting Exceptions**

- (a) The minimum distance to the Exterior Side Lot Lines (Admirals Road) may be reduced by not more than 1.5 metres to accommodate a pedestrian entrance canopy.
- (b) The minimum distance to the Rear Lot Lines (Admirals Road) may be

reduced by not more than 1.5 metres to accommodate a pedestrian entrance canopy.

- (c) The minimum distance to any Lot Line(s) may be reduced to 0.0m for works associated with a parking Garage.

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

- (a) Usable Open Space shall be provided in an amount not less than 15% of the Area of the Parcel, including open space located over the First Storey.
- (b) Usable Open Space, in the form of an unenclosed rooftop patio accessible to all dwelling units, and having an area not less than 100 square metres, shall be provided on the southwestern most part of the building.
- (c) 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**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 7.5 metres of a Lot Line abutting a Highway.
- (b) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres located adjacent to the northernmost Side Lot Line.
- (c) Subject to Part 4, Section 22(a), fencing located on top of a retaining wall abutting the southern Side Lot Lines and not located with 7.5 metres of a Lot Line abutting a Highway, shall be measured distinctly and shall not exceed a height of 1.8 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 1.0 spaces per Dwelling Unit.
- (b) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of 8 of the parking spaces required above (13(a)) shall be marked "Visitor".
- (c) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011 (as amended), 59% of the required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (d) 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 6.6 metres.
- (e) 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 6.0 metres.

- (f) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a 90 degree parking stall shall be 2.5 metres
- (g) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a 90 degree small car parking stall shall be 2.3 metres.
- (h) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a stall located parallel to the manoeuvring aisle shall be 6.4 metres.
- (i) 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.

**67.95 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 108 [CD NO. 108]**  
***[Amendment, 2018, Bylaw No. 2924]***

In that Zone designated as CD No. 108 [Comprehensive Development District No. 108] 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 Part.

(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 1525 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than thirty-two (32) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.50.

(6) **Building Height**

No Principal Building shall exceed a Height of 18.5 metres.

(7) **Lot Coverage**

- (a) Principal Buildings shall not cover more than 86% 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 45% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 3.5 metres of the Front Lot Line.
- (ii) Front Setback [Fifth Storey]: No Principal Building shall be located

within 5.5 metres of the Front Lot Line.

- (iii) Side Setback: No Principal Building shall be located within 7.5 metres of the northern Exterior Side Lot Line.
- (iv) Side Setback: No Principal Building shall be located within 7.5 metres of the southern Interior Side Lot Line.
- (v) Rear Setback: No Principal Building shall be located within 4.0 metres of the Rear Lot Line.
- (vi) Rear Setback [Fifth Storey]: 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.

**(9) Siting Exceptions**

**(a) Principal Building:**

- (i) The minimum distance to the northern Exterior Side Lot Line may be reduced by not more than 2.00 metres to accommodate the front entry area on the First Storey of the Principal Building, measuring not more than 6.00 metres in width along the front face of the Principal Building.
- (ii) The minimum distance to the northern Exterior Side Lot Line may be reduced by not more than a total of 3.20 metres to accommodate the areas above the front entry and corresponding balconies on the Second, Third and Fourth Storeys of the Principal Building, measuring not more than 6.00 metres in width along the front face of the Principal Building.
- (iii) The minimum distance to the Front Lot Line and the Side Lot Lines may be reduced by not more than 1.50 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (iv) The minimum distance to the Front Lot Line, southern Interior Side Lot Line and Rear Lot Line may be reduced to 0.0 metre to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the northern Exterior Side Lot Line may be reduced to 2.0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

**(10) 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(a), 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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 140 square metres.

(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 1.02 spaces per dwelling unit.
- (b) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No.2011(as amended), up to 58% of the total required off-street Parking Spaces may be designed for small cars, by reducing the depth of stall for 90 degree parking from 5.5 m to 4.5 m.
- (c) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 1 of the parking spaces required per above (12) (a) shall be marked "Visitor".

**67.96 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 109 [CD NO. 109]**  
**[Amendment, 2018, Bylaw No. 2926]**

In that Zone designated as CD No. 109 [Comprehensive Development District No. 109] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Business and Professional Office
- (b) Group Children's Day Care Centre
- (c) Dwelling – Multiple Family
- (d) Home Occupation
- (e) Personal Service Establishment
- (f) Restaurant
- (g) Retail Store

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1410 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than twenty-eight (28) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.35.

(6) **Location of Commercial Space**

Commercial Uses are not permitted on any Storey located at or above the First Storey.

(7) **Building Height**

No Principal Building shall exceed a Height of 16 metres.

(8) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 80% 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, Accessory Buildings and Structures combined, shall not cover more than 47% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Lines.
- (ii) Side Setback: No Principal Building shall be located within 3.6 metres of the eastern Exterior 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) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line
- (iv) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.

(10) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Lines may be reduced by not more than 2.20 metres to accommodate the front entry.
- (ii) The minimum distance to the Front Lot Line, Side Lot Lines, and Rear Lot Line may be reduced by not more than 1.50 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (iii) The minimum distance to the Front Lot Line may be reduced to 4.9 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iv) The minimum distance to the Side Lot Lines and Rear Lot



Line may be reduced to 0.0 metre to accommodate the parking structure situated below the First Storey of a 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(a), 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 250 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 minimum ratio of 1.0 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 3 of the parking spaces required per above (13)(a) shall be marked "Visitor".
- (c) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), commercial portions of the building shall be exempt from off-street parking requirements.

**67.97 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 110 [CD NO. 110]**  
**[Amendment, 2019, Bylaw No. 2927]**

In that Zone designated as CD No. 110 [Comprehensive Development District No. 110] 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 Part.

(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 2830 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than seventy-one (71) Dwelling Units shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.60.

(6) **Building Height**

No Principal Building shall exceed a Height of 21 metres.

(7) **Lot Coverage**

- (a) Principal Building shall not cover more than 81% of the Area of the Parcel including a parking structure.
- (b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 40% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 5.8 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 5.0 metres of the northern Interior Side Lot Line.
  - (iii) Side Setback: No Principal Building shall be located within 7.0 metres of the southern Interior Side Lot Line.
  - (iv) Rear Setback: No Principal Building shall be located within 6.4 metres of the Rear Lot Line.
- (b) **Accessory Buildings:**
- (i) No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Lines may be reduced by not more than 1.80 metres to accommodate the front entry.
- (ii) The minimum distance to the Front Lot Line, Rear Lot Line and the Interior Side Lot Lines may be reduced by not more than 1.3 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (iii) 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 a Principal Building.
- (iv) The minimum distance to the northern Interior Side Lot Line may be reduced to 0.0 metre to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the southern Interior Side Lot Line may be reduced to 0.5 metre to accommodate the parking structure situated below the First Storey of a Principal Building.
- (vi) The minimum distance to the Rear Lot Line may be reduced to 2.8 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

(10) **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(a), 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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 850 square metres.

(12) **Off-Street Parking**

(a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 0.85 spaces per dwelling unit.

(b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 2 of the parking spaces required per above (12)(a) shall be marked "Visitor".

**67.98 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 111 [CD NO. 111]  
[Amendment, 2018, Bylaw No. 2940]**

In that Zone designated as CD No. 111 [Comprehensive Development District No. 111] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 949 square metres.

(3) **Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

(4) **Density**

The number of Dwelling Units permitted in this CD-111 Zone shall be limited to three [3] for a density of one [1] unit per 316.3 square metres.

(5) **Unit Size**

Dwelling Units shall not be less than 150 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.50.

(7) **Building Height**

No Principal Building shall exceed a Height of 7.0 metres.

(8) **Lot Coverage**

Principal Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 7.6 metres of the Front Lot Line.
- (ii) No Principal Building located within 20.0 metres of the Front Lot Line shall be located within 2.0 metres of the eastern Side Lot Line, and otherwise no Principal Building shall be located within 1.5 metres of the eastern Side Lot Line.
- (iii) No Principal Building located within 20.0 metres of the Front Lot Line shall be located within 10.0 metres of the western Side Lot Line, and otherwise no Principal Building shall be located within 3.2 metres of the eastern Side Lot Line.
- (iv) No Principal Building shall be located within 5.7 metres of the Rear Lot Line.
- (v) Principal Buildings shall be separated by not less than 5.4 metres.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(10) **Siting Exceptions**

The minimum separation between Principal Buildings may be reduced by not more than 1.4 metres to accommodate the exterior stairs and landing of the northern most building.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 7.66 metres of the Front Lot Line [Lyall Street].
- (b) No fence sited beyond 7.66 metres of the Front Lot Line shall be less than a height of 1.8 metres and exceed a height of 2.0 metres.

(12) **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 1.3 spaces per Dwelling Unit.
- (b) Notwithstanding Section 9(4), and for greater certainty in relation to Section 9(7), of Parking Bylaw, 1992, No. 2011 (as amended), two (2) parking stalls, for the northern most Principal Building, may be located within the Front Yard, however, this relief is provided only for the life of the existing Principal Building.

67.99 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 112 [CD NO. 112]**  
**[Amendment, 2018, Bylaw No. 2942]**

In that Zone designated as CD No. 112 [Comprehensive Development District No. 112] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1990 square metres.

(3) **Number of Buildings**

- (a) No more than four (4) Principal Buildings shall be located on a Parcel.
- (b) No more than one (1) Accessory Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than ten (10) Dwelling Units shall be located on a Parcel.

(5) **Unit Size**

Dwelling Units shall have a Floor Area of not less than 130 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.69.

(7) **Building Height**

- (a) No Principal Building shall exceed a Height of 9.0 metres.
- (b) No Accessory Building shall exceed a Height of 2.5 metres.

(8) **Lot Coverage**

All Buildings and Structures combined shall not cover more than 33% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 6.9 metres of the Front Lot Line.
- (ii) No Principal Building located within 20.0 metres of the Front Lot Line shall be located within 19.0 metres of the Interior Side Lot Line, and otherwise no Principal Building shall be located within 3.3 metres of the Interior Side Lot Line.
- (iii) No Principal Building shall be located within 3.6 metres of the Exterior Side Lot Line.
- (iv) No Principal Building shall be located within 3.5 metres of the Rear Lot Line.
- (v) Principal Buildings shall be separated by not less than 2.7 metres.

(b) **Accessory Buildings:**

- (i) One (1) Accessory Building may be located in front of the front face of a Principal Building.
- (ii) No Accessory Building shall be located within 3.0 metres of a Front Lot Line.
- (iii) No Accessory Building shall be located within 15.0 metres of an Exterior Side Lot Line.
- (iv) No Accessory Building shall be located within 8.0 metres of an Interior Side Lot Line.
- (v) No Accessory Building shall be located within 20.0 metres of a Rear Lot Line.
- (vi) Building Separation: No Accessory Building shall be located within 2.0 metres of a Principal Building.

(10) **Siting Exception**

The minimum distance to the Front Lot Line may be reduced by not more than 0.40 metres to accommodate the covered entrance to the end unit.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres:
  - (i) within 7.3 metres of the Front Lot Line [Colville Road]
  - (ii) within 5.5 metres of the Exterior Side Lot Line [Lampson Street].



- (b) Subject to Part 4, Section 22 and the above [(11)(a)], no fence shall exceed a Height of 2.0 metres.

(12) **Retaining Walls**

- (a) Notwithstanding Part 4, Section 22, Retaining Walls with a Height not exceeding 1.5 metres may be located within 4.3 metres of the Rear Lot Line.
- (b) Notwithstanding Part 4, Section 22, a Retaining Wall with a Height not exceeding 2.2 metres may be located within 10 metres of the Exterior Side Lot Line, between the Principal Buildings.

(13) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011, off-street parking shall be provided with a minimum ratio of 1.6 spaces per Dwelling Unit.
- (b) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), one (1) parking stall, contained within a Principal Building, shall be provided for each Dwelling Unit."
- (c) A minimum of five (5) of the parking spaces required above (13(a)) shall be marked "Visitor".
- (d) A minimum of one (1) of the parking spaces required above (13(a)) shall be marked "Car Share Vehicle".

**67.100      COMPREHENSIVE DEVELOPMENT DISTRICT NO. 113 [CD NO. 113]  
[Amendment, 2018, Bylaw No. 2946]**

In that Zone designated as CD No. 113 [Comprehensive Development District No. 113] 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 Part.

(1)      **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2)      **Parcel Size**

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

(3)      **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4)      **Density**

The number of Dwelling Units permitted in this CD No. 113 Zone shall be limited to two [2], for a minimum density of one [1] unit per 400 square metres.

(5)      **Unit Size**

Dwelling Units shall not have a Floor Area of less than 135 square metres.

(6)      **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(7)      **Building Height**

No Principal Building shall exceed a Height of 7.1 metres.

(8)      **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 2% of the Area of Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) No Principal Building shall be located within 16.0 metres of the Rear Lot Line.
- (iv) Principal Buildings shall be separated by not less than 3.0 metres.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Fencing**

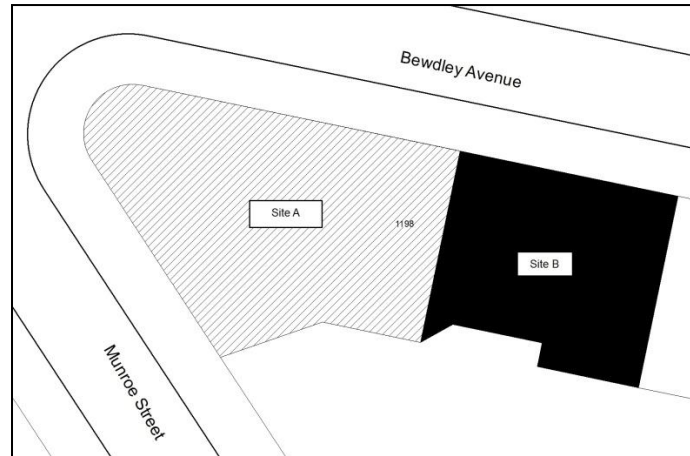
Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off-Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

67.101 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 114 [CD NO. 114]**  
**[Amendment, 2018, Bylaw No. 2947]**

In that Zone designated as CD No. 114 [Comprehensive Development District No.114 ] 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 Part.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (e) Secondary Suite (Site A)

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 357 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Density**

~~Deleted [Amendment, 2020, Bylaw No. 3002]~~

(5) **Floor Area Ratio**

The Floor Area Ratio of the principal building shall not exceed 0.33 for a parcel created by subdivision consistent with Site A [Figure 1].

The Floor Area Ratio of the principal building shall not exceed 0.40 for a parcel created by subdivision consistent with Site B [Figure 1].

(6) **Lot Coverage**

The Lot Coverage of the principal building shall not exceed 25% for a parcel created by subdivision consistent with Site A [Figure 1].

The Lot Coverage of the principal building shall not exceed 34% for a parcel created by subdivision consistent with Site B [Figure 1].

(7) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback - West (Site A [Figure 1]): The principal building shall not be located within 7.1 metres of the Front Lot Line.
- (ii) Side Setback - North (Site A [Figure 1]): The principal building shall not be located within 2.8 metres of the Northern Exterior Lot Line.
- (iii) Side Setback – South (Site A [Figure 1]): The principal building shall not be located within 2.4 metres of the Southern Interior Lot Lines.
- (iv) Rear Setback - East (Site A [Figure 1]): The principal building shall not be located within 4.2 metres the Rear Lot Line.
- (v) Front Setback - North (Site B [Figure 1]): The principal building shall not be located within 5.1 metres of the Front Lot Line.
- (vi) Side Setback - East (Site B [Figure 1]): The principal building shall not be located within 3.4 metres of the Eastern Interior Lot Line.
- (vii) Side Setback – West (Site B [Figure 1]): The principal building shall not be located within 5.0 metres of the Western Interior Lot Line.
- (viii) Rear Setback - South (Site B [Figure 1]): The principal building shall not be located within 2.1 metres the Rear Lot Lines.
- (ix) The Principal Buildings within Comprehensive Development District No.114 [CD No. 114] shall be separated by not less than 6.0 metres.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) Within the CD-114 zone, the following reductions are permitted to the siting requirements to accommodate the deck on the Principal Building located on Site A (Figure 1):

(i) The distance to the Rear Lot Line may be reduced by no more than 2.6 metres.

(b) Within the CD-114 zone, the following reductions are permitted to the siting requirements to accommodate the overhang on the Principal Building located on Site B (Figure 1):

(i) The distance to the Front Lot Line may be reduced by no more than 1.0 metres.

(ii) The distance to the Western Interior Lot Line may be reduced by no more than 0.5 metres.

(iii) The distance to the Rear Lot Line may be reduced by no more than 0.3 metres.

(10) **Home Occupation**

Notwithstanding Section 13(3) The Home Occupation shall not occupy more than 20% of the Gross Floor Area and in any event shall not exceed 28 square metres for the Principal Building located on Site B (Figure 1).

(11) **Fencing**

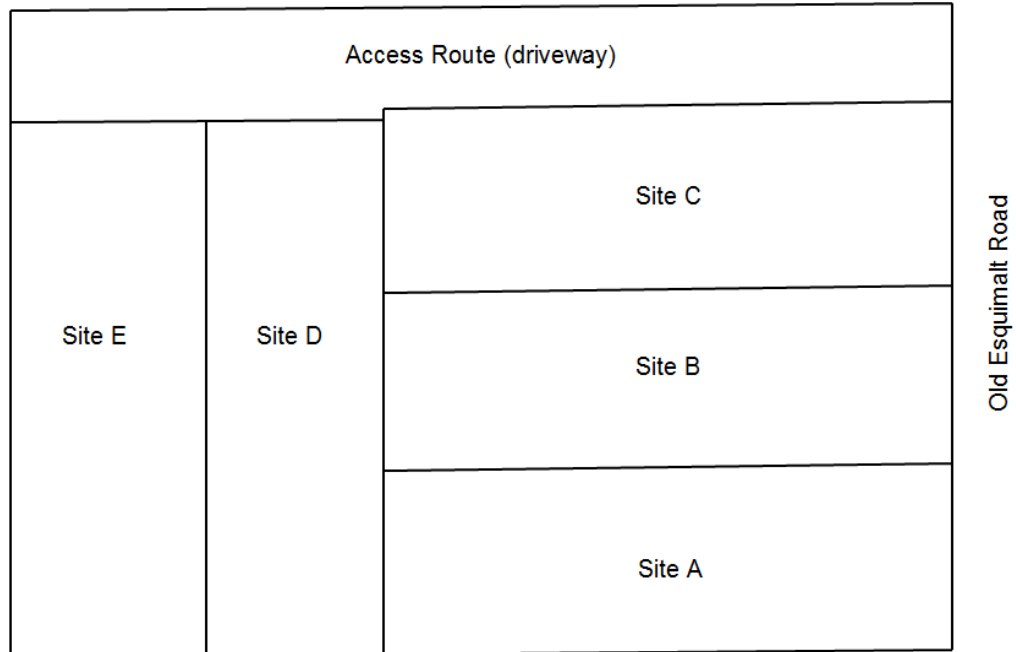
Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No.2011 (as amended).

**67.102 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 115 [CD NO. 115]  
[Amendment, 2019, Bylaw No. 2948]**

In that Zone designated as CD No. 115 [Comprehensive Development District No.115 ] 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 Part.



**Figure 1. – Sites A, B, C, D and E within CD-115 Zone**

[Note: Upon subdivision consistent with above configuration and minimum Site Area and Parcel Size requirements noted below, the Site boundaries within the CD-115 Zone shall be deemed to be consistent with the Parcel boundaries created at subdivision.]

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4

(2) **Parcel Size**

- (a) The minimum size of fee simple Parcels created by subdivision shall be 891 square metres.
- (b) Notwithstanding the above, where bare land strata Parcels are created by subdivision, the minimum Parcel size shall be not less than 281 square metres.

(3) **Number of Principal Buildings**

- (a) Not more than one Principal Building shall be located on a Parcel.
- (b) Not more than five (5) Principal Buildings shall be located within this CD-115 Zone.

(4) **Density**

The number of Dwelling Units permitted on PID 003-446-093, Lot C, Section 11, Esquimalt District, Plan 21636 [916 Old Esquimalt Road] and PID 003-446-395, Lot D, Section 11, Esquimalt District, Plan 21636 [920 Old Esquimalt Road] combined shall be limited to five [5].

(5) **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.49 for a Parcel created by subdivision consistent with Site A [Figure 1].
- (b) The Floor Area Ratio shall not exceed 0.49 for a Parcel created by subdivision consistent with Site B [Figure 1].
- (c) The Floor Area Ratio shall not exceed 0.48 for a Parcel created by subdivision consistent with Site C [Figure 1].
- (d) The Floor Area Ratio shall not exceed 0.45 for a Parcel created by subdivision consistent with Site D [Figure 1].
- (e) The Floor Area Ratio shall not exceed 0.40 for a Parcel created by subdivision consistent with Site E [Figure 1].

Where lands in this zone have not been subdivided as in Figure 1, the most restrictive of the above requirements are applicable.

(6) **Lot Coverage**

- (a) The Lot Coverage of the Principal Building shall not exceed 36% for a Parcel created by subdivision consistent with Site A [Figure 1].
- (b) The Lot Coverage of the Principal Building shall not exceed 36% for a Parcel created by subdivision consistent with Site B [Figure 1].
- (c) The Lot Coverage of the Principal Building shall not exceed 36% for a Parcel created by subdivision consistent with Site C [Figure 1].
- (d) The Lot Coverage of the Principal Building shall not exceed 34% for a Parcel created by subdivision consistent with Site D [Figure 1].
- (e) The Lot Coverage of the Principal Building shall not exceed 31% for a Parcel created by subdivision consistent with Site E [Figure 1].



(f) No Accessory Buildings shall be permitted.

Where lands in this zone have not been subdivided as in Figure 1, the most restrictive of the above requirements are applicable.

(7) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(8) **Siting Requirements**

Where lands in this CD-115 zone have been subdivided into five (5) Parcels:

(a) **Principal Building – Site A [Figure 1]:**

- (i) Front Setback: The Principal Building shall not be located within 5.5 metres of the Front Lot Line.
- (ii) Side Setback: The Principal Building shall not be located within 2.1 metres of the Western Interior Lot Line.
- (iii) Side Setback: The Principal Building shall not be located within 1.5 metres of the Eastern Interior Lot Line.
- (iv) Rear Setback: The Principal Building shall not be located within 5.5 metres of the Rear Lot Line.

(b) **Principal Building – Site B [Figure 1]:**

- (i) Front Setback: The Principal Building shall not be located within 5.5 metres of the Front Lot Line.
- (ii) Side Setback: The Principal Building shall not be located within 2.1 metres of the Western Interior Lot Line.
- (iii) Side Setback: The Principal Building shall not be located within 1.5 metres of the Eastern Interior Lot Line.
- (iv) Rear Setback: The Principal Building shall not be located within 5.5 metres of the Rear Lot Line.

(c) **Principal Building – Site C [Figure 1]:**

- (i) Front Setback: The Principal Building shall not be located within 5.5 metres of the Front Lot Line.
- (ii) Side Setback: The Principal Building shall not be located within 1.5 metres of the Western Interior Lot Line.
- (iii) Side Setback: The Principal Building shall not be located within 2.1 metres of the Eastern Exterior Lot Line, which is

deemed to be the lot line abutting the Access Route (driveway) shown on Figure 1.

- (iv) Rear Setback: The Principal Building shall not be located within 5.5 metres of the Rear Lot Line.

**(d) Principal Building – Site D [Figure 1]:**

- (i) Front Setback: The Principal Building shall not be located within 6.0 metres of the Front Lot Line, which is deemed to be the lot line abutting the Access Route (driveway) shown on Figure 1.
- (ii) Side Setback: The Principal Building shall not be located within 2.0 metres of the Southern Interior Lot Line.
- (iii) Side Setback: The Principal Building shall not be located within 1.5 metres of the Northern Interior Lot Line.
- (iv) Rear Setback: The Principal Building shall not be located within 7.5 metres of the Rear Lot Line.

**(e) Principal Building – Site E [Figure 1]:**

- (i) Front Setback: The Principal Building shall not be located within 6.0 metres of the Front Lot Line, which is deemed to be the lot line abutting the Access Route (driveway) shown on Figure 1.
- (ii) Side Setback: The Principal Building shall not be located within 1.5 metres of the Southern Interior Lot Line.
- (iii) Side Setback: The Principal Building shall not be located within 3.0 metres of the Northern Interior Lot Line.
- (iv) Rear Setback: The Principal Building shall not be located within 7.5 metres of the Rear Lot Line.

- (f) The Principal Buildings within Comprehensive Development District No.115 [CD No. 115] shall be separated by not less than 3.0 metres.

Where lands in this zone have not been subdivided as in Figure 1, the most restrictive of the above requirements are applicable.

**(9) Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of:

- (a) 1.2 metres in front of the front face of a Principal Building;
- (b) 1.2 metres within 6.0 metres west of the western edge of the Access Route (driveway) as shown on Figure 1; and

(c) 2.0 metres otherwise.

(d) Notwithstanding Section 10 (a) and (b) the fence along the northern most Parcel boundary shall be not more than 2.0 metres.

(e) For certainty, the fences along the east edge of the Access Route (driveway) shall be subject to the Fence height requirements of the property abutting the Access Route (driveway) to the east.

(10) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**67.103     COMPREHENSIVE DEVELOPMENT DISTRICT NO. 116 [CD NO. 116]  
[Amendment, 2019, Bylaw No. 2951]**

In that Zone designated as CD No. 116 [Comprehensive Development District No. 116] 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 Part.

(1)     **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3

(2)     **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1620 square metres.

(3)     **Number of Buildings**

- (a) No more than three (3) Principal Buildings shall be located on a Parcel.
- (b) No more than one (1) Accessory Building shall be located on a Parcel.

(4)     **Number of Dwelling Units**

No more than seven (7) Dwelling Units shall be located within this CD-116 Zone.

(5)     **Unit Size**

Dwelling Units shall have a Floor Area of not less than 115 square metres.

(6)     **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.52.

(7)     **Building Height**

- (a) No Principal Building shall exceed a Height of 9.0 metres.
- (b) No Accessory Building shall exceed a Height of 2.5 metres.

(8) **Lot Coverage**

- (a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 27% of the Area of the Parcel.
- (b) Notwithstanding Section 8 (a), Principal Buildings shall not cover more than 26% 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 Principal Building shall be located within 4.0 metres of an Interior Side Lot Line.
- (iii) No Principal Building shall be located within 6.0 metres of the Rear Lot Line.
- (iv) Principal Buildings shall be separated by not less than 3.6 metres.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located within 6.5 metres of the Front Lot Line.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Siting Exception**

The minimum distance to the Front Lot Line may be reduced by not more than 1.2 metres to accommodate the cantilevered roof and the stairs for covered entrances on the eastern end units.

(11) **Useable Open Space**

Useable open space shall be provided in an amount of not less than 7.5 % of the Area of the Parcel.

(12) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 6.0 metres of a Front Lot Line [Drake Avenue].
- (b) No fence sited beyond 6.0 metres of the Front Lot Line shall exceed a Height of 2.0 metres.

(13) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011, off-street parking shall be provided with a minimum ratio of 1.5 spaces per Dwelling Unit.
- (b) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), one (1) parking stall, contained within a Principal Building, shall be provided for each Dwelling Unit.
- (c) A minimum of one (1) of the parking spaces required above (13(a)) shall be marked "Visitor".

**67.104**     **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 117 [CD NO. 117]**  
**[Amendment, 2019, Bylaw No. 2952]**

In that Zone designated as CD No. 117 [Comprehensive Development District No.117] 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 Part.

(1)     **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2)     **Parcel Size**

- (a) The minimum Parcel Size of fee simple Parcels created by subdivision shall be 640 m<sup>2</sup>
- (b) notwithstanding the above, the minimum Parcel Size of a strata lot including limited common property shall be 165 m<sup>2</sup>.

(3)     **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located in the CD No.117 zone.

(4)     **Density**

The number of Dwelling Units permitted in this CD No. 117 Zone shall be limited to three [3] dwelling units for a density of one (1) per 165m<sup>2</sup>.

(5)     **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.4.

(6)     **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(7)     **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback – North: The principal building shall not be located within 6.1 metres of the Front Lot Line.
- (ii) Side Setback – East: The principal building shall not be located within 1.8 metres of the Eastern Interior Lot Line.
- (iii) Side Setback – West: The principal building shall not be located within 3.0 metres of the Western Interior Lot Line.
- (iv) Rear Setback – South: The principal building shall not be located within 7.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(9) **Siting Exceptions**

(a) Within the CD No. 117 zone, the following reductions are permitted to the siting requirements to accommodate the staircases on the principal building:

- (i) The distance to the Eastern Interior Lot Line may be reduced by no more than 1.2 metres.
- (ii) The distance to the Western Interior Lot Line may be reduced by no more than 1.3 metres.

(10) **Fencing**

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.



(11) **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 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), 2 parking spaces may be located closer to the Front Lot Line than the front face of the principal building. Specifically for Strata Lot 1 Section 11 Esquimalt District Strata Plan VIS5729 [821 Wollaston Street] and Strata Lot 2 Section 11 Esquimalt District Strata Plan VIS5729 [825 Wollaston Street].

**67.105     COMPREHENSIVE DEVELOPMENT DISTRICT NO. 118 [CD NO. 118]  
[Amendment, 2019, Bylaw No. 2955]**

In that Zone designated as CD No. 118 [Comprehensive Development District No.118] 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 Part.



**Figure 1. Site A, Site B, Site C**

(1)     **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2)     **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 345 square metres.

(3)     **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4)     **Density**

The number of Dwelling Units permitted in this CD No. 118 Zone shall be limited to three [3], for a minimum density of one [1] unit per 345 square metres.

(5)     **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.36.

(6) **Lot Coverage**

- (a) The Lot Coverage of the principal building shall not exceed 28% for a parcel created by subdivision consistent with Site A [Figure 1].
- (b) The Lot Coverage of the principal building shall not exceed 28% for a parcel created by subdivision consistent with Site B [Figure 1].
- (c) The Lot Coverage of the principal building shall not exceed 30% for a parcel created by subdivision consistent with Site C [Figure 1].

Where lands in this zone have not been subdivided consistently with Figure 1, the most restrictive of the above requirements are applicable.

(7) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback - East (Site A [Figure 1]): The principal building shall not be located within 6.0 metres of the Front Lot Line.
- (ii) Side Setback – South (Site A [Figure 1]): The principal building shall not be located within 2.1 metres of the Southern Interior Lot Line.
- (iii) Side Setback - North (Site A [Figure 1]): The principal building shall not be located within 1.5 metres of the Northern Interior Lot Line.
- (iv) Rear Setback - West (Site A [Figure 1]): The principal building shall not be located within 7.5 metres of the Rear Lot Line.
- (v) Front Setback - North (Site B [Figure 1]): The principal building shall not be located within 5.5 metres of the Front Lot Line.
- (vi) Side Setback - East (Site B [Figure 1]): The principal building shall not be located within 3.6 metres of the Eastern Exterior Lot Line.
- (vii) Side Setback – West (Site B [Figure 1]): The principal building shall not be located within 1.5 metres of the Western Interior Lot Line.

- (viii) Rear Setback - South (Site B [Figure 1]): The principal building shall not be located 6.3 metres of the Rear Lot Line.
- (ix) Front Setback - North (Site C [Figure 1]): The principal building shall not be located within 5.5 metres of the Front Lot Line.
- (x) Side Setback - East (Site C [Figure 1]): The principal building shall not be located within 2.3 metres of the Eastern Interior Lot Line.
- (xi) Side Setback – West (Site C [Figure 1]): The principal building shall not be located within 3.5 metres of the Western Interior Lot Line.
- (xii) Rear Setback - South (Site C [Figure 1]): The principal building shall not be located 6.2 metres of the Rear Lot Line.
- (xiii) The Principal Buildings within Comprehensive Development District No.118 [CD No. 118] shall be separated by not less than 3.7 metres.

Where lands in this zone have not been subdivided consistently with Figure 1, the most restrictive of the above requirements are applicable.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(9) **Fencing**

Subject to Part 4, Section 22, no fence shall exceed a Height of:

- (a) 1.2 metres in front of the front face of a Principal Building;
- (b) 1.2 metres within 6.0 metres of the exterior lot line
- (c) 2.0 metres otherwise.

(10) **Off-Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

67.106 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 119 [CD NO. 119]**  
**[Amendment, 2019, Bylaw No. 2957]**

In that Zone designated as CD No. 119 [Comprehensive Development District No. 119] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 390 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 9.5 metres measured at the Front Lot Line.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.36.

(6) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(7) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 3.3 metres..
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(9) **Fencing**

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.

(10) **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 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), 1 parking space may be located closer to the Front Lot Line than the front face of the Principal Building.

**67.107     COMPREHENSIVE DEVELOPMENT DISTRICT NO. 120 [CD NO. 120]  
[Amendment, 2019, Bylaw No. 2963]**

In that Zone designated as CD No. 120 [Comprehensive Development District No. 120] 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) Business and Professional Office
- (b) Dwelling – Multiple Family
- (c) Group Children’s Day Care Centre
- (d) Home Occupation
- (e) Hospital
- (f) Laboratory and clinic
- (g) Personal Service Establishment
- (h) Health Clinic or facility

**(2)     Density - Floor Area Ratio**

(a) **Base Density:** The Floor Area Ratio shall not exceed 1.5.

(b) **Bonus Density:** The Floor Area Ratio may be increased to 3.87 on the provision of all of the following amenities with minimum monetary values of five hundred thousand dollars (\$500,000) plus subsidized lease rates for ten (10) years with total value of three hundred ninety-six thousand dollars (\$396,000), or such higher respective values at the owner’s discretion, further details of which to be secured by Covenant under Section 219 of the *Land Title Act* registered in priority to all encumbrances of a financial nature:

- (i) Cash contribution for the provision of installation and maintenance of a kayak dock in the Township in the amount of \$150,000;
- (ii) 5 parking spaces with publicly available electric vehicle charging stations;
- (iii) Principal Building designed and built to Built Green Canada Silver standards, certified within one year of construction completion, or such longer period as required to address deficiencies provided the initial review and report is completed within the first year;
- (iv) Removal of existing utility pole located to the north of the subject property, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the south side of Esquimalt Road;

- (v) Perpetual Statutory Right of Way and associated Covenant granted under Sections 218 and 219 of the *Land Title Act*, for public access and expanded sidewalk on that part of the parcel located within 3.2 metres of the northern Lot Line on Esquimalt Road;
- (vi) Subsidized lease rates for ten (10) years for a minimum of 370 square metres [~4,000 sq.ft] of Public Health of clinic use space, with a minimum 100% subsidy in the first year, 50% subsidy in the second year and graduated annual adjustments to 5% subsidy in the tenth year with total value of \$396,000.00. The value of this amenity must be confirmed by independent professional auditor provided by the property owner;
- (vii) Annual lease hold and equipment improvement incentives, valued at \$160,000, for the purpose of facilitating the establishment of medical practices in the Township;
- (viii) Cash contribution of \$54,000 provided to the Township, to be used at the Township's discretion (e.g. provide incentives or grants, undertake or commission studies or reports, promotion, public information, temporary clinics, etc.); and
- (ix) Cash contribution of \$30,000 to be used for the provision and installation of 2 pedestrian activated crosswalk signals in the general vicinity of the subject parcel

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1350 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Number of Dwelling Units**

No more than sixty-six (66) Dwelling Units shall be located on a Parcel

(6) **Size of Commercial and Residential Spaces**

- (a) The minimum Floor Area dedicated to Health Clinic or facility use shall not be less than 370 square metres.
- (b) The maximum Floor Area dedicated to residential uses shall not be more than 220 square metres on the Second Storey (Esquimalt Road frontage ground floor).



(7) **Design Guidelines**

East side of building shall incorporate artistic design to provide visual character and interest.

(8) **Building Height**

(a) No Principal Building shall exceed a Height of 35.0 metres.

(b) No Principal Building shall exceed a Height of 3 Storeys within 21.5 metres of Wollaston Street.

(9) **Lot Coverage**

All Principal Buildings, and Structures combined, shall not cover more than 87% of the Area of the Parcel including a parking structure.

(10) **Siting Requirements**

(a) **Principal Building:**

(i) Front Setback: No Principal Building shall be located within 3.2 metres of the Front Lot Line abutting Esquimalt Road.

(ii) Side Setback: No Interior Side setback shall be required.

(iii) Exterior Side Setback: Subject to Section 24, no setback shall be required from Head Street.

(iv) Rear Setback: No Principal Building shall be located within 6.3 metres of the Rear Lot Line abutting Wollaston Street.

(v) Rear Setback: No part of the Principal Building above the First Storey shall be located within 22.3 metres of the Rear Lot Line abutting Wollaston Street.

(b) **Accessory Buildings:**

(i) No Accessory Building shall be permitted.

(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 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 300 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 minimum of 8 parking spaces for the portions of the commercial portions of the building.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 1.30 spaces per dwelling unit.
- (c) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 10 of the parking spaces required per above (12) (b) shall be marked "Visitor".
- (d) Notwithstanding Section 14(2)(a) of the Parking Bylaw, 1992, No. 2011 (as amended), 55% of the required parking spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (e) For greater certainty, all other uses must comply with Parking Bylaw requirements.

67.108 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 121 [CD NO. 121]**  
**[Amendment, 2019, Bylaw No. 2965]**

In that Zone designated as CD No. 121 [Comprehensive Development District No. 121] 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) Provided they are located on the First Storey or Second Storey
  - a. Business and Professional Office
  - b. Group Children’s Day Care Centre
- (d) Provided they are located on the First Storey:
  - a. Laboratory and clinic
  - b. Personal Service Establishment
  - c. Public Health Clinic or facility
  - d. Restaurant
  - e. Retail Store
  - f. Veterinary Clinic

(2) **Density - Floor Area Ratio**

- (a) **Base Density:** The Floor Area Ratio shall not exceed 3.0.
- (b) **Bonus Density:** The Floor Area Ratio may be increased up to, but shall not exceed 3.52 on the provision of all of the following conditions:
  - (i) Reservation of a Group Children’s Day Care Centre with a minimum Floor Area of 150 square metres. The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure one (1) Non-Residential Unit as the Group Children’s Day Care Centre. Once designated, the permitted uses of this zone shall be interpreted so that only Group Children’s Day Care Centre, and no other use, is permitted in Non-Residential

Unit.

- (ii) The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure that the Principal Building shall be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code. Prior to issuance of a building permit, the owner shall provide professional letters of support confirming the architectural plans will permit the Principal Building to meet the requirements of Step 4 (R2000) of the BC Energy Step Code.
- (iii) 8 Dwelling Units to be occupied by households with a gross household income at or below the BC Housing Income Limits for the Victoria region at a rent of no more than 30% of each of such households' gross annual household income. The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that these Dwelling Units remain as such.
- (iv) 3 Dwelling Units to be occupied by households that require additional or specialized services or accommodations by reason of one or more difficulties such as physical, emotional, behavioural, developmental, or otherwise, as evidenced in writing by the appropriate Federal or Provincial ministry or agency. The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that these Dwelling Units remain as such. These 3 Dwelling Units are in addition to the 8 Dwelling Units to be occupied by households with a gross household income at or below the BC Housing Income Limits for the Victoria Region.
- (v) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* over the southeast corner of the parcel with a minimum area of 150 square metres to allow for privately owned publicly accessible open space prior to issuance of a building permit.
- (vi) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* and a public walkway constructed on that part of the parcel located within 6 metres of the northern Lot Line between Constance Avenue and Nelson Street prior to issuance of a building permit.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2600 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Number of Dwelling Units**

No more than one hundred and twenty-nine (129) Dwelling Units shall

- be located on a Parcel
- (6) **Building Height**
- No Principal Building shall exceed a Height of 46.5 metres.
- (7) **Lot Coverage**
- (a) Principal Building shall not cover more than 82% of the Area of the Parcel including a parking structure.
- (b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 57% of the Area of the Parcel.
- (8) **Siting Requirements**
- (a) **Principal Building:**
- (i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Line abutting Miles Street.
- (ii) Exterior Side Setback: No Principal Building shall be located within 5.3 metres of the Exterior Side Lot Line abutting Constance Avenue.
- (iii) Exterior Side Setback: No Principal Building shall be located within 2.9 metres of the Exterior Side Lot Line abutting Nelson Street.
- (iv) Rear Setback: No Principal Building shall be located within 6.0 metres of the Rear Lot Line.
- (b) **Accessory Buildings:**
- (i) No Accessory Building shall be permitted.
- (9) **Siting Exceptions**
- (a) **Principal Building:**
- (i) The minimum distance to the Front Lot Line may be reduced to 4.6 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (ii) The minimum distance to the Exterior Side Lot Line abutting Constance Avenue may be reduced to 3.7 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iii) The minimum distance to the Exterior Side Lot Line abutting Nelson Street may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

- (iv) The minimum distance to the Rear Lot Line may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the Exterior Side Lot Line abutting Constance Avenue may be reduced by not more than 3.0 metres to accommodate the First Storey open patio attached to and forming part of a Principal Building.
- (vi) The minimum distance to the Exterior Side Lot Line abutting Nelson Street may be reduced by not more than 2.9 metres to accommodate the First Storey open patio attached to and forming part of a Principal Building.

(10) **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 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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 300 square metres.

(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off street parking shall be provided in the minimum of 12 parking spaces for the commercial portions of the building.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 0.88 spaces per dwelling unit.
- (c) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of 17 of the parking spaces required per above (12) (b) shall be marked "Visitor".
- (d) 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 6.5 metres.
- (e) 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 6.5 metres.

- (f) 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.
- (g) For greater certainty, all other uses must comply with Parking Bylaw requirements.

**67.109     COMPREHENSIVE DEVELOPMENT DISTRICT NO. 122 [CD NO. 122]  
[Amendment, 2019, Bylaw No. 2966]**

In that Zone designated as CD No. 122 [Comprehensive Development District No. 122] 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) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

**(2)     Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 385 square metres.

**(3)     Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 13.6 metres measured at the Front Lot Line.

**(4)     Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

**(5)     Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

**(6)     Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

**(7)     Lot Coverage**

(a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel.

(b) All Accessory Buildings and Structures combined, shall not exceed 10% of the Area of a Parcel.

**(8)     Siting Requirements**

**(a) Principal Building:**

- (i) Front Setback: No Principal Building shall be located within



7.5 metres of the Front Lot Line.

- (iv) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres..
- (v) Rear Setback: No Principal Building shall be located within 7.45 metres of the Rear Lot Line.

**(b) Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

**(9) Fencing**

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.

**(10) Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**67.110 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 123 [CD NO. 123]  
[Amendment, 2019, Bylaw No. 2968]**

In that Zone designated as CD No. 123 [Comprehensive Development District No. 123] 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 Part.

(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 1500 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than forty-eight (48) Dwelling Units shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

(6) **Building Height**

No Principal Building shall exceed a Height of 19.7 metres.

(7) **Lot Coverage**

- (a) Principal Building shall not cover more than 82% of the Area of the Parcel including a parking structure.
- (b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 44% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 9.3 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 7.2 metres of the northern Interior Side Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 3.6 metres of the southern 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.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Line, Rear Lot Line and the Interior Side Lot Lines may be reduced by not more than 1.7 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (ii) The minimum distance to the Front Lot Line may be reduced to 1.8 metres to accommodate the entrance lobby and the parking structure situated below the First Storey of a Principal Building.
- (iii) The minimum distance to the northern Interior Side Lot Line may be reduced to 0.2 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iv) The minimum distance to the southern Interior Side Lot Line may be reduced to 0.0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the Rear Lot Line may be reduced to 0.1 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

(10) **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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 320 square metres.

(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 0.94 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 2 of the parking spaces required per above (12)(a) shall be marked "Visitor".
- (c) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011 (as amended), 52% of the required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.

67.112 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 125 [CD NO. 125]**  
**[Amendment, 2019, Bylaw No. 2974]**

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) **Permitted Uses**

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.
- (5) **Parcel Size**  
The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1360 square metres.
- (6) **Building Height**  
No Principal Building shall exceed a Height of 13 metres.
- (7) **Lot Coverage**  
(a) Principal Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.
- (8) **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.

(9) **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

(10) **Screening and Landscaping**

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

(11) **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.

67.113 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 126 [CD NO. 126]**  
**[Amendment, 2019, Bylaw No. 2975]**

In that Zone designated as CD No. 126 [Comprehensive Development District No. 126] 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) Townhouse Residential
- (b) Home Occupation

(2) **Number of Buildings and Dwelling Units**

- (a) Maximum One (1) Building containing not more than six (6) Townhouse Dwellings in total. No Accessory Buildings or Structures permitted.

(3) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.68

(4) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 60 square metres.

(5) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 635 square metres.

(6) **Building Height**

No Building shall exceed a Height of 9.1 metres.

(7) **Lot Coverage**

All Buildings and Structures combined shall not cover more than 33% of the Area of a Parcel.

(8) **Siting Requirements**

(a) **Building**

- (i) No Principal Building shall be located within 2.3 metres of the Front Lot Line.



- (ii) No Principal Building shall be located within 3.1 metres of the eastern Interior Lot Line or within 5.4 metres of the western Interior Lot Line. The total Setbacks of all side yards shall not be less than 8.5 metres.
- (iii) No Principal Building shall be located within 13.7 metres of the Rear Lot Line.

(9) **Siting Exceptions**

- (a) Within the CD-126 zone, the minimum distance to the Front Lot Line may be reduced by 2.3 metres to accommodate exterior stairs and a covered entrance attached to and forming part of a Principal Building
- (b) Within the CD-126 zone, the minimum distance to the western Side Lot Line may be reduced by 1.7 metres to accommodate exterior covered decks attached to and forming part of a Principal Building.
- (c) Within the CD-126 zone, the minimum distance to the eastern Side Lot Line may be reduced by 2.2 metres to accommodate exterior covered decks attached to and forming part of a Principal Building
- (d) Within the CD-126 zone, the minimum distance to Rear Lot Line may be reduced by 1.9 metres to accommodate exterior stairs and a covered entrance attached to and forming part of a Principal Building.

(10) **Landscaping**

Landscaping shall be provided in an amount of not less than 25% of the area of the Rear Yard of the Parcel.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 21 metres of the Front Lot Line [Colville Road]
- (b) Subject to Part 4, Section 22 and the above [(11)(a)], no fence shall exceed a Height of 2.0 metres.

(12) **Retaining Walls**

- (a) Notwithstanding Part 4, Section 22(1), Retaining Walls with a Height not exceeding 0.9 metres may be located within 2.3 metres of the Front Lot Line.
- (b) Notwithstanding Part 4, Section 22(1), Retaining Walls with a Height of 1.3 metres may be located not less than 2.3 metres from the Front Lot Line progressively increasing to a Height not more than 2.2 metres at a point not less than 21 metres from the Front Lot Line.

- (c) Notwithstanding Part 4, Section 22(1), Retaining Walls with a Height not exceeding 2.2 metres may be located within 14 metres of the Rear Lot Line.

(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 0.8 spaces per dwelling unit.
- (b) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011 (as amended), up to 80% of the total required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres
- (c) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of 1 of the parking spaces required above (13)(a) shall be marked "Visitor".

67.114 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 127 [CD NO. 127]**  
**[Amendment, 2019, Bylaw No. 2976]**

In that Zone designated as CD No.127 [Comprehensive Development District No. 127] 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 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 one (1) Dwelling Unit 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 120.0 square metres.

(4) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by

subdivision shall be 689 square metres.

(5) **Building Height**

No Principal Building shall exceed a Height of 7.0 metres.

(6) **Lot Coverage**

(a) Principal Buildings and Structures combined shall not cover more than 45% of the Area of the Parcel.

(7) **Siting Requirements**

(a) **Principal Buildings:**

(i) Front Setback: No Principal Building shall be located within 1.3 metres of the Front Lot Line.

(ii) Rear Setback: No Principal Building shall be located within 17.5 metres of the Rear Lot Line.

(iii) No Principal Building shall be located within 3 metres of the northern Lot Line.

(iv) No Principal Building shall be located within 0.4 metres of the southern Lot Line.

(b) **Accessory Buildings:**

No accessory buildings or structures shall be permitted.

(8) **Siting Exceptions**

Within the CD-127 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: 1.3 metres

(9) **Screening and Landscaping**

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

(10) **Off-Street Parking**

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum amount of off-street parking shall be 9 parking spaces.

67.115 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 128 [CD NO. 128]**  
***[Amendment, 2019, Bylaw No. 2979] [Amendment, 2023, Bylaw No. 3099]***

In that Zone designated as CD No. 128 [Comprehensive Development District No.128] 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) Two Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 630 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Floor Area Ratio**

(b) The Floor Area Ratio shall not exceed 0.4.

(5) **Lot Coverage**

The Lot Coverage of the principal building shall not exceed 36%.

(6) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(7) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: The principal building shall not be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: The principal building shall not be located within 2.2 metres of the Eastern Interior Lot Line.
- (iii) Side Setback: The principal building shall not be located within 2.1 metres of the Western Interior Lot Line.
- (iv) Rear Setback – North: The principal building shall not be

located within 7.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(8) **Siting Exceptions**

The minimum distance to the Front Lot Line may be reduced by not more than 0.7 metres to accommodate the covered entry at the front of the principal building.

(9) **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 metres behind the front face of the Principal Building.

(10) **Off-Street Parking**

Notwithstanding Section 9(4) of the Parking Bylaw, 1992, No. 2011 (as amended), a maximum of two parking spaces may be located closer to the Front Lot Line than the front face of the Principal Building.

67.116 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 129 [CD NO. 129]**  
***[Amendment, 2019, Bylaw No. 2980] [Amendment, 2023, Bylaw No. 3100]***

In that Zone designated as CD No. 129 [Comprehensive Development District No.129] 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) Two Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 640 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.4.

(5) **Lot Coverage**

The Lot Coverage of the principal building shall not exceed 36%.

(6) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(7) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: The principal building shall not be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: The principal building shall not be located within 1.6 metres of the Eastern Interior Lot Line.
- (iii) Side Setback: The principal building shall not be located

within 2.1 metres of the Western Interior Lot Line.

- (iv) Rear Setback: The principal building shall not be located within 7.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(8) **Siting Exceptions**

The minimum distance to the Front Lot Line may be reduced by not more than 0.7 metres to accommodate the covered entry at the front of the principal building.

(9) **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 metres behind the front face of the Principal Building.

(10) **Off-Street Parking**

Notwithstanding Section 9(4) of the Parking Bylaw, 1992, No. 2011 (as amended), a maximum of two parking spaces may be located closer to the Front Lot Line than the front face of the Principal Building.



**67.117 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 130 [CD NO. 130]  
[Amendment, 2020, Bylaw No. 2988]**

In that Zone designated as CD No. 130 [Comprehensive Development District No. 130] 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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 3900 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than one hundred thirty-seven (137) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

(a) The Floor Area Ratio shall not exceed 2.0.

(b) The maximum Floor Area Ratio may be increased to 2.1 upon the owner entering into a Housing Agreement under Section 483 of the Local Government Act with the Township, securing all the dwelling units as affordable housing, restricting stratification of the building, and including provisions related to the administration, management and reporting in accordance with the Township's customary form.

(6) **Building Height**

No Principal Building shall exceed a Height of 22 metres.

(7) **Number of Storeys**

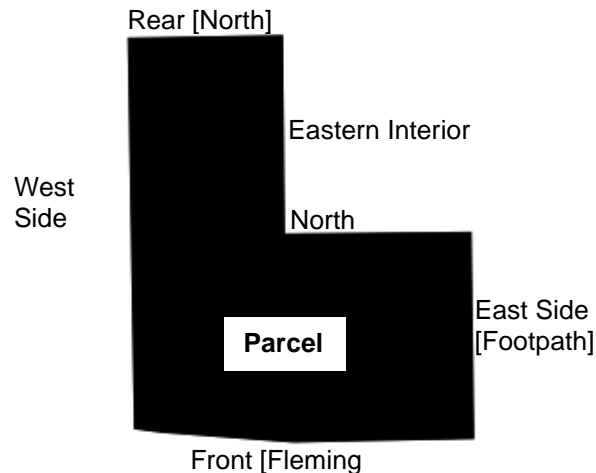
The maximum number of Stories shall be six (6).

(8) **Lot Coverage**

- a) Principal Buildings shall not cover more than 70% of the Area of the Parcel including a parking structure.
- b) Notwithstanding 8(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 50% of the Area of the Parcel.

(9) **Siting Requirements**

Within this CD-130 Zone, lot lines, setbacks and yards shall be determined in accordance with Figure 1 (below).



**Figure 1.**

(a) **Principal Building:**

- (i) Front Setback: A Principal Building shall be located as follows:
  - 1. No Principal Building shall be located within 6.9 metres of the Front Lot Line.
  - 2. That portion of the Principal Building defined by the canopy of the front entry area and associated support columns, located on the First Storey of the Principal Building and measuring not more than 7.5 metres in width along the front face of the Principal Building, must be setback a minimum of three (3) metres more from the Front Lot Line.
- (ii) East Side Setback: No Principal Building shall be located within 3.9 metres of the East Side Lot Line.
- (iii) North Side Setback: No Principal Building shall be located

within 7.5 metres of the North Side Lot Line.

- (iv) Eastern Interior Side Setback: No Principal Building shall be located within 5.3 metres of the Eastern Interior Side Lot Line.
- (v) West Side Setback: A Principal Building shall be located as follows:
  - 1. No portion of the First Storey of the Principal Building shall be located within 4.7 metres of the West Side Lot Line.
  - 2. No portion of the Principal Building above the First Storey shall be located within 5.7 metres of the West Side Lot Line.
  - 3. The portion of the Principal Building above the First Storey must be setback a minimum of one (1) metre more from the West Side Lot Line than the First Storey.
  - 4. Notwithstanding all other requirements of Section 9(a)(v), no portion of a Principal Building at or above the First Storey, located within 15.5 metres of the Rear Lot Line, shall be located within 5.1 metres of the West Side Lot Line.
- (vi) Rear Setback: No Principal Building shall be located within 7.4 metres of the Rear Lot Line.

**(b) Accessory Buildings:**

No Accessory Buildings shall be permitted.

**(10) Siting Exceptions**

**(a) Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced by not more than 1.4 metres to accommodate building support columns located on the First Storey.
- (ii) The minimum distance to the Front Lot Line may be reduced by not more than 1.6 metres to accommodate that portion of the Principal Building located above the First Storey.
- (iii) The minimum distance to the North Side Lot Line may be reduced by not more than 0.7 metres to accommodate that portion of the Principal Building located above the First Storey.

- (iv) The minimum distance to the Eastern Interior Side Lot Line may be reduced by not more than 0.4 metres to accommodate that portion of the Principal Building located above the First Storey.
- (v) The minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate the parking structure situated below the First Storey of a Principal Building:
 

1. Front Lot Line:	5.0 metres
2. East Side Lot Line:	3.1 metres
3. North Side Lot Line:	4.7 metres
4. Eastern Interior Side Lot Line:	1.2 metres
5. West Side Lot Line:	2.8 metres
6. Rear Lot Line:	6.5 metres
- (vi) Notwithstanding Section 10(v), the minimum distance to the Front Lot Line may be reduced to 0.0 metres to accommodate the portion of the underground parking structure designated for use as an electrical substation and electrical, mechanical, and water service rooms measuring not more than 18.5 metres in width along the Front Lot Line.
- (vii) The minimum distance to the Front Lot Line may be reduced by not more than 2.8 metres to accommodate the above ground structure at the parkade entrance.
- (viii) The minimum distance to the West Side Lot Line may be reduced by not more than 2.7 metres to accommodate the portion of the underground parking structure designated for a garbage and recycling room and the above ground structure at the parkade entrance.

(11) **Roof**

- (a) Roof Top Coverage: Notwithstanding Zoning Bylaw No. 2050, Section 15(4)(a), in the CD-130 zone Structures exceeding the maximum allowable Building Height must occupy less than 15% the area of the roof.
- (b) Roof Overhang: Notwithstanding Zoning Bylaw No. 2050, Section 16(1)(b), in the CD-130 zone the required setback may be reduced by not more than 1.3 meters to accommodate roof eaves.

(12) **Fencing**

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.

(13) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 6.0% of the Area of the Parcel.

(14) **Off-Street Parking**

- a) Off street parking shall be provided in accordance with Parking Bylaw, 1992, No. 2011(as amended).
- b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 0.48 spaces per dwelling unit.
- c) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 13 parking spaces shall be marked "Visitor".
- d) Notwithstanding Section 16 of Parking Bylaw, 1992, No. 2011(as amended), one parking space shall be provided in the surface parking area having dimensions of not less than 3.3 metres width and 6.3 metres length and shall be clearly designated as a Loading Area.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 131 [CD NO. 131]**  
**[Amendment, 2021, Bylaw No. 2989]**

In that Zone designated as CD No. 131 [Comprehensive Development District No. 131] 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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 3450 square metres.

(3) **Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than eighty-nine (89) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

(6) **Building Height**

No Principal Building shall exceed a Height of 22.2 metres.

(7) **Lot Coverage**

- (a) Principal Building shall not cover more than 74% 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 Second Storey shall not cover more than 57% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 3.0 metres of the Front Lot Line abutting Esquimalt Road.

- (ii) Side Setback: No Principal Building shall be located within 3.7 metres of the western Interior Side Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 3.4 metres of the eastern Exterior Side Lot Line abutting Lampson Street.
- (iv) Rear Setback: No Principal Building shall be located within 4.9 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced by not more than 3.0 metres to accommodate the open patio attached to and forming part of the Principal Building.
- (ii) The minimum distance to the eastern Exterior Lot Line may be reduced by not more than 3.0 metres to accommodate the open patio attached to and forming part of the Principal Building.
- (iii) The minimum distance to the western Interior Side Lot Line may be reduced by not more than 2.7 metres to accommodate stairway(s) to the parking structure.
- (iv) The minimum distance to the eastern Exterior Side Lot Line may be reduced to 0.0 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (v) The minimum distance to the Rear Lot Line may be reduced to 4.8 metres to accommodate the parking structure situated below the Second Storey of the Principal Building.
- (vi) The minimum distance to the Front Lot Line and Side Lot Lines may be reduced by not more than 2.4 metres to accommodate balconies and exterior canopies, attached to and forming part of the Principal Building

(10) **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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 450 square metres.

(12) **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 1.05 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 10 of the parking spaces required per above (12) (a) shall be marked "Visitor".



67.119 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 132 [CD NO. 132]**  
**[Amendment, 2020, Bylaw No. 2994]**

In that Zone designated as CD No. 132 (Comprehensive Development District No. 132) 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Townhouse Residential
- (b) Two Family Residential
- (c) Home Occupation
- (d) Boarding: subject to the requirements of Section 30.3

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 995 square metres.

(3) **Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than five (5) Dwelling Units shall be located on a Parcel.

(5) **Unit Size**

Dwelling Units shall not be less than 130 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.70.

(7) **Building Height**

- (a) A Principal Building containing 2 units shall not exceed a Height of 9.9 metres.
- (b) A Principal Building containing 3 units shall not exceed a Height of 8.5 metres.

(8) **Lot Coverage**

Principal Buildings and Structures combined shall not cover more than 35% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No Principal Building shall be located within 6.8 metres of the Front Lot Line.
- (ii) No Principal Building located within 20.0 metres of the Front Lot Line shall be located within 7.7 metres of the southwestern Side Lot Line, and otherwise no Principal Building shall be located within 2.9 metres of the southwestern Side Lot Line.
- (iii) No Principal Building shall be located within 3.0 metres of the northeastern Side Lot Line.
- (iv) No Principal Building shall be located within 7.7 metres of the Rear Lot Line.
- (v) Principal Buildings shall be separated by not less than 7.6 metres

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(10) **Siting Exceptions**

- (a) The minimum distance to the northeastern and southwestern Side Lot Lines may be reduced by not more than 0.36 metres to accommodate cantilevered parts of a building constructed above the first storey.
- (b) The minimum separation between Principal Buildings may be reduced by not more than 1.4 metres to accommodate cantilevered parts of buildings constructed above the first storey.
- (c) The minimum distance to the Front Lot Line may be reduced by not more than 2.1 metres to accommodate exterior decks, attached to and forming part of a Principal Building.
- (d) The minimum distance to the Rear Lot Line may be reduced by not more than 3.0 metres to accommodate exterior decks and stairs, attached to and forming part of a Principal Building.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 5.8 metres of the Front Lot Line [Tillicum Road].
- (b) No fence sited beyond 5.8 metres of the Front Lot Line shall:
  - (i) be less than a height of 1.5 metres, and
  - (ii) exceed a height of 2.0 metres.

(12) **Retaining Walls**

Notwithstanding Part 4, Section 22, Retaining Walls with a Height not exceeding 1.9 metres, for a length of not more than 5.9 metres, may be located within 8.9 metres of the Front Lot Line abutting the driveway.

(13) **Screening**

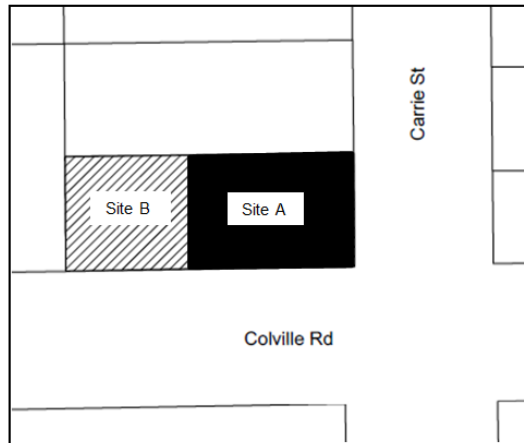
A deciduous hedge shall be provided and maintained along the Rear Lot Line having a minimum height of 2.5 metres in order to provide additional privacy for the Yards located along this lot line.

(14) **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 1.6 spaces per Dwelling Unit.
- (b) Notwithstanding Section 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), one (1) parking stall, contained within a Principal Building, shall be provided for each Dwelling Unit.
- (c) A minimum of 3 Visitor Parking Spaces shall be provided.

67.120 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 133 [CD NO. 133]**  
**[Amendment, 2020, Bylaw No. 3006]**

In that Zone designated as CD No. 133 [Comprehensive Development District No. 133] 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 Part.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 256 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 15 metres measured at the Front Lot Line.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

- (a) Site A: The Floor Area Ratio of the Principal Building shall not

exceed 0.52 for a parcel created by subdivision consistent with Site A [Figure 1].

(b) Site B: The Floor Area Ratio of the Principal Building shall not exceed 0.37 for a parcel created by subdivision consistent with Site B [Figure 1].

(6) **Building Height**

(a) Site A: No Principal Building shall exceed a Height of 7.9 metres for a parcel created by subdivision consistent with Site A [Figure 1].

(b) Site B: No Principal Building shall exceed a Height of 7.3 metres for a parcel created by subdivision consistent with Site B [Figure 1].

(7) **Lot Coverage**

(a) Site A: The Lot Coverage of the Principal Building shall not exceed 36% for a parcel created by subdivision consistent with Site A [Figure 1].

(b) Site B: The Lot Coverage of the Principal Building shall not exceed 27% for a parcel created by subdivision consistent with Site B [Figure 1].

(8) **Siting Requirements**

The Principal Buildings within Comprehensive Development District No.133 [CD No. 133] shall be separated by not less than 10.8 metres.

(a) **Site A - Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 2.87 metres of the Front Lot Line.
- (ii) Interior Side Setback: No Principal Building shall be located within 3.35 metres of an Interior Side Lot Line.
- (iii) Exterior Side Setback: No Principal Building shall be located within 3.26 metres of an Exterior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 5.99 metres of the Rear Lot Line.

(b) **Site B - Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 3.05 metres of the Front Lot Line.
- (ii) Interior Side Setback (East): No Principal Building shall be located within 6.02 metres of an eastern Interior Side Lot Line.

- (iii) Interior Side Setback (West): No Principal Building shall be located within 2.6 metres of a western Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 3.05 metres of the Rear Lot Line.

**(c) Accessory Buildings:**

No Accessory Building shall be permitted.

**(9) Siting Exceptions**

- (a) Within the CD-133 zone Site A [Figure 1], the following reductions are permitted to the siting requirements to accommodate the staircases with landings on the Principal Building:
  - (i) The distance to the Front Lot Line may be reduced by no more than 1.36 metres.
  - (ii) The distance to the Rear Lot Line may be reduced by no more than 1.21 metres.
- (b) Within the CD-133 zone Site A [Figure 1], the minimum distance to the Exterior Side Lot Line may be reduced by not more than 0.61 metres to accommodate a balcony attached to and forming part of the Principal Building.

**(10) Fencing**

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.

**(11) Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 134 [CD NO. 134]**  
**[Amendment, 2020, Bylaw No. 3007]**

In that Zone designated as CD No. 134 [Comprehensive Development District No. 134] 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) Townhouse Residential
- (b) Home Occupation

(2) **Number of Buildings and Dwelling Units**

Maximum One (1) Building containing not more than four (4) Townhouse Dwellings in total. No Accessory Buildings or Structures permitted.

(3) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.68

(4) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 108 square metres.

(5) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 725 square metres.

(6) **Building Height**

No Building shall exceed a Height of 8.0 metres.

(7) **Lot Coverage**

All Buildings and Structures combined shall not cover more than 39% of the Area of a Parcel.

(8) **Siting Requirements**

**Principal Building:**

- (a) Front Setback: No Principal Building shall be located within 5.0 metres of the Front Lot Line.
- (b) Side Setback: No Principal Building shall be located within 3.3 metres of the Interior Side Lot Line or within 3.6 metres of the

Exterior Side Lot Line.

- (c) Rear Setback: No Principal Building shall be located within 7.1 metres of the Rear Lot Line.

(9) **Siting Exceptions**

The minimum distance to an Exterior Side Lot Line may be reduced by not more than 0.6 metres to accommodate cantilevered floor space on the First Storey, not exceeding 4.0 metres in length, and forming part of the Principal Building.

(10) **Landscaping**

Landscaping shall be provided in an amount of not less than 30% of the total Area of a Parcel

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of a Principal Building and 2 metres behind the front face of a Principal Building.

(12) **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 1.25 spaces per dwelling unit.
- (b) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of one of the required parking spaces shall be marked "Visitor".



67.123 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 136 [CD NO. 136]**  
***[Amendment, 2022, Bylaw No. 3027] [Amendment, 2023, Bylaw No. 3101]***

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**  
***[Amendment 2023, Bylaw No. 3101]***

a) **Base Density:**

- (i) The Residential Use Floor Area Ratio shall not exceed 2.95.
- (ii) The Combined Mixed Use Floor Area Ratio shall not exceed 3.0.

b) **Bonus Density:** The Residential Use Floor Area Ratio and the Combined Mixed Use Floor Area Ratio may respectively be increased up to, but shall not exceed, 3.15 and 3.20 on the provision of the following:

- (i) Cash contribution of \$50,000.00 to the Greater Victoria Housing Society.
- (ii) The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure that the Principal Building shall be designed and constructed to conform to the requirements of Step 3 of the BC Energy Step Code. Prior to issuance of a building permit, the owner shall provide professional letters of support confirming the architectural plans will permit the Principal Building to meet the requirements of Step 3 of the BC Energy Step Code.

- (3) **Unit Size**
- Dwelling Units shall not be less than 45 square metres.
- (4) **Number of Dwelling Units**  
*[Amendment 2023, Bylaw No. 3101]*
- No more than 104 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**  
*[Amendment 2023, Bylaw No. 3101]*
- (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 7.5 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**  
***[Amendment 2023, Bylaw No. 3101]***

- (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: 0.4 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**

***[Amendment 2023, Bylaw No. 3101]***

- (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:
  - (i) in the minimum ratio of 1.3 spaces per Multiple Family Dwelling Unit, or
  - (ii) a minimum ratio of 0.5 spaces per Dwelling Unit, provided the owner enters into a Housing Agreement with the Township under section 483 of the *Local Government Act* to ensure that the reduced parking ratio of 0.5 spaces per Dwelling Unit is restricted to Dwelling Units reserved for senior citizens of at least 55 years in age.
- (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.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 137 [CD NO. 137]**  
**[Amendment, 2021, Bylaw No. 3029]**

In that Zone designated as CD No. 137 [Comprehensive Development District No. 137], 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) Single Family Residential
- (b) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (c) Home Occupation
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (e) Boarding: subject to the requirements of Section 30.3 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 600 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Buildings shall be located on a Parcel.

(4) **Density**

- (a) 2 buildings containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring a Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the *Land Title Act* or the *Strata Property Act*, including building strata, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;

(5) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.47.

(7) **Building Height**

- a) No Principal Building shall exceed a Height of 7.3 metres.
- b) No Detached Accessory Dwelling Unit shall exceed a Height of 4.2 metres or the Height of the Principal Building, whichever is the lesser.
- c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- d) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 33% of the Area of the Parcel.
- (b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 4.2 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 3.4 metres.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a rear Lot Line.

- (iv) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

(c) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

(10) **Fencing**

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.

(11) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), one (1) off-street parking space shall be provided for the two (2) dwelling units.



**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 138 [CD NO. 138]**  
**[Amendment, 2021, Bylaw No. 3031]**

In that Zone designated as CD No. 138 [Comprehensive Development District No. 138] 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) 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) Counselling Services
- (g) Educational Interpretive Centre
- (h) Fire Hall
- (i) Fitness Centre
- (j) Government Office
- (k) Police Station
- (l) Restaurant
- (m) Personal Service Establishment
- (n) Recreation Centre
- (o) Retail Store

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2800 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Building Height**

No Principal Building shall exceed a Height of 15.0 metres.

(5) **Lot Coverage**

- (a) Principal Building shall not cover more than 100% of the Area of the Parcel, including a parking structure.
- (b) That portion of the Principal Building constructed at the First Storey shall not cover more than 73% of the Area of the Parcel.
- (c) That portion of the Principal Building constructed at or above the Second Storey shall not cover more than 50% of the Area of the Parcel.

(6) **Siting Requirements**

(a) **Principal Building:**

<b><u>Building</u></b>	<b><u>Esquimalt Road</u></b>	<b><u>Park Place</u></b>	<b><u>Carlisle Avenue</u></b>	<b><u>Interior Side Lot Lines</u></b>
<b><u>Principal</u></b>	<u>0.0</u>	<u>0.0</u>	<u>13.0 m</u>	<u>0.0</u>
<b><u>Parkade</u></b>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(7) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), the number of off-street parking stalls shall be 41 underground parking stalls;
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), commercial portions of the building shall be exempt from off-street parking requirements.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 139 [CD NO. 139]**  
**[Amendment, 2022, Bylaw No. 3034]**

In that Zone designated as CD No. 139 [Comprehensive Development District No. 139] 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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2280 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 seventy-two (72) Dwelling Units shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

(6) **Building Height**

No Principal Building shall exceed a Height of 19 metres.

(7) **Lot Coverage**

- (a) Principal Building shall not cover more than 83% 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 48% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 11.0 metres of the Front Lot Line abutting Nelson Street.

- (ii) Side Setback: No Principal Building shall be located within 7.9 metres of the southern Exterior Side Lot Line abutting Saunders Street.
- (iii) Side Setback: No Principal Building shall be located within 3.3 metres of the northern Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 5.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced to 4.3 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (ii) The minimum distance to the southern Exterior Side Lot Line may be reduced 1.7 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iii) The minimum distance to the northern Interior Side Lot Line may be reduced to 0.7 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 0.2 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (v) The minimum distance to the Rear Lot Line may be reduced to 1.9 metres to accommodate stairway(s) to the parking structure.
- (vi) The minimum distance to the Side Lot Lines may be reduced by not more than 1.0 metres to accommodate balconies and exterior canopies, attached to and forming part of the Principal Building

(10) **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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 200 square metres.

(12) **Indoor Amenity Space**

Indoor amenity space shall be provided in an amount not less than 270 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 1.0 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 4 of the parking spaces required per above (12) (a) shall be marked "Visitor".
- (c) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011(as amended), 73% of the required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (d) 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 6.4 metres.
- (e) 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.

67.127 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 140 [CD NO. 140]**  
**[Amendment, 2022, Bylaw No. 3043]**

In that Zone designated as CD No. 140 [Comprehensive Development District No. 140] 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.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite (Site A): subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 420 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 20 metres measured at the Front Lot Line.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

- (a) Site A: The Floor Area Ratio of the Principal Building shall not exceed 0.52 for a parcel created by subdivision consistent with Site A [Figure 1].
- (b) Site B: The Floor Area Ratio of the Principal Building shall not exceed 0.35 for a parcel created by subdivision consistent with Site B [Figure 1].

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(6) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(7) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 28% of the Area of a Parcel.
- (b) Notwithstanding Section 7(a), a Principal Building shall not cover more than 26% of the Area of a Parcel.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(8) **Siting Requirements**

The Principal Buildings within Comprehensive Development District No.140 [CD No. 140] shall be separated by not less than 6.3 metres.

(a) **Site A - Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Interior Side Setback: No Principal Building shall be located within 3.8 metres of an Interior Side Lot Line.
- (iii) Exterior Side Setback: No Principal Building shall be located within 4.8 metres of an Exterior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 3.2 metres of the Rear Lot Line.

(b) **Site A - Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 0.6 metres of an Interior Side Lot Line nor within 17.0 metres of an Exterior Side Lot Line.

- (iii) Rear Setback: No Accessory Building shall be located within 0.6 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 1.0 metre of a Principal Building.

(c) **Site B - Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 4.5 metres of the Front Lot Line.
- (ii) Interior Side Setback (North): No Principal Building shall be located within 3.1 metres of a northern Interior Side Lot Line.
- (iii) Interior Side Setback (South): No Principal Building shall be located within 6.3 metres of a southern Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 4.8 metres of the Rear Lot Line.

(d) **Site B - Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 6.3 metres of a southern Interior Side Lot Line nor within 3.1 metres of a northern Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.0 metre of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.0 metre of a Principal Building

Where lands in this zone have not been subdivided, the most restrictive of the above requirements is applicable.

(9) **Fencing**

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 2.0 metres behind the front face of the Principal Building.

(10) **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 10(a), not more than 14% of the Area of a Parcel created by subdivision consistent with Site A [Figure 1], not covered by Principal Buildings, Accessory Buildings or



Structures (Lot Coverage) may be used as a Parking Area.

- (c) Notwithstanding Section 10(a), the maximum width of a Parking Area for a Parcel created by subdivision consistent with Site A [Figure 1] shall be 3.0 metres measured at the Exterior Side Lot Line.
- (d) Notwithstanding Section 10(a), not more than 4% of the Area of a Parcel created by subdivision consistent with Site B [Figure 1], not covered by Principal Buildings, Accessory Buildings or Structures (Lot Coverage) may be used as a Parking Area.
- (e) Notwithstanding Section 10(a), the maximum width of a Parking Area for a Parcel created by subdivision consistent with Site B [Figure 1] shall be 3.0 metres measured at the Front Lot Line.
- (f) For greater certainty, no more than one Parking Area shall be located on a Parcel.

67.128 **COMPREHENSIVE DEVELOPMENT DISTRICT NO. 141 [CD NO. 141]**  
**[Amendment, 2020, Bylaw No. 2999]**

In that Zone designated as CD No. 141 [Comprehensive Development District No. 141] 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 Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Detached Accessory Dwelling Unit (also “Garden Suite”)
- (c) Home Occupation
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 680 square metres.

(3) **Subdivision**

A Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the Land Title Act or the Strata Property Act, including building strata, because the unit is a secondary use only and cannot satisfy the land use, density and other zoning regulations, nor the parcel size and other subdivision regulations, nor the provisions for singular control by the owner of the Single Family Dwelling, if separated from the Single Family Dwelling's principal Dwelling Unit.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Density**

The number of Dwelling Units permitted in this CD-141 Zone shall be limited to two [2] for a density of one [1] unit per 340 square metres.

(6) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 70 square metres.

(7) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(8) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Detached Accessory Dwelling Unit shall exceed a Height of 5.2 metres.
- (c) No Accessory Building shall exceed a Height of 3.6 metres.

(9) **Lot Coverage**

- (a) Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) A Detached Accessory Dwelling Unit shall not cover more than 8% of the Area of the Parcel.
- (c) All Accessory Buildings and Structures combined shall not cover more than 2% of the Area of the Parcel.

(10) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 6.4 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.37 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of the northern Side Lot Line.
- (iii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 9.0 metres of the southern Side Lot Line.
- (iv) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 3.7 metres of a Rear Lot Line.
- (v) Building Separation: No Detached Accessory Dwelling Unit shall be located within 5.0 metres of a Principal Building.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

(11) **Development Permit Design Guidelines**

- (a) The entrance to the Detached Accessory Dwelling Unit shall be oriented to and visible from the street, well lit and provide protection from the elements by either a projecting roof or by recessing the front door.
- (b) A minimum 1.2 m wide, unobstructed pathway shall be provided to the front door of the Detached Accessory Dwelling Unit from the street, for certainty this could also be a driveway.
- (c) The Detached Accessory Dwelling Unit shall be provided with a minimum of 20 square metres of open space at grade, that is:
  - (i) separate and distinct from that space available for the occupants of the principal dwelling;
  - (ii) adjacent to and accessible from the Detached Accessory Dwelling Unit;
  - (iii) defined through the use of landscaping;
  - (iv) distinct from the pathway from the street; and
  - (v) not usable as a vehicle parking space.
- (d) The Detached Accessory Dwelling Unit shall be provided with a garbage / recycling collection bin storage area onsite, screened from the view of pedestrians on the street.
- (e) The Detached Accessory Dwelling Unit shall be provided with a bicycle storage area, onsite, screened from the view of pedestrians on the street.

(12) **Fencing**

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.

(13) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).

**67.129     COMPREHENSIVE DEVELOPMENT DISTRICT NO. 142 [CD NO. 142]  
[Amendment, 2020, Bylaw No. 3000]**

In that Zone designated as CD No. 142 [Comprehensive Development District No. 142] 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) Townhouse Residential
- (b) Home Occupation

**(2) Number of Buildings and Dwelling Units**

Maximum One (1) Building containing not more than four (4) Townhouse Dwellings in total. No Accessory Buildings or Structures permitted.

**(3) Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.67

**(4) Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 110 square metres.

**(5) Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 665 square metres.

**(6) Building Height**

No Building shall exceed a Height of 9.0 metres.

**(7) Lot Coverage**

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

**(8) Siting Requirements**

**(a) Principal Building**

- (i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 2.4 metres of the eastern Interior Side Lot Line or within 3.6 metres of the western Interior Side Lot Line. The total Setbacks of all side yards shall not be less than 6.0 metres.
- (iii) Rear Setback: No Principal Building shall be located within 9.2 metres of the Rear Lot Line.

(9) **Siting Exceptions**

- (a) The minimum distance to the Front Lot Line may be reduced by not more than 1.2 metres to accommodate a raised planter attached to and forming part of a Principal Building
- (b) The minimum distance to a Side Lot Line may be reduced by not more than 0.6 metres to accommodate structural pillars forming part of a Principal Building.

(10) **Landscaping**

- (a) Landscaping shall be provided in an amount of not less than 50% of the area of the Rear Yard of the Parcel.
- (b) Landscaping shall be provided in an amount of not less than 25% of the total area of the Parcel

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Building and 2 metres behind the front face of the Building.

(12) **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 1.25 spaces per dwelling unit.
- (b) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of one of the required parking spaces shall be marked "Visitor".

**67.131 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 144 [CD NO.144]  
[Amendment, 2021, Bylaw No. 3039]**

In that Zone designated as CD No. 144 [Comprehensive Development District No. 144] 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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 3300 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 one hundred and five (105) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.9.

(6) **Building Height**

No Principal Building shall exceed a Height of 21 metres.

(7) **Lot Coverage**

(c) Principal Building shall not cover more than 80% of the Area of the Parcel including a parking structure.

(d) Notwithstanding 7(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 51% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line abutting Dunsmuir Road.



- (v) Side Setback: No Principal Building shall be located within 7.0 metres of the eastern Exterior Side Lot Line abutting West Bay Terrace.
- (vi) Side Setback: No Principal Building shall be located within 7.5 metres of the western Interior Side Lot Line.
- (vii) Rear Setback: No Principal Building shall be located within 7.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (ii) No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(b) **Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced to 4.4 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (ii) The minimum distance to the Exterior Side Lot Line may be reduced 2.7 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 0.0 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iv) The minimum distance to the Front Lot Line may be reduced by not more than 1.3 metres to accommodate balconies and exterior canopies, attached to and forming part of the Principal Building
- (v) The minimum distance to the Rear Lot Line may be reduced by not more than 1.3 metres to accommodate balconies and exterior canopies, attached to and forming part of the Principal Building

(10) **Fencing**

- (c) 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.
- (d) 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.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 570 square metres.

(12) **Off-Street Parking**

(f) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the ratio of 0.82 spaces per dwelling unit.

(g) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 7 of the parking spaces required per above (12) (a) shall be marked "Visitor".

(h) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011(as amended), 52% of the required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90-degree parking from 5.5 metres to 4.5 metres.

(i) 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 6.6 metres.

(3) by changing the zoning designation of PID 005-090-181 Lot 2, Section 11, Esquimalt District, Plan 11515 [877 Dunsmuir Road], PID 000-074-683 Lot 1, Section 11, Esquimalt District, Plan 11515 [879 Dunsmuir Road], PID 000-074-594, Lot 5, Section 11, Esquimalt District, Plan 11515 [538 West Bay Terrace], PID 000-074-659, Lot 6, Section 11, Esquimalt District, Plan 11515 [534 West Bay Terrace], and PID 005-090-202 Lot 7, Section 11, Esquimalt District, Plan 11515 [530 West Bay Terrace], shown cross-hatched on Schedule 'A' attached hereto, from RM-4 [Multiple Family Residential] to CD No. 144 [Comprehensive Development District No. 144].

(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.

**67.132 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 145 [CD NO.145]  
[Amendment, 2021, Bylaw No. 3042]**

In that Zone designated as CD No. 145 [Comprehensive Development District No. 1345] 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

(2) **Floor Area Ratio**

(a) **Residential Uses**

The Floor Area Ratio shall not exceed 1.6.

(3) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 50 square metres.

(4) **Number of Dwelling Units**

No more than forty-five (45) Dwelling Units shall be located in this Zone.

(5) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2000 square metres.

(7) **Building Height**

(d) No Principal Building shall exceed a Height of 18 metres.

(8) **Lot Coverage**

(a) Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 57% of the Area of the Parcel.

(b) Notwithstanding Section 8(a), the first storey of all Principal Buildings combined shall not cover more than 56% of the Area of the Parcel.

(c) The combined Lot Coverage of the storeys of all Principal Buildings above the third storey shall not cover more than 30% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) No part of a Principal Building shall be located within 8.6 metres (7.3 m to decks) of the Front Lot Line.
- (ii) No part of a Principal Building located above the third storey shall be located within 20.5 metres (18.9 metres to a canopy) of the Front Lot Line.
- (iii) No part of the Principal Building shall be located within 3.8 m (3.6 m to decks) of the East Side Lot Line
- (iv) No part of the Principal Building located above the third storey shall be located within 6.8 metres of the East Side Lot Line.
- (v) No Principal Building shall be located within 5.7 metres (4.3 metres to decks) of the Western Side Lot Line.
- (vi) No part of a Principal Building located above the third storey shall be located within 5.7 metres of the Western Side Lot Line.
- (vii) No Principal Building shall be located within 3.0 metres of the Southwestern Side Lot Line.
- (viii) No Principal Building shall be located within 7.6 metres (6.0 m to decks) of the Rear Lot Line.
- (ix) No Principal Building located above the third storey shall be located within 15.5 metres of the Rear Lot Line.
- (x) No Principal Building shall be located within 3.0 metres (2.0 metres to decks) of the Northwestern Side Lot Line.

(10) **Siting Exceptions**

- (a) Within the CD-145 zone, the minimum distance to a Lot Line may be reduced to the following distance to accommodate a parking structure situated below the First Storey of a Principal Building:
  - (iv) East Side Lot Line - 3.6 metres

(11) **Useable Open Space**

(a) Notwithstanding the definition of Usable Open Space in Part 1, Section 2:

- (i) no dimension of a Usable Open Space shall be less than 5.5 m;
- (ii) Usable Open Space may include open space located over a parking structure.

(b) Useable Open Space shall be provided in an amount not less than 15% of the Area of the Parcel.

(12) **Fencing**

Despite Part 4, Section 22, no fence shall exceed a Height of:

- (a) 1.2 metres in front of the front face of the Principal Building; and
- (b) 2.0 metres behind the front face of the Principal Building.

(13) **Off-Street Parking**

- (f) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011 (as amended), 1 in every 13 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.
- (g) Notwithstanding Section 12(1) of Parking Bylaw, 1992, No. 2011 (as amended), Parking Spaces for Persons with Disabilities shall be provided in a ratio of 1 for every 25 required Parking Spaces
- (h) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 0.53 spaces per dwelling unit.
- (i) 57-spaces of bicycle parking shall be provided within the parking structure.
- (j) 18-stalls of bicycle parking shall be provided outside of the parking structure.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 146 [CD NO. 146]**  
**[Amendment, 2022, Bylaw No. 3050]**

In that Zone designated as CD No. 146 [Comprehensive Development District No. 146] 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) Townhouse Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1150 square metres.

(3) **Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than seven (7) Dwelling Units shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.70.

(6) **Building Height**

No Principal Building shall exceed a Height of 9.8 metres.

(7) **Lot Coverage**

All Buildings and Structures combined shall not cover more than 40% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 6.25 metres of the eastern Front Lot Line abutting Dunsmuir Road.
- (ii) Side Setback: No Principal Building shall be located within 3.10 metres of the northern Exterior Side Lot Line abutting

Wollaston Street.

(iii) Side Setback: No Principal Building shall be located within 3.50 metres of the southern Exterior Side Lot Line abutting Dunsmuir Road.

(iv) Rear Setback: No Principal Building shall be located within 4.50 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

(i) No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

(i) The minimum distance to the Front Lot Line may be reduced to 4.0 metres to accommodate stairs to the Principal Building.

(10) **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.

(11) **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 1.28 spaces per dwelling unit.

(b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 1 of the parking spaces required per above (11) (a) shall be marked "Visitor".

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 147 [CD NO. 147]**  
**[Amendment, 2022, Bylaw No. 3056]**

In that Zone designated as CD No. 147 [Comprehensive Development District No. 147] 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) Beverage Manufacturer with Liquor Lounge
- (d) Business and Professional Office
- (e) Entertainment
- (f) Group Children’s Day Care Centre
- (g) Laboratory and clinic
- (h) Licensed liquor establishments subject to the provisions of the *Liquor Control and Licensing Act* and Regulations
- (i) Liquor Store
- (j) Personal Service Establishment
- (k) Public Health Clinic or facility
- (l) Restaurant
- (m) Retail Store
- (n) Veterinary Clinic
- (o) Video Store

(2) **Density - Floor Area Ratio**

- (a) **Base Density:** The Floor Area Ratio shall not exceed 1.5.
- (b) **Bonus Density:** The Floor Area Ratio may be increased up to, but shall not exceed 2.39 on the provision of the following:
  - (i) Cash contribution of \$107,478 to be used for active transportation improvements along Tillicum Road between Gorge Road and Craigflower Road.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2300 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Number of Dwelling Units**

No more than ninety-nine (99) Dwelling Units shall be located on a Parcel.



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

The minimum Floor area dedicated to Commercial Uses shall not be less than 160 square metres located on the First Storey.

(6) **Building Height**

No Principal Building shall exceed a Height of 21.7 metres.

(7) **Lot Coverage**

(a) Principal Building shall not cover more than 82% of the Area of the Parcel including a parking structure.

(b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 48% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

(i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Line.

(ii) Interior Side Setback: No Principal Building shall be located within 2.9 metres of the northern Interior Side Lot Line.

(iii) Interior Side Setback: No Principal Building shall be located within 3.5 metres of the southern Interior Side Lot Line.

(iv) Rear Setback: No Principal Building shall be located within 6.5 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

(i) No Accessory Building shall be permitted.

(9) **Siting Exceptions**

(b) **Principal Building:**

(i) The minimum distance to the Front Lot Line may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

(ii) The minimum distance to the northern Interior Side Lot Line may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

- (iii) The minimum distance to the southern Interior Side Lot Line may be reduced to 1.7 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iv) The minimum distance to the Rear Lot Line may be reduced to 2.5 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the Front Lot Line may be reduced by not more than 0.65 metres to accommodate the southwestern corner unit.

(10) **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 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.

(11) **Usable Open Space**

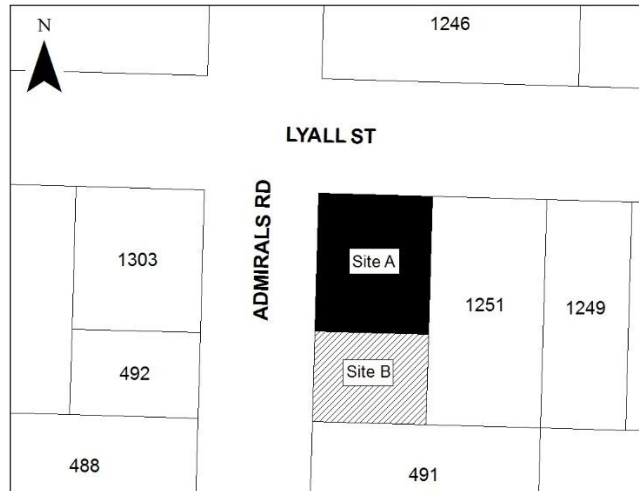
Usable Open Space shall be provided in an amount not less than 180 square metres.

(12) **Off-Street Parking**

- (a) Notwithstanding Sections 11 and 13 of Parking Bylaw, 1992, No. 2011 (as amended), off street parking shall be provided in the minimum of 5 parking spaces to serve both the commercial portions of the building and the visitors of the dwelling units.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 0.84 spaces per dwelling unit.
- (c) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011 (as amended), 51% of the required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (d) 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 6.75 metres.
- (e) For greater certainty, all other uses must comply with Parking Bylaw requirements.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 148 [CD NO. 148]**  
**[Amendment, 2023, Bylaw No. 3057]**

In that Zone designated as CD No. 148 [Comprehensive Development District No. 148] 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.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Boarding: subject to the requirements of Section 30.3
- (d) Urban Hens: subject to the requirements of Section 30.4

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 263 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 14.44 metres measured at the Front Lot Line.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

- (a) The Floor Area Ratio shall not exceed 0.43 for a Parcel created by subdivision consistent with Site A [Figure 1].
- (b) The Floor Area Ratio shall not exceed 0.24 for a Parcel created by

subdivision consistent with Site B [Figure 1].

Where lands in this zone have not been subdivided, the Floor Area Ratio shall not exceed 0.35.

(6) **Building Height**

(a) No Principal Building shall exceed a Height of 7.3 metres.

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

(7) **Lot Coverage**

(a) The Lot Coverage of the Principal Building, Accessory Buildings and Structures combined shall not exceed 26% for a Parcel created by subdivision consistent with Site A [Figure 1].

(b) The Lot Coverage of the Principal Building, Accessory Buildings and Structures combined shall not exceed 28% for a Parcel created by subdivision consistent with Site B [Figure 1].

Where lands in this zone have not been subdivided, the Lot Coverage of the Principal Building, Accessory Buildings and Structures combined shall not exceed 30%.

(8) **Siting Requirements**

(a) **Principal Buildings:**

(i) Front Setback (Site A [Figure 1]): No Principal Building shall be located within 6.8 metres of the Front Lot Line.

(ii) Side Setbacks (Site A [Figure 1]): No Principal Building shall be located within 1.15 metres of any Interior Side Lot Line. No Principal Building shall be located within 5.9 metres of any Exterior Side Lot Line.

(iii) Rear Setback (Site A [Figure 1]): No Principal Building shall be located within 1.6 metres of the Rear Lot Line.

(iv) Front Setback (Site B [Figure 1]): No Principal Building shall be located within 5.5 metres of the Front Lot Line.

(v) Side Setbacks (Site B [Figure 1]): No Principal Building shall be located within 2.0 metres of the Northern Interior Side Lot Line. No Principal Building shall be located within 3.0 metres of the Southern Interior Side Lot Line.

(vi) Rear Setback (Site B [Figure 1]): No Principal Building shall be located within 5.0 metres of the Rear Lot Line.

(vii) The Principal Buildings within Comprehensive Development District No. 148 [CD No. 148] shall be separated by not less than 3.6 metres.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

(b) **Accessory Buildings:**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setbacks: No Accessory Building shall be located within 1.5 metres of any Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of any Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any Principal Building.

(9) **Siting Exception**

Within Comprehensive Development District No. 148 [CD No. 148], the minimum distance to the Rear Lot Line may be reduced by no more than 1.4 meters to accommodate exterior stairs to ground level, attached to and forming part of the Principal Building located on Site B [Figure 1].

(10) **Fencing**

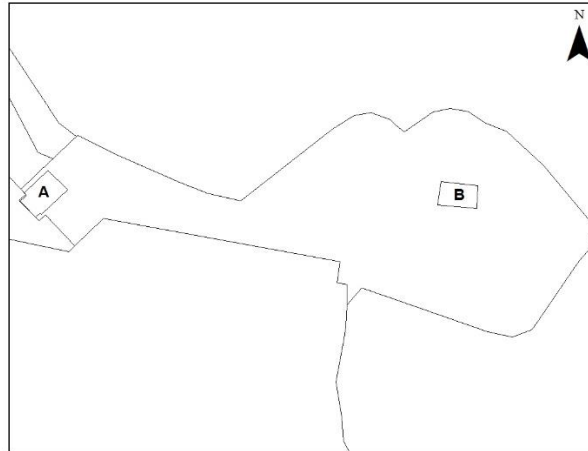
Subject to Section 22, no fence shall exceed a Height of 1.2 metres on either the Lyall Street or Admirals Road frontages and no fence shall exceed a Height of 2.0 metres behind the front face of either of the Principal Buildings.

(11) **Off Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 149 [CD NO. 149]**  
**[Amendment, 2022, Bylaw No. 3048]**

In that Zone designated as CD No. 149 [Comprehensive Development District No. 149] 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.



**Figure 1. Building A & Building B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Recreational Vehicle Park

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 12,999 square metres.

(3) **Number of Principal Buildings**

- (a) Not more than two (2) Principal Buildings shall be located on a Parcel.
- (b) Not more than two (2) Accessory Buildings shall be located on a Parcel. Accessory Buildings are permitted only for purposes of screening garbage and recycling, and for a maintenance shed.

(4) **Number of Recreational Vehicle Pads**

Not more than thirty seven (37) Recreational Vehicle Pads shall be located in this zone.

(5) **Floor Area**

- (a) The western Principal Building (Building A [Figure 1]) shall not exceed a Floor Area of 175 square metres.
- (b) The eastern Principal Building (Building B [Figure 1]) shall not

exceed a Floor Area of 177 square metres.

(c) Accessory Buildings shall not exceed a Floor Area of 30 square metres.

(d) For certainty, replacement of existing Principal Buildings is permitted subject to compliance with this and other regulations under the zoning bylaw.

(6) **Building Height**

(a) No Principal Building shall exceed a Height of 8.54 metres.

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

(7) **Lot Coverage**

All Principal Buildings, Accessory Buildings and Structures combined shall not exceed the lesser of 3.1% of the Area of a Parcel or 403 square meters.

(8) **Siting Requirements**

(a) **Principal Buildings**

(viii) The western Principal Building (Building A [Figure 1]) shall not be located within 0.45 metres of the Front Lot Line.

(ix) The western Principal Building (Building A [Figure 1]) shall not be located within 3.73 metres of the Northwestern Interior Side Lot Line.

(x) The western Principal Building (Building A [Figure 1]) shall not be located within 19.91 metres of the Southern Interior Side Lot Line.

(xi) The western Principal Building (Building A [Figure 1]) shall not be located within 20 metres of the High Water Mark.

(xii) The eastern Principal Building (Building B [Figure 1]) shall not be located within 166.02 metres of the Front Lot Line.

(xiii) The eastern Principal Building (Building B [Figure 1]) shall not be located within 166.50 metres of the Northern Interior Side Lot Line.

(xiv) The eastern Principal Building (Building B [Figure 1]) shall not be located within 52.69 meters of the Southern Interior Side Lot Line.

(xv) The eastern Principal Building (Building B [Figure 1]) shall not be located within 27.76 metres of the High Water Mark.

(b) **Accessory Buildings**

- (i) Accessory Buildings shall not be located within 1.5 metres of any lot line.
- (ii) Accessory Buildings shall not be located within 20 metres of the High Water Mark.

(9) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres in front of the front face of the western Principal Building (Building A [Figure 1]) and 2.0 metres behind the front face of the western Principal Building (Building A [Figure 1]).

(10) **Landscaping**

Design Guideline: Landscaping should consist of native species and limit impermeable surfaces wherever possible.

(11) **Off Street Parking**

Notwithstanding Parking Bylaw, 1992, No. 2011 (as amended), no less than fifty-five (55) off-street parking spaces shall be provided.



**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 150 [CD NO. 150]**  
**[Amendment, 2023, Bylaw No. 3062]**

In that Zone designated as CD No. 150 [Comprehensive Development District No. 150] 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) Group Children’s Day Care Centre
- (e) Restaurant
- (f) Retail Store

(2) **Density - Floor Area Ratio**

- (a) **Base Density:** The Floor Area Ratio shall not exceed 1.5.
- (b) **Bonus Density:** The Floor Area Ratio may be increased up to, but shall not exceed 3.39 on the provision of the following:
  - (i) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to:
    - secure 10 below market Dwelling Units to be sold at 15% below their fair market value, and
    - ensure subsequent sale price for a below market Dwelling Unit:
      - 1. Shall not exceed the fair market value less 15%, and
      - 2. Shall not exceed the initial sale price plus the product of the initial sale price multiplied by the change in Core Consumer Price Index for Victoria.
  - (ii) The owner shall grant a perpetual Statutory Right of Way and associated Covenant under Sections 218 and 219 of the *Land Title Act* over the southeast corner of the parcel with a minimum area of 200 square metres to allow for privately owned publicly accessible open space prior to issuance of a building permit.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2000 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Number of Dwelling Units**

No more than one hundred and nine (109) Dwelling Units shall be located on a Parcel.

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

The minimum Floor area dedicated to Commercial Uses shall not be less than 180 square metres located on the First Storey.

(7) **Building Height**

No Principal Building shall exceed a Height of 39.7 metres.

(8) **Lot Coverage**

(a) Principal Building shall not cover more than 79% of the Area of the Parcel including a parking structure.

(b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 56% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Building:**

(i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Line abutting Esquimalt Road.

(ii) Side Setback: No Principal Building shall be located within 3 metres of the Interior Side Lot Lines.

(iii) Side Setback: No Principal Building shall be located within 3 metres of the Exterior Side Lot Line abutting Nelson Street.

(iv) Rear Setback: No Principal Building shall be located within 6 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

(ii) No Accessory Building shall be permitted.

(10) **Siting Exceptions**

(a) **Principal Building:**

(i) The minimum distance to the Interior Side Lot Lines may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a Principal

Building.

- (ii) The minimum distance to the Exterior Side Lot Line may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iii) The minimum distance to the Rear Lot Line may be reduced to 0 metres to accommodate the parking structure situated below the First Storey of a 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 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) **Off-Street Parking**

- (a) Notwithstanding Sections 11 and 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum of 11 parking spaces to serve both the commercial portions of the building and the visitors of the dwelling units.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 1.0 space per dwelling unit.
- (c) 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 6.6 metres.
- (d) 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 6.6 metres.
- (e) For greater certainty, all other uses must comply with Parking Bylaw requirements.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 151 [CD NO. 151]**  
**[Amendment, 2022, Bylaw No. 3064]**

In that Zone designated as CD No. 151 [Comprehensive Development District No. 151] 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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1740 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 forty-six (46) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.77.

(6) **Building Height**

No Principal Building shall exceed a Height of 14.2 metres.

(7) **Lot Coverage**

- (a) Principal Building shall not cover more than 82% 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 45% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

- (ii) Side Setback: No Principal Building shall be located within 3.2 metres of any of the Interior Side Lot Lines.
- (iii) Side Setback: Notwithstanding Section 8(a)(ii), no Principal Building shall be located within 4.8 metres of the westernmost Interior Side Lot Line.
- (iv) Side Setback: Notwithstanding Section 8(a)(ii), no Principal Building shall be located within 4.5 metres of the easternmost Interior Side Lot Line.
- (v) Rear Setback: No Principal Building shall be located within 17.5 metres of the Rear Lot Line.

**(b) Accessory Buildings:**

- (i) No Accessory Buildings shall be permitted.

**(9) Siting Exceptions**

**(a) Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (ii) The minimum distance to the westernmost Interior Side Lot Line may be reduced 0.3 metres to accommodate the parking structure situated below the First Storey of the Principal Building.
- (iii) The minimum distance to the easternmost Interior Side Lot Line may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of the Principal Building.

**(10) 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.

**(11) Usable Open Space**

Usable Open Space shall be provided in an amount not less than 165 square metres.

(12) **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 1.13 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 4 of the parking spaces required per above (12) (a) shall be marked "Visitor".

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 152 [CD NO. 152]**  
**[Amendment, 2022, Bylaw No. 3065]**

In that Zone designated as CD No. 152 [Comprehensive Development District No. 152] 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.

**Permitted Uses**

The following Uses and no others shall be permitted:

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

(1) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 7520 square metres.

**Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

**Number of Dwelling Units**

No more than two hundred and thirteen (213) Dwelling Units shall be located on a Parcel.

**Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

**Building Height**

No Principal Building shall exceed a Height of 17.0 metres.

**Lot Coverage**

- (a) All Principal Buildings combined shall not cover more than 77% of the Area of the Parcel including a parking structure.
- (b) Notwithstanding subsection 7(a) above, that portion of the Principal Buildings constructed at or above the First Storey shall not cover more than 53% of the Area of the Parcel.

**Siting Requirements**

**(a) Principal Building:**

- (i) Front Setback (Fraser St): No Principal Building shall be located within 6 metres of the lot line abutting Fraser St.

- (ii) Rear Setback: No Principal Building shall be located within 6 metres of the Rear Lot Line.
- (iii) Exterior Side Setback (Carlisle Ave): No Principal Building shall be located within 4.5m of the Exterior Side Lot Line abutting Carlisle Ave.
- (iv) Exterior Side Setback (Lyll St): No Principal Building shall be located within 4.5m of the Exterior Side Lot Line abutting Lyll St.
- (v) Interior Side Setback: No Principal Building shall be located within 6m of the Interior Side Lot Line generally perpendicular to Fraser St.
- (vi) Interior Side Setback: No Principal Building shall be located within 4.5m of the Interior Side Lot Line generally perpendicular to Lyll St.

**(b) Accessory Buildings:**

- (ii) No Accessory Buildings shall be permitted.

**Siting Exceptions**

**Principal Building**

The minimum distance to the Front Lot Line may be reduced to 1.5 metres to accommodate the open patio attached to and forming part of the easternmost Principal Building and reduced to 5.5m to accommodate balconies.

- (i) The minimum distance to the Rear Lot Line may be reduced to 2 metres to accommodate the open patios attached to and forming part of the westernmost Principal Building.
- (ii) The minimum distance to the Exterior Side Lot Line (Carlisle Ave) may be reduced to 1.5 metres to accommodate the open patios attached to and forming part of the Principal Buildings.
- (iii) The minimum distance to the Exterior Side Lot Line (Lyll St) may be reduced to 1.5 metres to accommodate the open patios attached to and forming part of the Principal Buildings.
- (iv) The minimum distance to the Interior Side Lot Line generally perpendicular to Fraser St may be reduced to 0 metres to accommodate the vehicle ramp and structures associated with the underground parking access.
- (v) The minimum distance to the Interior Side Lot Line - generally perpendicular to Lyll St may be reduced to 2



metres to accommodate the open patios attached to and forming part of the easternmost Principal Building and to 4.5m to accommodate balconies.

**(b) Parking Structure**

- (i) The minimum distance to the Interior Side Lot Line generally perpendicular to Fraser St may be reduced to 0 metres to accommodate the parking structure situated below the first storey.
- (ii) The minimum distance to the Interior Side Lot Line generally perpendicular to Lyall St may be reduced to 0 metres to accommodate the parking structure situated below the first storey.

**Usable Open Space**

Usable Open Space shall be provided in an amount not less than 450 square metres.

**Fencing**

- (a) Subject to Section 22 of Zoning Bylaw, 1992, No. 2050 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.

**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 1.0 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 7 of the parking spaces required per above subsection (12)(a) shall be marked "Visitor".

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 154 [CD NO. 154]**  
**[Amendment, 2022, Bylaw No. 3072]**

In that Zone designated as CD No. 154 [Comprehensive Development District No. 154] 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) Townhouse Residential
- (b) Home Occupation

(2) **Number of Buildings and Dwelling Units**

Maximum One (1) Building containing not more than six (6) Townhouse Dwellings in total, with six (6) attached secure bicycle storage facilities.

(3) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.51

(4) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 100 square metres.

(5) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 945 square metres.

(6) **Building Height**

No Building shall exceed a Height of 9.5 metres.

(7) **Lot Coverage**

All Buildings and Structures combined shall not cover more than 33% of the Area of a Parcel.

(8) **Siting Requirements**

(a) **Principal Building**

- (i) No Principal Building shall be located within 5.2 metres of the Front Lot Line.
- (ii) No Principal Building shall be located within 1.4 metres of the southern Interior Side Lot Line or within 5.8 metres of the northern Interior Side Lot Line. The total Setbacks of all side

yards shall not be less than 7.2 metres.

- (iii) No Principal Building shall be located within 19.0 metres of the Rear Lot Line.

(b) **Accessory Buildings**

No Accessory Buildings or Structures shall be permitted.

(9) **Siting Exceptions**

- (a) Within the CD-154 zone, the minimum distance to the Front Lot Line may be reduced by:
  - (i) 4.0 metres to accommodate exterior stairs attached to and forming part of a Principal Building,
  - (ii) 1.3 metres to accommodate exterior balconies attached to and forming part of a Principal Building,
  - (iii) 1.3 metres to accommodate a Basement, and
  - (iv) 4.5 metres to accommodate a Basement level patio (plus the width of the supporting walls that are below ground level).
- (b) Within the CD-154 zone, the minimum distance to the southern interior Side Lot Line may be reduced by 1.7 metres to accommodate Basement level patio (plus the width of the supporting walls that are below ground level).
- (c) Within the CD-154 zone, the minimum distance to the northern interior Side Lot Line may be reduced by 1.2 metres to accommodate Basement level patio (plus the width of the supporting walls that are below ground level).
- (d) Within the CD-154 zone, the minimum distance to Rear Lot Line may be reduced by:
  - (i) 3.0 metres to accommodate exterior stairs attached to and forming part of a Principal Building, and
  - (ii) 2.5 metres to accommodate secure bicycle storage facilities attached to and forming part of Principal Building below the Second Storey.

(10) **Landscaping**

Landscaping shall be provided in an amount of not less than 34% of the area of the Rear Yard of the Parcel.

(11) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 5.2 metres of the Front Lot Line [South Joffre Street],

- (b) Subject to Part 4, Section 22 and the above [(11)(a)], no fence shall exceed a Height of 2.0 metres.

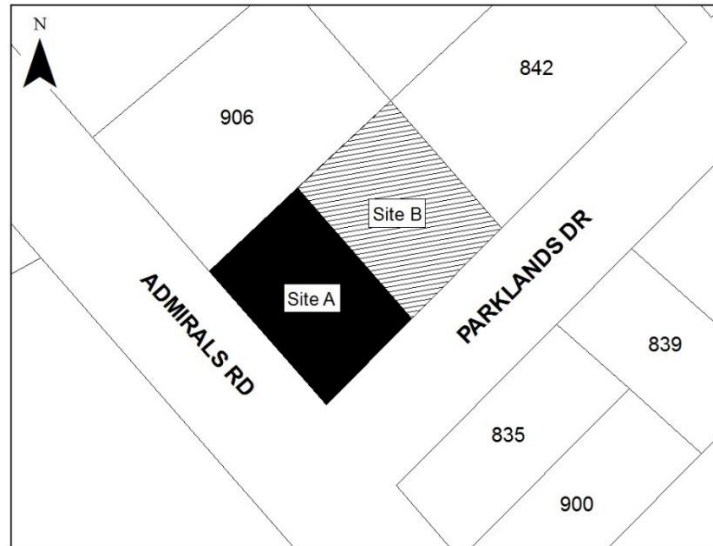
(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the ratio of 1 (one) space per dwelling unit.
- (b) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011 (as amended), (0) zero spaces need be marked "Visitor".

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**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 156 [CD NO. 156]**  
**[Amendment, 2022, Bylaw No. 3074]**

In that Zone designated as CD No. 156 [Comprehensive Development District No. 156] 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.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (e) Two Family Residential
- (f) Home Occupation
- (g) Boarding: subject to the requirements of Section 30.3
- (h) Urban Hens: subject to the requirements of Section 30.4
- (i) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw. (Site B)

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 627 square metres.

(3) **Minimum Lot Width**

The minimum width of a Parcel created by subdivision shall be 21.8 metres measured at the Front Building Line.

(4) **Number of Buildings**

- (a) Not more than one (1) Principal Building shall be located on a Parcel.

(b) No Accessory Buildings shall be permitted.

(5) **Number of Dwelling Units**

(a) Not more than two (2) Dwelling Units shall be located within Site A.

(b) Not more than four (4) Dwelling Units shall be located within Site B.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.40.

(7) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(8) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(9) **Building Width**

The minimum width of any Two Family Dwelling shall be 7 metres.

(10) **Lot Coverage**

(a) The Lot Coverage of the Principal Building shall not exceed 33% for a Parcel created by subdivision consistent with Site A [Figure 1].

(b) The Lot Coverage of the Principal Building shall not exceed 29% for a Parcel created by subdivision consistent with Site B [Figure 1].

Where lands in this zone have not been subdivided, the Lot Coverage of the Principal Building shall not exceed 30%.

(11) **Building Massing**

(a) Second and Third Storey Setback: The front face of the second and third storey(s) shall be set back a minimum of 1.5 metres from the front face of the First Storey of the Principal Building.

(b) Design Guideline: Articulation of building elements is encouraged, to add visual interest and reduce apparent building height and volume.

(12) **Siting Requirements**

(c) **Principal Buildings:**

- (xvi) Front Setback (Site A [Figure 1]): No Principal Building shall be located within 7.0 metres of the Front Lot Line.
- (xvii) Side Setbacks (Site A [Figure 1]): No Principal Building shall be located within 2.8 metres of any Interior Side Lot Line. No Principal Building shall be located within 3.7 metres of any Exterior Side Lot Line.
- (xviii) Rear Setback (Site A [Figure 1]): No Principal Building shall be located within 4.6 metres of the Rear Lot Line.
- (xix) Front Setback (Site B [Figure 1]): No Principal Building shall be located within 6.0 metres of the Front Lot Line.
- (xx) Side Setbacks (Site B [Figure 1]): No Principal Building shall be located within 3.0 metres of the Eastern Interior Side Lot Line. No Principal Building shall be located within 2.6 metres of the Western Interior Side Lot Line.
- (xxi) Rear Setback (Site B [Figure 1]): No Principal Building shall be located within 7.4 metres of the Rear Lot Line.

**(b) Garage Setback:**

That portion of a Principal Building used as a Garage, shall be set back a minimum of 1.5 metres from the front face of the Principal Building.

Where lands in this zone have not been subdivided, the most restrictive of the above requirements are applicable.

**(13) Siting Exceptions**

- (a) Within Comprehensive Development District No. 156 [CD No. 156], the minimum distance to a Rear Lot Line may be reduced by no more than 3.4 meters to accommodate decks, attached to and forming part of the Principal Building located on Site A [Figure 1].
- (b) Within Comprehensive Development District No. 156 [CD No. 156], the minimum distance to an Interior Side Lot Line may be reduced by no more than 1.4 meters to accommodate exterior stairs to ground level, attached to and forming part of the Principal Building located on Site B [Figure 1].

**(14) Common Wall Requirements**

The common wall overlap between the habitable areas of the two principal Dwelling Units shall be not less than 50%.

**(15) Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres on either the Admirals Road or Parklands Drive frontages and no fence shall exceed a Height of 2.0 metres behind the front face of

either of the Principal Buildings.

(16) **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 9(4) of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking for Secondary Suites on a Parcel created by subdivision consistent with Site B [Figure 1] shall be located no closer to the Front Lot Line than 1.5 metres in front of the front face of the Principal Building.

(17) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot, within the Front Setback area, shall be:

- (a) 2.75 metres for a single lane driveway serving each principal Dwelling Unit; and
- (b) a total of 5.5 metres for a double-wide driveway, or the combined width of two (2) single lane driveways serving a Two Family Dwelling.



**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 157 [CD NO. 157]**  
**[Amendment, 2022, Bylaw No. 3077]**

In that Zone designated as CD No. 157 [Comprehensive Development District No. 157] 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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 770 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.78.

(6) **Building Height**

No Principal Building shall exceed a Height of 10.7 metres.

(7) **Lot Coverage**

Principal Building shall not cover more than 50% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback: No Principal Building shall be located within 6.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 3.3 metres of the Eastern Interior Side Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 1.8 metres of the Western Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 13.6 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Buildings or Structures shall be permitted.

(9) **Siting Exception**

- (a) Within Comprehensive Development District No. 157 [CD No. 157], the minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate the exterior canopy attached to and forming part of a Principal Building at the first storey:
  - (i) Eastern Interior Side Lot Line: 0.8 metres.
  - (ii) Western Interior Side Lot Line: 0.7 metres.
- (b) Within Comprehensive Development District No. 157 [CD No. 157], the minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate balconies attached to and forming part of a Principal Building at the first storey:
  - (i) Front Lot Line: 1.3 metres.
  - (ii) Eastern Interior Side Lot Line: 1.3 metres.
  - (iii) Rear Lot Line: 1.3 metres.

(10) **Fencing**

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.

(11) **Landscaped Area**

Landscaping shall be provided in an amount of not less than 24% of the area of the Parcel.

(12) **Off Street Parking**

- (a) Off street parking shall be provided in accordance with Parking Bylaw, 1992, No. 2011(as amended).
- (b) Notwithstanding Section 13(1)(a)(iv) of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 1.0 space per dwelling unit.
- (c) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011 (as amended), no Parking Spaces shall be designated and clearly marked as Visitor Parking.

**COMPREHENSIVE DEVELOPMENT DISTRICT NO. 160 [CD NO. 160]**  
**[Amendment Bylaw No. 3088]**

In that Zone designated as CD No. 160 [Comprehensive Development District No. 160] 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) Townhouse Residential
- (b) Two Family Residential
- (c) Home occupation
- (d) Boarding: subject to the requirements of Section 30.3 of this bylaw.

(2) **Number of Buildings and Dwelling Units**

Minimum and Maximum Two (2) Buildings containing not more than five (5) Dwellings Units in total. No Accessory Buildings or Structures permitted.

(3) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.65.

(4) **Unit Size**

The minimum Floor Area for each Dwelling Unit shall not be less than 110 square metres.

(5) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 891 square metres.

(6) **Building Height**

No Building shall exceed a Height of 9.0 metres.

(7) **Lot Coverage**

All Buildings and Structures combined shall not cover more than 34% of the Area of a Parcel.

(8) **Siting Requirements**

- (a) Front Setback: No Building shall be located within 4.2 metres of the Front Lot Line (South).

- (b) Rear Setback: No Building shall be located within 5.9 metres of the Rear Lot Line (North).
  - (c) Side Setback of southernmost Principal Building: The southernmost Principal Building shall not be located within 2.4 metres of the Interior Side Lot Line (East) or within 6.4 metres of the Interior Side Lot Line (West).
  - (d) Side Setback of northernmost Principal Building: The northernmost Principal Building shall not be located within 2.3 metres of the Interior Side Lot Line (East) or within 2.4 metres of the Interior Side Lot Line (West).
- (9) **Siting Exceptions**  
The minimum distance to the Rear Lot Line (North) may be reduced by not more than 1.5 metres to accommodate exterior stairs to ground level, attached to and forming part of the northernmost Principal Building.
- (10) **Open Space**  
Usable Open Space or Private Open Space shall be provided in an amount of not less than 6% of the Area of the Parcel.
- (11) **Fencing**  
Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of a Principal Building and 2 metres behind the front face of a Principal Building.
- (12) **Off-Street Parking**  
Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in a ratio of 1.0 spaces per Dwelling Unit.

**PART 6 - REPEAL OF PREVIOUS BYLAW**

68. The Corporation of the Township of Esquimalt Zoning Bylaw No. 759, 1957 and amendments thereto are repealed.

**READ** a first time by the Municipal Council on November 30, 1992.

**READ** a second time by the Municipal Council on December 7, 1992

A Public Hearing was held pursuant to Sections 956 and 957 of the *Municipal Act* on December 14, 1992.

**READ** a third time by the Municipal Council on December 14, 1992.

Third Reading rescinded on January 11, 1993.

**AMENDED** by the Municipal Council at Second Reading on March 8, 1993.

A Second Public Hearing was held pursuant to Sections 956 and 957 of the *Municipal Act* on April 5, 1993.

**READ** a third time by the Municipal Council on April 5, 1993.

**RECONSIDERED** and **FINALLY ADOPTED** by the Municipal Council on April 5, 1993.

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C. J. E. CLEMENT  
MAYOR

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R. SERIGHT  
MUNICIPAL CLERK