

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

PART 2

INTERPRETATION

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2.1 Definitions

In this Bylaw unless the context otherwise requires:

accessory building means a building or structure located on a parcel, the use of which is accessory to the principal permitted use of the land, buildings or structures located on the same parcel, and includes buildings or structures used for storage or work space by the occupants of the property, but specifically excludes buildings used for residential use;

accessory to means combined with but customarily incidental to;

accessory use means a use combined with but clearly incidental and ancillary to the principal permitted uses of land, buildings or structures located on the same parcel;

agriculture means a use providing for the growing, rearing, producing and harvesting of trees and shrubs; housing livestock, poultry, fur-bearing animals, bees; animal feeding and holding areas; storage crops; and the processing and sale of the primary agricultural products harvested, reared or produced on that farm, including the rough sawing of logs, but excludes animal care, and the following uses on lands that are not in the Agricultural Land Reserve: fur farm, mushroom farm, intensive swine operation, feedlot and cannabis production and specifically excludes horse boarding stable on land located within the Resource Management 3 (RM3) and Rural 5 (RU5) zones^{1 2 3}

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*;⁴

agri-tourism means an activity, or a service that is ancillary to an activity referred to in the definition of *agri-tourism on a farm* that is carried out on land that is classified as a farm under the *Assessment Act*, to which members of the public are ordinarily invited, with or without a fee, and in connection with which permanent facilities are not constructed or erected;^{5 6}

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*.⁷

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.⁸

¹ Bylaw No. 500.415, adopted March 27, 2018

² Bylaw No. 500.218, adopted August 12, 1997

³ Bylaw No. 500.402, adopted June 28, 2016

⁴ Bylaw No. 500.402, adopted June 28, 2016

⁵ Bylaw No. 500.383, adopted June 25, 2013

⁶ Bylaw No. 500.413, adopted May 22, 2018

⁷ Bylaw No. 500.383, adopted June 25, 2013

⁸ Bylaw No. 500.383, adopted June 25, 2013

agri-tourism on a farm means the following:

- (a) an agricultural heritage exhibit displayed on the farm;
- (b) a tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these;
- (c) cart, sleigh and tractor rides on the land comprising the farm;
- (d) activities that promote or market livestock from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and petting zoos;
- (e) dog trials held at the farm;
- (f) harvest festivals and other seasonal events held at the farm for the purpose of promoting or marketing farm products produced on the farm;
- (g) corn mazes prepared using corn planted on the farm.¹

alpine recreation² means snow skiing, snow boarding, snowmobiling, hiking, climbing or mountain biking;

amusement arcade means an establishment that contains four or more electronic or mechanical games for the entertainment of the public;

animal care means a building or structure used for veterinary clinic, animal hospital, or facilities for boarding or breeding household animals or pets;

applicant means a person applying for the approval of a subdivision, Board of Variance appeal, rezoning, a permit or a development, whether as the owner of the land or as the authorized agent of the owner;

aquaculture means the cultivation, rearing and harvesting of aquatic organisms on land or in the water, but specifically excludes seafood processing except on land located in the Agricultural Land Reserve;³

archaeological site means land containing material remains of archaeological value;

asphalt batch plant means the location on a parcel of a drum mixer asphalt plant;⁴

automotive repair means an establishment which provides mechanical repairs and routine maintenance services to vehicles and vehicle parts within a building;⁵

bay window means a projection from the wall of a building that contains a window or a series of windows, is cantilevered and may result in the projection of the adjacent floor structure;⁶

bed and breakfast means the economic activity of providing bedrooms within a dwelling unit and the first meal of the day for the temporary accommodation of the traveling public;

¹ Bylaw No. 500.413, adopted May 22, 2018

² Bylaw No. 500.253, adopted January 11, 2000

³ Bylaw No. 500.402, adopted June 28, 2016

⁴ Bylaw No. 500.166, deleting 'Portable', adopted April 11, 1995

⁵ Bylaw No. 500.408, adopted August 22, 2017

⁶ Bylaw No. 500.411, adopted September 12, 2017

provided that the occupancy by a member of the traveling public does not exceed 120 days in any calendar year;¹

boat building and repair means the use of land, buildings, structures or equipment for the manufacturing, servicing or repair of boats;

boat ramp means a structure located on a shoreline to accommodate vehicles or trailers for the purpose of launching and hauling boats out of water;

building means any structure and portion thereof, including mechanical devices, that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy;

campground means a parcel providing for the seasonal and temporary accommodation of travelers using tents or recreational vehicles, but specifically excludes a mobile home park or hotel;

camping space² means an area within a campground, recreational vehicle park or resort vehicle park used for one recreational vehicle or tent;

cannabis means any plant of the genus *Cannabis*; including:

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;³

cannabis production means the medical and non-medical commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by the *Access to Cannabis for Medical Purposes Regulations (ACMPR)* and *Bill C-45 (the Cannabis Act)*, and any subsequent regulations or acts which may be enacted henceforth, but excludes the growing of cannabis by an individual for their personal use and consumption⁴;

cannabis products means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;⁵

category A lot means a parcel:⁶

- (a) located within the Resource Management 7 Zone, Resource Management 9 Zone, Rural 8 Zone, or Rural 9 Zone;
- (b) not located within the Forest Land Reserve or Agricultural Land Reserve; and
- (c) created by registration of a subdivision under the **Land Title Act (British Columbia)** or the Bare Land Strata regulation under the **Strata Property Act (British Columbia)** in the Land Title Office on or before the adoption of "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" by the Board of the Regional District of Nanaimo;

¹ Bylaw No. 500.270, adopted November 13, 2001

² Bylaw No. 500.162, adopted April 8, 1997

³ Bylaw No. 500.415, adopted March 27, 2018

⁴ Bylaw No. 500.415, adopted March 27, 2018

⁵ Bylaw No. 500.415, adopted March 27, 2018

⁶ Bylaw No. 500.253, adopted January 11, 2000

Chief Building Inspector means the Chief Building Inspector of the Regional District of Nanaimo;

church means a building used for religious worship and includes a Mosque, Synagogue, Temple, Chapel or religious meeting room;

community sewer system means a system of sewers and sewerage works including sewage treatment facilities owned, operated and maintained by or on behalf of the Regional District, a municipality or an improvement district;¹

community water system means a system of waterworks owned, operated and maintained by or on behalf of the Regional District, a municipality or an improvement district or which is operated by a person required to hold a certificate of public convenience and necessity under the **Water Utility Act**;²

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;³

convenience store means a retail sales outlet contained under one roof, having a floor area not exceeding 200 m², and providing for the sale of items regularly used by households, including food, beverages, books, magazines or household accessories;

correctional facility means federal or provincial correctional facilities including halfway house for parolees where residents are appointed or placed by a court or administrative body for criminal justice;⁴

cul de sac means a highway with only one point of intersection with another highway and which terminates in a vehicle turning area;

deck means an open, unroofed platform with or without railings or parapets and supported by columns, foundations, walls or ground;⁵

development area means land defined by numerical map reference situated within a comprehensive development zone which is subject to specific regulations of that zone;⁶

double frontage parcel means a parcel which is either bisected by a highway or which has opposite boundaries, both of which have frontage on a highway;

duplex means two self-contained dwelling units oriented side-by-side with separate ground level entrances and adjoined by a common wall;⁷

dwelling unit means one self-contained unit contained within common walls with a separate entrance intended for year-round occupancy and the principal use of such dwelling unit is residential with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation;⁸

eaves means the part of a roof that meets or overhangs the walls of a building or structure;⁹

eligible subdivision¹ means lands located within a subdivision of a category A lot;

¹ Bylaw No. 500.238, adopted February 10, 1998

² Bylaw No. 500.238, adopted February 10, 1998

³ Bylaw No. 500.402, adopted June 28, 2016

⁴ Bylaw No. 500.179, adopted January 9, 1996

⁵ Bylaw No. 500.411, adopted September 12, 2017

⁶ Bylaw No. 500.95, adopted February 12, 1991

⁷ Bylaw No. 500.293, adopted August 12, 2003

⁸ Bylaw No. 500.113, adopted August 12, 1991

⁹ Bylaw No. 500.411, adopted September 12, 2017

emergency services² means the non-commercial use of land, buildings and structures for fire, police and ambulance services and may include temporary living accommodations for emergency service personnel.

explosives manufacturing means the use of land, buildings and structures for the manufacturing and storage of a product, substance, material or compound used for blasting purposes;

extraction use means the extraction of soil;

fairground means the use of land, buildings and structures for entertainment and recreational activity generally undertaken in an outdoor setting, where the users constitute a significant element in the activity, and includes go-cart track, waterslide, mini-golf course, amusement park;

farm means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land;³

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*;⁴

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*.⁵

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 and in accordance with 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; a winery or cidery; and agri-tourism activities and includes farm operation;⁶

fast food outlet means an eating establishment providing for the sale of prepared food and beverages that can be consumed in vehicles, taken off the premises for consumption or consumed on the premises;

feeder swine⁷ means a pig, between the age of 8 weeks and 6 months, weighing less than 102 kilograms;

feed lot⁸ 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;⁹

final approval means the Approving Officer affixing his signature to a subdivision plan pursuant to the **Land Title Act** and amendments thereto;

¹ Bylaw No. 500.253, adopted January 11, 2000

² Bylaw No. 500.386, adopted November 26, 2013

³ Bylaw No. 500.402, adopted June 28, 2016

⁴ Bylaw No. 500.402, adopted June 28, 2016

⁵ Bylaw No. 500.383, adopted June 25, 2013

⁶ Bylaw No. 500.402, adopted June 28, 2016

⁷ Bylaw No. 500.218, adopted August 12, 1997

⁸ Bylaw No. 500.218, adopted August 12, 1997

⁹ Bylaw No. 500.402, adopted June 28, 2016

floor area¹ 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.

floor area ratio means the figure obtained when the floor area of all buildings on a parcel, except those areas of a building providing covered parking area, is divided by the area of the parcel;²

frontage means that length of a parcel boundary which abuts a highway;

funeral parlour means an establishment with facilities for the preparation of the dead for burial or cremation, for viewing of bodies, and for funerals;

fur farm³ means the use of land, buildings or structures for the purposes of keeping fur-bearing animals and specifically excludes household animals, pets and rabbits;

gas bar means a premise containing not more than two gasoline pumping stations and which is used solely for the sale of fuel, lubricating oil and minor motor vehicle accessories directly to the users of motor vehicles;

gasoline service station means the use of land and structures for gasoline pumping stations and premises under one roof for:

- a) a sales outlet, having a gross floor area not exceeding 100 m², providing for the retail sales of items regularly used by households including food, beverages, books, magazines, and household accessories;
- b) the retail sales of motor vehicle accessories;
- c) the servicing and cleaning of motor vehicles;
- d) but specifically excludes vehicle sales, body work, painting and third party repairs;

gathering for an event means a gathering on a farm for the purpose of attending:

- (a) a wedding, unless paragraph (c) (ii) applies;
- (b) a music festival; or
- (c) an event, other than:
 - (i) an event held for the purpose of agri-tourism; or
 - (ii) the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees.⁴

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;⁵

gross leasable area (g.l.a.) means the floor area of a building that is designed to be rented or leased;

guest accommodation means temporary accommodation provided within a building or part of a dwelling unit and does not provide any provisions for cooking, sanitation or permanent

¹ Bylaw No. 500.396, adopted February 24, 2015

² Bylaw No. 500.95, adopted February 12, 1991

³ Bylaw No. 500.218, adopted August 12, 1997

⁴ Bylaw No. 500.413, adopted May 22, 2018

⁵ Bylaw No. 500.402, adopted June 28, 2016

residential occupancy¹ except for a maximum of 5 guest accommodation units to be used to accommodate seasonal employees and is not subdividable pursuant to the **Strata Property Act**.²

heavy equipment display means the use of land, buildings or structures for the display, sale or rental of mobile homes, industrial vehicles and machinery, and includes outdoor sales, and includes accessory servicing of such equipment;³

heavy industry means the use of land, buildings or structures for the storage, collection, processing, repairing, salvage or recycling of a product, article, substance, material, fabric or compound and includes a vehicle wrecking yard and seafood processing, but specifically excludes a waste disposal site;⁴

height⁵ means the elevation of a point directly below:

- a) that part of the building or structure being measured above land (or the surface of water at high water), and;
 - i. on a line connecting the two intersections of the natural grade and the outermost exterior building walls or supports as indicated on a plan showing any complete vertical section of that part of the building or structure being measured; or
 - ii. where a building is required to meet the minimum Flood Construction Level, that part of the building being measured above the Flood Construction Level as prescribed in the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”,⁶

highway includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but specifically excludes private rights of way on private property;

historic site means land, buildings or structures of historic or heritage significance;

home based business means an economic activity conducted as an accessory use on a parcel;⁷

home based business floor area means the sum total of gross horizontal area of each floor of those portions of a dwelling unit, attached garage or accessory building containing or used for a home based business, as permitted by this Bylaw;⁸

horse boarding stable⁹ means the use of land, buildings or structures for the purposes of keeping greater than 6 horses per hectare and specifically excludes accessory recreational uses;

hotel means a motel, resort or lodge, providing accommodation on a temporary basis and is not subdividable pursuant to the **Strata Property Act**;¹⁰

hotel unit means one self contained unit comprising a single tenancy with a separate entrance from a public space, corridor, common property or internally through the unit, intended for

¹ Bylaw No. 500.139, adopted February 9, 1993

² Bylaw No. 500.242, adopted June 13, 2000

³ Bylaw No. 500.13, adopted October 13, 1987

⁴ Bylaw No. 500.113, adopted August 13, 1991

⁵ Bylaw No. 500.396, adopted February 24, 2015

⁶ Bylaw No. 500.410, adopted September 12, 2017

⁷ Bylaw No. 500.270, adopted November 13, 2001

⁸ Bylaw No. 500.270, adopted November 13, 2001

⁹ Bylaw No. 500.218, adopted August 12, 1997

¹⁰ Bylaw No. 500.74, adopted October 8, 1991

temporary accommodation and may contain a maximum of one area intended for use for food preparation, but specifically excludes the use of a mobile home as a hotel unit;^{1,2}

household animal means a domesticated animal 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, and includes fowl and poultry, but specifically excludes livestock;

household livestock means livestock animals kept by a household, which are used or the products of which are used primarily and directly by the household and not for sale or profit;³

household poultry means domesticated hens or ducks kept by a household, which are used or the products of which are used primarily and directly by the household and not for sale or profit;⁴

hutch means a projection from the wall of a building that does not contain a window, is cantilevered and results in the projection of the adjacent floor structure;⁵

inn⁶ means a building used exclusively for the temporary accommodation of the general public in hotel units wherein payment for occupancy is required to be made on a daily or weekly basis;

intensive swine operation⁷ means the use of land, buildings or structures for the purposes of keeping greater than 3 brood sows and 4 feeder swine per hectare;

internal access road means an internal access allowance within a campground, mobile home park or multiple dwelling unit development which is suitable for vehicular use;

include means as an example, but not limited to;

lake means a body of water other than the sea having a surface area of at least 2.0 ha for at least six months of the year;

land includes the surface of water;

landing means an open, unroofed platform or portion thereof with or without railings or parapets at the foot or head of a flight of stairs or between flights of stairs provided that it:

- a) is used for pedestrian access or egress to a building; and
- b) has a maximum area equal to the width of the stairs squared;⁸

lane means a highway not less than 6.0 m nor more than 7.5 m wide, which provides secondary access to any abutting parcel;

light industry means the wholesale, warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound; and includes artisan and manufacturing shop, having a gross floor area not exceeding 200 m², and retail sales accessory to the principal use;

livestock means cattle, horses, sheep, goats, swine, and similar farmed or fur bearing animals;¹

¹ Bylaw No. 500.74, adopted October 8, 1991

² Bylaw No. 500.123, adopted December 10, 1991

³ Bylaw No. 500.402, adopted June 28, 2016

⁴ Bylaw No. 500.402, adopted June 28, 2016

⁵ Bylaw No. 500.411, adopted September 12, 2017

⁶ Bylaw No. 500.253, adopted January 11, 2000

⁷ Bylaw No. 500.218, adopted August 12, 1997

⁸ Bylaw No. 500.411, adopted September 12, 2017

loading space means a space for the loading or unloading of a vehicle either outside or inside a building or structure, but specifically excludes maneuvering aisles and other areas providing access to the space;

log storage and sorting yard means land used for the storage, dumping, sorting, booming and trans-shipment of logs;

lot means the same as parcel;

lot line means the legally defined line or lines bounding any parcel:

- a) **exterior side lot line** means a lot line or lines not being a front or rear lot line and common to the parcel and a highway, natural boundary, unregistered Crown Land;²
- b) **front lot line** means a lot line common to the parcel and an abutting highway or, where there is more than one such line, the shortest such line shall be considered as a front lot line, and any line which does not conform to any other definition of a lot line shall be deemed to be a front lot line; for a panhandle lot, the line separating the body of the lot from the panhandle shall be considered the front lot line;
- c) **interior side lot line** means a lot line not being a rear lot line and common to more than one parcel;
- d) **rear lot line** means the lot line opposite to and most distant from the front lot line and not abutting a highway, or where a rear portion of the parcel is bounded by intersecting side lot lines, it shall be the point of such intersection;³

major road means a highway designated a major road pursuant to an Official Community Plan adopted by the Regional District;

marina means moorage and launching facilities, including the rental and maintenance of boats and seaplanes, and which is equipped with public toilets and refuse disposal facilities located on land above the natural boundary;

marina sales means the use of land, buildings or structures for the sale and rental of boats and accessory marine equipment, but specifically excludes boat building and repair;

marine fuel supply station means a structure used primarily for the sale of fuel directly to boaters;

marshalling yard means the use of land, buildings and structures to store and maintain industrial equipment and vehicles;

Medical Health Officer means the Medical Health Officer or his delegate appointed pursuant to the **Health Act** and amendments thereto;

medium industry means the use of land, buildings or structures for assembling, processing, manufacturing or repairing of a product, article, substance, material, fabric or compound, but specifically excludes seafood processing and uses permitted in the Industrial 4 and Industrial 5 zones;

micro wind turbine system¹ 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.

¹ Bylaw No. 500.402, adopted June 28, 2016

² Bylaw No. 500.123, adopted December 10, 1991

³ Bylaw No. 500.17, adopted February 14, 1989

minimum parcel size means the smallest area into which a parcel may be subdivided;

minimum site area means the smallest contiguous portion of a parcel that is required by law for the development of one permitted use;

mobile home means a dwelling unit designed to be moved from time to time, which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connection of utilities, and some incidental assembly, and meets or exceeds Canadian Standards Association, Z-240 Standards or the requirements of the Chief Building Inspector, but specifically excludes recreational vehicles;

mobile home area means that part of a mobile home park used for siting mobile homes;

mobile home pad means an area within a mobile home space designated, designed and prepared for the support of a mobile home, surfaced with materials and provided with anchorage in accordance with the building regulations adopted pursuant to the **Local Government Act** and amendments thereto;

mobile home park means an unsubdivided parcel of land, not subdivided pursuant to the **Strata Property Act** and amendments thereto, on which are situated three or more mobile homes for the purposes of providing residential accommodation, but specifically excludes a hotel;²

mobile home space means an area of land within a mobile home area for installation of one mobile home;

motocross track³ means the use of land or structures for motorcycle motocross on a closed dirt track for recreational, training or competitive purposes but specifically excludes buildings and the use of any other type or form of motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power whether the vehicle is licensed or not under the **Motor Vehicle Act**;

Mount Arrowsmith employee⁴ means an individual either employed or self-employed and whose place of employment is situated within the boundaries of Mount Arrowsmith Regional Park;

Mount Arrowsmith staff⁵ means a Mount Arrowsmith employee or individuals cohabiting with a Mount Arrowsmith employee in common occupancy;

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

mushroom farm⁶ means the use of buildings or structures for the purposes of growing, producing, storing, and processing of mushrooms;

natural boundary means the visible high water mark on any watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the watercourse a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself;

¹ Bylaw No. 500.396, adopted February 24, 2015

² Bylaw No. 500.123, adopted December 10, 1991

³ Bylaw No. 500.253, adopted January 11, 2000

⁴ Bylaw No. 500.253, adopted January 11, 2000

⁵ Bylaw No. 500.253, adopted January 11, 2000

⁶ Bylaw No. 500.218, adopted August 12, 1997

natural site means land of scenic or environmental significance;

neighbourhood pub means an establishment operating under a 'D' type license issued pursuant to the **Liquor Control and Licensing Act** and amendments thereto;

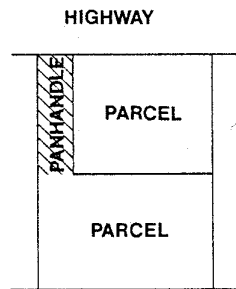
non-resident employee means an employee of a home based business who is not a permanent resident of the parcel on which the home based business is located;¹

nursery means the use of land principally involved in agriculture or horticulture and accessory product sales and garden supply sales, but specifically excludes the sale of agricultural or horticultural machinery;

office means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use;

outdoor recreation means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes playing field, botanical garden, arboretum, outdoor exhibit, golf course, driving range and mini golf where the course structures do not exceed 1 m in height;²

outdoor sales means the use of land, buildings or structures for the retail sale of lumber and building products and the display, sale or rental of recreational vehicles, automobiles, mobile homes and boats, and includes accessory servicing of such equipment;³⁴



Panhandle (not to scale)

panhandle means a strip of land which provides access and highway frontage to a parcel, and which forms part of that parcel, as illustrated below:

parcel means the smallest area of land which is registered in the Land Title Office, except that a parcel divided pursuant to the Strata Property Act and amendments thereto and not contained within a Bare Land Strata Plan shall not be considered subdivided for the purpose of this Bylaw;

parcel area means the total horizontal area between the lot lines of a parcel;

parcel coverage means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof on the parcel expressed as a percentage of the total parcel area;

¹ Bylaw No. 500.270, adopted November 13, 2001

² Bylaw No. 500.96, adopted January 8, 1991

³ Bylaw No. 500.79, adopted April 10, 1990

⁴ Bylaw No. 500.13, adopted October 13, 1987

parcel depth means the distance between the front lot line and the most distant part of the rear lot line of a parcel;

park means deeded public land used or intended for outdoor recreation purposes, and includes an archaeological, historical or natural site;

parking space means the space for the parking of one vehicle either outside or inside a building or structure, but excludes maneuvering aisles and other areas providing access to the space;

permitted use means the principal permissible purpose for which land, buildings or structures may be used, and for the purpose of this Bylaw all uses not listed as permitted shall be deemed to be a prohibited use in that zone;

personal care means a community care facility developed in accordance with the Community Care Facility Act and amendments thereto, or a hospital developed in accordance with the Hospital Act and amendments thereto;

personal care unit mean a dwelling unit designed in conjunction with special support facilities, such as food, housekeeping and medical services, and used by persons requiring such services on a regular basis and may include housing for the elderly and handicapped and other residential arrangements operated by a society or organization for charitable, religious, educational or social purposes, but does not include correctional facilities where residents are appointed or placed by a court or administrative body for criminal justice;¹

personal service use means a use whereby professional or personal services are provided and the sale of goods, wares, merchandise, articles or things accessory to the provision of such services, and includes barber shop, beauty salon, shoe repair shop, drycleaning shop and launderette;

pet means a tame animal, kept as a favourite by a household and not primarily for sale or profit, and commonly housed within a dwelling unit;

Planning Director means the Planning Director of the Regional District;

potable water means water which meets the drinking standards in accordance with regulations of the relevant enactments;

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;²

preliminary layout approval means a written review by the Approving Officer indicating that a proposed plan of subdivision is acceptable subject to stated conditions which must be fulfilled prior to final approval;

primary processing means the use of land, buildings or structures for the moving, crushing, washing, screening, processing or storage of soil;

principal use means the main use of land, buildings or structures as listed under the permitted uses of the applicable zone;

produce market means a building or structure providing for the retail sale of agricultural produce including vegetables, fruit and seafood;

¹ Bylaw No. 500.179, adopted January 9, 1996

² Bylaw No. 500.402, adopted June 28, 2016

produce stand means a building or structure not exceeding 100 m² in area providing for the retail sale of fresh agricultural produce, which are produced on the same farm on which the stand is located;

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*;¹

public 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;

public utility use² means the use of land, buildings or structures for the provision of community water or sewer services, park, public access, pipelines, electric and telephone service, emergency services, government office or cemetery;

railway means a railway and accessory uses as defined by the **Railway Act**;³

recreation facility means a facility used and equipped for the conduct of sports and leisure activities and includes pool hall, bowling alley, games court, curling and roller rink, health club, spa, swimming pool, but specifically excludes amusement arcade and fairground;

recreational vehicle means any vehicle, trailer, coach, house-car, structure or conveyance designed to travel or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters by travelers;

recreational vehicle park⁴ means a parcel providing for the seasonal and temporary accommodation of travelers for not more than six months of the calendar year using tents or recreational vehicles, not exceeding 37m² (400 ft²) in floor area, but specifically excludes a mobile home park or hotel;

Regional District means the Regional District of Nanaimo;

remainder means that portion of a parcel being subdivided which is shown on the same Certificate of Indefeasible Title before and after the subdivision;

residential use means the accommodation and homelife of a person or persons in common occupancy, and shall only be conducted within a dwelling unit;

resort condominium development means a hotel and includes hotel units subdivided pursuant to the **Strata Property Act** and amendments thereto;⁵

resort condominium unit means a hotel unit which is subdivided pursuant to the Strata Property Act and amendments thereto;⁶

resort vehicle park⁷ means a parcel providing for seasonal or periodic accommodation of travelers or residents using tents or recreational vehicles not exceeding 37 m² (400 ft²) in floor area, but specifically excludes a mobile home park or hotel;

¹ Bylaw No. 500.402, adopted June 28, 2016

² Bylaw No 500.386, adopted November 26, 2013

³ Bylaw No. 500.283, adopted August 13, 2002

⁴ Bylaw No. 500.162, adopted April 8, 1997

⁵ Bylaw No. 500.74, adopted October 8, 1995

⁶ Bylaw No. 500.74, adopted October 8, 1995

⁷ Bylaw No. 500.162, adopted April 8, 1997

restaurant means an eating establishment providing for the sale of prepared foods and beverages to be consumed on the premises, but specifically excludes neighbourhood pub and fast food outlet;

retaining wall means a structure erected to hold back or support a bank of earth;

retail store means a sales outlet contained under one roof, having a gross floor area not exceeding 2000 m², and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;

road means the same as highway;

school means privately funded, parochial and public schools;

seafood processing means the storage, drying, cooking, packing, preparation and manufacture of any aquatic organism;

secondary suite means one or more habitable rooms and a cooking facility for residential accommodation, consisting of a self-contained unit with a separate entrance but which is clearly accessory to a principal dwelling unit located on the same parcel as the secondary suite and may not be subdivided under the *Strata Property Act*.¹

separation distance means the minimum horizontal distance between a building or structure or part thereof to another building or structure or part thereof;²

setback means the required minimum horizontal distance measured from the respective lot line or natural boundary to any building or structure or part thereof;

shipping yard means the use of buildings, structures or land providing for the trans-shipment of goods;

shopping centre means a group of sales and service outlets, including retail store, personal service, amusement arcade, office, recreation facility, restaurant, contained within a single building or structure sharing a common roof, having a floor area not exceeding 20 000 m², and located on a single parcel;

silviculture means all activities related to the development and care of forests, including the removal of harvestable timber stocks, but specifically excludes the processing of wood or wood products;

ski lodge³ means a building within which are located administrative uses of a nature customarily incidental, subordinate and exclusively devoted to an alpine recreation use including office, ticket booth, child care facility, and changing area and lockers. In conjunction with one or more of the administrative uses, a ski lodge may also contain the following commercial uses: hotel unit; sale or rental of alpine recreation equipment; tourist store; restaurant; or establishment operating under a Class A, Recreational Centre License issued pursuant to the **Liquor Control and Licensing Act**;

slope means the figure obtained when the vertical distance of an area of land is divided by the horizontal distance, expressed as a percentage;

soil includes sand, gravel, rock or other substance of which land is composed;

¹ Bylaw No. 500.389, adopted May 27, 2014

² Bylaw No. 500.61, adopted March 27, 1990

³ Bylaw No. 500.253, adopted January 11, 2000

structure¹ 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;²

swine³ 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 m³ of lumber daily;⁴

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 m², and providing for the retail sale of goods to the traveling public, and provision for personal service use and/or office use;⁵

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;⁶

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;⁷

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;

¹ Bylaw No. 500.123, adopted December 10, 1991

² Bylaw No. 500.402, adopted June 28, 2016

³ Bylaw No. 500.218, adopted August 12, 1997

⁴ Bylaw No. 500.402, adopted June 28, 2016

⁵ Bylaw No. 500.150, adopted November 9, 1993

⁶ Bylaw No. 500.408, adopted August 22, 2017

⁷ Bylaw No. 500.113, adopted August 13, 1991

wood processing means a building, structure or equipment operating during normal daylight hours, processing less than 60 m³ of logs per day including the preparation of logs, fence posts, shakes, poles or firewood;¹

wood waste disposal facility² means the use of lands, buildings, and structures for the processing of sawmill, construction, land clearing wood waste materials under agreement with the Regional District of Nanaimo.

¹ Bylaw No. 500.253, adopted January 11, 2000

² Bylaw No. 500.253, adopted January 11, 2000