

Proposed Regional District of Nanaimo Zoning Bylaw No. 2500

RECOMMENDATIONS

1. That the Board receive the public engagement results summary.
2. That the Board receive the draft *Regional District of Nanaimo Zoning Bylaw No. 2500* for information.
3. That the Board release the draft Bylaw to the public and direct that opportunities for formal public engagement will be available after the 2022 general municipal election.

BACKGROUND

The Bylaw 500 Review and Update Project is a targeted review and update of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) to address known problems and to improve bylaw components that are unclear, inconsistent, or are challenging to administer or enforce. Upon completion of the Project, the goal is to have an updated modernized zoning bylaw with a new bylaw number and a modern look and feel to replace Bylaw 500. Bylaw 500 applies to Electoral Areas A, C, E, G, and H and does not apply to Electoral Areas B and F.

At its February 22, 2022 meeting, the Board received the Bylaw 500 Review and Update Project discussion and options papers, endorsed an Engagement Plan, and directed staff to proceed with public engagement. The Board also directed staff to proceed with preparing a draft zoning bylaw.

As of the date of this report, updated progress on the Project includes the completion of an online questionnaire meeting with select Stakeholder groups, and the preparation of a draft zoning bylaw.

The purpose of this report is to provide the Board with an update including the results of the public engagement and to present a draft proposed zoning bylaw amendment. Giving readings to the bylaw amendment is not proposed at this time as the proposed bylaw is in draft form with the intent that community engagement on the draft amendments take place before proceeding through the legislated bylaw approval process. Following community engagement on the draft amendments the expectation is that further refinements may be desired.

Document Overview

Draft “Regional District of Nanaimo Zoning Bylaw No. 2500” (Bylaw 2500) is the proposed bylaw to replace Bylaw 500 (see Attachment No. 1 – Draft Zoning Bylaw Part 1 to 4, Attachment No. 2 – Draft Zoning Bylaw Part 5 and 6, and Attachment No. 3 – Draft Zoning Maps). Most of the content of proposed Bylaw 2500 remains the same as Bylaw 500. However, a significant number of amendments have been included in proposed Bylaw 2500. The

proposed amendments are based on the suggested changes identified in the discussion and options papers and also include a number of general housekeeping amendments.

The draft bylaw is intended to highlight the proposed text changes for further discussion and public consultation. Additionally, the maps provided show the properties where the land use zones are proposed to change. A number of the existing schedules have not been included to reduce the size of the draft bylaw and because no changes are being proposed to those schedules. The expectation is that the draft bylaw will be refined following public engagement and prior to bylaw introduction.

Summary of Proposed Changes

As outlined in the discussions and options papers, a number of changes to Bylaw 500 are proposed. The following is a summary of the proposed changes that have been included in Draft Bylaw 2500:

Document Usability

- The draft proposes to reorganize the bylaw and modernize it for improved usability and administration.
- The number of schedules is proposed to be reduced by moving content to general regulations.

Building Heights

- Building heights are proposed to increase from 8.0 to 9.0 metres for dwelling units and from 8.0 to 12.0 metres in Industrial zones.
- A simplified method of calculating height based on the difference between the average natural grade and the topmost point of a building or structure is proposed.

Structures and Shipping Containers

- The type of retaining walls which are required to meet minimum setback requirements is proposed to be clarified.
- Shipping containers are proposed to be permitted as a structure and regulated.

Setbacks

- A simplified way of measuring minimum setback requirements based on an interior 2.0 metre setback and a 5.0 metre exterior lot line setback is proposed in most zones.
- How minimum setback requirements apply adjacent to watercourses is proposed to be clarified and simplified.

Secondary Suites

- The minimum site area required for a detached suite on a parcel serviced with community water is proposed to be reduced from 8,000 m² to 4,000 m² to align with the site required for a second dwelling unit in the Residential 2 zone.
- The proportion of the dwelling unit that a suite can occupy is proposed to increase from 40 % to 49% to provide an incentive to build smaller dwelling units.

Horne Lake Comprehensive Development Zone 29 (CD29)

- CD29 is proposed to be significantly simplified and modelled after other zones in Draft Bylaw 2500 to include changes to cabin floor area distribution, accessory building floor area location, height calculation, and clarification on what can occur below the Flood Construction Level (FCL).

Zone Consolidation

- Zone consolidation is proposed to create clear a distinction between zones and to simplify the bylaw, while maintaining existing permitted uses.

General Housekeeping

- A number of amendments are proposed to address aspects of Bylaw 500 that are confusing or are difficult to enforce or interpret.
- Agri-tourism accommodation regulations are proposed to be updated to align with the provincial *regulations*.
- Minimum site area requirements are proposed to be replaced with servicing requirements; to move away from subjective land requirements in exchange for ensuring that a subject property can support all proposed uses.

Project Process

Given that the first draft is now available, the bylaw is presented to the Board for information. With the upcoming public engagement blackout beginning on August 30th until after the 2022 civic election, it is recommended that public engagement be delayed. It is further recommended that the Board release the first draft on the project Get Involved webpage so that the community can view it and ask questions. The draft bylaw will be prepared for public engagement beginning in the fall following the public engagement blackout period. Public engagement would follow the previously approved engagement plan and would include focused engagement sessions and seeking feedback through the project Get Involved webpage. In addition, a Public Hearing would also be held.

To prepare for public engagement, a detailed list of amendments will be drafted and will help inform the public consultation process. In addition, a web map application will be developed as a means for property owners to look up and compare existing and proposed zoning.

Public Engagement

As directed by the Board, a questionnaire seeking feedback on the proposed changes identified in the discussion and options papers has been completed. Please refer to Attachment 4 – Questionnaire Results for a complete assessment of the results. The following is a summary of the questionnaire results:

About 89 respondents participated in at least part of the questionnaire. The questionnaire was designed to allow participants to choose which questions to answer. As a result of the relatively low number of respondents and, in particular low participation in responding to some of the questions, the questionnaire results may not be representative of the community at large.

However, of those who participated in the questionnaire, the following common themes emerged:

- The majority of respondents indicated that all of the identified proposed amendments are either strongly supported or supported.
- A number of comments were provided which were considered in the draft and will be considered further as the bylaw is refined.

FINANCIAL IMPLICATIONS

Regarding the Board 2022-2026 Financial Plan, part one of the first phase of the Bylaw 500 Review and Update Project is nearly complete and is within budget. Part two of the first phase involves public consultation on, and

refinement of, draft Bylaw 2500 up to bylaw adoption. Additional funds have been allocated in the 2022 budget to complete part two of the project.

The Board should be aware that the project consultant Plateia Planning will no longer be in business come late July as Plateia's principal and Project Manager has accepted a position with KPMG. Staff are in the process of reassigning the remainder of the work in Part one to KPMG, though we would continue to work with the same project manager.

STRATEGIC PLAN ALIGNMENT

The Project is in keeping with the 2019 – 2022 Board Strategic Plan's Growth Management Key Strategic Area which states – Provide effective regional land use planning and responsible asset management for both physical infrastructure and natural assets.

Reviewing and updating Bylaw 500 will ensure that land use and development in the participating Electoral Areas is regulated in an effective way.

REVIEWED BY:

P. Thompson, Manager of Current Planning
L. Grant, General Manager, Planning and Development
D. Holmes, Chief Administrative Officer

ATTACHMENTS

1. Draft Zoning Bylaw Part 1 to 4
2. Draft Zoning Bylaw Part 5 and 6
3. Draft Zoning Maps
4. Questionnaire Results