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### *Amendments to Bylaw No. 600, Sooke Zoning Bylaw, 2013 As at September 28, 2015*

<b>Bylaw No.</b>	<b>Amnt. No.</b>	<b>Bylaw Purpose</b>	<b>Date of Adoption</b>
569	600-1	Zoning Map Amendment – 6535 Grant Rd E	May 27, 2013
570	600-2	Zoning Map Amendment – 2083 Anna Marie Road	June 24, 2013
577	500-4	Text Amendment CD-11- Knox Centre (Schedule 811)	October 15, 2013
578	600-5	Text Amendment CD13 - Horne Rd (Schedule 813) and Zoning Map Amendment	October 15, 2013
579	600-6	Zoning Map Amendment – 2078 Kennedy	October 15, 2013
581	600-7	Text Amendment – Lodge Definition	October 15, 2013
583	600-9	Misc. Text Corrections	February 11, 2014
587	600-10	Zoning Map Amendment – 6695 Rhodonite	April 14, 2014
588	600-11	Zoning Map Amendment – 2346-2360 Sooke River RD	April 14, 2014
535	600-14	Zoning Map Amendment – Sun River	November 3, 2014
611	600-15	Zoning Map and Text Amendment-- 6509 Sooke Road	March 30, 2015
613	600-16	Zoning Map and Text Amendment – 6645 Sooke Road	September 14, 2015
616	600-17	Text Amendment – Sun River 2435 Phillips	May 25, 2015



# Sooke Zoning Bylaw

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THE CORPORATION OF THE DISTRICT OF SOOKE

BYLAW No. 600, *SOOKE ZONING BYLAW, 2013*

Adopted: January 28, 2013

*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. 600, Sooke Zoning Bylaw, 2013.*

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## 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.<sup>1</sup> 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 the 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**

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<sup>1</sup> 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*

## **PART 7: EFFECTIVE DATE OF 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*.

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## 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.

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## 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

<b>Zoning Bylaw No. 270 (Repealed)</b>	<b>Zoning Bylaw No. 500 (Repealed)</b>	<b>Zoning Bylaw No. 600</b>
Rural Watershed and Forest Reserve (RU1)	Watershed, Forest & Agriculture (RU1)	Watershed, Forest & Agriculture (RU1)
Rural (RU2)	Rural (RU2)	Rural (RU2)
Agricultural (RU3)	Small Scale Agriculture (RU3) Parcels larger than 10 ha. Rural Watershed and Forest Reserve(RU1)	Small Scale Agriculture (RU3)  Rural Watershed and Forest Reserve(RU1)
Rural Residential (RR1) Rural Residential (RR1A) Rural Residential (RR1B)	Rural Residential (RU4)	If outside SSA Rural Residential (RU4) If inside SSA Large Lot Residential (R1)
Gateway Residential (GR)	Rural Residential (RU4)	Rural Residential (RU4)
	Gateway Residential (RU5)	Gateway Residential (RU5)
Village Residential 1 (R1)	If inside SAA Large Lot Residential (R1) If outside of SSA (RU4)	Large Lot Residential (R1)  Rural Residential (RU4)
Village Residential 2 (R2)	If inside SSA, Large Lot Residential (R1) If outside of SSA (RU4)	Large Lot Residential (R1)  Rural Residential (RU4)
Village Residential 3 (R3)	Rural Residential (RU4)	Rural Residential (RU4)
Urban Reserve (R4)	Rural Residential (RU4)	Rural Residential (RU4)
Town Centre Residential (RS1)	Medium Lot Residential (R2)	Medium Lot Residential (R2)
Mixed Small Lot Residential (RS2)	Small Lot Residential (R3)	Small Lot Residential (R3)
Small Lot Residential (RS3)	Small Lot Residential (R3)	Small Lot Residential (R3)
Manufactured Home Park (RM/RM1)	Manufactured Home Park (MHP)	Manufactured Home Park (MHP)
Low Density Multi-Family (RM2)	Low Density Multi-Family (RM1)	Low Density Multi-Family (RM1)
Townhouse (RM2X)	Medium Density Multi-Family (RM2)	Medium Density Multi-Family (RM2)
Medium Density Multi-Family (RM3)	Medium Density Multi-Family (RM2)	Medium Density Multi-Family (RM2)

Apartment (RM3X)	Medium Density Multi-Family (RM2)	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)	Neighbourhood Commercial (C1)
Village Commercial (C2)	General Commercial (C2)	General Commercial (C2)
Parking Lot (C3)	General Commercial (C2)	General Commercial (C2)
Neighbourhood Pub (C4)	Neighbourhood Commercial (C1)	Neighbourhood Commercial (C1)
Apartment Commercial (C5)	General Commercial (C2)	General Commercial (C2)
Service Commercial (CS1)	Service Commercial (C3)	Service Commercial (C3)
Service Commercial (CS1A)	Service Commercial (C3)	Service Commercial (C3)
Marine Commercial (CM1)	Recreational Commercial (C4)	Recreational Commercial (C4)
Recreational Commercial (CR1)	Recreational Commercial (C4)	Recreational Commercial (C4)
Town Centre Commercial (CTC1)	Town Centre Commercial 1 – North (CTC1) Town Centre Commercial 2 – South (CTC2)	Town Centre Commercial (CTC)
Public Recreation (P1)	Public Recreation (P1)	Public Recreation (P1)
Community Facility (P2)	Community Facility (P2)	Community Facility (P2)
Public Utility (P3)	Public Utility (P3)	Public Utility (P3)
Light Industrial (M1)	Light Industrial (M1)	Light Industrial (M1)
General Industrial (M2)	General Industrial (M2)	General Industrial (M2)
Heavy Industrial (M3)	Heavy Industrial (M3)	Heavy Industrial (M3)
Marine Industrial (M4)	Marine Industrial (M4)	Marine Industrial (M4)
	Technical Industrial Business Park (M5)	Technical Industrial Business Park (M5)

Passive Recreation (W1)	Passive Recreation (W1)	Passive Recreation (W1)
Private Wharf (W2)	Private Wharf (W2)	Private Wharf (W2)
Marina (W3)	Marina (W3)	Marina (W3)
Marine Pub (W4)	Recreational Commercial (C4)	Recreational Commercial (C4)
n.a.	n.a.	Group Moorage (W4)
Marine Residential (W5)	Zone eliminated	n.a.
Marine Industrial (W6)	Marine Industrial (W6)	Marine Industrial (W6)
Marine Shell Fish Processing (W7)	Marine Aquaculture Processing (W7)	Marine Aquaculture Processing (W7)
The Ponds/Terraces (CD1)	The Ponds/Terraces (CD1)	The Ponds/Terraces (CD1)
Sun River Estates (CD2)	Sun River Estates (CD2)	Sun River Estates (CD2)
Silver Spray (CD3)	Silver Spray (CD3)	Silver Spray (CD3)
Tent Lot Residential (CD4)	Tent Lot Residential (CD4)	Tent Lot Residential (CD4)
Beaton Road Residential (CD5)	Beaton Road Residential (CD5)	Beaton Road Residential (CD5)
Tomlinny Road (CD6)	Tomlinny Road (CD6)	Tomlinny Road (CD6)
Mariner's Village (CD7)	Mariner's Village (CD7)	Mariner's Village (CD7)
Prestige Hotel & Resort (CD8)	Prestige Hotel & Resort (CD8)	Prestige Hotel & Resort (CD8)
Spiritwood Estates (CD9)	Spiritwood Estates (CD9)	Spiritwood Estates (CD9)
Charters River Stewardship Zone (CD10)	Charters River Stewardship Zone (CD10)	Public Recreation (P1)
n.a.	Knox Centre Zone (CD11)	Knox Centre Zone (CD11)
n.a.	West Coast Mixed Use (CD12)	West Coast Mixed Use (CD12)



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## DISTRICT OF SOOKE

### BYLAW No. 600

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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.

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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, 2013*.

#### **1.2 Purpose**

The principal purpose of this Bylaw is to provide a clear and efficient zoning system by:

- 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. 500, *Sooke Zoning Bylaw, 2011*, 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.

***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;

**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;

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

**BOAT RAMP** means a facility or structure located on a shoreline to accommodate vehicles or trailers for the purpose of launching and retrieving boats from 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 180 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;

**CLUSTER DWELLING** – See Dwelling, Cluster;

**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 water system providing water to more than one single family dwelling and requiring approval from the local Health Authority, 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 m<sup>2</sup> 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;

**COOPERATIVE HOUSING** means housing for seniors or low-income families who are members of a housing cooperative;

**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, CLUSTER** means one dwelling unit or two dwelling units within the same building which are on the same lot as at least four other dwelling units;

**DWELLING, MULTI-FAMILY** means an apartment building, cluster dwelling, rowhouse, stacked townhouse, and townhouse and includes a duplex on lands zoned multi-family;

**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 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;

**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** includes 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, other than by tsunami, or
- b) Within a boundary that is indicated by the 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 sun decks 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;

**GROUP MOORAGE** means multi-berth moorage in a facility that is:

- a) used only by a group of owners or residents of contiguous upland parcels or other parcels in the community who are associated by contract, society or incorporation, and
- b) not accessible or used by the general boating public;

**GROUP SITE** means an area in a campground used or intended to be used, rented or leased, for the temporary recreational occupancy of tents and up to twelve travel trailers or recreational vehicles;

**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;

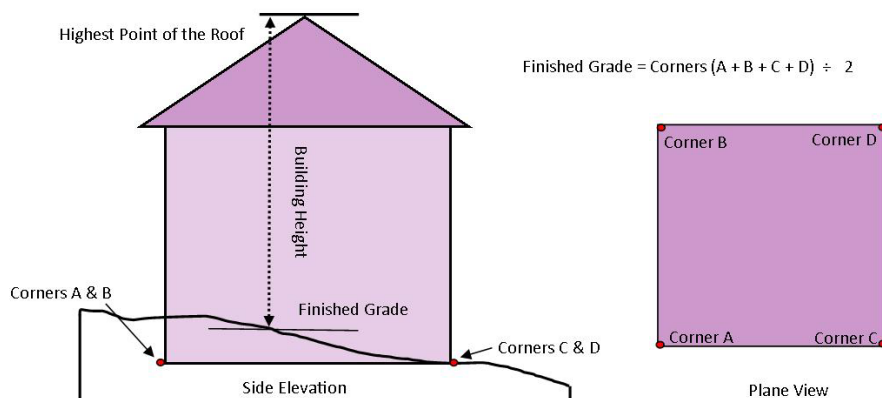


Diagram 1 Height Calculation

**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 4.3 of this Bylaw;

**HOME BASED BUSINESS, LIMITED** 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 4.3 of this Bylaw but does not include any businesses which have customers or clients who visit the site of the home-based business;

**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 Care Facility, 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;

**LIMITED HOME-BASED BUSINESS** – See Home-based Business, Limited;

**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*. Residence units included within a private residence club can be used as permanent or temporary residences, or for temporary accommodation; *(amended by Bylaw No. 481 adopted October 15, 2013)*

**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;

**LOT WIDTH** means the length of a straight line perpendicular to a straight line connecting the mid-point of the front and rear lot line and at a distance measured from the front lot line, equal to the minimum width requirement of the zone in which the parcel is located.

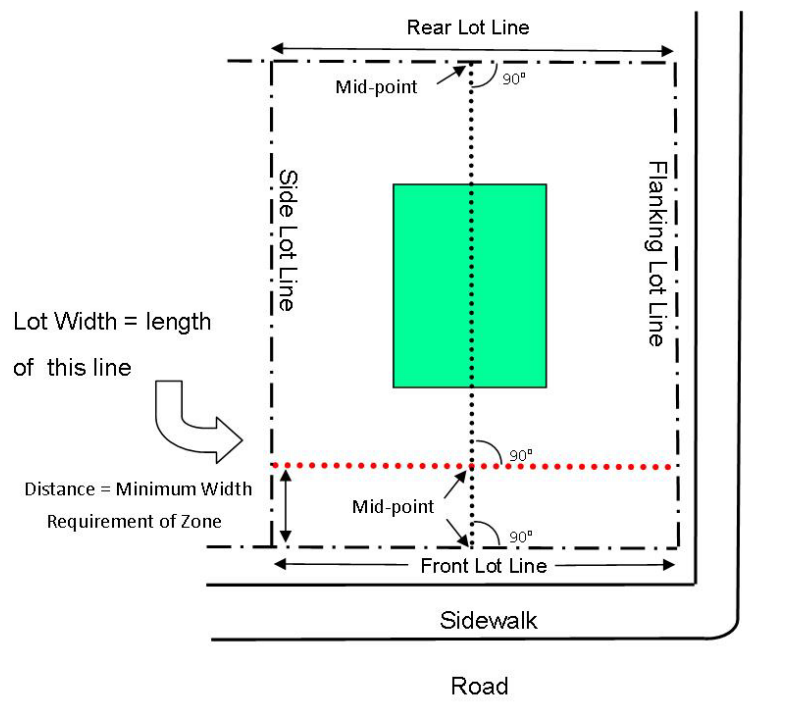


Diagram 2: Lot Width

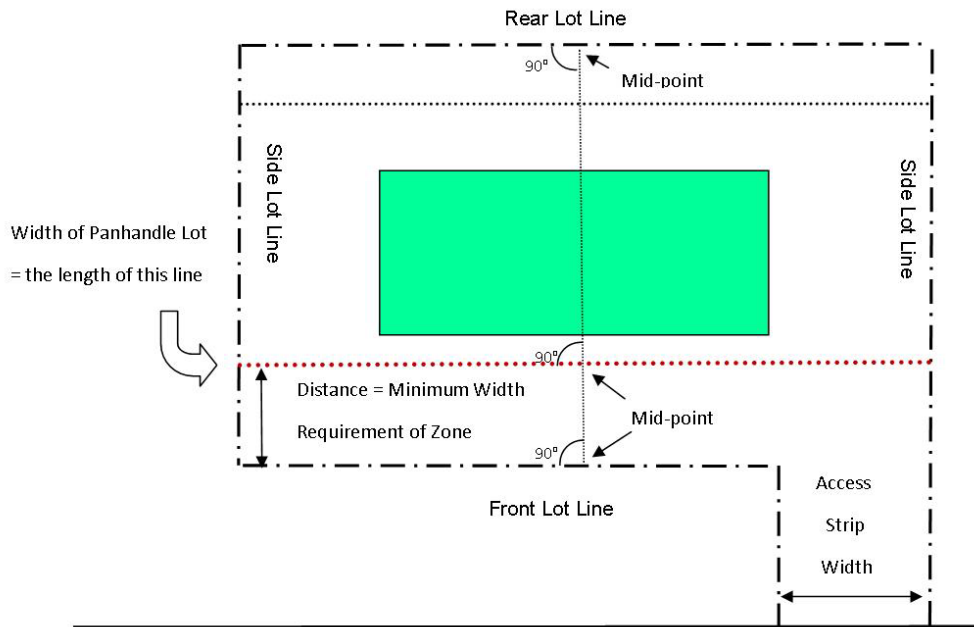


Diagram 3 Panhandle Lot Width

**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 and support services;

**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;

**PARKING SPACE** means any land area designed and used for parking motor vehicles; includes Parking Lots, garages, private driveways, and legally designated areas of public highways;

**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 more than six people leaving physically, psychologically or sexually abusive relationships or who are without a home;

**RESTAURANT** means a commercial use where food and beverages are prepared on site and served or available for take-out;

**RETAIL** means the selling of goods and services directly to the consumer and includes post offices;

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

**RIPARIAN AREA** means the area of land contiguous to the high water mark of a water course, or other water body, consisting of water tolerant trees, shrubs and other vegetation;

**RIPARIAN ASSESSMENT AREA** means

- a) for a water course, the 30 m strip on both sides of the water course, measured from the high water mark;

- b) for a ravine less than 60 m wide, a strip on both sides of the water course 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 water course measured from the high water mark to a point that is 10 m beyond the top of the ravine bank;

**ROWHOUSE DWELLING** means multi-family dwelling consisting of attached dwelling units, each of which is situated on its own fee-simple lot and constructed in a side-by-side series, where each unit shares one or two party walls with its neighbour, depending on its position in the series (end units share only one party wall) and where each lot is individually serviced with respect to utilities;

**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** – See Suite, Secondary;

**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 1 space per 30m<sup>2</sup>;

**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** – See Suite, Small;

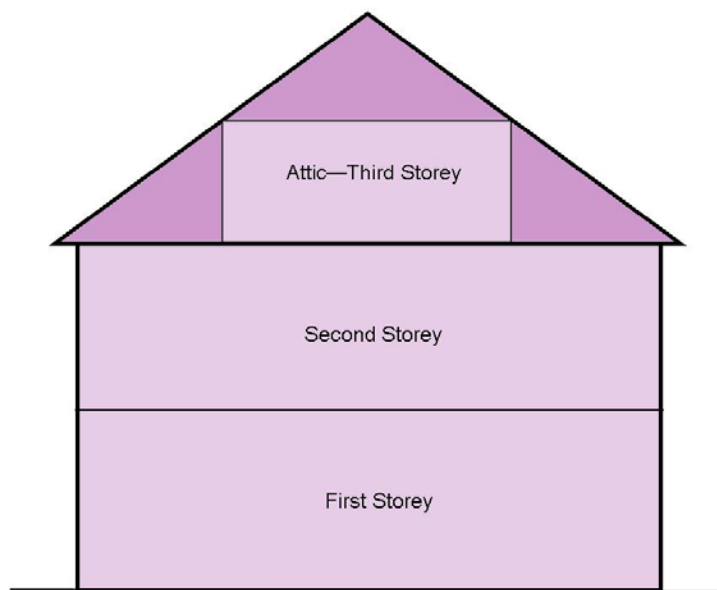
**STACKED TOWNHOUSE** – See Townhouse, Stacked;

**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;



Cross-section of typical dwelling with three stories.

*Diagram 4: Storey Definitions*

**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;

**STREAMSIDE PROTECTION AND ENHANCEMENT AREA** means an area:

- a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and
- b) the size of which is determined according to this regulation on the basis of an assessment report provided by a Qualified Environmental Professional in respect of a development proposal;

**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** means either secondary suite or small suite;

**SUITE, SECONDARY** means an accessory dwelling unit not exceeding 90 m<sup>2</sup> 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;

**SUITE, SMALL** means a dwelling unit not exceeding 90 m<sup>2</sup> 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;

**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, unless otherwise specified;

**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;

**TOWNHOUSE, STACKED** means a residential building comprised of three or more dwelling units separated from one another by party walls, with each dwelling having a separate direct entrance;

**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;

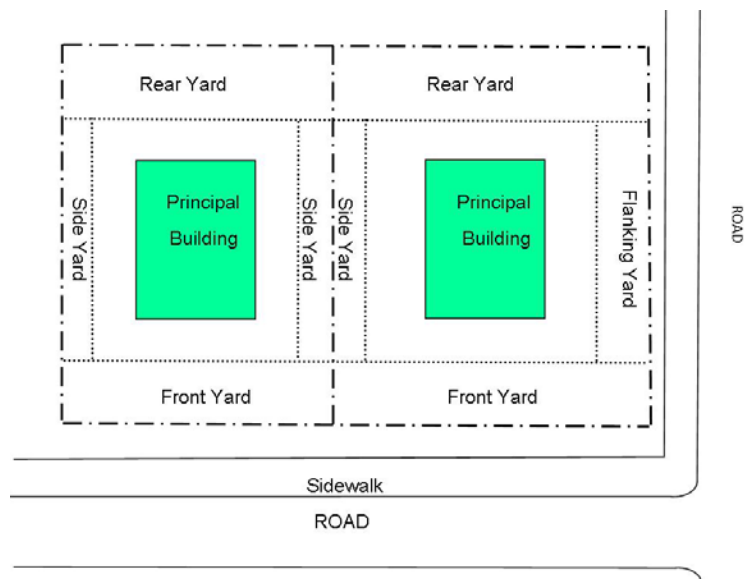
**YARD (see diagram)** means that part of a lot unoccupied and unobstructed by principal and/or accessory buildings or structures and in particular:

**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;



*Diagram 5: Yard Definitions (See Diagram 6 for Panhandle Lot Yards)*

**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 3.3, 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.

*(amended by Bylaw No. 583 adopted February 11, 2014)*

- 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 which for the purposes of application of this section of the Act, includes the Rural Residential 4 (RU4) and Neighbourhood Rural Residential (RU5) zones, 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 3.32 (Temporary Buildings).  
*(amended by Bylaw No. 583 adopted February 11, 2014)*
- 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 m<sup>2</sup> in area;
- b) The keeping of female poultry is prohibited on lots less than 600 m<sup>2</sup> in area;
- c) The keeping of up to 6 female poultry in enclosed runs is permitted on lots less than 2,000 m<sup>2</sup> but more than 600 m<sup>2</sup>. Runs shall provide at least 0.8 m<sup>2</sup> of space per bird and coops of at least 0.2 m<sup>2</sup> 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 180 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 an Assisted Living Facility is provided in a multi-family or a Community Care Facility in a 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 for fences in single family residential, multi-family residential, water, comprehensive development and mixed use zones:
  - i. Front and flanking yard – 1.2 m
  - ii. Rear and side yard – 2 m
  - iii. All yards abutting Highway #14 on residential properties – 2 m
- d) Maximum height for fences in rural, commercial, institutional or industrial zones - 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 sections 3.10 (c) and (d), 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 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.

### **3.13 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 having authority.

### 3.14 Lot Areas and Widths (See also Subdivision)

For subdivision purposes:

- a) Minimum lot sizes and widths are specified in this Zoning Bylaw;
- b) 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.

### 3.15 Panhandle Lots

Notwithstanding the frontage requirements of each zone:

- (a) Panhandle lots with areas less than 600 m<sup>2</sup> 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);

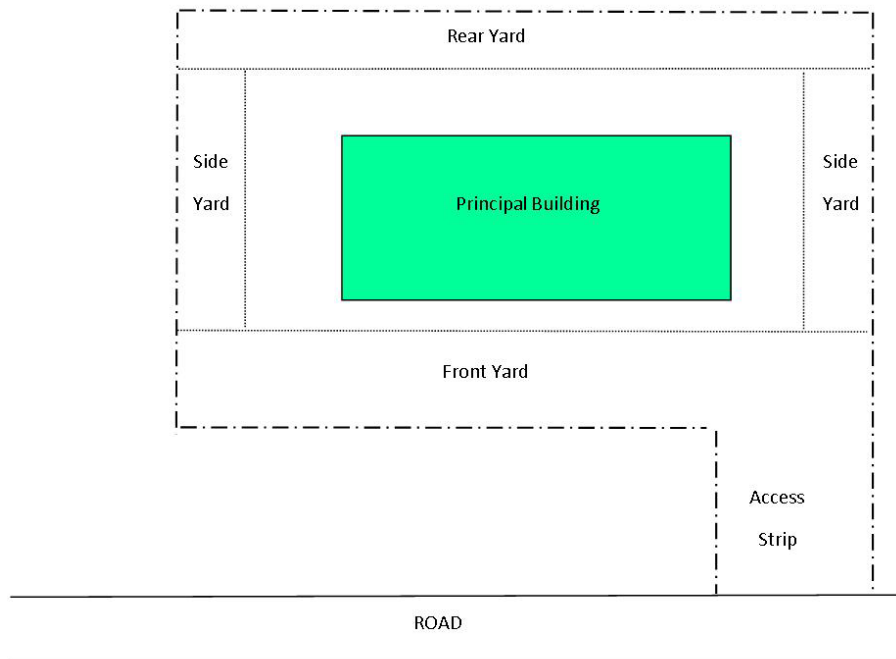


Diagram 6: Panhandle Lot Yards

### 3.16 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 3.16 (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.

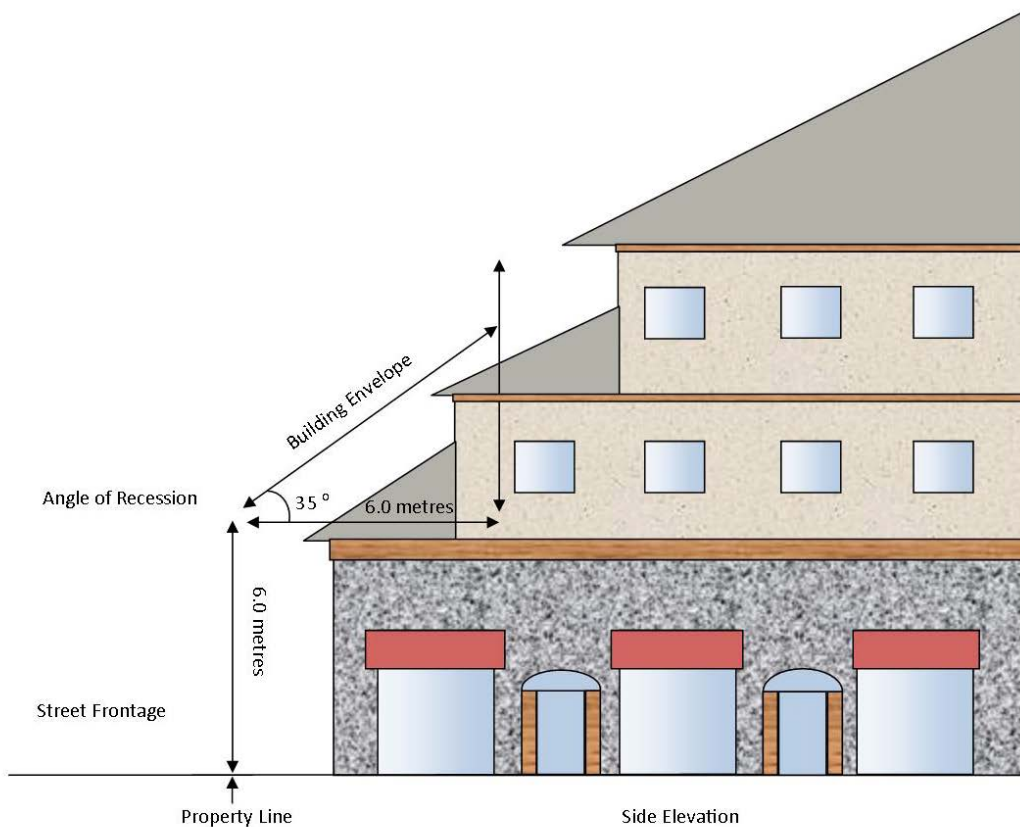


Diagram 7: Recession plane

### **3.17 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;

### **3.18 Screening and Landscaping Requirements**

On multi-family residential, commercial, institutional, and industrial zoned lots, the following will 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;
- b) Along the developed portion of each side of the site which abuts a public highway, continuous landscaping not less than 1.5 metres in width shall be provided and maintained. This landscaping may be interrupted at boulevard crossings;
- c) Loading areas or trucking yards shall be screened from adjacent residentially zoned property to a height of at least 2.5 m by buildings, a landscaping screen, a solid decorative fence, or a combination thereof;
- d) Outdoor storage areas shall be screened from adjacent lots by a solid decorative fence or landscaping of a minimum height of 2 m;
- e) Refuse removal areas shall be screened on three sides by a fence or wall of a minimum height of 2 m or the height of the container, whichever is higher;
- f) Every commercial, industrial, institutional or multiple family residential building of more than three dwelling units shall be provided with a screened refuse removal area of at least 3 m in width and 4 m in length.

### **3.19 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;

### **3.20 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.

### **3.21 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.

### **3.22 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 30 m of a surface supply of drinking water.



### 3.23 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.

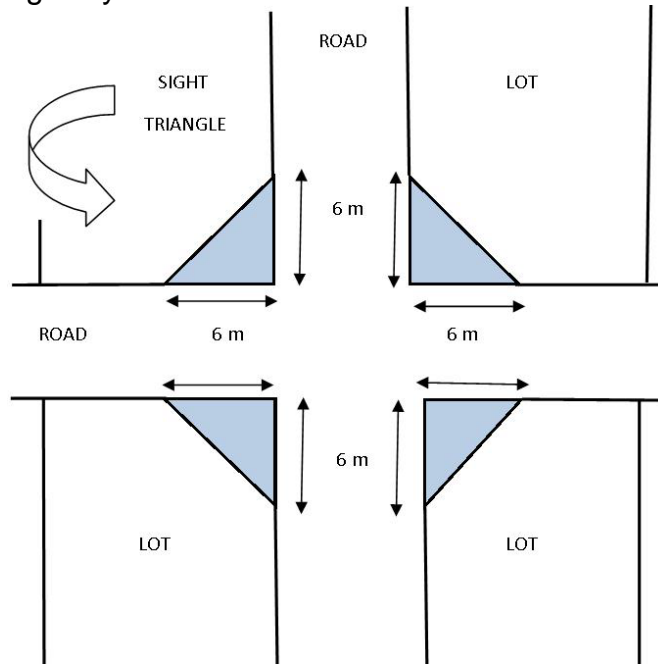


Diagram 8: Sight Triangle

### 3.24 Signage

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

### 3.25 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.

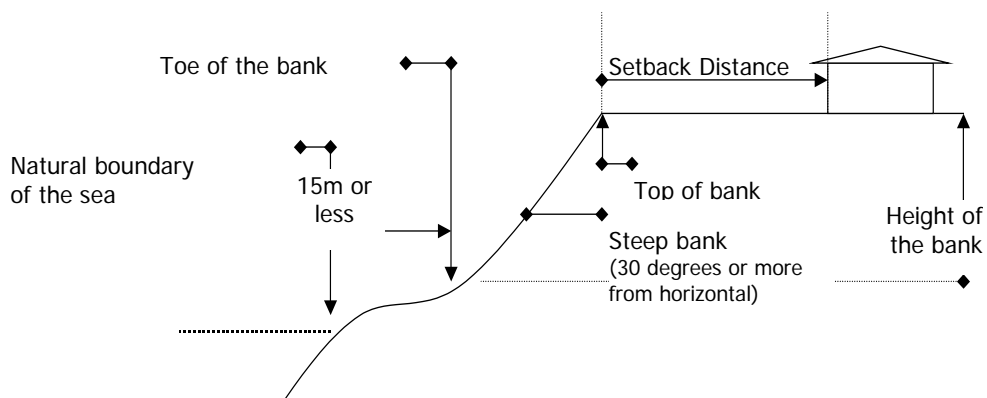


Diagram 9: Steep Slope Setbacks

### 3.26 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.

### 3.27 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 5000 m<sup>2</sup>.
- 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 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.

### **3.28 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.
- e) See sections 3.29 and 3.30 for further information on each type of suite.

### **3.29 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 m<sup>2</sup> or be less than 40 m<sup>2</sup>.

### **3.30 Suites - Small Suites**

- a) The floor area of a small suite shall not exceed 90 m<sup>2</sup>.
- 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.

### **3.31 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.

### **3.32 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.

### **3.33 Temporary Use Permits**

All Commercial and Industrial Zones, Area D of Sun River Estates CD Zone, Area A of Tomlinny Road Mixed Use CD Zone, Areas 1 and 3 of Mariner's Village CD Zone, Prestige Hotel and Resort CD Zone, Area D: Neighbourhood Commercial of Spiritwood Estates CD Zone and Knox Centre CD Zone established by this bylaw are designated under s. 920.2 of the *Local Government Act* as areas where temporary commercial use or industrial use permits may be issued to authorize commercial or industrial uses, subject to the general conditions set out in the zone.

### **3.34 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 <sup>2</sup> or less	3 units	0	0 m <sup>2</sup>
More than 2000 m <sup>2</sup> and less than 4000 m <sup>2</sup>	3 units	1	55 m <sup>2</sup>
4000 m <sup>2</sup> or more and less than 8000 m <sup>2</sup>	4 units	1	55 m <sup>2</sup>
8000 m <sup>2</sup> or more	4 units	2	110 m <sup>2</sup>

- 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 m<sup>2</sup> and less than 4,000 m<sup>2</sup>.";
- 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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

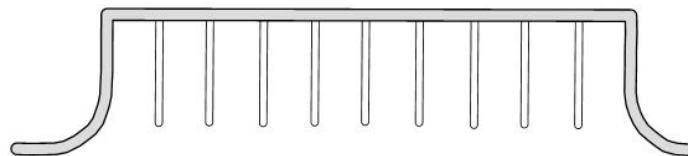
- a) Except where otherwise permitted in this bylaw, all off-street parking requirements for uses permitted on a lot must be satisfied on the lot where the use requiring the spaces is located;
- b) For new buildings, structures and uses, off-street parking spaces shall be required in accordance with 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.



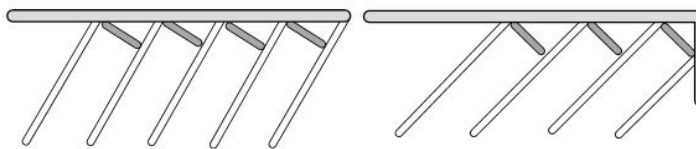
**4.6 Development and Maintenance Standards for Off-Street Parking**

- 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	Width of Aisle
90°	7.5 m
60°	5.5 m
45°	4 m



90° Parking



60° Parking

45° Parking

Diagram 10: 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%.

Outside of the Town Centre, 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 <sup>2</sup> gross floor area whichever is greater
Assisted Living	0.5 per dwelling unit
Auto Sales and Repairs	1 per 70 m <sup>2</sup> gross floor area plus 1 per service bay.
Auction	1 per 10 m <sup>2</sup> gross floor area
Auto Service Facility	2 spaces plus 2 spaces per service bay plus 1 space per 20 m <sup>2</sup> gross floor area of accessory store
Bank	1 per 30 m <sup>2</sup> 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 <sup>2</sup> gross floor area
Building Materials Supply	1 per 50 m <sup>2</sup> gross floor area
Bus Depot	1 per 20 m <sup>2</sup> waiting room floor area

Use/Activity	Parking Spaces Required
Civic Centre	100 parking spaces
Coffee Shop, Restaurant, Fast Food Outlet, Drive-through Restaurant, Delicatessen	1 per 4 seats
College	10 spaces per classroom
Community Care Facility	1 per 3 beds or 1 per 5 children
Conference Centre	1 per 3 seats
Convenience Store	1 per 20 m <sup>2</sup> gross floor area
Cultural Facility	1 per 40 m <sup>2</sup> 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 <sup>2</sup> gross floor area
Licensed Premises	1 per 3 seats
Machinery Sales/Service	1 per 70 m <sup>2</sup> gross floor area
Manufacture/Industrial	1 per 70 m <sup>2</sup> gross floor area
Marina	1 stall/3 berths
Mini Golf	2 per hole
Nurseries/Greenhouses	1 per 15 m <sup>2</sup> covered retail area
Office	1 per 30 m <sup>2</sup> gross floor area

Use/Activity	Parking Spaces Required
Overnight Accommodation: Campground/RV Park	1 per space plus 2
Overnight Accommodation: Hotel/Motel, Tourist Accommodation	1 per room plus 1 per 30 m <sup>2</sup> gross floor area of office space
Police Station or Post Office	1 per 30 m <sup>2</sup> gross floor area
Recreation Facility	1 per 40 m <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> gross floor area

Use/Activity	Parking Spaces Required
Utility Use	1 per 38 m <sup>2</sup> gross floor area or 1 per 100 m <sup>2</sup> site area, whichever is greater
Warehouse	1 per 70 m <sup>2</sup> 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*.

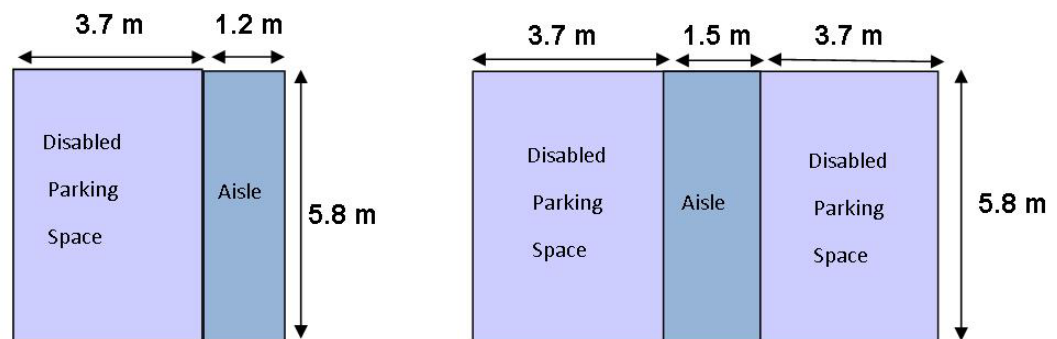


Diagram 11: Disabled Parking Space Dimensions

#### 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 <sup>2</sup> Gross Floor Area (25% Class I, 75% Class II)
Commercial, office	1 space per 400 m <sup>2</sup> Gross Floor Area (75% Class I, 25% Class II)
Recreational/Cultural/ Educational	1 space per 200 m <sup>2</sup> 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
<b>Rural Zones</b>		
Watershed, Forest & Agriculture	RU1	101
Rural	RU2	102
Small-scale Agriculture	RU3	103
Rural Residential	RU4	104
Neighbourhood Rural Residential	RU5	105
<b>Single Family Residential Zones</b>		
Large Lot Residential	R1	201
Medium Lot Residential	R2	202
Small Lot Residential	R3	203
<b>Multi-Family Residential Zones</b>		
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
Town Centre Apartment	RM5	306
Town Centre Townhouse	RM6	307
<b>Commercial Zones</b>		
Neighborhood Commercial	C1	401
General Commercial	C2	402
Service Commercial	C3	403
Recreational Commercial	C4	404
Town Centre Mixed Use <i>(amended by Bylaw No. 583 adopted February 11, 2014)</i>	CTC	405



<b>Industrial Zones</b>		
Light Industrial	M1	501
General Industrial	M2	502
Heavy Industrial	M3	503
Aquatic Industrial	M4	504
Technical Industrial Business Park	M5	505
<b>Institutional Zones</b>		
Public Recreation	P1	601
Community Facility	P2	602
Public Utility	P3	603
<b>Water Zones</b>		
Passive Recreation	W1	701
Private Wharf	W2	702
Marina	W3	703
Group Moorage	W4	704
Marine Industrial	W6	705
Marine Aquaculture Processing	W7	706
<b>Comprehensive Development &amp; Mixed Use (CD) Zones</b>		
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 Mixed Use	CD6	806
Mariner's Village	CD7	807
Prestige Hotel & Resort	CD8	808
Spiritwood Estates	CD9	809
Knox Centre	CD11	811
West Coast Mixed Use	CD12	812
Harbourside Cohousing <i>(added by Bylaw No 578 adopted October 15, 2013)</i>	CD13	813

## **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**

Bylaw No. 500, *Sooke Zoning Bylaw, 2011*, as amended, is repealed except insofar as it repeals any other bylaw.

## **PART 7 – EFFECTIVE DATE OF BYLAW**

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

Introduced and read a first time the 17<sup>th</sup> day of December , 2012.

Read a second time the 17<sup>th</sup> day of December, 2012.

Notice published in the Sooke News Mirror January 2<sup>nd</sup>, 2013 and January 9<sup>th</sup>, 2013.

Notice mailed to all property owners/occupiers January 2<sup>nd</sup>, 2013.

Amended the 14<sup>th</sup> day of January, 2013.

Further amended the 15<sup>th</sup> day of January, 2013.

Public Hearing held the 15<sup>th</sup> day of January , 2013.

Read a third time the 15<sup>th</sup> day of January, 2013.

Approved by the Ministry of Transportation and Infrastructure the 24<sup>th</sup> day of January, 2013.

Adopted on the 28<sup>th</sup> day of January, 2013.

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Wendal Milne  
Mayor

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Bonnie Sprinkling  
Corporate Officer

# **ZONE SCHEDULES**

# Watershed, Forest & Agriculture

# RU1

**101.1 Purpose:** This zone is intended to provide for large tracts of rural lands to protect watersheds and promote agriculture, both vitally important aspects of Sooke community life and character.

**101.2 Permitted Uses:** (may be subject to approval by the Provincial Agricultural Land Commission (ALC) )

**Principal Uses:**

- a) Agriculture
- b) Agriculture – intensive\*
- c) Aquaculture
- d) Conservation
- e) One single family dwelling or one duplex per lot

**Accessory Uses:**

- f) Bed and breakfast
- g) Boarding and lodging
- h) Home-based business
- i) One secondary suite on lots with a single family dwelling
- j) Vacation accommodation unit
- k) One additional dwelling unit for farm employees may be permitted per the provisions of the *Agricultural Land Commission Act*

\*See conditions of use.

**101.3 Minimum Lot Size for Subdivision Purposes:** 10 ha

**101.4 Minimum Width for Subdivision Purposes:** 100 m

**101.5 Maximum Height:**

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

**101.6 Maximum Lot Coverage:**

- a) 35%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

Schedule 101 - Watershed, Forest & Agriculture (RU1)

**101.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	7.5 m	15 m	15 m	15 m	7.5 m
Accessory Building or Structure – 2 storey	7.5 m	4.5 m	2 m	2 m	0 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	1.2 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m
Aquaculture or Intensive Farm Building or Structure	30 m	30 m	30 m	30 m	10 m

**101.8 Conditions of Use:**

Agriculture-intensive only permitted on lots 2 ha or larger.

**Rural**

**RU2**

**102.1 Purpose:** This zone is intended to provide for varied rural uses on large rural tracts of land within the District of Sooke.

**102.2 Permitted Uses:** (may be subject to approval by the Provincial ALC)

**Principal Uses:**

**Accessory Uses:**

- a) Agriculture
  - b) Agriculture – intensive \*
  - c) Aquaculture
  - d) Single family dwelling or duplex
  - e) Bed and breakfast
  - f) Boarding and lodging
  - g) Home-based business
  - h) One secondary suite or one small suite per single family dwelling
  - i) Vacation accommodation unit
- \*See conditions of use.

**102.3 Minimum Lot Size for Subdivision Purposes:** \*4 ha  
 \* See conditions of use.

**102.4 Minimum Width for Subdivision Purposes:** 85 m

**102.5 Maximum Permitted Density:**

Lot Size	Number of dwelling units
0.4 ha or less	1 single family dwelling or one duplex
0.41 ha – 0.799 ha	2 single family dwellings or 1 duplex
0.8 ha – 3.99 ha	3 single family dwellings or 1 duplex
4 ha – 15.99 ha	4 single family dwellings or 2 duplexes
16 ha – 31.99 ha	5 single family dwellings or 2 duplexes
32 ha or greater	8 single family dwellings or 4 duplexes

*Schedule 102 – Rural (RU2)*

**102.6 Maximum Height:**

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

**102.7 Maximum Lot Coverage:**

- a) 35%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

**102.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m
Accessory Building or Structure	7.5	4.5 m	3 m	4.5 m
Farm Building or Structure	10 m	10 m	10 m	10 m
Aquaculture or Intensive Farm Building or Structure	30 m	30 m	30 m	30 m

**102.9 Conditions of Use:**

- a) Agriculture-intensive only permitted on lots 2 ha or larger.
- b) Notwithstanding the provisions of Schedule 102.3, a 1.6 hectare minimum lot size for subdivision purposes may be considered for approval for PID 018-350-445 Lot A, Section 21, Sooke District, Plan VIP57007 on its RU2 zoned property providing all the subdivision requirements within the District of Sooke Subdivision and Development Standards Bylaw No. 65, 2003 are satisfied.



# Small Scale Agriculture

# RU3

**103.1 Purpose:** This zone is intended to provide for small scale agricultural uses of land within the District of Sooke.

**103.2 Permitted Uses:** (may be subject to approval by the Provincial ALC)

**Principal Uses:**

**Accessory Uses:**

- a) Agriculture
- b) Agriculture – intensive \*
- c) Aquaculture
- d) One single family dwelling or duplex per lot

- e) Bed and breakfast
- f) Boarding and lodging
- g) Home-based business
- h) One additional dwelling unit for farm employees may be permitted per the provisions of the *Agricultural Land Commission Act* or one small suite on a lot with a single family dwelling providing the land is not in the Agricultural Land Reserve
- i) One secondary suite on a lot with a single family dwelling
- j) Vacation accommodation unit

*\*See conditions of use.*

Notwithstanding the generally permitted uses on RU3 zoned properties, on the property identified as PID 025-686-054 (Lot E, Sections 27, 28, and 29, Sooke District, Plan VIP75447), the only permitted uses are agriculture and park by authority of ALC Resolution #2678/2010 (Sunriver Agricultural Land Reserve Exclusion).

**103.3 Minimum Lot Size for Subdivision Purposes:** 4 ha

**103.4 Minimum Width for Subdivision Purposes:** 60 m

*Schedule 103 – Small Scale Agriculture (RU3)*

**103.5 Maximum Height:**

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

**103.6 Maximum Lot Coverage:**

- a) 35%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

**103.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m
Accessory Building or Structure	7.5 m	4.5 m	3 m	4.5 m
Farm Building or Structure	10 m	10 m	10 m	10 m
Aquaculture or Intensive Farm Building or Structure	30 m	30 m	30 m	30 m

**103.8 Conditions of Use:**

Agriculture-intensive only permitted on lots 2 ha or larger.

# Rural Residential

# RU4

**104.1 Purpose:** This zone applies to those lots that are rural in nature, intended for residential purposes, and are not within the Sewer Specified Area of the District of Sooke.

**104.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>a) Agriculture</li> <li>b) Single family dwelling or one duplex per lot</li> </ul> | <ul style="list-style-type: none"> <li>d) Bed and breakfast</li> <li>e) Boarding and lodging</li> <li>e) Home-based business</li> <li>f) One secondary suite or one small suite on a lot with a single family dwelling</li> <li>g) Vacation accommodation unit</li> </ul> |
|---|---|

**104.3 Minimum Lot Size for Subdivision Purposes:**

- a) Outside the Sewer Specified Area: 1 ha
- b) Inside the Sewer Specified Area: 1000 m<sup>2</sup> providing the parent parcel at the time of joining the Sewer Specified Area is 5000m<sup>2</sup> or less in area.

**104.4 Minimum Width for Subdivision Purposes:** 15 m *(amended by Bylaw No. 583 adopted February 11, 2014)*

**104.5 Maximum Height:**

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

**104.6 Maximum Lot Coverage:**

- a) 30%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

Schedule 104 – Rural Residential (RU4)

**104.7 Minimum Setbacks for Lots Over 1000 m<sup>2</sup> in Area:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m	4.5 m
Accessory Building or Structure	7.5 m	4.5 m	3 m	4.5 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

**Minimum Setbacks for Lots 1000 m<sup>2</sup> or Less in Area:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m - house portion; 6 m garage/carport portion	3 m	1.2 m	4 m	4 m
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	1.2 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

**104.8 Conditions of Use:**

- a) Agriculture only permitted beyond 30 m from a watercourse.
- b) Septic systems for each lot must be determined by and installed in accordance with the requirements of the appropriate approval authority.

*Please be aware that the District of Sooke Stage 2 (Sanitary) Liquid Waste Management Plan, October 2005 contains soils mapping showing those areas outside the Sewer Specified Area which are well-suited to lot sizes of less than one hectare as well as other important information regarding subdivision outside of the Sewer Specified Area. Copies of this report can be viewed at the District's offices or on the District's website at: [www.sooke.ca](http://www.sooke.ca) The information in the report is general in nature and a site specific analysis will be required as part of any rezoning application. This italicized paragraph is not part of Bylaw No. 600 and has only been provided for the convenience of the reader.*

# Neighbourhood Rural Residential

# RU5

**105.1 Purpose:** This zone is intended to apply to residential parcels of land outside the Sewer Specified Area on lands designated Gateway Residential or Community Residential.

**105.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Horticulture
- b) One single family dwelling per lot

- c) Bed and breakfast
- d) Boarding and lodging
- e) Home-based business
- f) One secondary suite or one small suite on a lot with a single family dwelling
- g) Vacation accommodation unit

**105.3 Minimum Lot Size for Subdivision Purposes:** 2500 m<sup>2</sup>

**105.4 Minimum Width for Subdivision Purposes:** 15 m *(amended by Bylaw No. 583 adopted February 11, 2014)*

**105.5 Maximum Height:**

- a) Principal Buildings: 3 storeys up to 12 metres high
- b) Accessory Buildings: 9 m

**105.6 Minimum Average Width of the Principal Building:**

7 m, excluding accessory porches, sheds, garages and carports

**105.7 Maximum Lot Coverage:** 25%

Schedule 105 – Neighbourhood Rural Residential (RU5)

**105.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage /carport portion	3 m	2 m	4 m	3 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	1.2 m	0 m
Accessory Building or Structure – 2 storey	7.5 m	4.5 m	2 m	2 m	0 m

**105.9 Conditions of Use:**

Septic systems for each lot must be determined by and installed in accordance with the requirements of the appropriate approval authority.

*Please be aware that the District of Sooke Stage 2 (Sanitary) Liquid Waste Management Plan, October 2005 contains soils mapping showing those areas outside the Sewer Specified Area which are well-suited to lot sizes of less than one hectare as well as other important information regarding subdivision outside of the Sewer Specified Area. Copies of this report can be viewed at the District's offices or on the District's website at: [www.sooke.ca](http://www.sooke.ca) The information in the report is general in nature and a site specific analysis will be required as part of any rezoning application. This italicized paragraph is not part of Bylaw No. 600 and has only been provided for the convenience of the reader.*

# Large Lot Residential

# R1

**201.1 Purpose:** This zone applies to those lots of land designated as Community Residential and intended for residential purposes, outside of the Town Centre, but within the Sewer Specified Area.

**201.2 Permitted Uses:**

**Principal Uses:**

- a. Horticulture
- b. Single family dwelling or one duplex per lot

**Accessory Uses:**

- c. Bed and breakfast
- d. Boarding and lodging
- e. Home-based business
- f. One secondary suite or one small suite on a lot with a single family dwelling
- g. Vacation accommodation unit

**201.3 Minimum Lot Size for Subdivision Purposes:** 1,000 m<sup>2</sup>

**201.4 Minimum Width for Subdivision Purposes:** 15 m

**201.5 Maximum Height:**

- a) Principal Buildings: 3 storeys to a maximum height of 12 metres
- b) Accessory Buildings: 9 m

**201.6 Maximum Lot Coverage:** 30%

**201.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage/ carport portion	3 m	1.5 m	4 m	3 m
Accessory Building or Structure – 1 storey	7.5 m	3 m	1.2 m	1.2 m	0 m
Accessory Building or Structure – 2 storey	7.5 m	4.5 m	2 m	2 m	0 m

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# Medium Lot Residential

# R2

**202.1 Purpose:** This zone is intended to apply to those residential parcels of land designated as Community Residential that are within the Sewer Specified Area.

**202.2 Permitted Uses:**

**Principal Uses:**

- a) Horticulture
- b) Single family dwelling or one duplex per lot

**Accessory Uses:**

- c) Bed and breakfast
- d) Boarding and lodging
- e) Home-based business
- f) One secondary suite or one small suite on a lot with a single family dwelling
- g) Vacation accommodation unit

**202.3 Minimum Lot Size for Subdivision Purposes:** 600 m<sup>2</sup>

**202.4 Minimum Width for Subdivision Purposes:** 15 m

**202.5 Maximum Height:**

- a) Principal Buildings: 3 storeys up to a maximum height of 12 metres *(added by Bylaw No. 584 adopted February 11, 2014)*
- b) Accessory Buildings: 9 m

**202.6 Maximum Lot Coverage:** 40%

**202.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage/ carport portion	4.5 m	1.2 m	4.5 m	4.5 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	1.5 m	0 m
Accessory Building or Structure – 2 storey	7.5 m	4.5 m	2 m	2 m	0 m

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# Small Lot Residential

# R3

**203.1 Purpose:** This zone is intended to provide a range of lot sizes to residential parcels of land that designated as Community Residential within the Sewer Specified Area.

**203.2 Permitted Uses:**

**Principal Uses:**

- a) Horticulture
- b) Single family dwelling or one duplex per lot\*

\*See conditions of use.

**Accessory Uses:**

- c) Bed and breakfast\*
- d) Boarding and lodging
- e) Home-based business
- f) One secondary suite or one small suite on a lot with a single family dwelling
- g) Vacation accommodation unit

**203.3 Minimum Lot Size for Subdivision Purposes\*:** 350 m<sup>2</sup>

**203.4 Minimum Width for Subdivision Purposes:** 11 m

**203.5 Maximum Height:**

- a) Principal Buildings: 10.5 m
- b) Accessory Buildings: 4 m

**203.6 Maximum Lot Coverage:** 45%

**203.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage/ carport portion	2 m	1.2 m	3.5 m	1 m
Accessory Building or Structure – 1 storey	7.5 m	2 m	1.2 m	1.2 m	0 m

*Schedule 203 – Small Lot Residential (R3)*

**203.8 Conditions of Use:**

- a) Bed and breakfast permitted on lots 600 m<sup>2</sup> or larger;
- b) Duplex permitted on lots 600 m<sup>2</sup> or larger;
- c) No panhandle lots permitted;
- d) Notwithstanding the permitted uses on R3 zoned properties, on the property identified as PID 000-133-817 (as Parcel A (DD 143706I), Section 24, Sooke District, Except Plans 5572, 11961, 27456, 40462, VIP52601, VIP59223, VIP79955, VIP79956 and Part in Red on 610RW, an amenity area for assembly use is permitted as an accessory use. *(added by Bylaw No. 584 adopted February 11, 2014)*

# Manufactured Home Park

# MHP

**301.1 Purpose:** This zone provides for manufactured homes on rental, lease or strata lots within manufactured home parks.

**301.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Manufactured home park
- b) CSA Certified manufactured homes
- c) Accessory utility service structures and buildings
- d) One accessory single family dwelling per manufactured home park
- e) Home-based business
- f) Recreation area and building

**301.3 Minimum Lot Size for Subdivision Purposes:** 1 ha  
In the case of stratification of a manufactured home park, the minimum lot size for individual manufactured home site lots is 325 m<sup>2</sup>.

**301.4 Minimum Lot Width for Manufactured Home Park Subdivision Purposes:** 60 m

**301.5 Minimum Lot Width per Manufactured Home Site:**  
15 m, or in the case of a cul de sac or panhandle lot, 6 m

**301.6 Maximum Permitted Density:** 20 dwelling units/ha

**301.7 Minimum Permitted Area for a Manufactured Home Site within Park:** 325 m<sup>2</sup>

**301.8 Maximum Height:**

- a) Principal Buildings: 10 m
- b) Accessory Buildings for park purposes: 9 m
- c) Accessory Buildings on manufactured home site: 2.4 m

**301.9 Maximum Coverage per Manufactured Home Site:** 45%, exclusive of carports

**301.10 Amenity Area:** Not less than 5% of the manufactured home park lot area must be developed as an amenity area for residents.

Schedule 301 - Manufactured Home Park (MHP)

**301.11 Minimum Setbacks: \*** (See diagram. \*See conditions of use.)

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
For each manufactured home site	1.8 m	1.8 m	1.5 m	1.5 m	1.5 m
Accessory building or structure for park purposes	8 m	5 m	5 m	5 m	5 m
Accessory building or structure on manufactured home site	1.8 m	1.8 m	1.5 m	1 m	1 m

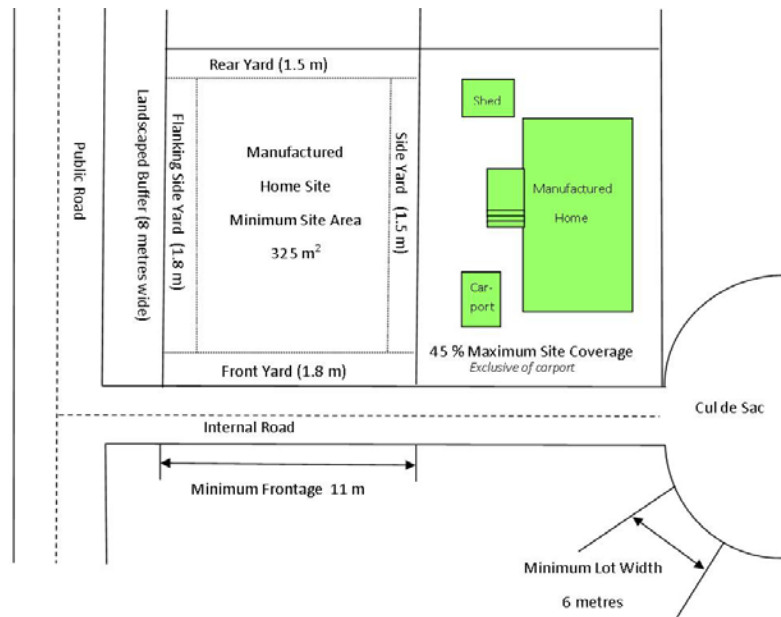


Diagram 12: Manufactured Home Site Setbacks and Yards

*Schedule 301 - Manufactured Home Park (MHP)*

**301.12 Conditions of Use:**

- a) Outside of designated Sewer Specified Area, septic systems for each lot must be determined by and installed in accordance with the requirements of the appropriate approval authority.
- b) A landscaped buffer, which is separate from the individual manufactured homesites, must be provided of not less than 8 m in width along any frontage on a highway (except lanes), and not less than 5 m in width from any other lot line. Within this buffer area, no buildings or dwellings, nor parking, nor storage of motor vehicles, nor roadways other than perpendicular crossing must be permitted.
- c) All additions must be of a similar design, quality and finish to the main structure.
- d) Notwithstanding section 301.11, a six metre setback is required between all manufactured homes with the exception of a manufactured home being installed to replace a manufactured home which was in existence at the time of adoption of this bylaw and which was lawfully sited at the time it was originally installed, regardless of the width of the new home or its location on the site. This exemption does not include accessory buildings or attachments to the manufactured home which are not deemed to be part of the principal building.

# Low Density Multi Family 1

# RM1

**302.1 Purpose:** This zone provides for low density multi family development in the Sewer Specified Area.

**302.2 Permitted Uses:**

**Principal Uses:**

- a) Apartment building
- b) Assisted living facility
- c) Cluster dwelling units
- d) Duplex
- e) Townhouse

**Accessory Uses:**

- f) Limited home-based business

**302.3 Minimum Lot Size for Subdivision Purposes:** 1,000 m<sup>2</sup>

**302.4 Minimum Width for Subdivision Purposes:** 30 m

**302.5 Maximum Density:** 30 dwelling units/ha

**302.6 Maximum Height:**

- a) Principal Buildings: 3 storeys up to a height of 12 m
- b) Accessory Buildings: 9 m

**302.7 Maximum Lot Coverage:** 40%

**302.8 Amenity Area:** A minimum of 5% of the lot area must be developed as an amenity area for the residents.

**302.9 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	3 m	3 m	3 m	4.5 m	1 m
Principal Building adjacent to RM1, RM2, RM3, or RM4	3 m	3 m	0 m	4.5 m	1 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	4.5 m	0 m



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**Medium Density Multi Family 2** **RM2**

**303.1 Purpose:** This zone provides for medium density multi family development in the Sewer Specified Area, to regulate existing Townhouse or other Medium Density Multi-Family outside the Sewer Specified Area at the time of adoption of this Bylaw.

**303.2 Permitted Uses:**

- |  |  |
|--|--|
| <p><b>Principal Uses:</b></p> <ul style="list-style-type: none"> <li>a) Apartment building</li> <li>b) Assisted living facility</li> <li>c) Duplex</li> <li>d) Cluster dwelling units</li> <li>e) Townhouse</li> </ul> | <p><b>Accessory Uses:</b></p> <ul style="list-style-type: none"> <li>f) Limited home-based business</li> </ul> |
|--|--|

**303.3 Minimum Lot Size for Subdivision Purposes:** 1,000 m<sup>2</sup>

**303.4 Minimum Width for Subdivision Purposes:** 30 m

**303.5 Maximum Density:** 50 dwelling units/ha

- 303.6 Maximum Height:**
- a) Principal Buildings: 20 m
  - b) Accessory Buildings: 9 m

**303.7 Maximum Lot Coverage:** 45%

**303.8 Amenity Area:** A minimum of 8% of the lot area must be developed as an amenity area for the residents.

**303.9 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	3 m	3 m	3 m	4.5 m	1 m
Principal Building adjacent to RM1, RM2, RM3, or RM4	3 m	3 m	0 m	4.5 m	1 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	4.5 m	0 m

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# High Density Multi Family 3

# RM3

**304.1 Purpose:** This zone provides for high density multi family development in the Town Centre.

**304.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Apartment building
- b) Assisted living facility
- c) Cluster dwelling units
- d) Duplex
- e) Stacked townhouse
- f) Townhouse
- g) Limited home-based business

**304.3 Minimum Lot Size for Subdivision Purposes:** 1,000 m<sup>2</sup>

**304.4 Minimum Width for Subdivision Purposes:** 30 m

**304.5 Maximum Density:** 70 dwelling units/ha

**304.6 Maximum Height:** \* See conditions of use.

- a) Principal Buildings: 4 storeys up to 15 metres
- b) Accessory Buildings: 9 m

**304.7 Maximum Lot Coverage:** 50%

**304.8 Amenity Area:** A minimum of 10% of the lot area must be developed as an amenity area for the residents.

**304.9 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	0 m	0 m	0 m	4.5 m	1 m
Adjacent to Duplex/ Single Family Dwelling or Existing Housing per Town Centre Plan*	0 m	0 m	4.5 m	4.5 m	0 m
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	4.5 m	0 m

*Schedule 304 - High Density Multi Family 3 (RM3)*

**304.10 Conditions of Use:**

Recession plane rules may apply for buildings and structures more than 6 m (2 storeys) in height. See General Regulations.

# High Density Multi Family 4

# RM4

**305.1 Purpose:** This zone provides for high density multi family development in the Town Centre.

**305.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Apartment building
- b) Assisted living facility
- c) Cluster dwelling units
- d) Duplex
- e) Stacked townhouse
- f) Townhouse
- g) Limited home-based business

**305.3 Minimum Lot Size for Subdivision Purposes:** 1,000 m<sup>2</sup>

**305.4 Minimum Width for Subdivision Purposes:** 30 m

**305.5 Maximum density:** 90 dwelling units/ha

**305.6 Maximum Height:** \* See conditions of use.

- a) Principal Buildings: Up to 6 storeys not more than 25 metres high
- b) Accessory Buildings: 9 m

**305.7 Maximum Lot Coverage:** 70%

**305.8 Amenity Area:** A minimum of 10% of the lot area must be developed as an amenity area for the residents.

**305.9 Minimum Setbacks**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	0 m	0 m	0 m	4.5 m	1 m
Adjacent to Duplex/ Single Family Dwelling or Existing Housing per Town Centre Plan*	0 m	0 m	4.5 m	4.5 m	0 m
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	4.5 m	0 m

*Schedule 305 - High Density Multi Family 4 (RM4)*

**305.10 Conditions of Use:**

Recession plane rules may apply for buildings and structures more than 6 m (2 storeys) in height. See General Regulations.

# Town Centre Apartment Zone

# RM5

**306.1 Purpose:** This zone is intended for high density apartments within the Town Centre but excludes the future Waterview Street as illustrated in the 2009 Town Centre Plan.

**306.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Apartment Building
- b) Assisted Living Facility
- c) Limited home-based business

**306.3 Minimum Lot Size for Subdivision Purposes:** 1000 m<sup>2</sup>

**306.4 Minimum Width for Subdivision Purposes:** 15 m

**306.5 Maximum Height:** \* See conditions of use.

- a) Principal Buildings: Six storeys up to 25 metres in height
- b) Accessory Buildings: 9 m

**306.6 Maximum Lot Coverage:** 85%

**306.7 Amenity Area:** A minimum of 10% of the lot area must be developed as an amenity area for the residents.

**306.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	0 m	0 m	0 m	0 m	0 m
Adjacent to a Single Family Residential Zone	0 m	0 m	4.5 m	4.5 m	0 m
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	4.5 m	0 m



*Schedule 306 – Town Centre Apartment (RM5)*

**306.8 Conditions of Use:**

Recession plane rules may apply for buildings and structures more than 6 m or two storeys in height. See General Regulations.

# Town Centre Townhouse Zone

# RM6

**307.1 Purpose:** This zone is for townhouse development in the Town Centre excluding the area west of Murray Road and the future Waterview Street as illustrated in the 2009 Town Centre Plan.

**307.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Cluster dwelling units
- b) Rowhouse
- c) Stacked townhouse
- d) Townhouse
- e) Limited home-based business

**307.3 Minimum Lot Size for Subdivision Purposes:**

- a) 1,000 m<sup>2</sup>;
- b) 155 m<sup>2</sup> for rowhouses.

**307.4 Minimum Width for Subdivision Purposes:**

- a) 15 metres;
- b) 6 metres for rowhouses.

**307.5 Maximum Height:** \* See conditions of use.

- a) Principal Buildings:  
Three storeys up to a maximum height of 10 m except for properties fronting Lincroft Road, Goodmere Road, Otter Point Road and Church Road, where the height may be increased to four storeys up to a maximum height of 13 m.
- b) Accessory Buildings: 9 m

**307.6 Maximum Lot Coverage:**

- a) 70%;
- b) 55% for townhouses

**307.7 Amenity Area:** A minimum amenity area of 5 m<sup>2</sup> per dwelling unit must be provided as an amenity area for the residents.

Schedule 306 – Town Centre Townhouse (RM6)

**307.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	3 m *	4.5 m *	4.5 m*	9 m *	3 m*
Accessory Building or Structure	7.5 m	4.5 m	1.2 m	4.5 m	0 m

\* See conditions of use.

**307.9 Conditions of Use:**

- a) Recession plane rules may apply for buildings and structures more than 6 m or two storeys in height. See General Regulations.
- b) All vehicle parking must be located in the rear yard.
- c) The distance to the front and flanking lot lines may be reduced to 1.5 metres for covered porches and entranceways, including stairs that do not exceed 1.2 metres in height.
- d) The distance to a side lot line for a principal building may be reduced to 0 metres on one side yard setback providing:
  - (i) the principal building consists of three or more units; and
  - (ii) the principal building does not abut a property zoned for single family residential use on the side adjacent to the reduced side yard; and
  - (iii) the distance to the opposing side yard is 4.5 metres or greater for all buildings on the lot; or
  - (iv) vehicle access to the rear of the property is provided by a lane.
- e) The distance to a flanking lot line for a principal building may be reduced to 0 metres for one flanking yard setback providing:
  - (i) the principal building consists of three or more units; and
  - (ii) the opposing side yard or flanking yard is 4.5 metres or greater; or
  - (iii) vehicle access to the rear of the property is provided by a lane.
- f) The distance to a rear lot line for a principal building may be reduced to 3 metres where:
  - (i) a lane exists for vehicle access at the rear of the principal building; or
  - (ii) there is an access aisle with a minimum width of six metres extending along the rear of the principal building; and none of the required parking spaces are sited within that three metre rear yard or the six metre wide access aisle.

# Neighbourhood Commercial

# C1

**401.1 Purpose:** This zone provides for small-scale commercial uses in local neighbourhoods within the District of Sooke.

**401.2 Permitted Uses:**

**Principal Uses:**

- a) Bakery \*
- b) Brew pub
- c) Community care facility\*
- d) Convenience store \*
- e) Cooperative housing\*
- f) Gas bar
- g) Health services
- h) Office \*
- i) Personal services
- j) Place of worship
- k) Pub
- l) Residential above the first floor
- m) Restaurants\*
- n) Retail \*
- o) Veterinary clinic in an enclosed building

**Accessory Uses:**

- p) Limited home-based business
- q) Employee housing\*

\* See conditions of use.

**401.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside Sewer Specified Area: 1 ha

**401.4 Minimum Width for Subdivision Purposes:** 15 m

**401.5 Maximum Height:**

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

**401.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 70%
- b) Outside of Sewer Specified Area: 50%

*Schedule 401 - Neighbourhood Commercial (C1)*

**401.7 Minimum Setbacks:**

<b>Use</b>	<b>Front Lot Line</b>	<b>Flanking Lot Line</b>	<b>Side Lot Line</b>	<b>Rear Lot Line</b>	<b>Lane Lot Line</b>
Buildings or Structures	4.5 m	4.5 m	3 m	3 m	0 m

**401.8 Conditions of Use:**

- a) Retail businesses, other than grocery stores, will not exceed 100 m<sup>2</sup> in floor area.
- b) Grocery stores must not exceed 1,000 m<sup>2</sup> in floor area.
- c) Bakery use not to exceed a total of 100 m<sup>2</sup> in floor area.
- d) Drive-in or drive-thru restaurants not permitted.
- e) Office use not to exceed 100 m<sup>2</sup> in floor area.
- f) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- g) Community care facilities and cooperative housing are only permitted on lands within the Sewer Specified Area.

# General Commercial

**402.1 Purpose:** This zone provides for a wide range of commercial uses.

**402.2 Permitted Uses:\***

**Principal Uses:**

- a) Amusement facility – indoor
- b) Assembly use
- c) Auction rooms, including storage in accessory buildings
- d) Auto service facility\*
- e) Bakery
- f) Brew pub
- g) Bus depot
- h) Car wash
- i) Convenience store
- j) Commercial exhibit
- k) Commercial school
- l) Country market
- m) Financial institution
- n) Funeral home
- o) Gas bar\*
- p) Health services
- q) Hotel and/or motel
- r) Household equipment sales, service & repair
- s) Institutional use
- t) Office
- u) Pub
- v) Parking lot, parkade
- w) Personal services
- x) Place of worship
- y) Plant nursery
- z) Private club
- aa) Residential above the first floor
- bb) Restaurant
- cc) Retail
- dd) Shopping centre
- ee) Theatre
- ff) Vehicle sales/rentals *(amended by Bylaw No. 583 adopted February 11, 2014)*
- gg) Veterinary clinic in an enclosed building

\* See conditions of use.

**Accessory Uses:**

- hh) Employee housing \*

**402.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 900 m<sup>2</sup>
- b) Outside Sewer Specified Area: 1 ha

**402.4 Minimum Width for Subdivision Purposes:** 15 m

**402.5 Maximum Height:** \*See conditions of use.

- a) Principal Buildings: 14 m
- b) Accessory Buildings: 9 m

**402.6 Maximum Lot Coverage:** 60% within Sewer Specified Area; 40% outside SSA  
*Schedule 402 - General Commercial (C2)*

**402.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
First storey of Building or Structure	0 m	0 m	0 m	6 m	0 m
Adjacent to residential zones, including CD zones	0 m	0 m	4.5 m	4.5 m	0 m

**402.8 Conditions of Use:**

- a) Notwithstanding the permitted uses, all except "parking lot, parkade" are prohibited on Lot 68, Section 6, Sooke District, Plan 26921 (PID 002-472-503). The maximum height of a parking lot, parkade on this site is 6 m.
- b) Gross floor area for a single retail use other than grocery must not exceed 2200 m<sup>2</sup>. Gross floor area for a grocery store must not exceed 3000 m<sup>2</sup>.
- c) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- d) Gas bars are only permitted north of Highway #14.
- e) On lands designated as Town Centre by the Official Community Plan, auto service facilities are only permitted north of Highway #14 with the exception of the property legally described as Lot 1, Section 3, Sooke District, Plan VIP1536 (PID 003-789-411).

# Service Commercial

# C3

**403.1 Purpose:** This zone provides for service commercial uses within the District of Sooke that are automobile dependent.

**403.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- |  |                          |
|--|--------------------------|
| a) Auto service facility               | o) Office                |
| c) Body and paint shops                | p) Retail                |
| d) Car wash                            | q) Employee housing *    |
| e) Carpentry shops                     | r) Unenclosed storage    |
| f) Equipment sales/service/rentals     |                          |
| g) Gas bar                             | * See conditions of use. |
| h) Machine shops *                     |                          |
| i) Parking lot, parkade                |                          |
| j) Place of worship                    |                          |
| k) Restaurant                          |                          |
| l) Vehicle repair                      |                          |
| m) Vehicle sales/rentals               |                          |
| n) Wholesale, storage or warehousing * |                          |

**403.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**403.4 Minimum Width for Subdivision Purposes:** 15 m

**403.5 Maximum Height:** \* See conditions of use.

- a) Principal Buildings: 15 m
- b) Accessory Buildings: 9 m

**403.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 60%
- b) Outside of Sewer Specified Area: 40%



Schedule 403 – Service Commercial (C3)

**403.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Building or Structure	0 m	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	0 m	4.5 m	4.5 m	4.5 m	0 m

**403.8 Conditions of Use:**

- a) Parking lot, parkade height not to exceed 6 m.
- b) Machine shops may not exceed 200 m<sup>2</sup> total floor area.
- c) Wholesale, storage or warehousing buildings may not exceed 700 m<sup>2</sup> total floor area.
- d) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- e) Notwithstanding the Permitted Uses set out in section 403.2 and the Maximum Height for Principal Buildings set out in section 403.5 for properties in the C3 zone, on the properties identified as:
  - Lot 1, Block 11, Section 14, Sooke District, Plan 217
  - Lot 2, Block 11, Section 14, Sooke District, Plan 217
  - Lot 3, Block 11, Section 14, Sooke District, Plan 217
  - Lot 4, Block 11, Section 14, Sooke District, Plan 217
  - Lot 25, Block 11, Section 14, Sooke District, Plan 217 Except That Part Shown on Plan 1110 OS
  - Lot 26, Block 11, Section 14, Sooke District, Plan 217
  - Lot 27, Block 11, Section 14, Sooke District, Plan 217
  - Lot 28, Block 11, Section 14, Sooke District, Plan 217"

a Car wash, Gas bar, Place of worship, Restaurant and Employee housing are prohibited uses and the maximum height of a principal building is not to exceed 10m.  
*(Added by Bylaw No. 611 adopted March 30, 2015)*

# Commercial Recreation

# C4

**404.1 Purpose:** This zone provides for a wide range of commercial recreation uses in the District of Sooke.

**404.2 Permitted Uses:**

**Principal Uses:**

- a) Amusement facility – indoor
- b) Amusement facility – outdoor
- c) Assembly use
- d) Brew pub
- e) Campground
- f) Commercial exhibit
- g) Commercial school \*
- h) Convenience store
- i) Dormitories
- j) Hostel\*
- k) Marine commercial uses
- l) Motel and/or hotel\*
- m) Parking lot
- n) Personal services
- o) Place of worship
- p) Private club
- q) Pub
- r) Restaurant
- s) Tourist Cabin\*

**Accessory Uses:**

- t) Office
- u) Employee housing\*
- v) One dwelling unit per lot\*
- w) Retail
- x) Premises licensed under the provisions of the *Liquor Control and Licensing Act* in conjunction with a hotel, motel or restaurant.

**Prohibited Uses:**

- y) Structural additions must not be permitted in a campground space.

\* See conditions of use

**404.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**404.4 Minimum Width for Subdivision Purposes:** 15 m

**404.5 Maximum Height:** \*See conditions of use.

- a) Principal Buildings: 17 m
- b) Accessory Buildings: 9 m

**404.6 Maximum Lot Coverage:** \* See conditions of use.

- a) Within Sewer Specified Area: 50%
- b) Outside of Sewer Specified Area: 30%

Schedule 404 – Commercial Recreation (C4)

**404.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure	4.5 m	4.5 m	3 m	4.5 m

**404.8 Conditions of Use:**

- a) Density of development:
  - i) A maximum of 30 campground spaces/ha permitted. Each campground space must be a minimum of 110 m<sup>2</sup>;
  - ii) A maximum of 16 tourist cabins/ha is permitted;
  - iii) A maximum of 64 guest beds per ha in a hostel is permitted;
  - iv) A maximum of 30 units/ha is permitted for motels and hotels;
  - v) When the above accommodation types are mixed, densities equivalent to the above will be permitted, based on the proportion of lot area devoted to each type.
- b) Recession plane rules may apply for developments more than 6 m (2 storeys) in height if public view corridors may be affected.
- c) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- d) Notwithstanding the provisions of section 404.6, 40% lot coverage is permitted on Lot 22, Section 63, Sooke District, Plan VIP 4444 Except Part in Plan VIP63625, PID 000-101-702.
- e) Notwithstanding the provisions of section 404.2 (g), a commercial school is only permitted on Lot 22, Section 63, Sooke District, Plan VIP 4444 Except Part in Plan VIP 63625, PID 000-101-702.

# Town Centre Mixed Use

# CTC

**405.1 Purpose:** This zone provides for a wide range of commercial uses in the Town Centre

**405.2 Permitted Uses:**

**Principal Uses:**

- a) Amusement facility – indoor
- b) Apartment building \*
- c) Art gallery
- d) Artisan industry
- e) Assembly use
- f) Auction rooms, excluding external storage
- g) Auto service facility \*
- h) Bakery
- i) Brew pub
- j) Bus depot
- k) Car wash
- l) Cluster dwelling units
- m) Commercial exhibit
- n) Commercial school
- o) Country market
- p) Equipment sales/rentals including service & repair
- q) Financial institution
- r) Funeral home
- s) Gas bar \*
- t) Hardware store
- u) Health services
- v) Hostel
- w) Hotel and/or motel
- x) Household equipment sales, service & repair
- y) Institutional use
- z) Live-work\*

- aa) Mixed commercial residential uses
- bb) Office
- cc) Parking lot, parkade
- dd) Personal services
- ee) Place of worship
- ff) Plant nursery
- gg) Playground
- hh) Printer/publisher
- ii) Private club
- jj) Pub
- kk) Residential above the first storey \*
- ll) Restaurant
- mm) Retail\*
- nn) School
- oo) Shopping centre
- pp) Theatres
- qq) Townhouse
- rr) Vehicle repair\*
- ss) Veterinary clinic in an enclosed building

**Accessory Uses:**

- tt) Limited home-based business
- uu) Employee housing\*

\* See conditions of use.

**405.3 Minimum Lot Size for Subdivision Purposes:** 600 m<sup>2</sup>

**405.4 Minimum Width for Subdivision Purposes:** 15 m

**405.5 Maximum Height:** \*See conditions of use.

- a) Principal Buildings: 6 storeys up to 22 m
- b) Accessory Buildings: 9 m

*Schedule 405 – Town Centre Mixed Use (CTC)*

**405.6 Maximum Lot Coverage: 85%**

**405.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
First storey of Building or Structure	0 m	0 m	0 m	0 m	0 m
Adjacent to Duplex/ Single Family Dwelling or Existing Housing per Town Centre Plan*	0 m	0 m	4.5 m	4.5 m	0 m

**405.8 Conditions of Use:**

- a) The provisions of the RM4 zone apply to apartment buildings without commercial uses on the first storey.
- b) Gross floor area for a single retail use other than grocery must not exceed 2200 m<sup>2</sup>. Gross floor area for a grocery store must not exceed 3000 m<sup>2</sup>.
- c) Recession plane rules may apply for developments more than 6 m (2 storeys) in height. See General Regulations.
- d) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- e) Notwithstanding section 405.2, the following uses are only permitted north of Highway #14:
  - i) Auto service facility
  - ii) Equipment sales, repairs and rentals
  - iii) Gas bar
  - iv) Service station
  - v) Vehicle repair
- f) Live-work dwellings:
  - i) Must be constructed as an employee housing unit within a mixed use building;
  - ii) Must have a private, exterior, residential entrance separate from the principal use;
  - iii) Parking for the residence must be the same as single family residential requirements.

*Schedule 405 – Town Centre Mixed Use (CTC)*

- g) Notwithstanding the Permitted Uses set out in section 405.2 for properties in the CTC zone, on the property identified as *Lot A, Section 10, Sooke District, Plan EPP32715*, Bus depot, Car wash, Cluster dwelling units, Funeral home, Plant nursery, Townhouse, Place of worship, drive-in and drive-thru facilities are prohibited uses. *(added by Bylaw No. 613 adopted September 14, 2015)*

# Light Industrial

# M1

**501.1 Purpose:** This zone provides for light industrial use with no external storage within the District of Sooke.

**501.2 Permitted Uses:**

**Principal Uses: \***

- a) Cartage delivery and storage
- b) Commercial kitchens
- c) Food processing
- d) Funeral home
- e) Light industrial uses
- f) Marine industrial uses
- g) Recycling depot
- h) Warehouse

**Accessory Uses:**

- i) Employee housing\*
- j) Office
- k) Retail

**Prohibited Uses:**

- l) Unenclosed storage
- \*See conditions of use.

**501.3 Minimum Lot Size for Subdivision Purposes:** \*See conditions of use.

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**501.4 Minimum Width for Subdivision Purposes:** 30 m

**501.5 Maximum Height:**

- a) Principal: 13 m
- b) Accessory Buildings: 10 m

**501.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 70%
- b) Outside of Sewer Specified Area: 60%

**501.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Building or Structure outside Sewer Specified Area	4.5 m	4.5 m	3 m	3 m	0 m
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	0 m	0 m	4.5 m	4.5 m	0 m

*Schedule 501 – Light Industrial (M1)*

**501.8 Conditions of Use:**

- a) Panhandle lots are not permitted.
- b) Uses which create dust, heat, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter or radiation are prohibited.
- c) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.



# General Industrial

# M2

**502.1 Purpose:** This zone provides for general industrial use within the District of Sooke.

**502.2 Permitted Uses:**

**Principal Uses:\***

- a) All uses permitted in M1
- b) Auction sales
- c) Equipment sales, service, repair and rental
- d) Funeral home
- e) General industrial uses
- f) Gravel processing
- g) Heavy equipment sales, service, repair and rental
- h) Lumber and building supplies: retail and wholesale
- i) Ready mix concrete batch plant
- j) Unenclosed storage\*
- k) Vehicle sales/rentals, service and repair

**Accessory Uses:**

- l) Employee housing\*
- m) Office
- n) Retail

**Prohibited Uses:**

- o) Refuse and garbage dumps

*\* See conditions of use.*

**502.3 Minimum Lot Size for Subdivision Purposes:** \* See conditions of use.

- a) Within Sewer Specified Area: 1000 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**502.4 Minimum Width for Subdivision Purposes:** 30 m

**502.5 Maximum Height:**

- a) Principal Buildings: 17 m
- b) Accessory Buildings: 9 m

**502.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 70%
- b) Outside of Sewer Specified Area: 60%

*Schedule 502 – General Industrial (M2)*

**502.7 Minimum Setbacks:**

<b>Use</b>	<b>Front Lot Line</b>	<b>Flanking Lot Line</b>	<b>Side Lot Line</b>	<b>Rear Lot Line</b>
Building or Structure outside Sewer Specified Area	7.5 m	6 m	4.5 m	7.5 m
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	7.5 m	6 m	15 m	15 m
Lot lines adjacent to industrial zones	0 m	0 m	0 m	0 m

**502.8 Conditions of Use:**

- a) Panhandle lots are not permitted.
- b) Storage must not be permitted in required yards adjacent to any residential zone.
- c) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.

# Heavy Industrial

# M3

**503.1 Purpose:** This zone provides for heavy industrial use within the District of Sooke.

**503.2 Permitted Uses: \***

**Principal Uses:**

- a) All uses permitted in M2
- b) Asphalt plant
- c) Bulk fuel sales and storage
- d) Commercial composting
- e) Sawmills, pulp mills, and planing mills
- f) Slaughterhouse
- g) Unenclosed storage
- h) Waste management & recycling\*
- i) Wrecking yard

**Accessory Uses:**

- j) Employee housing\*
- k) Office
- l) Retail\*

*\*See conditions of use.*

**503.3 Minimum Lot Size for Subdivision Purposes:** *\*See conditions of use.*

- a) Within Sewer Specified Area: 1500 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**503.4 Minimum Width for Subdivision Purposes:** 30 m

**503.5 Maximum Height:**

- a) Principal Buildings: 17 m
- b) Accessory Buildings: 9 m

**503.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 70%
- b) Outside of Sewer Specified Area: 60%

**503.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure outside Sewer Specified Area	7.5 m	6 m	6 m	10 m
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	7.5 m	6 m	15 m	15 m
Lot lines adjacent to industrial zones	0 m	0 m	0 m	0 m

*Schedule 503 – General Industrial (M3)*

**503.8 Conditions of Use:**

- a) Panhandle lots are not permitted.
- b) Storage must not be permitted in required yards adjacent to any residential zone.
- c) Retail is limited to 10% of the floor area of the principal use.
- d) Storage associated with a solid waste management/recycling depot use need not be within an enclosed building or structure.
- e) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.

# Aquatic Industrial

# M4

**504.1 Purpose:** This zone provides for limited industrial uses along Sooke Harbour and Sooke Basin:

**504.2 Permitted Uses:** \*

**Principal Uses:**

- a) Aquaculture processing operations
- b) Aquaculture, land-based
- c) Marine fuel sales
- d) Marine industrial uses
- e) Marine commercial uses
- f) Unenclosed storage\*
- g) Warehousing

**Accessory Uses:**

- h) Employee housing\*
- i) Office
- j) Parking lot
- k) Sale of aquaculture products processed on the premises

*\*See conditions of use.*

**504.3 Minimum Lot Size for Subdivision Purposes:** 1 ha

**504.4 Minimum Width for Subdivision Purposes –** 30 m

**504.5 Maximum Height:**

- a) Principal Buildings: 13 m
- b) Accessory Buildings: 9 m

**504.6 Maximum Lot Coverage:** 60%

**504.7 Minimum Setbacks:** *\*See conditions of use.*

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure outside Sewer Specified Area	7.5 m	6 m	7.5 m	7.5 m
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	7.5 m	6 m	7.5 m	7.5 m
Lot lines adjacent to industrial zones	0 m	0 m	0 m	0 m

*Schedule 504 – Aquatic Industrial (M4)*

**504.8**

**Conditions of Use:**

- a) Buildings, structures and uses, including parking, warehousing and fish processing, must be sited away from the shoreline, in accordance with the Floodplain provisions of this Bylaw.
- b) Storage must not be permitted in required front, side, or rear yards adjacent to any residential zone.
- c) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.

# Technical Industrial Business Park

# M5

**505.1 Purpose:** This zone provides for commercial and light industrial activities in a business park atmosphere, with an emphasis on sustainable, renewable, clean (have low nuisance impacts) high tech or green technologies, and are located primarily indoors. This zone is also intended to provide for complementary uses, including live/work.

**505.2 Permitted Uses: \***

**Principal Uses:**

- |   |                                |
|---|--------------------------------|
| a) Amusement facility – indoor                        | q) Light industrial            |
| b) Artisan industry                                   | r) Live-Work dwelling*         |
| c) Bakery   | s) Micro brewery               |
| d) Biotechnology                                      | t) Office                      |
| e) Brew pub   | u) Personal service            |
| f) Car wash   | v) Pharmaceuticals development |
| g) Commercial kitchen                                 | w) Place of worship            |
| h) Commercial school or college                       | x) Printers and publishers     |
| i) Commercial laundry                                 | y) Research and development    |
| j) Communications technology                          | z) Restaurant                  |
| k) Film studio  | aa) Studio                     |
| l) Fitness facility                                   | bb) Veterinary clinic          |
| m) Funeral home                                       | cc) Wholesaling                |
| n) Health services                                    |                                |
| o) High-technology electronic & scientific production | <b>Accessory Uses:</b>         |
| p) Horticulture                                       | dd) Commercial office space    |
|   | ee) Retail*                    |
|   | ff) Employee housing *         |

*\*See conditions of use.*

**505.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**505.4 Minimum Width for Subdivision Purposes: 30 m**

**505.5 Maximum Height**

- a) Principal Buildings: 2 storeys up to 13 metres high
- b) Accessory Buildings: 10 m

*Schedule 505 – Technical Industrial Business Park (M5)*

**505.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 70%
- b) Outside of Sewer Specified Area: 50%

**505.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure outside Sewer Specified Area	7.5 m	6 m	7.5 m	7.5 m
Building or Structure inside Sewer Specified Area	4.5 m	4.5 m	3 m	3 m
Adjacent to residential zones, including CD zones	0 m	0 m	4.5 m	4.5 m
Adjacent to Duplex/Single Family Dwelling (D/SFD) or Existing Housing (H) per Town Centre Plan*	0 m	0 m	4.5 m	4.5 m
Lot lines adjacent to industrial zones	0 m	0 m	0 m	0 m

**505.8 Conditions of Use:**

- a) Storage must not be permitted in required front, side, or rear yards adjacent to any residential zone.
- b) If an accessory dwelling unit is a detached single family residential dwelling, it must be located to the rear of the commercial, institutional or industrial use.
- c) Live – work dwellings:
  - i) Must be constructed as an employee housing unit within a mixed use building.
  - ii) Must have a private, exterior, residential entrance from the principal use.
  - iii) Parking for the residence must be the same as single family residential requirements.
- d) Accessory dwelling unit must be located within a principal use building. It cannot exceed 90 m<sup>2</sup> in floor area.
- e) Accessory retail uses permitted up to 40% of gross floor area.



*Schedule 505 – Technical Industrial Business Park (M5)*

- f) Landscaping: In addition to the Screening and Landscaping requirements identified in the General Regulations, the following landscaping requirements must be met:
- i) Where a lot adjoins a residential or institutional use or public road, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property must be provided inside the property line;
  - ii) Where a lot adjoins any other street, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the street must be provided inside the property line;
  - iii) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2 m in width and 2 m in height must be provided along the inside of all property lines;
  - iv) Loading areas, refuse removal area and recycling containers must be screened and gated to a minimum height of 2 m by a landscaping screen or solid decorative fence or a combination thereof;
  - v) All mechanical, electrical, and other service equipment located outside or on the roof of a building must be screened from adjacent properties and streets by ornamental structures, landscaping, or other means. Green roofs are encouraged.

# Public Recreation

# P1

**601.1 Purpose:** This zone provides for public recreation use within the District of Sooke.

**601.2 Permitted Uses:**

**Principal Uses:**

- a) Agriculture
- b) Amusement facility – outdoor
- c) Assembly use
- d) Campground \*
- e) Ecosystem preservation
- f) Institutional uses accessory to public parks
- g) Nature centre
- h) Playground
- i) Private club

**Accessory Uses:**

- j) Accessory dwelling unit, one per lot \*
- k) Concession
- l) Country market
- m) Office in nature centre
- n) Parking lot
- o) Temporary accommodation

*\*See conditions of use.*

*For the convenience of the reader, please be advised that parks are permitted in all zones within the District of Sooke including this zone.*

**601.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**601.4 Minimum Width for Subdivision Purposes:** 30 m

**601.5 Maximum Height:**

- a) Principal Buildings: 2 storeys up to 13 metres high
- b) Accessory Buildings: 8 m

**601.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 50%
- b) Outside of Sewer Specified Area: 10%

*Schedule 601 – Public Recreation (P1)*

**601.7 Minimum Setbacks:**

<b>Use</b>	<b>Front Lot Line</b>	<b>Flanking Lot Line</b>	<b>Side Lot Line</b>	<b>Rear Lot Line</b>
Building or Structure	7.5 m	6 m	6 m	10 m
Adjacent to residential zones, including CD zones	0 m	0 m	6 m	6 m

**601.8 Conditions of Use:**

- a) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.
- b) A maximum of 16 campground spaces/ha permitted. Each campground space must be a minimum of 110 m<sup>2</sup> in size;
- c) Separation between campground spaces must be a minimum of 6 m;
- d) Separation between campground spaces and structures must be a minimum of 6 m.

# Community Facilities

# P2

**602.1 Purpose:** This zone provides for community facilities within the District of Sooke.

**602.2 Permitted Uses:**

**Principal Uses:**

- a) Assembly use
- c) Cemetery
- d) Concession
- e) Country market
- f) Horticulture
- g) Institutional use
- h) Place of worship

**Accessory Uses:**

- i) Accessory dwelling unit, one per lot \*

*\*See conditions of use.*

**602.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**602.4 Minimum Width for Subdivision Purposes:** 30 m

**602.5 Maximum Height:**

- a) Principal Buildings: 15 m
- b) Accessory Buildings: 8 m

**602.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 60%
- b) Outside of Sewer Specified Area: 40%

**602.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure outside Sewer Specified Area	3 m	3 m	1.5 m	4.5
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	0 m	0 m	6 m	6 m

*Schedule 602 – Community Facilities (P2)*

**602.8 Conditions of Use:**

If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.

# Public Utilities

# P3

**603.1 Purpose:** This zone provides lands zoned for public utility use within the District of Sooke.

**603.2 Permitted Uses:**

**Principal Uses:**

- a) Liquid Waste Management Site
- b) Public storage and works yard
- c) Public utility

**Accessory Uses:**

- d) Office
- e) Accessory dwelling unit, one per lot \*

\* See conditions of use.

**603.3 Minimum Lot Size for Subdivision Purposes:**

- a) Within Sewer Specified Area: 600 m<sup>2</sup>
- b) Outside of Sewer Specified Area: 1 ha

**603.4 Minimum Width for Subdivision Purposes:** 30 m

**603.5 Maximum Height:**

- a) Principal Buildings: 15 m
- b) Accessory Buildings: 8 m

**603.6 Maximum Lot Coverage:**

- a) Within Sewer Specified Area: 50%
- b) Outside of Sewer Specified Area: 30%

**603.7 Minimum Setbacks:**

Lot Line Adjacent to:	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Commercial zones	6 m	7.5 m	3 m	4.5 m
Industrial zones	6 m	7.5 m	0 m	4.5 m
Residential zones, including CD zones	6 m	7.5 m	15 m	10 m
ALR lands	10 m	10 m	10 m	10 m

**603.8 Condition of Use:**

If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.

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# Passive Recreation

# W1

**701.1 Purpose:** This zone applies to the seabed, water column and surface of marine water in the District of Sooke.

**701.2 Permitted Uses:**

**Principal Uses:**

- a) Boat ramp
- b) Breakwater
- c) Environmental protection activities
- d) Fishing
- e) Government wharf
- f) Habitat enhancement activities
- g) Passive recreation
- h) Pier

**701.3 Prohibited Uses:** Residential use of structures, floats, or piles



# Private Wharf

# W2

- 
- 702.1 Purpose:** This zone applies to the seabed, water column and surface of marine water in the District of Sooke to establish provisions for private wharfs to be used by the upland owner.
  
  - 702.2 Permitted Uses:**
    - Principal Uses:**
      - a) Boat ramp
      - b) Breakwater
      - c) Fishing
      - d) Non-commercial private wharf, dock or float
      - e) Passive recreation
  
  - 702.3 Prohibited Uses:** Residential use of structures, floats, or piles
  
  - 702.4 Maximum Height above high water for all structures:** 7.5 m

# Marina

# W3



**703.1 Purpose:** This zone applies to the seabed, water column and surface of marine water in the District of Sooke to establish provisions for commercial uses or public marina use.

**703.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>a) Boat ramp</li> <li>b) Boat shed or shelter</li> <li>c) Breakwater</li> <li>d) Marina</li> <li>e) Marina fueling station</li> <li>f) Marine pub</li> <li>g) Passive recreation</li> <li>h) Restaurant</li> <li>i) Sales and rental of boats and water sports equipment</li> </ul> | <ul style="list-style-type: none"> <li>j) Office</li> <li>k) Retail</li> <li>l) Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and/or maintenance of the marina</li> </ul> |
|--|--|

**703.3 Prohibited Uses:** Residential use of structures, floats, or piles

**703.4 Maximum Height above High Water for All Buildings and Structures:** 9 m

# Group Moorage

# W4

**704.1 Purpose:** This zone applies to the seabed, water column and surface of marine water and is intended to allow Group Moorage subject to a valid lease agreement with the Province.

**704.2 Permitted Uses:**

**Principal Uses:**

- a) Boat ramp
- b) Breakwater
- c) Fishing
- d) Group Moorage
- e) Passive Recreation

**704.3 Prohibited Uses:**

Residential or commercial uses of structures, floats or piles.

**704.4 Maximum Height Above High Water for All Structures:** 7.5 m

# Marine Industrial

# W6



**705.1 Purpose:** This zone applies to the seabed, water column and surface of marine water and establishes provisions for marine industrial uses that are associated with an upland use in the District of Sooke.

**705.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Any use permitted in W1
- b) Boat building, repairs, rentals, and sales
- c) Boat ramp
- d) Boat shed
- e) Marina
- f) Marine fuel station
- g) Restaurant
- h) Retail sales
- i) Storage areas for the shipment, loading, unloading, sorting and shipping of good and materials. Includes sorting of logs, including booming grounds

- j) Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and/or maintenance of the industrial uses

**705.3 Prohibited Uses:** Residential use of structures, floats, or piles

**705.4 Maximum Height Above High Water for All Buildings and Structures:** 7.5 m

# Marine Aquaculture Processing

# W7

**705.1 Purpose:** This zone applies to the seabed, water column and surface of marine water and provides establishes provisions for aquaculture processing that is associated with an upland use in the District of Sooke.

**705.2 Permitted Uses:**

**Principal Uses:**

**Accessory Uses:**

- a) Any use permitted in W1
- b) Aquaculture processing operations

- c) Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and/or maintenance of the industrial uses

**705.3 Prohibited Uses:** Residential use of structures, floats, or piles

**705.4 Maximum Height Above High Water for All Buildings and Structures:** 7.5 m

**Ponds/Terraces CD Zone**

**CD1**

**801.1 Purpose:** This zone provides for mixed residential development and linear greenspace on the lands known as “the Ponds and the Terraces.”

**801.2 Permitted Uses:**

**Area A:** Townhouse per provisions of the RM2 zone.

**Area B:** Park

**Area C:**

- a) One single family dwelling
- b) Home-based business
- c) Horticulture

**801.3 Minimum Lot Size for Subdivision Purposes:** 350 m<sup>2</sup>

**801.4 Minimum Width for Subdivision Purposes:** 11 m

**801.5 Maximum Height:**

- a) Principal Buildings – 13 m
- b) Accessory Buildings – 9 m

**801.6 Maximum Lot Coverage:** 40%

**801.7 Amenity Area:** A minimum of 15% of the lot area must be preserved for a linear greenway and amenity area

**801.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	4.5 m	3 m	1.2 m	4.5 m
Accessory Building or Structure	5 m	4 m	1.2 m	3 m

**801.9 Conditions of Use:**

The amenity area shall be landscaped in accordance with a landscaping plan approved to the satisfaction of the Approving Officer.

**801.10 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 801 – Ponds/Terraces (CD1)



# Sun River Estates CD Zone

# CD2

**802.1 Purpose:** This zone provides for a variety of uses on the subject property, including residential, neighborhood commercial, agriculture, school, park and trails.

**802.2 Permitted Uses:**

**General Uses:** Gravel extraction and processing for on-site development and on-site and off-site municipal services directly attributable to the on-site development shall be permitted.

**Area A (Multi-Family):**

- a) Apartment building, per provisions of the RM2 zone
- b) Townhouse, per provisions of the RM2 zone
- c) Duplex
- d) Home-based business
- e) Community care facility
- f) Show home

**Area B (Agriculture):**

- a) Agriculture
- b) One single family dwelling
- c) Home-based business
- d) Farm buildings
- e) Secondary suite

**Area C (Parks/Amenity Area):**

- a) Institutional use
- b) Playground
- c) Assembly use
- d) Public park
- e) Country market as accessory use to permitted institutional uses

**Area D (Neighborhood Centre):**

- a) Convenience store
- b) Retail store
- c) Personal service
- d) Community care facility
- e) Restaurant
- f) Playground
- g) The total commercial floor area in Area D shall not exceed 1,000 m<sup>2</sup>

**Area E (Single Family):**

- a) One single family residential dwelling
- b) Institutional use
- c) Home-based business
- d) Community care facility
- e) Secondary suite
- f) Show home



*Schedule 802 – Sun River Estates CD Zone (CD2)*

- g) Notwithstanding the Permitted Uses set out in section 802.2 for properties in Area E (Single Family), on the property identified as Section 28, Sooke District except that part in Plan VIP75447 and VIP75783, VIP76240, VIP76309, VIP76938, VIP83653, VIP85291, VIP86227 and VIP88959, shown shaded on Schedule “A” attached to and forming a part of this bylaw, an amenity area for assembly use is permitted as an accessory use provided the assembly use is not used for commercial purposes. *(Added by Bylaw No. 616 adopted May 25, 2015)*

**Area F (Small Lot Single Family):**

- a) One single family residential dwelling per lot
- b) One secondary suite on a lot with a single family dwelling, where the lot is 550 m<sup>2</sup> or larger
- c) Home-based business
- d) Community care facility
- e) Show home

**802.3 Minimum lot size for subdivision purposes:**

- a) Area A – 900 m<sup>2</sup>
- b) Area E – 600 m<sup>2</sup>
- c) Area F – 400 m<sup>2</sup>

**802.4 Maximum Commercial Floor Area:**

- a) Convenience Store: 300 m<sup>2</sup>
- b) Restaurant: 150 m<sup>2</sup>

**802.5 Maximum Height:**

- a) Principal Buildings: 13 m
- a) Accessory Buildings: 9 m

**802.6 Maximum Lot Coverage: 30%**

**802.7 Overall Density:**

- i. Area B, E and F – one single family dwelling per lot
- ii. The maximum number of dwellings shall not exceed 650 units with connection to a common sewage treatment system
- iii. The maximum number of dwellings shall not exceed 715 units with connection to a municipal sewage system
- iv. Not less than 100 multi-family units shall be provided

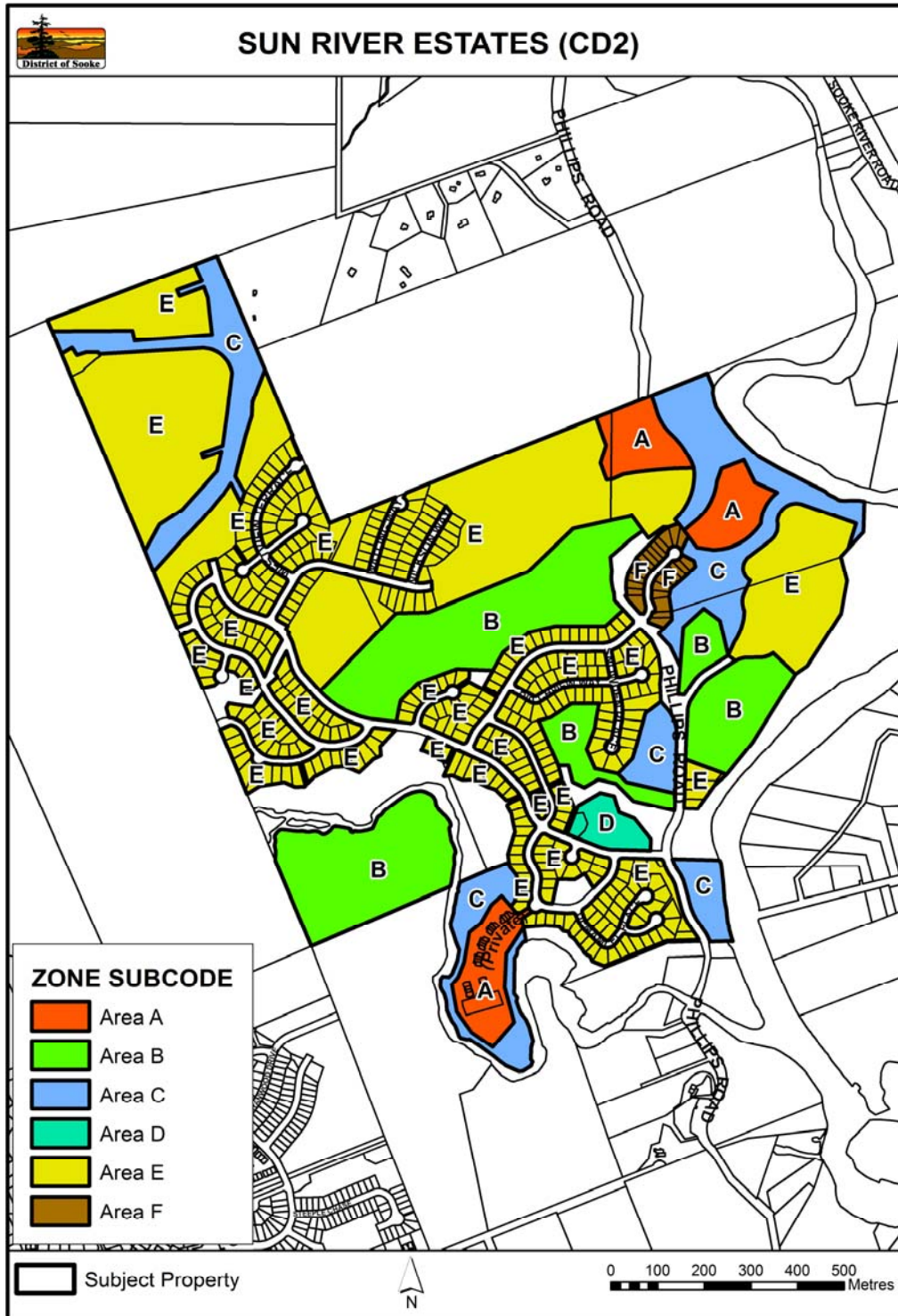
Schedule 802 – Sun River Estates CD Zone (CD2)

**802.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	ALR Lot Line
Principal Building or Structure	6 m	3 m	1.5 m	6 m	15 m
Accessory Building or Structure	6 m	4 m	1.5 m	1.5 m	15 m
Farm Building	30 m	15 m	15 m	15 m	15 m

**802.9 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 802 – Sun River Estates CD Zone (CD2)



# Silverspray CD Zone

# CD3

**803.1 Purpose:** This zone provides for:

- a) A destination resort complex with hotel or lodge buildings, 15 tourist accommodation chalets, a restaurant and accessory facilities
- b) A total of 127 single family residential dwellings
- c) A nine-hole golf course with accessory facilities
- d) A 115 berth marina with accessory facilities
- e) Private utilities
- f) Employee housing

**803.2 Permitted Uses:**

**Area A (Destination resort complex):**

- a) Boat moorage, rentals and docks accessory to the hotel or lodge use
- b) Gift shop
- c) Health spa
- d) Hotel or lodge
- e) Licensed liquor establishment
- f) Meeting room
- g) Private utility
- h) Restaurant
- i) Single family residential dwelling
- j) Tourist accommodation chalets

**Area B:**

- a) Home-based business
- b) Linear trail or pathway system and park
- c) Nine-hole golf course with 40 parking spaces
- d) One project management suite
- e) Private utility
- f) Single family residential dwelling
- g) Storage yard, screened

*Schedule 803 – Silverspray CD Zone (CD3)*

**Area C:**

- a) Club house use accessory to the golf course (as permitted in Area B), including a pro shop, coffee shop, licensed establishment, golf cart and pull cart storage, washrooms, locker room, child care facilities, storage of golf course maintenance products and equipment and accessory uses
- b) Linear trail or pathway system and park
- c) Marina
- d) Parking lots accessory to the golf course (as permitted in Area B) and accessory to the marina use permitted in this area
- e) Private utility
- f) Uses accessory to the marina use including office, tackle shop, coffee bar, shower, change room and washroom facilities, and caretaker suite

**803.3 Minimum lot size for subdivision purposes:**

- a) Area A – 1,000 m<sup>2</sup>
- b) Area B – 1,000 m<sup>2</sup>
- c) Area C – 1 ha

**803.4 Minimum Lot Dimensions (Area B):**

- a) Frontage – 6 m
- b) Lot width – 20 m

**803.5 Maximum Height:**

- a) Principal Buildings:
  - i) Single family residential dwellings – 13 m
  - ii) Single family residential dwellings constructed to the west of East Sooke Road and to the south of the driveway to the marina situated facing Sooke Village – 10 m
  - iii) Commercial buildings in Area A – 20 m
  - iv) Commercial buildings in Area C – 13 m
  - v) Tourist accommodation chalets – 13 m
- b) Accessory Buildings – 7 m

**803.6 Maximum Density and Dimensions:**

- a) No more than 15 tourist accommodation chalets each having a maximum floor area of 250 m<sup>2</sup>, and a maximum of two kitchens
- b) Single family residential dwelling units:
  - i) Within Area A, the maximum number is 2
  - ii) Within Area B, the maximum number is 125
- c) Marina (Area C) may include up to 115 berths for 115 boats

*Schedule 803 – Silverspray CD Zone (CD3)*

- d) The maximum number of lots that can be created by subdivision in Area A is 20 lots, including bare land strata lots, but not including any other strata lots within the hotel or lodge or tourist accommodation chalet that may be created pursuant to the *Strata Property Act*
- e) The maximum size of buildings permitted must not exceed:
  - i) A floor area ratio of 0.5 for residential buildings; or
  - ii) A floor area ratio of 0.8 for commercial buildings in Area A; and
  - iii) A maximum floor area of 500 m<sup>2</sup> in Area C

**803.7 Minimum Setbacks:**

- a) Lot line along the natural boundary of the sea or a watercourse – 15 m
- b) Agricultural Land Reserve Lot Line – 16 m
- c) East Sooke Regional Park Lot Line – 10 m
- d) From a principal building – 3 m
- e) From an accessory building – 1 m

**803.8 Special Use Regulations:**

- a) Tourist accommodation chalets must not be occupied by a person for more than six months in any calendar year;
- b) No accessory buildings or structures are permitted within that part of Area B to the west of East Sooke Road and to the south of the driveway to the marina as shown shaded on the map attached as Figure 1 to this CD zone.

**803.9 Special Restrictions (Area B):**

- a) No building or septic tank facility shall be located or constructed in Area B within the watershed of watercourses flowing into East Sooke Regional Park unless drainage is directed away from East Sooke Regional Park;
- b) Buildings along the beach on the south side of Area C must not exceed 18 m in width

**803.10 Special Restrictions (Area C):**

- a) All accessory uses to the marina use in Area C shall be located within one building or structure;
- b) Area C must not be used for outdoor work on boats or equipment other than minor incidental repairs.

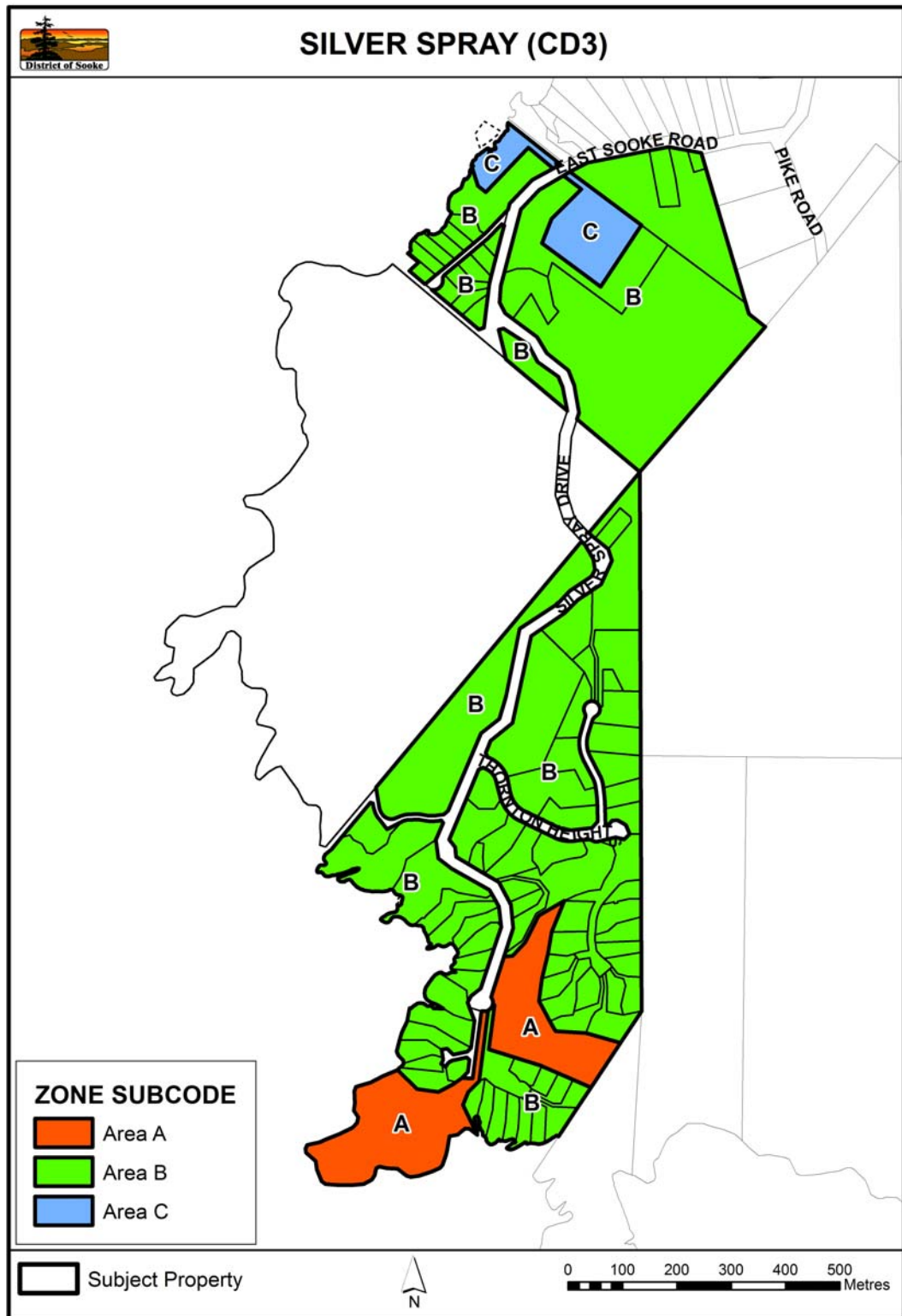
**803.11** *Schedule 803 – Silverspray CD Zone (CD3)*

**Conditions of Use:**

- a) The owner of land being subdivided must provide for each lot within the subdivision a water distribution system constructed in accordance with the standards established by the Board of the Capital Regional District, and connected to a community water system operated by the Capital Regional District.
- b) Landscaping and screening:
  - i) The golf course use must be screened from adjacent residential uses outside the CD3 zone by a continuous planting of vegetation having a minimum width of 6 m;
  - ii) The landscape buffer required (above) must include retention and maintenance of native trees and natural under-storey vegetation
  - iii) Outdoor storage, refuse disposal containers and above ground structures for services and utilities must be screened by a continuous planting of vegetation having a minimum width of 1.5 m
  - iv) All required landscape screens must be maintained by adequate irrigation and replacement of dead or seriously distressed plants or trees.
- c) Fencing:
  - i) Fence means free-standing structures used to screen around all or part of a lot or site and includes retaining walls, but does not include hedges and similar landscaping
  - ii) Maximum fence height in the CD3 zone shall be 3 m from average grade, subject to conformance with a registered building scheme.

**803.12** **Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 803 – Silverspray CD Zone (CD3)





# Tent Lot Residential CD Zone

# CD4

**804.1 Purpose:** This zone allows both single family and multiple family residential development on the lands known as the “tent lots” (Land Title Plan Number VIP217, Sooke District) that are within the Sewer Specified Area.

- 804.2 Permitted Uses:**
- a) Community care facility
  - b) Home-based business
  - c) Horticulture
  - d) One single family dwelling per lot
  - e) Duplex
  - f) Townhouse
  - g) One secondary suite on lots containing a single family dwelling

- 804.3 Maximum Height**
- a) Principal Buildings – 13 m
  - b) Accessory Buildings – 9 m

**804.4 Maximum Lot Coverage – 40%**

- 804.5 Maximum Density:**
- One duplex dwelling unit per 137 m<sup>2</sup>; or
  - One townhouse dwelling unit per 137 m<sup>2</sup>

**804.6 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line	Side Lot Line for Party Walls
Principal Building or Structure	3 m – house portion 6 m – garage portion	3 m	1.2 m	3 m	0 m	0 m
Accessory Building or Structure – 1 storey	15 m or level with the principal building, whichever is less	3 m	1.2 m	1.2 m	0 m	1.2 m
Accessory Building or Structure – 2 storey	15 m or level with the principal building, whichever is less	3 m	3 m	3 m	0 m	1.2 m

Schedule 804 - Tent Lot Residential (CD4)

**804.7 Conditions of Use:**

- a) Panhandle lots are prohibited.
- b) Storeys above the first storey shall be 15% smaller in floor area than the first storey.
- c) Hwy 14 setbacks may apply. See general regulations.

**804.8 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.



# Beaton Road Residential CD Zone

# CD5

**805.1** This zone is intended to provide for a mixed residential use development that will include single, multi and affordable residential housing units, greenways and parkland

**805.2 Permitted Uses:**

- a) Apartments in Areas B and C
- b) Boarding and lodging
- b) Community care facility
- c) Home-based business
- d) Horticulture
- e) Institutional use in Areas A and C
- f) Secondary suites in Area A on lots 550 m<sup>2</sup> or larger
- g) Single family dwellings in Area A
- h) Townhouses in Areas B and C
- i) Vacation accommodation units in Area A

**805.3 Minimum Lot Size for Subdivision Purposes:**

- a) Area A – 550 m<sup>2</sup>
- b) Area B – 250 m<sup>2</sup>

**805.4 Maximum Height:**

- a) Principal Buildings – 13 m
- b) Accessory Buildings – 9 m

**805.5 Maximum Lot Coverage:**

- a) Area A – 30%
- b) Area B -- 40%

**805.6 Maximum Density:**

- a) Area A: 50 units/ha to a maximum of 140 single family units
- b) Area B: 46 multi-family residential units

**805.7 Amenity Area** – Not less than 5% of the multi family lot area shall be developed as an amenity area for residents.

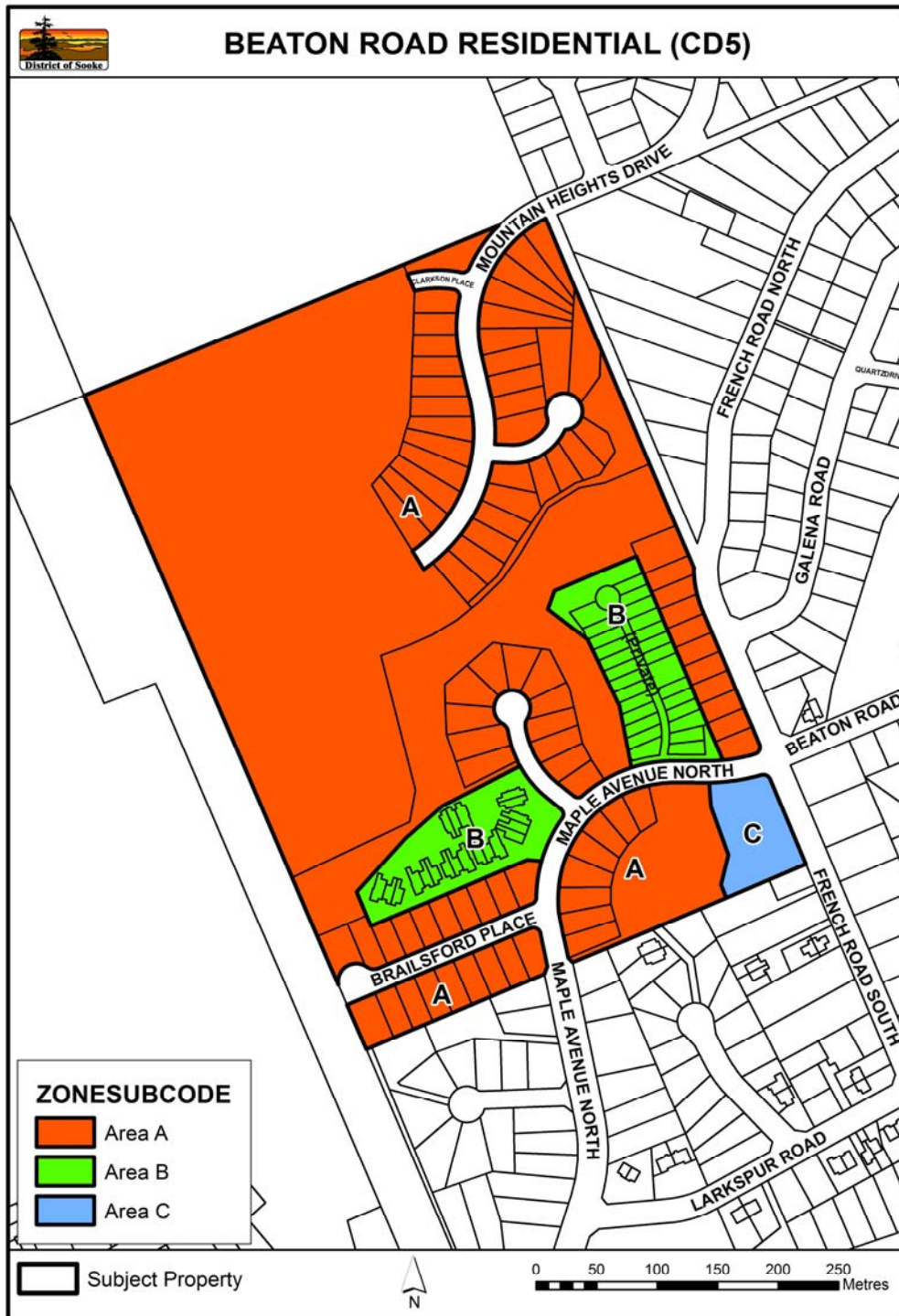
Schedule 805 - Beaton Road Residential (CD5)

**805.8 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure in Area A	4.5 m if the garage is in the rear yard 6 m if the garage is in the front yard	3 m	1.2 m	4 m	3 m
Principal Building or Structure in Area B	4.5 m if the garage is in the rear yard 4.5 m if the garage is in the front yard	3 m	1.2 m	4 m	3 m
Accessory Building or Structure – 1 storey in Area A & B	15 m or behind the principal building, whichever is less	4.5 m	1.2 m	1.2 m	0 m
Accessory Building or Structure – 2 storey in Area A & B	15 m or behind the principal building, whichever is less	4.5 m	2 m	2 m	0 m

**805.9 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 805 - Beaton Road Residential (CD5)



**Tomlinny Road Mixed Use CD Zone**

**CD6**

**806.1 Purpose:** This zone provides for a mixed neighbourhood commercial development that will include commercial space, a duplex and residential units above the first floor of commercial.

**806.2 Permitted Uses:**

**Area A:**

- a) Bakery \*
- b) Business offices and support services
- c) Convenience store
- d) Health services
- e) Personal services
- f) Post office
- g) Restaurants \*
- h) Retail
- i) Dwelling units above the first storey
- j) Accessory buildings and structures

**Area B:**

- a) Bed and breakfast
- b) Home-based business
- c) Horticulture
- d) One single family dwelling or one duplex per lot
- e) One small suite or one secondary suite per lot
- f) Vacation accommodation unit

**806.3 Minimum Lot size for Subdivision Purposes:** 600 m<sup>2</sup>

**806.4 Maximum Height:**

- a) Principal Buildings – 13 m
- b) Accessory Buildings – 9 m

**806.5 Maximum Lot Coverage – 70%**

**806.6 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Buildings or Structures	4.5 m	4.5 m	3 m	3 m	0 m

**806.7 Conditions of Use:**

- a) Hwy 14 setbacks may apply. See general regulations.
- b) Bakery use not to exceed 200 m<sup>2</sup> of total floor area
- c) Restaurants to exclude drive-in or drive-thru restaurants

**806.8 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.



Schedule 806 - Tomminny Road Mixed Use (CD6)



**Mariner’s Village CD Zone**

**807.1 Purpose:** This zone provides for a wide range of mixed-use commercial retail, office, residential and marina uses, with a base density regulation generally applicable for the zone, and other densities to apply if the owner satisfies the amenity provisions and affordable housing conditions that will entitle the owner to the higher density.

**807.2 Permitted Uses:**

**Area 1: Mixed Use Commercial Residential**

- a) Amusement facility, indoor
- b) Art gallery
- c) Artisan industry
- d) Apartment building
- e) Assembly use
- f) Assisted living facility
- g) Auction rooms and places, excluding external storage
- h) Bakery
- i) Bus depot
- j) Commercial exhibit
- k) Commercial school
- l) Community care facility
- m) Country market
- n) Greenhouse and plant nursery
- o) Health services
- p) Home based business
- q) Hostel
- r) Hotel and/or motel
- s) Household equipment sales, service and repair
- t) Institutional uses
- f) Licensed liquor establishment
- g) Marina and associated facilities
- h) Mixed use commercial with residential
- i) Office
- j) Parking lot, parkade
- k) Personal services
- l) Playground
- m) Printers and publishers
- n) Private club
- o) Restaurant
- p) Retail
- q) Schools
- r) Shopping centre
- s) Employee housing
- t) Theatre
- u) Tourist accommodation
- v) Townhouse
- w) Veterinary clinic in an enclosed building

**Area 2: Multi Family Residential**

- a) Apartment building
- b) Assisted living facility
- c) Community care facility
- d) Home based business
- e) Employee housing
- f) Townhouse



*Schedule 807 – Mariner’s Village (CD7)*

**Area 3: Waterfront Commercial**

- |   |   |
|---|---|
| a) Amusement facility, indoor                           | q) Institutional uses                         |
| b) Art gallery  | r) Licensed liquor establishment              |
| c) Artisan industry                                     | s) Marina and associated facilities           |
| d) Assembly use   | t) Office                                     |
| e) Auction rooms and places, excluding external storage | u) Parking lot, parkade                       |
| f) Bakery   | v) Personal services                          |
| g) Commercial exhibit                                   | w) Playground                                 |
| h) Commercial school                                    | x) Printers and publishers                    |
| i) Community care facility                              | y) Private club                               |
| j) Country market                                       | z) Public wharf                               |
| k) Employee housing                                     | aa) Restaurant                                |
| l) Greenhouse and plant nursery                         | bb) Retail                                    |
| m) Health services                                      | cc) Schools                                   |
| n) Hostel   | dd) Theatre                                   |
| o) Hotel and/or motel                                   | ee) Tourist accommodation                     |
| p) Household equipment sales, service and repair        | ff) Veterinary clinic in an enclosed building |

**807.3 Minimum Lot size for Subdivision Purposes:** 350 m<sup>2</sup>

**807.4 Maximum Height:** Principal Buildings – 35 m, or 8 storeys

**807.5 Maximum Lot Coverage:** 80%, except for a triangular lot or proposed lot shown as cross-hatched on the plan forming part of this Bylaw as Appendix “B”, located west of Church Road South, which lot shall have a maximum lot coverage of 90%.

**807.6 Maximum Density:**  
The following base density regulation applies generally for the CD7 zone:

- a) A maximum of 50 dwelling units per ha for residential uses;
- b) A maximum of 5,000 m<sup>2</sup> of commercial floor area and 2,500 m<sup>2</sup> of office floor area.

**807.7 Maximum Increased Density:**  
Despite Section f (above), if the owner at its sole cost first meets all the conditions set out in Appendix “C” of this Bylaw relating to the provision of amenities and affordable housing:

- a) The reference in section 807.6(a) to “50 dwelling units per hectare” is increased to a higher density of 100 dwelling units per hectare; and

*Schedule 807 – Mariner’s Village (CD7)*

- b) The reference in section 807.6(b) to a “maximum of 5,000 m<sup>2</sup> of commercial floor area and 2,500 m<sup>2</sup> of office floor area” is increased to a higher density of a maximum of 10,000 m<sup>2</sup> of commercial floor area and 5,000 m<sup>2</sup> of office floor area.

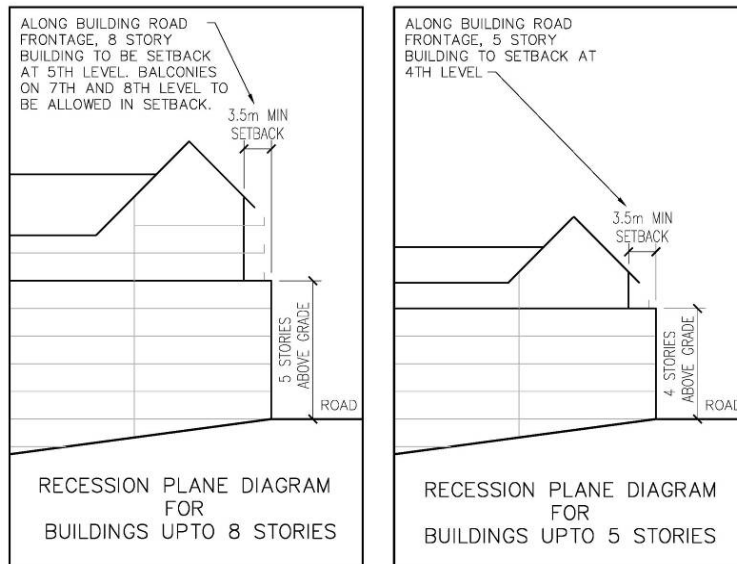
**807.8 Amenity Area:** 10% minimum

**807.9 Minimum Building Setbacks:**

- a) Sight triangle provisions apply. See Section 3.26 of this Bylaw.
- b) Highway 14 setback provisions may apply. See General Regulations.

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Mixed use, commercial, residential	0 m	0 m	0 m	0 m	0 m

**807.10 Recession Plane:**



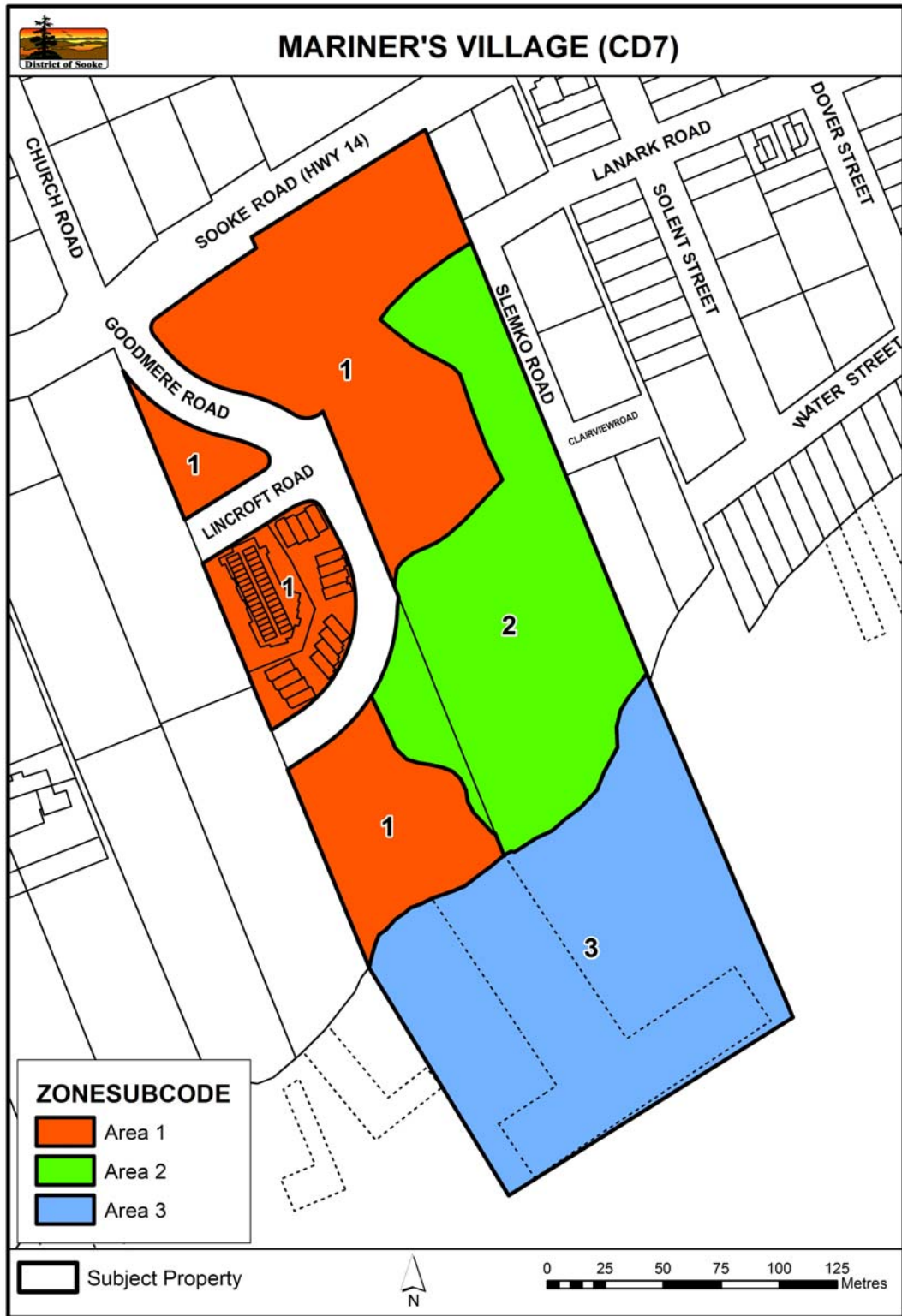
*Schedule 807 – Mariner’s Village (CD7)*

**807.11 Special Restrictions:**

- a) **Country market** use means a market comprising a group of vendors that offers predominantly locally produced or grown goods for sale that may include fruits, vegetables, herbs, flowers, baked products, home prepared and original arts and crafts, including on site preparation of foods or the operation of a food stand, dairy products, meat, fish, poultry or poultry products, and excludes the sale of live animals, used or second hand material, antiques or commercial products for resale.
- b) The portions of buildings identified as “Mixed Use Commercial and Residential” along Highway 14 frontage in “Zoning Area 1” on the plan forming part of this Bylaw as Appendix “B” may be used for commercial uses but not residential uses on the ground floor; ancillary residential lobbies, staircases and elevator lobbies on the main floor; and residential, commercial or office uses on floors located above the ground floor.
- c) Without limiting section 807.11(b), Townhouse use in “Zoning Area 1” on the plan forming part of this Bylaw as Appendix “B” is not permitted along the ground floor level of Highway 14 frontage.
- d) **Amenity Area** means outdoor common space, provided on a lot for use and maintained by the residents of that lot and excludes yards, storage areas, off-street parking, driveways, or areas designated for use by an individual owner, such as Limited Common Property or individual patio/backyard/front yard areas.
- e) In respect of Auction Rooms and Places, storage of chattels shall be contained entirely within an enclosed building on a parcel and shall not be visible from an adjacent lot or highway.
- f) Lot coverage calculation does not include any fully landscaped rooftops maintained as fully landscaped rooftops.

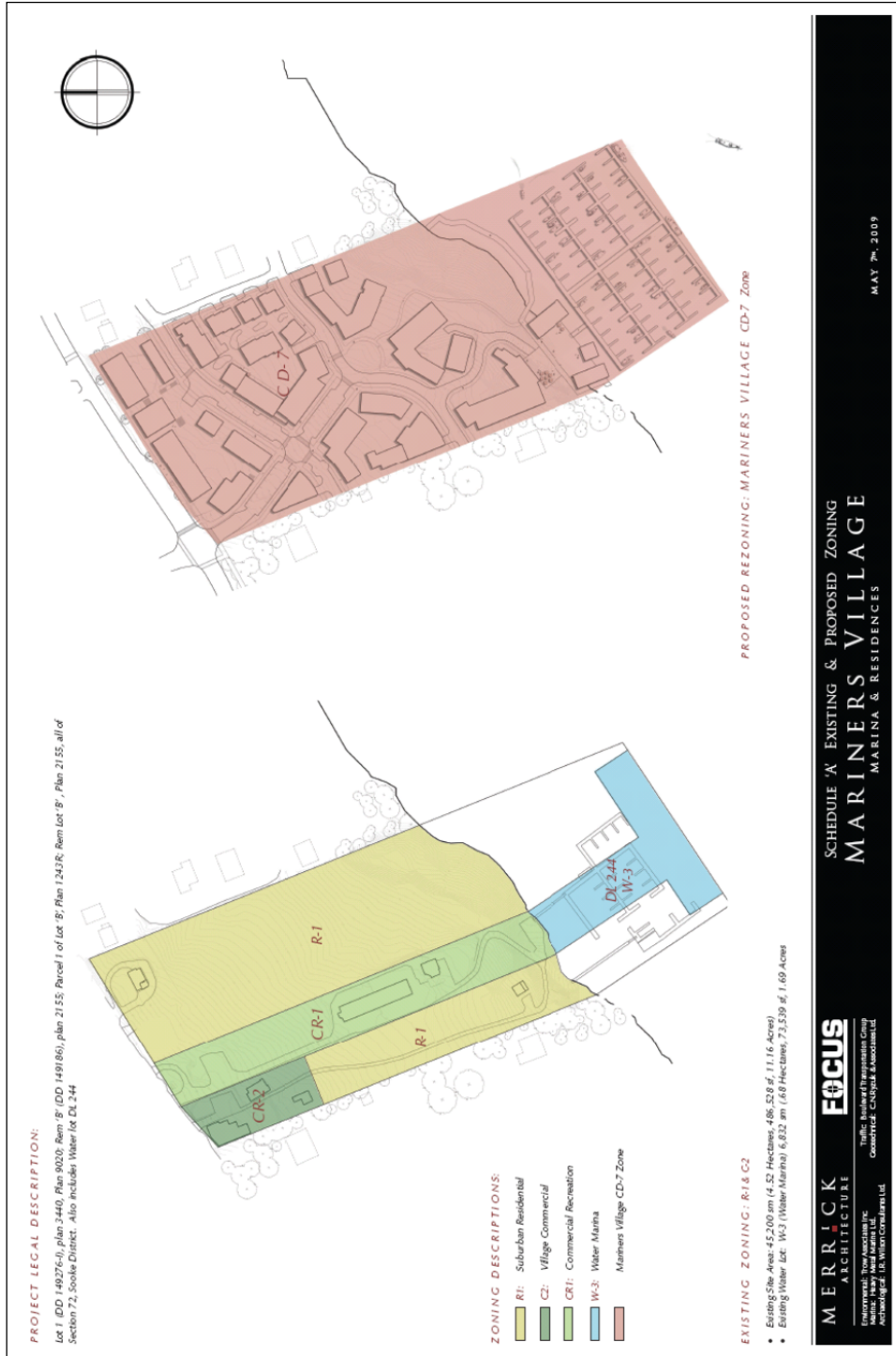
**807.12 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 807 – Mariner's Village (CD7)



Schedule 807 – Mariner’s Village (CD7)

**APPENDIX “A”:**  
**Mariner’s Village Comprehensive Development Zone**





Schedule 807 – Mariner’s Village (CD7)

**APPENDIX “B”:  
Mariner’s Village Comprehensive Development Zone**



*Schedule 807 – Mariner’s Village (CD7)*

**APPENDIX “C” :  
Mariner’s Village Comprehensive Development Zone  
AMENITIES AND AFFORDABLE HOUSING**

**Definitions**

C.1 The following definitions apply to this Appendix “C”:

**“Affordable Housing”** means:

- (a) in the case of rental housing, that which is available for rent at or below the average rent for “Victoria”, as determined annually by the Canada Mortgage and Housing Corporation’s “Rental Market Report”, and
- (b) in the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index,

if the rent or price, as applicable, is controlled by an affordable housing agreement under section 905 of the *Local Government Act*,

**“Amenities”** means the dedication of public amenity lands and other amenities required under this Appendix “C”;

**“Lands”** means all the land within the Mariner’s Village Comprehensive Development Zone (CD-7) of this Bylaw;

**“Public Amenity Areas”** means those portions of the Lands comprising, the Existing Garry Oak Tree Area, Multi-Use Public Trail, Nature Trail and the Public Boardwalk, all as shown hatched on Appendix “B” to this Bylaw.

**Conditions Relating to Amenities and Affordable Housing**

C.2 Transfer to the District of Sooke the fee simple title to the Public Amenity Areas, free and clear of any financial charges or encumbrances.

C.3 Provision of enhancement and improvement amenities in the Public Amenity Areas in accordance with the following conditions:

- (a) construction and installation of a “Public Boardwalk” of approximately 5,265 square feet and wharf area of approximately 15,660 square feet accessible to the public for *marina retail* and *marina services*, in the form and style of the existing District of Sooke Marine Boardwalk, along the foreshore, generally as shown hatched on the plan forming part of this Bylaw as Appendix “B” (Valued at \$721,000.00);
- (b) a three (3) metre wide public “Nature Trail” in accordance with the District of Sooke Parks & Trails Master Plan standards from the “Existing Garry Oak Tree Area” through the Public Amenity Areas to connect with the eastern end of the “Public Boardwalk:” generally in the location shown hatched on the plan forming part of this Bylaw as Appendix “B” (Valued at \$6,000.00);

*Schedule 807 – Mariner’s Village (CD7)*

- (c) a three (3) metre wide “Multi-use Public Trail” in accordance with the District of Sooke Parks and Trails Master Plan standards from the “Nature Trail” described in section C.3(b) to the wharf generally in the location shown hatched on the plan forming part of this Bylaw as Appendix “B” (Valued at \$25,500.00);
- (d) protection and retention of the “Existing Garry Oak Tree Area” at the end of Church Road South and location shown hatched on the plan forming part of this Bylaw as Appendix “B”, the construction and installation of a public seating area around the Garry Oak tree, and the design and installation of a planted buffer around the Garry Oak tree for the purpose of providing protection and separation of the Garry Oak tree from other uses (Valued at \$30,000.00);
- (e) payment to the District of Sooke of \$35,000 to be used only for the purpose of installing banners and flower baskets on the ornamental light fixtures on the Lands;
- (f) public washrooms having a fair market value of \$50,000 or more constructed adjacent to the “Public Boardwalk” referred to in section C-3(a) or constructed in a commercial building adjacent to the “Public Boardwalk”;
- (g) provision and installation of publicly displayed outdoor art, which art will, subject to the approval of the District of Sooke, be selected by the owner of the Lands, and sited, displayed and maintained on the Lands in public view (Valued at \$20,000.00);
- (h) a contribution of \$425,000 to the District of Sooke for the purposes of providing affordable housing, provided that in lieu of this payment, the owner may in its sole discretion elect to provide premises comprising at least 6,000 ft<sup>2</sup> of community amenity medical clinic office space for medical doctors, discounted at the rate of \$8.00 per square foot triple net for a minimum of ten years from the date of issuance of an occupancy permit for the community amenity medical clinic office space for medical doctors;
- (i) a contribution in the amount of \$137,500 to the District of Sooke for the purposes of the District of Sooke’s Affordable Housing program; and,
- (j) a Statutory Right of Way granted at the Owner’s sole cost to the District of Sooke over the five (5) metre wide area of land along the entire length of the western boundary of the Lands (except where traversed by a public highway) as shown solid hatched on the plan forming part of this Bylaw as Appendix “B”, for public amenity area, drainage, a swale and works and services.

C.4 The Owner shall at its sole cost prepare all plans, transfer forms and other documents necessary to give effect to the transfers required to be made under section C.2. Those transfers shall be effected by the Owner, at the District of Sooke’s sole option, by:



## *Schedule 807 – Mariner’s Village (CD7)*

- (a) the registration of one or more reference plans pursuant to section 99(1)(h) of the *Land Title Act*, creating each of the Public Amenity Areas as separate legal parcels, together with the filing of the necessary Form A Transfers in favour of the District of Sooke; or
  - (b) a subdivision of the land under Part 7 of the *Land Title Act*, creating each of the Public Amenity Areas as separate legal parcels, together with the filing of the necessary Form A Transfers in favour of the District of Sooke.
- C.5 The Owner shall satisfy all legal requirements and conditions necessary to effect the transfers required under section C.2 and C.4, and shall obtain all necessary approvals required for any subdivision of the Lands necessary to effect those transfers.
- C.6 If a valuation is inserted in a provision of this Appendix “C”, the Owner in its sole discretion may meet the condition relating to the amenity, or the affordable housing, as applicable, by electing, instead of directly providing the amenity or affordable housing, to deliver to the District of Sooke a letter of credit having as a face amount the value stipulated in the applicable condition of this Appendix “C” in respect of which condition the letter of credit was delivered. Every such letter of credit shall satisfy the following conditions:
- a. the owner must provide the District of Sooke with an irrevocable letter of credit in the form set out at the end of this Appendix "C" as a security for meeting the condition under this Appendix "C";
  - b. every letter of credit required to be provided under this Appendix “C” must be drawn in favour of the District of Sooke and must be a clean, unconditional and irrevocable letter of credit made by a Canadian Chartered Bank and capable of presentation at a branch of the bank situated within the District of Sooke;
  - c. if the owner fails or omits to renew or replace any letter of credit within 14 days prior to its expiry, the District of Sooke may draw on the current letter of credit and hold the moneys in lieu thereof;
  - d. subject to paragraph e., the security provided under this Appendix "C" must be returned to the owner within 30 days of the District of Sooke's Director of Planning and Director of Engineering having delivered a report to Council that the condition in respect of which the letter of credit security was provided has been met by the owner;
  - e. if the owner has not met the applicable amenity or affordable housing condition, the security is forfeited to the District of Sooke;
  - f. for certainty, the security is forfeited to the District of Sooke under paragraph e. on the date the District of Sooke delivers to the Owner a written notice that the District of Sooke has elected to draw on the letter of credit security;
  - g. the District of Sooke may use the security to meet the applicable condition under this Appendix "C" in respect of which the security was delivered to the District of Sooke.

*Schedule 807 – Mariner’s Village (CD7)*

**LETTER OF CREDIT FORMAT**  
TO BE ON BANK LETTERHEAD

\_\_\_ DAY OF \_\_\_\_\_, 20

District of Sooke  
Address  
Postal code

Dear Sir/Madam:

IRREVOCABLE COMMERCIAL LETTER OF CREDIT NO.

We hereby authorize you to draw on (NAME OF BANK), (ADDRESS OF BANK), Province of British Columbia, for account of (NAME OF OWNER), up to an aggregate amount of \_\_\_\_\_.

1. Drawings are to be made in writing to (NAME OF BANK).
2. Partial drawings may be made.
3. The Bank will not inquire as to whether or not the District of Sooke has a right to make a demand on this Letter of Credit.
4. This Letter of Credit is irrevocable up to the expiry date.

DRAFTS MUST BE DRAWN AND NEGOTIATED NOT LATER THAN\_\_\_\_\_.

The drafts under this Credit are to be endorsed hereon and shall state on their face that they are drawn under (NAME OF BANK), (ADDRESS OF BANK), Sooke, B.C. Letter of Credit No.

Yours truly,

Manager  
On Behalf of (NAME OF BANK)

# Prestige Hotel & Resort CD Zone

# CD8

**808.1 Purpose:** This zone provides for a range of resort marine commercial uses, parks and trails.

**808.2 Permitted Uses:**

**Area A: Hotel/Conference Centre    Area B: Parking**

- a) Art gallery
- b) Assembly use
- c) Bakery
- d) Commercial exhibit
- e) Convention centre
- f) Employee housing
- g) Fitness club
- h) Health spa
- i) Hotel
- j) Marina and associated facilities
- k) Four residential dwelling units comprising not more than 175 m<sup>2</sup> each, if the residential dwelling unit is situated on the highest floor of the building
- l) Office accessory to a permitted use
- m) Parking lot
- n) Personal services
- o) Playground
- p) Premises licensed under the provisions of the *Liquor Control and Licensing Act*
- q) Printers and publishers
- r) Private club
- s) Restaurant
- t) Retail

- a) Parking lot

**Area C: Park Space**

- a) Boat ramp
- b) Marina and associated facilities
- c) Marine commercial
- d) Office accessory to a permitted use
- e) Park
- f) Parking lot
- g) Playground
- h) Public wharf
- i) Restaurant

**808.3 Maximum Height:**

- a) Principal Buildings – 25 m, or 6 storeys
- b) Accessory Buildings – 8 m

*Schedule 808 – Prestige Hotel & Resort (CD8)*

**808.4 Maximum Lot Coverage:**

- a) Area A – 60%
- b) Areas B & C -- 25%

**808.5 Landscaping and Screening:** Landscaping will be as per Section 3.19, Screening and Landscaping, of this Bylaw except that fencing is not required.

**808.6 Minimum Building Setbacks:**

Water setback provisions may apply, and approval may be required from Fisheries and Oceans Canada and/or Ministry of Environment. See General Regulations.

Use	Front Lot Line/Hwy 14 Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line	Hwy 14 Lot Line
Principal Building	2.5 m	0 m	2.5 m	0 m	17.5 m from the centerline of Hwy 14
Accessory Building or Structures	2.5 m	0 m	2.5 m	0 m	17.5 m from the centerline of Hwy 14

**808.7 Special Parking Regulations:**

- a) Except as otherwise specified in this section, all provisions of the Parking and Loading Specific Use Regulations apply.
  - i. Maneuvering aisles of not less than the following width shall be provided:

Parking Angle	Width of Aisle
90°	7.3 m

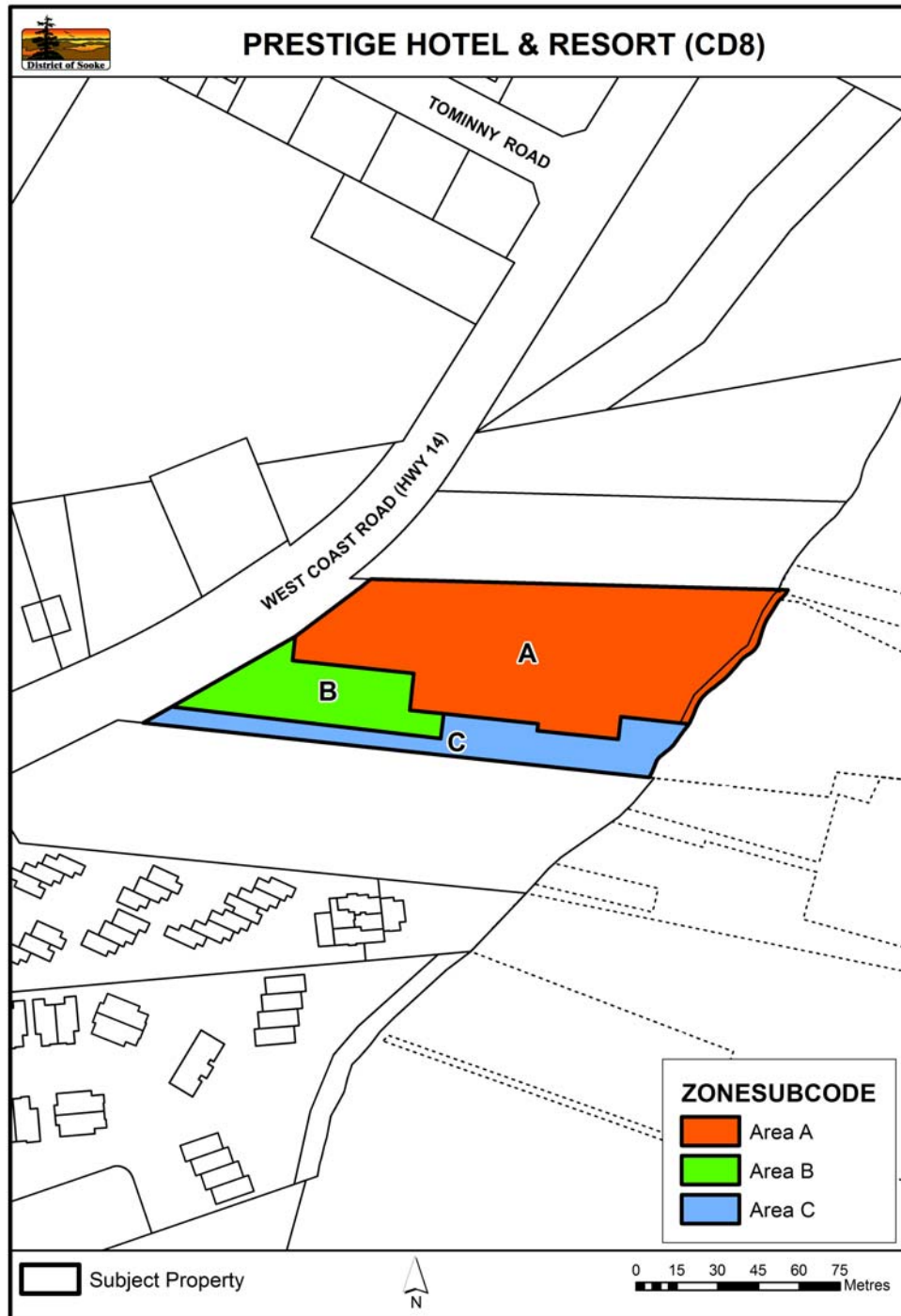
- ii. Minimum parking requirements:

Land Use	Parking Spaces Required
Prestige Hotel/Conference Centre Off-street Parking spaces	No less than 101 spaces
Truck/Trailer Parking spaces	No less than 19 spaces

- iii. No less than 3 accessible parking spaces shall be provided as part of the minimum parking requirements.

Schedule 808 – Prestige Hotel & Resort (CD8)

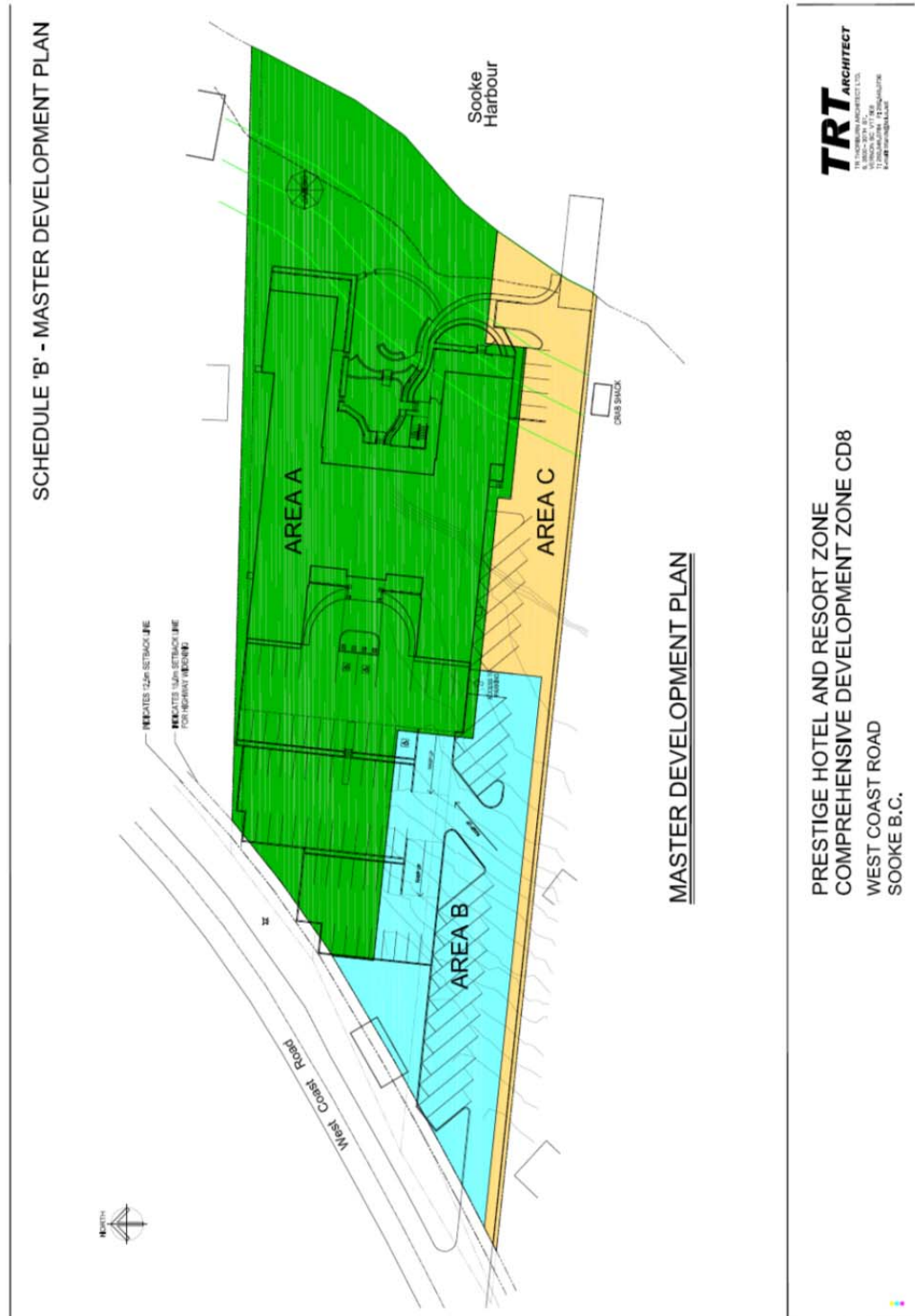
**808.8 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.





Schedule 808 – Prestige Hotel & Resort (CD8)

**Schedule B:  
Prestige Hotel & Resort Comprehensive Development Zone – CD-8**





# Spiritwood Estates CD Zone

# CD9

**809.1 Purpose:** This zone provides for a variety of residential uses that will include single and multiple family residential housing units with varying lot sizes, neighbourhood commercial, parkland, greenways and trails all integrated into a comprehensive residential neighbourhood.

**809.2 Permitted Uses:**

General uses in all areas except Area C and Area E (Parks and Amenity Area) – Gravel extraction and processing for on-site development and on-site and off-site municipal services directly attributable to the on-site development shall be permitted. The sale of excess gravel extracted and processed on-site is permitted for off-site use for a period not to exceed the duration of construction of the property being developed into a comprehensive residential neighbourhood.

**Area A: Multi Family Residential**

- a) Apartment building
- b) Assisted living facility
- c) Community care facility
- d) Duplex
- e) Home based business
- f) Horticulture
- g) Townhouse
- h) Temporary construction and real estate marketing offices to a maximum of two (2)
- i) Playground

**Area B:**

**Single Family Residential**

- a) Community care facility
- b) Home based business
- c) Horticulture
- d) One duplex on lots 600 m<sup>2</sup> or larger
- e) One single family dwelling per lot
- f) One secondary suite on lots 550 m<sup>2</sup> or larger with a single family dwelling
- g) Playground
- h) Temporary construction and real estate marketing offices to a maximum of two (2)

**Area C and Area E:  
Park and Amenity Area**

- a) Institutional uses accessory to public parks
- b) Parking lot
- c) Playground

**Area D: Neighbourhood Commercial**

This area is intended to protect and enhance neighbourhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This area provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele.



Schedule 809 – Spiritwood Estates (CD9)

**Area D: Permitted Uses**

- a) Bakery
- b) Community care facility
- c) Convenience store
- d) Country market
- e) Dwelling units above the first floor
- f) Health services
- g) Offices accessory to a permitted use
- h) Playground
- i) Restaurant
- j) Retail

**Area D: Conditions of Use**

- a) Retail and commercial uses, with the exception of restaurants, shall not exceed a total of 250 m<sup>2</sup> of floor area;
- b) Restaurants shall not exceed a total of 350 m<sup>2</sup> of floor area;
- c) Drive-in or drive-thru restaurants are not permitted;
- a) Total commercial floor area in Area D shall not exceed 1000 m<sup>2</sup>.

**809.3 Minimum Lot size for Subdivision Purposes:**

- a) Multiple Family Dwelling in Area A - 900 m<sup>2</sup>
- b) Single Family Dwelling in Area B - 500 m<sup>2</sup> with the exception that fourteen (14) lots in Area B can have a minimum lot size of 400m<sup>2</sup>
- c) Park and Amenity Area in Area C and Area E - 1300 m<sup>2</sup> exception of Stormwater Pond.
- d) Neighborhood Commercial in Area D - 3000 m<sup>2</sup>

**809.4 Maximum Height:**

- a) Principal Buildings:
  - Area A – 13 m or 3 stories, whichever is less
  - Area B – 13 m
  - Area C and Area E – 10 m
  - Area D – 14 m or 4 stories, whichever is less
- b) Accessory Buildings – 6 m

**809.5 Maximum Lot Coverage:**

- a) Area A - 40%
- b) Area B - 40%
- c) Area C and Area E - 25%
- d) Area D - 50%

Schedule 809 – Spiritwood Estates (CD9)

**809.6 Required Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Within Area A, no building or structure may be located	4.5 m	3 m	1.5 m	4.5 m
Within Area B, no building or structure may be located	4.5 m	2 m	1.2 m	4 m
Within Area C and Area E, no building or structure may be located	4.5 m	1.5 m	0 m	3 m
Within Area D, no building or structure may be located:	1.2 m – if not adjacent to a residential zone 3 m - if lot line adjoins a residential zone	0 m – if lot line is not adjacent to a residential zone 3 m – if lot line adjoins a residential zone	0 m – if lot line is not adjacent to a residential zone 3 m – if lot line adjoins a residential zone	0 m – if lot line is not adjacent to a residential zone 3 m – if lot line adjoins a residential zone

**809.7 Minimum Amenity Area for Area A: 10%**

**809.8 Base Density:**

The following base density regulation applies generally to the CD-9 zone:

- i. A maximum of 10 dwelling units per hectare in Area B;
- ii. A maximum of 10 dwelling units per hectare in Area A.

**809.9 Maximum Increased Density:** Despite section 809.8 above, if the owner at its sole cost first meets all the conditions set out in Appendix “C” of this Bylaw relating to the provision of amenities and affordable housing,

- i. The reference in section 809.8(i) above to “10 dwelling units per hectare” is increased to a higher density of 19 dwelling units per hectare in Area B,
- ii. The reference in section 809.8(ii) to “10 dwelling units per hectare” is increased to a higher density of 40 dwelling units per

hectare in Area A,  
*Schedule 809 – Spiritwood Estates (CD9)*

- a. In addition, where 80% or more of the required off-street parking spaces are underground parking spaces or concealed within the building, the maximum number of dwelling units for multiple family in Area “A” may be increased by 11 units per ha.

**809.10 Special Parking Regulations for Area D:**

Except as otherwise specified in this section, all provisions of the Parking and Loading Specific Regulations of this Bylaw apply.

<b>Minimum Parking Requirements for Area D:</b>	
<b>Area D – Neighborhood Commercial</b>	<b>Parking Spaces Required</b>
Commercial Use	1 per 40 m <sup>2</sup> gross floor area
Residential Use	1 per dwelling unit

**809.11 Special Restrictions:**

**a. Affordable Housing** means

- i. in the case of rental housing, that which is available for rent at or below the average rent for “Victoria”, as determined annually by the Canada Mortgage and Housing Corporation’s “Rental Market Report”, and
- ii. in the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index, if the rent or price, as applicable, is controlled by an affordable housing agreement under section 905 of the *Local Government Act*,

**b. Country Market** use means a market comprising a group of vendors that offers predominately locally produced or grown goods for sale that may include fruits, vegetables, herbs, flowers, baked products, home prepared and original arts and crafts, including on site preparation of foods or the operation of a food stand, dairy products, meat, fish, poultry or poultry products, and excludes the sale of live animals, used or second hand material, antiques or commercial products for resale.

**d. \* Temporary construction and real estate marketing office** can locate in either Area “A” or Area “B” but not in all areas. Only two (2) temporary construction and real estate marketing offices can be located

in total on site to cater to the entire development.  
*Schedule 809 – Spiritwood Estates (CD9)*

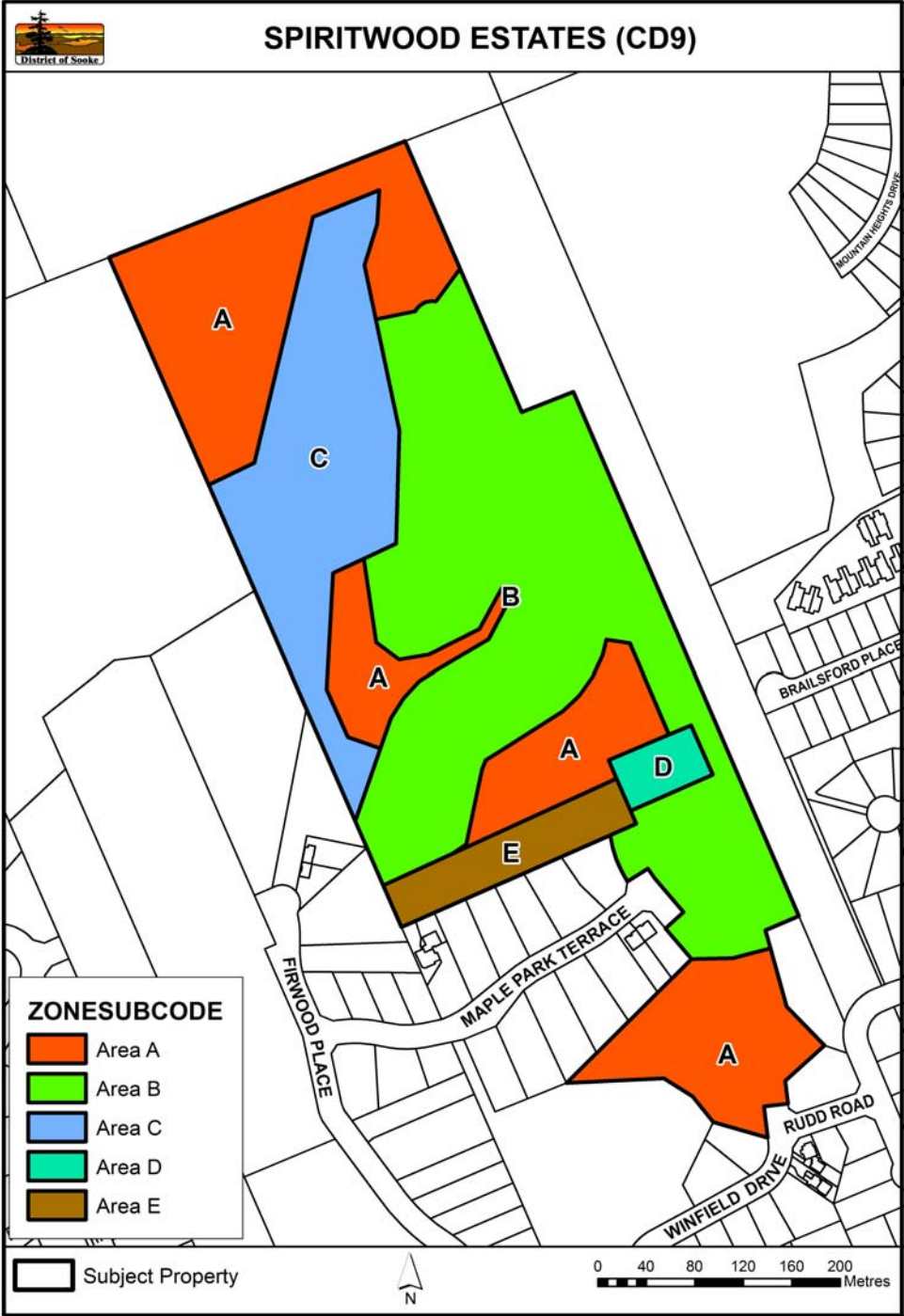
e. **Amenity Area** means outdoor common space, provided on a lot for use and maintained by the residents of that lot and excludes yards, storage areas, off-street parking, driveways, or areas designated for use by an individual owner, such as Limited Common Property or individual patio/backyard/front yard areas. Includes rooftop gardens.

f. Any commercial use contained within a building requires residential on the upper floors.

Appendices “A”, “B1”, “B2” and “D” are attached to and form part of the Spiritwood Estates Comprehensive Development Zone (CD-9).

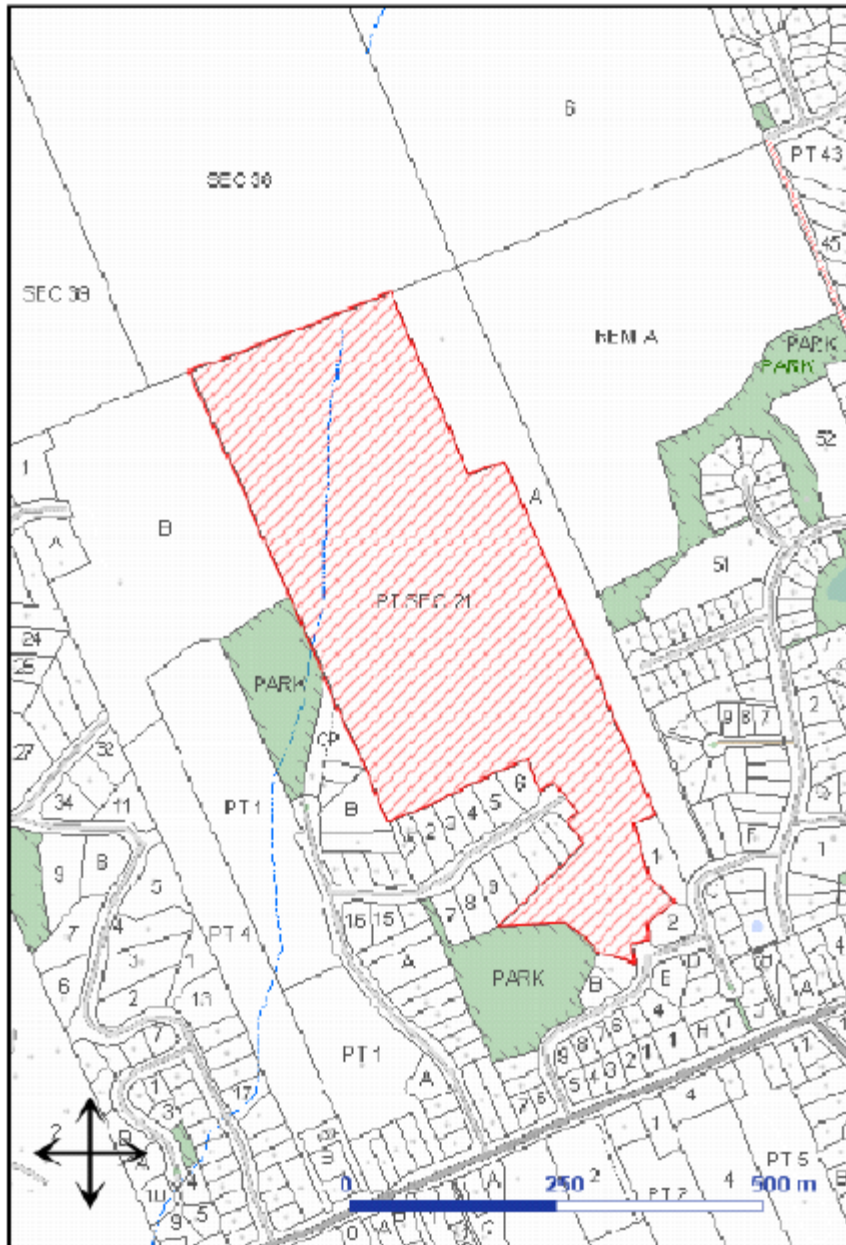
**809.12 Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 809 – Spiritwood Estates (CD9)



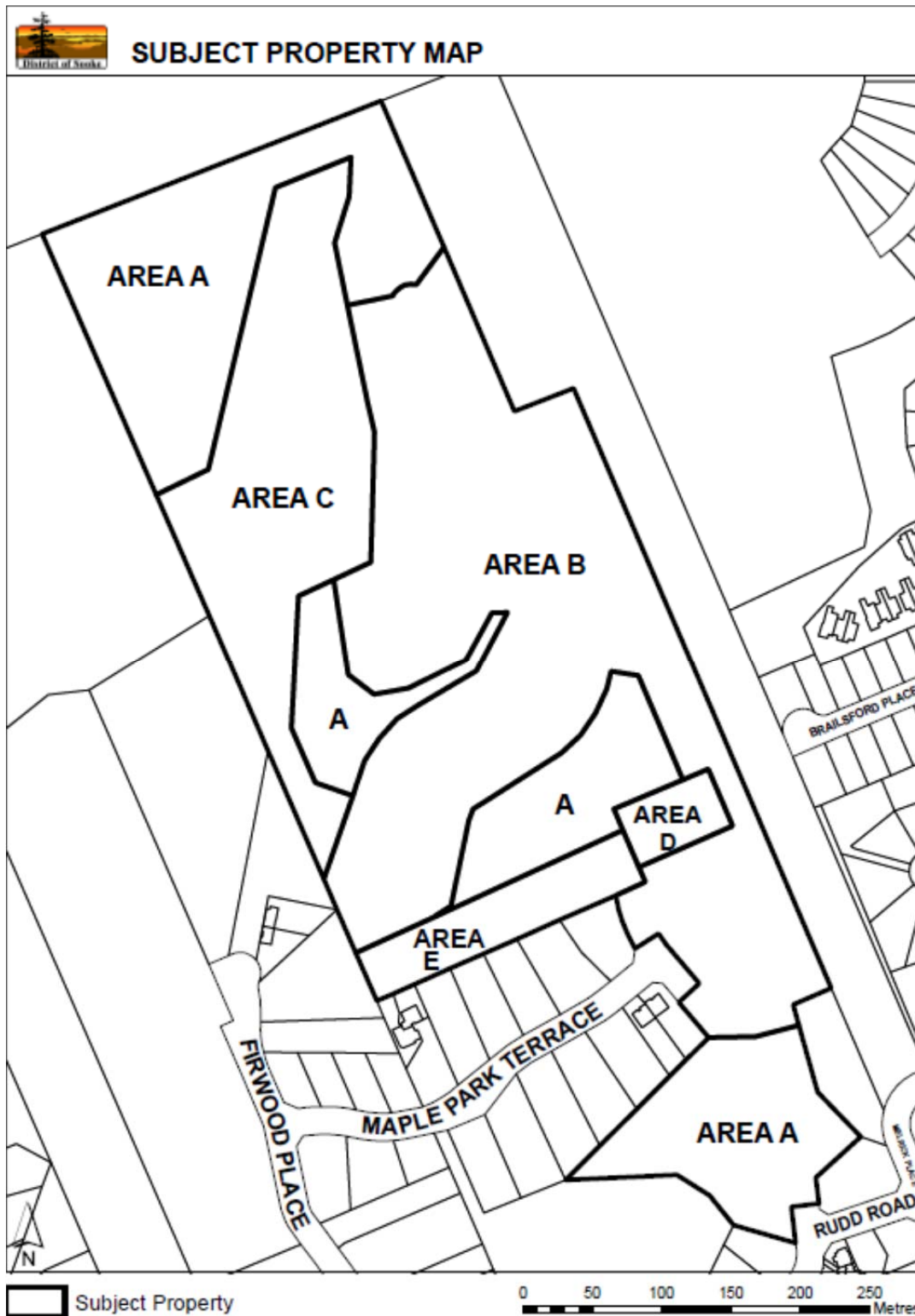
Schedule 809 – Spiritwood Estates (CD9)

Appendix A:



Schedule 809 – Spiritwood Estates (CD9)

Appendix B1:





**APPENDIX B2:**





*Schedule 809 – Spiritwood Estates (CD9)*

**Appendix C:**

**AMENITIES AND AFFORDABLE HOUSING**

**Definitions**

C.1 The following definitions apply to this Appendix “C”:

**“Affordable Housing”** means:

- a) In the case of rental housing, that which is available for rent at or below the average rent for “Victoria”, as determined annually by the Canada Mortgage and Housing Corporation’s “Rental Market Report”, and
- b) In the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index,

**“Amenities”** means the dedication of public amenity lands and other amenities required under this Appendix “C”;

**“Lands”** means all the land within the Spiritwood Estates Comprehensive Development Zone (CD-9) of this Bylaw;

**“Public Amenity Areas”** means those portions of the Lands comprising of Area C and Area E (Playground, Nature Trail and Park), as shown on Appendix “B1” to this Bylaw.

**Conditions Relating to Amenities:**

C.2 The amenity contribution totals \$1,330,082. The Owner will provide the following amenities in lieu of Cash Contribution:

- (a) Dedication to the District of Sooke of a 3.7 hectare (9.3 acre) amenity area shown as “Area C ” on plan forming part of this Bylaw as Appendix “B” prior to the completion of Phase 1.(Valued at \$550,000.00);
- (b) Construction of Grant Road sewer services from the main to the property lines to be completed prior to completion of Phase 1 of plan forming part of this Bylaw as Appendix “B”. (Valued at \$130,000).
- (c) Construction of Winfield Road Curb, Gutter, Sidewalk and streetlights to be completed prior to completion of Phase 1 of plan forming part of this Bylaw as Appendix “B”. (Valued at \$181,000).
- (d) Construction of Maple Park Terrace sewer services complete with services to the property line of 7047 Maple Park Terrace to 7076 Maple Park Terrace is to be completed prior to completion of Phase 5 of plan forming part of this Bylaw as Appendix “B2”. (Valued at \$181,000)
- (e) Dedication to the District of Sooke of a 7848 m<sup>2</sup> amenity area shown as “Area E” at time of the Multi-Family development in Phase 6 on plan forming part of this Bylaw as Appendix “B” prior to the completion of Phase 6;

- (f) Construction and installation of playground equipment including, but not limited to a slide, swing set and teeter totter, to be located within the "Area E" park area directly adjacent to the neighborhood commercial area or located within the neighborhood commercial area shown on the concept plan forming part of this Bylaw as Appendix "B" to be completed prior to Phase 6. (Valued at \$62,042.75);

**Conditions Relating to Affordable Housing:**

C.3 The Owner will provide twenty-three (23) Affordable Housing Units where eleven (11) will be designated for Affordable Ownership Housing (excludes suites) and twelve (12) will be designated as Affordable Rental Housing as part of the development within the Lands in accordance to the following schedule:

- (a) Three (3) Affordable Housing Units will be provided within Phase 1 of plan forming part of this Bylaw as Appendix "B".
- (b) Three (3) Affordable Housing Units will be provided within Phase 3 of plan forming part of this Bylaw as Appendix "B".
- (c) Three (3) Affordable Housing Units will be provided within Phase 4 of plan forming part of this Bylaw as Appendix "B".
- (d) Three (3) Affordable Housing Units will be provided within Phase 5 of plan forming part of this Bylaw as Appendix "B".
- (e) Three (3) Affordable Housing Units will be provided within Phase 6 of plan forming part of this Bylaw as Appendix "B".
- (f) Three (3) Affordable Housing Units will be provided within either Phase 7 or Phase 8 or a combination of both of plan forming part of this Bylaw as Appendix "B".
- (g) Three (3) Affordable Housing Units will be provided within either Phase 9 or Phase 10 or a combination of both of plan forming part of this Bylaw as Appendix "B".
- (h) Two (2) Affordable Housing Units will be provided within either Phase 12 or Phase 13 or a combination of both of plan forming part of this Bylaw as Appendix "B".

C.4 The Owner may provide cash in lieu of the Affordable Housing Units at \$15,000 per unit up to a total value of \$345,000.

C.5 One or more of the Affordable Housing Units to be provided in C.3 may be allowed to be combined into different phases, subject to the phase change and specific location of the Affordable Housing Unit(s) being approved by the Municipal Planner.

C.6 Each time Affordable Housing Units are provided as part of a Phase in the development, the Owner will enter into a section 905 Housing Agreement and section 219 covenant prior to Development Permit approval or Subdivision approval, whichever comes first.

C.7 An Option to Purchase/Right of First Refusal (Option/RFR) is required to be registered before an occupancy permit is issued for the affordable unit.

**General Conditions Relating to Amenities and Affordable Housing:**

C.8 Transfer to the District of Sooke the fee simple title to the Public Amenity Areas, free and clear of any financial charges or encumbrances

*Schedule 809 – Spiritwood Estates (CD9)*

C.9 The Owner shall at its sole cost prepare all plans, transfer forms and other documents necessary to give effect to the transfers required to be made under section C.10. Those transfers shall be effected by the Owner, at the District of Sooke's sole option, by:

- (a) the registration of one or more reference plans pursuant to section 99(1)(h) of the *Land Title Act*, creating each of the Public Amenity Areas as separate legal parcels, together with the filing of the necessary Form A Transfers in favour of the District of Sooke; or
- (b) a subdivision of the land under Part 7 of the *Land Title Act*, creating each of the Public Amenity Areas as separate legal parcels, together with the filing of the necessary Form A Transfers in favour of the District of Sooke.

C.10 The Owner shall satisfy all legal requirements and conditions necessary to affect the transfers required under section C.10 and C.11, and shall obtain all necessary approvals required for any subdivision of the Lands necessary to effect those transfers.

C.11 If a valuation is inserted in a provision of this Appendix "C", the Owner in its sole discretion may meet the condition relating to the amenity, as applicable, by electing, instead of directly providing the amenity or affordable housing, to deliver to the District of Sooke a letter of credit having as a face amount the value stipulated in the applicable condition of this Appendix "C" in respect of which condition the letter of credit was delivered. Every such letter of credit shall satisfy the following conditions:

- a. the owner must provide the District of Sooke with an irrevocable letter of credit in the form set out at the end of this Appendix "C" as a security for meeting the condition under this Appendix "C";
- b. every letter of credit required to be provided under this Appendix "C" must be drawn in favour of the District of Sooke and must be a clean, unconditional and irrevocable letter of credit made by a Canadian Chartered Bank and capable of presentation at a branch of the bank situated within the District of Sooke;
- c. if the owner fails or omits to renew or replace any letter of credit within 14 days prior to its expiry, the District of Sooke may draw on the current letter of credit and hold the moneys in lieu thereof;
- d. subject to paragraph e., the security provided under this Appendix "C" must be returned to the owner within 30 days of the District of Sooke's Director of Planning and Director of Engineering having delivered a report to Council that the condition in respect of which the letter of credit security was provided has been met by the owner;
- e. if the owner has not met the applicable amenity or affordable housing condition, the security is forfeited to the District of Sooke;
- f. for certainty, the security is forfeited to the District of Sooke under paragraph e. on the date the District of Sooke delivers to the Owner a written notice that the District of Sooke has elected to draw on the letter of credit security;
- g. the District of Sooke may use the security to meet the applicable condition under this Appendix "C" in respect of which the security was delivered to the District of Sooke.

*Schedule 809 – Spiritwood Estates (CD9)*

**LETTER OF CREDIT FORMAT  
TO BE ON BANK LETTERHEAD**

\_\_\_DAY OF \_\_\_\_\_, 20

District of Sooke  
Address  
Postal code

Dear Sir/Madam:

IRREVOCABLE COMMERCIAL LETTER OF CREDIT NO.

We hereby authorize you to draw on (NAME OF BANK), (ADDRESS OF BANK), Province of British Columbia, for account of (NAME OF OWNER), up to an aggregate amount of \_\_\_\_\_.

1. Drawings are to be made in writing to (NAME OF BANK).
2. Partial drawings may be made.
3. The Bank will not inquire as to whether or not the District of Sooke has a right to make a demand on this Letter of Credit.
4. This Letter of Credit is irrevocable up to the expiry date.

DRAFTS MUST BE DRAWN AND NEGOTIATED NOT LATER THAN\_\_\_\_\_.  
The drafts under this Credit are to be endorsed hereon and shall state on their face that they are drawn under (NAME OF BANK), (ADDRESS OF BANK), Sooke, B.C. Letter of Credit No.

Yours truly,

Manager  
On Behalf of (NAME OF BANK)

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**Knox Centre CD Zone**

**CD11**

**811.1 Purpose:** This zone provides for assisted living, commercial and institutional uses within the District of Sooke.

**811.2 Permitted Uses:**  
*(amended by Bylaw No. 577 adopted October 14, 2013)*

- Principal Uses: Area A**
- a) Assisted Living Facility
  - b) Community Care Facility

- Principal Uses: Area B**
- a) Assisted Living Facility
  - b) Community Care Facility
  - c) Cooperative housing
  - d) Health services
  - e) Institutional use
  - f) Office
  - g) Personal services
  - h) Restaurant
  - i) Retail

- Accessory Uses: Area A and Area B**
- a) Assembly Use
  - b) Cemetary
  - c) Employee Housing
  - d) Health Services
  - e) Horticulture
  - f) Institutional use
  - g) Office
  - h) Parking lot, parkade
  - i) Personal services
  - j) Place of worship
  - k) Restaurant

**811.3 Minimum Lot Size for Subdivision Purposes:** 7000 m<sup>2</sup>

**811.4 Maximum Height:**

- a) Principal Buildings: 15 m
- b) Accessory Buildings: 9 m

**811.5 Maximum Lot Coverage:** 50% *(added by Bylaw No. 577 adopted October 14, 2013)*

**811.6 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	3 m	2 m	3 m	4.5 m
Accessory Buildings or Structures	4.5 m	4.5 m	1.2 m	4.5 m

**811.7 Conditions of Use:**

Recession plan rules may apply for buildings and structures more than 6 m in height. See General Regulations.

811.8

**Subject Property Map:** The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The Subject Property Map is provided for information purposes only. (added by Bylaw No. 577 adopted October 14, 2013)



# West Coast Mixed Use Zone

# CD12

**812.1 Purpose:** This zone provides for up to three dwelling units on one lot with limited commercial use.

**812.2 Permitted Uses:**

- |  |   |
|--|---|
| <p><b>Principal Uses:</b></p> <ul style="list-style-type: none"> <li>a) Single family dwelling*</li> <li>b) Retail uses up to a maximum gross floor area of 50 m<sup>2</sup></li> <li>c) One show home up to a maximum gross floor area of 50 m<sup>2</sup></li> </ul> | <p><b>Accessory Uses:</b></p> <ul style="list-style-type: none"> <li>d) Bed and breakfast</li> <li>e) Home based business</li> <li>f) Vacation accommodation unit</li> </ul> <p><i>* See conditions of use.</i></p> |
|--|---|

**812.3 Minimum Lot Size for Subdivision Purposes:** 1,000 m<sup>2</sup>

**812.4 Minimum Width for Subdivision Purposes:** 15 m

- 812.5 Maximum Height:**
- a) Principal Buildings: 12 m
  - b) Accessory Buildings: 9 m

**812.6 Maximum Lot Coverage:** 30%

**812.7 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m	3 m	2 m	4 m	1 m
Principal Building adjacent to RM1, RM2, RM3, or RM4	3 m	3 m	0 m	4.5 m	1 m
Accessory Building or Structure – 1 storey	7.5 m	4.5 m	1.2 m	4.5 m	0 m

**812.8 Conditions of Use:**  
Notwithstanding the General Regulations, up to three single family dwelling units are permitted on one lot.



# Harbourside Cohousing CD Zone

# CD13



(added by Bylaw No. 578 adopted October 14, 2013)

**813.1 Purpose:** This zone provides for residential cohousing in the Town Centre in the District of Sooke.

**813.2 Permitted Uses:**

**Principal Uses:**

- a) Apartment
- b) Assisted living facility
- c) Townhouse
- d) Duplex
- e) Cluster dwelling units
- f) Stacked townhouse
- g) One single family dwelling per lot\*

**Accessory Uses:**

- h) Limited home-based business
- i) Boarding and lodging
- j) One secondary suite

\* See conditions of use

**813.3 Minimum Lot Size for Subdivision Purposes:** 4000 m<sup>2</sup>

**813.4 Minimum Width for Subdivision Purposes:** 15 m

**813.5 Maximum Density:** 40 dwelling units/ha

**813.6 Maximum Height:**

- a) Principal Buildings: 4 storeys up to a height of 15 m
- b) Accessory Buildings: 6 m

**813.7 Maximum Lot Coverage:** 40%

**813.8 Amenity Area:** A minimum of 5% of the lot area must be developed as an amenity area for the residents

**813.9 Minimum Setbacks:**

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	3 m	3 m	3 m	4.5 m
Accessory Buildings or Structures	7.5 m	4.5 m	3 m	4.5 m

**813.10**

**Conditions of Use:**

- a) The single family dwelling may be used as an Amenity Area and Boarding and lodging, with or without a secondary suite.
- b) Recession plan rules may apply for buildings and structures more than 6 m in height. See General Regulations.
- c) Setbacks from water are applicable. See General Regulations.

# SCHEDULE A

# ZONING MAPS

## SCHEDULE B: Municipal Ticket Information Designations

Offence	Bylaw Section No.	Fine
Obstruct Entry	1.6	\$200.00
Unauthorized Land Use	3.2 (a)	\$200.00
Unauthorized Building	3.2 (c)	\$200.00
Prohibited Land Use	3.2 (d)	\$200.00
Unlawful Accessory Building	3.4 (a), (b), (c), (e)	\$100.00
Unlawful Use of Accessory Building	3.4 (d)	\$100.00
Unlawful Keeping Animals	3.5 (a)	\$100.00
Unlawful Keeping of Hens	3.5 (b) (c)	\$100.00
Unlawful Siting of Animal Use	3.5 (d)	\$100.00
Overstay in Campground	3.6 (a)	\$100.00
Unlicensed RV	3.6 (b)	\$50.00
Prohibited Campground Use	3.6 (c)	\$100.00
Excess Group Campsites	3.6 (d)	\$100.00

Schedule B continued:

Addition to RV	3.6 (e)	\$100.00
Over-height Fence	3.10 (a) to (f)	\$100.00
Fence in Sight Triangle	3.10 (g); 3.24	\$100.00
Hedge Obstruction	3.10 (h); 3.23	\$100.00
Unlawful Flammables Storage	3.11 (b) to (c)	\$200.00
Unlawful Structure Height	3.12 (a) and (b)	\$200.00
Encroachment into Recession Plane	3.16 (c)	\$100.00
More than One Dwelling Unit on Lot	3.17 (a)	\$100.00
Unlawful Residential Use	3.17 (c)	\$200.00
Inadequate Screening	3.18 (a) and (c) to (f)	\$100.00
Inadequate Landscaping	3.18 (b)	\$100.00
Inadequate Sea Setback	3.22	\$200.00
Inadequate Water Setback	3.22	\$200.00
Unlawful Signage	3.24	\$100.00

Schedule B continued:

Inadequate Slope Setback	3.25	\$100.00
Unlawful Vehicle Storage	3.26 (a), (b)	\$100.00
Unlawful Suite	3.28 (a), (c) and (d)	\$100.00
Unlawful Bed & Breakfast	3.28 (c)	\$100.00
Excess Suite Area	3.29 (a), (b)	\$100.00
Unlawful Small Suite	3.30 (a) to (c)	\$100.00
Inadequate Pool Fence	3.31 (a)	\$100.00
Inadequate Pool Siting	3.31 (b)	\$100.00
Fail to Remove Temporary Building	3.32	\$100.00
Unlawful Bed & Breakfast	4.1 (a) (b), (d), (f), (g), (h), (i)	\$100.00
Non-residents in Home-Based Business	4.3 (a)	\$100.00
Home-Based Business – Excess Employees	4.3 (a)	\$100.00
Home-Based Business – Exterior Storage	4.3 (b)	\$100.00
Home-Based Business – Excess Area	4.3 (c)	\$100.00

Schedule B continued:

Home-Based Business - Nuisance	4.3 (d)	\$100.00
Home-Based Business – Unlawful Parking	4.3 (e)	\$100.00
Home-Based Business – Unlawful Location	4.3 (g)	\$100.00
Home-Based Business – Premises Alteration	4.3 (h)	\$100.00
Home-Based business – Unlawful Retail	4.3 (i)	\$100.00
Home-Based business – Too Many Clients	4.3 (j)	\$100.00
Home-Based Business – Commercial Vehicle Parking	4.3 (k)	\$100.00
Loading – Insufficient Spaces	4.4 (e)	\$100.00
Loading – Spaces not Improved	4.4 (f)	\$100.00
Loading – Inadequate Standards	4.4 (g), (h), (i)	\$100.00
Parking – Insufficient Spaces	4.5 (b),(c), and (f)	\$100.00
Parking – Inadequate Standards	4.5 (d), 4.6 (a) and (g) to (i)	\$100.00