

DATE OF MEETING | December 18, 2023 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**SUBJECT GENERAL AMENDMENTS TO CITY OF NANAIMO ZONING
BYLAW**

OVERVIEW

Purpose of Report

To present, for Council’s consideration, general text and mapping amendments to “City of Nanaimo Zoning Bylaw 2011 No. 4500”. |

Recommendation

That:

1. “Zoning Amendment Bylaw 2023 No. 4500.219” (General text and mapping amendments to “City of Nanaimo Zoning Bylaw 2011 No. 4500”) pass first reading;
2. “Zoning Amendment Bylaw 2023 No. 4500.219” pass second reading; and,
3. Council direct Staff to not hold a Public Hearing for “Zoning Amendment Bylaw 2023 No. 4500.219” prior to consideration of third reading and to provide notice if a Public Hearing is not held. |

BACKGROUND

The “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) was adopted by Council on 2011-AUG-08 and is amended from time to time. A total of nine general amendment bylaws have been adopted and the last round of general amendments were adopted by Council on 2021-DEC-06. Council has previously recognized that the Zoning Bylaw is iterative and subject to revisions to update the content, improve clarity, and maintain the relevancy of zoning regulations. As the Zoning Bylaw is applied in practice, Staff evaluate the effectiveness and clarity of existing regulations and identify areas for improvement. Mapping changes are also made periodically, for example, to City-owned or split-zoned parcels. |

DISCUSSION

Proposed Amendments

The proposed amendment bylaw, if adopted, will result in 52 text amendments and 25 mapping amendments to the Zoning Bylaw which are summarized in Attachment A. The proposed text amendments include changes to provide consistency and clarifications, correct errors, or better align with emerging best practices. For example, proposed amendments 13-14 will remove setback requirements for heat pumps to align with current best practices, and proposed amendments 34, 38, and 41 will provide clarity on how mixed-use developments can achieve additional density. The proposed mapping amendments to Schedules A and E of the Zoning Bylaw will rezone parkland acquired through subdivision and resolve discrepancies in zoning.

The scope of text amendments to the Zoning Bylaw include updates to Part 3 – Establishment of Zones; Part 5 – Definitions, Part 6 – General Regulations, Part 7 – Residential, Part 8 – Agricultural Rural Residential, Part 9 – Corridor, Part 10 – Commercial Centre, Part 11 – Downtown, Part 13 – Industrial, Part 16 – Comprehensive Development Zones, Part 17 – Landscaping, and Part 18 – Development Permit Area (DPA) Guidelines.

It is anticipated that more substantial Zoning Bylaw amendments will be required next year to address new Provincial housing-related bills and regulations.

Next Steps

Under the Provincial *Local Government Act* (LGA) Section 464(2), a Public Hearing for a proposed zoning bylaw is not required where the bylaw is consistent with the Official Community Plan (OCP). It is Staff's opinion that "Zoning Amendment Bylaw 2023 No. 4500.219" is consistent with the City of Nanaimo OCP ("City Plan"). If no Public Hearing is held, notice must be given in accordance with the LGA Section 467. |

SUMMARY POINTS

- The proposed amendment bylaw, if adopted, will result in 52 text amendments and 25 mapping amendments to the Zoning Bylaw.
- The proposed text amendments include changes to provide consistency and clarifications, correct errors, or better align with emerging best practices.
- The proposed mapping amendments to Schedules A and E of the Zoning Bylaw will rezone parkland acquired through subdivision and resolve discrepancies in zoning. |

ATTACHMENTS

ATTACHMENT A: Summary of Proposed Amendments
"Zoning Amendment Bylaw 2023 No. 4500.219" |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Planning & Development |