

Section 6.30 – Low Density Attached Housing (RM1) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM1 Zone is to permit two-family, townhouse and apartment residential uses in areas serviced by community sanitary sewers.

6.30.01 Permitted Uses

The following **uses** and no others are permitted in the RM1 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment** with a maximum of five **dwelling units**;
- (3) **Community garden**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Townhouse**;
- (7) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.30.02 Subdivision Lot Requirements

- (1) No **lot** with a **lot area** less than 1,800 m² (0.5 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 25 m (82 ft) may be created by subdivision.

6.30.03 Density of Development

- (1) There may not be more than one **dwelling unit** per 500 m² (5,382 ft²) of **lot area**.
- (2) The **floor area ratio** is limited to a maximum of 0.6, but may be increased to 0.75 if at least 75% of the required off-street parking is provided underground.

6.30.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

6.30.05 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may exceed a **height** of 9 m (29.5 ft).
- (2) No **townhouse building** or **two-family dwelling** may exceed a width of 50 m (164 ft) or six **dwelling units**, whichever is the lesser.

6.30.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 6 m.0 (19.7 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 10 m (32.8 ft) of any **rear lot line**.

Section 6.31 – Attached Housing (RM2) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM2 Zone is to permit two-family and townhouse residential uses in areas serviced by community sanitary sewers.

6.31.01 Permitted Uses

The following **uses** and no others are permitted in the RM2 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, two-family**, subject to Section 3.07;
- (4) **Home occupation**, subject to Section 3.09;
- (5) **Townhouse**;
- (6) **Uses accessory to a principal use** permitted in this **Zone**; and
- (7) **Uses** permitted by Section 3.01 of this Bylaw.

6.31.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 1,800 m² (0.5 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 18 m (59.1 ft) may be created by subdivision.

6.31.03 Density of Development

- (1) There may not be more than one **dwelling unit** per 285 m² (3,067.7 ft²) of **lot area**.
- (2) The **floor area ratio** is limited to a maximum of 0.6, but may be increased to a maximum of 0.75 if at least 75% of the required off-street parking is provided underground.

6.31.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

6.31.05 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may exceed a **height** of 9 m (29.5 ft).
- (2) No **townhouse building** or **two-family dwelling** may exceed a width of 50 m (164 ft) or six **dwelling units**, whichever is the lesser.

6.31.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 6 m (19.7 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 10 m (32.8 ft) of any **rear lot line**.

Section 6.31A – Attached Housing (RM2A) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM2A Zone is to permit two-family and townhouse residential uses in areas serviced by community sanitary sewers.

6.31A.01 Permitted Uses

The following **uses** and no others shall be permitted in the RM2A Zone.

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, two-family**, subject to Section 3.07;
- (4) **Home occupation**, subject to Section 3.09;
- (5) **Townhouse**;
- (6) **Uses accessory to a principal use** permitted in this **Zone**; and
- (7) **Uses** permitted by Section 3.01 of this Bylaw.

6.31A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 1,600 m² (0.4 ac) may be created by subdivision.
(Bylaw No. 2027)
- (2) No **lot** having a **lot width** less than 18 m (59.1 ft) may be created by subdivision.

6.31A.03 Density of Development

- (1) Except as provided in Articles (2) and (3), **buildings** in the RM2A Zone shall not exceed a **floor area ratio** of 0.75.
- (2) Despite subsection 6.31A.03(1), on land whose legal description is set out in Table 1 of Schedule AD, the **floor area ratio** is 1.0, if the owner of the land proposed to be developed: Pays to the City the amount specified in Column 4 of Table 1 of schedule AD, prior to issuance of a building permit.
- (3) Despite Subsection 6.31A.03(1), the floor area ratio may be increased to a maximum of 1.5 if the owner of the land proposed to be developed provides a minimum of 50% of the parking spaces required by this Bylaw in an underground or under building parking structure, subject to compliance with the density bonus provisions specified in Subsection 6.31A.03(2).

6.31A.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 45%.

6.31A.05 Height and Size of Principal Use Buildings

- (1) No **building** or **structure** may exceed a **height** of three storeys.
- (2) No **townhouse building** or **two-family dwelling** may exceed a width of 50 m (164 ft) or six **dwelling units**, whichever is the lesser.

6.31A.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 5.5 m (18 ft) of any **front lot line**; or
- (2) Within 5.5 m (18 ft) of any **exterior side lot line**; or
- (3) Within 7.5 m (25 ft) of at least one interior side or rear lot line, and within 3 m (10ft) of the other interior side or rear lot line.

Section 6.32 – Apartment (RM3) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM3 Zone is to permit two-family, townhouse and apartment residential uses in areas serviced by community sanitary sewers.

6.32.01 Permitted Uses

The following **uses** and no others are permitted in the RM3 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Community garden**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Townhouse**;
- (7) **Uses accessory to a principal use** permitted in this **Zone**; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.32.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 1,800 m² (0.5 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 18 m (59.1 ft) may be created by subdivision.

6.32.03 Regulations for Use for Townhouses and Two-Family Dwellings

A **townhouse** or **two-family dwelling** is subject to the regulations of the RM2 Zone and not the regulations of this **Zone**, except on that part of Lot 3, Section 5, Esquimalt District, Plan 3495, lying to the north east of a boundary parallel to and perpendicularly distant 75 feet from the north easterly boundary of said **lot**, where a **townhouse** or **two-family dwellings** is subject to the regulations of this **Zone**.

6.32.04 Density of Development

- (1) Except as provided in Articles (2) and (3), there may not be more than one **dwelling unit** per 200 m² (2,152.8 ft²) of **lot area**..
- (2) **Buildings** in the RM3 Zone may not exceed a **floor area ratio** of 1.0.
- (3) The **floor area ratio** may be increased to 1.25 if at least 75% of the required off-street parking is provided underground.

6.32.05 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

6.32.06 Height and Size of Principal Use Buildings

- (1) No **apartment building** may exceed a **height** of six storeys.
- (2) No **Townhouse** or **two-family dwelling** may exceed a **height** of 9 m (29.5 ft).

6.32.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 7.5 m (24.6 ft) of any **side lot line** or a distance equal to 0.6 multiplied by the **height** of the **building** in metres, whichever is less; or
- (3) Within 10 m (32.8 ft) of the **rear lot line** or a distance equal to the **height** of the **building** in metres, whichever is less.

Section 6.32A – Apartment (RM3A) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM3A Zone is to permit two-family, townhouse and apartment residential uses in areas serviced by community sanitary sewers, and to provide, through density bonusing, for higher densities of development.

6.32A.01 Permitted Uses

The following **uses** and no others are permitted in the RM3A Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;;
- (2) **Apartment**;
- (3) **Community garden**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Townhouse**;
- (7) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.32A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 1,800 m² (0.5 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 18 m (59.1 ft) may be created by subdivision.

6.32A.03 Density of Development

- (1) There may not be more than one **dwelling unit** per 550 m² (5,920.2 ft²) of **lot area**.
- (2) Despite Article 6.32A.03 (1), on land whose legal description is set out in Table 1 of Schedule “AD”, the density of development may exceed one **dwelling unit** per 550 m² (5,920.2 ft²), if the owner of the land proposed to be developed:
 - (a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule “AD”, prior to issuance of a Building Permit; and
 - (b) Provides to the City the amenity specified in Column 4 of Table 1 of Schedule “AD”, prior to issuance of a Building Permit.
- (3) Despite Article 6.32A.03(2), **buildings** developed pursuant to Article (2) shall not exceed a maximum of one **dwelling unit** per 200 m² (2,152.8 ft²).
- (4) Under no circumstances may the **floor area ratio** exceed 1.0.

6.32A.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

6.32A.05 Height and Size of Principal Use Buildings

- (1) No **apartment building** may exceed a **height** of six storeys.
- (2) No **townhouse** or **two-family dwelling** may exceed a **height** of 9 m (29.5 ft).

6.32A.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 7.5 m (24.6 ft) of any **side lot line** or a distance equal to 0.6 multiplied by the **height** of the **building** in metres, whichever is less; or
- (3) Within 10 m (32.8 ft) of the **rear lot line** or a distance equal to the **height** of the **building** in metres, whichever is less.

Section 6.33 – Apartment – Senior Citizens (RM4) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM4 Zone is to permit apartment residential uses for senior citizens in areas serviced by community sanitary sewers.

6.33.01 Permitted Uses

The following **uses** and no others are permitted in the RM4 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment, senior citizens**;
- (3) **Community garden**;
- (4) **Home occupation**, subject to Section 3.09;
- (5) **Uses accessory to a principal use** permitted in this **Zone**; and
- (6) **Uses** permitted by Section 3.01 of this Bylaw.

6.33.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 5,000 m² (1.2 ac) may be created by subdivision.

6.33.03 Density of Development

The total area of **buildings** and **structures** on any **lot** must not exceed the lesser of the following:

- (1) The sum of the following, in square metres:
 - (a) The number of one bedroom **dwelling units** on the **lot** times 93;
 - (b) The number of two bedroom **dwelling units** on the **lot** times 278; and
 - (c) The number of three bedroom **dwelling units** on the **lot** times 464; or
- (2) The area of a maximum **floor area ratio** of 0.6, or a maximum **floor area ratio** of 0.75 if at least 75% of the required off-street parking is provided underground.

6.33.04 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 16%.

6.33.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of six storeys.

6.33.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 7.5 m (24.6 ft) of any **side lot line** or a distance equal to 0.6 multiplied by the **height** of the **building** in metres, whichever is less; or
- (3) Within 10 m (32.8 ft) of the **rear lot line** or a distance equal to the **height** of the **building**, whichever is less.

Section 6.34 – Cluster Housing Residential (CH1) Zone

(Replaced by Bylaw No. 1662)

The intent of the CH1 Zone is to permit one-family, two-family and townhouse residential uses in a manner designed to cluster density within a smaller portion of the development site and preserve open space.

6.34.01 Permitted Uses

The following **uses** and no others are permitted in the Cluster Housing (CH1) Zone:

- (1) **Accessory building and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Home office** , subject to Section 3.09;
- (4) **Dwelling, one-family**, at the location shown on Schedule “C” attached to and forming part of this Bylaw;
- (5) **Dwelling, one-family** in those locations identified as Lot A and B on Schedule “C”, provided that at least 17% of the maximum permitted **dwelling units** on Lot A are **one-family dwellings** or **two-family dwellings**;
- (6) **Dwelling, two-family**, at the location shown on Schedule “C” attached to and forming part of this Bylaw and subject to Section 3.07;
- (7) **Dwelling, two-family**, in those locations identified as Lot A and B on Schedule “C”, provided that at least 17% of the maximum permitted **dwelling units** on Lot A are **one-family dwellings** or **two-family dwellings**;
- (8) **Townhouse**, on **lots** with a **lot area** greater than or equal to 1,800 m² (0.5 ac) and a **lot depth** greater than or equal to 25 m (82 ft), in those locations identified as Lot A and B on Schedule “C”, provided that at least 17% of the maximum permitted **dwelling units** on Lot A are **one-family dwellings** or **two-family dwellings**;
- (9) **Uses accessory to a principal use** permitted in this **Zone**; and
- (10) **Uses** permitted by Section 3.01 of this Bylaw.

6.34.02 Density of Development

The maximum density on each of the **lots** identified on Schedule “C” is as follows:

- (1) Lot A: 413 **dwelling units**; and
- (2) Lot B: 76 **dwelling units**.

6.34.03 Height and Size of Principal Use Buildings

- (1) The height of any **residential building** shall not exceed 12 m (39.4 ft) or three storeys.
- (2) The height of any **accessory building** shall not exceed 5 m (16.4 ft).
- (3) No **townhouse building** or **structure** shall exceed a width of 50 m (164 ft) or six **dwelling units**, whichever is greater.

6.34.04 Setbacks

- (1) No **townhouse** may be located:
 - (a) Within 5 m (16.4 ft) of any **front lot line**, except that no **garage or carport** whose vehicle access crosses a **front lot line** may be located within 5.5 m (18 ft) of the **front lot line**; or
 - (b) Within 6 m (19.7 ft) of any **side lot line**, except that on a **corner lot** no **townhouse** may be located within 7.5 m (24.6 ft) of the **exterior side lot line**; or
 - (c) Within 7.5 m (24.6 ft) of any **rear lot line**.
- (2) No **one-family dwelling** or **two-family dwelling** may be located:
 - (a) Within 5 m (16.4 ft) of any **front lot line**, except that no **garage or carport** whose vehicle access crosses a **front lot line** may be located within 5.5 m (18 ft) of the **front lot line**; or
 - (b) Within 1.5 m (4.9 ft) of any **side lot line** and the sum of the **setbacks** from the two **side lot lines** shall not be less than 4.5 m (14.8 ft), except that on a **corner lot** no **one-family dwelling** or **two-family dwelling** may be located within 6 m (19.7 ft) of the **exterior side lot line**; or
 - (c) Within 7.5 m (24.6 ft) of any **rear lot line**.
 - (a) **Accessory buildings** are not permitted in any required front or side **setback**.

6.34.05 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

6.34.06 Subdivision Lot Requirements

The following regulations apply to all **lots** that may be created by subdivision:

- (1) Minimum **lot area** shall be 695 m² (7,480.9 ft²);
- (2) Minimum **lot width** shall be 16 m (52.5 ft); and
- (3) Minimum **lot depth** shall be 30 m (98.4 ft).

Section 6.35 – Cluster Housing Residential (CH2) Zone

(Replaced by Bylaw No. 1662)

The intent of the CH2 Zone is to permit one-family residential uses in a manner designed to cluster density within a smaller portion of the development site and preserve open space.

6.35.01 Permitted Uses

The following **uses** and no others are permitted in the CH2 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, one-family**;
- (4) **Group daycare** , subject to Subsection 3.26.02;
- (5) Deleted. *(Bylaw No. 2082)*;
- (6) **Home occupation**, subject to Section 3.09;
- (7) **Secondary suite** in a **one-family dwelling**, subject to Section 3.08;
- (8) The keeping of not more than four **boarders** in a **one-family dwelling**;
- (9) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (10) **Uses** permitted by Section 3.01 of this Bylaw.

6.35.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 1,400 m² (15,069.5 ft²) may be created by subdivision.

6.35.03 Density of Development

- (1) The maximum density on the property legally described as Parcel A (DD34484I), Section 80, Metchosin District, Except Part On Plan Attached to Conveyance Dated the 24th Day of July 1911 From David Albert Henry to the Canadian Northern Pacific Railway Company and Deposited Under DD 27589 and Except Parts in Plans 6887 and 7142 shall be eight **one-family dwellings** . This may be increased to 16 **one-family dwellings** if at least 45% of the property is dedicated as park and the applicant provides at its own cost, the installation of sewer services to the entire subdivision, prior to subdivision.
- (2) There may not be more than one **group daycare** on land legally described as Lot 1, Section 80, Metchosin District, Plan VIP70354 (1028 Lomalinda Drive).

6.35.04 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 9 m (29.5 ft).

6.35.05 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line** or **rear lot line**; or
- (2) Within 1.5 m (4.9 ft) of any **interior side lot line** provided, however, that the sum of the **setbacks** from any two **interior side lot lines** is not less than 4.5 m (14.8 ft); or
- (3) Within 6 m (19.7 ft) of any **exterior side lot line**.

6.35.06 Lot Coverage

Lot coverage of all **buildings** and **structures** may not exceed 35%.

Section 6.36 – Medium-Density Apartment (RM7) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM7 Zone is to permit two-family, townhouse and apartment residential uses at a medium density in areas serviced by community sanitary.

6.36.01 Permitted Uses

The following **uses** and no others shall be permitted in the RM7 Zone.

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Community garden**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Townhouse**; and
- (7) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.36.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 4,000 m² (1 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 20 m (65.6 ft) may be created by subdivision.
- (3) No **lot** having a **lot depth** less than 34 m (111.5 ft) may be created by subdivision.

6.36.03 Density of Development

- (1) Except as provided in Articles (2), (3), (4) and (5), **buildings** shall not exceed a **floor area ratio** of 1.0.
- (2) The **floor area ratio** may be increased to 1.15 if the owner provides at least 50% of the parking spaces required by this Bylaw in an underground parking structure, and by an additional 0.02 to a maximum of 1.25 for every additional 5% of the parking spaces so provided in excess of 50%.
- (3) The **floor area ratio** may be increased to 1.25 if the owner provides multiple-family residential **amenity space** of 5 m² (53.8 ft²) per **dwelling unit** in addition to the required usable open space.
- (4) The **floor area ratio** may be increased to 1.6 on a **lot** located in the shaded area shown on Schedule "AE".

6.36.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%;
- (2) **Lot coverage** of all **buildings** and **structures** with **heights** of three storeys or more located in the shaded area shown on Schedule "AE" may not exceed 75%.

6.36.05 Height and Size of Principal Use Buildings

- (1) No **apartment building** may exceed a **height** of six storeys.
- (2) No **townhouse** or **two-family dwelling** may exceed a **height** of 9 m (29.5 ft).

6.36.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 3 m (9.8 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 3 m (9.8 ft) of any **rear lot line**; or
- (5) Within 7.5 m (24.6 ft) of any **rear lot line**, if that **lot line abuts**, or is separated only by a **highway**, from a **lot** in a **Residential Zone**.

Section 6.36A – Medium-Density Apartment A (RM7A) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM7A Zone is to permit two-family, townhouse and apartment residential uses at a medium density in areas serviced by community sanitary sewer and to allow for increased densities through density bonussing.

6.36A.01 Permitted Uses

The following **uses** and no others are permitted in the RM7A Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**, except on the parcel legally described as Lot 3, Section 108, Esquimalt District, Plan 15809 Except Parts in Plans VIP71966 and VIP71969 (300 Phelps Avenue); Lot 15, Section 109, Esquimalt District, Plan 12187 Except Part in Plan VIP71967 (647 Redington Avenue), Lot 17, Section 109, Esquimalt District, Plan 12187 (2478 Selwyn Road), Lot 16, Section 109, Esquimalt District, Plan 12187 Except Part in Plan VIP71967, (2482 Selwyn Road); and Lot A, Section 84, Esquimalt District, Plan VIP51623 (3296 Jacklin Road);
- (3) **Community garden**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Group Daycare**, on the property legally described as Lot 1, Section 72, Esquimalt District, Plan 45918 (616 Goldstream Avenue) and in accordance with Subsection 3.26.02;
- (6) **Home occupation**, subject to Section 3.09;
- (7) **Townhouse**;
- (8) **Uses accessory to a principal use** permitted in this **Zone**; and
- (9) **Uses** permitted by Section 3.01 of this Bylaw.

6.36A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 3,000 m² (0.7 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 20 m (65.6 ft) may be created by subdivision.
- (3) No **lot** having a **lot depth** less than 34 m (111.5 ft) may be created by subdivision.
- (4) Despite Article 6.36A.02(1), on **lots** located within the shaded area shown on Schedule “A1”, a **lot** having a **lot area** less than 3,000 m² (0.7 ac) but not less than 90 m² (968.8 ft²) may be created by subdivision if the owner of the land proposed to be subdivided pays to the City the amount specified in Column 4 of Table 1 of Schedule “AD” prior to the issuance of a Building Permit.

- (5) Despite Articles 6.36A.02(2) and 6.36A.02(3), on **lots** located within the shaded area shown on Schedule “AI”, no **lot** having a **lot width** less than 4 m (13.1 ft) or a **lot depth** less than 22 m (72.2 ft) may be created by subdivision.

6.36A.03 Density of Development

- (1) There may not be more than three **dwelling units** on a **lot**, with a combined **floor area ratio** not exceeding 0.5.
- (2) Despite subsection 6.36A.03(1), on land whose legal description is setout in Table 1 of Schedule AD, the **floor area ratio** may be increased to a maximum of 1.25 if the owner of the land proposed to be developed pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to issuance of a building permit; *(Bylaw No. 1886)*
- (3) Provided Subsection 6.36A.03(2) is met, the **floor area ratio** may be further increased for an **apartment** use on land whose legal description is set out in Table 1 below, as indicated: *(Bylaw Nos. 1432 and 1886)*

Legal Description	Maximum Floor Area Ratio
Lot 2, Section 109, Esquimalt District, Plan 10541, Except Part in Plan 27737, PID No. 005-272-556 (2681 Claude Road)	2.1
Common Property Plan VIS5695 (2691 Secretariat Way)	3.0
Lots 5 and 6, Section 5, Esquimalt District, Plan 5, PID Nos. 002-558-751 and 004-014-367 (2716 and 2720 Strathmore Road)	2.7
Lots 41 and 42, Section 80, Esquimalt District, Plan 12203, PID Nos. 004-973-330 and 002-622-203 (918 and 924 Jenkins Avenue)	2.02

- (4) *(Deleted by Bylaw No. 1886)*
- (5) *(Deleted by Bylaw No. 1886)*
- (6) *(Deleted by Bylaw No. 1886)*
- (7) *(Deleted by Bylaw No. 1886)*
- (8) *(Deleted by Bylaw No. 1886)*

6.36A.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 35% unless the density bonus provisions of Article 6.36A.03(2) have been engaged, in which case the **lot coverage** of all **buildings** and **structures** may not exceed 50 %.
- (2) **Lot coverage** of all **buildings** and **structures** with **heights** of threestoreys or more located in the shaded area shown on Schedule “AE” may not exceed 75%.
- (3) Despite any other part of this Subsection, on **lots** located within the shaded area shown on Schedule “AI”, the **lot coverage** may not exceed 85%.

6.36A.05 Height and Size of Principal Use Buildings

- (1) No **apartment building** may exceed a **height** of six storeys.
- (2) No **townhouse** or **two-family dwelling** may exceed a **height** of three storeys.
- (3) On the **lot** legally described as Lot 1, Section 109, Esquimalt District, Plan 15552 Except Part in Plan VIP71965 (667 Redington Avenue) the maximum **height** for an **apartment** is five storeys.
- (4) On the **lot** legally described as Common Property Plan VIS5696 (2691 Secretariat Way) the maximum height for an apartment may be 7 storeys. (*Bylaw No. 1853*)

6.36A.06 Setbacks

- (1) No **building** or **structure** may be located:
- (2) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (3) Within 3 m (9.8 ft) of any **interior side lot line**; or
- (4) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (5) Within 3 m (9.8 ft) of any **rear lot line**; or
- (6) Within 7.5 m (24.6 ft) of any **rear lot line**, if that **lot line abuts**, or is separated only by a **highway**, from a **lot** in a Residential Zone; or
- (7) Despite Articles (4) and (5), on lands legally described as Lot 7, Section 109, Esquimalt District, Plan 10426 (656 Strandlund Avenue); Lot 1, Section 109, Esquimalt District, Plan 28414 (660 Strandlund Avenue); and Lot 9, Section 109, Esquimalt District, Plan 10426 (664 Strandlund Avenue) the minimum **setback** to the Trans Canada Highway Lands is 4.6 m (15.1 ft).

Section 6.37 – Cluster Housing Residential (CH3) Zone

(Replaced by Bylaw No. 1662)

The intent of the CH3 Zone is to permit one-family residential uses in a manner designed to cluster density within a smaller portion of the development site and preserve open space.

6.37.01 Permitted Uses

The following **uses** and no others are permitted in the CH3 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, one-family**;
- (4) **Home occupation**, subject to Section 3.09;
- (5) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (6) **Uses** permitted by Section 3.01 of this Bylaw.

6.37.02 Density of Development

There may not be more than one **residential building** on a **lot**.

6.37.03 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 9 ha (22.2 ac) may be created by subdivision.
- (2) Despite Article 6.37.03(1), up to 17 **lots**, none having a **lot area** of less than 1,500 m² (16,145.9 ft²), may be subdivided from Lot 1, Section 26, Goldstream District, Plan 17841, Except Parts in Plans 24172, 43873, and VIP67119, if 5.7 ha (14.1 ac) of the land shown as Amenity on Schedule “G” is transferred to the City of Langford for Park purposes.

6.37.04 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of 9 m (29.5 ft).

6.37.05 Setbacks

- (1) No **building** or **structure** may be located:
 - (a) Within 7.5 m (24.6 ft) of any **front lot line** or **rear lot line**; or
 - (b) Within 1.5 m (4.9 ft) of any **interior side lot line** provided, however, that the sum of the **setbacks** from any two **interior side lot lines** is not less than 4.5 m (14.8 ft); or
 - (c) Within 6 m (19.7 ft) of any **exterior side lot line**.

6.37.06 Lot Coverage

Lot **coverage** of all **buildings** and **structures** may not exceed 35%.

Section 6.37A – Cluster Housing Residential 4 (CH4) Zone

(Replaced by Bylaw No. 1662)

The intent of the CH4 Zone is to permit one-family, two-family and townhouse residential uses in a manner designed to cluster density within a smaller portion of the development site and preserve open space.

6.37A.01 Permitted Uses

The following **uses** and no others are permitted in the CH4 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, one-family**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Townhouse**;
- (7) **Uses accessory** to a **principal use** permitted in this Zone; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.37A.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 100 m² (1,076.4 ft²) may be created by subdivision.
- (2) No **lot** having a **lot width** of less than 5 m (16.4 ft) may be created by subdivision.

6.37A.03 Density of Development

- (1) There may not be more than three **dwelling units** in the CH4 Zone;
- (2) Despite Article 6.37A.03(1), on land whose legal description is set out in Table 1 of Schedule “AD”, there may be more than three **dwelling units** in the CH4 Zone, if the owner of the land proposed to be developed pays to the City the amount specified in Column 4 of Table 1 of Schedule “AD”, prior to the issuance of a Building Permit for **townhouse** or **two-family dwelling uses** or prior to subdivision approval for **one-family dwelling uses**.

6.37A.05 Lot Coverage

Lot **coverage** of all **buildings** and **structures** may not exceed 60%.

6.37A.06 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of three storeys.

6.37A.07 Setbacks

No **building** or **structure** may be located:

- (1) Within 3 m (9.8 ft) of any **front lot line**, except that no **garage** or **carport** whose vehicle access crosses a **front lot line** may be located within 5.5 m (18 ft) of the **front lot line**; or
- (2) Within 1.2 m (3.9 ft) of any **interior side lot lines abutting** any Zone other than the CH4 Zone; or
- (3) Within 3 m (9.8 ft) of any **exterior side lot line**, except that no **garage** or **carport** whose vehicle access crosses an **exterior side lot line** may be located within 5.5 m (18 ft) of the **exterior side lot line**; or
- (4) Within 3 m (9.8 ft) of any **rear lot line**.

Section 6.37B – Cluster Housing Residential 5 (CH5) Zone

(Replaced by Bylaw No. 1662)

The intent of the CH5 Zone is to permit one-family, two-family and townhouse residential uses in a manner designed to cluster density within a smaller portion of the development site and preserve open space.

6.37B.01 Permitted Uses

The following **uses** and no others are permitted in the CH5 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Community garden**;
- (3) **Dwelling, one-family**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Secondary suite** in a **one-family dwelling**, subject to Section 3.08;
- (7) The keeping of not more than one **boarder** in a **one-family dwelling**;
- (8) **Townhouse**;
- (9) **Uses accessory** to a **principal use** permitted in this Zone; and
- (10) **Uses** permitted by Section 3.01 of this Bylaw.

6.37B.02 Subdivision Lot Requirements

One-Family Dwelling Lots

- (1) No **lot** having a **lot area** less than 700 m² (17,534.7 ft²) may be created by subdivision for a **one-family dwelling**.
- (2) No **lot** for a one-family dwelling may have a **lot width** less than 15 m (49.2 ft).
- (3) No **lot** for a **one-family dwelling** may have a **building envelope** width or depth less than 7 m (23 ft).

Two-Family Dwelling Lots

- (4) No **lot** having a **lot area** less than 835 m² (8,987.9 ft²) may be created by subdivision for a **two-family dwelling**.
- (5) No **lot** for a **two-family dwelling** may have a **lot width** less than 18 m (59.1 ft).
- (6) No **lot** for a **two-family dwelling** may have a **building envelope** width or depth less than 14 m (45.9 ft).

Townhouse Lots

- (7) No **lot** having a **lot area** less than 600 m² (6,458.3 ft²) may be created by subdivision for a **townhouse**.
- (8) No **lot** for a **townhouse** may have a lot width less than 24 m (78.7 ft).

6.37B.03 Density of Development on Individual Lots

- (1) There may not be more than one **residential building** on a **one-family** or **two-family dwelling lot**.
- (2) There may not be less than three **dwelling units** on a **townhouse lot**.
- (3) The maximum density of development on a **townhouse lot** is one **dwelling unit** per 200 m² (2,152.8 ft²) of **lot area**.

6.37B.04 Density of Development in the CH5 Zone

- (1) There may not be more than 10 **dwelling units** in the CD5 Zone.
- (2) Despite Article 6.37B.04(1), there may be more than 10 **dwelling units** in the CH5 Zone if the owner of the land to be built upon has provided to the City, prior to the issuance of a Building Permit for a **two-family dwelling** or **townhouse** and prior to subdivision approval for a **one-family dwelling**:
 - (a) \$1,000 per **one-family dwelling lot** towards the General Amenity Reserve Fund;
 - (b) \$610 per **dwelling unit** in a **two-family dwelling** towards the General Amenity Reserve Fund;
 - (c) \$610 per **townhouse dwelling unit** towards the General Amenity Reserve Fund; and
 - (d) An area of land not less than 141,640 m² (35 ac) as open space.
- (3) Provided that all of the requirements of Subsection 6.37B.04(2) have been met, the maximum density of development in the CH5 Zone is 312 **dwelling units**, exclusive of **secondary suites**.

6.37B.05 Regulations for Two-Family Dwelling Use

Two-family dwellings are prohibited on **panhandle lots**.

6.37B.06 Height and Size of Principal Use Buildings

- (1) No **one-family dwelling** may exceed a **height** of 10 m (32.8 ft).
- (2) No **two-family dwelling** may exceed a **height** of 10 m (32.8 ft).
- (3) No **townhouse building** may exceed a **height** of three storeys.

6.37B.07 Setbacks

- (1) No **one-family dwelling** may be located:
 - (a) Within 6 m (19.7 ft) of any **front lot line**; or
 - (b) Within 6 m (19.7 ft) of any **rear lot line**; or
 - (c) Within 1.5 m (4.9 ft) of any **interior side lot line**; or
 - (d) Within 4.5 m (14.8 ft) of any **exterior side lot line**, except that no **garage or carport** whose vehicle access crosses an **exterior side lot line** may be located within 5.5 m (18 ft) of the **exterior side lot line**.

- (2) No **townhouse** may be located:
 - (a) Within 3 m (9.8 ft) of any **front lot line**, except that no **garage or carport** whose vehicle access crosses a **front lot line** may be located within 5.5 m (18 ft) of the **front lot line**; or
 - (b) Within 5.5 m (18 ft) of any **rear lot line**; or
 - (c) Within 3 m (9.8 ft) of any **exterior side lot line**, except that no **garage or carport** whose vehicle crosses an **exterior side lot line** may be located within 5.5 m (18 ft) of the **exterior side lot line**; or
 - (d) Within 1.2 m (3.9 ft) of any **interior side lot line**.

6.37B.08 Lot Coverage

- (1) The **lot coverage** of all **buildings** and **structures**, where the **principal use building** is less than two storeys above finished grade, shall not exceed 40%.

- (2) The **lot coverage** of all **buildings** and **structures**, where the **principal use building** is two storeys or higher above finished grade, shall not exceed 35%.

Section 6.38 – Assisted Living Medium Density Apartment (RM8) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM8 Zone is to provide for assisted living uses in areas serviced by community sanitary sewer.

6.38.01 Permitted Uses

The following **uses** and no others are permitted in the RM8 Zone:

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Assisted living**;
- (3) **Community garden**;
- (4) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (5) **Uses** permitted by Section 3.01 of this Bylaw.

6.38.02 Subdivision Lot Requirements

No **lot** having a **lot area** less than 1,500 m² (0.4 ac) may be created by subdivision.

6.38.03 Density of Development

Buildings shall not exceed a **floor area ratio** of 1.35.

6.38.04 Lot Coverage

Lot coverage of all **buildings** and **structures** must not exceed 35%.

6.38.05 Height and Size of Principal Use Buildings

No **building** or **structure** may exceed a **height** of six storeys.

6.38.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 4.5 m (14.8 ft) of any **front lot line**; or
- (2) Within 7.5 m (24.6 ft) of any **interior side lot line** except that a Setback from an **interior side lot line** that **abuts** a **lot** in the RM8 Zone, or a **lot** in an Institutional Zone, may be reduced to 2.7 m (8.9 ft); or
- (3) Within 6 m (19.7 ft) of any **exterior side lot line**; or
- (4) Within 7.5 m (24.6 ft) of any **rear lot line**.

6.38.07 Landscape Screening

In addition to the regulations contained in Section 3.21 of this Bylaw, the following requirements apply to landscape screening in the RM8 Zone:

- (1) A **landscape and screening area** not less than 1 m (3.3 ft) in width containing a solid decorative fence of not less than 1.8 m (5.9 ft) in **height**, together with appropriate decorative planting, must be provided along all **lot lines** separating the **lot** from any Residential Zone; and
- (2) Despite Article 6.38.07(1), and where a **lot abuts a highway** separating the **lot** from **residential uses**, the solid decorative fence shall only be required if surface parking spaces are provided within the **setback** area between the **principal building** and the **abutting highway**.

Section 6.39 – Medium-Density Apartment (RM9) Zone

(Replaced by Bylaw No. 1662)

The intent of the RM9 Zone is to permit two-family, townhouse and apartment residential uses at a medium density in areas serviced by community sanitary sewer, and to provide for increased densities through density bonusing.

6.39.01 Permitted Uses

The following **uses** and no others shall be permitted in the RM9 Zone.

- (1) **Accessory buildings and structures**, subject to Section 3.05;
- (2) **Apartment**;
- (3) **Community garden**;
- (4) **Dwelling, two-family**, subject to Section 3.07;
- (5) **Home occupation**, subject to Section 3.09;
- (6) **Townhouse**;
- (7) **Uses accessory** to a **principal use** permitted in this **Zone**; and
- (8) **Uses** permitted by Section 3.01 of this Bylaw.

6.39.02 Subdivision Lot Requirements

- (1) No **lot** having a **lot area** less than 4,000 m² (1 ac) may be created by subdivision.
- (2) No **lot** having a **lot width** less than 20 m (65.6 ft) may be created by subdivision.
- (3) No **lot** having a **lot depth** less than 34 m (111.5 ft) may be created by subdivision.

6.39.03 Density of Development

- (1) Except as provided in Articles (2) and (3), **buildings** shall not exceed a **floor area ratio** of 1.0;
- (2) Despite Article 6.39.03(1), on land whose legal description is set out in Table 1 of Schedule “AD”, the **floor area ratio** may be increased to 2.0, if the owner of the land proposed to be developed:
 - (a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule “AD”, prior to the issuance of a Building Permit; and
 - (b) Provides to the City the amenity specified in Column 4 of Table 1 of Schedule “AD”, prior to the issuance of an occupancy permit.
- (3) Despite the **floor area ratio** specified in Article 6.39.03(1) and provided that the density bonus provisions specified in Article 6.39.03(2) have been met, the **floor area ratio** may be further increased to 2.25 if the owner provides at least 50% of the parking spaces required by this Bylaw

in an underground or under building parking structure, and by an additional 0.02 to a maximum of 2.5 for every additional 5% of the parking spaces so provided, subject to compliance with the density bonus provisions specified in Clause 6.39.03(2)(a).

- (4) Despite Articles 6.39.03(1), (2), and (3), the **floor area ratio** may be increased to a maximum of 2.5 on a **lot** located in the shaded area shown on Schedule "AE".

6.39.04 Lot Coverage

- (1) **Lot coverage** of all **buildings** and **structures** may not exceed 50%.
- (2) **Lot coverage** of all **buildings** and **structures** with **heights** of three storeys or more located in the shaded area shown on Schedule "AE" may not exceed 75%.

6.39.05 Height and Size of Principal Use Buildings

- (1) No **apartment building** may exceed a **height** of six storeys.
- (2) No **townhouse** or **two-family dwelling** may exceed a **height** of 9 m (29.5 ft).

6.39.06 Setbacks

No **building** or **structure** may be located:

- (1) Within 7.5 m (24.6 ft) of any **front lot line**; or
- (2) Within 3 m (9.8 ft) of any **interior side lot line**; or
- (3) Within 7.5 m (24.6 ft) of any **exterior side lot line**; or
- (4) Within 3 m (9.8 ft) of any **rear lot line**; or
- (5) Within 7.5 m (24.6 ft) of any **rear lot line**, if that **lot line abuts**, or is separated only by a **highway**, from a **lot** in a **Residential Zone**.