

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2924

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

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

1. This bylaw may be cited as the *"ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2924"*.

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 after in Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development District No. 108 (835 Dunsmuir Road) CD No. 108"

(2) by adding the following text as Section 67.95 (or as other appropriately numbered subsection within Section 67):

67.95 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 108 [CD NO. 108]

In that Zone designated as CD No. 108 [Comprehensive Development District No. 108] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Part.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1525 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Number of Dwelling Units**

No more than thirty-four (34) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.50.

(6) **Building Height**

No Principal Building shall exceed a Height of 18.5 metres.

(7) **Lot Coverage**

(a) Principal Buildings shall not cover more than 86% of the Area of the Parcel including a parking structure.

(b) Notwithstanding 7(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 45% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 3.5 metres of the Front Lot Line.
- (ii) Front Setback [Fifth Storey]: No Principal Building shall be located within 5.5 metres of the Front Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 7.5 metres of the northern Exterior Side Lot Line.
- (iv) Side Setback: No Principal Building shall be located within 7.5 metres of the southern Interior Side Lot Line.
- (v) Rear Setback: No Principal Building shall be located within 4.0 metres of the Rear Lot Line.
- (vi) Rear Setback [Fifth Storey]: No Principal Building shall be located within 6.0 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the northern Exterior Side Lot Line may be reduced by not more than 2.00 metres to accommodate the front entry area on the First Storey of

the Principal Building, measuring not more than 6.00 metres in width along the front face of the Principal Building.

- (ii) The minimum distance to the northern Exterior Side Lot Line may be reduced by not more than a total of 3.20 metres to accommodate the areas above the front entry and corresponding balconies on the Second, Third and Fourth Storeys of the Principal Building, measuring not more than 6.00 metres in width along the front face of the Principal Building.
- (iii) The minimum distance to the Front Lot Line and the Side Lot Lines may be reduced by not more than 1.50 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (iv) The minimum distance to the Front Lot Line, southern Interior Side Lot Line and Rear Lot Line may be reduced to 0.0 metre to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the northern Exterior Side Lot Line may be reduced to 2.0 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

(10) **Fencing**

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

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 140 square metres.

(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 1.02 spaces per dwelling unit.
- (b) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No.2011(as amended), up to 58% of the total required off-street

Parking Spaces may be designed for small cars, by reducing the depth of stall for 90 degree parking from 5.5 m to 4.5 m.

- (c) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 1 of the parking spaces required per above (12) (a) shall be marked "Visitor".
- (3) by changing the zoning designation of PID 005-388-899 Lot 3, Section 11, Esquimalt District, Plan 9757 [833 Dunsmuir Road], shown cross-hatched on Schedule "A" attached hereto, from RM-4 [Multiple Family Residential] to CD No. 108 [Comprehensive Development District No. 108] and by changing the zoning designation of PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757 [835 Dunsmuir Road], shown cross-hatched on Schedule "A" attached hereto, from RD-3 [Two Family/Single Family Residential] to CD No. 108 [Comprehensive Development District No. 108]
- (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 20th day of August, 2018.

READ a second time by the Municipal Council on the 20th day of August, 2018.

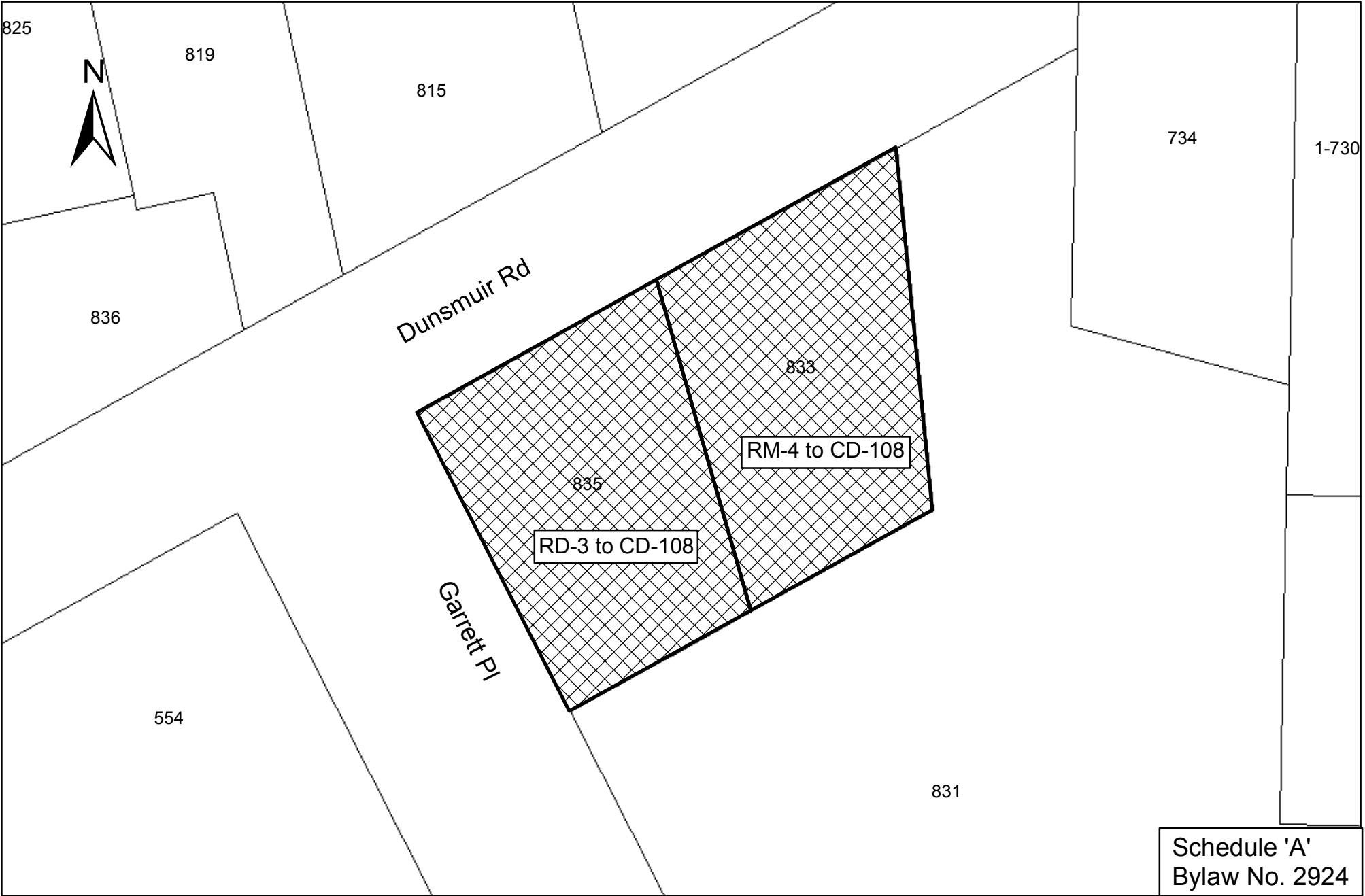
A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2018.

READ a third time by the Municipal Council on the ---- day of ----, 2018.

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

BARB DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER



Schedule 'A'
Bylaw No. 2924