



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

File #: 21-079, Version: 1

REQUEST FOR DECISION

DATE: February 17, 2021

Report No. DEV-21-003

TO: Laurie Hurst, Chief Administrative Officer

FROM: Tricia deMacedo, Policy Planner and Bill Brown, Director of Development Services

SUBJECT:

Detached Accessory Dwelling Unit Bylaw Amendments

RECOMMENDATION:

That Council give first reading to Zoning Bylaw, 1992, No. 2050 And Parking Bylaw, No. 2011, 1992, Amendment Bylaw No. 3013, 2021, which would allow for the regulation of Detached Accessory Dwelling Units (DADUs) in specific areas of the Township and further, that Council authorize staff to distribute notices to all affected property owners outlining the proposed amendments.

RELEVANT POLICY:

Declaration of Climate Emergency, 2019
Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No 2050
Parking Bylaw, 1992, No. 2011

STRATEGIC RELEVANCE:

Healthy, Livable and Diverse Community - Support community growth, housing, and development consistent with our Official Community Plan (OCP).

BACKGROUND:

The following Appendices are attached to this report:

Appendix A: Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011,
Amendment Bylaw No. 3013, 2021

Appendix B: Summary of Regulations

Appendix C: Staff PowerPoint Presentation

The Township of Esquimalt is considering allowing Detached Accessory Dwelling Units (DADU) by rezoning selected properties which fit the criteria established by Council such that these properties would be allowed one principal dwelling as well as one DADU with an approved Development Permit and Housing Agreement.

Council has reviewed draft regulations and guidelines as proposed for DADUs at two separate Committee of the Whole Meetings. The residents of Esquimalt have also been provided with an opportunity to provide their feedback on the proposed guidelines through a survey which took place during the spring of 2020. The results of this feedback and some suggested revisions to the regulations, based on the comments received, were presented to Council on November 9, 2020. At that time Council directed staff to prepare an amendment bylaw to legalize DADUs.

Staff have prepared a set of recommended zoning amendments for the creation of two new zones: RS-6 Single Family DADU Residential and RD-4 Two Family DADU Residential as well as amending the RS-5 zone to permit DADUs (Appendix A). The bylaw also contains the necessary amendments to the Parking Bylaw and includes conditions intended to address engineering requirements related to DADUs.

Eligible properties that are within the RS-1 and RS-3 zones would be rezoned to RS-6. Eligible properties within two family residential zones where a duplex has not been constructed, would be rezoned to the RD-4 zone. All existing RS-5 properties will be eligible for a DADU. Schedules D and E of the bylaw show the properties that are affected and which new zone they will be assigned to.

Eligibility depends on a property meeting ALL the following criteria:

- Property is currently zoned RS-1, RS-3, RS-5, RD-1, RD-2, or RD-3;
- If zoned RD, not registered as a duplex;
- The entire lot is located greater than 20 m from the Gorge Waterway or 10 m from the Strait of Juan de Fuca;
- The lot is not a strata lot;
- The lot is designated as low density residential on Schedule B of the OCP; and
- Lot area is greater than 530 m² or greater than 475 m² on a corner lot or double fronting lot (laneway).

Applying these criteria to existing lots within the Township indicates that just under 1500 properties will be eligible to build a DADU if they can meet all other zoning regulations (see Table below). About 15% of these are very large properties greater than 1000 m².

	Eligible Properties < 1000m ²	Eligible Properties >= 1000 m ²	Total Eligible Properties
Single Family Residential zoned	943	155	1098
Duplex zoned with only one unit constructed.	308	62	370
Total	1251	217	1468

OCP ANALYSIS:

During the Township's Official Community Plan (OCP) review in 2017, the public was found to be

very supportive of the concept of allowing DADUs in the municipality. Policy was added under Housing and Residential Land Use that states: “*Support the inclusion of detached accessory dwelling units on appropriate low density residential land use designated areas where only one principal dwelling unit exists.*”

All DADU applications will be required to obtain a Development Permit for both form and character as well environmental matters. Existing buildings, contours, trees, servicing etc. could all impact the potential for adding a DADU even if the property is already zoned. The current fee for a DP in the Township is \$750. All DPs will be reviewed by the Advisory Planning Commission prior to going to Council for final approval.

Design guidelines for DADUs can be found in Appendix B. The design guidelines would provide the applicant, staff and Council with direction on the desired form and character of these units without being overly prescriptive. Proposed design guidelines specific to DADUs would include those to address the street presence of the suite, entry way design, landscaping and open space, size in relation to the principal building and roof projections.

DADUs will also be subject to the following existing environmental and form and character guidelines in the following Development Permit Areas:

- Development Permit Area No.1: Natural Environment
- Development Permit Area No. 3: Enhanced Design Control Residential
- Development Permit Area No.7: Energy conservation and greenhouse gas reduction.
- Development Permit Area No.8: Water conservation

ZONING ANALYSIS:

The proposed regulations for siting, size, density and height can be found in Appendix B along with the proposed Development Permit guidelines.

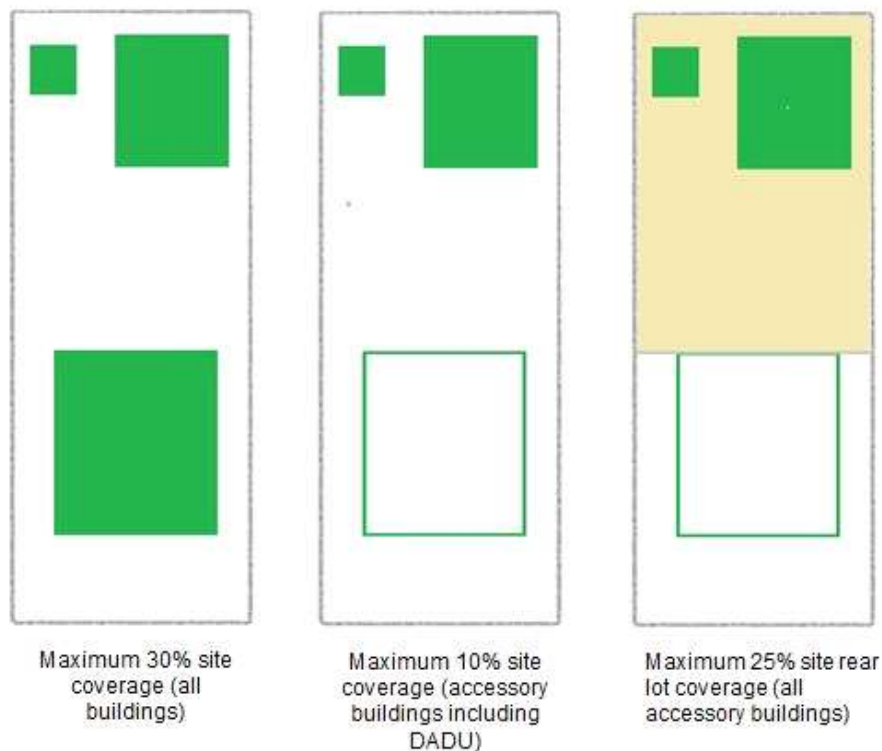
Siting

Standard practice is for DADUs to be located in the rear yard only. A variance process could be used in situations where front or side yard siting might be more appropriate. The proposed siting requirements align with the existing setbacks for accessory buildings in the zoning bylaw.

Size and Density

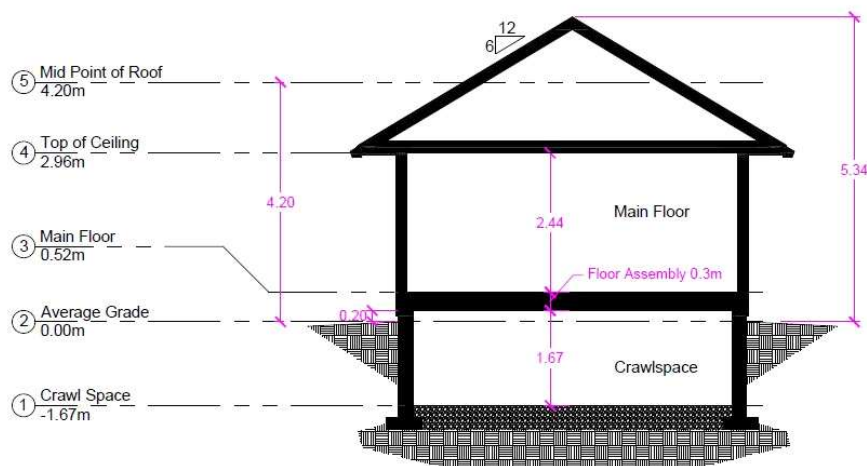
The maximum floor size of a DADU will be limited to 65m². This is approximately 700 square feet. Lot coverage and floor area ratio (FAR) would remain the same as for existing single and two family zoned lots. Lots with large principal dwellings will be more limited in the size of the DADU permitted. Additional measures are recommended to ensure that DADU residents have access to usable open space:

- Maximum rear yard coverage 25%; and
- Minimum amount of open space of 20 m².



Height

The height of a DADU would be capped at 4.2 m which would allow for additional headroom over and above an 8 ft standard ceiling height. The maximum height of a DADU would also not be permitted to be higher than that of the principal dwelling to prevent overlook of adjacent neighbours on steeply sloping lots. Basements will not be permitted.



PARKING ANALYSIS:

Parking on single family lots is a significant cause of the loss of urban forest along with an increase in impermeable surfaces. Most municipalities require one additional parking space for a detached suite, except for the City of Victoria. A mitigation measure is proposed to reduce the impact of additional parking on-site by allowing this parking to occur in front of the front face of the principal building. In addition, staff will support variances to this requirement where mature trees or landscaping would be affected by installation of a parking space for a DADU. DADUs both with and without additional vehicle parking will be encouraged to provide secure, covered bicycle parking for future residents. Future updates to the Parking Bylaw will seek to make this a requirement in the future.

OTHER

Accessory Building Conversion

Applications to convert an existing accessory building to a DADU would require some additional scrutiny. The City of Victoria initially allowed conversion of buildings but found in the first few years that some applicants tried to circumvent the development permit design review process and tree protection guidelines by building an accessory building first and then applying to convert the building later. As a result, the City recently introduced a requirement that accessory buildings could not be converted to DADUs until after a five-year waiting period. To address this issue, Development Services staff suggests that only accessory buildings built prior to the adoption of the DADU bylaw amendments be allowed to be converted.

Owner Occupation

The bylaw amendments contain provisions to require the owner to sign a covenant prior to issuance of a Development Permit to ensure a DADU cannot be subdivided and stratified from the Principal Dwelling. In addition, a housing agreement will be required to ensure that either the DADU or the Principal Building are occupied by the owner of the property.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): New DADUs will be treated as with any other new construction. Regarding conversion of accessory buildings, Community Safety Services staff have pointed out the difficulty of determining whether an accessory building has been built to the necessary code requirements for a residential dwelling. Their preference is that applicants be required to hire a third party to make this assessment.

Engineering Services: Engineering staff have advised that all DADUs will be required to share services with the existing principal building and that no new services will be permitted. Underground wiring to the DADU will be required.

Fire Services: The Fire Department has reviewed the regulations and requests that the DADU have visible addressing on the building, and numbering that has been provided by the Township.

COMMENTS FROM THE ADVISORY PLANNING COMMISSION

The proposed regulations and guidelines were considered at the regular meeting of the APC held on January 19, 2021 and the following motions were passed:

That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the condition that no additional parking space be required for the DADU unit.

Reason: Parking takes up too much green space.

That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the following condition that consideration be given to removing the requirement to have an owner live on site.

Reason: There is no requirement for secondary suites to be owner occupied and there have been no major issues.

That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the following consideration be given to changing the height to 1.5 storeys to accommodate interior lofts.

Reason it will Increase livable and versatility.

COMMENTS FROM THE DESIGN REVIEW COMMITTEE

The proposed regulations and guidelines were considered by the DRC at their meeting of February 10, 2021 and the following motion was passed:

That the Esquimalt Design Review Committee (DRC) recommends to Council to approve the proposed regulations and guidelines for the Detached Accessory Dwelling Units.

Rationale: Solid approach based on DADU eligibility. Likes the amount of flexibility and control in the policy.

ISSUES:

1. Rationale for Selected Option

Staff have taken a conservative approach to the development of DADU regulations for Council and residents to feel comfortable with beginning this new form of development. For this reason, one storey buildings with small footprints have been chosen rather than a more complicated regime with varying degrees of size and height depending on lot size. The City of Victoria experience indicates that starting with two storey DADUs caused some community concerns and staff there have since needed to lower the allowable height.

Using a Development Permit to permit DADUs allows Council the ability to review and authorize each DADU on its design and environmental impact according to the guidelines which have been proposed. While the DP process does not allow for the public to provide comments, staff are confident that the regulations and guidelines, as proposed, will limit neighbour's concerns.

Public feedback on legalizing DADUs has been extensive and is overwhelmingly positive. It appears that the public is receptive to even less regulation and larger DADUs in the future (for example see APC motions regarding height and parking). Finally, the regulations and process

framework as proposed, are in line with Esquimalt's neighboring municipalities or are more conservative in approach. Should a DADU proposal not meet these regulations, a rezoning or DVP application will be forwarded to Council.

2. Organizational Implications

Processing of DADU applications as Development Permits rather than rezoning applications will reduce the workload for all staff. However, each DADU will require additional staff time over and above that required for a secondary suite (BP only). Due to the expected level of interest in building DADUs in Esquimalt, Development Services and Building Inspection staff will be processing more applications in the future. The number of these applications is unknown currently.

3. Financial Implications

The potential financial implication of approving DADUs is that the property value of those eligible properties could increase due to the new use. However, as secondary suites are already allowed in the single family zones and no additional units are being permitted in duplex zones, the increase should be minimized. There is no data available to assess this risk.

4. Sustainability & Environmental Implications

The addition of DADUs to the Township could have environmental implications for the loss of urban forest as trees are removed for new construction. A review of the tree bylaw is taking place in 2021 to address tree loss to new development; this is an opportunity to address tree replacement as well. Variances will be supported where the applicant is making changes to save existing trees.

Staff will encourage all DADU applicants to provide as much information as possible regarding the carbon intensity and energy efficiency of any new building. These small buildings are ideal to be heated with ductless heat pumps, saving the occupant operational costs as well as reducing carbon emissions.

5. Communication & Engagement

Significant community engagement has been conducted for the regulation of DADUs. In addition to the 2020 survey, which was completed by almost 500 respondents, the detached suites webpage, set up in 2020, has received over 1100 unique page views. The draft regulations and guidelines have also been reviewed by both the Advisory Planning Commission and the Design Review Committee. Due to the significant development implications that this Bylaw will have on a significant number of properties, staff are suggesting that affected property owners be notified before the Bylaw is given second reading to deal with any issues raised by property owners prior to the public hearing. Following this notification period, staff will return the Bylaw to Council for second reading, along with any proposed amendments, and scheduling of a Public Hearing. This method should help alleviate Council making last minute amendments following a public hearing which sometimes results in errors and sometimes may trigger a new Public Hearing.

Advertisement in two consecutive editions of a local newspaper will be published to notify residents of the public hearing.

ALTERNATIVES:

1. That Council give first reading to Zoning Bylaw, 1992, No. 2050 And Parking Bylaw, No. 2011,

1992, Amendment Bylaw No. 3013, 2021, which would allow for the regulation of Detached Accessory Dwelling Units (DADUs) in specific areas of the Township and further, that Council authorize staff to distribute notices to all affected property owners outlining the proposed amendments.

2. That Council provide alternative direction to staff.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3013

A Bylaw to amend the Zoning Bylaw and Parking Bylaw primarily to authorize Detached Accessory Dwellings Units in certain zones under certain conditions

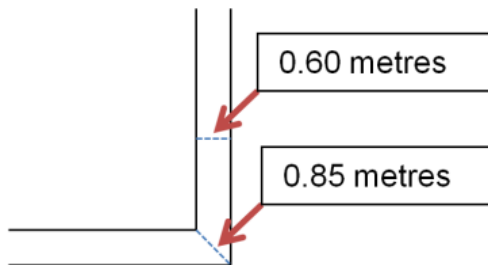
THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the, *“ZONING BYLAW, 1992, No. 2050 and PARKING BYLAW, No. 2011, 1992, AMENDMENT BYLAW NO. 3013, 2021”*.
2. That Bylaw No. 2050, cited as the “Zoning Bylaw, 1992, No. 2050” be amended as follows:

- (i) at PART 1 – INTERPRETATION Section 2. DEFINITIONS by adding the following definitions:

“Rear Yard Coverage” means the percentage of the Area of a Rear Yard that is occupied by a building or structure and specifically excludes the following:

- (1) Landscaping and parking areas,
- (2) the portion of swimming pools, hot tubs, exterior stairs and window wells that are at or below existing ground,
- (3) that portion of exterior stairs less than 0.4 metres vertical distance above the existing ground at any point, and
- (4) building gutters, sills, sunlight control projections, eaves and canopies that extend no more than 0.60 metres from the building’s exterior wall and no more than 0.85 metres at the building corners (generally as shown on the following diagram).



- (ii) By amending subsection (12) of Section 13 HOME OCCUPATIONS to read as follows:

- (12) any Home Occupation that typically involves the presence of more than one (1) customer or client on the premises at any one time is not permitted within a

Detached Accessory Dwelling Unit or a Secondary Suite.

(iii) By amending subsection (4) of Section 30.3 BOARDING to read as follows:

(4) No component of Boarding may occur in a Detached Accessory Dwelling Unit, Accessory Building or Garage; and

(iv) By adding the following subsection (7) to Section 30.6 SECONDARY SUITES:

(7) A Secondary Suite may not be located on any Parcel with a Detached Accessory Dwelling Unit.

(v) By adding the following as Section 30.7:

“30.7 DETACHED ACCESSORY DWELLING UNITS

Detached Accessory Dwelling Units, where expressly permitted, are subject to the following regulations:

(1) No Detached Accessory Dwelling Unit shall be erected on any Parcel unless the Single Family Dwelling to which the Detached Accessory Dwelling Unit relates has been erected or is being erected simultaneously with the Detached Accessory Dwelling Unit.

(2) A Detached Accessory Dwelling Unit may not be located on any Parcel with a Secondary Suite.

(3) Only one Detached Accessory Dwelling Unit shall be permitted on a Parcel.

(4) Detached Accessory Dwelling Unit must not have a Basement or any habitable space below or above the First Storey.

(5) Detached Accessory Dwelling Unit must not have separate services, but must share services with the Principal Building, the sufficiency of which must be confirmed at the time of construction (or upgraded accordingly). Services between Principal Building and a Detached Accessory Dwelling Unit must be underground.

(6) Detached Accessory Dwelling Unit must be provided with a minimum of 20 square metres of open space at grade, that:

- (i) is separate and distinct from that space available for the occupants of the principal dwelling;
- (ii) is developed for the exclusive outdoor recreational use of the resident(s) of a Detached Accessory Dwelling Unit;
- (iii) is immediately adjacent to and accessible from the Detached Accessory Dwelling Unit;
- (iv) is defined and screened through the use of any combination of landscaping, plantings, fences, trellises or changes in grade;
- (v) is distinct from the pathway from the Street
- (vi) is not usable as a vehicle parking space; and
- (vii) has no dimension less than 2.0 metres and no slope greater than 10%.

- (7) An Accessory Building built after the date of adoption of this bylaw cannot be converted to a Detached Accessory Dwelling Unit unless it fully complies with all the provisions of this Section and first obtains a development permit.
- (8) **Development Permits:** Detached Accessory Dwellings Units are subject to Development Permit requirements under Development Permit Areas No.1 Natural Environment, DPA No.4 Enhanced Design Control Residential, DPA No.7 Energy Conservation & Greenhouse Gas Reduction and DPA No.8 Water Conservation. For greater certainty, existing exemptions were contemplated before Detached Accessory Dwelling Units were created as a distinct land use, and therefore no exemptions apply for Detached Accessory Dwellings Units.
- (9) **Development Permit Design Guidelines:** The following guidelines apply to DADUs in the RS-5, RS-6 and RD-4 Zones, to supplement the guidelines identified in the Official Community Plan for Development Permit Areas No.1 Natural Environment, DPA No.4 Enhanced Design Control Residential, DPA No.7 Energy Conservation & Greenhouse Gas Reduction and DPA No.8 Water Conservation:
- (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) On corner lots and laneways, the primary entry to the Detached Accessory Dwelling Unit should be oriented to the side street or laneway, rather than the front lot line. If this orientation is not possible, the entryway should face the interior of the lot rather than the exterior.
 - (c) 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 cannot also be a driveway.
 - (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.
 - (f) Windows oriented towards adjacent properties are discouraged, unless it can be demonstrated that overlook is mitigated by a design or natural feature.
 - (g) Roof decks and balconies on the roof are not permitted.
 - (h) Siting should respect mature trees both on-site and on adjacent properties by locating the Detached Accessory Dwelling Unit to minimize the impact on a tree's root system. A certified arborist report may be required as part of the application.
 - (i) On sloping sites, the scale, mass and location of the Detached Accessory Dwelling Unit should adapt to the topography and natural features. The view

from adjacent properties should be considered in the design of the Detached Accessory Dwelling Unit.

- (j) Hydro utility meters and mechanical systems should not be placed on the front façade of a building and, if placed in a manner which is visible from the street, will be appropriately screened by the owner in a manner consistent with BC Hydro requirements.
 - (k) Exterior side yards on corner lots should be designed and treated as the main entrance to the Detached Accessory Dwelling Unit. Screening and landscaping between the street and outdoor space should be used to define the transition from public to private space.
 - (l) Designs which incorporate as many of the green building features outlined on the Green Building Checklist as possible are encouraged.
 - (m) Where dormers are used to provide interior room height, the exterior face of the dormer should be set back a minimum of 0.6 m from the exterior wall edge, and 1.2 metres from projecting roof eaves.
- (vi) by adding the following words and figures at PART 5 - ZONING DISTRICTS Section 31. ZONE DESIGNATIONS, in the appropriate alpha-numeric sequence under the "Zone Title" and "Short Designation" columns respectively:
- | | |
|--|------------------|
| Single Family DADU Residential | RS-6 |
| ... | |
| Two Family DADU Residential | RD-4 |
| ... | |
| Comprehensive Development DADU Zones (Various) | RS-5, RS-6, RD-4 |
- (vii) by replacing the existing zone entitled Section 37.1 **SINGLE FAMILY LARGE LOT RESIDENTIAL [RS-5]** with the text in Schedule "A" of this amendment bylaw;
- (viii) by adding a new zone entitled **SINGLE FAMILY DADU RESIDENTIAL [RS-6]** further to the text in Schedule "B" of this amendment bylaw as Section 37.2 (or as other appropriately numbered subsection within Section 37);
- (ix) by adding a new zone entitled **TWO FAMILY DADU RESIDENTIAL [RD-4]** further to the text in Schedule "C" of this amendment bylaw as Section 40.1 (or as other appropriately numbered subsection within Section 40);

3. The RS-5, RS-6 and RD-4 Zones referenced in this bylaw are deemed to be zoned as Comprehensive Development Districts.

4. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" as

follows:

- (i) by rezoning the lands highlighted in yellow on the plan attached as Schedule "D" to this amendment bylaw to **SINGLE FAMILY DADU RESIDENTIAL [RS-6] Zone**; and
- (ii) by rezoning the lands highlighted in orange on the plan attached as Schedule "E" to this amendment bylaw to **TWO FAMILY DADU RESIDENTIAL [RD-4] Zone**.

5. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be further amended by replacing Section 10 HEADINGS with the following:

10. HEADINGS

Section headings, including the statements of intent contained in Part 5 do not form part of this Bylaw. They are included for convenience only and shall not be used in interpreting this Bylaw. This section does not apply to "Lot Coverage" and "Rear Yard Coverage" headings.

6. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be further amended by adding the following subsection (c) Section 40(4) Floor Area Ratio of the **TWO FAMILY/SINGLE FAMILY RESIDENTIAL [RD-3] Zone**:

(c) The Floor Area Ratio shall not exceed 0.35 for parcels with a Single Family Dwelling.

7. That Bylaw No. 2011, cited as the "Parking Bylaw, 1992, No. 2011" be amended by adding an additional subsection 9(8) to PART 4 - GENERAL REGULATIONS Section 9. PROVISION AND MAINTENANCE OF OFF-STREET PARKING AND LOADING AREAS as follows:

(8) Section 9(4) shall not apply to Parking Spaces required for Detached Accessory Dwelling Units, which may be provided in tandem (stacked) with the principal unit's parking space."

8. The Schedules attached to this Bylaw form an integral part of 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 (statutory requirement only for the amendments of the Zoning Bylaw and Zoning Map) 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

RACHEL DUMAS
CORPORATE OFFICER

Schedule "A"

37.1 SINGLE FAMILY LARGE LOT RESIDENTIAL [RS-5]

The intent of this Zone is to accommodate Single Family Dwellings on large individual Parcels of land, with the option of one additional dwelling unit in the form of Detached Accessory Dwelling Unit or a Secondary Suite.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw.
- (d) Boarding: subject to the requirements of Section 30.3 of this bylaw.
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (f) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.

(2) Parcel Size

The minimum Parcel Size for Parcels created by subdivision shall be 930 square metres.

(3) Minimum Lot Width

The minimum width of Parcels created by subdivision shall be 21.3 metres measured at the Front Building Line.

(4) Base Density:

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

(5) Bonus Density:

- (a) 2 buildings containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring 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, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;

- (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:
 - (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.
 - (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(6) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 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 4.2 metres or the Height of the Principal Building, whichever is the lesser.
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(9) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(10) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 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. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

- (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 an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. No Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a rear Lot Line.
- (iv) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 metres of a Principal Building.

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

(11) 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.

(12) **Off Street Parking**

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

Schedule “B”

37.2 SINGLE FAMILY DADU RESIDENTIAL [RS-6]

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land, with the option of one additional dwelling unit in the form of Detached Accessory Dwelling Unit or a Secondary Suite.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (c) Secondary Suite: subject to the requirements of Section 30.6 of this bylaw.
- (d) Home Occupation
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- (f) Boarding: subject to the requirements of Section 30.3 of this bylaw.

(2) Parcel Size

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 530 square metres.

(3) Base Density:

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

(4) Bonus Density:

- (a) 2 building containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring 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, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;
- (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:
 - (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.

- (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(5) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(6) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 0.35.

(7) **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 4.2 metres or the Height of the Principal Building, whichever is the lesser.
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(8) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 10% of the Area of the Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the Rear Yard.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 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. In the case of a Corner Lot, no Principal Building shall be

located within 3.6 metres of an Exterior Side Lot Line.

- (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 an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. No Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a Rear Lot Line.
- (v) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 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.

(10) 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.

(11) Off-Street Parking

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

Schedule "C"

40.2 **TWO FAMILY DADU RESIDENTIAL [RD-4]**

The intent of this Zone is to accommodate Single Family or Two Family Dwelling Units on individual Parcels of land, with the option of one additional dwelling unit in the form of a Detached Accessory Dwelling Unit on parcels that only have a Single Family Dwelling.

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Detached Accessory Dwelling Unit: subject to the requirements of Section 30.7 of this bylaw.
- (d) Home Occupation
- (e) Boarding: subject to the requirements of Section 30.3 of this bylaw.
- (f) 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 668 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Single Family Dwelling - Base Density:**

- (a) 1 building containing dwelling unit(s)
- (b) 2 Dwelling Units

(5) **Single Family Dwelling - Bonus Density:**

- (a) 2 building containing dwelling unit(s)
- (b) 2 Dwelling Units

on the provision of all of the following conditions:

- (i) The owner shall grant a Covenant under Section 219 of the *Land Title Act* with the Township for the purposes of ensuring 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, nor otherwise changes its use as a secondary use only within the singular control of the owner of the Single Family Dwelling;
- (ii) The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that:

- (1) the Detached Accessory Dwelling Unit is not restricted in its availability for use as affordable rental accommodation.
- (2) the registered owner of the lot must occupy either the Single Family Dwelling or the Detached Accessory Dwelling Unit as the owner's Permanent Residence.

(6) **Two Family Dwelling - Density**

- (a) Not more than one (1) Principal Building shall be located on a Parcel.
- (b) The number of Dwelling Units located on a Parcel shall be limited to two (2).

(7) **Unit Size**

The Floor Area of a Detached Accessory Dwelling Unit shall not exceed 65 square metres.

(8) **Floor Area Ratio**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4.
- (c) The Floor Area Ratio shall not exceed 0.35 for parcels with a Single Family Dwelling.

(9) **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 4.2 metres or the Height of the Principal Building, whichever is the lesser
- (c) The top of the Detached Accessory Dwelling Unit shall not exceed the geodetic elevation of the top of the Principal Building.
- (d) No Accessory Building shall exceed a Height of 3.6 metres.

(10) **Lot Coverage and Rear Yard Coverage**

- (a) All Buildings and Structures combined shall not cover more than 30% of the Area of the Parcel.
- (b) All Accessory Buildings and Structures combined shall not cover more than 10% of the Area of the Parcel.
- (c) The Detached Accessory Dwelling Unit and all Accessory Buildings and Structures combined shall not cover more than 25% of the Area of the

Rear Yard.

(11) **Siting Requirements**

(a) **Principal Building**

- (iv) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (v) Side Setback: No Principal Building shall be located within 1.5 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. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (vi) 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 an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case of a Corner Lot, no Detached Accessory Dwelling Unit shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Detached Accessory Dwelling Unit shall be located within 1.5 metres of a Rear Lot Line.
- (v) Building Separation: No Detached Accessory Dwelling Unit shall be located within 2.5 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

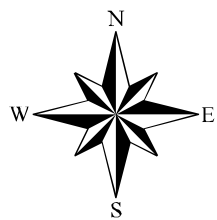
within 2.5 metres of a Detached Accessory Dwelling Unit.

(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.

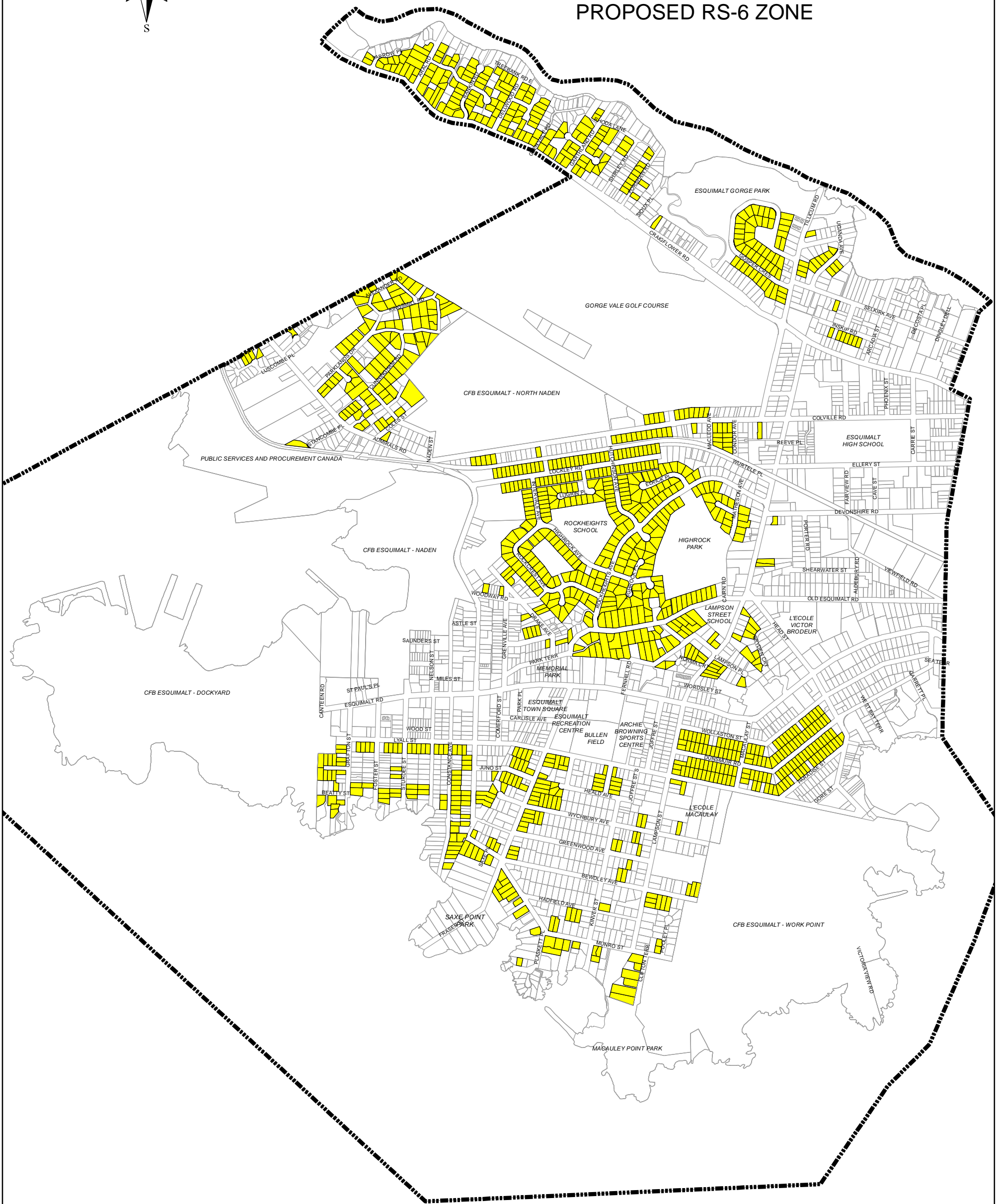
(13) **Off-Street Parking**

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



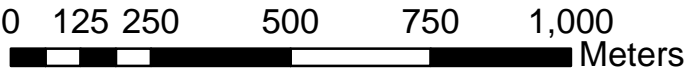
AMENDMENT BYLAW NO. 3013

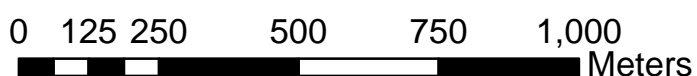
SCHEDULE D
PROPOSED RS-6 ZONE



Legend

- Township of Esquimalt Boundary
- Proposed RS-6 Zone





Township of Esquimalt –Detached Accessory Dwelling Unit Regulatory Framework

ELIGIBILITY for DADU

Regulation	Proposed	Rationale
OCP Proposed land use designation	Low density residential only	Already in OCP policy
Where zoned for B&B	Not permitted	Standard practice
Where a secondary suite, DADU.	Not permitted	Standard practice
Where zoned for duplex	Eligible if meeting all other eligibility requirements and no duplex has been constructed	Public feedback
Waterfront lots or within 20 m of Gorge or 10 m of Strait	Not eligible	Environmental development permit area.
On bare land strata lots	Not eligible	Servicing issues, strata law.
Parcel size minimum	475 or 530 m2	475 where there is a corner lot or laneway access. 530 for other lots. 530 is the minimum lot size for RS zoned lots.
Accessory building	Cannot convert accessory buildings constructed after DADU zoning adopted.	Standard practice
Strata titling	Not permitted	Standard practice
Requirement that either garden suite or principal dwelling be occupied by the owner	Yes	Public feedback

Township of Esquimalt – Proposed Detached Accessory Dwelling Unit Regulatory Framework

SITING

Regulation	Proposed	Rationale
Siting on lot	Rear yard only.	Standard practice
Rear yard setback	1.5 m	As per existing setback
Side yard setbacks	1.5 m	As per existing setbacks.
Exterior side yard setback	3.6 m	Consistent with existing RS-1 requirement.
Combined side yard setback	4.5 m	
Distance from principal dwelling	2.5 m	As per existing distance for accessory buildings from PD
Minimum amount of open space	20 m ²	As per Saanich regulations. Minimum dimension 3 m.
Minimum lot depth	Not required	Setbacks will cover siting

DENSITY AND HEIGHT

Regulation	Proposed	Rationale
Number of stories (stories includes basement)	1	Council minutes Oct 3, 2017
Maximum floor area	65 m ²	Balances site coverage against tree and open space loss while permitting sufficient space to contain an efficiently designed two bedroom suite.
Lot coverage (all buildings)	30%	As per existing RS-1 requirement
Floor area ratio	0.35	As per existing RS-1 requirement
Lot coverage (accessory only)	10%	As per existing RS-1 requirement
Site coverage (rear yard only)	25%	Standard practice
Height (maximum)	4.2 m	Public feedback. Allows additional ceiling height for livability.
Height in relation to Principal Dwelling	The maximum height of a Garden suite should not be at an elevation higher than that of the principal dwelling.	To prevent overlook of garden suites onto the principal dwelling or that of neighbours

Pre-existing DP guidelines are italicized

Issue	Guideline
Overlook	<p><i>Buildings should be designed to minimize visual intrusion on to the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks and patios into the building or by screening them with latticework or landscaping. Windows should be spaced so that they do not align directly with those of other buildings.</i></p> <p>Windows oriented towards adjacent properties are discouraged, unless it can be demonstrated that overlook is mitigated by a design or natural feature.</p> <p>Roof decks and balconies on the roof are not permitted.</p>
Protecting mature trees and sensitive habitat	<p><i>Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.</i></p> <p>Siting should respect mature trees both on-site and on adjacent properties by locating the garden suite to minimize the impact on a tree's root system. A certified arborist report may be required as part of the application.</p>
Impervious surfaces	<p><i>Maximize the ratio of planted and pervious surfaces to unplanted surfaces, and design paved areas to direct water towards vegetated areas, to help reduce surface run off.</i></p> <p><i>Use porous surfaces to enhance stormwater infiltration; permeable paving is preferable for all open air parking areas.</i></p>
Design	<p><i>To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas and prominent front doors is encouraged.</i></p>
Massing	<p>On sloping sites, the scale, mass and location of the garden suite should adapt to the topography and natural features. View from adjacent properties should be considered in the design of the garden suite.</p>
Lighting	<p><i>Use International Dark-Sky Association approved lighting fixtures in outdoor locations. Outdoor lighting shall be no brighter than necessary, be fully shielded, have minimal blue light emissions and only be on when needed. Avoid vanity lighting, and lighting directed into the night sky and tree tops.</i></p>
Entryway design and orientation	<p>The entrance to the garden suite should 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.</p> <p>On corner lots and laneways, the primary entry to the garden suite should be oriented to the side street or laneway, rather than the front lot line. If this orientation is not possible, the entryway should face the interior of the lot rather than the exterior.</p> <p>A minimum 1.2 m wide, unobstructed pathway must be provided to the front door of the garden suite from the street or laneway.</p>

External mechanical equipment	<i>Hydro utility meters and mechanical systems should not be placed on the front façade of a building and, if placed in a manner which is visible from the street, will be appropriately screened by the owner in a manner consistent with BC Hydro requirements.*</i>
Roof form	<i>Rooflines of new development should relate in height, shape and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid having large unbroken sloped roof areas facing the street.*</i>
Outdoor space	<p>The garden suite should be provided with a minimum of 20 m² of open space at grade, separate and distinct from that for the principal dwelling.</p> <p>Open space should be immediately adjacent to and accessible from the garden suite and be defined and screened through the use of landscaping, plantings, fences or trellises and/or changes in grade.</p> <p>Open space should not be usable as a parking space.</p>
Landscaping	Exterior side yards on corner lots should be designed and treated as the main entrance to the garden suite. Screening and landscaping between the street and outdoor space should be used to define the transition from public to private space.
Energy efficiency	Designs which incorporate as many of the green building features outlined on the Green Building Checklist as possible are encouraged.
Projections (bay windows etc.)	Where dormers are used to provide interior room height, the exterior face of the dormer should be set back a minimum of 0.6 m from the exterior wall edge, and 1.2 metres from projecting roof eaves.
Garbage and recycling	Garbage and recycling collection areas must be provided onsite and must be screened from view.
Servicing	<p>Services shall be shared with the principal dwelling.</p> <p>Underground wiring must be provided to the garden suite.</p>

Detached Accessory Dwelling Units (DADU) - Regulation

Council February 22, 2021

Presentation Outline

- Rezoning of eligible properties
- Eligible properties
- DP process
- Zoning regulations
- Design guidelines



Rezoning of Eligible Properties

- Two new zones being created- RS-6 and RD-4.
- RS-5 zone amended to permit DADU.
- Public Hearing required for 'group rezoning'.
- Once rezoning is complete, properties in RS-5, RS-6 and RD-4 will be permitted to have a DADU with a Council approved Development Permit.

Proposed criteria for eligibility

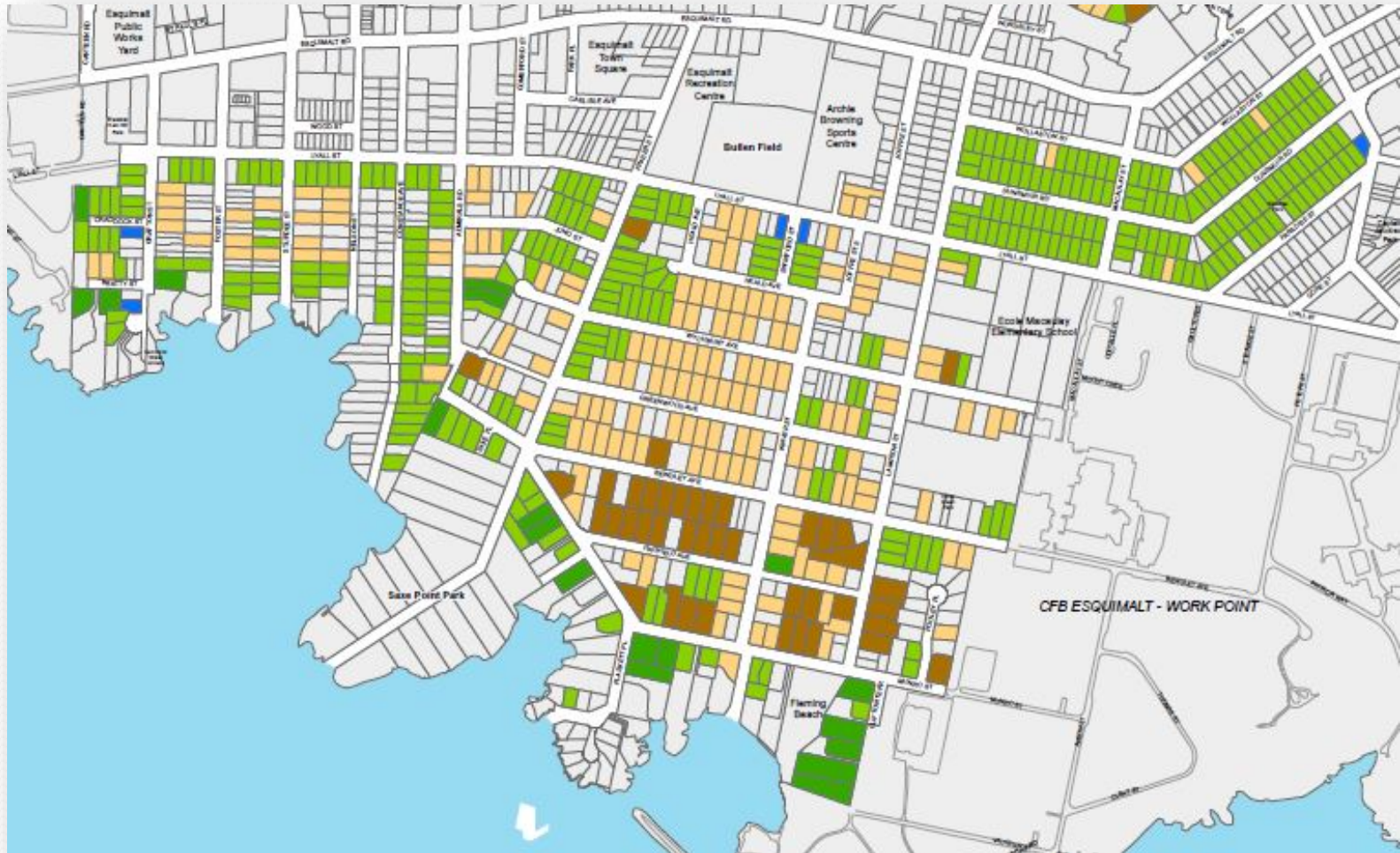
ELIGIBILITY for RS-6 zoning

Regulation	Proposed	Rationale
OCP Proposed land use designation	Low density residential only	Already in OCP policy
Where zoned for B&B	Not permitted	Standard practice
Where a secondary suite, DADU.	Not permitted	Standard practice
Where zoned for duplex	May be considered through rezoning in some situations, but not eligible for RS-6 zone automatically.	Standard practice.
Waterfront lots or within 20 m of Gorge or 10 m of Strait	Not eligible	Environmental development permit area.
On bare land strata lots	Not eligible	Servicing issues, strata law.
Parcel size minimum	475 or 530 m ²	475 where there is a corner lot or laneway access. 530 for other lots. 530 is the minimum lot size for RS zoned lots.
Accessory building	Cannot convert	Standard practice
Strata titling	Not permitted	Standard practice
Requirement that either garden suite or principal dwelling be occupied by the owner	yes	Council and public feedback.

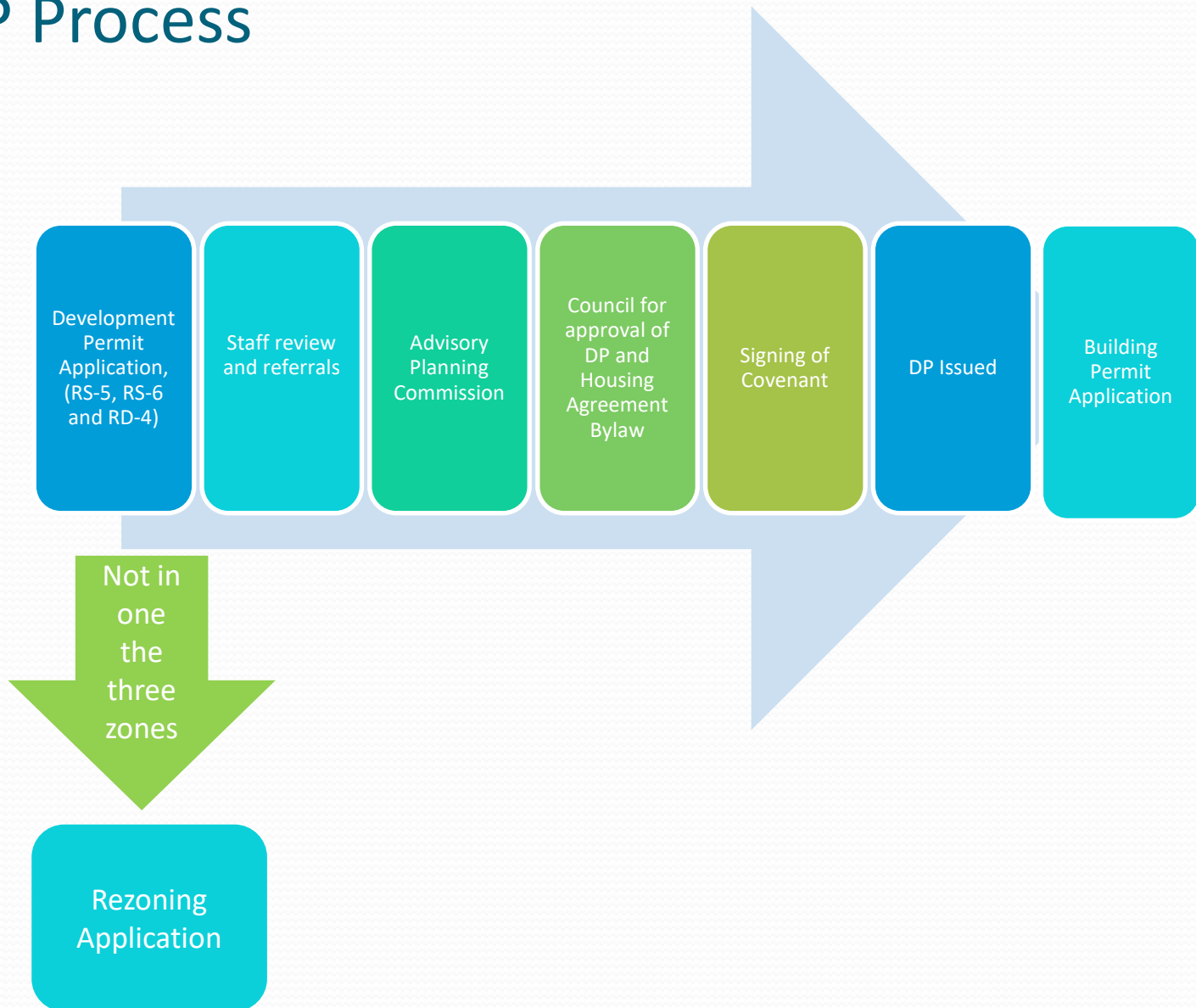
Eligible properties – north and central



Eligible properties – south



DP Process



Zoning regulations - height and density

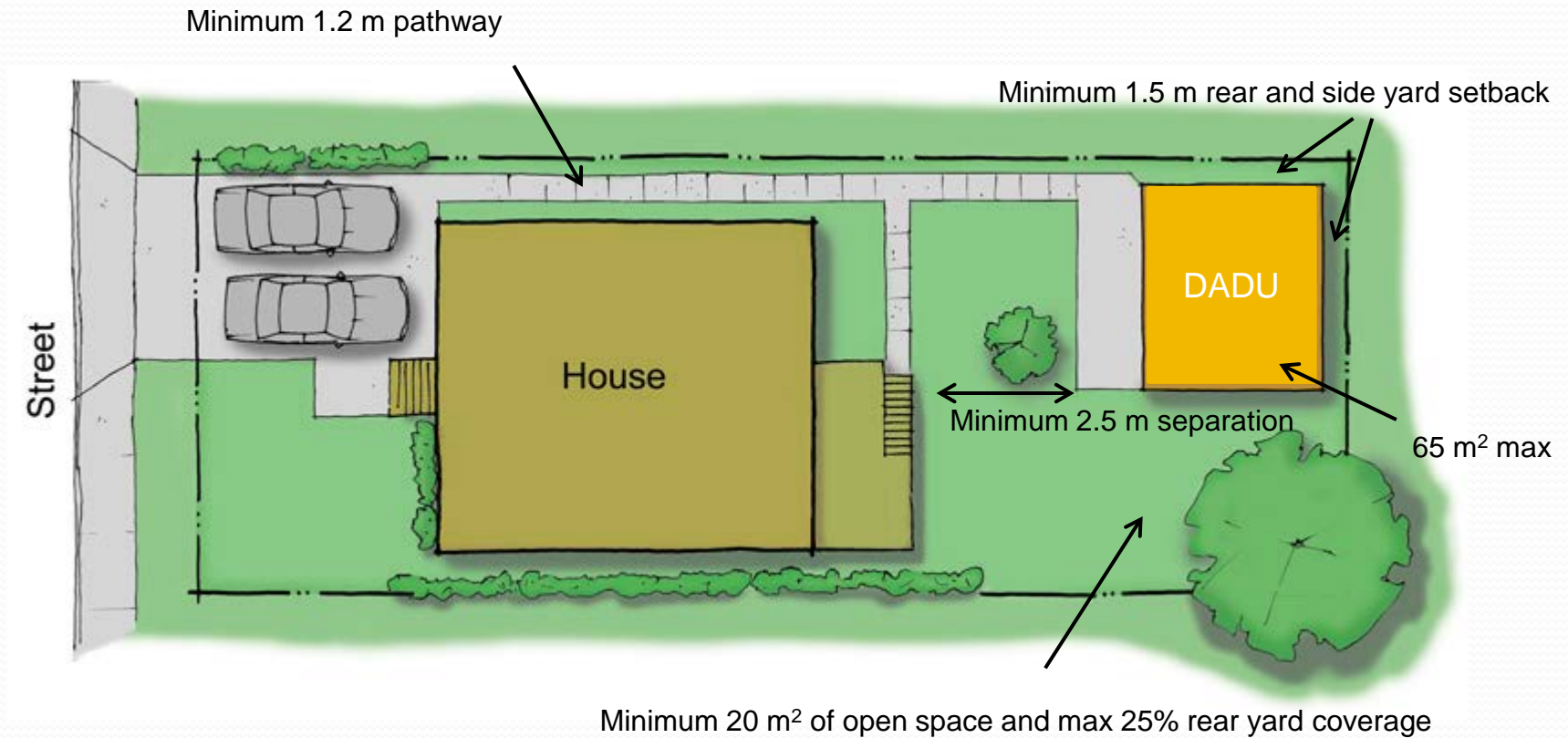
Regulation	Proposed
Number of stories (stories includes basement)	1
Maximum floor area	65 m ²
Lot coverage (all buildings)	30%
Floor area ratio	0.35
Lot coverage (accessory only)	10%
Site coverage (rear yard only)	25%
Height (maximum)	4.2 m
Height in relation to Principal Dwelling	The maximum height of a Garden suite should not be at an elevation higher than that of the principal dwelling.



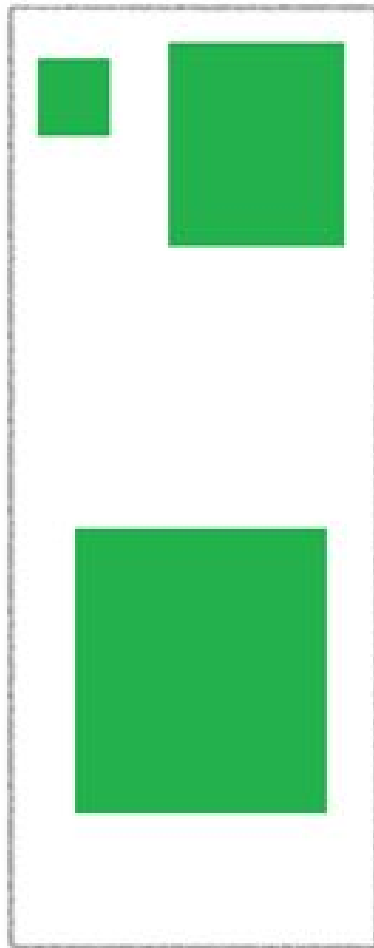
Zoning regulations - siting

Regulation	Proposed
Siting on lot	Rear yard only.
Rear yard setback	1.5 m
Side yard setbacks	1.5 m
Exterior side yard setback	3.6 m
Combined side yard setback	4.5 m
Distance from principal dwelling	2.5 m
Minimum amount of open space	20 m ²
Minimum lot depth	Not required

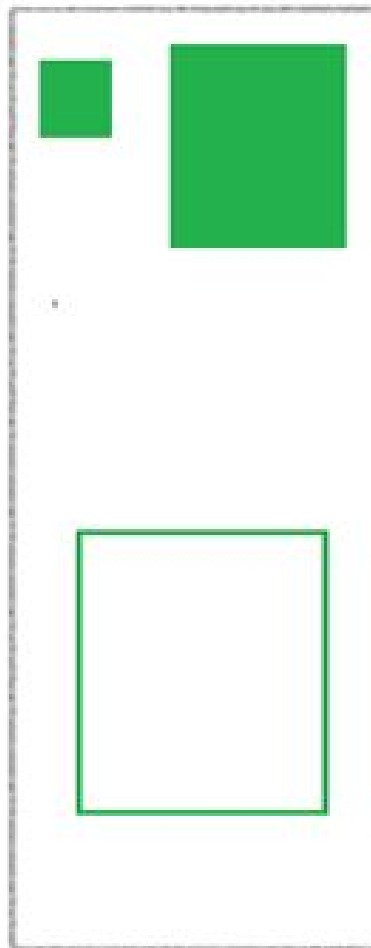
Setbacks



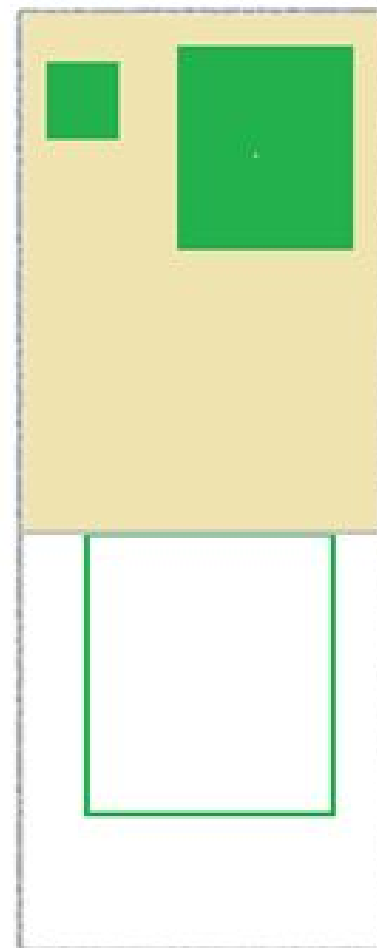
Lot Coverage



Maximum 30% site
coverage (all
buildings)



Maximum 10% site
coverage (accessory
buildings including
DADU)



Maximum 25% site rear
lot coverage (all
accessory buildings)

Design guidelines

- New guidelines specific for detached suites in zoning bylaw
- Existing DP area No. 3 –Enhanced Residential
- Existing Environmental DP areas – water and energy conservation, Greenhouse Gas emissions and biodiversity guidelines.



Recommendation

That Council give first reading to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, No. 2011, 1992, Amendment Bylaw No. 3013, 2021, which would allow for the regulation of Detached Accessory Dwelling Units (DADUs) in specific areas of the Township and further, that Council authorize staff to distribute notices to all affected property owners outlining the proposed amendments.



Questions?