



THE CORPORATION OF THE DISTRICT OF SOOKE

ZONING BYLAW 2011

BYLAW No. 500

The following sections “User Guide”, “Using the Sooke Zoning Bylaw”, “Sooke Zoning Bylaw Format” and the “Table of Concordance” are intended for information only and do not form part of the District of Sooke Bylaw No. 500, Sooke Zoning Bylaw, 2011.

User Guide

The Sooke 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.

The Zoning Bylaw reflects only municipal regulation and policy, including the District of Sooke Official Community Plan. Other bylaws, regulations and Acts of the District of Sooke, Province of British Columbia, and Government of Canada must also be observed.¹ It is up to the individual to ensure that relevant laws are observed.

As a reference document, the Sooke Zoning Bylaw’s *Table of Contents* is an important index. The Bylaw is organized in seven (7) 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.
- PART 5: ZONES** contains general information about how to interpret the zone descriptions and zoning maps. The individual zone description is located in the Bylaw Zone Schedules.
- PART 6: REPEAL OF PREVIOUS BYLAW**
- PART 7: EFFECTIVE DATE OF BYLAW**

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, BC Building Code, BC Fire Code, 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*

ZONE SCHEDULES are numbered 101 to 900 containing the uses and regulations pertaining to the zones referred to in Part 5 and form an integral part of this bylaw. The zone schedules include the zone descriptions.

Schedule “A” is the zoning map.

Schedule “B” is a list of offences and their penalties under the Zoning Bylaw and any other material that forms part of the *Sooke Zoning Bylaw*.

Using the Sooke 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) to determine what Zone Schedule Number the applicable zone is in. Once the Zoning Schedule Number is determined and located in the bylaw, 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 what Zone will permit that specific use. Use the table in Part 5 to identify the Zoning District Name and then find what the Zone Schedule Number is for that Zoning District Name. Turn to the Zone Schedule Number in the bylaw. 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.

Sooke Zoning Bylaw Format

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 Sooke 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 Sooke 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 Sooke 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.

Table of Concordance

Zoning Bylaw No. 270 (Repealed)	Zoning Bylaw No. 500
Rural Watershed and Forest Reserve (RU1)	Watershed, Forest & Agriculture (RU1)
Rural (RU2)	Rural (RU2)
Agricultural (RU3)	Small Scale Agriculture (RU3) Parcels larger than 10 ha. (RU1)
Rural Residential (RR1) Rural Residential (RR1A) Rural Residential (RR1B)	Rural Residential (RU4)
Gateway residential (GR)	Gateway Residential (RU5)
Village Residential 1 (R1)	If inside SAA Large Lot Residential (R1) If outside of SSA (RU4)
Village Residential 2 (R2)	If inside SSA, Large Lot Residential (R1) If outside of SSA (RU4)
Village Residential 3 (R3)	Rural Residential (RU4)
Urban Reserve (R4)	Rural Residential (RU4)
Town Centre Residential (RS1)	Medium Lot Residential (R2)
Mixed Small Lot Residential (RS2)	Small Lot Residential (R3)
Small Lot Residential (RS3)	Small Lot Residential (R3)
Manufactured Home Park (RM/RM1)	Manufactured Home Park (MHP)
Low Density Multi-Family (RM2)	Low Density Multi-Family (RM1)
Townhouse (RM2X)	Medium Density Multi-Family (RM2)
Medium Density Multi-Family (RM3)	Medium Density Multi-Family (RM2)
Apartment (RM3X)	Medium Density Multi-Family (RM2)
High Density Multi Family (RM4)	High Density Multi-Family (RM4) High Density Multi-Family (RM4)
Neighbourhood Commercial (CN1)	Neighbourhood Commercial (C1)

Village Commercial (C2)	General Commercial (C2)
Parking Lot (C3)	General Commercial (C2)
Neighbourhood Pub (C4)	Neighbourhood Commercial (C1)
Apartment Commercial (C5)	General Commercial (C2)
Service Commercial (CS1)	Service Commercial (C3)
Service Commercial (CS1A)	Service Commercial (C3)
Marine Commercial (CM1)	Recreational Commercial (C4)
Recreational Commercial (CR1)	Recreational Commercial (C4)
Potholes Commercial (CR2)	Potholes Commercial (C5)
Town Centre Commercial (CTC1)	Town Centre Commercial 1 – North (CTC1) Town Centre Commercial 2 – South (CTC2)
Public Recreation (P1)	Public Recreation (P1)
Community Facility (P2)	Community Facility (P2)
Public Utility (P3)	Public Utility (P3)
Light Industrial (M1)	Light Industrial (M1)
General Industrial (M2)	General Industrial (M2)
Heavy Industrial (M3)	Heavy Industrial (M3)
Marine Industrial (M4)	Marine Industrial (M4)
	Technical Industrial Business Park (M5)
Passive Recreation (W1)	Passive Recreation (W1)

Private Wharf (W2)	Private Wharf (W2)
Marina (W3)	Marina (W3)
Marine Pub (W4)	Recreational Commercial (C4)
Marine Residential (W5)	Zone eliminated
Marine Industrial (W6)	Marine Industrial (W6)
Marine Shell Fish Processing (W7)	Marine Aquaculture Processing (W7)
The Ponds/Terraces (CD1)	The Ponds/Terraces (CD1)
Sun River Estates (CD2)	Sun River Estates (CD2)
Silver Spray (CD3)	Silver Spray (CD3)
Tent Lot Residential (CD4)	Tent Lot Residential (CD4)
Beaton Road Residential (CD5)	Beaton Road Residential (CD5)
Tominnny Road (CD6)	Tominnny Road (CD6)
Mariner's Village (CD7)	Mariner's Village (CD7)
Prestige Hotel & Resort (CD8)	Prestige Hotel & Resort (CD8)
Spiritwood Estates (CD9)	Spiritwood Estates (CD9)
Charters River Stewardship Zone (CD10)	Charters River Stewardship Zone (CD10)

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SCHEDULE “A” – ZONING MAP

SCHEDULE “B” – MUNICIPAL TICKET INFORMATION DESIGNATIONS



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.

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

PART 1 – INTERPRETATION & ADMINISTRATION

Division 1: Title and Application

1.1 Title

This Bylaw is the *Sooke Zoning Bylaw, 2011*.

1.2 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.

1.3 Application

- a) This Bylaw shall apply throughout the corporate limits of the District of Sooke.
- b) Nothing contained in this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to their undertaking.

1.4 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

1.5 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 as set out in the Zone Schedules in Part 5 of this Bylaw.

1.6 Enforcement and Inspection

Bylaw Enforcement Officers, Building Officials and Fire Inspectors of the District of Sooke are designated to enforce this Bylaw and:

- 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 or employee of the District of Sooke onto any land, or into any building, to which entry is made or attempted pursuant to the provisions of this Bylaw.

1.7 Offences 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 or by bylaw notice issued under the Local Government Bylaw Notice Enforcement Act.
- d) No person may interfere with a Bylaw Enforcement Officer, Building Officer 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 Official or Fire Inspector in the enforcement of this Bylaw.

- e) The words or expressions set forth in Column 1 of Schedule B 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.
- f) The amounts appearing in Column 3 of Schedule B 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

1.8 Applications in Progress

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.

1.9 Bylaw Amendments

Applications to amend this Bylaw shall be made in accordance with the District of Sooke's *Development Procedures Bylaw*.

1.10 Appeals and Variances

- a) Variances to this Bylaw may be granted by the Board of Variance of the District of Sooke.
- b) Variances to this Bylaw may be granted by Council through the issuance of development variance permits.
- c) Variances to this Bylaw may be granted by Council through the issuance of development permits.
- 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.

NOTE: Diagrams are provided for illustration purposes only in this 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 customarily ancillary, subordinate and associated with the use of the principal building or the use of the lot;

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

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

ACTIVE FLOODPLAIN – See Floodplain, Active;

AGRICULTURAL LAND RESERVE (ALR) means those lands designated as such 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 equaling 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 and repair of farm machinery and implements of husbandry used on that farm, and sale of agricultural products produced on the land,. 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 building, structure or feedlot; 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;

AMENITY AREA means an indoor or outdoor area provided for and maintained by the owners or residents of a building or lot for social, aesthetic, recreational or leisure purposes, having in the case of an outdoor area no dimension less than 6 m and no slope greater than 10 percent, and does not include any required building setback area, storage area, off-street parking or loading area, driveway or area designated for private use by an individual owner such as limited common property in a strata plan;

AMUSEMENT FACILITY, INDOOR means a development or use 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;

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;

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;

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;

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;

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 residential accommodation for persons who due to age, physical limitation or mental impairment, require personal services in order to continue to live independently in most respects. Each unit must have a private bed-sitting room; may have a kitchen; some or all of the units may have common facilities;

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 ancillary vehicle washing and sales of related retail products; excludes 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 or an accessory building for 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 accommodating overnight guests with a bathroom or a shared bathroom, and may include a sitting room or a shared sitting room but specifically excludes kitchens;

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 and with a trailer;

BUSINESS PARK means a purpose-built or redeveloped area that provides office space and can include high-technology production and light industrial uses as well as leisure and convenience amenities for employees. The development is characterized by low-rise buildings with enhanced landscaping and screening on the site.

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

BUILDING OFFICIAL means 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 spaces are provided, occupied and managed for the temporary accommodation 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 the occupation of a campground space by a manufactured home;

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 sale, 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 in a specific field or curriculum;

COMMUNITY CARE FACILITY means a facility licensed pursuant to the *Community Care and Assisted Living Act*.

COMMUNITY WATER SYSTEM means a system of waterworks which is regulated by the Drinking Water Protection Act and associated regulations. It may be: 1) a shared system serving up to four persons, 2) a water utility, as regulated under the *Water Utility Act*, or 3) a system owned, operated and maintained by the District of Sooke or the Capital Regional District;

CONCESSION means the retail sale of hot and cold snacks, sunglasses, sunscreen and similar items required by park and campground users.

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 but not limited to staples, groceries, books, magazines, household accessories, movie rentals, and pre-packaged food and beverage takeout service;

COUNTRY MARKET means premises for the sale by farmers or artisans of products they have grown or crafted locally including but not limited to fruits, vegetables, herbs, flowers, meat, fish, poultry, dairy products, baked goods, works of art, and crafts such as pottery, but excluding the sale of live animals.

DAYCARE CENTRE – see Community Care Facility;

DENSITY – see the *Local Government Act's* definition of density

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 OF SOOKE means the Corporation of the District of Sooke;

DOCK, PRIVATE means a use on the water contiguous to a single family dwelling use, which is used for moorage of private boats of the upland owner and excludes servicing, fueling, pumping-out, chartering and the rental of moorage space.

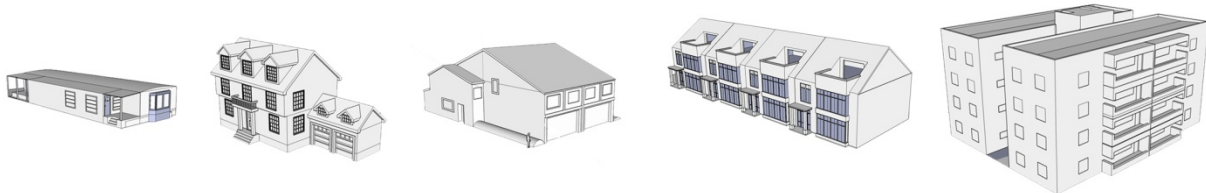
DUPLEX means a building in which two dwelling units are placed either one above the other or side by side and sharing a common wall;

DWELLING, SINGLE-FAMILY means a residential use in a detached residential 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, park model trailers, motor homes, travel trailers, and recreational vehicles.

DWELLING, MULTI-FAMILY means a townhouse or apartment building.

DWELLING UNIT means a self-contained set of rooms , 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, excludes 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, watercourse or of the ocean;

EMPLOYEE HOUSING means residential accommodation provided by the employer for their employees;

ENCLOSED means contained within a building or structure; See also Unenclosed;

EQUIPMENT SALES/RENTALS means any use 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 accessory retail sale of 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 living together as a single domestic unit and 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 farm 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;

FIRST STOREY – see Storey, First.

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

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;

FLOOR AREA means the total floor area of all floors 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 floor area permitted on a lot relative to the area of the lot, expressed as a ratio;

FRONTAGE means the portion of a lot that fronts on a public road consisting of the distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. In the case of a curved road, the frontage follows the arc of the curve, along the property boundary;

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

GAS BAR means a use providing for 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 ancillary uses including a club house, licensed premises, tennis courts, driving ranges, pro-shop, accessory retail sales, miniature golf courses and other recreational facilities;

GRADE means the elevation of the finished surface of the ground, adjacent to the exterior walls of the building. Localized depressions such as for vehicle or pedestrian entrances need not be considered in determining levels of finished grade;

GROUP HOME means a facility licensed under the *Community Care and Assisted Living Act* as a residence for no more than 10 persons, not more than 6 of whom are persons in care;

HEALTH SERVICES means uses and buildings providing for physical and mental health services on an out-patient basis; includes medical and dental clinics and offices, health clinics and counseling services; may include dispensing and accessory retail sales of prescriptions and medications, and other types of health services goods and equipment;

HEAVY EQUIPMENT SALES, RENTALS, STORAGE AND/OR CONTRACTING means a use providing for the sale, rental or contracting out of heavy equipment or vehicles used in building, construction, excavation, or agriculture;

HEIGHT means the vertical distance from the average finished surface elevation of the ground, measured from the outermost corners of a building or structure or from the surface of the water in the case of a building or structure located on the water, to the highest point of the roof (see diagram). If a localized depression such as a building entrance is located at an outermost corner, the level of the finished surface of the ground at that location may be ignored in the calculation of the average finished surface elevation.

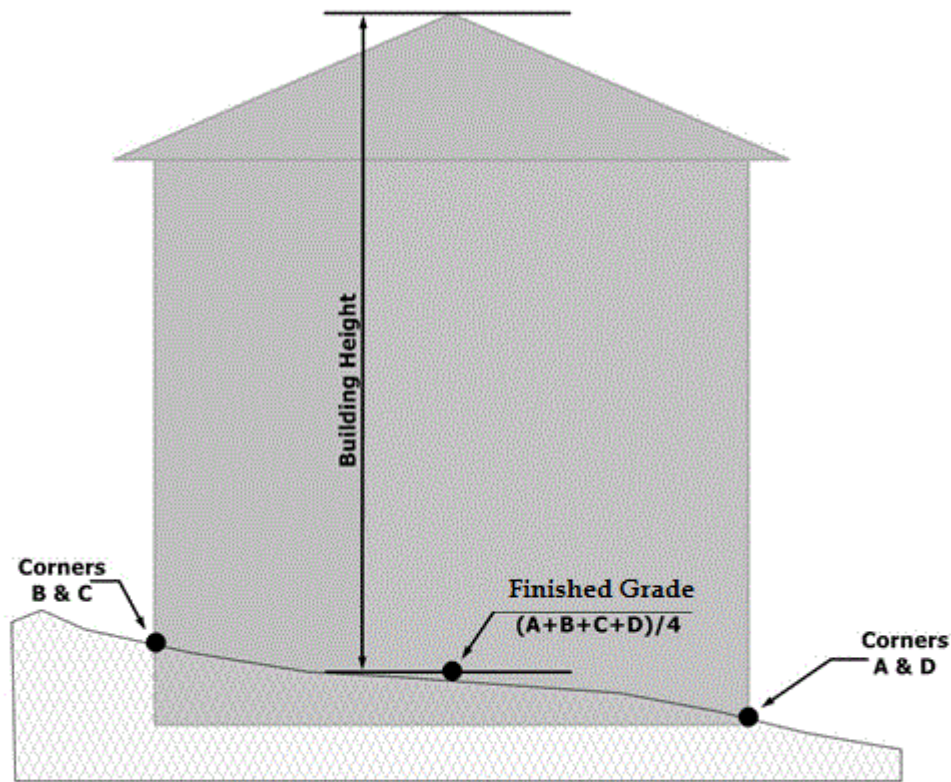


Figure 1 Height Calculation

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 – see the *Transportation Act's* definition of highway;

HOME BASED BUSINESS means an occupation, business, craft, or profession conducted for 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, permanent residences or 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 and the sale of goods, equipment and appliances normally found within the home;

INDUSTRIAL, 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 includes the operation of truck terminals, docks, railways, vehicle paint and body shops, soil improvement operations, movie production studio; specifically excludes open burning, and asphalt plants; and retail sales accessory to a principal use;

INDUSTRIAL, 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, LIGHT means a use 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;

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; and retail sales accessory to a principal use;

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

KENNEL means a use 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;

LANDSCAPING means any combination of trees, bushes, shrubs, plants, flowers, lawns, mulch, decorative boulders and gravel, decorative paving, planters, foundations, sculptures, decorative fences, and similar improvements, 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 secondary access to a lot;

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 are suitable for tourist, vacation, resort and recreational residence units, including private residence clubs, each unit of which has its own sanitary facilities, including water closet and washbasin; may include a kitchen or kitchenette in individual units; 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, CORNER means a lot at the intersection or junction of two or more highways;

LOT COVERAGE means the combined ground floor areas of all 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;

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

LOT LINE, FRONT means the lot line abutting a highway, other than a lane, provided that where a lot is a corner lot the front lot line is the shortest lot line abutting a highway. In the case of a manufactured home park, the front lot line shall be the lot line abutting the private road providing access;

LOT LINE, FRONT – PANHANDLE LOT means a lot line adjoining and approximately perpendicular to the access strip but excludes any lot line in the access strip:

LOT LINE, LANE means a lot line abutting a lane;

LOT LINE, REAR means the lot line or lines opposite to and most distant from the front line or, in the case of a triangular shaped lot, a line 3 m (9.8 ft) in length entirely within the lot, parallel to and at a maximum distance from the front lot line.;

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

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

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

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

MARINA means a use, 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; or combination thereof but excludes a private dock;

MARINE COMMERCIAL means commercial use which is linked to the commercial fishing industry and is dependent on or related to a waterfront location and includes moorage, servicing, fueling and chartering;

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; may include a kitchen or a kitchenette;

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;

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 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 area of land or a structure, other than on a highway, used for the temporary parking of motor vehicles by the public whether free or for compensation for employees, clients, customers or residents, but excludes any area where vehicles are kept for sale or repair or are stored;

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

PERSONAL SERVICES means uses or structures for attending to individual needs 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, and excludes 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;

PRINCIPAL BUILDING means the main or predominant purpose for which land or a building is used;

PRINCIPAL USE means the main or predominant purpose for which land or a building is used;

PRIVATE CLUB means a use providing for the meeting, social or recreational activities of members of a 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 facilities for utilities such as water, sewer, drainage, natural gas, electrical, telephone, cable, and similar services; includes but is not limited to plant and equipment;

PUBLIC VIEW CORRIDOR means the line of sight along a public highway or right of way towards the waterfront or mountains;

RAVINE means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1 for a minimum horizontal distance of 15 metres;

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

RESIDENTIAL SHELTER means a residential dwelling unit 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 on site and served or available for take-out;

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;

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 , 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 included in the area to be serviced by the municipal sewage collection system and wastewater treatment plant;

SHOPPING CENTER means a use incorporating a group of more than five (5) commercial establishments planned, constructed, or managed as an entity having common or shared parking available to all customers and employees;

SHOW HOME means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area, but cannot be used as a construction office. Show homes can only be open to the public between twelve noon and five o'clock in the evening and shall satisfy the parking requirements of 1space per 30m²;

SIGHT TRIANGLE means the triangular area of a lot formed by the intersection of 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 uses 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;

SLEEPING UNIT means a room or suite of rooms, which does not contain cooking facilities, used to accommodate any person on a temporary basis;

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 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 yard or junk yard;

STORAGE AREA OR 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 wrecking yard or junk yard, and parking lot;

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;

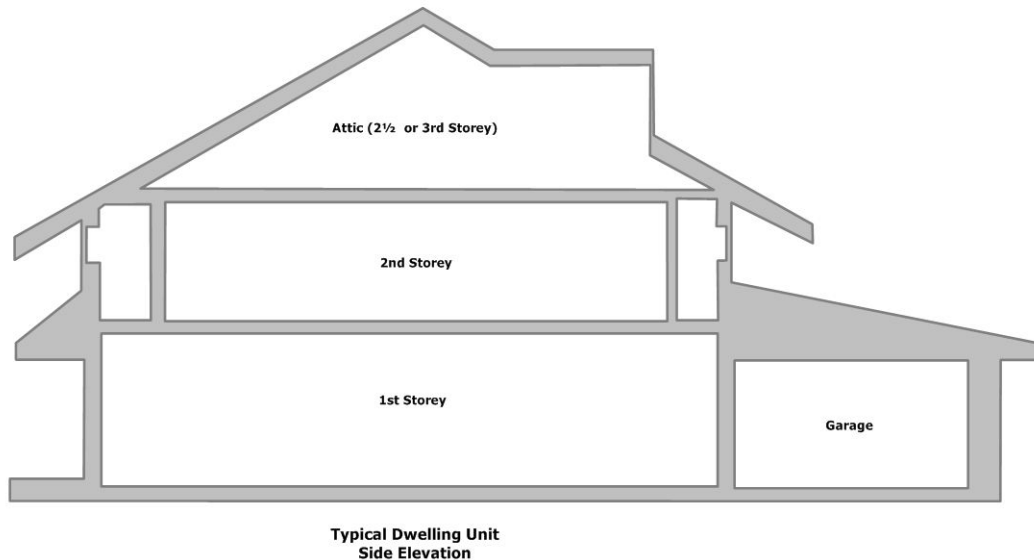


Figure 2: Storey Definitions

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 but is not limited to 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;

SWIMMING POOL means any structure or construction, intended primarily for recreation that is, or is capable of being, filled with water to a depth of .6 metres (2 feet) or more, excludes a hot tub;

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;

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; 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;

VEHICLE AND/OR EQUIPMENT REPAIR means a use or building providing for the servicing and mechanical repair of vehicles, boats, farm, gardening, construction or other equipment, and recreational vehicles, and 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 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, manufactured 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 wrecking yards;

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

WAREHOUSING means the use of a building for the bulk storage of materials, products, goods or merchandise

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/or 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 in accordance with this Bylaw, and for which specific regulations are outlined in each Zone Schedule in Part 5;

ZONING MAP means the map marked as Schedule “A” attached to and forming part of this Bylaw.

PART 3 – GENERAL REGULATIONS

3.1 Applicability

Except as otherwise specified in this Bylaw, these Part 3 General Regulations apply to all zones established under this Bylaw.

3.2 Prohibitions

- a) No person being the owner or occupier of land including the surface of water or any building or structure shall use the land, building or structure, or cause, permit or allow it to be used, for any use not permitted by this bylaw.
- b) No person shall subdivide land except in accordance with this bylaw.
- c) No person shall construct, erect, alter, extend or site a building or structure, or cause, permit or allow it to be constructed, altered, extended or sited, except in accordance with this bylaw.
- d) The uses specifically permitted in any Zone Schedule in Part 5 of this bylaw are the only uses permitted in that zone in addition to the uses permitted by section 3.2, and all other uses are prohibited. Without limiting the generality of the foregoing, the following uses are specifically prohibited:
 - i. Residential use in W zones;
 - ii. Refuse and garbage dumps
 - iii. The use of a tent, travel trailer, recreational vehicle, bus, boat or other vehicle or shipping container as a dwelling unit.
- e) Any lot in existence on the date of adoption of this bylaw may be used for any use permitted by this bylaw in the zone in which the lot is located, despite not complying with the minimum lot size or frontage requirements of the bylaw in relation to subdivision, but subject to all other regulations in this bylaw pertaining to the use.

3.3 Uses Permitted in Any Zone

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 in single family residential zones, licensed community care facilities providing day care for not more than 8 persons in care, or residential care for not more than 6 persons.
- c) Transportation facility 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.

3.4 Accessory Uses

- a) Accessory uses must be conducted on the same lot as the principal use.
- b) Buildings, structures and uses accessory to principal uses are permitted in any zone, and must be sited on the same lot as the principal building.
- 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 3.35 (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 building or use.
- f) Any structure or portion of a building that is attached to a principal building by means of an enclosed structure including any garage or carport is deemed to be a part of the principal building subject to the requirements of this bylaw applicable to the principal building, and is not an accessory building for any purpose.

3.5 Animals in Single Family, Multi-Family and Comprehensive Development Zones

Animal control in Sooke shall be in accordance with the District of Sooke Bylaw No. 392, *Animal Regulation and Impounding Bylaw, 2009*, as replaced or amended from time to time), and the following regulations:

- a) The keeping of livestock and male poultry is prohibited on lots less than 2,000 m² in area;
- b) The keeping of female poultry is prohibited on lots less than 600 m² in area;
- c) The keeping of up to 6 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;
- d) 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.

3.6 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 consecutive days in any calendar year;
- b) Recreational vehicles located within a campground shall have a valid motor vehicle license at all times;
- c) Campground space shall be used only by tents and by wheeled recreational vehicles licensed for highway use;
- d) A campground may have up to three group sites per campground; and
- e) Structural additions to recreational vehicles in campgrounds are not permitted.

3.7 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 uses permitted by this bylaw, based on the developer providing the related amenities noted:

- a) Where 80% or more of the on-site parking spaces are provided as underground parking spaces or concealed within the building, lot coverage may be increased by 10% and/or building height by one storey;
- 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%;
- c) Where a public open space is provided covering more than 5% of the property, lot coverage may be increased by 10%;
- 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%.

3.8 Density Calculations

In calculating density, if calculations result in a fractional number, the lower whole number is used.

3.9 Employee Housing

- a) Employee housing, where provided, shall not be included in units per hectare calculations under this bylaw, to a maximum of 10 additional dwelling or sleeping units;
- b) An agreement must be entered into as per s.905 of the Local Government Act;
- c) Employee housing may be in the form of a dwelling unit and/or sleeping units with shared kitchen and bath facilities.

3.10 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 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 Highway 14 – 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 3.10(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 sight triangle rules apply.

3.11 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.

3.12 Flood Construction Level and Setbacks

No buildings or structure or any part thereof shall be located, 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 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.

3.13 Floodplain Designation

The following land is designated as floodplain:

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

3.14 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 the specified Flood Construction Level (Section 3.12);
- b) Any fill 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 fill 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 fill shall be protected against scour and erosion from flood flows, wave action, and other debris; and
- 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.

3.15 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 area of the lot or, if situated on a building, not more than 5% of the area of the roof of that building;
- b) Rooftop solar panels situated on a building may exceed height restrictions by up to 1 m.

3.16 Liquor Licensed Facilities

Development applications that require a new liquor primary license or an amendment to an existing license are subject to the District of Sooke's *Liquor License Application Procedure Policy*, and the requirements of the provincial agency waving authority.

3.17 Lot Areas and Frontages (See also Subdivision)

For subdivision purposes:

- a) Minimum lot sizes and frontages are specified in this Zoning Bylaw;
- b) For lots of less than 1,800 m² in area 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.)

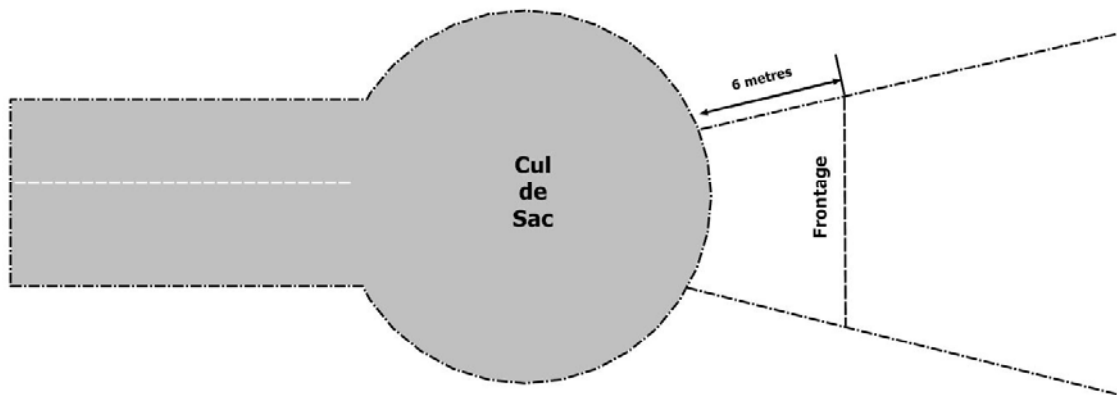


Figure 4 Frontage on Cul de Sac

- 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; or
 - ii. Where the lot being created is for park use only.

3.18 Panhandle Lots

Notwithstanding the frontage requirements of each zone:

- 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) For subdivision purposes, the area of the panhandle (access strip) does not constitute part of the lot area for the purpose of calculating the area of the lot;
- 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);

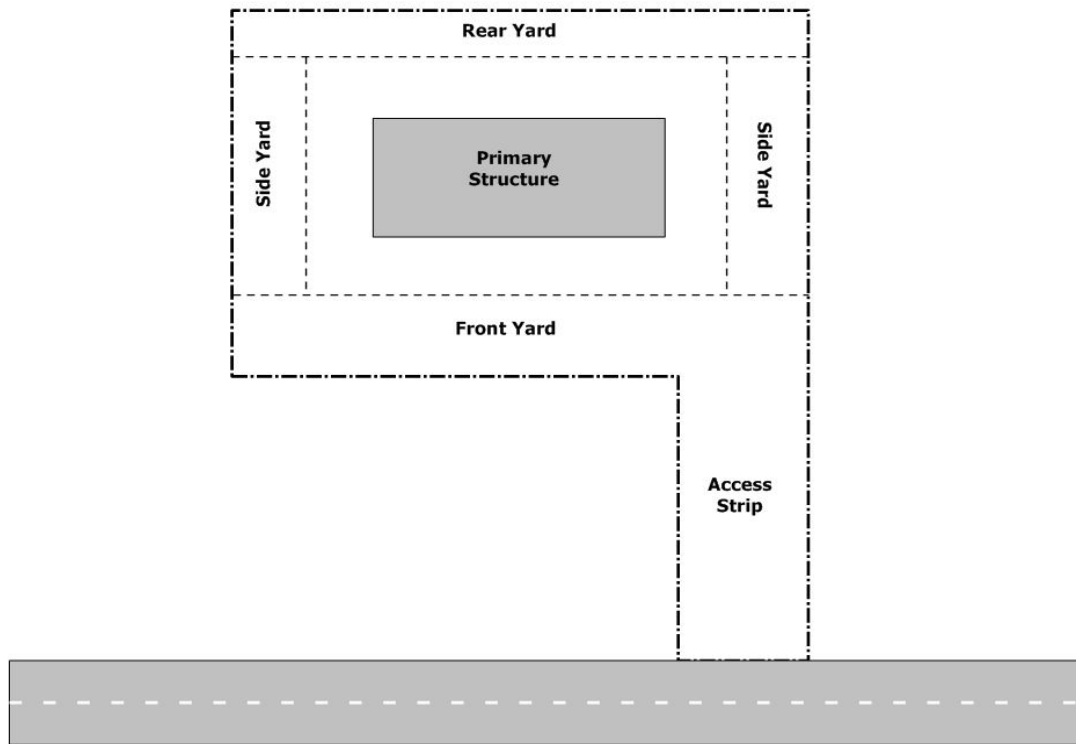


Figure 5 Panhandle Lot Yards

3.19 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 the marine shoreline throughout the District of Sooke.

- a) The recession plane provisions apply to all public view corridors to the marine shoreline and public view corridors are defined as any road or right of way directly intersected to Highway 14 and perpendicular to the marine shoreline.
- b) The recession plane provisions apply on any side of a building that is fronting a highway which is defined as a public view corridor in 3.19(a);
- c) 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;

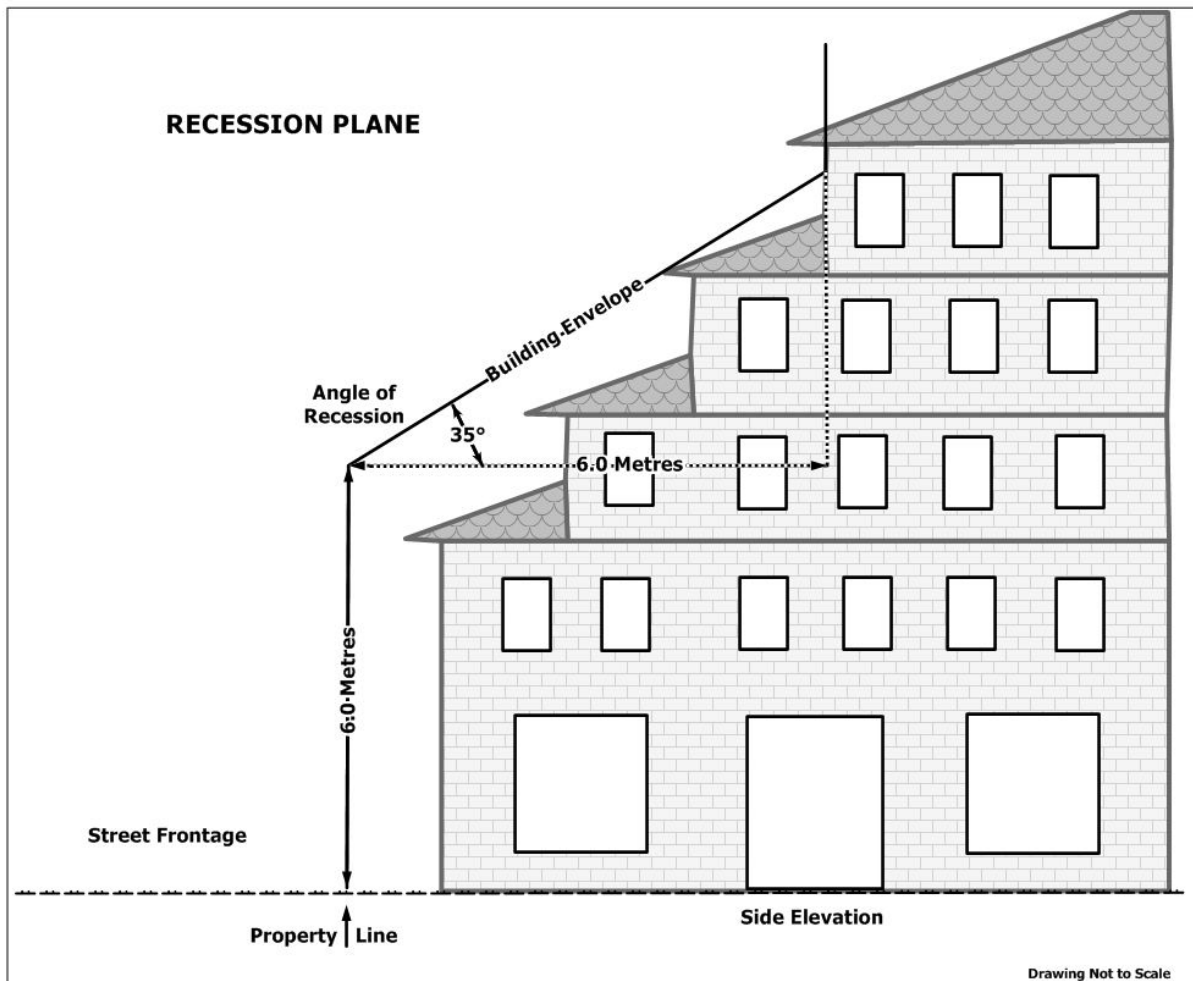


Figure 6 Recession plane

3.20 Residential Uses

- a) Not more than one dwelling unit shall be located on any lot except as specifically permitted in this Bylaw;
- b) Except where otherwise stated, single family dwellings shall have a minimum width of 5 m;
- c) A tent, travel trailer, recreational vehicle, bus, boat, or other vehicle or shipping container is not permitted as a residential use or dwelling unit;

3.21 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:
 - i. Landscaping at least 1.5 m high in a strip at least 1.0 m wide; or
 - ii. A solid decorative fence at least 1.5 m high but not higher than 2.5 m;

- a) 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;
- b) 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;
- c) Outdoor storage areas shall be screened from adjacent lots by a solid decorative fence or landscaping of a minimum height of 2 m;
- d) 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;
- e) 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.

3.22 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 of the yard in the case of a projection into a side or rear yard less than 1.5 m in width;
- 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;

3.23 Setbacks, Highway 14

On parcels along Highway 14 between the Sooke River and Grant Road setbacks of all buildings and structures shall be measured from a line that parallels the property line abutting Highway 14 and is located 15 m from the centerline of Highway 14.

3.24 Setbacks, Side Yard (Town Centre)

Commercial, multi-family, or institutional developments within the Town Centre abutting a lot designated Duplex/Single Family Dwelling (D/SFD) or Existing Housing (H) in the "Summary Map" on p. 8 of the Sooke Town Centre Plan

(adopted June 9, 2009), shall have a side yard setback of not less than 4.5 metres.

3.25 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 100m of a surface supply of drinking water.

3.26 Sight Triangle

On a corner lot contiguous to a highway intersection, hedging and other vegetation shall be 1 m or less in height, and no building, structure, or fence, shall be constructed or erected within an area bounded by a line joining points on each lot line, a distance of 6 m from the corner of the lot, and the point of intersection of the highway.

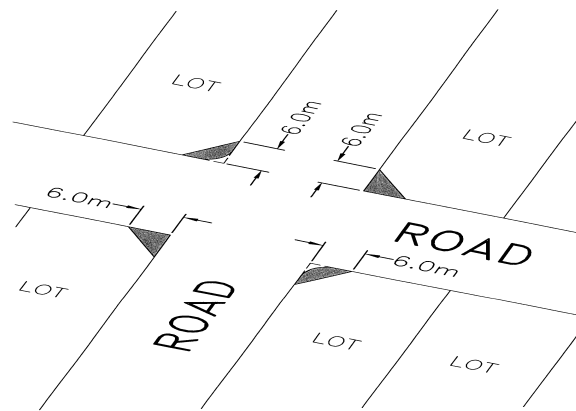


Figure 7 Sight Triangle

3.27 Signage

All signage shall conform to the applicable requirements of the District of Sooke's Bylaw No. 480, *Sign Regulation Bylaw, 2011*.

3.28 Steep Slopes

Where the building site is at the top of a steep bank, 30 degrees or greater from horizontal over a run of 15 m 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

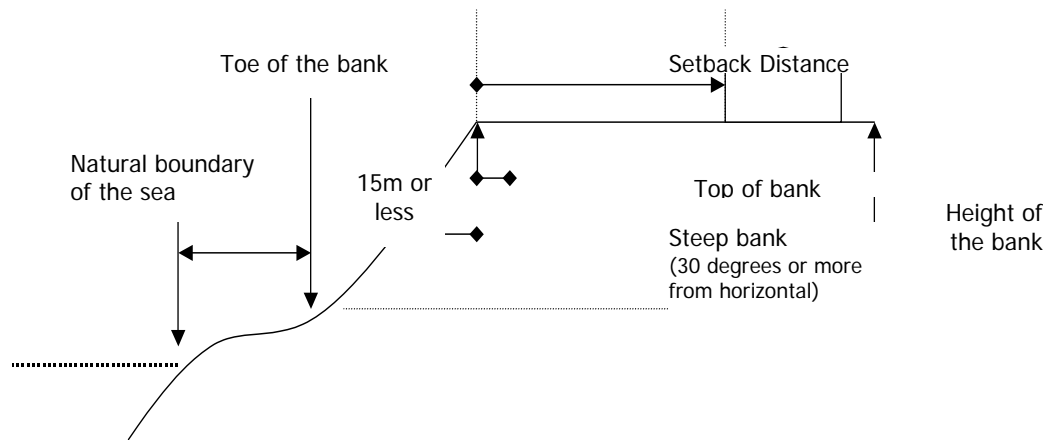


Figure 8 Steep Slope Setbacks

3.29 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) Except in a wrecking yard in the M3 zone, no lot shall be used for the exterior storage, collection or accumulation of all or part of any derelict or wrecked motor vehicle, or all or part of any motor vehicle that is not registered and licensed in accordance with the Motor Vehicle Act and capable of motion under its own power.

3.30 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, watercourse or topographical features such that the separated part constitutes less than 10% of the total lot area, it may be consolidated.
- c) Notwithstanding the minimum requirements 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) Where a bare land strata subdivision is being approved under the lot area averaging provisions of the Bare Land Strata Regulations, the average strata lot area shall not be less than 90% of the minimum lot area specified in this bylaw for subdivision purposes.
- f) Where a portion of the parent parcel is dedicated for highway widening, a waterfront walkway, a trail, or parkland in excess of 5% of the area of the parent parcel, each parcel being created by subdivision shall be not less than 90% of the minimum lot area specified in this bylaw for subdivision purposes;

3.31 Suites - General

- a) Only one secondary suite or small suite shall be permitted on a lot with a single family dwelling.
- b) An owner of the lot must occupy either the secondary or small suite or the single family dwelling.
- c) A bed and breakfast use shall not be permitted within a single family dwelling with a secondary suite or in a small suite.
- d) The suite shall not significantly change the external residential appearance and primary character of the single-family dwelling or lot.

3.32 Suites - Secondary Suites

- a) A 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;

3.33 Suites - Small Suites

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

3.34 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 must be self-closing and self-latching.
- 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 0.6 m.

3.35 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.

3.36 Undersized Lots

Lots that:

- a) exist in the records of the Land Titles Office, at the time of adoption of this Bylaw; or
- 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 Province of BC Ministry of Transportation;

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.

PART 4 – SPECIFIC USE REGULATIONS

4.1 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) On lots greater than 2,000 m², bed and breakfast units may be located in an accessory building provided that a minimum of 50% of all bed and breakfast units shall be located in the principal dwelling;
- c) 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, (DD25332-1), Section 73, Plan 4036, Sooke District;
- d) 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 Units	Total Permitted Number of Units in an Accessory Building	Total Floor Area of Accessory Bed and Breakfast Unit(s)
2000 m ² or less	3 units	0	0 m ²
More than 2000 m ² and less than 4000 m ²	3 units	1	55 m ²
4000 m ² or more and less than 8000 m ²	4 units	1	55 m ²
8000 m ² or more	4 units	2	110 m ²

- e) 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.";
- f) Breakfast meals only may be served to transient guests;
- g) The bed and breakfast use shall not increase the parking of motor vehicles on the lot by more than one vehicle at a time for each unit;
- h) 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;
- i) An accessory building used as a bed and breakfast unit shall be located not more than 45 m distant from a point where vehicle access to the lot and the public road right-of-way intersect unless the Sooke Fire Department has approved an alternative access and egress plan.

- j) Bed and breakfast facilities located within a single family dwelling may be equipped with a refrigerator, microwave oven, and electric appliances for making hot beverages, and those located within an accessory building may be equipped with any of the foregoing or may contain a kitchenette.
- k) No more than the number of guests permitted by the British Columbia Fire Code shall be permitted in the principal single family dwelling.

4.2 Crematorium

The siting of a crematorium as an accessory use to a 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.

4.3 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 the 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.
- e) All parking associated with the home-based business use shall be contained on the lot.
- f) The home-based business use shall be clearly subservient to the use of the dwelling unit for residential purposes and to the residential use of the lot on which the dwelling is located.
- g) 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.
- 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.
- 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 storage and 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, with the exception of community care facilities.

- k) No more than one commercial utility trailer or 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) 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 storage and repair;
 - iv. Autobody work;
 - v. Welding or steel manufacturing.

4.4 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 this section.
- 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 of this section 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.
- f) 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. In industrial and rural areas where the loading space is located within the permitted side and/or rear yard, the loading space may be surfaced with compacted pervious materials such as gravel or a comparable product.
- g) 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.
- h) 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.
- i) All off-street loading spaces shall be clearly marked with the words "LOADING SPACE ONLY" on the pavement or wall facing.

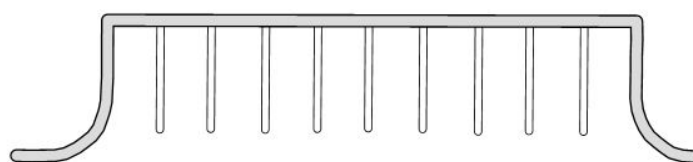
4.5 Parking Regulations

- a) Except where otherwise permitted in this bylaw, all off-street parking requirements for uses permitted on a lot must be satisfied on the lot where the use requiring the spaces is located;
- 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) If off-street parking spaces in excess of bylaw requirements are provided, the location, design and operation shall comply with the requirements of this bylaw.
- e) Where excess parking spaces are provided in residential areas, they shall be covered with a pervious material, 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 for residential uses, 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 with an easement which permits the owner, employees and customers of the business property access to the spaces on the parking property.
- h) Where changes or additions to a use or building create an additional parking requirement in excess of 25% of the previous parking requirement, an owner may make cash payment in lieu of providing some or all of the additional parking spaces.
- i) Uses of land and buildings located within the Town Centre, designated in the Official Community Plan and operating only outside the hours of 6 am and 6 pm need not provide off-street parking spaces otherwise required by the bylaw provided that the lot on which the use is located is within 100 m of a parking lot located in the Town Centre containing sufficient parking spaces to satisfy the parking space requirement that applies to the use, that are not required in respect of another existing use of land or buildings and the easement for parking over the parking lot; and that the District holds a restrictive covenant over the parking lot under section 219 of the Land Title Act restricting the use of the land or a portion of the land to parking for the use that requires the parking spaces, during the hours of operation of the use that requires the parking spaces.

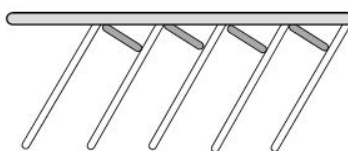
4.6 Development and Maintenance Standards for Off-Street Parking

- a) All vehicular parking spaces must be surfaced with asphalt, concrete or permeable material and drained and maintained so as to assure availability to customers and employees of the use requiring the spaces.
- b) For the purposes of this section, “permeable” means such consolidated surface materials such as grasscrete, grass pave, porous concrete, and brick pavers, but not unconsolidated materials such as crushed rock, gravel, grass, earth or other loose materials.
- c) Off-street parking spaces must be laid out so as to permit vehicles access to access the abutting street without moving backwards onto the street.
- d) 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.
- e) 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:

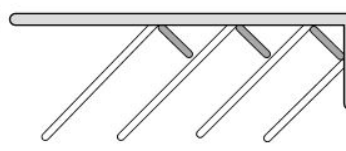
Parking Angle (see diagram)	Width of Aisle
90°	7.5 m
60°	5.5 m
45°	4 m



90° Parking



60° Parking



45° Parking

Figure 7 Parking Angles

- f) Concrete barrier curb shall be located in such a manner as to prevent vehicular damage to landscaping or vehicular overhang on walkways, where applicable.
- g) 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.
- h) Lighting will have an average illumination of 6 lux in residential areas and 11 lux in commercial, institutional, and industrial areas.
- i) 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".
- j) 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
Disabled Space	5.8 m	3.7 m

- k) 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.
- l) A minimum of 60% of the spaces provided shall be standard spaces.
- m) 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.

4.7 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 other 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 4.8, the number of spaces shall be calculated on the basis of a similar use that is listed.

4.8 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%. A developer of land may provide 50% of the required parking where a cash in lieu of parking contribution equal to the value of the outstanding parking requirement to the District parking reserve fund in accordance with the provisions of Bylaw No. 261, *Parking Facility Reserve Fund Establishment Bylaw*.

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
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

Use/Activity	Parking Spaces Required
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
Mini Golf	2 per hole
Nurseries/Greenhouses	1 per 15 m ² covered retail area
Office	1 per 30 m ² gross floor area
Overnight Accommodation: Campground/RV Park	1 per space plus 2

Use/Activity	Parking Spaces Required
Overnight Accommodation: Hotel/Motel, Tourist Accommodation	1 per room plus 1 per 30 m ² gross floor area of office space
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 40 m ² of gross floor area of tourism space whether located within or outside a building or structure
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

4.9 Disabled Parking

a) Disabled 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) The dimensions for a designated parking space for a person with a disability shall be a minimum of 3.7 m wide and 5.8 m long with a clear pedestrian aisle of 1.2 m, and have a vertical clearance of at least 2.3 m;
- c) Where two accessible parking spaces are adjacent, the pedestrian aisle may be shared, and be increased to 1.5 m;
- d) Designated signage for parking spaces for a person with a disability shall be located on a pole with a minimum height of 1.5 m high and will follow the requirements for signage located in the *Motor Vehicle Act Regulations, Division 23, Schedule 2*.

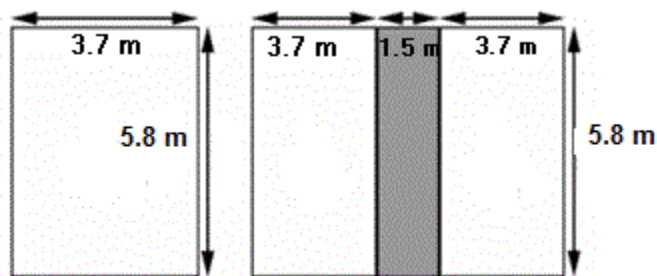


Figure 5 Disabled Parking Space Dimensions

4.10 Bicycle Parking Requirements

- a) Long Term Parking facilities (Class I) shall be in a dry enclosure accessible only to residents or employees of the premises;
- b) 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;

- c) 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 m ² Gross Floor Area (25% Class I, 75% Class II)
Commercial, office	1 space per 400 m ² Gross Floor Area (75% Class I, 25% Class II)
Recreational/Cultural/ Educational	1 space per 200 m ² Gross Floor Area (25% Class I, 75% Class II)
Parking Structure/Lot	10% of motor vehicle spaces provided

PART 5 – ZONES

5.1 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	Zone Schedule Number
Rural Zones		
Watershed, Forest & Agriculture	RU1	101
Rural	RU2	102
Small-scale agriculture	RU3	103
Rural residential	RU4	104
Gateway Residential	RU5	105
Residential Zones		
Large Lot Residential	R1	201
Medium Lot Residential	R2	202
Small Lot Residential	R3	203
Manufactured Home Park	MHP	301
Low Density Multi Family 1	RM1	302
Medium Density Multi Family 2	RM2	303
High Density Multi Family 3	RM3	304
High Density Multi Family 4	RM4	305
Commercial Zones		
Neighborhood Commercial	C1	401
General Commercial	C2	402
Service Commercial	C3	403
Recreational Commercial	C4	404
Town Centre Commercial 1 - North	CTC1	405
Town Centre Commercial 2 – South	CTC2	406

Industrial Zones		
Light Industrial	M1	501
General Industrial	M2	502
Heavy Industrial	M3	503
Aquatic Industrial	M4	504
Technical Industrial Business Park	M5	505
Institutional Zones		
Public Recreation	P1	601
Community Facility	P2	602
Public Utility	P3	603
Water Zones		
Passive recreation	W1	701
Private Wharf	W2	702
Marina	W3	703
Marine Industrial	W6	704
Marine Aquaculture Processing	W7	705
Comprehensive Development (CD) Zones		
The Ponds/Terraces	CD1	801
Sun River Estates	CD2	802
Silver Spray	CD3	803
Tent Lot Residential	CD4	804
Beaton Road Residential	CD5	805
Tominny Road	CD6	806
Mariner's Village	CD7	807
Prestige Hotel & Resort	CD8	808
Spiritwood Estates	CD9	809
Charters River Stewardship Zone	CD10	810

5.2 Zone Schedules

The Zone Schedules numbered 101 to 900 containing the uses and regulations pertaining to the zones referred to above form an integral part of this bylaw.

5.3 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.

5.4 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.

5.5 Zone Boundaries

- a) Where a zone boundary is shown on Schedule "A" Zoning Map 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.

5.6 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.

5.7 Split Zones

Where a lot is divided into separate zones,

- a) the use, siting and density regulations for each portion shall be those specified for the zone applicable to that portion,
- b) in the case of a lot that is partially within the residential zones, not more than one dwelling unit shall be permitted on the lot unless the additional dwelling unit is a secondary suite or small suite permitted by this bylaw.

PART 6 – REPEAL OF PREVIOUS BYLAWS

- 6.1 Bylaw No. 270, *Sooke Zoning Bylaw, 2006*, as amended, is repealed except insofar as it repeals any other bylaw.
- 6.2 Bylaw No. 377, *Mobile Home Parks Bylaw, No. 1, 1977*, as amended, is repealed.

PART 7 – EFFECTIVE DATE OF BYLAW

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

Introduced and read a first time the 24th day of October, 2011.

Read a second time the 24th day of October, 2011.

Public hearing held the 7th day of November, 2011.

Amended the 7th day of November, 2011.

Read a third time the 7th day of November, 2011.

Approved by the Ministry of Transportation and Infrastructure the 8th day of November, 2011.

Adopted on the 14th day of November, 2011.

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer