

## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 2927

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. 2927"*.

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 District No. 110 (638 Constance Avenue)  
CD No. 110"

(2) by adding the following text as Section 67.97 (or as other appropriately numbered subsection within Section 67):

**67.97 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 110 [CD NO. 110]**

In that Zone designated as CD No. 110 [Comprehensive Development District No. 110] 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 2830 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 seventy-one (71) Dwelling Units shall be located on a Parcel.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 1.60.

(6) **Building Height**

No Principal Building shall exceed a Height of 21 metres.

(7) **Lot Coverage**

(a) Principal Building shall not cover more than 81% of the Area of the Parcel including a parking structure.

(b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 40% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 5.8 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 5.0 metres of the northern Interior Side Lot Line.
- (iii) Side Setback: No Principal Building shall be located within 7.0 metres of the southern Interior Side Lot Line.
- (iv) Rear Setback: No Principal Building shall be located within 6.4 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 Front Lot Lines may be reduced by not more than 1.80 metres to accommodate the front entry.
- (ii) The minimum distance to the Front Lot Line, Rear Lot Line and the Interior Side Lot Lines may be reduced by not more than 1.3 metres to accommodate balconies and exterior canopies, attached to and forming part of a Principal Building.
- (iii) The minimum distance to the Front Lot Line may be

reduced to 2.2 metres to accommodate the parking structure situated below the First Storey of a Principal Building.

- (iv) The minimum distance to the northern Interior Side 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 southern Interior Side Lot Line may be reduced to 0.5 metre to accommodate the parking structure situated below the First Storey of a Principal Building.
- (vi) The minimum distance to the Rear Lot Line may be reduced to 2.8 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 850 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 0.85 spaces per dwelling unit.
- (b) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 2 of the parking spaces required per above (12)(a) shall be marked "Visitor".

- (3) by changing the zoning designation of PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854 [638 Constance Avenue], PID 000-380-911, Amended Lot 88 (DD 208442I), of Suburban Lot 44, Esquimalt District, Plan 2854 [640 Constance Avenue] and PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854 [637 Nelson Street], shown cross-

hatched on Schedule 'A' attached hereto, from RM-1 [Multiple Family Residential] to CD No. 110 [Comprehensive Development District No. 110]

- (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 20<sup>th</sup> day of August, 2018.

READ a second time by the Municipal Council on the 26<sup>th</sup> day of November, 2018.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 6<sup>th</sup> day of May, 2019.

READ a third time by the Municipal Council on the 6<sup>th</sup> day of May, 2019.

RESCIND third reading by the Municipal Council on the 10<sup>th</sup> day of June, 2019.

AMEND AND READ ANEW at third reading by the Municipal Council on the 10<sup>th</sup> day of June, 2019.

**ADOPTED** by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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BARBARA DESJARDINS  
MAYOR

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ANJA NURVO  
CORPORATE OFFICER