

SEPTEMBER 17TH, 2013

THE LAKES DISTRICT
COMPREHENSIVE DEVELOPMENT ZONE (CD₄₄)

DRAFT

SECTION 1: DEFINITIONS AND PURPOSE

1.1 Purpose

The land encompassed within this CD Zone 44 is divided into eight zoning areas: Regional Park, Community Park, Residential Single Dwelling, Residential Single Dwelling and Duplex, Multiple Dwelling, Neighbourhood Mixed Use, Lakehouse Centre and Civic Infrastructure; specific regulations define each zoning area.

The location of the site specific zoning regulations for the Lakes District neighbourhood and its zoning areas shall be in accordance with this CD Zone and as shown Bylaw #500 Schedule '3A' – Zoning Maps.

1.2 Definitions

1. artisan workshop means production, service, repair or maintenance of an article, substance, material, fabric or compound, provided uses are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, gas, noise, effluent, or hazard; and having a gross floor area not exceeding 200 m² including retail sales accessory to the principal use;
2. commercial use means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, retail or personal service use;
3. community garden means a non-commercial facility for the cultivation of fruits, flowers, vegetables or ornamental plants;
4. community park means use of land, buildings or structures primarily for recreation, including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, field houses, multi-purpose courts and the like;
5. duplex means two self-contained dwelling units with separate ground level entrances, and which are adjoined by a common wall;
6. finished grade means the elevation of the surface of the ground on any point on the site of a completed development, and which may not increase from natural grade by more than 2m at any point;
7. height means the elevation of a point directly below:
 - a) that part of the building or structure being measured above the lands (or surface of water at high water), and;

- b) on a line connecting the two intersections of the natural grade and the outermost exterior walls or support as indicated on a plan showing any complete vertical section of that part of a building within a Residential Single Dwelling designation where permitted in the applicable zone, or,
 - c) on a line connecting the two intersections of the finished grade and the outermost exterior walls or support as indicated on a plan showing any complete vertical section of that part of a building within a Residential Single Dwelling & Duplex, Multiple Dwelling, Neighbourhood Mixed Use or Lakehouse Centre designation, where permitted in the applicable zone;
8. garden centre means the use of land, buildings, or structures for the purpose of retail sales of trees, plants, flowers, and associated gardening and landscaping supplies and outdoor garden equipment;
 9. impermeable surface means surfaces that cannot be readily penetrated by water;
 10. multiple dwelling unit development means the establishment of three or more dwelling units within a building on a parcel, and includes triplex, fourplex, row housing and apartment housing;
 11. natural grade means the elevation of the ground surface in its natural state prior to any man-made alterations, or as reflected in a parcel contour plan;
 12. nature park means the use of land, buildings or structures primarily for conservation and enjoyment of natural areas. Uses can include boardwalks, trails, environmentally sensitive areas, nature sanctuaries and the like;
 13. office means the occupancy or use of a building for the purpose of carrying out business activities, but specifically excludes personal services use;
 14. parcel contour plan means the elevation of the ground surface in its natural state, shown on a survey plan produced by a BC Land Surveyor at 0.5m or 0.3m contours, showing building setbacks and the natural grade;
 15. restaurant means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include, cafés, delicatessens, and take-out restaurants but specifically excludes neighbourhood pubs, drive-in and drive-thru establishments;
 16. retail store means a sales outlet contained under one roof, having a gross floor area not exceeding 250m², and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;

17. secondary suite means one or more habitable rooms, but not more than two bedrooms and one cooking facility, constituting a self-contained dwelling unit with a separate entrance, but which is clearly subordinate to the principal dwelling, and is limited to residential use;
18. seniors' congregate housing means a residential or institutional facility which provides for seniors' congregate housing units and may contain accessory personal service use and accessory convenience store use;
19. seniors' congregate housing unit means a sleeping unit or a dwelling unit containing one or more sleeping units within a seniors' congregate housing facility;
20. sleeping unit means a bedroom or other area which is used or intended to be used for sleeping, or sleeping and living purposes, and which does not contain a cooking facility;
21. storage means a the use of the land, buildings or structures for the temporary storing of property or goods;
22. storey means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it;
23. tourist accommodation means the rental of a lodging unit in a hotel, motel, or cabin for the temporary accommodation of the traveling public with continuous occupancy not exceeding 90 days and specifically excludes a manufactured home and residential use;
24. temporary building means a building which is not supported on permanent foundations and which may or may not be connected to community water or sewer;
25. net density means a measure of the intensity of development to the area of the site, represented by the number of units on a parcel divided by the parcel area in hectares (uph) but excludes road right-of-way and dedicated park; and,
26. utility use means a system of works or services or a facility operated by or on behalf of a government or a utility company to provide or in connection with the provision of water, sewer, drainage, gas, electricity, surface transportation or communication services.

SECTION 2: GENERAL REGULATIONS

The following General Regulations apply to uses within the Lakes District CD Zone 44. Where not specifically amended through this CD Zone, the regulations of Bylaw #500 apply.

2.1 Total Dwelling Units

Total dwelling units for lands zoned CD44 shall not exceed 1,675 units, in accordance with Schedule 'B' Lakes District Neighbourhood Plan (Policy 3.1.a.) in the Nanoose Bay Official Community Plan Bylaw 1400, 2005.

2.2 Uses Permitted in all Zones

The following uses are permitted in all zones:

- a) community garden
- b) utility use

2.3 Secondary Suites

The following regulations apply to secondary suites:

- a) A secondary suite is permitted only within a principal dwelling within a parcel.
- b) Not more than one secondary suite shall be permitted per single dwelling on a lot.
- c) The size of a secondary suite within the principal building shall not exceed 40% of the habitable floor space of the principle dwelling to a maximum of 90m².
- d) A principal dwelling unit which contains a secondary suite must be owner occupied.
- e) Secondary suites are not counted as dwelling units for the purpose of calculating the total number of dwelling units.
- f) A principal dwelling may contain either a secondary suite or a bed and breakfast, but not both.
- g) A minimum of one off-street parking space is required for a secondary suite, in addition to parking requirements for the principal residential (per Bylaw 500 Schedule '3B' Off-Street Parking and Loading Spaces).

2.4 Rainwater Harvesting

Where a Building Permit is not required for rainwater harvesting structures, equipment and apparatus, including rainbarrels and cisterns, they are excluded from building setback requirements.

2.5 Senior's Congregate Housing

Seniors' congregate housing is subject to the following regulations:

- a) For the purposes of calculating unit density, each sleeping unit within a seniors' congregate housing facility is equal to 0.2 units;
- b) The gross floor area of a seniors' congregate housing unit shall not be less than 26 m² and not more than 50 m²; and
- c) Accessory personal service and convenience store uses, where provided, shall be contained within the seniors' congregate housing facility and shall be accessible only from an internal hallway or corridor. The combined total floor area of all accessory personal service and accessory convenience store uses shall not exceed 150 m² per seniors' congregate housing facility.

2.6 Temporary Uses

- a) Temporary buildings, structures, or mobile food carts for the purpose of seasonal vending on properties are permitted within nature park, community park, and on commercially zoned properties provided that:
 - ii. the parking requirements of Bylaw #500 are met; and,
 - iii. potable water and washroom facilities are available on-site if food is served.

2.7 Tourist Accommodation

Temporary stays within Tourist Accommodation is limited to a maximum consecutive or non-consecutive stay of ninety (90) days per visitor in any twelve (12) month period within any Tourist Accommodation Unit on the parcel. The relocation of a visitor to another unit within the parcel does not constitute the start of a new stay.

2.8 Height and Grade

The following regulations apply to building height:

- a) A Parcel Contour Plan shall be submitted with the earlier of an application for subdivision or Development Permit, if required.
- b) Structures such as antennae, chimney stacks, steeples, elevator housings, roof stairway entrances, ventilating equipment or enclosures for such equipment, skylights, flagpoles and the like are exempt from the height requirement.
- c) Structures for sustainable building technologies, such as wind turbines, photovoltaic panels and rain barrels, cisterns and the like are exempt from the height requirement provided that:

- i. no such structure covers more than 20 percent of the parcel area or,
- ii. if located on a building, no such structure covers more than 10 percent of the roof area.

Notwithstanding, in a residential zone, no such structure shall exceed twice the maximum building height permitted by the zone.

2.9 Storage

The following regulations apply to storage uses:

- a) Boats, vehicles and recreational vehicles must be operational and capable of being licensed by the applicable licensing authority. This use excludes on-site fuel dispensing.
- b) Storage is accessory to the principal use and, where permitted, is limited to 33% of a parcel.
- c) A continuous landscaping buffer with a minimum vegetation height of 2.0m shall be provided and maintained along property lines.

2.10 Strata Developments

In order for bare land strata developments to be consistent with the character of the surrounding neighbourhood, the following regulations apply:

- a) The strata plan shall be considered as one site for defining the overall use, density and parcel coverage.

2.9 Structures

Minimum setback for structures is 1.0m from all lot lines.

3.1 Regional Park

CD44 – PR1

Purpose

The intent of the nature park zoning area is to ensure the protection of the functional integrity of natural systems, provide recreational opportunities associated with passive outdoor activities, and for conservation of the natural features that define the landscape character of the Lakes District.

Permitted Principal Uses

- a) nature park

Maximum Number and Size of Buildings and Structures

- a) Maximum height is the lesser of 6.0m or 2 storeys inside the lot line setback, except it is 9.5m or 2 storeys outside of the setbacks.
- b) Maximum parcel coverage is 10%.

Minimum Setback Requirements

- a) Minimum front yard setback is 4.5m.
- b) Minimum rear yard setback is 4.5m.
- c) Minimum setback from all other lot lines is 3.0m.
- d) Minimum setback for structures is 0.0m from all lot lines.

Parking

Use	Off-Street Parking Requirement
Major staging area	10 parking stalls
Minor staging area	4 parking stalls

Bicycle Parking

Use	Minimum Requirement
Park	4 spaces per major or minor staging area

3.2 Community Park

CD44 – CP

Purpose

The intent of the community park zoning area is to provide recreational amenities associated with active outdoor activities and opportunities for social gathering, in conjunction with conservation of the natural features that define the landscape character of the Lakes District.

Permitted Principal Uses

- a) community park

Maximum Number and Size of Buildings and Structures

- a) Maximum height is the lesser of 6.0m or 2 storeys within the lot line setback, except it is 9.5m or 2 storeys outside of the setbacks.
- b) Maximum parcel coverage is 20%.

Minimum Setback Requirements

- a) Minimum front yard setback is 4.5m.
- b) Minimum rear yard setback is 4.5m.
- c) Minimum setback from all other lot lines is 3.0m.
- d) Minimum setback for structures is 0.0m from all lot lines.

Bicycle Parking

Use	Minimum Requirement
Park	6 bicycle parking spaces per parcel

3.3 Residential Single Dwelling

CD44 – RS

Purpose

The residential zoning area allows single family homes on larger lots where some retention of natural site features is desirable, providing for flexibility in building siting with a wide range of architectural forms.

Permitted Principal Uses

- a) residential use

Accessory Uses

- a) home based business
- b) secondary suite

Regulations

- a) Minimum parcel size is 800m² or 850m² for corner lots.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 40%, and together with driveways, parking areas and impermeable surfaces shall not exceed 50% of the total parcel area, except for parcels with a panhandle driveway not exceeding 8.0m in width, that portion of the driveway located within the panhandle shall not be included in the calculation of impermeable surface area.
- b) Maximum height is the lesser of 9.5m or 2.5 storeys.
- c) Maximum building height for accessory buildings and structures is the lesser of 6.0m or 1 storey.

Minimum Setback Requirements

- a) Minimum front yard setback is 4.5m.
- b) Minimum interior side yard setback is 2.0m.

- c) Minimum exterior side yard setback is 4.5m.
- d) Minimum rear yard setback is 4.0m but it is 1.0m for an accessory building not exceeding 10m² in floor area.
- e) Minimum setback for a front entry garage or carport is 6.0 m from any highway, except it is 4.5m for a side entry garage.

3.4 Residential Single Dwelling & Duplex

CD44 – RSD

Purpose

Lakes District Single Dwelling/Duplex lands are zoned to increase the range of housing types offered and provide transition between larger lot single dwelling residential land uses and low to medium density housing. The provision of smaller single dwelling units and duplex homes serves to facilitate cluster development to maintain high conservation and recreation value in the adjacent areas.

Permitted Principal Uses

- a) duplex
- b) residential use

Accessory Uses

- a) home based business
- b) secondary suite

Regulations

- a) Minimum parcel size for a single dwelling unit is 400 m² or 450 m² for a corner parcel.
- b) Minimum parcel size for a duplex is 750 m² or 800 m² for a corner parcel.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage for a single dwelling unit is 60%, and together with driveways, parking areas and impermeable surfaces shall not exceed 70% of the total parcel area, except for parcels with a panhandle driveway not exceeding 8.0m in width, that portion of the driveway located within the panhandle shall not be included in the calculation of impermeable surface area.
- b) Maximum parcel coverage for a duplex is 65% and together with driveways, parking areas and impermeable surfaces shall not exceed 75% of the total parcel area, except for parcels with a panhandle driveway not exceeding 8.0m in width, that portion of the driveway located within the panhandle shall not be included in the calculation of impermeable surface area.
- c) Maximum height is the lesser of 9.5m or 2 storeys.

d) The maximum building height for accessory buildings and structures is the lesser of 6.0m or 1 storey.

Minimum Setbacks

Lot type	Front Lot Line	Interior Side Lot Line	Exterior Side Lot Line	Rear Lot Line
Single Residential	4.5m , except it is 6.0m from a front entry garage or carport façade.	1.5m	4.5m	3.0m
Duplex	4.5m , except it is 6.0m from a front entry garage or carport façade.	2.0m	4.5m	4.0m

Minimum Setback Requirements

- a)
- b) Minimum setback from a strata road is 3.0m.
- c) Minimum rear yard setback is 1.0m for an accessory building not exceeding 10m² in floor area.

3.5 Multiple Dwelling

CD44 – RMD

Purpose

The Residential Multiple-Dwelling zoning area allows for the development of a range of multiple housing types from duplex homes to ground-oriented rowhomes and townhomes to low-rise condominiums. Smaller unit types respond to community needs to accommodate greater affordability and opportunities for ageing-in-place.

Permitted Principal Uses

- a) duplex
- b) multiple dwelling unit development

Regulations

- a) Maximum net density is 75uph for residential uses.
- b) Minimum parcel size for a duplex is 600 m² or 650 m² for a corner parcel.
- c) Minimum parcel size for a multiple dwelling unit development is 700 m² or 750 m² for a corner parcel.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 60% or 70% where the required parking spaces are located directly beneath the principal building, except for parcels with a panhandle driveway not exceeding 8.0m in width, that portion of the driveway located within the panhandle shall not be included in the calculation of impermeable surface area.
- b) Maximum impermeable surface area is 70% of the total parcel area including buildings, driveways, and paved areas or 75% where the required parking spaces are located directly beneath the principal building.
- c) The maximum building height for a duplex is limited to the lesser of 9.5m or 2 storeys.
- d) The maximum building height for multiple dwelling unit developments is limited to the lesser of 21.0m or 5 storeys.
- e) Maximum height for accessory buildings is limited to the lesser of 6.0m or 1 storey.
- f) Amenity buildings indicated as common property for the use of building occupants on a strata plan shall be treated as accessory buildings with allowance for maximum

building height restrictions to the lesser of 8.5m or 2 storeys except in the case of additional accessory buildings and structures.

Minimum Setback Requirements

- a) Minimum front yard setback is 4.5m.
- b) Minimum interior side yard setback is 2.0m.
- c) Minimum exterior side yard setback is 4.5m.
- f) Minimum rear yard setback is 4.0m but it is 1.0m for an accessory building not exceeding 10m² in floor area.
- g) Minimum setback for a front entry garage or carport is 6.0 m from any highway, except it is 4.5m for a side entry garage.
- h) Minimum setback from a strata road is 3.0m.

Bicycle Parking

Use	Minimum Requirement
Apartment Housing	1 secure interior space per 2 units and 4 spaces near primary building entrances

3.6 Neighbourhood Mixed Use

CD44 – NMU

Purpose

As a compliment to the existing commercial centres at Red Gap and Schooner Cove, the Community Mixed Use area provides land to accommodate a future opportunity for neighbourhood-scaled, pedestrian-oriented commercial services and/or other associated uses within the Lakes District. Mixing residential, neighbourhood-serving commercial and public amenities provides compact housing options, small scale retail and community gathering spaces.

Permitted Principal Uses

- a) artisan workshop
- b) garden centre
- c) multiple dwelling unit development
- d) office
- e) personal care
- f) personal service use
- g) retail store
- h) restaurant
- i) school
- j) seniors' congregate housing
- k) tourist accommodation

Accessory Uses

- a) storage

Regulations

- a) Minimum parcel area for commercial uses, including mixed-use buildings is 2,500m².
- b) Minimum parcel area for multiple dwelling unit development is 700m² or 750m² for a corner parcel.
- c) Maximum net density is 75uph for residential uses.
- d) No one use may exceed 80% of building floor area within a parcel, and the second use must comprise at least 20% of building floor area within a parcel.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 70% or 80% where the required parking spaces are located directly beneath the principal building.
- b) Maximum impermeable surface area is 80% of the total parcel area including buildings, driveways, and paved areas or 85% where the required parking spaces are located directly beneath the principal building.
- c) Despite a) and b), maximum impermeable surface for a storage use is 75%, including buildings, driveways and paved areas.
- d) The maximum building height for multiple dwelling unit development is limited to the lesser of 21.0m or 5 storeys.
- e) Maximum building height for accessory buildings is the lesser of 6.0m or 1 storey.
- f) Amenity buildings indicated on a strata plan as common property for the use of building occupants shall be treated as accessory buildings, with allowance for maximum building height restricted to the lesser of 8.5m or 2 storeys.

Minimum Setback Requirements

- a) Minimum front yard setback is 4.5m.
- b) Minimum interior side yard setback is 2.0m.
- c) Minimum exterior side yard setback is 4.5m.
- i) Minimum rear yard setback is 4.0m but it is 1.0m for an accessory building not exceeding 10m² in floor area.
- j) Minimum setback for a front entry garage or carport is 6.0 m from any highway, except it is 4.5m for a side entry garage.
- k) Minimum setback from a strata road is 3.0m.
- l) Minimum setback for a commercial use building or portion of a commercial use building is 0.0m, except it is 4.5m from any lot line that abuts a public road right-of-way.

Parking Regulations

- a) seniors' congregate housing 1 parking space per 2 employees and 1 per 5 beds

All other uses as determined by RDN Bylaw #500, Schedule '3B' Off Street Parking & Loading Spaces

Bicycle Parking

Use	Parking Requirement
Commercial use 475m ²	1 space near primary building entrances per
Multiple dwelling unit development	1 secure interior space per 2 dwelling units and 4 spaces near primary building entrances
Seniors' congregate housing	1 secure interior space per 10 employees

3.7 Lakehouse Centre

CD44 – LC

Purpose

The Lakehouse Centre is intended as a recreational destination for the Lakes District community. As such, the primary function of the Lakehouse Centre will serve as an amenity centre for the community and as an accessory use, the Lakehouse Centre may offer support program/services for Regional Park staging and/or a limited number of units for temporary guest accommodation.

Permitted Principal Uses

- a) assembly use
- b) recreational facility

Accessory Uses

- a) convenience store

- b) inn
- c) office
- d) personal care
- e) personal service use
- f) restaurant
- g) retail store
- h) school
- i) theatre
- j) tourist accommodation
- k) tourist information booth
- l) tourist store

Regulations

- a) Minimum lot area is 10,000m².
- b) Maximum net density is 12uph for tourist accommodation.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 40%.
- b) Maximum impermeable surface area is 50% of the total parcel area including buildings, driveways, and paved areas.
- c) Maximum building height of a principal building is limited to the lesser of 10.0m or 2 storeys.
- d) The maximum building height for accessory buildings and structures is the lesser of 6.0m or 1 storey.

Minimum Setback Requirements

- a) Minimum setback from all lot lines is 6.0m.

Bicycle Parking

Use	Minimum Requirement
Lakehouse Community Centre	1 per 95m ²

3.8 Civic Infrastructure

CD44 – CI

Purpose

The Civic Infrastructure zoning area allows for community servicing infrastructure, including stormwater detention ponds.

Permitted Principal Uses

- a) Utility Use

Regulations

- a) Despite Bylaw #500 Schedule '3F' Section 3.2.1, a minimum 3.0m wide landscape buffer shall be provided within the setback area of a parcel adjacent to a public road right-of-way or residential use.

Maximum Number and Size of Buildings and Structures

- a) Maximum parcel coverage is 25%.
- b) Maximum height of a principal building is limited to the lesser of 10.0m or 2 storeys.

Minimum Setback Requirements

- a) Minimum setback from all lot lines is 6.0m.