

CITY OF NANAIMO

BYLAW NO. 4500.215

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 Amendment Bylaw 2023 No. 4500.215".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By amending the table in Subsection 6.10.2 to delete the text "Commercial Centre Zones" in the first column of the sixth row, and replace it with "Commercial Centre Zones and CD13".
 - 2) By amending the table in Subsection 6.16.2 to delete the text "CD11" in the first column of the last row, and replace it with "CD13".
 - 3) By amending the table in Subsection 13.2.1 to permit 'Office' as a site-specific use in the I1 and I2 zones as shown below:

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Office	SS	SS	SS	--	

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- 4) By amending the table in Subsection 13.2.3 to permit 'Office' as a site-specific use by adding a row below "2100 and 2080 Labieux Road" as shown below:

Use	Permitted Location Address	Legal Description of Permitted Location
Office	1605 Fielding Road* <i>*Subject to 13.2.3.1</i>	LOT 3, SECTION 2 AND 3, NANAIMO DISTRICT, PLAN EPP19870

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- 5) By adding the following as Subsection 13.2.3.1 immediately following 13.2.3:
 - 13.2.3.1 As a condition of use on the lands legally described as LOT 3, SECTION 2 AND 3, NANAIMO DISTRICT, PLAN EPP19870 (1605 Fielding Road), the maximum total Gross Floor Area of office as a principal use on the lands shall not exceed 12,077m².

- 6) By adding the following as Subsection 13.6.2 immediately following the table in Subsection 13.6.1:
- 13.6.2 Notwithstanding Subsection 13.6.1, on the lands legally described as LOT 3, SECTION 2 AND 3, NANAIMO DISTRICT, PLAN EPP19870 (1605 Fielding Road), the maximum permitted building height shall be 18m, except where the principal use is office the maximum permitted building height shall be 22m.
- 7) By adding '16.13 Comprehensive Development District Zone Thirteen (CD13)' after section 16.11, as shown in Schedule A of this Bylaw.
- 8) By amending the table in Section 17.11 – Minimum Landscape Treatment Levels to add the text “CD13” after “CC1, CC2, CC3, CC4, CC5, CC6,” in the first column of the eighth row.
- 9) By rezoning the following as shown on Schedule B of this Bylaw:
- a) the lands legally described as LOT 5, SECTION 2, NANAIMO DISTRICT, PLAN EPP19870 (1100 Cedar Road) and LOT 1, SECTION 2 AND 3, NANAIMO DISTRICT, PLAN EPP19870 (1750 Rajeena Way) from Rural Resource (AR1) to Steep Slope Residential (R10);
 - b) the lands legally described as LOT 7, SECTION 2, NANAIMO DISTRICT, PLAN EPP19870 (1505 Fielding Road) from Rural Resource (AR1) and Parks, Recreation, and Culture One (PRC1) to Comprehensive Development District Zone Thirteen (CD13); and
 - c) the lands legally described as LOT 3, SECTION 2 AND 3, NANAIMO DISTRICT, PLAN EPP19870 (1605 Fielding Road) from Rural Resource (AR1) to Highway Industrial (I1) and Light Industrial (I2).

PASSED FIRST READING: 2023-OCT-16
PASSED SECOND READING: 2023-OCT-16
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A

16.13 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE THIRTEEN (CD13)

The intent of this zone is to facilitate the development of a mixed-use neighbourhood centre with residential and commercial services within the Fielding Precinct of the Sandstone Master Plan.

16.13.1 PERMITTED USES

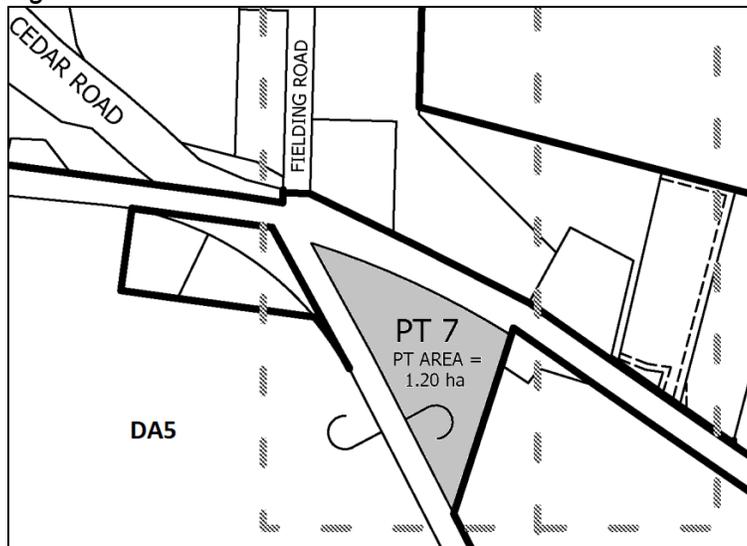
16.12.1.1 The uses listed in the following table shall be permitted subject to any conditions of use specified:

Principal Use	Conditions of Use
Artist Studio	
Assembly Hall	
Bingo Hall	
Club or Lodge	
Commercial School	
Cultural Facilities	
Daycare	
Electrical Vehicle Charging Station	
Fast Food Restaurant	Fast Food Restaurant use shall only be permitted on that portion of the lands between Fielding Road and Cedar Road highlighted in grey in Figure 16.13-A below
Financial Institution	The Gross Floor Area of a Financial Institution use on a lot shall not exceed 1,000m ² .
Funeral Parlour	
Furniture & Appliance Sales	The Gross Floor Area of a Furniture & Appliance Sales use on a lot shall not exceed 1,500m ² .
Garden Centre	The Gross Floor Area of a Garden Centre use on a lot shall not exceed 500m ² .
Gas Station	Gas Station use shall only be permitted on that portion of the lands between Fielding Road and Cedar Road highlighted in grey in Figure 16.13-A below
Home Centre	The Gross Floor Area of a Home Centre use on a lot shall not exceed 1,500m ² .
Hotel	
Internet Centre	
Laundromat	
Library	
Live/Work	
Lounge	

SCHEDULE A

Principal Use	Conditions of Use
Medical / Dental Office	
Micro Brewery	The Gross Floor Area of a Micro Brewery use on a lot shall not exceed 557m ² .
Multiple Family Dwelling	
Museum	
Neighbourhood Pub	
Office	
Personal Care Facility	
Pet Day Care	
Pharmacy	
Public Market	Permitted as a seasonal use, no outside storage shall be permitted after market hours.
Recreational Facility	The Gross Floor Area of a Recreational Facility use on a lot shall not exceed 1,500m ² .
Religious Institution	
Restaurant	
Retail	The Gross Floor Area of an individual Retail use shall not exceed 1,000m ² unless that use is a grocery store, in which case the Gross Floor Area shall not exceed 3,000m ² .
Rooming House	
Seniors Congregate Housing	
Shopping Centre	
Social Services Resource Centre	
Theatre	
University, College, Technical School	
Veterinary Clinic	

Figure 16.13-A



SCHEDULE A

16.13.1.2 The uses listed in the following table shall be permitted as an accessory use subject to any conditions of use specified:

Accessory Use	Conditions of Use
Accessory Dwelling Unit	
Arcade	
Boarding and Lodging	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Daycare	Subject to Part 6.
Home Based Business	Subject to Part 6.
Laboratory	Permitted as an accessory use where a medical office exists on the same lot.
Short-Term Rental	Subject to Part 6.

16.13.2 DENSITY

16.13.2.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot and the maximum allowable additional density as specified:

Floor Area Ratio (FAR)	Condition of Density
1.75	Maximum base density
+0.80	Where a minimum of 15% of the Gross Floor Area is dedicated to a non-residential use.
+0.25 multiplied by the percentage of the total parking spaces provided underground	Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade)
+0.25	Where Tier 1 requirements are met as specified in "Schedule D – Amenity Requirements for Additional Density" of this bylaw
+0.25	Where Tier 2 requirements are met as specified in "Schedule D – Amenity Requirements for Additional Density" of this bylaw

16.13.2.2 Notwithstanding Subsection 16.13.2.1, the combined total number of dwelling units permitted within the CD13 zone shall not exceed 1,000.

16.13.2.3 Notwithstanding Subsection 16.13.2.1, the combined total Gross Floor Area of all areas dedicated to non-residential and non-institutional uses within the CD13 zone shall not exceed 16,500m².

SCHEDULE A

16.13.3 LOT SIZE AND DIMENSIONS

- 16.13.3.1 The minimum required lot size shall be 1,000m².
- 16.13.3.2 The minimum required lot frontage shall be 15m.
- 16.13.3.3 The minimum required lot depth shall be 30m.

16.13.4 SITING OF BUILDINGS AND PARKING

16.13.4.1 The following table specifies the minimum required and maximum permitted setbacks for a principal building:

Minimum Front Yard Setback	Maximum Front Yard Setback	Minimum Side Yard Setback	Minimum Flanking Side Yard Setback	Minimum Rear Yard Setback
2.0m for the first four storeys	6.0m	3.0m	4.0m	4.5m
4.5m above the fourth storey				

- 16.13.4.2 Notwithstanding 16.13.4.1, general provisions in Part 6 for the siting of buildings near watercourses shall apply.
- 16.13.4.3 Notwithstanding 16.13.4.1, an additional 2.5m setback shall be required where a property line abuts a major road and the required right-of-way width has not been granted to facilitate the widening of the major road.
- 16.13.4.4 Notwithstanding Subsection 16.13.4.1, 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.
- 16.13.4.5 Notwithstanding Subsection 16.13.4.1, 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.
- 16.13.4.2 No parking shall be permitted between the front property line and the front face of a building.

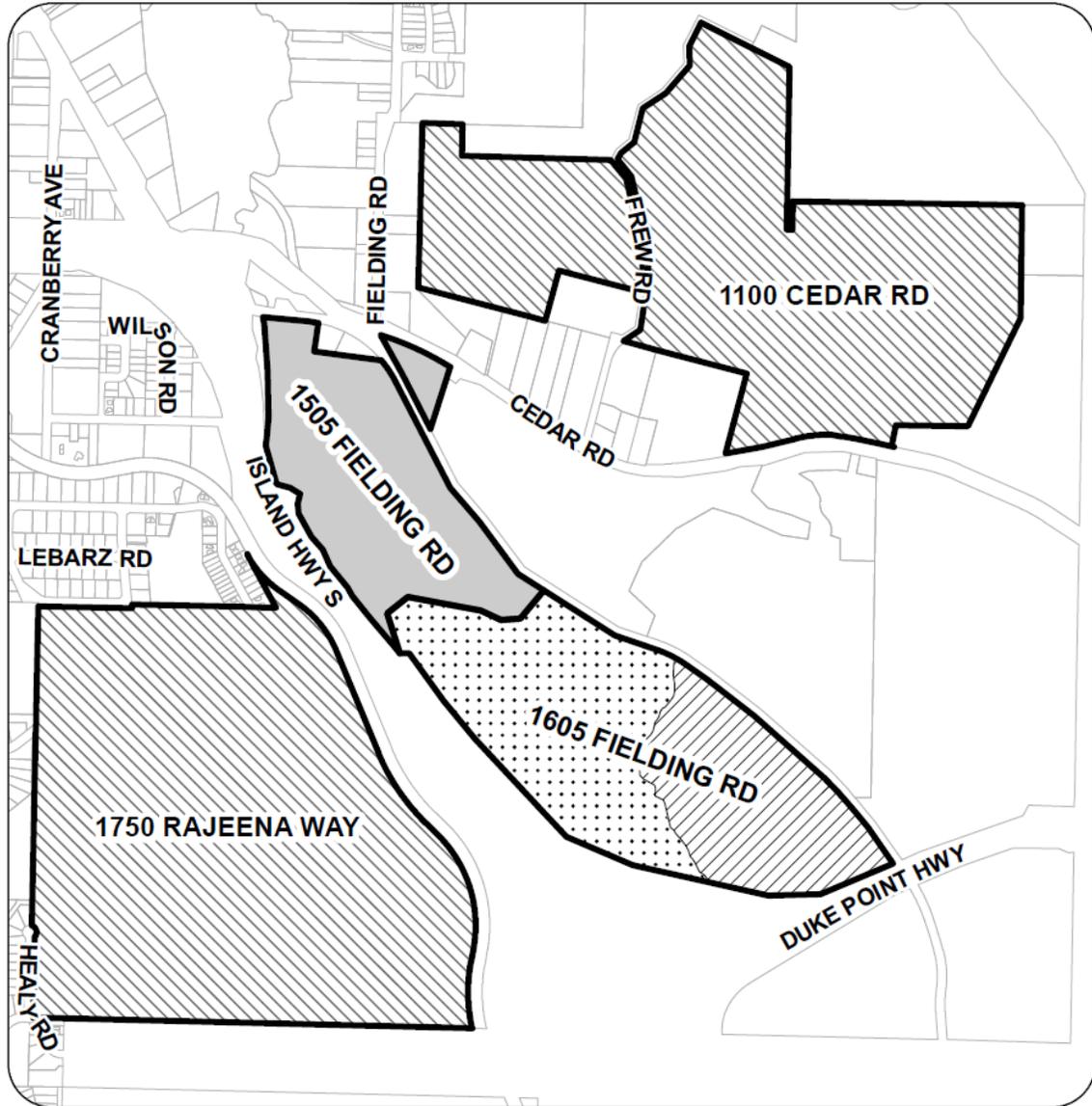
SCHEDULE A

16.13.5 SIZE OF BUILDINGS

16.13.5.1 The following table specifies the maximum permitted lot coverage and building height, as well as the minimum required height of a principal building:

Maximum Lot Coverage	Maximum Building Height	Minimum Building Height
75%	18m	2 storeys

SCHEDULE B



REZONING APPLICATION NO. RA000461

Civic: 1100 CEDAR ROAD, 1750 RAJEENA WAY, 1505 & 1605 FIELDING ROAD
Legal: LOT 1, 3, 5, 7 SECTIONS 2 & 3, NANAIMO DISTRICT, PLAN EPP19870



-  SUBJECT PROPERTIES
-  PORTION TO BE REZONED I2
-  PORTION TO BE REZONED I1
-  PORTION TO BE REZONED R10
-  PORTION TO BE REZONED CD13