

- (b) the *dwelling* occupied or *used* and
- (c) without limiting the generality of (a) and (b) above, a fixed place of living to which a person intends to return when absent;

“residential shelter” means a single *family dwelling* used for the purpose of a temporary *residence* providing emergency and support services for persons leaving physically, psychologically and/or sexually abusive relationships;

“retail” means the sale and rental of goods and wares to the general public;

“religious facility” means an *assembly* building used for public worship;

“secondary suite” means a dwelling unit that does not exceed the floor area limit established in the General Requirements section of this Bylaw, located within a single family dwelling that is capable of being occupied year-round, with a separate entrance, living facilities including provision for sleeping, cooking, sanitation, food storage and preparation;

“setback” means the minimum permitted horizontal distance required under this bylaw between a *building* or *structure* and a specified *parcel* line;

“shot gun” means a firearm designed to be fired from the shoulder with a smoothbore barrel that fires shot shells containing pellets;

“silviculture” means all activities related to the development and care of forests, including seedling and tree nursery and harvesting, but specifically excludes the processing of wood or wood products;

“sleeping unit” means a room or suite of rooms which may or may not contain cooking facilities, used to accommodate any person on a *temporary* basis;

“small suite” means a small dwelling unit that does not exceed the floor area limit established in the General Requirements section of this Bylaw, that is not attached to or within a single family dwelling, and is capable of being occupied year-round, with a separate entrance, living facilities including provision for sleeping, cooking, sanitation, food storage and preparation;

“storey” means the portion of a *building* that is situated between the top of any floor and:

- (a) the top of the next floor above it; or
- (b) the ceiling above it where there is no floor above the ceiling;

“strata lot” has the same meaning as in the Condominium Act;

“streamside protection and enhancement area (SPEA)” means the area so designated by a Qualified Environmental Professional in a Riparian Assessment Report that is registered at the Province of British Columbia, prepared under the *Riparian Areas Regulation*”.

“structure” means any construction fixed to, supported by, or sunk into land or water but not concrete or asphalt paving or similar surfacing of a *parcel*;

5.1 Applicability

Except as otherwise specified in this bylaw, all provisions of Part Five apply to all zones established under this bylaw.

5.2 Accessory Buildings and Structures

- (a) *Buildings and structures accessory to principal uses* are permitted in any zone.
- (b) No *accessory building or structure* shall be situated on a *parcel* unless the *principal building*, to which the *accessory building* is incidental, has been erected or will be erected simultaneously with the *accessory building* on the same *parcel*.
 - (i) Notwithstanding Section 5.2.b, one small *accessory building or structure* may be permitted for storage purposes but shall not exceed 28 sq. m. of gross floor area.
- (c) Notwithstanding Section 5.2(b) and 5.2(b)(i), an *accessory building* may be situated on a *parcel contiguous* to a *parcel* on which the *principal building is* situated.
- (d) An *accessory building* shall not be *used* as a *dwelling or sleeping unit* except as otherwise provided for in this bylaw.
- (e) No *accessory building nor accessory structure* shall be larger than 100 square metres. (1,076 sqft)
- (f) One greenhouse, not exceeding 25 square metres in *floor area* shall be permitted per *parcel* as an *accessory residential structure*. Greenhouses exceeding 25 square metres in *floor area* shall be considered as *agricultural buildings* and shall respect the relevant agricultural building setbacks from parcel lines.

5.20 Signage

Notwithstanding Cowichan Valley Regional District Sign Bylaw no person shall erect, construct, place, *use*, maintain, display or cause to be constructed, erected, *used*, maintained or displayed any sign which does not in all respects conform with the applicable requirements.

5.21 Siting - General

- (a) The siting regulations of this bylaw apply to *parcels* and, notwithstanding the generality of the foregoing, to bare land *strata lots*.
- (b) The *interior side parcel* line requirements of this bylaw shall not apply to *strata lots* under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more *parcels* within a *building*.

5.22 Siting of Kennel Buildings

Within a zone in which *kennels* are a permitted *use*, *buildings* and *structures* for the accommodation of dogs, including dog runs, shall not be located within 45 metres of a *parcel* line.

5.23 Small Suites

- (a) The maximum *floor area* of a *small suite* shall not exceed 90 square metres; (968 sqft)
- (b) The *small suite* shall be freestanding;
- (c) Two additional on-site *parking spaces* shall be provided;
- (d) Prior approval of the authority having jurisdiction for sewage disposal must be secured before issuance of building permit;
- (e) Prior approval of the authority having jurisdiction for potable water must be secured before issuance of building permit;
- (f) The *small suite* shall not be in the form of a recreational vehicle nor park model unit;
- (g) The *small suite* may be in the form of a mobile, manufactured or modular home but may not exceed a length of 13 m.;
- (h) Only one *suite*, either *secondary* or *small* shall be permitted per *parcel*.
- (i) An owner of the parcel must occupy either the *small suite* or the principal dwelling;
- (j) The small suite is subject to Section 5.27 of this Bylaw;

(k) A small suite may be incorporated into or attached to an accessory building.

- (l) The *small suite* may be subdivided from the *parcel* upon which it is located only if:
- i. it is in a zone which would allow for the proposed lot sizes following subdivision;
 - ii. the *principal dwelling* and *small suite* are so located as to allow for setback requirements to be met following subdivision;
 - iii. the approval of the Health Authority for sewage disposal has been obtained
 - iv. all other requirements of subdivision are met.

If the *parcel* upon which the *small suite* would be located is in a zone which would not allow for subdivision, the owner shall, prior to the issuance of a building permit for the *small suite*, register a restrictive covenant on the *parcel* which would prevent its subdivision or the registration of any form of strata plan under the *Strata Property Act* on the *parcel*.

For *parcels* that meet the requirements of (l) i., ii., iii., and iv., following the subdivision, the *dwelling* that was formerly considered to be the *small suite* will no longer be subject to the regulations of Section 5.23 of the Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw.

5.24 Storage of Junk or Wrecks

Unless specifically permitted by this bylaw, no *parcel* shall be used for a junk yard or for the storage, collection or accumulation of all or part of any automobile wreck or all or part of any *motor vehicle* which is not:

- (a) Validly registered and licensed in accordance with the Motor Vehicle Act; and/or
- (b) Capable of motivation under its own power.

5.25 The Use of Tents, Trailers or Recreation Vehicles as a Residence

A tent, trailer, recreation vehicle, park model unit, bus or other motor vehicle shall not be used as a *residence*.

5.26 Undersized Parcels

Parcels that exist as separate and titled *parcels* in the records of the Land Titles Office, at the time of the passage of this bylaw; or

Parcels that have been reduced to a size that is less than the allowable minimum parcel size, as a result of *highway* widening by the Ministry of Transportation and Highways or;

Parcels that have been created under the authority of a statute of the Province of B.C.;

may be occupied for the *uses* permitted in the zone in which they are located, subject to all other regulations of this or any other bylaw, regulation or statute.