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Summary and Rationale for Significant Changes
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The following provides an overview of the most significant changes proposed by Bylaw 2500 and the rationale for each.

Calculation of height – under the existing method it was possible for a significant variation in building height depending on where the highest point of the building was located; the new method is more even and fair and suitable for all lots regardless of slope.

Increasing height – one of the most common variances is to the height of a dwelling and other buildings. The change to the height in some zones for residential use by one metre will take into account the changes to the height calculation and is responsive to contemporary dwelling unit design. The change in height of 4 metres in industrial zones is required to support the range of industrial uses permitted in the industrial zones.

Simplifying setbacks – the current set of setbacks in most zones are complicated to determine with unintended consequences for the front lot line. The proposal is to simplify the approach in most zones such that setbacks are measured from interior and exterior lot lines rather than the full range of lot lines currently provided for in Bylaw 500.

Consolidation of commercial zones – the 10 existing commercial zones are very similar with little differentiation between them. In addition, the uses allowed in the existing commercial zones are overly restrictive, resulting in the need for unnecessary zoning amendment applications in support of compatible uses. As a result, it was possible to reduce the number of commercial zones from 10 to 3. Any slight variations between zones were accommodated with sub-zones. The three commercial zones are based on the type of commercial uses permitted as well as their location in relation to official community plan policies and the growth containment boundaries. The proposed zone consolidation provides for fewer commercial zones with greater differentiation between them and a broader range of compatible permitted uses.

Consolidation of rural zones – there are currently 10 Rural zones with very little difference between them and in some cases no differences. As a result, it was possible to combine all 10 zones into three and to accommodate any slight variations with sub-zones.

Consolidation of industrial zones – the existing five industrial zones have been consolidated into three zones based on light, medium and heavy industry. Permitted uses were reviewed and rationalized to provide greater clarity and to allow uses such as accessory marshalling and storage that commonly occur on industrial lands. Also in the medium industry zone, the uses permitted in the light industry zone are proposed to be included as this is a common zoning practice that supports a broader range of compatible uses.

Removal of site area requirements – the existing site area requirements in Bylaw 500 have no quantifiable or practical basis. The site area regulations are being replaced with regulations to ensure that a proposed use can be accommodated on a parcel by ensuring that there is room for all aspects of the development including buildings, parking, landscaping, water supply and sewage disposal.

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Making residential use accessory within commercial and industrial zones – there is a limited amount of land zoned for commercial and industrial use. It is important to preserve this land as it provides opportunities for economic development and employment opportunities in the region. All commercial and industrial zones currently allow residential as a principal use meaning that there is no requirement for a commercial or industrial use. Allowing residential as a principal use limits the amount of land available for commercial and industrial use even further. Where a parcel is small and currently only used for residential use and the potential industrial/commercial use is limited, it is proposed that residential use will remain as a principal use through a sub-zone.

Use of sub zones – to limit the total number of different zones and to avoid the creation of non-conforming uses, buildings, and structures, the new bylaw will utilize sub-zones. These are parcel-specific zones that are proposed to be used to recognize situations where there was a parcel or zone in Bylaw 500 that had an additional use or regulation that was important to maintain in Bylaw 2500. Sub-zones are a critical component of Bylaw 2500 that have allowed for zone consolidation with little impact to property owners.

Elimination of comprehensive development zones (CD) – CD zones are intended to be applied through a zoning amendment application in support of a site-specific development proposal. CD zones would typically include the proposed site plan and building elevations and limit development to what is proposed. The majority of CD zones in Bylaw 500 are not actual CD zones but rather slight modifications to existing general zones. This is likely a result of the structure of Bylaw 500 which makes it difficult for a zoning amendment to accommodate minor changes to an existing zone and much easier to address applicant zoning amendment requests through the creation of a new CD zone. However, over time, this approach has proven to be challenging to administer. As part of the Bylaw 2500 drafting process, all CD zones were reviewed and where possible incorporated into the general zones and if needed a sub-zone was created. Once adopted, applicants will, in most cases, be encouraged to utilize one of the general zones with any site-specific regulations being accommodated through the use of a parcel-specific sub-zone.

Limitations on zoning that allows service station – several Official Community Plans (OCPs) contain policies that do not support additional service stations; for those parcels where a service station does not currently exist and where the OCP does not support additional service stations the zoning was amended to remove service station.

Building strata – building strata is a common strategy utilized by some surveyors and developers to legally circumvent the minimum parcel size regulations and create separate title for each permitted dwelling unit on a rural parcel. This form of strata presents as a 1-hectare parcel, despite the minimum parcel size typically being 2 hectares in most affected areas. Several significant issues have arisen with respect to this form of development including uncertainty from realtors and buyers about the characteristics of this real estate entity, property owners having difficulty obtaining house insurance, lack of regulatory oversight, and an extremely challenging process to amend the building strata plan should an owner wish to do an addition or replace the building. Bylaw 2500 proposes to stop the creation of additional rural building

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strata developments by ensuring that the first dwelling unit is occupied prior to the construction of a permitted second dwelling unit. This is an important first step to limit the additional impacts of building strata and to minimize the extent of the pending significant problems facing property owners and the district as these dwelling units age.

Multiple dwelling unit development – the current zoning does not require all dwelling units to be in the same building; the proposed change will require that at least three dwelling units are in the same building. The proposed changes will also allow for a mix of housing types by allowing a proportion of the dwelling units to be detached units accessory to a multiple dwelling unit development. This will allow for a broader range of housing types and sizes to better serve the community.

Shipping containers – will be recognized as a structure that must comply with zoning regulations; permitted on a temporary basis in all zones. The draft Bylaw also permits shipping containers to be used for storage during construction and for storage of emergency response and emergency preparedness supplies and equipment in Institutional zones. The primary considerations in allowing shipping containers are safety and aesthetics. Please refer to the marked-up version of the draft Bylaw to review the document links to safety-related information.

Retaining walls – retaining walls were regulated by way of the definition of structure in Bylaw 500 leading to significant challenges in interpretation and consistent and fair application of the regulations. Bylaw 2500 proposes general regulations for retaining walls to clarify how to determine whether a retaining wall is considered a structure subject to minimum setback requirements and to limit the impact of retaining walls on adjacent property owners. Bylaw 2500 proposes to increase the height of a retaining wall that is exempt from the minimum setback requirements from 1.0 metres to 1.2 metres to acknowledge retaining walls that should follow Engineers & Geoscientists of BC Retaining Wall Professional Practice Guidelines. Bylaw 2500 clarifies how retaining wall height is measured and removes the reference to the width of fill behind a retaining wall.

Horne Lake Comprehensive Development Zone (CD9) – this zone applies to the recreational properties located at Horne Lake. This zone is very complicated with conflicting regulations. This zone 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). No changes to use or size of a recreational residence is proposed. As the CD zones have been reorganized, CD29 has been renumbered to CD3 in Bylaw 2500.

Regulation of Signs - signs are regulated by “Regional District of Nanaimo Sign Bylaw No. 993, 1995” (Bylaw 993). It is proposed that the regulations contained in Bylaw 993 be moved to Bylaw 2500 to contain all regulations pertaining to signs in one place. In addition, Bylaw 2500 proposes to allow one fascia sign per business and provide additional clarification on illumination and measurement of sign height and sign face area.