

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2915

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. 2915”*.
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 Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

“Comprehensive Development No. 107 (669 Constance Avenue) CD No. 107”

- (2) by adding the following text as Section 67.94 (or as other appropriately numbered subsection within Section 67):

67.94 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 107 [CD NO. 107]

In that Zone designated as CD No. 107 [Comprehensive Development District No. 107] 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 1930 square metres.

(3) **Number of Principal Buildings**

Not more than one Principal Buildings shall be located on a Parcel.
No Accessory Buildings or Structures permitted.

(4) **Number of Dwelling Units**

No more than eighty-three (83) Dwelling Units shall be located on a Parcel.

(5) **Unit Size**

The minimum Floor Area for each Multiple Family Dwelling unit shall not be less than:

- (a) 90 square metres for not less than 7 percentage of the units;
- (b) 60 square metres for not less than 50 percentage of the units;
- (c) 40 square metres for not less than 36 percent of the units; and
- (d) 35 square metres otherwise.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 3.0.

(7) **Building Height**

No Principal Building shall exceed a Height of 36.0 metres.

(8) **Lot Coverage**

- (a) Principal Buildings shall not cover more than 87% of the Area of the Parcel including a parking structure.
- (b) Notwithstanding 8(a), that portion of the Principal Building constructed above the second Storey, shall not cover more than 55% of the Area of the Parcel.

(9) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback [First Storey]: No Principal Building shall be located within 2.0 metres of the Front Lot Line (Constance Avenue).
- (ii) Front Setback [Above First Storey]: No Principal Building shall be located within 0.80 metres of the Front Lot Line (Constance Avenue).
- (iii) Side Setback [North]: No Principal Building shall be located within 1.5 metres of the northernmost Side Lot Line.
- (iv) Side Setback [North] [Above Ninth Storey]: No Principal Building shall be located within 6.0 metres of the northernmost Side Lot Line.
- (v) Side Setback [South]: No part of a Principal Building shall

be located within 0.3 metres of the southern Side Lot Lines.

- (vi) Side Setback [South] [Above First Storey]: No part of a Principal Building located within 24 metres of a Lot Line abutting a Highway shall be located within 2.7 metres of the southern Side Lot Lines and otherwise no part of a Principal Building shall be located within 8.0 metres of the southern Side Lot Lines.
- (vii) Side Setback [South] [Above Eighth Storey]: No part of a Principal Building shall be located within 6.8 metres of the southern Side Lot Lines.
- (viii) Exterior Side Setback (Admirals Road): No Principal Building shall be located within 5.7 metres of an Exterior Side Lot Line abutting Admirals Road.
- (ix) Exterior Side Setback (Admirals Road) [Above Third Storey]: No Principal Building shall be located within 3.1 metres of an Exterior Side Lot Line abutting Admirals Road.
- (x) Rear Setback (Admirals Road): No Principal Building shall be located within 7.5 metres of the Rear Lot Line abutting Admirals Road.
- (xi) Rear Setback (Admirals Road) [Above Third Storey]: No Principal Building shall be located within 9.5 metres of the Rear Lot Line abutting Admirals Road.

(b) **Accessory Buildings:**

No Accessory Buildings or Structures shall be permitted.

(10) **Siting Exceptions**

- (a) The minimum distance to the Exterior Side Lot Lines (Admirals Road) may be reduced by not more than 1.5 metres to accommodate a pedestrian entrance canopy.
- (b) The minimum distance to the Rear Lot Lines (Admirals Road) may be reduced by not more than 1.5 metres to accommodate a pedestrian entrance canopy.
- (c) The minimum distance to any Lot Line(s) may be reduced to 0.0m for works associated with a parking Garage.

(11) **Usable Open Space [Rooftop Patio]**

- (a) Usable Open Space shall be provided in an amount not less than 15% of the Area of the Parcel, including open space located over the First Storey.

- (b) Usable Open Space, in the form of an unenclosed rooftop patio accessible to all dwelling units, and having an area not less than 100 square metres, shall be provided on the southwestern most part of the building.
- (c) Notwithstanding Section 15(4)(e)(ii) Guards for rooftop patios are not required to step back a minimum of 1.5 metres from the building edge.

(12) **Fencing**

- (a) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres within 7.5 metres of a Lot Line abutting a Highway.
- (b) Subject to Part 4, Section 22, no fence shall exceed a Height of 1.2 metres located adjacent to the northernmost Side Lot Line.
- (c) Subject to Part 4, Section 22(a), fencing located on top of a retaining wall abutting the southern Side Lot Lines and not located with 7.5 metres of a Lot Line abutting a Highway, shall be measured distinctly and shall not exceed a height of 1.8 metres.

(13) **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(1) of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of 8 of the parking spaces required above (13(a)) shall be marked "Visitor".
- (c) Notwithstanding Section 14(2)(a) of Parking Bylaw, 1992, No. 2011 (as amended), 59% of the required Parking Spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (d) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a two way manoeuvring aisle accessing two banks of parking shall be 6.6 metres.
- (e) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a two way manoeuvring aisle accessing one bank of parking shall be 6.0 metres.
- (f) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a 90 degree parking stall shall be 2.5 metres
- (g) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as

amended), the minimum width of a 90 degree small car parking stall shall be 2.3 metres.

(h) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a stall located parallel to the manoeuvring aisle shall be 6.4 metres.

(i) Notwithstanding Section 14(4) of Parking Bylaw, 1992, No. 2011 (as amended), where any space abuts any portion of a fence or structure, the minimum stall width shall not increase.

(3) by changing the zoning designation of the following lands from the zone noted below to CD No. 107 [Comprehensive Development District No. 107] for the lands now consolidated and known as PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107 [669 Constance Avenue]:

(i) Lands formerly known as PID 004-574-451, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan 13563 [669 Constance Avenue] from RM-4 [Multiple Family Residential] Zone,

(ii) Lands formerly known as PID 023-768-410, Lot A of Suburban Lots 43 and 44, Esquimalt District, Plan VIP65333 [658 Admirals Road] from RM-4 [Multiple Family Residential] Zone, and

(iii) Lands formerly known as PID 017-827-540, Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP 54521 [662 Admirals Road] from RM-1 [Multiple Family Residential] Zone,

all as shown cross-hatched on Schedule 'A'.

(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 26th day of February, 2018.

READ a second time by the Municipal Council on the 26th day of February, 2018.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 23rd day of April, 2018.

READ a third time by the Municipal Council on the 23rd day of April, 2018.

RESCIND third reading by the Municipal Council on the 11th day of June, 2018

AMEND AND READ ANEW at second reading by the Municipal Council on the 11th day of June, 2018

A Public Hearing was held pursuant to 464, 465, 466 and 468 of the *Local Government Act* on the 25th day of June, 2018

READ a third time by the Municipal Council on the 25th day of June, 2018

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

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER