

- (C) the system must be affixed to a roof with a pitch not exceeding 3:12.
- (ii) On a parcel 5,000 m<sup>2</sup> or greater in area, no portion of such system exceeds 0.6 m above the maximum permitted height.
- (e) One over-height micro wind turbine system per parcel provided that no such system exceeds twice the maximum permitted height, as measured from the natural grade at the base of the wind turbine tower to the top of the highest vertical extension of the wind turbine at the top of the rotor blade arc.

### 3.14 Density - Category A Lots

Where a category A lot is divided between more than one zone, two dwelling units are permitted on only one parcel located within the eligible subdivision.

Category A lots are identified in Schedule 3B – Category A Lots of this Bylaw.

### 3.15 Home Based Business

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

- (a) The following activities shall be permitted as a home-based business accessory to a residential use:
  - (i) Small scale and value-add processing of goods, such as food preserving, pottery, or similar activities;
  - (ii) sales of goods produced on site to a maximum of 1/3 of the home-based business floor area where the home based business meets all other requirements of this Bylaw;
  - (iii) bed and breakfast provided the activity is contained wholly within the dwelling unit (not in a secondary suite) to a maximum of 2 bedrooms in Residential 1 and 3 zones, a maximum of 2 bedrooms in the Alternative Forms of Rural Development 1 zone and to a maximum of 4 bedrooms in all other zones where permitted by this Bylaw;
  - (iv) rental of non-motorized outdoor recreation equipment;
  - (v) personal service use;
  - (vi) professional practice;
  - (vii) office;
  - (viii) licensed childcare facility for up to 8 children and must meet the requirements of the *Community Care and Assisted Living Act*;
  - (ix) medical services;
  - (x) artisan or craftsman services;
  - (xi) pet grooming;

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- (xii) small scale market gardens and related value-added food and goods production intended for sale, excluding a nursery or larger retail operation, where the home-based business meets all other requirements of this Bylaw;
  - (xiii) catering; and
  - (xiv) personal recreation services for classes offered or personal training, such as 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.
- (b) Despite Section 3.15, the following activities are prohibited as a home based business:
- (i) animal breeding in excess of two litters per calendar year;
  - (ii) pet boarding;
  - (iii) public assembly use;
  - (iv) school pursuant to the *Schools Act*;
  - (v) chemical processing;
  - (vi) dry cleaning;
  - (vii) slaughtering;
  - (viii) butchering;
  - (ix) smoking of food;
  - (x) seafood processing;
  - (xi) canning of foods with a pH level equal to or greater than 4.5;
  - (xii) laundries;
  - (xiii) manufacturing of fiberglass, pyroxlin or similar products;
  - (xiv) paint, varnish, or lacquer manufacturing;
  - (xv) primary processing including the processing of fence posts, shakes, and firewood;
  - (xvi) rubber manufacturing;
  - (xvii) tanneries;
  - (xviii) funeral parlour;
  - (xix) warehousing, specifically including mini-storage;
  - (xx) marshalling of vehicles, equipment, and machinery;
  - (xxi) vehicle wrecking or dismantling of vehicles;
  - (xxii) spray painting shop;
  - (xxiii) recycling facility;
  - (xxiv) recreation facility;

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- (xxv) 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 (a)(ii);
  - (xxvi) taxidermy;
  - (xxvii) dispensing of automotive fuel, oil, or fluids;
  - (xxviii) automotive repairs, vehicle restoration or maintenance except on parcels zoned Agriculture 1 and 2 (AG1-AG2) and Rural Residential 1 and 2 (RR1-RR2) and Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7-RM9);
  - (xxix) cannabis and mushroom processing and production;
  - (xxx) alcohol production;
  - (xxxi) temporary accommodation other than bed and breakfast; and
  - (xxxii) nursery.
- (c) 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) 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 childcare facilities or small scale market garden activities;
  - (viii) provide all parking on a dust free hard surfaced portion of the parcel for all non-resident employees, visitors and / or drop-off locations in accordance with Section 3.22 of this Bylaw; and,
  - (ix) despite any regulation in this Bylaw, on lands located in the Agricultural Land Reserve be in accordance with the *Agricultural Land Reserve Act* and *Regulations*, and applicable orders of the Land Reserve Commission.
- (d) A maximum of one (1) non-illuminated home-based business sign per parcel is permitted, provided that the sign:
- (i) Does not exceed 0.75 m<sup>2</sup> in sign face area;

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- (ii) is displayed on the exterior wall face of a dwelling unit, accessory building or fence, or as a freestanding sign;
  - (iii) if freestanding, does not exceed 1.5 m in height;
  - (iv) if freestanding, is sited within required setbacks of the applicable zone.
- (e) A maximum of one non-resident home based business employee is permitted per parcel or the part time equivalent thereof, excluding licensed childcare facilities in accordance with the *Community Care and Assisted Living Act*.
- (f) Despite subsection (e), 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 Residential 1 and 2 (RR1 – RR2), Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7- RM9) zones, excluding licensed child care facilities in accordance with the *Community Care and Assisted Living Act*.
- (g) The location and maximum floor area and location of a home-based business is as follows:

Zones	Parcel Area	Location	Maximum Floor Area
<b>Residential 1 (RS1)</b> <b>Alternative Forms of Rural Development 1 (AF1)</b>	Less than 2,000 m <sup>2</sup>	Must be contained within a dwelling unit or attached garage with the exception of outdoor play areas for childcare facilities.	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 m <sup>2</sup> .
<b>Residential 1 (RS1)</b> <b>Alternative Forms of Rural Development 1 (AF1)</b> <b>Residential 2 (RS2)</b>	Greater than or equal to 2,000 m <sup>2</sup>	The home-based business must be contained within the dwelling unit, attached garage or accessory building(s), with the exception of outdoor play areas for childcare facilities.	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 m <sup>2</sup> , or a maximum of 100 m <sup>2</sup> combined total for dwelling unit, attached garage, and/or accessory building(s).
<b>Residential 3 (RS3)</b>	Not applicable	Must be contained within a dwelling unit or attached garage with the exception of outdoor play areas	The home-based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and

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Zones	Parcel Area	Location	Maximum Floor Area
		for childcare facilities.	attached garage to a maximum of 100 m <sup>2</sup> .
<b>Rural Residential 2 (RR2)</b>	Not applicable	Must be contained within a dwelling unit or attached garage with the exception of outdoor play areas for childcare facilities.	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 m <sup>2</sup> .
<b>In all other zones where home-based business is a permitted or accessory use unless otherwise specified in the applicable zone</b>	Not applicable	The home-based business must be contained within the dwelling unit, attached garage or accessory building(s), with the exception of outdoor play areas for childcare facilities.	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 m <sup>2</sup> or a maximum of 150 m <sup>2</sup> combined total floor area for the dwelling unit, attached garage, and/or accessory building(s)

- (h) Outdoor areas required for play areas for childcare facilities as per the *Community Care and Assisted Living Act*, or outdoor gardening activities are not included in floor area calculations.
- (i) The maximum combined land area used for outdoor cultivation and all related activities in association with small scale market gardens shall not exceed 30 % of the total area of the parcel that the home-based business is located on to a maximum of 1,000 m<sup>2</sup>.
- (j) Home-based businesses shall not be located within a Streamside Protection and Enhancement Area.
- (k) Home-Based Businesses shall not be permitted within a secondary suite nor by the occupants of a secondary suite elsewhere on the subject property.
- (l) Bed and Breakfast shall not be permitted on a parcel that contains a suite.
- (m) Where a secondary suite is located on a parcel less than 4,000 m<sup>2</sup> in area, the home-based business must:
  - (i) be limited to one (1) business; and,

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- (ii) not include any non-resident home-based business employees.

### 3.16 Farm Use Regulations

On lands located within the Agricultural Land Reserve the following activities are permitted farm uses in accordance with the *Agricultural Land Reserve Use Regulation* and are subject to the following regulations:

(a) **Agri-Tourism**

Prescribed Agri-tourism activities are permitted on land located within the Agricultural Land Reserve in accordance with the *Agricultural Land Reserve Use Regulation*.

(b) **Farm Retail Sales**

Farm retail sales is permitted on land located within the Agricultural Land Reserve if:

- (i) All of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
- (ii) At least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales is taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

(c) **Cannabis Production**

Cannabis production is permitted on land located within the Agricultural Land Reserve if:

- (i) The production of cannabis is contained wholly within licensed facilities as permitted by *all applicable Federal and Provincial statutes and regulations*.
- (ii) The minimum setback for all structures associated with cannabis production is 30.0 m from all property lines.

### 3.17 Accessory Farm Use Regulations

(a) **Agriculture Education and Research**

Where agriculture education and research is permitted in this Bylaw it shall be subject to the following regulations:

- (i) the area occupied by any buildings or structures necessary for education or research must not exceed 100 m<sup>2</sup> for each parcel.

(b) **Production of Biological Integrated Pest Management Products**

Where the production of biological integrated pest management products is permitted in this Bylaw it shall be subject to the following regulations:

- (i) the area occupied by any buildings or structures necessary for the production or development must not exceed 300 m<sup>2</sup> for each parcel.

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