

District of Sooke

ZONING BYLAW 500

Frequently Asked Questions

1. What is a Zoning Bylaw?

A Zoning Bylaw adopted by Council determines what uses are permitted on a particular property and regulates the siting, height and density of buildings permitted on a lot.

2. Why was a new Zoning Bylaw needed?

In 2010, the District of Sooke adopted a new Official Community Plan (OCP) that reflects the community's vision of how it wants to develop. The Zoning Bylaw is one of the most important tools used to implement the OCP. The Zoning Bylaw was updated to be consistent with the new OCP.

3. When will the new Bylaw come into effect?

The new Zoning Bylaw came into effect on November 14, 2011. (*Bylaw No. 500, Sooke Zoning Bylaw, 2011*)

4. What is my zoning under the new Zoning Bylaw?

To answer this question, you will need to view the Zoning Map on the District's website and review the website for more details about the uses, siting requirements and other zoning regulations that apply to your land. Alternatively, you can call the District's Development Services Department at 250-642-1634.

5. What is the difference between my previous zoning and the new 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.

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

Under the *Local Government Act*, your existing use is allowed to continue indefinitely as a permitted use or as a non-conforming use, provided it was allowed at the time it was started, even if your use is no longer listed as a permitted use in your zone category.

There are limitations. 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), then the non-conforming use cannot be resumed or redeveloped.

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

You may alter a building 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. 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 unless a variance is granted.

8. Has the new Zoning Bylaw “down-zoned” my property?

The goal of the new Bylaw is to update the zoning categories and reduce the number of zones. Most of the changes to the zoning maps are zoning label changes, not rezonings.

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

Property values for taxation purposes are determined 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, condition of buildings, income streams, and surrounding neighbourhood amenities. If you are concerned that your property value has been affected, it would be prudent to consult with the BC Assessment Authority on an individual basis.

The intent of the new Zoning Bylaw is to match 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. The new Zoning Bylaw does not “pre-zone” any properties to higher densities or other categories to encourage land use change.

10. If I have made an application for a Building Permit, what happens to it?

Section 1.8 of Zoning Bylaw 500 allows for complete building permit applications received prior to the effective date of the new bylaw to be processed under the previous zoning bylaw. The building permit application must be approved or rejected within 12 months and if rejected, must comply in the future with the new Bylaw.

Any building permit applications received after the effective date will be processed under the new Bylaw. Please contact the Building Department at 250-642-1634 if you have any questions.

11. If I have made an application for a Subdivision, what happens to it?

If an application for subdivision was submitted and the fees paid before the new Zoning Bylaw was adopted, then the subdivision application may be considered under the old Zoning Bylaw for a period of 12 months. You must advise the District in writing if you want your application to be considered under the new Bylaw instead. Please contact the Deputy Approving Officer at 250-642-1634 if you have any questions regarding your subdivision application.

12. What else is different about the new Zoning Bylaw?

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.

Please call staff at the District of Sooke at 250-642-1634 if you have any further questions about the new Zoning Bylaw or e-mail us at info@sooke.ca