



AGENDA

FOR THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO (PUBLIC HEARING)

Thursday, December 7, 2017, 7:00 P.M.
Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

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 and Subdivision, 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. RA382 - 480 Tenth Street - Bylaw 4500.115</u>

To be introduced by Tamera Rogers, Planner.

Presentation: Keith Brown and Associates Ltd. on behalf of P.J. & R. Holdings Ltd, the applicant.

Call for Submission from the Public. | 4 - 11 |
| b. | <u>Rezoning Application No. RA383 - 285 Rosehill Street - Bylaw 4500.116</u>

To be introduced by Tamera Rogers, Planner.

Presentation: M'akola Development Services, on behalf of property owner, Vancouver Island Mental Health Society (VIMHS), the applicant.

Call for Submissions from the Public. | 12 - 20 |
| c. | <u>"City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252"</u>

To be introduced by Dale Lindsay, Director of Community Development.

Call for Submissions from the Public. | 21 - 34 |

6. FINAL CALL FOR SUBMISSIONS:

Following the close of a Public Hearing, no further submission 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: 35

a. "Zoning Amendment Bylaw 2017 No. 4500.115" 36 - 37

That "Zoning Amendment Bylaw 2017 No. 4500.115" (RA382 – To rezone a portion of 480 Tenth Street from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass third reading.

b. "Zoning Amendment Bylaw 2017 No. 4500.116" 38 - 39

That "Zoning Amendment Bylaw 2017 No. 4500.116" [RA383 – To rezone 285 Rosehill Street from Medium Density Residential (R8) to Mixed Use Corridor (COR2)] pass third reading.

c. "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252" 40 - 49

That "Development Cost Charge Bylaw 2017 No. 7252" (To impose development cost charges within the City of Nanaimo) pass third reading.

9. REPORTS:

a. Bylaw Contravention Notices - Secondary Suites 50 - 51

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report.

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 following properties:

1. 1236 Okanagan Place – illegal secondary suite
2. 2885 Staffordshire Terrace – illegal secondary suite
3. 351 Woodhaven Drive – two illegal secondary suites

b. Bylaw Contravention Notice - Construction Started Without a Building Permit -
540 Haliburton Street

52 - 53

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 540 Haliburton 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 540 Haliburton Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

10. **ADJOURNMENT:**

DATE OF MEETING October 16, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT REZONING APPLICATION NO. RA382 – 480 TENTH STREET

OVERVIEW

Purpose of Report

To present Council with an application to rezone a portion of the subject property located at 480 Tenth Street from Single Dwelling Residential (R1) to Duplex Residential (R4) in order to facilitate a 27-lot subdivision that includes two duplex lots.

Recommendation

1. That "Zoning Amendment Bylaw 2017 No. 4500.115" (RA382 – To rezone a portion of 480 Tenth Street from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass first reading;
2. That "Zoning Amendment Bylaw 2017 No. 4500.115" pass second reading; and,
3. That Council direct Staff to secure the community contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA382) for 480 Tenth Street was received from Keith Brown and Associates Ltd. (Mr. Keith Brown) on behalf of P.J. & R. Holdings Ltd. to rezone a portion of the subject property from Single Dwelling Residential (R1) to Duplex Residential (R4). The purpose of the rezoning is to facilitate a concurrent subdivision application (SUB01199) to allow a duplex each on two of the 27 proposed lots.

Subject Property

<i>Location</i>	The subject property is located at the southeast corner of the Park Avenue/Tenth Street intersection in South Harewood
<i>Total Area</i>	18,577m ²
<i>Current Zone</i>	R1 – Single Dwelling Residential
<i>Proposed Zone</i>	R4 – Duplex Residential
<i>Official Community Plan Designation</i>	Neighbourhood
<i>Harewood Neighbourhood Plan Designation</i>	Neighbourhood

The subject property is located in a residential neighbourhood with a mix of housing types, including a new townhouse development directly to the north, single dwelling lots to the west, and Tillicum Lelum youth and elders housing across the street to the south. A park located to the north includes a pedestrian pathway along the creek.

The existing house on the subject property will remain and be located on one of the proposed lots.

DISCUSSION

Proposed Development

The purpose of this application is to rezone a portion of the subject property in order to allow for two duplex lots in a 27-lot subdivision currently under construction. The existing zoning would allow for a subdivision with 29 dwelling units (the two R1-zoned corner lots permit two dwelling units each) and a total of 25 secondary suites that could be in a carriage house form. If approved, the rezoning would allow for a total of 31 dwelling units and 23 secondary suites that could be in a carriage house form.

All works and services will be secured through the approval of the subdivision (SUB01199) and will include off-set sidewalks, street trees, a 7m wide lane, on-street parking on all frontages, and a pedestrian walkway to increase neighbourhood connectivity. All lots will be accessed from the lane.

Official Community Plan

The Official Community Plan (OCP) designates 480 Tenth Street as Neighbourhood. The Neighbourhood land use designation encourages a mix of lower density residential uses (10 to 50 units per hectare) in two- to four-storey building forms. The proposed density is 16 units per hectare, which is within the density range of the OCP. While not considered units for the density calculation, the subdivision has the potential for up to 23 secondary suites. The Neighbourhood designation also encourages building, lot, and lane design that complements the existing neighbourhood character and enhances the liveability of the area. The proposed infill development complies with the policy objectives of the OCP.

Harewood Neighbourhood Plan

The Harewood Neighbourhood Plan designates the subject property as Neighbourhood. The Neighbourhood designation supports a mixture of residential building forms in two- to four-storey building forms at a residential density of 10 to 50 units per hectare. The subject property is also included in the South Harewood Framework part of the plan, which includes a comprehensive development plan for this more undeveloped area of Harewood to ensure development proceeds in a rational, efficient, and consistent way. The comprehensive development plan identifies the potential for a multiple-family-built form on a portion of the subject property.

In response to this plan, the applicant reviewed the possibility for row houses on the southeast corner of the property. Ultimately, it was determined the row house form would be costlier to service and would not result in a realistic increase in density if the number of secondary suites possible in the proposed subdivision were taken into consideration.

The proposed development meets the intent of the Neighbourhood Plan in terms of use and density.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a monetary contribution of \$1,000/unit for a total of \$4,000 towards park improvements within Harewood Centennial Park. Staff is supportive of the community contribution proposal.

Conditions of Rezoning

Should Council support this application and pass third reading of Bylaw No. 4500.115, Staff recommends the community contribution of \$4,000 towards improvements to Harewood Centennial Park be secured prior to final adoption of the bylaw.

Please see attachments for more information.

SUMMARY POINTS

- The application is to rezone a portion of the subject property from Single Dwelling Residential (R1) to Duplex Residential (R4) to facilitate a 27-lot subdivision that includes two duplex lots.
- The proposed development meets the policy objectives of the OCP and Harewood Neighbourhood Plan.
- A \$4,000 community contribution towards Harewood Centennial Park improvements is proposed.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Conceptual Site Plan

ATTACHMENT C: Aerial Photo

ATTACHMENT D: "Zoning Amendment Bylaw 2017 No. 4500.115"

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

CITY OF NANAIMO

BYLAW NO. 4500.115

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 2017 NO. 4500.112".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

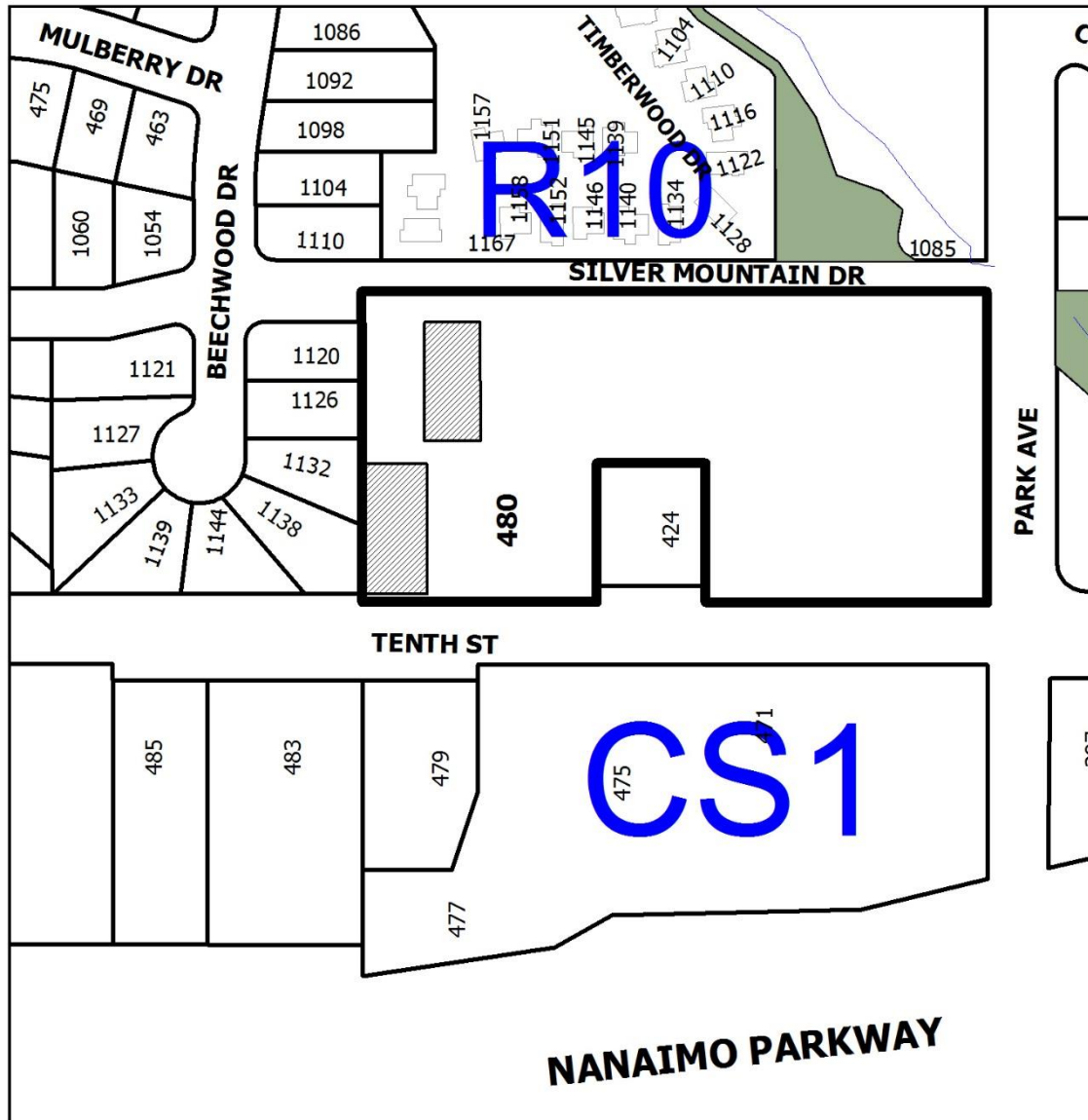
By rezoning a portion of the lands legally described as SECTION 5, RANGE 10, SECTION 1, NANAIMO DISTRICT, PLAN 1747 EXCEPT PART IN PLAN 22583 (480 Tenth Street) from Single Dwelling Residential (R1) to Duplex Residential (R4) as shown on Schedule A.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000382
Address: 480 Tenth Street






REZONING APPLICATION NO. RA000382

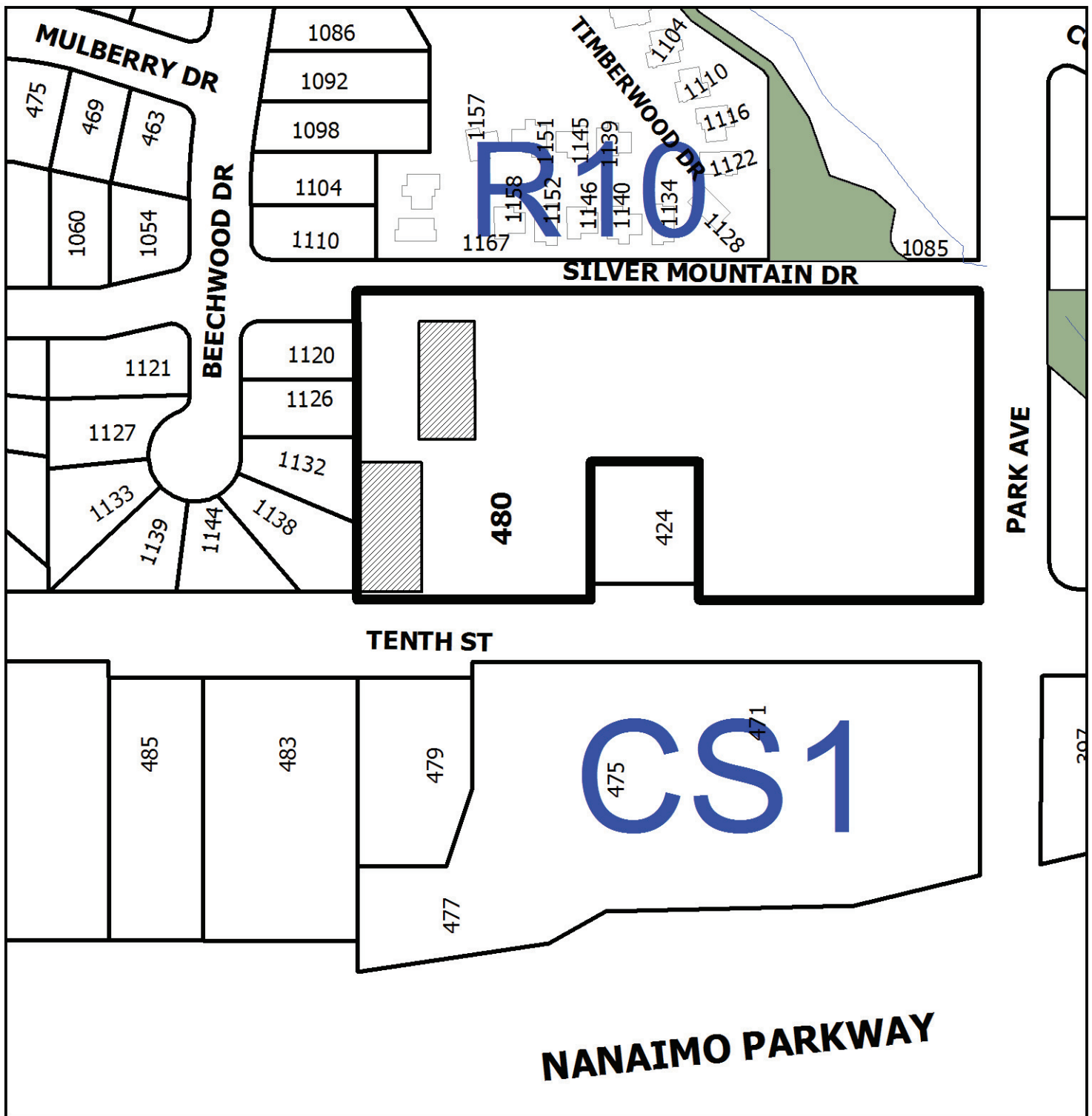
LOCATION PLAN



Civic : 480 Tenth Street
Section 5, Range 10, Section 1, Nanaimo District,
Plan 1747, Except part in
Plan 22583 (PID: 000-453-978)

-  Subject Property
-  Portion to be Rezoned
-  Parks & Open Spaces

ATTACHMENT A LOCATION PLAN






REZONING APPLICATION NO. RA000382

LOCATION PLAN



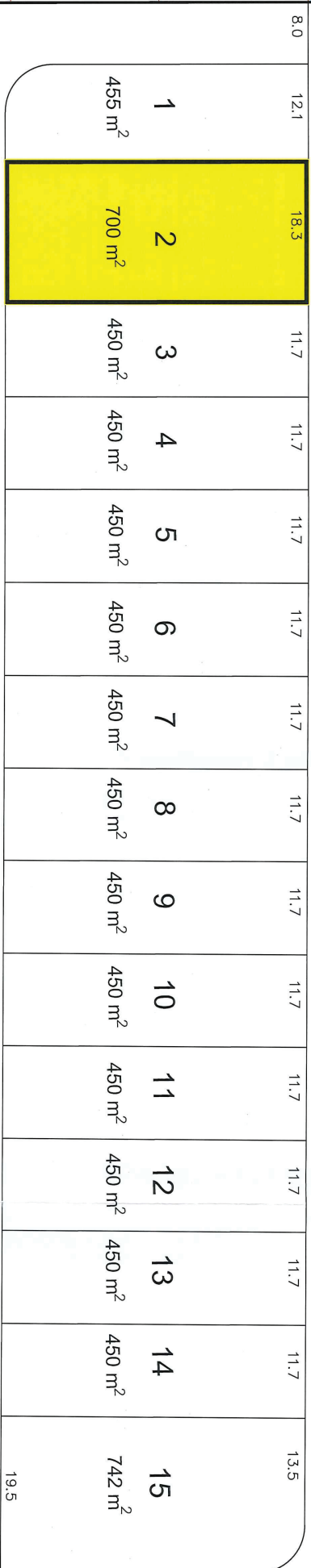
Civic : 480 Tenth Street
Section 5, Range 10, Section 1, Nanaimo District,
Plan 1747, Except part in
Plan 22583 (PID: 000-453-978)

-  Subject Property
-  Portion to be Rezoned
-  Parks & Open Spaces

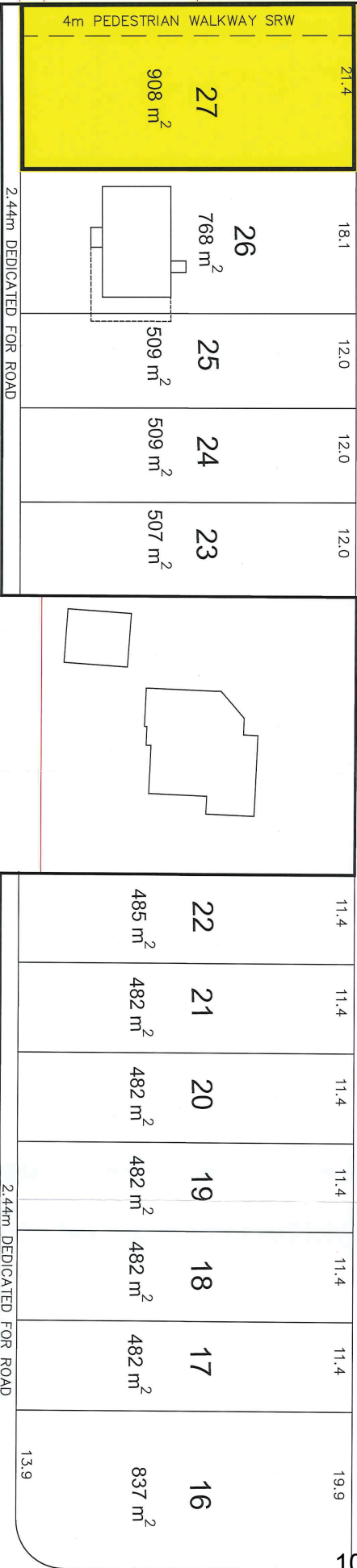
ATTACHMENT B SITE PLAN

SILVER MOUNTAIN DRIVE

PROPOSED 10m DEDICATED FOR ROAD



7.m DEDICATED FOR LANE



PROPOSED ZONE R4 - DUPLEX RESIDENTIAL



SHEET 1 OF 1

CON SUB: 01199

FILE: 88490

JEA & ASSOCIATES
SURVEYORS -- ENGINEERS
1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660
E-MAIL: nandino@jeanderson.com

DATE: MAY 9, 2017
SCALE: 1:500



PJ & R HOLDINGS LTD.
CITY OF NANAIMO
480 TENTH STREET
27 LOT FEE SIMPLE SUBDIVISION
REZONING PLAN

ATTACHMENT C
AERIAL PHOTO



REZONING APPLICATION NO. RA000382



-  Subject Property
-  Portion to be Rezoned

DATE OF MEETING November 20, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT REZONING APPLICATION NO. RA383 – 285 ROSEHILL STREET

OVERVIEW

Purpose of Report

To present Council with an application to rezone the property located at 285 Rosehill Street from Medium Density Residential (R8) to Mixed Use Corridor (COR2) in order to permit a 19-bed personal care facility.

Recommendation

1. That “Zoning Amendment Bylaw 2017 No. 4500.116” [RA383 – To rezone 285 Rosehill Street from Medium Density Residential (R8) to Mixed Use Corridor (COR2)] pass first reading;
2. That “Zoning Amendment Bylaw 2017 No. 4500.116” pass second reading; and,
3. That Council direct Staff to secure the road dedication prior to the adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA383) for 285 Rosehill Street was received from M’akola Development Services (Ms. Kaeley Wiseman) on behalf of property owner, Vancouver Island Mental Health Society (VIMHS). The applicant is proposing to rezone the subject property from Medium Density Residential (R8) to Mixed Use Corridor (COR2) to allow a 19-bed personal care facility.

Subject Property and Site Context

<i>Location</i>	The subject property is located at the southeast corner of the Terminal Avenue/Rosehill Street intersection.
<i>Total Area</i>	807m ²
<i>Current Zone</i>	R8 – Medium Density Residential
<i>Proposed Zone</i>	COR2 – Mixed Use Corridor
<i>Official Community Plan Designation</i>	Corridor
<i>Newcastle + Brechin Neighbourhood Plan Designation</i>	Mixed Use Corridor

A mixture of commercial and residential uses surround the subject property in predominately two- to eight-storey building forms. VIMHS owns and operates the existing four plex rental house on the subject property, which will be demolished if the rezoning is approved.

There is a north and southbound bus stop within close walking distance of the subject property.

DISCUSSION

Proposed Development

The applicant is proposing the redevelopment of an existing serviced lot to build a three-storey, 19-bed personal care facility to be operated by VIMHS. An entry plaza with landscaping, seating, and bicycle parking is proposed at the site corner will provide access to the main building entrance. Vehicle access is from Rosehill Street.

Road dedication will be required on Terminal Avenue as part of the rezoning application. Off-set sidewalks and street trees in the boulevard will be part of the required works and services on both road frontages and will be secured through the rezoning application. On-street parking will be available on Rosehill Street.

Official Community Plan

The subject property is located within the Corridor designation (Section 2.2) of the Official Community Plan (OCP). The Corridor designation encourages higher intensity land uses, such as medium- to high-density residential and mixed-use developments. The proposed infill development is compatible with the form and density anticipated in the Corridor designation.

The proposed care facility use would provide affordable housing (single occupant, self-contained apartments) and onsite VIMHS support services to individuals as needed, including those who have experienced addictions and/or mental health issues. The location of the proposed development is within walking distance of services and several transit routes. This location would benefit the residents who require pedestrian access to community services and amenities. Furthermore, the proposed development meets the intent of OCP policies (Section 3.2) to provide opportunities for affordable housing with a range of housing types and tenure, as well as assisted housing, to meet the needs of city residents.

Newcastle + Brechin Neighbourhood Plan

The Newcastle + Brechin Neighbourhood Plan designates the subject property as Mixed Use Corridor. This designation supports a mixture of uses, including multiple family dwellings, commercial, and service uses. The proposed infill development is compatible with the form and density anticipated in the Mixed Use Corridor designation. A detailed design review will be completed through a future development permit application to ensure the building and site design are well integrated into the existing neighbourhood.

The proposed floor area ratio (FAR) exceeds the maximum permitted FAR of 1.25, which will require the applicant to achieve additional density through Schedule D: Amenity Requirements for Additional Density. Variances to building siting and parking will also be required and reviewed through a development permit application. The proposed building requires three parking spaces and only two spaces are proposed.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. As the proposed development is an affordable housing project, Staff recommend that no community contribution be required through the rezoning application.

Conditions of Rezoning

Should Council support this application and pass third reading of Bylaw No. 4500.116, Staff recommend the following item be secured prior to final adoption of the bylaw:

- *Road Dedication*
4.35m of road dedication is required off the Terminal Avenue frontage through an application to deposit a plan of road dedication.

SUMMARY POINTS

- The application is to rezone the subject property from Medium Density Residential (R8) to Mixed Use Corridor (COR2) to allow a 19-bed personal care facility.
- The proposed development meets the policy objectives of the OCP and Newcastle + Brechin Neighbourhood Plan and offers an infill development in an established neighbourhood near services, transit, and parks.
- As the proposed development is an affordable housing project to be operated by the Vancouver Island Mental Health Society, no community contribution is recommended.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Rendering
ATTACHMENT D: Aerial Photo
“Zoning Amendment Bylaw 2017 No. 4500.116”

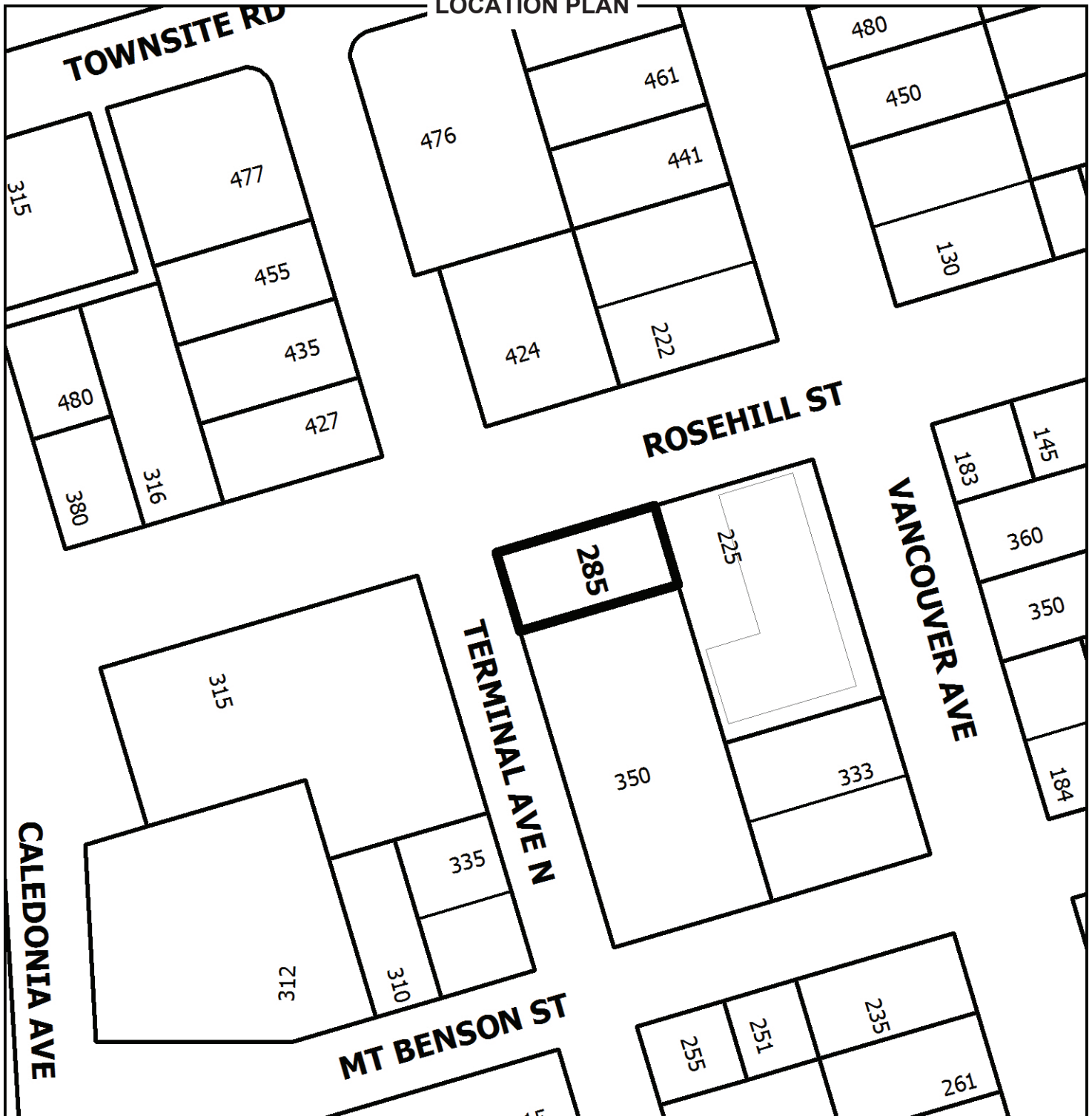
Submitted by:

L. Rowett, Manager
Current Planning and Subdivision

Concurrence by:

D. Lindsay, Director
Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000383

LOCATION PLAN



Civic : 285 Rosehill Street
Lot 1, Block 14, Newcastle Townsite,
Section 1, Nanaimo District, Plan 584



TERMINAL AVE. N



MAKOLA
DEVELOPMENT
SERVICES



ATTACHMENT C CONCEPTUAL RENDERING



LOW HAMMOND ROWE ARCHITECTS



MAKOLA
DEVELOPMENT
SERVICES

VIMHS ROSEHILL
Issued for Rezoning

285 ROSEHILL ST., NANAIMO, BC

RENDERING

scale
0/100
AUG 18, 2017

RECEIVED
RA383
2017-AUG-28
NANAIMO CITY


DP11

ATTACHMENT D
AERIAL PHOTO



REZONING APPLICATION NO. RA000383



 Subject Property

CITY OF NANAIMO

BYLAW NO. 4500.116

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 2017 NO. 4500.116".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, BLOCK 14, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584 (285 Rosehill Street) from Medium Density Residential (R8) to Mixed Use Corridor (COR2) as shown on Schedule A.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD _____

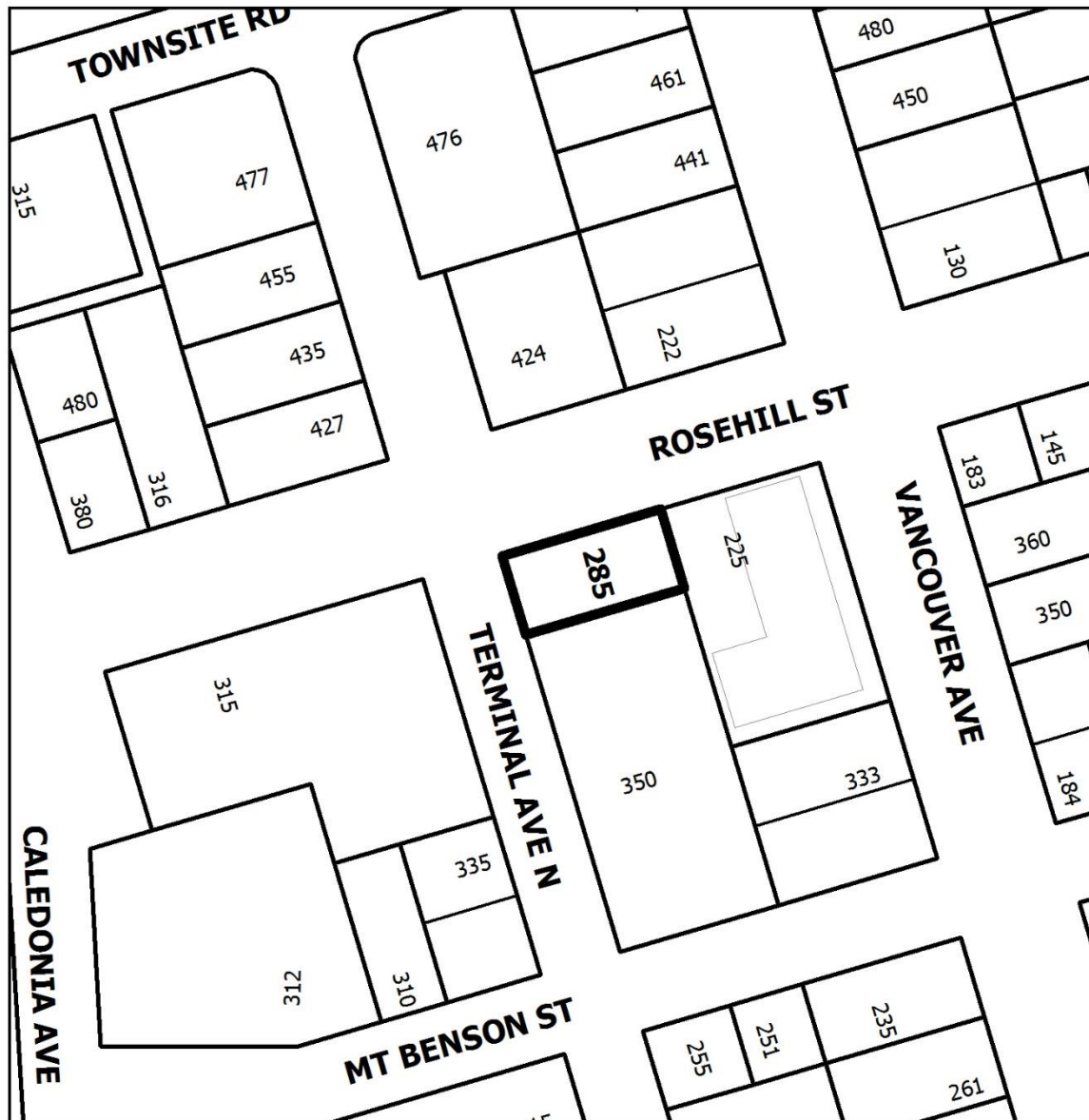
PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED _____

MAYOR

CORPORATE OFFICER



REZONING APPLICATION NO. RA000383

LOCATION PLAN



Civic : 285 Rosehill Street
Lot 1, Block 14, Newcastle Townsite,
Section 1, Nanaimo District, Plan 584

 Subject Property

DATE OF MEETING November 6, 2017

AUTHORED BY DALE LINDSAY, DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT DEVELOPMENT COST CHARGE BYLAW INTRODUCTION

OVERVIEW

Purpose of Report

To introduce a new Development Cost Charge (DCC) bylaw for Council's consideration. |

Recommendation

1. That "Development Cost Charge Bylaw 2017 No. 7252" (to impose development cost charges within the City of Nanaimo) pass first reading.
2. That "Development Cost Charge Bylaw 2017 No. 7252" (to impose development cost charges within the City of Nanaimo) pass second reading.

BACKGROUND

Council, at their regular meeting of 2017-SEP-11, adopted the recommendations of the Finance and Audit Committee to direct Staff to prepare and introduce a Development Cost Charge (DCC) bylaw based on the framework presented to Finance and Audit at their meeting of 2017-AUG-10. In response to Council's direction, Staff have prepared the new DCC bylaw and are submitting it for Council's consideration. |

DISCUSSION

The draft DCC bylaw, if adopted, will repeal and replace seven existing DCC related bylaws. In addition to establishing new DCC rates (Attachment A), the draft bylaw includes the following substantive amendments:

- a new approach to the collection of storm water DCCs;
- a new category for small lot development; and,
- inclusion of the downtown within the DCC bylaw.

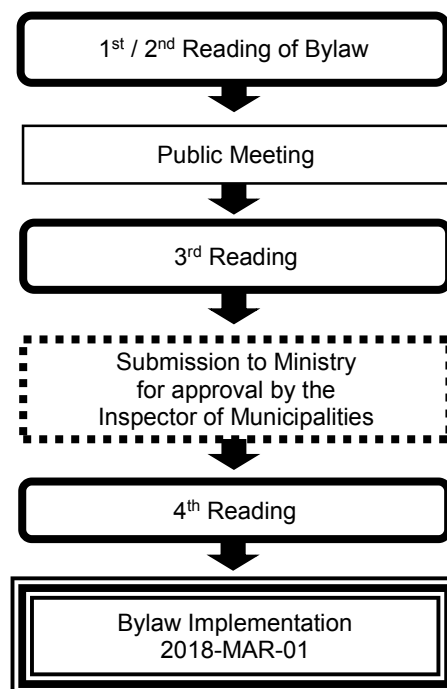
Grace Period / In-Stream Protection

In acknowledgement of the impact new DCC rates may have on the development industry, the draft bylaw includes an implementation date or "grace period" of 2018-MAR-01. As such, any building permit application received prior to this date will be eligible for the existing DCC rates, provided the building permit is issued within one year of the date of application. Staff are of the opinion that this date gives sufficient time for any project in the planning stages to make application.

In addition to the “grace period”, provincial legislation provides in-stream protection to any development permit or rezoning application that is active at the date of adoption of the bylaw, provided the associated building permit is issued within one year.

Next Steps

In addition to the public and stakeholder engagement that has occurred to date, Staff are recommending that the bylaw be referred to an upcoming public hearing as part of Council’s consideration of bylaw adoption. As noted below, DCC bylaws must receive provincial approval before they can be considered for adoption.



SUMMARY POINTS

- The draft DCC bylaw is based on the framework as presented and endorsed by the Finance and Audit Committee.
- The draft DCC bylaw will be forwarded to an upcoming public hearing in order to provide additional opportunity for public comment on the proposed bylaw.
- The bylaw is required to receive provincial approval prior to adoption.
- The draft bylaw proposes an implementation date of 2018-MAR-01.

ATTACHMENTS

ATTACHMENT A: Proposed DCC Rates table

Submitted by:

]

Dale Lindsay,
Director of Community Development

ATTACHMENT A

Proposed DCC Rates

Categories	Single Family Dwelling	Small Lot SFD	Multifamily Dwelling	Commercial/ Institutional	Industrial	Mobile Home	Camp Grounds
	<i>\$ per lot</i>	<i>\$ per lot</i>	<i>\$ per m²</i>	<i>\$ per m²</i>	<i>\$ per m²</i>	<i>\$ per unit</i>	<i>\$ per unit</i>
Sanitary Sewer	\$1,787.04	\$1,250.93	\$10.77	\$10.22	\$2.61	\$1,098.28	\$279.22
Drainage**	75.94	56.20	0.38	0.38	0.38	49.36	15.19
Water Distribution	306.34	214.44	1.85	1.75	0.45	188.27	47.87
Water Supply	5,619.55	3,933.69	33.86	32.14	8.20	3,453.68	878.06
Parks	1,734.12	1,213.89	10.45	-	-	1,065.76	270.96
Roads	5,824.08	4,076.86	35.09	33.31	8.49	3,579.38	922.15
Total	\$15,347.07	\$10,746.01	\$92.40	\$77.80	\$20.13	\$9,434.73	2,413.45

*** Drainage DCCs will be charged per m² of lot coverage (m² of first floor).*

CITY OF NANAIMO

BYLAW NO. 7252

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES
WITHIN THE CITY OF NANAIMO

WHEREAS the Council may, pursuant to Part 14, Division 19 of the *Local Government Act*, RSBC 2015 c1, impose development cost charges under the terms and conditions of that division;

AND WHEREAS development cost charges may be imposed for the sole purpose of providing funds to assist the City in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage, and highway facilities, other than off-street parking facilities, and providing and improving parkland, to service directly or indirectly the development in respect of which the charges are imposed;

AND WHEREAS Council has taken into consideration the following:

- (1) future land use patterns and development in the city;
- (2) the phasing of works and services in the city;
- (3) the provision of park land described in the City's official community plan;
- (4) how development designed to result in low environmental impact may affect the capital costs of infrastructure referred to in section 559(2) of the *Local Government Act*;
- (5) whether the charges are excessive in relation to the capital cost of prevailing standards of service in the city; and
- (6) whether the charges will, in the city: deter development, discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or discourage development designed to result in a low environmental impact.

AND WHEREAS in the opinion of Council the charges imposed by this Bylaw are:

- (1) related to capital costs attributable to projects involved in the capital budget of the City; and
- (2) related to capital projects consistent with the Official Community Plan of the City.

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

PART 1 – TITLE

1. This Bylaw may be cited for all purposes as "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252".

PART 2 – INTERPRETATION

2. In this Bylaw:

"Affordable Unit" means a Dwelling Unit occupied by one or more individuals whose collective annual before-tax income does not exceed the Housing Income Limit for the City, and where 12 months' rent for the Dwelling Unit does not exceed 30% of the occupants' collective before-tax annual income.

"Building" means a Structure that is used or intended for enclosing supporting or sheltering person, animals or property.

"Building Permit" means a permit authorizing the construction, alteration, or extension of a Building or Structure.

"Campground" means the use of land for providing the temporary accommodation of persons for vacation or recreational purposes in Recreational Vehicles or tents; but excludes Mobile Home Parks, hotels, or camps licensed under the *Community Care and Assisted Living Act*, SBC 2002, c75, or any enactment that replaces it.

"Camping Space" means a defined area in a Campground intended for the temporary occupation of one Recreational Vehicle or one or more tents.

"City" means the City of Nanaimo.

"Commercial" means any use of land or Buildings for any commercial use, including, but not limited to: retail, tourist accommodation, restaurant, office, personal or professional service, or recreation or entertainment.

"Dwelling Unit" means a habitable self-contained unit with cooking, sleeping, and sanitary facilities and a separate entrance that is used for the residential accommodation of only one family, and excludes a Mobile Home, Recreational Vehicle, and tent.

"Eligible Development" means the use of land for not-for-profit rental housing, including, but not limited to supportive housing.

"Eligible Land" means a Lot upon which an Eligible Development is situated.

"Eligible Owner" means the government of British Columbia, the government of Canada, a local government, a Public Housing Authority, or a not-for-profit

corporation incorporated under the *Societies Act*, SBC 2015, c18, or the *Not-for-Profit Corporation Act*, SC 2009, c23, and any enactments that replace them.

"Gross Floor Area" means the gross floor area of a Building or Structure calculated to the outside of the exterior walls, including floor areas over 1.8 metres in height, canopies with an occupancy or use, and parking structures as the principle use, with the following exemptions: stairwells and elevators exceeding one floor only, gas canopies and parking portions of a Structure.

"Housing Income Limit" means housing income limits established by the BC Housing Management Commission, as amended from time to time.

"Industrial" means any industrial use of land or Buildings, including, but not limited to uses related to the co-generation, manufacturing, processing, assembling, fabricating, servicing, testing, repair, storing, transporting, warehousing, or distributing of goods, materials, or things, wholesaling provided that the merchandise being sold is distributed from the Lot, and includes accessory offices that occupy less than 10% of the total Gross Floor Area of any Building on the Lot.

"Institutional" means the institutional use of land or Buildings including, but not limited to, use for a school, hospital, correctional facility, or for a care facility including a senior's care residence where a minimum of 20 percent of the floor area of all Buildings located on the Lot are operated under a license issued pursuant to the *Community Care and Assisted Living Act* or any enactments that replace it.

"Land Use" means the land use designations to which different development cost charges are applied, and which uses consist of: Small Lot Single Family, Single Family, Multi-Family, Commercial, Industrial, Institutional, Mobile Home Park, and Campground.

"Lot" means any parcel, block or other area in which land is held or into which it is Subdivided, and includes a water lot but does not include a phased subdivision boundary.

"Mobile Home" means a dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, and includes mobile home and modular homes that are either completely self-contained or mobile homes that are incomplete and are assembled outside of the place their manufacture.

"Mobile Home Park" means a use of land, carried out in accordance with the Zoning Bylaw, for the purpose of providing pads for the accommodation of two or more Mobile Homes.

"Multi-Family" means the residential use of land for a Building consisting of two or more Dwelling Units, carried out in accordance with the Zoning Bylaw, and does not include an Institutional use of land.

"Public Housing Authority" means the BC Housing Management Commission or another public authority established by the government of British Columbia or the government of Canada that develops, manages, and administers subsidized housing.

"Recreational Vehicle" mean any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6 metres in transit mode that can be used to provide sleeping accommodation and that is capable of being licensed for highway use pursuant to the *Motor Vehicle Act*, RSBC 1996, c318, or any enactment that replaces it.

"Row House" means a Building, situated on a Lot other than a Lot created under the *Strata Property Act*, or any enactment that replaces it, that consists of a single Dwelling Unit that shares a common party wall or is otherwise connected at the side yard Lot line to another Building, situated on a Lot other than a Lot created under the *Strata Property Act*, that consists of a single Dwelling Unit.

"Secondary Suite" means one or more habitable rooms, but not more than two bedrooms and one cooking facility, constituting a self-contained Dwelling Unit with a separate entrance for the residential accommodation of one or more individuals who are related through marriage or common law, blood relationship, legal adoption, legal guardianship, or a group of not more than two unrelated individuals, and the use of which is clearly subordinate to the use of the principal Dwelling Unit.

"Single Family" means the residential use of land for a Lot that contains a Building consisting of a single Dwelling Unit, and which Building may include a Secondary Suite.

"Small Lot Single Family" means the residential use of land for a Lot that contains a Building consisting of a single Dwelling Unit where one or both of the following conditions are met:

- (a) the Building is a Row House; or
- (b) the Lot area is less than 370m².

"Structure" means anything constructed, placed, erected, or sunk into land.

"Subdivision" means the division of land into two or more parcels, whether by plan, apt descriptive words or otherwise, under the *Land Title Act*, RSBC 1996 c250, or the *Strata Property Act*, SBC 1998 c43, or any enactments that replace them, and "Subdivided" has the corresponding meaning.

PART 3 – SCHEDULES

3. (1) The following schedules attached to this Bylaw form an integral part of this Bylaw and are enforceable in the same manner as this Bylaw:
- (a) Schedule A – DCC Area; and
 - (b) Schedule B – Development Cost Charges.

PART 4 – APPLICATION

4. (1) Except as provided in subsections 4(2) and 4(3), this Bylaw applies to all lands in the City identified as "DCC Area" on the attached Schedule "A".
- (2) Lands identified as "Duke Point Area" on the attached Schedule "A" are subject only to development cost charges for water supply.
- (3) Lands identified as Harmac Area on the attached Schedule "A" are not subject to development cost charges.

PART 5 – DEVELOPMENT COST CHARGES

5. (1) Subject to the exemptions provided in subsection 5(3) every person who obtains:
- (a) approval of a Subdivision for a Single Family or Small Lot Single Family Land Use;
 - (b) a Building Permit for a Building that, not including Secondary Suites, consists of two or more Dwelling Units; or
 - (c) a Building Permit for all other Land Uses not described in subsections (a) and (b).
- shall pay to the City the applicable development cost charge set out in Schedule "B" at the time of the approval of the Subdivision or the issuance of a Building Permit.
- (2) A development cost charge imposed under this Bylaw must be paid to the City in full:
- (a) in the case of a Subdivision for a Single Family or Small Lot Single Family Land Use, at the time of Subdivision approval; and
 - (b) in the case of all other Land Uses, upon issuance of the Building Permit.

- (3) The obligations under Part 5 of this Bylaw do not apply where the payment of development cost charges is subject to an exception, exemption, waiver, or reduction provided for in the *Local Government Act*, this Bylaw, or in another enactment.

PART 6 – REDUCTIONS AND WAIVERS

6. The amount of development cost charges payable under Part 5 of this Bylaw will be reduced by 50%, where the Lot will be used for an Eligible Development that meets all of the following criteria:
 - (a) at least 50% of the Eligible Land is owned in fee simple by an Eligible Owner;
 - (b) the Eligible Land is either:
 - ii. owned in fee simple by the City and held by an Eligible Owner under a lease; or
 - iii. the Eligible Owner has entered into housing agreement with the City under section 483 of the *Local Government Act*, and the housing agreement has been registered against the title to the Lot on which the development is located;
 - (c) at least 30% of the units in the development are Affordable Units; and
 - (d) the Eligible Owner has provided the City with documentary proof, that demonstrates to the City's satisfaction, that the development is eligible for a housing subsidy, which subsidy may be in the form of rental subsidies or capital grants from the government of British Columbia, the government of Canada, or a Public Housing Authority.

PART 7 – CALCULATION OF DEVELOPMENT COST CHARGES

7. (1) The amount of development cost charges payable in relation to a particular development must be calculated in accordance with this part and the rates prescribed in Schedule "B".
- (2) In the case of a subdivision, development cost charges are calculated by multiplying the total development cost charges payable for the applicable Land Use, as prescribed in Table 1 of Schedule "B", by the number of Lots being created.
- (3) In the case of a Building Permit, other than a Building Permit for a Campground or Mobile Home Park, development cost charges are calculated by:

- (a) multiplying the total development cost charges payable per square metre for the applicable Land Use, as prescribed in Table 1 of Schedule "B", by the Gross Floor Area of the Building to be constructed;
 - (b) multiplying the total development cost charges payable per square metre for the applicable Land Use, as prescribed in Table 2 of Schedule "B", by the Gross Floor Area of the first floor of the Building to be constructed; and
 - (c) adding the sum calculated under paragraph 7(3)(a) to the sum calculated under paragraph 7(3)(b).
- (4) In the case of a Building Permit for a Campground, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Campground, as prescribed in Table 1 of Schedule "B", by the number of Camping Spaces to be created.
- (5) In the case of a Building Permit for a Mobile Home Park, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Mobile Home Park, as prescribed in in Table 1 of Schedule "B", by the number of Mobile Home pads to be constructed.
- (6) The amount of development cost charges payable in relation to mixed-use uses of land will be calculated separately for each portion of the development, according to the separate Land Uses included in the Building Permit application and will be equal to the sum of the charges payable under this Bylaw for each separate Land Use.
- (7) Where:
- (a) development cost charges have been paid with respect to a Lot under subsection (2) on the basis of a Single Family Land Use; and
 - (b) a Building Permit is approved for a Building on the Lot consisting of two or more Dwelling Units, not including any Secondary Suites;

then development cost charges payable under subsection (3) will be based on the number of Dwelling Units, not including Secondary Suites, being built, less the amount of development cost charges calculated for the Dwelling Unit with the largest Gross Floor Area.

PART 8 – SEVERABILITY

8. In the event that any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw with the intent that the remainder of the Bylaw shall continue in full force and effect.

PART 9 – REPEAL

9. The following City of Nanaimo bylaws are hereby repealed:
- (a) Roads Development Cost Charge Bylaw 2008 No. 7065;
 - (b) Sanitary Sewer Development Cost Charge Bylaw 2008 No. 7066;
 - (c) Storm Sewer Development Cost Charge Bylaw 2008 No. 7067;
 - (d) Water Distribution Development Cost Charge Bylaw 2008 No. 7068;
 - (e) Parkland Acquisition Development Cost Charge Bylaw 2008 No. 7069;
 - (f) Water Supply Development Cost Charge Bylaw 2008 No. 7070; and
 - (g) Bylaws to Reduce Development Cost Charges (Not-for-Profit Rental Housing) Bylaw 2008 No. 7082.

PART 10 – EFFECTIVE DATE

10. This Bylaw comes into full force and effect on March 1, 2018.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

APPROVED BY INSPECTOR OF MUNICIPALITIES: _____

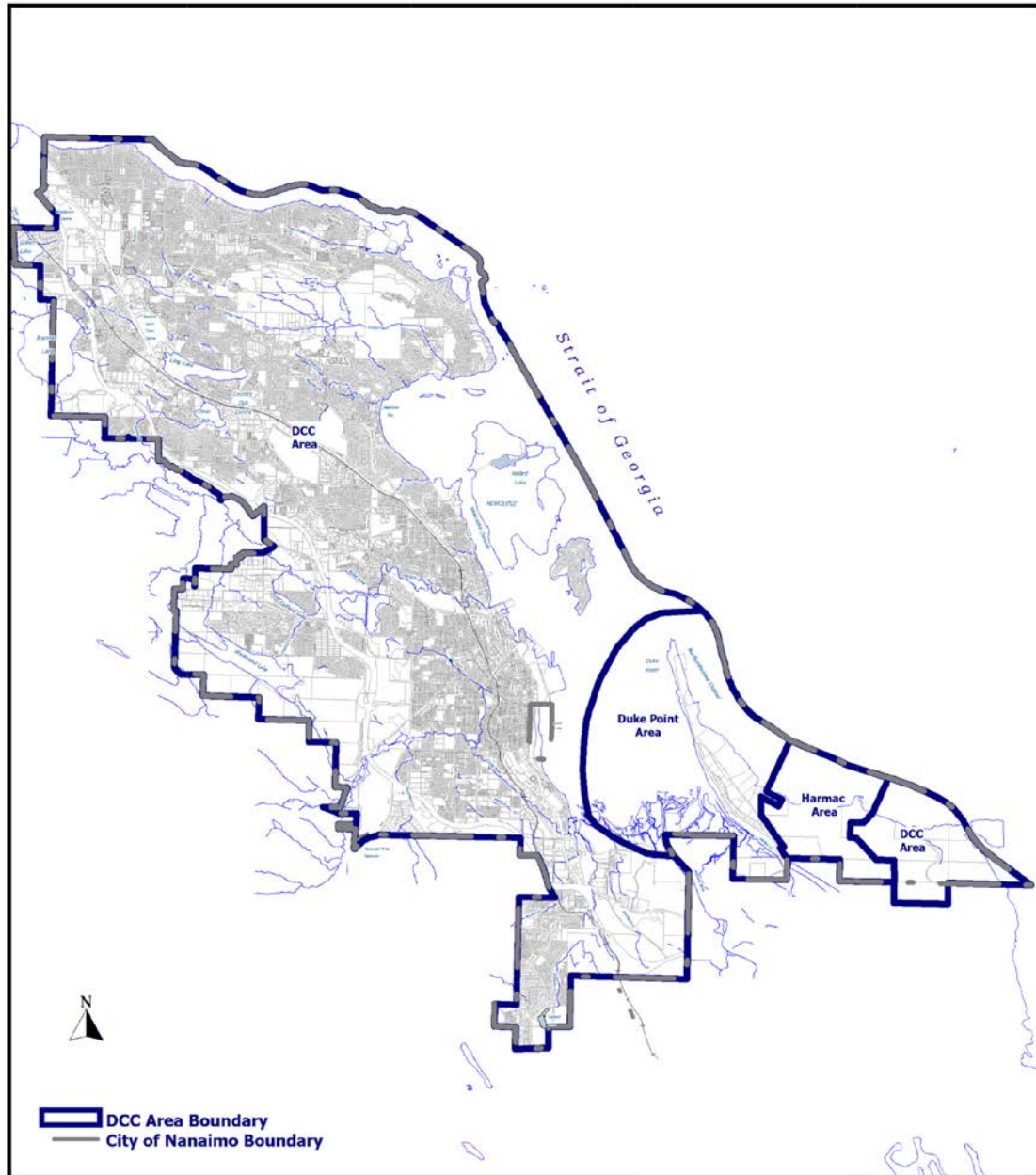
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

DCC Area



SCHEDULE "B"

Development Cost Charges

Table 1

Categories	Single Family Dwellings	Small Lot Single Family Dwelling	Multi-Family Dwellings	Commercial / Institutional	Industrial	Mobile Home Parks	Camp Grounds
	<i>\$ per lot</i>	<i>\$ per lot</i>	<i>\$ per m² of GFA*</i>	<i>\$ per m² of GFA*</i>	<i>\$ per m² of GFA*</i>	<i>\$ per unit</i>	<i>\$ per unit</i>
Sanitary Sewer	\$1,787.04	\$1,250.93	\$10.77	\$10.22	\$2.61	\$1,098.28	\$279.22
Drainage	75.94	56.20	-	-	-	49.36	15.19
Water Distribution	306.34	214.44	1.85	1.75	0.45	188.27	47.87
Water Supply	5,619.55	3,933.69	33.86	32.14	8.20	3,453.68	878.06
Parks	1,734.12	1,213.89	10.45	-	-	1,065.76	270.96
Roads	5,824.08	4,076.86	35.09	33.31	8.49	3,579.38	922.15

* GFA - Gross Floor Area

Table 2

Categories	Single Family Dwellings	Small Lot Single Family Dwelling	Multi-Family Dwellings	Commercial / Institutional	Industrial	Mobile Home Parks	Camp Grounds
	<i>\$ per lot</i>	<i>\$ per lot</i>	<i>\$ per m² of GFA* 1st Flr</i>	<i>\$ per m² of GFA* 1st Flr</i>	<i>\$ per m² of GFA* 1st Flr</i>	<i>\$ per unit</i>	<i>\$ per unit</i>
Drainage	-	-	0.38	0.38	0.38	-	-

* GFA - Gross Floor Area of 1st Floor

8. BYLAWS:

CITY OF NANAIMO

BYLAW NO. 4500.115

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 2017 NO. 4500.115".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

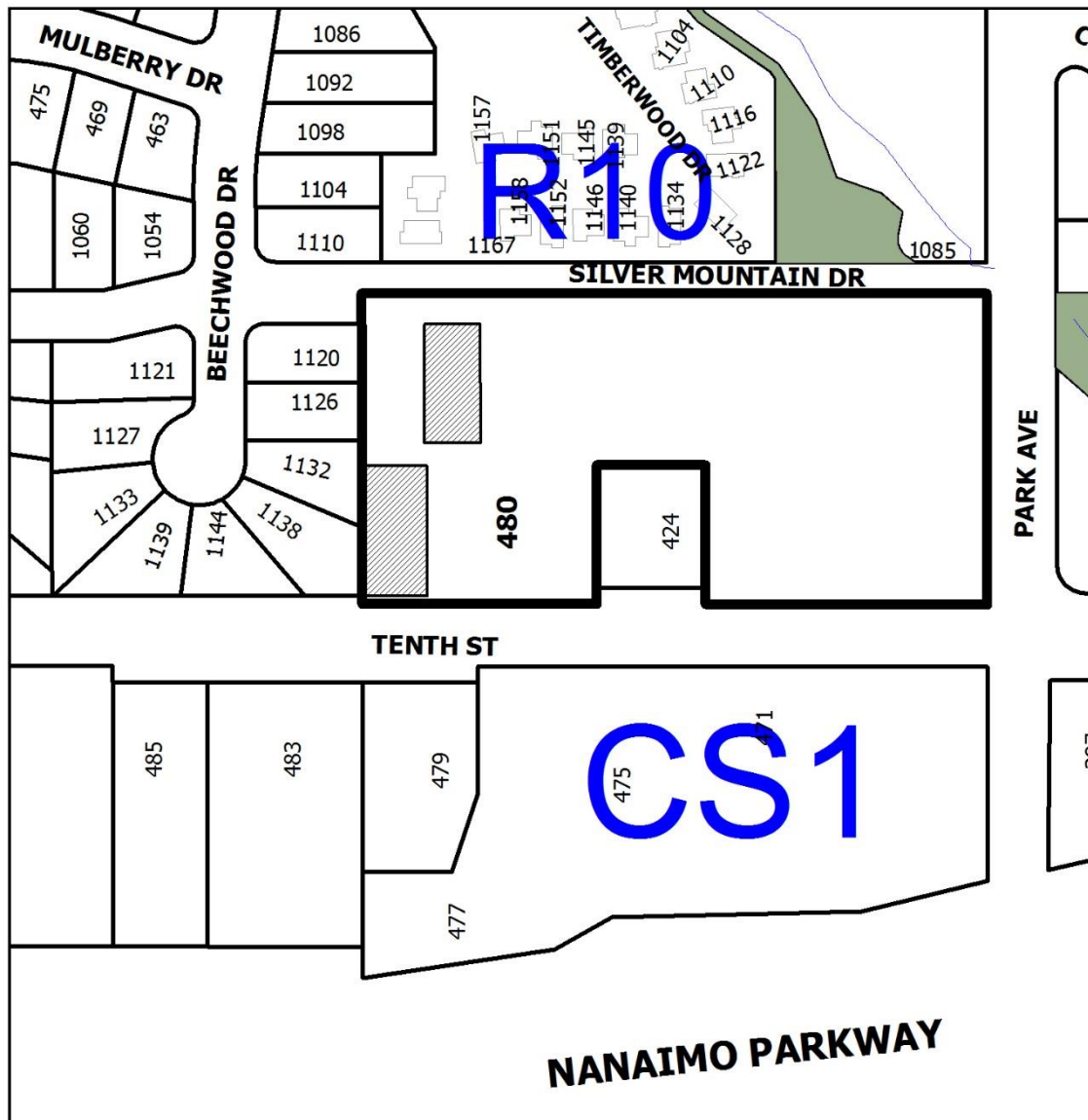
By rezoning a portion of the lands legally described as SECTION 5, RANGE 10, SECTION 1, NANAIMO DISTRICT, PLAN 1747 EXCEPT PART IN PLAN 22583 (480 Tenth Street) from Single Dwelling Residential (R1) to Duplex Residential (R4) as shown on Schedule A.

PASSED FIRST READING: 2017-OCT-16
PASSED SECOND READING: 2017-OCT-16
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000382
Address: 480 Tenth Street






REZONING APPLICATION NO. RA000382

LOCATION PLAN



Civic : 480 Tenth Street
Section 5, Range 10, Section 1, Nanaimo District,
Plan 1747, Except part in
Plan 22583 (PID: 000-453-978)

-  Subject Property
-  Portion to be Rezoned
-  Parks & Open Spaces

CITY OF NANAIMO

BYLAW NO. 4500.116

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 2017 NO. 4500.116".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, BLOCK 14, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584 (285 Rosehill Street) from Medium Density Residential (R8) to Mixed Use Corridor (COR2) as shown on Schedule A.

PASSED FIRST READING: 2017-NOV-20

PASSED SECOND READING: 2017-NOV-20

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

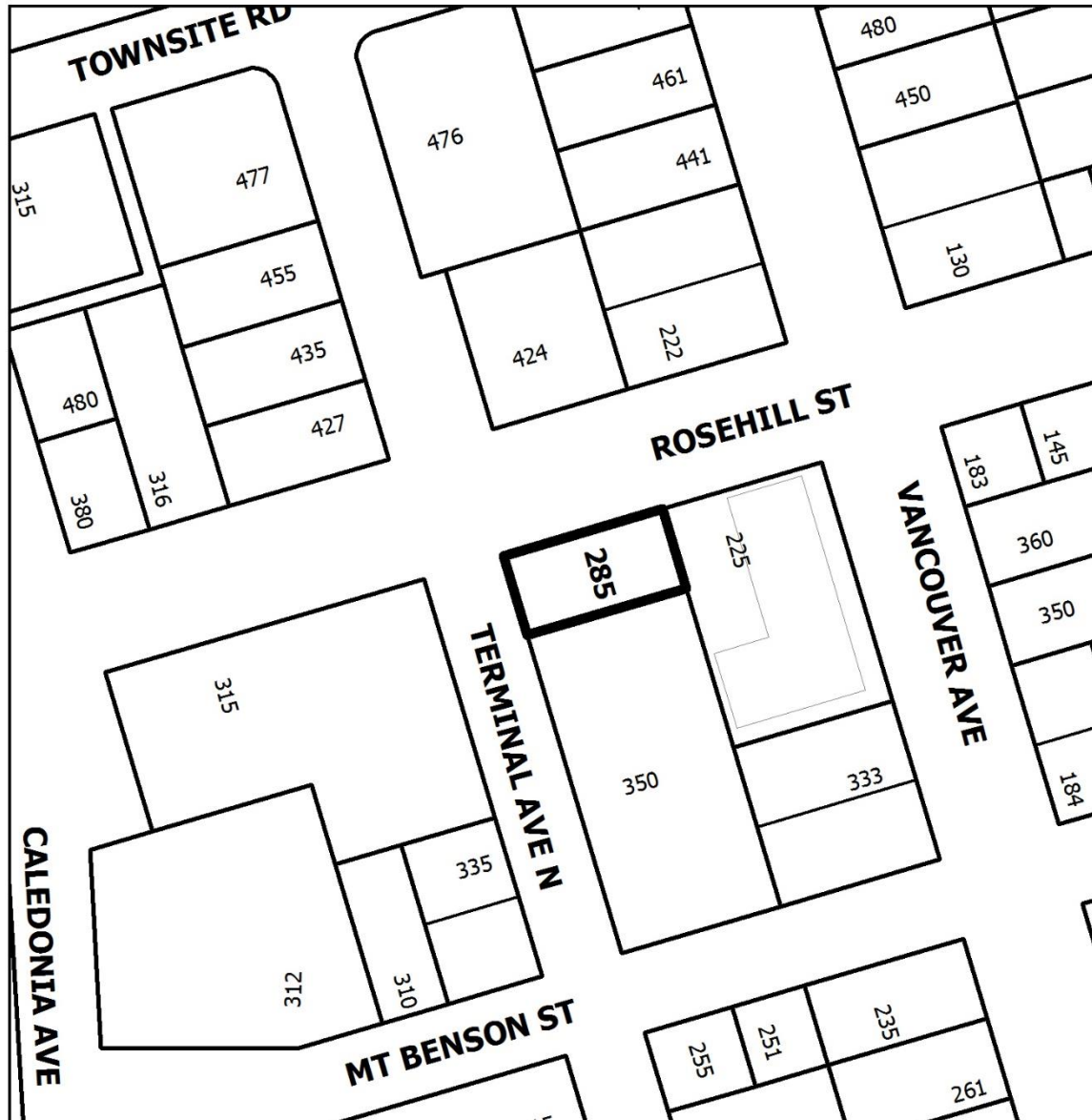
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000383
Address: 285 Rosehill Street

SCHEDULE A



REZONING APPLICATION NO. RA000383

LOCATION PLAN



Civic : 285 Rosehill Street
Lot 1, Block 14, Newcastle Townsite,
Section 1, Nanaimo District, Plan 584

 Subject Property

CITY OF NANAIMO

BYLAW NO. 7252

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES
WITHIN THE CITY OF NANAIMO

WHEREAS the Council may, pursuant to Part 14, Division 19 of the *Local Government Act*, RSBC 2015 c1, impose development cost charges under the terms and conditions of that division;

AND WHEREAS development cost charges may be imposed for the sole purpose of providing funds to assist the City in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage, and highway facilities, other than off-street parking facilities, and providing and improving parkland, to service directly or indirectly the development in respect of which the charges are imposed;

AND WHEREAS Council has taken into consideration the following:

- (1) future land use patterns and development in the city;
- (2) the phasing of works and services in the city;
- (3) the provision of park land described in the City's official community plan;
- (4) how development designed to result in low environmental impact may affect the capital costs of infrastructure referred to in section 559(2) of the *Local Government Act*;
- (5) whether the charges are excessive in relation to the capital cost of prevailing standards of service in the city; and
- (6) whether the charges will, in the city: deter development, discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or discourage development designed to result in a low environmental impact.

AND WHEREAS in the opinion of Council the charges imposed by this Bylaw are:

- (1) related to capital costs attributable to projects involved in the capital budget of the City; and
- (2) related to capital projects consistent with the Official Community Plan of the City.

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

PART 1 – TITLE

1. This Bylaw may be cited for all purposes as "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252".

PART 2 – INTERPRETATION

2. In this Bylaw:

"Affordable Unit" means a Dwelling Unit occupied by one or more individuals whose collective annual before-tax income does not exceed the Housing Income Limit for the City, and where 12 months' rent for the Dwelling Unit does not exceed 30% of the occupants' collective before-tax annual income.

"Building" means a Structure that is used or intended for enclosing supporting or sheltering person, animals or property.

"Building Permit" means a permit authorizing the construction, alteration, or extension of a Building or Structure.

"Campground" means the use of land for providing the temporary accommodation of persons for vacation or recreational purposes in Recreational Vehicles or tents; but excludes Mobile Home Parks, hotels, or camps licensed under the *Community Care and Assisted Living Act*, SBC 2002, c75, or any enactment that replaces it.

"Camping Space" means a defined area in a Campground intended for the temporary occupation of one Recreational Vehicle or one or more tents.

"City" means the City of Nanaimo.

"Commercial" means any use of land or Buildings for any commercial use, including, but not limited to: retail, tourist accommodation, restaurant, office, personal or professional service, or recreation or entertainment.

"Dwelling Unit" means a habitable self-contained unit with cooking, sleeping, and sanitary facilities and a separate entrance that is used for the residential accommodation of only one family, and excludes a Mobile Home, Recreational Vehicle, and tent.

"Eligible Development" means the use of land for not-for-profit rental housing, including, but not limited to supportive housing.

"Eligible Land" means a Lot upon which an Eligible Development is situated.

"Eligible Owner" means the government of British Columbia, the government of Canada, a local government, a Public Housing Authority, or a not-for-profit

corporation incorporated under the *Societies Act*, SBC 2015, c18, or the *Not-for-Profit Corporation Act*, SC 2009, c23, and any enactments that replace them.

"Gross Floor Area" means the gross floor area of a Building or Structure calculated to the outside of the exterior walls, including floor areas over 1.8 metres in height, canopies with an occupancy or use, and parking structures as the principle use, with the following exemptions: stairwells and elevators exceeding one floor only, gas canopies and parking portions of a Structure.

"Housing Income Limit" means housing income limits established by the BC Housing Management Commission, as amended from time to time.

"Industrial" means any industrial use of land or Buildings, including, but not limited to uses related to the co-generation, manufacturing, processing, assembling, fabricating, servicing, testing, repair, storing, transporting, warehousing, or distributing of goods, materials, or things, wholesaling provided that the merchandise being sold is distributed from the Lot, and includes accessory offices that occupy less than 10% of the total Gross Floor Area of any Building on the Lot.

"Institutional" means the institutional use of land or Buildings including, but not limited to, use for a school, hospital, correctional facility, or for a care facility including a senior's care residence where a minimum of 20 percent of the floor area of all Buildings located on the Lot are operated under a license issued pursuant to the *Community Care and Assisted Living Act* or any enactments that replace it.

"Land Use" means the land use designations to which different development cost charges are applied, and which uses consist of: Small Lot Single Family, Single Family, Multi-Family, Commercial, Industrial, Institutional, Mobile Home Park, and Campground.

"Lot" means any parcel, block or other area in which land is held or into which it is Subdivided, and includes a water lot but does not include a phased subdivision boundary.

"Mobile Home" means a dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, and includes mobile home and modular homes that are either completely self-contained or mobile homes that are incomplete and are assembled outside of the place their manufacture.

"Mobile Home Park" means a use of land, carried out in accordance with the Zoning Bylaw, for the purpose of providing pads for the accommodation of two or more Mobile Homes.

"Multi-Family" means the residential use of land for a Building consisting of two or more Dwelling Units, carried out in accordance with the Zoning Bylaw, and does not include an Institutional use of land.

"Public Housing Authority" means the BC Housing Management Commission or another public authority established by the government of British Columbia or the government of Canada that develops, manages, and administers subsidized housing.

"Recreational Vehicle" mean any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6 metres in transit mode that can be used to provide sleeping accommodation and that is capable of being licensed for highway use pursuant to the *Motor Vehicle Act*, RSBC 1996, c318, or any enactment that replaces it.

"Row House" means a Building, situated on a Lot other than a Lot created under the *Strata Property Act*, or any enactment that replaces it, that consists of a single Dwelling Unit that shares a common party wall or is otherwise connected at the side yard Lot line to another Building, situated on a Lot other than a Lot created under the *Strata Property Act*, that consists of a single Dwelling Unit.

"Secondary Suite" means one or more habitable rooms, but not more than two bedrooms and one cooking facility, constituting a self-contained Dwelling Unit with a separate entrance for the residential accommodation of one or more individuals who are related through marriage or common law, blood relationship, legal adoption, legal guardianship, or a group of not more than two unrelated individuals, and the use of which is clearly subordinate to the use of the principal Dwelling Unit.

"Single Family" means the residential use of land for a Lot that contains a Building consisting of a single Dwelling Unit, and which Building may include a Secondary Suite.

"Small Lot Single Family" means the residential use of land for a Lot that contains a Building consisting of a single Dwelling Unit where one or both of the following conditions are met:

- (a) the Building is a Row House; or
- (b) the Lot area is less than 370m².

"Structure" means anything constructed, placed, erected, or sunk into land.

"Subdivision" means the division of land into two or more parcels, whether by plan, apt descriptive words or otherwise, under the *Land Title Act*, RSBC 1996 c250, or the *Strata Property Act*, SBC 1998 c43, or any enactments that replace them, and "Subdivided" has the corresponding meaning.

PART 3 – SCHEDULES

3. (1) The following schedules attached to this Bylaw form an integral part of this Bylaw and are enforceable in the same manner as this Bylaw:
- (a) Schedule A – DCC Area; and
 - (b) Schedule B – Development Cost Charges.

PART 4 – APPLICATION

4. (1) Except as provided in subsections 4(2) and 4(3), this Bylaw applies to all lands in the City identified as "DCC Area" on the attached Schedule "A".
- (2) Lands identified as "Duke Point Area" on the attached Schedule "A" are subject only to development cost charges for water supply.
- (3) Lands identified as Harmac Area on the attached Schedule "A" are not subject to development cost charges.

PART 5 – DEVELOPMENT COST CHARGES

5. (1) Subject to the exemptions provided in subsection 5(3) every person who obtains:
- (a) approval of a Subdivision for a Single Family or Small Lot Single Family Land Use;
 - (b) a Building Permit for a Building that, not including Secondary Suites, consists of two or more Dwelling Units; or
 - (c) a Building Permit for all other Land Uses not described in subsections (a) and (b).
- shall pay to the City the applicable development cost charge set out in Schedule "B" at the time of the approval of the Subdivision or the issuance of a Building Permit.
- (2) A development cost charge imposed under this Bylaw must be paid to the City in full:
- (a) in the case of a Subdivision for a Single Family or Small Lot Single Family Land Use, at the time of Subdivision approval; and
 - (b) in the case of all other Land Uses, upon issuance of the Building Permit.

- (3) The obligations under Part 5 of this Bylaw do not apply where the payment of development cost charges is subject to an exception, exemption, waiver, or reduction provided for in the *Local Government Act*, this Bylaw, or in another enactment.

PART 6 – REDUCTIONS AND WAIVERS

6. The amount of development cost charges payable under Part 5 of this Bylaw will be reduced by 50%, where the Lot will be used for an Eligible Development that meets all of the following criteria:
 - (a) at least 50% of the Eligible Land is owned in fee simple by an Eligible Owner;
 - (b) the Eligible Land is either:
 - ii. owned in fee simple by the City and held by an Eligible Owner under a lease; or
 - iii. the Eligible Owner has entered into housing agreement with the City under section 483 of the *Local Government Act*, and the housing agreement has been registered against the title to the Lot on which the development is located;
 - (c) at least 30% of the units in the development are Affordable Units; and
 - (d) the Eligible Owner has provided the City with documentary proof, that demonstrates to the City's satisfaction, that the development is eligible for a housing subsidy, which subsidy may be in the form of rental subsidies or capital grants from the government of British Columbia, the government of Canada, or a Public Housing Authority.

PART 7 – CALCULATION OF DEVELOPMENT COST CHARGES

7. (1) The amount of development cost charges payable in relation to a particular development must be calculated in accordance with this part and the rates prescribed in Schedule "B".
- (2) In the case of a subdivision, development cost charges are calculated by multiplying the total development cost charges payable for the applicable Land Use, as prescribed in Table 1 of Schedule "B", by the number of Lots being created.
- (3) In the case of a Building Permit, other than a Building Permit for a Campground or Mobile Home Park, development cost charges are calculated by:

- (a) multiplying the total development cost charges payable per square metre for the applicable Land Use, as prescribed in Table 1 of Schedule "B", by the Gross Floor Area of the Building to be constructed;
 - (b) multiplying the total development cost charges payable per square metre for the applicable Land Use, as prescribed in Table 2 of Schedule "B", by the Gross Floor Area of the first floor of the Building to be constructed; and
 - (c) adding the sum calculated under paragraph 7(3)(a) to the sum calculated under paragraph 7(3)(b).
- (4) In the case of a Building Permit for a Campground, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Campground, as prescribed in Table 1 of Schedule "B", by the number of Camping Spaces to be created.
- (5) In the case of a Building Permit for a Mobile Home Park, development cost charges are calculated by multiplying the total development cost charges payable per unit for a Mobile Home Park, as prescribed in in Table 1 of Schedule "B", by the number of Mobile Home pads to be constructed.
- (6) The amount of development cost charges payable in relation to mixed-use uses of land will be calculated separately for each portion of the development, according to the separate Land Uses included in the Building Permit application and will be equal to the sum of the charges payable under this Bylaw for each separate Land Use.
- (7) Where:
- (a) development cost charges have been paid with respect to a Lot under subsection (2) on the basis of a Single Family Land Use; and
 - (b) a Building Permit is approved for a Building on the Lot consisting of two or more Dwelling Units, not including any Secondary Suites;

then development cost charges payable under subsection (3) will be based on the number of Dwelling Units, not including Secondary Suites, being built, less the amount of development cost charges calculated for the Dwelling Unit with the largest Gross Floor Area.

PART 8 – SEVERABILITY

8. In the event that any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw with the intent that the remainder of the Bylaw shall continue in full force and effect.

PART 9 – REPEAL

9. The following City of Nanaimo bylaws are hereby repealed:
- (a) Roads Development Cost Charge Bylaw 2008 No. 7065;
 - (b) Sanitary Sewer Development Cost Charge Bylaw 2008 No. 7066;
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 - (d) Water Distribution Development Cost Charge Bylaw 2008 No. 7068;
 - (e) Parkland Acquisition Development Cost Charge Bylaw 2008 No. 7069;
 - (f) Water Supply Development Cost Charge Bylaw 2008 No. 7070; and
 - (g) Bylaws to Reduce Development Cost Charges (Not-for-Profit Rental Housing) Bylaw 2008 No. 7082.

PART 10 – EFFECTIVE DATE

10. This Bylaw comes into full force and effect on March 1, 2018.

PASSED FIRST READING: 2017-NOV-06

PASSED SECOND READING: 2017-NOV-06

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

APPROVED BY INSPECTOR OF MUNICIPALITIES: _____

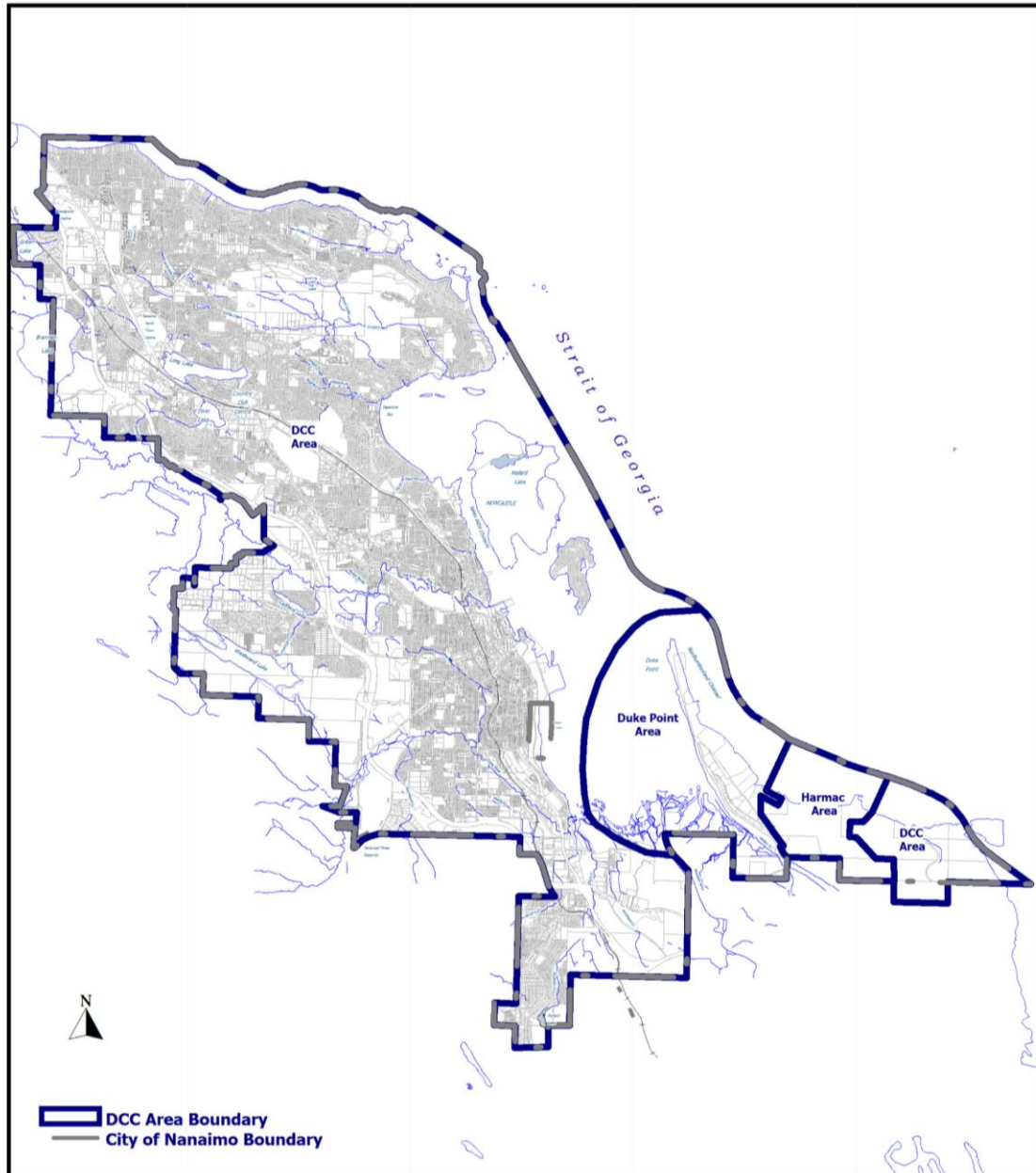
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

DCC Area



SCHEDULE "B"

Development Cost Charges

Table 1

Categories	Single Family Dwellings	Small Lot Single Family Dwelling	Multi-Family Dwellings	Commercial / Institutional	Industrial	Mobile Home Parks	Camp Grounds
	<i>\$ per lot</i>	<i>\$ per lot</i>	<i>\$ per m² of GFA*</i>	<i>\$ per m² of GFA*</i>	<i>\$ per m² of GFA*</i>	<i>\$ per unit</i>	<i>\$ per unit</i>
Sanitary Sewer	\$1,787.04	\$1,250.93	\$10.77	\$10.22	\$2.61	\$1,098.28	\$279.22
Drainage	75.94	56.20	-	-	-	49.36	15.19
Water Distribution	306.34	214.44	1.85	1.75	0.45	188.27	47.87
Water Supply	5,619.55	3,933.69	33.86	32.14	8.20	3,453.68	878.06
Parks	1,734.12	1,213.89	10.45	-	-	1,065.76	270.96
Roads	5,824.08	4,076.86	35.09	33.31	8.49	3,579.38	922.15

* GFA - Gross Floor Area

Table 2

Categories	Single Family Dwellings	Small Lot Single Family Dwelling	Multi-Family Dwellings	Commercial / Institutional	Industrial	Mobile Home Parks	Camp Grounds
	<i>\$ per lot</i>	<i>\$ per lot</i>	<i>\$ per m² of GFA* 1st Flr</i>	<i>\$ per m² of GFA* 1st Flr</i>	<i>\$ per m² of GFA* 1st Flr</i>	<i>\$ per unit</i>	<i>\$ per unit</i>
Drainage	-	-	0.38	0.38	0.38	-	-

* GFA - Gross Floor Area of 1st Floor

Staff Report for Decision

DATE OF MEETING | 12/7/2017 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report. |

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 following properties:

1. 1236 Okanagan Place – illegal secondary suite
2. 2885 Staffordshire Terrace – illegal secondary suite |
3. 351 Woodhaven Drive – two illegal secondary suites

BACKGROUND

Illegal Secondary Suites

The following is a list of properties where an illegal secondary suite has been identified and where a building permit application has not yet been received:

- 1236 Okanagan Place
- 2885 Staffordshire Terrace
- 351 Woodhaven Drive (2 suites)

As such, the Building Inspections Section, with the assistance of the Bylaw Enforcement Section, will seek further action and/or removal of the secondary suite. |

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.

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected properties in order to identify construction that was originally completed without a building permit and it is, therefore, unknown if the completed works are compliant with the standards of the BC Building Code.

SUMMARY POINTS

- Bylaw Contravention Notices are being registered in compliance with the Secondary Suite Enforcement Policy.
- 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING December 7, 2017

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 540 HALIBURTON STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 540 Haliburton 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 540 Haliburton Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-MAY-11 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to install a bathroom and relocate interior partition walls without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2017-MAY-31. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that 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:

Dale Lindsay
Director, Community Development