

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.396
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. 500.396, 2014”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. **Part 2 Interpretation, Section 2.1 Definitions**, by deleting the definition of “floor area” and replacing with the following:

floor area means the sum total of the gross horizontal area of each floor of a building as measured from the inside surface of the outermost exterior walls.

2. **Part 2 Interpretation, Section 2.1 Definitions**, by deleting the following text from the definition of “height”:

“but specifically excludes chimney, mast aerial, church spire, flag pole, watertank, observation and transmission tower, mechanical devices necessary for the operation of a building, and agricultural buildings or structures where permitted in the applicable zone.”

3. **Part 2 Interpretation, Section 2.1 Definitions**, by inserting the following definition after “medium industry”:

micro wind turbine system means a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than 1 kW.

4. **Part 3 Land Use Regulations, Section 3.3 General Regulations**, by renaming subsection 10) Setbacks - Agricultural Buildings to:

10) Setbacks – Buildings and Structures

and replace the text in subsection 10) with the following:

- a) Agricultural Buildings

All buildings and structures for housing animals, other than pets, and for the storage of manure shall be a minimum of 30.0 metres from a watercourse or any property line adjoining a residential zone.

b) Micro wind turbine systems

- 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.
- 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.

5. **Part 3 Land Use Regulations, Section 3.3 General Regulations**, by inserting the following text as a new subsection 11) and renumbering subsections 11) through 16) in sequential order:

11) Height Exemptions

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

- a) Chimney stacks, mast aerials, church spires, flag poles, water tanks, observation and transmission towers, mechanical devices necessary for the operation of a building, and agricultural buildings or structures.
- b) Components of solar photovoltaic or solar thermal systems where:
 - i) On a parcel less than 5,000 m² 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 0.6 metre above the maximum permitted height.
 - ii) On a parcel 5,000 m² or greater in area, no portion of such system exceeds 0.6 metre above the maximum permitted height.
- c) 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.

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

Public Hearing held this ___ day of _____ 20__.

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

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20__.

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer

DRAFT