

CITY OF NANAIMO

BYLAW NO. 4500.223

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, 467, 479, 480, 481, and 482 of the *Local Government Act*;

AND WHEREAS a local government must exercise powers under Section 479 to permit the use and density necessary to accommodate the prescribed number of housing units pursuant to Section 481.3 of the *Local Government Act* and *B.C. Reg. 262/2023*;

AND WHEREAS the City of Nanaimo has considered the applicable guidelines pursuant to Sections 481.3(7) and 582.1 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 2024 No. 4500.223".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (1) By amending the table under PART 7 – RESIDENTIAL in Section 3.1 by:
 - i. deleting the text ' / R1a / R1b' in the last column of the second row; and
 - ii. deleting the row with the Zone Name 'Old City Duplex Residential'.
 - (2) By adding the following definition of 'Parking Bylaw' between 'Pad' and 'Parking - Underground':

PARKING BYLAW – means City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution therefore.
 - (3) By amending the definition of 'Secondary Suite' to delete the text 'two bedrooms' and replace with "three bedrooms", and to delete the text 'two unrelated persons' and replace with "three unrelated persons".
 - (4) By deleting the definition of 'Triplex'.
 - (5) By amending the table in Subsection 6.5.1 by adding the following text in the row labelled 'Open Deck' under the column labelled 'Conditions': "Where attached to an accessory building, an open deck shall be set back a minimum of 5.5m from the rear lot line that is adjacent to a residential-zoned property."

- (6) By deleting the table in Subsection 6.6.3 and replacing with the following:

Zone	Rear Yard Setback	Rear Yard Setback - Lane
R1, R2, R3, R4, R5, R6, R7, R10, R14, AR1, or AR2	1.5m	1.0m 3.0m – where dedication to achieve the required lane width ¹ has not taken place
All Other Zones	3.0m	1.5m 3.0m – where dedication to achieve the required lane width ¹ has not taken place

¹ required lane width as determined by the City of Nanaimo 'Manual of Engineering Standards and Specifications'

- (7) By deleting clause (a) in Subsection 6.6.5.1 and replacing with the following:

- a) has a roof pitch of 6:12 or greater, contains a secondary suite on the second storey, and the total floor area with a ceiling height of at least 2.1m of the second storey is no greater than 80% of the total floor area of the first storey; or

- (8) By deleting Subsection 6.6.5.2.

- (9) By amending the table in Subsection 6.6.6 by:

- i. deleting text '/ R1a / R1b' in the first column of the second row; and
- ii. deleting the text in second column of the second row and replacing with "The total combined Gross Floor Area of all accessory buildings on the lot shall not exceed 100m²."

- (10) By amending the table in Subsection 6.10.2 by deleting the text in the first row below the column labelled 'Zones' and replacing with "R1 to R10, R14, R15, CD9 to CD11".

- (11) By deleting Subsection 6.12.3 and replacing with the following:

- 6.12.3 a) Where the principal use is single residential dwelling, the maximum total combined number of motor vehicles, recreational vehicles, and recreational boats parked or stored on a lot shall be: four, or an amount equal to the number of parking spaces required by the Parking Bylaw, whichever is greater; and
- b) Where the principal use is multiple family dwelling and there is no more than four dwelling units on the lot, the maximum total combined number of motor vehicles, recreational vehicles, and recreational boats parked or stored on a lot shall be: three per principal dwelling unit, or an amount equal to the number of parking spaces required by the Parking Bylaw, whichever is greater.

- (12) By amending Subsection 6.12.5 by deleting the text 'Where the property is zoned for a single dwelling residential use only' and replace with "Where the lot is zoned residential".

- (13) By deleting Subsection 6.15.1 and 6.15.1.1 and replacing with the following:
- 6.15.1 Secondary suites shall be permitted as an accessory use, subject to conditions of use as specified in individual zones, in all zones where the following uses are permitted as a principal use and where such use is present on the lot:
- a) single residential dwelling;
 - b) duplex;
 - c) row house; and
 - d) multiple family dwelling where the principal dwelling unit is in a separate building from any other principal dwelling unit or the principal dwelling unit is adjoined to another principal dwelling unit on either side and no other principal dwelling unit is above or below.
- (14) By deleting Subsection 6.15.2.1 and replacing with the following:
- 6.15.2.1
- a) Not more than one secondary suite shall be permitted per single residential dwelling or principal dwelling unit on the lot; except:
 - b) where the principal use is single residential dwelling up to two secondary suites shall be permitted provided that:
 - i. no other principal uses exist on the lot;
 - ii. the lot is not zoned R2 or R3; and
 - iii. exactly one of the two secondary suites is contained within an accessory building as per the regulations under Subsection 6.15.3.
- (15) By deleting Subsection 6.15.2.3.
- (16) By deleting Subsection 6.15.2.4 and replacing with the following:
- 6.15.2.4
- a) Where accessory to a single residential dwelling and contained in the same building, the gross floor area of a secondary suite shall not exceed 40% of the habitable floor space of the principal building up to a maximum of 100m².
 - b) Where accessory to a dwelling unit in a duplex, row house, or multiple family dwelling residential use, the gross floor area of a secondary suite shall not exceed the gross floor area of the principal dwelling unit up to a maximum of 100m².
- (17) By deleting the first line in Subsection 6.15.3 and replacing with the following:
- 6.15.3 A secondary suite can be included within an accessory building where the principal use is a single residential dwelling, provided that:
- (18) By deleting Subsection 6.15.3.1 and replacing with the following:
- 6.15.3.1 the accessory building is located on any of the following:
- a) a lot zoned R5 or R14;
 - b) a corner lot;
 - c) a lot whose side or rear lot line abuts a lane;
 - d) a through lot; or
 - e) a lot that is 500m² in area or greater; and

- (19) By deleting the text '90m²' in Subsection 6.15.3.4 and replacing with "100m²".
- (20) By adding the following Subsection after Subsection 6.16.1:
- 6.16.1.1 Notwithstanding 6.16.1, not more than one Short-Term Rental shall be located within a Primary Residence.
- (21) By amending the table in Subsection 6.16.2 by deleting the text '/ R1a / R1b' in the first column of the second row.
- (22) By amending Subsection 6.22.1 by deleting the text '/ R1a'.
- (23) By amending the table in 7.1 by:
- i. deleting the text 'R1a / R1b' in the second column of the second row;
 - ii. deleting the text 'within the R1 and R1a zones' in the third column of the second row; and
 - i. deleting the row with the Zone Name 'Old City Duplex Residential'.
- (24) By amending the table in Subsection 7.2.1 by:
- i. deleting the text '/ R1a' in the title of the second column;
 - ii. deleting the column labelled 'R1b';
 - iii. deleting the column labelled 'R13';
 - iv. adding the following text in the row labelled 'Multiple Family Dwelling' under the column labelled 'Conditions of Use': "Within the R5 zone, a maximum of two principal buildings shall be permitted on a lot. Within the R7 zone, multiple family dwelling shall only be permitted where the lot area is 1,500m² or greater.";
 - v. deleting the text '--' in the row labelled 'Multi Family Dwelling' under the column labelled 'R7' and replacing with "**P**";
 - vi. deleting the text '**P**' in the row labelled 'Rooming Housing' under the column labelled 'R5' and replacing with "--"; and
 - vii. deleting the row labelled 'Triplex'.
- (25) By amending Subsection 7.2.2 by deleting the text '/ R1a'.
- (26) By amending the table in Subsection 7.2.3 by
- i. deleting the text '/ R1a / R1b' in the title of the second column;
 - ii. deleting the column labelled 'R13';
 - iii. deleting the text '--' in the row labelled 'Secondary Suite' under the column labelled 'R7' and replacing with "**P**"; and
 - iv. deleting the text 'Subject to Part 6. Must be accessory to a Single Residential Dwelling' in the row labelled 'Secondary Suite' under the column labelled 'Conditions of Use' and replacing with "Subject to Part 6 and Subsection 7.2.3.1."
- (27) By adding the following Subsections after Subsection 7.2.3:
- 7.2.3.1 Notwithstanding Subsection 7.2.3:
- a) in the R5 and R14 zones, secondary suites are only permitted where no more than two principal dwelling units exist on the lot; and
 - b) in the R10 zone, secondary suites are only permitted where there is one single residential dwelling on the lot.

- (28) By amending the table in Subsection 7.3.1 by:
- i. deleting the text ‘ / R1a’ in the first column of the second row;
 - ii. deleting the row labelled ‘R1b’;
 - iii. deleting the rows labelled ‘R5’ and ‘R7’ and replacing with the following:

Zone	Maximum Allowable Base Density	Additional Density
R5	Three dwelling units	Where the lot is a 280m ² or greater in lot area, one additional dwelling unit is permitted.
R7 – Row House Lot	One dwelling unit per lot	
R7 – Multiple Family Dwelling Lot	The Floor Area Ratio shall not exceed 0.70	Where the development meets or exceeds the Tier 1 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.1. Where the development meets or exceeds the Tier 2 requirements as described within Schedule D of this Bylaw, the maximum allowable Floor Area Ratio may be increased by an additional 0.25.

- iv. deleting the row labelled ‘R13’;
- v. deleting the text ‘The maximum Floor Area Ratio shall not exceed 0.65.’ in the second column of the row labelled ‘R14’; and
- vi. adding the following text in the third column of the rows labelled ‘R14’ and ‘R15’: “Additional density for the conversion of an older home per Subsection 7.3.1.1.”.

- (29) By adding the following Subsection after Subsection 7.3.1:

7.3.1.1 Additional density for the conversion of an older home shall be permitted in the zones specified in Subsection 7.3.1 per a), b), and c), below.

- a) Additional density for the conversion of an older home shall be permitted where the following conditions are met:
 - i. The lot is located in the Old City Neighbourhood future land use designation as identified in ‘Schedule 2’ of the City of Nanaimo “City Plan Bylaw 2022 No. 6600”;
 - ii. An existing single residential dwelling that was constructed prior to 1975 is sited on the lot;
 - iii. No other principal uses are present on the lot;
 - iv. The lot is not stratified or otherwise part of a strata plan; and
 - v. The single residential dwelling is retained.
- b) Additional density for the conversion of an older home shall be permitted for the applicable zones as specified in the following table:

Zone	Additional Density
R14	One additional dwelling unit
R15	An additional 0.15 of Floor Area Ratio

- c) Additional density for the conversion of an older home is subject to the following requirements:
- A minimum of 80% of the building's original gross floor area is kept;
 - The number and size of windows or doors facing a front or flanking side yard are not reduced;
 - No new floor area is proposed on the front face of the building, except for an entry portico or front porch; and
 - The building is not raised by more than 0.6m from its original building height.

(30) By deleting the table in Subsection 7.4.1 and replacing with the following:

Zone		Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
R1		500m ² 450m ² - L	15.0m 10m - L or C	30m 26.5m - L
R2		325m ² 290m ² - L	10m 11.5m where lot is a corner lot	28m 24m - L
R3		5,000m ²	15m	30m
R4		600m ² 550m ² - L	15m	30m 26.5m - L
R5		600m ² 550m ² - L	15m	30m 26.5m - L
R6		1,200m ²	15m	30m 26.5m - L
R7 – Row House Lot	where the side lot line abuts an R7-zoned lot on both sides	150m ²	5.5m	27m 24m – L
	where the side lot line abuts an R7-zoned lot on one side and there is no flanking side lot line	200m ²	7.5m	27m 24m- L
	where the lot is a corner lot	250m ²	10m	27m 24m - L
R7 – Multiple Family Dwelling Lot		1,500m ²	15m	27m 24m - L
R8		1,800m ²	15m	30m
R9		1,800m ²	15m	30m
R10 ¹		1,200m ² (see footnote 1)	15m	30m

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
R10 <i>Less than 5% Slope²</i> <i>(see footnote 2)</i>	325m ²	10.5m 10m C 12m where lot is a corner lot	27.5 m 24 m - L
R11 <i>Total Lot Area</i>	2 hectares	18m	30m
R12 <i>Total Mobile Home Park Lot Area</i>	1 hectare	18m	30m
R12 <i>Individual Mobile Home Lots</i>	325m ²	N/A	N/A
R14	750m ²	15m	30m
R15	750m ²	15m	30m

(31) By deleting the table in Subsection 7.5.1 and replacing with the following:

Zone	Front Yard	Side Yard	Flanking Side Yard	Rear Yard
R1	4.5m	1.5m	4.0m	7.5m
R2	4.5m	1.5m	3.0m	6.0m
R3	6.0m	1.5m	4.0m	7.5m
R4	3.0m	1.5m	2.5m	7.5m
R5	3.0m	1.5m	2.5m	7.5m
R6	3.0m	3.0m	2.5m	7.5m
R7 – Row House Lot	3.0m	0.0m* <i>*Subject to Subsection 7.5.5</i>	2.5m	3.0m
R7 – Multiple Family Dwelling Lot	3.0m	1.5m	2.5m	3.0m
R8	6.0m	3.0m	4.0m	10.5m
R9	7.5m	7.5m	7.5m	7.5m
R10	4.5m	1.5m	4.0m	7.5m
R11¹	7.5m	7.5m	7.5m	7.5m
R12¹	6.0m	3.0m	6.0m	3.0m
R12 Pad Area²	4.5m	1.5m	3.0m	3.0m

Zone	Front Yard	Side Yard	Flanking Side Yard	Rear Yard
R14	3.0m – first storey 4.5m – above the first storey	1.5m	2.5m	7.5m
R15	3.0m – first storey 4.5m – above the first storey	1.5m	2.5m	7.5m

(32) By deleting Subsection 7.5.3 and replacing with the following:

7.5.3 Notwithstanding Subsection 7.5.1, all garage doors and carport entrance ways facing a street must be setback at least 6m where:
a) the principal use is a single residential dwelling or duplex; or
b) the lot is zoned R5.

(33) By amending Subsection 7.5.6 by deleting the text ‘ / R1a / R1b’.

(34) By deleting Subsection 7.5.7 and replacing with the following:

7.5.7 Notwithstanding Subsection 7.5.1, where the principal use is a single residential dwelling in the R5 or R8 zone, the minimum required setback from the property lines shall be as specified within the R1 zone.

(35) By amending the table in Subsection 7.6.1 by:

- i. deleting the rows labelled ‘R1 / R1a / R1b’, ‘R5’, and ‘R7’ and replacing with the following:

Zone	Lot Coverage	Height of Principal Building - Flat Roof' (<i>< than 4:12 pitch</i>)	Height of Principal Building - Sloped Roof' (<i>≥ 4:12 pitch</i>)	Perimeter Wall Height²
R1	40%	7m	9m	7.32m
R5	50%	9m	10.5m	N/A
R7 – Row House Lot	70%	9m	10.5m	N/A
R7 – Multiple Family Dwelling Lot	50%	9m	10.5m	N/A

; and

- ii. deleting row labelled ‘R13’.

(36) By amending Subsection 7.6.3 by deleting the text ‘ / R1a’.

- (37) By deleting Subsection 7.6.4 and replacing with the following:
- 7.6.4 Notwithstanding Subsection 7.6.1, where the principal use is a single residential dwelling in the R5 or R8 zone, the maximum allowable lot coverage, maximum height of a principal building, and maximum allowable perimeter wall height shall be as specified within the R1 zone.
- (38) By amending Subsection 7.6.5 by deleting the text 'R13,'.
- (39) By amending the tables in Subsections 9.2.1 and 9.3.1 by adding "*" immediately following the text 'COR1' and adding this text below the table:
- * Interim Corridor Area lands subject to Subsection 9.8.1.*
- (40) By adding the following Section after Section 9.7:
- 9.8 INTERIM CORRIDOR AREA**
- 9.8.1 Despite Subsections 9.2.1, 9.3.1, and 9.3.2, where:
- i. the lot is located on the lands identified as 'Interim Corridor Area' in "Schedule A"; and
 - ii. the lot area is less than 2,000m², exclusive of any required road dedication to meet the road standards of a major road;
- the following shall apply:
- a) the sole permitted principal use on the lot shall be single residential dwelling; and
 - b) the maximum allowable density on the lot shall be one dwelling unit.
- (41) By amending clause (d) in Subsection 18.3.4 by deleting the text 'home' and replacing with "building".
- (42) By rezoning those lands:
- a) from Single Dwelling Residential (R1, R1a, and R1b), Single Dwelling Residential – Small Lot (R2), and Duplex Residential (R4) to Three and Four Unit Residential (R5), as shown on Schedule A of this Bylaw;
 - b) from Single Dwelling Residential (R1b), Duplex Residential (R4), and Old City Duplex Residential (R13) to Old City Low Density (Fourplex) Residential (R14), as shown on Schedule B of this Bylaw;
 - c) from Single Dwelling Residential (R1, R1a, and R1b) and Duplex Residential (R4) to Residential Corridor (COR1) identified as 'Interim Corridor Area', as shown on Schedule C of this Bylaw; and
 - d) from Single Dwelling Residential (R1a) and Single Dwelling Residential – Small Lot (R2) to Single Dwelling Residential (R1), as shown on Schedule D of this Bylaw.

Despite Section 3.2, for the purposes of this Bylaw, all streets adjacent to a lot shown as rezoned in Schedules A – D of this Bylaw will be considered the same zone as that lot, up to the centre line of the street.

PASSED FIRST READING: 2024-MAY-27

PASSED SECOND READING: 2024-MAY-27

PUBLIC HEARING: Not held pursuant to *Local Government Act* section 464

PASSED THIRD READING: 2024-MAY-27

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2024-MAY-28

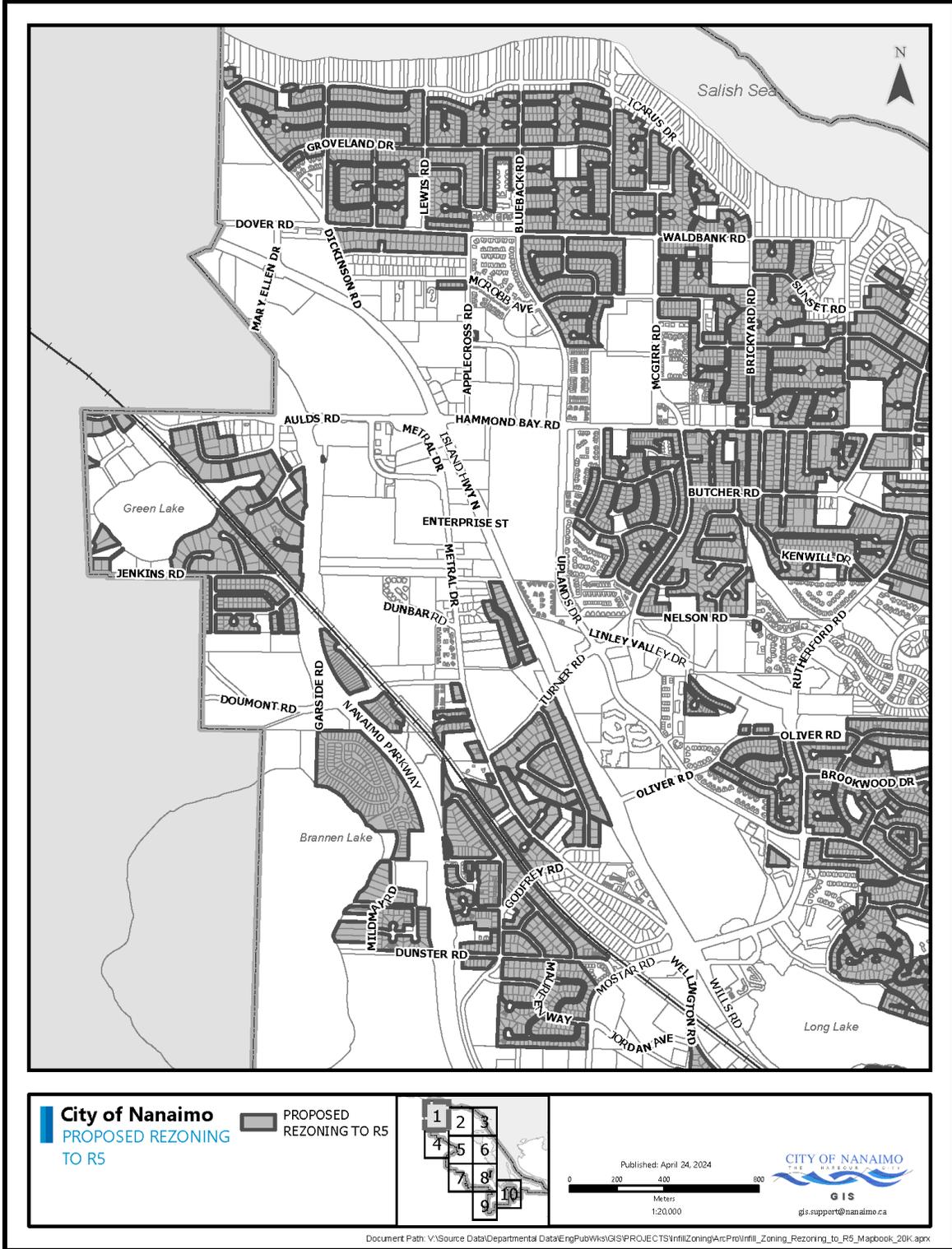
ADOPTED: _____

MAYOR

CORPORATE OFFICER

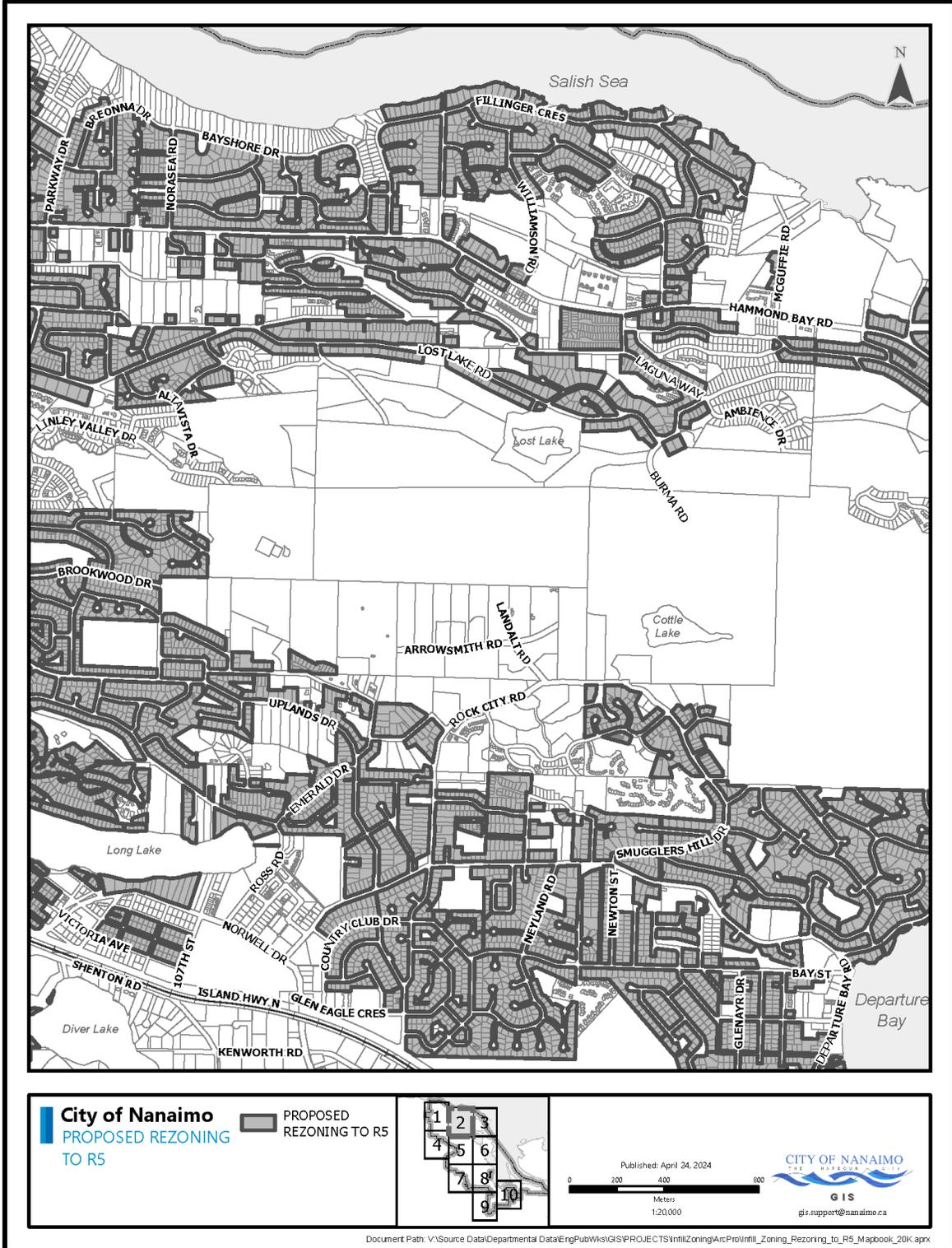
SCHEDULE A

MAP 1



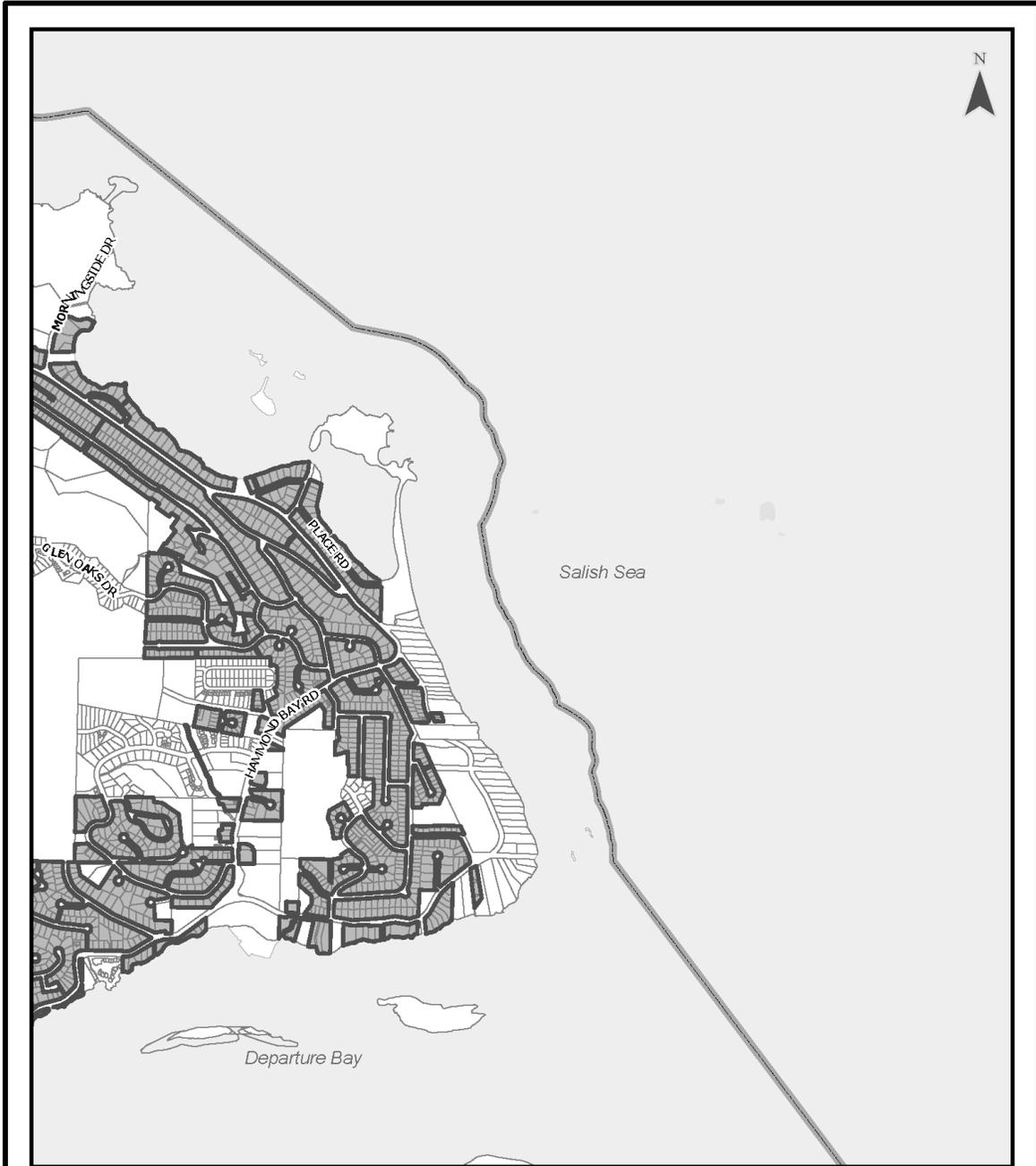
SCHEDULE A

MAP 2



SCHEDULE A

MAP 3



City of Nanaimo
PROPOSED REZONING TO R5

PROPOSED REZONING TO R5

Published: April 24, 2024

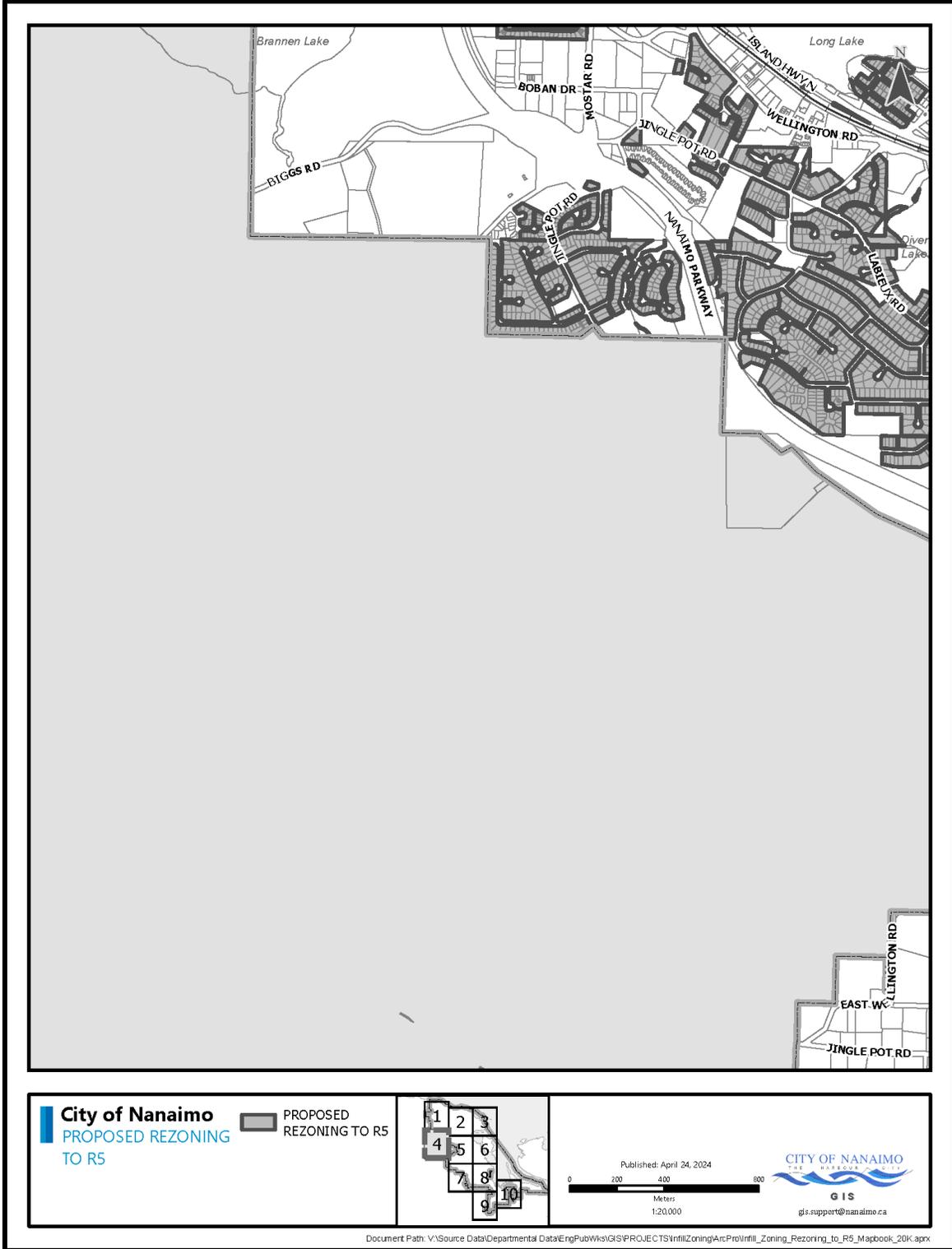
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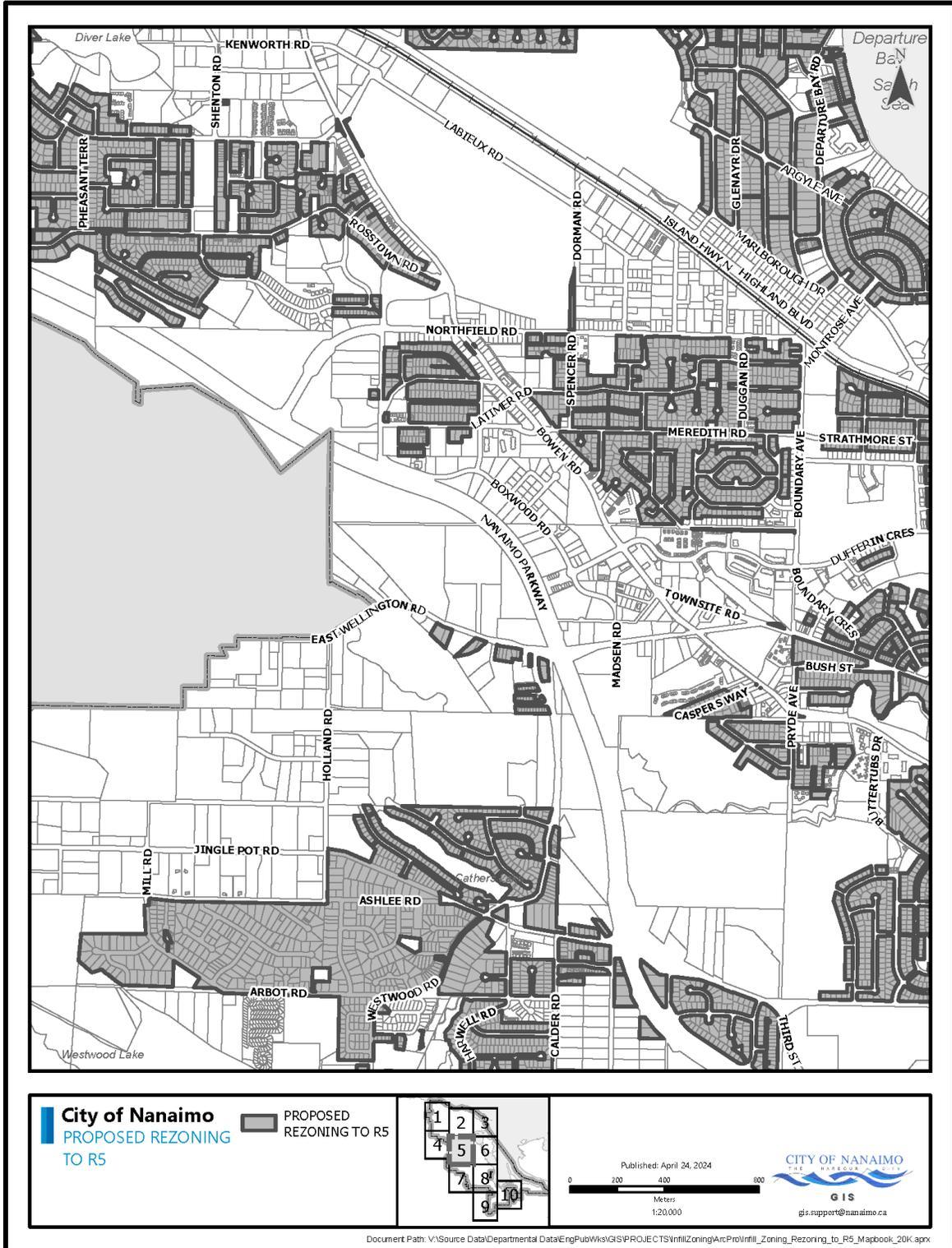
SCHEDULE A

MAP 4



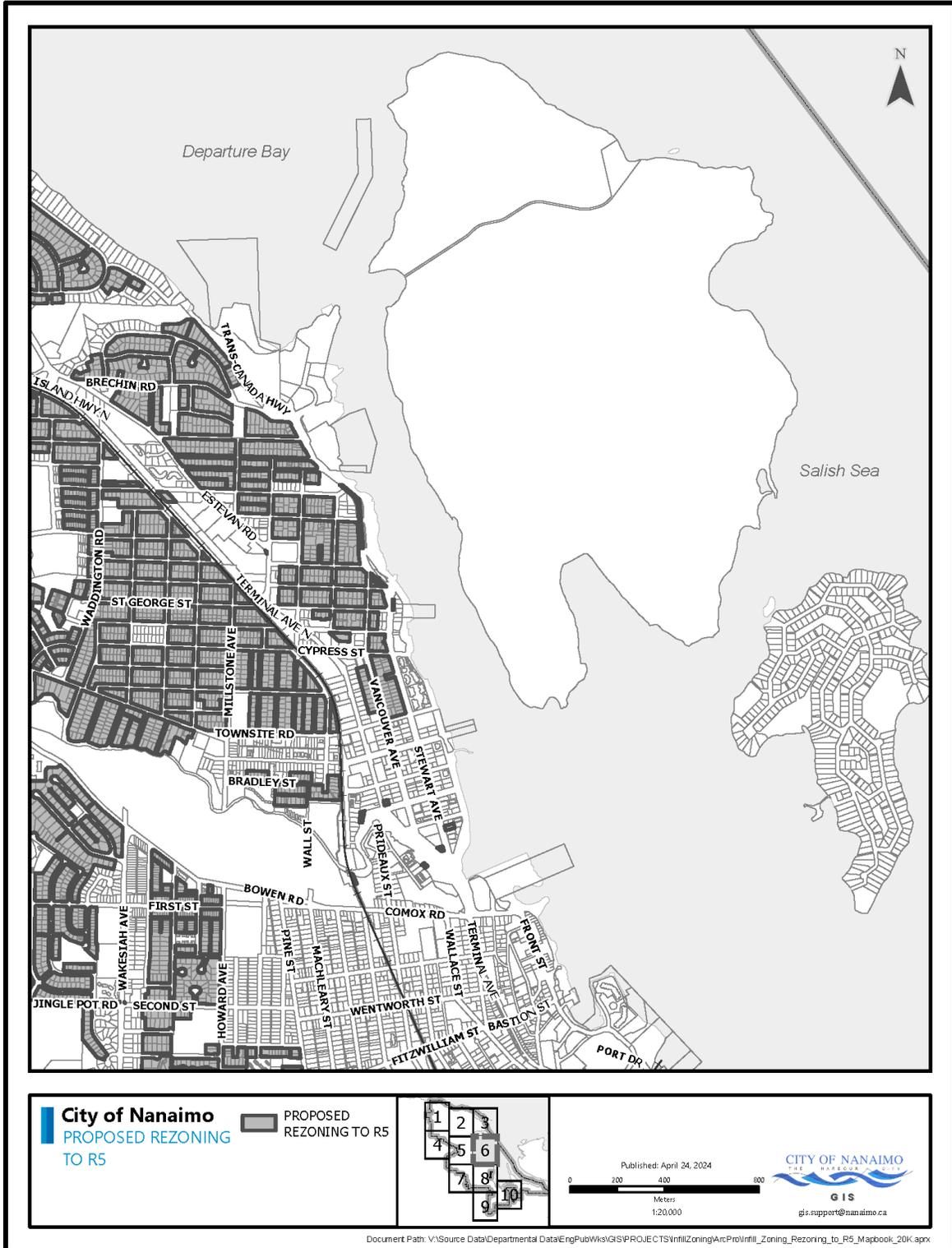
SCHEDULE A

MAP 5



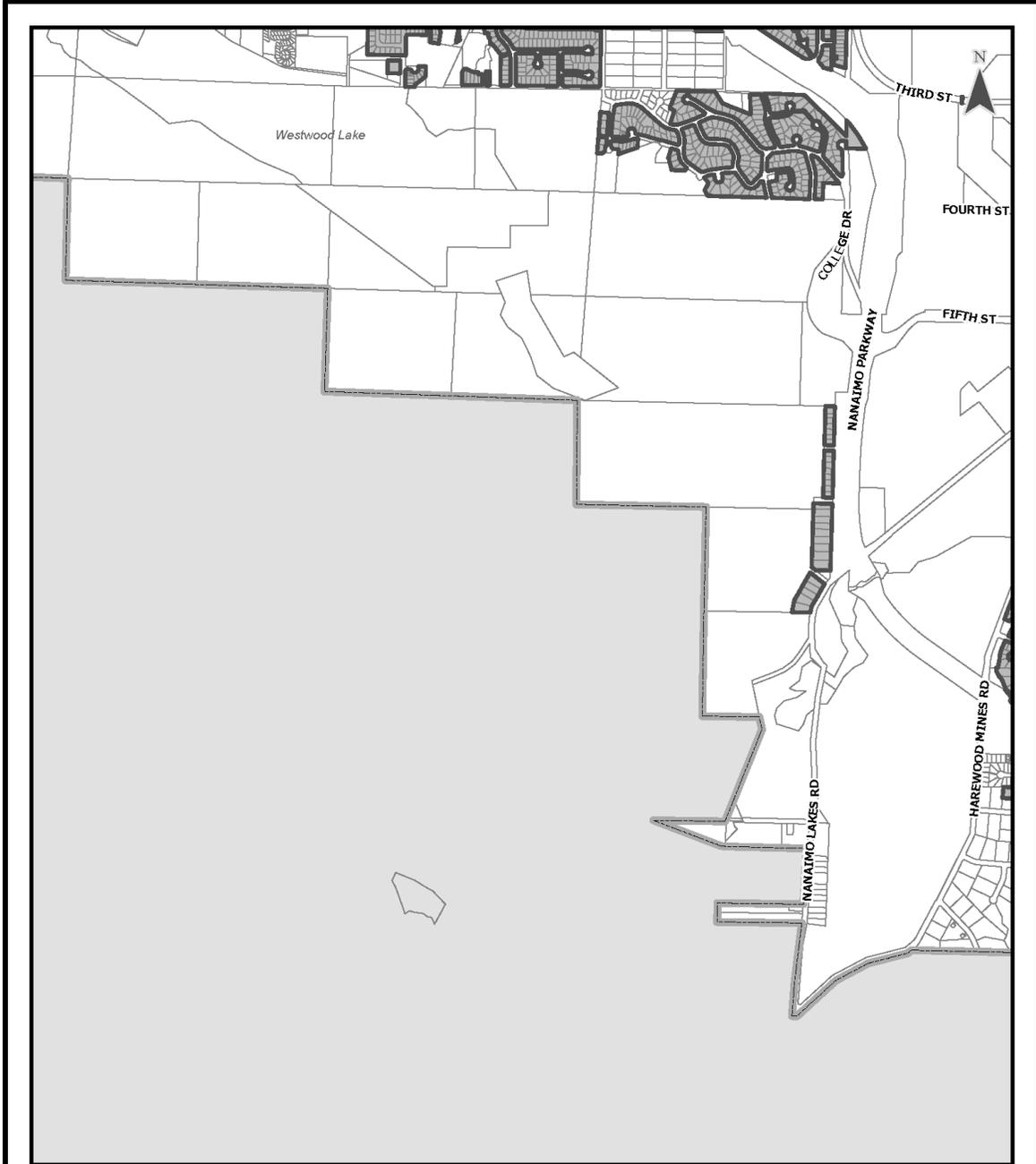
SCHEDULE A

MAP 6



SCHEDULE A

MAP 7



City of Nanaimo
PROPOSED REZONING TO R5

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Published: April 24, 2024

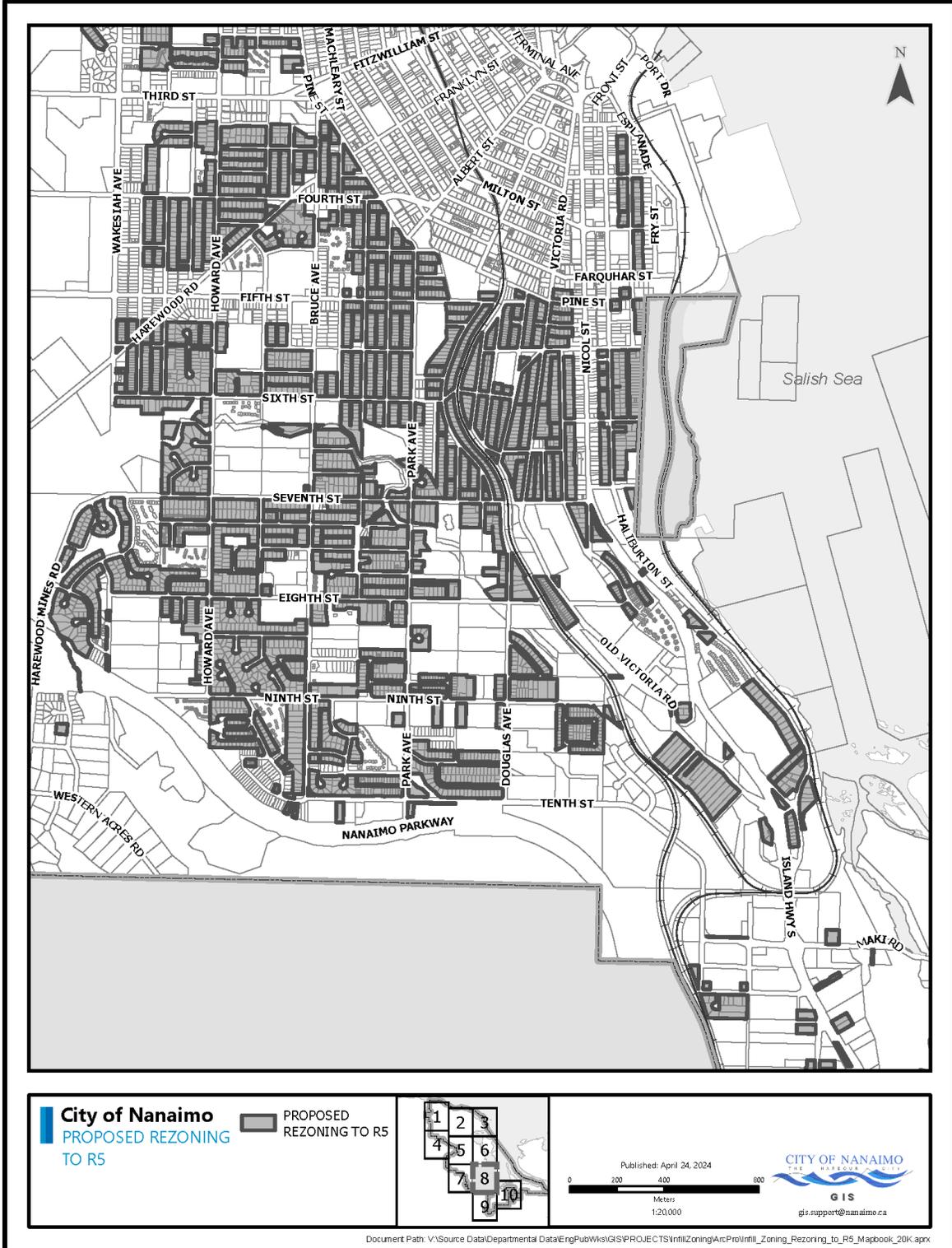
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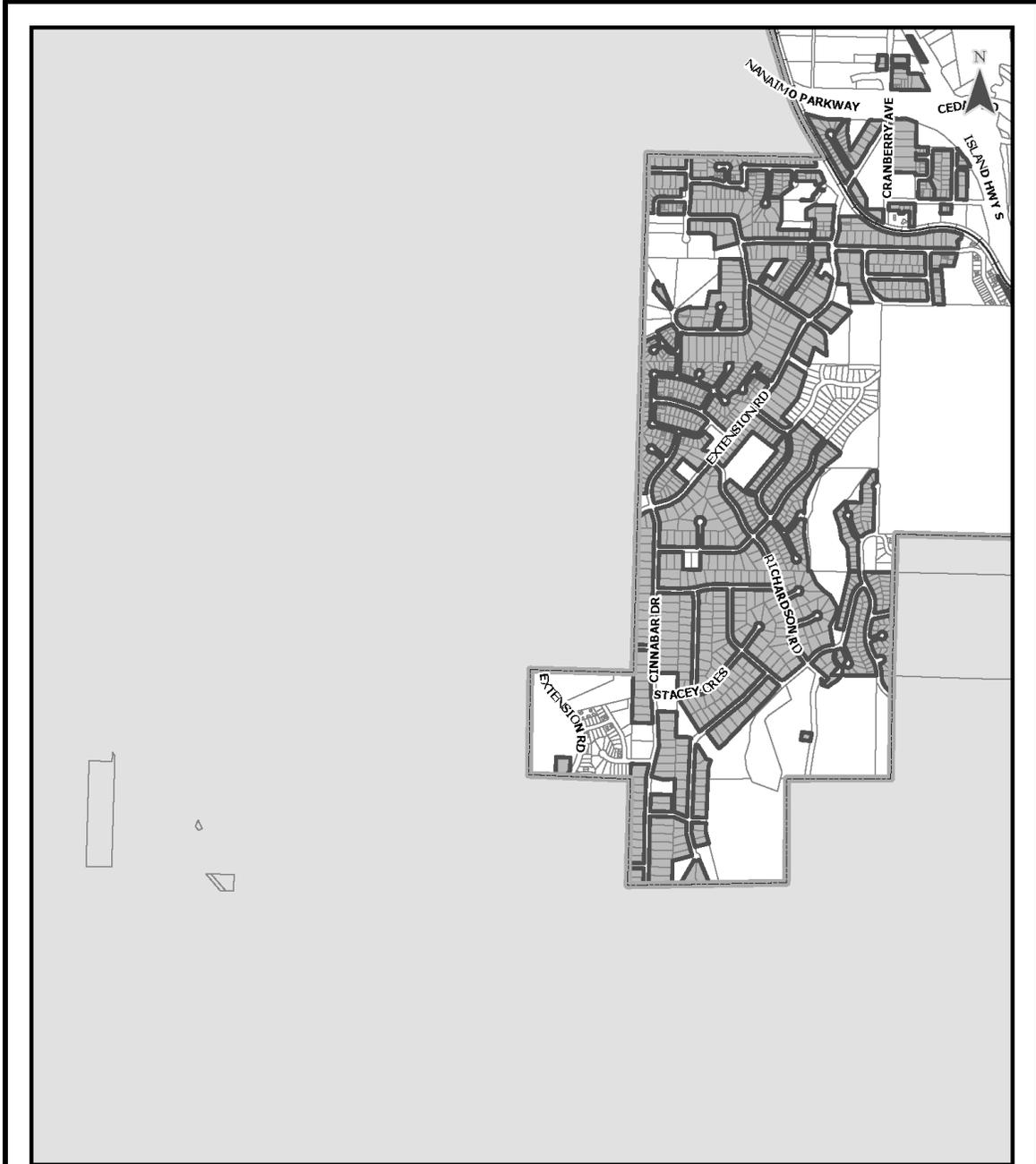
SCHEDULE A

MAP 8



SCHEDULE A

MAP 9



City of Nanaimo
PROPOSED REZONING TO R5

PROPOSED REZONING TO R5

Published: April 24, 2024

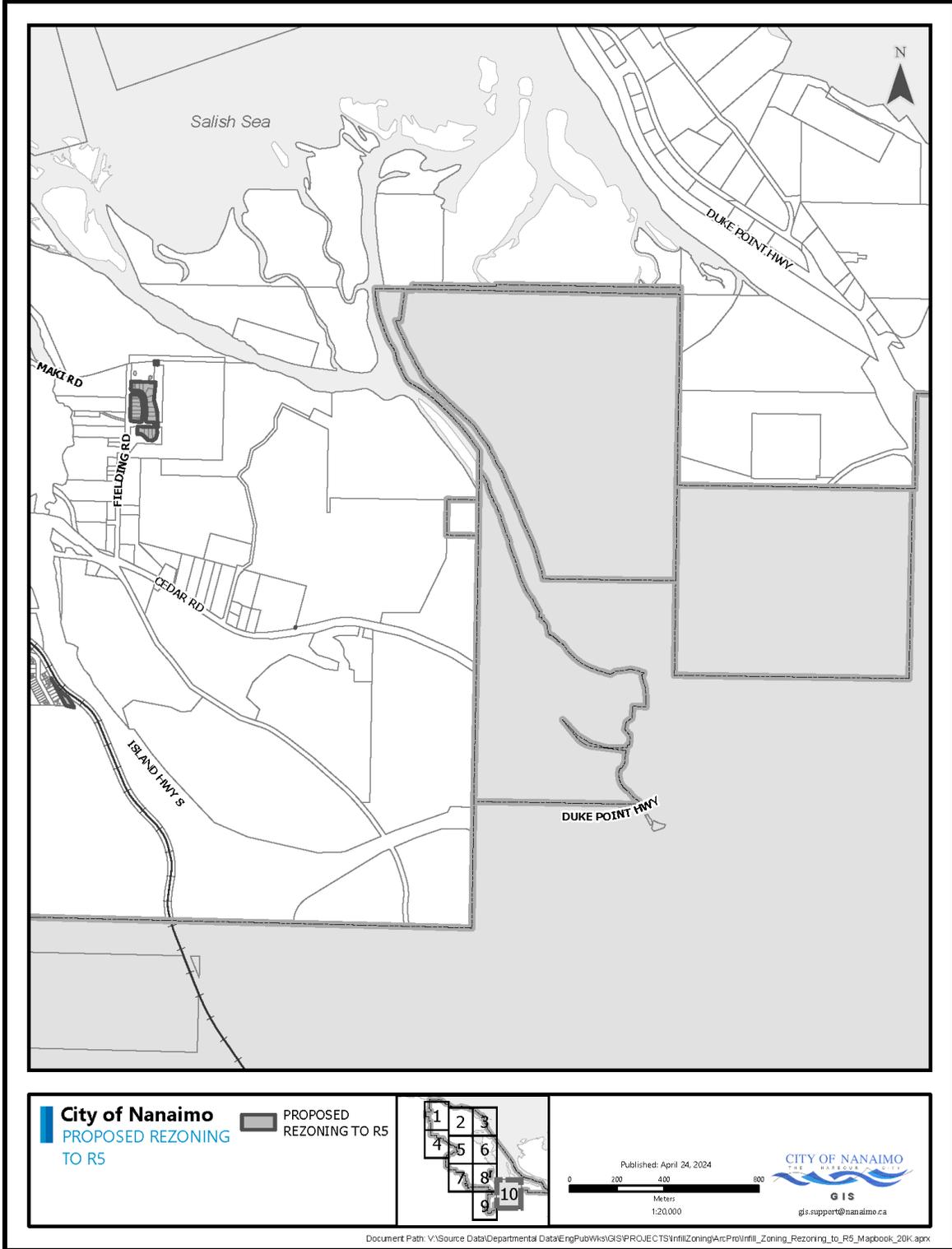
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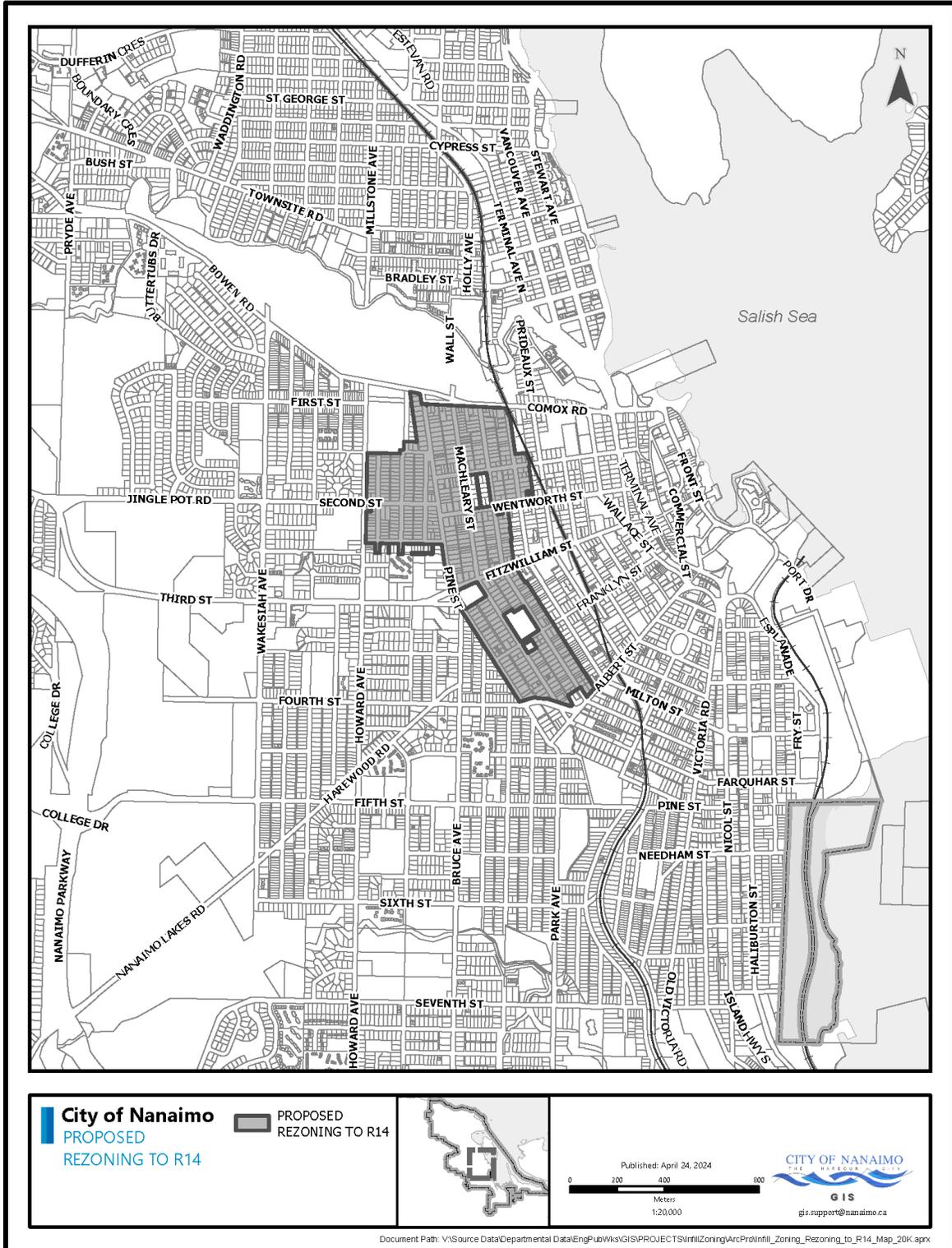
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SCHEDULE A

MAP 10

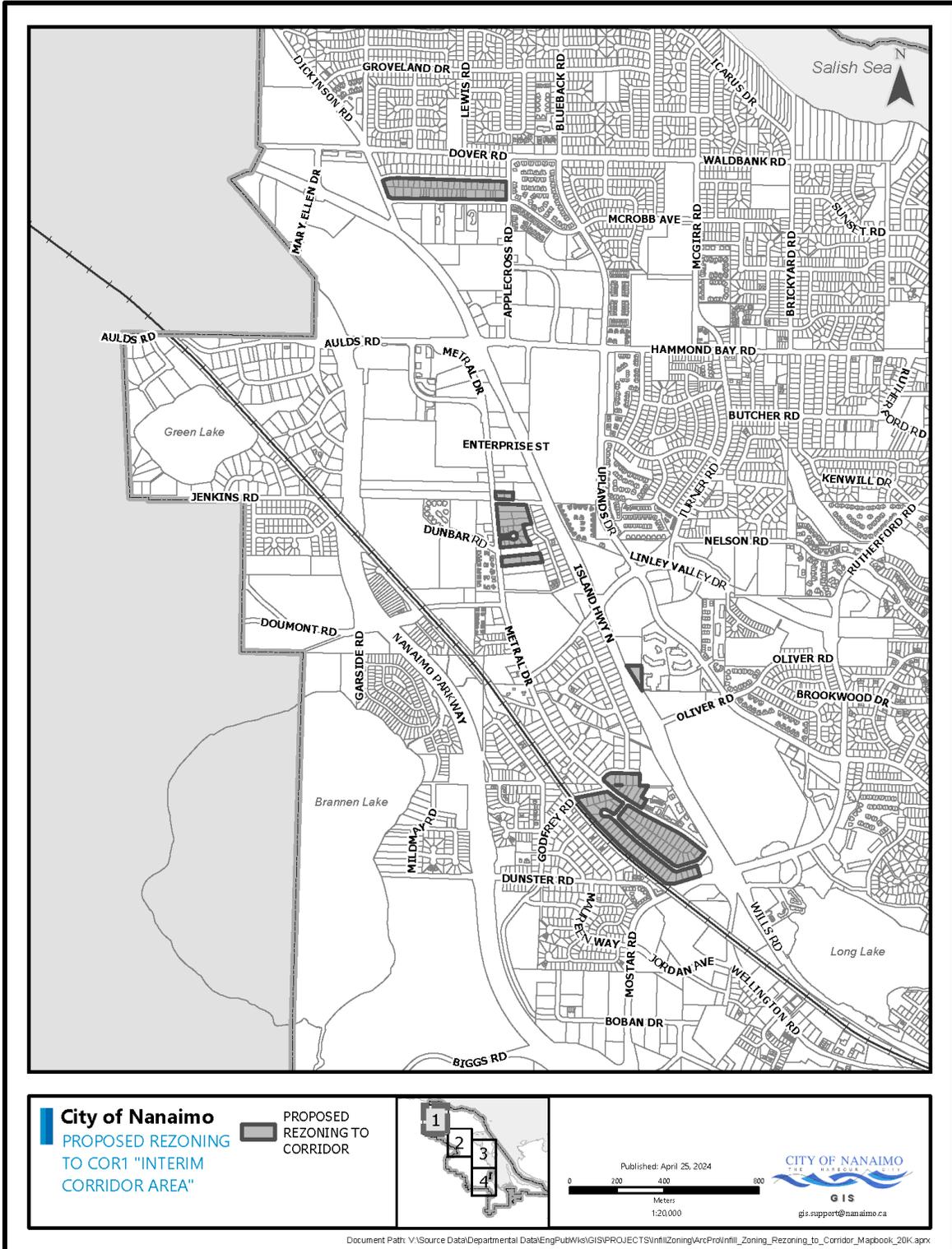


SCHEDULE B



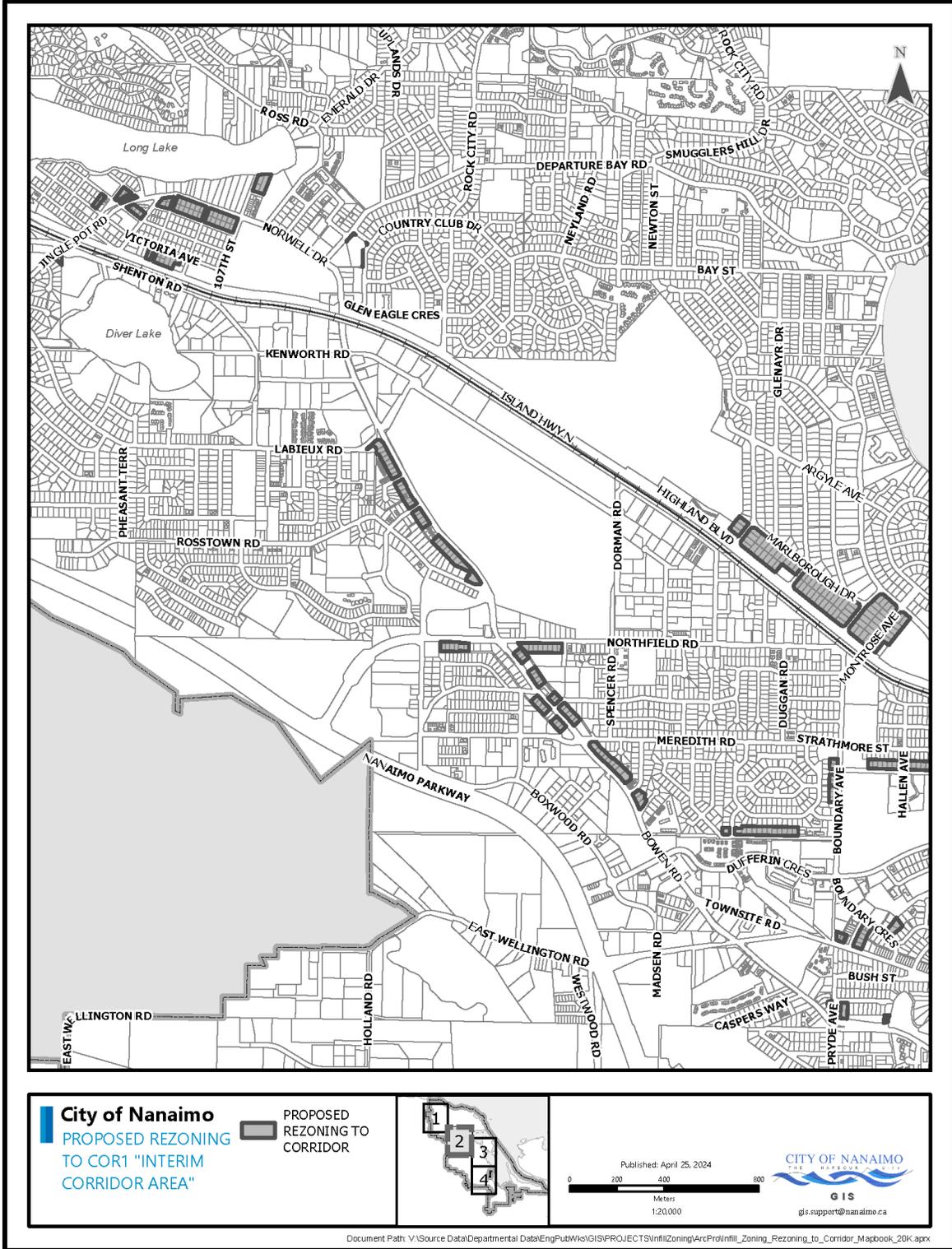
SCHEDULE C

MAP 1



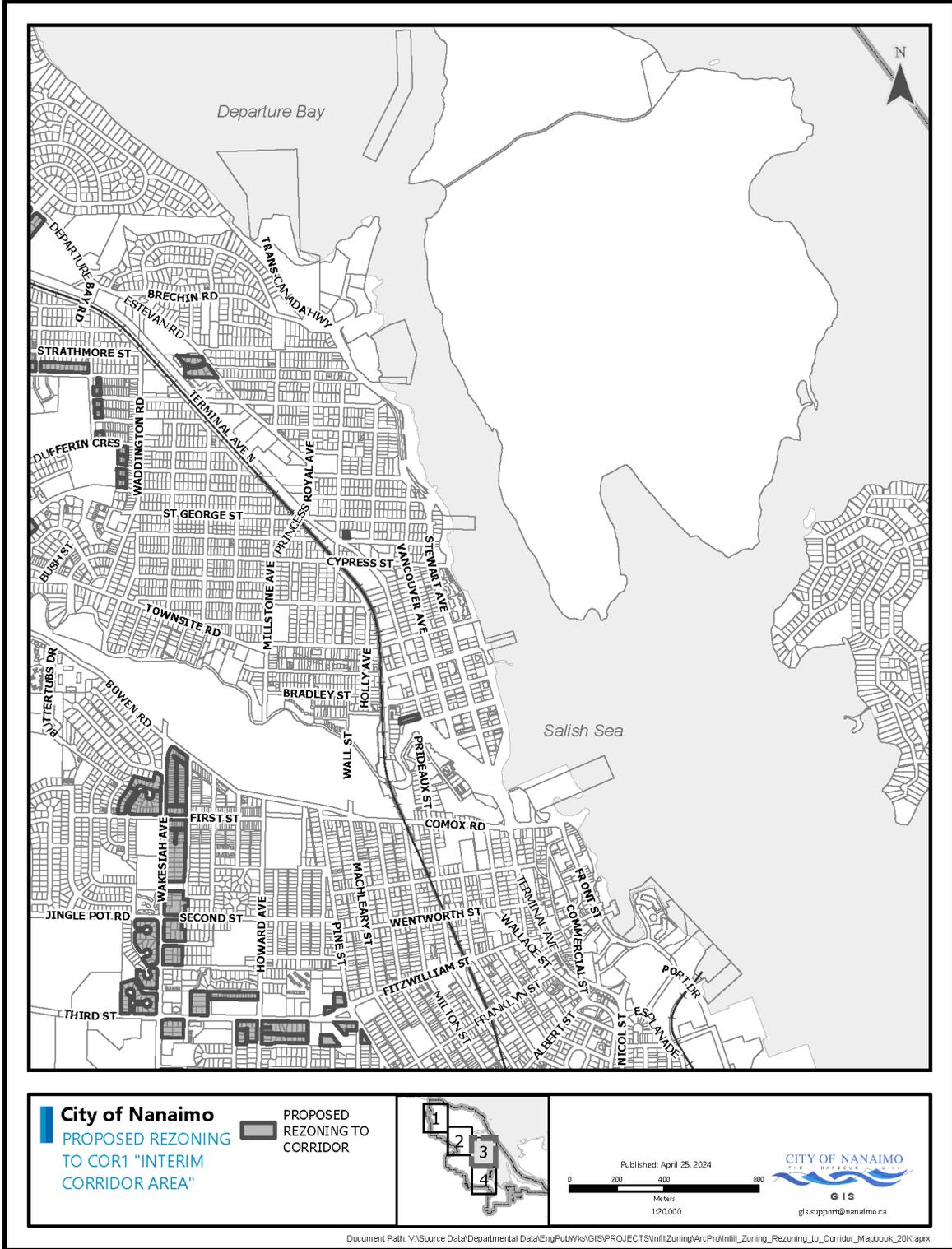
SCHEDULE C

MAP 2



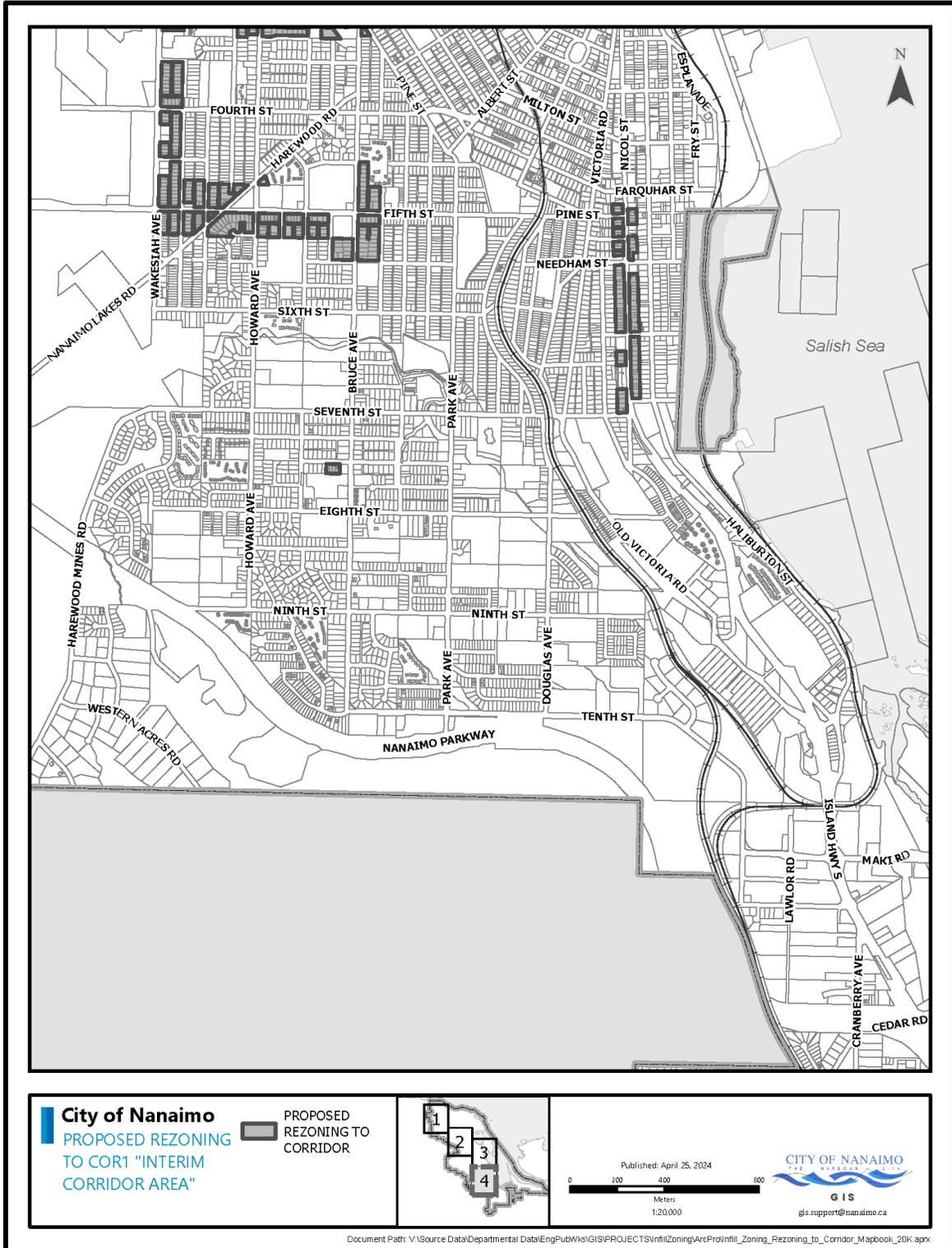
SCHEDULE C

MAP 3

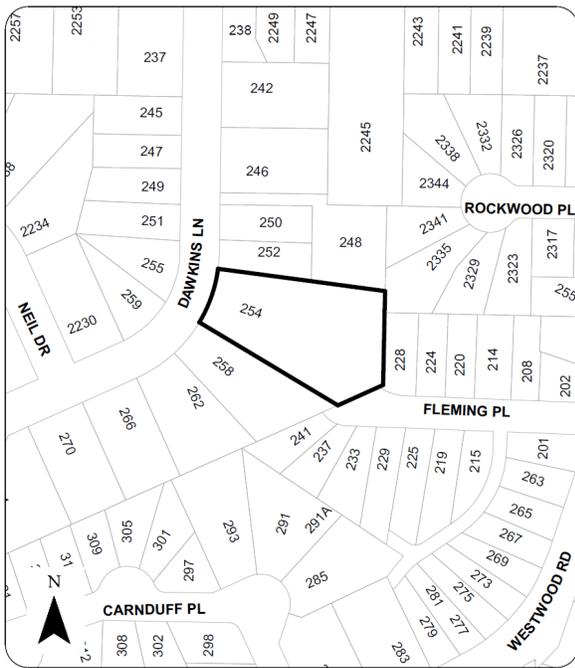


SCHEDULE C

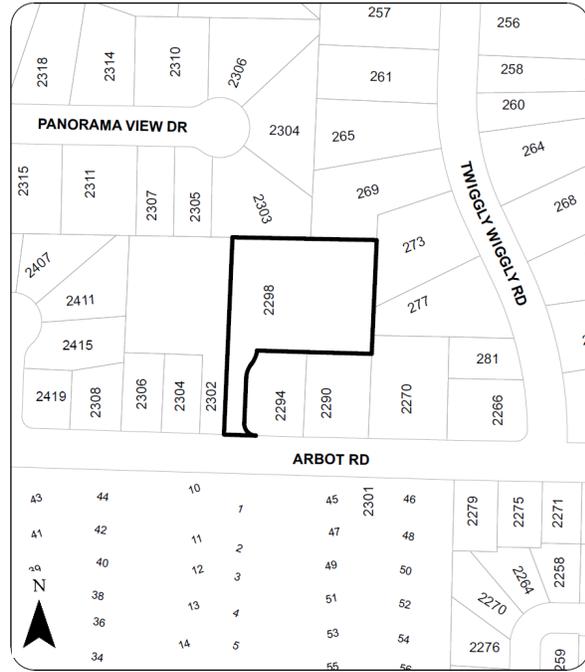
MAP 4



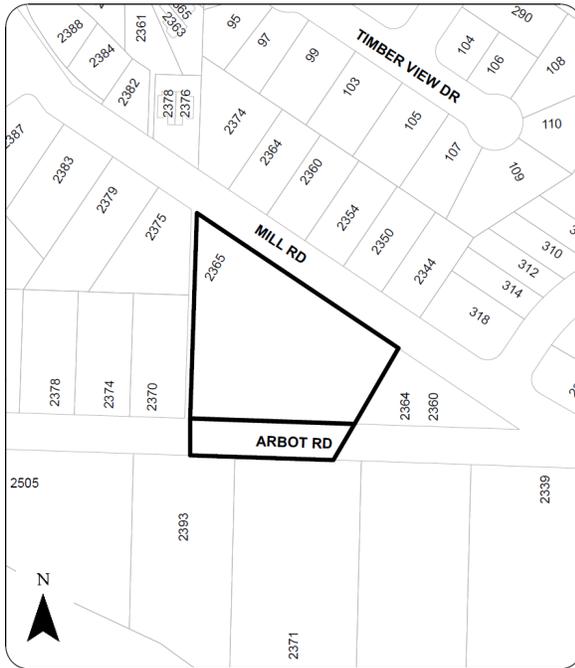
SCHEDULE D



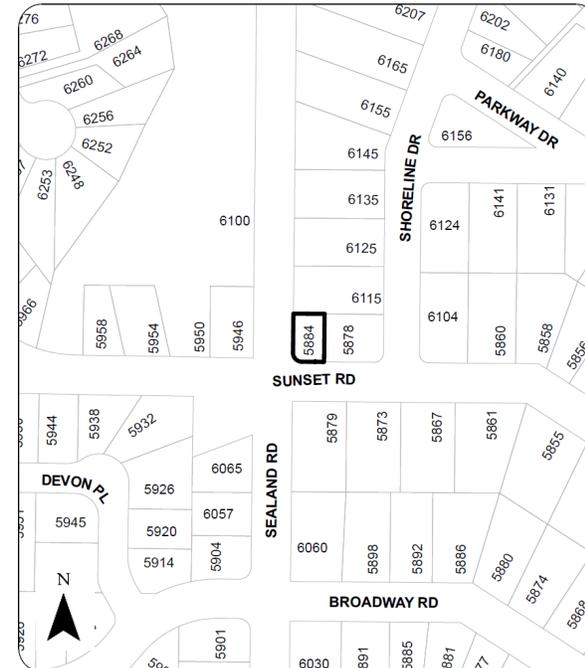
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Civic: 2298 Arbot Road



Civic: 2365 Mill Road



Civic: 5884 Sunset Road

 SUBJECT PROPERTIES

PROPOSED REZONING TO R1