

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3065

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW, 2022, NO. 3065".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
 - (1) by adding the following words and figures at Part 5 – ZONING DISTRICTS, Section 31. ZONE DESIGNATIONS, in the appropriate alpha-numeric sequence:

"Comprehensive Development No. 152 (1221 Carlisle Avenue) CD No. 152"

- (2) by adding the following text as Section 67.139 (or as other appropriately numbered subsection within Section 67):

67.139 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 152 [CD NO. 152]

In that Zone designated as CD No. 152 [Comprehensive Development District No. 152] no Building or Structure or part thereof shall be erected, constructed, placed, maintained, or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Section.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 7520 square metres.

(3) **Number of Principal Buildings**

Not more than two (2) Principal Buildings shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than two hundred and thirteen (213) Dwelling Units shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 2.0.

(6) **Building Height**

No Principal Building shall exceed a Height of 17.0 metres.

(7) **Lot Coverage**

(a) All Principal Buildings combined shall not cover more than 77% of the Area of the Parcel including a parking structure.

(b) Notwithstanding subsection 7(a) above, that portion of the Principal Buildings constructed at or above the First Storey shall not cover more than 53% of the Area of the Parcel.

(8) **Siting Requirements**

(a) Principal Building:

- (i) Front Setback (Fraser St): No Principal Building shall be located within 6 metres of the lot line abutting Fraser St.
- (ii) Rear Setback: No Principal Building shall be located within 6 metres of the Rear Lot Line.
- (iii) Exterior Side Setback (Carlisle Ave): No Principal Building shall be located within 4.5m of the Exterior Side Lot Line abutting Carlisle Ave.
- (iv) Exterior Side Setback (Lyll St): No Principal Building shall be located within 4.5m of the Exterior Side Lot Line abutting Lyll St.
- (v) Interior Side Setback: No Principal Building shall be located within 6m of the Interior Side Lot Line generally perpendicular to Fraser St.
- (vi) Interior Side Setback: No Principal Building shall be located within 4.5m of the Interior Side Lot Line generally perpendicular to Lyll St.

(b) Accessory Buildings:

- (i) No Accessory Buildings shall be permitted.

Siting Exceptions**(a) Principal Building**

- (i) The minimum distance to the Front Lot Line may be reduced to 1.5 metres to accommodate the open patio attached to and forming part of the easternmost Principal Building and reduced to 5.5m to accommodate balconies.
- (ii) The minimum distance to the Rear Lot Line may be reduced to 2 metres to accommodate the open patios attached to and forming part of the westernmost Principal Building.
- (iii) The minimum distance to the Exterior Side Lot Line (Carlisle Ave) may be reduced to 1.5 metres to accommodate the open patios attached to and forming part of the Principal Buildings.
- (iv) The minimum distance to the Exterior Side Lot Line (Lyll St) may be reduced to 1.5 metres to accommodate the open patios attached to and forming part of the Principal Buildings.
- (v) The minimum distance to the Interior Side Lot Line generally perpendicular to Fraser St may be reduced to 0 metres to accommodate the vehicle ramp and structures associated with the underground parking access.
- (vi) The minimum distance to the Interior Side Lot Line - generally perpendicular to Lyall St may be reduced to 2 metres to accommodate the open patios attached to and forming part of the easternmost Principal Building and to 4.5m to accommodate balconies.

(b) Parking Structure

- (i) The minimum distance to the Interior Side Lot Line generally perpendicular to Fraser St may be reduced to 0 metres to accommodate the parking structure situated below the first storey.
- (ii) The minimum distance to the Interior Side Lot Line generally perpendicular to Lyall St may be reduced to 0 metres to accommodate the parking structure situated below the first storey.

Usable Open Space

Usable Open Space shall be provided in an amount not less than 450 square metres.

Fencing

- (a) Subject to Section 22 of Zoning Bylaw, 1992, No. 2050 no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.
- (b) Notwithstanding Part 4, Section 22(1), fencing located on top of a retaining wall shall be measured distinctly and shall not exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

Off-Street Parking

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the ratio of 1.0 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 7 of the parking spaces required per above subsection (12)(a) shall be marked "Visitor".

3. by changing the zoning designation of the following parcels, shown cross-hatched on Schedule 'A' attached hereto, from RS-1 [Single Family Residential] to CD No. 152 [Comprehensive Development District No. 152], legally described as *(or as may be updated following consolidation of the parcels)*:

Lot	Section	District	Plan	PID
11	11	Esquimalt	946	002-179-105
14	11	Esquimalt	946	008-183-309
15	11	Esquimalt	946	008-183-376
16	11	Esquimalt	946	000-248-134
17	11	Esquimalt	946	008-183-422
18	11	Esquimalt	946	008-183-481
19	11	Esquimalt	946	008-183-546
20	11	Esquimalt	946	005-587-638
21	11	Esquimalt	946 (See Note)*	008-183-597
21	11	Esquimalt	946 (See Note)**	008-183-601
22	11	Esquimalt	946	008-183-619
23	11	Esquimalt	946	008-183-635
A	11	Esquimalt	3829	006-111-092
B	11	Esquimalt	3829	006-111-131

Note:

*THAT PART OF LOT 21, SECTION 11, ESQUIMALT DISTRICT, PLAN 946, LYING TO THE EAST OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH

WESTERLY BOUNDARIES OF SAID LOT

****EXCEPT THAT PART OF LOT 21, SECTION 11, ESQUIMALT DISTRICT, PLAN 946, LYING TO THE EAST OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH WESTERLY BOUNDARIES OF SAID LOT**

4. by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" to show the changes in zoning classification effected by this bylaw.

READ a first time by the Municipal Council on the ____ day of _____, 2022.

READ a second time by the Municipal Council on the ____ day of _____, 2022.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the ____ day of _____, 2022.

READ a third time by the Municipal Council on the ____ day of _____, 2022.

ADOPTED by the Municipal Council on the ____ day of _____, 2022.

BARBARA DESJARDINS
MAYOR

DEB HOPKINS
CORPORATE OFFICER