

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2708

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2708"

THE MUNICIPAL COUNCIL 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. 185], 2009, NO. 2708".
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 2- Definitions of PART 1 - Interpretation:

"Private Open Space" means a useable open space area exclusive of required front yard and side yard building setbacks and parking areas which is developed for the recreational use of the residents of a dwelling unit, and may include balconies, indoor common amenity space, patios, decks and level landscaped recreation areas.

"Secondary Suite" means an additional Dwelling Unit that is contained entirely within a Single Family Residence and has a floor area not exceeding 90 m², or 40% of the total floor area of the building.

"Single Family Residence" means a detached building containing one Dwelling Unit intended for the use of one Family.

- 2) by adding the following words and figures in Section 13 - Home Occupations of Part 4 - General Regulations:

"(12) Any Home Occupation that typically involves the presence of more than one customer or client on the premises at any one time is not permitted within a Secondary Suite."

- 3) by adding the following words and figures as Section 30.6 of Part 4 - General Regulations:

"30.6 SECONDARY SUITES"

Secondary Suites, where expressly permitted and in Single Family Residences on parcels least 530 m² in area in Multiple Family Residential zones, are subject to the following regulations and requirements:

- (1) *The Secondary Suites must be located within a Single Family Residence and either the suite or the Single Family Residence must be owner-occupied.*
 - (2) *Only one Secondary Suite shall be permitted in any Single Family Residence.*
 - (3) *Any Single Family Residence containing a Secondary Suite must be connected to the municipal sanitary sewer system.*
 - (4) *If the occupants of the Secondary Suite do not have shared access to outdoor open space in the rear yard and side yards of the Parcel, a minimum of 15 m² of Private Open space shall be provided for the use of the residents of the Secondary Suite.*
 - (5) *Secondary Suite access to the outside shall be on a separate building elevation from the Principal Building access.*
 - (6) *Every owner of a Single Family Residence that contains a Secondary Suite must apply for a permit annually.*
 - (7) *The Township of Esquimalt Building Official shall issue the permit for the suite in the prescribed form if the premises comply with requirements of this Bylaw, the B.C. Building Code and other Township bylaws for such use.*
 - (8) *The owner of every Single Family Residence wishing to use part of the Building for a Secondary Suite, must provide to the Township of Esquimalt Building Official a statutory declaration indicating that either the Single Family residence or the Secondary Suite is or will be owner-occupied.*
 - (9) *Every owner who has obtained a permit under this section shall, within one week of receiving written notice to do so, provide to the Building Official of the Township of Esquimalt, a statutory declaration indicating that the Residential Single Family building or Secondary Suite continues to be owner-occupied, but in no case shall an owner be required to provide such a declaration more than once in any six-month period.*
 - (10) *A Secondary Suite is not permitted within any Comprehensive Development zone.*
- 4) by adding the following words and figures in Part 5 - Division 1 - Residential Zones:

Add to Section 34 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 35 (1) - *Permitted Uses*

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 36 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 37.1 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 40. (1) - Permitted Uses

“(d) Secondary Suite within a Single Family Residence subject to the requirements of Section 30.6”.

READ a first time by the Municipal Council on the 21st day of September, 2009.

READ a second time by the Municipal Council on the 21st day of September, 2009.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 13th day of October, 2009.

READ a third time by the Municipal Council on the 19th day of October, 2009.

ADOPTED by the Municipal Council on the 19th day of October, 2009.

BARB DESJARDINS
MAYOR

CAROLLYNE EVANS
CORPORATE ADMINISTRATOR