



**AGENDA**  
**FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)**

Thursday, February 13, 2020, 7:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
SCHEDULED RECESS 9:00 P.M.

Pages

1. **CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS:**
3. **ADOPTION OF AGENDA:**
4. **CALL THE PUBLIC HEARING TO ORDER:**
5. **PUBLIC HEARING AGENDA**

Lainya Rowett, Manager, Current Planning, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

- |    |  |         |
|----|--|---------|
| a. | <u>Rezoning Application No. RA422 - 200 Hansen Road - Bylaw 4500.172</u> | 5 - 14  |
|    | To be introduced by Caleb Horn, Planner.                                 |         |
|    | Call for submissions from the Applicant.                                 |         |
|    | Call for submissions from the Public.                                    |         |
| b. | <u>Home Based Business Regulations - Bylaw 4500.149</u>                  | 15 - 28 |
|    | To be introduced by Bill Corsan, Director, Community Development.        |         |
|    | Call for submissions from the Public.                                    |         |

6. **FINAL CALL FOR SUBMISSIONS:**

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

7. ADJOURNMENT OF THE PUBLIC HEARING

8. BYLAWS: 29

a. "Zoning Amendment Bylaw 2020 No. 4500.172" 30 - 31

That "Zoning Amendment Bylaw 2020 No. 4500.172" (To rezone 200 Hansen Road from Low Density Residential [R6] and Residential Corridor [COR1] to Medium Density Residential [R8]) pass third reading.

b. "Zoning Amendment Bylaw 2020 No. 4500.149" 32 - 34

That "Zoning Amendment Bylaw 2020 No. 4500.149" (To amend the home-based business regulations) pass third reading.

9. REPORTS:

a. Bylaw Contravention Notice - Construction Not Completed As Per Conditions Of Building Permit - 3365 Departure Bay Road 35 - 36

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3365 Departure Bay Road.*

It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 3365 Departure Bay Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3365 Departure Bay Road for construction not completed as per the conditions of the building permit.

b. Bylaw Contravention Notice - Construction Started Without A Building Permit - 60 Machleary Street 37 - 38

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 60 Machleary Street.*

It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 60 Machleary Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 60 Machleary Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- c. Bylaw Contravention Notice - Construction Started Without A Building Permit - 4259 Clubhouse Drive 39 - 40
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4259 Clubhouse Drive.*
- It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 4259 Clubhouse Drive.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 4259 Clubhouse Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- d. Bylaw Contravention Notice - Construction Started Without A Building Permit - 311 Woodhaven Drive 41 - 42
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 311 Woodhaven Drive.*
- It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 311 Woodhaven Drive.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 311 Woodhaven Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- e. Bylaw Contravention Notice - Construction Started Without A Building Permit - 1691 Mallard Drive 43 - 44
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1691 Mallard Drive.*
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1691 Mallard Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

f. Bylaw Contravention Notice - Construction Started Without A Building Permit -  
1080 Woodlands Street

45 - 46

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1080 Woodlands Street.*

It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 1080 Woodlands Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1080 Woodlands Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

10. **ADJOURNMENT:**



DATE OF MEETING January 13, 2020

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA442 – 200 HANSEN ROAD

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the subject property at 200 Hansen Road from Low Density Residential (R6) and Residential Corridor (COR1) to Medium Density Residential (R8) to allow for a multi-family residential development.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2020 No. 4500.172” (To rezone 200 Hansen Road from Low Density Residential [R6] and Residential Corridor [COR1] to Medium Density Residential [R8]) pass first reading;
2. “Zoning Amendment Bylaw 2020 No. 4500.172” pass second reading;
3. Council direct Staff to secure the vehicle turnaround covenant, blanket right-of-way, and residential units covenant should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA442, was received from Rega Properties Ltd. to amend “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone the subject property at 200 Hansen Road from Low Density Residential (R6) and Residential Corridor (COR1) to Medium Density Residential (R8) to allow for a multi-family residential development.

The subject property was previously considered for development as a future phase of the multi-family residential site to the south at 1601 Creekside Drive, but has subsequently been subdivided and is now being developed independently of the existing strata.

### **Subject Property and Site Context**

<i>Location</i>	The subject property is located at the south end of Hansen Road, an unconstructed dead-end street south of East Wellington Road, and also abuts the west side of Bowen Road.
<i>Total Lot Area</i>	2.65ha
<i>Current Zoning</i>	R6 – Low Density Residential
<i>Proposed Zoning</i>	R8 – Medium Density Residential
<i>Official Community Plan (OCP)</i> <i>Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan</i> <i>Land Use Designation</i>	n/a

The subject property is currently vacant and slopes gradually downhill from north to south. The property is irregularly shaped and has limited road frontage. The northwest corner of the property abuts Hansen Road, which will be constructed as part of the site's development. A 7.5m-wide panhandle portion of the property extends to Bowen Road in the east. The property also abuts the end of Creekside Drive, a private strata road that extends from Caspers Way to the south.

Surrounding land uses include industrial lands and Canada Post to the northwest, an auto dealership and gas station to the north, single residential dwellings and low-density multi-family developments along Bowen Road to the east, the 60-unit multi-family townhouse development at 1601 Creekside Drive to the south, and a BC Hydro facility to the west.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone the subject property from R6 and COR1 (panhandle portion only) to R8 in order to allow for a multi-family residential development. The applicant does not intend to increase the density beyond what could be built under the existing zoning; however, the rezoning will allow more flexibility in the building form.

The majority of the site is zoned R6, which allows for ground-oriented multi-family residential with a base maximum Floor Area Ratio (FAR) of 0.45, a total maximum FAR of 0.7, and a maximum permitted building height of 9m. The conceptual plans for the site indicate an approximate FAR of 0.65 and a maximum building height of 15m. The proposed rezoning will allow the applicant to develop the site with additional building height to accommodate a four-storey apartment building form, which is not supported in the R6 zone, without exceeding the total maximum FAR permitted in the R6.

The conceptual plans for the future development include 133 units divided between two four-storey apartment buildings and nine two-storey townhouse buildings. Access to the site will be from East Wellington Road via Hansen Road, to be constructed at the time of development. A vehicle turnaround at the end of Hansen Road will be secured through this rezoning or through a subdivision at neighbouring 1861 East Wellington Road, to be constructed at the time of future development. A pedestrian connection with Bowen Road will also be secured by a right-of-way on the subject property as a condition of this rezoning.

### *Residential Units Covenant*

As part of this rezoning application, a covenant will be registered on the subject property to limit the maximum permitted number of dwelling units to no more than 133 units. The covenant will ensure any future development on the subject property does not exceed the unit density as shown in the conceptual site plan. The number of units will also align with the remaining number of anticipated units that were to be developed as part of the phased development with 1601 Creekside Drive before the subject property was severed to be developed independently.

## **Policy Context**

### *Official Community Plan*

The Official Community Plan (OCP) identifies the subject property as within the Neighbourhood future land use designation. Development in Neighbourhoods is characterized by a mix of low-density residential uses. Residential densities from 10 to 50 units per hectare (uph) in two- to four-storey building forms are generally supported by the OCP. A density of 50uph would amount to approximately 133 units on this property, the same amount to be secured through the proposed covenant. The proposed rezoning meets the intent of the OCP future land use designation.

### *Transportation Master Plan*

The subject property is located within the 200m buffer of the Nanaimo Regional General Hospital mobility hub as identified in the Nanaimo Transportation Master Plan (NTMP). The NTMP encourages medium to high residential uses within this mobility hub and also recognizes the need for strong walking, cycling, and transit connections for residential-only developments.

A north-south multi-use trail is envisioned to provide an alternate route for pedestrians and cyclists to the west of Bowen Road. A portion of this trail has already been constructed between East Wellington Road and the subject property. As part of future development on this site, a continuation of the trail to Caspers Way will be constructed across the subject property and the property to the south across an existing statutory right-of-way. Through this rezoning, an additional right-of-way will be secured to allow for a 1.8m-wide pedestrian walkway between the multi-use trail and Bowen Road, as well as a connection between the walkway and the end of Creekside Drive on the neighbouring property to the south.

Bowen Road is identified as a major arterial road and as a frequent transit network (short-term) in the NTMP. Bus Route #40 currently runs along Bowen Road and operates at frequent intervals at peak times. The nearest bus stop is approximately 200m from the subject property. The proposed rezoning would support the OCP and NTMP objectives to encourage growth in close proximity to existing commercial and transit services.

## **Community Consultation**

The subject property lies within the area of the Western Neighbourhood Association and was referred for comment. A representative from the association responded that they were unaware of any concerns regarding the proposed rezoning.

## **Community Amenity Contribution**

Through the rezoning process, community amenity contributions (CACs) are typically expected where the proposed rezoning will lead to an increase in density. In this case, the proposed covenant will maintain the maximum unit density to within the range that could be built out under the existing zoning. As such, there is no increase in unit density and the applicant proposes no CAC as part of this rezoning application. Staff support the proposal.

## Conditions of Rezoning

Should Council support the application and pass third reading of “Zoning Amendment Bylaw 2020 No. 4500.172”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Vehicle Turnaround Covenant* – A Section 219 covenant to require a statutory right-of-way on the subject property for a vehicle turnaround at the end of Hansen Road, should a vehicle turnaround not be secured through redevelopment of 1861 East Wellington Road, prior to building permit issuance at 200 Hansen Road.
2. *Blanket Right-of-Way* – A blanket right-of-way to be registered on the subject property, to be reduced to a statutory right-of-way prior to building permit issuance for the purpose of a 1.8m-wide pedestrian walkway through the subject property.
3. *Residential Units Covenant* – A Section 219 covenant to limit the maximum number of residential dwelling units to no more than 133 units within the subject property.

### **SUMMARY POINTS**

- The application is to rezone the subject property at 200 Hansen Road from Low Density Residential (R6) and Residential Corridor (COR1) to Medium Density Residential (R8) to allow for a multi-family residential development.
- The proposed rezoning to R8 will allow the applicant to develop the site with additional building height in an apartment form without exceeding the maximum FAR permitted in the existing R6 zone.
- A covenant to limit the maximum number of residential dwelling units to no more than 133 units on the subject property will be registered prior to final adoption.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan

ATTACHMENT B: Conceptual Site Plan

ATTACHMENT C: Conceptual Cross Sections

ATTACHMENT D: Aerial Photo

“Zoning Amendment Bylaw 2020 No. 4500.172”

#### **Submitted by:**

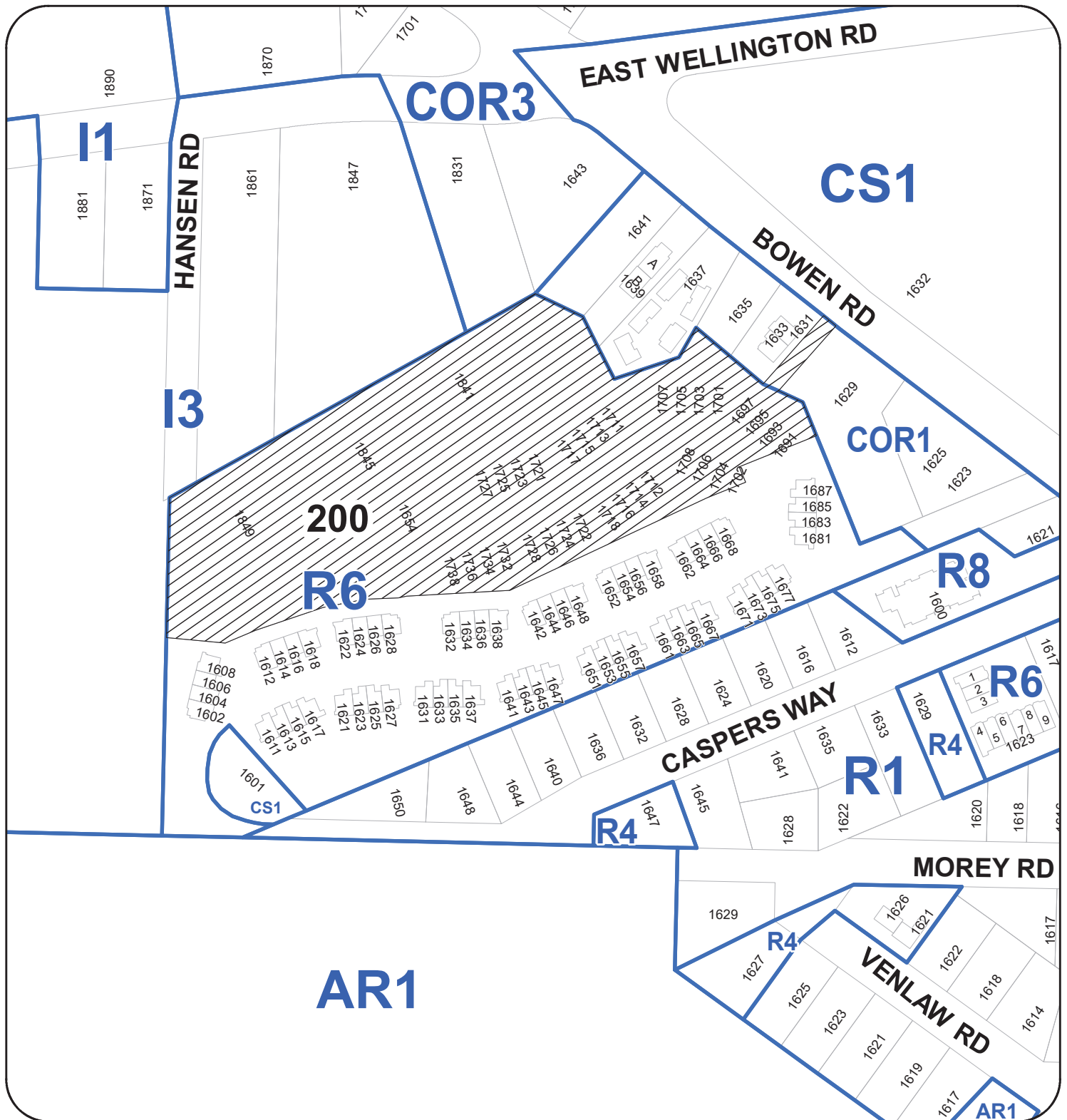
Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

# ATTACHMENT A LOCATION PLAN



## REZONING APPLICATION NO. RA000442 LOCATION PLAN

CIVIC: 200 HANSEN ROAD  
LEGAL: LOT B , SECTION 14, RANGE 8  
MOUNTAIN DISTRICT, PLAN EPP76054



SUBJECT PROPERTY



# ATTACHMENT B CONCEPTUAL SITE PLAN



**Peter K. Chu Architecture Inc.**  
Suite 710  
1155 West Pender Street,  
Vancouver, B.C. V6E 2P4  
Telephone: (604) 298-7063  
E-Mail: pkchu@lynx.net  
CONSULTANT:

PROJECT:  
Proposed Multi-Family  
Residential Development  
200 Hansen Road  
Nanaimo, BC

DRAWING TITLE:  
Site Plan

DATE:	JOB NO:	DRAWN:
Nov. 14 2018	19-14	V.G.
	CHECKED:	SCALE:
	P.C.	AS NOTED

REVISIONS:	NO	DATE	DESCRIPTION
	1	Nov. 14, 2018	Revised for General Review
	2	Dec. 14, 2018	Revised for General Review
	3	Jan. 7, 2019	Revised for General Review
	4	Jan. 7, 2019	Revised for General Review
	5	Jan. 7, 2019	Revised for General Review
	6	Jan. 7, 2019	Revised for General Review
	7	Jan. 7, 2019	Revised for General Review
	8	Jan. 7, 2019	Revised for General Review
	9	Jan. 7, 2019	Revised for General Review
	10	Jan. 7, 2019	Revised for General Review

RECEIVED  
**RA442**  
2019-AUG-01  
Current Planning

A1

Peter K. Chu Architecture Inc.

Suite 710  
1155 West Pender Street,  
Vancouver, B.C. V6E 2P4  
Telephone: (604) 298-7063  
E-Mail: [pkchu@lynx.net](mailto:pkchu@lynx.net)

PROJECT:

Proposed Multi-Family  
Residential Development  
200 Hansen Road  
Nanaimo, BC

DRAWING TITLE:

### Site Cross Sections

DATE:

JOB NO:
---------

DRAWN:
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1

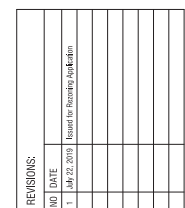
18-14

	V.G.
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July 2004

CHECKED

SCALE:  
AS NOTED



RECEIVED  
RA442  
2019-AUG-01  
Current Planning

A6



ATTACHMENT D  
AERIAL PHOTO



LEGEND



SUBJECT PROPERTY

REZONING APPLICATION NO. RA000442



CITY OF NANAIMO

BYLAW NO. 4500.172

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*,

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2020 NO. 4500.172".
2. The "City of Nanaimo ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT B , SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP76054 (200 Hansen Road) from Low Density Residential (R6) and Residential Corridor (COR1) to Medium Density Residential (R8) as shown on Schedule A.

PASSED FIRST READING: 2020-JAN-13  
PASSED SECOND READING: 2020-JAN-13  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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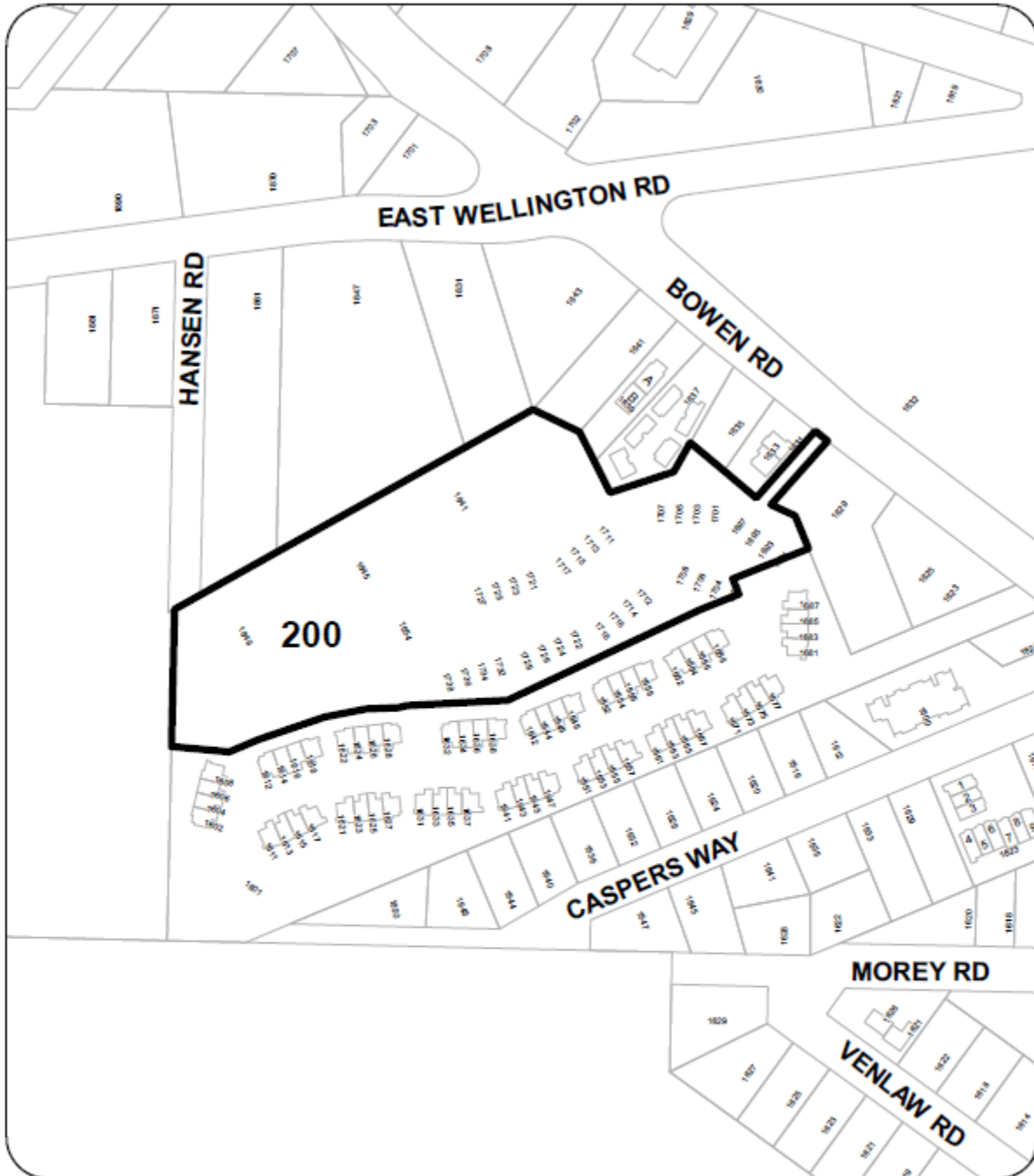
MAYOR

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CORPORATE OFFICER

File: RA000442  
Address: 200 Hansen Road

## SCHEDULE A



### REZONING APPLICATION NO. RA000442

CIVIC: 200 HANSEN ROAD  
LEGAL: LOT B , SECTION 14, RANGE 8  
MOUNTAIN DISTRICT, PLAN EPP76054

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DATE OF MEETING January 13, 2020

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

**SUBJECT HOME-BASED BUSINESS REGULATIONS**

## **OVERVIEW**

### **Purpose of Report**

To amend "City of Nanaimo Zoning Bylaw 2011 No. 4500" and "City of Nanaimo Sign Bylaw 1987 No. 2850" to update the regulations pertaining to home-based businesses.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2020 No. 4500.149" (To amend the home-based business regulations) pass first reading;
2. "Zoning Amendment Bylaw 2020 No. 4500.149" pass second reading;
3. "Sign Amendment Bylaw 2020 No. 2850.22" (To amend sign regulations pertaining to home-based businesses) pass first reading;
4. "Sign Amendment Bylaw 2020 No. 2850.22" pass second reading; and
5. "Sign Amendment Bylaw 2020 No. 2850.22" pass third reading.

## **BACKGROUND**

At the 2019-FEB-25 regular Council meeting, Council was presented with a Staff report (Attachment A) outlining proposed changes to the home-based business regulations contained within the City of Nanaimo bylaws. Council received the report and directed Staff to return to a future Council meeting with amendments to 'City of Nanaimo Zoning Bylaw 2011 No. 4500' (the "Zoning Bylaw"), 'Sign Bylaw 1987 No. 2850' (the "Sign Bylaw"), and 'Off-Street Parking Regulations Bylaw 2018 No. 7266' (the "Parking Bylaw") relating to the home-based business regulations.

Following further review and refinement, Staff have prepared amendments to the Zoning Bylaw and the Sign Bylaw.

## **DISCUSSION**

### **Zoning Bylaw**

The previous report presented to Council in February 2019 outlined the proposed Zoning Bylaw amendments to include a new home-based business classification system that will categorize home-based businesses according to the dwelling unit type and lot size. Greater restrictions were proposed for businesses within multi-family units and small single family lots (Type 1), restrictions similar to the existing home-based business regulations for standard single family lots (Type 2), and fewer restrictions for businesses within larger single family lots (Type 3).

A summary of the changes to the proposed home-based regulations from the previous report to Council and the current proposal:

Regulation	2019-FEB-25 report	2020-JAN-13 report	Rationale for change
Maximum Type 1 / Minimum Type 2 business lot size	450m <sup>2</sup>	370m <sup>2</sup>	To align with the more restricted nature of Type 1 businesses and the anticipated impacts of Type 2 businesses on typical residential lots.
Maximum area of Type 1 businesses	30% of gross floor area up to 28m <sup>2</sup>	50% of gross floor area up to 42m <sup>2</sup>	To align with the current maximum area of home-based businesses in secondary suites.
Maximum area of Type 3 businesses	50% of gross floor area up to 140m <sup>2</sup>	50% of gross floor area up to 200m <sup>2</sup>	To better reflect the opportunity available for larger businesses on Type 3 lots without significant impacts.
Maximum vehicle trips for Type 1 businesses	5 return vehicle trips	0 return vehicle trips	To reflect the nature of Type 1 businesses where no clients, customers, or non-resident employees are anticipated.
Maximum vehicle trips for Type 3 businesses	10 return vehicle trips	12 return vehicle trips	To meet the potential demand for Type 3 businesses and recognize the nature of such businesses away from higher density urban areas.

As previously presented to Council, Staff recommended the lot size to permit Type 1 businesses be 450m<sup>2</sup> or less. However, after further review, it was determined Type 1 businesses should be restricted to lots that are less than 370m<sup>2</sup> in area to better reflect lot sizes in the Zoning Bylaw. Lots that are 370m<sup>2</sup> or greater in area are eligible for secondary suites, and the impacts of Type 2 home-based businesses are not anticipated to be greater than the anticipated impacts of secondary suites. Type 2 businesses will allow for customer visits and non-resident employees, but Type 1 businesses will not. Changing the threshold between Type 1 and Type 2 businesses from 450m<sup>2</sup> to 370m<sup>2</sup> will align with the typical single residential dwelling lot size where Type 2 impacts can be expected.

Further clarification has been introduced to the proposed regulations in order to address where customer-based businesses will be permitted. It is Staff's recommendation that only those businesses that meet the criteria of Types 2 and 3 be permitted clients, customers, or non-resident employees because of the associated impacts including traffic, parking, and noise.

- *Type 1 – Multiple-Family Dwelling unit, Secondary Suite, Mobile Home, Modular Home, Recreational Vehicle, Float Home, or Single Residential Dwelling on a lot < 370m<sup>2</sup>*

Type 1 home-based businesses will represent businesses that operate in smaller dwelling units, such as multi-family developments, secondary suites, mobile home parks,

and smaller single dwelling residential lots. These types of dwelling units are within more densely populated neighbourhoods where impacts on neighbours could be the greatest. As such, no businesses with clients, customers, or non-resident employees will be permitted. Due to these regulations, Type 1 businesses will typically be of an online or mobile nature. With greater restrictions on Type 1 businesses, issues pertaining to increased traffic, parking, and noise will be mitigated.

- *Type 2 – Single Residential Dwelling on a lot  $\geq 370m^2$  and  $< 2,020m^2$*

Home-based businesses that operate on typical single dwelling residential lots will be permitted one non-resident employee and up to 8 return vehicle trips per day between the hours of 7 a.m. and 9 p.m. to accommodate customer or client visits. Under the current regulation, 10 vehicle trips per day are permitted for all home-based businesses; however, due to an increasing number of complaints received by neighbours, Staff recommend the number of permitted vehicle trips per day be reduced from 10 to 8 for Type 2 home-based businesses.

- *Type 3 – Single Residential Dwelling on a lot  $\geq 2,020m^2$*

Home-based businesses that operate on larger residential lots over  $2,020m^2$  (a half-acre) will be permitted two non-resident employees and 12 return vehicle trips per day to accommodate customer or client visits. Because Type 3 businesses will be operating from larger lots, impacts on neighbouring properties are anticipated to be negligible.

## **Sign Bylaw**

In addition to the Zoning Bylaw amendments, an amendment to the Sign Bylaw is proposed to clarify the restrictions on signage size and number of signs per lot. The amendment clarifies that signs related to home-based businesses are permitted for single dwelling residential lots only. Signage for home-based businesses operating from other types of dwelling units, such as multiple-family dwelling units, will not be permitted.

## **Off-Street Parking Bylaw**

The Council report dated 2019-FEB-25 recommended the Parking Bylaw be amended to limit marshalling and staging of vehicles associated with the home-based business. After further review, however, Staff believe this issue is best addressed in the Zoning Bylaw under Section 6.12 Vehicle Restrictions. Section 6.12 regulates the number of vehicles, as well as the number of identifiable company vehicles permitted on a residential lot. As such, incorporating marshalling and staging of vehicles into this section is more cohesive than as a stand-alone regulation in the Parking Bylaw.

## **OPTIONS**

1. That
  1. “Zoning Amendment Bylaw 2020 No. 4500.149” (To amend the home-based business regulations) pass first reading;
  2. “Zoning Amendment Bylaw 2020 No. 4500.149” pass second reading;
  3. “Sign Amendment Bylaw 2020 No. 2850.22” (To amend sign regulations pertaining to home-based businesses) pass first reading;
  4. “Sign Amendment Bylaw 2020 No. 2850.22” pass second reading; and
  5. “Sign Amendment Bylaw 2020 No. 2850.22” pass third reading.
  - *Advantages:* Home-based businesses are an integral component of the economic framework of Nanaimo. The number of home-based businesses continues to increase annually, and, as such, Staff recommend Council approve the proposed amendments to the Zoning Bylaw and Sign Bylaw to facilitate the continued successful integration of home-based businesses into developments and neighbourhoods. In addition, the amendments offer clarification on aspects of the home-based business regulations and will reduce uncertainty.
  - *Disadvantages:* The proposed amendments may result in a slight increase in processing times as there will be an increase in home-based business types.
  - *Financial implications:* Revenue is collected from all business licence applications, including home-based businesses. Home-based business licence applications may decrease in some areas with greater restrictions, but may increase in other areas with less restrictions. On balance, no significant financial implications are anticipated.
2. That Council deny approval of the amendments to the Zoning Bylaw or Sign Bylaw.
  - *Advantages:* The status quo may allow for easier processing of home-based business applications as there are currently no separate business types.
  - *Disadvantages:* Staff can continue to review home-based business licences based on the existing home-based business regulations; however, the existing regulations do not reflect current trends or best practices. This option will not respond to community input to see improved regulations to mitigate potential impacts of home-based businesses or land use conflicts.
  - *Financial implications:* None anticipated.
3. That Council provide alternative direction. |

### **SUMMARY POINTS**

- As directed by Council, amendments to the Zoning Bylaw and Sign Bylaw are being presented for consideration.
- The proposed amendments introduce a classification system that categorizes home-based businesses based on dwelling unit type and lot size.
- The amendments to the Sign Bylaw introduce regulations pertaining to the size of sign permitted for a home-based business as well as restricting the number of signs permitted.

### **ATTACHMENTS:**

ATTACHMENT A: Home Based Business Regulation Review Report to Council 2019-FEB-25  
"Zoning Amendment Bylaw 2020 No. 4500.149"  
"Sign Amendment Bylaw 2020 No. 2850.22"

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services



## Staff Report for Decision

DATE OF MEETING FEBRUARY 25, 2019

AUTHORED BY AMRIT MANHAS, ECONOMIC DEVELOPMENT OFFICER

SUBJECT HOME-BASED BUSINESS REGULATION REVIEW

### **OVERVIEW**

#### **Purpose of Report**

To present Council with the results of the home-based business regulation review. |

#### **Recommendation**

That Council:

1. receive the report titled "Home-Based Business Regulation Review" dated 2019-FEB-25; and
2. direct Staff to return to an upcoming Council meeting with amendments to "Zoning Bylaw 2011 No. 4500", "Sign Bylaw 1987 No. 2850" and "Off-Street Parking Regulations Bylaw 2018 No. 7266" relating to the home-based business regulations.

### **BACKGROUND**

At the 2016-APR-11 Committee of the Whole meeting, Council received delegations pertaining to a proposed home-based bakery business. After receiving the delegations, Council directed Staff to review the City's home-based business regulations and prepare a report for Council.

This report sets out the findings of the review and identifies a number of changes that Council may wish to consider to update the bylaw.

There are approximately 2,300 licensed home-based businesses operating in the city today, providing approximately 3,400 jobs and covering a wide range of sectors of the economy. Home-based businesses make up 38% of all business licences in the city and they have become an important contributor to Nanaimo's economy.

The City of Nanaimo has regulated home-based businesses since 1993. A home-based business can either be a business operated at home, where most of the work is carried out at the home of the operator, or a business operated from home where the home is used as a base but much of the work is done offsite.

The existing home-based business regulations (Attachment A) are set out in Section 6.20 of "Zoning Bylaw 2011 No.4500" (the "Zoning Bylaw"). The regulations are intended to respect and balance the interests of the businesses and the surrounding neighbourhoods in which businesses are located. Ideally, home-based businesses should operate in a manner that does not adversely affect the quality and liveability of the neighbourhood. The most common concerns raised by neighbours relate to traffic, parking, and noise impacts.

Section 6.19 of the Zoning Bylaw specifies daycare regulations and is currently under a separate review.



## Home-Based Business Regulations Review

Staff undertook a comprehensive review of the home-based business regulations that included:

- reviewing best practices from 15 BC municipalities (Attachment B);
- meetings with Staff from Economic Development, Business Licensing, Current Planning, Bylaw Services, Transportation, and Community and Cultural Planning to discuss existing issues and areas where updates are required;
- conducting a home-based business Needs Assessment Survey (2018-JUL);
- meeting with the Neighbourhood Network and the Chamber of Commerce;
- conducting an open house at the Vancouver Island Conference Centre (2018-DEC-04); and
- posting information boards and a survey on the City website (2018-DEC-31, see Attachment C for results).

Feedback from the community consultation process was used to draft the proposed amendments to the current regulations around the following topics:

- permitted uses;
- lot size and size of business;
- lot size and permitted uses;
- number of clients permitted daily and group sessions;
- number of employees;
- parking requirements;
- hours of operation; and
- signage.

## Proposed Zoning Bylaw Amendments

The following is a summary of the proposed changes to the Zoning Bylaw as a result of the review of the home-based business regulations:

### 1. New Classification System

The existing home-based business regulations apply to all residential dwellings in the city regardless of lot size.

As part of the review, it was identified that the regulations could be updated to reflect the unique circumstances of operating a home-based business within a condominium/townhouse or a small lot, versus a regular-sized city lot and a large lot. As such, the following classification is recommended based on best practices from other communities:

Type	Lot size
1	≤ 450m <sup>2</sup>
2	>450m <sup>2</sup> , but ≤2,020m <sup>2</sup> (half acre)
3	>2,020m <sup>2</sup> (half acre)

There are 1,635 residential lots within Nanaimo that are 2,020m<sup>2</sup> (half acre) or larger. Home-based business on these lots would be classified as Type 3 (Attachment D) assuming there is a

street frontage of 30m or more. These properties could potentially accommodate more onsite parking and offer a larger buffer between dwellings that can accommodate certain activities not permitted under Type 1 or Type 2.

## 2. Location and Size

Home-based businesses are permitted to operate from a dwelling unit, secondary suite, carriage house, or accessory building. Currently, a business is permitted varying floor space depending on whether the home-based business is located in the primary dwelling, secondary suite, both units, or the accessory building. The update proposes no change to this.

The review has indicated that the Gross Floor Area of a home-based business could be further streamlined as outlined below:

Type	Gross Floor Area*
1	30% up to 28m <sup>2</sup> (300ft <sup>2</sup> )**
2	50% GFA up to 100m <sup>2</sup> (1,076ft <sup>2</sup> )
3	50% GFA up to 140m <sup>2</sup> (1,500ft <sup>2</sup> )

\*The maximum GFA is applicable regardless of the number of businesses in a location.

\*\* For Type 1 properties, the home-based business must be in the primary dwelling unit.

## 3. Vehicle Trips

The existing regulations allow a home-based business a maximum of five return vehicle trips per day. The proposed update maintains five return vehicle trips per day for Type 1; however, increases vehicle trips for Type 2 to eight and up to ten return vehicle trips for Type 3. The increase for Type 2 and Type 3 was proposed as a way of accommodating most businesses.

Type	Maximum Return Vehicle Trips
1	5
2	8
3	10

## 4. Non-Resident Employees on Premises

Currently, a home-based business is permitted one non-resident employee if the business is located in the primary dwelling unit, but not if it is located in the secondary suite. Under the proposed changes, Type 1 businesses would not be permitted a non-resident employee, Type 2 businesses would be permitted one non-resident employee, and Type 3 businesses would be permitted two non-resident employees.

Type	Maximum Permitted Number of Employees
1	0
2	1
3	2

## 5. Hours of Operations

Currently, the hours of operation for home-based businesses are between 7am - 9pm and no changes have been deemed required through the process.

## 6. Signage

Under the existing regulations, a home-based business is permitted one sign per business (size specifications set out in "Sign Bylaw 1987 No. 2850" (the "Sign Bylaw"). Through the review process, it is recommended that the Sign Bylaw be amended to permit one sign per dwelling unit regardless of the number of home-based businesses. The sign may include names of all businesses operating at the location.

## 7. Permitted/Prohibited Uses

The City of Nanaimo Zoning Bylaw permits a wide variety of activities as a home-based business, with only the following uses prohibited:

- Retail stores
- Auto body shop, vehicle storage, wrecking or dismantling.
- Storage, wrecking, dismantling, structural repair, painting or metal plating of vehicles and equipment, including motor vehicles, recreational vehicles, boats and other water vessels, aircraft, all-terrain vehicles and snowmobiles, heavy equipment and machinery.
- Pet day care, boarding kennel, animal training and commercial dog breeder.
- Commercial sawmill.

The review of the home-based business regulations recommends the following updates:

Type 1	
Prohibited	<i>Personal Services</i> – includes hair, skin, nails, personal wellness, and body modification services such as tattooing, piercing, and micro-blading, etc.
Permitted	<i>Limited Animal Services</i> – includes dog walking, pet sitting, pet grooming, training therapy and will be permitted as a mobile only (offsite).
Type 3	
Permitted	<i>Limited Retail</i> : for products manufactured in the home-based business <i>Limited Auto Repair</i> : must be fully contained within a building and have must not discharge or emit odorous, toxic or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust or effluent across any lot line.

## 8. Parking & Access

The City of Nanaimo recently adopted "Off-Street Parking Regulations Bylaw 2018 No.7266". Under the bylaw, a home-based business is required to provide one parking spot per dwelling.

Based on the feedback received through the process, Staff recommend that the Parking Bylaw be amended to exempt the parking requirement for home based businesses that do not have clients coming to the premises.

In addition, it is recommended that the Parking Bylaw be amended to limit marshalling and staging to on-site parking associated with the residence for a home-based businesses.

In the scenario where customers access a home-based business via a private easement agreement, the business owner will be required to obtain approval from the neighbouring property owner prior to issuance of a business license. This requirement doesn't apply to home-based businesses that do not generate traffic or have employees coming to the property.

## **OPTIONS**

### **A. That Council:**

1. receive the report titled "Home-Based Business Regulations Review" dated 2019-FEB-25; and
2. direct Staff to return to an upcoming Council meeting with amendments to "Zoning Bylaw 2011 No. 4500", "Sign Bylaw 1987 No. 2850" and "Off-Street Parking Regulations Bylaw 2018 No. 7266" relating to the home-based business regulations.
  - **Budget Implication:** There are no direct budget implications through these proposed changes. The update to the regulations may provide more certainty to businesses and induce business formation in the community, which would have a positive impact on the local economy.
  - **Legal Implication:** The City solicitor will review the proposed changes prior to the amendments being brought forward to Council.
  - **Policy Implication:** Goal Four of the Official Community Plan is to "Promote a Thriving Economy".
  - **Engagement Implication:** As part of the process, all home-based businesses in Nanaimo were invited to participate in an online survey to provide feedback. An open house was held on 2018-DEC-04 to present the proposed changes and the display boards and on-line survey were available for the public to comment.
  - **Strategic Priorities Implication:** Economic Health is one the City's four community values and the plan recognizes the need for diverse jobs and an innovative atmosphere to support creativity and entrepreneurialism.
  - **Political Implication:** Updating the Home-Based Business Regulations would show Council's commitment to promoting economic development in the community.

### **B. That Staff be directed to not proceed with the proposed Home-Based Business regulations changes at this time.**

- **Budget Implication:** There are no direct budget implications if the proposed changes to the Home-Based Business regulations were not implemented.
- **Policy Implication:** Goal Four of the Official Community Plan is to "Promote a Thriving Economy".
- **Engagement Implication:** As part of the process, all home-based businesses in Nanaimo were invited to participate in an online survey to provide feedback. An open house was held on 2018-DEC-04 to present the proposed changes, and the display boards and on-line survey were available for the public to comment.
- **Strategic Priorities Implication:** Economic Health is one the City's four community values and the plan recognizes the need for diverse jobs and an innovative atmosphere to support creativity and entrepreneurialism.

### **SUMMARY POINTS**

- Home-based businesses comprise 38% of all business licences within the city of Nanaimo and generate around 3,400 jobs.
- At the 2016-APR-11 Committee of the Whole meeting, Council directed Staff to review the home-based business bylaw and prepare a report for Council.
- Staff undertook a comprehensive review of the existing regulations, undertook best practice research, and conducted a survey with business owners to identify areas for improvement. The proposed changes were presented at an open house on 2018-DEC-04 and were made available on-line.
- The regulations are intended to respect and balance the interests of the businesses and the surrounding neighbourhoods in which businesses are located.
- If Council provides direction to incorporate the changes, a separate Staff report will be brought forward for Council's consideration with the necessary bylaw amendments.

### **ATTACHMENTS**

ATTACHMENT A: Existing Home-Based Business Regulations

ATTACHMENT B: Best Practices from 15 BC Municipalities

ATTACHMENT C: Open House Boards and Survey Results

ATTACHMENT D: Residential Lots Half Acre or Larger

#### **Submitted by:**

Bill Corsan  
Deputy Director, Community Development

#### **Concurrence by:**

Dale Lindsay  
Director, Community Development

CITY OF NANAIMO

BYLAW NO. 4500.149

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 466, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2020 No. 4500.149".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

- (1) By deleting the definition of 'Home Based Business' in "Part 5 – Definitions" and replacing it with the following:

**HOME-BASED BUSINESS** - means an occupation, business or professional practice which is carried on for remuneration or financial gain, and which is clearly ancillary to the residential use of the property, of which the proprietor is also a resident of the dwelling where the home-based business occurs, and which complies with all requirements specified in section 6.20 of this Bylaw.

- (2) By adding the following as Subsection 6.12.5.1:

Notwithstanding Subsection 6.12.5, identifiable company vehicles associated with a home-based business shall be limited to the number of off-street parking spaces required for the home-based business and any marshalling or staging of vehicles is strictly prohibited.

- (3) By deleting Section 6.20 and replacing it with the following:

**6.20 HOME-BASED BUSINESS**

6.20.1 A home-based business shall be permitted:

- a) in any dwelling unit or secondary suite, regardless of zoning, provided it meets all other applicable requirements of this section; and
- b) in a recreational vehicle in the Recreational Vehicle Park (R11) zone, provided it meets all other applicable requirements of this section.

6.20.2 Any person residing within the dwelling unit, secondary suite, or recreational vehicle may be engaged in the home-based business. At least one resident of the dwelling unit, secondary suite, or recreational vehicle must hold a business licence for the home-based business.

- 6.20.3 Home-based businesses shall be categorized as Type 1, Type 2, or Type 3 based on the location of the home-based business and shall have restrictions on the maximum floor area, number of vehicle trips, number of non-resident employees, and prohibited uses for each home-based business type as specified within the following table:

	Type 1	Type 2	Type 3
<b>Location of the home-based business</b>	Multiple-Family Dwelling unit, Secondary Suite, Mobile Home, Modular Home, Recreational Vehicle, Float Home, or Single Residential Dwelling on a lot $< 370\text{m}^2$	Single Residential Dwelling on a lot $\geq 370\text{m}^2$ and $< 2,020\text{m}^2$	Single Residential Dwelling on a lot $\geq 2,020\text{m}^2$
<b>Maximum floor area for the home-based business</b>	42m <sup>2</sup> or 50% of the dwelling unit, secondary suite, or recreational vehicle, whichever is less	100m <sup>2</sup> or 50% of the dwelling unit, whichever is less	200m <sup>2</sup> or 50% of the dwelling unit, whichever is less
<b>Maximum number of customer or client vehicle trips per day</b>	0	8 return trips	12 return trips
<b>Maximum number of non-resident employees permitted to work on-site</b>	0	1	2
<b>Prohibited uses</b>	Automotive repair of a major or minor nature; personal service use; pet daycare; all uses listed in Subsection 6.20.5	Automotive repair of a major or minor nature; all uses listed in Subsection 6.20.5	All uses listed in Subsection 6.20.5

- 6.20.4 Notwithstanding Subsection 6.20.3, where multiple home-based businesses are associated with a dwelling unit, secondary suite, or recreational vehicle, the maximum combined floor area, the maximum combined vehicle trips, and the maximum combined number of non-resident employees of all home-based businesses shall not exceed the maximum as specified in Subsection 6.20.3.

- 6.20.5 The following uses are specifically prohibited as a home-based business for all home-based business types:
- a) auto body repair;
  - b) commercial sawmill;
  - c) boarding kennel, animal training, and commercial dog breeding;
  - d) restaurant;

- e) retail sales of items other than items manufactured by the home-based business; and
  - f) storage, wrecking, dismantling, painting, or metal plating of vehicles (including recreational vehicles, boats, water vessels, aircraft, all-terrain vehicles, and snowmobiles), equipment, or machinery.
- 6.20.6 Where customer or client vehicle trips to a home-based business are permitted, such trips shall be limited to between the hours of 7am and 9pm, seven days a week.
- 6.20.7 Where a home-based business involves vehicle or equipment repair or service, all vehicles or equipment under repair or to be repaired must be wholly contained within a permanent building and shall not at any time be stored outside of a building.
- 6.20.8 A home-based business shall not discharge or emit odorous, toxic, or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust, effluent or other emission hazard, electrical interference or radiation across any lot line or between dwelling units.
- 6.20.9 A home-based business or a portion of a home-based business may be permitted within an accessory building subject to the following:
- a) the principal use on the subject property is a single residential dwelling;
  - b) the area of the home-based-business within an accessory building does not exceed the maximum area as specified in Subsection 6.20.3 in combination with any portion of the home-based business within the associated dwelling unit or secondary suite; and
  - c) the accessory building is a permanent structure.
- 6.20.10 A home-based business and all associated storage shall be wholly contained within the dwelling unit, secondary suite, recreational vehicle, or any accessory building associated with the home-based business.

PASSED FIRST READING: 2020-JAN-13

PASSED SECOND READING: 2020-JAN-13

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_

ADOPTED \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER



## **8. Bylaw**

CITY OF NANAIMO

BYLAW NO. 4500.172

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2020 NO. 4500.172".
2. The "City of Nanaimo ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT B , SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP76054 (200 Hansen Road) from Low Density Residential (R6) and Residential Corridor (COR1) to Medium Density Residential (R8) as shown on Schedule A.

PASSED FIRST READING: 2020-JAN-13  
PASSED SECOND READING: 2020-JAN-13  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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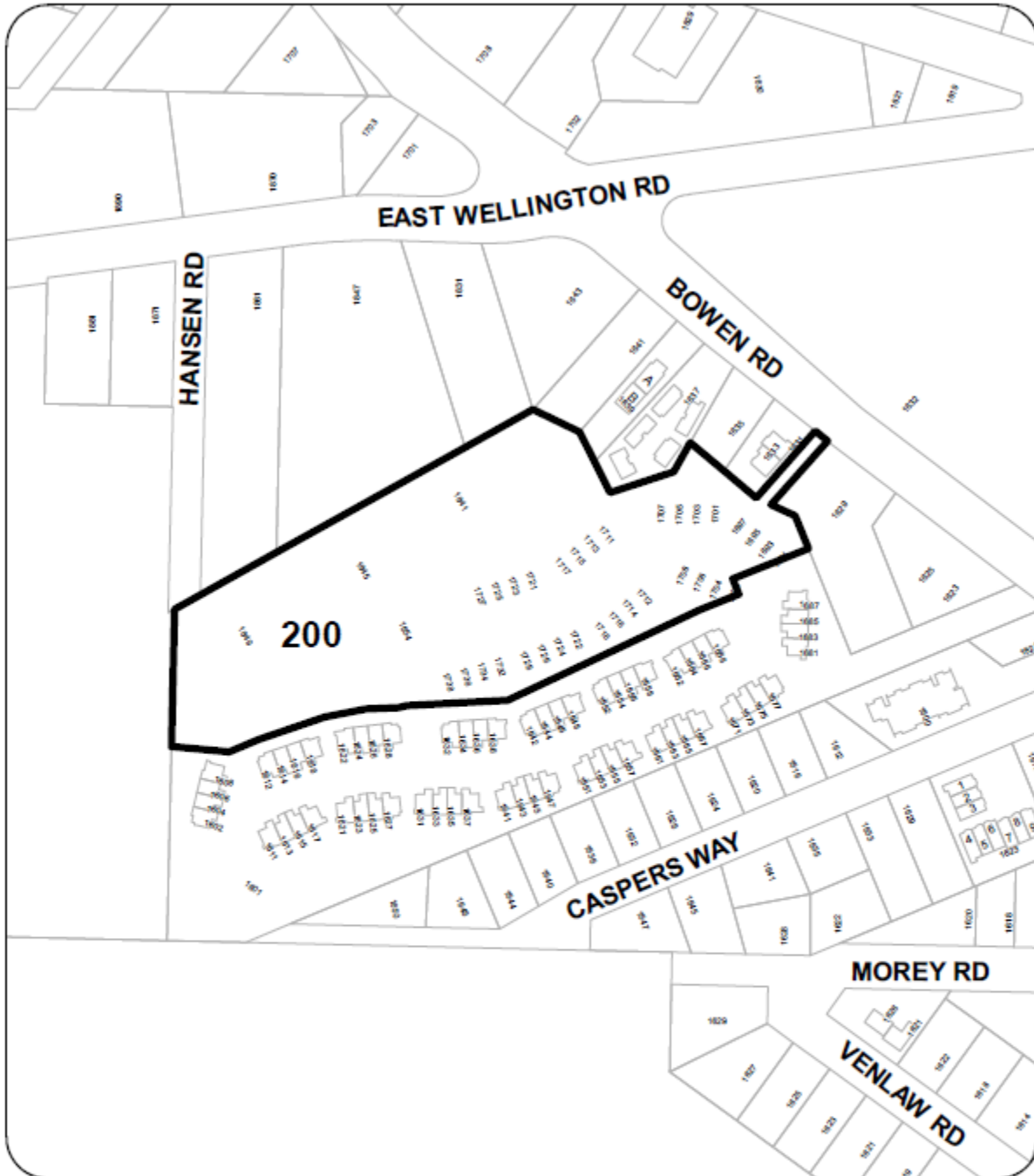
MAYOR

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CORPORATE OFFICER

File: RA000442  
Address: 200 Hansen Road

## SCHEDULE A



### REZONING APPLICATION NO. RA000442

CIVIC: 200 HANSEN ROAD  
LEGAL: LOT B , SECTION 14, RANGE 8  
MOUNTAIN DISTRICT, PLAN EPP76054

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CITY OF NANAIMO

BYLAW NO. 4500.149

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 466, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2020 No. 4500.149".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

- (1) By deleting the definition of 'Home Based Business' in "Part 5 – Definitions" and replacing it with the following:

**HOME-BASED BUSINESS** - means an occupation, business or professional practice which is carried on for remuneration or financial gain, and which is clearly ancillary to the residential use of the property, of which the proprietor is also a resident of the dwelling where the home-based business occurs, and which complies with all requirements specified in section 6.20 of this Bylaw.

- (2) By adding the following as Subsection 6.12.5.1:

Notwithstanding Subsection 6.12.5, identifiable company vehicles associated with a home-based business shall be limited to the number of off-street parking spaces required for the home-based business and any marshalling or staging of vehicles is strictly prohibited.

- (3) By deleting Section 6.20 and replacing it with the following:

**6.20 HOME-BASED BUSINESS**

6.20.1 A home-based business shall be permitted:

- a) in any dwelling unit or secondary suite, regardless of zoning, provided it meets all other applicable requirements of this section; and
- b) in a recreational vehicle in the Recreational Vehicle Park (R11) zone, provided it meets all other applicable requirements of this section.

6.20.2 Any person residing within the dwelling unit, secondary suite, or recreational vehicle may be engaged in the home-based business. At least one resident of the dwelling unit, secondary suite, or recreational vehicle must hold a business licence for the home-based business.

- 6.20.3 Home-based businesses shall be categorized as Type 1, Type 2, or Type 3 based on the location of the home-based business and shall have restrictions on the maximum floor area, number of vehicle trips, number of non-resident employees, and prohibited uses for each home-based business type as specified within the following table:

	Type 1	Type 2	Type 3
<b>Location of the home-based business</b>	Multiple-Family Dwelling unit, Secondary Suite, Mobile Home, Modular Home, Recreational Vehicle, Float Home, or Single Residential Dwelling on a lot $< 370\text{m}^2$	Single Residential Dwelling on a lot $\geq 370\text{m}^2$ and $< 2,020\text{m}^2$	Single Residential Dwelling on a lot $\geq 2,020\text{m}^2$
<b>Maximum floor area for the home-based business</b>	42m <sup>2</sup> or 50% of the dwelling unit, secondary suite, or recreational vehicle, whichever is less	100m <sup>2</sup> or 50% of the dwelling unit, whichever is less	200m <sup>2</sup> or 50% of the dwelling unit, whichever is less
<b>Maximum number of customer or client vehicle trips per day</b>	0	8 return trips	12 return trips
<b>Maximum number of non-resident employees permitted to work on-site</b>	0	1	2
<b>Prohibited uses</b>	Automotive repair of a major or minor nature; personal service use; pet daycare; all uses listed in Subsection 6.20.5	Automotive repair of a major or minor nature; all uses listed in Subsection 6.20.5	All uses listed in Subsection 6.20.5

- 6.20.4 Notwithstanding Subsection 6.20.3, where multiple home-based businesses are associated with a dwelling unit, secondary suite, or recreational vehicle, the maximum combined floor area, the maximum combined vehicle trips, and the maximum combined number of non-resident employees of all home-based businesses shall not exceed the maximum as specified in Subsection 6.20.3.

- 6.20.5 The following uses are specifically prohibited as a home-based business for all home-based business types:
- auto body repair;
  - commercial sawmill;
  - boarding kennel, animal training, and commercial dog breeding;
  - restaurant;

- e) retail sales of items other than items manufactured by the home-based business; and
  - f) storage, wrecking, dismantling, painting, or metal plating of vehicles (including recreational vehicles, boats, water vessels, aircraft, all-terrain vehicles, and snowmobiles), equipment, or machinery.
- 6.20.6 Where customer or client vehicle trips to a home-based business are permitted, such trips shall be limited to between the hours of 7am and 9pm, seven days a week.
- 6.20.7 Where a home-based business involves vehicle or equipment repair or service, all vehicles or equipment under repair or to be repaired must be wholly contained within a permanent building and shall not at any time be stored outside of a building.
- 6.20.8 A home-based business shall not discharge or emit odorous, toxic, or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust, effluent or other emission hazard, electrical interference or radiation across any lot line or between dwelling units.
- 6.20.9 A home-based business or a portion of a home-based business may be permitted within an accessory building subject to the following:
- a) the principal use on the subject property is a single residential dwelling;
  - b) the area of the home-based-business within an accessory building does not exceed the maximum area as specified in Subsection 6.20.3 in combination with any portion of the home-based business within the associated dwelling unit or secondary suite; and
  - c) the accessory building is a permanent structure.
- 6.20.10 A home-based business and all associated storage shall be wholly contained within the dwelling unit, secondary suite, recreational vehicle, or any accessory building associated with the home-based business.

PASSED FIRST READING: 2020-JAN-13

PASSED SECOND READING: 2020-JAN-13

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_

ADOPTED \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

DATE OF MEETING February 13, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 3365 DEPARTURE BAY ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3365 Departure Bay Road.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3365 Departure Bay Road for construction not completed as per the conditions of the building permit.

## **BACKGROUND**

During the course of a site inspection for a retaining wall permit on 2019-FEB-27, the inspector observed work being undertaken to alter the dwelling, including cutting into the structural concrete, without the required building permit. A Stop Work Order was posted and a building permit was subsequently applied for. However, although the permit was issued, no inspections were called for and the permit has now expired with the illegal works remaining. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

As the construction is considered a safety issue, this matter will be forwarded to Bylaw Services for removal enforcement.

## **DISCUSSION**

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

### **SUMMARY POINTS**

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- As the construction is considered a safety issue, this matter will be forwarded to Bylaw Services for removal enforcement.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services



DATE OF MEETING February 13, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 60 MACHLEARY STREET**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 60 Machleary Street.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 60 Machleary Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

## **BACKGROUND**

An inspection was completed on 2018-DEC-04 in response to a complaint received regarding illegal construction. The inspection confirmed work was underway to alter the building, including layout changes to the interior, hookups for a new laundry area, removal of a staircase, and a new ensuite, without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising a building permit was required prior to proceeding with any construction. A building permit application was subsequently submitted; however, the permit was never picked up and the file has now expired. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

## **DISCUSSION**

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The subsequent permit application was not picked up and has expired.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | February 13, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT                      BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 4259 CLUBHOUSE DRIVE**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4259 Clubhouse Drive. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 4259 Clubhouse Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". |

## **BACKGROUND**

An inspection was completed on 2019-JUN-24 in response to a complaint received regarding illegal construction. The inspection confirmed that two accessory buildings had been built in the rear yard without a building permit. Correspondence was forwarded to the owner advising that the structures must be removed. A follow-up inspection to confirm removal of the structures was conducted 2019-JUL-16; however, the inspector observed the structures remained in place. The owner indicated at that time his preference to keep the structures and have a notice placed on the property title. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No. 7224". |

As the buildings do not conform to the Building Code or the Zoning Bylaw, Staff will refer this matter to Bylaw Services for further enforcement.

## **DISCUSSION**

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The structures remain in place.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING February 13, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 311 WOODHAVEN DRIVE**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 311 Woodhaven Drive.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 311 Woodhaven Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

## **BACKGROUND**

An inspection was completed on 2019-JUN-03 in response to a complaint received regarding illegal construction. The inspection confirmed that work to enclose the upper deck to create living space was underway, and the front entry deck, including stairs, was being rebuilt without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that the illegal work is to be deconstructed and a permit to rebuild would be required. The deadline for deconstruction and application for a building permit was 2019-JUN-19. As the property owner indicated a building permit application was close to being submitted, an extension was allowed. However, to date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

Further to the registration of the notice, Staff will be seeking a Safety Upgrade Order at a future Council meeting.

## **DISCUSSION**

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, Staff will be seeking a Safety Upgrade Order at a future Council meeting.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING February 13, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1691 MALLARD DRIVE**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1691 Mallard Drive.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1691 Mallard Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

## **BACKGROUND**

An inspection was completed on 2019-OCT-07 in response to a complaint received regarding illegal construction. The inspection confirmed an existing deck had been enclosed to create a sunroom, and the area beneath the deck had been enclosed to create storage space. Correspondence was forwarded to the owner advising that a building permit was required for the work. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

## **DISCUSSION**

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services



DATE OF MEETING | January 9, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 1080 WOODLANDS STREET |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1080 Woodlands Street. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1080 Woodlands Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection was completed on 2019-AUG-27 in response to a complaint received regarding illegal construction. The inspection confirmed work was underway to construct a garage with deck over top in the right side yard without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2019-SEP-24. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections, in contravention of “Building Bylaw 2016 No 7224”. |

## **DISCUSSION**

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services