



## GENERAL REGULATIONS

## SECTION 2

### 2.1 Applicability of General Regulations

Except as otherwise specified in this Bylaw, Section 2 applies to all zones established under this Bylaw.

### 2.2 Bylaw Definitions

Within this Bylaw, permitted uses are outlined for each zone. These permitted uses are further elaborated and defined in Section 5, “Definitions”, of this Bylaw, where they may differ from their common usage or meaning.

### 2.3 Permitted Uses

Except where specifically excluded, the following uses, buildings, and structures are permitted in every Zone:

- a) highway and transportation rights-of-way held by, or on behalf of, a government;
- b) parks, including playgrounds and playfields, walking, bicycling and equestrian trails, and paths and ecological reserves;
- c) public utilities, such as electrical and telephone lines, pipelines, traffic control devices, public utility poles, and underground utility systems;
- d) radio, television, and cellular and transmission towers;
- e) community water system facilities, including reservoirs, treatment plants, pumping station intake structures, and supply lines;
- f) community sewage system facilities, including treatment plants, sewage pumping stations, storm drainage retention ponds, and sewer service lines;
- g) ditches and culverts;
- h) temporary use of a building or structure as a polling station for government or school board elections, referenda, or census providing such a use does not exceed 60 days.

### 2.4 Prohibited Uses

Except where specifically permitted, the following uses, buildings and structures are prohibited in every Zone:

- a) private airports and heliports, unpaved air strip<sup>1</sup>, except a private airport or heliport used only for emergency landing or evacuation, in connection with a medical emergency or other emergency as defined in the **Emergency Program Act**;
- b) storage of refuse or waste disposal/processing not produced on the property<sup>2</sup>;

<sup>1</sup> Bylaw No. 1285.01, adopted April 13, 2004

<sup>2</sup> Bylaw No. 1285.01, adopted April 13, 2004



- c) kennels, breeding pets, or a boarding facility<sup>1</sup>;
- d) the disposal or storage of hazardous, contaminated, biomedical or toxic waste;
- e) the storage of contaminated soil, if the contaminated soil did not originate on the same legal parcel of land;
- f) vehicle wrecking yard;
- g) slaughtering of livestock, food processing, and the processing of seafood except in the A-1 zone conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;<sup>2</sup>
- h) intensive agriculture including feedlots, stockyards, and slaughterhouses except in A-1, subject to Agricultural Land Reserve Commission review;<sup>3</sup>
- i) commercial laundry facility;
- j) commercial composting facility;
- k) chemical manufacturing;
- l) petrochemical refining;
- m) explosives/ammunition manufacturing;
- n) battery manufacturing;
- o) outdoor chemical treatment of poles, fence posts, and wood products;
- p) metal smelting/electroplating;
- q) water bottling facilities;<sup>4</sup>
- r) agri-tourism accommodation except in the A-1 zone;<sup>5 6</sup>
- s) the production, storage, and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002 except in the A-1 zone when conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;<sup>7 8</sup>
- t) cannabis production<sup>9</sup>.

## 2.5 Runoff Control Standards

1. This section applies to:
  - a) Lots zoned Industrial, Salvage and Wrecking, Comprehensive Development, Mixed Use, Commercial; and
  - b) Lots on which a Home Based Business is an accessory use and is being carried out.<sup>10</sup>

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<sup>1</sup> Bylaw No. 1285.01, adopted April 13, 2004

<sup>2</sup> Bylaw No.1285.26, adopted June 28, 2016

<sup>3</sup> Bylaw No. 1285.01, adopted April 13, 2004

<sup>4</sup> Bylaw No. 1285.01, adopted April 13, 2004

<sup>5</sup> Bylaw No. 1285.26, adopted June 28, 2016

<sup>6</sup> Bylaw No. 1285.01, adopted April 13, 2004

<sup>7</sup> Bylaw No. 1285.01, adopted April 13, 2004

<sup>8</sup> Bylaw No.1285.26, adopted June 28, 2016

<sup>9</sup> Bylaw No. 1285.31, adopted April 24, 2018

<sup>10</sup> Bylaw No. 1285.01, adopted April 13, 2004



- c) Lots zoned A-1 where the total impervious area of farm buildings and structures exceeds 3,700 square metres or covers more than 25% of a lot or contiguous lots.<sup>1</sup>
2. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area, the owner must manage and provide for the ongoing disposal of surface runoff and stormwater in accordance with the requirements of Section 2.5.
3. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area, the landowner must provide for the discharge of surface runoff and stormwater by ensuring that the surface runoff and stormwater containing Domestic Waste, Trucked Liquid Waste, Flammable or Explosive Waste, Corrosive Waste, High Temperature Waste, pH Waste, and Disinfectant Process Water, is not discharged or disposed of onto the surface of the land or into a stormwater collection channel or watercourse.
4. Where a building or structure including a roof area, that is greater than 400 m<sup>2</sup>, has been constructed or land has been developed to include an impervious paved parking area with more than 10 spaces, the landowner must provide for the discharge or disposal of all surface runoff and stormwater into stormwater collection and discharge systems that are designed to include grease, oil, and sedimentation removal facilities.
5. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area, the landowner must ensure that any stormwater that contains suspended solids in concentrations that would:
  - a) exceed 75 milligrams per litre, as determined by either a grab sample or a composite sample, or
  - b) cause the water quality in the watercourse receiving the stormwater to exceed the maximum induced suspended sediments guidelines as set out in Table 2 of the British Columbia Approved Water Quality Guidelines (Criteria): 1999 Edition, Updated January 17, 2001 published by Ministry of Environment, Lands and Parks (Ministry of Water, Land and Air Protection);is not discharged into a stormwater collection channel or watercourse.
6. Except for lots where Home Based Business is an accessory use, where a building or structure is to be constructed or land is to be developed to include a paved area, the owner must ensure that movement of surface and subsurface soils and excavations shall be designed and completed not to disturb the impermeable soils protecting the aquifers in the subsurface and a professional engineer shall review all site excavation works to ensure that the natural drainage characteristics of the land will be impaired as little as possible.

## 2.6 Storage of Fuel

1. No lot shall be used for the storage, warehousing, distribution or wholesale of any type of fuel or flammable or combustible liquids in tanks with a capacity in excess of 4546 litres, except for lots that are zoned Industrial or Mixed Use, and for lots permitting a gasoline service station use.

<sup>1</sup> Bylaw No. 1285.26, adopted June 28, 2016



2. No lot shall be used for the underground storage of fuels, solvents, chemicals, fertilizer, and petrochemical products are permitted. All uses that involve the storage of fuels, solvents, chemicals, fertilizer, and petrochemical products, except on parcels zoned residential, must be carried out within double walled containers or on an impervious containment pad designed to contain and store the entire capacity of the storage container in the event that any leaching or spillage occurs.

## **2.7 Accessory Buildings and Structures**

Buildings and structures accessory to the permitted principal use of a lot are permitted in each zone, unless otherwise specified, provided:

- a) that the principal use is being performed on that lot; or
- b) a building or structure for the principal permitted use has been, or is in the process of being, constructed on the lot.

## **2.8 Location and Siting of Buildings**

**No principal building or accessory building or structure shall be located in any required front, side, or rear yard setback.**

## **2.9 Setbacks – Buildings and Structures<sup>1</sup>**

Minimum setbacks for a building or structure shall be 4.5 metres from the front lot line and exterior lot line and 2 metres from all other lot lines except for:

- a) The minimum setback for a building, structure or equipment used for a Temporary Sawmill shall be 15 metres from all lot lines.
- b) The minimum setback for a building, structure or equipment used for a Primary Mineral Processing use, adjacent to lands zoned R-1 or R-2, or R-3, shall be 30 metres from all lot lines.
- c) All buildings and structures on parcels adjacent to the Vancouver Island Highway No. 19 shall be setback a minimum of 30 metres from the Vancouver Island Highway No. 19 right-of-way.
- d) Micro wind turbine systems<sup>2</sup>
  - i) For a system installed on the ground, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc; or
  - ii) For a system installed on a rooftop or side of a building, the minimum setback from all parcel boundaries shall be equal to the height of the system as measured from the lowest point of the micro wind turbine system to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.

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<sup>1</sup> Bylaw No. 1285.22, adopted February 24, 2015

<sup>2</sup> Bylaw No. 1285.22, adopted February 24, 2015



- iii) No such system shall be located within 60 metres of any eagle or heron nesting tree, as determined by a Qualified Environmental Professional (QEP), measured from the base of the nesting tree to the base of the wind turbine system.
- e) Small wind turbine systems<sup>1</sup>
  - i) The minimum setback from all parcel boundaries shall be equal to the height of the small wind turbine system as measured from natural grade at the base of the wind turbine tower to the highest vertical extension of a wind turbine at the top of the rotor blade arc.
  - ii) No such system shall be located within 100 metres of any eagle or heron nesting tree, as determined by a Qualified Environmental Professional (QEP), measured from the base of the nesting tree to the base of the wind turbine system.
- f) Agriculture and Farm Buildings, Structures and Uses<sup>2</sup>

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

	<b>Use(s)</b>	<b>Setback from all lot lines</b>
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 metres
II.	Buildings and structures 10 m <sup>2</sup> or less that house household animals	Front and Exterior side lot lines 4.5 metres All other lot lines 2.0 metres
III.	Buildings and structures 10 m <sup>2</sup> or less that house any livestock or poultry (except household animals), game, or other furbearing farm animals	8.0 metres
IV.	Indoor horse riding rings where no feeding or housing of animals occurs	8.0 metres
V.	Buildings and structures 50 m <sup>2</sup> or less that house any livestock, poultry, game, or other furbearing farm animals	15.0 metres
VI.	Buildings, structures or equipment used for a Temporary Sawmill	
VII.	Confined Livestock Area	

<sup>1</sup> Bylaw No. 1285.22, adopted February 24, 2015

<sup>2</sup> Bylaw No. 1285.26, adopted June 28, 2016



<p>VIII. IX. X. XI. XII.</p>	<p>Buildings and structures more than 50 m<sup>2</sup> that house livestock, poultry, game, or other furbearing farm animals</p> <p>Feedlot</p> <p>Indoor riding rings where feeding or housing of animals occurs</p> <p>Mushroom Barn</p> <p>Buildings, structures, and lands used for:</p> <ul style="list-style-type: none"> <li>a. the storage of agricultural liquid or solid waste</li> <li>b. On-farm composting</li> <li>c. Compost storage</li> </ul>	<p>30.0 metres</p>
<p>XIII.</p>	<p>Cannabis Production in the A-1 zone All buildings and structures except:</p> <ul style="list-style-type: none"> <li>a. The setback shall be 60.0 metres from all lot lines adjacent to non-ALR residential uses and;</li> <li>b. The setback shall be 150.0 metres from any parcel that contains a park or school <sup>1</sup></li> </ul>	<p>30.0 metres</p>
<p>XIV.</p>	<p>Gathering for an Event - All buildings, structures or event area</p>	<p>30.0 metres <sup>2</sup></p>
<p>XV.</p>	<p>All other agricultural buildings and structures</p>	<p>Front and exterior side lot lines 4.5 metres All other lot lines 2.0 metres <sup>3</sup></p>
<p>2)</p>	<p>The following watercourse setbacks shall apply to all agriculture or farm buildings, structures and uses:</p> <ul style="list-style-type: none"> <li>I. All buildings and structures that house any livestock or poultry (except household animals) or store manure and all areas used for a feedlot shall be a minimum of 30 metres from a domestic well, spring, or the natural boundary of a watercourse</li> <li>II. All other agriculture or farm buildings and structures shall be sited in accordance with Section 2.10</li> </ul>	

<sup>1</sup> Bylaw No. 1285.31, adopted April 24, 2018

<sup>2</sup> Bylaw No. 1285.29, adopted May 22, 2018

<sup>3</sup> Bylaw No. 1285.29, adopted May 22, 2018



### 2.10 Setback Requirements from Watercourses

1. The minimum setback for construction of a building or structure from the Little Qualicum River, the portions of French Creek north of Highway 4A, and the Englishman River shall be 30 metres from the natural boundary, or, where there is a bank within 30 metres of the natural boundary, 30 metres from the top of the bank.
2. The minimum setback for construction of a building or structure for all other watercourses identified on Map 3 of the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan, Bylaw No. 1152, 1999” shall be 15 metres from the natural boundary, or, where there is a bank within 15 metres of the natural boundary, 15 metres from the top of the bank.
3. The minimum setback for buildings or structures adjacent to all other watercourses not specified in Sections 2.10.1 or 2.10.2 shall be 8 metres from the natural boundary.

### 2.11 Setback Exemptions

1. The following buildings, structures or uses are exempt from minimum setback requirements of this Bylaw, provided that they are not located within a setback established under sections 2.9.c), 2.10 or 2.13 of this Bylaw:
  - a) steps, stairs or ramp;
  - b) arbour/trellis;
  - c) flagpole;
  - d) patio or deck no more than 0.6 metre in height from the existing natural grade;
  - e) radio, television, or cellular and transmission tower;
  - f) parking space, driveways and aisleway;
  - g) fence under 2.5 metres in height, and transparent fencing or transparent vertical extensions greater than 2.5 metres in height where the fence is required for agriculture or farm use;<sup>1</sup>
  - h) landscaping structure or mechanical device less than 1 metre in height and depth including retaining wall, pool, and above ground tank;
  - i) rainwater harvesting structures, equipment and apparatus, including rain barrels and cisterns which are 2.0 metres or less in height and 4,546 litres or less in volume.

### 2.12 Height Exemptions<sup>2</sup>

The following structures or parts of buildings may exceed a height restriction under this Bylaw:

- a) spire, steeple or belfry attached to a church or public building;
- b) observation tower attached to or constructed in relation to an emergency services use;
- c) chimney;
- d) radio, television, cellular and transmission tower, and communication antenna;
- e) flagpole;

<sup>1</sup> Bylaw No. 1285.26, adopted June 28, 2016

<sup>2</sup> Bylaw No. 1285.22, adopted February 24, 2015

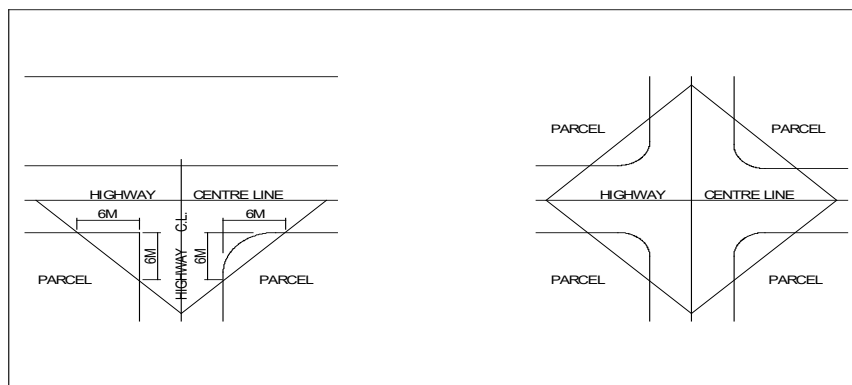


- f) elevator and ventilation shaft;
- g) construction crane;
- h) amusement park ride;
- i) structures required for the operation of a farm in accordance with the **Farm Practices Protection (Right to Farm) Act**;
- j) Components of solar photovoltaic and solar thermal systems where:
  - (i) On a parcel less than 5,000 m<sup>2</sup> in area
    - a. the over-height portion of such system is limited to 50% of the roof width to which the system is attached; and
    - b. no portion of such system exceeds 1.0 metre above the highest point of the roof to which the system is attached.
  - (ii) On a parcel 5,000 m<sup>2</sup> or greater in area, no portion of such system exceeds 1.0 metre above the highest point of the roof to which the system is attached.
- k) One over-height micro wind turbine system per parcel provided that no such system exceeds twice the maximum permitted height, as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.
- l) One over-height small wind turbine system per parcel provided that no such system exceeds 30 metres in height as measured from the natural grade at the base of the wind turbine tower to the highest vertical extension of a wind turbine at the top of the rotor blade arc.

### 2.13 Visibility at Intersections

1. No fence, wall, structure, hedge, shrub, tree or other growth shall be erected or permitted to grow to a height greater than 1 metre from the established grade of a highway within a sight triangle.
2. For the purposes of this Section, a visibility sight triangle shall include that part of a lot within a triangle formed by joining points on lot lines 6 metres from the point of intersection of a highway as illustrated in Figure 2.1:

**Figure 2.1 Visibility Sight Triangle**







## 2.14 Signs

1. Signs are not permitted in any zone except as permitted in this bylaw. Maximum number and types of signs are permitted in zones as outlined in Table 2.1 below:

**Table 2.1 – Sign Regulations**

	<b>Zone</b>	<b>Regulations</b>
a.	FR-1 R-1 to R-3 MHP-1 MHP-2 <sup>1</sup> P-1 W-1	i.) 1 sign per lot advertising the use on that lot ii.) Maximum size of 1.5 m <sup>2</sup> in sign face area iii.) Maximum height of any portion of a sign shall not exceed 2.5 metres
b.	A-1 CD-1 to CD-15 MU-1 RC-1 to RC-3	i.) 1 freestanding sign per lot advertising the use on that lot not exceeding 3 m <sup>2</sup> in sign face area ii.) 1 fascia sign per business not exceeding 3 m <sup>2</sup> in sign face area iii.) Maximum height of any portion of a sign shall not exceed 9 metres iv.) 1 sign per farm business advertising the farm business use on that lot
c.	C-1 to C-4 I-1 to I-3, I-5 <sup>2</sup> T-1 to T-2	i.) 1 freestanding sign not exceeding 15 m <sup>2</sup> in sign face area ii.) 1 fascia sign per business not exceeding 3 m <sup>2</sup> in sign face area iii.) Maximum height of any portion of a sign shall not exceed 9.0 metres

2. Real estate signs, indicating properties for sale, may be temporarily displayed in any zone provided the sign is located on the property for sale.
3. Temporary real estate directional signs, not exceeding 0.5 m<sup>2</sup> in sign face area, may be sited on any lot to direct the travelling public.
4. All sign structures for lots located adjacent to the Vancouver Island Highway No. 19 or that portion of Highway No. 4, located between the Highway 19 interchange and the Highway No. 4 intersection, must be located within 10 metres of the nearest adjacent highway other than the Vancouver Island Highway No. 19 and the portion of Highway No. 4 located between the Highway 19 interchange and the Highway No. 4A intersection.

## 2.15 Home Based Business – Regulations

1. A Home Based Business shall:
  - a) be accessory to the residential use of a lot;
  - b) be conducted by the permanent residents of the lot on which the home based business activity is located;

<sup>1</sup> Bylaw No. 1285.25, 2016, adopted June 26, 2018

<sup>2</sup> Bylaw No. 1285.36, adopted July 27, 2021



- c) be located within a Dwelling Unit, attached garage or accessory building and may include accessory outdoor storage;
  - d) not be carried out in an area that exceeds 400 m<sup>2</sup> of the floor area of the Dwelling Unit, attached garage or accessory building, including all accessory outdoor storage;
  - e) notwithstanding subsection d), not occupy more than 49% of the floor area of the Dwelling Unit;
  - f) have a maximum of 2 non-resident employees working on the lot;
  - g) limit sales of related or unrelated goods combined with home based business product sales to a maximum of 1/3<sup>rd</sup> of home based business floor area <sup>1</sup>;
  - h) not include on-site retail sale of foods designed for immediate consumption other than breakfast served by a bed and breakfast to guests who have been provided overnight accommodation;
  - i) in the case of a bed and breakfast, provide a maximum of three (3) guest rooms located only within the dwelling unit for use by members of the traveling public.
2. Notwithstanding the regulations in Section 2.15.1(d), for parcels zoned A-1, the Home Based Business shall not be carried out in an area that exceeds 200 m<sup>2</sup> of the floor area of the Dwelling Unit, attached garage or accessory building, and may include accessory outdoor storage in an area that does not exceed 200 m<sup>2</sup>.
  3. Section 2.15.1(d) does not apply to outdoor areas used for the cultivation of fruit, vegetables, flowers or other crops grown as part of a home based business.
  4. Home Based Business may install a sign as outlined in Section 2.14.
  5. The following uses are **not permitted** as a Home Based Business:
    - a) animal breeding in excess of two litters per lot per calendar year;
    - b) animal boarding;
    - c) public assembly use or recreation facility;
    - d) school pursuant to the **Schools Act**;
    - e) processing or manufacturing of chemicals, solvents, paint, varnish, lacquer, rubber;
    - f) slaughtering or butchering of animals;
    - g) seafood processing or canning of foods with a pH level greater than or equal to 4.5;
    - h) laundries or dry-cleaning;
    - i) primary mineral processing;
    - j) funeral home, cemetery, or crematorium;
    - k) vehicle wrecking yard or dismantling of vehicles;
    - l) waste disposal facility, recycling facility, or recycling other than the reuse of a recyclable material in the production of another finished product;
    - m) marshalling of vehicles, equipment, or machinery;

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<sup>1</sup> Bylaw No. 1285.05, adopted October 25, 2005



- n) sale of automotive fuel, oil, or fluids;
  - o) warehousing or storage of goods or chattels of a person other than an owner or occupant of the lot;
  - p) retail sales where no products are produced or processed as part of the Home Based Business;<sup>1</sup>
  - q) cannabis production<sup>2</sup>.
6. Home Based Business shall not be permitted within a secondary suite.
7. Bed and Breakfast shall not be permitted on a lot that contains a suite.
8. Where a secondary suite is located on a lot less than 8,000 m<sup>2</sup> in area, the Home Based Business must be contained in a building.

### 2.16 Keeping of Animals<sup>3</sup>

In all zones where Agriculture, Farm Use, or Kennel are not permitted uses, the keeping of animals shall be limited to:

- a) household animals in MHP zones;
- b) household animals on lots 4000 m<sup>2</sup> or less;
- c) household animals and household livestock at a density of 1 household livestock animal per 4000 m<sup>2</sup> on all lots greater than 4000 m<sup>2</sup>.

### 2.17 Parking

1. The owner or occupier of every building shall provide parking spaces in connection with the use of land as prescribed in this Bylaw or Ministry of Transportation standards, whichever is greater.
2. All required parking spaces shall be located on the same lot containing the use, building or structure being served.
3. The minimum number of parking spaces required for a use is calculated as follows:
  - a) the minimum number of parking spaces is set out in Table 2.2;
  - b) where the calculation of the required parking spaces results in a fraction, the nearest whole number above that calculation shall be taken;
  - c) where a building contains more than one use, the required number of spaces to be provided shall be the sum of the requirements for each use;
  - d) where seating accommodation is the basis for a unit of measurement under this Section and consists of benches, pews, booths or similar seating types, each 0.5 metres of length of such seating shall be deemed to be one seat; and
  - e) if a use is not listed in Table 2.2, the required number of parking spaces to be provided shall be calculated on the basis of a similar use that is listed.

<sup>1</sup> Bylaw No. 1285.05, adopted October 25, 2005

<sup>2</sup> Bylaw No. 1285.31, adopted April 24, 2018

<sup>3</sup> Bylaw No. 1285.26, adopted June 28, 2016



4. Each required parking space shall be a minimum of 5.65 metres in length and 2.75 metres in width.
5. Access and egress points to lots require an approved access permit from the Ministry of Transportation and be designed in accordance with Ministry of Transportation standards.
6. Where more than ten (10) parking spaces are provided, every parking area shall provide a minimum of 1 handicapped parking space for every 10 parking spaces. Each handicapped parking space shall be:
  - a) at least 3.7 metres wide;
  - b) located as close as possible to a main accessible building entrance; and
  - c) clearly identified for its restricted usage by a sign incorporating the universal handicapped logo.

**Table 2.2  
REQUIRED PARKING SPACES**

Use	Required Parking Spaces
All uses in an R zone except as specifically listed	2 per Dwelling Unit
All uses in a C zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in an I zone except as specifically listed	1 per 50 m <sup>2</sup> Floor Area
All uses in a T zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a MU zone except as specifically listed	1 per 50 m <sup>2</sup> Floor Area
All uses in a RC zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a CD zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a S zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a P zone except as specifically listed	1 per 50 m <sup>2</sup> Floor Area
Agriculture, Forestry/Resource/Farm Use <sup>1</sup>	2 per Dwelling Unit plus one additional space per employee attached to a Home Based Business/Farm Business
Agri-tourism Accommodation Cabin	1 per cabin <sup>2</sup>
Farm Retail Sales	1 per 5 m <sup>2</sup> of floor area plus 1 per two Employees <sup>3</sup>
Manufactured Home Park	1 per dwelling unit plus one additional space for every 2 Dwelling Units in a Manufactured Home Park
Accessory Dwelling Unit	1 per accessory Dwelling Unit
Home Based Business	1 space per Home Based Business and one additional space per non-resident employee
Bed and Breakfast	2 per Dwelling Unit plus 1 additional space per Guest Room
Office	1 per 30 m <sup>2</sup> Floor Area
Restaurant, Pub	1 per three seats
Hotel, Motel, Tourist Accommodation	1 per sleeping unit plus 1 additional space per three seats for any eating or drinking establishments
Building Supply/Lumber Outlet	1 per 30 m <sup>2</sup> Floor Area
Manufacturing/Product Assembly	1 per 100 m <sup>2</sup> Floor Area or 1 per 2 employees, whichever is the greater

<sup>1</sup> Bylaw No. 1285.26, adopted June 28, 2016

<sup>2</sup> Bylaw No. 1285.26, adopted June 28, 2016

<sup>3</sup> Bylaw No. 1285.26, adopted June 28, 2016



Use	Required Parking Spaces
Campground or Recreational Vehicle Space	1 per space plus 1 per employee plus 1 visitor parking per 5 camping or RV spaces
Warehousing/Wholesaling	1 per 200 m <sup>2</sup> Floor Area or 1 per 2 employees, whichever is the greater
Golf Course	2 per golfing hole
Golf Driving Range	1 per tee box
School	2 per classroom
Care Services Unit <ul style="list-style-type: none"><li>• Resident</li><li>• Non-Resident</li></ul>	1 per care services unit 1 per 2 patient beds
Recreation Building, Ice Rink, Arena, Gymnasium, Indoor Swimming Pool	1 per 5 m <sup>2</sup> of assembly area or 1 per 3 spectator seats whichever is greater
Gathering for Events	1 spot per 4 guests must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity and must be setback 15.0 m from all other lot lines. <sup>1</sup>

<sup>1</sup> Bylaw No. 1285.29, adopted May 22, 2018



## 2.18 Secondary Suites<sup>1</sup>

1. Secondary suites shall be permitted as a Permitted Accessory Use in the following zones: A-1, R-1, R-2, R-3, R-4<sup>2</sup>, FR-2<sup>3</sup>.
2. A maximum of one (1) secondary suite is permitted per single dwelling unit to a maximum of two (2) per parcel of which only one (1) may be detached.
3. Secondary suites shall be subject to the following requirements:
  - a) secondary suites within a principal dwelling unit must not exceed 40% of the habitable floor space of the building that it is located in nor 90 m<sup>2</sup> of total floor space, whichever is lesser;
  - b) must not be located within a duplex, manufactured home, or multiple dwelling unit development;
  - c) must provide at least two (2) additional designated off-street parking spaces (at least one (1) must have direct access to the street);
  - d) shall be maintained under the same legal title as the principal dwelling unit to which it is accessory;
  - e) must meet minimum setback requirements for a dwelling unit located in the applicable Zone Classification.
  - f) must be limited to a maximum of two bedrooms and one cooking facility;
  - g) must, on parcels without community sewer services, have the approval of the local Health Authority with respect to the provision of sewage disposal;
  - h) must have its own entrance separate from that of the principal dwelling unit; and,
  - i) must not be used for short term (less than one month) rentals.
4. A Secondary suite may be located within an accessory building subject to the following:
  - a) The minimum site area requirement shall be 800 m<sup>2</sup> for parcels serviced with community water and community sewer or 8,000 m<sup>2</sup> in all other cases.
  - b) The maximum floor area of an accessory building containing a secondary suite shall not exceed 40% of the habitable floor space of the principal dwelling unit which it is associated with nor 90 m<sup>2</sup> of total floor space, whichever is lesser.
  - c) The secondary suite shall contain no interior access to any part of the accessory building and the means of access and egress must be external to the structure.
5. Home Based Business shall be in accordance with Section 2.15.
6. Despite any regulation in this Bylaw, land established as “Agricultural Land Reserve” pursuant to the ***Agricultural Land Reserve Act*** is subject to the ***Agricultural Land Reserve Act*** and ***Regulations***, and applicable orders of the Land Reserve Commission.

<sup>1</sup> Bylaw No. 1285.19, adopted May 27, 2014

<sup>2</sup> Bylaw No. 1285.24, adopted May 26, 2015

<sup>3</sup> Bylaw No. 1285.27, adopted October 24, 2017



## 2.19 Farm Use Regulations<sup>1</sup>

On lands located within the Agricultural Land Reserve the following activities are permitted farm uses in accordance with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and are subject to the following regulations:

### 1. Agri-tourism

Agri-tourism activities, other than accommodation, are permitted on land located within the Agricultural Land Reserve that is classified as 'farm' under the BC Assessment Act. The use must be temporary and seasonal, and promote or market farm products grown, raised or processed on the farm.

### 2. Farm Retail Sales

Farm retail sales is permitted on land located within the Agricultural Land Reserve provided:

- a) All of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
- b) At least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales is taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

## 2.20 Accessory Farm Use Regulations P27F2

### 1. Agriculture Education and Research

Where agriculture education and research is permitted in this bylaw it shall be subject to the following regulations:

- a) the area occupied by any buildings or structures necessary for education or research must not exceed 100 m<sup>2</sup> for each parcel.

### 2. Production of Biological Integrated Pest Management Products

Where the production of biological integrated pest management products is permitted in this bylaw it shall be subject to the following regulations:

- a) the area occupied by any buildings or structures necessary for the production or development must not exceed 300 m<sup>2</sup> for each parcel.

<sup>1</sup> Bylaw No. 1285.26, adopted June 28, 2016

<sup>2</sup> Bylaw No. 1285.26, adopted June 28, 2016



### 3. Agri-Tourism Accommodation

As per Section 3 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, on parcels within the Agricultural Land Reserve and where agri-tourism accommodation is a permitted accessory use, the following general provisions apply:

- a) Agri-tourism accommodation use must be for rental only;
  - b) Agri-tourism accommodation is permitted only on land classified as 'farm' under the BC Assessment Act;
  - c) Four agri-tourism accommodation sleeping units shall be permitted on any parcel and one additional sleeping unit shall be permitted per hectare on parcels greater than or equal to 1.0 ha up to a maximum of ten (10) sleeping units per farm or parcel;
  - d) When calculating the total number of agri-tourism accommodation sleeping units all forms of tourist accommodation, including a bed and breakfast, shall be included;
  - e) The total developed area for an agri-tourism accommodation use, including buildings, landscaping, driveways and parking shall occupy less than five percent (5%) of the total parcel area, in accordance with the Agricultural Land Commission Act.
4. An agri-tourism accommodation campground must be developed in accordance with the following regulations:
- a) Every campsite shall be unpaved and not exceed 150 m<sup>2</sup> in area;
  - b) Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
  - c) A maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor within any twelve (12) month period within any campsite on the parcel. The relocation of recreational vehicle (RVs) or campers to other sites within the parcel does not constitute the start of a new stay.
5. An agri-tourism accommodation cabin must be developed in accordance with the following regulations:
- a) The maximum gross floor area of an agri-tourism accommodation cabin shall not exceed 50 m<sup>2</sup>;
  - b) Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
  - c) A maximum of one kitchen facility shall be permitted within each agri-tourism accommodation cabin;
  - d) A maximum consecutive or non-consecutive stay of ninety (90) days per visitor in any twelve (12) month period within any cabin on the parcel. The relocation of a visitor to another cabin within the parcel does not constitute the start of a new stay;
  - e) One (1) parking space per agri-tourism accommodation cabin is required.





## 6. Gathering for an Event

As per Section 1 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* on parcels within the Agricultural Land Reserve and where gathering for events is a permitted accessory use in this bylaw, the following general provisions apply:

- a. The farm must be located on land classified as a farm under the *Assessment Act*;
- b. permanent facilities must not be constructed or erected in connection with the event;
- c. parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- d. no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- e. the event must be of no more than 24 hours duration;
- f. maximum site area for events shall not exceed 500 m<sup>2</sup>; and
- g. no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year <sup>1</sup>

### 2.21 Temporary Use Permits <sup>234</sup>

1. The Regional District may issue a temporary use permit on any lot to temporarily allow a use not permitted by this bylaw. The following general conditions will guide the consideration of such applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.
  - a) The applicant demonstrates how any anticipated impact on the surrounding area will be mitigated (for example: noise, light, hours of operation, dust, odour, vibration, aesthetic impact, etc.).
  - b) The applicant provides a projection of anticipated impact on local road networks, and proposes mitigating measures if necessary.
  - c) The applicant provides an assessment of the impact of the proposed use on the natural environment, including groundwater, wildlife, and environmentally sensitive areas.
  - d) The applicant provides a rationale for the suitability of the location and the inability to conduct the use in another area where the use is already permitted.
  - e) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the Regional District until completion of the proposed works.

<sup>1</sup> Bylaw No. 1285.29, adopted May 22, 2018

<sup>2</sup> Bylaw No. 1285.33, adopted December 4, 2018

<sup>3</sup> Bylaw No. 1285.26, adopted June 28, 2016

<sup>4</sup> Bylaw No. 1285.29, adopted May 22, 2018



- f) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.
2. Where the land is in the Agricultural Land Reserve, approval from the Provincial Agricultural Land Commission is required prior to issuance of a permit.
3. The Regional District may specify conditions in a permit including, but not limited to, environmental protection measures, odour abatement, hours of operation, parking, buffering, and groundwater protection.
4. The Regional District may require security and/or an undertaking to secure the conditions of the permit in accordance with the *Local Government Act*.

## 2.22 Kennel Facilities <sup>1</sup>

The establishment of kennel facilities on ALR land is not permitted unless by a rezoning of land, except where permitted in this bylaw. The use, if approved, shall be subject to the following specific requirements as well as all other applicable provisions of this bylaw:

- a) Must be located on lots which are 2.0 ha or larger;
- b) All structures and areas utilized in association with the kennel facility shall be sited a minimum of 30.0 metres from all property lines.”

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<sup>1</sup> Bylaw No. 1285.26, adopted June 28, 2016