



REGIONAL
DISTRICT
OF NANAIMO

BYLAW 500 REVIEW AND UPDATE PROJECT - BYLAW NO. 2500 INTRODUCTION

RECOMMENDATIONS

1. That the Board Receive the Summary of What We Heard included as Attachment 1.
2. That the Board give 1st reading to “Regional District of Nanaimo Zoning Bylaw No. 2500, 2024” as provided in Attachment 7.
3. That the Board endorse the engagement highlights included as Attachment 5 and authorize staff to proceed with public engagement on Bylaw No. 2500, 2024.
4. That the Board endorse the proposed bylaw transition strategy included as Attachment 3.

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.

The project was initiated in early 2020 with the adoption of the project Terms of Reference (TOR) which identifies three phases. The project is currently in phase one. The scope of phase one was approved through the TOR and includes the review of a number of bylaw components. The proposed changes were developed in a series of 14 Discussion and Options Papers, which were presented to the Board and used to solicit feedback through a stakeholder group comprised of frequent bylaw users as well as an online questionnaire. The results of the initial engagement process was previously received by the Board at its July 26, 2022 meeting.

In addition, at its July 26, 2022 meeting, the Board received the first draft of “Regional District of Nanaimo Zoning Bylaw No. 2500” (Bylaw 2500) for information and released the draft to the public with formal opportunities for public engagement following the 2022 general municipal election.

Draft Bylaw 2500 was made available on the project Get Involved Page in August 2022 and the public was invited to provide feedback through a series of three online public meetings and an online questionnaire. In addition, staff have been available throughout this time to discuss the draft bylaw and answer questions with residents on an individual basis. Please refer to Attachment 1 – Summary of What We Heard to review the public feedback on draft Bylaw 2500 that has been received since that time. It is important to note that Draft Bylaw 2500 has been available to the public for approximately 15 months.

Significant progress on the draft bylaw has been made since our last check in with the Board in July 2022. The updated version of draft Bylaw 2500 includes changes that were identified in response to a legal review by the RDN’s solicitor, the results of the public input, and a further detailed staff review. The draft is now presented in two forms including:

- a marked-up version showing the proposed changes (see Attachment 6 - Marked Up Version of Draft Bylaw No. 2500) and including draft maps showing the zoning changes.
- a clean version in the form of draft Bylaw 2500 (see Attachment 7 – Bylaw 2500) and the draft bylaw maps.

The purpose of this report is to provide the Board with draft zoning Bylaw 2500 for first reading, provide a summary of the proposed changes and rationale, propose a bylaw transition strategy, and seek support to proceed with public engagement on the draft bylaw.

Summary of Proposed Changes

Much 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, legal review, community input, and further staff refinement.

The following is a summary of the proposed changes that are included in draft Bylaw 2500. For more information about the proposed changes included in Bylaw 2500, please refer to Attachment 2 - Summary and Rationale for Significant Changes.

Topic	Summary of Changes
<i>Document Usability</i>	<ul style="list-style-type: none"> • A new look and feel. It has been reorganized and modernized for improved usability and administration.
<i>Building Heights</i>	<ul style="list-style-type: none"> • 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 is proposed.
<i>Structures and Shipping Containers</i>	<ul style="list-style-type: none"> • The regulation of retaining walls is proposed to be clarified. • Shipping containers are proposed to be recognised as a structure and permitted on a temporary basis in most zones.
<i>Setbacks</i>	<ul style="list-style-type: none"> • A simplified way of measuring minimum setback requirements is proposed in most zones.
<i>Secondary Suites</i>	<ul style="list-style-type: none"> • 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 2,000 m².
<i>Horne Lake Comprehensive Development Zone 29 (CD29)</i>	<ul style="list-style-type: none"> • Renumbered to CD3. Zone is proposed to be significantly simplified and modelled after other zones in draft Bylaw 2500. • Allows for cabin floor area to be on one level.
<i>Zone Consolidation</i>	<ul style="list-style-type: none"> • Zone consolidation is proposed to create clear distinction between zones and to simplify the bylaw, while maintaining existing permitted uses.

Bylaw Transition

Once Bylaw 2500 is adopted, Bylaw 500 is repealed and it is effective immediately. As a result, the move from Bylaw 500 to the new Bylaw 2500 requires a transition plan. The challenge is having to manage applications that are at various stages as they make their way through the bylaw approval process. This becomes especially important for zoning amendment applications that are proposing amendments to Bylaw 500 while Bylaw 2500 is making its way through the adoption process. Staff have drafted a transition plan to help the public understand the process and to make the move as seamless as possible. Please refer to Attachment 3 - Bylaw Transition Strategy for more information.

Public Engagement Implications

Due to public health restrictions that were in place during the first round of public engagement, all formal engagement activities were held online rather than in person. So far, a variety of engagement approaches have been utilized for the project including the use of the Get Involved Page, Stakeholder workshops, questionnaires, online public meetings, and one-on-one interactions. Please refer to Attachment 1 – Summary of What We Heard for community input of the first working draft of Bylaw 2500 released in August 2022.

The initial engagement plan stated that we would revisit the engagement plan once the public health situation allowed. Now that public health measures have eased, and we are able to safely conduct public engagement activities in person, an updated engagement plan has been prepared to obtain additional feedback on draft Bylaw 2500 (see Attachment 5 - Public Engagement Highlights).

Next Steps

Bylaw 2500 is presented for consideration of 1st reading in recognition that further public engagement and refinement is necessary to finalize the bylaw. Should the Board grant 1st reading and endorse the public engagement process, staff will seek public input on draft Bylaw 2500 in accordance with the proposed engagement plan.

Further bylaw refinements will be presented to the Board at 2nd reading. Following 2nd reading, a public hearing will be held. Following the public hearing, no new information may be considered by the Board. Should additional refinements to Bylaw 2500 be required following the public hearing, amendments to the bylaw may be made at 3rd reading provided the changes do not affect use or density. Any amendments after the public hearing that involve use or density can be made, but the bylaw would be required to return to 2nd reading and an additional public hearing would be required.

With respect to the project timeline, it is anticipated that the public engagement process could begin as early as late January or early February 2024. Staff would then refine the bylaw and bring it back to the Board in May 2024 for consideration of 2nd reading and the public hearing in late May with 3rd reading anticipated in June. The bylaw would then be referred to the Ministry of Transportation and Infrastructure for approval prior to consideration of adoption. Note the timeline is subject to change in response to community input and Board direction.

PROPERTY IMPLICATIONS

The proposed changes included in draft Bylaw 2500 are not expected to result in significant impacts on property owners. Most zones in Bylaw 2500 are not proposed to change or are changing in name only as a result of zone consolidation.

An overarching goal in drafting Bylaw 2500 was to make best efforts to ensure that uses, buildings, and structures did not become legal non-conforming. A number of steps were taken including a parcel-specific commercial and industrial assessment; maintaining the minimum parcel sizes for subdivision; maintaining or expanding rather than reducing the range of compatible permitted uses, and the use of sub-zones to recognize uses that occurred on a parcel-specific basis.

Should there be any change in Bylaw 2500 that unintentionally makes an existing use, building, or structure no longer conform, property owners are afforded the protections granted by the *Local Government Act* relating to non-conforming uses and structures. In summary, any uses that are lawfully established in accordance with Bylaw 500 prior to the adoption of Bylaw 2500 and, which do not conform with Bylaw 2500, may be continued as a non-conforming use until such time as the use is discontinued. Further, any buildings or structures that are lawfully constructed in accordance with Bylaw 500 prior to the adoption of Bylaw 2500, and which no longer conform, can be maintained, extended or altered only to the extent that any alterations do not result in further bylaw contraventions. In general, non-conforming uses and siting are expected to come into compliance over time as properties are redeveloped and as buildings are reconstructed. In addition, development variance permits are available to property owners to address the siting of buildings that no longer comply.

There are a significant number of changes proposed in Bylaw 2500 and the document is comprehensive and very technical. While a significant amount of care and attention was devoted to ensuring that Bylaw 2500 is as accurate and correct as possible, it is anticipated that once staff start working with the bylaw, errors and/or inconsistencies will be identified. In recognition, it is proposed that an amendment bylaw be brought before the board to address any issues identified within six months of its adoption.

FINANCIAL IMPLICATIONS

Phase one of the Bylaw 500 review and update project is nearly complete and within budget. The activities associated with project completion are allocated in the 2023 budget.

STRATEGIC PLAN ALIGNMENT

Draft Bylaw 2500 is consistent with the 2023-2026 Board Strategic Plan goal area related to Planning and Managing for Growth. The adoption of an updated zoning bylaw will help better serve the needs of the community and improve quality of life through clarification of zoning regulations and a modernized land use bylaw.

REVIEWED BY:

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

ATTACHMENTS

1. Summary of What We Heard
2. Summary and Rationale for Significant Changes
3. Bylaw Transition Strategy
4. Identified Future Amendments
5. Public Engagement Highlights
6. Marked Up Version of Draft Bylaw No. 2500

7. Bylaw 2500