

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3540

(\*\*amended by Bylaws No. 3759, 3763, 3790, 3868, 3878, 3887, 3962, 3999, 4023, 4037, 4084, 4133, 4148, 4169, 4202, 4236, 4257, 4306, 4321, 4387, 4413, 4416, 4573, 4608, 4628 and 4823)

A Bylaw to require and regulate parking facilities

The Municipal Council, in open meeting assembled, enacts the following:

- 1.1 Whenever the singular and masculine are used in this Bylaw, they shall be construed to mean the plural and feminine and body corporate where the context or circumstances so require.

**Scope**

- 2.1 This Bylaw applies to the provision, design, construction and maintenance of off-street parking and loading spaces.

**DEFINITIONS**

3. For the purposes of this Bylaw, the following definitions shall apply:

“BOARDING USE” means the sharing of the principal building as a single dwelling unit by the family of the owner, or lessee, with not more than two (2) other unrelated persons; but excludes transient accommodation, separate suites and independent accommodation.

“BUILDING” means a structure wholly or partly enclosed by a roof or roofs, supported by walls, columns or posts and used for the shelter or accommodation of persons, animals or chattels and includes a portion or portions of a building as well as chimneys, steeples, attached decks, enclosed stairs, porches and balconies.

"BUILDING AREA" means the gross floor area of

- (a) the interior of the building or structure; or
- (b) the area used in the business; excluding stairwells, elevator shafts, building maintenance and equipment rooms, washrooms and parking areas.

“CHURCH” means a building set apart for public religious worship.

*(\*\*Bylaw 4306, adopted Apr. 24/06)*

"CORPORATION" means The Corporation of the District of Oak Bay.

"DWELLING UNIT" means one or more habitable rooms used for the residential accommodation of only one family when such room or rooms contain or provide for the installation of only one set of cooking facilities and one or more sets of sanitary facilities.

"EXTERIOR LOT LINE" means a lot line that abuts a street.

"INTERIOR LOT LINE" means a lot line, not being a rear lot line, common to more than one lot or to the lot and a lane.

"LOADING SPACE" means an area of land or floor space set aside for the purpose of loading or unloading a motor vehicle.

"LOT" means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Titles Office.

"MUNICIPALITY" means the area within the geographic boundaries of the District of Oak Bay.

"OFF-STREET PARKING FACILITY" means a parcel of land developed and maintained for the parking of motor vehicles by the general public.

*(\*\*Bylaw 3868, adopted Nov. 14/95)*

"PARKING AREA" means an area, other than a street, used for the parking of vehicles of clients, visitors, customers, employees, members, residents or tenants.

"PARKING SPACE" means an area of land or floor space set aside for the purpose of parking a motor vehicle.

"SECONDARY STUDENTS" means school students in Grade 11 or Grade 12.

*(\*\*Bylaw 4306, adopted Apr. 24/06)*

"SECONDARY SUITE" has the same meaning as defined in the Zoning Bylaw.

*(\*\*Bylaw 4823, adopted Sep. 26/22)*

"STREET" means a public roadway of greater than 12.2 m (40 feet) in width, intended to give primary access to parcels of land, or to provide a traffic way.

"STRUCTURE" means any construction, except a building, fixed to, supported by, or sunk into land or water; includes fences and walls and excludes paved parking surfaces and on-grade patios.

"TANDEM PARKING ARRANGEMENT" means the placement of one parking space behind another parking space, such that only one parking space has unobstructed access to a driveway/road.

*(\*\*Bylaw 4823, adopted Sep. 26/22)*

"USE" means the purpose for which any lot, parcel, tract of land, building or structure is designed, arranged or intended, or for which it is occupied or maintained.

"WRECKED VEHICLE" means a motor vehicle, as defined in the Motor Vehicle Act, that is either not capable of being moved by its own motive power, or is reduced to parts, frames, or bodies."

*(\*\*Bylaw 4133, adopted Nov. 13/01)*

"ZONE" means any area or district established under this Bylaw. "ZONING BYLAW" means the Zoning Bylaw, 1986, of The Corporation of the District of Oak Bay, as amended from time to time.

## **Requirements**

- 4.1 Owners or occupiers of any building or structure within the Municipality shall provide and

maintain off-street motor vehicle parking spaces and loading spaces for such buildings or structures in conformity with the standards prescribed herein and in the Schedules forming part of this Bylaw.

- 4.2 The parking spaces and loading spaces shall be provided prior to the issuance of an occupancy permit.
- 4.3.1 The total number of parking spaces and loading spaces required shall be the sum of the requirements for all proposed uses designated in Schedule "A".
- 4.3.2 If a proposed parking use is not listed in Schedule "A", the number of parking spaces shall be determined from a parking use similar to the proposed use.
- 4.3.3 Parking spaces for one use shall not be counted as parking spaces for another parking use.
- 4.4 The calculation of parking spaces and loading spaces shall be rounded up to the next whole number when partial spaces are assessed.
- 4.5 Loading spaces shall not be counted as parking spaces and parking spaces shall not be counted as loading spaces.
- 4.6 Except for One-Family Residential Use and Two-Family Residential Use, any building or structure which does not conform to the parking requirements of this Bylaw shall not be reconstructed, moved or extended until the parking spaces required by this Bylaw are provided.
- 4.7 One-half (½) of the parking spaces required for each dwelling unit in One-Family Residential and Two-Family Residential Use Zones shall be within a building.
- 4.8 Off-street parking spaces shall be provided, located and maintained in accordance with the Zoning Bylaw, in addition to this Bylaw.
- 4.9.1 The required parking spaces are for the unreserved use of the users of the buildings and structures on the lot for which they are provided.
- 4.9.2 Parking spaces that limit an unreserved use shall not be considered as part of the number of parking spaces required.

#### **Location and Siting**

- 5.1 Each parking space shall be directly accessible from an access route, except that for a One-Family Residential Use the required parking spaces can be provided in the form of a tandem parking arrangement.

*(\*\*Bylaw 4823, adopted Sep. 26/22)*
- 5.2 All required off-street parking spaces and loading spaces shall be located on the lot on which the use, building or structure is situate subject to the pertinent siting regulations of the Zoning Bylaw.

#### **Construction**

- 6.1.1 All parking spaces and loading spaces, manoeuvring aisles and ingress and egress lanes shall have a permanent surface of asphalt, concrete or similar pavement that is durable and dust

free.

*(\*\* Bylaw No. 4416, adopted June 9, 2008)*

- 6.1.2 Despite Section 6.1.1, a driveway or outdoor parking area on land zoned for One Family Residential Use under the Zoning Bylaw may, except for any portion within 1.0 m from a public sidewalk, be surfaced with gravel, crushed rock screenings or other clean, inorganic aggregate material excluding sand.

*(\*\* Bylaw No. 4416, adopted June 9, 2008)*

- 6.2 The parking area shall have a maximum gradient or cross slope of 8%.
- 6.3 Exterior parking areas shall be graded to prevent surface drainage being directed to adjacent lands.
- 6.4 Parking areas shall be drained to a storm drainage system.
- 6.5.1 Except for One-Family Residential Use and Two-Family Residential Use, lighting shall be provided to illuminate any parking space or loading space to be used at night.
- 6.5.2 The lighting shall be arranged, installed and maintained to deflect, shade and focus lights away from adjacent lots.
- 6.6 Except for One-Family Residential Use, Two-Family Residential Use, and underground parking areas, parking spaces that abut fences and landscaped areas shall have vehicle wheel stops within each parking space to prevent the vehicle entering the space from going beyond the parking space limitation.
- 6.7 Except for One-Family Residential Use and Two-Family Residential Use, parking spaces, access lanes and aisles shall be delineated by painted lines at least 75 mm wide, or by curbs.

### **Dimensional Criteria**

- 7.1 A parking space or loading space abutting a wall or column or other structure that would impede entry into a vehicle shall be:
- (a) increased in width by 0.25 m (10 inches) where a structure is on one side; and
  - (b) increased in width by 0.55 m (22 inches) where structures are on both sides.
- 7.2 The dimensions of off-street loading spaces shall not be less than 3.2 m (10.5 feet) in width and 7.5 m (24.6 feet) in length with a clear height above of 4.26 m (14 feet).
- 7.3 The dimensional criteria required for parking spaces and access lanes shall be determined from Schedule "B".
- 7.4.1 A maximum of 25% of the:
- (a) required number of parking spaces;
  - (b) number of parking spaces actually provided on-site following "in lieu" payment pursuant to Section 9.1; or

- (c) number of parking spaces actually provided on-site following the granting of a variance of the required number of parking spaces by way of development permit, development variance permit or heritage revitalization agreement,

whichever is applicable, may be dimensioned for small car use.

*(\*\*Bylaw 4413, adopted May 12/08)*

- 7.4.2 Each parking space dimensioned for small car use shall be clearly marked as such.

*(\*\*Bylaw 4413, adopted May 12/08)*

### **Ingress and Egress**

- 8.1 Except for One-Family Residential Use and Two-Family Residential Use, the access lanes to or from a public roadway to all off-street parking areas shall be not less than:

- (a) 3.2 m (10.5 feet) for one way traffic; and

- (b) 5.5 m (18.0 feet) for two way traffic.

- 8.2 Any ramp serving a parking area shall not exceed a gradient of 15%.

- 8.3 The dimensional criteria for aisles that directly serve the parking spaces shall be determined from Schedule "B".

### **Payment in Lieu of Parking**

- 9.1 In Zones C-3, ST1, C-3, D1, C-3, UP1 and C-3, SP1 as designated in the Zoning Bylaw, the owner or occupier of the land, building or structure may, for non-residential uses only, in lieu of providing the total number of parking and loading spaces on that land as required by Section 4.3.1 and Schedule 'A', pay to the Corporation the amount of \$14,500 multiplied by the difference between the total number of loading spaces required for those uses and the number of loading spaces actually provided on the land, plus the amount of \$9,700 multiplied by the difference between the total number of parking spaces required for those uses and the number of parking spaces actually provided on the land, PROVIDED, however, that this option shall be exercisable by such owner or occupier only if the Corporation owns and operates an off-street parking facility within 250 metres of the land, building or structure for which the parking or loading spaces are required.

*(\*\*Bylaw 3868, adopted Nov. 14/95)*

*(\*\*Bylaw 4084, adopted Dec. 11/00)*

### **Screening**

- 10.1 Screening, as defined in the Screens and Fences Bylaw, shall be provided and maintained between the parking areas of Multiple Dwelling Use Zones, Commercial Use Zones and One-Family Residential and Two-Family Residential Use Zones.

- 10.2 Screening, as defined in the Screens and Fences Bylaw, shall be provided and maintained between the parking areas of Commercial Use Zones and all abutting Residential Use Zones and Multiple Dwelling Use Zones.

### **Signs**

- 11.1 Parking direction and regulation signs shall be provided to direct the users.

**Prohibitions**

- 12.1 No land, water, building or structure shall be used or occupied for any use unless the off-street parking spaces and off-street loading spaces requirement have been provided in accordance with this Bylaw.
- 12.2 The use of required parking spaces and loading spaces for other than parking or loading is respectively prohibited.
- 12.3 The use of any required parking space for an unlicensed vehicle or wrecked vehicle is prohibited.
- 13.1 This Bylaw may be cited as the "***PARKING FACILITIES BYLAW, 1986***".

READ a first time by the Municipal Council on October 14, 1986

READ a second time by the Municipal Council on October 14, 1986

READ a third time by the Municipal Council on October 14, 1986

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on October 27, 1986

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Sealed with the Seal of The Corporation of  
the District of Oak Bay.

## SCHEDULE "A"

## MINIMUM NUMBER OF PARKING SPACES REQUIRED

The Zones referred to herein are those zones designated in the Zoning Bylaw.

A.1 ZONES RS-1, RS-2, RS-3, RS-4, RS-5, RD-1 AND C-1

*(\*\*Bylaw 4628, adopted November 10, 2014)*

- (a) Two (2) parking spaces per dwelling unit, one of which shall be within a building.
- (b) Where a dwelling unit contains more than four (4) rooms used for sleeping, an additional parking space shall be required for each, or part of each, unit of two (2) such rooms.
- (c) An additional parking space shall be required for each dwelling unit serving a boarding use.
- (d) Notwithstanding Section A.1 (a) no parking spaces are required for a secondary suite.
- (e) Where a building contains a secondary suite it must provide an outdoor, labelled energized outlet capable of providing at least Level 1 (110 v) charging for an electric vehicle, scooter or bike.

*(\*\*Bylaw 4823, adopted Sep. 26/22)*

A.1.1 ZONES C-4 AND C-5

*(\*\*Bylaw 4387, adopted December 17, 2007)*

**Specific Uses****Number of Parking Spaces**

## Residential Use

Two (2) parking spaces per dwelling unit except where a dwelling unit contains more than four (4) rooms for sleeping, in which case an additional parking space shall be required for each, or for part of each of two such rooms;

An additional parking space shall be required for each dwelling unit serving a boarding use.

## Business Use

One (1) parking space for every 46 m<sup>2</sup> (500 sq. ft) or portion thereof of occupied building area.

*(\*\*Bylaw 3999, adopted Sep. 28/98)*

A.2 Zones RM-1LD, RM-1MD, RM-1HD, RM-2, RM-3, RM-3HD, RM-4, RM-8, and RM-MC1

*(\*\*Bylaw 3868, adopted Nov. 14/95)*

*(\*\*Bylaw 4023, adopted Jul. 19/99)*

*(\*\*Bylaw 4202, adopted Feb. 23/04)*

*(\*\*Bylaw 4608, adopted May 12/14)*

- (a) Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof.

*(\*\*Bylaw 3868, adopted Nov. 14/95)*

A.2.1 ZONES RM-MC4 AND RMS-7

(\*\*Bylaw 4257, adopted Apr. 25/05)

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
One Family Residential Use	Two (2) parking spaces per dwelling unit, one of which shall be within a building.
Special Needs Multiple Residential Use	One (1) parking space per 2 beds.
Business Use	One (1) parking space per 46 m <sup>2</sup> (500 square feet) or portion thereof of occupied building area." (**Bylaw 4169, adopted May 12/03)

A.3 ZONES C-2, C-3, ST1, C-3, D1, C-3, UP1 AND C-3, SP1

(\*\*Bylaw 3868, adopted Nov. 14/95)

(\*\*Bylaw 4084, adopted Dec. 11/00)

## General Uses

Except for the uses specifically set out hereunder, one (1) parking space for every 19 m<sup>2</sup> (204 sq ft) of occupied building area, minus a percentage equal to the number of spaces to be calculated, or 25%, whichever is less.

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Restaurants, Neighbour-hood Public Houses, Financial Institutions, Medical and Dental Offices	1 space per 14 m <sup>2</sup> (150 sq ft) of building area
Residential Use	2 spaces per dwelling unit, plus additional guest parking spaces of 1 space per 4 dwelling units or part thereof (**Bylaw 3887, adopted Feb. 26/96) (**Bylaw 4084, adopted Dec. 11/00)

A.3.1 ZONE CD-1

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Hotel Use	(a) One (1) parking space for each transient lodging unit.  (b) Two (2) commercial truck loading bays for the parcel of land in hotel use.
Apartment Use	As set out in Section A.2.
Commercial Use other than Hotel or Marina	As set out in Section A.3.
Marina Use	As set out in Section A.5



**Surface Parking:**

Of the total number of parking spaces provided on the land for the various uses, not less than 10 and not more than 15 spaces shall be unreserved surface outdoor parking, with the balance to be within a building and below the level of the portion of Beach Drive adjacent to the land.

*(\*\*Bylaw 4321, adopted Jun. 11/07)*

A.4 ZONE CS-1

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Service Station	3 spaces per service bay (6 spaces minimum)

A.5 ZONE CS-2

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Marina	1 space per 4 boat berths
Marine Services	2 spaces

*(\*\*Bylaw 3790, adopted Dec .20/93)*

A.6 ZONES P-1, P-6, P-7 and P-9

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Works Yards	1 per 2 employees <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Schools	1 per classroom + 1 per 10 secondary students <i>(**Bylaw 4236, adopted Sep. 27/04)</i> <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Colleges and Universities	1 per 2 students <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Recreation Centres and Community Centres	2 per 10 m <sup>2</sup> (108 sq ft) of Facilities gross floor area used by the public <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Kindergartens, Pre-Schools and Child Day Care Centres	1 per 5 enrolled children at peak operating capacity <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Libraries	2 per 10 m <sup>2</sup> (108 sq. ft.) of gross floor area used by the public

(\*\*Bylaw 4306, adopted Apr. 24/06)

Police Stations	As required for Zone C-2 under "General Uses"
Fire Stations	1 per 3 employees
Apartment Use	Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof <i>(**Bylaw 3962, adopted Dec. 22/97)</i>
Office Use	As required for Zone C-2 <i>(**Bylaw 4037, adopted May 25/99)</i>

A.7 ZONE P-2

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Churches	1 per 10 m <sup>2</sup> (108 square feet) of building area
Church Meeting and Community Halls	1 per 10 m <sup>2</sup> (108 square feet) of building area <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Congregate Housing	3 per building
Schools	As required for Zones P-1, P-6, P-7 and P-9 <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Arts Education Institutions	1 per 3 students at peak enrollment <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Kindergartens, Pre-Schools and Child Day Care Centres	1 per 5 enrolled children at peak operating capacity <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Long-Term care Institutions	1 per bed <i>(**Bylaw 4306, adopted Apr. 24/06)</i>
Multiple Family Dwelling	Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof <i>(**Bylaw 3878, adopted Sep. 9\96)</i>
One Family Residential Use	As required for Zones RS-1, RS-2, RS-3, RS-4, RS-5 and C-1. <i>(**Bylaw 4306, adopted Apr. 24/06)</i>

A.8 ZONE P-3

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
Golf Course Use	8 per golf fairway
Yacht Club Use	1 per 2 boat berths
Tennis Club Use	6 per tennis court

A.9 ZONE P-8

<b>Specific Uses</b>	<b>Number of Parking Spaces</b>
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Recreation Centre Use, Service Business Use, Restaurant Use, Retail Use and Lounge Use	1 per 68 m <sup>2</sup> (732 square feet) of building area
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*(\*\*Bylaw 4306, adopted Apr. 24/06)*

Uses other than Recreation Centre Use, Service Business Use, Restaurant Use, Retail Use and Lounge Use	As required for Zones P-1, P-6, P-7 and P-9.
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*(\*\*Bylaw 4306, adopted Apr. 24/06)*

A.10 Despite section A.6 of this Schedule, the total parking space requirements for a school, public community theatre and arts facility and neighbourhood learning centre on the Oak Bay High School Lands, as defined in the Zoning Bylaw, is 195 parking spaces.

*(\*\*Bylaw 4573, adopted Nov. 13/12)*

## SCHEDULE "B"

B.1 Minimum Stall Angle

- (a) Except for a parallel parking stall, no parking stall shall be laid out at an angle (measured as shown on Figure 1) less than 30°.

B.2 Maximum Stall Angle

- (a) Except for a right angle parking stall laid out at an angle (measured as shown on Figure 1) of 90°, no parking stall shall be laid out at an angle greater than 70°.

B.3 Minimum Stall Width

- (a) The width of a parking stall (Reference "A" on Figure 1) other than a parallel parking stall shall not be less than 2.6 m for a standard stall and 2.4 m for a small car stall.
- (b) The width (Reference "A" on Figure 1) of a parallel parking stall shall not be less than 2.5 m.

B.4 Minimum Stall Length

- (a) The length (Reference "B" on Figure 1) of a parking stall other than a parallel parking stall shall not be less than 5.5 m for a standard stall and 4.7 m for a small car stall.
- (b) The length (Reference "B" on Figure 1) of a parallel parking stall shall not be less than 7.0 m for a standard stall and 5.9 m for a small car stall.

B.5 Minimum Stall Depth

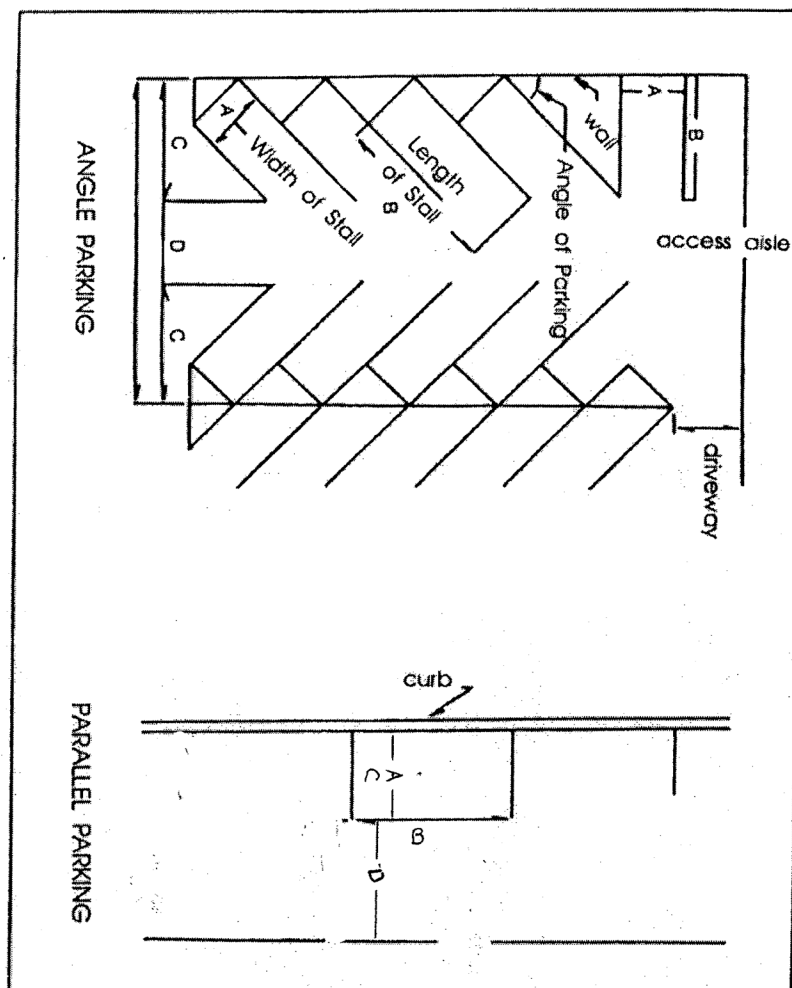
- (a) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) greater than or equal to 30° but less than 45° shall not be less than 5.7 m for a standard stall and 5.0 m for a small car stall.
- (b) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) greater than or equal to 45° but less than 53°, shall not be less than 5.9 m for a standard stall and 5.2 m for a small car stall.
- (c) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) greater than or equal to 53° but less than 70°, shall not be less than 6.0 m for a standard stall and 5.3 m for a small car stall.
- (d) The depth (Reference "C" on Figure 1) of a parking stall laid out at an angle (measured as shown on Figure 1) of 90°, shall not be less than 5.5 m for a standard stall and 4.7 m for a small car stall.

B.6 Minimum Aisle Width

- (a) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to 30° but less than 45°, one way traffic only is permitted, with the aisle width (Reference "D" on Figure 1) not to be less than 4.0 m.
- (b) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to 45° but less than 53°, one way traffic only is permitted, with the aisle width (Reference "D" on Figure 1) not to be less than 4.6 m.

- (c) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to  $53^\circ$  but less than  $60^\circ$ , one way traffic only is permitted, with the aisle width (Reference "D" on Figure 1) not to be less than 5.2 m.
- (d) For parking stalls laid out at an angle (measured as shown on Figure 1) greater than or equal to  $60^\circ$  but less than or equal to  $70^\circ$ , the aisle width (Reference "D" on Figure 1) shall not be less than 5.5 m for one way traffic and 7.0 m for two way traffic.
- (e) For an aisle accessing parking stalls laid out at an angle (measured as shown on Figure 1) of  $90^\circ$ , the aisle width (Reference "D" on Figure 1) shall not be less than 7.6 m for both one way traffic and two way traffic.
- (f) For an aisle accessing parallel parking stalls, the aisle width (Reference "D" on Figure 1) shall not be less than 3.7 m for one way traffic and 6.4 m for two way traffic.

Figure 1 (Schedule "B")



(\*\*Bylaw 4413, adopted May 12/08)