

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2999

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. 2999*”.
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 adding the following definition:

“Detached Accessory Dwelling Unit” (also “Garden Suite”): means a detached secondary Building, subordinate to and on the same parcel as a detached Single Family Dwelling that does not contain a Secondary Suite, consisting of one Dwelling Unit, which is occupied or intended to be occupied as the Permanent Residence by one Family.

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

“Comprehensive Development No. 141 (481 South Joffre Street) CD No. 141”

- (3) by adding the following text as Section 67.128 (or as other appropriately numbered subsection within Section 67):

67.128 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 141 [CD NO. 141]

In that Zone designated as CD No. 141 [Comprehensive Development District No. 141] 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) Single Family Residential
- b) Detached Accessory Dwelling Unit (also “Garden Suite”)
- c) Home Occupation

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 680 square metres.

(3) **Subdivision**

A Detached Accessory Dwelling Unit is not subject to subdivision under the provisions of either the Land Title Act or the Strata Property Act, including building strata, because the unit is a secondary use only and cannot satisfy the land use, density and other zoning regulations, nor the parcel size and other subdivision regulations, nor the provisions for singular control by the owner of the Single Family Dwelling, if separated from the Single Family Dwelling's principal Dwelling Unit.

(4) **Number of Principal Buildings**

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

(5) **Density**

The number of Dwelling Units permitted in this CD-141 Zone shall be limited to two [2] for a density of one [1] unit per 340 square metres.

(6) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 70 square metres.

(7) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(8) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Detached Accessory Dwelling Unit shall exceed a Height of 5.2 metres.
- (c) No Accessory Building shall exceed a Height of 3.6 metres.

(9) **Lot Coverage**

- (a) Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) A Detached Accessory Dwelling Unit shall not cover more than 8% of the Area of the Parcel.
- (c) All Accessory Buildings and Structures combined shall not cover

more than 2% of the Area of the Parcel.

(10) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 6.4 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.37 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Detached Accessory Dwelling Unit**

- (i) Front Setback: No Detached Accessory Dwelling Unit shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of the northern Side Lot Line.
- (iii) Side Setback: No Detached Accessory Dwelling Unit shall be located within 9.0 metres of the southern Side Lot Line.
- (iv) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 3.7 metres of a Rear Lot Line.
- (v) Building Separation: No Detached Accessory Dwelling Unit shall be located within 5.0 metres of a Principal Building.

(b) **Accessory Building**

- (i) Front Setback: 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.
- (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.
- (v) Building Separation: No Accessory Building shall be located within 2.5 metres of a Detached Accessory Dwelling Unit.

(11) **Development Permit Design Guidelines**

- (a) The entrance to the Detached Accessory Dwelling Unit shall be oriented to and visible from the street, well lit and provide protection from the elements by either a projecting roof or by recessing the front door.
- (b) A minimum 1.2 m wide, unobstructed pathway shall be provided to the front door of the Detached Accessory Dwelling Unit from the street, for certainty this could also be a driveway.
- (c) The Detached Accessory Dwelling Unit shall be provided with a minimum of 20 square metres of open space at grade, that is:
 - (i) separate and distinct from that space available for the occupants of the principal dwelling;
 - (ii) adjacent to and accessible from the Detached Accessory Dwelling Unit;
 - (iii) defined through the use of landscaping;
 - (iv) distinct from the pathway from the street; and
 - (v) not usable as a vehicle parking space.
- (d) The Detached Accessory Dwelling Unit shall be provided with a garbage / recycling collection bin storage area onsite, screened from the view of pedestrians on the street.
- (e) The Detached Accessory Dwelling Unit shall be provided with a bicycle storage area, onsite, screened from the view of pedestrians on the street.

(12) **Fencing**

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.

(13) **Off-Street Parking**

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

- 4. by changing the zoning designation of PID 003-150-909; Lot 4, Section 11, Esquimalt District, Plan 4729 [481 South Joffre Street] shown cross-hatched on Schedule "A" attached hereto from RD-3 [Two Family/ Single Family

Residential] to CD No. 141 [Comprehensive Development District No. 141].

5. 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 _____, 2020.

READ a second time by the Municipal Council on the ____ day of _____, 2020.

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

READ a third time by the Municipal Council on the ---- day of -----, 2020.

ADOPTED by the Municipal Council on the ---- day of -----, 2020.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER



Schedule 'A'
Bylaw No. 2999