

CITY OF NANAIMO

BYLAW NO. 4500.213

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, 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 2023 No. 4500.213".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - 1) By amending Part 5 – DEFINITIONS by adding the following definitions in alphabetical order:
    - i. "**BC HOUSING** – means the British Columbia Housing Management Commission"
    - ii. "**CMHC** – means the Canada Mortgage and Housing Corporation"
  - 2) By amending the table in subsection 6.10.2 to delete the text "CD9 and CD11" in the first column of the first row and replacing it with "and CD9 to CD12".
  - 3) By amending the table in subsection 6.16.2 to delete the text "CD11" in the first column of the last row and replacing it with "CD12".
  - 4) By adding '16.12 Comprehensive Development District Zone 12 (CD12)' after section 16.11, as shown in Schedule A of this Bylaw.
  - 5) By amending the table in section 17.11 – Minimum Landscape Treatment Levels by adding the following row after the row labeled 'CD11':

<b>Subject Property Zoned</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Storage / Landfill / Refuse Receptacles</b>
CD12	1	2	2	2

- 6) By rezoning the lands legally described as
  - a. THAT PART OF SECTION 25, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630, SHOWN COLOURED RED ON PLAN DD 18483-I (P.I.D. 008-744-700);
  - b. SECTION 25, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630 EXCEPT PART IN PLAN 5935 & EPP32575 (P.I.D. 008-734-437);
  - c. LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 5935, EXCEPT PARTS IN PLANS 17471 AND 18147 (P.I.D. 001-568-795); and,
  - d. LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17471 (P.I.D. 001-568-761) from Community Service One (CS1); Parks, Recreation and Culture Three (PR3); and Low Density Residential (R6) to Comprehensive Development District Zone 12 (CD12), as shown on Schedule B of this Bylaw.

PASSED FIRST READING: 2023-AUG-28  
PASSED SECOND READING: 2023-AUG-28  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

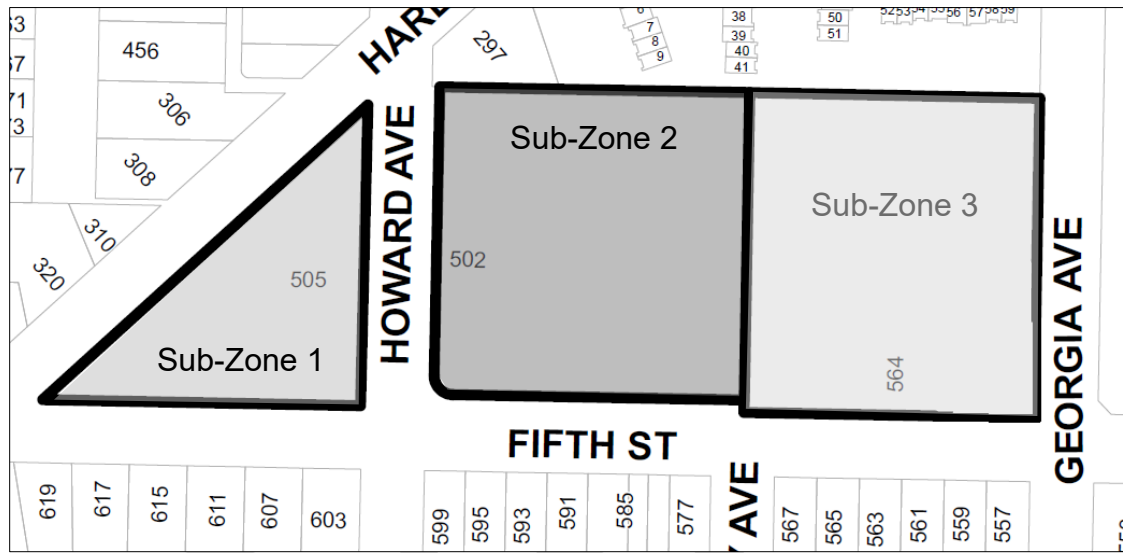
**SCHEDULE A**

**16.12 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE 12 (CD12)**

The intent of this zone is to facilitate a comprehensive mixed-use development.

**16.12.1 ESTABLISHMENT OF SUB-ZONES**

Regulations in the CD12 Zone will be established within sub-zones as identified in the following plan:



**16.12.2 PERMITTED USES**

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	
Academic School	P	--	--	
Artists Studio	P	P	P	
City Park	--	P	--	
Community Park	--	P	--	
Commercial School	P	--	--	
Daycare	P	P	P	
Live/Work	--	P	P	
Multiple Family Dwelling	P	P	P	
Office	P	P	P	No more than 500m <sup>2</sup> of office space shall be permitted per sub-zone.
Personal Care Facility	P	P	P	

**SCHEDULE A**

Use	Sub-Zone			Conditions of Use
	1	2	3	
<b>Restaurant</b>	--	P	P	No more than 500m <sup>2</sup> of restaurant space shall be permitted per sub-zone.
<b>Retail</b>	--	P	P	No more than 500m <sup>2</sup> of retail space shall be permitted per sub-zone.
<b>Social Service Resource Centre</b>	P	P	P	
<b>University, College, Technical School</b>	P	--	--	

*P = Permitted Use*  
*-- = Use Not Permitted*

**16.12.3 DENSITY**

16.12.3.1 The following table specifies the maximum allowable density, expressed as a Floor Area Ratio, per lot for each sub-zone. The second column from the left provides the base density that is permitted in each sub-zone. The additional density columns permit additional density where the following specified location and amenity criteria have been satisfied. Additional density where achievable is applied during the development permit process. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements, as specified within “Schedule D – Amenity Requirements for Additional Density” of this bylaw; Tier 2 awards additional density to a development which meets or exceeds the Tier 2 requirements within Schedule D. Where a development qualifies for additional density, the additional floor area may be added to the base density within the zone. A development may achieve all of the additional density available within the zone:

Sub-Zone	Maximum Allowable Base Floor Area Ratio	Additional Density	
		Tier 1	Tier 2
<b>1</b>	1.25	+0.25	+0.25
<b>2</b>	1.25	+0.25	+0.25
<b>3</b>	1.75	+0.25	+0.25

16.12.3.2 Notwithstanding Subsection 16.12.3.1, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the finished grade), an amount may be added to the maximum allowable Floor Area Ratio for the sub-zone where the underground parking is located equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

16.12.3.3 Notwithstanding Subsection 16.12.3.1, where the property owner enters into a Housing Agreement with the City of Nanaimo, pursuant to the *Local Government Act*, to ensure that a portion of the residential dwelling units (greater than 29m<sup>2</sup> in area) within a sub-zone will be rented at or below average rent levels as determined by the CMHC, an amount may be added to the maximum allowable Floor Area Ratio for that sub-zone equal to 0.01 for each unit.

**SCHEDULE A**

- 16.12.3.4 Notwithstanding Subsection 16.12.3.1, where the property owner enters into a Housing Agreement with the City of Nanaimo, pursuant to the *Local Government Act*, to ensure rent for a portion of the residential dwelling units within a sub-zone does not exceed 30% of the Housing Income Limit for Nanaimo, as determined by BC Housing, an amount may be added to the maximum allowable Floor Area Ratio equal to 0.02 for each unit.
- 16.12.3.5 Notwithstanding Subsections 16.12.3.1, 16.12.3.2, 16.12.3.3 and 16.12.3.4, the maximum allowable Floor Area Ratio on a lot within the CD12 Zone shall not exceed 2.8.

**16.12.4 LOT SIZE AND DIMENSIONS**

- 16.12.4.1 The minimum lot area for a serviced lot shall be 1,200m<sup>2</sup>.
- 16.12.4.2 The minimum lot frontage shall be 25m.
- 16.12.4.3 The minimum lot depth shall be 30m.

**16.12.5 SITING OF BUILDINGS**

- 16.12.5.1 The following table identifies the minimum distance a principal building must be set back from the lot line specified within each yard area within the sub-zone indicated:

Sub-Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard	Flanking Side Yard	Rear Yard
1	2.0m	6m	1.5m	2.0m	7.5m
2	2.0m	6m	1.5m	2.0m	7.5m
3	2.0m	6m	1.5m	2.0m	7.5m

- 16.12.5.1 Notwithstanding Subsection 16.12.5.1, where a sub-zone abuts a residential zone, all buildings must be setback at least 7.5m from that lot line.
- 16.12.5.2 Notwithstanding Subsection 16.12.5.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.
- 16.12.5.3 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.
- 16.12.5.4 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.
- 16.12.5.5 No parking shall be permitted between the front lot line and the front face of a building or within the maximum front yard setback area.

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**16.12.6 SIZE OF BUILDINGS**

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

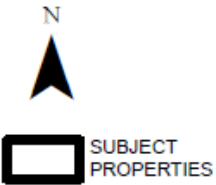
<b>Sub-Zone</b>	<b>Lot Coverage</b>	<b>Maximum Allowable Height</b>	<b>Minimum Required Height</b>
<b>1</b>	60%	20m	N/A
<b>2</b>	60%	20m	N/A
<b>3</b>	60%	20m	2 Storeys Above Grade

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SCHEDULE B



REZONING APPLICATION NO. RA000493



**SCHEDULE B**

**LEGAL DESCRIPTIONS:**

THAT PART OF SECTION 25, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630, SHOWN COLOURED RED ON PLAN DD 18483-I (P.I.D. 008-744-700)

SECTION 25, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630 EXCEPT PART IN PLAN 5935 & EPP32575 (P.I.D. 008-734-437)

LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 5935, EXCEPT PARTS IN PLANS 17471 AND 18147 (P.I.D. 001-568-795) LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17471 (P.I.D. 001-568-761)