



PUBLIC HEARING

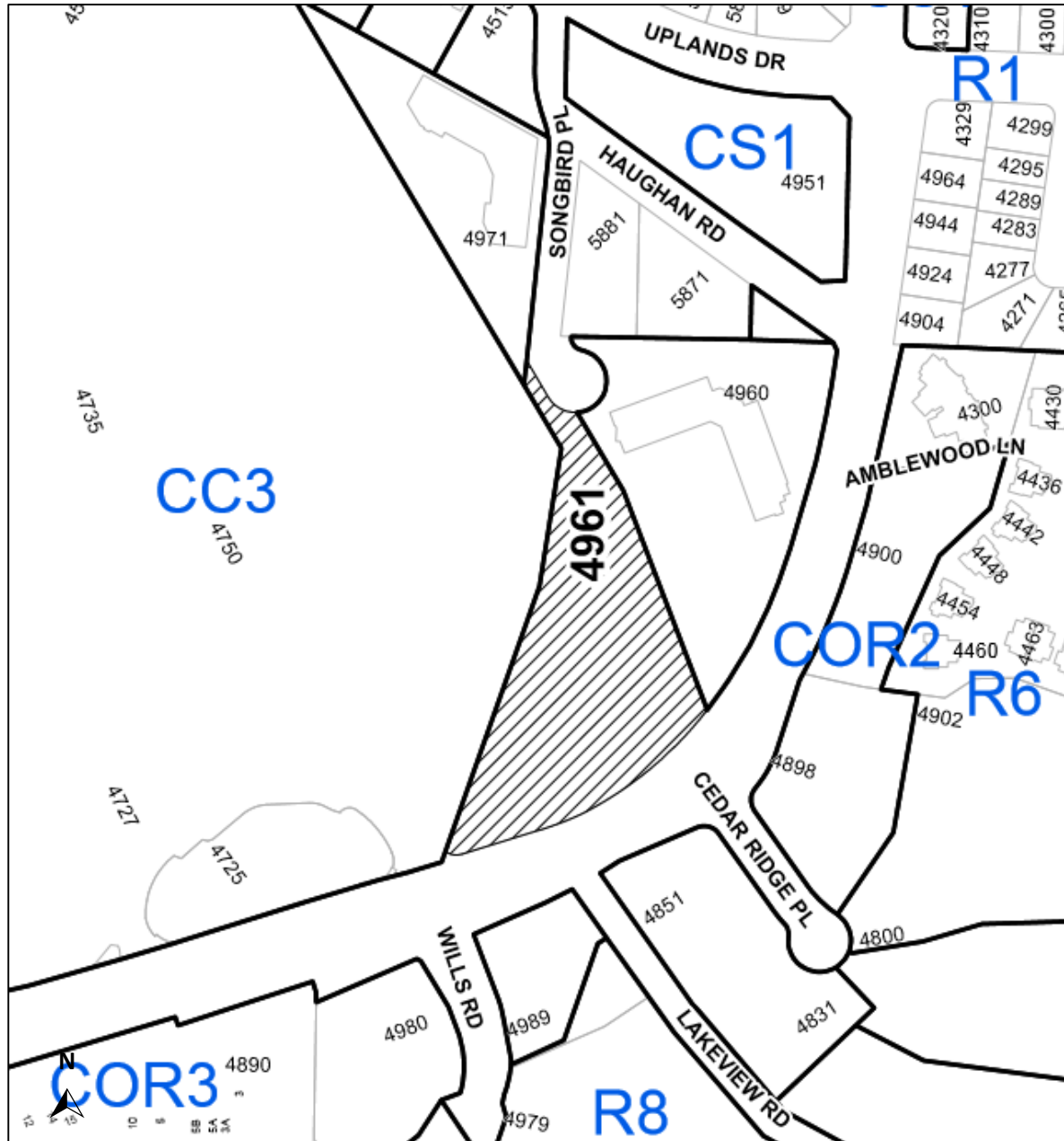
2019-NOV-07

Bylaw No. 4500.156 – RA402

4961 Songbird Place

To rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to allow a multi-family residential building with underground parking.

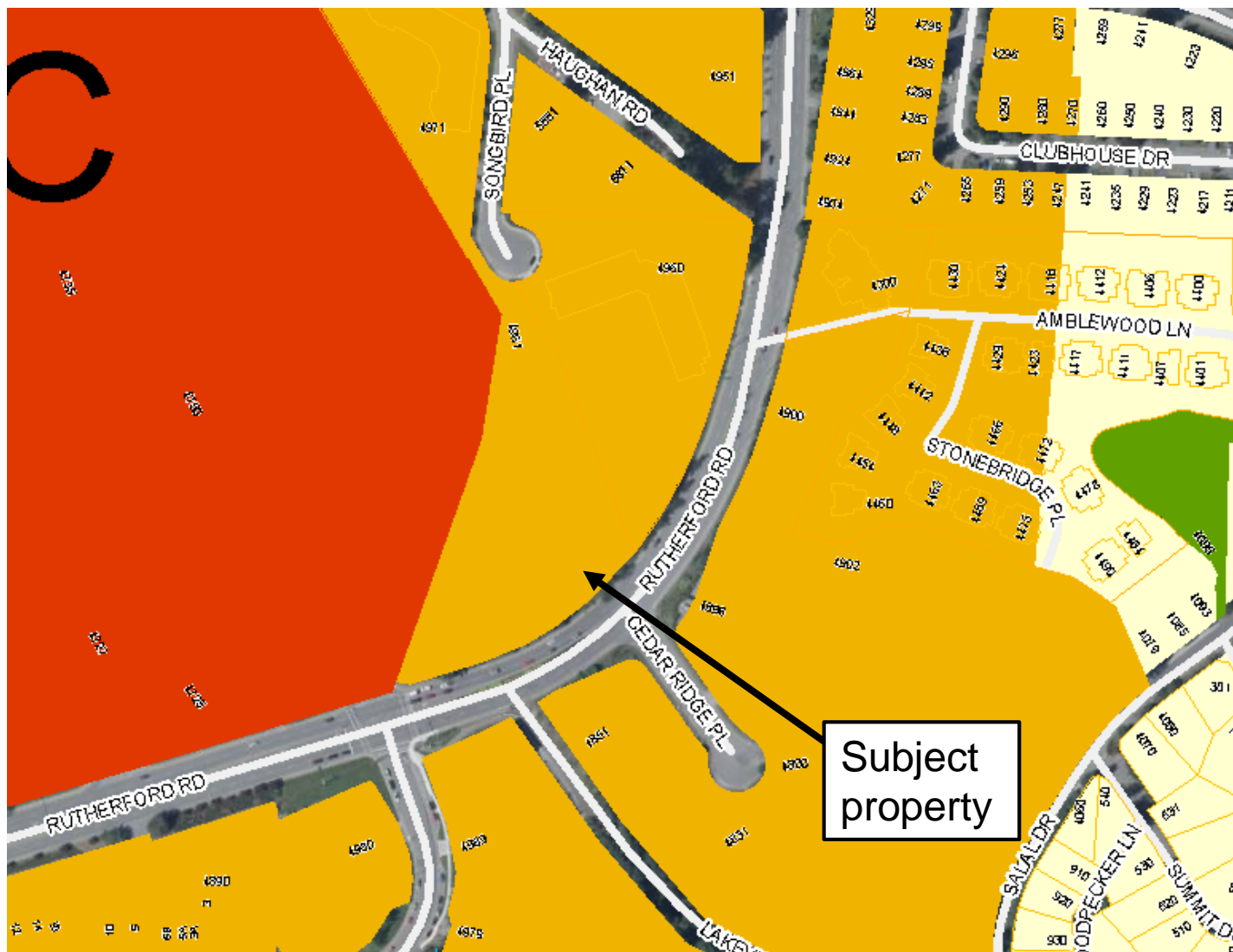
Location Plan – Subject Property





Official Community Plan Designation

- Corridor
- Neighbourhood
- Commercial Centre
- C City Commercial Centre
- Parks and Open Space



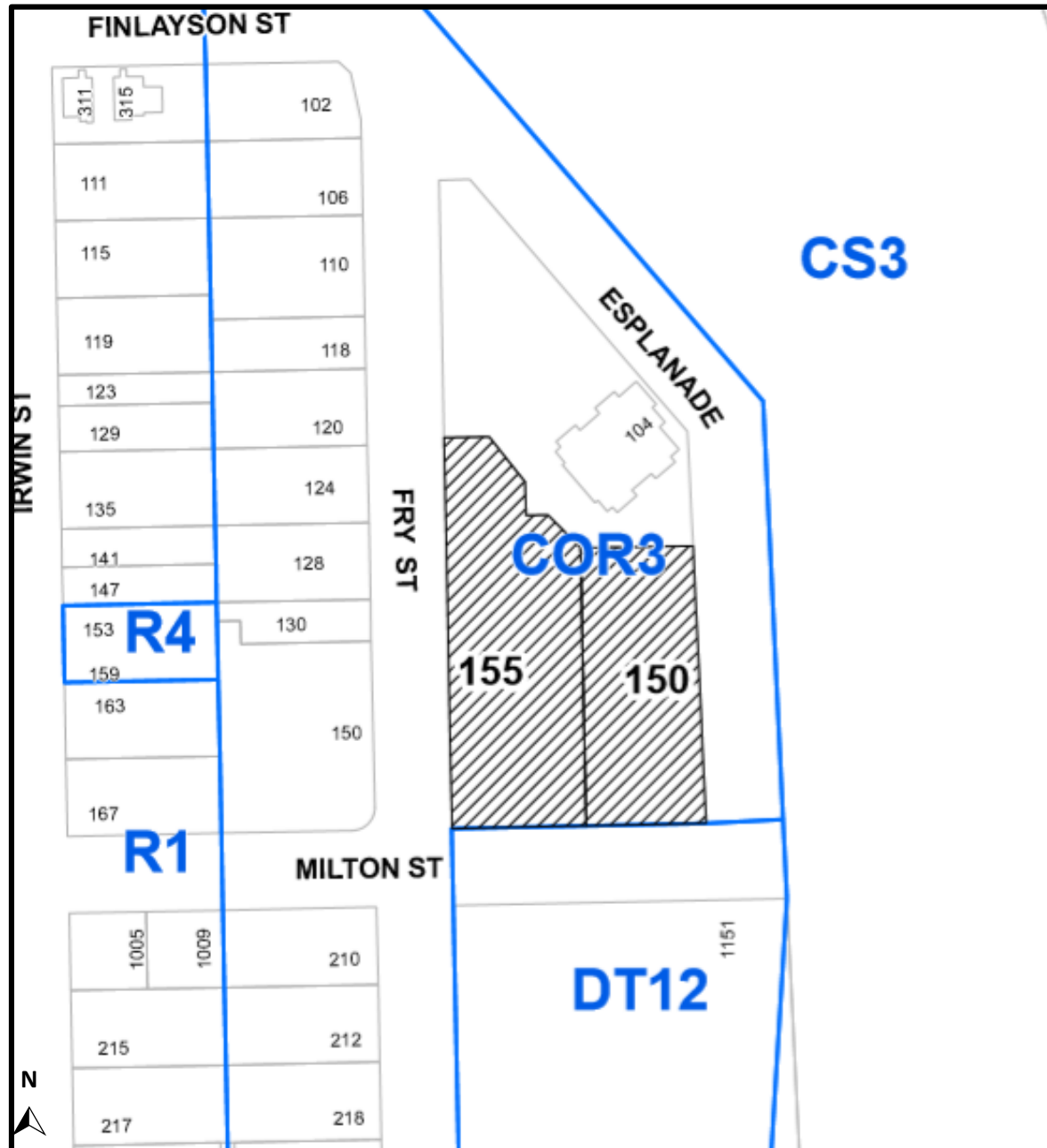


Bylaw 4500.159 – RA419

155 Fry Street & 150 Esplanade

To amend the Zoning Bylaw by designating the the subject property from Community Corridor (COR3) to Mixed Use Corridor (COR2) in order to allow a mixed-use and residential development.

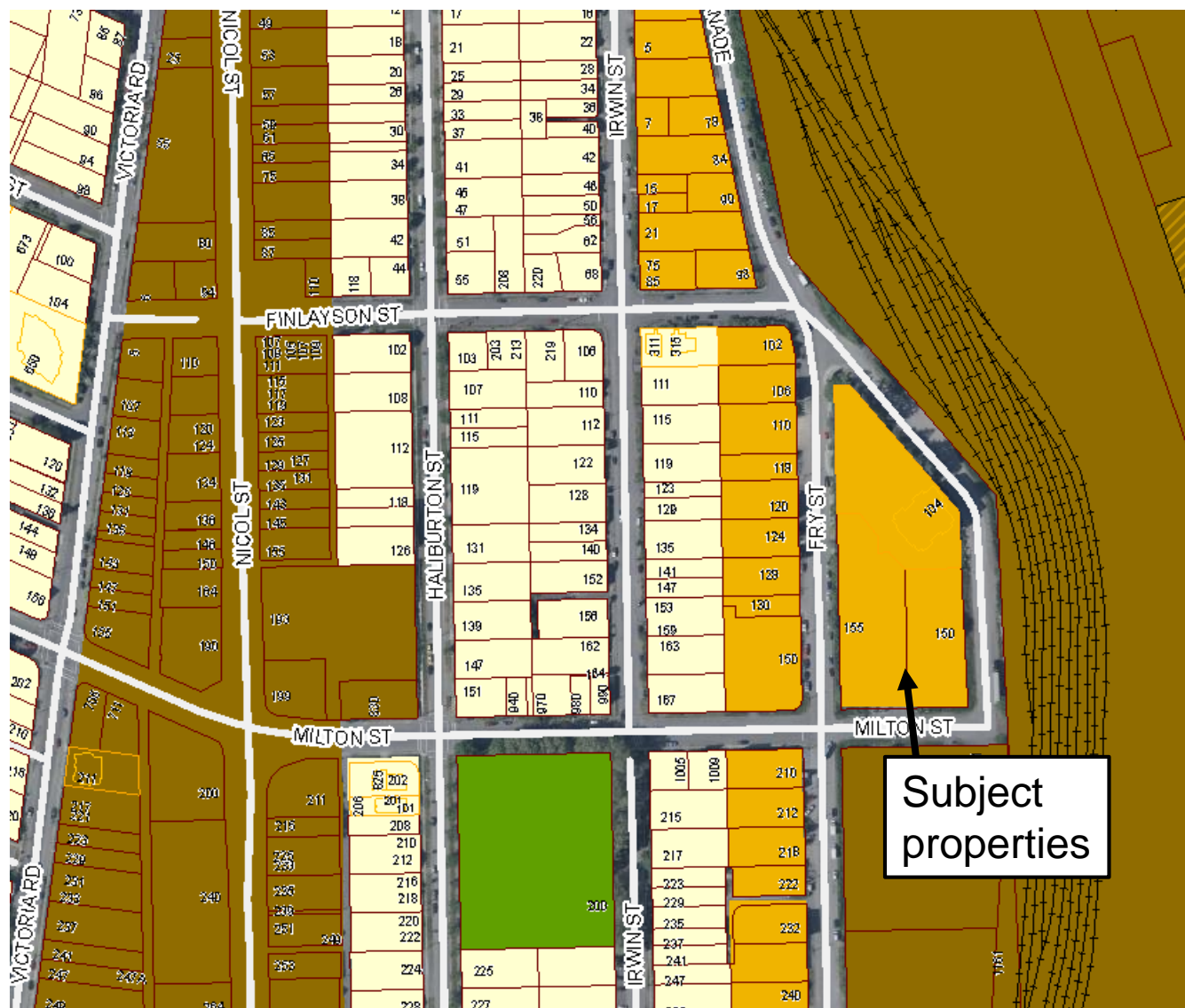
Location Plan –
Subject Property





Official Community Plan Designation

- Urban Node
- Corridor
- Parks and Open Space
- Neighbourhood





Bylaw No. 4500.161 – RA436

78 Wharf Street (alias) 120 Commercial Street

To amend the existing Core (DT1) zone, applicable to 78 Wharf Street (alias) 120 Commercial Street, to allow “Cannabis Retail Store” as a site-specific use.

City of Nanaimo
Cannabis Retail Store Rezoning Applications
Downtown Core

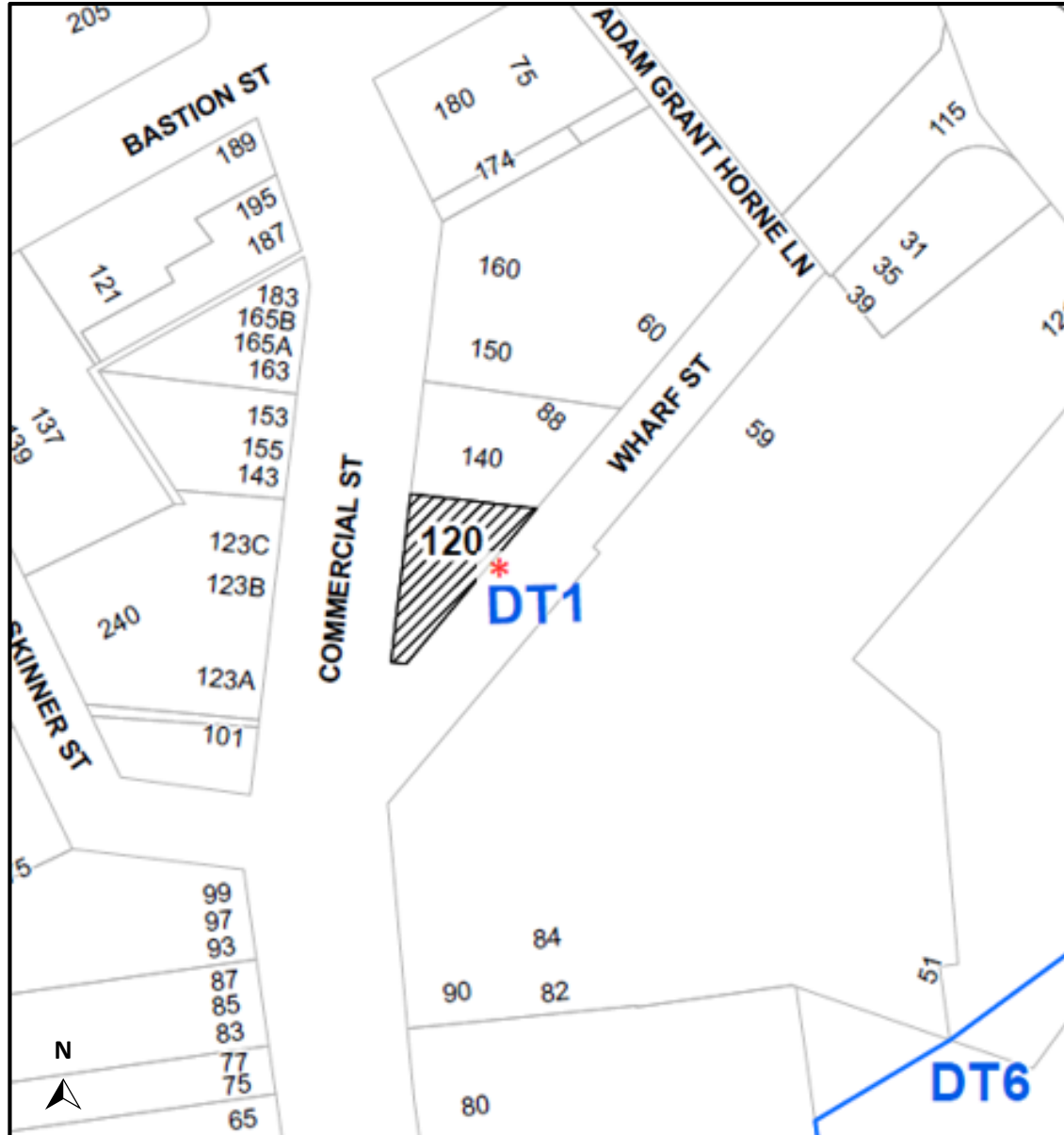
Legend

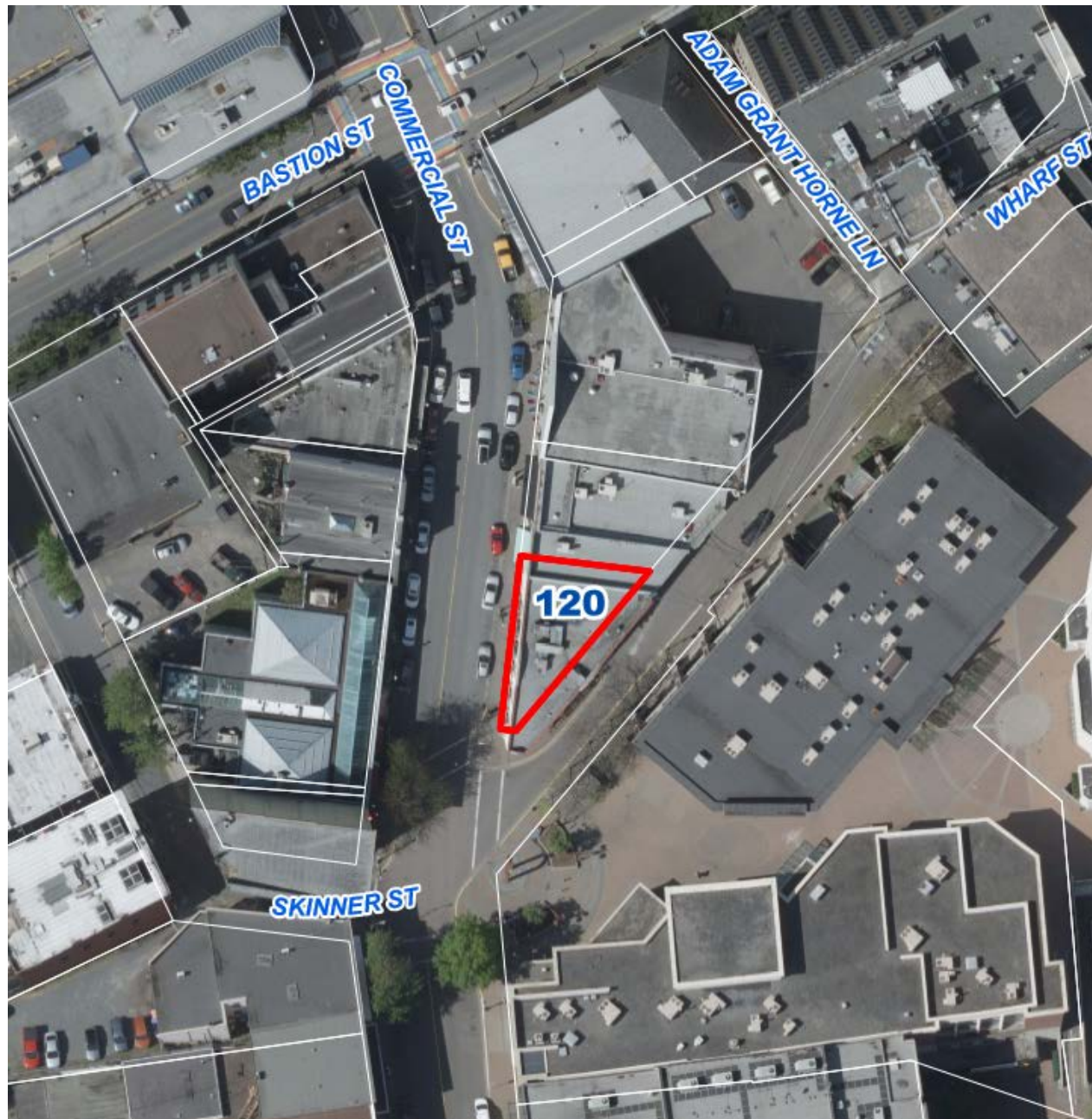
- Approved CRS Location (Green star)
- Proposed CRS Location (Conditional Approval) (Blue star)
- CRS Location Under Review (Red star)

Published: October 3, 2019
0 25 50 100 Meters
1:1,500
CITY OF NANAIMO
019
@nanaimo.ca

Map details: The map shows a grid of streets in downtown Nanaimo. Key streets include Front St, Commercial St, Terminal Ave, and Esplanade. Locations marked with green stars (Approved) are at 350 Terminal Ave, 52 Victoria Crescent, and 711 Nicol Street. Locations marked with blue stars (Proposed) are at 111 Terminal Ave and 140 Terminal Ave. A location marked with a red star (Under Review) is at 115 Chapel Street. The map also shows the waterfront area with the harbor and surrounding green spaces.

Location Plan –
Subject Property



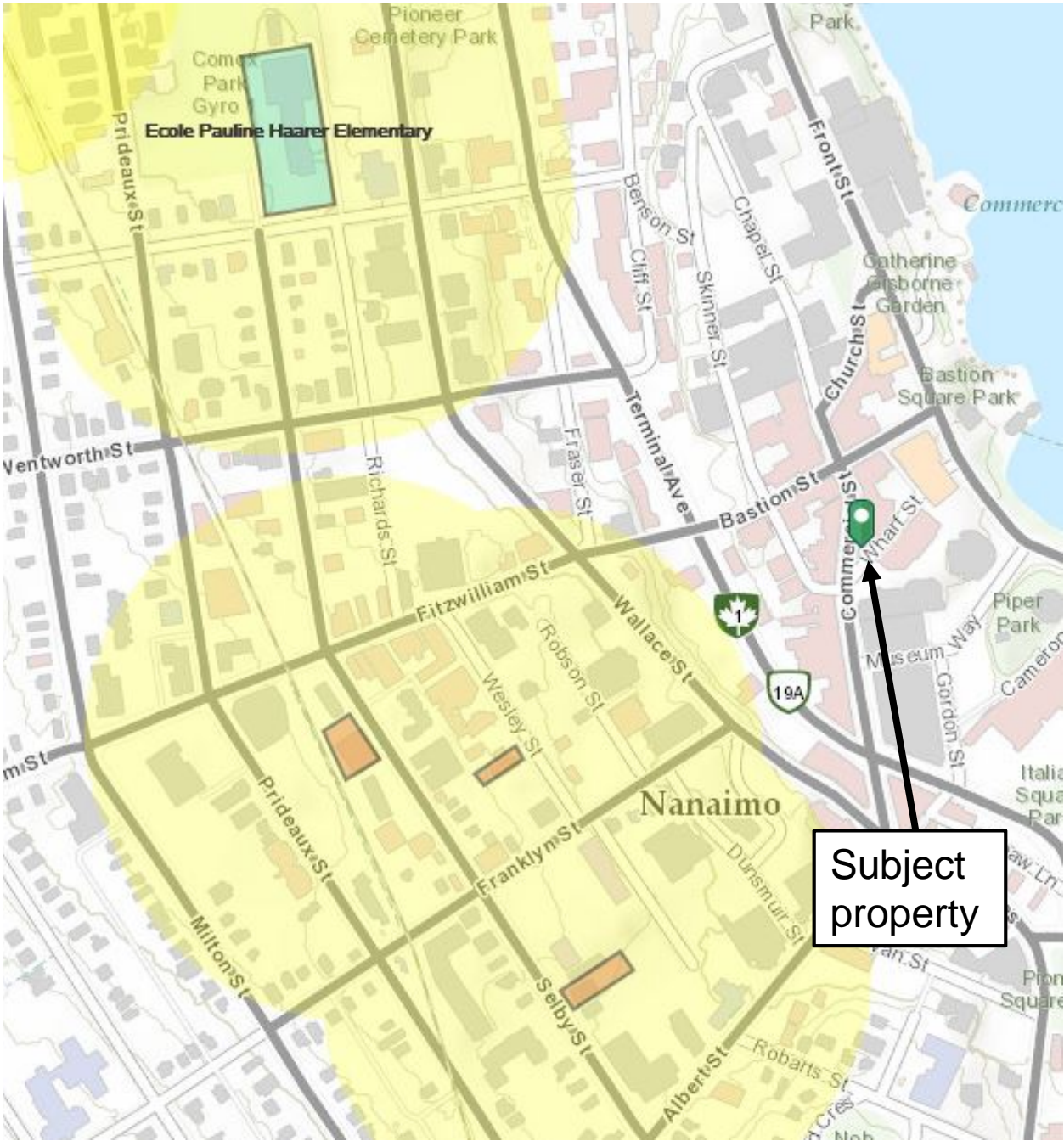
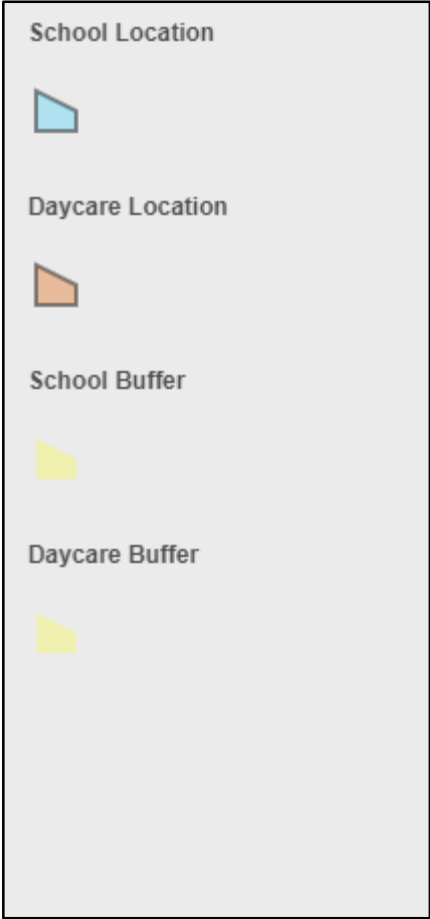


Official Community Plan Designation

- Urban Node
- Parks and Open Space



School and Daycare Buffer Map



Bylaw No. 4500.160 – RA436

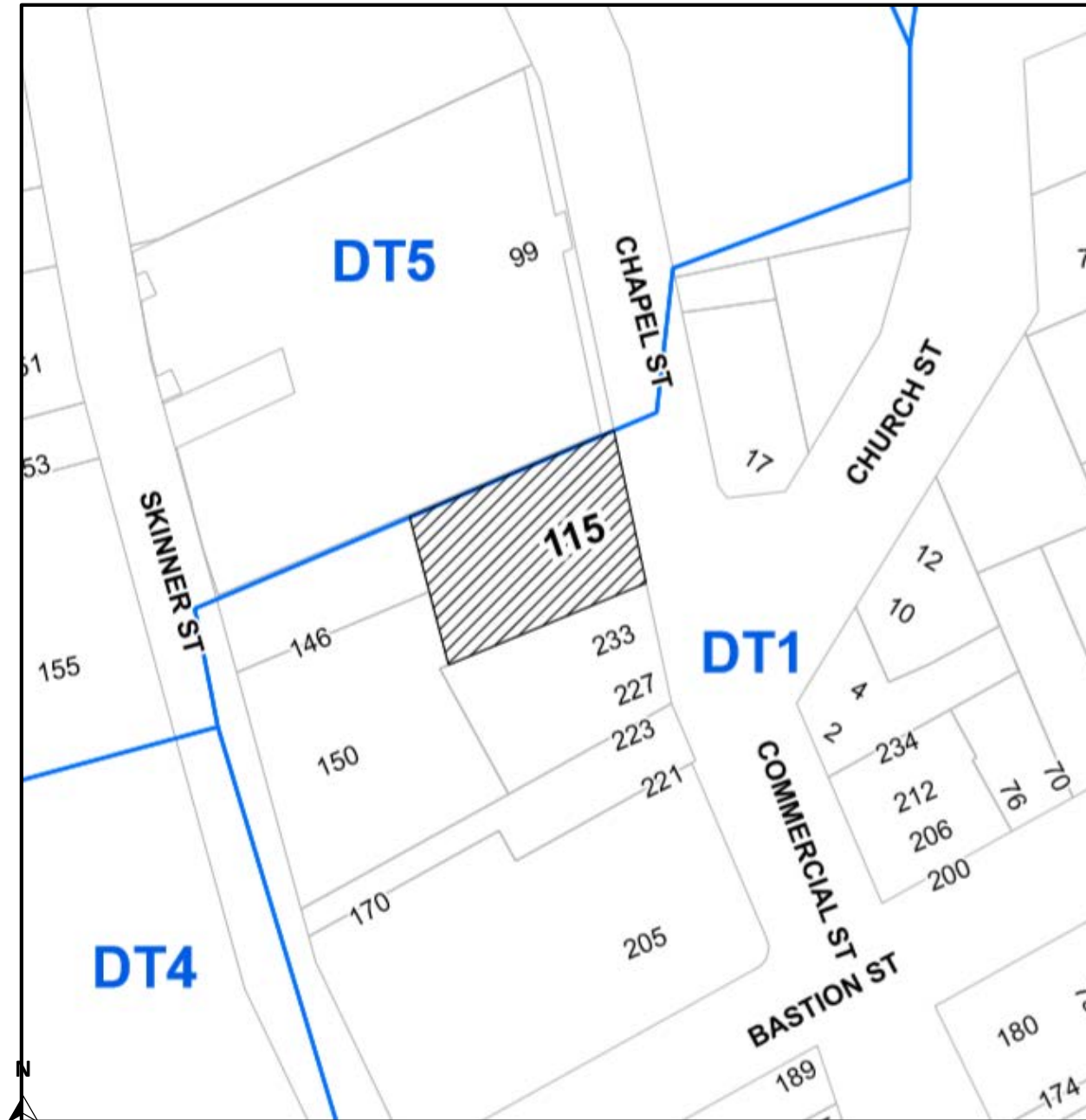
115 Chapel Street

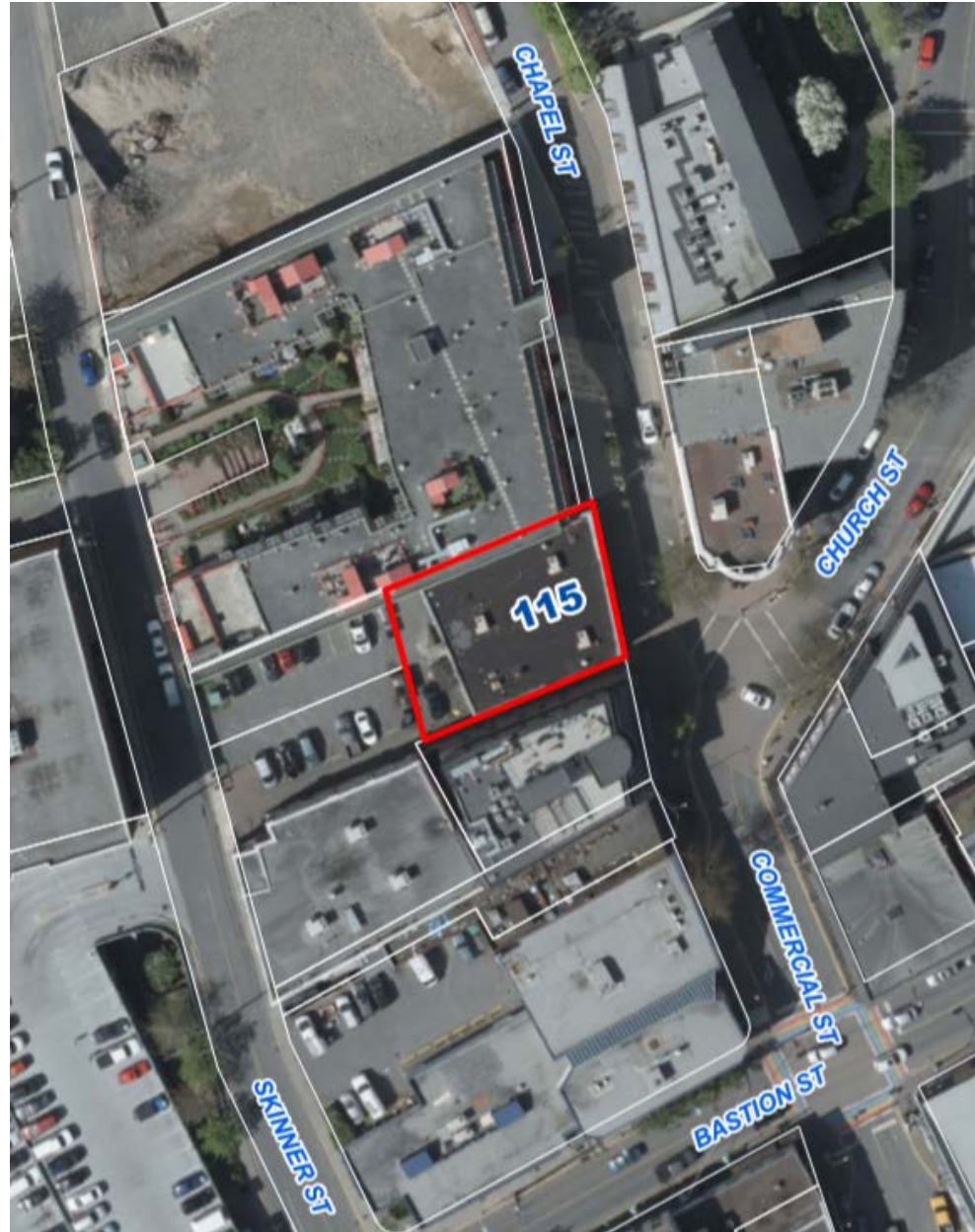
To amend the existing Core (DT1) zone, applicable to 115 Chapel Street, to allow “Cannabis Retail Store” as a site-specific use.

Downtown CRS Locations



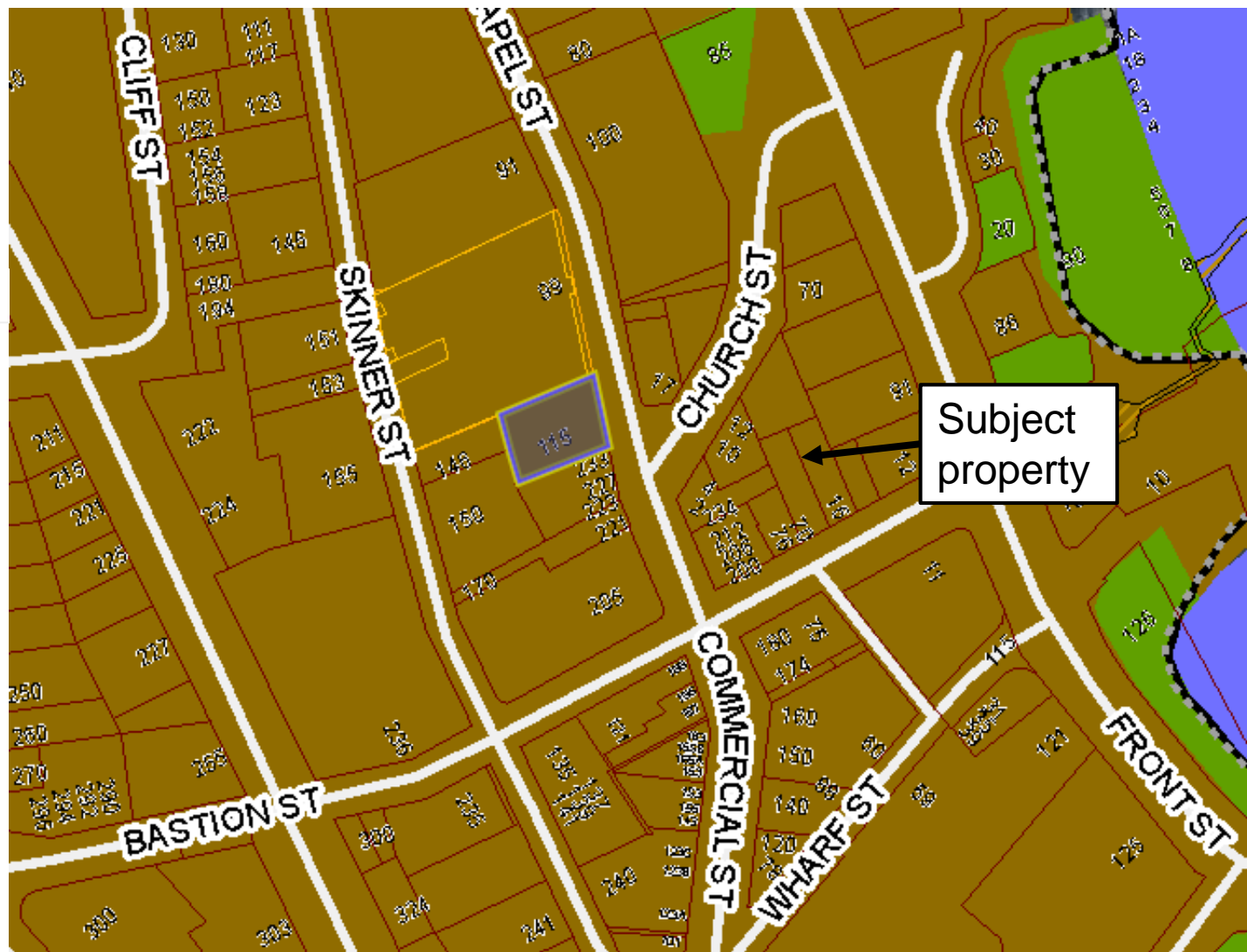
**Location Plan –
Subject Property**



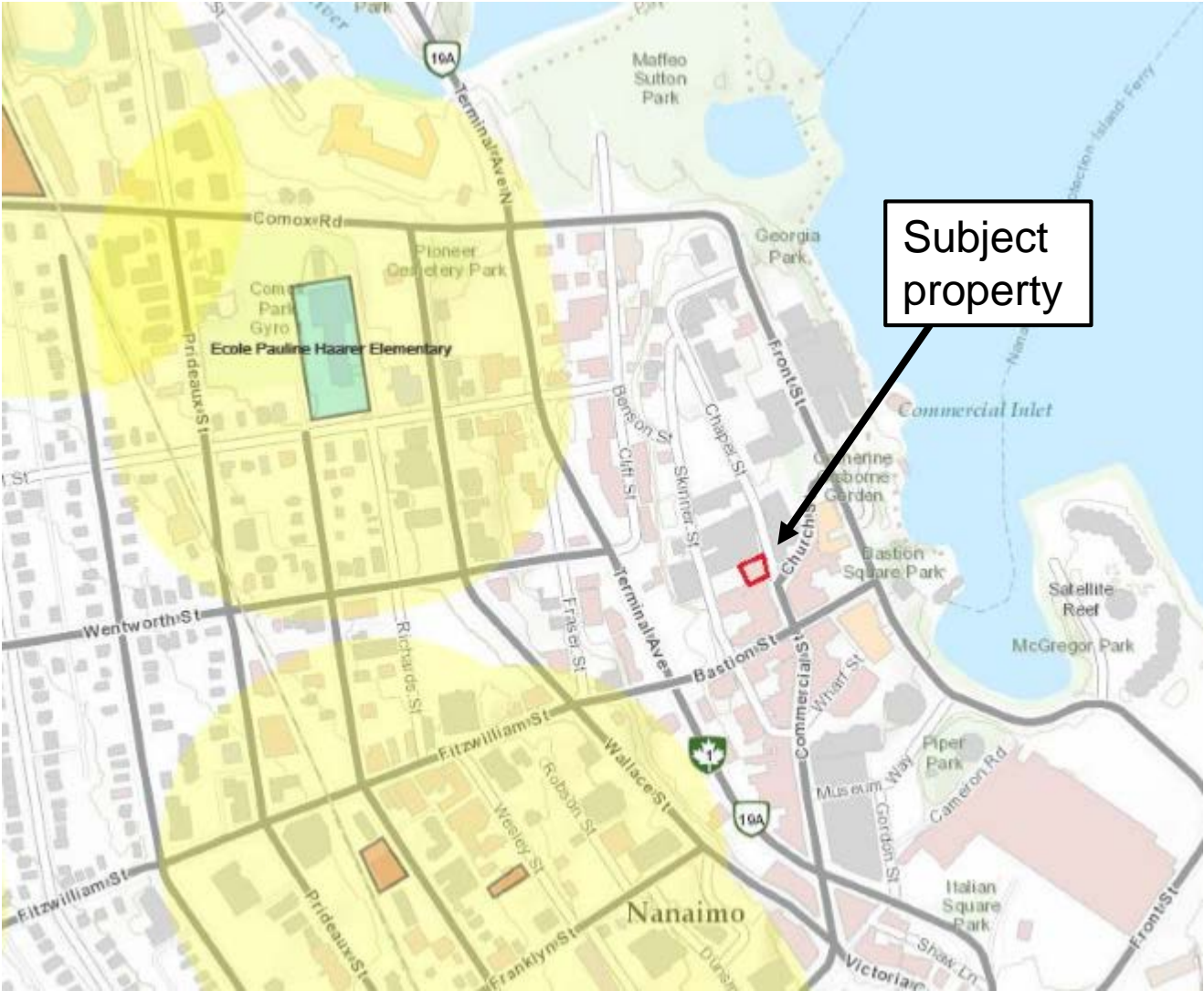
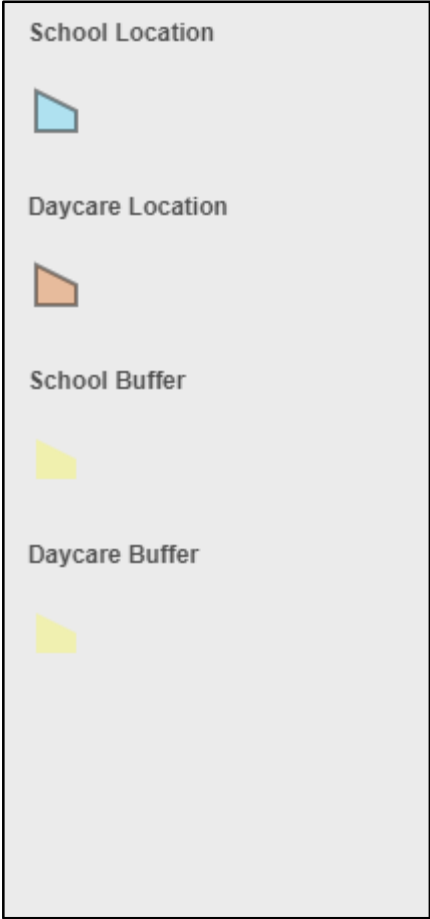


Official Community Plan Designation

- Urban Node
- Parks and Open Space
- Waterfront



School and Daycare Buffer Map



Bylaw 4500.158 – General Amendments

To make general text and mapping amendments to the City
of Nanaimo Zoning Bylaw 2011 No. 4500.

- Proposed amendments to update the Zoning Bylaw for ease of practice and provide further clarity
- 74 text amendments
 - To provide consistency, correct errors, or better reflect best practices
- 33 mapping amendments
 - To rezone parkland acquired through subdivision and other means, and to formalize existing land uses

| # | Section of Bylaw | Proposed Amendment | Rationale |
|---|--|---|---|
| 1 | City of Nanaimo Bylaw No. 4500 (preamble) | Change references to the <i>Local Government Act</i> from "Sections 890, 891, 903 and 904" to "Sections 464, 469, 479, and 482". | This reflects changes to the ordering of the <i>Local Government Act</i> . |
| 2 | 2.5 | Change the name of the referenced bylaw to: City of Nanaimo "Development Approval Procedures and Notification Bylaw 1991 No. 3892". | This change reflects the correct title of the referenced bylaw. |
| 3 | 3.1 | Change the abbreviation of the Single Dwelling Residential zone from "R1 / R1a" to "R1 / R1a / R1b". | The R1b zone is a type of Single Dwelling Residential zone, as per Part 7 of the Bylaw. |
| 4 | 3.1 7.1 | Change the name of the R6 zone from "Townhouse Residential" to "Low Density Residential". | The R6 zone does not dictate building form and a new name will better reflect the zone's associated regulations. |
| 5 | 3.1 | Change the name of the CC4 zone from "North Nanaimo Urban Centre" to "Woodgrove Urban Centre". | The name of the zone elsewhere in the bylaw is "Woodgrove Urban Centre". |
| 6 | 4 - Use Index | Delete | The use index provides a summary of permitted uses but has caused confusion because it does not determine permitted use and is only meant as a guide. The chart will serve its purpose better as a companion document to the Zoning Bylaw to be distributed publicly, rather than a component of the Zoning Bylaw itself. |
| 7 | 5 - Definitions | Add the following definition for 'AUTOMOBILE SALES AND RENTAL': "means the use of land, buildings, or structures for the sale or rental of motor vehicles. An automotive repair shop may be included as an accessory use." | Automobile Sales and Rental is currently listed as a permitted use in a number of zones but no definition is included. |
| 8 | 5 - Definitions | Amend the definition of 'BUILDING BYLAW' to refer to the "City of Nanaimo Building Bylaw 2016 No. 7224". | The Zoning Bylaw currently refers to the former 2003 Building Bylaw which was replaced in 2016. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|----|------------------------|--|---|
| 9 | 5 - Definitions | Add the following definition for 'FLANKING SIDE YARD': "means a side yard that is parallel to a flanking side lot line". | This definition will provide clarity on where to apply flanking side yard setback requirements. |
| 10 | 5 - Definitions | Amend the definition of 'FOOD AND BEVERAGE PROCESSING' to specifically include Micro-Brewery. | Micro-breweries were previously considered a form of "food and beverage processing" before micro-brewery was added as a defined use. This amendment will clarify that micro-breweries are permitted wherever food and beverage processing is permitted, including industrial zones. |
| 11 | 5 - Definitions | Amend the definitions of 'GROSS FLOOR AREA, SINGLE RESIDENTIAL DWELLING OR DUPLEX' and 'GROSS FLOOR AREA, ALL OTHER USES' by changing exterior wall width from 165cm to 165mm. | The current definitions erroneously refer to the minimum width of exterior walls as 165cm instead of 165mm. |
| 12 | 5 - Definitions | Amend the definition of 'GROSS FLOOR AREA, ACCESSORY BUILDING' to exclude open decks in the calculation of gross floor area. | Open decks are already excluded from the calculation of gross floor area for single residential dwellings, duplexes, and all other uses. |
| 13 | 5 - Definitions | Amend the definition of 'GROSS FLOOR AREA, ALL OTHER USES' to exclude service rooms up to a maximum of 9.29m ² . | Service rooms, such as waste disposal and utility rooms, are currently included in the calculation of gross floor area in multi-family and commercial buildings. This amendment will allow non-usable spaces to be exempt from gross floor area calculations. |
| 14 | 5 - Definitions | Amend the definition of 'LOT DEPTH' to refer to the distance from centre of front lot line to centre of rear lot lines, and to clarify lot depth for irregular lots. | An amended definition will provide consistency throughout the Zoning Bylaw. |
| 15 | 5 - Definitions | Amend the definition of 'LOT LINE, REAR' to clarify that the rear lot line should be roughly parallel to the front lot line unless the rear of the lot is bounded by intersecting lot lines. | An amended definition will provide clarity in determining rear lot lines and calculating lot depth. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|---------|------------------|--|--|
| 16 | 5 - Definitions | Remove all references to modular homes in the definition of 'MOBILE HOME'. | A new definition for modular homes will be created. |
| 17 | 5 - Definitions | Amend definition of 'MOBILE HOME PARK' to allow for modular homes. | This will continue to allow for modular homes in mobile home parks, which are currently permitted as a type of mobile home. |
| 18 | 5 - Definitions | Add the following definition for 'MODULAR HOME': "means a structure containing a dwelling unit or a secondary suite built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture and includes modular homes which are either completed self-contained or are incomplete, and fastened together and completed on site. All modular homes must be constructed to the current CAN/CSA A277 standards." | Modular homes are currently considered mobile homes. By creating a separate definition for modular homes, this will allow for secondary suites in modular homes which are currently not permitted in mobile homes. |
| 19 & 20 | 5 - Definitions | Re-order the definitions of 'PRINCIPAL BUILDING' and 'PRINTING AND PUBLISHING FACILITY' so that they appear before 'PRINCIPAL USE' and 'PRODUCTION BAKERY', respectively. | Re-ordering will reflect alphabetical order. |
| 21 | 5 - Definitions | Add the following definition for 'ROOF SURFACE': "means the total area of all roof surfaces visible in plan view, including eaves". | Roof Surface is used throughout the Bylaw in the calculation of roof pitch. Defining Roof Surface will provide clarity for Bylaw users. |
| 22 | 5 - Definitions | Add the following definition for 'SERVICE ROOM': "means the portion of a building dedicated to equipment associated with building services including boiler rooms, furnace rooms, incinerator rooms, waste disposal rooms, and rooms to accommodate air conditioning or heating appliances, pumps, compressors, and electrical equipment". This definition does not include elevator machine rooms or common laundry facilities. | This definition will provide clarity where service rooms are exempted from gross floor area. The definition aligns with the definition in the BC Building Code. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|---------|--------------------------------|--|---|
| 23 | 5 - Definitions | Amend the definition of 'SINGLE RESIDENTIAL DWELLING' to include modular homes, provided they meet the same requirements as mobile homes. | This amendment will continue to allow for modular homes as dwelling units, so long as they meet the existing requirements to: 1) exceed a gross floor area of 87m ² , 2) equal or exceed a width of 7.3m, 3) be assembled on site upon a concrete perimeter foundation system, and 4) have a sloping roof. |
| 24 & 25 | 6.1.1 6.2.1.7 | Remove the dash from zone name abbreviations. | This amendment will provided consistency when referencing zones. |
| 26 | 6.2.1.8 | Change the name of the referenced use to “Tools / Equipment Rentals and Sales” and change the second referenced zone from I2 to I3. | This amendment will clarify the correct name of the use where shipping containers are permitted and the correct zones where this use is permitted. |
| 27 | 6.5.1 | Rename the last column of the table from "Conditions of Use" to "Conditions". | This table outlines features and does not contain uses. |
| 28 | 6.5.1 | Add a condition for "Steps and Landings" that such features under 0.6m above grade have no required setback. | Steps and landings below 0.6m above grade do not require a Building Permit and this amendment will better align the Zoning Bylaw with practice. |
| 29 | 6.5.1 | Allow for a 2m front porch projection within flanking side yard setbacks and amend the condition of use to read: "Such features shall only be allowed to project on a single residential dwelling, a duplex, or an accessory building containing a secondary suite. Only one front porch per dwelling unit or secondary suite may project into a setback". | On certain corner lots, the Zoning Bylaw currently allows up to one duplex or two single residential dwellings, but front porches are only permitted to project into front yard setbacks. This amendment will allow for a more functional siting of buildings on constrained corner lots and one lots containing carriage houses. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|----|-------------------------------|---|--|
| 30 | 6.5.2 | Amend this subsection to read: "Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units must not be located between the front face of a principal building and the nearest front lot line, and shall not be closer than 4.5m to side lot lines or closer than 3m to rear lot lines. Heat pumps and central air conditioning units shall be screened from view from streets". | The Zoning Bylaw currently requires heat pumps and central air conditioning units to be located to the rear of a principal building, and does not allow these features to be closer than 4.5m to side lot lines or closer than 3m to rear lot lines. This amendment will allow such features to be located on the sides of houses and duplexes, and will maintain the existing setback requirements. As technologies improve, heat pumps and central air conditioning units have become quieter and more buildings are being designed with these features on the sides of homes in order to maximize efficiency and open up rear yard spaces. Staff recognize these improvements but recommend not allowing these features in the front of buildings due to aesthetic concerns, and maintaining the 4.5m side yard setback to mitigate impacts on adjacent properties. |
| 31 | 6.6.3.1 | Re-word this subsection to read: "Notwithstanding Subsection 6.6.3, the minimum rear yard setback for an accessory building shall be 1.5m regardless of zoning, provided that: a) the accessory building has a Gross Floor Area of less than 10m ² ; b) the accessory building is placed directly on, but not affixed to, the ground or on blocks which are affixed to the ground; and c) the height of an accessory building does not exceed 3m." | This amendment will clarify the rear yard setback for accessory buildings in most zones and will correct grammatical errors. |
| 32 | 6.7.3 6.11.2 | Change references to the Building Bylaw to read "Building Bylaw". | The full title of the Building Bylaw is provided under Definitions and is not necessary elsewhere. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|----|--|--|---|
| 33 | 6.7.3 | Remove the line break between items c) and d). | Fixing a formatting error. |
| 34 | 6.8 | Change the section number from “6.6” to “6.8”. | This section is incorrectly numbered 6.6, although the subsections are correctly labelled. |
| 35 | 6.9.1 6.10 | Move two images from section 6.10 to below subsection 6.9.1. | The images illustrate examples of visibility at intersections and are currently in the incorrect section. |
| 36 | 6.10.2 | Include the CD9 zone in the first row for fence heights. | The Zoning Bylaw is currently silent on fence heights in the CD9 zone and the most appropriate heights are the same as in other residential zones. |
| 37 | 6.15.1.1 | Add a new subsection below 6.15.1: "Notwithstanding Subsection 6.15.1, secondary suites are permitted on lots where there are two principal dwellings, provided that the lot is greater than 0.4 hectares". | This new subsection, together with existing subsection 6.15.2.1, will clarify that up to two secondary suites are permitted on larger lots where two single residential dwellings are allowed. |
| 38 | 6.15.3.4 | Amend this subsection to include “; and” at the end of the sentence. | As of Bylaw Amendment 4500.073, this is no longer the last item in a list. |
| 39 | 6.16.2 | In the chart for Bed and Breakfasts, add CC1, CC2, CC4, and CC5 in the second row and add AR2 in the first row. Also replace terms “Corridor One” with COR1, “Rural Resource” with AR1, and “Corridor” with COR2 and COR3. | Bed and Breakfast is a permitted use in the CC and AR2 zones but are not currently listed within the existing chart. For the CC zones, allowing 4 guest rooms and 9 guests is consistent with the other commercial designations. For AR2, allowing 2 guest rooms and 4 guests is consistent with the other residential designations. The wording of zones is to ensure consistency. |
| 40 | 6.17.1.3 6.21.1 6.22.3 6.22.7 | Change references to the <i>Local Government Act</i> : - from "Section 905" to "Section 483" - from "Section 944" to "Section 512" - from "Section 946" to Section 514" | This reflects changes to the ordering of the <i>Local Government Act</i> . |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|---------|--|--|--|
| 41 | 6.22.2 6.23 | Move subsection 6.22.2 to under 6.23, rename section 6.23 to 'NANAIMO PARKWAY', and align the wording of all subsections to 6.23. | This amendment will better organize related regulations. |
| 42 | 7.2.1 | Include a reference to "See Subsection 7.2.2" as a Condition of Use for Single Residential Dwelling. | This amendment will help clarify regulations for two single residential dwellings on corner lots. |
| 43 & 44 | 7.2.2 7.3.1 | Re-word these sections to read "[...] where a corner lot has a lot area greater than 700m ² but does not meet [...]" and include a reference to front doors facing two streets for either a duplex or two single residential dwellings. | This amendment removes redundant wording discussing "lot area" and inconsistencies surrounding "duplex" versus "two single residential dwellings". Currently, the Zoning Bylaw requires front doors to face opposite streets only where there is a duplex on a corner lot and not where there is two single residential dwellings on a corner lot. |
| 45 | 7.3.2 | Indent the second line of this subsection. | This amendment will correct a formatting error. |
| 46 | 7.4.1 | Under minimum lot depth for the R3 zone, change "30" to "30m". | This amendment will correct a typo. |
| 47 | 7.4.2 | Add phrase "For the purposes of subdivision" to the start of the subsection. | To clarify that geotechnical setback and watercourse leavestrip areas are excluded from lot area calculations for the purpose of subdivision but are included for the purpose of calculating floor area ratio and determining additional permitted dwelling units or detached secondary suites. |
| 48 | 7.5.1 7.6.1 8.5.1 9.5.1 10.5.1 11.4.2 11.5.1 12.3.1 | Change the words "identifies" to "identifies" and "identified" to "identified". | This amendment will correct a common typo in the Zoning Bylaw. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|--------------|---|---|---|
| 49 & 51 | 7.5.7 7.6.4 | Re-word these subsections to remove the word “existing” and instead refer to “principal use” for a single residential dwelling in the R8 zone. | For single residential dwellings in the R8 zone, the R1 zoning regulations apply. The amendment clarifies that the R1 regulations apply where the intended use is a single residential dwelling even if there is no existing structure. |
| 50 | 7.6.1 | Amend the footnote for perimeter wall height to clarify that dormers cannot exceed 25% of the wall length and to add: "Covered decks or additional height above the maximum perimeter wall height must be set back a minimum of 2.44m from the perimeter wall". | Restricting dormers to no more than 25% of the wall length aligns with the definition of ‘Perimeter Wall Height’. The provision to set back additional height a minimum of 2.44m existed in the former City of Nanaimo Zoning Bylaw 1993 No. 4000 but is not included in the current Zoning Bylaw. The amendment will allow for more horizontal articulation of single residential dwelling building faces on sloped lots without requiring a variance. |
| 52 | 7.7.1 | Change the maximum size of an accessory building in a Recreational Vehicle Park from 4.5m ² to 10m ² . | This amendment reflects a more appropriate size for accessory buildings in the City and is consistent with the maximum size of accessory buildings that can be built without a Building Permit. |
| 53 | 9.2.1 9.2.3 | Change "Automobile Sales, Service and Rental" to "Automobile Sales and Rental". | This is consistent with the use defined as 'Automobile Sales and Rental' which includes an automotive repair shop as an accessory use. |
| 54 | 9.2.1 10.2.1 | Change “Seniors Housing” to “Seniors Congregate Housing”. | This amendment will clarify the correct name of this use. |
| 55 | 9.2.1 | Remove "Wholesale" from the list of Permitted Uses. | There are no site-specific permitted wholesale uses in Corridor zones. |
| 56 | 9.3.3 | Amend the table to include borders around all rows. | This amendment will correct a formatting error. |
| 57, 61, & 67 | 9.2.3 10.2.3 11.3.2 11.7.2 | Update legal descriptions and remove consolidated lots. | General clean-up for properties with site-specific uses, site-specific conditions of uses, site-specific density, or site-specific height. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|--------------|--|---|--|
| 58 | 9.2.3.1 | Delete Subsection 9.2.3.1. | This subsection will become redundant with the definition for 'Automobile Sales and Rental'. |
| 59, 63, & 68 | 9.5.4 10.5.4 11.5.2 | Delete the image used to describe the parameters for maximum building setback in these subsections. | The image used in these subsections is not necessary in providing information about the bylaw regulations. |
| 60 | 10.2.2 | Amend this subsection to clarify that the cumulative total Gross Floor Area of 2,000m ² applies only to non-residential uses on a lot in the CC1 zone. | The original intent of this subsection, being located within the 'PERMITTED USES' section, was to limit commercial uses only and not residential floor area. |
| 62 | 10.5.4 | Amend the table to remove italics and to correct the cell shading. | This amendment will correct a formatting error. |
| 64 | 10.6.1 | Remove the "Maximum Gross Floor Area" column from the table. | This section has caused confusion with maximum cumulative gross floor area already restricted under subsection 10.2.2 and is made redundant with maximum floor area ratio limited under subsection 10.3.1. |
| 65 | 11.2.1 | Allow "Laundromat" as a permitted use in DT11. | The intent of the DT11 zone is to provide for the day-to-day needs of nearby residents. |
| 66 | 11.2.1 | Change "Recreation al Facility" to "Recreational Facility". | This amendment will correct a typo. |
| 69 | 13.2.1 | Allow "Mini Storage" in the I2 zone. | The Light Industrial (I2) zone provides for industrial, some commercial, and storage yard uses, and mini storage facilities are a less intensive form of use meeting the intent of the zone. |
| 70 | 13.2.1 13.2.3 | Allow for "Seafood Processing" as a site-specific use in the I2 zone at 232, 242, 248, and 262 Southside Drive. | This use was previously permitted under "Food and Beverage Processing" in the former City of Nanaimo Zoning Bylaw 1993 No. 4000, but was removed through a bylaw amendment in 2004. |

| # | Section of Bylaw | Proposed Amendment | Rationale |
|-----------------|-------------------|---|---|
| 71 | 13.2.2 | Amend the Condition of Use for Retail and remove the word “ratio”. | The word “ratio” is redundant here as a percentage is given later in the same sentence. |
| 72 | 14.3.2 | Change the word “once” to “one.” | This amendment will correct a typo. |
| 73 | 14.5.2 | Amend this subsection to add a space before the reference to “14.5.1”. | This amendment will correct a formatting error. |
| 74 | 14.5.3 | Change reference from “Subsection 14.5.2” to “Subsection 14.5.1”. | The incorrect subsection is currently referenced. |
| 75 – 80, 82-106 | Schedule A | Rezone city-owned properties to PRC1 and PRC2. | These properties were generally acquired through subdivision to be used as parks or community services. Rezoning will formalize these uses. |
| 81 | Schedule A | Rezone the city-owned property at 2120 Labieux Road from Community Corridor (COR3) and High Tech Industrial (I3) to Community Service Zone One (CS1). | This property was acquired through a land exchange during the subdivision of the Madill site. Rezoning will eliminate split-zoning on the property and will reflect the most appropriate use for the site. |
| 107 | Schedule A | Rezone properties near Long Lake that went through a road closure from PRC1 and PRC2 to R1. | These properties were created in 2017 when an unconstructed portion of road right-of-way was closed. Rezoning to Single Dwelling Residential (R1) will acknowledge existing uses on the subject parcels while the remainder of the former road right-of-way will remain as parkland for the Loudon Walkway. |