



REGIONAL
DISTRICT
OF NANAIMO



BYLAW 500 REVIEW and UPDATE

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Phase One

Discussion Papers Update

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500**

REVIEW & UPDATE PROJECT



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Summary

The Bylaw 500 Review and Update Project is a targeted review and update of Bylaw 500 that will result in a new bylaw number and modern look and feel. This document represents a series of individual discussion papers organized into one document for convenience. The preparation of the discussion papers contained herein provide information on the focus areas for Phase one of the Bylaw 500 Review and Update Project. The discussion papers have been updated to include potential changes to Bylaw 500 and a brief assessment of the potential impacts. The identified changes are intended to address bylaw content that is unclear and/or has resulted in inconsistent interpretations as well as application processing delays and time inefficiencies.

The purpose of the discussion papers is to guide the creation of a draft zoning bylaw to be presented to the Board along with a public consultation plan with a recommendation to proceed with public engagement. The public will then be invited to provide feedback on the document prior to introducing initiating the bylaw adoption procedures.



Focus Area: Building Heights

Overview

The method for calculating building height in Bylaw 500 can be confusing and has resulted in inconsistent application. The height calculation method needs to be updated to be applied and interpreted easily and consistently. The intent is to standardize, simplify, and clarify building height calculations; to support better interpretation of how height is calculated with diagrams and graphics; and to clarify how non-habitable floor space that is built below the Flood Construction Level (FCL) may be used and how this space contributes to the overall building height. Furthermore, the additional consideration of FCL in the calculation of building height in floodplains will be reviewed to minimize unintentional larger buildings being located in the floodplain.

Background

Bylaw 500 currently calculates height from the lowest natural grade which is intended to establish a common starting point, to more or less maintain a uniform height in a neighbourhood and to avoid significant land alteration and placement of fill that could affect drainage, privacy, or other considerations (see Figure 1). However, the interpretation has been challenging and confusing resulting in inconsistent application or unintended building design.

The current method for calculating building height is outlined in Appendix A. It provides a description of the information required and a step-by-step approach for buildings both affected by and not affected by a floodplain as well as the applicable definitions for height in Bylaw 500. Despite this level of detail and supporting documentation for staff and applicants, inconsistencies in interpretation and questions remain as to how building height is calculated.

In a floodplain, building height calculations have the added consideration of the minimum FCL which is intended to provide a safe height to locate the habitable space to protect it from flooding. However, some non-habitable spaces, such as garages, are permitted below FCL and do not contribute to overall building height. As a result, buildings in the floodplain are permitted to be taller even though they still meet the same maximum height requirements.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



Figure 1: Building Height Calculation Method in Various Scenarios

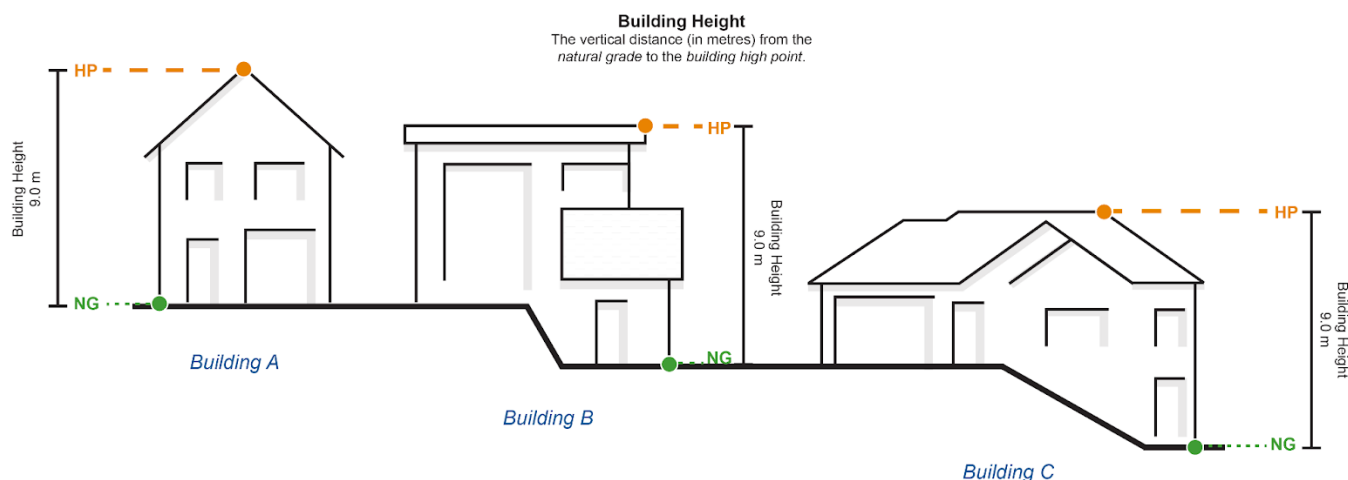
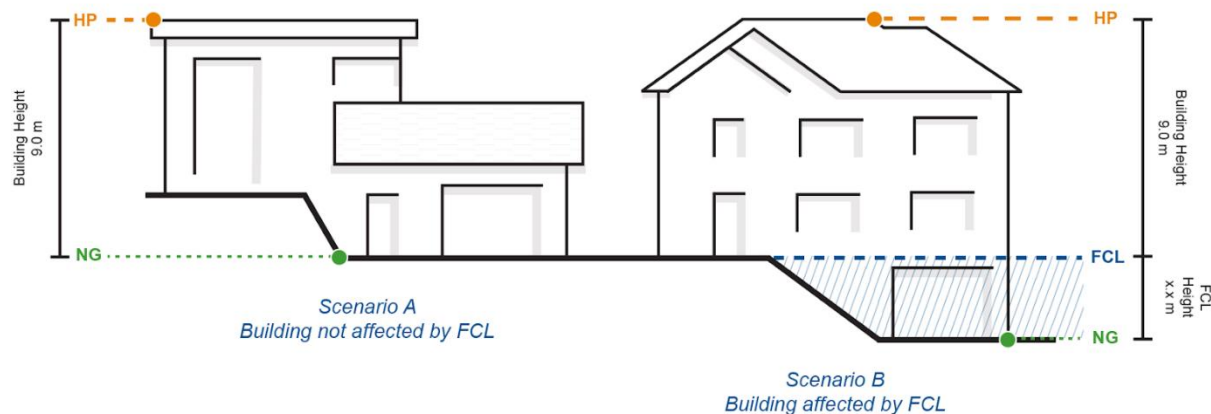


Figure 2: Building Height Calculation Comparison for Buildings in a Floodplain



Initial Engagement

Two primary questions were asked of staff and stakeholders to ascertain where challenges exist and what opportunities there are for improving the method of calculating building height:

1. Are there any aspects that are unclear or inconsistent with how building height is currently calculated?
2. Where should building height be calculated from that does not result in building with additional floor area in the floodplain?

Staff mentioned that current challenges in calculating building height include: structure and floodplain height confusion, complicated measurement processes, inconsistency of interpretation, and misalignment with the



current calculation and the calculation used in the field in surrounding areas. Staff highlighted the need for calculation diagrams, defining the floor and storeys separately, simpler definitions and removing incentives to develop in the floodplain, and aligning current definition with industry practices. Stakeholders had many unique thoughts for measuring building height, but many agreed with calculating height by taking the average of the corner heights of the building. Stakeholders did not think that height was an incentive for people to build in the floodplain, and they highlighted that it was more important to ensure the floor of the home is above the floodplain.

Options for Bylaw 500

Upon review of other height calculation methods and feedback from staff and stakeholders, there are a few options to consider for changes to Bylaw 500 to support more consistent and better interpretation of building height calculations:

1. **Change heights in some zones to align with building practices and similar municipalities, and to reduce variance requests:**
 - a. Increase height maximums in all industrial zones to 12 metres.
 - b. Increase height maximums of Principal Buildings in Single Dwelling Residential Zones from 8 metres to 9 metres to better align with current building practices of steeper roofs and to allow for better living spaces for Secondary Suites. There were 7 variance requests in 2020 with a request to increase heights between 0.8 metres and 1.8 metres up to a maximum height of 9.8 metres. All 7 requests were approved.
2. **Clarify definition of height and add graphics to clearly illustrate how to calculate height including:**
 - a. use the difference between the average natural grade of the outermost building walls or supports and the top most point of that building;
 - b. remove the incentive that currently allows larger buildings for parcels located in the floodplain; and,
 - c. add a definition for Average Natural Grade.

The current definition of height in Bylaw 500 is:

height 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”;

The proposed clarifications to the definition, with graphical illustrations in Figures 3 and 4, could be:

height means the elevation of a ~~point directly below: that part of the building or structure being measured above land (or the surface of water at high water), and~~ **where;**

- a. ~~elevation is measured between the average natural grade of the~~ **elevation is measured between the average natural grade of the** ~~on a line connecting the two intersections of the natural grade and of the outermost exterior building walls or supports and the topmost point of that building or structure as indicated on a plan and showing any complete vertical section of that part of the building or structure being measured; or~~
- b. where a building is required to meet the minimum Flood Construction Level height shall be measured from:
 - i. 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” **where a building does not contain floor area located below the Flood Construction Level or;**
 - ii. that part of the building measured from average natural grade using the method in section (a.) above, where a building contains floor area located below the Flood Construction Level.

Figure 3: Proposed Building Height Calculation Comparison for Buildings in a Floodplain where a building has floor area located below FCL.



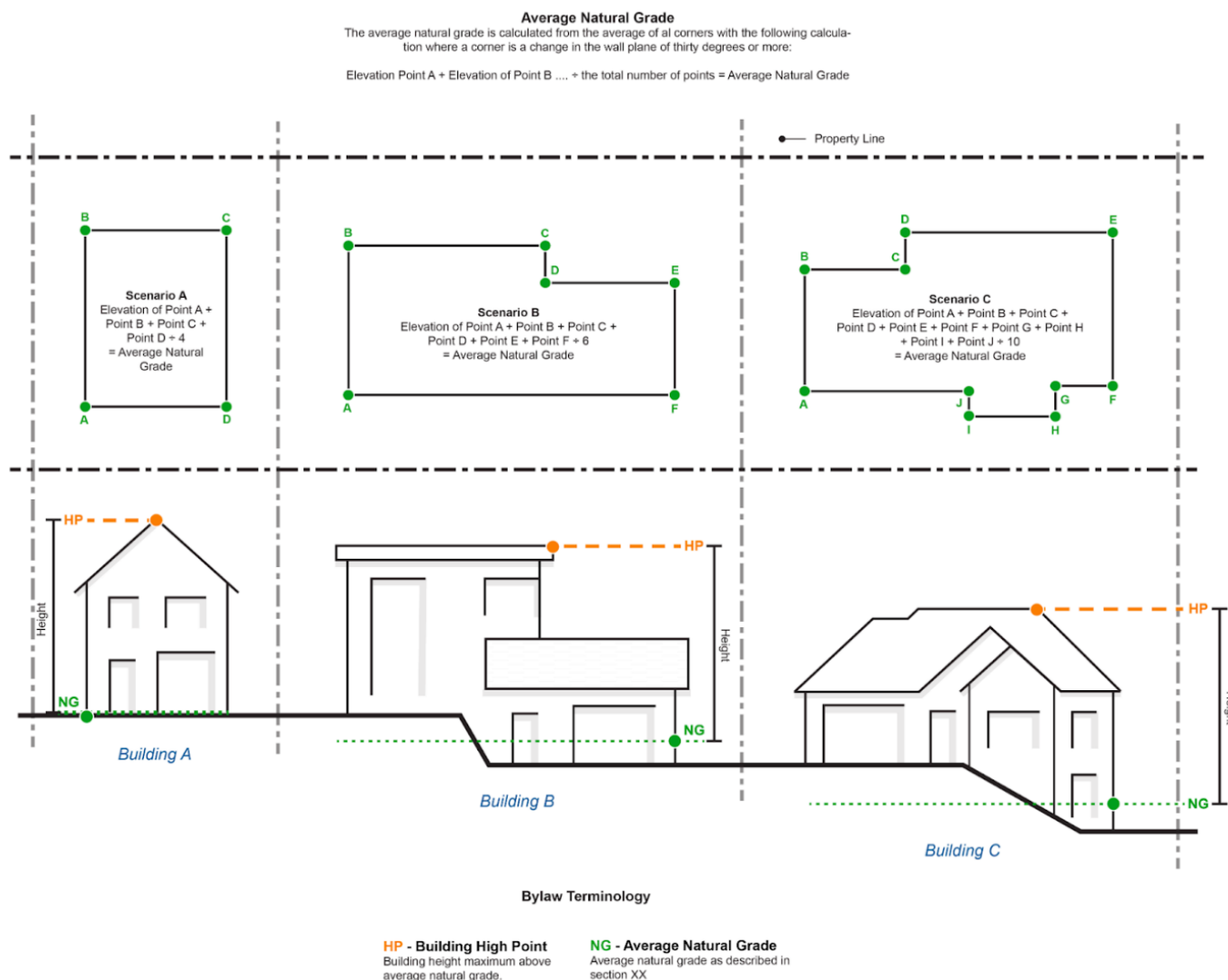


The proposed definition of average natural grade and Natural Grade could be:

average natural grade means the elevation which is calculated by adding the natural grade elevations at each exterior corner point of a building or structure and dividing that number by the total number of corner points on that building or structure as per the following equation:

$$\text{Elevation of point A} + \text{Elevation of point B} + \text{Elevation of point C} \dots \div \text{the number of points} = \text{Average Natural Grade}$$

Figure 4: Example of Average Natural Grade Calculation Method





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***natural grade** means the undisturbed ground level formed without human intervention and where the undisturbed natural grade cannot be ascertained because of historic site manipulation or existing buildings or structures, the undisturbed estimated grade as established by a British Columbia Land Surveyor.*

Considerations and Impacts

The proposed changes to Bylaw 500 will clarify how building height is measured and will have the following impacts:

- Changes in height maximums to the industrial and residential zones will decrease the number of variance applications by aligning with planning goals, current building practices and code requirements. These changes will result in application processes that are more straightforward and will reduce variance requests that are consistently being approved. Existing buildings are not impacted directly as the additional height allowances would affect new buildings or renovations to existing buildings.
- The proposed building height calculation method clarifies how height is determined which will increase consistency for staff, stakeholders, and applicants resulting in more accurate applications and ease of reviewing and processing this aspect of applications.
- The proposed increase to industrial building height aligns with other Local Government practices including the City of Nanaimo and is intended to allow buildings that would typically be associated with and are required to support the permitted Industrial uses.



Appendix A: Current Building Height Calculation Method

Calculation of Building Height For Areas Subject to Bylaw 500

This information sheet outlines the information required and method for calculating building height in areas subject to Bylaw 500.

Information Required:

The following information is required to be provided by a BCLS (Note: All elevations are to be geodetic):

- identification of the critical ridge or highest part of the building;
- natural grade on the outermost exterior building wall or support for each corner of the building;
- natural grade directly below where the line (drawn in step 2 below) intersects the highest part of the building;
- for longer walls additional natural grade elevations must be provided in between the corners; and,
- If available, an elevation drawing of each side of the building identifying the highest part of the building with heights in metric and preferably including the applicable geodetic elevations.

Method for buildings not affected by a Flood Construction Level:

1. Find the point or ridge that is the highest part of the building and find the lowest natural grade elevation along an exterior wall.
2. Draw a line from one side of the building to the other that intersects the highest part of the building. The line should use the two lowest possible elevations of natural grade that will result in the line passing through the highest point of the building. Pick the lowest elevation on both walls and draw a line through the highest point of the building to the lowest elevation on the other side.
 - a. If it is not possible to draw a line from the lowest natural grade that passes through the highest part of the building, find the second lowest natural grade elevation along an exterior wall and try again. Keep repeating this step with the next lowest natural grade elevation until a natural grade elevation is found that is capable of supporting a line that transects the highest part of the building.
 - b. For buildings with flat roofs or roofs that do not have a ridge, the line should be drawn from the lowest natural grade through the highest part of the building.
3. Add the maximum height of a building in the zone (i.e. 8.0 metres in the RS1 zone) to the natural grade elevation under the highest point of the building to calculate the maximum permitted building elevation.
 - a. If the proposed maximum building elevation at the intersection of the line drawn in step 3 above is less than the maximum permitted building elevation, the proposed building is less than the maximum allowable building height (no variance is required).
 - b. If the proposed maximum building elevation at the intersection of the line drawn in step 3 above is more than the maximum permitted building elevation, the proposed building does not comply with maximum building height (Changes required or potential variance).



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For calculating building height in the floodplain:

Method:

1. Find the point or ridge that is the highest part of the building.
4. Add the maximum height of a building in the zone (i.e. 8.0 metres in the RS1 zone) to the elevation of the minimum Flood Construction Level (FCL) to calculate the maximum permitted building elevation.
 - a. If the proposed maximum building elevation is less than the maximum permitted building elevation, the proposed building is less than the maximum allowable building height (no variance is required).
 - b. If the proposed maximum building elevation is more than the maximum permitted building elevation, the proposed building does not comply with maximum building height (Changes required or potential variance).

Definitions (Source: Bylaw 500):

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





Focus Area: Food Trucks

Overview

Bylaw 500 does not currently have any regulations for food trucks. Instead, the RDN has been allowing food trucks to operate in commercial zones where restaurants and fast-food outlets are located. As this trend continues to grow and the demand for food trucks continues to increase, Bylaw 500 needs to be updated with defined regulations for this unique offering. The addition of these regulations will provide direction and clarity on how and where food trucks are permitted.

Background

To integrate food truck regulations into Bylaw 500 it is important to recognize, similarly to signs (see Focus Area: Signs), that any potential regulations will only apply to private property. The Ministry of Transportation and Infrastructure (MOTI) may allow the use of roads and highway rights-of-way. Additionally, any future considerations will include requirements for food trucks to be located on a hard dust-free surface. To simplify how they could be regulated, there will not be a differentiation between motorized and non-motorized trucks.

Gone are the days of peddlers, hawkers, and hot dog stands. As the food truck frenzy continues to expand across Canada, so too is the emergence of other businesses innovating and evolving into this mobile business model, such as bicycle mechanics and pet grooming services. Without a 'one size fits all' prescription, many municipalities are looking to create place-based regulations that incorporate mobile vendors within the existing fabric of their modern communities.

Bylaw 500 currently identifies specific mobile food and beverage uses as *concession stands* and *mobile food carts*. This can limit opportunities for other businesses to innovate within this mobile business model. In shaping more robust and inclusive regulations, the RDN could consider implementing a more flexible term such as *mobile vendor*, meaning 'any person who from a motor vehicle, trailer, cart, cycle, or mobile vending apparatus sells or offers for sale goods, merchandise or services'. This would allow greater economic opportunities for local entrepreneurs, beyond food trucks and carts, providing increased choices to consumers in the Region such as farmer's markets or craft fairs.

There are many best practices and policy approaches taking shape across British Columbia and Canada to incorporate mobile vendors into the existing fabric of their communities. Municipalities are regulating food trucks through various tools or combinations of tools including the zoning bylaw, business license bylaws, and separate mobile vending policies. The variety is primarily a result of allowing food trucks on public property

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



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that is often outside of the jurisdiction of a zoning bylaw. In the RDN, food truck regulations will focus solely on the zoning bylaw. However, various examples are outlined to provide a broad overview of the options and considerations available as many approaches could be adapted for Bylaw 500.

The **Comox Valley Regional District (CVRD)** allows mobile vendors to operate in all zones across all electoral areas within the region, including residential areas. The CRVD uses the term *mobile vendor*, meaning '*a vendor who sells goods, food or food products from a mobile vending unit which is capable of being moved on its own wheels and is fully self-contained with no service connection required...*'. Mobile vendors are limited to operating within a two-hour mobile vending period every 24 hours and the vending of any goods within Regional District park boundaries requires the issuance of an additional Park Use Permit.

Alternatively, the **City of Kamloops** has defined *Food Truck or Trailer* and *Mobile Food Concession* as separate uses within the zoning bylaw. This targeted approach is specific to enabling mobile operators providing food and beverage services and are enabled as permitted uses across 19 zones including parks and recreation, public, commercial, and industrial zones. Kamloops requires zoning approval and a business license to operate a Food Truck or Trailer and a Mobile Food Concession. Regulations specific to the operation of a Food Truck or Trailer use on private property, including site maintenance, waste disposal, hours of operation, and proximity restrictions to brick-and-mortar competitors, are found in the business license bylaw but could be effectively considered within a zoning bylaw or mobile vending policy.

Identifying select parcels of vacant or underutilized public land can create opportunities for 'pods' or 'clustering' of mobile vendors in a market format, this practice is similar to that used by the **Town of Qualicum Beach** currently. This approach can be effective in regional districts that do not regulate the use of roads, where there is a limited supply of public lands, and geographically sparse populations. Further, best practices incorporate mobile vendors within zones that could support synergies between patrons and tourists using regional public transportation, active transportation networks, recreation centers, parks, and campgrounds. This approach mitigates concerns regarding overcrowding, congestion, and public safety and can be achieved by designating a limited number of mobile vending stalls within approved areas, marked by a painted symbol on hard surfaces or with a sign as is practiced in the **City of Nanaimo**. Implementing a targeted approach like this can effectively regulate where mobile vending takes place and the number of vendors operating in the Region.

Initial Engagement

Stakeholders were asked to identify where food trucks should be located:

Assuming food trucks will be located on a hard dust-free surface and that there won't be a differentiation between motorized and non-motorized trucks, where should food trucks be permitted?

- Near restaurants and fast food outlets
- Other commercial areas



- Parks
- Community gathering areas
- Other

Stakeholders agreed that food trucks should be permitted in special event areas and parks, so long as they are fully licensed and permitted.

Options for Bylaw 500

Upon review of other jurisdictions and feedback from stakeholders, the following options may be considered for changes to Bylaw 500 to introduce food truck regulations to Bylaw 500:

1. **Add the following to Definitions and General Regulations, based on Comox Valley Regional District requirements for food trucks that is the most similar to the intent and objectives for the RDN:**

“Mobile vendor” means a vendor who sells goods, food or food products from a mobile vending unit which is capable of being moved on its own wheels and is fully self-contained with no service connection required in compliance with Part 3.3 General Regulations of this bylaw. All provincial health approvals and permits are required and are the responsibility of the owner and/or operator to obtain.

2. **Add regulations for Mobile Vendors to Part 3.3. General Regulations, also based on Comox Valley Regional District requirements:**

Mobile Vendors:

1. *Mobile vendors may operate in all non-residential zones and are subject to the following conditions:*
 - a. *Mobile Vendors in RDN parks may be permitted with an approved Parks Permit.*
 - b. *The vending of any goods by a mobile vendor shall not be carried out on any highway or foreshore area;*
 - c. *The vending of any goods by a mobile vendor shall not be carried out for more than eight hours per 24-hour period;*
 - d. *The mobile vending unit shall be removed from the site by the mobile vendor at the end of the mobile vending period of a maximum of 8 hours;*
 - e. *No structure shall be placed or erected in association with the vending operation; and*
 - f. *One temporary freestanding sign no larger than 1.0 square metre may be displayed on each side of a mobile vending unit.*
2. *Mobile vendors may operate in any rural or residential zone where the mobile vending unit does not stop and/or locate on any parcel for a duration in excess of fifteen (15) minutes per*



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24-hour period and no structures are placed or erected in association with the vending operation.

Considerations and Impacts

The proposed changes to Bylaw 500 will have the following impacts:

- The addition of food truck regulations will legalize activities that are occurring and would facilitate appropriate regulations to enable additional economic and community opportunities that food trucks provide; and
- The regulations focus food trucks to a variety of zones where similar uses or the *public assembly use* are currently allowed and does not include residential areas.



Focus Area: Usability

Overview

Bylaw 500 was written in 1984 and needs to be updated to a modern format that is more user-friendly and easier to navigate. Through this review process, some considerations to be made include establishing what aspects of Bylaw 500 are challenging to use and how they can be made easier to understand or navigate. The intent is to focus on the visual aspects and navigation of the bylaw to improve overall usability. Transferring the document to a format that can be used online will also be a follow up consideration based on feedback received. Additional images and graphics for the various Focus Areas that could support interpretation will be considered.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.

Background

Accessibility

Graphic design for printed and digital media play a large factor in the overall usability of a document. Clear and concise graphics can help make information clearer, enhance navigation, and user-friendliness for people with varying abilities and impairments. Accessible document design improves the efficiency and functionality of people's work and overall quality of life.

Some important features that can accommodate accessibility are:

- **Implementation of a Grid** - consistency in the structure and division for pages, margin alignment, and header/ footer sizing.
- **Hierarchy** - through graphics and information, it should be apparent what the information provided on a page entails, and what is meant to draw the reader's attention to. Elements such as text size, stroke, and indentation can help to divide up information and guide the reader. The inclusion of tables and matrices can help organize information so that the user can more easily and quickly compare information in different categories, such as which uses are permitted and in which zones.
- **Colour** - reader perception can vary as a result of abilities and impairments e.g. colour blindness, using contrast between colour values and hues significant for proper distinction e.g. 70% difference in colour value between text and background tone is legible in colour as much as it is in grayscale.
- **Typographic Legibility** - the shape, weight, scale, and style are all components to text that can help to improve the readers experience. The stroke thickness of a font, in addition to the size and style that are large enough and contain recognizable letterforms to help optimize readability. Spacing and



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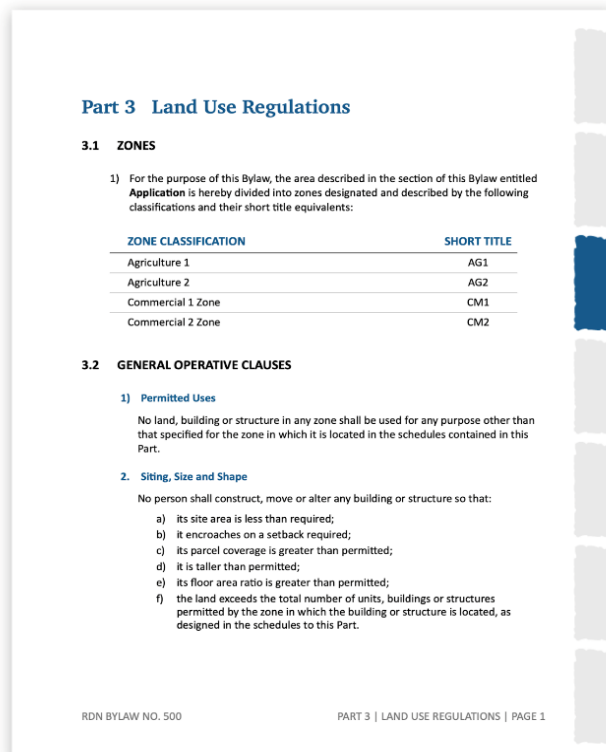
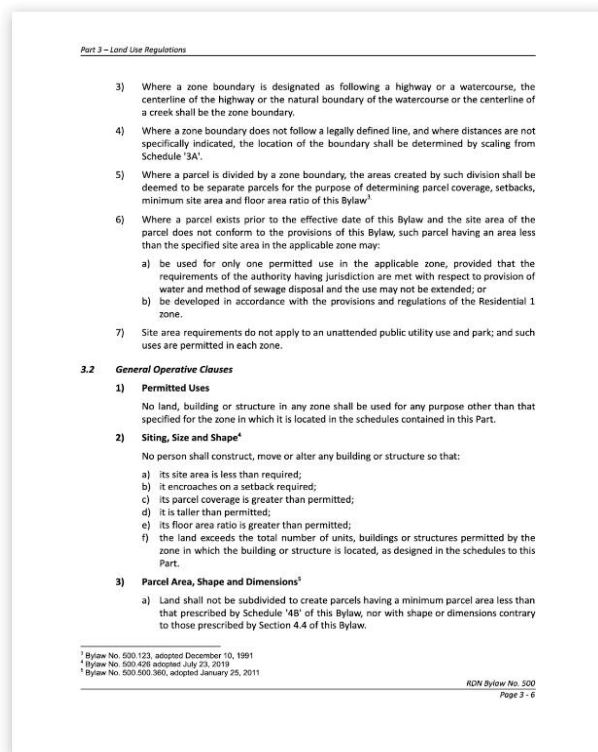


alignment also helps to enhance readability through using negative space to create distinction between information, and consistency in the layout of the information (e.g. flush left text alignment is easier to read for longer periods of time than justified text alignment). Capitalized text can be effective at drawing attention, though should not be used for large bodies of text.

Wayfinding

Wayfinding in a document includes visual cues to tell the reader where in the document they are and how to navigate to a different part of the document. This is another important feature to include to help with efficient navigation in a document. The image above on the left is an example of a page from Bylaw 500 currently. Comparatively, the image on the right is an example of how some wayfinding and accessibility components can change the look of the document, but not the overall structure.

Examples of headers, footers, use of colour, and text hierarchies as wayfinding markers



A few zoning bylaw examples of how other local governments have organized zoning bylaws include:

Delta, BC: <https://delta.civicweb.net/document/177229>

In this zoning bylaw, headings and numbering are easily understandable and readable. For example:



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- Part 8 Off-Street Parking' is in grey, caps, and larger text;
- 8.1 General Requirements' is smaller text while still cap; and
- The subtext '8.1.1 Off-street parking...' has a grey figure number and black text that is smaller than the previous title/ subtitle.
- There is no text in the header and a line differentiating the footer with light grey text for the municipality name and document title in the bottom left corner. The document part, section name, and page numbers are clearly in the bottom right corner.

Vancouver, BC: https://bylaws.vancouver.ca/zoning/zoning-by-law-district-schedule-ra-1.pdf?_ga=2.251333454.994511156.1607972260-1354509595.1607972260

This zoning bylaw includes a shape in the top right corner with the zone code (e.g. RA-1) with a distinct subtitle in bold and centered on the page, with subheadings and text along the left-hand alignment, using varied text sizing and stroke. The footer contains the municipality name and document name in the bottom left corner, and the section name (e.g. RA-1) and date is in the bottom right, with the page number in the center of the footer.

Quinte West, ON: <https://www.quintewest.ca/en/your-city-hall/resources/Planning/QWZoningBy-law14-86ConsolidatedtoJanuary132020.pdf>

The header in this zoning bylaw uses colour in the text and incorporates the municipality's logo. The document title is in the top left corner with the date in the top right and page number in the bottom right corner.

Chicago, IL: <https://secondcityzoning.org/resources/Chicago-Zoning-Ordinance.pdf>

In this zoning bylaw the header text is in the center of the page with the chapter number and name, while the footer is also centered with the document name and page number. The text includes the use of colour for subtitles and various sizes of black text and strokes are used for the subtext and body text.

Initial Engagement

Staff and Stakeholders were asked about opportunities for improvement to the overall usability of Bylaw 500. Key questions included:

1. What aspects of the zoning bylaw are challenging to use?
2. What are some suggestions to make the zoning bylaw easier to use or understand?

All participants were in support of changes to increase usability of the bylaw.

Options for Bylaw 500

The following are some options for updating and modernizing Bylaw 500 to be easier to read and navigate for a variety of uses. These options align with general best practices for document layout, design, and navigability:



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1. Text hierarchies to differentiate sections and subsections to enhance wayfinding through the document.
2. Number and bullet hierarchies limited to 3 levels to increase user readability.
3. Colour to differentiate parts of the bylaw.
4. Font and type weights adjusted for accessibility and increased legibility.
5. Tables added to zones to more clearly summarize and present information.
6. Use of page breaks and white space in strategic locations where new information is presented or to keep relevant information together.
7. Certain sections will be moved to a more logical location in the document so readers can more easily find the content they are looking for. This will be further assessed with a full draft of an updated Bylaw 500.

Impacts & Considerations

As Bylaw 500 is intended to be repealed and replaced in its entirety, the document will be easier to read, follow a logical sequence and be more accessible. Including a companion style guide will ensure that consistent graphic design standards are maintained with future amendments and updates to Bylaw 500. A summary of the sections that have been moved will accompany the new bylaw to help users transition to the new format.



Focus Area: Structures, Shipping Containers & Retaining Walls

Overview

Bylaw 500's current definition of a Structure needs to be updated to better clarify what it entails and how it is to be applied. An updated definition will help to clarify what is considered to be a Structure along with where and how exemptions are applied for better consistency and comprehension, specifically as it relates to setbacks. Furthermore, Bylaw 500's current regulations for retaining walls are not sufficiently clear enough to enforce the various retaining walls being constructed. Similarly, Bylaw 500 does not currently include regulations for shipping containers.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.

Background

Bylaw 500 currently includes a broad definition for a Structure where certain specific items are either included or excluded. While Retaining Wall is separately defined, the definition of a Structure also includes the extent of regulations related Bylaw 500's retaining wall requirements. The current definitions in Bylaw 500 are:

Structure 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.

Retaining Wall means a structure erected to hold back or support a bank of earth.

No additional regulations for retaining walls are currently part of Bylaw 500 nor are these definitions sufficiently clear to address:

- negative impacts of small retaining walls in inappropriate locations that do not technically meet the size requirements for a retaining wall;
- overly large retaining walls that should be tiered;
- the mitigation of visual impacts for large retaining walls; and
- how the size of retaining wall is measured.



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Shipping containers are not currently identified in Bylaw 500 and therefore are a de facto Structure; however, the regulations for structures do not sufficiently address the considerations for shipping containers.

General Structure Considerations

A Structure is typically an umbrella definition that includes anything that is built or constructed. All Structures within Bylaw 500 must meet minimum height and setback requirements. The implications of these requirements to different building or structure types can be significant.

Specific types of structures vary between residential and commercial contexts. For example, some structures may be appropriate to be located within the setback area of a residential property. These may include structures related to landscaping or temporary uses.

Key questions to guide what should be a Structure or not include:

- What objects are required for the development but are challenging to locate outside of the setback area and / or have minimal impacts on adjacent properties (such as light, noise and privacy)?
- What objects are optional for development and / or can meet minimum setback requirements with minimal efforts? (such as hot tubs, pools, and heat pumps)

While structures can vary between residential and commercial contexts, these items located within the minimum setback area can have negative impacts on adjacent property owners. It is important to establish what items are necessary to define as a Structure, and which are not. If an item is not considered to be a Structure, they will not be required to meet the minimum setback, which can result in them being closer to an adjacent property. This as a result, has the potential to negatively impact said adjacent property and is an important component to keep in mind on the reasonableness of an item requiring a setback or not.

One proposed solution for addressing how Structures relate to setbacks is to clarify the definition of a Structure to include or exclude certain objects or forms of development. This option is similar to how the RDN currently defines a Structure but would expand that definition further. Conditions embedded in the definition would apply to all Structures in areas affected by Bylaw 500 and could get cumbersome if too many considerations are required. If that occurs, there is an opportunity to add general regulations to Bylaw 500 that can further clarify different aspects of how a Structure is interpreted or applied.

Retaining Wall Considerations

A type of structure that requires particular attention regardless of zone is the retaining wall. Retaining walls have additional structural and engineering requirements as they increase in size and retain more earth. There are a variety of examples of how retaining walls are used to adjust the grade of land to accommodate development and buildings. Most retaining walls are located on the property line to delineate between two different properties and so cannot meet setbacks. Based on the definition of a Structure, a retaining wall becomes a Structure when it is 'over 1 metre in height that retains more than 1 metre of earth'. However,



despite the definition of Height (see the Discussion Paper on Building Heights), there are still questions specific to retaining walls such as where height is measured from or where the amount of soil is measured from, specifically whether these points of reference are on the exposed side or the back-filled side. In the measurement of soil, the 1 metre requirement would need to be increased to 1.5 metres if the exposed side was used as the measurement reference point. Bylaw 500 also does not address how to calculate height in situations whether a fence is placed on top of a retaining wall. An additional level of detail or clarification would aid interpretation.

The following diagrams illustrate the options for where both height and width of retaining walls are calculated from. Figure 1 focuses on the low and high points of where height is to be measured. Point A and Point B relate to the different sides of the wall that could have substantially different heights depending on the wall. Point C illustrates a low point where riprap is included in the overall support of the wall. Rip rap is technically not a Structure if the slope is less than 2:1 under current regulations. Points D and E are the high points for the wall that could either be the top of the wall or could also include an additional fence in some cases.

Figure 1: Retaining Wall Height Considerations

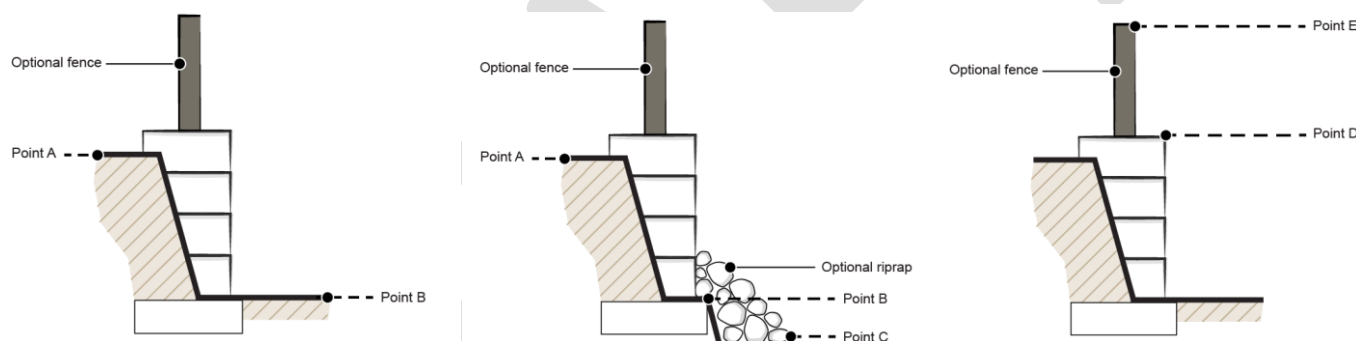
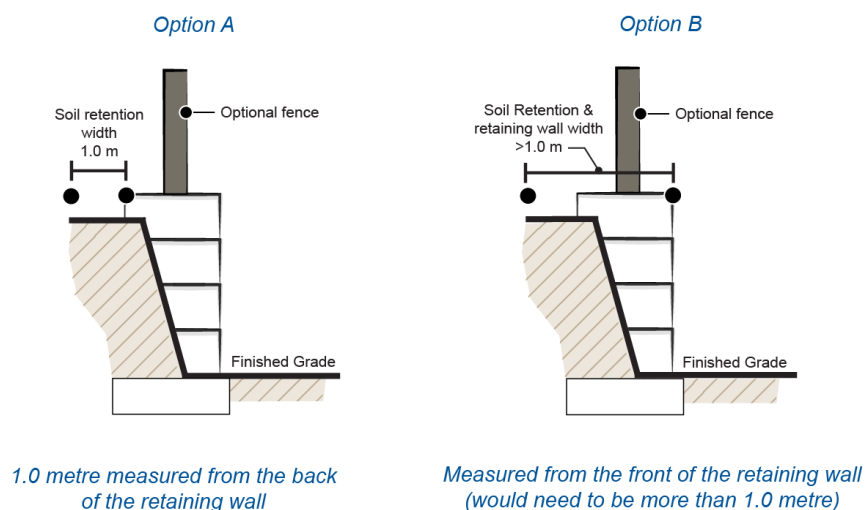


Figure 2 illustrates the options for measuring '1 metre of earth' where the point of reference on the retaining wall is either the back-filled or the exposed sides. Note that if the measurement is taken from the exposed side, it is also recommended that the current 1 metre be increased to 1.5 metres to incorporate the width of the wall itself.



Figure 2: Retaining Wall Width Considerations



Furthermore, large retaining walls are used to address significant elevation changes. When adjacent to side yard setback or a public space or sidewalk, these types of walls are often imposing. Where this occurs, what additional considerations for retaining walls can limit the perceived size and massing of a 'large' or 'imposed' retaining wall or series of retaining walls?

In many cases, large retaining walls are terraced or tiered to decrease the size and requirements of the structure. In the Capital Regional District, retaining walls require a building permit except where the distance between terraces is equal to or greater than twice the height of each terrace (see Figure 3). This approach encourages retaining walls to be smaller with flexibility to spread retaining walls throughout the site where possible. This approach is not always possible, however, as it also takes up more horizontal space.



Figure 3: Tiered Retaining Wall Example

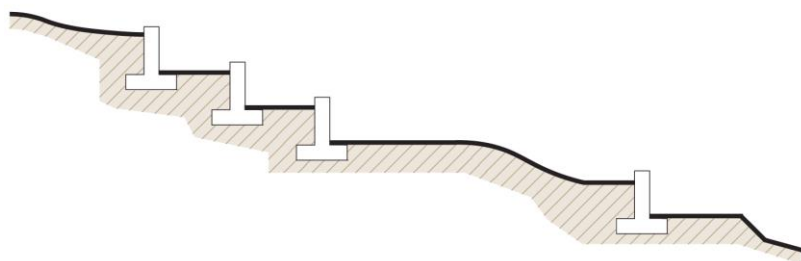
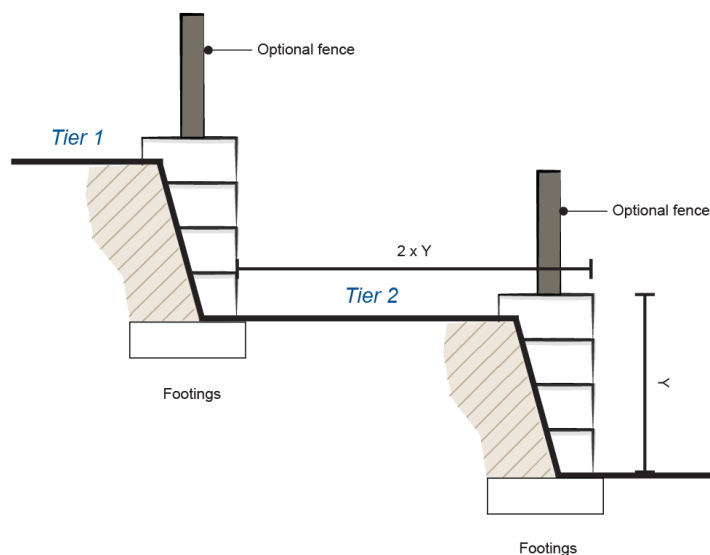


Figure 4: Option for Calculating Minimum Distances Between Tiered Retaining Walls (from Capital Regional District)



Shipping Container Considerations

Shipping containers are increasingly being used for storage on both residential and non-residential parcels, or are being repurposed and converted into buildings and building additions. Shipping containers are typically considered a structure in zoning bylaws as they do not meet Building Code requirements without significant upgrades. Where these upgrades occur and the proper Building Permits are issued, a shipping container may



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then be considered a Building and is no longer a shipping container. Bylaw 500 does not currently include specific regulations for shipping containers.

Regulations for shipping containers typically include:

- Zones where shipping containers are permitted with different standards for different zones;
- The number of containers per parcel;
- Maximum allowable size and / or height;
- Standards for appearance (colour, style, and materials used for exterior walls); and
- Duration of use as they typically are considered temporary.

Initial Engagement

Stakeholders were asked four main questions relating to structures including:

1. What objects should not be considered a structure and therefore not be subject to minimum setback requirements without impacting adjacent properties?
2. What objects should be considered a structure that are required to meet setbacks?
3. What graphics would help interpret or understand regulations for retaining walls?
4. What considerations for retaining walls would limit the perceived size and massing of a large retaining wall (or series of retaining walls)?

Stakeholders listed signage, accessory buildings and retaining walls as things that should not be considered a structure and therefore not required to meet setbacks. Swimming pools, tennis courts, and oversized ornamental features were listed as things that should be considered a structure.

In both measuring the height of retaining walls and soil retention, stakeholders supported measuring from grade of the exposed side to grade of the back-filled side with graphics to aid in the interpretation and understanding. There was support for tiered retaining walls over a certain height to include limitations to minimize the perceived size and massing of large retaining walls.

Options for Bylaw 500

The following options have been identified for consideration for Bylaw 500:



General Structure Options

1. Clarifying regulations in the General Regulations for Siting Exemptions:

- a. Expand and clarify the list of structures and building requirements including retaining walls, landscaping features, swimming pools, hot tubs, water tanks, heat pumps, and architectural features (eaves, bay windows, pop-outs etc.) that are subject to minimum setback requirements.

Retaining Wall Options

2. Add regulations and graphics to General Regulations for Retaining Walls, such as:

a. Clarifying the reference points for how height and width are measured, such as;

Retaining Walls

- i. *The height of a retaining wall shall be measured from [add reference point] to [add reference point].*
- ii. *Remove the reference to 'retaining less than 1.0 metre of earth'.*

b. Clarify that height measurements may also include fences and / or rip rap, such as;

Where a fence or rip rap are included, they will be considered part of the overall retaining wall structure and will be included in the overall height calculation from the bottommost point of the rip rap above surface water to the uppermost point of a fence.

c. Add an overall maximum height for retaining walls to encourage tiered walls, such as;

The maximum height for a combined retaining wall with either fences and / or rip rap, is 2.5 metres, with the maximum height for a retaining wall without either a fence and/or rip rap to remain at a maximum height of 1 metre.

d. Add specific regulations on how tiered retaining walls are measured, such as:

For multiple retaining walls, the minimum distance between walls is 2.0 metres as measured from the outer face of each retaining wall. If the minimum distance is less than 2.0 metres, the series of walls will be considered as one wall for the purposes of measuring height.



Shipping Container Options

3. Add a definition for shipping container, such as:

***Shipping Container** means an enclosed unit used or intended to be used for storing and transporting goods via ship, rail or truck, whether or not it is actually being used for such a purpose.*

4. Add regulations to the General Regulations for Shipping Containers such as:

A Shipping Container shall only be located on a parcel where there is an existing principal use.

With the exception of industrial zones, Shipping Containers are temporary and are subject to the following conditions:

Zone	Maximum Number of Shipping Containers	Maximum Timeframe	Is Stacking Permitted?
Rural Zones	Up to 2	90 days within a calendar year	No
Residential Zones	1	90 days within a calendar year	No
Commercial Zones	Up to 2 for a purpose associated with the primary use	1 calendar year	No
Industrial Zones	Up to 5 for a purpose associated with the primary use	No limit	Yes
	No limit if the principle use is the storage of shipping containers or requires the use of shipping containers to contain the primary use	No limit	
Other Zones	1 for a purpose associated with the primary use	30 days within a calendar year	No

Shipping containers shall be subject to the minimum setback requirements and all applicable Development Permit Area guidelines.



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A development that proposed to convert a shipping container to a use other than storage may be required to meet all applicable building and safety code requirements. Once all building and safety code requirements are met, the shipping container would be a building required to meet all applicable building standards and setbacks of this Bylaw and no longer would be a shipping container.

Impacts and Considerations

1. **General Structures:** Adding siting exemptions will add clarity for what structures are required to meet setbacks and which are not. Despite listing the most common or logical exemptions, there is the possibility that some structures not listed should also be exempt. In these cases, the variance process can evaluate a potential exemption.
2. **Retaining Walls:** Additional regulations and conditions for retaining walls will clarify where and how these unique structures are permitted, how they are measured and specific conditions for sizing. This will increase clarity for applicants and staff resulting in ease of administration and easier processing and review. It will also provide standards for enforcement that could mitigate potential community conflicts.
3. **Shipping Containers:** Additional regulations for shipping containers clarifies that shipping containers are a Structure, differentiating them from Buildings, with clear conditions for where and how they can be located or used throughout the Electoral Areas where Bylaw 500 has authority. This provides additional clarity for where and how they can be used in support of existing activities for each zone.



Focus Area: Signs

Overview

Sign regulations are currently in a separate bylaw and need to be updated and added to Bylaw 500. As per the RDN's 2019-2020 Operational Plan, sign regulations had been identified for review to support community kiosks, community identification and wayfinding signage and update the overall sign regulations, which no longer reflect best practices or industry standards for the range of uses permitted on a parcel or the needs of RDN businesses. Adding sign regulations to Bylaw 500 with these regulation updates will help to better support local economic development, which would also require the repeal of the current Sign Bylaw No. 993. Specific focus will be on the types of signs that add clarity and value to local businesses and the associated regulations for each while keeping the regulations easy to understand and streamlined.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.

Background

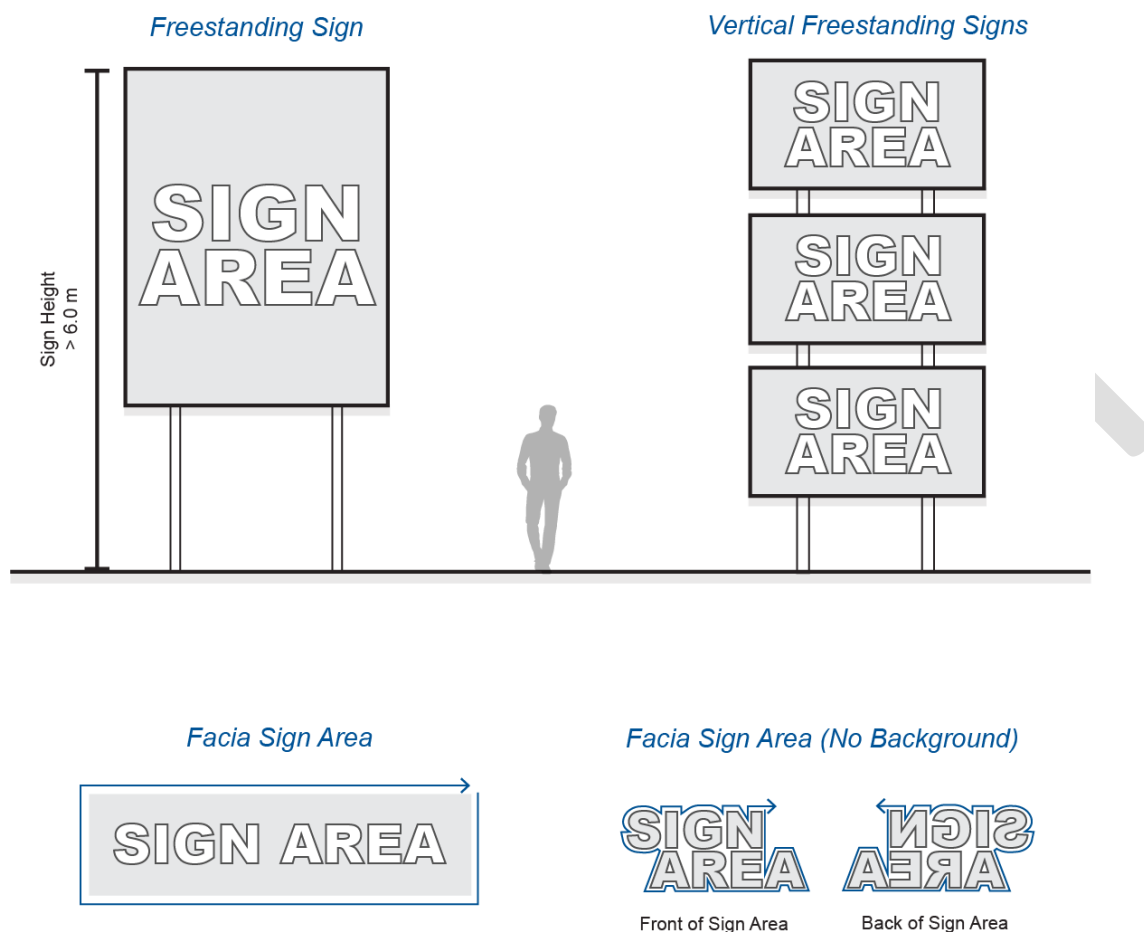
As the current regulations set in place for Signs are not within Bylaw 500, a review and update will aid in the integration of this regulation. Signs play a critical role in the way our environments are experienced. They provide direction, wayfinding, information, and guidance, and they directly impact our sense of space, place, and orientation. Regulations can prescribe development guidance such as the type, size, illumination, and location of signs throughout the region but cannot regulate the sign's content.

Case law throughout Canada has consistently limited municipal zoning regulations of signs to size, number, location and considerations related to safety, but expressly prohibits regulating content. The limitations on regulating content specifically impact 3rd party signage, which are signs located on one property advertising for a business or activity occurring elsewhere. Without regulating content, sign regulations typically include:

- Sign types with the most common being freestanding / ground signs, fascia / wall signs, and projecting signs;
- Number of signs permitted on a property or in association with a business;
- Size and location of signs; and
- Lighting or illumination.



Figure 1: Example of Some Sign Types and Measurement Considerations



The hierarchy and organization of sign regulations can be complex to navigate. This often results in inconsistencies in interpretation and creates uncertainty for businesses and users. The Ministry of Transportation and Infrastructure (MOTI) plays a significant role in regulating signage in rural areas, specifically signs located within road rights-of-ways. Comparatively, the RDN regulates signage on private parcels only and therefore any sign considerations for Bylaw 500 will focus on private signs.

Currently, sign regulations and standards are outlined in a separate signage bylaw, Bylaw No. 993. The sign regulations will be reviewed and updated before being integrated into Bylaw 500, while complementing the



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Official Community Plan and Development Permit Area guidelines (currently in Bylaw 500). Bylaw No. 993 will then be repealed.

The existing sign regulations were created in 1995 and designed to limit the number and types of signs located on private parcels throughout the Region. Currently, no more than two signs are permitted on a parcel. This poses a challenge and barrier for parcels that have multiple businesses, requiring a variance to allow for additional signs, increasing both procedural red tape and processing times. No more than one of the two signs permitted on a single parcel may be a projecting sign, billboard sign, or freestanding sign, and in no case is the surface area of a sign permitted to exceed 11 m² or have a height greater than 4 metres. Some of the terminology used in the current regulations, and the approach to sign management is outdated and no longer relevant. Updating and expanding the sign types and practices will ensure clarity, consistency, and efficiency in the permitting process.

In the fall of 2017, the RDN conducted an extensive engagement process to better understand the community's concerns, comments, and ideas related to improving the effectiveness of signage in rural areas. One question asked how signage for businesses, services, and accommodations and tourist attractions can be improved and the top three responses were that signs should have improved aesthetics and character, signs should be more visible, and signs should be larger. Following the outcomes of the community conversations, the Board directed staff to prepare a report on potential amendments to the zoning bylaw and sign regulations to enhance the ability to construct community kiosks, and community identification and wayfinding signage.

Municipalities across Canada are revisiting their sign regulations to address emerging concerns and new regulatory challenges. Electronic and digital sign technology is evolving quickly, putting increased pressure on municipalities with lagging regulations to adapt. This shift away from traditional sign forms has seen a growing concern with how digital and electronic signs contribute to light pollution and the adverse effects this can have on the health of people, wildlife, and our climate. There are also increased concerns with visual clutter and the impact sign design can have on the attractiveness, reputation, and branding of communities. Municipalities are re-orienting their focus on how signs can contribute positively to the development and maintenance of a high-quality public realm.

A jurisdictional scan in British Columbia and across Canada identified practices for consideration in the development of a modernized and comprehensive approach to regulating signs on private property. Consistently, regulations for signage are descriptive rather than visual, this approach is less accessible and less user friendly for readers. It is also more common than not to regulate signage separately from the zoning bylaw. However, incorporating sign regulations into zoning bylaws provides a more streamlined and user-friendly approach to the overall development process.

The Town of Okotoks, Alberta, approved new simplified sign regulations organized in a matrix that identifies permitted sign types and related conditions by zone. The use of supporting graphics illustrates the sign types providing an easier understanding of the content. Similarly, The Comox Valley Regional District integrated sign



regulations into their zoning bylaw. Permitted sign types and uses are found in each of the land use zones. By reducing the need to navigate between multiple documents and sections within the zoning bylaw, this user-friendly approach consolidates all development regulations applicable to a property in one place. Implementing these best practices can improve service delivery, usability, and certainty by being written and visualized to increase clarity around desired signage outcomes and be practical in its implementation from a regulatory perspective.

Initial Engagement

Stakeholders were asked some targeted questions about signs to better understand how best practices can work within the RDN:

1. Do you agree that the most common signs in the RDN include:
 - a. Freestanding/ground signs
 - b. Fascia/wall signs
 - c. Projecting signs
2. To align the regulations with best practices, should the number of signs permitted increase to allow one fascia sign per business?

Stakeholders had various opinions and questions regarding signage. In general there was support to ensure that the requirements be made explicit if signage is to remain in Bylaw 500 rather than in its own bylaw.

Options for Bylaw 500

The following options may be considered for updates to Bylaw 500:

1. **Integrate existing Sign Bylaw (Bylaw No. 993) into Bylaw 500 and repeal Bylaw No. 933 by transferring and updating the following defined terms to simplify and streamline regulations based on best practices including consolidating sign types into three primary types including Freestanding, Fascia, and Projecting:**

~~**awning sign** means a non-illuminated sign affixed flat to or painted onto the surface of an awning which projects from the exterior wall of a building.~~

~~**billboard** means an exterior structure displaying a sign pasted or otherwise affixed flat to the face of the structure.~~

~~**canopy sign** means a sign attached to or constructed in or on a face of a canopy.~~

dark sky compliant means outdoor lighting that meets the International Dark Sky Associations (IDA) requirements for reducing waste of ambient light. Fixtures within this category are fully shielded.



fascia sign means a sign attached to or supported by the wall of a building with its face parallel to the building wall and which does not project more than 0.4 metres ~~(1.3 feet)~~ from the wall to which it is attached.

freestanding sign means a sign supported independently of a building or any other structure, **can include multiple signs**, and includes portable signs.

illumination means lighting by any artificial means whatsoever, and shall include direct, indirect, internal or external source of illumination.

projecting sign means a sign which projects from the face or wall of a building, but does not include an awning sign, canopy sign or fascia sign.

sign area means the total area within the outer edge of the frame or border of a sign. Where a sign has no frame or border, the sign area shall be the area ~~contained within the shortest line~~ surrounding the whole group of letters, figures or symbols of such sign. In the case of a **freestanding multi-faced sign**, ~~both only one~~ sides of the sign shall be counted.

2. Add the following sign regulations to Bylaw 500 to clarify number, size, and location requirements; dark sky illumination requirements; and community-based signage in road rights-of-way:

With the exception of one freestanding sign per parcel with a sign area under 2.0 m², all signs are subject to the applicable setbacks for the zone in which it is located and shall conform to the following:

Zone	Permitted Sign Type(s)	Number of Signs	Maximum Size Requirements per Sign
home based business Signage	Freestanding Sign in association with home based business	Maximum of 1 sign per parcel	Maximum Height: 1.5 metres Maximum Sign Area: 0.75 square metres
	Fascia Sign in association with home based business		Maximum Height: 1 metre Maximum Sign Area: 0.75 square metres
All other zones	Freestanding Sign associated with an approved business	Maximum of 1 per parcel	Where a sign advertises one business: Maximum Height: 4 metres Maximum Sign Area: 11 square metres



Zone	Permitted Sign Type(s)	Number of Signs	Maximum Size Requirements per Sign
			Where a sign advertises more than one business: Maximum Height: 6 metres Maximum Sign Area: 13 square metres
	Fascia Sign associated with an approved business	Maximum of 1 fascia sign or one projecting sign per business	Maximum Height: 2 metres Maximum Sign Area: 11 square metres
	Projecting Sign associated with an approved business	Maximum of 1 projecting sign or one projecting sign per business	Maximum Height: 1 metre Maximum Sign Area: 2 square metres

Where a sign is illuminated, the sign is subject to the following requirements:

- All signs may be illuminated unless expressly prohibited in this Bylaw;
- Full cut-off (shielded) outdoor fixtures shall be installed for all exterior lighting;
- All signs within 30.0 m of a Residential zone shall be turned off from dusk till dawn controlled with an automatic timer;
- A maximum of 0.3 foot-candles above ambient light;
- Messaging and images must remain static for a minimum of 6 seconds with a transition period of 1 second or less; and
- Must display only a blank black screen in the event of a malfunction of the display.

The following Rural Village Centres shall be designated as distinct communities for the purpose of making an application to the Ministry of Transportation and Infrastructure (MOTI) to install community identification, entrance, and wayfinding signage within road rights-of-way:

Electoral Area	Community Name (Village Centre / Neighbourhood)
Electoral Area A	Cassidy Cedar
Electoral Area C	Extension
Electoral Area E	Fairwinds Red Gap Schooner Cove
Electoral Area G	French Creek



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<i>Electoral Area</i>	<i>Community Name (Village Centre / Neighbourhood)</i>
<i>Electoral Area H</i>	<i>Bowser Qualicum Bay Dunsmuir</i>

3. Repeal remaining portions of Bylaw 993.

Impacts and Considerations

- Integrating sign regulations into Bylaw 500 will create a one-stop-shop for all development-related regulations and provides the opportunity for sign regulations to relate to each zone providing more context-specific opportunities.
- The overall number of signs and design considerations relate to each zone and the current activities allowed.
- Streamlining the sign types can decrease misinterpretation when classifying the sign and associated regulations.
- Adding the designation of distinct community for select Rural Communities provides the opportunity for applications to MOTI for wayfinding and community identification signage in accordance the Ministry of Transportation and Infrastructure's Policy Manual for Supplemental Signs and Guide Sign and Service and Attraction signage program.
- Avoiding regulations related to sign content aligns with case law considerations and best practices; however, by requiring the signs to be associated with an approved business, the likelihood of 3rd party content is reduced.
- Illumination standards have been added to provide additional opportunities for business owners and community members while aligning regulations with sustainability objectives through power sources and dark sky requirements.
- Clarifying sign regulations will result in ease of administration and enforcement.
- Allowing one fascia sign per business will better align with the range of uses permitted on a parcel and will reduce the number of variance requests for additional signage.



Focus Area: Setbacks

Overview

Bylaw 500 currently has different ways of calculating setbacks depending on zone, type of development, or location (i.e., proximity to water) and currently apply to any Structure over 1 metre in height (excluding landscaping and similar objects). Setbacks are the distances a building or structure must be from the property line or other features such as a watercourse or top of bank. Setbacks do not apply to any other improvements that are not considered buildings or structures, such as vegetation removal or landscaping. Setbacks are determined based on the type of property line (i.e., interior / exterior / front / side / rear) and may vary by zone, the building or structure (i.e., primary building / accessory building), or adjacent features, such as a watercourse or top of bank. In Bylaw 500, these methods of applying or calculating setbacks are overly complex resulting in inconsistent interpretations and variances. The goal of this review is to simplify how setbacks are measured and how many different setbacks each zone should have.

Furthermore, setbacks in strata development and from watercourses need particular attention. Bylaw 500 does not currently address phased development situations where property lines have not been established (or are not intended where subdivision is not occurring), but where the buildings or form of development require the setback defined from the phased boundary to be regulated appropriately. Finally, setbacks from watercourses are challenging, are overly technical, and do not reflect the Floodplain Bylaw or the Freshwater and Fish Habitat Development Permit Areas. Any setbacks for watercourses in Bylaw 500 should complement these requirements and best practices.

Background

General Setback Considerations

Setback regulations in Bylaw 500 are overly complex with different approaches and requirements for different zones. It currently measures setbacks in a variety of ways including:

- Some zones such as Rural, Resource Management, and Water zones include one setback that applies to all lot lines.
- Other zones differentiate minimum setback requirements based on the type of parcel line including front parcel line, exterior parcel line, interior parcel line, rear parcel line, or any other parcel line. Each type of parcel line is defined in Bylaw 500.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



Applying minimum setback requirements differently depending on the type of parcel line, has resulted in inconsistent interpretations and requested variances. This is especially true for what is considered the front lot line. Comparatively, Bylaw 1285 for Electoral Area 'F' has a simplified approach that only uses interior and exterior parcel lines as the reference for setbacks. This approach is clear enough to enable consistent interpretation, is easy for users to understand, and has not resulted in many variance requests.

There is also a question about what Structures should be subject to setbacks. For example, can hot tubs, water tanks, or similar structures be located within the setback area? One option is to provide a list of structures that are exempt from setbacks or can be located in the setback area. Or, as this list could get extensive and still not address every situation that may arise, another option is to identify structures or objects as they relate to the principle around what should or should not be exempt from a setback. For example, where a structure is required for the principal use or building, it may not be exempted from the setbacks whereas structures that are not required may be exempt. As this question overlaps with a related question of 'what is considered a Structure?' in the Structures Discussion Paper, the options for Bylaw 500 are outlined in that Discussion Paper.

Additionally, parking stalls are currently required to adhere to setbacks for smaller residential parcels in Bylaw 500, which is another source of variances. To address this issue, one possibility is to exempt parking on small residential parcels from setback requirements as in these cases, the lot size and dimensions would not allow enough space for parking. Setbacks for parking in commercial, industrial, and multi-family residential zones would continue to apply.

Strata Development Setback Considerations

Bylaw 500 does not specify setback requirements for phased building strata developments and does not add clarity on other types of strata developments. Clarification is required to ensure that minimum setback requirements in both building strata and bare land strata developments are well defined. Specific requirements are needed to clarify setbacks adjacent to common property boundaries and between phase boundaries.

Watercourse Setback Considerations

How buildings locate near watercourses are guided or regulated through a variety of tools including Bylaw 500, "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw), and The Freshwater and Fish Habitat Development Permit Area (DPA). While there is some overlap, each tool addresses a different aspect of development. Bylaw 500 regulates the minimum distance that buildings and structures can be from a watercourse primarily for the purpose of riparian protection and the protection of property. The Floodplain Bylaw regulates habitable buildings to ensure that they are protected from potential flood damage and includes a flood construction level (FCL) and a minimum setback that applies to fill or other structural support required to support a building above the FCL. The DPA applies to development and construction activities including land alteration and vegetation removal and is intended to protect the natural environment, its ecosystems and biological diversity, and protect development from hazardous conditions. It



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applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation (RAR)* of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. The primary issue is in order to address the intent of these tools, the calculation to determine watercourse setbacks is overly technical and, in many cases, requires a surveyor or engineer.

A Watercourse is defined in the Floodplain Bylaw as:

Watercourse means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to, or acting as a retention area for, a current of water that flows at least six months of the year or drains an area of 2 square kilometers or more upstream of the point of consideration.

Bylaw 500 also has setbacks defined for watercourses as the primary tool for regulating where buildings and structures locate. These setbacks need to be consistent with both the intent and requirements in the Floodplain Bylaw and the Riparian Protection Strategy in order to be most effective and clear. Watercourse setbacks are currently dependent on both slope and watercourse width which in many cases requires applicants to obtain a surveyor to determine the applicable setback.

A Watercourse is defined in Bylaw 500 as:

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.

Additionally, the definition for Natural Boundary in Bylaw 500 is:

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.

There currently is no definition for Top of Bank.

Improvements to Bylaw 500 would simplify the minimum setback requirements for consistent interpretation and alignment with other requirements for development next to watercourses, as well as to reduce costs for applicants by not requiring a surveyor to determine which setback applies.



Initial Engagement

Stakeholders were asked a variety of questions related to setbacks that were categorized as general setback questions, questions related to strata development, and watercourse setbacks. The questions asked were:

General Setback Questions

1. Should setbacks in zones be simplified to be consistent with Bylaw 1285's approach for interior and exterior parcels lines?
2. What impacts do you see with using the Bylaw 1285 approach?
3. Do you agree that parking should be exempt from setback requirements for small residential parcels?

Strata Development Questions

1. Should setbacks be considered between phased boundaries? If so, should setbacks be the same of less?
2. Do you agree that setbacks should apply to common property, access roads and routes?

Watercourse Setback Questions

1. What challenges have you found in determining setbacks from watercourses?
2. What improvements do you see that could add consistency, efficiency, and reduce costs for applicants?
3. What considerations would support better alignment with BC's Riparian requirements?
4. What implications do you see if the definition of a Watercourse is changed to align with the definition in the Floodplain Bylaw?

Feedback

Stakeholders mentioned watercourse setback calculations were inconsistent, and complicated as they are already mentioned in multiple requirements and bylaws. There was confusion with regards to top of bank calculations, and disagreement with centre line calculations. Stakeholders found that the floodplain bylaw definition for a watercourse would be too labour intensive for a surveyor (who usually measures this) to measure.

Stakeholders generally wanted to keep setback requirements in Bylaw 500 the same as they have been historically with no changes. They generally agreed that definitions should be consistent across documents, but were concerned with increased complexity as the current methods in Bylaw 500 are relatively easy to follow. Stakeholders agreed that parking should be exempt from setback requirements for small residential parcels.

Stakeholders also agreed that setbacks should be considered for phased boundaries, but mentioned that existing setbacks on stratas may be too large. It was mentioned that building code might already address this



concern. Stakeholders agreed that setbacks should apply to common property access roads, primarily for bare land stratas while noting this practice could limit alternative design options.

Options for Bylaw 500

The following options have been identified with respect to setbacks in Bylaw 500:

General Setback Considerations

1. Update how setbacks are measured based on the following options:

Option A: Clarify the definition of front lot line to reduce the need for interpretation and provide more certainty.

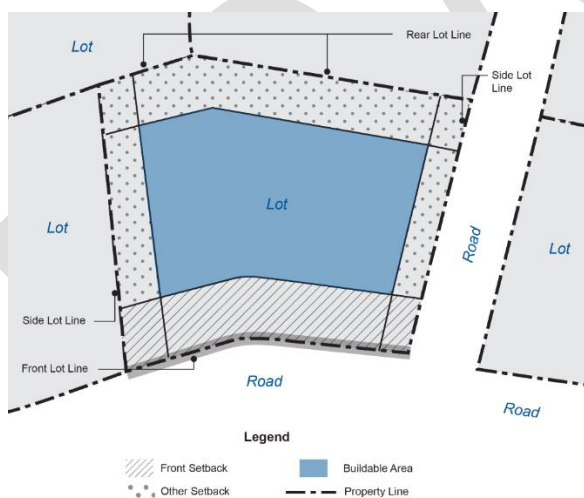
Option B: Change setbacks to be consistent for all zones to be consistent with Bylaw 1285, such as:

Exterior setback: 5 metres

All other setbacks: 2 metres

Zones where the setback is from 'All Lot Lines' will remain as unchanged.

2. Add a graphic to explain where parcel lines are, such as:



3. Clarify which setback is measured when a parcel is adjacent to a park, such as:

When adjacent to a park, the setback will be an exterior or other setback, as per the appropriate zone.



Strata Development Considerations

4. Add strata road to the definition of a parcel line, such as:

parcel line means the legally defined line or lines bounding any parcel, strata boundary, or common road

Watercourse Setback Considerations

5. Simplify and provide additional clarification on how watercourse setbacks are measured:

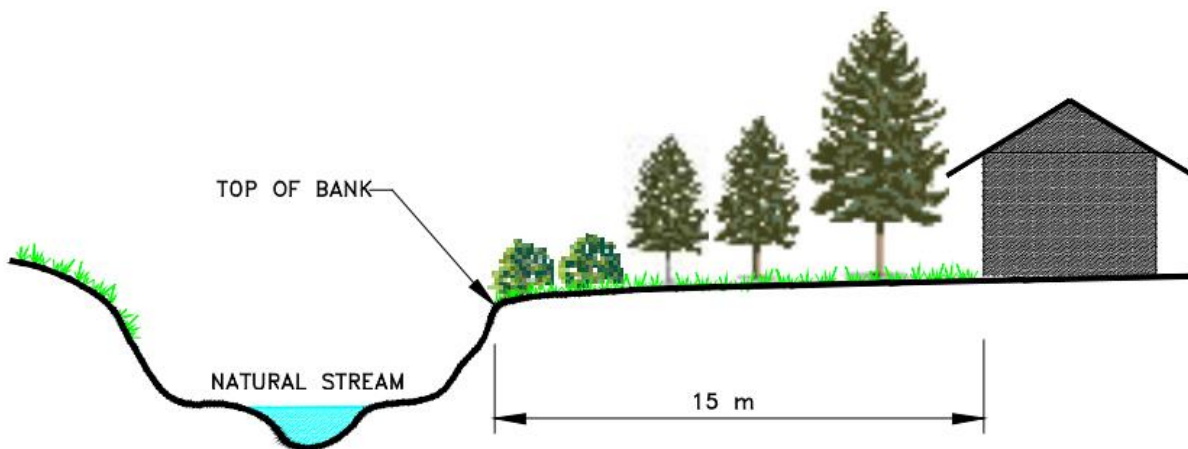
For parcels with slopes 30% or less:

Increase the average slope from 5% to 30% as the determining factor for measuring minimum setbacks from the natural boundary as the current 5% is virtually flat. Simplify the measurement by eliminating 18.0 metres from the stream centreline and clarify that the slope measurement is to occur within 15 metres of the natural boundary. The proposed changes would generally be as follows:

Setbacks - Watercourses, excluding the Sea

- a. On parcels with an average slope of ~~5%~~ **30%** or less adjacent to or containing a watercourse, **as measured within 15 metres of the natural boundary**, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
 - i. ~~within 15.0 metres horizontal distance from the natural boundary or within 18.0 m horizontal distance from a stream centerline, whichever is greater as illustrated in Table 1 and Table 2 of Schedule '3E';~~
 - ii. within 30.0 metres horizontal distance from the natural boundary of the Nanaimo River, the Englishman River, the Little Qualicum River and the Qualicum River.

The following diagram or something similar would assist in providing clarification in how minimum setbacks on parcels with an average slope of 30% or less would be measured



For parcels with slopes greater than 30%:

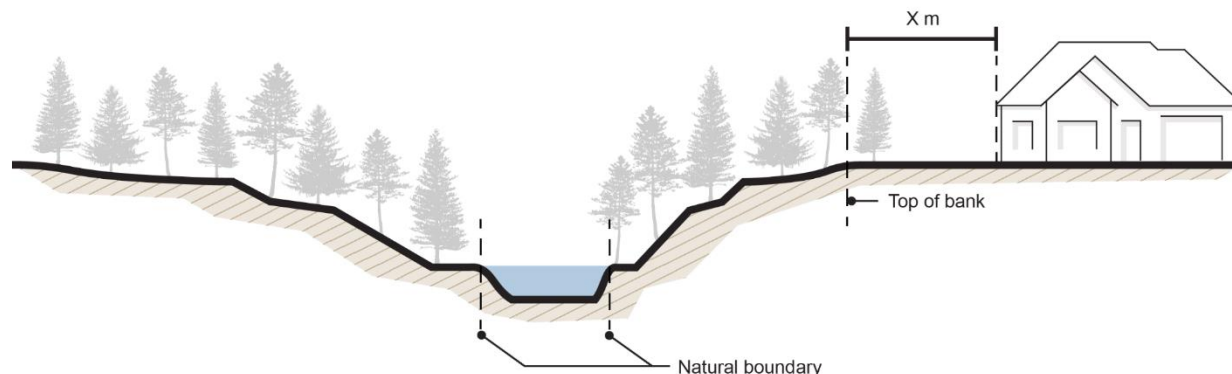
For parcels with slopes greater than 30%, provide clarification on where the setback is measured from. Rather than from 'top of the slope or the first significant and regular break', standardize the measurement from Top of Bank which would be defined as follows:

Top of bank means the first bank slope such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured horizontally from the break. For multiple banks, setback distances will be measured from the top of the bank that is farthest from the centre of the watercourse.

Setbacks would be measured as follows:

- a. On parcels with an average slope of greater than **30%** adjacent to or containing a watercourse, **as measured within 15 metres of the natural boundary**, no building or structure shall be constructed, altered, moved or extended within the following setbacks:
 - i. **within 9.0 metres horizontal distance from top of bank** ~~9.0 m horizontal distance from the top of the slope or the first significant and regular break in the slope as illustrated in Table 3 of Schedule '3E'; or,~~
 - ii. within 30.0 metres horizontal distance from the natural boundary of the Nanaimo River, the Englishman River, the Little Qualicum River and the Qualicum River, **whichever is greater.**

The following diagram or something similar would assist in providing clarification in how minimum setbacks on parcels with an average slope of greater than 30% would be measured



Impacts and Considerations

- **General Setback Considerations:** Proposed changes would simplify the minimum setback requirements and provide greater clarification and need for interpretation. The proposed changes would also reduce non-conformity and satisfy MOTI setbacks.
- **Strata Development Considerations:** Adds clarity for where and how boundaries are assessed as phases progress; provides certainty for adjacent landowners that a minimum setback will be considered if additional phases do not proceed; and provides clarity for strata landowners that common roads are included in setbacks.
- **Watercourse Setback Considerations:** To simplify the process for property owners and provides additional clarity on how setbacks adjacent to watercourses are measured.



Focus Area: Secondary Suites

Overview

Bylaw 500's Secondary Suite regulations need some additional clarification to support better interpretation and to further align the RDN's regulations with best practices. This review and update to Bylaw 500 will examine how attached and detached secondary suites can be better defined, and more specifically whether the minimum parcel size required for detached suites should be reduced in areas serviced by community water.

Background

Secondary suites provide opportunities for multi-generational family living and aging in place, increased housing choice and affordability (for both homeowners and tenants) and reducing our environmental footprint. In pursuit of these opportunities, secondary suites have been enabled in areas of the RDN regulated by Bylaw 500 since 2014. Bylaw 500 currently enables secondary suites in a variety of flexible forms including suites that are located within or attached to a dwelling unit and detached suites that are either standalone units or located within accessory buildings (see Focus Area: General Housekeeping for clarification on how accessory buildings are defined as they relate to secondary suites). Provided parcels meet minimum size requirements, many rural zones throughout the region allow for a maximum of up to two dwelling units and two secondary suites per parcel. Secondary suites are permitted as accessory uses to single dwelling units, of which the primary uses are residential.

There are many colloquial terms used to describe secondary suites including basement suites, in-law suites, carriage suites, coach houses, garden suites, and laneway homes to name a few. Can an in-law suite not be considered a basement suite and a cottage suite too? Many of these terms are contextual and overlap adding complexity to the interpretation of regulations and how they are applied. Distinguishing secondary suites by their form is a recommended best practice for streamlining regulatory approaches, further clarifying what standards apply to these different scenarios and providing additional flexibility unique to the requirements of each. Secondary suites can generally be categorized into three forms: interior, attached, and detached; and often simplified further as either attached or detached.

An interior secondary suite could be located within a basement or the upper level of a principal residential dwelling unit. An attached suite is an addition to the principal residential dwelling unit. A detached suite is a physically separate building located on the same parcel as the principal residential dwelling unit. Detached

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



secondary suites can also be located in accessory buildings, such as a suite above a garage. In most cases, best practices recommend simplifying this approach to only attached and detached suites.

Bylaw 500, currently defines a secondary suite as follows:

***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.*

For this approach in the RDN, the definition above could be clarified by separately defining attached and detached suites. Attached suites would clarify where and how a suite that is located within the primary dwelling unit is attached and would also clarify what is meant by a detached suite. The latter would also provide some additional clarification with accessory buildings (see General Housekeeping Discussion Paper). In both cases, secondary suites would continue to not be subdivided, as per the *Strata Property Act*.

The definition of an attached suite could be further refined to include specific architectural or structural elements that may connect attached suites to the principal dwelling unit, such as a roof. This would automatically define suites connected by a hallway or attached garage to the principal dwelling unit as attached suites. Diagrams can be incorporated to visually support textual regulations, enhancing clarity and interpretation even further.

Bylaw 500 outlines various other requirements for secondary suites that relate to off-street parking, floor area requirements, the number of bedrooms, and servicing. All secondary suites must, on parcels without community sewer services, have the approval of the local health authority with respect to the provision of sewage disposal. However, additional regulations, specific to secondary suites located within accessory buildings (detached secondary suites), require a minimum site area of 800 m² on parcels serviced with community water and sewer or 8,000 m² in all other cases. This requirement excludes the opportunity for detached secondary suites on unserviced parcels that are less than 8,000 m². Reducing the minimum site area from 8,000 m² on parcels that are serviced by community water, but not community sewer would enable more opportunities for detached secondary suites on smaller parcels. The provision of sewage disposal in areas like these would continue to require approval from the local healthy authority. There are many parcels currently that have community water, but are not allowed a secondary suite.



Initial Engagement

Several questions were asked of staff regarding potential changes to Bylaw 500 regarding secondary suites, including:

1. Do you agree with reducing the minimum site area for a detached suite?
2. Should the minimum site area requirement be reduced to 2,000 m² with proof on community water and approved means of private on-site sewage disposal to align with the minimum site area required for a second dwelling unit in the RS2 zone?
3. Should a detached suite be allowed on parcels 2,000 m² or greater that are serviced by community water?
4. Which option do you prefer to differentiate between an attached and detached suite?
 - a. Attached would mean connected by a heated space such as a hall, but would not include a breezeway or garage, for example. Detached would mean not connected by a heated space.
 - b. Attached would mean connected by a structure, which would include connections such as breezeways or a garage. Detached would be physically disconnected.

Staff agreed that parking requirements should be maintained for suites, that suites should be smaller than the primary dwelling, that suites should not be permitted on parcels with short term rentals, and that RS2 should be updated so the site requirements for a second dwelling and a suite should be the same. Staff were evenly divided on whether the parcel area for a detached suite should be reduced and how attached versus detached suites should be differentiated.

Options for Bylaw 500

The following options have been identified for changes to Bylaw 500:

1. **Update the definition of a secondary suite to clarify what is meant by 'attached' and 'detached' suites and support with a graphic such as:**

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. **Secondary suites are further categorized as:

Attached suites where the suite is attached to the principal dwelling unit by a shared structural wall and / or heated space including a heated hallway; and

Detached suites where the secondary suite is wholly separate from the principal dwelling unit, but may be connected by an unheated breezeway, or attached to or contained within an Accessory Building.



Figure 1: Attached Secondary Suite Examples

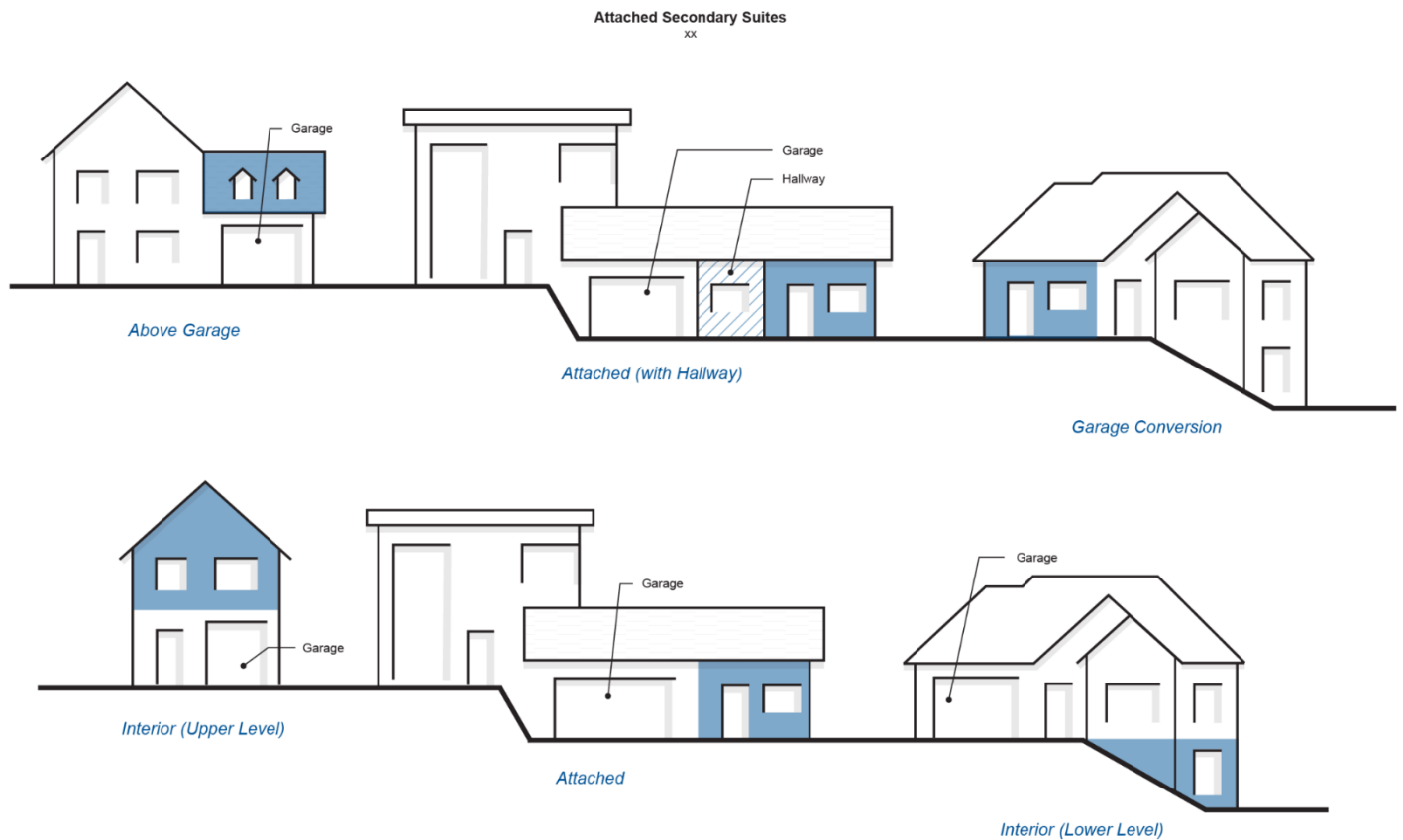
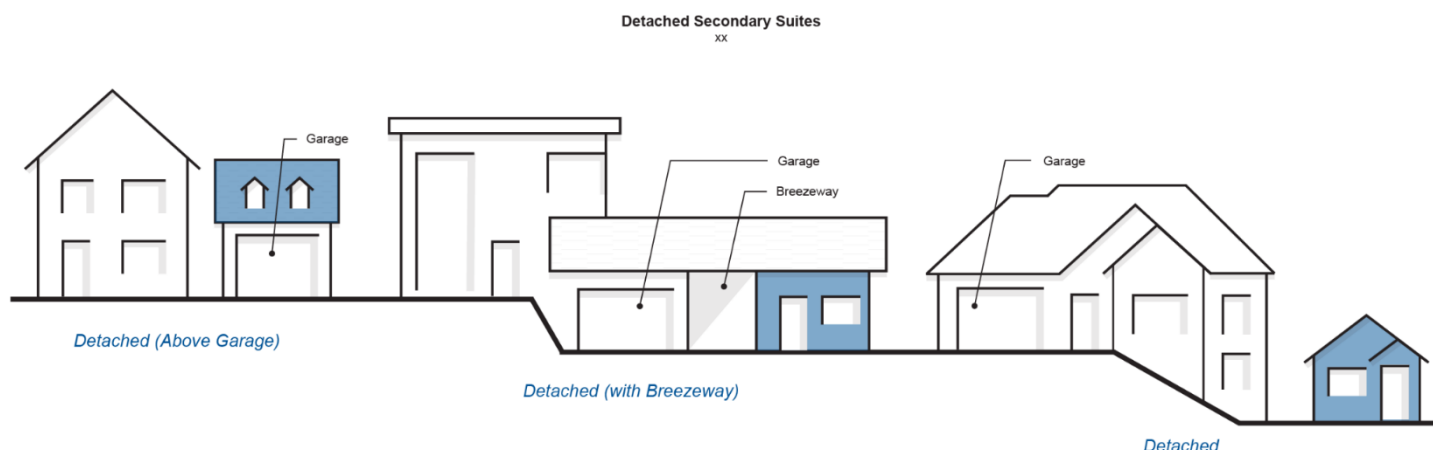




Figure 2: Detached Secondary Suite Examples



2. Add an intermediate minimum site area requirement for parcels with water servicing only, such as:

	Current	Proposed
With community water and sewer	800 m ²	Same
With community water only	--	4,000 m²
Without community water and sewer	8,000 m ²	Same

3. Increase the minimum size requirement for suites to encourage smaller homes and more flexible arrangements between the primary and secondary dwellings, while maintaining an overall minimum size for the secondary suite, such as:

secondary suites must not exceed ~~40%~~**49%** of the habitable floor space of the building that it is located in nor 90 m² of total floor space, whichever is lesser

4. Clarify how a detached suite is calculated when there are other uses in the building, such as:

In an accessory building containing a secondary suite, the total floor area of the accessory building where the suite is located is included in the calculation of secondary suite floor area including any area that is used for the suite, shared spaces, storage rooms, garage, stairwells, and similar spaces.



**Bylaw
500**

REVIEW & UPDATE PROJECT



Impacts and Considerations

- Clarifying the definition to clearly differentiate attached and detached suites and adding the graphics will provide additional direction for staff and applicants for future applications and align the regulations with best practices.
- Adding a 4,000 m² minimum site area requirement for detached secondary suites on parcels with community water only provides additional opportunities for some rural parcels to have detached suites.
- Increasing the percentage of secondary suite floor area in proportion to the principal dwelling unit provides additional flexibility and reduces variance requests.
- No impacts are anticipated for existing or approved secondary suites.

DRAFT



Focus Area: Off-Street Parking

Overview

Bylaw 500's parking standards may need to be updated to add clarity and to integrate best practices. The primary purpose is to add missing uses to the minimum parking standards, clarify how parking minimums are calculated, to confirm stall and aisle sizes, and review requirements for small cars and disability spaces. Bylaw 500 also needs to clarify that parking does not need to meet setbacks in residential zones and could consider standards or incentives for car chargers and / or bicycle parking in some zones.

Background

Stall & Aisle Sizes

The stall size and aisle widths are based on the parking stall angle and can be found in more detail in Table 2 of Schedule 3B in Bylaw 500 (provided in Table 1). These requirements identify stall size and aisle requirements based on the angle of parking proposed. The angles range from 10 degrees to 90 degrees and 10 degree increments. Additional graphics demonstrate how each requirement is calculated.

Comparatively in Kimberley, BC, a standard stall size is required (3 metres by 5.5 metres) and is not based on parking angle. Drive aisles are based on parking angle as well as traffic direction as shown in Table 2. Only the most common parking angles are identified (30 degrees, 45 degrees, 60 degrees, and 90 degrees, and parallel) where all others are not allowed. No additional graphic is provided to better understand how those requirements are measured.

Rocky View County, AB, combines both approaches by identifying different stall and aisle requirements based on the four most common parking angles with a supporting graphic (see Table 3). In this example, all stall widths are the same for all parking angles. Finally, Canal Flats, BC provides requirements for every potential parking angle from 30 degrees to 90 degrees in 5 degree increments, with a supporting graphic (see Table 4).

The graphics are necessary to compare the different regulations as each is slightly different in how the regulations are organized. By specifying the angle, the stalls can be slightly smaller. In Kimberley where there is only one stall size, a larger size is necessary to accommodate all conditions. Canal Flats has the smallest stall size at 2.4 metres by 4.8 metres. The largest is 3 metres by 5.7 metres.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



Table 1: Bylaw 500 Parking Stall and Aisle Requirements (Schedule 3B, Table 2)

Angle Parking

The diagram illustrates an angle parking layout between two parallel curbs. Stalls are shown at an angle, with dimensions labeled: 'A' for stall width, 'B' for stall length, 'C' for aisle width, 'D' for aisle depth, and 'E' for the total width of the parking area. The angle of parking is indicated by an arrow.

Angle	Stall Width (A)	Stall Length (B)	Stall Depth to Curb (C)	Aisle Width (D)	Module (E)
10 degrees	2.5 m	5.2 m	2.5 m	3.7 m	8.7 m
	2.6	5.2	2.6	3.7	8.9
	2.7	5.2	2.7	3.7	9.1
	2.8	5.2	2.8	3.7	9.3
	2.9	5.2	2.9	3.7	9.5
	3.0	5.2	3.0	3.7	9.7
20 degrees	2.5 m	5.2 m	4.3 m	3.4 m	12.1 m
	2.6	5.2	4.4	3.4	12.3
	2.7	5.2	4.5	3.4	12.4
	2.8	5.2	4.6	3.4	12.6
	2.9	5.2	4.7	3.4	12.8
	3.0	5.2	4.8	3.4	13.0
30 degrees	2.5 m	5.2 m	5.1 m	3.4 m	13.5 m
	2.6	5.2	5.2	3.4	13.7
	2.7	5.2	5.2	3.4	13.9
	2.8	5.2	5.3	3.4	14.0
	2.9	5.2	5.4	3.4	14.2
	3.0	5.2	5.5	3.4	14.4
40 degrees	2.5 m	5.2 m	5.6 m	3.9 m	15.2 m
	2.6	5.2	5.7	3.7	15.1
	2.7	5.2	5.8	3.7	15.3
	2.8	5.2	5.9	3.7	15.4
	2.9	5.2	5.9	3.7	15.6
	3.0	5.2	6.0	3.7	15.8
45 degrees	2.5 m	5.2 m	5.9 m	4.3 m	16.0 m
	2.6	5.2	5.9	4.1	16.0
	2.7	5.2	6.0	3.9	15.9
	2.8	5.2	6.1	3.9	16.1
	2.9	5.2	6.2	3.9	16.2
	3.0	5.2	6.2	3.9	16.3
50 degrees	2.5 m	5.2 m	6.1 m	4.3 m	16.4 m
	2.6	5.2	6.1	3.8	16.0
	2.7	5.2	6.2	3.7	16.1
	2.8	5.2	6.2	3.7	16.2
	2.9	5.2	6.3	3.7	16.3
	3.0	5.2	6.4	3.7	16.4
60 degrees	2.5 m	5.2 m	6.3 m	5.8 m	18.3 m
	2.6	5.2	6.3	5.6	18.2
	2.7	5.2	6.4	5.5	18.2
	2.8	5.2	6.4	5.5	18.3
	2.9	5.2	6.5	5.5	18.4
	3.0	5.2	6.5	5.5	18.5
70 degrees	2.5 m	5.2 m	6.3 m	5.8 m	18.3 m
	2.6	5.2	6.3	5.6	18.2
	2.7	5.2	6.4	5.5	18.2
	2.8	5.2	6.4	5.5	18.3
	2.9	5.2	6.4	5.5	18.4
	3.0	5.2	6.5	5.5	18.5
80 degrees	2.5 m	5.2 m	6.1 m	7.6 m	19.9 m
	2.6	5.2	6.2	7.3	19.6
	2.7	5.2	6.2	7.3	19.7
	2.8	5.2	6.2	7.3	19.7
	2.9	5.2	6.2	7.3	19.7
	3.0	5.2	6.2	7.3	19.8
90 degrees	2.5 m	5.2 m	5.8 m	7.9 m	19.5 m
	2.6	5.2	5.8	7.6	19.2
	2.7	5.2	5.8	7.3	18.9
	2.8	5.2	5.8	7.3	18.9
	2.9	5.2	5.8	7.3	18.9
	3.0	5.2	5.8	7.3	18.9

Parallel Parking

The diagram illustrates a parallel parking layout along a curb. Stalls are shown parallel to the curb, with dimensions labeled: '7.0 Metres' for the stall length and '2.5 Metres' for the stall width. The curb is indicated by an arrow.



Table 2: Kimberley, BC Parking Aisle Requirements

A = Parking Angle in Degrees

W = Minimum Manoeuvring Aisle Width

L = Minimum Projected Length of a Space

M = Minimum Width of a module, which applies only to double loaded aisle design

(A) Parking Angle in Degrees	(W) Minimum Manoeuvring Aisle Width In Metres	(L) Minimum Projected Length In Metres	(M) Minimum Module Width In Metres
90°, one or two way traffic	7.3	5.8	18.9
60°, one way traffic	5.5	6.4	18.2
45°, one way traffic	3.9	6.0	15.9
30°, one way traffic	3.4	5.4	13.8
Parallel, one way traffic	3.7	-	-
Parallel, two way traffic	7.4	-	-

Table 3: Rocky View County, AB Parking Aisle Requirements

A	B	C	D	E
ANGLE OF STALL PERPENDICULAR TO AISLE	STALL WIDTH	STALL DEPTH PERPENDICULAR TO AISLE	AISLE WIDTH	OVERALL DEPTH
30°	2.6 m (8.53 ft.)	5.0 m (16.40 ft.)	3.6 m (11.81 ft.)	13.6 m (44.62 ft.)
45°	2.6 m (8.53 ft.)	6.5 m (21.33 ft.)	3.6 m (11.81 ft.)	16.6 m (54.46 ft.)
60°	2.6 m (8.53 ft.)	6.5 m (21.33 ft.)	5.5 m (18.04 ft.)	18.5 m (60.70 ft.)
90°	2.6 m (8.53 ft.)	6.0 m (19.69 ft.)	7.0 m (22.97 ft.)	19.0 m (62.34 ft.)

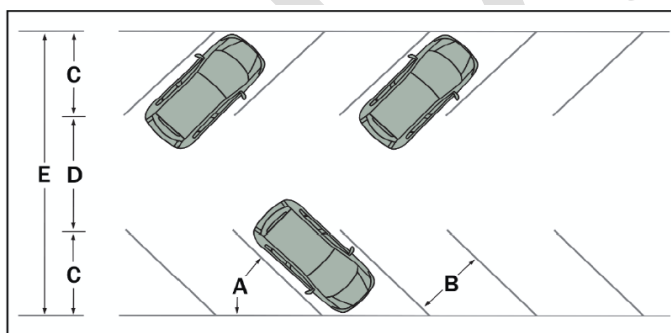
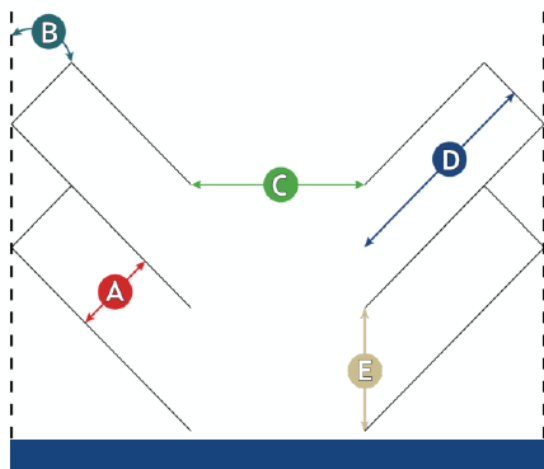




Table 4: Canal Flats, BC Parking Stall and Aisle Requirements

<div style="display: flex; justify-content: space-around; font-size: 2em; font-weight: bold;"> A B C D E </div>				
Width of Stall (metres)	Angle of Parking (degrees)	Width of Aisle (metres)	Depth of Stall (metres)	Width of Stall Parallel to Aisle (metres)
2.4 (7.9 ft.)	30	3.2 (10.5 ft.)	4.8 (15.7 ft.)	4.9 (16.1 ft.)
2.4 (7.9 ft.)	45	3.5 (11.5 ft.)	5.6 (18.4 ft.)	3.4 (11.2 ft.)
2.4 (7.9 ft.)	60	5.9 (19.4 ft.)	5.9 (19.4 ft.)	2.8 (9.2 ft.)
2.4 (7.9 ft.)	90	7.8 (25.6 ft.)	5.7 (18.7 ft.)	3.0 (9.8 ft.)
2.5 (8.2 ft.)	30	3.1 (10.2 ft.)	5.0 (16.4 ft.)	5.2 (17.1 ft.)
2.5 (8.2 ft.)	45	3.2 (10.5 ft.)	5.6 (18.4 ft.)	3.6 (11.8 ft.)
2.5 (8.2 ft.)	60	5.7 (18.7 ft.)	6.0 (19.7 ft.)	3.0 (9.8 ft.)
2.5 (8.2 ft.)	90	7.5 (24.6 ft.)	5.7 (18.7 ft.)	2.5 (8.2 ft.)
2.7 (8.9 ft.)	30	3.0 (9.8 ft.)	5.2 (17.1 ft.)	5.5 (18.0 ft.)
2.7 (8.9 ft.)	45	3.0 (9.8 ft.)	5.8 (19.0 ft.)	3.9 (12.8 ft.)
2.7 (8.9 ft.)	60	5.5 (18.0 ft.)	6.0 (19.7 ft.)	3.1 (10.2 ft.)
2.7 (8.9 ft.)	90	7.2 (23.6)	5.7 (18.7 ft.)	2.7 (8.9 ft.)
2.8 (9.2 ft.)	30	2.9 (9.5 ft.)	5.2 (17.1 ft.)	5.7 (18.7 ft.)
2.8 (9.2 ft.)	45	3.1 (10.2 ft.)	5.9 (19.4 ft.)	4.0 (13.1 ft.)
2.8 (9.2 ft.)	60	5.3 (17.4 ft.)	6.0 (19.7 ft.)	3.2 (10.5 ft.)
2.8 (9.2 ft.)	90	6.9 (22.6 ft.)	5.7 (18.7 ft.)	2.8 (9.2 ft.)
3.0 (9.8 ft.)	30	2.9 (9.5 ft.)	5.3 (17.4 ft.)	6.0 (19.7 ft.)
3.0 (9.8 ft.)	45	2.9 (9.5 ft.)	6.0 (19.7 ft.)	4.3 (14.1 ft.)
3.0 (9.8 ft.)	60	5.0 (16.4 ft.)	6.0 (19.7 ft.)	3.4 (11.2 ft.)
3.0 (9.8 ft.)	90	6.6 (21.7 ft.)	5.7 (18.7 ft.)	3.0 (9.8 ft.)
3.0 (9.8 ft.)	PARALLEL	---	7.3 (24 ft.)	---





**Bylaw
500**

REVIEW & UPDATE PROJECT



Small Car Stall & Disability Stall Requirements

Many zoning bylaws include provisions for disability stalls, but not all address small cars. Best practice has recommended that disability stalls be updated to be called 'accessible' or 'barrier-free' stalls. Bylaw 500 already addresses both. For small cars, Bylaw 500 allows for a portion of stalls to be reduced in size in large parking parcels of over 100 stalls to a maximum of 20% of the total stalls. The size of the stall can be reduced to 4.6 metres in length and must be marked for small cars. This is consistent with other zoning bylaw requirements.

Furthermore, Bylaw 500 also requires a disability parking stall to be provided for every 20 parking stalls with one additional disability stall per 50 parking stalls for larger parking parcels. All disability stalls are larger in size and must be clearly marked. It is generally recommended that stall widths for accessible or barrier-free stalls be a minimum of four metres, which is already established in Bylaw 500. The number of required accessible or barrier-free stalls varies, but is generally based on the overall size of the parking parcel. Of the zoning bylaws compared in Table 5, Bylaw 500 requires the highest amount, which may be appropriate for the RDN's population and rural character.



Table 5: Comparison of Small Car and Disabled Stall Requirements

	Bylaw 500	Rocky View County, AB	Kimberley , BC	Canal Flats, BC	South Cowichan, BC	Comox Valley Regional District, BC
Small car stall	For parking parcels of over 100 stalls, up to 20% may be reduced to 4.6 metres long	Up to 20% may be shortened to 4.6 metres long	N/A	N/A	For parking areas containing more than 100 parking spaces, up to 20 % may be reduced to 4.6 metres in length provided that each parking space is identified by the words “small car only” on the pavement in the space itself or on a wall facing it	N/A
Disability stall size	Minimum 4 metres wide	As per Building Code	4 metres by 5.5 metres	N/A	A minimum of 3.7 metres in width and 5.8 metres in length	N/A
Disability requirem ents	1 for every 20 stalls plus 1 more per 50 stalls for larger parking parcels	As per Building Code	At least 1 disabled stall for parking parcels with 10 – 51 stalls	By number of total stalls: 1–20: 1 accessible space 21–40: 2 accessible spaces 41–60: 3 accessible spaces	For any use required to be accessible to persons with a disability by the BC Building Code, a minimum of one parking space for a person with a disability shall be provided.	For Congregate Care land use category only, 1 space per 6 dwelling units, of which 1 must be designed and designated as a handicap accessible space



	Bylaw 500	Rocky View County, AB	Kimberley , BC	Canal Flats, BC	South Cowichan, BC	Comox Valley Regional District, BC
				>60: 1 per 25 spaces	Where 25 or more parking spaces are required by this Bylaw, the greater of one parking space or the number of parking spaces equal to 1 percent of all spaces required shall be accessible to persons with a disability.	

Bicycle Parking

Bylaw 500 does not currently include regulations for charging stations or bicycle parking. Both are considered best practices that could be considered in an update. Zoning bylaws have a variety of ways of requiring bicycle parking. In the Comox Valley Regional District, the requirement is based on the number of vehicle parking stalls. Where 10 or more vehicle parking stalls are provided, bicycle parking is also required at a ratio of one bicycle space for every 10 vehicle stalls.

In Kimberley, BC, bicycle parking is required for all residential zones with three or more dwelling units and commercial zoned parcels. A minimum of two bicycle spaces are required per unit with a minimum size of 0.6 metres by 1.8 metres.

In Okotoks, AB, the draft zoning bylaw includes a form-based approach. For all residential buildings with over four dwelling units and all commercial, a minimum of six bicycle stalls are required for buildings less than 4,600 m² and six stalls per public entrance for buildings over 4,600 m². For institutional and industrial buildings, the same number of bicycle stalls are required for buildings less than, equal to or greater than 9,000 m².

All zoning bylaws require bicycle parking to be in a convenient, well-lit location that is easily accessible to, but does not impede, pedestrian circulation and / or building entrances. Additional standards can include requirements stairs or curbs to include bicycle infrastructure such as ramps or similar structure.



Car Charging Stations

Car charging stations are starting to become more common throughout BC. Plug In BC (<https://pluginbc.ca/policy/>) provides a clear overview of the Federal, Provincial, and Municipal requirements and opportunities related to charging or electric vehicles (EV). In BC, Ministerial Order M104 allows buildings or landowners to provide EV charging stations for compensation. The flexibility is further enabled at the local government level as requirements for EV chargers are 'out of scope' of the Provincial Building Act.

There are four types of EV charging stations that could differentiate the types of regulations in a zoning bylaw:

- Level 1 charging stations use a standard house plug (found in many garages already) and provides the slowest charging. Typically used for overnight charging at home or all day charging at work.
- Level 2 charging Stations use a dedicated 240V circuit, like the one used for a clothes dryer. In addition to being installed at home and at work, Level 2 charging stations are commonly found in public locations where people spend a couple of hours, such as a community centre.
- Level 3 charging stations are usually located along major transportation corridors. They provide a much stronger charge at a faster rate, providing about 80% charge in half an hour. Not all electric vehicles can plug into a Level 3 charger.
- Tesla Superchargers are fast charging stations only compatible with Tesla vehicles.

A variety of municipalities are adding requirements for EV charging stations including:

1. City of Burnaby: All new residential developments must include a Level 2 charging station or higher with the exception of visitor and secondary suite parking.
2. City of Nelson: All new residential development must have one stall be EV ready; all new commercial with at least 10 or more stalls are required to be EV ready.
3. District of Squamish: For new multi-unit residential, 30% of all stalls in shared parking areas must have EV receptacles.
4. City of Surrey: All new residential parking stalls are required to each have an installed outlet capable of providing Level 2 charging; 50% of visitor stalls and 20% of commercial stalls must have the same

Some consistent themes include specifying whether the full charging station is required, whether the outlet is required, or whether it is capable of installing either one. Where a level is identified, Level 2 is the most common minimum standard.

Parking Minimums

The current minimum parking standards in Bylaw 500 are provided in Appendix A which also includes a comparative analysis to other regional districts in British Columbia. Many of the uses have similar parking requirements, with the RDN having either more or less requirements or where Bylaw 500 is more specific (i.e. multi-unit dwellings and shopping centres) or less specific (i.e. industrial uses).



Appendix A also demonstrates how parking minimums are calculated. While it is intended that each parking minimum relates directly to the use, such as by dwelling unit for residential, by gross floor area, or by employee, there is a significant variation between them. In practice, many methods of calculation may be difficult to apply as they are unknown at the time of an application or may change over time making them irrelevant. To simplify the calculation, add consistency, and provide greater certainty to apply the calculation over time, best practice is to use gross floor area wherever possible, which could be a possibility for several of the uses identified in Bylaw 500.

Furthermore, the listed uses for parking minimums do not align with the permitted uses throughout the various zones in Bylaw 500. This can cause additional confusion for users. Two easily identifiable uses currently identified in Bylaw 500 include secondary suites and cannabis production or retail, both of which are newer regulations for most municipalities.

Initial Engagement

Staff and stakeholders were asked several questions about parking updates to Bylaw 500 including:

1. What uses are missing from parking minimums?
2. Should the approach for parking minimums be clarified to relate primarily to gross floor area?
3. Do the stall size and driving aisle size requirements need to be updated?
4. Do the requirements for small cars need to be updated?
5. Do the requirements for accessible stalls need to be updated?
6. Do you agree that bicycle parking standards should be added to Bylaw 500?
7. Do you agree that car charging station standards should be added to Bylaw 500?

Current parking requirement challenges that staff mentioned include:

- confusion on the number of spaces required for each use;
- outdated dimensions;
- unclear measurements and definitions;
- the inclusion of parking in setbacks;
- residential parking changes with increased housing typologies;
- food truck specifications; and,
- water resource protection area infringements.

Suggested improvements for parking included:

Staff ideas:

- residential exemptions for parking setback requirements;
- updated measurement standards;
- parking requirements being associated with FAR rather than use;



- rainwater management included in standards; and,
- addressing issues with turning radius for emergency vehicles at the onset.

Stakeholders:

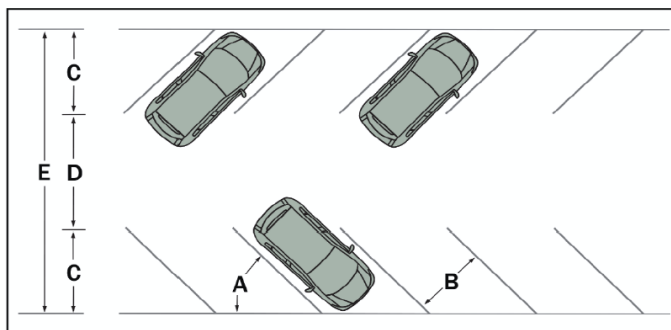
- Do the stall size and driving aisle size requirements need to be updated?
- Stakeholders agreed on the following options for Bylaw 500:
 - That parking should be exempt from setback requirements for small residential parcels.
 - Updating parking size requirements, and instructed for them to be easier to understand and implement.
 - That more small car spaces are needed.
 - That the disability stall calculation should be revisited.
 - Bicycle parking standards should be added, but not be mandatory because of their potential to conflict with other uses and existing prevalence.
 - Car charging stations were generally encouraged, particularly for new building construction.

Options for Bylaw 500

Stall & Aisle Sizes

1. Refine parking stall and aisle requirements table and update graphics to add clarity for interpretation, to align with best practices and focus on angle sizes that are used by industry. Any other angle other than those identified are to be designed by an engineer.

<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
Angle of Stall Perpendicular to Aisle	Stall Width	Stall Depth Perpendicular to Aisle	Aisle Width	Overall Depth
30 degrees	2.6 m	5.0 m	3.6 m	13.6 m
45 degrees	2.6 m	6.5 m	3.6 m	16.6 m
60 degrees	2.6 m	6.5 m	5.5 m	18.5 m
90 degrees	2.6 m	6.0 m	7.0 m	19.0 m



Where a design is proposed that is different from the above requirements it will be designed and approved by a professional engineer, to the satisfaction of the Regional District of Nanaimo.

Small Car Stall & Disability Stall Requirements

2. Adjust the small car stalls, disability stall size and disability requirements to provide additional flexibility and align with best practices, such as:

- Allowing for small car stalls in 20% of the parking stalls
- Clarifying the size of disability stalls by adding maximum length
- Clarifying the overall disability stall numbers by overall size of parking parcel
- Modernizing the language used to refer to accessible stalls.

	Current	Proposed
Small car stall	For parking parcels of over 100 stalls, up to 20% may be reduced to 4.6 metres long	Up to 20% may be shortened to 4.6 metres long
Disability stall size	Minimum 4 metres wide	4 metres by 5.5 metres
Disability requirements	1 for every 20 stalls plus 1 more per 50 stalls for larger parking parcels	By number of total stalls: 1–20: 1 accessible space 21–40: 2 accessible spaces 41–60: 3 accessible spaces >60: 1 per 25 spaces

Bicycle Parking

3. Add requirements for bicycle parking in multi-residential developments and commercial zones, such as:

- All commercial developments requiring at least 5 parking spaces shall have a bicycle rack capable of accommodating at least 4 bicycles.



- Multi-unit residential developments shall have a bicycle rack located in the common area that is capable of accommodating the same number of bicycles as dwelling units.
- Residential parcels with less than 4 dwelling units are encouraged to provide bicycle parking.
- Where provided, bicycle parking is to be located in a convenient, well-lit location that is easily accessible to, but does not impede, pedestrian circulation and / or building entrances.
- *Ramps or similar structures should be provided with stairs for easier and safer bicycle movement.*

Car Charging Stations

4. Add requirements for car charging stations to new multi-unit residential developments including 4 or more dwelling units to align with municipal best practices from several municipalities across B.C., such as:

All new multi-unit residential development with 4 or more dwelling units shall include Level 2 or higher charging stations based on the following:

Number of Dwelling Units	Number of Charging Stations
4 – 9	<i>Minimum of 1</i>
10 – 29	<i>Minimum of 2</i>
30+	<i>Minimum of 3</i>

Parking Minimums

5. Add parking minimums for home based businesses that are also being added to Bylaw 500 (see Discussion Paper on home based businesses) and include these requirements in Schedule 3B, such as:

home based business Use	Minimum Number of Off-Street Parking Stalls
<i>Bed and breakfast</i>	<i>1 additional stall per bedroom</i>
<i>Personal service use</i>	<i>1 additional visitor stall</i>
<i>Licensed child care facility</i>	<i>3 additional visitor or drop-off stalls</i>
<i>Medical services</i>	<i>1 additional visitor stall</i>
<i>Dog grooming</i>	<i>1 additional visitor or drop-off stall</i>
<i>Personal recreation services</i>	<i>1 additional visitor stall for the maximum number of students at one time</i>
<i>Any use that includes in-person sales</i>	<i>2 additional visitor stalls</i>



6. Add minimum parking standards to Schedule 3B for the following additional listed uses, such as:

- Add Archery Range and Bowling Alley
- Add Resort Condominium Development and add parking requirements to be 2 stalls per dwelling unit
- Ensure that all permitted uses have an associated parking requirement where deemed necessary

7. Clarify how minimum setback requirements apply to parking

- Clarify that parking in residential zones is exempt from minimum setback requirements
- Clarify that all other parking, whether required or offered in addition to the minimum requirements must meet the applicable minimum setback requirements

Impacts and Considerations

- **Stall and Aisle Sizes:** Adjusting stall and aisle sizes aligns with industry practices and adds clarity for those design parameters that are most often used.
- **Small Car Stall and Disability Stalls:** Changes proposed for small car stalls and disability stalls also align with best practices and add further clarity for applicants.
- **Bicycle Parking and Car Charging Stations:** Adding bicycle and car charging station requirements similarly align with best practices related to alternative transportation planning and environmental sustainability. These additional requirements will add costs for multi-unit residential developments for both bicycle parking and car charging stations as well as commercial developments for bicycle parking only.
- **Parking Minimums:** Parking minimums for home based businesses are already required in Bylaw 500 within the General Regulations for home based businesses. Including parking requirements in Schedule 3B will keep all parking provisions within one place in the Bylaw making it easier to find. Additional clarity for parking requirements for those types of home based businesses that require additional parking will minimize on-street parking impacts while also allowing certain types of home based businesses on parcels that are large enough to handle the additional parking generated by the business.
- These regulations would apply to new developments, but would not affect existing developments.
- **Setback Clarification** would clarify how minimum setback requirements apply to parking and will reduce confusion and provide for increased consistency.



Appendix A: Parking Minimums Comparison

	RDN	North Okanagan	Comox Valley Regional District
Residential			
Mobile Home Parks	(see Schedule '3D' of this Bylaw)		
Multi-unit dwellings	1 per 4 units (visitor) plus	1.3 per dwelling unit	2 spaces per each dwelling unit, where a parcel contains less than 3 dwelling units. Where a building or parcel contains 3 or more dwelling units, 1.5 spaces per dwelling unit is required.
- bachelor	1 per dwelling unit	2 per dwelling unit	
- 1 bedroom	1.25 per dwelling unit		
- 2 bedrooms	1.50 per dwelling unit		
- 3 or more bedrooms	2 per dwelling unit		
Single dwelling unit and duplex	2 per dwelling unit	2 per dwelling unit	
Home based business, excluding bed and breakfast	2 plus 1 per non-resident employee		1 space per non-resident employee
Bed and breakfast	1 per bedroom used for bed and breakfast		In addition to the parking requirement for the principal residential use, one space per bedroom used for guest accommodation
Secondary Suite			1 space per suite
Commercial			
Agri-tourism Accommodation Cabin	one per cabin	1 per sleeping unit	
Animal Care	1 per 20.0 m ² of floor area	1 per 2 employees and 3 per veterinarian	1 space per 35 m ² of gross floor area
Automotive Repair	1 per 70.0 m ² gross floor area plus 1 per service bay	1 per 70 m ² (753.5 square feet) sales floor and 1 per service bay and 1 per 2 employees	



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	RDN	North Okanagan	Comox Valley Regional District
Bowling Alley	3 per lane	3 per alley	1 space per 30 m ² of gross floor area or one space for every 4 potential players or participants (at capacity), whatever is greater
Campground	(see Schedule '3C' of this Bylaw)	1 per space plus 2	
Cannabis Production		1 per employee per shift	
Car Wash		1 per 2 employees plus 4 off-street storage spaces	
Fairground	1 per 2 employees plus 1 per 100 m ² of site area		
Fast Food Outlet	1 per 10.0 m ² of floor area		
Farm Retail Sales	one per 5 m ² of floor area plus one per two Employees	1 per 2 employees	
Financial Institution	1 per 20.0 m ² of floor area	1 per 20 m ² (215.3 square feet) gross floor area	1 space per 15 m ² of gross floor area
Funeral Parlour	1 per 4 seats in Chapel	1 per 4 seats in chapel	1 space per 4 seats
Gasoline Service Station	4 per service bay plus 1 per 15.0 m ² of floor area	1 per 2 employees on duty and 2 per service bay	
Gathering for Events	1 spot per 4 guests must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity and must be setback 15.0 m from all parcel lines.		
Golf Course (9 holes)	75 spaces per 9 holes	75 stalls per nine (9) holes for regulation golf courses and 36 stalls per nine (9) holes for "Pitch and Putt" or "Executive" golf courses	150 spaces



	RDN	North Okanagan	Comox Valley Regional District
Golf Driving Range	2 per tee	1 per tee plus 1 per 2 employees	1 space per tee plus 5 spaces
Health Club, Spa, Games Court, Gymnasium	1 per 10.0 m ² of fitness or gymnasium floor area	1 per 10 m ² (107.6 square feet) gross floor area	
Heavy Equipment Display	1 per 70.0 m ² of floor area		
Hotel or Resort Condominium	1 per unit, plus 1 per 3 seats in restaurant or licensed premises, plus 1 per 4 units (visitor)	0.8 per room	1 space per unit or campground space plus 3 spaces
Laundromat	1 per 3 washing machines	1 per 3 washing machines	1 parking space per 3 washing machines
Laundry and Dry Cleaning Establishment	1 per 2 employees counted as a total of 2 shifts	1 per 2 employees counted as total of 2 shifts	
Marina	1 per 2 mooring berths plus 1 per 2 employees	1 per 2 boat spaces and 1 per 2 employees	1 space per 2 boat stalls plus three spaces
Neighbourhood Pub	1 per 3 seats	1 per 3 seats	1 space per 3 seats (at full capacity), plus 3 spaces
Nursery	1 per 15.0 m ² of sales building	1 per 15 m ² (161.5 square feet) gross floor area retail sales building	1 space per 15 m ² of gross floor area of retail sales building plus 1 space per 465 m ² of outdoor display
Office - medical	1 per 15.0 m ² of floor area	2.8 per 100 m ² (1076 square feet) gross floor area	1 space per 35 m ² of gross floor area
- single tenant	1 per 32.0 m ² of floor area		
- multi tenant	1 per 30.0 m ² of floor area		
Personal Service	1 per 50.0 m ² of floor area		1 space per 12 m ² of gross floor area
Produce Market or Stand	1 per 5.0 m ² of floor area plus 1 per 2 employees		
Restaurant	1 per 10.0 m ² of floor area	12.7 per 100 m ² (1076 square feet) gross floor area	1 space per 3 seats (at full capacity), plus 3 spaces



	RDN	North Okanagan	Comox Valley Regional District
Retail, Tourist or Convenience Store	1 per 15.0 m ² of floor area		1 space per 35 m ² of gross floor area
Shopping Centre- to 5000 m ² g.l.a.	6.5 per 100 m ² g.l.a.		5.5 spaces per 100 m ² of gross floor area
- to 15 000 m ² g.l.a.	5.5 per 100 m ² g.l.a.		
- above 15 000 m ² g.l.a.	1.5 per 100 m ² g.l.a.		
Ski Resort	0.5 per person hourly capacity of ski lift	1 per 2 sleeping rooms including living rooms	
Theatre, Drive-in	1 per 2 employees	1 per 2 employees	
Industrial			
Medium Industry	1 per 50.0 m ² of floor area		1 space per 100 m ² of gross floor area
Taxi Stand	1 per taxi plus 1 per office employee	1 per taxi plus 1 per office employee	
Transportation Terminal (excluding Taxi Stand)	1 per 10.0 m ² of waiting room		3 spaces minimum plus 1 space per 50m ² of gross floor area
All other Industrial Uses	1 per 175.0 m ² of floor area used for storage	1 per 2 employees counted as total of 2 shifts	
	1 per 95.0 m ² of floor area used for display		
	1 per 15.0 m ² of floor area used for sales		1 space per 15 m ² of gross floor area plus 2 spaces per service bay
Public and Institutional Uses			



	RDN	North Okanagan	Comox Valley Regional District
Beach, Swimming	1 per 9.0 m ² developed beach above high water mark	1 per 8 m ² (86.11 square feet) developed beach above high-water mar	
Cabin	2 per cabin		
Church	1 per 4 seats	0.49 per attendee	1 space per 4 seats
Church Hall, Lodge Hall, Private Clubs, Community Hall	1 per 20.0 m ² of floor area	1 per 7 m ² (75.35 square feet) gross floor area	1 space per 35 m ² of gross floor area
College	10 per classroom	1 per employee and 1 per 5 students	2 spaces per classroom plus 1 space per 10 non-boarding students
Day Care Facility	2 per facility plus 1 per employee		3 spaces plus 1 space per 50 m ² of gross floor area
Hospital	1 per 2 employees plus 1 per 5 beds	1.8 per bed	1 space per 2 employees plus one space for every 5 beds
Personal Care	1 per 3 beds	1 per 3 beds	1 space per 100 m ² of gross floor area
Police Office, Fire Station, Prison	1 per 2 employees counted as a total of 2 shifts	1 per 2 employees counted as total of 2 shifts	1 space per 15 m ² of gross floor area
Recreational or Cultural Facility	1 per 50.0 m ² of floor area or 1 per 3 spectator seats or 1 per 5.0 m ² of floor area used for dancing or assembly or 1 per 4 persons capacity, whichever is the greater	1 per 10 m ² (107.6 square feet) ice area and 1 per 4 m ² (43.06 square feet) pool surface and 1 per 4 player capacity other sports	1 space per 10 m ² of gross floor area or 1 space per 3 seats, whichever is greater
Swimming Pool	1 per 5.0 m ² of pool water surface	1 per 4 m ² (43.06 square feet) pool water surface	
Public Utility	1 per employee		
School - Elementary	2 per classroom	1 per employee	2.5 spaces per classroom
- Secondary	5 per classroom	1 per employee plus 1 per 10 students	



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	RDN	North Okanagan	Comox Valley Regional District
Tourist Information Booth	4 per employee	1 per 4 persons capacity, of which ten percent (10%) of the total required parking shall be designed for recreation vehicle parking in accordance with the provisions of Section 1001.6. of this bylaw	



Focus Area: Horne Lake Comprehensive Development Zone 9

Overview

Bylaw 500's current regulations for Horne Lake's Comprehensive Development Zone 9 (CD9) need to be updated to better administer and enforce zoning regulations while addressing current challenges for property owners. An update will help simplify the zone and regulations, while maintaining the seasonal residential nature of the area.

Background

The CD9 zone was established to allow the development of the Horne Lake Recreational Community. It was established before the RDN had building inspection services in the area. The zone includes a number of detailed regulations that were included in response to environmental concerns that were intended to regulate built form, maintain a rural feel, and were a result of not having community water, pump and haul sewage disposal, limited access, no power, and no building inspection services. Overall, the CD9 Zone has a variety of regulations for the development that were originally required for the area and acts like its own mini zoning bylaw with all regulations within the Zone. As a result, CD9 Zone is overly complex, is difficult for property owners to understand, and challenging for the RDN to interpret and enforce.

Furthermore, the current regulations are extensive and often unnecessary as other tools and regulations (e.g., flood plain bylaw and universal building code requirements) now address many of the initial goals for the Zone. As a result, the Zone needs to be comprehensively updated to integrate it with other regulatory requirements to enable better and more consistent interpretation as well as to update the standards while still respecting the historic and seasonal recreation nature of the area.

Throughout the regulations, CD9 is intended to support seasonal recreational properties to ensure small scale development which limits building size, height, and accessory building floor area. The Zone could be updated to coordinate and be consistent with today's standards and a variety of regulatory tools.

In the most simplistic terms, the CD9 zone allows a recreational residence with a maximum floor area of 105 square metres divided between two floors and up to 40 square metres of porches and decks. The zone specifies a maximum height requirement which factors in the use of raised foundations, cabin height, and overall height which is very complicated to measure and has resulted in significant challenges in interpretation

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



and design. The zone also includes zone-specific minimum setback requirements, floodplain requirements, and a significant number of additional regulations that make its use very onerous for property owners and staff.

In addition to the issue of complexity, the CD9 zone also lacks clarity with respect to what can occur below the flood construction level. This has led to inconsistent interpretation and cabins being constructed that have included enclosed areas below the flood construction level.

One example of the complexity of the CD9 zone is the difference in calculating building height in CD9 compared to other zones in Bylaw 500:

Horne Lake Calculation Method	Bylaw 500 Calculation Method
<p>The maximum height is based on the following:</p> <ul style="list-style-type: none">i. 6.1 m for cabin;ii. 8.0 metres where the difference in height arises from the construction of raised foundations which do not enclose habitable or occupiable storage space;iii. A raised foundation can not be taller than 1.9 metres; and,iv. The height of a raised foundation is measured as the average natural grade of the footprint of the cabin. <p>Further, construction is also impacted by a flood construction level of 121.7 metres Geodetic</p>	<p>Height is measured from natural grade and in areas subject to floodplain bylaw requirements, height is measured from the flood construction level.</p>

**There is currently an overlap between the CD9 Zone and the Floodplain Bylaw in regards to setbacks and Flood Construction Level. Any changes to building height calculation in the CD9 Zone would need to consider the existing spillway elevations.*

A similar recreational area is located in Amour Township in Ontario (Zoning Bylaw can be found at https://webcache.googleusercontent.com/search?q=cache:YoZkaWW65FcJ:https://www.armourtownship.ca/documents/planning/Zoning%25202017/23_2010_consolidate_Oct23_2017.pdf+&cd=2&hl=en&ct=clnk&gl=ca). Amour Township is part of the cottage country section in Ontario, focusing their regulations on seasonal residences where the intent for the zone is:

One cottage on one parcel used on a seasonal basis without any year-round municipality owned road access plus uses, buildings and structures accessory thereto, including one guest sleeping cabin on the same parcel.



Cottage, or recreational residences for the RDN, relate directly to the seasonal and recreational aspects of development, as well as servicing requirements and access that is unique. Note: that the same requirements for Flood Construction Level (FCL) from the RDN's Floodplain Bylaw applies to this zone.

Initial Engagement

The following questions were asked of stakeholders:

1. Do you agree that this zone should replace existing complicated requirements with standard height, floor area, setbacks, parcel coverage requirements?
2. Please share any other considerations or suggestions you have to simplify this zone in Bylaw 500.

Stakeholders agree that this area should have the same methods for interpreting calculations as other areas, and clarity on new zone components, particularly for bylaw users. Other considerations for Horne Lake listed by stakeholders were primarily regarding ensuring the unique character and development structure of the area stays intact, both for form and design considerations.

Options for Bylaw 500

1. **Replace and update the CD9 Zone with a new zone that is modelled after other zones in Bylaw 500. In summary the new CD-9 Zone would generally include the following:**

Permitted Uses

- a. *Recreational Residence*
- b. *Recreational Vehicle Storage Area*

Maximum Number and Size of Buildings and Structures

- a. *Specify a maximum cabin floor area of 105 square metres*
- b. *Allow a maximum combined area for decks and porches of 40 square metres*
- c. *Accessory buildings: combined floor area of 30 m²*
- d. *Accessory building height: 6.0 m*
- e. *Recreational Residence per parcel: 1*
- f. *Number of recreational residences per bare land strata parcel: 1*
- g. *Recreational Residence height: 6.1 m*



Summary of Proposed Changes

- The CD9 zone is proposed to be significantly simplified while maintaining the overall intent of the zone for recreational use. The new zone would continue to regulate cabin floor area to a maximum of 105 square metres which is equivalent to the current combined maximum cabin floor area. Property owners would have the freedom to choose to put all of the floor area on a single storey or divide it between two storeys.
- Height is proposed to be measured consistently with how it is measured in other zones. Cabins will be permitted to be up to 6.1 metres in height as measured from natural grade or FCL as applicable. Only a crawl space or unenclosed construction will be permitted below FCL.
- Additional clarification on what portions of a cabin can occur below the FCL will be included to ensure consistency.
- There are also a number of other regulations in the zone that would no longer be required as a result of moving to a simpler approach.
- Setbacks would remain the same, however, the setback from common property road would be clarified to reflect current practice of applying a 5.0 metre setback.

2. Add a definition for Crawl Space, such as the following adapted from the City of Burnaby:

***Crawl Space** means the space at or below natural grade between the underside of the joists of the floor next above and the floor slab on the ground surface below, having a vertical clear height less than 1.5 m.).*

Impacts and Considerations

- The identified options for consideration bring the CD9 Zone into alignment with the rest of Bylaw 500 and treats this zone similar to any other while still maintaining the necessary regulations of the CD9 Zone into the future.
- Cabin size and massing is proposed to be limited through maximum floor area and height in keeping with the spirit of the CD9 zone.
- Allowing all of the cabin floor area to be located on one storey provides opportunities to accommodate persons with mobility challenges and is in keeping with recent variance requests.
- The updates clarify requirements for applicants by removing any unnecessary regulations that make it very difficult to administer and interpret.
- Combining the maximum accessory building floor area and allowing a slight 2 square metre increase provides flexibility and is intended to allow for boat and other recreational storage.



Focus Area: Household Poultry

Overview

In 1991, Bylaw 500 was amended to include regulations for the keeping of animals on private property. An update to Bylaw 500 in 2016 enabled households to raise poultry (hens and ducks) for private use on all parcels throughout the region. A comprehensive review of Bylaw 500 is currently underway, providing another opportunity for the RDN to ensure these regulations are aligned with best practices, reflect humane standards recognized across BC and Canada, and to make recalibrations where required. This review and update will consider whether additional regulations are needed.

Background

Enthusiasm for urban farming and raising egg-laying fowl has grown throughout North America in the past few years, as increased attention is paid to issues of sustainability, food security, and consumption of locally grown food. It is a common practice across Canada, for municipalities to regulate urban farm animals, particularly land and waterfowl (chicken, quail and pheasant, and duck, geese or swan, respectively), using various tools or a combination of tools including zoning bylaws, animal control bylaws, and municipal poultry registries. Registries are used as a platform to provide educational resources to urban farmers on best practices for health and safety, humane standards for keeping and raising animals, and to indicate to health officials the locations of backyard hens should a health emergency arise.

As this trend continues to grow, municipalities are sharing their research, best practices, and experiences to enable urban farming elsewhere. There are different approaches to consider for regulating poultry in urban and rural contexts. This is a challenge for regional municipalities that need to consider balancing regulations that both enable household poultry and off-site impacts. Establishing thresholds based on parcel size is a common practice among municipalities to distinguish between urban and rural contexts and the suitability for raising poultry in each. Where this method is used, thresholds are then established based on parcel size to determine whether raising poultry is permitted or not, and the number of poultry permitted per parcel.

The RDN currently utilizes a similar approach in Bylaw 500, stating that where agriculture or farm use is prohibited, the keeping of animals shall be deemed to be an accessory use and shall be limited to:

- i. parcels less than 1,000 m² in size, the keeping of animals is restricted to pets and household poultry;

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



- ii. parcels 1,000 m² or greater in size, the keeping of animals is restricted to household animals and pets;
- iii. parcels 1 hectare or greater in size, the keeping of pets, household animals, and household livestock is permitted.

Parcels less than 1,000 m² are subject to additional regulations to mitigate impacts to adjacent parcels, including:

- i. must be accessory to the residential use of the parcel;
- ii. a maximum of five hens or ducks are permitted per parcel;
- iii. no roosters, cockerels, or peacocks, and the like may be kept on the parcel;
- iv. a minimum enclosure of 0.3m² (4 ft²) per hen or duck must be provided; and,
- v. any building or structure containing household poultry, whether portable or stationary, must:
 - a. meet the minimum setback requirements of the applicable zone and in no case shall be sited within two metres of any parcel line;
 - b. not be located within the front yard or exterior side yard;
 - c. have a maximum floor area of 10 m² and a maximum height of three metres.

A jurisdictional scan of urban and rural municipalities in BC indicates that parcel size thresholds for raising poultry vary (see Table 1: Household Poultry Regulation Comparison). The Comox Valley Regional District established a minimum parcel size of 0.2 hectares (2,000 m²), The City of Surrey and District of North Vancouver have minimum parcel sizes of 0.0669 hectares (669 m²) and 0.0557 hectares (557 m²), respectively. No requirement for a minimum parcel size is a common practice in the Alberni-Clayoquot Regional District, the District of Port Hardy, and the City of Vancouver.

Additional site-specific provisions can be implemented to regulate the impact raising poultry may have on adjacent parcels within the RDN. Noise, odour, and visual impacts are mitigated through standards such as establishing minimum setbacks, maximum floor area and height for enclosures, and restricting the number of hens per parcel.

In 2010, the City of Vancouver enabled hen keeping in residential zones, including multi-family zones. Since then, the City has shared their research, findings, and experiences regulating urban hen keeping, which has helped shape regulations for municipalities across Canada. Vancouver does not provide a minimum parcel size for raising hens; however, following best practices to mitigate off-site impacts, the City allows for a maximum of 4 hens per parcel (no roosters or other land and waterfowl). Additional provisions include siting restrictions for hen enclosures, such as a 1 metre setback from property lines and a 3 metre setback from windows and doors of dwellings, and a maximum size and height for hen enclosures (9.2 m² (100 ft²) and height 2 metres) to reduce offsite impacts such as visual, noise, and unpleasant odours. Minimum housing requirements, such as a minimum coop area and enclosed run space per hen, are provided to ensure the welfare of the animals and used to determine if a parcel is suitable for raising hens.



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The City of Vancouver, the City of Surrey and the District of North Vancouver have indicated that although there were initial concerns and some resistance from the community, their urban poultry initiatives have not resulted in an increase in significant public concern such as odour and noise complaints, abandonment or disease (*Options for a Residential Backyard Chicken Program*, City of Richmond, Report to Committee, June 2020).

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Table 1: Household Poultry Regulation Comparison

Municipality	Min. Parcel Size	Permitted Zone(s)	Parcel Size Threshold	Raising Poultry Permitted	Max. No. of Poultry Permitted Per Parcel:
Alberni-Clayoquot Regional District (2020 Draft Zoning Bylaw)	No	All zones, accessory to the residential use	0.0 ha < 0.4 ha	✓	12
			0.4 ha < 0.8 ha	✓	24
			2 ha+	✓	Unlimited (provided provisions to reduce excessive noise)
Comox Valley Regional District	0.2 ha (2000 m ²)	Single-family, rural and country residential zones (R-1, R-RU, and CR-1)	0.0 ha < 0.2 ha	X	0
			0.2 ha+	✓	6
The District of Port Hardy	No	Single-family, rural and country residential zones (R-1, R-1S, R-2, R-3, and RR-1)	0.0 ha < 0.045 ha	✓	4
			0.045 ha+	✓	6
City of North Vancouver	0.0557 ha (557 m ²)	Single-family zones (R1)	0.0557 ha+	✓	8
City of Surrey	0.0669 ha (669 m ²)	Single-family zones (RA, RA-G, RH, RH-G, RF, RF-SS, and RF-G)	0.0 ha - 0.0669 ha	X	0
			0.0669 ha – 0.4046 ha	✓	4
City of Vancouver	No	Single-family residential zones (RA, RS, RT, RM, FM and FSD)	No	✓	4



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Key Questions

The following key questions outline potential changes for Bylaw 500:

1. Should the parcel area requirements that differentiate between rules on larger and smaller parcels be reduced?
2. Should there be a minimum parcel size established for the keeping of household poultry?

Options for Bylaw 500

The following options are identified for potential updates to Bylaw 500:

1. Maintain the current regulations for household poultry:

This option is provided in recognition that the RDN has not received a significant number of complaints and that there is significant variability in household poultry regulations.

Impacts and Considerations

- With a strong local food movement, few complaints to date, and the potential added confusion in interpreting the regulations, keeping the regulations as is remains in line with best practices.



Focus Area: Home Based Businesses

Overview

Bylaw 500's home based business regulations may need to be updated to include emerging and in-demand businesses as allowable home based businesses. Many of these businesses are otherwise not clearly specified or may have additional considerations such as higher parking demands. Updating these standards needs to take into consideration new trends or business types that support the local economy within the Regional District of Nanaimo (i.e. yoga studios) while balancing potential impacts to adjacent landowners.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.

Background

home based business in Bylaw 500 currently includes a variety of business options that are contained primarily within the home with little to no impact on adjacent properties. The RDN has been receiving requests for businesses that are not currently identified in Bylaw 500, some of which may have additional impact on neighbouring properties due to higher on-site parking requirements. These types of businesses include:

- Food-related businesses (i.e. catering services)
- Medical or well-being services (i.e. massage therapy or dentists)
- Childcare services
- Yoga / dance/ similar businesses with classes

Parking is only one consideration and there may be other types of businesses in addition to those listed above that could be considered.

Home based businesses have become increasingly important, where municipalities and regional districts of varying sizes are trying to provide additional opportunities for business and economic development that also align with residential zoning considerations. The intent is to maintain the residential nature and character while providing flexibility for small-scale businesses.

Most zoning bylaws define home based businesses by uses, or activities, such as those listed above. These are defined not just to identify which types of businesses are included in a home based business, but also to identify those which are prohibited. However, the primary issue with home based businesses is balancing



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economic opportunities with neighbourhood impacts. These impacts are typically parking, signage, pick up / drop off, noise or odours, and storage.

There are various examples as to how bylaws have formulated these regulations, though it is evident that not one size fits all when it comes to a best practice approach. While Bylaw 500 and many others like it include an array of business categories listed as suitable and non-suitable home based businesses, the main factor to consider is how this approach addresses the issues or impacts presented through the function and performance of such business. Some of these impacts can include environmental components such as noise, vibration, dust, light, and odour, while others include signage, services, and parking [on and off-street].

While this approach of listing categories of uses or business types can be effective at understanding what the regulations will be setting in place for standards, there has been a shift towards more simplified and streamlined ways of doing so. Other municipalities such as the City of Abbotsford have established different levels of businesses based on their function. For example, a Level 1 home based business is a business carried out solely by a resident of a principal dwelling that does not include customer visits, signage, or require business-related parking, while Level 2 and 3 are for businesses with additional factors that result in more external impacts and considerations for surrounding residents.

Other municipalities such as the City of Chilliwack and the Comox Valley Regional District use volume thresholds that determine what is considered to be a home based business or something else, rather than the actual type of business.

Another option to update and clarify the regulations set for home based businesses can be achieved through a matrix or evaluation approach, where impacts are clearly identified through a series of questions with the Level for the home based business being a result of the combined answers.

These impacts would include considerations such as:

- Number of visitors? Likely within a range (1-3, 4-6, 6+)
- Are they coming at the same time, i.e. a class?
- Does it require parking or is it drop off / pick up?
- Signs? Where (inside the building or on lawn)
- Use of outdoor space or accessory buildings for work or storage?
- Noise / vibration / etc. requirements?
- How much of the primary building will be used? Likely a range (0-25%, 25-40%, 40%+)

The outcome of these impacts can then help to establish tiers or levels for a home based business based on the impact it has, rather than the specific use. A level or tier approach would require a minimum of two levels for smaller parcels and potentially a third level for larger, more rural properties. The regulations would relate to the level as opposed to the use or business type. Where a business exceeded all of the defined thresholds, it would not be considered a home based business and would need to locate in a commercial zone.



Initial Engagement

The following questions were asked of staff and stakeholders regarding home based businesses:

1. What uses or activities are currently missing from the home based business definition?
2. Which of the following uses that generally require more parking should be included as a home based business?
 - Food-related businesses
 - Medical services
 - Childcare services
 - Yoga/dance/similar businesses
 - Other

Staff and stakeholders identified existing home-based business regulations were too restrictive for some rural economic development and entrepreneurial ideas.

Options for Bylaw 500

The following options have been identified for consideration for Bylaw 500:

1. Expand and clarify allowable home based business uses, such as:

Home Based Business

On parcels where a home based business is a permitted use, the following provisions apply:

1. *The following activities shall be permitted as a home based business:*
 - a. *processing of goods;*
 - b. *sales of ~~related or unrelated goods combined with home based business product sales to a maximum of 1/3rd of home based business floor area~~ goods produced on site to a maximum of 1/3rd of the home based business floor area where the home based business meets all other requirements of this Bylaw;*
 - c. *bed and breakfast provided the activity is contained wholly within the dwelling unit to a maximum of 2 bedrooms in Residential 1 and 3 zones and to a maximum of 4 bedrooms in all other zones where permitted by this Bylaw;*
 - d. *rental of non-motorized outdoor recreation equipment;*
 - e. *personal service use;*
 - f. *professional practice; and*
 - g. *office;*
 - h. *licensed child care facility for up to 8 children and must meet the requirements of the Community Care and Assisted Living Act;*



- i. *medical services;*
 - j. *artisan or craftsman services;*
 - k. *dog grooming;*
 - l. ***small scale market gardens and related value-added food and goods production intended for sale, where the home based business meets all other requirements of this Bylaw;***
 - m. *catering; and*
 - n. *personal recreation services for classes offered or personal training, such as a yoga, martial arts or dance studio with up to 6 students at one time, but does not include classes open to the general public or drop-in.*
2. *Despite Section 3.3.14 a), the following activities are prohibited as a home based business:*
- a. *animal breeding in excess of two litters per calendar year;*
 - b. *dog boarding;*
 - c. *public assembly use;*
 - d. *school pursuant to the Schools Act;*
 - e. *chemical processing;*
 - f. *dry cleaning;*
 - g. *slaughtering;*
 - h. *butchering;*
 - i. *smoking of food;*
 - j. *seafood processing;*
 - k. *canning of foods with a pH level equal to or greater than 4.5;*
 - l. *laundries;*
 - m. *manufacturing of fiberglass, pyroxlin or similar products;*
 - n. *paint, varnish, or lacquer manufacturing;*
 - o. *primary processing including the processing of fence posts, shakes, and firewood;*
 - p. *rubber manufacturing;*
 - q. *tanneries;*
 - r. *funeral parlour;*
 - s. *warehousing, specifically including mini-storage;*
 - t. *marshalling of vehicles, equipment, and machinery;*
 - u. *vehicle wrecking or dismantling of vehicles;*
 - v. *spray painting shop;*
 - w. *recycling facility;*
 - x. *recreation facility;*
 - y. *sale of food and/or beverages for immediate consumption on or off the premises by and individual or household, and specifically including fast food outlets, neighbourhood pubs and restaurants,*



*but not including breakfast served by a bed and breakfast to the traveling public who have been provided with overnight accommodation, **or the sale of food or beverages primarily produced on site as per (1)(b);***

- z. taxidermy;*
- aa. dispensing of automotive fuel, oil, or fluids;*
- bb. automotive repairs, vehicle restoration or maintenance except on parcels zoned Agriculture 1 and 2 (AG1-AG2) and Rural 1 to 4 (RU1-RU4) and Rural 6 to 9 (RU6-RU9) and Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7-RM9);*
- cc. cannabis **processing and** production;*
- dd. **alcohol production;** and,*
- ee. **temporary accommodation other than bed and breakfast.***

2. Add definitions for new terms or to clarify existing terms, such as:

processing of goods means the production of articles or goods from raw materials to a finished product.

personal service use means the provision of professional services to a person such as hairdressing, tutoring, massage, or similar services on an individual basis.

professional practice means business or office professions, such as accountants, medical, veterinary or similar professional services.

artisan or craftsman services means business offering products or services related to trades and / or the arts. Accessory buildings may be used for storage, but activities shall remain wholly within the primary dwelling.

dog boarding means the use of a part of a building for the third-party care of dogs.

dog grooming means the short-term use of a portion of the primary dwelling or accessory building for the third-party maintenance and proper care of dogs, for activities such as hair trimming, washing, and / or nail trimming. No overnight stays or boarding is permitted.



3. Update general regulations for home based businesses to restrict outdoor storage, reference the updated parking minimums (see Parking Discussion Paper), and clarify regulations related to outdoor space for child care and newer uses related to local food production, such as:

- a. *A home based business must:*
 - i. *be conducted by the permanent residents of the parcel on which the home based business activity is located;*
 - ii. *be accessory to the residential use of the parcel;*
 - iii. *not change the outside appearance of the premises or create other visible evidence of its existence, other than one sign;*
 - iv. *be registered with the Regional District of Nanaimo Business Registry;*
 - v. *create no noise, vibration, glare, fumes, odours, dust, or smoke detectable off the parcel to the normal senses;*
 - vi. **does not include any outdoor storage;**
 - vii. *be wholly contained within the dwelling unit, garage, and/or accessory building(s), except for outdoor play areas for child care facilities **or outdoor gardening activities intended for sale;** and*
 - viii. *provide **all parking on a hard surfaced portion of the parcel** parking for all non-resident employees. **visitors, and / or drop-off locations and in accordance with [add parking minimum section].***
- b. *A maximum of one (1) non-illuminated home based business sign per parcel is permitted, provided that the sign:*
 - i. *does not exceed .75m² in sign face area;*
 - ii. *is displayed on the exterior wall face of a dwelling unit, accessory building or fence, or as a free standing sign;*
 - iii. *if freestanding, does not exceed 1.5 metres in height; and,*
 - iv. *if freestanding, is sited within required setbacks of the applicable zone.*
- c. *A maximum of one non-resident home based business employee is permitted per parcel or the part time equivalent thereof, **excluding licensed child care facilities in accordance with the Community Care and Assisted Living Act.***
- d. *Despite subsection (c), a maximum of two non-resident home based business employees are permitted per parcel in all Residential 2 (RS2) zones, in Agriculture 1 and 2 (AG1– AG2) zones, Rural 1 to 4 (RU1-RU4), Rural 6 to 9 (RU6-RU9) zones, Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7-RM9) zones.*
- e. *The location of a home based business is as follows:*
 - i. *For Residential 1 (RS1) parcels less than 2000 m² in area, all Residential 3 (RS3) parcels, and all Rural 5 (RU5) parcels, a home based business must be contained within the dwelling unit*



- or attached garage, with the exception of outdoor play areas for child care facilities **or outdoor gardening activities intended for sale.***
- ii. In all other zones where a home based business is a permitted use, the home based business must be contained within the dwelling unit, attached garage or accessory buildings(s), with the exception of outdoor play areas for child care facilities.*
- f. The maximum allowed home based business floor area is as follows:*
- i. On Residential 1 (RS1) parcels less than 2000 m², all Residential 3 (RS3) parcels, and Rural 5 (RU5) parcels, the home based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 100 m².*
- ii. On Residential 1 (RS1) parcels greater than or equal to 2000 m² and all Residential 2 (RS2) parcels, the home based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 100 m², or a maximum of 100 m² combined total for dwelling unit, attached garage, and/or accessory building(s).*
- iii. On Agriculture 1 and 2 (AG1 – AG2), Rural 1 to 4 (RU1-RU4) and Rural 6 to 9 (RU6-RU9) parcels and Resource Management 1 to 5 (RM1-RM5) and Resource Management 6 to 9 (RM6-RM9) parcels, the home based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 150 m² or a maximum of 150 m² combined total floor area for the dwelling unit, attached garage, and/or accessory building(s).*
- iv. **Outdoor areas required for play areas for child care facilities as per the Community Care and Assisted Living Act, or outdoor gardening activities intended for sale are not included in floor area calculations.***
- g. home based business shall not be permitted within a secondary suite nor by the occupants of a secondary suite elsewhere on the subject property.*
- h. Bed and Breakfast shall not be permitted on a parcel that contains a suite.*
- i. Where a secondary suite is located on a parcel less than 4,000 m² in area, the home based business must:*
- i. be limited to one (1) business; and,*
- ii. not include any non-resident home based business employees.*

Impacts and Considerations

- Expanded uses are intended to provide additional local business development opportunities with the related and appropriate parcel requirements to accommodate the proposed use.
- Additional minimum parking requirements for some activities will require larger parcel sizes and decrease on-street parking concerns.
- Clarification on how outdoor space can be used allows for more consistent interpretation, application, and enforcement.



Focus Area: Zone Consolidation

Overview

Bylaw 500 currently has several commercial, industrial and rural zones. These zones have many of the same or similar uses and standards resulting in an overly complex zoning structure that is difficult to administer. The similarities between zones provide an opportunity to consolidate zones thereby reducing the overall number of zones that maintain current allowances while increasing opportunities within each consolidated zone. This simplification of the zones reduces unnecessary rezoning applications, variance requests, and increases usability of the Bylaw, and adds economic development opportunities. There is also an opportunity to align commercial and industrial zones to market trends by adding, removing or adjusting uses or standards. All zone consolidation will be aligned with Official Community Plan policies.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.

Background

Bylaw 500 currently has several different commercial, industrial and rural zones listed through the bylaw including:

- 10 commercial zones with 29 uses. There is some variety in building heights and setbacks. There is opportunity to have consistent heights and setbacks that align with the uses and the intent for each zone;
- five industrial zones with 9 uses. Building heights are significantly lower than adjacent municipalities and most setbacks are 10 metres with a variety of parcel coverage requirements; and
- 11 rural zones with 23 uses. Most zones include agriculture, aquaculture, home based businesses, produce stands, residential uses, secondary suites, and silviculture.

The overall trend in zoning across Canada is to consolidate and simplify zones to add clarity for users and to streamline applications to align with the market and local goals. Zones are intended to provide a framework for a variety of uses and standards that are applicable to a given geographical boundary. Each zone should be relatively unique and clearly demonstrate the intent for the zone with standards that reinforce that intent. Each zone should only have uses that are aligned with the purpose and intent of that zone.



Table 1: Zone Consolidation Opportunities

Opportunity	Considerations
Add purpose or intent statements to each zone	<ul style="list-style-type: none">• Adds clarity for each zone• Provides one point for users to evaluate and consider applications against• Aligns all uses and standards to that intent• Adds the opportunity for discretion• Clarifies link between zone and the Official Community Plan• Should have internal agreement on interpretation
Commercial Zones	<ul style="list-style-type: none">• Reduces and adds clarity for number of zones• Reduces the requirement for rezoning in change of use• Aligns zones with market trends and best practices• Identifies key areas differentiated by standards associated with types
Industrial Zones	<ul style="list-style-type: none">• Reduces and adds clarity for number of zones• Reduces the requirement for rezoning in change of use• Aligns zones with market trends and best practices• Identifies key areas differentiated by standards associated with types• Clarifies the difference between light, medium and heavy industry• Allows marshalling in more zones to support business development
Rural Zones	<ul style="list-style-type: none">• Reduces and add clarity for number of zones• Identifies key areas differentiated by standards associated with types and historical practices

Throughout the RDN, there are many parcels within the different commercial, industrial and rural zones including (see Table 2 for a zone-by-zone breakdown):

- 374 commercial zoned parcels that include all zones listed in the bylaw with CM5 being the most numerous at 305 parcels and CM2.1 being the least numerous with one parcel;
- 91 industrial zoned parcels that include all zones listed in the bylaw with IN1 being the most numerous at 58 parcels and IN4 being the least numerous with one parcel; and,
- 2,896 rural zoned parcels the majority being RU1, RU4, then RU5 and with only 3 RU1.1 parcels, 1 RU2 parcel, 2 RU3, and 3 RU7 parcels.



Table 2: Number of Parcels by Zone and Electoral Area

	Zone	Number	Electoral Area(s)
Commercial Zones	CM1	4	C,H
	CM2	36	A,E,G,H
	CM2.1	1	A
	CM3	3	G
	CM4	12	A,E,G,H
	CM5	305	A,E,G,H
	CM6	7	E,G
	CM7	1	E
	CM8	2	G
Industrial Zones	IN1	58	A,E,G,H
	IN2	22	A,G,H
	IN3	2	C,E
	IN4	1	C
	IN5	6	A
Rural Zones	RU1	1580	A,C,G,H
	RU1.1	3	H
	RU2	1	C
	RU3	2	G
	RU4	744	A
	RU5	424	E
	RU6	42	C,H
	RU7	3	C
	RU8	6	C
	RU9	85	C
	RU10	6	E

Initial Engagement

Several questions were asked of stakeholders regarding zone consolidation as it has various potential impacts to both existing and future development options. These questions were:

1. Do you agree with adding a description or purpose statement for each zone to clarify the intent of the zone for all users?
2. What do you see as the main differences between light industrial, medium industrial, and heavy industrial?
3. What uses are missing from industrial zones in Bylaw 500?
4. How can the commercial zones be better organized?



5. What uses are missing from commercial zones in Bylaw 500?
6. Which zones should intermodal (ISO) containers, often called shipping containers, be permitted uses and for what duration of time?
7. Should shipping containers be permitted for the use of storage or solely as an accessory building once converted to meet the minimum standards of the BC Building Code?
8. What other considerations or suggestions do you have to simplify industrial, commercial, or rural zones in Bylaw 500?

Stakeholders encouraged the inclusion of an intent statement, and thought it could be further enhanced with an educational component to avoid confusion. There was disagreement about how detailed these intent statements should be as some wanted them to be broad, while others requested a description that was more detailed than the OCP content. Some other considerations stakeholders raised for zone consolidation included: a fear of creating non-conformity, and an emphasis on ensuring density and mixed use development is located away from residential. Stakeholders were also concerned that property owners and use-oriented decisions, acknowledges that the zones have become more similar to one another over time. There was also general agreement that industrial zones should be categorized as light, medium, and heavy.

Options for Bylaw 500

Based on the feedback received, analysis of the current Bylaw 500, as well as best practices in other jurisdictions, the following options have been identified for updating and modernizing Bylaw 500 to add clarity and consolidate zones that will minimize potential impacts:

- 1. Add Intent Statements to each zone to provide clarity for users as to what each zone is intended to achieve and a framework for interpretation that increases consistency.**

Intent Statements are common in zoning bylaws to provide a single unifying principle for each zone. If Intent Statements are added, an additional clause should be added to Part 1 Administration to clarify how Intent Statements are used. The following example clauses are from the City of Guelph's Zoning Bylaw and demonstrate how they are used and what they are for. The second clause below is optional and dependent upon whether these statements are informative or regulatory in nature. In most cases, Intent Statements are regulatory and the second clause below is not included.

Intent Statements are included in this Bylaw for each Zone and are intended to assist in the understanding of the Bylaw's objectives and purpose, and in the understanding of the planning principles underlying the Use provisions and the regulatory provisions of the Zone.

Intent Statements are included in this Bylaw for the convenience of the reader and they are not part of this Bylaw.



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City of Vancouver, B.C.:

I-1 District Schedule

1 Intent

The primary intent of this Schedule is to permit light industrial uses that are generally compatible with one another and with adjoining residential or commercial districts. It is also the intent to permit advanced technology industry, and industry with a significant amount of research and development activity. Commercial uses, including office and retail uses, which are compatible with or complementary to light industrial uses, are also permitted, subject to the limitations in this schedule.

Wheatland County, Alberta:

9.4 Commercial Highway District (CH)



Purpose and Intent

The purpose and intent of this district is to promote and accommodate commercial development adjacent to major transportation corridors in the County that provide services to residents and those travelling through the County.

City of Guelph, Ontario:

10. Employment Zones

The Employment **Zones** apply to lands designated Industrial, Corporate Business Park, Institutional/Research Park, Mixed Business, Employment Mixed-Use 1 and Employment Mixed-Use 2 in the Official Plan.



2. Simplify Industrial Zones from 5 zones to 3 based on a logical structure of light, medium and heavy industrial, such as:

- identifying the difference between Permitted Uses and Accessory Uses. Accessory Uses are only allowed in conjunction with a Permitted Use and would be allowed within the requirements for accessory buildings in each zone (i.e. floor area or parcel coverage);
- clarifying that IN1 is Light Industrial and add Marshalling Yard as an Accessory Use;
- consolidating IN2 and IN3 to Medium Industrial, which would include all uses listed in Light Industrial zone;
- consolidating IN4 and IN5 to Heavy Industrial;
- changing Residential Uses from Permitted Uses to Accessory Uses in all zones to ensure dwellings are located primarily in residential areas and industrial areas remain primarily for industrial uses. Residential Uses would still be allowed in association or conjunction with a Permitted industrial use.

Table 3: Potential Industrial Zone Consolidation

Industrial Zones			
Potential New Zone :	Light Industrial with indoor activities, outdoor storage and outdoor display	Medium Industrial with processing and manufacturing activities that can be indoor or outdoor and with minimal off-site impacts.	Heavy Industrial with extensive outdoor manufacturing or processing and larger off-site impacts
Existing Zones:	IN1	IN2, IN3	IN4, IN5
Number of Existing Parcels:	58	IN2: 22 IN3: 2	IN4: 1 IN5: 6
Description of Change:	Add Marshalling Yard as an Accessory Use Change Residential Use from Permitted to Accessory.	Change Residential Use from Permitted to Accessory.	Change Residential Use from Permitted to Accessory. Limit explosives manufacturing to the one property it is currently allowed.
Uses:			
Explosives Manufacturing			Permitted on Existing Parcel
Heavy Equipment Display	Permitted	Permitted	
Heavy Industry			Permitted



Industrial Zones			
Potential New Zone :	Light Industrial with indoor activities, outdoor storage and outdoor display	Medium Industrial with processing and manufacturing activities that can be indoor or outdoor and with minimal off-site impacts.	Heavy Industrial with extensive outdoor manufacturing or processing and larger off-site impacts
Light Industry	Permitted	Permitted	
Marshalling Yard	New Accessory	Permitted	Permitted
Medium Industry		Permitted	
Residential Use	Change to Accessory	Change to Accessory	Change to Accessory
Shipping Yard		Permitted	
Transportation Terminal		Permitted	

3. Update definitions of Light, Medium and Heavy Industry to increase clarity between them, such as:

Light Industry means the wholesale, warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound **occurring primarily inside buildings and with minimal off-site impacts**; and includes artisan and manufacturing shop, having a gross floor area not exceeding 200 m², and retail sales accessory to the principal use.

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, **including outdoor storage, and includes Light Industry** but specifically excludes seafood processing ~~and uses permitted in the Industrial 4 and Industrial 5 zones.~~

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 **that may cause off-site impacts** and includes a vehicle wrecking yard and seafood processing, but specifically excludes a waste disposal site.

4. Consolidate Commercial Zones from 10 zones to 3 based on a shared intent or purpose for the types of business in each zone, by:

- identifying the difference between Permitted Uses and Accessory Uses. Accessory Uses are only allowed in conjunction with a Permitted Use and would be allowed within the requirements for accessory buildings in each zone (i.e. floor area or parcel coverage);
- consolidating the existing CM1, CM2, CM2.1, and CM3 zones as a cohesive zone for retail & service related activities; consolidation would mean combining all existing uses into one zone as well as



adding new uses that relate to the overall intent for retail & service such as Fast Food, Neighbourhood Pub, Produce Market, and Public Assembly;

- consolidate the existing CM4, CM5, CM6, and RCM zones as a cohesive zone for recreation & resort related activities; consolidation would mean combining all existing uses into one zone as well as adding new uses that relate to the overall intent for recreation & resort such as Campgrounds;
- keeping CM8 as is and re-naming to Commercial Agriculture; and,
- changing Residential to Accessory Uses as the RDN is experiencing limited commercial lands being subdivided for residential use as well as being occupied for residential use.

Table 4: Potential Commercial Zone Consolidation

Commercial Zones			
Potential New Zone	Commercial Retail & Service	Commercial Resort & Recreation	Commercial Agriculture
Existing Zones	CM1, CM2, CM2.1, CM3, CM7	CM4, CM5, CM6, RCM	CM8
Number of Existing Zones Proposed to be Consolidated:	CM1: 4 CM2: 36 CM2.1: 1 CM3: 3 CM7: 1	CM4: 12 CM5: 305 CM6: 7 RCM: 3	CM8:2
Description of Change:	Combine above zones to form a cohesive zone. Change Residential Use from Permitted to Accessory	Change Residential Use from Permitted to Accessory	Change Residential Use from Permitted to Accessory
Permitted Uses in Each Zone:			
Agriculture			CM8*
Animal Care			
Aquaculture			
Automotive Repair	CM2.1*		
Campground			CM8*
Convenience Store	CM1*		
Fairground		CM4*	
Fast Food Outlet	New Permitted	CM4*	
Funeral Parlour	CM2*, CM2.1*		
Gas Bar	CM2*, CM2.1*	RCM*	
Gasoline Service Station	CM3*	CM4*, RCM*	



Commercial Zones			
Potential New Zone	Commercial Retail & Service	Commercial Resort & Recreation	Commercial Agriculture
home based business			
Hotel		CM5*, CM6*	
Marina		CM5*	
Neighbourhood Pub	New Permitted	CM5*, CM6*	
Nursery	CM2*, CM2.1*, CM3*	CM4*	
Office	CM1*, CM2*, CM2.1*, CM7*	CM6*	
Outdoor Sales	CM3*	CM4*	
Personal Service Use	CM2*, CM2.1*, CM7*	CM6*	
Produce Market	New Permitted	CM4*	
Produce Stand			
Public Assembly	New Permitted	CM4*, CM5*, CM6*	
Recreation Facility	CM2*, CM2.1*	CM4*, CM5*, CM6*, RCM*	
Residential Use	CM1* change to Accessory	CM4*, 5*, RCM* change to Accessory	Change to Accessory
Resort Condominium Development		CM6*	
Resort Condominium Unit		CM5*	
Resort Vehicle Park		CM5*, RCM*	
Restaurant	CM1*, CM2*, CM2.1*	CM4*, CM5*, CM6*	
Retail Store	CM2*, CM2.1*, CM3*	CM4*, CM6*	
Secondary Suite			
Shopping Centre	CM3*		
Silvaculture			
Tourist Information Booth		CM5*	
Tourist Store		CM5*, RCM*	

*Use in identified existing zone, Strikethrough means use if proposed to be removed.

5. Consolidate Rural Zones from 11 existing zones to 4 zones by:

- consolidating all RU zones (RU1, RU1.1, RU3, RU4, RU5, RU7, RU8, and RU9) except RU2, RU6 and RU10 to Rural Residential – Two Dwellings; to add a regulation to limit strata development by requiring a second dwelling to be built no less than one year after occupancy of the first dwelling; and to remove Wood Processing as a Use and add to site specific zoning options;



- keeping RU6 as is and re-naming to Rural Residential – One Dwelling;
- keep RU2 as is and re-naming to Rural Business or alternatively removing it as it only applies to one parcel; and,
- keeping RU10 as is and re-naming to Rural.

Table 5: Potential Rural Zone Consolidation

Rural Zones				
Potential New Zone	Rural Residential – One Dwelling	Rural Residential – Two Dwellings	Rural Business	Rural
Existing Zones	RU6	RU1, RU1.1, RU3, RU4, RU5, RU7, RU8, RU9	RU2	RU10
Number of Existing Parcels	42	RU1: 1580 RU1.1: 3 RU3: 2 RU4: 744 RU5: 424 RU7: 3 RU8: 6 RU9: 85	1	6
Description of Change:		Add a regulation to limit strata by requiring a second dwelling to be built a minimum of one year after occupancy of the first dwelling Remove Wood Processing currently Permitted in RU3		
Uses:				
Agriculture	Permitted	Permitted	Permitted	
Animal Care			Permitted	
Aquaculture	Permitted	Permitted	Permitted	
Campground			Permitted	



Rural Zones				
Potential New Zone	Rural Residential – One Dwelling	Rural Residential – Two Dwellings	Rural Business	Rural
home based business	Permitted	Permitted	Permitted	Permitted
Nursery			Permitted	
Produce Stand	Permitted	Permitted	Permitted	
Residential Use	Permitted	Permitted	Permitted	Permitted
Secondary Suite	Permitted	Permitted	Permitted	Permitted
Silviculture	Permitted	Permitted		
Wood processing		Permitted		

**Use in identified existing zone. Strikethrough text indicates uses that are proposed to be removed or limited to only parcels that currently allow it.*

6. Limit future Comprehensive Development zones by allowing for site-specific exemptions to existing zones.

Comprehensive Development zones provide site-specific guidance for one or more parcels. This zoning function is intended to facilitate a specific development application that could not be accommodated within the framework of the bylaw as a whole. As zoning bylaws have increased in complexity with more zones and fewer uses in each zone, comprehensive development zones have also increased as the existing zones are not flexible enough to accommodate future and / or unknown changes in land use.

As a result of the inflexibility of the existing zoning bylaw, many zoning amendment applications that should be able to be accommodated within the existing zoning framework have led to the creation of additional comprehensive development zones. In other words, most zoning amendments require a comprehensive development zone as the proposed use does not fit within any of the standard land use zones.

Comprehensive development zones are a short-term solution and do not effectively accommodate changes that may occur over time as they are written for one application or development concept at one point in time. They also add potential conflicts within the bylaw and create exceptions. While this works for the odd parcel, the more comprehensive development zones there are, the more challenging it is for all users to interpret and apply the bylaw with the overall effect that the bylaw as a whole is watered down.

To limit this outcome, minor exceptions can be addressed within each zone to identify where and how a change for one or more parcels occurs without having to extensively prepare and administer a full



comprehensive development zone. Major exceptions would still be addressed as a comprehensive development zone.

The RDN has experience with this approach in Bylaw 1285, the zoning bylaw that applies to Electoral Area F. The intent is to provide an easy way for uses to be added, removed, or regulations modified for specific properties through the rezoning process.

Typically, exceptions would be included in a table format and could also include a map. The following is an example of how this approach is used in Bylaw 1285:

Zone	Lot Description	Regulations
C-4.1	Lot 1, District Lot 39, Plan VIP54354, Newcastle District (3694 Alberni Highway)	Mini Storage and Metal Fabrication Shop only ¹

Impacts and Considerations

- Consolidating zones:
 - increases the opportunities for development allowed on each parcel by expanding the overall list of uses;
 - adds clarity for uses by limiting the zoning options and focusing them to only what is needed;
 - decreases re-zoning applications and site-specific amendments;
 - streamlines zoning amendment applications; and
 - increases the overall longevity and success of the bylaw by reducing unforeseen conflicts between zones that are more likely with more zones.
- All industrial, commercial, and rural zones are impacted as their zone name would change; however, the overall list of uses and regulations would either stay the same or increase for each parcel.
- Intent statements would clarify the regulations in each zone by providing a common reference, but would not change or affect existing uses or regulations.
- Adding exceptions within each zone would decrease conflicts and maintain flexibility for minor differences on specific parcels. This would affect potential future applications. No changes Comprehensive Development Zones are proposed at this time.



Appendix A: Bylaw 500 Comparison of Uses in Industrial, Commercial, and Rural Zones

Industrial Zone Existing Uses Comparison

Permitted Uses	Industrial Zones				
	IN1	IN2	IN3	IN4	IN5
Explosives Manufacturing					
Heavy Equipment Display					
Heavy Industry					
Light Industry					
Marshalling Yard					
Medium Industry					
Residential Use					
Shipping Yard					
Transportation Terminal					

Commercial Zone Existing Uses Comparison

Permitted Uses	Commercial Zones									
	CM1	CM2	CM2.1	CM3	CM4	CM5	CM6	CM7	RCM	CM8
Agriculture										
Automotive Repair										
Campground										
Convenience Store										
Fairground										
Fast Food Outlet										
Funeral Parlour										
Gas Bar										
Gasoline Service Station										
Hotel										
Marina										



Permitted Uses	Commercial Zones									
	CM1	CM2	CM2.1	CM3	CM4	CM5	CM6	CM7	RCM	CM8
Neighbourhood Pub										
Nursery										
Office										
Outdoor Sales										
Personal Service Use										
Produce Market										
Public Assembly										
Recreation Facility										
Residential Use										
Resort Condominium Development										
Resort Condominium Unit										
Resort Vehicle Park										
Restaurant										
Retail Store										
Shopping Centre										
Tourist Information Booth										
Tourist Store										

Rural Zone Existing Uses Comparison

Permitted Uses	Rural Zones										
	RU1	RU1.1	RU2	RU3	RU4	RU5	RU6	RU7	RU8	RU9	RU10
Agriculture											
Animal Care											
Aquaculture											
Campground											
home based business											
Nursery											
Produce Stand											



Permitted Uses	Rural Zones										
	RU1	RU1.1	RU2	RU3	RU4	RU5	RU6	RU7	RU8	RU9	RU10
Residential Use											
Secondary Suite											
Silviculture											
Wood Processing											

DRAFT



Focus Area: Landscaping

Overview

Bylaw 500 currently has landscaping standards that identify where and how certain buffers or screening should be applied. With the integration of the Development Permit Area (DPA) Guidelines, there is now overlap on where and how some types of landscaping are applied. Furthermore, the Bylaw does not address technical best practices on plant sizes, soil requirements, plant types or water conservation methods.

Background

Bylaw 500 currently has clear direction on where landscaping should be applied in the DPA Guidelines. However, in Schedule 3F of the Bylaw, the landscaping requirements generally focus on how to design buffers or screens, and restoration requirements. This results in an overlap and inconsistency between the two sections of the Bylaw.

Furthermore, Bylaw 500 does not address landscaping best practices for plant size, soil requirements, riparian considerations, plant types, or water conservation. These considerations focus on *how* landscaping should be regulated whereas the DPA Guidelines identify *where* landscaping should be located. This alignment would eliminate the overlap and integrate best practices from the Canadian Landscape Standards as recommended by the British Columbia Landscaping and Nursery Association as well as the British Columbia Society of Landscape Architects.

The recommended best practices for landscaping requirements in zoning bylaws include:

- clarifying the process of how landscaping is calculated and applied, such as identifying a landscaped area and requiring a minimum of 10% of a site be landscaped;
- adding minimum diameter / caliper and height requirements for deciduous trees and shrubs;
- adding minimum parcel coverage of landscaped areas or a minimum number of trees or shrubs for smaller parcels;
- adding minimum soil requirements;
- adding requirements for tree preservation, typically by covenant;
- adding requirements for native and drought tolerant plants and / or minimum watering considerations; and,
- adding security requirements based on plant size and / or location.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



Some best practices include the following landscaping standards:

- Any portion of a site not occupied by a structure, parking area, patio, walkway, or storage area shall be landscaped.
- Require a minimum of one (1) tree per 35 m², based on 10% of the site, where 40% of those trees shall be coniferous (note existing exceptions for single detached dwellings would continue);
- Require a minimum of one (1) shrub per 35 m², based on 10% of the site (note existing exceptions for single detached dwellings would continue);
- Where possible, trees shall be planted in groups;
- At the time of planting 1/2 of the coniferous tree shall be at least 2 metres in height with the other 1/2 being at least 3 metres in height; and 1/2 of the deciduous trees shall have a caliper of at least 50 mm with the other 1/2 a minimum caliper of 85 mm;
- At the time of planting each shrub shall be at least 600 mm height or spread;
- A minimum of 15 cm of high-quality soil and growing material is required for all planting areas;
- Limiting the use of turf grass; and / or
- Require the use of native and / or drought tolerant plant species.

Landscaping securities have historically applied to a 2-year timeframe to ensure the plants grow and thrive. However, more recent research has indicated that plants require a greater timeframe (recommended up to 5 years) to increase the likelihood that the plants will thrive.

Initial Engagement

Staff and stakeholders were asked the following questions regarding landscaping in Bylaw 500:

1. Do you agree that the standards in Bylaw 500 should include the following best practices? Please check all that apply.
 - Adding tree and shrub size requirements
 - Adding minimum soil requirements
 - Adding requirements for native and / or drought-tolerant species
 - Adding minimum site area requirements for landscaping
 - Clarifying how estimates for securities are calculated
 - Adjusting buffering requirements to focus on different uses instead of screening along highways
2. What other standards should be added to Bylaw 500?
 - Use of irrigation systems
 - Increasing the amount of a site that is landscaped
 - Reducing turf
 - Standards for environmental mitigation
 - Other



Staff mentioned that landscape requirements were outdated, do not consider drought resistant landscaping, and do not consider the long-term maintenance of these spaces. Many staff ideas revolved around treating landscaping as a technical requirement, and to incentivize responsible maintenance and irrigation practices. Stakeholders highlighted landscaping as being highly subjective to the site area, and think that standards and requirements need to be site specific rather than all-encompassing.

Options for Bylaw 500

The following options for Bylaw 500 identify landscaping standards that are flexible for each site and focus on the size and measurement standards that complement where and how landscaping would be applied through the various DPAs. This approach would impact some of the DPAs that currently include more detailed landscaping standards.

1. Update the definitions in Schedule 3F, such as:

~~**designated highway** means a road listed in Appendix 1 of this Schedule;~~

fence means a barrier under 2.0 m in height assembled of wooden planks or panels, rock, concrete or brick or any combination thereof;

introduced vegetation means vegetation planted on a parcel to provide **additional landscaping** ~~and landscape buffer~~ and includes ground covers, vines, shrubs and trees, but specifically excludes weed species;

~~**landscape buffer** means an area of preserved natural vegetation, introduced vegetation or a planted berm or any combination thereof;~~

landscape plan means drawings and specifications, as required by this Schedule, showing proposed ~~landscape buffer or landscape screen~~ **area, plant sizes, and planting materials;**

~~**landscape screen** means an area of trees, fences, evergreen vegetation or planted berm or any combination thereof, intended to block or mask from view certain uses as specified in this Schedule;~~

landscaped area means the portion of the site planned for introduced vegetation.

landscaping means the design, construction and maintenance of a landscaped ~~area buffer, landscape screen,~~ fencing, land contouring or drainage works;

natural vegetation means vegetation existing on site prior to clearing or cutting and includes vegetation native to Southwestern British Columbia, but specifically excludes weed species;

~~**planted berm** means a mound of earth the surface of which is covered by introduced vegetation.~~



restoration means a planned process that aims to regain ecological integrity and enhance human well-being.

~~*site improvements means the design, construction or maintenance of physical alterations or improvements to land intended to address the safety and functionality of development, including, but not limited to, parking, access or removal of existing structures or buildings.*~~

2. Update Part 2 of Schedule 3F to specify the technical standards for how landscaping is required, and to compliment the Development Permit Area landscaping requirements which specify where and why landscaping is required, such as:

2.1 Requirement

- ~~1. A landscape buffer shall be provided within the setback area of a parcel adjacent to a designated highway to provide vegetative landscape separation between industrial, commercial and multiple dwelling unit development uses of the parcel from a designated highway.~~
- ~~2. A landscape screen shall be provided within the setback area of a parcel adjacent to a designated highway to mask outdoor storage and outdoor industrial activity of a parcel where storage or industrial activity is taking place in conjunction with an industrial, commercial or multiple dwelling unit use of the parcel.~~
- ~~3. Where an owner proposes to use a parcel of land in circumstances or in a manner that requires a landscape buffer or landscape screen pursuant to Section 2.1.1 or Section 2.1.2 of this bylaw, the owner shall submit a landscape plan to the Regional District at the time of:
 - ~~a. application for a building permit;~~
 - ~~b. actual commencement of the use;~~
 - ~~c. application for a development permit;~~
 - ~~d. with respect to those parts of the Regional District not subject to the provisions of "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 800, 1989" at the time of an application to rezone the property.~~~~
4. All proposed landscaping and restoration shall be designed by a registered landscape architect, or similar professional, to be confirmed at the discretion of the Regional District of Nanaimo.
5. All landscaping **and restoration** shall be permanently maintained in good condition with the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provision for permanent irrigation works necessary to water the landscaping.



6. The design of landscaping **and restoration** shall be such that the growth of roots, trunks and branches of natural or introduced vegetation ~~or the location of planted berms~~ shall not conflict with utilities, structures, necessary access or a required sight triangle.

2.2 Procedure

In satisfying the requirements of this Schedule, the applicant shall complete three steps as follows:

1. Landscape Plan

Drawings and specifications of the proposed landscaping **and / or restoration**, which shall include a schedule of construction and date of completion, shall be submitted in duplicate or electronic form to the Regional District for approval before any landscape works or building construction are started.

2. Landscape **and Restoration** Works

The applicant shall complete the proposed work in accordance with the plans and specifications approved by the Regional District.

The Regional District will inspect the landscaping **and restoration** from time to time for conformity to these standards. There will be no charge for such inspections. The applicant shall be responsible for construction layouts, detailed field supervision of the work and as-constructed drawings.

3. Completion and Acceptance

~~Once the work is completed two sets of as-constructed drawings shall be submitted to the Regional District.~~

~~Completion of the landscaping in accordance with the approved landscape plan is required prior to final building inspection for works under a building permit where a landscape plan was required.~~

Confirmation of completion provided by the professional designated by the Regional District of Nanaimo.

2.3 Drawings and Specifications

Drawings and specifications required for the review of proposed landscaping shall:

- be **submitted electronically** ~~in duplicate~~, accurately dimensioned and at a suitable scale;
- show the location and dimensions of the parcel on which the landscaping is to occur;



- c. show the location and extent of proposed and existing buildings, structures, services, utilities and circulation, including paved and concrete surfaces;
- d. show the existing and proposed grades at a contour interval of 0.2 m and such grades shall be relevant to existing roadways and/or structures;
- e. show the location, size and species of all natural vegetation clearly indicating vegetation that shall remain and vegetation that shall be removed;
- f. show the location, size, quantity and species of all introduced vegetation;
- g. show the location, extent and materials of any proposed fencing;
- h. include sectional details including cross sections of the landscaping taken at sufficient locations to adequately illustrate the effect of landscaping, planting details, finishes and the location at which sectional details are taken is to be noted on a plan;
- i. include such other information as is necessary to illustrate all essential features and methods of planting and construction;
- j. **an itemized cost estimate; and**
- k. include an outline of the proposed maintenance schedule.

2.4 Variations from Standards

Where the applicant wishes to vary from these standards, the applicant may submit a development variance permit application or development permit application.

2.5 Applicability

~~Notwithstanding any other regulation in this Bylaw, the landscaping regulations and standards prescribed herein shall not apply to Electoral Area 'G' of the Regional District of Nanaimo~~

3. Adjust Part 3 of Schedule 3F to remove landscaping screens, landscape buffers and planted berms and add general standards for all introduced plant materials, such as:

3.1 Design Standards – Landscaped Area Screen

The following requirements shall be met in providing a landscaped ~~area screen~~ where required by this Bylaw:

- ~~1. A landscape screen shall provide at least seventy five percent screening from grade level to a height of 2.0 m and at least twenty five percent screening from the height of 2.0 m above grade to 5.0 m above grade, as illustrated in Table 1 of this Schedule.~~
- ~~2. The landscape screen shall include planting or retaining one evergreen tree for every 4 m of parcel frontage on a designated highway; such trees shall have a minimum height of 2.0 m and may be grouped or clustered.~~
1. **All landscaping shall meet the following requirements:**
 - a. **a minimum of one (1) tree per 35 m², where 40% of those trees shall be coniferous;**



- b. a minimum of one (1) shrub per 35 m²;*
 - c. where possible, trees shall be planted in groups;*
 - d. at the time of planting 1/2 of the coniferous tree shall be at least 2 metres in height with the other 1/2 being at least 3 metres in height; and 1/2 of the deciduous trees shall have a caliper of at least 50 mm with the other 1/2 a minimum caliper of 85 mm;*
 - e. at the time of planting each shrub shall be at least 600 mm height or spread;*
 - f. all landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:*
 - i. Shrubs – 45 cm;*
 - ii. Groundcover and grass – 30 cm; and,*
 - iii. Trees – 30 cm around and below the root ball; and*
 - g. the use of native and / or drought tolerant species is required; and*
 - h. where irrigation is provided, it shall be designed to reduce water.*
- 2. Restoration shall use native, non-invasive species to be designed by a professional restoration expert confirmed by the Regional District of Nanaimo. Restoration must result in equal or improved ecological value in relation to biological and ecological value of the disturbed area and all species, planting locations, and sizes shall be to the satisfaction of the Regional District of Nanaimo.*

~~3.2 Design Standards – Landscape Buffer~~

~~The following requirements shall be met in providing a landscape buffer where required by this Bylaw:~~

- ~~1. A landscape buffer shall be a minimum of 5.0 m in width.~~
- ~~2. A minimum of 25% of the vegetation shall be evergreen shrubs with a minimum height of 0.5 m, and introduced shrubs shall be a minimum No. 5 pot (5 gallon) nursery standard at the time of planting.~~
- ~~3. The landscaping buffer shall include a minimum of one tree for every 10 m of parcel frontage, and such trees shall have a minimum height of 2.0 m and may be grouped or clustered.~~
- ~~4. A permanent curb of a minimum 15 cm in height shall be provided to protect landscaping from potential vehicular damage.~~
- ~~5. The use of a fence is to be accessory to the use of introduced vegetation, existing vegetation, a planted berm or any combination thereof in satisfying the requirements of a landscape buffer or landscape screen. Advertising display shall not be permitted on fences.~~

~~Fences shall be structurally sound and shall be designed and built to withstand wind and snow loads.~~



3.3 Selection of Introduced Vegetation

1. In the selection of introduced vegetation, species shall be selected which satisfy the objectives of the applicable DPA Guideline and are adapted to the site-specific conditions of the soil, climate and topography on which such vegetation is to be planted.
2. Individual plants to be used in landscaping shall have normal, well developed branches and vigorous fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestation or objectionable disfigurements.
3. **The use of turf grass should be minimized.**

3.4 ~~Planted Berms~~

~~The sides of slopes of planted berms within proposed landscaped areas are to be within the following ranges:~~

Type of Planting	Minimum Slope	Maximum Slope
planted areas with greater than 70% ground cover	1:50	1:2
lawn and grass	1:50	1:3
planted areas with less than 70% ground cover	1:50	1:4

4. No changes are considered for Part 4 or Part 5 of Schedule 3F.

5. Update the following DPAs to reduce potential conflicts with the changes identified for Schedule 3F:

- Remove the following from the South Wellington Industrial – Commercial DPA, the Cedar Main Street DPA the Cassidy DPA, the Cedar DPA, the Bowser Village Centre DPA, and the Multi-Residential, Intensive Residential, Industrial and Commercial Form and Character DPA:

~~All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:~~

- ~~a) Shrubs – 45 cm;~~
- ~~b) Groundcover and grass – 30 cm; and,~~
- ~~c) Trees – 30 cm around and below the root ball.~~



**Bylaw
500**

REVIEW & UPDATE PROJECT



Impacts and Considerations

- Bylaw 500 would outline the minimum size and technical requirements for landscaping on all parcels and the DPAs would provide any site-specific criteria or locational information on where and how landscaping would be provided in those areas.
- Shift from buffering and screening highways to landscaping based on meeting objectives outlined in DPA guidelines thereby allowing for consistency as well as increased visibility for commercial corridors.
- Integrates best practices for landscaping to maintain and enhance natural landscaping.



Focus Area: General Housekeeping Updates

Overview

In addition to the various Focus Areas outlined in the other Discussion Papers, the following topics will also result in amendments to Bylaw 500. These topics include updates to the Bylaw that address inherent contradictions, ultra vires situations, and / or minor updates that add clarification. Each topic below includes an overview of the issue and how it is intended to be addressed.

Subdivision for a Relative Clarification

Issue

Bylaw 500 is currently *ultra vires* as it regulates the minimum parcel size of the new parcel being created rather than the minimum parcel size of the parent parcel to be eligible to be subdivided as per Section 514 of the *Local Government Act*.

Question for Public and Stakeholders: Should the bylaw allow subdivision for a family member and if so what should the minimum parcel size be to be eligible for this type of subdivision, i.e. twice the minimum parcel size?

Options for Bylaw 500

1. Change regulations from the minimum parcel size of the new parcel to the minimum parcel size of the parent parcel eligible for subdivision as per legal recommendations, such as:

Section 4.4 : Parcels Exempt from Minimum Parcel Size Requirements

3. *Parcels proposed for subdivision pursuant to Section 514 of the Local Government Act shall be permitted provided that:*
 - a. *all requirements of provincial legislation are satisfied;*
 - b. *the ~~parent new~~ parcel being subdivided is a minimum of 4.0 ha ~~1.0 ha~~ to be eligible; and,*
 - c. *all other requirements of this Bylaw are met.*

Impacts and Considerations

- Bylaw 500 will no longer be *ultra vires* and will align with health regulations for minimum parcel sizes.

Project Goals:

The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.



Removal of Minimum Site Area Requirements

Issue

The minimum site area requirements have no practical basis and are no longer relevant given current site servicing requirements and universal building inspections. Residential density would instead be regulated by minimum and maximum number of dwelling units per parcel or strata that reflect the Official Community Plan, where appropriate.

Options for Bylaw 500

2. Remove minimum site area requirements from all relevant zones and add density requirements, such as:

Residential 2 example:

RESIDENTIAL 2		RS2	
Permitted Uses and Minimum Site Area			
Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) home based business	n/a	n/a	n/a
b) Residential Use — per dwelling unit	2,000 m ²	2,000 m ²	1.0 ha
c) Residential Use — per dwelling unit			
d) Secondary Suite	n/a	n/a	n/a
Maximum Number and Size of Buildings and Structures			
Accessory buildings	- combined floor area of 100 m ² or 10% of area of parcel whichever is greater, but shall not exceed 250 m ² .		
Accessory building height	- 6.0 m		
Dwelling units/parcel	- 2		
Density	Serviced parcels: 1 dwelling unit per 2,000 m ² to a maximum of 2 per parcel		



Unserviced parcels: 1 dwelling unit per 1.0 ha to a maximum of 2 on a parcel

Dwelling unit height	- 8.0 m
Parcel coverage	- 35%

Minimum Setback Requirements

Front lot line	- 8.0 m
Interior side lot line	- 2.0 m
Rear lot line	- 2.0 m
Other lot lines	- 5.0 m

Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

No setback from an interior or rear lot line shall be required for one accessory building not exceeding a floor area of 10 m² and with a maximum height of 3.0 metres.



Commercial 1 example:

COMMERCIAL 1

CM1

Permitted Uses and Minimum Site Area

Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Convenience Store	800 m ²	1,600 m ²	2,400 m ²
b) Office	500 m ²	1,000 m ²	1,500 m ²
c) Residential Use	500 m ²	500 m ²	500 m ²
d) Restaurant	2,000 m ²	4,000 m ²	6,000 m ²

Maximum Number and Size of Buildings and Structures

Dwelling units/parcel	- 1
Floor area ratio	- 0.40. **See General Housekeeping
Height	- 8.0 m
Parcel coverage	40%

Minimum Setback Requirements

Front lot line	- 8.0 m
Other lot lines	- 5.0 m

except where

- The adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero;
- any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.



Impacts and Considerations

- Removes the minimum site area requirements which are no longer needed with universal building code inspections.
- Avoids regulating land with site area requirements which have no apparent basis.
- Adds density requirements that maintain the relationship to serviced and unserved parcels.
- Removing minimum site area allows for smaller developments in rural settings to include a range of small-scale uses. For example, a small take-out restaurant has less impact than a 100 seat restaurant, yet currently subject to the same minimum site area requirement.
- Impacts are intended to be minimal as the regulations are not fundamentally changing and each use will be subject to a suite of other regulations including maximum parcel coverage, minimum parking requirements, servicing, and in many cases, development permit requirements.

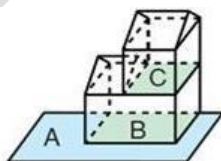
Floor Area Ratio

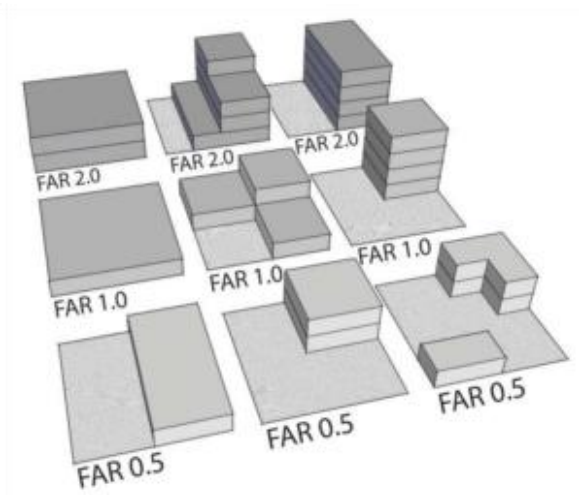
Issue

Floor Area Ratio (FAR) is a method to determine building size by using a ratio of the overall site size to building floor area (see image below). The intent of using FAR is to allow flexibility for building size and height based on how much of a building covers a site while maintaining the same overall floor area when all floors are added together. FAR works best on large parcels in cities where the building size and shape needs to be more flexible and parcels are large enough to accommodate a variety of scenarios. If FAR is used, other metrics like site coverage or building height put additional limitations on the building size and / or shape and must be considered together to avoid contradictory requirements. In places like the RDN, a combination of site coverage and building height requirements provide the same level of regulation in a way that is easier to understand.

Floor-Area Ratio (FAR)

$$\text{FAR}(\%) = \frac{\text{total floor area (B+C)}}{\text{site area (A)}} \times 100$$





Many zones have a variety of methods that calculate building size and shape where additional standards for Floor Area Ratio conflict.

Options for Bylaw 500

3. To remove Floor Area Ratio (FAR) in all relevant zones so buildings will be regulated by parcel coverage and height requirements.

Given the nature of development in the RDN being relatively small in relation to the area of the parcel it is located on, Floor Area Ratio (FAR) is seldom a factor that is relevant. Removing FAR from all relevant zones is not anticipated to have an impact and will simplify the affected zones.

Impacts and Considerations

- Floor area ratio acted as an unnecessary regulation that added confusion for users. Removing FAR focuses the regulations on more typical standards, such as parcel coverage and height, which are better understood by users.
- Removing FAR decreases opportunities for conflict while still maintaining flexibility for building design in a variety of parcel sizes and shapes.



Parcel Coverage in the Agricultural 1 Zone (AG1)

Issue

There are a few small parcels located in the AG1 zone that, based on 10% parcel coverage cannot support an average sized dwelling unit.

Options for Bylaw 500

4. To increase parcel coverage for smaller parcels in the AG1 zone where the 10% maximum is too small to accommodate an average sized dwelling unit by adding a regulation that could read as follows:

- a. On parcels less than 2,000 m² in area, the maximum parcel coverage of all non-farm buildings and structures shall be 35%.

Impacts and Considerations

- The increase to maximum parcel coverage on parcels less than 2,000 m² would allow for the construction of a dwelling unit and accessory building and is consistent with the approach taken in residential zones of similar area.

Accessory Building, Dwelling Unit & Secondary Suite Definitions

Issue

Accessory building(s) need to be more clearly defined so they are not used for residential occupancy by specifically not including bedrooms and kitchens. Secondary Suites can be part of Accessory Buildings, however, in that case, the residential portion becomes a Secondary Suite (See Dwelling Unit Definition below and Secondary Suite Focus Area for additional considerations related to those definitions and regulations).

The definition of dwelling unit does not provide adequate clarity with respect to the use of breezeways and heated hallways which are used to connect different parts of a dwelling (see definition above). The definition also needs to more clearly discourage physical connections between Dwelling Units and Accessory Buildings and / or detached Secondary Suites as this leads to additional confusion.

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.

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.

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.

Options for Bylaw 500

1. To clarify the difference between an accessory building and dwelling unit by updating the definitions for each, such as:

Note: For options related to the definition of secondary suites, see the Secondary Suites Discussion Paper.

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 **and that have facilities for cooking and areas for sleeping.**

dwelling unit means one self-contained unit contained within common walls **or connected by a heated hallway, but not an unheated breezeway**, 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.

Impacts and Considerations

- Updates to dwelling unit definition clarify how different portions of a building are connected to form a dwelling and align with optional updates to secondary suite definitions (see Secondary Suite Discussion Paper).
- Most dwelling units will not be affected. Applications where an unheated connection is proposed will be assessed as a different building.



Floor Area Definition

Issue

The definition is not clear on what is considered floor area. The confusion arises as the level of detail increases. The below definition currently in Bylaw 500 provides a general understanding. As building plans are developed and different areas of the building are designed, questions arise as to whether certain areas count towards the overall floor area. The RDN currently measures floor area from the inside surface of the walls and includes any part of the building that supports or shelters a use or occupancy including carports, covered decks, and cantilevered overhangs that are not supported by vertical structural supports. Encouraging larger overhangs also provides additional opportunities for shade, aligning with overall environmental sustainability considerations.

Floor area regulates secondary suite and accessory building size, and is used to calculate parking standards and therefore is an important part of Bylaw 500.

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.

Options for Bylaw 500

2. Clarify what is considered floor area by:

- including carports, covered decks, and similar buildings and structures where there is no visible wall (supported by posts where floor area is currently calculated based on the inside of the post) and,
- excluding overhangs less than 1.5 metres from being considered as floor area. To clarify that any space that contains a defined use or activity is included in floor area calculations, such as:

*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, **and includes carports, covered decks, and similar buildings and structures where there is no visible wall, but excludes overhangs less than 1.5 metres and crawl spaces that are less than 1.5 metres in height.***

Impacts and Considerations

- Adds further clarification for how floor area is calculated to increase consistency, is based on current practices and addresses common questions.
- Aligns measurements with environmental sustainability objectives.
- Brings common practices into the regulations; however, where there are discrepancies, inclusion of more floor area may add limitations to some buildings that are close or over current maximum floor area requirements. In other cases, the exclusion of overhangs may bring some buildings into



compliance. As such, the number of requests for variances may not change, but their nature, i.e. what type of variance is being requested, may change.

Resort Condominium Regulations

Issue

The current definition has resulted in Resort Condominium units being used as residential units which is not in line with the intent, is difficult to enforce, and results in lost tourism opportunities. Resort Condominium is allowed in some residential zones with the intent to create tourism opportunities by providing tourist accommodation. Resort condominiums are hotel units, which are defined in Bylaw 500, but are very similar to a dwelling unit. The definition of hotel unit does not prohibit the provision of a full kitchen, does not specify a maximum floor area, and allows hotel units that contain the same provisions as a dwelling unit. For example, as defined, hotel units can have a garage, multiple bedrooms, and laundry facilities. As a result, on almost all parcels that allow Resort Condominium Unit, the unintended consequence has resulted in the development of single family residential development with no effective means of enforcing the tourism element.

Existing Definitions:

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

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

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

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 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.

Options for Bylaw 500

3. Limit Resort Condominium Unit to parcels that currently contain a Resort Condominium Use.

The proposal would zone to recognize existing Resort Condominium Units and would remove this use from parcels that currently allow it but have not been developed for this use. This approach would avoid uses becoming legal non-conforming and would also stop additional Resort Condominium Units from being developed.



4. Update the definitions for resort condominium unit and hotel unit to specify that they are not to be used as a primary residence, such as:

*resort condominium unit means a hotel unit which is subdivided pursuant to the Strata Property Act and amendments thereto. **A resort condominium unit is intended for the travelling public and shall not be occupied as a primary residence.***

*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 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. **A hotel is intended for the travelling public and shall not be occupied as a primary residence.***

Impacts and Considerations

- These changes clarify how resort and hotel units are different from permanent dwelling units.
- These changes will provide additional opportunities for enforcement though it may not solve the issue as it will be difficult to prove where an owner's primary residence is.

Split Zoned Property Regulations

Issue

A parcel with two or more zones is a split zoned property. Regardless of whether a parcel has been subdivided, it is the zone that ultimately guides development. As per Section 3.1 (5), the intent is to use the zone boundaries as the de facto property lines for the purposes of interpreting other sections of Bylaw 500 that require reference to parcel boundaries. The current language in Section 3.1 (5) is unclear and is difficult to interpret in a consistent manner. To support more consistent interpretation as well as to simplify this approach, the current regulations in Bylaw 500 need to be updated.

Options for Bylaw 500

5. Update the language on how split zoned properties are regulated to clarify that the area of each zone will be regulated as a separate parcel and is subject to all applicable zoning regulations:

*Section 3.1 (5) Where a parcel is divided by a zone boundary **that differentiates two or more zones within a single parcel**, the areas ~~created by such division~~ **of each zone** shall be deemed to be separate parcels and all zoning regulations shall apply to each area as though each was a separate parcel.*



Impacts and Considerations

- Adds clarity for all existing and future split-zoned parcels.
- Significantly simplifies the approach to regulating split zoned parcels.

Multiple Dwelling Unit Definition and Height

Issue

Several residential zones are intended for medium to high density residential development in the form of multiple-dwelling unit buildings such as apartment buildings, row houses, condominiums, triplex, similar building types. The defined use in the Residential 3 (RS3) Zone, the Residential 4 (RS4) Zone, the Residential 5 (RS5) Zone, and the Residential 8 (RS8) Zone is the *Multiple Dwelling Unit Development* use, which is defined as:

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

However, because the definition refers to ‘on a parcel’ rather than ‘in a building’, the unintended consequence has been building strata development consisting of single detached housing forms. This has undermined the intent of the zone to provide for small-scale attached forms of housing. As a result, opportunities for affordable and rental housing forms have been lost and the regulations need to be clarified to align with the intent for this type of development. Single detached housing could be added to each zone to clarify where and how those types of dwellings are allowed while still accommodating a range a housing types.

The current height limit of 8.0 metres also does not accommodate current building practices and should be increased. However, the height increase should still maintain a ground-oriented building. Increasing the height while adding other dwelling types that have a lesser height could encourage more multi-unit dwelling unit development.

Initial Engagement

Stakeholders were concerned about decreasing flexibility for duplexes, triplexes, and tiny home villages if the definition is updated to specify that three or more units are attached.

Options for Bylaw 500

6. Update the definition of ‘multiple dwelling unit development’ to specify that three or more units are located within the same building, such as.



*multiple dwelling unit means the establishment of three or more dwelling units on a parcel except for units constructed **as of [date of approval]** means the establishment of three or more dwelling units within the same building.*

This approach is intended recognize the existing multiple dwelling unit developments which included detached units and apply the requirement for units to be located within the same building to new builds.

- 7. Increase height for multiple dwelling unit development in the RS3, RS4, and RS5 Zones to be consistent with other attached residential zones and to accommodate building types permitted by the zones, such as:**

Height ~~8.0 m~~ **10.0 m**

Note the RS8 zone permits a maximum building height of 15.0 m. However no changes are proposed to this zone as it applies exclusively to parcels located in the Lakes District and which are subject to the Lakes District and Schooner Cove Phased Development Agreement (PDA) and can not be changed and are not within the scope of this project.

- 8. Add single detached housing as accessory uses to the RS3, RS4, and, RS5 Zones, such as:**

Accessory Uses

Residential Use

Maximum Number and Size of Buildings and Structures

Residential Use **8.0 m**

Impacts and Considerations

- To limit nonconformance, the date of approval would be added to the definition.