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BYLAW 2040

SOOKE LAND USE BYLAW, 1992

ADOPTED JANUARY 13, 1993

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Capital Regional District

Bylaw No. 2040

Sooke Land Use Bylaw, 1992

A BYLAW TO REGULATE LAND USE AND SUBDIVISION FOR A PORTION OF THE
ELECTORAL AREA OF SOOKE
OF THE CAPITAL REGIONAL DISTRICT PURSUANT TO THE PROVISIONS OF
DIVISION 4 OF PART 29 OF THE MUNICIPAL ACT (*now Part 26 of Local Government Act*)

Consolidated for Public Convenience Only

For Reference to Original Bylaws or for Further Details Please Consult the Juan de Fuca Electoral Area
Planning Services

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Amending Bylaws Consolidated

<u>Bylaw No.</u> <u>Adopted</u>	<u>Type</u>	<u>Date</u>	<u>Bylaw No.</u> <u>Adopted</u>	<u>Type</u>	<u>Date</u>
2103	text	23/06/93	2496	-----	Rescinded
2104	text	24/03/93	2497	-----	Rescinded
2112	text & map	28/04/93	2514	map	08/04/98
2128	map	09/06/93	2574	map	27/05/98
2143	map	24/11/93	2600	-----	Rescinded
2144	map	11/08/93	2603	text	12/08/98
2170	map	10/08/94	2607	map	14/04/99
2171	text	10/11/93	2623	-----	N/A
2173	-----	Rescinded	2637	map	10/11/99
2177	map	09/03/94	2639	text & map	22/03/00
2194	map	25/03/94	2643	-----	Rescinded
2201	map	15/06/94	2644	map	24/03/99
2202	map	25/05/94	2646	text & map	17/12/98
2215	map	28/09/94	2652	map	10/02/99
2216	map	15/06/94	2674	text	14/04/99
2218	-----	N/A	2675	-----	Rescinded
2224	text	15/06/94	2682	map	10/03/99
2233	text	14/09/94	2683	map	10/03/99
2245	map	08/11/95	2689	text	14/04/99
2250	map	08/02/95	2696	map	14/07/99
2251	map	13/09/95	2708	text & map	Rescinded
2259	map	25/02/97	2794	map	09/08/00
2260	map	26/02/97	2812	map	08/11/00
2270	-----	Rescinded	2909	map	24/10/01
2271	text	08/02/95	2925	map	24/04/02
2277	map	22/02/95	2944	map	22/05/02
2335	text	09/08/95	2951	text & map	26/06/02
2344	map	27/11/96	3009	text & map	27/11/02
2378	text	08/05/96	3035	text	12/03/03
2389	map	26/02/97	3052	map	14/05/03
2396	-----	Cancelled	3068	map	13/08/03
2405	text	11/09/97	3071	map	13/08/03
2413	map	13/08/97	3093	map	10/09/03
2414	map	13/08/97	3156	text & map	11/08/04
2418	text	10/07/96			
2437	text	13/11/96			
2442	map	08/04/98			
2445	-----	Rescinded			
2446	map	25/06/97			
2489	map	13/08/97			

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AMENDING BYLAWS CONSOLIDATED continued

Bylaw No.	Type	Date Adopted	Purpose
3370	Map	Sept 13/06	P-1 - RR5 (Z-09-06)
3381	Text/Map	Jan 10/07	RA – RRA (Z-08-06)
3435	Map	April 9/08	AG to RR3 & Rural A – AG (Z-10-06)
3474	Text/Map		Rural B (Invalid)
3477	Map	July 8/09	Rural B – RR-A (Z-04-07)
3495	Text		A-1 (Invalid)
3534	Map	Sept 10/08	RR-3 to RR-5 (Z-09-07)
3565	Map	July 8/09	AF – Rural (A) (Z-02-08)
3576	Map	July 8/09	Rural B – Rural A (Z-04-08)
3605	Text	May 12/10	Detached Accessory Suites
3689	Text/Map	June 09/10	Rural Residential 2A Zone – RR-2A

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PART 1 - INTERPRETATION AND ADMINISTRATION

1.0 PURPOSE

1.1 This Bylaw regulates the development and use of land and the location and use of buildings and structures erected thereon, having due regard to:

- (1) The promotion of health, safety, convenience, and welfare of the public;
- (2) The prevention of the overcrowding of land, and the preservation of the amenities peculiar to any zone;
- (3) The securing of adequate light, air, and access;
- (4) The value of the land and the nature of its present and prospective use and occupancy;
- (5) The character of each zone, the character of the buildings already erected, the peculiar suitability of the zone for particular uses and the particular densities for particular zones;
- (6) The conservation of property values.

2.0 DEFINITIONS

ABANDONED SIGN means a sign that advertises an activity, business, product or service no longer conducted or available on the premises on which the sign is located;

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

ACCESSORY USE means a use which is ancillary or subordinate to the principal use;

AGRICULTURE means a use providing for growing, rearing, producing and harvesting of crops, livestock, horticulture, and silviculture; includes the storage and sale on an individual farm of those products from that farm and the storage of farm machinery and implements of husbandry used on that farm; and specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition;

AMUSEMENT FACILITY, INDOOR means a use or structure providing for various games and activities played by patrons for entertainment within an enclosed building, and where patrons are the primary participants; and without limiting the generality of the foregoing includes billiard parlours, games rooms, bowling alley, games court, curling and roller rinks, health clubs, spas;

AMUSEMENT FACILITY, OUTDOOR means a permanent development or use providing facilities for entertainment and amusement activities which primarily take place out of doors, where patrons are the primary participants; and without limiting the generality of the foregoing includes amusement parks, go-cart tracks, driving ranges, and miniature golf establishments;

ANIMAL means an animal that is

- (a) tame or kept, or that has been and is being sufficiently tamed or kept, to serve some purpose for the use of human beings; and
- (b) Includes but is not limited to rabbits, goats, sheep, swine, horse, cattle, fur bearing animals as defined in the Fur Farm Act;

ANIMAL HOSPITAL means any building in which animals are medically treated or hospitalized;

APARTMENT means a dwelling unit contained in an apartment building;

APARTMENT BUILDING means a building divided into not less than three dwelling units other than Townhouses; specifically excludes a building used for a Hotel or Motel;

APPLICANT means a person applying for either preliminary approval or final approval of a subdivision, or for approval of a sign permit, whether as the owner or as agent for the owner;

APPROVAL means approval in writing from the authority having jurisdiction;

APPROVING AUTHORITY means the Approving Authority designated as such pursuant to the Land Title Act or other Acts;

APPROVING OFFICER means the Approving Officer designated as such pursuant to the Land Title Act;

AQUACULTURE means the growing and cultivation of aquatic plants or fish, for commercial purposes, in any water environment or in man made containers of water and includes but is not limited to the growing and cultivation of shellfish on in or under the foreshore or in water;

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 the manufacture of fish feed or the mixing of fish offal with fish feed, the disposal on the same site of fish offal, and the outdoor storage of fish offal;

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

ARTERIAL ROAD means a highway intended to carry large volumes of traffic at medium and high speeds primarily between major traffic generators, and is not intended to directly serve adjacent land;

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; includes auditoriums, youth centres, social halls, group camps; excludes churches;

BASEMENT means a ground floor room in a structure whose average height is less than 60% underground;

BED AND BREAKFAST means a home occupation which provides for temporary accommodation of the travelling public, in a dwelling unit which is the principal use of a lot, but which does not provide meals, other than breakfast, or cooking facilities for guests;

BED AND BREAKFAST UNIT means temporary accommodation provided in a Bed and Breakfast and consisting of a sleeping room, a bathroom or a shared bathroom, and may include a sitting room or a share in a sitting room; specifically excludes cooking facilities and kitchens;

BILLBOARD also known as a Bulletin Board or Third Party sign includes signs used or intended to be used for the display thereon or therefrom of goods sold or offered at a location other than the lot on which the sign is located; a billboard is considered an independent business since it is not accessory to a building, or to the business on the lot on which it is located; a billboard includes but is not limited to signs attached, affixed or otherwise displayed on or to a truck, chassis, detachable vehicle, trailer or other such mobile signs which do not identify the product for which that vehicle is primarily used;

BOARD means the Board of Directors of the Capital Regional District;

BOARDER means an individual who for consideration receives accommodation together with meals;

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

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

BUILDING LINE means the extended line of the exterior wall of a building; and in particular:

- (a) **FRONT BUILDING LINE** means the extended line of the exterior wall of a building which faces the front lot line;
- (b) **REAR BUILDING LINE** means the extended line of the exterior wall of a building which faces the rear lot line;
- (c) **SIDE BUILDING LINE** means the extended line of the exterior wall of a building which faces the side lot line;

BUSINESS OFFICE AND SUPPORT SERVICES means uses and buildings providing for businesses and support services to businesses which are characterized by one or more of the following features: the provision of professional, management, administrative, consulting, and financial services; the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of maintenance or custodial services; the provision of office security; and the repair or servicing of office equipment and machines; includes but is not limited to professional offices, offices

for real estate and insurance firms, office support services; banks, credit unions, loan offices and similar financial uses, printing establishments, film processing establishments, janitorial firms and business equipment repair shops;

CAMP GROUND means a site operated as temporary accommodation for holiday makers for a length of stay of less than 30 consecutive days, in travel trailers, recreational vehicles or tents; but a camp ground is not a mobile home park or a motel or hotel; may include accessory sanitary and laundry facilities;

CAMPING SPACE means an area in a camp ground used for the placing of one tent or vehicle, for the purpose of picnicking or overnight camping;

CANOPY includes all fixed structures or contrivances projecting from the face of a building and used for or intended to be used for the purpose of affording protection or shelter from the weather;

CELLAR means a room in a structure whose average height is more than 60 percent underground; excludes dwellings specifically designed to be covered with soil for the purposes of energy conservation;

CHIEF BUILDING INSPECTOR means the Chief Building Inspector of the Capital Regional District or his designate;

CHIEF BYLAW ENFORCEMENT OFFICER means the Chief Bylaw Enforcement Officer of the Capital Regional District or his Designate;

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

CIRCULATION SIGN means a sign displaying information with respect to parking, loading and delivery areas;

CIVIC USE means a use or building the use of which provides for public functions under the auspices of a government or community body; includes offices, schools and colleges, hospitals, community recreation centres, halls, arenas, stadiums, armouries, public swimming pools, public art galleries, libraries, museums, police stations, ambulance stations, jails and prisons, courts of law, and firehalls;

COLLECTOR ROAD means a highway located within an area of major traffic generation and which is used primarily for the collection and distribution of traffic between arterial and local roads as well as to some adjacent land;

COMMERCIAL USE means an activity carried out for financial gain;

COMMERCIAL USE, MARINE means a commercial use which is linked to the commercial fishing industry and is dependent on or related to a waterfront location; may include boat rentals, charters, equipment sales/rentals, gear storage and repair areas, ice-making facilities, marine fuel sales, marinas, accessory offices, small engine repair;

COMMERCIAL ZONE means C-1, C-2, C-3, C-4, C-5, CM-1, CR-1, CR-2, CR-3, CR-4; DRMV Bylaw 2112 and Bylaw 2646

COMMUNITY CARE FACILITY means a facility licensed pursuant to the *Community Care Facility Act*;

COMMUNITY WATER SYSTEM means a system of waterworks which is owned, operated and maintained by a water users' community under the *Water Act*, an improvement district, the Greater Victoria Water District, or the Capital Regional District;

COMPREHENSIVE DEVELOPMENT ZONE means a zone that permits a range of land uses such as commercial, residential and recreational uses within the same zone. *Bylaw 2951*

CONTRACTOR SERVICES, LIMITED means providing for electrical, plumbing, heating, painting, excavating and similar contractor services primarily to individual households and the accessory sales of goods normally required with the provision of such services where all materials are kept within an enclosed building, and there are not accessory manufacturing activities or storage of more than one commercial vehicle;

CONVENIENCE STORE means a retail store contained under one roof, having a floor area not exceeding 280 m² and providing for the sale of items regularly used by households, including books, magazines or household accessories, video cassette and video cassette recorder rentals, and food and beverage takeout service;

COPY AREA means the area of the face of a sign devoted to advertising but excludes all framing, molding, trim, or the supporting structure;

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

CTS means "clear to the sky";

COUNTRY INN means a commercial use providing temporary accommodation to the travelling public, in sleeping rooms with or without bathrooms, in a single structure which may or may not include a dwelling unit for the operator; meals may be provided in a common dining area to registered guests; kitchens or cooking facilities for use by the guests are specifically excluded;

COUNTRY MARKET means a local-based market with producers and vendors from within the Electoral Area of Sooke, that operates between the hours 8:00 a.m. and 4:00 p.m., Saturdays, each week from May through October, and offers goods for sale that are sold by the vendors that may include fruits, vegetables, herbs, flowers; baked products; home prepared and original crafts. Excludes: dairy products, meat, fish, poultry or poultry products, live animals; used or second hand material, including antiques; commercial products for resale; on site preparation of foods or the operation of a food stand; *Bylaw 2378*

CUL DE SAC means a length of local highway made for vehicular use, the end of which is designed to be permanently closed by the pattern of the subdivision; or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another highway;

DESIGNATED FLOOD means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available; where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis;

DESIGNATED FLOOD LEVEL means the observed or calculated elevation for the Designated Flood, which is used in the calculation of the Flood Construction Level;

DETACHED ACCESSORY SUITE means a dwelling unit not smaller than 33.4 m² (360ft²) and not exceeding 90m² in floor area; with a separate entrance, capable of being occupied year round including permanent provisions for living, sleeping, cooking, sanitation, food storage and preparation and detached from the principal building approved by building permit pursuant to the B.C. Building Code; *Bylaw 3605*

DIRECTIONAL SIGN means a sign which contains information only with respect to points of entry and exit to and from a lot, including displaying the words "entrance" or "exit";

DISTRICT means the Capital Regional District;

DORMITORY means a building containing group sleeping facilities as temporary accommodation for holiday makers, usually as part of an institutional camp or school; does not include hotels, motels, country inns or mobile home parks, nor permanent residences;

DOUBLE-FRONTING LOT means a lot which is bounded on opposite sides by public highways which are not lanes or walkways;

DRAINAGE COLLECTION SYSTEM means a system of natural and man-made elements used to contain, convey, absorb, and store storm water and/or surface runoff;

DWELLING, ONE FAMILY means a residential use in a detached building having independent exterior walls, consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence and having not more than one kitchen;

DWELLING, TWO FAMILY means a residential use in building which is divided into two dwelling units which are either placed one above the other or side by side, and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence; specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structures; *Bylaw 2689*

DWELLING UNIT means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen; and the principal use of such dwelling unit is or is capable of being a permanent residence; includes mobile homes, and modular homes or prefabricated dwellings meeting CSA-A277 standards or equivalent, but not recreation vehicles, tents, buses, travel trailers, or other vehicles;

ELECTION SIGN means a sign erected to promote the voting at an election for a particular candidate or a particular cause;

ELECTRONIC MESSAGE CENTER SIGN means an electronically animated sign which is externally operated or operated by a remote control program;

EQUIPMENT SALES/RENTALS means any use or building providing for the sale or lease of new or used tools, appliances, office machines, furniture, light construction equipment or similar items; excludes sales/rentals of vehicles or heavy equipment;

FACIA SIGN means any flat sign which (a) does not project more than 30 cm from the face or wall of a building to which it is attached, running for its whole length parallel to the face or wall of a building or structure and (b) does not extend above the eaves, parapet, roof edge or above the highest point in elevation of any building it is attached to;

FAMILY means one or more individuals who by reason of marriage, heredity, blood, common law, adoption or choice usually live as a household; excludes boarders, lodgers, day-care children, or groups of persons forming a monastery, seminary, convent or similar religious group;

FARM means an area of land classified as a farm under the Assessment Act;

FARM BUILDING means a building which does not contain a residential occupancy and which is

- (a) associated with and located on land devoted to the practice of farming and
- (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds and includes barns, produce storage buildings, milking parlours, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storage, greenhouses and garages not attached to the farm residence;

FENCE SIGN means a flat sign attached to a fence which does not project more than 15 cm from the fence it is attached to and does not extend above the top of the fence that it is attached to;

FINFISH CULTURE, LAND-BASED means the cultivation, rearing and harvesting of finfish 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 not included in this definition, of fish;
- (b) the manufacture of fish feed or the mixing of fish offal with fish feed;
- (c) the disposal on the lot of fish offal; and
- (d) the outdoor storage of fish offal, unless ensiled and mixed with quantities of acid as recommended by the Ministry of Agriculture, Fisheries and Food, Agriculture and Commercial Fisheries Branch;

FINISHED GRADE means the final elevation of the ground surface after development;

FIRST STOREY means the uppermost storey having its floor level not more than 2m above grade;

FLANKING STREET means the street abutting the side yard of a lot;

FLOOD CONSTRUCTION LEVEL OR FLOOD LEVEL means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above a Natural Boundary, Natural Ground Elevation, or any obstruction that could cause ponding;

FLOODPLAIN means an area susceptible to flooding from a watercourse, lake, or other body of water which is designated in Part 5 of this Bylaw;

FLOODPLAIN SETBACK means the required minimum distance from the Natural Boundary of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the Flood Construction Level, so as to maintain a floodway and allow for potential land erosion;

FLOOR AREA means the space on any storey and/or basement of a building from exterior wall to exterior wall; excludes garages, carports and sundecks; includes all habitable areas;

FLOOR AREA, TOTAL means the sum of the floor areas of each storey and basement of a structure; for the purposes of Part 4 of this Bylaw only, the total floor area does not include those areas of a building or structure which are not used, either directly or indirectly by a business or businesses which the sign in question advertises or describes;

FLOOR AREA RATIO means the figure obtained when the Total Floor Area of all the buildings on a lot is divided by the area of the lot;

FREEBOARD means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level;

FREE-STANDING SIGN means a sign supported independently of a building or any other structure and which has its own supports;

FRONTAGE means that length of a lot boundary which immediately adjoins a highway other than a lane or walkway;

FRONTAGE ROAD means a highway which runs parallel to and provides access at limited points of a controlled access highway for traffic originating from parcels abutting and beyond the frontage road;

GARAGE OR CARPORT means a detached accessory building, or a portion of a principal building, whose principal or intended use is for the parking or shelter of vehicles;

GAS BAR means a premises containing not more than three fuel pumping islands and which is used solely for the retail sale of motor fuels, fluids and lubricants as its principal use; may include the ancillary sale of automobile accessories directly to the users of vehicles;

GREENHOUSES AND PLANT NURSERIES means uses or buildings for the raising, storage and sale of bedding, household and ornamental plants;

HABITABLE AREA means for the purposes of Part 5 of this Bylaw, any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater;

HEALTH SERVICES means uses and buildings providing for physical and mental health services on an out-patient basis; services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature; includes medical and dental clinics and offices, health clinics and counselling services;

HEAVY EQUIPMENT SALES, RENTALS AND/OR CONTRACTING means uses and buildings providing for the sale or rental or contracting out of heavy equipment or vehicles typically used in building, roadway, pipeline, mining, construction or agriculture;

HEIGHT means the vertical distance from the natural grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure; for the purposes of Part 4 of this Bylaw, height means the vertical distance from the finished grade of that portion of the lot where a sign is to be located to the highest point of the sign;

HIGHWAY includes a street, road, lane, bridge, viaduct, and any other way open to public use but does not include a private right-of-way on private property;

HOME IDENTIFICATION SIGN means a sign having a copy area of not more than 0.4 m² and on which is displayed information relating to the address and owners of the lot on which the sign is located;

Bylaw 2103

HOME OCCUPATION means an occupation, craft, or profession conducted for gain, either (a) in or from a dwelling unit by the resident, which is incidental to the residential use of the dwelling unit, or (b) from an accessory building as permitted elsewhere in this Bylaw, or both; specifically excludes Restaurants, (except seasonal tea gardens in Category 3), Retail Stores, Vehicle and/or Equipment Repair on lots of less than 1 ha, Kennels, body shops or metal fabricating, any occupation or use requiring a waste management permit.

Bylaw 2603

HOME OCCUPATION CATEGORY 1 is any home occupation which is not either a Home Occupation Category 2 or Home Occupation Category 3;

HOME OCCUPATION CATEGORY 2 is limited to bed and breakfast;

HOME OCCUPATION CATEGORY 3 means contractor services, vehicle and/or equipment repair on lots of 1 ha or more, seasonally operated teagardens, small scale resource extraction and processing uses carried on as home occupation, but excludes wrecking yards, abattoirs, painting of vehicles, trailers or boats, and Heavy Equipment Sales, Rentals, and Contracting;

HOME OCCUPATION SIGN means a sign having a copy area of not more than 0.4 m² and on which is displayed a home occupation use and the sign is located on the lot only which the Home Occupation use is carried on;

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

HOTEL means a building or buildings providing accommodation for the travelling public only, in units without cooking facilities each of which has its own sanitary facilities including water closet and wash basin, in respect of which a public dining room or cafe, or a public house or lounge licensed under the Liquor Control and Licensing Act, may be operated in conjunction therewith;

HOUSEHOLD EQUIPMENT REPAIR SERVICES means uses providing repair services to goods, equipment and appliances normally found within the home; includes radio, television and appliance repair shops, furniture refinishing and upholstery shops; excludes personal service uses;

IMPROVEMENT DISTRICT except as otherwise defined in the Municipal Act, means an improvement district as defined in the Water Act or incorporated or reincorporated under the Municipal Act;

INDUSTRIAL USE, GENERAL means a use providing for the processing, fabricating, assembling, storing, transportation, distribution, wholesaling, testing, servicing, repairing, wrecking or salvaging of goods, materials, or things, and heavy equipment sales/rentals, and retail sales accessory to a principal industrial use; and includes the operation of truck terminals, docks, railways; includes vehicle paint and body shops, soil improvement operations; specifically excludes the burning of things salvageable;

INDUSTRIAL USE, LIGHT means a use or structure for the warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops and retail sales accessory to the principal use; excludes all uses that create dust, heat, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter or radiation; specifically excludes all salvage yards, wrecking operations, manufacturing and industrial processing activities, trade contractors, refuse and garbage dumps, burning of vehicles and other things for salvage purposes, uses for which a permit is required under the Waste Management Act or Regulations;

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;

INDUSTRIAL ZONE means M-1, M-2, M-3, M-4;

IN-LAW SUITES: See definition for SECONDARY SUITES; *Bylaw 2674, Bylaw 3605*

INSTITUTIONAL ZONE means P-1, P-2, P-3;

INTENSIVE AGRICULTURE means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms; includes but is not limited to mushroom, poultry and poultry egg farming, piggeries, fur farms, dog breeding and boarding kennels, bees and apiary products, the keeping of pigeons, rabbits, and doves, feedlots and manure storage piles;

INTERMITTENT (in terms of accommodation or residency) means a total period not to exceed six months of the calendar year;

INTERSECTION means the intersection of highways and the intersection with a highway of an access way of a lot created pursuant to Section 4(b) of B.C. Regulation 199/70;

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

KITCHEN means an area within a building used for preparing and cooking food for eating and includes facilities for washing utensils, and may include food storage, serving facilities;

LANE means a highway less than 10 m in width open to vehicular traffic;

LEG means a lot created pursuant to Section 4(b) of B.C. Reg. 199/70 and that part of a highway at an intersection which radiates out from the point of intersection;

LICENSED ESTABLISHMENT has the same meaning as in the Liquor Control and Licensing Act;
Bylaw 2951

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

LOCAL ROAD means a highway used primarily to provide access to adjacent land;

LODGE means a building providing temporary accommodation for the travelling public only, each unit of which has its own sanitary facilities, including water closet, and was wash basin, may include kitchenettes;
Bylaw 2951

LODGER means an individual who for consideration receives accommodation but not meals in a private dwelling;

LOT means any lot, block, parcel or other area 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 Condominium Act, but specifically excludes any other strata lot created pursuant to the Condominium Act or highway or portion thereof; for the purposes of Part 4 of this Bylaw, Lot means a single parcel of land, provided that where a business is conducted on two or more contiguous parcels of land, the aggregate surface area of such parcels shall be deemed to be one lot and the restrictions relating to the number, size and location of signs on one lot shall apply to the aggregate area of such parcels as though they were one parcel of land, and includes a bare land strata lot but excludes all other strata lots;

LOT COVERAGE means the Building Areas of all the buildings and structures on a lot, expressed as a percentage of the lot area;

LOT LINE means a line which marks the boundary of a lot and in particular:

- (a) FRONT LOT LINE means the lot line that divides the lot from the highway, provided that in the case of a lot having more than one lot line abutting a highway, the shortest lot line shall be deemed to be the front lot line. In the case of a double fronting lot, the shortest lot line abutting a highway shall be considered as the front lot line. In the case of a through lot, both lot lines abutting the highway shall be considered as front lot lines;
- (b) FRONT LOT LINE - PANHANDLE LOT means any lot line adjoining and approximately perpendicular to the access strip, but excluding any extension of the lot line in the access strip;
- (c) SIDE LOT LINE means a lot line other than the front or rear lot line;
- (d) REAR LOT LINE means the lot line opposite to and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection;

MAJOR ROADS for the purpose of Part 6 of this Bylaw shall mean the following roads contained within the Community Plan Area of Sooke and known as: Sooke Road, Gillespie Road, East Sooke Road, Becher Bay Road, Sooke River Road, Grant Road, Otter Point Road, and West Coast Road;

MANAGER means the Manager of the Municipal Services Department from time to time of the Capital Regional District or his appointed representative;

MANUFACTURED HOME has the same meaning as Mobile Home defined elsewhere in this Bylaw;

MARICULTURE means the cultivation, rearing and harvesting of molluscs, crustaceans, and marine plants, and specifically excludes (a) processing of these organisms and (b) finfish cultivating, rearing, harvesting or processing;

MARINA means a site including the surface of water which provides for (a) the rental of mooring space and floats for boats; (b) the sale, rental and repair of boats and engines; (c) the sale of marine fuel, marine supplies and fishing equipment; (d) the building and sites for offices, salesroom for boats, private club, restaurant or cafe; and/or (e) a residence for caretaker and/or manager;

MARINA (Private) means a marina without

- (a) sales or rental of boats or engines;
- (b) sale of marine fuel;
- (c) salesroom for boats; or
- (d) outdoor repair of boats or engines other than minor incidental repairs; *Bylaw 2951*

MARQUEE SIGN also known as an under canopy sign means any sign affixed wholly beneath a canopy at right angles to a building; *Bylaw 2103*

MEDICAL HEALTH OFFICER means the Medical Health Officer of the Capital Regional District or his Designate;

MINIMUM LOT SIZE means size of a lot created by subdivision;

MOBILE HOME has the same meaning as manufactured home as defined in the Manufactured Home Act; excludes non-factory additions;

MOBILE HOME PARK means any lot on which are installed or intended to be installed for use as dwelling units, three or more mobile homes; and which are regulated by Capital Regional District Bylaw #377; *Bylaw 2171*

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

MOVING SIGN means a sign the whole or any part of which moves or is intended to move;

MULTIPLE FAMILY RESIDENTIAL ZONE means RM, RM-2, RM-3, C-5 zones;

MUNICIPAL SERVICES DEPARTMENT means the Municipal Services Department of the Capital Regional District;

NATURAL BOUNDARY means

- (a) 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

(b) the edge of dormant side channels of any lake, river, stream, or other body of water;

NATURAL GRADE means the average ground level recorded at the outermost corners of a building or proposed building as determined by survey and referenced bench mark prior to site preparation;

NON-CONFORMING BUILDING or use is governed by Section 970 of the Municipal Act;

OFFICIAL COMMUNITY PLAN means the Sooke Official Community Plan (1988), as amended from time to time, for a portion of the Sooke Electoral Area adopted by Bylaw 1645, as amended, of the Capital Regional District;

OPEN HOUSE SIGN (REAL ESTATE) means a temporary unlighted sign for direction of the public for the viewing of real estate for sale or lease. *Bylaw 2335*

PAD means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a Manufactured Home, or a concrete pad for supporting a Habitable Area;

PANHANDLE LOT means any lot, the building area of 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 (hereinafter called the "access strip"); the area of the access strip is not included in the minimum lot area calculations;

PARCEL means a lot, block or other area in which land is held or into which land is subdivided;

PARK means a park established under the Parks Act or the Parks (Regional) Act or any land dedicated under the Municipal Act or Land Title Act;

PARKING, NON-ACCESSORY means a principal use providing vehicular parking which is not required or primarily intended for the use of occupants, employees or clients of a particular development; includes surface parking lots and parking garages;

PARTIAL WIDTH HIGHWAY means a highway having a width of less than 20 m but not less than 10 m;

PERSONAL SERVICES means uses or structures for the provision of services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects; includes the sale of goods where the sale of goods is accessory to the provision of that service; includes barber shops, beauty shops, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundrettes; excludes Health Services, massage parlours;

PIGGERY means a premises keeping more than one sow or gilt of breeding age and more than 14 feeder pigs;

PORTABLE SIGN means any free-standing sign (other than a sandwich board sign) which can be moved from place to place without involving any structural or support changes; specifically excludes vehicles whose primary function is advertising;

POTABLE WATER means water which is approved for drinking purposes by the Medical Health Officer in accordance with the Health Act;

PRINCIPAL BUILDING means a building which is the chief or main one among the buildings on a lot;

PRINCIPAL USE means the chief or main purpose or function to which land, buildings and structures are designed, intended to be put, or put;

PRIVATE CLUB means a use providing for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences except one dwelling unit for caretaker or manager; may include rooms for eating, drinking and assembly;

PRIVATE UTILITY means, within the CD-1 Zone, facilities for the collection and treatment of domestic waste water and sewage and distribution of treated domestic waste water for beneficial reuse, which includes non-drinking uses and for irrigation purposes, constructed in accordance with the applicable Capital Regional District engineering standards. *Bylaw 2951*

PROJECTING SIGN includes every sign of which any part thereof projects more than 0.3 m from the building or structure to which it is attached, but does not include a Canopy Sign or a Free-Standing Sign;

PUBLIC UTILITY USE means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is established by one of the levels of government, a Crown Corporation or by a company regulated by a government commission; includes but is not limited to plants, equipment and offices;

REAL ESTATE SIGN means a temporary unlighted sign pertaining to the sale, lease, hire or rental of the property, or of a building or part of a building on the lot on which the sign is displayed;

RECREATION VEHICLE means any structure, trailer or vehicle used or designed to be used primarily for accommodation during travel or recreation; does not include mobile homes;

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

RESIDENTIAL BUILDING means a one-family dwelling, two-family dwelling, townhouse, or apartment;

RESIDENTIAL USE means the occupancy or use of a building or part thereof as a dwelling unit;

RESIDENTIAL ZONE means the R-1, R-2, R-3, R-4, RM, RM-2, RM-3;

RESTAURANT means a commercial use, whether permanent or temporary, fixed or movable, in which prepared food is served to the public, or any place to which the public have access for the purpose of purchasing prepared food for human consumption on the premises or elsewhere;

RETAIL SALES means goods, wares, merchandise, substances, articles or things offered or kept for sale at retail; excludes Retail Stores;

RETAIL STORE means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of the goods, wares, merchandise, substances, articles or things, sufficient only to service the store, but does not include any other retail use specifically permitted by this bylaw except Retail Sales;

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

ROOF SIGN means any sign erected over or above a roof or parapet of a building;

RURAL ZONE means A, AG, AF, AW; (Bylaw 3009)

RURAL RESIDENTIAL ZONE means RR-1, RR-2, RR-2A, RR-3, RR-4, RR-5, RR-6; *Bylaw 3689*

SCREEN means a fence, wall, berm, continuous planting of vegetation or other similar barrier or any combination thereof, that effectively obstructs the view or denies physical access to the area enclosed. *Bylaw 2951*

SECONDARY SUITES means an accessory dwelling unit not exceeding 90m² in floor area, capable of being occupied year round with living facilities, including provision for sleeping, cooking, sanitation, food storage and preparation, contained within a single family dwelling approved by building permit pursuant to the B.C. Building Code or where the secondary suite predates the adoption of the authorizing bylaw, the suite shall comply with Part 1, Section 4.19 of this bylaw *Bylaw 2674, Bylaw 3605*

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

SETBACK means the distance that a use or building or structure or a specified portion of it, must be set back from a lot line; a setback is not a yard;

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

SHORT TERM USE COTTAGE means a building having a total floor area of not more than 125m² used for:
(i) accommodation accessory to a use of land permitted under Section 25A.01(b), (c) or (d);
(ii) a tourist cabin;
but not as a permanent dwelling unit. *Bylaw 2646*

SIGHT TRIANGLE means the triangular area of a lot formed by the intersection of the highway right-of-way boundaries or those boundaries produced, and a line joining the two points on those boundaries of the lot 6 m from the point of intersection;

SIGN means any symbol, identification, description, illustration, or device which is visible from any public place or highway and which directs attention to a product, service, place, activity, person, institution or business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pendant, placard or temporary device intended to advertise, identify or convey information but does not include national flags, traffic control devices erected by Provincial or Municipal Authorities or architectural symbols or graphics which are an integral part of the architectural design of a building;

SIGN AREA means an area designated in Part 4 of this Bylaw;

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

SLIP means the downward and outward movement of slope-forming material composed of natural rock, soils, artificial fills, or combinations of these materials, which movement may proceed by any one of three principal types of movement - falling, sliding or flowing - or by their combination;

STANDARD DYKES means those dykes built to a minimum crest elevation equal to the Flood Construction Level and which meet standards of design and construction approved by the Ministry of Environment, Lands and Parks;

STORAGE, UNENCLOSED means an area not contained within a building where construction materials and equipment, solid fuels, lumber and new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, equipment or machinery are stored, baled, placed, piled or handled; excludes Wrecking yard or junk yard;

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

STORAGE YARD, SCREENED notwithstanding Section 4.09, Part 1 of Bylaw 2040, means the use of a lot or tract of a lot for the storage of, but not limited to the following:

- (a) a motor vehicle;
- (b) a boat, whether or not mounted on a boat trailer;
- (c) a boat trailer;
- (d) a camper body, whether or not it is mounted on a vehicle;
- (e) a recreation vehicle

which is screened off, and the temporary storage of the following:

- (a) equipment and machinery
- (b) building materials

which is screened off, but it does not include any of the following:

- (a) auto wreckers,
- (b) salvage yards,
- (c) wrecking yard,
- (d) junk yard

Bylaw 2951

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;

STREET means any road, boulevard, square or other right of way 10 m or more in width, which has been dedicated or deeded for public use, and is accessible to fire department vehicles and equipment;

STREET LIGHTING means a lamp and support designed to illuminate a highway;

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

SUBDIVISION means the division of land into two or more lots, whether by plan, apt descriptive words, or otherwise, and includes a plan consolidating two or more lots into the same or a lesser number of lots;

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

TEMPORARY SIGN means any sign that can be displayed or used or is intended to be displayed or used for a limited period of time for the purpose of advertising the construction, lease, subdivision, design or sale of property at which the sign is located;

TEMPORARY STORAGE means a time period not to exceed one year.

Bylaw 2951

THEATRE means a building or structure designed to stage live or recorded public performances;

THEATRE, DRIVE-IN means a use specifically designed for the showing of motion pictures on an outdoor screen for viewing by patrons from within their vehicles or from viewing rooms for non-vehicular patrons;

THROUGH LOT means a lot through which passes a highway of 10 m or more in width;

TIME AND TEMPERATURE DIGITAL SIGN means a sign in which the time, temperature, or time and temperature are displayed by artificially illuminated digits;

TOP OF BANK means the point at which the upward ground level becomes less than one (1.0) vertical to four (4.0) horizontal, and refers to the crest of the bank or bluff where the slope clearly changes into the natural upland bench; or as designated by the Minister of Environment, Lands and Parks or his Designated Official;

TOURIST CABIN means a building used for temporary accommodation for tourists, the total floor area of which does not exceed 40 m², and does not include the use of the building as a permanent dwelling unit;

TOWNHOUSE means a building or buildings divided into not less than three dwelling units with each dwelling unit having direct access to the outside at grade; specifically excludes motels and hotels;

TRAVEL TRAILER means a recreation vehicle designed to be towed behind a vehicle and meeting CSA Standards;

TRESPASS SIGN means a sign on public or private land directed toward the prevention of trespassing;

UNENCLOSED means not contained within a building or structure;

USE means the purpose or function to which land, the surface of water, buildings, or structures are designed, intended to be put, or put;

VEHICLE means a device in, on or by which a person or thing is or may be transported or drawn upon a highway except a device designed to be moved by human power or used exclusively on stationary rails or tracks;

VEHICLE AND/OR EQUIPMENT REPAIR means a use or building providing for the servicing and mechanical repair of vehicles, boats, farm, gardening or construction equipment, and recreational vehicles or the sale, installation or servicing of related accessories and parts; includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops; specifically excludes wrecking yards;

VEHICLE SALES/RENTALS means a use or building providing for the retail sale or rental of new or used automobiles, motorcycles, trucks, mobile homes, tent trailer, recreational vehicles, motor homes, boats, travel trailers or similar light recreational vehicles or craft, together with incidental maintenance services and sale of parts; includes automobile dealerships, car rental agencies; excludes Heavy Equipment Sales/Rentals;

VETERINARY CLINIC means a use which provides for the veterinary care of dogs, cats, and household pets principally on an out-patient basis, and which may provide accommodation for short term care incidental to the Veterinary Clinic use; may include agriculture and aquaculture diagnostic services;

WALKWAY means a way for the use of pedestrians only, having a width of 3 meters or less;

WALL SIGN includes every sign which is painted, pasted or otherwise affixed directly to or upon any wall or other integral part of any building or structure;

WATERCOURSE means any natural or man made depression with well defined banks and a bed 0.6 m or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration, or as designated by the Minister of Environment, Lands and Parks or a Designated Official;

WIDTH OF A LOT means the mean distance, measured perpendicularly between the two boundaries intersecting a highway of a lot fronting on a highway, but excluding access strips of panhandle lots;

WINDOW SIGN means a sign or display attached to the interior portion of a window or displayed on the interior side of a window;

WRECKING YARD means a use providing for the towing, unenclosed storing, and/or dismantling from time to time, of more than one unlicensed vehicle, which may include sale of parts;

YARD means any part of a lot unoccupied and unobstructed by principal buildings or structures except as provided elsewhere in this Bylaw; and in particular:

- (a) **FRONT YARD** means a yard extending across the full width of the lot from the front lot line to the front building line of the principal building;
- (b) **SIDE YARD** means a yard extending from the front yard to the rear yard and measured between the side line of the lot and the side building line of the principal building;
- (c) **FLANKING YARD** means that side yard of a corner lot which abuts a street; all requirements for flanking yards are "clear to the sky" unless otherwise stated in this Bylaw;
- (d) **REAR YARD** means a yard extending across the full width of the lot from the rear line of the lot to the rear building line of the principal building;

ZONE means a zone created by Part 2 of this Bylaw.

3.0 ADMINISTRATION AND ENFORCEMENT

3.01 REPEAL

Bylaw Nos. 282 and 313, as amended from time to time, are hereby repealed.

3.02 ENFORCEMENT

(1) Inspection

The person(s) designated by the Board may enter on any property at all reasonable times to ascertain whether the regulations contained herein are being observed. *Bylaw 2418*

(2) Violation

- (a) No person shall use or occupy any land, building or structure, nor erect, move, alter or enlarge a building or structure or part thereof except in conformity with this Bylaw.
- (b) No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.

(3) Penalty

- (a) A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable upon conviction to the penalties prescribed by the Offense Act provided that the minimum penalty is ONE HUNDRED (\$100) DOLLARS; *Bylaw 2224*
- (b) A separate offence shall be deemed to be committed upon each day during and in which a contravention of this Bylaw occurs or continues.
- (c) The penalties imposed under this Section shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

3.03 NON-CONFORMING USES

Non-conforming uses and other aspects of non-conformity are governed by S.970 of the Municipal Act.

3.04 NON-COMPLIANCE WITH SITING, SIZE AND SHAPE REQUIREMENTS

Subject to the provisions of the Mobile home Park Bylaw No. 377, in a mobile home park which was in existence prior to or after the adoption of this Bylaw and if required, laid out according to plans approved by the authority having jurisdiction at the time of approval:

- (a) mobile home units may be placed, removed, relocated or replaced by another unit of the same size, and

- (b) the layout of the mobile home lots may be changed provided that, where applicable:
- (i) the overall density of the mobile home park does not increase;
 - (ii) the number of mobile home lots in the mobile home park is not increased;
 - (iii) the mobile home unit is placed on an approved mobile home lot;
 - (iv) the mobile home park is located in a residential zone;
 - (v) the requirements of all other applicable bylaws are met; and
 - (vi) the yard requirements of this bylaw are met.

3.05 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 portions of this Bylaw.

3.06 AREA COVERED BY BYLAW

This Bylaw applies to the portion of the Electoral Area of Sooke covered by the maps contained in Schedule A to this Bylaw.

3.07 ZONES

For the purposes of this Bylaw, the area specified in sub-section 3.06 of this Bylaw is hereby divided into the following zones:

<u>Short Form</u>	<u>Zone</u>	
AW	Rural Watershed	
A	Rural	
A-1	Rural 1	<i>Bylaw 2708, Bylaw 3009 repealed A-1 zone</i>
AF	Forestry	
AG	Agriculture	
RR-1	Rural Residential 1	
RR-2	Rural Residential 2	
RR-2A	Rural Residential 2A	<i>Bylaw 3689</i>
RR-3	Rural Residential 3	
RR-4	Intermittent Rural Residential 4	
RR-5	Rural Residential 5	
RR-6	Rural Residential 6	
R-1	Village Residential 1	
R-2	Village Residential 2	
R-3	Village Residential 3	
R-4	Gordons Beach Recreation Residential-4	<i>Bylaw 2639</i>
RM	Mobile Home Park	
RM-2	Townhouse	
RM-3	Apartment	
C-1	Neighbourhood Commercial	
C-2	Village Commercial	
C-3	Service Commercial	
C-4	Neighbourhood Public House	<i>Bylaw 2112</i>
C-5	Apartment Commercial	
CM-1	Marine Commercial	
CR-1	Low Intensity Commercial Recreation (Cabin)	
CR-2	Rural Commercial Recreation (Campground)	
CR-3	Intensive Commercial Recreation	
CR-4	Country Inn	
DRMV	Destination Resort and Media Village	<i>Bylaw 2646</i>
M-1	Light Industrial	
M-2	General Industrial	
M-3	Heavy Industrial	

M-4	Marine Industrial
P-1	Public Recreation
P-2	Community Facility
P-3	Public Utility
CD-1	Comprehensive Development

Bylaw 2951

3.08 OFFICIAL ZONING MAPS

- (1) The location of the zones established by this bylaw are shown on Schedule A, "Zoning Map of a Portion of the Electoral Area of Sooke".
- (2) When the zone boundary is designated on the Official Zoning Maps as following a road allowance, creek or railway right-of-way, the centre line of such road allowance, creek or railway line shall be the zone boundary.
- (3) Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Official Zoning Maps.

3.09 EFFECTIVE DATE OF BYLAW

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

3.10 LOTS CREATED BY SUBDIVISION

- (1) Nothing in this Bylaw shall be interpreted as limiting or extending the authority of the Approving Officer under the Land Title Act or any other statute.
- (2) The minimum lot area requirements prescribed by this Bylaw shall not apply:
 - (a) where the lot being created is to be used solely for the unattended equipment necessary for the operation of:
 - (i) a community water system,
 - (ii) a community sewer system,
 - (iii) a community gas distribution system
 - (iv) a community radio or television receiving antenna
 - (v) a radio or television broadcasting antenna,
 - (vi) a telecommunication relay station,
 - (vii) an automatic telephone exchange,
 - (viii) an air or marine navigational aid,
 - (ix) electrical substations or generating stations,
 - (x) any other similar public service or quasi-public service or utility; or
 - (b) where a lot is created pursuant to Section 4 of B.C. Regulation 199/70; or
 - (c) where the land proposed to be subdivided is within a zone where none of the uses permitted will generate sewage and the owner enters into a covenant pursuant to Section 215 of the Land Title Act satisfactory to the Approving Officer prior to the deposit of the subdivision plan in the Land Title Office; or
 - (d) where a lot being created is for park use only.
- (3) Notwithstanding the minimum lot area requirements specified in this Bylaw, existing lots which are smaller than permitted in these regulations may be consolidated and resubdivided into new lots, provided that:
 - (a) all parts of the new lots are contiguous;
 - (b) no additional lots are created;

- (c) the boundary change does not result in the reduction of any affected lot by 20% or more of its original size;
 - (d) all the other requirements of this Bylaw are met.
- (4) Where a lot being created by a subdivision front on a highway, the minimum frontage on the highway shall be the greater of:
- (a) one tenth of the perimeter of the lot that fronts on the highway; or
 - (b) the minimum frontage specified in this Bylaw for the lot;
- (5) Panhandle Lots:
- (a) If a panhandle lot is not capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point shall be 6 m;
 - (b) If a panhandle lot is capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point shall be 20 m;
 - (c) Panhandle lots shall not be permitted within a zone or zones established by this Bylaw for Townhouse, Apartment, Commercial or Industrial uses;
 - (d) Where owing to the topography of the land, irregular lot configuration or limited access availability it is not possible for the subdivision boundaries and zoning boundaries to coincide, a panhandle lot may be created where the part of the lot intended for use as the access strip does not meet a minimum lot size requirement of this Bylaw.
- (6) Effective subdivision
- (a) Where a part of a lot is separated from the main portion of the lot by a road, watercourse or topographical feature so as to render it useless to the main portion, it may be annexed to an adjacent lot to which it may be more properly related without meeting other provisions of this Bylaw, as long as the main portion of the lot conforms to the provisions of this Bylaw;
 - (b) Notwithstanding the minimum lot sizes specified in this Bylaw, where a lot is in the Rural Zone-A, Forestry Zone AF, Rural Residential 1 Zone, Rural Residential 2 Zone, Rural Residential 3 Zone, Rural Residential 4 Zone, Rural Residential RR-5 Zone, Rural Residential RR-6 Zone, Residential R-1 Zone, Residential R-2 Zone, or Residential R-3 Zone, and is split into separate parts by a highway or railroad, the Approving Officer may approve a subdivision which recognizes these separate parts, providing that in all other respects the subdivision complies with this Bylaw and providing the Approving Officer is satisfied that such a subdivision would not injuriously affect the established amenities of adjoining or adjacent properties or be against the public interest. *Bylaw 2171*
- (7) 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.

4.0 GENERAL REGULATIONS

4.01 ACCESSORY BUILDINGS AND STRUCTURES

- (1) General Regulations for all Zones
 - (a) No accessory building or structure shall be erected until the structure or building or use to which the accessory building is ancillary and subordinate has been erected or will be erected simultaneously with said accessory building;
 - (b) Where an accessory building or structure is attached to the principal building by a roof or an open or enclosed structure, it is to be considered a part of the principal building and shall comply in all respects with the requirements of the Bylaw applicable to the principal building;
 - (c) An accessory building or structure shall not be used as a dwelling unit, except as otherwise provided for in the Bylaw;
 - (d) No accessory building shall be located closer to the front lot line than the principal building, except that where the distance between the principal building and the front lot line is greater than 15 m, the accessory building shall be not less than 15 m from the front lot line;
 - (e) No accessory building shall be located less than 1m from any principal building;
 - (f) A satellite dish antenna installed on the roof of a building shall not extend above the maximum height permitted for the building upon which it is located;
 - (g) A satellite dish antenna installed on the ground shall be subject to the siting, site coverage and height regulations for accessory buildings and structures for the zone in which it is located;
 - (h) Accessory buildings shall be located:
 - (i) in Residential, Rural Residential, and Rural Zones, not less than 1 m clear to the sky from side and rear lot lines, except where a mutual garage is erected on the common lot line;
 - (ii) adjacent to flanking lot lines, not less than the minimum side yard required under this Bylaw for the principal building, provided that, where the vehicle doors of a garage face the flanking street, the distance between the garage and the flanking street shall be not less than 4.6 m clear to the sky;
 - (iii) in Commercial, Industrial and Multiple Family Residential Zones, not less than 3 m from a lot line of an adjoining lot in a Rural, Rural Residential, Multiple Family Residential, or Residential Zone;
 - (iv) as specified elsewhere in the Bylaw;

- (2) Regulations for Residential, Multiple Family Residential, Rural Residential and Rural Zones
- (a) An accessory building in a Residential, Multiple Family Residential, Rural Residential, or Rural Zone shall not exceed 4 m in height or one storey, except as otherwise provided for in this Bylaw;
 - (b) A building accessory to a residential principal use may be used as a dwelling unit during the construction phase of the principal building, provided that:
 - (i) The building permits for both the principal and accessory buildings are applied for at the same time; and
 - (ii) The period during which the accessory building is used as a dwelling unit does not exceed one year and is thereafter returned to the accessory use;
 - (iii) A method of sewage disposal acceptable to the Medical Health Officer is provided; and
 - (iv) An acceptable supply of potable water is available;
 - (c) In Residential, Multiple Family Residential, Rural Residential, and Rural Zones, the combined total floor area of all accessory buildings and structures on the lot shall not exceed either the Lot Coverage permitted in the Zone in which they are located, nor the following:

Lot Size	Maximum Combined Total Floor Area (all floors) of All Accessory Buildings and Structures
Less than 2000 m ²	60 m ²
2000 m ² to 5000 m ²	80 m ²
5000 m ² to 2 ha	100 m ²
Over 2 ha	250 m ²

4.02 AGRICULTURAL LAND RESERVE

Notwithstanding anything contained in this Bylaw, land designated as "Agricultural Land Reserve" pursuant to the Agricultural Land Commission Act, shall be subject to:

- (a) the Agricultural Land Commission Act; and
- (b) regulations made under the Agricultural Land Commission Act; and
- (c) relevant orders of the Provincial Agricultural Land Commission made under the Agricultural Land Commission Act;

that is to say, without limiting the generality of the foregoing, where land within an "Agricultural Land Reserve" is also within a Zone established under this Bylaw, the Bylaw shall be binding only insofar as it is not inconsistent with the Agricultural Land Commission Act and regulations or an order of the Agricultural Land Commission Act and regulations or an order of the Agricultural Land Commission.

4.03 CONVERSION OF BUILDINGS

Buildings may be converted, altered or remodelled for another use, provided that:

- (a) The Chief Building Inspector has been satisfied that the building is structurally suitable for such conversion;
- (b) The converted building and use shall be a permitted use and shall conform to all the provisions and regulations prescribed for the zone in which it is located.

4.04 FLOOD CONTROL AND ENVIRONMENTAL PROTECTION

No buildings or structure or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located except in accordance with Part 5 of this Bylaw.

4.05 HEIGHT EXCEPTIONS

The following type of structures or structural parts shall not be subject to the building height requirements of this bylaw: Church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, transmission towers, public utility poles, chimneys, flag poles, radio towers, television towers, silos, barns in Rural Zones, farm windmills, masts, aerials, water tanks, monitors, scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery penthouses, providing no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area of the principal building.

4.06 HOME OCCUPATIONS AND HOME INDUSTRY

(1) The following Regulations apply to all Home Occupation Categories, when permitted in any zone:

- (a) A Home Occupation shall not cause or result in any variation or alteration in the external residential appearance of the land and premises in which it is carried on;
- (b) More than one Home Occupation may be permitted per lot; however all such uses combined shall not exceed the standards set out in these Regulations;
- (c) Articles produced on the lot may be sold from the dwelling unit or permitted accessory building in which they were produced;
- (d) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odours, particulate matter, electrical interference or nuisance by any other means detectable to the normal senses of a person located off the lot. Materials or projects that are inflammable or explosive under ordinary or operating temperatures shall not be permitted;
- (e) Any Home Occupation that involves the production of food or drink as defined in "Sanitation and Operation of Food Premises Regulations" must be approved by the Medical Health Officer prior to operation;
- (f) Parking shall be provided according to Part 3 of this Bylaw, and screened from adjacent residential uses and the highway. Spaces to be provided in excess of those required by the principal use shall be provided on the lot;
- (g) Signs shall be provided according to Part 4 of this Bylaw;
- (h) Home Occupations (Categories 1 and 3) shall not increase vehicular traffic flow and parking by more than one additional vehicle at a time; nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, except occasional deliveries consistent with the normal residential use of the property.

(2) Home Occupations (Category 1)

Home Occupations (Category 1), where permitted, shall in addition to the General Regulations

outlined in (1) above, conform to the following:

- (a) (i) For the purposes of Section 4.06(2)(a)(ii) of Part 1 of this Bylaw, the definition of accessory building shall not include detached garages, provided that only one such detached garage per lot shall be excepted from said definition;
 - (a) (ii) On lots of 2000 m² or less, a Home Occupation (Category 1) shall be conducted wholly within a dwelling unit or within an attached garage, or within a detached garage as defined in Section 4.06(2)(a)(i) above;
 - (b) On lots of 2000 m² or more, a Home Occupation (Category 1) is permitted in a dwelling unit or within a permitted accessory building;
 - (c) The total area devoted to a Home Occupation (Category 1), whether in the dwelling unit or lawfully in an accessory building, shall not exceed an area equal to 25 percent of the total floor area of the dwelling unit;
 - (d) A Home Occupation (Category 1) involving care for pre-school children as regulated by the Community Care Facilities Act shall accommodate no more than 7 children, and onsite facilities for pickup and dropoff of children shall be provided;
 - (e) Persons employed in a Home Occupation (Category 1) are limited to persons normally resident in the dwelling unit in which it is carried on, plus one other person; except that on a lot of 2000 m² or more in area, up to two non-resident employees shall be permitted;
 - (f) There shall be no display or unenclosed storage of materials, tools, equipment, containers or finished products associated directly or indirectly with the home occupation;
- (3) Home Occupations - (Category 2) - Bed and Breakfast

A bed and breakfast use when permitted in any zone shall be subject to the regulations in 4.06(1) of Part 1 above and the following:

- (a) (i) Bed and Breakfast Units may be located in the principal dwelling unit;
- (a) (ii) On lots of greater than 2000 m², Bed And Breakfast Units may be located in an accessory building;
- (b) (i) On lots of less than 0.4 ha, not more than three Bed and Breakfast Units shall be permitted on a lot; and the maximum number of persons sleeping in a dwelling unit shall not exceed ten (10);
- (b) (ii) On lots of 0.4 ha or more, and which are not located in the areas designated as Village Residential, Village Residential Reserve, or Community Residential in the Sooke Official Community Plan, not more than four Bed and Breakfast Units shall be permitted on a lot, provided that the sewage disposal system conforms with the standards of construction, capacity, design, installation, location, absorption, operation and use set out in the Sewage Disposal Regulation; and the maximum number of persons sleeping in a dwelling unit shall not exceed twelve (12);
- (c) Breakfast meals only may be served to transient guests;

- (d) Home Occupations (Category 2) shall not increase vehicular traffic flow and parking by more than one vehicle at a time for each Unit in the Bed and Breakfast, nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, or parked on the property, except occasional deliveries consistent with the normal residential use of the property;
 - (e) There shall be no display or unenclosed storage of materials, tools, equipment, containers or finished products associated directly or indirectly with the home occupation;
 - (f) Side and rear yards 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;
 - (g) The total floor area of any accessory structure devoted to Bed and Breakfast Units shall not exceed 45 m²;
- (4) Home Occupation (Category 3) - Home Industry

A home industry when permitted in any zone shall be subject to the regulations in 4.06(1) of Part 1 above and the following:

- (a) Home industries are restricted to lots over one hectare;
- (b) Persons employed in a home industry are limited to residents of the dwelling unit to which it is incidental plus two non-resident employees;
- (c) An accessory building used for a home industry shall be a minimum of 15 m from each lot line or if unenclosed, the activity must be located a minimum of 30 m from each lot line and must be screened from adjacent lots and highways by landscaping or solid screen fencing;
- (d) Portable sawmills shall be permitted to operate only from lots in the Rural Zones and shall be subject to the following conditions:
 - (i) (a) On lots of 4 ha or more, portable sawmills shall not be operated on the lot for more than six months in a 12-month period, nor shall portable sawmills be attached to a permanent foundation;
 - (b) On lots of between 1 and 4 ha, portable sawmills may be operated for a period of not more than 30 days in a 12-month period;
 - (ii) Portable sawmills may be operated only from dawn to dusk, or from 8 a.m. to 8 p.m. whichever is less;
 - (iii) Portable sawmills shall be located not less than 30 m from any lot line; and
 - (iv) The storage of raw materials, cut timber, and waste material shall be located not less than 30 m from any lot line, and shall be screened from view from the public road and adjacent properties. *Bylaw 2103*
- (e) The area devoted to the use shall not exceed 60 m² in a permitted accessory building, or to not more than 40% of the area of the dwelling whichever is less;
- (f) Storage of materials if unenclosed shall be fully screened from public roadways and adjacent properties by landscaping and/or structures;
- (g) Not more than one commercial vehicle shall be parked on the property.

4.07 LOCATION AND SITING OF BUILDINGS AND STRUCTURES

- (1) No principal or accessory structure or use shall be located in any required front, side, flanking or rear yard except as provided for elsewhere in this Bylaw, and except for fences and retaining walls;
- (2) No swimming pool shall be located in any required front yard or less than 3 m from any side or rear lot line;
- (3) Commercial, multiple family residential or industrial waste and garbage disposal containers shall not be installed or located within any required setback of the principal building from a lot line which abuts a street unless screened from view and locked, or unless otherwise provided in this Bylaw;
- (4) A dwelling unit shall not be built in a cellar;
- (5) Freestanding light poles, warning devices, traffic controls, directional signs, antennas, masts, utility poles, wires required for a public purpose or public utility use may be sited on any portion of a lot provided visibility for highway access is not obstructed;
- (6) Where individual Zones are defined in Part 1 of this Bylaw as being in more than one group of Zones (for example as both a "Commercial Zone" and a "Multiple Family Residential Zone"), the Zone Regulations which are the more restrictive of the two groups of Zones shall apply when determining the siting of buildings or structures or uses on the subject or adjacent lots.

4.08 LOTS DIVIDED BY ZONE BOUNDARY

Where a lot is included in more than one zone, the zone boundary as shown on the map accompanying and forming part of the Bylaw shall be deemed to be a lot boundary for the purposes of determining applicable uses, densities and/or regulations other than building setbacks contained in this bylaw.

4.09 PROHIBITED USES

- (1) Any use not expressly permitted in this Bylaw is prohibited in all Zones and where a particular use is expressly permitted in one zone, such use is prohibited in all Zones where it is not also expressly permitted;
- (2) The following uses shall be prohibited in all Zones:
 - (a) The keeping, other than in a garage or carport on a lot, of more than one vehicle which does not have attached or affixed thereto vehicle number plates for the current license year issued in respect of that vehicle, in the manner prescribed in the Motor Vehicle Act and Regulation, except that implements of husbandry and not more than two recreational vehicles may be kept on the lot;
 - (b) The keeping on any lot of detached parts of vehicles unless in a building;
 - (c) The siting of permitted unlicensed vehicles, except implements of husbandry, other than in the rear yard or side yard, behind the front building line;
 - (d) The keeping on a vacant lot of detached parts of vehicles, and any vehicle which does not have attached or affixed thereto in the manner prescribed by the Motor Vehicle Act and Regulation:
 - (i) Vehicle number plates for the current license year issued in respect of that vehicle,

- or
- (ii) A valid Approval Certificate issued in respect of that vehicle pursuant to the Inspection Regulations of the Motor Vehicle Act;
- (e) The unenclosed storage of disused or discarded items, junk, scrap metal or unsightly material.

4.10 PROJECTIONS INTO REQUIRED YARDS

- (1) The following features may project into a required front, side or rear yard:
- (a) Steps, eaves and gutters, cornices, sills, cantilevered balconies, bay windows above the ground floor level, greenhouse windows, window seats, chimneys or other similar features, provided that such projections do not project more than 1 m into the required yard or 0.71 m in the case of a side yard of less than 3 m in width;
 - (b) Balconies and sun shades, provided that such projections do not project more than 1 m into the required yard;
 - (c) Pumphouses.
- (2) Any projection that increases floor area on the main or ground level must conform to yard requirements and setbacks. Projections from the storeys above the ground floor shall conform to (1)(a) above.

4.11 RECYCLING DEPOTS

All storage associated with this use, where permitted, shall be enclosed.

4.12 RESIDENTIAL USES

A tent, travel trailer, recreational vehicle, bus or other vehicle are not considered a residential use or dwelling unit for the purpose of this Bylaw.

4.13 SERVICE STATIONS AND GAS BARS

All pump islands shall be located at least 6 m from any boundary of the lot, parking area on the lot, or laneways intended to control traffic circulation on the lot.

4.14 TEMPORARY BUILDINGS

A temporary building or structure may be placed on site for construction purposes on a lot being developed, for a period not to exceed the duration of such construction or one year, whichever is less.

4.15 USES PERMITTED IN ANY ZONE

Except where specifically excluded, the following uses shall be permitted in any Zone:

- (a) Public utility poles, pipelines, radio, television, and transmission towers and wires; traffic control devices; and underground or submarine utility systems, the installation of which may be sited on any portion of a lot;

- (b) Sewage treatment plants, sewage pumping stations and their accessory buildings providing the accessory buildings are solely for the operation of the sewage treatment plant or sewage pumping station, owned and operated by the Capital Regional District or an improvement district, Strata Corporation or societies;
- (c) Transportation rights-of-way established by one of the levels of government, or a Crown corporation;
- (d) Hiking trails, horse trails, bicycle paths;
- (e) Buildings and uses accessory to a principal use or building;
- (f) Lighthouses and navigational aids.

4.16 VISIBILITY AT HIGHWAY INTERSECTIONS

No person, being the owner, occupier, or lessee of any land at the intersection of any highway of 6 m or more in width, and any other highway shall place or permit to be placed or grow, or permit to be grown, any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6 m within the sight triangle above an elevation such that an eye 0.9 m above the surface elevation of one highway cannot see an object 0.9 m above the surface elevation of the other highway.

4.17 FENCES

- (1) Fences in all zones are subject to the provisions of Section 4.16 (Visibility at Highway Intersections) of Part 1 of this Bylaw;
- (2) In Residential Zones, the following height limitations apply:
 - (a) Solid fences or walls not greater than 1.2 m in height may be located anywhere on a lot;
 - (b) Solid fences or walls not greater than 2 m in height may be located on any lot to the rear of the front building line;
 - (c) Where a rear lot line abuts the side lot line of an adjoining lot, the height of fences or walls on such rear lot line shall be not greater than the height permitted on the side lot line of the adjoining lot at the point of abutment.
- (3) In Commercial and Industrial Zones:
 - (a) fences or walls not greater than 1.2 m in height may be located anywhere on a lot;
 - (b) fences or walls not greater than 2.5 m in height may be located on any lot to the rear of the front setback line.
- (4) The height of a fence or wall shall be determined by measurement from the ground level at the average grade level within 1 m of both sides of such fence or wall.
- (5) That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a fence and subject to the regulations of this subsection;
- (6) Notwithstanding subsection (5) above, in cases where a retaining wall has been constructed along a lot line, the height of a fence or wall shall be determined by measurement from the surface of the ground which the retaining wall supports at the average grade level within 1 m of such retaining wall.

4.18 KEEPING OF ANIMALS IN RESIDENTIAL, MULTIPLE FAMILY RESIDENTIAL AND RURAL RESIDENTIAL ZONES

- (1) The keeping of horses, cattle, sheep, and goats shall be prohibited in the Residential, Multiple Family Residential and Rural Residential Zones, on lots of less than 2000 m²;
- (2) Rabbits shall be permitted as follows in Residential, Multiple Family Residential and Rural Residential Zones:
 - (a) On lots up to 1000 m², 6 rabbits;
 - (b) On lots of 1000 m² to 2000 m², 12 rabbits;
 - (c) On lots of 2000 m² and above, 18 rabbits; and

provided that, notwithstanding Section 4.01 of Part 1 of this Bylaw, buildings or structures for their keeping shall be located at least 6 m from side, flanking and rear lot lines and not located within front yards.

4.19 SECONDARY SUITES Bylaw 2674, Bylaw 3605

- (1)
 - (a) Secondary suites will only permitted in the principal single family dwelling.
 - (b) Secondary suites are not permitted in an accessory building(s), two-family dwellings (Duplexes), townhouses and mobile homes.
 - (c) The secondary suite shall not occupy more than 40% of the habitable floor area of the single family dwelling unit; *Bylaw 3605*
 - (d) The floor area of a secondary suite shall not exceed 90m²; *Bylaw 3605*
 - (e) Only one secondary suite or one detached accessory suite shall be permitted per lot; *Bylaw 3605*
 - (f) An owner of the lot must occupy either the secondary suite or the single family dwelling; *Bylaw 3605*
 - (g) The keeping of boarders and lodgers shall not be permitted within a single family dwelling containing a secondary suite. *Bylaw 3605*
- (2) A building permit must be obtained for a secondary suite. An assessment of the property's ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite is required. An Authorized Person as defined in the Public Health Sewerage System Regulation is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades. *Bylaw 3605*
- (3) One off street parking space in addition to those required for the principal residential use shall be provided.
- (4) Secondary suites shall only be permitted in those zones in this bylaw which allow secondary suites.
- (5) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litre per day. *Bylaw 3605*

4.20 DETACHED ACCESSORY SUITES

- (a) A detached accessory suite shall only be permitted in those zones in this bylaw which allow detached accessory suites, and if the parcel size is 0.4ha or greater;
- (b) Only one detached accessory suite or one secondary suite shall be permitted per lot;
- (c) The detached accessory suite can be freestanding or combined with an accessory building;
- (d) A building permit must be obtained for a detached accessory suite. An assessment of the property's ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite is required. An Authorized Person as defined in the Public Health Sewerage System Regulation is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades;
- (e) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litre per day;
- (f) The floor area of a detached accessory suite shall not be smaller than 33.4m² and not exceed 90m²;
- (g) The maximum height of an accessory building used for a detached accessory suite shall be 7m to the peak of the roof of a one storey detached building;
- (h) Detached accessory suites must be located within the same front, side and rear yard setbacks as the principal dwelling;
- (i) One additional on-site parking space shall be provided for a detached accessory suite;
- (j) Access to the detached accessory suite is to be provided from the same road access that provides access to the principal dwelling or a second access must be approved by the Ministry of Transportation and Infrastructure;
- (k) The detached accessory suite may be in the form of manufactured or modular home but shall not exceed a length of 13m, but does not include a Recreation Vehicle or Travel Trailer;
- (l) An owner of the lot must occupy either the detached accessory suite or the principal dwelling;
- (m) The keeping of boarders and lodgers shall not be permitted within a single family dwelling on a lot containing a detached accessory suite;
- (n) A bed and breakfast use shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite.

Bylaw 3605

5.0 TITLE

- 5.01 This bylaw may be cited as "Sooke Land Use Bylaw, 1992".

PART 2 - ZONING DISTRICTS

1.0 RURAL WATERSHED ZONE - AW

1.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Watershed AW Zone:

- (1) Silviculture
- (2) One-family dwelling

1.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 4 ha.

1.03 Number of Residential Units

One one-family dwelling is permitted per lot.

1.04 Height

Maximum height shall be 11 m.

1.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

1.06 Maximum Size of Residential Building

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

1.07 Yard Requirements

- (a) Front yards shall be a minimum of 15 m;
- (b) Side yards shall be a minimum of 15 m;
- (c) Rear yards shall be a minimum of 15 m;
- (d) Flanking yards shall be a minimum of 15 m

2.0 RURAL ZONE - A

2.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural A Zone:

- (a) Agriculture;
- (b) Intensive Agriculture, except that sites for piggeries, fur farming and other similar agricultural, horticultural and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance shall be located at least 150 m from the nearest Residential or Multiple Family Residential Zone;
- (c) Silviculture
- (d) Home Occupations Categories One, Two and Three;
- (e) One-family dwelling;
- (f) Two-family dwelling;
- (g) Animal Hospitals;
- (h) Veterinary Clinics;
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (j) Two Boarders or Lodgers;
- (k) Accessory uses such as on-site logging, and pole- or post- or shake-cutting from trees grown on-site;
- (l) Finfish culture, land-based;
- (m) One secondary suite per lot pursuant to Part 1, Subsection 4.19. *Bylaw 2674*
- (n) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

2.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size shall be 4.0 ha;

2.03 Number of Dwelling Units

The maximum density for residential buildings (comprised of one- and/or two-family dwellings) shall not exceed the following:

- (a) On lots of 0.4 ha or less, one one-family dwelling;
- (b) On lots of more than 0.4 ha and less than 0.8 ha, not more than two one-family or one two-family dwelling;
- (c) On lots of more than 0.8 ha and less than 4 ha, not more than three one-family dwellings or three dwelling units;
- (d) On lots of more than 4 ha and less than 16 ha, not more than four one-family dwellings or four dwelling units;
- (e) On lots of more than 16 ha and less than 32 ha, not more than five one-family dwellings or five dwelling units;
- (f) On lots of more than 32 ha, not more than eight one-family dwellings or eight dwelling units;

2.04 Height

The maximum height permitted shall be 11 m.

- 2.05 Lot Coverage** The maximum lot coverage permitted shall be 15 percent.
- 2.06 Maximum Size of Residential Buildings** Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:
(a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
(b) On lots of 1 ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45.
- 2.07 Yard Requirements for Residential Buildings** (a) Front yards shall be a minimum of 7.5 m;
(b) Side yards shall be a minimum of 6 m except for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
(c) Flanking yards shall be a minimum of 6 m CTS;
(d) Rear yards shall be a minimum of 11 m.
- 2.08 Yard Requirements for Farm Buildings** (a) Front yards shall be a minimum of 30 m;
(b) Side, flanking and rear yards shall be a minimum of 15 m.
- 2.09 Yard Requirements for Finfish Culture, Land-Based Uses and Structures** Front, side, flanking and rear yards shall be a minimum of 30 m.
- 2.10 Yard Requirements for Intensive Agriculture Uses and Buildings** (a) Front yards shall be a minimum of 30 m;
(b) Side, rear and flanking yards shall be a minimum of 30 m.

Bylaw 2103

2A.0 RURAL 1 ZONE - A-1

*Bylaw 2708
Bylaw 3009 deleted Rural 1 Zone - A-1*

3.0 FORESTRY ZONE - AF

3.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300 m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Occupation Categories One, Two and Three;
- (e) Two Boarders or lodgers

3.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size is 4 ha;

3.03 Number of Dwelling Units

One one-family dwelling per lot is permitted.

3.04 Height

Maximum height shall be 11 m.

3.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

3.06 Maximum Size for Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

3.07 Yard Requirements

For all structures, the front, side, rear and flanking yards shall be a minimum of 15 m, except that for lots larger than 1 ha and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side.

4.0 AGRICULTURAL ZONE - AG

4.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Agriculture AG Zone:

- (a) Agriculture;
- (b) Intensive Agriculture;
- (c) One-family dwellings;
- (d) Home Occupation Categories One, Two and Three;
- (e) Farm Buildings;
- (f) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (g) Accessory uses such as on-site logging, and pole- or post- or shake-cutting, from trees grown on the lot;
- (h) Two boarders or lodgers.

4.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 4 ha.

4.03 Number of Dwelling Units

One one-family dwelling is permitted on a lot.

4.04 Height

Maximum height shall be 11 m.

4.05 Lot Coverage

The maximum lot coverage shall be 20 percent.

4.06 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

4.07 Additional Dwellings

Notwithstanding Section 4.03 above, one additional one-family dwelling for the sole purpose of housing employees may be located on a lot classified as a farm pursuant to the Assessment Act where such lot is 4 ha or more in area, and where approved by the B.C. Agricultural Land Commission.

4.08 Yard Requirements, Agriculture and Farm Buildings

- (a) Front yards shall be a minimum of 30 m;
- (b) Side, rear and flanking yards shall be a minimum of 15 m.

4.09 Yard Requirements for Intensive Agriculture uses and Buildings

- (a) Front yards shall be a minimum of 90 m;
- (b) Side, flanking and rear yards shall be a minimum of 30 m.

4.10 Yard Requirements for All Other Permitted Uses and Buildings

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

4A.0 RURAL RESIDENTIAL A ZONE – RR-A

Except as otherwise permitted in this bylaw, lot averaging is prohibited in all zones.

4A.01 Permitted Uses

The following uses and no others are permitted in an RR-A zone:

- (a) Dwelling Unit.

Permitted accessory uses and buildings on any parcel include the following:

- (b) Home-based business;
- (c) Bed and Breakfast; and
- (d) Accessory buildings and structures ancillary to a permitted use.

4A.02 Minimum Parcel Size for Subdivision Purposes in an RR-A zone:

- (a) The minimum parcel size is 0.82 Ha. (2.02 acres);
- (b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size is 0.82 hectare (2.02 acres).

4A.03 Density Provisions

One dwelling unit is permitted on a parcel of land.

4A.04 Height

No principal building or structure shall exceed 9.0 metres (30 ft.) in height.

4A.05 Yard Requirements

Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:

- (a) 7.5 metres (24.6 ft.) of a front parcel line;
- (b) 7.5 metres (24.6 ft.) of a side parcel line; and
- (c) 10 metres (32.8 ft.) of a rear parcel line.

4A.06 Lot Coverage

The maximum permitted coverage of all buildings and structures on any parcel must not exceed 20 percent (20%).

4A.07 Additional Requirements

Refer to Part 4, General Regulations, for provisions that apply to all zones.

Bylaw 3381

5.0 RURAL RESIDENTIAL 1 ZONE - RR-1**5.01 Permitted Uses**

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Residential RR-1 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Occupation Categories One and Two;
- (d) Community Care Facilities;
- (e) Agriculture;
- (f) Two Boarders or Lodgers;
- (g) Secondary suite pursuant to Part 1, Subsection 4.19. *Bylaw 2674*
- (h) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

- 5.02 Minimum Lot Size for Subdivision Purposes** Minimum lot size shall be 0.4 ha.
- 5.03 Number of Residential Buildings** One one-family dwelling or one two family dwelling is permitted on a lot.
- 5.04 Height** Maximum height shall be 9 m.
- 5.05 Lot Coverage** Lot coverage shall not exceed 25 percent.
- 5.06 Maximum Size of Residential Buildings** Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:
- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
 - (ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.
- 5.07 Yard Requirements**
- (a) Minimum front yard shall be 7.5 m;
 - (b) Minimum side yard shall be 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
 - (c) Minimum flanking yard shall be 6 m CTS;
 - (d) Minimum rear yard shall be 10 m.
- 5.08 Setbacks for Agricultural Uses** Buildings and structures for agriculture use shall be not less than 30 m from the front lot line and not less than 15 m from any other lot line; excludes greenhouses accessory to residential uses.
- 5.09 Minimum Lot Frontage** The minimum frontage of lots for subdivision purposes shall be 6 m.

6.0 RURAL RESIDENTIAL 2 ZONE - RR-2

6.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 2 RR-2 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Agriculture;
- (d) Horticulture;
- (e) Silviculture;
- (f) Two Boarders or Lodgers;
- (g) Farm Buildings on Farms;
- (h) Home Occupation Categories One, Two and Three;
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (j) Secondary suite pursuant to Part 1, Subsection 4.19. *Bylaw 2674*
- (k) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

6.02 Minimum Lot Size for Subdivision Purposes

- (a) Minimum lot size is 1 ha;
- (b) Notwithstanding Section 6.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 40 ha or more, then lot averaging may be permitted with an average lot size of 1 ha and a minimum lot size of 0.5 ha;
- (c) Notwithstanding Sections 6.02(a) and (b) of Part 2 of this Bylaw, lot sizes for subdivision purposes shall be 1 ha average and 0.5 ha minimum for Lot 1, Plan 24917, Sec. 10, Otter District.
- (d) Notwithstanding Section 6.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 40 ha or more, minimum lot size may be reduced by a maximum of 20% pursuant to Section 904 of the *Local Government Act* where the following amenities are provided:
 - (i) fish habitat protection measures, and
 - (ii) public amenity land dedication other than that required under Section 941 of the *Local Government Act*. *Bylaw 3156*

6.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted on a lot.

6.04 Height

Maximum height shall be 9 m.

6.05 Lot Coverage

Lot coverage shall not exceed 25 percent

6.06 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

6.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

6.08 Yard Requirements for Agricultural Buildings and Structures

Buildings and structures for agricultural use shall be not less than 30 m from the front lot line and not less than 15 m from any other boundary of the lot.

6A.0 RURAL RESIDENTIAL 2A ZONE – RR-2A

Bylaw 3689

6A.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 2A RR-2A Zone:

- a) One-family dwelling
- b) Horticulture, accessory to a residential use
- c) Two Boarders or Lodgers
- d) Home Occupation Categories One, Two and Three
- e) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors
- f) Secondary Suite pursuant to Part 1, Subsection 4.19
- g) Detached Accessory Suite pursuant to Part1, Subsection 4.20

6A.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size is 1ha.

6A.03 Number of Residential Buildings

One one-family dwelling is permitted on a lot.

6A.04 Height

Maximum height shall be 9 m.

6A.05 Lot Coverage

Lot coverage shall not exceed 25 percent.

6A.06 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of provincial Acts and Regulations:

- a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

6A.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5m
- (b) Side yards shall be a minimum of 6m; except that for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15m each side
- (c) Flanking yards shall be a minimum of 6m CTS
- (d) Rear yards shall be a minimum of 10m

7.0 RURAL RESIDENTIAL 3 ZONE - RR-3

7.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 3 RR-3 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Occupation Categories One, Two and Three;
- (d) Agriculture;
- (e) Two Boarders or Lodgers;
- (f) Farm buildings on farms;
- (g) Veterinary Clinics and Animal Hospitals;
- (h) Secondary suite pursuant to Part 1, Subsection 4.19. *Bylaw 2674*
- (i) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

7.02 Minimum Lot Size for Subdivision Purposes

- (a) Minimum lot size shall be 2 ha;
- (b) Notwithstanding Section 7.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 60 ha or more, then lot averaging may be permitted with an average lot size of 2 ha and a minimum lot size of 1 ha;
- (c) Notwithstanding Sections 7.02(a) and (b) of Part 2 of this Bylaw, lot sizes for subdivision purposes shall be 1 ha average and .5 ha minimum for Part Lot 3, Sec. 51, Plan 39570 Except Plan 41935 as shown shaded on Plan No. 29 described in bylaw 2437.

Bylaw 2437

7.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted per lot.

7.04 Height

Maximum height shall be 9 m.

7.05 Lot Coverage

Maximum lot coverage shall be 15 percent.

7.06 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

7.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m

7.08 Yard Requirements for Buildings and Structures for Livestock or Keeping of Animals

- (a) Front yards shall be a minimum of 90 m;
- (b) Side, flanking and rear yards shall be a minimum of 30 m each;

7.09 Yard Requirements - Other Farm Buildings

- (a) Front yards shall be a minimum of 30 m;
- (b) Side, Flanking and Rear yards shall be a minimum of 15 m.

8.0 INTERMITTENT RURAL RESIDENTIAL 4 ZONE - RR-4

8.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Intermittent Residential Recreation RR-4 Zone:

- (a) Camp Sites used for intermittent accommodation in Recreational Vehicles
- (b) One-family Dwelling

8.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 1 ha.

8.03 Number of dwelling units

One one-family dwelling is permitted per lot.

8.04 Density of Camp Sites for Recreational Vehicles

Twenty camp sites per hectare shall be permitted for recreational vehicles.

8.05 Size of Camp Sites

Each camp site shall be a minimum of 140 m².

8.06 Height

Maximum height shall be 3 m; except that the one-family dwelling may be 9 m.

8.07 Lot Coverage

Maximum lot coverage shall be 30 percent.

8.08 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

8.09 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 3 m.

8.10 Storage Sheds

Each Camp Site may contain a maximum of one storage shed, not to exceed dimensions of 3 m by 3 m, which is exempt from the provisions of Section 4.01 (2) c regulating the maximum combined total floor area of all accessory buildings and structures.

Bylaw 3035

9.0 RURAL RESIDENTIAL 5 ZONE - RR-5

9.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Residential RR-5 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Occupation Categories One and Two;
- (d) Community Care Facilities;
- (e) Agriculture;
- (f) Two Boarders or Lodgers;
- (g) Secondary suite pursuant to Part 1, Subsection 4.19. *Bylaw 2674*
- (h) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

9.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 0.4 ha.

9.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted on a lot.

9.04 Minimum Ground Floor Area

The minimum ground floor area for each dwelling unit is 80 m².

9.05 Minimum Average Width

The minimum average width of a dwelling unit, excluding accessory porches, sheds, garages, carports and non-factory additions shall be not less than 7 m.

9.06 Height

Maximum height shall be 9 m.

9.07 Lot Coverage

Lot coverage shall not exceed 25 percent.

9.08 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

9.09 Yard Requirements

- (a) Minimum front yard shall be 7.5 m;
- (b) Minimum side yard shall be 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Minimum flanking yard shall be 6 m CTS;
- (d) Minimum rear yard shall be 10 m.

Bylaw 2171

9.10 Setbacks for Agricultural Uses

Farm buildings and structures for agriculture use shall be not less than 30 m from the front lot line and not less than 15 m from any other lot line; excludes greenhouses accessory to residential uses.

Bylaw 2171

10.0 RURAL RESIDENTIAL 6 ZONE - RR-6

10.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential RR-6 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Agriculture;
- (d) Horticulture;
- (e) Silviculture;
- (f) Two Boarders or Lodgers;
- (g) Farm Buildings on Farms;
- (h) Home Occupation Categories One, Two and Three;
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors; nothing in this section operates to prohibit the occupier of a lot from storing one trailer or camper on a lot;
- (j) Secondary suite pursuant to Part 1, Subsection 4.19. *Bylaw 2674*
- (k) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

10.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes is 1 ha;
- (b) Notwithstanding Section 10.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 40 ha or more, then lot averaging may be permitted with an average lot size of 1 ha and a minimum lot size of 0.5 ha;
- (c) Notwithstanding Sections 10.02(a) and (b) of Part 2 of this Bylaw, lot sizes for subdivision purposes shall be 1 ha average and 0.5 ha minimum for Lot 1, Plan 33402, Secs. 130 & 131, Sooke District.

10.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted on a lot.

10.04 Minimum Ground Floor Area

The minimum ground floor area for each dwelling unit is 80 m².

10.05 Minimum Average Width

The minimum average width of a dwelling unit, excluding accessory porches, sheds, garages, carports and non-factory additions shall be not less than 7 m.

10.06 Height

Maximum height shall be 9 m.

10.07 Lot Coverage

Lot coverage shall not exceed 25 percent.

10.08 Maximum Size for Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1 ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45.

10.09 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

10.10 Yard Requirements for Agricultural Buildings and Structures

Farm buildings and structures for agricultural use shall be not less than 30 m from the front lot line and not less than 15 m from any other boundary of the lot.

11.0 VILLAGE RESIDENTIAL 1 ZONE - R-1

11.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Village Residential R-1 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Occupation Categories One and Two;
- (d) Community Care Facilities;
- (e) Two boarders or lodgers;
- (f) Secondary suite pursuant to Part 1, Subsection 4.19.

Bylaw 2674

11.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes is 1300 m²;
- (b) Notwithstanding Section 11.02(a) of Part 2 of this Bylaw, lot sizes for subdivision purposes shall be 900 m² for Lot A, Plan 44655, Sooke District.

Bylaw 2271

11.03 Minimum Frontage for Subdivision Purposes

The minimum lot frontage shall be 6 m.

11.04 Minimum Lot Width for Subdivision Purposes

The minimum average lot width shall be 18 m.

11.05 Maximum Size for Residential Buildings

Residential buildings shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 405 m² whichever is less, provided percolation and septic field requirements are met to the satisfaction of the Medical Health Officer.

11.06 Minimum Lot area for Two-Family Dwellings

Two-family Dwellings shall be permitted only on lots of 1500 m² or larger.

11.07 Minimum Ground Floor Area

The minimum ground floor area for each dwelling unit is 80 m².

11.08 Panhandle Lots

Two-family dwellings are not permitted on panhandle lots.

11.09 Number of Dwelling Units

One one-family dwelling or one two-family dwelling is permitted per lot.

11.10 Minimum Average Width

The minimum average width of a dwelling unit, excluding accessory porches, sheds, garages, carports and non-factory additions shall be not less than 7 m.

11.11 Height

Maximum height shall be 7.5 m.

11.12 Lot Coverage

Maximum lot coverage shall be 25 percent.

11.13 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be provided of not less than 1.5 m in width, and the sum of the two side yards shall be not less than 4.5 m; except that when a side yard abuts a walkway, the minimum width of that yard shall be 3 m and the sum of the two side yards shall be not less than 4.5 m;
- (c) Flanking yards shall be a minimum of 4.5 m CTS or 6 m from the foundation;
- (d) Rear yards shall be a minimum of 10 m.

12.0 VILLAGE RESIDENTIAL 2 ZONE - R-2

12.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Village Residential 2 R-2 Zone:

- (a) One-Family Dwelling;
- (b) Two-Family Dwelling;
- (c) Home Occupations Categories One and Two;
- (d) Community Care Facilities;
- (e) Two Boarders or lodgers;
- (f) Secondary suite pursuant to Part 1, Subsection 4.19.

Bylaw 2674

12.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 2000 m².

12.03 Minimum Frontage for Subdivision Purposes

The minimum lot frontage shall be 6 m.

12.04 Minimum Lot Width for Subdivision Purposes

The minimum average lot width shall be 23 m.

12.05 Number of Dwelling Units

One one-family dwelling or one two-family dwelling is permitted per lot.

12.06 Maximum Size of Residential Buildings

Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

12.07 Panhandle Lots

Two-family dwellings are not permitted on panhandle lots.

12.08 Minimum Ground Floor Area

The minimum ground floor area for a dwelling unit is 80 m².

12.09 Minimum Average Width

The minimum average width of a dwelling unit, excluding accessory porches, sheds, garages, carports and non-factory additions shall be not less than 7 m.

12.10 Height

Maximum height shall be 7.5 m.

12.11 Lot Coverage

Maximum lot coverage shall be 25 percent.

12.12 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 4.5 m CTS or 6 m from the foundation;
- (d) Rear yards shall be a minimum of 10 m.

13.0 VILLAGE RESIDENTIAL 3 ZONE - R-3

13.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Village Residential 3 R-3 Zone:

- (a) One-family dwelling;
- (b) Two-Family dwelling;
- (c) Home Occupation Categories One and Two;
- (d) Community Care Facility;
- (e) Two Boarders or lodgers;
- (f) Secondary suite pursuant to Part 1, Subsection 4.19.

Bylaw 2674

- 13.02 Minimum Lot Size for Subdivision Purposes** The minimum lot size shall be 4000 m².
- 13.03 Minimum Frontage for Subdivision Purposes** The minimum lot frontage shall be 12 m.
- 13.04 Minimum Lot Width for Subdivision Purposes** The minimum average lot width shall be 30 m.
- 13.05 Number of Dwelling Units** One one-family dwelling or one two-family dwelling is permitted per lot.
- 13.06 Panhandle Lots** Two-family dwellings are not permitted on panhandle lots.
- 13.07 Minimum Ground Floor Area** The minimum ground floor area for a dwelling unit is 80 m².
- 13.08 Minimum Average Width** The minimum average width of a dwelling unit, excluding accessory porches, sheds, garages, carports and non-factory additions shall be not less than 7 m.
- 13.09 Maximum Size for Residential Buildings** Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:
(i) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
(ii) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.
- 13.10 Height** Maximum height shall be 7.5 m.
- 13.11 Lot Coverage** Maximum lot coverage shall be 15 percent.

13.12 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 4.5 m CTS or 6 m from the foundation;
- (d) Rear yards shall be a minimum of 10 m.

13A.0 GORDON'S BEACH RECREATION RESIDENTIAL 4 ZONE – R-4

Bylaw 2639

13A.01 In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Gordon's Beach Recreation Residential 4 Zone - R4:

- (a) One-family dwelling;
- (b) Two Boarders or lodgers;
- (c) Home occupation - Category One;
- (d) Accessory building in accordance with Section 13A.10.

13A.02 Minimum Lot Size for Subdivision Purposes The minimum lot size shall be 500 m².

13A.03 Minimum Service Level

- a) Each lot shall have the capability for on site sewage disposal or be connected to a common disposal area;
- b) Each lot shall have sufficient quantity of potable water to meet the requirements of at least 1400 litres per day;
- c) Quality of water shall be in accordance with the Capital Health Region requirement.

13A.04 Minimum Frontage for Subdivision Purposes The minimum lot frontage shall be 6 m.

13A.05 Minimum Average Lot Width for Subdivision Purposes The minimum average lot width shall be 10 m.

13A.06 Number of Dwelling Units

- (a) One one-family dwelling is permitted per lot;
- (b) Secondary suites and guest cottages are specifically excluded.

13A.07 Panhandle Lots Panhandle lots are not permitted.

13A.08 Minimum Ground Floor Area The minimum ground floor area for a dwelling unit is 20 m².

13A.09 Maximum Floor Area for Residential Buildings Provided that percolation and septic field requirements are met to the satisfaction of the Medical Health Officer:

- (i) The total floor area of a residential building shall not exceed 130m²;
- (ii) The maximum total floor area of a residential building can be achieved in two stories;
- (iii) Basements are not permitted; and
- (iv) Uninhabited crawl spaces to protect the buildings from possible flood damage are permitted in accordance with Ministry of Environment requirements.

13A.10 Accessory Buildings

Part 1, General Regulations, Section 4.0 does not apply to accessory buildings for the Gordon's Beach Recreation Residential 4 Zone.

Accessory building(s) shall comply with the following:

- a) Height shall not exceed 3 m;
- b) Located not less than 1 m clear to the sky from a side yard;
- c) Located in the rear yard in accordance with Ministry of Environment requirements;
- d) Located not less than 1 m from the principal building;
- e) Shall not be used as a dwelling unit;
- f) Shall not exceed 10 m² in total area; and
- g) Existing accessory buildings are shown on plan deposited at the Land Title office dated April 16, 1995 and accessory buildings may be rebuilt in accordance with that plan.

13A.11 Height

- a) Maximum height shall be 7.5 m or 2 stories for all buildings and structures except accessory buildings;
- b) Elevation of the lot shall not be increased or decreased.

13A.12 Lot Coverage

- a) Maximum lot coverage shall not exceed 50 percent;
- b) Lot coverage includes all principle and accessory buildings.

13A.13 Yard Requirements for Residential Building

Yard requirements, subject to Ministry of Transportation and Highways and Ministry of Environment, Lands and Parks requirements, shall be as follows:

- a) Front yards shall be a minimum of 4.5 m;
- b) Side yards shall be a minimum of 1.5 m, and the sum of the two side yards shall be not less than 4.5 m;
- c) Rear yards shall be a minimum of 7.5 m.

Residential buildings existing on April 16, 1995 as shown on a plan filed in the Victoria Land Title office may be rebuilt in the location shown.

Bylaw 2639

14.0 MOBILE HOME PARK ZONE - RM

14.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Mobile Home Park RM Zone:

- (a) Mobile home parks, subject to the provisions of the Mobile Home Park Bylaw No. 377 as amended;
- (b) Home Occupation Category One.

14.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 1 hectare.

14.03 Regulations

See Bylaw 377 as amended.

15.0 TOWNHOUSE ZONE - RM-2

15.01 Permitted Uses

In addition to the uses permitted by Paragraph 4.15(1) of this Bylaw, the following uses and no others shall be permitted in the Townhouse RM-2 Zone:

- (a) Townhouse;
- (b) Home Occupation Category One;
- (c) Community Care Facility.

15.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size is 1800 m².

15.03 Minimum Frontage for Subdivision Purposes

The minimum lot frontage shall be 16 m.

15.04 Minimum Lot Width for Subdivision Purposes

The minimum average width of a lot shall be 16 m.

15.05 Density of Development

A maximum of 20 dwelling units per hectare is permitted.

15.06 Height

Maximum height shall be 6.5 m.

15.07 Lot Coverage

Maximum lot coverage shall be 25 percent.

15.08 Yard Requirements

- (a) Minimum front yard shall be 7.5 m;
- (b) Minimum side yard shall be 3 m;
- (c) Minimum flanking yard shall be 4.5 m CTS or 6 m from foundation;
- (d) Minimum rear yard shall be 6 m.

15.09 Amenity Area

Not less than 5 percent of the lot area shall be developed as an amenity area for residents.

16.0 APARTMENT ZONE - RM-3

16.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Apartment RM-3 Zone:

- (a) Apartments;
- (b) Townhouses;
- (c) Home Occupation Category One;
- (d) Community Care Facility.

16.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size is 1800 m².

16.03 Minimum Frontage for Subdivision Purposes

The minimum lot frontage shall be 16 m.

16.04 Minimum Lot Width for Subdivision Purposes

The minimum average lot width shall be 16 m.

16.05 Density of Development

Maximum of 50 dwelling units per hectare for apartments, and 20 dwelling units per hectare for townhouses is permitted; if dwelling unit types are mixed, densities shall be computed on the basis of the proportion of the lot devoted to each type of dwelling unit.

16.06 Height

Height shall not exceed 9.5 m.

16.07 Lot Coverage

Maximum lot coverage shall be 25 percent.

16.08 Yard Requirements

- (a) Minimum front yard shall be 7.5 m;
- (b) Minimum side yard shall be 3 m;
- (c) Minimum flanking yard shall be 4.5 m CTS or 6 m from foundation;
- (d) Minimum rear yard shall be 6 m.

16.09 Amenity Area

Not less than 5 percent of the lot area shall be developed as an amenity area for residents.

17.0 NEIGHBOURHOOD COMMERCIAL ZONE - C-1

17.01 Permitted Uses

In addition to the uses permitted by Paragraph 4.15(1) of this Bylaw, the following uses and no others are permitted in the Neighbourhood Commercial C-1 Zone:

- (a) Convenience Stores;
- (b) Gas Bars;
- (c) Service Stations;
- (d) Personal Services;
- (e) Retail Stores;
- (f) Dwelling unit attached to a permitted use; or on lots of more than 2 ha, not closer than 16 m from any commercial use;
- (g) Restaurant.

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| 17.03 <u>Minimum Lot Size for Subdivision Purposes</u> | Minimum lot size shall be 900 m ² . |
| 17.04 <u>Number of Dwelling units</u> | One dwelling unit per lot is permitted. |
| 17.05 <u>Height</u> | Maximum height shall be 9 m. |
| 17.06 <u>Lot Coverage</u> | Maximum lot coverage shall be 50 percent. |
| 17.07 <u>Minimum Frontage for Subdivision Purposes</u> | Minimum frontage shall be 16 m. |
| 17.08 <u>Minimum Lot Width for Subdivision Purposes</u> | Minimum average lot width shall be 16 m; |
| 17.09 <u>Yard Requirements</u> | <ul style="list-style-type: none"> (a) Front yards shall be a minimum of 7.5 m; (b) (i) Side yards adjacent to Rural Residential, Residential, or Multiple Family Residential Zones shall be a minimum of 6 m; <li style="padding-left: 20px;">(ii) Side yards adjacent to Commercial or Industrial Zones may be zero; <li style="padding-left: 20px;">(iii) Side yards adjacent to any Zones other than listed in (i) and (ii) above, shall be a minimum of 3 m; (c) Flanking yards shall be a minimum of 6 m CTS; (d) Rear yards shall be a minimum of 6 m. |
| 17.10 <u>Special Regulations</u> | Where a permitted use in this zone is proposed adjacent to a Residential or Multiple Family Residential Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two. |

18.0 VILLAGE COMMERCIAL ZONE - C-2

18.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Village Commercial C-2 Zone:

- (a) Retail stores;
- (b) Business Office and Support Services;
- (c) Household Equipment Repair Services;
- (d) Convenience Stores;
- (e) Health Services;
- (f) Personal Services;
- (g) Printers and Publishers;
- (h) Restaurants;
- (i) Amusement facility, indoor;
- (j) Bakery;
- (k) Service Station and Gas Bar;
- (l) Hotels;
- (m) Motels;
- (n) Vehicle Sales/Rentals;
- (o) Theatres;
- (p) Funeral Parlours;
- (q) Bus Depots;
- (r) Private Clubs;
- (s) Auction Rooms and Places;
- (t) Animal Hospitals and Veterinary Clinics in enclosed buildings;
- (u) Non-Accessory Parking;
- (v) Shopping Centres;
- (w) Dwelling unit attached to or above a permitted use.

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|--|--|
| 18.02 <u>Minimum Lot Size for Subdivision Purposes</u> | Minimum lot size shall be 900 m ² . |
| 18.03 <u>Number of Dwelling units</u> | One dwelling unit per lot is permitted. |
| 18.04 <u>Height</u> | Maximum height shall be 12 m. |
| 18.05 <u>Lot Coverage</u> | Maximum lot coverage shall be 30 percent. |
| 18.06 <u>Minimum Frontage for Subdivision Purposes</u> | Minimum frontage shall be 16 m. |
| 18.07 <u>Minimum Lot Width for Subdivision Purposes</u> | Minimum average lot width shall be 16 m. |

18.08 Yard Requirements

- (a) Front yards shall be a minimum of 4.5 m, and the sole uses permitted in these yards shall be onsite walks, driveways, retaining walls, and/or fences;
- (b) (i) Side yards adjacent to Rural Residential, Residential, or Multiple Family Residential Zones shall be a minimum of 6 m;
(ii) Side yards adjacent to Commercial or Industrial Zones may be zero;
(iii) Side yards adjacent to any Zones other than listed in (i) and (ii) above, shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 6 m.

18.09 Special Regulations

Where a permitted use in this zone is proposed adjacent to a Residential, Rural Residential or Multiple Family Residential Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two.

18.10 Existing Structures

- (a) For structures existing at the time of passage of this Bylaw, no yards are required; except that The Highway Act requires the consent of the Minister of Transportation and Highways for a yard less than 6 m abutting any highway;
- (b) Additions to existing structures or new structures will be required to meet the yard requirements in Section 18.08 above.

19.0 SERVICE COMMERCIAL ZONE - C-3**19.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Service Commercial C-3 Zone:

- (a) Vehicle Sales/Rentals;
- (b) Equipment Sales/Rentals;
- (c) Vehicle and Equipment Repair;
- (d) Household Equipment Repair Services;
- (e) Machine Shops of not more than 200 m² total area;
- (f) Carpentry shops;
- (g) Wholesale, storage or warehousing buildings of not more than 700 m² total floor area;
- (h) Accessory unenclosed storage;
- (i) Offices accessory to a permitted use;
- (j) Dwelling unit attached to or above a permitted use;
- (k) Service station;
- (l) Gas Bar;
- (m) Body and Paint Shops.

19.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 900 m².

19.03 Number of Dwelling units

One dwelling unit per lot is permitted.

19.04 Height

Maximum height shall be 12 m.

19.05 Lot Coverage

Maximum lot coverage shall be 40 percent.

19.06 Minimum Frontage for Subdivision Purposes

Minimum frontage shall be 16 m.

19.07 Minimum Lot Width for Subdivision Purposes

Minimum average lot width shall be 16 m.

19.08 Yard Requirements

- (a) Front yards shall be a minimum of 4.5 m, and the sole uses permitted in these yards shall be onsite walks, driveways, retaining walls, and/or fences;
- (b) (i) Side yards adjacent to Rural Residential, Residential, or Multiple Family Residential Zones shall be a minimum of 6 m;
- (ii) Side yards adjacent to Commercial or Industrial Zones may be zero;
- (iii) Side yards adjacent to any Zones other than listed in (i) and (ii) above, shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 6 m.

19.09 Special Regulations

Where a permitted use in this zone is proposed adjacent to a Residential, Rural Residential or Multiple Family Residential Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two.

19A.0 NEIGHBOURHOOD PUBLIC HOUSE ZONE - C-4**19A.01 Permitted Uses**

In addition to the uses permitted by Paragraph 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Neighbourhood Public House C-4 Zone:

- (a) Dwelling unit attached to a permitted use;
- (b) Restaurant;
- (c) Premises licensed under the provisions of the Liquor Control and Licensing Act;
- (d) Hotels.

- 19A.02 Minimum Lot Size for Subdivision Purposes** Minimum lot size shall be 900 m².
- 19A.03 Number of Dwelling Units** One dwelling unit per lot is permitted.
- 19A.04 Height** Maximum height shall be 9 m.
- 19A.05 Lot Coverage** Maximum lot coverage shall be 50 percent.
- 19A.06 Minimum Lot Frontage for Subdivision Purposes** Minimum frontage shall be 16 m.
- 19A.07 Minimum Lot Width for Subdivision Purposes** Minimum average lot width shall be 16 m.
- 19A.08 Yard Requirements**
- (a) Front yards shall be a minimum of 7.5 m;
 - (b) (i) Side yards adjacent to Rural Residential, Residential, or Multiple Family Residential Zones shall be a minimum of 6 m;
 - (ii) Side yards adjacent to Commercial or Industrial Zones may be zero;
 - (iii) Side yards adjacent to any Zones other than listed in (i) and (ii) above, shall be a minimum of 3 m;
 - (c) Flanking yards shall be a minimum of 6 m CTS;
 - (d) Rear yards shall be a minimum of 6 m.
- 19A.09 Special Regulations** Where permitted use in this Zone is proposed adjacent to a Residential or Multiple Family Residential Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two.

Bylaw 2112

20.0 APARTMENT COMMERCIAL ZONE - C-5

20.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Apartment Commercial C-5 Zone:

- (a) Apartments, located above the first storey of a building;
- (b) Home Occupation Category One, in apartments;
- (c) Personal Services, on the ground floor only;
- (d) Convenience stores, on the ground floor only;
- (e) Retail stores, on the ground floor only;
- (f) Business Office and Support Services, on the ground floor only.

20.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 900 m².

20.03 Minimum Frontage for Subdivision Purposes

The minimum lot frontage shall be 16 m.

20.04 Minimum Lot Width for Subdivision Purposes

The minimum average lot width shall be 16 m.

20.05 Density of Dwelling units

One Apartment unit per 200 m² of lot area is permitted.

20.06 Height

Maximum height shall be 12 m.

20.07 Lot Coverage

Maximum lot coverage shall be 30 percent.

20.08 Floor Area Ratio

Floor area ratio shall not exceed 1.0.

20.09 Yard Requirements

- (a) Front yards shall be not less than 7.5 m, and the sole uses permitted in these yards shall be onsite walks, driveways, retaining walls, and fences;
- (b) Where a lot is not serviced by a rear access highway, a side yard of not less than 4.5 m shall be provided on at least one side of the lot; where a lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone a side yard shall be provided of not less than 6 m;
- (c) Flanking yards shall be a minimum of 7.5 m provided, however, that if the area between the building and the side lot line exclusive of access driveways is landscaped, the required side yard shall be not less than 6 m CTS;
- (d) Rear yards shall be a minimum of 3 m, except where such lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone, such yard shall be a minimum of 6 m.

20.10 Apartment Uses and Structures

- (a) Parking for apartment units shall be physically separate from that provided for other uses;
- (b) The storeys on which any apartment is located shall be used exclusively for residential purposes;
- (c) Amenity space in the amount of 7.5 m² per apartment unit shall be provided for the residents;
- (d) Except for entrances and passageways to apartments, the ground floor of the building shall be used only for commercial purposes;
- (e) A completely separate public entrance to the apartment storeys shall be provided at ground floor front or side elevation;
- (f) No advertising sign shall be located on or above a storey used for apartments.

20.11 Special Regulations

Where a permitted commercial use or structure in the Zone is proposed adjacent to a Residential, Rural Residential, or Multiple Family Residential use or Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two.

21.0 MARINE COMMERCIAL ZONE - CM-1

21.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Marine Commercial CM-1 Zone:

- (a) Marine Commercial Uses;
- (b) Non-Accessory Parking;
- (c) Personal service shops and uses, oriented toward serving the commercial fleet;
- (d) One dwelling unit attached to or above a permitted use;
- (e) Campgrounds.

Bylaw 2405

21.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 900 m².

21.03 Minimum Frontage for Subdivision Purposes

Minimum lot frontage shall be 16 m.

21.04 Minimum Lot Width for Subdivision Purposes

Minimum average lot width shall be 16 m.

21.05 Dwelling Units Permitted

One dwelling unit per lot is permitted.

21.06 Height

Maximum height shall be 12 m.

21.07 Lot Coverage

Maximum lot coverage shall be 30 percent.

21.08 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m, and the sole uses permitted in this yard are onsite walks, driveways, fences and retaining walls;
- (b) (i) Side yards shall be a minimum of 6 m if the adjacent lot is in a Residential, Rural Residential, or Multiple Family Residential Zone;
- (ii) Side yards may be zero if the adjacent lot is in an Industrial or Commercial Zone;
- (iii) Side yards shall be a minimum of 3 m if the adjacent lot is in any other Zone than those listed in (i) and (ii) above;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 6 m.

21.09 Density of Development

A maximum of 10 camping spaces per hectare is permitted.

Bylaw 2405

21.10 Size and Siting of Camping Spaces

- (a) Individual camping spaces shall be a minimum of 110 m²;
- (b) Campgrounds shall be sited:
 - (i) ... having regard to the topography of the land;
 - (ii) ... in clusters or groups such that the on-site roadways are minimized and natural vegetative cover is retained;
 - (iii) .. to be separated from each other and from buildings by a minimum of 5 m.

Bylaw 2405

21.11 Special Regulations

Structural additions shall not be permitted in a campground space.

Bylaw 2405

22.0 LOW INTENSITY COMMERCIAL RECREATION (CABIN) ZONE - CR-1

22.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Low Intensity Commercial Recreation (Cabin) CR-1 Zone:

- (1) Tourist cabins;
- (2) One Family dwelling.

22.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 2 ha.

22.03 Density of Development

The maximum density of development shall be 8 cabins per hectare.

22.04 Number of Dwelling Units

One one-family dwelling is permitted per lot.

22.05 Height

Maximum height shall be 4 m for cabins and 7.5 m for one-family dwellings.

22.06 Lot Coverage

Maximum lot coverage shall be 10 percent.

22.07 Yard Requirements

- (a) Front yards shall be a minimum of 15 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 6 m.

22.08 Siting of Cabins

- Cabins shall be sited:
- (a) Having regard to the topography of the lot;
 - (b) In clusters or groups such that the on-site roadways are minimized and natural vegetative cover is retained;
 - (c) To provide a separation space between any structure of 3 m.

23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2

23.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp Grounds;
- (b) Tourist Cabins;
- (c) Dormitories;
- (d) Restaurant;
- (e) Private Clubs;
- (f) Amusement Facilities, Indoor;
- (g) Amusement Facilities, Outdoor;
- (h) One dwelling unit.

23.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 2 ha.

23.03 Number of Residential Units

One Dwelling unit per lot is permitted.

23.04 Height

Maximum height shall be 7.5 m for the dwelling unit and 4 m for all other principal buildings, structures and uses.

23.05 Lot Coverage

Maximum lot coverage shall be 20 percent.

23.06 Density of Development

- (a) A maximum of 20 camping spaces per hectare are permitted; or
- (b) A maximum of 12 tourist cabins per hectare are permitted; or
- (c) A maximum of 48 guests per hectare in dormitory accommodation are permitted; or
- (d) When the above accommodation types are mixed, densities equivalent to (a) to (c) above will be permitted based on the proportion of lot area devoted to each type.

23.07 Size of Camping Spaces

Individual camping spaces shall be a minimum of 110 m².

23.08 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 3 m, except where the lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 6 m.

23.09 Separation Space

- (a) Tourist cabins and dormitories shall be separated from other structures and from camping spaces by a minimum of 3 m;
- (b) Camping spaces shall be separated from each other and from structures by a minimum of 9 m.

24.0 INTENSIVE COMMERCIAL RECREATION ZONE - CR-3

24.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Intensive Commercial Recreation CR-3 Zone:

- (a) Camp Grounds;
- (b) Convenience Store;
- (c) Motel;
- (d) Gas Bar;
- (e) Hotel;
- (f) Marina;
- (g) Restaurant;
- (h) Private Clubs;
- (i) Amusement Facilities, Indoor;
- (j) Amusement Facilities, Outdoor;
- (k) Assembly Uses;
- (l) One dwelling unit;
- (m) Tourist cabins;
- (n) Dormitories;
- (o) Premises licensed under the provisions of the Liquor Control and Licensing Act when in conjunction with a hotel, motel or marina. *Bylaw 2112*

24.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 2 ha.

24.03 Number of Dwelling Units

One dwelling unit shall be permitted per lot.

24.04 Density of Development

- (a) A maximum of 30 camping spaces per ha is permitted;
- (b) A maximum of 16 tourist cabins per ha is permitted;
- (c) A maximum of 64 guests per ha in dormitory accommodation is permitted;
- (d) A maximum of 30 units per ha is permitted for motels and/or hotels; or
- (e) When the above accommodation types are mixed, densities equivalent to (a) to (d) above will be permitted based on the proportion of lot area devoted to each type.

24.05 Size of Camping Spaces

Individual camping spaces shall be a minimum of 110 m².

24.06 Height

Maximum height shall be 12 m.

24.07 Lot Coverage

Maximum lot coverage shall be 30 percent.

24.08 Required Yards

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 3 m, except that where a lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone a side yard shall be provided of not less than 6 m;
- (c) Flanking yards shall be a minimum of 6 m;
- (d) Rear yards shall be a minimum of 3 m, except that where a lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone a rear yard shall be provided of not less than 6 m.

24.09 Separation Space

- (a) Tourist Cabins and Dormitories shall be separated from each other and from other buildings and structures by a minimum of 3 m;
- (b) Camping spaces shall be separated from each other and from buildings by a minimum of 9 m.

25.0 COUNTRY INN ZONE - CR-4**25.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Commercial Recreation Country Inn Zone:

- (a) Country Inns on lots of 2 ha or more;
- (b) One Dwelling Unit which may be attached to or within the Country Inn;
- (c) Agriculture;
- (d) Farm Buildings on Farms;
- (e) Home Occupation Categories One and Three.

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| 25.02 <u>Minimum Lot Size for Subdivision Purposes</u> | Minimum lot size for subdivision purposes shall be 2 ha. |
| 25.03 <u>Number of Dwelling Units</u> | One dwelling unit is permitted per lot. |
| 25.04 <u>Density of Development</u> | A maximum of ten sleeping rooms shall be permitted for temporary accommodation and a maximum of 20 guests may be accommodated. |
| 25.05 <u>Height</u> | Maximum height shall be 9 m. |
| 25.06 <u>Lot Coverage</u> | Maximum lot coverage shall be 20 percent. |
| 25.07 <u>Yard Requirements</u> | <ul style="list-style-type: none"> (a) Front yards shall be a minimum of 7.5 m; (b) Side yards shall be a minimum of 3 m; (c) Flanking yards shall be a minimum of 6 m CTS; (d) Rear yards shall be a minimum of 6 m. |
| 25.08 <u>Accessory Buildings</u> | <ul style="list-style-type: none"> (a) Temporary accommodation shall not be provided in accessory buildings; (b) For the purposes of determining the maximum allowable area of accessory buildings as required by Section 4.01 of Part 1 of this Bylaw, this zone shall be considered a Rural Zone. |
| 25.09 <u>Yard Requirements for Buildings and Structures for livestock or keeping of animals</u> | <ul style="list-style-type: none"> (a) Front yards shall be a minimum of 90 m; (b) Side, flanking and rear yards shall be a minimum of 30 m each. |
| 25.10 <u>Yard Requirements - other farm buildings</u> | <ul style="list-style-type: none"> (a) Front yards shall be a minimum of 30 m; (b) Side, flanking and rear yards shall be a minimum of 15 m. |

25A.0 DESTINATION RESORT AND MEDIA VILLAGE - DRMV

25A.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of this Bylaw, the following uses and no others shall be permitted in the DRMV Zone:

- (a) All uses permitted within Part 2, Section 24.01 Intensive Commercial Recreation Zone - CR-3;
- (b) Rehearsal and production studios for radio, television, sound recording, motion picture, theatre, dance and similar productions;
- (c) Post-production studios for radio, television, sound recording, motion picture and similar productions;
- (d) Uses accessory to radio, television, sound recording, motion picture, theatre or dance productions;
- (e) Short term use cottage;
- (f) Retail stores.

25A.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 2 hectare.

25A.03 Number of Dwelling Units

One one-family dwelling shall be permitted per lot.

25A.04 Number of Units and/or Density of Development

- (a) Within this zone, a maximum of 30 accommodation units per hectare are permitted;
- (b) The calculation of the number of accommodation units permitted in relation to a specific use will be done in accordance with the following:
 - i) Each short term use cottage is equivalent to 3 accommodation units;
 - ii) Each tourist cabin is equivalent to 2 accommodation units;
 - iii) Each hotel unit, motel unit, or camping space is equivalent to one accommodation unit;
 - iv) Two guest beds in dormitory accommodation are equivalent to one accommodation unit.

25A.05 Size Limits for Camping Spaces

Individual camping spaces shall be a minimum of 110 m².

25A.06 Height

- (a) Maximum height of sound stages and workshops shall be 20 m;
- (b) Maximum height of all other buildings and structures shall be 12 m;
- (c) Maximum height of single family dwelling shall be 9 m.

25A.07 Lot Coverage and Density Calculation

- (a) Maximum lot coverage for non-accommodation type uses shall be 20 percent of lot area;
- (b) Non-accommodation type building area(s) and the proportion of lot area devoted to non-accommodation type uses shall not be included in the density calculation for accommodation type uses.

25A.08 Setback Requirement

- (a) Minimum setback for buildings and structures from the top of the slope or bank of the Sooke River shall be 10 m;
- (b) Minimum setback for buildings and structures from the Galloping Goose Trail and the Sooke Potholes Provincial Park shall be 10 m.

25A.09 Separation of Buildings and Land Uses

- (a) Tourist cabins and dormitories shall be separated from each other and from other buildings and structures by a minimum of 3 m;
- (b) Camping spaces shall be separated from each other and from buildings by a minimum of 9 m;
- (c) Dwelling units, short term use cottages, hotels, health spas, private clubs, and assembly uses shall be separated from sound stages, workshops, warehouses, materials yards, offices, and any other buildings associated with film production and management by a minimum of 30 m.

25A.10 Short Term Use Cottage

- (a) No person may occupy a short term use cottage more than six consecutive months in any calendar year;
- (b) A building having a total floor area greater than 125m² may not be used as a short term use cottage.

26.0 LIGHT INDUSTRIAL ZONE - M-1

26.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Light Industrial M-1 Zone:

- (a) Light Industrial uses and structures;
- (b) Warehouse buildings not exceeding 900 m² of floor area;
- (c) Cartage delivery and storage;
- (d) Offices accessory to the principal use within the principal building;
- (e) Marine industrial uses, excepting all those which create objectionable dust, heat, odour, noise, gas, smoke, recurrent generated vibrations, fire hazard, electrical disturbance, particulate matter or radiation; may include retail sales accessory to the principal use;
- (f) One dwelling unit for caretaker.

26.02 Minimum Lot Size for Subdivision Purposes The minimum lot size shall be 900 m².

26.03 Minimum Frontage for Subdivision Purposes The minimum lot frontage shall be 16 m.

26.04 Minimum Lot Width for Subdivision Purposes The minimum average lot width shall be 16 m.

26.05 Panhandle Lots Panhandle lots will not be permitted.

26.06 Number of dwelling Units One dwelling unit is permitted per lot for a caretaker.

26.07 Height Maximum height shall be 10 m.

26.08 Lot Coverage Maximum lot coverage shall be 30 percent.

26.09 Required Yards

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 4.5 m, except:
 - (i) when the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 7.5 m;
 - (ii) when the lot abuts an Industrial Zone, the side yard may be zero;
 - (iii) when the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 7.5 m, except where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

26.10 Storage

- (a) Storage areas shall be screened or enclosed;
- (b) Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

27.08 Required Yards

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 4.5 m, except:
 - (i) when the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 15 m;
 - (ii) when the lot abuts an Industrial Zone, the side yard may be zero;
 - (iii) when the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 7.5 m, except:
 - (i) where a rear lot line abuts a Residential, Rural Residential, or Multiple Family Residential Zone the rear yard shall be a minimum of 15 m;
 - (ii) where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

27.09 Storage

Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

28.0 HEAVY INDUSTRIAL ZONE - M-3

28.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Heavy Industrial M-3 Zone:

- (a) General Industrial uses;
- (b) Gravel processing;
- (c) Unenclosed storage;
- (d) Wrecking yard;
- (e) Dwelling unit attached to or above a permitted use for caretaker.

28.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size is 1500m².

28.03 Number of Dwelling Units

One dwelling unit per lot is permitted.

28.04 Minimum Frontage for Subdivision Purposes

Minimum frontage shall be 16 m.

28.05 Minimum Lot Width for Subdivision Purposes

Minimum average lot width shall be 16 m.

28.06 Height

- (a) Maximum height shall be 14 m for buildings and structures;
- (b) The maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential, Rural Residential or Multiple Family Residential Zone.

28.07 Lot Coverage

Maximum lot coverage shall be 50 percent.

28.08 Required Yards

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m, except:
 - (i) when the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 15 m;
 - (ii) when the lot abuts an Industrial Zone, the side yard may be zero;
 - (iii) when the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m, except that adjacent to an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

28.09 Storage

Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

29.0 MARINE INDUSTRIAL ZONE - M-4**29.01 Permitted uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Marine Industrial M-4 Zone:

- a) Marine Industrial uses;
- b) Gas Bar;
- c) Aquaculture Processing Operations;
- d) Finfish culture, land-based;
- e) Warehousing;
- f) Non-accessory parking;
- g) Dwelling unit attached to or above a permitted use;
- h) Retail and wholesale sale of aquaculture products processed on the premises, as an accessory to aquaculture processing operations;
- i) Marine commercial uses.

29.02 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 900 m².

29.03 Minimum Frontage for Subdivision Purposes

The minimum frontage shall be 16 m.

29.04 Minimum Lot Width for Subdivision Purposes

The minimum average lot width shall be 16 m.

29.05 Number of Dwelling Units

One dwelling unit per lot is permitted.

29.06 Height

- (a) Maximum height shall be 10 m for principal buildings and structures;
- (b) Maximum height shall be 4.5 m for accessory buildings;
- (c) Maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.

29.07 Lot Coverage

Maximum lot coverage shall be 60 percent.

29.08 Required Yards

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a provided as follows:
 - (i) when the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 7.5 m;
 - (ii) when the lot abuts an Industrial Zone, the side yard may be zero;
 - (iii) when the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 4.5 m, except:
 - (i) where a rear lot line abuts a Residential, Rural Residential, or Multiple Family Residential Zone the rear yard shall be 7.5 m;
 - (ii) where a rear lot line abuts a Rural or Institutional Zone, the rear yard may be reduced to 6 m.

29.09 Siting

Permitted and accessory uses and structures, including parking, warehousing and fish processing, which are not dependent by their nature on locations immediately adjacent to the water, will be sited away from the shoreline, above the setbacks required in Part 5 of this Bylaw.

29.10 Storage

Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

30.0 PUBLIC RECREATION ZONE - P-1

30.01 Permitted Uses

In addition to the used permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Public Recreation P-1 Zone:

- (a) Public parks;
- (b) Playgrounds;
- (c) Civic uses accessory to public parks;
- (d) Publicly-owned assembly uses accessory to parks;
- (e) Golf Courses;
- (f) Private Clubs;
- (g) Camp Grounds;
- (h) Dormitories as part of an institutional camp.
- (i) Amusement Facility, Outdoor

30.02 Minimum Lot Size for Subdivision Purposes Minimum lot size shall be 4 ha, except public parks and playgrounds, for which there is no minimum size.

30.03 Minimum Frontage for Subdivision Purposes Minimum frontage shall be 16 m.

30.04 Minimum Lot Width for Subdivision Purposes Minimum average lot width shall be 16 m.

30.05 Density of Development

- (a) Accommodation for no more than 16 guests per hectare in dormitories;
- (b) No more than 16 camping spaces per hectare; or
- (c) When the above accommodation types are mixed, densities equivalent to (a) and (b) above will be permitted based on the proportion of lot area devoted to each type.

30.06 Height Maximum height shall be 12 m.

30.07 Size of Camping Spaces A camping space shall be a minimum of 110 m².

30.08 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

30.09 Separation Space Separation space between dormitories shall be a minimum of 3 m; separation between camping spaces, or between camping spaces and structures, shall be not less than 6 m.

31.0 COMMUNITY FACILITY ZONE - P-2

31.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Community Facility P-2 Zone:

- (a) Churches;
- (b) Civic Uses;
- (c) Assembly Uses;
- (d) Community Care Facility;
- (e) Theatres, except commercial movie theatres;
- (f) Cemeteries;
- (g) One dwelling unit as accessory use to a church use;
- (h) Country Market as accessory use to permitted civic uses.

Bylaw 2378

31.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 900 m².

31.03 Minimum Frontage for Subdivision Purposes

Minimum lot frontage shall be 16 m.

31.04 Minimum Lot Width for Subdivision Purposes

Minimum average lot width shall be 16 m.

31.05 Lot Coverage

Maximum lot coverage shall be 40 percent.

31.06 Height

Maximum height shall be 12 m.

31.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

31.08 Special Regulations

- (a) A one-family dwelling unit shall be subject to the regulations of the Village Residential 1 Zone - R-1;
- (b) A dwelling unit may be attached to a church.

Bylaw 2233

32.0 PUBLIC UTILITY ZONE - P3

32.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Public Utility P-3 Zone:

- (a) Public Utility Uses and Buildings;
- (b) Public Storage and Works Yards;
- (c) Public Log Dump;
- (d) Solid Waste Management Site excluding Landfill.

32.02 Minimum Lot Size for Subdivision Purposes Minimum lot size shall be 900 m².

32.03 Minimum Frontage for Subdivision Purposes Minimum frontage shall be 16 m.

32.04 Minimum Lot Width for Subdivision Purposes Minimum lot width shall be 16 m.

32.05 Height Maximum height shall be 12 m.

32.06 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

32.07 Required Yards

- (a) Front yards shall be a minimum of 7.5m;
- (b) Side yards shall be a minimum of 6 m, except:
 - (i) when the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 15 m;
 - (ii) when the lot abuts an Industrial Zone, the side yard may be zero;
 - (iii) when the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m, except that adjacent to an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

32.09 Storage Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

33.0 COMPREHENSIVE DEVELOPMENT 1 ZONE - CD-1

The purpose of the CD-1 Zone is to allow the construction of:

- (a) destination resort complex with hotel or lodge buildings containing 85 suites, 15 short term use cottages, a restaurant and accessory facilities;
- (b) a total of 127 one family dwellings;
- (c) a nine-hole golf course with accessory facilities;
- (d) a 115 berth private marina with accessory facilities; and
- (e) private utility.

33.01 Permitted Uses

In addition to the uses permitted in section 4.15 of this Bylaw, no uses other than the following are permitted in the CD-1 Zone:

- (a) In the area marked "A" ("Area A") as shown shaded on the map attached as Schedule 2 to this bylaw, a destination resort complex consisting of:
 - (i) hotel or lodge;
 - (ii) short term use cottage;
 - (iii) meeting room;
 - (iv) one family dwelling;
 - (v) restaurant;
 - (vi) licensed establishment;
 - (vii) health spa;
 - (viii) gift shop;
 - (ix) boat moorage and rentals and docks accessory to the hotel or lodge use;
 - (x) accessory uses to the above permitted uses; and
 - (xi) private utility.
- (b) In the area marked "B" ("Area B") shown shaded on the map attached as Schedule 3 to this bylaw:
 - (i) one family dwelling;
 - (ii) home occupation category one;
 - (iii) one project management suite;
 - (iv) nine-hole golf course;
 - (v) linear trail or pathway system and park;
 - (vi) accessory uses to one family dwelling use;
 - (vii) private utility; and
 - (viii) storage yard, screened.
- (c) In the area marked "C" ("Area C") as shown shaded on the map attached as Schedule 2 to this bylaw:
 - (i) marina (private);
 - (ii) parking lots accessory to the golf course use permitted within Area "B" and accessory to the marina use permitted in this area;
 - (iii) linear trail or pathway system and park;
 - (iv) uses accessory to the marina use including office, tackle shop, coffee bar, change room and washroom facilities and caretaker suite;
 - (v) club house use accessory to the golf course use permitted in Area "B" including a pro shop, coffee shop, licensed establishment, golf cart and pull cart storage, washrooms, locker room and child care facilities, storage of golf course maintenance products and equipment and accessory uses; and
 - (vi) private utility.

- (d) Special Use Regulations:
 - (i) a short term use cottage must not be occupied by a person for more than six (6) months in any calendar year;
 - (ii) 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 Schedule 4.

33.02 Lot Size, Frontage, Width and Service Provisions for Subdivision Purposes

- (a) The minimum size of a lot that may be created by subdivision within this zone is as follows:
 - (i) 1,000 m² within Area "A" – for a one-family dwelling use. There is no minimum lot size for a use other than a one-family dwelling use.
 - (ii) 1,000 m² within Area "B"; and
 - (iii) 1 hectare within Area "C".
- (b) The minimum lot frontage for the purpose of subdivision in Area "B" is 6 metres;
- (c) The minimum lot width for the purpose of subdivision in Area "B" is 20 metres; and
- (d) The owner of land being subdivided must:
 - (i) 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
 - (ii) the water distribution system established under paragraph (a) shall be connected to a community water system operated by the Capital Regional District.
- (e) The requirements of paragraph (4) do not apply to the subdivision of the Silver Spray Lands until the creation by subdivision of the 21st residential lot. For certainty, this paragraph is not to be interpreted as impairing the authority of any statutory officer in public authority referred to in Part 6 of this Bylaw.

33.03 Density and Dimensions

- (a) The maximum densities of uses permitted in the CD-1 Zone are as follows:
 - (i) Hotel/Lodge - the hotel/lodge located within Area "A" must not contain more than 85 units;
 - (ii) Short Term Cottages - no more than 15 short term cottages each having a maximum floor area of 125 m²;
 - (iii) One Family Dwelling Units -
 - (A) within Area "A" the maximum number of one family dwellings is 2;
 - (B) within Area "B" the maximum number of one family dwellings is 125.
 - (iv) Marina - the marina located within Area "C" must not include berths for more than 115 boats.
- (b) The maximum size of buildings permitted in the CD-1 Zone 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 m² in Area "C".
- (c) 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 short term use cottage that may be created pursuant to the Strata Property Act.

33.04 Height of Buildings

- (a) Subject to subparagraph (2), one family dwellings in the CD-1 zone shall not exceed 9 metres in height;
- (b) One family dwellings constructed to the west of East Sooke Road and to the south of the driveway to the Marina situated facing Sooke Village as shown shaded on the Map attached as Schedule 4 shall not exceed 7 metres in height;
- (c) Commercial buildings in Area "A" of the CD-1 zone shall not exceed 18 metres in height;
- (d) Commercial buildings in Area "C" of the CD-1 Zone shall not exceed 9 metres in height.

33.05 Setbacks

- (a) The minimum setbacks for buildings are:
 - (i) 15 metres from the natural boundary of the sea;
 - (ii) 30 metres from the boundary of any parcel located in the Agricultural Land Reserve or lesser distance with the concurrence of the Land Commission;
 - (iii) subject to subparagraph (5), 10 metres from the boundaries of the East Sooke Regional Park; and
 - (iv) 3 metres from each other for principal buildings and 1 metre from another building for accessory buildings and structures.
- (b) The setbacks set out in subparagraphs (1) (a) to (c) also apply to structures other than buildings;
- (c) The minimum setback of a septic tank from a watercourse is 15 metres;
- (d) The minimum setback of an absorption field is 30 metres from a stream;
- (e) Subject to subparagraphs (3) and (4) a private utility may be sited on any portion of a lot.

33.06 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 metres in width.

33.07 Special Restrictions - Area "C"

- (a) All accessory uses to the Marina (Private) use in Area "C" shall be located within a single building;
- (b) Area "C" must not be used for outdoor work on boats or equipment other than minor incidental repairs;

33.08 Landscaping and Screening

(a) Golf Course

- (i) The golf course use must be screened from adjacent residential uses outside the CD-1 Zone by a continuous planting of vegetation having a minimum width of 6 metres; and
- (ii) the landscape buffer required under subparagraph (a) must include retention and maintenance of native trees and natural understorey vegetation.

(b) Storage Areas

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 metres.

- (3) All required landscape screens must be maintained by adequate irrigation and replacement of dead or seriously distressed plants or trees.

33.09 Parking and Loading Spaces

For the purpose of providing parking under Part 3 of this Bylaw, a lodge shall be considered to be a motel.

Bylaw 2951

PART 3 - PARKING AND LOADING REQUIREMENTS

- 1.0 An owner or occupier of land, a building or a structure shall at all times provide and maintain off-street parking and loading spaces for vehicles required by this Bylaw, Part 3, according to the class or classes of use to which the land, building or structure is put.
- 2.0 If a use is not listed in Section 5.0 of Part 3 of this Bylaw, the number of spaces required shall be calculated on the basis of the most similar use listed.
- 3.0 (1) Unless otherwise provided in Section 5.0 of Part 3 of this Bylaw, if a development contains more than one use or involves collective parking for more than one building or use, the total number of spaces shall be the sum of the various classes of uses calculated separately and any space required for one use shall not be included in the calculations for any other use.
- (2) Notwithstanding 3.0(1) above, if a development contains two uses for which, it can be demonstrated, the times of operation will not coincide, then the parking requirements for the two uses may be combined and the requirement for the use requiring the greater number of spaces shall apply.
- 4.0 Where the calculation of the total required spaces results in a fractional number, rounding off to the larger whole number shall apply.
- 5.0 Off-street parking spaces shall be provided and maintained according to the following classification of uses:

<u>Land Use</u>	<u>Parking Spaces Required</u>
Amusement Facility, Indoor	1 per 4 persons capacity
Amusement Facility, Outdoor	1 per 4 persons capacity
Animal Hospital, Veterinary Clinic, Kennels	1 per 2 employees + 3 per veterinarian
Apartment	1.5 per dwelling unit + 1 per 100 m ² of floor area of building exceeding (60m ² x #units)
Aquaculture Operations Processing	1 per 2 employees counted as a total of 2 shifts but not less than 5 per establishment
Aquaculture Services Upland Support	1 per 2 employees counted as a total of 2 shifts but not less than 5 per establishment
Bed and Breakfast	1 per Bed and Breakfast Unit + 1 per employee
Building Materials Supply	1 per 2 employees plus 1 per 100 m ² of covered sales and storage and feed and seed supply area
Business Office and Support Services:	Unless specifically mentioned elsewhere, as follows:
Single-tenant office	1 per 35 m ² gross floor area
Multi-tenant office	1 per 30 m ² gross floor area
Campground	1 per camping space + 2 spaces

Church	1 per 4 seats
Convenience Store	1 per 15 m ² gross floor area or 4 spaces, whichever is greater
Country Inn	1 per sleeping unit + 1 per employee + 2 spaces per dwelling unit
Cultural Facility (art gallery, museum, etc.)	1 per 40 m ² gross floor area
Dwelling, One-Family	2 per dwelling unit, and a driveway which provides access to a parking space may be considered as the provision of a second parking space that is in tandem and one additional off-road on-site space shall be provided for a secondary suite.
	<i>Bylaw 2674</i>
Dwelling, Two-Family	2 per dwelling unit, and a driveway which provides access to a parking space may be considered as the provision of a second parking space that is in tandem, but the two units in a two family dwelling shall have separate parking spaces.
Equipment Sales/Rentals	(See Retail Uses of the same size)
Funeral Parlour	1 per 4 seats in chapel plus one per employee
Gas Bar	1 per 2 employees
Golf course	75 stalls
Greenhouse & Plant Nurseries	1 per 15 m ² gross floor area of retail sales building
Health Services:	
General	(See Business Office uses)
Doctors & Dentist offices	5 per doctor or dentist
Heavy Equipment Sales/ Rentals	1 per 2 employees + 1 per 100 m ² sales floor
Home Occupation Category 3	1 + 1 per employee
Home Occupation Category 1	1 + 1 per employee
Hospital, public	1 per 2 employees + 1 per 5 beds
Hospital, private	1 per 3 beds
Hotel	1 per dwelling or sleeping unit + 1 per 3 seats Bar, cafe, etc.
Household Equipment Repair	See Retail uses of the same size

Industrial Uses, General	1 per 2 employees counted as a total of 2 shifts but not less than 5 per tenant or establishment
Industrial Uses, Light, and Warehousing	1 per 2 employees counted as a total of 2 shifts but not less than 5 per tenant or establishment
Industrial Uses, Marine	1 per 2 boat spaces + 1 per 2 employees, but not less than 5 per establishment
Licensed Premises	1 parking space per 3 seats <i>Bylaw 2104</i>
Marina	1 per 2 boat spaces + 1 per 2 employees
Motel	1 per dwelling or sleeping unit plus 1 per 3 seats bar, cafe, etc.
Personal Services	(See Retail Stores)
Private Clubs, Lodges	1 per 4 seats or 1 per 3.18 m ² used by the patrons, whichever is greater
Recreation Centre	1 per 10 m ² ice area + 1 per 4 m ² pool surface + 1 per 4 player capacity other sports
Restaurant	1 per 3 seats
Retail Store	0.75 per 10 m ² gross floor area <i>Bylaw 2104</i>
School, Elementary	1 per employee
School, Secondary	1 per employee + 1 per 10 students
Service Station	1 per 2 employees on duty + 2 per service bay
Shopping Centre:	
- Neighbourhood	6.5 per 100 m ² of gross leasable area;
- Community	5.5 per 100 m ² of gross leasable area;
- Major	5.1 per 100 m ² of gross leasable area up to 46,500 m ² gross leasable area, then 4.3 per 100 m ² for the area over 46,500 m ² .
Storage Yards	(See Industrial uses)
Theatre	1 per 4 seats
Theatre, Drive In	1 per 2 employees
Townhouse	1.5 per dwelling unit + 1 per 100 m ² of floor area of the building which exceeds (60 m ² x # units)

Vehicle and Equipment Repair	1 per service bay + 1 per 2 employees
Vehicle Sales/Rentals	1 per 70 m ² sales floor + 1 per 2 employees
Wrecking Yard	(See Industrial Uses, General)

6.0 Location, Development and Maintenance Requirements for Public and Private Parking Areas

- (1) Parking facilities for all uses and structures shall be wholly provided on the same lot as the use or structure to be served;
- (2) No parking area shall be located within the required front yard for the Zone within which the lot is located. Where a parking area is located in a Residential Zone, a minimum side yard of 1.5 m clear to the sky, exclusive of the parking area shall be provided;
- (3) In a Residential Zone, the parking area shall be no closer than 1.5 m from any residential building;
- (4) Any area of a lot used for off-street parking shall be constructed so as to permit unobstructed access to and egress from each space at all times and shall be developed to ensure that adequate provision is made for access by vehicles to off-street parking spaces located in parking areas by means of unobstructed manoeuvring aisles as described in this Bylaw;
- (5) No parking space having direct access from a manoeuvring aisle that also serves as a means of access and egress to a lot in a Commercial Zone shall be located within 5.5 m of the lot line common to the lot and to a street as measured along the centre of the access/egress drive;
- (6) Every off-street parking space provided or required on any lot located in any Residential Zone and the access thereto, shall be hard-surfaced, if the number of parking spaces exceeds two and if the access thereto is from a highway which is hard-surfaced;
- (7) Every off-street parking space provided or required of any lot located in a Commercial or Institutional Zone and the access thereto shall be hard-surfaced if the access thereto is from a highway which is hard-surfaced;
- (8) Every off-street parking space provided or required of a lot located in an Industrial Zone and the access thereto shall be hard-surfaced if such parking space lies in front of the principal building. Any parking area at the rear or the side of the principal building provided or required for off-street parking need not be hard-surfaced, but shall have a surface that will minimize the carrying of dirt or foreign matter from the lot to the highway;
- (9) For the purpose of subsections (6), (7), and (8), the term "hard-surfacing" shall have the meaning assigned to it in Section 15.0(2) of Part 3 of this Bylaw.

7.0 Design and Dimensions of Off-Street Parking Spaces

- (1) The dimensions and design of all off-street parking spaces shall be in accordance with Ministry of Transportation and Highways standards, as interpreted by the District;
- (2) An off-street parking area provided in conjunction with any Residential Use shall conform to the Ministry of Transportation and Highways standards, provided that:
 - (a) up to 35 percent of the total required off-street parking spaces may be designed for small

11.0 Off-street vehicular loading and unloading spaces shall be provided and maintained in accordance with the following requirements and classification of uses:

<u>USE OF BUILDING SITE</u>	<u>TOTAL FLOOR AREA OF BLDG.</u>	<u>SPACES</u>
Retail store, industry or similar use	Less than 454.5 m ²	1 or warehouse
	454.5 m ² to 2273 m ²	2
	Each additional 2273 m ² or fraction thereof	1 +
Office building, place of public assembly, hospital, convalescent home, institution, club or lodge, public utility, school or similar use	Up to 2727 m ²	1
	Each additional 2727 m ² or fraction thereof	1 +

12.0 Access to the loading space shall be so arranged that no backing or turning movements of vehicles going to or from the lot containing the use causes interference with traffic on the adjoining or abutting streets or lanes.

13.0 All loading and unloading spaces shall be located on the lot containing the use in such a way that all materials and commodities loaded or unloaded can be easily collected or distributed within the lot to or from all tenants or occupants.

14.0 Every loading and unloading space shall be of adequate size and with adequate access thereto, to accommodate the types of vehicles which will be loading and unloading, but in no case shall the space be less than 7.5 m in length or than 3 m in width or with less than 4.5 m overhead clearance.

- 15.0 (1) Every off-street loading and unloading space provided or required in any zone and the access thereto shall be hard-surfaced, if the access thereto is from a street or lane which is hard-surfaced;
- (2) For the purposes of this subsection "hard-surfaced" shall mean the provision of a durable, dust-free road surface constructed of concrete, asphalt or similar material, and including provision for adequate drainage;
- (3) Notwithstanding anything contained in this subsection, if the street or lane from which access is available to any required loading or unloading space to a building or a dock is hard-surfaced after the time at which the loading or unloading space is provided or required, such loading or unloading space including the access thereto shall forthwith be hard-surfaced.

PART 4 - SIGNS

1.0 GENERAL PROVISIONS

1.01 PROHIBITION

- (1) No person shall erect, construct, place, use, maintain, display or cause to be constructed, erected, used, maintained, displayed or suffer to remain any sign which does not in all respects conform with the applicable requirements of this Bylaw.
- (2) Any sign of a type not specifically permitted by this Bylaw is prohibited.

1.02 SIGNS NOT PERMITTED

Without restricting the generality of section 1.01(2) of Part 4 of this Bylaw, the following signs are prohibited in all sign areas:

- (a) Abandoned Signs;
- (b) Billboards;
- (c) Moving Signs;
- (d) Roof Signs;
- (e) Flashing Signs.

Bylaw 2104

1.03 SIGNS PERMITTED IN ALL SIGN AREAS

Signs of the following type are permitted in all sign areas:

- (a) "Circulation Sign", provided that:
 - (i) the copy area does not exceed 0.2 m² in area;
 - (ii) it contains no advertising of any kind;
- (b) "Directional Sign", provided that:
 - (i) the copy area does not exceed 0.2 m² in area;
 - (ii) it contains no advertising of any kind;
- (c) "Election Sign", provided that"
 - (i) the copy area does not exceed 3.0 m² in area;
 - (ii) it is limited to one sign per candidate or cause per highway frontage;
 - (ii) it is temporary in nature;
- (d) "Fence Sign", provided that the copy area does not exceed 0.2 m² in area;
- (e) "Real Estate Sign", provided that:
 - (i) the copy area does not exceed 0.6 m² in area;
 - (ii) it is not located within 3.0 m from a side lot line;
- (f) "Trespass Sign", provided that the copy area does not exceed 0.2 m² in area;
- (g) "Home Identification Signs" as defined by this bylaw;

(h) "Information Signs" provided that:

- (i) the information provided thereon is of a public service nature;
- (ii) the copy area of the signs does not exceed 0.1 m²

Bylaw 2104

(i) Open House Sign (Real Estate), provided that:

- (i) the copy area does not exceed 0.4m²;
- (ii) the sign may be displayed daily from 9:00 a.m. to 5:00 p.m. and shall be removed after each day of business;
- (iii) the maximum number of signs allowed be limited to three per open house.

Bylaw 2335

1.04 ELECTRONIC MESSAGE CENTRE SIGN

For the purpose of this bylaw, an electronic message centre sign will be permitted provided that:

- (a) it is not used as a separate independent sign but is physically integrated into the copy area of a sign permitted in this bylaw;
- (b) it does not exceed 50 percent of the copy area of a sign permitted in this bylaw;
- (c) the message loop does not exceed 6 seconds in duration;
- (d) the message loop does not operate in a moving horizontal (left to right or right to left message) or a moving vertical manner (up or down message);
- (e) it is located only in Sign Area C and on a lot where there are at least 3 tenants or businesses sharing an integrated unit;
- (f) for the purpose of this bylaw a time and temperature digital sign is not considered an electronic message centre sign provided that the copy area does not exceed 1.0 m² in area.

1.05 PERMITS

- (1) No person shall commence or cause to be commenced the erection, construction, relocation or alteration of a sign unless he has applied for and obtained a permit from the Municipal Services Department, who, after ascertaining that such work and sign intended to be erected, constructed, relocated or altered, conforms in all respects with the provisions of this Bylaw, shall issue the permit on payment of the fee prescribed in Schedule B of this Bylaw.
- (2) Notwithstanding 1.05(1), no permit is required for the erection, construction, relocation or alteration of a sign which is within one of the following types of signs:
 - (a) Circulation Sign
 - (b) Directional Sign
 - (c) Election Sign
 - (d) Fence Sign
 - (e) Home Identification Sign
 - (f) Real Estate Sign
 - (g) Trespass Sign
 - (h) Window Sign
 - (i) Information Sign (i.e. No Parking, Garage Sale, Bazaars, etc. being under .2 m²)

1.06 STRUCTURAL STANDARDS

Notwithstanding any provision of this Bylaw, Part 4, the Municipal Services Department may require as a condition of the issuance of a permit, that all drawings and specifications be prepared and signed by, and the construction carried out under the supervision of an architect or professional engineer.

1.07 PERMIT APPLICATION

Every applicant for a sign permit shall submit to the Municipal Services Department, an application in writing accompanied by plans showing:

- (a) the dimensions of the sign
- (b) the size of the copy area of the sign
- (c) the overall height of the sign and the amount of clearance beneath it, both measured from finished grade;
- (d) the proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated;
- (e) the proposed location of the sign in relation to the face of the buildings upon or in front of which it is to be affixed and in relation to exits or entrances.

1.08 APPROVAL

The Municipal Services Department shall consider the application and if it is in order and conforms to all applicable provisions of this Bylaw, and where the applicant for a permit or permits has paid the fees prescribed, the permit or permits, for which the application has been made, shall be issued.

1.09 MAINTENANCE

The appearance of all signs, including all metal parts and supports, shall be maintained in a clean and neatly painted condition.

1.10 VISIBILITY

Notwithstanding anything in this Bylaw, no sign shall be constructed or placed in a position which is likely to block, obstruct, or interfere with a motorist's view of other traffic, pedestrians, or traffic control devices and no illuminated sign shall be of such intensity and/or location that it interferes with a drivers vision after dark. *Bylaw 2104*

1.11 INSPECTION AND ENFORCEMENT

The staff of the Municipal Services Department may enter on any property at all reasonable times to ascertain whether the regulations contained herein are being observed. Quality control of the workmanship and general appearance of the sign is to be approved by the Municipal Services Department, and any dispute arising between the Applicant and the Municipal Services Department can be appealed to an adjudicating body, such as the Advisory Planning Commission for recommendation to the Regional Board.

1.12 SIGN AREAS

(1) For the purpose of this bylaw, the Electoral Area of Sooke is divided into the following Sign Areas A, B, and C each area being classified in accordance with the sign usage permitted and assigned to it. Sign Areas A, B, and C are composed of lands located in the Electoral Area of Sooke and which have been divided into land use zone as established by Part 2 of this Bylaw:

(a) "Sign Area A" consists of all those lands within the following land use zones established by Part 2 of this Bylaw:

RURAL WATERSHED	RURAL RESIDENTIAL 4
FORESTRY	RURAL RESIDENTIAL 5
AGRICULTURE	RURAL RESIDENTIAL 6
RURAL	VILLAGE RESIDENTIAL 1
RURAL RESIDENTIAL 1	VILLAGE RESIDENTIAL 2
RURAL RESIDENTIAL 2	VILLAGE RESIDENTIAL 3
RURAL RESIDENTIAL 3	

(b) "Sign Area B" consists of all those lands within the following land use zones established by Part 2 of this Bylaw:

APARTMENT
MOBILE HOME PARK
TOWNHOUSE

(c) "Sign Area C" consists of all those lands within the following land use zones established by Part 2 of this Bylaw:

LIGHT INDUSTRIAL
GENERAL INDUSTRIAL
HEAVY INDUSTRIAL
MARINE INDUSTRIAL
NEIGHBOURHOOD COMMERCIAL
VILLAGE COMMERCIAL
SERVICE COMMERCIAL
NEIGHBOURHOOD PUBLIC HOUSE
APARTMENT COMMERCIAL
MARINE COMMERCIAL
LOW INTENSITY COMMERCIAL RECREATION (CABIN) 1
RURAL COMMERCIAL RECREATION (CAMPGROUND) 2
INTENSIVE COMMERCIAL RECREATION 3
COUNTRY INN 4
PUBLIC RECREATION
COMMUNITY FACILITY
PUBLIC UTILITY

Bylaw 2104

2.0 SIGN AREA A

2.01 PERMITTED USES

In addition to the signs permitted by Section 1.03 of Part 4 of this Bylaw, the following signs and no other shall be permitted in Sign Area A:

- (a) One Home Occupation Sign
- (b) One temporary sign

2.02 NUMBER OF SIGNS

- (1) One Home Occupation Sign per lot, identifying a business carried on the same lot.
- (2) One temporary sign for each highway on which the lot fronts.

2.03 HOME OCCUPATION

- (1) No part of the sign shall exceed a height of 2.0 m above the finished grade. *Bylaw 2104*
- (2) No copy area shall exceed 0.4 m² if one sided or 0.4 m² per side for a two sided sign.

2.04 TEMPORARY SIGN

- (1) The copy area shall not exceed 2.0 m² if one sided or 2.0 m² per side for a two sided sign.
- (2) The display of a temporary sign shall be limited to a six month period at the expiration of which the permittee shall remove the sign.

2.05 GENERAL REGULATIONS

- (1) Unless otherwise permitted, signs shall be located in the front yard portion of a lot.
- (2) No sign which requires a permit shall be placed or erected on a lot within 3.0 m from any lot line abutting a highway.
- (3) No sign which requires a permit shall be located within 3.0 m of a side lot line.
- (4) In the case of a lot that is bounded by two or more highways, no part of a sign will be nearer to the point of intersection of the boundaries of any of such highways than a distance of 3.0 m.
- (5) No sign shall be located on a building wall facing a side or rear lot line where the adjacent property is located in Sign Area A or B.
- (6) No sign shall be located in a side yard or rear yard of a lot where the adjacent property is located in Sign Area A or B.
- (7) Neon signs are not permitted. *Bylaw 2104*

3.0 SIGN AREA B

3.01 PERMITTED SIGNS

In addition to the signs permitted by Section 1.03 of Part 4 of this Bylaw, the following signs and no others shall be permitted in Sign Area B.

- (a) Free-standing sign
- (b) Facia sign
- (c) Temporary sign.

3.02 NUMBER OF SIGNS

- (1) One free-standing sign or one facia sign per lot identifying a business carried on the same lot.
- (2) One temporary sign for each highway on which the lot fronts.

3.03 FREE-STANDING SIGNS

- (1) No sign shall exceed a maximum height of 3.0 m from finished grade.
- (2) The copy area shall not exceed 1.0 m² if one sided or 1.0 m² per side for a two sided sign.

3.04 FACIA SIGNS

- (1) The copy area shall not exceed 0.6 m² for each metre of horizontal building face with a maximum of 1.0 m² in area.
- (2) No sign shall exceed the width of the wall it is attached to.

3.05 TEMPORARY SIGNS

- (1) The copy area shall not exceed 2.0 m² if one sided or 3.0 m² per side for a two sided sign.
- (2) The display of a temporary sign shall be limited to a six month period at the expiration of which the permittee shall remove the sign.
- (3) No temporary sign shall be lighted.

3.06 GENERAL REGULATIONS

- (1) Unless otherwise permitted, signs shall be located in the front yard portion of a lot.
- (2) No sign shall project into or over a highway right-of-way.
- (3) No sign which requires a permit shall be located within 3.0 m of a side lot line.

- (4) In the case of a lot or lot that is bounded by two or more highways, no part of a sign will be nearer to the point of intersection of the boundaries of any such highways than a distance of 3.0 m.
- (5) No sign shall be located on a building wall facing a side or rear lot line where the adjacent property is located in Sign Area A or B.
- (6) No sign shall be located in a side yard or rear yard of a lot where the adjacent property is located in Sign Area A or B.

4.0 SIGN AREA C

4.01 PERMITTED SIGNS

In addition to the signs permitted by Section 1.03 of Part 4 of this Bylaw, the following signs and no others shall be permitted in Sign Area C.

- (a) Free-standing sign
- (b) Projecting sign
- (c) Facia sign
- (d) Canopy sign
- (e) Wall sign
- (f) Marquee sign
- (g) Temporary sign
- (h) Portable sign
- (i) Time and temperature digital sign
- (j) Window sign

4.02 NUMBER OF SIGNS

- (1) One free-standing sign or one projecting sign per lot, identifying a business or businesses carried on the same lot.
- (2) One facia sign or canopy sign per building face.
- (3) One wall sign per building on a lot.
- (4) One marquee sign per customer entrance to the premises in which the business is carried on.
- (5) One temporary sign for each highway on which the lot fronts.
- (6) One portable sign per lot.

4.03 FREE-STANDING SIGNS

- (1) On any lot where there are two or less businesses or services located, the following shall apply:
 - (i) No part of a sign shall exceed a height of 6.0 m above finished grade.
 - (ii) No copy area shall exceed 5.0 m² for a one sided sign and 5.0 m² per side for a two sided sign.

- (2) On any lot where there are three or more businesses or services located, the following shall apply:

- (i) Maximum Copy Area:

<u>Total Floor Area of the Building or Buildings Per Lot</u>	<u>Maximum Copy Area</u>
0 - 3,000 m ²	5.0 m ²
3,001 - 7,000 m ²	10.0 m ²
7,001 - 17,000 m ²	15.0 m ²
+ 17,000 m ²	20.0 m ²

- (ii) Maximum Height:

<u>Total Floor Area of the Building or Buildings Per Lot</u>	<u>Maximum Height</u>
0 - 3,000 m ²	6.0 m
3,001 - 7,000 m ²	7.5 m
7,001 - 17,000 m ²	9.0 m
+ 17,000 m ²	10.0 m

4.04 PROJECTING SIGNS

- (1) The copy area shall not exceed 3.0 m² for a one sided sign and 3.0 m² per side for a two sided sign.
- (2) No projecting sign shall be erected or maintained from the front or face of a building for a horizontal distance parallel to the ground of more than 1.0 m.
- (3) No part of the projecting sign shall be less than 2.5 m vertically distant above the ground above which it is located.

4.05 FACIA SIGNS

- (1) The copy area shall not exceed 0.6 m² for each metre of horizontal building face.
- (2) No sign shall exceed the width of the wall to which it is attached.

4.06 CANOPY SIGNS

- (1) The copy area shall not exceed 0.6 m² for each metre of horizontal canopy face.
- (2) If overhanging a sidewalk or entrance to a building the canopy shall have a minimum clearance of 2.5 m from the finished grade.

4.07 WALL SIGNS

The copy area shall not exceed twenty-five percent of the total exposed area of the wall, including openings, upon which the sign is painted.

4.08 MARQUEE SIGNS

- (1) The copy area shall not exceed 1.0 m² if one sided and 1.0 m² per side for a two sided sign.
- (2) No part of the sign shall be less than 2.5 m above the finished grade.

4.09 TEMPORARY SIGNS

- (1) The copy area shall not exceed 3.0 m².
- (2) The display of such a sign shall be limited to a six month period at the expiration of which the permittee shall remove the sign.

4.10 PORTABLE SIGNS

- (1) The copy area shall not exceed 3.0 m² if one sided or 3.0 m² per side if two sided.
- (2) The duration of the display of a portable sign shall be specified in a sign permit, with the display of such sign not exceeding a period of six months at which time the sign shall be removed.

4.11 TIME AND TEMPERATURE DIGITAL SIGN

The copy area shall not exceed 1.0 m² in area.

4.12 WINDOW SIGN

The copy area shall not exceed fifty percent of the window area of a building.

4.13 GENERAL REGULATIONS

- (1) Unless otherwise permitted, signs shall be located in the front yard portion of a lot.
- (2) No sign shall project into or over a highway right-of-way.
- (3) No sign which requires a permit shall be located within 3.0 m of a side lot line.
- (4) In the case of a lot or lot that is bounded by two or more highways, no part of a sign shall be nearer to the point of the intersection of the boundaries of any such highways than a distance of 3.0 m.
- (5) No sign shall be located in a side yard or rear yard of a lot where the adjacent property is located in Sign Area A or B.

PART 5 - FLOODPLAIN MANAGEMENT

1.0 FLOODPLAIN DESIGNATION

The following land is designated as Floodplain:

- (1) Land lower than the Flood Construction Levels specified in Section 2.0(1) of Part 5 of this Bylaw;
- (2) Land within the Floodplain Setbacks specified in Section 2.0(2) of Part 5 of this Bylaw.

2.0 FLOODPLAIN SPECIFICATIONS

- (1) Flood Construction Levels

The following elevations are specified as Flood Construction levels, except that where more than one Flood Construction Level is applicable, the higher elevation shall be the flood construction level:

- (a) 3.0 meters above the Natural Boundary of Kirby Creek, Muir Creek, Tugwell Creek, DeMamiel Creek, Sooke River, or Jordan River;
- (b) 1.5 meters above the Natural Boundary of the sea, any other watercourse, lake, marsh, or pond;

- (2) Floodplain Setbacks

The following distances are specified as Floodplain Setbacks, except that where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback:

- (a) 30 meters from the natural boundary of Kirby Creek, Muir Creek, Tugwell Creek, DeMamiel Creek, Sooke River, or Jordan River;
- (b) 15 meters from the Natural Boundary of the sea, or any other watercourse;
- (c) 7.5 meters from the Natural Boundary of a lake, marsh, or pond;
- (d) 7.5 meters from any dyke right-of-way, or structure for flood protection or seepage control;
- (e) Where the building site is at the top of a steep bank (30 degrees or more from horizontal) and where the toe of the bank is subject to erosion and is closer than 15 meters from the natural boundary of the sea, 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.

3.0 APPLICATION OF FLOODPLAIN SPECIFICATIONS

- (1) Pursuant to Section 969(5) of the Municipal Act, after a bylaw has specified Flood Construction Levels and Floodplain Setbacks:
 - (a) The underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above that specified level; and

- (b) any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified by the bylaw or the Minister of Environment, Lands and Parks;
- (2) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the Flood Construction Levels specified in Section 2.0(1) of Part 5 of this Bylaw. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, and other debris;
- (3) The Building Inspector, or such person appointed by the Board of the Capital Regional District may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the Flood Construction Levels and Floodplain Setbacks specified in Sections 2.0(1) and 2.0(2) of Part 5 of this Bylaw. The cost of verification shall be assumed by the land owner.

4.0 GENERAL EXEMPTIONS

Pursuant to Section 969(6) of the Municipal Act, the General Exemptions which have been approved by the Minister of Environment, Land and Parks are provided for information purposes on Schedule C of this Bylaw.

5.0 SITE-SPECIFIC EXEMPTIONS

An application by a property owner to the Minister of Environment, Lands and Parks for a site-specific exemption shall be completed upon a form provided by the Regional District, which is attached as Schedule D, and submitted in accordance with the instructions on the application.

PART 6 - SUBDIVISION SERVICING REQUIREMENTS

1.0 APPLICATION FOR SUBDIVISION APPROVAL

1.01 The approval procedure and all other subdivision requirements shall be those as enforced by the Ministry of Transportation and Highways, unless otherwise stated in this Bylaw.

2.0 GENERAL REQUIREMENTS AND STANDARDS

2.01 Services

- (a) All works and services to be constructed and installed to serve any proposed subdivision of any lands shall be constructed and installed according to the provisions and standards prescribed in Sections 3.0 to 9.0 inclusive of Part 6 of this bylaw and as required by the Environmental Health Officer at the expense of the owner of the lands proposed to be subdivided prior to the approval of such subdivision, unless:
 - (i) the owner of the land deposits with the Approving Officer, Ministry of Transportation and Highways, security in the form of a letter of credit in the amount of 120% of the estimated cost of all works and services required pursuant to this bylaw; and
 - (ii) the owner of the land enters into an agreement with the Ministry of Transportation and Highways to construct and install the prescribed works and services by a specified date or forfeit the amount secured by the performance guarantee to the Ministry of Transportation and Highways.
- (b) In cases where community water systems are involved, the applicant shall install services of a capacity and design, prescribed in this bylaw, to serve adequately all lots that could be created under the maximum sub-division allowed for the remainder of the lot being subdivided.

3.0 HIGHWAYS

3.01 The minimum width of any highway in any proposed subdivision shall be 20 m except:

- (a) where the Approving Officer deems a lesser minimum width better suited to use or to local conditions: or
- (b) where a highway is a frontage road it shall have a minimum width of 15 m, (unless the Approving Officer deems a lesser minimum width better suited to use or to local conditions); or
- (c) where a highway is a lane, when it shall have a minimum width of 10 m; or
- (d) where the highway is a partial width highway.

3.02 Lanes shall be provided where terrain and natural features render vehicular access practicable and where:

- (a) they form an extension of any existing system of lanes; or
- (b) the Approving Officer deems it necessary to provide secondary access in order that reasonable traffic flow can be assured on the main highway.

3.03 Where practicable any lots created by subdivision which have frontage on a highway designated as a controlled access highway pursuant to the Highway Act, must be provided with access to another highway.

- 3.04 Subject to the Highway Act and to the Land Title Act, where any subdivision contains lots less than 90 m in width, intersecting highways shall be dedicated at intervals not greater than 400 m and on the same side of the existing lateral highway and beginning at any existing lateral highway, except:
- (a) where difficult terrain or other natural features render vehicle access impracticable; or
 - (b) where the pattern of existing subdivision makes the provision of such access unnecessary.
- 3.05 Where a subdivision has frontage on a Major Road, intersecting roads shall not be permitted at intervals less than 200 m and on the same side of said Major Road and beginning at any existing lateral road, except:
- (a) where difficult terrain or other natural features render compliance impracticable; or
 - (b) where the frontage of the lot being subdivided is less than 200 m,
- not more than one intersecting access road will be permitted.
- 3.06 (a) In Residential R-2, Residential R-3, Rural Residential 1 RR-1, Rural Residential RR-2, Rural Residential RR-3, Rural Residential RR-5, and Rural Residential RR-6 Zones, where a proposed subdivision has frontage on a Major Road, all lots less than 2 ha in size created by subdivision may be required to have frontage on a highway dedicated by the same Plan of Subdivision;
- (b) The Approving Officer may waive strict compliance with Section 3.06(a) above where difficult terrain, other natural features, or established legal boundaries make strict compliance impracticable.
- 3.07 In any proposed subdivision, a highway which is a cul-de-sac shall:
- (a) have a terminal area for a turn-around, the size of which shall be determined by the Approving Officer having regard to the local snow, terrain and soil conditions, provided that any such area shall be large enough to contain a circle with a radius of 15 m; and
 - (b) have a maximum length of 150 m; dead end roads over 150 m in length shall be provided with a secondary access road for emergency vehicles.
- 3.08 The number of highway intersections within a subdivision shall be kept to a minimum, and, where practicable:
- (a) Y-shaped intersections shall be avoided;
 - (b) T-shaped intersections shall be used when the intersecting highway is to carry a small amount of local traffic;
 - (c) intersections with more than four legs shall be avoided;
 - (d) intersections shall not be located in or near sharp curves or near the crest of any rise or hill.
- 3.09 Unless extremely difficult terrain or the pattern of existing subdivision precludes it, a minimum of 15 m of an intersecting leg shall be as close to right angles as practicable with the intersected highway. This distance shall be measured at the boundary of the intersecting leg on the side of the contained angle.

- 3.10 Walkways shall be dedicated where they are needed to provide pedestrian access to schools, playgrounds, shopping centres, transportation, beaches and other community facilities, or for proper circulation of pedestrian traffic.
- 3.11 In considering the sufficiency of highway allowances shown on a subdivision plan, the Approving Officer shall consider local climatic conditions, the topography of the lands proposed to be subdivided and of adjoining lands, and the possible need for on-street parking.
- 3.12 Parameters for various design speeds shall be according to the Ministry of Transportation and Highways highway engineering branch design manual.

3.13 Minimum roadway and right-of-way widths shall be provided as follows:

<u>Classification</u>	<u>Sub-class</u>	<u>Right-of-way Width*</u>	<u>Roadway Width</u>	<u>Pavement Width</u>
Collector	Network	20m	11m	9m
Local	Local through roads	20m	10m	9m
	No through roads**	20m	8.5m	7.5 m
	Strata	works + 1 m	8.5m	7.5 m

* Right-of-way width shall be as indicated plus 3 m beyond cuts and fills as required

** Dead end roads over 150 m in length shall be provided with a secondary access route for emergency vehicles

- 3.14 Highways within the subdivision shall be adequately drained in accordance with the standards prescribed in Schedule E of this Bylaw.
- 3.15 All construction practice and procedure shall be generally to the standard of the Ministry of Transportation and Highways General Specifications.

4.0 DEVELOPMENT OF SERVICES AND UTILITIES

- 4.01 Approval of a subdivision plan shall not imply that the District or Ministry of Transportation and Highways will construct or expend public funds on any highway, whether dedicated or otherwise.
- 4.02 Access from a highway to each and every lot being created by subdivision must be practical and reasonable and the Approving Officer may require the applicant to provide evidence from a qualified person indicating the feasibility of constructing a driveway to each lot.
- 4.03 Where a subdivision is traversed by a water course, drainage way or stream, a drainage right-of-way shall be provided along such water course, drainage way or stream, or its or their planned alignment of a width deemed necessary by the Approving Officer for construction, maintenance, conservation or beautification purposes.

5.0 STREET LIGHTING

- 5.01 The owner of land in the Sooke Fire Protection District shall provide street lighting according to the standards prescribed in this Section in the following cases:
 - (a) upon approval of subdivision within the Sooke Fire Protection District, on all dedicated highways, highway intersections and extensions of existing highways created by the subdivision; and

- (b) on a highway immediately adjacent to the Land, upon issuance of a building permit for development of the Land.

5.02 Street lighting required by this section may be incorporated into existing utility poles in accordance with good current engineering practice, and in compliance with B.C. Hydro standards. Approval of B.C. Hydro or any other utility whose poles are used for this purpose shall be obtained by the owner. Where existing utility poles are used, the owner shall arrange with B.C. Hydro to install the lighting using B.C. Hydro standard luminaries. The owner shall pay all charges levied by B.C. Hydro for the installation.

5.03 Without limiting Sections 5.01 and 5.02, the following standards shall apply:

- (a) Light source to be high pressure sodium (HPS) luminaries;
- (b) Ballasts shall be 120 volt supply and have 55 VAC lamp voltage, and shall be auto regulating type with class H insulation;
- (c) Individual instant on/off photocell control shall be provided on all street lighting;
- (d) Minimum height of luminaries shall be 9 m from finished grade where the configuration of the utility pole allows for this height;
- (e) Refractor shall be polycarbonate type 440 series;
- (f) Bracket length supporting the luminaire over the road surface shall vary depending on the pole-to-road distance and the overhang shall be a maximum of 1.5 m;
- (g) at all locations, luminaire mounting heights and lateral spacing is to be adjusted wherever reasonably possible to make maximum use of B.C. Hydro poles;
- (h) Where street lighting is required, and a suitable B.C. Hydro pole is not available, all required overhead street lighting installation shall be provided by the owner. Poles added by the owner which are not the property of the utilities shall not be located beneath the B.C. Hydro lines or within 3 meters of any power lines. Where the Approving Officer requires, the owner shall employ the services of a Professional Electrical Engineer or design a street lighting system, satisfactory to the Approving Officer, that complies with the B.C. Hydro standards and the standards of the Illuminating Engineering Society of North America;
- (i) Average horizontal illumination levels, minimum lamp sizes and spacing between luminaries (approximate) shall be:

<u>Road Classification</u>	<u>Illumination (LUX)</u>	<u>Lamp Size (Watts)</u>	<u>Spacing (m)</u>
Major	15	150	50
Collector	10	150	60
Local	6	100	60

- (j) If underground services are to be installed by the owner, then the owner shall employ the services of a professional electrical engineer to design a street lighting system satisfactory to the Approving Officer, that shall comply with the B.C. Hydro standards, where applicable, and the standards of the Illuminating Engineering Society of North America and be approved by B.C. Hydro.

6.0 WATER

- 6.01 Notwithstanding the minimum lot sizes specified in Part 2 of this Bylaw, a community water system shall be provided for subdivisions creating lots less than 2 ha in size where, in the opinion of the Environmental Health Officer:
- (a) individual wells are incompatible with septic tanks; or
 - (b) there is not an available and proven source of potable water of 1400 litres per day.
- 6.02 Where a subdivision is not served by a community water system, each lot shall be required to have a proven source of potable water of at least 1400 litres per day.
- 6.03 Without limiting the generality of this Section, the Approving Officer may refuse to approve a subdivision intended to be served by a community water system if he is satisfied that the subdivision will injuriously reduce the quantity of water normally available to established users of water from the community water system.
- 6.04 The design of any community water system to serve the subdivision shall be in accordance with the requirements of any authority having jurisdiction over the system pursuant to:
- (a) the Health Act, the Energy Act, the Water Utilities Act; or
 - (b) the Health Act and the Water Act, when an improvement district has an applicable subdivision bylaw pursuant to the Municipal Act or the Water Act; or
 - (c) the Health Act and the Municipal Act, when the District has an applicable bylaw setting out the terms and conditions of any extension to its community water system;
- as the case may be.
- 6.05 Public access to lakes shall not be closer than 300 m to the water intake of a community water supply.
- 6.06 The community water system approved pursuant to Section 6.04 shall be constructed as approved, provided however that a subdivision may be approved prior to the construction of the community water system, if an arrangement ensuring such construction satisfactory to the Approving Officer has been made with the appropriate water improvement district, but in no case shall the subdivision be approved before the plans for the community water system have been approved.
- 6.07 In all zones, where subdivision is based on a community water system the applicant shall cause sufficient watermains, hydrants, and their appurtenances to be installed from an existing District watermain to provide an adequate supply of water to service the subdivision.

7.0 ON-SITE SEWAGE DISPOSAL

- 7.01 In zones requiring each lot to contain an on-site septic tank and tile field, each lot created must comply with the following requirements:
- (a) site investigations, to determine suitability for on-site sewage disposal, shall be carried out as prescribed in the Sewage Disposal Regulations, B.C. Regulation 577/75, Division (5);
 - (b) Where there is not a minimum of 1.2 m of permeable native soil throughout a representative area, consideration shall be given to alternative designs for sewage disposal pursuant to the Local Services Act (B.C. Regulation 262/70) Section 604 (b), which allows for the importation of soil fill, provided that all lots shall have a minimum depth of permeable native soil in compliance with current Health Protection and Environmental Program standards, and provided that the imported soil fill and the alternate sewage disposal design meets the requirements of the Sewage Disposal Regulations, B.C. Regulation 577/75, and is approved by the Environmental Health Officer;
 - (c) the land slope, in the area of the on-site sewage disposal system, shall not exceed 12 percent, where there is less than 60 cm of permeable native soil;
 - (d) the land slope, in the area of the on-site sewage disposal system, shall not exceed 30 percent, where there is more than 60 cm of permeable native soil.

8.0 DRAINAGE

- 8.01 Drainage shall be required where necessary to ensure that the subdivision will be suited to the use to which it is intended or where in the opinion of the Approving Officer, it is necessary for the protection of the established amenities of adjoining or adjacent properties.

9.0 INSTALLATION OF WORKS AND SERVICES

- 9.01 Services shall be installed in accordance with the approved engineering plans and no departure shall be allowed unless approved in writing by the Approving Officer. The applicant's professional Engineer shall lay out and supervise the installation of works to be installed by the applicant, and upon completion of the works shall submit an "as constructed" drawing to the Approving Officer.
- 9.02 The applicant shall deposit with the Approving Authority a maintenance bond in a form satisfactory to the Approving Officer and for an amount equal to ten percent of the cost of all works and services installed in a subdivision for a period of one year after the installation of such works and service.

THIS BYLAW MAY BE CITED AS "SOOKE LAND USE BYLAW 1992"

READ A FIRST TIME this 27th day of May 1992.

READ A SECOND TIME this 15th day of July 1992.

READ A THIRD TIME this 15th day of July 1992.

APPROVED BY THE MINISTER OF ENVIRONMENT, LANDS AND PARKS (in respect of Part 5 of this bylaw, this 3rd day of December 1992.

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS in respect of Section 4.18 of Part 1 of this Bylaw, this 8th day of January 1993.

RECONSIDERED AND FINALLY ADOPTED this 13th day of January 1993.

Original signed by F. Leonard

Chairperson

Original signed by W.M. Jordan

Secretary

Capital Regional District Bylaw No. 2040 approved under the provisions of Section 969 of the *Municipal Act* on this 3rd day of December, 1992.

Original signed by J. O'Riordan for

Minister of Environment, Lands and Parks

SCHEDULE A

ZONING MAP FOR A PORTION OF THE ELECTORAL AREA OF SOOKE

PLEASE NOTE ZONING MAPS REFERRED TO IN SCHEDULE A ARE AVAILABLE
UNDER SEPARATE CHARGE FROM THE
ELECTORAL AREA PLANNING SERVICES DEPARTMENT, 2205 OTTER POINT ROAD
SOOKE, BC V0S 1N0
TELEPHONE: 642-1500

SCHEDULE B

SIGN PERMIT FEES

<u>TYPE</u>	<u>AMOUNT</u>
a) Canopy Sign	\$20.00
b) Facia Sign	\$20.00
c) Free Standing Sign	
i) Copy area 3 m ² or less in size	\$20.00
ii) Copy area greater than 3 m ² in size	\$40.00
d) Marquis Sign	\$10.00
e) Portable Sign	\$20.00
f) Projecting Sign	\$15.00
h) Wall Sign	\$15.00
i) Alteration of a Sign	\$15.00
j) Where the proposed work includes the erection, alteration or addition of more than one sign, a separate permit shall be obtained for each sign.	
k) The permit fee shall be doubled for any sign erected or altered without a permit.	

SCHEDULE C

GENERAL EXEMPTIONS FROM THE FLOODPLAIN MANAGEMENT PROVISIONS OF PART 5 OF THIS BYLAW

1. The following types of development are exempt from the requirement of Section 969(5)[a] of the Municipal Act, as it pertains to the Flood Construction Levels specified in Section 2.0(1) of Part 5 of this Bylaw:
 - (a) A renovation of an existing building or structure that does not involve an addition thereto;
 - (b) An addition to a building or structure that would increase the size of the building or structure by less than 25 percent of the floor area existing at the date of adoption of this Bylaw;
 - (c) That portion of a building or structure to be used as a carport, garage or entrance foyer;
 - (d) Farm buildings other than dwelling units and closed-sided livestock housing;
 - (e) On-loading and off-loading facilities associated with water-oriented industry and portable sawmills.

2. The following types of development are exempt from the requirement of Section 969(5)[a] of the Municipal Act, as it pertains to the Flood Construction Levels specified in Section 2.0(1) of Part 5 of this Bylaw, subject to the following conditions:
 - (a) Farm Dwelling Units: Farm dwelling units on lot sizes 8.1 hectares or greater, located within the Agricultural Land Reserve, shall be located with the underside of a wooden floor system or the top of the Pad of any Habitable Area (or in the case of a Manufactured Home or Unit the top of Pad or the ground surface on which it is located) no lower than 1.0 meter above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified in Section 2.0(1) of Part 5 of this Bylaw, whichever is the lesser;
 - (b) Closed-sided Livestock Housing: Closed-sided livestock housing not behind Standard Dykes shall be located with the underside of the wooden floor system or the top of the Pad (or in the case of a Manufactured Home or Unit the top of Pad or the ground surface on which it is located) no lower than 1.0 meter above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified in Section 2.0(1) of Part 5 of this Bylaw, whichever is the lesser;
 - (c) Industrial Uses: Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the Pad (or in the case of a Manufactured Home or Unit the top of a Pad or the ground surface on which it is located) no lower than the Flood Construction Levels specified in Section 2.0(a) of Part 5 of this Bylaw, minus Freeboard. Main electrical switchgear shall be no lower than the Flood Construction Level.

3.0 The following exemption from the requirement of Section 969(5){b} of the Municipal Act, as it pertains to developments adjacent to the sea, is permitted subject to the following conditions:

- (a) Developments adjacent to the Sea: Landfill or structural support for a coastal development or type of development shall be permitted a setback of 7.5 meters from the Natural Boundary of the sea where the sea frontage is protected from erosion by a natural bedrock formation or works designed by a Professional Engineer and maintained by the owner of the land.

SCHEDULE D

FLOODPLAIN MANAGEMENT - REQUEST FOR SITE-SPECIFIC EXEMPTION

2. LOCAL AUTHORITY			
Applicable Bylaw: No. <i>(please attach copy)</i>	Section	Bylaw adopted pursuant to Sec. 910 Municipal Act	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Supports application		<input type="checkbox"/> Does not support application	
Comments <i>(please note any other local bylaw provisions that affect this application):</i>			

_____		_____	
Building Inspector Signature		Date	

3. MINISTRY OF ENVIRONMENT, LANDS AND PARKS			
Date Received:			
Approval:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Recommendation: <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>(Sec. 910 Municipal Act Bylaw)</i>			<i>(Other Bylaw)</i>
Condition: (<input type="checkbox"/> see attached response letter)			

_____		_____	
Designated Official		Date	

SCHEDULE E

STORM DRAINAGE STANDARDS

DEFINITIONS:

"Storm sewer runoff" means the collection and removal of waters from the roadway and includes such items as:

- (a) surface waters originating within the right-of-way; namely the roadbed, the median and contributing slopes;
- (b) surface waters originating outside the right-of-way and not captured by channels or a stream;
- (c) runoff waters entering the roadway from crossroads or streets;

"Minor System" means the road gutters, inlets, storm sewers and minor ditches;

"Major system" means the route followed by runoff when the capacity of the minor system is exceeded and generally includes the roadways and major channels. Storm water should be able to reach an outlet, when storm sewers are overloaded, without causing flooding to buildings or damage to property.

Storm sewer runoff should be determined by using the "rational" method which is given by the following formula:

$$Q = C I A/360$$

Q = discharge of watershed in cubic meters per second

C = surface water runoff coefficient

I = rainfall intensity in millimetres per hour based on time of concentration (Tc) to the desired point in the system

A = tributary area in hectares.

The intensity I is to be determined from IDF curves for the local area supplied by the Atmospheric Environmental Service and is dependent on the time of concentration.

The time of concentration is composed of two components. These are:

Inlet time - the time it takes water to reach the inlet from the furthest point in the tributary area and is to be 5 minutes for all calculations.

Pipe or channel flow time - determined using the Manning Formula (assuming the pipe is 2/3 full).

The intensity I is also dependent on the return period of the storm. The following return periods are to be used:

<u>Road Classification</u>	<u>Minor System</u>	<u>Major System</u>
Freeways and expressways	25 years	100 years
All other Highway	10 years	100 years

The coefficient of runoff C is to be based on projected land use as determined from Community and/or settlement plans.

Coefficients of Runoff

Commercial, Industrial and Institutional	0.9
Residential	0.6
Parks, Farmlands and other open lands	0.2

The Rational Method should not be used for drainage areas of 40 ha or for retention facilities. In these cases the Ministry must approve the methodology.

COMMON AREA CONVERSIONS

THE FOLLOWING ARE METRIC MEASURES FOUND IN BYLAW 2040,
AND THEIR IMPERIAL MEASURE EQUIVALENTS:

1 m	3.3 ft.
3 m	9.9 ft.
4.5 m	14.8 ft.
6 m	19.7 ft.
7 m	23.0 ft.
7.5 m	24.7 ft.
10 m	32.9 ft.
15 m	49.3 ft.
50 m	164.1 ft.
10 sq. m	107.6 sq. ft
15 sq. m	161.4 sq. ft
20 sq. m	215.2 sq. ft
50 sq. m	538.0 sq. ft
60 sq. m	645.6 sq. ft
80 sq. m	860.8 sq. ft
1300 sq. m	13988.0 sq. ft
2000 sq. m	21520.0 sq. ft
4000 sq. m	43040.0 sq. ft
0.2 hectare	.5 acre
0.4 hectare	1.0 acre
1 hectare	2.5 acres
4 hectares	10.0 acres