CITY OF NANAIMO

BYLAW NO. 4500.219

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, 466, 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:

- I. This Bylaw may be cited as the "Zoning Bylaw Amendment Bylaw 2023 No. 4500.219
- II. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (1) By deleting the text 'Duplex Residential' in Section 3.1 and replacing with "Two Unit Residential".
 - (2) By deleting the text 'Urban Reserve' in Section 3.1 and replacing with "Semi-Rural".
 - (3) By deleting the definition of 'Corner Lot' and replacing with the following:
 - **CORNER LOT** means a lot abutting one or two streets with both a front lot line and a flanking side lot line.
 - (4) By deleting the definition of 'Emergency Shelter' and replacing with the following:
 - **EMERGENCY SHELTER** means the use of a building or portion of a building to provide temporary accommodation free of charge to meet the person's immediate basic needs for shelter, and may include emergency and support services.
 - (5) By deleting the definition of 'Pedestrian Trail'.
 - (6) By amending the definition of 'Rooming House' by deleting the text 'residential building' and replacing with "single residential dwelling".
 - (7) By amending the definition of 'Single Residential Dwelling' by deleting the text 'Community Care Facility Act' and replacing with "Community Care and Assisted Living Act".
 - (8) By amending the definition of 'Single Residential Dwelling' by deleting the text 'sloping roof' and replacing with 'sloped roof' and by amending the definition of 'Sloping Roof' by deleting the text 'SLOPING ROOF' and replacing with "SLOPED ROOF".
 - (9) By amending the definition of 'Social Services Resource Centre' by adding the word "enclosed" before the text 'building' in the first line.

- (10) By amending Subsection 6.1.1 by adding the following clause immediately after clause (f):
 - g) Emergency Shelter, on a temporary basis when an extreme weather alert has been issued in accordance with the *Assistance to Shelter Act*
- (11) By adding the following Subsection immediately following Subsection 6.2.1.8:
 - 6.2.1.9 Containers with a size no greater than 30m² shall be permitted as an accessory use in the PRC1, PRC2, and PRC3 zones where screened from view from streets. No more than 1 container shall be permitted per PRC1, PRC2, or PRC3 zoned lot.
- (12) By amending the table in Subsection 6.5.1 by deleting the row labeled 'Entry Porticos' and replacing with the following:

Feature	Permitted Projection into Required Yard Setback				Conditions
reature	Front	Side	Flanking Side	Rear	Conditions
Entry Porticos or Canopies	2m	0.75m	1m	2m	Such features shall not be permitted on single residential dwellings or duplexes.

(13) By amending the table in Subsection 6.5.1 by adding the following row at the end of the table:

Footure	Permitted Projection into Required Yard Setback				Conditions
Feature	Front	Side	Flanking Side	Rear	Conditions
Heat Pumps or Central Air Conditioning Units	No setback required	No setback required	No setback required	No setback required	Where the principal use of the lot is single residential dwelling or duplex, such features shall be screened from view from streets.

- (14) By deleting Subsection 6.5.2.
- (15) By deleting Subsection 6.6.2 and replacing with the following:
 - 6.6.2. Accessory buildings shall not be closer than 1.2m to any principal building or other accessory building, as measured between the foundations of each or from the exterior wall where no foundation is present. Where the accessory building contains a secondary suite, the accessory building shall not be closer than 3m to a principal building, as measured between the foundations of each.

- (16) By deleting Subsection 6.6.4 and replacing with the following:
 - 6.6.4 An accessory building shall not be permitted within the front yard, side yard, or flanking side yard setback, as established for principal buildings within the applicable zone, except where the side yard setback is 0m where an accessory building shall not be closer than 1.5m to any side lot line.
- (17) By amending the table in Subsection 6.10.2 by deleting the text '1.2m' in the row labeled 'CS1' under the header labeled 'Side and Rear Yard' and replacing with "1.8m".
- (18) By deleting Subsection 6.15.3.2 and replacing with the following:
 - 6.15.3.2 no secondary suite within an accessory building shall be stratified from the principal dwelling unit to which it is accessory; and
- (19) By deleting Subsection 6.19.1.5 and replacing with the following:
 - 6.19.1.5 In a residential zone, the dwelling unit in which the day care operates shall be the primary residence of the day care business license holder or his / her spouse.
- (20) By deleting the last row in the table in Subsection 6.20.3 and replacing with the following:

	Type 1	Type 2	Type 3
Prohibited uses	Automotive repair of a major or minor nature; automotive detailing; personal service use; pet daycare; carpentry, cabinetmaking, and the like; all uses listed in Subsection 6.20.5	Automotive repair of a major or minor nature; automotive detailing; carpentry, cabinetmaking, and the like; all uses listed in Subsection 6.20.5	All uses listed in Subsection 6.20.5

- (21) By deleting Subsection 6.22.3.
- (22) By deleting the text 'Duplex Residential' in Section 7.1 and replacing with 'Two Unit Residential'.
- (23) By amending the table in Subsection 7.3.1 by replacing the text 'on additional single residential dwelling' in the row labeled 'R1/R1a' under 'Additional Density' with "one additional single residential dwelling".

- (24) By deleting Subsections 7.3.4, 7.3.5, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.11, and 7.3.12, and replacing with the following as Subsection 7.3.4:
 - 7.3.4 Notwithstanding Subsection 7.3.1, the maximum allowable density shall be as expressed in the table below for specific properties:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
3400 Barrington Road	LOTS 4, 5, 6, & 7, DISTRICT LOT 18,	0.45
3481 Rock City Road	WELLINGTON DISTRICT, PLAN EPP120017	Where parking spaces are provided beneath a principal
3580 Rock City Road		building (where the roof of the underground parking is not
3600 Rock City Road		more than 0.8m above the 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.
1534 Extension Road	LOT 1, SECTION 18, RANGE 4, CRANBERRY DISTRICT, PLAN 15503, EXCEPT PLAN EPP98272	0.65
325 Hecate Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP84429	1.277
2202 Meredith Road	LOT 1, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP83590	0.70
5645 Metral Drive 5655 Metral Drive	LOTS 3 & 4, DISTRICT LOT 23G, WELLINGTON DISTRICT	0.75
154 Promenade Drive	STRATA PLAN VIS4079	3.60
405 Rosehill Street	LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE SECTION 1, NANAIMO DISTRICT, PLAN 21869, EXCEPT PLAN EPP101794	0.79

- (25) By renumbering Subsection 7.3.10 as Subsection 7.3.5 and placing in sequential order following Subsection 7.3.4.
- (26) By amending the table in Subsection 7.4.1 by deleting the text '*Total Lot Area*' in the row labeled 'R12' and replacing with "*Total Mobile Home Park Lot Area*".

- (27) By deleting Subsections 7.6.7, 7.6.8, 7.6.9, and 7.6.10 and replacing with the following as Subsection 7.6.7:
 - 7.6.7 Notwithstanding Subsection 7.6.1, the maximum height for a principal building shall be as expressed in the table below for specific properties:

Civic Address	Legal Description	Maximum Height of Principal Building
2202 Meredith Road	LOT 1, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP83590	9.2m
5645 Metral Drive 5655 Metral Drive	LOTS 3 & 4, DISTRICT LOT 23G, WELLINGTON DISTRICT	13.0m
6053 Nelson Road	LOT 2, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP99504, EXCEPT PLAN EPP122720	Where at least 50% of the required parking spaces are provided beneath a principal building, the height of a principal building may be a maximum of 22.5m on the R8 zoned portions of the lands
405 Rosehill Street	LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE SECTION 1, NANAIMO DISTRICT, PLAN 21869, EXCEPT PLAN EPP101794	10.7m

- (28) By deleting the text 'Urban Reserve' in Section 8.1 and replacing with "Semi-Rural".
- (29) By deleting Subsection 8.3.2.
- (30) By amending the table in Subsection 9.2.3 by replacing the permitted location of address '2345 and 2355 Kenworth Road' in 'Automobile Sales and Rentals Use' with "2355 Kenworth Road" and the legal description with "LOT A, SECTION 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP110921".
- (31) By amending the table in Subsection 9.2.3 by adding the following row under 'Liquor Store' before 2220 Bowen Road:

Liquor	1431 Bowen Road	LOT 2, SUBURBAN LOT 7, SECTION 1,
Store		NANAIMO DISTRICT, PLAN 6025, EXCEPT
		PARTS IN PLANS 31163 AND EPP12275

(32) By amending the table in Subsection 9.2.3 by deleting the row labeled '560 Third Street' under 'Student Housing'.

(33) By amending the table in Subsection 9.2.3 by deleting the row labeled '525 Third Street' under 'Student Housing' and replacing with the following:

Student	325 Watfield Avenue	LOT B, SECTION 1, NANAIMO DISTRICT,
Housing		PLAN EPP123911

- (34) By adding this text below the table in Subsection 9.3.1:
 - * Where the definition of 'Mixed Use' is met.
- (35) By amending the table in Subsection 10.2.1 by deleting the text 'Social Service Resource' and replacing with "Social Services Resource Centre".
- (36) By amending the table in Subsection 10.2.5 by replacing the permitted location address of '6513 Portsmouth Road' in 'Food Processing' with "6451 Portsmouth Road" and the legal description with "LOT 1, DISTRICT LOT 28, WELLINGTON DISTRICT, PLAN VIP55829".
- (37) By amending the table in Subsection 10.2.5 by replacing the permitted location address of '2201 Jingle Pot Road' under 'Liquor Store' with "2211 Jingle Pot Road" and the legal description with "LOT A, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN 45118".
- (38) By amending the table in Subsection 10.3.1 by adding "*" immediately following the text 'Mixed Use' and adding this text below the table:
 - * Where the definition of 'Mixed Use' is met.
- (39) By amending the table in Subsection 11.2.4 by deleting the row labeled 'Emergency Shelter'.
- (40) By amending the table in Subsection 11.3.2 by adding the following row after 77 Chapel Street:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
6 Commercial Street	LOT 5, LOT 5A AND PARCEL A (21321N) OF LOTS 27-29 LOT 27 AND LOT 28 EXCEPT PARCEL A (21321N), BLOCK 13, SECTION 1, NANAIMO DISTRICT, PLAN 584	6.0

(41) By amending the table in Subsection 11.3.1 by adding "*" immediately following the text 'Mixed Use' and adding this text below the table:

- (42) By amending the tables in Subsections 11.3.2 and 11.7.2 by replacing the civic address of '10 and 28 Front Street' with "10 Front Street" and the legal description with "LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP45622".
- (43) By amending the table in Subsection 13.2.1 by deleting '--' in the column labeled 'I4' and the row labeled 'Warehouse' and replacing with "P".

^{*} Where the definition of 'Mixed Use' is met.

- (44) By amending Subsection 13.2.2 by deleting the text '10.2.1' and replacing with "13.2.1".
- (45) By adding the following Subsection immediately following Subsection 13.4.4:
 - 13.4.5 Notwithstanding 13.4.1, where an industrial zoned property abuts the Agricultural Land Reserve as identified by the Agricultural Land Commission through the *Agricultural Land Commission Act*, all buildings and industrial uses must be setback at least 15m from the Agricultural Land Reserve boundary.
- (46) By deleting the term 'principal dwelling' in the first line of Subsection 13.6.1 and replacing with "principal building".
- (47) By amending Subsection 16.8.3 by deleting the text 'The Northbrook Centre Comprehensive Development Plan is the Comprehensive Development Plan referred to in Section 7.12.4 of City of Nanaimo "ZONING BYLAW 1993 NO. 4000" in the first line of the 'Northbrook Centre (Brooks Landing) Comprehensive Development Plan.
- (48) By amending Subsection 16.8.3 by deleting the text 'in the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" in Section 1 of the 'Northbrook Centre (Brooks Landing) Comprehensive Development Plan'.
- (49) By amending the table in Section 17.11 by deleting the text 'R12 –R14' in the first row and replacing with "R12 R15".
- (50) By amending clause (h) in Subsection 18.5.4 by deleting the text 'note' and replacing with "not".
- (51) By adding the following clause immediately following clause (o) in Subsection 18.6.4:
 - p) Subdivision where no new streets or lanes are proposed for dedication and the subdivision will create fewer than 3 additional lots.
- (52) By amending clause (d) in Subsection 18.8.5 by deleting the text 'Schedule 13' and replacing with "Schedule 2".
- (53) By rezoning those lands as shown on Schedule A Map 1 (116 Whitefish Place) from Steep Slope Residential (R10) to Parks, Recreation, and Culture One (PRC1).
- (54) By rezoning those lands as shown on Schedule A Map 2 (5346 Smokey Crescent) from Steep Slope Residential (R10) to Parks, Recreation, and Culture Two (PRC2).
- (55) By rezoning those lands as shown on Schedule A Map 3 (928 Shante Road) from Single Dwelling Residential (R1) to Parks, Recreation, and Culture Two (PRC2).

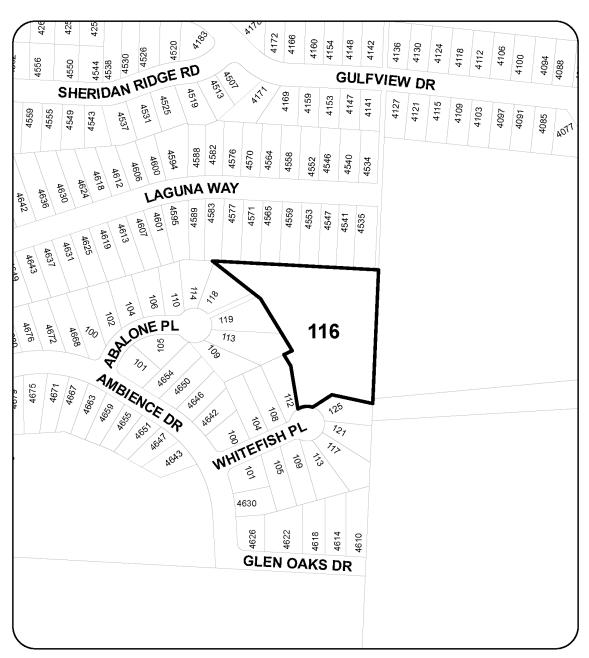
- (56) By rezoning those lands as shown on Schedule A Map 4 (166 Sunview Road) from Single Dwelling Residential (R1) to Parks, Recreation, and Culture Two (PRC2).
- (57) By rezoning those lands as shown on Schedule A Map 5 (372 Vienna Place) from Single Dwelling Residential (R1) to Parks, Recreation, and Culture One (PRC1).
- (58) By rezoning those lands as shown on Schedule A Map 6 (3956 Kilpatrick Road) from Rural Resource (AR1) to Parks, Recreation, and Culture One (PRC1).
- (59) By rezoning those lands as shown on Schedule A Map 7 (933 Old Victoria Road) from Single Dwelling Residential (R1) to Parks, Recreation, and Culture One (PRC1).
- (60) By rezoning those lands as shown on Schedule A Map 8 (225 Haliburton Street) from Community Service One (CS1) to Parks, Recreation, and Culture Two (PRC2).
- (61) By rezoning those lands as shown on Schedule A Map 9 (602 Rotayo Road) from Single Dwelling Residential (R1) to Parks, Recreation, and Culture Two (PRC2).
- (62) By rezoning those lands as shown on Schedule A Map 10 (361 Howard Avenue) from Comprehensive Development District Zone Eleven (CD11) to Parks, Recreation, and Culture Two (PRC2).
- (63) By rezoning those lands as shown on Schedule A Map 11 (350 Avaani Way) from Steep Slope Residential (R10) to Parks, Recreation, and Culture Two (PRC2).
- (64) By rezoning a portion of those lands as shown on Schedule A Map 12 (383 Avaani Way) from Steep Slope Residential (R10) to Single Dwelling Residential (R1).
- (65) By rezoning a portion of those lands as shown on Schedule A Map 13 (500, 504, and 508 Pinnacle Place) from Single Dwelling Residential Small Lot (R2) to Single Dwelling Residential (R1).
- (66) By rezoning a portion of those lands as shown on Schedule A Map 14 (507, 511, 515, 519, and 523 Stonewater Drive) from Single Dwelling Residential (R1) to Single Dwelling Residential Small Lot (R2).
- (67) By rezoning a portion of those lands as shown on Schedule A Map 15 (2221 Bowen Road) from Medium Density Residential (R8) and Community Corridor (COR3) to Community Service One (CS1).
- (68) By rezoning a portion of those lands as shown on Schedule A Map 16 (3699 Rock City Road) from Parks, Recreation, and Culture One (PRC1) to Steep Slope Residential (R10).
- (69) By rezoning a portion of those lands as shown on Schedule A Map 17 (4200 Victoria Avenue) from Single Dwelling Residential (R1) to Duplex Residential (R4).

- (70) By rezoning a portion of those lands as shown on Schedule A Map 18 (4810 Ledgerwood Road) from Single Dwelling Residential (R1) to Light Industrial (I2).
- (71) By rezoning a portion of those lands as shown on Schedule A Map 19 (1598 Townsite Road) from Medium Density Residential (R8) to Community Service Two (CS2).
- (72) By rezoning those lands as shown on Schedule A Map 20 (40, 50, 60, 70, 80, and 90 Craig Street) from Single Dwelling Residential (R1b) to Community Service Two (CS2).
- (73) By rezoning those lands as shown on Schedule A Map 21 (1997 Estevan Road) from Single Dwelling Residential (R1) to Community Service One (CS1).
- (74) By rezoning a portion of those lands as shown on Schedule A Map 22 (1050 Cedar Road and 1505 Frew Road) from Single Dwelling Residential (R1), Single Dwelling Residential Small Lot (R2), and Duplex Residential (R4) to Rural Resource (AR1).
- (75) By rezoning those lands as shown on Schedule A Map 23 (6 View Street) from Highway Industrial (I1) to Single Dwelling Residential (R1).
- (76) By rezoning a portion of those lands as shown on Schedule A Map 24 (1425 and 1435 Cranberry Avenue) from Mobile Home Park Residential (R12) to Community Service One (CS1).
- (77) By amending 'Schedule E Neigbourhood and Area Plan Form and Character Design Guidelines' by changing the designation for that portion of 1505 Fielding Road as shown in Schedule B from 'Chase River' to 'Sandstone'.

PASSED FIRST READING: 2023-DEC-18
PASSED SECOND READING: 2023-DEC-18
FIRST READING RESCINDED: 2024-JAN-15
SECOND READING RESCINDED: 2024-JAN-15
PASSED FIRST READING: 2024-FEB-05
PASSED SECOND READING: 2024-FEB-05
PUBLIC HEARING: Not held pursuant to Local Government Act Section 464(2)
PASSED THIRD READING: 2024-FEB-05
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2024-FEB-23
ADOPTED:

MAYOR
CORPORATE OFFICER

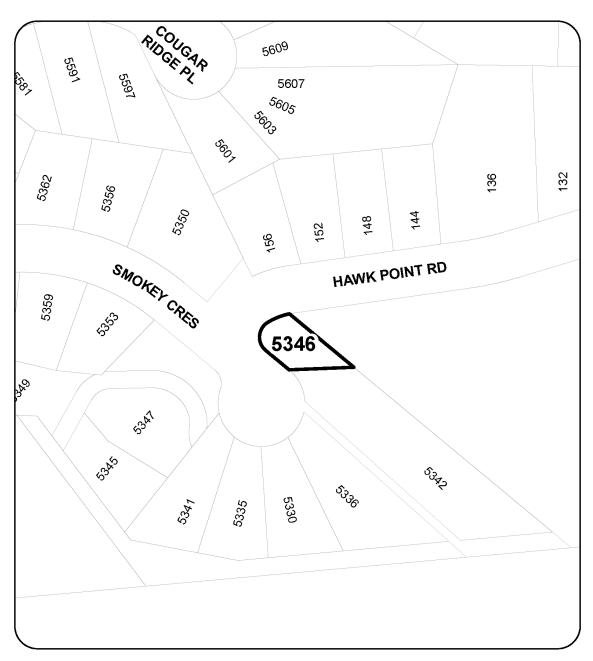
MAP 1





Civic: 116 WHITEFISH PLACE

MAP 2

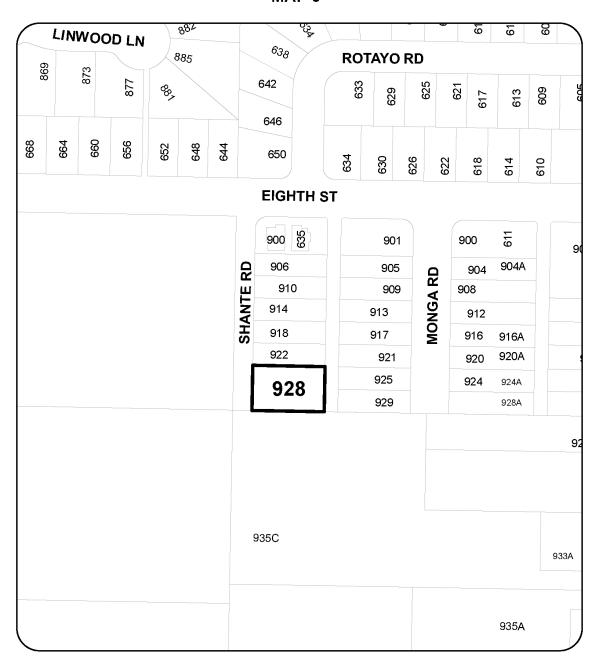


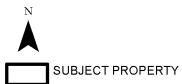


Civic: 5346 SMOKEY CRESCENT

SCHEDULE A

MAP 3

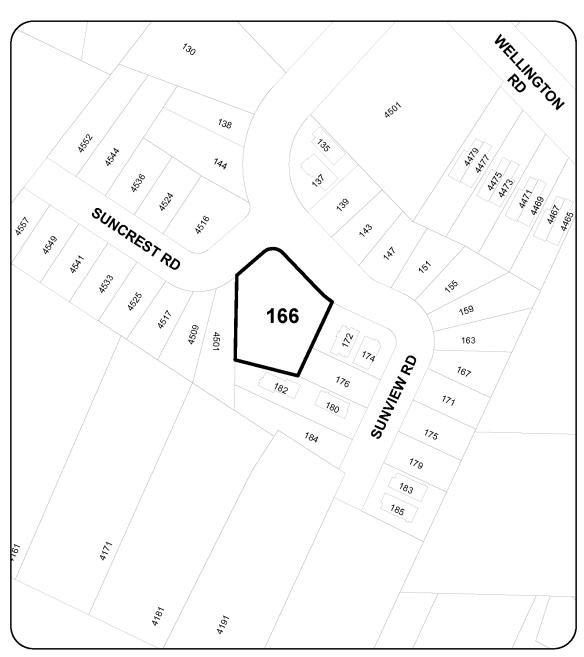




LOCATION PLAN

Civic: 928 SHANTE ROAD

MAP 4

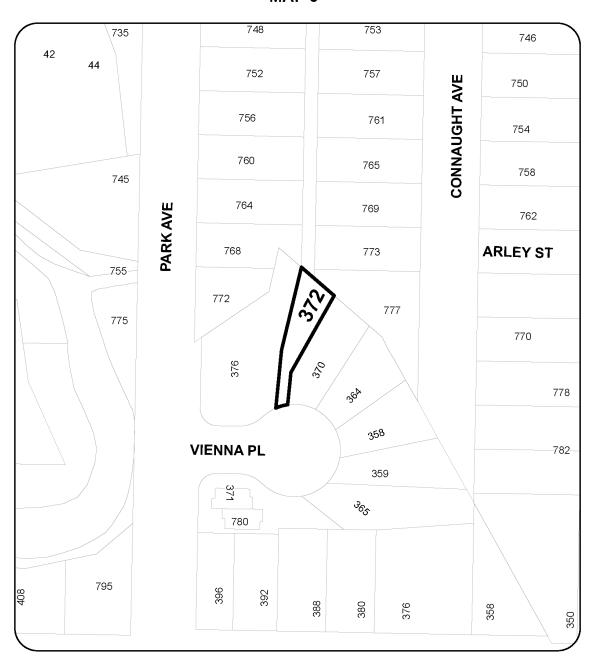




Civic: 166 SUNVIEW ROAD

SCHEDULE A

MAP 5

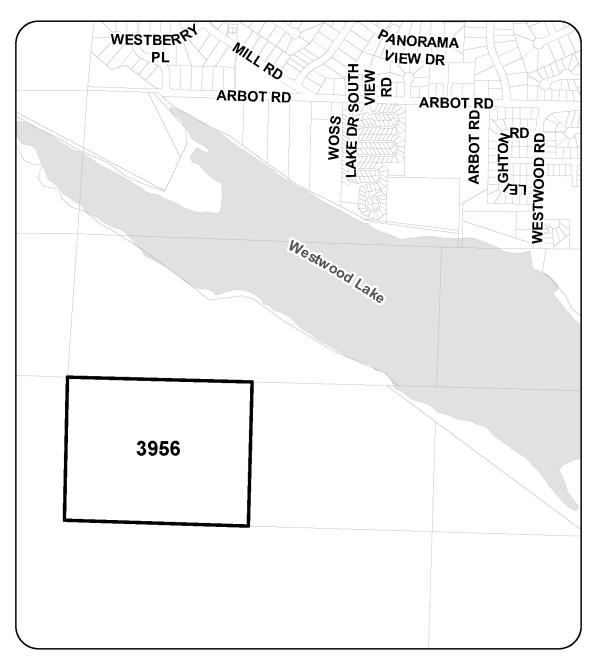




LOCATION PLAN

Civic: 372 VIENNA PLACE Legal Description: PARK DEDICATED BY PLAN EPP107855

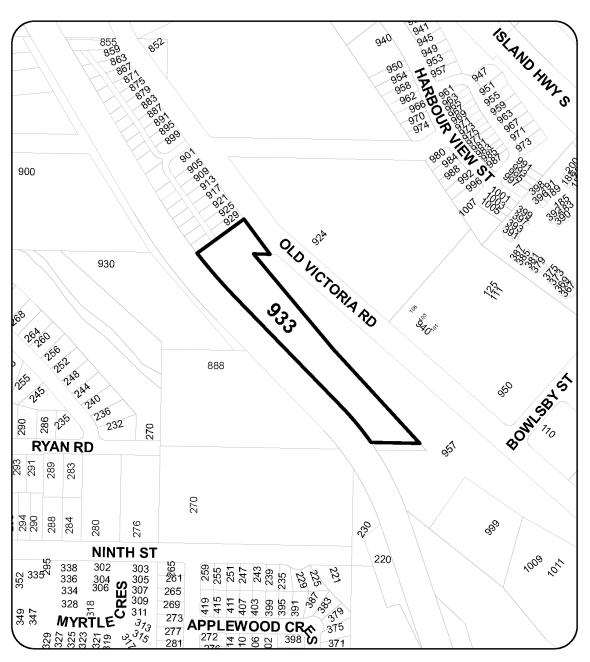
MAP 6





Civic: 3956 KILPATRICK ROAD Legal Description: PART WEST 1/2, SECTION 8, RANGE 6, MOUNTAIN DISTRICT

MAP 7





Civic: 933 OLD VICTORIA ROAD

SCHEDULE A

MAP 8

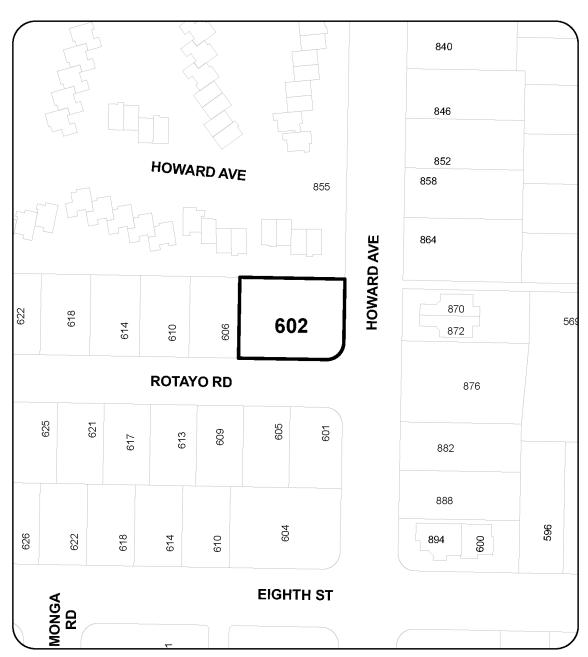




LOCATION PLAN

Civic: 225 HALIBURTON STREET

MAP 9





Civic: 602 ROTAYO ROAD

MAP 10





Civic: 361 HOWARD AVENUE

MAP 11



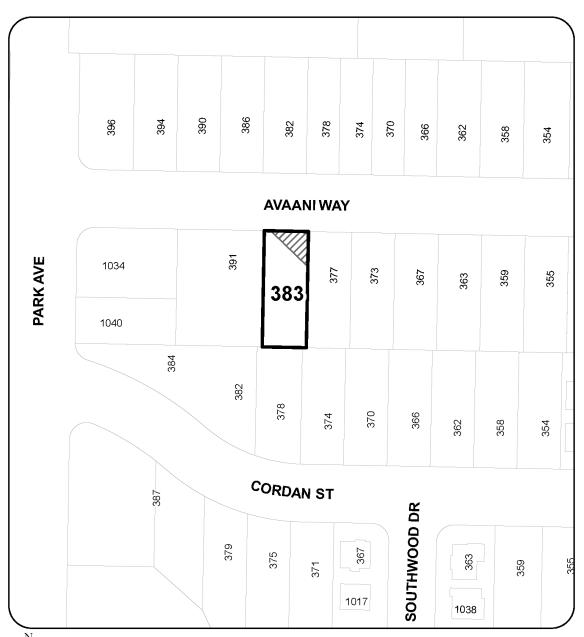


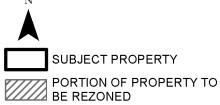
Civic: 350 AVAANI WAY

Legal Description: PARK DEDICATED BY PLAN EPP127895

SUBJECT PROPERTY

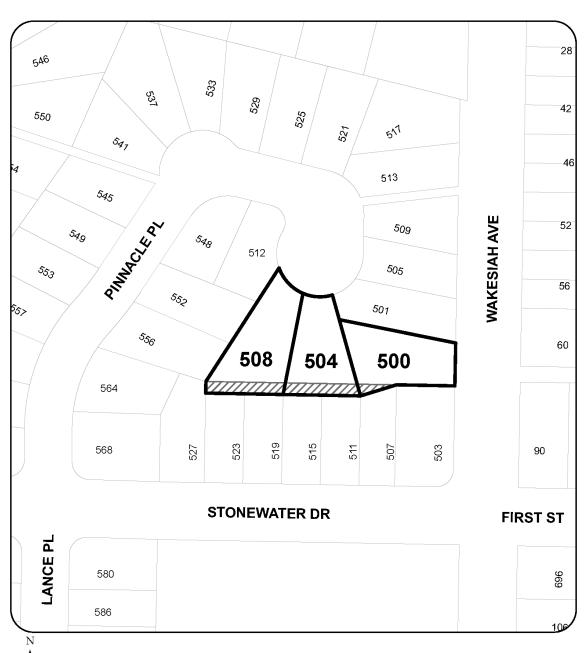
MAP 12

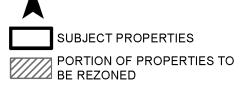




Civic: 383 AVAANI WAY Legal Description: LOT 20, SECTION 1, NANAIMO DISTRICT, PLAN EPP127895

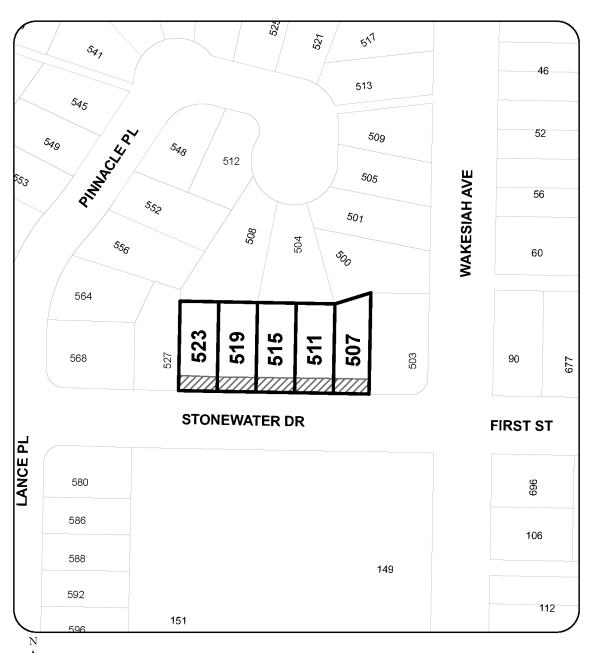
MAP 13

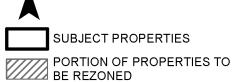




Civic: 500, 504, 508 PINNACLE PLACE Legal Description: LOTS 19-20-21, SECTION 1, NANAIMO DISTRICT, PLAN EPP113619

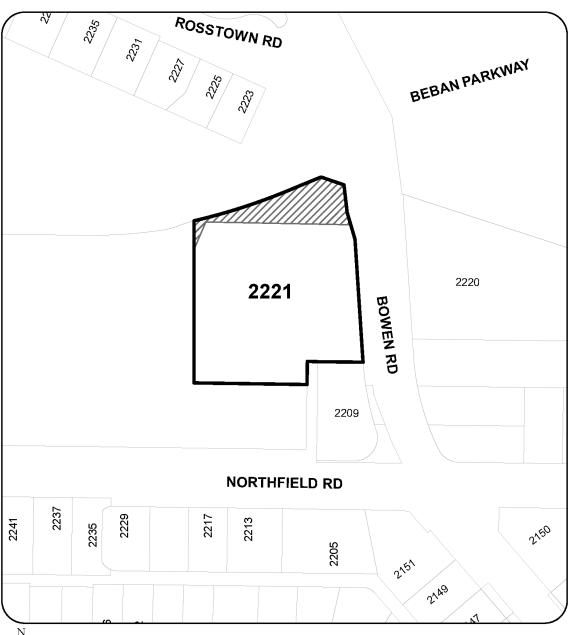
MAP 14

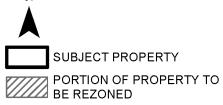




Civic: 507, 511, 515, 519, 523 STONEWATER DRIVE Legal Description: LOTS 29-30-31-32-33, SECTION 1, NANAIMO DISTRICT, PLAN EPP113619

MAP 15





Civic: 2221 BOWEN ROAD Legal Description: LOT 2, SECTION 18, RANGE 7, MOUNTAIN DISCTRICT, PLAN EPP110454

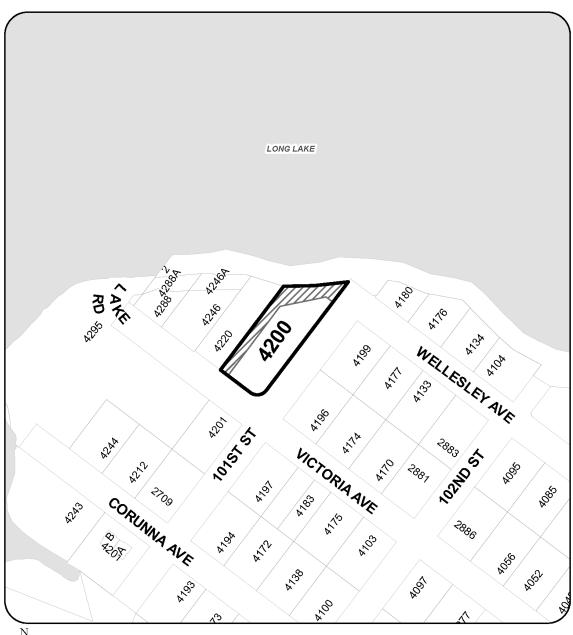
MAP 16

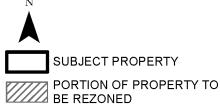




Civic: 3699 ROCK CITY ROAD Legal Description: LOT B, SECTION 13, WELLINGTON DISTRICT, PLAN EPP57389

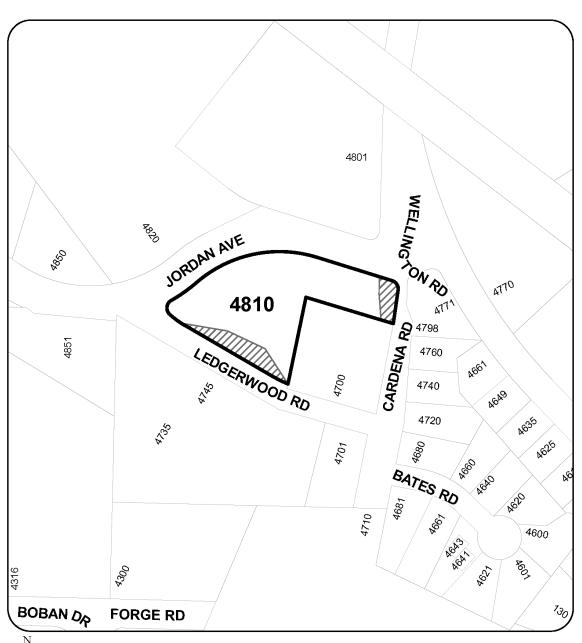
MAP 17

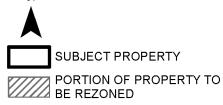




Civic: 4200 VICTORIA AVENUE Legal Description: LOT F, SECTION 5, WELLINGTON DISTRICT, PLAN EPP114431

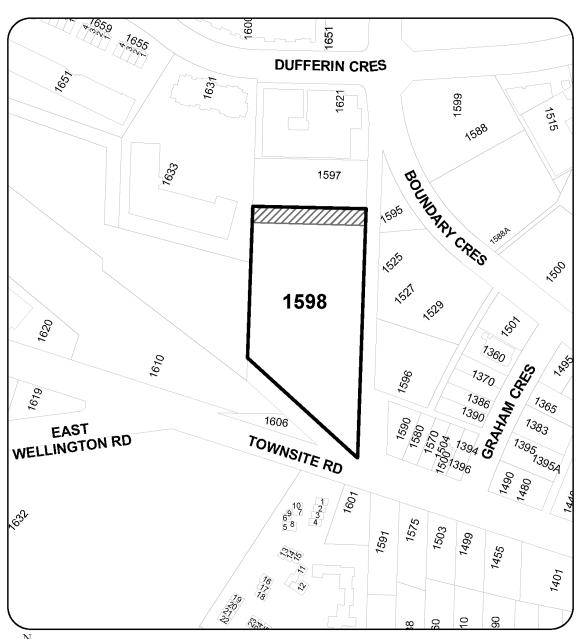
MAP 18

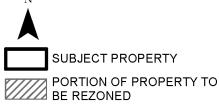




Civic: 4810 LEDGERWOOD ROAD Legal Description: LOT 1, SECTION 5, WELLINGTON DISRICT, PLAN VIP63698

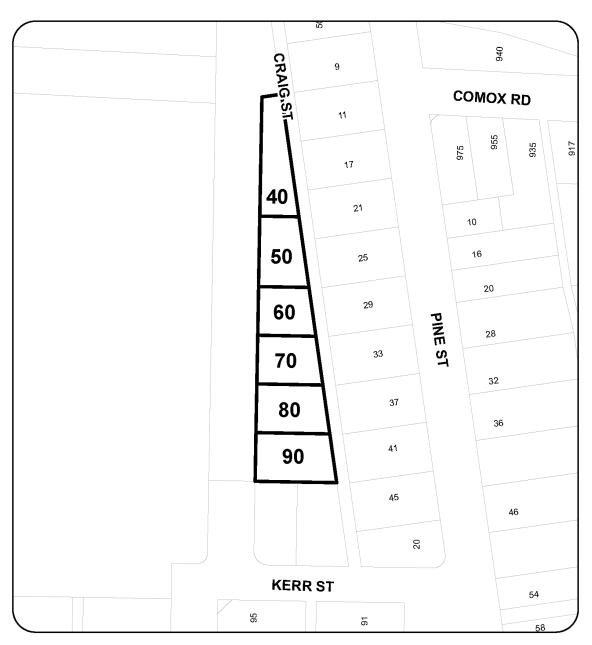
MAP 19

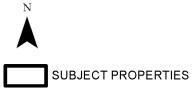




Civic: 1598 TOWNSITE ROAD Legal Description: LOT 2, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP9720 (CHINESE CEMETERY)

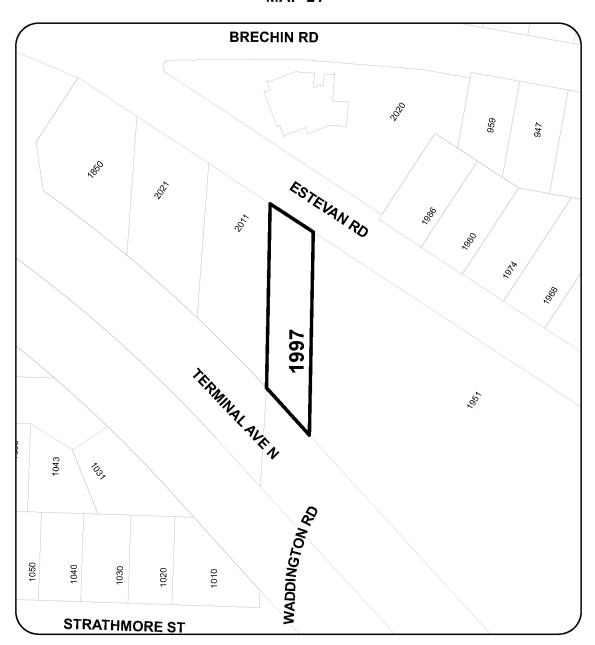
MAP 20





Civic: 40, 50, 60, 70, 80, & 90 CRAIG STREET Legal Description: LOTS 3-8, SECTION 1, PLAN 7855, NANAIMO DISTRICT

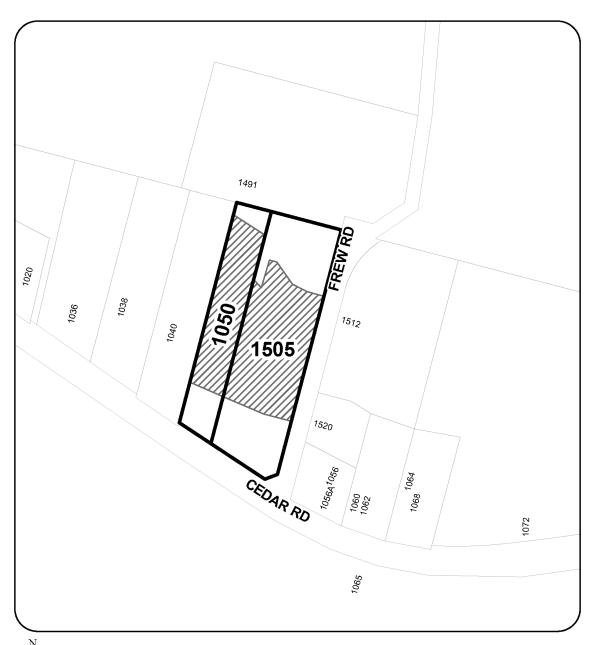
MAP 21





Civic: 1997 ESTEVAN ROAD Legal Description: SECTION PART OF 1, NANAIMO DISTRICT, PLAN 515 BL, EXCEPT PART PLAN 14969

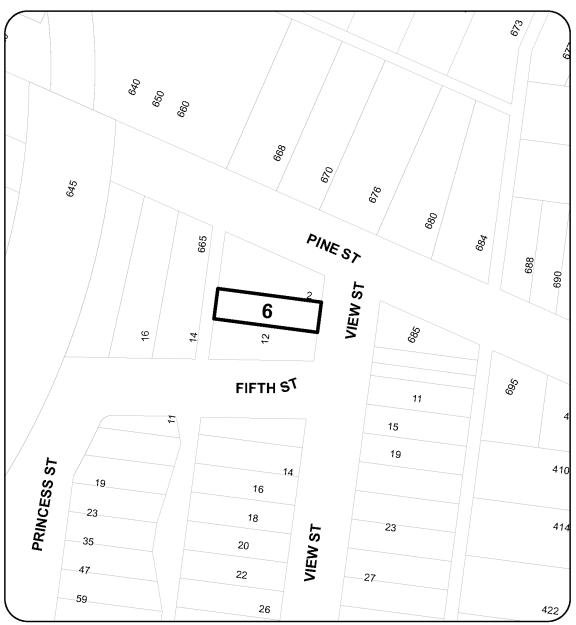
MAP 22

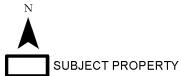




Civic: 1050 CEDAR ROAD & 1505 FREW ROAD Legal Description: LOT 63, SEC 2, PLN 1333, EXC ELY 205 FT & EXC PRT IN PLN VIP74440, LD 32 PORTION OF PROPERTIES TO LT PT OF 63, SEC 2, PL 1333 EXC PRT IN PLN VIP74440, LD 32, MHR 86418 (EXEMPT)

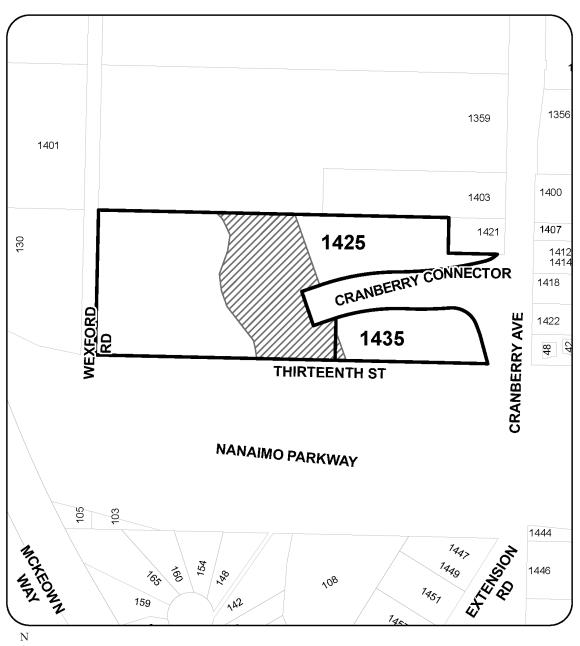
MAP 23





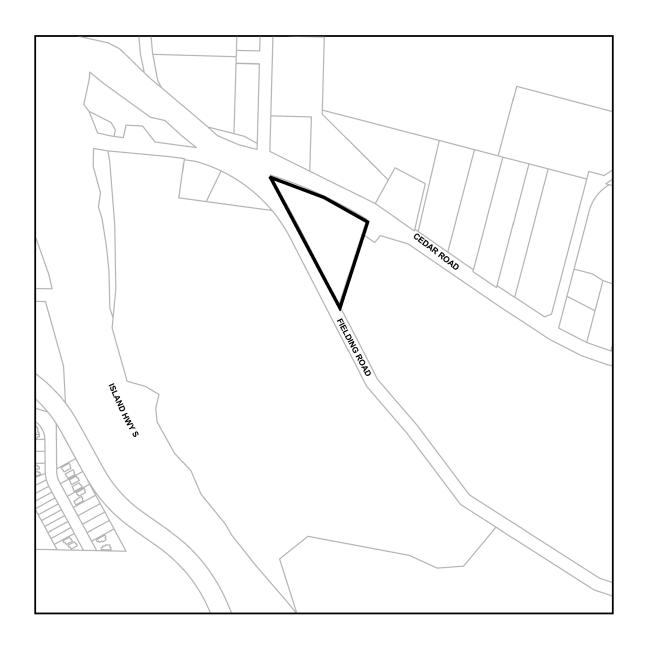
Civic: 6 VIEW STREET Legal Description: LOT 5, BLOCK 3, SECTION 1 NANAIMO DISTRICT, PLAN 1662

MAP 24





Civic: 1425 & 1435 CRANBERRY AVENUE Legal Description: LOTS 1 & 2, SECTION 19, RANGE 4 CRANBERRY DISTRICT, PLAN EPP119118





CIVIC: 1505 FIELDING ROAD LEGAL: LOT 7, SECTION 2, NANAIMO DISTRICT, PLAN EPP19870