

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
Location of the home-based business	Multiple-Family Dwelling unit, Secondary Suite, Mobile Home, Modular Home, Recreational Vehicle, Float Home, or Single Residential Dwelling on a lot < 370m ²	Single Residential Dwelling on a lot ≥ 370m ² and < 2,020m ²	Single Residential Dwelling on a lot ≥ 2,020m ²
Maximum floor area for the home-based business	42m ² or 50% of the dwelling unit, secondary suite, or recreational vehicle, whichever is less	100m ² or 50% of the dwelling unit, whichever is less	200m ² or 50% of the dwelling unit, whichever is less
Maximum number of customer or client vehicle trips per day	0	8 return trips	12 return trips
Maximum number of non-resident employees permitted to work on-site	0	1	2
Prohibited uses	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 _____

MAYOR

CORPORATE OFFICER