

Frequently Asked Questions (FAQ)

JUNE 2011

District of Sooke Draft Zoning Bylaw Public Consultation Process

1. What is a Zoning Bylaw, and why is it important?

A Zoning Bylaw determines what uses are permitted on a particular property and regulates the siting, height and density of buildings permitted on a lot. As the most direct method for regulating land use, the Zoning Bylaw can have a profound impact on the character of Sooke as well as on an individual's rights to develop property within the District of Sooke.

2. Why is a new Zoning Bylaw needed?

In 2010, the District of Sooke adopted a new Official Community Plan (OCP) which reflects the community's vision of how it wants to develop. The Zoning Bylaw is one of the most important implementation tools for the OCP, so it has to be revised or updated to reflect the community's goals and vision as contained in the OCP.

3. What is the current zoning on my property, and what is proposed under the new Zoning Bylaw?

To answer this question, you will need to:

- Check the zoning map (which is part of the existing Zoning Bylaw) to determine the current zoning on your property;
- Look up the corresponding regulations for that zone;
- Check the table showing existing and proposed zoning; and then
- Look up the regulations for the new zone classification applied to your parcel.

4. What is the difference between my existing zoning and the proposed zoning?

For most properties, development rights are not affected. Rather, the zoning has been relabelled to match the development potential based on access to water and sewer services. In rural areas, some larger properties have been rezoned to preserve the rural nature of those properties. In some cases, changes are being proposed to encourage more investment and development, particularly in the Town Centre.

5. What if I want my zoning changed? What are my options?

You have three options:

- i. You can apply to amend your zoning under the current bylaw through the standard rezoning process.
- ii. You can attend a Community Meeting, Public Open House, or the Public Hearing (to be scheduled for June) if you believe that the mapping rules were not applied

- correctly to your property to request that the District of Sooke amend the zoning of your property. There is no guarantee that the Council will support your request.
- iii. You can apply to amend the zoning of your property after the new bylaw is enacted through the standard rezoning process.

6. Can I continue to use my property in the same way?

Your existing use is allowed to continue indefinitely as a non-conforming use, even if your use is no longer listed as a permitted or conditional use in your zone category (See Section 6 “Conformity and Non-conformity”) of the proposed Zoning Bylaw.

There are limitations, however. Your existing use can only continue as a non-conforming use so long as the use does not change, the non-conformity does not increase, and the use does not cease for more than 6 months. If the use ceases for more than 6 months, or is destroyed to an extent exceeding 75% (for example, if there is a fire), the non-conforming use cannot be resumed or redeveloped.

7. What if I want to expand my operation, but my use is no longer permitted?

You may alter the building itself to comply with a legal requirement, to bring the building into compliance with the provisions of the new Bylaw, or to allow it to accommodate a conforming use. Buildings containing non-conforming uses may only be expanded if you receive approval from the Board of Variance. If you are operating a legal use in a building that does not conform to the height or setback standards of the new Bylaw, any alteration or expansion of the building will have to comply with those standards.

8. Will the new Zoning Bylaw downzone my property?

The goal of the Bylaw mapping change is not to restrict development rights. The general intent is to update the zoning categories and reduce the number of zones; then most closely match current land uses to the most appropriate new zoning category. Most of the changes to the zoning maps are zoning label changes, not rezonings.

9. Will the new Zoning Bylaw affect my property value or my taxes?

Property values for taxation purposes are established by the BC Assessment authority. In considering the value of any property, BC Assessment takes into account many factors that affect property value beyond zoning designation, including: general economic conditions, market demand, location, condition of buildings, income streams, surrounding neighbourhood amenities and context, etc. Assessments are generally conducted on a uniform basis for similar properties in an area.

Therefore, there is a possibility that property values will be affected. However, the intent of the new Zoning Bylaw is to map each parcel of land to the new zoning category that most closely resembles the existing zoning or to one with a similar range of uses and development rights to minimize any effect on property value or taxes. This Zoning Bylaw does not “pre-zone” any properties to higher densities or other categories to encourage land use change.

If you are concerned that your value would be affected, it would be prudent to consult with the BC Assessment Office on an individual basis.

10. What are the proposed major changes to the Bylaw?

The new Zoning Bylaw proposes the following changes to the Zoning framework:

- Directs high density development to the Town Centre, and within the Sewer Specified Area;
- Introduces minimum frontages into all zones;
- Updates the Neighbourhood Commercial zone to meet the OCP requirements for commercial nodes;
- Upgrades the Manufactured Home Park zone to reflect community needs;
- Integrates food security, rainwater management, and green technologies into the zones in an appropriate way;
- Provides for a range of agricultural zones, allowing for young farmers to access land;
- Contains a new zone for Technical Industrial Business Parks;
- Provides for a range of residential zones with differing lot sizes to permit a variety of housing types in Sooke.

The new Zoning Bylaw is organized somewhat differently than the existing bylaw. New features include:

- User's guide to assist with navigating the document;
- Reduced number of zones, with clearer distinctions between rural zones (outside the Sewer Specified Area), community residential zones, and Town Centre zones;
- Simplified and more consistent terminology throughout the bylaw in the zone names, numerical codes, and permitted uses;
- More understandable language;
- More diagrams to help explain difficult concepts;
- Significant reorganization, so that all general regulations are located together.

11. How does the new Bylaw regulate home-based businesses?

There have been very few changes to how the new Zoning Bylaw proposes to regulate home-based businesses. Key differences include clarification that community care facilities, including day cares, are permitted only as accessory uses within residential zones, and not as principal uses; and the introduction of a "limited home-based business" category, which makes operating an office-based home-based business permissible within a suite or apartment.

12. How will the new Bylaw address pedestrian, cycling, and vehicle needs?

The new Bylaw stipulates:

- Options for developers to contribute to a parking fund instead of providing on-site parking, referred to as 'cash-in-lieu of parking';
- Reduced parking requirements in the Town Centre;
- A lot coverage bonus for underground parking;
- New bicycle parking requirements;
- Requiring subdivisions to meet minimum frontage requirements to ensure that some on-street parking is available.

13. How does the new Bylaw help to implement the Town Centre Plan?

The new Bylaw assists with implementing the Town Centre Plan by:

- Ensuring that high density residential or mixed residential/commercial development is directed to the Town Centre;
- Modifying parking requirements to encourage development and reflect the intent of the Town Centre Plan;
- Providing an opportunity for the District of Sooke to start collecting funds to build a downtown parking facility.

14. Does the new Bylaw address the design of individual buildings?

The new Bylaw does not specify a particular style for new buildings, and does not create any design review bodies to review building designs. However, requirements for landscaping and screening of utilities, equipment, and refuse/recycling bins have been strengthened in the new Bylaw. Landscaping is an important part of keeping a site both attractive and environmentally benign through features such as rainwater absorption into the ground.

The specifics of site layout and individual building design are addressed through Development Permits. Please see the Sooke Official Community Plan for more information.

15. Why does the new Bylaw include frontages for each zone?

Frontages are a major contributing factor to the quality of streets and the public realm. A walkable community is impossible without good frontages. Different parts of the community need different types of frontages to maintain community character. For example, rural areas need wider frontages to protect rural character and to create the feeling of less density. High density areas need narrower frontages to make the community more walkable. Effective lot frontage widths also make allowance for some on-street parking by spacing driveways, and provide effective accesses onto industrial and commercial sites.

16. When will the new Bylaw come into effect?

The new Bylaw will come into effect as soon as it has been adopted by Sooke's Council. For projects with applications to the District of Sooke submitted or in progress, there is an option to operate under the old Zoning Bylaw or the new, depending on which is in the best interests of the developer and the community. For projects with completed building permit applications at the time of adoption, Section 10 of the proposed bylaw provides that such applications will be approved or rejected within 12 months of the bylaw coming into effect.¹

17. What was the process used to develop the new Zoning Bylaw?

The consulting team has been using a phased approach to developing the new Zoning Bylaw. In December and January, the team reviewed all of the District of Sooke's plans², and worked very closely

¹ This is also a requirement under the *Local Government Act*.

² These plans included the: Sooke OCP (2010), Parks and Trails Master Plan (2009), Town Centre Plan (2009), Transportation Master Plan (2009), Sustainability Strategy (2008), Accessibility and Inclusiveness Study (2008), Community Amenity Contribution Policy (2010), Liquid Waste Management Plan (2010).

with the District of Sooke staff to identify issues and areas needing improvement in the existing Zoning Bylaw. In January, Sooke Council appointed members of the Technical Review Committee, a citizen-advisory committee to the Sooke Zoning Bylaw project. This Committee met in February to share their perspectives on the existing Sooke Zoning Bylaw with the consultants, and then again in March for an all-day session to provide feedback to the consultants on the draft Zoning Bylaw. At that meeting, the Committee recommended to Sooke Council that the draft Zoning Bylaw go out for public consultation, with the changes that they recommended.

18. What are the next steps in the process for the new Zoning Bylaw?

Next steps in the process include:

- i. Public and agency consultation on the draft Zoning Bylaw (March & April), making any changes required;
- ii. Legal review of the draft Zoning Bylaw (May), making any changes required;
- iii. Formal adoption process, including another Community meeting and Public Hearing (June).

Stay tuned!

