

DATE OF MEETING | May 27, 2024 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT INCREASING HOUSING OPTIONS & SMALL-SCALE MULTI-UNIT HOUSING

OVERVIEW

Purpose of Report

To present, for Council's consideration, amendments to the "City of Nanaimo Zoning Bylaw 2011 No. 4500" and "City of Nanaimo Building Bylaw 2016 No. 7224" to implement the Increasing Housing Options and Provincial Small-Scale Multi-Unit Housing legislation. |

Recommendation

Zoning Bylaw 2011 No. 4500

That:

1. "Zoning Amendment Bylaw 2024 No. 4500.223" (amendments to implement the Increasing Housing Options and Provincial Small-Scale Multi-Unit Housing legislation) pass first reading.
2. "Zoning Amendment Bylaw 2024 No. 4500.223" pass second reading.
3. "Zoning Amendment Bylaw 2024 No. 4500.223" pass third reading.

Building Bylaw 2016 No. 7224

That:

1. "Building Amendment Bylaw 2024 No. 7224.07" (amendments to implement the Increasing Housing Options and Provincial Small-Scale Multi-Unit Housing legislation) pass first reading.
2. "Building Amendment Bylaw 2024 No. 7224.07" pass second reading.
3. "Building Amendment Bylaw 2024 No. 7224.07" pass third reading. |

BACKGROUND

At its meeting of 2024-MAY-06, Council directed Staff to bring forward amendment bylaws for the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") and "City of Nanaimo Building Bylaw 2016 No. 7224" to implement the Increasing Housing Options and Provincial Small-Scale Multi-Unit Housing legislation. As outlined in the previous Staff Report to Council (see Attachment A), a number of considerations have informed the proposed amendments to ensure alignment with the Provincial requirements.

Notice has been given in accordance with the *Local Government Act* Section 467 in advance of consideration of first reading of the Zoning Amendment Bylaw. |

DISCUSSION

The two amendment bylaws, “Zoning Amendment Bylaw 2024 No. 4500.223” and “Building Amendment Bylaw 2024 No. 7224.07”, are attached to this report. While most single residential dwelling and duplex zoned properties in the City are proposed to be pre-zoned to allow three or four dwelling units, certain properties will be exempt where permitted by the Provincial legislation (e.g. lots not connected to City services, lots or zones over a certain size, lots subject to hazardous conditions per the “North Slope Stability Study”, and lots within a Transit-Oriented Area). For ease of reference, a copy of the North Slope Stability Study is available on the City of Nanaimo Small-Scale Multi-Unit Housing page (see Attachment B).

Minor corrections and clarifications have been made to the draft Zoning Amendment Bylaw since the 2024-MAY-06 meeting:

1. Lot coverage in the R5 zone has been corrected from 40% to 50% which matches the existing R5 zone;
2. Clarification has been added to distinguish between the row house and multiple family dwelling uses in the proposed Row House Residential (R7) zone;
3. Floor Area Ratio has been removed from the Old City Fourplex (R14) zone, as recommended in the previous Staff Report;
4. Clarification has been added to 9.8.1 (Interim Corridor Area) that the permitted use of single residential dwelling is a principal use; and,
5. The title of the proposed Corridor zoning in Schedule C has been revised to reflect the proposed zoning in 9.8.1 (Interim Corridor Area).

Should Council pass first, second, and third readings of the amendment bylaws, the Zoning Amendment Bylaw will be forwarded to the Ministry of Transportation and Infrastructure for approval. A Public Hearing is prohibited from being held per the LGA s.464. Staff anticipate returning with consideration of bylaw adoption on 2024-JUN-17 ahead of the Provincial deadline of 2024-JUN-30.

These amendment bylaws are a first step towards implementing actions from Increasing Housing Options and from the Provincial Small-Scale Multi-Unit Housing legislation. A comprehensive Zoning Bylaw review is anticipated to be completed in 2025 following a revised Housing Needs Report, to ensure that zoning supports anticipated housing needs and City Plan objectives for growth in Nanaimo.

ATTACHMENTS

ATTACHMENT A: [Link to “2024-MAY-06 Staff Report to Council and Attachments”](#)

ATTACHMENT B: [Link to City of Nanaimo Small-Scale Multi-Unit Housing Page “Zoning Amendment Bylaw 2024 No. 4500.223”](#)
[“Building Amendment Bylaw 2024 No. 7224.07”](#)

Submitted by:

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Concurrence by:

Darcy Fox
Manager, Building Inspections

Jeremy Holm
Director, Planning & Development

ATTACHMENT A

2024-MAY-06 STAFF REPORT TO COUNCIL AND ATTACHMENTS

Link to 2024-MAY-06 Staff Report to Council:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=c621f09b-dde8-4c8c-9d67-ab8d890ad997&Agenda=Merged&lang=English&Item=33&Tab=attachments>

ATTACHMENT B

CITY OF NANAIMO SMALL-SCALE MULTI-UNIT HOUSING PAGE

Link to City of Nanaimo Small-Scale Multi-Unit Housing Page:

<https://www.nanaimo.ca/your-government/projects/projects-detail/small-scale-multi-unit-housing>

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) A minimum of 80% of the building's original gross floor area is kept;
 - b) The number and size of windows or doors facing a front or flanking side yard are not reduced;
 - c) No new floor area is proposed on the front face of the building, except for an entry portico or front porch; and
 - d) 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 ¹ (<i>< than 4:12 pitch</i>)	Height of Principal Building - Sloped Roof ¹ (<i>≥ 4:12 pitch</i>)	Perimeter Wall Height ²
R1	40%	7m	9m	7.32m
R5	40%	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: _____

PASSED SECOND READING: _____

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

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

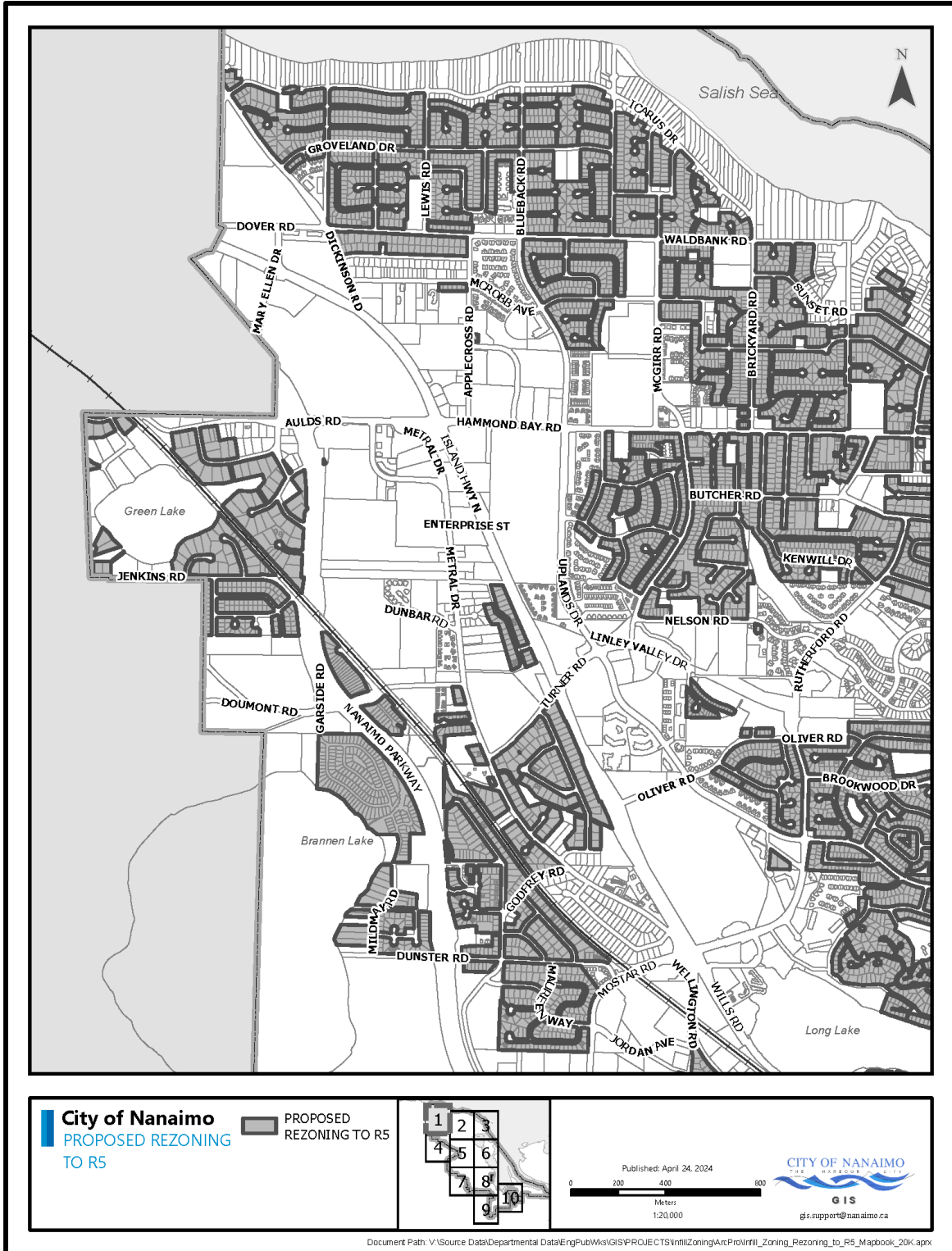
ADOPTED: _____

MAYOR

CORPORATE OFFICER

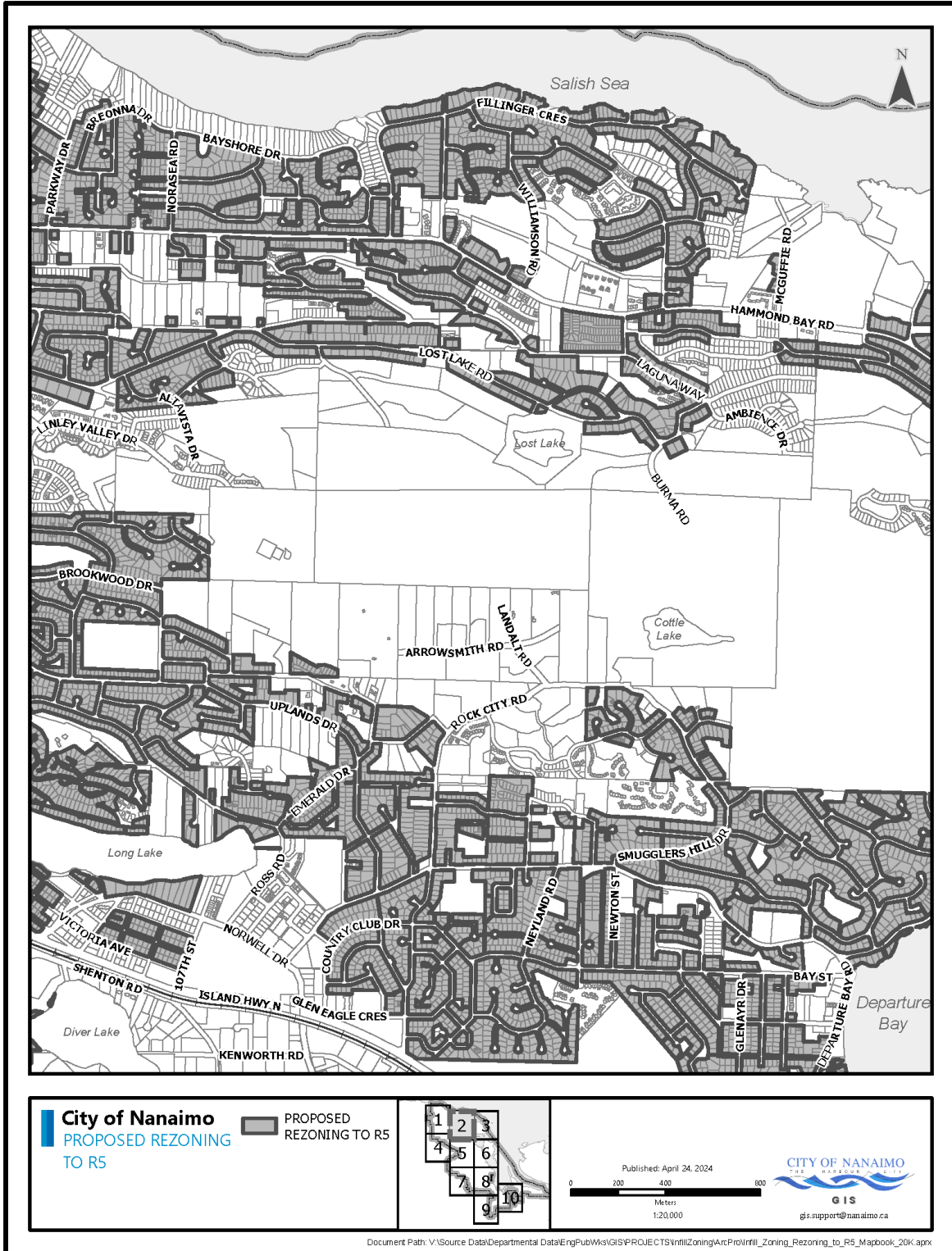
SCHEDULE A

MAP 1



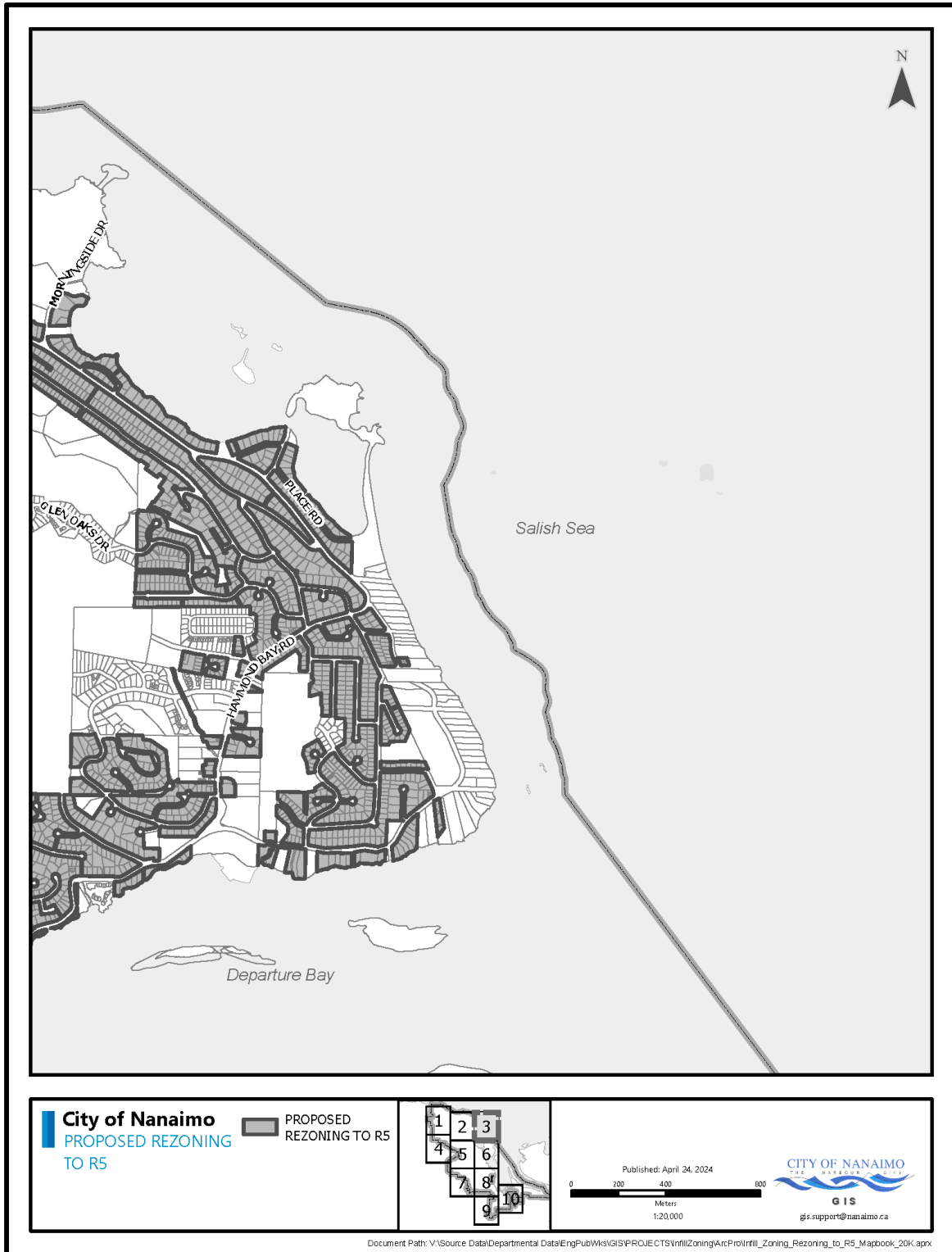
SCHEDULE A

MAP 2



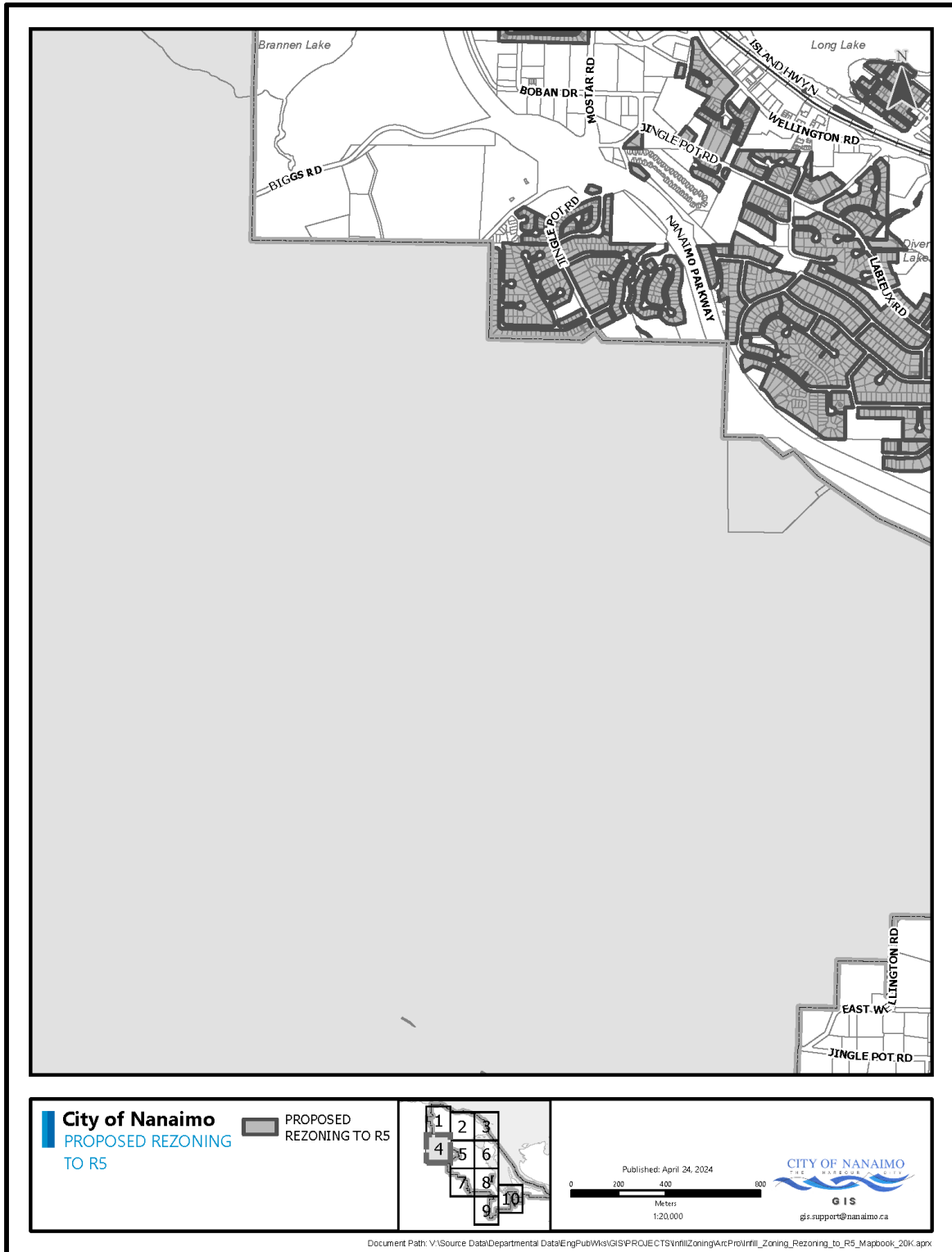
SCHEDULE A

MAP 3



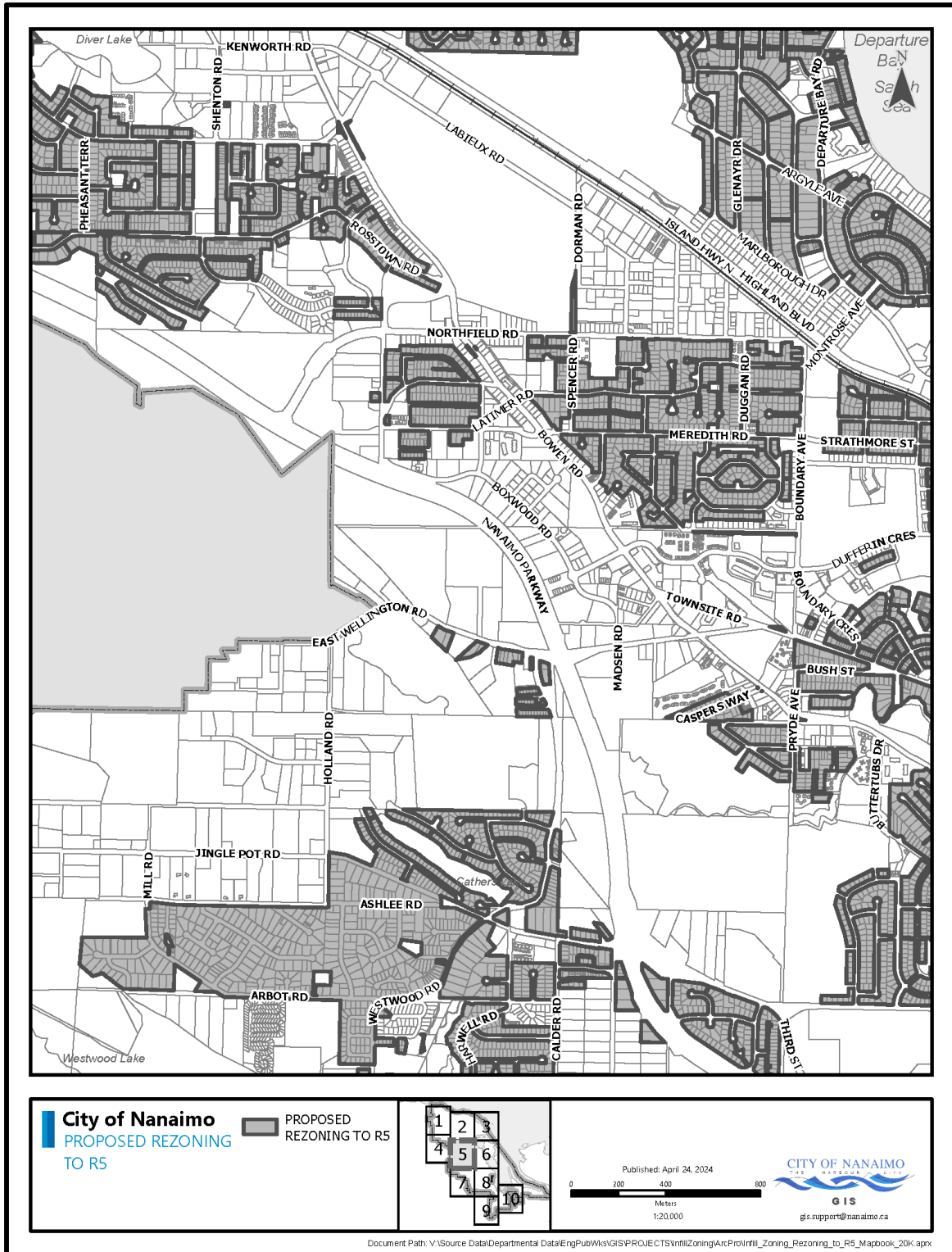
SCHEDULE A

MAP 4



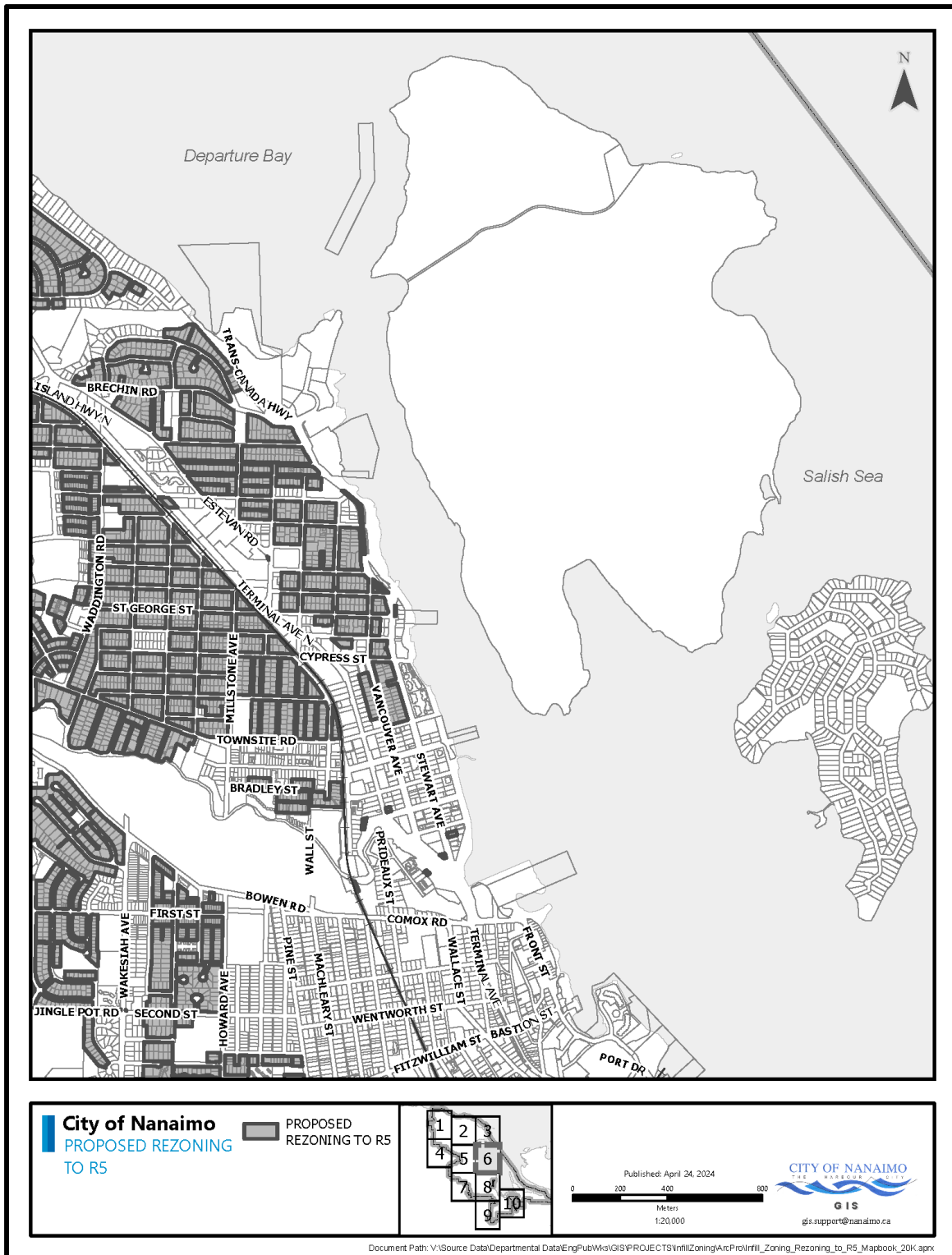
SCHEDULE A

MAP 5



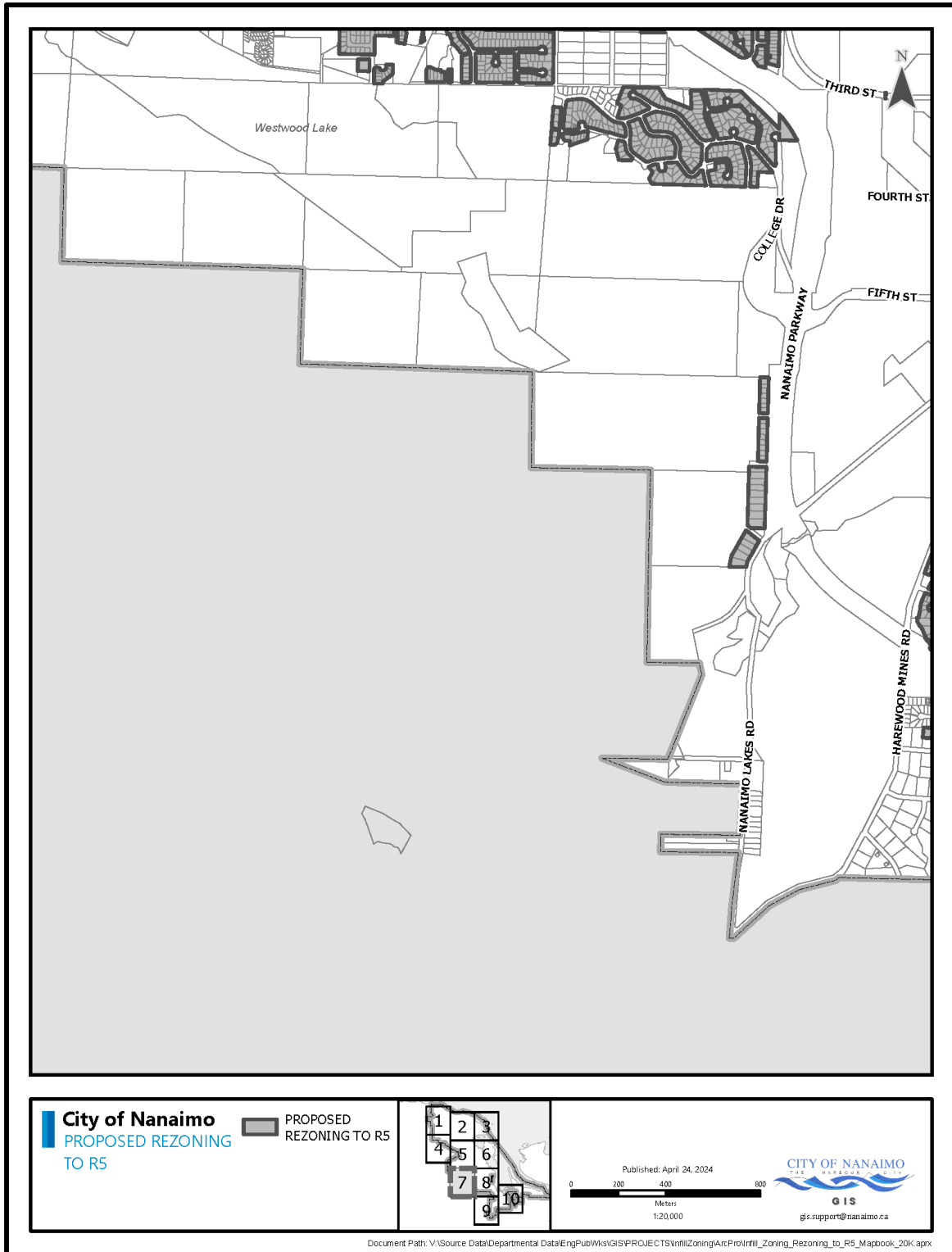
SCHEDULE A

MAP 6



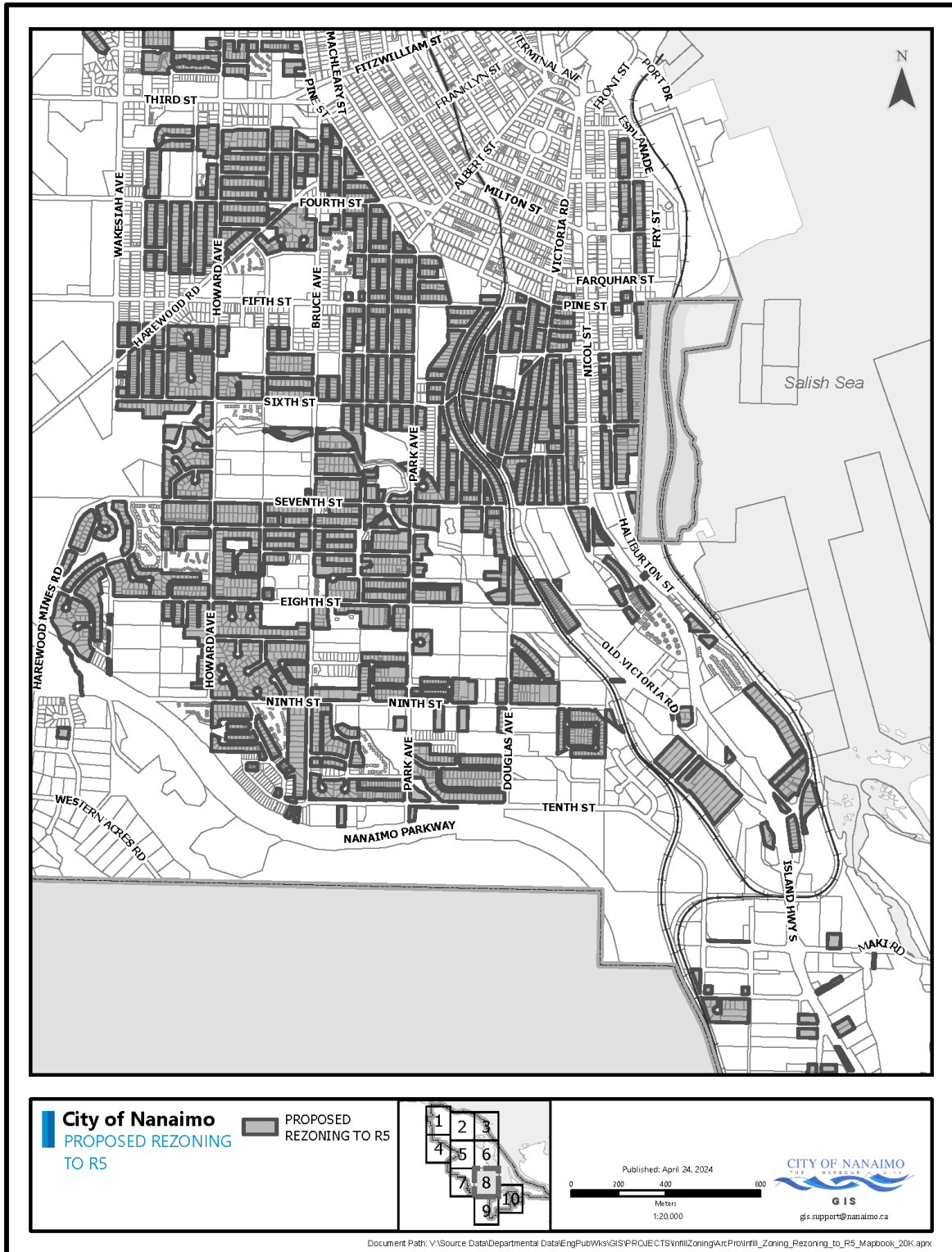
SCHEDULE A

MAP 7



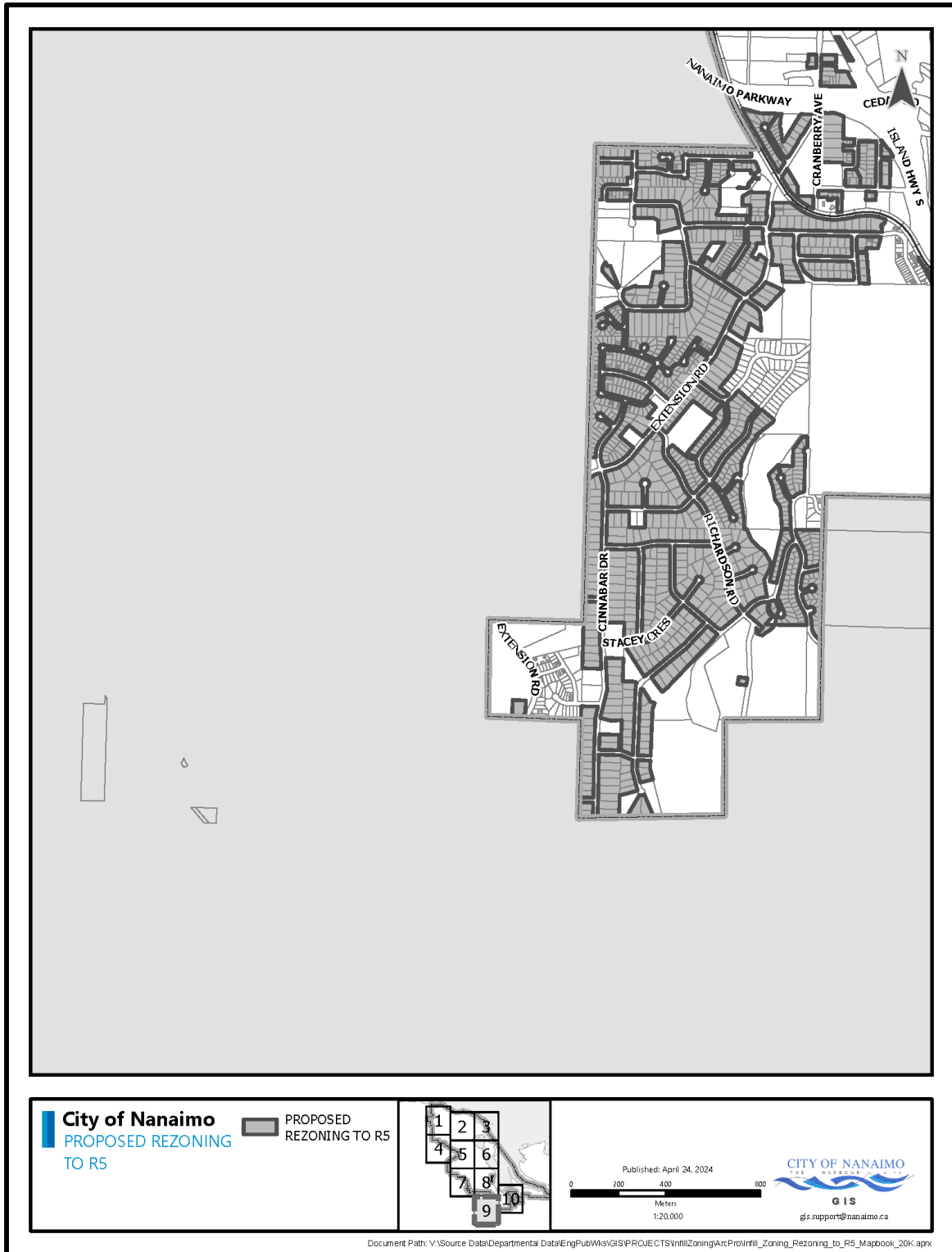
SCHEDULE A

MAP 8



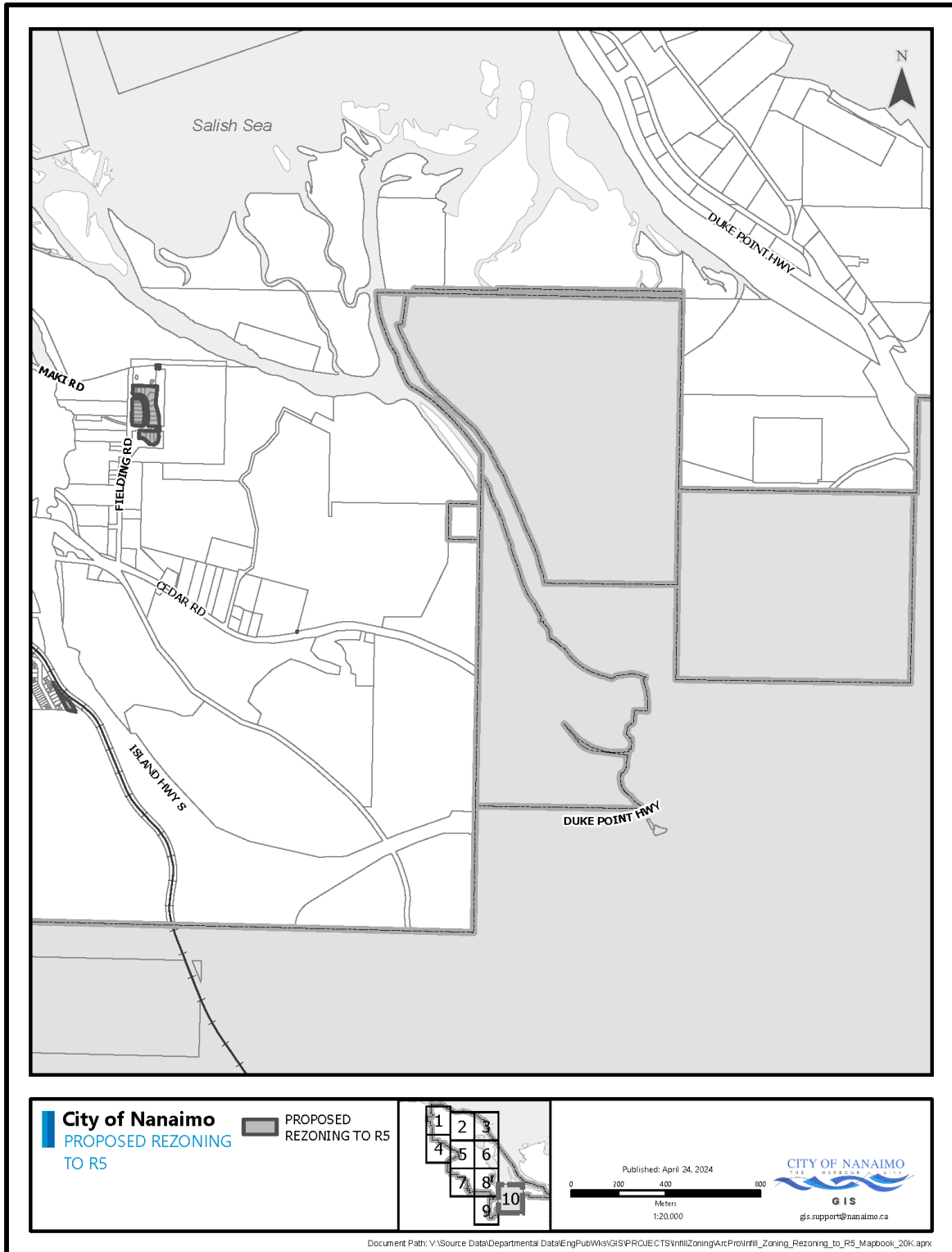
SCHEDULE A

MAP 9



SCHEDULE A

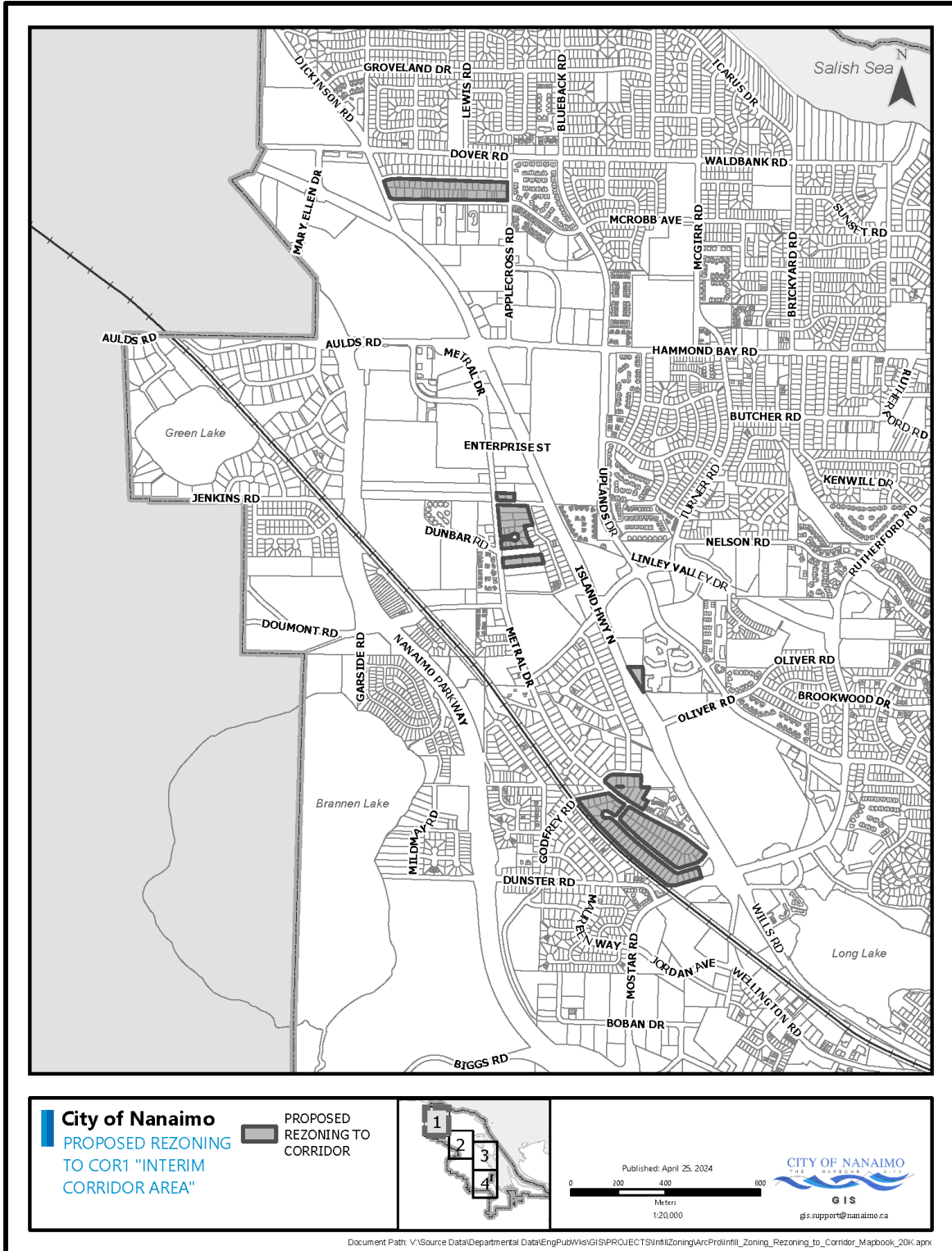
MAP 10





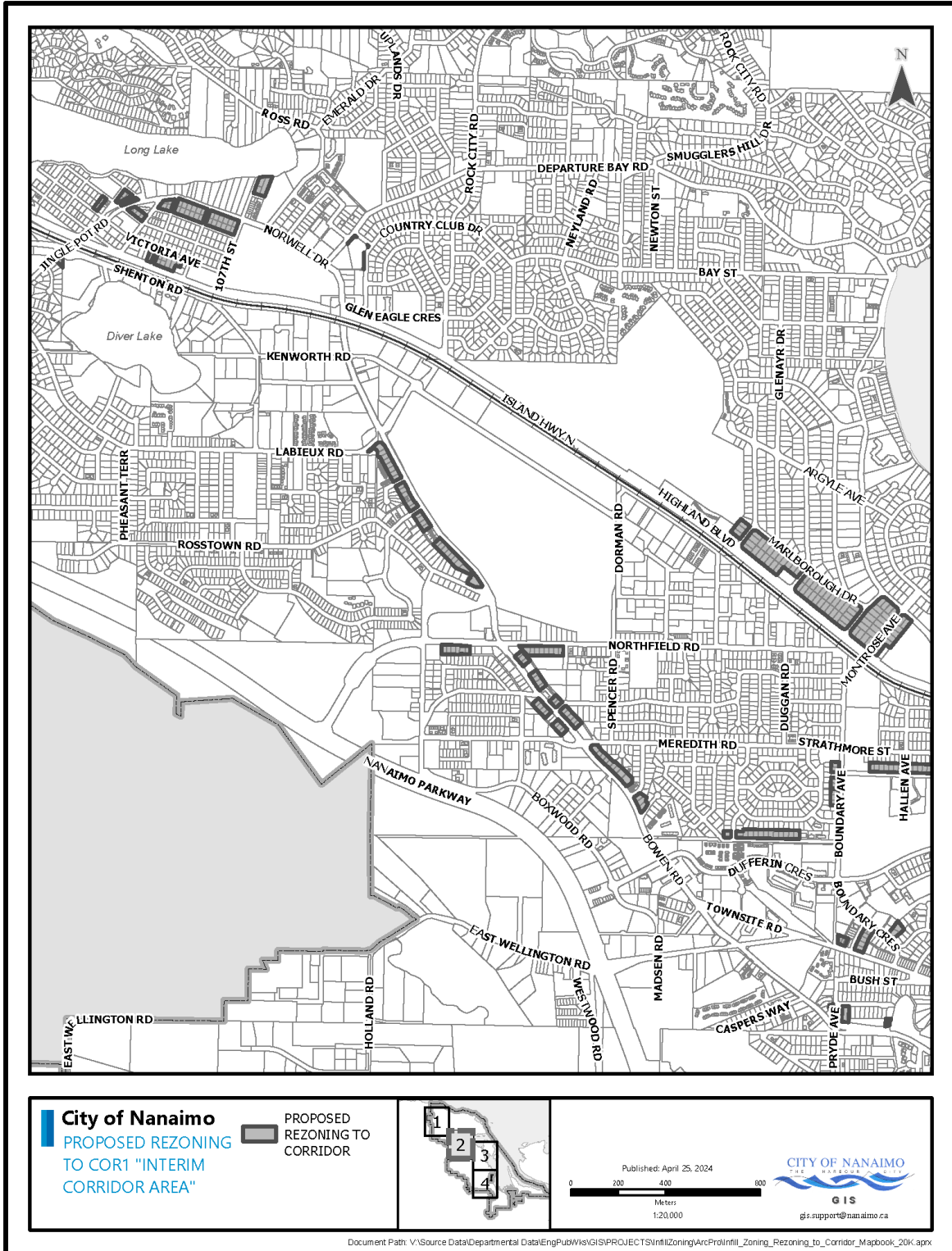
SCHEDULE C

MAP 1



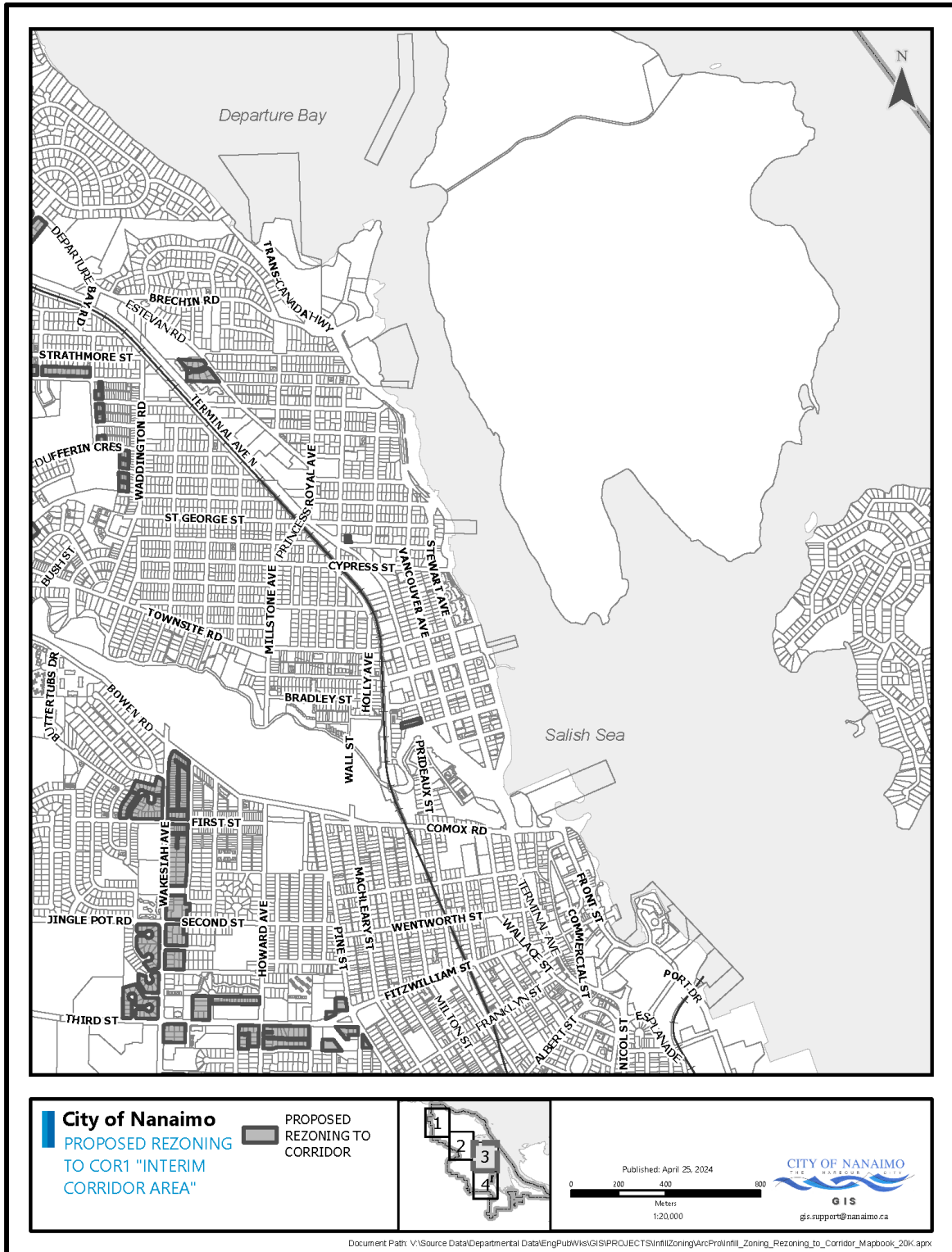
SCHEDULE C

MAP 2



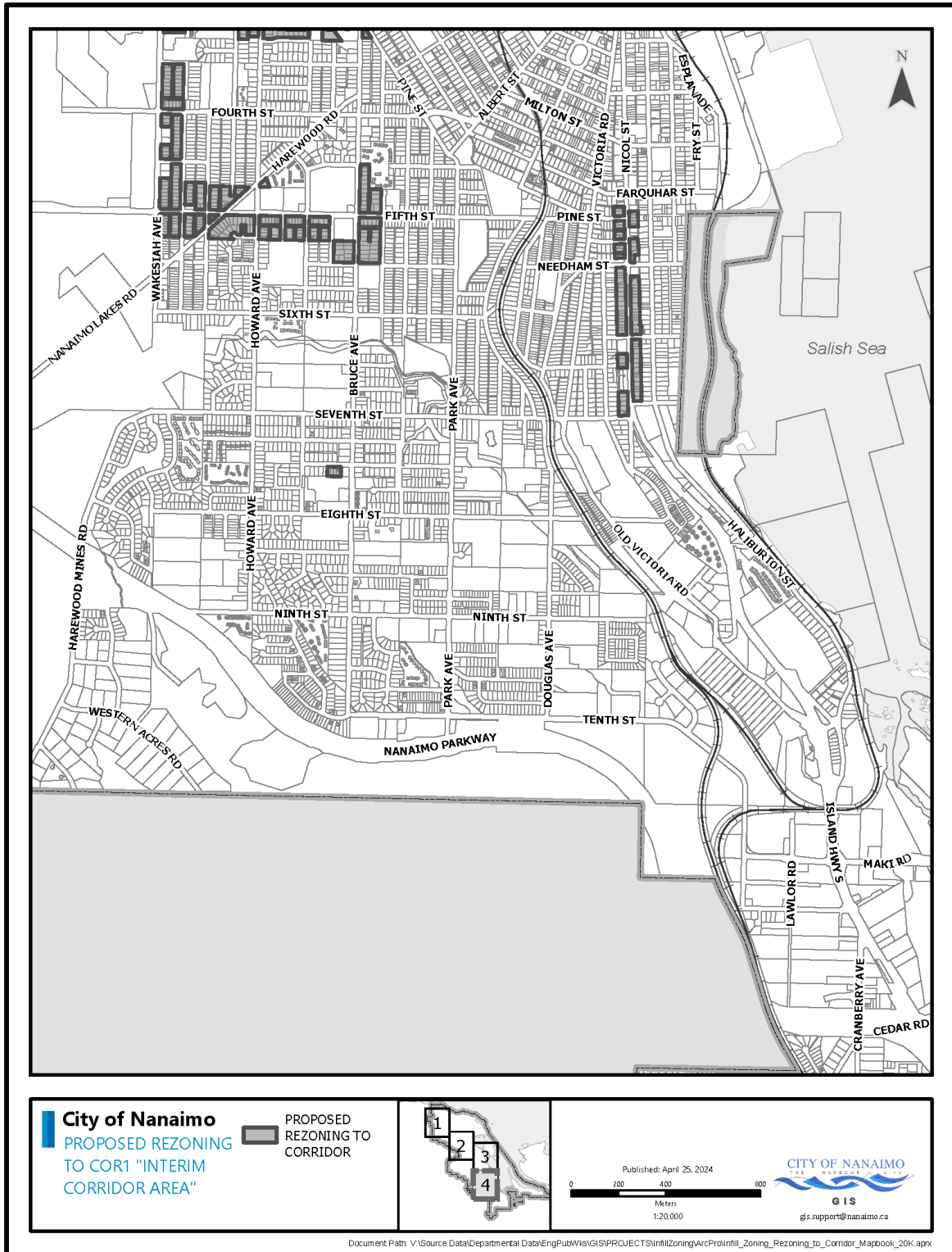
SCHEDULE C

MAP 3

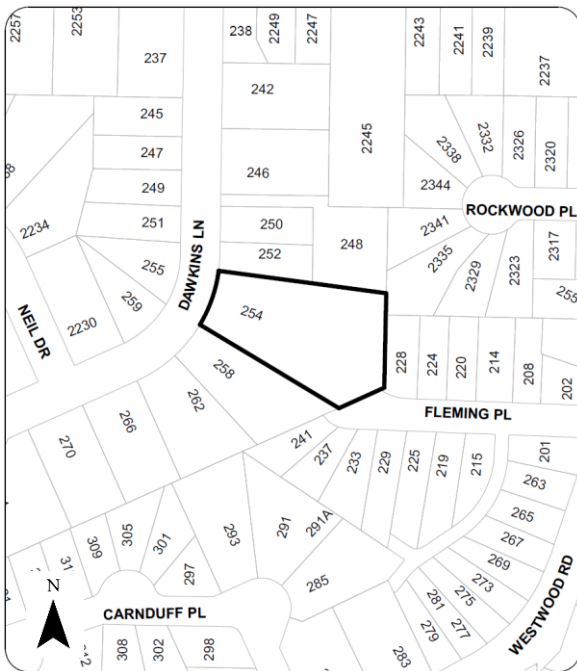


SCHEDULE C

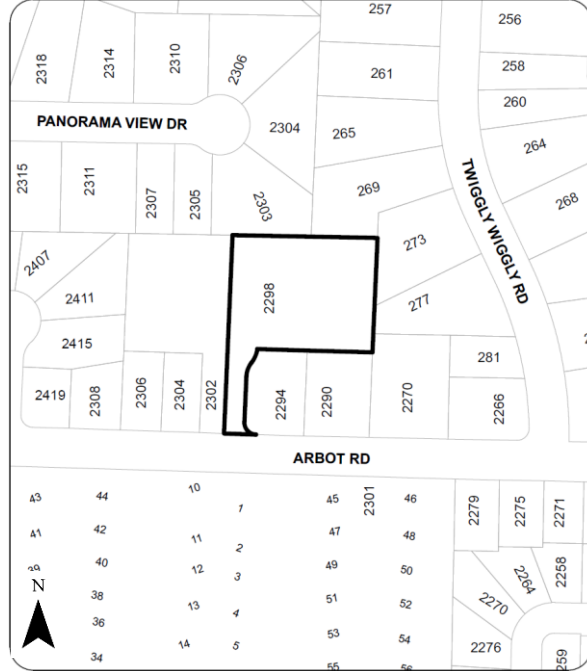
MAP 4



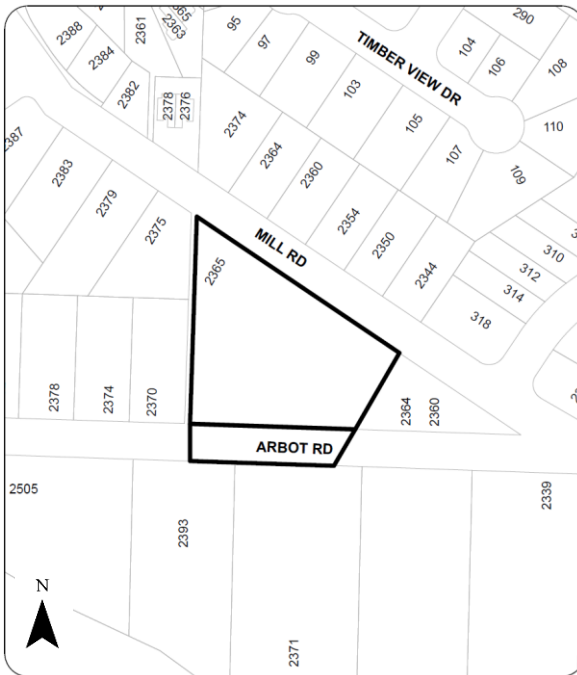
SCHEDULE D



Civic: 254 Dawkins Lane



Civic: 2298 Arbot Road



Civic: 2365 Mill Road



Civic: 5884 Sunset Road

 **SUBJECT PROPERTIES**

PROPOSED REZONING TO R1

CITY OF NANAIMO

BYLAW NO. 7224.07

A BYLAW TO AMEND "BUILDING BYLAW 2016 NO. 7224"

The Council of the City of Nanaimo in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the "Building Bylaw Amendment Bylaw 2024 No. 7224.07".

2. Amendments

"Building Bylaw 2016 No. 7224" is hereby amended as follows:

2.1 By deleting section 10.2 in its entirety and replacing with the following:

"10.2 In addition to the requirements of Section 10.1, the following may be required by a Building Official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, the gross floor areas of which in the aggregate total more than 1,000 square metres, or three or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant."

2.2 By deleting the value of "1 - 1/4 times" from section 20.1.3.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7272.04

A BYLAW TO AMEND COUNCIL PROCEDURE BYLAW 2018, NO. 7272

WHEREAS City Council has enacted Council Procedure Bylaw 2018, No. 7272 under the *Community Charter* to govern the proceedings of Council and its Committee Meetings;

AND WHEREAS Council deems it expedient to amend its Procedure Bylaw to amend the delegation provisions resulting from the Housing Statutes (Residential development) Amendment Act, 2023 and other housekeeping amendments;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "Council Procedure Bylaw Amendment Bylaw 2024 No. 7272.04".

2. Amendments

Council Procedure Bylaw 2018 No. 7272 is hereby amended as follows:

2.1 By adding the following to Section 9.1:

"(l) Correspondence" and to reorder the remaining sections within section 9.1 accordingly.

2.2 By adding the words "been acted upon by Council or" after the word "already" in section 19.4(c).

2.3 By deleting Section 19.10.

2.4 By deleting Section 19.11 and replacing it with the following:

"19.11 (a) There shall be no limit to the number of delegations included on the Council Meeting Agenda for items that have been included on the Agenda.

(b) Any Delegation requests that do not pertain to an item on the agenda shall be reviewed by the Corporate Officer and if appropriate placed on the next Council meeting agenda under the Delegations heading.

(c) A maximum of four Delegations will be permitted regarding items not listed on a Council agenda. The order of Delegations will be the first four received, commencing 14 days prior to the Delegation deadline."

- 2.5 By deleting the heading "Delegations Unrelated to Agenda Items"
- 2.6 By deleting sections 19.12, 19.13, and 19.14.
- 2.7 By deleting section 19.15(a) and replacing it with the following:
 "(a) if the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given."
- 2.8 By adding the word "that were" after "matters" and adding the following after the word "meeting" in section 23.2:
 "from the following:
 (a) Consent Items;
 (b) Reports; or
 (c) Other Business"
- 2.9 By deleting section 50.4 and replacing it with the following:
 "50.4 A Delegation requesting to appear before a Committee or Taskforce on a matter related to the agenda, will submit a written request which includes an outline on the agenda matter of the request to the Corporate Officer by 11:00 am the day prior to the meeting."
- 2.10 By deleting the words "ten days" and "prior to" in section 50.5 and replacing it with the words "the day before".
- 2.11 By adding the following after section 51.8:

"Motion to Amend Minutes

- 51.9 A Council member may make a motion requesting that the minutes be amended to correct an inaccuracy or omission, however, the Corporate Officer should be advised of the challenge to the minutes at least one hour before the Council meeting at which the minutes are to be officially confirmed, to allow the Corporate Officer to review the recording of that meeting.

Meeting Recording to Determine Accuracy of Minutes

- 51.10 If a Council member questions the accuracy of a portion of the minutes of a Council meeting, Committee meeting, Court of Revision or Special Council meeting, the recording of that meeting, if available, shall be used to decide the question.

Adoption of Minutes

- 51.11 If there are no errors or omissions, Council must adopt the minutes as circulated."

2.12 By deleting sections 55.3, 55.4, and 55.5.

PASSED FIRST READING: 2024-APR-22
PASSED SECOND READING: 2024-APR-22
PASSED THIRD READING: 2024-APR-22

Notice of intention to proceed with this bylaw was published on the 1st day of May, 2024 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo, and posted on the City of Nanaimo website pursuant to Section 94.2 of the *Community Charter*.

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7375

A BYLAW TO ESTABLISH DEVELOPMENT AND NOTIFICATION PROCEDURES
PURSUANT TO THE *LOCAL GOVERNMENT ACT*

The municipal Council of the City of Nanaimo in open meeting assembled; hereby
ENACTS AS FOLLOWS:

1. Title

- 1.1 This Bylaw may be cited as the City of Nanaimo "DEVELOPMENT PROCEDURES
AND NOTIFICATION BYLAW 2024 NO. 7375"

2. Interpretation

- 2.1 In this Bylaw, unless the context requires otherwise:

"COMPLETE APPLICATION" means an application which complies with all of
the requirements of Section 4.2 of this Bylaw.

"DELEGATED APPROVAL" means a land use approval or permit for which the
authority to execute or issue has been delegated
by Council pursuant to the "Officer Designation
and Delegation of Authority Bylaw" or any
subsequent bylaw or bylaws which may be
enacted in the substitution thereof.

"DEVELOPMENT APPROVAL
INFORMATION BYLAW" means the City of Nanaimo "Development
Approval Information Bylaw 2022 No. 7346" or
any subsequent bylaw or bylaws which may be
enacted in the substitution thereof.

"DEVELOPMENT PERMIT" means a permit authorized by Section 490 of
the *Local Government Act*.

"DEVELOPMENT VARIANCE
PERMIT" means a permit authorized by Section 498 of
the *Local Government Act*.

"DIRECTOR OF PLANNING &
DEVELOPMENT" means the Director of Planning & Development
for the City of Nanaimo and includes any
employee authorized to act on their behalf.

"FEES AND CHARGES
BYLAW" means the City of Nanaimo "Fees and Charges
Bylaw 2021 No. 7336" or any subsequent bylaw
or bylaws which may be enacted in the
substitution thereof.

"HERITAGE ALTERATION
PERMIT" means a permit authorized by Section 617 of the
Local Government Act.

"HERITAGE REVITALIZATION AGREEMENT"	means a permit authorized by Section 610 of the <i>Local Government Act</i> .
"LOCAL GOVERNMENT ACT "	means the <i>Local Government Act</i> and amendments thereto.
"OFFICIAL COMMUNITY PLAN"	means the "City Plan Bylaw 2022 No. 6600: Nanaimo Relmaged" or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.
"PHASED DEVELOPMENT AGREEMENT"	means a phased development agreement under Section 516 of the <i>Local Government Act</i> .
"TEMPORARY USE PERMIT"	means a permit authorized by Section 493 of the <i>Local Government Act</i> .
"PRE-APPLICATION MEETING"	means a meeting with Planning & Development and other departments, as applicable, prior to the submission of any application which falls under the scope of this Bylaw.
"ZONING BYLAW"	means the "City of Nanaimo Zoning Bylaw 2011 No. 4500" or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

3. Scope

3.1 This Bylaw applies to the following applications related to all lands within the boundaries of the City of Nanaimo:

- (a) an application for:
 - (i) an amendment to the Official Community Plan
 - (ii) an amendment to the Zoning Bylaw
 - (iii) a Heritage Revitalization Agreement
 - (iv) a Phased Development Agreement
- (b) an application for:
 - (i) a Heritage Alteration Permit
 - (ii) a Development Permit
 - (iii) a Development Variance Permit
 - (iv) a Temporary Use Permit

4. Application Procedure

- 4.1 An applicant for an application described in Section 3 of this Bylaw shall attend a Pre-application Meeting unless this requirement is waived by the Director of Planning & Development.
- 4.2 Each application described in Section 3 of this Bylaw shall be made to the Director of Planning & Development and shall be:
 - (a) signed by the owner of the lands involved or by a person authorized in writing by the owner to act as their agent;
 - (b) made on the application form prescribed by the Director of Planning & Development;
 - (c) accompanied by all the information and supporting documents specified in the application form, the Development Approval Information Bylaw or as required by the Director of Planning & Development to evaluate the application; and,
 - (d) accompanied by the applicable application fee as set out in the Fees and Charges Bylaw.
- 4.3 Every Complete Application described in Section 3 of this Bylaw shall be processed by the Director of Planning & Development who will present a report to Council for consideration, other than an application for Delegated Approval.
- 4.4 When processing an application, the Director of Planning & Development may forward the application to other departments in the City of Nanaimo, to external agencies, associations, or committees as required.
- 4.5 Every applicant for a bylaw amendment to the Official Community Plan or the Zoning Bylaw, or a Development Permit with associated variances that cannot be delegated for approval, shall hold a public information meeting unless this requirement is waived by the Director of Planning & Development.

5. Public Notification Sign

- 5.1 For an application made under Section 3.1(a) of this Bylaw, the applicant shall prepare and post notice of the application in accordance with the sign specifications as outlined in Schedule 'A' a minimum of ten (10) calendar days prior to Council consideration of first reading of the proposed bylaw and provide photographic confirmation that the signs have been installed.
- 5.2 Where concurrent applications require a public notification sign, the applications can be posted on the same sign.
- 5.3 The sign shall be a minimum height of 1.2 metres and a minimum width of 2.4 metres.
- 5.4 The required sign shall be posted on the property subject to an application in a location unobstructed to view from the street no more than 6.0 metres from the property line and:

- (a) where the property abuts two or more streets, excluding lanes, a sign shall be posted from each abutting street or alternatively, from the intersection point of the two streets at a 45-degree angle; and,
 - (b) where placement of a required sign on a property is not feasible, the sign may be posted on an abutting road right-of-way, subject to approval by the Director of Planning & Development; and,
 - (c) Despite Section 5.4(a), where a property abuts the Nanaimo Parkway and at least one other street, a sign is not required to be posted along any property line abutting the Nanaimo Parkway.
- 5.5 Where a sign is mounted on a building or fence, it shall be unobstructed from the street, and the bottom edge shall be a minimum of 1.2 metres and a maximum of 3.0 metres from the ground.
- 5.6 Where a public hearing must be held or where Council chooses to hold a public hearing:
 - (a) The date of the public hearing shall be identified on the sign no less than ten (10) calendar days prior to the scheduled public hearing date.
 - (b) Failure to post a sign pursuant to this Bylaw will result in the removal of the application from the agenda.
 - (c) Where a proposed bylaw has been removed from the public hearing agenda because of failure to post a sign:
 - (i) No refund of the public hearing fee as set out in the Fees and Charges Bylaw will be granted.
 - (ii) An additional public hearing fee as set out in the Fees and Charges Bylaw shall be paid prior to a new public hearing.
 - (d) An application may not be removed from a public hearing agenda less than ten (10) days prior to the public hearing date except where failure to post a sign has occurred.
- 5.7 Any sign required to be erected on a property shall be removed no later than thirty (30) calendar days after the date of third reading of the proposed bylaw.

6. Notice of Public Hearing or Proposed Bylaw

- 6.1 Notices pursuant to Section 466 of the *Local Government Act* (where a public hearing is held) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within one hundred (100) metres from the parcel(s) that is subject to the proposed bylaw.
- 6.2 Notices pursuant to Section 467 of the *Local Government Act* (where a public hearing is prohibited or is not held) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within one hundred (100) metres from the parcel(s) that is subject to the proposed bylaw.

7. Notice of Permits

- 7.1 Notices pursuant to Section 499 of the *Local Government Act* (where Council proposes to pass a resolution to issue a Development Variance Permit) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within a distance of ten (10) metres from the parcel(s) or the width of an abutting highway plus ten (10) metres, that is subject to the proposed permit.
- 7.2 Notices pursuant to Section 494 of the *Local Government Act* (where Council proposes to pass a resolution to issue a Temporary Use Permit) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within a distance of ten (10) metres from the parcel(s) or the width of an abutting highway plus ten (10) metres, that is subject to the proposed permit.

8. Inactive Applications

- 8.1 Where an applicant for a Complete Application does not provide the development approval information requested by the Director of Planning & Development within six (6) months from the date of the request, the application will be deemed inactive and may be closed at the discretion of the Director of Planning & Development.
- 8.2 Where a bylaw amendment to the Official Community Plan or the Zoning Bylaw has not been given final adoption by Council within one (1) year after the date of the last consideration by Council, the associated application will be deemed to have lapsed and the application closed.
- 8.3 If a written request from an applicant is received thirty (30) calendar days prior to the lapse of the application for a bylaw amendment to the Official Community Plan or the Zoning Bylaw, Council may extend the deadline for a period of one (1) year by passing a resolution to enable the applicant to complete the requirements for final adoption.

9. Reapplication

- 9.1 In order for an application that has been closed under Section 8 of this Bylaw to proceed, a new application and application fee as set out in the Fees and Charges Bylaw will be required.
- 9.2 Where an application under Section 3 of this Bylaw has been denied by Council, no subsequent application for the same bylaw amendment or permit may be submitted for a period of six (6) months immediately following the date of refusal unless an affirmative vote of at least two-thirds of the members of Council eligible to vote on the reapplication has been passed pursuant to Section 460(3) of the *Local Government Act*.

10. Repeal

- 10.1 The City of Nanaimo "Development Approval Procedures and Notification Bylaw 1991 No. 3892" and all amendments thereto are hereby repealed.

PASSED FIRST READING: 2024-MAY-06
PASSED SECOND READING: 2024-MAY-06
PASSED THIRD READING: 2024-MAY-06
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE 'A'

PUBLIC NOTIFICATION SIGN SPECIFICATIONS

SIGN SPECIFICATIONS

Dimensions and material: 1.2 metres x 2.4 metres (4' x 8') on durable material

Lettering

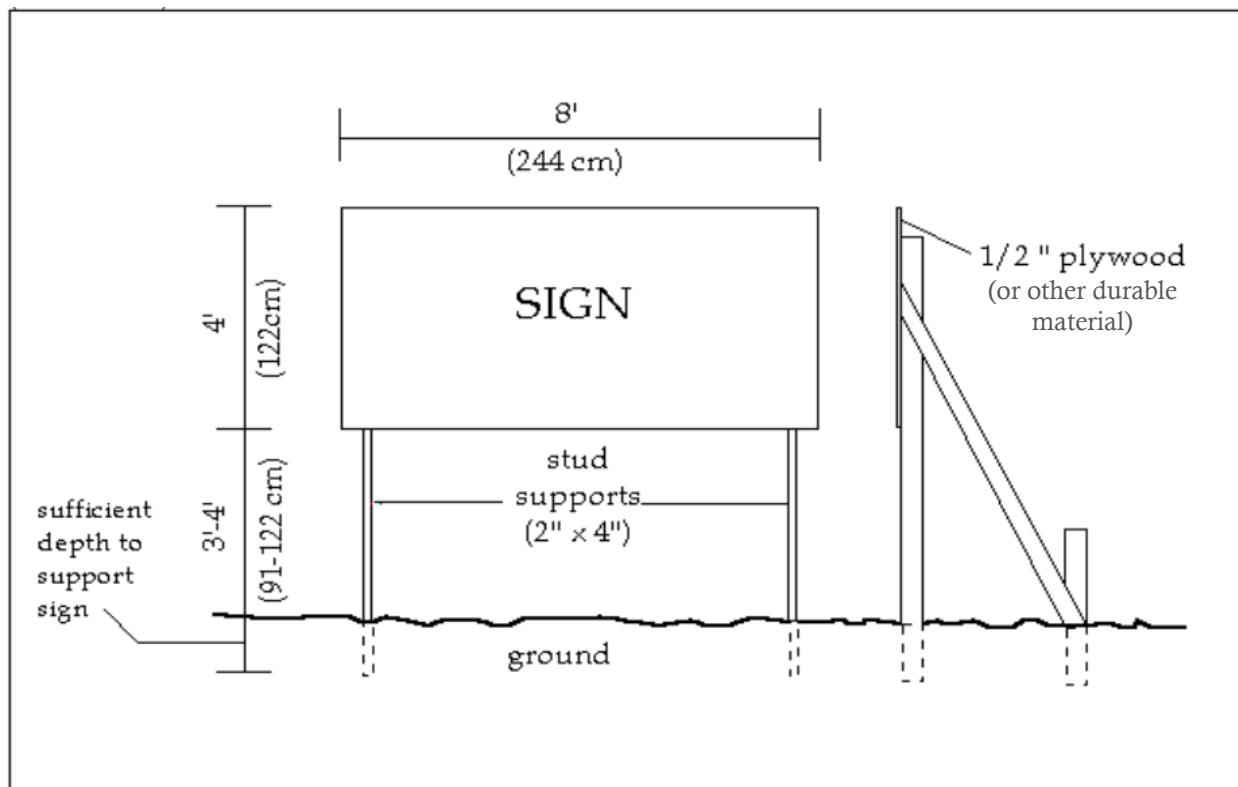
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- Font: Arial
- Minimum Font Height 7.5cm (3")








Sign Contents: Black Lettering

- Font: Arial
- Minimum Font Height: 4.0cm (1.5")

INSTALLATION SPECIFICATIONS



SAMPLE DEVELOPMENT APPLICATION SIGN

DEVELOPMENT APPLICATION [APPLICATION TYPE]		FOR MORE INFORMATION: Visit www.nanaimo.ca/whatsbuilding Or scan the QR code 	
ADDRESS:			
APPLICATION NUMBER:			
PROPOSAL:			
PUBLIC HEARING: [Public Hearing details, must specify if 1, 2, or 3 from below]			
	(IMAGE)	(IMAGE)	
	LOCATION MAP	CONCEPTUAL IMAGE	
	APPLICANT  	CITY  planning@nanaimo.ca  250-755-4429  411 Dunsmuir Street, Nanaimo	

1. A Public Hearing will be held on [DATE] at [TIME] in [LOCATION] i.e. The Vancouver Island Conference Centre (Shaw Auditorium) 80 Commercial Street, Nanaimo]. For more information, please visit www.nanaimo.ca/publichearing.
2. A Public Hearing will not be held pursuant to section 464 (2) of the *Local Government Act*. Council will consider first reading of the amendment bylaw on [DATE] at [TIME] in [LOCATION].
3. A Public Hearing is prohibited pursuant to section 464 (3) of the *Local Government Act*. Council will consider first reading of the amendment bylaw on [DATE] at [TIME] in [LOCATION].



February 15, 2024

sent by email: minister-ministre@infc.gc.ca

The Honourable Sean Fraser
Minister of Housing, Infrastructure and Communities
180 Kent Street, Suite 1100
Ottawa, ON K1P 0B6

Dear Minister Fraser,

Re: Designated Community Reaching Home Funding - Nanaimo

At the Regular Council meeting on January 15, 2024, Council for the City of Nanaimo unanimously passed a motion directing me to seek additional funding supports from the Federal Government of Canada through the Reaching Home program.

The City of Nanaimo has experienced a crisis-level influx of people experiencing homelessness. According to the *Estimate of Homeless Population in British Columbia* report, the number of individuals who experienced homelessness in Nanaimo in 2021 was 996. The findings of *Everyone Counts – Nanaimo Point-in-Time Count 2023*, counted in a 24 hour period, 515 individuals as homeless. This is an increase of 20% from the 2020 point-in-time count where 433 individuals were counted. 78.4% of those individuals counted in 2023 are unsheltered, meaning they have no access to shelter of any kind on a daily or nightly basis. There are only 63 year-round funded shelter beds in Nanaimo. Many people experiencing homelessness are unable to meet their basic needs and have little or no access to emergency shelters or housing due to the lack of services and supports available locally.


The Provincial government is responsible for health care and social services in British Columbia and the City works closely with our Provincial counterparts. The current Provincial funding framework reveals service gaps for people experiencing homelessness in Nanaimo. For instance, there are only 109 shelter beds in Nanaimo provided by the Provincial government over the winter season. In response, the City provided \$496,763 to community partners to open three daytime warming centres from November 2023 to March 2024 to provide a warm, safe place for unsheltered people to access during cold weather. The City also provided \$212,559 in bridge funding to support Nanaimo's only breakfast meal program from August 2023 to December 2023 until Provincial funds could be allocated to provide stable funding. Unfortunately, these funds were not available and the breakfast meal is no longer being provided.

As you are aware, Nanaimo receives both the Designated and Indigenous Reaching Home funding streams and annually this provides the Nanaimo region \$773,522. In 2020, Nanaimo received additional funding to support the impacts of COVID-19 on those experiencing homelessness. For the past three years, this has provided a combined base of funding for \$1,703,686 annually and has assisted us in addressing homelessness and has provided supports for the agencies delivering much needed services in Nanaimo. We understand that Nanaimo's Designated Community Reaching Home funding will be reduced back to pre-pandemic levels, a reduction of almost 60%, in the 2025/2026 fiscal year. We are concerned about the decrease in funding levels and, as reflected in the data, Nanaimo's need has increased not decreased and note that the homelessness crisis in Nanaimo requires more federal support, not less. We also understand that the Federation of Canadian Municipalities has engaged with both Infrastructure Canada as well as the Ministry of Housing, Infrastructure and Communities to express the importance of the Reaching Home program and to reiterate the importance of community based homelessness funding at levels necessary to meet the scale of need that cities are facing.

We are asking the Federal Government and the Ministry of Housing, Infrastructure and Communities to reconsider the decrease in funding levels and to scale up the Reaching Home program and make funding levels more sustainable to meet the urgent and growing need in Nanaimo.

We look forward to hearing back from you. In the meantime, should you have any questions or like to discuss this further, we would be happy to meet with you at your convenience.

Sincerely,



LEONARD KROG, Mayor
City of Nanaimo

cc: Dale Lindsay, CAO, City of Nanaimo

Grace Kerr, Engagement and Program Officer, Infrastructure Canada: grace.kerr@infrc.gc.ca

Vicky Trill, Manager, Reaching Home Nanaimo: vickytrill@uwbc.ca

Minister of Housing,
Infrastructure
and Communities



Ministre du Logement,
de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

May 17, 2024

Mayor Leonard Krog
City of Nanaimo
City Hall
455 Wallace Street
Nanaimo, British Columbia V9R 5J6

Dear Mayor Krog:

I am writing in response to your correspondence regarding Nanaimo City Council's decision to have passed the motion to seek additional support from the federal government through its Reaching Home funding.

We appreciate the work your Reaching Home Community Entity, United Way British Columbia, is doing to address homelessness in your community. Homelessness is a complex issue caused by a range of social, economic and individual factors. The Government of Canada is committed to continuing to work with partners and communities to move towards the ultimate goal of eliminating chronic homelessness as they respond to the needs of people experiencing or at risk of homelessness.

Launched in April 2019 as part of the National Housing Strategy (NHS), a 10-year, \$82+ billion plan, the Government of Canada is investing \$4 billion over nine years, from 2019–2020 to 2027–2028, through Reaching Home: Canada's Homelessness Strategy. Funding under Reaching Home has been responsive to emerging needs, and includes: additional investments that were made through Budgets 2021 and 2022; incremental contributions made throughout the pandemic to assist the emergency response; and a \$100-million winter top-up that I announced in December 2023 to support communities in responding to unsheltered homelessness from November 2023 to April 2024.

...2

Canada

Furthermore, in [Budget 2024: Fairness in Every Generation](#), the federal government proposed to provide an additional \$1.3 billion over four years, starting in 2024–2025, to Infrastructure Canada for Reaching Home, as follows:

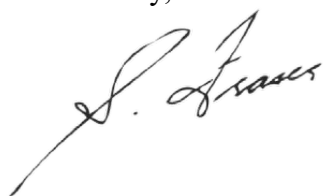
- \$1 billion over four years, starting in 2024–2025, to stabilize funding under the program, to reflect the Government’s commitment to support organizations across Canada in preventing and reducing homelessness. Of this investment, \$50 million will focus on accelerating community-level reductions in homelessness.
- \$250 million over two years, starting in 2024–2025, to address the urgent issue of encampments and unsheltered homelessness. This funding will require provinces and territories to cost-match federal investments, leveraging a total of \$500 million. This will help communities scale-up their efforts to train homelessness support workers, respond to the unique experiences of those affected by unsheltered homelessness, including those living in encampments, and renovate and build more shelters and transitional homes for those who need them.

As you may know from the communications sent by my officials, it is not possible to maintain current enhanced Reaching Home funding levels going forward due to the transition from Budget 2021 to Budget 2022 incremental funding (respectively \$567 million and \$562.2 million). The expiry of Budget 2022 incremental funding will lead to a return to Reaching Home base funding for 2026–2027 and 2027–2028. This affects all communities and recipients. I recognize that United Way British Columbia’s funding has been impacted by this change in incremental funding.

In the meantime, Infrastructure Canada officials remain in close contact with all agreement holders to ensure transparency and clear communication in regards to the Reaching Home program funding.

Please rest assured that the Government of Canada is committed to working with all orders of government, local communities and stakeholders to implement longer-term solutions to homelessness and housing need for all Canadians. Thank you for writing on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Fraser', with a long, sweeping horizontal line extending to the left.

The Honourable Sean Fraser, P.C., M.P.
Minister of Housing, Infrastructure and Communities