

2 DEFINITIONS

In this Bylaw, unless otherwise stated, the following definitions shall apply:

Abbeyfield Dwelling: A dwelling unit (1) operated by a non-profit society or co-operative association, (2) where elderly people and a live-in caretaker live together as a co-operative household, and (3) where each resident has a private bed-sitting room and shares common facilities.

Access Aisle: That part of a lot or lots forming a corridor not exceeding seven metres in width used to provide access to a street for more than one lot.

Accessory Building or Structure: A building or structure (1) used or intended to be used for an accessory use, (2) subordinate in area, extent and purpose to the principal building served, and (3) located on the same lot as the principal building served.

Accessory Use: A use on a lot that is customarily incidental to, subordinate to and exclusively devoted to the principal use of the same lot.

Adaptable Housing: A building or part thereof designed and constructed to be convertible for accessibility for people with disabilities in accordance with the design standards under this Bylaw.

Affordable Housing Unit: A dwelling unit that has a registered housing agreement specifying that no more than 30 per cent of the occupying household's gross income goes towards paying the housing costs for that unit.

Artist Studio: The use of a building or part thereof for the production or instruction of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, none of which involves amplified sound, welding or the use of fiberglass, epoxy or other toxic or hazardous materials.

Assembly Hall: The use of a building or part thereof for the gathering together of groups of persons for a specific function (such as a public meeting).

Assisted Living Facility: The use of a building or part thereof, other than a community care facility, in which housing, hospitality services and other health-care related services to three or more adults residing within the premises who are not related by blood or marriage to the operator of the premises. Assisted living residences may include independent living, assisted living, Abbeyfield dwellings, and long-term care facilities.

Awning: A shelter projecting from and supported by the exterior wall of the building designed to be collapsible or retractable and usually constructed of fabric or similar non-rigid material.

Bareland Strata Lot: A strata lot under the Strata Property Act created by deposit of a bareland strata plan under that Act.

Base Density: The maximum Floor Area Ratio permitted on a lot, except where the requirements for Bonus Density have been satisfied.

Basement: A level or levels of a building located below the first storey and having a ceiling elevation of no more than 0.6 metres above grade.

Boathouse: A building constructed on or over water and used for the storage of boats.

Boat Repair and Manufacturing: The use of land or a building or structure or part thereof, for the repair, maintenance, or manufacture of boats and boating equipment.

Boat Sales and Rental: The use of land or a building or structure, or a part thereof, for the sale or rental of boats and boating equipment including booking, registration, and outfitting.

Bonus Density: The maximum additional Floor Area Ratio permitted on a lot above the Base Density, subject to the provision of amenities as required by this bylaw and the Town of Sidney Bonus Density and Community Amenity Contribution Policy, as amended from time to time.

Breakwater: A protective structure of stone or concrete that extends from or near the shore into the water for the purpose of protecting a harbour or shore from the full impact of waves.

Brew Pub: A pub that includes facilities for the manufacturing of alcoholic beverages, excluding spirits.

Broadcasting Studio: means a studio which records and broadcasts a radio, internet, or television signal intended to be received by the general public for information, entertainment or educational purposes.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Face: That part of the exterior wall of a building which faces one direction and is located between ground level and the ceiling of its top storey.

Building Supply and Lumber Outlet: The use of land or a building or structure or part thereof for the wholesale and retail sale of building, construction and home improvement materials.

Cannabis: Has the same meaning as in the Cannabis Act, S.C. 2018.

Cannabis Retail: The use of a building or part thereof for the retail sale of cannabis.

Cannabis Processing: The processing of raw cannabis plant material into value added and refined cannabis products for the purpose of wholesale distribution.

Canopy: A permanently fixed, non-retractable structure supported solely by the building and which projects from the face of the building used or intended to be used for the purpose of affording protection or shelter from the weather.

Car Wash: The use of a building or part thereof for the washing of vehicles using mechanical equipment.

Carport: An open-sided structure used or intended to be used for the storage of vehicles and attached to the principal building on no more than two sides.

Cellar: The portion of a building partially below grade and having a ceiling elevation of no more than 0.6 metres above grade and a height from floor to ceiling of less than 2.1 metres.

Cemetery: The use of land or a building or structure or part thereof as a place of interment for human remains or to memorialize the deceased, or both.

Child Care Facility: A care facility where eight or more children under the age of thirteen, including members of the household occupying the premises, are cared for.

Cinema: The use of a building or part thereof for showing motion pictures to the public.

Commercial Printer or Publisher: The use of a building or part thereof to provide large-scale bulk printing and reproduction services to other persons for the purpose of distribution or sale by such persons.

Community Centre: The use of land or a building or structure or part thereof for the provision of recreational, social, and cultural activities to the community.

Community Care Facility: The use of a building or part thereof to provide care to three or more persons residing within the premises who are not related by blood or marriage to the person providing such care is pursuant to a license under the Community Care and Assisted Living Act.

Copy/Print Shop: The use of a building or part thereof to provide small-scale document printing or copying services directly to the consumer. Does not include sign fabrication.

Convenience Store: The use of a building or part thereof for the retail sale of groceries and other household items primarily for the convenience of the surrounding neighbourhood.

Customs Facility: The use of land or a building or structure or part thereof for the administration of international cross-border traffic.

Daycare: The use of a building or part thereof for the care of eight or fewer children under the age of twelve, including children who are members of the household occupying the premises.

Density: The number of residential units permitted on a Lot or Strata Lot when calculated in Units per Hectare, or the total amount of Gross Floor Area permitted on a Lot or Strata Lot when calculated in Floor Area Ratio.

Development Permit: A development permit issued under the Local Government Act.

Drive-Thru Restaurant: A restaurant where persons may order, pay for, and pick up food while remaining in their vehicles.

Dwelling Unit: A housekeeping unit, used or intended to be used as a domicile or separate living quarters by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities. Includes secondary suites.

Dwelling, Apartment: A multi-unit dwelling where all dwelling units have access only through common (1) corridors, (2) stairways and (3) lobbies.

Dwelling, Multi-Unit: A building containing three or more dwelling units.

Dwelling, Principal: The dwelling, which is the primary dwelling on the property, as distinguished from a Secondary Suite.

Dwelling, Townhouse: A multi-unit dwelling, where three or more units are attached and where each unit has a separate exterior access at grade.

Dwelling, Two-Family: A building consisting of two self-contained dwelling units, either stacked or side by side, that share a common roof.

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

Dwelling, Single-Family: A detached building containing one dwelling unit. May also include an additional dwelling unit in the form of a secondary suite, where permitted under this Bylaw.

Education Facility: The use of a building or part thereof that is not also used or intended to be used as a residence, for the purpose of providing a curriculum of academic instruction up to the completion of grade 12 or for the purpose of providing training or instruction in a trade, art, or occupation, including, but not limited to beauty schools, dance schools and trade or vocational schools.

Emergency Services: Police, fire, ambulance, or other services that provide assistance in an emergency situation.

Exterior Cladding: The exterior wall surfaces of a building including windows, doors, trim and flashing. Also known as a building facade.

Ferry Terminal: The use of land or a building or structure or part thereof for the loading and unloading passengers, vehicles, and cargo from a ferry.

Financial Institution: The use of a building or part thereof by banks or credit unions. Does not include businesses that solely offer investment and investment counseling services.

First Storey: The storey with the lowest floor elevation in relation to grade, excluding a basement or half storey.

Fitness Centre: The use of a building or part thereof for the development of physical health or fitness.

Float Home: A dwelling unit built on a floatation system that is not self-propelled.

Floor Area Ratio (FAR): The total gross floor area of all buildings and structures on a Lot or Strata Lot divided by the total Lot Area, not including any exclusions to Gross Floor Area as permitted elsewhere in this bylaw.

Fish Processing: The use of a building or part thereof for the processing of fish and other seafood for the purposes of on-site retail and wholesale sales.

Food Bank: The use of a building or part thereof for the purpose of receiving and distributing food items for charity.

Food or Beverage Manufacturing: The use of a building or part thereof for the processing and/or packaging of food and/or beverages.

Funeral Service Facility: The use of a building or part thereof for the storage of deceased human bodies prior to burial or cremation or for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, but in either case excluding the process of cremation.

Gas Bar: The use of land or a building or structure or part thereof for the sale of vehicle fuel or lubricants.

Grade: Refers to the natural grade of a site and is defined as the average existing elevation of the ground surface of land, at the extreme four corners of a building, prior to any alteration to the ground elevation of a site, except for alterations required by a qualified professional to establish a Flood Construction Level (FCL). Where land alteration has occurred and is unrelated to an FCL, the natural grade shall be determined by a building official on the basis of historical records or by interpolation from adjacent natural grades.

Gross Floor Area (GFA): The sum of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls, and exposed supporting columns.

Habitable Room: A room used or intended to be used for sleeping or human occupancy, excluding workshops, furnace rooms, cellars, storage rooms, garages, and carports.

Half Storey: A storey having its ceiling elevation greater than 0.6 metres and less than 1.2 metres above grade.

Height: The vertical distance measured from grade to the highest point of a building or structure.

Holding Tank: A container for storing sewage in vehicles or boats equipped with toilets.

Home Occupation: A business carried out by one or more persons residing in a dwelling unit in an office, studio or workroom contained in the dwelling unit or in an accessory building to the dwelling unit.

Home Occupation, High Traffic: A home occupation that receives customers or clients in a dwelling unit or accessory building as part of its regular business operations, including but not limited to daycares, personal service establishments and medical, dental, law and accounting offices.

Hospital: The use of a building or a part of a building for inpatient medical diagnosis and care and treatment of human illness, injury, and disease (physical or mental). Outpatient care may also be provided.

Hotel: The use of a building or part thereof having common enclosed entrances and corridors, for the provision of transient lodging accommodations on a daily rate to the general public; does not include a Motel.

Impound Yard: The use of land or a building or structure or part thereof for the impoundment of vehicles or other mobile equipment.

Indoor Amusement: The use of land or a building or structure or part thereof for the provision of indoor games to the public, including but not limited to billiards, bowling and arcade games.

Industrial Fueling Station: The use of land or a building or structure or part thereof for the storage and distribution of fuels, oils, propane, and other petroleum gases for industrial and commercial use.

Kitchen: An area or room which contains kitchen equipment, devices and appliances, or facilities for their installation, including a sink, any cooking or warming device, cabinetry for the storage of food or any other cooking facility or any combination of such cooking facilities, and includes the arrangement of electrical wiring which provides the energy source and plumbing being used or intended to be used to service such facilities.

Laboratory or Research Establishment: The use of a building or part thereof for scientific research, investigation, testing, experimentation, measurement, and product development.

Landscape Supply, Plant Nursery and/or Greenhouse: The use of a land or a building or structure or part thereof for the wholesale and retail sale of plants, soils, and landscaping materials.

Lane: A highway, 6 metres or less in width that provides additional access to a lot or lots.

Liquor Retail: The use of a building or part thereof for the retail sale of alcoholic beverages.

Liveaboard: A boat designed primarily for the purpose of navigating in open water and used for residential purposes; does not include float homes.

Lot: An area of land designated as a separate and distinct parcel, legally recorded on a plan or by description filed in the Land Titles Office; does not include a strata lot or water lot.

Lot Area: The total horizontal area contained within the front, rear, interior side, and exterior side lot lines of a lot.

Lot Coverage: The area of a lot covered by all buildings and structures on a lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane.

Lot Line, Exterior Side: A lot line that is not the front or rear lot line and is common to the lot and the street.

Lot Line, Front: A lot line separating a lot from a street except where it is an exterior side lot line.

Lot Line, Interior Side: A lot line other than a front, rear or exterior side lot line which is common to another lot or lane.

Lot Line, Rear: The lot line or lines opposite to and most distant from the front lot line or, in the case of a triangular shaped lot, a line 3 metres in length entirely within the lot, parallel to an at a maximum distance from the front lot line.

Lot Line, Side: A lot line intersecting with the front lot line and marking the boundary between two lots, or in the case of a corner lot, between a lot and the street.

m²: Square metres.

Major Vehicle Repair: The use of a building or part thereof for the rebuilding or reconditioning of engines or vehicles, including collision service, body repair, frame straightening, painting,

upholstering, steam cleaning, undercoating, welding, major engine, transmission and differential repairs or replacement and minor vehicle repair.

Manufactured Home: A single dwelling manufactured as a unit, or in units, intended to be occupied in a place other than that of its manufacture, and constructed to the requirements of the CSA National Standard CAN/CSA -Z240MH or a preceding or replacement standard.

Marina: The use of land or a building or structure or part thereof for the provision of marine docks, berths and moorings.

Marine Dry Storage: The use of land for the outside storage of boats, boat trailers and ancillary equipment, excluding tools and maintenance equipment.

Marine Moorage: The secure attachment of a boat to a berth, dock, or wharf.

Marine Fuel Storage: The use of land or a building or structure or part thereof for the storage of marine fuel or lubricants.

Marine Fueling Station: The use of land or a building or structure or part thereof for the sale of fuels and lubricants for boats and marine equipment.

Marine Rental or Charter Operation: The use of land or a building or structure or part thereof for the booking, registration, outfitting and commercial transactions for marine tours, diving expeditions, kayaking, sailing and other boat excursions.

Medical Office: The use of a building or part thereof for the provision of medical services including, but not limited to medical clinic, veterinary clinic, dentist, chiropractor, massage therapist, acupuncturist, holistic medical practitioner, optometrist/ophthalmologist and medical lab.

Minor Vehicle Repair: Repair involving incidental replacement of parts or motor service to vehicles not exceeding 4.4 tonnes in capacity, including tune-ups, wheel alignment and brake repairs.

Motel: The use of a building or part thereof to provide transient lodging accommodations on a daily rate to the general public, where access to each accommodation unit is directly from the outside; does not include a Hotel.

Motor Vehicle Sales and/or Rental: The use of a building or part of a building for the display and sale or rental of new or used vehicles, where no repair work is done except minor incidental repair to vehicles to be displayed, sold, or rented on the lot.

Museum: The use of a building or part thereof to house and care for a collection of artifacts or other objects of scientific, artistic, or historical importance and make them available for public viewing through exhibits that may be permanent or temporary.

Natural Boundary: As established by a British Columbia Land Surveyor, the high water mark in the case of tidal waters and includes 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 other than tidal water, a character distinct from that of the banks thereof, in respect of the vegetation, as well as in respect of the nature of the soil itself.

Office: A building or part thereof used primarily for conducting the affairs of a business, profession, service, industry, government or like activity.

Outdoor Kiosk: A container or receptacle that receives, holds, or sells goods and remains or is intended to remain on a lot beyond normal business hours, such as vending machines, news boxes and charity drop-off boxes.

Outdoor Retail: The use of land for the sale of goods and services outside of a building.

Outside Storage: The use of land for storage outside of a building and not enclosed by a structure having exterior walls and a roof.

Parkade: A multi-level parking structure.

Parking Lot: A lot, the principal use of which is an area used for the temporary parking of vehicles.

Party Wall: A wall, jointly used under easement agreement or by right in law, and erected at or upon a line separating two fee simple lots.

Patio: A structure or part thereof (1) with no roof or walls except for visual partitions and railings, (2) abutting a dwelling unit, (3) constructed on piers or on a foundation less than 0.6 metres above the adjacent natural ground level, and (4) used as an outdoor living area.

Panhandle Lot: A lot which requires a relatively narrow strip of land, or panhandle, which is an integral part of the lot, to provide the principal vehicular access to a street.

Park: Land that has been dedicated or reserved for the general public for active or passive recreational use.

Pawn Shop: The use of land or a building or structure or part thereof for the lending of money on security of personal property left in pawn and pledged as collateral for the loan.

Pergola: A landscape element consisting of a horizontal framework, arbor or trellis without a solid roof that is supported by vertical posts.

Personal Service Establishment: The use of a building or part thereof for the provision of personal grooming services or the cleaning and repair of personal effects, including barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, laundries, and pet grooming, but excluding health services, pet daycare or boarding.

Place of Worship: The use of a building or part thereof for religious assembly.

Porch: An open area with a floor and a roof, attached to the lower level of a house accessible from grade.

Principal Building: A building inside of which the principal use or uses on a lot occurs.

Principal Use: The primary or predominant use of a lot, strata lot, or water lot.

Pub: The use of a building or part thereof for an establishment licensed pursuant to the Liquor Control Act, and which serves alcoholic beverages as well as food.

Public Utility: The use of land, structures, a building, or part thereof for the purpose of providing electric, gas, steam, sewer, communication, transportation or water services and infrastructure to the public.

Public Works Facility: Land, buildings, structures, and associated uses that are used to accommodate the Town's public works yard.

Recreation Rental: The use of land or a building or part of a building or structure for renting equipment for to outdoor activities, including bicycles, scooters, kayaks, scuba diving equipment and in-line skates.

Recreation Facility: The use of land or a building or part of a building or structure for sports, leisure time activities, special events including shows, craft fairs and trade exhibitions and other recreational activities.

Recycling Depot: The use of land or a building or part of a building or structure for the collection, sorting and shipping of recyclable materials.

Renewable Energy Apparatus: Equipment or infrastructure which uses energy from renewable resources, such as sunlight, wind, rain, tides, and geothermal heat.

Rental Store: The use of a building or part of a building for the rental of items regularly used by households, including but not limited to small tools, appliances, books, sporting equipment, household accessories, games, and movies, where those items will be returned to the store to be made available again for other customers. This use may include the accessory sale of products associated with the services provided.

Resale Retail: The use of a building or part of a building for the sale of second hand goods. Typical goods may include antiques, books, jewelry, clothing, and other household items.

Restaurant, Class 1: The use of a building or part of a building for the sale of food and non-alcoholic beverages that is prepared on the premises for public consumption either on or off the lot, but not in a vehicle on the lot; does not include a drive-thru restaurant.

Restaurant, Class 2: A Class 1 restaurant licensed for the sale and service of alcoholic beverages.

Retail Sales: The use of a building or part of a building for the retail sale or rental of goods, wares, articles and other merchandise to the general public.

Retail Sales Area: An area within a building used for the sale and/or display of goods and services to the consumer but does not include areas used for wholesale and wholesale distribution.

Retaining Wall: A structure used or intended to be used to hold secure or intact existing ground or imported fill materials located against it.

Roof Pitch: A ratio that describes the slope of the roof line expressed in inches of vertical rise per 12 inches of horizontal distance or run. For example, a 3:12 pitch equates to a 3 inch rise per 12 inch run.

Rooftop Access Structure: Portions of a building or structure which provide rooftop access in the form of stairways, elevators, and vestibules. Does not include storage space or living areas.

Sea Wall: A retaining wall used or intended to be used to prevent erosion of the natural boundary.

Secondary Suite: A type of dwelling unit, built to comply with BC Building Code requirements for secondary suites.

Self-Contained: A dwelling unit that has its own entrances, electrical meters, heating systems, kitchen, bathroom facilities and access to mechanical appliances (e.g. hot water heaters, furnaces).

Setback: The required minimum distance between a building, structure or use and each of the respective lot lines.

Service Station: The use of land or a building or structure or part of a building or structure for the retail sale of motor fuels and lubricants; may also include minor vehicle repair and the sale of automobile products and accessories.

Short Term Rental: Means an accessory use located within a lawful dwelling unit that has a valid and subsisting occupancy permit which provides accommodation for a period of less than 90 consecutive days to the travelling public.

Small Lot: A residential lot that is 400 square metres or less in area.

Small Appliance Repair: The use of land, buildings, and/or structures for repairing or servicing household items including, but not limited to furniture, clothing, electronics, appliances, or other goods normally found within the home, entirely within an enclosed building. This use may include the accessory sale of products associated with the services provided, but does not include the servicing or repair of items with gas-powered engines.

Storey: That portion of a building situated between the top of any floor and the top of the floor directly above it, and if there is no floor above it, that portion between the top of the floor and the lowest point of the ceiling above; does not include a cellar or basement.

Street: A highway, excluding a lane, which is open to use by the public for the purpose of vehicular traffic.

Structure: Anything that is erected or constructed and is attached to, supported by or sunk into land or water; does not include landscaping, fencing, pergolas, surfacing improvements and retaining walls less than 1.2 metres in height.

Telecommunications Tower: A monopole or scaffolding tower structure used for receiving or sending an electronic signal for the purpose of telecommunications.

Temporary Construction Office: An office, located in a temporary building or structure, on or near a development site which is under construction and has an active Building Permit.

Temporary Outdoor Amusement: The use of land for amusements not contained within a building and made available to the public on a short-term basis such as fairs, carnivals, markets, and exhibitions.

Town: The municipality of the Town of Sidney.

Units per hectare (uph): The number of residential dwelling units permitted per hectare of land, used to determine the Density of a Lot or Strata Lot, calculated as follows:

$$\text{Units per Hectare} \times \text{Lot Area (in hectares)} = \text{Density}$$

Use: The purpose for which land, buildings or structures are used or intended to be used.

Utility: See Public Utility.

Video Lottery Terminal: A machine that incorporates chance-gaming into a video game.

Warehousing, Closed Storage or Distribution: The use of a building or part of a building for the indoor storage of materials, products, goods or merchandise.

Water lot: An area of land covered by water below the historical high water mark designated as a separate and distinct parcel on a legal water lot lease issued by the authority having jurisdiction.

Wholesale Sales: The use of a building or part of a building for the selling of goods to be retailed by others.

Yard, Exterior Side: That portion of a lot extending from the front yard to the rear yard and extending from the exterior side lot line to the closest portion of the building face.

Yard, Front: A yard extending across the full width of a lot between the front lot line and the principal use, or adjoining walls or supporting members of the principal building.

Yard, Interior Side: That portion of a lot extending from the front yard to the rear yard and extending from the interior side lot line to the closest portion of the building face.

Yard, Rear: A yard extending across the full width of a lot between a rear lot line and the principal use, or adjoining walls or supporting members of the principal building.

Yard, Side: A yard located between the side lot line and a side building face and extending from the front wall or supporting columns to the rear wall or supporting columns of the building.