

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
BYLAW NO. 3139

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. 3139" or "SSMFH Zoning Update".
2. That the Schedule attached to and forming part of this SSMFH Zoning Update bylaw be attached to and form part of Zoning Bylaw 1992, No. 2050 as **Schedule A.2 SSMFH Zoning Overlay Map**, immediately following the Schedule A Zoning Maps.
3. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended in Part 2 – DEFINITIONS by adding the following definition:

"Dwelling - Small-Scale Multi-Family Housing" (also "**SSMFH**", also "Small-Scale Multi-Unit Housing", also "SSMUH") means one or two Buildings on parcels illustrated as "SSMFH Lots" on Schedule A.2 SSMFH Zoning Overlay Map which collectively contain:

- (a) three (3) Dwelling Units on parcels equal to or less than 280 square metres in Parcel Area; and
- (b) three (3) or four (4) Dwelling Units on parcels between 280 square metres and 4,050 square metres in Parcel Area,

each of which is occupied or intended to be occupied as the Permanent Residence by one Family, and

- (1) may include Boarding as an accessory use only;
- (2) may be accompanied by Accessory Buildings; and
- (3) may be accompanied by other Accessory Uses where specifically permitted by this bylaw.

4. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended in Part 4 – GENERAL REGULATIONS as follows:

(1) by adding the following extension to each of Subsections 30.3(1) [*Boarding*], 30.6(1) [*Secondary Suites*] and 30.7(2) [*DADUs*]: " , unless the Parcel is developed in accordance with the RSM-1 Zone or RSM-2 Zone, as applicable."

(2) by adding the following as Section 30.10 "**SMALL-SCALE MULTI-FAMILY HOUSING**":

30.10 SMALL-SCALE MULTI-FAMILY HOUSING ("SSMFH")

Lots shown as 'SSMFH Lots' on Schedule A.2 Small-Scale Multi-Family Housing (SSMFH) Zoning Overlay Map are subject to the following regulations:

- (1) Parcels 280 square metres or smaller used or intended to be used as SSMFH Dwellings are subject to the **Small-Scale Multi-Family Housing Zone (Small Lot) [RSM-1]** regulations within Section 40.2 of this Bylaw.
- (2) Parcels between 280 square metres and 4,050 square metres used or intended to be used as SSMFH Dwellings are subject to the **Small-Scale Multi-Family**

Housing Zone (Medium Lot) [RSM-2] regulations within Section 40.3 of this Bylaw.

- (3) Parcels shown as 'Tsunami Hazard Lots' may not be developed in accordance with the Small-Scale Multi-Family Housing Zoning regulations.
 - (4) For greater certainty, an SSMFH Lot may be developed either as a Single Family Dwelling or Two Family Dwelling in accordance with its original zoning, or, provided it is not identified as a Tsunami Hazard Lot, as Small Scale Multiple Family Housing Dwelling in accordance with the RSM-1 Zone or RSM-2 Zone, as applicable.
5. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended in Part 5 – ZONING DISTRICTS 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:
 - (1) "Small-Scale Multi-Family Housing Zone (Small Lot) [RSM-1]"
 - (2) "Small-Scale Multi-Family Housing Zone (Medium Lot) [RSM-2]"
 - (2) by adding the following as Section 40.2:

40.2 SMALL-SCALE MULTI-FAMILY HOUSING ZONE (SMALL LOT) [RSM-1]

The intent of this Zone is to accommodate three-unit Small-Scale Multi-Family Housing on individual Parcels of land.

(1) Permitted Uses

The following Uses and no others are permitted:

- (a) Small-Scale Multi-Family Housing
- (b) Home Occupation
- (c) Boarding, subject to the requirements of Section 30.3 of this bylaw
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw

(2) Density

The maximum number of Dwelling Units per Parcel is three (3).

(3) Number of Principal Buildings

Notwithstanding Section 12 of this Bylaw, the maximum number of Principal Buildings per Parcel is two (2).

(4) Unit Size

The minimum Floor Area for each Dwelling Unit shall not be less than 25.0 square metres.

(5) Building Height

- (a) No Principal Building shall exceed a Height of 11.0 metres or three (3) storeys.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(6) Lot Coverage

All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 50% of the Area of a Parcel.

(7) Siting Requirements

(a) Principal Buildings

- (i) Front Setback: No Principal Building shall be located within 2.0 metres of a Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.2 metres of a Side Lot Line. In the case where Rear Yard parking is accessed from the Front Yard, no Principal Building shall be located within 3.0 metres of the Side Lot Line within the portion of the Side Yard used to access the Rear Yard.
- (iii) Rear Setback: No Principal Building shall be located within 4.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Principal Building shall be located within 2.5 metres of any other Building.

(b) Accessory Buildings

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building nearest to the Front Lot Line.
- (ii) Side Setback: No Accessory Building shall be located within 1.2 metres of a Side Lot Line. In the case where Rear Yard parking is accessed from the Front Yard, no Principal Building shall be located within 3.0 metres of the Side Lot Line within the portion of the Side Yard used to access the Rear Yard.
- (iii) Rear Setback: No Accessory Building shall be located within 1.2 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any other Building.

(8) Fencing

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building nearest to the Front Lot Line and 2.0 metres behind the front face of the Principal Building nearest to the Front Lot Line.

(9) Off Street Parking

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

- (3) by adding the following as Section 40.3:

40.3 SMALL-SCALE MULTI-FAMILY HOUSING ZONE (MEDIUM LOT) [RSM-2]

The intent of this Zone is to accommodate three to four-unit Small-Scale Multi-Family Housing on individual Parcels of land.

(1) Permitted Uses

The following Uses and no others are permitted:

- (a) Small-Scale Multi-Family Housing
- (b) Home Occupation
- (e) Boarding, subject to the requirements of Section 30.3 of this bylaw
- (f) Urban Hens: subject to the requirements of Section 30.4 of this bylaw

(2) Density

The maximum number of Dwelling Units per Parcel is four (4).

(3) Number of Principal Buildings

Notwithstanding Section 12 of this Bylaw, the maximum number of Principal Buildings per Parcel is two (2).

(4) Unit Size

The minimum Floor Area for each Dwelling Unit shall not be less than 25.0 square metres.

(5) Building Height

- (a) No Principal Building shall exceed a Height of 11.0 metres or three (3) storeys.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(6) Lot Coverage

All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than:

- (a) 40% of the Area of a Parcel that is equal to or greater than 1,215.0 square metres in size, or
- (a) 50% of the Area of a Parcel that is less than 1,215.0 square metres in size.

(7) Siting Requirements

(a) Principal Buildings

- (i) Front Setback: No Principal Building shall be located within 4.0 metres of a Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.2 metres of a Side Lot Line. In the case where Rear Yard parking is accessed from the Front Yard, no Principal Building shall be located within 3.0 metres of the Side Lot Line within the portion of the Side Yard used to access the Rear Yard.
- (iii) Combined Side Setback: The two Principal Building Side Setbacks shall not together measure less than 3.0 metres.
- (iv) Rear Setback: No Principal Building shall be located within 4.5 metres of a Rear Lot Line.
- (v) Building Separation: No Principal Building shall be located within 2.5 metres of any other Building.

(b) Accessory Buildings

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building nearest to the Front Lot Line.
- (ii) Side Setback: No Accessory Building shall be located within 1.2 metres of a Side Lot Line. In the case where Rear Yard parking is accessed from the Front Yard, no Principal Building shall be located within 3.0 metres of the Side Lot Line within the portion of the Side Yard used to access the Rear Yard.
- (iii) Rear Setback: No Accessory Building shall be located within 1.2 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of any other Building.

(8) Fencing

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building nearest to the Front Lot Line and 2.0 metres behind the front face of the Principal Building nearest to the Front Lot Line.

(9) Off Street Parking

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

READ A FIRST TIME this ____ day of June, 2024.

READ A SECOND TIME this ____ day of June, 2024.

READ A THIRD TIME this ____ day of June, 2024.

ADOPTED this ____ day of June, 2024.

BARBARA DESJARDINS
MAYOR

DEB HOPKINS
CORPORATE OFFICER