

CITY OF NANAIMO

BYLAW NO. 4500.180

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 2021 No. 4500.180".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By deleting "Schedule D - Amenity Requirements for Additional Density" and replacing it with the Schedule '1' attached to this Bylaw.

PASSED FIRST READING: 2021-MAY-03

PASSED SECOND READING: 2021-MAY-03

PUBLIC HEARING HELD: 2021-MAY-20

PASSED THIRD READING: 2021-MAY-20

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2021-JUN-08

ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: ZA1-23  
Address: N/A

# Schedule 1

## Schedule D

### Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 65 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

#### Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> <li>• retail store;</li> <li>• daycare facility;</li> <li>• Nanaimo Regional District transit bus stop;</li> <li>• any PRC (Parks, Recreation and Culture) Zoned property; and / or</li> <li>• a CS-1 (Community Service One) zoned property.</li> </ul>	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> <li>• retail store or public market;</li> <li>• daycare facility;</li> <li>• Nanaimo Regional District transit bus stop;</li> <li>• any PRC (Parks, Recreation and Culture) Zoned property;</li> <li>• a CS-1 (Community Service One) zoned property; and / or</li> <li>• public art.</li> </ul>	1 point each
<b>Total</b>		<b>20</b>

## Category 2: Retention and Restoration of Natural Features (8 points required)

Amenity		Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

## Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	Long term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable.	3
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	The parking area within the proposed development includes at least one electric vehicle charging station.	1
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	The proposed development includes covered and designated parking spaces for a motorized scooter or plug-in for an electronic bicycle or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces: <ul style="list-style-type: none"> <li>a) multiple family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and</li> <li>b) non-residential uses: 1 motorized scooter or motorcycle space per 600m<sup>2</sup> of Gross Floor Area for the first 5000m<sup>2</sup> plus one space per 1500m<sup>2</sup> of additional Gross Floor Area.; and</li> <li>a) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle.</li> </ul>	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

## Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC), the Sustainable Forestry Initiative (SFI), the Canadian Standards Association – Sustainable Forest Management Standard (CSA-SFM), or recognized equivalent.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

## Category 5: Energy Management (11 points required)

Amenity		Points
A	The proposed development meets at least the requirements of Step 2 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by one step.*	10*
B	The proposed development meets at least the requirements of Step 3 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by two steps.*	15*
C	The proposed development is considered a Part 3 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 (Net Zero Ready) within the BC Energy Step Code; or The proposed development is considered a Part 9 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 or 5 within the BC Energy Step Code.*	30*
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite.	1
Total		31

\* Points will be awarded for only one of A, B, or C.

## Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16

## Category 7: Social and Cultural Sustainability (8 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m <sup>2</sup> in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	3
C	The property owner agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that all residential dwelling units shall not be sold independently for at least ten years after the building receives final occupancy.*	4*
D	The property owner agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that all residential dwelling units shall not be sold independently.*	7*
E	The property owner agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that where residential dwelling units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.*	2*
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		19

\*Points will be awarded for only one of C, D, or E.

## Category 8: Affordable Housing (10 points required)

Amenity		Points
A	The property owner enters into a Housing Agreement with the City of Nanaimo to ensure that at a portion of the residential dwelling units will be sold for at least 10% less than the median sale price for comparable units (unit type and number of bedrooms), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the dwelling units provided for within the Housing Agreement must be greater than 29m <sup>2</sup> in area.	1 point per 10% increment of total residential dwelling units, up to a maximum of 10 points
B	The property owner enters into a Housing Agreement with the City of Nanaimo to ensure that a portion of the residential dwelling units will be rented at less than average rent levels as determined by the CMHC. The Gross Floor Area of the dwelling units provided for within the Housing Agreement must be greater than 29m <sup>2</sup> in area.	2 points per 10% increment of total residential dwelling units, up to a maximum of 20 points
C	The property owner enters into a Housing Agreement with the City of Nanaimo to ensure rent for a portion of the residential dwelling units does not exceed 30% of the Housing Income Limit for Nanaimo, as determined by BC Housing.	3 points per 10% increment of total residential dwelling units, up to a maximum of 30 points
Total		30

168 points total



## Definitions

**BC Energy Step Code:** means a voluntary provincial standard enacted in April 2017 that provides an incremental and consistent approach to achieving more energy-efficient buildings that go beyond the requirements of the base BC Building Code.

**Brownfield Site:** means a previously commercial or industrial property which is an abandoned, idled, or underused where expansion or redevelopment is complicated by environmental contamination.

**Carpool Parking Space:** means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

**Electric Vehicle Charging Station:** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Non-potable Irrigation System:** means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

**Pedestrian Network:** means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

**Permeable Surface Area:** means any surface consisting of a material that can provide for storm water infiltration.