

## PART 3 – DEFINITIONS

### Definitions

#### 12 In this Bylaw:

[numbering removed from definitions: BL3651]

[Abbeyfield Housing - Repealed. BL3302]

[medical marijuana production facility – Repealed. BL3741]

[ALR cannabis production facility [BL3741, Repealed BL3797]]

**“accessory building”** means a building located on the same lot as the principal building and used for a purpose accessory or subordinate to the principal use;

**“accessory dwelling unit, coach house”** means a single storey, self-contained dwelling unit that has direct access to the outside at-grade by a set of internal stairs, and forms the second storey of a detached accessory garage building in the rear of a lot; [BL3333]

**“accessory dwelling unit, garden suite”** means a single storey, self-contained dwelling unit that has direct access to the outside at-grade, where the main floor is no more than 1.0 m (3.28') above grade in a detached accessory building in the rear of a lot; [BL3333]

**“accessory dwelling unit”** means a dwelling unit which is subordinate to and associated with the principal use; [BL3562]

**“accessory office”** means a building, or a portion of a building, used as the office of an architect, contractor, engineer, forester, or a surveyor;

**“accessory use”** means a use which is subordinate to and associated with the principal use;

**“adult novelty business”** means the use of premises for the display, retailing or renting of sex objects; [BL3323]

**“agricultural exhibition and fairground”** means the use of land for the promotion of agriculture through exhibits, festivals, recreational activities or events, educational contests, displays and demonstrations, and may include other activities of a public assembly or temporary nature in accordance with section 51(8); [BL3356]

**“agricultural storage”** means the storage of agriculture and nursery products, excluding processed products produced off the land, with the exception that a food bank may store a limited portion of processed products produced off site and not for sale. The maximum storage area shall not exceed a covered storage area of 500 m<sup>2</sup> (5,382 sq. ft.), and an outdoor storage area of 4,000 m<sup>2</sup> (43,056 sq. ft.); [BL3283]

**“agriculture”** means the use of land, buildings and structures (a) to raise livestock, (b) to grow, rear, produce, and harvest agricultural products, (c) to process crops grown on the land, (d) to store or repair farm equipment used on the land, (e) to sell agricultural products, (f) for aquaculture, (g) for horticulture, (h) for mariculture, and (i) for silviculture, but does not include the operation of feedlots, fur farms, piggeries, poultry farms, or mushroom farms; [BL3597]

**“ALR soil-based cannabis production facility”** means a cannabis production facility which qualifies as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve. [BL3797]

**“amenity space”** means an area comprised of on-site, communal or private, indoor or outdoor space designated for active or passive recreational use; [BL3333]

**“amusement park”** means the use or intended use of buildings, structures or land, for entertainment provided by glass houses, water slides, go-cart tracks, rides, zoos, mini golf, carnivals, fairs, amusement devices, specifically excluding casinos, and/or bingos;

**“animal shelter”** means a facility providing shelter and care for animals awaiting placement; [BL3927]

**“apartment”** means a building containing more than 2 dwelling units, each accessible from a common interior hallway, or additionally accessible from an at-grade entrance; [BL3457]

**“appliance and small equipment repair”** means the use of buildings, structures, or land for servicing or repairing household appliances (e.g. stoves) and small equipment (e.g. lawnmowers);

**“aquarium”** means buildings or structures designated for keeping and exhibiting live vertebrates, invertebrates, and water plants;

**“arterial highway”** means a highway managed by the British Columbia Ministry of Transportation and designated under section 45 (1) (a) of the British Columbia *Transportation Act*; [BL3323]

**“artisan studio”** means the use of premises for the production, and optional display and sale of, arts and

crafts made from materials such as metal, wood, textile, glass, or stone; [BL3426]

**“assembly hall”** means a use of a building or structure for the assembly, gathering, or meeting of persons for religious, charitable, philanthropic, cultural, educational, or any other purpose not otherwise specifically defined in the bylaw; [BL3562]

**“assisted living”** means housing and care that is registered pursuant to the *Community Care and Assisted Living Act*, which provides a lockable room, separate common areas for dining and socializing, the provision of meals, housekeeping and personal care services as defined in that Act, and its amendments; [BL3302]

**“automobile wrecking or salvage yard”** means the use of land outside an enclosed building where motor vehicles are wholly or partially disassembled, dismantled, or junked, or where motor vehicles which are inoperable are stored, or where used parts of motor vehicles are stored or sold;

**“automotive repair shop”** means a building, structure, or premises used or intended to be used for repairs to motor vehicles and/or boats, and parts thereof, but shall not include motor vehicle manufacture or assembly;

**“bed and breakfast”** means a building or use of a building in which sleeping units are rented, with or without meals being provided, to persons other than members of the family of the owner, tenant, or lessee of the building;

[boarder - Repealed. BL3302]

[boarding house - Repealed. BL3302]

**“bicycle parking stall, Class I”** means a bicycle space designed to provide readily accessible, secured, protected and enclosed bicycle parking for employees or residents; [BL3426]

**“bicycle parking stall, Class II”** means a bicycle space designed to provide secured and weather protected bicycle parking for visitors; [BL3426]

**“brew pub”** means a combination of a pub with a brewery, making beer on a limited production basis, in accordance with regulations set by the Liquor Control and Licensing Branch of the Ministry of the Attorney General. Sale of the beer is restricted to on-premises consumption, except where the licensee has off-sale endorsement for the pub;

**“building”** means any structure used or intended to be used for supporting or sheltering any use or occupancy;

**“campground (short term)”** means the use of land for short-term accommodation (less than 28 consecutive days) for vacation or recreational purposes, in tents or recreational vehicles, and may include the following accessory uses for campground occupants: washrooms, showers, laundry facilities, offices, recreational facilities, convenience stores, or restaurants; [BL3521]

**“campground (seasonal)”** means the use of land for seasonal accommodation for vacation or recreational purposes, in tents, recreational vehicles or park model trailers, and may include the following accessory uses for campground occupants: washrooms, showers, laundry facilities, offices, recreational facilities, convenience stores, or restaurants; [BL3521]

**“cannabis production facility”** means the cultivation, processing, analytical testing, and research of cannabis or cannabis products as authorized by a licence under section 8 (1) of the *Cannabis Regulations*, SOR/2018-144, and includes production, manufacturing, synthesis, alteration, propagation, harvesting, packaging, storing, distribution, and sale of cannabis or cannabis products where and on the terms permitted by that same licence, but does not include:

- (a) the cultivation or processing of cannabis or cannabis products by an individual under Section 56 of the *Cannabis Control and Licensing Act*, SBC 2018, c. 29, or by a registered person or designated person, as defined in Part 14 of the *Cannabis Regulations*, for the personal use and consumption of the individual or registered person; or
- (b) the retail sale of cannabis or cannabis products, including sale authorized under the *Cannabis Control and Licensing Act* or pursuant to s. 69 (1) of the *Cannabis Act*; [BL3741]

**“church”** means a building or land where persons assemble for religious worship and which is maintained and controlled by a religious body for public worship and religious education, and may, from time to time, include educational activities, fund-raising activities, recreational activities, or daycare activities. It may also include periodic, but not permanent, use for social events, craft sales, or flea markets;

**“church camp”** means a camp, that is managed by a church organization but does not include permanent residency, which may entail temporary residency;

**“civic use”** means the use of a building, structure, or land for the following public functions which are under the auspices of a public body: schools, fire halls, parks and recreation facilities owned by a civic body, and sewage pumping stations, water pumping stations, and reservoirs owned by the District or the Cowichan Valley Regional District. It may include temporary retail use, such as flea markets, carnivals or exhibitions, provided that such uses are undertaken for charity and/or are conducted under the auspices of a government body, but does not include government office buildings;

**“club”** means the use of a building, structure, or land by an association or organization for fraternal, social, recreational, community or benevolent purposes;

**“commercial card lock facility”** means an establishment which utilizes a cardlock or keylock system to dispense petroleum products from fuel pumps, but does not include service stations;

**“commercial composting”** means the use or intended use of land for commercially producing growing substance by biologically decomposing organic materials using composting technology (which may include physical turning, windrowing, in-vessel static pile aeration or other mechanical handling), in accordance with the *Waste Management Act* regulations; [BL2984]

**“commercial operation”** means an occupation, employment, or enterprise that is carried on for the purpose of earning income;

**“commercial school”** means a building, structure, or land used or intended to be used for the purpose of providing educational courses in the form of a business school, a secretarial school, language school, dancing school and similar facilities;

**“commercial use”** or **“commercial”** means the use or intended use of a building, structure, land, or any portion thereof as a retail store, office, professional office, hairdresser's salon, or financial institution;

**“community care facility”** means any facility that provides accommodation and continuous professional care that is defined and licensed under the *Community Care and Assisted Living Act*, and its amendments; [BL3302]

**“community garden”** means an area of land managed and maintained by a group of people, either collectively or on individual garden plots, to grow vegetables, fruit, flowers, or native plants, and includes gardening instruction, demonstration gardening, and the sale or exchange of items produced on site; [BL3367]

**“community hall”** means the use or intended use of a building or structure as a meeting place for individuals within the community. It may include periodic, but not permanent, use for social events, crafts sales, and flea markets;

**“congregate housing”** means a residential multiple-family building which incorporates assisted living, supportive housing or community care facility units for more than ten residents, including resident staff, and includes a private lockable room, separate common areas for dining and socializing, the provision of meals, and housekeeping and may be a registered or licensed facility pursuant to the *Community Care and Assisted Living Act*, and its amendments; [BL3302]

**“Council”** means the Municipal Council of The Corporation of the District of North Cowichan;

**“covered parking”** means an off-street parking use located within a building or structure;

**“craft or artisan distillery”** means an establishment, licensed by the Province of British Columbia, that produces alcoholic beverages by distillation, or by infusion through distillation, and may include a tasting room and retail sales of the product produced on site; [BL3520]

**“custom workshop”** means a workshop where the production, sales, and servicing of specialized goods or services, including cabinets, signs, window coverings, and furniture occur; where this use is accessory to the principal use, all operations shall be conducted within an enclosed building, and shall not exceed 65% of the gross floor area; [BL3037]

**“density”** means the following:

- (a) the maximum number of buildings per lot;
- (b) the maximum number of dwelling units per lot; or
- (c) the maximum floor space ratio,

or a combination thereof; [BL3083]

**"derelict motor vehicle"** means a motor vehicle which is incapable of operating under its own power and does not have attached license plates for the current year, pursuant to the regulations of the *Motor Vehicle Act*, or is unlicensed;

**"dining room"** means an eating establishment, which may serve alcohol, where food is sold to the public for consumption on the premises;

**"drug paraphernalia business"** means the use of premises for the display, retailing or renting of illegal drug-related equipment; [BL3323]

**"dwelling unit"** means one or more rooms which constitute a single, self-contained living unit including sanitary facilities, sleeping facilities and only one kitchen, and which is used as the residence of only one family; [BL2996]

**"eave line"** means the horizontal line on a building that marks the extreme edge of the overhang of a roof, and where there is no overhang, the eave line will be the horizontal line at the exterior intersection of the roof and all; [BL3333]

**"entertainment use"** means a building, structure, or land used or intended to be used for teen clubs, cinemas, theatres, billiard halls, arcades, and the like, and may have accessory food and beverage services;

**"family"** means one or more persons related through marriage or common law, blood relationship, legal adoption, or legal guardianship, or a maximum of 5 unrelated persons occupying a single-family unit provided it is not an Assisted Living, Supportive Housing or Community Care Facility; [BL3202]

**"farm animals"** means domesticated cows, donkeys, horses, mules, llamas, emus, ostriches, swine, sheep, or goats, and other animals usually associated with farming, but not necessarily used solely for agricultural purposes; [3758]

**"feedlot"** means land structure, pen or corral, wherein farm animals are kept for the purpose of fattening for shipment to market;

**"fence"** means a free-standing structure used to enclose all or part of a lot. It can include retaining walls but does not include hedges or similar landscaping; [BL3891]

**"financial institution"** means a bank, credit union, acceptance corporation, trust company, finance company, or similar establishment, but does not include a building or premises containing a single bank machine;

**"fitness centre/gymnasium"** means the use of a building or structure for gymnasiums, weight rooms, exercise studios, hot tubs, saunas, and pools;

**"float home"** means a structure incorporating a flotation system, used or intended to be used or occupied for residential purposes, containing one dwelling unit only, not primarily intended, or used, for navigation, and does not include a water craft designed or intended primarily for navigation; [BL3068]

**"floor space ratio"** means the gross floor area of all buildings divided by the lot area;

**"food and beverage processing"** means the use of a building or structure to house equipment used for processing and/or packaging food, including fish, and beverages to prepare them for sale to the public, and may include a restaurant or sampling area;

**"food bank"** means the storage and distribution of food products for non-profit and charitable purposes; [BL3283]

**"food cart"** means a non-motorized mobile cart with a maximum area of 4.65 m<sup>2</sup> from which food or beverages are carried, contained and offered for sale to the public; [BL3657]

**"food trailer"** means a portable, self-contained trailer that is equipped to cook, prepare or serve, and offer food or beverages for sale to the public, but does not include a food cart; [BL3657]

**"food truck"** means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare or serve, and offer for sale food or beverages to the public, but does not include a food trailer or food cart; [BL3657]

**"forestry use"** means a use providing for the conservation, management, and extraction of primary forest resources, but does not include the manufacturing and processing of forestry products;

**"frontage"** means the minimum required length of the front lot line;

**"funeral parlour"** means a building or structure where the dead are prepared for burial or cremation and where funeral services and wakes may be held, and may include a crematorium;

**“fur farm”** means the use of buildings, structures, or land for the purpose of a commercial operation which raises fur bearing animals for sale, and includes accessory operations for those products which were produced on the lot where the fur farm is located;

**“gallery”** means a building or structure used for viewing artwork or crafts, and may include the sale of such items;

**“gathering for an event”** has the same meaning as in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; [BL3662]

**“go-kart use”** means the use of buildings, structures, or land for the maintenance, repair, operation and racing of go-karts; [BL3761]

**“grade”** means the average finished ground level at the perimeter of a building or structure;

**“greenhouse”** means the use of a building, structure, or land for growing plants, transplanting plants, experimenting with plants, or wholesaling the plants produced, and specifically excludes retail sales of the plants produced;

**“gross floor area”** equals the sum of the floor area of each storey in all buildings on a lot, including exterior walls, but excluding the following:

- (a) attached garages or covered parking areas to a maximum of 42 m<sup>2</sup> (452 sq. ft.) in area in residentially-zoned (R) lots for single-family dwellings, two-family dwellings or modular homes;
- (b) unenclosed and roofless decks, patios, balconies and porches;
- (c) areas below grade with a maximum ceiling height less than 1.8 m (5.91’.);
- (d) elevator shafts and mechanical rooms;
- (e) covered entrances to a maximum of 10 m<sup>2</sup> (107 sq. ft.) in area; [BL3457]

**“guardrail”** means a barrier such as a bar or a rail placed along the edge of something such as a retaining wall or staircase so as to improve safety and prevent falls; [BL3891]

**“habitable room”** means a room used or intended for cooking, eating, sleeping or human occupancy; [BL3383]

**“hairstylist”** means a business or occupation involving cutting and/or styling hair, and may include the services of an esthetician, beautician, manicurist, masseur, or pedicurist;

**“health service”** means an establishment primarily engaged in furnishing medical, surgical or health related services to individuals, and includes the offices of physicians, dentists, and other health practitioners; [BL3160]

**“height”** means the vertical distance from grade to the highest point of a building, excluding church steeples, towers on safety buildings, and silos, as averaged from each of the outermost corners of the building to the highest point of the building;

**“helipad”** means the use of land for a pad used for the landing and take-off of helicopters; [BL3618]

**“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-based business”** means a commercial operation which is accessory to a residential use within the same lot, and is limited to studios for the production of arts and crafts, automobile repair of private passenger motor vehicles, daycare, hairstylist, office and books, professional office, and small tool and appliance repair;

**“hospital”** means the use of land, buildings or structures for a hospital, as defined in the *Hospital Act*; [BL3618]

**“hotel”** means a building which contains sleeping units used or intended to be used for the temporary accommodation of lodgers and it may include accessory facilities such as restaurants, meeting rooms, convention facilities, gift shops, recreational facilities, Cold Beer and Wine Stores, and/or premises which are licensed primarily for the on-site consumption of alcoholic beverages, and includes motel and boatel;

**“hotel small scale”** means a hotel with a maximum of ten sleeping units, with or without individual cooking facilities, where each unit is no more than 50 m<sup>2</sup> (538.20 sq. ft.) in floor area, and is accessed from a common internal corridor; [BL3426]

**“independent school”** means the use of buildings, structures, and land as a private academic school which is licensed under the *Independent School Act*;

**“industrial use”** means a use providing for processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging goods or materials, and selling heavy industrial equipment and retail sales incidental to the principal use, but excludes sawmills, pulp mills, planing mills, commercial composting, and septage facilities; [BL3467]

**“kennel”** means a structure on and/or a use of land for the purpose of sheltering, boarding, and/or breeding four or more dogs;

**“kitchen”** means any room designed or used for the operation of a stove, grill, oven, microwave oven, dishwashing equipment, or any other appliance or equipment used for preparing food; [BL2996]

**“landscape screen”** means a visual barrier formed by a fence, a masonry wall, shrubs, trees, earth berm, or a combination thereof;

**“landscaped open space”** means the area of a lot used for the growing and maintenance of grass, trees, or shrubs, or used for other landscaping purposes but does not include the area of a lot used for parking nor the area of a lot which is covered with asphalt but may include an area of land which is partially covered with decorative pavers;

**“large animal hospital”** means any building, structure, or premises, which have outside paddocks or kennels, in which animals are treated for medical reasons or in which animals are hospitalized, and includes veterinary clinics;

**“laundromat”** means the use of a building or structure for a business enterprise which supplies individuals with the use of washing machines and dryers for monetary compensation. It may include small scale facilities for entertainment (e.g. television), but does not include the sale of alcoholic beverages;

**“limited home-based business”** means a home-based business of “Office and Books”;

**“live-work studio”** means a unit in a multi-storey building with an artisan studio, daycare, personal service, office or professional office on the ground floor with a second floor residential dwelling unit accessed through the commercial premises; [BL3426]

**“liquor”** means beer, wine, spirits or other product that is intended for human consumption and that contains more than 1% alcohol by volume; [BL3651]

**“lot”** means the smallest area of land designated as a separate and distinct parcel on a subdivision plan, bare land strata plan, or certificate of title filed in the Land Title Office;

**“lot area”** means the total horizontal area within the lot lines of a lot;

**“lot area, panhandle”** means any lot which gains highway frontage through the use of a narrow strip of land which is an integral part of the lot. In the case of a panhandle lot, the access strip shall not be included in the calculation of the lot area;

**“lot coverage”** means the total of the horizontal area of the lot within the vertical projection of the outermost walls of all buildings and structures, and the horizontal area of the lot covered by decks which are 150 mm (.5'), or greater, above grade, expressed as a percentage of the lot area;

**“lot line”** means a line which marks the boundary of a lot;

**“lot line, front”** means the lot line common to the lot and an abutting highway, except in the case of:

- (a) a corner lot, where the lot line, front, shall be the shortest lot line common to the lot and the abutting highway,
- (b) a panhandle lot, where the lot line, front, shall be considered the longest lot line that adjoins the abutting highway and forms part of the panhandle, or, excluding the panhandle portion of the lot, that lot line that is parallel to and closest to the highway;

**“lot line, side”** means all lot lines other than the front lot line and rear lot line;

**“lot line, rear”** means the lot line opposite to and most distant from the lot line, front, or, where the lot is triangular in the rear, a line measured 1.5 m (5') from the point at the rear of a lot bounded by intersecting lot lines, sides;

**“major equipment repair”** means the use of buildings, structures, or land for the purpose of repairing farm equipment, construction equipment, industrial equipment, commercial vehicles, and the like;

**“manufactured home”** means a modular home and mobile home; [BL3367]

**“marina”** means a facility which provides moorage space for water-going vessels and may also include, as accessory uses, administrative offices, recreational lounges, eating establishments, the retail sale or rental of marine supplies and equipment, laundromat, shower facilities, dock-side boat repair, and water taxi docks, but does not include floating homes or live-aboard marine public houses;

**“market community space”** means the use of premises for activities, meetings, presentations, and informational/public outreach open houses conducted by local community groups, non-governmental organizations and agricultural or food supply groups. This may also include temporary or permanent educational facilities which promote farming and the processing of farm products. [BL3846]

**“market garden”** means the use of a building, structure, or land as a market which predominantly sells agricultural products, but may also include a crafts shop, a deli, or a bakery;

**“medical education and training”** means the use of land, buildings or structures for providing education, courses or training in any medical profession; [BL3618]

**“micro cannabis production facility”** means a cannabis production facility authorized by a micro license under the *Cannabis Act* and its regulations; [BL3746]

**“mini-warehousing”** means the use of land, buildings, or structures for the business enterprise of storing the personal goods of others in individual fully enclosed storage compartments which are accessible by motor vehicle for loading and unloading;

**“mixed commercial development”** means three or more individual commercial business establishments, housed in one or more buildings designed as an integrated unit and contained within one legal parcel of land; [BL3083]

**“mixed use building”** means a building wherein there are two or more single dwelling units and at least the entire bottom floor of the building is used for commercial purposes;

**“mobile food service”** means the use or intended use of a food truck, food trailer or food cart; [BL3657]

**“mobile home”** means a factory built dwelling unit that conforms to Canadian Standards Association (CSA) Z240-MH series standard; [BL3367]

**“mobile home space”** means an area of land situated within a mobile home park and used for the installation of one mobile home with permissible additions;

**“mobile home park”** means a parcel of land on which manufactured homes are located and individual sites are made available on a long-term rental basis, together with a recreation area, and any buildings or structures accessory to the mobile home park; [BL3367]

**“modular home”** means a factory built home that conforms to CSA A277 series standard; [BL3367; BL3722]

**“motel”** means a hotel, the units of which may include kitchen facilities but does not contain premises licensed for the on-site consumption of alcoholic beverages, or a Cold Beer and Wine store;

**“motion picture and television filming”** means the filming and production of motion pictures or television shows or series; [BL3761]

**“motor vehicle”** means a self-propelled vehicle in, on or by which a person or thing may be transported on a highway, but specifically excludes vehicles designed to be used exclusively on stationary rails or tracks, vehicles moved by human power, mobility scooters, and motor-assisted bicycles; [BL3559]

**“motor vehicle presentation centre”** means the use of a building, structure or land for the display, storage and sales of motor vehicles, motor vehicle parts, accessories and merchandise, including ancillary offices and facilities; [BL3761]

**“motor vehicle sales”** means the use of a building, structure, or land for the sale of motor vehicles and may include accessory products sales, repair shops, or auto body repair shops;

**“motor vehicle testing and driver training facility”** means the use of land for a motorsport circuit and off-road circuit that hosts a variety of motor vehicle driving programs in different configurations with different groups, including but not limited to

- (a) motor vehicles driving the circuit to achieve and improve lap times;
- (b) motor vehicles practicing emergency braking, lane changes, cornering and other procedures including some at high speed;
- (c) multiple motor vehicles using the facility simultaneously including during club or manufacturer activities to achieve and improve their driving skills;

- (d) facilities and repair areas to change settings of motor vehicles, change tires, conduct minor maintenance and repairs, and set up motor vehicles;
- (e) club with restaurant, office, retail store, the sale of food and beverages, change rooms and ancillary amenities;
- (f) parking, off-street parking, covered parking, maintenance, warehouse and storage facilities; [BL3761].

**"multi-family"** means a lot containing more than 2 dwelling units; [BL3457]

**"multi-family residence"** means a building divided into more than two dwelling units and may include townhouse and stacked townhouse; [BL3495]

**"natural boundary"** means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water, a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself;

**"nature sanctuary viewing centre"** means the use or intended use of a building, structure, or land for the purpose of viewing, meeting, or displaying nature;

**"night club"** means an establishment or cabaret which offers the sale of liquor in conjunction with live entertainment and/or dancing;

**"nursery"** means the use or intended use of a building, structure, or land for the retail or wholesale sales of flowers, fruits, vegetables, shrubs, trees, or similar vegetation and/or gardening implements. It may also include facilities for growing such vegetation;

**"occupancy"** means the use or intended use of a building or part thereof for sheltering or supporting persons, animals, or property;

**"occupy"** means to become established in, to reside in, or to use land, buildings, or structures;

**"off-street parking"** means a use of land or buildings for the parking needs of the principal use of a lot; the area for such use includes parking spaces and internal driveways in parking areas, but does not include access driveways;

**"off-street loading"** means the use of land or buildings for the loading and unloading needs of the principal use of the same lot;

**"office"** means a place of business where the principal function is intellectual activity and skill usage other than assembling, manufacturing, repairing, or servicing goods. It includes file areas, storage of office supplies, record keeping, financial records, client and account records, space for interviewing clients and similar space use and includes professional offices;

**"personal care use"** means a use providing for the care of the sick, injured, or aged persons other than in a public hospital and shall include personal care homes, intermediate and extended care homes, rest homes, and child custodial homes, and includes housing for seniors, or other special needs groups provided that a care component is present;

**"personal service"** means the use of premises by a barber, aesthetician, manicurist, travel agent, shoe or watch repair person, tailor, dressmaker, or therapeutic, cosmetic or medical massage therapist; [BL3426]

**"piggery"** means the use of buildings, structures, or land for the purpose of a commercial operation which raises pigs and includes accessory operations for those products which were produced on the lot where the piggery is located;

**"poultry"** means chickens, turkeys, ducks, gees and pigeons; [3758]

**"poultry farm"** means the use of buildings, structures, or land for the purpose of a commercial operation which raises poultry, including emu, and ostrich, and includes accessory operations for those products which were produced on the lot where the poultry farm is located;

**"principal building"** means the building used or intended to be used to accommodate the principal use;

**"principal use"** means the primary and chief purpose for which land and buildings are used or intended to be used;

**"professional office"** means an office of an accountant, architect, dentist, engineer, lawyer, doctor, or other medical practitioner;

**"pub"** means the use of buildings, structures, or land for the purpose of selling alcoholic beverages and



which is licensed appropriately under the *Liquor Control and Licensing Act* and which may also include the sale of food for consumption within the premises;

**"public lane"** means a public thoroughfare or way not more than 10.1 m (33.14') in width which affords only secondary means of access to a site, at the side or rear; [BL3333]

**"public use"** means a building, facility, or open space, under the direct control of the federal government, provincial government, a regional district, or a municipality and used as a utility, household recycling drop-off depot, office, hospital, prison, university or college, or by a crown corporation, and may include an accessory helicopter landing pad; [BL3457]

**"public utility use"** means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is approved by the District; [BL3083]

**"racetrack"** means the use of land for the purpose of holding motor vehicle, motorcycle, horse, or go-cart races;

**"recreation area"** means an area which is set aside for active or passive recreation and which is exclusive of the required yards;

**"recreational facility"** means the use of buildings, structures, or land for gymnasiums, indoor or outdoor racquet courts, curling rinks, skating rinks, swimming pools, aerobic studios, weight rooms, bowling alleys, and the like, and may include accessory restaurants, offices, or sporting goods sales;

**"recreational vehicle"** means a (a) camper, (b) travel trailer, (c) fifth wheel, or (d) motor home, with a maximum width of 2.6 m in transit mode that is licensed under a Provincial enactment; [BL3521]

**"recreation facility small scale,"** means the use of premises as a facility for indoor racquet courts, swimming pools, hot tubs, saunas, aerobic studios, or weight room; [BL3521]

**"recycling drop-off depot"** means the use of land or a building for the drop-off of household recyclable materials; [BL3521]

**"recycling depot"** means the use of a building to collect and sort municipal solid waste, refund containers, or recyclable material but does not include recycling industrial use; [BL3521]

**"recycling industrial use"** means the use of land, a building, or a structure

- (a) to process municipal solid waste or recyclable material into new products, or
- (b) for a feedstock to manufacture products, or
- (c) to convert recyclable materials or municipal solid waste into a form suitable for transportation or manufacture into new products; [BL3521]

**"residential building"** means a building containing a residential use and/or sleeping unit;

**"residential rental tenure"** means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the Residential Tenancy Act; [BL3868]

**"residential use"** means the occupancy or use of a building, or part thereof, as a dwelling unit;

**"resource use"** means a use providing for extracting, grading, crushing, screening, and storing sand, gravel, minerals, and peat, but excludes all manufacturing of products;

**"restaurant"** means an eating establishment, which may serve alcohol, where food is sold to the public for consumption within the premises, within the patron's motor vehicle, or to be taken to another location for consumption;

**"retail store"** means a use of a building or land to sell or rent goods or wares, other than motor vehicles and heavy equipment; [BL3323]

**"retaining wall"** means a structure erected to hold back, stabilize or support water or land. It involves the alteration of land and is used to stabilize or modify slopes, level sites, and correct grade differences. Retaining walls may also form a system containing one or more terraced retaining walls; [BL3891]

**"riding stable"** means a building, structure, or premises used for a commercial operation as a stable where horses can be trained or boarded, or where riding lessons can be given;

**"riparian assessment area"** means the following, when measured from the high water mark:

- (a) for a stream, the 30 m (98.43') strip on both sides of the stream,
- (b) for a ravine less than 60 m (196.85') wide, a strip on both sides of the stream measured to a point that is 30 m (98.43') beyond the top of the ravine bank, and
- (c) for a ravine 60 m (196.85') wide or greater, a strip on both sides of the stream measured to a point that is 10 m (32.81') beyond the top of the ravine bank; [BL3323]

**“seafood market”** means the use of buildings, structures, or land for the retail sale of seafood and related items;

**“secondary suite”** means an additional dwelling unit which is accessory to a single-family dwelling, and meets the requirements set out in section 40.4; [BL3033, BL3674]

**“septage”** means a combination of water carried liquid and solid wastes or settles solids from residences, businesses and institutions normally collected in a septic tank, holding tank, or accumulated in wastewater lines; [BL3467]

**“septage facility”** means any facility, operations or process associated with the gathering, treatment, transportation, transfer, storage, utilization or discharge of sewage waste; [BL3467]

**“service industry”** means the use of land and buildings for the testing, assembling, wholesaling, cleaning, servicing, printing, repairing, and maintaining goods and materials, except as otherwise provided herein, including the sale of tools, lawnmowers, garden equipment, and any similar commodities;

**“service station”** means a use providing for the retail sale of motor fuels and lubricants as its principal use and may include a car wash, the service and repair of motor vehicles and the sale of automotive accessories, but does not include body shops, commercial card lock facilities, paint shops, welding shops, or machine shops;

**“setback”** means the horizontal distance measured at right angles from the lot line and along a parallel line to a use or wall of a building or structure which is nearest to that specific lot line;

**“shipping container”** means a container designed to store and transport cargo by ship, rail, or truck, whether or not it is actually used for such a purpose; [BL3457]

**“single-family dwelling”** means any building, consisting of one dwelling unit, used or intended to be used as the residence of one family, but does not include manufactured homes; [BL3367]

**“slaughterhouse”** means a building wherein animals and/or poultry are killed and butchered;

**“sleeping unit”** means one or more habitable rooms used to accommodate any persons for a period of three (3) consecutive months or less in a calendar year;

**“small sawmill”** means a facility for sawing, planing and dressing logs harvested from the property upon which the facility is located or from adjacent lands; [BL3452]

**“solid fence”** means a fence made of wood, masonry, or other material which is intended to act as a visual screen and which cannot be seen through;

**“stacked townhouse”** means a building containing at least three and not more than eight dwelling units attached by a party wall, where dwelling units may be stacked above one another, where each dwelling unit has direct access to the outdoors at grade and utilizes internal stairs to access the upper units; [BL3426]

**“storage yard”** means buildings, structures, or land used or intended to be used for storing materials. It excludes those materials classified as “special wastes” under the *Waste Management Act*;

**“stream”** means any of the following that provide fish habitat:

- (a) a watercourse, regardless of its water content,
- (b) a pond, lake, river, creek or brook, and
- (c) a ditch, spring or wetland that is connected by surface flow to a watercourse, pond, lake, river, creek or brook; [BL3323]

**“structure”** means any construction fixed to, supported by, or sunk into land or water but excludes concrete slabs on finished or natural grade, and decks on grade which are less than 0.61 m in height; [BL3891]

**“supportive housing”** means the use of a building designed to accommodate residents as they age and includes a private lockable room, separate common areas for dining and socializing, the provision of meals, and housekeeping, but does not include a community care facility; [BL3302]

**“tea room”** means a restaurant which may include outside seating and the accessory sale and display of arts and crafts, but specifically excludes “fast food restaurants”;

**“temporary mobile home”** means a mobile home which is permitted under the Temporary Mobile Home Permit Bylaw; [BL3754]

**“tourist accommodation”** means the use of land or buildings for providing overnight accommodation to tourists and may include the provision of parking for recreational vehicles or the provision of space for tents, and also may include the provision of accessory facilities;

**“townhouse”** means a building containing at least three, and not more than six dwelling units attached by a party wall, located on 1 lot, with all dwelling units having direct access to the outdoors at grade;

[BL3383]

**“trade school”** means buildings, structures, or land used, or intended to be used, for operating a school which offers courses relating to the trades' fields (e.g. welding, mechanic, etc.);

**“two-family dwelling”** means a building, containing two dwelling units which, if joined by a party wall, is primarily adjoined by habitable space rather than a carport, located on a single lot or on two strata lots and which is used or intended to be used as the residence of two (2) families. Despite the foregoing, suites, granny flats, or in-law suites, and the like are permitted, provided that the unit number of 2 is not exceeded.

**“use”** means the purpose or function for which land, or buildings, is used or is designated or intended to be used and/or occupied;

**“veterinary clinic”** means any fully enclosed building, structure, or premises, in which veterinary medicine is practiced, which does not have outside paddocks or kennels;

**“warehouse”** means the use or intended use of a building, structure or land for storing goods or merchandise;

**“watercourse”** means any natural or man-made channel through which water flows, serving to give direction to a current of water;

**“yacht club”** means all buildings, land, foreshore, water lots, and land covered by water occupied for recreation use of a bona fide club incorporated under the *Society Act* and amendments thereto, for the purpose of boating, sailing, or yachting, and other club activities;

**“yard, front”** means that portion of the lot extending from one side lot line to another between the front lot line and a line drawn parallel thereto at a distance prescribed by the minimum setback of the zone in which the lot is located. The depth of such yard shall mean the perpendicular distance between the front lot line and the parallel line;

**“yard, rear”** means that portion of the lot, extending from one side lot line to another, between the rear lot line and a line drawn parallel thereto at a distance prescribed by the minimum setback of the zone in which the lot is located. The depth of such yard shall mean the perpendicular distance between the rear lot line and the parallel line. In the case of a lot where the side lot lines intersect at a point, the rear yard shall be established in accordance with the definition of “lot line, rear”;

**“yard, side”** means that portion of the lot, extending from the front lot line to the rear lot line, between the side lot line and the line drawn parallel thereto at a distance prescribed by the minimum setback of the zone in which the lot is located. The width of such yard shall mean the perpendicular distance between the side lot line and the parallel line;

**“zone”** means the areas into which the District is divided in accordance with this Bylaw, and attached schedules, and for which specific regulations are outlined; and

**“zoning map”** means the map marked Schedule “C” attached hereto and made part of this Bylaw. [BL3302]

- 12.1** Unless specifically included in a definition, the sale, distribution or trade of cannabis and its derivatives is excluded. [BL3688]

## **PART 4 – GENERAL REGULATIONS**

### **Watercourses**

- 13** (1) Despite any other provisions of this Bylaw, other than section 80.2 (7) (d), no building or part thereof shall be constructed, altered, moved, or extended, nor shall any mobile unit, manufactured home, structure, or fill be located: [BL3323]
- (a) within 7.5 m (24.6') from the natural boundary of the sea, or
  - (b) within the riparian assessment area, unless the requirements of the *Riparian Areas Regulation* of the British Columbia *Fish Protection Act* have been met;
  - (c) within 15.0 m (49.21') from the natural boundary of any other watercourse or source of water supply, excluding wells.