

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3018

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, 2021, NO. 3018*".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:

- (1) at **PART 1 – INTERPRETATION Section 2. DEFINITIONS** by amending the following definitions, so that they respectively read:

"Dwelling - Two Family" (also "Two Family Residential") means a detached Building consisting of two principal Dwelling Units, each of which is occupied or intended to be occupied as the Permanent Residence by one Family, with each Dwelling Unit having its principal access from a separate exterior entrance, and

(1) may include Boarding as an accessory use only;

(2) each principal Dwelling Unit may contain a second subordinate Dwelling Unit (Secondary Suite) if in full compliance with this bylaw, where specifically permitted by this bylaw;

(3) may be accompanied by Accessory Buildings; and

(4) may be accompanied by other Accessory Uses where specifically permitted by this bylaw.

"Secondary Suite" means a secondary Dwelling Unit which is occupied or intended to be occupied as the Permanent Residence by one Family, contained within and subordinate to a principal Dwelling Unit.

- (2) at **PART 4 – GENERAL REGULATIONS Section 30.6 SECONDARY SUITES** by amending subsection (2), so that it reads:

(2) A Secondary Suite may not be located within a Multiple Family Residential building but may be located within a Two-Family Dwelling building where specifically permitted by this bylaw.

- (3) at **PART 5 – ZONING DISTRICTS Section 31. ZONE DESIGNATIONS** by adding the following words and figures in the appropriate alpha-numeric sequence:

Comprehensive Development No.135 (475 Kinver Street) CD No. 135

- (4) by adding the following text as Section 67.117 (or as other appropriately numbered subsection within Section 67):

67.117 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 135 [CD NO. 135]

In that Zone designated as CD No. 135 [Comprehensive Development District No.135] 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) Two Family Residential
- (b) Home Occupation
- (c) Secondary Suites: subject to the requirements of Section 30.6 of this bylaw.
- (d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.

(2) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 790 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**

Not more than four (4) Dwelling Units shall be located within this Zone.

(5) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.39.

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(7) **Lot Coverage**

- (a) Buildings and Structures combined shall not cover more than 35% of the Area of the Parcel.
- (b) The Lot Coverage of the Principal Building shall not exceed 34%.

- (c) All Accessory Buildings and Structures combined shall not cover more than 1% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback (Kinver Street): The Principal Building shall not be located within 5.5 metres of the Front Lot Line.
- (ii) Interior Side Setback: The Principal Building shall not be located within 4.5 metres of the Interior Lot Line.
- (iii) Exterior Side Setback (Heald Avenue): The Principal Building shall not be located within 3.0 metres of the Exterior Side Lot Line.
- (iv) Rear Setback: The Principal Building shall not be located within 10.0 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) Front Setback (Kinver Street): No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(9) **Siting Exceptions**

The minimum distance to the Interior Side Lot Line may be reduced by not more than 1.7 metres to accommodate the stairs on the south side of the Principal Building.

(10) **Fencing**

Subject to Part 4, 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.

(11) **Off-Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

- (5) by changing the zoning designation of PID 000-064-980; Parcel B (DD 187669I) of Lots 1 and 2, Block 3, Section 11, Esquimalt District, Plan 6016 [475 Kinver Street] shown cross-hatched on Schedule "A", attached to and forming part of this amendment bylaw, from RD-4 [Two Family DADU Residential] to CD No. 135 [Comprehensive Development District No. 135].
- (6) 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 ___ day of _____, 2021.

READ a second time by the Municipal Council on the ___ day of _____, 2021.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the ___ day of _____, 2021.

READ a third time by the Municipal Council on the ___ day of _____, 2021.

ADOPTED by the Municipal Council on the ___ day of _____, 2021.

BARBARA DESJARDINS
MAYOR

CORPORATE OFFICER



1100₄₈₀

Heald Ave

479

S Joffre St

477

474₄₇₂

475

Kinver St

471₄₇₃

471

469

1132

467

Schedule 'A'
Bylaw No. 3018