

Section 6.40 – Neighbourhood Commercial (C1) Zone

(Replaced by Bylaw No. 1662)

The intent of the C1 Zone is to permit small-scale commercial and service uses to serve the local neighbourhood.

6.40.01 Permitted Uses

The following **uses** and no others are permitted in the C1 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Bakery**, not exceeding 200 m² (2,152.8 ft²) of **gross floor area**;
- (3) **Business support service**;
- (4) **Car wash**, on land legally described as Lot 1, Section 1, Range 3 West, Highland District, Plan 6726
- (5) **Community garden**;
- (6) Dance studio, on land legally described as Lot 29, Section 1, Range 2 West, Highland District, Plan 13385;
- (7) **Dwelling unit**, limited to a maximum of one in conjunction with any of the **principal uses** permitted in this **Zone**, provided that:
 - (a) If located on the same storey as the commercial **use**, it is located to the rear of the commercial **use**; and
 - (b) The **dwelling unit** is fully separated from the commercial **use** with the main street access to the **dwelling unit** being entirely separated from that of the related commercial **use**;
- (8) **Gasoline service station**, on land legally described as Lot 1, Section 1, Range 3 West, Highland District, Plan 6726
- (9) **Group daycare** , subject to Subsection 3.26.02;
- (10) **Group daycare**, limited to a capacity of 41 children and subject to Section 3.26.02, on land legally described as Lot 29, Section 1, Range 2 West, Highland District, Plan 13385;
- (11) **Medical Clinics** and accessory related commercial uses;
- (12) **Office**;
- (13) On the property legally described as Lot A, Section 79, Metchosin District, Plan EPP115091, PID No. 031-542-476 (991 and 995 Latoria Rd) [formerly Lots 1 and 2, Section 79, Metchosin District, Plan 7510, Except Part in Plan 26418, PID Nos. 005-658-250 and 002-914-921 (3553 and 3559 Happy Valley Road)] the following uses are also permitted: *(Bylaw No. 1986)*
 - (a) Group daycare in accordance with Section 3.26.02; *(Bylaw No. 2082)*
 - (b) Fitness Centre;

- (c) Library;
- (d) Liquor Store; and
- (e) Veterinary Practice;

(14) **Personal service establishment;**

(15) **Preschool;**

(9) **Restaurant;**

(10) Deleted. (*Bylaw No. 2082*)

(11) **Uses accessory to a principal use permitted in this Zone;**

(12) **Uses** permitted by Section 3.01 of this Bylaw; and

(13) **Veterinary practice**, on land legally described as Lot 2, Section 112, Esquimalt District, Strata Plan VIS4692 and Lot 1, Section 112, Esquimalt District, Plan VIP70623.

6.40.02 Subdivision Lot Requirements

(1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision.

(2) No **lot** having a **lot width** less than 16 m (52.5 ft) may be created by subdivision.

6.40.03 Regulations for Use

(1) Any goods produced on the premises must be sold at retail on the same premises.

(2) There may not be more than one **dwelling unit** on a **lot**.

6.40.04 Density of Development

(1) The **floor area ratio** may not exceed 0.5.

(2) The **floor area ratio** may be increased to 1.0 on a lot located in the shaded area shown on Schedule "AE".

6.40.05 Lot Coverage

(1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%.

(2) **Lot coverage** of all **buildings** and **structures** located in the shaded area shown on Schedule "AE" may not exceed 75%.

6.40.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 9 m (29.5 ft).

6.40.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 2 m (6.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line** if the **interior side lot line abuts** a **Residential Zone** or a **Multiple Family Residential Zone**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 10 m (32.8 ft) of any **rear lot line**.

6.40.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the C1 Zone:

- (1) A continuous **landscape and screening area** not less than 2 m (6.6 ft) wide must be provided along the developed portion of each side of the **lot** which **abuts** a **highway**. This **landscape and screening area** may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building** or for viewing shop windows;
- (2) Except in those portions where a **building abuts** a **lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9ft) high must be provided along all **rear lot lines** or side **lot lines** separating the developed portion of the **lot** from any **Residential Zone** or **Multiple Family Residential Zone**, whether or not such **Zone** is separated by a **highway** or not; and
- (3) Despite Articles (1) and (2) where the lot abuts a highway separating the lot from residential use a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the front lot line if surface parking spaces are provided between the highway and the building. Otherwise, the owner may provide 3 m (9.8 ft) continuous landscape strip.

Section 6.41 – District Commercial (C3) Zone

(Replaced by Bylaw No. 1662)

The intent of the C3 Zone is to permit commercial and service uses to serve the community as a whole.

6.41.01 Permitted Uses

The following **uses** and no others are permitted in the C3 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Animal hospital** in an enclosed **building**;
- (3) **Auction**;
- (4) **Automobile parts and accessories sale, installation and repair**;
- (5) **Automobile repair and service facility, minor** on land legally described as Lot 47, Section 80, Esquimalt District, Plan 12203 (2988 Jacklin Road);
- (6) **Automobile repair and service facility, minor** as an **accessory use** on land legally described as Lot 2, Section 73, Esquimalt District, Plan 5988; a portion of Lot 2, Section 73, Esquimalt District, Plan 5988; a portion of Lot 2, Section 73, Esquimalt District, Plan 5039, except that part in Plan 7390; a portion of Lot B, Section 73, Esquimalt District, Plan 8234; and a portion of Lot 1, Section 73, Esquimalt District, Plan 7390 (as shown on the map attached to and forming part of this Bylaw as Schedule "I") (860 Attree Avenue);
- (7) **Automobile repair and service facility, minor** limited to a maximum of 20% of the **gross floor area** of the **building** in which it is located, on land legally described as Lot 1, Section 80, Esquimalt District, Plan 29395 (2924 Jacklin Road); and Lot A, except that part east of the centre line of Reference Plan 49711, Section 74, Esquimalt District, Plan 49712 (790 Kelly Road); and the portion of Lot B, Section 74, Esquimalt District, Plan 49710, lying west of the centre line of Reference Plan 49711 (2945 Jacklin Road, Westshore Town Centre);
- (8) **Bakery**;
- (9) **Business support service**;
- (10) **Car wash**;
- (11) **Catering**;
- (12) **Charitable facility**;
- (13) **Commercial nursery and greenhouse**;
- (14) **Community garden**;
- (15) **Cultural facility**;

- (16) **Dwelling unit**, limited to a maximum of one per **lot**, and **accessory** to any of the **principal uses** permitted in this **Zone**, provided that:
 - (a) If located on the same storey as the commercial **use**, the **dwelling unit** is located to the rear of the commercial **use**; and
 - (b) The **dwelling unit** is fully separated from the commercial **use** with the main street access to the **dwelling unit** being entirely separated from that of the related commercial **use**;
- (17) **Film production studio**;
- (18) **Financial institution**;
- (19) **Fitness centre**;
- (20) **Funeral parlour**;
- (21) **Gasoline service station**;
- (22) **General Industrial Uses**, limited to sheet metal cutting and fabrication, and restricted to one such use on the property legally described as Lot 1, Section 99, Esquimalt District, Plan EPP19681; PID No.;028-851-323 (1016 McCallum Road) in the portions as shown shaded on Plan No.1 attached to and forming part of this Bylaw;
- (23) Groundwater extraction, processing, packaging, warehousing and retail sale, on land legally described as Lot 1, Section 73, Esquimalt District, Plan 10023, Except Parts in Plan VIP69580 (895 Station Avenue);
- (24) **Group daycare** on the lot legally described as Lot 1, Section 72, Esquimalt District, Plan EPP24286 (2780 Veterans Memorial Parkway) in accordance with Section 3.26.02; (*Bylaw No. 2082*)
- (25) **Hotel**;
- (26) **Household equipment and appliance service and repair**;
- (27) **Library**;
- (28) **Licensed premises**;
- (29) **Liquor store**;
- (30) **Medical Clinics** and accessory related commercial uses;
- (31) **Office**;
- (32) One **dwelling unit** per **lot** that is **accessory** to any of the **uses** permitted in this **Zone**, provided that:
 - (a) If located on the same level as the commercial **use** it will be located behind the commercial **use**; and
 - (b) It is fully separated from the commercial **use** with the main street access to the **dwelling unit** being entirely separated from that of the related commercial **use**;

- (33) **Parking facility;**
- (34) **Personal service establishment;**
- (35) **Recreation facility, indoor;**
- (36) **Recycling depot;**
- (37) **Restaurant;**
- (38) **Restaurant, drive-through**, except on **lots** that **abut** Goldstream Avenue;
- (39) **Retail store;**
- (40) **School;**
- (41) **Shopping centre;**
- (42) **Taxi office;**
- (43) **Training and education facility;**
- (44) **Transportation terminal;**
- (45) **Unenclosed storage**, subject to Section 3.13, as an **accessory use** to a **principal use** permitted in this **Zone**;
- (46) **Uses accessory** to a **principal use** permitted in this **Zone**;
- (47) **Uses** permitted by Section 3.01 of this Bylaw; and
- (48) Within that portion of the lands shown shaded on the map attached as Schedule "S", the following **uses**:
 - (a) **Automobile body and paint shop;**
 - (b) **Automobile rental and sale facility, major;**
 - (c) **Automobile rental and sale facility minor;**
 - (d) **Automobile repair and service facility, major;**
 - (e) **Automobile repair and service facility, minor;**
 - (f) **Contractor service;**
 - (g) **Equipment sales, service, repair and rental, minor;** and
 - (h) **Warehouse.**

6.41.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 16 m (52.5 ft) may be created by subdivision.

6.41.03 Density of Development

The **floor area ratio** may not exceed 4.5.

6.41.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 75%.

6.41.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of six storeys.

6.41.06 Setbacks

- (1) No **building** or **structure** may be located:
 - (a) Within 7.5 m (24.6 ft) of any **front lot line** or **exterior side lot line**; or
 - (b) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts a Residential Zone** or a **Multiple Family Residential Zone**; or
 - (c) Within 3 m (9.8 ft) of any **rear lot line**.
- (2) If the area between the **front building line** and the **front lot line** and **exterior side lot line**, exclusive of access driveways, is landscaped, the minimum **setbacks** in respect of the **front lot line** and **exterior side lot lines** may be reduced to 4.5 m (14.8 ft).
- (3) If the **rear lot line abuts a Residential Zone** or a **Multiple Family Residential Zone**, the minimum **setback** in respect of the **rear lot line** must be increased to at least 6 m (19.7 ft).

6.41.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the C3 Zone.

- (1) A continuous **landscape and screening area** not less than 3 m (9.8 ft) wide must be provided along the developed portion of each side of the **lot** which **abuts a highway**. This landscaping may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building** or for viewing shop windows;
- (2) Except in those portions where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **rear lot lines** or **side lot lines** separating the developed portion of the **lot** from any **Residential Zone** or **Multiple Family Residential Zone**, whether such property be separated by a **highway** or not.
- (3) Despite Articles (1) and (2) where the **lot abuts a highway** with a **residential use** across the street a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the **front lot line** if parking is placed in front of the **building**. If the parking is placed behind the **building** a 3 m (9.8 ft) continuous landscape strip will be sufficient.

Section 6.42 – Office Commercial (C5) Zone

(Replaced by Bylaw No. 1662)

The intent of the C5 Zone is to accommodate commercial use.

6.42.01 Permitted Uses

The following **uses** and no others are permitted in the C5 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Assisted living**;
- (3) **Community garden**;
- (4) **Film production studio**;
- (5) **Financial institution**;
- (6) **Group daycare**, subject to Subsection 3.26.02;
- (7) **Medical clinics** and accessory related commercial uses;
- (8) **Office**;
- (9) One **caretaker dwelling unit**, in conjunction with and in addition to any of the other **principal use** permitted in this **Zone**;
- (10) **Personal Service Establishment**
- (11) **Preschool**;
- (12) Uses **accessory** to a **principal use** permitted in this **Zone**; and
- (13) **Uses** permitted by Section 3.01 of this Bylaw.

6.42.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 16 m (52.5 ft) may be created by subdivision.

6.42.03 Density of Development

- (1) The **floor area ratio** may not exceed 1.0.
- (2) The **floor area ratio** on a **lot** located in the shaded area shown on Schedule “AE” may not exceed 1.5.

6.42.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%.
- (2) **Lot coverage** of all **buildings** and **structures** located in the shaded area shown on Schedule "AE" may not exceed 75%.

6.42.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.42.06 Setbacks

- (1) No **building** or **structure** may be located:
 - (a) Within 7.5 m (24.6 ft) of any **front lot line** or **exterior side lot line**; or
 - (b) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts a Residential Zone** or a **Multiple Family Residential Zone**; or
 - (c) Within 3 m (9.8 ft) of any **rear lot line**.
- (2) If the area between the **front building line** and the **front lot line** and **exterior side lot lines**, exclusive of access driveways, is landscaped, the minimum Setbacks in respect of the **Front lot line** and **exterior side lot line** may be reduced to 4.5 m (14.8 ft).
- (3) If the **rear lot line abuts a Residential Zone** or a **Multiple Family Residential Zone**, the minimum **setback** in respect of the **rear lot line** must be increased to 6 m (19.7 ft).

6.42.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the C5 Zone.

- (1) A continuous **landscape and screening area** not less than 3 m (9.8 ft) wide must be provided along the developed portion of each side of the **lot** which **abuts a highway**. This landscaping may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building** or for viewing shop windows;
- (2) Except in those portions where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **rear lot lines** or **side lot lines** separating the developed portion of the **lot** from any **Residential Zone** or **Multiple Family Residential Zone**, whether such property be separated by a **highway** or not ;and
- (3) Despite Articles (1) and (2) where the **lot abuts a highway** with a **residential use** across the street a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the **front lot line** if parking is placed in front of the **building**. If the parking is placed behind the **building** a 3 m (9.8 ft) continuous landscape strip will be sufficient.

Section 6.43 – Neighbourhood Public House (C6) Zone

(Replaced by Bylaw No. 1662)

The intent of the C6 Zone is to create a vibrant pedestrian oriented area that will be a focal point of attraction within the neighbourhood and nearby mixed-use areas.

6.43.01 Permitted Uses

The following **uses** and no others are permitted in the C6 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Catering**;
- (3) **Community garden**;
- (4) **Film production studio**;
- (5) **Licensed premises** with a maximum seating capacity of 120 interior seats and 100 exterior patio seats;
- (6) **Liquor store**, subject to Subsection 6.43.07;
- (7) One **caretaker dwelling unit**, in conjunction with and in addition to any of the other **principal uses** permitted in this **Zone**;
- (8) **Restaurant**;
- (9) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (10) **Uses** permitted by Section 3.01 of this Bylaw.

6.43.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 3,000 m² (.7 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 18 m (59.1 ft) may be created by subdivision.

6.43.03 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

6.43.04 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 6 m (19.7 ft) or one storey.

6.43.05 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line** or **rear lot line**; or
- (2) Within 7.5 m (24.6 ft) of any **interior side lot line**; or
- (3) Within 10 m (32.8 ft) of any **exterior side lot line**.

6.43.06 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the C6 Zone.

- (1) A continuous 1.5 m (4.9 ft) **landscape and screening area** must be provided along all **side lot lines** and **rear lot lines**;
- (2) Where the **lot abuts a Residential Zone**, a solid decorative fence at least 1.8 m (5.9 ft) in **height** must be provided within the **landscape and screening area** in Article (1); and
- (3) Those areas of the **lot** fronting any **highways** will be landscaped to a minimum depth of 3 m (9.8 ft) and may be interrupted for pedestrian or vehicular access. Parking will be prohibited within the 3 m (9.8 ft) landscaped strip.

6.43.07 Liquor Stores

A **liquor store** is not a permitted **use** if the property on which it is located is less than 800 m (2,624.7 ft) from another **liquor store** or retail wine store **use**.

Section 6.43A – Neighbourhood Mixed Use (C6A) Zone

(Replaced by Bylaw No. 1662)

The intent of the C6A zone is to provide a mix of residential uses and commercial uses to create a vibrant transition with pedestrian orientation between the mixed use residential and commercial nodes and nearby residential uses.

6.43A.01 Permitted Uses

The following **uses** and no other uses are permitted in the C6A Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Business support service**;
- (4) **Catering**;
- (5) **Charitable facility**;
- (6) **Community garden**;
- (7) **Dwelling, one-family**;
- (8) **Film production studio**;
- (9) **Financial institution**;
- (10) **Fitness Centre**;
- (11) **Group daycare**, subject to Subsection 3.26.02;
- (12) **Home occupation**, subject to Section 3.09;
- (13) **Licensed premises** ;
- (14) **Liquor store**, subject to Article 6.43A.03(4);
- (15) **Medical clinics** and accessory related commercial uses;
- (16) **Office**;
- (17) **Personal service establishment**;
- (18) **Preschool**;
- (19) **Recreation facility, indoor** ;
- (20) **Restaurant**;
- (21) **Retail store**;

- (22) **Townhouse;**
- (23) **Uses accessory** to a **principal use** permitted in this **Zone;**
- (24) **Uses** permitted by Section 3.01 of this Bylaw; and
- (25) **Veterinary practice;**

6.43A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 700 m² (7,534.7 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 15 m (49.2 ft) may be created by subdivision.
- (3) Despite Article 6.43A.02(1) a **lot** for **one-family dwelling** having a **lot area** less than 700 m² (7,534.7 ft²) may be created by subdivision, provided that the **lot area** is not less than 220 m² (2,368.1 ft²).

6.43A.03 Regulations for Use

- (1) **Unenclosed storage** is not permitted.
- (2) Non-residential uses are prohibited above the ground floor and no storey may contain a mix of **residential uses** and non-residential **uses**.
- (3) All **accessory uses** must be located to the rear of the **building** accommodating the **principal use**. in no case may an **accessory building** exceed a **height** of 4 m (13.1 ft), and **accessory uses** and **buildings** may not cover a total of more than 10% of the **lot area**.
- (4) A **liquor stores** shall not be a permitted **use** if the property on which it is located is less than 800 m (2,624.7 ft) from another **liquor store** or retail wine store **use**.

6.43A.04 Density of Development

- (1) Except as provided in Articles (2) and (3), the total commercial **gross floor area** may not exceed a **floor area ratio** of 0.3 and the residential density may not exceed one **dwelling unit** per 550 m² (5,920.2 ft²) of **lot area** except on land legally described as Lot 8, Section 1, Range 3 West, Highland District, Plan 8530 (691 Hoylake Avenue) and Lot 1, Section 1, Range 3 West, Highland District, PLAN 25339 (697 Hoylake Avenue) where the residential density may not exceed one **one-family dwelling** per **lot**.
- (2) Despite Article 6.43A.04(1), on land whose legal description is set out in Table 1 of Schedule "AD", the maximum commercial **floor area ratio** is 2.0, if the owner of the land proposed to be developed pays to the City the amount specified in Column 4 of Table 1 of Schedule "AD" prior to the issuance of a Building Permit.
- (3) Despite Article 6.43A.04(1), on land whose legal description is set out in Table 1 of Schedule "AD", the maximum density of residential development is 36 **one-family dwellings** or **townhouse dwelling units** if all of the land is developed for those **uses**, or a **floor area ratio** of 2.0 if all of the land is developed for **apartments**.

6.43A.05 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 70%.

6.43A.06 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may exceed a **height** of four storeys.
- (2) Despite Article 6.43A.06(1) a **building** or **structure** may exceed a **height** of four storeys, but may not exceed a **height** of six storeys if the storeys above the ground floor are residential.

6.43A.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 3 m (9.8 ft) of any **front lot line** or **exterior side lot line**, except that no **garage** or **carport** may be located within 5.5 m (18 ft) of the **highway** from which it has vehicular access; or
- (2) For any **building** or **structure** greater than four storeys in **height**, within 13.5 m (44.3 ft) of any **interior side lot line** or **rear lot line**, unless the **lot line abuts** another **lot** in the C6A Zone, a **Commercial Zone**, a **Multiple Residential Zone** or mixed use **Zone** in which case no **setback** is required; or
- (3) For any **building** or **structure** less than five storeys in **height**, within 3 m (9.8 ft) of any **interior side lot line** and within 6 m (19.7 ft) of any **rear lot line**, unless the **lot line abuts** another **lot** in the C6A Zone, a **Commercial Zone**, a **Multiple Residential Zone**, or mixed use **Zone** in which case no **setback** is required.

6.43A.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of the Bylaw the following requirements apply to landscape screening in the C6A Zone.

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence of not less than 1.8 m (5.9 ft) in **height**, together with decorative planting, must be provided along all **lot lines** separating the **lot** from any **Residential** or **Multiple Residential Zone**.
- (2) Despite Article (1) where the **lot abuts** a **highway** with **residential uses** across the street a 1.2 m (3.9 ft) high landscaping screen or solid decorative fence must be provided along the **front lot line** if parking is placed in front of the **building**.

Section 6.43B – Neighbourhood Mixed Use (C6B) Zone

(Replaced by Bylaw No. 1662)

The intent of the C6B Zone is to provide a mix of residential uses and commercial uses to create a vibrant transition with pedestrian orientation between the mixed use residential and commercial nodes and nearby residential uses.

6.43B.01 Permitted Uses

The following uses and no others are permitted in the C6B zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Animal hospital**, in enclosed **buildings**;
- (3) **Apartment**, above the ground floor;
- (4) **Apartment**, on land shown as Area 1 in Schedule AL;
- (5) **Automobile parts and accessories sale and repair**;
- (6) **Automobile repair and service, minor**, as an **accessory use to automobile parts and accessories sale and repair**;
- (7) **Business support service**;
- (8) **Car wash**;
- (9) **Community garden**;
- (10) **Cultural facility**;
- (11) **Electronics sale, service and manufacturing** ;
- (12) **Financial institution**;
- (13) **Financial institution, drive-through**;
- (14) **Fitness centre**;
- (15) **Home occupation**, subject to Section 3.09;
- (16) **Medical clinics** and accessory related commercial uses;
- (17) **Office**;
- (18) **Restaurant**;
- (19) **Retail store**;
- (20) **Uses accessory to a principal use** permitted in this **Zone**; and
- (21) **Uses** permitted by Section 3.01 of this Bylaw.

6.43B.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 2,000 m² (0.5 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 25 m (82 ft) may be created by subdivision.
- (3) No land shall be subdivided unless the density and **lot coverage** limits established by this Bylaw are distributed among the **lots** being created, such that the limits for the **Zone** as a whole will not be exceeded if each **lot** being created by subdivision is developed to its full potential, and the limits are made applicable to each **lot** by amendment of this Bylaw or by covenant under Section 219 of the *Land Title Act*.

6.43B.03 Lot Coverage

Lot coverage of all **buildings** and **structures** shall not exceed 75%.

6.43B.04 Height and Size of Principal Use Buildings

- (1) No **building** or **structure**, for a commercial **use** may exceed a **height** of three storeys.
- (2) No **building** or **structure** containing multi-family **dwelling units** or a mix of multi-family **dwelling units** and commercial **uses** may exceed a **height** of six storeys.

6.43B.05 Density of Development

- (1) The **floor area ratio** of all commercial **buildings** shall not exceed 0.8.
- (2) The **floor area ratio** of all **buildings** containing multi-family **dwelling units** or a mix of multi-family **dwelling units** and commercial **uses** shall not exceed 1.7.
- (3) The maximum number of **dwelling units** shall not exceed three.
- (4) Despite Article 6.43B.05(2), the number of **dwelling units** may exceed three if the owner of the land proposed to be developed pays to the City the amount specified in Column 4 of Table 1 of Schedule "AD" prior to the issuance of a Building Permit.

6.43B.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 3 m (9.8 ft) of Millstream Road or Treanor Avenue; or
- (2) Within 7.5 m (24.6 ft) of the westerly boundary of the C6B **Zone**, except that no **setback** is required for a non-residential **use** located entirely below the natural grade of the **abutting** property to the west.

6.43B.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, a continuous **landscape and screening area** not less than 3 m (9.8 ft) wide must be provided along the developed portion of each **lot** that **abuts a highway**. This **landscape and screening area** may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building** or for viewing shop windows.

Section 6.43C – Neighbourhood Mixed-Use McCallum (C6C)

(Replaced by Bylaw No. 1662)

The intent of the C6C Zone is to integrate residential and commercial uses to create a pedestrian oriented neighbourhood.

6.43C.01 Permitted Uses

The following **uses** and no others are permitted in the C6C Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Apartment, senior citizens**;
- (4) **Assisted living**;
- (5) **Bakery**, not exceeding a **gross floor area** of 350 m² (3,767.4 ft²);
- (6) **Catering**;
- (7) **Charitable facility**;
- (8) **Community care facility**;
- (9) **Community garden**;
- (10) **Cultural facility**, excluding **drive-in theatres**;
- (11) **Dwelling, two-family**, subject to Section 3.07;
- (12) **Film production studio**;
- (13) **Financial institution**;
- (14) **Financial institution, drive-through**;
- (15) **Fitness centre**;
- (16) **Group daycare**, subject to Subsection 3.26.02;
- (17) **Home occupation**, subject to Section 3.09;
- (18) **Hotel**;
- (19) **Licensed premises**;
- (20) **Medical Clinics** and accessory related commercial uses;

- (21) **Office;**
- (22) **Personal service establishment;**
- (23) **Preschool;**
- (24) **Recreation facility, indoor;**
- (25) **Research and development facility;**
- (26) **Restaurant;**
- (27) **Retail store;**
- (28) **School;**
- (29) **Shopping centre;**
- (30) **Townhouse;**
- (31) **Training and education facility;**
- (32) **Uses accessory to a principal use permitted in this Zone;**
- (33) **Uses permitted by Section 3.01 of this Bylaw; and**
- (34) **Veterinary practice, in enclosed buildings.**

6.43C.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,481.9 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 16 m (52.5 ft) may be created by subdivision.
- (3) Despite Sections 6.43C.02(1) and (2), a **lot** with a **lot area** no less than 500 m² (5,382 ft²) and a **lot width** no less than 10 m (32.8 ft) may be created by subdivision for a **townhouse use**.

6.43C.03 Density of Development

- (1) There may not be more than 10 **dwelling units** in the C6C Zone.
- (2) Despite Section 6.43C.03(1), there may be more than 10 **dwelling units** in the C6C Zone on land whose legal description is set out in Table 1 of Schedule "AD" if the owner of the land proposed to be built upon pays to the City the amount specified in Column 4 of Table 1 of Schedule "AD" prior to the issuance of a Building Permit.
- (3) The **floor area ratio** may not exceed 6.0.

6.43C.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 75%.
- (2) Despite Article 6.43C.04(1), the **lot coverage** of all **buildings** and **structures** may exceed 75% to a maximum of 90% if at least 75% of the required off-street parking is provided underground.
- (3) Despite Articles 6.43C.04(1) and (2), the **lot coverage** of all **buildings** and **structures** on **lots** containing **townhouse** or **two-family dwellings** may not exceed 60%.

6.43C.05 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may exceed a **height** of six storeys.
- (2) Despite Article 6.43C.05(1), the **height** of a **building** or **structure** constructed pursuant to Article 6.43C.03(2) may exceed six storeys, provided that the owner has constructed any **highway** improvements recommended in a traffic impact study, completed to the satisfaction of the Director of Engineering, of the traffic impacts attributable to the additional **building** height;
- (3) Despite Articles 6.43C.05(1) and (2), no **townhouse** or **two-family dwelling building** may exceed a **height** of three storeys.

6.43C.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 2 m (6.6 ft) of any **lot line** that **abuts a highway**, except that no **garage or carport** may be located within 5.5 m (18 ft) of the **highway** from which it has access; or
- (2) Within 5.5 m (18 ft) of any **lot line** that **abuts** Strata Plan VIS5695; or

6.43C.07 Regulations of Use

Despite, Subsection 6.43C.01, the **use** of any lot **abutting** Strata Plan VIS5695 is restricted to:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Dwelling, two-family**, subject to Section 3.07;
- (3) **Home occupation**, subject to Section 3.09; and
- (4) **Townhouse**.

6.43C.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following requirements apply to landscape screening in the C6C Zone:

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence together with decorative planting of not less than 1.8 m (5.9 ft) in **height** must be provided along all **lot lines** separating the **lot** from any **Residential Zone** or **Multiple Residential Zone**.

Section 6.44 – Community Town Centre Pedestrian (C8) Zone

(Replaced by Bylaw No. 1662)

The intent of the C8 Zone is to provide for all types of retail and general business oriented to pedestrian needs.

6.44.01 Permitted Uses

The following **uses** and no others are permitted in the C8 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Assisted living**, on the properties legally described as Lot 3, Section 5, Esquimalt District, Plan 1776; Lot A, Section 5, Esquimalt District, Plan 12888; and Lot 7, Section 5, Esquimalt District, Plan 1776;
- (4) **Catering**;
- (5) **Charitable facility**;
- (6) **Community garden**;
- (7) **Cultural facility**;
- (8) **Equipment and appliance repair, minor**;
- (9) **Film production studio**;
- (10) **Financial institution**;
- (11) **Fitness centre**;
- (12) **Group daycare**, subject to Subsection 3.26.02;
- (13) **Home occupation**, subject to Section 3.09;
- (14) **Hotel**;
- (15) **Library**;
- (16) **Licensed premises**;
- (17) **Liquor store**;
- (18) **Medical Clinics** and accessory related commercial uses;
- (19) **Motorcycle sale, rental, repair and service**, on land legally described as Lot 11, Section 5, Esquimalt District, Plan 7165;
- (20) **Office**;
- (21) **Personal service establishment**;
- (22) **Preschool**;
- (23) **Restaurant**;
- (24) **School**, not exceeding 200 m² (2,152.8 ft²) of **gross floor area**, and not in conjunction with any **residential use**;
- (25) **Retail store**;
- (26) **Shopping centre**;

- (27) **Training and education facility;**
- (28) **Uses accessory to a principal use** permitted in this **Zone**;
- (29) **Uses** permitted by Section 3.01 of this Bylaw; and
- (30) **Veterinary practice.**

6.44.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision, except that **lots abutting** Goldstream Avenue, between Jacklin and Millstream Streets, must be no less than 4,000 m² (1 ac) in **lot area**.
- (2) No **lot** having a **lot width** less than 15.2 m (49.9 ft) may be created by subdivision.
- (3) No **lot** having a **lot depth** less than 34 m (111.6 ft) may be created by subdivision.

6.44.03 Regulations for Use

- (1) **Unenclosed storage** is not permitted.
- (2) Outdoor seating areas and the outdoor display of goods for retail sale are permitted as **accessory uses**.
- (3) **Residential uses** are only permitted on the ground level of a **building** that is not within 30 m (98.4 ft) of a public road, and having direct public access to that road.
- (4) All **accessory uses** must be located to the rear of the **building** accommodating the **principal use**. in no case may they exceed a **height** of 4 m (13.1 ft) or cover a total of more than 10% of the **lot area**.

6.44.04 Density of Development

- (1) Except as provided in Articles (2), (3) and (4) the **floor area ratio** may not exceed 2.0 and in no case may it exceed 2.5.
- (2) The maximum **floor area ratio** is 2.25 if the owner provides at least 50% of the parking spaces required by this Bylaw in an underground parking structure, and is increased by an additional 0.025 to a maximum of 2.5 for every 5% of the parking spaces so provided in excess of 50%.
- (3) The maximum **floor area ratio** is increased by 0.10 if the owner provides residential **dwelling units** on the third storey and an additional 0.15 if residential **dwelling units** are also provided on the fourth storey.
- (4) The maximum **floor area ratio** is increased by 0.25 if the owner provides on-site community amenities as follows:
 - (a) Up to an additional 0.10 for the provision and maintenance of a community amenity building area of more than 65 m² (699.7 ft²) of **gross floor area** located on the ground floor or more than 100 m² (1,076.4 ft²) located on the second storey. The use of these areas shall be limited by the registration of a covenant on the title of the property; and

- (b) Up to an additional 0.15 for the provision and maintenance of urban plazas which are exclusively devoted to public use at a rate of a 0.01 for each 2% of the **gross floor area** of the ground floor of every **building** on the Lot in respect of which the owner provides urban plaza. For example, development of an urban plaza of 300 m² (3,229.2 ft²) being 30% of the **gross floor area** of a **building** having a ground floor of 1,000 m² (10,763.9 ft²), would result in an increase in **floor area ratio** of 0.15.

6.44.05 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 90%.
- (2) **Lot coverage** of all **buildings** and **structures** may not be less than 40%.

6.44.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of six storeys.

6.44.07 Setbacks

- (1) No **building** or **structure** may be located:
 - (a) Within 2 m (6.6 ft) of any **front lot line**; or
 - (b) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts** an area designated Residential or Multiple Residential in the Official Community Plan; or
 - (c) Within 2 m (6.6 ft) of any **exterior side lot line**; or
 - (d) Within 7.5 m (24.6 ft) of any **rear lot line**; or
- (2) Despite any other regulation in this Section, a **building** or **structure** may be located within 7.5 m (24.6 ft), but not within 3 m (9.8 ft) of any **rear lot line** of the property legally described as Lot 12, Section 5, Esquimalt District, Plan 7165 (2760 Peatt Road).
- (3) Despite any other regulation in this Section, a **building** or **structure** may be located within 6 m (19.7 ft), but not within 1 m (3.3 ft) of any **interior side lot line** of the property legally described as Lot A, Section 72, Esquimalt District, Plan 8099, Except that Part in Plan VIP69759 (2705 Millstream Road); Lot 4, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2717 Millstream Road); Lot 5, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2725 Millstream Road); Lot 6, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2737 Millstream Road); Lot 14, Section 72, Esquimalt District, Plan 6981 (2748 Winster Road); Lot B, Section 72, Esquimalt District, Plan 8099 (685 Wagar Avenue); That Part of Lot 7, Section 72, Esquimalt District, Plan 5920, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Southerly Boundary of Said Lot Distant 76 Feet From the South Easterly Corner of Said Lot, Except Part in Plan VIP69791 (690 Hoffman Avenue); and That Part of Lot 7, Section 72, Esquimalt District, Plan 5920, Lying to the West of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending from a Point on the Southerly Boundary of Said Lot Distant 76 Feet from the South Easterly Corner of Said Lot Except Part in VIP69791 (2745 Millstream Road).
- (4) Despite any other regulation in this Section, a **building** or **structure** may be located within 2 m (6.6 ft), but not within 0.3 m (1 ft) of any **exterior side lot line** of the property legally described as Lot A, Section 72, Esquimalt District, Plan 8099, Except that Part in Plan VIP69759 (2705

Millstream Road); Lot 4, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2717 Millstream Road); Lot 5, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2725 Millstream Road); Lot 6, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2737 Millstream Road); Lot 14, Section 72, Esquimalt District, Plan 6981 (2748 Winster Road); Lot B, Section 72, Esquimalt District, Plan 8099 (685 Wagar Avenue); That Part of Lot 7, Section 72, Esquimalt District, Plan 5920, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Southerly Boundary of Said Lot Distant 76 Feet From the South Easterly Corner of Said Lot, Except Part in Plan VIP69791 (690 Hoffman Avenue); and That Part of Lot 7, Section 72, Esquimalt District, Plan 5920, Lying to the West of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending from a Point on the Southerly Boundary of Said Lot Distant 76 Feet from the South Easterly Corner of Said Lot Except Part in VIP69791 (2745 Millstream Road).

- (5) Despite any other regulation in this Section, a **building or structure** may be located within 7.5 m (24.6 ft), but not within 3 m (9.8 ft) of any **rear lot line** of the property legally described as Lot A, Section 72, Esquimalt District, Plan 8099, Except that Part in Plan VIP69759 (2705 Millstream Road); Lot 4, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2717 Millstream Road); Lot 5, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2725 Millstream Road); Lot 6, Section 72, Esquimalt District, Plan 5920, Except that Part in Plan VIP69759 (2737 Millstream Road); Lot 14, Section 72, Esquimalt District, Plan 6981 (2748 Winster Road); Lot B, Section 72, Esquimalt District, Plan 8099 (685 Wagar Avenue); That Part of Lot 7, Section 72, Esquimalt District, Plan 5920, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Southerly Boundary of Said Lot Distant 76 Feet From the South Easterly Corner of Said Lot, Except Part in Plan VIP69791 (690 Hoffman Avenue); and That Part of Lot 7, Section 72, Esquimalt District, Plan 5920, Lying to the West of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending from a Point on the Southerly Boundary of Said Lot Distant 76 Feet from the South Easterly Corner of Said Lot Except Part in VIP69791 (2745 Millstream Road).

6.44.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following requirements apply to landscape screening in the C8 Zone:

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence together with decorative planting of not less than 1.8 m (5.9 ft) in **height** must be provided along all **lot lines** separating the **lot** from any **Residential or Multiple Residential Zone**, except in the case of an **interior side lot line** separating the **lot** from an area designated as Pedestrian Commercial in the Official Community Plan.
- (2) Despite Article (1) where the **lot abuts a highway with residential uses** across the street a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the **front lot line** if parking is placed in front of the **building**.

6.44.09 Parking

In addition to the regulations contained in Part 4 of this Bylaw, all parking and loading facilities must be located to the rear of the **building** accommodating the **principal use**, or underground.

Section 6.44A – Community Town Centre Pedestrian A (C8A) Zone

(Replaced by Bylaw No. 1662)

The intent of this Zone is to provide for all types of retail and general business Uses customarily associated with the central business districts of urban areas in an environment oriented to pedestrian needs.

6.44A.01 Permitted Uses

The following **uses** and no others are permitted in the C8A Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Accessory buildings** and uses;
- (3) **Animal Hospital** in an enclosed building;
- (4) **Apartment**;
- (5) **Appliance repair**;
- (6) **Auction room**;
- (7) **Automobile** glass repair, on land legally described as Strata Lot 1, Section 72, Esquimalt District, Strata Plan VIS5806 Together with an interest in the common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID No. 026-326-752 (721 Station Avenue);
- (8) **Bakery**;
- (9) **Business college and trade school**;
- (10) **Catering**;
- (11) **Charitable facility**;
- (12) **Community garden**;
- (13) **Cultural facility**;
- (14) **Equipment and appliance repair, minor**;
- (15) **Film production studio**;
- (16) **Financial institution**;
- (17) **Fitness centre**;
- (18) **Funeral parlour**;
- (19) **Group daycare**, subject to Subsection 3.26.02;
- (20) **Home occupation**, subject to Section 3.09;
- (21) **Hotel**;
- (22) **Library**;

- (23) **Licensed premises;**
- (24) **Liquor store;**
- (25) **Medical Clinics** and accessory related commercial uses;
- (26) **Office;**
- (27) **Parking Facility;**
- (28) **Personal service establishment;**
- (29) **Preschool;**
- (30) **Printing, publishing and bookbinding;**
- (31) **Restaurant;**
- (32) **School**, not exceeding 200 m² (2,152.8 ft²) of **gross floor area**, and not in conjunction with any **residential use**;
- (33) **Retail store;**
- (34) **Shopping centre;**
- (35) **Training and education facility;**
- (36) **Uses accessory** to a **principal use** permitted in this **Zone**;
- (37) **Uses** permitted by Section 3.01 of this Bylaw;
- (38) **Veterinary practice**; and
- (39) The retail sale of parts and accessories for automobiles, trucks, boats, camper vehicles, farm machinery and manufactured homes.

6.44A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision, except that **lots abutting** Goldstream Avenue, between Jacklin and Millstream Streets, must be no less than 4,000 m² (1 ac) in **lot area**.
- (2) No **lot** having a **lot width** less than 15.2 m (49.9 ft) may be created by subdivision.
- (3) No **lot** having a **lot depth** less than 34 m (111.6 ft) may be created by subdivision.

6.44A.03 Regulations for Use

- (1) **Unenclosed storage** is not permitted.
- (2) Outdoor seating areas and the outdoor display of goods for retail sale are permitted as **accessory uses**.
- (3) All **accessory uses** must be located to the rear of the **building** accommodating the **principal use**. in no case may they exceed a **height** of 4 m (13.1 ft) or cover a total of more than 10% of the **lot area**.

6.44A.04 Density of Development

- (1) Except as provided in Articles (2), (3), (4), (5), and (6), the **floor area ratio** may not exceed 1.0.
- (2) The **floor area ratio** may be increased by 0.25 if the owner provides 50% of the parking spaces required by this Bylaw in an underground parking structure, and by an additional 0.02 to a maximum of 1.5 for every additional 5% of the parking spaces so provided.
- (3) The **floor area ratio** may be increased by an additional 0.10 if the owner provides residential **dwelling units** on the third storey and an additional 0.15 if residential **dwelling units** are also provided on the fourth storey.
- (4) The **floor area ratio** may be increased by up to 0.25 if the owner provides on-site community amenities. This increase must be provided according to the following:
 - (a) 0.10 for provision of a community amenity building area of more than 65 m² (699.7 ft²) of **gross floor area** located on the ground floor or more than 100 m² (1,076.4 ft²) located on the second storey. The use of these areas shall be limited by the registration of a covenant on the title of the property.
 - (b) Up to 0.15 for the provision and maintenance of urban plazas which are exclusively devoted to public use at a rate of a 0.01 increase in **floor area ratio** for each 2% of the **gross floor area** of the ground floor of every **building** on the **lot** that is developed as urban plaza. For example development of an urban plaza of 300 m² (3,229.2 ft²) or 30% of a 1,000 m² (10,763.9 ft²) **building** would result in an increase in **floor area ratio** of 0.15.
- (5) Despite Article 6.44.04(1), on land whose legal description is set out in Table 1 of Schedule "AD", the maximum **floor area ratio** is 2.5, if the owner of the land proposed to be developed:
 - (a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule "AD", prior to the issuance of a Building Permit; and
 - (b) Provides to the City the amenity specified in Column 4 of Table 1 of Schedule "AD", prior to the issuance of an occupancy permit.
- (6) Notwithstanding Subsection 6.44A.04(1), the floor area ratio may be increased to 5.0, on the land legally described as Strata Lot 1, Section 72, Esquimalt District, Strata Plan VIS5806 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID No. 026-326-752 (721 Station Avenue), if the owner provides:
 - (a) A minimum of 75% of the parking spaces required by this Bylaw in an underground parking structure;
 - (b) The amenity contributions set out in Table 1 of Schedule AD, prior to the issuance of a Building Permit for development with a Maximum floor area over 1.0; and
 - (c) Residential dwelling units on any storey above the ground floor.

6.44A.05 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 90%.
- (2) **Lot coverage** of all **buildings** and **structures** may not be less than 40%.

6.44A.06 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may exceed a **height** of six storeys.
- (2) On land legally described as Strata Lot 1, Section 72, Esquimalt District, Strata Plan VIS5806 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID No. 026-326-752 (721 Station Avenue), the maximum height of buildings and structures shall be governed by the provisions of Subsection 6.44A.04(6) and not 6.44A.06(1).

6.44A.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 2 m (6.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts** an area designated Residential or Multiple Residential in the Official Community Plan; or
- (3) Within 2 m (6.6 ft) of any **exterior side lot line**; or
- (4) Within 7.5 m (24.6 ft) of any **rear lot line**.

6.44A.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the C8A Zone.

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence together with decorative planting of not less than 1.8 m (5.9 ft) in **height** must be provided along all **lot lines** separating the **lot** from any **Residential** or **Multiple Residential Zone**.
- (2) Despite Article (1) where the **lot abuts a highway** with **residential uses** across the street a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the **front lot line** if parking is placed in front of the **building**.
- (3) Despite Article (1), the **landscape and screening area** may be reduced to zero along **interior side lot lines**, where the **interior side lot line abuts** an area designated as Pedestrian Commercial in the Official Community Plan.

6.44A.09 Parking

In addition to the regulations contained in Part 4 of this Bylaw the following requirements apply to parking and loading in the C8A Zone.

- (1) All parking and loading facilities must be located to the rear of the **building** accommodating the **principal use** or underground.
- (2) Parking is prohibited on the ground level of any **building**.

Section 6.44B – Community Town Centre Pedestrian 9 (C9) Zone

(Replaced by Bylaw No. 1662)

The intent of this Zone is to provide for all types of retail and general business uses customarily associated with the central business districts of urban areas in an environment oriented to pedestrians needs, and to exclude commercial and other uses, other than parking facilities, which do not make intensive use of site, which create breaks in business frontage, which constitute a nuisance, or which are in anyway incompatible with the intensive development of a retail and general business area.

6.44B.01 Permitted Uses

The following **uses** and no others are permitted in the Community Town Centre Pedestrian 9 (C9) Zone:

- (1) **Accessory buildings and uses;**
- (2) **Apartments;**
- (3) *(Deleted by Bylaw No. 1920)*
- (4) Film production studios;
- (5) Financial institutions;
- (6) Food catering facilities;
- (7) Group day care in accordance with Section 3.26.02;
- (8) Health clubs;
- (9) Home occupation in accordance with Section 3.09;
- (10) Hotels;
- (11) Library;
- (12) **Medical Clinics** and accessory related commercial uses;
- (13) Minor repair shops (excluding petroleum-powered engines);
- (14) Offices;
- (15) Personal service establishments;
- (16) Premises licensed pursuant to the Liquor Control and Licensing Act;
- (17) Preschool;
- (18) Public assembly and entertainment uses;
- (19) Restaurants, bakeries, and cafes, explicitly excluding drive-in and drive-thru restaurants;
- (20) Schools, not exceeding 200 m² (2,105 ft²) of gross floor area, and not in conjunction with any other residential use;
- (21) Retail stores;
- (22) Shopping centres;
- (23) Temporary construction and real estate marketing offices;
- (24) Theatres, excluding drive-ins;
- (25) Universities and schools;

- (26) Veterinary practices;
- (27) dog and cat grooming;
- (28) churches and places of worship;
- (29) Assisted living;
- (30) Hospice; and
- (31) Uses permitted by Section 3.01 of this Bylaw.

6.44B.02 Subdivision Lot Requirements

- (1) No lot having an area less than 695 m² (7,480 ft²) may be created by subdivision in the Community Town Centre Pedestrian 9 (C9) Zone,
- (2) No lot may be created having a lot width less than 15.2 m (50 ft).
- (3) No lot may be created having a lot depth less than 34 m (112 ft).

6.44B.03 Regulations for Use

- (1) All principal uses must be oriented to pedestrian needs and be so located and designed as to avoid vehicular interference with pedestrian movement.
- (2) The storage and display of all good and products must be completely enclosed within a building, except for outside seating and the display of goods for sale at retail.
- (3) All accessory uses must be located to the rear of the building accommodating the principal use. in no case may they exceed a height of 4 m (13 ft) or cover a total of more than 10% of the lot area.

6.44B.04 Density of Development

- (1) Except as provided in article (2) the floor area ratio may not exceed 0.5
- (2) Notwithstanding section 6.44B.04(1), on land whose legal description is set out in Table 1 of Schedule AD, the floor area ratio may be increased to a maximum floor area ratio of 6.0, if the owner of the land proposed to be developed:
 - a) Pays to the City the amount specified in Column 4 of the Table 1 of Schedule AD, prior to the issuance of a building permit; and

6.44B.05 Lot Coverage

- (1) Lot coverage of all buildings and structures may not exceed 90%;
- (2) Lot coverage of all buildings and structures may not be less than 40%.

6.44B.06 Height

- (1) No **building** or **structure** on the property legally described as Lot A, Section 83, Esquimalt District, Plan VIP56369, PID No. 018-233-376 (2615 Sooke Road) may exceed a **height** of six storeys. (*Bylaw No. 2045*)

6.44B.07 Setbacks

- (1) No building or structure may be located;
 - a) Within 2 m (6.5 ft) of any front lot line; or
 - b) Within 2 m (6.5 ft) of any interior side lot line where the interior side lot adjoins an area designated Residential or Multiple Residential in the Official Community Plan; or
 - c) Within 2 m (6.5 ft) of an exterior side lot line; or
 - d) Within 2 m (6.5 ft) of any rear lot line; or
- (2) In addition to the other articles in this subsection the building, parking and landscaping must be designed and sited in accordance with an approved development permit.

6.44B.08 Landscape Screening

- (1) In addition to the regulations contained in Section 3.21 of this Bylaw the following regulations must apply to landscape screening in the Community Town Centre Pedestrian 9 (C9) Zone.
- (2) A landscape and screening are not less than 1 m (3 ft) in width containing a decorative fence together with decorative planting of not less than 1.8 m (6 ft) in height will be provided along lot lines separating the lot from any Residential or Multiple Residential Zone.
- (3) Despite Article (2) where the lot abuts a highway with residential across the street a 1.8 m (6 ft) high landscaping screen or solid decorative fence will be provided along the lot line if parking is placed in front of the building.
- (4) Notwithstanding Article (2), the landscaping and screening area may be reduced to zero along interior side lot lines, where the interior side lot line adjoins an area designated as Pedestrian Commercial in the Official Community Plan.

6.44B.09 Parking

- (1) In addition to the regulations contained in Part 4 of this Bylaw the following regulations apply to parking and loading in the Community Town Centre Pedestrian 9 (C9) Zone.
- (2) All parking and loading facilities must be located to the rear of the building accommodating the principal use or underground.
- (3) Other than access to an underground parking structure, parking is prohibited on the ground level of any building.

6.44B.10 General

The relevant regulations of Part 3 of this Bylaw must apply.

Section 6.45 – Service Commercial (CS1) Zone

(Replaced by Bylaw No. 1662)

The intent of the CS1 Zone is to accommodate a wide range of goods and service based commercial areas to address the needs and requirements of the city.

6.45.01 Permitted Uses

The following **uses** and no others are permitted in the CS1 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Accessory unenclosed storage**, subject to Section 3.13;
- (3) **Animal hospital**, in enclosed **buildings**;
- (4) **Auction**;
- (5) **Automobile body and paint shop**;
- (6) **Automobile parts and accessories sale, installation and repair**;
- (7) **Automobile rental and sale facility, major**;
- (8) **Automobile rental and sale facility, minor**;
- (9) **Automobile towing and storage facility**;
- (10) **Building and lumber supply store**;
- (11) **Business support service**;
- (12) **Car wash**;
- (13) **Catering**;
- (14) **Commercial nursery and greenhouse**;
- (15) **Community garden**;
- (16) **Contractor service**;
- (17) **Drive-through facility**;
- (18) **Equipment sales, service, repair and rental, major**;
- (19) **Equipment sales, service, repair and rental, minor**;
- (20) **Film production studio**;
- (21) **Fitness centre**;
- (22) **Garden centre and feed supply store**;
- (23) **Gasoline service station**;

- (24) **Household equipment and appliance service and repair;**
- (25) **Medical Clinics** and accessory related commercial uses;
- (26) **Office;**
- (27) One **caretaker dwelling unit**, in conjunction with and in addition to any of the other **principal uses** permitted in this Zone;
- (28) **Parking facility;**
- (29) **Personal service establishment;**
- (30) **Pet daycare;**
- (31) **Recreation facility, indoor;**
- (32) **Recycling facility;**
- (33) **Restaurant;**
- (34) **Restaurant, drive-through;**
- (35) **Retail store**, not exceeding 200 m² (2,152.8 ft²) in **gross floor area**;
- (36) **School**, not exceeding 280 m² (3,013.9 ft²) of **gross floor area**;
- (37) **Transportation terminal;**
- (38) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (39) **Uses** permitted by Section 3.01 of this Bylaw.

6.45.02 Further Use Regulations

Despite Subsection 6.45.01, the following **uses** are not permitted on those lands shown outlined in heavy black line on the map attached to this Bylaw as Schedule "J":

- (1) **Building and lumber supply store;**
- (2) **Contractor service;**
- (3) **Recycling facility;** and
- (4) **Transportation terminal.**

6.45.03 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 16 m (52.5 ft) may be created by subdivision.

6.45.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%.
- (2) **Lot coverage** of all **buildings** and **structures** located in the shaded area shown on Schedule "AE" may not exceed 75%.

6.45.05 Density of Development

- (1) The maximum **floor area ratio** is 1.0.
- (2) The maximum **floor area ratio** is 1.5 on a **lot** located in the shaded area shown on Schedule "AE".

6.45.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.45.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line** or **exterior side lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts** an **Agricultural Zone, Residential Zone, Rural Residential Zone, Multiple Residential Zone** or **Institutional Zone**; or
- (3) Within 3 m (9.8 ft) of any **rear lot line**, except that no **building** or **structure** may be located within 6 m (19.7 ft) of any **rear lot line abutting** an **Agricultural Zone, Residential Zone, Rural Residential Zone, Multiple Residential Zone** or **Institutional Zone**.

6.45.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the CS1 Zone:

- (1) A continuous **landscape and screening area** not less than 3 m (9.8 ft) wide must be provided along the developed portion of each side of the **lot** which **abuts a highway**. This landscaping may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building**.
- (2) Except in those portions where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **lot lines** separating the developed portion of the **lot** from any **Residential Zone** or **Multiple Residential Zone** or **Institutional Zone** whether such property be separated by a **highway** or not.

Section 6.46 – Commercial Industrial (CS3) Zone

(Replaced by Bylaw No. 1662)

The intent of the CS3 Zone is to accommodate the development of industry.

6.46.01 Permitted Uses

The following **uses** and no others are permitted in the CS3 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Accessory unenclosed storage**, subject to Section 3.13;
- (3) **Animal hospital**, in enclosed **buildings**;
- (4) **Auction**;
- (5) **Automobile body and paint shop**;
- (6) **Automobile rental and sale facility, major**;
- (7) **Automobile rental and sale facility, minor**;
- (8) **Automobile repair and service facility, minor**;
- (9) **Automobile towing and storage facility**;
- (10) **Building and lumber supply store**;
- (11) **Business support service**;
- (12) **Car wash**;
- (13) **Carpentry shop**;
- (14) **Commercial nursery and greenhouse**;
- (15) **Community garden**;
- (16) **Contractor service**;
- (17) **Drive through facility** -;
- (18) **Dwelling unit**, limited to a maximum of one, in conjunction with any of the other **uses** permitted in this **Zone**;
- (19) **Equipment sales, service, repair and rental, minor**;
- (20) **Film production studio**;
- (21) **Gasoline service station**;

- (22) **Household equipment and appliance service and repair;**
- (23) Machine shop, with not more than 100 m² (1,076.4 ft²) of **gross floor area;**
- (24) **Parking facility;**
- (25) **Personal service establishment;**
- (26) **Pet daycare;**
- (27) **Recycling depot;**
- (28) **Recycling facility,** subject to Section 3.14;
- (29) **Restaurant ;**
- (30) **Restaurant, drive-through;**
- (31) **Retail store,** not exceeding 200 m² (2,152.8 ft²) in **gross floor area;**
- (32) **Transportation terminal;**
- (33) **Uses accessory** to a **principal use** permitted in this **Zone;**
- (34) **Uses** permitted by Section 3.01 of this Bylaw;
- (35) **Warehouse,** having not more than 900 m² (0.2 ac) of **gross floor area;** and
- (36) Welding shop.

6.46.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 16 m (52.5 ft) may be created by subdivision.

6.46.03 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%.
- (2) **Lot coverage** of all **buildings** and **structures** located in the shaded area shown on Schedule “AE” may not exceed 75%.

6.46.04 Density of Development

- (1) The maximum **floor area ratio** is 1.0.
- (2) The maximum **floor area ratio** is 1.5 on a **lot** located in the shaded area shown on Schedule “AE”.

6.46.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.46.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line** or **exterior side lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts** an **Agricultural Zone, Residential Zone, Rural Residential Zone, Multiple Residential Zone** or **Institutional Zone**; or
- (3) Within 3 m (9.8 ft) of any **rear lot line** except that no **building** or **structure** may be located within 6 m (19.7 ft) of any **rear lot line abutting** an **Agricultural Zone, Residential Zone, Rural Residential Zone** or **Institutional Zone**.

6.46.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the CS3 Zone:

- (1) A continuous **landscape and screening area** not less than 3 m (9.8 ft) wide must be provided along the developed portion of each side of the **lot** which **abuts a highway**. This **landscape and screening area** may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building**; and
- (2) Except in those portions where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **lot lines** separating the developed portion of the **lot** from any **Residential Zone, Multiple Residential Zone** or **Institutional Zone** whether such property be separated by a **highway** or not.

Section 6.47 – Tourist Commercial – Motel (CT1) Zone

(Replaced by Bylaw No. 1662)

The intent of the CT1 Zone is to support the accommodation needs of out of town interests.

6.47.01 Permitted Uses

The following **uses** and no others are permitted in the CT1 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Campground**;
- (3) **Community garden**;
- (4) **Film production studio**;
- (5) **Hotel**;
- (6) **Golf course, miniature**;
- (7) One **one-family dwelling**, in conjunction with and in addition to any of the other **uses** permitted in this **Zone**;
- (8) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (9) **Uses** permitted by Section 3.01 of this Bylaw.

6.47.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 1,800 m² (0.4 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 18 m (59.1 ft) may be created by subdivision.

6.47.03 Regulations for Use for a Campground Use

No **campground** space may be occupied for a total of six months or more in any 12-month period by the same occupant, tent, trailer or **recreational vehicle**.

6.47.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%.
- (2) The **floor area ratio** of all **buildings** and **structures** on the **lot** may not exceed 0.5.

6.47.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.47.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 10 m (32.8 ft) of any **rear lot line**.

6.47.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, except in those portions of a **lot** where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **lot lines** separating the developed portion of the **lot** from any **Residential Zone**, **Multiple Residential Zone** or **Institutional Zone** whether such property be separated by a **highway** or not.

Section 6.48 – Tourist Commercial – Campground (CT2) Zone

(Replaced by Bylaw No. 1662)

The intent of the CT2 Zone is to provide accommodation through limited development.

6.48.01 Permitted Uses

The following **uses** and no others are permitted in the CT2 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Campground**;
- (3) **Community garden**;
- (4) **Film production studio**;
- (5) **Golf course**;
- (6) **Golf course, miniature**;
- (7) **Golf driving range**;
- (8) One **one-family dwelling**, in conjunction with and in addition to any of the other **uses** permitted in this **Zone**;
- (9) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (10) **Uses** permitted by Section 3.01 of this Bylaw.

6.48.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 4 ha (9.9 ac) may be created by subdivision.

6.48.03 Regulations for Use for a Campground Use

No campground space may be occupied for a total of six months or more in any 12-month period by the same occupant, tent, trailer or **recreational vehicle**.

6.48.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 40%.

6.48.05 Density of Development

The **floor area ratio** may not exceed 0.4.

6.48.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.48.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 10 m (32.8 ft) of any **rear lot line**.

6.48.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, except in those portions of a **lot** where a **building abuts** a **lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **lot lines** separating the developed portion of the **lot** from any **Residential Zone, Multiple Residential Zone, or Institutional Zone** whether such property be separated by a **highway** or not.

Section 6.49 – Commercial Recreation (CR1) Zone

(Replaced by Bylaw No. 1662)

The intent of the CR1 Zone is to provide zoning for the entertainment and recreation related services through the consumption, acquisition and or participation of goods and services.

6.49.01 Permitted Uses

The following **uses** and no others are permitted in the CR1 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Campground**;
- (3) **Community garden**;
- (4) **Film production studio**;
- (5) **Grandstand**;
- (6) **Group daycare**, on the property legally described as Lot A, Sections 2 and 3, Range 3 West, Highland District, Plan VIP53467 (2207 Millstream Road) and subject to Section 3.26.02;
- (7) One **one-family dwelling**, or one **two-family dwelling** in conjunction with and in addition to any of the other **uses** permitted in this **Zone**;
- (8) **Place of worship**, on the property legally described as Lot A, Sections 2 and 3, Range 3 West, Highland District, Plan VIP53467 (2207 Millstream Road);
- (9) **Recreation facility, indoor**;
- (10) **Recreation Facility, outdoor**;
- (11) **Restaurant**;
- (12) **Restaurant, drive-through**;
- (13) **Theatre, drive-in**;
- (14) **Uses accessory to a principal use** permitted in this **Zone**; and
- (15) **Uses** permitted by Section 3.01 of this Bylaw.

6.49.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 2 ha (4.9 ac) may be created by subdivision.

6.49.03 Regulations for Use for a Campground Use

No campground space may be occupied for a total of six months or more in any 12-month period by the same occupant, tent, trailer or **recreational vehicle**.

6.49.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 40%.

6.49.05 Density of Development

The **floor area ratio** may not exceed 0.4.

6.49.06 Height and Size of Principal Use Buildings

No **building** or **structure**, other than a projection screen in a **drive-in theatre**, may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.49.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 7.5 m (24.6 ft) of any **rear lot line**.

6.49.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, except in those portions where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **lot lines** separating the developed portion of the **lot** from any **Residential Zone**, **Multiple Residential Zone** or **Institutional Zone** whether such property be separated by a **highway** or not.

Section 6.50 – Marina Commercial (CR2) Zone

(Replaced by Bylaw No. 1662)

The intent of the CR2 Zone is to provide marine specific guidelines for development and that incorporates land and marine based values.

6.50.01 Permitted Uses

The following **uses** and no others are permitted in the CR2 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, one-family or two-family dwelling**, limited to a maximum of one, in conjunction with any of the other **uses** permitted in this **Zone**;
- (4) **Film production studio**;
- (5) **Marina**;
- (6) **Marine sales, service, repair and rental facility**;
- (7) **Restaurant**;
- (8) **Restaurant, drive-through**;
- (9) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (10) **Uses** permitted by Section 3.01 of this Bylaw.

6.50.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 4 ha (9.9 ac) may be created by subdivision.

6.50.03 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 40%.

6.50.04 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 12 m (39.4 ft) or three storeys.

6.50.05 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line**; or

- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 7.5 m (24.6 ft) of any **rear lot line**.

6.50.06 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, except in those portions of a **lot** where a **building abuts a lot line**, screen planting at least 1.8 m (5.9 ft) high in a strip at least 1.5 m (4.9 ft) wide, or a solid decorative fence at least 1.8 m (5.9 ft) high must be provided along all **lot lines** separating the developed portion of the **lot** from any **Residential Zone, Multiple Residential Zone** or **Institutional Zone** whether such property be separated by a **highway** or not.

Section 6.51 – Mixed Use Residential Commercial (MU1) Zone

(Replaced by Bylaw No. 1662)

The intent of the MU1 Zone is to provide a mix of residential and commercial uses to create a vibrant transition between the Core Downtown Commercial Area and other nearby uses.

6.51.01 Permitted Uses

The following **uses** and no others are permitted in the MU1 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Business support service**;
- (4) **Community garden**;
- (5) **Financial institution**, located on the ground floor only;
- (6) **Group daycare** , subject to Subsection 3.26.02;
- (7) **Home office** , subject to Section 3.09;
- (8) **Medical Clinics** and accessory related commercial uses;
- (9) **Office**, located on the ground floor only;
- (10) **Personal service establishment**, located on the ground floor only;
- (11) **Preschool**;
- (12) **Restaurant**, located on the ground floor only;
- (13) **Retail store**, located on the ground floor only;
- (14) **School**, not exceeding 200 m² (2,152.8 ft²) of **gross floor area**, and not in conjunction with any **residential use**;
- (15) **Uses accessory to a principal use** permitted in this **Zone**; and
- (16) **Uses** permitted by Section 3.01 of this Bylaw.

6.51.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 700 m² (7,534.7 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 15 m (49.2 ft) may be created by subdivision.

6.51.03 Regulations for Use

- (1) **Unenclosed storage** is not permitted.
- (2) Outdoor seating areas are permitted as an **accessory use**.
- (3) Above-ground **dwelling units** in a **building** with a mix of **residential uses** and non-residential **uses** must be provided with a separate entrance from the ground level, except where the **building** consists of all **residential uses**.

- (4) All **accessory uses** must be located to the rear of the **building** accommodating the **principal use**. in no case may **accessory buildings** exceed a **height** of 4 m (13.1 ft), and **accessory uses** and **buildings** shall not cover a total of more than 10% of the **lot area**.

6.51.04 Density of Development

- (1) Except as provided in Article (2), the maximum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 2.25 if the owner provides at least 50% of the parking spaces required by this Bylaw in an underground parking structure, and by an additional 0.02 to a maximum of 2.5 for every 5% of the parking spaces in excess of 50% so provided.

6.51.05 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 90%.
- (2) **Lot coverage** of all **buildings** and **structures** may not be less than 50%.
- (3) Despite Article (2), the **lot coverage** of all **buildings** and **structures** on a **lot** containing a **townhouse use** may not be less than 40%.

6.51.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of six storeys.

6.51.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 2 m (6.6 ft) of any **front lot line**; or
- (2) Within 2 m (6.6 ft) of any **exterior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **rear lot line**.

6.51.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the MU1 Zone.

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence of not less than 1.8 m (5.9 ft) in **height**, together with decorative planting, must be provided along all lot lines separating the lot from any **Residential** or **Multiple Residential Zone**.
- (2) Despite Article (1) where the **lot abuts a highway** with **residential uses** across the street a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the **front lot line** if parking is placed in front of the **building**.
- (3) Despite Article (1), the **landscape and screening area** is not required along **interior side lot lines**, where the **interior side lot line abuts** an area designated as Pedestrian Commercial in the Official Community Plan.

6.51.09 Parking

In addition to the regulations contained in Part 4 of this Bylaw, all parking and loading facilities must be located to the rear of the **building** accommodating the **principal use**, or underground.

Section 6.51A – Mixed Use Residential Commercial (MU1A) Zone

(Replaced by Bylaw No. 1662)

The intent of the MU1A Zone is to provide a mix of residential uses and commercial uses to create a vibrant transition between the Core Downtown Commercial Area and other nearby uses.

6.51A.01 Permitted Uses

The following **uses** and no others are permitted in the MU1A Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Business support service**, located on the ground floor only;
- (4) **Community garden**;
- (5) **Financial institution**, located on the ground floor only;
- (6) **Group daycare** , subject to Subsection 3.26.02;
- (7) **Home office** , subject to Section 3.09, and on land legally described as Lot A, Section 72, Esquimalt District, Plan 12506, Except Part in Plan 36622 (685 Fairway Avenue) which may include the following:
 - (a) **Artist or craftsperson studio**, excluding boat building and auto refurbishing;
 - (b) **Bed and breakfast** subject to Section 3.09 and limited to two rental rooms;
 - (c) **Business support service**;
 - (d) Carpentry shop;
 - (e) Dance school and/or recital area;
 - (f) **Equipment and appliance repair, minor**;
 - (g) **Group daycare**, subject to Subsection 3.26.02 and providing care to not more than seven children at a time;
 - (h) Educational tutoring;
 - (i) Garment making and the manufacture of small leather goods, but excluding the tanning or curing of leather;
 - (j) **Household equipment and appliance service and repair facility**;
 - (k) Jewelry manufacturing;
 - (l) Musical training and recording studios;
 - (m) **Office**;
 - (n) **Personal service establishment** ;
 - (o) Retail sale of goods manufactured within the **dwelling unit**;
- (8) **Medical Clinics** and accessory related commercials uses;
- (9) **Office**, located on the ground floor only;

- (10) **Personal service establishment**, located on the ground floor only;
- (11) **Preschool**;
- (12) **Restaurant**, located on the ground floor only;
- (13) **Retail store**, located on the ground floor only;
- (14) **School**, not exceeding 200 m² (2,152.8 ft²) of **gross floor area**, and not in conjunction with any **residential use**;
- (15) **Townhouse**;
- (16) **Uses accessory to a principal use** permitted in this **Zone**; and
- (17) **Uses** permitted by Section 3.01 of this Bylaw.

6.51A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 700 m² (7,534.7 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 15 m (49.2 ft) may be created by subdivision.
- (3) Despite Article (1), on lands legally described as Lot C, Section 5, Esquimalt District, Plan 28421, Except Part in Plan VIP62970 (972/974 Preston Way) no **lot** having a **lot area** less than 356.9 m² (3,841.6 ft²) may be created by subdivision.
- (4) Despite Article (2), on lands legally described as Lot C, Section 5, Esquimalt District, Plan 28421, Except Part in Plan VIP62970 (972/974 Preston Way) no **lot** having a **lot width** less than 8.1 m (26.6 ft) may be created by subdivision.

6.51A.03 Regulations for Use

- (1) **Unenclosed storage** is not permitted.
- (2) Outdoor seating areas and the outdoor display of goods for retail sale are permitted as **accessory uses**.
- (3) All Above-ground **dwelling units** in a **building** with a mix of **residential uses** and non-residential **uses** must be provided with a separate entrance at ground level, except where the **building** consists of all **residential uses**.
- (4) All **accessory uses** must be located to the rear of the **building** accommodating the **principal use**. in no case may they exceed a **height** of 4 m (13.1 ft) or cover a total of more than 10% of the **lot area**.
- (5) On the property legally described as Lot 2, Section 5, Esquimalt District, Plan 26285 (997 and 999 Goldstream Avenue), **group daycares** are permitted on any floor of a **structure** built before 2012.

6.51A.04 Density of Development

- (1) Except as provided in Article (2), not more than one **dwelling unit** per 550 m² (5,920.2 ft²) of **lot area** may be constructed on any **lot**, and the **floor area ratio** for all **uses** may not exceed 0.3.
- (2) Despite Article 6.51A.04(1), on land whose legal description is set out in Table 1 of Schedule "AD", the density of development shall be regulated by **floor area ratio** only and the maximum

floor area ratio is 2.0, if the owner of the land proposed to be developed pays to the City the amount specified in Column 4 of Table 1 of Schedule “AD” prior to the issuance of a Building Permit.

- (3) The floor area ratio may then be further increased to 2.25 if the owner provides 50% of the parking spaces required by this Bylaw in an enclosed parking structure, which can be further increased by increments of 0.25 for every additional 5% of parking spaces provided, to maximum FAR of 4.0.
- (4) For land legally described as Lot A, Section 72, Esquimalt District, Plan 12506, Except Part in Plan 36622 (685 Fairway Avenue), the owner of the land proposed to be developed must also pay to the City, at the time of Building Permit, \$500 per **dwelling unit** towards the General Amenity Reserve Fund in addition to any amounts required by Section 6.51A.04(2), to entitle the owner to density in excess of 0.3.
- (5) Despite Article 6.51A.04(1), on land legally described as Lot 2, Section 5, Esquimalt District, Plan 26285 (997 and 999 Goldstream Avenue), the density of development shall be one **group daycare**. Any change of density shall require a traffic study to the satisfaction of the City Engineer.
- (6) Despite Clause 6.51A.04(2)(a), the owner may provide a reduced amenity contribution from that specified in Table 1 of Schedule “AD” in accordance with Table 1 below where the owner enters into an agreement with the City prior to building permit issuance, under which agreement the owner agrees to achieve a minimum Level 1 Rating defined by the Green Development Checklist Policy.

Table 1 – Amenity Contribution Reductions (Bylaw No. 1412)

Overall Green Development Checklist Project Rating	% Reduction to the Required Contributions Specified in Table 1
Level 1	10%
Level 2	15%
Level 3	25%
Level 4	50%

6.51A.05 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 90%.
- (2) **Lot coverage** of all **buildings** and **structures** may not be less than 50%.
- (3) Despite Article (2), the **lot coverage** of all **buildings** and **structures** on a **lot** containing a **townhouse use** may not be less than 40%.
- (4) Despite Article (2), the **lot coverage** of all **buildings** and **structures** on properties legally described as Lots 1 and 2, Section 72, Esquimalt District, Plan 15185 (720 and 724 Meaford Avenue); Lot A, Section 72, Esquimalt District, Plan EPP61132 (732 Meaford Avenue); and Lot 3, District Lot 72, Esquimalt District, Plan 27017 (2844 Millstream Road) may not be less than 35%.
- (5) Despite Article (2), the **lot coverage** of all **buildings** and **structures** on the property legally described as Lot A, Section 72, Esquimalt District, Plan 44443 (731 Station Avenue) may be less than 50%.

- (6) Despite Article (2), the **lot coverage** of all **buildings** and **structures** shown shaded on Schedule AK may not be less than 25%.
- (7) Despite Article (2), the **lot coverage** of all **buildings** and **structures** on the properties legally described as Lot A, Sections 79 and 99, Esquimalt District, Plan 12587 (1067 Goldstream Avenue); That Part of Lot 1, Section 79, Esquimalt District, Plan 4284 Lying Northerly of a Boundary Parallel and Perpendicularly Distant 100 Feet from the Southerly Boundary of Said Lot; and That Part of Section 99, Esquimalt District Lying Southerly of the Island Highway and West of Plan 4284 (1077 Goldstream Avenue) may not be less than 29%

6.51A.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of seven (7) storeys.

6.51A.07 Setbacks

- (1) No **building** or **structure** may be located:
 - (a) Within 2 m (6.6 ft) of any **front lot line**; or
 - (b) Within 2 m (6.6 ft) of any **exterior side lot line**; or
 - (c) Within 7.5 m (24.6 ft) of any **rear lot line**.
- (2) Despite Article (1), on lands legally described as Lot C, Section 5, Esquimalt District, Plan 28421, Except Part in Plan VIP62970 (972/974 Preston Way) the minimum **setback** to the **rear lot line** is 6 m (19.7 ft) for Unit "A" and 3.7 m (12.1 ft) for Unit "B" as shown on the site plan attached to this Bylaw as Schedule "K".

6.51A.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the MU1A Zone:

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence of not less than 1.8 m (5.9 ft) in **height**, together with decorative planting, must be provided along all **lot lines** separating the **lot** from any **Residential** or **Multiple Residential Zone**.
- (2) Despite Article (1) where the **lot abuts** a **highway** with **residential uses** across the street a 1.8 m (5.9 ft) high landscaping screen or solid decorative fence must be provided along the **lot line** if parking is placed in front of the **building**.
- (3) Despite Article (1), the **landscape and screening area** is not required along **interior side lot lines**, where the **interior side lot line abuts** an area designated as Pedestrian Commercial in the Official Community Plan.

6.51A.09 Parking

In addition to the regulations contained in Part 4 of this Bylaw, all parking and loading facilities must be located to the rear of the **building** accommodating the **principal use**, or underground.

Section 6.52 – Tourist Commercial – Hotel (CT3) Zone

(Replaced by Bylaw No. 1662)

The intent of the CT3 Zone is to accommodate the expansion of accessory uses that may be associated with tourism oriented development.

6.52.01 Permitted Uses

The following **uses** and no others are permitted in the CT3 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Accessory uses**, limited to the following:
 - (a) **Charitable facility**;
 - (b) Conference and meeting facility;
 - (c) **Cultural facility**;
 - (d) **Fitness centre**;
 - (e) **Licensed premises**;
 - (f) **Parking facility**;
 - (g) **Personal service establishment**;
 - (h) **Restaurant**;
 - (i) **Retail store**, not exceeding a total **gross floor area** of 465 m² (5,005.2 ft²) within the entire CT3 Zone;
- (3) **Assisted living**;
- (4) **Community garden**;
- (5) **Hotel**;
- (6) **Residential hotel**;
- (7) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.52.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 8,000 m² (2 ac) may be created by subdivision.

6.52.03 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 50%.

6.52.04 Density of Development

The **floor area ratio** of a **building** for a **hotel use** or a **residential hotel use** may not exceed 2.0.

6.52.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of four storeys.

6.52.06 Setbacks

No **building** may be located:

- (1) Within 2 m (6.6 ft) of any **front lot line** or **exterior side lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line** where the **interior side lot line abuts** a Lot with a wholly **residential use**; or
- (3) Within 7.5 m (24.6 ft) of any **rear lot line**.

6.52.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following requirements apply to landscape screening in the CT3 Zone:

- (1) Parking areas shall be screened from any **abutting residential** or commercial **use** by a landscape screen not less than 3 m (9.8 ft) in width and 1.8 m (5.9 ft) in **height**, measured at the time of planting.
- (2) A continuous **landscape and screening area** not less than 1.5 m (4.9 ft) wide including a solid decorative fence of 1.8 m (5.9 ft) high shall be provided along all **lot lines** of a commercial or park **use** that **abut** a **residential use**.

Section 6.53 – Mixed-Use Employment 1 (MUE1) Zone

(Replaced by Bylaw No. 1662)

The intent of the MUE1 Zone is to provide an area for pedestrian oriented mixed-use residential and commercial activity.

6.53.01 Permitted Uses

- (1) The following **uses** and no others are permitted in Area A and Area B of the MUE1 Zone as shown shaded on the MUE1 Zone Map attached as Schedule “AJ”:

Restaurant, Retail and Other Service Commercial Uses

- (a) All of the **uses** permitted in the CS1 Zone;
- (b) **Financial institution;**
- (c) **Financial institution, drive-through;**
- (d) **Hotel;**
- (e) **Licensed premises;**
- (f) **Parking facility;**
- (g) **Restaurant**, limited to a maximum of 1,858 m² (19,999.3 ft²) of **gross floor area**;
- (h) **Retail store**, limited to a maximum of 1,858 m² (19,999.3 ft²) of **gross floor area**;

General Uses

- (9) **Accessory buildings and structures**, subject to Section 3.05;
- (10) **Health Services;**
- (11) **Transportation terminal;**
- (12) **Underground Vehicle storage;**
- (13) **Underground mini-storage;**
- (14) **Uses accessory to a principal use** permitted in this **Zone**;
- (15) **Uses** permitted by Section 3.01 of this Bylaw.

Business and Technology Uses

- (16) **Business support service;**
- (17) **Catering;**

- (18) **Electronics sale, service and manufacturing;**
- (19) **Equipment sale, service, repair and rental, minor**, relating directly to any other **principal use** permitted in this **Zone**;
- (20) **Film production studio;**
- (21) **Industrial use, light;**
- (22) **Medical Clinics** and accessory related commercials uses;
- (23) **Office;**
- (24) **Research and development facility;**

Educational, Cultural and Recreational Uses

- (25) **Charitable facility;**
- (26) **Community care facility;**
- (27) **Community garden;**
- (28) **Cultural facility;**
- (29) **Group daycare**, subject to with Subsection 3.26.02;
- (30) **Fitness centre;**
- (31) **Recreation facility, indoor;**
- (32) **Recreation facility, outdoor;**
- (33) **School;**
- (34) **Training and education facility;**

Accessory and Transition Residential Uses

- (35) **Dormitory;**
 - (36) **Dwelling, one-family**, built prior to July 1, 2014;
 - (37) One **caretaker dwelling unit**, in conjunction with and forming part of any other **principal use** permitted in this **Zone**;
 - (38) Temporary housing for construction workers, subject to Section 3.06;
- (2) In addition to those uses permitted in accordance with Article 6.53.01(1), the following uses are permitted in Area B of the MUE1 Zone as shown shaded on the MUE1 Zone Map attached as Schedule "AJ":

Residential Uses

- (a) **Apartment;**
- (b) **Assisted living;**
- (c) **Townhouse.**

6.53.02 Setbacks

No **building** or **structure** may be located:

- (1) Within 2 m (6.6 ft) of any **lot line** that **abuts a highway**, except where the **building** is flanked by a sidewalk with a width of at least 2 m (6.6 ft) in which case no **setback** is required from that **lot line**; or
- (2) Within 6 m (19.7 ft) of any **lot line** that **abuts a lot** in a **Residential** or **Multiple Residential Zone**.

6.53.03 Density of Development

- (1) No **building** or **structure** may be constructed on any parcel of land that does not have access to a **highway**, and where a parcel of land has access to a **highway** there may not be more than three residential **dwelling units** or more than 150 m² (1,614.6 ft²) of non-residential **gross floor area** in the MUE1 Zone.
- (2) Despite Subsection 6.53.03(1), there may be more than three residential **dwelling units** and more than 150 m² (1,615 ft²) of non-residential gross floor area in the Mixed-Use Employment 1 (MUE1) Zone, but not more than 92,900 m² (999,967.2 ft²) of **gross floor area** in Area A and not more than 204,386 m² (2,200,000 ft²) of gross floor area in Area B if the owner of the land proposed to be built upon has:
 - (a) Consolidated the lands that are within the MUE1 Zone;
 - (b) Entered into an agreement with the City of Langford, to the satisfaction of Council, to provide to the City;
 - (i) \$1,000,000 towards the City's General Amenity reserve fund; OR
 - (ii) An alternate amenity with a demonstrable value equivalent to \$1,000,000; OR
 - (iii) A transfer of 15% of the lands located within MUE1 Zone to the City of Langford; OR
 - (iv) Some equivalent combination of (i) and/or (ii) and/or (iii);

AND

- (c) Provided a traffic impact study that analyzes the impact of the proposed development on the surrounding road network, and has entered into an agreement with the City of Langford with regards to required road dedication and off-site traffic improvements

recommended by the traffic impact study, to the satisfaction of the Director of Engineering.

- (3) Despite subsections 6.53.03(1) and (2), there may be more than 92,900 m² (1,000,000 ft²) of gross floor area in Area A and more than 204,386 m² (2,200,000 ft²) of gross floor area in Area B, if the owner of the land proposed to be built upon has provided an additional traffic impact study that analyzes the impact of development beyond this level on the surrounding road network, and has entered into an agreement with the City of Langford with regards to required road dedication and off-site traffic improvements recommended by the traffic impact study, all to the satisfaction of the Director of Engineering.
- (4) ***(Deleted by Bylaw No. 2028)***
- (5) Under no circumstances may the density of development within the MUE1 Zone exceed a **floor area ratio** of 2.5.
- (6) A maximum of 200 units of Assisted Living are permitted in area A.

6.53.04 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw the following requirements apply to landscape screening in the MUE1 Zone:

- (1) A continuous **landscape and screening area** not less than 2 m (6.6 ft) wide shall be provided along the developed portion of each **lot** which **abuts a highway**. The landscaping shall have a height of not less than 1.5 m (4.9 ft) and may include a decorative fence.
- (2) A continuous **landscape and screening area** not less than 2.5 m (8.2 ft) wide containing a decorative fence not less than 1.8 m (5.9 ft) in **height** together with decorative planting must be provided along the developed portion of each **lot** which **abuts** a property in a **Residential** or **Multiple Residential Zone**, except where the boundary between the two lots is separated by a **highway**. This **landscape and screening area** may be interrupted at boulevard crossings, or to provide necessary pedestrian access to a **building** or for viewing shop windows.

Section 6.53B – Mixed-Use Employment 2 (MUE2) Zone

(Replaced by Bylaw No. 1662)

The intent of the MUE2 Zone is to provide zoning for a pedestrian oriente residential and commercial area that transitions from surrounding areas.

6.53B.01 Permitted Uses

The following **uses** and no others are permitted in the MUE2 Zone:

Restaurant, Retail and Other Service Commercial Uses

- (1) **Financial institution;**
- (2) **Gasoline Service Station**
- (3) **Hotel;**
- (4) **Licensed premises;**
- (5) **Parking facility**, excluding vehicle storage;
- (6) **Restaurant**, limited to a maximum of 1,858 m² (19,999.4 ft²) of **gross floor area**;
- (7) **Retail store**, limited to a maximum of 5,574 m² (59,998 ft²) of **gross floor area**;

General Uses

- (8) **Accessory buildings and structures**, subject to Section 3.05;
- (9) **Transportation terminal**;
- (10) **Uses accessory** to a **principal use** permitted in this **Zone**;
- (11) **Uses** permitted by Section 3.01 of this Bylaw;

Business and Technology Uses

- (12) **Business support service**;
- (13) **Catering**;
- (14) **Electronics sale, service and manufacturing**;
- (15) **Equipment sale, service, repair and rental, minor**, relating directly to any other **principal use** permitted in this **Zone**
- (16) **Film production studio**;

- (17) **Medical Clinics** and accessory related commercials uses;
- (18) **Office;**
- (19) **Research and development facility**, in enclosed **buildings;**

Educational, Cultural and Recreational Uses

- (20) **Charitable facility;**
- (21) **Community care facility;**
- (22) **Community garden;**
- (23) **Cultural facility;**
- (24) **Group daycare**, subject to with Subsection 3.26.02;
- (25) **Fitness centre;**
- (26) **Recreation facility, indoor;**
- (27) **Recreation facility, outdoor;**
- (28) **School;**
- (29) **Training and education facility;**

Further Commercial Uses (*Bylaw No. 1961*)

On property legally described as Lot C, Section 112, Esquimalt District, Plan EPP88774 (830 McCallum Road) the following uses are also permitted:

- (30) **Contractor servicers;**
- (31) **Industrial use, light;**
- (32) **Special wholesale;**
- (33) **Warehouse;**

On property legally described as Lot G and Lot H, Sections 112 and 112A, Esquimalt Distrtrict, Plan EPP88774 (2371 City7 Gate Boulevard and 780 McCallum Road) the following uses are also permitted:

- (34) **Automobile rental and sale, minor;**

Residential Uses

- (35) **Apartment;**
- (36) **Assisted living; and**
- (37) **Townhouse.**

6.53B.02 Height of Principal Use Buildings

No **townhouse** may exceed a **height** of three storeys.

6.53B.03 Setbacks

- (1) No building or structure may be located:
 - (a) Within 2 m (6.6 ft) of any **lot line** that **abuts a highway**; or
 - (b) Within 6 m (19.7 ft) of any **lot line** that **abuts a lot** in a **Residential Zone** or **Multiple Residential Zone**.
- (2) Despite Article 6.53B.03(1), townhouses may be located:
 - (a) Within 3 m (9.8 ft) of any **front lot line**, except that no **garage or carport** whose vehicle access crosses a **front lot line** may be located within 5.5 m (18 ft) of the **front lot line**; or
 - (b) Within 5.5 m (18 ft) of any **rear lot line**; or
 - (c) Within 1.2 m (3.9 ft) of any **interior side lot line**; or
 - (d) Within 3.5 m (11.5 ft) of any **exterior side lot line**.

6.53B.04 Density of Development

- (1) There may not be any development on any parcel of land that does not have access to a **highway**, and where a parcel of land has access to a **highway** there may not be more than one **dwelling unit** or more than 150 m² (1,614.6 ft²) of non-residential **gross floor area** in the MUE2 Zone.
- (2) Despite Article 6.53B.04(1), there may be more than one **dwelling unit**, but not more than 300 **dwelling units**, and more than 150 m² (1,614.6 ft²) of non-residential **gross floor area**, but not more than 14,000 m² (150,694.8 ft²) of non-residential **gross floor area** in the MUE2 Zone if the owner of the land proposed to be developed has entered into an agreement with the City of Langford, to the satisfaction of Council, to provide to the City:
 - (a) 16,200 m² (4 ac) of land in a block form and location to the satisfaction of the Director of Planning; and either
 - (b) \$1,500,000 towards the City's General Amenity Reserve Fund; OR
 - (c) An amenity **building** on this site to the satisfaction of the Director of Planning, with a certified construction value of \$1,000,000 and \$500,000 towards the City's General Amenity Reserve Fund; and either
 - (d) \$500,000 toward the City's General Amenity Reserve Fund for this site; OR
 - (e) Arts and cultural structure(s) on this site to the satisfaction of the Director of Planning with a certified construction value of \$500,000.

- (3) Despite Articles 6.53B.04(1) and (2) there may be more than 300 **dwelling units** or more than 14,000 m² (150,694.8 ft²) of non-residential **gross floor area** in the MUE2 Zone, if the owner of the land proposed to be developed provides to the City a traffic impact assessment that analyzes the impact of development proposed beyond 300 **dwelling units** and 14,000 m² (150,694.8 ft²) of non-residential **gross floor area** on the surrounding road network, and has entered into an agreement with the City of Langford with regards to required road dedication and off-site traffic improvements recommended by the traffic impact assessment, as well as full frontage improvements to Subdivision and Development Servicing Bylaw No. 1000 standards, all to the satisfaction of the Director of Engineering.
- (4) Under no circumstances may the density of development within the MUE2 Zone exceed a **floor area ratio** of 6.0.

Section 6.53C – Mixed-Use Employment 3 (MUE3) Zone

(Replaced by Bylaw No. 1885)

6.53C.01 Permitted Uses

- (1) With those portions of lands identified as 'Area 1' on the zone map attached as Schedule 'AM' the following uses and no others are permitted:

Restaurant, Retail, and Other Service Commercial Uses

- (1) **Animal hospital** in enclosed buildings;
- (2) **Auction;**
- (3) **Automobile dealership;**
- (4) **Business support service;**
- (5) **Car wash;**
- (6) **Equipment sales, service, repair and rental, minor;**
- (7) **Film production studio;**
- (8) **Financial institution;**
- (9) **Catering;**
- (10) **Gasoline service station;**
- (11) **Fitness centre;**
- (12) **Household equipment and appliance service and repair;**
- (13) **Hotel;**
- (14) **Licensed premises;**
- (15) **Liquor store;**
- (16) **Medical clinic;**
- (17) **Office;**
- (18) **Personal service establishment;**
- (19) **Pet daycare;**

(20) **Restaurants, drive-thru;**

(21) **Retail store;**

General Uses

(22) **Accessory buildings and uses;**

(23) **Accessory unenclosed storage;**

(24) **Temporary construction and real estate marketing office;**

(25) **Uses permitted by Section 3.01 of this Bylaw;**

Business and Technology Uses

(26) **Electronics sales, service, and manufacturing;**

(27) **Research and development facility;**

(28) **Educational, cultural, and recreational uses;**

(29) **Community care facility;**

(30) **Cultural facility;**

(31) **Group daycare** subject to Section 3.26.02;

(32) **Recreation facility, indoor;**

(33) **Recreation facility, outdoor;**

(34) **School;**

Residential Uses

(35) **Apartment;**

(36) **Assisted living;**

(37) **Caretaker dwelling unit;**

(38) **Home occupation** subject to Section 3.09;

(39) **Townhouse;**

(40) **Manufactured home and modular housing**, subject to the Manufactured Home Park (RH1) Zone.

- (2) Within those portions of the lands identified as 'Area 2' on the zone map attached as Schedule 'AM', the following uses and no other are permitted:
 - (1) **Apartment;**
 - (2) **Townhouse;**
 - (3) **Manufactured home and modular housing**, subject to the Manufactured Home Park (RH1) Zone.
- (3) Notwithstanding Section 6.53C.01(2), those portions of the lands identified as 'Area 2' on the zone map attached as Schedule 'AM' are permitted the uses under Section 6.53C.01(1) if no **manufactured home** or **modular housing** exists within any lot on 'Area 2'.

6.53C.02 Height of Principal Use Buildings

No townhouse may exceed a height of three storeys.

6.53C.03 Setbacks

- (1) No building or structure may be located:
 - (a) Within 2 m (6.5 ft) of any lot line that adjoins a highway;
 - (b) Within 6 m (20 ft) of any lot line that adjoins a lot in a Residential or Multiple Residential Zone;
- (2) Notwithstanding subsection 6.53C.03(1), no **townhouse** may be located:
 - (a) Within 3 m (9.8 ft) of any front lot line, nor within 5.5 m (18 ft) of a portion of a building comprising of an attached garage;
 - (b) Within 5.5 m (18 ft) of any rear lot line;
 - (c) Within 1.5 m (5 ft) of an interior side lot line;
 - (d) Within 3.5 m (11.5 ft) of any interior side lot line;

6.53C.04 Density of Development

- (1) There may not be any development on any parcel of land that does not have access to a highway, and where a parcel of land has access to a highway there may not be more than one residential **dwelling unit** or more than 150 m² (1,615 ft²) of non-residential gross floor area in the Mixed-Use Employment 3 (MUE3) Zone;
- (2) Notwithstanding subsection 6.53C04(01), there may be more than one residential **dwelling unit**, and more than 150 m² (1,615 ft²) of non-residential gross floor area in Area 1 of Schedule

'AM' for the Mixed-Use Employment 3 (MUE3) Zone, if the owner of the land proposed to be built up on has:

(a) Provided to the City of Langford, to the satisfaction of Council:

- i. A minimum of 4.0 hectares of land in a form and location to the satisfaction of the Director of Planning; and
- ii. Land dedication, or the registration of a non-disturbance covenant, of any additional lands within Area 1 of the Schedule 'AM' that a qualified professional determines needs to be protected, as per their analysis of the development permit areas.

(3) Notwithstanding subsection 6.53C.04(1), there may be more than one residential dwelling unit, and more than 150 m² (1,615 ft²) of non-residential gross floor area in Area 2 of Schedule 'AM' for the Mixed-Use Employment Centre (MUE3) Zone, if the owner of the land proposed to be built upon has:

(a) Provided, to the satisfaction of Council:

- i. An amenity building with a minimum gross floor area of 93 m² (1,000 ft²) within the mobile home park for the use of the residents of the mobile home park, designed to the satisfaction of the Director of Planning; and
- ii. Land dedication, or the registration of a non-disturbance covenant, of any additional lands within Area 2 of Schedule 'AM' that a qualified professional determines needs to be protected, as per their analysis of the development permit areas.

(b) Maintained a minimum of 40 **manufactured home** or **modular housing** units within Area 2.

(4) Under no circumstances may the density of development within the MUE3 Zone exceed a floor area ratio of 6:1.

(5) Notwithstanding Section 6.53C.04(3), there may not be more than 78 manufactured or modular homes within 'Area 2' on the zone map attached as Schedule 'AM' nor may the density of any non-manufactured/modular homes exceed 50 units per hectare (20 units per acre) without implementing recommendations of a Traffic Impact Assessment that ensures vehicular movements are at an acceptable level of operational capacity.

6.53C.05 General

The relevant regulations of Part 3 of this Bylaw apply.

Section 6.53D – Mixed-Use Employment 4 (MUE4) Zone

(Replaced by Bylaw No. 1893)

6.53D.01 Permitted Uses

- (1) The following uses and no others are permitted in the Mixed-Use Employment 4 (MUE4) Zone:

Commercial Uses

- (a) **Animal hospital** in enclosed buildings;
- (b) **Automobile dealership;**
- (c) **Business support service;**
- (d) **Equipment sales, service, repair and rental, minor;**
- (e) **Film production studio;**
- (f) **Financial institutional;**
- (g) **Catering;**
- (h) **Fitness centre;**
- (i) **Household equipment and appliance service and repair;**
- (j) **Hotel;**
- (k) **Licensed premises;**
- (l) **Liquor store;**
- (m) **Medical clinic;**
- (n) **Office;**
- (o) **Personal service establishment;**
- (p) **Pet daycare;**
- (q) **Restaurants, excluding drive-through;**
- (r) **Retail store;**

General Uses

- (s) **Accessory buildings** and uses;
- (t) **Accessory** unenclosed storage;
- (u) Uses permitted by Section 3.01 of this Bylaw;

Business and Technology Uses

- (v) **Electronic sales, service, and manufacturing;**
- (w) **Research and development facility;**
- (x) **Educational, cultural, and recreational uses;**
- (y) **Community care facility;**
- (z) **Group daycare** subject to Section 3.26.02;
- (aa) **School;**

Residential Uses

- (bb) **Apartment;**
- (cc) **Assisted living;**
- (dd) **Caretaker dwelling unit;**
- (ee) **Home occupation** subject to Section 3.09; and
- (ff) **Townhouse.**

6.53D.02 Height of Principal Use Buildings

No **townhouse** may exceed a **height** of three storeys.

6.53D.03 Setbacks

- (1) No building or structure may be located:
 - (a) Within 2 m (6.5 ft) of any **lot line** that adjoins a **highway**;
 - (b) Within 4 m (13.1 ft) of any **lot line** that adjoins a lot in a Residential or Multiple Residential Zone;
- (2) Despite article 6.53D.03(1), no **townhouse** may be located:
 - (a) Within 3 m (9.8 ft) of any **front lot line**, except that no **garage or carport** whose vehicle access crosses a **front lot line** may be located within 5.5 m (18 ft) of a **front lot line**;
 - (b) Within 5.5 m (18 ft) of any **rear lot line**;
 - (c) Within 1.5 m (5 ft) of an **interior side lot line**;
 - (d) Within 3.5 m (11.5 ft) of any **exterior side lot line**.

6.53D.04 Density of Development

- (1) There may not be any development on any parcel of land that does not have access to a **highway**, and where a parcel of land has access to a **highway** there may not be more than one residential dwelling unit or more than 150 m² (1,614.6 ft²) of non-residential **gross floor area** in the MUE4 Zone;
- (2) Despite article 6.53D.04(1), there may be more than one residential **dwelling unit**, and more than 150 m² (1,614.6 ft²) of non residential **gross floor area** in the MUE4 Zone, if the owner of the land proposed to be built upon pays to the City of Langford:
 - (a) \$250,000 by December 1, 2020, or prior to the issuance of the first Residential Building Permit, whichever is first; and
 - (b) \$250,000 by June 1, 2021, or 180 days from the issuance of the first Residential Building Permit, whichever is first; and
 - (c) \$250,000 by December 1, 2021, or 365 days from the issuance of the first Residential Building Permit, whichever is first; and
 - (d) \$250,000 by June 1, 2022, or 545 days from the issuance of the first Residential Building Permit, whichever is first; and
 - (e) \$712.50 per dwelling unit in excess of 515 units in the MUE4 Zone towards the General Amenity Reserve Fund; and
 - (f) \$10.75 per m² (\$1.00 per ft²) of gross floor area per commercial and/or business development towards the General Amenity Reserve Fund; and
 - (g) \$750 per dwelling unit on the 1st to 4th storeys of the building towards the Affordable Housing Reserve Fund; and
 - (h) \$375 per dwelling unit on the 5th and 6th storeys of the building towards the Affordable Housing Reserve Fund; and
 - (i) \$187.50 per dwelling unit on the 7th storey or higher of the building towards the Affordable Housing Reserve Fund.
- (3) Under no circumstances may the density of development within the MUE4 Zone exceed a **floor area ratio** of 6:1.

6.53D.05 General

The relevant regulations of Part 3 of this Bylaw apply.

Section 6.54 – Belmont Market and Residences (C10) Zone

(Replaced by Bylaw No. 1662)

The intent of the C10 Zone is to accommodate a wide range of uses appropriate for the development of an urban area while promoting a pedestrian orientation.

6.54.01 Permitted Uses

The following **uses** and no others are permitted in the C10 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Apartment, senior citizens**;
- (4) **Assisted living**;
- (5) **Bakery**, not exceeding 350 m² (3,767.4 ft²) of **gross floor area**;
- (6) **Catering**;
- (7) **Car wash**;
- (8) **Charitable facility**;
- (9) **Community care facility**;
- (10) **Community garden**;
- (11) **Cultural facility**;
- (12) **Film production studio**;
- (13) **Financial institution**;
- (14) **Financial institution, drive-through**;
- (15) **Fitness centre**;
- (16) **Gasoline service station**;
- (17) **Group daycare** on the lot legally described as Lot 1, Section 75, Esquimalt District, Plan EPP75724, PID No. 030-357-951, (3030 Merchant Way) in accordance with Section 3.26.02; *(Bylaw No. 2082)*
- (18) **Home occupation**, subject to Section 3.09;
- (19) **Hotel**;
- (20) **Licensed premises**;

- (21) **Medical Clinics** and accessory related commercial uses;
- (22) **Office**;
- (23) **Personal service establishment**;
- (24) **Preschool**;
- (25) **Recreation facility, indoor**;
- (26) **Recreation facility, outdoor**;
- (27) **Research and development facility**;
- (28) **Restaurant**;
- (29) **Retail store**;
- (30) **School**;
- (31) **Shopping centre**;
- (32) **Townhouse**;
- (33) **Training and education facility**;
- (34) **Uses accessory** to a **principal use** permitted in this **Zone**;
- (35) **Uses** permitted by Section 3.01 of this Bylaw; and
- (36) **Veterinary practice**, in enclosed **buildings**.

6.54.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 15.2 m (49.9 ft) or a **lot depth** less than 34 m (111.5 ft) may be created by subdivision.
- (3) Despite Articles 6.54.02(1) and (2), a **lot** with a **lot area** no less than 100 m² (1,076.4 ft²) and a **lot width** no less than 5 m (16.4 ft) may be created by subdivision in the C10 Zone for a **townhouse use**.

6.54.03 Density of Development

- (1) There may not be more than 92.9 m² (1,000 ft²) of commercial **gross floor area** or more than three **dwelling units** in the C10 Zone as a whole.
- (2) Despite Article 6.54.03(1), there may be more than 92.9 m² (1,000 ft²) of commercial **gross floor area** and more than three **dwelling units** in the C10 Zone as a whole, if the owner of the land proposed to be built upon has:

- (a) Provided to the City of Langford a contribution of \$2,500,000 towards the General Amenity Reserve Fund;
 - (b) Entered into an agreement with the City of Langford with regards to required road dedication, off-site traffic improvements, and development servicing requirements, including the construction of full frontage improvements to Bylaw No. 1000 standards, to the satisfaction of the Director of Engineering;
 - (c) Entered into a reciprocal access agreement to allow vehicles and pedestrians to move between those adjacent properties legally described as Lot A, Section 75, Esquimalt District, Plan VIP77807 (3061 Jacklin Road) and Lot 1, Sections 75 and 76, Esquimalt District, Plan EPP37564 (3143 Jacklin Road).
- (3) Provided that the provisions of Article 6.54.03(2) have been met, the maximum density permitted is as follows:
- (c) On lots with a lot area greater than 30,000 m² (322,917.3 ft²), the floor area ratio may not exceed 1.0; and
 - (d) On lots with a lot area of 30,000 m² (322,917.3 ft²) or less, the floor area ratio may not exceed 5.0.

6.54.04 Lot Coverage

Lot coverage of all buildings and structures may not exceed 90%.

6.54.05 Height and Size of Principal Use Buildings

No building or structure may exceed a height of 10 storeys.

6.54.06 Setbacks

No building or structure may be located:

- (1) Within 2 m (6.6 ft) of any lot line that abuts a highway; or
- (2) Within 6 m (19.7 ft) of any lot line that abuts the Galloping Goose Trail.

6.54.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following requirements apply to landscape screening in the C10 Zone:

- (2) A landscape and screening area not less than 1 m (3.3 ft) in width containing a decorative fence together with decorative planting of not less than 1.8 m (5.9 ft) in height must be provided along all lot lines separating the lot from any Residential or Multiple Residential Zone; and
- (3) Despite Article 6.54.07(1), no landscape and screening area is required along interior side lot lines that abut a lot within the C10 Zone.

Section 6.56 – Mixed-Use Residential Commercial Zone (MU2) Zone

(Replaced by Bylaw No. 1662)

The intent of the MU2 Zone is to provide a mix of residential uses and commercial uses to create a vibrant transition between the Core Downtown Commercial Area and other nearby uses.

6.56.01 Permitted Uses

The following **uses** and no others are permitted in the MU2 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Catering**;
- (4) **Charitable facility**;
- (5) **Community garden**;
- (6) **Cultural facility**;
- (7) **Film production studio**;
- (8) **Financial institution**;
- (9) **Fitness centre**;
- (10) **Group daycare** , subject to Subsection 3.26.02;
- (11) **Home occupation**, subject to Section 3.09;
- (12) **Hotel**;
- (13) **Licensed premises**;
- (14) **Liquor store**, subject to Article 6.53.03(4);
- (15) **Medical Clinics** and accessory related commercial uses;
- (16) **Office**;
- (17) **Personal service establishment**;
- (18) **Preschool**;
- (19) **Recreation facility, indoor**;
- (20) **Restaurant**;
- (21) **Retail store**;

- (22) **School**, not in conjunction with any **residential use**;
- (23) **Shopping centre**;
- (24) **Training and education facility**;
- (25) **Uses accessory** to a **principal use** permitted in this **Zone**;
- (26) **Uses** permitted by Section 3.01 of this Bylaw; and
- (27) **Veterinary practice**.

6.56.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 695 m² (7,480.9 ft²) may be created by subdivision, except that **lots abutting** Goldstream Avenue, between Jacklin and Millstream Streets, must be no less than 4,000 m² (1 ac) in **lot area**.
- (2) No **lot** having a **lot width** less than 15.2 m (49.9 ft) may be created by subdivision.
- (3) No **lot** having a **lot depth** less than 34 m (111.5 ft) may be created by subdivision.

6.56.03 Regulations for use

- (4) **Unenclosed storage** is not permitted. Outdoor seating areas and the outdoor display of goods for retail sale are permitted as **accessory uses**.
- (5) All above-ground **dwelling units** in a **building** with a mix of **residential uses** and non-residential **uses** must be provided with a separate entrance at ground level, except where the **building** consists of all **residential uses**.
- (6) All **accessory buildings** and **uses** must be located to the rear of the **building** accommodating the **principal use**. in no case may **accessory buildings** exceed a **height** of 4 m (13.1 ft) and **accessory buildings** and **uses** may not cover a total of more than 10% of the **lot area**.
- (7) A **liquor store** is not a permitted **use** if the property on which it is located is less than 800 m² (2,624.7 ft²) from another **liquor store** or retail wine store **use**.

6.56.04 Density of Development

- (1) Except as provided in Articles 6.56.04(2) and (3) below, the **floor area ratio** may not exceed 0.3, and in no case may it exceed 5.0.
- (2) The **floor area ratio** may exceed 0.3, but in no case may it exceed 5.0, if the owner provides 75% of the parking spaces required by this Bylaw in an underground or completely enclosed parking structure, in addition to meeting the requirements in Article 6.56.04(3) below.
- (3) Despite Article 6.56.04(1), on land whose legal description is set out in Table AD, the density of development may exceed a **floor area ratio** of 0.3 to a maximum of 5.0 if the owner of the land proposed to be developed pays to the City the amount specified in Column 4 of Table 1 of Schedule "AD" prior to the issuance of a Building Permit.

6.56.05 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 90%.
- (2) Where a rooftop garden or terrace is provided, the **lot coverage** of all **buildings** and **structures** may be increased to 100%.

6.56.06 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may have a **height** less than two storeys or exceed a **height** of 15 storeys. (*Bylaw No. 1858*)

6.56.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 1.2 m (3.9 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line** that **abuts** an area designated Neighbourhood in the Official Community Plan; or
- (3) Within 1.2 m (3.9 ft) of any **exterior side lot line**; or
- (4) Within 7.5 m (24.6 ft) of any **rear lot line** that **abuts** an area designated Neighbourhood in the Official Community Plan.

6.56.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following requirements apply to landscape screening in the MU2 Zone:

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a decorative fence together with decorative planting of not less than 1.8 m (5.9 ft) in **height** must be provided along all **lot lines** separating the **lot** from any **Residential** or **Multiple Residential Zone**; and
- (2) Despite Article (1) above, no **landscape and screening area** is required along **interior side lot lines** that **abut** a **lot** in the MU2 Zone.

6.56.09 Parking

In addition to the regulations contained in Part 4 of this Bylaw, the following requirements apply to parking and loading in the MU2 Zone:

- (1) At least 75% of all required residential parking spaces shall be provided as underground parking or enclosed within the **building envelope**; and
- (2) Parking is only permitted on the ground level of any **building** if the **building** area extends along the length of the front and exterior side yard **setback** areas and the parking spaces are located behind these portions of the **building**.

Section 6.57 – City Centre (CC1) Zone

(Bylaw No. 1904)

The intent of the City Centre Zone is to allow for high-density development that must include a residential component as the primary use within a building.

6.57.01 Permitted Uses

The following **uses** and no others are permitted in the CC1 Zone:

- (1) **Accessory uses, buildings, and/or structures;**
- (2) **Apartment;**
- (3) **Apartment, senior citizens;**
- (4) **Assisted living;**
- (5) **Bakery;**
- (6) **Catering;**
- (7) **Charitable facility;**
- (8) **Cultural facility;**
- (9) **Fitness centre;**
- (10) **Group daycare, in accordance with Section 3.26.02;**
- (11) **Home occupation in accordance with Section 3.09;**
- (12) **Hotel;**
- (13) **Library;**
- (14) **Licensed premises;**
- (15) **Liquor store;**
- (16) **Medical clinics;**
- (17) **Office;**
- (18) **Personal service establishment;**
- (19) **Pet daycare;**
- (20) **Pet grooming;**
- (21) **Place of worship;**
- (22) **Public assembly and entertainment uses;**
- (23) **Pre-school;**
- (24) **Restaurant;**
- (25) **Retail store;**
- (26) **Townhouses;**
- (27) **Training and education facility;**

- (28) **Veterinary practice;**
- (29) Uses permitted by Section 3.01 of this Bylaw.

6.57.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 2,000 m² (0.49 ac) may be created by subdivision in the CC1 Zone.

6.57.03 Regulations for Use

- (1) **Residential** units on the ground floor must have individual at grade access;
- (2) **Residential uses** must not share an entrance, vestibule, or hallway with a **non-residential use**;
- (3) No **lot** with a **lot area** less than 1,400 m² (0.35 ac) or a **frontage** less than 37 m (121 ft) may be used for any use other than a **Townhouse use**;
- (4) Despite article 6.57.03(3), an apartment is a permitted use on land legally described as Lot 6, Section 5, Esquimalt District, Plan 7089, Except Part in Plan 7619, PID No. 000-028-533 (2749 Jacklin Road).

6.57.04 Regulations for Townhouse Use

- (1) A **Townhouse use** is subject to the regulations of the RT1 Zone and not the regulations of this Zone.

6.57.05 Density of Development

- (1) Except as provided in article 6.57.05(2) the **floor area ratio** may not exceed 0.3;
- (2) Despite article 6.57.05(1), on land whose legal description is set out in Table 1 of Schedule AD, the **floor area ratio** may be increased to 5.0 if the owner of the land proposed to be developed:
 - (a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to the issuance of a building permit to construct on the site; and
 - (b) Provides at least 100 m² (1,076 ft²) or 5% of the lot area, whichever is greater, as **common outdoor amenity space**; and
 - (c) Incorporates a minimum **active building frontage** of 80%.

6.57.06 Height

- (1) No **building** or **structure** may exceed a **height** of 6 storeys. (*Bylaw No. 1919*)

6.57.07 Setbacks

- (1) No portion of a **building** or **structure two storeys or less** in **height** may be located:
 - (a) Within 2 m (6.6 ft) of any **front** or **exterior side lot line**;
 - (b) Within 3 m (9.8 ft) of any **interior side** or **rear lot line**;

- (2) No portion of a **building** or **structure three storeys or greater in height** may be located:
 - (a) Within 4 m (13 ft) of an **exterior** or **front lot line**;
 - (b) Within 3 m (9.8 ft) of any **interior side** or **rear lot line**;
 - (c) Despite article 6.57.06(2)(a), where a **building** or **structure** greater than six storeys in height has a building façade with a horizontal plane greater than 20 m (65.6), a minimum 30% of the façade must be setback an additional 1 m (3.3 ft) from the established setback.

6.57.08 Parking

In addition to the regulations contained in Part 4 of this Bylaw, the following regulations apply to parking and loading in the CC1 Zone:

- (1) No unenclosed surface parking spaces may be located with 3 m (9.8 ft) of a **lot line abutting a highway**;
- (2) Parking stalls located adjacent to a **highway** must be screened by a **building** containing an active use, which may include commercial or residential units;
- (3) Surface parking stalls may be located adjacent to an **interior side** or **rear lot line** when screened by a fence no less than 1.8 m (6 ft) in height and by a landscaping strip no less than 1 m (3.3 ft) in width. (*Bylaw No. 1952*)

Section 6.58 – City Centre Pedestrian (CCP) Zone

(Bylaw No. 1919)

The intent of the City Centre Pedestrian Zone is to create a pedestrian focused, vibrant city centre by allowing for high-density, commercial, and mixed-use residential commercial developments within the central downtown core.

6.58.01 Permitted Uses

- (1) Within those portions of the lands identified as “Area 1” on the CCP Zone map attached as Schedule “R”, the following **uses** and no others are permitted:
 - (a) When located on the ground floor of a **building**:
 - (i) **Accessory uses, buildings, and/or structures;**
 - (ii) **Apartments**, when located on a corner lot and facing the secondary street which may not include Peatt Road, Claude Road, Goldstream Avenue, Veterans Memorial Parkway, or Jacklin Road; *(Bylaw No. 2082)*
 - (iii) **Bakery;**
 - (iv) **Cultural facility;**
 - (v) **Financial institution;**
 - (vi) **Fitness centre;**
 - (vii) **Hotel;**
 - (viii) **Library;**
 - (ix) **Licensed premises;**
 - (x) **Liquor store;**
 - (xi) **Personal service establishment;**
 - (xii) **Public assembly and entertainment uses;**
 - (xiii) **Restaurant;**
 - (xiv) **Retail store;**
 - (xv) **Pet grooming;**
 - (xvi) **Uses permitted by Section 3.01 of this Bylaw.**

- (b) When located above the ground floor of a **building**:
 - (i) **Catering**;
 - (ii) **Charitable facility**;
 - (iii) **Group daycare, subject to Section 3.26.02**;
 - (iv) **Medical clinic**;
 - (v) **Office**;
 - (vi) **Place of worship**;
 - (vii) **Preschool**;
 - (viii) **Training and education facility**;
 - (ix) **Uses** permitted by article 6.58.1(1).
- (c) When located above the third storey of a **building**:
 - (i) **Apartment**;
 - (ii) **Apartment, senior citizens**;
 - (iii) **Assisted living**
 - (iv) **Home occupation**, subject to Section 3.09;
 - (v) **Uses** permitted by article 6.58.1(1) and (2).
- (2) Within those portions of the lands identified as “Area 2” on the CCP Zone map attached as Schedule “R”, the following **uses** and no others are permitted:
 - (a) When located on the ground floor of a **building**:
 - (i) **Uses** permitted by articles 6.58.01(1)(a) and (1)(b);
 - (b) When located above the ground floor of a **building**:
 - (i) **Uses** permitted by articles 6.58.01(1)(a), (1)(b), and (1)(c).

6.58.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 2,000 m² (0.49 acres) may be created by subdivision in the CCP Zone.

6.58.03 Regulations for Use

- (1) **Commercial** units on the ground floor must have individual at grade access;
- (2) **Residential uses** must not share an entrance, vestibule, or hallway with a **non-residential use**;

- (3) No **lot** with a **lot area** less than 1,400 m² (0.35 acres) or a **frontage** less than 37 m (121 ft) may be used for any **use** other than a **Commercial** use.

6.58.04 Density of Development

- (1) Except as provided in article 6.58.04(2) the **floor area ratio** may not exceed 0.3;
- (2) Despite article 6.58.04(1), on land whose legal description is set out in Table 1 of Schedule AD, the **floor area ratio** may be increased to 6.0 if the owner of the land proposed to be developed:
 - (a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to the issuance of a building permit to construct on the site; and
 - (b) Provides at least 100 m² (1,076 ft²) or 5% of the lot area, whichever is greater, as **common outdoor amenity space**; and
 - (c) Incorporates a minimum **active building frontage** of 80%.

6.58.05 Height

- (1) **No** building or **structure** on land whose legal description is set out in Table 1 below may exceed the **height** specified in column 2:

Table 1

1. Legal Description	2. Maximum Permitted Height

6.58.06 Setbacks

- (1) No portion of a **building** or **structure 2 storeys or less** in **height** may be located:
 - (a) Within 2 m (6.6 ft) of any **front** or **exterior side lot line**;
 - (b) Within 3 m (9.8 ft) of any **interior side lot line** or **rear lot line**;
- (2) No portion of a **building** or **structure 3 storeys or greater** in **height** may be located:
 - (a) Within 4 m (13 ft) of an **exterior** or **front lot line**;
 - (b) Within 3 m (9.8 ft) of any **interior side lot line**, nor within 5 m (16.4 ft) of any **interior side lot line** adjoining a **lot** zoned to permit a **building 7 or more storeys in height**;
(Bylaw No. 2066)
 - (c) Within 3 m (9.8 ft) of any **rear lot line**, nor within 5 m (16.4 ft) of any **interior side** or **rear lot line** adjoining a **lot** zoned to permit a **building 7 or more storeys in height**;
(Bylaw No. 2066)
 - (d) Despite article 6.58.05(2)(a), where a **building** or **structure** greater than 6 storeys in height has a building façade with a horizontal plane greater than 20 m (65.6 ft), a minimum 30% of the façade must be setback an additional 1 m (3.3 ft) from the established setback.

6.58.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following regulations shall apply to landscape screening in the CCP Zone:

- (1) A landscape and screening area not less than 1.0 m (3.3 ft) in width containing a decorative fence of not less than 1.8 m (5.9 ft) in height, together with decorative planting, must be provided along all lot lines separating the lot from any **Residential** or **Multiple Residential Zone**.

6.58.08 Parking

In addition to the regulations contained in Part 5 of this Bylaw, the following regulations apply to parking and loading in the CCP Zone:

- (1) No unenclosed surface parking spaces may be located within 3 m (9.8 ft) of a **lot line abutting a highway** unless screened by a **building** containing an active use.

Section 6.59 – City Centre (CC2) Zone

(Bylaw No. 1919)

The intent of the CC2 Zone is to allow for medium-density multi-family residential development in neighbourhoods outside of the central downtown core.

6.59.01 Permitted Uses

The following **uses** and no others are permitted in the CC2 Zone;

- (1) **Accessory uses**, buildings, and/or structures;
- (2) **Apartment**;
- (3) **Apartment, senior citizens**;
- (4) **Assisted living**;
- (5) **Home occupation** in accordance with Section 3.09;
- (6) **Townhouses**;
- (7) Uses permitted by Section 3.01 of this Bylaw.

6.59.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 2,000 m² (0.49 acres) may be created by subdivision in the CC2 Zone.

6.59.03 Regulations for Use

- (1) **Residential** units on the ground floor must have individual at grade access;
- (2) No **lot** with a **lot area** less than 1,400 m² (0.35 acres) or a **frontage** less than 37 m (121 ft) may be used for any **use** other than a **Townhouse use**.

6.59.04 Regulations for Townhouse Use

- (1) A **Townhouse use** is subject to the regulations of the RT1 Zone and not the regulations of this Zone.

6.59.05 Density of Development

- (1) Except as provided in article 6.59.05(2) the **floor area ratio** may not exceed 0.3;
- (2) Despite article 6.59.05(1), on land whose legal description is set out in Table 1 of Schedule AD, the **floor area ratio** may be increased to 3.0 if the owner of the land proposed to be developed:
 - (a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to the issuance of a building permit to construct on the site; and

- (b) Provides at least 100 m² (1,076 ft²) or 5% of the lot area, whichever is greater, as **common outdoor amenity space**; and
- (c) Incorporates a minimum **active building frontage** of 80%.

6.59.06 Height

- (1) No **building** or **structure** may exceed a **height** of 4 storeys.

6.59.07 Setbacks

- (1) No portion of a **building** or **structure** may be located:
 - (a) Within 2 m (6.6 ft) of any **front or exterior side lot line**;
 - (b) Within 3 m (9.8 ft) of any **interior side lot line**, nor within 5 m (16.4 ft) of any **interior side lot line** adjoining a **lot** zoned to permit a **building** 4 or more storeys in **height**;
 - (c) Within 3 m (9.8 ft) of any **rear lot line**.

6.59.08 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following regulations shall apply to landscape screening in the CC2 Zone:

- (1) A landscape and screening area not less than 1.0 m (3.3 ft) in width containing a decorative fence of not less than 1.8 m (5.9 ft) in height, together with decorative planting, must be provided along all lot lines separating the lot from any **Residential** or **Multiple Residential Zone**.

6.59.09 Parking

In addition to the regulations contained in Part 5 of this Bylaw, the following regulations apply to parking and loading in the CC2 Zone:

- (1) No unenclosed surface parking spaces may be located within 3 m (8.8 ft) of a **lot line abutting a highway** unless screened by a **building** containing an active use.