

CITY OF NANAIMO

BYLAW NO. 4500.204

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, 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 Bylaw Amendment Bylaw 2022 No. 4500.204".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By deleting Section 16.7 and replacing it with a new Section 16.7 as shown in Schedule A of this Bylaw.
 - 2) By amending the table in section 17.11 by adding the following row after the row labeled 'CD5':

| Subject Property Zoned | Front Yard | Side Yard | Rear Yard | Storage / Landfill / Refuse Receptacles |
|-------------------------------|-------------------|------------------|------------------|--|
| CD7 | 1 | 1 | 1 | 2 |

- 3) By rezoning the lands legally described as LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272 (444 Comox Road), LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272 (450 Comox Road), LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road), LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584 (55 Mill Street), and LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360 (portion of 1 Terminal Avenue) from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7), as shown on Schedule B of this Bylaw.

PASSED FIRST READING: 2022-AUG-29

PASSED SECOND READING: 2022-AUG-29

PUBLIC HEARING HELD: 2022-SEP-29

PASSED THIRD READING: 2022-OCT-24

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2022-NOV-08

THIRD READING RESCINDED: 2023-FEB-27

SECOND READING RESCINDED: 2023-MAY-01

PASSED SECOND READING, AS AMENDED: 2023-MAY-01

PUBLIC HEARING HELD: 2023-MAY-18

PASSED THIRD READING: 2023-MAY-18

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2023-MAY-31

ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000475

Address: 444/450/500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

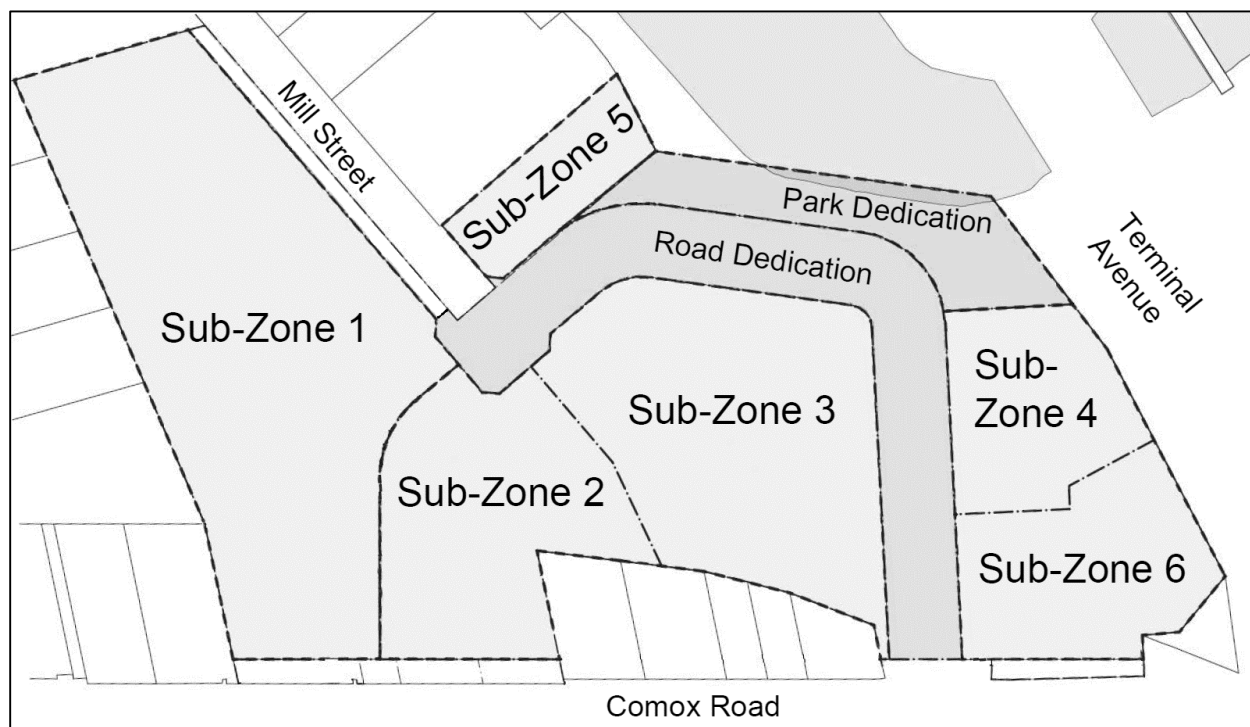
SCHEDULE A

16.7 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE SEVEN (CD7)

The intent of this zone is to provide a comprehensive mixed-use development area at the north edge of Downtown Nanaimo adjacent to the Millstone River, with a range of commercial and residential uses.

16.7.1 ESTABLISHMENT OF SUB-ZONES

16.7.1.1 Regulations in the CD7 zone will be established within sub-zones as identified in the following plan:



16.7.2 PERMITTED USES

16.7.2.1 The uses listed in the following table shall be permitted in sub-zones where indicated with a 'P' within the corresponding column with sub-zone number, as per the conditions of use specified:

| Use | Sub-Zone | | | | | | Conditions of Use |
|-------------------|----------|---|---|---|----|---|-------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | |
| Arcade | -- | P | P | P | -- | P | |
| Assembly Hall | P | P | P | P | -- | P | |
| Bingo Hall | -- | P | P | P | -- | P | |
| Commercial School | -- | P | P | P | -- | P | |
| Convention Centre | -- | P | P | P | -- | P | |

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| Use | Sub-Zone | | | | | | Conditions of Use |
|----------------------------------|----------|---|---|---|----|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | |
| Court of Law | -- | P | P | P | -- | P | |
| Cultural Facility | P | P | P | P | -- | P | |
| Custom Workshop | -- | P | P | P | -- | P | |
| Daycare | P | P | P | P | P | P | |
| Funeral Parlour | -- | P | P | P | -- | P | |
| Hotel | -- | P | P | P | -- | P | |
| Laundromat | P | P | P | P | -- | P | |
| Library | P | P | P | P | -- | P | |
| Liquor Store | -- | P | P | P | -- | P | |
| Live/Work | P | P | P | P | P | P | |
| Micro-Brewery | -- | P | P | P | -- | P | The Gross Floor Area of a micro-brewery shall not exceed 557m ² . |
| Multiple Family Dwelling | P | P | P | P | P | P | Within sub-zones 3, 4, and 6, multiple family dwelling residential shall only be permitted where a commercial use exists on the same lot. |
| Neighbourhood Pub | -- | P | P | P | -- | P | |
| Office | P | P | P | P | -- | P | |
| Personal Care Facility | P | P | P | P | -- | P | |
| Printing and Publishing Facility | -- | P | P | P | -- | P | |
| Recreation Facility | P | P | P | P | -- | P | |
| Religious Institution | P | P | P | P | P | P | |
| Repair Shop | -- | P | P | P | -- | P | |
| Restaurant | P | P | P | P | -- | P | |
| Retail | P | P | P | P | -- | P | |
| Rooming House | P | P | P | P | P | P | |
| Shopping Centre | -- | P | P | P | -- | P | |
| Personal Care Facility | P | P | P | P | P | P | |
| Seniors' Congregate Housing | P | P | P | P | P | P | |
| Social Services Resource Centre | P | P | P | P | -- | P | |
| Veterinary Clinic | P | P | P | P | -- | P | |

P = Permitted Use
-- = Use Not Permitted

SCHEDULE A

16.7.2.2 The uses listed in the following table shall be permitted as an accessory use where indicated with an 'A' within the corresponding column with sub-zone number, as per the conditions of use specified:

| Use | Sub-Zone | | | | | | Conditions of Use |
|-----------------------------|----------|----|----|----|----|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | |
| Accessory Dwelling | A | A | A | A | A | A | |
| Boarding and Lodging | A | A | A | A | A | A | Shall not exceed two sleeping units and shall not accommodate more than two persons. |
| Home Based Business | A | A | A | A | A | A | Subject to Part 6. |
| Secondary Suite | A | -- | -- | -- | A | -- | Subject to Part 6. Must be accessory to a single residential dwelling. |
| Short-Term Rental | A | A | A | A | A | A | Subject to Part 6. |
| Teletheatre Outlet | -- | A | A | A | -- | A | Must be contained within a Hotel or Neighborhood Pub. |

P = Permitted as an Accessory Use
-- = Use Not Permitted

16.7.3 DENSITY

16.7.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot in each sub-zone. The additional density columns permit additional density where the specified criteria have been provided. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements as specified in Schedule D of this Bylaw, and Tier 2 awards additional density where a development meets or exceeds the Tier 2 requirements as specified in Schedule D. Where a development achieves additional density as established through a development permit process, the additional floor area may be added to the base density within the sub-zone. A development may achieve all of the additional density available within the sub-zone:

| Sub-Zone | Maximum Allowable Floor Area Ratio (FAR) | Additional Density | |
|----------|--|--------------------|--------|
| | | Tier 1 | Tier 2 |
| 1 | 1.75 | +0.2 | +0.25 |
| 2 | 4.05 | +0.2 | +0.25 |
| 3 | 2.50 | +0.2 | +0.25 |
| 4 | 5.40 | +0.2 | +0.25 |
| 5 | 0.70 | +0.1 | +0.15 |
| 6 | 2.20 | +0.2 | +0.25 |

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16.7.3.2 Notwithstanding Subsection 16.7.3.1, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the adjacent finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

16.7.3.3 Notwithstanding Subsection 16.7.3.1, up to 15% of the calculated maximum permitted floor area of a lot in any sub-zone may be transferred to a lot in another sub-zone, with the exception of sub-zone 5, through a form & character development permit process and provided that a Section 219 covenant is registered on the property title of both subject parcels to record the terms of the density transfer.

16.7.4 LOT SIZE AND DIMENSIONS

16.7.4.1 The minimum lot size for a serviced lot shall be 1,000m².

16.7.4.2 The minimum lot frontage shall be 20m.

16.7.4.3 The minimum lot depth shall be 40m.

16.7.5 SITING OF BUILDINGS

16.7.5.1 The following table specifies the minimum distance a principal building must be set back from any front or flanking side lot line shared with the respective street identified in the first column:

| Street | Front / Flanking Side Yard |
|---|---|
| Comox Road | 0m – for the first five storeys of the building 2.2m – for any portion of the building above the fifth storey |
| Mill Street | 3.5m – for the first four storeys of the building 4.5m – for any portion of the building above the fourth storey |
| Street labeled 'Road Dedication' in Subsection 16.7.1.1 | 2.5m |
| Terminal Avenue | 5.5m |

16.7.5.2 The following table specifies the minimum distance a principal building must be set back from any side or rear lot line within each respective sub-zone:

| Sub-Zone | Side Yard | Rear Yard |
|----------|-----------|-----------|
| 1 | 7.5m | 7.5m |
| 2 | 7.5m | 7.5m |
| 3 | 5.0m | 7.5m |
| 4 | 2.5m | 3.0m |
| 5 | 3.0m | 7.5m |
| 6 | 3.0m | 3.0m |

16.7.5.3 Notwithstanding Subsections 16.7.5.1 and 16.7.5.2, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

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16.7.5.4 Notwithstanding Subsection 16.7.5.1, the maximum front yard setback shall be 6m from all lot lines shared with a street except for the street known as Terminal Avenue where there is no maximum front yard setback.

16.7.5.4.1 Where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback.

16.7.5.4.2 Where more than one principal building exists on the lot at least 50% of the property frontage must include a building front face within the maximum front yard setback area.

16.7.5.5 No vehicle parking shall be permitted between the front face of a principal building and any lot line abutting a street.

16.7.5.6 Notwithstanding Subsections 6.5.1, 16.7.5.1, and 16.7.5.2, a minimum setback shall not be required for an underground parking structure except from any lot line shared with the street known as Terminal Avenue where the minimum setback for an underground parking structure shall be 4.5m.

16.7.6 SIZE OF BUILDINGS

16.7.6.1 The following table specifies the maximum permitted lot coverage and building height, as well as the minimum required height of a principal building, within each respective sub-zone:

| Sub-Zone | Lot Coverage | Maximum Building Height | Minimum Building Height |
|-----------------|---------------------|--------------------------------|--------------------------------|
| 1 | 40% | 21m | 2 Storeys |
| 2 | 40% | 55m | 2 Storeys |
| 3 | 44% | 30m | 2 Storeys |
| 4 | 60% | 58m | 2 Storeys |
| 5 | 40% | 13m | n/a |
| 6 | 60% | 25m | 2 Storeys |

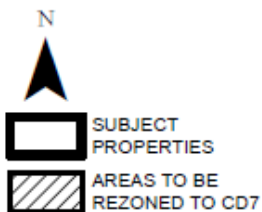
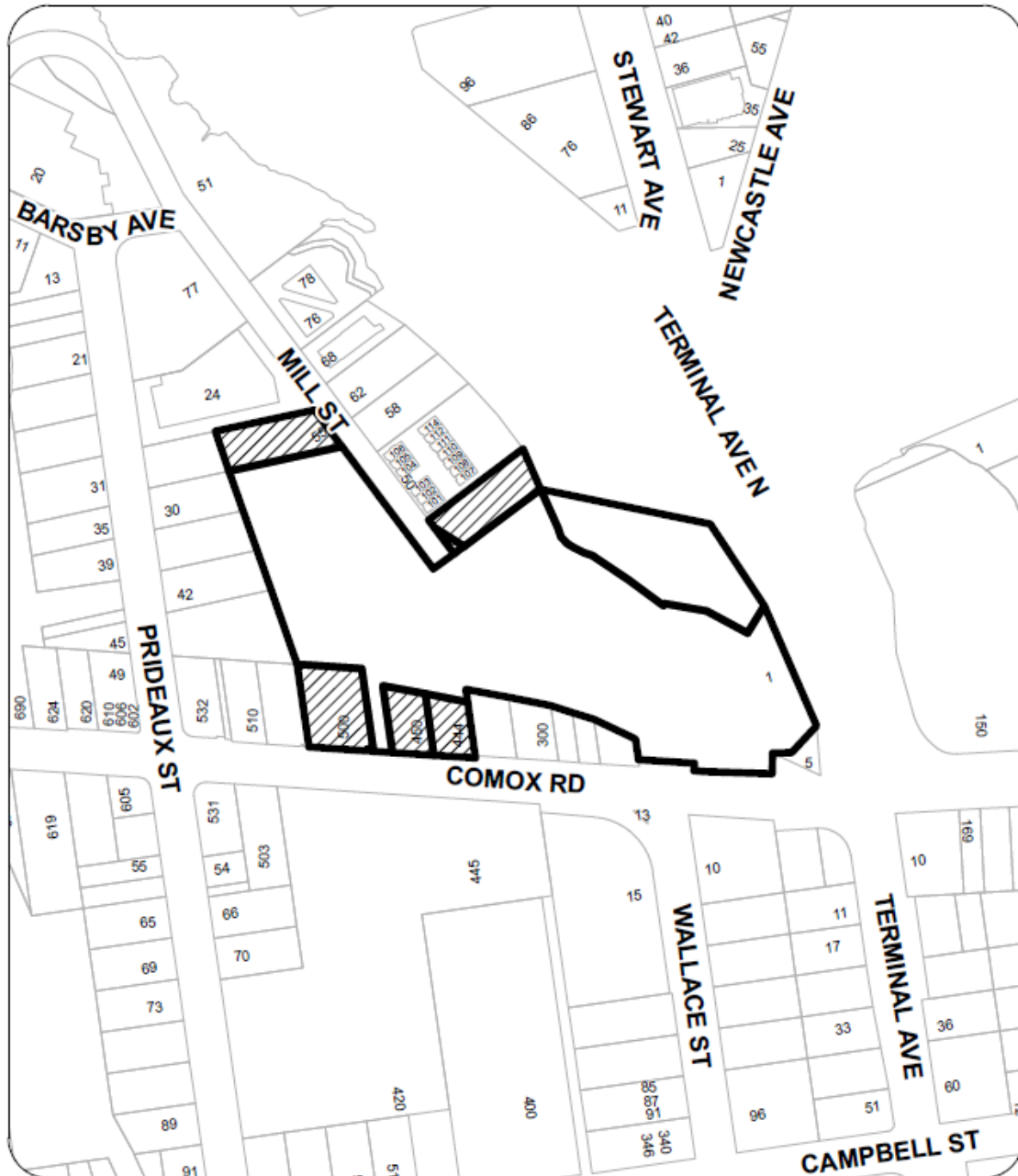
16.7.7 HEIGHT OF FENCES

16.7.7.1 The maximum height of a fence shall not exceed 1.2m where located within 3m of any front or flanking side lot line.

16.7.7.2 The maximum height of a fence shall not exceed 1.8m in any side or rear yard.

16.7.7.3 The maximum height of a fence shall not exceed 3.0m in any portion of the lot that is not within a front, flanking side, side, or rear yard setback.

SCHEDULE B



REZONING APPLICATION NO. RA000475

CIVIC: 1 TERMINAL AVENUE, 444, 450 & 500 COMOX ROAD, 55 MILL STREET
LEGAL: SEE NEXT PAGE FOR LEGAL DESCRIPTIONS

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SCHEDULE B

LEGAL DESCRIPTIONS:

LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272

LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116

LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584