

DISTRICT OF SEHEL T

ZONING BYLAW NO. 25, 1987

A bylaw to establish zones, and to regulate the use of land, buildings and structures within the zones, pursuant to the Local Government Act.

The Council of the District of Sechelt in open meeting assembled ENACTS AS FOLLOWS:

PART ONE - INTERPRETATION

101. **TITLE**

This bylaw may be cited for all purposes as the "**District of Sechelt Zoning Bylaw No. 25, 1987**".

102. **DEFINITIONS**

"**ACCESSORY TO**" means customarily incidental to the permitted use of land, buildings and structures located on the same lot;

"**AGRICULTURE**"

- a) means cultivating, producing or harvesting crops and marketing and selling the crops harvested on the same parcel;
- b) includes:
 - i) the storage and sale on a farm of the crops harvested on the same farm;
 - ii) the storage on a farm of farm machinery, implements and supplies used on that farm;
 - iii) repairs on a farm to farm machinery and implements used on the same farm;
- c) **excludes** rearing livestock and all manufacturing, processing, storage and repairs not referred to in this definition;

"**AMUSEMENT ARCADE**" means an establishment that has more than **three (3)** coin operated electronic game machines;

"ANIMAL KENNEL" means an establishment for the breeding or boarding of four or more dogs over six months old or four or more cats over six months old;

"AQUACULTURE" means the hatching, rearing and harvesting of finfish and shellfish, for commercial purposes, in any natural or artificial water environment and excludes all activities that are within the scope of the "aquaculture processing" use.

"AQUACULTURE PROCESSING"

- a) means the treating or preparing of fish, shellfish, mollusks, crustaceans and marine algae and any treatment or use of fish offal for the preparation of fish feed;
- b) includes, in respect of fish, shellfish, mollusks, crustaceans and marine algae, the cleaning, smoking, shucking, packaging, cooking or canning, provided that the cleaning smoking, packaging, cooking and canning is carried out within a fully enclosed building permitted in this bylaw, and includes the storage of live fish for holding or breeding purposes, and the storage of oyster shells and includes the storage and any treatment of fish offal for the production of fish feed, provided that the storage and treatment of fish offal is carried out within a fully enclosed building permitted in this bylaw; and
- c) **excludes** any treatment or preparation not included in this definition and specifically excludes rendering;

"ASSEMBLY" means the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes but does not include the provision of sleeping or dwelling units;

"AUTOMOBILE" means a 4-wheeled, self-propelling vehicle for passenger transportation on streets and roadways;

"BASEMENT" means a space between two floors, the lower floor of which is more than zero point five (0.5) metres, but less than one point five (1.5) metres, below the average finished ground level at the perimeter of the building;

"BUILDING" means a structure, located on the ground, which is designed, erected, or intended for the support, enclosure, or protection of persons or property. When a structure is separated by party walls located upon lot lines, then each portion of such structure shall be deemed a separate building;

"CAMPGROUND" means a site occupied and maintained, or intended to be occupied and maintained for the temporary accommodation of travellers, which is either operated for reward or is licensed accommodation under regulations made pursuant to the British Columbia Travel Regulation Act, but **does not** include a mobile home park, hotel or an auto court;

“CANNABIS’ means cannabis as defined in the Marihuana for Medical Purposes Regulations, SOR/203119, as amended from time to time.

"CAR-WASH" means an enterprise offering facilities for the washing or cleaning of cars on an automated or semi-automated basis;

"CELLAR" means a space between two floors, the lower floor of which is more than one point five (1.5) metres, below the average finished ground level at the perimeter of the building;

“CHILD CARE FACILITY” means a group day care or childminding facility licensed under the Community Care Facility Act and Regulations thereto;

"CHURCH" means an assembly building used for public worship;

“CLUB HOUSE” means a place of assembly associated with a golf course, which may include a restaurant;

“COMMERCIAL AND/OR NON COMMERCIAL RECREATION” means a use providing for open air recreation such as race tack events, model airplane events and music concerts.

“COMMERCIAL RECREATION FACILITY” includes rental of non-motorized recreational equipment, a fitness centre, gymnasium, mini golf, bowling alley and other similar uses;

“COMMERCIAL USES” means an occupation, employment or enterprise that is carried out for gain or monetary profit by any person or corporation

“COMMUNITY CARE FACILITY” means a facility defined and licenses under the Community Care Facility Act;

“CONTRACTOR SERVICES” means premises for the provision of building, electrical, plumbing, heating, painting and similar services primarily to households and the accessory sales of goods which are kept within the premises

"CONVENIENCE STORE" means a retail sales outlet which sells or offers for sale food stuffs, fresh fruits and vegetables, hygienic or cosmetic goods, other similar daily household goods and the auxiliary sale of books, periodicals and videos, up to a maximum floor area of 465 m² unless otherwise limited in the permitted uses of a zoning schedule.

“DEVELOPED PARK” means that land zoned PA-1 Park, Recreation and Assembly 1 that has upon it, a constructed facility such as a playground, tennis court, gazebo, ball diamond, soccer field, structure, or building that is maintained and owned by the District of Sechelt.

"DOMESTIC CONSUMPTION" means utilization of livestock by residents of the parcels being utilized for the raising of livestock and does not include retailing or wholesaling;

"DROP-IN CENTRE" means a non-profit facility where people of common interest gather on a regular basis;

"DWELLING UNIT" means a suite of rooms which provides accommodations for one family, has its respective entrance, and contains sleeping, toilet facilities and not more than one set of cooking facilities;

"DWELLING, SINGLE FAMILY" means any detached *building* consisting of *one dwelling unit* or a *building* consisting of a combination of one *dwelling unit* and one *secondary suite*;

"DWELLING, TWO FAMILY" means any detached building divided into **two dwelling units**, each of which is occupied or intended to be occupied as the home or residence of one family;

"DWELLING, MULTIPLE FAMILY" means any building consisting of **three or more dwelling units**, each of which is occupied or intended to be occupied as the home or residence of one family;

"FAMILY" means an individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than five unrelated, non-transient persons, living together as a single non-profit group in a housekeeping unit and including servants (caregivers) employed on the premises;

"FARM" means a parcel or portion or set of parcels used for agriculture;

"FENCE" includes a screen, trellis and wall;

"FITNESS CENTRE" means an establishment in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, recreation club and gymnasium, and may include customarily ancillary facilities;

"FLOATING HOME" means a house-like structure built on a floatation system, which is not self-propelled and intended primarily for use as residential accommodation and not primarily intended for navigation;

"FLOOR AREA" means the total floor area of all floors in a building measured to the extreme outer limits of the building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and **excluding** auxiliary parking, unenclosed swimming pools, balconies or sundecks, elevators or ventilating machinery and building features referred to in Section 311 of this Bylaw;

"FRONTAGE" means the **length of the front lot line;**

"GARDEN NURSERY" means an area used for the display, wholesale or retail sale of plants, fertilizer, insecticide, herbicide, seeds, small garden hand tools, Christmas trees, animal feed and animal bedding and **excludes** all other wholesale or retail sales;

"GASOLINE SERVICE STATION, CONVENTIONAL" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed by an attendant for the customer, and which may include the servicing and minor repairing of motor vehicles, and the sale of automobile accessories. A gasoline service station, conventional, may also include a self-serve facility for the dispensing of motor fuels and lubricants by the customer may also be provided as an accessory use on the site, but shall be limited to **one pump island only;**

"GASOLINE SERVICE STATION, SELF-SERVE" means any building or land used or intended to be used for the retail sale of motor fuels and lubricants that are dispensed by the customer;

"GOLF RETAIL/RENTAL" means the sale and rental of golf equipment and apparel;

"GRADE" means one of the following:

- (a) for single and two family dwellings "grade" means the lowest of the average elevations of finished ground adjoining each face of a structure, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average elevation of finished ground;
- (b) for all other buildings "grade" means the average natural elevation (prior to any regrading, subdivision, or construction) as measured around the perimeter of the proposed building footprint or directly below its outermost exterior walls;

"GUEST COTTAGE" means a building used as a dwelling, the floor area of which does not exceed **fifty-five (55) square metres;**

"HEIGHT" means one of the following:

- (a) for single and two family dwellings "height" means the vertical distance along the projected line of the face of the building from the grade to the highest point of the roof;

- (b) for all other buildings “height” means the distance measured vertically along the projected line of the face of the building from the grade to the highest point of the roof surface of a flat roof, to the mean level between the eaves and ridge of a gable, hip, or other sloping roof, and in the case of a structure without a roof, to the highest point of the structure;

"HIGHWAY" means 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 OCCUPATION" means an occupation, profession or craft meeting the requirements of Section 307 of this bylaw;

"HOME OCCUPATION (SPECIALIZED)" means a Home Occupation subject to Section 307 of this bylaw with the exception that an activity carried out by Residential Artisans shall be permitted to undertake outdoor activity between the hours of 10:00 AM and 12:00 PM and 2:00 PM to 4:00 PM (except Sundays and Statutory Holidays) and shall be permitted to display their crafts outdoors as long as the display area does not exceed 5% of the lot area or 50 m² whichever is smaller;

"HORTICULTURE" means the growing of flowers, fruits, vegetables, plants, shrubs and trees, indoors and outdoors, for personal enjoyment and consumption, but excludes, “Medical Marihuana.”

"HOTEL" means a building in which the transient public are provided, for consideration, with:

- a) Lodging without provision of housekeeping facilities, and
- b) An office, with a public register, and
- c) An attendant on duty at all times, and
- d) A public dining room or restaurant, and
- e) Access to sleeping rooms through a common lobby;

"HOUSEBOAT" means a boat or vessel fitted for use as a dwelling, or for leisurely cruising;

"INSTITUTION" means an ambulance station, arena, art gallery, cemetery, college, court of law, community centre, federal office, fire hall, library, municipal office, museum, park, playground, police station, provincial office, school (**excluding** private educational facilities), stadium or public swimming pool and **excludes** a public storage yard or works yard;

"KINDERGARTEN" includes play school, day nursery and nursery school;

"LAND" includes the surface of water;

"LANE" means a highway which provides a second access to a parcel and is **less than eight (8) metres wide**;

"LIGHT INDUSTRY" means assembly, distributing, fabricating, processing, repairing, storing, testing, or transporting of goods, machines or materials, and includes autobody shops, but **excludes** animal processing, autowrecking, bulk fuel or chemical storage or refining, gravel extraction, log storage, manufacture of concrete products, refuse disposal, and wood processing;

"LIVE/WORK" means the use of a portion of a building by an artisan, artist or craft person for both commercial and residential uses, where the commercial use is located on the ground floor and the residential use is located on a storey or storeys above the commercial use;

"LIVE-ABOARD" means a marine vessel designed primarily for the purpose of navigation, which is used incidentally as residential accommodation;

"LIVESTOCK" means domestic farm animals and **excludes piggeries**;

"LODGE" means a tourist establishment containing sleeping rooms which provide accommodation to the travelling public;

"LOT" means a parcel of land registered in the Land Title Office;

"LOT AREA" shall mean the area of a lot determined from Land Title Office records;

"LOT COVERAGE" means the percentage of the total horizontal area of a lot that may be built upon including accessory buildings and other structures (carports, covered patios, verandahs and decks over 0.6 meters in height); and excluding eaves to a maximum of 0.6 meters (2 feet), open courtyards, patios, driveways and parking stalls;

"LOT LINE" means a boundary of a parcel and in particular:

- a) **front lot line** means:
 - i) the lot line contiguous to a highway; and
 - ii) where the lot is contiguous to the intersection of two highways, the shorter of the lot lines contiguous to a highway other than a lane;
- b) **rear lot line** means the lot line opposite to, most distant from and not connected to the front lot line and where the rear portion of the lot is bounded by intersecting side lot line, it shall be the point of such intersection; and
- c) **side lot line** means a parcel line other than a front or rear lot line;

“LOT WIDTH” means one of the following:

- (a) where a lot has only one front lot line, the distance measured along that front lot line, between the projections of the two flanking lot lines **OR**;
- (b) where a lot has two or more front lot lines, the distance measured along the shortest front lot line between the projections of the two flanking lot lines **OR**;
- (c) where a lot is a panhandle lot, the distance measured along the lot line common to the panhandle subdivision (that is, the lot line broken by the panhandle corridor opening into the body of the panhandle lot), and measured along that lot line between the flanking lot lines so as to include the panhandle, **OR**;
- (d) where a lot is a cul de sac lot or other irregularly shaped lot, the horizontal distance between projected flanking lot lines measured 10 metres inside the lot from the lot line common to the road right-of-way;

“MARIHUANA” means marihuana as defined in the Marihuana for Medical Purposes Regulations, SOR/203-119, as amended from time to time.

"MARINA" means a boat moorage or launching facility which may include a dock, pier, wharf or float and which may offer boat-related sales, service, bate sales, boat rentals, and related showers and washroom facilities, but **excludes rental of powered personal water craft (including jet skis), boat building and heavy repairs;**

“MARINE AND FISHING RELATED RETAIL” means sales of boat and marine accessories and parts and related supplies, fishing equipment, and fishing licenses. **BUT** excludes motorized water craft sales and rentals;

“MARINE FUEL INSTALLATION” means the provision of tanks and pumping facilities for the storage, dispensing and sale of fuels used by boats and seaplanes unless otherwise limited in the permitted uses of a zoning schedule;

“MEDICAL MARIHUANA” means marihuana or cannabis, pursuant to the Marihuana for Medical Purposes Regulations, SOR/203-119, as amended from time to time.

“MEDICAL MARIHUANA CULTIVATION” means the use of land, buildings or structures, licenced under federal regulations for the growing, and/or drying, packaging, storage, or wholesale distribution, of “Medical Marihuana.”

“MEDICAL MARIHUANA PRODUCTION” means the use of land, buildings or structures, licenced under federal regulations for the growing, drying, processing, processing into derivative products, packaging, storage, wholesale distribution, a and sale, of any “Medical Marihuana.”

“MIXED COMMERCIAL-RESIDENTIAL DEVELOPMENT” means a development where both commercial and residential floor space is designed as a single environment in which both commercial and residential amenities are provided;

"MOBILE HOME" means a single-family dwelling unit suitable for year-round occupancy, specially designed to be moved along the highway from time to time by means of a vehicular chassis, and that arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connection to utilities, and some incidental assembly;

“MOBILE VENDING” means the sale of goods (excluding alcoholic beverages) or services from a mobile apparatus (for example a vehicle, trailer, cart);

"MOORAGE" means a dock, float or buoy for the purpose of securing boats thereto;

"MOTEL" means a building or buildings which contains sleeping units for transient use and which may contain auxiliary assembly, commerce, entertainment, indoor recreation or restaurant uses and premises licensed to serve alcoholic beverages;

"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;

"OFFICE" means the operation of banks, finance and trust companies, federal, provincial and municipal offices, business or professional offices, police stations, post offices, health centres, ambulance stations and fire halls, and similar uses;

“OUTDOOR MARKET” means the use of land, unenclosed buildings or structures or part thereof for the purpose of selling fruit, vegetables, crafts and other similar items;

"PARKING SPACE" means a space within a building or a parking area for the parking of one vehicle, **excluding** driveways, ramps, columns, office and work areas;

"PERSONAL SERVICE" means a barbershop, beauty shop, drycleaner, Laundromat or shoe repair shop and includes the sale of goods where the sale of goods is auxiliary to the provision of a service;

"PIGGERY" means, other than in respect of pigs each weighing less than **eighteen (18) kilograms, the raising of more than ten pigs, three or fewer of which are sows;**

"PRINCIPAL" means the essential nature of basic and determinant characteristics as applicable to any building, structure or use;

“PRIVATE UTILITY” means cable television, electricity, natural gas, water (both grey and potable) distribution, sewage collection and treatment;”

"RECREATIONAL VEHICLE" means a motor vehicle or a vehicle towed by a motor vehicle, providing temporary living accommodation, and includes travel trailer, tent trailer, camper, caravan and motor home;

“RESEARCH ESTABLISHMENT” means a building or premises for used primarily for scientific research, investigation or experimentation;

“RESIDENTIAL ARTISAN” means a craftsperson who produces a finished product and without limiting the foregoing may include an artist, a sculptor, a potter, a weaver, a seamstress and a knitter;

“RESORT” means an establishment that provides accommodation to the travelling public and may contain ancillary services and recreational facilities;

"RESTAURANT" means a dining establishment where food is sold to the public for immediate consumption within the premises, but where no provision is made for the consumption of food in motor vehicles which are parked on the same site;

"RESTAURANT, (DRIVE-IN) means a building from which food or drink is served on a self-service or car-service basis;

"RETAIL" includes the operation of retail stores, bakery shops, auction rooms, supermarkets, greenhouses and nurseries, but **does not** include the operation of service stations and car washes;

“SCHOOL BUSINESS” means the use of premises for training or instruction in business skill, arts, or sports;

“SEASONAL OUTDOOR MARKET” means an outdoor market operating during maximum of eight calendar months in a calendar year;

“SECONDARY SUITE” means an accessory *dwelling unit* that:

- a) is located within a *single family dwelling*, and;
- b) has a total floor area of not more than 90m² nor more than 40% of the total floor *area* of the *building*;
- c) is located in and part of a *building* which is a single real estate entity;
- d) meets all the applicable requirements from the BC Building Code.

"SERVICE BUSINESS" includes the operation of lock, shoe, bicycle, electronic and appliance repair shops, barbershops and beauty parlours, dance and music studios, trade, business or driving schools, restaurants and cafes, billiard halls, printing establishments, laundrettes, dry cleaners, coin operated dry cleaners, upholstery or tailor shops, parking lots and garages, clubs, fraternal lodges, radio and television stations, telephone exchanges and veterinary clinics, but **does not** include the operation of conventional service stations and car washes;

"SETBACK" means the minimum permitted distance required under this bylaw between a structure and a specified parcel line;

"SHOPPING CENTRE" means a unified group of retail and office and service business establishments on a site planned, developed and managed as a single operating unit, with shared on-site parking;

"SHORT TERM RESIDENTIAL RENTAL" means the rental of a dwelling unit on a daily, weekly or other short term basis for less than four (4) consecutive weeks;

"SPECIALITY COMMERCIAL" means commercial units each of which would be limited to a maximum of seven point five (7.5) meters of the frontage and an interior floor area of one hundred (100) square meters and limited to the following uses:

- (a) Retail & mobile vending
- (b) Service Business, but only for the following:
 - i) barber shop
 - ii) beauty parlour
 - iii) photographer studio
 - iv) picture framing studio
 - v) restaurants and cafes (but excluding take-out and drive-in restaurants or cafes)
 - vi) tailor shop
 - vii) veterinary clinic or dog grooming studio;

"STORAGE WAREHOUSE" means the use of a wholly enclosed building for the storage of non-hazardous goods, materials, machinery or equipment;

"STRUCTURE" means an erection or construction of any kind whether fixed to, supported by or sunk into land or water;

"SUPPLEMENTARY OFFICE AND RETAIL" means an area of up to forty percent of the commercial floor area of a building which may be used for office use and/or separate retail stores, up to 93 m² in floor area, which may be used for office use and/or separate retail stores, limited to hair dresser, bake shop, book shop, video rental shop, souvenir shop, craft shop, and art shop;

“TOURIST ACCOMMODATION” means a hotel, motel, lodge or cabin(s) which provides accommodation to the travelling public and may include accessory uses including food service, recreation facilities, office and retail, and assembly space;

“TOURIST COMMERCIAL” means the provision of services and the sale or rental of equipment for recreation activities normally associated with leisure;

"TRANSPORTATION" means the operation of bus and truck terminals, railways, freight handling, passenger and transit depots;

"TRANSITION HOUSE" means a single family dwelling which provides temporary housing for persons (maximum 12 persons) fleeing abusive situations, typically women and children;

"USE" means construction re-construction, alteration, extension, maintenance, and occupancy;

"USABLE LOT AREA" means the area of a lot measured in a horizontal plan between the lot boundaries, **excluding** land in excess of **thirty (30%) percent slope**;

“UTILITY SERVICES” means development for utility infrastructure which is likely to have a minor impact on the site or adjacent land uses by virtue of appearance, noise, size, traffic generation or operational characteristics. Typical uses include but are not limited to telephone exchanges, wire centers, switching centers, surface reservoirs or storm water detention including adjacent landscaping and walkways, minor pump houses and communication towers;

"VETERINARY HOSPITAL" means an establishment in which animals are cared for, treated, maintained, or hospitalized, but which **does not** provide for the boarding of animals;

"WATERCOURSE" is any natural or man-made depression with well-defined banks and a bed **zero point six (0.6) metres or more below the surrounding land servicing to give direction to a current of water at least six (6) months of the year or having a drainage area of two (2) square kilometres or more**, or as required by a designated official of the Ministry of Environment and Parks of the Province of British Columbia;

“WINERY” means an establishment involved in the manufacture, packaging, storing and sale of grape and fruit-based wines, including a wine bar and restaurant.