

COW Review Draft ONLY, April 26, 2011



THE CORPORATION OF THE DISTRICT OF SOOKE

ZONING BYLAW 2011

BYLAW No. 500

User Guide

The following is intended for information only and does not form part of the District of Sooke's Zoning Bylaw.

The Zoning Bylaw establishes regulations for the use of land and buildings in the District of Sooke. It [also](#) regulates the type, location and intensity of [development](#). ~~Zoning and buildings, and also outlines the process for rezoning land and applying for permits to develop property.~~

The Zoning Bylaw reflects only municipal regulation and policy, including Sooke's Official Community Plan. Other Bylaws, regulations and Acts of the District of Sooke, governments of British Columbia, and Government of Canada must also be observed.¹ ~~These are referenced in the Zoning Bylaw where possible, but it~~ It is up to the individual to ensure that relevant laws are observed.

As a reference document, the Zoning Bylaw's Table of Contents is an important index. The Bylaw is organized in six (6) parts:

PART 1: INTERPRETATION and ADMINISTRATION contains basic information on the legal framework of the Bylaw, which includes all the uses regulated by the Zoning Bylaw, as well as information on how to interpret the Bylaw regulations.

PART 2: DEFINITIONS defines important terms used in the bylaw.

PART 3: GENERAL REGULATIONS contains regulations for all uses and development types that apply in all zones. These regulations generally supplement those in the PART 5.

PART 4: SPECIFIC USE REGULATIONS contains regulations for specific types of uses. In Sooke, these include: Bed & Breakfast, Crematorium, Home-Based Businesses, Off-street Loading requirements, and Parking.

¹ Users of this bylaw in regard to the zoning of lands in the District of Sooke are advised that they may also need to be knowledgeable of the requirements of the following legislation: *Land Title Act, Local Government Act, Strata Property Act, Real Estate Act, Agricultural Land Reserve Act, District of Sooke Subdivision and Development Standards Bylaw, District of Sooke Development Procedures Bylaw, Sooke Official Community Plan Bylaw, District of Sooke Deposit of Soil Bylaw, District of Sooke Soil Removal Bylaw*

PART 5: ZONES contains general information about how to interpret the zone descriptions and zoning maps. The individual zone description are located in the Bylaw Schedules.

PART 6: SCHEDULES ~~---~~ [The schedules include the zone descriptions, the zoning map, a list of offences and their penalties under the Zoning Bylaw and any other material that forms part of the Zoning Bylaw.](#)

Using the Zoning Bylaw:

1. Determining Zoning and Regulations for a Specific Parcel

- I. To determine regulations applicable to a specific parcel, you must first find the parcel on the official Zoning Bylaw Maps. The appropriate map will show the zoning that applies to the parcel.
- II. Look up the corresponding regulations. Start with the Zones (PART 5). The zone description identifies what uses are permitted and contains most standards that apply. These development regulations can help guide the preparation of a subdivision and/or development plan. Some uses and types of development have specific regulations contained in Part 3 or 4.
- III. If your proposal relates to a mixed use, commercial, industrial, or multi-family development, you must refer to the District of Sooke's Development Permit Guidelines adopted by Council, and incorporate these measures into your application.
- IV. Refer to PART 1 and PART 2 for additional information on how to apply the regulations to a specific parcel.
- V. Discuss your proposed Zoning or development with staff from District of Sooke's Development Services Department.

2. Determining Where a Specific Use May Locate

To determine where in the District of Sooke a specific use may locate, you must first determine its Zoning category, in other words, where that specific use is permitted. Use the table in PART 5 to identify the specific Zoning category. Then refer to the specific zones within that category to determine the most appropriate zone. Permitted uses are either principal uses (the main type of use of the property), or accessory (only permitted in support of a principal use). You should also check PARTS 3 and 4: Rules because some uses are subject to additional regulations.

If you require assistance with the regulations or processes contained in the Zoning Bylaw, please call or visit the District of Sooke's Development Services Department. The official and most recent version of the Zoning Bylaw and amendments is located at the District of Sooke's offices. This version of the Zoning Bylaw should be consulted in all cases where an officially certified version of the Bylaw is required.

District of Sooke Zoning Bylaw Format

The following is intended for information only and does not form part of the District of Sooke's Zoning Bylaw.

Outline. The format of the District of Sooke's Zoning Bylaw follows a simple layout intended to facilitate its use. Major divisions within the Zoning Bylaw are called "PARTS" and major divisions within Parts are called "Sections", which can be grouped together into Divisions. The divisions in the Zoning Bylaw are shown below.

PART 2

Division 1

5. Section

5.5 Subsection

(b) Paragraph

(ii) Sub-paragraph

References in the Zoning Bylaw. The reference number starts with the Section number and continues down to the appropriate level for the reference.

Referencing Other Documents. When reference is made to a document outside of the District of Sooke Municipal Bylaws, the referenced document's name is in italicized text, such as *Local Government Act*.

Definitions. The Zoning Bylaw has been written in "plain English" style and the meaning is intended to be clear. However, because it is also a statutory document and because of the need for terms with specific meanings, the Bylaw also provides guidance on how specific terms are used.

If you require assistance with the regulations or processes contained in the Zoning Bylaw, please call or visit the District of Sooke's Development Services Department. The official version of the Zoning Bylaw and amendments is located at the District of Sooke's offices. This version of the Zoning Bylaw should be consulted in all cases where an officially certified version of the Bylaw is required.

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DISTRICT OF SOOKE

BYLAW NO. 500

A bylaw to regulate the use of land and the location, use, size and shape of buildings and structures erected within the District of Sooke.

Under section 903 of the *Local Government Act*, the Council may, by bylaw, adopt a zoning bylaw.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

Part 1 – INTERPRETATION & ADMINISTRATION

[Diagrams are provided for illustration purposes only.](#)

Division 1: Title and Application

1. Title – This Bylaw is the “Sooke Zoning Bylaw, 2011”.

2. Purpose -- The principal purpose of this bylaw is to provide a clear and efficient zoning system that supports the implementation of the District of Sooke's Official Community Plan:

- a) Promoting health, safety, convenience, and welfare of the public;
- b) Creating a range of housing opportunities and choices;
- c) Making fair, cost effective, consistent development decisions;
- d) Integrating green, open, public space into daily living;
- e) Maintaining Sooke's rural character;
- f) Creating Sooke as a compact, walkable community;
- g) Securing adequate light, air, and access;
- h) Conserving property values.

3. Application

- a) This Bylaw shall apply to all the lands and surface waters within the corporate limits of the District of Sooke.
- b) The provisions of this Bylaw relating to the "Agricultural Land Reserve" shall be binding insofar that they are consistent with the *Agricultural Land Commission Act*, the regulations made under the *Agricultural Land Commission Act*, or the

relevant Orders of the Provincial Agricultural Land Commission made under the *Agricultural Land Commission Act*.

- c) The provisions of this Bylaw relating to "Community Care Facilities" shall be binding insofar that they are consistent with the *Community Care and Assisted Living Act*, or regulations made under the *Community Care and Assisted Living Act*.
- d) The maximum occupancy of any structure or building shall conform with the provisions of the *BC Fire Code*.
- e) The construction of any structure or building shall conform with the provisions of the *BC Building Code*.
- f) The provisions of this Bylaw relating to topics covered in all other applicable legislation shall be binding insofar that they are not contrary to such legislation.
- g) The provisions of this Bylaw shall be read in conjunction with all other applicable District of Sooke Bylaws.
- h) Nothing contained in this bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to their undertaking.

4. Severability -- If any section, subsection, clause, or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

Division 2: Compliance

5. Permitted Uses -- No lands, buildings, or structures in any zone shall be used by the owner, occupier, or any other person for any use, except as provided in this Bylaw and being specifically permitted for the zone in which it is located.

6. Conformity and Non-conformity

- a) Land, including the surface of water, shall not be used and buildings or structures shall not be constructed, altered, located or extended except as specifically permitted by this bylaw, unless a variance has been granted for the same.
- b) Lawful non-conforming uses and siting are subject to the provisions of the *Local Government Act*.
- c) Minimum lot sizes and minimum frontage requirements are set out for the purpose of subdivision only. Any lot existing prior to the adoption of this Bylaw which, at the time of adoption of this Bylaw, fails to meet the minimum lot size and frontage requirements of a zone as set out in this Bylaw, shall not, by reason thereof, be deemed to be non-conforming or unlawful. However, any subsequent use of the lot shall comply with the regulations specified for the zone in which it is located.

7. Contravention -- Any person who contravenes any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done which contravenes this Bylaw, or who

neglects to do or refrains from doing any act or thing which is required by any of the provisions of this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to the penalties hereby imposed.

8. Enforcement and inspection -- Officers, employees, and agents of the District of Sooke:

- a) are authorized to enforce this Bylaw and carry out inspections regarding the use and occupancy of buildings and property;
- b) are authorized to enter at all reasonable times upon any property in the District of Sooke for the purpose of ascertaining whether the requirements of this Bylaw are being met and the regulations under this Bylaw are being observed; and
- c) may give notice to the owner of any property directing the owner or occupant to correct any condition which constitutes a violation of this Bylaw.

No person shall interfere with or obstruct the entry of an officer, employee or agenda of the District of Sooke onto any land, into any building, or any vehicle to which entry is made or attempted pursuant to the provisions of this Bylaw.

9. [BAS1] Offence and Penalties

- a) Every person who contravenes a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.
- b) Each day that an offence exists or continues under this Bylaw constitutes a separate and distinct offence.
- c) This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
- d) Bylaw Enforcement Officers, Building Inspectors and Fire Inspectors are designated to enforce this Bylaw pursuant to s. 264(1)(b) of the *Community Charter*.
- e) No person may interfere with a Bylaw Enforcement Officer, Building Inspector or Fire Inspector in issuing a ticket or Bylaw notice or otherwise carrying out his or her duties in accordance with this Bylaw, and it is an offence for any person to interfere with a Bylaw Enforcement Officer, Building Inspector or Fire Inspector in the enforcement of this Bylaw.
- f) The words or expressions set forth in Column 1 of Schedule E [BAS2] of this Bylaw are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expressions.
- g) The amounts appearing in Column 3 of Schedule E [BAS3] of this Bylaw are the fines established by Council pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

Division 3: Administration

10. Applications in Progress –

- a) A completed application for a building permit which is received prior to the effective date of this bylaw shall be processed in accordance with Bylaw No. 270, *Sooke Zoning Bylaw (2006)*, as amended. Such applications shall be approved or rejected within 12 months of this bylaw coming into effect and, if rejected, any future development must comply with this bylaw.
- a)b) A completed application for a rezoning which is received prior to the effective dates of this bylaw shall be processed in accordance with either Bylaw No. 270, *Sooke Zoning Bylaw (2006)*, as amended, or in accordance with Bylaw No. 500, *Sooke Zoning Bylaw (2011)*, as adopted, based on the preference of the applicant.

11. Bylaw Amendments -- The procedure for applying to amend this Bylaw is contained in the District of Sooke's *Development Procedures Bylaw*, as amended from time to time.

12. Appeals and Variances

- a) Variances to this Bylaw may be granted by the Board of Variance of the District of Sooke, in accordance with the provisions of the *Local Government Act*.
- b) Variances to this Bylaw may be granted by Council through the issuance of development variance permits, in accordance with the *Local Government Act*.
- c) Variances to this Bylaw may be granted by Council through the issuance of development permits, in accordance with the *Local Government Act*.
- d) Variances to the minimum frontages set out in this Bylaw may be granted, at the time of subdivision, by the Approving Officer of the District of Sooke in accordance with the bylaw.

Part 2 – DEFINITIONS

In this Bylaw:

ACCESSORY BUILDING means a building, located on the same lot as a principal building, the use or intended use of which is ancillary to that of the principal building or use;

ACCESSORY RETAIL means an accessory use of a building or structure that does not exceed ten percent of the floor area on the storey which it is located;

ACCESSORY USE means a use which is ancillary, subordinate, and associated with the principal use, building or structure;

ACTIVE FLOODPLAIN – See Floodplain, Active;

AGRICULTURAL LAND RESERVE means those lands designated as such by the Province of British Columbia under the *Agricultural Land Commission Act*.

AGRICULTURAL UNIT means live weight of 455 kg (1,000 lbs) of livestock, or farmed game, or any combination of them equalling 455 kg (1,000 lbs) or 10 poultry.

AGRICULTURE means the use of land, buildings, and structures for growing, rearing, producing and harvesting of agricultural products or raising livestock; includes processing crops grown on the land, the storage of farm machinery and implements of husbandry used on that farm, and limited sale of agricultural products produced on the land, or by neighbouring farmers. For the purposes of this bylaw, agriculture also includes horticulture, and silviculture, but specifically excludes Agriculture-Intensive and all manufacturing, processing, storage and repairs not specifically included in this definition;

AGRICULTURE – INTENSIVE means the use of land, buildings and structures for the growing of mushrooms or the confinement of poultry, livestock or fur bearing animals, where more than 10 agricultural units are located within a confined livestock area, building or structure; includes but is not limited to poultry and poultry egg farming, piggeries, fur farms, breeding and boarding kennels, animal training, the keeping of pigeons, rabbits, and doves, feedlots and manure storage piles;

~~**AGRICULTURAL LAND RESERVE** means those lands designated as such by the Province of British Columbia under the *Agricultural Land Commission Act*.~~

AMENITY AREA means open space, either indoor or outdoor, provided on a lot for use and maintained by the owners and/or residents of that lot; excludes yards, storage areas, off-street parking, driveways or areas designated for private use by an individual owner, such as Limited Common Property or individual patio/back yard/front yard areas;

AMUSEMENT FACILITY, INDOOR means a development providing for entertainment and amusement activities which take place inside a building and where patrons are the primary participants;

AMUSEMENT FACILITY, OUTDOOR means a development or use providing facilities for entertainment and amusement activities which primarily take place out of doors and where patrons are the primary participants; [includes golf courses](#);

APARTMENT BUILDING means a building comprised of three or more dwelling units with shared entrance facilities to a common hallway, corridor or stairwell where the dwelling units are intended to be occupied for periods of more than 30 days.

AQUACULTURE means the growing and cultivation of aquatic plants, invertebrates such as sea cucumbers, shellfish or fish, for commercial purposes, in any water environment or in man-made containers of water;

FINFISH AQUACULTURE, LAND-BASED means the cultivation, rearing and harvesting of fin fish on land; may include the cleaning, icing and storage of fish grown on the same lot; excludes:

- a) The rendering, canning, smoking, cooking and processing of fish;
- b) The manufacture of fish feed or the mixing of fish offal with fish feed;
- c) The disposal on the lot of fish offal; and
- d) ~~The outdoor storage of fish offal, unless ensiled and mixed with quantities of acid as~~
- e) ~~recommended by the Ministry of Agriculture, Fisheries and Food;~~
- f) ~~—~~

AQUACULTURE PROCESSING OPERATIONS means all handling of the harvest of an aquaculture use; may include bleeding and gutting, cleaning, shucking, storage, packaging, rendering, canning, smoking, cooking and/or processing; excludes:

- a) the manufacture of fish feed or the mixing of fish offal with fish feed;
- b) the disposal on the same site of fish offal; and
- c) the outdoor storage of fish offal;

AQUACULTURE UPLAND SUPPORT SERVICES means sheds, buildings, offices and storage and equipment maintenance areas required to serve an aquaculture operation;

ASSEMBLY USE means the use or occupancy of a structure or a part thereof for the gathering of persons for civic, political, social, charitable, philanthropic, cultural, private recreational or private educational purposes; excludes places of worship;

ASSESSMENT REPORT means a report prepared in accordance with the assessment methods to assess the potential impact of a proposed development in a riparian assessment area and which is certified by a Qualified Environmental Professional;

ASSISTED LIVING FACILITY means a form of accommodation for persons who due to age, physical limitation or mental impairment, may require some personal services in order to continue to live independently in most respects. Units are structured so that each unit has a private bed-sitting room and some shared common facilities. May have a kitchen.

AUTO SERVICE FACILITY means a use providing for the retail sale of motor fuels and lubricants as its principal use; may include the sales, servicing and repairing of vehicles, the sale of automobile accessories and the ancillary vehicle washing and sales of related retail products; does not include wholesale sales, vehicle sales, painting or structural or body repairs;

BASEMENT means a storey or the storeys of a building located below the first storey;

BED AND BREAKFAST means the accessory use of a single family dwelling for the temporary overnight tourist accommodation of the travelling public, but which does not provide meals, other than breakfast, for guests;

BED AND BREAKFAST UNIT means a sleeping unit for overnight guests with a bathroom or a shared bathroom used for a bed and breakfast, and may include a sitting room or a shared sitting room but specifically excludes kitchens;

BOARDING AND LODGING means a use where an unrelated individual, for consideration, receives accommodation in a dwelling unit and where meals may or may not be provided;

BOAT RAMP means a facility or structure located on a shoreline to accommodate vehicles or trailers for the purpose of launching and retrieving boats from a trailer;

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy;

BUILDING AREA means the greatest horizontal area of a building above grade within the outside surface of exterior walls; includes the entire building footprint including non-habitable areas, garages, and carports;

BUILDING OFFICIAL means ~~the a~~ Building Official of the District of Sooke;

BUSINESS means a use conducted to generate income or revenue;

BYLAW ENFORCEMENT OFFICER means the Bylaw Enforcement Officer of the District of Sooke;

CAMPGROUND means an area of land in which ~~campground~~ spaces are provided, occupied and managed for the temporary accommodation ~~for of~~ the travelling public for a length of stay of less than 30 consecutive days, in travel trailers, recreational vehicles or tents and may include accessory sanitary and laundry facilities but specifically excludes a mobile home park, a motel or hotel;

CAMPGROUND SPACE means an area in a campground used or intended to be used, rented or leased, for the temporary recreational occupancy of tents, one travel trailer or one recreational vehicle;

COMMERCIAL EXHIBIT means a place in which there are exhibited or displayed for profit or gain, works of art, curios, artifacts, antiques, or other objects of cultural, artistic or aesthetic interest and may include a garden, greenhouse, or other place in which flowers, herbs, shrubs or trees are cultivated or grown for public display or exhibition and for admission to which a fee or price is charged, demanded or accepted;

COMMERCIAL SCHOOL OR COLLEGE means an establishment which provides instruction and generates income or revenue;

COMMUNITY CARE FACILITY means a facility licensed pursuant to the *Community Care and Assisted Living Act*; includes day care and elder care facilities;

COMMUNITY SEWER SYSTEM means a sewer collection and disposal system which is owned, operated and maintained by the District of Sooke;

COMMUNITY WATER SYSTEM means a system of waterworks which is owned, operated and maintained by the District of Sooke or the Capital Regional District;

CONVENIENCE STORE means a retail store contained in one building, having a floor area not exceeding 180 m² and providing for the sale of items regularly used by households, including books, magazines or household accessories, movie rentals, and food and beverage takeout service;

CORNER LOT means a lot at the intersection or junction of two or more highways;

COUNTRY MARKET means a local-based market with a group of vendors that make, bake or grow the products and offers their goods for sale; may include fruits, vegetables, herbs, flowers, baked products, home prepared and original arts and crafts, including on site preparation of foods or the operation of a food stand, dairy products, meat, fish, poultry or poultry products, but excludes the sale of live animals, used or second hand material, antiques or commercial products for resale;

DAYCARE CENTRE – see Community Care Facility;

DENSITY means the minimum parcel size, maximum number of dwelling units, or the maximum number of buildings per lot;

DEVELOPMENT means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*.

- a) Removal, alteration, disruption or destruction of vegetation;
- b) Disturbance of soils;
- c) Construction or erection of buildings and structures;
- d) Creation of nonstructural impervious or semi-impervious surfaces;
- e) Flood protection works;
- f) Construction of roads, trails, docks, wharves and bridges;
- g) Provision and maintenance of sewer and water services;
- h) Development of drainage systems;
- i) Development of utility corridors; and
- j) Subdivision;

DISTRICT means the District of Sooke;

DUPLEX means a residential use in a building which is divided into two dwelling units, neither of which can be a secondary suite, and which are placed either one above the other or side by side and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence for one family and each unit has not more than one kitchen; specifically excludes dwelling units attached by unenclosed structures such as carports, sundecks, breezeways;

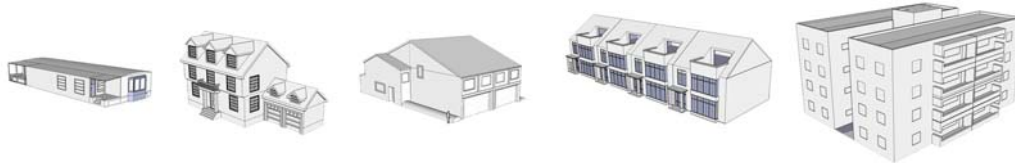
DWELLING means any building consisting of one dwelling unit, used or intended to be used as the residence of one family;

DWELLING, SINGLE-FAMILY means a residential use in a detached building, either site built or factory built (if a modular or panelized home), consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence for one family and having not more than one kitchen except that a secondary suite

permitted by this Bylaw in a single-family dwelling must have its own kitchen; excludes manufactured homes;

DWELLING UNIT means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen, with a direct entrance to the open air or to a common hallway or corridor, without passing through any other dwelling unit, and used or capable of being occupied as a permanent residence for one family; includes [suites](#) [and](#) [manufactured homes](#), and modular homes or prefabricated dwellings meeting CSA-Z240 standards or equivalent, but not recreational vehicles, tents, buses, travel trailers, or other vehicles;

[Illustration of Dwelling Unit Types](#)



Manufactured Home

Single Family Dwelling ([suite over garage](#))

Duplex

Townhouse

Apartment Building

ELEVATION means the height or distance above the high water mark or natural boundary of a stream or other waterfront where flood risk to structures is minimized;

EMPLOYEE HOUSING means residential accommodation [provided by the employer](#) for employees of the development;

ENCLOSED means contained within a building or structure ~~but does not include fencing, screening and landscaping~~; [See also Unenclosed](#);

EQUIPMENT SALES/RENTALS means any use or building providing for the sale or lease of new or used tools, appliances, bicycles and other sporting equipment, office machines, furniture, light construction equipment or similar items; includes the sale of ancillary retail goods; excludes vehicle and heavy equipment sales/rentals ;

FAMILY means two or more persons related by blood, marriage, common law, marriage adoption or foster parenthood sharing one dwelling unit, or not more than five unrelated persons sharing one dwelling unit;

FARM means an area of land on which crops or animals are raised;

FARM BUILDING means a building which does not contain a residential occupancy and which is (a) associated with and located on land devoted to the practice of farming and (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;

FENCE means free standing structures used to screen around all or part of a lot or site and includes arbour, archway, gate, screen, trellis and wall, but does not include hedges and similar landscaping;

~~**FINFISH CULTURE, LAND-BASED** means the cultivation, rearing and harvesting of fin fish on land; may include the cleaning, icing and storage of fish grown on the same lot; excludes:~~

- ~~g)d) The rendering, canning, smoking, cooking and processing of fish;~~
- ~~h)e) The manufacture of fish food or the mixing of fish offal with fish food;~~
- ~~i)f) The disposal on the lot of fish offal; and~~
- ~~j)g) The outdoor storage of fish offal, unless encased and mixed with quantities of acid as~~
- ~~k)h) recommended by the Ministry of Agriculture, Fisheries and Food;~~

FIRST STOREY – see Storey, First.

FISH means all stages of salmonids, game fish, and regionally significant fish;

FLANKING LOT LINE means a lot boundary, other than a front lot line or a lane lot line, abutting a highway;

FLOODPLAIN, ACTIVE means an area of land that supports [or may support](#) floodplain plant species and is:

- a. Adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, or
- b. Within a boundary that is indicated by the visible [or surveyed](#) high water mark;

FLOODPLAIN PLANT SPECIES means plant species that are typical of an area of inundated or saturated soil conditions and that are distinct from plant species on freely drained adjacent upland sites;

FLOOR AREA means the total floor area of all [habitable rooms](#) [space within a building or a structure](#) measured from the interior faces of the exterior walls, including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, but excluding carports and garages, unenclosed balconies, [porches, verandas](#), or sundecks or accessory parking areas;

FLOOR AREA RATIO means the total gross floor area permitted in a building relative to the area of the lot, expressed as a ratio; figure obtained when the Total Floor Area of all the buildings on a lot is divided by the area of the lot or the area of a portion of the lot in the case of a lot located in more than one zone;

~~**FRONT LOT LINE** means the lot line adjacent to a highway, other than a lane, provided that where a lot is contiguous to the intersection of two highways, the front lot line is the shortest lot boundary contiguous to a highway;~~

FUNERAL HOME – means buildings and structures used for the preparation of the deceased for burial and the display of the deceased and ceremonies therewith before burial and/or cremation; may include a crematorium, lounge, kitchen, worship room, and offices as accessory uses;

GARAGE means a building on a lot used for the purpose of parking motor vehicles;

GAS BAR means a use providing the retail sale of fuel for motor vehicles and may include accessory retail sales, but excludes auto repair;

GOLF COURSE means an area operated for the purpose of playing golf, and may include a par 3 golf course, club house, including the serving or sale of alcohol licensed premises, and other recreational facilities, including driving ranges, pro-shop, accessory retail sales, and miniature golf courses;

GRADE means the elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property lines, or when the property line is more than 3 m from the building, between the building and a line 3 m from the building. Localized depressions such as for vehicle or pedestrian entrances need not be considered in determining levels of finished ground. Alternatively, grade may be set by obtaining an approved grading plan from the District of Sooke;

GROUP HOME means a facility licensed under the *Community Care and Assisted Living Act* for seven or less patrons;

HEALTH SERVICES means uses and buildings providing for physical and mental health services on an out-patient basis of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature; includes medical and dental clinics and offices, health clinics and counselling services; may include the sale and dispensing of prescriptions and other medications and other types of ~~and~~ accessory retail sales;

HEAVY EQUIPMENT SALES, RENTALS, STORAGE AND/OR CONTRACTING means uses and buildings providing for the sale, ~~or~~ rental or contracting out of heavy

equipment or vehicles typically used in building, roadway, pipeline, mining, construction, excavation, or agriculture;

HEIGHT means the average vertical distance from the finished grade or natural grade, whichever is lower, measured from the outermost corners of a building or structure to the topmost point of the roof. Where buildings are located over water, height shall be measured from the surface of the water (see diagram);

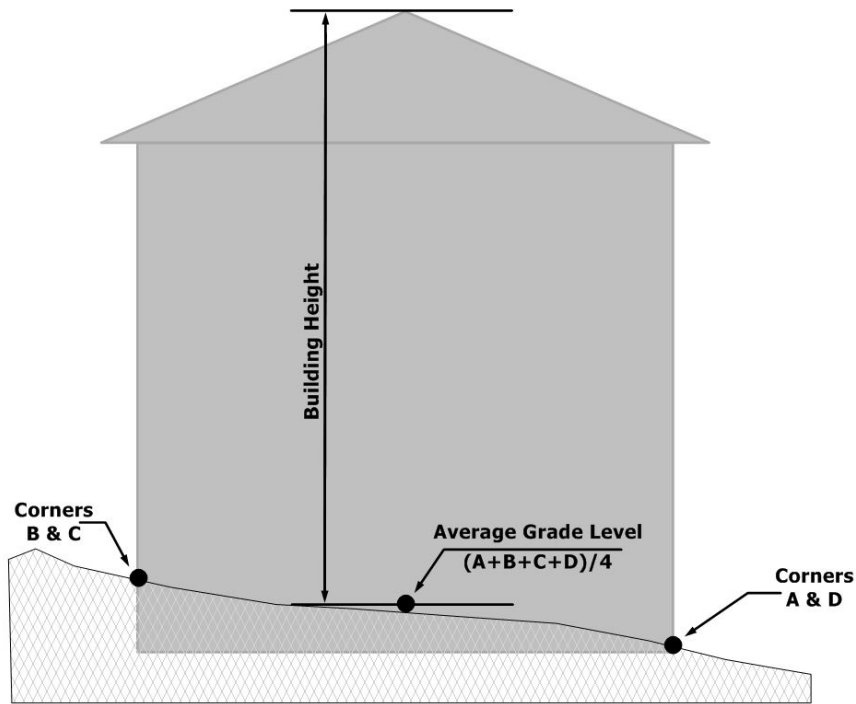


Figure 1 Height Calculation

HIGH WATER MARK means the natural boundary as determined by a Qualified Environmental Professional and/or a B.C. Land Surveyor, or the high water mark as identified on the plan of subdivision or the plan accompanying the instrument conveying Crown Land in fee simple, which plan was most recently filed in a Land Title Office; see also Natural Boundary definition;

HIGHWAY means a street, road, lane, bridge, viaduct and any other way open to public vehicular use, including bare land strata roadways, but does not include any other private right of way or easement on private property;

HOME BASED BUSINESS means an occupation, business, craft, or profession conducted for ~~revenue generation~~profit, which is carried on as an accessory use in a dwelling unit or accessory building to the dwelling unit in accordance with Section 49 of this bylaw;

HORTICULTURE means the practice of growing fruits, vegetables, flowers or ornamental plants;

HOSTEL means a building containing groupings of sleeping facilities for temporary accommodation, does not include hotels, motels, or mobile home parks, permanent residences nor bed and breakfast;

HOTEL means a building or buildings providing temporary accommodation for the public, in units, each of which has its own sanitary facilities, including water closet and washbasin and may include a kitchen, and may include a conference centre, restaurant and premises licensed under the *Liquor Control and Licensing Act*;

HOUSEHOLD EQUIPMENT SALES, SERVICE AND REPAIR means uses providing repair services to goods, equipment and appliances normally found within the home;

INDUSTRIAL-USE, GENERAL means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking or salvaging of goods, materials, or things, and heavy equipment sales/rentals and storage, the sale of manufactured homes, and retail sales accessory to a principal industrial use; and includes the operation of truck terminals, docks, railways, vehicle paint and body shops, soil improvement operations, movie production studio; excludes all uses that create dust, heat, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter or radiation; specifically excludes all outdoor storage, salvage yards, wrecking operations, manufacturing and industrial processing activities, refuse and garbage dumps, open burning, and uses for which a permit is required under the *Environmental Management Act*, specifically excludes open burning, gravel pits, asphalt plants, screening and wash plants;

INDUSTRIAL-USE, HEAVY means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of these, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Heavy industry shall also mean those uses engaged in the

operation, parking, and maintenance of heavy equipment, solid waste or sanitary waste transfer stations, public works yards, and container storage.

INDUSTRIAL USE, LIGHT means a use or structure for the warehousing, mini 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 the principal use; ~~excludes all uses that create dust, heat, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter or radiation; specifically excludes all outdoor storage, salvage yards, wrecking operations, manufacturing and industrial processing activities, refuse and garbage dumps, open burning, and uses for which a permit is required under the *Environmental Management Act*;~~

INDUSTRIAL USE, MARINE means an industrial use which is marine-oriented and dependent on a waterfront location; includes but is not limited to boat building, repairs and storage;

INSTITUTIONAL USE means a facility established to serve a social, recreational, educational, religious, or other public purpose. May include, but is not limited to: arena, armory, cemetery, college, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park, playground, place of worship, police station, public art gallery, public museum, school, stadium or public swimming pool;

KENNEL means a lot where more than four dogs and/or cats are kept, trained, cared for, bred and/or boarded;

KITCHEN means an area within a building used for preparing and cooking food for eating and includes facilities for washing utensils, and may include food storage, and serving facilities; the presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen;

KITCHENETTE means a kitchen which does not have provisions for a range or oven. May include a portable microwave oven;

LANDSCAPING means any combination of trees, bushes, shrubs, plants, flowers, lawns, mulch, decorative boulders and gravel, decorative paving, planters, foundations, sculptures, decorative fences, and the like, arranged and maintained so as to enhance and embellish the appearance of a property, or to screen a lot, site or storage yard, but does not include parking surfaces, sidewalks, uncleared undergrowth or weed growth;

LANE means a highway which provides a second access to a lot;

~~**LANE LOT LINE** means a lot line abutting a lane;~~

LEVEL WITH THE PRINCIPAL BUILDING means situated not closer to the front lot line than the principal building;

LIMITED HOME BASED BUSINESS means a home-based business that is limited to work that takes place inside a home-based office without visiting clients.

LIVE-WORK DWELLING means a building or space within a building that is used jointly for commercial and residential purposes, where the residential use of the space is secondary or accessory to the primary use as a place of work.

LIVESTOCK includes cattle, sheep, swine, horses, ponies, llamas, mules or goats or any other domesticated animals bred for their meat, dairy, or hides or hair, including the breeding and grazing of any and all of the above;

LOADING SPACE means a space for loading or unloading of a motor vehicle but specifically excludes maneuvering aisles and other areas providing access to the space;

LODGE means a building or buildings that have professional rental management and are suitable for tourist, vacation, resort and recreational residence units, including private residence clubs, each of which has its own sanitary facilities, including water closet and washbasin and may include a kitchen, and may include a spa, conference centre, restaurant and premises licensed under the *Liquor Control and Licensing Act*;

LOT means any lot, block, or other area [in an approved plan of subdivision](#) 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 *Strata Property Act*, but specifically excludes any other strata lot created pursuant to the *Strata Property Act*;

LOT COVERAGE means the [combined ground floor](#) areas of ~~all lot covered by all the~~ buildings and structures on a lot, expressed as a percentage of the lot area; or the area of a portion of the lot in the case of a lot located in more than one zone; excludes free-draining decks and porches;

LOT LINE means a line which marks the boundary of a lot or parcel;

~~**FRONT LOT LINE, FRONT**~~ [means the lot line adjacent to a highway, other than a lane, provided that where a lot is contiguous to the intersection of two highways, the front lot line is the shortest lot boundary contiguous to a highway;](#)

~~**LANE LOT LIN, LANE**~~ [means a lot line abutting a lane;](#)

MANUFACTURED HOME (also known as mobile home) means a structure intended as a residential dwelling unit approved for permanent occupancy which is constructed in a factory operation to CSA Z240 MH or other appropriate standard. Excludes park model trailers, motor homes, travel trailers or recreational vehicles, and non-CSA certified mobile homes;

MANUFACTURED HOME PARK means any lot on which are installed or intended to be installed for use as dwelling units, three or more manufactured homes;

MANUFACTURED HOME SITE means an area designated within a manufactured home park for the use of one manufactured home;

~~**MANUFACTURED HOME PARK** means any lot on which are installed or intended to be installed for use as dwelling units, three or more manufactured homes;~~

MARINA means a site, including the surface of water, which provides for docking, moorage space, servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment;

MARINE COMMERCIAL means commercial use which is linked to the commercial fishing industry and is dependent on or related to a waterfront location;

MOBILE HOME – See Manufactured Home;

MOTEL means a building or buildings providing temporary accommodation for the travelling public, each unit of which has its own sanitary facilities including water closet and wash basin; and may include kitchens;

NATURAL BOUNDARY means the visible high water mark of any lake, river, 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 its banks, in vegetation, as well as in the nature of the soil itself and the edge of dormant side channels of any lake, river, stream, or other body of water and includes the active floodplain. See also the definition for High Water Mark;

OFFICE means the occupancy or use of a building for the purpose of carrying out business, financial or professional activities, and includes accessory retail;

OFFICIAL COMMUNITY PLAN means the Official Community Plan, as amended from time to time, adopted by the Council of the District of Sooke;

OPEN SPACE means a level, unobstructed area or set of areas in the outdoors available for use by all of a building or lot's occupants, having no dimension less than 6 m and no slope greater than 10 percent, providing for greenery, recreational space, and other leisure activities; excludes all required ~~front~~-yards;

PANHANDLE LOT means any lot which is serviced and gains access and road frontage by means of a relatively narrow strip of land which is an integral part of the lot (called the "access strip");

PARCEL means a lot;

PARK means public land intended for public recreation or conservation purposes; includes a historical or natural site; may include buildings, structures and infrastructure dedicated to the support of indoor and outdoor recreation, including horticulture;

PARKING LOT means an open area of land or a structure, other than on a street, used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or as an accommodation for employees, clients, customers or residents, but does not include any area wherein vehicles for sale or repair are kept or stored; ~~and~~ may include surface parking lots, underground parking or parking garages;

PASSIVE RECREATION means leisure activities such as walking, running, jogging, sitting, picnicking, swimming, boating and sporting activities that do not involve infrastructure;

PERMITTED USE means the principal permissible purpose for which land, surface of water, buildings or structures may be used;

PERSONAL SERVICES means uses or structures for attending to individual needs ~~the provision of services to an individual~~ which are related to human or pet care and appearance, or the cleaning and repair of personal effects; includes accessory sale of goods, barber shops, beauty shops, pet day cares, spas, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats; excludes health services;

PET DAY CARE means a pet grooming establishment where the animals are kept primarily indoors; does not include overnight boarding of animals;

PLACE OF WORSHIP means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body which is recognized as exempt from taxation under the *Canada Income Tax Act*;

PRINCIPAL BUILDING means ~~a the primary~~ building ~~accommodating the which is the~~ chief or main use amongst ~~all~~ the buildings ~~located~~ on a lot;

PRINCIPAL USE means the ~~chief or main~~ primary permitted use, purpose or function for which land, ~~the~~ surface of water, buildings or structures may be used;

PRIVATE CLUB means a use providing for the meeting, social or recreational activities of members of a ~~non-profit~~ philanthropic, social service, athletic, business or fraternal organization, may include rooms for eating, drinking and assembly; may include licensed premises;

PUBLIC UTILITY means a use providing ~~for public utility~~ facilities for ~~utilities such as~~ water, sewer, ~~drainage, natural gas,~~ electrical, telephone, ~~cable,~~ and similar services; includes but is not limited to plants, ~~and~~ equipment; ~~and excludes does not include~~ external storage and the overnight parking of motor vehicles;

PUBLIC VIEW CORRIDOR means the line of sight along a public highway or right of way towards an object of significance to the community, namely the waterfront or mountains;

QUALIFIED ENVIRONMENTAL PROFESSIONAL means an ~~applied scientist or technologist individual~~ acting alone or together with another Qualified Environmental Professional, ~~if~~:

- a) ~~The individual~~ who is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, ~~and~~
- b) ~~The individual's~~ whose area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- c) ~~The individual~~ who is acting within that individual's area of expertise;

RAVINE means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

REAR LOT LINE means the lot line most distant from and opposite the front lot line;

RECESSION PLANE ~~in relation to a building~~ means a plane inclined at an angle to the horizontal and extending from points above one or more site boundary ~~lines~~ through which a building may not project; see the General Regulations section with diagram for full explanation;

RECREATION AREA means an area used for outdoor activities;

RECREATIONAL VEHICLE means any structure, trailer, vehicle or conveyance [licensed by the appropriate licensing authority](#) used or designed to be used primarily for recreational accommodation during travel or recreation without requiring continuous connection to sewage, water and electric hookups;

RECYCLING DEPOT means a use providing for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse and excludes external storage;

REFUSE REMOVAL AREA means a screened and designated area, directly accessible to sanitary disposal trucks, for the storage and removal of refuse containers;

RESIDENCE means:

- a) Occupancy or use of a building or part thereof as a dwelling; and
- b) A dwelling occupied or used for residential purposes, and
- c) without limiting the generality of (a) and (b) above, a fixed place of living to which a person intends to return when absent;

RESIDENTIAL means the accommodation and home life of a person or persons in common occupancy, conducted within a dwelling unit;

RESIDENTIAL SHELTER means a single family residential dwelling used for the purpose of a temporary residence providing emergency and support services for no more than seven adult persons and their children, leaving physically, psychologically or sexually abusive relationships;

RESTAURANT means a commercial use where food and beverages are [prepared and served or available for take-out](#) ~~and where the food is prepared on-site~~;

RETAINING WALL means a wall designed and used to maintain differences in ground elevations by holding back a bank of material;

RIPARIAN AREA means [a type of habitat occurring along the bank of a water course or other water body typically consisting of water tolerant trees, shrubs and other vegetation. Many riparian areas occur as bands of vegetation along a water course, often called riparian corridors.](#) ~~a streamside protection and enhancement area~~;

RIPARIAN ASSESSMENT AREA means

- a) For a stream, the 30 m strip on both sides of the stream, measured from the high water mark,

- b) For a ravine less than 60 m wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m beyond the top of the ravine bank;
- c) For a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m beyond the top of the ravine bank;

ROW HOUSE – see Town House;

SCREENING means a continuous fencing, wall, compact hedge or combination thereof, supplemented with landscape plantings that produces an effective visual separation or enclosure for a lot or part thereof and is broken only by limited access points;

SECONDARY SUITE means an accessory dwelling unit not exceeding 90 m² in floor area, capable of being occupied year round [with living facilities](#), including provision for sleeping, cooking, sanitation, food storage and preparation, contained within a single family dwelling;

SETBACK means the minimum horizontal distance that a use or any part of a building or structure, must be setback or separated from a lot line, floodplain, or Streamside Protection and Enhancement Area (SPEA);

SEWER SPECIFIED AREA means the area within the District of Sooke that is serviced by the municipal sewage collection system and wastewater treatment plant;

SHOPPING CENTER means a commercial use incorporating a group of commercial establishments planned, constructed, or managed as an entity having common or shared parking available to all customers and employees;

SIDE LOT LINE means a lot line other than a front, rear or flanking lot line;

SIGHT TRIANGLE means the triangular area of a lot formed by the intersection of the highway right-of-way boundaries, and a line joining the two points on those boundaries of the lot 6 m from the point of intersection; [See also the General Regulations with a diagram for a full explanation.](#)

SILVICULTURE means all activities related to the production and harvesting of timber including the removal of harvestable timber stocks but specifically excludes the processing of wood or wood products;

SINGLE FAMILY DWELLING – See Dwelling, Single Family;

SLEEPING UNIT means a room or suite of rooms, which may or may not contain cooking facilities, used to accommodate any person on a temporary basis. If cooking facilities are present, it is a dwelling unit;

SMALL SUITE means a dwelling unit not exceeding 90 m² in floor area, detached from the principal building, capable of being occupied year round including permanent provisions for living, sleeping, cooking, sanitation, food storage and preparation;

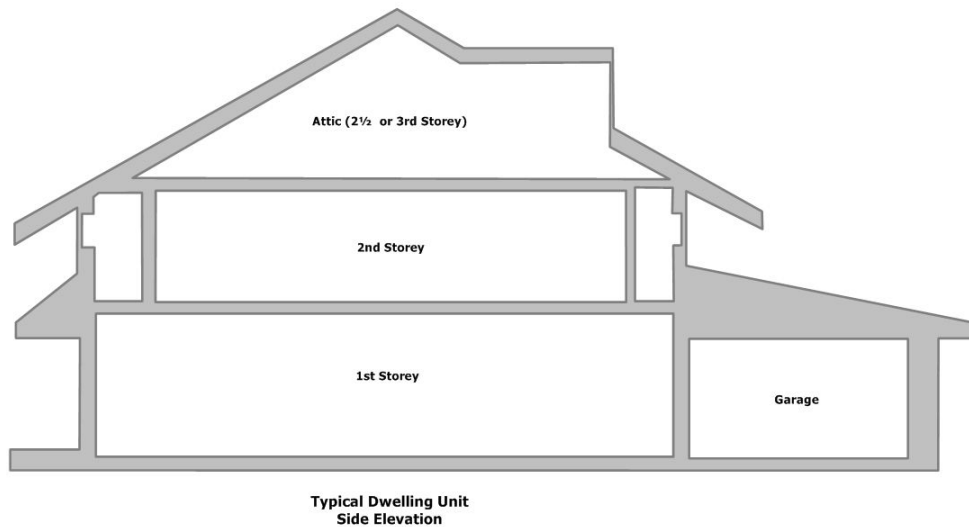
STORAGE, UNENCLOSED means an area outside of a building where goods, products and equipment or machinery are [permitted to be](#) stored, baled, placed, piled or handled; excludes wrecking and salvage yard or junk yard;

STORAGE YARD means an area used for the wholly or partially enclosed or screened storage of metals, vehicles in running order and other materials; excludes auto wreckers and salvage yards;

STOREY means the portion of a building that is situated between the top of any floor and:

- a) The top of the next floor above it; or
 - b) The ceiling above it where there is no floor above the ceiling;
- and excludes mezzanines as defined in the BC Building Code;

STOREY, FIRST means the lowest storey of a building having its floor not more than 2 m above grade. Localized depressions for vehicle and pedestrian entrances need not be considered for the purposes of determining grade;



[Figure 2 Storey Definitions](#)

STRATA LOT has the same meaning as in the *Strata Property Act*,

STREAM includes any of the following that provides fish habitat:

- a) A watercourse, whether it usually contains water or not;
- b) A pond, lake, river, creek or brook;
- c) A ditch, spring or wetland that is connected by surface flow to something referred to in (a) or (b);

STREAMSIDE PROTECTION AND ENHANCEMENT AREA means an area:

- a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and
- b) the size of which is determined according to the Riparian Area Regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.

For the purposes of the definition of "STREAMSIDE PROTECTION AND ENHANCEMENT AREA", vegetation must be considered to be "potential" if there is a reasonable ability for regeneration either with assistance through

enhancement or naturally, but an area covered by a permanent structure must be considered to be incapable of supporting potential vegetation;

STRUCTURE means anything which is constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, and includes a satellite dish, antenna, fence and retaining walls; but excludes concrete or asphalt or similar surfacing of a lot, signs under 6m in height, and underground utility facilities;

SUITE – See Secondary Suite and Small Suite;

TEMPORARY ACCOMMODATION means a total length of stay of not more than 30 consecutive days;

TOP OF BANK means the point at which the upward ground level becomes less than one vertical to four horizontal within the setback area, and refers to the crest of the bank or bluff where the slope clearly changes into the natural upland bench;

TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 meters measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

TOWN CENTRE means that area of the District of Sooke that is designated as Town Centre in the Official Community Plan;

TOWNHOUSE means a residential building comprised of three or more dwelling units separated from one another by party walls extending from foundations to roof, with each dwelling having a separate direct entrance where none of the dwelling units are rented or available for rent or occupation for periods of less than 30 days; includes Row Houses;

TRAVEL TRAILER means a [licensed](#) recreational vehicle designed to be towed behind a vehicle;

UNENCLOSED means areas not enclosed within a building; for purposes of clarity, areas that are screened only by a fence or landscaping are considered to be unenclosed;

UNDERGROUND PARKING SPACE means any enclosed space used or intended to be used for the parking of motor vehicles and contained entirely within a building or part of a building below grade. In the case of a sloping lot, at least 50% of the perimeter of the structure may be above grade.

VACATION ACCOMMODATION means the use of a single family dwelling or small suite for temporary accommodation managed by a Tourism BC approved management company or member of the B&B Association; includes Chalets;

VEHICLE AND/OR EQUIPMENT REPAIR means a use or building providing for the servicing and mechanical repair of vehicles, boats, farm, gardening or construction equipment, and recreational vehicles, ~~and or~~ the sale, installation or servicing of related accessories and parts; includes, but not limited to, transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops; may include car wash; specifically excludes auto wrecking yards;

VEHICLE SALES/RENTALS means a use or a building providing for the retail sale or rental of new or used motor vehicles, motorcycles, trucks, mobile homes, tent trailer, recreational vehicles, motor homes, boats, travel trailers or similar light recreational vehicles or craft, together with incidental maintenance services and sale of parts; includes, but not limited to, automobile dealerships, car rental agencies; may include car wash; excludes Heavy Equipment Sales/Rentals, Equipment Sales/Rentals, and auto wrecking;

VETERINARY CLINIC means a use which provides for the medical care of animals on an out-patient basis, and which may provide accommodation for short term care incidental to the veterinary clinic use; ~~may include agricultural animal diagnostic services;~~

WATERCOURSE -- see Stream;

WETLAND means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a stream;

WRECKING YARD means a use providing for the towing, unenclosed storage, or dismantling, crushing of more than one unlicensed vehicle, which may include the sale of parts;

YARD (see diagram) means that part of a lot unoccupied and unobstructed by principal and accessory buildings or structures and in particular:

FRONT YARD means the three dimensional space which runs parallel with the front lot line and the line level with the principal building;

REAR YARD means the three dimensional space between and parallel with the rear lot line and the principal building;

FLANKING YARD means the three dimensional space between and parallel with the flanking lot line and the principal building;

SIDE YARD means the three dimensional space between and parallel with the side lot line and the principal building and excludes the front, flanking, and rear yard areas;



Figure 3 Yard Definitions

ZONE means the areas into which the District of Sooke is divided into in accordance with this bylaw, and for which specific regulations are outlined;

ZONING MAP means the map marked as Schedule A attached hereto and made part of this bylaw.

Part 3 – GENERAL REGULATIONS

- 13. Applicability:** Except as otherwise specified in this bylaw, all general regulations apply to all zones established under this bylaw.
- 14. Uses Permitted in Any Zone:** Notwithstanding any other provision of this bylaw, the following uses are permitted in any zone:
- a) Public utility buildings and structures, provided they comply with the siting, size and height limitations prescribed for the zone in which they are located;
 - b) Community Care Facilities licensed pursuant to the *Community Care and Assisted Living Act*, and its amendments, including:
 - i. a day care for up to 8 persons in single family residential zones;
 - ii. a licensed group home;
 - iii. a residential shelter;
 - c) Transportation rights of way established by one of the levels of government or a Crown Corporation;
 - d) Hiking trails, horse trails, bicycle paths;
 - e) Parks;
 - f) Conservation uses;
 - g) Gardening and the growing of food;
 - h) Lighthouses and navigational aids.
- 15. Prohibited Uses – General**
- a) No person shall cause, suffer, or permit any building or structure to be constructed, placed, reconstructed, altered, moved, or extended in contravention of this Bylaw.
 - b) 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 expressly permitted.
 - c) Unenclosed storage of disused or discarded items, junk, scrap metal or unsightly material is prohibited in all zones unless expressly permitted.
 - d) Where a building was lawfully constructed prior to the adoption of this bylaw and conforms to the provisions of this bylaw but does not conform to the density provisions, the building may be repaired, altered, extended, rebuilt, or relocated on the same lot provided that such work results in no further contravention of the density, siting, size, or shape provisions of this bylaw beyond the contravention that existed at the time the work commenced and provided that no building shall be rebuilt unless the resulting development of the lot complies with the off-street parking regulations of this Bylaw.
 - e) Where a building conforms to use and density but does not meet the siting, size, loading, or parking requirements of this bylaw, the building may be repaired, extended, or altered, but only to the extent that the repair, extension, or alteration would, when completed, involve no further

contravention of the bylaw beyond the contravention that existed at the time that the repair, extension, or alteration was commenced.

- f) Notwithstanding sub-section (d), where two or more single family dwelling units have been lawfully constructed on an [??] zoned lot but the property does not comply with section *** of the B_[BAS4]ylaw,
- i. the largest single family dwelling on the lot, determined by gross floor area, may be repaired, altered, extended, rebuilt or relocated on the same lot in accordance with the provisions of this Bylaw, and
 - ii. the smallest, and any other single family dwelling on the lot may be repaired, altered or rebuilt on the same lot provided that there shall be no increase in the height, lot coverage or gross floor area of the existing building.

16. Accessory Uses

- a) Accessory uses must be conducted on the same lot as the principal use.
- b) Buildings and structures accessory to principal uses are permitted in any zone.
- c) No accessory building or structure shall be situated on a lot unless the principal building, to which the building is accessory, has already been erected or will be erected simultaneously with the accessory building on the same lot, except as provided in Section 44 (Temporary Buildings);
- d) An accessory building shall not be used as a dwelling unit or sleeping unit except as otherwise provided for in this bylaw;
- e) The floor area of an accessory building or buildings shall not exceed the floor area of the principal use;
- f) Where an accessory building is attached to the principal building by means of an enclosed structure, it is deemed to be a part of the principal building and shall comply in all respects with the requirements of the bylaw applicable to the principal building. This includes attached garages or carports.

17. Animals in Single Family, Multi-Family and Comprehensive Development Zones

- a) Animal control in Sooke shall be in accordance with the District of Sooke Bylaw No. 392, *Animal Regulation and Impounding Bylaw, 2009* (as amended), and the following regulations.
- b) The keeping of livestock and male poultry is prohibited on lots less than 2,000 m² in area;
- c) The keeping of female poultry is prohibited on lots less than 600 m² in area;
- d) The keeping of up to 3 female poultry in enclosed runs is permitted on lots less than 2,000 m² but more than 600 m². Runs shall provide at least 0.8 m² of space per bird and coops of at least 0.2 m² of space per bird.
- e) A building or structure used for the keeping of animals must not be located in the front yard, and must be located at least 6 m from any lot line.

18. Boarding and Lodging

- a) A maximum of two boarders, lodgers or roomers is permitted per single family dwelling;
- b) One additional off-street parking space must be provided per boarding and lodging room;
- c) The keeping of boarders, lodgers, or roomers shall not be permitted within a single-family dwelling with a suite or containing a bed and breakfast or vacation accommodation unit.

19. Campground Use -- Notwithstanding any other provision of this bylaw, all campgrounds shall be used only in accordance with the following:

- a) No person shall occupy a campground for more than 30 days in any calendar year;
- b) Recreational vehicles located within a campground shall have a valid motor vehicle license at all times;
- c) Campsites shall be used only by tents and wheeled recreational vehicles licensed for highway use.
- d) A campground may have up to three group sites per campground.
- e) Structural additions to recreational vehicles in campgrounds are not permitted.

20. Density Bonus Provisions – In addition to the amenity and density bonusing policies of the District of Sooke's Official Community Plan, the following specific increases in density may be permitted for multi-family developments, based on the developer providing the related amenities noted:

- ~~a) For each unit of affordable or special needs housing constructed, one additional residential unit may be constructed. Lot coverage may be increased up to 10% and/or building height up to one storey to accommodate these additional units;~~
- b)a) Where 80% or more of the on-site parking spaces are provided underground or concealed within the building, lot coverage may be increased by 10% and/or building height by one storey;
- e)b) Where a community care facility is provided in a multi-family or mixed commercial/multi-family development, the maximum lot coverage may be increased by 5%;
- e)c) Where a well-designed public open space is provided covering more than 5% of the property, lot coverage may be increased by 10%;
- e)d) In the Town Centre, where canopies fronting at least 75% of the building frontage are provided, the maximum lot coverage may be increased by 5%;

21. Density Calculations – In calculating density, no rounding is used. If calculations result in a fractional number, the lower whole number is used.

- 22. Fences** -- Except as otherwise specifically stated in this bylaw:
- a) Fence height shall be determined by measuring vertically from the average natural grade level within 1 m of both sides of the fence to the highest part of the fence;
 - b) Fence additions (e.g. barbed wire) shall be included in the calculation of total fence height;
 - c) Maximum fence height:
 - i. Front and flanking yard – 1.2 m
 - ii. Rear and side yard – 2 m
 - iii. Residential properties fronting Sooke Road – 2 m
 - d) Fences within agricultural, commercial, institutional or industrial zones shall have a maximum height of 2.5 m;
 - e) Where there is overlap between front and flanking yards or rear and side yards, the lower maximum fence height will apply;
 - f) Notwithstanding the provisions of 5.12(a), (b) and (c), fences used for recreational purposes, such as ball parks, playgrounds, golf courses, and other similar sports, public utility uses and industrial storage areas shall not exceed a height of 6 m provided such fences are constructed of material that permits visibility, such as wire mesh;
 - g) Fences may not be constructed within the sight triangle;
 - h) ~~Where hedges are used as a living fence along the property line, the fencing rules apply within the~~ sight triangle rules apply;
- 23. Flammable Liquid and Gas Dispensing / Storage Tanks**
- a) In all zones the dispensing and storage of flammable liquids and gases shall meet the requirements of the *BC Fire Code, National Fire Protection Act*, and applicable District of Sooke regulations.
 - b) In single family and comprehensive development zones, the storage of flammable liquids and gases shall not exceed 1,000 litres per lot.
 - c) In rural and multi-family residential zones, the storage of flammable liquids and gases shall not exceed 2,000 litres per lot.
- 24. Flood Construction Level and Setbacks**—No buildings or structure or any part thereof shall be constructed, reconstructed, moved or extended, nor shall any manufactured home or structure be located except in accordance with the Floodplain provisions of this bylaw.
- a) The following elevations are specified as Flood Construction levels, except that where more than one Flood Construction Level is applicable, the higher elevation shall be the flood construction level:
 - i. 3 m above the Natural Boundary of Alderbrook Stream, Ayum Creek, Baker Creek, Broom Hill Stream, Charters Creek & Charters River,

DeMamiel Creek, Ella Stream, Gillespie Creek, Grouse Brook, Kemp Stream, Lannon Creek, Nott Brook, Sooke River, Throup Creek, Todd Creek, Unnamed stream (at Silver Spray), Veitch Creek, Wildwood Creek, or Wright Road Creek;

- ii. 1.5 m above the Natural Boundary of the sea, any other watercourse, lake, marsh, or pond;
- b) The Floodplain Setbacks from any dyke right-of-way, or structure for flood protection or seepage control, is 7.5 m, except that where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback.

25. Floodplain Designation -- The following land is designated as floodplain:

- a) Land lower than the Flood Construction Levels
- b) Land within the Floodplain Setbacks

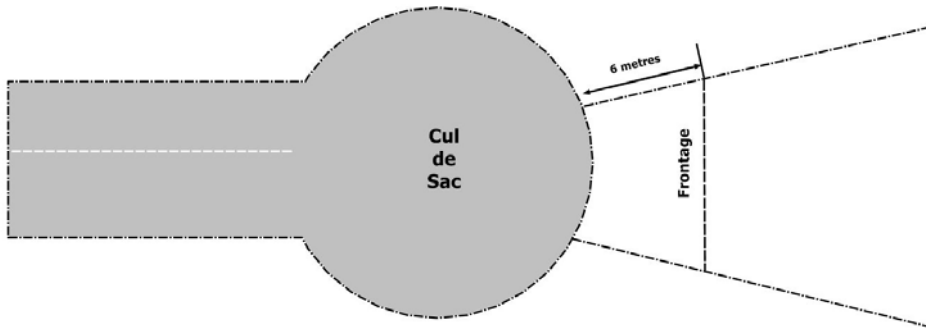
26. Floodplain Specifications Application

- a) The underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above that specified level; and
- b) Any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the bylaw;
- c) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the Flood Construction Levels. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, and other debris;
- d) The Building Official, or such person appointed by the District of Sooke, may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the Flood Construction Levels and Floodplain Setbacks. The cost of verification shall be assumed by the landowner.

27. Height -- Notwithstanding height restrictions in this bylaw:

- a) An elevator shaft, mechanical room, industrial crane, grain elevator, silo, tower tank and bunker, cupola, place of worship spire, flag pole, fire and hose towers, chimney, vent, aerial, monument, belfry, dome, smoke and fume disposal and dispersing facilities, stadium bleacher, farm building or structure, lighting pole, public utility poles, radio or television antenna, federally regulated communication tower, stair tower, and windmill may be of unlimited height provided that such structures occupy no more than 5% of the lot or, if situated on a building, not more than 5% of the roof area of that building;
- b) Rooftop solar panels situated on a building may exceed height restrictions by up to 1 m.

- 28. Liquor Licenced Facilities** – Development applications that require a new liquor primary licence or an amendment to an existing licence are subject to the District of Sooke’s Liquor Licence Application Procedure Policy.
- 29. Lot Areas and Frontages (See also Subdivision)** – For subdivision purposes:
- a) Lot areas and frontages are created through the provisions of the District of Sooke’s Subdivision and Development Standards Bylaw, which applies the minimum lot sizes and frontages specified in this Zoning Bylaw;
 - b) For lots of less than 1,800 m², the minimum frontage for a lot on a cul-de-sac shall not be less than 60% of the minimum frontage for that zone, as measured 6 m from the front lot line. (See diagram.)



- c) The minimum lot area requirements prescribed by this bylaw shall not apply:
 - i. Where the lot is being created to be used solely for the unattended equipment necessary for the operation of utilities or other similar public or quasi-public service, and the owner enters into a covenant pursuant to Section 219 of the *Land Title Act* satisfactory to the Approving Officer limiting the use of the lot to that use;
 - ii. Where the land proposed to be subdivided is within a zone where none of the permitted uses will generate sewage, and the owner enters into a covenant pursuant to Section 219 of the *Land Title Act* satisfactory to the Approving Officer; or
 - iii. Where the lot being created is for park use only.

[Figure 4 Frontage on Cul de Sac](#)

30. Panhandle Lots:

- a) Panhandle lots with areas less than 600 m² are prohibited;
- b) If a panhandle lot is not capable of being further subdivided under existing zoning, the minimum width of the access strip at any point shall be 6 m;
- c) If a panhandle lot is capable of being further subdivided under existing zoning, the minimum width of the access strip at any point shall be 20 m;
- d) The area of the panhandle (access strip) does not constitute part of the lot area for subdivision purposes;
- e) The front yard of the panhandle lot is designated as the lot line paralleling the road from which the lot has access (see diagram);

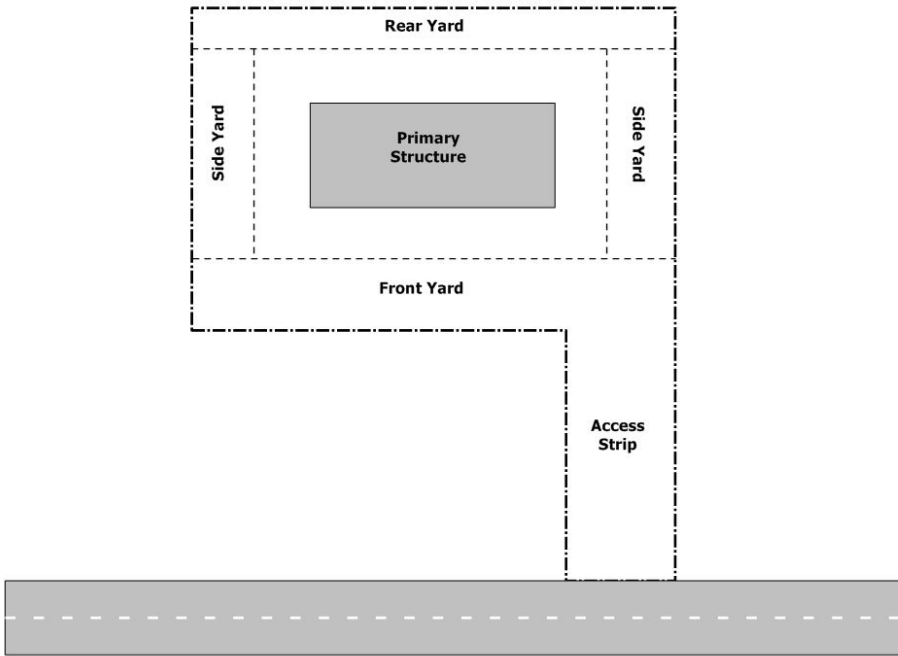


Figure 5 Panhandle Lot Yards

31. Recession Plane – The purpose of the recession plane rules is to assist with determining access to sunlight and daylight on the street, and protect public view corridors to water in the Town Centre.

- a) The recession plane provisions apply on any side of a building fronting a highway that leads to the waterfront;
- b) No portion of the building or structure is to encroach within the 35° angle of recession as measured from a point 6 m above the property line, and 6 m back from the property line, per accompanying diagram;

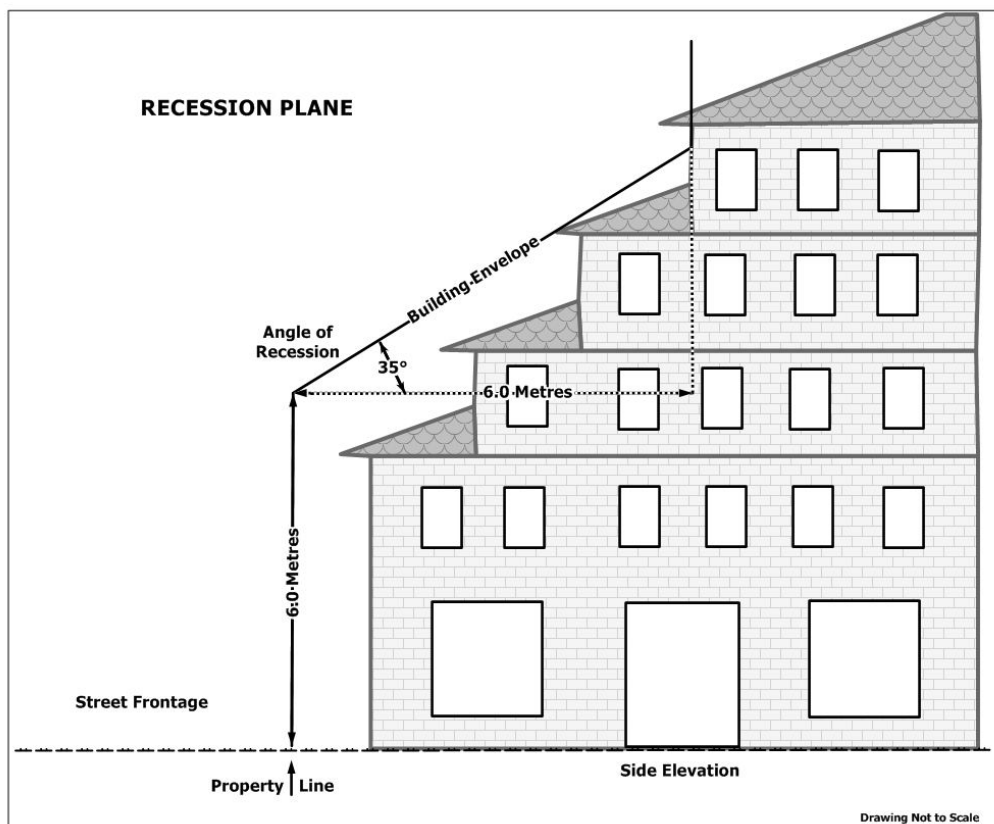


Figure 6. Recession plane

32. Residential Uses

- a) Not more than one dwelling unit shall be located on any lot except as specifically permitted in this bylaw;
- b) If a dwelling unit is accessory to the principal commercial or industrial use it shall not occupy more than 50% of the first storey of the building, **or not exceed 90 m² in size;**^[BASS]
- c) Except where otherwise stated, single family dwellings shall have a minimum average width of 5 m;
- d) A tent, travel trailer, recreational vehicle, bus, or other vehicle or shipping container is not permitted as a residential use or dwelling unit;

33. Screening and Landscaping Requirements -- On multi-family residential, commercial, institutional, and industrial zoned lots, the following shall apply:

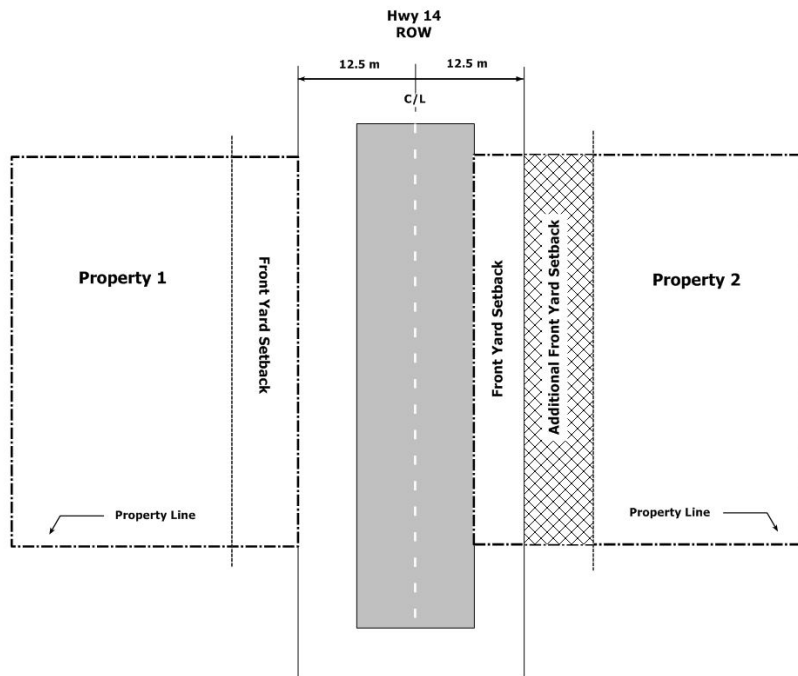
- a) Along all property lines separating the developed portion of the site from any residential zoned property, except where a building abuts the property line, screening shall be provided and maintained comprised of:
 - ~~iii.~~iv. Landscaping at least 1.5 m high in a strip at least 1.5 m wide; or
 - ~~iv.~~v. A solid decorative fence at least 1.5 m high but not higher than 2 m.
- b) Along the developed portion of each side of the site which abuts a public highway, continuous landscaping not less than 1.5 metres in width shall be provided and maintained. This landscaping may be interrupted at boulevard crossings.
- c) Loading areas or trucking yards shall be screened from adjacent residentially zoned property to a height of at least 2.5 m by buildings, a landscaping screen, a solid decorative fence, or a combination thereof.
- d) Outdoor storage areas shall be screened from adjacent lots by a solid decorative fence or landscaping of a minimum height of 2 m.
- e) Refuse removal areas shall be screened on three sides by a fence or wall of a minimum height of 2 m or the height of the container, whichever is higher.
- f) Every commercial, industrial, institutional or multiple family residential building shall be provided with a screened refuse removal area of at least 3 m in width and 4 m in length.

34. Setback Exemptions (See also Setbacks, Water) -- Except as otherwise provided in particular zones, the setback requirements of this bylaw shall not apply with respect to those structures listed below; no other features may project into a required setback area.

- a) Freestanding light poles, warning devices, traffic controls, directional signs, antennas, masts, utility poles, wires required for a public purpose or public utility use, provided visibility for highway access is not obstructed;
- b) Open decks or patios without a roof structure, ancillary to a residential occupancy and having a floor level less than 0.6 m above the adjoining grade;

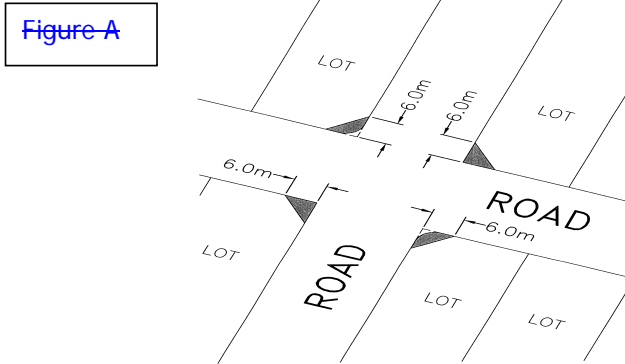
- c) Gutters, cornices, sills, belt courses, cantilevers, heating or ventilating equipment if the projections do not exceed 0.6 m or 50 % of the width in the case of a side or rear yard of less than 1.5 m wide, measured horizontally;
- d) Eaves, unenclosed stairwells, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - i. 0.6 m in the case of rear yard;
 - ii. 1 m in the case of front yard; or
 - iii. 0.6 m in the case of side yard;
- e) Pumphouses;
- f) Fences and retaining walls;

35. Setbacks, Highway 14 – All parcels along Highway 14 shall measure setbacks of all buildings and structures from the property line or from a line paralleling the property line that is located a minimum of 12.5 m from the centerline of Highway 14, whichever is greater.



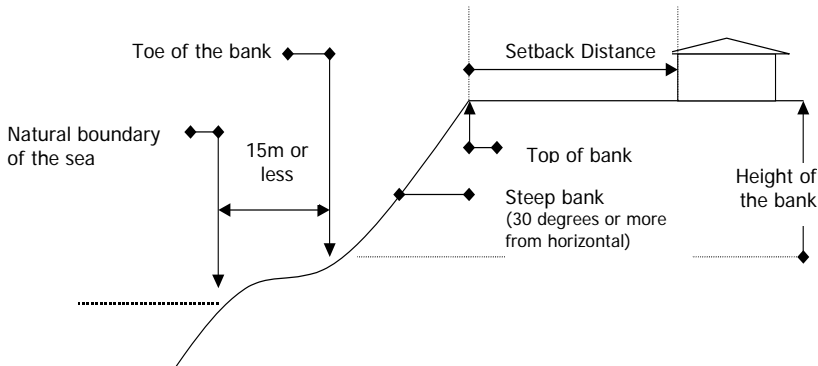
[Figure 7 Hwy 14 Setback Rules in Relation to Property Lines](#)

- 36. Setbacks (Water) --** Notwithstanding any other provision of this bylaw, no building or structure shall be located within 15m of the high water mark of the sea, nor within 30m of a surface supply of drinking water. No development shall occur within 30m of a watercourse or within 30m of the top of ravine bank of a ravine less than 60m wide or within 10m of the top of ravine bank of a ravine greater than 60m wide or greater unless:
- a) the Ministry of Fisheries and Oceans or a regulation under the *Fisheries Act* (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal, or
 - b) the District of Sooke has been notified by the B.C. Ministry of Environment that Fisheries and Oceans Canada and the B.C. Ministry of Environment have been
 - (i) notified of the development proposal, and
 - (ii) provided with a copy of an assessment report, prepared by a qualified environmental professional who has carried out an assessment, that
 - (A) certifies that the qualified environmental professional is qualified to carry out the assessment;
 - (B) certifies that the assessment methods have been followed; and
 - (C) provides the professional opinion of the qualified environmental professional that
 1. if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 2. if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.



[Figure 8 Sight Triangle](#)

38. **Signage** -- All signage shall conform with the applicable requirements of the District of Sooke's *Sign Regulation Bylaw*.
39. **Staff Housing**
- Staff housing, where provided, shall not be included in the density provisions for the development, to a maximum of 10 additional dwelling or sleeping units.
 - An agreement must be entered into as per s.905 of the *Local Government Act*;
 - Staff housing may be in the form of a dwelling unit and/or sleeping units with shared kitchen and bath facilities.
40. **Steep Slopes** -- Where the building site is at the top of a steep bank (30 degrees or greater from horizontal) and is closer than 15 m to the natural boundary of the sea or a watercourse, the setback shall be a horizontal distance from the Top of Bank equal to 3 times the height of the bank as measured from the toe of the bank, or closer as approved by the District of Sooke upon receipt of a written recommendation from a geotechnical engineer.



[Figure 9 Steep Slope Setbacks](#)

41. Storage of Vehicles, Junk or Wrecks:

- a) Storage of vehicles on any residential lot shall be limited to one unlicensed vehicle stored in the rear yard;
- b) Unless specifically permitted by this bylaw, no lot shall be used for a junkyard or for the external storage, collection or accumulation of all or part of any automobile wreck, derelict motor vehicle, or all or part of any motor vehicle which is not either:
 - i. Registered and licensed in accordance with the *Motor Vehicle Act*, or
 - ii. Capable of motion under its own power.

42. Subdivision (See also Lot Areas and Frontages):

- a) The minimum area of the parent lot to be considered for subdivision under Section 946 of the *Local Government Act* is 1 ha;
- b) Where a part of a lot is separated from another portion of the lot by a road, right of way, watercourse or topographical feature so as to render it useless to the main portion, it may be consolidated with an adjacent lot to which it may be more properly related without the subdivision meeting other provisions of this bylaw;
- c) Notwithstanding the minimum lot sizes specified in this bylaw, where a lot is split into separate parts by a highway, the Approving Officer may approve the subdivision of the parts;
- d) The side lot lines of lots created by a proposed subdivision shall be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply;
- e) Notwithstanding the minimum lot area requirement specified in this bylaw, the Approving Officer may approve a subdivision with lot(s) smaller than the minimum in any zone, where:

- i. The lot area reduction is not more than 10% of the required minimum lot size or maximum dwelling unit density; and
- ii. A portion of the parent parcel is required for highway widening, a waterfront walkway, trail or parkland, **OR**,
- iii. The subdivision is a bareland stata application created under the Bare Land Strata Regulations pursuant to the Strata Property Act. NOTE: This provision is included to ensure that there is clarity around the creation of strata lots of a size less than that set out in the bylaw.

43. Suites

- a) Only one suite, whether secondary or small, shall be permitted on a lot with a single family dwelling;
- b) An owner of the lot must occupy either the suite or the single family dwelling;
- c) The keeping of boarders and lodgers shall not be permitted within a single family dwelling with a suite;
- d) A bed and breakfast use shall not be permitted within a single family dwelling with a suite;
- e) The suite shall not significantly change the external residential appearance and primary character of the single-family dwelling or lot;
- f) The suite shall be constructed in accordance with the provisions of the *British Columbia Building Code*;

43.1 Secondary Suites

- a) The secondary suite shall not occupy more than 40% of the habitable floor area of the single family dwelling unit;
- b) The floor area of a secondary suite shall not exceed 90 m² or be less than 40 m²;

43.2 Small Suites

- a) The floor area of a small suite shall not exceed 90 m²;
- b) The small suite shall be freestanding or combined with an accessory building;
- c) The small suite may be in the form of manufactured or modular home but shall not exceed a length of 13 m;
- d) The small suite may be used as a vacation accommodation unit;

44. Swimming Pools –

- a) Swimming pools must be provided with non-climbable fencing or equivalent barrier of not less than 1.5 m in height, and a gate closure and latch shall be provided at the highest practical point. The gate should be self-closing.
- b) Swimming pools shall be located a minimum of 3 m from any side or rear lot line and are prohibited in a front or flanking yard. This regulation shall not

apply to ornamental ponds, water fountains or other decorative water features having a water depth of less than 1 m.

- 45. Temporary Buildings** -- A temporary building or structure may be placed for construction or marketing or office purposes on a lot being developed, for a period not to exceed the duration of such construction or one year^[BAS6].
- 46. Undersized Lots** -- Lots that
- a) exist in the records of the Land Titles Office, at the time of adoption of this bylaw; and
 - b) have been reduced to an area that is less than the minimum lot area, as specified in this bylaw as a result of highway widening by the Ministry of Transportation; and
 - c) have been created under the authority of a statute of the Province of B.C.; may be used for the uses permitted in the zone in which they are located, subject to all other regulations of this or any other bylaw, regulation or statute.

##. Waterfront Uses -- On water leases abutting upland residential use, no commercial moorage is permitted. If an owner wants to have a commercial use on a water lease [or something to the effect that a land use and water use rezoning application would have to be submitted] adjacent to an upland residential use then the land owner will need to apply for a rezoning for the proposed use and go through the public process.^[BAS7]

- 47. Wildfire Provisions** – Lots located in areas designated as High to Extreme wildfire risk are required to abide by the conditions set out in the District of Sooke's Community Wildfire Protection Plan.

Part 4 – SPECIFIC USE REGULATIONS

48. Bed and Breakfast Regulations

In the zones which permit a bed and breakfast use:

- a) Bed and breakfast units shall be located in the principal dwelling unit except as hereby permitted in this bylaw;
- b) The principle dwelling when considering bed and breakfast units shall be single family dwelling only;
- c) On lots of greater than 2,000 m², bed and breakfast units may be located in an accessory building;
- d) A minimum of 50% of all bed and breakfast units shall be located in the principal dwelling;
- e) Notwithstanding subsection (b) one accessory building for the provision of a bed and breakfast unit not exceeding 55 m² may be located on amended Lot 8, (DD25332-I), Section 73, Plan 4036, Sooke District.
- f) The total number of bed and breakfast units and the maximum size of an accessory building for use as a bed and breakfast unit(s) shall be as follows;

Lot Size	Total Number of Bed And Breakfast Unit(s)	Total Permitted Number of Units in an Accessory Building	Total Floor Area of Accessory Bed and Breakfast Unit(s)
2,000 m ² or less	3 units	0	0 m ²
More than 2,000 m ² and Less than 4,000 m ²	3 units	1	55 m ²
4,000 m ² or more, and less than 8,000 m ²	4 units	1	55 m ²
8,000 m ² or more	4 units	2	110 m ²

- g) Notwithstanding the above described table, Lot 5, Section 4, Plan 1282, Sooke District and Lot 3, Section 63, Plan 6687, Sooke District, will be permitted a "total number of bed breakfast units" of 4 units in the category "More than 2,000 m² and less than 4,000 m²."
- h) Breakfast meals only may be served to transient guests;
- i) The bed and breakfast use shall not increase vehicular traffic flow and parking by more than one vehicle at a time for each unit in the bed and breakfast, nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, or parked on the property, except occasional deliveries consistent with the normal residential use of the property;

- j) Side and rear lot line setbacks for an accessory building used for bed and breakfast units shall be the same as for the principal dwelling in the zone in which it is located;
- k) An accessory building used as a bed and breakfast unit shall be located not more than 45 m distant from the point of where the access onto the lot and the public road right-of-way intersect. An acceptable access plan by the fire department may permit an alteration of this requirement;
- l) Notwithstanding any of the provisions in this bylaw:
 - i. Bed and breakfast unit(s) located in the principal residential building may include a coffee maker, kettle, microwave oven, refrigerator, and;
 - ii. Bed and breakfast unit(s) wholly contained in a permitted accessory building may include a coffee maker, kettle, microwave oven, sink and refrigerator;
- m) The maximum number of guests permitted in the principal residential building on any overnight stay shall be 8; however, subject to compliance with the British Columbia Fire Code, the number of guests permitted in the principal residential building may be increased;

49. Crematorium -- The siting of a crematorium, in conjunction with the operation of a cemetery or funeral home, shall not be located less than 30 metres from any lot line and not less than 60 metres from any lot in a Rural or Residential Zone.

50. Home Based Business Regulations

- a) The home-based business use shall only be conducted by a resident on the lot and shall not employ more than two additional non-resident persons on a lot;
- b) The home-based business use shall not involve exterior storage or display of any material or equipment associated with the home-based business;
- c) The maximum floor area that may be used for home-based business use, including office space, storage, processing or sale, shall not exceed 50 m² or 40% of the floor area of the dwelling on the lot, whichever is less;
- d) The home-based business use shall not produce any hazard, offensive odour, noise, dust, smoke, glare, toxic or noxious matter, heat, electrical interference, fire hazard, litter, additional waste, floodlighting, vibration, excessive customer or service traffic, or create a nuisance of any kind other than that normally associated with a dwelling or residential use, and in particular:
 - i. No home-based business shall generate sound that is audible at the lot line of the lot on which the home-based business is located;
 - ii. All parking associated with the home-based business use shall be contained on the lot;

- e) The home-based business use shall be clearly subservient and incidental to the use of the dwelling unit for residential purposes and to the residential use of the lot on which the dwelling is located;
- f) The home-based business shall be conducted entirely within a dwelling unit or a permitted accessory building, with the exception of a children's daycare which may use an outdoor play area;
- ~~g) A home-based business involving community care for children shall not accommodate more than eight (8) children.~~
- h) There shall be no variation of the external residential appearance of the land and premises in which the home-based business is carried on except that one (1) non-illuminated sign per lot shall be permitted and shall not exceed 0.4 m² in sign area;
- i) All articles sold through a home-based business shall be produced on the lot and no retail activity of any other materials or goods shall occur except that articles manufactured off site may be sold through a home-based business in an office setting provided that all distribution of articles is carried out off site by persons employed in the home-based business. These articles may be available for viewing on the lot;
- j) The home based business shall not be operated in a manner that generates more than two client visits at any one time or more than 10 client visits per day;
- k) No more than one identifiable commercial utility trailer nor one commercial vehicle shall be stored or parked on a lot or the adjacent roadway at one time in connection with the operation of the business;
- l) Any home based business use must comply with all municipal, regional, provincial and federal, and all environmental protection regulations;
- m) No off-site parking shall be permitted in relation to the operation of a home-based business;
- n) The following uses are prohibited as a home based business:
 - i. Auto repair on lots 2,000 m² in area or smaller;
 - ii. Auto repair outside of an enclosed building;
 - iii. Heavy equipment repair;
 - iv. Autobody work;
 - v. Welding or steel manufacturing;

51. Off-Street Loading Facilities Regulations

- a) Where the terms of this bylaw require the provision of off-street loading spaces, every owner of land shall provide and maintain off-street loading spaces in accordance with the regulations contained in this bylaw.
- b) For new buildings, structures or uses, off-street loading spaces shall be required in accordance with the regulations set out in Section 50.1.

- c) For additions to existing buildings or structures, or for changes or additions to an existing use, the off-street loading spaces required shall be determined by applying the regulations in 51.1 of this part to those changes or additions.
- d) Where off-street loading spaces in excess of bylaw requirements are provided, their location, design and operation shall comply with the requirements of the bylaw.
- e) One off street loading space shall be provided for each 2,000 m² of floor area or fraction thereof within a building or structure that contains an industrial, commercial, or public institutional use.

51.1 Development and Maintenance Standards for Off-Street Loading

- a) All off-street loading spaces shall be:
 - i. Surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free for the purpose intended;
 - ii. Drained and graded so as to dispose of all surface water on-site;
 - iii. An exception to these rules may be made in industrial and rural areas where the loading area is located to the side or rear of the property. In this case, the off-street loading area may be surfaced with a compacted pervious materials (i.e. gravel).
- b) All off-street loading spaces shall be a minimum of 9 m in length and 3 m in width, and have a vertical clearance of 4.3 m.
- c) Adequate provision shall be made for access by vehicles to all off-street loading spaces by means of a 6 m maneuvering aisle and shall be located so that each separate use within a development has access to a space.
- d) All off-street loading spaces shall be clearly marked with the words "LOADING SPACE ONLY" on the pavement or wall facing.

52. Parking Regulations

52.1 General

- a) The provision of off-street parking of motor-vehicles shall be required and every owner of land shall, provide and maintain off-street motor-vehicle parking spaces in accordance with these standards and requirements;
- b) For new buildings, structures and uses, off-street parking spaces shall be required in accordance with the regulations of this bylaw;
- c) For additions to existing buildings or structures, or for changes or additions to an existing use, the parking spaces required shall be determined by applying the regulations of this bylaw to those changes or additions;
- d) Parking spaces in excess of the requirement are prohibited in commercial and multi-family areas. Site areas not used for buildings, permitted storage areas, and required landscaped areas shall be left in a natural condition or landscaped.^[BAS8]

- e) Parking spaces in excess of the requirement are discouraged in residential areas. Where excess parking spaces are provided, they shall be covered with a pervious paving material, such as grasscrete or gravel, to permit rainwater infiltration.
- f) All required off-street parking spaces shall be used for the purpose of accommodating the vehicles of owners, clients, customers, employees, members, residents, tenants or visitors who make use of the principal building or use for which the parking area is provided, and such parking area shall not be used for off-street loading, driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.
- g) Except in the case of a single family dwelling or a duplex dwelling, off-street parking spaces may be provided on a lot other than on the lot that contains the principal building, provided that such parking facilities shall be located not more than 150 m from any building or use to be served and that such parking spaces be designated for that use by means of a covenant under Section 219 of the *Land Title Act*, registered against the property on which it is situated.

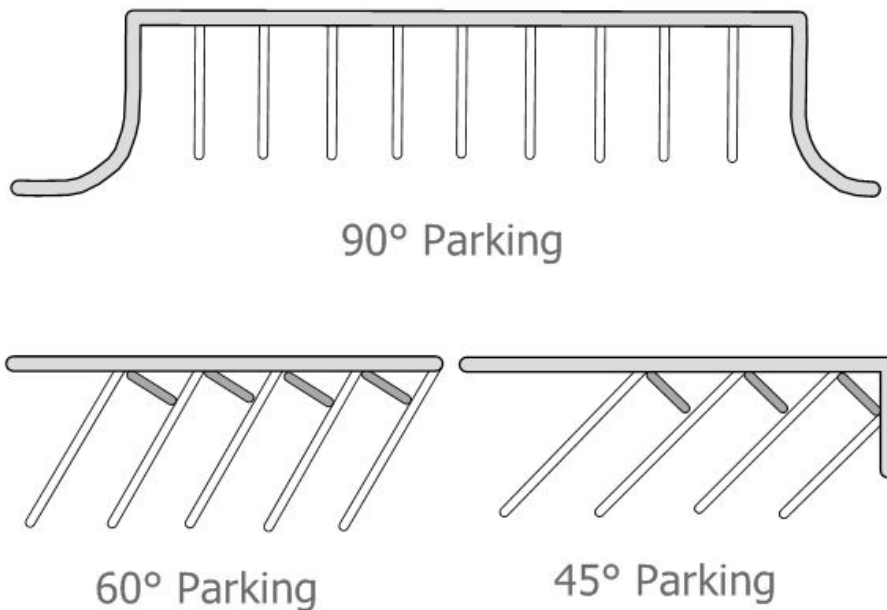
52.2 Town Centre

- a) Notwithstanding the foregoing general provisions 52.1 (a), (b), and (c), if changes to use or structural additions occur to an existing building located within the Official Community Plan designated Town Centre, parking or cash-in-lieu of parking [BAS9] will be required for the addition or change only if the amount of parking required by the change or addition exceeds 25% of that required for the pre-addition use or change.
- b) Businesses located within the Town Centre, which operate only between the hours of 6:00 p.m. and 6:00 a.m. are exempt from any requirement for parking, provided that the subject property is located within 400 metres of a public District of Sooke-owned parking lot, or a private parking lot to which the business has entered into a Section 219 covenant agreement.

52.3 Development and Maintenance Standards for Off-Street Parking

- a) Off-street parking spaces shall not be arranged so as to require the backing out of vehicles onto a highway, other than for a single family residential or duplex dwelling use. This provision does not, however, apply to lanes.
- b) Adequate provision shall be made for individual access to or from all parking spaces at all times by means of unobstructed maneuvering aisles. Maneuvering aisles of not less than the following widths shall be provided:

Parking Angle (see diagram)	Width of Aisle
90°	7.5 m
60°	5.5 m
45°	4 m



[Figure 10 Parking Angles](#)

- c) Concrete barrier curb shall be located in such a manner as to prevent vehicular damage to landscaping or vehicular overhang on walkways, where applicable.
- d) Lighting used to illuminate off-street parking areas or parking garages shall be arranged that all direct rays of light are directed downwards to the parking areas or garages, and not upon adjoining property.
- e) Lighting will have an average illumination of 6 lux in residential areas and 11 lux in commercial, institutional, and industrial areas.
- f) All off-street parking spaces within residential developments that are intended to be used by visitors to such development shall be clearly marked "Visitor Parking Only".
- g) Off-street parking spaces shall have clear minimum dimensions as follows:

Type of Parking Space	Length	Width
Standard Space	5.8 m	2.7 m
Small Space	5.2 m	2.5 m
Handicapped Space	6 m	4 m

- h) Where a parking space adjoins a fence or other structure greater than 0.3 m in height, the width of the parking space shall be increased by 0.3 m to enable the convenient opening of vehicle doors.
- i) A minimum of 60% of the spaces provided shall be standard spaces.
- j) Off-street surface parking spaces provided on property zoned for uses other than single family shall be located no closer than 3 m to a property line which abuts a public highway; and no closer than 1.5 m to any other property line.

52.4 Calculating Parking Requirements

- a) When the calculation of off-street parking requirements results in a fractional figure, it shall be rounded upward to the nearest whole number.
- b) If more than one use is located on a lot or parking collectively serves more than one building or use, the total number of spaces shall be the sum of the requirements for the various classes of uses calculated separately, and the parking space required for one use shall not be included in calculations for any use.
- c) An off-street loading space shall not be considered as an off-street parking space for the purpose of calculating the parking spaces provided.
- d) If a use is not listed in 52.5, the number of spaces shall be calculated on the basis of a similar use that is listed.

52.5 Parking Requirements -- The following parking standards shall apply, except where a property is located within the Town Centre area, in which case the standards below are reduced by 50%.

Use/Activity	Parking Spaces Required
Accessory Health Clinic	1 per 40 sq. m floor area
Amusement Facility, Indoor and/or Outdoor	1 per 4 persons capacity
Animal Hospital, Veterinary Clinic, Kennel	1 per 2 employees + 3 per veterinarian
Assembly	1 per 4 seats or 1 per 40 m ² gross floor area whichever is greater
Assisted Living	0.5 per dwelling unit

Use/Activity	Parking Spaces Required
Auto Sales and Repairs	1 per 70 m ² gross floor area plus 1 per service bay.
Auction	1 per 10 m ² gross floor area
Auto Service Facility	2 spaces plus 2 spaces per service bay plus 1 space per 20 m ² gross floor area of accessory store
Bank	1 per 30 m ² gross floor area
Bed and Breakfast	1 per bedroom
Bingo Hall	1 per 4 seats used for public assembly
Bowling Alley	3 per alley
Boat Sales and Repair	1 per 70 m ² gross floor area
Building Materials Supply	1 per 50 m ² gross floor area
Bus Depot	1 per 20 m ² waiting room floor area
Civic Centre	100 parking spaces
Coffee Shop, Restaurant, Fast Food Outlet, Drive-through Restaurant, Delicatessen	1 per 4 seats
College	10 spaces per classroom
Community Care Facility	1 per 3 beds or 1 per 5 children
Conference Centre	1 per 3 seats
Convenience Store	1 per 20 m ² gross floor area
Cultural Facility	1 per 40 m ² gross floor area
Funeral Home	1 per 4 seats in chapel
Gas Bar	1 per pump
Health Club	1 per 40 sq. m gross floor area
Home Based Business	1 space per non-resident employee
Hospital	1 per 3 beds
Laundromat	1 per 3 washing machines
Library	1 per 30 m ² gross floor area
Licensed Premises	1 per 3 seats
Machinery Sales/Service	1 per 70 m ² gross floor area
Manufacture/Industrial	1 per 70 m ² gross floor area
Marina	1 stall/3 berths

Use/Activity	Parking Spaces Required
Mini Golf	2 per hole
Nurseries/Greenhouses	1 per 15 m ² covered retail area
Office	1 per 30 m² gross floor area
Overnight Accommodation: Hotel/Motel, Tourist Accommodation	1 per room plus 1 per 30 m ² gross floor area of office space
Overnight Accommodation: Campground/RV Park	1 per space plus 2
Police Station or Post Office	1 per 30 m ² gross floor area
Recreation Facility	1 per 40 m ² gross floor area
Religious Facility	1 per 4 seats
Residential, Single Family / Duplex / Manufactured Home	2 per dwelling unit
Residential, Medium Density/ High Density Multifamily/Tent Lot Residential	1.5 per dwelling unit
Residential, Senior Citizen Housing	1 per dwelling unit
Retail / Service Stores	1 per 30 m ² gross floor area
School, Elementary	2 per classroom
School, Secondary	5 per classroom
Secondary Suite or Small Suite	1 per suite
Stadium	1 per 4 seats
Student Housing	1 per sleeping unit
Theatre	1 per 4 seats
Tourist Attraction	1 per 4 persons capacity
Taxi Stand	1 per taxi, plus 2 additional spaces
TV/Radio Stations	1 per 30 m ² gross floor area
Utility Use	1 per 38 m ² gross floor area or 1 per 100 m ² site area, whichever is greater
Warehouse	1 per 70 m ² gross floor area

52.6 Cash in Lieu of Parking Provision -- Within the area identified as "Town Centre" of the Official Community Plan, the owner may make a cash payment in

lieu of the provision of some or all on-site parking in accordance with the provisions of Bylaw 261, *Parking Facility Reserve Fund Establishment Bylaw 2006*.

Notwithstanding the foregoing, the parking requirement may be met through cash-in-lieu payment or a combination of cash payment in lieu of parking and the provision of on-site parking.

52.7 Accessible Parking –

a) Accessible parking spaces shall be provided as follows:

Number of Required Parking Spaces	Number of Designated Accessible Parking Spaces included in the total required parking
2-10	1
11-50	2
51-100	3
101+	3 plus 2 per 100 required parking spaces, or part thereof

- b) Each accessible parking space shall be a minimum of 4.0 m in width, and shall be marked with the International Symbol of Accessibility for people with a disability.
- c) Each accessible parking space shall be located within convenient access of the entrance.

52.8 Bicycle Parking Requirements –

a) Provision for bicycle parking facilities shall be provided in accordance with the following table:

Use	Bicycle Parking Requirement
Residential multi-family	1 space per residential unit (80% Class I, 20% Class II)
Hotel/Motel	1 space for every 15 rooms (60% Class I, 40% Class II)
Commercial, retail	1 space per 200 m2 Gross Floor Area (25% Class I, 75% Class II)
Commercial, office	1 space per 400 m2 Gross Floor Area (75% Class I, 25% Class II)
Recreational/Cultural/Educational	1 space per 200 m2 Gross Floor Area (25% Class I, 75% Class II)

Parking Structure/Lot	10% of motor vehicle spaces provided
Other uses	As determined by the District of Sooke

- b) Long Term Parking facilities (Class I) shall be in a dry enclosure accessible only to residents or employees of the premises;
- c) Short term Parking facilities (Class II) shall be clearly marked for the purpose of parking bicycles only and be located close to the main entrance of the building or structure.

Part 5 – ZONES

53. Zones – For the purposes of this bylaw, the land and surface of water within the District of Sooke are hereby classified and divided into the zones specified in the table below.

Zoning District Name	Short Name and Map Symbol	Schedule Number
Rural Zones		
Watershed, Forest & Agriculture	RU1	RU1
Rural	RU2	RU2
Small-scale agriculture	RU3	RU3
Rural residential	RU4	RU4
Gateway Residential	RU5	RU5
Residential Zones		
Large Lot Residential	R1	R1
Medium Lot Residential	R2	R2
Small Lot Residential	R3	R3
Manufactured Home Park	RM1	RM1
Low Density Multi Family	RM2	RM2
Medium Density Multi Family	RM3	RM3
High Density Multi Family	RM4	RM4
Commercial Zones		
Neighbourhood Commercial	C1	C1
General Commercial	C2	C2
Service Commercial	C3	C3
Recreational Commercial	C4	C4
Potholes Commercial	C5	C5
Town Centre Commercial 1 - - North	CTC1	CTC1
Town Centre Commercial 2 - - South	CTC2	CTC2

Industrial Zones		
Light Industrial	M1	M1
General Industrial	M2	M2
Heavy Industrial	M3	M3
Aquatic Industrial ^[BAS10]	M4	M4
Technical Industrial Business Park	M5	M5
Institutional Zones		
Public Recreation	P1	P1
Community Facility	P2	P2
Public Utility	P3	P3
Water Zones		
Passive recreation	W1	W1
Private Wharf	W2	W2
Marina	W3	W3
Marine Industrial	W6	W6
Marine Shell Fish Processing	W7	W7
Comprehensive Development (CD) Zones		
The Ponds/Terraces	CD1	CD1
Sun River Estates	CD2	CD2
Silver Spray	CD3	CD3
Tent Lot Residential	CD4	CD4
Beaton Road Residential	CD5	CD5
Tomlinny Road	CD6	CD6
Mariner's Village	CD7	CD7
Prestige Hotel & Resort	CD8	CD8
Spiritwood Estates	CD9	CD9
Charters Creek Stewardship Zone	CD10	CD10

54. Zone Schedules – The Zone Schedules of this Bylaw containing the uses and regulations pertaining to the zones referred to in section 52 above form an integral part of this Bylaw.

55. Letter Suffix – A letter attached to a zone designation denotes a sub-zone where additional uses or conditions of use are permitted or restricted, subject to the regulations of the zone in which the suffix is applied.

56. Zoning Map – The location and extent of each zone established by this bylaw is shown on the Schedule "A" Zoning Map of the District of Sooke, which forms part of this bylaw.

57. Zone Boundaries:

- a) Where a zone boundary is shown on Schedule A – Zoning Map [BAS11] as following a road allowance or a watercourse, the centre line of the road allowance or the centre of a watercourse, excluding a lake or the sea, shall be the zone boundary.
- b) Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of such boundary shall be determined by scaling the Zoning Map.
- c) Where land that originally formed part of a highway is consolidated with a lot, such land shall be deemed to have the same zone designation as the lot.
- e)d) Where land is dedicated as park to the District of Sooke through subdivision, the land automatically assumes P1 zoning.

58. Zone Abbreviations: Where zone abbreviations are used within the text of this Bylaw, they shall be read in the same manner as the full textual name of the zone would be read.

- 59. Split Zones:** Where a lot is divided into separate zones,
- a) the use, siting and density regulations for each portion shall conform to the regulations of the zone applicable to that portion;
 - b) the maximum number of dwelling units permitted on the lot is the number permitted under one zone and not the combined total of dwelling units permitted under each zone[BAS12].

Part 6 – Repeal of Previous Bylaw

- 60.1 Bylaw No. 270, *Sooke Zoning Bylaw, 2006*, as amended, is repealed except insofar as they repeal any other bylaw.
- 60.2 Bylaw No. 377, *Mobile Home Parks Bylaw, No. 1, 1977*, as amended, is repealed.

Part 7 – Effective Date of Bylaw

61. This Bylaw shall come into force and take effect upon adoption.

Introduced and read a first time the day of , 2011.

Read a second time the day of , 2011.

Public hearing held the day of , 2011.

Read a third time the day of , 2011.

Approved under Part 6 of the *Highway Act* on the day of , 2011.

Adopted on the day of , 2011.

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer

ZONE SCHEDULES