

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.26**

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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 Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016”.
- B. The “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, is hereby amended as follows:
 1. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.4 Prohibited Uses by deleting subsections g, r, and s and replacing them with the following:
 - “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;
 - r) agri-tourism accommodation except in the A-1 zone;
 - 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;”
 2. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.5 Runoff Control Standards by inserting the following text under subsection 1:
 - “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.
 3. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.9 Setbacks – Buildings and Structures by deleting the following subsection and re-lettering all subsequent subsections:
 - “d) All buildings and structures used for medical marihuana production on lands within the A-1 zone shall be setback a minimum of 30 metres from all lot lines.”
 5. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.9 Setbacks – Buildings and Structures by inserting the following new subsection after Small wind turbine systems:

“f) Agriculture and Farm Buildings, Structures and Uses

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 metres
II. Buildings and structures 10 m ² 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 ² 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 ² or less that house any livestock, poultry, game, or other furbearing farm animals VI. Buildings, structures or equipment used for a Temporary Sawmill VII. Confined Livestock Area	15.0 metres
VIII. Buildings and structures more than 50 m ² that house livestock, poultry, game, or other furbearing farm animals IX. Feedlot X. Indoor riding rings where feeding or housing of animals occurs XI. Mushroom Barn XII. Buildings, structures, and lands used for: a. the storage of agricultural liquid or solid waste b. On-farm composting c. Compost storage	30.0 metres

<p>XIII. Medical Marihuana Production Facilities in the A-1 zone – All buildings and structures except:</p> <ul style="list-style-type: none"> a. the setback shall be 60.0 metres from all lot lines adjacent to non-ALR residential uses and; b. the setback shall be 150.0 metres from any parcel that contains a park or school 	<p>30.0 metres</p>
<p>XIV. All other agricultural buildings and structures</p>	<p>Front and Exterior side lot lines 4.5 metres All other lot lines 2.0 metres</p>
<p>2) The following watercourse setbacks shall apply to all agriculture or farm buildings, structures and uses:</p> <ul style="list-style-type: none"> 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 II. All other agriculture or farm buildings and structures shall be sited in accordance with Section 2.10” 	

6. Under **SECTION 2 GENERAL REGULATIONS**, by deleting Subsection 2.11, g) and replacing it with the following:

“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;”

7. Under **SECTION 2 GENERAL REGULATIONS**, by deleting Subsection 2.16 Keeping of Animals and replacing it with the following:

“2.16 Keeping of Animals

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 m² or less;
- c) household animals and household livestock at a density of 1 household livestock animal per 4000 m² on all lots greater than 4000 m².”

8. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.17 parking by adding the following parking requirements after 'Agriculture, Forestry/Resource' in Table 2.2:

"Agri-tourism Accommodation Cabin 1 per cabin

Farm Retail Sales 1 per 5 m² of floor area plus 1 per two Employees"

9. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.17 Parking, Table 2.2 by adding 'Farm Use' to 'Agriculture, Forestry/Resource'.

10. Under **SECTION 2 GENERAL REGULATIONS**, by inserting the following new section after Sections 2.18 Secondary Suites:

"2.19 Farm Use Regulations

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 m².

2.20 Accessory Farm Use Regulations

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 m² 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 m² for each parcel.

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 m² 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 m²;
- 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.

2.21 Temporary Use Permits for Farmers' Market

In accordance with the *Local Government Act*, the RDN may support temporary use permits for farmers markets on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- a) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
- b) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the conditions of the permit.
- c) The RDN will consider the impact on local road networks and on-site parking.
- d) The RDN may consider any other condition or criteria as deemed necessary by the RDN.

2.22 Kennel Facilities

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."

10. Under **SECTION 4** replace all existing references to 'farm use' with 'agriculture', in the FR-1, R-4, A-1.14, C-3.15, R-1.7, R-1.16, R-2.5, R-2.17, R-2.48, and R-3.8 zones.
11. By deleting Section 4.1 A-1 (Agriculture 1) and replacing it with Schedule '1' which is attached to and forms part of this Bylaw.

12. Under **SECTION 4, 4.6 FR-1, 4.6.3 Regulations Table** by inserting the following after f), and re-lettering subsequent regulations:

g) Minimum Setback of all agricultural buildings, structures and uses	Refer to Section 2 – General Regulations
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13. Under **SECTION 4, 4.6 FR-1, 4.6.3 Regulations Table** by deleting g) and replacing it with the following:

h) Minimum Setback of all buildings or structures for primary mineral processing from all watercourses	30 metres
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14. Under **SECTION 4, 4.15A R-4, 4.15A.3 Regulations Table** by deleting g) and replacing it with the following:

g) Minimum Setback for all agricultural buildings, structures and uses	Refer to Section 2 – General Regulations
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15. Under **SECTION 4, 4.39 CD-16, 4.39.3 Regulations Table** by deleting g) and replacing it with the following:

g) Minimum Setback of all agricultural buildings, structures and uses	Refer to Section 2 – General Regulations
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16. Under **SECTION 5, DEFINITIONS** by deleting and replacing the following definitions in alphabetical order:

Farm Use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, and includes but is not limited to activities such as farm retail sales; storing, packing, preparing and processing farm products; agri-tourism and a winery or cidery and includes farm operation;

Household Livestock means livestock kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit;

Livestock means cattle, horses, sheep, goats, swine and similar farmed or fur bearing animals;

Structure means anything constructed, erected or placed, the use of which requires location on the ground or water or attachment to something having location on the ground or water, and excludes retaining walls under 1 metre in height, underground sewage disposal facilities, vehicles, paving for vehicle parking, sidewalks, ground level patios and decks, fences 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;

Temporary Sawmill means a building or structure or area where timber from the lot is cut or sawed on that lot, operating during normal daylight hours producing less than 60 m³ of lumber daily, except that where land is located in the Agricultural Land Reserve at least 50% of the volume of timber that is cut or sawed on that parcel is harvested from the farm or parcel on which the sawmill is located;”

17. Under **SECTION 5, DEFINITIONS** by adding the following new definitions in alphabetical order:

“Agriculture means a use providing for growing, rearing, producing and harvesting of agricultural products; boarding of livestock and poultry; and includes the storage and sale on an individual farm of the products harvested, reared or produced on that farm, the storage of farm machinery and implements used on that farm and includes temporary sawmill and excludes medical marihuana production;

Agriculture Education and Research means the use of land, buildings, or structures dedicated to researching, promoting, and teaching methods of agriculture and farming in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, but specifically excludes schools under the *School Act*;

Agri-tourism means a temporary and seasonal tourist oriented activity or service accessory to an agricultural use that promotes or markets products grown, raised, or processed on land that is classified as a 'farm' under the *Assessment Act* and in accordance with the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. Agri-tourism may include but is not limited to farm tours and demonstrations, farm related educational activities, and seasonal promotional events;

Agri-tourism Accommodation means the provision of temporary and seasonal accommodation accessory to an agricultural use for the travelling public within an agri-tourism accommodation sleeping unit on land that is classified as farm under the *Assessment Act*;

Agri-tourism Accommodation Sleeping Unit means a bedroom or other area used as a bedroom for the purpose of agri-tourism accommodation within an agri-tourism accommodation cabin, a tent or recreational vehicle in an agri-tourism accommodation campground or a bedroom within a dwelling unit;

Confined Livestock Area means an outdoor area where livestock, poultry, or farmed game are confined by fences, other structures or topography, and includes paddocks, corrals, exercise yards, and holding areas, but does not include a grazing area;

Farm means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land;

Farm Operation means farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* and may include but is not limited to activities such as growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals; aquaculture; and processing or direct farm marketing of products in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

Farm Retail Sales means the sale to the public of products grown or raised on a farm, from that farm and may include the sale of non-farm products in accordance with the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;

Feedlot means a fenced area where livestock, poultry, or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing;

Grazing Area means a pasture or rangeland where livestock, poultry or farmed game are primarily sustained by direct consumption of feed growing in the area and does not include a confined livestock area or feedlot;

Poultry means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, Cornish hens, layers, breeding stock, replacement pullets, roasters, ducks, geese, turkeys, game birds, and ratites;

Production of Biological Integrated Pest Management Products means the use of land, buildings, or structures for the production and development of biological products such as beneficial predatory insects, parasites, pathogens, and weed-feeders to be used in biological integrated pest management programs in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

Introduced and read two times this 22nd day of March, 2016.

Public Hearing held this 28th day of April, 2016.

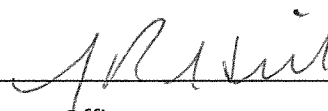
Read a third time this 24th day of May, 2016.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this 31st day of May, 2016.


Adopted this 28th day of June, 2016.

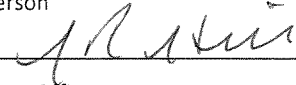


Chairperson



Corporate Officer



 Chairperson


 Corporate Officer

A-1 – AGRICULTURE 1	SECTION 4.1
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4.1.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use – on lands located in the Agricultural Land Reserve
- c) Agriculture – on lands not located in the Agricultural Land Reserve

4.1.2 Permitted Accessory Uses to the Dwelling Unit Use

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite¹

4.1.3 Permitted Accessory Farm Uses

- d) Agriculture Education and Research
- e) Temporary Sawmill
- f) Agri-tourism Accommodation
- g) Production of Biological Integrated Pest Management Products

4.1.4 Regulations Table

Category	Requirements	
a) Maximum Density	1 Dwelling Unit per hectare to a maximum of 2 per lot	
b) Minimum Lot Size	4 ha	
c) Minimum Lot Frontage	100 metres	
d) Maximum Lot Coverage	i. Non-farm buildings and structures	10%
	ii. Farm buildings and structures	25%
	iii. Greenhouses	75%
	iv. In no case shall the combined lot coverage exceed 75%.	
e) Maximum Building and Structure Height	10 metres	
f) Minimum Setback from		
i) Front and Exterior Side Lot Lines	4.5 metres	
ii) All Other Lot Lines	2.0 metres	
g) Minimum Setback for all farm buildings, structures and uses	Refer to Section 3 – General Regulations	
h) General Land Use Regulations	Refer to Section 3 – General Regulations	

¹ Bylaw No. 1285.19, adopted May 27, 2014

4.1.5 Regulations

- a) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principle use.
- b) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- c) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 2.19 and 2.20 of this Bylaw.
- d) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the ***Agricultural Land Commission Act*** is subject to the ***Agricultural Land Commission Act*** and ***Regulations***, and applicable orders of the Agricultural Land Commission.

4.1.6 Additional A-1 Zones

Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.28 inclusive) are permitted in addition to those uses permitted in the A-1 zone. ²

² Bylaw No. 1285.01, adopted April 13, 2004