



2.10 Setback Requirements from Watercourses

1. The minimum setback for construction of a building or structure from the Little Qualicum River, the portions of French Creek north of Highway 4A, and the Englishman River shall be 30 metres from the natural boundary, or, where there is a bank within 30 metres of the natural boundary, 30 metres from the top of the bank.
2. The minimum setback for construction of a building or structure for all other watercourses identified on Map 3 of the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan, Bylaw No. 1152, 1999” shall be 15 metres from the natural boundary, or, where there is a bank within 15 metres of the natural boundary, 15 metres from the top of the bank.
3. The minimum setback for buildings or structures adjacent to all other watercourses not specified in Sections 2.10.1 or 2.10.2 shall be 8 metres from the natural boundary.

2.11 Setback Exemptions

1. The following buildings, structures or uses are exempt from minimum setback requirements of this Bylaw, provided that they are not located within a setback established under sections 2.9.c), 2.10 or 2.13 of this Bylaw:
 - a) steps, stairs or ramp;
 - b) arbour/trellis;
 - c) flagpole;
 - d) patio or deck no more than 0.6 metre in height from the existing natural grade;
 - e) radio, television, or cellular and transmission tower;
 - f) parking space, driveways and aisleway;
 - g) fence under 2.5 metres in height, and transparent fencing or transparent vertical extensions greater than 2.5 metres in height where the fence is required for agriculture or farm use;¹
 - h) landscaping structure or mechanical device less than 1 metre in height and depth including retaining wall, pool, and above ground tank;
 - i) rainwater harvesting structures, equipment and apparatus, including rain barrels and cisterns which are 2.0 metres or less in height and 4,546 litres or less in volume.

2.12 Height Exemptions²

The following structures or parts of buildings may exceed a height restriction under this Bylaw:

- a) spire, steeple or belfry attached to a church or public building;
- b) observation tower attached to or constructed in relation to an emergency services use;
- c) chimney;
- d) radio, television, cellular and transmission tower, and communication antenna;
- e) flagpole;

¹ Bylaw No. 1285.26, adopted June 28, 2016

² Bylaw No. 1285.22, adopted February 24, 2015