

**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, 2013”.
- 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 Zone 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 ‘3’ 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;
 - c. Lot 1, District Lot 2090 Nanaimo District and District Lot 78 Nanoose District Plan VIP87122 and,
 - d. District Lot 2084, Nanaimo District, (Commercial Marina) Licence 109021.

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 ‘2’, 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 12th day of November, 2013.

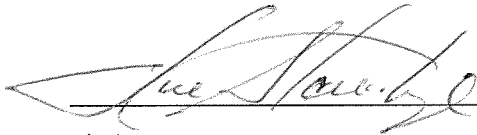
Second reading rescinded this 26th day of November, 2013.

Read a second time, as amended, this 26th day of November, 2013.

Public Hearing held this 12th day of May, 2014.

Read a third time this 27th day of May, 2014.

Adopted this 22nd day of July, 2014.



Chairperson



Corporate Officer

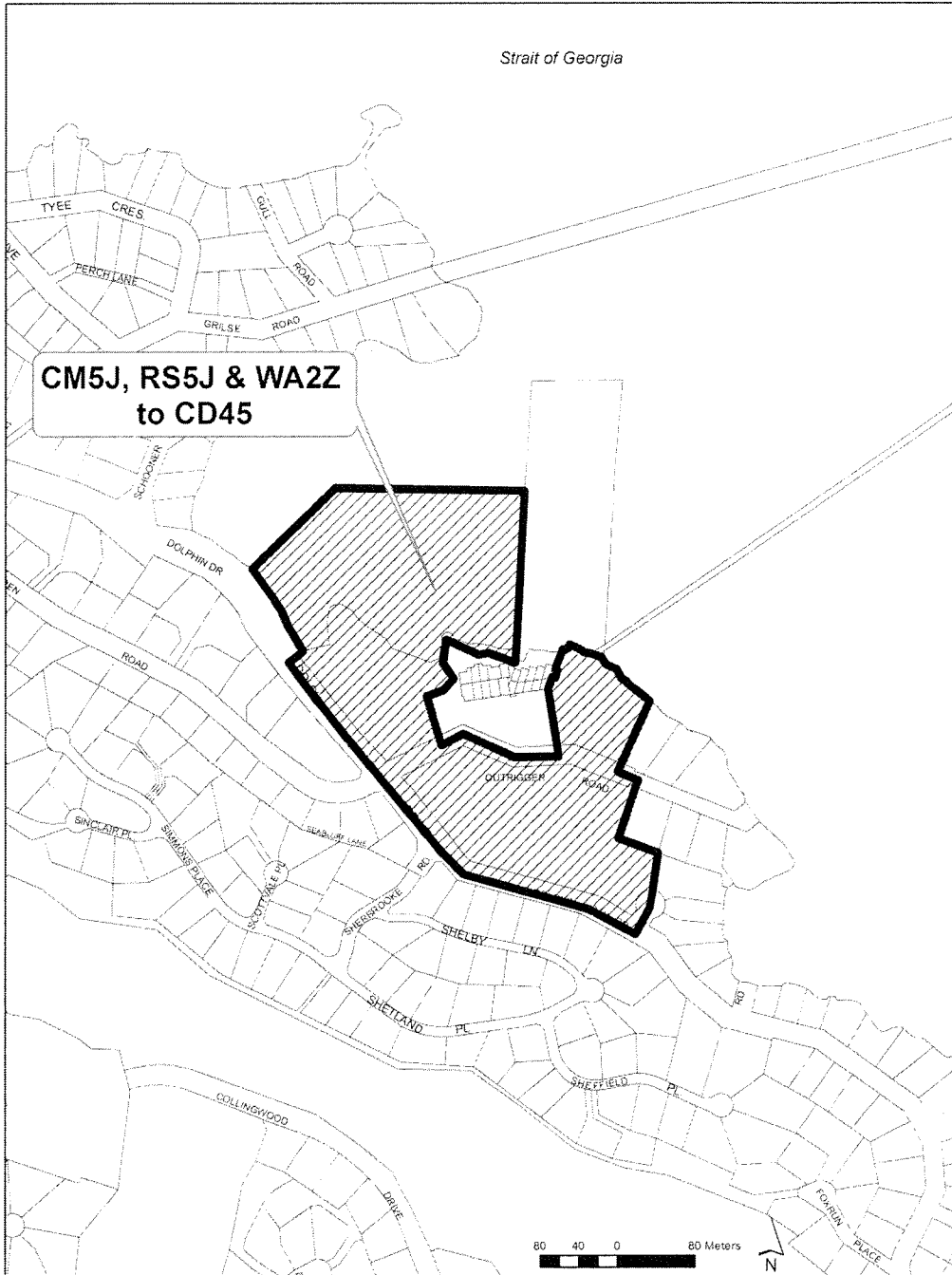
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Chairperson

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Corporate Officer

Schedule '1'
CD45 Zone Area



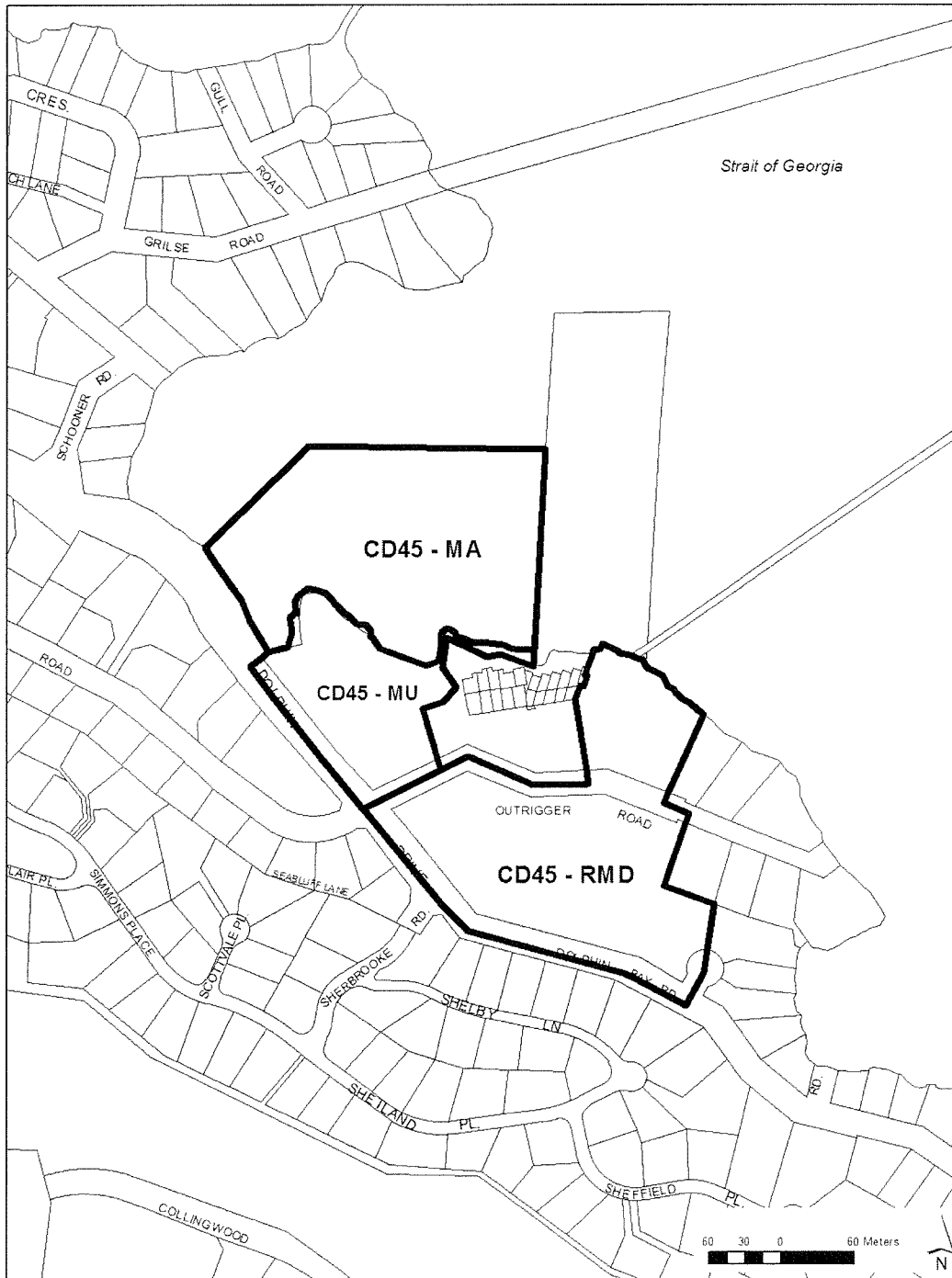
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Chairperson


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Corporate Officer

Schedule '2'
CD45 Sub-Zoning Areas




Chairperson


Corporate Officer

Schedule '3'
Schooner Cove Comprehensive Development Zone Regulations

Section 3.4.145

SCHOONER COVE COMPREHENSIVE DEVELOPMENT ZONE

CD45

3.4.145.1 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.

3.4.145.2 PURPOSE

The purpose of the CD45 Zone is to allow a mixed-use waterfront village with neighbourhood-oriented commercial shops and services, a marina, a range of multiple dwelling housing types, and a publicly accessible network of waterfront boardwalks, plazas, and pathways in accordance with Schedule 'C' – Schooner Cove Neighbourhood Plan in the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.

The lands encompassed within the CD45 Zone are divided into three sub-zoning areas including: Village Mixed Use (CD45 – MU), Marina (CD45 – MA), and Residential Multiple Dwelling (CD45 – RMD). Specific regulations apply to each zoning area, in addition to the Definitions and General Regulations as set out in the CD45 Zone.

The extent of each zoning area in the Lakes District Comprehensive Development Zone is shown on Schedule '3A' Zoning Maps of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

3.4.145.3 DEFINITIONS

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;

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;

boat launching facility means jib crane hoist, boat ramp or other means to launch and/or retrieve watercraft;

commercial parking means use of land, buildings and structures for the purpose of providing short-term commercial parking spaces;

commercial use means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, artisan workshop, retail or personal service use;

community garden means a non-commercial facility for the cultivation of fruits, flowers, vegetables or ornamental plants;

geodetic elevation means the vertical elevation or height of a given point on land or above the surface of the water measured from the geodetic datum as determined by a BC Land Surveyor;

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 goods;

height means that part of a building or structure measured above the geodetic datum as determined by a BC Land Surveyor to the outermost exterior walls or supports as indicated on a plan showing any complete vertical section of that part of a building or structure where permitted in the applicable zone;

impermeable surface area means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof together with any ground covering that does not naturally exist on the site and cannot be readily penetrated by water, such as roads, paved parking areas, driveways, patios, games courts and the like, on the parcel expressed as a percentage of the total parcel area;

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;

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;

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;

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;

multiple dwelling unit development means the establishment of three or more dwelling units within a building on a parcel;

neighbourhood pub means an establishment with a liquor primary licence issued pursuant to the Liquor Control and Licensing Act and amendments thereto;

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 ninety (90) calendar days and does not include residential use;

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 café, delicatessen, and take-out restaurant but specifically excludes neighbourhood pub, drive-in and drive-thru establishment;

retail store means a sales outlet contained under one roof, having a gross floor area not exceeding 250 m², and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;

seniors' congregate housing means a residential or institutional facility which provides for seniors' congregate housing 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 facility, and may contain accessory personal service use and accessory convenience store use;

seniors' congregate housing unit means a sleeping unit or a dwelling unit containing one or more sleeping units within a seniors' congregate housing facility;

sleeping unit means a bedroom or other area which is used or intended to be used for sleeping, or sleeping and living purposes, and which does not contain provisions for cooking;

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;

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;

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 ninety (90) calendar days and specifically excludes a manufactured home and residential use; and,

unit density means a measurement of development intensity on a parcel, represented by the total number of dwelling units on a parcel divided by the parcel area in hectares (units per hectare) but excludes dedicated road and dedicated park.

3.4.145.4: GENERAL REGULATIONS

1) Total Number of Dwelling Units

The total number of dwelling units within the lands zoned CD45 shall not exceed 360 dwelling units.

2) Uses Permitted in all Zones

The following uses are permitted in all zoning areas of the CD45 Zone:

- a) *Community garden*

3) Rainwater Harvesting

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

4) Seniors' Congregate Housing

Seniors' congregate housing, where permitted in the zone, is subject to the following regulations:

- a) For the purposes of calculating unit density, each *sleeping unit*, and each *sleeping unit* within a dwelling unit within a seniors' congregate housing facility is equal to 0.2 units;
- b) The gross floor area of a *seniors' congregate housing unit* shall not be less than 26 m² and not more than 50 m²; and
- c) Accessory personal service and convenience store uses, where provided, shall be contained within the seniors' congregate housing facility and shall be accessible only from an internal hallway or corridor. The combined total floor area of all accessory personal service and convenience store uses shall not exceed 150 m² per seniors' congregate housing facility.

5) Temporary Buildings, Structures and Uses for Seasonal Vending

Temporary buildings, structures, or mobile food carts for the purpose of seasonal vending on properties are permitted within any commercially zoned properties provided that potable water and washroom facilities are available on-site if food is served.

6) Resort Condominium and Tourist Accommodation

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

7) Building Height

The following regulations apply to building height within all zoning areas of the CD45 Zone:

- a) 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.
- b) Structures for sustainable building technologies, such as solar panels and rain barrels, cisterns and the like are permitted to exceed the height requirement provided that:
 - i) No such structure covers more than 20% of the parcel area; or
 - ii) If located on a building, no such structure covers more than 10% of the roof area; and,
 - iii) No such structure shall exceed twice the maximum building height permitted by the zone.
- c) Notwithstanding 7 b) above, wind turbines in Area 'A' shall not exceed the maximum permitted building height in as shown on Schedule 1 of the CD45 Zone.

Purpose

The intent of the Schooner Cove Village Mixed Use zoning area is to establish a vibrant commercial and civic core with a pedestrian-oriented village on the waterfront and ground-oriented commercial uses such as restaurants, shops and services with residential uses above.

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 use
- h) neighbourhood pub
- i) outdoor recreation
- j) personal service use
- k) recreation facility
- l) resort condominium development use
- m) restaurant
- n) retail store
- o) seniors' congregate care
- p) tourist accommodation

Accessory Uses

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

Maximum Density

Maximum 50 dwelling units permitted in the CD45 – MU Zone.

Minimum Parcel Size

Commercial / mixed use	900 m ²
Multiple dwelling unit development	2,000 m ²

Maximum Size of Buildings and Structures

The maximum permitted building height shall be as shown on **Schedule 1 Maximum Building Height Plan** in the CD45 Zone and as summarized below:

Height

Principal buildings

Area B	18.0 m geodetic elevation or 3 storeys, whichever is less
Area C	22.0 m geodetic elevation or 3 storeys, whichever is less
Area D	26.1 m geodetic elevation or 5 storeys, whichever is less
Area E	31.0 m geodetic elevation or 5 storeys, whichever is less

Accessory buildings

Area D	One accessory building is permitted to a height of 2 storeys, provided that a storey does not exceed 5.0 m.
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Maximum Floor Area	Total combined floor area for non-residential uses shall not exceed 2,325 m ² .
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Parcel Coverage	70%
	80% where the required parking spaces are located directly beneath the principal building.

Impermeable Surface Area	80%
	85% where the required parking spaces are located directly beneath the principal building.

Minimum Setback Requirements

- | | |
|---|-------|
| a) Lot lines fronting a highway | 4.5 m |
| b) Lot lines that are common with Lot B, District Lot 78, Nanoose District Strata Plan 745 | 4.5 m |
| c) All other lot lines | 0.0 m |
| d) Notwithstanding Section 3.3.9 b) Setbacks - Sea for Electoral Area 'E', a 0.0 m setback for buildings is permitted for up to a maximum of 35 percent of the length of the parcel boundary that is common to the sea. | |

- e) Notwithstanding Section 3.3.9 b) Setbacks - Sea for Electoral Area 'E', a 0.0 m setback is permitted for structures.

Off-Street Parking Requirements

Seniors' congregate housing	1 space per 2 employees and 1 per 5 beds
Commercial use, restaurant use, neighbourhood pub use	74 spaces in total, plus 1 space per 3 seats where a restaurant or neighbourhood pub exceeds 100 seats.

For other uses permitted in this zone, parking shall be provided as set out under Schedule '3B' Off-Street Parking & Loading Spaces.

In addition to the requirements of Schedule '3B' Off-Street Parking & Loading Spaces, the following bicycle parking is required:

Use	Required Bicycle Parking Spaces
Commercial use, restaurant use, neighbourhood pub use	1 space per 475 m ² commercial floor area adjacent to primary building entrances.
Multiple dwelling unit development use	1 secure interior space per 2 dwelling units, and 4 spaces adjacent to the primary building entrance.
Seniors' congregate housing	1 secure interior space per 10 employees.

Other Regulations

- Non-residential uses shall comprise at least 20% of the total building floor area within a parcel.
- A maximum of one grocery store is permitted within the Village Mixed Use Zone.
- Notwithstanding Schedule '3F' Landscaping Regulations and Standards, Section 2.1.1 a landscape buffer is not required for a designated highway adjacent to a commercial use and multiple dwelling unit development.

Purpose

The intent of the Marina zoning area is to allow the operation of a marina business including a moorage, marina office, marine fuel supply station, and other ancillary marina services and facilities.

Permitted Principal Uses

- a) boat launching facility
- b) marina use

Accessory Uses

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

Maximum Size of Buildings and Structures

The maximum permitted building height shall be as shown on **Schedule 1 Maximum Building Height Plan** in the CD45 Zone and as summarized below:

Height	
Area A	7.0 m geodetic elevation or 1 storey, whichever is less, notwithstanding floating buildings and structures shall be measured from the surface of the water.
Parcel Coverage	5% provided that no individual building covers more than 1% of a parcel.

Minimum Setback Requirements

Notwithstanding Section 3.3.9 b) Setbacks - Sea for Electoral Area 'E', a 0.0 m setback is permitted for buildings and structures.

Off-Street Parking Requirements

Marina use	1 parking space per 4 marina slips
Boat launching facility	20 boat trailer parking spaces

For other uses permitted in this zone, parking shall be provided as set out under Schedule '3B' Off-Street Parking & Loading Spaces.

A minimum of 25% of the parking required for marina use in the CD45 – MA Zone shall be provided within the lands zoned CD45 – MU and a maximum of 75% of the marina parking

may be provided within the lands zoned CD45 – RMD, provided that none of the required off-street parking is located within a highway.

The off-street parking required for a *boat launching facility* shall be provided within the lands zoned CD45 – RMD.

In addition to the requirements of Schedule '3B' Off-Street Parking & Loading Spaces, the following bicycle parking is required:

Use	Required Bicycle Parking Spaces
Marina use	8 spaces

Purpose

The Residential Multiple Dwelling zoning area allows for the development of multiple dwelling housing types including ground-oriented and low-rise condominium buildings. These smaller unit types are intended to provide opportunities for downsizing and ageing-in-place in close proximity to publically-accessible open space and village commercial uses.

Permitted Principal Uses

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

Maximum Density

Maximum 310 dwelling units permitted in the CD45 – RMD Zone

Minimum Parcel Size

Multiple dwelling unit development	2,000 m ²
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Maximum Size of Buildings and Structures

The maximum permitted building height shall be as shown on **Schedule 1 Maximum Building Height Plan** in the CD45 Zone and as summarized below:

Height

Principal buildings

Area D	26.1 m geodetic elevation or 5 storeys, whichever is less
Area F	37.0 m geodetic elevation or 5 storeys, whichever is less
Area G	42.0 m geodetic elevation or 5 storeys, whichever is less

Accessory buildings

Area D	One accessory building is permitted to a height of 2 storeys, and all other accessory buildings shall not exceed 1 storey, provided that a storey does not exceed 5.0 m.
Area F	One accessory building is permitted to a height of 2 storeys, and all other accessory buildings shall not exceed 1 storey, provided that a storey does not exceed 5.0 m.
Area G	One accessory building is permitted to a height of 2 storeys, and all other accessory buildings shall not exceed 1 storey, provided that a storey does not exceed 5.0 m.

Parcel Coverage	60%
	70% where the required parking spaces are located directly beneath the principal building.
Impermeable Surface Area	80%
	85% where the required parking spaces are located directly beneath the principal building.

Minimum Setback Requirements

All lot lines	5.0 m
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Off-Street Parking Requirements

Seniors' congregate housing	1 space per 2 employees and 1 per 5 beds
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For other uses permitted in this zone, parking shall be provided as set out under Schedule '3B' Off-Street Parking & Loading Spaces.

In addition to the requirements of Schedule '3B' Off-Street Parking & Loading Spaces, the following bicycle parking is required:

Use	Required Bicycle Parking Spaces
Multiple dwelling unit development use	1 secure interior space per 2 dwelling units, and 4 spaces adjacent to the primary building entrance.
Seniors' congregate housing	1 secure interior space per 10 employees.

Other Regulations

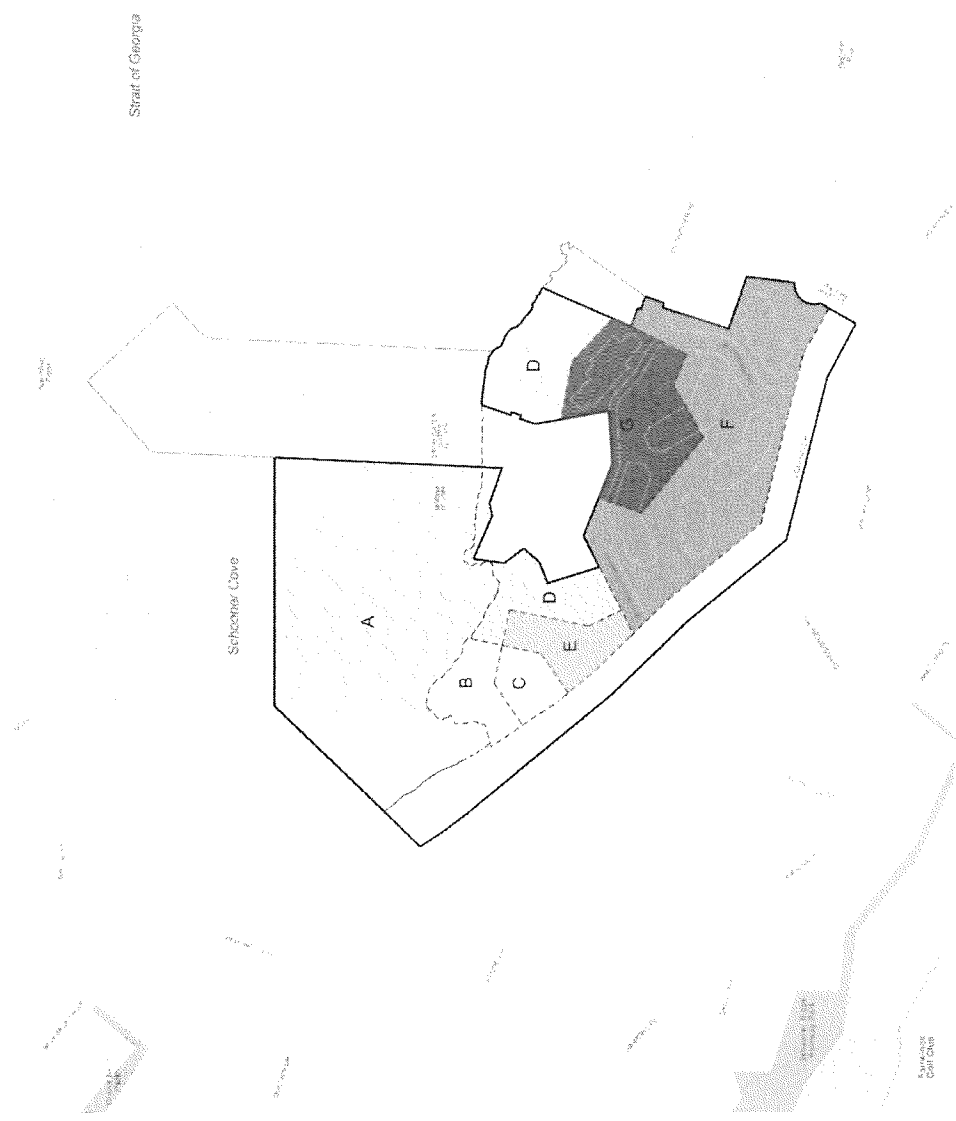
Notwithstanding Schedule '3F' Landscaping Regulations and Standards, Section 3.2.1, a minimum 3.0m wide landscape buffer shall be provided within the setback area of a parcel adjacent to a highway for a multiple dwelling unit development.

Schooner Cove Comprehensive Development Zone CD45 Schedule 1 Maximum Building Height Plan

DATE: 11/11/2014
TIME: 10:00 AM

MAXIMUM BUILDING HEIGHT PLAN

CDZ	CDZ Boundary	Proposed Building A Public Road/Local
A	Shoemaker Creek Neighborhood Plan Boundary	Maximum Building Height: 7m
B		Maximum Building Height: 10m
C		Maximum Building Height: 22m
D		Maximum Building Height: 26m
E		Maximum Building Height: 30m
F		Maximum Building Height: 35m
G		Maximum Building Height: 40m



DATE: 11/11/2014
TIME: 10:00 AM