



REGIONAL  
DISTRICT  
OF NANAIMO

# Bylaw 2500

January 14, 2025

## **Land Acknowledgement**

The Regional District of Nanaimo respectfully acknowledges that this Bylaw applies to lands within the territories of several First Nations, including the Snuneymuxw, Stz'uminus, Snaw-Naw-As, Qualicum, and K'ómoks peoples.

Acknowledging that these lands and waters have been home to Indigenous peoples since time immemorial, the Regional District of Nanaimo affirms its commitment to respecting the land as well as indigenous language, history, traditions and cultural heritage. The Regional District of Nanaimo is committed to listening, learning, and working together to create opportunities for a stronger and more resilient region for everyone.

This Bylaw reflects these commitments through land use regulations and development permit area guidelines that promote sustainable development and mitigate the adverse effects of development.



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# Part 1

## Administration

This section of the Bylaw includes the legal requirements for adopting this Bylaw as well as clauses for authority, enactment, prohibitions, violations and penalties.



# Part 1 - Administration

## 1.1 Enactment

- (a) Part 3 and Part 4 of this Bylaw shall be deemed to be a zoning Bylaw pursuant to Section 479 of the *Local Government Act* and amendments thereto.
- (b) Section 3.23 of this Bylaw is enacted pursuant to Section 479 of the *Local Government Act* and amendments thereto.
- (c) Section 3.7 of this Bylaw is enacted pursuant to Section 527 of the *Local Government Act* and amendments thereto.
- (d) Section 3.27 of this Bylaw is enacted pursuant to Section 526 of the *Local Government Act* and amendments thereto.
- (e) Part 5 of this Bylaw shall be deemed to be a subdivision Bylaw pursuant to Sections 506 and 514 of the *Local Government Act* and amendments thereto.
- (f) For the purpose of this Bylaw, the schedules referred to herein are attached hereto and form an integral part of this Bylaw.
- (g) “Regional District of Nanaimo Land Use and Subdivision Bylaw 500” is hereby repealed upon adoption of this Bylaw.
- (h) “Regional District of Nanaimo Sign Bylaw 993” is hereby repealed upon adoption of this Bylaw.

## 1.2 Other Legislation

- (a) Nothing contained in this Bylaw shall relieve any person from the responsibility to seek out and comply with other legislation applicable to their undertaking.
- (b) Where land is within an agricultural land reserve created pursuant to the *Agricultural Land Commission Act* and amendments thereto and if any portion of this Bylaw is in any way contrary to, in conflict with, inconsistent with or repugnant to the *Act*, the *Act* shall prevail.

## 1.3 General Prohibition

- (a) No land, building or structure in any zone shall be used for any purpose other than that specified for the zone in which it is located in the schedules contained in this Bylaw.
- (b) No person shall:

- (i) cause, suffer or permit any building or structure to be used, located, constructed, altered, moved or extended;
- (ii) use any building or structure constructed, moved or altered;
- (iii) cause, suffer or permit land to be used;
- (iv) use land;
- (v) subdivide land;
- (vi) cause, suffer or permit development activities to occur which are subject to the applicable development permit area guidelines;
- (vii) use land without providing off-street parking and loading spaces;

in contravention of this Bylaw or otherwise fail to comply with the requirements of this Bylaw.

## 1.4 Authorized Delegations

- (a) The General Manager and their deputies may enter, at all reasonable times, upon any land subject to the regulations of this Bylaw, to ascertain whether such regulations are being obeyed, provided that
  - (i) consent to inspect the land has been obtained from the owner or occupier of the land; or
  - (ii) where such consent has been refused, notice of the intent to inspect has been given to the owner or occupier no less than 24 hours prior to the time of inspection.
- (b) The General Manager and their deputies are granted general discretion to determine whether a proposed use is a similar use to what is contemplated under this Bylaw and therefore permitted.

## 1.5 Violation

Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw, shall be deemed to have violated the provisions of this Bylaw.

## 1.6 Penalties

- (a) Any person who
  - (i) contravenes, violates, or fails to comply with a provision of this Bylaw;



- (ii) suffers, permits, or allows any act or thing to be done in contravention of this Bylaw; or
  - (iii) refuses, omits, or neglects to do anything required to be done under this Bylaw or under a permit/order issued under this Bylaw,
  - (iv) commits an offence, and each day that a contravention continues amounts to a separate offence.
- (b) Any person who commits an offence under this Bylaw shall be liable:
  - (i) upon summary conviction following a prosecution under the *Offence Act*, RSBC 1996, c 338, to a maximum fine of \$50,000, together with the cost of the prosecution and any other penalty or order imposed pursuant to the *Local Government Act*, RSBC 2015, c 1 or the *Offence Act*, as amended from time to time;
  - (ii) if a ticket is issued under Division 3 of Part 8 of the *Community Charter*, RSBC 2003, c 26, to the fine amount specified by a Regional District of Nanaimo Municipal Ticketing Information bylaw created under that Part; or,
  - (iii) if a Bylaw Notice is issued under the *Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019*, to the fine amount specified in that bylaw.
- (c) In the case of offences of a continuing nature, an offence is committed on each day during which the offence continues, and the maximum penalties imposed under this bylaw apply to each such offence.
- (d) If a development permit is required under Part 6 of this bylaw, no person shall commence, authorize, or permit the commencement, furtherance, or continuance of an activity, or fail to apply for a development permit after commencement, for which a development permit is required without first obtaining a development permit for that activity.
- (e) Fines and penalties imposed under this Section are in addition to and not in substitution for any cost recovery, remedial action or other consequence of default or contravention provided for under this Bylaw, and do not limit the right of the District to bring civil proceedings or pursue any other remedy available at law.

## 1.7 Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, such section subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.



# Part 2

## Interpretation

This section of the Bylaw includes the definitions for the technical terms throughout the Bylaw. They are listed alphabetically and include supporting graphics where appropriate.



# Part 2 - Interpretation

## 2.1 Definitions

In this Bylaw unless the context otherwise requires:

**accessory building** means a building or structure located on a parcel, the use of which is accessory to the principal permitted use of the land, buildings or structures located on the same parcel, and includes buildings or structures used for storage or workspace by the occupants of the property, detached secondary suites, but specifically excludes buildings used for residential use that have facilities for cooking and areas for sleeping not otherwise defined in this Bylaw.

**accessory to** means combined with but customarily incidental to.

**accessory use** means a use combined with but clearly incidental and ancillary to the principal permitted uses of land, buildings or structures located on the same parcel.

**airport** means the use of land, buildings, or structures for landing, departure, maintenance, storage, and minor servicing of aircraft.

**agriculture** means a use providing for the growing, rearing, producing and harvesting of trees and shrubs; livestock, poultry, fur-bearing animals, bees; animal feeding and holding areas; storage crops; and the processing and sale of the primary agricultural products harvested, reared or produced on that farm, including the rough sawing of logs, but excludes animal care and the following uses on lands that are not in the Agricultural Land Reserve: fur farm, mushroom farm, intensive swine operation, feedlot and cannabis production.

**agriculture education and research** means the use of land, buildings, or structures dedicated to researching and teaching methods of agriculture and farming in accordance with the Agricultural Land Reserve Use Regulation, but specifically excludes schools under the *School Act*.

**agri-tourism activity** means a Agri-tourism activity prescribed by the *Agricultural Land Reserve Use Regulation* on a parcel that is located in the Agricultural Land Reserve which meets all of the following conditions:

- (a) the activity is conducted on agricultural land that is classified as a farm under the *Assessment Act*;
- (b) members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable; and,
- (c) no permanent facilities are constructed or erected in connection with the activity.

**agri-tourism accommodation** means the provision accommodation on a seasonal and short term basis accessory to an agritourism activity in accordance with the *Agricultural Land Reserve Use Regulation*.

**agri-tourism accommodation sleeping unit** means a sleeping unit in accordance with the *Agricultural Land Reserve Use Regulation*.

**alpine recreation** means snow skiing, snowboarding, snowmobiling, hiking, climbing or mountain biking.

**amusement arcade** means an establishment that contains four or more electronic or mechanical games for the entertainment of the public.

**animal care** means a building or structure used for veterinary clinic, animal hospital, or facilities for boarding or breeding household animals or pets.

**annual exceedance probability (AEP)** means the probability of an event occurring in any given year. For coastal storm events 1:200 years or 0.5% AEP is the minimum provincial standard.

**applicant** means a person applying for the approval of a subdivision, Board of Variance appeal, rezoning, a permit or a development, whether as the owner of the land or as the authorized agent of the owner.

**aquaculture** means the cultivation, rearing and harvesting of aquatic organisms on land or in the water, but specifically excludes seafood processing except on land located in the Agricultural Land Reserve.

**archaeological site** means land containing material remains of archaeological value.

**archery range** means the use of land, buildings, or structures for the purpose of target practice or target shooting competition of bows and arrows and accessory archery training.

**artisan services** mean businesses or activities that involve the production or sale of handmade or custom-made goods or services, often using traditional or specialized techniques and skills, and may include a variety of different types of businesses, such as craft studios, custom furniture makers, artisan food producers, and more.

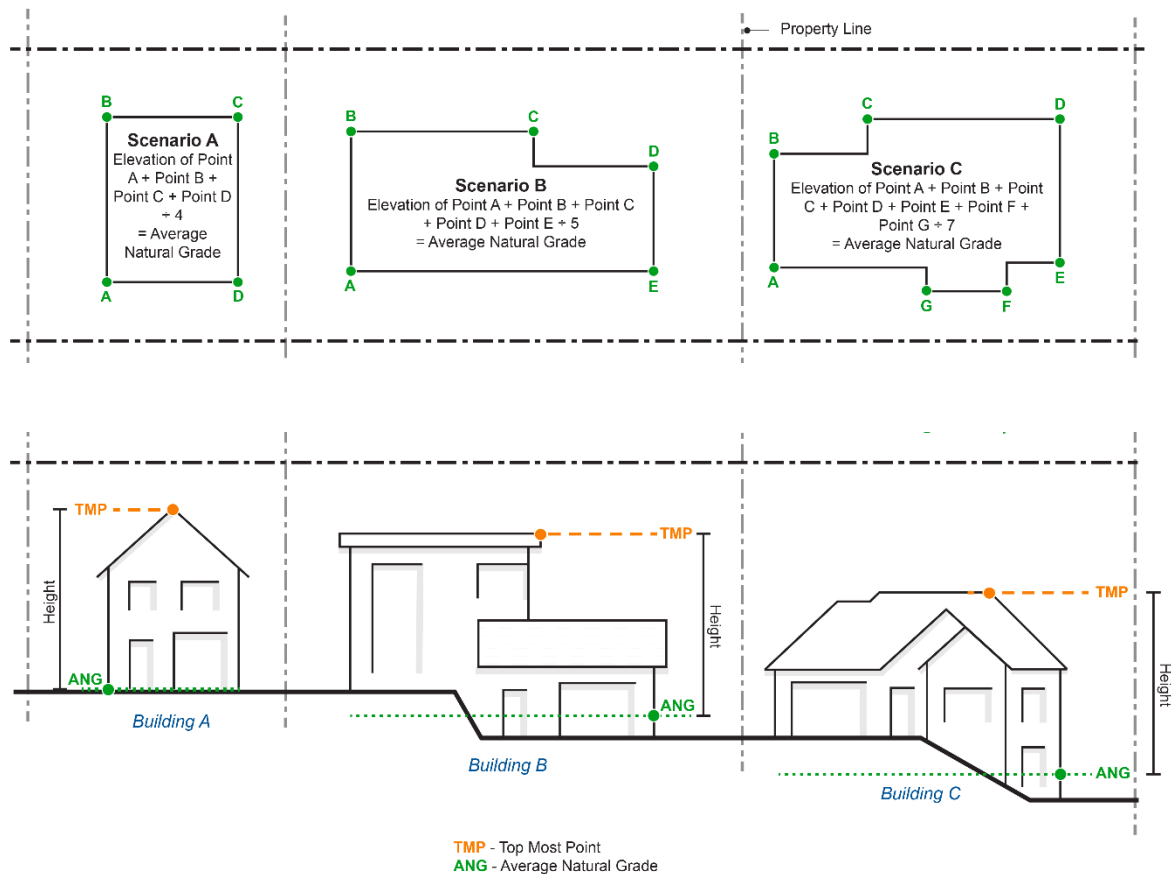
**asphalt batch plant** means the location on a parcel of a drum mixer asphalt plant.

**automotive repair** means an establishment which provides mechanical repairs and routine maintenance services to vehicles and vehicle parts within a building.

**average natural grade** means the elevation which is calculated by adding the natural grade elevations at each exterior corner point of a building or structure and dividing that number by the total number of corner points on that building or structure as per the following equation:

Elevation of point A + Elevation of point B + Elevation of point C... / the number of points = Average Natural Grade, generally as shown in figure 1 below:

Figure 1. Average natural grade.



**bay window** means a projection from the wall of a building that contains a window or a series of windows, is cantilevered and may result in the projection of the adjacent floor structure.

**bed and breakfast** means the economic activity of providing bedrooms within a dwelling unit and the first meal of the day for the temporary accommodation of the traveling public; provided that the occupancy by a member of the traveling public does not exceed 120 days in any calendar year.

**boardwalk** means structure along a waterfront or sensitive area providing access to or over water for recreational purposes.

**boat building and repair** means the use of land, buildings, structures or equipment for the manufacturing, servicing or repair of boats.

**boat ramp** means a structure located on a shoreline to accommodate vehicles or trailers for the purpose of launching and hauling boats out of water.

**building** means any structure and portion thereof, including mechanical devices, that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy.



**campground** means a parcel providing for the seasonal and temporary accommodation of travelers that is not considered a primary residence using tents or recreational vehicles, but specifically excludes a manufactured home park or hotel.

**camping space** means an area within a campground or recreational vehicle park used for one recreational vehicle or tent.

**cannabis** means any plant of the genus Cannabis; including:

- (a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- (b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- (c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

**cannabis production** means the medical and non-medical commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by all applicable federal and provincial regulations or acts, but excludes the growing of cannabis by an individual for their personal use and consumption.

**cannabis products** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption.

**category A lot** means parcels shown on Schedule 3B of this Bylaw.

**cemetery** means the use of land, buildings or structures for interment of human remains and may include accessory buildings for administrative office and file/urn storage and accessory funeral services.

**chief building official** means the Chief Building Official of the Regional District of Nanaimo.

**church** means a building used for religious worship and includes a Mosque, Synagogue, Temple, Chapel or religious meeting room.

**community sewer system** means a system of sewers and sewerage works including sewage treatment facilities owned, operated and maintained by or on behalf of the Regional District, a municipality or an improvement district.

**community water system** means a system of waterworks owned, operated and maintained by or on behalf of the Regional District, a municipality or an improvement district or which is operated by the RDN, and Improvement District, or a Private Water Utility in accordance with the *Water Utility Act*.

**confined livestock area** means an outdoor area where livestock, poultry, or farmed game are confined by fences, other structures or topography, and includes paddocks, corrals, exercise yards, and holding areas, but does not include a grazing area.

**contractor business** means an independent contractor, consultant or agency providing building, electrical work, plumbing, landscaping, or other related services.

**convenience store** means a retail sales outlet contained under one roof, having a floor area not exceeding 200 m<sup>2</sup>, and providing for the sale of items regularly used by households, including food, beverages, books, magazines or household accessories.

**correctional facility** means federal or provincial correctional facilities including halfway house for parolees where residents are appointed or placed by a court or administrative body for criminal justice.

**crawlspace** means the space at or below natural grade between the underside of the joists of the floor above and the floor slab or the ground surface below.

**cul de sac** means a highway with only one point of intersection with another highway and which terminates in a vehicle turning area.

**dark sky compliant** means outdoor lighting that meets the Canadian Guidelines for Outdoor Lighting by the Royal Astronomical Society of Canada for reducing waste of ambient light and should include International Dark-Sky Association (IDA) Fixture Seal of Approval program lighting.

**deck** means an open, unroofed platform with or without railings or parapets and supported by columns, foundations, walls or ground.

**density** means for the purpose of this Bylaw those measures outlines in Section 3.1 of this Bylaw.

**designated storm** means a storm that occurs in any given year, of such a magnitude as to equal a storm having the designated annual exceedance probability, where the probability of a particular event being equal or exceeded in any one year.

**development area** means land defined by numerical map reference situated within a comprehensive development zone which is subject to specific regulations of that zone.

**double frontage parcel** means a parcel which is either bisected by a highway or which has opposite boundaries, both of which have frontage on a highway.

**duplex** means two self-contained dwelling units oriented side-by-side with separate ground level entrances and adjoined by a common wall.

**dwelling unit** means one self-contained unit contained within common walls or connected by a heated hallway intended for year-round occupancy and the principal use of such dwelling unit is residential with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

**eaves** means the part of a roof that meets or overhangs the walls of a building or structure.

**eligible subdivision** means lands located within a subdivision of a category A lot.

**emergency services** means the non-commercial use of land, buildings and structures for fire, search and rescue, police and ambulance services and may include temporary living accommodations for emergency service personnel.

**evacuation helipad** means the use of land for helicopters to land and take off during emergency.

**extraction use** means the extraction of soil.

**fairground** means the use of land, buildings and structures for entertainment and recreational activity generally undertaken in an outdoor setting, where the users constitute a significant element in the activity, and includes go-cart track, waterslide, mini-golf course, amusement park.

**farm** means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land.

**farm operation** means farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* and may include but is not limited to activities such as growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals; aquaculture; and processing or direct farm marketing of products in accordance with the *Agricultural Land Reserve Use Regulation*.

**farm retail sales** means the sale to the public of products grown or raised on a farm, from that farm and may include the sale of non-farm products in accordance with the *Agricultural Land Reserve Use Regulation*.

**farm use** means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by and in accordance with the *Agricultural Land Reserve Use Regulation*, and includes but is not limited to activities such as farm retail sales; storing, packing, preparing and processing farm products; a winery or cidery; and agri-tourism activities and includes farm operation.

**fascia sign** means a sign attached to or supported by the wall of a building with its face parallel to the building wall and which does not project more than 0.4 m from the wall to which it is attached as shown in figure 2 below.

Figure 2. Fascia sign examples.



**fast food outlet** means an eating establishment providing for the sale of prepared food and beverages that can be consumed in vehicles, taken off the premises for consumption or consumed on the premises.

**feeder swine** means a pig, between the age of 8 weeks and 6 months, weighing less than 102 kg.

**feed lot** means the use of land, buildings, or structures for the purposes of keeping greater than 6 cattle per hectare on land upon which the feed lot is situated.

**fence** means an upright constructed barrier used as an enclosure or screening around all or part of a parcel or site, and excludes a retaining wall or revetment.

**final approval** means the Approving Officer affixing their signature to a subdivision plan pursuant to the *Land Title Act* and amendments thereto.

**firearm range** means use of land, buildings, and structures for the safe discharge of firearms for the purpose of target practice or target shooting competition and accessory firearms safety training.

**fish hatchery and associated works** means the use of land, buildings or structures for artificial breeding, rearing, or hatching of fish and other related works.

**floodplain** means an area of low-lying ground, whether diked, flood proofed, or not which, by reasons of land elevation, is susceptible to flooding from an adjoining sea; river, sea, lake or other body of water.

**flood construction level** means:

- (a) for the designated coastal floodplain the minimum elevation specified in a flood hazard assessment report prepared by a Qualified Professional, of the underside of a floor system or top of any structural support for any habitable area including any manufactured home.
- (b) for all other designated flood hazard areas, the minimum elevation specified by “Regional District of Nanaimo Flood Hazard Mitigation Bylaw 1872, 2023” as amended or replaced of the underside of a floor system or top of any structural support for any habitable area including manufactured home.

**flood hazard** means a source (the sea) causing potential harm, or a situation with potential for causing harm, in terms of potential damage to property or loss of human life or injury.

**flood protection and drainage work** means the use of land, buildings, and structures for the detention and diversion of water during flood events to mitigate downstream inundation and impacts of flooding and to manage water levels.

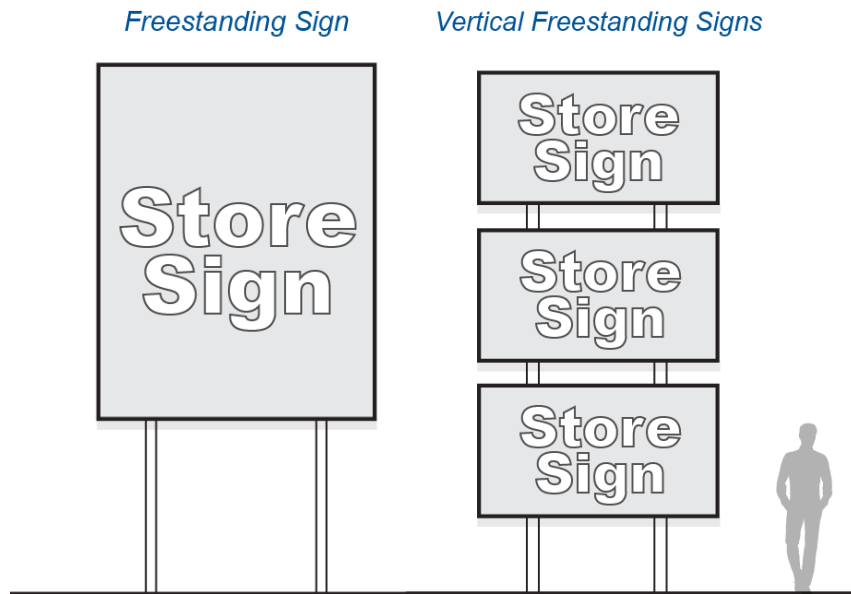
**flood report** means a report prepared by a Qualified Professional in accordance with the Provincial Guidelines and Engineer and Geoscientists of British Columbia’s “Professional Practice Guidelines for Flood Hazard Assessments”.

**floor area** means the sum total of the gross horizontal area of each floor of a building as measured from the inside surface of the outermost exterior walls, and includes carports, covered decks, and similar buildings and structures where there is no visible wall, but excludes commercial cleaning and maintenance rooms, overhangs less than 2 m and interior spaces and Crawlspace with a vertical clearance less than 1.2 m in height.

**freestanding sign** means a sign supported independently of a building or any other structure, can include multiple signs for different businesses, includes portable signs, and is considered a structure for the purpose of this Bylaw. See figure 3 for an example of a freestanding sign.



Figure 3. Freestanding sign examples.



**frontage** means that length of a parcel boundary which abuts a highway.

**funeral parlour** means an establishment with facilities for the preparation of the dead for burial or cremation, for viewing of bodies, and for funerals.

**fur farm** means the use of land, buildings, or structures for the purposes of keeping fur-bearing animals and specifically excludes household animals, pets and rabbits.

**gas bar** means a premise containing not more than two gasoline pumping stations and/or electric vehicle charging stations and which is used solely for the sale of fuel, lubricating oil and minor motor vehicle accessories directly to the users of motor vehicles.

**gathering for an event** means a gathering on a farm for the purpose of attending:

- (a) a wedding, unless paragraph (c) (ii) applies;
- (b) a music festival; or
- (c) an event, other than:
  - (i) an event held for the purpose of agri-tourism; or
  - (ii) the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees.

**general manager** means the Regional District of Nanaimo General Manager of Development and Emergency Services or equivalent position as renamed from time to time.

**grazing area** means a pasture or rangeland where livestock, poultry or farmed game are primarily sustained by direct consumption of feed growing in the area and does not include a confined livestock area or feedlot.

**gross leasable area (g.l.a.)** means the floor area of a building that is designed to be rented or leased.

**growth containment boundary** means the growth containment boundary as defined by “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1874, 2023”.

**guest accommodation** means temporary accommodation provided within a building or part of a dwelling unit and does not provide any provisions for cooking, sanitation or permanent residential occupancy except for a maximum of 5 guest accommodation units to be used to accommodate seasonal employees and is not subdividable pursuant to the *Strata Property Act*.

**habitable area** means any room or space within a building or structure, used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded, and excludes any *Crawlpace*.

**heavy equipment display** means the use of land, buildings or structures for the display, sale or rental of manufactured homes, industrial vehicles and machinery, and includes outdoor sales and servicing of such equipment.

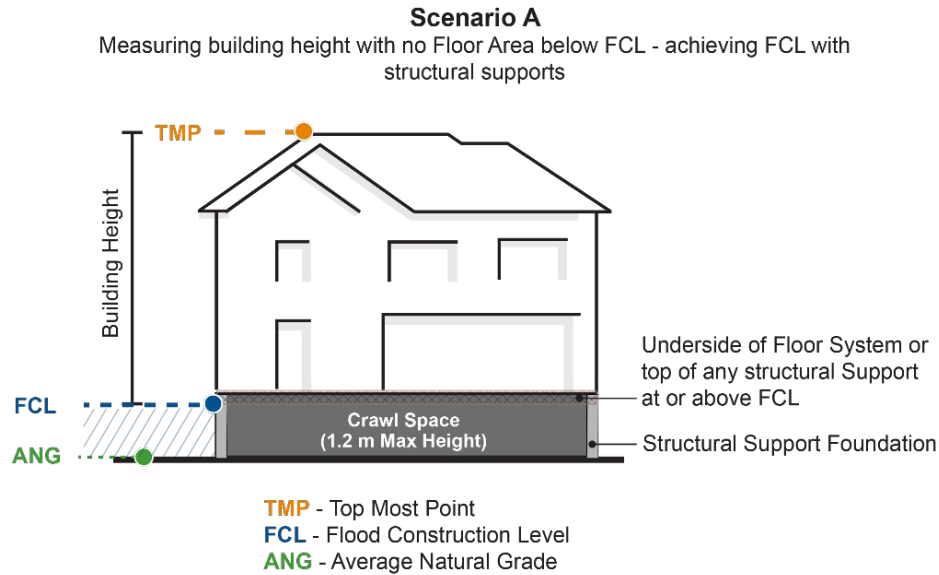
**heavy industry** means the use of land, buildings or structures for the storage, collection, processing, repairing, salvage or recycling of a product, article, substance, material, fabric or compound and includes a vehicle wrecking yard and seafood processing, but specifically excludes a waste disposal site.

**height** means the elevation of a building or structure being measured above land (or the surface of water at high water), where:

- (a) elevation is measured between the average natural grade (ANG) of the outermost exterior building walls or supports and the topmost point (TMP) of that building or structure as indicated on a plan (see average natural grade definition for illustration);
- (b) but specifically excludes those structures, mechanical devices or parts of buildings exempt by Section 3.13 – Height Exemptions of this Bylaw;
- (c) where a building is required to meet the minimum Flood Construction Level (FCL), height shall be measured from:
  - (i) that part of the building being measured above the Flood Construction Level to the topmost point (TMP) of that building or structure as prescribed in the “Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023” where a building does not contain floor area located below the Flood Construction Level generally as shown in the figures 4 and 5 below; or

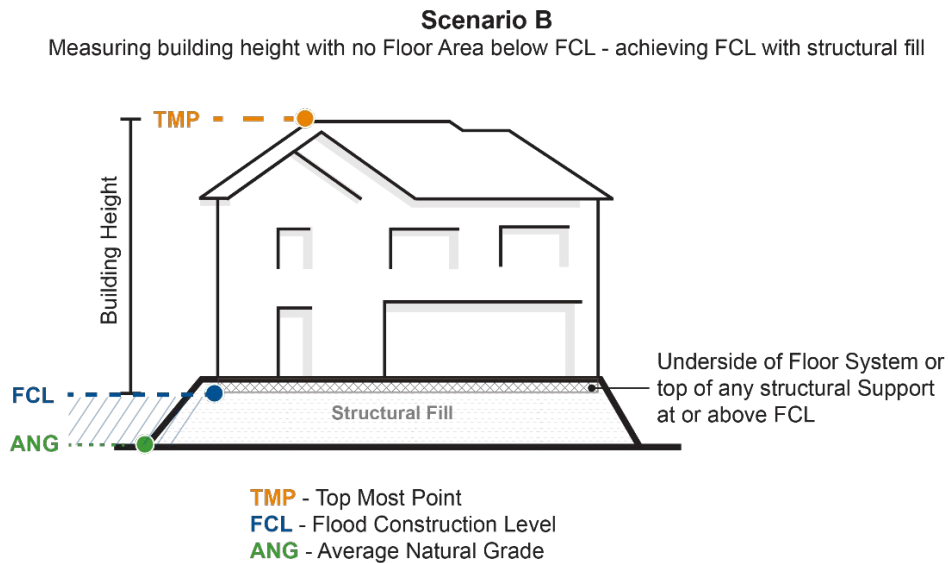
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Figure 4. Height measurement where a flood construction level applies, and no floor area is proposed below the designated flood construction level using a crawl space to achieve flood construction level.



\*all Floor Area below FCL must be in accordance with RDN Flood Hazard Bylaw No 1872, 2023 as amended.

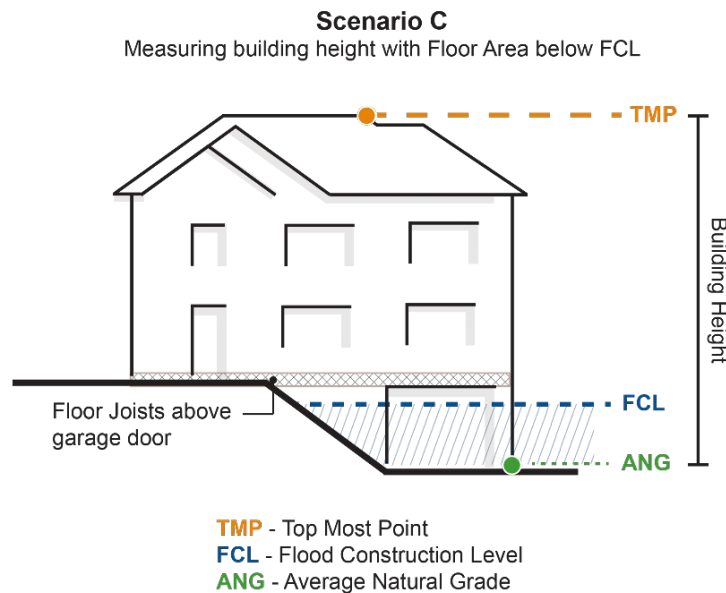
Figure 5. Height measurement where a flood construction level applies, and no floor area is proposed below the designated flood construction level using structural fill to achieve flood construction level.



\*all Floor Area below FCL must be in accordance with RDN Flood Hazard Bylaw No 1872, 2023 as amended.

- (ii) that part of the building measured from average natural grade (ANG) to the topmost point (TMP) of that building or structure using the method in section (a) above, where a building contains floor area located below the Flood Construction Level generally as shown in figure 6 below.

Figure 6. Height measurement where a flood construction level applies, and floor area is proposed below the designated flood construction level.



*\*all Floor Area below FCL must be in accordance with RDN Flood Hazard Bylaw No 1872, 2023 as amended.*

**highway** includes a street, road, lane, strata road, bridge, viaduct, and any other way open to the use of the public, but specifically excludes private rights of way on private property.

**historic site** means land, buildings, or structures of historic or heritage significance.

**home based business** means an economic activity conducted as an accessory use on a parcel.

**home based business floor area** means the sum total of gross horizontal area of each floor of those portions of a dwelling unit, attached garage or accessory building containing or used for a home based business, as permitted by this Bylaw.

**horse boarding stable** means the use of land, buildings or structures for the purposes of keeping greater than 6 horses per hectare and specifically excludes accessory recreational uses.

**hotel** means a motel, inn, resort or lodge, providing accommodation on a temporary basis and is not subdividable pursuant to the *Strata Property Act*.

**hotel unit** means a building used exclusively for the temporary lodging of the general public, wherein payment for occupancy is on a daily or weekly basis to the operator of the premises, which includes features such as:

- (a) lobby;
- (b) housekeeping services;
- (c) restaurant;
- (d) assembly;
- (e) entertainment; and
- (f) retail.

**household animal** means a domesticated animal kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit, and includes fowl and poultry, but specifically excludes livestock.

**household livestock** means livestock animals kept by a household, which are used or the products of which are used, primarily and directly by the household and not for sale or profit.

**household poultry** means domesticated hens or ducks kept by a household, which are used or the products of which are used primarily and directly by the household and not for sale or profit.

**hutch** means a projection from the wall of a building that does not contain a window, is cantilevered and results in the projection of the adjacent floor structure.

**illumination** means lighting by any artificial means whatsoever, and shall include direct, indirect, internal or external source of illumination, but does not include backlit signs.

**include** means as an example, but not limited to.

**intensive swine operation** means the use of land, buildings or structures for the purposes of keeping greater than 3 brood sows and 4 feeder swine per hectare.

**internal access road** means an internal access allowance within a campground, manufactured home park or multiple dwelling unit development which is suitable for vehicular use.

**introduced vegetation** means species that are not native to the province, or are outside of their natural distribution, and can negatively impact BC's environment, people or economy, such as those identified in the B.C. Invasive Species Early Detection and Rapid Response Plan (EDRR).

**lake** means a body of water other than the sea having a surface area of at least 2.0 ha for at least six months of the year.

**land** includes the surface of water.

**landfill** means the placement of soil, gravel or similar structural material on the surface of the land used to achieve an applicable *Flood Construction Level*.

**landing** means an open, unroofed platform or portion thereof with or without railings or parapets at the foot or head of a flight of stairs or between flights of stairs provided that it:

- (a) is used for pedestrian access or egress to a building; and

(b) has a maximum area equal to the width of the stairs squared.

**landscape plan** means drawings and specifications, as required by this Bylaw, showing proposed landscape area, plant sizes, and planting materials.

**landscaped area** means the portion of the site planned for introduced vegetation.

**landscaping** means the design, construction and maintenance of a landscaped area, fencing, land contouring or drainage works.

**lane** means a highway not less than 6.0 m nor more than 7.5 m wide, which provides secondary access to any abutting parcel.

**light industry** means the use of buildings for wholesale, warehousing, testing, service, repair or maintenance of vehicles, equipment, an article, substance, material, fabric, or compound; and includes processing of goods, manufacturing having a gross floor area not exceeding 200 m<sup>2</sup>, and accessory retail sales and outdoor storage accessory to a principal use, but specifically excludes seafood processing.

**livestock** means animals used for agricultural purposes, which are used or the products of which are sold, and includes but is not limited to any horse, donkey, mule, cow, goat, sheep or pig.

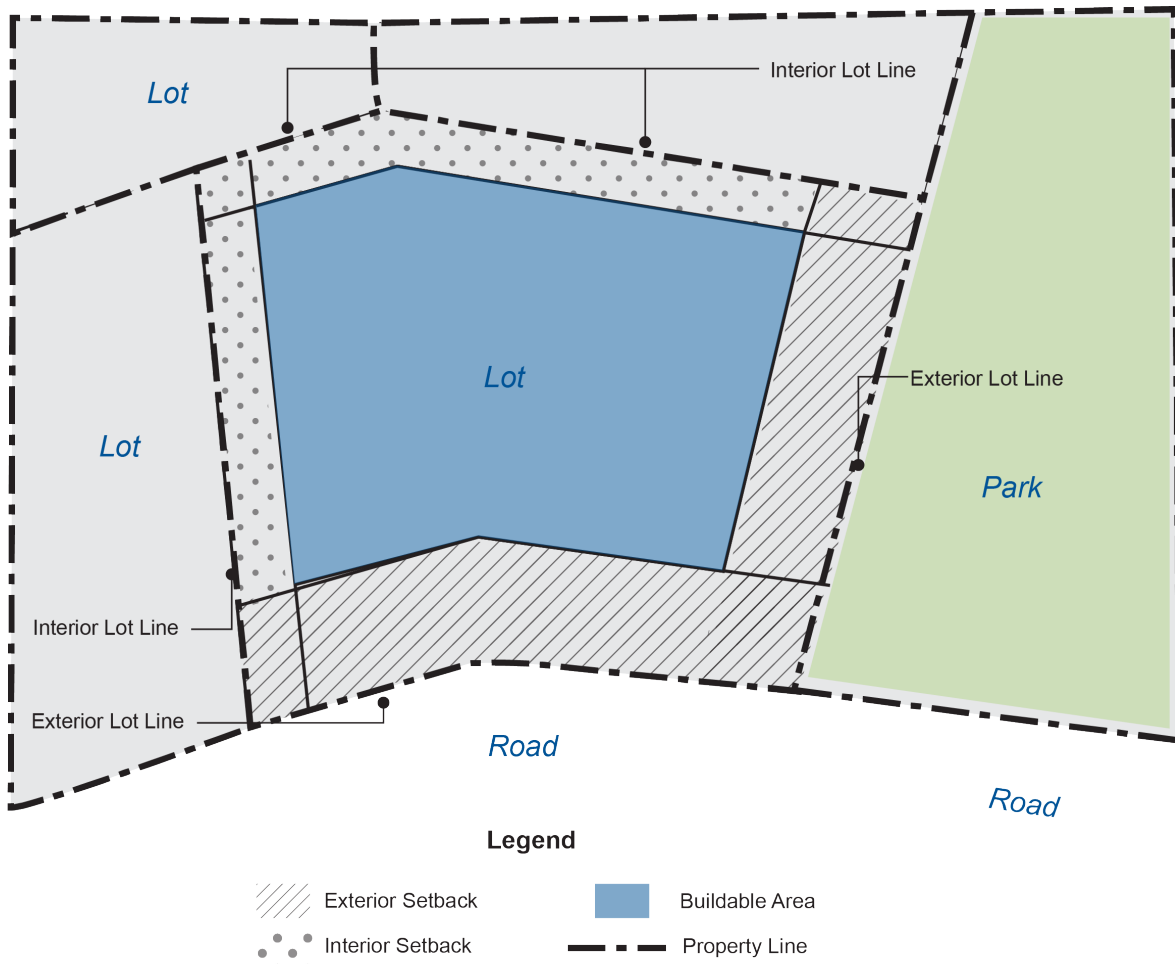
**loading space** means a space for the loading or unloading of a vehicle either outside or inside a building or structure, but specifically excludes maneuvering aisles and other areas providing access to the space.

**log storage and sorting yard** means land used for the storage, dumping, sorting, booming and trans-shipment of logs.

**lot** means the same as parcel.

**lot line** means the legally defined line or lines bounding any parcel generally as shown in figure 7 below:

Figure 7. Lot line illustration.



- (a) **front lot line** means a lot line common to the parcel and an abutting highway or, where there is more than one such line, the shortest such line shall be considered as a front lot line, and any line which does not conform to any other definition of a lot line shall be deemed to be a front lot line;
- (b) **exterior lot line or exterior side lot line** means a lot line or lines not being a front or rear lot line and common to the parcel and a highway, natural boundary, unregistered Crown Land, common property access road, railway right-of-way, phased building strata boundary, or lands held or dedicated as park; for a panhandle lot, the line separating the body of the lot from the panhandle shall be considered the exterior lot line;
- (c) **interior lot line or interior side lot line** means a lot line not being a rear lot line or an exterior lot line and common to more than one parcel;
- (d) **rear lot line** means the lot line opposite to and most distant from the front lot line and not abutting a road, or where a rear portion of the parcel is bounded by intersecting side lot lines, it

shall be the point of such intersection, and any line which does not conform to any other definition of a lot line shall be deemed to be a rear lot line.	Part 1 Administration
<b>maintenance facility</b> means the use of buildings for the maintenance and repair of equipment and machinery.	Part 2 Interpretation
<b>manufactured home</b> means a factory-built dwelling unit designed to be moved on site that is suitable for year-round, long term occupancy but specifically excludes recreational vehicles.	
<b>manufactured home park</b> means an unsubdivided parcel of land, not subdivided pursuant to the <i>Strata Property Act</i> and amendments thereto, on which are situated three or more manufactured homes for the purposes of providing residential accommodation, but specifically excludes a hotel.	
<b>marina</b> means moorage and launching facilities, including the rental and maintenance of boats and seaplanes, and which is equipped with public toilets and refuse disposal facilities located on land above the natural boundary.	Part 3 Land Use Regulations
<b>marina sales</b> means the use of land, buildings or structures for the sale and rental of boats and accessory marine equipment, but specifically excludes boat building and repair.	
<b>marine fuel supply station</b> means a structure used primarily for the sale of fuel directly to boaters.	
<b>marshalling yard</b> means the use of land, buildings and structures to store and maintain industrial equipment, machinery, and vehicles.	Part 4 Zones
<b>Medical Health Officer</b> means the Medical Health Officer or their delegate appointed pursuant to the <i>Public Health Act</i> and amendments thereto.	
<b>medium industry</b> means the use of land, buildings or structures for assembling, processing, manufacturing or repairing of a product, article, substance, material, fabric or compound such as brewery, food processing, heavy equipment repair, machine shop, textile manufacturing, or similar uses, but specifically excludes seafood processing and uses permitted in the Heavy Industrial (HI) zones.	
<b>micro wind turbine system</b> means a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than 1 kW.	Part 5 Subdivision Regulations
<b>mini storage</b> means a building or buildings containing separate, individual self-storage units each with a separate entrance designed to be rented or leased to the general public for private storage of personal goods, materials, and equipment and does not include outside storage or the rental or lease of moving trucks or moving trailers.	
<b>minimum parcel size</b> means the smallest area into which a parcel may be subdivided.	
<b>minimum site area</b> means the smallest contiguous portion of a parcel that is required by law for the development of one permitted use.	Part 6 Development Permit Areas



**mobile vendor** means a vendor who sells goods, food or food products from a mobile vending unit which is capable of being moved on its own wheels and is fully self-contained with no service connection required.

**motocross track** means the use of land or structures for motorcycle motocross on a closed dirt track for recreational, training or competitive purposes but specifically excludes buildings and the use of any other type or form of motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power whether the vehicle is licensed or not under the *Motor Vehicle Act*.

**Mount Arrowsmith employee** means an individual either employed or self-employed and whose place of employment is situated within the boundaries of Mount Arrowsmith Regional Park.

**Mount Arrowsmith staff** means a Mount Arrowsmith employee or individuals cohabiting with a Mount Arrowsmith employee in common occupancy.

**multiple dwelling unit development** means the establishment of three or more dwelling units in a building except for multiple dwelling unit development constructed as of the date of approval of this Bylaw where multiple dwelling unit development means the establishment of three or more dwelling units contained on a parcel.

**mushroom farm** means the use of buildings or structures for the purposes of growing, producing, storing, and processing of mushrooms.

**natural boundary** means the visible high-water mark on any watercourse 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 watercourse 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.

**natural grade** means the undisturbed ground level formed without human intervention and the undisturbed estimated grade as established by a British Columbia Land Surveyor.

**natural site** means land of scenic or environmental significance.

**natural vegetation** means vegetation existing on site prior to clearing or cutting and includes vegetation native to Southwestern British Columbia, but specifically excludes invasive plant species as defined by the Province of BC.

**neighbourhood pub** means an establishment operating under a food primary licence issued pursuant to the *Liquor Control and Licensing Act* and amendments thereto.

**non-resident employee** means an employee of a home-based business who is not a permanent resident of the parcel on which the home based business is located.

**nursery** means the use of land principally involved in agriculture or horticulture and accessory product sales and garden supply sales, but specifically excludes the sale of agricultural or horticultural machinery.

**office** means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use.

**outdoor recreation** means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes playing field, botanical garden, arboretum, outdoor exhibit, golf course, driving range and mini golf where the course structures do not exceed 1 m in height.

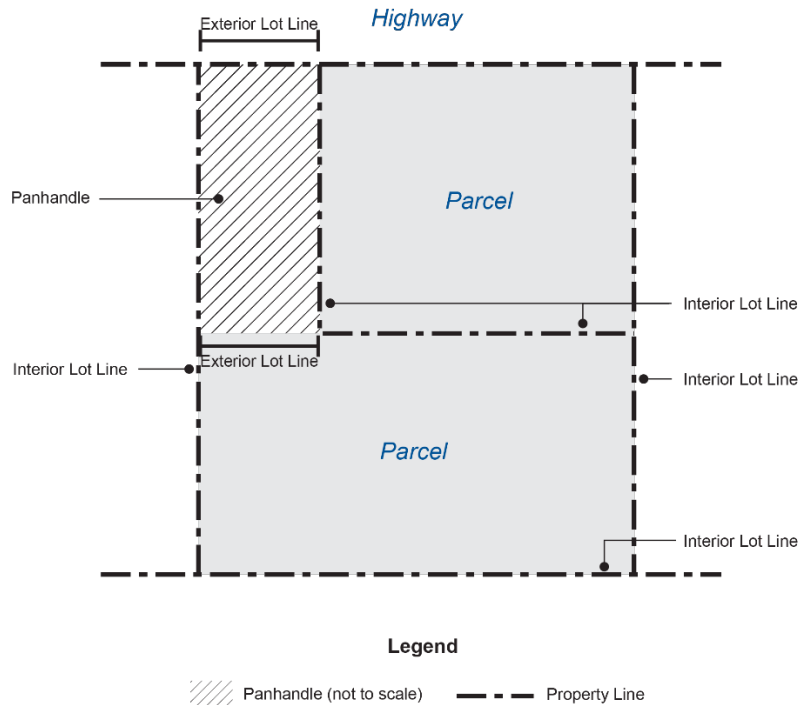
**outdoor sales** means the use of land, buildings or structures for the retail sale of vehicles, equipment, lumber, building products, and other goods, and the display, sale or rental of recreational vehicles, automobiles, manufactured homes and boats, and includes accessory servicing of such equipment.

**outdoor storage** means the use of land for the storage of goods, materials, and equipment not contained within a building.

**outhouse** means a pit dug into the ground within a covered and ventilated structure used for the purpose of collecting human waste.

**panhandle** means a strip of land which provides access and highway frontage to a parcel, and which forms part of that parcel, as shown in figure 8 below:

Figure 8. Panhandle illustration.



**parcel** means the smallest area of land which is registered in the Land Title Office, except that a parcel divided pursuant to the *Strata Property Act* and amendments thereto and not contained within a Bare Land Strata Plan shall not be considered subdivided for the purpose of this Bylaw.

**parcel area** means the total horizontal area between the lot lines of a parcel.

**parcel coverage** means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof on the parcel expressed as a percentage of the total parcel area.

**parcel depth** means the distance between the front lot line and the most distant part of the rear lot line of a parcel.

**parcel line** means the legally defined line or lines bounding any parcel, strata boundary, or common road.

**park** means all lands intended for use by the public for recreation and conservation purposes, and includes an archaeological, historical or natural site.

**parking** means the use of land, buildings, or structures for vehicles to be stationed when not in use.

**parking space** means the space for the parking of one vehicle either outside or inside a building or structure, but excludes maneuvering aisles and other areas providing access to the space.

**permitted use** means the principal permissible purpose for which land, buildings or structures may be used, and for the purpose of this Bylaw all uses not listed as permitted shall be deemed to be a prohibited use in that zone.

**personal care** means a community care facility developed in accordance with the *Community Care and Assisted Living Act* and amendments thereto, or a hospital developed in accordance with the *Hospital Act* and amendments thereto.

**personal care unit** mean a dwelling unit designed in conjunction with special support facilities, such as food, housekeeping and medical services, and used by persons requiring such services on a regular basis and may include housing for the elderly and those with a disability and other residential arrangements operated by a society or organization for charitable, religious, educational or social purposes, but does not include correctional facilities where residents are appointed or placed by a court or administrative body for criminal justice.

**personal service use** means the provision of professional services to a person such as hairdressing, tutoring, massage, medical services, or similar services on an individual basis. Personal Service Use may either be part of a Home-Based Business or a commercial operation depending on the scale and applicable Zone requirements.

**pet** means a tame animal, kept by a household and not primarily for sale or profit, and commonly housed within a dwelling unit.

**pet boarding** means the use of a part of a building for the third-party care of pets.

**pet grooming** means the short-term use of land, buildings, or structures for the third-party maintenance and proper care of pets, for activities such as hair trimming, washing, and / or nail trimming. No overnight stays or pet boarding are permitted, and does not include animal care.

**potable water** means water which meets the drinking standards in accordance with regulations of the relevant enactments.

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**poultry** means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, Cornish hens, layers, breeding stock, replacement pullets, roosters, ducks, geese, turkeys, game birds, and ratites.

**primary processing** means the use of land, buildings or structures for the moving, crushing, washing, screening, processing or storage of soil.

**principal use** means the main use of land, buildings or structures as listed under the permitted uses of the applicable zone.

**processing of goods** means the production of articles, food, beverages or goods from raw materials to a finished product such as pottery and similar activities.

**produce market** means a building or structure providing for the retail sale of agricultural produce including vegetables, fruit and seafood.

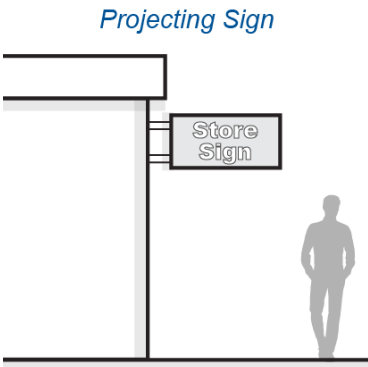
**produce stand** means a building or structure not exceeding 100 m<sup>2</sup> in area providing for the retail sale of fresh agricultural produce, which are produced on the same farm on which the stand is located.

**production of biological integrated pest management products** means the use of land, buildings, or structures for the production and development of biological products such as beneficial predatory insects, parasites, pathogens, and weed feeders to be used in biological integrated pest management programs in accordance with the *Agricultural Land Reserve Use Regulation*.

**professional practice** means business or office-based professions, such as accountants, medical, veterinary or similar professional services.

**projecting sign** means a sign which projects from the face or wall of a building, but does not include an awning sign, canopy sign or fascia sign. An example of a projecting sign is show in figure 9 below.

Figure 9. Projecting sign illustration.



**Provincial Guidelines** means policies, strategies, objectives, standards, guidelines and environmental management plans, in relation to flood control, flood hazard management and development of lands

that is subject to flooding, prepared and published or commissioned by the Minister under Section 5 of the *Environmental Management Act*.

**public assembly use** means the use of land, buildings or structures to accommodate exhibits, special events or meetings and includes auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre.

**Qualified Professional** means a person who is qualified to conduct the work required by this Bylaw within the scope of professional practice for the individual's profession and under the code of ethics of the applicable regulatory body.

**railway** means a railway and accessory uses as defined by the *Railway Act*.

**railway station** means the use of land, buildings or structures where trains stop to load and unload passengers and cargo.

**recreation facility** means a facility used and equipped for the conduct of sports and leisure activities and includes pool hall, bowling alley, games court, curling and roller rink, health club, spa, swimming pool, but specifically excludes amusement arcade and fairground.

**recreational residence** means a building used for temporary accommodation for the purpose of recreational use by one or more persons and does not include a recreational vehicle.

**recreational vehicle** means any vehicle, trailer, coach, park model trailer, tiny house on wheels structure or conveyance designed to travel or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters by travelers.

**recreational vehicle park** means a parcel providing for the seasonal and temporary accommodation of travelers for not more than six months of the calendar year using tents or recreational vehicles, but specifically excludes a manufactured home park or hotel.

**recreational vehicle storage** means the storage of vehicles used for temporary and seasonal storage during the periods of time when such vehicles are not in use.

**Regional District** means the Regional District of Nanaimo.

**remainder** means that portion of a parcel being subdivided which is shown on the same Certificate of Indefeasible Title before and after the subdivision.

**rental of moving vehicles accessory to mini storage** means the rental of moving vehicles used to transport goods to and from the mini storage facility and accessory sales of moving supplies.

**residential use** means the accommodation and homelife of a person or persons in common occupancy, and shall only be conducted within a dwelling unit.

**resort condominium development** means a hotel and includes hotel units subdivided pursuant to the *Strata Property Act* and amendments thereto.

**resort condominium unit** means a hotel unit which is subdivided pursuant to the *Strata Property Act* and amendments thereto. A resort condominium unit is intended for the travelling public and shall not be occupied as a residential use.

**Resort vehicle park** means a parcel providing for seasonal or periodic accommodation of travelers or residents using tents or recreational vehicles not exceeding 37 m<sup>2</sup> (400 ft<sup>2</sup>) in floor area, but specifically excludes a mobile home park or hotel;

**restaurant** means an eating establishment providing for the sale of prepared foods and beverages to be consumed on the premises, but specifically excludes neighbourhood pub and fast food outlet.

**restoration** means a planned process that aims to repair ecological integrity and enhance biodiversity.

**retaining wall** means a structure erected to hold back or support a bank of earth and subject to Section 3.25 of this Bylaw.

**retail store** means a sales outlet contained under one roof, having a gross floor area not exceeding 2000 m<sup>2</sup> excluding common areas such as cleaning areas, washrooms, or hallways, and providing for the retail sale and display of goods, but specifically excludes industrial uses and service station.

**road** means the same as highway.

**school** means the use of land, buildings and structures for the purpose of providing a learning environment and learning support services for student instruction, learning and assessment, and excludes school accommodation unless expressly permitted by an applicable zone and excludes rehabilitation programs and correctional facilities.

**seafood processing** means the storage, drying, cooking, packing, preparation and manufacture of any aquatic organism.

**secondary suite** means one or more habitable rooms and a cooking facility for residential accommodation, consisting of a self-contained unit which is clearly accessory, due to its limited floor area, to a principal dwelling unit located on the same parcel as the secondary suite.

**separation distance** means the minimum horizontal distance between a building or structure or part thereof to another building or structure or part thereof.

**service station** means the use of land, buildings, and structures for fuel pumping stations, electric vehicle charging stations and premises for:

- (a) a sales outlet, having a gross floor area not exceeding 300 m<sup>2</sup> providing for the retail sales of items regularly used by households including food, beverages, books, magazines, and household accessories;
  - (b) the retail sales of motor vehicle accessories;
  - (c) the servicing and cleaning of motor vehicles;
- but specifically excludes vehicle sales, body work, and painting.

**setback** means the required minimum horizontal distance measured from the respective lot line or natural boundary to any building or structure or part thereof.

**shipping container** means an enclosed unit used for or intended to be used for storing and transporting goods via ship, rail or truck, whether or not it is actually being used for such a purpose, and are subject to Section 3.26 of this Bylaw.

**shipping yard** means the use of buildings, structures or land providing for the trans-shipment of goods.

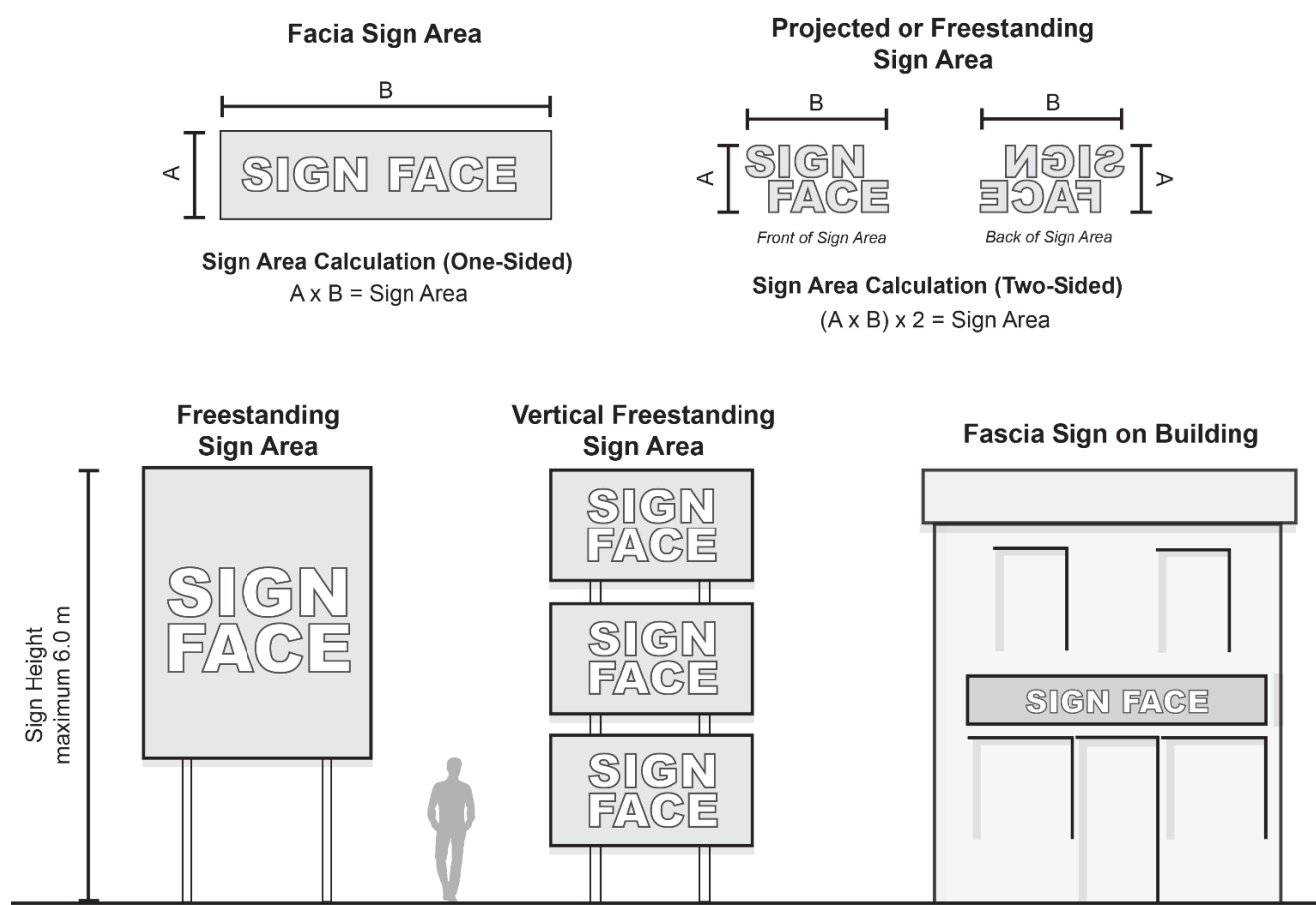
**shopping centre** means a group of sales and service outlets, including retail store, personal service, amusement arcade, office, recreation facility, restaurant, contained within a single building or structure sharing a common roof, having a floor area not exceeding 20 000 m<sup>2</sup>, and located on a single parcel.

**short term accommodation** means accommodation provided to tourists for a period of less than 90 consecutive days and is not subdividable pursuant to the *Strata Property Act*.

**silviculture** means all activities related to the development and care of forests, including the removal of harvestable timber stocks, but specifically excludes the processing of wood or wood products.

**sign area** means the total area within the outer edge of the frame or border of a sign. Where a sign has no frame or border, the sign area shall be the area contained within the shortest line surrounding the whole group of letters, figures or symbols of such sign. In the case of a freestanding multi-faced sign, both sides of the sign shall be counted generally as shown in figure 10 below.

Figure 10. Sign area illustrations.



**ski lift** means a mechanical lift consisting of a tow rope or seats hanging down from a continuously moving wire, that carries people on skis to the top of slopes.

**ski lodge** means a building within which are located administrative uses of a nature customarily incidental, subordinate and exclusively devoted to an alpine recreation use including office, ticket booth, child care facility, and changing area and lockers. In conjunction with one or more of the administrative uses, a ski lodge may also contain the following commercial uses: hotel unit; sale or rental of alpine recreation equipment; tourist store; restaurant; or establishment operating under a Class A, Recreational Centre License issued pursuant to the *Liquor Control and Licensing Act*.

**slope** means the figure obtained when the vertical distance of an area of land is divided by the horizontal distance, expressed as a percentage.

**small-scale market garden** means the use of land and buildings to grow fresh produce and / or flowers, excluding mushroom cultivation.

**soil** includes sand, gravel, rock, or other substance of which land is composed.

**structure** includes anything over 1.0 m in height that is placed, constructed or erected on a parcel. Examples of structures include:

- (a) swimming pool;
- (b) manufactured home space;
- (c) camping space;
- (d) shipping container;
- (e) fences 2.0 m or more in height;
- (f) hot tub or similar devices; and,
- (g) major improvements accessory to the principal use of land.

For clarity, the following are not considered structures for the purpose of this Bylaw:

- (h) landscaping and paving improvements;
- (i) revetements under 1.2 m in height;
- (j) signs under 1.0 m in height;
- (k) retaining walls not considered structures as per Section 3.25 of this Bylaw; and,
- (l) transparent fencing or transparent vertical extensions greater than 2.0 m in height where the fence is required for agriculture or farm use.
- (m) The following improvements for parks or other publicly accessible facilities:
  - (A) bridges;
  - (B) trail improvements;
  - (C) buildings that do not require a building permits; and,

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(D) wayfinding signage.

**swine** means any pig, piglet, hog, sow, brood sow or boar being both over the age of 8 weeks and weighing greater than 18 kilograms.

**theatre** means a building or structure designed to stage public performances.

**temporary sawmill** means a building or structure or area where timber is cut or sawed and at least 50% of the volume of timber supplied is from the farm or parcel on which the sawmill is located and operates during normal daylight hours designed with an output capacity of less than 60 m<sup>3</sup> of lumber daily based on manufacturers specification or an independent assessment on equipment without a manufacturers rating.

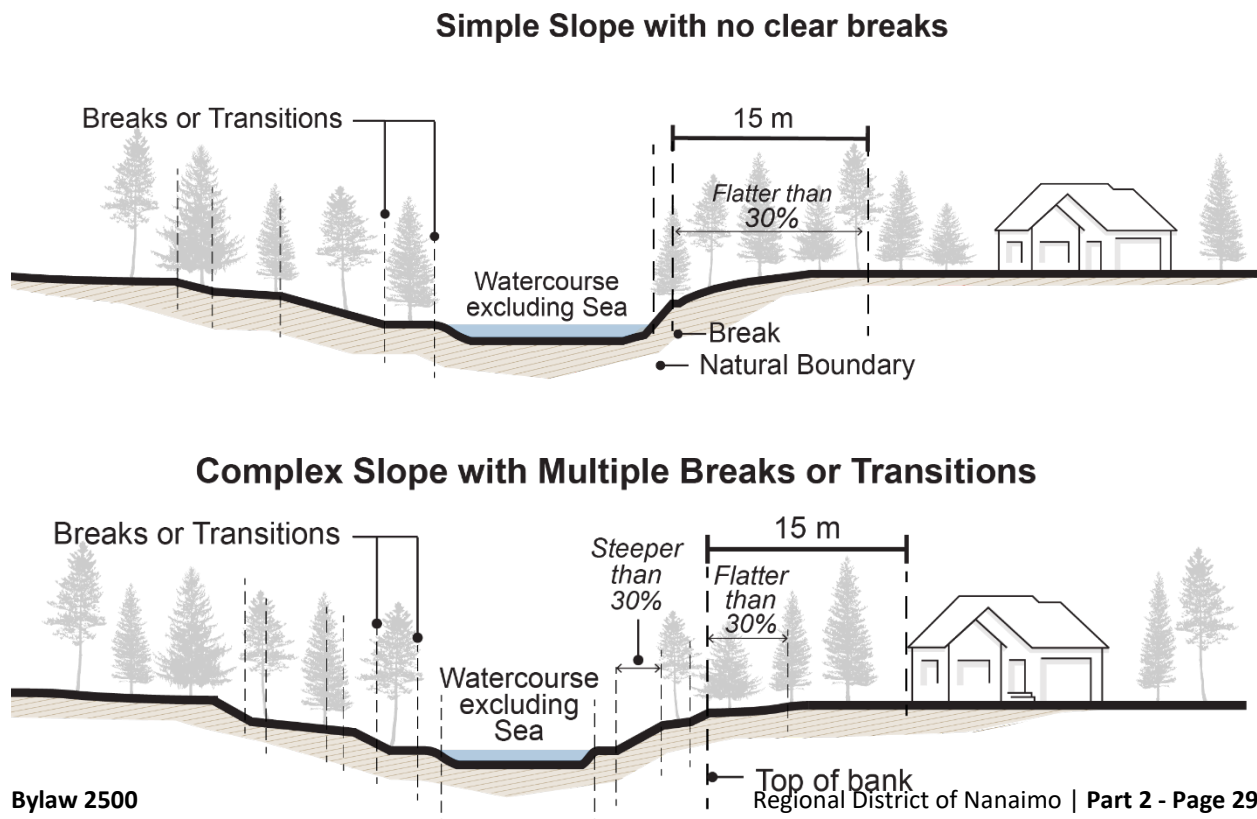
**tourist** means a person who travels from place to place away from their permanent residence.

**tourist information booth** means a building or structure that is used solely for the purpose of providing information to the traveling public.

**tourist store** means a retail sales outlet contained under one roof, having a gross floor area not exceeding 200 m<sup>2</sup> excluding common areas such as cleaning areas, washrooms, or hallways, and providing for the retail sale of goods to the traveling public, and provision for personal service use and/or office use.

**top of bank** means the first bank slope such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 m measured horizontally from the break. For complex slopes with multiple banks, setback distances will be measured from the first break that is flatter than 3:1 for a minimum distance of 15 m measured horizontally from the break generally as shown in figure 11 below.

Figure 11. Top of bank illustrations.



**transit exchange** means the use of land, buildings, or structures for a group of transit stops in a centralized location for commuters to transfer between different transit routes.

**transportation terminal** means the use of land, buildings or structures for taxi, bus, railway stations, airport, and the storage and maintenance of transportation equipment.

**unattended utility use** means a utility use which generally does not require personnel on a regular basis for operation of the facility.

**utility use** means the use of land, buildings or structures for the provision of community water or sewer services, park, public access, pipelines, electric and telephone service, emergency services, government office or cemetery.

**vehicle** means a vehicle licensed pursuant to the *Motor Vehicle Act*, and any vehicle or portion thereof which does not have a valid license plate on the vehicle and which is not stored in a building shall be deemed to be a derelict vehicle.

**vehicle sales** means the use of land or buildings for the sale of vehicles.

**vehicle wrecking yard** means the use of land or a structure not totally enclosed by walls or a roof for the dismantling or wrecking of vehicles, or for the storage of derelict vehicles.

**visitor recreational vehicle** means a tent or one recreational vehicle other than a manufactured home located within 100 m of a cabin, which provides for the accommodation of persons visiting the occupants of a cabin.

**warm up huts** means buildings temporarily used for providing skiers with a place to rest and warm up during ski activities.

**waste disposal site** means the use of land or buildings for the treatment and disposal of solid wastes, operated by the Regional District or a Municipality.

**watercourse** means any natural or man-made depression with well-defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes the sea or any lake, river, stream, creek, wetland, spring, ravine, surface source of water supply or source of groundwater supply whether enclosed or in a conduit. Roadside ditches are not considered a watercourse for the purpose of this bylaw.

**wood processing** means a building, structure or equipment operating during normal daylight hours, processing less than 60 m<sup>3</sup> of logs per day including the preparation of logs, fence posts, shakes, poles or firewood.

**wood waste disposal facility** means the use of lands, buildings, and structures for the processing of sawmill, construction, land clearing wood waste materials under agreement with the Regional District of Nanaimo.

# Part 3

## Land Use Regulations

This section includes regulations related to specific uses as well as general interpretation requirements for size, area, dimensions, and setbacks.





# Part 3 - Land Use Regulations

## 3.1 General Operative Clauses

### (a) Permitted Uses

No land, building or structure shall be used for any purpose other than that specified for the zone in which it is located and accordingly to the regulations contained in this Bylaw.

### (b) Siting, Size and Shape

No person shall construct, move or alter any building or structure so that:

- (i) its site area is less than required;
- (ii) it encroaches on a setback required;
- (iii) its parcel coverage is greater than permitted;
- (iv) it is taller than permitted;
- (v) the land exceeds the total number of units, buildings or structures permitted by the zone in which the building or structure is located, as designed in the schedules to this Part.

### (c) Density

Throughout this Bylaw, density will be measured by the following to indicate the allowable number of units or building size on a lot:

- (i) Number of units per parcel;
- (ii) Minimum parcel size;
- (iii) Number of units per unit area of land given available servicing;
- (iv) In the context of commercial and industrial uses, the square footage of both indoor and outdoor productive areas;

### (d) Parcel Area, Shape and Dimensions

- (i) Land shall not be subdivided to create parcels having a minimum parcel area less than that prescribed by Schedule '3A' of this Bylaw, nor with shape or dimensions contrary to those prescribed by Section 5.5 Parcel Shape and Dimensions of this Bylaw.
- (ii) For the purpose of this Bylaw in determining how parcel areas are expressed on plans registered after February 22, 2011, the size of a parcel shall be determined by reference to parcel size established by a B.C. Land Surveyor based on the following table:

### Expression of Parcel Areas

Parcel Size	Maximum Number of Decimal Places Accepted
up to 0.1 ha	quote to 0.1 m <sup>2</sup>
from 0.1 ha up to 1 ha	quote to 0.001 ha
from 1 ha up to 10 ha	quote to 0.01 ha
from 10 ha up to 100 ha	quote to 0.1 ha
from 100 ha and over	quote to 1 ha

(e) **Off-Street Parking and Loading Spaces**

Off-street parking and loading spaces shall be provided in accordance with the regulations of this Part.

(f) **Setbacks**

Setbacks shall be provided in conformity with this Part.

(g) **General Regulations**

The regulations in Part 3 of this Bylaw specify additional regulations or standards for the uses, defined terms and / or other standards throughout this Bylaw. Where the regulations in a Zone may conflict with the General Regulations of this Section, the regulations of the Zone will apply.

(h) **General Interpretation**

References to an enactment include the enactment as amended or re-enacted from time to time.

## 3.2 Accessory Buildings and Structures

Buildings and structures accessory to the permitted principal use of a parcel are permitted in each zone, unless otherwise specified in that zone, provided that:

- (a) the principal use is being performed on the parcel; or
- (b) a building for the purpose of the principal use has been constructed on the parcel; or
- (c) a building for the purpose of the principal use is in the process of being constructed on the parcel, in which case occupancy for the accessory building cannot be granted prior to occupancy for the principal use.

Part 1 Administration	Part 2 Interpretation	Part 3 Land Use Regulations	Part 4 Zones	Part 5 Subdivision Regulations	Part 6 Development Permit Areas
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### 3.3 Common Accessory Uses

- (a) Accessory buildings and structures in a multiple dwelling unit development, resort condominium development or development pursuant to the *Strata Property Act*, shall be limited to accessory buildings and structures indicated as common property on the strata plan and generally intended for the common use of property owners or occupiers in the development, and may include facilities for storage, parking, laundry, service and recreation.
- (b) On building strata parcels that are limited to single detached dwelling units and are not located on parcels that are zoned for multiple dwelling unit development that are created pursuant to the *Strata Property Act*, the provisions for maximum accessory building floor area and home-based business, and secondary suites shall be based on the parent parcel as follows:
  - (i) Maximum accessory building floor area and home-based business shall be equal to one half of the maximum allotted floor area permitted by the applicable zone as measured for each strata lot.
  - (ii) Each strata lot shall be permitted a secondary suite where permitted by section 3.21. Only one detached secondary suite shall be permitted on the parent parcel for which the building strata subdivision was created. To be eligible for the detached secondary suite, approval of all strata owners is required.

### 3.4 Storage of Fuel

No parcel shall be used for the storage, warehousing, distribution or wholesale of any type of fuel or flammable or combustible liquids in either above ground or below ground tanks in excess of 4,546 L (1,000 imperial gallons); and further that this regulation does not apply to industrial zones, service stations, gas bars, marine fuel supply stations, emergency services, asphalt batch plants or to fuel used for residential heating purposes.

### 3.5 Vehicle Wrecking Yard or Refuse

Unless specifically permitted, no parcel shall be used as a vehicle wrecking yard or for the collection or storage of refuse.

### 3.6 Keeping of Animals

- (a) In all zones where agriculture or farm use is not a permitted use, the keeping of animals shall be deemed to be an accessory use subject to setback requirements in Section 3.11(a) and shall be limited to:
  - (i) on parcels less than 1000 m<sup>2</sup> in size the keeping of animals is restricted to pets and household poultry in accordance with Subsection 3.6 (b);
  - (ii) on parcels 1000 m<sup>2</sup> or greater in size, the keeping of animals is restricted to household animals and pets;

- (iii) on parcels 1.0 ha or greater in size, the keeping of pets, household animals, and household livestock is permitted.
- (b) The keeping of household poultry on parcels less than 1000 m<sup>2</sup> is subject to the following regulations:
  - (i) must be accessory to the residential use of the parcel;
  - (ii) a maximum of 5 hens or ducks are permitted per parcel;
  - (iii) no roosters, cockerels, or peacocks, and the like may be kept on the parcel;
  - (iv) a minimum enclosure of 0.37 m<sup>2</sup> (4 ft<sup>2</sup>) per hen or duck must be provided;
  - (v) any building or structure containing household poultry, whether portable or stationary, must:
    - (A) meet the minimum setback requirements of the applicable zone and in no case shall be sited within 2.0 m of any lot line;
    - (B) not be located within the front yard or exterior side yard;
    - (C) have a maximum floor area of 10 m<sup>2</sup> and a maximum height of 3.0 m.
  - (vi) For clarity, the regulations of Section 3.6 – Keeping of Animals does not apply to any parcel located in the Agricultural Land Reserve (ALR).

### 3.7 Landscaping

Where landscaping is required by Part 6 of this Bylaw, it shall be provided in accordance with the regulations of this Part and in accordance with Development Permit Area Guidelines in Part 6 of this Bylaw. Where a conflict exists between this Part and Part 6, the regulations of Part 6 will prevail.

#### (a) Requirement

- (i) All proposed landscaping shall be designed by a registered landscape architect, or similar professional to be confirmed at the discretion of the Regional District of Nanaimo.
- (ii) All proposed restoration shall be designed by a Qualified Environmental Professional (QEP) to be confirmed at the discretion of the Regional District of Nanaimo.
- (iii) All landscaping and restoration shall be permanently maintained in good condition with the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provision for permanent irrigation works necessary to water the landscaping.
- (iv) The design of landscaping and restoration shall be such that the growth of roots, trunks and branches of natural or introduced vegetation shall not conflict with utilities, structures, necessary access or a required sight triangle.
- (v) Invasive species must be kept from establishing in all landscaped and restored areas.



(b) **Procedure**

In satisfying the requirements of this Section, the applicant shall complete three steps as follows:

(i) **Landscape Plan**

Drawings and specifications of the proposed landscaping and / or restoration, which shall include a schedule of construction and date of completion, shall be submitted in duplicate or electronic form to the Regional District for approval before any landscape works or building construction are started.

(ii) **Landscape and Restoration Works**

The applicant shall complete the proposed work in accordance with the plans and specifications approved by the Regional District.

The Regional District will inspect the landscaping and restoration from time to time for conformity to these standards. There will be no charge for such inspections. The applicant shall be responsible for construction layouts, detailed field supervision of the work and as-constructed drawings.

(iii) **Completion and Acceptance**

Confirmation of completion provided by the Landscape Architect or Qualified Environmental Professional provided by the Applicant and approved by the Regional District of Nanaimo.

(c) **Drawings and Specifications**

Drawings and specifications required for the review of proposed landscaping shall:

- (i) be submitted electronically, accurately dimensioned and at a suitable scale;
- (ii) show the location and dimensions of the parcel on which the landscaping is to occur;
- (iii) show the location and extent of proposed and existing buildings, structures, services, utilities and circulation, including paved and concrete surfaces;
- (iv) show the existing and proposed grades at a contour interval of 0.2 m and such grades shall be relevant to existing roadways and/or structures;
- (v) show the location, size and species of all-natural vegetation clearly indicating vegetation that shall remain and vegetation that shall be removed;
- (vi) show the location, size, quantity and species of all introduced vegetation;
- (vii) show the location, extent and materials of any proposed fencing;
- (viii) include sectional details including cross sections of the landscaping taken at sufficient locations to adequately illustrate the effect of landscaping, planting details, finishes and the location at which sectional details are taken is to be noted on a plan;
- (ix) include such other information as is necessary to illustrate all essential features and methods of planting and construction;

- (x) include an itemized cost estimate, equal to the cost of all materials and labour;
  - (xi) include an outline of the proposed maintenance schedule; and,
  - (xii) include the location and specifications for all irrigation systems and must demonstrate how such irrigation systems are designed to reduce water usage.
- (d) **Variations from Standards**
- (i) Where the applicant wishes to vary from these standards, the applicant may submit a development variance permit application.
- (e) **Design Standards – Landscaped Area**
- The following requirements shall be met in providing a landscaped area where required by this Bylaw:
- (i) a minimum of one (1) tree per 35 m<sup>2</sup>, where 40% of those trees shall be coniferous;
  - (ii) a minimum of one (1) shrub per 35 m<sup>2</sup>;
  - (iii) where possible, trees shall be planted in groups;
  - (iv) at the time of planting trees, shrubs, soil type and soil depth must meet the *British Columbia Landscape Standard* requirements as prepared by the Canadian Society of Landscape Architects;
  - (v) the use of native and / or drought tolerant species is required; and
  - (vi) where irrigation is provided, it shall be designed to reduce or conserve water usage. Drip irrigation or micro-irrigation systems that consist of water delivered to the root zone of a plant and use less than 20 gallons of water per hour at less than 25 pounds per square inch of pressure are encouraged.
- (f) **Restoration**
- (i) Restoration shall use native, non-invasive species, to be designed by a professional restoration expert or Qualified Environmental Professional (QEP) confirmed by the Regional District of Nanaimo. Restoration must result in equal or improved ecological value in relation to biodiversity, hydrological and ecological function of the disturbed area, and all species, planting locations, and sizes shall be to the satisfaction of the Regional District of Nanaimo.
- (g) **Selection of Introduced Vegetation**
- To meet the design standards in Section 3.7 (f), the selection of introduced vegetation shall:
- (i) Be non-invasive species which satisfy the objectives of the applicable Development Permit Area Guidelines and are adapted to the site-specific conditions of the soil, climate and topography on which such vegetation is to be planted.
  - (ii) Have normal, well-developed branches and vigorous fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestation or objectionable disfigurements.

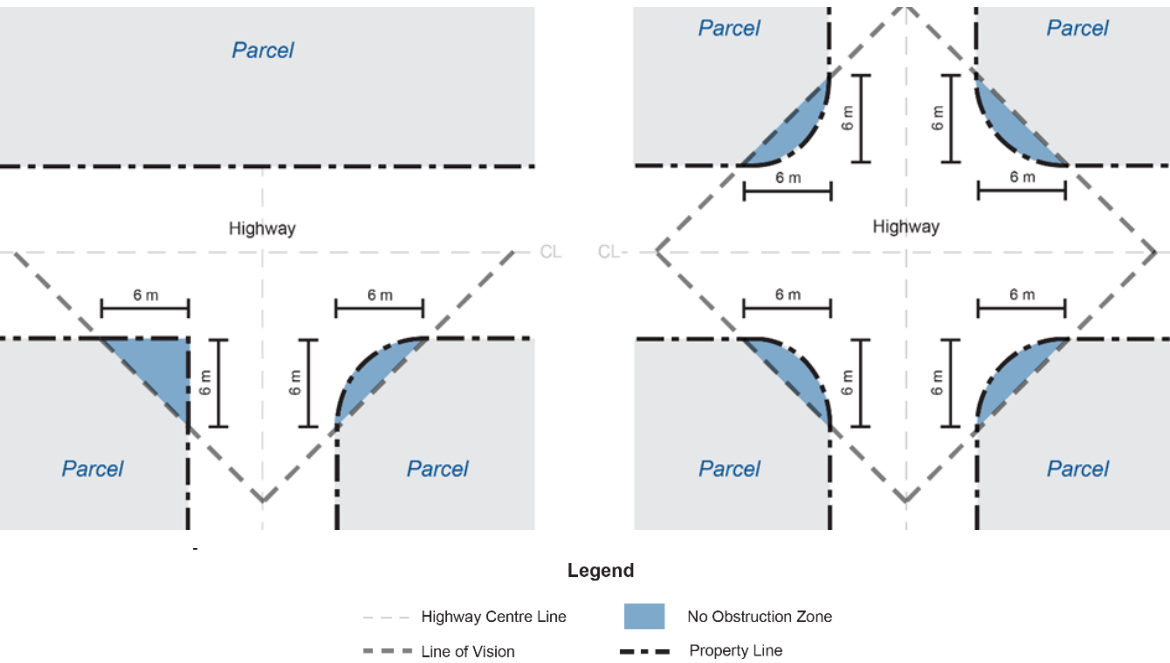
- (iii) Minimize the use of turf grass.
- (h) **Construction**
- (i) The coordination and scheduling of all work on the site shall be such that no damage occurs to introduced vegetation before or after installation or to natural vegetation to be retained or to existing soil conditions as determined by local weather conditions and the requirements of living plant material.
  - (ii) Imported topsoil shall be free from subsoil, roots, toxic materials, stones over 30 mm in diameter and foreign objects. Topsoil shall be free from invasive species, crabgrass, couchgrass, equisetum or noxious weeds or seeds or parts thereof.
  - (iii) The working area shall be maintained in an orderly manner and shall not be encumbered with equipment, materials, or debris.
  - (iv) Clean up shall be a continuing process from the start of the work to final acceptance of the project. Property on which work is in progress shall at all times be kept free from accumulations of waste materials or rubbish. Accumulations of waste materials which might constitute a fire hazard shall not be permitted. Spillage from hauling vehicles on traveled public or private roads shall be promptly cleaned up. On completion of construction, all temporary structures, rubbish and waste materials resulting from the operations, shall be removed.
- (i) **Security Deposit**
- (i) A security deposit shall be submitted to the Regional District for development permits which include landscaping and/or site improvement provisions.
  - (ii) The security deposit shall be submitted prior to the issuance of any corresponding permit to which the required landscaping applies.
  - (iii) The security deposit shall be in the form of either a standby irrevocable letter of credit, cash, or a certified cheque, or other acceptable equivalent, and shall be submitted in a form satisfactory to the Regional District.
  - (iv) The value of the security deposit shall be equal to the estimated total cost (i.e., materials and installation) of all of the required landscaping and/or site improvements. The total cost of these works shall be determined by an itemized cost estimate of materials and installation. The cost estimate is to be completed by a professional landscape architect, a nursery person or landscape contractor or an equivalent agreed upon by the Regional District, and is to be submitted concurrent with the security deposit. The developer assumes sole responsibility for undertaking and financing the cost estimate.
  - (v) The security shall be released following the completion of all approved landscaping and/or site improvement works as specified in the development permit to the satisfaction of the Regional District.
    - (A) The Regional District shall return a portion of the deposit to the Permittee if:
      - (1) The Permittee provides to the General Manager written confirmation, to the General Manager's satisfaction, that the landscaping or restoration

- works have been installed in accordance with the recommendations of the Revegetation Plan; and
- (2) Following a site visit conducted by RDN staff, and subject to the confirmation of a Qualified Environmental Professional (QEP), the General Manager is satisfied that the landscaping or restoration works have been installed in accordance with the recommendations of the Revegetation Plan;
- (B) and the Regional District shall return the remainder of the deposit to the Permittee if:
- (1) The Permittee provides to the General Manager written confirmation, to the General Manager's satisfaction, that the landscaping or restoration works have been maintained in accordance with the recommendations of the Revegetation Plan; and
  - (2) Following a site visit conducted by RDN staff, and subject to the confirmation of a Qualified Environmental Professional (QEP), the General Manager is satisfied that the landscaping or restoration works have been maintained for two years in accordance with the recommendations of the Revegetation Plan.
- (vi) In the event that the landscaping and/or site improvements are at variance with approved works and/or not completed to an acceptable standard and/or not completed within a specified time period, the Regional District may use the security deposit for the purpose of entering upon the subject property and completing the approved works and/or for pursuing any necessary legal or court judgment as required.
- (vii) In the event that additional time is required to complete the landscaping and/or site improvements due to unforeseen circumstances, a written request shall be made to the Planning Department indicating the reason for an extension and the expected date of completion.
- (viii) When a security deposit is in the form of a standby irrevocable letter of credit, it shall include provisions for its automatic renewal with no expiry date.

### 3.8 Setbacks – Sight Triangle

On a corner parcel in any zone there shall be no obstruction, including landscaping such as fences, hedges, or any building or structure, to the line of vision above the height of 0.5 m of the established grade of a highway within the sight triangle, being a triangular area formed by extending a 6.0 m boundary along the parcel lines from the point of the exterior corner intersection of the parcel lines and a line connecting these two points as illustrated in figure 12 below:

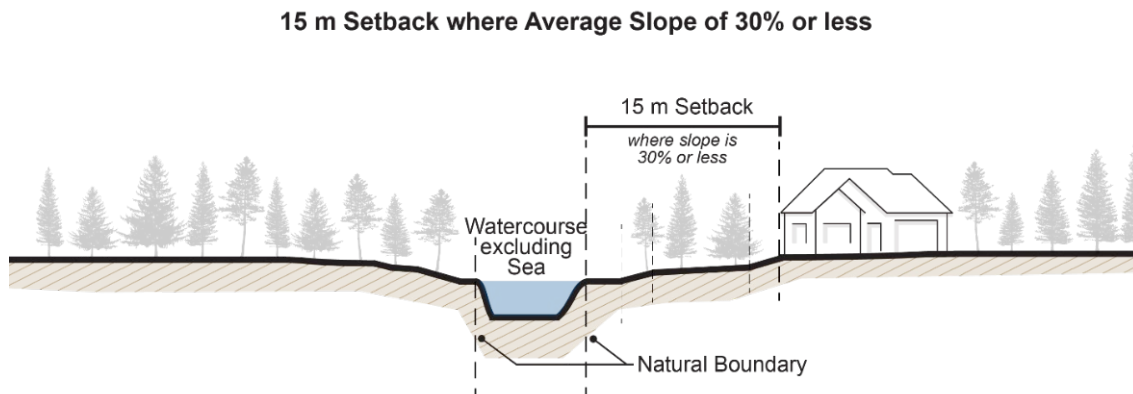
Figure 12. Site triangle illustrations.



### 3.9 Setbacks – Watercourses, excluding the Sea

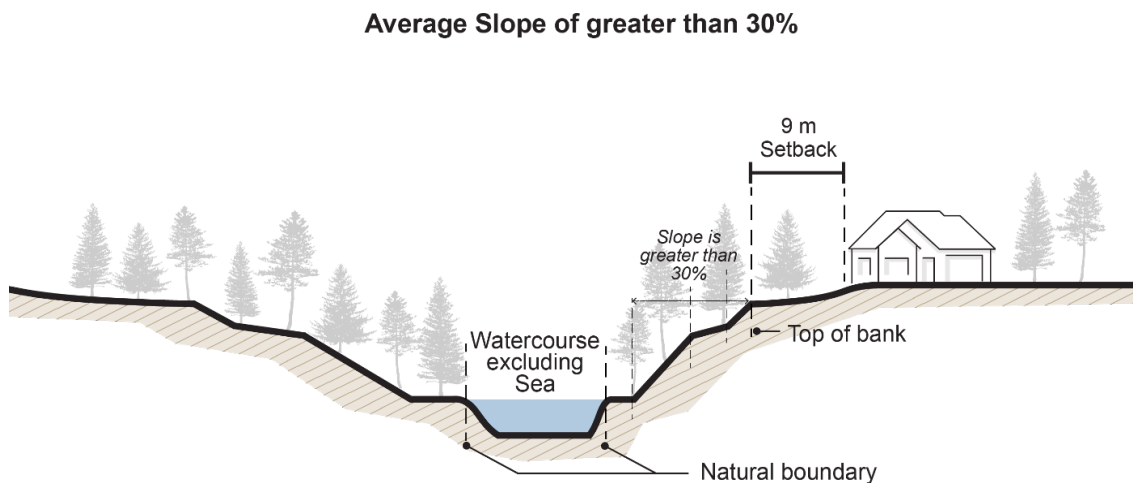
- (a) On parcels with an average slope of 30% or less adjacent to or containing a watercourse, as measured within 15.0 m of the natural boundary, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
- (i) within 15.0 m horizontal distance from the natural boundary generally as shown in figure 13 below;

Figure 13. Scenario showing the application of a 15.0 m setback on a parcel with an average slope of 30% or less.



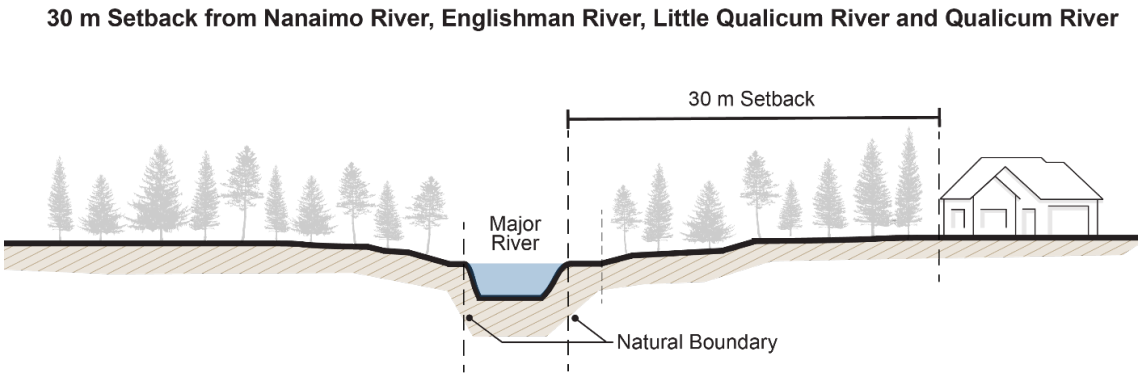
- (b) On parcels with an average slope of greater than 30% adjacent to or containing a watercourse, as measured within 15.0 m of the natural boundary, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
- (i) within 9.0 m horizontal distance from the top of bank generally as shown figure 14 below:

Figure 14. Scenario showing the application of a 9.0 m setback from the top of bank on a parcel with an average slope of greater than 30%.



- (c) Notwithstanding the above, on parcels containing or adjacent to the Nanaimo River, the Englishman River, the Little Qualicum River and the Qualicum River, no building or structure shall be constructed, altered, moved or extended within 30.0 m horizontal distance from the natural boundary generally as shown in figure 15 below:

Figure 15. Scenario Showing the application of a 30.0 m setback from the natural boundary.



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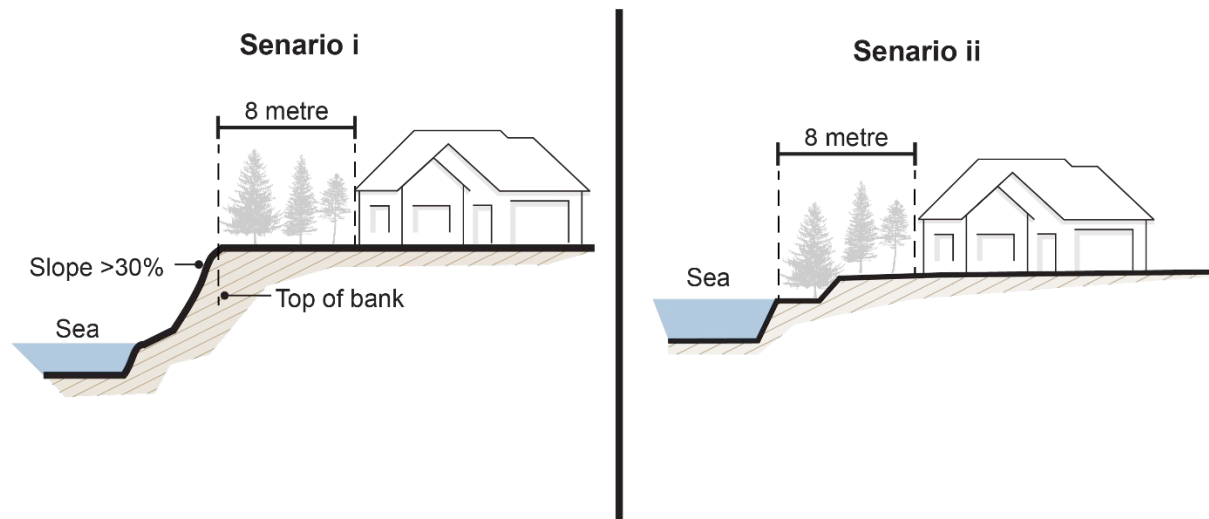


### 3.10 Setbacks – Sea

- (a) For all Electoral Areas, except Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended:
- (i) within 8.0 m horizontal distance inland from the top of a bank with a slope of 30% or greater; or
  - (ii) within 8.0 m horizontal distance from the natural boundary, whichever is greater generally as shown in figure 16 below.

For the purpose of clarifying (i) above, no buildings or structures shall be located between the toe of a slope of 30% or greater and the top of that same slope.

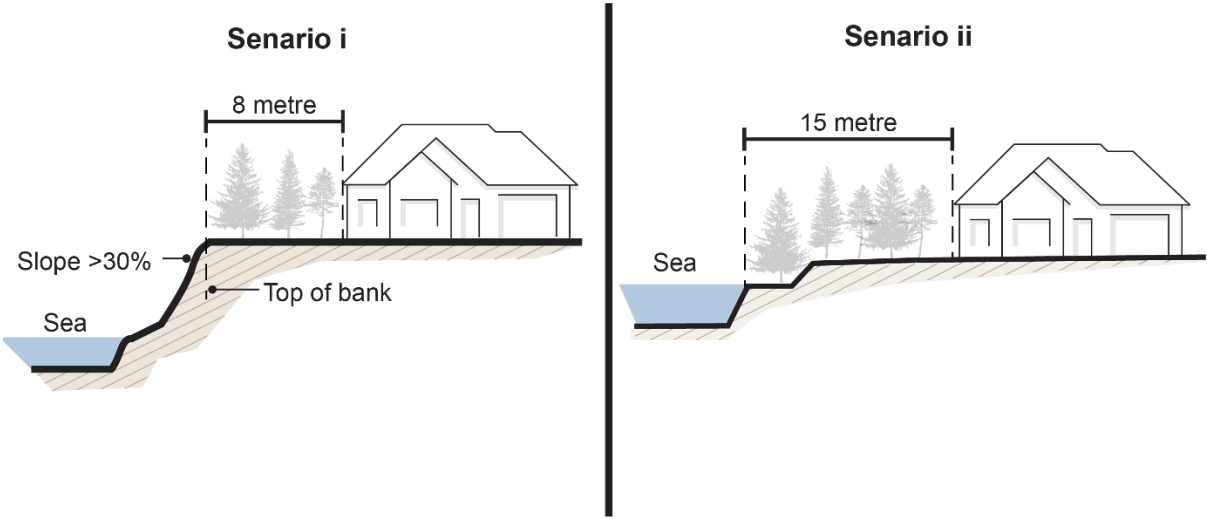
Figure 16. Scenarios showing the application of an 8.0 m setback from the top of bank on a parcel with a slope of 30% or greater or within 8.0 m from the natural boundary, whichever is greater.



- (b) For Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended
- (i) within 8.0 m horizontal distance inland from the top of bank with a slope of 30% or greater; or
  - (ii) within 15.0 m horizontal distance from the natural boundary, whichever is greater generally as shown in figure 17 below.

For the purpose of clarifying (i) above, no buildings or structures shall be located between the toe of a slope of 30% or greater and the top of that same slope.

Figure 17. Scenarios showing the application of an 8.0 m setback from the top of bank on a parcel with a slope of 30% or greater or within 15.0 m from the natural boundary in Electoral Area E only, whichever is greater.



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### 3.11 Setbacks – Buildings and Structures

#### (a) Agriculture and Farm Buildings, Structures and Uses

The following minimum setback requirements shall apply to all agriculture or farm buildings, structures and uses, and household animals and livestock excluding household poultry:

Use(s)	Setback from all lot lines
(i) Outdoor uncovered horse-riding rings and exercise yards where no feeding of animals occurs	0 m
(ii) Buildings and structures 10 m <sup>2</sup> or less that house any livestock or poultry (except household poultry on parcels less than 1000 m <sup>2</sup> in area), game, or other furbearing farm animals	8.0 m
(iii) Indoor horse-riding rings where no feeding or housing of animals occurs	8.0 m
(iv) Buildings and structures 50 m <sup>2</sup> or less that house any livestock, poultry, game, or other furbearing farm animals	15.0 m
(v) Confined Livestock Area	15.0 m
(vi) Buildings and structures more than 50 m <sup>2</sup> that house any livestock, poultry, game, or other furbearing farm animals	30.0 m
(vii) Feedlot	30.0 m
(viii) Indoor riding rings where feeding or housing of animals occurs	30.0 m
(ix) Mushroom Barn	30.0 m
(x) Temporary Sawmill	30.0 m
(xi) Buildings, structures, and lands used for: <ul style="list-style-type: none"> <li>(A) the storage of agricultural liquid or solid waste</li> <li>(B) On-farm composting</li> <li>(C) Compost storage</li> </ul>	30.0 m
(xii) Cannabis Production - All building and structures except: <ul style="list-style-type: none"> <li>(A) the setback shall be 60.0 m from all lot lines adjacent to non-ALR residential uses and;</li> </ul>	30.0 m

	(B) the setback shall be 150.0 m from any parcel that contains a park or school	
(xiii)	Gathering for an Event – All building, structures or event areas	30.0 m
(xiv)	All other agricultural buildings and structures	8.0 m
(xv)	<p>The following watercourse setbacks shall apply to all agriculture or farm buildings, structures and uses:</p> <p>(A) All buildings and structures that house any livestock or poultry (except household poultry) or store manure and all areas used for a feedlot shall be a minimum of 30.0 m from a domestic well, spring, or the natural boundary of a watercourse.</p> <p>(B) All other agriculture or farm buildings and structures shall be sited in accordance with Sections 3.9 and 3.10.</p>	

(b) **Micro Wind Turbine Systems**

- (i) For a system installed on the ground, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc; or
- (ii) For a system installed on a rooftop or side of a building, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the lowest point of the micro wind turbine system to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.
- (iii) No such system shall be located within 60.0 m of any eagle or heron nesting tree, as determined by a Qualified Environmental Professional (QEP), measured from the base of the nesting tree to the base of the wind turbine system.

(c) **Highway No. 19**

For Electoral Area 'G' only, the minimum required setback for all buildings and structures adjacent to the Vancouver Island Highway No. 19 shall be the minimum setbacks prescribed in each zone or 15.0 m, whichever is greater.

(d) **Projections into Required Setbacks**

- (i) In all Residential (RS and SSH1) Zones, decks, stairs, landings and wheelchair ramps less than 0.6 m above finished grade immediately adjacent to a building may be located up to 0.6 m from an interior lot line.

- (ii) The following table outlines features which may project into an exterior or interior lot line as specified for all Residential (RS and SSH1) Zones, excepting where the British Columbia Building Code (BCBC) requirements take precedence:

Feature	Permitted Projection into Required Setbacks	
	Exterior	Interior
Hutches, canopies, chimneys, cornices, eaves, gutters, leaders, ornamental features, pilasters, sills, sunshades	0.5 m	0.6 m
Footings below finished grade	0.5 m	0.5 m
Bay window	0.5 m	Not permitted

- (iii) For certainty, a projection into a required setback must not obstruct the sight triangle as specified in Section 3.8 and in no case shall projections be permitted within 4.5 m of any public highway in accordance with any provincial enactment or without Ministry of Transportation and Infrastructure approval.

### 3.12 Stormwater Management for Farm Use

Where the total impervious area of agriculture or farm buildings and structures exceeds 3,700 m<sup>2</sup> or covers more than 25% of a parcel or contiguous parcels, a stormwater management plan is required.

### 3.13 Height Exemptions

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

- (a) Chimney stacks, mast aerials, church spires, flag poles, water tanks, observation and transmission towers, and mechanical devices necessary for the operation of a building.
- (b) Principal agricultural or farm buildings or structures.
- (c) Water tanks for the use of emergency services,
- (d) Components of solar photovoltaic or solar thermal systems where:
  - (i) On a parcel less than 5,000 m<sup>2</sup> in area
    - (A) the over-height portion of such system is limited to 50% of the roof width to which the system is attached;
    - (B) no portion of such system exceeds 0.6 m above the maximum permitted height; and

- (C) the system must be affixed to a roof with a pitch not exceeding 3:12.
- (ii) On a parcel 5,000 m<sup>2</sup> or greater in area, no portion of such system exceeds 0.6 m above the maximum permitted height.
- (e) One over-height micro wind turbine system per parcel provided that no such system exceeds twice the maximum permitted height, as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.

### 3.14 Density - Category A Lots

Where a category A lot is divided between more than one zone, two dwelling units are permitted on only one parcel located within the eligible subdivision.

Category A lots are identified in Schedule 3B – Category A Lots of this Bylaw.

### 3.15 Home Based Business

On parcels where a home-based business is a permitted use, the following provisions apply:

- (a) The following activities shall be permitted as a home-based business accessory to a residential use:
  - (i) Small scale and value-add processing of goods, such as food preserving, pottery, or similar activities;
  - (ii) sales of goods produced on site to a maximum of 1/3 of the home-based business floor area where the home based business meets all other requirements of this Bylaw;
  - (iii) bed and breakfast provided the activity is contained wholly within the dwelling unit (not in a secondary suite) to a maximum of 2 bedrooms in Residential 1 and 3 zones, a maximum of 2 bedrooms in the Alternative Forms of Rural Development 1 zone and to a maximum of 4 bedrooms in all other zones where permitted by this Bylaw;
  - (iv) rental of non-motorized outdoor recreation equipment;
  - (v) personal service use;
  - (vi) professional practice;
  - (vii) office;
  - (viii) licensed childcare facility for up to 8 children and must meet the requirements of the *Community Care and Assisted Living Act*;
  - (ix) medical services;
  - (x) artisan or craftsman services;
  - (xi) pet grooming;

- (xii) small scale market gardens and related value-added food and goods production intended for sale, excluding a nursery or larger retail operation, where the home-based business meets all other requirements of this Bylaw;
  - (xiii) catering; and
  - (xiv) personal recreation services for classes offered or personal training, such as yoga, martial arts or dance studio with up to 8 students at one time, but does not include classes open to the general public or drop-in.
- (b) Despite Section 3.15, the following activities are prohibited as a home based business:
- (i) animal breeding in excess of two litters per calendar year;
  - (ii) pet boarding;
  - (iii) public assembly use;
  - (iv) school pursuant to the *Schools Act*;
  - (v) chemical processing;
  - (vi) dry cleaning;
  - (vii) slaughtering;
  - (viii) butchering;
  - (ix) smoking of food;
  - (x) seafood processing;
  - (xi) canning of foods with a pH level equal to or greater than 4.5;
  - (xii) laundries;
  - (xiii) manufacturing of fiberglass, pyroxlin or similar products;
  - (xiv) paint, varnish, or lacquer manufacturing;
  - (xv) primary processing including the processing of fence posts, shakes, and firewood;
  - (xvi) rubber manufacturing;
  - (xvii) tanneries;
  - (xviii) funeral parlour;
  - (xix) warehousing, specifically including mini-storage;
  - (xx) marshalling of vehicles, equipment, and machinery;
  - (xxi) vehicle wrecking or dismantling of vehicles;
  - (xxii) spray painting shop;
  - (xxiii) recycling facility;
  - (xxiv) recreation facility;



- (xxv) sale of food and/or beverages for immediate consumption on or off the premises by and individual or household, and specifically including fast food outlets, neighbourhood pubs and restaurants, but not including breakfast served by a bed and breakfast to the traveling public who have been provided with overnight accommodation, or the sale of food or beverages primarily produced on site as per (a)(ii);
  - (xxvi) taxidermy;
  - (xxvii) dispensing of automotive fuel, oil, or fluids;
  - (xxviii) automotive repairs, vehicle restoration or maintenance except on parcels zoned Agriculture 1 and 2 (AG1-AG2) and Rural Residential 1 and 2 (RR1-RR2) and Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7-RM9);
  - (xxix) cannabis and mushroom processing and production;
  - (xxx) alcohol production;
  - (xxxi) temporary accommodation other than bed and breakfast; and
  - (xxxii) nursery.
- (c) A home-based business must:
- (i) be conducted by the permanent residents of the parcel on which the home-based business activity is located;
  - (ii) be accessory to the residential use of the parcel;
  - (iii) not change the outside appearance of the premises or create other visible evidence of its existence, other than one sign;
  - (iv) create no noise, vibration, glare, fumes, odours, dust, or smoke detectable off the parcel to the normal senses;
  - (v) not include any outdoor storage;
  - (vi) be wholly contained within the dwelling unit, garage, and/or accessory building(s), except for outdoor play areas for childcare facilities or small scale market garden activities;
  - (vii) provide all parking on a dust free hard surfaced portion of the parcel for all non-resident employees, visitors and / or drop-off locations in accordance with Section 3.22 of this Bylaw; and,
  - (viii) despite any regulation in this Bylaw, on lands located in the Agricultural Land Reserve be in accordance with the *Agricultural Land Reserve Act* and *Regulations*, and applicable orders of the Land Reserve Commission.
- (d) A maximum of one (1) non-illuminated home-based business sign per parcel is permitted, provided that the sign:
- (i) Does not exceed 0.75 m<sup>2</sup> in sign face area;

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- (ii) is displayed on the exterior wall face of a dwelling unit, accessory building or fence, or as a freestanding sign;
  - (iii) if freestanding, does not exceed 1.5 m in height;
  - (iv) if freestanding, is sited within required setbacks of the applicable zone.
- (e) A maximum of one non-resident home based business employee is permitted per parcel or the part time equivalent thereof, excluding licensed childcare facilities in accordance with the *Community Care and Assisted Living Act*.
- (f) Despite subsection (e), a maximum of two non-resident home based business employees are permitted per parcel in all Residential 2 (RS2) zones, in Agriculture 1 and 2 (AG1– AG2) zones, Rural Residential 1 and 2 (RR1 – RR2), Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7- RM9) zones, excluding licensed child care facilities in accordance with the *Community Care and Assisted Living Act*.
- (g) The location and maximum floor area and location of a home-based business is as follows:

Zones	Parcel Area	Location	Maximum Floor Area
<b>Residential 1 (RS1)</b> <b>Alternative Forms of Rural Development 1 (AF1)</b>	Less than 2,000 m <sup>2</sup>	Must be contained within a dwelling unit or attached garage with the exception of outdoor play areas for childcare facilities.	The home-based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 100 m <sup>2</sup> .
<b>Residential 1 (RS1)</b> <b>Alternative Forms of Rural Development 1 (AF1)</b>  <b>Residential 2 (RS2)</b>	Greater than or equal to 2,000 m <sup>2</sup>	The home-based business must be contained within the dwelling unit, attached garage or accessory building(s), with the exception of outdoor play areas for childcare facilities.	The home-based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 100 m <sup>2</sup> , or a maximum of 100 m <sup>2</sup> combined total for dwelling unit, attached garage, and/or accessory building(s).
<b>Residential 3 (RS3)</b>	Not applicable	Must be contained within a dwelling unit or attached garage with the exception of	The home-based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and

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Zones	Parcel Area	Location	Maximum Floor Area	Part 1 Administration
		outdoor play areas for childcare facilities.	attached garage to a maximum of 100 m <sup>2</sup> .	
<b>Rural Residential 1 (RR1)</b> <b>Rural Residential 2 (RR2)</b>	Not applicable	Must be contained within a dwelling unit or attached garage with the exception of outdoor play areas for childcare facilities.	The home-based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 100 m <sup>2</sup> .	Part 2 Interpretation
<b>In all other zones where home-based business is a permitted or accessory use unless otherwise specified in the applicable zone</b>	Not applicable	The home-based business must be contained within the dwelling unit, attached garage or accessory building(s), with the exception of outdoor play areas for childcare facilities.	The home-based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 150 m <sup>2</sup> or a maximum of 150 m <sup>2</sup> combined total floor area for the dwelling unit, attached garage, and/or accessory building(s).	Part 3 Land Use Regulations
				Part 4 Zones
Outdoor areas required for play areas for childcare facilities as per the <i>Community Care and Assisted Living Act</i> , or outdoor gardening activities are not included in floor area calculations.				
The maximum combined land area used for outdoor cultivation and all related activities in association with small scale market gardens shall not exceed 30 % of the total area of the parcel that the home-based business is located on to a maximum of 1,000 m <sup>2</sup> .				
Home-based businesses shall not be located within a Streamside Protection and Enhancement Area.				Part 5 Subdivision Regulations
Home- Based Businesses shall not be permitted within a secondary suite nor by the occupants of a secondary suite elsewhere on the subject property.				
Bed and Breakfast shall not be permitted on a parcel that contains a suite.				
Where a secondary suite is located on a parcel less than 4,000 m <sup>2</sup> in area, the home-based business must:				Part 6 Development Permit Areas

- (i) be limited to one (1) business; and,
- (ii) not include any non-resident home-based business employees.

### 3.16 Farm Use Regulations

On lands located within the Agricultural Land Reserve the following activities are permitted farm uses in accordance with the *Agricultural Land Reserve Use Regulation* and are subject to the following regulations:

(a) **Agri-Tourism**

Prescribed Agri-tourism activities are permitted on land located within the Agricultural Land Reserve in accordance with the *Agricultural Land Reserve Use Regulation*.

(b) **Farm Retail Sales**

Farm retail sales is permitted on land located within the Agricultural Land Reserve if:

- (i) All of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
- (ii) At least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales is taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

(c) **Cannabis Production**

Cannabis production is permitted on land located within the Agricultural Land Reserve if:

- (i) The production of cannabis is contained wholly within licensed facilities as permitted by *all applicable Federal and Provincial statutes and regulations*.
- (ii) The minimum setback for all structures associated with cannabis production is 30.0 m from all property lines.

### 3.17 Accessory Farm Use Regulations

(a) **Agriculture Education and Research**

Where agriculture education and research is permitted in this Bylaw it shall be subject to the following regulations:

- (i) the area occupied by any buildings or structures necessary for education or research must not exceed 100 m<sup>2</sup> for each parcel.

(b) **Production of Biological Integrated Pest Management Products**

Where the production of biological integrated pest management products is permitted in this Bylaw it shall be subject to the following regulations:

- (i) the area occupied by any buildings or structures necessary for the production or development must not exceed 300 m<sup>2</sup> for each parcel.

(c) **Agri-tourism Accommodation**

Agri-tourism Accommodation shall be in accordance with the following regulations:

- (i) Agri-tourism accommodation is permitted only on land classified as 'farm' under the *BC Assessment Act*;
- (ii) Agri-tourism Accommodation shall be accessory to a prescribed agri-tourism activity and shall only occur within an agri-tourism accommodation sleeping unit;
- (iii) Agri-tourism accommodation is limited to providing short-term accommodation for tourists limited to thirty (30) calendar days per visitor within any twelve (12) month period;
- (iv) Agri-tourism accommodation use must be for rental only;
- (v) Four agri-tourism accommodation sleeping units shall be permitted on any parcel and one additional agri-tourism accommodation sleeping unit shall be permitted per hectare on parcels greater than or equal to 1.0 ha up to a maximum of ten (10) agri-tourism accommodation sleeping units per farm or parcel;
- (vi) When calculating the total number of agri-tourism accommodation sleeping units all forms of tourist accommodation, including a bed and breakfast, shall be included;
- (vii) The total developed area for structures, landscaping and access for the accommodation shall be less than five percent (5%) of the total parcel area, in accordance with the *Agricultural Land Reserve Use Regulation*.
- (viii) Where agri-tourism accommodation sleeping units occur in a vehicle, trailer, tent or other structure located on a pad, field or other area, every campsite shall be unpaved and not exceed 150 m<sup>2</sup> in area;
- (ix) All agri-tourism accommodation uses shall provide washroom and drinking water facilities in accordance with Section 3.23 Campground Regulations.
- (x) All agri-tourism accommodation sleeping units must be developed in accordance with the following regulations:
  - (A) An agri-tourism accommodation sleeping unit is limited to bedroom or other area used for sleeping;
  - (B) No kitchen or food preparation facilities shall be permitted within an agri-tourism accommodation cabin; and
  - (C) The maximum gross floor area of an agri-tourism accommodation unit shall not exceed 50 m<sup>2</sup>.

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### 3.18 Gathering for an Event

As per the *Agricultural Land Reserve Use Regulation* on parcels within the Agricultural Land Reserve and where gathering for events is a permitted accessory use in this Bylaw, the following general provisions apply:

- (a) The event must be located on land classified as a farm under the *Assessment Act*;
- (b) permanent facilities must not be constructed or erected in connection with the event;
- (c) parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- (d) no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- (e) the event must be of no more than 24 hours duration;
- (f) maximum site area for events shall not exceed a combined total of 500 m<sup>2</sup>; and
- (g) no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

### 3.19 Temporary Use Permits

- (a) The Regional District may issue a temporary use permit on any parcel to temporarily allow a use not permitted by this Bylaw. The following general conditions will guide the consideration of such applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.
  - (i) The applicant demonstrates how any anticipated impact on the surrounding area will be mitigated (for example: noise, light, hours of operation, dust, odour, vibration, aesthetic impact, etc.).
  - (ii) The applicant provides a projection of anticipated impact on local road networks, and proposes mitigating measures if necessary.
  - (iii) The applicant provides an assessment of the impact of the proposed use on the natural environment, including groundwater, wildlife, and environmentally sensitive areas.
  - (iv) The applicant provides a rationale for the suitability of the location and the inability to conduct the use in another area where the use is already permitted.
  - (v) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the Regional District until completion of the proposed works.
  - (vi) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.

- (vii) Where the land is in the Agricultural Land Reserve, approval from the Provincial Agricultural Land Commission is required prior to issuance of a permit.
- (viii) The Regional District may specify conditions in a permit including, but not limited to, environmental protection measures, odour abatement, hours of operation, parking, buffering, and groundwater protection.
- (ix) The Regional District may require security and/or an undertaking to secure the conditions of the permit in accordance with the *Local Government Act*.

- (b) Notwithstanding clause (a) above, the following general conditions will guide the consideration of Temporary Use Permit applications for the specified uses within the Official Community Plan areas designated below.

Official Community Plan Area	Official Community Plan Land Use Designation	Use
Arrowsmith Benson – Cranberry Bright	Resource	<ul style="list-style-type: none"> <li>Primary processing of onsite aggregate or mineral resources</li> <li>Manufacture of asphalt products</li> <li>Commercial composting</li> </ul>
East Wellington – Pleasant Valley	Resource	<ul style="list-style-type: none"> <li>Manufacture of asphalt products</li> <li>Commercial composting solely for the purpose of reclaiming mined land</li> </ul>
Nanoose Bay	Resource	<ul style="list-style-type: none"> <li>Manufacture of asphalt products</li> <li>Gravel extraction</li> <li>Commercial composting (only outside of the Agricultural Land Reserve)</li> </ul>
Electoral Area G	Rural or Rural Resource	<ul style="list-style-type: none"> <li>Primary processing</li> <li>Manufacture of asphalt products</li> <li>Commercial composting</li> <li>Concrete ready-mix plant</li> <li>Yard waste chipping</li> </ul>

- (i) Lots are in excess of 8.0 ha in area, or in Electoral Area G are in excess of 4.0 ha in area.
- (ii) The asphalt is produced in a portable asphalt batch plant.

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- (iii) Approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the *Waste Management Act*.
- (iv) A separation distance, created by a natural vegetative buffer or berm, is maintained between the temporary use and any dwelling unit not located on the subject property. The width should be sufficient to provide a reasonable buffer to noise, dust and sight.
- (v) A composting activity shall be no closer than 400 m from the Growth Containment Boundary as identified in the Regional Growth Strategy.
- (vi) Where gravel removal and processing are required in conjunction with the manufacture of asphalt products, all requirements for the Approval of Work System and Reclamation Permit under the *Mines Act* including provisions for rehabilitation of the site after completion, are satisfied.
- (vii) The daily period is limited to minimize noise impacts, including heavy truck traffic, on surrounding lands.
- (viii) The use does not produce odours detectable from adjacent lots.
- (ix) For composting, the uses comply with the provincial Organic Matter Recycling Regulations and any Regional District of Nanaimo Waste Stream Licensing Bylaw.
- (x) In Electoral Area G, consideration is given to future inclusion of the subject property and surrounding land into the City of Parksville or Qualicum Beach and the compatibility of future development with adjoining areas within each municipality.
- (xi) The RDN may waive any of the above considerations should the RDN deem them to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.

### 3.20 Pet Breeding or Boarding Facilities

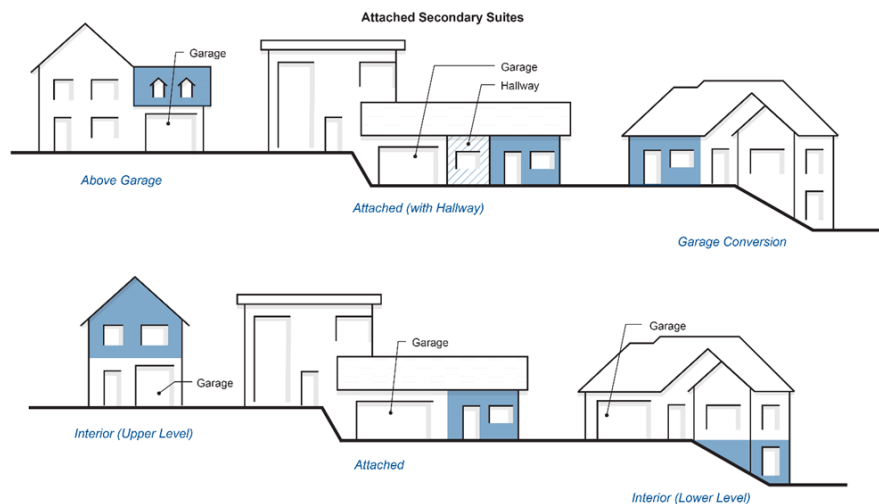
The establishment of a facility for breeding or boarding pets on ALR land is not permitted unless by a rezoning of land, except where permitted in this Bylaw. The use, if approved, shall be subject to the following specific requirements as well as all other applicable provisions of this Bylaw:

- (a) Must be located on parcels which are 2.0 ha or larger,
- (b) All structures and areas utilized in association with the breeding or boarding facility shall be sited a minimum of 30.0 m from all property lines.

## 3.21 Secondary Suites

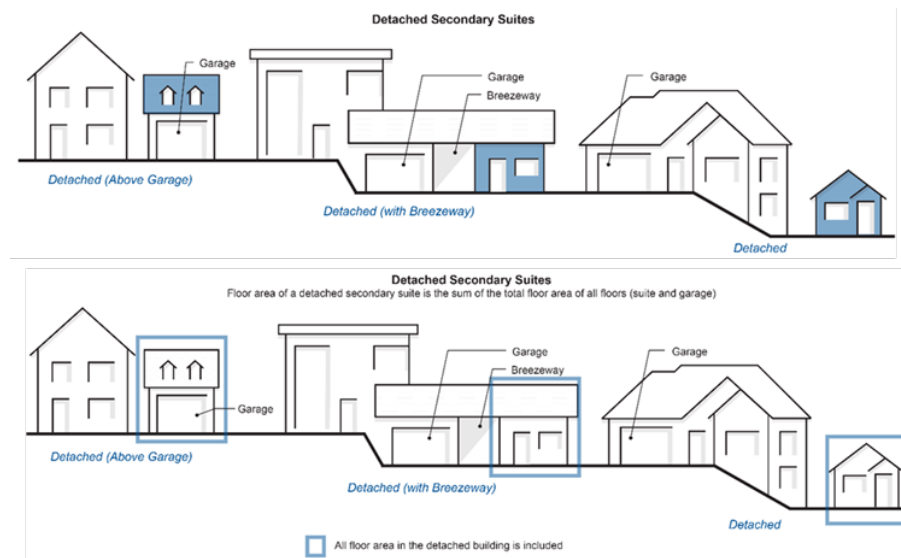
- (a) Secondary suites shall be permitted in zones where Secondary Suite is listed as an Accessory use or in the SSH1 zone as a permitted use.
- (b) Secondary suites shall be categorized as attached or detached as described below and are subject to the regulations contained in this section:
  - (i) **Attached Suites:** The suite is attached to the principal dwelling unit and is contained within the same footprint or is joined by heated space including a heated hallway generally as illustrated in figure 18 below.

Figure 18. Attached secondary suite examples.



- (ii) **Detached Suites:** The suite is wholly separate from the principal dwelling unit, but may be connected by an unheated breezeway, or attached to or contained within an Accessory Building containing another use such as a garage or storage space generally as illustrated in figure 19 below.

Figure 19. Detached secondary suite examples.



- (c) The following general secondary suite regulations shall apply:
- (i) A maximum of one (1) secondary suite is permitted per single dwelling unit to a maximum of two (2) per parcel of which only one (1) may be detached; with the exception of the SSH1 zone where both units may be detached;
  - (ii) a secondary suite must not be located within a multiple dwelling unit development;
  - (iii) a secondary suite must provide at least two (2) additional designated off-street parking spaces (at least one (1) must have direct access to the street); with the exception of the SSH1 zone where one (1) additional designated off-street parking space is required;
  - (iv) a secondary suite shall be maintained in the same real estate entity as the principal dwelling unit to which it is accessory and shall not be subdivided under *The Strata Property Act*;
  - (v) secondary suites are subject to the minimum setback requirements in the applicable Zone Classification;
  - (vi) a secondary suite shall be limited to a maximum of three bedrooms and one cooking facility;
  - (vii) secondary suites must, on parcels without community sewer services, have the approval of the local Health Authority with respect to the provision of sewage disposal;
  - (viii) secondary suites must have an entrance separate from that of the principal dwelling unit; and,
  - (ix) secondary suites must not be used for short term (less than one month) rentals.

(d) Regulations applicable to attached secondary suites:

- (i) secondary suites within a principal dwelling unit must not exceed 100 m<sup>2</sup> of total floor area;

(e) Regulations applicable to detached secondary suites:

- (i) A detached secondary suite shall be subject to the following servicing requirements:

Servicing Connection Scenario	Minimum Parcel Area
(A) On a parcel where a connection to community water and community sewer services are provided	800 m <sup>2</sup>
(B) On a parcel where a connection to community water is provided	2,000 m <sup>2</sup>
(C) On all other parcels	4,000 m <sup>2</sup>

Servicing Connection Scenario	Minimum Parcel Area
(D) On a parcel in the SSH1 zone	n/a

(ii) Detached secondary suites shall be considered an accessory building; with the exception of the SSH1 zone where a detached secondary suite is not subject to the regulations specifically applicable to an accessory building in the SSH1 zone.

(iii) Notwithstanding all other requirements of this section, a detached secondary suite shall also be subject to the following:

(A) The maximum height of an accessory building containing a suite shall be 8.0 m.

(B) The maximum floor area of a detached secondary suite shall not exceed 100 m<sup>2</sup> of total floor area.

(C) No interior access to any other part of an accessory building shall be permitted and the means of access and egress must be external to the structure.

(D) Where an accessory building contains a detached secondary suite and another use, the total floor area of the accessory building containing the suite is included in the calculation of secondary suite floor area including any floor area that is used for the suite, shared spaces, carport, storage rooms, garage, stairwells, and similar spaces.

(f) Home-Based Business shall be in accordance with Section 3.15.

(g) Despite any regulation in this Bylaw, land established as “Agricultural Land Reserve” pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act* and *Regulations*, and applicable orders of the Land Reserve Commission.

## 3.22 Off-Street Parking & Loading Spaces

### (a) General Requirements

#### (i) Location

All off-street parking and loading spaces shall be located:

(A) on the same parcel as the development, building or use they are intended to serve;

(B) subject to the setback requirements of the zone that applies to that parcel; and

(C) despite (B) above, minimum setback requirements shall not apply to minimum off-street parking requirements on parcels zoned RS1 and RS2 as

well as the associated sub-zones. For certainty, minimum parking stall dimensions apply in accordance with Section 3.22(e).

(ii) Accessible Spaces

- (A) For all commercial, institutional and multi-residential zones, the required number accessible stalls shall be calculated based on the total number of stalls in a parking lot as per the following:

Total number of required parking spaces	Minimum number of accessible spaces
1-20	1
21-40	2
41-60	3
>60	1 per 25 stalls

(B) Each accessible space shall be:

- (1) a minimum of 4.0 m in width and 5.5 m in length;
- (2) marked with the International Symbol of Access (ISA); and
- (3) located within convenient access of the development, building or use that it is intended to serve, and with minimum changes in level or ramps provided.

Figure 20. Accessible space demarcation example.



- (iii) **Surface**  
All parking spaces and loading spaces shall be provided, demarcated and maintained with a hard durable surface that does not produce dust.
  - (iv) **Gradient**  
All parking and loading spaces shall have a maximum gradient and cross-slope of 6%, except that accessible spaces shall have a maximum gradient and cross slope of 2.0%.
- (b) Off-Street Parking Spaces**
- (i) **Stall and Aisle Dimensions**  
All off-street parking spaces shall be in accordance with Section 3.22 (e) of this Section.
  - (ii) **Reduction in Stall Length for Small Cars**  
Up to 25% of the total stalls may be shortened to 4.6 m in length provided those stalls are marked with the words "SMALL CAR ONLY" on the pavement or wall facing.
  - (iii) **Access**  
Adequate provision shall be made for access by vehicles to all off-street parking spaces located in a parking area by means of unobstructed maneuvering aisles, the dimensions of which shall be in conformity with Section 3.22 (e).
  - (iv) **Vertical Clearance**  
The minimum vertical clearance of parking stalls and aisles shall be 2.25 m.
  - (v) **Calculation**
    - (A) The minimum required number of off-street parking spaces shall be provided in accordance with Section 3.22 (d).
    - (B) If a use is not listed in Section 3.22 (d), the number of spaces shall be calculated on the basis of a similar use that is listed.
    - (C) If more than one use is located on a parcel or parking collectively serves more than one building or use, the total number of spaces shall be the sum of the various classes of uses calculated separately, and the parking or loading space required for one use shall not be included in calculations for any other use.
    - (D) Where the calculation of a total required space results in a fractional number, the nearest whole number above that calculation shall be taken.
    - (E) Where an addition, alteration or change in use requires more than 5 additional parking spaces as determined by Section 3.22 (d), those parking spaces shall be provided. Where 5 or fewer additional spaces are required as per Section 3.22 (d), those additional spaces do not need to be provided.

(c) **Loading Spaces**

(i) Dimensions

All off-street loading spaces shall be a minimum of 9.0 m in length and 3.0 m in width, and have a vertical clearance of 4.0 m.

(ii) Access

Adequate provision shall be made for access by vehicles to all off-street loading spaces by means of a 6.0 m maneuvering aisle and shall be located so that each separate use within a development has access to a space.

(iii) Demarcation

All off-street loading spaces shall be clearly marked with the words "LOADING SPACE ONLY" on the pavement or wall facing unpaved loading space location(s).

(iv) Calculation

For commercial, industrial or public use 1 off-street loading space shall be provided for every 2,000 m<sup>2</sup> of floor area or portion thereof of all buildings located on a parcel, except where a use requires less than 4 parking spaces then no loading space shall be required.



(d) **Required Number of Off-Street Parking Spaces**

The minimum number of off-street parking spaces shall be provided in accordance with the following:

<b>Residential Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Manufactured Home Parks	1 per-manufactured home plus 1 additional space for every 2 manufactured homes in a manufactured home park.
Multi-unit dwellings	1 per 4 units (visitor) plus
- bachelor	1 per dwelling unit
- 1 bedroom	1.25 per dwelling unit
- 2 bedrooms	1.50 per dwelling unit
- 3 or more bedrooms	2 per dwelling unit
Single dwelling unit and duplex	2 per dwelling unit
Home based business, excluding bed and breakfast	2 plus 1 per non-resident employee
Bed and breakfast	1 per bedroom used for bed and breakfast
<b>Commercial Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Agri-tourism Accommodation Unit	one per unit
Animal Care	1 per 20.0 m <sup>2</sup> of floor area
Archery Range	3 per lane
Automotive Repair	1 per 70.0 m <sup>2</sup> gross floor area plus 1 per service bay
Bowling Alley	3 per lane
Campground	(see Section 3.23 of this Bylaw)
Fairground	1 per 2 employees plus 1 per 100 m <sup>2</sup> of site area
Fast Food Outlet	1 per 10.0 m <sup>2</sup> of floor area
Farm Retail Sales	one per 5 m <sup>2</sup> of floor area plus one per two Employees
Financial Institution	1 per 20.0 m <sup>2</sup> of floor area
Funeral Parlour	1 per 4 seats in Chapel
Gathering for Events	1 spot per 4 guests must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity and must be setback 15.0 m from all parcel lines.
Golf Course (9 holes)	75 spaces per 9 holes
Golf Driving Range	2 per tee

<b>Commercial Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Health Club, Spa, Games Court, Gymnasium	1 per 10.0 m <sup>2</sup> of fitness or gymnasium floor area
Hotel or Resort Condominium	2 per unit, plus 1 per 3 seats in restaurant or licensed premises, plus 1 per 4 units (visitor)
Home-based business Uses in addition to parking requirements in Section 3.15:	
Bed and breakfast	1 additional stall per bedroom
Personal service use	1 additional visitor stall
Licensed child care facility	3 additional visitor or drop-off stalls
Medical services	1 additional visitor stall
Dog grooming	1 additional visitor or drop-off stall
Personal recreation services	1 additional visitor stall for the maximum number of students at one time
Any use that includes in-person sales	2 additional visitor stalls
Laundromat	1 per 3 washing machines
Laundry and Dry Cleaning Establishment	1 per 2 employees counted as a total of 2 shifts
Marina with defined berths	1 per 2 mooring berths plus 1 per 2 employees
Neighbourhood Pub	1 per 3 seats
Nursery	1 per 15.0 m <sup>2</sup> of sales building
Office	1 per 15.0 m <sup>2</sup> of floor area
- medical	
- single tenant	1 per 32.0 m <sup>2</sup> of floor area
- multi tenant	1 per 30.0 m <sup>2</sup> of floor area
Personal Service	1 per 50.0 m <sup>2</sup> of floor area
Produce Market or Stand	1 per 5.0 m <sup>2</sup> of floor area plus 1 per 2 employees
Restaurant	1 per 10.0 m <sup>2</sup> of floor area
Retail, Tourist or Convenience Store	1 per 15.0 m <sup>2</sup> of floor area
Shopping Centre	6.5 per 100 m <sup>2</sup> gross leasable area
- to 5000 m <sup>2</sup> gross leasable area	
- to 15 000 m <sup>2</sup> gross leasable area	5.5 per 100 m <sup>2</sup> gross leasable area
- above 15 000 m <sup>2</sup> gross leasable area	1.5 per 100 m <sup>2</sup> gross leasable area

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<b>Commercial Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Ski Resort	0.5 per person hourly capacity of ski lift
Service Station	4 per service bay plus 1 per 15.0 m <sup>2</sup> of floor area
Theatre, Drive-in	1 per 2 employees
<b>Industrial Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Heavy Equipment Display	1 per 70.0 m <sup>2</sup> of floor area
Medium Industry	1 per 50.0 m <sup>2</sup> of floor area
Mini Storage	1 per 15 storage units plus 1 employee stall
Transportation Terminal (excluding Taxi Stand)	1 per 10.0 m <sup>2</sup> of waiting room
All other Industrial Uses	1 per 30.0 m <sup>2</sup> of floor area used for office 1 per 175.0 m <sup>2</sup> of floor area used for storage 1 per 95.0 m <sup>2</sup> of floor area used for display 1 per 15.0 m <sup>2</sup> of floor area used for sales
<b>Public and Institutional Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Beach, Swimming	1 per 9.0 m <sup>2</sup> developed beach above high water mark
Cabin	2 per cabin
Church	1 per 4 seats
Church Hall, Lodge Hall, Private Clubs, Community Hall	1 per 20.0 m <sup>2</sup> of floor area
College	10 per classroom
Day Care Facility	2 per facility plus 1 per employee
Hospital	1 per 2 employees plus 1 per 5 beds
Personal Care	1 per 3 beds
Police Office, Fire Station, Prison	1 per 2 employees counted as a total of 2 shifts
Recreational or Cultural Facility	1 per 50.0 m <sup>2</sup> of floor area or 1 per 3 spectator seats or 1 per 5.0 m <sup>2</sup> of floor area used for dancing or assembly or 1 per 4 persons capacity, whichever is the greater
Swimming Pool	1 per 5.0 m <sup>2</sup> of pool water surface
Public Utility	1 per employee
School - Elementary	2 per classroom

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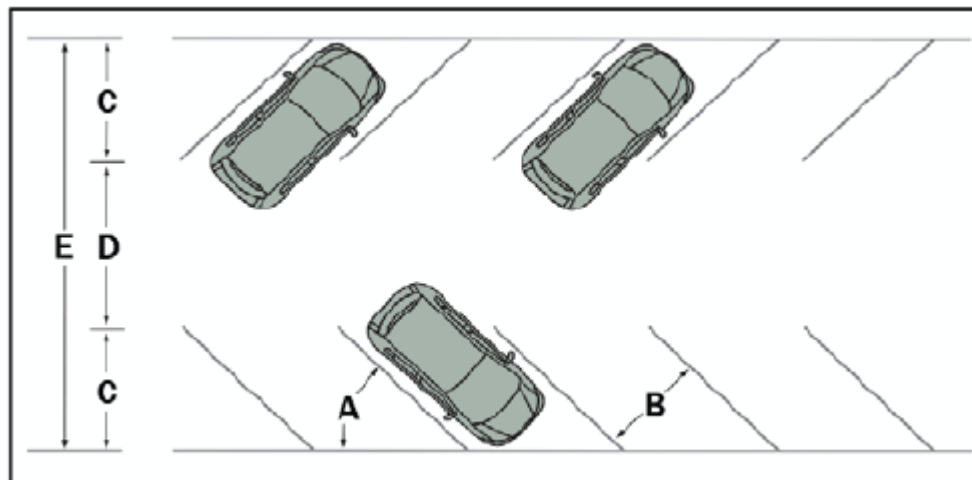
Public and Institutional Use	Minimum Number of Parking Spaces Required
- Secondary	5 per classroom
Tourist Information Booth	4 per employee

(e) **Parking Stalls and Aisle Dimensions**

- (i) The minimum parking stall and aisle dimensions shall be in accordance with the following generally as shown in figure 22 below:

A	B	C	D	E
Angle of Stall Perpendicular to Aisle	Stall Width	Stall Depth Perpendicular to Aisle	Aisle Width	Overall Depth
30 degrees	2.6 m	5.0 m	3.6 m	13.6 m
45 degrees	2.6 m	6.5 m	3.6 m	16.6 m
60 degrees	2.6 m	6.5 m	5.5 m	18.5 m
90 degrees	2.6 m	6.0 m	7.0 m	19.0 m

Figure 21. Parking stalls and aisle dimensions.



- (ii) Where a design is proposed that is different from the above requirements it will be designed and approved by a professional engineer, to the satisfaction of the Regional District of Nanaimo.

(f) Accessible Spaces

Marking	Minimum Size
Wall facing or sign	0.3 m in width and 0.3 m in height
Pavement marking	1.0 m in width
Surface	Stalls and aisleways shall be paved

(g) Bicycle Parking in Multi-residential and Commercial Zones

- (i) All commercial developments requiring at least 5 parking spaces shall have a bicycle rack capable of accommodating at least 4 bicycles.
- (ii) All multi-dwelling unit residential developments shall have a bicycle rack located in the common area that is capable of accommodating the same number of bicycles as dwelling units.
- (iii) Residential parcels with less than 4 dwelling units are encouraged to provide bicycle parking.
- (iv) Where provided, bicycle parking is to be located in a secure, convenient, well-lit location that is easily accessible to, but does not impede, pedestrian circulation and / or building entrances.
- (v) Ramps or similar structures should be provided with stairs for easier and safer bicycle movement.

**(h) Vehicle Charging Stations**

- (i) The owner or occupier of any land or any building or other structure, for each use present on the land or in the building or other structure, must:
  - (A) Provide the following number of energized electric vehicle outlets for parking spaces;

Number of Dwelling Units	Number of Charging Stations
4 – 9	Minimum of 1
10 – 29	Minimum of 2
30+	Minimum of 3

and

- (B) Submit a letter of assurance from a qualified registered professional that all energized electric vehicle outlets meet the specifications prescribed in the Electric Vehicle Supply Equipment and Electric Vehicle Energy Management Systems Information Bulletin published by Technical Safety BC issued October 20, 2023 as amended or replaced or other equivalent standard to the satisfaction of the Regional District.
- (ii) Energized electric vehicle outlets shall not be placed within the minimum vehicle parking space dimensions or drive aisle identified Section 3.22 (e).

### 3.23 Campground Regulations and Standards

Campgrounds shall be established or extended in accordance with the following regulations and standards:

**(a) Layout Standards**

- (i) Camping Spaces
  - (A) Every camping space shall have a minimum area of not less than 110 m<sup>2</sup>.
  - (B) Every camping space shall have a maximum slope of 5%.
  - (C) No camping space shall be located within:
    - (1) 3.0 m of an internal access road; and
    - (2) the setback areas in the applicable zones established pursuant to Part 4 of this Bylaw.
  - (D) Each camping space shall have one conveniently located parking space adjacent to the internal access road and may be sited in the area allotted for the 3.0 m setback.
  - (E) No recreation vehicle or tent shall be located elsewhere in a campground than on a camping space.

- (ii) **Buffer Area**
- (A) The following shall not be located within a setback area established pursuant to Part 4 of this Bylaw:
- (1) recreational or service area, except for waterfront recreation or amenity areas;
  - (2) a camping space or the residence of the owner or manager;
  - (3) any building or structure, except a fence, a wall or a campground identification sign not exceeding 1.5 m<sup>2</sup> in area;
  - (4) a sewage disposal system, other than such parts of such a system as may be underground;
  - (5) vehicle parking; or
  - (6) internal access roads except those that directly traverse the setback area to connect the internal access road system of the campground to a highway.
- (iii) **Internal Access Roads**
- (A) All internal access roads in the campground shall be of hard durable surface so as not to produce dust.
- (B) The minimum internal access road width requirement shall be 6.0 m.
- (C) Dead-end internal access roads and cul-de-sacs shall have a turning circle radius of 12.0 m.
- (D) The maximum grade of any internal access road shall be 10%.
- (iv) **Parking**
- Every campground shall provide for:
- (A) One parking space for each employee; and
  - (B) Three parking spaces for the owner's or manager's residence.
- (b) **Servicing**
- (i) **Sewage Disposal**
- (A) Sewage disposal shall be by a community sewer system or a septic disposal system constructed to the standards of the relevant enactments.
- (ii) **Washroom Facilities**
- Washroom facilities shall be provided in every campground, and:
- (A) shall be located in a separate building or buildings;
  - (B) shall be located a maximum of 150 m from any camping space and a minimum of 4.5 m from any camping space;
  - (C) shall integrate universal and accessible design requirements;
  - (D) the quantity of toilets, urinals, wash basins and showers shall be provided in accordance with the following table:



No. of Camping Spaces	Toilets	Urinals	Washbasins	Showers
1-15	1	1	1	1
16-30	1-2	1	2	1
31-45	2	1	3	1
46-60	2-3	2	3	2
61-80	3-4	2	4	2
81-100	3-4	2	4	3
101-130	4-5	3	5	4
131-150	5-6	3	5	5

(iii) Sewage Disposal Station

One sewage disposal station for use by recreational vehicles shall:

- (A) be established in every campground that contains more than 60 camping spaces;
- (B) be located in an area apart from any internal access road and to allow easy and convenient access by recreational vehicles for the purpose of disposing of the contents of such vehicle's sewage storage tanks; and
- (C) be designed by a Qualified Professional and be in accordance with the applicable standards of the relevant enactments.

(iv) Water System

- (A) All camping spaces shall be a maximum of 60.0 m from a standpipe, which shall be designed by a Qualified Professional and be in accordance with the applicable standards of the relevant enactments.
- (B) Every campground that contains more than 60 camping spaces shall be serviced by a community water system or a water supply system designed by a Qualified Professional and be in accordance with the applicable standards of the relevant enactments. and:
  - (1) a minimum of 0.18 m<sup>3</sup> per day of potable water per camping space shall be provided;
  - (2) 20% of all camping spaces in the campground shall be equipped with a water hook-up for recreational vehicles.

(v) Laundry Facilities

Laundry facilities shall be:

- (A) provided in every campground that contains more than 60 camping spaces;
- (B) provided in the ratio of 1 clothes washing machine and 1 clothes dryer for every 30 camping spaces or portion thereof;

- (C) located in a separate room of a sanitary facility or building or in a separate building.
- (vi) Garbage Disposal
  - (A) For the disposal of garbage a minimum of one container shall be provided for every 2 camping spaces.
  - (B) Each container shall be durable, insect-tight, bear-proof, water-tight and rodent-proof.

### 3.24 Mobile Vendors

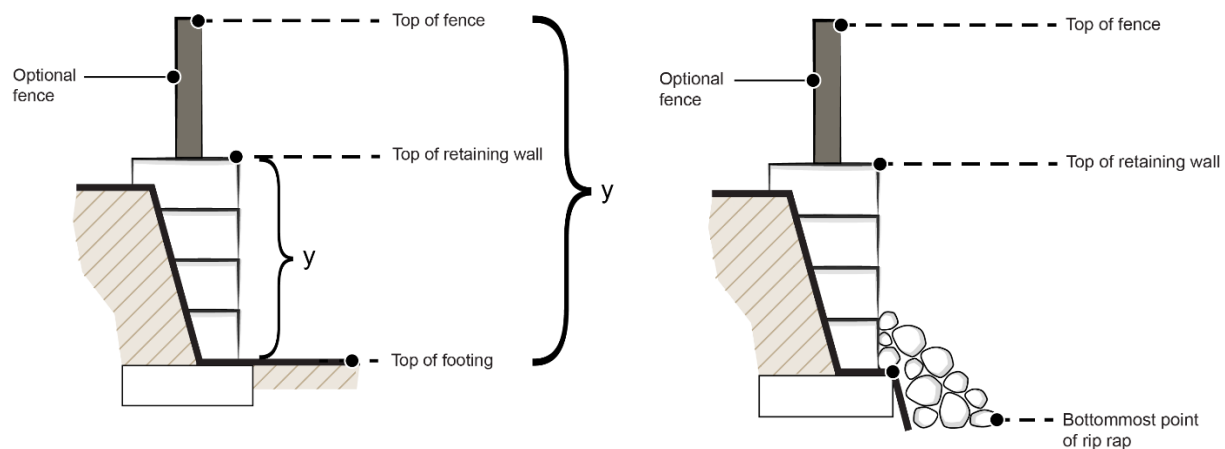
- (a) Mobile vendors may operate in any Commercial, Institutional, or Industrial zone, and in any RDN park, and are subject to the following conditions:
  - (i) Mobile Vendors in RDN parks shall be subject to an approved Parks Permit.
  - (ii) The vending of any goods by a mobile vendor shall not be carried out on any one parcel for more than eight hours per 24-hour period;
  - (iii) The mobile vending unit shall be removed from the site by the mobile vendor at the end of the mobile vending period of a maximum of 8 hours;
  - (iv) No building or structure shall be placed or erected in association with the vending operation;
  - (v) Cannot park on any public highway or common property; and
  - (vi) One temporary freestanding sign up to a maximum of 1.0 m<sup>2</sup> may be displayed on each side of a mobile vending unit.
- (b) Mobile vendors may operate in any zone where the mobile vending unit does not stop and/or locate on any parcel for a duration in excess of fifteen (15) minutes per 24-hour period and no structures are placed or erected in association with the vending operation.

## 3.25 Retaining Walls

The following regulations apply to retaining walls that are considered structures for the purpose of this Bylaw.

- (a) All retaining walls that:
  - (i) are 1.2 m or more in height; or,
  - (ii) contain a fence on top of a retaining wall that have a combined height of 2.0 m or more are considered structures for the purpose of this bylaw and are subject to minimum setback requirements.
- (b) The height (y) of a retaining wall shall be measured from the top of the footing to the top of the retaining wall where:
  - (i) top means either the top of the retaining wall or the top of a fence on top of a retaining wall, whichever is higher; and
  - (ii) bottom means either the top of footing or the bottommost point of riprap, whichever is lower as illustrated in figure 22 below.

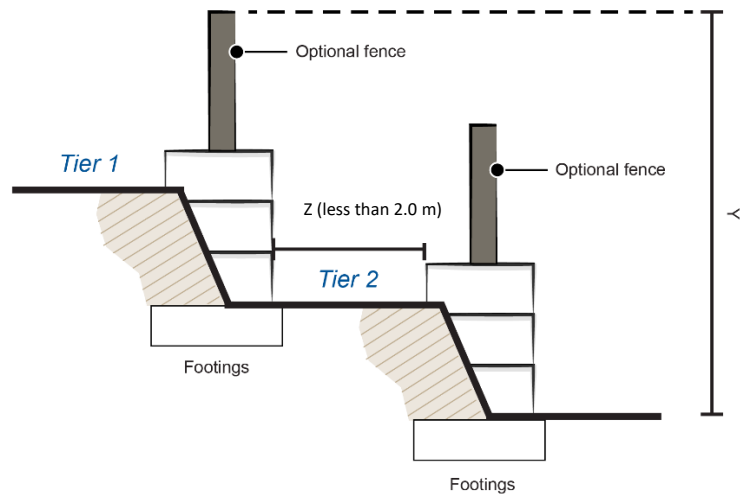
Figure 22. Retaining wall height calculation.



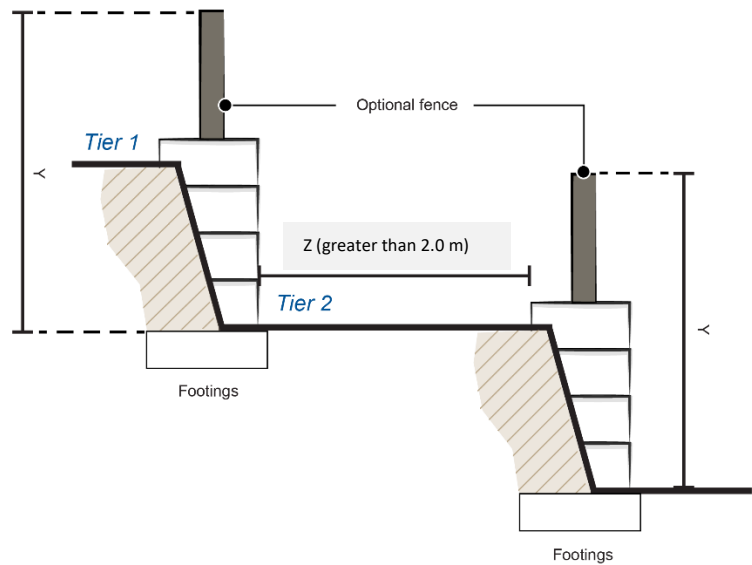
- (c) Despite any other provision of this Bylaw, the maximum height of a retaining wall or a retaining wall with a fence on top (y) shall not exceed 3.0 m.

- (d) For multiple or tiered retaining walls, where the minimum distance between walls as measured from the outer face of each retaining wall as per (z) below is less than 2 m, it is considered one structure for the purpose of measuring height (y) as per Section 3.25 (a) of this Bylaw to a maximum height of 3.0 m generally as shown in figure 23 below.

Figure 23. Retaining wall height calculation for tiered retaining walls.



Example Above: Multiple retaining walls with less than 2.0 m distance between them where height (Y) is measured as one structure as per 3.25(a).



Example Above: Multiple retaining walls with greater than 2.0 m distance between them where height (Y) is measured separately for each retaining wall as per 3.25(a).

## 3.26 Shipping Containers

(a) The use of land for the placement of shipping containers shall be prohibited in all zones, with the following exemptions:

- (i) Shipping containers may be used for shipping related to 'Shipping Yard' and 'Transportation Terminal'.
- (ii) Shipping containers shall be permitted on a permanent basis subject to the following requirements:

Zone	Parcel Size	Maximum Shipping Container Floor Area (m <sup>2</sup> )	Is Stacking Permitted
Industrial	N/A	90	Yes
Agricultural	<8 hectare	60	No
	>8 hectare	90	No
All other zones	>4000 sq m – 1 hectare	30	No
	>1 hectare	60	No
<b>Example:</b> Shipping containers come in many sizes including 2.44 m x 6.1 m (8' x 20) and 2.44 m x 12.2 m (8' x 40'). The above regulations are intended to allow for a variety of shipping container sizes to be used in combination provided the maximum shipping container floor area is not exceeded.			
Shipping containers are limited to being placed on a property and may not be structurally modified or combined with other shipping containers without meeting the applicable requirements of the British Columbia Building code.			

- (iii) A Shipping Container shall only be located on a parcel where there is an existing principal use and shall be an accessory use for the purpose of this Bylaw, except where the storage of shipping containers is a permitted use.
- (iv) Shipping Containers shall be subject to the minimum setback requirements, parcel coverage and all applicable Development Permit Area guidelines.
- (v) Shipping containers located on a parcel on a permanent basis shall be considered buildings that are included in the accessory building floor area, without requiring a building permit.
- (vi) Shipping containers shall not be used for the storage of flammable materials and there shall be no sources of heat or ignition located inside of a shipping container.

- (vii) The maximum number of shipping containers above, shall not apply to shipping containers used for emergency response training and storage or emergency preparedness storage accessory to the provision of emergency services.
- (viii) A development that proposes to convert a shipping container to a use other than storage may be required to meet all applicable building and safety code requirements. Once all building and safety code requirements are met, the shipping container would be a building required to meet all applicable building standards and setbacks of this Bylaw and no longer would be a shipping container.
- (ix) Despite any other provision of this Bylaw, a shipping container may be placed on any parcel for the storage of non-flammable materials, tools, and supplies during construction or maintenance of any utility, building or structure for which a required building permit has been obtained and remains active, provided the shipping container is removed within 14 days upon completion of construction.
- (x) All shipping containers shall be adequately ventilated to the satisfaction of the Regional District of Nanaimo.
- (xi) Despite (x) above, ventilation requirements shall not apply to shipping containers placed on a parcel during construction in accordance with (vii) above, or are placed on a parcel on a temporary basis of less than 90 days.

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## 3.27 Signs

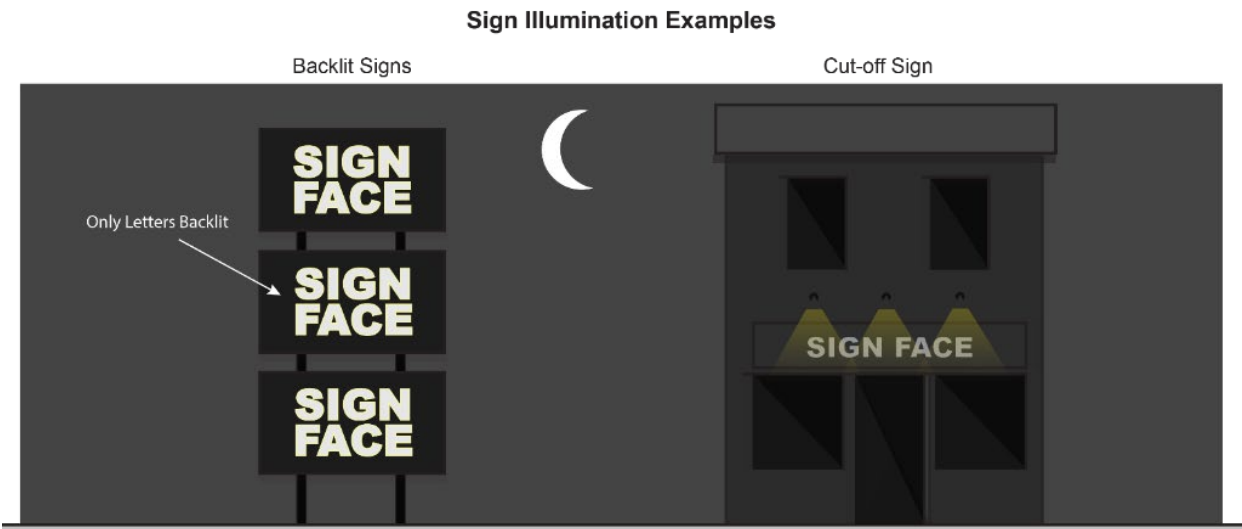
- (a) No sign shall be placed, erected, or constructed on a parcel unless in accordance with this Section, except for Park uses.
- (b) With the exception of one freestanding sign per parcel with a sign area under 2.0 m<sup>2</sup>, all signs are subject to the applicable setbacks for the zone in which it is located and shall conform to the following:

Use	Permitted Sign Type(s)	Number of Signs	Maximum Size Requirements per Sign
(i) Home Based Business	Freestanding Sign in association with home based business	Maximum of 1 sign per parcel	Maximum Height: 1.5 m Maximum Sign Area: 0.75 m <sup>2</sup> (0.38 m <sup>2</sup> per side)
	Fascia Sign in association with home based business	Maximum of 1 sign per parcel	Maximum Height: 1 m Maximum Sign Area: 0.75 m <sup>2</sup>
(ii) All Other Uses	Freestanding Sign associated with an approved business	Maximum of 1 sign per parcel	Where a sign advertises one business: Maximum Height: 4 m Maximum Sign Area: 11 m <sup>2</sup> (5.5 m <sup>2</sup> per side)
			Where a sign advertises more than one business: Maximum Height: 6 m Maximum Sign Area: 13 m <sup>2</sup> (6.5 m <sup>2</sup> per side)
	Fascia Sign associated with an approved business	Maximum of 1 Fascia Sign OR 1 Projecting Sign per business	Maximum Height: 2 m Maximum Sign Area: 6 m <sup>2</sup>
	Projecting Sign associated with an approved business	Maximum of 1 Projecting Sign OR 1 Fascia Sign per business	Maximum Height: 1 m Maximum Sign Area: 2 m <sup>2</sup>
	Notwithstanding the above, the maximum combined fascia and projecting sign area shall not exceed 24 m <sup>2</sup> per parcel and where a development occupies more than one parcel, 24 m <sup>2</sup> total sign area for the development in its entirety.		



- (c) All signs shall be dark sky compliant.
- (d) Where a sign is illuminated, the sign is subject to the following requirements generally as shown in figure 24 below:
  - (i) All signs may be illuminated unless expressly prohibited in this Bylaw;
  - (ii) Full cut-off (shielded) outdoor fixtures shall be installed for all exterior lighting;
  - (iii) All signs within 30.0 m of a Residential zone shall be turned off from dusk till dawn controlled with an automatic timer;
  - (iv) Emit a maximum of 0.3 foot-candles of light intensity above ambient light;
  - (v) Messaging and images must remain static for a minimum of 6 seconds with a transition period of 1 second or less; and
  - (vi) Must display only a blank black screen in the event of a malfunction of the display.

Figure 24. Sign Illumination examples.



- (e) Where a conflict occurs between this Section and a Development Permit Area Guideline, the Development Permit Area Guideline shall prevail.
- (f) The following Rural Village Centres shall be designated as distinct communities for the purpose of making an application to the Ministry of Transportation and Infrastructure (MOTI) to install community identification, entrance, and wayfinding signage within road rights-of-way:

<b>Electoral Area</b>	<b>Community Name (Village Centre / Neighbourhood)</b>
Electoral Area A	Cassidy
	Cedar
Electoral Area C	Extension
Electoral Area E	Fairwinds
	Red Gap
	Schooner Cove
Electoral Area G	French Creek
Electoral Area H	Bowser
	Qualicum Bay
	Dunsmuir

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## 3.28 Servicing Requirements

- (a) Where proof of servicing is required by this Bylaw, it shall be provided by an owner at the time of Development Permit and where no Development Permit is required prior to the issuance of a Building Permit and must include:
  - (i) Proof of potable water using a method deemed appropriate by a Qualified Professional for the proposed use and all uses on the parcel and to the satisfaction of the Regional District;
  - (ii) Proof of an approved means of sewage disposal using a method deemed appropriate by a Qualified Professional for the proposed use and all uses on the parcel and to the satisfaction of the Regional District;
  - (iii) Demonstration of the means to address and manage drainage on site as demonstrated by a Qualified Professional;
  - (iv) Demonstration of suitable areas to accommodate parking and landscaping in accordance with this Bylaw; and,
  - (v) Where capacity is available, development shall connect to community water, community sewer, and community drainage services, including private utilities and Improvement District services;
- (b) For clarity, the above requirements are in addition to all applicable Development Permit Area guidelines and applicable Regional District policies.
- (c) Notwithstanding any other section of this Bylaw, where servicing requirements apply, the use of a parcel shall be limited by the servicing capacity of the subject property as demonstrated by compliance with the requirements outlined in 3.28 (a).
- (d) Uses that do not result in increased demand for water, sewage disposal, drainage, or parking are exempt from the requirements of this section at the discretion and to the satisfaction of the Regional District.

## 3.29 Temporary Living Arrangements

- (a) Despite any other regulation in this Bylaw, temporary living in a licensed recreational vehicle shall only be permitted, in accordance with the following:
  - (i) on a parcel subject to an active building permit for the construction of a permitted dwelling unit;
  - (ii) with an approved means of onsite sewage disposal and potable water;
  - (iii) subject to the issuance of a temporary living facility permit; and,
  - (iv) the recreational vehicle is removed from the site to the satisfaction of the General Manager prior to the issuance of occupancy or final inspection of the dwelling unit.

- (b) Despite any other regulation in this Bylaw, temporary accommodation in a dwelling unit shall be permitted on parcels that are currently developed in excess of the maximum permitted number of dwelling units, subject to the following:
- (i) On a parcel subject to an active building permit for the construction of a dwelling unit;
  - (ii) A concurrent demolition permit or alteration permit has been issued to remove the offending dwelling unit or convert it into an accessory building or other permitted building or structure;
  - (iii) Upon removal or decommissioning of the offending dwelling unit, the subject property would be deemed compliant with this Bylaw to the satisfaction of the General Manager;

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Schedule 3A: Zoning and Subdivision District Maps

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Schedule 3B: Category A Lots

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# Part 4

## Zones

This section of the Bylaw includes all zones. The zones have been listed in Section 4.1.

This Bylaw also establishes sub-zones where specified parcels may have some minor differences from the parent zone. These sub-zones are identified in the Table in Section 4.1 as well as sub-sections within each applicable parent zone.





# Part 4 - Zones

## 4.1 Establishment of Zones

- (a) Detailed regulations respecting each zone can be found in this Part.
- (b) For the purpose of this Bylaw, the areas subject to this Bylaw are hereby divided into zones and sub-zones designated and described by the following classifications and their short title equivalents:

Zone Classification	Short Title	Sub-zone(s)
Agriculture 1	AG1	AG1.1 AG1.2 AG1.3 AG1.4 AG1.5
Agriculture 2	AG2	
Nanaimo Airport	AR1	
Commercial Retail & Service 1	CRS1	CRS1.1 CRS1.2 CRS1.3 CRS1.4 CRS1.5 CRS1.6 CRS1.7 CRS1.8 CRS1.9 CRS1.10
Commercial 1	C1	C1.1 C1.2 C1.3 C1.4 C1.5 C1.6
Commercial Resort & Recreation 1	CRR1	CRR1.1 CRR1.2 CRR1.3
Conservation 1	ES1	

Zone Classification	Short Title	Sub-zone(s)
Light Industry 1	LI1	LI1.1
Medium Industry 1	MI1	MI1.1 MI1.2 MI1.3 MI1.4
Heavy Industry 1	HI1	
Resource Industrial 1	RI1	
Institutional 1 Zone	I1	I1.1 I1.2
Institutional 2 Zone	I2	
Institutional 3 Zone	I3	I3.1 I3.2
Institutional 4 Zone	I4	
Recreation 1 Zone	RC1	RC1.1
Recreation 2 Zone	RC2	
Recreation 3 Zone	RC3	
Recreation 4 Zone	RC4	
Recreation 5 Zone	RC5	
Recreation 6 Zone	RC6	
Residential 1 Zone	RS1	RS1.1 RS1.2 RS1.4
Residential 2 Zone	RS2	RS2.1
Residential 3 Zone	RS3	
Residential 4 Zone	RS4	
Residential 5 Zone	RS5	RS5.1 RS5.2 RS5.3 RS5.4
Residential 6 Zone	RS6	
Residential 7 Zone	RS7	
Resource Management 1 Zone	RM1	
Resource Management 2 Zone	RM2	RM2.1
Resource Management 3 Zone	RM3	
Resource Management 4 Zone	RM4	
Resource Management 5 Zone	RM5	

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Zone Classification	Short Title	Sub-zone(s)
Resource Management 6 Zone	RM6	
Resource Management 7 Zone	RM7	RM7.1
Resource Management 8 Zone	RM8	
Resource Management 9 Zone	RM9	RM9.1
Rural Residential 1	RR1	RR1.1 RR1.2 RR1.3 RR1.4
Rural Residential 2	RR2	RR2.1 RR2.2 RR2.3 RR2.4 RR2.5
Water 1 Zone	WA1	
Water 2 Zone	WA2	
Water 3 Zone	WA3	
Water 4 Zone	WA4	
Alternative Forms of Rural Development 1	AF1	
Small Scale Multi-Unit Housing Zone 1	SSH1	SSH1.1 SSH1.2
Bowser Village Comprehensive Development Zone 1	CD1	
Fairwinds Comprehensive Development Zone 2	CD2	
Horne Lake Comprehensive Development Zone 3	CD3	
Rondalyn Resort Comprehensive Development Zone 4	CD4	
Englishman River Comprehensive Development Zone 5 (BLOCK 564)	CD5	
Horne Lake Regional Park Comprehensive Development Zone 6	CD6	
South Wellington Light Industrial Comprehensive Development Zone 7	CD7	
Cedar Estates Comprehensive Development Zone 8	CD8	
Nanose Bay Village Centre Comprehensive Development Zone 9	CD9	
Horne Lake Road Comprehensive Development Zone 10	CD10	
Qualicum Bay Seniors Development Comprehensive Development Zone 11	CD11	

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Zone Classification	Short Title	Sub-zone(s)
Crown and Anchor Campground Comprehensive Development Zone 12	CD12	
Schooner Bay Manor Seniors Manufactured Home Park Comprehensive Development Zone 13	CD13	
Lakes District Comprehensive Development Zone 14	CD14	
Schooner Cove Comprehensive Development Zone 15	CD15	
Lighthouse Villa Comprehensive Development Zone 16	CD16	
Horne Lake Road Service Commercial Comprehensive Development Zone 17	CD17	
Resort Commercial Comprehensive Development Zone 18	CD18	
Commercial Comprehensive Development Zone 19	CD19	
Jingle Pot Road Comprehensive Development Zone 20	CD20	
Yale Road Light Industrial Comprehensive Development Zone 21	CD21	

- (c) The extent of each zone and sub-zone is shown on Schedule '3A: Zoning and Subdivision District Maps' ('3A').
- (d) Where a zone boundary is designated as following a highway or a watercourse, the centerline of the highway or the titled boundary of the watercourse or the centerline of a creek shall be the zone boundary.
- (e) Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule '3A'.
- (f) Where a parcel is divided by a zone boundary that differentiates two or more zones within a single parcel, the areas of each zone shall be deemed to be separate parcels.
- (g) Where a parcel exists prior to April 21, 1987 and the density provisions contained in the applicable zone are such that the parcel does not have adequate area to support any permitted use, the parcel may be used:
  - (i) for only one permitted or accessory use in the applicable zone, provided that the requirements of Section 3.28 of this Bylaw are satisfied, that the authorities having jurisdiction are met with respect to provision of water and method of sewage disposal, and the use may not be extended; or
  - (ii) in accordance with the provisions and regulations of the Residential 1 zone.
- (h) For clarity, notwithstanding (g) above, on parcels that permit Multiple Dwelling Unit Development that do not have adequate area to satisfy the density requirements for

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three dwelling units in a building, the parcel may only be developed in accordance with the provisions of the Residential 1 zone.

- (i) For clarity, notwithstanding any other provision contained in this Bylaw, on parcels that permit Manufactured Home Park that do not have adequate area to satisfy the density requirements for three or more manufactured homes on a parcel, the parcel may be developed with manufactured homes in accordance with the maximum density of the applicable zone.
- (j) Sub-zones regulate modifications to a parent zone and apply to specific parcels identified in Schedule '3A' of this Bylaw. Sub-zones with letters also regulate subdivision requirements consistent with Part 5 of this Bylaw.
- (k) Park and unattended utilities shall be permitted in each zone.

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## 4.2 Agriculture 1 (AG1)

### (a) Intent

The intent of this zone is to support and promote a variety of agricultural uses and food security for lands primarily located in the Agricultural Land Reserve.

### (b) Uses

#### Permitted Principal Uses

- (i) Farm Use – on lands located in the Agricultural Land Reserve
- (ii) Agriculture – on lands not located in the Agricultural Land Reserve
- (iii) Residential Use

#### Permitted Accessory Residential Uses

- (iv) Home Based Business
- (v) Secondary Suite

#### Permitted Accessory Farm Uses

- (vi) Temporary Sawmill
- (vii) Agricultural Education and Research
- (viii) Agri-tourism accommodation accessory to a prescribed agri-tourism activity
- (ix) Production of Biological Integrated Pest Management Products
- (x) Gathering for an Event

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory residential buildings	combined floor area of 400 m <sup>2</sup>
(ii)	Dwelling units /parcel	
	(A) on a parcel having an area of 2.0 ha or less	1
	<b>For Electoral Areas 'A', 'C', 'E', and 'H'</b>	
	(B) on a parcel having an area greater than 2.0 ha	2
	<b>For Electoral Area 'G'</b>	
	(C) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '3A'	2

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(D) notwithstanding subsection (C), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha	2	Part 1 Administration
(iii) Height for all non-farm and accessory farm buildings and structures	9.0 m	Part 2 Interpretation
(iv) Parcel coverage		
(A) Non-farm buildings and structures	10%	Part 3 Land Use Regulations
(B) Despite (A) above, on parcels less than 4,000 m <sup>2</sup> in area	35%	
(C) Farm or agriculture buildings and structures	35%	
(D) Greenhouses	75%	
(E) In no case shall the combined parcel coverage exceed 75%		
(F) Notwithstanding any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:		Part 4 Zones
(1) Permeable detention ponds; and		
(2) Support structures used for shading, frost and wind protection, netting or trellising.		
(d) <b>Minimum Setback Requirements</b>		Part 5 Subdivision Regulations
(i) All non-farm buildings and structures – All lot lines	8.0 m	
(ii) except where:		Part 6 Development Permit Areas
(A) the parcel is less than 4,000 m <sup>2</sup> in area then the setback from lot lines may be reduced to 2.0 m from an interior lot line and 5.0 m from an exterior lot line;		
(B) any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.9 and 3.10 shall apply; and.		
(C) On a corner parcel, then the regulations in Section 3.8 shall also apply.		Part 6 Development Permit Areas
(iii) All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.		
(e) <b>Other Regulations</b>		Part 6 Development Permit Areas
(i) For any part of a parcel in the Agricultural Land Reserve, ‘Farm Use’ shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, ‘Agriculture’ shall be a permitted principal use.		

- (ii) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- (iii) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use=Regulation* shall be developed in accordance with Section 3.16 and 3.17 of this Bylaw.
- (iv) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act* is subject to the *Agricultural Land Commission Act and Regulations*, and applicable orders of the Land Reserve Commission. Approval from the Agricultural Land Commission may be required for accessory or permitted uses and density supported by this zone.
- (v) For certainty, on lands in the Agricultural Land Reserve, where applicable, the maximum dwelling unit floor area shall be calculated based on the definition of floor area contained in this Bylaw.

#### 4.2.1 Agriculture 1 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zone	Modification
<b>AG1.1</b>	Animal Care and Campground shall be permitted subject to the approval of the Agricultural Land Commission.
<b>AG1.2</b>	The maximum number of dwelling units permitted shall be limited to one dwelling unit per parcel.
<b>AG1.3</b>	In addition to the uses in 4.2(b) above, office and file/urn storage accessory to the cemetery shall be permitted in accordance with ALC non-farm use approval.
<b>AG1.4</b>	Despite 4.2(c) above, the maximum height for all buildings and structures shall be limited to 6.5 m to avoid operational impacts on the Nanaimo Airport.
<b>AG1.5</b>	Despite 4.2(c) above, the maximum height for all buildings and structures shall be limited to 7.4 m to avoid operational impacts on the Nanaimo Airport.

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## 4.3 Agriculture 2 (AG2)

### (a) Intent

The intent of this zone is to accommodate a variety of agricultural and resource-based uses on lands primarily located in the Agriculture Land Reserve.

### (b) Uses

#### Permitted Principal Uses

- (i) Farm Use – on lands located in the Agricultural Land Reserve
- (ii) Agriculture – on lands not located in the Agricultural Land Reserve
- (iii) Residential Use
- (iv) Extraction Use
- (v) Log Storage and Sorting Yard
- (vi) Primary Processing

#### Permitted Accessory Residential Uses

- (vii) Home Based Business
- (viii) Secondary Suite

#### Permitted Accessory Farm Uses

- (ix) Temporary Sawmill
- (x) Agricultural Education and Research
- (xi) Agri-tourism accommodation accessory to a Prescribed agri-tourism activity
- (xii) Production of Biological Integrated Pest Management Products
- (xiii) Gathering for an Event

### (c) Maximum Number and Size of Buildings and Structures

- |   |  |   |
|---|--|---|
| (i)   | Accessory residential buildings                    | combined<br>floor area<br>of 400 m <sup>2</sup> |
| <hr/>   |  |   |
| (ii)  | Dwelling units /parcel                             |   |
|   | (A) on a parcel having an area of 8.0 ha or less   | 1   |
| <b>For Electoral Areas 'A', 'C', 'E', and 'H'</b> |  |   |
|   | (B) on a parcel having an area greater than 8.0 ha | 2   |

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(C)	on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '3A'	2	
(D)	notwithstanding subsection (C), on a parcel located in this zone and created prior to February 22, 2011, and having an area greater than 8.0 ha		
(iii)	Height for all non-farm and accessory farm buildings and structures	9.0 m	Part 2 Interpretation
(iv)	Parcel coverage		
(A)	Non-farm buildings and structures	10%	
(B)	Despite (A) above, on parcels less than 4,000 m <sup>2</sup> in area	35%	Part 3 Land Use Regulations
(C)	Farm or agriculture buildings and structures	35%	
(D)	Greenhouses	75%	
(E)	In no case shall the combined parcel coverage exceed 75%		Part 4 Zones
(F)	Notwithstanding any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:		
(1)	Permeable detention ponds		
(2)	Support structures used for shading, frost and wind protection, netting or trellising.		Part 5 Subdivision Regulations
(d) Minimum Setback Requirements			
(i)	All residential and non-farm buildings and structures:		
(A)	All residential buildings and structures – All lot lines	8.0 m	Part 6 Development Permit Areas
(B)	All other non-farm buildings and structures – All lot lines	20.0 m	
(C)	Except where any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.9 and 3.10 shall apply.		
(D)	On a corner parcel, then the regulations in Section 3.8 shall also apply.		
(ii)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.		
(e) Other Regulations			
(i)	For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.		

(ii)	Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.	Part 1 Administration
(iii)	Specific ‘Farm’ and ‘Permitted’ uses as defined in the <i>Agricultural Land Reserve Use Regulation</i> shall be developed in accordance with Section 3.16 and 3.17 of this Bylaw.	
(iv)	Despite any regulation in this Bylaw, land established as “Agricultural Land Reserve” pursuant to the <i>Agricultural Land Commission Act</i> is subject to the <i>Agricultural Land Commission Act and Regulations</i> , and applicable orders of the Land Reserve Commission. Approval from the Agricultural Land Commission may be required for accessory or permitted uses and density supported by this zone.	Part 2 Interpretation
(v)	For certainty, on lands in the Agricultural Land Reserve, where applicable, the maximum dwelling unit floor area shall be calculated based on the definition of floor area contained in this Bylaw.	Part 3 Land Use Regulations
(vi)	Despite 4.3(b), on parcels in the Agricultural Land Reserve, Extraction Use, Log Storage and Sorting Yard, and Primary Processing may be subject to approval from the Agricultural Land Commission.	
		Part 4 Zones
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## 4.4 Nanaimo Airport (AR1)

### (a) Application

The regulations in this zone regarding permitted uses, height, parcel coverage, setbacks and off-street parking do not apply to buildings or structures that are used or intended to be used for airport or airport-related purposes.

For the purposes of calculating parcel coverage limits for the construction of a building or structure not intended to be used for airport or airport-related purposes, the coverage by airport and airport-related buildings and structures shall be taken into account in determining whether additional buildings and structures for uses other than airport or airport-related use are permitted.

### (b) Permitted Principal Uses

The listing of “airport” as a permitted use is not intended to imply that the RDN is “allowing” a non-farm use on the portion of the lands that are in the Agricultural Land Reserve. Instead, “airport” is listed as a permitted use in this zone in recognition that the Nanaimo Airport Commission operates an airport on the lands.

#### Development Area A - Airport

- (i) Airport
- (ii) Farm Use – on lands located in the Agricultural Land Reserve

#### Development Area B – Airport Commercial

- (iii) Airport
- (iv) Convenience Store
- (v) Fast Food Outlet
- (vi) Service Station
- (vii) Hotel
- (viii) Light Industry
- (ix) Neighbourhood Pub
- (x) Office
- (xi) Utility Use
- (xii) Parking
- (xiii) Restaurant
- (xiv) Retail Store
- (xv) Tourist Store
- (xvi) Tourist Information Booth
- (xvii) Transit Exchange

(xviii) Transportation Terminal	
(xix) Uses (ii) through (xviii) above are permitted subject to approval from the Agricultural Land Commissions where covenant EN24091 in favour of the Agricultural Land Commission applies.	
<b>Development Area C – Airport Commercial 2</b>	
(xx) Airport	
(xxi) Outdoor Sales	
(xxii) Parking	
(xxiii) Utility Use	
<b>(c) Maximum Height of Buildings and Structures</b>	
(i) Hotel Use	15.0 m or 4 storeys, whichever is less
(ii) All Other Uses	10.0 m or 3 storeys, whichever is less
<b>(d) Maximum Parcel Coverage</b>	
(i) Parcel coverage	60% including impervious surfaces
(ii) A building or structure (including impervious surfaces) that is not intended to be used for airport or airport-related purposes must not be constructed or placed on a parcel if the parcel coverage of all buildings and structures (including impervious surfaces) on that parcel, including those used or intended to be used for airport or airport-related purposes, already exceeds 60% or if the addition of that building or structure would cause the parcel coverage of all buildings and structures (including impervious surfaces) on the parcel, including those used or intended to be used for airport or airport-related purposes, to exceed 60%.	
<b>(e) Minimum Setback Requirements</b>	
(i) All farm buildings, structures and uses:	in accordance with Section 3.11
(ii) All non-farm buildings, structures and uses:	
(A) Exterior lot lines:	10.0 m
(B) All other lot lines:	5.0 m
(C) except where any part is adjacent to or contains a watercourse, then the regulations in Section 3.9 shall apply.	
(D) On a corner parcel, then the regulations in Section 3.8 shall also apply.	

(f) **Off Street Parking Requirements**

- 
- (i) Parking shall be provided as set out under Section 3.22 Off-Street Parking & Loading Spaces.
- 
- (ii) In addition to the requirements of Section 3.22 Off-Street Parking & Loading Spaces, the following bicycle parking is required:
- (A) 1 space per 475 m<sup>2</sup> commercial floor area adjacent to primary building entrances.
- 

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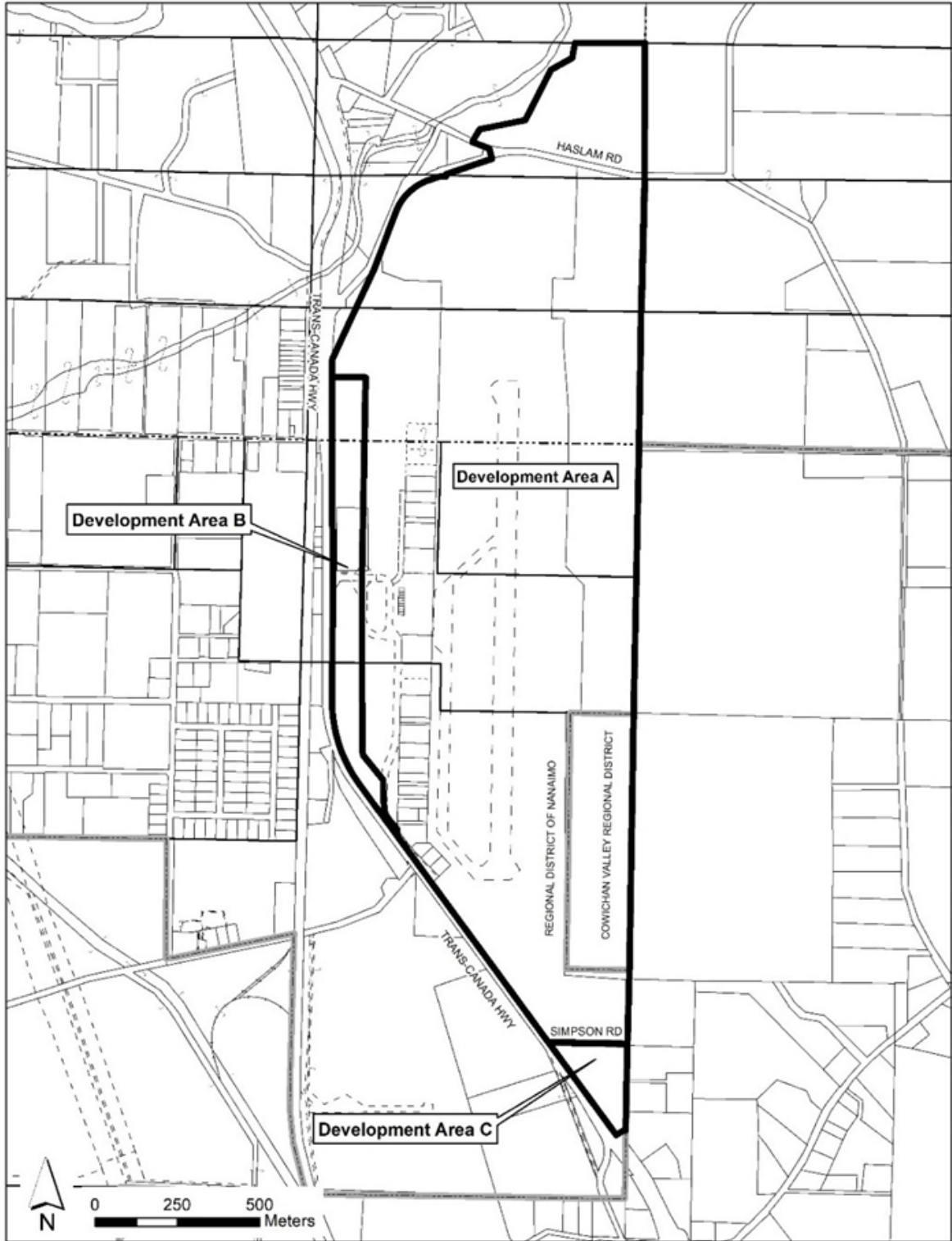
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(g) Development Areas A, B and C



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## 4.5 Commercial Retail & Service 1 (CRS1)

### (a) Intent

The intent of this zone is to accommodate a variety of retail and service related uses.

### (b) Uses

#### Principle Uses

- (i) Automotive Repair
- (ii) Funeral Parlour
- (iii) Nursery
- (iv) Office
- (v) Personal Service Use
- (vi) Recreation Facility
- (vii) Restaurant
- (viii) Retail Store

#### Accessory Uses

- (ix) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

- |                             |       |
|-----------------------------|-------|
| (i) Dwelling units / parcel | 1     |
| (ii) Height                 | 9.0 m |
| (iii) Parcel coverage       | 40%   |

### (d) Minimum Setback Requirements

- |  |       |
|--|-------|
| (i) Exterior lot line  | 8.0 m |
| (ii) All other lot lines   | 5.0 m |
| (iii) except where:  |       |
| (A) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero; |       |
| (B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,                     |       |
| (C) on a corner parcel, then the regulations in Section 3.8 shall also apply.  |       |



(e) **Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

**4.5.1 Commercial Retail & Service Sub-zones**

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification(s)
(a) <b>CRS1.1</b>	In addition to the Uses listed in 4.5 (b) above, Shopping Centre will also be a Permitted Use.
(b) <b>CRS1.2</b>	In addition to the Uses listed in 4.5 (b) above, Shopping Centre and Outdoor Sales will also be a Permitted Use.
(c) <b>CRS1.3</b>	Despite any other clause in this Zone, Service Station will not be permitted.
(d) <b>CRS1.4</b>	Despite 4.5 (b), only the following uses shall be Permitted: <ul style="list-style-type: none"><li>• Funeral Parlour</li><li>• Gas Bar</li><li>• Nursery</li><li>• Office</li><li>• Personal Service Use</li><li>• Recreation Facility</li><li>• Restaurant</li><li>• Residential as a Permitted Use</li><li>• Retail Use</li><li>• Secondary Suite</li><li>• Accessory Residential</li></ul>
(e) <b>CRS1.5</b>	In addition to the Uses listed in 4.5 (b), the following Uses shall be Permitted: <ul style="list-style-type: none"><li>• Residential as a Permitted Use</li><li>• Secondary Suite</li></ul>
(f) <b>CRS1.6</b>	In addition to the Uses listed in 4.5 (b), Gas Bar shall also be a Permitted Use.

Sub-zones	Modification(s)
(g) <b>CRS1.7</b>	In addition to the Uses listed in 4.5 (b), the following Uses shall also be permitted: <ul style="list-style-type: none"> <li>• Shopping Centre,</li> <li>• Residential as a Permitted Use</li> <li>• Secondary Suite</li> </ul>
(h) <b>CRS1.8</b>	Despite 4.5 (b), only the following Uses shall be Permitted: <ul style="list-style-type: none"> <li>• Convenience Store</li> <li>• Office</li> <li>• Restaurant</li> <li>• Residential Use as a Permitted Use</li> <li>• Secondary Suite</li> </ul>
(i) <b>CRS1.9</b>	<p>(vi) Despite 4.5 (b), only the following Uses shall be Permitted:</p> <ul style="list-style-type: none"> <li>• Office</li> <li>• Personal Service Use</li> <li>• Residential Use as a Permitted Use</li> <li>• Secondary Suite</li> </ul> <p>(vii) Despite 4.5 (d), the Minimum Setback Requirements are:</p> <ul style="list-style-type: none"> <li>• Exterior Lot Lines: 5.0 m</li> <li>• All other Lot Lines: 2.0 m</li> </ul>
(j) <b>CRS1.10</b>	<p>(i) Despite 4.5 (c), the maximum height shall be 11.0 m</p> <p>(ii) Despite 4.5 (d), the minimum setback requirements shall be 4.5 m for all lot lines except in the case of unenclosed covered entryways, roof overhangs, and canopies the exterior lot lines may be reduced to 2.0 m;</p> <p>(viii) In addition to the Uses listed in 4.5 (b), Gas Bar shall also be a Permitted Use.</p>

## 4.6 Commercial 1 (C1)

### (a) Intent

The intent of this zone is to accommodate a broad range of commercial uses primarily within the Growth Containment Boundary.

### (b) Uses

#### Permitted Uses

- (i) Fast Food Outlet
- (ii) Hotel
- (iii) Marina
- (iv) Neighbourhood Pub
- (v) Nursery
- (vi) Office
- (vii) Personal Service Use
- (viii) Produce Market
- (ix) Public Assembly
- (x) Recreation Facility
- (xi) Recreational Vehicle Park
- (xii) Resort Condominium Development registered with BC Land Title & Survey Authority prior to the date of adoption of this Bylaw
- (xiii) Restaurant
- (xiv) Retail Store
- (xv) Tourist Information Booth

#### Accessory Uses

- (xvi) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

(i) Dwelling units / parcel	1
(ii) Height	9.0 m
(iii) Parcel coverage	50%

(d) **Minimum Setback Requirements**

(i)	Exterior lot lines	8.0 m
(ii)	All other lot lines	5.0 m
(iii)	except where: <ul style="list-style-type: none"><li>(A) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero;</li><li>(B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,</li><li>(C) on a corner parcel, then the regulations in Section 3.8 shall also apply.</li></ul>	

(e) **Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

**4.6.1 Commercial Sub-zones**

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

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Sub-zones	Modification(s)
(a) <b>C1.1</b>	<p>Despite 4.6 (b), only the following uses shall be Permitted Uses:</p> <ul style="list-style-type: none"> <li>• Fast Food Outlet</li> <li>• Service Station</li> <li>• Nursery</li> <li>• Produce Market</li> <li>• Public Assembly</li> <li>• Recreation Facility</li> <li>• Restaurant</li> <li>• Retail Store</li> <li>• Outdoor Sales</li> </ul>
(b) <b>C1.2</b>	<p>(i) Despite 4.6 (b), only the following uses will be allowed as a Permitted Use:</p> <ul style="list-style-type: none"> <li>• Neighbourhood Pub</li> <li>• Retail Store</li> <li>• Hotel with a maximum of 11 hotel units</li> </ul> <p>(ii) Despite 4.6 (d) a 7.0 m setback is required for all lot lines.</p> <p>(iii) Despite any other Part of this Bylaw, a minimum of 78 parking spaces shall be provided and can be located within the setback area.</p> <p>(iv) No further subdivision is permitted.</p>
(c) <b>C1.3</b>	<p>(i) Despite 4.6 (b), Permitted Uses will be limited to Neighbourhood Pub, Restaurant, and Retail Store.</p> <p>(ii) Despite 4.6 (c), the maximum height shall be 10.0 m.</p>
(d) <b>C1.4</b>	<p>(i) Despite 4.6 (b), Residential Use shall be a Permitted Use and Secondary Suite shall be an Accessory Use.</p> <p>(ii) Short term accommodation may be permitted in a Dwelling Unit</p> <p>(iii) Despite 4.6 (b), Resort Vehicle Park shall also be a Permitted Use.</p>
(e) <b>C1.5</b>	Despite 4.6 (b), Heavy Equipment Display shall also be a permitted Use.
(f) <b>C1.6</b>	Despite 4.6 (b), Resort Vehicle Park shall also be a Permitted Use.

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## 4.7 Commercial Resort & Recreation 1 (CRR1)

### (a) Intent

The intent of this zone is to accommodate a variety of tourism and recreation related commercial uses on lands primarily located outside of the Growth Containment Boundary.

### (b) Uses

#### Permitted Uses

- (i) Hotel
- (ii) Resort Condominium Unit
- (iii) Marina
- (iv) Neighbourhood Pub
- (v) Public Assembly
- (vi) Recreation Facility
- (vii) Restaurant
- (viii) Recreational Vehicle Park
- (ix) Retail Store
- (x) Tourist Information Booth

#### Accessory Uses

- (xi) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

- |       |                         |       |
|-------|-------------------------|-------|
| (i)   | Dwelling units / parcel | 1     |
| (ii)  | Height                  | 9.0 m |
| (iii) | Parcel coverage         | 40%   |

### (d) Minimum Setback Requirements

- |       |  |       |
|-------|--|-------|
| (i)   | Exterior lot lines   | 8.0 m |
| (ii)  | All other lot lines  | 5.0 m |
| (iii) | except where:  |       |
|       | (A) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero; |       |

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- (B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,
- (C) on a corner parcel, then the regulations in Section 3.8 shall also apply.

(e) **Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

#### 4.7.1 Commercial Resort & Recreation Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification(s)
(a) <b>CRR1.1</b>	<p>(i) Despite 4.7 (b), Residential Use shall be a Permitted Use and Secondary Suite shall be an Accessory Use.</p> <p>(ii) Short term accommodation may be permitted in a Dwelling Unit</p>
(b) <b>CRR1.2</b>	Despite 4.7 (b), Resort Vehicle Park shall also be a Permitted Use.
(c) <b>CRR1.3</b>	<p>(i) Despite 4.7 (b), Residential Use shall be a Permitted Use and Secondary Suite shall be an Accessory Use.</p> <p>(ii) Short term accommodation may be permitted in a Dwelling Unit</p> <p>(iii) Despite 4.7 (b), Resort Vehicle Park shall also be a Permitted Use.</p>

## 4.8 Conservation 1 (ES1)

### (a) Intent

The intent of this zone is to protect historical, natural or archeological features.

### (b) Uses

#### Permitted Uses

- (i) Historic, Natural or Archaeological Site
- (ii) Residential Use

#### Accessory uses

- (iii) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

- |       |  |       |
|-------|--|-------|
| (i)   | Dwelling units / parcel  | 1     |
| (ii)  | Height applicable to building and structures intended for residential use          | 8.0 m |
| (iii) | Parcel Coverage applicable to building and structures intended for Residential Use | 20%   |

### (d) Minimum Setback Requirements

Buildings and structures intended for Residential Use:

- |      |   |       |
|------|---|-------|
| (i)  | All lot lines   | 8.0 m |
| (ii) | except where any parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |

### (e) Other Regulations

No accessory buildings are permitted for Residential Uses.



## 4.9 Light Industry 1 (LI1)

### (a) Intent

The intent of this zone is to accommodate a variety of light industrial uses, such as storage, warehousing, and equipment repair and sales and other uses which do not have off-site impacts.

### (b) Permitted Uses

#### Principle Uses

- (i) Light Industry
- (ii) Heavy Equipment Display
- (iii) Mini Storage
- (iv) Outdoor Sales

#### Accessory Uses

- (v) Residential Use
- (vi) Rental of moving vehicles accessory to Mini Storage
- (vii) Marshalling Yard

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units / parcel	1
(ii)	Height excluding Residential Use	12.0 m
(iii)	Height for Residential Use	9.0 m
(iv)	Parcel coverage	60%

### (d) Minimum Setback Requirements

- (i) All lot lines 5.0 m
- (ii) except where:
  - (A) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero;
  - (B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,
  - (C) on a corner parcel, then the regulations in Section 3.8 shall also apply.

(e) **Other Regulations**

- (i) The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.
- (ii) Manufacturing in this zone shall be limited to a maximum gross floor area of 200m<sup>2</sup>.

**4.9.1 Light Industry Sub-zones**

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification(s)
(a) <b>LI1.1</b>	<ul style="list-style-type: none"><li>(i) Despite 4.9 (b), only the following uses will be allowed as Permitted Uses:<ul style="list-style-type: none"><li>(A) Light Industry</li><li>(B) Contractors Business</li><li>(C) Mini Storage</li></ul></li><li>(ii) Despite 4.9 (b) and 4.9 (c), only the following uses will be allowed as Accessory Uses:<ul style="list-style-type: none"><li>(A) Residential Use to a maximum of one dwelling unit per parcel</li><li>(B) Home Based Business</li><li>(C) Marshalling</li></ul></li><li>(iii) Despite 4.9 (b) through 4.9 (d), the following regulations also apply:<ul style="list-style-type: none"><li>(A) All uses must be fully contained within a building, with the exception of outdoor storage areas.</li><li>(B) All outdoor storage areas must be located to the rear of buildings, must not be located between any building and lot line adjacent to Main Road, and must be screened to a minimum height of 3.0 m with a combination of fencing and landscaping on all sides, excluding entrance ways.</li><li>(C) No setback requirement shall be required from the front, rear, side, or other lot line for fences 3.0 m or less in height.</li><li>(D) All off-street parking areas must be paved.</li><li>(E) All storm water runoff from buildings and other non-pervious surfaces must be directed through an engineered oil-water separator appropriately sized to accommodate anticipated flows and must be maintained in accordance with the manufacturer's recommendations.</li><li>(F) All storm water drainage must be retained on site, unless otherwise approved by the Ministry of Transportation.</li></ul></li></ul>

Sub-zones	Modification(s)
LI1.1 Cont.	<p>(G) With respect to Home Based Business uses – the regulations set out in Section 3.15 applicable to Residential 2 zone shall apply to this zone.</p> <p>(H) Off-street parking and loading spaces shall be provided in accordance with Section 3.22 Off-Street Parking &amp; Loading Spaces of this Bylaw.</p> <p>(I) Manufacturing Use means the assembling and manufacturing of a product or products fully contained in a building and may include indoor accessory retail sales of the product(s) produced to a maximum of 10% of the floor area of the building and may include an accessory office use.</p>

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## 4.10 Medium Industry 1 (MI1)

### (a) Intent

The intent of this zone is to accommodate a variety of medium industrial uses, such as processing and manufacturing.

### (b) Uses

#### Permitted Uses

- (i) Medium Industry
- (ii) Heavy Equipment Display
- (iii) Light Industry
- (iv) Mini Storage
- (v) Outdoor Sales

#### Accessory Uses

- (vi) Residential Use
- (vii) Rental of moving vehicles accessory to Mini Storage
- (viii) Marshalling Yard

### (c) Maximum Number and Size of Buildings and Structures

- |       |                                  |        |
|-------|----------------------------------|--------|
| (i)   | Dwelling units / parcel          | 1      |
| (ii)  | Height excluding Residential Use | 12.0 m |
| (iii) | Height for Residential Use       | 9.0 m  |
| (iv)  | Parcel coverage                  | 45%    |

### (d) Minimum Setback Requirements

- |       |   |        |
|-------|---|--------|
| (i)   | All lot lines   | 10.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |        |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |        |

### (e) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

#### 4.10.1 Medium Industry Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>MI1.1</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.10 (b), only the following uses will be permitted: <ul style="list-style-type: none"> <li>(A) Marshalling Yard</li> <li>(B) Shipping Yard</li> <li>(C) Transportation Terminal</li> </ul> </li> <li>(ii) Despite 4.10 (b) and 4.10 (c), one dwelling unit per parcel is allowed as an accessory use.</li> </ul>
(b) <b>MI1.2</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.10 (b), only the following uses will be permitted: <ul style="list-style-type: none"> <li>(A) Light Industry</li> <li>(B) Marshalling Yard</li> <li>(C) Medium Industry</li> <li>(D) Mini Storage</li> </ul> </li> <li>(ii) Retail sales limited to 10% of the floor area of a building may be used for accessory retail sales of the product(s) produced.</li> <li>(iii) Despite any provision in this Bylaw, where the adjoining parcel is zoned industrial or commercial, the setback from the common interior lot line may be reduced to zero.</li> </ul>
(c) <b>MI1.3</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.10(b), manufacturing shall be restricted to assembling, producing, inspecting, finishing, altering, servicing, and repairing of any goods, substance, article, or materials, and must be contained within a building and may include accessory office use and accessory retail sales of the product(s) produced, up to a maximum of 10% of the floor area of a building.</li> <li>(ii) Despite 4.10(d), the minimum setback from an exterior lot line shall be 4.5 m.</li> <li>(iii) Despite any provision in this Bylaw, where the adjoining parcel is zoned industrial or commercial then the setback from the common interior lot line may be reduced to zero.</li> <li>(iv) Despite any provision in this Bylaw, for uses that existed prior to the date of adoption of this Bylaw, the minimum number of required parking spaces is 1 per 115 m<sup>2</sup> of floor area plus 1 loading space per building. All uses established after the adoption of this Bylaw shall be in accordance with Section 3.22 – Off Street Parking &amp; Loading Spaces of this Bylaw.</li> </ul>

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(d) <b>MI1.4</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.10, maximum parcel coverage shall be 60%.</li> <li>(ii) Despite 4.10, accessory outdoor storage shall be permitted.</li> <li>(iii) Despite 4.10, manufacturing shall be limited to 2500 m<sup>2</sup> of floor area.</li> </ul>
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## 4.11 Heavy Industry 1 (HI1)

### (a) Intent

The intent of this zone is to accommodate a variety of heavy industrial uses such as vehicle wrecking and dismantling, metal recycling, and similar activities.

### (b) Uses

#### Permitted uses

- (i) Heavy Industry

#### Accessory Uses

- (ii) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units / parcel	1
(ii)	Height excluding Residential Use	12.0 m
(iii)	Height for Residential Use	9.0 m
(iv)	Parcel coverage	20%

### (d) Minimum Setback Requirements

- (i) All lot lines 10.0 m
- (ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.

### (e) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

## 4.12 Resource Industrial 1 (RI1)

### (a) Intent

The intent of this zone is to accommodate a variety resource industrial uses in conjunction with resource extraction activities.

### (b) Uses

#### Permitted Uses

- (iv) Agriculture
- (v) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage and Sorting Yard
- (v) Primary Processing
- (vi) Silviculture
- (vii) Outdoor Storage
- (viii) Marshalling Yard

#### Accessory Uses

- (ix) Storage of blasting explosives
- (x) Residential Use
- (xi) Home Based Business

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units / parcel	1
(ii)	Accessory Buildings	Combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel coverage	20%

### (d) Minimum Setback Requirements

(i)	All lot lines	20.0 m
(ii)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.	

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- 
- (iii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- 

**(e) Other Regulations**

- 
- (i) The storage of blasting explosives shall be in accordance with the *Explosives Act* and *Explosives Regulations, 2013* as amended and all other applicable regulations.
  - (ii) The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.
- 

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## 4.13 Institutional 1 (I1)

### (a) Intent

The intent of this zone is to accommodate a variety of public uses such as emergency services, health care services, education, public gathering, and similar activities.

### (b) Uses

#### Permitted Uses

- (i) Personal Care
- (ii) Personal Care Unit
- (iii) Public Assembly
- (iv) Utility Use
- (v) Emergency Services
- (vi) School

#### Accessory Uses

- (vii) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

- |       |                         |       |
|-------|-------------------------|-------|
| (i)   | Dwelling units / parcel | 1     |
| (ii)  | Height                  | 9.0 m |
| (iii) | Parcel coverage         | 50%   |

### (d) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |       |

### (e) Other Regulations

- |     |  |
|-----|--|
| (i) | For the purposes of this zone, and for the parcel legally described as Lot A, District Lot 7, Bright District, Plan 30903, <i>School Accommodation</i> means a building or buildings used for temporary lodging or dormitory units for not more than 30 people who require accommodation in conjunction with a school use. |
|-----|--|

- 
- (ii) The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.
- 

#### 4.13.1 Institutional 1 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification(s)
(a) I1.1	<p>(i) Despite 4.13 (b), School Accommodation shall be an Accessory Use.</p> <p>(ii) School Accommodation means a building or buildings used for temporary lodging or dormitory units for not more than 30 people who require accommodation in conjunction with a school use.</p> <p>(iii) School Accommodation must be located within the same parcel as the school it serves, and shall not be used as a dwelling unit(s) or provide any other form of permanent or temporary accommodation, and may not be subdivided pursuant to the <i>Strata Property Act</i>.</p>
(b) I1.2	Despite 4.13(b), Personal Care and Personal Care Unit shall not be permitted.

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## 4.14 Institutional 2 (I2)

### (a) Intent

The intent of this zone is to accommodate railway requirements.

### (b) Uses

#### Permitted Uses

- (i) Railway
- (ii) Railway Station

### (c) Maximum Number and Size of Buildings and Structures

- |      |                 |        |
|------|-----------------|--------|
| (i)  | Height          | 10.0 m |
| (ii) | Parcel coverage | 10%    |

### (d) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |       |

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## 4.15 Institutional 3 (I3)

### (a) Intent

The intent of this zone is to accommodate a variety of utility and emergency services uses.

### (b) Uses

#### Permitted Uses

- (i) Utility Use
- (ii) Emergency Services

### (c) Maximum Number and Size of Buildings and Structures

- |      |                 |        |
|------|-----------------|--------|
| (i)  | Height          | 10.0 m |
| (ii) | Parcel coverage | 50%    |

### (d) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3 shall apply. |       |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |       |

### 4.14.1 Institutional 3 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) I3.1	(i) In addition to 4.15 (b) Accessory Residential Use is a Permitted Use up to a maximum density of 1 dwelling unit per parcel.
(b) I3.2	(i) Despite 4.15(c), the maximum height shall be 12.5 m (ii) Despite any other regulation in this bylaw, off-street parking shall be permitted within the minimum setback areas.

## 4.16 Institutional 4 (I4)

### (a) Intent

The intent of this zone is to accommodate flood protection, drainage, fish hatcheries, parks, and related activities.

### (b) Uses

#### Permitted Uses

- (i) Fish Hatchery and Associated Works
- (ii) Flood Protection and Drainage Works
- (iii) Park

### (c) Maximum Number and Size of Buildings and Structures

- |      |                 |        |
|------|-----------------|--------|
| (i)  | Height          | 10.0 m |
| (ii) | Parcel coverage | 10%    |

### (d) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3 shall apply. |       |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |       |

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## 4.17 Recreation 1 (RC1)

### (a) Intent

The intent of this zone is to accommodate campgrounds and related outdoor recreation activities.

### (b) Uses

#### Permitted Uses

- (i) Campground
- (ii) Outdoor Recreation

#### Accessory Uses

- (iii) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

- |       |                       |   |
|-------|-----------------------|---|
| (i)   | Campground            | Maximum of 60 camping spaces per parcel developed in accordance with Section 3.23, Campground Regulations and Standards |
| (ii)  | Dwelling units/parcel | 1   |
| (iii) | Height                | 9.0 m   |
| (iv)  | Parcel coverage       | 10%   |

### (d) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |       |

### (e) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

#### 4.17.1 Recreation 1 Sub-zones

Sub-zones	Modification
(a) <b>RC1.1</b>	In addition to 4.17 (b) Public Assembly and Recreation Facility is a Permitted Use.

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## 4.18 Recreation 2 (RC2)

### (a) Intent

The intent of this zone is to accommodate a variety of recreation-based activities including schools, tourism, gathering areas, and related activities.

### (b) Uses

#### Permitted Uses

- (i) Guest Accommodation
- (ii) Outdoor Recreation
- (iii) Public Assembly Use
- (iv) School

#### Accessory Uses

- (v) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

- |       |                       |       |
|-------|-----------------------|-------|
| (i)   | Dwelling units/parcel | 2     |
| (ii)  | Height                | 9.0 m |
| (iii) | Parcel coverage       | 20%   |

### (d) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |       |

### (e) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

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## 4.19 Recreation 3 (RC3)

### (a) Intent

The intent of this zone is to accommodate recreational vehicle parks with existing residential uses.

### (b) Uses

#### Permitted Uses

- (i) Recreational Vehicle Park

#### Accessory Uses

- (ii) Residential Use

### (c) Number and Size of Buildings and Structures

(i)	Maximum Number of Dwelling units/parcel	1
(ii)	Maximum Height	9.0 m
(iii)	Maximum Parcel coverage	10%
(iv)	Maximum number of camping spaces	25 per ha

### (d) Minimum Setback Requirements

- (i) All lot lines 8.0 m
- (ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.

### (e) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

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## 4.20 Recreation 4 (RC4)

### (a) Intent

The intent of this zone is to accommodate activities related to firearms or archery with existing residential uses.

### (b) Uses

#### Permitted Uses

- (i) Firearm Range for the use of Non-Restricted, Restricted or Prohibited Firearms as defined by the *Federal Firearm Act*.
- (ii) Archery Range
- (iii) Silviculture

#### Accessory Uses

- (iv) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory buildings	combined floor area 1,500 m
(ii)	Dwelling Units/Parcel	1
(iii)	Height	9.0 m
(iv)	Parcel coverage	5%

### (d) Minimum Setback Requirements

- (i) All lot lines 30.0 m
- (ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.
- (iv) The intensity and use and number of uses shall be determined by the ability to services the combined uses as per Section 3.28 of this Bylaw

### (e) Minimum Setback Requirements – Use

- (i) Firearm or Archery Range 30.0 m from all lot lines

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## 4.21 Recreation 5 (RC5)

### (a) Intent

The intent of this zone is to accommodate activities for ski resorts.

### (b) Uses

#### Permitted Uses

- (i) Alpine Recreation

#### Accessory Uses

- (ii) Ski Lift
- (iii) Outhouse
- (iv) Boardwalk, Stairs, Pedestrian Bridge
- (v) Medical Evacuation Helipad
- (vi) Maintenance Facility
- (vii) Kiosk for the collection of fees
- (viii) Washrooms or Showers for a campground
- (ix) Ski Patrol Building
- (x) Warm Up Huts for use by ski patrol
- (xi) Ski Lodge
- (xii) Tourist Store
- (xiii) Hotel
- (xiv) Restaurant
- (xv) Campground

### (c) Maximum Number and Size of Buildings and Structures

- |       |   |   |
|-------|---|---|
| (i)   | Maintenance Facility  | The combined total floor area of all maintenance buildings must not exceed 2,000 m <sup>2</sup> .               |
| (ii)  | Ski Patrol Building and Warm Up Huts  | The combined total floor area of all ski patrol buildings and warm up huts must not exceed 300 m <sup>2</sup> . |
| (iii) | Accommodation:  |   |
|       | (A) The combined total number of hotel units and camping spaces must not exceed 50. |   |

<p>(B) For the purpose of subsection (1), from May 1 to October 31 inclusive, not more than 50 camping spaces may be available for occupancy in lieu of constructed hotel units which shall be unavailable for occupancy and shall not be used between May 1 and October 31.</p> <p>(C) No camping space referred to in subsection (2) may exceed 150 m<sup>2</sup> in area and the camping spaces must be located adjacent to one another in a maximum of two groupings.</p> <p>(D) The combined total floor area utilized for hotel units shall not exceed the product of the following calculation: number of hotel units X 50 m<sup>2</sup> of hotel unit floor area.</p>		Part 1 Administration
<p>(iv) Ski Lodge:</p> <p>(A) A maximum of 2 ski lodge buildings will be permitted.</p> <p>(B) The combined total floor area of all ski lodge buildings excluding hotel units and access corridors to hotel units, must not exceed 3,000 m<sup>2</sup>.</p>		Part 2 Interpretation
<p>(v) Tourist Store:</p> <p>(A) The combined total floor area of all tourist stores within ski lodges must not exceed 200 m<sup>2</sup>.</p> <p>(B) The combined total floor area of all tourist stores not within a ski lodge must not exceed 200 m<sup>2</sup>.</p>		Part 3 Land Use Regulations
<p>(vi) Restaurant:</p> <p>(A) The combined total floor area of all restaurants within ski lodges must not exceed 400 m<sup>2</sup>.</p> <p>(B) The combined total floor area of all restaurants not within a ski lodge must not exceed 400 m<sup>2</sup>.</p>		Part 4 Zones
(vii) Height	16.0 m however, this maximum may be exceeded for ski lifts	
<p>(d) <b>Minimum Parcel Area</b></p> <p>Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the <i>Strata Property Act</i> (British Columbia).</p>		Part 5 Subdivision Regulations
<p>(e) <b>Minimum Setback Requirements</b></p>		Part 6 Development Permit Areas
(i) All lot lines	5.0 m	
<p>(ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.</p>		

(iii)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	Part 1 Administration
(f)	<b>Other Regulations</b>	Part 2 Interpretation
(i)	Mountain bike trails must have a permeable surface.	
(ii)	Recreational vehicles in campgrounds must not exceed 37 m <sup>2</sup> in floor area.	Part 3 Land Use Regulations
(iii)	Camping spaces must be developed in accordance with Section 3.23, Campground Regulations and Standards.	
(iv)	For the purposes of this zone, "temporary accommodation" means occupancy of a ski lodge, hotel or campground by an individual, other than Mount Arrowsmith staff occupying a hotel unit, for fewer than 4 consecutive weeks in a calendar year and fewer than 120 days in total during the same calendar year.	Part 4 Zones
(v)	In the event of inconsistency between any provision of this Zone and any other provision of this Bylaw, the provisions of this Zone will apply and the other provision will not apply to the extent of the inconsistency.	
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## 4.22 Recreation 6 (RC6)

### (a) Intent

The intent of this zone is to accommodate camping and motocross activities with existing residential uses.

### (b) Uses

#### Permitted Uses

- (i) Motocross Track
- (ii) Campground

#### Accessory Uses

- (iii) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

(i)	Campground	50 camping spaces
(ii)	Accessory buildings other than spectator seating	combined floor area 200 m <sup>2</sup>
(iii)	Dwelling Units/Parcel	1
(iv)	Height	9.0 m
(v)	Parcel coverage	5%

### (d) Minimum Parcel Area

Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the *Strata Property Act* (British Columbia).

### (e) Minimum Setback Requirements

- (i) All lot lines 30.0 m
- (ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.

(f) **Minimum Setback Requirements – Use**

- |     |                  |                           |
|-----|------------------|---------------------------|
| (i) | Motorcross Track | 30.0 m from all lot lines |
|-----|------------------|---------------------------|

(g) **Other Regulations**

- |       |  |  |
|-------|--|--|
| (i)   | Recreational vehicles in campgrounds must not exceed 37 m <sup>2</sup> in floor area.  |  |
| (ii)  | Camping spaces must be developed in accordance with Section 3.23, Campground Regulations and Standards.  |  |
| (iii) | In the event of inconsistency between the following provision of this Zone on maximum occupancy within a campground and any other provision of this Bylaw, the following provision will apply and the other provision will not apply to the extent of the inconsistency: the maximum occupancy for an individual within a campground is less than 3 consecutive days in a calendar year and less than 30 days in the same calendar year. |  |
| (iv)  | The intensity and use and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw   |  |

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## 4.23 Residential 1 (RS1)

### (a) Intent

The intent of this zone is to permit single detached forms of residential development at a maximum density of one dwelling unit per parcel.

### (b) Uses

#### Permitted Uses

- (i) Residential Use

#### Accessory Uses

- (ii) Home Based Business
- (iii) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory buildings	Combined floor area of 100 m <sup>2</sup> or 8% of area of parcel, whichever is greater, but shall not exceed 250 m <sup>2</sup>
(ii)	Accessory building height	6.0 m
(iii)	Maximum Density	1 unit per parcel
(iv)	Dwelling unit height	9.0 m
(v)	Parcel coverage	35%

### (d) Minimum Setback Requirements

(i)	Exterior lot lines	5.0 m
(ii)	All other lot lines	2.0 m
(iii)	Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iv)	Except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d).	
(v)	No setback from an interior lot line shall be required for one accessory building not exceeding a floor area of 10 m <sup>2</sup> and with a maximum height of 3.0 m.	
(vi)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

#### 4.23.1 Residential 1 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>RS1.1</b>	Despite 4.23 (c), the maximum dwelling unit height is 10.0 m.
(b) <b>RS1.2</b>	(i) Despite 4.23 (d), the minimum setback from any garage door or carport entranceway facing a highway is 6.0 m. (ii) Despite 4.23 (d), the minimum setback from an interior lot line is 1.5 m.
(c) <b>RS1.4</b>	Despite the applicable subdivision district and any other provision contained in this Bylaw, residential parcels may be averaged based on the total size of the parent parcel divided by the number of residential parcels created provided that the total number of residential parcels not exceed 9 and that no residential parcel is less than 0.5 ha.

## 4.24 Residential 2 (RS2)

### (a) Intent

The intent of this zone is to permit single detached forms of residential development at a maximum density of up to two dwelling units per parcel.

### (b) Uses

#### Permitted Uses

- (i) Residential Use

#### Accessory Uses

- (ii) Home Based Business
- (iii) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory Building Floor Area	Combined floor area of 100 m <sup>2</sup> or 10% of area of parcel, whichever is greater, but shall not exceed 250 m <sup>2</sup> .
(ii)	Accessory building height	6.0 m
(iii)	Dwelling unit height	9.0 m
(iv)	Parcel coverage	35%
(v)	Density:	
	(A) For parcels connected to community water	1 dwelling unit per 2000 m <sup>2</sup> , to a maximum of 2 per parcel
	(B) For parcels not connected to community water	1 dwelling unit per 1.0 ha to a maximum of 2 per parcel

### (d) Minimum Setback Requirements

(i)	Exterior lot lines	5.0 m
(ii)	All other lot lines	2.0 m
(iii)	Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iv)	Except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d).	

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- |      |   |
|------|---|
| (v)  | No setback from an interior lot line shall be required for one accessory building not exceeding a floor area of 10 m <sup>2</sup> and with a maximum height of 3.0 m. |
| (vi) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |

#### 4.24.1 Residential 2 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>RS2.1</b>	(i) Despite 4.24 (b), Secondary Suite is not allowed. (ii) Despite 4.24 (b), one duplex is allowed as a Permitted Use. (iii) Despite 4.24 (c), maximum parcel coverage will not exceed 40%. (iv) Despite 4.24 (c), one duplex is allowed on parcels at least 1400 m <sup>2</sup> when serviced with community water or on a parcel at least 1.0 ha in area when not serviced with community water or community sewer.

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## 4.25 Residential 3 (RS3)

### (a) Intent

The intent of this zone is to permit attached and semi-detached forms of residential development.

### (b) Uses

#### Permitted Uses

- (i) Multiple Dwelling Unit Development

#### Accessory Uses

- (ii) Residential Use
- (iii) Home Based Business

### (c) Maximum Number and Size of Buildings and Structures

(i)	Number of Accessory buildings	Combined floor area of 100 m <sup>2</sup> or 8% of area of parcel, whichever is greater, but shall not exceed 250 m <sup>2</sup> .
(ii)	Height excluding single detached dwelling	10.0 m
(iii)	Height for single detached dwelling unit	9.0 m
(iv)	Parcel coverage	35%
(v)	Maximum density for Multiple Dwelling Unit Development:	
	(A) For parcels connected to community water and sewer	3 dwelling units per 6,000 m <sup>2</sup> , then 2,000 m <sup>2</sup> per additional dwelling unit
	(B) For parcels connected to community water	3 dwelling units per 6,000 m <sup>2</sup> , then 2,000 m <sup>2</sup> per additional dwelling unit
	(C) For parcels without community servicing	3 dwelling units per 3.0 ha. then 1.0 ha <sup>2</sup> per additional dwelling unit
(vi)	Maximum density for Accessory Residential Use	
	Accessory Residential Use, may take on the form of single detached or duplex dwelling units and shall be subject to the following density provisions, which are in addition to that included in section (v) above:	

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(A)	For parcels connected to community water	Satisfy the maximum density requirements of (v) above, plus 1 detached dwelling unit per additional 2000 m <sup>2</sup>
(B)	For parcels not connected to community water or community sewer	Satisfy the maximum density requirements of (v) above, plus 1 detached dwelling unit per additional 1.0 ha

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(vii)

Despite the above, where three or more dwelling units have been established within a building located on a parcel, accessory residential use shall be limited to a maximum density of one detached accessory dwelling unit for every three dwelling units located within a building. For clarity, where the number of dwelling units in a building is not equally divisible by three, the maximum number of detached accessory dwelling units will be rounded down to the next whole number.

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Minimum Setback Requirements

(i)	Multiple Dwelling Unit Development	8.0 m from all lot lines
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(ii)

All other buildings and structures:

(A)	Front and Exterior lot lines lot lines	5.0 m
(B)	All other lot lines	2.0 m

---

(iii)

except:

(A)

no setback from an interior lot line shall be required for one accessory building with a maximum height of 2.0 m and a floor area of 10.0 m<sup>2</sup>;

(B)

any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply;

(C)

except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d); and,

(D)

on a corner parcel, then the regulations in Section 3.8 shall also apply.

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Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

## 4.26 Residential 4 (RS4)

### (a) Intent

The intent of this zone is to permit attached and semi-detached forms of residential development.

### (b) Uses

#### Permitted Uses

- (i) Multiple Dwelling Unit Development

#### Accessory Uses

- (ii) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

(i)	Height	
	(A) Multiple Dwelling Unit Development	10.0 m
	(B) Residential Use	9.0 m
(ii)	Parcel coverage	50%
(iii)	Maximum Density for Multiple Dwelling Unit Development:	
	(A) For parcels connected to community water and sewer	3 dwelling units per 2,100 m <sup>2</sup> , then 700 m <sup>2</sup> per additional dwelling unit
	(B) For parcels connected to community water	3 dwelling units per 4,800 m <sup>2</sup> , then 1,600 m <sup>2</sup> per additional dwelling unit
	(C) For parcels without community servicing	3 dwelling units per 3.0 ha, then 1.0 ha per additional dwelling unit
(iv)	Maximum Density for Accessory Residential Use	
	Accessory Residential Use may take on the form of single detached or duplex dwelling units and shall be subject to the following density provisions, which are in addition to that included in section (iii) above:	
	(A) For parcels connected to community water	Satisfy the maximum density requirements of (iii) above, plus 1 detached dwelling unit per additional 2000 m <sup>2</sup>

(B) For parcels not connected to community water or community sewer	Satisfy the maximum density requirements of (iii) above, plus 1 detached dwelling unit per additional 1.0 ha
(v) Despite the above, where three or more dwelling units have been established within a building located on a parcel, accessory residential use shall be limited to a maximum density of one detached accessory dwelling unit for every three dwelling units located within a building. For clarity, where the number of dwelling units in a building is not equally divisible by three, the maximum number of detached accessory dwelling units will be rounded down to the next whole number.	

**(d) Minimum Setback Requirements**

(i)	In a Multiple Dwelling Unit development or on a parcel divided pursuant to the <i>Strata Property Act</i> and not contained within a Bare Land Strata Plan:	
	(A) Multiple Dwelling Unit Development	8.0 m from all lot lines
(ii)	All other buildings and structures:	
	(A) Front and Exterior lot lines	5.0 m
	(B) All other lot lines	2.0 m
(iii)	except where:	
	(A) an accessory building for individual use is permitted, no setback from an interior lot line shall be required for one accessory building with a maximum height of 2.0 m and a floor area of 10.0 m <sup>2</sup> ;	
	(B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply;	
	(C) except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d); and, on a corner parcel, then the regulations in Section 3.8 shall also apply.	

**(e) Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.
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## 4.27 Residential 5 (RS5)

### (a) Intent

The intent of this zone is to permit attached and semi-detached forms of residential development.

### (b) Uses

#### Permitted Uses

- (i) Multiple Dwelling Unit Development

#### Accessory Uses

- (ii) Residential Use

### (c) Number and Size of Buildings and Structures

- (i) Maximum Height

(A) Multiple Dwelling Unit	10.0 m
(B) Residential Use	9.0 m

- (ii) Maximum Parcel coverage 60%

- (iii) Maximum Density for Multiple Dwelling Unit Development:

(A) For parcels with community water and sewer	3 dwelling units per 1,500 m <sup>2</sup> , then 500 m <sup>2</sup> per additional dwelling unit
(B) For parcels with community water	3 dwelling units per 3,200 m <sup>2</sup> , then 1,600 m <sup>2</sup> per additional dwelling unit
(C) For parcels without servicing	3 dwelling unit per 3.0 ha, then 1.0 ha per additional dwelling unit

- (iv) Maximum Density for Accessory Residential Use

Accessory Residential Use may take on the form of single detached or duplex dwelling units and shall be subject to the following density provisions, which are in addition to that included in section (iii) above:

(A) For parcels connected to community water	Satisfy the maximum density requirements of (iii) above, plus 1 detached dwelling unit per additional 2000 m <sup>2</sup>
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(B) For parcels not connected to community water or community sewer	Satisfy the maximum density requirements of (iii) above, plus 1 detached dwelling unit per additional 1.0 ha
(v) Despite the above, where three or more dwelling units have been established within a building located on a parcel, accessory residential use shall be limited to a maximum density of one detached accessory dwelling unit for every three dwelling units located within a building. For clarity, where the number of dwelling units in a building is not equally divisible by three, the maximum number of detached accessory dwelling units will be rounded down to the next whole number.	

**(d) Minimum Setback Requirements**

(i) In a Multiple Dwelling Unit development or on a parcel divided pursuant to the <i>Strata Property Act</i> and not contained within a Bare Land Strata Plan:	
(A) Multiple Dwelling Unit Development	All lot lines – 8.0 m
(ii) All other buildings and structures:	
(A) Front and Exterior lot lines	5.0 m
(B) All other lot lines	2.0 m
(iii) except where:	
(A) an accessory building for individual use is permitted, no setback from an interior lot line shall be required for one accessory building with a maximum height of 2.0 m and a floor area of 10.0 m <sup>2</sup> ;	
(B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply;	
(C) except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d); and,	
(D) on a corner parcel, then the regulations in Section 3.8 shall also apply.	

**(e) Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.
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#### 4.27.1 Residential 5 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>RS5.1</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.27 (c), the maximum number of dwelling units per parcel is 49.</li> <li>(ii) Despite 4.27 (c), the maximum height for all buildings is 20.0 m.</li> <li>(iii) Despite 4.27 (c), the maximum parcel coverage is 35%.</li> </ul>
(b) <b>RS5.2</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.27 (c), the maximum number of dwelling units per parcel is 102.</li> <li>(ii) Despite 4.27 (c), the maximum height for all buildings is 13.0 m.</li> <li>(iii) Despite 4.27 (c), the maximum parcel coverage is 35%.</li> </ul>
(c) <b>RS5.3</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.27 (c), the maximum number of dwelling units per parcel is 35.</li> <li>(ii) Despite 4.27 (d), the minimum setbacks will be as follows: <ul style="list-style-type: none"> <li>(A) Lot line adjacent to a Common Property access: 7.0 m</li> <li>(B) Phase strata lot line: 0.0 m</li> <li>(C) All other lot lines: 8.0 m</li> </ul> </li> </ul>
(d) <b>RS5.4</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.27 (c), Permitted uses will be limited to Multiple Dwelling Unit Development as detached units to a maximum of 20 dwelling units and Home Based Business as an accessory use.</li> <li>(ii) Despite 4.27 (d), the minimum setbacks will be as follows: <ul style="list-style-type: none"> <li>(A) Lot lines front the Island Highway: 10.0 m</li> <li>(B) Exterior lot line: 6.0 m</li> <li>(C) Interior lot line: 3.0 m</li> <li>(D) Phased strata lot line: 0.0 m</li> <li>(E) Except one dwelling unit is permitted to be 2.0 m from an exterior lot line.</li> </ul> </li> </ul>

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## 4.28 Residential 6 (RS6)

### (a) Intent

The intent of this zone is to permit the development of manufactured home parks.

### (b) Uses

#### Permitted Uses

- (i) Manufactured Home Park

### (c) Maximum Number and Size of Buildings and Structures

- |      |                 |       |
|------|-----------------|-------|
| (i)  | Height          | 8.0 m |
| (ii) | Parcel coverage | 40%   |

### (d) Maximum Density

	Level of Servicing	Minimum Parcel Area required to be eligible for a manufactured home park	Maximum Density
(i)	Parcels with community water and sewer service connections	2.0 ha	20 manufactured homes per ha
(ii)	Parcels with community water service connection only	2.0 ha	5 manufactured homes per ha
(iii)	Parcels with no community services	3.0 ha	1 manufactured home per ha
(iv)	Notwithstanding the above and in accordance with Section 4.1(h), on parcels that meet or exceed the minimum parcel area eligible for a manufactured home park, the minimum density shall be 3 manufactured homes per parcel.		

### (e) Minimum Setback Requirements

- |     |   |       |
|-----|---|-------|
| (i) | All lot lines   | 5.0 m |
|     | (A) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |

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- (B) except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d).
- (C) on a corner parcel, then the regulations in Section 3.8 shall also apply.

**(f) Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

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## 4.29 Residential 7 (RS7)

### (a) Intent

The intent of this zone is to permit attached and semi-detached forms of residential development.

### (b) Uses

#### Permitted Uses

- (i) Multiple Dwelling Unit Development

#### Accessory Uses

- (ii) Residential Use

### (c) Maximum Number and Size of Buildings and Structures

- |      |                 |        |
|------|-----------------|--------|
| (i)  | Height          | 15.0 m |
| (ii) | Parcel coverage | 60%    |

### (d) Maximum Density

- |   |  |   |
|---|--|---|
| (i) Maximum Density for Multiple Dwelling Unit Development:   |  |   |
| (A)   | For parcels with community water and community sewer | 3 dwelling units per 930 m <sup>2</sup> , then 310 m <sup>2</sup> per additional dwelling unit                          |
| (B)   | For parcels with community water                     | 3 dwelling units per 3,200 m <sup>2</sup> , then 1,600 m <sup>2</sup> per additional dwelling unit                      |
| (C)   | For parcels without servicing                        | 3 dwelling units per 3.0 ha, then 1.0 ha per additional dwelling unit   |
| (ii) Maximum Density for Accessory Residential Use  |  |   |
| Accessory Residential Use may take on the form of single detached or duplex dwelling units and shall be subject to the following density provisions, which are in addition to that included in section (d) above: |  |   |
| (A)   | For parcels connected to community water             | Satisfy the maximum density requirements of (d) above, plus 1 detached dwelling unit per additional 2000 m <sup>2</sup> |

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(B) For parcels not connected to community water or community sewer	Satisfy the maximum density requirements of (d) above, plus 1 detached dwelling unit per additional 1.0 ha
(iii) Despite the above, where three or more dwelling units have been established within a building located on a parcel, accessory residential use shall be limited to a maximum density of one detached accessory dwelling unit for every three dwelling units located within a building. For clarity, where the number of dwelling units in a building is not equally divisible by three, the maximum number of detached accessory dwelling units will be rounded down to the next whole number.	

(e) **Minimum Setback Requirements**

(i) In a Multiple Dwelling Unit development or on a parcel divided pursuant to the <i>Strata Property Act</i> and not contained within a Bare Land Strata Plan:	
(ii) Multiple Dwelling Unit Development	All lot lines – 8.0 m
(iii) All other buildings and structures:	
(A) Front and Exterior lot lines	5.0 m
(B) All other lot lines	2.0 m
(iv) except where:	
(A) an accessory building for individual use is permitted, no setback from an interior lot line shall be required for one accessory building with a maximum height of 2.0 m and a floor area of 10.0 m <sup>2</sup> ;	
(B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(C) except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d).	
(D) on a corner parcel, then the regulations in Section 3.8 shall also apply.	

(f) **Other Regulations**

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.	
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## 4.30 Resource Management 1 (RM1)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture

#### Accessory Uses

- (viii) Home Based Business
- (ix) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

- |       |   |   |
|-------|---|---|
| (i)   | Accessory buildings   | combined floor area of 400 m <sup>2</sup> |
| <hr/> |   |   |
| (ii)  | Dwelling units/parcel   |   |
|       | (A) on a parcel having an area of 8.0 ha or less  | 1   |
|       | <b><i>For Electoral Areas 'A, C, E and H'</i></b>   |   |
|       | (B) on a parcel having an area greater than 8.0 ha  | 2   |
|       | <b><i>For Electoral Area 'G'</i></b>  |   |
|       | (C) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '3A' | 2   |

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	(D) Notwithstanding subsection (C), on a parcel located in this zone and created prior to February 22, 2011, and having an area greater than 8.0 ha	2
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

(d) **Minimum Setback Requirements**

(i)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.	
(ii)	All other buildings and structures – All lot lines	20.0 m
(iii)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iv)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

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## 4.31 Resource Management 2 (RM2)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture

#### Accessory Uses

- (viii) Home Based Business
- (ix) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	
	(A) on a parcel having an area of 8.0 ha or less	1
	(B) on a parcel having an area greater than 8.0 ha	2
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

### (d) Minimum Setback Requirements

- (i) All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.

(ii)	All other buildings and structures – All lot lines	20.0 m
(iii)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iv)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

#### 4.31.1 Resource Management 2 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>RM2.1</b>	Despite 4.31(b), Wood Waste Facility shall also be a permitted use.

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## 4.32 Resource Management 3 (RM3)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses in Electoral Area 'E'.

### (b) Uses

#### Permitted Uses

- (i) Agriculture excluding horse boarding
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture

#### Accessory Uses

- (viii) Home Based Business
- (ix) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

- |       |  |   |
|-------|--|---|
| (i)   | Dwelling units/parcel                              |   |
|       | (A) on a parcel having an area of 8.0 ha or less   | 1   |
|       | (B) on a parcel having an area greater than 8.0 ha | 2   |
| (ii)  | Accessory Buildings                                | combined floor area of 400 m <sup>2</sup> |
| (iii) | Height   | 9.0 m                                     |
| (iv)  | Parcel Coverage                                    | 10%                                       |

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(d) **Minimum Setback Requirements**

(i)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.	
(ii)	All other buildings and structures – All lot lines	20.0 m
(iii)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iv)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

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## 4.33 Resource Management 4 (RM4)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture

#### Accessory Uses

- (viii) Home Based Business
- (ix) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	1
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

### (d) Minimum Setback Requirements

(i)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.	
(ii)	All other buildings and structures – All lot lines	20.0 m

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(iii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.

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(iv) on a corner parcel, then the regulations in Section 3.8 shall also apply.

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## 4.34 Resource Management 5 (RM5)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture

#### Accessory Uses

- (viii) Home Based Business
- (ix) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	
	(A) on a parcel having an area of 8.0 ha or less	1
	(B) on a parcel having an area greater than 8.0 ha	2
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

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(d) **Minimum Parcel Area**

Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created by subdivision, and for the purposes of this subsection, “parcel” includes a lot created by deposit of a strata plan under the *Strata Property Act* (British Columbia) but excludes a bare land strata lot.

(e) **Minimum Setback Requirements**

(i) All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.

(ii) All other buildings and structures – All lot lines 20.0 m

(iii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.

(iv) on a corner parcel, then the regulations in Section 3.8 shall also apply.

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## 4.35 Resource Management 6 (RM6)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Extraction Use
- (ii) Primary Processing
- (iii) Residential Use
- (iv) Wood Waste Disposal Facility

#### Accessory uses

- (v) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	1
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	7.8 m
(iv)	Parcel Coverage	5%

### (d) Minimum Setback Requirements

(i)	All lot lines	7.5 m
(ii)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iii)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

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## 4.36 Resource Management 7 (RM7)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Asphalt Batch Plant
- (iv) Extraction Use
- (v) Log Storage & Sorting Yard
- (vi) Primary Processing
- (vii) Residential Use
- (viii) Silviculture

#### Accessory Uses

- (ix) Home Based Business
- (x) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	
	(A) on a parcel having an area of 8.0 ha or less	1
	(B) on a parcel having an area greater than 8.0 ha	2
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

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(d) **Minimum Parcel Area**

Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created by subdivision, and for the purposes of this subsection, “parcel” includes a lot created by deposit of a strata plan under the *Strata Property Act* (British Columbia) but excludes a bare land strata lot.

(e) **Minimum Setback Requirements**

(i) All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.

(i) All other buildings and structures – All lot lines 20.0 m

(ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.

(iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.

**4.36.1 Resource Management 7 Sub-zones**

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule ‘3A’ of this Bylaw.

Sub-zones	Modification
(a) <b>RM7.1</b>	<p>(i) Despite any other section of this Bylaw, the maximum permitted density of one of the parcels located within an eligible subdivision shall be two dwelling units provided the parcel is greater than 8.0 ha.</p> <p>(ii) Despite any other provision of this Bylaw, after the development of two dwelling units on the parcel, the maximum permitted density of all other parcels located within the eligible subdivision shall be one dwelling unit per parcel.</p>

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## 4.37 Resource Management 8 (RM8)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture
- (viii) Wood Processing

#### Accessory Uses

- (ix) Home Based Business
- (x) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	
	(A) on a parcel having an area of 8.0 ha or less	1
	(B) on a parcel having an area greater than 8.0 ha	2
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

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(d) **Minimum Setback Requirements**

(i)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.	
(ii)	All other buildings and structures – All lot lines	7.5 m
(iii)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(iv)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

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## 4.38 Resource Management 9 (RM9)

### (a) Intent

The intent of this zone is to accommodate a variety of resource-based uses.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Extraction Use
- (iv) Log Storage & Sorting Yard
- (v) Primary Processing
- (vi) Residential Use
- (vii) Silviculture

#### Accessory Uses

- (viii) Home Based Business
- (ix) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units/parcel	
	(A) on a parcel having an area of 8.0 ha or less	1
	(B) on a parcel having an area greater than 8.0 ha	2
(ii)	Accessory Buildings	combined floor area of 400 m <sup>2</sup>
(iii)	Height	9.0 m
(iv)	Parcel Coverage	10%

### (d) Minimum Parcel Area

Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created by subdivision, and for the purposes of this subsection, “parcel” includes a lot

created by deposit of a strata plan under the *Strata Property Act* (British Columbia) but excludes a bare land strata lot.

(e) **Minimum Setback Requirements**

- |       |   |        |
|-------|---|--------|
| (i)   | All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.                                   |        |
| (ii)  | All other buildings and structures – All lot lines  | 20.0 m |
| (iii) | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |        |
| (iv)  | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |        |

**4.38.1 Resource Management 9 Sub-zones**

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>RM9.1</b>	<p>(i) Despite any other section of this Bylaw, the maximum permitted density of one of the parcels located within an eligible subdivision shall be two dwelling units provided the parcel is greater than 8.0 ha.</p> <p>(ii) Despite any other provision of this Bylaw, after the development of two dwelling units on the parcel, the maximum permitted density of all other parcels located within the eligible subdivision shall be one dwelling unit per parcel.</p>

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## 4.39 Rural Residential 1 (RR1)

### (a) Intent

The intent of this zone is to accommodate a variety of traditional and non-traditional agriculture and related activities with one dwelling unit per parcel.

### (b) Uses

#### Permitted Uses

- (i) Agriculture
- (ii) Aquaculture
- (iii) Produce Stand
- (iv) Residential Use
- (v) Silviculture

#### Accessory Uses

- (vi) Secondary Suite
- (vii) Home Based Business

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory buildings	combined floor area of 400 m <sup>2</sup>
(ii)	Density	1 unit per parcel
(iii)	Height	9.0 m
(iv)	Parcel Coverage	25%

### (d) Minimum Setback Requirements

- (i) All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.
- (ii) All other buildings and structures – All lot lines 8.0 m
- (iii) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iv) on a corner parcel, then the regulations in Section 3.8 shall also apply.

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#### 4.39.1 Rural Residential 1 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification
(a) <b>RR1.1</b>	<p>(i) In addition to the Uses listed in 4.39 (b), Light Industry will be allowed as a Permitted Use limited to autobody repair with no more than two employees.</p> <p>(ii) In addition to the Uses listed in 4.39 (b), Outdoor Sales will be allowed as a Permitted Use limited to the display and sale of automobiles where a display cannot exceed more than four automobiles at a given time and sale information attached to each automobile cannot exceed 812 cm<sup>2</sup> displaying information related to year, make, model, description, and sale price. An outdoor display and sales area of not more than 72 m<sup>2</sup> is permitted.</p> <p>(iii) Despite any other provision of this Bylaw, signage is restricted to not more than 1 freestanding indirectly illuminated sign with a maximum surface area of 4.5 m<sup>2</sup> and maximum height of 6.0 m from the supporting foundation. No ribbon flags, pennants or other on-site display props for advertising are permitted.</p>
(b) <b>RR1.2</b>	Despite 4.39 (b), Permitted uses will be limited to Residential Use with a maximum density of one dwelling unit per parcel, Agriculture, and Home Based Business.
(c) <b>RR1.3</b>	<p>(i) Despite 4.39 (b), Permitted uses will be limited to Residential Use to a maximum density of one dwelling unit per parcel, Home Based Business, and Secondary Suite.</p> <p>(ii) Despite any other provision of this Bylaw, Home Based Business is restricted to an office and must be wholly contained within a single dwelling unit.</p> <p>(iii) Despite any other provision of this Bylaw, the keeping of animals is restricted to pets and household animals.</p>
(d) <b>RR1.4</b>	<p>(iv) Despite 4.39 (d), the following minimum setback requirements shall apply to buildings and structures that do not house livestock or store manure:</p> <p>(A) Front and exterior lot line – 5.0 m</p> <p>(B) All other lot lines – 2.0 m</p>

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## 4.40 Rural Residential 2 (RR2)

### (a) Intent

The intent of this zone is to accommodate a variety of traditional and non-traditional agricultural and related activities with two dwelling units per parcel.

### (b) Uses

#### Permitted Uses

- (i) Agriculture excluding horse boarding stable on lands located in Electoral Area E
- (ii) Aquaculture
- (iii) Produce Stand
- (iv) Residential Use
- (v) Silviculture

#### Accessory Uses

- (vi) Secondary Suite
- (vii) Home Based Business

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory buildings	combined floor area of 400m <sup>2</sup>
(ii)	Dwelling units/parcel	
	(A) on a parcel having an area of 2.0 ha or less	1
	<b><i>For Electoral Areas 'A, C, E and H'</i></b>	
	(B) on a parcel having an area greater than 2.0 ha	2
	<b><i>For Electoral Area 'G'</i></b>	
	(C) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '3A'	2
	(D) Notwithstanding subsection (C), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha	2
(iii)	Height	9.0 m

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(iv)	Parcel Coverage	25%
<b>(d) Minimum Setback Requirements</b>		
(i)	All agriculture or farm buildings, structures and uses – in accordance with Section 3.11.	
(ii)	All other buildings and structures – All lot lines	8.0 m
(iii)	Except where:	
	(A) the parcel is less than 4000 m <sup>2</sup> in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from all other lot lines;	
	(B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,	
	(C) on a corner parcel, then the regulations in Section 3.8 shall also apply.	

#### 4.40.1 Rural Residential 2 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification(s)
(a) <b>RR2.1</b>	In addition to the Uses listed in 4.40 (b), Animal Care, Campground and Nursery will be allowed as a Permitted Uses.
(b) <b>RR2.2</b>	Despite any other section of this Bylaw, the maximum permitted density of one of the parcels located within an eligible subdivision shall be two dwelling units provided the parcel is greater than 2.0 ha.
(c) <b>RR2.3</b>	<p>(i) Despite 4.40(c), the maximum height for all buildings and structures shall be limited to 8.8 m to avoid operational impacts on the Nanaimo Airport.</p> <p>(ii) Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the <i>Strata Property Act</i> (British Columbia) but excludes a bare land strata lot.</p>
(d) <b>RR2.4</b>	(i) Despite 4.40(c) – Maximum Number and Size of Buildings and Structures, the maximum number of dwelling units per parcel shall be as follows:

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Sub-zones	Modification(s)
	<p>(A) on a parcel having an area of 8.0 ha or less – 1</p> <p>(B) on a parcel having an area greater than 8.0 ha – 2</p> <p>(ii) Despite any other section of this Bylaw, the maximum permitted density of one of the parcels located within an eligible subdivision shall be two dwelling units provided the parcel is greater than 8.0 ha.</p> <p>(iii) Despite any other provision of this Bylaw, after the development of two dwelling units on the parcel, the maximum permitted density of all other parcels located within the eligible subdivision shall be one dwelling unit per parcel.</p> <p>(iv) Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the <i>Strata Property Act</i> (British Columbia) but excludes a bare land strata lot.</p>
(e) <b>RR2.5</b>	Subject to Part 5, no parcel having an area less than the applicable subdivision district may be created, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the <i>Strata Property Act</i> (British Columbia) but excludes a bare land strata lot.

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## 4.41 Water 1 (WA1)

### (a) Uses

#### Permitted Uses

- (i) Aquaculture
- (ii) Boat Ramp

### (b) Maximum Number and Size of Buildings and Structures

- (i) Height 1.0 m above surface of water measured from the natural boundary

### (c) Minimum Setback Requirements

- (i) All lot lines or lease boundaries 3.0 m

### (d) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

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## 4.42 Water 2 (WA2)

### (a) Uses

#### Permitted Uses

- (i) Boat Ramp
- (ii) Marina
- (iii) Marina Sales
- (iv) Outdoor Recreation

### (b) Maximum Number and Size of Buildings and Structures

- (i) Height 5.0 m above surface of water measured from the natural boundary

### (c) Minimum Setback Requirements

- (i) All lot lines or lease boundaries 3.0 m

### (d) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

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## 4.43 Water 3 (WA3)

### (a) Uses

#### Permitted Uses

- (i) Boat Building & Repair
- (ii) Log Storage & Sorting Yard
- (iii) Marina
- (iv) Marine Fuel Supply Station
- (v) Shipping Yard

### (b) Maximum Number and Size of Buildings and Structures

- (i) Height 12.0 m above surface of water measured from the natural boundary

### (c) Minimum Setback Requirements

- (i) All lot lines or lease boundaries 5.0 m

### (d) Other Regulations

The intensity, use, and number of uses shall be determined by the ability to service the combined uses as per Section 3.28 of this Bylaw.

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## 4.44 Water 4 (WA4)

### (a) Uses

#### Permitted Uses

- (i) Dock
- (ii) Boat Ramp
- (iii) Wharf

### (b) Maximum Number and Size of Buildings, Structures and Uses

#### (i) Area

- (A) Dock – A maximum of 25 recreational residences permitted under the Horne Lake CD3 zone may have a maximum of 40 m<sup>2</sup> of dock area excluding access walkways or ramps that do not exceed 1.22 m in width and the maximum dock area for all other recreational residences permitted under the Horne Lake CD3 zone shall not exceed 20 m<sup>2</sup> excluding access walkways or ramps that do not exceed 1.22 m in width.
- (B) Dock – A maximum of 2 swimming docks not exceeding a maximum dock area of 10 m<sup>2</sup> is permitted for the Horne Lake Regional Park.
- (C) Wharf – A maximum of 1 boat wharf not exceeding a maximum area of 20 m<sup>2</sup> is permitted for the Horne Lake Regional Park excluding access walkways or ramps that do not exceed 1.22 m in width.
- (D) Boat ramp – A maximum of 2 boat ramps are permitted at Horne Lake. One located at the Horne Lake Regional Park and one located between strata lots 373 and 374.

#### (ii) Height

- (A) Docks and wharves shall not exceed 1.0 m above the surface of the water excluding diving boards and slides that do not exceed 2.5 m above the surface of the water and that are not contained within a building.

### (c) Minimum Setback Requirements

- |     |               |       |
|-----|---------------|-------|
| (i) | All lot lines | 0.0 m |
|-----|---------------|-------|

### (d) Other Regulations

- (i) For the purposes of this zone dock means a floating structure for the mooring of boats.
- (ii) For the purposes of this zone no accessory uses, buildings or structures including fences under 2.0 m in height are permitted.

- 
- (iii) In the event of inconsistency between any provision of this Zone and any other provision of this Bylaw, this Zone provision will apply and the other provision will not apply to the extent of the inconsistency.
- 

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## 4.45 Alternative Forms of Rural Development 1 (AF1)

### (a) Uses

#### Permitted Uses

- (i) Residential Use

#### Accessory uses

- (ii) Home Based Business
- (iii) Secondary Suite

### (b) Maximum Number and Size of Buildings and Structures

(i)	Accessory buildings	Combined floor area of 100 m <sup>2</sup> or 8% of the area of the parcel, whichever is greater, but shall not exceed 250 m <sup>2</sup>
(ii)	Dwelling units / parcel	1
(iii)	Number of parcels within the AF1 zone classification	7
(iv)	Height	9.0 m
(v)	Parcel coverage	35%

### (c) Minimum Setback Requirements

(i)	Exterior lot lines	5.0 m
(ii)	All other lot lines	2.0 m
(iii)	Watercourse setbacks	Notwithstanding the above, Section 3.9 shall apply
(iv)	Corner lots	Notwithstanding the above, Section 3.8 shall apply
(v)	Setback exemption for small buildings	No setback from an interior lot line shall be required for one accessory building not exceeding a floor area of 10 m <sup>2</sup> and with a maximum height of 3.0 m.

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(d) **Other Regulations**

(i)	Secondary Suites	Secondary suites shall only be located within the dwelling unit
(ii)	Onsite sewage disposal	A communal method of sewage disposal shall be required for more than 4 dwelling units within the AF1 zone

(e) **Definitions**

For the purpose of this zone:

- (i) *Communal Method of Sewage Disposal* means a system of shared sewers and sewerage works including sewage treatment facilities which meets or exceeds the *Sewerage System Regulation* and Island Health Subdivision Standards.

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## 4.46 Small Scale Multi-Unit Housing 1 (SSH1)

### (a) Intent

The intent of this zone is to permit forms of residential development at a maximum density of up to two dwelling units and two secondary suites per parcel. This zone is intended to implement the Small Scale Multi-Unit Housing (SSMUH) legislation.

### (b) Uses

#### Permitted Uses

- (i) Residential Use
- (ii) Secondary Suite

#### Accessory uses

- (iii) Home Based Business

### (c) Maximum Number and Size of Buildings and Structures

(i)	Accessory building floor area	Combined floor area of 100 m <sup>2</sup> or 8% of area of parcel, whichever is greater, but shall not exceed 250 m <sup>2</sup> .
(ii)	Accessory building height	6.0 m
(iii)	Dwelling unit height	9.0 m
(iv)	Parcel coverage	35%
(v)	Density	
	(A) For parcels connected to community water and community sewer	a maximum of 2 dwelling units per parcel
	(B) For parcels not connected to both community water and community sewer	1 dwelling unit per 1.0 ha to a maximum of 2 per parcel

### (d) Minimum Setback Requirements

(i)	Exterior lot lines	5.0 m
(ii)	All other lot lines	2.0 m
(iii)	Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	

- |      |   |
|------|---|
| (iv) | Except that projections into the minimum required setbacks shall be permitted in accordance with Section 3.11(d).   |
| (v)  | No setback from an interior lot line shall be required for one accessory building not exceeding a floor area of 10 m <sup>2</sup> and with a maximum height of 3.0 m. |
| (vi) | on a corner parcel, then the regulations in Section 3.8 shall also apply.   |

#### 4.46.1 Small Scale Multi-Unit Housing 1 Sub-zones

The following sub-zones modify the regulations for this Zone as specified below and only apply to parcels identified in Schedule '3A' of this Bylaw.

Sub-zones	Modification(s)
(a) <b>SSH1.1</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.46 (c), the maximum parcel coverage is 60%.</li> <li>(ii) Despite 4.46 (d), the minimum setback requirements are as follows: <ul style="list-style-type: none"> <li>(A) Lot line adjacent to Bonnington Drive: 5.0 m</li> <li>(B) Interior lot line: 1.2 m</li> <li>(C) Lot line adjacent to Common Property: 2.0 m</li> </ul> </li> <li>(iii) Despite all other regulations of this Bylaw, no further subdivision shall be permitted.</li> <li>(iv) Despite 4.46 (b), a maximum of 1 Common Property Accessory Building, for use by the strata, may be placed within the Common Property area not being used for access or parking purposes, provided the building does not exceed 3.0 m in height nor a total floor area of 10.0 m<sup>2</sup>. All minimum setbacks are applicable.</li> <li>(v) Despite all other regulations of this Bylaw, Home Based Business is restricted to an office use wholly contained within a dwelling unit to a maximum of 20% of the dwelling unit floor area and where no portion of the Home Based Business is located in an attached garage.</li> </ul>
(b) <b>SSH1.2</b>	<ul style="list-style-type: none"> <li>(i) Despite 4.46 (b)(ii), Secondary Suite is not allowed.</li> <li>(ii) Despite 4.46 (c)(iii), the maximum dwelling unit height is as follows: <ul style="list-style-type: none"> <li>(A) Single Dwelling unit height is 9.0 m</li> <li>(B) Multiple Dwelling unit (two or more) height is 11.0 m</li> </ul> </li> <li>(iii) Despite 4.46 (c)(iv), Parcel coverage is 50%.</li> <li>(iv) Despite 4.46 (c)(v), Density is as follows:</li> </ul>

	<p>(A) For parcels connected to community water and community sewer, a maximum of 4 dwelling units per parcel.</p> <p>(B) For parcels not connected to both community water and community sewer, 1 dwelling unit per 1.0 ha to a maximum of 2 per parcel.</p>
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## 4.47 Bowser Village Comprehensive Development Zone 1 (CD1)

### (a) Uses

#### Permitted Uses

- (i) Retail Store
- (ii) Office
- (iii) Personal Service Use
- (iv) Restaurant
- (v) Tourist Store
- (vi) Recreation facility (excluding pool hall, bowling alley, curling, roller rink and swimming pool)
- (vii) Multiple Dwelling Unit Development
- (viii) Emergency Services

### (b) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units / hectare	5
(ii)	Height	10.0 m
(iii)	Parcel coverage	25%

### (c) Minimum Setback Requirements

- (i) All lot lines 5.0 m
- (ii) except where the adjoining parcel is zoned industrial or commercial than the setback from the common interior lot line may be reduced to zero.
- (iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.



## 4.48 Fairwinds Comprehensive Development Zone 2 (CD2)

### (a) Uses

#### Permitted Uses

- (i) Office
- (ii) Personal Service Use
- (iii) Recreation Facility
- (iv) Restaurant
- (v) Retail Store

### (b) Maximum Number and Size of Buildings and Structures

- |                     |   |
|---------------------|---|
| (i) Office          | The combined total floor area of all office uses must not exceed 375 m <sup>2</sup> |
| (ii) Restaurant     | The combined total floor area of all office uses must not exceed 100 m <sup>2</sup> |
| (iii) Retail Store  | The combined total floor area of all office uses must not exceed 100 m <sup>2</sup> |
| (iv) Height         | 12.0 m  |
| (v) Parcel coverage | 20%   |

### (c) Minimum Setback Requirements

- |  |       |
|--|-------|
| (i) All lot lines  | 5.0 m |
| (ii) Except where:   |       |
| (A) the adjoining parcel is zoned industrial or commercial than the setback from the common interior side lot line may be reduced to zero; |       |
| (B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,                     |       |
| (C) on a corner parcel, then the regulations in Section 3.8 shall also apply.  |       |

### (d) Other Regulations

- |   |  |
|---|--|
| (i) For the purpose of this zone, the use “office” is limited to: |  |
| (A) Real estate sales   |  |
| (B) Real estate information centre                                |  |

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(C) Management of business	
(ii)	For the purpose of this zone, “personal service use” is limited to fitness training services.
(iii)	In the event of inconsistency between any provision of this Zone and any other provision of this Bylaw, the provisions of this Zone will prevail.

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## 4.49 Horne Lake Comprehensive Development Zone 3 (CD3)

### (a) Uses

#### Permitted Uses

- (i) Recreational Residence or Recreational Vehicle
- (ii) Recreational Vehicle Storage Area

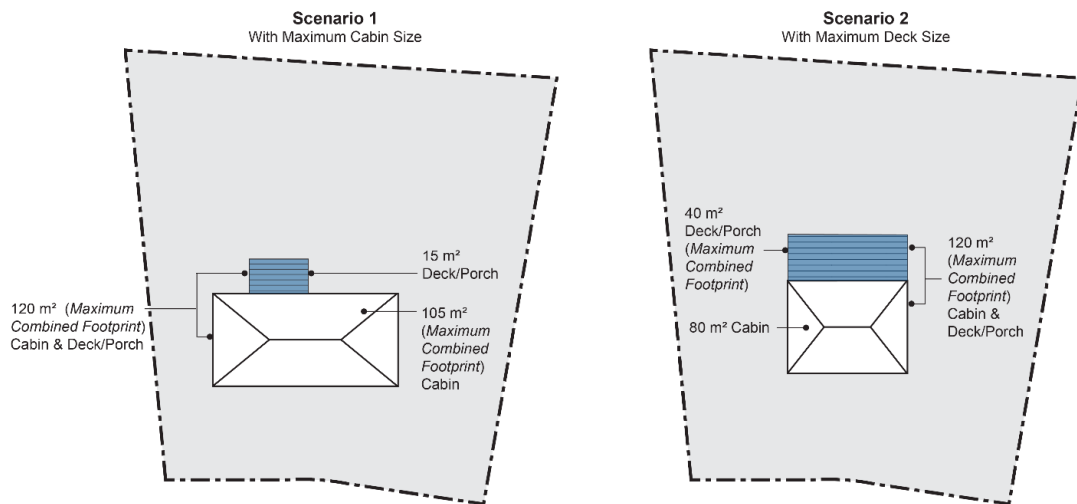
#### Accessory Uses

- (iii) Visitor Recreational Vehicle
- (iv) Temporary Accommodation

### (b) Maximum Number and Size of Buildings and Structures

(i)	Recreational Residence floor area	Up to a maximum of 105 m <sup>2</sup>
(ii)	Combined floor area for decks and porches	Up to a maximum of 40 m <sup>2</sup>
(iii)	Notwithstanding (i) and (ii) above, the maximum combined footprint of the recreational residence, deck, and porch generally as shown in figure 25 below	120 m <sup>2</sup>

Figure 25. Combined floor area.



(iv)	Combined floor area of accessory buildings	30 m <sup>2</sup>
(v)	Accessory building height	6.0 m
(vi)	Recreational Residence per parcel or bare land strata parcel	1

(vii)	Recreational Residence height	8.0 m and 2 storeys
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**(c) Minimum Setback Requirements**

(i)	Exterior lot lines	5.0 m
(ii)	All Other Lot Lines	1.5 m
(iii)	Setbacks from Horne Lake and all watercourses	15.0 m from the natural boundary or where a bank is within 15 m of the natural boundary, 15.0 m from the top of the bank, whichever is greater., subject to the variances and conditions authorized by Development Permit 0120.
(iv)	On a corner parcel, the regulations in Section 3.8 shall also apply.	

**(d) Other Requirements**

- (i) All portions of a Recreational Residence located below the Flood Construction Level as defined by “Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023”, as amended or replaced from time to time, shall be limited to a Crawl space or remain fully unenclosed and not enclose habitable or occupiable storage space generally as shown in figure 26 and 27 below.

*Figure 26. Acceptable recreational residence unenclosed solutions.*

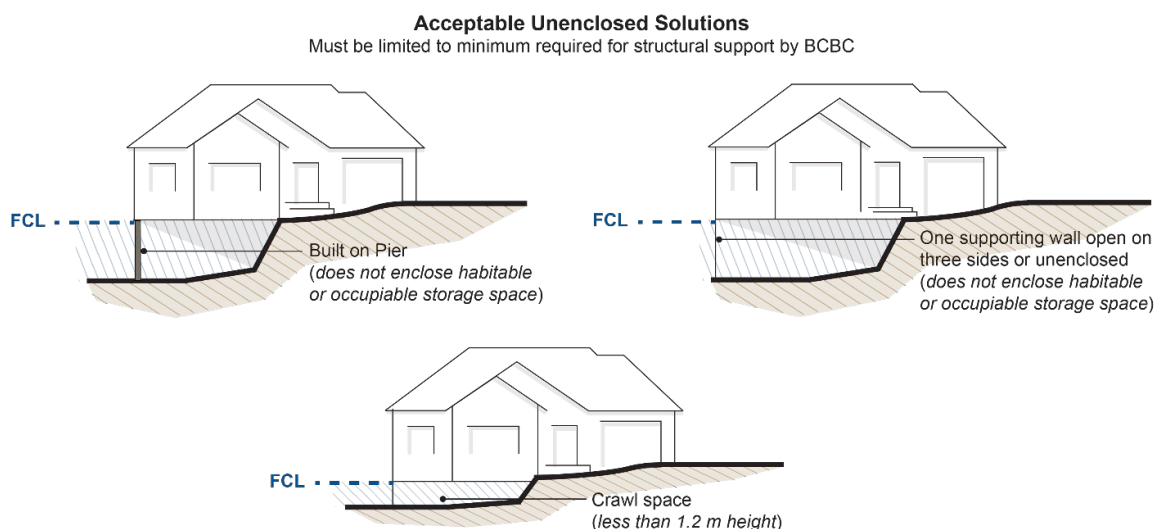
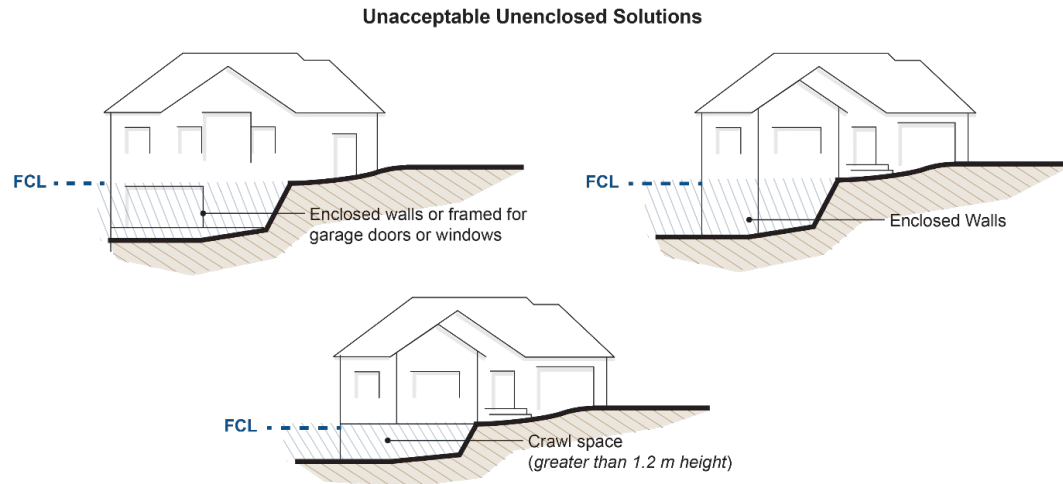


Figure 27. Unacceptable recreational residence unenclosed solutions.



- (ii) No further subdivision is permitted.
- (iii) A visitor recreational vehicle for a given cabin may be located on site for no more than 4 consecutive days within a week with the exception that one visit within a calendar year may extend up to 90 consecutive days.
- (iv) No more than 2.02 ha of land within the Horne Lake Comprehensive Development Zone 3 shall be used for recreational vehicle storage.
- (v) The area of land used for recreational vehicle storage shall form one contiguous area and vehicle storage shall not take place in different locations within this zone.
- (vi) The area of land used for recreational vehicle storage shall not be closer than 30 m from the natural boundary of Horne Lake, 30 m from the top of a bank adjacent to a watercourse and 5 m from any other parcel line.
- (vii) The keeping of animals for agricultural purposes is not permitted in this zone.
- (viii) In the event of inconsistency between any provision of this and any other provision of this Bylaw, the provisions of this Zone will apply and the other provision will not apply to the extent of the inconsistency.
- (ix) **Temporary accommodation** means the occupation of a recreational residence for fewer than 180 consecutive days in a calendar year and fewer than 240 days in total during the same calendar year.
- (x) **Storey** means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above.

- 
- (xi) Notwithstanding the definition of floor area contained in this bylaw, unenclosed areas underneath a recreational residence, a deck, or a porch shall not be included in the calculation of recreational residence floor area.
- 

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## 4.50 Rondalyn Resort Comprehensive Development Zone 4 (CD4)

### (a) Uses

#### Permitted Uses

- (i) Recreational Vehicle Park

#### Accessory uses

- (ii) Any recreation and service uses that are incidental to the Recreational Vehicle Park use intended for the sole use of the RV Park visitors and residents

### (b) Number and Size of Buildings and Structures

(i)	Recreational Vehicle Park	Maximum of 90 RV / camping spaces developed in accordance with Section 3.23 Campground Regulations and Standards
(ii)	Dwelling units / parcel	2
(iii)	Height	9.0 m
(iv)	Parcel coverage	10%

### (c) Minimum Setback Requirements

(i)	Exterior lot lines	8.0 m
(ii)	All other lot lines	2.0 m
(iii)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply;	
(iv)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	
(v)	and except for one freestanding sign that meets the requirements of Section 3.27 within the required setback.	

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## 4.51 Englishman River (Block 564) Comprehensive Development Zone 5 (CD5)

### (a) Uses

#### Permitted Uses

- (i) Residential Use
- (ii) Agriculture use, within that part of the zone within the ALR

#### Accessory uses

- (iii) Secondary Suite
- (iv) Home Based Business

#### Density and Park Amenity

- (i) The maximum number of parcels that may be created by subdivision shall be:
  - (A) 158 where the Regional Park amenity referred to in subsection (ii) below is provided to the Regional District; or
  - (B) 36 parcels where the Regional Park has not been provided.
- (ii) The Regional Park amenity is the transfer of the following portions of the lands legally described as the Remainder of Block 564, Nanoose District, Except That Part Shown Outlined in Red on Plan 613-R and Except Parts in Plans 360RW, 3132RW, 31833, 39893, 42873, VIP66068, VIP67422, VIP69511 and VIP71158 (The Remainder of Block 564, Nanoose District) for Regional Park:
  - (A) A greenway corridor not less than 15.0 m in width linking a minimum of one (1) accessible location from the top of the bank of the Englishman River to the two (2) locations where Craig Creek crosses the lands and to the location of the unnamed wetland located near the south boundary of the lands;
  - (B) The Craig Creek Corridor and that part of the land east and south of Craig Creek situated west of the Island Highway, including the Bed of the Creek and a minimum 30.0 m as measured from the top of the bank of the Creek;
  - (C) That portion of land located between DL 57, Nanoose District and the Island Highway that includes all of the area 200 m south of the Remainder of DL 40 Nanoose District;
  - (D) That portion of land located between the east boundary of DL 57, Nanoose District and the top of the bank of the Englishman River Valley;
  - (E) A 30.0m wide strip of land located adjacent to the west side of the Island Highway from the south boundary of the Remainder of DL 40, Nanoose District to Kaye Road; and
  - (F) vi) A 30.0 m wide strip of land located west of that portion of Lot 1, Block 564 and DL 171 Nanoose District Plan VIP71158 that fronts the Island Highway.

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**(b) Maximum Number and Size of Buildings and Structures**

(i)	Accessory buildings	Combined floor area 400 m <sup>2</sup>
(ii)	Dwelling units / parcel	1
(iii)	Height	9.0 m
(iv)	Parcel coverage	10%

**(c) Minimum Setback Requirements**

(i)	Watercourse	30.0 m
(ii)	Top of bank adjacent to a watercourse	15.0 m
(iii)	All other lot lines	8.0 m
(iv)	Where the top of the bank adjacent to a watercourse is within 30.0 m of the natural boundary of a watercourse then the setback shall be a minimum of 30.0 m from the natural boundary of the watercourse or 15.0 m from the top of the bank, whichever is greater.	
(v)	On a corner parcel, the regulations in Section 3.8 shall also apply.	

**(d) Minimum Parcel Size**

(i)	For a parcel with a connection to a community water system	1.0 ha
(ii)	For a parcel without a connection to a community water system or community sewer system	8.0 ha

**(e) Other Regulations**

(i)	For the purpose of this zone:	
	(A)	Where land in this zone is not within the ALR, the keeping of animals, as set out in Section 3.6 of this Bylaw is further restricted to a maximum of 2 livestock animals that may be kept on a parcel at the same time except that no livestock shall be kept on those parcels that front the public lands adjacent to the Englishman River and South Englishman River.
	(B)	Home Based Business Use - the regulations set out in Section 3.15 applicable to the Rural 5 zone apply to this zone.

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(f) **Community Water System Standards Applicable to this zone**

---

- (i) For the purpose of this zone:
    - (A) The design population to be used in calculating water demand shall be 553 persons.
    - (B) The water supply quality shall meet or exceed both potable and aesthetic standards according to the current Canadian Drinking Water Standard.
    - (C) The ground water supply source shall provide for a minimum demand of 100 imperial gallons per minute developed in accordance with Section 5.7 of this Bylaw.
    - (D) The reservoir size for water storage shall be a minimum of 150,000 imperial gallons and may be located outside the CD5 zone provided the site area of the reservoir and access to the site is secured by statutory right-of-way.
    - (E) The standard for fire hydrant distribution\ shall be the spacing of fire hydrants such that the maximum distance from a hydrant to the centroid of any parcel measured along the centreline of the highway and perpendicular to a highway, is 300 m.
    - (F) No community wells shall produce less than 30 imperial gallons per minute.
- 

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## 4.52 Horne Lake Regional Park Comprehensive Development Zone 6 (CD6)

### (a) Uses

#### Permitted Uses

- (i) Wilderness Campground
- (ii) Outdoor Wilderness Recreation
- (iii) Tourist Accommodation
- (iv) Day Use Recreation
- (v) Group Camping
- (vi) Public Assembly

#### Accessory Uses

- (vii) Accessory Office, Building and Structures
- (viii) Boat Ramp
- (ix) Residential Use
- (x) Tourist Store
- (xi) Visitor Centre

### (b) Maximum Number and Size of Buildings and Structures

(i)	Wilderness Campground	Maximum of 125 individual camp sites and a maximum of 75 camping parties within 3 group camping areas subject to the regulations of this zone
(ii)	Tourist Accommodation	Maximum 10 units and shall not exceed 35 m <sup>2</sup> in floor area per unit excluding a 7.5 m <sup>2</sup> deck
(iii)	Dwelling Units / Parcel	1
(iv)	Dwelling Unit Height	8.0 m as measured above the flood construction elevation pursuant to the regulations of this zone
(v)	Accessory Buildings	Combined floor area of 500 m <sup>2</sup>
(vi)	Accessory horse boarding stable	Maximum of 10 stalls not exceeding 5 m <sup>2</sup> in floor area per stall
(vii)	Tourist Store	Maximum of 20 m <sup>2</sup> in floor area

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(viii)	Accessory Building / Structure Height	8.0 m as measured above the flood construction elevation pursuant to the regulations of this zone except for zip line
(ix)	Parcel coverage	30%

**(c) Minimum Setback Requirements**

(i)	Buildings and structures for housing livestock or for storing manure:	
	(A) All lot lines	30.0 m
	(B) Horne Lake	30.0 m to natural boundary
	(C) Qualicum River	30.0 m to natural boundary
	(D) Internal access roads	30.0 m
(ii)	All other buildings, structures, camp sites, campground services (internal roads, parking, water, and waste disposal systems)	
	(A) All lot lines	8.0 m
	(B) Horne Lake	30.0 m to natural boundary
	(C) Qualicum River	30.0 m to natural boundary

**(d) Campground Layout Standards and Parking Requirements**

(i)	Individual Camp Sites	
	(A) Every camp site shall have a minimum area of not less than 110m <sup>2</sup> .	
	(B) Every camp site shall have a maximum slope of five percent.	
	(C) No camp site shall be located within:	
	(1) 3.0 m of another camp site; and	
	(2) the setback areas established pursuant to Section 4.52 (c) of this Bylaw.	
	(D) Each individual camp site shall have one conveniently located parking space adjacent to the internal access road and may be sited in the area allotted for the 3.0 m internal road access setback.	
	(E) No recreation vehicle or tent shall be located elsewhere in a campground than on a camp site or group camp site.	
	(F) No more than one camping party shall be permitted in one camp site.	
(ii)	Group Camp Area	

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<p>(A) A maximum of 3 group camping areas with a combined area of 3.0 ha is permitted.</p> <p>(B) A maximum of 75 camping parties are permitted in the 3 group camping areas.</p> <p>(C) A maximum of 2 vehicles per camping party may park within the group camping area.</p> <p>(D) Each group camp area shall have a minimum of a 5 m wide vegetated buffer.</p> <p>(E) Each group camping area shall have a centralized fire pit.</p> <p>(F) Each group camp area shall have a maximum slope of five percent.</p> <p>(G) No recreation vehicle or tent shall be located elsewhere in a campground than on a group camp site.</p> <p>(H) No group camp site shall be located within:</p> <p style="padding-left: 40px;">(1) 3.0 m of another camp site; and</p> <p style="padding-left: 40px;">(2) the setback areas established pursuant to Section 4.52 (c) of this Bylaw.</p>	Part 1 Administration
<p>(iii) Buffer Area</p> <p>(A) Day use recreation is permitted within the setback pursuant to the Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023.</p>	Part 2 Interpretation
<p>(iv) Internal Access Roads</p> <p>(A) All internal access roads shall be of hard durable surface or treated so as not to produce dust.</p> <p>(B) The minimum internal access road width shall be 6.0 m</p> <p>(C) Dead-end internal access roads and cul-de-sacs shall have a turning radius of 12.0 m.</p>	Part 3 Land Use Regulations
<p>(v) Day Use and Trailer Parking</p> <p>(A) These requirements do not apply to parking spaces pursuant to subsection 4.52 (d) (i) (4) and to subsection 4.52 (d) (ii) (3)</p> <p>(B) Parking requirements shall be in accordance with Section 3.22 of this Bylaw.</p> <p>(C) Employee parking:</p> <p style="padding-left: 40px;">(1) A minimum of one parking space for each employee shall be provided.</p> <p style="padding-left: 40px;">(2) A minimum of three parking spaces for the managers residence shall be provided.</p>	Part 4 Zones
<p>(e) <b>Campground Servicing</b></p>	Part 5 Subdivision Regulations
<p>(i) Toilet Facilities</p> <p>(A) Shall be located:</p>	Part 6 Development Permit Areas

<p>(1) a maximum of 150 m from any individual camp site or group camping area;</p> <p>(2) a minimum of 4.5 m from any camp site;</p> <p>(3) a minimum of 15 m from any drinking water source or surface water;</p> <p>(4) a minimum of 3 m from any building, internal access road or water supply pipe, and</p>	Part 1 Administration
<p>(B) A minimum of 4 toilets shall be provided for every 30 potential camping parties; and</p> <p>(C) Where holding tanks are utilized for toilets they shall be sealed and have a minimum capacity 200 gal.</p> <p>(D) A minimum of 2 toilets shall be wheelchair accessible and located adjacent to the primary day use area.</p>	Part 2 Interpretation
<p>(ii) Sewage Disposal Station (Sani-dump)</p> <p>(A) One sewage disposal station for use by recreational vehicles shall:</p> <p>(1) be established once the number of potential camping parties with recreational vehicles exceeds 100</p> <p>(2) be located:</p> <p>(a) in the North Park;</p> <p>(b) a maximum of 150 m from any individual camp site or group camping area;</p> <p>(c) a minimum of 4.5 m from any camp site;</p> <p>(d) a minimum of 15 m from any drinking water source or surface water; and</p> <p>(e) a minimum of 3.0 m from any building, internal access road or water supply pipe.</p>	Part 3 Land Use Regulations  Part 4 Zones
<p>(iii) Water System</p> <p>(A) Potable water shall be provided in compliance with the <i>Drinking Water Protection Act</i> and the <i>Drinking Water Protection Regulation</i>.</p>	Part 5 Subdivision Regulations
<p>(iv) Garbage Disposal and Recycling</p> <p>(A) Large communal garbage and recycling facilities shall be centrally located in the North and South Park;</p> <p>(B) Small garbage and recycling receptacles shall be located in all day use areas; and</p> <p>(C) All garbage and recycling facilities and receptacles shall be animal and insect proof.</p>	Part 6 Development Permit Areas

(f) **Other Regulations**

For the purpose of this zone:

- (i) “Adventure Camp” means an outdoor wilderness recreation program area including one group camping area.
- (ii) “Camp site (Individual)” means an area within a campground used by one camping party for tents or recreational vehicles.
- (iii) “Camping Party” means a maximum of eight (8) persons including no more than four (4) adults, an adult being a person 16 years of age or over.
- (iv) “Day Use Recreation” means an area consisting of largely of open space, which may include picnic area, playground, gazebo, docks and wharves, or similar use but shall not include a campground.
- (v) “Group Camping Area” means an area used for camping by more than one camping party and shall include the Adventure Camp.
- (vi) “Outdoor Wilderness Recreation” means a recreational activity undertaken where the outdoor setting and natural landscape is a significant element in the activity, where there is no significant alteration of the land, where there is no hydro service, and the density of recreational users is not a significant element and includes obstacle course, zip line course, orienteering, horse boarding and trail rides, trails, day use recreation.
- (vii) “Temporary accommodation” means the occupation of a camp site to a maximum of 28 days in total per year by any one camping party.
- (viii) “Tourist accommodation” means a one-storey building with a heat source and with no provision for cooking, sanitation or permanent residential occupancy.
- (ix) “Tourist Store” means a detached accessory building or portion of an accessory building that sells supplies and pre-packaged dry goods catering to park users and specifically prohibits the preparation of food.
- (x) “Visitor Centre” means a place in a fully enclosed building for the purposes of viewing or displaying information and exhibits related to natural and cultural history, the natural environment, and wilderness recreation, and where such display is intended, in part, to serve the educational and cultural needs of the community as a whole.
- (xi) “Wilderness campground” means an area in Horne Lake Regional Park without hydro service that provides for the temporary accommodation of travelers using tents, tent trailers, or recreational vehicles and specifically excludes a manufactured home park or hotel.

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## 4.53 South Wellington Light Industrial Comprehensive Development Zone 7 (CD7)

### (a) Uses

#### Permitted Uses

- (i) Light Industry
- (ii) Manufacturing Use
- (iii) Recreational Vehicle Sales and Storage
- (iv) Residential Use
- (v) Moving Truck and Moving Trailer Rentals

### (b) Number and Size of Buildings and Structures

- |       |                         |       |
|-------|-------------------------|-------|
| (i)   | Height                  | 8.0 m |
| (ii)  | Parcel coverage         | 60%   |
| (iii) | Dwelling Units / parcel | 1     |

### (c) Minimum Setback Requirements

- |       |  |       |
|-------|--|-------|
| (i)   | Exterior lot lines   | 5.0 m |
| (ii)  | All other lot lines  | 2.0 m |
| (iii) | On a corner parcel, the regulations in Section 3.8 shall also apply. |       |

### (d) Regulation of Signs

- |       |  |
|-------|--|
| (i)   | Within this zone, a maximum of two (2) freestanding signs shall be permitted adjacent to the Trans Canada Highway and one (1) freestanding entrance sign shall be permitted adjacent to South Wellington Road. |
| (ii)  | No freestanding sign adjacent to the Trans Canada Highway shall exceed a maximum width of 5.5 m or height of 6.1 m as measured from natural grade.   |
| (iii) | The combined sign surface area of all sides of all freestanding signs adjacent to the Trans Canada Highway shall not exceed 35.3 m <sup>2</sup> .  |
| (iv)  | The freestanding entrance sign permitted adjacent to South Wellington Road shall not exceed a height nor width of 5.0 m and the combined sign surface area of all sides shall not exceed 11.0 m <sup>2</sup> . |

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(v)	One fascia sign not exceeding twenty five percent (25%) of each tenant's store front shall be permitted and each fascia sign shall not exceed a maximum sign face area of 7.0 m <sup>2</sup> .
(vi)	No additional freestanding signs shall be permitted.
(vii)	The use of banners, ribbons, flags, on-site display props, streamers, pennants, or mobile signs are prohibited.
(viii)	Signs may be illuminated internally or externally and the use of neon lighting or blinking or flashing lights is prohibited.

**(e) Other Regulations**

For the purpose of this zone:

(i)	Manufacturing Use means the assembling and manufacturing of a product or products in a building only and may include indoor accessory retail sales of the product(s) produced to a maximum of ten percent (10%) of the floor area of the building and may include an accessory office use.
(ii)	Recreational Vehicle Sales or Storage means the use of land or buildings for the sale or storage of recreational vehicles to a maximum of ten percent (10%) of the area of the parcel and is permitted only in the hatched area as shown in Schedule 2 of this zone.
(iii)	Moving Truck and Moving Trailer Rentals means the use of land and or buildings for the rental of moving trucks and moving trailers excluding passenger cars and trucks to the general public. The parking of moving trucks and moving trailers is permitted only in hatched area as shown in Schedule 2 of this zone.
(iv)	The Recreational Vehicle Sales or Storage area must be clearly separated from the remainder of the parcel and other uses by landscaping and or fencing or combination of the above to create a continuous barrier at least 1.0 m in height, excluding entrances.
(v)	The Recreational Vehicle Sales or Storage area must be screened from view along all external property lines with landscaping and or fencing to meet or exceed the following landscaping criteria: <ul style="list-style-type: none"> <li>(A) landscaping shall be provided to the satisfaction of the Regional District of Nanaimo along the perimeter of the Recreational Vehicle Sales and Storage Area, and shall include, a minimum of seventy-five percent (75%) screening from grade level to a height of 3.0 m and at least twenty-five percent (25%) screening from a height of 3.0 m to 5.0 m above grade;</li> </ul>

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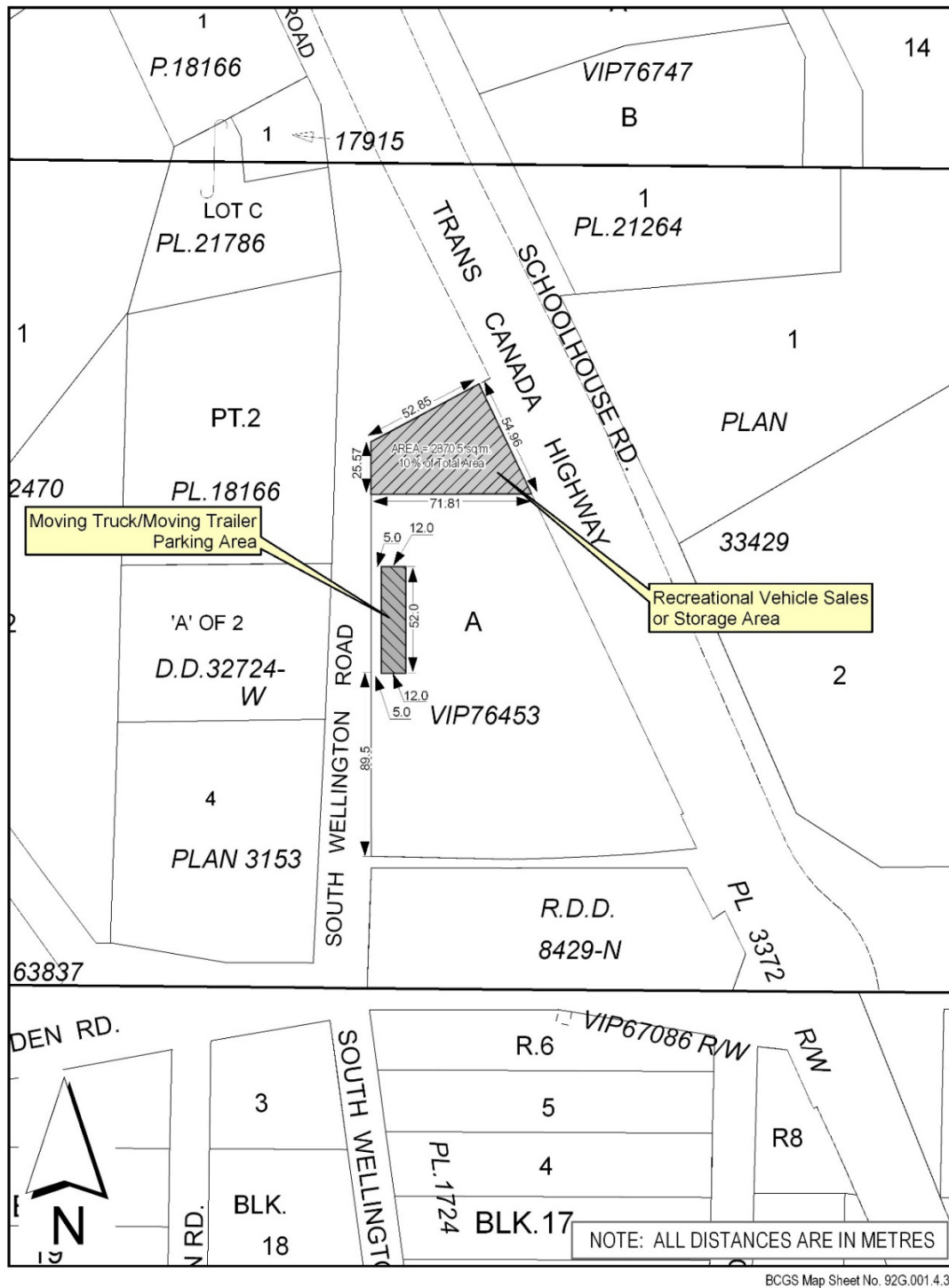
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<p>(B) provided the overall density of vegetation is provided, landscaping adjacent to Schoolhouse Road may be grouped. No other landscaping on site may be grouped;</p> <p>(C) landscaping shall include planting one evergreen tree for every 3.0 m of parcel frontage; and</p> <p>(D) all landscaping abutting parking or other vehicle access areas on site shall be protected by a permanent curb a minimum of 15 cm in height to protect landscaping from potential vehicular damage.</p>	<b>Part 1</b> Administration
<p>(vi) The Recreational Vehicle Sales or Storage area and the Moving Truck and Moving Trailer parking area must be clearly separated from the remainder of the parcel and other uses by landscaping and or fencing or combination of the above to create a continuous barrier at least 1.0 m in height, excluding entrances.</p>	<b>Part 2</b> Interpretation
<p>(vii) The Moving Truck and Moving Trailer parking area shall be screened from view from South Wellington Road by a vegetated buffer a minimum of 5.0 m in width.</p>	<b>Part 3</b> Land Use Regulations
<p>(viii) Except where varied by this zone, landscaping shall be provided in accordance with Section 3.7 Landscaping Regulations and Standards of this Bylaw.</p>	
<p>(ix) Except for the Recreational Vehicle Sales and Storage and Moving Truck and Moving Trailer Rentals located in the hatched area as shown in Schedule 2 of this zone, all uses must be fully contained within a building.</p>	
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# Comprehensive Development Zone CD7

## Schedule 2



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## 4.54 Cedar Estates Comprehensive Development Zone 8 (CD8)

### (a) Uses in Area A

#### Permitted Uses

- (i) Residential Use

#### Accessory Uses

- (ii) Secondary Suite
- (iii) Home Based Business

### (b) Maximum Number and Size of Buildings and Structures in Area A

(i)	Accessory buildings	Combined floor area of 100 m <sup>2</sup>
(ii)	Accessory building height	5.0 m
(iii)	Dwelling Units / parcel	1
(iv)	Dwelling unit height	9.0 m
(v)	Parcel coverage	40%

### (c) Minimum Setback Requirements in Area A

(i)	Exterior lot lines	5.0 m
(ii)	All other lot lines	1.5 m

On a corner parcel, then the regulations in Section 3.8 shall also apply.

### (d) Other Regulations in Area A

(i)	Minimum parcel size:	440 m <sup>2</sup> with community water and sewer system. No subdivision permitted without full community services.
(ii)	Parking requirements:	Minimum 2 parking spaces per unit to be developed in accordance with Section 3.22 of the Bylaw.
(iii)	Home Based Businesses	Uses are restricted to those uses permitted in the RS1 zone for parcels less than 2000 m <sup>2</sup> in area.

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(e) **Uses in Area B**

**Permitted Uses**

- (i) Residential Use
- (ii) Home Based Business

(f) **Maximum Number and Size of Buildings and Structures in Area B**

- |       |                           |   |
|-------|---------------------------|---|
| (i)   | Accessory buildings       | Combined floor area of 150 m <sup>2</sup> |
| (ii)  | Accessory building height | 9.0 m                                     |
| (iii) | Dwelling Units / parcel   | 2   |
| (iv)  | Dwelling unit height      | 9.0 m                                     |
| (v)   | Parcel coverage           | 40%                                       |

(g) **Minimum Setback Requirements in Area B**

- |      |                     |       |
|------|---------------------|-------|
| (i)  | Exterior lot lines  | 5.0 m |
| (ii) | All other lot lines | 1.5 m |

(h) **Other Regulations in Area B**

- |       |                       |  |
|-------|-----------------------|--|
| (i)   | Minimum parcel size:  | 500 m <sup>2</sup> with community water and sewer system. No subdivision permitted without full community services.  |
| (ii)  | Parking requirements: | Minimum 2 parking spaces for the first dwelling unit, and 1 parking space for the second dwelling unit, to be developed in accordance with Section 3.22 of the Bylaw.  |
| (iii) | Second dwelling unit  | The 2 <sup>nd</sup> dwelling unit is considered an accessory use to the first dwelling unit and is permitted in an accessory building. The second dwelling unit may have a maximum floor area of 75 m <sup>2</sup> . |
| (iv)  | Home Based Businesses | Uses are restricted to those uses permitted in the RS1 zone for parcels less than 2000 m <sup>2</sup> in area.   |

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(i) **Uses in Area C**

**Permitted Uses**

- (i) Personal Care
- (ii) Accessory Convenience Store and Personal Service Use

(j) **Maximum Number and Size of Buildings and Structures in Area C**

- |       |                        |  |
|-------|------------------------|--|
| (i)   | Personal Care Facility | A maximum of one facility containing up to 75 personal care units with a combined maximum occupancy of 75 persons per parcel with community water and community sewer system |
| (ii)  | Height                 | 9.0 m  |
| (iii) | Parcel coverage        | 40%  |

(k) **Minimum Setback Requirements in Area C**

- |      |                           |       |
|------|---------------------------|-------|
| (i)  | All lot lines             | 6.0 m |
| (ii) | Setback from Plan R573 RW | 6.0 m |

(l) **Other Regulations in Area C**

- |       |  |   |
|-------|--|---|
| (i)   | Minimum parcel size:                                 | 4600 m <sup>2</sup> with community water and sewer system. No subdivision permitted without full community services.  |
| (ii)  | Personal Care  | Shall not accommodate more than 75 persons in residence.  |
| (iii) | Accessory Convenience Store and Personal Service Use | Are permitted only as accessory uses to Personal Care Units and in the same building as Personal Care Units and may not exceed a combined floor area of 50 m <sup>2</sup> . |
| (iv)  | Parking requirements:                                | Minimum 1 parking space per 3 units, or which 25% may be small car spaces to be developed in accordance with Section 3.22 of the Bylaw.                                     |

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## 4.55 Nanoose Bay Village Centre Comprehensive Development Zone 9 (CD9)

### (a) Uses

#### Permitted Uses

- (i) Convenience Store
- (ii) Office
- (iii) Personal Service Use
- (iv) Restaurant
- (v) Retail Store
- (vi) Tourist Store

### (b) Number and Size of Buildings and Structures

(i)	Phase 1 Building:	3115 m <sup>2</sup> maximum total floor area as follows: Level 1 – maximum 1255 m <sup>2</sup> ; Level 2 – maximum 1255 m <sup>2</sup> ; and Level 3 – maximum 605 m <sup>2</sup>
(ii)	Phase 2 Building	2335 m <sup>2</sup> maximum total floor area
(iii)	Accessory Building	49 m <sup>2</sup> maximum total floor area
(iv)	Maximum Height of Buildings and Structures	14.0 m
(v)	Maximum Height of Clock Tower	6.0 m
(vi)	Maximum Parcel coverage	40%
(vii)	Minimum parcel size	6880 m <sup>2</sup>

### (c) Minimum Setback Requirements

(i)	Lot lines adjacent to Northwest Bay Road including corner cut off	10.0 m
(ii)	Lot lines adjacent to Powder Point Road	5.0 m

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(iii)	Lot lines adjacent to Lot 2, District Lot 6, Nanoose District, Plan VIP50996	0.0 m
(iv)	Lot lines adjacent to Lot "A", District Lot 6, Nanoose District, Plan 13317 except that part (Road only) in Plan 49094	5.0 m

**(d) Other Regulations**

For the purpose of this zone the following regulations apply:

(i)	The site shall be developed in accordance with Schedule No. A - Roof & Site Plan prepared by Chow Low Hammond Architects Inc. and dated November 7, 2007 attached to and forming part of this zone.	
(ii)	The Phase 1 Building shall be constructed in accordance with Schedule No. B - Elevations Plan prepared by Chow Low Hammond Architects Inc. and dated June 7, 2007 attached to and forming part of this zone.	
(iii)	The landscaping shall be constructed in accordance with Schedule No. C – Conceptual Landscape Plan Consisting of Pages 1 and 2 prepared by Victoria Drakeford Landscape Architect and dated April 18/07 attached to and forming part of this zone.	
(iv)	Off-Street Parking Requirements shall be as follows:  (A) A minimum of 107 parking spaces shall be provided and constructed in accordance with the Section 3.22 of this Bylaw in association with the Phase 1 Building.  (B) A minimum of 40 parking spaces shall be provided and constructed to Bylaw No. 500, 1987 standard in association with the Phase 2 Building.	
(v)	Despite Section 3.22 of this Bylaw, a maximum of 67 off-street parking spaces of the required off-street parking spaces may be located on Lot 2, District Lot 6, Nanoose District, Plan VIP50996.	
(vi)	Despite Section 3.22 of this Bylaw, the minimum setback requirement for parking spaces adjacent to the corner cutoff of Northwest Bay Road shall be 3.0 m.	
(vii)	A minimum of one (1) off-street loading space shall be provided and constructed in accordance with the Section 3.22 of this Bylaw.	

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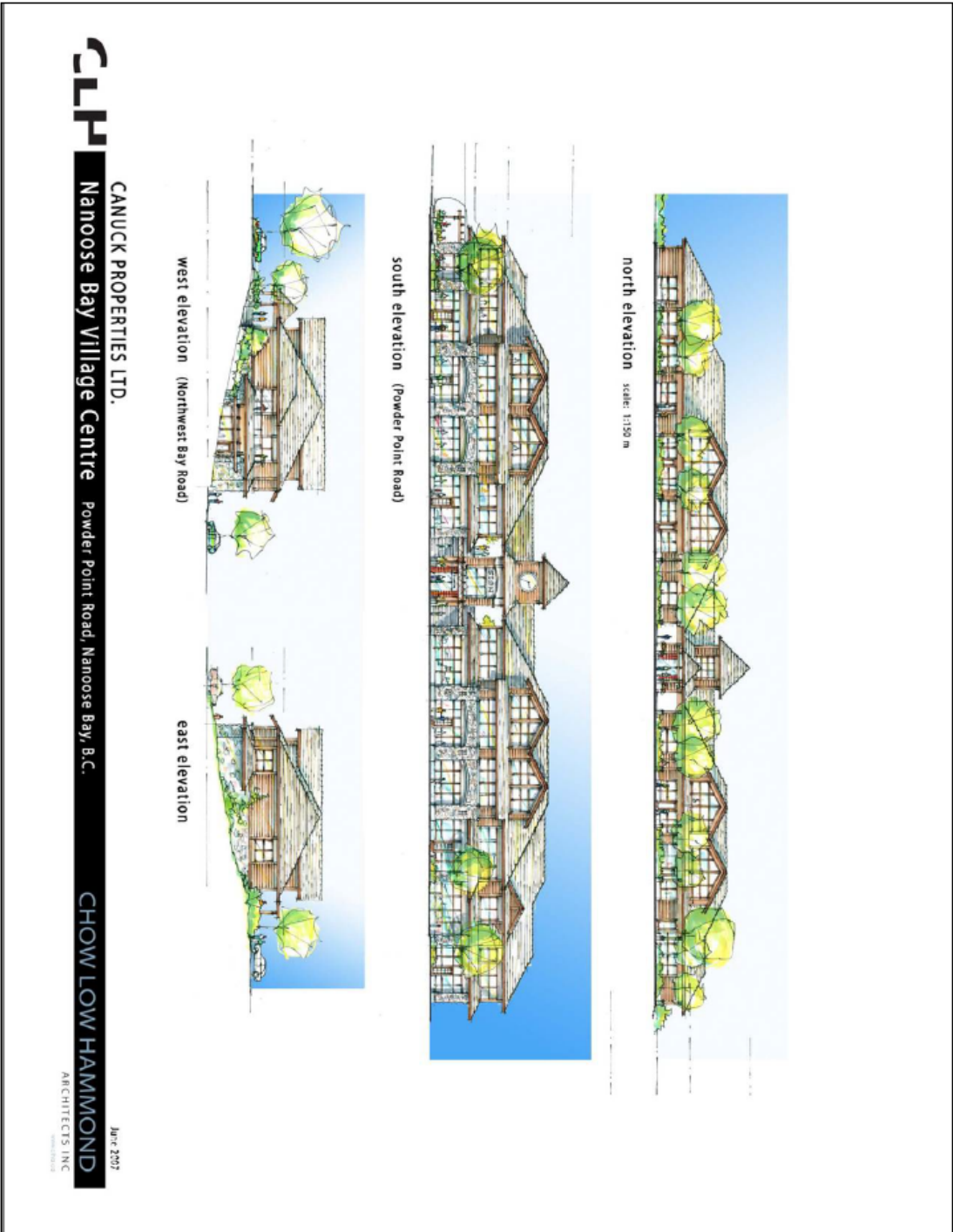
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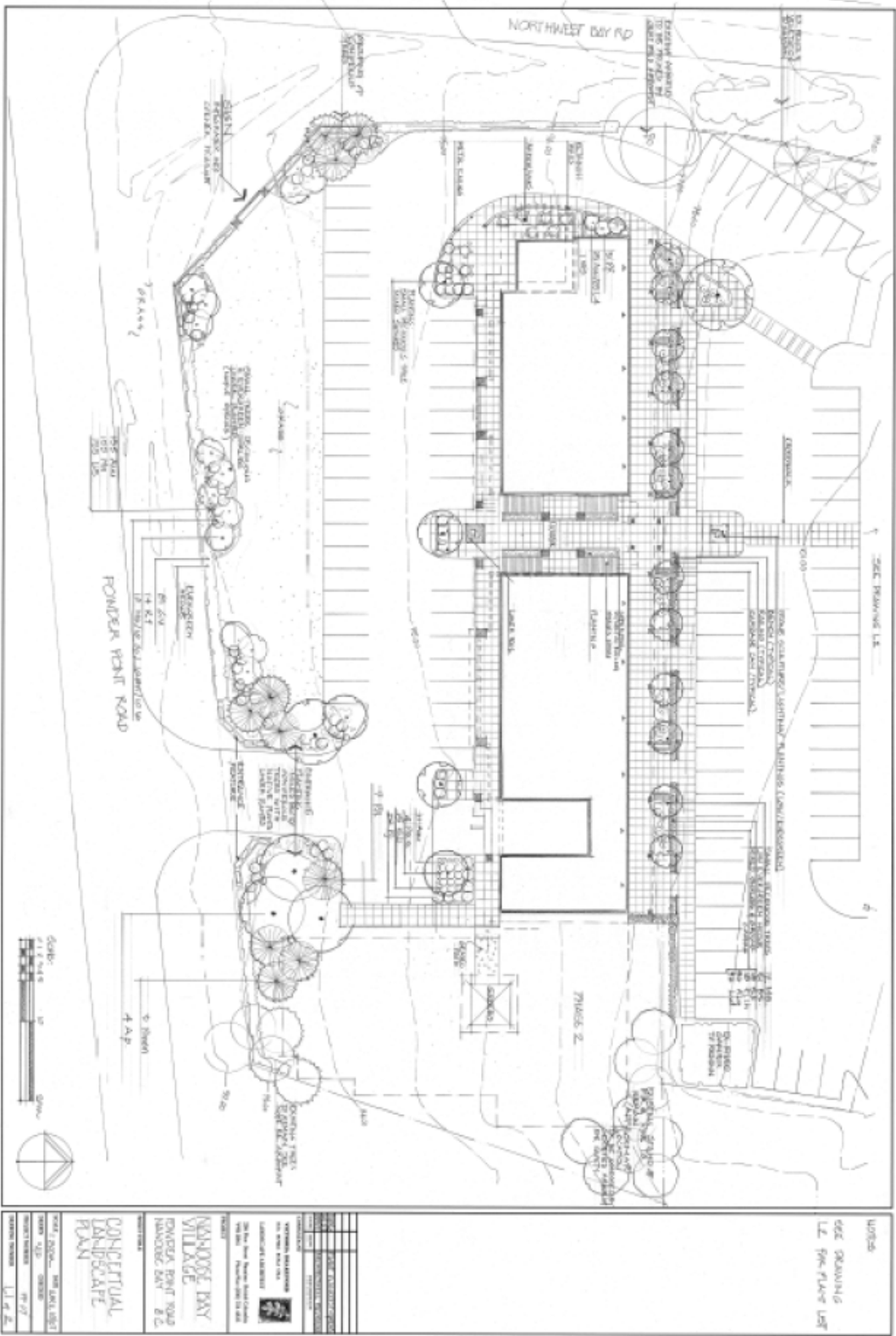
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Comprehensive Development Zone CD9

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# Comprehensive Development Zone CD9

## Schedule No. C (Page 2 of 2)



## 4.56 Horne Lake Road Comprehensive Development Zone 10 (CD10)

### (a) Uses

#### Permitted Uses

- (i) Residential Use
- (ii) Temporary Recreational Vehicle Use
- (iii) Manufactured Home Park

### (b) Maximum Number and Size of Buildings and Structures

- (i) The Maximum number and type of dwelling units permitted shall be:
  - (A) Nineteen (19) dwelling units, thirteen (13) of which must be manufactured homes
  - (B) Manufactured homes must not exceed a maximum width of 7.5 m.
  - (C) The maximum combined floor area of all dwelling units other than manufactured homes shall not exceed 340 m<sup>2</sup>
- (ii) The maximum dwelling unit height shall be 8.0 m.
- (iii) The maximum number and type of accessory buildings shall be:
  - (A) One (1) accessory building per dwelling unit with a maximum floor area of 10.0 m<sup>2</sup>.
  - (B) Accessory building height shall not exceed 3.0 m.
  - (C) The maximum combined floor area of all common accessory buildings shall not exceed 100.0 m<sup>2</sup>.
  - (D) Common accessory building height shall not exceed 8.0 m.
- (iv) No building or structure additions are permitted to Manufactured Homes, except as follows:
  - (A) One (1) porch/deck addition per manufactured home not exceeding:
    - (1) a maximum floor area of 50.0 m<sup>2</sup> for existing deck/porch additions, excluding wheelchair ramps, and
    - (2) a maximum floor area of 25.0 m<sup>2</sup> for new decks/porches or additions to existing decks/porches provided the combined total floor area of the deck/porch does not exceed 25.0 m<sup>2</sup>, excluding wheelchair ramps.
  - (B) One (1) set of stairs to a secondary access not exceeding an area of 2.0 m<sup>2</sup>.

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**(c) Minimum Setback Requirements**

(i) For all existing building and structures:

(A) Exterior lot line	2.4 m
(B) North interior side lot line	0.9 m
(C) South and east interior lot lines	4.0 m

(ii) All new buildings or structures, or additions or alterations to existing buildings or structures:

(A) Exterior lot line	5.0 m
(B) North interior side lot line	2.0 m
(C) South and east interior lot lines	4.0 m

(iii) All buildings and structures must be separated by a minimum of 2.0 m.

**(d) Other Regulations**

For the purpose of this zone:

(i) Temporary Recreational Vehicle Use means the use of land in designated recreational vehicle spaces for use by the traveling public and shall be limited to two (2) Recreational Vehicles only where such vehicles are fully licensed, have wheels, have no structural skirting, and have no associated decks or additions and must not be occupied for a continuous period exceeding three (3) months.

(ii) Porch is defined as a structure abutting a manufactured home having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof and is constructed on piers or a foundation above ground.

(iii) Deck is defined as a structure abutting a manufactured home with no roof or walls except for visual partitions and railings and is constructed on piers or a foundation above ground.

(iv) No carports or enclosed garages are permitted.

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## 4.57 Qualicum Bay Seniors Development Comprehensive Development Zone 11 (CD11)

### (a) Uses

#### Permitted Uses

- (i) Multiple Dwelling Units

### (b) Maximum Size of Buildings and Structures

- |      |                 |       |
|------|-----------------|-------|
| (i)  | Height          | 8.0 m |
| (ii) | Parcel coverage | 50%   |

### (c) Minimum Setback Requirements

- |       |   |       |
|-------|---|-------|
| (i)   | All lot lines   | 5.0 m |
| (ii)  | except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply. |       |
| (iii) | On a corner parcel, the regulations in Section 3.8 shall also apply.  |       |

### (d) Other Regulations

- |     |  |
|-----|--|
| (i) | For the purpose of this zone, notwithstanding Section 3.22, the number of required parking spaces is as follows: |
| (A) | 1 space per dwelling unit plus 6 visitor spaces.   |

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## 4.58 Crown and Anchor Campground Comprehensive Development Zone 12 (CD12)

### (a) Uses

#### Permitted Uses

- (i) Recreational Vehicle Park

#### Accessory Uses

- (ii) Accessory buildings and structures
- (iii) Accessory office and retail store
- (iv) Accessory dwelling unit

### (b) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units / parcel	1 (maximum floor area 35 m <sup>2</sup> )
(ii)	Accessory office and retail store	A maximum combined gross floor area of 100 m <sup>2</sup>
(iii)	Height	8.0 m
(iv)	Parcel coverage	40%

### (c) Minimum Setback Requirements

For all buildings and structures unless otherwise set out in this zone:

- (i) All lot lines 3.0 m
- (ii) except where:
  - (A) an internal access road is located within the property then the minimum setback from the lot line may be reduced to 1.0 m;
  - (B) Any part of a parcel is adjacent to or contains a watercourse then the minimum setback shall be 10.0 m for buildings and structures, and 0 m for an existing pedestrian bridge and internal road crossing;
  - (C) on a corner parcel, then the regulations in Section 3.8 shall also apply; and,
  - (D) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero.

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**(d) Other Regulations**

- 
- (i) Notwithstanding Section 3.23, Campground Regulations and Standards of this Bylaw, washroom facilities shall be located a maximum of 200 m from any camping space and a minimum of 4.5 m from any camping space.
- 
- (ii) The recreational vehicle park shall be developed in accordance with Section 3.23, Campground Regulations and Standards of this Bylaw, except as varied in this amendment Bylaw.
- 

**(e) Parking Requirements**

- 
- (i) Parking shall be provided in accordance with Section 3.23, Campground Regulations and Standards of this Bylaw.
- 

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## 4.59 Schooner Bay Manor Seniors Manufactured Home Park Comprehensive Development Zone 13 (CD13)

### (a) Uses

#### Permitted Uses

- (i) Manufactured Home Park

#### Accessory Uses

- (ii) Accessory Buildings and Structures for each manufactured home and the Manufactured Home Park
- (iii) Accessory Office

### (b) Maximum Number and Size of Buildings and Structures

- (i) Permitted uses:

- (A) Units per parcel 99 manufactured homes
- (B) Height 8.0 m

- (ii) Accessory buildings

- (A) Size 10 m<sup>2</sup> per manufactured home
- (B) Height 3.0 m

- (iii) Common accessory buildings

- (A) Size Combined floor area of 200 m<sup>2</sup> for the Manufactured Home Park
- (B) Height 6.0 m

- (iv) Accessory Office

- (A) Size 20 m<sup>2</sup> floor area for the Manufactured Home Park
- (B) Height 6.0 m

- (v) Porch / deck / carport additions

- (A) Number and size 1 porch / deck / carport addition per manufactured home unit not exceeding a floor area of 20 m<sup>2</sup>, excluding wheelchair ramps

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(B) Access	1 entrance stairs to a secondary access not exceeding a floor area of 2 m <sup>2</sup>
(C) Height	6.0 m

**(c) Minimum Setback Requirements**

For all buildings, structures or manufactured homes:

(i)	All lot lines	4.5 m
(ii)	From other buildings, structures or manufactured homes	3.0 m
(iii)	Internal access road or common area	2.0 m
(iv)	except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(v)	on a corner parcel, then the regulations in Section 3.8 shall also apply.	

**(d) Other Regulations**

(i)	For the purpose of this zone, the number of required parking spaces is 1 space per manufactured home plus 10 visitor spaces for the Manufactured Home Park.
(ii)	For the purposes of this zone porch is defined as a structure abutting a manufactured home, having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof and is constructed on piers or a foundation above grade.
(iii)	For the purposes of this zone deck is defined as a structure abutting a manufactured home with no roof or walls except for visual partitions and railings and is constructed on piers or a foundation above grade.

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## 4.60 Lakes District Comprehensive Development Zone 14 (CD14)

### (a) Applicability of the Bylaw

The regulations of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 2500 shall apply to the lands zoned CD14, only upon the expiration of the Lakes District and Schooner Cove Phased Development Agreement (PDA). In addition to these regulations, and where there is a conflict with these regulations, the regulations of the CD14 Zone shall apply.

For certainty, Schedule “y” – Land Use and Subdivision Bylaw of the PDA shall take precedence over this Bylaw until such time as the PDA expires.

### (b) Purpose

The purpose of the CD14 Zone is to allow a range of land uses and residential densities with diverse housing types, recreational opportunities, and locally serving commercial services in accordance with Schedule ‘B’ - Lakes District Neighbourhood Plan in the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.

The lands encompassed within the CD14 Zone are divided into eight sub-zoning areas including: Regional Park (CD14 - PR1), Community Park (CD14 - PR2), Residential Single Dwelling (CD14 – RS), Residential Single Dwelling & Duplex (CD14 – RSD), Residential Multiple Dwelling (CD14 – RMD), Neighbourhood Mixed Use (CD14 – MU), Lakehouse Centre (CD14 – LC), and Civic Infrastructure (CD14 – CI). Specific regulations apply to each zoning area, in addition to the Definitions and General Regulations as set out in the CD14 Zone.

The extent of each zoning area in the Lakes District Comprehensive Development Zone is shown on Schedule ‘3A’.

### (c) Definitions

**artisan workshop** means production, service, repair or maintenance of an article, substance, material, fabric or compound, provided uses are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, gas, noise, effluent, or hazard; and having a gross floor area not exceeding 200 m<sup>2</sup> including retail sales accessory to the principal use;

**bulk grade** means the elevation of the surface of the ground at any point within a parcel as established on a parcel contour plan and which may not increase above natural grade by more than 2.0 m at any point;

**commercial use** means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, artisan workshop, retail or personal service use;

**community garden** means a non-commercial facility for the cultivation of fruits, flowers, vegetables or ornamental plants;

**community park** means use of land, buildings or structures primarily for recreation, including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, field houses, multi-purpose courts and the like;

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**duplex** means two self-contained dwelling units with separate ground level entrances, and which are adjoined by a common wall;

**height** means the elevation of a point directly below:

- (i) That part of the building or structure being measured above the land (or surface of water at high water), and;
- (ii) On a line connecting the two intersections of the natural grade and the outermost exterior walls or supports as indicated on a plan showing any complete vertical section of that part of a building or structure where permitted in the applicable zone; or,
- (iii) On a line connecting the two intersections of the bulk grade, as defined on a parcel contour plan, and the outermost exterior walls or supports as indicated on a plan showing any complete vertical section of that part of a building within a Residential Single Dwelling & Duplex, Residential Multiple Dwelling, Neighbourhood Mixed Use or Lakehouse Centre zoning area;

**garden centre** means the use of land, buildings, or structures for the purpose of retail sales of fruits, flowers, vegetables or ornamental plants, trees, and associated gardening and landscaping supplies and outdoor garden equipment;

**impermeable surface area** means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof together with any ground covering that does not naturally exist on the site and cannot be readily penetrated by water, such as roads, paved parking areas, driveways, patios, games courts and the like, on the parcel expressed as a percentage of the total parcel area;

**mobile food cart** means a mobile cart from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use;

**multiple dwelling unit development** means the establishment of three or more dwelling units within a building on a parcel;

**natural grade** means the elevation of the surface of the ground in its natural state prior to any human-made alterations as determined by a BC Land Surveyor;

**nature park** means the use of land, buildings or structures primarily for conservation and enjoyment of natural areas and may include boardwalks, trails, environmentally sensitive areas, nature sanctuaries and the like;

**parcel contour plan** means a survey plan prepared by a BC Land Surveyor or Professional Engineer at minimum 0.5 m contours and showing natural grade and bulk grade of the surface of the ground;

**restaurant** means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include café, delicatessen, and take-out restaurant, but specifically excludes neighbourhood pub, drive-in and drive-thru establishment;

**retail store** means a sales outlet contained under one roof, having a gross floor area not exceeding 250.0 m<sup>2</sup>, and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;

**secondary suite** means one or more habitable rooms, but not more than two bedrooms and one cooking facility, constituting a self-contained dwelling unit with a separate entrance, but which is clearly subordinate to the principal dwelling, and is limited to residential use;

**seniors' congregate housing** means a residential or institutional facility which provides for seniors' congregate housing units with common living facilities, one or more meals per day and housekeeping services, contains a common dining area with a capacity sufficient to accommodate all residents of the facility, and may contain accessory personal service use and accessory convenience store use;

**seniors' congregate housing unit** means a sleeping unit or a dwelling unit containing one or more sleeping units within a seniors' congregate housing facility;

**sleeping unit** means a bedroom or other area which is used or intended to be used for sleeping, or sleeping and living purposes, and which does not contain provisions for cooking;

**storage** means the use of the land, buildings or structures for the temporary storing of property or goods;

**storey** means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it;

**temporary building** means a building which is not supported on permanent foundations and which may or may not be connected to community water or sewer;

**tourist accommodation** means the rental of a lodging unit in a hotel, motel, or cabin for the temporary accommodation of the traveling public with continuous occupancy not exceeding ninety (90) calendar days and specifically excludes a manufactured home and residential use;

**unit density** means a measurement of development intensity on a parcel, represented by the total number of dwelling units on a parcel divided by the parcel area in hectares (units per hectare) but excludes dedicated road and dedicated park; and,

**utility use** means a system of works or services or a facility operated by or on behalf of a government or a utility company to provide or in connection with the provision of water, sewer, drainage, gas, electricity, surface transportation or communication services.

(d) **General Regulations**

(i) **Total Number of Dwelling Units**

The total number of dwelling units within the lands zoned CD14 shall not exceed 1,675 dwelling units.

(ii) **Uses Permitted in all Zones**

The following uses are permitted in all zoning areas of the CD14 Zone:

- (A) Community garden
- (B) Utility use
- (iii) Secondary Suites
 

Secondary suites are permitted in the Residential Single Dwelling and Residential Single Dwelling & Duplex zoning areas, provided that:

  - (A) A secondary suite is permitted only within a principal single dwelling unit on a parcel and is not permitted within a duplex;
  - (B) Not more than one secondary suite shall be permitted per single dwelling unit on a parcel;
  - (C) The size of a secondary suite within the principal building shall not exceed 40% of the habitable floor area of the principal building to a maximum of 90 m<sup>2</sup>;
  - (D) Secondary suites are not counted as dwelling units for the purpose of calculating the total number of dwelling units in accordance with subsection 4.60 (d) (iii) in this Zone;
  - (E) A principal dwelling unit may contain either a secondary suite or a bed and breakfast, but not both; and,
  - (F) A minimum of one off-street parking space is required for a secondary suite, in addition to parking requirements for the principal dwelling unit set out in Section 3.22 Off-Street Parking and Loading Spaces.
- (iv) Rainwater Harvesting
 

Where a Building Permit is not required for rainwater harvesting structures, equipment and apparatus, including rain barrels and cisterns, they are excluded from the building setback requirements.
- (v) Seniors' Congregate Housing
 

Seniors' congregate housing, where permitted in the zone, is subject to the following regulations:

  - (A) For the purposes of calculating unit density, each sleeping unit, and each sleeping unit within a dwelling unit within a seniors' congregate housing facility is equal to 0.2 units;
  - (B) The gross floor area of a seniors' congregate housing unit shall not be less than 26 m<sup>2</sup> and not more than 50 m<sup>2</sup>; and
  - (C) Accessory personal service and convenience store uses, where provided, shall be contained within the seniors' congregate housing facility and shall be accessible only from an internal hallway or corridor. The combined total floor area of all accessory personal service and convenience store uses shall not exceed 150 m<sup>2</sup> per seniors' congregate housing facility.
- (vi) Temporary Buildings, Structures and Uses for Seasonal Vending
 

Temporary buildings, structures, or mobile food carts for the purpose of seasonal vending on properties are permitted within any regional park, community park, and commercially zoned properties provided that:



- (A) The parking requirements of Section 3.22 Off-Street Parking and Loading Spaces are met; and,
  - (B) Potable water and washroom facilities are available on-site if food is served.
- (vii) Tourist Accommodation
- Temporary stays within *tourist accommodation* is limited to a maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor in any twelve (12) month period within any tourist accommodation unit on a parcel. The relocation of a visitor to another unit within the parcel does not constitute the start of a new stay.
- (viii) Building Height
- The following regulations apply to building height within all zoning areas of the CD14 Zone:
- (A) A parcel contour plan defining areas where natural grade has been disturbed shall be submitted to the Regional District upon the earlier of the submission of a development permit application or prior to registration of a subdivision plan.
  - (B) Structures such as antennae, chimney stacks, steeples, elevator housings, roof stairway entrances, ventilating equipment or enclosures for such equipment, skylights, flagpoles and the like are exempt from the height requirement.
  - (C) Structures for sustainable building technologies, such as wind turbines, solar panels and rain barrels, cisterns and the like are permitted to exceed the height requirement provided that:
    - (1) No such structure covers more than 20% of the parcel area; or
    - (2) If located on a building, no such structure covers more than 10% of the roof area; and,
    - (3) No such structure shall exceed twice the maximum building height permitted by the zone.
- (ix) Storage
- Storage use, where permitted in the zone, is subject to the following regulations:
- (A) Boats, vehicles and recreational vehicles must be operational and capable of being licensed by the applicable licensing authority. Storage use excludes on-site fuel dispensing.
  - (B) Storage is accessory to the principal use and is limited to 33% of a parcel area.
  - (C) A continuous landscaping buffer with a minimum vegetation height of 2.0 m and width of 2.0 m shall be provided and maintained along all property lines adjacent to a storage use.

(e) **Regional Park (CD14-PR1)**

(i) **Purpose**

The intent of the Regional Park zoning area is to provide recreational opportunities associated with passive outdoor activities, and to protect the natural features and wildlife habitat that form an integral part of the landscape in the Lakes District neighbourhood.

(ii) **Permitted Principal Uses**

- (A) Nature park

(iii) **Maximum Size of Buildings and Structures**

(A) Height	6.0 m within the setback area
	9.5 m outside the setback area
(B) Parcel coverage	10%

(iv) **Minimum Setback Requirements**

(A) Buildings:

Exterior lines	4.5 m
All other lot lines	3.0 m

(B) Structures:

Exterior lot lines	0.0 m
All other lot lines	3.0 m

On a corner parcel, then the regulations in Section 3.8 shall also apply.

(v) **Off-Street Parking Requirements**

(A) Major staging area	10 spaces
(B) Minor staging area	4 spaces
(C) Bicycle parking	4 spaces per major or minor staging area

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(f) **Community Park (CD14 – PR2)**

(i) **Purpose**

The intent of the Community Park zoning area is to provide programmed park spaces and recreational opportunities and amenities for social gathering and outdoor activities in close proximity to residential neighbourhoods.

(ii) **Permitted Principal Uses**

(A) Community park

(iii) **Maximum Size of Buildings and Structures**

(A) Height	6.0 m within the setback area
	9.5 m outside the setback area

(B) Parcel coverage	20%
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(iv) **Minimum Setback Requirements**

(A) Buildings:

Exterior lines	4.5 m
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All other lot lines	3.0 m
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On a corner parcel, then the regulations in Section 3.8 shall also apply.

(B) Structures:

Exterior lot line	0.0 m
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All other lot lines	3.0 m
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(v) **Off-Street Parking Requirements**

(A) Bicycle parking	6 spaces per parcel
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(g) **Residential Single Dwelling (CD14 – RS)**

(i) **Purpose**

The Residential Single Dwelling zoning area allows residential development on larger urban lots and provides flexibility in building siting for the retention of natural site features and a range of architectural forms.

(ii) **Uses**

(A) Permitted Uses	Residential Use
(B) Accessory Uses	Home Based Business Secondary Suite

(iii) **Minimum and Maximum Requirements**

(A) Maximum density for Residential Use	1 dwelling unit per parcel
(B) Minimum parcel size	800 m <sup>2</sup> or 850 m <sup>2</sup> (corner parcel)
(C) Maximum height	
Principal building	9.5 m
Accessory buildings and structures	6.0 m
(D) Maximum parcel coverage	40%
(E) Maximum impermeable surface area	50% excluding a driveway not exceeding 6.0 m in width and located within a panhandle

(iv) **Minimum Setback Requirements**

(A) Exterior lot lines	4.5 m 6.0 m to any garage door or carport entranceway facing a highway
(B) All other lot lines	2.0 m
(C) Except one accessory building is permitted to be 1.0 m from an interior line provided the building does not exceed 10 m <sup>2</sup> in floor area and 3.0 m in height.	
(D) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(E) on a corner parcel, then the regulations in Section 3.8 shall also apply.	

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(h) **Residential Single Dwelling & Duplex (CD14 – RSD)**

(i) **Purpose**

The intent of the Residential Single Dwelling & Duplex zoning area is to increase the range of housing types offered and provide transition between larger lot single dwelling residential land uses and low to medium density housing. The provision of smaller single dwelling units and duplex homes serves to facilitate cluster development to maintain high conservation and recreation value in the adjacent areas.

(ii) **Uses**

(A) Permitted Uses	Residential Use
	Duplex Use
(B) Accessory Uses	Home Based Business
	Secondary Suite

(iii) **Minimum and Maximum Requirements**

(A) Maximum density: for Residential Use	
Residential use	1 dwelling unit per parcel
Duplex use	2 dwelling units per parcel
(B) Minimum parcel size	
Residential use	400 m <sup>2</sup> or 450 m <sup>2</sup> (corner parcel)
Duplex use	750 m <sup>2</sup> or 800 m <sup>2</sup> (corner parcel)
(C) Maximum height	
Principal building	9.5 m
Accessory buildings and structures	6.0 m
(D) Maximum parcel coverage	
Residential use	60%
Duplex use	65%

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(E) Maximum impermeable surface area		
Residential use		70% excluding a driveway not exceeding 6.0 m in width and located within a panhandle
Duplex use		75% excluding a driveway not exceeding 6.0 m in width and located within a panhandle

(iv) **Minimum Setback Requirements**

(A) Exterior lot lines	4.5 m
	6.0 m to any garage door or carport entranceway facing a highway
(B) Interior lot line:	
Residential use	1.5 m
Duplex use	2.0 m
(C) Except one accessory building is permitted to be 1.0 m from an interior line provided the building does not exceed 10 m <sup>2</sup> in floor area and 3.0 m in height.	
(D) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(E) On a corner parcel, then the regulations in Section 3.8 shall also apply.	

(i) **Residential Multiple Dwelling (CD14 – RMD)**

(i) **Purpose**

The Residential Multiple Dwelling zoning area allows for the development of a range of multiple dwelling housing types including duplexes, ground-oriented rowhomes and townhomes, and low-rise condominium buildings. These smaller unit types are intended to provide opportunities for ageing-in-place.

(ii) **Uses**

(A) Permitted Uses	Duplex use
	Multiple dwelling unit development use

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(iii) **Minimum and Maximum Requirements**

(A) Maximum density	75 units per ha (uph)
(B) Minimum parcel size	
Duplex use	600 m <sup>2</sup> or 650 m <sup>2</sup> (corner parcel)
Multiple dwelling unit development use	700 m <sup>2</sup> or 750 m <sup>2</sup> (corner parcel)
(C) Maximum height	
Duplex use	9.5 m
Multiple dwelling unit development use	21.0 m or 5 storeys, whichever is less
Accessory buildings and structures	6.0 m 8.5 m for one accessory building in a multiple dwelling unit development
(D) Maximum parcel coverage	60% 70% where the required parking spaces are located directly beneath the principal building
(E) Maximum impermeable surface area	70% 75% where the required parking spaces are located directly beneath the principal building (excluding a driveway not exceeding 6.0 m in width and located within a panhandle)

(iv) **Minimum Setback Requirements**

(A) Exterior lot lines	4.5 m 6.0 m to any garage door or carport entranceway facing a highway
(B) Interior lines	2.0 m

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- (C) Except one accessory building is permitted to be 1.0 m from an interior lot line provided the building does not exceed 10 m<sup>2</sup> in floor area and 3.0 m in height.
- 
- (D) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- 
- (E) On a corner parcel, then the regulations in Section 3.8 shall also apply.
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(v) **Off-Street Bicycle Parking Requirements**

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|--|--|
| (A) Multiple dwelling unit development use | 1 secure interior space per 2 dwelling units and 4 spaces adjacent to the primary building entrance in addition to the bicycle parking in Section 3.22 of this Bylaw |
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(j) **Neighbourhood Mixed Use (CD14 – MU)**

(i) **Purpose**

As a complement to the existing commercial centres at Red Gap and Schooner Cove, the Neighbourhood Mixed Use zoning area is intended to accommodate locally serving civic, commercial and residential uses at the entrance of the Lakes District neighbourhood. A mix of small-scale retail, professional office use, live/work, compact housing and other compatible uses will provide community gathering spaces with flexibility to accommodate the future needs of the community.

(ii) **Uses**

(A) Permitted Uses	Artisan workshop
	Garden centre
	Multiple dwelling unit development
	Office
	Personal care
	Personal service use
	Retail store
	Restaurant
	School
	Seniors' congregate housing
	Tourist accommodation

(B) Accessory Uses	Storage
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(iii) **Minimum and Maximum Requirements**

(A) Maximum density for residential uses	75 units per ha (uph)
(B) Minimum parcel size	
Commercial / mixed use	2,500 m <sup>2</sup>
Multiple dwelling unit development	700 m <sup>2</sup> or 750 m <sup>2</sup> (corner parcel)
(C) Maximum height	
Commercial / mixed use	10.0 m or 3 storeys, whichever is less
Multiple dwelling unit development	21.0 m or 5 storeys, whichever is less

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Accessory buildings and structures	6.0 m 8.5 m for one accessory building in a multiple dwelling unit development
(D) Maximum parcel coverage	70% 80% where the required parking spaces are located directly beneath the principal building
(E) Maximum impermeable surface area	70% 75% where the required parking spaces are located directly beneath the principal building (excluding a driveway not exceeding 6.0 m in width and located within a panhandle) 75% for storage use only

(iv) **Minimum Setback Requirements**

(A) Commercial:	
Exterior Lot lines	4.5 m
All other lot lines	0.0 m
(B) Residential or mixed use:	
Exterior lot line	4.5 m 6.0 m to any garage door or carport entranceway facing a highway
Interior lines	2.0 m
(C) Except one accessory building is permitted to be 1.0 m from an interior lot line provided the building does not exceed 10 m <sup>2</sup> in floor area and 3.0 m in height.	
(D) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(E) on a corner parcel, then the regulations in Section 3.8 shall also apply.	

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(v) **Off-Street Parking Requirements**

(A) Vehicle parking

Seniors' congregate housing	1 space per employee and 1 per 5 beds
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All other uses as per Section 3.22 of this Bylaw

(B) Bicycle parking

Commercial use	1 space per 475 m <sup>2</sup> commercial floor area adjacent to primary building entrances
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Multiple dwelling unit development use	1 secure interior space per 2 dwelling units and 4 spaces adjacent to the primary building entrance
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Seniors' congregate housing	1 secure interior space per 10 employees
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(vi) **Other Regulations**

(A) No single use may occupy more than 80% of the total building floor area within a parcel.

(B) Commercial use on the ground floor of a building is only permitted where an additional storey is provided above.

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(k) **Lakehouse Centre (CD14 – LC)**

(i) **Purpose**

The intent of the Lakehouse Centre zoning area is to allow a commercial recreational centre in the Lakes District community adjacent to Enos Lake park and trails. This privately operated facility may also be used to accommodate Lakes District regional park administration and limited programs for regional park staging as well as some tourist accommodation and other compatible accessory uses.

(ii) **Uses**

(A) Permitted Uses	Assembly use
	Recreational facility
(B) Accessory Uses	Convenience store
	Hotel
	Office
	Personal care
	Personal service use
	Restaurant
	Retail store
	School
	Theatre
	Tourist accommodation
	Tourist information booth
	Tourist store

(iii) **Minimum and Maximum Requirements**

(A) Maximum density for tourist accommodation	12 units per ha (uph)
(B) Minimum parcel size	9,000 m <sup>2</sup>
(C) Maximum height	
Principal building	10.0 m
Accessory buildings and structures	6.0 m
(D) Maximum parcel coverage	40%
(E) Maximum impermeable surface area	50%

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(v) **Other Regulations**

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- (A) A minimum 3.0 m wide landscape buffer shall be provided within the setback area of a parcel adjacent to a highway or residential use where buildings or structures are proposed for utility use.
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## 4.61 Schooner Cove Comprehensive Development Zone 15 (CD15)

### (a) Applicability

The regulations of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 2500 shall apply to the lands zoned CD15, only upon the expiration of the Lakes District and Schooner Cove Phased Development Agreement (PDA). In addition to these regulations, and where there is a conflict with these regulations, the regulations of the CD15 Zone shall apply.

For certainty, Schedule “y” – Land Use and Subdivision Bylaw of the PDA shall take precedence over this Bylaw until such time as the PDA expires.

### (b) Purpose

The purpose of the CD15 Zone is to allow a mixed-use waterfront village with neighbourhood-oriented commercial shops and services, a marina, a range of multiple dwelling housing types, and a publicly accessible network of waterfront boardwalks, plazas, and pathways in accordance with Schedule ‘C’ – Schooner Cove Neighbourhood Plan in the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.

The lands encompassed within the CD15 Zone are divided into three sub-zoning areas including: Village Mixed Use (CD15 – MU), Marina (CD15 – MA), and Residential Multiple Dwelling (CD15 – RMD). Specific regulations apply to each zoning area, in addition to the Definitions and General Regulations as set out in the CD15 Zone.

The extent of each zoning area in the Lakes District Comprehensive Development Zone is shown on Schedule ‘3A’ Zoning Maps of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 2500.

### (c) Definitions

**assembly use** means the use of land, buildings or structures to accommodate exhibits, special events or meetings and includes auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre;

**artisan workshop** means production, service, repair or maintenance of an article, substance, material, fabric or compound, provided uses are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, gas, noise, effluent, or hazard; and having a gross floor area not exceeding 200 m<sup>2</sup> including retail sales accessory to the principal use;

**boat launching facility** means jib crane hoist, boat ramp or other means to launch and/or retrieve watercraft;

**commercial parking** means use of land, buildings and structures for the purpose of providing short-term commercial parking spaces;

**commercial use** means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, artisan workshop, retail or personal service use;

**community garden** means a non-commercial facility for the cultivation of fruits, flowers, vegetables or ornamental plants;

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**geodetic elevation** means the vertical elevation or height of a given point on land or above the surface of the water measured from the geodetic datum as determined by a BC Land Surveyor;

**grocery store** means a sales outlet contained under one roof, having a gross floor area not exceeding 750 m<sup>2</sup>, and providing for the retail sale and display of food and related goods;

**height** means that part of a building or structure measured above the geodetic datum as determined by a BC Land Surveyor to the outermost exterior walls or supports as indicated on a plan showing any complete vertical section of that part of a building or structure where permitted in the applicable zone;

**impermeable surface area** means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof together with any ground covering that does not naturally exist on the site and cannot be readily penetrated by water, such as roads, paved parking areas, driveways, patios, games courts and the like, on the parcel expressed as a percentage of the total parcel area;

**liquor store** means a retail store licensed under the *Liquor Control and Licensing Act*, and amendments thereto, for the sale of beer, wine and other alcoholic beverages;

**live/work** unit means the use of a building or portion thereof for an economic activity including artisan workshop, personal service use or office in combination with a dwelling unit;

**marina** means moorage, boat launching facilities, and outdoor recreation use, including the rental and maintenance of boats and seaplanes, and which may be equipped with administration facilities, washrooms, showers and refuse disposal facilities;

**mobile food cart** means a mobile cart from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use;

**multiple dwelling unit development** means the establishment of three or more dwelling units within a building on a parcel;

**neighbourhood pub** means an establishment with a liquor primary licence issued pursuant to the *Liquor Control and Licensing Act* and amendments thereto;

**resort condominium development** means a hotel and includes hotel units subdivided pursuant to the *Strata Property Act* and amendments thereto, with continuous occupancy not exceeding ninety (90) calendar days and does not include residential use;

**restaurant** means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include café, delicatessen, and take-out restaurant but specifically excludes neighbourhood pub, drive-in and drive-thru establishment;

**retail store** means a sales outlet contained under one roof, having a gross floor area not exceeding 250 m<sup>2</sup>, and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;

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**seniors' congregate housing** means a residential or institutional facility which provides for seniors' congregate housing units with common living facilities, one or more meals per day and housekeeping services, contains a common dining area with a capacity sufficient to accommodate all residents of the facility, and may contain accessory personal service use and accessory convenience store use;

**seniors' congregate housing unit** means a sleeping unit or a dwelling unit containing one or more sleeping units within a seniors' congregate housing facility;

**sleeping unit** means a bedroom or other area which is used or intended to be used for sleeping, or sleeping and living purposes, and which does not contain provisions for cooking;

**storey** means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it;

**temporary building** means a building which is not supported on permanent foundations and which may or may not be connected to community water or sewer;

**tourist accommodation** means the rental of a lodging unit in a hotel, motel, and cabin for the temporary accommodation of the traveling public with continuous occupancy not exceeding ninety (90) calendar days and specifically excludes a manufactured home and residential use; and,

**unit density** means a measurement of development intensity on a parcel, represented by the total number of dwelling units on a parcel divided by the parcel area in hectares (units per hectare) but excludes dedicated road and dedicated park.

#### (d) General Regulations

##### (i) Total Number of Dwelling Units

The total number of dwelling units within the lands zoned CD15 shall not exceed 360 dwelling units.

##### (ii) Uses Permitted in all Zones

The following uses are permitted in all zoning areas of the CD15 Zone:

###### (A) Community garden

##### (iii) Rainwater Harvesting

Where a Building Permit is not required for rainwater harvesting structures, equipment and apparatus, including rain barrels and cisterns, they are excluded from the building setback requirements.

##### (iv) Seniors' Congregate Housing

Seniors' congregate housing, where permitted in the zone, is subject to the following regulations:

###### (A) For the purposes of calculating unit density, each sleeping unit, and each sleeping unit within a dwelling unit within a seniors' congregate housing facility is equal to 0.2 units;

- (B) The gross floor area of a seniors' congregate housing unit shall not be less than 26 m<sup>2</sup> and not more than 50 m<sup>2</sup>; and
- (C) Accessory personal service and convenience store uses, where provided, shall be contained within the seniors' congregate housing facility and shall be accessible only from an internal hallway or corridor. The combined total floor area of all accessory personal service and convenience store uses shall not exceed 150 m<sup>2</sup> per seniors' congregate housing facility.
- (v) **Temporary Buildings, Structures and Uses for Seasonal Vending**
- Temporary buildings, structures, or mobile food carts for the purpose of seasonal vending on properties are permitted within any commercially zoned properties provided that potable water and washroom facilities are available on-site if food is served.
- (vi) **Resort Condominium and Tourist Accommodation**
- Temporary stays within resort condominium development or tourist accommodation is limited to a maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor in any twelve (12) month period within any tourist accommodation unit on a parcel. The relocation of a visitor to another unit within the parcel does not constitute the start of a new stay.
- (vii) **Building Height**
- The following regulations apply to building height within all zoning areas of the CD15 Zone:
- (A) Structures such as antennae, chimney stacks, steeples, elevator housings, roof stairway entrances, ventilating equipment or enclosures for such equipment, skylights, flagpoles and the like are exempt from the height requirement.
- (B) Structures for sustainable building technologies, such as wind turbines, solar panels and rain barrels, cisterns and the like are permitted to exceed the height requirement provided that:
- (1) No such structure covers more than 20% of the parcel area; or
  - (2) If located on a building, no such structure covers more than 10% of the roof area; and,
  - (3) No such structure shall exceed twice the maximum building height permitted by the zone.
- (C) Notwithstanding (vii) (B) above, wind turbines in Area 'A' shall not exceed the maximum permitted building height as shown on Schedule 1 of the CD15 Zone.

(e) **Village Mixed Use (CD15-MU)**

(i) **Purpose**

The intent of the Schooner Cove Village Mixed Use zoning area is to establish a vibrant commercial and civic core with a pedestrian-oriented village on the waterfront and ground-oriented commercial uses such as restaurants, shops and services with residential uses above.

(ii) **Uses**

(A) Permitted uses	Artisan workshop
	Assembly use
	Grocery store
	Office
	Liquor store
	Live/work
	Multiple dwelling unit development use
	Neighbourhood pub
	Outdoor recreation
	Personal service use
	Recreation facility
	Resort Condominium development use
	Restaurant
	Retail store
	Senior's congregate care
	Tourist accommodation

(B) Accessory uses	Commercial parking
	Marina sales
	Tourist information booth

(iii) **Minimum and Maximum Requirements**

(A) Maximum density	50 dwelling units in CD15- MU Zone
(B) Minimum parcel size:	
Commercial / mixed use	900 m <sup>2</sup>
Multiple dwelling unit development	2,000 m <sup>2</sup>

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(C) Maximum permitted building height as shown on Schedule 1 Maximum Building Height Plan in the CD15 Zone:	
Principal buildings: Area B	18.0 m geodetic elevation or 3 storeys, whichever is less
Principal buildings: Area C	22.0 m geodetic elevation or 3 storeys, whichever is less
Principal buildings: Area D	26.1 m geodetic elevation or 5 storeys, whichever is less
Principal buildings: Area E	31.0 m geodetic elevation or 5 storeys, whichever is less
Accessory buildings: Area D	One accessory building is permitted to a height of 2 storeys provided that a storey does not exceed 5.0 m
(D) Maximum floor area	Total combined floor area for non-residential uses shall not exceed 2,325 m <sup>2</sup>
(E) Maximum Parcel coverage	70%
	80% where the required parking spaces are located directly beneath the principal building
(F) Maximum impermeable surface area	80%
	85% where the required parking spaces are located directly beneath the principal building

(iv) **Minimum Setback Requirements**

(A) Exterior Lot lines	4.5 m
(B) Lot lines that are common with Lot B, District Lot 78, Nanoose District Strata Plan 745	4.5 m
(C) All other lot lines	0.0 m
(D) Notwithstanding Section 3.10 (B) Setbacks - Sea for Electoral Area 'E', a 0.0 m setback for buildings is permitted for up to a maximum of 35 percent of the length of the parcel boundary that is common to the sea.	

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(E) Notwithstanding Section 3.10 (B) Setbacks - Sea for Electoral Area 'E', a 0.0 m setback is permitted for structures.

(F) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.

(G) on a corner parcel, then the regulations in Section 3.8 shall also apply.

(v) **Off-Street Parking Requirements**

(A) Vehicle parking

Seniors' congregate housing 1 space per employee and 1 per 5 beds

Commercial use, restaurant use, neighbourhood pub use 74 spaces in total plus 1 space per 3 seats where a restaurant or neighbourhood pub exceeds 100 seats

All other uses as per Section 3.22 of this Bylaw

(B) Bicycle parking

Commercial use, restaurant use, neighbourhood pub use 1 space per 475 m<sup>2</sup> commercial floor area adjacent to primary building entrances

Multiple dwelling unit development use 1 secure interior space per 2 dwelling units and 4 spaces adjacent to the primary building entrance

Seniors' congregate housing 1 secure interior space per 10 employees

(vi) **Other Regulations**

(A) Non-residential uses shall comprise at least 20% of the total building floor area within a parcel.

(B) A maximum of one grocery store is permitted within the Village Mixed Use Zone.

(C) A landscape buffer is not required for a designated highway adjacent to a commercial use and multiple dwelling unit development.

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(f) **Marina (CD15 – MA)**

(i) **Purpose**

The intent of the Marina zoning area is to allow the operation of a marina business including a moorage, marina office, marine fuel supply station, and other ancillary marina services and facilities.

(ii) **Uses**

(A) Permitted uses	Boat launching facility
	Marina use
(B) Accessory uses	Convenience store
	Marina fuel supply station
	Marina sales

(iii) **Maximum Size of Buildings and Structures**

(A) Maximum permitted building height as shown on <b>Schedule 1 Maximum Building Height Plan</b> in the CD15 Zone:	
Area A	7.0 m geodetic elevation or 1 storeys, whichever is less, notwithstanding floating buildings and structures shall be measured from the surface of the water
(B) Maximum parcel coverage	5% provided that no individual building covers more than 1% of a parcel

(iv) **Minimum Setback Requirements**

Notwithstanding Section 3.10 (B) Setbacks - Sea for Electoral Area 'E', a 0.0 m setback is permitted for building and structures.

(v) **Off-Street Parking Requirements**

(A) Vehicle parking	
Marina use	1 parking space per 4 marina slips
Boat launching facility	20 boat trailer parking spaces and located within the lands zoned CD15 - RMD
All other uses as per Section 3.22 of this Bylaw	
(B) A minimum of 25% of the parking required for marina use in the CD15 – MA Zone shall be provided within the lands zoned CD15 – MU and a maximum of 75% of the marina parking may be provided within the lands zoned CD15 –	

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RMD provided that none of the required off-street parking is located within a highway.

(C) Bicycle parking

Marina use	8 spaces
------------	----------

(g) **Residential Multiple Dwelling (CD15 – RMD)**

(i) **Purpose**

The Residential Multiple Dwelling zoning area allows for the development of multiple dwelling housing types including ground-oriented and low-rise condominium buildings. These smaller unit types are intended to provide opportunities for downsizing and ageing-in-place in close proximity to publicly-accessible open space and village commercial uses.

(ii) **Uses**

(A) Permitted Uses	Commercial parking Multiple dwelling unit development use Seniors' congregate housing
--------------------	---

(iii) **Minimum and Maximum Requirements**

(A) Maximum density for CD15 – RMD Zone	310 dwelling units
(B) Minimum parcel size for multiple dwelling unit development	2,000 m <sup>2</sup>
(C) Maximum permitted building height as shown on <b>Schedule 1 Maximum Building Height Plan</b> in the CD15 Zone:	
Principal buildings: Area D	26.1 m geodetic elevation or 5 storeys, whichever is less
Principal buildings: Area F	37.0 m geodetic elevation or 5 storeys, whichever is less
Principal buildings: Area G	42.0 m geodetic elevation or 5 storeys, whichever is less
Accessory buildings: Area D, Area F Area G	One accessory building is permitted to a height of 2 storeys and all other

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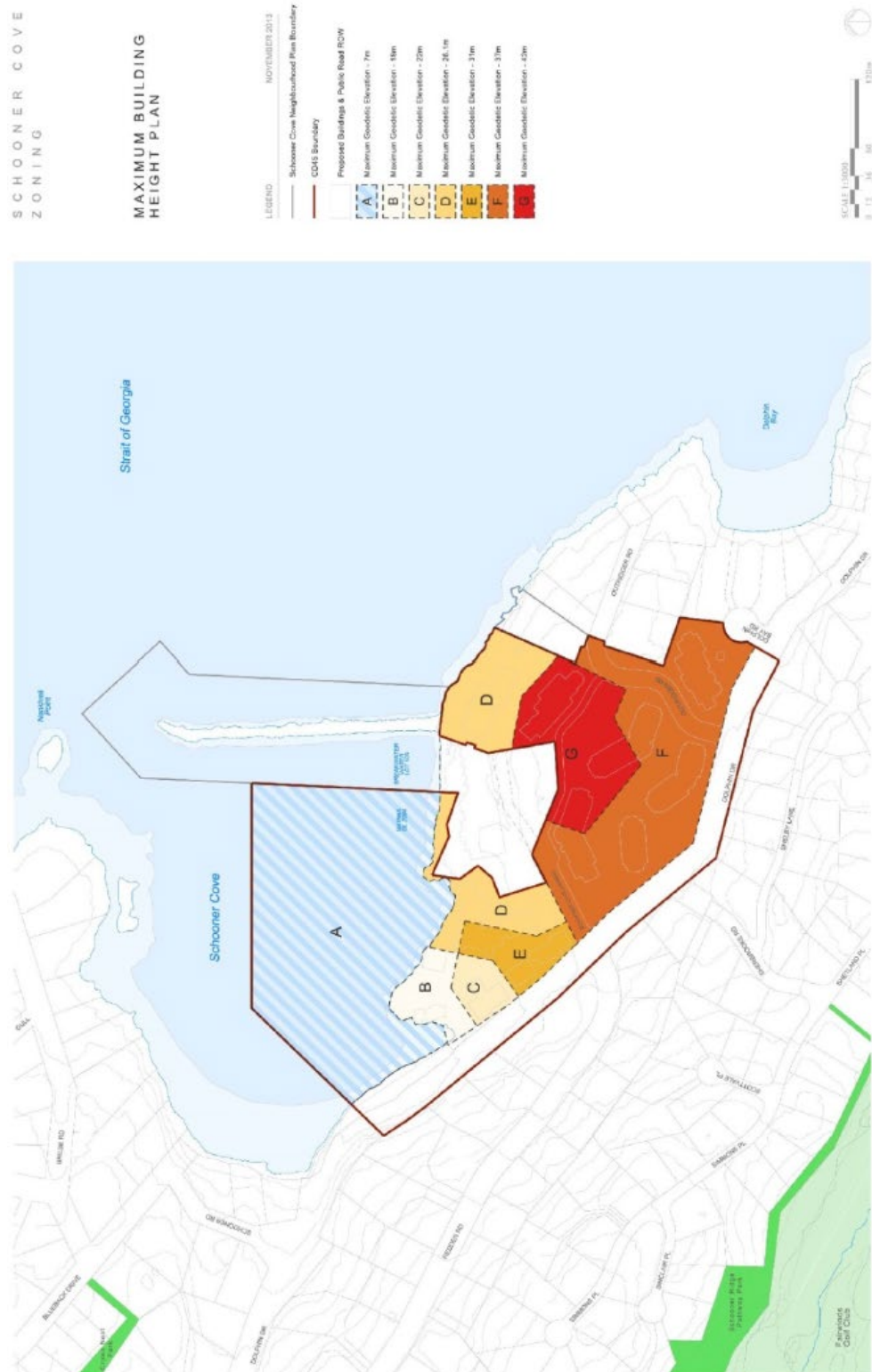
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	accessory buildings shall not exceed 1 storey provided that a storey does not exceed 5.0 m	
(D) Maximum parcel coverage	60% 70% where the required parking spaces are located directly beneath the principal building	
(E) Maximum impermeable surface area	80% 85% where the required parking spaces are located directly beneath the principal building	
<b>(iv) Minimum Setback Requirements</b>		
All lot lines	5.0 m	
(A) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.		
(B) On a corner parcel, then the regulations in Section 3.8 shall also apply.		
<b>(v) Off-Street Parking Requirements</b>		
(A) Vehicle parking		
Seniors' congregate housing	1 space per 2 employees and 1 per 5 beds	
All other uses as per Section 3.22 of this Bylaw		
(B) Bicycle parking		
Multiple dwelling unit development use	1 secure interior space per 2 dwelling units and 4 spaces adjacent to the primary building entrance	
Seniors' congregate housing	1 secure interior space per 10 employees	
<b>(vi) Other Regulations</b>		
(A) A landscape buffer is not required for a designated highway adjacent to a commercial use and multiple dwelling unit development.		



# Schooner Cove Comprehensive Development Zone CD15

## Schedule 1 Maximum Building Height Plan



## 4.62 Lighthouse Villa Comprehensive Development Zone 16 (CD16)

### (a) Uses

#### Permitted Uses

- (i) Seniors Housing
- (ii) Residential Use

#### Accessory Uses

- (iii) Accessory Buildings and Structures
- (iv) Secondary Suite

#### Accessory Uses to Seniors Housing

- (v) Medical Office
- (vi) Personal Service Use
- (vii) Public Assembly

### (b) Maximum Number and Size of Buildings and Structures

(i)	Seniors housing units	40
(ii)	Dwelling units / parcel	2
(iii)	Height	10.0 m
(iv)	Parcel coverage	25%

### (c) Minimum Setback Requirements

For all buildings and structures unless otherwise set out in Part 3:

- (i) All lot lines 5.0 m
- (ii) except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iii) on a corner parcel, then the regulations in Section 3.8 shall also apply.

### (d) Off Street Parking Requirements

(i)	Seniors housing	1 space per 2 employees and 1 space per 2 seniors housing units
(ii)	Medical office	1 space per 15 m <sup>2</sup> of floor area

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- 
- (iii) For all other uses permitted in this zone, parking shall be provided as set out under Section 3.22 Off-Street Parking & Loading Spaces
- 

(e) **Other Regulations**

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For the purpose of this zone:

---

- (i) Accessory personal service and medical office uses, where provided, shall be contained within the seniors housing facility and shall be accessible from an internal hallway or corridor. The combined total floor area of all accessory personal service and medical office uses shall not exceed 150 m<sup>2</sup> per seniors housing facility.
- 
- (ii) Personal service use shall be limited to barber shop or beauty salon.
- 
- (iii) Public Assembly shall be limited to a church contained within the seniors housing facility and special events or meetings held within the common dining area or social room of the seniors housing facility.
- 

(f) **Definitions**

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For the purpose of this zone:

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- (i) **Seniors housing** means a residential or institutional facility which provides for seniors housing units with common living facilities, and may provide support services such as one or more meals per day, a linen laundry service and may include a common dining area with a capacity sufficient to accommodate all residents of the facility.
- 
- (ii) **Seniors housing unit** means a bedroom and associated living area within a seniors housing facility which is used or intended to be used for sleeping and living purposes and may or may not contain provisions for cooking.
- 
- (iii) **Medical Office** means the office, clinic or laboratory of a licensed professional and may include a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician.
- 

(g) **Conditions of Use**

- 
- (i) A Housing Agreement shall be required for Seniors Housing.
- 
- (ii) Seniors Housing must be serviced by community water.
-

## 4.63 Horne Lake Road Service Commercial Comprehensive Development Zone 17 (CD17)

### (a) Uses

#### Lot B Permitted Principal Uses

- (i) Gasoline and Electric Vehicle Service Station
- (ii) Artist Studio
- (iii) Convenience Store
- (iv) Cafe

#### Lot C Permitted Principal Uses

- (v) Tourist Store
- (vi) Tourist Information Booth
- (vii) Produce Market

#### Lots B & C Accessory Uses

- (viii) Residential Use
- (ix) Public Gathering Spaces

### (b) Maximum Number and Size of Buildings and Structures

(i)	Dwelling units / parcel	1
(ii)	Height	10.0 m
(iii)	Parcel coverage	25%
(iv)	Impermeable surface coverage:	
	(A) Lot B	9700 m <sup>2</sup>
	(B) Lot C	12650 m <sup>2</sup>

### (c) Minimum Setback Requirements

For all buildings, structures and parking spaces:

(i)	All lot lines	8.0 m
(ii)	Except:	
	(A) Lot lines adjacent to Island Highway 19	15.0 m

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(B) For a freestanding sign adjacent to the Horne Lake Road lot lines	4.5 m
(C) Parking spaces and structures used for lighting adjacent to Horne Lake Road lot lines	5.0 m
(D) Fuel storage tanks, fuel dispensing systems and all other significant sources of contamination	30.0 m to any wellhead
(E) Where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.	
(F) On a corner parcel, then the regulations in Section 3.8 shall also apply.	

**(d) Groundwater Protection**

(i) All areas used for fueling, internal roadways or parking of vehicles shall be located on an impermeable surface.
(ii) All storm water runoff from impervious surfaces including internal roadways and parking areas must be directed through an engineered oil-water separator appropriately sized to accommodate anticipated flows and must be maintained in accordance with the manufacturer's recommendations.
(iii) Internal roadways and parking areas are permitted within the 30 m well zone area provided they are separated from the well zone area by a minimum 150 mm concrete barrier curb and positively graded away from the well zone into an engineered oil/water separator sump.
(iv) All fuel storage tanks shall be double walled and equipped with an electronic leak detection system and sensors constructed and maintained under the guidance of a qualified engineer.

**(e) Signage**

(i) One freestanding sign shall be permitted per property with a maximum combined sign surface area of 13.5 m <sup>2</sup> and maximum height of 7.5 m.
(ii) Each business may have a fascia, awning, or canopy sign of 4.0 m <sup>2</sup> .
(iii) The use of banners, ribbons, flags, on-site display props, streamers, or pennant signs are prohibited.
(iv) Mobile sandwich board signs are permitted where they advertise a use on the property and are located on the same property.

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(v)	Small temporary signs advertising products attached to a building or directional sign are permitted.	Part 1 Administration
(vi)	Signs may be illuminated internally, externally or with channel lit lighting. The use of backlighting, reader board, blinking or flashing lights is prohibited.	
(f)	<b>Landscaping</b>	Part 2 Interpretation
(i)	Notwithstanding Section 3.7 Landscaping Regulations and Standards, a buffer of native vegetation with a minimum 15.0 m width shall be maintained adjacent to Highway 19. Trails using permeable materials may be permitted in the buffer.	
(ii)	The required buffer adjacent to Highway 19 may be reduced to 10 m provided there is a minimum of 75% screening from grade level to a height of 3.0 m and at least 25% screening from a height of 3.0 m to 5.0 m.	
(g)	<b>Definitions</b>	Part 3 Land Use Regulations
	For the purpose of this zone:	
(i)	<b>Service Station</b> means the use of land and structures for gasoline pumping stations, electric vehicle charging stations and a retail building providing for the retail sales of items regularly used by households or vehicle accessories.	Part 4 Zones
(ii)	<b>Artist Studio</b> means the use of land or buildings for the creation, display and sale of arts and crafts.	
(iii)	<b>Café</b> means an eating establishment, having a floor area not exceeding 200 m <sup>2</sup> , providing for the sale of prepared food and beverages that can be consumed in vehicles, taken off the premises for consumption or consumed on the premises. This café may have a drive-through.	
(iv)	<b>Convenience Store</b> means a retail sales outlet contained under one roof, having a floor area not exceeding 300 m <sup>2</sup> , and providing for the sale of items regularly used by households, including food, beverages, books, magazines or household accessories.	
(v)	<b>Public Gathering Spaces</b> means the use of land for outdoor and passive recreation by the traveling public, including trails, picnic spaces, and playgrounds.	Part 5 Subdivision Regulations
(h)	<b>Clarifications</b>	
(i)	Impermeable surfaces can be the sum of both properties if the lots are consolidated.	Part 6 Development Permit Areas

- 
- (ii) Impermeable surface restrictions do not apply to onsite water storage for firefighting purposes.
- 

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## 4.64 Resort Commercial Comprehensive Development Zone 18 (CD18)

### (a) Uses

#### Permitted Uses

- (i) Tourist Store
- (ii) Residential Use
- (iii) Outdoor Recreation
- (iv) Recreation Facility
- (v) Resort Vehicle Park
- (vi) Gas Bar on the land identified in illustrations No. 1 and No. 2 below
- (vii) Service Station on the land identified in illustration 3 below

#### Accessory uses

- (viii) Secondary Suite

### (b) Maximum Number and Size of Buildings and Structures

- |       |                           |  |
|-------|---------------------------|--|
| (i)   | Dwelling units / parcel   | 1  |
| (ii)  | Height                    | 9.0 m  |
| (iii) | Parcel coverage           | 40%  |
| (iv)  | Recreational Vehicle Park | 25 camping spaces / ha to a maximum of 150 camping spaces per parcel developed in accordance with Section 3.23 |

### (c) Minimum Setback Requirements

- |      |  |       |
|------|--|-------|
| (i)  | All lot lines  | 5.0 m |
| (ii) | except where:  |       |
|      | (A) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero; |       |
|      | (B) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply; or,                     |       |
|      | (C) on a corner parcel, then the regulations in Section 3.8 shall also apply.  |       |

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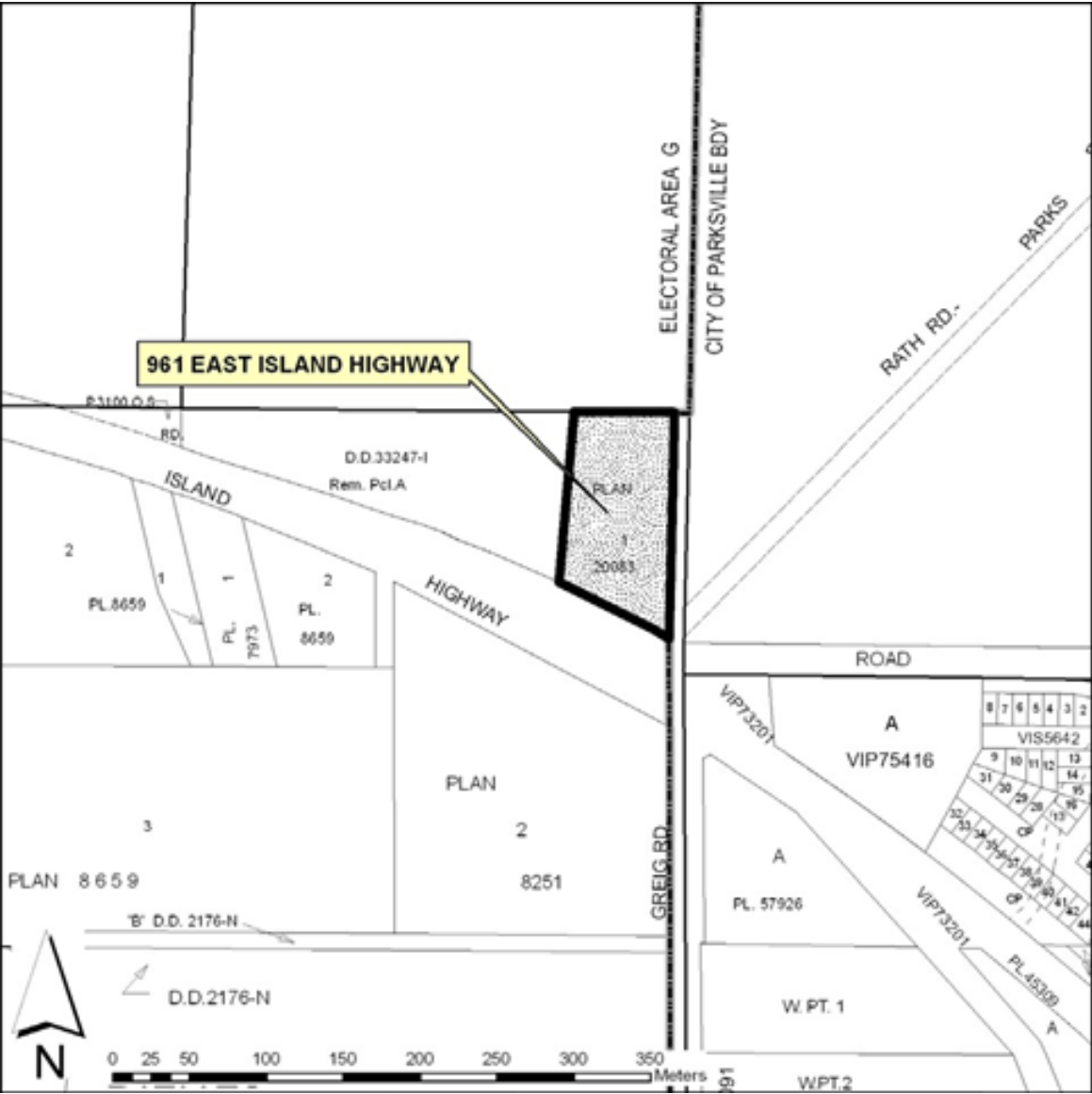
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Illustration No. 1 – Gas Bar is permitted on the property shown below



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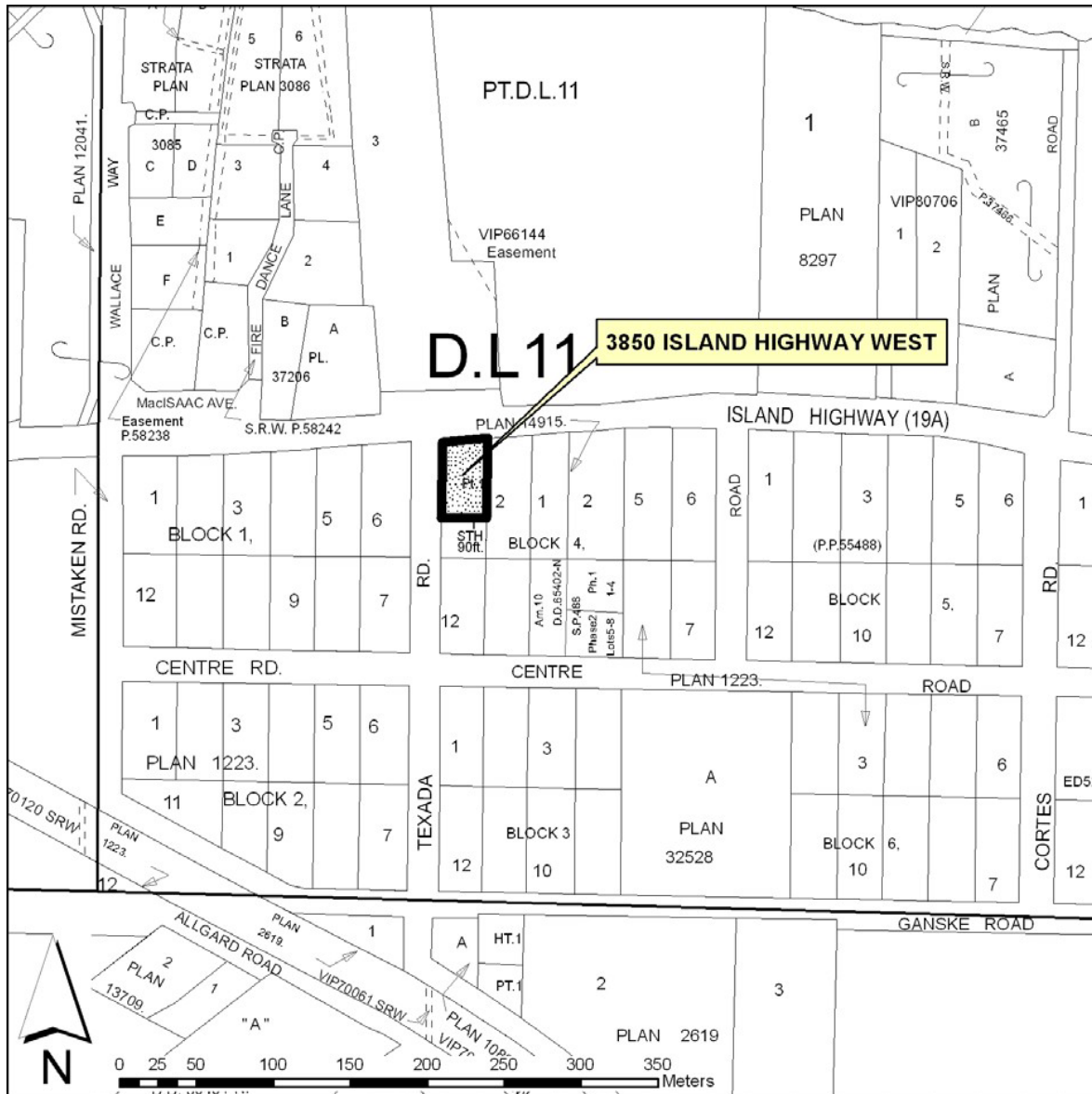
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**Illustration No. 2 – Gas Bar is permitted on the property shown below**



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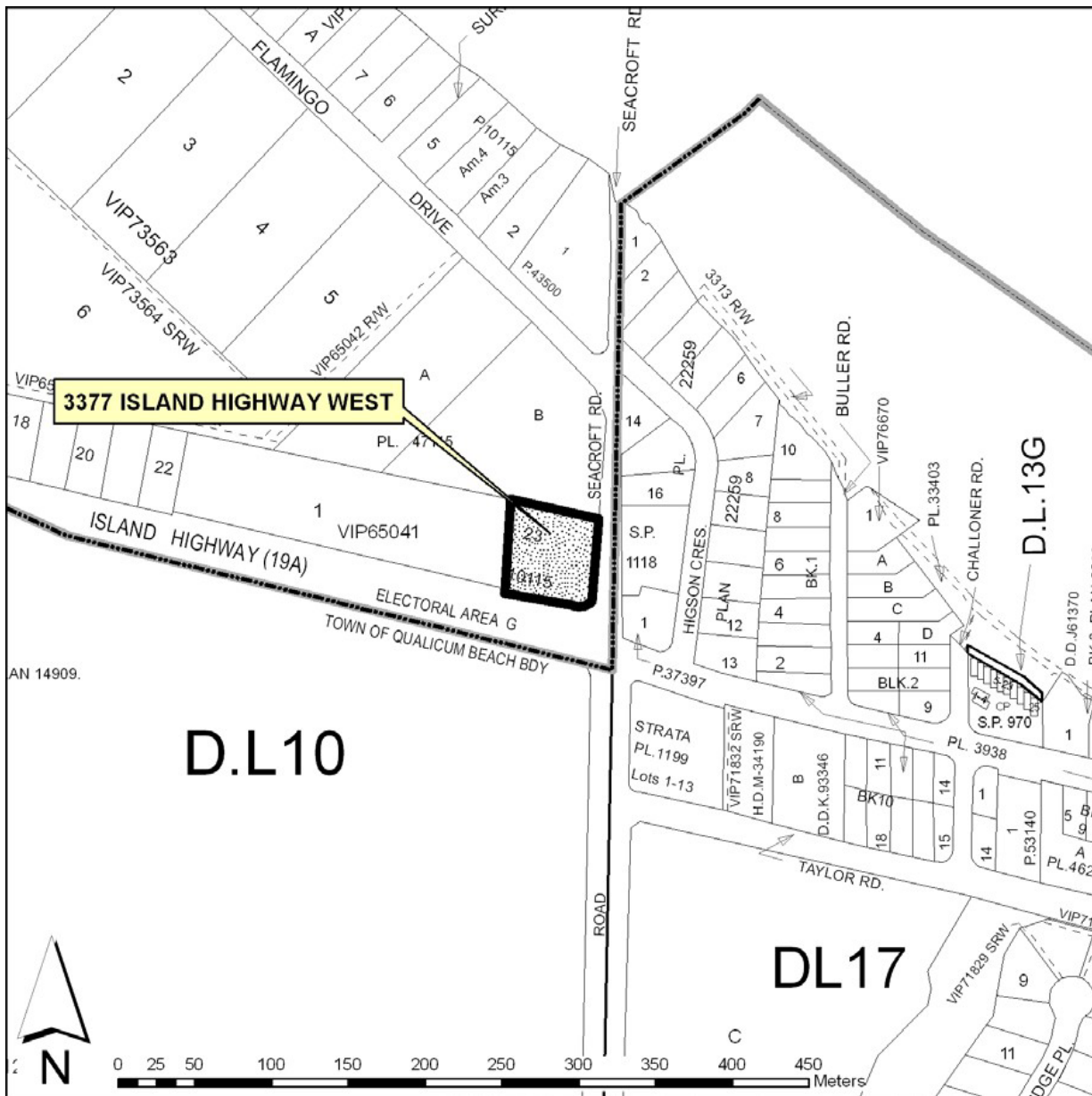
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Illustration No. 3 – Gasoline Service Station is permitted on the property shown below



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## 4.65 Commercial Comprehensive Development Zone 19 (CD19)

### (a) Uses

#### Permitted Uses

- (i) Campground Use
- (ii) Residential Use
- (iii) Agriculture

#### Accessory uses

- (iv) Secondary Suite

### (b) Number and Size of Buildings and Structures

(i)	Maximum Number of Camping Spaces	Camping spaces shall be developed in accordance with Section 3.23.
(ii)	Maximum Number of Dwelling units / parcel	1
(iii)	Maximum Height of buildings	<p>(A) 8.0 m above the 200-year designated flood level for all buildings and structures subject to the flood construction level requirements of "Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2003" as amended or replaced.</p> <p>(B) 8.0 m above the natural grade for all buildings and structures exempt from the flood construction level requirements of "Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2003" as amended or replaced.</p> <p>(C) Notwithstanding (A) and (B) above, in the case where a building or structure exempt from the flood construction level requirements of "Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2003" as amended or replaced is proposed to be constructed above the 200-year designated flood level, the maximum height shall be 8.0 m above the 200 year designated flood level.</p>
(iv)	Maximum Parcel coverage	10 %
(v)	Minimum Parcel Size	2.0 ha

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(c) **Minimum Setback Requirements**

For all buildings and structures:

- |       |   |                                      |
|-------|---|--------------------------------------|
| (i)   | All lot lines   | 5.0 m                                |
| (ii)  | Lot lines adjacent to the Englishman River                                | The regulations of Section 3.9 apply |
| (iii) | on a corner parcel, then the regulations in Section 3.8 shall also apply. |                                      |

(d) **Other Regulations**

For the purpose of this zone:

- |       |  |
|-------|--|
| (i)   | Campground Use means the use of a parcel for providing temporary accommodation for travelers who stay no more than 60 days in a calendar year using tents or recreational vehicles, but specifically excludes a manufactured home park or hotel. The following uses shall be permitted in conjunction with and accessory to a campground use: retail sales up to a maximum of 100 m <sup>2</sup> of floor area, public assembly, non-motorized recreational vehicle rentals, concession stand, and recreational use. |
| (ii)  | Non-Motorized Recreational Vehicle Rentals means the use of land, and or a building or structure not exceeding a maximum floor area of 100 m <sup>2</sup> for the purpose of renting non-motorized recreational vehicles and equipment and may include accessory guiding and lessons.  |
| (iii) | Concession Stand means the use of a building or structure not exceeding 15 m <sup>2</sup> in floor area not including outdoor eating and sitting areas for the sale of food and beverages to be consumed on the subject property, but specifically excludes neighbourhood pub and fast food outlet.  |
| (iv)  | Recreational Use means the use of land for the conduct of outdoor sports and outdoor leisure activities which may include accessory buildings and structures in association with a recreational use.   |
| (v)   | Intensive Agricultural Uses including feed lot, fur farm, mushroom farm, horse boarding stable, and intensive swine operation are not permitted in this zone.  |
| (vi)  | All Recreational Vehicles shall be licensed for use on public roads, have wheels, have no structural skirting, and have no associated decks, patios, additions, or other structural improvements.  |

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- (vii) The 200-year designated flood level shall be determined by interpretation of the "Province of British Columbia, Ministry of Environment – Water Management Branch Floodplain Mapping - Englishman River, drawing number 83-23-1,1980" and may be groundtruthed by a registered hydrologist or geotechnical engineer qualified to determine site specific flood construction levels to determine building-site specific flood construction levels.
- 

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## 4.66 Jingle Pot Road Comprehensive Development Zone 20 (CD20)

### (a) Uses

#### Permitted Uses

- (i) Agriculture – on lands not located in the Agricultural Land Reserve
- (ii) Farm Use – on lands in the Agricultural Land Reserve
- (iii) School – on lands in the Agricultural Land Reserve as per ALC Resolutions # 174/2017 and #3/2020

#### Accessory Uses

- (iv) Day Care Facility

#### Accessory School Uses

- (v) Gathering for an Event

### (b) Maximum Number and Size of Buildings and Structures

Height	9.0 m
--------	-------

Parcel coverage	45%
-----------------	-----

### (c) Minimum Setback Requirements

All non-farm buildings and structures – all lot lines	8.0 m
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Except where:

- (i) The adjoining parcel or zone boundary is zoned Agriculture then the setback from the common lot line or zone boundary may be reduced to zero.
- (ii) Any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.9 shall apply.
- (iii) All agriculture or farm buildings, structures and uses – in accordance with Section 3.11 except where the adjoining parcel or zone boundary is zoned Agriculture, then the setback from the common lot line may be reduced to zero.

### (d) Other Regulations Applicable to this Zone

- (i) Day Care Facility means a facility providing group child care, preschool, multi-age child care, family day care, child minding, or out of school care in accordance with the provisions of the Community Care and Assisted Living Act.

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(ii)	School and Day Care Facility shall require a minimum of 37 off-street parking spaces total.
(iii)	<p>Despite any other regulation in this Bylaw, parking and loading spaces:</p> <p>(A) shall be permitted within the applicable minimum setback requirements of this zone;</p> <p>(B) shall be permitted on a gravel or similar permeable surface.</p>
(iv)	For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
(v)	Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
(vi)	Specific 'Farm' and 'Permitted' uses as defined in the Agricultural Land Reserve Use, Regulation shall be developed in accordance with Section 3.16 and 3.17 of this Bylaw.
(vii)	Where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate parcels for the purpose of determining parcel coverage.
(viii)	Despite any other regulation in this Bylaw, land established as 'Agricultural Land Reserve' pursuant to the Agricultural Land Commission Act is subject to the Agricultural Land Commission Act and Regulations, and applicable orders of the Land Reserve Commission.

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## 4.67 Yale Road Light Industrial Comprehensive Development Zone 21 (CD21)

### (a) General Operative Clauses

This zone permits and contemplates that the subject property will be subdivided into three parcels generally as shown in Section 0 – Land Use and Subdivision Plan. Despite any part of this zone, unless and until the subject property is subdivided in general conformance with Section 0 – Land Use and Subdivision Plan, the subject property shall only be used and/or developed in accordance with the Resource Management 1 zone and custom sawmill shall be permitted within Area 1 subject to compliance with the regulations that apply to Area 1.

### (b) Uses in Area 1

#### Permitted Principle Uses

- (i) Residential Use
- (ii) Agriculture
- (iii) Custom Sawmill limited to the location shown in Section 0

#### Accessory Uses

- (iv) Home Based Business
- (v) Secondary Suite

### (c) Maximum Number and Size of Buildings and Structures in Area 1

(i) Accessory Buildings	Combined floor area of 400 m <sup>2</sup> per parcel
(ii) Height	10.0 m
(iii) Dwelling units/parcel	1
(iv) Parcel coverage	25 %

### (d) Minimum Setback Requirements in Area 1

All agriculture buildings, structures, and uses	In accordance with Section 3.11
All buildings, structures, storage, wood waste, logs, finished product, machinery, loading areas, sales, and other improvements that are accessory to the custom sawmill.	Must be entirely contained within the area shown in Section 4.67(o).
All other buildings and structures	All lot lines – 8.0m

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(e) <b>Minimum Parcel Size in Area 1</b>	2.0 ha										
<b>(f) Other Regulations in Area 1</b>  For the purpose of this zone: <ul style="list-style-type: none"> <li>(i) Operation of the custom sawmill shall be limited to the hours of 7:00 am to 5:00 pm Monday to Friday, excluding statutory holidays.</li> <li>(ii) Custom sawmill shall only be permitted to operate in the location shown in Section 4.67(o).</li> <li>(iii) Home Based Business shall be conducted in accordance with the home based business regulations that apply to parcels zoned Rural Residential 1.</li> </ul>											
<b>(g) Uses in Area 2</b>  <b>Permitted Uses</b> <ul style="list-style-type: none"> <li>(i) Residential Use</li> <li>(ii) Boat Storage Facility</li> </ul> <b>Accessory Uses</b> <ul style="list-style-type: none"> <li>(iii) Home Based Business</li> <li>(iv) Secondary Suite</li> </ul>											
<b>(h) Maximum Number and Size of Buildings and Structures in Area 2</b> <table> <tr> <td>(i) Accessory Buildings</td><td>Combined floor area of 400 m<sup>2</sup></td></tr> <tr> <td>(ii) Boat Storage Facility</td><td>Combined floor area of 6,000 m<sup>2</sup></td></tr> <tr> <td>(iii) Dwelling units/parcel</td><td>1</td></tr> <tr> <td>(iv) Height</td><td>10.0 m</td></tr> <tr> <td>(v) Parcel coverage</td><td>25%</td></tr> </table>		(i) Accessory Buildings	Combined floor area of 400 m <sup>2</sup>	(ii) Boat Storage Facility	Combined floor area of 6,000 m <sup>2</sup>	(iii) Dwelling units/parcel	1	(iv) Height	10.0 m	(v) Parcel coverage	25%
(i) Accessory Buildings	Combined floor area of 400 m <sup>2</sup>										
(ii) Boat Storage Facility	Combined floor area of 6,000 m <sup>2</sup>										
(iii) Dwelling units/parcel	1										
(iv) Height	10.0 m										
(v) Parcel coverage	25%										
<b>(i) Minimum Setback Requirements in Area 2</b>  For all buildings and structures: <ul style="list-style-type: none"> <li>(i) All lot lines 20.0 m</li> <li>(ii) Notwithstanding the above, all lot lines adjacent to Spider Lake Provincial Park - 25.0 m adjacent to the south lot line and 35.0 m adjacent to the east lot line</li> </ul>											
(j) <b>Minimum Parcel Size in Area 2</b>	4.0 ha										

(k) Other Regulations in Area 2

For the purpose of this zone:

(i)

For clarification, where one or more sides of a boat storage building are not enclosed, floor area shall be calculated from the inside surface of the outermost exterior post or beam, whichever results in the greatest resulting floor area calculation.

(l) General Regulations for Areas 1 and 2

For the purpose of this zone:

(i)

For clarification, Area 1 is intended to apply to proposed Lots A and C and Area 2 is intended to apply to proposed Lot B.

(ii)

Despite the minimum parcel sizes permitted by this zone, minimum parcel sizes may be reduced to accommodate road dedication required by the Provincial Approving Officer at the time of subdivision.

(iii)

All boat storage buildings shall include an impervious floor with an engineered and appropriately sized and owner-maintained oil/water separator.

(m) Definitions

Boat Storage Facility

means the use of a building(s) for the purpose of storing pleasure craft that are transported to the property and stored on licensed trailers and does not include accessory servicing, repair, winterizing, maintenance, refueling, or washing of pleasure craft.

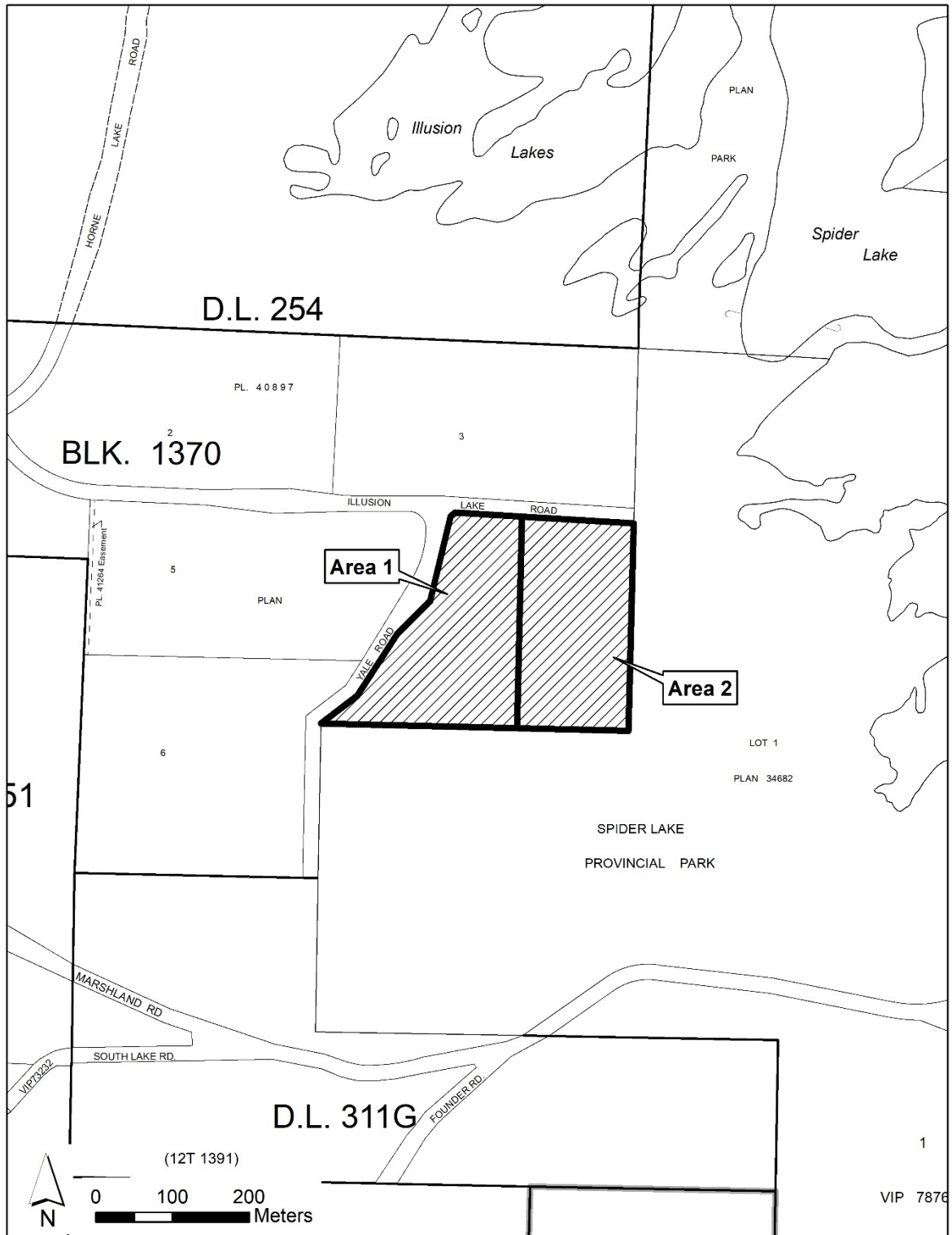
Custom Sawmill

means a building, structure, or use of land, where logs are cut, split, or sawn into custom-ordered rough-cut lumber and fence components with a maximum volume of 30 m3 per day and includes accessory on-site retail sales of the lumber and fence components produced on site, but does not include planing, kiln drying, or the distribution of such products on a wholesale or retail basis.

Maximum Volume

means the combined production volume of all machinery used to saw or split logs or timbers that are utilized to operate a custom sawmill based on the manufacturers specified maximum production rate and when a manufacturers specified maximum production rate is not available, maximum volume shall be the combined production volume based on the sawing machinery operating at full capacity for 10 consecutive hours.

(n) Location of Areas 1 and 2



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# Part 5

## Subdivision Regulations

This Part includes regulations on subdivision, minimum parcel size and servicing requirements for subdivision.



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# Part 5 - Subdivision Regulations

## 5.1 Subdivision Districts

- (a) For the purpose of this Bylaw, the areas subject to this Bylaw are hereby divided into subdivision districts as provided in Schedule '3A – Zoning and Subdivision District Maps' (Schedule '3A').
- (b) The extent of each subdivision district is shown on Schedule '3A'.
- (c) Where a subdivision district boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule '3A'.
- (d) Where a subdivision district boundary is designated as following a highway or watercourse, the centreline of the highway or the natural boundary of the watercourse or centreline of a creek shall be the subdivision district boundary.
- (e) Any land not included in any subdivision district by Schedule '3A' shall be deemed to be in Subdivision District A.
- (f) Notwithstanding Schedule '3A', no parcel shall be created which does not have adequate land area to support at least one permitted use.

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- (g) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below:

<b>Minimum Parcel Size</b>				
<b>Subdivision District</b>	<b>Community Water &amp; Sewer System</b>	<b>Community Water System – No Community Sewer</b>	<b>Community Sewer System – No Community Water</b>	<b>All Other Subdivisions</b>
<b>A</b>	20.0 ha	20.0 ha	20.0 ha	20.0 ha
<b>B</b>	8.0 ha	8.0 ha	8.0 ha	8.0 ha
<b>C</b>	5.0 ha	5.0 ha	5.0 ha	5.0 ha
<b>CC</b>	4.0 ha	4.0 ha	4.0 ha	4.0 ha
<b>D</b>	2.0 ha	2.0 ha	2.0 ha	2.0 ha
<b>E</b>	1.6 ha	1.6 ha	1.6 ha	1.6 ha
<b>F</b>	1.0 ha	1.0 ha	1.0 ha	1.0 ha
<b>G</b>	8000 m <sup>2</sup>	1.0 ha	1.0 ha	1.0 ha
<b>H</b>	5000 m <sup>2</sup>	1.0 ha	1.0 ha	1.0 ha
<b>J</b>	4000 m <sup>2</sup>	6000 m <sup>2</sup>	1.0 ha	1.0 ha
<b>K</b>	4000 m <sup>2</sup>	4000 m <sup>2</sup>	4000 m <sup>2</sup>	4000 m <sup>2</sup>
<b>L</b>	2000 m <sup>2</sup>	2000 m <sup>2</sup>	4000 m <sup>2</sup>	4000 m <sup>2</sup>
<b>M</b>	2000 m <sup>2</sup>	2000 m <sup>2</sup>	1.0 ha	1.0 ha
<b>N</b>	1600 m <sup>2</sup>	1600 m <sup>2</sup>	1.0 ha	1.0 ha
<b>P</b>	1000 m <sup>2</sup>	1600 m <sup>2</sup>	1.0 ha	1.0 ha
<b>Q (EA G only)</b>	700 m <sup>2</sup>	1.0 ha	1.0 ha	1.0 ha
<b>Q (other EAs)</b>	700 m <sup>2</sup>	2000 m <sup>2</sup>	1.0 ha	1.0 ha
<b>R</b>	500 m <sup>2</sup>	1.0 ha	1.0 ha	1.0 ha
<b>S</b>	400 m <sup>2</sup>	2000 m <sup>2</sup>	1.0 ha	1.0 ha
<b>T</b>	600 m <sup>2</sup>	No further subdivision		
<b>V</b>	50.0 ha	50.0 ha	50.0 ha	50.0 ha
<b>Z</b>	No further subdivision			

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## 5.2 Prohibition

- (a) Land shall not be subdivided contrary to this Bylaw.

## Subdivision Standards

## 5.3 Parcel Size

- (a) Minimum parcel size requirements for each subdivision district shall be in accordance with Schedule '3A'.
- (b) A panhandle shall not be considered part of a parcel for the purpose of calculating parcel size in any subdivision district described in this Bylaw.
- (c) The minimum parcel size shall be increased as necessary:
  - (i) to suit the topography; and
  - (ii) to ensure that all permitted uses in the applicable zone can be accommodated on each proposed parcel. Where all permitted uses cannot be accommodated, a restrictive covenant in favour of the Regional District is registered against all affected parcels shall be required to limit the uses to those that can be accommodated; and
  - (iii) to ensure that the gradient of an access driveway or a panhandle to service the proposed lots shall not exceed 20%.
- (d) Parcels within land to be subdivided may be reduced to 80% of the size otherwise permitted in the applicable subdivision district, provided that:
  - (i) a maximum of 50% of the proposed parcels within the land to be subdivided may be reduced in size, unless a higher percentage has been approved by way of a development variance permit; and
  - (ii) the average parcel size of all parcels within the subdivision conforms with the parcel size permitted in the applicable subdivision district; and
  - (iii) a restrictive covenant in favour of the Regional District is registered against all parcels in the subdivision prohibiting further subdivision of the land unless the largest parcel created within the subdivision is less than twice the minimum parcel size applicable to that parcel at the time of subdivision.

## 5.4 Parcels Exempt from Minimum Parcel Size Requirements

- (a) Where the requirements of the authority having jurisdiction are met with respect to the provisions of water and method of sewage disposal, minimum parcel size and parcel servicing regulations shall not apply to a subdivision:
  - (i) combining 2 or more parcels into a single parcel;
  - (ii) where the effect of subdivision would not be to increase the number of parcels, but to adjust the boundary between existing parcels, provided that the boundary change does not result in the reduction of either parcel by 20% or more of its original size;
  - (iii) adding an accretion to a parcel.
- (b) Parcels created on or before April 21, 1987, which consist of 2 or more parts physically separated by:
  - (i) a highway which was dedicated prior to April 21, 1987;
  - (ii) the Nanaimo River, the Englishman River, the Little Qualicum River, or the Qualicum River;
  - (iii) a railway under jurisdiction of the applicable *Railway Act* and amendments thereto; may be subdivided along the dividing highway, the natural boundaries of the noted rivers, or the railway even when the newly created parcels fail to meet the minimum parcel size requirements of this Bylaw, provided the requirements of the authorities having jurisdiction are met with respect to the provision of water, method of sewage disposal and access.
- (c) Parcels proposed for subdivision pursuant to Section 514 of the *Local Government Act* shall be permitted provided that:
  - (i) all requirements of provincial legislation are satisfied; and
  - (ii) the parent parcel is a minimum of 2.0 ha to be eligible; except where the parent parcel was connected to a community water system the minimum parcel shall be no less than 5,000 m<sup>2</sup> to be eligible; and
  - (iii) all other requirements of this Bylaw are met.

## Design and Servicing Standards

## 5.5 Parcel Shape and Dimensions

- (a) The depth of each parcel of land in a subdivision shall not exceed 40% of the length of the perimeter of the parcel, excluding any panhandle, unless the proposed subdivision will create parcels substantially closer to compliance with this provision than the existing parcel.

(b) No panhandle shall be created:

- (i) narrower than 10.0 m where further subdivision of the parcel is possible; or
- (ii) narrower than 6.0 m where further subdivision is not possible.

(c) Each portion of a hooked parcel must meet the minimum parcel size.

(d) Where land is deemed to be in part or wholly within the designated coastal floodplain or is influenced by the sea, each parcel created through subdivision shall:

- (i) have a viable building envelope on natural grade that is above the Flood Construction Level for future sea level rise as set out in the applicable Official Community Plan, and
- (ii) complies with the setbacks from the sea as prescribed in the applicable Official Community Plan, zoning Bylaw and the “Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023”.

## 5.6 Highway Requirements

(a) No proposed highway to be dedicated by a plan of subdivision shall be shown on a plan, dedicated, laid out or constructed unless the design, dimensions, locations, alignment and gradient meet the requirements for highways, as established from time to time, by the Ministry of Transportation and Infrastructure.

(b) Additional dedicated rights of way of up to 6.0 m may be required for bus stop areas near key intersections.

(c) A subdivision pursuant to the *Strata Property Act* and amendments thereto the following minimum access route standards shall apply along with any further requirements by the Ministry of Transportation:

Paved Width	Parking
6.0 m	On street parking not permitted - parking provided in accordance with Section 3.22
8.5 m	On street parking permitted on one side

## 5.7 Community Water and Sewer System Standards

(a) Connection to a Regional District of Nanaimo (Regional District) community water or community sewer system shall be in accordance with this section.

(b) Community water and community sewer system standards in the Regional District shall be in accordance with the latest editions of “Design Guidelines” and “General Conditions, Specifications and Standard Detail Drawing” published by The Master Municipal Construction Documents Association. If necessary, the standards can be modified to meet

the requirements of RDN operations, Vancouver Island Health Authority and BC Ministry of Transportation and Infrastructure.

- (c) Notwithstanding the above, or any other regulation in this Bylaw, the installation of utilities within the public road right-of-way shall be in accordance with the Ministry of Transportation and Infrastructure Utility Policy Manual as amended or replace.
- (d) For utility installations within the public road right-of-way, should there be conflict between the “Design Guidelines” and “General Conditions, Specifications and Standard Detail Drawing” published by The Master Municipal Construction Documents Association and the Utility Policy manual, approval from the Ministry of Transportation and Infrastructure shall be required for any exception to the Utility Policy Manual.
- (e) For clarity, a Development Variance Permit shall not be required for any variations to the standards and requirements approved by Ministry of Transportation and Infrastructure.

(f) **Feasibility Review**

All proposed construction of water distribution and sewage collection and conveyance infrastructure shall be submitted to the Regional District for a feasibility review prior to commencement of any detailed design or construction. Such requests shall include a plan of the proposed construction and the area it will serve. The applicable feasibility review fee, in accordance with RDN Bylaw No. 1845 or most recent amendment, and the Letter of Assurance shall also be submitted at this time.

The Regional District will review the proposal and reply in writing indicating the District's decision regarding acceptance or rejection, and/or the necessary amendments required.

(g) **Detailed Design**

The detailed design and specifications shall be submitted to the Regional District for Design Stage Approval (DSA) prior to construction. All documents submitted as part of the design must be signed and sealed by a Professional Engineer registered with the Engineers and Geoscientists of British Columbia. The applicable engineering review fee, in accordance with RDN Bylaw No. 1845 or most recent amendment, shall also be submitted at this time, along with the Design Professional Engineer's certified cost estimate for the works upon which the fee amount is based. The final determination of the DSA fee shall be determined upon completion of the project and final certification of the construction costs by the Design Professional.

The detailed plans will be returned either approved or with a request for re-submission. Re-submission will be carried out until the Regional District approves the detailed plans and specifications, and issues Design Stage Approval (DSA).

The designer shall submit the RDN approved plans to the Provincial Ministry of Transportation & Infrastructure and Vancouver Island Health Authority for approval permits. Receipt and submission of these permits to the RDN shall also be a prerequisite to the start of construction. Approval permits from other applicable agencies as required shall also be obtained.

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(h) **Variations from Standards**

Where the applicant wishes to vary from these standards, they shall submit a written request with adequate supporting data to the Regional District for review.

The Regional District shall make the final decision in writing as to the standard requirements which shall apply.

(i) **Permits**

The applicant shall be responsible for obtaining all necessary approvals and permits required prior to commencing construction of a community water or community sewer system.

(j) **New Service Areas**

Where a community water or community sewer system is to be constructed by an applicant within an area previously unserved by a community water or sewer system, the design and construction for the system shall comply with the requirements of these standards, unless otherwise agreed to in writing by the Regional District.

(k) **Existing Service Areas**

Where a community water or community sewer system is to be constructed by an applicant within the existing or extended boundaries of an area already being served by a community sewer system, the design and construction of the system shall comply with the requirements of these standards.

(l) **Prime Contractor**

The owner/applicant shall retain a qualified contractor to carry out the construction. There must be a written signed agreement between the owner/applicant and the contractor designating the contractor as “Prime Contractor”. The Contractor must be registered with WorkSafe BC and be in good standing with remittance up to date throughout the agreement and shall fulfill the Prime Contractor responsibilities as defined in:

- (i) WorkSafeBC Occupational Health and Safety Regulation, Notice of Project, Section 20.2, and Coordination of multiple employer workplaces, Section 20.3; and
- (ii) Workers Compensation Act (BC), Coordination at multiple-employer workplaces, Section 118, Subsections (1) & (2).

If the owner/applicant does not designate the Prime Contractor through written signed agreement, the owner/applicant will be considered as Prime Contractor and be responsible for overall health and safety of the site.

The owner/applicant shall make sure that the contractor carries sufficient insurance before starting construction. The owner/applicant or their contractor(s) shall indemnify and save harmless the Regional District from all costs, fines, expenses and penalties that may arise due to the negligence of the owner/applicant or the contractor in performing their obligations.

**(m) Inspection**

The Manager of Water Services of the Regional District or the appointed deputies shall be allowed access and provided adequate facilities for access to any part of the works at all times for the purpose of inspection.

Any connections to or interruption of any existing system will only be permitted under the direct supervision of the Regional District. Adequate notice to the Regional District of any such interruption to service shall be provided in order that attendance by Regional District personnel can be arranged.

Any connections to or interruption of any existing system will be under the direct supervision of the Regional District. Adequate notice to the Regional District of any such interruption to service shall be provided in order that attendance by Regional District personnel can be arranged.

The Regional District of Nanaimo shall be given 48 hours notice for each required site attendance by Regional District staff. This may include tie-ins, tests, inspection of utilities, etc.

**(n) Final Inspection by RDN**

Prior to requesting a Final Inspection, the registered B.C. Professional Civil Engineer shall submit to the Regional District complete Record Documents, a completed letter Certification of Installed Works, all applicable inspection and test results (video inspection DVD's, leakage testing, etc.), and Certificate of Approval for electrical works (pump stations, wells, lighting, controls, etc.) The Final Inspection shall be arranged by the Professional Engineer on completion of the work. This shall be directed by the Professional Engineer in the presence of approved representatives of the Regional District and the installation Contractor. A complete list of deficiencies identified during the final inspection shall be prepared by the Professional Engineer. Once the deficiencies have been satisfactorily rectified, the Professional Engineer shall so notify the Regional District. The date of the Final Inspection will generally be regarded as the commencement of the guarantee period, unless significant deficiencies are found at the inspection, at the discretion of the Regional District.

**(o) Preparation/Execution of Transfer Agreement by Developer**

The Developer shall prepare and execute the Transfer Agreement for the works to the Regional District.

**(p) Preparation/Execution of Maintenance Agreement**

The Developer shall guarantee the workmanship and the performance of the work as per the Maintenance Agreement, from the date of acceptance (generally the RDN final inspection date) for a period of one year. This shall be additionally secured by way of cash or an irrevocable letter of credit in the amount of 10% of the cost of construction as certified by a B.C. Professional Civil Engineer, or \$10,000.00 (whichever is greater).

The RDN may reduce the length of the guarantee period and/or the amount of the security. The RDN may also require additional payment, or payout a credit as appropriate, related to an adjustment of the initial engineering fee to final construction cost values, in accordance

with RDN Bylaw No. 1845 or most recent amendment. Any change to the guarantee period, security amount or the engineering fee is required to be in writing.

(q) **Preparation/Execution of Latecomer Agreement**

Where a latecomer agreement may be applicable to a portion of the costs of the works, as agreed by the Regional District and any other applicable jurisdictions, the Developer shall pay all costs of both the Regional District and the Developer associated with the preparation, execution, and registration of the necessary Latecomer Agreement. The Regional District will assume any internal staff costs involved in planning, reviewing, approving, and administering the Latecomer Agreement preparation, and any administrative and financial costs involved during the effective time-period of the agreement. Based on current legislation, a Latecomer Agreement expires 10-years after its initial registration.

(r) **Letter of Acceptance of the Works by RDN**

Following completion of all the foregoing requirements, the Regional District will issue the formal Letter of Acceptance of the Works. The Regional District will also issue a written statement that the new works can be connected to the District's existing system. Such connection shall be undertaken by the applicant under the direct supervision of the District or by the District at a cost to the applicant.

(s) **Sanitary Sewer Pipe Capacity**

The maximum pipe depth of flow in the sanitary sewer main shall not exceed the following criteria in the design:

- (i) <250mm  $\frac{3}{4}$  pipe diameter
- (ii) 300mm to 450mm  $\frac{3}{4}$  pipe diameter
- (iii) >500mm Full pipe diameter

For new development, replace existing sewer mains impacted by the proposed development if the sewage flow exceeds 50% of diameter or it does not meet the minimum pipe diameter requirement.

(t) **Water Pressure**

Minimum design distribution pressure in all areas at peak demand shall be 276 kPa (40 psi) at the property line. The design engineer shall indicate any building sites where the pressure at the main floor of the building is expected to be less than 207 kPa (30 psi). The developer is expected to file covenants of low pressure on properties where the pressure at the main floor of the building is expected to be less than 207 kPa. With the combination of maximum daily demand and the specified fire flow, the minimum residual water pressure at the fire hydrant shall be 138 kPa (20 psi), and at the highest point in the system shall not fall below 69 kPa (10 psi). Where these minimum design pressures cannot be maintained due to an increase in elevation or distance from the point of connection, a booster pump station and emergency storage shall be provided as part of the distribution system.



## 5.8 Water and Sewer Supply

- (a) Where a parcel to be created is not to be served by a community water system and is less than 5.0 ha in area, the applicant shall provide reasonable proof that a minimum year-round potable water supply of 3.5 m<sup>3</sup> per day can be provided for each parcel being created.
- (b) Where a parcel is to be served by a water or sewer system operated by a municipality, Improvement District or person required to hold a certificate of public convenience and necessity under the *Water Utility Act*, the applicant shall provide proof that the requirements for connection to the water or sewer system have been completed.
- (c) Any community water system, or part thereof, provided within the subdivision, to service the subdivision or to connect the water distribution system within the subdivision to a Regional District trunk water main shall, if constructed after the enactment of this Bylaw, be constructed and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the standards and specifications set out in the Master Municipal Construction Document.
- (d) Notwithstanding Section 5.8 (a), for lands within the Lakes District and Schooner Cove Community Water and Sewer Standards Area, all parcels shall be serviced by a community water system.
- (e) Notwithstanding Section 5.8 (b), for lands within the Lakes District and Schooner Cove Community Water and Sewer Standards Area any community water system, or part thereof, provided within the subdivision, to service the subdivision or to connect the water distribution system within the subdivision to a Regional District trunk water main shall, be constructed and installed at the expense of the owner of the land being subdivided and shall be carried out in accordance with the standards and specifications set out in the Master Municipal Construction Document.
- (f) The standards and specifications set out in the Master Municipal Construction Document do not apply to community water system owned, operated and maintained by a municipality or an improvement district, or a community water system which is operated by a person required to hold a certificate of public convenience and necessity under the *Water Utility Act*.
- (g) When community water is available for a newly dedicated park a water service connection shall be provided. This requirement may be waived at the discretion of the Regional District of Nanaimo.

## 5.9 Exceptions

- (a) Subdivision regulations do not apply to:
  - (i) parcels to be used solely for unattended utility use;
  - (ii) park; or
  - (iii) parcels for the sole purpose of ecological conservation.

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# Part 6

## Development Permit Areas

This Part includes all Development Permit Area Guidelines for the Regional District of Nanaimo.



# Part 6 - Development Permit Areas

## 6.1 Development Permit Area Organization

- (a) For the area covered by this Bylaw, the relevant Official Community Plan designates development permit areas and describes the special conditions or objectives that justify the designations. The applicability, exemption and guidelines for the development permit areas are contained within this Bylaw as within Part 6.
- (b) Works conducted by the Regional District or its agents are exempt from requiring a Development Permit where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

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## 6.2 Freshwater and Fish Habitat Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

Terms used in this Development Permit Area that are defined in the provincial Riparian Areas Regulation (RAR), of the *Riparian Areas Protection Act*, are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time. This Regulation and Act may be obtained from the Provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development or from the BC Laws website.

A development permit is required for the following activities wherever they occur within this Development Permit Area, unless specifically exempted:

- (i) removal, alteration, disruption, or destruction of vegetation;
- (ii) disturbance of soils; including grubbing, scraping and the removal of top soils;
- (iii) construction or erection of buildings and structures;
- (iv) creation of non-structural impervious or semi-impervious surfaces;
- (v) flood protection works;
- (vi) construction of roads, trails, docks, wharves, and bridges; and
- (vii) subdivision of land.

### (b) Exemptions

The following activities are exempt from any requirement for a development permit.

#### Exemptions Applicable to all Watercourses

- (i) Development in an area where no stream or watercourse exists, or where the proposed development is clearly outside the development permit area, as determined by the Regional District, a BC Land Surveyor, or a Registered Professional Biologist. This exemption does not apply if the stream or watercourse ecosystem was previously filled or realigned without a development permit.
- (ii) Renovations, repairs, maintenance, the construction of a second-storey addition, excluding cantilevered construction to existing buildings within the same footprint (a building permit may still be required).
- (iii) All park or parkland ancillary uses not containing commercial, residential, or industrial activities.

- (iv) Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
- (C) emergency flood or protection works;
  - (D) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
  - (E) any emergency works to be undertaken in accordance with the Provincial Water Sustainability Act and Wildlife Act, and the federal Fisheries Act.
- Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
- (v) Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest are exempt only if a permit under the *Wildlife Act* has been obtained.
- (vi) The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
- (vii) The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Notethat other provincial legislation such as the *Waste Management Act* and the *WaterSustainability Act* may apply to farm operation activities.
- (viii) Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnicalinvestigation under supervision of a Professional Engineer.
- (ix) Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
- (x) All forest management activities on lands subject to the *Forest Act* or *Private*

*Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.

- (xi) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
- (xii) Subdivision where the minimum lot size is met exclusive of the development permit area, and no works are proposed within the development permit area.

**Exemptions Applicable to Streams under the RAR only**

- (xiii) Subdivision where the minimum lot size is met exclusive of the Streamside Protection and Enhancement Area (SPEA), and no works are proposed within the Riparian Assessment Area.
- (xiv) Within Electoral Area A, development activities more than 30 m from the Nanaimo River or Haslam Creek, measured from the top of bank or present natural boundary, whichever is greater, where:
  - (A) a RAR assessment report has been completed by a Qualified Environmental Professional in accordance with the RAR Assessment Methods and submitted to the province; and
  - (B) notification of the assessment report has been received by the provincial ministry responsible and the Regional District.
- (xv) For streams subject to the RAR, in the case where a simple assessment is submitted which assigns a SPEA, a development proposed outside of the SPEA where:
  - (A) the assessment report has been completed by a Qualified Environmental Professional (QEP) in accordance with the RAR Assessment Methods; and
  - (B) notification of the assessment report has been received by the provincial ministry responsible and the Regional District, and there are no measures outside of the SPEA required to protect the SPEA.

**Exemptions Applicable to this Development Permit Area where the RAR does not apply**

- (xvi) Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
- (xvii) A property owner may construct a single trail within this development permit area in accordance with the principles and standards of 'Access Near Aquatic Areas' of the Stewardship Series published by the provincial and federal governments, and subject to the following conditions:
  - (A) the trail provides the most direct route or feasible passage through the

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development permit area while minimizing the extent of vegetation removal or disturbance and minimizing excavation and removal of native soils;

(B) the ground is stable, ie. erodible stream banks or other erosion prone areas shall be avoided;

(C) no motorized vehicles are permitted on the trail;

(D) the trail is not to exceed a maximum width of 1.5 m;

(E) no trees, which are greater than 5.0 m in height and 10.0 cm in diameter, are to be removed; instead limbing and pruning of trees shall be done, where necessary, to facilitate the construction of the single trail;

(F) the trail's surface shall only be composed of pervious materials.

(xviii) Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, if the addition is located on the side or part of the building or structure most distant from the waterbody or stream.

(xix) The construction of a small accessory building or structure if all the following apply:

(A) the building or structure is located within an existing landscaped area;

(B) no native trees with a diameter at breast height of 20 cm or greater are removed;

(C) there is no permanent foundation;

(D) the building or structure is located a minimum of 10 m from the high water mark or, where the bank has a slope greater than 3:1, 10 m from the top of the bank; and

(E) the total area of the accessory building or structure is less than 10 m<sup>2</sup>.

#### (c) Guidelines

Development permits shall be issued in accordance with the following:

#### Guidelines Applicable to all Watercourses

- (i) An assessment must be prepared by a Registered Professional Biologist (a QEP for streams applicable to the RAR) for the purpose of identifying sensitive biophysical features on or near the development permit area and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list each guideline with an explanation of how the development is consistent with the guideline, or an explanation as to how the guideline is not applicable. The site plan should indicate the areas for yard and driveway and areas to remain free from development. See Guideline 13 for additional requirements of this report for streams applicable to the RAR.



- (ii) If development or alteration of land is proposed within the development permit area, it shall be located so as to minimize the impact on the stream or waterbody. The assessment report shall include an explanation as to how locating development entirely outside of the development permit area has been considered, and the reason that it is not being proposed. Variances to the zoning bylaw regulations to minimize development in the development permit area should be considered.
- (iii) Sensitive biophysical features to be assessed in this development permit area include but are not limited to:
  - (A) forest cover and ecological communities;
  - (B) surface drainage patterns;
  - (C) site topography and channel morphology;
  - (D) aquatic and riparian habitat values, condition and function;
  - (E) rare and uncommon species and plant communities; and
  - (F) an overall assessment of the ecological importance of the watercourse.
- (iv) Mitigation measures that should be considered in the biological assessment include but are not limited to:
  - (A) minimization of vegetation removal;
  - (B) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors;
  - (C) sediment and erosion control;
  - (D) protection of sensitive areas through fencing or other permanent demarcation; and
  - (E) timing of construction to minimize potential impacts.
- (v) Where the applicant's biologist or other Qualified Professional recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other Qualified Professional to the satisfaction of the Regional District.
- (vi) For the SPEA or where the applicant's biologist or other Qualified Professional recommends other specific areas that must remain free from development:
  - (A) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and

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(B) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.

- (vii) The applicant's biologist or QEP may be required to provide confirmation to the Regional District that the property has been developed in accordance with the QEPs recommendations.

**Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions**

- (viii) On any development where there is potential for silt, petroleum or any other contaminants to enter a watercourse either directly or indirectly through infiltration, provision of oil, grease and sediment removal facilities and the ongoing maintenance of these features will be required.
- (ix) Directing drainage of rainwater from development sites into the SPEA and other watercourses and water bodies shall be avoided. Instead, rainwater is to be managed onsite with an emphasis on infiltration approaches to management. If impacts cannot be avoided through onsite infiltration, a sediment and erosion control plan may be required, and grading plan may be required where fill is placed near the freshwater feature.
- (x) In low-lying areas subject to flooding, development should not increase the flood risk on the subject property or on adjacent or nearby properties. Where the placement of fill is proposed within a floodplain as defined by the RDN Floodplain Management Bylaw, it shall be designed by a Professional Engineer to ensure that the placement of the proposed fill will not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, result in higher flood flows or result in higher flood potential elsewhere in the floodplain.
- (xi) Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 m, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

**Additional Guidelines Applicable to Streams Subject to the RAR only**

- (xii) No development shall take place within any SPEA except where:
  - (A) a QEP has determined that no serious harm is likely to occur or that it can be mitigated by following prescribed measures; or

- (B) the owner has obtained an authorization under subsection 35(2) [serious harm to fish] of the *Fisheries Act* or Section 11 [changes in and about a stream] of the *Water Sustainability Act*.
- (xiii) The Regional District shall require the applicant to retain a QEP, at the expense of the applicant, for the purpose of preparing an assessment report, pursuant to Section 4(2) of the RAR and the RAR Assessment Methodology Guidebook, and the assessment report must be electronically submitted to the provincial ministry responsible, via the Riparian Area Regulations Notification System, and a copy must be provided to the Regional District.
- (xiv) In addition to implementing the measures in the assessment report, to ensure the integrity of the SPEA the Regional District and landowner may consider the following:
- (A) gift to a nature preservation organization all or part of the SPEA; or
- (B) register a restrictive covenant or conservation covenant on title securing the measures prescribed in the assessment report.
- (xv) For the purpose of subdivision design, proposed lot configuration shall consider the protection of the SPEA and minimize new lot lines in the SPEA. The proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA to accommodate wastewater disposal field, driveway, accessory buildings and yard.
- (xvi) Permanent fencing and/or other means of clearly delineating the SPEA boundary such as signage must be designed to follow the standard established by the Regional District and Ministry of Environment shown below. Signage should be installed to the satisfaction of the Regional District prior to land alteration and in the case of subdivision prior to the Regional District notifying the Approving Officer that the conditions of the development permit have been met. Fencing must be maintained in good order.

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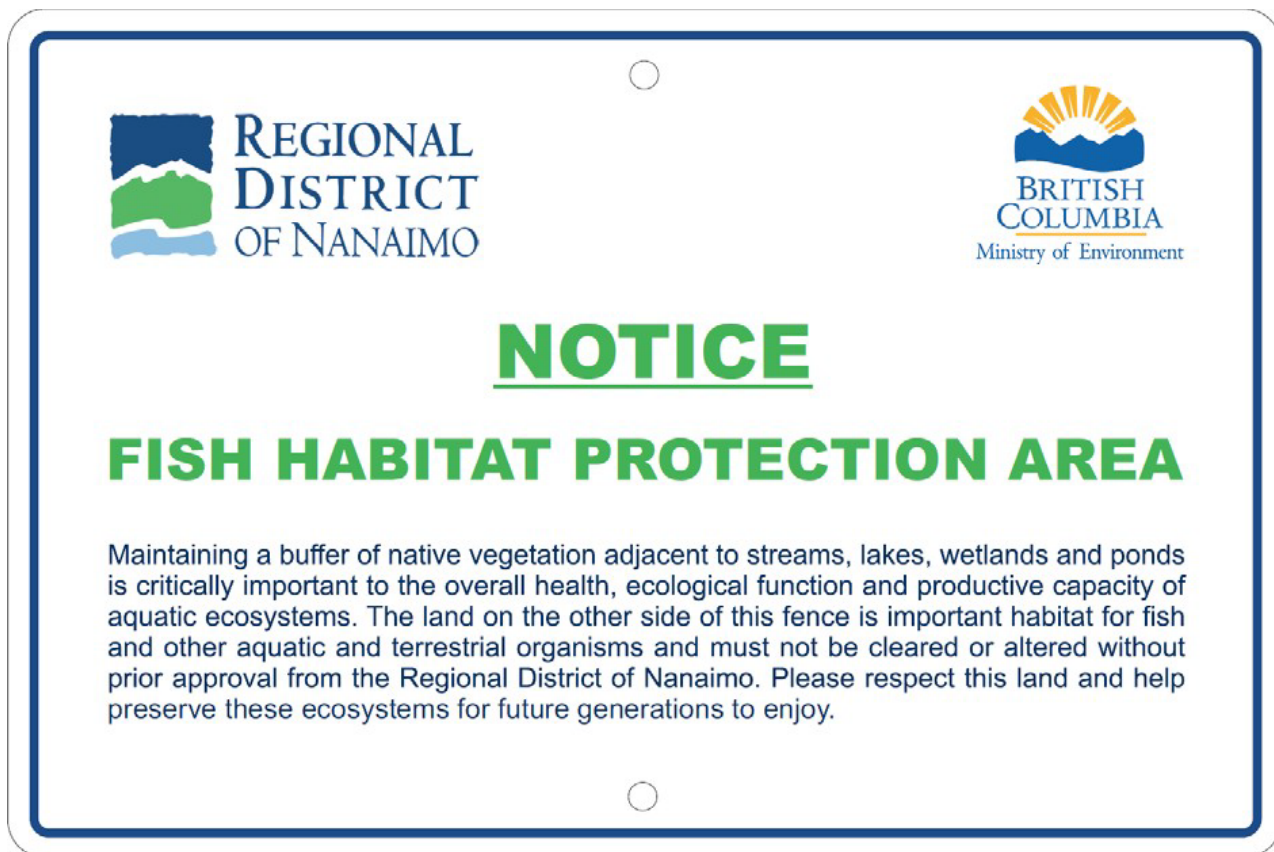
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Aluminum or Dibond 12"x18" Radius corners  
 Inline border .14"  
 RDN logo: 2"x5.17"  
 Ministry of Environment logo: 2.5"x2.92"  
 Notice: Arial black type .90"  
 Fish Habitat Protection Area: Arial black type .60"  
 All other text: Arial bold type .27"

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## 6.3 Sensitive Ecosystems Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

- (i) removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
- (ii) disturbance of soils, including grubbing, scraping and the removal of top soils;
- (iii) construction or erection of buildings and structures;
- (iv) creation of non-structural impervious or semi-pervious surfaces; and
- (v) subdivision of land as defined in the [Land Title Act](#) or [Strata Property Act](#).

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Development in an area where the sensitive ecosystem does not exist due to mapping inaccuracy, upon written confirmation from a Registered Professional Biologist. For clarity, if the sensitive ecosystem was previously disturbed without a development permit this exemption does not apply.
- (ii) Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, provided that the addition is not situated closer to the environmentally sensitive feature for which the development permit area has been identified, than the existing building or structure.
- (iii) Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required).
- (iv) A second-storey addition, excluding cantilevered construction, to a legally sited structure, provided the second-storey addition is within the existing footprint of the existing structure.
- (v) A single trail within this development permit area, subject to the following:
  - (A) the trail provides the most direct route of feasible passage through the development permit area;

- (B) the location is chosen to require a minimum amount of vegetation removal or disturbance, where no rare plants will be disturbed or otherwise impacted, and where there is limited excavation and removal of native soils;
  - (C) the ground is stable, i.e erodible stream banks or other erosion prone areas must be avoided;
  - (D) no motorized vehicles are permitted;
  - (E) the trail is a maximum of 1.5 m in width;
  - (F) no trees, which are greater than 5.0 m in height and no trees with a diameter at breast height of 10.0 cm or more are being removed; limbing, pruning and topping of trees should be done instead; and,
  - (G) the trail's surface is pervious but may be constructed with materials that limit erosion and bank destabilization (certain structures may require a building permit).
- (vi) The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the development permit area provided the planting is carried out in accordance with the guidelines provided in 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia', published by Ministry of Environment, or any subsequent editions.
  - (vii) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land. For clarity, this exemption does not apply to retaining walls and anything that is considered a structure as defined by the current zoning Bylaw.
  - (viii) The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
  - (ix) Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
  - (x) The construction of a small accessory building or structure if all the following apply:
    - (A) the building or structure is located within an existing landscaped area;
    - (B) no native trees with a diameter at breast height of 20 cm or greater are removed;

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- (C) there is no permanent foundation;
- (D) the building or structure is located a minimum of 10 m from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 m from the top of the bank; and
- (E) the total area of the small accessory building or structure is less than 10 m<sup>2</sup>.
- (xi) Subdivision where the following criteria is met:
  - (A) minimum lot sizes will be met exclusive of the sensitive ecosystem;
  - (B) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of all lots will occur within the sensitive ecosystem; and
  - (C) where a covenant is registered to protect the sensitive ecosystem or ecosystems in a manner that is consistent with the applicable development permit area guidelines.
- (xii) Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
- (xiii) The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Not that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
- (xiv) Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
  - (A) emergency flood or protection works;
  - (B) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
  - (C) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure

exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

- (xv) Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
- (xvi) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
- (xvii) All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'forest lands' on the property assessment.

**(c) Guidelines**

- (i) If development or alteration of land is proposed within the development permit area, it shall be located where it will cause the least impact on the sensitive ecosystem. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
- (ii) An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan the areas for yard and driveway and areas to remain free from development.
- (iii) Existing native vegetation should be retained wherever possible to minimize disruption to habitat and maintain ecological processes that support ecosystem function, wildlife ecology, and unique ecosystems. These include, but are not limited to:
  - (A) vegetation, trees, snags and root systems;
  - (B) rare and uncommon species and plant communities;
  - (C) soils and soil conditions (moisture, nutrients and permeability);
  - (D) bird and other wildlife and their habitats, such as nesting and breeding areas;



- (E) wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees; and
- (F) topography and relative orientation of features on neighbouring properties.
- (iv) Mitigation measures that should be considered in the biological assessment include but are not limited to:
  - (A) maintenance of an effective visual and sound (natural vegetated) buffer around nesting trees;
  - (B) minimization of vegetation removal;
  - (C) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors; and
  - (D) timing of construction to minimize potential impacts.
- (v) Where the applicant's biologist recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping plan and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other Qualified Professional.
- (vi) Where the applicant's biologist recommends specific areas that must remain free from development:
  - (A) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
  - (B) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
- (vii) The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with the biologist's recommendations.

#### **Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions**

- (viii) Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 m, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the

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development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

- (ix) Development or subdivision of land should be designed to:
  - (A) replicate the function of a naturally vegetated watershed;
  - (B) maintain the hydraulic regime of surface and groundwater and pre-development flowrates;
  - (C) not interfere with groundwater recharge; and
  - (D) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
- (x) The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other methods for managing rainwater on site should be included in all development proposals considered in this DPA.

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## 6.4 Eagle and Heron Nesting Trees Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

- (i) removal, alteration, disruption or destruction of natural features, including plants, trees and shrubs;
- (ii) disturbance of soils, including grubbing, scraping and the removal of top soils;
- (iii) construction or erection of buildings and structures;
- (iv) creation of non-structural impervious or semi-pervious surfaces; and
- (v) subdivision of land as defined in the [Land Title Act](#) or [Strata Property Act](#).

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor, Registered Professional Biologist, or by the Regional District.
- (ii) The landowner has offered and entered into a restrictive covenant to maintain an acceptable no disturbance buffer as determined by a registered professional biologist.
- (iii) A Registered Professional Biologist with relevant experience has confirmed in writing that no Bald Eagle or no Great Blue Heron has established a nest and is present during the breeding and nesting season of the past five years. In general terms, this is from January to September for Great Blue Herons; and January to September for Bald Eagles.
- (iv) Removal, trimming or alteration of vegetation other than the nest tree; onsite sewage disposal system installations and well drilling within the nest tree development permit area is permitted without a development permit where:
  - (A) the activity is conducted entirely outside of the nesting season which is from January 15 to September 15 for Pacific Great Blue Herons and January 1 to September 1 for Bald Eagles, or
  - (B) a Registered Professional Biologist with relevant experience has confirmed in

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writing that the activity will not negatively impact the nest tree, or its associated Great Blue Herons or Bald Eagles.

- (v) Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
- (vi) Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
- (vii) The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
- (viii) Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
  - (A) emergency flood or protection works;
  - (B) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
  - (C) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
- (ix) Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*, and where they have been made aware of the eagle or heron nest.
- (x) All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
- (xi) Works conducted by the Regional District or its agents where appropriate measures

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have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

(c) **Guidelines**

Development permits shall be issued in accordance with the following:

- (i) Development shall be located where it will cause the least impact to the nesting activity of eagles or herons. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided.
- (ii) An assessment must be prepared by a Registered Professional Biologist with relevant experience to assess the potential impact of the proposed development on the function of the nest tree and development or land alteration within the development permit area on the subject property. The report should include, but is not limited, to the following:
  - (A) definition of the study area and the proposed activities in relation to the nesting tree, including a map to identify the location including geographic coordinates of nesting tree or trees, the development permit area, and proposed or existing buildings and structures;
  - (B) identification of the breeding season;
  - (C) assessment of the impacts of the proposed activities in relation to the resident birds (Bald Eagle or Great Blue Heron) and prescribe appropriate measures to preserve, protect, restore or enhance the function of the nesting tree area and any alteration of the development permit area on the subject property;
  - (D) recommendations on how to mitigate negative impacts during and after construction, if permitted under the *Wildlife Act*, to protect the long-term integrity of the nesting habitat; and
  - (E) reference to 'Guidelines for Ecosystem and Species Protection' and/or 'Guidelines for Raptor Conservation during Urban and Rural Land Development in BC' found in 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia' published by the Province of BC, or any subsequent editions.
- (iii) The recommendations within the assessment report will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant's expense, to the satisfaction of the Regional District.
- (iv) To avoid encroachment within the area to be protected as identified in the Assessment Report, prior to construction commencing and through to the completion of the development, installation of temporary fencing or flagged stakes is required at a distance from the nesting trees as prescribed in the Assessment

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- (v) The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with their recommendations.

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## 6.5 Aquifers Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

- (i) alteration of land, disturbance of soils, including grubbing, scraping and the removal of top soils;
- (ii) construction, alteration, or erection of buildings and structures;
- (iii) creation of non-structural impervious or semi-pervious surfaces;
- (iv) subdivision of land as defined in the [Land Title Act](#) or [Strata Property Act](#); and
- (v) excavation or sub-surface disturbance in the sub-area defined as 'risk of artesian conditions'.

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Construction, renovation, repair or addition to a single dwelling unit, duplex dwelling unit, secondary suite, building or structure accessory to residential use including a driveway and except for excavation of a depth greater than 1.5 m in an area with 'risk of artesian conditions'.
- (ii) Construction of or additions to a building or structure that do not require a building permit.
- (iii) Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
- (iv) Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation of the Public Health Act or Municipal Waste Regulation*.
- (v) Subdivision of land within Cedar Village Centre and South Wellington Light Industrial & Commercial Area as designated in the Electoral Area A Official Community Plan, except for intensive residential within the Cedar Main Street Village Plan area (intensive residential is defined in that plan).
- (vi) Subdivision of land where a maximum of three lots are proposed, including the

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remainder, and where the subject property:

- (A) in Electoral Area H has a 'low' vulnerability as identified in the Official Community Plan or;
- (B) in Electoral Area G does not have a development subclass of 'heavy' nor a vulnerability class of 'high' or a combination of 'heavy' or 'high' as identified in the Official Community Plan.
- (vii) Subdivision of land where the application is limited to lot line adjustment and no additional lots are created.
- (viii) Subdivision of land where each lot has an approved connection to a community water system, except for within Cassidy Village Centre.
- (ix) The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than 5 years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
- (x) All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
- (xi) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area Guidelines as determined by the Regional District.

(c) **Guidelines**

Development permits shall be issued in accordance with the following:

- (i) The use or disposal of substances or contaminants that may be harmful to area aquifers is discouraged and steps must be taken to ensure the proper disposal of such contaminants.
- (ii) A report must be prepared by a Professional Engineer or Geoscientist with experience in hydrogeology. The report should follow any applicable checklist of the Regional District for preparation of hydrogeological assessment reports and should also include, but is not limited, to the following:
  - (A) definition of the study area and the relationship of the proposed development to the protected aquifer and known recharge areas, including map(s) indicating community water well locations;

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- (B) capture zone analysis for existing and proposed new wells;
  - (C) an assessment of the ability of the aquifer to accommodate additional groundwater demand proposed by the development, which shall include the anticipated water demand of the proposed uses based on the development potential of the subject property based on the current zoning;
  - (D) identification of potential impacts on adjacent properties and land uses; and
  - (E) recommendations for measures required to ensure the quality and quantity of water in the aquifer is protected.
- (iii) The use of permeable paving and other methods to reduce rainwater runoff are encouraged.
- (iv) Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the Contaminated Sites Regulation, (B.C. Reg. 375/96), the report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology (as described in Guideline 2) shall be required to confirm the protection of the aquifer in relation to the intended uses. In this case, the professional report should additionally include the following:
- (A) as part of the map(s) described in Guideline 2a., also indicate: site location of activities listed in abovementioned regulation, all well locations (abandoned or operational, proposed or existing above ground or underground fuel storage tanks, and underground utilities, such as water, sanitary, and storm water drainage or natural gas lines;
  - (B) assess the potential for contamination and the expected results should a spill occur;
  - (C) identify appropriate site-specific groundwater protection measures;
  - (D) address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response; and
  - (E) provide recommendations, a conclusion and a reference site layout plan.
- (v) A rainwater management plan prepared by a Professional Engineer may be required to ensure that the discharge of any treated effluent and rainwater does not negatively affect groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater.
- (A) Treated effluent and diverted rainwater collection and discharge systems on commercial, industrial, multi-residential, and other developments where there is potential for silt and petroleum-based contaminants to enter a watercourse or infiltrate into the ground must be directed through an appropriately sized and engineered sediment, oil, water and grease separator

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or other engineered solution. Examples of uses to which this guideline applies includes uses such as vehicle and machinery storage, cleaning and maintenance, and public parking areas.

(B) The engineer must provide an appropriate maintenance schedule.

(vi) Development or subdivision of land should be designed to:

(A) replicate the function of a naturally vegetated watershed;

(B) not interfere with groundwater recharge;

(C) maintain the hydraulic regime of surface and groundwater and pre-development flow rates which includes no net increase in peak rainwater run-off from the land to adjoining lands.

(vii) Where a proposed development is within a sub-area “risk of artesian conditions” as identified in the applicable Official Community Plan:

(A) the professional report shall determine the depth of the overlying till aquitard, and provide recommendations for its protection during excavation, well drilling, and construction; and

(B) wells must be drilled by a registered well driller who is qualified to control artesian flow.

(viii) Where a proposed development is within the well protection area or well capture zone of a community water system, the professional report must refer to the relevant well protection plan and provide recommendations for the development to ensure mitigation of any potential risk to the community water source.

(ix) All development that proposes a site, facility, or premise where municipal solid waste or recyclable materials will be managed must be conducted in accordance with RDN Waste Stream Management Licensing Bylaw No. 1386, 2004 as amended or replaced from time to time.

(x) Recommendations within the professional report(s) will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District. Where a maintenance schedule for a sediment, oil, water and grease separator is recommended, a commitment to the maintenance schedule may be included in the covenant.

(xi) Developments that are found to pose detrimental impact(s) on either the quality or quantity of groundwater which cannot be adequately mitigated shall not be supported by the Regional District.

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## 6.6 Marine Coast Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

- (i) removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
- (ii) disturbance of soils, including grubbing, scraping and the removal of top soils;
- (iii) construction or erection of buildings and structures;
- (iv) creation of non-structural impervious or semi-pervious surfaces; and
- (v) subdivision of land as defined in the [Land Title Act](#) or [Strata Property Act](#).

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
- (ii) Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required). For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as riprap and stacked rocks, requires a development permit whether or not they meet the definition of 'structure' in other Bylaws of the Regional District.
- (iii) Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, provided that the addition is located on the side or part of the building or structure most distant from the foreshore.
- (iv) A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
- (v) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.

- (vi) Construction of a fence so long as no native trees with a diameter at breast height of 20 cm or greater are removed and the disturbance of native vegetation is restricted to 0.5 m on either side of the fence.
- (vii) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
- (viii) The construction of a small accessory building or structure such as a pump house, gazebo, deck, patio, garden shed or play house if all the following apply;
  - (A) the building or structure is located within an existing landscaped area;
  - (B) no native trees with a diameter at breast height of 20 cm or greater are removed;
  - (C) there is no permanent foundation
  - (D) the building or structure is located a minimum of 10 m from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 m from the top of the bank; and
  - (E) the total area of the small accessory building or structure is less than 10 m<sup>2</sup>.
- (ix) Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
- (x) The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
- (xi) Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
- (xii) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
- (xiii) Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.

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(c) **Guidelines**

**General Guidelines**

- (i) Development within the development permit area should be limited and not negatively impact the ecological health of the immediate area, disrupt coastal sediment transport processes, or impede public access along the shore. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
- (ii) An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan areas for yard and driveway and areas to remain free from development.
- (iii) Existing native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion:
  - (A) Dune grass is particularly sensitive to foot traffic and often keeping foot traffic away through fencing or signage can result in regeneration in short time periods. Replanting of dune grass and associated plants where it has been previously disturbed may be a condition of a development permit.
  - (B) Coniferous trees provide important perches for eagles, and older trees may be used by eagles for nests. It is important that some trees are retained or replanted within and close to the development permit area when properties are developed, even if the trees are young.
  - (C) Trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading, storage of fill or building materials, and other development activities.
  - (D) Temporary fencing at a prescribed distance from the natural boundary or top of bank should be required to protect the shoreline vegetation.
- (iv) New, or additions to, upland buildings and structures should be located and designed to avoid the need for shore protection works throughout the life of the building or structure. Only if all options to locate and design without the need for shore protection measures are exhausted should such works be considered.
- (v) Shore protection measures shall not be allowed for the sole purpose of reducing

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the setback pursuant to the Floodplain Bylaw or for reclaiming land lost due to erosion.

- (vi) Where shoreline protection works are proposed they shall be designed by a Professional Engineer and:
  - (A) be limited to that necessary to prevent damage to existing structures or established uses on adjacent upland;
  - (B) be the 'softest' possible shore protection measure that will still provide satisfactory protection;
  - (C) not be expected to cause erosion or other physical damage to adjacent or down-current properties;
  - (D) address compatibility with any adjacent shore protection works; and
  - (E) be in compliance with the Regional District's Marine Retaining Wall Policy B1-09.
- (vii) Where a geotechnical report is required, it will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
- (viii) Where protection from erosion is proposed as either new works or replacement, every effort will be made to design shoreline protection in accordance with the *Green Shores* programs of the Stewardship Centre of BC. These programs provide resources for, and examples of, shoreline erosion protection involving creation or maintenance of low-angle slopes allowing for dissipation of wave energy, retaining native plants and habitat, and providing a natural appearance. Some *Green Shores* approaches rely on use of the beach below the natural boundary, which requires permission from the Province.
- (ix) Where erosion protection works are proposed below the natural boundary, they should not obstruct public access along the foreshore or beach and must be authorized by the Provincial Crown as owner of that land.
- (x) Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and, if required, mitigation methods acceptable to the Regional District shall be identified as part of the application. Procedures shall be in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time. For commercial and multi-family developments, the *Green Shores for Coastal Developments* program of the Stewardship Centre of BC should be reviewed and referenced, and every effort made to design the development in accordance with its recommendations and best practices.
- (xi) Entirely 'hard' structural shore protection measures such as concrete walls, lock

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block, or stacked rock (riprap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:

- (A) the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage associated with upland development;
  - (B) all possible on site drainage solutions by directing drainage away from the shoreline edge have been exhausted;
  - (C) Green Shores non-structural or structural measures are not feasible or not sufficient to address the stabilization issues;
  - (D) it is not feasible to instead construct a retaining wall that meets the zoning bylaws setback;
  - (E) the shore protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
  - (F) all shore protection structures are installed upland of the present natural boundary of the sea.
- (xii) Where the installation of a hydrothermal and geotexchange unit is proposed, the Regional District will require the applicant to provide a report by a Registered Professional Biologist with experience in marine ecology, to assess the potential impact of the proposed installation on the marine environment, public users of the foreshore, the anchoring of vessels, and First Nation shellfish harvesting, and provide recommendations to restore or enhance those areas impacted by the proposed development.
- (xiii) Where the applicant's biologist or other Qualified Professional recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other Qualified Professional.
- (xiv) The applicant may be required to provide confirmation to the Regional District that the property has been developed in accordance with the recommendations of the biologist or engineer, as applicable.

#### Guidelines Applicable to Subdivisions and New Development

- (xv) Subdivisions should be designed so that the new lots will not require shore protection measures in order for useable, safe building sites to be created above the year 2100 flood construction level when considering sea level rise.
- (xvi) New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

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- (xvii) New driveways, parking lots, and wastewater disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the design and construction of the road, parking lot or wastewater disposal system be supervised by a Qualified Professional to ensure that the objectives and guidelines of the development permit area are met. These works may be required to be completed prior to final approval of the subdivision.

#### Guidelines Applicable to Vegetation Management, Restoration and Enhancement

- (xviii) If the area has been previously cleared of native vegetation or where clearing is proposed, replanting should be required in accordance with these guidelines and according to the recommendations of a Registered Professional Biologist. Where it is not practical to replace all vegetation that is or has been removed, replanting should be focused on the areas of highest ecological value such as foreshore dune grass ecosystems, trees suitable for eagle perching, or other areas identified in the biophysical assessment.
- (xix) Vegetation species used in replanting, restoration or enhancement should be salt and wind tolerant, and selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or wildlife habitat values as needed. A minor amount of suitably adapted, non-invasive, non-native vegetation may also be considered acceptable subject to supportive recommendations in a biophysical report.
- (xx) All replanting should be maintained by the property owner for a minimum of two years from the date of completion of the planting. This may require removal of invasive, non-native weeds (e.g., Himalayan Blackberry, Scotch Broom, English Ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense within that time in the next regular planting season.

#### Guidelines Applicable to Beach Nourishment and Upland Fill

- (xxi) Fill on land above the natural boundary greater than 10 m<sup>3</sup> in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and the Regional District may require a sediment and erosion plan prepared by a Qualified Professional.
- (xxii) Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. This would also require permission from the Province.

#### Guidelines Applicable to Commercial and Industrial Development

- (xxiii) New boating facilities that provide moorage shall not be constructed unless access is available to adequate and convenient facilities for pump-out of holding tanks.

- (xxiv) New boat maintenance and repair facilities shall be designed, located and operated in a way that ensures there will be no discharge of toxic materials from boats (fuels, oils, maintenance by-products, etc.)
- (xxv) In order to minimize the impact on aquatic life, lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cutoff angle should be used. Full- spectrum fixtures are preferred. Neon lighting should not be used outside buildings.
- (xxvi) Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

#### Guidelines Applicable to Boat Launch Facilities or Ramps

- (xxvii) Boat launch ramps are the least desirable of all water access structures and may only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes. The ramp width should be minimized, and paved strips versus a full concrete pad is preferable. Development Permit applications must demonstrate all applicable provincial and federal guidelines have been followed and approvals are in place.

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## 6.7 Coastal Flood Hazard Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for any development occurring on land within the Coastal Flood Hazard Development Permit Area that may be classified as one of the following activities, as per section 489 of the *Local Government Act*:

- (i) subdivision of land;
- (ii) construction of, addition to, or alteration of a building or structure; and
- (iii) land alteration directly related to the construction of a building or structure, including without limitation, disturbance of soils including grubbing, scraping, removal of top soils and the creation of non-structural impervious or semi-pervious surfaces.

### (b) Exemptions

A Coastal Flood Hazard Development Permit is not required for the following activities:

- (i) Those activities identified as exempt in the “Regional District of Nanaimo Flood Hazard and Mitigation Bylaw No.1872, 2023”.
- (ii) Subdivision involving only lot line adjustment or lot consolidation. To be exempt there must not be any net increase in permitted density and no new building construction or related land alterations proposed within the development permit area.
- (iii) Subdivision where the following criteria is met:
  - (A) the required minimum lot sizes are achieved exclusive of the development permit area, as confirmed in writing by a Qualified Professional and by a BC Land Surveyor on the survey plan;
  - (B) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of any lots will occur within the area encompassing the development permit area; and
  - (C) where a Section 219 covenant is registered to prevent development on those portions of lands deemed subject to flood hazards in a manner consistent with the development permit area guidelines.

### (c) Guidelines

#### General Guidelines

- (i) Timing of development and construction methods should consider and aim to avoid

times of the year more prone to flood events.

- (ii) Impervious surfaces should be limited, which may involve reducing the overall building footprint, roof size, and area of paved surfaces.
- (iii) When retaining walls or structures are necessary due to site constraints, heights and widths should be minimized wherever possible and must be designed by a Qualified Professional.

#### Flood Hazard/Risk Assessment Guidelines

New construction of a building or structure within the Coastal Flood Hazard Development Permit Area must address the risk of flooding and erosion from the sea. Where risk of river and coastal flooding co-exist, the combined effect shall be accounted for. Requirements include the following:

- (iv) All applicants must submit a geotechnical evaluation (flood report) prepared by a Qualified Professional that:
  - (A) includes a site plan identifying flood hazard, including areas susceptible to flooding, location of the sea, existing and proposed development including roads, trails, buildings, grading, on site topography and any areas that are to remain free from development;
  - (B) clearly states any conditions or recommendations to reduce flood hazards including without limitation recommendations for safe use of a habitable area, and to ensure the proposed development does not increase flood hazards to existing development on or near the subject property, and the rationale for conditions or recommendations provided;
  - (C) if applicable, outlines areas on the site that are more at risk of flood hazards and areas with a reduced risk to guide the location of future development on the site;
  - (D) calculates the flood construction level using the Canadian Geodetic Vertical Datum of 2013 as the baseline, where the flood construction level is determined as the sum of:
    - (1) 1:200 (0.5%) Annual Exceedance Probability total water level of tides and storm surge;
    - (2) allowances for future sea level rise to 1.0 metre by the year 2100 or sooner;
    - (3) allowances for regional uplift, or subsidence;
    - (4) estimated wave effects associated with a designated storm with a 0.5% Annual Exceedance Probability; and
    - (5) a minimum freeboard of 0.6 metres;
  - (E) cites the following when calculating the flood construction level:

- (1) the Regional District of Nanaimo Electoral Area Regulatory Coastal Floodplain Maps dated April 25, 2022; and
- (2) background information on the flood hazards, including without limitation, storm surges, erosion, wave effects, high tides, sewers, groundwater, reservoirs, road runoff and other natural and artificial water sources;
- (F) sets out any conditions to enable safe use of the land for the intended purpose. Any assumptions regarding future watershed and/or coastal conditions as they relate to the hazard assessments are to be clearly stated;
- (G) certifies the “subject land may be used safely for the use intended”; and,
- (H) provides a flood assurance statement that confirms that an appropriate assessment has been conducted and that the Qualified Professional has taken responsibility for the work in the form prescribed in the Engineer and Geoscientists of British Columbia’s Flood Assessment Guidelines.
- (v) Recommendations within the flood report will form part of the development permit terms and conditions and the applicant may be required to register a Section 219 covenant incorporating the flood hazard assessment at the applicant’s expense and to the satisfaction of the Regional District of Nanaimo.
- (vi) A Plan that demonstrates no habitable area below the flood construction level.

#### Setback Guidelines

- (vii) All development should be located in the least hazardous location on the property, as specified by the Qualified Professional.
- (viii) Any proposed structural support or landfill used to achieve flood construction level must be:
  - (A) setback a minimum of 15.0 metres from the natural boundary of the sea estimated for 1.0 metre of sea level rise; or
  - (B) where the development site is at the top of a bluff that is 30 degrees or more from horizontal and where the toe of the bluff is subject to erosion and is less than 15.0 metres from a natural boundary of the sea, the minimum setback from the top of bluff must be equal to 3 times the height of the bluff as measured from the toe of the bluff to the elevation of the building foundation at its lowest point.

#### Crawlspace Guidelines

- (ix) A crawlspace proposed to be constructed below the Flood Construction Level must meet the following requirements:
  - (A) the building must be designed and anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

- (B) the height of the crawlspace, measured from the interior grade of the crawlspace to the underside of the floor system above must not exceed 1.2 metres at any point.

#### Landfill Guidelines

- (x) Where landfill is used to raise the natural ground elevation, a drainage plan prepared by a Qualified Professional is required to establish run-off from the site, including from impervious and filled areas, will not be directed to adjacent properties. The drainage plan must indicate:
  - (A) existing and proposed grades of the subject property;
  - (B) existing grades of adjoining properties measured 3.0 metres from the common property line; and
  - (C) proposed drainage treatments including any use of detention systems or permeable materials to limit or control runoff to adjacent properties.
- (xi) The placement of landfill must be supervised by a Qualified Professional to ensure it will not increase flood hazards for adjacent properties or weaken the overall hydraulic conditions of the floodplain.

#### Subdivision Guidelines

- (xii) The permitted building envelope for every proposed lot in a subdivision must:
  - (A) have a viable building site on natural grade that is above the Flood Construction Level for future sea level rise as set out in the applicable official community plan and zoning bylaw; and
  - (B) complies with the setbacks from the sea as established in the “Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023”.

## 6.8 Hazard Lands Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for the following activities unless specifically exempt:

- (i) alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and removal of top soils;
- (ii) construction or erection of buildings and structures;
- (iii) creation of non-structural impervious or semi-pervious surfaces; and,
- (iv) subdivision of land.

### (b) Exemptions

The following activities are exempt from requiring a development permit:

- (i) Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
- (ii) Where there is no flooding or steep slope hazard, confirmation of which may require a letter from a Professional Engineer.
- (iii) The construction of buildings and structures in accordance with the RDN Floodplain Management Bylaw No. 1469, 2006 or a subsequent Floodplain Bylaw, where there is no proposed land alteration, placement of fill, or modification to land within the floodplain outside of the building footprint beyond minor soil disturbance resulting from normal construction practices.
- (iv) Where a geotechnical report for a proposed building or structure is provided to the building inspector and a s.219 covenant regarding building on the land is registered on the title to the land, in circumstances where there is no proposed alteration of land, including placement of fill, other than minor soil and vegetation disturbance of a type and to an extent that is usual in normal construction practices.
- (v) On a lot where the hazard is not due to a steep slope, a second storey addition to an existing structure provided the building footprint remains the same.
- (vi) The construction of a small accessory building or structure if all the following apply:
  - (A) the building is located within an existing landscaped area;

- (B) no native trees with a diameter at breast height of 20 cm or greater are removed;
  - (C) is moveable by being not directly affixed to the ground;
  - (D) the building is located a minimum of 10.0 m from the high water mark of a watercourse or waterbody or, where a slope greater than 3:1, 10 m from the top of the slope; and
  - (E) the total area of the small accessory building is less than 10 m square.
- (vii) The construction of a fence.
- (viii) In the case of an application to subdivide, a development permit is not required where:
- (A) minimum lot areas are met exclusive of the development permit area; and
  - (B) no development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of lots or provision of services for those lots will occur within the development permit area.
- (ix) Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Professional Engineer, and there are no works proposed within the development permit area.
- (x) Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
- (xi) The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plan Council of BC's 'Grow Me Instead' publication.
- (xii) The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Notethat other provincial legislation such as the *Waste Management Act* and the *WaterSustainability Act* may apply to farm operation activities.
- (xiii) Emergency procedures to prevent, control, or reduce erosion, or other immediate

threats to life and property including:

- (A) emergency flood or protection works;
- (B) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
- (C) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

- (xiv) Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
- (xv) Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
- (xvi) All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
- (xvii) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

(c) **Guidelines**

**General Guidelines**

- (i) An assessment report prepared by a Professional Engineer or Geoscientist with experience in geotechnical engineering, geohazard assessment or river hydrology, as applicable, shall be required to assist in determining what conditions or requirements shall be included in the development permit so that the proposed development is protected from the hazard, and no increase in hazard is posed to existing development on or near the subject property.
  - (A) The assessment report should include a site plan identifying areas susceptible to the flooding, erosion or steep slope hazard, location of watercourses, existing natural vegetation, on site topography, and the location of the proposed development.

- (B) The assessment report must include a statement from the Professional Engineer that states in their opinion that the property is safe for the intended use.
- (C) The assessment report will form part of the development permit terms and conditions, and which may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
- (ii) It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
- (iii) Where the assessment report recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other Qualified Professional to the satisfaction of the Regional District.
- (iv) Development should:
  - (A) be designed to ensure that development can withstand the hazard;
  - (B) take a form that minimizes the development with any hazardous areas and minimizes impact on the natural features including vegetation, that help to mitigate flood and/or erosion risk; and
  - (C) be conducted at a time of year, and use construction methods, that minimize the impact on the development permit area.
- (v) Prior to construction commencing, the installation of temporary fencing or flagged stakes marking any areas to be avoided due to either hazardous conditions or to avoid disturbance to sensitive vegetation that plays a role in mitigating the hazard, is required.

#### Guidelines Related to Flood Hazard

- (vi) Development or subdivision of land should be designed to:
  - (A) replicate the function of a naturally vegetated watershed;
  - (B) maintain the hydraulic regime of surface and groundwater and pre-development flow rates; and
  - (C) not interfere with groundwater recharge.
- (vii) Wetlands and other natural water features should be maintained in their natural



state to enhance natural flood storage and protect environmentally sensitive ecosystems. Restoration of previously impacted natural freshwater systems should be considered in this development permit area to improve flood hazard mitigation.

- (viii) Site development shall preserve natural vegetation where it contributes to flood protection and mitigation.
- (ix) Where the placement of fill is proposed within a floodplain, the fill must not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain. The Regional District may require a report by a Professional Engineer that ensures the placement of the proposed fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain.

#### Guidelines Related to Steep Slopes

- (x) No unnecessary disturbance of the steep slope shall be permitted. Site development shall preserve natural vegetation on steep slopes and retain the natural terrain, topography of the site, and minimize cutting into the slopes.
- (xi) Development at the top and toe of a steep slope should be designed to prevent negative impacts to slope stability and protect development from the hazard. The assessment report should include recommendations for development such as drainage management, landscaping, and proximity of buildings and structures to the slope.

## 6.9 Farmland Protection Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable Official Community Plans.

### (a) Applicability

A development permit is required for the following activities wherever they occur within the Development Permit Area, unless specifically exempted:

- (i) Subdivision of land as defined in the *Land Title Act* or bare land strata under the *Strata Property Act*.
- (ii) For Electoral Areas A, E and G only where the lot is greater than 5000 m<sup>2</sup>:
  - (A) alteration of land, disturbance of soils, including grubbing scraping and removal of topsoils;
  - (B) construction or erection of buildings and structures; and
  - (C) creation of non-structural impervious or semi-pervious surfaces.

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Development on lands within the ALR.
- (ii) Development in accordance with an existing covenant for maintenance of a landscaped buffer related to adjacency of the ALR.
- (iii) Lands zoned industrial, and proposed to be or being used for industrial purposes.
- (iv) Subdivision where each proposed lot within the DPA have a minimum lot depth of 50.0 m measured perpendicular from the ALR boundary.
- (v) The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Not that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
- (vi) Construction of a building or structure located further than 15.0 m from the boundary of the ALR.

- (vii) Land alteration, disturbance of soils, including grubbing, scraping and removal of top soils greater than 15.0 m from the boundary of the ALR.
- (viii) Maintenance of existing buildings and structures.
- (ix) Reconstruction of, redevelopment of, additions (including second storey), or alterations to an existing dwelling unit or other building or structure within the development permit area provided the changes do not result in the buildings or structures being located further within the DPA than the existing buildings or structure.
- (x) Construction of one access driveway provided it is no more than 9.0 m in width.
- (xi) The construction of a fence provided the area being disturbed to allow for construction and maintenance is 3.0 m or less in width, and no trees with a diameter at breast height of 10 cm or more are being removed.
- (xii) Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
  - (A) emergency flood or protection works;
  - (B) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
  - (C) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*
  - (D) notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
- (xiii) Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
- (xiv) The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
- (xv) All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.

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- (xvi) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
- (xvii) The construction of a small accessory building or structure if all the following apply:
- (A) the building or structure is located within an existing landscaped area;
  - (B) no native trees with a diameter at breast height of 20 cm or greater are removed;
  - (C) there is no permanent foundation;
  - (D) the building or structure meets setbacks in the zoning Bylaw; and
  - (E) the total area of the small accessory building or structure is less than 10.0 m<sup>2</sup>.
- (c) **Guidelines**
- (i) A 15-metre-wide vegetated buffer should be retained or established and maintained on land adjacent to an ALR boundary. The buffer shall generally be designed and landscaped using materials set out in *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions.
  - (ii) Within the vegetated buffer area mature trees and existing native vegetation shall be preserved and where possible integrated with the new landscaping. The planting of trees is strongly encouraged.
  - (iii) Plant layout, spacing and support shall generally be in accordance with *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions. The planting material should include non-invasive, low maintenance, native vegetation that can thrive with little or no fertilizer.
  - (iv) Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
  - (v) New buildings and structures, except for fencing, should not be situated within the 15 m vegetated buffer area.
  - (vi) Despite the above guidelines, a vegetated buffer of less than 15.0 m may be considered in cases where 15.0 m is not possible due to existing lot size or other natural or human-made constraint, and buildings or structures may be located within the 15.0 m area where it is shown there are no other practical options. Where the buffer area is proposed to be less than 15.0 m, as much existing buffering vegetation as possible should be retained or enhancement of vegetation and/or construction of fencing should be undertaken.

- (vii) The vegetated buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval.
- (viii) A Section 219 covenant as per the *Land Title Act* may be required to restrict the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area, and notify any future property owner that the lot is adjacent to the ALR where normal farm practices may produce noise, odour, dust or other impacts.
- (ix) Subdivision design must minimize the impacts that may occur between farm and non-farm uses on adjacent ALR lands including but not limited to the following:
  - (A) Site design to allow the clustering of lots, buildings or structures away from ALR lands.
  - (B) Avoid road endings or stubs which point directly into the ALR, and half roads along the ALR boundary, except where required for access by farm vehicles.
  - (C) Where a parkland dedication is required, the dedication should be located next to the ALR boundary and include the required vegetated buffer.
- (x) Fencing should be constructed generally in accordance with *Guide to Edge Planning: Appendix C – Fencing Specifications*, published by the BC Ministry of Agriculture, or any subsequent editions.

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## 6.10 Yellow Point Aquifer Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Electoral Area A Official Community Plan](#).

### (a) **Applicability**

A development permit is required for the following activities unless specifically exempt:

- (i) Subdivision of land as defined in the [Land Title Act](#) or the [Strata Property Act](#); and,
- (ii) Construction, alteration, or erection of a dwelling unit(s).

### (b) **Exemptions**

The following activities are exempt from requiring a development permit:

- (i) Subdivision of land which results in three or fewer lots and the parcel proposed to be subdivided has not been subdivided within the past five years.
- (ii) Land alteration.
- (iii) Construction of a dwelling unit or subdivision of land on lands serviced by a community watersystem.
- (iv) Construction and/or alteration of accessory buildings, agricultural buildings, structures and fencing.
- (v) Construction or renovation to commercial, institutional, recreational, and industrial buildings.
- (vi) All additions or alterations to an existing dwelling unit.
- (vii) The replacement or reconstruction of an existing dwelling unit with another dwelling unit within the same basic footprint.
- (viii) Construction of a secondary suite.
- (ix) Construction of a dwelling unit where the applicant demonstrates that there is:
  - (A) A well that existed prior to July 26, 2011 which produces a minimum of 3.5 m<sup>3</sup> per day year round that will be connected to the proposed dwelling unit;
  - (B) an existing (prior to July 26, 2011) water license with capacity to satisfy at least 30% of total household water use for a 90 day period; or
  - (C) a valid approved source of water which is not groundwater that is currently in use and has adequate capacity to satisfy at least 30% of total household water

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use for a 90 day period.

- (x) Construction of a dwelling unit where the dwelling unit:

- (A) Is not to be connected to a groundwater source; and,

- (B) Is entirely serviced with water through stored and treated rainwater which meets or exceeds Canadian Drinking Water Standards.

Note: for exemption x above, prior to the issuance of a building permit, a report from an Engineer or other Qualified Professional may be required to satisfy the Regional District that the proposed rainwater system has adequate capacity to meet the year round water demands of the dwelling unit being proposed and that the water will be stored and treated to Canadian drinking water standards.

- (c) **Guidelines**

**For Subdivision, the Following Guidelines Apply:**

- (i) Where property is proposed to be subdivided and more than three parcels, including the remainder (if applicable) are proposed, the Regional District shall require the applicant to supply a report prepared by a professional Hydrogeologist or engineer registered in the province of British Columbia and experienced in hydrogeological investigations which includes the following:

- (A) An assessment of the characteristics and behavior of the aquifer at its most stressed time of the year which includes two cross sections which define the groundwater body and determine where the water comes from. The assessment must also examine the location of proposed wells and their interaction with the Yellow Point Aquifer;

- (B) The results and professional interpretation of a minimum 72 hour pumping test to occur in at least one location within the lands being subdivided or a greater number as recommended by a professional hydrogeologist or engineer based on the scale of development and aquifer characteristics;

- (C) An assessment of seasonal water table fluctuations and the ability of the Yellow Point aquifer to provide a sustainable water supply which satisfies the additional groundwater demand without impacting adjacent rural properties or restricting or limiting the availability of water supply for agricultural irrigation;

- (D) An assessment of the potential for salt water intrusion as a result of the proposed water extraction which is required to service the proposed development; and,

- (E) Identification of key recharge points located on the subject property and recommended measures to protect them.

(F) Recommendations to address the impacts on groundwater quality and quantity identified through the assessments outlined in section (c) above.

The Regional District shall require the applicant to implement the report's recommendations in the proposed development and the recommendations shall become conditions of the development permit.

- (ii) The Regional District may require, at the applicant's expense, and to the satisfaction of the Regional District, a Section 219 covenant registering the Hydrogeologist's and/or engineer's report on the title of the subject property.
- (iii) The Regional District may require the applicant to install a groundwater monitoring device in at least one well within the proposed subdivision. The Regional District may require an agreement be registered on title to allow the Regional District to access the property to collect data from the device
- (iv) Where rainwater management is recommended by the report identified in Guideline i above, rainwater must be retained on site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

#### For the Construction of a Dwelling Unit the Following Guidelines Apply:

##### Siting of Buildings and Structures

- (v) Dwelling units must be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which captures the majority of the rainwater flows.
- (vi) Water storage tanks should be sited in the least obtrusive way possible from the neighboring properties.
- (vii) A site plan should be provided illustrating the location of the proposed water storage tank(s) in relation to the proposed dwelling unit and adjacent property lines. The site plan should illustrate the rainwater harvesting system components and may be prepared by the applicant provided it is drawn to scale and is legible.

##### Form and exterior design

- (viii) Dwelling units should be designed to optimize opportunities for rainwater capture for the intended use and corresponding cistern volume.
- (ix) Roof surface materials should be selected to accommodate the type of rainwater harvesting system being proposed.

##### Specific features in the development

- (x) Impervious surfaces should be minimized. The use of impervious paved driveways is discouraged.



## Machinery, equipment, and systems external to buildings and other structures

- (xi) The Regional District shall require that all new dwelling units include a rainwater harvesting system which is designed to satisfy a minimum of 30% of the total household water use (indoor and outdoor) for a minimum of 90 consecutive precipitation free days.

- Average total household water use in the RDN is 704 litres per day
- 30% of the total household water use is for outdoor non-potable use
- Storage must satisfy 100% of outdoor watering needs for a 90-day period

Minimum tank volume is calculated as follows:

Average household use per day  $\times$  0.3  $\times$  90 days = minimum water storage tank volume

$$704 \text{ litres} \times \frac{30}{100} \times 90 \text{ days} = 19,008 \text{ litres}$$

- (xii) Rainwater harvesting systems should target a minimum rainwater storage tank volume of 18,181 L (4,000 Imperial Gallons). Larger tank sizes are also supported. This figure was derived based on the following information and calculation:

- (xiii) Notwithstanding Guideline xii above, a water storage tank with a lesser volume may be supported where an assessment of total household water use (indoor and outdoor) prepared by a registered plumber, accredited rainwater harvesting professional, or Engineer is provided, and the applicant is proposing to satisfy a minimum of 30% of total household use for a minimum of 90 consecutive precipitation free days with a rainwater harvesting system.

- (xiv) Rainwater harvesting systems may, at the applicant's discretion, be designed for non-potable outdoor use, non-potable indoor use, or potable drinking water use. The design of such systems must reflect their intended use.

- (xv) The rainwater harvesting system design must, at minimum, consider and include the following components:

- (A) Roofing materials that are appropriate for the type of rainwater harvesting system being proposed.



- (B) Gutters, downspouts, and transport piping to move the rainwater collected on the rooftop towards the water storage tank and beyond to its end use.
  - (C) Debris removal, filters, and first flush diverter sized and designed to accommodate the proposed rainwater harvesting system.
  - (D) Provisions for tank overflow.
  - (E) A water storage tank(s) rated for potable use while it is strongly recommended that all other components be rated for potable use.
  - (F) A pumping system to move the rainwater and distribution system.
  - (G) Rainwater filtration, purification, and disinfection (in the case of potable systems).
  - (xvi) Rainwater harvesting systems should be designed to facilitate additional storage volume and future connection to the dwelling unit.
  - (xvii) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “*Non-Potable Water Do Not Drink*” as shown in Diagram 2 at right.
  - (xviii) Although not a requirement of these Development Permit Area Guidelines, where non-potable rainwater harvesting equipment is required, the Regional District shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses. The Regional District shall assist the applicant in obtaining the necessary building permit approvals.
- (d) **Definitions**
- Total household water use** means the sum total of all water use in a household during a typical hot dry summer day including gardens and lawns, baths and showers, kitchen (dishwasher, etc.), toilet flushing, laundry, car washing, drinking, property maintenance, and other outdoor uses.

## 6.11 South Wellington Industrial – Commercial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.

### (a) Applicability

A development permit is required for the following activities unless specifically exempt:

- (i) Alteration of land, disturbance of soils, including grubbing, scraping and removal of top soils;
- (ii) Construction, alteration, or erection of buildings and structures; and,
- (iii) Creation of non-structural impervious or semi-pervious surfaces;

### (b) Exemptions

- (i) A development permit shall not be required for the construction, renovation, or addition to single or duplex dwelling units or accessory residential buildings.
- (ii) A development permit shall not be required for the subdivision of land.
- (iii) A development permit shall not be required for alterations or additions to a building which do not require a building permit, or signage where the only change is the advertisement within an existing sign and the size is not extended. This exemption excludes new signage which shall require a development permit.

### (c) Guidelines

#### General Design

- (i) The Regional District shall require building elevations prepared by an architect or other qualified designer.
- (ii) The use of non-combustible building materials is encouraged and where feasible locally produced natural building materials should be incorporated into the design without compromising the building or structure's fire resistance.
- (iii) There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
- (iv) Development of land should be designed to:
  - (A) Replicate the function of a naturally vegetated watershed;
  - (B) Maintain the hydraulic regime of surface and groundwater and pre-

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- development flow rates;
- (C) Not interfere with groundwater recharge; and,
- (D) Not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
- (v) Public open space and pedestrian walkway linkages to adjacent neighbourhoods which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
- (vi) The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.
- (vii) The use of rainwater catchment and reuse as well as other water conservation devices and strategies shall be encouraged.
- (viii) Buildings and structures, located on parcels adjacent to the Trans Canada Highway, South Wellington Road, or Schoolhouse Road, shall generally be sited and shaped in a visually unobtrusive manner.

#### Parking and Loading

- (ix) Parking and loading areas shall generally be located to the rear of buildings, should be screened from view from the Trans Canada Highway and adjacent residential uses and be located outside of the minimum required zoning setback, unless a variance is being considered. Screenings should consist of landscaping, fencing, or a combination of landscaping and fencing. Parking areas should include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.
- (x) Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A Professional Engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
- (xi) Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
- (xii) Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

#### Landscaping and Screening

- (xiii) The applicant may be required to submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the current edition of the British Columbia Landscape Standard and satisfies the following objectives:
- (A) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;

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- (B) To minimize water consumption through means such as micro-irrigation and xeriscaping;
  - (C) To provide visual separation from the Trans Canada Highway and compatibility with surrounding single residential uses;
  - (D) To improve the aesthetic appeal of the development;
  - (E) To assist in the safe movement of pedestrians throughout the site;
  - (F) To reduce the amount of impervious surfaces on the site;
  - (G) To complement the development and surrounding uses;
  - (H) To establish or enhance habitat values on the development site where appropriate; and/or,
  - (I) To shade the development from the summer sun.
- (xiv) The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the development permit application.
  - (xv) At minimum, and in addition to the requirements specified in this Bylaw as amended or replaced from time to time, the landscape design should provide:
    - (A) A continuous landscaped screen area of at least 2.0 m in width along the inside of all property lines, excluding access points and adjacent to all roads and highways;
    - (B) Where landscaping is for the purpose of visual separation, a minimum height of 5.0 m once mature; and,
    - (C) A landscape buffer of at least 5.0 m in width to create spatial separation between non-residential and residential zoned properties and should contribute towards the objectives identified in Policy xiii above.
  - (xvi) Notwithstanding Guideline xiii above, the landscaped buffer width and enhancement works adjacent to any watercourse shall be determined by a Qualified Environmental professional and shall work towards Policy xiii(h) above—to establish or enhance habitat values on the development site.
  - (xvii) Development should be sited in a manner that minimizes the disturbance of existing native vegetation.
  - (xviii) Vegetation species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.

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- (xix) Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an irrigation industry association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
- (xx) The Regional District shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.
- (xxi) Garbage and recycling containers shall be screened with landscaping and solid gated fencing to a minimum height of 2.0 m. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
- (xxii) Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

#### Site Illumination and Signage:

- (xxiii) Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or light directed towards the sky.
- (xxiv) All new, replacement, and upgraded exterior lighting in existing and proposed developments shall be in accordance with Section 3.26.
- (xxv) The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
- (xxvi) Signage should be visually unobtrusive; particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective. Illuminated signs shall be consistent with Section 3.26.
- (xxvii) Where there is a conflict between these DPA guidelines and other sections of this Bylaw, these guidelines shall prevail. However, a variance to the Sign Bylaw may be required.

#### Pedestrian and Cyclist Considerations:

- (xxviii) Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets should be provided.

- (xxix) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
- (xxx) Bicycle parking facilities should be considered at grade near primary building entrances.

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## 6.12 Cedar Main Street Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Cedar Main Street Village Plan.

### (a) **Applicability**

A development permit is required for the following development activities unless specifically exempt:

- (i) Alteration of land or disturbance of soils such as grubbing, scraping, and removal of top soils;
- (ii) Construction, alteration, or erection of buildings and structures; and,
- (iii) Creation of non-structural impervious or semi-pervious surfaces.
- (iv) Subdivision of land(s).

### (b) **Exemptions**

A Development Permit shall not be required for the following:

- (i) Construction, renovation, or addition to a single or duplex dwelling unit or accessory residential building on a lot.
- (ii) The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
- (iii) Subdivision of land, except in the case of subdivision for intensive residential.
- (iv) Renovations or alterations within a building.
- (v) Alterations or additions to a building which do not require a building permit, except where newsignage requires a development permit.
- (vi) Development activities that are not visible from Cedar Road or other public spaces.
- (vii) Invasive species removal on lands located outside of the 30 m Riparian Assessment Area or the Streamside Protection and Enhancement Area as established by a Qualified Environmental Professional.
- (viii) Construction of unattended public utilities.
- (ix) Construction of an attended public utility and related accessory buildings and structures (excluding government office) such as a water treatment facility, shall be exempt from DPA guidelines in the following categories: General Guidelines,

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(c) **Variances to Bylaw No. 2500**

The requirements of the Cedar Main Street Village Plan may not be consistent with this Bylaw. Where there is inconsistency between the Cedar Main Street Village Plan and these DPA Guidelines, a variance to Bylaw No. 2500 may be required to meet the intent of the Plan.

(d) **Permit Security**

(i) The Regional District may require applicants for any development permits within the Cedar Main Street Development Permit Area to provide security in the form of cash or an unconditional, irrevocable and automatically renewing letter of credit in cases where:

- The Regional District considers that damage to the natural environment (including ground and surface water) could result as a consequence of a contravention of a condition in a development permit issued;
- The permit holder is required to retain, restore or replace vegetation;
- The permit holder is required to provide landscaping; and/or,
- The permit holder is required to provide onsite rainwater management.

The amount of these securities shall be determined by a qualified person and shall be sufficient to cover the cost of materials and labour.

(e) **Guidelines**

The Cedar Main Street Development Permit Area Guidelines are organized into the following ten categories:

- |   |                              |
|---|------------------------------|
| (i) General Guidelines                    | (vi) Architectural Detailing |
| (ii) Building Massing                     | (vii) Landscape Design       |
| (iii) Site Planning and Pedestrian Design | (viii) Signage               |
| (iv) Green Building                       | (ix) Lighting                |
| (v) Façade Design                         | (x) Parking and Loading      |

Development applications must generally satisfy all applicable Development Permit Area Guidelines in order for staff to recommend approval of a Development Permit application.

**General Guidelines**

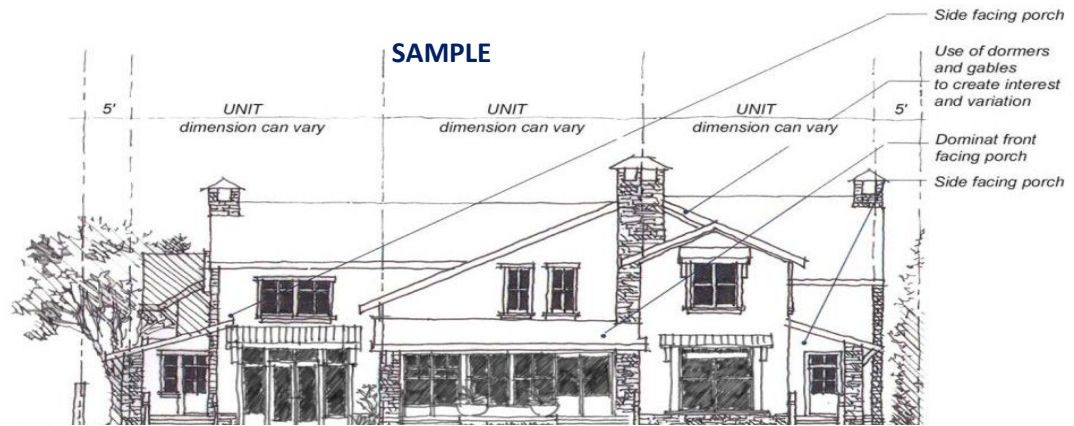
- (i) Development is encouraged to incorporate design elements and reflect the general intent of the Design Ideas included in Sections 3 and 4 of the Cedar Main Street

Village Plan.

- (ii) Where new or alterations to buildings and structures are proposed, the Regional District may require building elevations prepared by an architect or other qualified designer.
- (iii) In the case of subdivision for intensive residential development, each dwelling unit shall be designed in a way which is consistent with the direction provided in this Development Permit Area. Building elevations showing how the proposed buildings comply may be required and may be secured at the time of subdivision through the use of a Section 219 covenant.

### Building Massing

- (iv) A variety of architectural styles shall be used that create visual interest, complement adjacent buildings, and reflect local culture and history. Applicants are encouraged to refer to the Visual Preference Exercise results contained in the Final Charrette Report dated June 2012 for inspiration.
- (v) Larger buildings (>12.0 m in width) shall be designed in such a way as to avoid large flat building expanses which are visible from Cedar Road. Large expanses shall include trim, design features (such as windows, gables, projections, and porches), varied façade materials, and architectural design.



**Sample** of how a larger building could be designed to avoid large flat building expanses.

- (vi) Larger buildings should be consistent with the height and emerging character of other buildings on the street.
- (vii) Smaller buildings ( $\leq 12.0$  m in width) should include one or more of the following design features:
  - (A) Design which maintains a residential scale and simplicity in façade and roof design;
  - (B) Generous first floor heights;



**Example of building with vertical orientation**

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- (C) Front porches or patios;
- (D) A vertical orientation not in a rancher style;
- (E) Gable ends of the roof facing Cedar Road. (exceptions can be made for flat roofed buildings and buildings utilizing passive solar and requiring certain roof orientations; and,
- (F) Architectural design which compliments adjacent buildings through contrasting roof orientations and shapes. Roof design that provides usable space through dormers and gables is strongly encouraged.
- (viii) Multi-tenant/Multi-use buildings should include independent entrances and visual separation between uses. Visual separation could include both colour, façade, and/or other design elements.
- (ix) New buildings should appear to be two storeys as viewed from Cedar Road.
- (x) A third floor can be included where:
- (A) It is fully contained within the roof and the building.
- (B) It maintains a two-storey appearance from Cedar Road.
- (C) The building meets the fire protection and rescue requirements of the North Cedar Fire Department.
- (xi) Buildings should emphasize a 'small town' or 'rural' scale and should utilize a variety of heights, varied building faces, and artistic design features to add interest to the streetscape.



Example of third floor space built into the roofscape

# SAMPLE ONLY



Example of how topography could be used to support third storey within the roof on the downslope side of a parcel.

## Site Planning and Pedestrian Design

- (xii) Travel ways which straddle lot lines to accommodate shared access and/or parking facilities are preferred. Travel ways should be avoided between every building.
- (xiii) Mixed use and commercial buildings shall be located in close proximity to the sidewalks and the pedestrian space.
- (xiv) Design, siting, and construction of sidewalks shall be determined through discussions with the owner/developer and MOTI where applicable.
- (xv) Where mixed use or commercial buildings are proposed, avoid large spaces between buildings.
- (xvi) Maximize opportunities for the creation of accessible public space such as patios, plazas, and courtyards.



Example of a covered walkway





Example of desirable design elements such as mixed on and off-street parking and shared travel ways between developments.

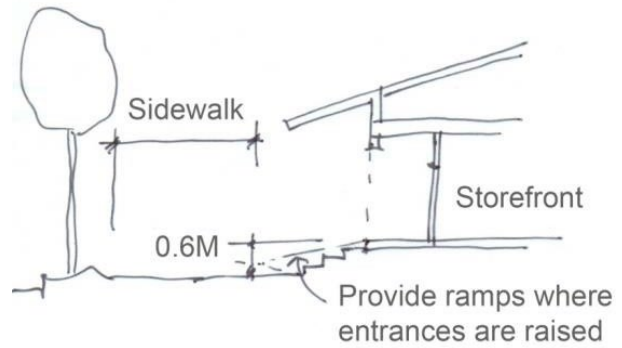
- (xvii) The use of drive-through shall not be part of building or site design.
- (xviii) For commercial and mixed-use developments continuous weather protection for pedestrians should be provided on the exterior of the building. This can be accomplished in several ways including:



Example of commercial building storefront located in close proximity to the sidewalk

- (A) Maintaining covered porch areas adjacent to building entrances;
- (B) Providing canopies above storefront doors constructed of wood or other quality, durable materials which are colour-fast and resistant to deterioration caused by dampness; and,
- (C) Extending roof elements at least 1.8 m past the building envelope provided the roof above is no more than 5.5 m in average above the storefront threshold.

- (xix) Safe, convenient pedestrian routes for all units should be provided from the unit to an abutting street. All pedestrian access points and routes should be designed for universal access to accommodate persons with disabilities.



Windows have a vertical orientation

Outdoor seating areas are encouraged

Avoid too many steps up to storefronts



- (xx) Where the possibility for view exists, the protection and creation of view corridors towards York Lake or the Nanaimo River should be incorporated in a site's design.

- (xxi) Where a building is adjacent to Cedar Road, its principal elevation should be oriented towards Cedar Road and designed in such a manner as to promote a lively energetic, pedestrian-oriented streetscape. Residential developments proposed to be screened from Cedar Road are exempt



Example of outdoor seating area on a corner

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from this guideline.

- (xxii) Buildings located on corner lots should be oriented towards both streets and building design should add significant prominence to the corner.
- (xxiii) Outdoor seating areas should be provided.

### Green Building

- (xxiv) The use of rainwater harvesting for landscape irrigation and other indoor and outdoor non-potable uses should be used. The use of potable rainwater harvesting systems for potable is encouraged where supported by a report from a Professional Engineer or other qualified person that the system produces water that meets or exceeds Canadian Drinking Water Standards in a quantity sufficient for the proposed use.
- (xxv) Sites should be evaluated for passive solar gain opportunities. On sites with substantial solar exposure, buildings should be sited, designed, and landscaped to take advantage of passive solar gain in winter and reduce sun exposure in summer.
- (xxvi) Electric vehicle charging stations are encouraged.
- (xxvii) All new commercial, mixed use, and multi-unit residential buildings within the Development Permit Area should strive to achieve a third party certification such as built green gold or Leadership in Energy and Environmental Design (LEED). The Regional District may provide assistance in the Planning and Design Process and may offer grants and incentives in accordance with current offers and rebate programs.
- (xxviii) The use of solar panels, geothermal heating and other efficient or renewable energy use alternatives are encouraged in building and site design.

### Façade Design

- (xxix) Visually appealing quality siding materials shall be used.
- (xxx) Building design shall avoid large expanses of any one type or style of cladding.
- (xxxi) The use of vinyl siding should be minimized.
- (xxxii) To create visual interest the following design strategies shall be used:
  - (A) Create different textures by using both horizontal and vertical façade elements;
  - (B) Break up large building expanses;
  - (C) Separate uses with trim and exterior design features; and,
  - (D) Use a variety of complementary types of siding material, trim, colour, etc.

(xxxiii) A variety of complementary colours shall be used. The use of at least three different colours on the building exterior is encouraged.

(xxxiv) Materials must be high quality, practical, durable, and hard wearing and must be appropriate for a west coast environment. Materials that integrate well within the natural environment should be included in the design.

### Architectural Detailing

(xxxv) Buildings should utilize a variety of high quality complimentary architectural styles rather than a unified design theme.



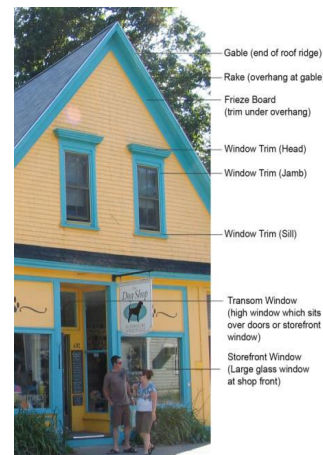
Example of different architectural types that are supported

(xxxvi) Exposed structural elements such as exposed rafter tails, timber brackets, posts, and beams are encouraged.

(xxxvii) At gable ends, encourage the use of friezeboards, details, and other trim.



Care should be taken in detailing the façade. Use trim in appropriate dimensions and locations.

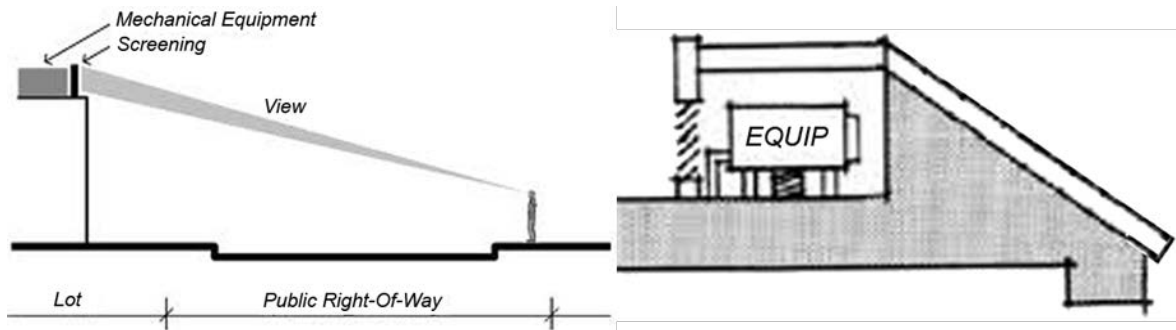


Example of the use of frieze boards and other trim

(xxxviii) Larger buildings shall utilize accent design features/ strategies to break up large expanses of siding.



(xxxix) Rooftop mechanical units shall be screened from view with design elements that are incorporated within the architectural massing. Consideration should be given to impacts on adjacent properties.



Examples of rooftop screening

### Landscape Design

(xl) Where landscaping is required as part of the development permit, the applicant shall submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the British Columbia Landscape Standard and satisfies the following objectives:

- (A) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
- (B) To protect, enhance, or retain existing mature healthy vegetation;
- (C) To minimize water consumption through means such as micro-irrigation and xeriscaping
- (D) To promote compatibility with surrounding uses;
- (E) To improve the aesthetic appeal of the development and adjacent streetscape;
- (F) To assist in the safe movement of pedestrians throughout the site;
- (G) To reduce the amount of impervious surfaces on the site;
- (H) To shade the proposed development from the summer sun;
- (I) To complement the development and surrounding uses; and/or,
- (J) To establish or enhance habitat values on the development site where appropriate.

(xli) Notwithstanding Guideline xl above, edible landscapes (food producing plants, shrubs, and trees) are encouraged and may be considered part of the landscape design where suitable arrangements have been made for ongoing care and

maintenance as well as produce harvesting to the satisfaction of the Regional District. Community gleaning is strongly encouraged.

- (xlii) The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the Development Permit application.
- (xliii) To provide separation between residential and non-residential uses (excluding mixed use buildings and developments and shared parking and laneways), a landscaped screen of at least 2.0 m in width along the shared property lines, excluding access points, between all commercial and residential zoned properties should be provided.
- (xliv) Landscaping should be provided adjacent to all roadways to improve aesthetic appeal, minimize impervious surfaces, and provide a visual screen for all outdoor storage, refuse, parking, loading, and unloading facilities and must also work towards the objectives identified in Guideline xl above.
- (xlv) Landscaping of boulevards should be provided, including the provision of street trees in accordance with the following:
  - (A) All landscaping and works within the public road right-of-way require MOTI approval with a maintenance agreement arranged between the property owner/developer, MOTI, and the Regional District.
  - (B) Where the opportunity exists, street trees should generally be provided as follows:
    - (1) One high branched tree, of at least 5.0 cm caliper at breast height at time of planting, for every 6.0 m of street property line with a maximum distance between trees of 12.0 m, where the type and spacing of trees is to form a sidewalk canopy. Existing native vegetation may be considered provided it satisfies the general intent of this guideline;
    - (2) Tree species should be compatible with the local growing conditions and character of the area; and,
    - (3) A minimum of 3 m<sup>3</sup> of appropriate soil and growing space is provided for each tree.
- (xlvi) Garbage and recycling containers shall be screened with landscaping and/or gated fencing to a minimum height of 2.0 m. Chain link fence may only be used in accordance with Guideline 52 below. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellitedishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
- (xlvii) Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.

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- (xlviii) A principle of 'no net loss' of significant native vegetation in any development should be considered. Where it is necessary to remove significant vegetation in order to develop a property, replacement plantings should be provided of a sufficient number, size, type, and maturity to offset its removal.
- (xlix) Plant species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
- (l) Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an Irrigation Industry Association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
- (li) The Regional District shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour, as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District. The security shall be released following the completion of all approved landscaping and/or site improvements as specified in the Development Permit to the satisfaction of the Regional District. Notwithstanding the above, the Regional District shall withhold 25% of the security for one year to ensure proper maintenance.
- (lii) Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

### Signage

- (liii) Signs should be hand crafted and provide individuality to each establishment.
- (liv) Materials chosen for signage should be durable enough to last for several years of continuous use, except for the special cases of temporary signage or banners.
- (lv) The following types of signs are not considered acceptable:
  - (A) reader board;
  - (B) neon;
  - (C) flashing;
  - (D) animated;
  - (E) rotating;
  - (F) backlit; and,



Example of a hand-crafted sign

(G) signs which are illuminated in a way which projects light beyond the sign’s surface or results in light being directed beyond the sign’s surface or towards the sky.

- (lvi) Signs should be designed to cater to the pedestrian (limit height, size, and placement) and be inscale with the building and be related to a use or a business within.
- (lvii) Free-standing signage should be consolidated where possible with other businesses or uses as illustrated.
- (lviii) Creativity in how signs are designed (i.e. different shapes, colours, materials, and fonts) is supported.
- (lix) The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be complementary to the design of the building.
- (lx) Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
- (lxi) Signs should graphically communicate a message.



Example of a consolidated free-standing sign

Example of a fascia sign that is complementary to the design of the building and graphically communicates a message.

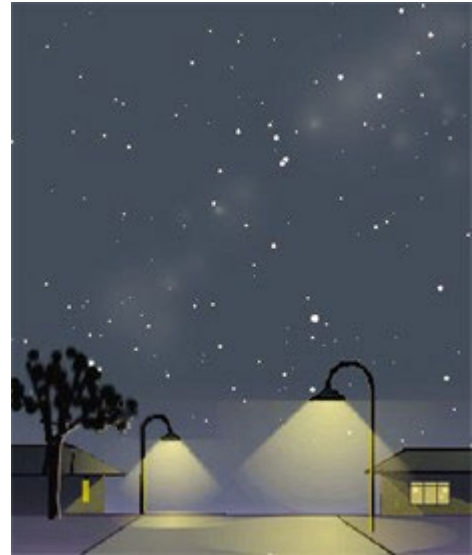


(Ixii) If there is a conflict between these Development Permit Area guidelines and

other sections of this Bylaw, these guidelines shall prevail. However, a variance may be required.

### Lighting

- (lxiii) The use of solar lighting is encouraged.
- (lxiv) Lighting should be designed for security and safety in accordance with Crime Prevention Through Environmental Design (CPTED) principles.
- (lxv) Site illumination must not result in glare directed towards neighbouring properties, adjacent roads, or light directed towards the sky.
- (lxvi) Building façades may be discreetly illuminated through the use of strategically placed lighting which shines down from the buildings surface.
- (lxvii) All new, replacement, and upgraded exterior lighting in existing and proposed developments shall be in accordance with Section 3.27.
- (lxviii) Decorative streetlights which are compatible with existing decorative street lighting and are in scale with their surroundings are encouraged.



Example of full cut-off light fixtures with direct light below the horizontal plane reducing light pollution and protecting the night sky.

### Parking and Loading

- (lxix) If on-street parking is proposed, it must be designed by a Professional Engineer and approved by the Ministry of Transportation and Infrastructure.
- (lxx) On-site parking and loading areas should generally be located to the rear or side of buildings, should be screened from view from the adjacent road, and be located outside of the minimum required building setback. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing.
- (lxxi) Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radii are provided for all forms of vehicles intended to use the property.
- (lxxii) Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
- (lxxiii) Safe and effectively designed and located internal roadways, entrance points,

parking areas, pedestrian paths and open spaces shall be provided.

(lxxiv) Parking areas should be designed to be aesthetically pleasing and should include smaller groupings of parking spaces separated by landscaping and shade trees. Large expanses of open parking area should be avoided.

(lxxv) The use of permeable paving materials is encouraged in parking areas where it can be demonstrated that oil, water, and other potential contaminants will not enter the aquifer, river, lake, or wetland.

(lxxvi) Bicycle parking facilities should be provided for each use in accordance with the following:

(A) Office use: 0.5 - 1 space per 100 m<sup>2</sup> of gross floor area;

(B) Institutional: 0.5 – 0.8 spaces per 100 m<sup>2</sup> of gross floor area;

(C) Commercial: 1 space per 750 m<sup>2</sup> of gross floor area with a minimum of four spaces per establishment; or,

(D) Multi-unit residential: 0.2 spaces per dwelling unit.

Where calculation results in a fractional number, the nearest whole number above the calculation shall be taken.

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## 6.13 Cassidy Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Electoral Area A](#) Official Community Plan.

### (a) Applicability

A development permit is required for the following activities unless specifically exempt:

- (i) Alteration of land and disturbance of soils;
- (ii) Construction, alteration, or erection of buildings and structures;
- (iii) Subdivision as defined in the [Land Title Act](#) or the [Strata Property Act](#); and,
- (iv) Creation of non-structural impervious or semi-pervious surfaces;

### (b) Exemptions

- (i) A development permit shall not be required for the construction, renovation, or addition to one single or duplex dwelling unit or accessory residential building on one single lot.
- (ii) The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
- (iii) A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

### (c) Guidelines

#### General Design

- (i) For commercial, multi residential, the Regional District shall require an applicant to submit building elevations prepared by an architect or other qualified designer.
- (ii) Commercial and mixed use buildings should be designed to reflect the fact that they are located within a pedestrian environment and should be of human scale at street level and should aim to provide functional civic space.
- (iii) The siting of buildings shall be integrated with other existing uses within the Cassidy Rural Village land use designation to promote safe pedestrian linkages and encourage consolidated vehicle access.
- (iv) The use high quality building materials such as Hardiplank, stone, wood, brick, and other exterior natural building materials shall be encouraged.

- (v) Development should generally not be visible from the Trans Canada Highway with the exception of those properties north of Timberlands Road which are designated Commercial by this plan.
- (vi) The architectural design of buildings and structures should be varied, aesthetically pleasing and visually pleasing.
- (vii) Buildings clad entirely in vinyl siding will be strongly discouraged. Where vinyl is used, it should be used sparingly and in combination with other materials.
- (viii) The use of energy efficient building materials, techniques, technologies, and practices that produce local energy and/or reduce the amount of energy consumption shall be strongly encouraged which include, but are not limited to:
  - (A) passive solar gain;
  - (B) district heat and hot water;
  - (C) solar voltaic cells;
  - (D) solar hot water;
  - (E) micro wind; and
  - (F) geothermal.

#### Parking and Loading

- (ix) Parking areas should be located to rear or side of buildings and should include landscaped boulevards and other aesthetically pleasing landscaping features.
- (x) In cases where parking is not practical to the rear or side of buildings, it may be supported in front of a building provided all parking areas are adequately screened by solid fencing, landscaping, or a combination of the two.
- (xi) Loading areas should be located to the side or rear of buildings and should not be visible from the adjacent road.
- (xii) Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
- (xiii) Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
- (xiv) Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.



## Landscaping and Screening

- (xv) The Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or qualified designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
  - (A) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - (B) To minimize water consumption through means such as micro-irrigation and xeriscaping;
  - (C) To improve the aesthetic appeal of the development;
  - (D) To screen the development from the Trans Canada Highway and adjacent established neighbourhoods;
  - (E) To maintain rural character;
  - (F) To shade the proposed development from the summer sun;
  - (G) To assist in the safe movement of pedestrians throughout the site;
  - (H) To reduce the amount of impervious surfaces on the site;
  - (I) To complement the development and surrounding uses; and,
  - (J) To establish or enhance habitat values on the development site where appropriate.
- (xvi) The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the development permit application.
- (xvii) Where development is proposed adjacent to Timberlands Road, Hallberg Road, or the Trans Canada Highway, the landscape design should provide a landscaped buffer consisting of native vegetation either maintained, enhanced, or established of sufficient height, width, and density to provide spatial separation and screen the proposed development from view from Timberlands Road, Hallberg Road, and the Trans Canada Highway with the exception of strategically placed and consolidated signage and access and egress points.
- (xviii) Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an Irrigation Industry Association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
- (xix) The Regional District shall require the applicant to submit a landscaping security

deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.

- (xx) Garbage and recycling containers shall be screened with landscaping and solid gated fencing to a minimum height of 2.0 m. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with landscaping, fencing, or a combination of the two.
- (xxi) Decorative fences are encouraged which complement the materials used for the principle building.

#### Site Illumination and Signage

- (xxii) Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads, or the sky.
- (xxiii) All new, replacement and upgraded exterior lighting in existing and proposed developments shall be installed according to Section 3.26.
- (xxiv) The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building. Illumination shall be in accordance with Section 3.26.
- (xxv) The installation of fascia or projecting signs that are handcrafted, hand painted, and individually designed are strongly encouraged.
- (xxvi) Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
- (xxvii) If there is a conflict between these DPA guidelines other sections of this Bylaw, these guidelines shall prevail. However, a variance may be required.

#### Pedestrian and Cyclist Considerations

- (xxviii) Pedestrian sidewalks or defined pathways to encourage pedestrian movement throughout the site should be provided.
- (xxix) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
- (xxx) Bicycle parking facilities should be provided at grade near primary building entrances.

## 6.14 Cedar Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Electoral Area A](#) Official Community Plan.

### (a) Applicability

A development permit is required for the following activities unless specifically exempt:

- (i) Alteration of land and disturbance of soils;
- (ii) Construction, alteration, or erection of buildings and structures; and,
- (iii) Creation of non-structural impervious or semi-pervious surfaces;

### (b) Exemptions

- (i) A development permit shall not be required for the construction, renovation, or addition to one single or duplex dwelling unit or accessory residential building on one single lot.
- (ii) The replacement or repair of an existing signs provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
- (iii) A development permit shall not be required for the subdivision of land.
- (iv) A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

### (c) Guidelines

#### General Design

- (i) The Regional District shall require building elevations prepared by an architect or other qualified designer.
- (ii) Commercial development should be ground-oriented and in scale with the surrounding uses.
- (iii) The use of non-combustible building materials is encouraged and where feasible, locally produced natural building materials should be incorporated in to the design without compromising the building or structure's fire resistance.
- (iv) There shall be no net increase in peak rainwater run-off from the land to adjoining lands.

- (v) Development of land should be designed to:
  - (A) Replicate the function of a naturally vegetated watershed;
  - (B) Maintain the hydraulic regime of surface and groundwater and pre-development flowrates;
  - (C) Not interfere with groundwater recharge; and,
  - (D) Not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
- (vi) Public open space and pedestrian walkway linkages to adjacent neighbourhoods, which complement existing parks and recreation opportunities and reduce automobile dependence, shall be encouraged.
- (vii) The use of energy efficient building materials, techniques, and practices that reduce energy consumption shall be encouraged.

#### Parking and Loading

- (viii) Parking and loading areas should generally be located to the rear of buildings, should be screened from view from the adjacent road, and be located outside of the minimum required zoning setback, unless a variance is being considered. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing.
- (ix) Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
- (x) Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
- (xi) Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.

#### Landscaping and Screening

- (xii) The Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
  - (A) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - (B) To minimize water consumption through means such as micro-irrigation and xeriscaping;

- (C) To promote compatibility with surrounding residential uses;
  - (D) To improve the aesthetic appeal of the development;
  - (E) To assist in the safe movement of pedestrians throughout the site;
  - (F) To reduce the amount of impervious surfaces on the site;
  - (G) To shade the proposed development from the summer sun;
  - (H) To complement the development and surrounding uses; and/or,
  - (I) To establish or enhance habitat values on the development site where appropriate.
- (xiii) The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the development permit application.
  - (xiv) To provide separation between residential and non-residential uses, a continuous landscaped buffer area of at least 2.0 m in width along the inside of all property lines, excluding access points, adjacent to all residential zoned property should be provided.
  - (xv) Landscaping should be provided adjacent to all roadways to improve aesthetic appeal, minimize impervious surfaces, and provide a visual screen for all outdoor storage, refuse, parking, loading, and unloading facilities and must also work towards the objectives identified in xl above.
  - (xvi) Garbage and recycling containers shall be screened with landscaping and/or solid gated fencing to a minimum height of 2.0 m. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
  - (xvii) Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
  - (xviii) Vegetation species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
  - (xix) Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an Irrigation Industry Association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
  - (xx) The Regional District shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour, as

determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District, to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.

- (xxi) Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

#### Site Illumination and Signage

- (xxii) Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or light directed towards the sky.
- (xxiii) All new, replacement, and upgraded exterior lighting in existing and proposed developments shall be Full Cut-off Flat Lens (FCO/FL) luminaries to light roads, parking, loading, and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.
- (xxiv) The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
- (xxv) Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
- (xxvi) If there is a conflict between these DPA guidelines and other sections of this Bylaw, these guidelines shall prevail. However, a variance may be required.

#### Pedestrian and Cyclist Considerations

- (xxvii) Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets should be provided.
- (xxviii) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (xxix) Bicycle parking facilities should be considered at grade near primary building entrances.

## 6.15 Extension Village Centre – Commercial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Arrowsmith Benson – Cranberry Bright Official Community Plan.

### (a) Applicability

Prior to commencing the construction of, addition to, or alteration of a building or structure the owner must obtain a development permit in accordance with the Village Centre – Commercial, Development Permit Area Guidelines.

### (b) Exemptions

A development permit is not required for the following:

- (i) construction, alteration or addition to a building or structure utilized for non-commercial purposes including home-based businesses, public utility uses or park uses;
- (ii) internal alterations to an existing building or structure;
- (iii) excluding signs and awnings, building additions or alterations which do not affect more than 20% of the area of a building face or increase gross floor area by more than 20%;
- (iv) canvas awnings provided no portion exceeds 4.0 m in height as measured from finished grade and the vertical or horizontal extent of the awning does not exceed 1.5 m;
- (v) unlit or front lit, suspended, projecting signs provided the sign face does not exceed 1.0 m<sup>2</sup> and the distance between the sign faces does not exceed 0.1 m;
- (vi) unlit or front lit signs consisting solely of physically separate letters or symbols attached directly to a building exterior or awning and occupying a rectangular area of not more than 1.0 m<sup>2</sup>; or
- (vii) subdivision of land.

### (c) Guidelines

- (i) All new buildings must be massed to give the impression of small blocks.
- (ii) The architectural design and scale of new buildings must integrate with and enhance the residential character of surrounding buildings.
- (iii) An addition to an existing building must integrate with the overall architectural design and scale of the building.

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- (iv) Building elevations, which are visible from the street, must be treated as front elevations for the purpose of ensuring that buildings do not turn their backs on the street. The treatment of these elevations need not be as extensive as the actual front elevation but should promote visual harmony especially in regards to streetscapes.
- (v) The main pedestrian entrance of a building must face the street, and have direct and continuous pedestrian access to the street.
- (vi) Developments must incorporate pedestrian traffic routes along public road frontages and should provide covered walkways to shelter pedestrian movements.
- (vii) On site pedestrian walkways and public pedestrian traffic routes must be hard surfaced.
- (viii) Where possible, off-street parking areas must be located behind the building so that the building screens the parking area from the road.
- (ix) Vehicle accesses should be consolidated where possible.
- (x) Buildings and structures should be sited in a manner that minimizes the disturbance of existing natural vegetation.
- (xi) Landscaping must be comprised primarily of native species, which enhance the architectural characteristics of the development.
- (xii) Signs must be unobtrusive, grouped whenever possible and designed in such a manner as to be complementary to the architectural design and scale of surrounding development.
- (xiii) Site lighting must not utilize high-intensity lights and must be ornamental and in scale with a pedestrian environment. The use of metal halide lighting is encouraged.
- (xiv) Garbage containers, loading, unloading and storage areas must be screened from public view.

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## 6.16 East Wellington – Pleasant Valley Industrial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the East Wellington – Pleasant Valley Official Community Plan.

### (a) Guidelines

- (i) A Development Proposal shall be submitted with the Development Permit application. The proposal should generally provide the following information, in the form of plans and/or written documents:
  - (A) detailed site plan illustrating existing and proposed buildings and structures, topographical features and existing natural vegetation;
  - (B) detailed plans of proposed buildings and structures;
  - (C) detailed storm water management plans; and
  - (D) detailed landscaping plan indicating the location, number and type of proposed plantings.
- (ii) Off-street parking should be located to the rear or sides of buildings and structures wherever possible. Off-street parking proposed to be located to the front of buildings and structures should be suitably screened with a landscape screen.
- (iii) Outside storage and manufacturing areas should be located to the rear of the buildings and structures and be suitably landscaped with a landscape screen.
- (iv) Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive.
- (v) Signage should be visually unobtrusive and grouped wherever possible. Particular emphasis should be given to signage, which is aesthetically pleasing and has a minimal amount of lighting and specifically excludes neon lighting.
- (vi) Where land use activities involve the handling, storage or manufacture of potential contaminants, provision shall be made that will prevent seepage of such contaminants into the subsurface. All provisions shall be approved by the appropriate provincial agency prior to issuance of a development permit. All parking facilities shall be equipped with oil/water separators.
- (vii) Any new development shall not negatively impact storm water quality or quantity.
- (viii) Facilities for the proposed storage and distribution of propane from tanks or vessels over an aggregate volume of 19,000 litres shall be required to meet the following:

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- (A) have located on site one approved fire extinguisher having a minimum capacity of 8.0 kgs of dry chemical with a BC rating;
- (B) meet all requirements of the *Gas Safety Act* and regulations adopted thereto;
- (C) additional fire protection measures may be required in compliance with the NFPA Standard for the Storage and Handling of Liquefied Petroleum Gases; and
- (D) plans shall be forwarded to the Fire Chief of the local fire protection department for review and comment.

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## 6.17 Nanoose Bay Form and Character Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Nanoose Bay Official Community Plan.

### (a) Exemptions

- (i) A development permit shall not be required to construct, renovate or alter a single dwelling unit building or structure accessory to a single dwelling unit.
- (ii) A development permit shall not be required to construct an accessory building to a multiple dwelling unit development where the proposed accessory building is 10 m<sup>2</sup> or less in size and 3 m in height.
- (iii) A development permit shall not be required for interior alterations or repairs.
- (iv) A development permit shall not be required for the subdivision of land.

### (b) Guidelines

- (i) The character of commercial development will generally:
  - (A) Be designed and situated to maximize views wherever possible;
  - (B) integrate with and enhance the character of existing development;
  - (C) incorporate natural materials into the design of the buildings;
  - (D) be designed to maximize the use of the existing topography and natural landscaping; and
  - (E) incorporate crime prevention and public safety features.
- (ii) The character of multi-unit residential development will generally:
  - (A) be in keeping with the character of the village centre and surrounding rural and residential lands;
  - (B) provide a range of housing types and options;
  - (C) be developed to a height that maintains 'human scale' (generally less than three storey);
  - (D) be ground oriented;
  - (E) be designed to maximize the use of the existing topography and natural landscaping;

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- (F) incorporate natural building materials into the design of the buildings; and
- (G) be designed and situated to maximize views wherever possible.
- (iii) Safe pedestrian and cycling routes shall be provided through and to commercial or multi-unit residential developments and shall link to existing neighborhoods, parks and the waterfront.
- (iv) Introduced landscaping shall use native plantings, drought tolerant species, and xeriscaping standards, where possible.
- (v) Off-street parking areas shall primarily be located to the rear or side of buildings and include landscape areas or screening.
- (vi) Any outside storage or manufacturing areas shall be located to the rear of buildings unless adequately screened with landscaping.
- (vii) Where appropriate, pedestrian facilities shall be provided to separate pedestrian and traffic circulation on a site and minimize vehicle/pedestrian conflicts.
- (viii) Building and site design should include "public gathering places" (e.g. outdoor plazas) and encourage pedestrian uses. The use of small seating areas, entry areas, plazas, and other meeting places in conjunction with pedestrian areas is encouraged.
- (ix) Where appropriate, cycling facilities should be provided through safe circulation paths with sheltered locations for bicycle security.
- (x) Signage shall complement the design of buildings and structures and be grouped on multiple development sites. The use of natural materials is encouraged.
- (xi) The use of indirect lighting on signage is encouraged.
- (xii) Walls, fences, shrubs, grade changes or other site features should not obscure vehicle driver vision of pedestrian or bicycle routes or provide for concealment.
- (xiii) Applications to rezone land within a village or neighbourhood centre shall be evaluated, at a minimum, on how the following elements are proposed to be incorporated into the development and shown to be compatible with the centre:
- (A) a mix of uses;
- (B) building and landscape architectural themes;
- (C) concept design of public space;
- (D) public park land requirements;
- (E) road standards;

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- (F) pedestrian facilities;
- (G) treatment of utilities (i.e., street lighting, hydro, etc);
- (H) methods of integrating existing and new developments; and
- (I) where a Village Centre Plan has been prepared for the Red Gap Village Centre, how the development proposal responds to the elements of the Village Centre Plan.

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## 6.18 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area H Official Community Plan.

### (a) Applicability

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

- (i) Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 m in height.
- (ii) Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
- (ii) Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
- (iii) Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
- (iv) Addition to an existing building or structure that is not visible from a public roadway or other public spaces.
- (v) Subdivision of land except for intensive residential which for the purpose of this exemption, means any residential development with an average minimum parcel size less than 2,000 m<sup>2</sup> or density greater than five dwellings per hectare whether fee simple or strata.
- (vi) Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
- (vii) Construction of unpaved driveways and walkways not exceeding 4.0 m in width.

### (c) Guidelines

- (viii) For Qualicum Bay Village Centre, tourist and business frontage for the Village shall be encouraged to be oriented toward the central portion of District Lot 20, Newcastle District and shall provide linkage and integration with the existing commercial lands along the Island Highway No. 19A and institutional uses including

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the Lighthouse Community Hall, seniors housing and park land.

- (ix) For Dunsmuir Village Centre, the tourist and business frontage for the Village shall be encouraged to be oriented toward Horne Lake Road and existing commercial areas along the Island Highway No. 19A. New development shall provide pedestrian and vehicle linkages with the existing residential areas and currently vacant lands adjacent to Horne Lake Road.
- (x) The character of commercial development will generally:
  - (A) be integrated with and enhance the character of the existing development,
  - (B) be designed with a mix of commercial building styles, and constructed as small scale, low-rise structures that are clustered together,
  - (C) be oriented toward adjacent streets where possible, and
  - (D) be designed to have separate buildings or buildings that appear as small, individual buildings rather than a single large building.
- (xi) The character of multi-family development will generally:
  - (A) be in keeping with the village character and surrounding residential or rural areas,
  - (B) provide a range of housing types,
  - (C) be clustered in small groups,
  - (D) provide pedestrian linkages to areas beyond the development,
  - (E) be ground oriented wherever possible; and
  - (F) incorporate landscaping to separate residential clusters.
- (xii) Incorporating natural materials to create a “west coast” style into the design is encouraged.
- (xiii) Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan, and any subsequent editions.
- (xiv) Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
- (xv) Development shall not be separated or ‘gated’ with walled or fenced enclaves.

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- (xvi) Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small, clustered parking areas are preferable to large paved areas.
- (xvii) Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
- (xviii) All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
- (xix) Sites and buildings must be designed to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, re-use systems and other techniques. Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water. Rainwater should be managed onsite wherever possible, and management approaches should be aligned with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a professional engineer or other Qualified Professional.
- (xx) Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:
  - (A) retain existing healthy, mature trees to provide shading and enhance the streetscape;
  - (B) new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions
  - (C) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
  - (D) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual separation from and between uses) and compliment the development and surrounding area;
  - (E) add texture and three dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;
  - (F) minimize water consumption through conservation techniques such as micro-

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- irrigation and xeriscaping;
- (G) respect required sightlines from roadways and enhance public views;
- (H) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities; and
- (I) contribute to a sense of personal safety and security.
- (xxi) The design and layout of open spaces that can accommodate buildings and areas for edible landscapes and food production are encouraged (e.g., planter boxes, green house, compost facility, private and/ or community gardens, arbours and associated planting, bee hives.)
- (xxii) Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
- (xxiii) Exterior lighting shall be low intensity, pedestrian-oriented with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lighting is encouraged.
- (xxiv) All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
- (xxv) Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.
- (xxvi) For land to be developed where a commercial property abuts residential zoned property(s), a landscaped buffer area should be provided between the commercial property and the residential property(s) to provide a visual screen.
- (xxvii) For land to be developed that is adjacent to or adjoining an Agricultural Land Reserve boundary, a buffer area containing vegetation or fencing or a combination of both shall be retained, or established and maintained. All buffer areas shall generally be designed and landscaped using materials set out in Guide to Edge Planning: Appendix B, published by the BC Ministry of Agriculture, or any subsequent editions.

## 6.19 Bowser Village Centre Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Bowser Village Centre Plan](#).

### (a) Applicability

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

- (i) alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and the removal of top soils;
- (ii) construction of, addition to, or alteration of a building or structure;
- (iii) creation of non-structural impervious or semi-pervious surfaces; and
- (iv) subdivision of land as defined in the [Land Title Act](#) or [Strata Property Act](#).

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Construction, renovation, or addition to a single dwelling unit, detached secondary suite or duplex dwelling unit.
- (ii) Addition to an existing building or structure that is not visible from a public road way or other public spaces.
- (iii) The replacement or repair of an existing sign providing the sign is not enlarged or moved and is replaced with the same type of sign (i.e., fascia, freestanding, etc).
- (iv) Subdivision of land as defined in the *Land Title Act* or *Strata Property Act*, except for intensiveresidential.
- (v) Maintenance and minor modifications to existing landscaping, existing roads, parking areas, paths and trails.
- (vi) Construction of unpaved driveways and walkways not exceeding 4.0 m in width.
- (vii) Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

### (c) Guidelines

#### Context and Regional Expression

- (i) Incorporate form and images that relate to the natural and cultural landscape of

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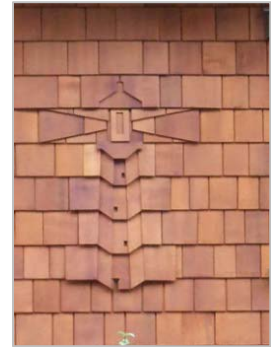
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Bowser by integrating one or more of the following themes:

- (A) Lighthouse Country
- (B) First Nations History
- (C) Post 1900's historical themes such as logging, fishing and shellfish aquaculture
- (D) Connect to water such as Thames Creek, Strait of Georgia, surfacewater and aquifers
- (E) West coast influenced design incorporating BC wood products



Example of desired design detail

- (ii) Through building design and placement, address sunlight penetration, natural ventilation, and protection from different weather elements to improve the pedestrian experience in commercial areas (e.g., covered walkways, awnings, canopies, overhangs, pergolas and shade trees).
- (iii) Protect and enhance public views of landmarks, buildings, open spaces, natural features and the ocean through careful building siting, height and form.



Example of mixed-use building, oriented to the street with covered walkway

#### Human Scale

- (iv) Design from human scale and visual interest in all building elevations. This can be achieved by placing an emphasis on street facing building entrances, windows and landscaping relative to walls and building structure.
- (v) Mixed use and commercial buildings shall be located in close proximity to the sidewalks and pedestrian spaces.
- (vi) Where mixed use or commercial buildings are proposed, avoid large spaces between buildings.

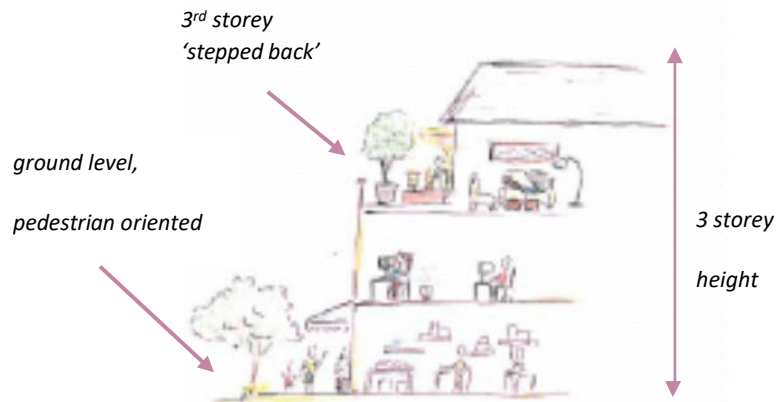


Example of building articulation, varying rooflines & exterior architectural design detail

- (vii) The use of drive-through shall not be a part of building or site design.
- (viii) Design, siting and construction of sidewalks or paths in the road right-of-way shall be consistent with the Active Transportation Plan for Electoral Area H, 2017 or provide rationale for taking a different approach as presented in that Plan. Note that approval from the Ministry of Transportation and Infrastructure is required for works in the road right-of-way.

#### Building Massing, Height and Form

- (ix) Larger buildings (e.g., > 12.0 m in width) shall be designed to avoid large, flat building expanses by creating multiple, separate buildings such that individual buildings appear as many small buildings that are compatible in shape, mass, and exterior finishes. Consider using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.
- (x) Utilize landscaping treatments to further soften the mass of building form (e.g., strategic location of trees, hedge borders, trellis and surface materials such as pavers).
- (xi) On slopes, building design should step with the natural topography. Building form should depict a series of buildings nested into the hillside, rather than a single, uniform building form.



- (xii) Building height is limited to a maximum of 12.0 m (i.e., 3 storeys) unless otherwise specified.
- (xiii) Where building height is 12.0 m (i.e., 3 storeys), incorporate step back and/or terrace above the second floor to reduce visual impact and to strengthen the pedestrian-scale of the building.
- (xiv) Development shall not be separated or 'gated' with walled or fenced enclaves.

## Building Style & Exterior Materials

- (xv) High quality, functional exterior finishes suited to a west coast climate should be

used to ensure the integrity of the building envelope and to present an attractive appearance.

- (xvi) Natural, local non-combustible materials should be used to the greatest extent possible, with an emphasis on British Columbia wood products.

- (xvii) Use exterior colours that are found in or complement the area's natural and cultural landscape.

- (xviii) Use materials in combination to create contrast, enhance human scale and reduce massing of a building.



Example of different materials and colours used in combination to create and to reduce massing of a prominent building in the Qualicum Beach village center

## Signs, Canopies & Lighting

- (xix) Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.

- (xx) The following types of signage shall be encouraged:

(A) projecting two dimensional signs suspended from canopies, awnings or overhangs,

(B) externally, front lit signs especially with LED lighting,



Examples of desired signage that is attractive and informative for both pedestrians and the travelling public



## Examples of full cut off lighting and decorative exterior lighting

### Outdoor Public Open Spaces

- (xxvi) Outdoor patios and dining areas should be designed to create a compatible and complementary relationship with the adjacent streetscape, building architecture, and uses. These spaces should be well defined by landscaping, decorative fencing or other vertical barriers while being generally open and visible from public areas.
- (xxvii) Public art or features should be considered for public plazas and courtyards.
- (xxviii) All play areas for children should have adequate shade and seating for adults.
- (xxix) The retention of natural features (like trees, rock or other landscape features) in open spaces shall be encouraged.
- (xxx) Street furniture to enhance the pedestrian experience, such as benches, decorative street lamps, bicycle racks and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character of the development and identified by type and source in the application.



Examples of decorative street furniture with complementary landscaping to define public outdoor spaces

### Accessibility & Connectivity

- (xxxi) Universal design principals shall be employed to ensure meaningful access for people of all ages, stages and abilities, including children, parents, older adults and seniors. Meaningful, access is determined by the users' complete experience of a building, connecting pathways, sidewalks, entrances, doors and hallways. Features include things such as accessible, barrier-free travel routes to the main building entry, smooth, ground-level entrances without stairs, and wide interior doors and hallways. Consider those using such equipment as wheelchairs, other walking-aids, strollers and bicycles.
- (xxxii) Accessible travel routes shall be provided that incorporate transitions between public walkways, together with private walkways, parking areas, retail shops and services, and roads to provide seamless and interesting access for all users,

including those of different ages and abilities.



Examples of accessible laneways that connect commercial areas to public/social spaces

### Crime Prevention

(xxxiii) Best practices for “Crime Prevention through Environmental Design” should be incorporated into building design, such as:

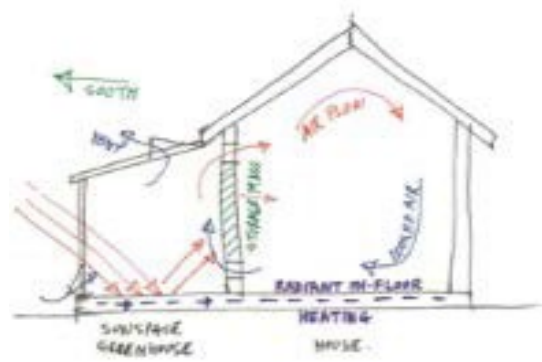
- (A) Natural surveillance, ‘eyes on the street’: visibility, light and openness should maximize the ability to see throughout the site through placement of windows that access all areas, appropriate lighting to avoid darkened spaces and walkways, entrances and site features should be designed to avoid areas for hiding.
- (B) Define spaces: creating a clear definition between public and private space that express ownership and boundaries, particularly for multi-residential and mixed-use developments.
- (C) Active Spaces: Encourage legitimate activity in public spaces by locating uses in complementary arrangements. Avoid spaces that appear confined, isolated, or unconnected, or appear without a clear purpose or function.

### Green & Healthy Buildings

- (xxxiv) Evaluate site design for passive solar gain and cooling opportunities (e.g., passive solar water heating, solar mass wall, passive solar heating of intake air). On sites with substantial solar exposure, buildings should be sited, designed, and landscaped to take advantage of passive solar gain in winter and reduce sun exposure in summer.
- (xxxv) Minimize exposure to noise and pollution through site and building design, especially for those developments located along busy roads (e.g., triple-pane glazing, orient courtyards, playgrounds, open spaces, and building air intakes away from the road).
- (xxxvi) Utilize sustainable construction methods and materials, including the reuse, rehabilitation, restoration, and recycling of buildings and/or building elements.



(xxxvii) All new commercial, mixed-use, and multi-unit residential buildings within the development permit area are encouraged to be efficient and healthy, and are encouraged to seek third party certification, such as Built Green Gold or Leadership in Energy and Environmental Design (LEED). The Regional District may be able to provide assistance in the planning process and may offer financial assistance in accordance with Regional District's environmental rebate and grant programs.



Example of a passive solar gain designed house

(xxxviii) The design and layout of open spaces that can accommodate buildings and areas for edible landscapes and food production are encouraged (e.g., planter boxes, green house, compost facility, private and/ or community gardens, arbours and associated planting, bee hives).

(xxxix) The installation of electric vehicle charging stations are encouraged. The Regional District maybe able to provide assistance in the planning process and may be able to identify applicable rebate and grant programs.

#### Relationship to the Street

(xl) Orient residential and commercial buildings to face the street.

(xli) Commercial and mixed-use buildings should be sited within proximity to sidewalks and the pedestrian space to enhance the pedestrian experience, unless where a setback may be considered to provide transition to adjacent building or pedestrian-friendly features such as a patio, courtyard or plaza.



Example of an animated, mixed-use streetscape that provides a buffer between pedestrians and road traffic

(xlii) Building setbacks from lot lines should:

(A) Be designed to create an intimate, pedestrian friendly streetscape;

(B) be between 0.0 m and 3.0 m (RDN in collaboration with MOTI will determine minimum building setbacks from lot lines);

- (C) consider relationship and transition to adjacent buildings;
- (D) corner sites are encouraged to feature landmark design or alternatively to provide asemi-public or public open space; and
- (E) include “corner cuts” or similar treatment to expand sidewalks adjacent to intersections.



Example of site plan demonstrating a ‘corner cut’



Example of site plan demonstrating a ‘woonerf’ style streetscape

- (xliii) Pedestrian sidewalks or defined walkways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.
- (xliv) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (xlv) In residential areas, side streets should consider ‘woonerf’ style streets that integrate needs of multiple users such as walking, cycling, playing, gardening and socializing.
- (xlvi) Pedestrian sidewalks or defined walkways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.

#### Pedestrian Access, Provisions for Cyclists Circulation, Vehicles and Loading

- (xlvii) Clearly defined, safe pedestrian access shall be provided through sites and parking areas to maintain a pattern of active transportation that is integrated with building entrances, walkways, sidewalks, trails and adjacent streets.
- (xlviii) Locate parking areas to the rear of buildings, internal to the building, or below grade.

- (xlix) Avoid large expanses of parking. Provide paved surfaces with visual interest and landscaped areas to create safe pedestrian walkways and visual breaks between clusters of parking stalls (approximately every seven stalls).
- (l) Bicycle and scooter parking facilities should be provided at grade near primary building entrances.



Example of BC Transit bus shelter stop with wet weather shelter and parking areas that integrate active transportation

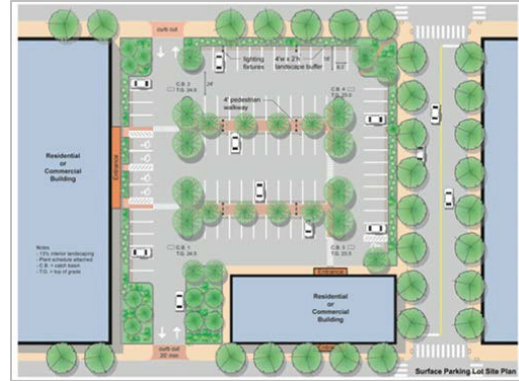
- (li) Where side road access is not feasible, shared driveways to access business and residential properties from Highway No. 19A shall be encouraged for new development.
- (lii) Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
- (liii) All loading and storage areas shall be complementary to the development, screened with landscaping and/or gated fencing to a minimum 2.0 m as appropriate and wherever possible be located to the rear of the building in unobtrusive areas.
- (liv) Provision should be made for promoting easy access to public transit, emergency vehicle, delivery and service vehicles and may include construction of a bus shelter or pad.

#### Landscaping & Screening

- (lv) Where landscaping is required within the development permit area, the Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or other Qualified Professional and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
- (lvi) Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects

when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:

- (A) retain existing healthy, mature trees and new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions;
- (B) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
- (C) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual separation from and between uses) and compliment the development and surrounding area;
- (D) add texture and three-dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;
- (E) minimize water consumption through conservation techniques such as micro- irrigation and xeriscaping;
- (F) respect required sightlines from roadways and enhance public views;
- (G) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities;
- (H) contribute to a sense of personal safety and security;



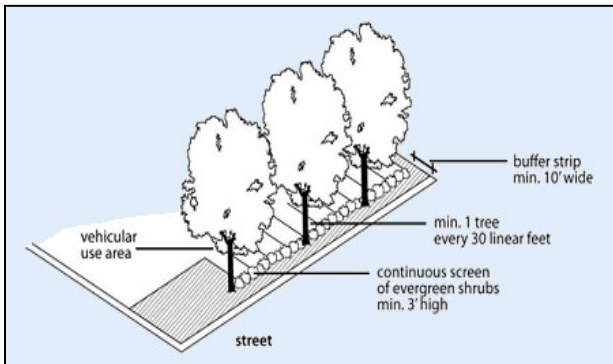
Example of parking plan with safe pedestrian access and landscaping features



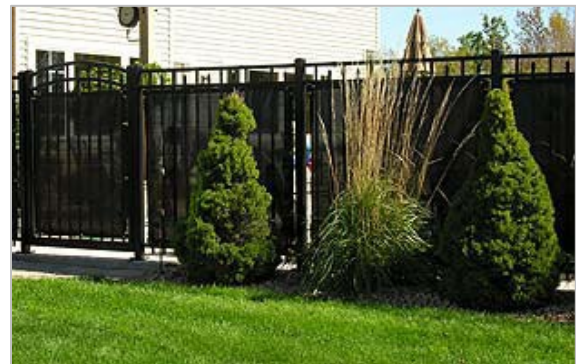
Example of vertical green wall system



- (lvii) Mitigate undesirable architectural elements (e.g., blank walls can be covered with trellis and vines).
- (lviii) Minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping. Landscaping is to meet the minimum depth of topsoil or amended organic soil on all landscaped areas of a property:
  - (A) Shrubs – 45 cm,
  - (B) Groundcover and grass – 30 cm, and
  - (C) Trees – 30 cm around and below the root ball.
- (lix) Landscape plans must be drawn to scale and show type, size and location of proposed landscaping works and planting materials and shall be submitted with the development permit application.
- (lx) Where irrigation is required to maintain proposed landscaping, it should be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer or another qualified person.



Example of landscaped buffer from street or between residential properties



Example of decorative fencing and landscaped screening

- (lxi) Where a commercial property abuts residential zoned property, landscaped buffer area should be provided between the commercial property and the residential property(s).
- (lxii) High-efficiency, water saving, automatic irrigation systems are encouraged.
- (lxiii) All refuse and recycling facilities shall be screened with landscaping and/or gated fencing to a minimum 2.0 m. Similarly, utilities, electrical and mechanical features shall be screened with fencing, landscaping or a combination of the two.
- (lxiv) Decorative fences are encouraged. Where chain link fencing used, it shall be screened with landscaping.

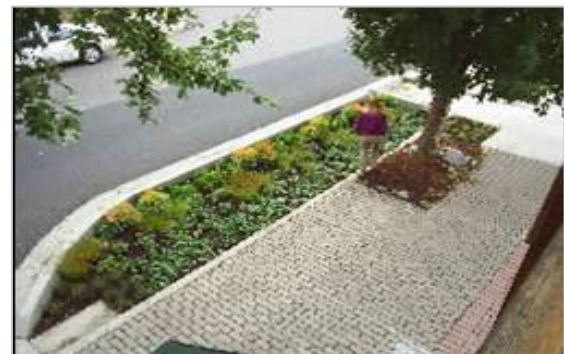
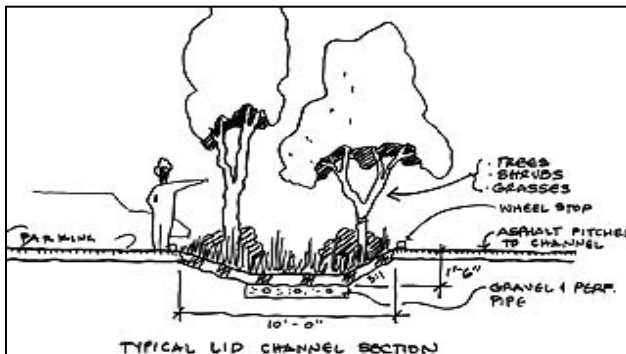
## Rainwater Management

- (lxv) Design sites and buildings to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, and re-use systems and other techniques aligned with Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014, published by the B.C. Ministry of Environment, or any subsequent editions.



Examples of a rain garden and rainwater harvesting system

- (lxvi) Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water.
- (lxvii) The Regional District may require a rainwater management plan prepared by a Professional Engineer or other Qualified Professional.
- (lxviii) New buildings are encouraged to include non-potable water harvesting in the form of rainwater catchment or green roofs.



Examples of bioswales, permeable surfaces and absorbent landscaping

### Multi-Residential and Intensive Residential Development Guidelines

- (lxx) Residential units should be clustered to make the most efficient use of land and preserve as much land as possible for open space.
- (lxx) Residential land uses should be arranged to achieve gradual transition and minimize conflicts with adjacent housing types and surrounding neighbourhoods.
- (lxxi) Residential units shall be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.
- (lxxii) Use landscaping and design to clearly distinguish and provide transitions between public and private spaces especially where residential uses are mixed with commercial uses.
- (lxxiii) Children's play areas should be located to facilitate 'natural surveillance' with high visibility from residential units.



Example of mixed-use building with third floor roof scape

### Additional Commercial Mixed-Use Development Guidelines

- (lxxiv) The maximum floor area for individual retail and commercial units should be 300 m<sup>2</sup> with the exception of grocery stores where a maximum 1,500 m<sup>2</sup> of retail space will be allowed.
- (lxxv) Building size for institutional and commercial service/light industrial uses shall be a maximum 1,000 m<sup>2</sup>.

### Additional Service Commercial/Light Industrial Development Guidelines

- (lxxvi) Retail and office uses in commercial service development should be ground oriented, located adjacent to the street with non-retail functions located to the rear of the property.
- (lxxvii) Residential 'live-work' units shall be located above street level over top of commercial service uses.
- (lxxviii) Where possible residential 'live-work' units should be oriented to overlook public streets.
- (lxxix) Residential 'live-work' units shall have at least one private outdoor space with

access to or viewsof adjacent semi-public spaces.

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## 6.20 Multi-Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Electoral Area G](#) Official Community Plan.

### (a) Applicability

A development permit is required for the following activities unless specifically exempt:

- (i) alteration of land, placement of fill, disturbance of soils, including grubbing, scraping, and removal of top soils;
- (ii) construction or erection of buildings and structures;
- (iii) creation of non-structural impervious or semi-pervious surfaces; and
- (iv) subdivision as defined in the [Land Title Act](#) or [Strata Property Act](#).

### (b) Exemptions

The following activities are exempt from requiring a development permit:

- (i) Single residential development and accessory uses, including subdivision, on lands zoned for single residential use.
- (ii) The cutting down of hazardous trees in accordance with the recommendations contained in a report prepared by an Arbourist or other Qualified Professional. Trees must pose an immediate threat to the safety of persons or existing buildings or structures.

### (c) Guidelines

#### Servicing

- (i) Prior to any phase of a proposed development, the developer must provide a report prepared by a registered professional engineer that provides the following:
  - (A) detailed plans and specifications showing the proposed sewage connection or disposal system (in unserviced areas) and rainwater drainage systems to be constructed to service the proposed development;
  - (B) on lands serviced by community water, proof that the proposed development will be connected to the community water system and that the proposed system is compatible with the adjacent municipality's engineering standards; and,
  - (C) on lands serviced with community sewer, proof that the proposed

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development will be connected to the community sewer system and that the proposed system is compatible with the adjacent municipalities engineering standards.

### General Design

- (ii) The Regional District of Nanaimo shall require an applicant to submit building elevations prepared by an architect or other Qualified Professional.
- (iii) Commercial development should be ground oriented and in scale with the surrounding uses.
- (iv) The use of non-combustible building materials is encouraged and where feasible locally produced natural building materials should be incorporated in to the design without compromising the building or structures fire resistance. West Coast architecture is strongly encouraged.
- (v) There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
- (vi) Development or subdivision of land should be designed to:
  - (A) replicate the function of a naturally vegetated watershed;
  - (B) maintain the hydraulic regime of surface and groundwater and pre-development flowrates;
  - (C) not interfere with groundwater recharge;
  - (D) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
- (vii) Benches, ornamental street lights, and public art are encouraged throughout the site. Outdoor patios or amenity areas are encouraged.
- (viii) Street furniture such as benches, lamps and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character of the development and identified by type and source in the application.
- (ix) Public open space and pedestrian walkway linkages to adjacent neighbourhoods and to Wembley Mall which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
- (x) The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.
- (xi) Comprehensive development proposals that consider the full life cycle of input materials and process by-products as well as seek to minimize energy and raw

materials use, minimize waste, and build sustainable economic, ecological and social relationships (eco-industrial networking) shall be encouraged.

- (xii) Buildings shall be designed so as to avoid presenting an overly massive appearance using roof lines, window treatments, and landscaping to break up their bulk and soften their appearance.

#### Residential Development Guidelines

- (xiii) Residential developments should include a variety of housing sizes and types. These may range from single dwelling units, condominiums, and townhouses. Residential land uses should be arranged to achieve gradual transition from adjacent housing types and surrounding neighbourhoods.
- (xiv) Developments should be designed to take advantage of sun exposure to reduce winter heating and summer cooling.
- (xv) Multiple dwelling unit buildings should be designed to utilize sunlight for the health and comfort of residents and for energy conservation purposes.
- (xvi) Dwelling units should be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.
- (xvii) Development shall not be a separate "gated community" with walled or fenced enclaves and shall be integrated with and compatible with surrounding neighbourhoods.
- (xviii) Where practical, clustering of multi-residential development a minimum of 250 m away from the centre of the FCPCC should be required in order to maximize vegetation retention buffers to limit periodic odour migration.

#### Parking and Loading

- (xix) Parking and loading areas shall generally be located to the rear of buildings, must be screened from view from adjacent properties, and be located outside of the minimum required zoning setback. The screening should consist of landscaping and/or fencing. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.
- (xx) Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
- (xxi) Provision should be made for emergency vehicles, moving vans, and service vehicles.
- (xxii) Safe, efficient, and effectively designed and located roadways, entrance points,

parking areas, pedestrian paths, and open spaces shall be provided.

### Landscaping and Screening

- (xxiii) The Regional District shall require the applicant to submit a landscaping plan prepared by a Landscape Architect or equivalent professional which meets the British Columbia Landscape Standard and satisfies the following objectives:
  - (A) to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - (B) to minimize water consumption through means such as micro-irrigation and xeriscaping;
  - (C) to provide visual separation from and compatibility with surrounding single residential uses;
  - (D) to improve the aesthetic appeal of the development;
  - (E) to assist in the safe movement of pedestrians throughout the site;
  - (F) to reduce the amount of impervious surfaces on the site;
  - (G) to compliment the development and surrounding uses;
  - (H) to preserve the rural experience and to minimize the visual distraction of development on Highways No. 19, 19A, and Highway 4; and,
  - (I) to establish or enhance habitat values on the development site where appropriate.
- (xxiv) The landscaping plan must be drawn to scale and show the type, size and location of proposed landscaping and shall be submitted with the development permit application.
- (xxv) At minimum the landscape design should provide a continuous landscaped buffer area of at least 2.0 m in width along the inside of all property lines, excluding access points, adjacent to all roads and highways and adjacent to all residential zoned property and should contribute towards the objectives identified in xxiii above.
- (xxvi) Notwithstanding Guideline xxiii, the landscaped buffer adjacent to any watercourse, coastal area, or environmentally sensitive feature shall be determined by a QEP and shall work towards Guideline xxiii(j) – to establish or enhance habitat values on the development site.
- (xxvii) To separate parking, service or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in height, shall be provided along the inside of all affected property lines.

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- (xxviii) Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
- (xxix) Vegetation species used in replanting, restoration and enhancement shall be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and habitat wildlife habitat values as needed.
- (xxx) All replanting shall be maintained by the property owner for a minimum of five years from the date of completion of the planting. Unhealthy, dying or dead stock will be replaced at the owner's expense during the next regular planting season.
- (xxxi) Where irrigation is required to maintain proposed landscaping, it shall be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer.
- (xxxii) The Regional District of Nanaimo shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District of Nanaimo.
- (xxxiii) Garbage and recycling containers shall be screened with landscaping and fencing and gated to a minimum height of 2.0 ms. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with landscaping and fencing.
- (xxxiv) Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged matching the materials used for the principle building.
- (xxxv) Subject to the approval of the MOT where applicable, the installation of boulevards, street trees, pedestrian pathways, or sidewalks within the public road right of way may be supported. Boulevards must be landscaped, irrigated, and maintained by the subject development.
- (xxxvi) Open spaces acting as sites of public assembly shall incorporate special landscape features such as fountains, landscaping or monuments as focal elements.

#### Site Illumination and Signage:

- (xxxvii) Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.
- (xxxviii) All new, replacement and upgraded exterior lighting in existing and proposed developments shall be Full-Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.

- (xxxix) The size, location and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
- (xl) No roof top signs shall be permitted. Multi-tenant buildings shall provide combined tenant signage.
- (xli) Signage should be visually unobtrusive; particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective

**Pedestrian and Cyclist Considerations:**

- (xlii) Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.
- (xliii) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (xliv) Bicycle parking facilities should be provided at grade near the primary building entrances.

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## 6.21 Rural Commercial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Electoral Area H Official Community Plan](#).

### (a) Applicability

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

- (i) Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 m in height.
- (ii) Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

### (b) Exemptions

The following activities are exempt from any requirement for a development permit:

- (i) Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
- (ii) Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
- (iii) Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
- (iv) Construction of a building or structure with a total floor area of 10 m<sup>2</sup> or less which is not visible from a public roadway.
- (v) Addition to an existing building or structure that is screened from view from a public roadway or other public space by the existing building or structure.
- (vi) Subdivision of land as defined in the [Land Title Act](#) or [Strata Property Act](#).
- (vii) Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
- (viii) Construction of unpaved driveways and walkways not exceeding 4.0 m in width.

### (c) Guidelines

- (i) The character of the development will generally:
  - (A) be designed to utilize the existing topography and vegetation in a manner that is visually unobtrusive and blends into the surrounding landscape,
  - (B) be designed to mimic the natural water balance by maximizing infiltration

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- of uncontaminated rainwater,
- (C) integrated with and enhance the character of existing development to avoid mass and character that would be overwhelming to adjacent non-commercial properties, and
  - (D) include gathering places such as seating areas, patios, garden entry areas that are visible and accessible and encourage pedestrian uses, where possible.
- (ii) Incorporating natural materials to create a “west coast” style into the design is encouraged.
  - (iii) Where buildings present an aspect to the highway or to highly visible areas, continuous blank wall surfaces (longer than 5.0 m) shall be avoided. Consider using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.
  - (iv) Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s *Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan*, and any subsequent editions.
  - (v) Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
  - (vi) Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
  - (vii) Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
  - (viii) All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
  - (ix) For land to be developed where it abuts a residential zoned property(s), a landscaped buffer shall be retained or planted to provide a visual screen.
  - (x) Porous and permeable surfaces should be used where practical and techniques such as rain gardens and vegetative swales to assist in the treatment of rainwater runoff from a site are encouraged in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent



editions. The Regional District may require a rainwater management plan prepared by a Professional Engineer or other Qualified Professional.

- (xi) Mature trees shall be preserved and, where possible, integrated with new landscaping. The planting of trees is strongly encouraged.
- (xii) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions.
- (xiii) Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other Qualified Professional to the satisfaction of the Regional District.
- (xiv) Exterior lighting shall be low intensity, pedestrian-orientated with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lightening is encouraged.
- (xv) All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
- (xvi) Signage should be visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage that is complementary to the scenic qualities of the area and requires a minimal amount of lighting to be effective. Animated, flashing, oscillating or moving signs and roof top signs shall be avoided to retain a rural appearance and not be distracting to drivers.

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## 6.22 Highway Corridor Protection Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Nanoose Bay Official Community Plan.

### (a) Exemptions

The following are exempt from obtaining a development permit:

- (i) The construction, renovation, or addition to a single dwelling unit, duplex dwelling unit, or accessory residential buildings; and/or
- (ii) The subdivision of land within the ALR.

### (b) Guidelines

- (i) Landscaping, screening and the retention of natural vegetation shall be encouraged to enhance the appearance of properties adjacent to the highway in accordance with land use bylaws.
- (ii) Off street parking, loading areas, refuse containers and outdoor storage/manufacturing areas shall, where achievable, be located to the rear of buildings and/or adequately screened from residential and rural lands by a combination of landscape buffering and fencing.
- (iii) Signage on properties bordering the highway should be grouped whenever possible, complementary with the natural character of the area, and employ the use of a minimal amount of direct or indirect lighting to be effective.
- (iv) The Ministry of Transportation and Infrastructure is supported in their initiatives to consolidate access points to major roadways and to provide access through 'slip' roads.

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## 6.23 Inland Island Highway Corridor Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the [Electoral Area G](#) Official Community Plan.

### (a) Applicability

A development permit is required for the following commercial, industrial, intensive residential and multi-residential uses unless specifically exempt:

- (i) alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping, and removal of top soils;
- (ii) construction or erection of buildings and structures;
- (iii) creation of non-structural impervious or semi-pervious surfaces; and
- (iv) Subdivision as defined in the [Land Title Act](#) or [Strata Property Act](#).

### (b) Exemptions

All development activities, including subdivision of land that does not include commercial, industrial, intensive residential or multi-residential development or related activities.

### (c) Guidelines

- (i) Development or redevelopment of commercial, industrial, or multi-residential land within the Inland Island Highway Development Permit Area shall:
  - (A) reinforce the rural and aesthetic visual image of the Inland Island Highway by maintaining the rural wooded landscape on adjoining lands;
  - (B) ensure that orderly and aesthetic development or redevelopment of existing industrial zoned lands do not negatively impact the view corridor of the new highway; and,
  - (C) prohibit direct vehicular access from the Inland Island Highway.
- (ii) All industrial, commercial, or multi-residential subdivisions or individual developments should provide a 30.0 m visual integrity buffer, adjacent to the Inland Island Highway, where a natural wooded character will be maintained and no buildings, outdoor storage or signage shall be permitted without the approval of both the MOTI and the Regional District Board.
- (iii) Buildings, structures, parking, and storage should be designed and sited to be outside of the visual integrity buffer of the Inland Island Highway and complement the rural integrity of the area. Plans shall be submitted illustrating cross sections of the property and proposed buildings. The Plans shall illustrate the view corridor

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of eastbound and westbound traffic and the visual impact of any proposed structures from the Inland Island Highway. In addition, a photographic survey of the site and development proposal shall be submitted, from adjoining parcels and major roadways, to illustrate visual compatibility with surrounding development.

- (iv) No signage shall be visible from the Inland Island Highway. Signage should be visually unobtrusive and grouped whenever possible, and no third-party signs shall be permitted within the Development Permit Area.
- (v) Wherever possible development should be oriented with the "front" face of buildings away from the Highway and no loading, storage, or other service functions should be located between the building and the highway.
- (vi) Where the introduction of vegetation is required within the Development Permit Area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
- (vii) Where irrigation is required to maintain proposed landscaping, it should be designed and installed an Irrigation Industry Association of British Columbia certified irrigation designer.

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