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
g) Emergency Shelter, on a temporary basis when an extreme weather alert has been issued in accordance with the *Assistance to Shelter Act* **(4500.219; 2024-MAR-04)**

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)**

6.2.1.9 Containers with a size no greater than 30m^2 shall be permitted as an accessory use in the PRC1, PRC2, and PRC3 zones where screened from view from streets. No more than 1 container shall be permitted per PRC1, PRC2, or PRC3 zoned lot. **(4500.219; 2024-MAR-04)**

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	Where attached to an accessory building, an open deck shall be set back a minimum of 5.5m from the rear lot line that is adjacent to a residential-zoned property. **(4500.223; 2024-JUN-17)**
Underground Parking Structures	See Condition s 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 or Canopies (4500.219; 2024-MAR-04)	2m	0.75m	1m	2m	Such features shall not be permitted on single residential dwellings or duplexes.
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.

Feature	Permitted Projection into Required Yard Setback				Conditions
	Front	Side	Flanking Side	Rear	
Cantilevered solar shading device, photovoltaic panel, and green walls (4500.092; 2016-FEB-01)	0.6m	0.6m	0.6m	- - -	
Heat Pumps or Central Air Conditioning Units (4500.219; 2024-MAR-04)	No setback required	No setback required	No setback required	No setback required	Where the principal use of the lot is single residential dwelling or duplex, such features shall be screened from view from streets.

- - - = No Projection Permitted

6.5.2 [*Deleted*] **(4500.012; 2012-APR-16) (4500.158; 2019-DEC-02) (4500.182; 2021-DEC-06) (4500.219; 2024-MAR-04)**

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 any principal building or other accessory building, as measured between the foundations of each or from the exterior wall where no foundation is present. 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. **(4500.219; 2024-MAR-04)**

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, R2, R3, R4, R5, R6, R7, R10, R14, AR1, or AR2	1.5m	1.0m 3.0m – where dedication to achieve the required lane width[1] has not taken place
All Other Zones	3.0m	1.5m 3.0m – where dedication to achieve the required lane width[1] has not taken place

[1] required lane width as determined by the City of Nanaimo 'Manual of Engineering Standards and Specifications'

(4500.036; 2013-APR-22) (4500.073; 2015-MAR-16) (4500.223; 2024-JUN-17)

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, as established for principal buildings within the applicable zone, except where the side yard setback is 0m where an accessory building shall not be closer than 1.5m to any side lot line. **(4500.219; 2024-MAR-04)**

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, contains a secondary suite on the second storey, and the total floor area with a ceiling height of at least 2.1m of the second storey is no greater than 80% of the total floor area of the first storey; or **(4500.223; 2024-JUN-17)**

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 [*Deleted*] **(4500.014; 2012-JUN-11) (4500.223; 2024-JUN-17)**

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, R2, R3, R4, R5, R6, R7, R10, AR1 or AR2	The total combined Gross Floor Area of all accessory buildings on the lot shall not exceed 100m^2.
All Other Zones	The Gross Floor Area of an accessory building shall not exceed that of the principal building.

(4500.073; 2015-MAR-16) (4500.223; 2024-JUN-17)

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:

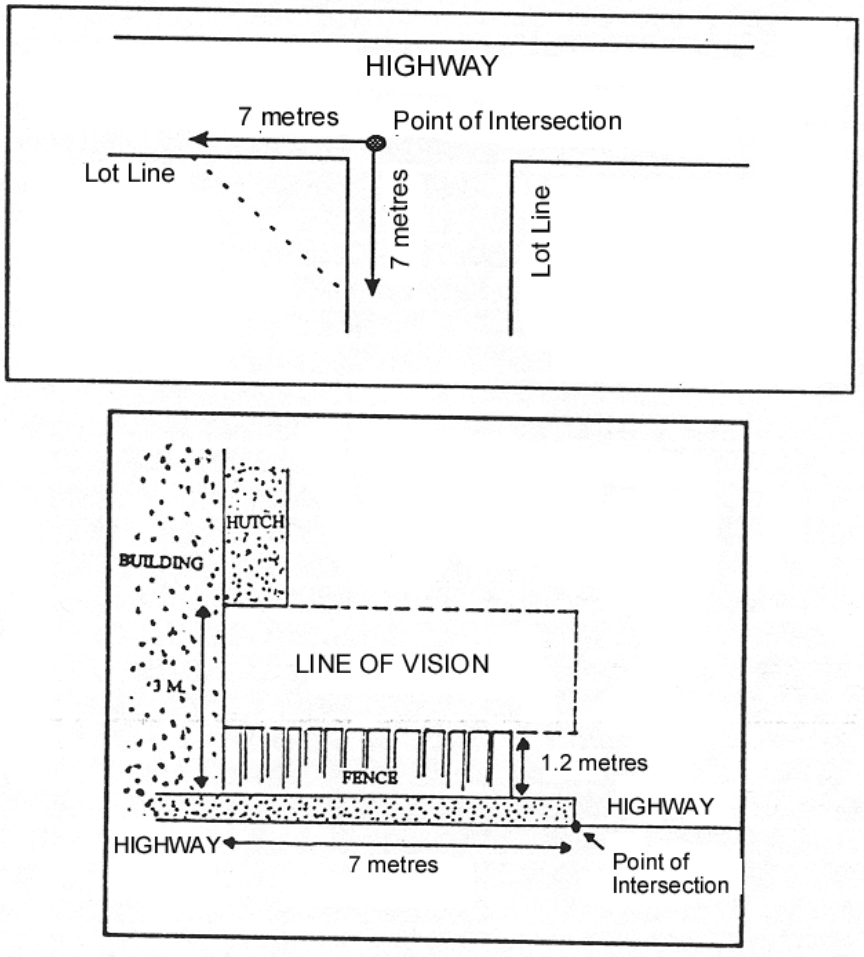
6.8.1.1 Religious Institution spires; belfries; monuments; fire and hose towers; stadiums; transmission towers; chimneys; flag poles; radio towers; radio masts; aerials; water tanks; wind turbines; cooling towers; sustainable building technologies; storage sheds; elevator and ventilating machinery or 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 to R10, R14, R15, CD9 to CD12, CD15	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 and CD13	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	1.8m	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) (4500.219; 2024-MAR-04) (4500.215; 2024-MAY-27) (4500.223; 2024-JUN-17) (4500.213; 2026-MAR-23) (4500.213; 2026-MAR-23) (4500.243; 2026-JUL-06)

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 Trellis, gate, arbor, or similar ornamental structures within a required yard setback area may be excluded from the calculation of fence height provided that such a feature:

a) demarcates a pedestrian access;
b) does not exceed 2.4m in height;
c) does not exceed 2.0m in width; and
d) complies with Section 6.9 (visibility at intersections) of this Bylaw.

(4500.235; 2025-JUL-21)

6.10.8 Notwithstanding Subsection 6.10.2, the maximum height of a fence adjacent to a park shall not exceed 1.2m. **(4500.235; 2025-JUL-21)**

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 a) Where the principal use is single residential dwelling, the maximum total combined number of motor vehicles, recreational vehicles, and recreational boats parked or stored on a lot shall be: four, or an amount equal to the number of parking spaces required by the Parking Bylaw, whichever is greater; and

b) Where the principal use is multiple family dwelling and there is no more than four dwelling units on the lot, the maximum total combined number of motor vehicles, recreational vehicles, and recreational boats parked or stored on a lot shall be: three per principal dwelling unit, or an amount equal to the number of parking spaces required by the Parking Bylaw, whichever is greater. **(4500.223; 2024-JUN-17)**

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

6.12.5. Where the lot is zoned residential 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. **(4500.223; 2024-JUN-17)**

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 as an accessory use, subject to conditions of use as specified in individual zones, in all zones where the following uses are permitted as a principal use and where such use is present on the lot:

a) single residential dwelling;
b) duplex;
c) row house; and
d) multiple family dwelling where the principal dwelling unit is in a separate building from any other principal dwelling unit or the principal dwelling unit is adjoined to another principal dwelling unit on either side and no other principal dwelling unit is above or below.

(4500.031; 2012-DEC-03) (4500.158; 2019-DEC-02) (4500.223; 2024-JUN-17)

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

6.15.2.1 a) Not more than one secondary suite shall be permitted per single residential dwelling or principal dwelling unit on the lot; except:

b) where the principal use is single residential dwelling up to two secondary suites shall be permitted provided that:

i. no other principal uses exist on the lot;
ii. the lot is not zoned R2 or R3; and
iii. exactly one of the two secondary suites is contained within an accessory building as per the regulations under Subsection 6.15.3. **(4500.223; 2024-JUN-17)**

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

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

6.15.2.4 a) Where accessory to a single residential dwelling and contained in the same building, the gross floor area of a secondary suite shall not exceed 40% of the habitable floor space of the principal building up to a maximum of 100m^2.

b) Where accessory to a dwelling unit in a duplex, row house, or multiple family dwelling residential use, the gross floor area of a secondary suite shall not exceed the gross floor area of the principal dwelling unit up to a maximum of 100m^2.

(4500.012; 2012-APR-16) (4500.223; 2024-JUN-17)

6.15.3 A secondary suite can be included within an accessory building where the principal use is a single residential dwelling, provided that: **(4500.223; 2024-JUN-17)**

6.15.3.1 the accessory building is located on any of the following:

a) a lot zoned R5 or R14;
b) a corner lot;
c) a lot whose side or rear lot line abuts a lane;
d) a through lot; or
e) a lot that is 500m^2 in area or greater; and **(4500.223; 2024-JUN-17)**

6.15.3.2 no secondary suite within an accessory building shall be stratified from the principal dwelling unit to which it is accessory; and **(4500.219; 2024-MAR-04)**

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 100m^2; and **(4500.223; 2024-JUN-17)**

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
(4500.233; 2025-JAN-20)

6.16.1 A Short-Term Rental is permitted to be accommodated in an entire dwelling unit or bedroom(s) provided it is located within the short-term rental operator's primary residence.

6.16.2 Where a primary residence includes a single residential dwelling with a secondary suite and/or a secondary suite in an accessory building, only one short-term rental is permitted per lot.

6.16.3 Where a primary residence includes a multiple family dwelling with a secondary suite, only one short-term rental is permitted with the multiple family dwelling or associated secondary suite.

6.16.4 A short-term rental stay must be less than 30 consecutive days.

6.16.5 Where an entire dwelling unit is used or intended to be used for short-term rental, a maximum of four (4) persons, 19 years of age or older are permitted to occupy the short-term rental at one time.

6.16.6 Where only bedrooms are used or intended to be used for short-term rental:

6.16.6.1 The bedrooms are permitted to operate as a short-term rental year-round (365 days per year);

6.16.6.2 A maximum of two (2) bedrooms are permitted to be rented in the primary residence;

6.16.6.3 The two (2) bedrooms must be operated as one (1) short-term rental accommodation; and

6.16.6.4 A maximum of four (4) persons, 19 years of age and older are permitted to occupy the short-term rental.

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 In a residential zone, the dwelling unit in which the day care operates shall be the primary residence of the day care business license holder or his / her spouse. **(4500.219; 2024-MAR-04)**

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 ≥ 370m^2 and < 2,020m^2	Single Residential Dwelling on a lot ≥ 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 (4500.219; 2024-MAR-04)	Automotive repair of a major or minor nature; automotive detailing; personal service use; pet daycare; carpentry, cabinet-making, and the like; all uses listed in Subsection 6.20.5	Automotive repair of a major or minor nature; automotive detailing; carpentry, cabinet-making, and the like; 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, R2 or AR1, which are ≥ 2 hectares in area. **(4500.031; 2012-DEC-03) (4500.223; 2024-JUN-17)**

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

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

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.

6.24 SERVICING OFFICER DEDICATIONS
(4500.257; 2026-OCT-05)

6.24.1 Where dedication is required by the Servicing Officer at the time of issuance of a Building Permit, and where there is a valid Development Permit issued pursuant to Sections 488 (1) (e) or (f) of the *Local Government Act*, the Permitted Uses, Floor Area Ratio, Setbacks, and Lot Coverage, shall be calculated based on the lot size and dimensions as identified in the Development Permit.

6.24.2 Where dedication is required by the Servicing Officer at the time of issuance of a Building Permit, and where no Development Permit has been issued pursuant to Sections 488 (1) (e) or (f) of the *Local Government Act*, the Permitted Uses, Floor Area Ratio, and Lot Coverage shall be calculated based on the lot size and dimensions at the time of Building Permit application. For clarity, Setbacks must be measured from the new lot line after road dedication has occurred.

6.24.3 Where dedication is required by the Servicing Officer at the time of issuance of a Building Permit, the buildings and structures thereon and those authorized by the Building Permit are deemed to conform with the provisions of this Bylaw.