

# Public Input Binder

The general purpose of proposed **“Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025”** is to make minor amendments to the Colwood Land Use Bylaw, 1989 to make the bylaw easier to understand and implement. These amendments include:

- Corrections from previously adopted amendments;
- Updates to definitions;
- Formatting improvements; and
- Updates to further align with the OCP.

Within the electronic binder, please find a copy of:

1. Staff Report to Planning and Land Use Committee (October 8, 2025)
2. Staff Presentation (October 8, 2025)
3. Draft Bylaw Amendment
4. Proposed Bylaw Amendments – Red Line Copy
5. Notice of Amending Bylaw

Minutes and videos of Council are publicly available and can be accessed through the following link:

- [City of Colwood - Home \(civicweb.net\)](http://civicweb.net)

## STAFF REPORT

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**To:** CAO – Jason Johnson  
**Submitted:** September 19, 2025  
**From:** Kaitlyn Suzuki, Planning Technician  
**RE:** Land Use Bylaw No. 151 - 2025 Omnibus Amending Bylaw

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### RECOMMENDATION

THAT the Planning and Land Use Committee consider recommending to Council:

THAT "Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025" be given consideration for 1st, 2nd and 3rd reading.

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### SUMMARY AND PURPOSE

The purpose of this report is to present administrative amendments to the Colwood Land Use Bylaw No. 151 for Council consideration. These amendments include corrections from previously adopted amendments, updates to definitions, and formatting improvements all intended to improve the clarity of the bylaw, making it easier for the public to understand and staff to implement.

### STRATEGIC PLAN

- *Provide Excellence in Governance + Services*

The proposed omnibus amendments to the Land Use Bylaw No. 151. aligns with the *Provide Excellence in Governance + Services* pillar of the 2025-2027 Strategic Plan, by improving the bylaw's clarity and ease of use. This will make the bylaw easier to understand and implement, allowing staff to more efficiently serve the public.

### RELATED POLICIES

#### Official Community Plan Bylaw 2018 No. 1700

The Official Community Plan is intended to guide the planning and development of Colwood in reflection of the community's needs, values, and goals. The policies, objectives and guidelines within the OCP provide a framework for decision making covering a range of topics including housing and land use.

### BACKGROUND

The Colwood Land Use Bylaw No. 151 regulates the development of land, including density, permitted uses, and the siting of buildings and structures. The regulations in this bylaw are intended to align with and implement land development guidelines and policies from the OCP. Staff annually propose omnibus amendments to the Colwood Land Use Bylaw No. 151 to continuously improve the document.

**PROPOSED AMENDMENTS**

The proposed amendments are summarized in Table 1 including the section of the bylaw and the rationale for the amendment. Further details on the proposed amendments are available in the Draft Bylaw Amendment (Appendix 1) and the Proposed Amendments - Red Line Copy (Appendix 2).

Table 1: Summary of Proposed Amendments to Colwood Land Use Bylaw No. 151

Bylaw Section	Proposed Amendment	Rationale
Table of Contents	<b>Remove Section 8.3 Royal Bay Industrial (M3) Zone</b>	The M3 Zone was removed from the Colwood Land Use Bylaw No. 151 in a previous amendment, but it is still referenced in the Table of Contents.  Staff recommend the proposed amendment to correct this error.
Table of Contents, Sections 10.5 - Schedule B	<b>Amend the page numbering in the Table of Contents 10.5 - Schedule B</b> to keep consistent formatting throughout.	The page numbering changes format starting at section 10.5.  Staff recommend the proposed amendment to keep consistent formatting throughout the bylaw, and to make the bylaw easier to navigate.
1.2 Definitions	<b>Remove definitions for "AGRICULTURAL ZONE", "COMMERCIAL ZONE", "COMPREHENSIVE DEVELOPMENT ZONE", "INDUSTRIAL ZONE", "INSTITUTIONAL ZONE", "MULTIPLE FAMILY RESIDENTIAL ZONE", and "RESIDENTIAL ZONE"</b>	Zones are organized within the Colwood Land Use Bylaw No. 151 in different sections based on the zone type (i.e. Division 5 Residential Zones). This allows zones to be identified without referencing the definitions.  Staff recommend removing these definitions as the information provided is redundant.
1.2 Definitions	<b>Amend the definitions for "AMENITY SPACE", "BREWERY/DISTILLERY", "EATING AND DRINKING ESTABLISHMENT", "FRONTING STREET", "INDUSTRIAL, LIGHT", "MINI-STORAGE WAREHOUSE", "NURSING HOME", "OFFICE, FINANCIAL",</b>	These terms are either only used in zones within the lots specified, or the definition is not site specific.  In many cases the lots listed are parent parcels that have since been subdivided, making it difficult for the public to determine when the definitions apply.  Staff recommend updating these definitions to improve clarity as to when the definitions are applicable. Removing references to specific lots also allows these defined terms to be used more broadly throughout the bylaw improving consistency.

	<b>"OFFICE, MEDICAL", "OFFICE, PROFESSIONAL," "PET DAYCARE", and "PUBLIC BUILDING"</b> , to remove references to specific lots	
1.2 Definitions	<b>Amend the definition for "INDUSTRIAL, LIGHT"</b> to correct an error	The "INDUSTRIAL, LIGHT" definition incorrectly uses "principle" instead of "principal".  Staff recommend the proposed amendment to correct this error.
1.2 Definitions	<b>Amend the definition for "NURSING HOME"</b> to correct an error	The "NURSING HOME" definition incorrectly uses "111" instead of "ill".  Staff recommend the proposed amendment to correct this error.
1.2 Definitions	<b>Amend the definition for "STOREY"</b> to clarify the meaning	The term storey is frequently referenced throughout the Colwood Land Use Bylaw No. 151, but the current definition is not easily understood and references itself.  Staff recommend amending the definition to clarify the meaning of this frequently referenced term.
2.1.06 (1b)	<b>Amend Section 2.1.06 (1b)</b> to remove reference to Residential Zones	Section 2.1.06 (1b) is within Section 2.1.06 (1) General Regulations for All Zones but only references Residential Zones.  Staff recommend removing the reference to Residential Zones, as the regulation is intended to be applicable to all zones.
2.1.06 (2b)	<b>Remove Section 2.1.06 (2b) and update numbering</b>	Section 2.1.06 (2b) is a duplicate of Section 2.1.06 (1b).  Staff recommend removing this section to improve the readability of the section and reduce confusion as the regulation is already made applicable to all zones by Section 2.1.06 (1b).
2.2.02 (3)	<b>Remove Section 2.2.02 (3) and update numbering</b> to remove owner occupation requirement for secondary suites and accessory dwelling units (ADUs)	Section 2.2.02(3) is not intended to prevent the construction of new homes with secondary suites. OCP Policy 9.2.1.3 supports "the expansion of secondary suites including coach houses throughout the city". The proposed amendment would align with this policy by further facilitating additional secondary suites.  Staff recommend the proposed amendment as it would

		facilitate the creation of suites in alignment with the OCP. Additionally, staff are not able to confirm the continued owner occupation of homes with new secondary suites or ADUs.
7.2.01A	Amend Section 7.2.01A to correct numbering and correct an address error	<p>Section 7.2.01A had been incorrectly numbered, as it is in Section 7.3. It also refers to "Coldstream" instead of "Goldstream".</p> <p>Staff recommend the proposed amendments to correct these errors.</p>
7.11.2	<b>Amend Section 7.11.2</b> to correct formatting and error in the text	<p>Section 7.11.2 currently has inconsistent formatting and uses an "!" instead of the letter "I".</p> <p>Staff recommend the proposed amendment to improve the clarity and readability of the section and correct the error.</p>
10.33.2 (3j)	<b>Amend Section 10.33.2 (3j)</b> to add Public Building as a permitted use in Area 10 of the CD 28 Zone	<p>Public Building was inadvertently removed as a permitted use from Area 10 of the CD28 Zone in a previously adopted amendment.</p> <p>Staff recommend the proposed amendment to correct the listed permitted uses of this zone.</p>
10.33.5 (4d)	<b>Amend Section 10.33.5 (4d)</b> to correct wording within the section	<p>Section 10.33.5 (4d) incorrectly references height instead of area when referencing the portion of roof permitted to be covered by structures.</p> <p>Staff recommend the proposed amendment to correct the error.</p>
10.33.6	<b>Amend Section 10.33.6</b> to enable a 0m side yard setback for fee-simple rowhomes	<p>Section 10.33.6 (2) which enabled a 0m side yard setback for fee-simple rowhomes was inadvertently removed from Section 10.33.6 in a previously adopted amendment.</p> <p>Staff recommend the proposed amendment to correct this error.</p>
10.35.5 (4a)	<b>Amend Section 10.35.4(a)</b> to correct errors in the text	<p>Section 10.35.4 (a) incorrectly uses "i" instead of "I".</p> <p>Staff recommend the proposed amendment to correct these errors.</p>
10.35.6	<b>Amend Section 10.35.6</b> to correct an error in the text, and enable a 0m side yard setback for fee-	<p>Section 10.35.6 (1) incorrectly uses "m^" to indicate square meters.</p> <p>Staff propose adding Section 10.35.6 (2) to enable a 0m</p>

	simple rowhomes	side yard setback for fee-simple rowhomes. Attached housing is a permitted use in the CD30 zone which includes rowhomes, but currently a variance to the side yard setbacks would be required to enable this built form.  Staff recommend the proposed amendment to correct this error and prevent the need for future variances to enable a permitted use.
10.35.7	<b>Amend Section 10.35.7</b> to correct a reference to the Off-Street Parking Regulations Bylaw No.1909 and correct an error	Section 10.35.7 incorrectly references the "Section 2.2.01 of this Bylaw" for parking regulations instead of Off-Street Parking Regulations Bylaw No.1909.  Section 10.35.7(3b) also incorrectly uses "lOm^" instead of "10m2".  Staff recommend the proposed amendment to correct these errors.
10.42.2	<b>Amend Section 10.42.2</b> to correct reference to zones	Section 10.42.2 incorrectly references the CD33 zone, instead of the CD37 zone.  Staff recommend the proposed amendment to reduce confusion, improving the clarity and readability of the section.

### OPTIONS / ALTERNATIVES

THAT Planning and Land Use Committee consider recommending to Council one of the following options:

1. **The staff recommendation:** THAT "Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025" be given consideration for 1st, 2nd and 3rd reading; OR
2. THAT "Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025" be deferred for more information; OR
3. THAT Committee provide another option for Council consideration.

### COMMUNICATIONS & ENGAGEMENT

Notice of this amending bylaw will be provided in accordance with the *Local Government Act* and Public Notice Bylaw No. 1933. Notice will be posted in advance of introduction to Council in two consecutive issues of a local newspaper and to the City's website with supporting documents made available for public viewing. A public hearing is not required for zoning bylaws that are consistent with the OCP as per Section 890(4) of the *Local Government Act*.

### TIMELINES

October 6, 2025 - Planning and Land Use Committee	October 27, 2025 - Introduction to Council and 1st, 2nd, and 3rd Reading	TBD - MOTT Approval	TBD - Adoption
Committee provides a recommendation for Council  WE ARE HERE	Council gives amending bylaw consideration of 1st, 2nd, and 3rd readings.	Ministry of Transportation and Transit (MOTT) to review and provide approval prior to adoption.	Council considers adoption of amending bylaw.

**CLIMATE CONSIDERATIONS**

Staff have not identified any significant climate considerations.

**FINANCIAL CONSIDERATION**

Staff have not identified any significant financial considerations.

**CONCLUSIONS**

The proposed amendments will help improve the accuracy and clarity of the Colwood Land Use Bylaw No. 151 making it easier for the public to understand, and staff to implement. These amendments include corrections from previously adopted amendments, updated definitions, formatting improvements, and minor amendments to align with the OCP.

**Attachments:**

[Appendix1 DraftBylaw 2025LUBOmnibusAmendments](#)

[Appendix2 RedLineCopy 2025LUBOmnibusAmendments](#)

[StaffPresentation 2025LUBOmnibusAmendments](#)

**Approved by:**

Marcy Lalande, Manager of Corporate Services

Kathy McLennan, Director of Finance

Jason Johnson, Chief Administrative Officer

**Status:**

Approved - 22 Sep 2025

Approved - 28 Sep 2025

Approved - 29 Sep 2025

# 2025 Land Use Bylaw Omnibus Amendments

Planning and Land Use Committee Meeting,  
October 8, 2025

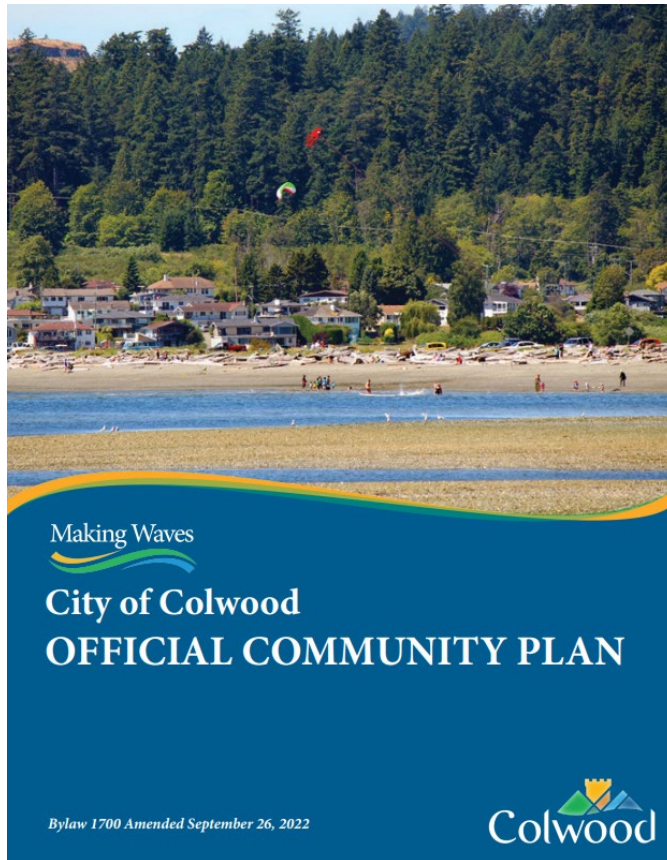


# Proposal

Staff are proposing amendments to the Colwood Land Use Bylaw No. 151. These amendments include:

- corrections from previously adopted amendments
- updates to definitions
- formatting improvements
- updates to further align with the OCP

# Official Community Plan

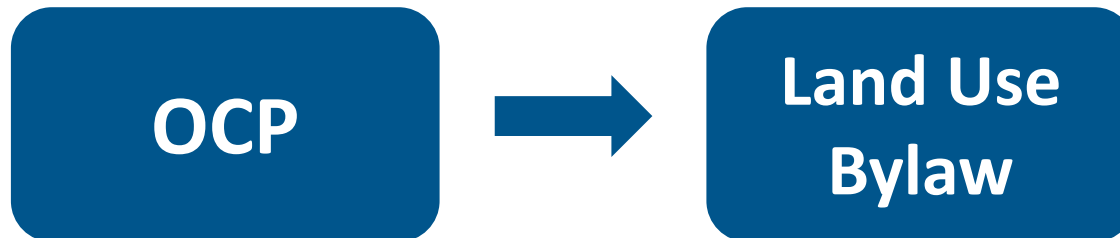


The Official Community Plan is intended to guide the planning and development of Colwood in reflection of the community's needs, values, and goals.

# Land Use Bylaw

The Colwood Land Use Bylaw No. 151 regulates the development of land, including density, permitted uses, and the siting of buildings and structures.

The regulations in this bylaw are intended to align with and implement land development guidelines and policies from the OCP.



# Storey Definition

Bylaw Section	Proposed Amendment	Rationale
1.2 Definitions	<b>Amend the definition for "STOREY"</b> to clarify the meaning	<p>The term storey is frequently referenced throughout the Colwood Land Use Bylaw No. 151, but the current definition is not easily understood and references itself.</p> <p>Staff recommend amending the definition to clarify the meaning of this frequently referenced term.</p>

## "STOREY"

means the portion of a building which is situated between the top of any floor and the top of the next floor above it, or if there is no floor above it, the ceiling above it. Any portion of a building having a floor level 1.5 m or more below the average finished grade will not be counted as a storey.

# Maximum Areas for Accessory Buildings

Bylaw Section	Proposed Amendment	Rationale
2.1.06	<b>Amend Section 2.1.06 (1b)</b> to remove reference to Residential Zones  <b>Remove Section 2.1.06 (2b) and update numbering</b>	<p>Section 2.1.06 sets regulations for accessory buildings in all zones, including a 60m<sup>2</sup> maximum total floor area for accessory buildings.</p> <p>Staff recommend the proposed amendments to clarify that this regulation is intended to be applicable to all zones.</p>

# Owner Occupation for New Suites

Bylaw Section	Proposed Amendment	Rationale
2.2.02 (3)	<b>Remove Section 2.2.02 (3) and update numbering</b> to remove owner occupation requirement for secondary suites and accessory dwelling units (ADUs)	<p>OCP Policy 9.2.1.3 supports "the expansion of secondary suites including coach houses throughout the city". The proposed amendment would align with this policy by further facilitating additional secondary suites.</p> <p>Staff recommend the proposed amendment as it would facilitate the creation of suites in alignment with the OCP.</p>

# 0m Side Yard Setback for Rowhomes

Bylaw Section	Proposed Amendment	Rationale
10.33.6 10.35.6	<b>Amend Section 10.33.6 and 10.35.6</b> to enable a 0m side yard setback for fee-simple rowhomes	<p>Staff propose readding Section 10.33.6 (2) which enables a 0m side yard setback for fee-simple rowhomes as it was inadvertently removed.</p> <p>Staff also propose adding this to Section 10.35.6 (CD30 zone). Attached housing is a permitted use in the CD30 zone which includes rowhomes, but currently a variance to the side yard setbacks would be required to enable this built form.</p> <p>Staff recommend the proposed amendment to correct this error and prevent the need for future variances to enable a permitted use.</p>

# Communication

Notice will be posted in advance of introduction to Council in two consecutive issues of a local newspaper and to the City's website with supporting documents made available for public viewing.





# Options / Alternatives

## Option 1 – Staff recommendation

THAT "Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025" be given consideration for 1st, 2nd and 3rd reading; OR

## Option 2

THAT "Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025" be deferred for more information; OR

## Option 3

THAT Committee provide another option for Council consideration.

Thank you!



## CITY OF COLWOOD BYLAW NO 2089

### **A BYLAW TO AMEND BYLAW NO. 151 BEING THE “COLWOOD LAND USE BYLAW, 1989”**

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The Council of the City of Colwood, in open meeting assembled, enacts as follows:

#### **1. CITATION**

This Bylaw may be cited as “Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025”

#### **2. AMENDMENT**

Bylaw No. 151, the “Colwood Land Use Bylaw, 1989” is amended as follows:

- a) In Table of Contents, repeal “Section 8.3 Royal Bay Industrial Zone (M3) Zone”,**
- b) In the Table of Contents and throughout the bylaw, amend page numbering from Section 10.5 onwards continuing from the section before.**

- c) In Section 1.2 Definitions,**

- a. Repeal the definition for “AGRICULTURAL ZONE”
  - b. Replace the definition for “AMENITY SPACE” with the following,

“AMENITY SPACE”

means an outdoor or indoor area designed and provided for use by a residential strata development for social, cultural, workspace or recreational activities.

- c. Replace the definition for “BREWERY/DISTILLERY” with the following,

“BREWERY/DISTILLERY”

means an establishment engaged in the brewing and/or distilling of alcohol for human consumption and may include within the principal building a tasting room with ancillary food preparation, meeting or presentation room, and retail sales incidental to the brewery/distillery use including the retail sale of alcoholic beverages made on the site for consumption elsewhere than on the premises.

- d. Repeal the definition for “COMMERCIAL ZONE”
      - e. Repeal the definition for “COMPREHENSIVE DEVELOPMENT ZONE”
      - f. Replace the definition for “EATING AND DRINKING ESTABLISHMENT” with the following,

“EATING AND DRINKING ESTABLISHMENT”

means a building and structure where food and beverages are prepared and served to the public, which may be licensed under the Liquor Control and Licensing Act. This use may include accessory outdoor seating areas, but does not include a drive-through restaurant.

- g. Replace the definition for “FRONTING STREET” with the following,

“FRONTING STREET”

means, where a lot is bounded either in whole or in part by more than one street, the widest of the abutting streets.

- h. Replace the definition for “INDUSTRIAL, LIGHT” with the following,

"INDUSTRIAL, LIGHT"

means a use for the warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops, movie production studio, and retail sales accessory to a principal use

- i. Repeal the definition for “INDUSTRIAL ZONE”  
j. Repeal the definition for “INSTITUTIONAL ZONE”  
k. Replace the definition for “MINI-STORAGE WAREHOUSE” with the following,

“MINI-STORAGE WAREHOUSE”

means the use of a wholly enclosed building for the purpose of storing personal property in a self-contained, self-storage units, each of which units has separate and exclusive access from either the exterior or interior of the building.

- l. Repeal the definition for “MULTIPLE FAMILY RESIDENTIAL ZONE”  
m. Replace the definition for “NURSING HOME”

"NURSING HOME"

means a facility where regular care or supervision is given by a health care professional as well as assistance with the performance of the personal functions and activities necessary for daily living for the aged or chronically ill who are unable to perform them efficiently for themselves.

- n. Replace the definition for “OFFICE, FINANCIAL” with the following,

"OFFICE, FINANCIAL"

means a building or part thereof used for conducting the affairs of a bank, financial institution, insurance agency, real estate agency or similar activity.

- o. Replace the definition for “OFFICE, MEDICAL” with the following,

“OFFICE, MEDICAL”

means a building or part thereof used for the provision of medical services including, but not limited to medical clinic, veterinary clinic, dentist, chiropractor, massage therapist, physiotherapist, acupuncturist, holistic medical practitioner, ophthalmologist and medical lab.

- p. Replace the definition for “OFFICE, PROFESSIONAL”

**"OFFICE, PROFESSIONAL"**

means a building or part thereof used primarily for conducting the affairs of a business, profession, service, industry, government or like activity.

- q. Replace the definition for “PET DAYCARE” with the following,

**"PET DAYCARE"**

means care provided to pets which must be kept within an entirely closed building and must not be kept overnight.

- r. Replace the definition for “PUBLIC BUILDING” with the following,

**"PUBLIC BUILDING"**

means the non-commercial use of land, building and structures for government services, art or cultural exhibits, church, community centre, library, fire hall, police station, court of law, recreation facility, or school.

- s. Repeal the definition for “RESIDENTIAL ZONE”

- t. Replace the definition for “STOREY” with the following,

**"STOREY"**

means the portion of a building which is situated between the top of any floor and the top of the next floor above it, or if there is no floor above it, the ceiling above it. Any portion of a building having a floor level 1.5 m or more below the average finished grade will not be counted as a storey.

**d) In Section 2.1.06 Accessory Buildings and Structures,**

- a. Replace (1b) with the following,

The total combined floor area of accessory buildings on any lot shall not exceed 60 m<sup>2</sup>, except that in cases where an accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.

- b. Repeal (2b) “The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60 m<sup>2</sup>; except that in cases where an accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.”

- e) In Section 2.2.02 Conditions of Use, repeal (3) “A new secondary suite or new accessory dwelling unit shall only be permitted where either the said ancillary unit or the principal dwelling unit are occupied by the owner of the property as his or her principal**

**place of residence. Existing secondary suites or existing accessory dwelling units shall be exempt from the requirement that the owner of the property must have his or her principal place of residence on the same premises as the existing secondary suite or accessory dwelling unit use.”,**

**f) In Section 7.3 District Commercial (C3) Zone,**

- a. Replace 7.2.01A Lot 3, Section 1, Esquimalt District, Plan 30085 (310 Goldstream Avenue) with the following,

**7.3.01A Lot 3, Section 1, Esquimalt District, Plan 30085 (310 Goldstream Avenue)**

Despite section 2.1.09(2)(g) a Cannabis Retail Store limited to a maximum floor area of 204m<sup>2</sup> is permitted at the property having a civic address of 310 Goldstream and described as " Lot 3, Section 1, Esquimalt District, Plan 30085; PID: 001-288-563".

**g) In Section 7.11.2 Permitted Uses, replace (q) with “Personal Service”,**

**h) In Section 10.33 Comprehensive Development 28 (CD28) Zone (Latoria South),**

- a. Insert “Public Building” after 10.33.2 (3j. viii)
- b. Replace 10.33.5 (4d) with the following,

Notwithstanding the Development Regulations in Section 10.33.5.4.b and Section 2.1.08 Height of Buildings and Structures, where a Health Care Facility and Treatment Centre is proposed for Area 4, the area of buildings and structures including cooling towers, elevator, ventilating machinery penthouses shall not cover more than 12% of the roof area of the principal building.

- c. Insert the following after Section 10.33.6 (1)

The minimum side yard setbacks in Section 10.33.5 do not apply, in the case of a two-family dwelling, attached housing or accessory building, in relation to a side lot line on which a party wall has been constructed or is proposed to be constructed.

**i) In Section 10.35 Comprehensive Development 30 (CD30) ZONE (ROYAL BEACH),**

- a. Replace 10.35.5 (4a) with the following,

The boarding and lodging use permitted in this zone is limited to the accommodation of up to two boarders or lodgers in a dwelling unit, and not more than four unrelated persons may occupy any such dwelling.

**b. Replace 10.35.6 with the following,**

- 1. A lot on which a two-family dwelling or attached housing has been constructed may be subdivided under the Land Title Act such that each dwelling is on a separate fee simple

lot, provided that such separate lot has a minimum lot width of at least 6.0 m and a minimum lot area of at least 185 m<sup>2</sup> in the case of a two-family dwelling, or a minimum lot width of at least 5.0 m and a minimum lot area of at least 150 m<sup>2</sup> in the case of attached housing.

2. The minimum side yard setbacks in Section 10.33.5 do not apply, in the case of a two-family dwelling, attached housing or accessory building, in relation to a side lot line on which a party wall has been constructed or is proposed to be constructed.

**c. Replace 10.35.7 with the following,**

1. Parking requirements for residential, one-family dwellings including two-family dwellings shall meet the parking standards in Bylaw 1909.
2. Notwithstanding the Off-Street Parking Regulations Bylaw No. 1909, the minimum off-street parking requirements for attached housing and apartment residential uses in Areas 1, 2,4, 5, 6, 7 and 8b of the CD 30 Zone shall be as follows:
  - i. Bachelor - 0.8 spaces per dwelling unit
  - ii. One-bedroom -1.0 spaces per dwelling unit
  - iii. Two-bedroom -1.3 spaces per dwelling unit
  - iv. Three-bedroom or greater-1.5 spaces per dwelling unit
  - v. Visitor parking - 0.15 spaces per dwelling unit
3. Notwithstanding the Off-Street Parking Regulations Bylaw No. 1909, the minimum parking requirements for commercial uses in Areas located 1, 2,4, 5, 6, and 8 of the CD 30 Zone shall be as follows:
  - a. Commercial and/or Retail, including Grocery Store - 0.43 spaces per 10m<sup>2</sup> of gross floor area
  - b. Office - 0.28 spaces per 10m<sup>2</sup> of gross floor area
4. A vehicle parking area or vehicle parking space must be surfaced with asphalt, concrete pavers, or permeable material that provides a durable surface.

**j) In Section 10.42 Comprehensive Development 37 (CD 37 – 3211 Jacklin) Zone, replace 10.42.2 (1) with the following,**

In addition to the uses permitted by Section 2.1.10, the following uses and no others are permitted in the CD37 Zone:

- i. Apartments
- ii. Bakery
- iii. Daycare
- iv. Offices
- v. Personal Service
- vi. Post Office
- vii. Assembly and Entertainment
- viii. Restaurants
- ix. Retail Stores





**READ A FIRST TIME** on the                      day of                      2025

**READ A SECOND TIME** on the                      day of                      2025

**READ A THIRD TIME** on the                      day of                      2025

**RECEIVED APPROVAL OF THE  
MINISTRY OF TRANSPORTATION  
AND TRANSIT** on the                      day of                      2025

**ADOPTED** on the                      day of                      2025

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**Mayor**

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**Corporate Officer**



## Colwood Land Use Bylaw No. 151, 1989

(With amendments to April 14, 2025)

### Consolidated for convenience only:

All persons making use of this consolidation are advised that the amendments have been consolidated for convenience only, and that the original bylaws should be consulted for all purposes of interpretation and application of the bylaw.

Includes Amendments:

<b>Amendment</b>	<b>Bylaw</b>	<b>Adoption</b>
1	157	February 12, 1990
2	164	May 14, 1990
3	165	May 14, 1990
4	173	October 22, 1990
5	174	October 9, 1990
6	175	September 6, 1990
7	187	May 27, 1991
8	196	September 23, 1991
9	200	August 12, 1991
11	212	February 24, 1992
13	220	April 27, 1992
14	221	March 23, 1992
15	225	March 9, 1992
16	238	December 7, 1992
18	264	June 14, 1993
20	282	April 11, 1994
21	298	June 27, 1994
22	300	October 24, 1994
23	313	March 13, 1995
24	315	September 11, 1995
25	328	February 9, 1998
26	353	September 23, 1996
27	378	January 12, 1998
28	379	Defeated
29	387	December 15, 1997
30	388	August 19, 1997
31	405	June 22, 1998
32	406	June 22, 1998
33	419	May 25, 1998
34	429	June 22, 1998

<b>Amendment</b>	<b>Bylaw</b>	<b>Adoption</b>
36	450	April 12, 1999
37	464	April 12, 1999
38	536	August 28, 2000
39	539	July 10, 2000
40	550	December 18, 2000
42	561	November 27, 2000
43	571	March 26, 2001
44	620	December 10, 2001
45	632	June 10, 2002
46	638	April 22, 2002
47	639	May 13, 2002
48	643	May 13, 2002
49	656	October 28, 2002
50	668	November 12, 2002
51	672	October 21, 2002
52	673	November 12, 2002
53	683	January 27, 2003
55	700	September 29, 2003
56	703	July 14, 2003
57	706	July 28, 2003
58	709	December 22, 2003
60	714	November 24, 2003
63	763	April 26, 2004
64	784	August 30, 2004
65	787	October 25, 2004
66	788	October 25, 2004
67	791	January 24, 2005
68	792	November 22, 2004
69	806	March 29, 2005
71	814	July 11, 2005
72	823	June 13, 2005
75	829	October 24, 2005
76	832	July 11, 2005
77	833	November 14, 2005
78	841	February 23, 2007
79	848	March 27, 2006
80	852	April 24, 2006
81	853	September 25, 2006
82	858	June 26, 2006
84	890	March 20, 2007 (Lagoon Estates)
84	910	January 22, 2007 (Side yard setback)
85	911	July 9, 2007
86	912	December 18, 2006
87	914	January 22, 2007
88	915	February 12, 2007
89	920	July 9, 2007
90	923	June 25, 2007
91	936	July 14, 2008

<b>Amendment</b>	<b>Bylaw</b>	<b>Adoption</b>
92	946	December 17, 2007
93	948	June 23, 2008
94	951	August 25, 2008
95	953	May 23, 2008
97	1021	September 29, 2008
98	1022	August 25, 2008
99	1023	August 25, 2008
101	1026	September 29, 2009
102	1027	August 31, 2009
103	1062	May 13, 2013
105	1099	November 23, 2009
106	1132	November 9, 2009
107	1144	August 31, 2009
108	1145	October 26, 2009
109	1282	July 12, 2010
110	1311	June 28, 2010
111	1317	August 30, 2010
112	1337	February 14, 2011
113	1360	November 22, 2010
114	1366	January 24, 2011
115	1370	March 14, 2011
116	1371	March 28, 2011
117	1374	March 7, 2011
118	1393	May 24, 2011
119	1399	October 24, 2011
120	1421	October 24, 2011
121	1428	November 29, 2011
122	1439	March 26, 2012
123	1440	March 26, 2012
124	1456	October 28, 2013
125	1480	July 23, 2012
126	1482	January 13, 2014
127	1484	November 13, 2012
129	1494	January 28, 2013
130	1506	July 8, 2013
132	1509	June 24, 2013
133	1512	July 8, 2013
134	1522	March 10, 2014
135	1523	December 2, 2013
137	1537	October 10, 2017
138	1538	October 14, 2014
139	1539	October 14, 2014
140	1545	July 14, 2014
141	1548	November 25, 2014
142	1552	November 25, 2014
143	1564	June 13, 2016

<b>Amendment</b>	<b>Bylaw</b>	<b>Adoption</b>
144	-	Repealed
145	1583	January 11, 2016
146	1590	November 23, 2015
147	1593	January 11, 2016
148	1597	July 11, 2016
149	1598	September 24, 2018
150	1606	February 9, 2016
151	1657	April 10, 2017
152	1613	April 11, 2016
153	1621	June 27, 2016
154	1626	February 27, 2017
155	1650	December 18, 2017
156	1655	January 23, 2016
157	1666	July 10, 2017
158	1667	December 18, 2017
159	1668	July 10, 2017
160	1678	June 12, 2017
161	1681	February 26, 2018
162	1692	October 10, 2017
164	1734	June 10, 2019
166	1754	April 23, 2019
167	1759	May 13, 2019
168	1777	December 16, 2019
169	1788	April 14, 2020
171	1807	October 13, 2020
172	1816	January 11, 2020
173	1817	December 14, 2020
174	1825	September 28, 2020
175	1837	May 10, 2021
176	1839	September 28, 2020
177	1840	June 14, 2021
178	1841	October 26, 2020
179	1842	October 26, 2020
180	1852	March 8, 2021
181	1861	May 10, 2021
182	1892	November 8, 2021
183	1893	September 27, 2021
184	1897	September 27, 2021
185	1898	April 25, 2022
186	1908	June 13, 2022
187	1912	April 11, 2022
188	1913	August 28, 2023
189	1916	May 24, 2022
190	1919	June 13, 2022
191	1924	April 11, 2023
192	1924	September 26, 2022
193	1940	July 10, 2023
194	1946	September 26, 2022
195	1947	January 9, 2023

<b>Amendment</b>	<b>Bylaw</b>	<b>Adoption</b>
196	1956	October 11, 2022
197	1955	October 11, 2022
198	1951	September 26, 2022
199	1958	Application Denied February 13, 2023
200	1963	December 5, 2022
201	1967	March 27, 2023
202	1971	March 25, 2024
203	1977	January 8, 2024
204	1986	July 10, 2023
205	1989	May 13, 2024
206	2003	March 11, 2024
207	2005	June 24, 2024
208	2007	February 26, 2023
209	2010	
210	2018	
211	2022	July 8, 2024
212	2027	
213	2026	June 10, 2024
214	2035	March 10, 2025
215	2036	March 10, 2025
216	2039	November 25, 2024
217	2048	
218	2052	
219	2053	
220	2054	
221	2055	
222	2056	
223	2057	April 14, 2025
224	2073	

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**"ACCESSORY BUILDING"**

means a building, the use or intended use of which is ancillary or subordinate to that of the principal building.

**"ACCESSORY DWELLING UNIT"**

means an additional self-contained dwelling unit which is ancillary to a principal dwelling unit with which it is associated and is located on the same legal lot as the principal dwelling unit with which it is associated.

An accessory dwelling unit may be one of the following:

1. an addition to or contained within an accessory building on a lot containing a two-family dwelling unit;
2. an addition to or contained within an accessory building on a lot containing an attached housing dwelling unit;
3. contained within an apartment unit;
4. contained within an accessory building associated with a one-family use, a two-family dwelling use, or an attached housing dwelling use.

**"ACCESSORY USE"**

means a use which is ancillary or subordinate to the principal use.

**"ACCESS STRIP"**

means a strip of land extending from a highway to the front lot line of a panhandle lot.

**"ADULT DAY CARE CENTRE"**

means a facility for the supervised care of older adults, providing activities such as meals and socialization one or more days a week during specified daytime hours, and is often used as a respite by family members caring for an older person who cannot be left alone safely in the home. The participants, primarily persons with physical and/or mental limitations who need socialization, physical assistance, and/or psychological assistance, return to their own homes each evening.

**"AFFORDABLE HOUSING"**

means housing that is owned or controlled by a government or a non-profit entity and which is leased at less than market rent or which is made available for purchase at less than market value.

**~~"AGRICULTURAL ZONE"~~**

~~means the AG1 and AG2 Zones.~~

**"AGRICULTURE"**

means a use providing for growing, rearing, producing and harvesting of agricultural products; includes the storage and sale on an individual farm of the products harvested, reared, or produced on that farm and the storage of farm machinery and implements used on that farm; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition.

**"AMBULANCE HEADQUARTERS"**

means a facility for the operation and maintenance of an ambulance service, including dispatch and office facilities and the parking and maintenance of ambulance vehicles.

**"AMENITY SPACE"**

means an outdoor or indoor area designed and provided for use by a residential strata development for social, cultural, workspace or recreational activities. ~~and applies to the following lands only:~~

- ~~Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~Lot 1, Section 54, Esquimalt District, Plan VIP58414~~
- ~~Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54"~~

**"ANIMAL HOSPITAL"**

means any building in which animals are medically treated or hospitalized.

**"APARTMENT"**

means a building divided into not less than three dwelling units other than Attached Housing, specifically excludes a building used for a Hotel or Motel.

**"APARTMENT (SENIOR CITIZENS)"**

means an apartment providing accommodation for persons over 55 years of age and constructed under provincial and/or federal cost sharing or funding programs and operated by provincial, federal, or municipal governments, or non-profit societies.

**"ATTACHED HOUSING"**

means a building (or buildings) divided into not less than three dwelling units, other than secondary suites, with each dwelling unit having direct access to the outside at grade; specifically excludes a building used for Hotel or Motel.

**"ASSEMBLY AND ENTERTAINMENT"**

means a use providing for the gathering of people or artifacts for scientific, educational, cultural, religious, philanthropic, charitable, or recreational purposes.

**"AUTOMOTIVE DEALERSHIP"**

means the use of a building or part of a lot for the display, storage, and sale or lease of new or used vehicles and may include ancillary repair and maintenance services.

**"BOARDER"**

means an individual who for consideration receives accommodation together with meals.

**"BREWERY/DISTILLERY"**

means an establishment engaged in the brewing and/or distilling of alcohol for human consumption and may include within the principal building a tasting room with ancillary food preparation, meeting or presentation room, and retail sales incidental to the brewery/distillery use including the retail sale of alcoholic beverages made on the site for consumption elsewhere than on the premises., and applies to the following lands only:

- ~~Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~

- ~~Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~
- ~~Lot C, Section 67 & 68, Esquimalt Land District, Plan VIP68962~~
- ~~Lot A, Section 1, Esquimalt District, Plan VIP36299~~

**"BREWHOUSE"**

means a public house or restaurant in which beer is brewed and sold on the premises.

**"BUILDING"**

means any structure used or intended for supporting or sheltering any use of persons, animals or property.

**"CAMP SITE"**

means a facility approved pursuant to the "Camp site Regulations" of the Health Act; specifically excludes a Mobile Home Park.

**"CANNABIS"**

means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis.

**"CANNABIS RETAIL STORE"**

means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

**"CARPORT"**

means a building or structure or part thereof, of which more than 40% of the area of the perimeter faces is open and unobstructed by any wall, door or post, used for the parking or temporary storage of motor vehicles.

**"CHURCH"**

means a building wherein persons regularly assemble for religious worship.

**"CIVIC USE"**

means an elementary or secondary school, college designated under the College and Institute Act, hospital operated in accordance with Part 1, Part 2 or Part 2.1 of the Hospital Act, community centre, library established under the Library Act, museum, court of law, correctional centre, penitentiary, fire hall, police station or office used for the delivery or administration of government services or programs.

**~~"COMMERCIAL ZONE"~~**

~~means the C1, C2, C3, C4, C5, C6, C7, C8, C8A, CS1, CS2, CS3, CT1, MUEC1, and MUEC2 Zones.~~

**~~"COMPREHENSIVE DEVELOPMENT ZONE"~~**

~~means the CD1, CD2, CN1, CD3, CD4, CD5, CD6, CD7, CD8, CD9, CD10, CD11, CD12, CD13, CD14, CD15, CD16, CD17, CD18, CD19, CD20, CD21, CD22, CD24, CD25, CD26, CD27, CD28, CD29, CD30, CD31, CD32, CD33, CD34, CD35, CD36, CD37, CD38, CD39, CD40, RBCD1, RBCD1A, RBCD2, RBCD3, RBCD3A, and RBCD5 Zones.~~

**"COMMUNITY CARE FACILITY"**

means a facility licensed pursuant to the *Community Care Facility Act*.

**“CONGREGATE HOUSING”**

means a use providing serviced accommodation for those people with a frailty or with an acute or chronic illness or disability that do not require admission to a hospital and includes seniors congregate housing.

**"CORNER LOT"**

means a lot at the intersection or junction of two or more highways, both of which are ten or more metres in width.

**“CONCRETE BATCH PLANT”**

means an Industrial Use of land for the production of ready-mix concrete for delivery off-site and the limited production of manufactured concrete products from incidental surplus production of ready-mix concrete.

**“DETACHED DWELLING”**

means a one-family dwelling.

**“DRIVE IN BUSINESS”**

means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such business is carried on and where normally the customer remains in the vehicle for service, including drive-thru restaurants and drive-thru food establishments; specifically excludes financial institutions, drive in theatres and gasoline service stations.

**“DUPLEX”**

means a two-family dwelling.

**"DWELLING, ONE FAMILY"**

means a building containing one Dwelling Unit, or one Dwelling Unit and an accessory secondary suite used for residential use.

**"DWELLING, TWO FAMILY"**

means a building containing two Dwelling Units, other than secondary suites, used for residential use.

**"DWELLING UNIT"**

means one or a self-contained set of inter connected rooms for the use of one or more persons living together as a single domestic unit sharing cooking, eating, living, sleeping and sanitary facilities and having only one (1) room equipped for the preparation and cooking of food; one (1) electrical service and meter; one (1) water service, meter and distribution system; and one (1) principal entrance.

**“EATING AND DRINKING ESTABLISHMENT”**

means a building and structure where food and beverages are prepared and served to the public, which may be licensed under the Liquor Control and Licensing Act. This use may include accessory outdoor seating areas, but does not include a drive-through restaurant. ~~and applies to the following lands only:~~

- ~~● Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~● Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except~~
- ~~● Part in Plan VIP79370 and EPP100193;~~
- ~~● Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VtP58414; Except Part in Plan~~
- ~~● VIP79370 and EPP100193;~~
- ~~● Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan~~
- ~~● VIP75020, VIP82319, EPP53441;~~
- ~~● Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~

- ~~Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~

**“EXISTING SECONDARY SUITE or EXISTING ACCESSORY DWELLING UNIT”**

means a secondary suite or an accessory dwelling unit which was occupied prior to July 1, 2009.

**“EXIT”**

means that part of a means of egress through a doorway that leads from the floor area within a building to an exterior open space protected from fire exposure from the building and having clear access to a place of safety.

**“FAMILY”**

means one or more persons occupying a dwelling unit as a single household, not exceeding four persons in total in the case of persons not related by consanguinity, marriage, adoption, common law marriage or foster parenthood.

**“FLANKING STREET”**

means the highway or access route in a bareland strata plan, abutting the side yard of a lot.

**“FLOOR AREA RATIO”**

means the gross floor area divided by the lot area.

**“FRONTAGE”**

means that part of a lot boundary which borders on a highway, other than a lane or walkway.

**“FRONTING STREET”**

means, where a lot is bounded either in whole or in part by more than one street, the widest of the abutting streets, ~~and applies to the following lands only:~~

- ~~Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~Lot G, Section 38, Esquimalt District, Plan V1P58414 & Section 55~~
- ~~Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~Lot 1, Section 54, Esquimalt District, Plan V1P58414~~
- ~~Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~

**“FRONT BUILDING LINE”**

means the extended line of the wall of a building which faces the front lot line.

**“GARAGE”**

means a detached accessory building or portion of a principal building, the perimeter faces of which are at least 60% enclosed, whose principal or intended use is for the parking or temporary storage of motor vehicles and in which there is no facilities for repairing or servicing such vehicles.

**"GOLF COURSE"**

means a tract of land laid out for playing the game of golf.

**"GOLF PRACTICE RANGE"**

means a place of recreation, either indoor or outdoor, specifically designed for instructing and practicing the game of golf.

**"GRADE, FINISHED"**

means the finished elevation of the ground surface of land following construction or land altering activities at which any part of a building comes into contact with the surface of a lot, excluding any artificial mounds of earth or rocks placed at or near the wall of a building, and excluding the minimum window well width and depth required by the *British Columbia Building Code*.

**"GROSS FLOOR AREA"**

means the sum of the floor areas of every storey in every building on a lot measured to the outside face of the exterior walls, excluding:

- a) accessory buildings and structures,
- b) canopies, sun decks, and exterior stairs,
- c) the first 50 m<sup>2</sup> of an attached carport or garage,
- d) those portions located more than 1.5 m below natural grade,
- e) crawl spaces,
- f) common amenity areas,
- g) underground or concealed parking areas, unless such parking is a principal use,
- h) exterior wall thickness in excess of 0.165 m (6.5 in) up to a maximum exclusion of 0.305 m (12 in) provided that the wall thickness is utilized for the provision of insulating materials and/or protection against wind, water, and vapour.

**"GROSS LEASABLE FLOOR AREA"**

means the total floor area, expressed in square metres, designed for tenant occupancy on which rent is paid or income produced, and includes basements, mezzanines, and upper floors, if any, but excludes underground parking. Gross leasable floor area is measured from outside wall faces and from the centre line of joint partitions."

**"GROUP HOME USE"**

means the use of a Dwelling Unit for Residential use as a Community Care Facility licensed under the Community Care Facilities Act by not more than ten (10) persons.

**"HEIGHT"**

- a. means the vertical distance from the natural grade of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, provided that:
  - in a case where it is proposed to construct a building or structure or any part thereof on land where the current surface of the land is below the original natural grade, the current surface of the land shall be deemed to be the natural grade of the land; and
  - where a building or structure incorporates a roof exceeding a pitch of 12:12, height shall be measured to the highest point of the building or structure;

b. Except that on the following lands:

- Lot 9, Section 73, Metchosin District, Plan 39487 - 703 Bexhill Road
- Lot A (DD ED50218), Section 73, Metchosin District, Plan 39487 - 725 Bexhill Road
- Lot L, Section 73, Metchosin District, Plan VIS2420 - 804 Bexhill Place
- Lot 14, Section 73, Metchosin District, Plan VIS2419 - 818 Bexhill Road
- Lot 13, Section 73, Metchosin District, Plan VIS2419 - 820 Bexhill Place
- Lot 6, Section 62, Metchosin District, Plan SP1731 - 3472 Blue Sky Place
- Lot 117, Section 64, Esquimalt District, Plan 40290 - 653 Cairndale Road
- Lot 6, Section 36, Esquimalt District, Plan 46383 - 3309 Crowhurst Place
- Lot 7, Section 36, Esquimalt District, Plan 46383 - 3310 Crowhurst Place
- Lot 1, Section 73, Metchosin District, Plan 35942 - 755 Cuaulta Crescent
- Lot 2, Section 78, Esquimalt District, Plan 42613 - 803 Cuaulta Crescent
- Lot 1, Section 78, Esquimalt District, Plan 42613 - 805 Cuaulta Crescent
- Lot 3, Section 62, Esquimalt District, Plan SP1984 - 820 Glassview Lane
- Common Property, Section 64, Esquimalt District, Plan VIS2826 - 3401 Haida Drive
- Lot 132, Section 64, Esquimalt District, Plan 40290 - 3354 Haida Drive
- Lot 133, Section 64, Esquimalt District, Plan 40290 - 3358 Haida Drive
- Lot 118, Section 64, Esquimalt District, Plan 40290 - 3359 Haida Drive
- Lot 13, Section 64, Esquimalt District, Plan VIS2046 - 3371 Haida Drive
- Lot 12, Section 64, Esquimalt District, Plan VIS2046 - 3377 Haida Drive
- Lot 1, Section 64, Esquimalt District, Plan 42346 - 3403 Karger Terrace
- Lot 3, Section 64, Esquimalt District, Plan 38610 - 3415 Karger Terrace
- Lot 14, Section 63, Esquimalt District, Plan 38610 - 3446 Karger Terrace
- Lot 12, Section 63, Esquimalt District, Plan 38610 - 3447 Karger Terrace
- Lot 13, Section 63, Esquimalt District, Plan 38610 - 3448 Karger Terrace
- Lot 8, Section 65, Esquimalt District, Plan VIP52410 - 676 Orca Place
- Lot A, Section 63, Esquimalt District, Plan VIP72776 - 509 Outlook Place
- Lot 69, Section 64, Esquimalt District, Plan 35838 - 3363 Pattison Way
- Lot 44, Section 64, Esquimalt District, Plan 35838 - 591 Stornoway Drive
- Lot 7, Section 77, Esquimalt District, Plan VIS2933 - 712 St. Barbara's Place
- Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;
- Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;
- Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;
- Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;
- Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193
- Lot 31, Section 56, Esquimalt District, Plan V1P69848
- Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55
- Lot H, Section 16, Esquimalt District, Plan VIP58414
- Lot I, Section 54, Esquimalt District, Plan VIP58414
- Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54

Height means the vertical distance from the average finished grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof, and in the case of a structure without a roof to the highest point of the structure.



**"HIGHWAY"**

includes a street, road, lane, bridge, viaduct and any other way open to the use of the public but does not include a private right of way on private property.

**"HOME OCCUPATION – OFFICE USE ONLY"**

means a home occupation where no clients, customers, or non-residential employees come to the home.

**"HOTEL"**

means a building or buildings providing accommodation for the travelling public only, in units without cooking facilities each of which has its own sanitary facilities including water closet and wash basin, in respect of which:

- a. a guest register is required to be kept pursuant to the *Hotel Guest Registration Act*;
- b. a public dining room or cafe is associated.

**"IMPLEMENT OF HUSBANDRY"**

means a vehicle used exclusively in the conduct of an agricultural use, but does not include a vehicle used primarily for the transportation of persons or property on a highway.

**"INDUSTRIAL, LIGHT"**

means a use for the warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops, movie production studio, and retail sales accessory to a ~~principle principal use, and applies to the following lands only:~~

- ~~• Lot C, Section 67 & 68, Esquimalt Land District, Plan VIP68962~~
- ~~• Lot A, Section 1, Esquimalt District, Plan VIP36299~~

**"INDUSTRIAL USE"**

means a use providing for the processing, fabrication, assembling, storing, transportation, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials, or things, and the selling of heavy industrial equipment and retail uses subordinate and incidental to a principal industrial use; includes the operation of truck terminals, docks, railways; specifically excludes the storage of Special Waste.

~~**"INDUSTRIAL ZONE"**~~

~~means the M1 and M2 Zones.~~

**"INTENSIVE AGRICULTURE"**

means piggeries, feed lots, mushroom farms, mink farms, and the keeping of animals which are other than farm livestock and manure storage piles.

~~**"INSTITUTIONAL ZONE"**~~

~~means the P1, P2, P3, P4 and P6 Zones.~~

**"LANDSCAPE SCREEN"**

means an opaque visual barrier formed by a row of shrubs or trees, a wooden fence, or a masonry wall, or a combination thereof.

**"LANDSCAPING"**

means the planting of lawns, shrubs and trees, and the addition of fencing, walks, drives, or other structures and materials used in landscape architecture.

**"LIVE / WORK STUDIO"**

Means a commercial or light industrial use of premises with a building that also has residential uses. Individual live/work/premises may be used solely for commercial or light industrial uses, or a commercial or

light industrial use may be combined with a residential use in such a manner that the residential and commercial or light industrial uses constitute a single occupancy of the premises.

For the purpose of this definition, “light industrial uses” are not permitted to create dust, heat, glare, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter, or radiation.

For the purpose of this definition a “commercial use” means one of the following:

1. Barber shops, beauty parlour and health spas,
2. Craft studios, including but without limiting the generality of the foregoing: painting, printing, photography, pottery and ceramics, sculpture, carvings, and excluding boat building and auto refurbishing,
3. Educational tutoring,
4. Garment making and the manufacture of small leather goods, but excluding the tanning or curing of leather,
5. Offices,
6. Professional office,
7. Repair of household furnishings, including computers, and
8. Retail sale of goods manufactured within a live/work studio.

**"LODGER"**

means an individual who for consideration receives accommodation but not meals.

**"LOT"**

means any lot, block, or other area in which real property is held or into which real property is subdivided, and includes a strata lot created under the Bare Land Strata Regulations pursuant to the Condominium Act, but specifically excludes any other strata lot created pursuant to the Condominium Act or highway or portion thereof.

**"LOT AREA"**

means the total area on a horizontal plane within the lot lines of a lot.

**"LOT COVERAGE"**

means the horizontal area within the vertical projection of the outermost walls of the buildings and structures on a lot, expressed as a percentage of the lot area.

**"LOT LINE"**

means a line which marks the boundary of a lot and in particular:

- a. **Front Lot Line** means the lot line that divides the lot from the highway or access route in a bareland strata plan, provided that in the case of a corner lot the shorter lot line that abuts the highway or access route in a bareland strata plan, shall be deemed to be the front lot line. In the case of through lot, the lot lines abutting two parallel or approximately parallel highways or access route in a bareland strata plan, shall be considered as front lot lines;
- b. **Front Lot Line - Panhandle Lot** means any lot line adjoining and approximately perpendicular to the access strip, but excluding any lot line in the access strip;
- c. **Side Lot Line** means a lot line other than a front or rear lot line;
- d. **Rear Lot Line** means the lot line opposite to and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such

intersection.

**"LOT WIDTH"**

means the horizontal distance between side lot lines measured at right angles to the lot depth and ten metres from the front lot line.

**"MANUFACTURING, CONTRACTORS OFFICE"**

means an office use directly related to the creation, manufacturing, repairing or servicing of a product and shall include, but not be limited to, the following office uses: architect, general and trade contractors, computer and software developer, computer services, and data processing, engineer, surveyor, scientist, geologist, graphic designer, shipping agent, or wholesale broker; and applies to the following lands:

- Lot A, Section 1, Esquimalt District, Plan VIP36299

**"MANUFACTURING, CREATIVE PRODUCTS"**

means a use providing for the creation, development, prototyping and ancillary marketing of products produced in a physical or digital form that are the result of a customized design process, including but not limited to: clothing design, cabinetry, furniture design, industrial product design, technological equipment design, and similar uses; and applies to the following lands:

- Lot A, Section 1, Esquimalt District, Plan VIP36299

**"MANUFACTURING, HIGH TECHNOLOGY"**

means a use providing for the production or assembly of computer software, computer hardware, electrical, electronic, communications, telecommunications, fibre optics or pharmaceutical, biotechnological, medical or scientific equipment and similar products and includes copying, packaging, storing and shipping; and applies to the following lands:

- Lot A, Section 1, Esquimalt District, Plan VIP36299

**"MEDIA-RELATED ESTABLISHMENT"**

means land, buildings and structures used for music, film and video production studios and radio and television stations.

**"MINI-STORAGE WAREHOUSE"**

means the use of a wholly enclosed building for the purpose of storing personal property in a self-contained, self-storage units, each of which units has separate and exclusive access from either the exterior or interior of the building. ~~and applies to the following lands:~~

- ~~Lot A, Section 1, Esquimalt District, Plan VIP36299~~

**"MOBILE HOME"**

means a transportable dwelling unit meeting minimum CSA Z240 standards or equivalent, suitable for long term occupancy, which upon arriving at the lot or site for location is, apart from incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy; does not include modular housing or a prefabricated dwelling meeting CSA A277 standards or equivalent.

**"MOBILE HOME PARK"**

means a lot on which are installed or intended to be installed for use as dwelling units, two or more mobile homes.

**"MOTEL"**

means a building or buildings providing accommodation for the travelling public only, each unit of which has its own sanitary facilities including water closet and wash basin, in respect of which a guest register is required to be kept pursuant to the Hotel Guest Registration Act.

**"MULTIPLE FAMILY RESIDENTIAL ZONE"**

~~means the RM1, RM1A, RM1B, RM2, RM3, RM4, RM5, RC1, RM6, RM7, RTS-2, RT1 and RT4 Zones.~~

**"NATURAL GRADE"**

means the average of the undisturbed ground levels recorded at the four corners of the smallest rectangle that will encompass the building or structure or proposed building or structure as determined by survey in relation to benchmark elevations determined at the time of subdivision approval or, if not determined at the time of subdivision approval, determined prior to the placing of fill or the alteration of the undisturbed ground level by any means.

**"NATURAL PARK"**

means a park devoted to the retention, preservation and enhancement of natural, historic or landscape features and is used primarily for informal or passive recreation purposes.

**"NURSING HOME"**

means a facility where regular care or supervision is given by a health care professional as well as assistance with the performance of the personal functions and activities necessary for daily living for the aged or chronically ~~111~~ ill who are unable to perform them efficiently for themselves.,~~and applies to the following lands only:~~

- ~~• Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~• Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~• Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193.~~
- ~~• Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~• Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~• Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~• Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~• Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~

**"OFFICE, FINANCIAL"**

means a building or part thereof used for conducting the affairs of a bank, financial institution, insurance agency, real estate agency or similar activity.,~~and applies to the following lands only:~~

- ~~• Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~• Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441; and~~
- ~~• Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~• Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~• Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~• Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~• Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~• Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~

**"OFFICE, MEDICAL"**

means a building or part thereof used for the provision of medical services including, but not limited to medical clinic, veterinary clinic, dentist, chiropractor, massage therapist, physiotherapist, acupuncturist, holistic medical practitioner, ophthalmologist and medical lab., ~~and applies to the following lands only:~~

- ~~• Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~• Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~• Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~• Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~• Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~• Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~• Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~• Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~

**"OFFICE, PROFESSIONAL"**

means a building or part thereof used primarily for conducting the affairs of a business, profession, service, industry, government or like activity., ~~and applies to the following lands only:~~

- ~~• Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~• Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~• Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~• Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~• Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~• Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~• Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~• Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~• Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~

**"PANHANDLE LOT"**

means a lot which requires an access strip of not more than 10 m in width to provide the vehicular access to a highway.

**"PARKING AREA"**

means any portion of the surface of a lot designed and used for parking motor vehicles, includes parking lots, garages, and driveways.

**"PERSONAL CARE USE"**

means a use providing for the care of the sick, injured, young or aged, other than in a public hospital; may or may not be licensed under the Community Care Facility Act.

**"PERSONAL SERVICE"**

means the provision of hairdressing, barbering, therapeutic massage, manicure, pedicure, tattoo or body piercing services; physiotherapists and chiropractors; self-service laundries, dry cleaners and tailors; beauty salons; photographers' studios; and premises used for the repair of shoes, watches, eyeglasses or small household appliances. Except that on the following lands:

- Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;

- Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;
- Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;
- Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;
- Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193
- Lot 31, Section 56, Esquimalt District, Plan VIP69848
- Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55
- Lot H, Section 16, Esquimalt District, Plan VIP58414
- Lot I, Section 54, Esquimalt District, Plan VIP58414
- Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54

#### "PERSONAL SERVICE"

means the provision of hairdressing, barbering, manicure, pedicure, tattoo or body piercing services, self-service laundries, dry cleaners, tailors, beauty salons, gymnasium and fitness studios, photography studios, and premises used for the repair of shoes, watches, eyeglasses or small household appliances.

#### "PET DAYCARE"

means care provided to pets which must be kept within an entirely closed building and must not be kept overnight., and applies to the following lands only:

- ~~Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
- ~~Lot 31, Section 56, Esquimalt District, Plan VIP69848~~
- ~~Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55~~
- ~~Lot H, Section 16, Esquimalt District, Plan VIP58414~~
- ~~Lot I, Section 54, Esquimalt District, Plan VIP58414~~
- ~~Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~
- ~~Lot B, Section 67, Esquimalt Land District, Plan EPP93779~~
- ~~Lot C, Section 67 & 68, Esquimalt Land District, Plan VIP68962~~
- ~~Lot A, Section 1, Esquimalt District, Plan VIP36299~~

#### "PIGGERY"

means a premises keeping more than one sow or gilt of breeding age and more than 14 feeder pigs.

#### "PRESENTATION CENTRE"

means a structure, facility or building on a portion of a lot which is constructed for the temporary purpose of selling residential units that will be constructed on the lot. This definition is synonymous with "sales centre."

#### "PRESENT NATURAL BOUNDARY"

means the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river stream, or other body of water a character distinct from that of the banks both in vegetation and in the nature of the soil itself (BC Land Act). In marine systems, the natural boundary is

generally determined as the lower elevation of terrestrial vegetation or the upper boundary of distinctive aquatic vegetation. The present natural boundary may be different than a previously registered plan.

**"PRINCIPAL BUILDING"**

means a building which is the chief or main one among the buildings on a lot.

**"PRINCIPAL USE"**

means the primary and chief purpose for which land, buildings and structures are located.

**"PUBLIC BUILDING"**

means the non-commercial use of land, building and structures for government services, art or cultural exhibits, church, community centre, library, fire hall, police station, court of law, recreation facility, or school, and applies to the following lands only:

- ~~Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;~~
- ~~Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;~~
- ~~Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, VIP82319, EPP53441;~~
- ~~Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193~~
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- ~~Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54~~
- ~~Lot C, Section 67 & 68, Esquimalt Land District, Plan VIP68962~~
- ~~Lot A, Section 1, Esquimalt District, Plan VIP36299~~

**"PUBLIC UTILITY USE"**

means water, sewer, drainage, electrical, telecommunications, district heat and similar services.

**"RECREATION VEHICLE"**

means a motor vehicle or trailer designed or used primarily for accommodation during travel or recreation.

**"RESIDENTIAL BUILDING"**

means a one family dwelling, two family dwelling, attached housing or apartment.

**"RESIDENTIAL USE"**

means the occupancy or use of a building or part thereof as a dwelling unit.

**~~"RESIDENTIAL ZONE"~~**

~~means the A1, AR1, AR2, R1, R2, R3, R4, R5 and R6 Zones.~~

**"RETAINING WALL"**

means a vertical structure used to retain soil for the purpose of altering the natural grade by either excavating from or adding fill to natural grade.

**"RETAIL STORE"**

means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares,

merchandise, substances, articles or things, sufficient only to service such stores, but does not include any other retail use specifically permitted by this Bylaw.

**“SCIENTIFIC OR TECHNOLOGICAL RESEARCH FACILITY”**

means a building where the design, research, manufacture, testing and servicing of commercial products, including computer software and hardware, in the field of electronics, telecommunications, engineering, robotics, bio-technology, health care, or related industries, are undertaken.

**“SECONDARY SUITE”**

means an additional self-contained dwelling unit which is ancillary to a principal residential use and which:

1. is within a building or a part of a building of residential occupancy containing only one other dwelling unit; and,
2. is located in a building or a part of a building which is a single real estate entity.

**“SENIORS CONGREGATE HOUSING”**

means a use providing accommodation for people aged over 55 together with the following basic support services:

1. the provision of not less than three meals per week, to be served in a common dining area;
2. the provision of on-site staff, not less than four hours per day, five days per week, to organize social activities and assist residents in obtaining personal care, homemaker and other community support services;
3. the provision of janitorial and maintenance service;

and includes, without limiting the generality of the foregoing, the following optional services:

1. the monitoring of the well-being of all residents in a regular, informal and supportive manner, including the maintenance of a personal records to permit the owner to respond more effectively in medical emergencies; the recommending of resources within the community of residents and their families;
2. the coordination of care delivery for residents;
3. the development and support of a sense of community among the residents; and
4. the provision of an Emergency Response System for the use of residents on a fee for service basis, the overseeing and monitoring of the system and, for those residents who wish, acting as their initial contact with outside care givers and agencies.

**"SHOPPING CENTRE"**

means commercial facilities in one or more buildings designed as an integrated unit.

**"SHOPPING CENTRE, NEIGHBOURHOOD"**

means a shopping centre having a gross leasable area of more than 3,000 m<sup>2</sup> but less than 7,000 m<sup>2</sup>.

**"SHOPPING CENTRE, COMMUNITY"**

means a shopping centre having a gross leasable area of 7,000 m<sup>2</sup> or more but less than 17,000 m<sup>2</sup>.

**"SHOPPING CENTRE, MAJOR"**

means a shopping centre having a gross leasable area of 17,000 m<sup>2</sup> or more.

**“SHOW HOME”**

means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development



area. Show homes may contain offices for the sale of other lots or dwellings in the area but shall not be used as a construction office or occupied as a place of residence until the property on which the dwelling is located on has been subdivided and transferred to a single property owner as a one-family dwelling.

"SIGHT TRIANGLE"

means the area formed by a triangle in the angle formed by the highway right of way boundaries or boundaries produced and two points on those boundaries 6m from the point of intersection.

"SPECIAL WASTE"

means

- a.
  - i. chlorobiphenyl that has the molecular formula  $C_{12}H_{10}nCl_n$  in which "n" is greater than 2 ("chlorobiphenyl");
  - ii. any liquid containing more than 50 parts per million by weight of chlorobiphenyls ("PCB liquid");
  - iii. any material or substance other than PCB liquid that contains or is contaminated with chlorobiphenyls at a concentration greater than 50 parts per million by weight of chlorobiphenyls ("PCB solid");
  - iv. a manufactured item that contains or is contaminated with PCB liquids or PCB solids and includes transformers, capacitors and containers ("PCB equipment"); and
  - v. PCB liquid, PCB solid or PCB equipment that have been taken out of service for the purpose of disposal;
- b. dangerous goods as defined in Section 2 of the Transportation of Dangerous Goods Act (Canada) and as regulated in the Transportation of Dangerous Goods Regulations of Canada, SOR/85 77 of January 18, 1985 (the "Federal Regulations") as the Federal Regulations stood as of October 16, 1989, which dangerous goods are no longer used for their original purpose ("dangerous goods") and are:
  - i. dangerous goods that would be disposed of as waste but that are otherwise transported to a facility for recycling, other than dangerous goods, not including PCB liquids, PCB solids or PCB equipment, that are to be applied into or onto land or that are to be disposed of by burning, being burned as a fuel or mixed with a fuel before being burned; or
  - ii. intended for treatment or disposal, including storage before treatment or disposal,

but does not include dangerous goods that are:

- i. refuse that is collected from residential premises;
  - ii. sewage effluent from domestic sources, but does not include sewage effluent from industrial sources;
  - iii. defective or otherwise not usable for the intended purpose and that are in the process of being returned directly to the manufacturer or supplier;
  - iv. included solely in Class 7 of the said Federal Regulations as of October 16, 1989; or
  - v. listed in List II of Schedule II of the Federal Regulations and have the numeral "37" in Column IV of that list;
- c. waste oil in excess of 100 litres per parcel of land, including an automotive lubricating oil, cutting oil, fuel oil, gear oil, hydraulic oil, or any other refined petroleum based oil or synthetic oil where the oils are in the waste in a total concentration greater than 3% by

weight and the oils through use, storage or handling have become unsuitable for their original purpose due to the presence of impurities or loss of original properties;

- d. waste asbestos, being a waste containing friable asbestos fibres or asbestos dust in a concentration greater than 1% by weight either at the time of manufacture, or as determined by the test method "Asbestos in Bulk Samples Dispersion Staining", Industrial Hygiene Laboratory Analytical Methods, Workers' Compensation Board of British Columbia (as that method existed as of October 16, 1989);
- e. waste pest control product containers and wastes containing pest control products, which products are products registered as pest control products under the *Pest Control Products Act* (Canada) as of October 16, 1989;
- f. leachable waste, being waste which when subjected to the leachate extraction procedures described in Part I of Schedule 4 of B.C. Regulation 63/88 as of October 16, 1989 produces an extract with a contaminate concentration greater than those prescribed in Table I of Schedule 4 of B.C. Reg. 63/88 as of October 16, 1989.

**"STORAGE BUILDING"**

means the use of a building primarily for the storage of goods and materials.

**"STOREY"**

~~means all storeys of a building having a floor level above an elevation of 1.5 m below the average finished grade.~~ means the portion of a building which is situated between the top of any floor and the top of the next floor above it, or if there is no floor above it, the ceiling above it. Any portion of a building having a floor level 1.5 m or more below the average finished grade will not be counted as a storey.

**"STREET-ORIENTED"**

means units of ground floor uses (at least those units of a building closest to the finished grade) that are adjacent to a highway and have their primary entrance directly from that highway.

**"STRUCTURE"**

means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, includes a satellite dish antenna; excludes concrete or asphalt or similar surfacing of a lot, fences, signs and underground sewage disposal facilities.

**"TAXI OFFICE"**

means an office from which taxis are dispatched by radio to pick up fares.

**"THERAPEUTIC MASSAGE"**

means the provision of massage services by a member of the College of Massage Therapists of British Columbia.

**"THROUGH LOT"**

means a lot abutting two parallel or approximately parallel highways of 10 m or more in width.

**"UNENCLOSED STORAGE"**

means an area not contained within a building where construction materials and equipment, solid fuels, lumber and new building material, monuments and stone products, public service and utility equipment, or other materials, goods, products, equipment or machinery are stored, baled, placed, piled or handled.

Unenclosed storage shall not include an automobile wrecking yard or a junk yard.

**"USABLE OPEN SPACE"**

means an area available for safe and convenient use by occupants of the building. Usable open space shall have a compact, level surface, have no dimension of less than 6 m, and shall provide for recreational space and other leisure activities normally carried on outdoors. This area shall not include areas used for off street parking or loading, areas used for sewage disposal, driveway and required front yards.

**"USE"**

means the purpose or function to which land, the surface of water, buildings, or structures are designed, intended to be put, or put.

**"WATERBODY"**

is any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens, whether ephemeral or connected to a stream.

**"WATERCOURSE"**

is any body of flowing fresh or brackish water including rivers, creeks, lakes, ditches, and springs, whether ephemeral or connected to a stream.

**"YARD, FRONT"**

means the area of a lot between the principal building and the front lot line in depth and between side lot lines in width.

**"YARD, REAR"**

means the area of a lot between the principal building and the rear lot line in depth and between side lot lines in width.

**"YARD, SIDE"**

means the areas of a lot between the principal building and the side lot lines in width and from the front yard to the rear yard in depth.

#### **2.1.01 Agricultural Land Reserve**

Notwithstanding anything in this Bylaw contained, land designated as "Agricultural Land Reserve" pursuant to the Agricultural Land Commission Act, shall be subject to:

1. the *Agricultural Land Commission Act*;
2. regulations made under the *Agricultural Land Commission Act*; and
3. relevant orders of the Provincial Agricultural Land Commission made under the *Agricultural Land Commission Act*;

that is to say, without limiting the generality of the foregoing, where land within an "Agricultural Land Reserve" is also within a Zone established under this Bylaw, the Bylaw shall be binding only insofar as it is not inconsistent with the Agricultural Land Commission Act and regulations or an order of the Agricultural Land Commission.

#### **2.1.02 Location and Siting of Buildings and Structures**

1. No principal or accessory building shall be located in any required front, side or rear yard, except as provided for in Section 2.1.06 of this Bylaw.
2. No swimming pool shall be located in any required front yard or less than 3 m from any side or rear lot line.

#### **2.1.03 Conversion of Buildings**

Buildings may be converted, altered, or remodeled for another use, provided that:

1. The Chief Building Inspector certifies that the building is structurally suitable for such conversion.
2. The converted building shall conform to all the provisions and regulations prescribed for the zone in which it is located.

#### **2.1.04 Projections into Required Yards**

The following features may project into a required front, side or rear yard:

1. Steps, eaves and gutters, cornices, sills, chimneys, or other similar features, provided that such projections do not project more than 1 m into the required yard or 0.65 m in the case of a side yard of less than 3 m in width.
2. Balconies and sunshades, provided that such projections do not project more than 1 m into the required yard.

### **2.1.05 Flood Control and Environmental Protection**

1. Notwithstanding any other provisions of this Bylaw, no buildings, structures, or any part thereof shall be constructed, reconstructed, moved, or extended nor shall any mobile home or unit, modular home or structure be located:
  - a.
    - i. Within the Streamside Protection and Enhancement Area of any stream, watercourse, or waterbody unless subject to Undue Hardship as defined in the Riparian Development Permit Area Guidelines.
    - ii. Within 30 m of the present natural boundary of the sea; and
    - iii. Within sensitive ecosystems.
  - b. with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level on which it is located:
    - i. lower than 0.6 m above the two hundred year flood level where it has been determined to the satisfaction of the Ministry of Environment;
    - ii. nor lower than 1.5 m above the natural boundary of the sea or any other lake, swamp or pond;
    - iii. nor lower than 3 m above the natural boundary of Colwood Creek and Millstream Creek; and
    - iv. nor lower than 1.5 m above the natural boundary of any other watercourse.
2. Clause 1(b) shall not apply to:
  - a. a renovation of an existing building or structure used as a residence that does not involve an addition thereto;
  - b. that portion of a building or structure to be used as a carport or garage;
  - c. farm buildings other than dwelling units and closed sided livestock housing;
  - d. Dwelling units on lots greater than 8 ha in area and within the Agricultural Land Reserve, but such units shall be elevated 1 m above the natural ground elevation;
  - e. Closed sided livestock housing, but such livestock housing shall be elevated 1 m above the natural ground elevation; and
  - f. Industrial buildings, but such buildings shall be flood proofed to an elevation of 0.6 m less than the requirements of Clause 1(b)(i).
3. The required elevation may be achieved by structural elevation, or by adequately compacted landfill, or by a combination of both structural elevation and landfill.

Where landfill is used to achieve the required elevation, no portion of the landfill slope shall be closer than the distances in Clause 1(a) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.

### **2.1.06 Accessory Buildings and Structures**

1. General Regulations for All Zones:
  - a. No accessory building or structure shall be erected on any lot unless the principal building to which the accessory building is ancillary and subordinate has been erected or will be erected simultaneously with said accessory building;

- b. The total combined floor area of accessory buildings on any lot ~~in a Residential Zone~~ shall not exceed 60 m<sup>2</sup>, except that in cases where an accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.
  - c. An accessory building or structure shall not be used as a dwelling unit, except as otherwise provided for in this Bylaw;
  - d. No accessory building shall be located less than 15 m from a front lot line unless it complies with the front yard requirements applicable to the principal building;
  - e. No accessory building shall be located less than 1m from any principal building, except that, where an accessory building contains an accessory dwelling unit the setback shall be subject to limiting distance requirements of the British Columbia Building Code.
  - f. A satellite dish antenna installed on the roof of a building shall not extend above the maximum height permitted for the building upon which it is located;
  - g. A satellite dish antenna installed on the ground shall be subject to the siting, site coverage and height regulations for accessory buildings and structures for the zone in which it is located.
2. Regulations for Agricultural Zones, Residential Zones and Multiple Family Residential Zones.
- a. An accessory building in a Residential or Multiple Family Residential Zone shall not exceed 4 m in height, except as otherwise provided for in this Bylaw;
  - ~~b. The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60 m<sup>2</sup>; except that in cases where an accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.~~
  - c. No accessory building shall be located less than 1m from a side or rear lot line except:
    - i. where a mutual garage is erected on a common lot line, provided, however, that an accessory building in a Multiple Family Residential Zone shall be located not closer than 3m to a lot line of an adjoining lot in an Agricultural or Residential Zone;
    - ii. where an accessory building contains an accessory dwelling unit, the rear yard setback shall not be less than 1.5m for a one-storey building and not less than 3m for a building exceeding one storey and the side yard setback shall not be less than the required side yard setback for the principal dwelling, subject to the limiting distance requirements of the British Columbia Building Code;
    - iii. where an accessory building contains an accessory dwelling unit and is located on a lot having rear lane access, the side yard setback shall comply with Section 2.1.06 (2c ii) and the rear yard setback shall be 1m, subject to the limiting distance requirements of the British Columbia Building Code.
  - d. Notwithstanding Subsection (1) and Clauses (a), (b) and (c), the following regulations shall apply also to accessory buildings on corner lots:
    - i. An accessory building on a corner lot in an Agricultural, Residential or Multiple Family Residential Zone shall be located not closer to the flanking street than the side yard prescribed for the principal building;
    - ii. An accessory building on a corner lot in an Agricultural, Residential or Multiple Family Residential Zone shall be located not closer than 2 m from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in an Agricultural, Residential or Multiple Family Residential Zone.

3. Regulations for Commercial Zones, Industrial Zones and Institutional Zones.
  - a. On a corner lot an accessory building shall be located not closer to the flanking street than the principal building on the same lot.
  - b. An accessory building shall be located not closer than 3 m to the rear property line of an adjoining lot in an Agricultural, Residential or Multiple Family Residential Zone.

#### **2.1.07 Home Occupations**

A home occupation when permitted in any zone shall be subject to the following regulations:

1. A home occupation shall not cause or result in any variation or alteration in the external residential appearance of the land and premises in which it is carried on.
2. Persons employed in a home occupation are limited to residents of the dwelling unit plus one non-resident employee.
3. It shall be carried on wholly within a dwelling unit provided, however, that on a lot of 5000 m<sup>2</sup> or more in area, the home occupation may be carried on within a dwelling unit or an accessory building. An accessory building so used shall be no larger than 40 m<sup>2</sup> in area and shall be located not less than 20 m from the front lot line and 10 m from any other lot line.
4. Except for one un-illuminated sign not exceeding 0.3 m<sup>2</sup> in area, there shall be no indication that a home occupation is being carried on.
5. There shall be no storage external to the dwelling unit or accessory building in which the home occupation is being carried on of materials, tools, equipment, containers or finished products associated therewith.
6. The dwelling unit or accessory building shall not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat, other than that normally associated with a dwelling and it shall not create or cause any fire hazard, electrical interference or traffic congestion.
7. Any home occupation that involves the provision of food or drink as defined in the applicable provincial regulations must be approved by the Medical Health Officer prior to operation.
8. Subsection (3) shall not apply to dog breeding kennels which shall comply with the Capital Regional District Bylaw No. 688 and which shall not locate any accessory building less than 7.5 m from any lot line.
9. A Home Occupation Use involving Day Care for pre-school children as regulated by the applicable provincial regulations shall not accommodate more than ten (10) children.
10. 887 Cecil Blogg Drive  
On land legally described as Lot Q, Section 77, Esquimalt District, Plan 39113 (887 Cecil Blogg Drive) despite Sections 2.1.07(2) and 2.1.09(9) a home occupation providing specialized infant toddler group daycare (aged three months to three years) may employ residents of the dwelling unit plus not more than two non-resident employees and shall not accommodate more than twelve children.

11. Where a secondary suite or accessory dwelling unit exists, a home occupation shall only be permitted in the principal dwelling and secondary suite or accessory dwelling unit if the home occupation use will not generate any additional vehicular traffic or require additional parking. Licensed home occupations which co-existed with a secondary suite or accessory dwelling unit on a property prior to January 1, 2010 shall be exempted from compliance with this requirement, provided that the secondary suite or accessory dwelling unit is approved and receives a permit issued by the City of Colwood.

#### **2.1.08 Height of Buildings and Structures**

The following type of structures or structural parts shall not be subject to the building height requirements of this Bylaw; transmission towers, Church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, public utility poles, chimneys, flag poles, silos, masts, water tanks, monitors, scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery penthouses, provided that no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area of the principal building.

#### **2.1.09 Prohibited Uses**

1. Any use not expressly permitted in this Bylaw is prohibited in all Zones and where a particular use is expressly permitted in one zone, such use is prohibited in all Zones where it is not also expressly permitted.
2. The following uses shall be prohibited in all Zones:
  - a. The keeping on any lot of more than one vehicle which is not in a garage or carport which does not have attached or affixed thereto in the manner prescribed in the Motor Vehicle Act Regulations:
    - i. Motor vehicle number plates for the current license year issued in respect of that vehicle, or
    - ii. A valid Approval Certificate issued in respect of that vehicle pursuant to the Inspection Regulations of the Motor Vehicle Act,

except that implements of husbandry and not more than two (2) recreation vehicles may be kept.

- b. The keeping on any lot of detached parts of vehicles unless in a building.
- c. The siting of a permitted unlicensed vehicle except implements of husbandry other than in the rear yard or the side yard behind the front building line.
- d. The keeping on a vacant lot of detached parts of a vehicle, and any vehicle which does not have attached or affixed thereto in the manner prescribed by the Motor Vehicle Act Regulations:
  - i. Motor vehicle number plate for the current licence year issued in respect of that vehicle, or
  - ii. A valid Approval Certificate issued in respect of that vehicle pursuant to the Inspection Regulations of the Motor Vehicle Act.



- e. The storage of special waste.

The distribution, sale or dispensing of cannabis in any form.

- f. Automotive dealerships, unless specifically included in the zone or located on the following lots; LOT 7 SECTION 1 ESQUIMALT PLAN VIP73049 (1772 Island Highway); LOT A SECTION 1 ESQUIMALT PLAN VIP76321 (1784 Island Highway); LOT 2 SECTION 1 ESQUIMALT PLAN VIP6051 EXCEPT PLAN 2857 RW & VIP62997SRW (1836 Island Highway); LOT A SECTION 1 ESQUIMALT PLAN VIP42961 (1736 Island Highway); LOT 4 SECTION 1 ESQUIMALT PLAN VIP8450 (307 Goldstream Avenue); LOT 3 SECTION 67 ESQUIMALT PLAN VIP75092 (651 Allandale Road); Lot A, Section 73, Esquimalt District, Plan EPP112073 (721 Meaford Avenue) or Lot 2, Section 73, Esquimalt District, Plan EPP119904 (2930 Brickshire Drive).
- 3. Metal Containers designed for the storage or transportation of goods shall not be placed on a parcel in a Residential, Multiple-Family Residential or Comprehensive Development Zone unless the container is a dumpster or recycling receptacle intended for neighbourhood collection.
  - 4. Metal Containers designed for the storage or transportation of goods shall not be used as an accessory building or structure in a Residential, Multiple-Family Residential or Comprehensive Development Zone.

#### **2.1.10 Uses Permitted in Any Zone**

Except where specifically excluded the following uses shall be permitted in any Zone:

- 1. Public utility poles, pipelines, traffic control devices, and underground or submarine utility systems, the installations of which may be sited on any portion of a lot;
- 2. Railway lines and similar public transportation corridors;
- 3. Hiking trails, horse trails, public parks and playgrounds;
- 4. Show homes in any Zone that permits a one-family dwelling use;
- 5. Home occupations – office use only, secondary to a residential use; and
- 6. Accessory buildings and structures.

#### **2.1.11 Underground Structures**

The whole or any part of a structure below finished ground elevation may be sited on any portion of a lot.

#### **2.1.12 Visibility at Intersections**

No person, being the owner, occupier, or lessee of any land at the intersection of any highway of 6 m or more in width, and any other highway, shall place or permit to be placed or grow, or permit to be grown, any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6 m within the sight triangle above an elevation such that an eye 0.9 m above the surface elevation of one highway cannot see an object 0.9 m above the surface elevation of the other highway.

#### **2.1.13 Temporary Buildings**

A temporary building or structure may be erected for construction purposes on a lot being developed for a period not to exceed the duration of such construction or one year, whichever is less.

#### **2.1.14 Issuance of Development Permits**

Council may, by resolution, amend Development Permits issued on or before July 7, 1986 so as to regulate or require any of the following:

1. regulate the dimensions and siting of buildings and structures on the land;
2. regulate the siting and design of off-street parking and loading facilities in accordance with the provisions of the permit;
3. require that landscaping or screening be established around different uses in accordance with the standards set out in the permit;
4. require the pavement of roads and parking areas in accordance with the standards set out in the permit;
5. require the land be developed, including:
  - a. the provision of sewerage, water and drainage facilities; and
  - b. the construction of highways, street lighting, underground wiring, sidewalks and transit service facilities;
6. subject to Section 740 of the Municipal Act, require the construction of buildings and structures in accordance with the specifications, terms and conditions of the permit;
7. require the preservation of dedication of natural water courses and the construction of works to preserve and beautify them in accordance with the terms and conditions specified in the permit;
8. require that an area of land specified in the permit above the natural boundary of streams, rivers, lakes, or the ocean remain free of development, except that specified in the permit;
9. require the provision of areas for play and recreation;
10. limit the number, size and type and specify the form, appearance and construction of signs;
11. regulate the exterior finishing of buildings, other than residential buildings, containing three or less self-contained dwelling units, having due regard for requirements made under Subsection 3; and
12. require that an environmental development permit be issued on land subject to environmental protection.

#### **2.1.15 Bare Land Strata Lots**

This Bylaw applies to land subdivided by a bare land strata plan under the Condominium Act. Where land has been subdivided under the Condominium Act, other than by bare land strata plan, this Bylaw applies to the land as though the land had not been subdivided.

#### **2.1.16 Area, Shape and Dimension of Lots**

1. No subdivision shall be created in any Zone so that any lot created by the subdivision has an area or dimension less than that set out for the Zone in which it is located as specified in this Bylaw.

2. Notwithstanding Subsection (1), the required minimum highway frontage is hereby reduced 20% in respect of a lot located in a Residential Zone which abuts the turnaround portion of a cul-de-sac.
3. Notwithstanding Subsection (1), where two or more lots are to be re-subdivided after consolidation, and where the proposed subdivision will result in the same or in a lesser number of lots than were in existence prior to the consolidation, the Approving Officer may approve the subdivision notwithstanding that the lots to be created are less in area or in width than the minimum prescribed provided that none of the lots to be created is less in area than the smallest of the existing lots of the land being subdivided.
4. Notwithstanding Subsection (1), where a lot is located in two zones, only one of which is the Rural 1(A1) Zone, the Approving Officer may approve a plan of subdivision which creates a residual lot within the Rural 1(A1) Zone which does not comply with the minimum lot requirements of the Rural 1(R1) Zone.
5. The Approving Officer may approve an application to subdivide into lots having dimensions which are less than that required by this Bylaw provided that:
  - a. the lots created by subdivision are concurrently consolidated with adjoining lands such that the consolidated lots have dimensions satisfying the requirements of this Bylaw; and
  - b. any remainder created by the subdivision, which is not affected by the concurrent consolidation, has dimensions which satisfy the requirements of this Bylaw.
6. The minimum lot and dimension requirements specified in this Bylaw do not apply where:
  - a. the lot being created is to be owned or held by the Municipality or other government and is used solely for the unattended equipment necessary for the operation of:
    - i. a community water system;
    - ii. a community sewer system;
    - iii. a community gas distribution system;
    - iv. a community radio or television receiving antenna;
    - v. a radio or television broadcasting antenna;
    - vi. an automatic telephone exchange;
    - vii. an air or marine navigational aid;
    - viii. electrical substation or generating station; or
  - b. The lot created by the subdivision is for park use only.
7. Where a panhandle lot is permitted, the minimum width of the access strip shall be 6 m, unless otherwise specified by this Bylaw.
8. In the case of a panhandle lot, the minimum area shall be exclusive of the access strip unless otherwise specified in a zone.

#### **2.1.17 Subdivision to Provide Residence for a Relative**

The minimum size for a parcel that may be subdivided under Section 996 of the *Municipal Act* is four ha.

#### **2.1.18 Show Home Regulation Approval of one or more show homes in applicable residential zones prior to the registration of a subdivision plan shall be subject to the following conditions:**

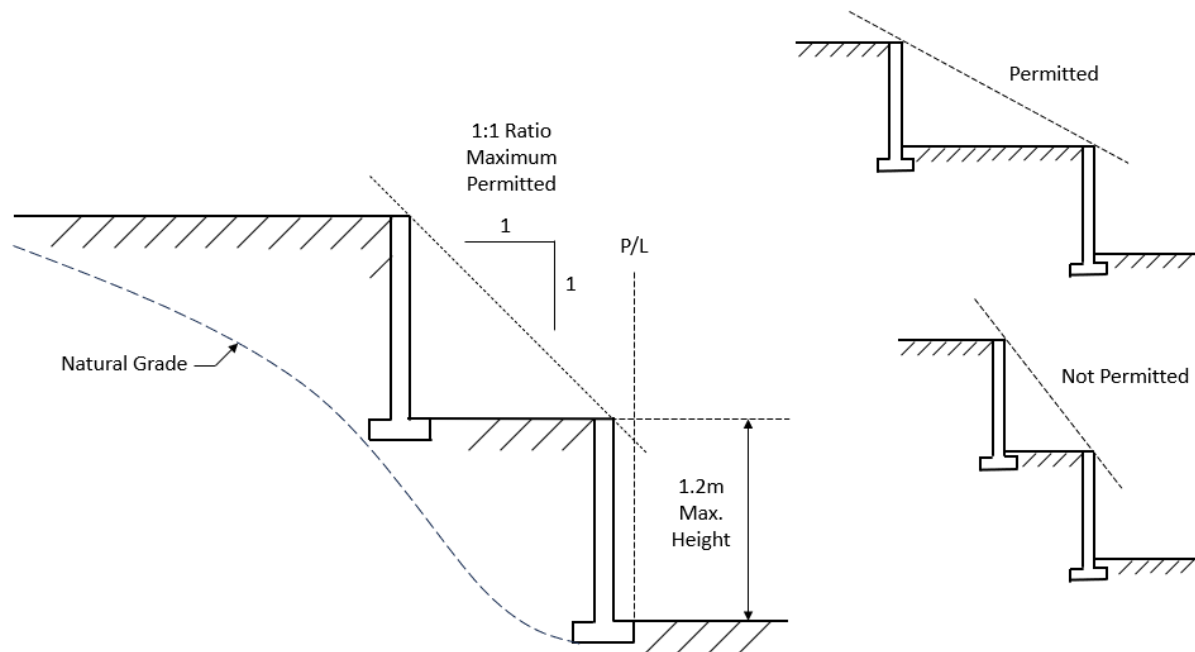
1. Adequate water supply for fire protection purposes must be provided to the property. Flow-testing of installed fire hydrants by a qualified professional is required to verify available fire flows (including static, flow, and system residual pressures).
2. Roads shall be constructed to a standard that would enable emergency vehicles and construction equipment to easily access the building sites.
3. No Occupancy Permit shall be issued until the works and services are substantially complete and the subdivision plan is registered with the Land Title Office.
4. The property owner must submit a survey plan which clearly demonstrates that any show home will be constructed in accordance with the siting regulations applicable to the lots proposed in the subdivision plan for which a preliminary layout assessment has been issued by the Approving Officer.
5. The owner must sign an acknowledgement that the owner is solely responsible for all risks associated with the siting of the building.”).

#### **2.1.19 The Keeping of Chickens in Residential Areas**

1. The keeping of chickens for domestic purposes is permitted as an accessory use to the residential use of a detached, one-family dwelling on any lot with an area less than 4,000 m<sup>2</sup> (1 acre), but not less than 550 m<sup>2</sup> (5,920 ft<sup>2</sup>) in any residential zone, subject to the following conditions:
  - a. the number of chickens that may be kept on any lot with an area less than 4,000 m<sup>2</sup> (1 acre) is limited to four (4);
  - b. roosters are prohibited from any lots with an area less than 4,000 m<sup>2</sup> (1 acre);
  - c. chickens must be kept in a secure, fenced enclosure;
  - d. the siting and size of buildings or structures that are erected for the purpose of keeping chickens or any unenclosed storage of feed or manure are subject to the requirements of this Section 2.1.18 where the requirements are different from those contained in Section 2.1.06 (Accessory Buildings and Structures) of this Bylaw;
  - e. no building or structure erected for the purpose of keeping chickens or any unenclosed storage of feed or manure may exceed a height of 2.4m (7.9 ft);
  - f. no building or structure erected for the purpose of keeping chickens for domestic purposes or unenclosed storage of feed or manure may be sited:
    - i. within 3m (9.8 ft) of any rear or side lot line;
    - ii. any closer to a front lot line than the yard requirement prescribed for the principal building or any closer than the front face of the principal building, whichever is greater;
    - iii. in the case of a corner lot, any closer to the flanking street than the yard requirement prescribed for the principal building;
  - g. any building or structure erected for the purpose of keeping chickens for domestic purposes or unenclosed storage of feed or manure must be kept clean and tidy;
  - h. any building or structure erected for the purpose of keeping chickens for domestic purposes or unenclosed storage of feed or manure must be kept free of vermin;
  - i. any manure or wasted products associated with keeping chickens must be composted or disposed of to prevent odours;
  - j. the slaughter of chickens is prohibited on any lot less than 4,000 m<sup>2</sup> (1 acre) in area; and
  - k. the sale of manure, meat, eggs, feathers or any other poultry products or by products are prohibited on any lot less than 4,000 m<sup>2</sup> (1 acre) in area.

### 2.1.20 Retaining Walls

No portion of a retaining wall may exceed a height of 1.2 meters. In the case of a series of retaining walls, walls must be spaced at a maximum 1:1 ratio of height to horizontal separation.



### 2.2.01 Locations Permitted

Secondary suites and accessory dwelling units are permitted in all zones ancillary to residential use unless otherwise specified in this bylaw.

### 2.2.02 Conditions of Use

1. Unless otherwise specified in this Bylaw, up to one secondary suite and one accessory dwelling unit shall be permitted per lot.
2. A secondary suite or accessory dwelling unit must have a separate entrance and exit.
- ~~3. A new secondary suite or new accessory dwelling unit shall only be permitted where either the said ancillary unit or the principal dwelling unit are occupied by the owner of the property as his or her principal place of residence. Existing secondary suites or existing accessory dwelling units shall be exempt from the requirement that the owner of the property must have his or her principal place of residence on the same premises as the existing secondary suite or accessory dwelling unit use.~~
4.
  - a. The maximum size of a secondary suite shall be 90m<sup>2</sup> or 40% of the gross floor area of the total habitable floor area, excluding garages, of the building it is located in, whichever is less.
  - b. Notwithstanding clause 2.2.02(4)(a), existing secondary suites shall not be subject to a maximum size.
5. The maximum size of an accessory dwelling unit shall be 90 m<sup>2</sup> or 40% of the gross floor area of the principal dwelling unit, whichever is less.
6. New secondary suites or accessory dwelling units are not a permitted use unless the owner has registered a restrictive covenant under section 219 of the *Land Title Act* for the purpose of prohibiting the stratification of the secondary suite or accessory dwelling unit. Existing secondary suites and existing accessory dwelling units shall be exempt from the requirement to register the said covenant.

### 2.2.03 Density

Secondary suites and accessory dwelling units shall not be included in the calculation of dwelling unit density in this Bylaw.

### 2.2.04 Height of Accessory Buildings Containing Accessory Dwelling Units

1. A one-storey accessory building within which an accessory dwelling unit is located shall not exceed 4 m in height.
2. Notwithstanding clause 2.1.06 (2) (a) of this Bylaw, an accessory building with an accessory dwelling unit located above the main floor in one and one-half to two-storeys is permitted up to a maximum of 7 m in height or 80% of the height of the primary dwelling, whichever is lesser.

### 7.3.01 Permitted Uses

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the District Commercial (C3) Zone:

1. Animal Hospitals in enclosed buildings;
2. Auction rooms;
3. Bakery;
4. Business colleges and trade schools;
5. Daycare as regulated by the *Community Care and Assisted Living Act*;
6. Funeral parlours;
7. Gasoline service stations and car wash;
8. Hotels;
9. Offices;
10. Personal service;
11. Post office;
12. Premises licensed pursuant to the *Liquor Control and Licensing Act*;
13. Printing, publishing and bookbinding
14. Private clubs and lodges
15. Assembly and entertainment uses, limited to indoor movie theatres, auditoriums, billiard and pool halls, bowling alleys, catering establishments, dance and fitness studios, gymnasiums, martial arts studios, schools and assemblies for educational and philanthropic purposes;
16. Public transportation depots;
17. Restaurants;
18. Retail stores;
19. Shopping centres;
20. Taxi offices; and
21. Accessory buildings and structures.

### 7.23.01A Lot 3, Section 1, Esquimalt District, Plan 30085 (310 Goldstream Avenue)

Despite section 2.1.09(2)(g) a Cannabis Retail Store limited to a maximum floor area of 204m<sup>2</sup> is permitted at the property having a civic address of 310 ~~CG~~Goldstream and described as " Lot 3, Section 1, Esquimalt District, Plan 30085; PID: 001-288-563".

### 7.3.02 Density of Development

The floor area ratio shall in no case exceed 2.0.

### 7.3.03 Height of Buildings

The height of a building shall not exceed 15 m or four storeys.

#### **7.3.04 Yard Requirements**

1. A front yard shall be provided of not less than 7.5 m in depth provided, however, that if the area between the front building line and the front lot line exclusive of access driveways is landscaped, the required front yard shall be not less than 4.5 m in depth.
2.
  - a. Where a lot is not serviced by a rear access highway, a side yard of 4.5 m in width shall be provided on at least one side of the lot.
  - b. Where a lot abuts a lot in a Residential Zone or a Multiple Family Residential Zone a side yard shall be provided of not less than 6 m in width.
  - c. On a corner lot a side yard of not less than 7.5 m in width shall be provided adjoining a flanking street provided, however, that if the area between the building and the side lot line exclusive of access driveways is landscaped, the required side yard shall not be less than 4.5 m in width.
3. A rear yard shall be provided of not less than 3 m in depth, except where such lot abuts a lot in a Residential Zone or a Multiple Family Residential Zone such yard shall be not less than 6 m in depth.

#### **7.3.05 Lot Coverage**

The maximum coverage shall be 75 percent of the lot.

#### **7.3.06 Landscaping and Screening**

1. Landscaping shall cover not less than 5 percent of the developed lot area. This landscaping shall include the planting of trees in the amount of not less than one tree for each 100 m<sup>2</sup> of developed lot area.
2. A continuous landscaping strip not less than 3 m wide shall be provided along the developed portion of each side of the lot which abuts a highway. This landscaping strip need not have a net area exceeding 10 percent of the developed lot area, and may be interrupted at boulevard crossings, or to provide necessary pedestrian access for entering a building or for viewing shop windows.
3. Except in those portions where a building abuts a lot line, screen planting at least 1.5 m high in a strip at least 1.5 m wide, or a solid decorative fence at least 1.5 m high shall be provided along all lot lines separating the developed portion of the lot from any Residential Zone or Multiple Family Residential Zone, whether such property be separated by a highway or not.

#### **7.3.07 Subdivision Requirements**

1. The minimum lot area that may be created by subdivision shall be 695 m<sup>2</sup>.
2. The minimum highway frontage and lot width that may be created by subdivision shall be 16 m.
3. Panhandle lots not permitted.

#### **7.3.08 General**

The relevant provisions of Division 2 of this Bylaw shall apply.



**7.11.1 Purpose**

To accommodate commercial and light industrial uses that provide mixed use employment centre opportunities and is intended to provide for complementary uses, including live/work. The uses in this zone are intended to be sensitive to residential uses and are not intended to be potentially dangerous or environmentally incompatible when situated near residential uses.

**7.11.2 Permitted Uses**

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the Mixed Use Employment Centre 2 (MUEC2) Zone: Accessory buildings and structures;

- a. Animal hospital in enclosed buildings;
- b. Assembly and entertainment uses;
- c. Bakery;
- d. Brewhouse;
- e. Brewery/Distillery;
- f. Colleges, Universities and Trade Schools;
- g. Daycare;
- h. Indoor sports and recreation facilities;
- i. Light Industrial;
- j. Liquor retail store;
- k. Live/work Studio;
- l. Mini-storage warehouse;
- m. Manufacturing, Contractors office;
- n. Manufacturing, Creative products;
- o. Manufacturing, High technology;
- p. Offices;
- q. Personal Service;
- r. Pet daycare;
- s. Printing and Publishing;
- t. Public Building;
- u. Rental and repair of household items, tools, appliances, and small equipment;
- v. Restaurant;
- w. Retail;
- x. Scientific or Technological Research Facility;
- y. Warehouse, storage and distribution;
- z. Wholesale;

**7.11.3 Regulatory Conditions**

Subdivision Regulations		
a.	Minimum lot area	1,800m <sup>2</sup>
b.	Minimum lot frontage	18m
Development Regulations		
c.	Maximum FAR	1.0
d.	Maximum Site Coverage	50%
e.	Maximum building height	18m

Siting Regulations			
f.		Minimum lot line setback requirements for buildings and structures	
i.		Front	7.5m
ii		Interior Side	6.0m
iii.		Exterior Side	7.5m
iv.		Rear	10.0m

#### 7.11.4 Other Regulations

- a. That light industrial uses and manufacturing which create dust, heat, glare, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter, or radiation are prohibited;
- b. That where live/work studios are considered with light industrial and commercial uses, they are considered an accessory residential use and that:
  - i. The residential component must be located above the ground floor and has a private, exterior, residential entrance from the principal commercial use; and
  - ii. One parking space for the residence must be provided additional to the principal commercial or light industrial use;
- c. That landscaping is to be provided
  - i. Where a lot joins a residential use, institutional use, or a street a landscaped area of at least 2.5 m in width and 2.0 m in height must be provided inside the property line;
  - ii. To separate parking areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0m in height must be provided along the inside of all property lines;
  - iii. Loading areas and refuse removal area and recycling containers must be screened and gated to a minimum height of 2.0 m by a landscape screen or solid decorative fence or combination thereof; and
  - iv. All mechanical, electrical, and other service equipment located outside or on the roof of a building must be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.

#### 7.11.5 General

- a. The relevant provisions of Divisions 1 and 2 shall apply. In the case of a conflict between the provisions of Division 1 and 2 and the provisions of this zone, the latter shall prevail.

**10.33.1 Purpose**

The purpose of the Comprehensive Development 28 (CD28) Zone (Latoria South) is to provide for orderly development of the 'Quarry', 'Transition Zone', and 'Commons' within the Latoria South Sub-Area Plan in order to allow a range of residential, institutional, commercial, and park land uses.

Subdivision layout and the form and character of development are addressed through development permit and subdivision application processes, including the application of policies in the Latoria South Sub-Area Plan of the Royal Bay Area Plan as amended and policies and guidelines set out in the Official Community Plan.

In this Section 10.33, references to Areas are references to the areas shown as Areas 1 through 11 on The CD 28 Zone Map.

**10.33.2 Permitted Uses**

1. The total number of dwelling units permitted on lands shown on the CD28 Zone Map shall not exceed 2,600 dwelling units, excluding Congregate Housing and the total amount of permitted non-residential floor area excluding Health Care Facility and Treatment Centre or Nursing Home in Area 4 and Area 5A shall not exceed 40,000 m<sup>2</sup> in Areas 1,2,3,4,5,6,7,8 & 9.
2. No subdivision is permitted except that the lands may be subdivided from time to time into one or more parcels so long as each such parcel represents the outer boundary of a sub area as shown on the CD28 Zone Map and the maximum density permitted by Section 10.33.2.1 is allocated to each of the parcel(s) created by the subdivision and the remaining lands of the CD28 Zone (as a whole), and is further secured by the terms of a covenant granted to the City under section 219 of the *Land Title Act*.
3. In addition to the uses permitted by Section 2.1.10, the following Principal Uses and no others are permitted in CD 28 Zone:
  - a) Within that area of land identified as Area 1 in the CD 28 Zone on the CD 28 Zone map:
    - i. Apartments
    - ii. Apartment (Senior Citizens)
    - iii. Assembly and Entertainment Uses
    - iv. Bakery, not exceeding 200 m<sup>2</sup> in floor area
    - v. Brewhouse
    - vi. Colleges, Universities and Trade Schools
    - vii. Daycare
    - viii. Eating and Drinking Establishment
    - ix. Grocery Store
    - x. Home Occupation for office use only
    - xi. Liquor Retail Store
    - xii. Office, Financial
    - xiii. Office, Medical
    - xiv. Office, Professional
    - xv. Personal Service
    - xvi. Pet Daycare
    - xvii. Presentation Centre

- xviii. Public Building
- xix. Retail Store

b) Within that area of land identified as Area 2 in the CD 28 Zone on the CD 28 Zone map:

- i. Apartments
- ii. Apartment (Senior Citizens)
- iii. Assembly and Entertainment Uses
- iv. Attached Housing
- v. Bakery, not exceeding 200 m<sup>2</sup> in floor area
- vi. Colleges, Universities and Trade Schools
- vii. Congregate Housing
- viii. Daycare
- ix. Eating and Drinking Establishment
- x. Home Occupation for office use only
- xi. Nursing Home
- xii. Office, Financial
- xiii. Office, Medical
- xiv. Office, Professional
- xv. Personal Service
- xvi. Pet Daycare
- xvii. Presentation Centre
- xviii. Public Building
- xix. Retail Store

c) Within that area of land identified as Area 3 in the CD 28 Zone on the CD 28 Zone map:

- i. Apartments
- ii. Apartment (Senior Citizens)
- iii. Assembly and Entertainment Uses
- iv. Congregate Housing
- v. Eating and Drinking Establishment
- vi. Home Occupation for office use only
- vii. Nursing Home
- viii. Office, Financial
- ix. Office, Medical
- x. Office, Professional
- xi. Personal Service
- xii. Presentation Centre

d) Within that area of land identified as Area 4 in the CD 28 Zone on the CD 28 Zone map:

- i. Apartments
- ii. Apartment (Senior Citizens)
- iii. Assembly and Entertainment Uses
- iv. Attached Housing
- v. Bakery, not exceeding 200 m<sup>2</sup> in floor area
- vi. Civic Use
- vii. Colleges, Universities and Trade Schools
- viii. Congregate Housing, including visitor short-term stay suites
- ix. Eating and Drinking Establishment

- x. Health Care Facility and Treatment Centre (public or private)
- xi. Home Occupation for office use only
- xii. Nursing Home
- xiii. Office, Financial
- xiv. Office, Medical
- xv. Office, Professional
- xvi. Personal Service
- xvii. Presentation Centre

e) Within that area of land identified as Area 5 in the CD 28 Zone on the CD 28 Zone map:

- i. Animal hospital provided no overnight kenneling
- ii. Assembly and Entertainment Uses
- iii. Artist Studio
- iv. Bakery, not exceeding 200 m2 in floor area
- v. Brewhouse
- vi. Brewery / Distillery
- vii. Colleges, Universities and Trade Schools
- viii. Congregate Housing, including visitor short-term stay suites
- ix. Day Care
- x. Eating and Drinking Establishment
- xi. Health Care Facility and Treatment Centre (public or private)
- xii. Limited light industries, including testing, servicing and repair but excluding manufacturing, processing or assembly.
- xiii. Live/Work Studio
- xiv. Nursing Home
- xv. Office, Medical
- xvi. Office, Professional
- xvii. Personal Service
- xviii. Pet Daycare
- xix. Presentation Centre
- xx. Printing & Publishing
- xxi. Scientific or Technological Research Facility

f) Within that area of land identified as Area 6 in the CD28 Zone on the CD28 Zone map:

- i. Animal hospital provided no overnight kenneling
- ii. Assembly and Entertainment Uses
- iii. Artist Studio
- iv. Bakery, not exceeding 200 m2 in floor area
- v. Brewhouse
- vi. Brewery / Distillery
- vii. Colleges, Universities and Trade Schools
- viii. Day Care
- ix. Eating and Drinking Establishment, excluding drive-thru
- x. Live/Work Studio
- xi. Office, Financial
- xii. Office, Medical
- xiii. Office, Professional
- xiv. Personal Service
- xv. Pet Daycare
- xvi. Presentation Centre
- xvii. Printing & Publishing

- xviii. Retail Store
- xix. Scientific or Technological Research Facility
- xx. Service Station and car wash

g) Within that area of land identified as Area 7 in the CD 28 Zone on the CD 28 Zone map:

- i. Apartments
- ii. Apartment (Senior Citizens)
- iii. Assembly and Entertainment Uses
- iv. Attached Housing
- v. Bakery, not exceeding 200 m<sup>2</sup> in floor area
- vi. Congregate Housing
- vii. Eating and Drinking Establishment
- viii. Home Occupation for office use only
- ix. Nursing Home
- x. Office, Financial
- xi. Office, Medical
- xii. Office, Professional
- xiii. Personal Service
- xiv. Presentation Centre
- xv. Public Building
- xvi. Retail Store

h) Within that area of land identified as Area 8 in the CD 28 Zone on the CD 28 Zone map:

- i. Apartments
- ii. Apartment (Senior Citizens)
- iii. Assembly and Entertainment Uses
- iv. Attached Housing
- v. Bakery, not exceeding 200m<sup>2</sup> in floor area
- vi. Colleges, Universities and Trade Schools
- vii. Congregate Housing
- viii. Eating and Drinking Establishment
- ix. Home Occupation for office use only
- x. Office, Financial
- xi. Office, Medical
- xii. Office, Professional
- xiii. Personal Service
- xiv. Presentation Centre
- xv. Public Building

i) Within that area of land identified as Area 9 in the CD 28 Zone on the CD 28 Zone map:

- i. Apartments
- ii. Apartment (Senior Citizens)
- iii. Assembly and Entertainment Uses
- iv. Attached Housing
- v. Colleges, Universities and Trade Schools
- vi. Congregate Housing
- vii. Eating and Drinking Establishment
- viii. Home Occupation for office use only
- ix. Museum
- x. Nursing Home
- xi. Office, Medical

- xii. Office, Professional
- xiii. Personal Service
- xiv. Presentation Centre
- xv. Public Building
- xvi. Scientific or Technological Research Facility

j) Within that area of land identified as Area 10 in the CD 28 Zone on the CD 28 Zone map:

- i. Attached Housing
- ii. Accessory Dwelling Unit
- iii. Boarding and Lodging
- iv. Home Occupation
- v. One-family dwelling
- vi. Secondary suites
- vii. Two-family dwelling
- viii. Presentation Centre
- ix. **Public Building**

k) Within that area of land identified as Area 11 in the CD 28 Zone on the CD 28 Zone map:

- i. Animal Hospital (no outdoor signage)
- ii. Apartments
- iii. Apartment (Senior Citizens)
- iv. Assembly and Entertainment Uses
- v. Artist Studio
- vi. Attached Housing
- vii. Bakery
- viii. Brewhouse
- ix. Brewery/Distillery
- x. Church
- xi. Civic Use
- xii. Colleges, Universities and Trade Schools
- xiii. Daycare
- xiv. Eating and Drinking Establishment
- xv. Health Care Facility and Treatment Centre (public or private)
- xvi. Hotel
- xvii. Limited light industries, including testing, servicing and repair but excluding manufacturing, processing or assembly
- xviii. Liquor retail store
- xix. Live/Work Studio
- xx. Media Related Establishment
- xxi. Office, Financial
- xxii. Office, Medical
- xxiii. Office, Professional
- xxiv. One-Family dwelling
- xxv. Personal Service
- xxvi. Pet Daycare
- xxvii. Public Building
- xxviii. Retail Store
- xxix. Scientific or Technological Research Facility
- xxx. Mini-storage Warehouse

### 10.33.3 Base Development

1. The number of dwelling units permitted in each of Areas 1, 2, 3, 4, 7, 8, 9, 10, and 11 shall not exceed 3.
2. In Area 10, no more than one one-family or two-family dwelling shall be permitted on a lot.

#### 10.33.4 Comprehensive Development

1. Notwithstanding Section 10.33.3, the density of development in Section 10.33.5 is permitted in Areas 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 on the lands shown on the CD28 Zone Map if the Owner:
  - a. Contributes to the Affordable Housing Fund \$500 per additional residential unit;
  - b. Contributes to the Community Amenity Fund \$2,500 per additional dwelling unit for a one-family, two-family, or an attached housing and \$1,500 per additional dwelling unit for an apartment; and
  - c. Contributes to the Fire Hall Fund \$525 per additional dwelling unit.
2. Notwithstanding Section 10.33.3, the density of development in Section 10.33.5 is permitted in Area 11, on the lands shown on the CD28 Zone Map if the Owner:
  - a. Contributes to the Affordable Housing Fund \$1,500 per additional residential unit;
  - b. Contributes to the Community Amenity Fund \$7,500 per additional dwelling unit for attached housing and \$4,500 per additional dwelling unit for an apartment; and
  - c. Contributes to the Fire Hall Fund \$604 per additional dwelling unit.
3. All dollar amounts referred to in Section 10.33.4.1. and Section 10.33.4.2 shall be increased annually effective on January 1 of each calendar year in which this bylaw is adopted by the amount of the Consumer Price Index (CPI).
4. Payment of the contributions in Section 10.33.4.1 and section 10.33.4.2 shall be made at the time of approval of the subdivision creating the lot on which the dwelling unit or dwelling units are permitted to be constructed or in the case of attached housing or apartments at the time of issuance of a building permit.

#### 10.33.5 Development Regulations

1. Within Area 1 of the CD28 Zone:
  - a. No single building footprint shall exceed 2,000m<sup>2</sup> of contiguous gross leasable floor area, with the exception of a grocery store which may not exceed a gross leasable floor area of 4,000m<sup>2</sup>
  - b. Professional Office and Medical Office uses are prohibited on the first storey of a mixed use building fronting a street.
  - c. No parking, except for passenger pick up and drop off, is permitted to be sited between a building and the property line of the Fronting Street.
  - d. Surface parking to have a minimum 1.0 m landscape strip between the parking area and the property line.
  - e. Regulations

Table:

Regulation	General / Mixed Use	Apartments
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	18.0m
Floor Area Ratio	1.2	2.0



Maximum Lot Coverage	50%	50%
	80% for underground parking	80% for underground parking
Minimum Open Site Space	10%	10%
Maximum Building Height	12m	15m
Maximum Accessory Buildings and Structures Height	4.5m	4.5m
<b>Minimum Building Setbacks</b>		
Fronting Street	4.5m for buildings 2.0m for patios and attached structures	4.5m for buildings 2.0m for patios and attached structures
Setbacks from all other streets	1.5m	1.5m
Side	N/A	
Rear	N/A	

2. Within Area 2 of the CD28 Zone

- a. Assembly and Entertainment Uses, Bakeries, Eating and Drinking Establishments, Personal Services, Pet Daycares, and Retail Stores are the only permitted uses on the first storey of any building fronting the Northern parcel line of Area 2 except that offices may be permitted on the first storey of a mixed use building fronting the Northern parcel line of Area 2 in accordance with Section 10.33.5 (2b).
- b. Professional Office and Medical Office uses are prohibited on the first storey of a mixed use building fronting a street. Except that along Commons Road, Professional Office and Medical Office uses are permitted on the first storey of a mixed use building fronting the street up to a maximum area of 50% of the total ground floor area of leasable space in the mixed use building."
- c. No parking, except for passenger pick up and drop off, is permitted to be sited between a building and the property line of the Fronting Street.
- d. Regulations Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	18.0m	17.0m
Floor Area Ratio	3.0	2.5	1.0
Maximum Lot Coverage	50%	50%	50%
	80% for underground parking	80% for underground parking	
Minimum Open Site Space	10%	10%	10%
Maximum Building Height	15m	24m	12.5m
Maximum Accessory Buildings and Structures Height	4.5m	4.5m	4.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	2.0m	3.0m first 4 floors 4.5m above 4 floors	3.0m with rear lane access 6.0m to garage / carport face
Side	3.0m	3.0m	1.2m
Exterior Side	1.0m	3.0m first 4 floors 4.5m above 4 floors	3.0m

Rear	3.0m	6.0m	6.0m
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3. Within Area 3 of the CD28 Zone:
- Professional Office and Medical Office uses are prohibited on the first storey of a mixed use building fronting a street.
  - No parking, except for passenger pick up and drop off, is permitted to be sited between a building and the property line of the Fronting Street.
  - Regulation Table:

Regulation	General / Mixed Use	Apartments
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	18.0m
Floor Area Ratio	3.0	3.5
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking
Minimum Open Site Space	10%	10%
Maximum Building Height	24m	39m
Maximum Accessory Buildings and Structure Height	4.5m	4.5m

Minimum Building Setbacks		
Fronting Street	4.5m	4.5m
Side	3.0m	3.0m
Exterior Side	1.0m	3.0m first 4 floors 4.5m above 4 floors
Rear	3.0m	6.0m

4. Within Area 4 of the CD28 Zone:
- No parking, except for passenger pick up and drop off, is permitted to be sited between a building and the property line of the Fronting Street.
  - Regulation Table:

Regulation	General / Mixed Use	Congregate Housing / Health Care Facility and Treatment Centre	Apartments
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	20.0m	18.0m
Floor Area Ratio	3.0	3.0	2.5
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50% 80% for underground parking
Minimum Open Site Space	10%	10%	10%
Maximum Building Height	24.0m	26.0m or 6 storeys	24m
Maximum Accessory Buildings and Structures Height	4.5m	4.5m	4.5m
Minimum Building Setbacks			

Fronting Street	3.0m	3.0m first 4 floors 4.5m above 4 floors	3.0m first 4 floors 4.5m above 4 floors
Side	3.0m	3.0m	3.0m
Exterior Side	3.0m	3.0m first 4 floors 4.5m above 4 floors	3.0m first 4 floors 4.5m above 4 floors
Rear	3.0m	6.0m	6.0m

- c. Notwithstanding the Development Regulations in Section 10.33.5.4.b and the definition of "Height" in Section 1.2, where a Health Care Facility and treatment Centre is proposed for Area 4, the "Height" means the vertical distance from the average finished grade at the perimeter of a building or structure to the highest point of the structure or structural parts that project above the level of the roof.
  - d. Notwithstanding the Development Regulations in Section 10.33.5.4.b and Section 2.1.08 Height of Buildings and Structures, where a Health Care Facility and Treatment Centre is proposed for Area 4, the **height area** of buildings and structures including cooling towers, elevator, ventilating machinery penthouses shall not cover more than 12% of the roof area of the principal building.
5. Within Area 5 of the CD28 Zone:
- a. A retail sales area for any business shall not exceed 25% of the Gross Floor Area.
  - b. Permitted uses shall manage its operations to not be noxious or offensive to any adjacent property or the general public by reason of emitting odours or noise.
  - c. Regulation Table:

	Area 5	
Regulation	General	Care Facility
Minimum Lot Area	1,800 m <sup>2</sup>	1,800 m <sup>2</sup>
Minimum Lot Width	20.0 m	20.0 m
Floor Area Ratio	2.0	3.0
Maximum Lot Coverage	50%	50% 80% for underground parking
Minimum Open Site Space	10%	10%
Maximum Building Height	15 m	26.0 m or 6 storeys
Maximum Accessory Buildings and Structures Height	4.5 m	4.5 m
Minimum Building Setbacks		
Front	3.0 m	3.0 m first 4 floors 4.5m above 4 floors
Side	3.0 m	3.0 m
Exterior side	3.0 m	3.0 m first 4 floors 4.5m above 4 floors
Rear	6.0 m	6.0 m

6. Within Area 6 of the CD28 Zone:

- a. Permitted uses shall manage its operations to not be noxious or offensive to any adjacent property or the general public by reason of emitting odours or noise.
- b. Regulation Table:

Regulation	General
Minimum Lot Area	1,800m <sup>2</sup>
Minimum Lot Width	20.0m
Floor Area Ratio	1.0
Maximum Lot Coverage	50%
Minimum Open Site Space	10%
Maximum Building Height	15m
Maximum Accessory Buildings	4.5m
<b>Minimum Building Setbacks</b>	
Front	3.0m
Side	3.0m
Exterior Side	3.0m
Rear	6.0m

- c. Notwithstanding the Development Regulations in Section 10.33.5.6.b, the minimum building setbacks for Service Stations are as follows:
  1. A front yard shall be provided of not less than 7.5 m in depth provided, however, that if the area between the front building line and the front lot line exclusive of access driveways is landscaped, the required front yard shall be not less than 4.5 m in depth.
  2. Where a lot is not serviced by a rear access highway, a side yard of 4.5 m in width shall be provided on at least one side of the lot.
  3. Where a lot abuts a lot in a Residential Zone or a Multiple Family Zone a side yard shall be provided of not less than 6 m in width.
  4. On a corner lot, a side yard of not less than 7.5 m in width shall be provided adjoining a flanking street provided, however, that if the area between the building and the side lot line exclusive of access driveways is landscaped, the required side yard shall not be less than 4.5m.

7. Within Area 7 of the CD28 Zone:

- a. **Professional Office** and **Medical Office** uses are prohibited on the first storey of a mixed-use building fronting a street.
- b. No parking, except for passenger pick up and drop off, is permitted to be sited between a building and the property line of the **Fronting Street**.
- c. Regulation Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	18.0m	17.0m
Floor Area Ratio	3.0	2.0	1.0
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Minimum Open Site Space	10%	10%	10%
Maximum Building Height	15m	15m	12.5m
Maximum Accessory Buildings and Structures Height	4.5m	4.5m	4.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	4.5m for buildings 2.0m for patios and attached structures	4.5m	3.0m with rear lane access 6.0m to garage/carport face
Side	3.0m	3.0m	1.2m
Exterior Side	1.0m ground floors 3.0m upper floors	3.0m	3.0m
Rear	3.0m	6.0m	6.0m

8. Within Area 8 of the CD28 Zone:

- a. **Professional Office** and **Medical Office** uses are prohibited on the first storey of a mixed-use building fronting a street.
- b. No parking, except for passenger pick up and drop off, is permitted to be sited between a building and the property line of the Fronting Street.
- c. Regulation Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	18.0m	17.0m
Floor Area Ratio	3.0	2.0	1.0
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Minimum Open Site Space	10%	10%	10%
Maximum Building Height	15m	15m	12.5m

Maximum Accessory Buildings and Structures Height	4.5m	4.5m	4.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	1.0m ground floor 3.0m upper floors	4.5m	3.0m with rear lane access 6.0m to garage/carport face
Side	3.0m	3.0m	1.2m
Exterior Side	1.0m ground floors 3.0m upper floors	3.0m	3.0m
Rear	3.0m	6.0m	6.0m

9. Within Area 9 of the CD28 Zone:
- Professional Office and Medical Office uses are prohibited on the first storey of a mixed-use building fronting a street.
  - Regulation Table:

Regulation	General / Mixed Use	Museum / Scientific or Technological Research Facility	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	20.0m	20.0m	18.0m	17.0m
Floor Area Ratio	2.0	1.0	2.0	1.0
Maximum Lot Coverage	50% 80% for underground parking	50%	50% 80% for underground parking	50%
Minimum Open Site Space	10%	10%	10%	10%
Maximum Building Height	15m	15m	15m	12.5m
Maximum Accessory Buildings and Structures Height	4.5m	4.5m	4.5m	4.5m
<b>Minimum Building Setbacks</b>				
Fronting Street	1.0m ground floor 3.0m upper floors	4.5m	4.5m	3.0m with rear lane access 6.0m to garage/carport face
Side	3.0m	3.0m	3.0m	1.2m
Exterior Side	1.0m ground floors 3.0m upper floors	3.0m	3.0m	3.0m
Rear	3.0m	6.0m	6.0m	6.0m

10. Within Area 10 of the CD28 Zone:
- The boarding and lodging use permitted in this zone is limited to the accommodation of up to two boarders or lodgers in a dwelling unit, and not more than four unrelated persons may

occupy any such dwelling.

b. Regulation Table:

Regulation	One-Family Dwelling	Two-family dwelling	Attached Housing	Public Buildings
Minimum Lot Area	278m <sup>2</sup>	370m <sup>2</sup>	1,800m <sup>2</sup>	n/a
Minimum Lot Width	9.0m 7.5m for rear lane access	11.0m	17.0m	n/a
Floor Area Ratio	n/a	n/a	1.0	n/a
Maximum Lot Coverage	50%	50%	50%	40%
Maximum Building Height	9.5m	9.5m	12.5m	14.0m
Maximum Accessory Buildings and Structures Height	4.5m 7.0m for Accessory Dwelling Unit	4.5m 7.0m for Accessory Dwelling Unit	4.5m 7.0m for Accessory Dwelling Unit	4.5m
<b>Minimum Building Setbacks</b>				
Fronting Street	4.5m 3.0m with rear lane access 6.0m to garage / carport face	4.5m 3.0m with rear lane access 6.0m to garage / carport face	3.0m with rear lane access 6.0m to garage / carport face	7.5m
Side	1.2m	1.2m	1.2m	6.0m
Exterior Side	3.0m	3.0m	3.0m	7.5m
Rear – Principal Building	6.0m	6.0m	6.0m	10.0m
Rear – Accessory Building	s.2.1.06	s.2.1.06	s.2.1.06	10.0m

11. Within Area 11 of the CD28 Zone:

- a. No single building footprint shall exceed 3,000m<sup>2</sup>
- b. All retail sales are for any industrial use, light, business shall not exceed 25% of the Gross Floor Area
- c. A minimum of 10% Gross Floor Area is required for non-residential uses within Mixed use buildings
- d. No parking, except for passenger pick up and drop off is permitted to be sited between a building and the property line of any Fronting Street
- e. Excluding underground parking, the combined area of Parking, Loading and Access Aisles shall not constitute more than 50% of the area of the lot on which they are situated
- f. A minimum of 10% of lot coverage shall be provided as landscape cover
- g. All refuse removal areas and recycling containers must be within interior side yard setbacks to a minimum of 1.5 meters and screened from adjacent properties and streets. Area must be gated to a minimum height of 2.0 by a landscape screen or solid decorative fence or combination thereof
- h. All mechanical, electrical, and other service equipment located outside or on the roof of a building must be screened from adjacent properties and streets by ornamental structures, landscaping, or other means
- i. Permitted uses shall manage its operations to not be noxious or offensive to any adjacent property or the general public by reason of emitting odours, noise or excessive dust.
- j. Regulations Table:

Regulation	General / Mixed Use	Apartments	Attached Housing	One and Two family dwellings
Minimum Lot Area	1,500m <sup>2</sup>	1,200m <sup>2</sup>	1,000m <sup>2</sup>	278m <sup>2</sup> – One family 370m <sup>2</sup> – Two family
Minimum Lot Width	20.0m	18.0m	17.0m	9m – One family *7.5m for rear lane access 11m – Two family
Floor Area Ratio	3.0	2.0	1.2	n/a
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%	50%
Minimum Open Site Space	10%	10%	10%	n/a
Maximum Building Height	22m	22m	12.5m	9.5m
Maximum Accessory Buildings and Structures Height	4.5m (see S.2.1.0.6)	4.5m (see S.2.1.06)	4.5m (S.2.1.06) 7.0m for Accessory Dwelling Unit	4.5m (see S.2.1.06) 7.0m for Accessory Dwelling Unit
<b>Minimum Building Setbacks</b>				
Fronting Street	2.0m Commercial 3.0m at grade Residential	3m	4.5m 3.0m with rear lane	3m with rear lane access 6m to garage/carport face
Side	0m abutting commercial uses, 3m for residential uses	3.0m	3.0m	1.2m
Exterior Side	3.0m	4.5m	3.0m	3.0 m
Rear	4.5m	4.5m	6.0m	6.0 m

#### 10.33.6 Subdivision of Two-Family Dwelling and Attached Housing

1. A lot on which a two-family dwelling or attached housing has been constructed may be subdivided under the Land Title Act such that each dwelling is on a separate fee simple lot, provided that such separate lot has a minimum lot width of at least 6.0 m and a minimum lot area of at least 185 m<sup>2</sup> in the case of a two-family dwelling, or a minimum lot width of at least 5.0 m and a minimum lot area Of at least 150 m<sup>2</sup> in the case of attached housing.
2. The minimum side yard setbacks in Section 10.33.5 do not apply, in the case of a two-family dwelling, attached housing or accessory building, in relation to a side lot line on which a party wall has been constructed or is proposed to be constructed.



### **10.33.7 Off-street Parking Requirements**

1. Parking requirements for residential, one-family dwellings including two-family dwellings shall meet the parking standards in Bylaw 1909.
2. Notwithstanding the Off-Street Parking Regulations Bylaw No. 1909, the minimum off-street parking requirements for attached housing and apartment residential uses in Areas 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the CD28 Zone shall be as follows:
  - a. Bachelor - 0.8 spaces per dwelling unit
  - b. One-bedroom - 1.0 spaces per dwelling unit
  - c. Two-bedroom - 1.3 spaces per dwelling unit
  - d. Three-bedroom or greater - 1.5 spaces per dwelling unit
  - e. Visitor parking - 0.15 spaces per dwelling unit
3. Notwithstanding the Off-Street Parking Regulations Bylaw No. 1909, the minimum parking requirements for commercial uses in Areas 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the CD28 Zone shall be as follows:
  - a. Retail Store including Grocery Store- 0.43 spaces per 10m<sup>2</sup> of gross floor area
  - b. Office- 0.28 spaces per 10m<sup>2</sup> of gross floor area
4. A vehicle parking area or vehicle parking space must be surfaced with asphalt, concrete pavers, or permeable material that provides a durable surface.

### **10.33.8 Landscaping**

1. Landscaping of front and side street setbacks or all that portion of the lot lying between any building setback line and the street or streets bordering the lot shall be graded and landscaped, provided that this section shall not apply to any portion of the lot that is used or Intended to be used only for the movement of motor vehicles.

### **10.33.9 Other Regulations**

1. The relevant provisions of Divisions 1 and 2 of this Bylaw shall apply. In the case of a conflict between the provisions of Divisions 1 and 2 and the provisions of this zone, the latter shall prevail.

- xiv. Live/Work Studio
  - xv. Nursing Home
  - xvi. Office, Financial
  - xvii. Office, Medical
  - xviii. Office, Professional
  - xix. Personal Service
  - xx. Retail Store V
- c. Within that area of land identified as Area 2 in the CD 30 Zone on the CD 30 Zone map:
- i. Animal Hospital in enclosed building
  - ii. Apartments
  - iii. Apartment (Senior Citizens)
  - iv. Assembly and Entertainment Uses
  - v. Attached Housing
  - vi. Bakery, not exceeding 200m<sup>2</sup> in floor area
  - vii. Brewhouse
  - viii. Boarding and lodging
  - ix. Colleges, Universities and Trade Schools
  - x. Congregate Housing
  - xi. Eating and Drinking Establishment
  - xii. Home Occupation
  - xiii. Hotels and Motels
  - xiv. Liquor Retail Store
  - xv. Office, Financial
  - xvi. Office, Medical
  - xvii. Office, Professional
  - xviii. Personal Service
  - xix. Pet Daycare
  - xx. Presentation Centre
  - xxi. Retail Store
- d. Within that area of land identified as Area 3 in the CD 30 Zone on the CD 30 Zone map:
- i. Attached Housing
  - ii. Boarding and Lodging
  - iii. Group home
  - iv. Home Occupation
  - v. One-family dwelling
  - vi. Two-family dwelling
  - vii. Accessory dwelling unit
  - viii. Secondary suites
- e. Within that area of land identified as Area 4 in the CD 30 Zone on the CD 30 Zone map:
- i. Apartments
  - ii. Animal Hospital in enclosed buildings
  - iii. Apartment (Senior Citizens)
  - iv. Attached housing
  - v. Assembly and Entertainment Uses
  - vi. Bakery, not exceeding 200 m<sup>2</sup> in floor area
  - vii. Brewhouse
  - viii. Colleges, Universities and Trade Schools
  - ix. Congregate Housing
  - x. Daycare
  - xi. Eating and Drinking Establishment
  - xii. Group Home

- xiii. Home Occupation
  - xiv. Hotels and Motels
  - xv. Liquor Retail Store
  - xvi. Nursing Home
  - xvii. Office, Financial
  - xviii. Office, Medical
  - xix. Office, Professional
  - xx. Parking Areas & Facilities
  - xxi. Personal Service
  - xxii. Pet Daycare
  - xxiii. Public transportation depots and interchanges
  - xxiv. Scientific or technological research facilities
  - xxv. Schools and Churches
  - xxvi. Retail Store
- f. Within that area of land identified as Area 5 in the CD 30 Zone on the CD 30 Zone map:
- i. Animal Hospital in enclosed buildings
  - ii. Apartments
  - iii. Apartment (Senior Citizens)
  - iv. Attached housing
  - v. Assembly and Entertainment Uses
  - vi. Bakery, not exceeding 200 m2 in floor area
  - vii. Brewhouse
  - viii. Colleges, Universities and Trade Schools
  - ix. Congregate Housing
  - x. Daycare
  - xi. Eating and Drinking Establishment
  - xii. Group Home
  - xiii. Home Occupation
  - xiv. Hotels and Motels
  - xv. Liquor Retail Store
  - xvi. Nursing Home
  - xvii. Office, Financial
  - xviii. Office, Medical
  - xix. Office, Professional
  - xx. Parking Areas & Facilities
  - xxi. Personal Service
  - xxii. Pet Daycare
  - xxiii. Public transportation depots and interchanges
  - xxiv. Scientific or technological research facilities
  - xxv. Schools and Churches
  - xxvi. Retail Store
- g. Within that area of land identified as Area 6 in the CD 30 Zone on the CD 30 Zone map:
- i. Apartments
  - ii. Apartment (Senior Citizens)
  - iii. Attached housing
  - iv. Assembly and Entertainment Uses
  - v. Bakery, not exceeding 200 m2 in floor area
  - vi. Brewhouse
  - vii. Colleges, Universities and Trade Schools
  - viii. Congregate Housing
  - ix. Daycare

- x. Eating and Drinking Establishment
  - xi. Group Home
  - xii. Home Occupation
  - xiii. Hotels and Motels
  - xiv. Liquor Retail Store
  - xv. Nursing Home
  - xvi. Office, Financial
  - xvii. Office, Medical
  - xviii. Office, Professional
  - xix. Personal Service
  - xx. Pet Daycare
  - xxi. Public transportation depots and interchanges
  - xxii. Scientific or technological research facilities
  - xxiii. Schools and Churches
  - xxiv. Seniors Congregate Housing
  - xxv. Retail Store
- h. Within that area of land identified as Area 7 in the CD 30 Zone on the CD 30 Zone map:
- i. Attached Housing
  - ii. Apartments
  - iii. Boarding and Lodging
  - iv. Group home
  - v. Home Occupation
  - vi. One-family dwelling
  - vii. Two-family dwelling
  - viii. Accessory dwelling unit
  - ix. Secondary suites
- i. Within that area of land identified as Area 8 in the CD 30 Zone on the CD 30 Zone map:
- i. Apartment, above the ground floor
  - ii. Apartment (Senior Citizens), above the ground floor
  - iii. Assembly and Entertainment Uses
  - iv. Bakery, not exceeding 200 m<sup>2</sup> in floor area
  - v. Brewhouse
  - vi. College, Universities and Trade Schools
  - vii. Daycare
  - viii. Eating and Drinking Establishment
  - ix. Liquor Retail Store
  - x. Office, Financial
  - xi. Office, Professional
  - xii. Office, Medical
  - xiii. Personal Services
  - xiv. Pet Daycare
  - xv. Retail Store

### **10.35.3 Base Development**

1. The number of dwelling units permitted in each of Areas 1, 2, 3, 4, 5, 6 and 7 and 8 shall not exceed 10.

### **10.35.4 Comprehensive Development**

1. Notwithstanding Section 10.35.3, the density of development in Section 10.35.4 is permitted on the

lands shown on the CD 30 Zone Map if the Owner:

- a. Contributes to the Affordable Housing Fund \$500 per additional residential unit;
  - b. Contributes to the Community Amenity Fund \$2,500 per additional dwelling unit for a one family, two-family, or an attached housing and \$1,500 per additional dwelling unit for an apartment; and
  - c. Contributes to the Fire Hall Fund \$525 per additional dwelling unit.
2. All dollar amounts referred to in Section 10.35.4.1 shall be increased annually effective on January 1 of each calendar year in which this bylaw is adopted by the amount of the Victoria Consumer Price Index (CPI).
  3. Payment of the contributions in Section 10.35.4.1 shall be made at the time of approval of the subdivision creating the lot on which the dwelling unit or dwelling units are permitted to be constructed or in the case of attached housing or apartments at the time of issuance of a building permit.

### 10.35.5 Development Regulations

1. Within Areas 1,2,4,5,6 and 8 of the CD 30 Zone:
  - a. Regulations Table:

Regulation	Public Building
Minimum Lot Area	n/a
Minimum Lot Width	n/a
Floor Area Ratio	n/a
Maximum Lot Coverage	40%
Maximum Building Height	14.0m
<b>Minimum Building Setbacks</b>	
Front Street	7.5m
Side	6.0m
Exterior Side	7.5m
Rear – Principal Building	10.0m
Rear – Accessory Building	10.0m

2. Within Area 1 of the CD 30 Zone:
  - a. Regulations Table

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	18.0m	18.0m	17.0m
Floor Area Ratio	2.5	2.5	1.2
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Maximum Building Height	20m	20m	12.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	4.5m	4.5m	3.0m with rear lane access 6.0m to garage / carport face
Side	3.0m	3.0m	1.2m

Exterior Side	3.0m	3.0m	3.0m
Rear	3.0m	4.5m	4.5m

3. Within Area 2 of the CD 30 Zone:

a. Regulations Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	512m <sup>2</sup>
Minimum Lot Width	18.0m	18.0m	17.0m
Floor Area Ratio	3.5	2.5	1.2
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Maximum Building Height	20m	20m	12.5m
<b>Minimum Building Setback</b>			
Fronting Street	4.5m	3.0m	3.0m with rear lane access 6.0m to garage / carport face
Side	3.0m	3.0m	1.2m
Exterior Side	3.0m	3.0m	3.0m
Rear	4.5m	4.5m	4.5m

4. Within Area 3 of the CD 30 Zone:

- a. The boarding and lodging use permitted in this zone is limited to the accommodation of up to two boarders or lodgers in a dwelling unit, and not more than four unrelated persons may occupy any such dwelling.

b. Regulation Table:

Regulation	One-family Dwelling	Two-Family Dwelling	Attached Housing
Minimum Lot Area	278m <sup>2</sup>	370m <sup>2</sup>	512m <sup>2</sup>
Minimum Lot Width	9.0m	11.0m	17.0m
Floor Area Ratio	n/a	n/a	1.2
Maximum Lot Coverage	50%	50%	50%
Maximum Building height	9.5m	9.5m	12.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	4.5m 3.0m with rear lane access 6.0m to garage / carport face	4.5m 3.0m with rear lane access 6.0m to garage / carport face	3.0m with rear lane access 6.0m to garage / carport face
Side	1.2m	1.2m	1.2m
Exterior Side	3.0m	3.0m	3.0m
Rear	6.0m	6.0m	6.0m

5. Within Area 4 of the CD 30 Zone:

- a. Parking Areas & Facilities shall be accessory to Public transportation depots and interchanges.
- b. Regulations Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	512m <sup>2</sup>
Minimum Lot Width	18.0m	18.0m	17.0m
Floor Area Ratio	3.5	3.5	1.2
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Maximum Building Height	20m	20m	12.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	4.5m	3.0m first four floors 5.0m above four floors	4.5m 6.0m to garage / carport face
Side	3.0m	3.0m	1.2m
Exterior Side	3.0m	3.0m	3.0m
Rear	30m	4.5m	6.0m

6. Within Area 5 of the CD 30 Zone:

- a. Parking Areas and Facilities shall be accessory to Public Transportation depots and interchanges.
- b. Regulations Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	512m <sup>2</sup>
Minimum Lot Width	18.0m	18.0m	17.0m
Floor Area Ratio	3.5	3.5	1.2
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Maximum Building height	20m	20m	12.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	4.5m	3.0m first four floors 5.0m above four floors	4.5m 6.0m to garage / carport face
Side	3.0m	3.0m	1.2m
Exterior Side	3.0m	3.0m	3.0m
Rear	3.0m	4.5m	6.0m

7. Within Area 6 of the CD 30 Zone:

a. Regulations Table:

Regulation	General / Mixed Use	Apartments	Attached Housing
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>	512m <sup>2</sup>
Minimum Lot Width	18.0m	18.0m	17.0m
Floor Area Ratio	3.5	3.5	1.2
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking	50%
Maximum Building Height	39m	39m	12.5m
<b>Minimum Building Setbacks</b>			
Fronting Street	4.5m	3.0m first four floors 5.0m above four floors	4.5m 3.0m with rear lane access 6.0m to garage / carport face
Side	3.0m	3.0m	1.2m
Exterior Side	3.0m	3.0m	3.0m
Rear	3.0m	4.5m	6.0m

8. Within Area 7 of the CD 30 Zone:

a. The boarding and lodging use permitted in this zone is limited to the accommodations of up to two boarders or lodgers in a dwelling unit, and not more than four unrelated persons may occupy any such dwelling.

b. Regulation Table:

Regulation	One-Family Dwelling	Two-Family Dwelling	Attached Housing	Apartments
Minimum Lot Area	278m <sup>2</sup>	370m <sup>2</sup>	512m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	9.0m 7.5m for rear lane access	11.0m	17.0m	18.0m
Floor Area Ratio	n/a	n/a	1.2	2.5
Maximum Lot Coverage	50%	50%	50%	50% 80% for underground parking
Maximum Building Height	9.5m	9.5m	12.5m	15m
<b>Minimum Building Setbacks</b>				
Fronting Street	4.5m 3.0m with rear lane access	4.5m 3.0m with rear lane access	3.0m with rear lane access 6.0m to garage /carport face	3.0m
Side	1.2m	1.2m	1.2m	3.0m
Exterior Side	3.0m	3.0m	3.0m	3.0m
Rear	6.0m	6.0m	6.0m	4.5m



9. Within Area 8 of the CD 30 Zone:
  - a. The maximum floor area for any non-residential use, excluding Brewhouse and Eating and Drinking Establishment, shall be 25% of the gross leasable area of the first storey.
  - b. Financial, Professional and Medical offices are not permitted on the first storey within 18m of a lot line that abuts the waterfront.
  - c. Apartment uses are not permitted in Sub Area 8a
  - d. Regulations Table:

Regulation	Sub Area 8a	Sub Area 8b
Minimum Lot Area	1,800m <sup>2</sup>	1,800m <sup>2</sup>
Minimum Lot Width	18.0m	18.0m
Floor Area Ratio	1.2	3.5
Maximum Lot Coverage	50% 80% for underground parking	50% 80% for underground parking
Maximum Building Height	9.5m	20m
<b>Minimum Building Setbacks</b>		
Fronting Street	2.0m	2.0m
Side	3.0m or nil	3.0m or nil
Exterior Side	3.0m	3.0m
Rear	2.0m	4.5m

#### 10.35.6 Subdivision of Two-Family Dwelling and Attached Housing

1. A lot on which a two-family dwelling or attached housing has been constructed may be subdivided under the Land Title Act such that each dwelling is on a separate fee simple lot, provided that such separate lot has a minimum lot width of at least 6.0 m and a minimum lot area of at least 185 m<sup>2</sup> in the case of a two-family dwelling, or a minimum lot width of at least 5.0 m and a minimum lot area of at least 150 m<sup>2</sup> in the case of attached housing.
2. The minimum side yard setbacks in Section 10.35.5 do not apply, in the case of a two-family dwelling, attached housing or accessory building, in relation to a side lot line on which a party wall has been constructed or is proposed to be constructed.

#### 10.35.7 Off-Street Parking Requirements

1. Parking requirements for residential, one-family dwellings including two-family dwellings shall meet the parking standards in ~~Section 2.2.01 of this Bylaw~~ Bylaw 1909.
2. Notwithstanding ~~Section 2.2.01 of this Bylaw~~ the Off-Street Parking Regulations Bylaw No. 1909, the minimum off-street parking requirements for attached housing and apartment residential uses in Areas 1, 2, 4, 5, 6, 7 and 8b of the CD 30 Zone shall be as follows:
  - i. Bachelor - 0.8 spaces per dwelling unit
  - ii. One-bedroom - 1.0 spaces per dwelling unit
  - iii. Two-bedroom - 1.3 spaces per dwelling unit
  - iv. Three-bedroom or greater - 1.5 spaces per dwelling unit
  - v. Visitor parking - 0.15 spaces per dwelling unit
3. Notwithstanding ~~Section 2.2.01 of this Bylaw~~ the Off-Street Parking Regulations Bylaw No. 1909, the minimum parking requirements for commercial uses in Areas located 1, 2, 4, 5, 6, and 8 of the

CD 30 Zone shall be as follows:

- a. Commercial and/or Retail, including Grocery Store - 0.43 spaces per 10m<sup>2</sup> of gross floor area
- b. Office - 0.28 spaces per ~~10m~~ 10m<sup>2</sup> of gross floor area

4. A vehicle parking area or vehicle parking space must be surfaced with asphalt, concrete pavers, or permeable material that provides a durable surface.

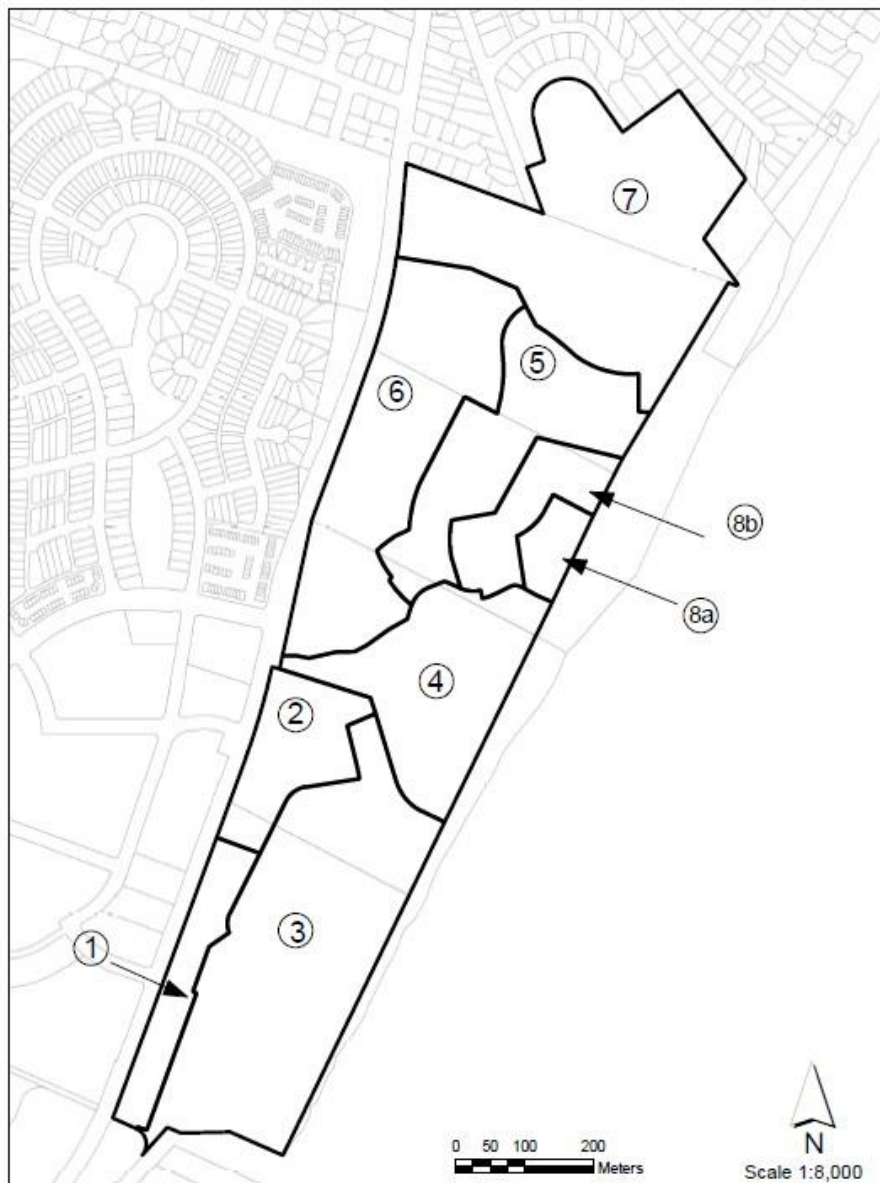
#### 10.35.8 Landscaping

1. Landscaping of front and side street setbacks or all that portion of the lot lying between any building setback line and the street or streets bordering the lot shall be graded and landscaped, provided that this section shall not apply to any portion of the lot that is used or intended to be used only for the movement of motor vehicles.

#### 10.35.9 Other Regulations

1. The relevant provisions of Divisions 1 and 2 of this Bylaw shall apply. In the case of a conflict between the provisions of Divisions 1 and 2 and the provisions of this zone, the latter shall prevail.

**Subject Property Map**  
COMPREHENSIVE DEVELOPMENT 30 (CD – 30 ROYAL BEACH) ZONE



**10.42.1 Purpose**

The purpose of this zone is to provide for the orderly development of the lands at 3211 Jacklin Road in Colwood. A base level of development is provided for which would permit the development of the lands in the zone at a low density. Alternative regulations are specified for development at greater density, subject to the owner providing amenity contributions as contemplated by Section 482 of the *Local Government Act*.

**10.42.2 Permitted Uses**

- 1) In addition to the uses permitted by Section 2.1.10, the following uses and no others are permitted in the CD37 Zone:
  - i. Apartments
  - ii. Bakery
  - iii. Daycare
  - iv. Offices
  - v. Personal Service
  - vi. Post Office
  - vii. Assembly and Entertainment
  - viii. Restaurants
  - ix. Retail Stores

**10.42.3 Permitted Base Development**

In the CD37 Zone the number of dwelling units shall not exceed 2.

**10.42.4 Comprehensive Development**

- 1) Notwithstanding Section 10.42.3, the density of development in Section 10.42.5 is permitted on the lands shown on the CD37 Zone Map if the Owner:
  - a) Contributes to the Affordable Housing Fund \$1,500 per additional residential unit;
  - b) Contributes to the Community Amenity Fund \$4,500 per additional dwelling unit for an apartment;
  - c) Contributes to the Fire Hall Fund \$583 per additional dwelling unit;
- 2) All dollar amounts referred to in Section 10.42.4 (1) are the 2022 baseline rates and shall increase annually starting on January 1<sup>st</sup> of each year starting on January 1, 2023 as per the Victoria Consumer Price Index (CPI).
- 3) Payment of the contributions in Section 10.42.4 (1) shall be made at the time of issuance of a building permit.

**10.42.5 Development Regulations**

- 1) Ground-floor residential uses are prohibited within 6 metres of any wall of a mixed-use building that abuts a street or pedestrian walkway.
- 2) A minimum commercial floor space of 500 m<sup>2</sup> shall be provided.

3) Regulation Table:

Regulation	General
Minimum Lot Area	2,500 m <sup>2</sup>
Minimum Lot Frontage	40.0 m
Maximum Floor Area Ratio	2.5
Maximum Lot Coverage	75 %
Maximum Building Height	6 storeys (up to a maximum of 20 m)
<b>Minimum Building Setbacks</b>	
Front	4.5 m
Interior Side	2 m (storeys 1 and 2) 13 m (storey 3 and above)
Exterior side	2.5 m
Rear	0 m

#### 10.42.6 Landscaping and Screening

- 1) Whenever visible above finished grade from adjacent properties or public streets, parking and loading areas, refuse removal areas and recycling containers must be screened by landscape or solid decorative fence or combination thereof; and
- 2) All mechanical, electrical, and other service equipment located outside or on the roof of a building must be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.

#### 10.42.7 General

The relevant provisions of Divisions 1 and 2 shall apply. In the case of a conflict between the provisions of Division 1 and 2 and the provisions of this zone, the latter shall prevail.

# NOTICE OF AMENDING BYLAW

## Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025

<b>MEETING:</b>	<b>Regular Meeting of Council</b>
<b>DATE and TIME:</b>	<b>Monday, October 27, 2025, 6:30 pm</b>
<b>PLACE:</b>	<b>Council Chambers, 3300 Wishart Road, Colwood BC</b>

NOTICE IS GIVEN that Council of the City of Colwood will consider First, Second, and Third Reading on Monday, October 27, 2025, at 6:30 pm in relation to the proposed “**Colwood Land Use Bylaw No. 151, 1989, Amendment No. 226 (2025 Omnibus Amendments), Bylaw No. 2089, 2025**”.

**PURPOSE:** This staff led amendment proposes administrative amendments to the Colwood Land Use Bylaw, 1989 to make the bylaw easier to understand and implement. These amendments include:

- Corrections from previously adopted amendments;
- Updates to definitions;
- Formatting improvements; and
- Updates to further align with the OCP.

**SUBJECT PROPERTY:** This Bylaw applies to the lands within the City of Colwood.

**INSPECTION OF MATERIALS:** Copies of the proposed bylaw and related materials can be viewed at [www.colwood.ca/news](http://www.colwood.ca/news).

### We want to hear from you!

#### WRITE TO US

The deadline for written submissions is 12:00 pm on the day of the meeting and must include your name and civic address.

- Email [corporateservices@colwood.ca](mailto:corporateservices@colwood.ca)
- Mail/Drop-off: City of Colwood, 3300 Wishart Road, Colwood, BC V9C 1R1

#### SPEAK TO COUNCIL

**In Person:** The public is welcome to provide comments in person during the public participation portion of the meeting.

**Electronically:** To pre-register to speak please contact [corporateservices@colwood.ca](mailto:corporateservices@colwood.ca) up until noon on the day of the meeting.

**NEED MORE INFORMATION?** Contact Development Services at (250) 294-8153 or [planning@colwood.ca](mailto:planning@colwood.ca).

