

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2988

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. 2988".
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 in Section 31, Zone Designations, in the appropriate alpha-numeric sequence:
"Comprehensive Development No. 130 (874 Fleming Street) CD No. 130"
 - (2) by adding the following text as Section 67.117 (or as other appropriately numbered subsection within Section 67):

67.117 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 130 [CD NO. 130]

In that Zone designated as CD No. 130 [Comprehensive Development District No. 130] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Section.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

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

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 3900 square metres.

(3) **Number of Principal Buildings**

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

(4) **Number of Dwelling Units**

No more than one hundred thirty-seven (137) Dwelling Units shall be located on a Parcel

(5) **Floor Area Ratio**

(a) The Floor Area Ratio shall not exceed 2.0.

(b) The maximum Floor Area Ratio may be increased to 2.1 upon the owner entering into a Housing Agreement under Section 483 of the Local Government Act with the Township, securing all the dwelling units as affordable housing, restricting stratification of the building, and including provisions related to the administration, management and reporting in accordance with the Township's customary form.

(6) **Building Height**

No Principal Building shall exceed a Height of 22 metres.

(7) **Number of Storeys**

The maximum number of Stories shall be six (6).

(8) **Lot Coverage**

(a) Principal Buildings shall not cover more than 70% of the Area of the Parcel including a parking structure.

(b) Notwithstanding 8(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 50% of the Area of the Parcel.

(9) **Siting Requirements**

Within this CD-130 Zone, lot lines, setbacks and yards shall be determined in accordance with Figure 1 (below).

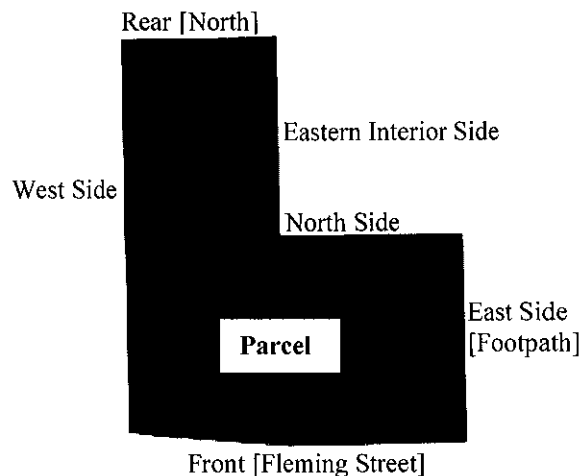


Figure 1.

(a) Principal Building:

- (i) Front Setback: A Principal Building shall be located as follows:
 - 1. No Principal Building shall be located within 6.9 metres of the Front Lot Line.
 - 2. That portion of the Principal Building defined by the canopy of the front entry area and associated support columns, located on the First Storey of the Principal Building and measuring not more than 7.5 metres in width along the front face of the Principal Building, must be setback a minimum of three (3) metres more from the Front Lot Line.
- (ii) East Side Setback: No Principal Building shall be located within 3.9 metres of the East Side Lot Line.
- (iii) North Side Setback: No Principal Building shall be located within 7.5 metres of the North Side Lot Line.
- (iv) Eastern Interior Side Setback: No Principal Building shall be located within 5.3 metres of the Eastern Interior Side Lot Line.
- (v) West Side Setback: A Principal Building shall be located as follows:
 - 1. No portion of the First Storey of the Principal Building shall be located within 4.7 metres of the West Side Lot Line.
 - 2. No portion of the Principal Building above the First Storey shall be located within 5.7 metres of the West Side Lot Line.
 - 3. The portion of the Principal Building above the First Storey must be setback a minimum of one (1) metre more from the West Side Lot Line than the First Storey.
 - 4. Notwithstanding all other requirements of Section 9(a)(v), no portion of a Principal Building at or above the First Storey, located within 15.5 metres of the Rear Lot Line, shall be located within 5.1 metres of the West Side Lot Line.
- (vi) Rear Setback: No Principal Building shall be located within 7.4 metres of the Rear Lot Line.

(b) Accessory Buildings:

No Accessory Buildings shall be permitted.

(10) **Siting Exceptions**(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced by not more than 1.4 metres to accommodate building support columns located on the First Storey.
- (ii) The minimum distance to the Front Lot Line may be reduced by not more than 1.6 metres to accommodate that portion of the Principal Building located above the First Storey.
- (iii) The minimum distance to the North Side Lot Line may be reduced by not more than 0.7 metres to accommodate that portion of the Principal Building located above the First Storey.
- (iv) The minimum distance to the Eastern Interior Side Lot Line may be reduced by not more than 0.4 metres to accommodate that portion of the Principal Building located above the First Storey.
- (v) The minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate the parking structure situated below the First Storey of a Principal Building:

1. Front Lot Line:	5.0 metres
2. East Side Lot Line:	3.1 metres
3. North Side Lot Line:	4.7 metres
4. Eastern Interior Side Lot Line:	1.2 metres
5. West Side Lot Line:	2.8 metres
6. Rear Lot Line:	6.5 metres
- (vi) Notwithstanding Section 10(v), the minimum distance to the Front Lot Line may be reduced to 0.0 metres to accommodate the portion of the underground parking structure designated for use as an electrical substation and electrical, mechanical, and water service rooms measuring not more than 18.5 metres in width along the Front Lot Line.
- (vii) The minimum distance to the Front Lot Line may be reduced by not more than 2.8 metres to accommodate the above ground structure at the parkade entrance.
- (viii) The minimum distance to the West Side Lot Line may be reduced by not more than 2.7 metres to accommodate the portion of the underground parking structure designated for a garbage and recycling room and the above ground structure at the parkade entrance.

(11) **Roof**

- (a) Roof Top Coverage: Notwithstanding Zoning Bylaw No. 2050, Section 15(4)(a), in the CD-130 zone Structures exceeding the maximum allowable Building Height must occupy less than 15% the area of the roof.
- (b) Roof Overhang: Notwithstanding Zoning Bylaw No. 2050, Section 16(1)(b), in the CD-130 zone the required setback may be reduced by not more than 1.3 metres to accommodate roof eaves.

(12) **Fencing**

Subject to Section 22 no fence shall exceed a Height of 1.2 metres In front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(13) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 6.0% of the Area of the Parcel.

(14) **Off-Street Parking**

- (a) Off street parking shall be provided in accordance with Parking Bylaw, 1992, No. 2011(as amended).
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 0.48 spaces per dwelling unit.
- (c) Notwithstanding Section 11(1) of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 13 parking spaces shall be marked "Visitor".
- (d) Notwithstanding Section 16 of Parking Bylaw, 1992, No. 2011(as amended), one parking space shall be provided in the surface parking area having dimensions of not less than 3.3 metres width and 6.3 metres length and shall be clearly designated as a Loading Area.

(3) by changing the zoning designation of PID 002-900-246 Lot B, Section 10, Esquimalt District, Plan VIP25267 [874 Fleming Street], shown cross-hatched on Schedule "A" attached hereto, from RM-4 [Multiple Family Residential] to CD No. 130 [Comprehensive Development District No. 130].

(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 24th day of February, 2020.

READ a second time by the Municipal Council on the 24th day of February, 2020.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 7th day of December, 2020.

READ a third time by the Municipal Council on the 7th day of December, 2020.

ADOPTED by the Municipal Council on the 26th day of April, 2021.



BARBARA DESJARDINS
MAYOR



ANJA NURVO
INTERIM CORPORATE OFFICER

