CITY OF NANAIMO
THE HARBOUR CITY

Zoning Bylaw No. 4500

City of Nanaimo
Zoning Bylaw No. 4500

Zoning Bylaw No. 4500

This consolidated version of the Zoning Bylaw is dated 2023-JUN-05. If you have an older version of the Zoning Bylaw, please access the City of Nanaimo website or contact Current Planning staff at 250-755-4429, for the most current consolidated version to ensure your Zoning Bylaw is accurate and legal.

`

TABLE OF CONTENTS

Part 1 – Title and Application	**Page**
Title	1
Application	1
Severability	1
Interpretation	1
Repeal of Previous Bylaws	1
Part 2 – Administration	**Page**
General Compliance	1
Inspection	1
Violation	1
Penalty	1
Bylaw Amendments	1
Part 3 – Establishment of Zones	**Page**
Zones	1-3
Zoning Map	3
Zone Boundaries	3
Part 4 – Use Index [*deleted*]	**Page**
Part 5 – Definitions	**Page**
Definitions	1-21
Part 6 – General Regulations	**Page**
Uses Permitted and Prohibited in All Zones	1
Containers	2
Location and Siting of Buildings and Structures to Water Courses	3
Flood Control Requirements	4
Projections into Yards	5-6
Accessory Uses – Buildings and Structures	6-7
Temporary Uses – Buildings and Structures	8
Height Exemptions	9
Visibility at Intersections	9
Fence Height	10-11
Swimming Pools	11
Vehicle Restrictions	11
Mobile Home Parks	12
Neighbourhood Pub and Lounge Occupancy	12
Secondary Suites	12

Part 6 – General Regulations - Continued	Page
Short-Term Rental	13
Rooming House	13
Seniors Congregate Housing	14
Day Care	14
Home Based Business	15-16
Residential Shelter	16
Subdivision	17
Nanaimo Parkway	17
Part 7 – Residential Zones	**Page**
Description of Zones	1
Permitted Uses	2-4
Density	4-6
Lot Size and Dimensions	7-8
Siting of Buildings	9-10
Size of Buildings	10-11
Conditions of Use	12
Part 8 – Agriculture Rural Reserve	**Page**
Description of Zones	1
Permitted Uses	1-2
Density	2
Lot Size and Dimensions	2-3
Siting of Buildings	3
Size of Buildings	3
Part 9 – Corridor	**Page**
Description of Zones	1
Permitted Uses	1-6
Density	7
Lot Size and Dimensions	7
Siting of Buildings	8
Location of Parking Area	8
Size of Buildings	9
Part 10 – Commercial	**Page**
Description of Zones	1
Permitted Uses	1-6
Density	6-7
Lot Size and Dimensions	7
Siting of Buildings	7-8
Size of Buildings	8

Part 11 – Downtown	Page
Description of Zones	1
Permitted Uses	2-8
Density	8-9
Lot Size and Dimensions	10
Siting of Buildings	11-12
Location of Parking Area	12
Size of Buildings	12-13
Part 12 – Parks, Recreation and Culture	**Page**
Description of Zones	1
Permitted Uses	1
Siting of Buildings	2
Lot Coverage	2
Part 13 – Industrial	**Page**
Description of Zones	1
Permitted Uses	1-5
Lot Size and Dimensions	5
Siting of Buildings	5
Size of Buildings	6
Part 14 – Community Service	**Page**
Description of Zones	1
Permitted Uses	1-2
Density	2
Lot Size and Dimensions	3
Siting of Buildings	3
Size of Buildings	3
Part 15 – Waterfront	**Page**
Description of Zones	1
Permitted Uses	1-3
Density	4
Lot Size and Dimensions	4
Siting of Buildings	5
Size of Buildings	5
Part 16 – Comprehensive Development Zones	**Page**
Comprehensive Development District Zone One (CD1)	1
Permitted Uses	1
Site Development	1
Screening and Landscaping	1
Height and Fences	1

Part 16 – Comprehensive Development Zones - Continued	Page
Plans	1
The Woodgrove Pines Comprehensive Development Plan	2
The Comprehensive Plan (“CD Plan”)	2-3
Comprehensive Development District Zone Two (CD2)	4
Permitted Uses	4
Density	4
Yard Requirements	4
Height of Buildings	4
Screening and Landscaping	4
Parking	4
Plans	5
Comprehensive Development District Zone Three (CD3) ***(deleted)***	6
Comprehensive Development District Zone Four (CD4)	6
Permitted Uses	6
Density	6
Yard Requirements	6
Height of Buildings	6
Screening and Landscaping	6
Parking	6
Plans	7
Comprehensive Development District Zone Five (CD5)	8
Permitted Uses	8
Density	8
Lot Size and Dimensions	8
Yard Requirements	8
Location of Parking Areas	8
Size of Buildings	8
Plans	8-9
Comprehensive Development District Zone Six (CD6)	10
Permitted Uses	10
Conditions of Use	10
Density	10
Lot Coverage	10
Yard Requirements	10
Height of Buildings	10
Screening and Landscaping	10

Part 16 – Comprehensive Development Zones - Continued	Page
Parking	10
Plans	11
Development Data	11
Site Plan	12
Comprehensive Development District Zone Seven (CD7)	13
Permitted Uses	13
Density	14
Conditions of Use	14
Lot Area	14
Lot Coverage	14
Yard Requirements	15
Height of Buildings	15
Height of Fences	15
Screening and Landscaping	15
Comprehensive Development District Zone Eight (CD8)	16
Permitted Uses	16
Permitted Size, Siting, Shape and Density	16
Plans	16
Northbrook Centre (Brooks Landing) (CD8) Continued	17-26
Comprehensive Development District Zone Nine (CD9)	27
Permitted Uses	27
Density	27
Lot Area	27
Lot Dimensions	27
Yard Setbacks	27
Lot Coverage	27
Building Height	28
Garage Floor Elevation	28
Plans / Development Data	28-31
Comprehensive Development District Zone Ten (CD10)	32
Permitted Uses	32
Density	32
Lot Area	32
Lot Dimensions	32
Yard Setbacks	32
Building Height	33

Part 16 – Comprehensive Development Zones - Continued	Page
Parking	33
Plans	33
Project Data	34
Site Plan	35
Comprehensive Development District Zone Eleven (CD11)	36-38
Part 17 – Landscaping	**Page**
Required Landscaping	1
General Regulations	1
Slopes, Urban Plazas and Refuse Receptacles	2
Character of Landscaping	2
Landscape Protection and Maintenance	3
Landscaping of Boulevards	3
Watering Provisions	3
Fencing Standards	3
Approval Procedures	4
Landscape Security Deposit	5
Minimum Landscape Treatment Levels	6
Character of Landscaping	7-10
Part 18 – Development Permit Area (DPA) Guidelines	**Page**
DPA1: Environmentally Sensitive Area (ESA) Guidelines – Watercourse, Terrestrial & Marine Foreshore	1-5
DPA2: Hazardous Slopes Guidelines	6-7
DPA3: Sea Level Rise Guidelines	8-10
DPA4: Abandoned Mine Workings Hazards Guidelines	11-12
DPA5: Wildfire Hazard Guidelines	13-15
DPA6: Steep Slopes Guidelines	16-17
DPA7: Nanaimo Parkway Design Guidelines	18
DPA8: Form and Character Guidelines	19-20
Part 19 – Effective Date of Bylaw	**Page**
Effective Date of Bylaw	1
Schedules	

Please note: it is your responsibility to keep this Zoning Bylaw updated with adopted Bylaw amendments. Please access the City of Nanaimo website or contact Current Planning staff at 250-755-4429, for the most current consolidated version to ensure your Zoning Bylaw is accurate and legal.

TABLE OF AMENDMENTS

THIS CONSOLIDATED VERSION OF BYLAW NO. 4500 (2023-JUN-05) INCLUDES THE FOLLOWING AMENDMENT BYLAWS:

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
4500.001	16.7	Add new Comprehensive Development District Zone Seven (CD7).	2011-OCT-03
4500.002	8.2.1, 8.2.2, 8.4.1, 10.2.4, 11.2.4, 9.2.3, 15.1, 15.2.1, 15.2.2, 7.4.5, 7.1, 7.2.2, Definitions Section ("Marina"), 16.8, 7.3.1	General housekeeping amendments, add new Comprehensive District Zone Eight (CD8), and the rezoning of numerous properties.	2011-OCT-03
4500.003	16.3	Delete Comprehensive Development District Zone Three (CD3).	2011-OCT-03
4500.005	16.5	Replace Comprehensive Development District Zone (CD5).	2011-NOV-14
4500.012	Definitions Section ("Gross Floor Area"), 6.23, 6.1.3, 6.5.2, 6.6.6.2, 6.15.2.4, 6.22.7, 7.3.1, 7.6.4, 7.6.1, 7.7	Add new definitions, general housekeeping amendments, and the rezoning of numerous properties.	2012-APR-16
4500.014	6.6.5.2, 7.1, 7.2.1, 7.2.2, 7.3.1, 7.4.1, 7.5.1, 7.5.6, 7.6.1	Add R1b subzone to decrease the allowable height of an accessory building and no longer allow a reduced lot size for lots on lanes or a secondary dwelling on corner lots within a portion of the Old City.	2012-JUN-11
4500.017	6.2	Add "Containers" as a temporary accessory use in select zones.	2012-JUN-11
4500.018	14.2.1, 14.2.2	Add "Vehicle Display" as a permitted accessory use to a "Railway" use.	2012-JUN-25
4500.015	9.2.3	Add "Student Housing" as a permitted use at 560 Third	2012-SEP-10

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
		Street within the Corridor Zones.	
4500.024	16.9	Add new Comprehensive District Zone Nine (CD9) and the rezoning of part of 3500 Rock City Road.	2012-OCT-15
4500.031	Definitions Section ("Flat Roof", "Nightclub" and "Shopping Centre"), 6.5.3, 6.10.2, 6.10.5, 6.15.1, 6.16.2, 6.22.1, 7.1,7.2.2, 7.3.1, 7.5.3, 7.7.2, 8.4.1, 9.2.3, 10.2.1, 13.2.3, 14.2.1	General housekeeping amendments and the rezoning of numerous properties.	2012-DEC-03
4500.033	Definitions Section ("Manufacturing / Contractors Office" and "Warehouse"), 9.2.3.1, Part 13	Chamber of Commerce amendments, general housekeeping amendments and the rezoning of two properties.	2012-DEC-03
4500.035	16.10	Add new Comprehensive District Zone Ten (CD10) and the rezoning of 433 Milton Street.	2013-APR-22
4500.036	Definitions Section ("Mixed Use" and "Pet Daycare"), 6.6.3, 7.2.1, 7.2.2, 7.2.4, 7.3.1, 9.2.1, 9.3.1, 10.3.1, 13.2.1, 14.2.1, 17.11	General housekeeping amendments and the rezoning of numerous properties.	2013-APR-22
4500.039	Definitions Section ("Medical Marihuana Growing and Production" and "Agriculture"), 13.2.1	Add "Medical Marihuana Growing and Production" as a permitted use in the Industrial (I4) zone.	2013-JUL-08
4500.041	11.2.1, 11.3.1, 11.7.1	Amendments to the Old City Infill Service Commercial (DT11) zone including permitted uses, density and size of buildings.	2013-AUG-12
4500.038	9.2.3	Add "Fast Food Restaurant" as a site specific use at 1835 Bowen Road.	2013-NOV-18
4500.051	13.2.1	Add "Fueling Installation" as a permitted use within the Highway Industrial (I1) zone.	2013-DEC-16
4500.053	Definitions Section (Delete definition of "Residential Hotel", add definitions for "Recreational Facility" and "Lot Line, Rear"), 7.2.1, 9.2.1, 10.2.1,	General housekeeping amendments and the rezoning of numerous properties.	2013-DEC-16

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
	10.2.3, 13.2.1, 13.2.2, 13.2.3, Fine Schedule		
4500.059	13.2.1, 13.2.3	Remove “Medical Marihuana Growing and Production” as a permitted use in the Industrial (I4) zone and add “Medical Marihuana Growing and Production” as a site specific use at 1100 Maughan Road.	2014-MAR-04
4500.064	10.2.4	Add “Liquor Store” as a site specific use at 2875 Departure Bay Road.	2014-JUL-14
4500.067	Definitions Section (adding definition of “Recycling Drop Off Centre”), 13.2.1	Add “Recycling Drop Off Centre” to definitions and add as a permitted use within the Highway Industrial (I1) zone, remove “Refund Container Recycling Depot” as a permitted use within the Highway Industrial (I1) zone.	2014-SEP-08
4500.068	15.2.1	Add “Ferry Terminal” as a permitted use within the Harbour Waterfront (W2) zone.	2014-SEP-08
4500.069	11.3.2, 11.7..2	Delete the site specific maximum allowable density for 10 and 20 Front Street. Add the site specific maximum allowable density of 12.0 Floor Area Ratio for 10 & 28 Front Street. Delete the site specific maximum allowable height for 10 and 20 Front Street. Add the site specific maximum allowable height of 114.3m for 10 & 28 Front Street.	2014-OCT-27
4500.058	10.2.3	Add the provision that a Retail Grocery Store greater than 2000m^2 is permitted at 867 Bruce Avenue and 538 Eighth Street.	2014-NOV-24
4500.072	13.2.3	Add “Medical Marihuana Growing and Production” as a site specific use at 1110,	2014-DEC-11

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
		1120 and 1140 Maughan Road.	
4500.073	Definitions Section (Delete and / or Add definitions of “Highway”, “Transportation Corridor”, “Street”, “Buffer Area”, “Centre Line”, “Corner Lot”, “Frontage”, “Lot Line, Front”, “Lot Line, Flanking”, “Motor Vehicle”, “Road”, “Through Lot”, “Storage Yard”, “Height, Building”, and “Agriculture”). Amending Subsections 6.9.1, 7.5.3, 7.6.3, 15.6.2, 16.2.5.2, 16.6.7.1, 17.1.1, 17.4.2 and 17.11.1 by replacing the term ‘Highway’ with ‘Street’ wherever it appears. Amending Subsections 6.6.3, 6.6.6, 6.15.3.5, 6.22.7, 7.4.1, 7.5.7, 8.2.2, 10.2.4, 11.2.3, 10.2.1, 10.2.5, 11.2.1, 11.5.4, 13.2.1, 17.1.5, and the Fine Schedule.	General housekeeping amendments and the rezoning of numerous properties.	2015-MAR-16
4500.048	Adding Subsection 10.62	Add the site specific maximum allowable height for a principal residential building of 36m for 4900 and 4950 Uplands Drive.	2015-AUG-17
4500.092	Definitions Section: Amend Definition of “Gross Floor Area”, “Neighbourhood Pub”, “Perimeter Wall Height”. Add definition of “Brew Pub”. Amending Sections 6.5.1, 6.22.5, 7.2.2, 7.3.1, 10.2.5, 10.3.1, 16.5.2, 16.9.9 Adding Subsections 6.12.5 and 6.12.6 and deleting Subsection 6.20.6	General housekeeping amendments and the rezoning of numerous properties.	2016-FEB-01
4500.093	Definitions	Add Definition of Wine Store	2016-FEB-01
4500.095	9.2.1, 9.2.3	Add “Student Housing” as a Site Specific Use in the Mixed Use Corridor zone. Add “Student Housing” as a permitted use at 525 Third Street.	2017-JUN-19
4500.103	Schedule D	Replace Schedule D with revised version	2017-JUL-10

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
4500.102	Amending Subsection 9.2.3	Add “Automobile Sales, Service and Rental” to a portion of 2560 Bowen Road	2017-NOV-06
4500.117	Amending Subsection 9.2.3	Add “Automobile Sales, Service and Rental” to a portion of 2560 Bowen Road	2018-JUL-09
4500.121	Adding Subsections 7.3.7 and 7.6.7	Add the site specific maximum Floor Area Ratio of 0.7 for 2202 Meredith Road. Add the site specific maximum allowable building height of 9.2m for 2202 Meredith Road.	2018-JUL-09
4500.127	Amending Definitions Section. Amending Sections 13.2.1 and 13.2.3.	Amend definition of “Retail Store“. Add definitions of “Cannabis”, “Cannabis Production and Processing”, “Cannabis Retail Store” and “Micro Cannabis Production and Processing“. Remove definition of “Medical Marihuana Growing and Production” Permit Cannabis Production and Processing in I4 zone and Micro Cannabis Growing and Production in I1 and I2 zones.	2018-OCT-01
4500.126	11.3.2 and 11.7.2	Site specific height and density amendment for 65 and 77 Chapel Street	2018-NOV-19
4500.138	10.2.5	Add "Cannabis Retail Store" as a site specific use at 3923 Victoria Avenue.	2019-JUN-17
4500.131	9.2.3	Add "Automobile Sales, Service and Rental" as a site-specific use at 4900 Island Highway North.	2019-JUL-22
4500.142	10.2.5	Add "Cannabis Retail Store" as a site specific use at 6683 Mary Ellen Drive.	2019-AUG-26
4500.143	10.2.5	Add "Cannabis Retail Store" as a site specific use at 3200 Island Highway North.	2019-AUG-26

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
4500.150	10.2.5	Add "Cannabis Retail Store" as a site specific use at 6404 Metral Drive.	2019-AUG-26
4500.152	11.2.4	Add "Cannabis Retail Store" as a site specific use at 350 Terminal Avenue.	2019-SEP-09
4500.144	11.2.4	Add "Cannabis Retail Store" as a site-specific use at 52 Victoria Crescent.	2019-SEP-16
4500.132	11.2.4	Add "Cannabis Retail Store" as a site-specific use at 111 Nicol Street.	2019-OCT-21
4500.154	Schedule D	Amend Schedule D to provide incentives for Step Code.	2019-NOV-04
4500.161	11.2.4	Add "Cannabis Retail Store" as a site-specific use at 120 Commercial Street.	2019-DEC-02
4500.158	Preamble, Part 2 – Administration, Part 3 – Establishment of Zones, Part 4 – Use Index, Part 5 – Definitions, Part 6 – General Regulations, Part 7 – Residential, Part 8 – Agriculture Rural Residential, Part 9 – Corridor, Part 10 – Commercial Centre, Part 11 – Downtown, Part 12 – Parks Culture and Recreation, Part 13 – Industrial, and Part 14 – Community Service	General housekeeping amendments and the rezoning of multiple properties.	2019-DEC-02
4500.133	10.2.1 and 10.2.5	Add “Cannabis Retail Store” as a site-specific use at 1599 Dufferin Crescent	2020-JAN-13
4500.148	10.2.1 and 10.2.5	Add “Office” as a site-specific use at 751 Haliburton Street.	2020-FEB-24
4500.163	10.2.1 and 10.2.5	“Add “Cannabis Retail Store” as a site-specific use at 5800 Turner Road	2020-MAR-16
4500.134	7.3.8	Add site-specific Floor Area Ratio for 1534 Extension Road.	2020-APR-06
4500.149	Part 5 – Definitions, 6.12.5.1, and 6.20	Amend the definition and regulations for Home-Based Businesses	2020-APR-06
4500.162	10.2.5	Add “Cannabis Retail Store” as a site-specific use at 847 Bruce Avenue.	2020-APR-27
4500.173	Part 5 – Definitions	Amend definition of “Office Medical / Dental” and add definition for “Supervised Consumption Site”.	2020-APR-27

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
4500.135	9.2.1 and 9.2.3	Add “Cannabis Retail Store” as a site specific use at 2220 Bowen Road	2020-JUL-20
4500.174	10.2.5	Add “Cannabis Retail Store” as a site specific use at 5801 Turner Road	2020-JUL-20
4500.141	11.2.1 and 11.2.4	Add “Cannabis Retail Store” as a site specific use at 25 Front Street	2020-AUG-31
4500.178	15.2.1 and 15.2.3	Add “Cannabis Retail Store” as a site specific use at 1840 Stewart Avenue	2020-AUG-31
4500.179	2.3, 2.4, and Schedule B – Fine Schedule	Delete Fine Schedule and reference Bylaw Notice Enforcement Bylaw	2020-NOV-02
4500.139	9.2.3	Add “Cannabis Retail Store” as a site specific use at 1483 Bowen Road	2020-NOV-16
4500.140	10.2.5	Add “Cannabis Retail Store” as a site specific use at 510 Fifth Street	2020-NOV-16
4500.164	9.2.3	Add “Student Housing” as a site specific use at 326 Wakesiah Avenue	2020-NOV-16
4500.171	7.3.9 and 7.6.8	Site specific maximum allowable FAR and building height at 405 Rosehill Street	2021-FEB-01
4500.180	Schedule D	Add affordable housing and rental housing incentives	2021-JUN-21
4500.146	11.2.4	Add "Cannabis Retail Store" as a site specific use at 111 Terminal Avenue	2021-JUL-26
4500.183	9.2.3	Add "Automobile Sales, Service and Rental" as a site specific use at 2355 Kenworth Road	2021-JUL-26
4500.160	11.2.4	Add "Cannabis Retail Store" as a site specific use at 115 Chapel Street	2021-NOV-15
4500.182	Part 5 – Definitions, Part 6 – General Regulations, Part 7 – Residential, Part 9 – Corridor, Part 10 – Commercial Centre, Part 11 – Downtown, Part 13 – Industrial, Part 14 – Community Service, Part 15 – Waterfront, and Schedule D – Amenity Requirements for Additional Density	General housekeeping amendments and the rezoning of multiple properties.	2021-DEC-06
4500.186	Part 5 - Definitions; 6.16; 7.2.3; 8.2.2; 9.2.1; 9.2.4; 10.2.4; 11.2.3; 14.2.2; 15.2.2; 16.9.1; and 16.10.1	Add Short-Term Rental Regulations	2022-FEB-07

Bylaw No.	Amended Section(s)	Amendment Summary	Date of Adoption
4500.187	9.2.1.1	Add site specific grocery store and use provisions to 2230 Boxwood Road	2022-MAY-16
4500.145	11.2.4	Add "Cannabis Retail Store" as a site specific use at 140 Terminal Road	2022-JUL-04
4500.199	Part 5 - Definitions; 6.3; 6.10.4; 17.10.2.1; Part 18 - Development Permit Area (DPA) Guidelines; Part 19 - Effective Date of Bylaw; Schedule C - Watercourses; Schedule D - Amenity Requirements for Additional Density; and Schedule E - Neighbourhood and Area Plan Form and Character Design Guidelines	Amendments for incorporation of Development Permit Area Guidelines and updated schedules to align with City Plan, including updated Schedule C Watercourse mapping.	2022-JUL-04
4500.201	10.2.5	Add "Cannabis Retail Store" as a site specific use at 2980 Island Highway North	2022-AUG-29
4500.193	7.3.10	Add site-specific density at 456 Milton Road	2022-OCT-03
4500.194	7.4.8	Add site specific minimum lot size at 440 Kennedy Street	2022-OCT-03
4500.169	7.3.11	Add site-specific density at 3500 Rock City Road	2022-OCT-24
4500.196	7.6.9	Add site-specific height at 6033 and 6035 Nelson Road	2022-NOV-21
4500.200	Part 5 - Definitions; 13.2.1; and 13.2.3	Add "Data Centre" as a site specific use at 2086 and 2090 East Wellington Road	2023-APR-03
4500.202	6.10.2; 6.16.2; 16.11; and 17.11	Add new Comprehensive Development District Zone Eleven	2023-APR-17
4500.188	11.3.2 and 11.7.2	Add site-specific FAR and height for 55, 65, 66, 69, and 73 Prideaux Street	2023-MAY-01
4500.155	10.2.5	Add "Cannabis Retail Store" as a site specific use at 50 Tenth Street	2023-JUN-05

CITY OF NANAIMO BYLAW NO. 4500

WHEREAS the Local Government Act of the Province of British Columbia authorizes a local government to enact bylaws, pursuant to the provisions of Sections 464, 469, 479, and 482 – Zoning Bylaws, which divides the municipality into zones and which sets regulations for each zone;

WHEREAS persons who deem their interest in property affected by this Bylaw have, before the passage hereof, been afforded an opportunity to be heard on the matters contained herein before the Council of the City of Nanaimo, all in accordance with the requirements of the Local Government Act;

WHEREAS the principal purpose of this Bylaw is to guide the natural growth of the municipality in a systematic and orderly way for the ultimate benefit of the community as a whole by ensuring that the various uses made of land and structures in the municipality develop in proper relationship to one another;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as the “CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500” and includes Schedules A-E, which form part of this Bylaw.

2. “CITY OF NANAIMO ZONING BYLAW 1993 NO. 4000” and all amendments thereto are hereby repealed.

(4500.158; 2019-DEC-02) (4500.199; 2022-JUL-04)

PART 1 - TITLE AND APPLICATION

1.1 TITLE

This Bylaw may be cited for all purposes as the “CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500”

1.2 APPLICATION

This Bylaw shall be applicable to all areas within the boundaries of the City of Nanaimo. The location of the zones established in this Bylaw is shown on “Schedule A”, which is attached to, and forms part of, this Bylaw.

1.3 SEVERABILITY

If, for any reason, any section, subsection or phrase of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, it shall not affect the validity of the remaining parts of this Bylaw or the validity of this Bylaw as a whole.

1.4 INTERPRETATION

This Bylaw uses tables to summarize information within a number of parts, including identifying where a use is permitted within a specified zone. Where a use is not listed within a table, that use is not permitted within any of the zones listed in the same table.

1.5 REPEAL OF PREVIOUS BYLAWS

The “CITY OF NANAIMO ZONING BYLAW 1993 NO.4000” and amendments thereto are hereby repealed.

PART 2 – ADMINISTRATION

2.1 GENERAL COMPLIANCE

2.1.1. No person shall use, occupy or permit any person to use or occupy any land or building in contravention of this Bylaw.
2.1.2. Nothing contained within this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to that use, activity or other matter regulated under this Bylaw
2.1.3. Every use of land, building and structure permitted in each zone shall conform to all the regulations of the applicable zone and all other regulations of this Bylaw.

2.2 INSPECTION

A bylaw enforcement officer may enter onto property that is subject to the regulations of this Bylaw in accordance with section 16 of the Community Charter and any other applicable legislation.

2.3 VIOLATION AND PENALTY

2.3.1 Any person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence and is liable upon summary conviction to pay a fine of not more than $50,000, plus the costs of prosecution, and any other penalty or remedy available under the Community Charter and Offence Act. **(4500.179; 2020-NOV-02)**
2.3.2 This Bylaw may be enforced by bylaw notice pursuant to the "Bylaw Notice Enforcement Bylaw 2012 No. 7159", as amended or replaced. **(4500.179; 2020-NOV-02)**

2.4 CONTINUING OFFENCE

Each day that an offence continues or exists shall constitute a separate offence. **(4500.179; 2020-NOV-02)**

2.5 BYLAW AMENDMENTS

Any person applying to have any provision of this Bylaw amending shall apply in writing by submitting an application in the form and manner prescribed in the City of Nanaimo "Development Approval Procedures and Notification Bylaw 1991 No. 3892" and any amendments thereto. **(4500.158; 2019-DEC-02)**

PART 3 - ESTABLISHMENT OF ZONES

3.1 ZONES

For the purposes of this bylaw, the City of Nanaimo is hereby divided into the following zones:

PART 7 - RESIDENTIAL

Zone Name	Abbreviation
Single Dwelling Residential	R1 / R1a / R1b
Single Dwelling Residential - Small Lot	R2
Island Residential	R3
Duplex Residential	R4
Three and Four Unit Residential	R5
Low Density Residential	R6
Row House Residential	R7
Medium Density Residential	R8
High Density (High Rise) Residential	R9
Steep Slope Residential	R10
Recreational Vehicle Park	R11
Mobile Home Park Residential	R12
Old City Duplex Residential	R13
Old City Low Density (Fourplex) Residential	R14
Old City Medium Density Residential	R15

(4500.158; 2019-DEC-02)

PART 8 - AGRICULTURE RURAL RESIDENTIAL

Zone Name	Abbreviation
Rural Resource	AR1
Urban Reserve	AR2

PART 9 - CORRIDOR

Zone Name	Abbreviation
Residential Corridor	COR1
Mixed Use Corridor	COR2
Community Corridor	COR3

PART 10 - COMMERCIAL CENTRE

Zone Name	Abbreviation
Local Service Centre	CC1
Neighbourhood Centre	CC2
City Commercial Centre	CC3
Woodgrove Urban Centre	CC4
Hospital Urban Centre	CC5
Commercial Recreation Centre	CC6

(4500.158; 2019-DEC-02)

PART 11 - DOWNTOWN

Zone Name	Abbreviation
Core	DT1
Fitzwilliam	DT2
Wallace	DT3
Terminal Avenue	DT4
Chapel	DT5
Port Place	DT6
Quennell Square	DT7
Old City Mixed Use	DT8
Old City Central	DT9
Old City Infill Business Commercial	DT10
Old City Infill Service Commercial	DT11
Gateway	DT12

PART 12 - PARKS, RECREATION AND CULTURE

Zone Name	Abbreviation
Parks, Recreation and Culture One	PRC1
Parks, Recreation and Culture Two	PRC2
Parks, Recreation and Culture Three	PRC3

PART 13 - INDUSTRIAL

Zone Name	Abbreviation
Highway Industrial	I1
Light Industrial	I2
High Tech Industrial	I3
Industrial	I4

PART 14 - COMMUNITY SERVICE

Zone Name	Abbreviation
Community Service One	CS1
Community Service Two	CS2
Community Service Three	CS3

PART 15 - WATERFRONT

Zone Name	Abbreviation
Waterfront	W1
Harbour Waterfront	W2
Newcastle Waterfront	W3
Industrial Waterfront	W4

PART 16 - COMPREHENSIVE DEVELOPMENT

3.2 ZONING MAP

The location and extent of each zone established by this Bylaw is shown on “Schedule A”, which forms part of this Bylaw.

3.3 ZONE BOUNDARIES

3.3.1. Where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of such a boundary shall be determined by the use of a scale ruler from “Schedule A”.

3.3.2. Where a lot is divided by a zone boundary, such lot shall be considered as two distinct zones for the purpose of this bylaw.

3.3.3. Where a lot is divided into separate zones, the maximum number of dwelling units permitted on the lot is the number permitted under one zone and not the combined total of dwelling units permitted under each zone.

PART 4 - USE INDEX

[DELETED]

(4500.158; 2019-DEC-02)

PART 5 - DEFINITIONS

ACADEMIC SCHOOL - means an institution with no residential component or temporary accommodation, providing a curriculum, for academic instruction up to completion of Grade 12, and which consists of a body of students, organized as a unit for educational purposes; where students attending the school have an opportunity to earn a diploma provided by the British Columbia Ministry of Education.

ACCESSORY BUILDING - means a building, the use of which is subordinate to that of a principal building or use situated on the same lot, and which includes fabric covered structures.

ACCESSORY STORAGE AREA - means an area designated within a recreational vehicle park for the purpose of storing recreational vehicles, motor vehicles, boats, car dollies, utility trailers, and the like.

ACCESSORY USE - means a use which is:

(1) naturally and normally incidental to the principal use; and
(2) subordinate in purpose or floor area, or both, to a principal use; and
(3) exclusively devoted to a principal use and located on the same lot as the principal use.

ALTERATION OF LAND - means, but is not necessarily limited to: soil relocation due to building or parking lot construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of retaining walls, patios, lawns, agriculture activity, or any structural change to a building or structure that results in an increase or decrease in the area or volume of the building or structure; or a change in the principal use of the property.

AGRICULTURE - means the use of land or buildings for the growing, rearing, producing and harvesting of agricultural products, or the raising of livestock, but specifically excludes the processing of livestock. Agriculture includes the processing of crops grown on the land, the storage and repair of farm equipment used on the land, horticulture, nurseries and commercial greenhouses, and sale on the land of agricultural products produced on the land. In the context of this bylaw, agriculture also means aquaculture, horticulture, and silviculture. **(4500.039; 2013-JUL-08) (4500.073; 2015-MAR-16)**

ANIMAL SHELTER - means a facility providing temporary care to household animals awaiting placement.

APPROVING OFFICER - means the Approving Officer appointed by the Council under the Land Title Act and the Strata Property Act.

AQUACULTURE - means the growing and harvesting of plant or animal organisms in a natural or artificial aquatic situation that requires a body of water such as a pond, river, lake, estuary or ocean.

AQUARIUM - means a building or structure designated for keeping and exhibiting aquatic animals and water plants.

ARCADE - means the commercial use of a building or lot for the purpose of entertainment provided by four or more mechanical or electronic games.

ARTIST STUDIO - means a building, or portion thereof, used for the creation, display or sale of arts and crafts.

ASSEMBLY HALL - means a use of a building or structure for the assembly, gathering, or meeting of persons for religious, charitable, philanthropic, cultural, educational or any other purpose not otherwise specifically defined in the Bylaw.

AUCTION - means the offering for sale of new and used goods by means of a request or invitation for bids, but does not include retail sales.

AUTOMOBILE SALES AND RENTAL – means the use of land, buildings, or structures, for the sale or rental of motor vehicles. An automotive repair shop may be included as an accessory use. **(4500.158; 2019-DEC-02)**

AUTOMOTIVE BODY SHOP - means the use of a building or structure for the purpose of the structural repair of vehicles, including painting or metal plating. This use specifically excludes the wrecking and/or storage of derelict vehicles.

AUTOMOTIVE REPAIR SHOP - means a building or structure used or intended to be used for major repairs to motor vehicles and parts thereof, this shall include auto body shops but shall not include motor vehicle manufacture or assembly.

AUTOMOBILE SALVAGE OR WRECKING YARD - means an area outside of an enclosed building where motor vehicles are wholly or partially disassembled, dismantled, or junked, or where vehicles not in operable condition or used parts of motor vehicles are stored.

BAY WINDOW - means a projection from the wall of a building that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor area.

BED AND BREAKFAST - means the partial use of a single residential dwelling for transient tourist accommodation in which rooms are rented on a short term basis, and may include the provision of breakfast served on the premises.

BEDROOM - means a room used or designed for use for sleeping purposes in which there is no kitchen or cooking facility.

BINGO HALL - means the use of premises for playing bingo, in which money is wagered and some of the proceeds go to charity, and for which a license has been issued by the British Columbia Gaming Commission, but does not include video lottery terminals, slot machines or teletheatre outlets**.**

BOARDING KENNEL - means any building, structure, compound, group of pens or cages that lodges dogs or cats for another person for financial gain and may include accessory office, retail sale, grooming, training, and daycare facilities.

BOARDING AND LODGING - means the partial use of a dwelling unit for rental of sleeping units, with or without meals being provided.

BREW PUB - means a Neighbourhood Pub that manufactures up to 6,000 hectolitres of beer per year for on-site consumption and for sale on-site or to an off-site licensed establishment and/or liquor store within the local distribution area. (**4500.092; 2016-FEB-01)**

BUILDING - means a structure which is used or intended to be used for the support, enclosure, and/or shelter of persons, animals or property.

BUILDING BYLAW – means "Building Bylaw 2016 No. 7224" of the City of Nanaimo and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution therefore. **(4500.158; 2019-DEC-02)**

BUILDING FRONT FACE - means the store front façade of the building which faces and most closely parallels a street lot line, the principal entrance to the building does not have to be on the building front face.

BUFFER AREA - means a landscaped area; the purpose of which is to provide visual and physical separation in each zone along designated streets, to allow for screening from adjacent zones, and to mask or separate outdoor storage, refuse sites and utility kiosks. **(4500.073; 2015-MAR-16)**

BYLAW ENFORCEMENT OFFICER - means the person or his/her delegate appointed by the City of Nanaimo to enforce regulatory bylaws of the Municipality.

CALIPER - means the diameter of the trunk of a tree measured at 0.3m above finished grade.

CAMPGROUND - means a site intended for the temporary accommodation of travellers for vacation or recreational purposes in recreational vehicles or tents which are not occupied as principal residences and excludes a mobile home or recreational vehicle park, but may include one or more of the following as accessory uses limited to the occupants of the campground, laundry facility, washroom, and shower facilities, convenience store, restaurant, office and recreational facilities.

CAMPING SPACE - means the area of a campground intended for the occupation of recreational vehicles or tents but does not include roadways, amenity areas, required setbacks, and accessory use areas.

CANNABIS - means cannabis as defined within the *Federal Cannabis Act.*
(4500.127; 2018-OCT-01)

CANNABIS PRODUCTION AND PROCESSING - means the commercial growing and production of cannabis or cannabis products as permitted by Bill C-45 (the *Federal Cannabis Act*), and any subsequent regulation or acts which may be enacted in substitution therefore. The definition shall also include the wholesale or mail order distribution of cannabis products produced on the property. **(4500.127; 2018-OCT-01)**

CANNABIS RETAIL STORE – means a retail store licensed under the British Columbia Cannabis Control and Licensing Act (Bill 30) where cannabis is sold or otherwise provided to a person who attends at the premises but is not consumed on the premises. **(4500.127; 2018-OCT-01)**

CAR WASH - means a building or structure containing facilities for washing motor vehicles, including tunnel car washers, coin operated automatic car washers, and coin operated self service car washers.

CASINO - means the use of premises for the purpose of playing or operating games of chance or mixed chance and skill on which money is wagered, and for which a license has been issued by the British Columbia Gaming Commission, and may include player-operated video lottery terminals, slot machines, and non-player operated video lottery terminals, and accessory entertainment uses excluding adult entertainment.

CENTRE LINE - when used in reference to a street, 'Centre Line' means an imaginary line drawn between the boundaries of the street so that it is always equidistant from either boundary.
(4500.073; 2015-MAR-16)

CERTIFIED ARBORIST - means a person certified under the *International Society of Arboriculture* (IAS) with specific training as a Certified Tree Risk Assessor and/or a Wildlife / Danger Tree Assessor.
(4500.199; 2022-JUL-04)

CITY PARK - means use of land, buildings or structures for participatory recreation and cultural activities including recreational facilities, water slides, libraries, cultural facilities, golf courses, golf driving range, mini putt golf, assembly halls, horse riding stables, petting zoos, daycares and the like and includes accessory uses of restaurant, office, retail, accessory dwelling unit, commercial school, lounge, and neighbourhood pub.

CITY PLAN - means the "City of Nanaimo Official Community Plan Bylaw 2022 No. 6600" and any amendments thereto. **(4500.199; 2022-JUL-04)**

CLUB OR LODGE - means the use of a building by an association or organization for fraternal, social or recreational purposes, but excludes entertainment uses.

COLUMBARIUM - means a structure designed for the purpose of storing the ashes of human remains that have been cremated.

COMBUSTIBLE MATERIAL - means any liquid having a flash point at or above 100 F (37.78 C) and below 200 F (93.33 C) and flammable liquids having a flash point below l00 F (37.78 C) and having a vapour pressure not exceeding 40 psi (275.79 kpa) (absolute) at l00 F (37.78 C) and compressed gases.

COMMERCIAL DOG BREEDER - means anyone who breeds and sells more than 15 dogs per year or sells dogs to a dealer or pet shop.

COMMERCIAL SCHOOL - means the use of land and buildings as a school conducted for hire or gain other than an academic school, and includes a dance studio, an art school, golf school, school of callisthenics, business school, language school, music school, martial arts school, animal training, computer training centre, and any other specialized school conducted for hire or gain.

COMMERCIAL VEHICLE - means any self propelled or towed vehicle used in commerce to transport passengers (other than the driver) or cargo.

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.

COMMUNITY SEWER SYSTEM - means a collection of pipes and mains, treatment works, and discharge lines (sewers) for the wastewater of a community, that does not include an on-site septic system.

COMMUNITY WATER SYSTEM - means the system of waterworks in which water is distributed from a central reservoir to other properties within the city.

CONTAINER - means a non-combustible, portable unit designed for the storage or intermodal transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles intended for neighbourhood collection.

COOKING FACILITY - means the main means of cooking a meal or any arrangement of cooking facilities within a dwelling unit or suite and includes gas, propane, or electric ranges or stoves, microwave ovens, counter-top cooking units, hot plates, wall ovens, toaster ovens, electric frying pans, pressure cookers, crock pots or any other such cooking facility or any combination of such cooking facilities, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities.

CORNER LOT - means a lot whose front or rear lot line and at least one side lot line abut, or will abut, a street. **(4500.073; 2015-MAR-16)**

COUNCIL - means the Municipal Council of the City of Nanaimo.

COVERED DECK - means a structure connected to the principal use and which is elevated a minimum of 0.6m from ground level; is supported on structures or is cantilevered; and is covered by part of the roof system of the principal use.

CREMATORIUM - means a building or structure fitted with the proper equipment for the purposes of the cremation of human or animal remains.

CULTURAL FACILITIES - includes museums and theatres for the performing arts.

CURB LEVEL - means the elevation at the top of curb or edge of pavement at the midpoint of the property frontage.

CUSTOM WORKSHOP - means a workshop within a building where the production, sales and servicing of specialized goods or services, including home cabinets, signs, window coverings, and furniture occurs.

DATA CENTRE – means a building or buildings used for the storage and operation of networked computers or telecommunications systems and associated components, and may or may not include employees on-site. **(4500.200; 2023-APR-03)**

DAY CARE FACILITY - means a facility providing group day care, family day care, nursing school, child minding, out of school care, or specialized day care in accordance with the provisions of the Community Care and Assisted Living Act or any subsequent Act or Acts which may be enacted in substitution therefor.

DERELICT VEHICLE - means any vehicle or part thereof propelled other than by muscle power which:

(1) is not capable of operating under its own power; or
(2) does not have attached number plates for the current year pursuant to the regulation of the Motor Vehicle Act of the Province of British Columbia, but shall not include recreational vehicles or a vehicle deemed to be a collector item outlined in the list of cars recognized by the Vintage Car Club of Canada.

DRIVEWAY - means a lane used for access to or from any parking area.

DRUG ADDICTION TREATMENT FACILITY – [*Deleted*] **(4500.173; 2020-APR-27)**

DUPLEX - means a structure containing 2 dwelling units within one building located on a single lot and which is used or intended to be used as the residences for 2 families.

DWELLING - means a building used or intended to be used as a residence, but shall not include hotels or institutions.

DWELLING UNIT - means a habitable room consisting of a self-contained unit with a separate entrance for the residential accommodation of only one family and contains a cooking facility but excludes all accommodation for the travelling public other than a Short-Term Rental. **(4500.186; 2022-FEB-07)**

DYKE - means a dyke built to a minimum crest elevation equal to the Flood Construction Level.

ELECTRIC VEHICLE CHARGE STATION - means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

ENCLOSED BUILDING - means a building separated on all sides from the adjacent open spaces, or from other buildings or structures by a permanent roof, and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

EMERGENCY PREPAREDNESS KIOSK - means a container or other type of receptacle intended for use in response to natural disasters, diseases or other threats, and used for storage of emergency supplies such as bottled water, canned foods, clothing and bedding, and first aid supplies.

EMERGENCY SHELTER - means the use of a building for the purpose of a temporary residence providing emergency and support services.

ENTERTAINMENT USE - means a building, structure or lot used or intended to be used for the purpose of nightclubs, cabarets, cinemas, theatres and the like.

FABRIC COVERED STRUCTURES - means a pre-manufactured structure consisting of wood, metal, or plastic framing, covered on the roof (with or without sides) consisting of fabric, reinforced plastic, vinyl, or other sheet material, with a maximum floor area no greater than 23m^2 intended for temporary storage purposes. **(4500.182; 2021-DEC-06)**

FAMILY - means one or more individuals occupying a dwelling who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship, or residents of a licensed group home, or a group of not more than 5 unrelated persons including servants, boarders, and lodgers.

FARM BUILDING - means a structure which projects above the ground and which is used or intended to be used for the support, enclosure, storage and /or shelter of animals, commercial crops, machinery or tools used for agriculture purposes.

FAST FOOD RESTAURANT - means an eating establishment where food may be obtained via a drive-through window and which may or may not provide seating for consumption of food on the premises. This definition includes take-out restaurants which have no provision for consumption of food on the premises.

FENCE - means a structure used as an enclosure or screening around all or part of a lot or site and shall include a retaining wall.

FILL - means soil, sand, gravel, rock, or other material that can be used to alter the contours of the land or used to create land through deposition. **(4500.199; 2022-JUL-04)**

FINAL LOT GRADING PLAN - means the elevation of the ground of a lot at the time of final subdivision approval.

FINANCIAL INSTITUTION - means a bank, credit union, acceptance corporation, trust company, finance company or similar establishments, but does not include a building or premises normally used for a purpose unrelated to the financial industry, but includes one or more bank machine(s) as an accessory use for the convenience of its patrons or customers.

FINISHED GRADE - means the elevation of the surface of the ground at any point on the site of a completed development.

FLANKING SIDE YARD – means a side yard that is parallel to a flanking side lot line. **(4500.158; 2019-DEC-02)**

FLAT ROOF - means a roof on a building that has one or more roof surfaces that have a pitch of less than 4 in 12 and cover an area greater than 20 percent of the area of all roof surfaces as measured in plan view. **(4500.031; 2012-DEC-03)**

FLOOD CONSTRUCTION LEVEL - means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above the Natural Boundary of a watercourse or the sea, or any obstruction that could cause ponding. **(4500.199; 2022-JUL-04)**

FLOOD LEVEL, DESIGNATED - means the observed or calculated elevation for the Designated Flood, which is used in the calculation of the Flood Construction Level.

FLOODPLAIN SETBACK - [*Deleted*] **(4500.199; 2022-JUL-04)**

FLOOR AREA, NET - means 90% of the gross floor area or 85% of gross floor area when applied to a shopping centre in which access by the general public to each commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or concourse.

FLOOR AREA RATIO - means the figure obtained when the gross floor area on a lot is divided by the area of the lot.

FOOD AND BEVERAGE PROCESSING - means the use of land, buildings, or structures for the processing, warehousing and distribution of food and beverage products. This definition includes Micro-Brewery, but specifically excludes the processing of livestock, fish, poultry, and other fowl. **(4500.158; 2019-DEC-02)**

FREEBOARD - means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level.

FRONT PORCH - means a covered, but not enclosed, deck or patio on the front face of a building used to provide access to the front door of a dwelling.

FRONT YARD - means that portion of the lot extending from one side lot line to another between the front line of the lot and a line drawn parallel thereto at a distance prescribed by the zone in which the lot is located. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel lines. In the case of a through lot, there shall be 2 such front yards.

FRONTAGE - means the portion of a property line which directly abuts a street. **(4500.073; 2015-MAR-16)**

FUELING INSTALLATION - means a building or land used or intended to be used for the sale of motor fuel and lubricants for use only in industrial equipment or commercial vehicles.

FURNITURE AND APPLIANCE SALES - means the use of land, buildings or structures for retail sales or rental of household furniture, major and minor household appliances, and household furnishings such as carpets and draperies.

GARDEN CENTRE - means the use of land, buildings, and/or structures for the purpose of retail sales of trees, plants, flowers, and associated gardening or landscaping supplies and outdoor garden equipment.

GAS STATION - means a building or lot used or intended to be used for the retail sale of motor fuels, electricity and lubricants that are dispensed to/for the customer, and which may include a car wash, the servicing and minor repairing of motor vehicles and the sale of automobile accessories. This definition does not include specialty repair shops, such as brake or muffler repair shops, or auto body shops.

GENERAL INSTITUTIONAL USE - means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; nature parks; and community parks.

GOLF COURSE - means an area operated for the purpose of playing golf and may include one or more of the following as an accessory use: office, retail pro shop, restaurant, banquet facilities, lounge, golf driving range, dwelling unit, and golf academy.

GOLF DRIVING RANGE - means an open air recreation facility where the sport of golf is practiced from individual tees and may include one or more of the following as an accessory use: retail store, restaurant, lounge, caretaker's dwelling unit, and golf academy.

GRADE PERCENTAGE - means the percentage calculated by dividing the rise (vertical distance) in elevation by a run (horizontal distance).

GREEN ROOF - means a roofing system that utilizes vegetation over a roof membrane to minimize storm water runoff and reduce heat absorption, may be a modular system.

GROCERY STORE - means a building used for the sale primarily of food products, and which specifically excludes the use of specialty products as a principal use.

GROSS FLOOR AREA, SINGLE RESIDENTIAL DWELLING OR DUPLEX - means the total of all floors, measured to the interior face of the exterior walls of the building. The definition includes covered decks, but excludes the following:
(4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)

1) Accessory buildings;
2) Attached garages or carports, to a maximum of 42m^2;
3) All floor space having a maximum ceiling height less than or equal to 1.5m;
4) Covered porches to a maximum of 11m^2;
5) A front porch;
6) Basements which have a ceiling height of 0.6m or less above the adjacent finished grade, excluding localised depressions, on all elevations;
7) Open decks; and
8) Dedicated space for green building systems, to a maximum of 9.29m^2. **(4500.092; 2016-FEB-01)**

GROSS FLOOR AREA, ACCESSORY BUILDING - means the total of all floors, measured to the interior face of the exterior walls of the building including covered decks but excluding a front porch, covered porch fronting on a lane, or open decks in the calculation of gross floor area. Where no carport or garage exists within the principal building up to 42m^2 of parking area shall also not be included within the gross floor area. This definition shall only apply to lots where the principal use is a single residential dwelling or duplex. **(4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)**

GROSS FLOOR AREA, ALL OTHER USES - means the total of all floors, measured to the interior face of the exterior walls of the building. The definition includes accessory buildings but excludes the following:
(4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)

1) Any portion of the building or structure used for motor vehicle or bicycle parking purposes or for a swimming pool, unless such parking or swimming pool is the principal use. **(4500.182; 2021-DEC-06)**
2) Open decks, patio areas, or covered decks that share no more than two sides with the exterior face of the building. **(4500.182; 2021-DEC-06)**
3) One entrance lobby used as the main entrance to a building or structure.
4) All floor space having a maximum ceiling height less than or equal to 1.5m.
5) One dedicated communal storage area for residential uses, with a total maximum area of up to 9.29m^2 per dwelling unit on the lot. **(4500.182; 2021-DEC-06)**
6) Dedicated space for green building systems, to a maximum of 9.29m^2. **(4500.012; 2012-APR-16) (4500.092; 2016-FEB-01)**
7) Dedicated space for service rooms, to a maximum of 9.29m^2. **(4500.158; 2019-DEC-02)**
8) Staircases and elevator shafts above their lowermost floor. **(4500.182; 2021-DEC-06)**

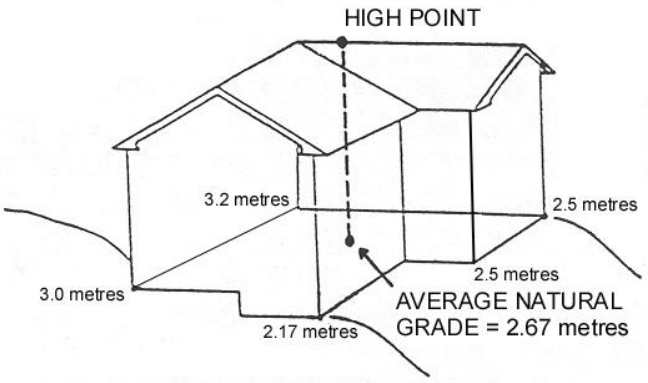
HABITABLE AREA - means any room or space within a building or structure that is or can be used for human occupancy or building systems which would be subject to damage if flooded.
(4500.199; 2022-JUL-04)

HALFWAY HOUSE - means a residential facility for offenders who are on parole, statutory release or temporary absence from a correctional facility.

HEIGHT, BUILDING - except as otherwise defined in a zone means:

(1) In residential zones:

a) The distance measured vertically from the final lot grading plan or finished grade, whichever is lower, recorded at the outermost corners of the building, as determined by survey and reference benchmark prior to site preparation, to the highest part of the building where a final lot grading plan has been approved by the Approving Officer at Subdivision stage.



b) Where a development permit has been approved for the building, the subdivision grading plan grade is replaced by the grade as shown on the approved development permit. **(4500.182; 2021-DEC-06)**

c) Where no development permit or final lot grading plan exists, height means the distance measured vertically from the average natural or finished grade level, whichever is lower.

(2) In all other zones height is the distance measured vertically from the average finished grade, recorded at the outermost corners of the building, to the highest part of the building.
(4500.073; 2015-MAR-16)

HIGHWAY - [*Deleted*] **(4500.073; 2015-MAR-16)**

HOME BASED BUSINESS - means an occupation, business or professional practice which is carried on for remuneration or financial gain, and which is clearly ancillary to the residential use of the property, of which the proprietor is also a resident of the dwelling where the home-based business occurs, and which complies with all requirements specified in section 6.20 of this Bylaw. **(4500.149; 2020-APR-06)**

HOME CENTRE - means the use of land, buildings and/or structure for the purpose of retail sale of all types of material used in building construction and may include garden centres.

HOSPITAL - means a use or intended use of lands and buildings as defined in the Hospital Act or any subsequent Act or Acts which may be enacted in substitution therefore.

HOTEL - means a building which contains sleeping units used or intended to be used for the temporary accommodation of transient lodgers. A hotel may include ancillary facilities such as a restaurant, meeting rooms, convention facilities, gift shop, recreational facilities and/or pub. For the purpose of this Bylaw, HOTEL includes motels and motor hotels.

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.

INDUSTRY - means a use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, repair, storing, transporting, warehousing, or distributing of goods or materials or things with or without an ancillary office to administer the industrial use on the lot, and includes wholesaling provided that the merchandise being sold is distributed from the lot, but excludes the processing of fish, live animals, live poultry or other fowl.

INJURY MANAGEMENT CENTRE - means an exercise studio where persons may have sport and work related injuries evaluated and treated, and includes accessory offices.

INTERNET CENTRE - means the use of a building or structure to allow customers to use a computer in order to access the internet, office software or play online or network games. Food service may or may not be provided. Online gambling is not permitted within an internet centre.

LABORATORY - means the use of buildings or structures for scientific experiments, research, teaching, or testing of products or materials and may include an ancillary office.

LANDSCAPING - means the physical arrangement and maintenance of landscaping materials on a lot for the purpose of enhancing the functional and aesthetic qualities of site development.

LANE - means a narrow public thoroughfare which affords a primary or secondary access to a lot.

LAUNDROMAT - means a building used for the purpose of receiving articles or goods of fabric or leather to be subjected to the process of dry cleaning, dry dyeing, or cleaning, processing or repairing elsewhere and for the distribution of any such articles or goods which have been subjected to any such processes. Also means a building or portion thereof where machines for the washing and drying of articles or goods of fabric are provided to be operated by customers.

LEAVE STRIP - means a buffer of land, soil, and vegetation that is protected next to a watercourse, marine foreshore, or terrestrial environmentally sensitive area which is to be left in an undisturbed state. **(4500.199; 2022-JUL-04)**

LEGAL DESCRIPTION - with reference to the description of a lot in the City means the description or the abbreviation of a description of the lot which is recorded in the Land Title Office.

LICENSED GROSS VEHICLE WEIGHT - means the gross vehicle weight for which a commercial vehicle is licensed pursuant to the Commercial Transport Act or any subsequent Act or Acts which may be enacted in substitution therefore.

LIGHT INDUSTRY - means an industry use which is wholly enclosed within the building except for parking and loading facilities and outside storage accessory to the permitted use.

LIVE / WORK STUDIO - means a dwelling unit which includes space for a professional office, artist studio, repair shop, custom workshop, and the like.

LIVESTOCK PROCESSING - means the use of land, buildings or structures for the processing, warehousing and distribution of livestock.

LIQUOR STORE - means a retail store licensed under the Liquor Control and Licensing Act for the sale of beer, wine, or other alcoholic beverages.

LOCALIZED DEPRESSION - means:

(1) A depression below the finished grade, created for the purposes of providing a pedestrian entrance to a building, subject to the following conditions:
   (a) Pedestrian entrances are not permitted as localized depressions on front yard or flanking side yard elevations; and
   (b) The localized depressions shall not exceed 40% of the corresponding wall length or 7m^2, measured in plan view.

(2) A light well on any side of a dwelling, extending not more than 0.9m beyond the building wall face and not exceeding 25% of the corresponding wall length in total, for one or more light wells.

LODGER - means a person who resides with a family, is not related, and receives room, or room and board.

LOT – means any parcel, block, or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* and includes a water lot, but does not include a phased subdivision boundary nor an air space parcel.
(4500.182; 2021-DEC-06)

LOT AREA - means the total horizontal area within the lot lines of a lot. In the case of a panhandle lot, the access strip shall not be included in the calculation of lot area.

LOT COVERAGE - means the footprint of every building or structure on the lot, expressed as a percentage of the lot area, including carports, open decks, entry porticoes, and enclosed walkways, but excluding:

(1) Eaves, exterior finishes, gutters and cornices; and
(2) Steps, landings and wheelchair ramps; and
(3) Masonry/non-masonry chimneys and chimney enclosures; and
(4) Bay windows and hutches; and
(5) Air conditioners and heat pumps; and
(6) Awnings, trellises and unenclosed patio canopies; and
(7) Underground parking structures; and
(8) Uncovered swimming pools; and
(9) Front porches

LOT DEPTH – means the distance between the front and rear lot lines, as measured from the centre point of each; or, in the case of a pie-shaped lot or an irregular lot with no definable rear lot line, the distance between the centre of the front lot line and the point at which the most opposite lot lines intersect; or, in the case of a through lot, the distance between the centre point of the 2 front lot lines.
(4500.158; 2019-DEC-02)

LOT LINE, FRONT - means the lot line abutting the street, and

(1) in the case of a corner lot, either lot line which abuts the street may be considered the front lot line; however, the rear lot line must be opposite to the front line, and
(2) in the case of a corner lot, only one front lot line need be provided, in which case the other lot line abutting a street becomes a flanking-side lot line, and
(3) in the case of a through lot, the lines abutting the street shall be considered front lot lines.

(4500.073; 2015-MAR-16)

LOT LINE, REAR – means the lot line or lot lines opposite to, approximately parallel to, and most distant from the front lot line, as measured from the centre point of the front lot line to the centre point of the rear lot line(s). Where the rear portion of the lot is bounded by intersecting lot lines, the point of intersection shall be deemed the rear lot line. **(4500.053; 2013-DEC-16) (4500.158; 2019-DEC-02)**

LOT LINE, FLANKING SIDE - means the lot line marking the boundary between a lot and street and which has one or both ends intersecting with a front lot line. **(4500.073; 2015-MAR-16)**
LOT LINE, SIDE - means any lot line not being a front lot line, a rear lot line, or a flanking side lot line.

LOUNGE - means a limited scale establishment licensed to serve liquor in conjunction with live entertainment and/or dancing as a Liquor-Primary establishment under the Liquor Control and Licensing Act and amendments thereto. This use shall not include any form of adult entertainment including, without limitation, exotic dancing or stripping.

LUMBER AND BUILDING SUPPLY YARD - means the use of land, buildings and/or structures for the purpose of retail sales of materials used in construction, but excludes accessory retail stores such as carpet stores, lighting stores, cabinet stores, tile stores, furniture stores, and plumbing stores.

MAJOR ROAD - means a Highway, an Urban Arterial, or a Mobility Arterial as designated by the City Plan "Schedule 4 – Road Classifications". **(4500.199; 2022-JUL-04)**

MARINA - means a facility which provides moorage space for watercraft and may also include, as accessory uses, administrative offices, recreational lounges, restaurants, the retail sale of marine supplies and equipment, laundromat, shower facilities, dock-side boat repair, dry land storage and repair of watercraft, marine fuelling installations, and water taxi docks, but does not include a marine public house. **(4500.002; 2011-OCT-03)**

MANUFACTURING / CONTRACTORS OFFICE - means an office use directly related to the creation, manufacturing, repairing, or servicing of a product and shall include, but not be limited to, the following office uses: architect, general contractor, computer and software developer, computer services and data processing, engineer, surveyor, scientist, geologist, graphic designer, shipping agent, or wholesale broker. **(4500.033; 2012-DEC-03)**

MANUFACTURING OR PROCESSING - means those operations which are a necessary part of and clearly related to the production of articles or goods. For the purposes of this Bylaw, the term manufacturing may also include repairing of articles and goods.

MICRO-BREWERY - means a small scale brewery dedicated to producing less than 12,500 hectolitres of beer per year for sale to a number of licensed establishments and/or liquor stores within a local distribution area. Ancillary sales and tasting of beer brewed on-site shall be permitted.

MICRO CANNABIS PRODUCTION AND PROCESSING - means a small scale *Cannabis Production and Processing* facility contained entirely within a building where the production and growing of cannabis products is limited to no more than 200m^2 of gross floor area per lot.
(4500.127; 2018-OCT-01)

MINI STORAGE - means the use of land, buildings, or structures for the purpose of storing personal property for compensation, and includes the storage of recreational vehicles.

MINIMUM LOT AREA – means the minimum lot size required for the purpose of subdivision, as set out in the applicable zone. **(4500.182; 2021-DEC-06)**

MIXED USE - means a property on which a commercial and residential use exists on the same lot and where the residential use occupies from 25% to 75% of the total gross floor area for all buildings on the lot. **(4500.036; 2013-APR-22)**

MOBILE FOOD CART - means a non-motorized mobile cart with a maximum area of 4.65m^2, 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.

MOBILE HOME – means a dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture, and includes mobile homes which are either completely self-contained or are incomplete and fastened together and completed on site. A mobile home must be constructed to the current CAN/CSA Z240 (Mobile Home) standards. **(4500.158; 2019-DEC-02)**

MOBILE HOME PARK – means a site used or intended to be used for the purpose of providing pads for the accommodation of 2 or more mobile homes or modular homes. **(4500.158; 2019-DEC-02)**

MODULAR HOME – means a structure containing a dwelling unit and/or a secondary suite built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture, and includes modular homes which are either completed self-contained or are incomplete and fastened together and completed on site. A modular home must be constructed to the current CAN/CSA A277 (Modular Home) standards. **(4500.158; 2019-DEC-02)**

MOTOR VEHICLE - means a vehicle in, on or by which a person or thing may be transported on a street, except a vehicle designed to be moved by human power or used exclusively on stationary rails or tracks. **(4500.073; 2015-MAR-16)**

MULTIPLE FAMILY DWELLING - means any building or cluster of buildings consisting of two or more dwelling units. For the purposes of this Bylaw, multiple family includes seniors' congregate housing.

NATURAL BOUNDARY - means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

NATURAL GRADE - means the elevation of the undisturbed natural ground as of 2004-January-1. As determined by a B.C. Land Surveyor.

NATURE CENTRE - means the use of land, buildings or structures for the use of educational programs and tours, special events and exhibits, galleries and theatres, and accessory offices, and operated accessory to a Nature Sanctuary.

NATURE PARK - means use of land, buildings or structures primarily for conservation and enjoyment of natural areas. Uses can include boardwalks, trails, environmentally sensitive areas, Nature Sanctuaries and the like.

NATURE SANCTUARY- means the non-commercial use of land, buildings or structures for the preservation of plant and animal life and may also include, as accessory uses, Nature Centre and Accessory Dwelling Unit.

NEIGHBOURHOOD PUB - means an establishment licensed to serve liquor in conjunction with live entertainment and/or dancing as a Liquor-Primary establishment under the Liquor Control and Licensing Act and amendments thereto, and shall offer full lunch and dinner menus complete with hot and cold meals and may include a Brew Pub (See Part 6 NEIGHBOURHOOD PUB AND LOUNGE OCCUPANCY). **(4500.092; 2016-FEB-01)**

NIGHTCLUB / CABARET - means an establishment licensed to serve liquor in conjunction with live entertainment and / or dancing as a liquor-primary establishment under the Liquor Control and Licensing Act and amendments thereto. In this definition, live entertainment includes forms of adult entertainment, including exotic dancing and stripping. **(4500.031; 2012-DEC-03)**

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

OFFICE - means a place of business where the principal function is intellectual activity and skill usage other than assembly, manufacturing, repairing or servicing of goods. This definition specifically includes Office/Medical/Dental and Social Services Centre.

OFFICE MEDICAL / DENTAL - means the office, clinic or laboratory of a health professional in the field of medicine, including a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician; and any other health professional designated under the Province of British Columbia's *Health Professions Act* or *Emergency Health Services Act*. This use excludes Supervised Consumption Site.
(4500.173; 2020-APR-27)

OPEN DECK - means a structure connected to the principal use, which:

(1) Is elevated a minimum of 0.6m from ground level;
(2) Is supported on structures or cantilevered;
(3) May be covered by a canopy or trellis which is not structurally, nor in appearance, part of the roof system of the principal use;
(4) Does not cover a carport or garage;
(5) May have a railing system, but no solid walls.

This includes structures forming a border or walking area surrounding a hot tub, unless the hot tub is at ground level.

PAD - means a paved surface on which blocks, posts, runners and strip footings are placed for the purpose of supporting a mobile home, or a concrete pad for supporting a Habitable Area.

PARKING - UNDERGROUND - means an area that:

(1) contains parking spaces and associated driveways and manoeuvring aisles;
(2) is located within a building; and
(3) has its roof or the finished floor next above it not more than 0.8m above the adjacent finished grade.

PARKADE - means a building or structure designed for the parking of motor vehicles.

PARKING LOT - means a lot used for the parking of motor vehicles.

PARK MODEL TRAILER - means a recreational unit that conforms to the CAN/CSA Z-241 series of standards for park model trailers at the time of manufacture, with a width greater than 2.6m in transit mode and a maximum gross floor area of $50m^2$ when in the setup mode.

PAWN SHOP - means an establishment that engages, in whole or part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

PEDESTRIAN TRAIL - means a place or passageway used only by pedestrian or cycle traffic.

PERIMETER WALL HEIGHT - means the vertical distance measured at the outermost building face, excluding open decks, from the finished grade to the top of the wall or top of a shed roof not including gable ends, dormers to a maximum of 25% of the wall length and localized depressions. **(4500.092; 2016-FEB-01)**

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 assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for him or herself due to age, infirmity, physical or mental disability or other disability.

PERSONAL CARE FACILITY - means a use or facility in which food, lodging and care or supervision is provided, with or without charge, to persons unrelated to the operator of the facility, who on account of age, infirmity, physical or mental disability, require special care.

PERSONAL SERVICE USE - means use of a building to provide professional services to a person, (including tutorial services) and includes the sale of goods, wares, personal merchandise, articles or things accessory to the provision of such services.

PET DAY CARE - means a facility which offers care for pets, but specifically excludes overnight boarding. **(4500.036; 2013-APR-22)**

PHARMACY - means an outlet which dispenses drugs by prescription.

PRIMARY RESIDENCE - means the dwelling unit that a person resides in for at least eight months per calendar year, and that a person declares for legal purposes, including voter registration, filing of income taxes, British Columbia Driver's Licence, British Columbia Medical Services Card, Home Owner Grant, and British Columbia Identification Card. **(4500.186; 2022-FEB-07)**

PRINCIPAL BUILDING - means a non-accessory building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE - means the primary purpose for which land, buildings or structures are ordinarily used.

PRINTING AND PUBLISHING FACILITY - means the use of land, buildings and structures for printing of any kind, engraving, blueprinting, duplicating and publishing newspapers and magazines.

PRODUCTION BAKERY - means the use of a building for a large scale bakery for the purposes of production of baked goods for retail or wholesale to the final consumer or other retailers.

PRODUCTION STUDIO - means the use of land, buildings and structures for the production of art, motion pictures, videos, television or radio programs or sound recording.

PROFESSIONAL ENGINEER - [*Deleted*] **(4500.199; 2022-JUL-04)**

PUBLIC MARKET - means the use of a building, structure or lot for the purpose of selling of grocery items, flowers and crafts, and may include retail stores and restaurants as an accessory use.

QUADRUPLEX - [*Deleted*] **(4500.182; 2021-DEC-06)**

QUALIFIED REGISTERED PROFESSIONAL - means an individual who is registered under the *Professional Governance Act* as any of the following professionals:

1) an agrologist;
2) an applied science technologist or certified technician;
3) a registered professional biologist or registered biology technologist;
4) a professional engineer or professional engineering licensee;
5) a professional forester or registered forest technologist;
6) a professional geoscientist or professional geoscience licensee;

And is in good standing with the regulatory body under that Act for the individual's profession, and when carrying out that part of the assessment, the individual is acting:

a) within the individual's area of expertise;
b) within the scope of professional practice for the individual's profession; and
c) under the code of ethics of the applicable regulatory body.

(4500.199; 2022-JUL-04)

REAR YARD - means that portion of the lot, extending from one side lot line to another, between the rear line of the lot and a line drawn parallel thereto at a distance prescribed by the zone in which the lot is located. The depth of such yard shall mean the perpendicular distance between the rear line of the lot and the parallel line. In the case of a lot where the side lot lines intersect at a point thus creating a lot with no rear lot line, the rear yard means that a portion of the lot extending from one side lot line to the other, between the said point of intersection and a circular line drawn at a distance equal to the distance prescribed in the regulations for the depth of a rear yard.

RECREATIONAL FACILITY - means the use of land, buildings or structures for gymnasiums, indoor or outdoor racquet courts, curling rinks, skating rinks, swimming pools, dance studios, aerobic studios or weight rooms, billiard halls, bowling alleys and the like. **(4500.053; 2013-DEC-16)**

RECREATIONAL VEHICLE - means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicle Act or any subsequent Act or Acts which may be enacted in substitution therefore.

RECREATIONAL VEHICLE PARK - means a site intended for the temporary or permanent accommodation of persons in recreational vehicles or park model trailers, and excludes a mobile home park or campground, but may include an accessory laundry facility, washroom and shower facility, convenience store, office, storage area, and recreational facilities provided such uses are limited to the occupants of the recreational vehicle park.

RECREATIONAL VEHICLE SPACE - means the area of a recreational vehicle park intended for the occupation of recreational vehicles or park model trailers, but does not include roadways, amenity areas, required setbacks, and accessory use areas.

RECYCLING DEPOT - means a collection facility and distribution point for material to be recycled and stored within a building, but does not include processing except assembling or packaging for shipping. A recycling depot shall not be construed to include an automobile wrecking yard, a display yard, or a junk yard.

RECYCLING DROP OFF CENTRE - means a collection facility and distribution point for materials regulated under the *Environmental Management Act* Product Stewardship program, but specifically excludes tires. All materials must be collected and stored within a building. A Recycling Drop Off Centre does not include processing except packaging for shipping, does not include outside storage, and does not require a Waste Stream Management Licence from the Regional District of Nanaimo. **(4500.067; 2014-SEP-08)**

RECYCLING PLANT - means the use of land, building, or structures for the purposes of processing recyclable materials.

REFUND CONTAINER RECYCLING DEPOT - means a collection facility and distribution point for bottles, cans, and other refundable containers to be reused or recycled within a building, but does not include processing except packaging for shipping and does not include outside storage.

RELIGIOUS INSTITUTION - means one or more buildings wherein persons assemble for religious worship or related educational, social, recreational or charitable activities. Churches may include a columbarium structure with associated services as an accessory use.

REPAIR SHOP - means a shop at which household items or other small motors or electrical devices may be repaired, but specifically excludes automobile repairs.

RESIDENTIAL SHELTER - means a single-family dwelling used for the purpose of temporary residents providing:

(1) Emergency and support services for persons leaving physically, psychologically or sexually abusive relationships; or,
(2) Shelter and support services for persons during the immediate post-acute phase of recovery from drug and alcohol dependency or addiction.

But does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on parole from any part of a sentence (including unconditional sentence) imposed by a court.

RESTAURANT - means an eating establishment where food is sold to the public, and may include take-out and/or mobile food carts as an accessory or principal use.

RETAIL PRO SHOP - means the use of land, buildings or structures for the purpose of selling sports equipment, sports clothing and other sports paraphernalia.

RETAIL STORE – means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored or sold from within a building. This definition specifically includes *Personal Service Use* and *Pharmacy* but excludes *Cannabis Retail Store* and *Liquor Store*. **(4500.127; 2018-OCT-01)**

RETAIL WAREHOUSE - means the use or intended use of land, large buildings or large structures for the purpose of receiving, storing, and retailing goods to the general public for compensation, and for the wholesaling of goods to retailers, provided the building or structure in which the use is contained exceeds a gross floor area of 6,967.5m^2. This definition specifically excludes the sale of motor vehicles, boats, heavy equipment and liquor but shall include Furniture and Appliance Sales.

RETAINING WALL - means a wall erected to hold back water, or support a bank of earth, and which is considered a fence for the purpose of regulating height.

ROAD - See 'Street'. **(4500.073; 2015-MAR-16)**

ROADWAY - means a private road within a recreational vehicle park or campground suitable for vehicular access to recreational vehicle spaces, camping spaces, or other facilities.

ROOF SURFACE - means the total area of all roof surface visible in plan view, including eaves. **(4500.158; 2019-DEC-19)**

ROOMING HOUSE - means a residential building in which more than five (5) persons occupy sleeping units and typically share common areas, including kitchens and baths.

ROW HOUSE - means two or more dwelling units which share a common party wall or are otherwise connected at the side yard lot line.

SANI-PUMP STATION - means a system of piping designed to accept waste from sanitary holding tanks or vehicles other than septic tank trucks.

SEAFOOD PROCESSING - means the storage, drying, cooking, packaging, preparation, and manufacture of any aquatic organism.

SECONDARY SUITE - means one or more habitable rooms, but not more than two bedrooms and one cooking facility, constituting a self-contained unit with a separate entrance, but which is clearly subordinate to the principal dwelling, for the residential accommodation of: one or more individuals who are related through marriage or common law, blood relationship, legal adoption, or legal guardianship; or a group of not more than two unrelated persons.

SENIORS' CONGREGATE HOUSING - means a residential or institutional facility which provides sleeping units or dwelling units for persons all of whom are aged 65 or older, one or more meals per day and housekeeping services, contains a common dining area with a capacity sufficient to accommodate all residents of the residential facility, and may contain accessory personal service and accessory convenience store uses.

SERVICE INDUSTRY - means the use of land or buildings for wholesale sales or the testing, assembling, cleaning, distribution, servicing, printing, repair and maintenance of goods and materials, and the sale or rental of tools, lawnmowers, garden equipment and other similar goods.

SERVICE ROOM – means the portion of a building dedicated to equipment associated with building services including boiler rooms, furnace rooms, incinerator rooms, waste disposal rooms, and rooms to accommodate air conditioning or heating appliances, pumps, compressors, and electrical equipment. This definition does not include elevator machine rooms or common laundry facilities. **(4500.158; 2019-DEC-19)**

SETBACK - means the required minimum horizontal distance measured between a building or use and each of the respective lot lines. In the case of a building, the measurement is taken from the lot line to the foundation, or as otherwise specified in a zone.

SHOPPING CENTRE - means one or more buildings designed as an integrated unit to be used for retail stores, offices, restaurants, arcades, internet centres, cinemas, exercise studios, personal service establishments, appliance repair shops, furniture and appliance sales, auto repair shops (excluding auto body shops or automobile wrecking), and garden centres. A shopping centre may be used, on a temporary basis, for carnivals, flea markets or craft fairs. **(4500.031; 2012-DEC-03)**

SHORT-TERM RENTAL - means the temporary rental (less than 30 consecutive days) of a portion of or the entire dwelling unit, secondary suite or room located on a property that is zoned to permit residential use. This definition specifically includes Bed and Breakfast. **(4500.186; 2022-FEB-07)**

SIDE YARD - means that portion of the lot, extending from the front yard to the rear yard, between the side of the lot and the line drawn parallel thereto at a distance prescribed for the zone in which the lot is located. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.

SIGN SHOP - means the use of land, buildings or structures for the purpose of manufacturing, installing, repairing, designing and selling signs.

SINGLE RESIDENTIAL DWELLING – means a building, consisting of one dwelling unit, used or intended to be used as the residence of one family, as a community care facility licensed under the *Community Care Facility Act*, as a residential shelter, or a mobile home or modular home which:

1) exceeds a gross floor area of 87m^2;
2) equals or exceeds a width of 7.3m;
3) is installed on site upon a concrete perimeter foundation system; and
4) has a sloping roof.

A single residential dwelling does not include a recreational vehicle or tent. **(4500.158; 2019-DEC-19) (4500.182; 2021-DEC-06)**

SITE - means an area of land or surface of water consisting of one or more lots used as a unit devoted to a certain use or occupied by a building or structure or group of buildings or structures united by a common interest, use or development.
SITE AREA - means the area of a lot where only the lot is used; where more than one lot is used, means the total area within the boundaries of all lots.

SLEEPING UNIT - means one or more habitable rooms used for sleeping and living purposes but in which there is no kitchen or cooking facilities.

SLOPING ROOF - means a roof on a building that has one or more roof surfaces that have a pitch of 4 in 12 or greater and cover an area at least equal to 80 percent of the area of all roof surfaces as measured in plan view.

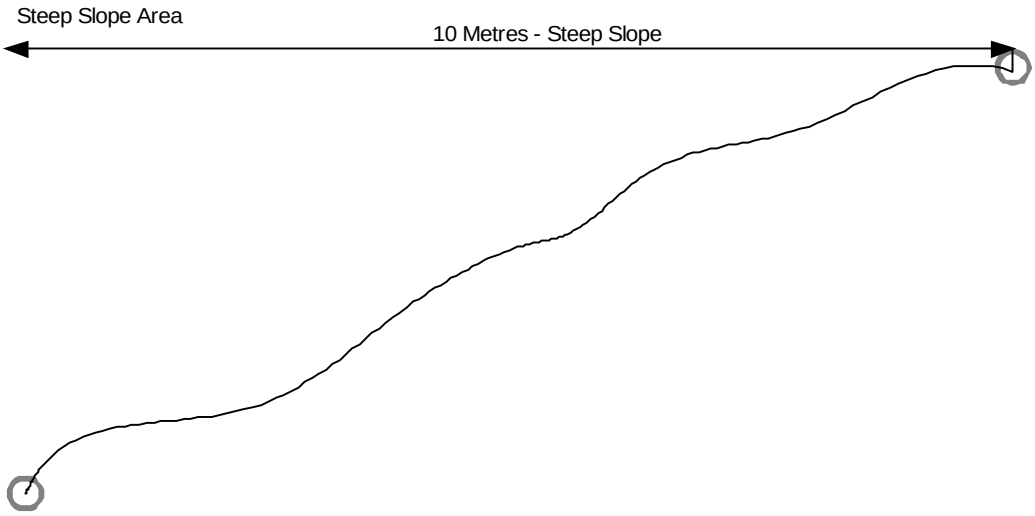
SOCIAL SERVICES CENTRE - means a building used for administrative purposes and to provide information, referral, counselling and advocacy services.

SOCIAL SERVICES RESOURCE CENTRE - means a building used to:

(1) provide information, referral, counselling and advocacy services; or
(2) dispense aid in the nature of food or clothing; or
(3) provide drop-in or activity space.

SOIL - means the loose surface material at the earth's surface and includes sand, clay, gravel, rock, and other substances of which land is composed. **(4500.199; 2022-JUL-04)**

STEEP SLOPE AREA - means any part of a lot within which the incline is 30% or greater for a horizontal distance of 10.0m or greater, as measured from natural grade. A lot may include more than one Steep Slope Area.



A Steep Slope area exists where a slope of 30% or more exists over a horizontal distance of 10 metres (or more).

STORAGE YARD - means an area outside of an enclosed building where construction materials and equipment, solid fuels, lumber, new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether a principal or accessory use; but specifically excludes the use of containers. A storage yard does not include an automobile salvage or wrecking yard, a display yard, a junkyard, a recycling depot, waste transfer station, compost facility or log sorting and storage. **(4500.073; 2015-MAR-16)**

STOREY - means that portion of a building which is 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 such floor and the ceiling above it.

STREET – means a dedicated road Right-of-Way available for motorized and non-motorized travel, including a highway, public road and a common access road within a bare land strata plan which has been subdivided pursuant to the *Strata Property Act*, but does not include a lane or private Rights-of-Way. **(4500.073; 2015-MAR-16)**

STREET LEVEL - means the storey of a building which can be accessed directly from finished grade without the use of a stairway, escalator or elevator.

STRUCTURE - means anything constructed, placed or erected on land.

STUDENT HOUSING - means a residential facility which provides sleeping units or dwelling units to full or part time post secondary students who are enrolled in a Ministry of Advanced Education and Labour Market Development designated college, university or trade school located within the City of Nanaimo.

SUBDIVISION - means a division of land as defined in the Land Title Act and a bare land SUBDIVISION as defined in the Strata Property Act or any subsequent Act or Acts which may be enacted in substitution therefore.

SUBDIVISION CONTROL BYLAW - means SUBDIVISION CONTROL BYLAW 1989 NO. 3260 of the City of Nanaimo and amendments thereto.

SUPERVISED CONSUMPTION SITE - means the supervised consumption of controlled substances as regulated under the Government of Canada's *Respect For Communities Act* and *Controlled Drugs and Substances Act*, as well as any subsequent Act or Acts, which may be enacted in substitution thereto.

SURVEYOR, BC LAND - means a land surveyor licensed and registered as a land surveyor with the Province of British Columbia.

SUSTAINABLE BUILDING TECHNOLOGIES - means structural or technological elements designed to decrease the carbon footprint of a building or structure. Such features shall include photovoltaic cells, roof mounted micro wind turbines, solar thermal collectors, infrastructure needed to access and maintain a green roof and the like.

SWIMMING POOL - means any structure or construction, intended primarily for recreation that is, or is capable of being, filled with water to a depth of .6m or more. For the purpose of this definition, a hot tub shall not be considered a swimming pool.

TAKE-OUT RESTAURANT - means an eating establishment which provides no more than 6 seats for customers to consume food on the premises, and which does not serve food via a drive-through window. This definition includes restaurants which have no provision for consumption of food on the premises.

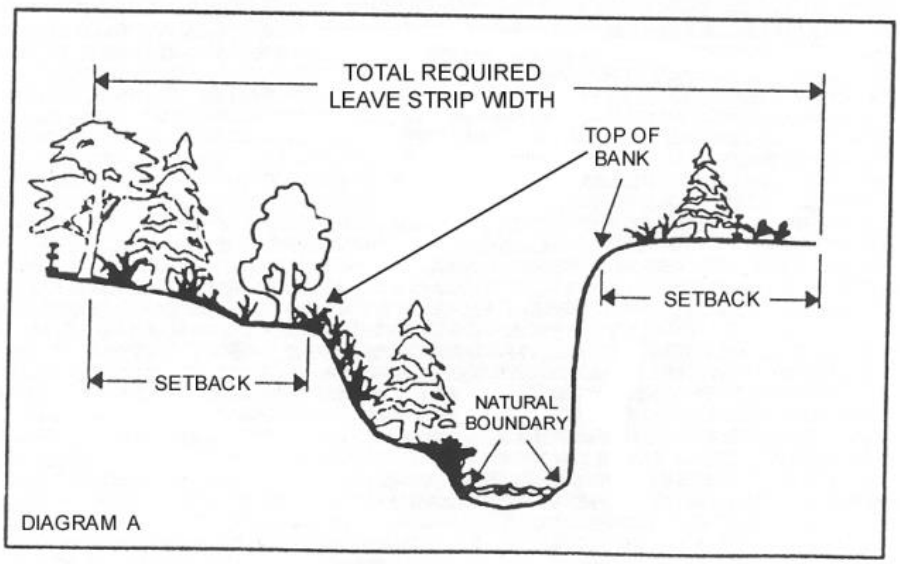
TELETHEATRE OUTLET - means a public entertainment and wagering facility authorized by the B.C. Racing Commission having such amenities as television monitors (displaying the system of odds, pools and payout prices) with areas for viewing, seating, wagering and food and beverage service.

TEMPORARY BUILDING - means a building which is not supported on permanent foundations and which may or may not be connected to municipal services.

THEATRE - means a building, structure or lot that is used for the showing of dramatic, musical, or other live performances and includes cinemas, but specifically excludes drive-in theatres.

THROUGH LOT - means a lot abutting two parallel or approximately parallel streets, or a corner lot abutting three streets which forms two corners. **(4500.073; 2015-MAR-16)**

TOP OF BANK - means the points closest to the natural boundary of a watercourse where a break in the slope of the land occurs such that the natural slope beyond the break is flatter than 3:1 for the required leave strip distance, as seen on Diagram A.



TOURIST FACILITY - means the use of land, buildings or structures for museums, aquariums, and other similar attractions.

TOW TRUCK DISPATCH AND STORAGE YARD - means the use of land, buildings or structures for the dispatch of tow trucks and associated vehicles. The sale of motor vehicles may be permitted as an accessory use.

TRANSPORTATION CORRIDOR – includes a street, path, walkway, trail, lane, bridge, railway, road, thoroughfare and any other transportation Right-of-Way within a dedicated road reserve. 'Road' includes common access within a bare land strata plan which has been subdivided pursuant to the *Strata Property Act*, or any subsequent Act or Acts, which may be enacted in substitution therefore, but does not include other private Rights-of-Way on private property. **(4500.073; 2015-MAR-16)**

TRANSPORTATION TERMINAL - means the use of land, buildings or structures for bus stations, railway stations, airports, ferry terminals, and the storage and maintenance of transportation equipment and includes user fee parking and ticket purchase.

TRANSIENT TOURIST ACCOMMODATION - means land, buildings, or structures used or intended to be used for the purpose of providing temporary accommodation for transients, and may include a provision of parking for recreational vehicles, a provision of space for tenters, and may include the provision of accessory facilities. Specifically excluded is the rental of a space or accommodation to one party for a period which exceeds 14 days.

TREE BYLAW – means the "Management and Protection of Trees Bylaw 2013 No. 7126" of the City of Nanaimo and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution thereof. **(4500.199; 2022-JUL-04)**

TRIANGLE LOT - means a lot which contains 3 lot lines.

TRIPLEX - means a structure containing 3 dwelling units within one building located on a single lot and which is used or intended to be used as the residences for 3 families.

TRUCK TERMINAL - means a building or property used as an origin or destination point for the loading, unloading, assembling or transferring of goods transported by truck, or which provides containerized freight handling facilities or rail truck services, and/or where local pick-up, delivery and transitory storage of goods incidental to the primary function of the motor freight shipment is provided, or where trucks are repaired. Any lot where motor freight shipment is the principal use and where vehicles in excess of single unit, single axle weights of 13,600 kg GVW (Gross Vehicle Weight) are operated, shall be considered for the purposes of this Bylaw, as a truck terminal.

USABLE OPEN SPACE RECREATION AREA - means a space, indoor or outdoor, developed solely for the purpose of recreation, active or passive, and shall not include required yards, patios, or open decks unless otherwise specified in the Bylaw.

UTILITIES - means the use of lands, buildings or structures for utilities which furnishes services and facilities available at approved rates. Such services and facilities shall be limited to the production, transmission, delivery or furnishing of water, gas, electricity or communication to the public; collection and disposal of sewage, garbage, and other waste; local transportation by bus, trolley, or other vehicle which operate scheduled services for the public at large.

URBAN FOOD GARDEN - means the use of land on a limited scale for the growing, harvesting and selling of fruits, vegetables, edible plants and the like but specifically excludes the growing of mushrooms.

VETERINARY CLINIC - means any building, structure, or premises in which animals are treated for medical reasons, hospitalized or groomed.

WAREHOUSE - means the use or intended use of land, buildings or structures for the purpose of receiving and storage of goods for compensation, and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations. **(4500.033; 2012-DEC-03)**

WATERCOURSE - means any course or source of water in a channel with defined continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, or source of groundwater, and including any portions that may be within a conduit or culvert. **(4500.199; 2022-JUL-04)**

WETLAND BOUNDARY - means the high water mark or water level in wetlands, ponds, and lakes that are reached during annual winter flood events, as indicated by the presence of soil subject to regular inundation and/or vegetation that is typically adapted for life in submerged, semi-submerged or saturated soil conditions.

WETLANDS - means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, estuaries and similar areas.

WINE STORE - means any kind of retail wine store licensed under the Liquor Control and Licensing Act for the sale of wine, sake, cider, wine coolers and mead. A wine store can include an independent retail store, or the sale of wine, cider, mead and sake within a grocery store where approved by the Liquor Control and Licensing Branch. (**4500.093; 2016-FEB-01**)

WHOLESALE - means the use of land, building, or structures, by establishments or businesses engaged in selling merchandise to retail dealers or to other wholesale dealers, or to contractors or to manufacturers, for resale or for use in their business.

YACHT CLUB - means all buildings, land, foreshore, water lots and land covered by water occupied for recreation use of a bona fide club incorporated under the Society Act and amendments thereto, for the purpose of boating, sailing, or yachting, and in which the affairs of the organization are actually conducted and carried on by members thereof.

YARD - means an open space on a lot unoccupied and unobstructed by any building or structure, except as otherwise provided for in this Bylaw. For the purposes of this definition a fence is not considered a structure. **(4500.053; 2013-DEC-16)**

PART 6 - GENERAL REGULATIONS

6.1 USES PERMITTED IN ALL ZONES

6.1.1 The following uses are permitted in all zones:

a) General institutional uses subject to the regulations contained in the (CS1) Community Service One Zone.
b) Transportation corridors, including streets and railways. **(4500.073; 2015-MAR-16)**
c) Unattended utility building. In this case, unattended shall mean there is no attendant or employee present on the lot.
d) Nature Park.
e) Nature Sanctuary
f) Community Garden

6.1.2 Above ground storage of flammable and combustible products is permitted for use on all lots where the total storage capacity does not exceed:

a) 23,000 litres, when stored in relation to commercial and industrial uses; and
b) 3,785 litres, when stored in relation to residential uses.

6.1.3 An urban food garden shall be permitted in all zones provided that:

a) The total area which may be under cultivation on any given parcel shall not exceed more than 600m^2 in area except where the lot size is greater than 2,400m^2, in which case an urban food garden shall not exceed 25% of the lot area.
b) Production shall be limited the growing and harvesting of fruits, vegetables and edible plants, but specifically excludes the growing of mushrooms.
c) On-site sales of edible plants shall be permitted within roadside stands for products grown on site provided that:
    i. the size of the roadside stand does not exceed a Gross Floor Area of 9m^2;
    ii. no more than 5 vehicle trips per day are generated by sales related to the urban food garden;
    iii. on-site sales and roadside stands are limited to no more than 60 days within a calendar year; and
    iv. the roadside stand is located on the property and does not impede sight lines from the driveway. **(4500.012; 2012-APR-16)**
d) No artificial lighting shall be used.
e) No pesticides or herbicides shall be used.
f) The urban food garden does not create noise, dust, vibration, odour, smoke, glare, fire hazard, or any other hazard or nuisance, to any greater or more frequent extent than that usually experienced in the applicable zone under normal circumstances wherein no urban food garden exists.
g) The location and siting of the urban food garden meets all the watercourse setting requirements, as specified in Section 6.3 of this Bylaw.
h) An urban food garden shall not be permitted where a farm defined under the *Assessment Act* is permitted.

6.2 CONTAINERS (4500.017; 2012-JUN-11)

6.2.1 The use of land for the placement of containers shall be prohibited in all zones, with the following exemptions:

6.2.1.1 Containers may be used for shipping as related to 'Truck and Boat Terminal', 'Dock' or 'Railway Yard' uses permitted in the Industrial (I4) zone.

6.2.1.2 Containers shall be permitted as an accessory use for a temporary period, subject to the following requirements:

Zones	*Length of Temporary Use*	*Max Allowable Size of Container*	*No. of Containers Permitted on Property*
I4	2 years	30m^2	No more than 2
I1,I2 and I3	1 year	30m^2	No more than 1
CC3, CC4, and DT6	6 months within a calendar year	30m^2	No more than 1
All Other Zones	30 days within a calendar year	20m^2	No more than 1

(4500.182; 2021-DEC-06)

6.2.1.3 Notwithstanding 6.2.1.2, the container shall only be used to store materials or products that are incidental to the operation of the business or facility located on the parcel and shall not be used for mini-storage.

6.2.1.4 Notwithstanding 6.2.1.2, no container may be located within the setback area, as specified within the applicable zone, and within 3m from any lot line adjoining a property zoned for residential use.

6.2.1.5 A container may be used for the temporary storage of tools and materials during the construction or maintenance of any utility, building or structure for which a required building permit has been obtained and remains active, provided the container is removed within 14 days upon completion of the construction.

6.2.1.6 One container per lot intended for use as an emergency preparedness kiosk shall be permitted in all Community Service zones, to a maximum of 20m^2 in area.

6.2.1.7 The manufacture of containers is permitted as an 'Industry' or 'Light Industry' use in the Highway Industrial (I1), Light Industrial (I2), High Tech Industrial (I3) and Industrial (I4) zones.

6.2.1.8 The sale and rental of containers is permitted as a 'Tools / Equipment Rentals and Sales' in the Highway Industrial (I1) and High Tech Industrial (I3) zones. **(4500.158; 2019-DEC-02)**

6.3 LOCATION AND SITING OF BUILDINGS AND STRUCTURES TO WATERCOURSES AND THE SEA **(4500.199; 2022-JUL-04)**

6.3.1. A leave strip from a watercourse or from the sea shall be required as follows: **(4500.199; 2022-JUL-04)**

6.3.1.1 The leave strip adjacent to ponds, lakes, and wetlands identified in "Schedule C – Watercourses" shall include the bed and area between the water's edge and a perpendicular line inland 15m from the wetland boundary.

6.3.1.2 The leave strip adjacent to the sea shall include that area between the water's edge and a perpendicular line inland 15m from the natural boundary.

6.3.1.3 The leave strip adjacent to a standard dyke right-of-way or structure for flood protection or seepage control shall include that area between the water's edge and a perpendicular line inland 7.5m from the inboard toe of any flood protection structure.

6.3.1.4 The leave strip on each side of all watercourses identified in Schedule C shall include that area between the centre of the watercourse and a perpendicular line inland from the top of bank to the distance indicated on Schedule C for each watercourse. **(4500.199; 2022-JUL-04)**

6.3.1.5 [*Deleted*] **(4500.199; 2022-JUL-04)**

6.3.1.6 Where the location of a watercourse identified in Schedule C and its location on the ground, as determined by a BC land surveyor, do not agree the location on the ground shall prevail for the purpose of establishing the leave strip.

6.3.2 No building, structure, road, parking lot, driveway, patio, games court or other impermeable surface shall be located within a leave strip.

6.3.3. Where the location of a natural boundary, wetland boundary, top of bank, or the boundary of the leave strip of a watercourse cannot be verified to the reasonable satisfaction of the General Manager of the Community Safety and Development Division, or another person appointed by the Council of the City of Nanaimo, the applicant must submit a site plan certified by both a BC land surveyor and a Qualified Registered Professional identifying those boundaries that are not verified. **(4500.199; 2022-JUL-04)**

6.3.4 Where the location of a flood construction level of a watercourse cannot be verified to the reasonable satisfaction of the General Manager of the Community Safety and Development Division, or another person appointed by the Council of the City of Nanaimo, the applicant must submit a site plan certified by a Geotechnical Engineer identifying those boundaries that are not verified.

6.3.5. No development or alteration of land shall be permitted within a leave strip or watercourse.

6.4. FLOOD CONTROL REQUIREMENTS

6.4.1. In addition to the regulations of Subsection 6.3.1., the following structures shall not be lower than the Flood Construction Level of the Nanaimo River or Millstone (as per floodplain mapping of the Nanaimo River and Millstone River), nor lower than 1.5m above the natural boundary of a sea or watercourse;

a) the underside of the floor system of any building, structure, or mobile home used for habitation;
b) the underside of the floor system of any building, structure or mobile home used for business or storage of goods, which can be damaged by water; or
c) the underside of the floor system of any building, structure, or mobile home used for housing a furnace.

6.4.2. Where fill is used to achieve the required elevation stated in Subsection 6.4.1., the toe of the fill slope shall not be closer than the distances required in Subsection 6.3.1. The structural support and / or landfill shall be protected against scour and erosion from flood flows, wave action, ice, and other debris.

6.5. PROJECTIONS INTO YARDS

6.5.1 The following table outlines features which may project into the front, side, or rear yard, as specified, and any conditions of the permitted projection:

Feature	Permitted Projection into Required Yard Setback				Conditions
	Front	Side	Flanking Side	Rear	
Eaves, Exterior finishes, Gutters, Cornices	1m	0.75m	1m	1m	
Steps and Landings	2m	- - -	2m	2m	Features less than 0.6m above finished grade have no required setback. **(4500.158; 2019-DEC-02)**
Wheelchair Ramps	No setback required	No setback required	No setback required	No setback required	
Chimney	0.6m	0.75m	0.75m	0.6m	Only two such features shall be permitted per dwelling unit.
Bay Window	0.6m	- - -	0.6m	0.6m	The project area must be at least 0.6m above the floor. Maximum length of projected feature shall be 3m; the maximum height shall not exceed 2.4m.
Hutch	- - -	0.6m	- - -	0.6m	Only one such feature per side yard The maximum height and length of the projected feature shall not exceed 3m.
Open Deck	2m	- - -	2m	2m	
Underground Parking Structures	See Conditions of Use	No setback required	No setback required	No setback required	An underground parking structure shall be a minimum of 1.8m from the front lot line where multiple family residential is a permitted use.
Entry Porticos	2m	0.75m	0.75m	2m	Such features shall only be allowed to project on a multiple family dwelling.
Front Porch (4500.158; 2019-DEC-02)	2m	- - -	2m	- - -	Such features shall only be allowed to project on a single residential dwelling, a duplex, or an accessory building containing a secondary suite. Only one front porch per dwelling unit or secondary suite may project into a setback.
Cantilevered solar shading device, photovoltaic panel, and green walls (4500.092; 2016-FEB-01)	0.6m	0.6m	0.6m	---	

- - - = No Projection Permitted

6.5.2 Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units shall not be located between the front face of a principal building and the nearest front lot line, and shall not be closer than 1.5m to side lot lines or closer than 3m to rear lot lines. Heat pumps and central air conditioning units shall be screened from view from streets.
(4500.012; 2012-APR-16) (4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)

6.5.3 Notwithstanding Subsection 6.5.1, with the exception of wheelchair ramps and eaves, no other projections are permitted from an accessory building. **(4500.031; 2012-DEC-03)**

6.6 ACCESSORY USES - BUILDINGS AND STRUCTURES

6.6.1. Unless otherwise specified, uses, buildings or structures accessory to the permitted use of a parcel of land are permitted in each 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, or is in the process of being constructed, on the parcel through an active building permit.

6.6.2. Accessory buildings shall not be closer than 1.2m to a residential use building, as measured between the foundations of each. Where the accessory building contains a secondary suite, the accessory building shall not be closer than 3m to a principal building, as measured between the foundations of each.

6.6.3. Accessory buildings shall be subject to the rear yard setback requirements, as specified on the following table:

Zone	Rear Yard Setback	Rear Yard Setback - Lane
R1 / R1a / R1b, R2, R3, R4, R5, R6, R7, R10, R13, R14, AR1 or AR2	1.5m	1.0m
All Other Zones	3m	1.5m

(4500.036; 2013-APR-22) (4500.073; 2015-MAR-16)

6.6.3.1. Notwithstanding Subsection 6.6.3, the minimum rear yard setback for an accessory building shall be 1.5m regardless of zoning, provided that:
a) the accessory building has a Gross Floor Area of less than $10m^2$;
b) the accessory building is a placed directly on, but not affixed to, the ground or on blocks which are affixed to the ground; and
c) the height of an accessory building does not exceed 3m.
(4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)

6.6.3.2. Notwithstanding Subsection 6.6.3., where the lot is a through lot, one accessory building may be located within one of the front yard setback areas up to 1.5m from the front and side yard lot lines provided the accessory building has a Gross Floor Area of less than $10m^2$.
(4500.182; 2021-DEC-06)

6.6.4. An accessory building shall not be permitted within the front yard, side yard or flanking side yard setback requirements, as established for principal buildings within the applicable zone.

6.6.5. The maximum height of an accessory building may vary depending of the roof pitch, but shall not exceed the corresponding maximum height provided in the following table:

Roof Pitch	Maximum Height
< 6:12	4.5m
≥ 6:12*	5.0m
≥ 8:12*	5.5m

**For an area of at least 80% of all roof surfaces measured in plan view*

6.6.5.1. Notwithstanding the maximum permitted accessory building heights prescribed in Subsection 6.6.5., the maximum permitted height for the accessory building shall be 7m, where the accessory building:

a) has a roof pitch of 6:12 or greater and contains a secondary suite within the roof structure; or

b) is located outside of the required yard setback area for a principal dwelling; or **(4500.182; 2021-DEC-06)**

c) is located within the Medium Density Residential (R8), High Density (High Rise) Residential (R9) or City Commercial Centre (CC3) Zone.

6.6.5.2 Notwithstanding subsection 6.6.5.1, the maximum allowable height of an accessory building within the R1b subzone shall not exceed 5.5m regardless of whether or not the accessory building contains a suite. **(4500.014; 2012-JUN-11)**

6.6.6 The total Gross Floor Area of all accessory buildings on a lot shall be as follows:

Lot in Zone	Maximum Gross Floor Area
R1 / R1a / R1b, R2, R3, R4, R5, R6, R7, R10, AR1 or AR2	The Gross Floor Area of all accessory buildings on the lot shall not exceed 13% of the lot size or a Gross Floor Area of 90m^2, whichever is lesser.
All Other Zones	The Gross Floor Area of an accessory building shall not exceed that of the principal building.

(4500.073; 2015-MAR-16)

6.6.6.1 Notwithstanding Subsection 6.6.6, within the AR1 and AR2 Zones any portion of an accessory building which is used for agriculture or horticulture purposes shall not be included in the calculation of Gross Floor Area.

6.6.6.2 Notwithstanding Subsection 6.6.6, a maximum of 42m^2 used exclusively for parking purposes may be excluded from the calculation of Gross Floor Area for an accessory building where a garage or carport does not exist within the principal building. **(4500.012; 2012-APR-16)**

6.7 TEMPORARY USES - BUILDINGS AND STRUCTURES

6.7.1. The following uses, buildings or structures are permitted to the extent specifically stated:

6.7.1.1. Temporary structures or buildings erected for the purpose of:

a) temporary office space in a zone permitting the office use, subject to other requirements of this Bylaw; or

b) shelter for construction or maintenance crews; or

c) temporary buildings or structures for the housing of a security guard or night watchman; or

d) a sales office for subdivision, provided the office does not exceed a Gross Floor Area of 70m^2; or

e) the storage of materials for the construction or maintenance of any utility, or a building or structure for which a required building permit has been obtained; provided the temporary structure or building is removed within 30 days of completion of the permanent utility, building or structure or 12 months after the temporary building is erected or installed, whichever is the lesser period.

6.7.2. Temporary buildings or structures for classrooms on property zoned for academic schools and subject to the parking requirements for the facility.

6.7.3. Temporary buildings or structures for the purpose of seasonal vending on properties included within the Parks, Recreation and Culture, Downtown and Commercial Centre zones provided that:

a) the use is permitted in the zone; and

b) the temporary building or structure meets the requirements of the Building Bylaw; and

c) the temporary building or structure is connected to the City of Nanaimo water and sewer systems if food is served; and

d) the use meets the parking requirements of this Bylaw; and

e) the temporary building is not located on space required for parking, setback, or open space within the site.

(4500.158; 2019-DEC-02)

6.7.4 The temporary use of a building, or part thereof, as a polling station for any election, referendum or census.

6.7.5. The temporary use of a building, or part thereof, as a campaign headquarters for a political candidate.

6.7.6. A maximum of one fabric covered structure is permitted as an accessory use on each lot for a maximum of 120 days in a calendar year.

6.7.7. Temporary accommodation within a recreational vehicle is permitted during the construction of a single residential dwelling provided a building permit has been issued for the lot and is in good standing. This accommodation shall not include the renting or letting of recreational vehicles.

6.7.8. Temporary accommodation within a recreational vehicle is also permitted for non-paying guests of the owner or occupant of a single residential dwelling on the lot, provided such use does not exceed 42 days in the calendar year. This accommodation shall not include the renting or letting of recreational vehicles.

6.8 HEIGHT EXEMPTIONS

6.8.1 The following types of buildings, structures or structural parts shall not be subject to the height requirements of this Bylaw:

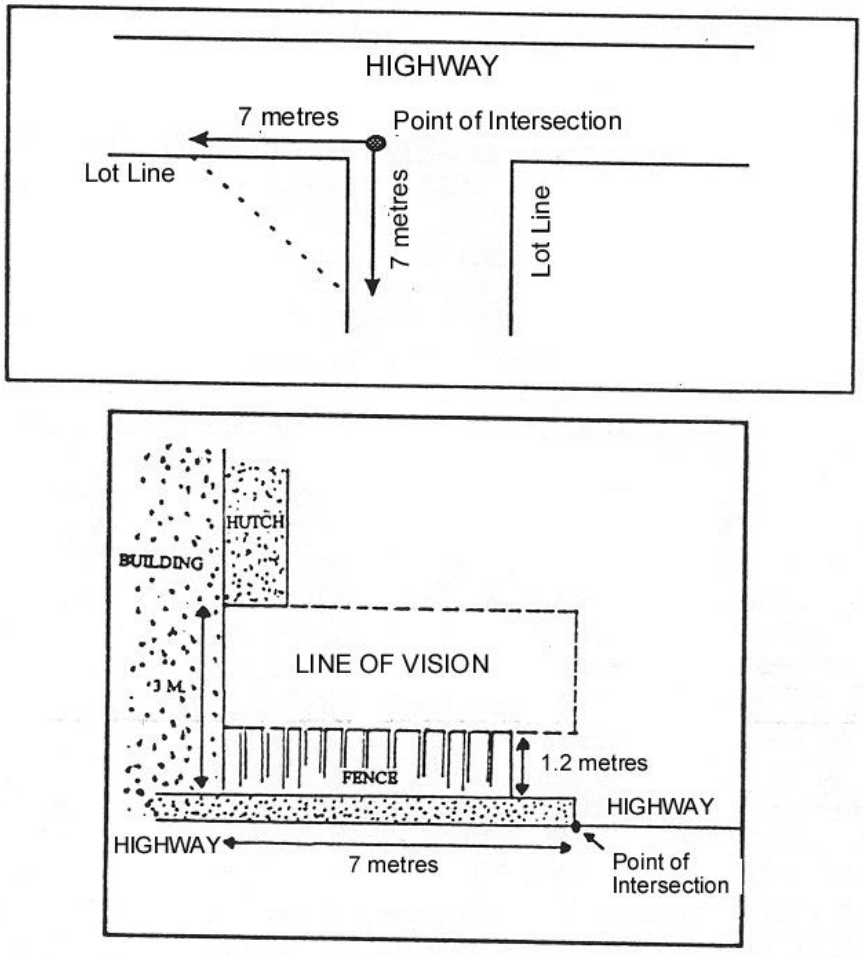
6.8.1.1 Religious Institution spires; belfries; monuments; fire and hose towers; stadiums; transmission towers; chimneys; flag poles; radio towers; radio masts; aerials; water tanks; wind turbines; cooling towers; sustainable building technologies; storage sheds; elevator and ventilating machinery or enclosures for such structures or structural parts, provided that no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area.

6.8.1.2 Accessory farm buildings used for agriculture purposes.

6.8.2 Notwithstanding Subsection 6.8.1, no structure listed in Subsection 6.8.1.1 and located within a residential zone shall exceed twice the maximum allowable height permitted by the zone; the height of the structure being measured from the average natural grade of the lot.

6.9 VISIBILITY AT INTERSECTIONS

6.9.1. Where two streets intersect, there shall be no obstruction to the line of vision between 1.2m and 3m within an area bounded by the centre line of intersecting lot lines and a line joining each of the lot lines 7m from their point of intersection.
(4500.073; 2015-MAR-16)



6.10 FENCE HEIGHT

6.10.1 Fence height shall be determined by measuring vertically from the grade shown on the final lot grading plan, as approved by the subdivision approving officer, or finished grade on the low side of the retaining wall or fence. Where no grading plan exists, fence height shall be measured vertically from natural or finished grade, whichever is lower, to the highest part of the fence.

6.10.2 The height of a fence shall not exceed the maximum height shown in the following table:

Zones	Front Yard	Side and Rear Yard	Flanking Side Yard	Conditions of Use
R1 / R1a to R10, R13 to R15, CD9 to CD11	1.2m	2.4m	1.8m	
R12 Total site area.	1.8m	1.8m	1.8m	
R12 Individual mobile home lots.	1.2m	1.2m	1.2m	
R11	2.4m	2.4m	2.4m	
AR1 and AR2	2.4m	2.4m	2.4m	
Commercial Centre Zones	1.2m	1.2m	1.8m	See Subsection 6.10.6
All Corridor and Downtown Zones	1.2m	1.8m	1.8m	See Subsection 6.10.6
All Part 10 Industrial Uses	2.4m	2.4m	2.4m	Open mesh or chain link type fences are exempt from height requirements.
CS1	1.2m	1.2m	1.2m	
CS2, CS3	2.4m	2.4m	2.4m	Where the use is a Jail no fence height restrictions shall apply.
All Part 12 Parks, Recreation and Culture Zones	3m	3m	3m	Open mesh or chain link type fences are exempt from height requirements.

(4500.031; 2012-DEC-03) (4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06) (4500.202; 2023-APR-17)

6.10.3 Fence additions, such as barbwire or ornamentation, shall be included in the calculation of total fence height.

6.10.4 Guardrails up to a maximum height of 1.07m located on retaining walls with a height of 1.5m or greater may be excluded from the calculation of fence height provided:

a) the guardrail is required by the BC Building Code; or

b) the guardrail is recommended by a Qualified Registered Professional and constructed in accordance with the handrail dimensions of the City of Nanaimo "Manual of Engineering Standards and Specifications", Section 8.0, Drawing CS-31, and any amendments thereto.

(4500.182; 2021-DEC-06) (4500.199; 2022-JUL-04)

6.10.5 Notwithstanding Subsection 6.10.2, where the fence is not located within the required yard setback area, the maximum allowable height for a fence in all zones shall not exceed 3m. **(4500.031; 2012-DEC-03)**

6.10.6 Notwithstanding Subsection 6.10.5, the height of a fence located outside of the required yard setback area in all Commercial Centre, Corridor, and Downtown zones shall not exceed:

a) 1.2m where located within 3m of a front lot line; and

b) 1.8m where located within 3m of a flanking lot line.

(4500.182; 2021-DEC-06)

6.10.7 Notwithstanding Subsection 6.10.2, the maximum height of up to one trellis, gate, arbor, or similar ornamental structure per lot shall not exceed 2.4m in a front or flanking side yard in all zones, provided that such a feature demarcates a pedestrian access, does not exceed 2.0m in width, and complies with Section 6.9 (visibility at intersections) of this Bylaw. **(4500.182; 2021-DEC-06)**

6.11 SWIMMING POOLS

6.11.1 Residential swimming pools and hot tubs shall not be constructed or located within any required front yard or located within 1.5m of any other lot line.

6.11.2 Swimming pools shall be enclosed in a structure or shall be enclosed or surrounded by a fence, as specified in the Building Bylaw. **(4500.158; 2019-DEC-02)**

6.12 VEHICLE RESTRICTIONS

6.12.1 No lot in any zone shall be used for the wrecking or storage of derelict vehicles or more than two unlicensed motor vehicles, except where specifically permitted in that zone.

6.12.2 No residentially zoned lot shall be used for the parking, storage, or repair of a commercial vehicle which has, or at any time has had, a licensed gross vehicle weight greater than 8,600kg, as indicated on a present or past commercial vehicle registration.

6.12.3 Parking or storage of vehicles for single residential dwellings sited on a lot shall not exceed a combined total of more than four motor vehicles, recreational vehicles, and recreational boats. Where a duplex is located on a lot, the combined total of vehicles shall not exceed three per dwelling unit.

6.12.4 No lot zoned residential shall be used for the parking, storage or repair of commercial boats.

6.12.5. Where the property is zoned for a single dwelling residential use only and an identifiable commercial vehicle is parked on the property, the vehicle must be for use of the property resident and that resident must be an employee or owner of the company the vehicle is identified with.

6.12.5.1. Notwithstanding Subsection 6.12.5, identifiable company vehicles associated with a home-based business shall be limited to the number of off-street parking spaces required for the home-based business and any marshalling or staging of vehicles is strictly prohibited. **(4500.149; 2020-APR-06)**

6.12.6. No lot zoned residential shall be used for the storage or repair of commercial vehicles having a gross vehicle weight greater than 8,600kg. **(4500.092; 2016-FEB-01)**

6.13 MOBILE HOME PARKS

6.13.1 No person shall establish, construct or extend a mobile home park in contravention of the City of Nanaimo "Mobile Home Park Bylaw 1984 No. 2074", and amendments thereto.

6.14 NEIGHBOURHOOD PUB AND LOUNGE OCCUPANCY

6.14.1 The maximum patron occupancy for a neighbourhood pub shall not exceed 175 patrons.

6.14.2 The maximum patron occupancy for a lounge shall not exceed 50 patrons.

6.15 SECONDARY SUITES

6.15.1 Secondary suites shall be permitted in all Part 7 – Residential Zones, Part 8 – Agriculture Rural Residential, Part 9 – Corridor, Part 10 - Commercial Centre, and Part 11 – Downtown Zones, where only one principal dwelling exists and no other uses are sited on a lot. **(4500.031; 2012-DEC-03)**

6.15.1.1 Notwithstanding Subsection 6.15.1, secondary suites are permitted on lots where there are two principal dwellings, provided that the lot is greater than 0.4 hectares. **(4500.158; 2019-DEC-02)**

6.15.2 Notwithstanding Subsection 6.15.1., secondary suites are subject to the following requirements:

6.15.2.1 Not more than one secondary suite shall be permitted per single residential dwelling on the lot.

6.15.2.2 Notwithstanding Subsection 6.15.1., secondary suites are not permitted in a mobile home.

6.15.2.3 Notwithstanding Subsection 6.15.1., secondary suites are not permitted on a lot less than 370m^2 in lot area.

6.15.2.4 The size of a secondary suite, where contained within the principal building, shall not exceed 40% of the habitable floor space of the principal dwelling to a maximum of 90m^2. **(4500.012; 2012-APR-16)**

6.15.3 A secondary suite can be included within an accessory building, provided that:

6.15.3.1 the accessory building is located on a corner lot, a lot whose side or rear lot line abuts a lane, or a lot that is greater than 800m^2; and

6.15.3.2 no secondary suite within an accessory building shall be subdivided from the principal dwelling unit to which it is accessory; and

6.15.3.3 a minimum area of 30m^2 of private open space is provided for the secondary suite tenants, the open space shall be permitted in the required yard setbacks, but shall not include space used for parking purposes; and

6.15.3.4 the maximum size of the secondary suite does not exceed that permitted for an accessory building within the applicable zone, up to a maximum of 90m^2; and

6.15.3.5 The accessory building is not a mobile home and the suite is not included within a mobile home. **(4500.073; 2015-MAR-16)**

6.16 SHORT-TERM RENTAL

6.16.1 A Short-Term Rental may be established in any dwelling unit provided the Short-Term Rental is located within the operator's Primary Residence.

6.16.2 The number of guestrooms and guests permitted at one time within a Short-Term Rental shall not exceed the following:

Zones	Maximum Number of Guest Rooms	Maximum Number of Guests
R1/ R1a/ R1b to R5, R7, R10 to R14, AR1, AR2 and CS1	2	4
R6, R8, R9, R15, COR1, COR2, COR3, CC1, CC2, CC3, CC4, CC5, CC6, DT1 to DT12, W2, W3, CD1, CD2, CD4 to CD11	4	6

(4500.031; 2012-DEC-03) (4500.158; 2019-DEC-02) (4500.186; 2022-FEB-07) (4500.202; 2023-APR-17)

6.16.3 When a Short-Term Rental is operating within a single residential dwelling which contains a secondary suite, the number of bedrooms in the secondary suite is included when calculating the maximum number of guestrooms permitted, as outlined in Subsection 6.16.2.

6.16.4 When a Short-Term Rental is operating within a single residential dwelling which also includes rooms for boarders and lodgers, the number of rooms and boarders and lodgers shall be included when calculating the maximum number of guestrooms and guests permitted, as outlined in Subsection 6.16.2.

6.17 ROOMING HOUSE

6.17.1 Where permitted in this Bylaw, a rooming house use shall be subject to the following conditions of use:

6.17.1.1 The total number of occupants within a rooming house shall not exceed 10.

6.17.1.2 The total number of sleeping units within a rooming house shall not exceed 10.

6.17.1.3 Notwithstanding, Subsections 6.17.1.1 and 6.17.1.2, the total number of occupants and sleeping units within a rooming house can exceed 10 provided the owner of the rooming house has entered into a Housing Agreement with the City, as per Section 483 of the *Local Government Act.* **(4500.158; 2019-DEC-02)**

6.17.1.4 Where a rooming house use exists no other use shall be permitted on the lot.

6.18 SENIORS CONGREGATE HOUSING

6.18.1 Where permitted in this Bylaw, a senior's congregate housing facility shall be subject to the following conditions:

6.18.1.1 The Gross Floor Area of a dwelling unit shall not be less than 26m^2 and not more than 75m^2.

6.18.1.2 Accessory personal service and accessory convenience store uses, where they are provided, shall be contained within the seniors' congregate housing facility and shall only be accessible from an internal hallway or corridor. The combined total floor area of all accessory personal service and accessory convenience store uses shall not exceed 150m^2 of net floor area.

6.19 DAY CARE

6.19.1 Day care for a maximum of 16 persons is permitted in any zone subject to the following:

6.19.1.1 Section 6.20 does not apply to a day care facility operated as a home based business in a residential zone.

6.19.1.2 A day care facility may be contained in a principal, an accessory, or a combination of principal and accessory buildings.

6.19.1.3 In a residential zone, not more than one day care facility shall be permitted per dwelling unit, accessory building, or combination of them.

6.19.1.4 In a residential zone, any person residing within the dwelling unit may be engaged in the operation of a day care facility in that dwelling unit.

6.19.1.5 The business license holder or his / her spouse shall be the owner or leasee of the dwelling unit contained in the day care facility operated under the business license and one of them shall reside in the dwelling unit.

6.19.1.6 In a residential or institutional zone, retail sales are specifically excluded in the operation of a day care facility.

6.19.1.7 All storage related to the day care facility must be wholly contained within permanent buildings.

6.20 HOME BASED BUSINESS
(4500.149; 2020-APR-06)

6.20.1 A home-based business shall be permitted:

a) in any dwelling unit or secondary suite, regardless of zoning, provided it meets all other applicable requirements of this section; and

b) in a recreational vehicle in the Recreational Vehicle Park (R11) zone, provided it meets all other applicable requirements of this section.

6.20.2 Any person residing within the dwelling unit, secondary suite, or recreational vehicle may be engaged in the home-based business. At least one resident of the dwelling unit, secondary suite, or recreational vehicle must hold a business licence for the home-based business.

6.20.3 Home-based businesses shall be categorized as Type 1, Type 2, or Type 3 based on the location of the home-based business and shall have restrictions on the maximum floor area, number of vehicle trips, number of non-resident employees, and prohibited uses for each home-based business type as specified within the following table:

	Type 1	Type 2	Type 3
Location of the home-based business	Multiple Family Dwelling unit, Secondary Suite, Mobile Home, Modular Home, Recreational Vehicle, Float Home, or Single Residential Dwelling on a lot $< 370m^2$	Single Residential Dwelling on a lot $\geq 370m^2$ and $< 2,020m^2$	Single Residential Dwelling on a lot $\geq 2,020m^2$
Maximum floor area for the home-based business	$42m^2$ or 50% of the dwelling unit, secondary suite, or recreational vehicle, whichever is less	$100m^2$ or 50% of the dwelling unit, whichever is less	$200m^2$ or 50% of the dwelling unit, whichever is less
Maximum number of customer or client vehicle trips per day	0	8 return trips	12 return trips
Maximum number of non-resident employees permitted to work on-site	0	1	2
Prohibited uses	Automotive repair of a major or minor nature; personal service use; pet daycare; all uses listed in Subsection 6.20.5	Automotive repair of a major or minor nature; all uses listed in Subsection 6.20.5	All uses listed in Subsection 6.20.5

6.20.4 Notwithstanding Subsection 6.20.3, where multiple home-based businesses are associated with a dwelling unit, secondary suite, or recreational vehicle, the maximum combined floor area, the maximum combined vehicle trips, and the maximum combined number of non-resident employees of all home-based businesses shall not exceed the maximum as specified in Subsection 6.20.3.

6.20.5 The following uses are specifically prohibited as a home-based business for all home-based business types:

a) auto body repair;
b) commercial sawmill;
c) boarding kennel, animal training, and commercial dog breeding;
d) restaurant;
e) retail sales of items other than items manufactured by the home-based business; and
f) storage, wrecking, dismantling, painting, or metal plating of vehicles (including recreational vehicles, boats, water vessels, aircraft, all-terrain vehicles, and snowmobiles), equipment, or machinery.

6.20.6 Where customer or client vehicle trips to a home-based business are permitted, such trips shall be limited to between the hours of 7am and 9pm, seven days a week.

6.20.7 Where a home-based business involves vehicle or equipment repair or service, all vehicles or equipment under repair or to be repaired must be wholly contained within a permanent building and shall not at any time be stored outside of a building.

6.20.8 A home-based business shall not discharge or emit odorous, toxic, or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust, effluent or other emission hazard, electrical interference or radiation across any lot line or between dwelling units.

6.20.9 A home-based business or a portion of a home-based business may be permitted within an accessory building subject to the following:

a) the principal use on the subject property is a single residential dwelling;
b) the area of the home-based-business within an accessory building does not exceed the maximum area as specified in Subsection 6.20.3 in combination with any portion of the home-based business within the associated dwelling unit or secondary suite; and
c) the accessory building is a permanent structure.

6.20.10 A home-based business and all associated storage shall be wholly contained within the dwelling unit, secondary suite, recreational vehicle, or any accessory building associated with the home-based business.

6.21 RESIDENTIAL SHELTER

6.21.1 The density of any dwelling unit may be increased in order to permit a residential shelter in any zone, provided that:

a) The residential shelter is located within a single residential dwelling.
b) The maximum occupancy of a residential shelter does not exceed ten persons.
c) The operator of the residential shelter has entered into a Housing Agreement with the City, as per Section 483 of the Local Government Act. **(4500.158; 2019-DEC-02)**

6.22 SUBDIVISION

6.22.1 Except as otherwise provided in this Bylaw, all lots must be serviced by a community water system, a community sewer system and a storm sewer drainage system, other than lots zoned R1 / R1a, R2 or AR1, which are ≥ 2 hectares in area. **(4500.031; 2012-DEC-03)**

6.22.2 [*Deleted*] **(4500.158; 2019-DEC-02)**

6.22.3 Nanaimo City Council delegates to the Approving Officer the power under Section 512 of the *Local Government Act* to exempt a parcel from minimum frontage regulations established within this Bylaw.

6.22.4 Nothing contained within this Bylaw or the Subdivision Control Bylaw shall be deemed to bind the Approving Officer to approve a subdivision complying with the prescribed minimum requirements as to the shape and dimensions of parcels if, in his or her opinion, such minimum standards would not be adequate to accommodate the facilities, structures and open space required by the proposed use, or to protect the established amenities of adjoining or adjacent lands. **(4500.158; 2019-DEC-02)**

6.22.5 Notwithstanding the lot area requirements of this Bylaw, where the requirements are met under each zone with respect to the provision of water service and sewage disposal, minimum parcel size requirements shall not apply to a subdivision where:

a) two or more parcels are being consolidated into a single parcel; or
b) the effect of the subdivision would not increase the number of parcels but would adjust the boundary between existing parcels, provided that the boundary change did not result in the reduction of either parcel by more than 10% of its original parcel size; or
c) an accretion is added to the parcel. **(4500.092; 2016-FEB-01)**

6.22.6 Lot area requirements do not apply to a lot created for an unattended utility, where there is no attendant or employee ordinarily present on the lot.

6.22.7 On lands not within the Agricultural Land Reserve, subdivision under Section 514 of the *Local Government Act* shall only be permitted on lots where the parent parcel size is a minimum of 10 hectares (ha). **(4500.012: 2012-APR-16) (4500.073; 2015-MAR-16) (4500.158; 2019-DEC-02)**

6.22.8 For the purposes of this Bylaw, an air space parcel shall be deemed to be part of the same lot as the parcel at ground level. **(4500.182; 2021-DEC-06)**

6.23 NANAIMO PARKWAY

(4500.012; 2012-APR-16) (4500.158; 2019-DEC-02)

6.23.1 Notwithstanding the setback requirements of this Bylaw, the minimum front and flanking side yard setback shall be 20m from a property line that abuts the Nanaimo Parkway right-of-way. **(4500.182; 2021-DEC-06**)

6.23.2 Notwithstanding the lot depth requirements of this Bylaw, the minimum lot depth of a lot created by subdivision shall be 45m where a lot abuts the Nanaimo Parkway right-of-way.

PART 7 – RESIDENTIAL

7.1 DESCRIPTION OF ZONES

Zone Name	Zone	Intent of Zone
Single Dwelling Residential	**R1 / R1a / R1b**	This zone provides for low density, single residential dwelling developments and also for two principal dwellings on certain corner lots within the R1 and R1a zones.
Single Dwelling Residential - Small Lot	**R2**	This zone provides for small lot subdivisions, which are intended to contribute to the mix of housing within the city while offering an affordable and sustainable form of single residential dwelling developments.
Island Residential	**R3**	This zone provides for low density residential development of a permanent nature on Protection Island.
Duplex Residential	**R4**	This zone provides for two dwellings in one or two principal buildings on a residential lot.
Three and Four Unit Residential	**R5**	This zone provides for the development of small-scale multiple family residential dwellings, of up to four units, that are compatible with the scale or enhance the architectural style of single family residential development within the area.
Low Density Residential	**R6**	This zone provides for a mixture of low density ground-oriented multiple family developments on lots compatible with other residential development in the area.
Row House Residential	**R7**	This zone provides for street oriented, attached, medium-density row house dwelling units.
Medium Density Residential	**R8**	This zone provides for medium-density, multiple family developments on specific lots that are compatible with other residential and neighboring commercial land uses.
High Density (High Rise) Residential	**R9**	This zone provides for high density residential development for specific lots that support a high rise building form.
Steep Slope Residential	**R10**	This zone applies to properties identified as having steep slope characteristics and provides for detached, single residential dwelling subdivisions and clustered multiple family developments.
Recreational Vehicle Park	**R11**	This zone provides for the creation of recreational vehicle parks and the accommodation of persons in recreational vehicles.
Mobile Home Park Residential	**R12**	This zone provides for rental or strata title mobile home park parks at a low multi-family density as per “MOBILE HOME PARKS BYLAW 1984 NO. 2704”.
Old City Duplex Residential	**R13**	This zone provides for residential rehabilitation and the development of new single residential dwellings and duplex residential redevelopment that is consistent with the historical architectural style of the area.
Old City Low Density (Fourplex) Residential	**R14**	This zone provides for residential rehabilitation and the development of small scale multiple family residential redevelopment that is consistent with the historical architectural style of the area.
Old City Medium Density Residential	**R15**	This zone provides for residential rehabilitation and the development of new medium density multiple family residential redevelopments that are consistent with the historical architectural style of the area.

(4500.002; 2011-OCT-03) (4500.014; 2012-JUN-11) (4500.031; 2012-DEC-03) (4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)

7.2 PERMITTED USES

7.2.1 The uses listed in the following table shall be permitted where indicated within the corresponding specified zone, and may be carried subject to the conditions of use:

Use	Zone																Conditions of Use
	R1/ R1a	R1b	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15	
Duplex	**P**	**--**	**--**	**--**	**P**	**P**	**P**	**--**	**--**	**--**	**--**	**--**	**--**	**P**	**P**	**P**	See Subsection 7.2.2
Hotel	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**SS**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	
Mobile Home Park	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**P**	**--**	**--**	**--**	*Subject to the "MOBILE HOME PARKS BYLAW 1984 NO. 2704"*
Multiple Family Dwelling	**--**	**--**	**--**	**--**	**--**	**P**	**P**	**--**	**P**	**P**	**P**	**--**	**--**	**--**	**P**	**P**	
Park Model Trailer	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**P**	**P**	**--**	**--**	**--**	
Recreational Vehicle Park	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**P**	**--**	**--**	**--**	**--**	
Rooming House	**--**	**--**	**--**	**--**	**--**	**P**	**P**	**--**	**P**	**--**	**--**	**--**	**--**	**P**	**P**	**P**	*Subject to Part 6*
Row House	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**P**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	
Single Residential Dwelling	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**--**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	See Subsection 7.2.2
Triplex	**--**	**--**	**--**	**--**	**--**	**P**	**P**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	

(4500.014; 2012-JUN-11) (4500.036; 2013-APR-22) (4500.053; 2013-DEC-16) (4500.158; 2019-DEC-02)

P = Permitted Use
-- = Use Not Permitted in this Zone
SS = Site Specific Use

7.2.2 Notwithstanding Subsection 7.2.1, within the R1 / R1a zones where a corner lot has a lot area greater than 700m^2 but does not meet the lot area, lot depth or lot frontage requirements for subdivision, a total of up to two single residential dwellings or one duplex shall be permitted provided one front door faces the front yard and the other front door faces the flanking side yard. **(4500.036; 2013-APR-22) (4500.092; 2016-FEB-01) (4500.158; 2019-DEC-02)**

7.2.3 The uses listed in the following table shall be permitted as an accessory use where indicated within the corresponding specified zone, as per the conditions of use:

Use	Zone															Conditions of Use
	R1 / R1a / R1b	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	R13	R14	R15	
Boarding & Lodging	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**--**	**--**	**A**	**A**	**A**	Shall not exceed two sleeping units and shall not accommodate more than two persons. Must be included within a Single Residential Dwelling
Convenience Store	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**A**	**A**	**--**	**A**	**A**	**--**	**--**	**--**	Gross Floor Area not to exceed 46m^2.
Daycare	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	*Subject to Part 6.*
Home Based Business	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**--**	**A**	**A**	**A**	**A**	*Subject to Part 6.*
Office	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**A**	**--**	**--**	**--**	One office is permitted for the management of a mobile home park.
Park Model Trailer	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**A**	**--**	**--**	**--**	
Secondary Suite	**A**	**A**	**A**	**A**	**A**	**A**	**--**	**A**	**A**	**A**	**--**	**--**	**A**	**A**	**A**	*Subject to Part 6.* Must be accessory to a Single Residential Dwelling
Short-Term Rental	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	Subject to Part 6.
Storage Area	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**A**	**A**	**--**	**--**	**--**	Where a Mobile Home Park or Recreational Vehicle Park exists. Subject to the "MOBILE HOME PARKS BYLAW 1984 NO. 2704"

(4500.002; 2011-OCT-03) (4500.014; 2012-JUN-11) (4500.031; 2012-DEC-03) (4500.186; 2022-FEB-07)

A = Accessory Use Permitted
-- = Accessory Use Not Permitted in this Zone

7.2.4 The following uses shall be permitted on site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Location
Hotel	809 Island Highway	THAT PART OF BLOCK D, SECTION 1, NANAIMO DISTRICT, PLAN 1748, INCLUDED IN PLAN 285R, EXCEPT PARTS IN PLANS 7822 AND 9409
	1577 Stewart Avenue	LOT 1, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN VIP58684
Personal Care Facility	6085, 6095 and 6081 Uplands Drive	STRATA LOT 1, DISTRICT LOT 48, WELLINGTON DISTRICT, STRATA PLAN VIS5833, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V. LOT C, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP53807, EXCEPT THAT PART IN STRATA PLAN VIS5833 (PHASE 1)

(4500.036; 2013-APR-22)

7.3 DENSITY

7.3.1 The following table specifies the maximum allowable base density per lot for each zone listed. Where additional density is permitted, the amount of additional density and the conditions required to achieve it are specified in the additional density column. Where additional density is achievable through Schedule D, that additional density shall be applied as part of the development permit process:

Zone	Maximum Allowable Base Density	Additional Density
R1 / R1a	One single residential dwelling.	Where a corner lot has a lot area greater than 700m2 but does not meet the lot area, lot depth or lot frontage requirements for subdivision, a total of up to two single residential dwellings or one duplex shall be permitted provided one front door faces the front yard and the other front door faces the flanking side yard. Where more than one dwelling is located on a corner lot a secondary suite shall not be permitted in either dwelling. Where the lot area is greater than 0.4 hectares, on additional single residential dwelling shall be permitted.
R1b	One single residential dwelling.	Where the lot area is greater than 0.4 hectares, one additional single residential dwelling shall be permitted.
R2	One single residential dwelling.	
R3	One single residential dwelling with a total Floor Area Ratio of no greater than 0.55.	
R4	Two dwelling units with a total Floor Area Ratio of no greater than 0.55.	
R5	Three dwelling units with a total Floor Area Ratio of no greater than 0.55.	Where a lot is a corner lot, abuts a laneway or is 1200m^2 in area one additional dwelling unit is permitted.
R6	The maximum Floor Area Ratio shall not exceed 0.45.	Where the development meets or exceeds the Tier 1 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1.

		Where the development meets or exceeds the Tier 2 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.15.
R7	1 dwelling unit per 150m2 of lot area.	
R8	The maximum Floor Area Ratio shall not exceed 1.25.	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground. Where the development meets or exceeds the Tier 1 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the development meets or exceeds the Tier 2 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.25.
R9	The maximum Floor Area Ratio shall not exceed 3.00.	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground. Where the development meets or exceeds the Tier 1 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the development meets or exceeds the Tier 2 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.25.
R10	16 dwelling units per hectare of land or portion thereof, excluding the watercourse leave strip area and statutory park dedication. Where a lot contains one or two dwelling units, the maximum Floor Area Ratio shall not exceed 0.55. Where a lot contains three or more units, the maximum Floor Area Ratio shall not exceed 0.45.	Where the lot contains more than one unit and development meets or exceeds the Tier 1 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the lot contains more than one unit and development meets or exceeds the Tier 2 requirements, as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.15.
R11	25 recreational vehicle spaces per gross hectare of land or portion thereof.	
R12	20 mobile homes or park mobile trailers pads per gross hectare of land or portion thereof.	
R13	Two dwelling units.	
R14	Not more than four dwelling units. The maximum Floor Area Ratio shall not exceed 0.65.	
R15	The maximum Floor Area Ratio shall not exceed 0.85.	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

(4500.002; 2011-OCT-03) (4500.012; 2012-APR-16) (4500.014; 2012-JUN-11) (4500.031; 2012-DEC-03) (4500.036; 2013-APR-22) (4500.092; 2015-FEB-01) (4500.158; 2019-DEC-02)

7.3.2 Notwithstanding 7.3.1, within the R10 Zone a minimum of one single residential dwelling shall be permitted on each lot that meets the applicable lot size requirements under Section 7.4.

7.3.3 Notwithstanding 7.3.1, within the R10 Zone where land is subdivided and park land dedication is provided in excess of 5% of the total land area, one or more lots of the resulting subdivision is eligible for additional dwelling units provided that the lot or lots are identified to the City at the time of the subdivision plan filed with the City. The additional dwelling units available for transfer to lots within a subdivision shall be calculated as 16 dwelling units per hectare of parkland dedicated in excess of 5% provided no portion of the area used in this calculation is within a Watercourse identified in Schedule C, and its associated leave strip(s).

7.3.4 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 1.277 for land legally described as Lot A, Section 1, Nanaimo District, Plan VIP 57973 (325 Hecate Street).

7.3.5 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 3.6 for the land legally described as Lot B of Section 1, and of Part of the Bed of the Public Harbour of Nanaimo, Nanaimo District, Plan VIP58279 (154 Promenade Drive).

7.3.6 Notwithstanding 7.3.1, no more than 30.67 recreational vehicle spaces shall be developed per hectare of land, or portion thereof, on land legally described as Lot C, Section 10, Range 8, Mountain District, Plan 2977, Except That Part in Plan 146 RW (2323 Arbot Road).

7.3.7 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 0.7 on the land legally described as Lot A, Section 17, Range 7, Mountain District, Plan 34388 (2202 Meredith Road). **(4500.121; 2018-JUL-09)**

7.3.8 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 0.65 on the land legally described as LOT 1, SECTION 18, RANGE 4, CRANBERRY DISTRICT, PLAN 15503 (1534 Extension Road). (**4500.134; 2020-APR-06)**

7.3.9 Notwithstanding 7.3.1, the total maximum Floor Area Ratio shall not exceed 0.79, on the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street). **(4500.171; 2021-FEB-01)**

7.3.10 Notwithstanding 7.3.1, not more than seven dwelling units is permitted and the maximum Floor Area Ratio shall not exceed 0.86 on the land legally described as SOUTHERLY ½ of LOT 5, BLOCK 24, SECTION 1, NANAIMO DISTRICT, PLAN 584, HAVING A FRONTAGE OF 66 FEET ON MILTON STREET (456 Milton Street). **(4500.193; 2022-OCT-03)**

7.3.11 Notwithstanding Subsection 7.3.1, the maximum Floor Area Ratio for portions of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 shall not exceed 0.45. Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground. **(4500.169; 2022-OCT-24)**

7.4 LOT SIZE AND DIMENSIONS

7.4.1. The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all residential lots serviced by community water, sanitary sewer, and a storm water drainage system within the corresponding zones:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
R1	500m^2 450m^2 - **L**	15m 10m - **L or C**	30m 26.5m - **L**
R1a	600m^2	15m 10m - **C**	30m
R1b	500m^2	15m / 10m - **C**	30m
R2	325m^2 290m^2 - **L**	10m 11.5m *where lot is a corner lot*	28m 24m - **L**
R3	2000m^2	15m	30m
R4	700m^2 647.5m^2 - **L**	15m	30m 26.5m - **L**
R5	800m^2 700m^2 - **L**	15m	30m 26.5m - **L**
R6	1500m^2	15m	30m 26.5m - **L**
R7 ***Attached on Two Sides***	150m^2	5.5m	27m 24m – **L**
R7 ***Attached on One Side***	200m^2	7.5m	27m 24m- **L**
R7 ***Corner Lot***	250m^2	10m	27m 24m - **L**
R8	1,800m^2	15m	30m
R9	1,800m^2	15m	30m
R10[1]	1,200m^2 (see footnote 1)	15m	30m
R10 ***Less than 5% Slope***[2] ***(see footnote 2)***	325m^2	10.5m 10m **C** 12m *where lot is a corner lot*	27.5 m 24 m - **L**
R11 ***Total Lot Area***	2 hectares	18 m	30m
R12 ***Total Lot Area***	1 hectare	18m	30m
R12 ***Individual Mobile Home Lots***	325m^2	N/A	N/A
R13	750m^2	13m	30m
R14	750m^2	15m	30m
R15	750m^2	15m	30m

(4500.014; 2012-JUN-11) (4500.158; 2019-DEC-02)

L = *Indicates where the lot can be accessed from a lane abutting a side or rear property line.*
C = *Indicates where a lot fronts on a cul-de-sac.*
[1] = *Within the R10 zone Lot area may be reduced to 600m^2 where the steep slope area is not included in the calculation of lot area.*
[2] = *Within the R10 zone, the lot area may be reduced to 325m^2 where the average slope of the lot does not exceed 5%, as measured on undisturbed natural grade between the centre points of each lot line in either direction and the subdivision does not result in a density greater than 16 dwelling units per hectare (excluding the watercourse leave strip area and excluding statutory park dedication) on the lot proposed for subdivision.* ***(4500.073; 2015-MAR-16)***

7.4.2 For the purposes of subdivision where the lot abuts a watercourse, as indicated on Schedule C, or is subject to a geotechnical setback, the required watercourse leavestrip or geotechnical setback area shall not be included in the calculation of a lot area. **(4500.158; 2019-DEC-02)**

7.4.3 Notwithstanding Subsection 7.4.2, a geotechnical setback area may be included in lot area for a lot within the R10 zone.

7.4.4 Notwithstanding Subsection 7.4.1, the minimum lot depth in all zones shall be 45m where the property abuts the Nanaimo Parkway.

7.4.5 Notwithstanding Subsection 7.4.1, within the R1 zone where a lot is subdivided the minimum lot size requirement may be reduced by up to 10% provided the average lot size within the subdivision is equal to or greater than 500m^2. **(4500.002; 2011-OCT-03)**

7.4.6 Notwithstanding Subsection 7.4.1, within the R11 zone the minimum recreational vehicle space pad area shall not be less than 200m^2.

7.4.7 Notwithstanding Subsection 7.4.1, within the R11 zone the minimum recreational vehicle park lot area within a recreational vehicle park, shall not be less than 200m^2 on lands legally described as Lot C, Section 10, Range 6, Mountain District, Plan 2977, Except That Part in Plan 146 RW (2323 Arbot Road).

7.4.8 Notwithstanding 7.4.1, the minimum lot size shall be 500m^2 for the lands legally described as SECTION C OF LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584 and SOUTH 1/2 OF SECTION D, OF LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE NORTHERLY 49.5 FEET (440 Kennedy Street). **(4500.194; 2022-OCT-03)**

7.5 SITING OF BUILDINGS

7.5.1 The following table identifies the minimum distance a principal building must be set back from the lot line specified within each respective column heading within each zone:

Zone	Front Yard	Side Yard	Flanking Side Yard	Rear Yard
R1 / R1a / R1b	4.5m	1.5m	4m	7.5m
R2	4.5m	1.5m	3m	6m
R3	6m	1.5m	4m	7.5m
R4	4.5m	1.5m	4m	7.5m
R5	4.5m	1.5m	4m	7.5m
R6	6m	3m	4m	7.5m
R7	3m	0m	2.5m	3m
R8	6m	3m	4m	10.5m
R9	7.5m	7.5m	7.5m	7.5m
R10	4.5m	1.5m	4m	7.5m
R11[1]	7.5m	7.5m	7.5m	7.5m
R12[1]	6m	3m	6m	3m
R12 ***Pad Area***[2]	4.5m	1.5m	3m	3m
R13	4.5m	1.5m	2.5m	7.5m
R14	6m	1.5m	2.5m	7.5m
R15	6m	1.5m	2.5m	7.5m

(4500.014; 2012-JUN-11)

[1] = ***Within a mobile home park and a RV park 3m of the setback area must be landscaped in accordance with Part 17 of this Bylaw.***

[2] = ***Where no mobile home lots exist the front yard setback shall be taken from the road (public or private) upon which the mobile home fronts. A mobile home shall not be closer than 3m to another mobile home, as measured between the outside wall faces.***

7.5.2 Notwithstanding Subsection 7.5.1, general provisions in Part 6 for the siting of buildings near watercourses will also apply.

7.5.3 Notwithstanding Subsection 7.5.1, all garage doors and carport entrance ways facing a street on a single residential dwelling or duplex must be setback at least 6m. **(4500.031; 2012-DEC-03) (4500.073; 2015-MAR-16)**

7.5.4 Notwithstanding Subsection 7.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.182; 2021-DEC-06)**

7.5.5 Notwithstanding Subsection 7.5.1, within the R7 where a row house abuts another unit a 0m minimum and maximum side yard setback is required. Where a row house unit does not abut another row house unit a 1.5m side yard setback is required.

7.5.6 Notwithstanding Subsection 7.5.1, within the R1 / R1a / R1b and R2 zones where a side yard setback of 3m or more is provided on at least one side yard, the front yard setback may be reduced to 4m. **(4500.014; 2012-JUN-11)**

7.5.7 Notwithstanding Subsection 7.5.1, where the principal use is a single residential dwelling in the R8 zone, the minimum required setback from the property lines shall be as specified within the R1 zone. **(4500.073; 2015-MAR-16) (4500.158; 2019-DEC-02)**

7.6 SIZE OF BUILDINGS

7.6.1 The following table identifies the maximum lot coverage, the maximum height of a principal building for a flat and sloped roof building and the maximum allowable perimeter wall height within each zone:

Zone	Lot Coverage	Height of Principal Building *- Flat Roof[1] (< than 4:12 pitch)*	Height of Principal Building *- Sloped Roof[1] (≥ 4:12 pitch)*	Perimeter Wall Height[2]
R1 / R1a / R1b	40%	7m	9m	7.32m
R2	40%	7m	9m	7.32m
R3	35%	7m	9m	N/A
R4	40%	7m	9m	7.32m
R5	50%	8m	9m	N/A
R6	40%	7m	9m	N/A
R7	70%	9m	10.5m	N/A
R8	40%	14m	14m	N/A
R9	40%	36m	36m	N/A
R10	40%	7m	9m	7.32m[3]
R11	20% *Excluding Recreational Vehicles*	7m	7m	N/A
R12	40%	7m	7m	N/A
R13	40%	7.75m	7.75m	N/A
R14	40%	7.75m	7.75m	N/A
R15	40%	9.5m	9.5m	N/A

(4500.012; 2012-APR-16) (4500.014; 2012-JUN-11)

[1] For an area of at least 80% of all roof surfaces measured in plan view

[2] Gable ends, localized depressions, and dormers to a maximum of 25% of the wall length are exempt from the calculation of perimeter wall height. Covered decks or additional height above the maximum perimeter wall height must be set back a minimum of 2.44m from the perimeter wall. (4500.158; 2019-DEC-02)

[3] Perimeter wall height applies only to single residential dwellings and duplex buildings in the R10 zone. (4500.182; 2021-DEC-06)

7.6.2 Notwithstanding Subsection 7.6.1, the height of a principal building in the case of LOT 4, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP78452 (6340 McRobb Avenue) shall not exceed 66m nor 20 storeys, whichever is lesser.

7.6.3 Notwithstanding Subsection 7.6.1, for a lot having an area less than 1,666.66 m^2, within the R1 / R1a, R2, R9 and R10 Zones, the height of a principal dwelling may also be measured from the curb level of the highest street abutting the property, in accordance with Table 7.6.3: **(4500.073; 2015-MAR-16)**

Roof Pitch	Maximum Height
A flat roof (< than 4:12 pitch)	3m
A sloped roof (a roof with a slope ≥ a 4:12 pitch)	5.5m

For the purposes of this Subsection, the geotechnical setback and watercourse leave strip shall not be included in the calculation of lot area.

7.6.4 Notwithstanding Subsection 7.6.1, where the principal use is a single residential dwelling in the R8 zone, the maximum allowable size of a single residential dwelling shall not exceed the allowable height, lot coverage and perimeter wall height which is permitted within the R1/R1a zone. **(4500.012; 2012-APR-16) (4500.158; 2019-DEC-02)**

7.6.5 Notwithstanding Subsection 7.6.1, within the R13, R14 and R15 Zones height shall be measured vertically from the average natural grade level recorded at the outermost corners of the building or at the curb level, whichever is greater, as determined by a survey to the highest part of the roof surface for a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, or gambrel of a sloped roof.

7.6.6 Notwithstanding Subsection 7.6.1, the maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14m, provided:

(a) any rear wall face over 7.32m in height is a minimum of 10m from the rear property line;

(b) no wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height; and

(c) any eave or gable end associated with a wall face over 7.32m in height must not exceed 8.53m in width and must be offset by at least 0.61m from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32m in height.

7.6.7 Notwithstanding 7.6.1, the height of a principal building shall not exceed 9.2m on the land legally described as Lot A, Section 17, Range 7, Mountain District, Plan 34388 (2202 Meredith Road). **(4500.121; 2018-JUL-09)**

7.6.8 Notwithstanding 7.6.1, the height of a principal building shall not exceed 10.7 metres on the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street). **(4500.171; 2021-FEB-01)**

7.6.9 Notwithstanding 7.6.1, where at least 50% of the required parking spaces are provided beneath a principal building, the height of a principal building may be a maximum of 22.5m on the R8 zoned portions of the lands legally described as LOT A, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN 14190 (6033, 6047, and 6045 Nelson Road) and LOT 2, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP99504 (6053 Nelson Road). **(4500.196; 2022-NOV-21)**

7.7 CONDITIONS OF USE **(4500.012; 2012-APR-16)**

7.7.1 The following conditions of use shall apply to the Recreational Vehicle Park (R11) zone only:

(a) Recreational vehicles may be located within a recreational vehicle park for more than 90 days in any calendar year and may be occupied for more than 90 days in any calendar year.

(b) The Gross Floor Area of an accessory building constructed or placed on a recreational vehicle space shall not exceed 10m^2. **(4500.168; 2019-DEC-02)**

(c) An open deck or patio with or without a canopy may be constructed on a recreational vehicle space provided it does not exceed a floor area of 32.5m^2.

(d) Not more than 11.15m^2 of open deck or patio area may be enclosed.
Not more than 5% of the gross recreational vehicle park area shall be used for an accessory storage area.

7.7.2 Within the Single Dwelling Residential – Small Lot (R2) zone, where a lane exists, driveway access must be from the lane. **(4500.031; 2012-DEC-03)**

PART 8 - AGRICULTURE RURAL RESIDENTIAL

8.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Rural Resource	AR1	This zone provides agriculture and rural uses on larger lots without urban services.
Urban Reserve	AR2	This zone provides for agriculture and residential uses on large rural lots, with limited urban services and provides for the preservation of land for future development.

8.2 PERMITTED USES

8.2.1 The uses listed in the following table shall be permitted where indicated with a '**P'** within the corresponding zone, subject to the conditions of use specified:

Use	Zones		Conditions of Use
	AR1	AR2	
Agriculture	**P**	**P**	Roadside stands for agriculture or horticulture products grown on the lot are permitted, provided they do not exceed a Gross Floor Area of 30m^2.
Animal Shelter	**P**	**P**	
Animal Training	**P**	**P**	The total Gross Floor Area of all buildings used for animal training shall not exceed 200m^2 per lot.
Boarding Kennels	**P**	**--**	No more than 65 dog enclosures (runs or cages) or dogs permitted per lot.
Campgrounds	**P**	**--**	No person shall occupy a campground for more than 90 days per calendar year, with the exception of the campground owner or manager. No accessory building or structure shall be placed on a camping space. The minimum average camping space shall not be less than 100m^2.
Golf Course	**P**	**--**	The total Gross Floor Area of all buildings used for a golf course accessory office, retail pro shop, restaurant or banquet area shall not exceed 800m^2. A golf course shall contain no less than 9 holes and the average hole yardage shall be no less than 165 yards.
Horse Stable	**P**	**P**	
Mobile Home	**P**	**P**	
Pet Daycare	**P**	**P**	The total Gross Floor Area of all buildings used for pet daycare shall not exceed 200m^2.
Single Residential Dwelling	**P**	**P**	

(4500.002; 2011-OCT-02)

P = Permitted use
-- = Use not permitted in this zone

8.2.2 The uses listed in the following table shall be permitted as an accessory use where indicated with an '**A'** within the corresponding zone, as per the conditions of use specified:

Use	Zones		Conditions of Use
	AR1	AR2	
Boarding and Lodging	**A**	**A**	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Convenience Store	**A**	**--**	An accessory convenience store is permitted where a campground use exists provided the Gross Floor Area of the store does not exceed 33m^2.
Daycare	**A**	**A**	Subject to the regulations contained in Part 6 of this Bylaw.
Home Based Business	**A**	**A**	
Office	**A**	**--**	An accessory office is permitted where a campground use exists provided the Gross Floor Area of the office does not exceed 33m^2.
Restaurant	**A**	**--**	An accessory restaurant is permitted where a campground use exists, provided the combined Gross Floor Area of the restaurant and convenience store does not exceed 50m^2.
Secondary Suite	**A**	**A**	Subject to the regulations contained in Part 6 of this Bylaw.
Short-Term Rental	**A**	**A**	Subject to Part 6

(4500.002; 2011-OCT-02) (4500.073; 2015-MAR-16) (4500.186; 2022-FEB-07)

A = Use Permitted as an Accessory Use
-- = Not a Permitted Use

8.3 DENSITY

8.3.1 The following table specifies the maximum allowable number of units permitted per lot for each zone. Where applicable, the number of camping spaces permitted per hectare is regulated within the campground density column.

Zone	Residential Density	Campground Density
AR1	One single dwelling or mobile home. One additional dwelling unit may be permitted where the lot area is greater than 0.4 hectares.	No more than 30 camping spaces per hectare of land.
AR2	One single dwelling or mobile home. One additional dwelling unit may be permitted where the lot area is greater than 0.4 hectares.	Not a permitted use.

8.3.2 Notwithstanding 8.3.1, where a lot contains more than one dwelling unit neither dwelling unit may be subdivided or otherwise strata titled from the other dwelling unit.

8.4 LOT SIZE AND DIMENSIONS

8.4.1 The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all agricultural residential lots within the corresponding zone:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
AR1	2 hectare	15m	45m
AR2	1 hectares	15m	45m

(4500.002; 2011-OCT-03) (4500.031; 2012-DEC-03)

8.4.2 Notwithstanding Subsection 8.4.1, where the lot is not serviced by a community water system the minimum lot area shall be 2 hectares.

8.5 SITING OF BUILDINGS

8.5.1 The following table identifies the distance a principal building must be set back from the lot line specified within each respective yard area within the each zone:

Zone	Front Yard	Side Yard	Flanking Side Yard	Rear Yard
AR1 and AR2	7.5m	3m	4.5m	7.5m

8.5.2 Notwithstanding Subsection 8.5.1, buildings, structures, cages, enclosures, runs or pens used for the keeping of animals, drinking or feeding troughs or manure piles shall not be located less than 15m from all lot lines. Mushroom growing, boarding kennels, animal training or bee, swine, or mink keeping uses shall be setback at least 30m from all lot lines.

8.5.3 In addition, buildings, structures, cages, enclosures, runs or pens, as outlined in Subsection 8.5.2 ., shall be located to the satisfaction of the Medical Health Officer in respect of all nearby wells, lakes, streams and springs or other bodies of water which in his or her opinion could suffer contamination wherefrom.

8.5.4 Notwithstanding Subsection 8.5.1., where the lot is used as a campground, all yard setbacks shall be 7.5m.

8.5.5 Notwithstanding Subsection 8.5.1., general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

8.6 SIZE OF BUILDINGS

8.6.1 The maximum lot coverage, excluding farm buildings, shall not exceed 20% of the lot area.

8.6.2 The height of a principal building, not including farm buildings, shall not exceed 9m.

PART 9 - CORRIDOR

9.1 DESCRIPTION OF ZONES

Residential Corridor	**COR1**	This zone provides for residential, street-oriented, medium density, and office development along or near major roads.
Mixed Use Corridor	**COR2**	This zone provides for mixed use, street-oriented development along urban arterials and major collector roads.
Community Corridor	**COR3**	This zone provides for a wide range of uses intended to meet the day to day needs of the surrounding community.

9.2. PERMITTED USES

9.2.1 The uses listed in the following table shall be permitted where indicated with a **'P'** within each zone, subject to the conditions of use specified:

Use	Zones			Conditions of Use
	COR1	COR2	COR3	
Artists Studio	**P**	**P**	**P**	
Automobile Sales and Rental	**--**	**SS**	**SS**	
Assembly Hall	**P**	**P**	**P**	
Boarding and Lodging	**P**	**P**	**P**	Maximum of two sleeping units and shall not accommodate more than two persons.
Bingo Hall	**--**	**P**	**P**	
Cannabis Retail Store	**--**	**--**	**SS**	
Club or Lodge	**--**	**P**	**P**	
Commercial School	**--**	**P**	**P**	
Custom Workshop	**--**	**--**	**P**	Use shall be wholly contained within a building and shall not exceed 500m^2 in Gross Floor Area.
Daycare	**P**	**P**	**P**	
Electric Vehicle Charge Station	**P**	**P**	**P**	
Fast Food Restaurant	**--**	**--**	**SS**	
Financial Institution	**--**	**P**	**P**	Drive-thru bank terminals shall not be permitted.
Furniture and Appliance Sales	**--**	**P**	**P**	
Gas Station	**SS**	**SS**	**SS**	
Hotel	**P**	**P**	**P**	
Laundromat	**--**	**P**	**P**	
Library	**--**	**P**	**P**	

Use	Zones			Conditions of Use
	COR1	COR2	COR3	
Liquor Store	**SS**	**SS**	**SS**	
Live/Work	**P**	**P**	**P**	
Multiple Family Dwelling	**P**	**P**	**P**	
Museum	**--**	**P**	**P**	
Neighbourhood Pub	**--**	**P**	**P**	
Office	**P**	**P**	**P**	Within the COR1 zone, office use shall not exceed a Gross Floor Area of 1000m^2, and where the property is mixed use, the office must be located on the ground floor. Within the COR2 zone, no more than 500m^2 of office space shall be permitted on the ground floor.
Pawn Shop	**--**	**--**	**P**	No pawn shop shall be permitted within a 300m radius of another pawn shop.
Personal Care Facility	**P**	**P**	**P**	
Pet Day Care	**--**	**--**	**P**	
Printing and Publishing Facility	**--**	**P**	**P**	
Production Studio	**--**	**P**	**P**	
Recreational Facility	**--**	**P**	**P**	
Religious Institution	**P**	**P**	**P**	
Repair Shop	**--**	**--**	**P**	Use shall wholly be contained within a building.
Restaurant	**--**	**P**	**P**	
Retail	**--**	**P**	**P**	An individual retail use shall not exceed a Gross Floor Area of 750m^2, unless that use is a Grocery Store, in which case the use shall not exceed 2,500m^2.
Seniors Congregate Housing	**P**	**P**	**P**	
Single Residential Dwelling	**P**	**P**	**P**	
Sign Shop	**--**	**--**	**P**	
Social Service Resource Centre	**--**	**P**	**P**	
Student Housing	**SS**	**SS**	**--**	Where a student housing use exists on a lot, such use shall require a housing agreement.
Theatre	**--**	**P**	**P**	
University, College, Technical School	**--**	**P**	**P**	
Veterinary Clinic	**--**	**P**	**P**	
Warehouse (retail)	**--**	**--**	**SS**	

(4500.036; 2013-APR-22) (4500.053; 2013-DEC-16) (4500.095; 2017-JUN-19) (4500.158; 2019-DEC-02) (4500.135; 2020-JUL-20)

P *= Permitted Use*
SS *= Permitted as a Site Specific Use, see Section 9.2.3*
-- *= Use Not Permitted within Specified Zone*

9.2.1.1 Notwithstanding Subsection 9.2.1, on the lands legally described as LOT 1, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP110454 (2230 Boxwood Road), LOT 1, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 21250 (2220 Northfield Road), LOTS 13 & 14, BLOCK 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 526 (2232 and 2238 Northfield Road), LOT N, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 22081 (2246 Northfield Road), and AMENDED LOT 2 (DD 62102N), SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 8097 (2254 Northfield Road), the following shall apply:

a) A Grocery Store shall not exceed a Gross Floor Area of 3,716m^2;
b) Despite Subsection 9.2.2, where a non-residential use exists at least an equal amount of Gross Floor Area on the lands must be dedicated to residential use.

(4500.187; 2022-MAY-16)

9.2.2 Notwithstanding Subsection 9.2.1., within the COR2 Zone where a non-residential use exists at least an equal amount of Gross Floor Area on the property must be dedicated to residential use.

9.2.3 The following uses shall be permitted on site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Location
Automobile Sales and Rentals	3690 Island Highway	LOT 1, BLOCK 26, SECTION 3, WELLINGTON DISTRICT, PLAN 318A, EXCEPT THAT PART IN PLAN 33807 LOTS 2, 11 and 12, BLOCK 26, SECTION 3, WELLINGTON DISTRICT, PLAN 318A
	3851 Shenton Road	LOT A, SECTION 4, WELLINGTON DISTRICT, PLAN VIP52426
	4777 Island Highway	LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP84989, EXCEPT PART IN PLAN VIP86302
	2585 and 2595 Bowen Road	LOT 3 SECTION 5, WELLINGTON DISTRICT, PLAN 7747, EXCEPT PART IN PLAN 43195 LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 47874
	1809 Bowen Road	PARCEL A (DD 51728N) OF LOT 17, SECTION 15, RANCE 8, MOUNTAIN DISTRICT, PLAN 7272
	3612 Island Highway North	LOT 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 26, SECTION 3, WELLINGTON DISTRICT, PLAN 318A
	1481 Bowen Road	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 23873
	1701 Bowen Road and 1831 East Wellington Road	LOT A, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 38080 LOT 1, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 7954, EXCEPT PART IN PLAN 37148
	2575, 2525, and 2595 Bowen Road	LOT 2, SECTION 5, WELLINGTON DISTRICT, PLAN 17696, EXCEPT PARTS IN PLANS 43195 AND PLAN VIP82821 LOT 2, SECTION 20, RANGE 6, MOUNTAIN DISTRICT, PLAN 38705, EXCEPT PART IN PLAN 43195 LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 47874
	2535 Bowen Road	LOT 1, SECTION 20, RANGE 6, MOUNTAIN DISTRICT, PLAN 38705, EXCEPT PART IN PLAN 43195

Use	Permitted Location Address	Legal Description of Permitted Location
	2555 Bowen Road	LOT 2, SECTION 20, RANGE 6, MOUNTAIN DISTRICT, PLAN VIP73505
	2590 Bowen Road	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN EPP92969
	2338 Kenworth Road	LOT 1, SECTION 5, WELLINGTON DISTRICT AND SECTION 20, MOUNTAIN DISTRICT, RANGE 7, PLAN EPP93135
	2348 Kenworth Road	LOT 3, SECTION 5, WELLINGTON DISTRICT & SECTION 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP92969
	2345 and 2355 Kenworth Road	LOT 6, SECTION 20, RANGE 7, MOUNTAIN DISTRICT, EPP92969 Portion of LOT 5, DISTRICT LOT 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP92969 as shown in Bylaw 4500.183
	2358 Kenworth Road	LOT 2, SECTION 5, WELLINGTON DISTRICT AND SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN EPP92969
	4931 and 4921 Wellington Road	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 34365, EXCEPT PART IN PLAN VIP65613 LOT 2, SECTION 5, WELLINGTON DISTRICT, PLAN 34365
	4170 Wellington Road	LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 26942
	4100 Wellington Road	LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN 42476
	4123 Wellington Road	LOT A, SECTIONS 4 AND 5, WELLINGTON DISTRICT, PLAN VIP63672
	4151 Wellington Road	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN VIP67222
	4181 Wellington Road	LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN EPP22297
	2789 106th Street	LOT 7, BLOCK 25, SECTION 3, WELLINGTON DISTRICT, PLAN 318A
	4900 Island Highway North	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT PART IN PLAN 33807
Cannabis Retail Store	2220 Bowen Road	LOTS 5 & 6, BLOCK 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 20320
	1483 Bowen Road	PARCEL B (DD 12035W) OF LOT 1, SUBURBAN LOT 7, SECTION 1, NANAIMO DISTRICT, PLAN 6025, EXPECT PART IN PLAN 23873
Car Wash	603 Nicol Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP69064
Fast Food Restaurant	1815 Bowen Road	LOT B, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN 43433, EXCEPT PART IN PLAN VIP58601 AND VIP61856
	1812 Bowen Road	STRATA LOT E, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, STRATA PLAN VIS4335, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRAT LOT AS SHOWN ON FORM 1
	1835 Bowen Road	LOT 1, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN VIP61856
	4777 & 4797 Island Highway	LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP84989, EXCEPT PART IN PLAN VIP86302 LOT 1, BLOCK 17, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PARCEL A (DD 33238I) THEREOF

Use	Permitted Location Address	Legal Description of Permitted Location
	130 Terminal Avenue	LOT A, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 21995
Gasoline Station	4286 Departure Bay Road	LOT 2, SECTION 5, WELLINGTON DISTRICT, PLAN 37030
	1643 Bowen Road	THAT PART OF LOT 4, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 2406, SHOWN OUTLINED IN RED ON PLAN 676-R, EXCEPT PART IN PLAN 37148
	1702 and 1925 Bowen Road	LOT A, SECTIONS 14 & 15, RANGE 8, MOUNTAIN DISTRICT, PLAN 7310, EXCEPT PART IN PLAN 37148 LOT 1, SECTION 16, RANGE 8, MOUNTAIN, PLAN 7045
	2209 Bowen Road	LOT 1, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 41059
	600 Victoria Road	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 21004
	458 Wakesiah Avenue	LOT B, (DD EV45133), BLOCK 1, SECTION 1, NANAIMO DISTRICT, PLAN 1325
	1050 Terminal Avenue	LOT A, SECTION 1, BLOCK 88, NEWCASTLE TOWNSITE, NANAIMO DISTRICT, PLAN VIP796683
	76 Terminal Avenue	LOT 2, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 20761
	2330 Labieux Road	LOT 2, SECTION 20, RANGE 6, MOUNTAIN DISTRICT, PLAN 44097
Liquor Store	2220 Bowen Road	LOT A, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 20320 LOTS 3, 4, 5 AND 6, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 526 LOT 1, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 21371
	1850 and 1860 Dufferin Crescent	LOTS 6 & 7, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP15172
Student Housing	560 Third Street	SECTION 33, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630
	525 Third Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN EPP70217
	416 Wakesiah Avenue	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP58523
	438 Wakesiah Avenue	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP88789
	326 Wakesiah Avenue	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN EPP94033
Warehouse	85 and 95 Tenth Street	LOTS H AND I, SECTION 7, NANAIMO DISTRICT, PLAN 2199, EXCEPT THAT PART OF SAID LOTS SHOWN RED ON PLAN 522 RW
	110 and 106 Fry Street	LOTS 18 AND 19, BLOCK 4, SECTION 1, NANAIMO DISTRICT, PLAN 584
	114 Fry Street	THAT PART OF LOT 17, BLOCK 4, SECTION 1, NANAIMO DISTRICT, PLAN 584 LYING NORTHERLY OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 21 FEET SOUTHERLY FROM THE NORTHERLY BOUNDARY OF SAID LOT.
	4524 Wellington Road	LOT 4, SECTION 5, WELLINGTON DISTRICT, PLAN 18939

(4500.002; 2011-OCT-03) (4500.015; 2012-SEP-10) (4500.023; 2013-MAR-12) (4500.031; 2012-DEC-03) (4500.38; 2013-NOV-18) (4500.095; 2017-JUN-19) (4500.102; 2017-NOV-06) (4500.117; 2018-JUL-09) (4500.131; 2019-JUL-22) (4500.158; 2019-DEC-02) (4500.135; 2020-JUL-20) (4500.139; 2020-NOV-16) (4500.164; 2020-NOV-16) (4500.183; 2021-JUL-26) (4500.182; 2021-DEC-06)

9.2.3.1 [*Deleted*] **(4500.033; 2012-DEC-03) (4500.158; 2019-DEC-02)**

9.2.4 The uses listed in the following table shall be permitted as an accessory use where indicated with an 'A' within each zone as per the Conditions of Use specified:

Use	Zones			Conditions of Use
	COR1	COR2	COR3	
Short-Term Rental	**A**	**A**	**A**	Subject to Part 6

(4500.186; 2022-FEB-07)

9.3 DENSITY

9.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot for each zone. The additional density columns permit additional density where the following specified location and amenity criteria have been provided. Additional density where achievable is applied during the development permit process. Within mixed use development, additional density may be awarded where the lot includes both commercial and residential uses. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements, as specified within "Schedule D – Amenity Requirements for Additional Density" of this bylaw; Tier 2 awards additional density to a development which meets or exceeds the Tier 2 requirements within Schedule D. Where a development achieves additional density, the additional floor area may be added to the base density within the zone. A development may achieve all of the additional density available within the zone:

Zone	Maximum Allowable Floor Area Ratio (FAR)	Additional Density		
		Mixed Use*	Tier 1	Tier 2
COR1	1.00	N/A	+0.25	+0.25
COR2	1.25	N/A	+0.25	+0.25
COR3	0.75	+0.50	+0.25	+0.25

(4500.036; 2013-APR-22)

9.3.2 Notwithstanding Subsection 9.3.1., where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

9.4 LOT SIZE AND DIMENSIONS

9.4.1 The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all serviced corridor lots within each zone:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Frontage - Lane Access	Minimum Lot Depth
COR1	850m^2	18m	15m	30m
COR2	1200m^2	25m	15m	30m
COR3	1000m^2	20m	15m	30m

9.5 SITING OF BUILDINGS

9.5.1 The following table identifies the distance a principal building must be set back from the lot line specified within each yard area within the zone indicated:

Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard 1	Side Yard 2	Flanking Side Yard	Rear Yard
COR1	3.5m	6m	1.5m	3m	4.5m	7.5m
COR2	3.0m	6m	0m	3m	3m	7.5m
COR3	3.0m	6m	0m	3m	3m	7.5m

9.5.2 Notwithstanding Subsection 9.5.1., general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

9.5.3 Notwithstanding Subsection 9.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.182; 2021-DEC-06)**

9.5.4 Notwithstanding Subsection 9.5.1, where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback. **(4500.158; 2019-DEC-02)**

9.5.5. Notwithstanding Subsection 9.5.1, where more than one principal building exists on the lot at least 50% of the property frontage must include a building front face within the maximum front yard setback area.

9.6 LOCATION OF PARKING AREA

9.6.1 Within all Corridor Zones, no parking shall be permitted between the front property line and the front face of the building or within the maximum front yard setback area.

9.7 SIZE OF BUILDINGS

9.7.1 The maximum lot coverage and height, as well as the minimum required height of a principal building, shall be as specified within the following table:

Zone	Lot Coverage	Maximum Allowable Height	Additional Height	Minimum Required Height
COR1	60%	14m	Where at least 75% of the required parking area is located below or beneath a building, an additional 4m of height shall be permitted.	2 Storeys Above Grade
COR2	60%	14m	Where at least 75% of the required parking area is located below or beneath a building, an additional 4m of height shall be permitted.	2 Storeys Above Grade
COR3	60%	14m	Where at least 75% of the required parking area is located below or beneath a building, an additional 4m of height shall be permitted.	2 Storeys Above Grade

PART 10 - COMMERCIAL CENTRE

10.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Local Service Centre	**CC1**	This zone provides for small scale and community services within neighbourhoods.
Neighbourhood Centre	**CC2**	This zone provides for small scale commercial services intended to meet the day-to-day needs of persons residing in the immediate vicinity and supports a building height of up to 3 storeys.
City Commercial Centre	**CC3**	This zone provides for the shopping needs of the community at large, as well as medium to high density residential development.
Woodgrove Urban Centre	**CC4**	This zone provides for a regional commercial centre with a focus on intensive retail and service uses and medium to high density residential.
Hospital Urban Centre	**CC5**	This zone provides for health related professional offices and medium to high density residential accommodation.
Commercial Recreation Centre	**CC6**	This zone provides for commercial recreational uses, such as golf courses and recreational facilities.

10.2. PERMITTED USES

10.2.1 The uses listed in the following table shall be permitted where indicated with a **'P'** within the corresponding zone, as per the conditions of use specified:

Use	Zones						Conditions of Use
	CC1	CC2	CC3	CC4	CC5	CC6	
Artist Studio	**P**	**P**	**P**	**P**	**P**	**P**	
Assembly Hall	**--**	**P**	**--**	**P**	**P**	**P**	
Auto Repair	**--**	**P**	**P**	**P**	**--**	**--**	
Auto sales and Rental	**--**	**--**	**P**	**P**	**--**	**--**	
Bingo Hall	**--**	**--**	**--**	**--**	**P**	**P**	
Cannabis Retail Store	**--**	**SS**	**SS**	**SS**	**SS**	**--**	
Car Wash	**--**	**P**	**P**	**P**	**--**	**--**	
Club or Lodge	**--**	**--**	**P**	**--**	**--**	**P**	
Commercial School	**--**	**P**	**P**	**P**	**P**	**P**	Within the CC2 zone, the Gross Floor Area of a commercial school use shall not exceed 500m^2.
Cultural Facility	**--**	**--**	**P**	**P**	**P**	**P**	
Daycare	**P**	**P**	**P**	**P**	**P**	**P**	
Electric Vehicle Charge Station	**P**	**P**	**P**	**P**	**P**	**P**	

Use	Zones						Conditions of Use
	CC1	CC2	CC3	CC4	CC5	CC6	
Fast Food Restaurant	**SS**	**--**	**P**	**P**	**--**	**--**	
Financial Institution	**--**	**P**	**P**	**P**	**P**	**--**	Within the CC2 zone, a financial institution use shall not exceed a Gross Floor Area of 600m^2.
Food Processing	**--**	**--**	**--**	**SS**	**--**	**--**	
Funeral Parlour	**--**	**--**	**P**	**--**	**P**	**--**	
Furniture & Appliance Sales	**--**	**--**	**P**	**P**	**P**	**--**	Within the CC3 and CC5 zones, the Gross Floor Area of a stand-alone furniture and appliance store shall not exceed 4,644m^2.
Garden Centre	**--**	**--**	**P**	**P**	**--**	**--**	
Gas Station	**SS**	**P**	**P**	**P**	**--**	**--**	
Golf Course	**--**	**--**	**--**	**--**	**--**	**P**	
Home Centre	**--**	**--**	**P**	**P**	**--**	**--**	Within the CC3 zone, the Gross Floor Area of a stand-alone home centre shall not exceed 4,644m^2.
Hospital	**--**	**--**	**--**	**--**	**P**	**--**	
Hotel	**--**	**--**	**P**	**P**	**P**	**--**	
Internet Centre	**--**	**P**	**P**	**P**	**P**	**--**	
Laboratory	**--**	**--**	**--**	**--**	**P**	**--**	
Laundromat	**--**	**--**	**P**	**P**	**P**	**--**	
Library	**--**	**P**	**P**	**P**	**P**	**--**	
Liquor Store	**SS**	**SS**	**SS**	**SS**	**SS**	**--**	
Live/Work	**P**	**P**	**P**	**P**	**P**	**--**	
Lounge	**--**	**--**	**--**	**P**	**--**	**--**	
Lumber yard	**--**	**--**	**--**	**P**	**--**	**--**	No storage shall be permitted in the required front yard or any yard which abuts a residential zone.
Medical / Dental Office	**P**	**P**	**P**	**P**	**P**	**--**	Within the CC1 zone, the Gross Floor Area shall not exceed 500m^2.
Micro Brewery	**--**	**--**	**P**	**P**	**--**	**--**	The Gross Floor Area of a micro brewery shall not exceed 557m^2.
Multiple Family Dwelling	**P**	**P**	**P**	**P**	**P**	**--**	Within the CC1, CC2 and CC3 zones, residential shall only be permitted where a commercial use exists on the same lot.
Museum	**--**	**--**	**P**	**--**	**P**	**P**	
Neighbourhood Pub	**P**	**P**	**P**	**P**	**P**	**--**	
Office	**SS**	**P**	**P**	**P**	**P**	**--**	
Parking Lot / Parkade	**--**	**--**	**--**	**--**	**P**	**--**	
Personal Care Facility	**--**	**--**	**P**	**P**	**P**	**--**	
Pet Day Care	**--**	**--**	**P**	**P**	**P**	**--**	
Printing and Publishing Facility	**--**	**--**	**--**	**--**	**P**	**--**	

Use	Zones						Conditions of Use
	CC1	CC2	CC3	CC4	CC5	CC6	
Pharmacy	--	P	P	P	P	--	
Production Studio	--	--	P	P	--	--	
Public Market	--	P	P	P	--	--	Permitted as a seasonal use, no outside storage shall be permitted after market hours.
Recreational Facility	--	P	P	P	P	P	Within the CC2 zone the Gross Floor Area of the recreational facility use shall not exceed 500m^2.
Refund Container Recycling Depot	--	P	P	P	P	--	
Religious Institution	P	--	P	P	P	--	
Restaurant	P	P	P	P	P	--	Within the CC1 zone, an individual restaurant use shall not exceed a Gross Floor Area of 500m^2.
Retail	P	P	P	P	P	--	Within the CC1 and CC2 zones, an individual retail use shall not exceed a Gross Floor Area of 500m^2, unless the use is a grocery store, in which case the floor area cannot exceed 2000m^2. Within the CC3 and CC5 zones, a stand-alone retail use shall not exceed a Gross Floor Area of 4,644m^2.
Rooming House	--	--	--	P	P	--	
Seniors Congregate Housing	--	P	P	P	P	--	
Shopping Centre	--	--	P	P	--	--	
Single Residential Dwelling	P	P	--	P	P	--	
Sign Shop	--	--	P	--	--	--	
Social Service Resource	--	--	P	P	P	--	
Theatre	--	--	P	P	P	--	
University, College, Technical School	--	--	--	P	P	P	
Veterinary Clinic	P	P	P	P	P	--	Within the CC1 zone, the Gross Floor Area of a veterinary clinic shall not exceed 500m^2.
Wholesale	--	--	--	P	--	--	Use shall be wholly enclosed within a building.

(4500.031; 2012-DEC-03) (4500.053; 2013-DEC-16) (4500.073; 2015-MAR-16) (4500.138; 2019-JUN-17) (4500.142; 2019-AUG-26) (4500.133; 2020-JAN-13) (4500.148; 2020-FEB-24) (4500.163; 2020-MAR-16)

P = Permitted Use **-- = Use is not Permitted** **SS = Permitted as a Site Specific Use Only**

10.2.2 Notwithstanding Subsection 10.2.1 the cumulative total Gross Floor Area of all non-residential space on a lot within the CC1 zone shall not exceed 2,000m^2. **(4500.158; 2019-DEC-02)**

10.2.3 Notwithstanding Subsection 10.2.1, within the CC2 zone a Retail Grocery Store greater than 2,000m^2 is permitted at property legally described as LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN EPP85567 (867 Bruce Avenue). **(4500.058; 2014-NOV-24) (4500.158; 2019-DEC-02)**

10.2.4 The uses listed in the following table shall be permitted as an accessory use where indicated with an **'A'** within each zone as per the conditions of use specified:

Use	Zones						Conditions of Use
	CC1	CC2	CC3	CC4	CC5	CC6	
Accessory Dwelling Unit	**A**	**A**	**A**	**A**	**A**	**A**	
Arcade		**A**	**A**	**A**	**A**	**A**	
Boarding and Lodging	**A**	**A**	**--**	**A**	**A**	**--**	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Home Based Business	**A**	**A**	**A**	**A**	**A**	**--**	
Laboratory			**A**	**A**			Permitted as an accessory use where a medical office exists on the same lot.
Lounge	**--**	**--**	**--**	**--**	**--**	**A**	Permitted as an accessory use where the principal use of the property is a golf course or recreational facility. The total Gross Floor Area of an accessory lounge shall not exceed 380m^2.
Lumber Yard			**A**				Permitted as an accessory use where the principal use of the property is a home centre.
Secondary Suite	**A**	**A**	**--**	**A**	**A**	**--**	Subject to Part 6 of this Bylaw.
Short-Term Rental	**A**	**A**	**A**	**A**	**A**	**A**	Subject to Part 6
Restaurant	**--**	**--**	**--**	**--**	**--**	**A**	Permitted as an accessory use where the principal use of the property is a golf course or recreational facility. The total Gross Floor Area of an accessory restaurant shall not exceed 380m^2.
Retail Pro Shop	**--**	**--**	**--**	**--**	**--**	**A**	Permitted as an accessory use where the principal use of the property is a golf course or recreational facility.

(4500.053; 2013-DEC-16) (4500.073; 2015-MAR-16) (4500.186; 2022-FEB-07)

A = Permitted as an Accessory Use
-- = Not Permitted as an Accessory Use

10.2.5 The following uses shall be permitted on site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Located
Cannabis Retail Store	3200 Island Highway North	LOT A, SECTION 3 & 5, WELLINGTON DISTRICT, PLAN VIP60825
	6683 Mary Ellen Drive	LOT A, DISTRICT LOT 26, WELLINGTON DISTRICT, PLAN VIP63639
	6404 Metral Drive	LOT 1, SECTION 12, WELLINGTON DISTRICT, PLAN 26877 EXCEPT PLAN VIP57955
	3923 Victoria Avenue	LOT 7, BLOCK 16, SECTION 5, WELLINGTON DISTRICT, PLAN318A
	1599 Dufferin Crescent	LOT 1, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 27521
	5800 Turner Road	STRATA LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, STRATA PLAN VIS5863 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
	847 Bruce Avenue	LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN EPP85567
	5801 Turner Road	LOT C, DISTRICT LOTS 14, 23G & 30, WELLINGTON DISTRICT, PLAN VIP66085
	510 Fifth Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN EPP45212
	2980 Island Highway North	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 50054
	50 Tenth Street	LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854
Custom Workshop	291 Eaton Street	LOT 14, BLOCK EA, SECTION 1, NANAIMO DISTRICT, PLAN 57
Fast Food Restaurant	2310 Northfield Road	LOT 1, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP66379
Food Processing	6513 Portsmouth Road	LOT 4, DISTRICT LOT 28, WELLINGTON DISTRICT, PLAN 14895
Gasoline Station	4320 Uplands Drive	LOT 1, DISTRICT LOT 19, WELLINGTON DISTRICT, PLAN 46653
	2300 Northfield Road	LOT 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP66379
	2201 Jingle Pot Road	LOT 1, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN 44320
	6201 Blueback Road	LOT 2, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP60953
Liquor Store	4700/4720 Hammond Bay	LOT A, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP79402
	6404 Metral Drive	LOT 1, SECTION 12, WELLINGTON DISTRICT, PLAN 26877, EXCEPT PLAN VIP57955
	508 Eighth Street	SECTION 13, RANGE 8, SECTION 1, NANAIMO DISTRICT, PLAN 630, EXCEPT THAT PART IN PLAN 12363 AND EXCEPT THAT PART LYING TO THE NORTH OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 181.5 FEET FROM THE NORTHERLY BOUNDARY OF SAID SECTION
	530 Fifth Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 35453
	1533 Estevan Road	LOT 1, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 30393

Use	Permitted Location Address	Legal Description of Permitted Located
Liquor Store	5801 Turner Road	LOT C OF DISTRICT LOTS 14, 23G & 30, WELLINGTON DISTRICT, PLAN VIP66085
	3200 Island Highway	LOT A, SECTIONS 3 & 5, WELLINGTON DISTRICT, PLAN VIP60825
	1275 Island Highway	LOT 1, SECTION 7, NANAIMO DISTRICT, PLAN 67048
	6950 Island Highway	LOT 2, DISTRICT LOT 26, WELLINGTON DISTRICT, PLAN 37425 EXCEPT PART IN PLAN VIP70172 AND VIP78672
	2201 Jingle Pot Road	LOT 1, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP44320
	2875 Departure Bay Road	LOT 1, SECTION 1, WELLINGTON DISTRICT, PLAN 16034 EXCEPT THAT PART IN PLAN VIP83027; and LOT 2, SECTION 1, WELLINGTON DISTRICT, PLAN 16034
	4750 Rutherford Road	LOT 1 OF SECTION 14 AND DISTRICT LOTS 14 AND 17 AND SECTION 4, RANGE 3, WELLINGTON DISTRICT, PLAN VIP66202
Office	751 Haliburton Street	LOT 1, BLOCK EA, SECTION 1, NANAIMO DISTRICT, PLAN 57

(4500.002; 2011-OCT-03) (4500.064; 2014-JUL-14) (4500.073; 2015-MAR-16) (4500.092; 2016-FEB-01) (4500.138; 2019-JUN-17) (4500.142; 2019-AUG-26) (4500.143; 2019-AUG-26) (4500.150; 2019-AUG-26) (4500.133; 2020-JAN-13) (4500.148; 2020-FEB-24) (4500.163; 2020-MAR-16) (4500.162; 2020-APR-27) (4500.174; 2020-JUL-20) (4500.140; 2020-NOV-16) (4500.201; 2022-AUG-29) (4500.155; 2023-JUN-05)

10.3 DENSITY

10.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot for each zone. The additional density columns permit additional density where the following specified location and amenity criteria have been provided. Additional density where achievable is applied during the development permit process. Within mixed use development, additional density may be awarded where the lot includes both commercial and residential uses. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements, as specified within "Schedule D – Amenity Requirements for Additional Density" of this bylaw; Tier 2 awards additional density to a development which meets or exceeds the Tier 2 requirements within Schedule D. Where a development achieves additional density, the additional floor area may be added to the base density within the zone. A development may achieve all of the additional density available within the zone:

Zone	Maximum Allowable Floor Area Ratio (FAR)	Additional Density		
		Mixed Use	Tier 1	Tier 2
CC1	0.45	N/A	N/A	N/A
CC2	0.55	N/A	+0.25	+0.25
CC3	0.45	+0.75	N/A	N/A
CC4	1.25	+0.55	+0.25	+0.25
CC5	1.00	+0.25	+0.25	+0.35
CC6	No more than one accessory dwelling unit shall be permitted.	N/A	N/A	N/A

(4500.036; 2013-APR-22) (4500.092; 2016-FEB-1)

10.3.2 In addition to the density permitted within Subsection 10.3.1 within the CC3, CC4 and CC5 zones, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

10.3.3 Notwithstanding Subsection 10.3.1, for the properties legally described as LOT 2, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (4900 Uplands Drive); LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP69239 (4950 Uplands Drive); and LOT 3, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (6055 Turner Road), where the properties include a residential use, the maximum allowable Floor Area Ratio shall be as permitted within the High Density (High Rise) Residential (R9) zone. **(4500.048; 2015-AUG-17) (4500.182; 2021-DEC-06)**

10.4 LOT SIZE AND DIMENSIONS

10.4.1 The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all serviced commercial centre lots within the corresponding zones:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
CC1	800m^2	15m	30m
CC2	1000m^2	15m	30m
CC3	1200m^2	15m	30m
CC4	2000m^2	30m	45m
CC5	1000m^2	15m	30m
CC6	4000m^2	30m	50m

10.5 SITING OF BUILDINGS

10.5.1 The following table identifies the distance a principal building must be set back from the lot line within each zone:

Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard	Flanking Side Yard	Rear Yard	Notes
CC1	4.5m	7.5m	3m	4m	4.5m	
CC2	4.5m	7.5m	3m	4m	4.5m	
CC3	7.5m	N/A	3m	6m	7.5m	Front yard setback may be reduced to 4.5m where no parking is located between the front property line and the front face of the building.
CC4	7.5m	N/A	3m	6m	7.5m	Front yard setback may be reduced to 4.5m where no parking is located between the front property line and the front face of the building.
CC5	4.5m	N/A	3m	4m	4.5m	
CC6	7.5m	N/A	3m	7.5m	7.5m	

10.5.2 Notwithstanding Subsection 10.5.1, general provisions in Part 6 for the siting of buildings near watercourses will apply.

10.5.3 Notwithstanding Subsection 10.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.182; 2021-DEC-06)**

10.5.4 Notwithstanding Subsection 10.5.1, where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback. **(4500.158; 2019-DEC-02)**

10.5.5. Notwithstanding Subsection 10.5.1, where more than one principal building exists on the lot at least 50% of the property frontage must include a building front face within the maximum front yard setback area.

10.6 SIZE OF BUILDINGS

10.6.1 The maximum lot coverage and height, as well as the minimum required height, and maximum Gross Floor Area of a principal building shall be as specified within following table within the applicable zone:

Zone	Lot Coverage	Maximum Allowable Height	Additional Height	Minimum Required Height
CC1	60%	10m		N/A
CC2	50%	10m		N/A
CC3	50%	14m		N/A
CC4	50%	14m		N/A
CC5	50%	14m	An additional 4m where the lot includes both commercial and residential uses.	2 stories
CC6	50%	9m		N/A

(4500.158; 2019-DEC-02)

10.6.2 Notwithstanding Subsection 10.6.1, the maximum allowable height for a principal residential building on the properties legally described as LOT 2, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (4900 Uplands Drive): LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP69239 (4950 Uplands Drive); and LOT 3, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (6055 Turner Road) is 36m. **(4500.048; 2015-AUG-17) (4500.182; 2021-DEC-06)**

PART 11- DOWNTOWN

11.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Core	DT1	This zone provides for a mix of uses where residents expect to live in an area where shopping, clubs, cultural and entertainment uses exist compatibly.
Fitzwilliam	DT2	This zone provides for commercial and residential uses primarily through in-fill development that is compatible with areas with existing heritage character.
Wallace	DT3	This zone provides for residential and commercial uses with retail at the street level.
Terminal Avenue	DT4	This zone provides for predominately mixed office and retail area with three to six storey street wall related buildings intended to support the unique role as a gateway into the downtown core.
Chapel Front	DT5	This zone provides for higher density residential developments and some compatible office, retail, cultural, recreational, service and institutional uses. Emphasis is placed on achieving development that is compatible with neighboring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy. As outlined in the Downtown Reference Plan, Council may consider rezoning in order to achieve higher density, including highrises, within the area covered by this zone.
Port Place	DT6	This zone provides for an integrated residential and commercial community that anchors the downtown in a manner that supports the nearby waterfront walkway and Commercial Street shopping area. As outlined in the Downtown Reference Plan, Council may consider rezoning in order to achieve higher density, including highrises, within the area covered by this zone.
Quennell Square	DT7	This zone provides for residential development and some compatible office, retail, cultural, recreational, institutional and service uses that are compatible with neighboring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy.
Old City Mixed Use	DT8	This zone provides for mixed commercial / residential buildings. Commercial uses are permitted at street level and multiple family residential uses on the second and third storeys. It is intended to provide for the adaptive reuse of character buildings.
Old City Central	DT9	This zone provides for the wide range of businesses and services generally located in a downtown area and which serve the needs of the community at large. It is intended to provide for the adaptive reuse of character buildings.
Old City Infill Business Commercial	DT10	This zone provides for business and professional offices and is intended to preserve service commercial uses. It is also intended to provide for the adaptive reuse of character buildings.
Old City Infill Service Commercial	DT11	This zone provides for day-to-day shopping needs of persons residing in the immediate vicinity. It is also intended to provide business and professional offices and is intended to preserve service commercial uses while providing for the adaptive reuse of character buildings.
Gateway	DT12	This zone provides for a mixture of uses and active street frontages which recognize the areas role as an entrance gateway into Nanaimo's downtown core.

11.2

PERMITTED USES

11.2.1 The uses listed in the following table shall be permitted where indicated with a **'P'** within the corresponding zone as per the conditions of use specified:

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Arcade	--	--	--	--	--	P	--	--	P	--	--	P	Permitted within a shopping centre only.
Artist Studio	P	P	P	P	P	P	P	--	--	--	P	P	
Assembly Hall	P	P	P	P	P	P	P	P	P	--	--	P	
Auto Part Sales	--	--	--	P	--	P	--	--	--	--	--	--	
Auto Repair	--	--	--	P	--	--	--	--	--	--	--	P	No auto repair use shall be permitted where the property directly abuts Nicol Street.
Auto Sales and Rental	--	--	P	P	--	P	P	--	--	--	--	P	The surface display / storage of vehicles for sale or rental shall not exceed 4 per lot.
Boat and Equipment Sales	--	SS	--	--	--	--	--	--	--	--	--	--	
Bingo Hall	--	P	P	P	--	P	--	--	P	--	--	--	
Cannabis Retail Store	SS	--	--	SS	SS	--	--	--	--	--	--	SS	
Casino	--	--	--	--	--	P	--	--	--	--	--	--	
Club or Lodge	P	P	P	P	P	P	P	--	--	--	--	P	
Commercial School	P	P	P	P	P	P	P	P	P	--	--	P	
Convention Centre	P	P	P	P	P	P	P	--	--	--	--	P	
Court of Law	P	P	P	P	P	P	P	--	P	--	--	P	
Cultural Facility	P	P	P	P	P	P	P	--	P	--	--	P	
Custom Workshop	--	--	--	SS	--	--	--	--	P	--	--	P	
Daycare	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Charge Station	P	P	P	P	P	P	P	P	P	P	P	P	
Emergency Shelter	--	--	--	P	--	--	--	--	--	--	--	--	
Entertainment Use	P	--	--	P	P	P	--	--	--	--	--	--	
Fast Food Restaurant	--	--	SS	SS	--	SS	--	--	--	--	--	SS	
Financial Institution	P	P	P	P	P	P	P	P	P	P	P	P	
Funeral Parlour	P	P	P	P	P	P	P	--	P	--	--	P	
Gas Station	--	--	--	SS	--	--	--	--	--	--	--	--	
Hotel	P	P	P	P	P	P	P	--	P	--	--	P	
Internet Centre	P	P	P	P	P	P	P	P	P	P	P	P	

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Laboratory	P	--	P	P	--	P	--	--	--	--	--	--	
Laundromat	P	P	P	P	P	P	--	P	P	--	P	P	
Library	P	P	P	P	P	P	P	--	--	--	--	P	
Liquor Store	--	--	SS	--	--	SS	--	--	--	--	--	SS	
Live / Work	P	P	P	P	P	P	P	P	P	--	P	P	
Lounge	P	P	P	P	P	P	P	--	--	--	--	--	
Micro Brewery	P	P	--	P	P	P	--	--	--	--	--	P	The Gross Floor Area of a micro brewery shall not exceed 557m^2.
Multiple Family Dwelling	P	P	P	P	P	P	P	P	P	--	P	P	Within the DT9 and DT12 Zones, residential uses are not permitted on the first storey.
Museum	P	P	--	P	P	P	--	--	--	--	--	--	
Neighbour-Hood Pub	P	P	P	P	P	P	P	P	P	--	-	P	
Office	P	P	P	P	P	P	P	P	P	P	P	P	
Parking Lot / Parkade	P	P	P	P	P	P	P	P	P	P	P	P	Within the DT8 Zone, parking lots and parkades shall not be permitted on lots with an area greater than 1,800m^2.
Pawn Shop	P	P	P	P	P	P	P	P	P	--	P	P	No pawn shop shall be located within a 300m radius of another pawn shop.
Personal Care Facility	P	P	P	P	P	P	P	P	P	--	--	P	
Personal Service Use	P	P	P	P	P	P	P	P	P	P	P	P	
Pharmacy	P	P	P	P	P	P	P	P	P	--	P	P	
Printing and Publishing Facility	P	P	P	P	P	P	P	P	P	--	--	P	
Production Studio	P	--	P	P	P	P	--	--	--	--	--	P	
Public Market	P	P	P	P	P	P	P	--	--	--	--	P	Permitted as a seasonal use. No outside storage shall be permitted after market hours.
Recreation Facility	P	P	P	P	P	P	P	P	P	--	--	P	
Refund Container Recycling Depot	--	--	--	P	--	P	--	--	--	--	--	P	Gross Floor Area not to exceed 140m^2. Use shall be wholly enclosed within a building.
Repair Shop	--	P	--	P	--	P	--	--	P	--	--	P	
Religious Institution	P	P	P	P	P	P	P	P	P	--	--	P	

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Restaurant	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Retail	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**--**	**P**	**P**	
Rooming House	**--**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Shopping Centre	**--**	**--**	**--**	**--**	**--**	**P**	**--**	**--**	**P**	**--**	**--**	**P**	
Single Residential Dwelling	**--**	**P**	**P**	**--**	**P**	**--**	**P**	**P**	**P**	**P**	**P**	**P**	
Sign Shop	**--**	**--**	**--**	**P**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	**--**	
Social Service Resource Centre	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**--**	**--**	**--**	**P**	
Teletheatre Outlet	**P**	**P**	**--**	**--**	**--**	**P**	**--**	**--**	**--**	**--**	**--**	**--**	Must be contained within a Lounge, Casino or Neighbourhood Pub.
Theatre	**P**	**P**	**--**	**P**	**P**	**P**	**--**	**P**	**P**	**--**	**--**	**P**	
Transportation Terminal	**P**	**P**	**--**	**P**	**--**	**P**	**--**	**--**	**--**	**--**	**--**	**P**	
University, College, Technical School	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**--**	**--**	**--**	**--**	**--**	
Veterinary Clinic	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**--**	**--**	**P**	
Wholesale	**--**	**--**	**P**	**P**	**--**	**P**	**--**	**--**	**--**	**--**	**--**	**P**	Use shall be wholly enclosed within a building.

(4500.041; 2013-AUG-12) (4500.073; 2015-MAR-16) (4500.152; 2019-SEP-09) (4500.144; 2019-SEP-16) (4500.132; 2019-OCT-21) (4500.158; 2019-DEC-02) (4500.161; 2019-DEC-02) (4500.141; 2020-AUG-31)

P = Permitted Use
SS = Permitted as a Site Specific Use
-- = Use Not Permitted Within Specified Zone

11.2.2 Notwithstanding Subsection 11.2.1, commercial uses are only permitted within the first storey of a building within the DT8 Zone.

11.2.3 The uses listed in the following table shall be permitted as an accessory use where indicated with an **'A'** within the corresponding zone as per the conditions of use specified:

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Accessory Dwelling	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	Only permitted above street level within the DT2 Zone.
Boarding and Lodging	**--**	**A**	**A**	**--**	**--**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Home Based Business	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	
Secondary Suites	**--**	**A**	**A**	**--**	**--**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	Permitted as an accessory use where a single residential dwelling is the only use on the lot. Subject to Part 6 of this Bylaw.
Short-Term Rental	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	Subject to Part 6

(4500.073; 2015-MAR-16) (4500.186; 2022-FEB-07)

A = Permitted as an Accessory Use

11.2.4 Notwithstanding Subsection 11.2.1 the following uses shall be permitted on site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Located
Boat and Equipment Sales	690 Comox Road	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 42067, EXCEPT THAT PART IN PLAN 48000
Cannabis Retail Store	350 Terminal Avenue	LOT 9, 10, 11, 12, BLOCK 63, SECTION 1, NANAIMO DISTRICT, AND OF THE BED OF NANAIMO HARBOUR, PLAN 584
	52 Victoria Crescent	LOT 3, SITUATE IN COMMERCIAL INLET IN THE BED OF THE PUBLIC HARBOUR OF NANAIMO AND OF SECTION 1, NANAIMO DISTRICT, PLAN 9893
	111 Nicol Street	LOT 9 & 10, BLOCK 10, SECTION 1, NANAIMO DISTRICT, PLAN 584
	120 Commercial Street	LOT 5, BLOCK 58, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THAT PART THEREOF OUTLINED IN RED ON PLAN 182 BL
	25 Front Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 15369
	111 Terminal Avenue	LOT B, SECTION 1, NANAIMO DISTRICT, PLAN, VIP75182
	115 Chapel Street	LOT 13, BLOCK 54, SECTION 1, NANAIMO DISTRICT, PLAN 584
	140 Terminal Avenue	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP62978
Emergency Shelter	19 Nicol Street	LOT B (DD EM34637), BLOCK 12, SECTION 1, NANAIMO DISTRICT, PLAN 584
Fast Food Restaurant	15 Wallace Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP73095
	650 Terminal Avenue	LOT 1, SECTION 1, NANAIMO DISTRICT, AND PART OF THE BED OF THE PUBLIC HARBOUR OF NANAIMO, PLAN EPP10474
	60 Victoria Street	LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 44401 EXCEPT THAT PART IN PLAN VIP52897
	280 Nicol Street	LOT 1 & 2 & 3, BLOCK JACKSON, SECTION 1, NANAIMO DISTRICT, PLAN 584
Gas Station	60 Victoria Crescent	LOT A OF SECTION 1 AND THE BED OF THE PUBLIC HARBOUR OF NANAIMO, NANAIMO DISTRICT, PLAN VIP52912
	353 Terminal Avenue	LOT 4 & 5, SECTION 1, NANAIMO DISTRICT, AND OF THE BED OF THE PUBLIC HARBOUR OF NANAIMO, PLAN 9079
	222 Terminal Avenue	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 10981

Use	Permitted Location Address	Legal Description of Permitted Located
	199 Nicol Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 44401 EXCEPT PART IN PLAN VIP63763
	330 Nicol Street	LOT 1 AND 2, BLOCK YOUNG, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE SOUTHERLY 43 FEET
Liquor Store	278 Selby Street	LOT 4, BLOCK 33, SECTION 1, NANAIMO DISTRICT, PLAN 584
	650 Terminal Avenue	LOT 1, SECTION 1, NANAIMO DISTRICT AND PART OF THE BED OF THE PUBLIC HARBOUR OF NANAIMO, PLANEPP10474
	1 Terminal Avenue	LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318 EXCEPT THAT PART IN PLAN 48701 LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW LOTS A & B, SEC 1, PLAN 3360
	125 Comox Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP58812

(4500.002; 2011-OCT-03) (4500.152; 2019-SEP-09) (4500.144; 2019-SEP-16) (4500.132; 2019-OCT-21) (4500.161; 2019-DEC-02) (4500.141; 2020-AUG-31) (4500.146; 2021-JUL-26) (4500.160; 2021-NOV-15) (4500.145; 2022-JUL-04)

11.3 DENSITY

11.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot for each zone listed. The additional density columns permit additional density where the following specified location and amenity criteria have been provided. Within mixed use development additional density may be awarded where the lot includes both commercial and residential uses. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements as specified within Schedule D of this Bylaw; Tier 2 awards additional density to a development which meets or exceeds the Tier 2 requirements within Schedule D. Where a development achieves additional density, the additional floor area may be added to the base density within the zone. A development may achieve all of the additional density available within the zone:

Zone	Maximum Allowable Density (Floor Area Ratio)	Additional Density		
		Mixed Use	Tier 1	Tier 2
DT1	2.8	N/A	+0.2	+0.25
DT2	2.3	N/A	+0.2	+0.25
DT3	2.55	N/A	+0.2	+0.25
DT4	2.3	N/A	+0.2	+0.25
DT5	2.3	N/A	+0.2	+0.25
DT6	2.3	N/A	+0.2	+0.25
DT7	2.3	N/A	+0.2	+0.25
DT8	0.85	+0.15	N/A	N/A
DT9	0.85	+0.15	N/A	N/A
DT10	1 Dwelling Unit	N/A	N/A	N/A
DT11	0.85	N/A	+0.2	+0.25
DT12	1.00	+0.25	+0.25	+0.25

(4500.041; 2013-AUG-12)

11.3.2 Notwithstanding Subsection 11.3.1, the maximum allowable density for the following specific properties shall be as expressed as a Floor Area Ratio:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
11 Bastion Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 40829	A maximum Floor Area Ratio shall not apply.
1 Chapel Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17321	5.0
77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 86703	4.25
10 and 28 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84012; AND LOTS 9 AND 10, SECTION 1, NANAIMO DISTRICT, PLAN 4462	12.0
38 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63943	6.3
15 and 21 Front Street	LOTS 12 AND 13, BLOCK 55, SECTION 1, NANAIMO DISTRICT, PLAN 584	3.3
100 Gordon Street	LOT A, SECTION 1, NANAIMO DISTRICT AND OF THE BED OF THE PUBLIC HARBOUR, PLAN EPP30518	A maximum Floor Area Ratio shall not apply.
55 Prideaux Street	LOT B - D, SECTION 1, NANAIMO DISTRICT, PLAN 3421	2.1
65 Prideaux Street	LOT 12, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584	
69 Prideaux Street	LOT 13, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584	
73 Prideaux Street	LOT 14, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584	
66 Prideaux Street	LOT 6 AND THE SOUTHERLY 14 FEET 9 INCHES OF LOT 7, BLOCK 45, SECTION 1, NANAIMO DISTRICT, PLAN 584	2.8

(4500.069; 2014-OCT-27) (4500.126; 2018-NOV-19) (4500.158; 2019-DEC-02) (4500.188; 2023-MAY-01)

11.3.3 Notwithstanding Subsection 11.3.1., where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

11.4 LOT SIZE AND DIMENSIONS

11.4.1 The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all serviced downtown lots within the corresponding zones:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
DT1	370m^2	12m	25m
DT2	370m^2	12m	25m
DT3	370m^2	12m	25m
DT4	370m^2	12m	30m
DT5	370m^2	12m	30m
DT6	743m^2	30m	30m
DT7	370m^2	12m	30m
DT8	800m^2	15m	30m
DT9	375m^2	12m	30m
DT10	375m^2	12m	30m
DT11	375m^2	12m	30m
DT12	750m^2	15m	30m

11.4.2 Notwithstanding Subsection 11.4.1, where a lot contains or abuts a watercourse identified in Schedule C, the required leave strip shall not be included in the calculation of minimum lot area.

11.5 SITING OF BUILDINGS

11.5.1 The following table identifies the distance a principal building must be set back from the lot line within each respective zone:

Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard	Flanking Side Yard	Rear Yard	Notes
DT1	0m	4m	0m	0m	0m	A front yard setback of 4.5m is required for properties fronting on Terminal Avenue.
DT2	0m	4m	0m	0m	0m	
DT3	3m	N/A	0m	3m	10m	
DT4	4.5m	N/A	0m	0m	0m	
DT5	1.5m	4m	0m	1.5m	0m	Where a property fronts on Front Street, no front yard setback is required.
DT6	0m	N/A	0m	0m	0m	A front yard setback of 4.5m is required for properties fronting on Terminal Avenue.
DT7	4.6m	N/A	1.8m	4.6m	7.5m	
DT8	3m - First Storey 4m – Second and Third Storeys	6m	3m	3m	3m	Where a lot abuts a residential zone, the side yard setback shall be 4.5m
DT9	2m	4m	0m	2m	0m	Where commercial uses are combined with residential uses, the residential use portion of the building shall have a front yard and flanking side yard setback of 4m.
DT10	3m	N/A	1.5m	3m	3m	Where a lot abuts a residential zone, the side yard setback shall be 4.5m.
DT11	3m	N/A	1.5m	3m	3m	Where a lot abuts a residential zone, the side yard setback shall be 4.5m.
DT12	3.5m	10m	0m	3.5m	0m	

11.5.2 Notwithstanding Subsection 11.5.1, where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback. **(4500.158; 2019-DEC-02)**

11.5.3 Notwithstanding Subsection 11.5.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

11.5.4 Notwithstanding Subsection 11.5.1, where a property line abuts a major road, an additional 2.5m setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.073; 2015-MAR-16) (4500.182; 2021-DEC-06)**

11.6 LOCATION OF PARKING AREA

11.6.1 Within all downtown zones, except the DT8 Zone, no parking shall be permitted between the front property line and the front face of the building.

11.6.2 Overnight storage of commercial vehicles which have a gross vehicle weight greater than 8,600kg shall not be permitted within parking lots or parkades within downtown zones.

11.7 SIZE OF BUILDINGS

11.7.1 The maximum lot coverage and height, as well as the minimum required height of a principal building, shall be as specified as follows within the applicable zone:

Zone	Lot Coverage	Maximum Allowable Height	Minimum Required Height
DT1	100%	14m	2 Storeys
DT2	100%	12m	N/A
DT3	100%	14m	N/A
DT4	100%	19.8m	2 Storeys
DT5	100%	19.8m	2 Storeys
DT6	100%	19.8m	N/A
DT6H	100%	87m	N/A
DT7	100%	14m	N/A
DT8	50%	10.5m	N/A
DT9	70%	11.2m	2 Storeys
DT10	50%	7.75m	N/A
DT11	50%	10.5m	N/A
DT12	100%	19.8m	2 Storeys

(4500.041; 2013-AUG-12) (4500.126; 2018-NOV-19)

11.7.2 Notwithstanding Subsection 11.7.1, the maximum allowable height for the following specific properties shall be as follows:

Civic Address	Legal Description	Maximum Allowable Height
11 Bastion Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 40829	50m
1 Chapel Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17321	50m
77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 86703	78.5m
10 and 28 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84012; AND LOTS 9 AND 10, SECTION 1, NANAIMO DISTRICT, PLAN 4462	114.3m
38 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63943	63.5m
100 Gordon Street	LOT A, SECTION 1, NANAIMO DISTRICT AND OF THE BED OF THE PUBLIC HARBOUR, PLAN EPP30518	87m
55 Prideaux Street	LOT B - D, SECTION 1, NANAIMO DISTRICT, PLAN 3421	21m
65 Prideaux Street	LOT 12, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584	
69 Prideaux Street	LOT 13, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584	
73 Prideaux Street	LOT 14, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584	
66 Prideaux Street	LOT 6 AND THE SOUTHERLY 14 FEET 9 INCHES OF LOT 7, BLOCK 45, SECTION 1, NANAIMO DISTRICT, PLAN 584	21m

(4500.069; 2014-OCT-27) (4500.126; 2018-NOV-19) (4500.158; 2019-DEC-02) (4500.188; 2023-MAY-01)

11.7.3 Notwithstanding Subsection 11.7.1, within the DT8, DT9, DT10, and DT11 zones height shall be measured vertically from the average natural grade level recorded at the outermost corners of the building or at the curb level, whichever is greater, as determined by survey to the highest part of the roof surface for a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, or gambrel of a sloped roof.

PART 12 - PARKS, RECREATION AND CULTURE

12.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Parks, Recreation and Culture One	**PRC-1**	This zone provides opportunities for the conservation and enjoyment of natural spaces within City parks. This zone will allow for recreational and educational uses that are compatible with the natural features within the park.
Parks, Recreation and Culture Two	**PRC-2**	This zone provides for a park area for recreational and cultural use and enjoyment by the general public.
Parks, Recreation and Culture Three	**PRC-3**	This zone provides for organized recreational and cultural activities in developed parks, playfields, or similar recreational facilities.

12.2 PERMITTED USES

12.2.1 The uses listed in the following table shall be permitted where indicated with a **'P'** within the corresponding specified zone as per the conditions of use specified in the last column:

Use	Zone			Conditions of Use
	PRC-1	PRC-2	PRC-3	
City Park	--	--	P	Neighbourhood pubs shall be contained within a recreational facility and shall only be accessible to the public from within a recreational facility.
Community Park	--	P	P	
Golf Course	--	--	P	Where a golf course exists, an accessory restaurant, pro shop and lounge shall be permitted provided the Gross Floor Area does not exceed 450m^2.
Nature Park	P	P	P	
Recreational Facility	--	--	P	
Tennis Court	--	P	P	

P = Permitted Use
-- = Use Not Permitted In This Zone

12.3 SITING OF BUILDINGS

12.3.1 The following table identifies the distance a principal building must be set back from the lot line within each respective zone:

Zone	Front Yard Setback	Side Yard Setback	Flanking Side Yard Setback	Rear Yard Setback
PRC-1	**0m**	**0m**	**0m**	**0m**
PRC-2	**3m**	**3m**	**3m**	**3m**
PRC-3	**3m**	**3m**	**3m**	**3m**

12.4 LOT COVERAGE

12.4 The maximum allowable lot coverage within the specified Parks, Recreation and Culture Zones shall be as follows:

Maximum Allowable Lot Coverage	PRC-1	PRC-2	PRC-3
	20%	20%	40%

PART 13 – INDUSTRIAL

13.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Highway Industrial	**I1**	This zone provides for clean industrial uses, as well as commercial uses which require large lots.
Light Industrial	**I2**	This zone provides for uses which are industrial in nature but do not result in excessive noise, waste or noxious fumes.
High Tech Industrial	**I3**	This zone provides for clean, high-tech industrial uses and supporting commercial uses.
Industrial	**I4**	This zone provides for heavy industrial development that is not compatible with residential uses.

13.2 PERMITTED USES

13.2.1 The following uses shall be permitted within industrial zones:

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Animal Shelter	**P**	**--**	**--**	**--**	
Auction	**P**	**--**	**--**	**--**	
Automobile Sales and Rentals	**P**	**--**	**--**	**--**	
Auto Part Sales	**P**	**--**	**--**	**--**	
Automotive Repair	**P**	**P**	**--**	**--**	
Automobile Salvage and Wrecking Yard	**--**	**--**	**--**	**P**	
Boat Construction and Repair	**--**	**P**	**--**	**P**	Within the I2 zone all repair and construction of boats must be completely contained within a building or structure.
Boat Sales and Service	**P**	**--**	**--**	**--**	
Cannabis Production and Processing	**--**	**--**	**--**	**P**	
Car Wash	**P**	**--**	**--**	**--**	
Chemical Plant	**--**	**--**	**--**	**P**	
Commercial School	**--**	**--**	**P**	**--**	
Composting Facility	**--**	**--**	**--**	**P**	
Concrete Asphalt Plant	**--**	**--**	**--**	**P**	
Crematorium	**--**	**--**	**--**	**P**	

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Custom Workshop	**P**	**P**	**P**	**--**	All processing of materials must occur within a building.
Data Centre	**--**	**--**	**SS**	**--**	A noise abatement plan shall be required for all data centre uses.
Daycare	**--**	**--**	**P**	**--**	
Food and Beverage Processing	**P**	**P**	**P**	**P**	All processing of materials must occur within a building. An odor abatement plan shall be required for all food processing uses.
Fueling Installation	**P**				
Furniture and Appliance Sales	**P**	**--**	**--**	**--**	
Helicopter Landing Pad	**--**	**--**	**SS**	**--**	
Indoor Driving and Shooting Range	**P**	**--**	**--**	**--**	
Industry	**--**	**--**	**--**	**P**	
Injury Management Centre	**P**	**--**	**--**	**--**	
Laboratory	**P**	**P**	**P**	**--**	
Light Industry	**P**	**P**	**P**	**P**	All processing of materials must occur within a building.
Livestock Processing	**--**	**--**	**--**	**P**	
Log Sorting and Storage	**--**	**--**	**--**	**P**	
Lumber Yard	**P**	**P**	**--**	**--**	
Manufacturing / Contractor Office	**P**	**P**	**P**		The Gross Floor Area of the office area shall not exceed 929m2.
Micro Cannabis Production and Processing	**P**	**P**	**--**	**--**	All processing and storage of materials must occur within a building. An odour abatement plan shall be required for all micro cannabis production uses.
Mini Storage	**P**	**P**	**P**	**--**	
Office	**--**	**--**	**SS**	**--**	
Pet Day Care	**P**	**--**	**P**	**--**	
Petroleum Processing	**--**	**--**	**--**	**P**	
Prefab Home Sales and Manufacturing	**P**	**P**	**--**	**--**	
Printing and Publishing Facility	**P**	**P**	**P**	**--**	
Production Bakery	**P**	**P**	**P**	**--**	
Production Studio	**P**	**P**	**P**	**--**	

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Railway and Railway Station	**P**	**P**	**P**	**P**	
Railway Yard	**--**	**P**	**--**	**P**	
Recycling Depot	**--**	**P**	**--**	**P**	Within the I2 zone, the use shall be contained within a completely enclosed building. No building materials may be located within 6m of a doorway or opening in a building greater than 1m in width or 1m in height; except when the doorway or opening remains completely closed when no vehicle or person is entering or exiting the building.
Recycling Plant	**--**	**--**	**--**	**P**	
Recycling Drop Off Centre	**P**	**--**	**--**	**--**	
Refund Container Recycling Depot	**--**	**P**	**P**	**--**	
Repair Shop	**P**	**P**	**P**	**--**	
Recreational Facility	**--**	**--**	**P**	**--**	
Research Facility	**P**	**P**	**P**	**--**	
Restaurant	**--**	**--**	**P**	**--**	
Seafood Processing	**--**	**SS**	**--**	**P**	
Service Industry	**P**	**P**	**P**	**--**	
Sign Shop	**P**	**P**	**P**	**--**	
Social Service Resource Centre	**P**	**P**	**P**	**--**	
Storage Yard	**--**	**P**	**--**	**P**	
Storage of Flammable and Combustible Liquids	**--**	**--**	**--**	**P**	
Tools / Equipment Rentals and Sales	**P**	**--**	**P**	**--**	
Topsoil Processing	**--**	**--**	**--**	**P**	
Truck Terminal	**--**	**--**	**--**	**P**	
Tow Truck Dispatch and Storage Yard	**P**	**P**	**--**	**P**	The sale of lawfully impounded motor vehicles is permitted in conjunction with a tow truck dispatch yard; provided the motor vehicles have been lawfully impounded or recovered by the operator and no more than three motor vehicles are for sale at any one time.
Truck, Trailer and Heavy Equipment Sales	**P**	**P**	**--**	**--**	
Veterinary Clinic	**P**	**--**	**P**	**P**	
Warehouse	**P**	**P**	**P**	**--**	
Waste Transfer	**--**	**--**	**--**	**P**	
Wholesale	**P**	**P**	**P**	**P**	

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Wood and Paper Processing	--	--	--	**P**	

(4500.033; 2012-DEC-03) (4500.036; 2013-APR-22) (4500.039; 2013-JUL-08) (4500.051; 2013-DEC-16) (4500.053; 2013-DEC-16) (4500.59; 2014-MAR-24) (4500.067; 2014-SEP-08) (4500.073; 2015-MAR-16) (4500.127; 2018-OCT-01) (4500.158; 2019-DEC-02) (4500.200; 2023-APR-03)

P = Permitted Use
SS = Site Specific Use
-- = Not a Permitted Use in That Zone

13.2.2 The following uses shall be permitted where the use is accessory to one or more of the primary uses permitted in Subsection 10.2.1:

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Daycare	**A**	**A**	**A**	**A**	
Dwelling Unit	**A**	**A**	**A**	**A**	One dwelling unit shall be permitted per lot within all industrial zones as an accessory use.
Office	**A**	**A**	**A**	**A**	The total Gross Floor Area of an accessory office located on a property shall not exceed 20% of the total Gross Floor Area on the lot.
Restaurant	**A**	**A**	**--**	**--**	
Retail	**A**	**A**	**A**	**--**	Retail sale and display of goods shall be permitted, provided the total Gross Floor Area devoted to retail and display does not exceed 25% of the total Gross Floor Area of the principal use.

(4500.053; 2013-DEC-16) (4500.053; 2013-DEC-16)

A = Permitted as an Accessory Use
-- = Not Permitted as an Accessory Use in This Zone

13.2.3 Notwithstanding Subsection 13.2.1, the following uses shall be permitted on a site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Location
Data Centre	2086 and 2090 East Wellington Road	LOT A, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP54044 LOT 1, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN 20112, EXCEPT THOSE PARTS IN PLANS 20182, 21299 AND VIP54044
Helicopter Landing Pad	1985 Boxwood Road	LOT 9, SECTION 16, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP61143
Office	2100 and 2080 Labieux Road	LOT 1, SECTION 20, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP58294 EXCEPT PART IN PLAN VIP62569 LOT A, SECTIONS 18, 19 & 20, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP62569

Use	Permitted Location Address	Legal Description of Permitted Location
Seafood Processing	232, 242, 248, and 262 Southside Drive	LOTS 4, 5, & 7, SECTION 1, NANAIMO DISTRICT, PLAN 30868 LOT 1 (DD EC123851), SECTION 1, NANAIMO DISTRICT, PLAN 38212

(4500.031; 2012-DEC-03) (4500.053; 2013-DEC-16) (4500.059; 2014-MAR-24) (4500.072; 2014-DEC-11) (4500.127; 2018-OCT-01) (4500.158; 2019-DEC-02) (4500.200; 2023-APR-03)

13.3 LOT SIZE AND DIMENSIONS

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Depth
I1	1,500m^2	15m	30m
I2	1,200m^2	15m	30m
I3	900m^2	15m	30m
I4	1,800m^2	15m	45m

13.4 SITING OF BUILDINGS

13.4.1 All buildings must be set back from the property lines as follows:

Zone	Front Yard - Buildings	Front Yard - Where the Area Between the Front Face of the Building and the Front Property is Landscaped and Not Used for Parking	Side Yard #1	Side Yard #2	Flanking Side Yard	Rear Yard
I1	7.5m	4.5m	3m	0m	4.5m	4.5m
I2	7.5m	4.5m	6m	0m	4.5m	4.5m
I3	6m	3m	3m	0m	4.5m	6m
I4	7.5m	4.5m	6m	3m	4.5m	6m

13.4.2 Notwithstanding Subsection 13.4.1, where an industrial zoned property abuts a residential or corridor zoned property, all buildings must be setback at least 7.5m from all property lines which directly abut residential or corridor zoned property.

13.4.3 Notwithstanding Subsection 13.4.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

13.4.4 Notwithstanding Subsection 13.4.1, where a property line abuts a major road, a minimum setback of 7.5m is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.182; 2021-DEC-06)**

13.6 SIZE OF BUILDINGS

13.6.1 The maximum lot coverage, floor area and height of a principal dwelling shall be as follows:

Zone	Lot Coverage	Additional Lot Coverage	Height of Buildings
I1	40%	An additional 15% lot coverage shall be permitted, where the proposed development provides sufficient amenity to meet the minimum required points for one of the available amenity categories outlined in Schedule D of this Bylaw.	12m
I2	40%	An additional 15% lot coverage shall be permitted, where the proposed development provides sufficient amenity to meet the minimum required points for one of the available amenity categories outlined in Schedule D of this Bylaw.	12m
I3	50%	An additional 15% lot coverage shall be permitted, where the proposed development provides sufficient amenity to meet the minimum required points for one of the available amenity categories outlined in Schedule D of this Bylaw.	14m
I4	50%	An additional 15% lot coverage shall be permitted, where the proposed development provides sufficient amenity to meet the minimum required points for one of the available amenity categories outlined in Schedule D of this Bylaw.	18m

(4500.033; 2012-DEC-03)

PART 14 - COMMUNITY SERVICE

14.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Community Service One	CS1	This zone provides for public-oriented uses designed to serve the community.
Community Service Two	CS2	This zone provides for institutional and transportation services, which have special location needs and must be sensitively located within the community.
Community Service Three	CS3	This zone provides for transportation terminals, depots, corridors and other required infrastructure.

14.2 PERMITTED USES

14.2.1 The following uses shall be permitted within the specified zones:

Use	Zone		
	CS1	CS2	CS3
Academic School	**P**	**--**	**--**
Animal Shelter	**--**	**P**	**--**
Assembly Hall	**P**	**--**	**--**
Bus Terminal	**P**	**P**	**P**
Cemetery	**P**	**P**	**--**
Club or Lodge	**P**	**--**	**--**
Cultural Facilities	**P**	**--**	**--**
Daycare	**P**	**--**	**--**
Electric Vehicle Charge Station	**P**	**P**	**P**
Ferry Terminal	**--**	**--**	**P**
Fire Hall	**P**		
Health Clinic	**P**	**--**	**--**
Helicopter Land Pads	**--**	**--**	**P**
Hospital	**P**	**P**	**--**
Jail	**--**	**P**	**--**
Laboratory	**--**	**P**	**--**
Landfill	**--**	**P**	**--**
Library	**P**	**--**	**--**
Motor Vehicle Testing Centre	**--**	**P**	**--**
Museums	**P**	**--**	**--**
Personal Care Facility	**P**	**--**	**--**
Railway	**--**	**--**	**P**
Railway Yards	**--**	**--**	**P**
Railway Station	**--**	**--**	**P**
Recreational Facility	**P**	**--**	**--**
Religious Institution	**P**	**--**	**--**
Seaplane Terminal	**--**	**--**	**P**
Seniors Congregate Housing	**P**	**--**	**--**
Single Residential Dwelling	**P**	**--**	**--**
Social Service Resource Centre	**P**	**P**	**--**
Storage Yard	**--**	**P**	**--**
Transportation Equipment Storage	**--**	**--**	**P**
Transportation Terminal			**P**
University, College and Technical School	**P**	**--**	**--**

(4500.018; 2012-JUN-25) (4500.031; 2012-DEC-03) (4500.036; 2013-APR-22)

P = Permitted Use
-- = Use is Not Permitted in This Zone

14.2.2 The following uses shall be permitted as an accessory use within the specified community service zones:

Use	Zone			Notes
	CS1	CS2	CS3	
Biogas Energy Generation	--	A	--	Permitted as an accessory use to a landfill.
Crematorium	A	--	--	A crematorium shall be permitted in conjunction with a cemetery, provided the crematorium shall not be located within 30m of any lot line or 60m of any lot line in a rural or residential zone.
Dwelling Unit	A	A	--	One accessory dwelling unit shall be permitted.
Helicopter Landing Pad	A	--	--	A helicopter landing pad shall be permitted as an accessory to a hospital use.
Office	A	A	--	
Restaurant & Retail	--	A	A	Retail and restaurant uses shall be permitted where they are located within a ferry terminal or railway station.
Secondary Suite	A	--	--	Where a single residential dwelling is the only use on the lot. Subject to the regulations contained in Part 6 of this Bylaw.
Short-Term Rental	A	--	--	Subject to Part 6
Vehicle Display	--	--	A	Permitted as an accessory use to a railway use. Permitted only on that part of a parcel immediately abutting a parcel zoned I1 or COR3 on which an automobile sales use is taking place, regardless of whether the automobile display use is accessory to the automobile use taking place on the abutting land or not.

(4500.018; 2012-JUN-25) (4500.186; 2022-FEB-07)

A = Accessory Use
- = Not a Permitted Accessory Use

14.3 DENSITY

14.3.1 The Floor Area Ratio for a personal care facility and senior congregate housing shall not exceed 1.25.

14.3.2 Where a single residential dwelling is listed as a permitted use, only one such dwelling unit is permitted per use. **(4500.053; 2013-DEC-16) (4500.053; 2019-DEC-02)**

14.4 LOT SIZE AND DIMENSIONS

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
CS1	1,800m^2	20m	30m
CS2	2,000m^2	30m	45m
CS3	8,000m^2	N/A	N/A

14.5 SITING OF BUILDINGS

14.5.1 A principal building must be set back from the property lines as follows:

Zone	Front Yard Setback	Side Yard Setback	Flanking Side Yard	Rear Yard Setback
CS1	6m	4m	6m	7.5m
CS2	7.5m	7.5m	7.5m	7.5m
CS3	N/A	N/A	N/A	N/A

14.5.2 Notwithstanding Subsection 14.5.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply. **(4500.158; 2019-DEC-02)**

14.5.3 Notwithstanding Subsection 14.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06)**

14.6 SIZE OF BUILDINGS

14.6.1 The maximum lot coverage and height of a principal building shall be as follows:

Zone	Lot Coverage	Maximum Allowable Height
CS1	40%	14m
CS2	50%	14m
CS3	N/A	14m

PART 15 - WATERFRONT

15.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
Waterfront	W1	This zone provides for public access to the waterfront and encourages the enjoyment and exploration of the City's marine environment.
Harbour Waterfront	W2	This zone provides for active marine uses, such as ship yards, fishing fleet support, float homes, moorage and water-based transportation. Marine retail, tourism, and recreational activities will also be permitted. Medium density residential development will also be permitted in this zone and supports a building height of up to four storeys.
Newcastle Waterfront	W3	This zone provides for a mix of uses, including marinas and marine related uses, commercial, recreational, open space, and pedestrian activity. Low to Medium density residential uses are permitted in this zone.
Industrial Waterfront	W4	This zone provides for waterfront uses intended to support the upland heavy industrial uses.

(4500.002; 2011-OCT-03)

15.2 PERMITTED USES

15.2.1 The following uses shall be permitted in the specified waterfront zones:

Use	Zones				Conditions of Use
	W1	W2	W3	W4	
Boat Construction and Repair	--	P	--	P	
Boat and Marine Sales, Service and Rental	--	P	P	--	
Cannabis Retail Store	--	SS	--	--	
Canoe and Kayak Rental	P	P	P	--	The Gross Floor Area of any building constructed for canoe and kayak rentals within the W1 and W3 zones shall not exceed 70m^2.
Convention Centre	--	P	P	--	
Cruise ship Terminal	--	P	--	--	
Ferry Terminal	--	P	P	P	
Floats and Wharves	P	P	P	P	
Hotel	--	P	--	--	
Log Sorting and Storage	--	--	--	P	
Marina	--	P	P	P	
Marine Equipment Sales	--	P	P	--	

Use	Zones				Conditions of Use
	W1	W2	W3	W4	
Marine Fueling Station	--	P	P	P	
Moorage	--	P	P	--	
Multiple Family Dwelling	--	P	P	--	
Museums	--	P	P	--	
Neighbourhood Pub	--	P	P	--	
Piers and Walkways	P	P	P	P	
Public Markets	--	P	--	--	
Railway Yards	--	--	--	P	
Recreational Facility	--	P	P	--	
Research Facility	--	P	--	--	
Restaurant	--	P	P	--	
Retail	--	P	P		The Gross Floor Area of each retail store shall not exceed 500m^2.
Seaplane Terminal	--	P	--	--	
Seafood Processing	--	--	--	P	
Seafood Sales	--	P	--	--	
Single Family Dwelling	--	--	--	--	
Storage of Flammable and Combustible Liquids	--	--	--	P	
Tourist Facility	--	P	P	--	
Truck Terminal	--	--	--	P	
Water taxi	--	P	P	--	
Yacht Club	--	P	P	--	

(4500.002; 2011-OCT-03) (4500.068; 2014-SEP-08) (4500.178; 2020-AUG-31)

P = Permitted use
SS = Permitted as a Site Specific Use
-- = Use not permitted in this zone

15.2.2 The following uses shall be permitted as an accessory use within the specified zones:

Use	Zones				Conditions of Use
	W1	W2	W3	W4	
Float Homes	--	A	--	--	Float homes shall be permitted as an accessory use in a marina within the W2 zone provided not more than 50% of the moorage space of the marina on which the float home is located is occupied by float homes. The maximum allowable height of a float home shall not exceed 8.25m as measured from the surface of the water.
Office	--	A	A	A	
Seafood Processing	--	A	--	--	Seafood processing is permitted in the W2 zone as an accessory to a seafood sales or restaurant use and must be contained within a building.
Single Family Dwelling	--	A	A	A	One dwelling unit permitted in the W2, W3, W4 and W5 zones as an accessory use.
Short-Term Rental	--	A	A	--	Subject to Part 6

A = Use permitted as an accessory use **(4500.002; 2011-OCT-03) (4500.186; 2022-FEB-07)**
-- = Use not permitted in this zone

15.2.3 Notwithstanding Subsection 15.2.1 the following uses shall be permitted on site specific basis:

Use	Permitted Location Address	Legal Description of Permitted Located
Cannabis Retail Store	1840 Stewart Avenue	LEASE PL220 HELD BY THE PROVINCE FOR PUBLIC MARKET/MARINA, NANAIMO DISTRICT, PERMIT# 112942 BLK I, DL 227 & DL 2079 TOGETHER WITH THT PRT OF BLOCK K & DL 2078 FOR MARINA, RESTAURANT, PUB, MARINE COMMERCIAL RETAIL SALES & SERVICES PURPOSES

(4500.178; 2020-AUG-31)

15.3 DENSITY

15.3.1 The maximum allowable density per lot in each respective zone shall be as follows:

Zone	Base Residential Density	Additional Density
W1	No residential units shall be permitted.	
W2	1.00	Additional density shall be permitted as follows: +0.25 where at least 50% of the required parking is underground. +0.25 for development which possess continuous tourist accommodation, and / or tourist facilities and / or public markets of at least 10% of the total floor area with at least one other permitted use. +0.15 where dedicated public access to the waterfront is provided.
W3	0.25	+0.15, where a minimum of 3m wide dedicated public access to the waterfront is provided.
W4	No more than one accessory residential unit shall be permitted	

15.4 LOT SIZE AND DIMENSIONS

Zone	Minimum Lot Area	Minimum Lot Depth	Minimum Lot Width
W1	N/A	N/A	N/A
W2	900m^2	30m	30m
W3	900m^2	20m	30m
W4	900m^2	30m	20m

15.5 SITING OF BUILDINGS

15.5.1 A principal building must be set back from the property lines, as follows:

Zone	Front Yard - Parking	Side Yard	Flanking Side Yard	Rear Yard
W1	4.5m	N/A	1.5m	4m
W2	4.5m	3m in width for one side yard and 6m for the other	4m	10m Except where a restaurant or neighbourhood pub extends no more than 50% of the width of the lot, in which case rear yard setback is not required for the restaurant or neighbourhood pub use.
W3	4.5m	3m in width for one side yard and 6m for the other	4m	10m Except where a restaurant or neighbourhood pub extends no more than 50% of the width of the lot, in which case a rear yard setback is not required for the restaurant or neighbourhood pub use.
W4	0m	0m	0m	0m

15.5.2 Notwithstanding Subsection15.5.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

15.5.3 Notwithstanding Subsection 15.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road. **(4500.182; 2021-DEC-06)**

15.6 SIZE OF BUILDINGS

15.6.1 The maximum lot coverage and height of a principal dwelling shall be as follows:

Zone	Lot Coverage	Height of a Principal Building	Additional Height
W1	20%	4.5m	N/A
W2	50%	11m	Where at least 60% of the required parking area is located below or beneath a building, an additional 3m of height shall be permitted.
W3	40%	9m	N/A
W4	50%	9m	N/A

15.6.2 Within the W2 and W3 Zones, the height of a principal building shall be measured from the elevation on the centre line of the street on which the site abuts to the highest point of the building, taken as an average of the highway elevation. **(4500.073; 2015-MAR-16)**

PART 16 – COMPREHENSIVE DEVELOPMENT ZONES

16.1 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE ONE (CD1)

This zone provides for medium density multiple dwellings and seniors' congregate housing.

16.1.2. PERMITTED USES

Permitted uses shall be those allowed in the applicable Development Plan referred to in Subsection 16.1.6 of this Bylaw.

16.1.3. SITE DEVELOPMENT

All site development, buildings, and structures shall comply with the density, lot coverage, yard setbacks, building siting, height, and parking, as designated in the applicable Comprehensive Development Plan referred to in Subsection 16.1.6 of this Bylaw.

16.1.4. SCREENING AND LANDSCAPING

All landscaping and screening shall be completed in compliance with Part 17 of this Bylaw.

16.1.5.. HEIGHT AND FENCES

The height of a fence shall not exceed 1.8m in any yard.

16.1.6. PLANS

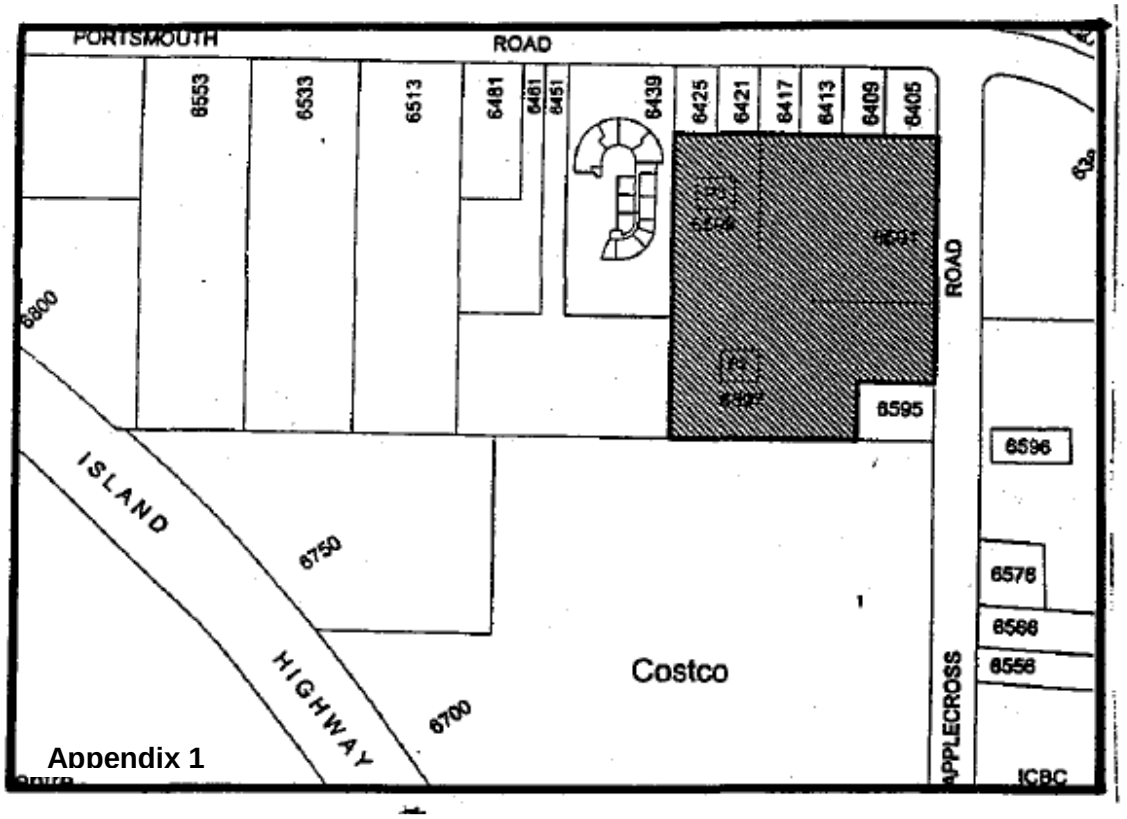
The Development Plan entitled "Woodgrove Pines Comprehensive Development Plan", as included below, is deemed to be enacted to and form part of this Bylaw and any development on the lands zoned Comprehensive Development District No. 1, shall be in conformity with the Woodgrove Pines Comprehensive Development Plan.

THE WOODGROVE PINES COMPREHENSIVE DEVELOPMENT PLAN

The Woodgrove Pines Comprehensive Development Plan is the Comprehensive Development Plan referred to in Section 16.1.6 of this Bylaw.

The Comprehensive Development Plan ("CD Plan")

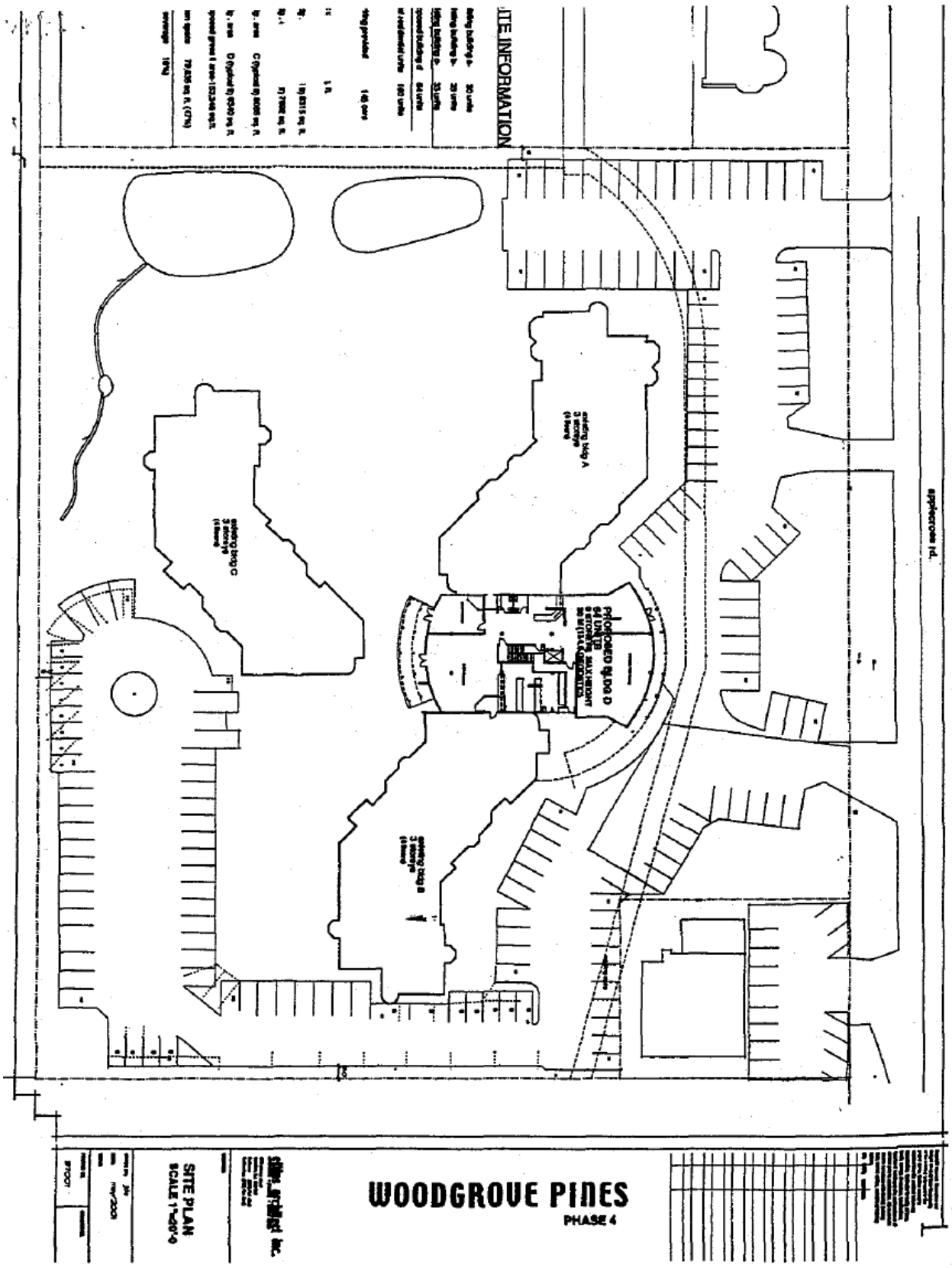
The use of land shown in heavy outline on Appendix 1 and of all buildings, structures, and uses zoned Woodgrove Pines Comprehensive Development Zone One in the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" shall be governed by this Comprehensive Development Plan.



1. This CD Plan has been created to ensure the orderly development of Woodgrove Pines, as prescribed by this Bylaw and includes Appendix 1 and 2.

2. Development will be permitted in this area only in accordance with this CD Plan.

3. The use of the land shall be limited to the following as noted on Appendix 2:
   - Buildings A, B, C - Multiple Family Dwelling
   - Building D - Seniors' Congregate Housing


SITE INFORMATION
WOODGROVE PINES
PHASE 4
SITE PLAN
SCALE 1"=20'-0"

APPENDIX 2

16.2 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE TWO (CD2)

The intent of this zone is to provide for an integrated community consisting of multiple family residential uses, office and limited commercial uses. Emphasis is placed on creating an environment conducive to housing that complements the existing neighbourhood through comprehensive site planning.

16.2.1 PERMITTED USES

Permitted uses shall be as set out in the development plan as included in Subsection 16.2.7 of this Bylaw.

16.2.2 DENSITY

Maximum floor area ratio shall not exceed 0.55.

16.2.3 YARD REQUIREMENTS

Yard requirements are as set out in the development plan included in Subsection 16.2.7 of this Bylaw.

16.2.4 HEIGHT OF BUILDINGS

The height of a building shall not exceed 11.0m above average finished grade.

16.2.5 SCREENING AND LANDSCAPING

16.2.5.1 All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.

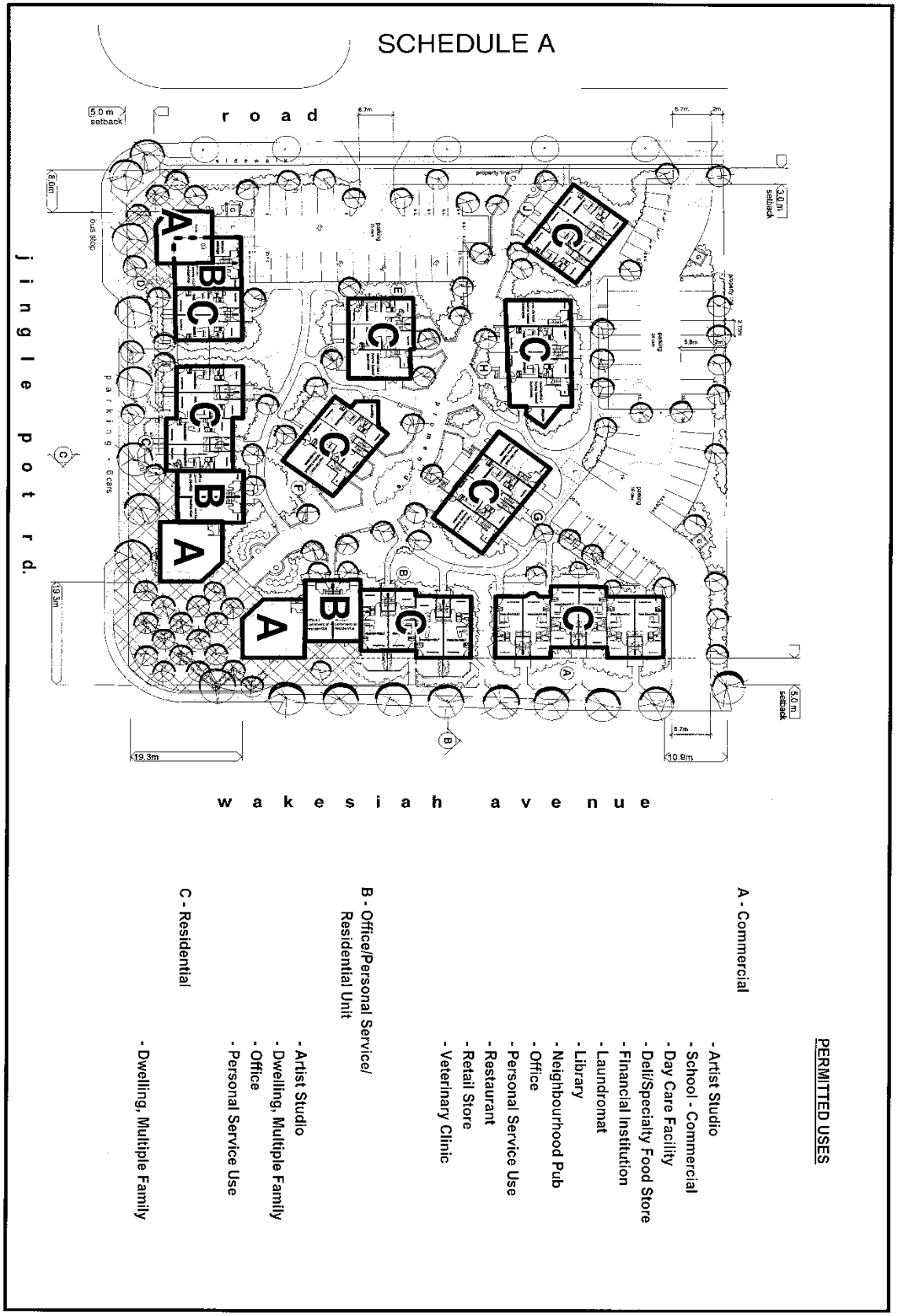
16.2.5.2 Where the CD2 Zone abuts a street or a residential zone, screening and landscaping shall be provided in accordance with Part 17 of this Bylaw. **(4500.073; 2015-MAR-16)**

16.2.6 PARKING

Parking shall be provided as set out in the development plan as included in Subsection 16.2.7 of this Bylaw.

16.2.7 PLANS

Within the CD2 Zone, the lands shall be developed in general accordance with the plans as shown as follows:



16.3 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE THREE (CD3)

Deleted (4500.003 – 2011-OCT-03)

16.4 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE FOUR (CD4)

The intent of this zone is to provide for low density multiple family development.

16.4.1 PERMITTED USES

Multiple Family Dwellings

16.4.2 DENSITY

Maximum Floor Area Ratio shall not exceed 0.75.

16.4.3 YARD REQUIREMENTS

Yard Requirements are set out in Subsection 16.4.7 of this Bylaw.

16.4.4 HEIGHT OF BUILDINGS

The height of a building shall not exceed 11m above average natural grade.

16.4.5 SCREENING AND LANDSCAPING

16.4.5.1 All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping or other means.

16.4.5.2 All outdoor storage and refuse receptacle areas shall be screened from adjacent properties.

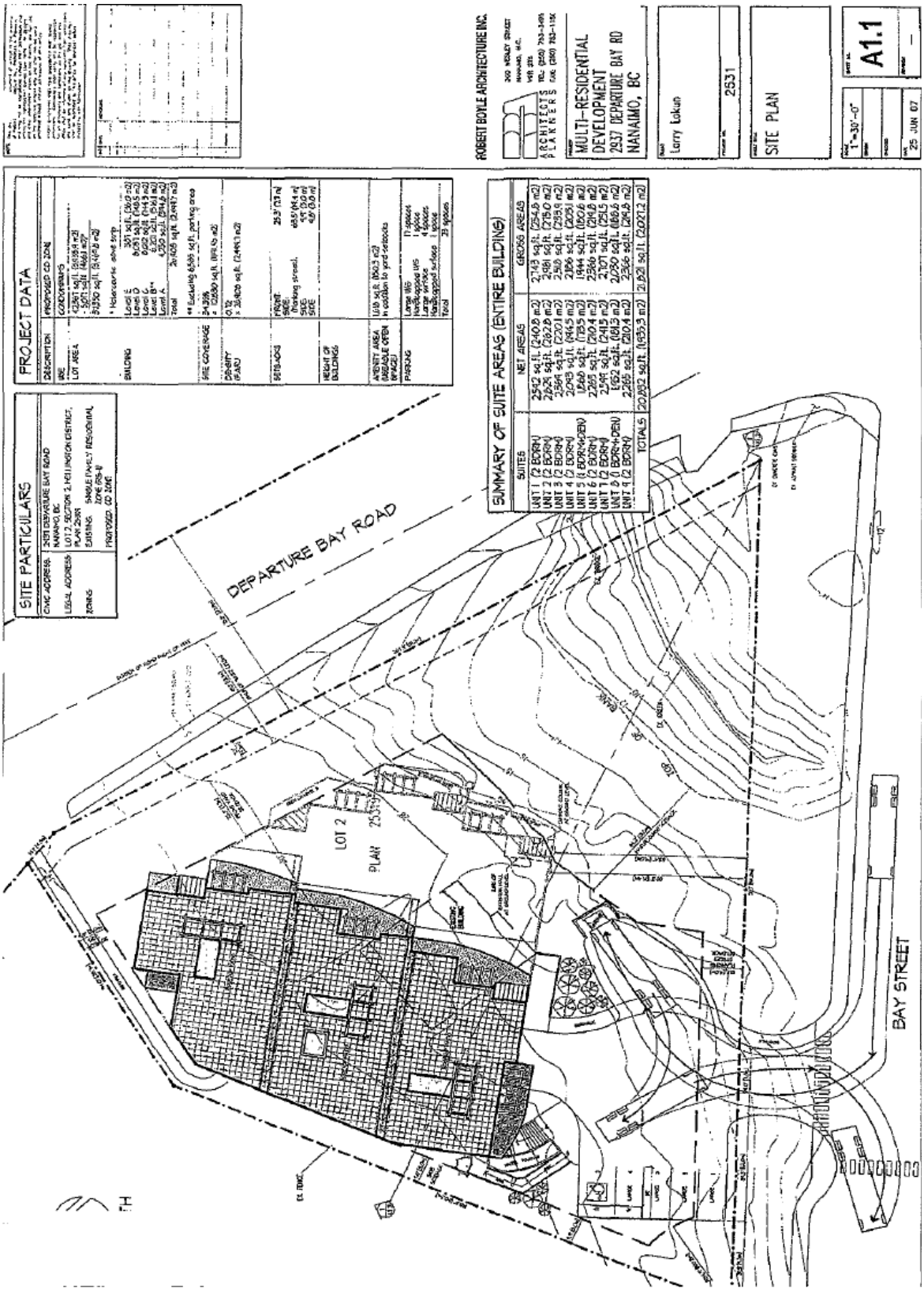
16.4.5.3 Screening and landscaping shall be provided in accordance with the requirements of Part 17 of this Bylaw.

16.4.6 PARKING

Parking shall be provided as per the Plans included within Subsection 16.4.7 of this Bylaw.

16.4.7 PLANS

Within the CD4 Zone, the lands shall be developed substantially in accordance with the following plans:



16.5 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE FIVE (CD5) **(4500.005; 2011-NOV-14)**

The intent of this zone is to provide for mixed use, commercial and multi-family development within the Corridor designation.

16.5.1 PERMITTED USES

Permitted uses shall be as set out in the plans included within Subsection 16.5.7 of this Bylaw.

16.5.2 DENSITY

Density shall be as set out in the regulations of Part 9 – Corridor (Mixed Use Corridor Zone (COR2) – Corridor), Subsection 9.3. **(4500.092; 2016-FEB-01)**

16.5.3 LOT SIZE AND DIMENSIONS

Lot size and dimensions shall be as set out in the plans included within Subsection 16.5.7 of this Bylaw.

16.5.4 YARD REQUIREMENTS

Yard requirements shall be as set out in the plans included within Subsection 16.5.7 of this Bylaw.

16.5.5 LOCATION OF PARKING AREAS

No parking shall be permitted between the front face of a building and Metral Drive or the Island Highway.

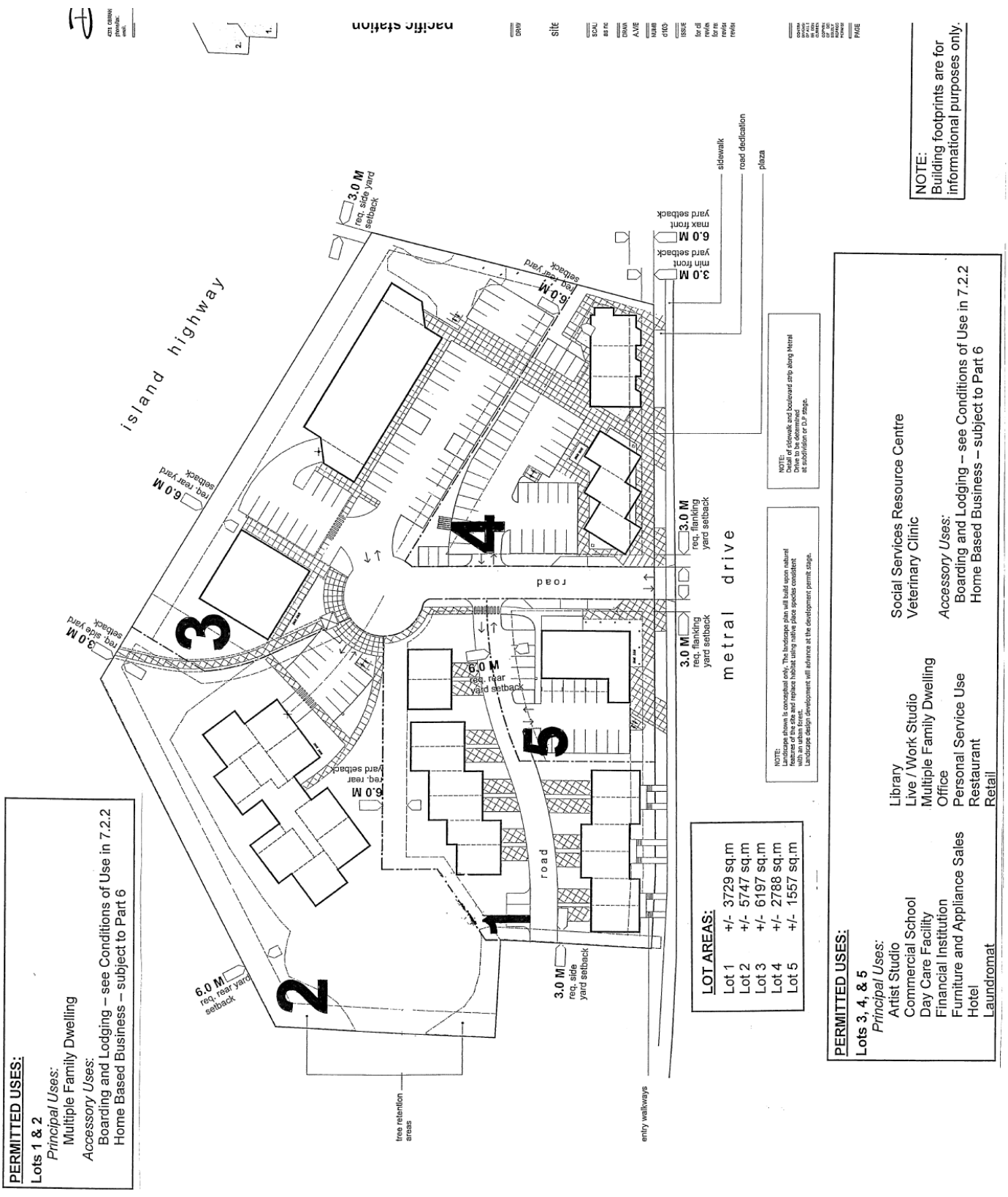
16.5.6 SIZE OF BUILDINGS

Size of buildings shall be as set out in the regulations of Part 9 - Corridor Subsection 9.7.

16.5.7 PLANS

Within the CD5 zone, the permitted uses, lot size and dimensions, and yard requirements shall be developed in general accordance with the following plan:

Subsection 16.5.7



16.6. COMPREHENSIVE DEVELOPMENT DISTRICT ZONE SIX (CD6)

The intent of this zone is to provide land uses and siting requirements that are consistent with the Woodgrove Urban Node which is described as a regional commercial centre with a focus on intensive retail and service uses and medium to high density residential.

16.6.1 PERMITTED USES

Permitted uses shall be as set out in Subsection 16.6.9 of this Bylaw.

16.6.2 CONDITIONS OF USE

Conditions of use shall be as set out in Subsection 16.6.9 of this Bylaw.

16.6.3 DENSITY

Density shall be as set out in Subsection 16.6.9 of this Bylaw.

16.5.4 LOT COVERAGE

Lot coverage shall as set out in Subsection 16.6.9 of this Bylaw.

16.5.5 YARD REQUIREMENTS

Yard Requirements shall as set out in Subsection 16.6.9 of this Bylaw.

16.6.6 HEIGHT OF BUILDINGS

The height of a building shall be as set out in Subsection 16.6.9 of this Bylaw.

16.6.7 SCREENING AND LANDSCAPING

16.6.7.1 Where the CD6 Zone abuts a street or a Residential Zone screening and landscaping shall be provided in accordance with Part 17 of this Bylaw.

16.6.7.2 All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.

(4500.073; 2015-MAR-16)

16.6.8 PARKING

Parking shall be provided as set out in Subsection 16.6.9 of this Bylaw.

16.6.9 PLANS

Within the CD6 Zone, the lands shall be developed in general accordance with the following plans:

DEVELOPMENT DATA

Permitted Uses:

Artist Studio	Library
Commercial School	Multiple Family Dwellings
Day Care Facility	Office
Deli/Specialty Food Store	Office Medical/Dental
Dry Cleaners	Personal Service Use
Financial Institution	Retail Store
Furniture and Appliance Sales	Social Service Resource Centre
Laundromat	Veterinary Clinic

Density: 0.65 Floor Area Ratio (FAR)

Lot Coverage: 30%

Yard Requirements: Building siting is generally as shown on the following site plan and the following yard requirements will apply:
Front Yard Minimum Setback: 4.5m
Front Yard Maximum Setback: 7.5m
Side Yard Setback *: 3.0m
Rear Yard Setback: 7.5m
** Note: side yard setback can be reduced to 0.0m along a maximum of 40% of the property boundaries.*

Conditions of Use:

- No parking spaces shall be permitted between the front property line and the front face of Building A.
- Maximum Gross Floor Area (GFA) for non-residential uses is 2430m^2.

Building Height:

Building	Minimum # of Storeys	Maximum Height
A	2	12.2m
B	2	12.2m
C	2	22.0m

Parking:

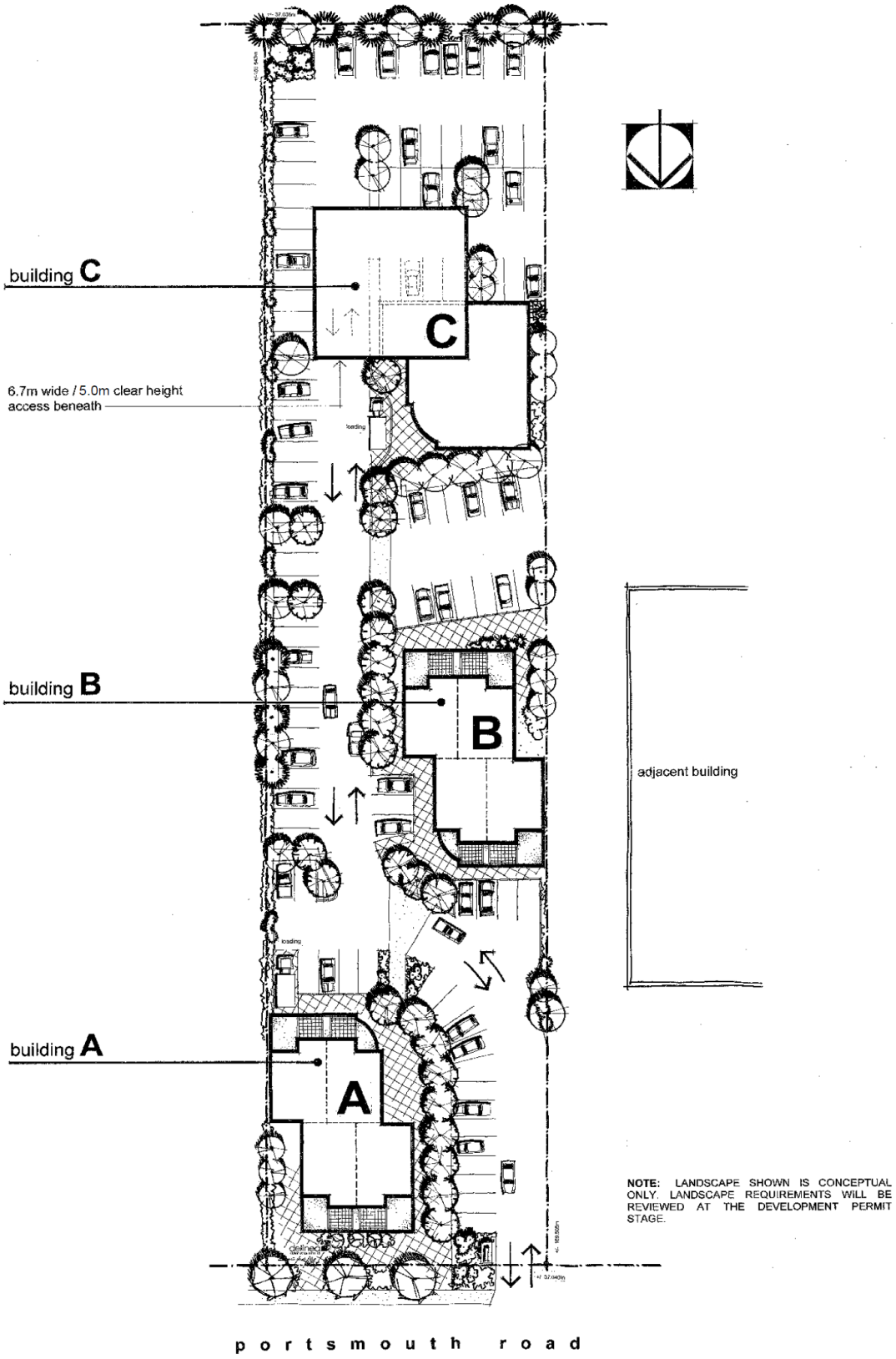
Parking will be required generally as shown on the following site plan and the following parking rates will apply:

Non-Residential: 1 space per 22m^2 of Gross Floor Area.

Loading Bays: 1 space for Buildings A and B; and 1 space for Building C.

** Note: There is no parking requirement for Multiple Family Dwellings, subject to non-residential uses existing on the lot (i.e. the development must be a mixed- use development). Stand alone residential would require 1.66 spaces per dwelling unit.*

SITE PLAN


building C
C
6.7m wide / 5.0m clear height
access beneath
loading
building B
B
adjacent building
loading
building A
A
NOTE: LANDSCAPE SHOWN IS CONCEPTUAL ONLY. LANDSCAPE REQUIREMENTS WILL BE REVIEWED AT THE DEVELOPMENT PERMIT STAGE.
portsmouth road

16.7. COMPREHENSIVE DEVELOPMENT DISTRICT ZONE SEVEN (CD7)
(4500.001; 2011-OCT-03)

The intent of this zone is to provide for the wide range of businesses and services generally which serve the needs of the community at large.

16.7.1 PERMITTED USES

Accessory Dwelling Unit
Accessory Storage and Accessory Mini Storage
Arcades
Assembly Hall
Automobile Rentals, Sales and Service
Automotive Repair Shop
Bingo Hall
Car Wash
Commercial School
Convention Centre
Court of Law
Cultural Facility
Custom Workshop
Fast Food Restaurant
Financial Institution
Funeral Parlour and Related Facilities
Gasoline Station
Hotel
Laundromat and Dry Cleaner
Library
Liquor Store
Micro-Brewery
Multiple Family Dwelling
Neighbourhood Pub
Parking Lot and Parkade
Office
Personal Care Facility
Printing and Publishing Facility
Public Assembly Use and Entertainment Use
Recreational Facility
Refund Container Recycling Depot
Religious Institution
Repair Shop
Restaurant
Retail Store
Rooming House
Shopping Centre
Single Residential Dwelling
Social Services Resource Centre
Teletheatre Outlet
Tools and Equipment Sales and Rentals
Transportation Terminal
Veterinary Clinics
Wholesale

16.7.2 DENSITY

Where the use is a Multiple Family Dwelling, the maximum Floor Area Ratio shall not exceed 1.50 except where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the adjacent finished grade), in which case an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces which are provided underground. The maximum allowable Floor Area Ratio shall only apply to residential uses on the lot.

16.7.3 CONDITIONS OF USE

16.7.3.1 Where a mixed-use development is proposed combining both commercial and residential uses, only the commercial uses shall be permitted on the first storey.

16.7.3.2 Arcades must be contained within a shopping centre and must be accessible to the public only from the internal hallway or corridor of the shopping centre.

16.7.3.3 The sum total of the Gross Floor Area used for micro-breweries shall not exceed 278.7m^2.

16.7.3.4 Refund container recycling depots must be wholly enclosed within a building.

16.7.3.5 The Gross Floor Area of a refund container recycling depot shall not exceed 140m^2.

16.7.3.6 Teletheatre outlets shall be contained within a hotel pub or neighbourhood pub as licensed by the Province and shall only be accessible to the public from within the hotel or neighbourhood pub.

16.7.3.7 Wholesale uses and custom workshops shall be wholly contained within a building.

16.7.4 LOT AREA

16.7.4.1 The minimum lot area shall not be less than 750m^2, serviced by a community water system, a community sanitary sewer system, and a storm drainage system.

16.7.4.2 Notwithstanding Subsection 16.7.4.1, where a lot contains or abuts a watercourse identified in Schedule C, the required leave strip shall not be included in the calculation of minimum lot area.

16.7.5 LOT COVERAGE

The maximum lot coverage permitted is 100%.

16.7.6 YARD REQUIREMENTS

16.7.6.1 No front, side or rear yard is required.

16.7.6.2 Notwithstanding Subsection 16.7.6.1, where the use is multiple family residential that portion of the building must meet the setbacks as specified within the Medium Density Residential (R8) Zone.

16.7.6.3 Notwithstanding Subsection 16.7.6.2, there shall be no obstruction to the line of vision between the established curb level and the first storey of a building within an area bounded by:

(a) The intersecting lot lines at a street corner and a line joining points along said lot lines 2.5m from their point of intersection.

(b) The intersecting lot lines at a lane intersection and a line joining points along said lot lines 2.5m from their point of intersection. A lane intersection shall include the intersection of a lane with any other lane or with a street.

16.7.7 HEIGHT OF BUILDINGS

16.7.7.1 The maximum height allowed shall be determined by multiplying the distance from the centre line of the street upon which the building fronts to the front line of the building by 2.

16.7.7.2 Notwithstanding Subsection 16.7.7.1, in the case of a through lot where street widths differ, the maximum height shall be determined by averaging the calculation obtained for each frontage.

16.7.7.3 Notwithstanding the foregoing, in the case of a corner lot, or a lot with three or more frontages, the maximum height shall be determined by averaging the calculation obtained for each frontage.

16.7.8 HEIGHT OF FENCES

16.7.8.1 The height of a fence shall not exceed 1.2m in a front yard.

16.7.8.2 The height of a fence shall not exceed 1.8m in any side or rear yard.

16.7.9 SCREENING AND LANDSCAPING

16.7.9.1 All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.

16.7.9.2 All outdoor storage receptacle areas shall be screened in accordance with Part 17 of this Bylaw.

16.8. COMPREHENSIVE DEVELOPMENT DISTRICT ZONE EIGHT (CD8)
(4500.002; 2011-OCT-03)

The intent of this zone is to permit development of integrated projects including commercial, residential, and other uses as specified in the applicable Comprehensive Development Plan.

16.8.1 PERMITTED USES

Permitted uses shall be those allowed in the applicable Comprehensive Development Plan referred to in Subsection 16.8.3.

16.8.2 PERMITTED SIZE, SITING, SHAPE AND DENSITY

All buildings, structures, and uses shall comply with the size, shape, siting, and density requirements designated on the applicable Comprehensive Development Plan referred to in Subsection 16.8.3.

16.8.3 PLANS

The Comprehensive Development Plan entitled “Northbrook Centre Comprehensive Development Plan” prepared by Raymond Letkeman Architect Inc. and dated 2nd day of May, 1994, on file in the office of the Director of Planning is deemed to be attached to and form part of this Bylaw and any development on the lands zoned Comprehensive Development District Zone Eight shall be in conformity with the Northbrook Centre Comprehensive Development Plan.

NORTHBROOK CENTRE (BROOKS LANDING) COMPREHENSIVE DEVELOPMENT PLAN

The Northbrook Centre Comprehensive Development Plan is the Comprehensive Development Plan referred to in Section 7.12.4 of City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

1. **The Comprehensive Development Plan ("CD Plan")**

The use of land shown in heavy outline on Exhibit 1 and of all buildings, structures, and uses zoned Northbrook Centre Comprehensive Development (the "Northbrook Centre") in the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" shall be governed by this Comprehensive Development Plan ("CD Plan").

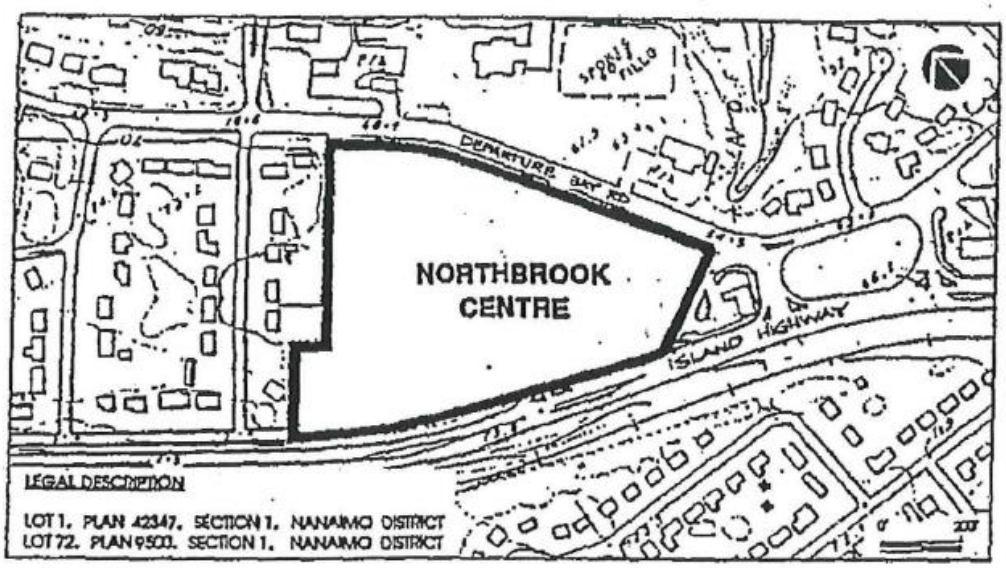


Exhibit 1

2. This CD Plan has been created to ensure the orderly development of Northbrook Centre as prescribed by this Bylaw and includes Exhibits 1 to 15 inclusive.

3. Development will be permitted in this area only in accordance with this CD Plan.

4. If the amenities set out in Appendix "A" of the CD Plan are provided by the owner, then the density of use of lands within the Northbrook Centre Comprehensive Development Zone may be as set in Exhibit 15 of this CD Plan.

5. If the conditions set out in Appendix "A" of this plan are not met, then the maximum permitted density of development on Site "B" as described in this CD Plan shall be 0.45 FSR and Site "E" shall be 0.45 FSR.

6. Exhibit 2 "Basic Land Use" divides the site into two primary land use areas, one in which multi-family residential uses are permitted and the other in which office and commercial uses are permitted. Commercial uses shall be limited to the following:

Accessory Buildings, subject to Part 5	Artist's Studio
Club or Lodge	Commercial School
Custom Workshops	Dry Cleaners

Fast Food Restaurants
Laundromats
Neighbourhood Pub
Personal Service Uses
Production Studio
Recreation Facilities
Restaurants
Retail Stores
Tools and Equipment
Sales and Rentals
Financial Institutions
Libraries
Offices
Printing and Publishing Facilities
Public Assembly
Entertainment Uses
Repair Shops
Sign Shops
Veterinary Clinics
Liquor Store **(4500.088; 2016-JAN-25)**

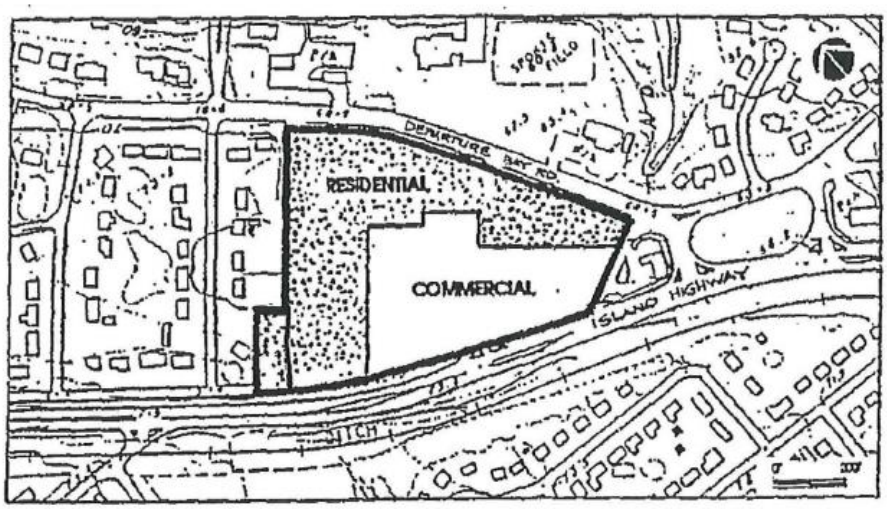


Exhibit 2

7. Exhibit 3 "Concept Plan" illustrates how Northbrook Centre is intended to be a mixed-use development comprised of three high and medium rise residential areas where surrounded by broken line, adjoining and connected to a low rise local "Village" shopping centre with a low rise office component and with well landscaped open areas between buildings.

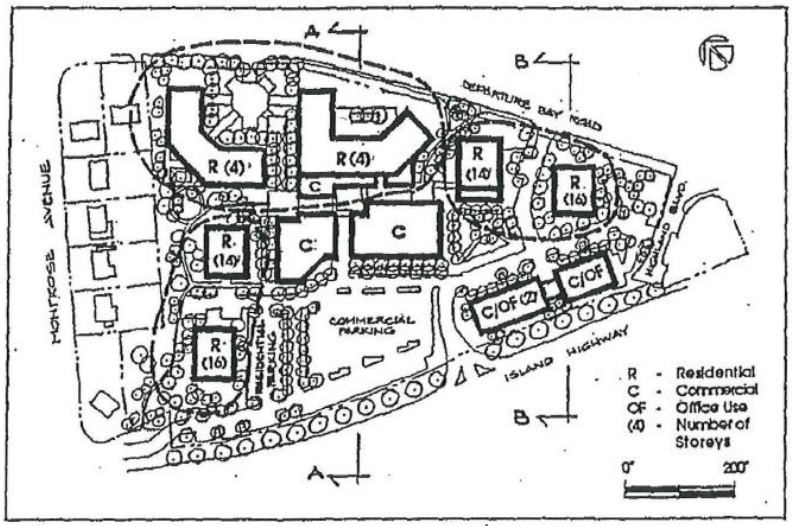


Exhibit 3

8. Exhibit 4 “Concept Sections and Elevations” illustrates the concept of the three high and medium rise residential enclaves described in Exhibit 3 in the vertical dimension and the height requirements. The height of the residential towers will not exceed a maximum height of 150’-0” and will vary between 14 and 16 storeys. Height restrictions imposed in this zone on buildings do not apply to peaked roofs, towers, turrets, or other architectural features which do not contain habitable living space or other space intended for any use or occupancy. Tops of high rise buildings will be designed to create more interesting forms than flat box shapes.

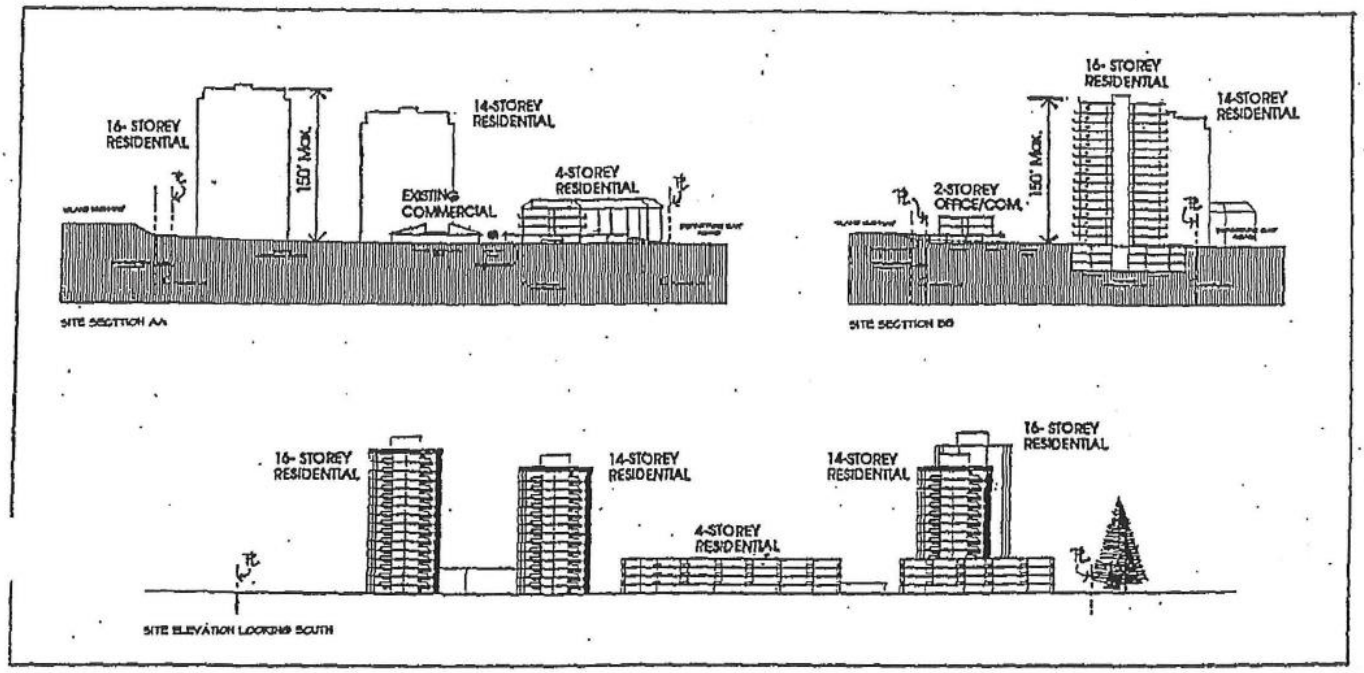


Exhibit 4

9. Exhibit 5 “Site Plan” prescribes the location of land uses, buildings, and car parking areas on the Northbrook Centre site. It also prescribes required minimum distances between buildings and minimum setback distances between buildings, lot line, or other features and maximum building floor plates.

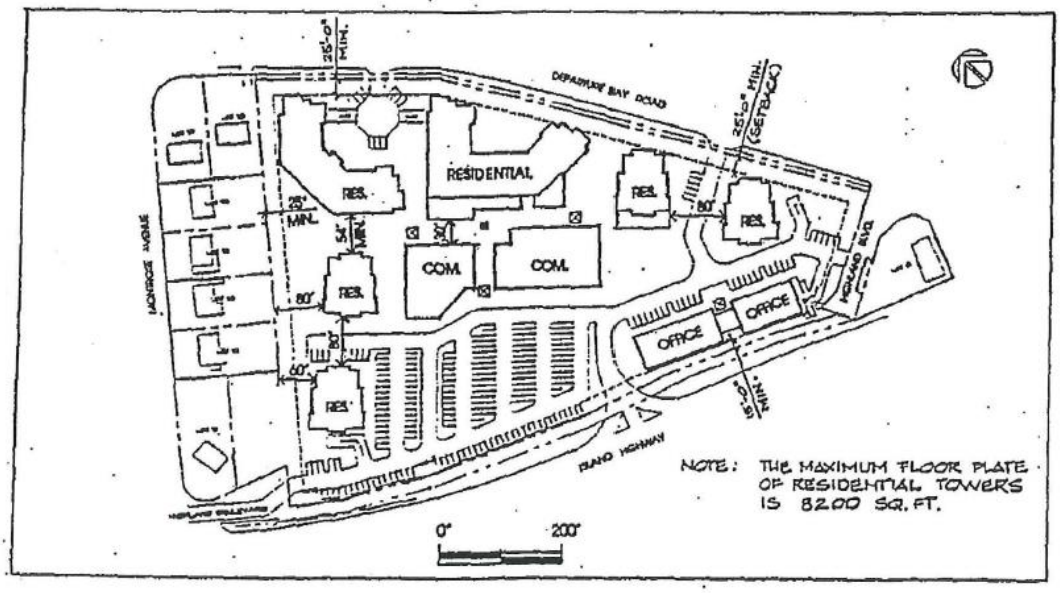


Exhibit 5

10. Exhibit 6 “Neighbourliness” establishes a number of elements of the scheme which are designed to improve the neighbourliness of the concept to adjacent properties and streets and prescribes the type of landscaping and screening necessary to screen the commercial uses of Northbrook Centre from existing residential development along Montrose Avenue.

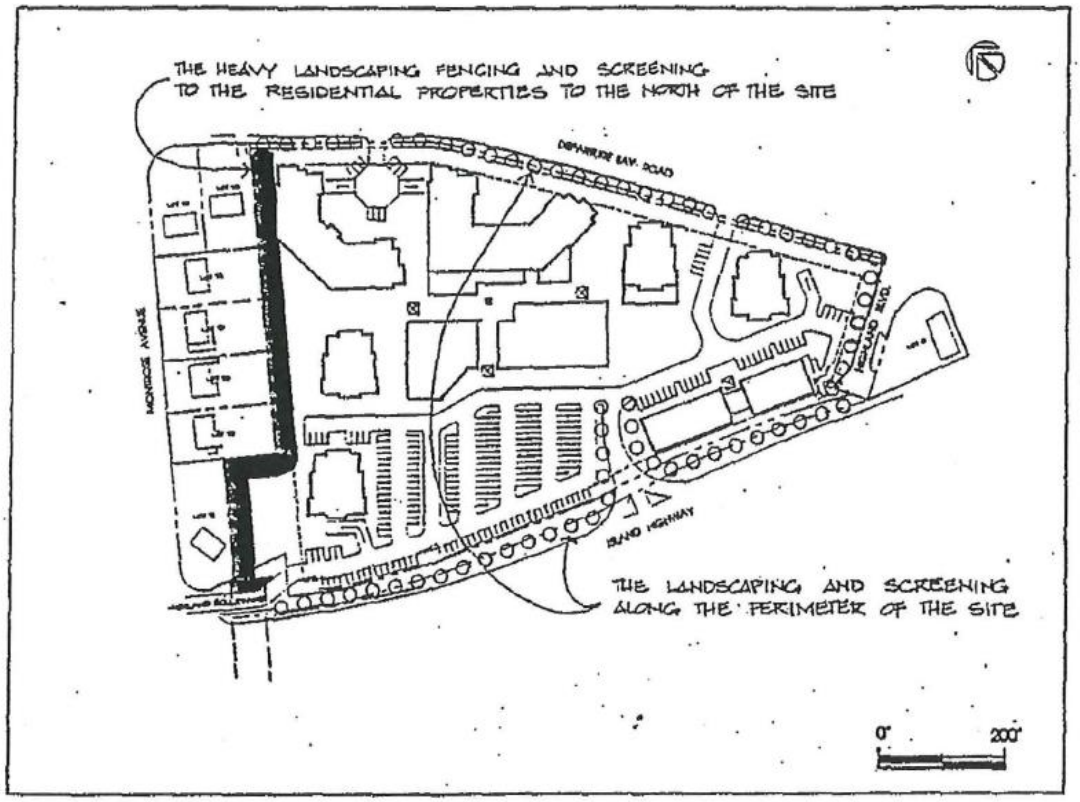


Exhibit 6

11. Exhibit 7 “Vehicle Access” prescribes the location of vehicle access points to Northbrook Centre from adjacent public streets, and access for fire trucks and other emergency vehicles.

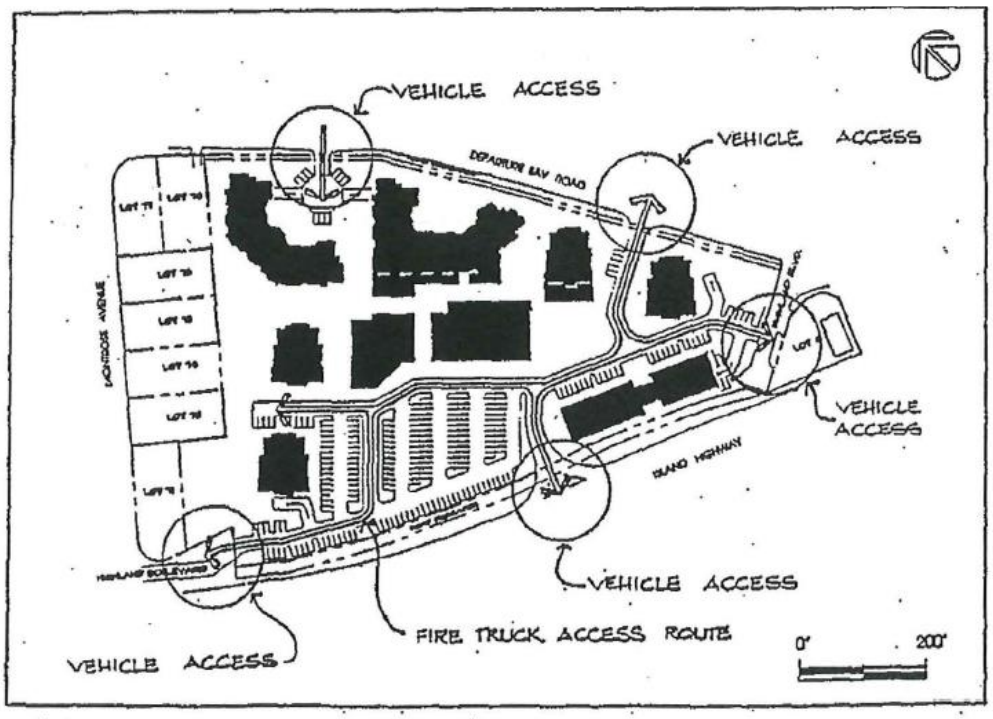


Exhibit 7

12. Exhibit 8 "Pedestrian and Bicycle Access" prescribes the routes to be developed for pedestrian and bicycle access to and within Northbrook Centre.

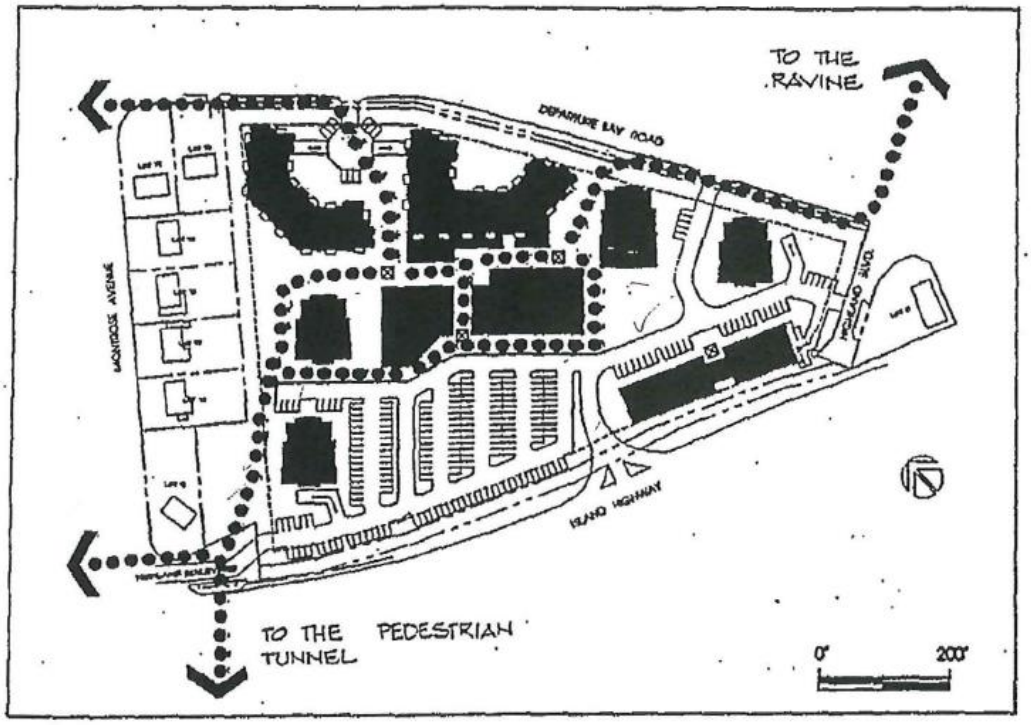


Exhibit 8

13. Exhibit 9 “Phasing Plan” permits Northbrook Centre to be developed in four phases in the sequence marked on Exhibit 9, Phase 1, shown in Exhibit 10 below, will be in the first phase. Exhibits 11 and 12 show the subsequent plans in one potential sequence. However, as long as the complete site is always adequately laid out and landscaped, the phasing may vary, so that phases could occur in any order after Phase 1.

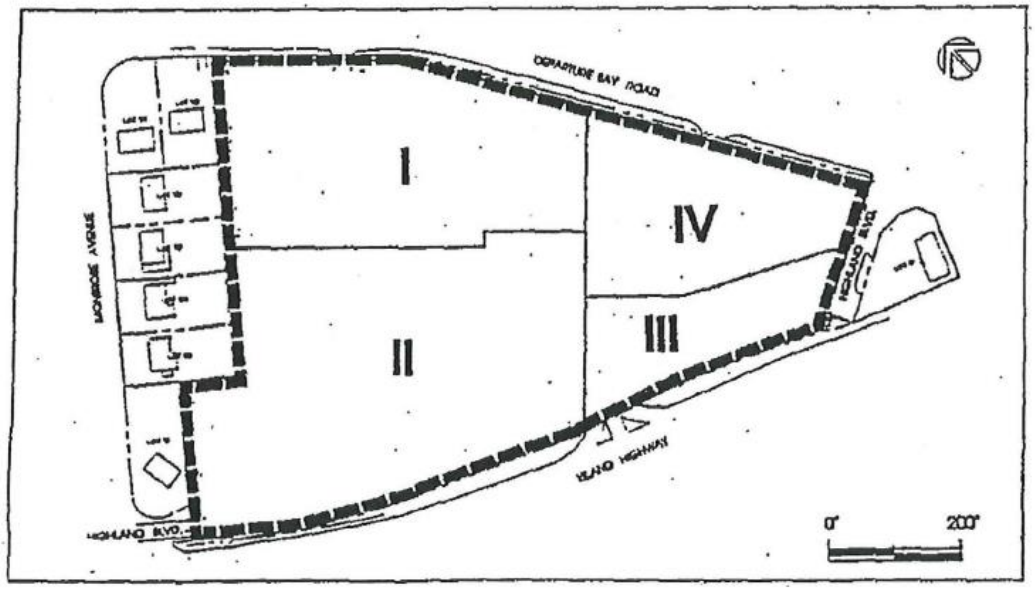


Exhibit 9

14. Exhibit 10 “Phase 1 Concept” shows the whole of the Northbrook Centre as it will appear at the end of the first phase of development.

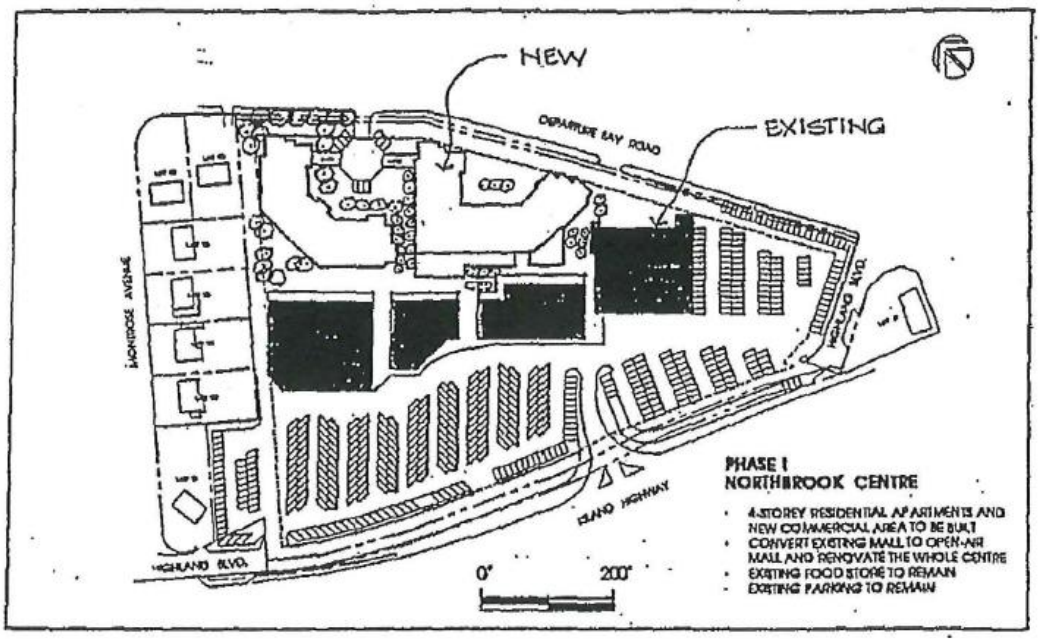


Exhibit 10

15. Exhibit 11 “Phase II Concept” shows the whole of the Northbrook Centre as it will appear at the end of the second phase of development.

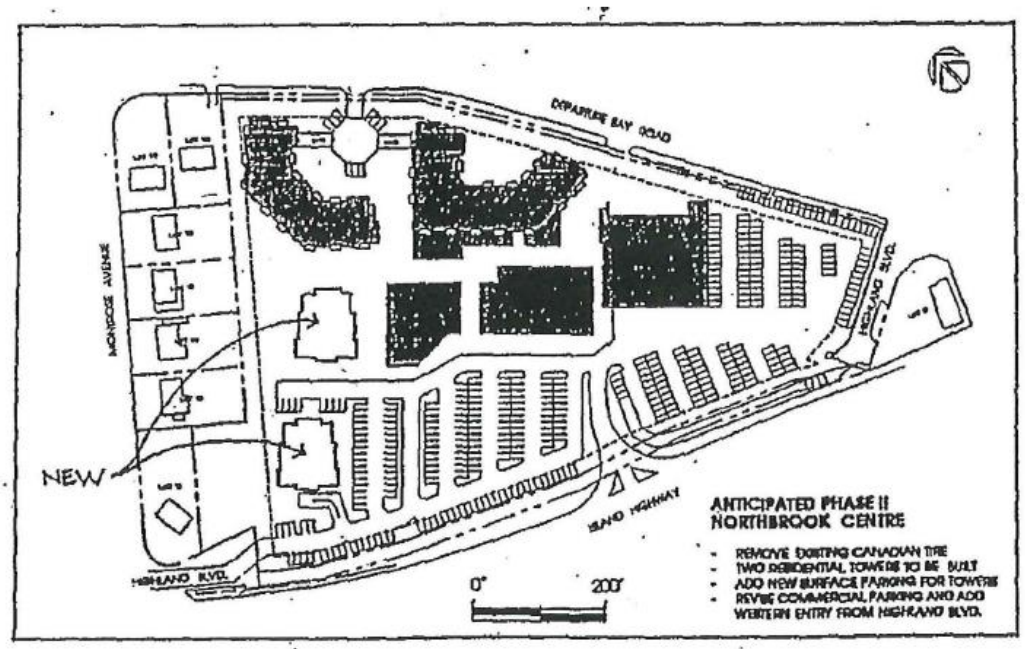


Exhibit 11

16. Exhibit 12 “Phase III Concept” shows the whole of the Northbrook Centre as it will appear at the end of the third phase of development.

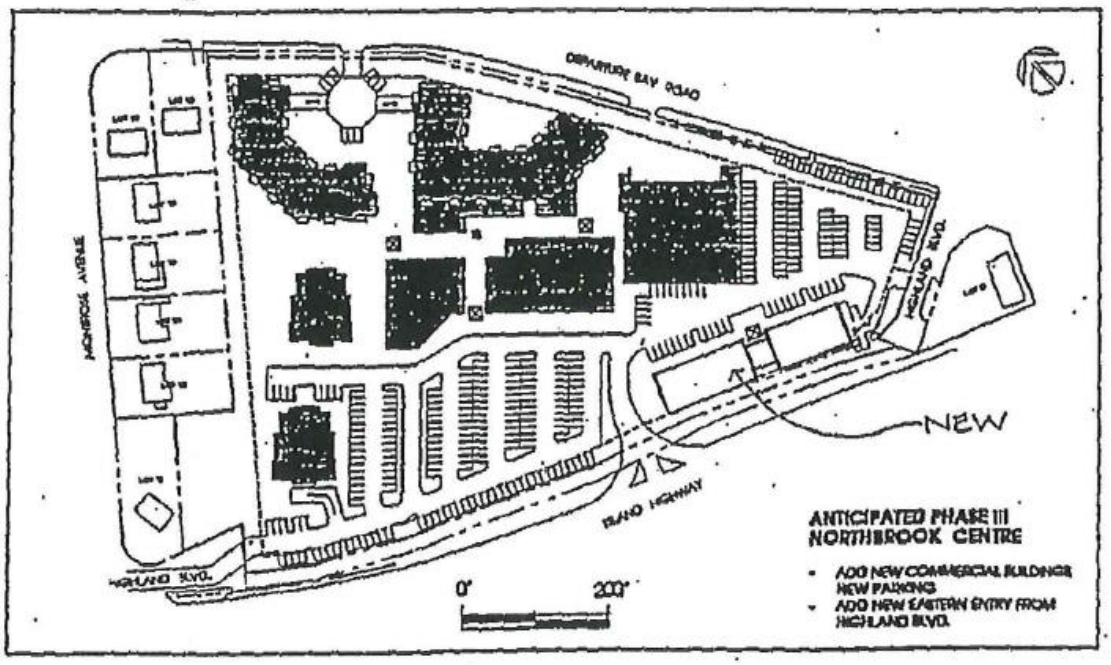


Exhibit 12

17. Exhibit 3 “Concept Plan” shows the complete development. Phase IV development will require removing the existing food store, building the two remaining residential towers and a “Village Green” as well as adding new surface parking for the towers and a new entry from Departure Bay Road.
18. Exhibit 13 “Sound Attenuation” prescribes the noise levels that shall not be exceeded for each component of the residential parts of the development. The noise level shown is

based on the A-weighted 24 hour equivalent (Leg) sound level and will be defined simply as noise levels in decibels.

PORTIONS OF DWELLING UNITS	NOISE LEVEL (Db)
BEDROOMS	3.5
LIVING, DINING & RECREATION ROOMS	4.5
KITCHEN, BATHROOMS, HALLWAYS	4.5
ROOF DECKS, PATIOS & OTHER RESIDENTIAL OPEN SPACES	5.5

Exhibit 13

19. Exhibit 14 “Subdivision” shows how the site may be subdivided into a number of separate parcels having the approximate size and lot lines as shown on Exhibit 14.

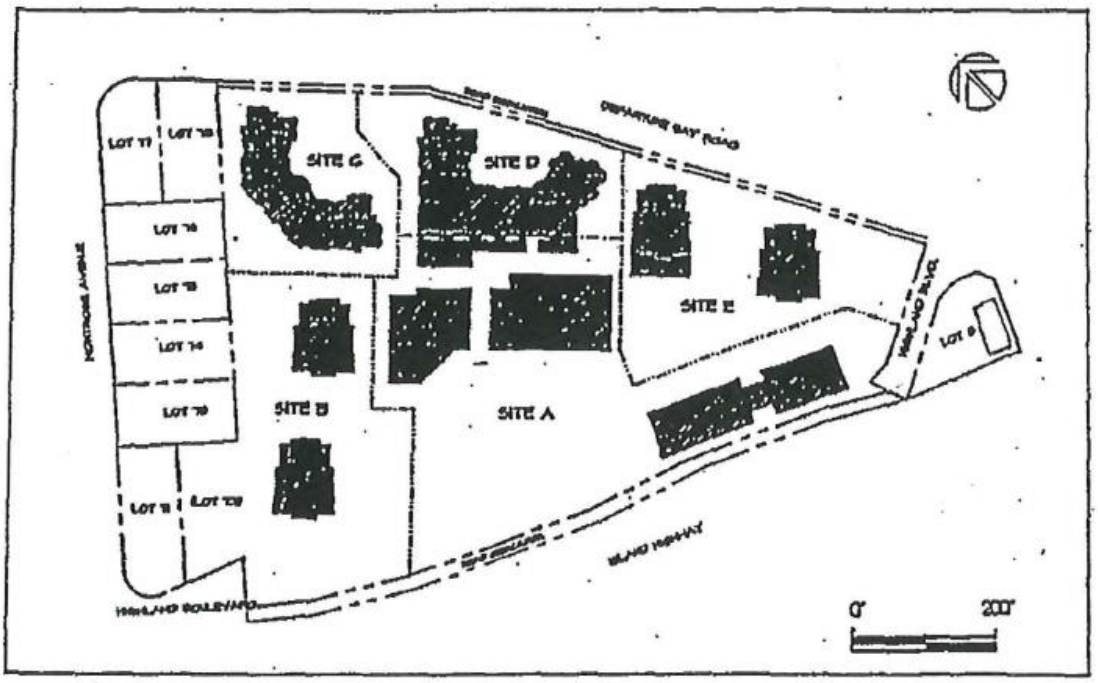


Exhibit 14

20. Exhibit 15 “Land Uses and Floor Areas” prescribes the maximum floor areas in square feet and the minimum number of parking spaces that will be permitted for each of the parcels identified in Exhibit 14.

21. Exhibit 15 shows the maximum gross buildable residential floor area and provides for a maximum of 500 dwelling units overall.

LAND USE	FLOOR AREA
Site A	
Residential	0
Retail: Existing	27,100
Proposed	11,900
Office	31,000
Parking	206 spaces (155 surface, 51 underground)
Community Facility	1,600 (temporary, until Site E completed)
Community Amenity	0
Police Office	400
Site B	
Residential	246,000 (gross bldg. area combined), 196 units
Retail	0
Office	0
Parking	325 spaces
Community Facility	0
"Strata" Amenity	2,400
Police Office	0
Site C	
Residential	70,000 (gross bldg. area), 59 units
Retail	0
Office	0
Parking	98 spaces
Community Facility	0
"Strata" Amenity	1,200
Police Office	0
Site D	
Residential	60,500 (gross bldg. area), 51 units
Retail	0
Office	0
Parking	85 spaces
Community Facility	0
"Strata" Amenity	1,200
Police Office	0
Site E	
Residential	248,500 (gross bldg. area combined), 194 units
Retail	0
Office	0
Parking	322 spaces
Community Facility	3,500 (alone, or combined with Site A)
"Strata" Amenity	2,400
Police Office	0
Overall Development	
Residential	625,000 (gross bldg. area), 500 units
Retail	39,000
Office	31,000
Residential Parking	830 spaces
Commercial Parking	206 spaces
Community Facility	3,500
"Strata" Amenity	7,200
Police Office	400

Exhibit 15

22. If any provision of this Plan is found to be invalid by a court it may be severed without affecting the remainder of the Plan.

APPENDIX "A"

AMENITIES

A. AMENITIES

1. Community Space

(a) The owner shall provide, on the area shown as Phase 1, a finished indoor community space of a minimum 1,600 square feet for use as a multi-purpose leisure room, including cooking and washing facilities and washroom facilities. The space shall be capable of being divided into three separate areas by permanent moveable dividers.

(b) The community space shall be visibly located in the commercial frontage facing the Island Highway and shall be fully accessible by all persons, including those with physical disabilities.

(c) The community space referred to in paragraph (a) shall be replaced by a 3,500 square foot community space to be constructed during Phase IV which must be located at the base of the northerly apartment building shown in that phase, and must face open onto the open space on the southwest side of the building and/or the shopping street to the north.

(d) The community space shall be dedicated to the City.

2. Police Office Space

The Owner shall include as part of Phase 1 a 400 square foot local community police office in an accessible and visible location along part of the commercial frontage. This space shall be provided at no cost to the RCMP or the City on a long-term lease agreement.

3. Community Amenity Space

The Owner shall construct and furnish a community space in conjunction with construction of each of the three residential areas shown on Exhibits 3 and 15.

16.9 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE NINE (CD9)
(4500.024; 2012-OCT-15)

The intent of this zone is to provide for a residential subdivision.

16.9.1 PERMITTED USES

Principal Uses	Conditions of Use
Single Residential Dwelling	

Accessory Uses	Conditions of Use
Boarding and Lodging	Shall not exceed two sleeping units and shall not accommodate more than two persons. Must be included within a Single Residential Dwelling.
Daycare	Subject to Part 6.
Home Based Business	Subject to Part 6.
Secondary Suite	Subject to Part 6. Must be accessory to a Single Residential Dwelling.
Short-Term Rental	Subject to Part 6

16.9.2 DENSITY

One Single Residential Dwelling per lot.

16.9.3 LOT AREA

Lot area shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.4 LOT DIMENSIONS

Lot dimensions shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.5 YARD SETBACKS

Yard setbacks shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.6 LOT COVERAGE

Lot coverage shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.7 BUILDING HEIGHT

Building Height shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.8 GARAGE FLOOR ELEVATION

Garage floor elevation shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.9 PLANS

Within the CD9 Zone lot area, lot dimensions, yard setbacks, lot coverage, building height, and garages floor elevations shall be developed in general accordance with the following plan:

DEVELOPMENT DATA

Lot Area:
The following table shows the lot areas for Lots 1–15 on the plan.

Lot #	Maximum Lot Area (+/- 10%)
Lot 1	530.9m^2
Lot 2	702.8m^2
Lot 3	567.9m^2
Lot 4	848.3m^2
Lot 5	493.1m^2
Lot 6	450.1m^2
Lot 7	548.1m^2
Lot 8	696.6m^2
Lot 9	517.7m^2
Lot 10	388.8m^2
Lot 11	328.4m^2
Lot 12	348.7m^2
Lot 13	364.9m^2
Lot 14	526.6m^2
Lot 15	681.2m^2

Yard Setbacks:
The following yard setbacks apply to all lots.
Front: 3.0m
Side: 1.5m or no vegetation disturbance covenant line, whichever is more restrictive (refer to plan).
Flanking Side: 3.0m
Rear: 4.5m or no vegetation disturbance covenant line, whichever is more restrictive (refer to plan).

Lot Coverage:
The maximum lot coverage is restricted to 40%.
(4500.092: 2016-FEB-01)

Building Height:
The following table shows maximum building heights for Lots 1-15. All elevations are referenced in geodetic data.

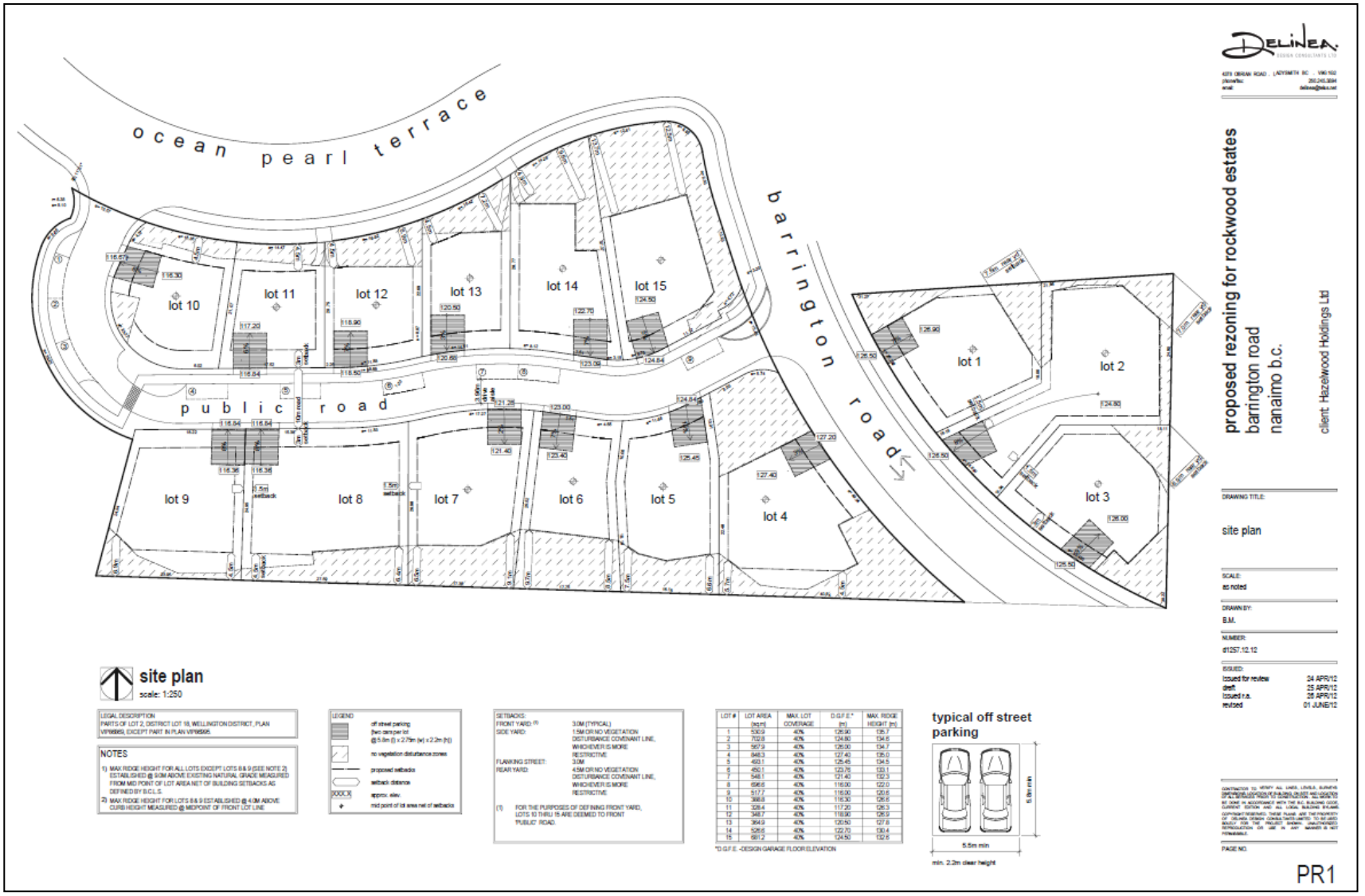
Lot #	Maximum Ridge Height
Lot 1	135.7m
Lot 2	134.6m
Lot 3	134.7m
Lot 4	135.0m
Lot 5	134.5m
Lot 6	133.1m
Lot 7	132.3m
Lot 8	122.0m
Lot 9	120.6m
Lot 10	126.6m
Lot 11	126.3m
Lot 12	126.9m
Lot 13	127.8m
Lot 14	130.4m
Lot 15	132.6m

Notes:
1. Maximum ridge height for all lots (except Lots 8 & 9 – see No.2 below) established at 9.0m above existing natural grade measured from mid-point within the buildable area (mid-points shown on the plan).
2. Maximum ridge height for lots 8 & 9 established at 4.0m above curb height measured from midpoint of front lot line.

Garage Floor Elevation:

The following table shows garage floor elevations for Lots 1-15. All elevations are referenced in geodetic data.

Lot #	Garage Floor Elevation
Lot 1	126.90m
Lot 2	124.80m
Lot 3	126.00m
Lot 4	127.40m
Lot 5	125.45m
Lot 6	123.76m
Lot 7	121.40m
Lot 8	116.00m
Lot 9	116.00m
Lot 10	116.30m
Lot 11	117.20m
Lot 12	118.90m
Lot 13	120.50m
Lot 14	122.70m
Lot 15	124.50m



LOT #	LOT AREA (sq.m)	MAX. LOT COVERAGE	D.G.F.E.* (m)	MAX. RIDGE HEIGHT (m)
1	530.9	40%	126.90	135.7
2	702.8	40%	124.80	134.6
3	567.9	40%	126.00	134.7
4	848.3	40%	127.40	135.0
5	493.1	40%	125.45	134.5
6	450.1	40%	123.75	133.1
7	548.1	40%	121.40	132.3
8	656.6	40%	119.00	122.0
9	517.7	40%	116.00	120.6
10	398.8	40%	116.30	126.6
11	328.4	40%	117.20	126.3
12	348.7	40%	118.90	126.9
13	364.9	40%	120.50	127.8
14	526.6	40%	122.70	130.4
15	661.2	40%	124.50	132.6

*D.G.F.E. -DESIGN GARAGE FLOOR ELEVATION

16.10 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE TEN (CD10) **(4500.035; 2013-APR-22)**

The intent of this zone is to provide for a two-lot subdivision, with up to two dwelling units per lot, within the Old City Neighbourhood.

16.10.1 PERMITTED USES

Principal Uses	Conditions of Use
Single Residential Dwelling Multiple Family Dwelling	

Accessory Uses	Conditions of Use
Boarding and Lodging	Shall not exceed two sleeping units and shall not accommodate more than two persons. Must be included within a single residential dwelling.
Daycare	Subject to Part 6.
Home Based Business	Subject to Part 6.
Secondary Suite	Subject to Part 6. Must be accessory to a single residential dwelling.
Short-Term Rental	Subject to Part 6

16.10.2 DENSITY

One single residential dwelling with a secondary suite per lot OR two dwelling units per lot.

16.10.3 LOT AREA

Lot area shall be as set out in the plans included within Subsection 16.10.8 of this Bylaw.

16.10.4 LOT DIMENSIONS

Lot dimensions shall be as set out in the plans included within Subsection 16.10.8 of this Bylaw.

16.10.5 YARD SETBACKS

Yard requirements shall be as set out in the plans included within Subsection 16.10.8 of this Bylaw.

16.10.6 **BUILDING HEIGHT**

Building Height shall not exceed 7.75m as measured vertically from the average natural grade level recorded at the outermost corners of the building or at the curb level, whichever is greater, as determined by a survey to the highest part of the roof surface for a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, or gambrel of a sloped roof.

16.10.7 **PARKING**

Parking space requirements and layout shall be as set out in the plan included within Subsection 16.10.8 of this Bylaw.

16.10.8 **PLANS**

Within the CD10 zone lot area, lot dimensions, yard setbacks and parking shall be developed in general accordance with the following plan:

PROJECT DATA:

LEGAL DESCRIPTION:
SECTION A, LOT 16, BLOCK H, SECTION 1,
NANAIMO DISTRICT, PLAN 584

CIVIC ADDRESS:
433 MILTON STREET, NANAIMO, BC

PROPOSED LOT AREAS:
LOT 1 443.6 SQ.M (4774.9 SQ.FT.)
LOT 2 428.9 SQ.M (4616.6 SQ.FT.)

PROPOSED LAND USE:
LOT 1 - EXISTING SINGLE FAMILY DWELLING
+ NEW SINGLE FAMILY DWELLING
LOT 2 - TWO NEW SINGLE FAMILY DWELLINGS

EXISTING ZONING:
R14- OLD CITY LOW DENSITY
(FOURPLEX) RESIDENTIAL

PROPOSED ZONING:
COMPREHENSIVE DEVELOPMENT

EXISTING BUILDING (LOT 1):
LOWER FLOOR: 1167 SQ.FT.
UPPER FLOOR: 1131 SQ.FT.
TOTAL: 2298 SQ.FT.

DENSITY / FLOOR AREA: 2 UNITS PER LOT
LOT 1 - 2298 SQ.FT. + 752 SQ.FT. = 2935 SQ.FT.
LOT 2 - 1490 SQ.FT. PER UNIT = 2980 SQ.FT.

LOT COVERAGE:
LOT 1 - (600 SQ.FT.+ 1340 SQ.FT.) / 4774.9 = 41.0%
LOT 2 - (711 SQ.FT. x 2) / 4616.6 SQ.FT. = 30.8%

PARKING REQUIRED:
LOT 1 - 2 SPACE FOR SINGLE FAMILY +
1 SPACE FOR CARRIAGE HOUSE = 3 SPACES
LOT 2 - 1 SPACE PER UNIT = 2 SPACES

PARKING PROVIDED:
LOT 1 - 3 SPACES
LOT 2 - 2 SPACES

proposed site plan

scale: 1:100 metric

NOTE: Topographical and existing building information derived from survey as prepared by J.E. Anderson & Associates, BC Land Surveyors

16.11 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE ELEVEN (CD11) **(4500.202; 2023-APR-17)**

The intent of this zone is to facilitate a residential townhouse development.

16.11.1 PERMITTED USES

Principal Use	Conditions of Use
Multiple Family Dwelling	All dwelling units must have their primary entrance on the ground level.

Accessory Uses	Conditions of Use
Daycare	Subject to Part 6.
Home Based Business	Subject to Part 6.
Short-Term Rental	Subject to Part 6.

16.11.2 DENSITY

Where the use is multiple family dwelling, the maximum Floor Area Ratio shall not exceed 1.00.

16.11.3 LOT AREA AND DIMENSIONS

Lot area and dimensions shall be generally as shown in the plans included within Subsection 16.11.8 of this Bylaw.

16.11.4 LOT COVERAGE

The maximum lot coverage shall be 70%.

16.11.5 SITING OF BUILDINGS

16.11.5.1 A principal building must be set back a minimum of 2.8m from all front and flanking side lot lines shared with the street known as Fourth Street.

16.11.5.2 A principal building must be set back a minimum of 2.0m from all front and flanking side lot lines shared with the street known as Watfield Avenue.

16.11.5.3 A principal building must be set back a minimum of 3.0m from all side and rear lot lines.

16.11.5.4 Notwithstanding Subsection 16.11.5.3, any portion of a principal building where the height is no greater than 9.0m must be set back a minimum of 2.0m from all side and rear lot lines.

16.11.6 **HEIGHT OF BUILDINGS**

The maximum building height shall be:

a) 9.0m for a building with a flat roof (with a roof pitch less than 4:12); and
b) 11.7m for a building with a sloped roof (with a roof pitch equal to or greater than 4:12).

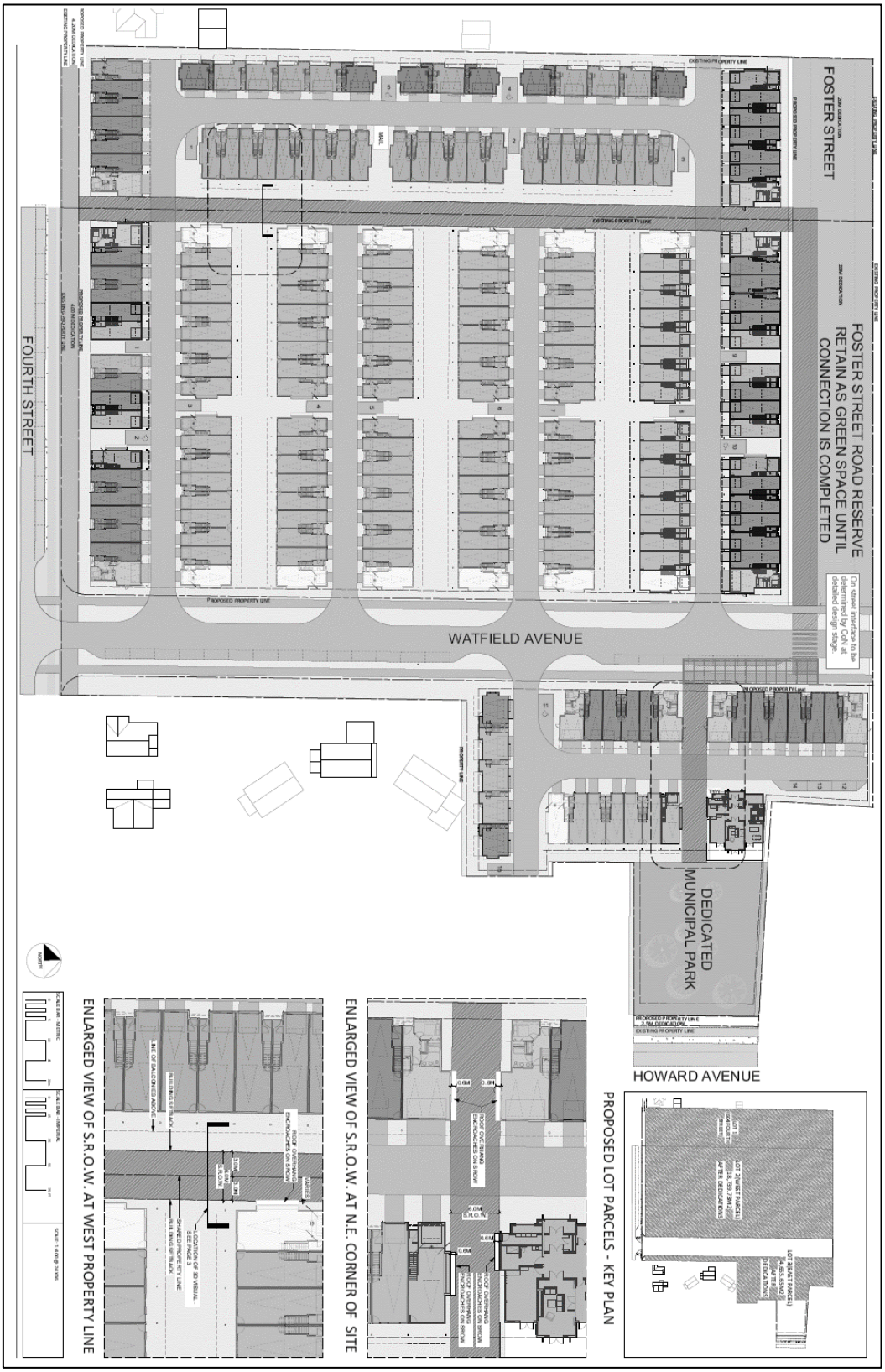
16.11.7 **ACCESSORY BUILDINGS**

16.11.7.1 Notwithstanding Subsections 6.6.3 and 6.6.4, the minimum rear yard setback for an accessory building shall be 1.5m.

16.11.7.2 Notwithstanding Subsection 6.6.5, the maximum permitted height of an accessory building shall be 9.0m.

16.11.8 **PLANS**

Within the CD11 zone area, lots shall be developed in general accordance with the following development plan:



PART 17- LANDSCAPING

17.1. REQUIRED LANDSCAPING

17.1.1. The minimum level of landscaping required in each zone along streets to screen adjacent zones and to mask or separate outdoor storage, refuse sites and utility kiosks shall be determined in Subsection 17.12 entitled “Minimum Landscape Treatment Level”. **(4500.073; 2015-MAR-16)**

17.1.2. The details of each level shall be determined in Subsection 17.12, Figures A, B and C, “Minimum Landscape Treatment Level”.

17.1.3. In cases where property is to be developed in phases or leased, landscaping need only be provided on that portion of the property to be immediately developed. Landscaping shall be required in subsequent phases on the remainder of the property at the time that they are developed.

17.1.4. Notwithstanding Subsection 17.1.1., where any building, structure or lot undergoes a cumulative increase in Gross Floor Area over a five-year period of time due to an external addition or renovation and such an increase results in an expansion of the building or structure area beyond 10% or 100m^2, whichever is lesser, such landscaping or screening shall meet or exceed the landscaping and screening requirements of Part 17 for the entire property as modified in size.

17.1.5. Notwithstanding Subsection 17.1.4., in the case of cumulative external renovations or additions to a building or structure over a five-year period of time, requirements for landscaping and screening shall not apply where the building permit has a value less than $150,000.00, or less than 25%, of the assessed value of the building or structure, whichever is greater. **(4500.073; 2015-MAR-16)**

17.2. GENERAL REGULATIONS

17.2.1. The minimum landscape buffer width shall be 1.8m.

17.2.2. Required hedge, fence, shrub bed, ground cover or grass landscape shall be continuous along the affected property boundaries, broken only by public walkways and driveways.

17.2.3. A landscape buffer required under this Bylaw shall not be supplanted by continuous driveway or walkway access.

17.2.4. Landscape treatment shall respect the siting requirements of Subsection 6.9 of this Bylaw.

17.2.5. Where the retention of native trees and ground cover is permitted and used, a letter from a professional landscape architect or registered professional forester shall be submitted, indicating:

17.2.5.1. The mitigation measures required during and after the construction to ensure the health of the vegetation and,

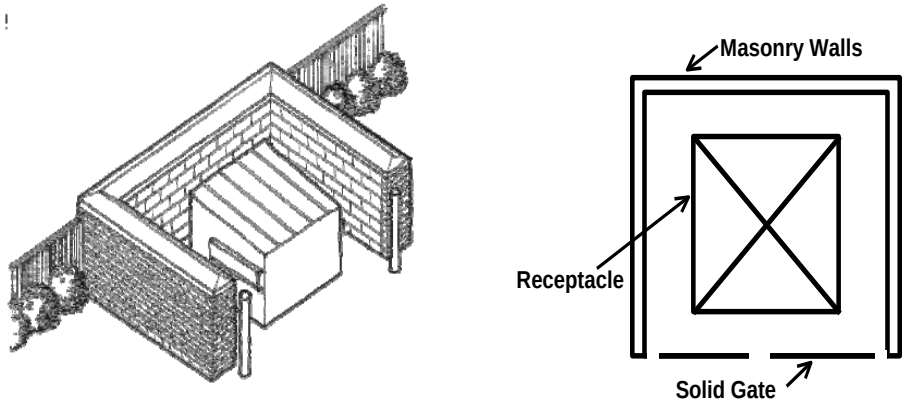
17.2.5.2. The safety of the landscape upon completion of the construction.

17.3. SLOPES, URBAN PLAZAS AND REFUSE RECEPTACLES

17.3.1. The maximum landscape grade in any landscape buffer area shall be:
17.3.1.1. 3:1 slope (33%) for lawn cover.
17.3.1.2. 2:1 slope (50%) for shrub or ground cover area.

17.3.2. Urban plazas are permitted as a substitute for Subsection 17.12. "Landscape Treatment", Figures A or B. To qualify as urban plaza, the area must be exclusively pedestrian, backed by a highly detailed building facade, have a decorative paving surface, be visible from the street, and include site furniture, trees and decorative lighting. The urban plaza must be accessible from both the street and from the on-site building.

17.3.3. Landscape buffers are required for utility kiosks, dumpsters, and containers.
17.3.3.1. Utility kiosks, dumpsters, containers and similar large receptacles shall be fully screened from view on three sides by masonry walls. The fourth side shall consist of a solid gate. The walls and gate shall be a minimum of 1.8m in height, but shall be no higher than 0.6m above the receptacle where the receptacle is more than 1.8m in height.
17.3.3.2. Screening shall be supplemented with shrub plantings not more than 1.8m from the sides of the enclosure exposed to view with wooden architectural features, such as trellises. Two fixed barrier guard posts shall be installed to protect the screening.



Diagrams provided for illustration

17.3.4. Dumpsters and containers shall be set back a minimum of 3m from any lot line adjoining a property zoned for residential use.

17.4. CHARACTER OF LANDSCAPING

17.4.1. The design layout shall be determined from the character area, as specified in Subsection 17.12.

17.4.2. The character of the screening along a designated street shall be determined in Subsection 17.12. **(4500.073; 2015-MAR-16)**

17.5. LANDSCAPE PROTECTION AND MAINTENANCE

17.5.1. All planted areas required by this Bylaw shall be protected from intrusion by motor vehicles with a continuous concrete curb. The curb shall be a type which will not be damaged by normal vehicle impact.

17.5.2. When the vehicle area has parking perpendicular to the curb, the landscape must be protected from a car overhang by a concrete wheel stop placed in each parking stall a minimum of 1m from the landscape area.

17.5.3. On the street side, landscape buffers are to be protected from streets and shoulders by a continuous curb. If no curb exists on the City street, then a curb shall be provided along the property line. Where the abutting right-of-way is grass, timbre edging shall be permitted between the landscape buffer and the right-of-way.

17.5.4. All landscape construction required by this Bylaw shall be maintained in good condition by the owner. Dead plants shall be replaced to the size and value as specified in the approved plan.

17.6. LANDSCAPING OF BOULEVARDS

17.6.1. If a curb and storm drainage system is complete on the street, landscaping shall be completed between the property line and the curb or sidewalk.

17.6.2. If curbs are not present on the street, landscaping shall be completed between the property line and the shoulder of the street.

17.6.3. Landscaping between the property line and the curb or shoulder of the street shall be limited to grass.

17.7. WATERING PROVISIONS

17.7.1. All planted areas (trees, shrubs, groundcover, lawn) required by this Bylaw shall be serviced by an underground automatic irrigation system.

17.8. FENCING STANDARDS

17.8.1. Where fences are allowed or required by this Bylaw, they shall be of opaque or a combination of opaque and lattice design. The design of the fence, elevation, and related construction details shall be submitted as part of the landscape plan.

17.8.2. Wood fences shall be designed to a high level of finish with materials of lumber grades standard or better. Wood posts shall be treated against rotting to provide for the longevity of the fence. Fences shall be constructed with all components of sufficient size and strength to prevent sagging, and constructed to minimize rot. Along sloping ground, the top of wood fences shall be horizontal with vertical drops at the posts.

17.9. APPROVAL PROCEDURES

17.9.1. A landscaping plan, in conformance with this Bylaw, shall be submitted with an application for a design review, development permit and building permit.

17.9.2. All drawing submissions required under this Bylaw shall be to professional drafting standards.

17.9.3. Where landscaping or screening is required by this Bylaw, landscape plans shall be submitted indicating:

17.9.3.1. The location of the parcel on which the landscaping is to occur and the related character area designation.

17.9.3.2. The location and extent of existing and proposed property boundaries, setback lines, structures, vehicle and pedestrian circulation and extent of existing and proposed landscape areas, with sufficient detail to allow the designation of landscape buffers in accordance with this Bylaw.

17.9.3.3. Cross sections to illustrate the grading design intent where landscape buffers have a slope 3:1 or more.

17.9.3.4. Extent, location, top and bottom spot elevations, materials and finish of required site retaining walls.

17.9.3.5. The extent of existing vegetation to be retained, relocated or removed including the location, size and species of all trees, and the outline of natural shrubs and ground cover.

17.9.3.6. Details of proposed planting showing the location, species, proposed planting size, quantities, and spacing of all introduced vegetation.

17.9.3.7. Detailed plant lists with all species of plants, planting size, spacing and quantities shown.

17.9.3.8. Details of watering provisions.

17.9.3.9. The location, height, extent and materials, and design elevation of any proposed fencing.

17.9.3.10. The location of urban plazas, site furniture, or other features necessary to illustrate the landscape concept.

17.9.3.11. Details of proposed grading at a contour level of not greater than 1m of all areas of the landscape buffer and adjacent street boulevard up to edge of pavement with a slope of 3:1 or steeper. For the balance of the buffer / boulevard flatter than 3:1, show by contours and / or slope arrows the surface drainage patterns, related degree of slope and location of storm water catchment facilities.

17.9.3.12. A comprehensive capital cost estimate of the value of the landscaping required by this Bylaw, prepared by either a landscape architect, landscape contractor, or nurseryman; costs to include plant material, concrete vehicle stops, curbing, and irrigation systems, fencing walls, hard surfaces, site furniture, lighting, and labour.

17.9.3.13. Slopes and spot elevations throughout parking and landscaping areas.

17.9.4. With an application for release of security, as-built plans shall be submitted with all the information above, altered to show as-built conditions in the field. The as-built drawings shall carry a statement by the owner or appointed agent that the landscape works have been completed substantially in accordance with the plans submitted to the City.

17.9.5. In the event of substantial changes to landscape plans being required due to unforeseen circumstances after approval of the landscape plan by the Design Advisory Panel or the Building Inspector, the applicant will be required to resubmit revised landscape plans and obtain the approval of the Building Inspector.

17.10. LANDSCAPE SECURITY DEPOSIT

17.10.1. At the time of an application for a building permit or development permit, an itemized cost estimate of the landscape construction, hard and soft landscape materials, protective curbing, irrigation systems, and labour prepared by a professional landscape architect, a nurseryman or landscape contractor, shall be submitted.

17.10.2. A Standby Irrevocable Letter of Credit, cash or certified cheque in a form satisfactory to the City shall be provided, at the time of application for a building permit, to the extent of 65% of the estimated cost of the work to a maximum of $100,000.00. This amount may serve as security for concurrent projects by the same applicant.

17.10.2.1 Notwithstanding the above, where landscaping is required under DPA1 – Environmentally Sensitive Areas as described in Part 18 of this Bylaw, the Standby Irrevocable Letter of Credit shall be equal to 100% of the estimated cost of the work for the length of the maintenance period, as recommended by a Qualified Registered Professional.
(4500.199; 2022-JUL-04)

17.10.3. Landscaping in conformance with the approved plan shall be completed prior to granting an occupancy permit.

17.10.4. Notwithstanding Subsection 17.10.3., the Director of Planning may waive the requirement for landscape completion as a condition of occupancy:

17.10.4.1. Where seasonal weather conditions prevent landscape completion;

17.10.4.2. Where circumstances require occupancy prior to landscape completion. In this case, application shall be made in writing to the Director of Planning:

(a) indicating the reason for the delay in landscaping and the reason for the need for occupancy;

(b) identifying the date of landscape completion;

(c) providing a new Standby Irrevocable Letter of Credit if the completion date extends beyond the expiry date of the existing Standby Irrevocable Letter of Credit.

17.10.5. If landscape construction and planting is not completed by the date of expiry of the Standby Irrevocable Letter of Credit, the City may cash the Standby Irrevocable Letter of Credit for the purpose of entering upon the subject property and completing the landscape construction and planting.

17.11. MINIMUM LANDSCAPE TREATMENT LEVELS

(See Subsection 17.12. for Details of Landscape Treatment Levels)

LEVELS

Subject Property Zoned	*Front Yard*	*Side Yard*	*Rear Yard*	*Storage / Landfill / Refuse Receptacles*
R4 – R10, R12 –R14	1	2	2	2
R11	3	3	3	3
CD1	1	2	2	2
CD2	1	1	1	2
CD3	1	1	1	2
CD4	1	2	2	2
CD5	1	1	1	2
CD11	1	2	2	2
CC1, CC2, CC3, CC4, CC5, CC6,	1	2	2	2
DT1, DT2, DT3, DT5, DT7	--	--	--	2
DT4, DT6, DT12	1	--	--	2
DT8- DT11	1	1	1	2
COR1, COR2, COR3	1	2	2	2
I1, I2, I3	1	2	2	2
I4	2	3	3	3
W2, W3	1	2	2	2
CS1	1	2	2	2
CS2, CS3	3	3	3	3

(4500.036; 2013-APR-22) (4500.202; 2023-APR-17)

17.11.1. Notwithstanding Subsection 17.11, all side yards abutting a street shall provide screening at Level 1 for that yard. **(4500.073; 2015-MAR-16)**

17.11.2. Notwithstanding Subsection 17.11., where a parcel abuts a park, screening and landscaping shall not be required for that yard.

17.11.3. Notwithstanding Subsection 17.11.2., a fence with a minimum height of between 1.2m to 1.8m shall be provided along the lot line abutting a park.

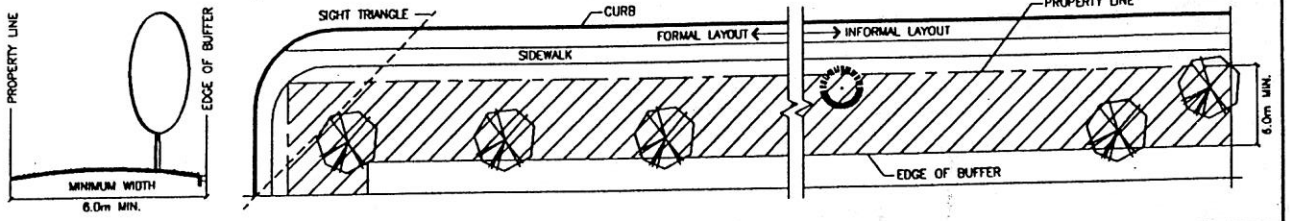
17.11.4. Notwithstanding Subsection 17.11, within the CS3 zone where is the use is only a railway line, no screening shall be required.

17.12 CHARACTER OF LANDSCAPING

Character Area	Design Layout Type	Landscape Design Guidelines
OLD NANAIMO Historical city with formal streetscapes.	Formal	Make deciduous trees in formal rows dominant. Consider flowering perennials, annuals, bulbs. Provide emphasis on seasonal colour and display. Protect plant materials from trampling. Consider heritage planting styles. Urban plazas are encouraged.
HAREWOOD Agricultural uses remain with existing hedge rows and orchard trees.	Formal or Informal	Make dominate use of trees along streets. Emphasize residential landscape character. Green space should be dominant at site edges.
MILLSTONE VALLEY Large-scale rural hedge rows / orchards fields with blocks of remaining forest.	Informal	Maintain rural flavour. Native or naturalized plantings dominant.
WELLINGTON/ TOWNSITE/ DEPARTURE BAY Old communities surrounded by suburbia. Largely urban with mixed densities. Some Institutional / Commercial and Industrial areas	Formal or Informal	Maintain residential landscape character as dominant. Green space should dominate the site edge. Urban plaza landscapes are discouraged.
NORTH NANAIMO North Suburbia with forest backdrop	Informal	Maintain stand of native evergreens where feasible. Include at least 50% evergreen trees in planting scheme. Accent natural features such as rock outcrop.
SOUTH NANAIMO Suburban rural edge with blocks of agricultural design	Informal	Maintain stand of native evergreens where feasible. Include at least 50% evergreen trees in planting scheme. Accent natural features such as rock outcrop.

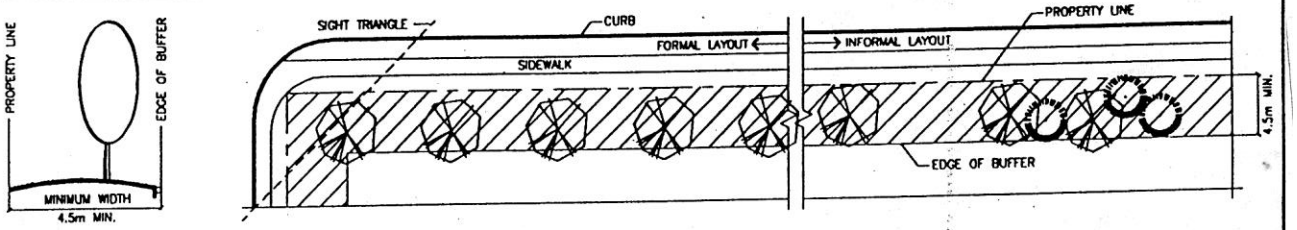
1a

- TREES SPACED AN AVERAGE OF 15m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- IRRIGATED, TOPSOIL & GRASS.
- BERM UP GRASS AREA, SLOPES 3:1 MAX, 50:1 MIN.
- AVOID TREES OR SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.



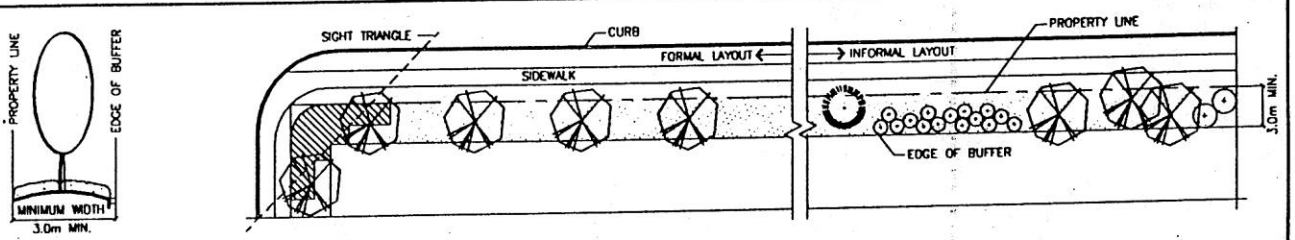
1b

- TREES SPACED AN AVERAGE OF 10m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- IRRIGATED, TOPSOIL & GRASS.
- BERM UP GRASS AREA, SLOPES 3:1 MAX, 50:1 MIN.
- AVOID TREES OR SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.



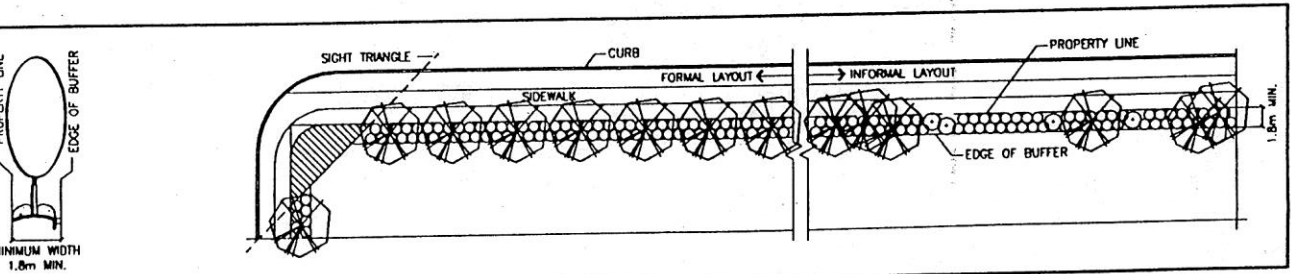
1c

- TREES SPACED AN AVERAGE OF 10m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- IRRIGATED, #1 POT SHRUBS, MAX. 1.0m O.C. AND/OR 10cm POT GROUNDCOVER, MAX 450mm O.C.
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- AVOID TREES OR SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.



1d

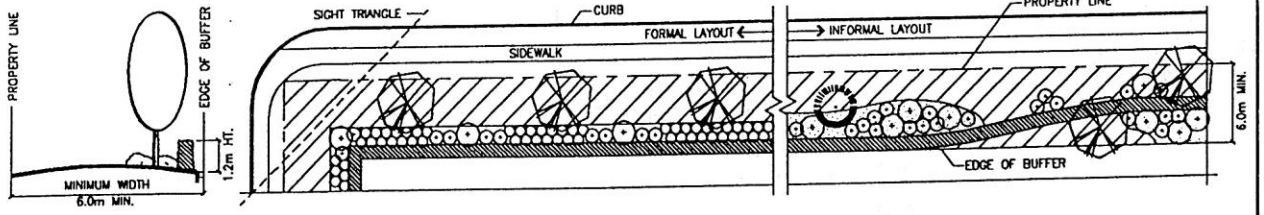
- TREES SPACED AN AVERAGE OF 6m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- IRRIGATED, #2 POT SHRUBS, MAX. 1.0m O.C. AND/OR 10cm POT GROUNDCOVER, MAX 450mm O.C.
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- AVOID TREES OR SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.



SECTION 14.14 Minimum Landscape Treatment Level
Figure A

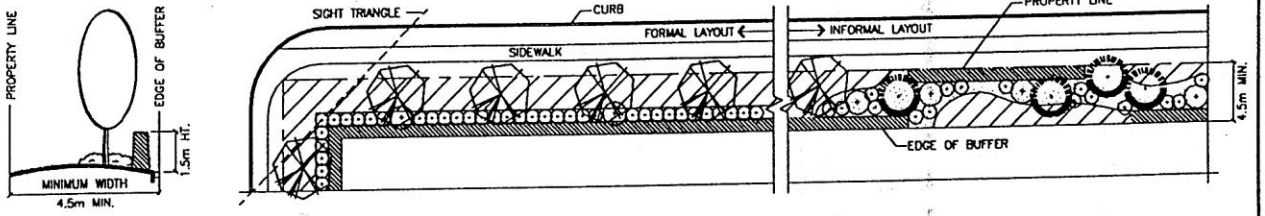
2a

- TREES SPACED AN AVERAGE OF 15m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- HEDGE/SHRUB SCREEN AT 1.2m ULTIMATE HT., PLANTED AT 1.0m MIN HT., 900mm MAX. SPACING OR 1.2m HT. DECORATIVE FENCE.
- LOCATION OF FENCE OR HEDGE IN BUFFER MAY VARY.
- IRRIGATED TOPSOIL, GRASS, AND SHRUBS/GROUNDCOVER.
- 1/3 OF LANDSCAPE AREA TO BE #1 POT SHRUBS MAX. 1.0m O.C. AND/OR 10cm POT GROUNDCOVER 450mm O.C. (EXCLUSIVE OF THE HEDGE)
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- AVOID TREES OR HEDGE/FENCE IN SIGHT TRIANGLE.



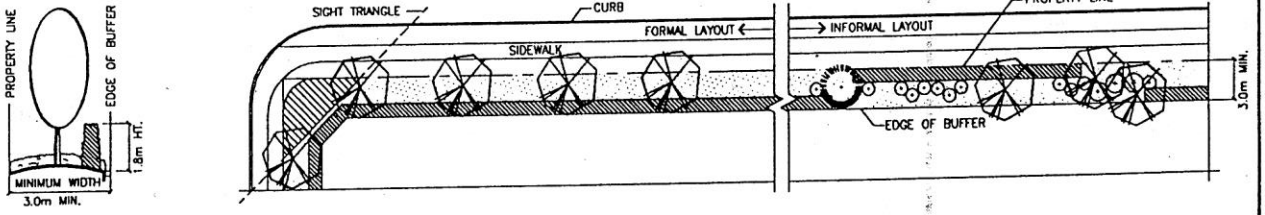
2b

- TREES SPACED AN AVERAGE OF 10m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- HEDGE/SHRUB SCREEN AT 1.5m ULTIMATE HT., PLANTED AT 1.0m MIN HT., 900mm MAX. SPACING OR 1.5m HT. DECORATIVE FENCE.
- LOCATION OF FENCE OR HEDGE IN BUFFER MAY VARY.
- IRRIGATED TOPSOIL, GRASS, AND SHRUBS/GROUNDCOVER.
- 1/3 OF LANDSCAPE AREA TO BE #1 POT SHRUBS MAX. 1.0m O.C. AND/OR 10cm POT GROUNDCOVER 450mm O.C. (EXCLUSIVE OF THE HEDGE)
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- AVOID TREES OR HEDGE/FENCE IN SIGHT TRIANGLE.



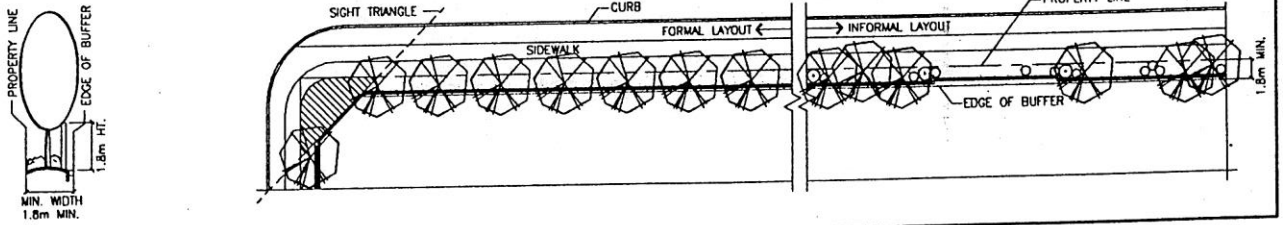
2c

- TREES SPACED AN AVERAGE OF 10m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- HEDGE/SHRUB SCREEN AT 1.8m ULTIMATE HT., PLANTED AT 1.0m MIN HT., 900mm MAX. SPACING OR 1.8m HT. DECORATIVE FENCE.
- LOCATION OF FENCE OR HEDGE IN BUFFER MAY VARY.
- IRRIGATED #1 POT SHRUBS, MAX. 1.0m O.C AND/OR 10cm POT GROUNDCOVER MAX. 450mm O.C.
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- AVOID TREES, HEDGES AND SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.



2d

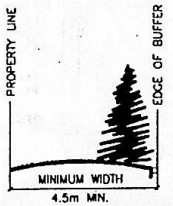
- TREES SPACED AN AVERAGE OF 6m O.C.
- DECIDUOUS TREES SHALL BE MIN. 6cm CAL., 1.5m MIN. HT. TO LOWEST BRANCH. CONIFERS SHALL BE MIN. 2.5m HT.
- 1.8m HT. DECORATIVE SCREEN FENCE OR WALL.
- LOCATION OF FENCE OR WALL IN BUFFER MAY VARY.
- IRRIGATED, #2 POT SHRUBS, MAX. 1.0m O.C., AND/OR 10cm POT GROUNDCOVER, MAX. 450mm O.C.
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- AVOID TREES, FENCE, AND SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.

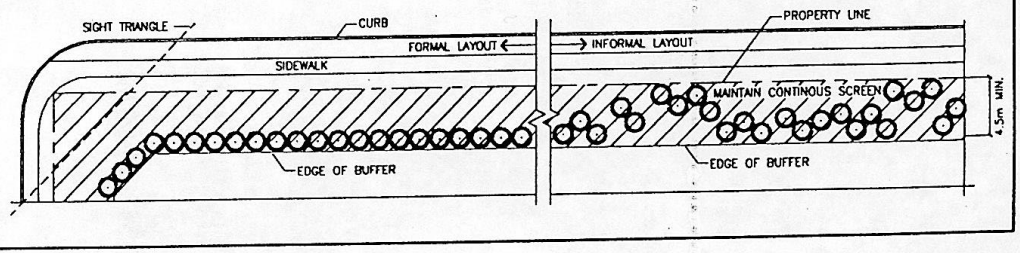


SECTION 14.14 Minimum Landscape Treatment Level
Figure B

3a

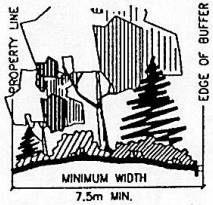
- EVERGREEN TREE SCREEN, 3.0m HT. AT TIME OF PLANTING, SPACED 2.0m MAX. O.C., MATURE HT. TO SCREEN ADJACENT USE, 6.0m MIN.
- IRRIGATED, #1 POT SHRUBS, MAX. 1.0m O.C. AND/OR 10cm POT GROUNDCOVER, MAX 450mm O.C. AND/OR TOPSOIL & GRASS.
- BERM UP LANDSCAPE AREAS, SLOPES 2:1 MAX., 50:1 MIN. IF GROUNDCOVERS AND OR SHRUBS, SLOPES 3:1 MAX., 50:1 MIN. IF GRASS.
- MAINTAIN CONTINUOUS SCREEN, BUT AVOID TREES OR SHRUBS TALLER THAN 600mm IN SIGHT TRIANGLE.

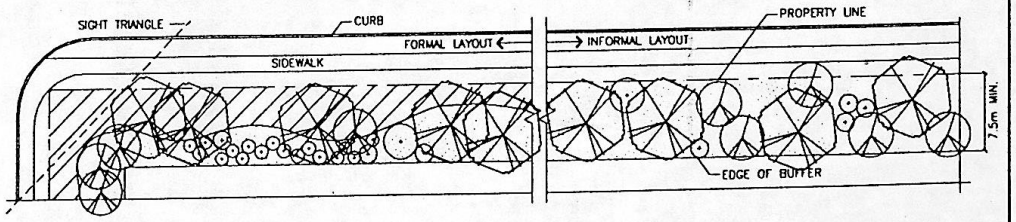




3b

- NATIVE TREES & GROUNDCOVER, OF SUFFICIENT DENSITY TO PROVIDE A VISUAL SCREEN EQUIVALENT TO THE MINIMUM DESIGNATED BUFFER REQUIREMENT.
- PRUNE OUT DISEASED AND HAZARD TREES, THIN UNDER-GROWTH TO ELIMINATE 'HIDEAWAYS', AND PROVIDE PROFESSIONAL CERTIFICATION OF SUITABILITY OF TREES FOR RETENTION GIVEN SITE USE.
- SUPPLEMENT NATIVES WITH PLANTED STOCK AS NECESSARY TO MEET BUFFER REQUIREMENT, AND TO LANDSCAPE ALL BARE OR THIN AREAS.
- SELECTIVE CLEAR VEGETATION AT SIGHT TRIANGLE.





SECTION 14.14 Minimum Landscape Treatment Level
Figure C

PART 18 - DEVELOPMENT PERMIT AREA (DPA) GUIDELINES

18.1 DPA1: ENVIRONMENTALLY SENSITIVE AREA (ESA) GUIDELINES – WATERCOURSE, TERRESTRIAL & MARINE FORESHORE

Application

18.1.1 *Environmentally Sensitive Areas* (*ESA*s) are identified on "Schedule 6 – DPA1: Environmentally Sensitive Areas" of the *City Plan*.

18.1.2 A development permit is required prior to any proposed development in DPA1: Environmentally Sensitive Areas.

18.1.3 DPA1 applies to the following *ESA*s:

a) Watercourse ESA
   i. The width of the *Watercourse ESA leave strip* shall be determined as specified on Schedule 6 of the *City Plan*.
   ii. The width of the *watercourse leave strip* is measured horizontally from, and at right angles to, the *top of bank* or *wetland* boundary of the *watercourse*.

b) Terrestrial ESA
   i. Properties impacted by known Terrestrial *ESA*s are shown on Schedule 6 DPA1: *Environmentally Sensitive Areas* of the *City Plan*, and the width of the terrestrial *ESA leave strip* shall be determined by a *Qualified Registered Professional* through a detailed biophysical assessment and approved by the Director of Development Approvals.

c) Marine Foreshore ESA
   i. Marine Foreshore *ESA*s are shown on Schedule 6 of the *City Plan*.

Guidelines

18.1.4 Where disturbance within an *ESA* or *ESA leave strip* cannot be avoided, the following information must be provided to support the DPA1 development permit application in order to ensure protection, connectivity and increased functional habitat through mitigation, compensation and restoration of the *ESA*:

a) A detailed biophysical assessment of the property, prepared by a *Qualified Registered Professional*.

b) A survey, completed by a registered BC Land Surveyor, of the *ESA* and *ESA leave strip* area.

c) A *Riparian Areas Protection Regulation* (RAPR) assessment report prepared by a *Qualified Registered Professional* where applicable.

d) An assessment of the proposed development's impact to the site hydrology completed by a *Qualified Registered Professional*.

e) An Executive Summary of the required strategy and recommended measures to protect the *ESA* prior to site disturbance, during the construction process and post

construction must be included in the *Qualified Registered Professional* assessment.

f) A restoration and enhancement management plan and detailed cost estimate for any restoration works, prepared by a *Qualified Registered Professional*, for the disturbed portion of the *ESA* and *ESA leave strip*. The plan shall meet the following criteria:
   i. include restoration and enhancement of *ESA*s that were impacted by previous development activities;
   ii. utilize vegetation that is indigenous to Vancouver Island; and
   iii. meet or exceed the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS), as amended from time to time.

g) The principle of net gain will be followed, and a *Qualified Registered Professional* must demonstrate how an increase in the quality and quantity of functional habitat within the *ESA* and *ESA leave strip* will be achieved once the proposed development is complete, such that any areas restored shall be of better ecological value, and shall be contiguous with the original *ESA* and *ESA leave strip*. The following principles will apply to establishing net gain:
   i. Outcomes through habitat creation, enhancement, and/or restoration;
   ii. Target condition (functional habitat in 20 years); and
   iii. Target metric (twice the area of encroachment into the leave strip).

18.1.5 To protect the *ESA* the following will be required:

a) Prior to site clearing and construction:
   i. permanent fencing shall be installed to sufficiently protect the *ESA* from construction and development activity;
   ii. the fencing must have signage that identifies the area as an environmentally sensitive area;
   iii. runoff, erosion and sediment control must be installed adjacent to the *ESA leave strip*; and
   iv. demarcation of wildlife corridors, wildlife trees, and significant trees as identified in the *Tree Bylaw* may also be required.

b) Provision shall be made, and works undertaken, to provide for the disposal of surface runoff and stormwater flowing over the land, contributed by either the proposed development or past development. Such works shall be required to divert drainage away from areas subject to sloughing. Post development surface flow and groundwater must be maintained in volume and direction.

c) Restricting development activity during sensitive life cycle times, as determined by a *Qualified Registered Professional* and following the Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia as prepared by the Province and amended from time to time.

d) The property owner or applicant will retain a *Qualified Registered Professional* to monitor and inspect the site during construction and during site restoration, for the duration of the project and the specified maintenance period, which will be the greater of three years from completion of restoration and enhancement, or as recommended by the *Qualified Registered Professional*. Post-completion monitoring and inspection reports will be provided to the City on a regular basis at a minimum of once every six months, or more frequently if recommended by the *Qualified Registered Professional*.

e) Indigenous trees and vegetation, as well as their root zones, within the *ESA* and *ESA leave strip* should not be cut, pruned, altered, removed or damaged.

f) Development should be located in the least environmentally sensitive areas, such as previously disturbed areas, to minimize impact on the ecology of the *ESA* and the *ESA leave strip*.

g) Maintaining the connectivity of forested corridors is a priority and is strongly encouraged.

h) The 'green shores' principles and guidelines in the Stewardship Centre for British Columbia's Green Shores for Home shall be applied to minimize impacts to the marine foreshore area.

i) Gravel, sand, *soil*s, and peat must not be removed from the *ESA*, or *ESA leave strip*, and *soil* or other *fill* must not be deposited in the *ESA* or *ESA leave strip*.

j) *ESA*s and *ESA leave strips* must not be impacted by blasting or run-off of sediments and construction-related contaminants.

k) To ensure long-term protection of the *ESA* and *ESA leave strip*, the registration of a *Land Title Act* Section 219 covenant on the title of the property may be required.

l) Varying or relaxing other bylaw requirements (e.g., building setbacks, building height, or parking requirements) will be considered to facilitate safeguarding an *ESA* and *ESA leave strip*, particularly where the relaxation can make possible the development of the remainder of the lot, while avoiding disturbance within the *ESA* and *ESA leave strip*.

Exemptions

18.1.6 A development permit is not required for the following activities in DPA1:

a) Construction, alteration, or addition to a building or structure, or alteration of land occurring outside of an *ESA* and *ESA leave strip* on a lot, where the location of the *ESA* and *ESA leave strip* have been confirmed by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey, completed by a registered BC Land Surveyor. In addition, permanent fencing, signage, runoff and erosion and sediment control must installed prior to site clearing and construction to protect the *ESA* and *ESA leave strip*.

b) Internal alterations to an existing building or structure.

c) External alterations to an existing building or structure that do not alter its footprint.

d) The placement of temporary structures used for short-term special events and emergency facilities where no functional habitat is being disturbed.

e) Demolition of a building or structure located within the *ESA* and *ESA leave strip* on a lot provided no further disturbance of the *ESA* or *ESA leave strip* occurs outside of the footprint of the existing building or structure and provided the work is performed in accordance with the guidelines.

f) The erection of a sign or fence provided no native vegetation is removed or disturbed.

g) Routine maintenance of existing landscape conditions, such as lawn mowing, minor pruning of trees and shrubs, planting of vegetation, and minor soil disturbance that does not alter the general contour of the land, provided no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees occurs and provided no further impact to the *ESA* or *ESA leave strip* occurs.

h) Planting and maintenance of native (indigenous) trees, shrubs or groundcover and removal of invasive plants or noxious weeds (such as Scotch broom, Himalayan blackberry, morning glory and purple loosestrife) for the purpose of restoring or enhancing habitat values and/or soil stability within the *ESA* and *ESA leave strip*, provided such planting is carried out in accordance with the guidelines and meeting or exceeding the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS), as amended from time to time.

i) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw*.

j) Pedestrian trail construction within a *watercourse leave strip* or *marine foreshore* if:
   i. it is for access to water only;
   ii. only one trail is built;
   iii. the trail is for pedestrian, non-vehicular use;
   iv. the trail is less than 1.5 metres wide;
   v. no native trees are removed;
   vi. the trail's surface is pervious, including *soil*, mulch or gravel;
   vii. the overall slope of the trail is less than 10% and where portions of the trail are greater than 10% the trail is designed to prevent erosion; and
   viii. disturbance of *soil*, *fill,* or aggregates occurs within a corridor less than 2 metres in width.

k) Subdivision of land where:
   i. Minimum lot areas are met exclusive of the *watercourse leave strip*;
   ii. Development activities related to the subdivision or servicing of lots does not occur in the *ESA* or *ESA leave strip*;
   iii. The *ESA* and the *ESA leave strip* has been protected through dedication, *Land Title Act* Section 219 covenant or other provisions acceptable to the Approving Officer; and
   iv. All requirements in accordance with the City of Nanaimo *Subdivision Control Bylaw* for identifying and marking *watercourses*, terrestrial *ESA*, *marine foreshore*, *natural boundary*, *top of bank*, *wetland boundary* and other *ESA* related features are met.

l) Lot consolidation, road dedication, or a boundary adjustment subdivision where: a new building footprint is not proposed, and provided lot area requirements are met exclusive of the *ESA* and the *ESA leave strip*.

m) The removal of culverts for *watercourse* daylighting projects, as approved by a *Qualified Registered Professional* and accepted by the City of Nanaimo.

n) Commercial or industrial activity or marine or transportation facilities occurring on an existing filled marine foreshore on land appropriately zoned for the use.

o) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

p) Emergency procedures undertaken by the City of Nanaimo, including:
    i. Emergency flood, erosion or forest fire control protection works;
    ii. Protection, repair or replacement of public utilities;
    iii. Clearing of an obstruction from a bridge, culvert or drainage flow; and,
    iv. Repairs to bridges or safety fences.

q) Actions and activities necessary to prevent immediate threats to life or property provided any disturbance within the *ESA* and the *ESA leave strip* is immediately reported to the City. A development permit may be required for remediation once the emergency has passed.

18.2 DPA2: HAZARDOUS SLOPES GUIDELINES

Application

18.2.1 Hazardous Slopes are identified on Schedule 7 – DPA2: Hazardous Slopes of the *City Plan*.

18.2.2 A development permit is required prior to any proposed development within DPA2: Hazardous Slopes.

18.2.3 If a steep or unstable slope is identified by a *Qualified Registered Professional* during site assessment and investigation the guidelines of DPA2 may apply to the proposed development.

Guidelines

18.2.4 The following may be required to be provided to support the DPA2 development permit application:

a) A geotechnical report that provides recommendations to protect the development from hazardous conditions, in compliance with the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports,* prepared by a registered professional geotechnical engineer. Development should take into account recommendations from the geotechnical report and a *Land Title Act* Section 219 covenant with the geotechnical report may be required to be registered on title of the property.

b) A construction management plan with mitigation strategies to avoid impacts to steep and unstable slopes during construction. Mitigation strategies may include erosion protection, selective vegetation removal, restricting site access, and removal of debris or other measures as recommended by *Qualified Registered Professional*.

c) A vegetation restoration and management plan, prepared by a *Qualified Registered Professional*, that meets or exceeds the landscaping requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS), as amended from time to time.

18.2.5 To protect the development from hazardous conditions the following will be required:

a) No vegetation removal, no significant excavation or placement of *fill* shall be undertaken, nor shall any building or permanent structure of any kind be constructed or placed in areas subject to bank instability.

b) Buildings and structures shall be sited in accordance with building setbacks as established by a registered professional geotechnical engineer to avoid areas subject to unstable slope and/or ground instability.

Exemptions

18.2.6 A development permit is not required for the following activities in DPA2:

a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.

b) Internal alterations to existing building or structure.

c) External alterations to an existing building or structure that do not alter its footprint.

d) The construction of new accessory buildings or structures, not on permanent foundations, less than $10m^2$ in floor area.

e) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA2 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" *Land Title Act Section* 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

f) The placement of temporary structures used for short-term special events and emergency facilities.

g) The erection of a sign or fence.

h) Routine maintenance of existing landscape conditions provided no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees occurs unless following the recommendations of and under the supervision of a *Qualified Registered Professional*.

i) Actions and activities performed in accordance with the recommendations of a previously accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.

j) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA2 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

k) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

l) Actions and activities necessary to prevent immediate threats to life or property provided any disturbance within the *DPA* is immediately reported to the City. A development permit may be required for remediation and permanent protective works once the emergency has passed.

m) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area.

18.3 DPA3: SEA LEVEL RISE GUIDELINES

Application

18.3.1 Areas of potential impact from sea level rise and the 2100 Flood Construction Areas are identified on Schedule 8 – DPA3: Sea Level Rise of the *City Plan*.

18.3.2 A development permit is required prior to any proposed development within DPA3: Sea Level Rise.

Guidelines

18.3.3 To protect development from sea level rise proposed buildings in DPA3 (along the shore and in areas at risk of coastal flooding, up to the year 2100) shall establish a required elevation to ensure that all *habitable area* is located above the sea level rise *flood construction level*.

18.3.4 The following must be provided to support the DPA3 development permit application:

a) A report prepared by a *Qualified Registered Professional* with training and experience in sea level rise, such as a Coastal Engineer, that provides recommendations to protect the development from sea level rise, is in compliance with the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports* and is in compliance with the provincial *Flood Hazard Area Land Use Management Guidelines* or any similar, successor or replacement guidelines that may exist from time to time. The report shall model wave and wind effects, and identify setbacks, elevations and other conditions to protect development from sea level rise, as well as detailed calculations of the required *flood construction level* as it applies to the entire property.

b) Should imported *fill* be required for site grading, the *fill* should be clean and free of debris and deleterious substances and adhere to fill specifications outlined by a *Qualified Registered Professional*.

c) If any landfill is proposed, it should be adequately compacted, and the face of the landfill slope should be adequately protected against erosion from flood flows, wave action, ice or other debris. The fill must not adversely impact neighbouring properties by increasing the surface water elevation or directing flows toward those properties.

d) Consider zoning bylaw variances in order to construct a home at the elevation of the calculated FCL or 15m from the future estimated natural boundary of the ocean at Year 2100, whichever is greater. Variances may include, but are not limited to, height and setback variances. Requested variances shall consider proximity to adjacent dwellings, as well as privacy and view impacts for neighbours.

e) Where changes in site grading are proposed to mitigate coastal flooding, landscaping shall address grade differences to adjacent properties to consider privacy including light, view, and overlook and proximity issues between properties. In addition, site grading should consider the topography of a site, reducing the need for major site preparation or earthwork, maintenance or enhancement of desirable site features (natural vegetation, trees, natural shoreline, or rock outcrops/bluffs). The use of exposed retaining walls shall be minimized with specific consideration for exposed retaining walls facing adjacent properties.

Exemptions

18.3.5 A development permit is not required for the following activities in DPA3:

a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.

b) Internal alterations to an existing building or structure.

c) External alterations to an existing building or structure that do not alter its footprint.

d) The construction of an accessory building or structure for non-habitable area.

e) The addition, or alteration to an existing building or structure for non-habitable area.

f) The construction, or alteration by the City of Nanaimo, or its authorized agents of a recreation shelter, stand, washroom, and other outdoor facility designed to withstand periodic flooding.

g) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA3 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

h) The placement of temporary structures used for short-term special events and emergency facilities.

i) The erection of a sign or fence.

j) Routine maintenance of landscaping and minor soil disturbance that does not alter the general contour of the land.

k) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.

l) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.

m) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA3 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

n) Lot consolidation, road dedication, or a boundary adjustment subdivision: where a new building footprint is not proposed, and provided lot area requirements are met exclusive of the *DPA*.

o) Commercial or industrial activity or marine or transportation facilities occurring on existing filled marine foreshore on land appropriately zoned for the use provided such activities are designed to withstand flooding.

p) Actions and activities necessary to prevent immediate threats to life or property provided such actions and activities within the *DPA* are immediately reported to the City. A development permit may be required for remediation and permanent protective works once the emergency has passed.

q) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

18.4 DPA4: ABANDONED MINE WORKINGS HAZARDS GUIDELINES

Application

18.4.1 Abandoned mine workings are identified on Schedule 9 – DPA4: Abandoned Mine Workings Hazards of the *City Plan*.

18.4.2 A development permit is required for any proposed development within DPA4: Abandoned Mine Workings Hazards.

Guidelines

18.4.3 The following may be required to be provided to support the DPA4 development permit application:

a) A geotechnical report that provides an assessment and recommendations to protect the development from hazardous conditions in relation to the abandoned mine workings. The geotechnical report must be completed by *Qualified Registered Professional* experienced with abandoned mine working hazards in conformance with the City of Nanaimo *Guidelines for Geotechnical Assessments Above Abandoned mine workings* and the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*. Where the *Qualified Registered Professional* is not able to verify that the land may be used safely for the use intended, the assessment report shall identify the further investigations required to assess the site and/or present recommendations under which the land may be used safely for the use intended.

b) To ensure that geotechnical recommendations are adhered to for the long term, a *Land Title Act* Section 219 covenant with the geotechnical report may be required to be registered on the title of the property.

Exemptions

18.4.4 A development permit is not required for the following activities in DPA4:

a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* experienced with abandoned mine working hazards, and identified on a survey prepared by a BC Land Surveyor.

b) Internal alterations to existing building or structure.

c) External alterations to an existing building or structure that do not alter its footprint.

d) The construction of an accessory building or structure for non-habitable area.

e) The addition, or alteration to an existing building or structure for non-habitable area.

f) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo Guidelines for the Completion of Geotechnical Reports, satisfies the objectives and guidelines for DPA4 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

g) The placement of temporary structures as permitted under 6.7 of this Bylaw.

h) The erection of a sign or fence.

i) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.

j) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.

k) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo Guidelines for the Completion of Geotechnical Reports, satisfies the objectives and guidelines for DPA4 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

l) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

m) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

18.5 DPA5: WILDFIRE HAZARD GUIDELINES

Application

18.5.1 Wildfire Hazard Areas are identified on Schedule 10 – DPA5: Wildfire Hazard Areas of the *City Plan*.

18.5.2 A Wildfire Hazard development permit is required prior to the construction of any residential building, or *subdivision* of land in the DPA5 wildfire hazard area.

Guidelines

18.5.3 The following may be required to be provided to support the DPA5 development permit application:

a) A report that assesses risk and provides recommendations to protect development from the wildfire interface hazard, prepared by a *Qualified Registered Professional* registered in British Columbia with specific training and experience working with wildfire interface protection.

b) A detailed tree survey, prepared by a *Qualified Registered Professional*, or *Certified Arborist*, showing tree location, size, condition and species.

18.5.4 To protect development from wildfire hazards the following may be required:

a) Create a defensible space between development and the top of ridgelines, cliffs, ravines or slopes to reduce risk from approaching wildfire.

b) Consider the location of proposed new parcels and building footprints in relation to forested lands, and consider roadways or trails to be placed as a buffer between new parcels and forested lands to provide a fire/fuel break.

c) Avoid gullies or draws that accumulate fuel and funnel winds in subdivision design.

d) Utilize fire resistive building materials (cladding, siding, roofing, and decking) and non-combustible fence materials.

e) Design and install landscaping to reduce fuel surrounding buildings, ensure appropriate gaps between tree canopies, and ground coverings, and plants with low amounts of sap or resin.

f) Maintain landscaping to ensure fuel reduction, such as regular pruning, and removing dead trees and shrubs.

g) Locate fire access routes and fire hydrants strategically to allow for evacuation and emergency services.

h) Ensure combustible materials, such as propane tanks and firewood are note located in close proximity to buildings.

i) Restrict construction during times of extreme fire hazard.

j) To ensure that fire hazard risk recommendations are adhered to for the long term, a *Land Title Act* Section 219 covenant may be required to be registered on the title of the property.

Exemptions

18.5.5 A development permit is not required for the following activities in DPA5:

a) Construction of a single residential dwelling, duplex, or related accessory buildings and structures on an existing lot.

b) Addition or alteration to an existing single residential dwelling or duplex.

c) For multi-family residential development:
   i. Construction which is limited to the addition, replacement or alteration of doors, windows, building trim, or roofs and which would have no impact on the form and character of the building and would not impact the existing landscaping or access provisions;
   ii. Interior building alterations;
   iii. Exterior building alterations involving 25% or less of the façade of an existing building;
   iv. A minor addition up to 50m^2 of the building's gross floor area, taken together with all additions to the building made within the previous five years; or
   v. Replacement of a building that has been destroyed by natural causes, in cases where replacement of the building is identical to the original in both form and location.

d) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw.*

e) Subdivision where a report that assesses risk and provides recommendations to design and protect development from the wildfire interface hazard has been prepared, to the satisfaction of the Approving Officer, by a *Qualified Registered Professional* registered in British Columbia with specific training and experience working with wildfire interface protection. The report may be required to be registered on title together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, at the discretion of the Approving Officer.

f) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

g) Any development where, in the opinion of the Fire Chief, the development will mitigate wildfire hazard.

h) Where an existing *Land Title Act* Section 219 covenant is in place which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo. For the City to determine whether the proposed development qualifies for the exemption, applicants may be required to provide a report on the development and hazardous condition, prepared by a *Qualified Registered Professional*, registered in British Columbia with specific training and experience working with wildfire interface protection.

i) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area.

18.6 DPA6: STEEP SLOPES GUIDELINES

Application

18.6.1 Steep Slopes are identified on Schedule 11 – DPA6: Steep Slopes of the *City Plan*.

18.6.2 A development permit is required prior to any proposed development in DPA6: Steep Slopes.

Guidelines

18.6.3 Development in DPA6: Steep Slopes must follow the City of Nanaimo *Steep Slope Development Permit Area Guidelines*, which form part of the DPA6 guidelines.

Exemptions

18.6.4 A development permit is not required for the following activities in DPA6:

a) Construction of two units or less on a lot.

b) Construction on a property less than 0.5ha in area.

c) Construction on a property which has less than 10% of the site with slopes of 20% or greater.

d) Alteration of a building that is limited to envelope repair, replacement or alteration of doors, windows, building trim, awnings, or roofs.

e) Alteration to site design, building design, and/or landscape design determined by the City to substantially comply with a previously approved Form and Character development permit.

f) A minor addition up to the lesser of 25% of the building's gross floor area or 100m^2, taken together with all additions to the building made within the previous five years, provided the addition is not undertaken within five years of building occupancy, or final approval being granted, and provided a variance is not required.

g) Temporary buildings and structures as permitted under 6.7 of this Bylaw.

h) The construction of new accessory buildings or structures, not on permanent foundations, less than 10m^2 in floor area.

i) The construction of an accessory building or structure for non-habitable area.

j) Routine maintenance of landscaping and minor soil disturbance that does not alter the general contour of the land.

k) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.

l) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

m) Actions and activities necessary to prevent immediate threats to life or property provided such actions and activities within the DPA are immediately reported to the City. A development permit may be required for remediation once the emergency has passed.

n) Works undertaken by the City of Nanaimo or its authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

o) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

18.7 DPA7: NANAIMO PARKWAY DESIGN GUIDELINES

Application

18.7.1 The Nanaimo Parkway Design development permit area is identified on Schedule 12 – DPA7: Nanaimo Parkway Design of the *City Plan*.

18.7.2 A development permit is required prior to any proposed development in DPA7: Nanaimo Parkway Design.

Guidelines

18.7.3 Development in DPA7: Nanaimo Parkway Design must respect the specific character zones and guidelines as set out in the *Nanaimo Parkway Design Guidelines,* which form part of the DPA7 guidelines.

Exemptions

18.7.4 A development permit is not required for the following activities in DPA7:

a) The construction of, or an addition to, a single family dwelling or duplex on one lot.

b) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw* provided the cutting, pruning, or removal are performed in a manner consistent with the applicable development permit area guidelines

c) A boundary adjustment subdivision application that:
   i. does not result in an increase of the allowable density on the property; and,
   ii. has been determined by the Director of Development Approvals to conform to the *Nanaimo Parkway Design Guidelines*.

d) When the subject property or portion of the property being developed lies outside the Character Protection Area and Tree Protection Zone as identified by the *Nanaimo Parkway Design Guidelines*, unless the view corridors identified by the guidelines are impacted.

e) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

18.8 DPA8: FORM AND CHARACTER GUIDELINES

Application

18.8.1 The Form and Character development permit area is all the land within the City of Nanaimo boundary, and is identified on Schedule 13 – DPA8: Form and Character of the City Plan.

18.8.2 A development permit is required for any proposed commercial, industrial, or multi-family development in DPA8: Form and Character.

Guidelines

18.8.3 Development in DPA8: Form and Character must respect the following guidelines, which form part of the DPA8 guidelines:

a) *City of Nanaimo General Development Permit Area Design Guidelines* (1992) applicable for all development within the City of Nanaimo; and
b) *Innovative Housing for Neighbourhoods: Triplex and Quadruplex Infill Design Guidelines* (1995) applicable for all development with three or four units on the lot.

18.8.4 In addition to 18.8.3, the design guidelines in the following documents, which form part of the DPA8 guidelines, shall also apply for all development in the corresponding areas shown on Schedule E of this Bylaw:

a) *Nanaimo's Old City Multi-Family Residential Design Guidelines* (1990)
b) *Design Guide: Chase River Town Centre* (2000)
c) *Departure Bay Neighbourhood Plan* (2006)
d) *Downtown Urban Design Plan and Guidelines* (2008)
e) *South End Neighbourhood Plan* (2010)
f) *Newcastle + Brechin Neighbourhood Plan Urban Design Framework and Guidelines* (2011)
g) *Harewood Neighbourhood Plan* (2013)
h) *Hospital Area Plan* (2018)
i) *Port Drive Waterfront Master Plan* (2018)
j) *Bowers District Master Plan* (2022)
k) *Sandstone Master Plan* (2022)

Exemptions

18.8.5 A development permit is not required for the following activities in DPA8:

a) Alteration of a building that is limited to envelope repair, replacement or alteration of doors, windows, building trim, awnings, or roofs.

b) Alteration to site design, building design, and/or landscape design determined by the City to substantially comply with a previously approved Form and Character development permit.

c) A minor addition up to the lesser of 25% of the building's gross floor area or 100m^2, taken together with all additions to the building made within the previous five years, provided the addition is not undertaken within five years of building occupancy, or final approval being granted, and provided a variance is not required.

d) Construction that is limited to no more than a total of four dwelling units on one lot, provided the development is not located within the Old City Neighbourhood as shown on Schedule 13 of the *City Plan* and provided a variance is not required.

e) Construction, alteration, or addition is for an institutional building, or structure.

f) Construction of an accessory commercial, or industrial building, or structure with a total gross floor area of less than 100m^2 and not located between the front face of the principal structure and any abutting street and provided a variance is not required.

g) Temporary buildings and structures as permitted under 6.7 of this Bylaw.

h) Subdivision.

PART 19 – EFFECTIVE DATE OF BYLAW

This Bylaw shall come into force and take effect upon the adoption thereof.

PASSED FIRST READING 2011-JUN-13
PASSED SECOND READING 2011-JUN-13
PUBLIC HEARING HELD 2011-JUN-23
PASSED THIRD READING, AS AMENDED 2011-JUL-11
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL 2011-JUL-26
ADOPTED 2011-AUG-08

J. R. RUTTAN
MAYOR

J. E. HARRISON
MANAGER
LEGISLATIVE SERVICES

CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500

SCHEDULE A

ZONING MAP

(Please contact the City of Nanaimo to obtain a copy of this Schedule)

SCHEDULE B

Fine Schedule

[DELETED]

(4500.179; 2020-NOV-02)

SCHEDULE C

WATERCOURSES AND MARINE FORESHORE

(Please contact the City of Nanaimo to obtain a copy of Schedule C)

Schedule D

Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 65 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: • retail store; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; and / or • a CS-1 (Community Service One) zoned property.	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art.	1 point each
Total		20

Category 2: Retention and Restoration of Natural Features (8 points required)

Amenity		Points
A	The subject property includes a Terrestrial Environmentally Sensitive Area (ESA), as designated by the City Plan “Schedule 6 – DPA1 Environmentally Sensitive Areas” and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo’s Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

(4500.199; 2022-JUL-04)

Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	For a non-residential component of a development, shower and change room facilities are provided to accommodate employees.	2
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	A minimum of 50% of the parking provided for the proposed development includes access to an electric vehicle charging station.	2
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	The proposed development includes covered and designated parking spaces for a motorized or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces: a) multiple family residential developments: 1 motorized or electric scooter or motorcycle space per 15 dwelling units; or b) non-residential uses: 1 motorized or electric scooter or motorcycle space per 600m^2 of Gross Floor Area for the first 5000m^2 plus one space per 1500m^2 of additional Gross Floor Area.	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7226” and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution thereof.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

(4500.182; 2021-DEC-06)

Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC), the Sustainable Forestry Initiative (SFI), the Canadian Standards Association – Sustainable Forest Management Standard (CSA-SFM), or recognized equivalent.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

Category 5: Energy Management (11 points required)

Amenity		Points
A	The proposed development meets at least the requirements of Step 2 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by one step.*	10*
B	The proposed development meets at least the requirements of Step 3 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by two steps.*	15*
C	The proposed development is considered a Part 3 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 (Net Zero Ready) within the BC Energy Step Code; or The proposed development is considered a Part 9 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 or 5 within the BC Energy Step Code.*	30*
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite.	1
Total		31

* Points will be awarded for only one of A, B, or C.

Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16

Category 7: Social and Cultural Sustainability (8 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m^2 in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the *British Columbia Building Code 2012 (BCBC)* or any subsequent Act or Acts which may be enacted in substitution therefore.	3
C	The property owner agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that all residential dwelling units shall not be sold independently for at least ten years after the building receives final occupancy.*	4*
D	The property owner agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that all residential dwelling units shall not be sold independently.*	7*
E	The property owner agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that where residential dwelling units are subdivided under the *Strata Property Act* or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.*	2*
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		19

*Points will be awarded for only one of C, D, or E.

(4500.154; 2019-NOV-04)

Category 8: Affordable Housing (10 points required)

Amenity		Points
A	The property owner enters into a Housing Agreement with the City of Nanaimo to ensure that at a portion of the residential dwelling units will be sold for at least 10% less than the median sale price for comparable units (unit type and number of bedrooms), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the dwelling units provided for within the Housing Agreement must be greater than 29m^2 in area.	1 point per 10% increment of total residential dwelling units, up to a maximum of 10 points
B	The property owner enters into a Housing Agreement with the City of Nanaimo to ensure that a portion of the residential dwelling units will be rented at less than average rent levels as determined by the CMHC. The Gross Floor Area of the dwelling units provided for within the Housing Agreement must be greater than 29m^2 in area.	2 points per 10% increment of total residential dwelling units, up to a maximum of 20 points
C	The property owner enters into a Housing Agreement with the City of Nanaimo to ensure rent for a portion of the residential dwelling units does not exceed 30% of the Housing Income Limit for Nanaimo, as determined by BC Housing.	3 points per 10% increment of total residential dwelling units, up to a maximum of 30 points
Total		30

168 points total

(4500.180; 2021-JUN-21)

Definitions

BC Energy Step Code: means a voluntary provincial standard enacted in April 2017 that provides an incremental and consistent approach to achieving more energy-efficient buildings that go beyond the requirements of the base BC Building Code.

Brownfield Site: means a previously commercial or industrial property which is an abandoned, idled, or underused where expansion or redevelopment is complicated by environmental contamination.

Carpool Parking Space: means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

Electric Vehicle Charging Station: means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Non-potable Irrigation System: means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

Pedestrian Network: means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

Permeable Surface Area: means any surface consisting of a material that can provide for storm water infiltration.
(**4500.103; 2017-JUL-10)**

SCHEDULE E

NEIGHBOURHOOD AND AREA PLAN FORM AND CHARACTER DESIGN GUIDELINES

(Please contact the City of Nanaimo to obtain a copy of Schedule E)