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.

BC HOUSING - means the British Columbia Housing Management Commission. **(4500.213; 2026-MAR-23)**

BED AND BREAKFAST - [*Deleted*] **(4500.233; 2025-JAN-20)**

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 - [*Deleted*] **(4500.235; 2025-JUL-21)**

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.

CMHC – means the Canada Mortgage and Housing Corporation. **(4500.213; 2026-MAR-23)**

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 abutting one or two streets with both a front lot line and a flanking side lot line. **(4500.073; 2015-MAR-16) (4500.219; 2024-MAR-04)**

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 or portion of a building to provide temporary accommodation free of charge to meet the person's immediate basic needs for shelter, and may include emergency and support services. **(4500.219; 2024-MAR-04)**

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)**

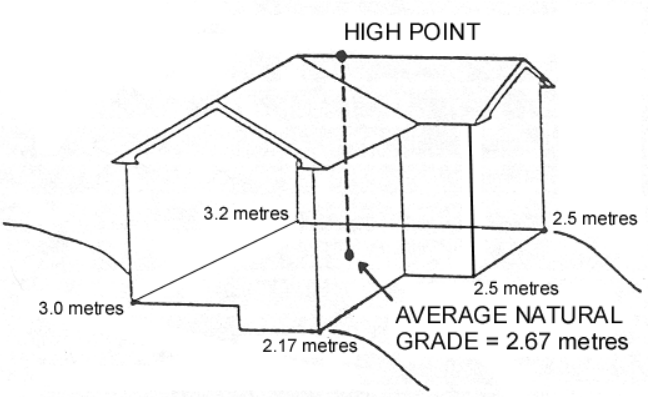
HABITABLE AREA - means any room or space within a building or structure that is or can be used for human occupancy or building systems which would be subject to damage if flooded.
(4500.199; 2022-JUL-04)

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 but does not include short-term rental accommodation.
(4500.233; 2025-JAN-20)

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.

LANDSCAPE BUFFER - means an area with landscaping that provides functional and aesthetic enhancement along streets and lot lines that contains any combination of trees, bushes, shrubs, plants, flowers, natural vegetation other than noxious weeds and invasive species, decorative rocks, planters, ornamental fences, and the like. **(4500.235; 2025-JUL-21)**

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.

PARKADE - means a building or structure designed 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.

PARKING BYLAW – means City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution therefore. **(4500.223; 2024-JUN-17)**

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

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.

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 - [*Deleted*] **(4500.219; 2024-MAR-04)**

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.

PUBLIC PLAZA – means an area that is exclusively pedestrian and is visible from the street, backed by a highly detailed building facade, and contains elements such as decorative paving surface, site furniture, trees, decorative lighting and the like. **(4500.235; 2025-JUL-21)**

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 single residential dwelling in which more than five (5) persons occupy sleeping units and typically share common areas, including kitchens and baths. **(4500.219; 2024-MAR-04)**

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 three 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 three unrelated persons. **(4500.223; 2024-JUN-17)**

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)**

SERVICING OFFICER - means the Servicing Officer designated by bylaw under the *Local Government Act*. **(4500.257; 2026-OCT-05)**

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 an accommodation provided to members of the public in a short-term rental operator's primary residence, in exchange for money, for a period of less than 30 consecutive days. The accommodation may include the rental of an entire dwelling unit or bedrooms, with or without the provision of breakfast served on the property. **(4500.186; 2022-FEB-07) (4500.233; 2025-JAN-20)**

SHORT-TERM RENTAL OPERATOR - means the person(s) responsible for advertising and arranging the short-term rental accommodation and who is also the business licence licensee and the primary resident. **(4500.233; 2025-JAN-20)**

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 and Assisted Living 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 sloped roof.

A single residential dwelling does not include a recreational vehicle or tent. **(4500.158; 2019-DEC-19) (4500.182; 2021-DEC-06) (4500.219; 2024-MAR-04)**

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.

SLOPED 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. **(4500.219; 2024-MAR-04)**

SOCIAL HOUSING - means a *Multiple Family Dwelling with Dwelling Units* that are subsidized to be lower than the average cost of market rental rates for comparable units in Nanaimo, in accordance with the most recent Canada Mortgage and Housing Corporation published rates. Individuals and families live independently with no on-site supports. *Social housing* excludes supportive housing and shelters. **(4500.256; 2026-SEP-21)**

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

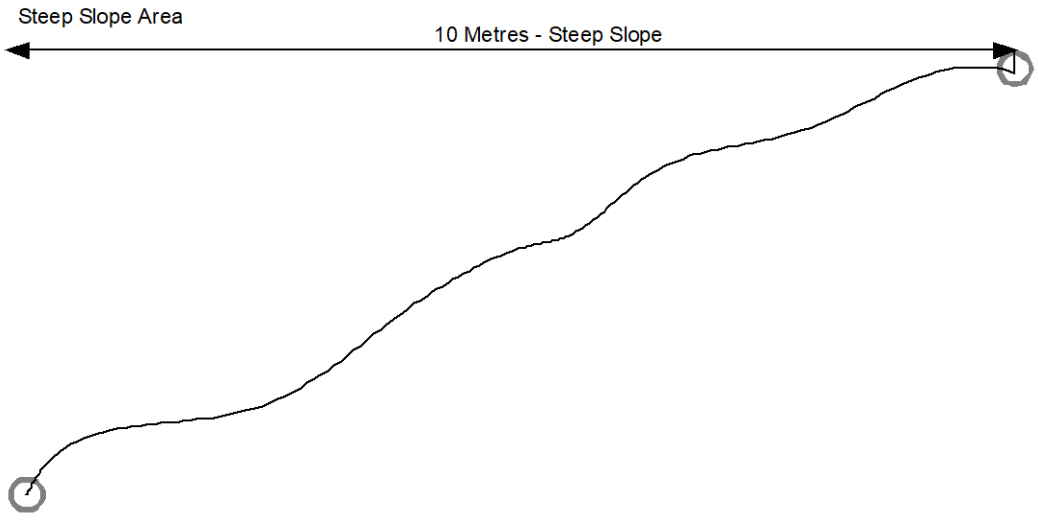
SOCIAL SERVICES RESOURCE CENTRE - means an enclosed building used to:

(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.

(4500.219; 2024-MAR-04)

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.

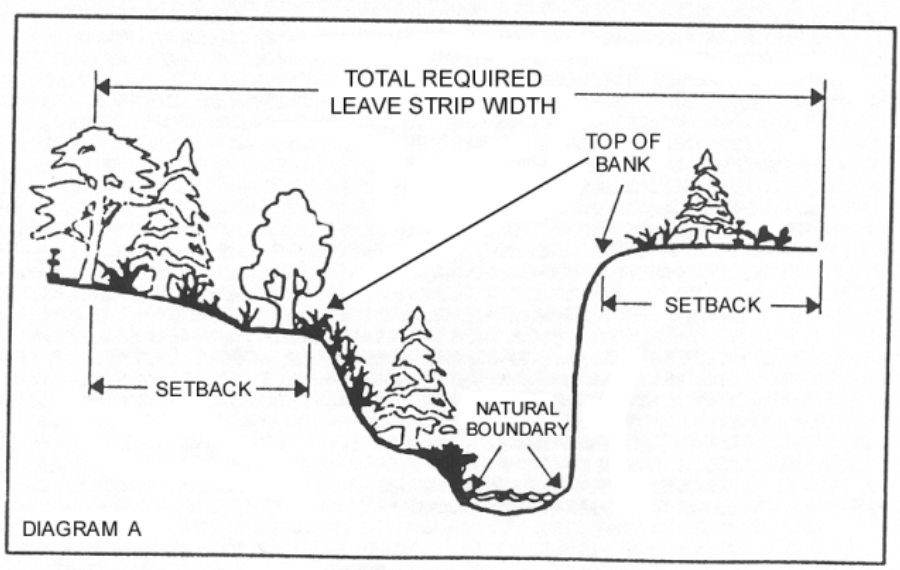
TELETHEATRE OUTLET - means a public entertainment and wagering facility authorized by the B.C. Racing Commission having such amenities as television monitors (displaying the system of odds, pools and payout prices) with areas for viewing, seating, wagering and food and beverage service.

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 - [*Deleted*] **(4500.233; 2025-JAN-20)**

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 - [*Deleted*] **(4500.223; 2024-JUN-17)**

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)**

WASTE MANAGEMENT ENCLOSURE – means a structure with or without a roof where solid waste collection containers are stored and screened from view. **(4500.235; 2025-JUL-21)**

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)**