

## **PART THREE - GENERAL PROVISIONS**

### 301. **APPLICABILITY OF GENERAL PROVISIONS**

Except as otherwise specified in this Bylaw, the following **Sections 302 to 322 inclusive** apply to all zones established under this Bylaw.

### 302. **PRINCIPAL BUILDING LOT**

Not more than **one (1)** principal building is permitted on a lot except as otherwise specified in Part IV of this Bylaw.

### 303. **USES PERMITTED IN ALL ZONES**

1. The following uses are permitted in all zones:
  - a) horticulture or silviculture;
  - b) forest management practices;
  - c) real estate field sales office;
  - d) a system, work, building, plant, equipment or resource owned by a Municipality, Regional District, the Province of British Columbia, and Improvement District of other government agency for the provision of water, sewer, drainage, gas, electricity, transportation, communication services or public works storage; and
  - e) temporary assembly uses to a maximum of nine (9) consecutive days for any one organization, on property owned and administered by the District of Sechelt.
  - f) Licensed Community Care Facility containing six beds or less.
  - g) public buildings, owned by the District of Sechelt, the Sunshine Coast Regional District, the province of British Columbia and the Government of Canada shall be permitted in all C-2 Zones (Commercial 2 Zones), in accordance with the provisions of the C-2 Zone.

### 304. **KEEPING OF LIVESTOCK**

In the RR-1 and the RR-2 Zones, on a lot having an area of **four thousand (4,000) square metres or more**, keeping of livestock is permitted provided that:

1. The keeping of livestock shall be for the purposes of **domestic use only**;
2. a) an enclosure or other

- b) feeding or drinking trough;
  - c) a structure used or intended to be used for the storage of feed, bedding or manure related to the keeping of livestock shall not be located within **seven point five (7.5) metres of a lot line;**
3. In any Residential Zone other than an R-1 Zone, on a parcel having an area of one (1) hectare or more, the use of land, buildings and structures may include the keeping of poultry or rabbits for domestic consumption only provided that:
- a) an enclosure or other structure;
  - b) feeding or drinking trough; and
  - c) a structure used or intended to be used for the storage of feed, bedding or manure related to the keeping of rabbits or poultry shall not be located within **seven point five (7.5) metres of a parcel line.**

305. **ACCESSORY BUILDINGS AND STRUCTURES**

1. Accessory buildings and structures shall be permitted in conjunction with a principal use in any zone provided that:
- a) accessory buildings **do not** include agricultural buildings; and
  - b) the combined gross floor area of accessory buildings and structures shall be in conformity with the regulations set out in the following table:

| <b>LOT SIZE</b>                           | <b>ACCESSORY BUILDING</b> |
|---|---------------------------|
| (i ) less than 750 square metres          | 55 square metres          |
| (ii ) less than 1500 square metres        | 75 square metres          |
| (iii) 1500 sq metres up to 3500 sq metres | 100 square metres         |
| (iv ) 3500 sq metres up to 1.2 hectares   | 150 square metres         |
| (v ) 1.2 hectares up to 1.75 hectares     | 200 square metres         |
| (vi ) 1.75 hectares or greater            | 250 square metres         |

- c) Accessory buildings situated on lots with a lot area of less than two thousand (2000) square metres may not be used for Bed and Breakfast operations; and
- d) Accessory buildings may not be used as dwelling units.

306. **TEMPORARY BUILDINGS**

1. A temporary building or structure may only be erected on a lot in conjunction

with the construction of a principal use, and shall only be permitted for a period not to exceed the duration of such construction.

2. Temporary buildings or structures shall be subject to the following requirements:
  - a) application shall be made in writing to the Building Inspector for a permit to erect a temporary building or structure;
  - b) such permit may be granted for a period of not more than **six (6) months**, provided however, that it may be renewed upon further application for one further period not to exceed **six (6) months**;
  - c) at the expiration of a permit such temporary building or structure shall be removed and the site thereof restored as nearly as possible to its former condition.
3. Recreational vehicles or trailers may be permitted as temporary buildings or structures in conjunction with construction on a lot, subject to the obtaining of a permit as outlined in subsection 2 above, and subject to the provision of approved water, power and sanitary sewage disposal facilities (including holding tanks).
4. Notwithstanding subsections 1, 2, and 3, above, temporary toilet, washroom, shower and locker facilities may be erected or placed on a property in connection with a sports event for a maximum period of two days, subject to compliance with appropriate permit requirements and health standards.
5.
  - (a) Notwithstanding subsections 1, 2, 3, and 4 above, temporary buildings or structures may be placed or erected on a property as part of a temporary special public event including special public sports events, for up to ten days subject to obtaining the necessary permits and complying with other applicable bylaws and statutory requirements.
  - (b) The permit application and permit for a temporary building or structure for a special public event shall be in writing and obtained from the Building Inspector.
  - (c) At the expiration of the initial ten day period, the permit issued under subsection 5(b) shall be extendible one time only upon application for an additional period of a maximum of four days.
  - (d) The permit issued under subsection 5(b) shall be subject to inclusion of suitable water, power and ancillary washroom, toilet and other sanitary

disposal facilities where applicable.

- (e) Upon the expiration of the permit, the buildings or structures shall be removed forthwith and the property on which the temporary buildings or structures are located shall be restored to its former condition without delay and prior to reimbursement of security required under the Building Bylaw.
  - (f) The placement of temporary buildings and structures for special events need not comply with setback, site coverage or height restrictions in this bylaw except where public safety is unreasonably compromised.
6. Notwithstanding subsections 1, 2, 3, 4 and 5 above, temporary buildings including recreational vehicles or trailers may be erected or placed on a property in connection with the sale of Christmas trees only during the month of December.
7. Notwithstanding subsections 1, 2, 3, 4, 5 and 6, temporary portable modular toilet cubicles each of less than 2 square metres in area, may be located by the municipality on property owned or leased or controlled by the municipality for the use of the public on a seasonal basis for a maximum of seven months in any one calendar year.

### 307. **HOME OCCUPATION**

#### **General**

1. A home occupation must be located on or within a residential premises and must be clearly accessory to the primary residential use and may include group day care facilities in a single family dwelling and bed and breakfast accommodations; BUT excludes a body shop, metal fabricating, and repair and maintenance of vehicles, boats, and other equipment, AND is subject to all other provisions of this and other bylaws of the District of Sechelt.

#### **External Indications**

2. No external indication shall exist that a building is used for a purpose other than that normally associated with a residential building, EXCEPT for a single non-internally illuminated sign not to exceed 0.3 m<sup>2</sup>. Signs are not permitted for home occupations carried out in multiple family buildings.

#### **Outdoor Use Limited**

3. All uses shall be conducted entirely within a completely enclosed building permitted under this Bylaw, EXCEPT in the case of a group day care where outdoor recreation uses are required under the Community Care Facilities Act; and there shall be no outdoor storage of materials, equipment, containers, or finished products.

### **Employees**

4. The home occupation shall be conducted by residents in the dwelling unit, plus one other person. A home occupation in a secondary suite shall be conducted only by residents of the secondary suite. (Where the employees of a home occupation do not frequent or conduct their occupation on the subject property, there shall be no restriction to the number of employees).

### **Product**

5. No product which is highly combustible, toxic, or potentially harmful shall be made or sold on the premises
6. No product shall be sold on the premises except that which is made or produced on the premises.

### **Vehicles**

7. Not more than one vehicle shall be used in connection with the home occupation and no such vehicle shall be in excess of 5,000 kg. GVW.

### **Customers**

8. A home occupation shall not generate pedestrian/vehicular traffic or parking so as to cause a nuisance to the neighbourhood or to a person in the vicinity in which it is located. No customers are permitted to home occupations located in multiple family buildings. Home occupations that attract customers or clients not permitted on a lot that contains a secondary suite.

### **Regulations**

9. A home occupation must have a District of Sechelt business licence. If the applicant is not the land owner, written permission from the owner must also be provided.

10. A Group Day Care facility (maximum eight children) requires approval from the Ministry of Health in accordance with the requirements of the Community Care Facilities Act and Child Care Regulation.
11. A home occupation must conform to all Federal and Provincial statutes and regulations including, but limited to, the Agricultural Land Commission Act.

### **Bed and Breakfast**

12. Despite any other provisions of this Bylaw:
  - (a) Accessory buildings situated on lots with a lot area of less than two thousand (2000) square metres may not be used for Bed and Breakfast operations;
  - (b) Bed and breakfast operations must be conducted within a single dwelling unit;
  - (c) Not more than three (3) sleeping rooms in the dwelling unit may be used for Bed and Breakfast operations;
  - (d) Not more than six (6) guests may use the bed and breakfast facility at any one time;
  - (e) For the purposes of this Section 307 (12), "guests" shall mean an individual who uses and directly or indirectly pays for the use of bed and breakfast facilities.
  - (f)
    - (i) Each Bed and Breakfast operation shall provide 1 guest parking space for each guest room in addition to the parking provided for residential purposes.
    - (ii) Any guest parking or guest outdoor amenity space shall be landscaped to buffer that area from abutting residential premises.
    - (iii) Guest bedrooms in Bed and Breakfast operations shall not exceed 40% of the gross floor area of the residence.
    - (iv) No Bed and Breakfast operation shall be permitted in a residence containing a secondary suite.

### **Number of Home Occupations**

13. Up to two home occupations are permitted on a lot.

## Safety

14. Each home occupation must be equipped with an installed smoke alarm and a minimum 5lb ABC extinguisher on site and mounted.

### 308. SITING OF BUILDINGS AND STRUCTURES

1. Except as otherwise provided in this Bylaw, no structure shall be located on a parcel in the setback required under this Bylaw between a structure and the specified lot line.  
2. Except as otherwise permitted within the M-1 zoning schedule, the placement and occupation of Live-aboard and Floating Homes, whether on land, tidal or non-tidal water, are prohibited, except that a live-aboard may be occupied on tidal or non-tidal water for not more than **10 (ten)** days in any **30 (thirty)** day period.

### 309. IRREGULAR SHAPED LOTS

In the case of lots irregular in shape, the front and rear yard may only be required to be measured from one corner at the front or the rear of the building.

### 310. GARAGE LOCATION AND CARPORTS ON HILLSIDES

When the average difference in elevation between the centerline of a fully constructed road, or in the case of a road not constructed the proposed centerline elevations as deemed to be by the District within a dedicated road allowance and a point **three (0.3) metres to the rear of the front lot line is in excess of one point seventy-five (1.75) metres**, a garage or carport not exceeding **fifty (50) square metres in area**, may be sited **not less than one (1) metre from the front or rear lot line**, but when so built shall, in the case of a corner lot, **not be less than six (6) metres from any side lot line common to lot and street**.

### 311. SITING EXCEPTIONS

1. "Where chimneys, gutters, or eaves, project beyond the face of the building, the minimum distance to an abutting lot line as permitted elsewhere in this Bylaw may be reduced by not more than 700 mm (27.56 inches) provided that such reduction shall only apply to the projected feature."
2. Floodlights, warning devices, observation and water towers; radio and television antennae, masts and aerials, utility wires, poles and guys; flag pole, sign and sign structures, shall **not** be subject to siting.

312. **SITING REQUIREMENTS - APPLICATION TO STRATA AND BARE LAND STRATA LOTS**

1. Siting regulations under this Bylaw apply to bare land strata lots.
2. 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 dwellings within a building.

313. **HEIGHT OF FENCES**

Subject to the provisions of any other Municipal bylaw relating to the construction and maintenance of fences:

1. In any R. Zone, no fence, or wall:
  - a) constructed between the front parcel line and front building line shall exceed one point three (1.3) metres in height unless such construction is adjacent to Provincial Highway or Arterial Road (as defined under the Official Community Plan), in which case the maximum permitted height shall be two point zero (2.0) metres.
  - b) constructed on the parcel other than between the front parcel line and the front building line shall **exceed two (2) metres in height.**
2. In any C, I, M or P zone, no fence, wall or projecting retaining wall:
  - a) constructed between the front parcel line and the front building line shall **exceed one (1.0) metre in height**, except where this Bylaw requires otherwise;
  - b) constructed on the parcel other than between the front parcel line and the front building line shall **exceed two point five (2.5) metres in height.**
3. Notwithstanding clauses (a) and (b) above, and with the exception of playing fields, the maximum height for chain link type fences **shall be two point five (2.5) metres.**

314. **HEIGHT EXCEPTIONS**

Church spires, chimneys, flag poles, masts, aerials, fire hall hose drying towers, water tanks, domes, windmills, public monuments, observation towers, transmission towers, elevators and ventilation machinery and farm buildings including silos, shall not be subject to the height requirements of this Bylaw provided that such structures occupy no



more than **ten (10%) percent** of the surface of the parcel, or if situated on a building, not more than **fifteen (15%) percent** of the roof area of the principal building.

315. **MINIMUM LOT AREA**

No plan of subdivision shall be approved where any lot proposed to be created by the plan of subdivision would have an area less than that specified in **Part Four** of this Bylaw.

316. **LOT SIZE EXCEPTIONS**

Minimum lot size provisions of this Bylaw do not apply in the case where:

- a) Two or more lots are to be consolidated into one parcel, or
- b) the lot being created is to be used solely for an unattended building or equipment necessary for the operation of:
  - . a community sewer system;
  - . a community water system;
  - . a community gas distribution system;
  - . a radio or television receiving or broadcasting antenna;
  - . a telecommunication relay station;
  - . an air navigation aid; or
  - . an electrical substation or power generation station;
- c) the parcel is intended for public park/space; or
- d) lot lines are relocated to facilitate an existing development or improve a subdivision pattern provided that:
  - i) no additional parcels are created,
  - ii) all parts of all parcels are contiguous, and
  - iii) no parcel shall be enlarged to a size permitting further subdivision.
- e) buildings or other development are proposed on lots, on record in the Land Title Office as of December 31st, 1995, where the lot area or width does not meet the requirements of a zoning schedule, but the proposed development conforms with all other District of Sechelt requirements.

317. **VISION CLEARANCE AT INTERSECTION**

Except in the C-2 Zone, no fence, wall, or structure other than a permitted principal building or accessory building shall be erected to a **greater height than one point zero (1.0) metres** and so as to obstruct vision clearance in the area bounded by:

- a) the intersecting lot lines at a street corner and a line joining points along said lot lines **nine (9) metres from their point of intersection.**
- b) the intersecting lot lines at a lane corner and line joining points along said lot lines **six (6) metres from their point of intersection.** A lane intersection shall include the intersection of a lane with any other lane or with a street.

Subject to the provision that where a street intersects with an Arterial Highway, the provision of B.C. Regulations 822-74 shall apply.

318. **DERELICT VEHICLES AND AIRCRAFT**

No wrecked, derelict or abandoned motor vehicle or trailer or aircraft, or engine, frame, chassis, body, box or van unit thereof shall be kept, stored or parked except within a building in any Zone except where otherwise provided by this Bylaw.

319. **DERELICT BOATS**

No wrecked, derelict or abandoned boat or vessel or parts thereof shall be kept, stored or parked except within a building in any Zone except where otherwise provided by this Bylaw.

320. **FLOOD CONTROL REQUIREMENTS**

1. **Definitions**

For the purpose of this section the following definitions shall apply:

**Alluvial Fan** means the alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

**Designated Flood** means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate stream flow data available. Where the flow of a large

watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis.

**Designated Flood Level** means the observed or calculated elevation for the Designated Flood and is used in the calculation of the Flood Construction Level.

**Flood Construction Level** means the Designated Flood Level plus the allowance for freeboard and is used to establish the elevation of the underside of a wooden floor system or top of a concrete slab for habitable buildings. In the case of a mobile home, the ground level or top of a concrete or asphalt pad, on which it is located shall be no lower than the above-described elevation. It also establishes the minimum crest level of a Standard Dyke. Where the Designated Flood Level cannot be determined or where there are overriding factors, an assessed height above the natural boundary of the waterbody or above the natural ground elevation may be used.

**Floodproofing** means the alteration of land or structures either physically or in use to reduce or eliminate flood damage and includes the use of elevation and/or building setbacks from water bodies to maintain a floodway and to allow for potential erosion.

**Freeboard** means a vertical distance added to the Designated Flood Level and is used to establish the Flood Construction Level.

**Habitable Area** means any room or space within a building or structure which is or can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded.

**Mobile Home** means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacturer, and designed as a dwelling unit, and specifically excludes recreation vehicles.

**Natural Boundary** means the visible high watermark 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 (Land Act, Section 1). In addition, the natural boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

**Pad** means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a mobile home or unit.

**Setback** means a withdrawal of a building or landfill from the natural boundary or other reference line to maintain a floodway and to allow for potential land erosion.

**Watercourse** means 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** serving 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** upstream of the point of consideration, or as designated by the Minister of Environment and Parks, or a Designated Official.

Pursuant to Section 969 of the Municipal Act, areas of the District of Sechelt hereby designated as floodplain are as follows:

1. The alluvial fans of Chapman Creek, Wilson Creek, and Gray Creek, Angus Creek, and Burnett Creek as shown on the attached Schedule "B" of this Bylaw.
2. The alluvial fan of Irvine Creek, the mapping of which was not available at the time of adoption of this Bylaw.
3. Designation of all other floodplain areas of the District of Sechelt are described by the following provisions (except where the Flood Construction Level has been determined in response to a site-specific situation) until such time as floodplain mapping is prepared.

2. **Setback Requirements**

Notwithstanding any other provisions of this Bylaw, no building, mobile home or unit, modular home or structure or any part thereof shall be constructed, reconstructed, moved, extended or located:

- i) within **seven point five (7.5) metres of the natural boundary of a lake, swamp or pond;**
- ii) within **fifteen (15) metres of the natural boundary of the sea;**
- iii) within **thirty (30) metres of the natural boundary of Chapman Creek and Gray Creek, and within fifteen (15) metres of the natural boundary of any other watercourse.**

3. **Elevation Requirements**

- a) Notwithstanding any other provisions of this Bylaw, no building, mobile home or unit, modular home or structure or any part thereof shall be constructed, reconstructed, moved, extended or located with the underside of a wooden floor system or top of a concrete slab of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level or top of the concrete or asphalt pad on which it is located:
- i) lower than the Flood Construction Level for any watercourse or the sea where it has been determined to the satisfaction of the Ministry of Environment and Parks, or where it has not been determined or a site-specific Flood Construction Level has not been determined;
  - ii) nor lower than **three (3.0) metres above the natural boundary of Chapman Creek and Gray Creek;**
  - iii) nor lower than **one point five (1.5) metres above the natural boundary of the sea, a lake, swamp or pond;**
  - iv) nor lower than **one point (1.5) metres above the natural boundary of any other watercourse;**
  - v) nor in any case lower than **zero point six (0.6) metres above the natural ground elevation taken at any point on the perimeter of the building** for locations on the alluvial fans of Chapman Creek, Wilson Creek, Gray Creek, Angus Creek, and Burnett Creek as shown on the attached Schedule "B", and the alluvial fan of Irvine Creek, the mapping of which was not available at the time of adoption of this Bylaw.
- b) The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home or unit located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.
- c) Where landfill is used to achieve the required elevation stated in clause 3.(a) above, no portion of the landfill slope shall be closer than the distances in clause 2 from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from flood flows, wave action or other debris.

- d) Foundations of construction in alluvial fan areas shall be designed by a Professional Engineer to ensure that structures are anchored to minimize the impact of flood, sediment and erosion damage; footings are extended below scour depth, or fill materials are armoured where elevation is achieved by fill, to protect against scour, erosion and flood flows.

4. **Exemptions**

**Clause 3 shall not apply to:**

- a) A renovation of an existing building or structure that **does not** involve an addition thereto; or an addition to a building or structure that would increase the size of the building or structure by **less than twenty-five (25%) percent of the floor area** existing as of April 27th, 1976.
- b) That portion of a building or structure to be used as a carport or garage.
- c) On-loading and off-loading facilities associated with water-oriented industry. Main electrical switchgear shall be placed above the Flood Construction Level.

5. **Purposes of Conditions**

The purpose of these conditions is to reduce the risk of injury, loss of life, and property damage due to flooding and erosion. However, the District of Sechelt does not represent to the owner or any other person that any building constructed or mobile home or unit located in accordance with the following conditions will not be damaged by flooding or erosion.

6. **Relaxation**

The Ministry of Environment, Lands and Parks may exempt developments from the requirements of Section 320, except for the 15.0 metre setback from the natural boundary of the ocean from S.I.G.D. #2 to Shorncliffe Avenue.

321. **AGRICULTURAL LAND RESERVE**

- 1. Notwithstanding the provisions of this Bylaw, land within the Municipality designated as "Agricultural Land Reserve" pursuant to the Agricultural Land Commission Act, shall be subject to the Agricultural Land Commission Act regulations made under the Agricultural Land Commission Act, and relevant orders of the Agricultural Land Commission under the Agricultural Land Commission

Act; that is to say, and without limiting the generality of the foregoing, where land within an "Agricultural Land Reserve" is also within a zone established under this Bylaw, the bylaw shall be binding only insofar as it is not contrary to the Agricultural Land Commission Act, regulations made thereunder and orders of the Agricultural Land Commission.

2. Where land outside an "Agricultural Land Reserve" is pursuant to the Agricultural Land Commission Act, regulations made thereunder, or orders of the Agricultural Land Commission excluded from an "Agricultural Land Reserve" or exempted by the Agricultural Land Commission Act, or exempted by regulations made under the Agricultural Land Commission Act, the provisions of this bylaw shall be binding.

### 322. **NON-CONFORMING USES**

The lawful use of land, buildings, or structures existing at the time of the adoption of this Bylaw may be continued, subject to the following provisions of Section 970 of the Municipal Act:

"970 (1) Where land, a building or a structure is lawfully used, at the time of the enactment of a rural land use bylaw or adoption of a bylaw under this Division, but that use does not conform to the bylaw, the use may be continued as a non-conforming use, but if the non- conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or structure become subject to the bylaw.

970 (2) The use of land, buildings or structures for seasonal uses or for agricultural purposes is not discontinued as a result of normal seasonal or agricultural practices, including:

- a) seasonal, market or production cycles,
- b) the control of disease or pests, or
- c) the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.

970 (3) A building or structure that is lawfully under construction at the time of the enactment or a rural land use bylaw or the adoption of a bylaw under this Division shall, for the purpose of this section, be deemed to be a building or structure existing at that time and to be then in use for its intended purposes as determined from the building permit authorizing its construction.

970 (4) Where subsection (1) and (2) authorize a non-conforming use of part of a building or structure to continue, the whole of that building or structure may be used for that non- conforming use.

970 (5) A structure alteration or addition, except one that is required by an enactment or permitted by a Board of Variance under Section 962 (2), shall not, subject to subsection (9), be made in or to a building or structure while the non-conforming use is continued in all or any part of it.

970 (6) In relation to land, subsection (1) or (4) does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the enactment of the rural land use bylaw or the adoption of the bylaw under this Division.

970 (7) For the purposes of this section, a change of owners, tenants or occupants of any land, or of a building or structure, does not, by reason only of the change, affect the use of the land or building or structure.

970 (8) Where a building or a structure, the use of which does not conform to the provisions of a rural land use bylaw or a bylaw under this Division is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, it shall not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

970 (9) Where:

- a) the siting, size or dimensions of:
  - (i) a building or structure, or
  - (ii) off-street parking or loading spaces, or
- b) the number of off-street parking or loading spaces

do not meet the requirements of a rural land use bylaw or a bylaw under this Division that is adopted after they were constructed, they may be repaired, extended or altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw beyond the contravention that existed at the time that the repair, extension or alteration was commenced".

### 323. **SHORT TERM RESIDENTIAL RENTAL**

1. The registered owner of a dwelling unit that is used for Short Term Residential Rental must have a valid District of Sechelt Business License with respect to that use.
2. No property shall be used for Short Term Residential Rental except in accordance with the terms and conditions of a valid District of Sechelt Business License issued for that purpose."



324. **SECONDARY SUITES**

1. A *secondary suite* is a permitted use within any single family dwelling that is in conformance with this bylaw.
2. Only one *secondary suite* is permitted in any single family dwelling.
3. The owner of a *single family dwelling* containing a *secondary suite* shall be resident of either the principal dwelling unit or the secondary suite for a minimum of 9 months a year.
4. Off-street parking shall be provided and maintained in accordance with Part Eleven of this bylaw.
5. *Home occupations* on a lot containing a *secondary suite* shall be in accordance with Section 307 (HOME OCCUPATION) of this bylaw.
6. A *secondary suite* must be registered with the District of Sechelt.

325. **MOBILE VENDING**

1. *Mobile Vending* use is permitted as an accessory use in the following zones and on certain lands subject to the conditions outlined in this section:
  - a) in zones where seasonal outdoor market is a permitted use;
  - b) in zones where retail is a permitted use, provided the *lot area* is no less than 2,000 m<sup>2</sup> (approx. ½ acre)
  - c) on any municipally owned lands subject to the applicable municipal requirements.
2. *Mobile Vending* shall not impede access nor replace any *parking spaces* that are required under Part eleven of this bylaw for the use on a lot.
3. *Mobile Vending* equipment shall not remain overnight on the *lot* where the *Mobile Vending* sales take place.
4. Any *Mobile Vending* operator shall have a valid District of Sechelt Business License.
5. *Mobile Vending* operators shall provide sufficient garbage receptacles and daily garbage removal.
6. *Mobile Vending* use is only allowed on a *lot* where a washroom facility is available for mobile vending customers.
7. *Mobile Vending* operators shall have all applicable health or safety permits posted.
8. *Mobile Vending* locations shall have safe access and egress.