

DATE OF MEETING DECEMBER 1, 2025

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT MISCELLANEOUS BYLAW REPEAL BYLAW

OVERVIEW

Purpose of Report

To bring forward a housekeeping bylaw that would repeal an outdated Development Cost Charge (DCC) Instalment Payments Bylaw and to seek a Council motion to abandon two zoning bylaws that are no longer valid.

Recommendation

1. That “Miscellaneous Bylaw Repeal Bylaw 2025 No. 7434” (a bylaw to repeal “City of Nanaimo Development Cost Charge Instalment Payments Bylaw 1991 No. 3942”) pass first reading.
2. That “Miscellaneous Bylaw Repeal Bylaw 2025 No. 7434” pass second reading.
3. That “Miscellaneous Bylaw Repeal Bylaw 2025 No. 7434” pass third reading.
4. That “Zoning Amendment Bylaw 2023 No. 4500.207” (a bylaw to rezone 488 and 492 Fifth Street) from Single Dwelling Residential (R1) to Residential Corridor (COR1) be abandoned.
5. That “Zoning Amendment Bylaw 2023 No. 4500.217” (a bylaw to rezone 2265 Ashlee Road from Single Dwelling Residential (R1A) to Duplex Residential (R4) be abandoned.

BACKGROUND

In 2023 and 2024, the Province passed a comprehensive package of legislation as part of its “Homes for People Action Plan”, with the goal of accelerating housing delivery and improving affordability, streamlining local government processes, and encouraging density.

In January 2026, the Province will be implementing new legislation which builds on the earlier legislative changes by incorporating key rules aimed at promoting housing development. This will include a significant change to development cost charge payment timelines for homebuilders. To capture these changes, staff will be developing a policy that will conform to the legislation; however, prior to doing so, “City of Nanaimo Development Cost Charge Instalment Payments Bylaw 1991 No. 3942” must be repealed prior to the new legislation coming into effect. Repealing this bylaw is also timely as it is 35 years old and very outdated.

Also, before Council are two rezoning bylaws that need to be formally abandoned, by resolution, so that they are not retained on the books in an unresolved state. The first bylaw “Zoning Amendment Bylaw 2023 No. 4500.207” proposed to rezone 488 and 492 Fifth Street from Single Dwelling Residential (R1) to Residential Corridor (COR1). It received first three readings in 2023 but has since been cancelled by the owner. The second bylaw “Zoning Amendment

Bylaw 2023 No. 4500.217” proposed to rezone 2265 Ahslee Road from Single Dwelling Residential (R1A) to Duplex Residential (R4). It received its first two readings on November 6, 2023. However, shortly thereafter, the new Small-Scale Multi-Unit Housing (SSMUH) legislation came into effect that permitted three to four units on lots previously zoned for single-family or duplex use. As such, the formal rezoning process was not required.

OPTIONS

Option 1:

1. That “Miscellaneous Bylaw Repeal Bylaw 2025 No. 7434” (a bylaw to repeal “City of Nanaimo Development Cost Charge Instalment Payments Bylaw 1991 No. 3942”) pass first reading.
 2. That “Miscellaneous Bylaw Repeal Bylaw 2025 No. 7434” pass second reading.
 3. That “Miscellaneous Bylaw Repeal Bylaw 2025 No. 7434” pass third reading.
 4. That “Zoning Amendment Bylaw 2023 No. 4500.207” (a bylaw to rezone 488 and 492 Fifth Street) from Single Dwelling Residential (R1) to Residential Corridor (COR1) be abandoned.
 5. That “Zoning Amendment Bylaw 2023 No. 4500.217” (a bylaw to rezone 2265 Ashlee Road from Single Dwelling Residential (R1A) to Duplex Residential (R4) be abandoned.
- The advantage to this option is that it will formally repeal a bylaw that is no longer applicable and give closure to two rezoning bylaws that are currently in limbo state.
 - There are no disadvantages to this option.

Option 2:

That Council provide alternate direction.

SUMMARY POINTS

- In January, 2026, the Province will be implementing new legislation that will include a significant change to development cost charge payment timelines for homebuilders.
- The existing Development Cost Charge Instalment Payments Bylaw is out of date and must be repealed prior to December 31, 2025 to meet the new Provincial legislation that comes into effect in January 2026.
- A Council motion is required to abandon Zoning Amendment Bylaws that are no longer valid.

ATTACHMENTS:

- Attachment 1 – B7434– Miscellaneous Bylaw Repeal Bylaw
- Attachment 2 – B3942 – Development Cost Charge Instalment Payments Bylaw
- Attachment 3 – B4500_207 – Zoning Amendment for 488 and 492 Fifth Steet
- Attachment 4 – B4500_217 – Zoning Amendment for 2265 Ashlee Road

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