

ATTACHMENT A

TABLE OF PROPOSED AMENDMENTS

Zoning Bylaw – General Amendments

#	Section of Bylaw	Proposed Amendment	Rationale
1	Part 5 - Definitions	Amend the definition of 'FABRIC COVERED STRUCTURES' to remove the reference to "a maximum of three sides covered by fabric".	The proposed amendment will include all fabric-covered structures, regardless of the number of walls, under the defined term.
2, 3, 4	Part 5 - Definitions	Amend the definitions of 'GROSS FLOOR AREA, SINGLE RESIDENTIAL DWELLING OR DUPLEX'; 'GROSS FLOOR AREA, ACCESSORY BUILDING'; and 'GROSS FLOOR AREA, ALL OTHER USES' to no longer measure to the exterior face of exterior walls and instead measure to the interior face of exterior walls.	Gross Floor Area is currently measured to the exterior face of exterior wall assemblies except where the thickness of the exterior wall assembly (excluding cladding) is greater than 165mm, where it is measured to the interior wall face. By no longer measuring to the exterior wall face, the definitions of Gross Floor Area will not penalize buildings with energy efficient membrane systems built into the exterior cladding, which are becoming more common with contemporary building practices and BC Building Code regulations.
4, 6	Part 5 - Definitions	Amend the definition of 'GROSS FLOOR AREA, ALL OTHER USES' to no longer include covered decks, except where a covered deck shares 3 or more sides with the outside face of the building.	Exempting covered decks will incentivize these features which can provide both private and shared amenity spaces in new developments, but recessed decks will continue to be included in the calculation of Gross Floor Area.
5, 7	Part 5 - Definitions	Amend the definition of 'GROSS FLOOR AREA, ALL OTHER USES' to exempt both vehicle and bicycle parking and to expand the exemption for storage areas to one dedicated communal storage area for residential uses, up to a total of 9.29m ² per dwelling unit.	These amendments will clarify the types of parking that can be exempt from Gross Floor Area and will allow for more opportunities to exempt accessory residential storage areas that are currently limited to bicycle and recreational equipment storage.

#	Section of Bylaw	Proposed Amendment	Rationale
8	Part 5 - Definitions	Under 'GROSS FLOOR AREA, ALL OTHER USES', include the following exemption: "Staircases and elevator shafts above their lowermost floor".	Exempting staircases and elevator shafts above their lowermost floor will align the Zoning Bylaw with best practices for determining Gross Floor Area as well as the definition in City of Nanaimo "Development Cost Charge Bylaw 2017 No. 7252".
9	Part 5 - Definitions	Amend the definition of 'HEIGHT, BUILDING' to remove the reference to "Council" approved development permits.	The City of Nanaimo "Officers Appointment and Delegation Bylaw 2006 No. 7031" allows both delegated authority and Council approval of development permits.
10, 25	Part 5 – Definitions; Part 6 – General Regulations 6.22.8	Amend the definition of 'LOT' to exclude air space parcels and add the following new subsection in General Regulations: "6.22.8 For the purposes of this Bylaw, an air space parcel shall be deemed to be part of the same lot as the parcel at ground level."	These amendments will reflect current practice for air space parcels to not require such parcels to meet zoning regulations, as they are typically only components of buildings, so long as the parent parcel containing the building(s) meets zoning regulations.
11	Part 5 - Definitions	Amend the definition of 'MINIMUM LOT AREA' to no longer reference rezoning.	Minimum lot area is only applied in the case of subdivision.
12	Part 5 – Definitions	Delete the definition of 'QUADRUPLEX'.	This use is no longer included in the Zoning Bylaw and is instead permitted wherever multi-family residential is permitted.
13	Part 5 – Definitions	Amend the definition of 'SINGLE RESIDENTIAL DWELLING' to no longer require assembly on-site for mobile and modular homes.	Modular homes constructed to the CAN/CSA A277 standard are typically assembled off-site.
14	Part 6 – General Regulations 6.2.1.2	Amend the regulations table for "Containers" to remove the text "provided a location permit has been obtained" in all rows under the column titled "Length of Temporary Use".	In practice, location permits have not been required for the temporary placement of shipping containers; these structures are not regulated as buildings under the City's Building Bylaw though they must comply with zoning requirements.

#	Section of Bylaw	Proposed Amendment	Rationale
15	Part 6 – General Regulations 6.5.2	Revise the setbacks for heat pumps and central air conditioning units from side lot lines from 4.5m to 1.5m.	Reducing the required side yard setback will further incentivize heat pumps which provide a low-carbon heating and cooling option for residents. Heat pump technology is continually evolving and current models are significantly quieter than when heat pumps were first introduced. The 1.5m side yard setback will align with the typical side yard setback for buildings and structures in single family residential zones, and the Bylaw will still require screening from streets. This amendment aligns with the City of Nanaimo's Climate Change Resiliency Strategy (2020), Theme 5, Objective 1, action item 5.1.3 to remove regulatory restrictions on the placement of heat pumps.
16, 17	Part 6 – General Regulations 6.6.3.1 and 6.6.3.2	Indent both subsections.	This amendment will correct a formatting error.
18	Part 6 – General Regulations 6.6.5.1	Revise item b) to read: "is located outside of the required yard setback area for a principal building".	This amendment will clarify where accessory buildings with a building height of up to 7m may be permitted.
19	Part 6 – General Regulations 6.10.2	In the first row of the table under "Zones", replace "R1 / R1a to R1" with "R1 / R1a to R10".	This amendment will correct a typo.

#	Section of Bylaw	Proposed Amendment	Rationale
20, 22	Part 6 – General Regulations 6.10.2 and 6.10.6	<p>Add a new subsection 6.10.6 after 6.10.5:</p> <p>“Notwithstanding Subsection 6.10.5, the height of a fence located outside of the required yard setback area in all Commercial Centre, Corridor, and Downtown zones shall not exceed:</p> <p>a) 1.2m where located within 3m of a front lot line; and</p> <p>b) 1.8m where located within 3m of a flanking lot line.”; and reference the new subsection in the Conditions of Use in 6.10.2.</p>	This will create a lower and more appropriate maximum allowable fence height in the Commercial Centre, Corridor, and Downtown zones adjacent to streets where there are no front or flanking side yard setbacks required.
21	Part 6 – General Regulations 6.10.4	<p>Revise subsection 6.10.4 to exempt guardrails on retaining walls with a height of 1.5m or greater from the calculation of fence height where recommended by a professional engineer, provided they meet the design specifications outlined by the City of Nanaimo Manual of Engineering Standards & Specifications. The maximum height of an exempt guardrail will be 1.07m.</p>	Currently, guardrails on retaining walls are only exempt from fence height where the guardrail is required by BC Building Code. Staff have noted significant demand for guardrails on retaining walls even when not required by BC Building Code, and the proposed amendment will allow more options for guardrails on sloping lots without the need for height variances and without significant aesthetic impacts. The 1.07m height aligns with the existing handrail dimensions.
23	Part 6 – General Regulations 6.10.7	<p>Add a new subsection 6.10.7 after 6.10.6:</p> <p>“Notwithstanding Subsection 6.10.2, the maximum height of up to one trellis, gate, arbor, or similar ornamental structure per lot shall not exceed 2.4m in a front or flanking side yard in all zones, provided that such a feature demarcates a pedestrian access, does not exceed 2.0m in width, and complies with Section 6.9 (Visibility at Intersections) of this Bylaw.”</p>	This will allow ornamental structures at entrances to pedestrian walkways, which are encouraged in City design guidelines. A variance is typically required to construct such features in a front or flanking side yard setback, so the proposed amendment will eliminate the need for such variances.

#	Section of Bylaw	Proposed Amendment	Rationale
24	Part 6 – General Regulations 6.20.5	Re-number the second iteration of this subsection number from “6.20.5” to “6.20.6”.	This amendment will correct a typo.
26	Part 6 – General Regulations 6.23.1	Amend this subsection to read: “Notwithstanding the setback requirements of this Bylaw, the minimum front and flanking side yard setback shall be 20m from a property line that abuts the Nanaimo Parkway right-of-way”.	This amendment will clarify that the 20m setback applies to front and flanking side yards abutting the Nanaimo Parkway.
27	Part 7 – Residential 7.1	Amend the “Intent of Zone” for Low Density Residential (R6) to remove reference to “townhouse-form” residential development and instead refer to “ground-oriented” residential development.	The proposed amendment will better reflect the R6 zone, which was renamed from “Townhouse Residential” to “Low Density Residential” in 2019.
28, 31, 33, 35-38	Part 7 – Residential 7.5.4; Part 9 – Corridor 9.5.3; Part 10 – Commercial Centre 10.5.3; Part 11 – Downtown 11.5.4; Part 13 – Industrial 13.4.4; Part 14 – Community Service 14.5.3; Part 15 – Waterfront 15.5.3	Revise the additional setback along major roads to include flanking side yard setbacks in addition to front yard setbacks.	This amendment will allow for additional setbacks along major roads (where dedication has not occurred to achieve the required right-of-way width) on corner lots where there is a front yard and flanking side yard.
29	Part 7 – Residential 7.6.1	Amend the Perimeter Wall Height for the R10 zone so that it applies only to single residential dwellings and duplex buildings.	Perimeter wall height regulations are not necessary for multi-family residential buildings where building form considerations are addressed through a form & character and steep slope development permit.

#	Section of Bylaw	Proposed Amendment	Rationale
30, 32, 34	Part 9 – Corridor 9.2.3; Part 10 – Commercial Centre 10.3.3 and 10.6.2	Update the legal descriptions of properties with site-specific zoning with the current legal descriptions.	To reflect the correct property descriptions after subdivision.
39	Schedule D – Category 3: Parking and Sustainable Transportation	Amend Category 3-A to: 1) clarify that only non-residential projects are eligible for amenity points for employee bicycle storage, showers, and change room facilities, and 2) reduce the awarded points from 3 to 2.	Residential projects were never anticipated to be eligible for these amenity points and long-term bicycle storage is currently required in the Parking Bylaw. Lowering the points from 3 to 2 will accordingly reflect the revised amenity.
		Amend Category 3-D to: 1) provide amenity points where a development includes at least 50% of the parking provided with access to an electric vehicle charging station, and 2) increase the awarded points from 1 to 2.	Existing Category 3-D requires a minimum of only one electric vehicle charging station which is less than existing and proposed electric vehicle requirements in the Parking Bylaw (see Parking Bylaw amendment #3). Increasing the points from 1 to 2 will reflect the greater requirement for 50% electric vehicle parking.
		Amend Category 3-F to remove references to electronic bicycle plug-in.	An electrical outlet for electric bicycle charging is currently required by the Parking Bylaw for long-term bicycle storage.
		Amend Category 3-H to reference the correct name of the City's Off-Street Parking Bylaw.	This amendment will update the terminology for the Parking Bylaw.
40	Schedule A – Zoning Map	Rezone a portion of the Vancouver Island University property to CS1.	This rezoning will create a consistent zone for the entire property at 900 Fifth Street following a road closure for a portion of the property completed in 2019.
41-47, 49-51, 57, 58	Schedule A – Zoning Map	Rezone City-owned properties to park and community service zones.	These properties were generally acquired through subdivision or property acquisition to be used as parks or as public facilities. The proposed rezonings will formalize the uses for these properties.

#	Section of Bylaw	Proposed Amendment	Rationale
48, 52-56	Schedule A – Zoning Map	Rezone a number of properties to correct split-zoning.	The proposed rezonings will align zone boundaries with property boundaries created through subdivision.

Parking Bylaw – General Amendments

#	Section of Bylaw	Proposed Amendment	Rationale
1	Small Car Spaces: 4.3	Amend Table 2 – Parking Dimensions (Small Car) to revise the minimum required aisle width for 90° parking from 7.0m to 6.7m.	This amendment will correct an error.
2	Accessible Parking: 7.5	Replace Table 6 with a revised table for accessible parking rates.	This amendment will clarify the accessible parking requirements with parking rates rather than the existing cumulative parking ratios which often cause confusion for readers.
3, 4	Electric Vehicle Parking: 7.7(i) 7.7(ii)	Increase the required amount of electric vehicle (EV) parking stalls for multi-family residential from 10% to 25% and increase the additional required amount of parking stalls with rough-in for future EV charging from 20% to all remaining parking provided. The amendment will also expand the EV parking requirements to include seniors' congregate and student housing developments.	The existing EV parking requirements, adopted in 2018, are already below the industry standards. Earlier in 2021, the Federal Government indicated that by 2035 all new vehicles sold in Canada will be zero-emission vehicles. The proposed Parking Bylaw amendment will prepare developments being planned today for additional EVs that are anticipated in the future.
5	Violation: 8.1 8.2 8.3	Update the section related to bylaw violation.	This will bring the Parking Bylaw up to date with current practice for bylaw enforcement.