

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500**

**SCHEDULE '3E'**

**SETBACKS FROM WATERCOURSES**

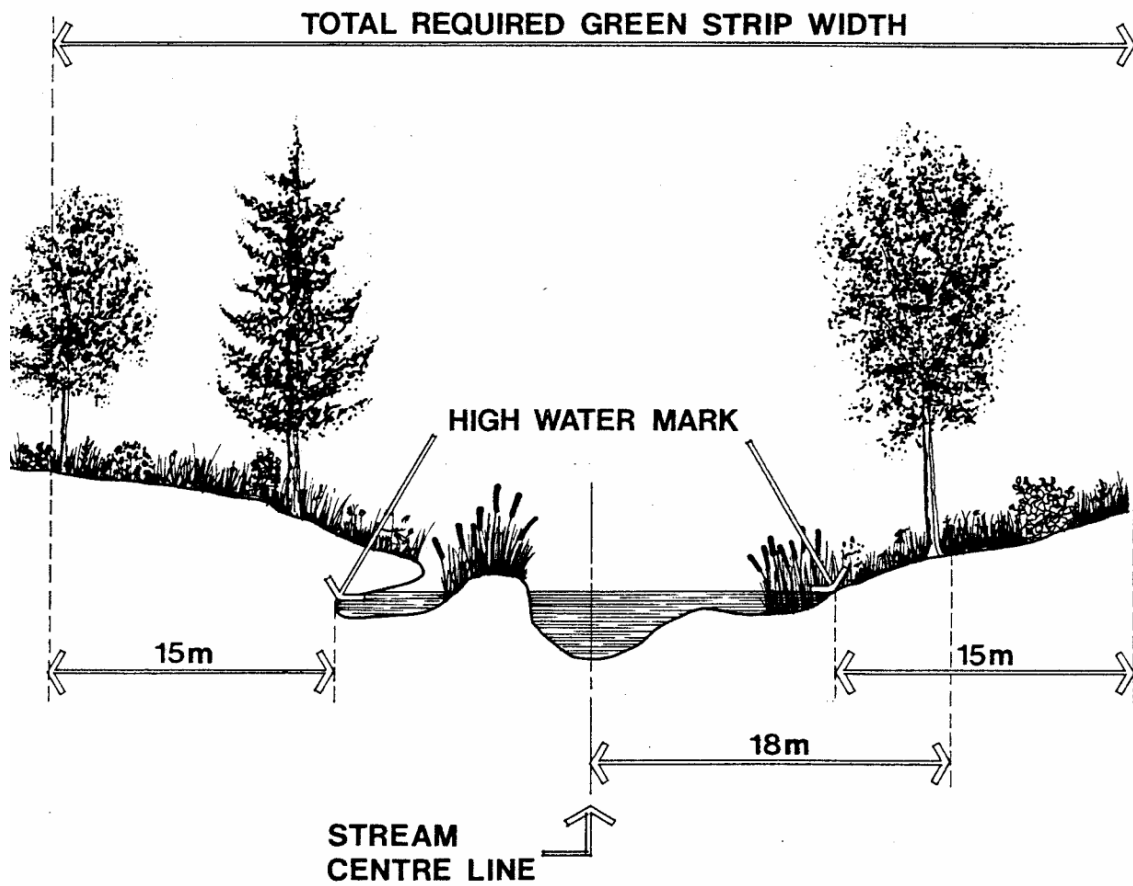
REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '3E'

TABLE 1

SETBACKS FROM WATERCOURSES



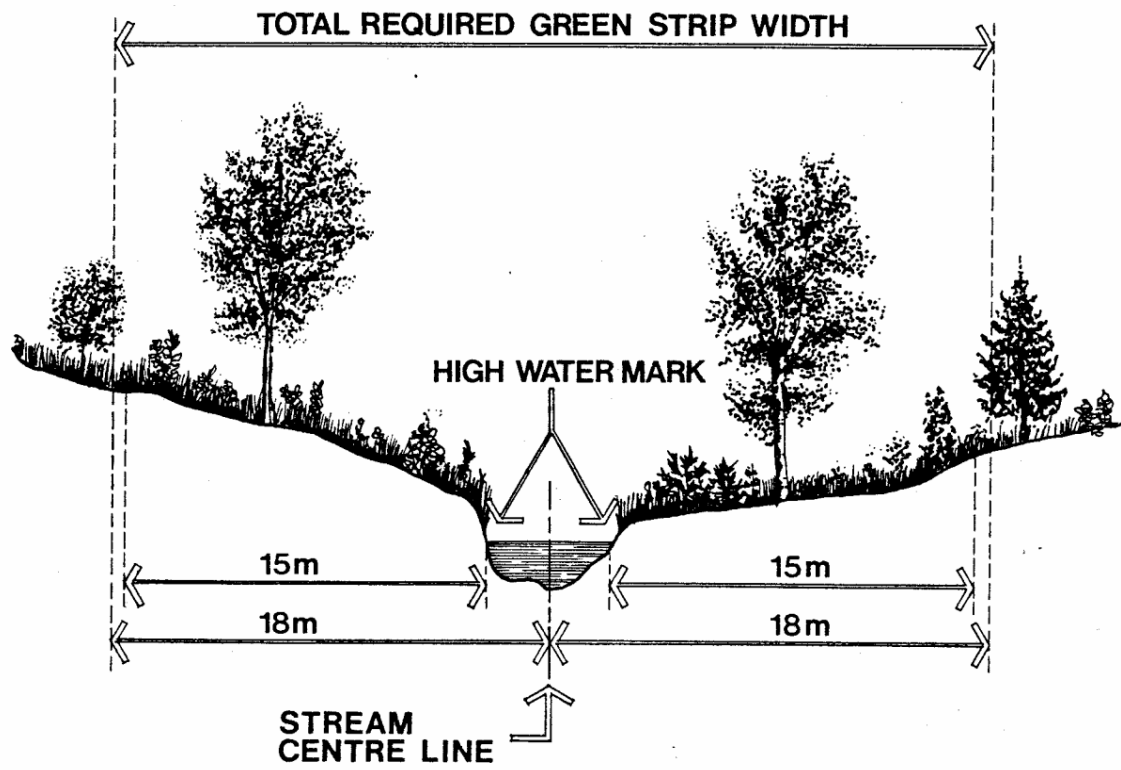
REGIONAL DISTRICT OF NANAIMO

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TABLE 2

SETBACKS FROM WATERCOURSES



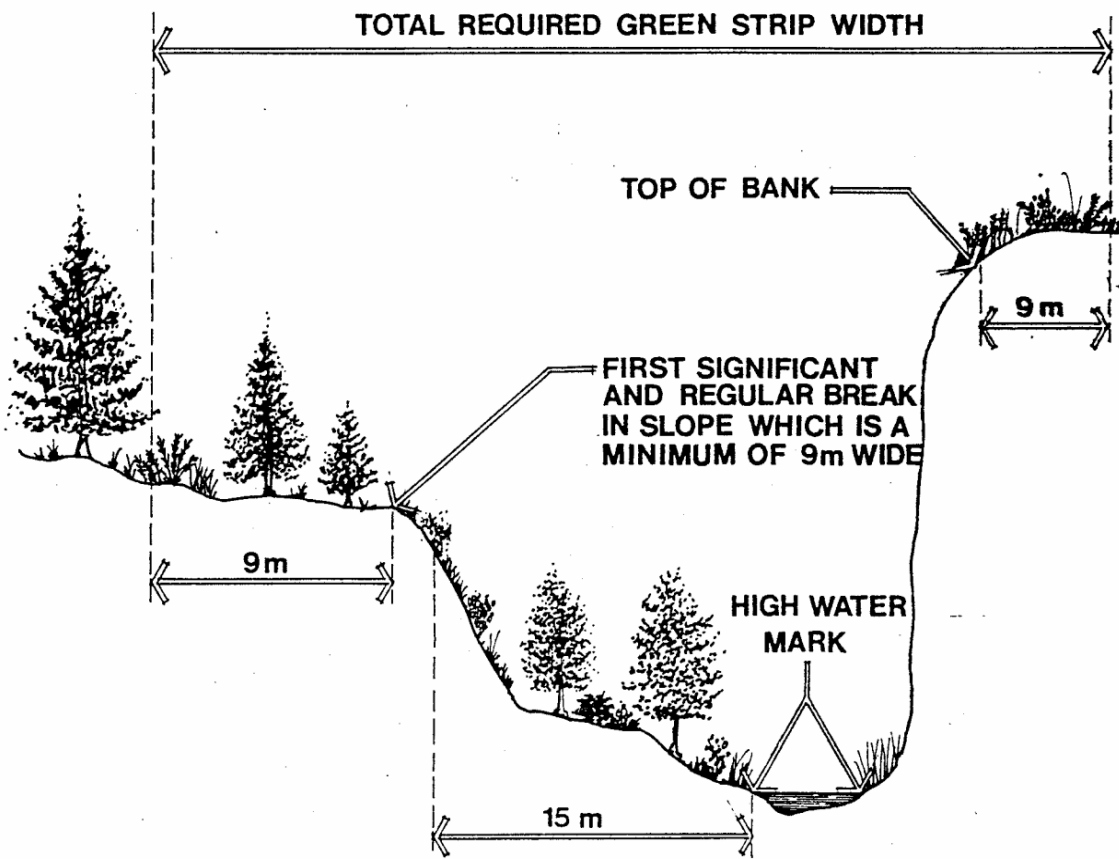
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TABLE 3

SETBACKS FROM WATERCOURSES



**structure**<sup>1</sup> means anything that is constructed or erected, and includes swimming pool, mobile home space, camping space and major improvements accessory to the principal use of land, but specifically excludes landscaping, paving improvements and signs under 1.0 m in height, retaining walls under 1.0 m in height that retain less than 1.0 m of earth, fences under 2.0 m in height and transparent fencing or transparent vertical extensions greater than 2.0 m in height where the fence is required for agriculture or farm use;<sup>2</sup>

**swine**<sup>3</sup> means any pig, piglet, hog, sow, brood sow or boar being both over the age of 8 weeks and weighing greater than 18 kilograms;

**temporary sawmill** means a building or structure or area where timber is cut or sawed and at least 50% of the volume of timber supplied is from the farm or parcel on which the sawmill is located and operates during normal daylight hours producing less than 60 m<sup>3</sup> of lumber daily;<sup>4</sup>

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

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

**tourist store** means a retail sales outlet contained under one roof, having a gross floor area not exceeding 200 m<sup>2</sup>, and providing for the retail sale of goods to the traveling public, and provision for personal service use and/or office use;<sup>5</sup>

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

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

**use** means the same as permitted use;

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

**vehicle sales** means the use of land or buildings for the sale of vehicles;<sup>6</sup>

**vehicle wrecking yard** means the use of land or a structure not totally enclosed by walls or a roof for the dismantling or wrecking of vehicles, or for the storage of derelict vehicles;<sup>7</sup>

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

**watercourse** means any natural or man-made depression with well defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes the sea or any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply whether enclosed or in a conduit;

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<sup>1</sup> Bylaw No. 500.123, adopted December 10, 1991

<sup>2</sup> Bylaw No. 500.402, adopted June 28, 2016

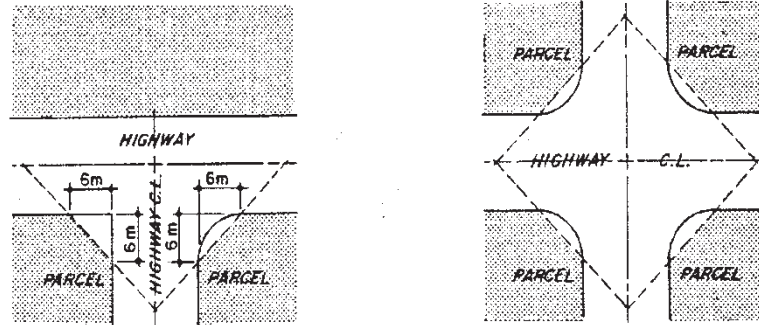
<sup>3</sup> Bylaw No. 500.218, adopted August 12, 1997

<sup>4</sup> Bylaw No. 500.402, adopted June 28, 2016

<sup>5</sup> Bylaw No. 500.150, adopted November 9, 1993

<sup>6</sup> Bylaw No. 500.408, adopted August 22, 2017

<sup>7</sup> Bylaw No. 500.113, adopted August 13, 1991



**Sight Triangle** (not to scale)

**8) Setbacks - Watercourses, excluding the Sea**

- a) On parcels with an average slope of 5% or less adjacent to or containing a watercourse, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
  - i) within 15.0 m horizontal distance from the natural boundary or within 18.0 m horizontal distance from a stream centerline, whichever is greater as illustrated in Table 1 and Table 2 of Schedule '3E';
  - ii) within 30.0 m horizontal distance from the natural boundary of the Nanaimo River, the Englishman River, the Little Qualicum River and the Qualicum River.
- b) On parcels with an average slope of greater than 5% adjacent to or containing a watercourse, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
  - i) within 9.0 m horizontal distance from the top of the slope or the first significant and regular break in the slope as illustrated in Table 3 of Schedule '3E';
  - ii) within 30.0 m horizontal distance from the natural boundary of the Nanaimo River, the Englishman River, the Little Qualicum River and the Qualicum River.

**9) Setbacks - Sea<sup>10</sup>**

- a) For all Electoral Areas, except Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended
  - i) within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater; or
  - ii) within 8.0 metres horizontal distance from the natural boundary, whichever is greater.
- b) For Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended
  - iii) within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater; or

<sup>10</sup> Bylaw No. 500.324, adopted February 28, 2006

- iii) within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater; or
- iv) within 15.0 metres horizontal distance from the natural boundary, whichever is greater.

10) **Setbacks – Buildings and Structures<sup>11</sup>**

a) **Agriculture and Farm Buildings, Structures and Uses<sup>12</sup>**

The following minimum setback requirements shall apply to all agriculture or farm buildings, structures and uses.

Use(s)	Setback from all lot lines
1) The following shall apply to all agriculture or farm buildings, structures, and uses	
I. Outdoor uncovered horse riding rings and exercise yards where no feeding of animals occurs	0 m
II. Buildings and structures 10 m <sup>2</sup> or less that house any livestock or poultry (except household poultry on parcels less than 1000 m <sup>2</sup> in area), game, or other furbearing farm animals	8.0 m
III. Indoor horse riding rings where no feeding or housing of animals occurs	8.0 m
IV. Buildings and structures 50 m <sup>2</sup> or less that house any livestock, poultry, game, or other furbearing farm animals	15.0 m
V. Confined Livestock Area	
VI. Buildings and structures more than 50 m <sup>2</sup> that house any livestock, poultry, game, or other furbearing farm animals	30.0 m
VII. Feedlot	
VIII. Indoor riding rings where feeding or housing of animals occurs	
IX. Mushroom Barn	
X. Temporary Sawmill	
XI. Buildings, structures, and lands used for: <ul style="list-style-type: none"> <li>a. the storage of agricultural liquid or solid waste</li> <li>b. On-farm composting</li> </ul>	

<sup>11</sup> Bylaw No. 500.396, adopted February 24, 2015

<sup>12</sup> Bylaw No. 500.402, adopted June 28, 2016