

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2965

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. 2965".

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 District No. 121 (612 Constance Avenue)
CD No. 121"

(2) by adding the following text as Section 67.108 (or as other appropriately numbered subsection within Section 67):

67.108 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 121 [CD NO. 121]

In that Zone designated as CD No. 121 [Comprehensive Development District No. 121] 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**

Only Mixed Commercial / Residential use is permitted and the following Uses and no others shall be permitted as part of that development:

- (a) Dwelling – Multiple Family
- (b) Home Occupation
- (c) Provided they are located on the First Storey or Second Storey
 - (i) Business and Professional Office
 - (ii) Group Children's Day Care Centre
- (d) Provided they are located on the First Storey:
 - (i) Laboratory and clinic
 - (ii) Personal Service Establishment
 - (iii) Public Health Clinic or facility
 - (iv) Restaurant
 - (v) Retail Store

(vi) Veterinary Clinic

(2) **Density - Floor Area Ratio**

- (a) **Base Density:** The Floor Area Ratio shall not exceed 3.0.
- (b) **Bonus Density:** The Floor Area Ratio may be increased up to, but shall not exceed 3.52 on the provision of all of the following conditions:
- (i) Reservation of a Group Children's Day Care Centre with a minimum Floor Area of 150 square metres. The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure one (1) Non-Residential Unit as the Group Children's Day Care Centre. Once designated, the permitted uses of this zone shall be interpreted so that only Group Children's Day Care Centre, and no other use, is permitted in Non-Residential Unit.
 - (ii) The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure that the Principal Building shall be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code. Prior to issuance of a building permit, the owner shall provide professional letters of support confirming the architectural plans will permit the Principal Building to meet the requirements of Step 4 (R2000) of the BC Energy Step Code.
 - (iii) 8 Dwelling Units to be occupied by households with a gross household income at or below the BC Housing Income Limits for the Victoria region at a rent of no more than 30% of each of such households' gross annual household income. The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that these Dwelling Units remain as such.
 - (iv) 3 Dwelling Units to be occupied by households that require additional or specialized services or accommodations by reason of one or more difficulties such as physical, emotional, behavioural, developmental, or otherwise, as evidenced in writing by the appropriate Federal or Provincial ministry or agency. The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that these Dwelling Units remain as such. These 3 Dwelling Units are in addition to the 8 Dwelling Units to be occupied by households with a gross household income at or below the BC Housing Income Limits for the Victoria Region.
 - (v) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* over the southeast corner of the parcel with a minimum area of 150 square metres to allow for privately owned publicly accessible open space prior to issuance of a building permit.
 - (vi) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* and a public walkway constructed

on that part of the parcel located within 6 metres of the northern Lot Line between Constance Avenue and Nelson Street prior to issuance of a building permit.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2600 square metres.

(4) **Number of Principal Buildings**

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

(5) **Number of Dwelling Units**

No more than one hundred and twenty-nine (129) Dwelling Units shall be located on a Parcel

(6) **Building Height**

No Principal Building shall exceed a Height of 46.5 metres.

(7) **Lot Coverage**

(a) Principal Building shall not cover more than 82% 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 57% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

(i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Line abutting Miles Street.

(ii) Exterior Side Setback: No Principal Building shall be located within 5.3 metres of the Exterior Side Lot Line abutting Constance Avenue.

(iii) Exterior Side Setback: No Principal Building shall be located within 2.9 metres of the Exterior Side Lot Line abutting Nelson Street.

(iv) Rear Setback: No Principal Building shall be located within 6.0 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

(i) No Accessory Building shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced to 4.6 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (ii) The minimum distance to the Exterior Side Lot Line abutting Constance Avenue may be reduced to 3.7 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iii) The minimum distance to the Exterior Side Lot Line abutting Nelson Street may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iv) The minimum distance to the Rear Lot Line may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the Exterior Side Lot Line abutting Constance Avenue may be reduced by not more than 3.0 metres to accommodate the First Storey open patio attached to and forming part of a Principal Building.
- (vi) The minimum distance to the Exterior Side Lot Line abutting Nelson Street may be reduced by not more than 2.9 metres to accommodate the First Storey open patio attached to and forming part 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 Section 22(1), 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 300 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 of 12 parking spaces for the commercial portions of the building.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 0.88 spaces per dwelling unit.
 - (c) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of 17 of the parking spaces required per above (12) (b) shall be marked "Visitor".
 - (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 6.5 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 6.5 metres.
 - (f) 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.
 - (g) For greater certainty, all other uses must comply with Parking Bylaw requirements.
3. by changing the zoning designation of PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854 [616 Constance Avenue], PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135 [620 Constance Avenue], PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854 [619 Nelson Street], PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135 [623 Nelson Street], PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854 + PID 006-375-693 Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854 [1326 Miles Street], all shown cross-hatched on Schedule "A" attached hereto, from RM-1 [Multiple Family Residential] to CD No. 121 [Comprehensive Development District No. 121]
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 19th day of August, 2019.

READ a second time by the Municipal Council on the 19th day of August, 2019.

RESCIND SECOND READING, amend bylaw and read anew a second time by the Municipal Council on the 25th day of May, 2020.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 13th day of July, 2020.

READ a third time by the Municipal Council on the 13th day of July, 2020.

ADOPTED by the Municipal Council on the 31st day of August, 2020.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER