



AGENDA
SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, April 18, 2024, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. **CALL THE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

3. **ADOPTION OF AGENDA:**

4. **PUBLIC HEARING REQUIREMENTS:**

Chair to explain the Public Hearing process.

5. **CALL THE PUBLIC HEARING TO ORDER FOR REZONING APPLICATION NO. RA475 - 444, 450, 500 COMOX ROAD, 55 MILL STREET, AND 1 TERMINAL AVENUE, ZONING AMENDMENT BYLAW 4500.204**

a. Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

4 - 21

[Note: Please click to view the [Public Hearing Written Submissions](#).]

To be introduced by Staff.

The Applicant to be provided an opportunity to outline their proposal.

Comments from the Public.

Following the close of the Public Hearing for Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue, no further comments or submissions can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR RA475 - 444, 450, 500 COMOX ROAD, 55 MILL STREET, AND 1 TERMINAL AVENUE.

Bylaws:

That "Zoning Amendment Bylaw 2022 No. 4500.204" (to rezone 444, 450, 500

Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) pass third reading.

That “Land Use Contract Discharge Bylaw 2022 No. 7355” (to discharge an existing Land Use Contract from the property title of 500 Comox Road) pass third reading.

6. REPORTS:

- a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1724 Meredith Road 22 - 23

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1724 Meredith Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1724 Meredith Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2745 Fandell Street 24 - 25

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2745 Fandell Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2745 Fandell Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2276 & 2278 Rosstown Road 26 - 27

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2276 & 2278 Rosstown Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2276 &

2278 Rosstown Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6-61 Twelfth Street

28 - 29

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 61 Twelfth Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 61 Twelfth Street for construction started without a building permit on Unit 6 in contravention of "Building Bylaw 2016 No. 7224".

- e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 3533 & 3535 Bonnie Drive

30 - 31

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3533 and 3535 Bonnie Drive.

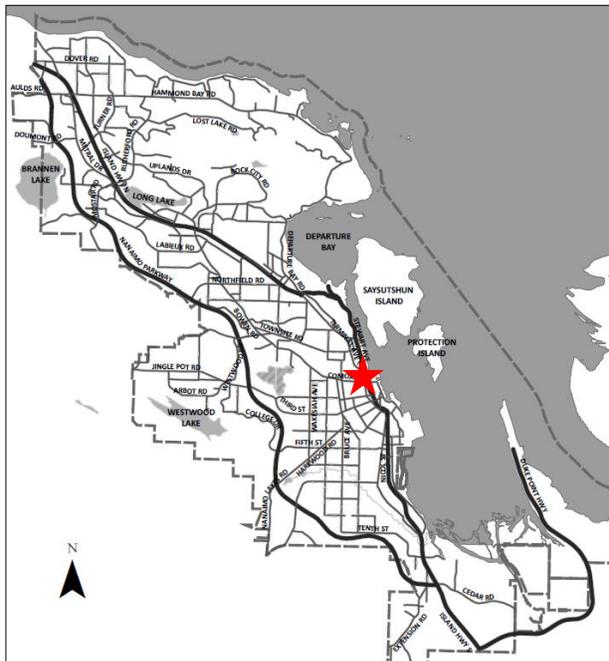
Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3533 and 3535 Bonnie Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

7. ADJOURNMENT:

DATE OF MEETING | May 1, 2023

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | **REZONING APPLICATION NO. RA475 – 444, 450, 500 COMOX ROAD, 55 MILL STREET, AND 1 TERMINAL AVENUE**



Current Zoning:

CD7 – Comprehensive Development District Zone Seven;
R8 – Medium Density Residential; and,
DT12 - Gateway



Proposed Zoning:

CD7 – Comprehensive Development District Zone Seven

City Plan Land Use Designation:

Primary Urban Centre (Downtown)

Lot Area:

563m² – 444 Comox Road
611m² – 450 Comox Road
1,223m² – 500 Comox Road
1,046m² – 55 Mill Street
2.59ha – 1 Terminal Avenue



OVERVIEW

Purpose of Report

To seek Council direction regarding Rezoning Application No. RA475 (for 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue) in order to correct an administrative error in the Zoning Amendment Bylaw.

Recommendation

That Council:

1. rescind Second Reading of “Zoning Amendment Bylaw 2022 No. 4500.204” (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision); and,
2. pass Second Reading of “Zoning Amendment Bylaw 2022 No. 4500.204” as amended.

BACKGROUND

A rezoning application, RA475, was received from Strongitharm Consulting Ltd. on behalf of 490892 BC Ltd. (444, 450, 500 Comox Road and 1 Terminal Avenue) and Brad Martin and Ralston Alexander (55 Mill Street) to rezone the subject properties and amend the City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to revise Comprehensive Development District Zone Seven (CD7). The proposed rezoning will facilitate a mixed-use residential, commercial, and hotel development and subdivision.

On 2022-AUG-29, Council passed First and Second Readings of the associated Land Use Contract Discharge and Zoning Amendment Bylaws. A Public Hearing was held on 2022-SEP-29 and Third Reading of the bylaws was passed on 2022-OCT-24. Third Reading was subsequently rescinded on 2023-FEB-27 in order for Council to consider additional information regarding City Plan compliance.

During this time, the applicant identified an administrative error in the calculation of density and site coverage included in their original application which subsequently informed the proposed Zoning Amendment Bylaw. In order to correct this error, and ensure the bylaw allowances will permit the development as proposed, the applicant is requesting revisions to “Zoning Amendment Bylaw 2022 No. 4500.204” which will require rescinding Second Reading of the bylaw and passing Second Reading, as amended.

DISCUSSION

While developing more detailed design plans for the subject site, the applicant has identified technical errors in the proposed base density and lot coverage that did not account for road and park dedication. In order to reconcile the bylaw with the anticipated build-out as envisioned in the conceptual plans, the applicant is proposing that “Zoning Amendment Bylaw 2022 No. 4500.204” be amended as summarized in the following table:

Sub-Zone	Density – Floor Area Ratio (FAR)		Lot Coverage	
	Original Bylaw	Proposed Bylaw	Original Bylaw	Proposed Bylaw
1	1.50	1.75	40%	40%
2	3.20	4.05	40%	40%
3	1.50	2.50	40%	40%
4	4.05	5.40	52%	60%
5	0.45	0.70	40%	40%
6	1.50	2.20	40%	60%

Copies of the original and proposed bylaws are attached to this report. The proposed base density and lot coverage in the revised bylaw will correct an administrative error that assigned density to proposed sub-zones based on gross lot area rather than net lot area. The correction will allow for development with residential and commercial uses as contemplated in the original report to Council (2022-AUG-29). All other elements of the proposed bylaw have not changed, including the density bonus provisions, sub-zone areas, permitted uses, and building heights. Given that the ultimate build-out has not increased from the original rezoning proposal, no revisions to the technical studies have been required. Staff are of the opinion that the proposed rezoning and associated land use bylaws are consistent with City Plan policies.

To revise the Zoning Amendment Bylaw, Second Reading of the bylaw will need to be rescinded and then passed as amended. Following this, the application will be scheduled for an upcoming Public Hearing after which Council may consider the bylaw for Third Reading.

SUMMARY POINTS

- The application is to rezone 444, 450, 450 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7) and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision.
- In order to correct an administrative error and ensure the Bylaw allowances will permit the development as proposed, the applicant is requesting revisions to “Zoning Amendment Bylaw 2022 No. 4500.204.”
- Staff are of the opinion that the proposed rezoning and associated land use bylaws are consistent with City Plan policies.

ATTACHMENTS

- ATTACHMENT A: Subject Property Map
 ATTACHMENT B: Background Staff Reports
 ATTACHMENT C: “Zoning Amendment Bylaw 2022 No. 4500.204”
 ATTACHMENT D: “Zoning Amendment Bylaw 2022 No. 4500.204” (as amended)

Submitted by:

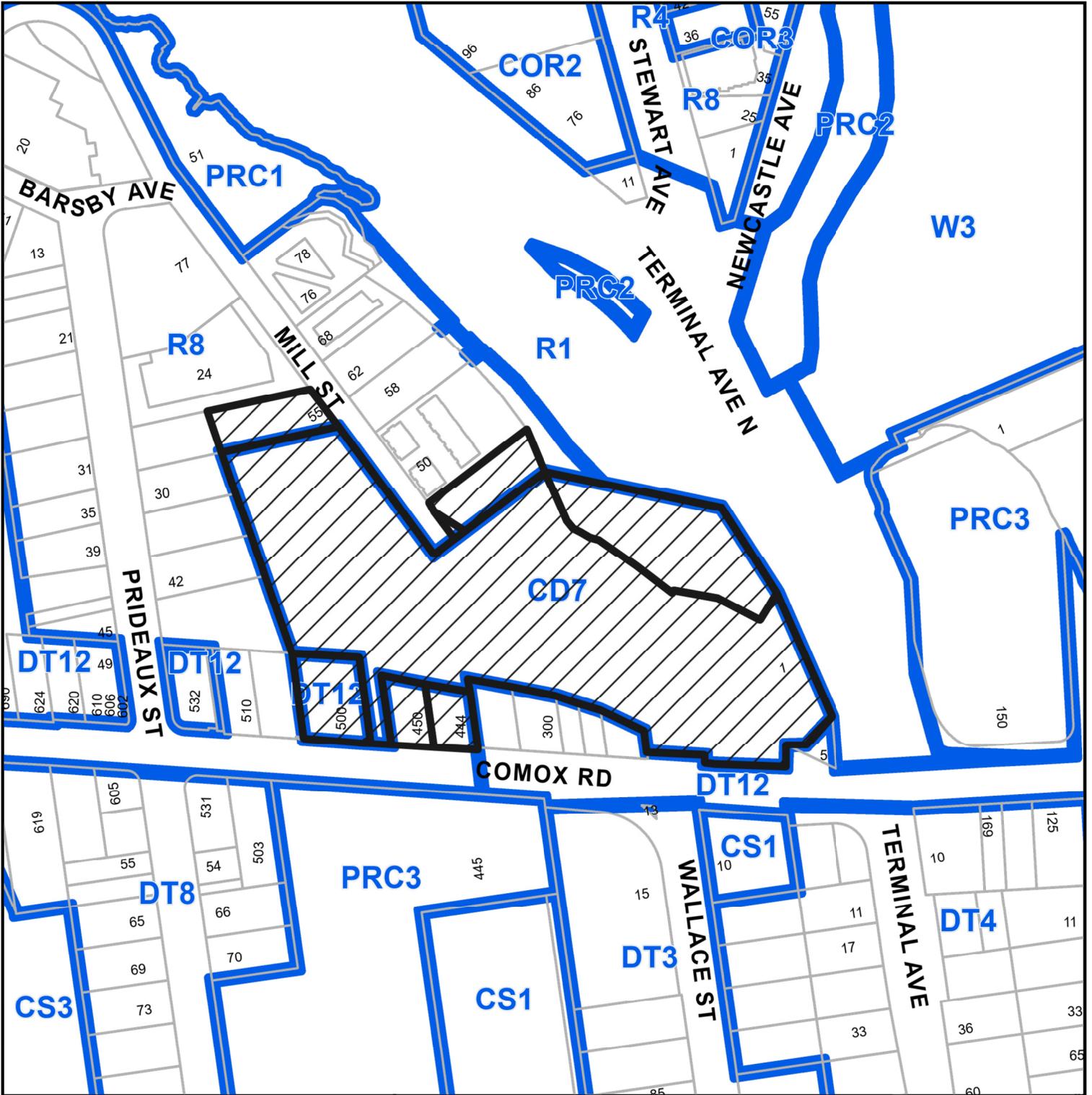
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A
SUBJECT PROPERTY MAP



REZONING APPLICATION NO. RA000475



Subject Property

CIVIC: 1 TERMINAL AVENUE, 444, 450 & 500 COMOX ROAD, 55 MILL STREET
LEGAL: SEE NEXT PAGE FOR LEGAL DESCRIPTIONS

ATTACHMENT B BACKGROUND STAFF REPORTS

- [August 29, 2022 Staff Report to Council](#)
- [February 27, 2023 Staff Report to Council](#)

Current Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.204

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, 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:

1. This Bylaw may be cited as the "Zoning Bylaw Amendment Bylaw 2022 No. 4500.204".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By deleting Section 16.7 and replacing it with a new Section 16.7 as shown in Schedule A of this Bylaw.
 - 2) By amending the table in section 17.11 by adding the following row after the row labeled 'CD5':

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage / Landfill / Refuse Receptacles
CD7	1	1	1	2

- 3) By rezoning the lands legally described as LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272 (444 Comox Road), LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272 (450 Comox Road), LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road), LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584 (55 Mill Street), and LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360 (portion of 1 Terminal Avenue) from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7), as shown on Schedule B of this Bylaw.

PASSED FIRST READING: 2022-AUG-29

PASSED SECOND READING: 2022-AUG-29

PUBLIC HEARING HELD: 2022-SEP-29

PASSED THIRD READING: 2022-OCT-24

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2022-NOV-08

THIRD READING RESCINDED: 2023-FEB-27

SECOND READING RESCINDED: 2023-MAY-01

PASSED SECOND READING, AS AMENDED: 2023-MAY-01

PUBLIC HEARING HELD: 2023-MAY-18

PASSED THIRD READING: 2023-MAY-18

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2023-MAY-31

THIRD READING RESCINDED: 2024-MAR-18
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

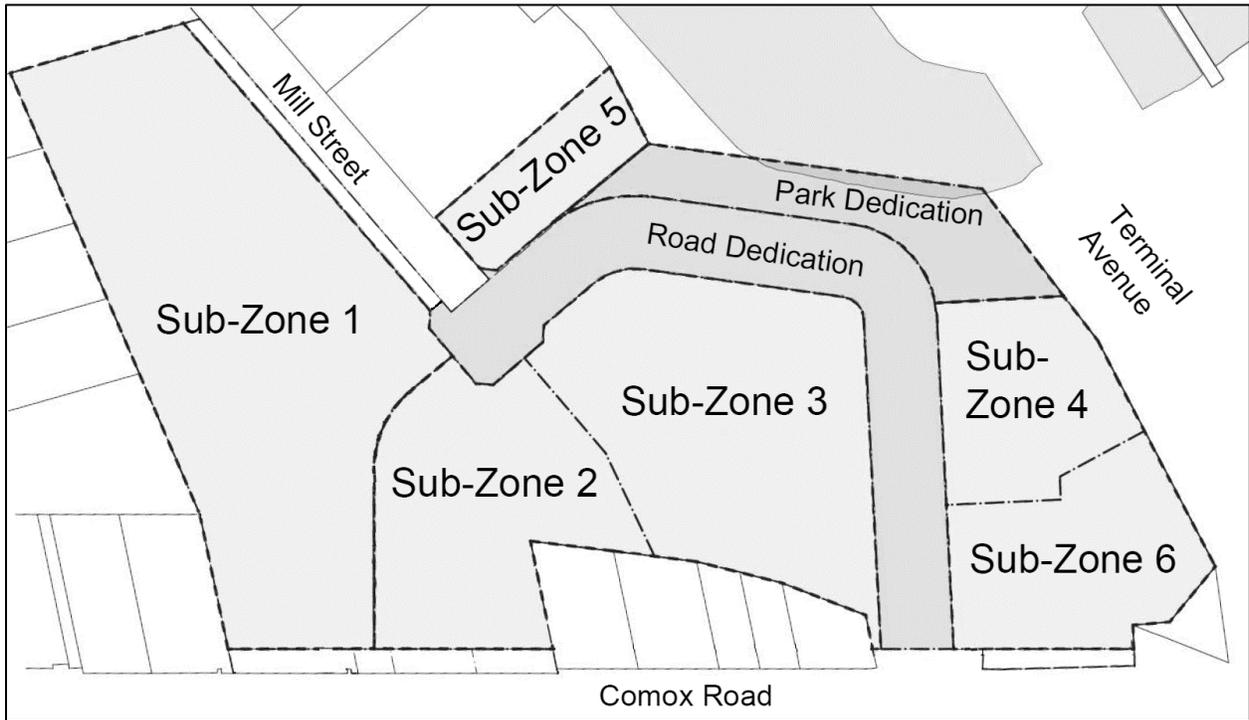
File: RA000475
Address: 444/450/500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

16.7 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE SEVEN (CD7)

The intent of this zone is to provide a comprehensive mixed-use development area at the north edge of Downtown Nanaimo adjacent to the Millstone River, with a range of commercial and residential uses.

16.7.1 ESTABLISHMENT OF SUB-ZONES

16.7.1.1 Regulations in the CD7 zone will be established within sub-zones as identified in the following plan:



16.7.2 PERMITTED USES

16.7.2.1 The uses listed in the following table shall be permitted in sub-zones where indicated with a 'P' within the corresponding column with sub-zone number, as per the conditions of use specified:

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Arcade	--	P	P	P	--	P	
Assembly Hall	P	P	P	P	--	P	
Bingo Hall	--	P	P	P	--	P	
Commercial School	--	P	P	P	--	P	
Convention Centre	--	P	P	P	--	P	

SCHEDULE A

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Court of Law	--	P	P	P	--	P	
Cultural Facility	P	P	P	P	--	P	
Custom Workshop	--	P	P	P	--	P	
Daycare	P	P	P	P	P	P	
Funeral Parlour	--	P	P	P	--	P	
Hotel	--	P	P	P	--	P	
Laundromat	P	P	P	P	--	P	
Library	P	P	P	P	--	P	
Liquor Store	--	P	P	P	--	P	
Live/Work	P	P	P	P	P	P	
Micro-Brewery	--	P	P	P	--	P	The Gross Floor Area of a micro-brewery shall not exceed 557m ² .
Multiple Family Dwelling	P	P	P	P	P	P	Within sub-zones 3, 4, and 6, multiple family dwelling residential shall only be permitted where a commercial use exists on the same lot.
Neighbourhood Pub	--	P	P	P	--	P	
Office	P	P	P	P	--	P	
Personal Care Facility	P	P	P	P	--	P	
Printing and Publishing Facility	--	P	P	P	--	P	
Recreation Facility	P	P	P	P	--	P	
Religious Institution	P	P	P	P	P	P	
Repair Shop	--	P	P	P	--	P	
Restaurant	P	P	P	P	--	P	
Retail	P	P	P	P	--	P	
Rooming House	P	P	P	P	P	P	
Shopping Centre	--	P	P	P	--	P	
Personal Care Facility	P	P	P	P	P	P	
Seniors' Congregate Housing	P	P	P	P	P	P	
Social Services Resource Centre	P	P	P	P	--	P	
Veterinary Clinic	P	P	P	P	--	P	

P = Permitted Use
-- = Use Not Permitted

SCHEDULE A

16.7.2.2 The uses listed in the following table shall be permitted as an accessory use where indicated with an ‘A’ within the corresponding column with sub-zone number, as per the conditions of use specified:

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Accessory Dwelling	A	A	A	A	A	A	
Boarding and Lodging	A	A	A	A	A	A	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Home Based Business	A	A	A	A	A	A	Subject to Part 6.
Secondary Suite	A	--	--	--	A	--	Subject to Part 6. Must be accessory to a single residential dwelling.
Short-Term Rental	A	A	A	A	A	A	Subject to Part 6.
Teletheatre Outlet	--	A	A	A	--	A	Must be contained within a Hotel or Neighborhood Pub.

P = Permitted as an Accessory Use
-- = Use Not Permitted

16.7.3 DENSITY

16.7.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot in each sub-zone. The additional density columns permit additional density where the specified criteria have been provided. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements as specified in Schedule D of this Bylaw, and Tier 2 awards additional density where a development meets or exceeds the Tier 2 requirements as specified in Schedule D. Where a development achieves additional density as established through a development permit process, the additional floor area may be added to the base density within the sub-zone. A development may achieve all of the additional density available within the sub-zone:

Sub-Zone	Maximum Allowable Floor Area Ratio (FAR)	Additional Density	
		Tier 1	Tier 2
1	1.75	+0.2	+0.25
2	4.05	+0.2	+0.25
3	2.50	+0.2	+0.25
4	5.40	+0.2	+0.25
5	0.70	+0.1	+0.15
6	2.20	+0.2	+0.25

SCHEDULE A

16.7.3.2 Notwithstanding Subsection 16.7.3.1, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the adjacent 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.

16.7.3.3 Notwithstanding Subsection 16.7.3.1, up to 15% of the calculated maximum permitted floor area of a lot in any sub-zone may be transferred to a lot in another sub-zone, with the exception of sub-zone 5, through a form & character development permit process and provided that a Section 219 covenant is registered on the property title of both subject parcels to record the terms of the density transfer.

16.7.4 LOT SIZE AND DIMENSIONS

16.7.4.1 The minimum lot size for a serviced lot shall be 1,000m².

16.7.4.2 The minimum lot frontage shall be 20m.

16.7.4.3 The minimum lot depth shall be 40m.

16.7.5 SITING OF BUILDINGS

16.7.5.1 The following table specifies the minimum distance a principal building must be set back from any front or flanking side lot line shared with the respective street identified in the first column:

Street	Front / Flanking Side Yard
Comox Road	0m – for the first five storeys of the building 2.2m – for any portion of the building above the fifth storey
Mill Street	3.5m – for the first four storeys of the building 4.5m – for any portion of the building above the fourth storey
Street labeled 'Road Dedication' in Subsection 16.7.1.1	2.5m
Terminal Avenue	5.5m

16.7.5.2 The following table specifies the minimum distance a principal building must be set back from any side or rear lot line within each respective sub-zone:

Sub-Zone	Side Yard	Rear Yard
1	7.5m	7.5m
2	7.5m	7.5m
3	5.0m	7.5m
4	2.5m	3.0m
5	3.0m	7.5m
6	3.0m	3.0m

16.7.5.3 Notwithstanding Subsections 16.7.5.1 and 16.7.5.2, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

SCHEDULE A

- 16.7.5.4 Notwithstanding Subsection 16.7.5.1, the maximum front yard setback shall be 6m from all lot lines shared with a street except for the street known as Terminal Avenue where there is no maximum front yard setback.
- 16.7.5.4.1 Where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback.
- 16.7.5.4.2 Where more than one principal building exists on the lot at least 50% of the property frontage must include a building front face within the maximum front yard setback area.
- 16.7.5.5 No vehicle parking shall be permitted between the front face of a principal building and any lot line abutting a street.
- 16.7.5.6 Notwithstanding Subsections 6.5.1, 16.7.5.1, and 16.7.5.2, a minimum setback shall not be required for an underground parking structure except from any lot line shared with the street known as Terminal Avenue where the minimum setback for an underground parking structure shall be 4.5m.

16.7.6 SIZE OF BUILDINGS

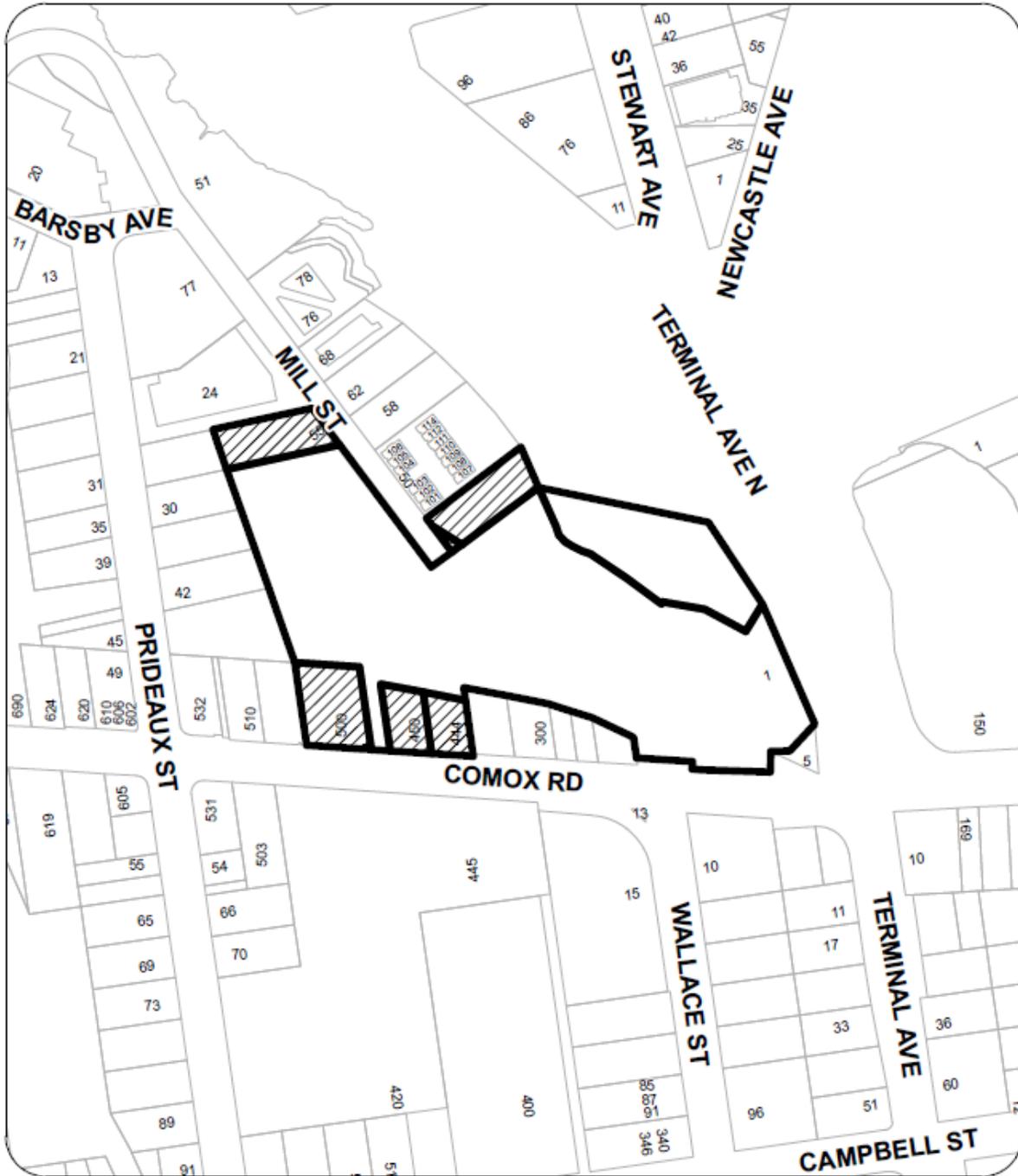
- 16.7.6.1 The following table specifies the maximum permitted lot coverage and building height, as well as the minimum required height of a principal building, within each respective sub-zone:

Sub-Zone	Lot Coverage	Maximum Building Height	Minimum Building Height
1	40%	21m	2 Storeys
2	40%	55m	2 Storeys
3	44%	30m	2 Storeys
4	60%	58m	2 Storeys
5	40%	13m	n/a
6	60%	25m	2 Storeys

16.7.7 HEIGHT OF FENCES

- 16.7.7.1 The maximum height of a fence shall not exceed 1.2m where located within 3m of any front or flanking side lot line.
- 16.7.7.2 The maximum height of a fence shall not exceed 1.8m in any side or rear yard.
- 16.7.7.3 The maximum height of a fence shall not exceed 3.0m in any portion of the lot that is not within a front, flanking side, side, or rear yard setback.

SCHEDULE B



REZONING APPLICATION NO. RA000475

CIVIC: 1 TERMINAL AVENUE, 444, 450 & 500 COMOX ROAD, 55 MILL STREET
LEGAL: SEE NEXT PAGE FOR LEGAL DESCRIPTIONS

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SCHEDULE B

LEGAL DESCRIPTIONS:

LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272

LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116

LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584

CITY OF NANAIMO

BYLAW NO. 7355

A BYLAW TO AUTHORIZE THE DISCHARGE OF A LAND USE CONTRACT

WHEREAS the City of Nanaimo entered into a Land Use Contract with KLAUS GERICK and MONA MAXINE, to provide for the development of LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road, hereby referred to as the "Lands");

AND WHEREAS the City of Nanaimo adopted "Land Use Contract Authorization Bylaw 1977 No. 1844" on January 26th, 1977;

AND WHEREAS the said Land Use Contract was registered in the Victoria Land Title Office under registration number F90666 on November 4th, 1977;

AND WHEREAS the City of Nanaimo has agreed to release and discharge said Land Use Contract from the Lands;

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as the City of Nanaimo "Land Use Contract Discharge Bylaw 2022 No. 7355".

Discharge

2. The City of Nanaimo does hereby discharge the Land Use Contract registered against the Lands in the Victoria Land Title Office on November 4th, 1977 under registration number F90666.

Execution of Documents

3. The Mayor and Director of Legislative Services are hereby authorized to execute all documents necessary for the discharge of the Land Use Contract.

Repeal

4. The City of Nanaimo "Land Use Contract Authorization Bylaw 1977 No. 1844" is hereby repealed.

PASSED FIRST READING: 2022-AUG-29
PASSED SECOND READING: 2022-AUG-29
PUBLIC HEARING HELD: 2022-SEP-29
PASSED THIRD READING: 2022-OCT-24
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2022-NOV-08
THIRD READING RESCINDED: 2023-FEB-27
PUBLIC HEARING HELD: 2023-MAY-18
PASSED THIRD READING: 2023-MAY-18
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2023-MAY-31
THIRD READING RESCINDED: 2024-MAR-18
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

DATE OF MEETING | April 18, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1724 MEREDITH ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1724 Meredith Road. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1724 Meredith Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

DISCUSSION

Inspections were completed on 2023-AUG-24 and 2023-SEP-21 in response to a complaint received regarding illegal construction. The inspection confirmed that a living space complete with a three piece rough in for a washroom and an additional rough in for a sink was constructed in the carport without the required building permit. A Stop Work Order was posted on the jobsite. Correspondence was forwarded to the owner advising that full deconstruction was required to return the structure to a carport as it is not compliant with BC Building Code. A building permit application (BP129712) was subsequently received on 2023-NOV-27 to enclose the carport to be used for unheated storage. The permit was never issued as full deconstruction was required as part of the permit process and the owner has not responded and the application was subsequently canceled.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application was received but not issued because full deconstruction was required and the application was subsequently canceled.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners, and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |

DATE OF MEETING | April 18, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2745 FANDELL STREET |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2745 Fandell Street. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2745 Fandell Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

DISCUSSION

An inspector attended the above-noted property on 2023-NOV-23 in response to a complaint received regarding illegal construction. The inspector observed from the exterior of the dwelling that renovations had taken place, windows had been replaced, a second kitchen installed and possibly a secondary suite, without a building permit. As per WorkSafe BC (WSBC) requirements for hazardous material testing for renovation of houses constructed prior to 1990, the inspector was not able to enter the dwelling for a full inspection. A Stop Work Order was posted on the jobsite.

Correspondence was forwarded to the owner requesting the completion of the required WSBC reports in order for a full inspection to be conducted. The deadline for submitting these reports was 2023-DEC-13 and to date, no reports have been received.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit reports related to hazardous materials testing as per Worksafe BC requirements has passed and no reports have been received.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development

DATE OF MEETING | April 18, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2276 & 2278 ROSSTOWN ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2276 & 2278 Rosstown Road. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2276 & 2278 Rosstown Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

DISCUSSION

An inspection was completed on 2023-DEC-08 in response to a complaint received regarding illegal construction. The inspection confirmed that an enclosed room was constructed in the carport of a duplex (2278 Rosstown Road) without the required building permit. A Stop Work Order was posted on the jobsite. Correspondence was forwarded to the owner advising that full deconstruction was required to return the structure to a carport as it is not compliant with BC Building Code. A building inspector attended the site again on 2024-JAN-23 and confirmed the illegal construction has not been removed by the deadline.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline for full deconstruction has passed and no action has been taken.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |

DATE OF MEETING | April 18, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6-61 TWELFTH STREET |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 61 Twelfth Street. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 61 Twelfth Street for construction started without a building permit on Unit 6 in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

DISCUSSION

An inspection was completed on 2023-NOV-21 in response to a complaint received regarding illegal construction. The inspection confirmed that reconstruction of an addition onto a mobile home (Unit 6) was underway without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2024-JAN-24. To date, a building permit application has not been received.

As the illegal construction is located within a mobile home park, a notice on title for the entire park is required.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit on Unit 6.
- The deadline to submit a building permit application has passed and no application has been received.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |

DATE OF MEETING | April 18, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3533 & 3535 BONNIE DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3533 and 3535 Bonnie Drive. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3533 and 3535 Bonnie Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

DISCUSSION

An inspection on 2023-NOV-23, 2023-DEC-14 and 2023-DEC-27 of the two houses at the above-noted property (considered detached duplex) revealed illegal suites have been installed in both houses without a permit or inspections. A Stop Work Order was posted on both dwelling units. Under the current Zoning Bylaw, two units are permitted on this residential lot (the existing two houses), and therefore, a building permit could not be issued to rectify the illegal construction of the two additional units.

Due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*, the owners were provided with two options. The first option was to remove the illegal construction, including all suite components, returning the houses to single-family dwellings as constructed under the building permits (BP128135 & BP128136) completed in April/May 2023. The second option was to submit a building permit application by 2024-AUG-30 if the City’s Zoning Bylaw allows for this housing form after 2024-JUN-30. The owners opted for the second option.

In the interim, pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

This matter will be referred to Bylaw Services for removal of the illegal units if a complete building permit application is not received by 2024-AUG-30. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- This building form is not permitted under the current Zoning Bylaw.
- The property owner has been provided an extension on enforcement measures due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement, following the 2024-AUG-30 deadline, if required.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |