

## PART 11- DOWNTOWN

### 11.1 DESCRIPTION OF ZONES

Zone	Abbreviation	Intent of Zone
<b>Core</b>	DT1	This zone provides for a mix of uses where residents expect to live in an area where shopping, clubs, cultural and entertainment uses exist compatibly.
<b>Fitzwilliam</b>	DT2	This zone provides for commercial and residential uses primarily through in-fill development that is compatible with areas with existing heritage character.
<b>Wallace</b>	DT3	This zone provides for residential and commercial uses with retail at the street level.
<b>Terminal Avenue</b>	DT4	This zone provides for predominately mixed office and retail area with three to six storey street wall related buildings intended to support the unique role as a gateway into the downtown core.
<b>Chapel Front</b>	DT5	This zone provides for higher density residential developments and some compatible office, retail, cultural, recreational, service and institutional uses. Emphasis is placed on achieving development that is compatible with neighboring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy. As outlined in the Downtown Reference Plan, Council may consider rezoning in order to achieve higher density, including highrises, within the area covered by this zone.
<b>Port Place</b>	DT6	This zone provides for an integrated residential and commercial community that anchors the downtown in a manner that supports the nearby waterfront walkway and Commercial Street shopping area. As outlined in the Downtown Reference Plan, Council may consider rezoning in order to achieve higher density, including highrises, within the area covered by this zone.
<b>Quennell Square</b>	DT7	This zone provides for residential development and some compatible office, retail, cultural, recreational, institutional and service uses that are compatible with neighboring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy.
<b>Old City Mixed Use</b>	DT8	This zone provides for mixed commercial / residential buildings. Commercial uses are permitted at street level and multiple family residential uses on the second and third storeys. It is intended to provide for the adaptive reuse of character buildings.
<b>Old City Central</b>	DT9	This zone provides for the wide range of businesses and services generally located in a downtown area and which serve the needs of the community at large. It is intended to provide for the adaptive reuse of character buildings.
<b>Old City Infill Business Commercial</b>	DT10	This zone provides for business and professional offices and is intended to preserve service commercial uses. It is also intended to provide for the adaptive reuse of character buildings.
<b>Old City Infill Service Commercial</b>	DT11	This zone provides for day-to-day shopping needs of persons residing in the immediate vicinity. It is also intended to provide business and professional offices and is intended to preserve service commercial uses while providing for the adaptive reuse of character buildings.
<b>Gateway</b>	DT12	This zone provides for a mixture of uses and active street frontages which recognize the areas role as an entrance gateway into Nanaimo's downtown core.

## 11.2 PERMITTED USES

11.2.1 The uses listed in the following table shall be permitted where indicated with a 'P' within the corresponding zone as per the conditions of use specified:

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Arcade	--	--	--	--	--	P	--	--	P	--	--	P	Permitted within a shopping centre only.
Artist Studio	P	P	P	P	P	P	P	--	--	--	P	P	
Assembly Hall	P	P	P	P	P	P	P	P	P	--	--	P	
Auto Part Sales	--	--	--	P	--	P	--	--	--	--	--	--	
Auto Repair	--	--	--	P	--	--	--	--	--	--	--	P	No auto repair use shall be permitted where the property directly abuts Nicol Street.
Auto Sales and Rental	--	--	P	P	--	P	P	--	--	--	--	P	The surface display / storage of vehicles for sale or rental shall not exceed 4 per lot.
Boat and Equipment Sales	--	SS	--	--	--	--	--	--	--	--	--	--	
Bingo Hall	--	P	P	P	--	P	--	--	P	--	--	--	
Cannabis Retail Store	SS	--	--	SS	SS	--	--	--	--	--	--	SS	
Casino	--	--	--	--	--	P	--	--	--	--	--	--	
Club or Lodge	P	P	P	P	P	P	P	--	--	--	--	P	
Commercial School	P	P	P	P	P	P	P	P	P	--	--	P	
Convention Centre	P	P	P	P	P	P	P	--	--	--	--	P	
Court of Law	P	P	P	P	P	P	P	--	P	--	--	P	
Cultural Facility	P	P	P	P	P	P	P	--	P	--	--	P	
Custom Workshop	--	--	--	SS	--	--	--	--	P	--	--	P	
Daycare	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Charge Station	P	P	P	P	P	P	P	P	P	P	P	P	
Emergency Shelter	--	--	--	P	--	--	--	--	--	--	--	--	
Entertainment Use	P	--	--	P	P	P	--	--	--	--	--	--	
Fast Food Restaurant	--	--	SS	SS	--	SS	--	--	--	--	--	SS	
Financial Institution	P	P	P	P	P	P	P	P	P	P	P	P	
Funeral Parlour	P	P	P	P	P	P	P	--	P	--	--	P	
Gas Station	--	--	--	SS	--	--	--	--	--	--	--	--	
Hotel	P	P	P	P	P	P	P	--	P	--	--	P	
Internet Centre	P	P	P	P	P	P	P	P	P	P	P	P	

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Laboratory	P	--	P	P	--	P	--	--	--	--	--	--	
Laundromat	P	P	P	P	P	P	--	P	P	--	P	P	
Library	P	P	P	P	P	P	P	--	--	--	--	P	
Liquor Store	--	--	SS	--	--	SS	--	--	--	--	--	SS	
Live / Work	P	P	P	P	P	P	P	P	P	--	P	P	
Lounge	P	P	P	P	P	P	P	--	--	--	--	--	
Micro Brewery	P	P	--	P	P	P	--	--	--	--	--	P	The Gross Floor Area of a micro brewery shall not exceed 557m <sup>2</sup> .
Multiple Family Dwelling	P	P	P	P	P	P	P	P	P	--	P	P	Within the DT9 and DT12 Zones, residential uses are not permitted on the first storey.
Museum	P	P	--	P	P	P	--	--	--	--	--	--	
Neighbourhood Pub	P	P	P	P	P	P	P	P	P	--	-	P	
Office	P	P	P	P	P	P	P	P	P	P	P	P	
Parking Lot / Parkade	P	P	P	P	P	P	P	P	P	P	P	P	Within the DT8 Zone, parking lots and parkades shall not be permitted on lots with an area greater than 1,800m <sup>2</sup> .
Pawn Shop	P	P	P	P	P	P	P	P	P	--	P	P	No pawn shop shall be located within a 300m radius of another pawn shop.
Personal Care Facility	P	P	P	P	P	P	P	P	P	--	--	P	
Personal Service Use	P	P	P	P	P	P	P	P	P	P	P	P	
Pharmacy	P	P	P	P	P	P	P	P	P	--	P	P	
Printing and Publishing Facility	P	P	P	P	P	P	P	P	P	--	--	P	
Production Studio	P	--	P	P	P	P	--	--	--	--	--	P	
Public Market	P	P	P	P	P	P	P	--	--	--	--	P	Permitted as a seasonal use. No outside storage shall be permitted after market hours.
Recreation Facility	P	P	P	P	P	P	P	P	P	--	--	P	
Refund Container Recycling Depot	--	--	--	P	--	P	--	--	--	--	--	P	Gross Floor Area not to exceed 140m <sup>2</sup> .  Use shall be wholly enclosed within a building.
Repair Shop	--	P	--	P	--	P	--	--	P	--	--	P	
Religious Institution	P	P	P	P	P	P	P	P	P	--	--	P	

Use	Zones												Conditions of Use
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12	
Restaurant	P	P	P	P	P	P	P	P	P	P	P	P	
Retail	P	P	P	P	P	P	P	P	P	--	P	P	
Rooming House	--	P	P	P	P	P	P	P	P	P	P	P	
Shopping Centre	--	--	--	--	--	P	--	--	P	--	--	P	
Single Residential Dwelling	--	P	P	--	P	--	P	P	P	P	P	P	
Sign Shop	--	--	--	P	--	--	--	--	--	--	--	--	
Social Service Resource Centre	P	P	P	P	P	P	P	P	--	--	--	P	
Teletheatre Outlet	P	P	--	--	--	P	--	--	--	--	--	--	Must be contained within a Lounge, Casino or Neighbourhood Pub.
Theatre	P	P	--	P	P	P	--	P	P	--	--	P	
Transportation Terminal	P	P	--	P	--	P	--	--	--	--	--	P	
University, College, Technical School	P	P	P	P	P	P	P	--	--	--	--	--	
Veterinary Clinic	P	P	P	P	P	P	P	P	P	--	--	P	
Wholesale	--	--	P	P	--	P	--	--	--	--	--	P	Use shall be wholly enclosed within a building.

(4500.041; 2013-AUG-12) (4500.073; 2015-MAR-16) (4500.152; 2019-SEP-09) (4500.144; 2019-SEP-16)  
(4500.132; 2019-OCT-21) (4500.158; 2019-DEC-02) (4500.161; 2019-DEC-02) (4500.141; 2020-AUG-31)

- P** = Permitted Use
- SS** = Permitted as a Site Specific Use
- = Use Not Permitted Within Specified Zone

11.2.2 Notwithstanding Subsection 11.2.1, commercial uses are only permitted within the first storey of a building within the DT8 Zone.

11.2.3 The uses listed in the following table shall be permitted as an accessory use where indicated with an 'A' within the corresponding zone as per the conditions of use specified:

Use	Zones												Conditions of Use	
	DT1	DT2	DT3	DT4	DT5	DT6	DT7	DT8	DT9	DT10	DT11	DT12		
Accessory Dwelling	A	A	A	A	A	A	A	A	A	A	A	A	A	Only permitted above street level within the DT2 Zone.
Bed and Breakfast	--	A	A	--	--	A	A	A	A	A	A	A	A	Permitted as an accessory use where a single residential dwelling is the only use on the lot. Subject to Part 6 of this Bylaw.
Boarding and Lodging	--	A	A	--	--	A	A	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	A	A	A	A	A	A	A	
Secondary Suites	--	A	A	--	--	A	A	A	A	A	A	A	A	Permitted as an accessory use where a single residential dwelling is the only use on the lot. Subject to Part 6 of this Bylaw.

(4500.073; 2015-MAR-16)

A = Permitted as an Accessory Use

11.2.4 Notwithstanding Subsection 11.2.1 the following uses shall be permitted on site specific basis:

<b>Use</b>	<b>Permitted Location Address</b>	<b>Legal Description of Permitted Located</b>
<b>Boat and Equipment Sales</b>	690 Comox Road	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 42067, EXCEPT THAT PART IN PLAN 48000
<b>Cannabis Retail Store</b>	350 Terminal Avenue	LOT 9, 10, 11, 12, BLOCK 63, SECTION 1, NANAIMO DISTRICT, AND OF THE BED OF NANAIMO HARBOUR, PLAN 584
	52 Victoria Crescent	LOT 3, SITUATE IN COMMERCIAL INLET IN THE BED OF THE PUBLIC HARBOUR OF NANAIMO AND OF SECTION 1, NANAIMO DISTRICT, PLAN 9893
	111 Nicol Street	LOT 9 & 10, BLOCK 10, SECTION 1, NANAIMO DISTRICT, PLAN 584
	120 Commercial Street	LOT 5, BLOCK 58, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THAT PART THEREOF OUTLINED IN RED ON PLAN 182 BL
	25 Front Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 15369
<b>Emergency Shelter</b>	19 Nicol Street	LOT B (DD EM34637), BLOCK 12, SECTION 1, NANAIMO DISTRICT, PLAN 584
<b>Fast Food Restaurant</b>	15 Wallace Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP73095
	650 Terminal Avenue	LOT 1, SECTION 1, NANAIMO DISTRICT, AND PART OF THE BED OF THE PUBLIC HARBOUR OF NANAIMO, PLAN EPP10474
	60 Victoria Street	LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 44401 EXCEPT THAT PART IN PLAN VIP52897
	280 Nicol Street	LOT 1 & 2 & 3, BLOCK JACKSON, SECTION 1, NANAIMO DISTRICT, PLAN 584
<b>Gas Station</b>	60 Victoria Crescent	LOT A OF SECTION 1 AND THE BED OF THE PUBLIC HARBOUR OF NANAIMO, NANAIMO DISTRICT, PLAN VIP52912
	353 Terminal Avenue	LOT 4 & 5, SECTION 1, NANAIMO DISTRICT, AND OF THE BED OF THE PUBLIC HARBOUR OF NANAIMO, PLAN 9079
	222 Terminal Avenue	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 10981
	199 Nicol Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 44401 EXCEPT PART IN PLAN VIP63763
	330 Nicol Street	LOT 1 AND 2, BLOCK YOUNG, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE SOUTHERLY 43 FEET

Use	Permitted	
	Location Address	Legal Description of Permitted Located
Liquor Store	278 Selby Street	LOT 4, BLOCK 33, SECTION 1, NANAIMO DISTRICT, PLAN 584
	650 Terminal Avenue	LOT 1, SECTION 1, NANAIMO DISTRICT AND PART OF THE BED OF THE PUBLIC HARBOUR OF NANAIMO, PLANEPP10474
	1 Terminal Avenue	LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318 EXCEPT THAT PART IN PLAN 48701
		LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW LOTS A & B, SEC 1, PLAN 3360
125 Comox Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP58812	

(4500.002; 2011-OCT-03) (4500.152; 2019-SEP-09) (4500.144; 2019-SEP-16) (4500.132; 2019-OCT-21) (4500.161; 2019-DEC-02) (4500.141; 2020-AUG-31)

### 11.3 DENSITY

11.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot for each zone listed. The additional density columns permit additional density where the following specified location and amenity criteria have been provided. Within mixed use development additional density may be awarded where the lot includes both commercial and residential uses. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements as specified within Schedule D of this Bylaw; Tier 2 awards additional density to a development which meets or exceeds the Tier 2 requirements within Schedule D. Where a development achieves additional density, the additional floor area may be added to the base density within the zone. A development may achieve all of the additional density available within the zone:

Zone	Maximum Allowable Density (Floor Area Ratio)	Additional Density		
		Mixed Use	Tier 1	Tier 2
DT1	2.8	N/A	+0.2	+0.25
DT2	2.3	N/A	+0.2	+0.25
DT3	2.55	N/A	+0.2	+0.25
DT4	2.3	N/A	+0.2	+0.25
DT5	2.3	N/A	+0.2	+0.25
DT6	2.3	N/A	+0.2	+0.25
DT7	2.3	N/A	+0.2	+0.25
DT8	0.85	+0.15	N/A	N/A
DT9	0.85	+0.15	N/A	N/A
DT10	1 Dwelling Unit	N/A	N/A	N/A
DT11	0.85	N/A	+0.2	+0.25
DT12	1.00	+0.25	+0.25	+0.25

(4500.041; 2013-AUG-12)

11.3.2 Notwithstanding Subsection 11.3.1, the maximum allowable density for the following specific properties shall be as expressed as a Floor Area Ratio:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
11 Bastion Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 40829	A maximum Floor Area Ratio shall not apply.
1 Chapel Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17321	5.0
77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 86703	4.25
10 and 28 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84012; AND LOTS 9 AND 10, SECTION 1, NANAIMO DISTRICT, PLAN 4462	12.0
38 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63943	6.3
15 and 21 Front Street	LOTS 12 AND 13, BLOCK 55, SECTION 1, NANAIMO DISTRICT, PLAN 584	3.3
100 Gordon Street	LOT A, SECTION 1, NANAIMO DISTRICT AND OF THE BED OF THE PUBLIC HARBOUR, PLAN EPP30518	A maximum Floor Area Ratio shall not apply.

(4500.069; 2014-OCT-27) (4500.126; 2018-NOV-19) (4500.158; 2019-DEC-02)

11.3.3 Notwithstanding Subsection 11.3.1., where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the 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.

#### 11.4 LOT SIZE AND DIMENSIONS

11.4.1 The following table specifies the minimum lot size, minimum lot frontage and minimum lot depth of all serviced downtown lots within the corresponding zones:

Zone	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
DT1	370m <sup>2</sup>	12m	25m
DT2	370m <sup>2</sup>	12m	25m
DT3	370m <sup>2</sup>	12m	25m
DT4	370m <sup>2</sup>	12m	30m
DT5	370m <sup>2</sup>	12m	30m
DT6	743m <sup>2</sup>	30m	30m
DT7	370m <sup>2</sup>	12m	30m
DT8	800m <sup>2</sup>	15m	30m
DT9	375m <sup>2</sup>	12m	30m
DT10	375m <sup>2</sup>	12m	30m
DT11	375m <sup>2</sup>	12m	30m
DT12	750m <sup>2</sup>	15m	30m

11.4.2 Notwithstanding Subsection 11.4.1, where a lot contains or abuts a watercourse identified in Schedule C, the required leave strip shall not be included in the calculation of minimum lot area.



## 11.5 SITING OF BUILDINGS

11.5.1 The following table identifies the distance a principal building must be set back from the lot line within each respective zone:

Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard	Flanking Side Yard	Rear Yard	Notes
DT1	0m	4m	0m	0m	0m	A front yard setback of 4.5m is required for properties fronting on Terminal Avenue.
DT2	0m	4m	0m	0m	0m	
DT3	3m	N/A	0m	3m	10m	
DT4	4.5m	N/A	0m	0m	0m	
DT5	1.5m	4m	0m	1.5m	0m	Where a property fronts on Front Street, no front yard setback is required.
DT6	0m	N/A	0m	0m	0m	A front yard setback of 4.5m is required for properties fronting on Terminal Avenue.
DT7	4.6m	N/A	1.8m	4.6m	7.5m	
DT8	3m - First Storey 4m – Second and Third Storeys	6m	3m	3m	3m	Where a lot abuts a residential zone, the side yard setback shall be 4.5m
DT9	2m	4m	0m	2m	0m	Where commercial uses are combined with residential uses, the residential use portion of the building shall have a front yard and flanking side yard setback of 4m.
DT10	3m	N/A	1.5m	3m	3m	Where a lot abuts a residential zone, the side yard setback shall be 4.5m.
DT11	3m	N/A	1.5m	3m	3m	Where a lot abuts a residential zone, the side yard setback shall be 4.5m.
DT12	3.5m	10m	0m	3.5m	0m	

11.5.2 Notwithstanding Subsection 11.5.1, 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. **(4500.158; 2019-DEC-02)**

11.5.3 Notwithstanding Subsection 11.5.1, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

11.5.4 Notwithstanding Subsection 11.5.1, where the property abuts a major road, an additional 2.5m front yard setback is required where dedication to achieve the required Right-of-Way width has not occurred to facilitate the widening of the major road. **(4500.073; 2015-MAR-16)**

**11.6 LOCATION OF PARKING AREA**

11.6.1 Within all downtown zones, except the DT8 Zone, no parking shall be permitted between the front property line and the front face of the building.

11.6.2 Overnight storage of commercial vehicles which have a gross vehicle weight greater than 8,600kg shall not be permitted within parking lots or parkades within downtown zones.

**11.7 SIZE OF BUILDINGS**

11.7.1 The maximum lot coverage and height, as well as the minimum required height of a principal building, shall be as specified as follows within the applicable zone:

<b>Zone</b>	<b>Lot Coverage</b>	<b>Maximum Allowable Height</b>	<b>Minimum Required Height</b>
DT1	100%	14m	2 Storeys
DT2	100%	12m	N/A
DT3	100%	14m	N/A
DT4	100%	19.8m	2 Storeys
DT5	100%	19.8m	2 Storeys
DT6	100%	19.8m	N/A
DT6H	100%	87m	N/A
DT7	100%	14m	N/A
DT8	50%	10.5m	N/A
DT9	70%	11.2m	2 Storeys
DT10	50%	7.75m	N/A
DT11	50%	10.5m	N/A
DT12	100%	19.8m	2 Storeys

**(4500.041; 2013-AUG-12) (4500.126; 2018-NOV-19)**

11.7.2 Notwithstanding Subsection 11.7.1, the maximum allowable height for the following specific properties shall be as follows:

<b>Civic Address</b>	<b>Legal Description</b>	<b>Maximum Allowable Height</b>
11 Bastion Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 40829	50m
1 Chapel Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17321	50m
77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 86703	78.5m
10 and 28 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84012; AND LOTS 9 AND 10, SECTION 1, NANAIMO DISTRICT, PLAN 4462	114.3m
38 Front Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63943	63.5m
100 Gordon Street	LOT A, SECTION 1, NANAIMO DISTRICT AND OF THE BED OF THE PUBLIC HARBOUR, PLAN EPP30518	87m

**(4500.069; 2014-OCT-27) (4500.126; 2018-NOV-19) (4500.158; 2019-DEC-02)**

11.7.3 Notwithstanding Subsection 11.7.1, within the DT8, DT9, DT10, and DT11 zones height shall be measured vertically from the average natural grade level recorded at the outermost corners of the building or at the curb level, whichever is greater, as determined by survey to the highest part of the roof surface for a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, or gambrel of a sloped roof.