

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.385**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.385, 20__".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
1. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following zoning classification and corresponding short title after Section 3.4.143 Schooner Bay Manor Seniors Mobile Home Park Comprehensive Development Zone (CD43):

Schooner Cove Comprehensive Development Zone (CD45)
 2. By adding Section 3.4.145 (CD45) as shown on Schedule '2' which is attached to and forms part of this Bylaw.
 3. By rezoning the lands shown on the attached Schedule '1' and legally described as
 - a. Lot 1, District Lot 78, Nanoose District, Plan 28544;
 - b. Lot 1, District Lot 78, Nanoose District and District Lots 2085, 2086, 2087, 2088 and 2089 Nanaimo District Plan VIP87121; and,
 - c. Lot 1, District Lot 2090 Nanaimo District and District Lot 78 Nanoose District Plan VIP87122.

from Commercial 5 (CM5) Zone, Subdivision District 'J', Residential 5 (RS5) Zone, Subdivision District 'J', and Water 2 (WA2) Zone, Subdivision District 'Z' to Schooner Cove Comprehensive Development Zone (CD45), as shown on Schedule '1', and with the following CD45 Sub-Zoning Areas as shown on Schedule '3', which is attached to and forms part of this Bylaw:

Village Mixed Use	CD45 – MU
Marina	CD45 – MA
Residential Multiple Dwelling	CD45 – RMD

Introduced and read two times this ___ day of _____ 20__.

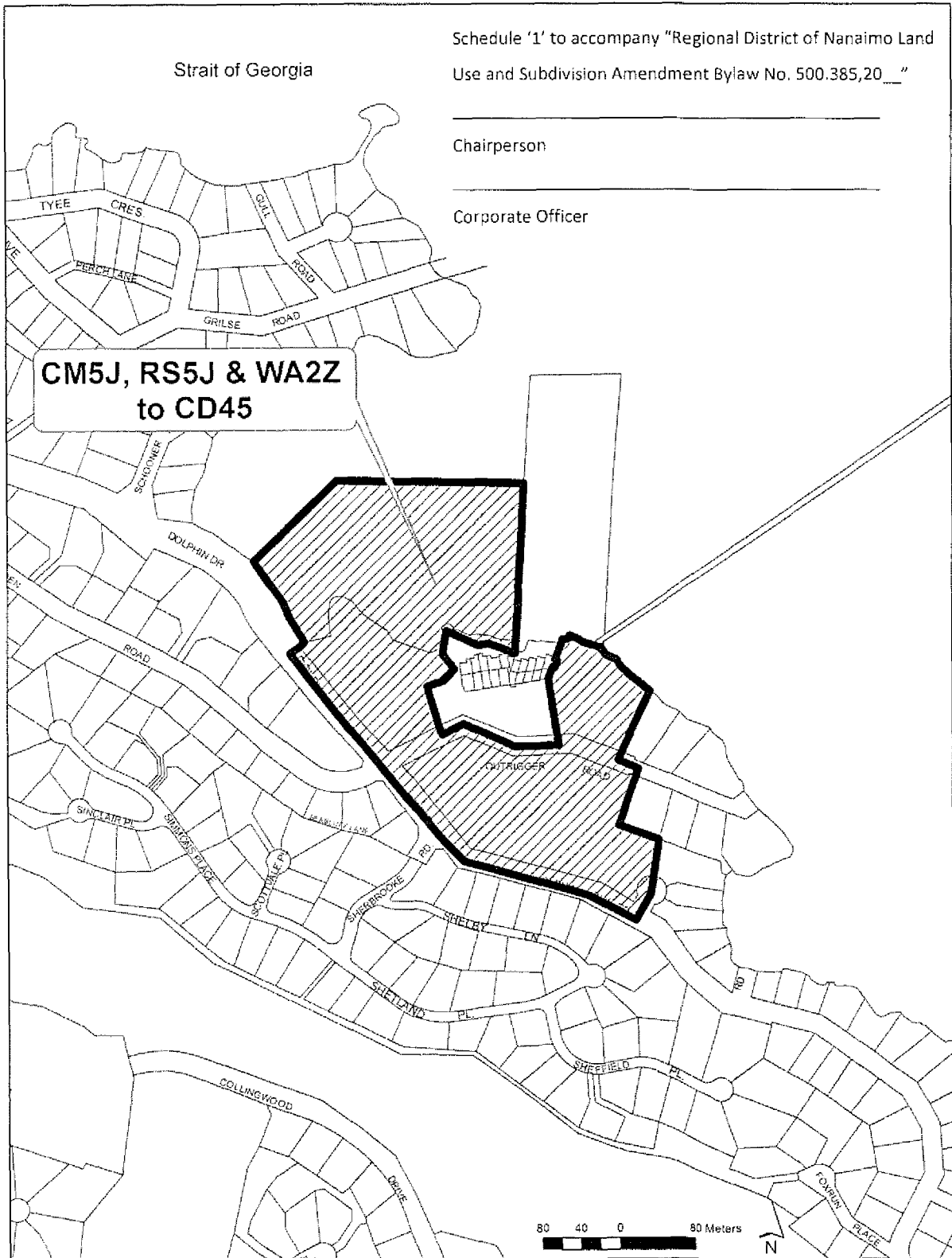
Public Hearing held this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Chairperson

Corporate Officer

Schedule '1'
CD45 Zone Area



Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.385, 20__".

Chairperson

Corporate Officer

Schedule '2'

Section 3.4.145

SCHOONER COVE COMPREHENSIVE DEVELOPMENT ZONE

CD45

Applicability of the Bylaw

The regulations of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" shall apply to the lands zoned CD45. In addition to these regulations, and where there is a conflict with these regulations, the regulations of the CD45 Zone shall apply.

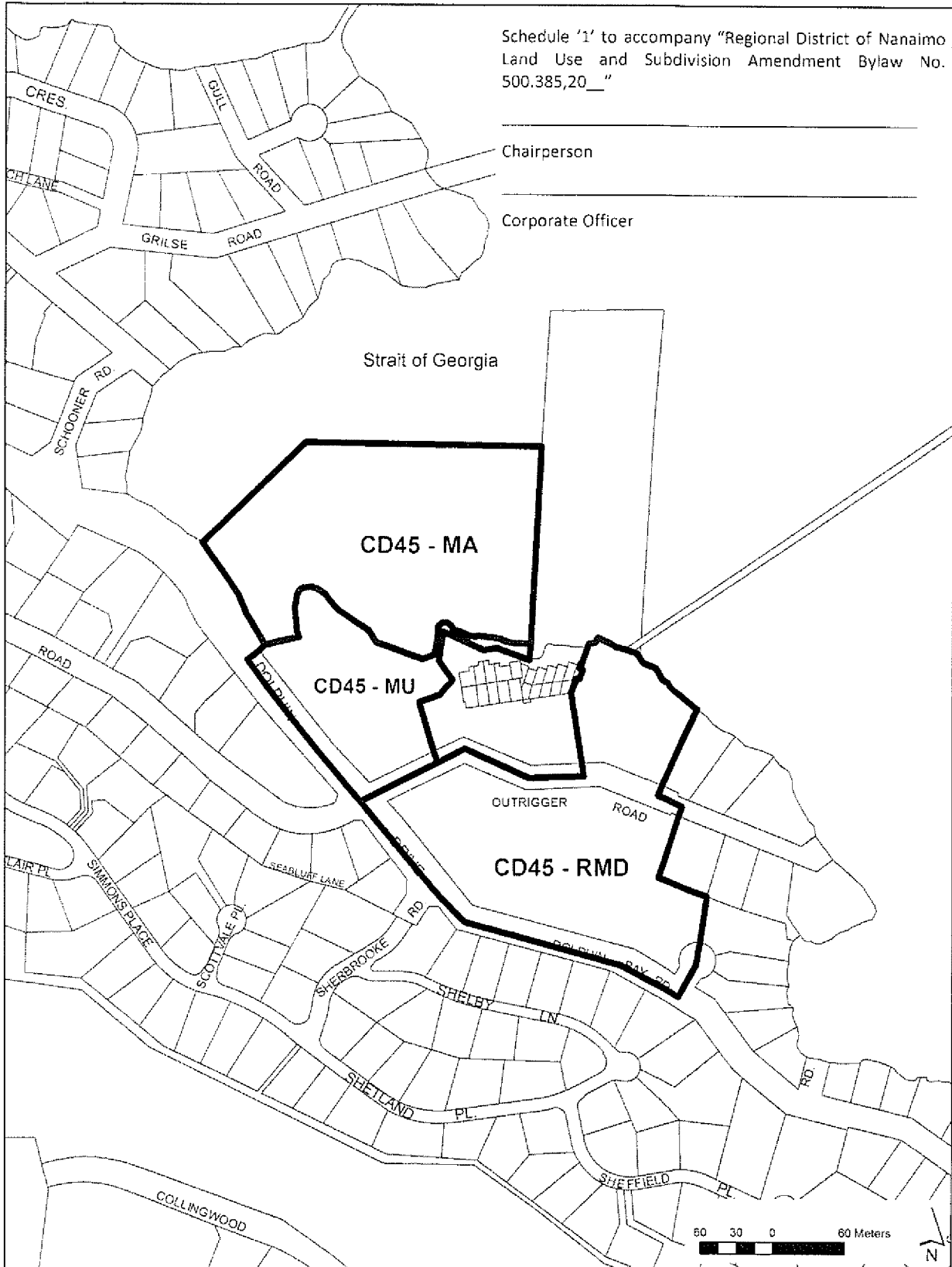
See attached Draft Schooner Cove CD Zone

Schedule '3'
CD45 Sub-Zoning Areas

Schedule '1' to accompany "Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No.
500.385,20__"

Chairperson

Corporate Officer



SEPTEMBER 17TH, 2013

SCHOONER COVE
COMPREHENSIVE DEVELOPMENT ZONE (CD45)

DRAFT

RECEIVED
SEP 20 2013
REGIONAL DISTRICT
of NANAIMO

SECTION 1: PURPOSE AND DEFINITIONS

1.1 Purpose

The land encompassed within this CD Zone is divided into three zoning areas: Mixed Use Village, Marina and Multiple Dwelling; specific regulations define each zoning area.

The location of the site specific zoning regulations for the Schooner Cove neighbourhood and its zoning areas shall be in accordance with this CD Zone and as shown Bylaw #500 Schedule '3A' – Zoning Maps.

1.2 Definitions

For the purpose of this zone:

1. **assembly use** means the use of land, buildings or structures to accommodate exhibits, special events or meetings and includes auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre;
2. **artisan workshop** means production, service, repair or maintenance of an article, substance, material, fabric or compound, provided uses are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, gas, noise, effluent, or hazard; and having a gross floor area not exceeding 200 m² including retail sales accessory to the principal use;
3. **boat launching facility** means jib, davit, hoist, boat ramp or other means to launch and/or retrieve watercraft;
4. **commercial use** means the occupation or use of a building or land for the purpose of carrying out business, professional activities, artistic, retail or personal service use, but excludes restaurant, pub or residential use;
5. **finished grade** means the elevation of the surface of the ground on any point on the site of a completed development, and which may not increase from natural grade by more than 3.0m at any point within the Village Mixed Use designation, or by more than 5.0m within the Residential Multiple Dwelling Designation;
6. **grocery store** means a sales outlet contained under one roof, having a gross floor area not exceeding 750 m², and providing for the retail sale and display of food and related commodities, but specifically excludes retail industrial uses and gasoline service station.
7. **height** means the elevation of a point directly below:
 - a) that part of the building or structure being measured above the lands (or surface of water at high water), and;
 - b) on a line connecting the two intersections of the finished grade and the outermost exterior walls or support as indicated on a plan showing any complete vertical section of that part of the building or structures where permitted in the applicable zone;
8. **impermeable surface** means surfaces that cannot be readily penetrated by water;
9. **live/work unit** means the use of a building or portion thereof for an economic activity including artisan workshop, personal service use or office in combination with a dwelling unit;
10. **liquor store** means a retail store licensed under the Liquor Control and Licensing Act, and amendments thereto, for the sale of beer, wine and other alcoholic beverages;

11. *marina* means moorage, boat launching facilities, and outdoor recreation use, including the rental and maintenance of boats and seaplanes, and which may be equipped with administration facilities, washrooms, showers and refuse disposal facilities;
12. *mobile food cart* means a mobile cart from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use;
13. *multiple dwelling unit development* means the establishment of three or more dwelling units within a building on a parcel;
14. *natural grade* means the elevation of the ground surface in its natural state prior to any man-made alterations, or as shown on a parcel contour plan;
15. *neighbourhood pub* means an establishment with a liquor primary licence issued pursuant to the Liquor Control and Licensing Act and amendments thereto;
16. *office* means the occupancy or use of a building for the purpose of carrying out business activities, but specifically excludes personal services use;
17. *parcel contour plan* means the elevation of the ground surface in its natural state, shown on a survey plan produced by a BC Land Surveyor at 0.5m or 1m contours, showing building setbacks and the natural grade;
18. *parking* means use of land, buildings and structures for the purpose of providing parking spaces;
19. *resort condominium development* means a hotel and includes hotel units subdivided pursuant to the Strata Property Act and amendments thereto, with continuous occupancy not exceeding 90 days and does not include residential use;
20. *restaurant* means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include, cafés, delicatessens, and take-out restaurants, but specifically excludes neighbourhood pub, drive-in and drive-thru establishments;
21. *retail store* means a sales outlet contained under one roof, having a gross floor area not exceeding 30m², and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;
22. *seniors' aggregate housing* means a residential or institutional facility which provides sleeping units with common living facilities, one or more meals per day and housekeeping services, contains a common dining area with a capacity sufficient to accommodate all residents of the residential facility, and may contain accessory personal service and accessory convenience store uses, and is licensed in accordance with the Community Care Facility Act and amendments thereto;
23. *sleeping unit* means one or more habitable rooms which are used or intended to be used for sleeping or sleeping and living purposes, and which does not contain a cooking facility or more than one bathroom;
24. *storey* means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it;
25. *temporary building* means a building which is not supported on permanent foundations and which may or may not be connected to community water or sewer; and,
26. *tourist accommodation* means the rental of a lodging unit in a hotel, motel, and cabin for the temporary accommodation of the traveling public with continuous occupancy not exceeding 90 days and specifically excludes a manufactured home and residential use.

SECTION 2: GENERAL REGULATIONS

The following General Regulations apply to uses within the Schooner Cove CD Zone 45. Where not specifically amended through this CD Zone, the regulations of Bylaw #500, except.....

2.1 Total Dwelling Units

Total number of dwelling units for lands zoned CD45 shall not exceed 360 units, in accordance with Schedule 'C' Schooner Cove Neighbourhood Plan (Policy 3.1.a.) in the Nanoose Bay Official Community Plan Bylaw 1400, 2005.

2.2 Uses Permitted in all Zones

The following uses are permitted in all zones:

- a) community garden

2.4 Rainwater Harvesting

Where a Building Permit is not required, structures, equipment and apparatus for rainwater harvesting, including rain barrels and cisterns, are excluded from building setback requirements.

2.5 Senior's Congregate Housing

Seniors' congregate housing is subject to the following regulations:

- a) A sleeping unit is equal to 0.2 dwelling units where licensed under the Community Care Facility Act.
- b) The gross floor area of a sleeping unit shall not be less than 26 m² or more than 50m².
- c) Accessory personal service and convenience store uses, where they are provided, shall be contained within the seniors' congregate housing and shall be accessible only from an internal hallway or corridor. The combined gross floor area of all accessory personal service and accessory convenience store uses shall not exceed 150 m².

2.6 Temporary Uses

- a) Temporary buildings, structures or mobile food carts for the purpose of seasonal vending on properties are permitted within the Village Mixed Use zone provided that:
 - i. potable water and washroom facilities are available on-site if food is served; and,
 - ii. the temporary building is not located on space required for parking within the site.

2.7 Resort Condominium and Tourist Accommodation

Temporary stays within resort condominium or tourist accommodation is limited to a maximum consecutive or non-consecutive stay of ninety (90) days per visitor in any twelve (12) month period within any resort condominium or tourist accommodation unit on the parcel. The relocation of a visitor to another unit within the parcel does not constitute the start of a new stay.

2.8 Height and Grade

The following regulations apply to building height:

- a) A Parcel Contour Plan shall be submitted with an application for subdivision or Development Permit of a parcel for residential or commercial use.

- b) Structures such as antennae, chimney stacks, steeples, elevator housings, roof stairway entrances, ventilating equipment or enclosures for such equipment, skylights, flagpoles and the like are exempt from the height requirement.
- c) Structures for sustainable building technologies, such as wind turbines, photovoltaic panels and rain barrels, cisterns and the like are exempt from the height requirement provided that:
 - i. no such structure covers more than 20 percent of the parcel area, or,
 - ii. if located on a building, no such structure covers more than 10 percent of the roof area.

Notwithstanding, in a residential zone, no such structure shall exceed twice the maximum building height permitted by the zone.

2.9 Structures

Minimum setback for structures is 1.0m from all lot lines.

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3.1 Village Mixed Use

CD45 - MU

Purpose

The intent of the Schooner Cove Village Mixed Use designation is to accommodate a neighbourhood-scaled, pedestrian-oriented village on the waterfront, with a mix of a commercial and residential uses.

Permitted Principal Uses

- a) artisan workshop
- b) assembly use
- c) grocery store
- d) office
- e) liquor store
- f) live/work
- g) multiple dwelling unit development
- h) neighbourhood pub
- i) outdoor recreation
- j) personal service use
- k) recreation facility
- l) resort condominium development
- m) restaurant
- n) retail store
- o) seniors' congregate centre
- p) tourist accommodation

Accessory Uses

- a) marina sales
- b) parking
- c) tourist information booth

Development Regulations

- a) 50 residential dwelling units shall be permitted within the Village Mixed Use zoning area, as defined on Schedule 'A2' of this Bylaw (to a maximum of 360 for the Neighbourhood Plan Area).
- b) Non-residential uses shall be at least 20% of total floor area.
- c) Minimum parcel area for a multiple dwelling unit development is 400 m² or 450 m² for a corner parcel.
- d) Commercial uses shall be permitted within the Village Mixed Use Zone up to a maximum combined floor area of 2,325 m².
- e) Minimum parcel area for commercial uses, including mixed-use buildings is 500 m².
- f) No more than one grocery store is permitted within the Village Mixed Use.

- g) Despite Bylaw #500 Schedule '3F' a landscape buffer is not required for a designated highway adjacent to a commercial use.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 70% or 80% where the required parking spaces are located directly beneath the principle building.
- b) Maximum impermeable surface area is 80% of the total parcel area including buildings driveways and paved areas, or 85% where the required parking spaces are located directly beneath the principal building.
- c) Where buildings are located on the waterfront and adjacent to Lot B, District Lot 78, Nanoose District, Strata Plan 745, the maximum height of a principal building is limited to the lesser of 26.1 m geodetic or 5 storeys as illustrated in Schedule ? of this Zone. In all other locations the maximum height is as illustrated in Schedule ? of this Zone but shall not exceed the lesser of 31.0m geodetic or 5 storeys, as illustrated in Schedule ? of this Zone.

Minimum Setback Requirements

- a) Minimum setback is 4.5 metres from any highway and from all parcel boundary that is common with Lot B, District Lot 78, Nanoose District, Strata Plan 745. Minimum setback from all other property lines is 0.0 meters.

Parking Regulations

- a) Commercial, restaurant or neighbourhood pub use 74 spaces except where restaurant or neighbourhood pub exceeds 100 seats, then required parking is 74 spaces plus 1 stall per 3 seats
- b) seniors' congregate housing using 1 parking space per 2 employees and 1 per 5 beds

All other uses as determined by Bylaw #500, Schedule '3B' Off Street Parking & Loading Spaces

Bicycle Parking Regulations

- a) commercial use 1 per 475m² commercial space
- b) restaurant, neighbourhood pub use 1 per 475m² floor area
- c) multiple dwelling unit development 1 interior, secure bicycle parking space per 2 units
4 short term bicycle parking spaces near primary building entrances
- d) senior's congregate housing 1 secure bicycle parking space per 10 employees

3.2 Marina

CD45 - MA

Purpose

The Marina designation supports commercial marina uses for conducting the business of a marina, including the provision of moorage, marine sales, and a jib crane hoist, along with neighbourhood-oriented services, including the provisions of specific amenities for local residents and local interest groups.

Permitted Primary Uses

- a) assembly use
- b) boat launching facility
- c) marina

Accessory Uses

- a) convenience store
- b) marina fuel supply station
- c) marina sales

Maximum Number and Size of Buildings and Structures

- a) Maximum height is the lesser of 11.0 meters or 3 storeys.

Minimum Setback Requirements

- b) Minimum setback from all property lines is 3.0 meters.

Parking Regulations

Use	Minimum Requirement
a) marina use	1 parking spaces per 4 marina slips ¹

All other uses as determined by ODN By-law #500, Schedule '3B' Off Street Parking & Loading Spaces

Bicycle Parking Regulations

a) marina use	8 spaces
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3.3 Residential Multiple Dwelling

CD45 - RM

Purpose

The Schooner Cove Multiple Dwelling designation accommodates the provision of multi-family housing options to provide opportunities for downsizing, ageing-in-place and greater affordability, while supporting the functionality and feasibility of village commercial uses.

Primary Uses

The following uses, and no other uses, shall be the principal uses, subject to all applicable regulations of this Bylaw:

- a) parking
- b) multiple dwelling unit development
- c) seniors' congregate housing

Regulations

- a) 310 residential dwelling units shall be permitted in the Residential Multiple Dwelling zoning area, as defined on Schedule 'A2' of this Bylaw (from a maximum of 360 for the Neighbourhood Plan Area).
- b) Minimum parcel size for a multiple dwelling unit development is 400m² except it is 450m² for a corner parcel.
- c) Despite Bylaw #500 Schedule '3F' Section 3.2.1, a minimum 3.0m wide landscape buffer shall be provided within the setback area of a designated highway adjacent to a multiple dwelling unit development.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 60% or 70% where the required parking spaces are located directly beneath the principal building.
- b) Maximum impervious surface area is 70% of the total parcel area including buildings, driveways, and paved areas or 85% where the required spaces are located directly beneath the principal building.
- c) Where buildings are located on the waterfront and share a parcel boundary with Lot B, District Lot 78, Nanaimo District, Strata Plan 745, the maximum height of a principal building is limited to the lesser of 20.1 m geodetic or 5 storeys. In all other locations the maximum height is as illustrated in Schedule 2 of this Zone but shall not exceed the lesser of 42.0m geodetic or 5 storeys.
- d) The maximum building height for an amenity building indicated on a strata plan as common property and treated as accessory buildings is as noted on Schedule 2 of this Zone but shall not exceed the lesser of 28.0 m geodetic or 2 storeys.

Minimum Setback Requirements

- a) Minimum setback from all lot lines is 5.0m, except that minimum setback is 1.0m for accessory buildings not exceeding 10m² in floor area.
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Parking Regulations

Use	Minimum Requirement
a) seniors' congregate housing	1 per 2 employees plus 1 per 5 beds

All other uses as determined by RDN Bylaw #500, Schedule '3B'

Bicycle Parking Regulations

a) multiple dwelling unit development use	1 secure, interior bicycle parking space per 2 units 4 short term bicycle parking spaces near primary building entrances
b) seniors' congregate housing	1 secure bicycle parking space per 10 employees

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