

DATE OF MEETING | November 18, 2024 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT ZONING AMENDMENT BYLAW NO. 4500.237 – 5800 SUNSET ROAD

OVERVIEW

Purpose of Report

To present for Council’s consideration a Zoning Amendment Bylaw to rezone 5800 Sunset Road from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) and align with Provincial small-scale multi-unit housing legislation. |

Recommendation

That:

1. “Zoning Amendment Bylaw 2024 No. 4500.237” (to rezone 5800 Sunset Road from Single Dwelling Residential [R1] to Three and Four Unit Residential [R5]) pass first reading;
2. “Zoning Amendment Bylaw 2024 No. 4500.237” pass second reading;
3. “Zoning Amendment Bylaw 2024 No. 4500.237” pass third reading; and,
4. “Zoning Amendment Bylaw 2024 No. 4500.237” be adopted. |

BACKGROUND

A requested amendment to the City of Nanaimo “Zoning Bylaw 2011 No. 4500” was received from Homes By Olivia Inc., on behalf of Aldon Construction Ltd., to rezone 5800 Sunset Road and allow for a Small-Scale Multi-Unit Housing (SSMUH) development in accordance with the Provincial *Local Government Act* (LGA).

On 2024-JUN-17, single residential dwelling and duplex zoned properties in the City of Nanaimo were pre-zoned to allow for SSMUH development except where exempt by the LGA and associated regulations. The subject property is one of approximately 450 properties in proximity to the North Slope geotechnical setback that were not pre-zoned but were exempt as of “lots subject to hazardous conditions” (*Reg. OIC 673-2023 s.3[1]*). These properties were previously identified by Council’s North Slope Development Policy (endorsed 1993-MAR-22) and the geotechnical setback is variable depending on the hazard rating. The geotechnical setback in proximity to 5800 Sunset Road is 80m from the top of slope.

Staff anticipate completing an updated study of the North Slope geotechnical setback in the future and potentially updating zoning to align with hazard areas. In the interim, a property owner may initiate a site-specific review by providing relevant geotechnical information in support of a rezoning to align with SSMUH legislation.

Subject Property and Site Context

The subject property contains a single residential dwelling and is located in North Nanaimo on the northwest corner of Sunset Road and Parkway Drive, approximately 400m north of Hammond Bay Road. Surrounding properties to the north and west are zoned Single Dwelling Residential (R1), while properties to the south and east are zoned Three and Four Unit Residential (R5).

Public Notification

Pursuant to sections 464(4) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed “Zoning Amendment Bylaw 2024 No. 4500.237” as the sole purpose of the Bylaw is to comply with SSMUH regulations. Statutory notification of first reading occurred on 2024-NOV-06. |

DISCUSSION

Proposed Zoning

The applicant has requested that the property be rezoned to the R5 (Three and Four Unit Residential) zone to facilitate a future development of up to four dwelling units. The R5 zone allows for the provincially-mandated SSMUH density of one to four dwelling units, in a variety of allowable building configurations (e.g. single residential dwelling, duplex, two duplexes, triplex, fourplex, etc.).

In support of the request, the applicant has provided a geotechnical hazard assessment. The geotechnical assessment concluded that the property is safe and suitable for the intended use of up to four residential dwellings. Additionally, a surveyed site plan (see Attachment B) shows the subject property as greater than 80m from the top of slope which is identified as the potential hazardous condition setback in the North Slope Development Policy.

The information provided by the applicant has demonstrated that the hazardous condition exemption does not apply to the subject property. Given that the Zoning Amendment Bylaw is an administrative change as a result of new information and required in order to comply with provincial legislation, Staff do not recommend any conditions of rezoning. All Zoning Amendment Bylaw readings and adoption may be passed by Council in a single meeting. |

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Site Plan
“Zoning Amendment Bylaw 2024 No. 4500.237” |

Submitted by:

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Concurrence by:

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