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**Identified Future Amendments**  
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The review of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) and preparation of “Regional District of Nanaimo Zoning Bylaw 2500” (Bylaw 2500) was guided by the scope of the project as outlined in the project Terms of Reference.

Following the adoption of Bylaw 2500, it is intended that staff return to the Board with amendments that are considered time sensitive. With the exception of Land Use Contracts, these amendments are in addition to the changes previously approved by the Board for consideration in Phase 2 of the Bylaw 500 Review and Update Project. This is to ensure that the Bylaw is kept up to date, is aligned with provincial legislative requirements, and to address unforeseen issues as they arise.

In addition, as the document was further reviewed, a number of items have been identified that would require additional time and assessment to address. To stay within the original scope of the project, it is recommended that these items be considered through a separate process, perhaps as part of phase 2 of the Bylaw 500 Review and Update Project.

***Development Application Update***

As per the proposed bylaw transition strategy, zoning amendment applications that are in process prior to Bylaw 2500 receiving 1<sup>st</sup> reading may continue as amendments to Bylaw 500 until such time as Bylaw 2500 is adopted. Staff will track all zoning amendment bylaws that are adopted under Bylaw 500 and will bring forward any necessary amendments to Bylaw 2500 following its adoption. This is to ensure these applications receive accurate zoning allocations following the adoption of the Bylaw 2500.

***Housekeeping Amendments***

Given that Bylaw 2500 is a lengthy and very complex document, we expect that we will find minor errors, formatting issues, unintended consequences, and inaccuracies once we have an opportunity to start working with the Bylaw. Staff will keep track of these issues and will return to the Board with a proposed amendment bylaw within 6 months of adoption.

Then going forward, it is our intent to come back to the Board on a regular basis with housekeeping amendments to ensure that Bylaw 2500 remains current and any issues that arise get resolved in a timely manner. It should be noted that this was not done for Bylaw 500 as much as it should have been and as a result has required significant additional staff time administering and interpreting Bylaw 500 over its lifespan. The intent with Bylaw 2500 is to bring forward updates on a regular basis to ensure clarity and consistency and to maintain a well-functioning bylaw.

***Bill 44 – 2023 Housing Statutes Amendment Act***

The Provincial Government, as part of its Homes For people Action Plan, has introduced new legislation that will require local governments to provide for additional residential development in areas currently zoned for single unit dwellings and to allow secondary suites in all zones where single unit and duplexes are currently permitted. In addition, the legislation will require updates to Housing Needs Reports, Official Community Plans and zoning bylaws. The focus of the new legislation is on municipalities of over 5,000

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people. However, many of the new requirements do apply to most municipalities and electoral areas in regional districts.

There are a number of components to the new legislation which will be enacted through amendments to the *Local Government Act*, the *Islands Trust Act*, and The *Vancouver Charter*. Each component will have a deadline for when the work by local governments must be completed.

Secondary Suites/Accessory Dwelling Units (ADU) – Local governments must undertake zoning bylaw amendments to allow secondary suites in all zones that permit a single dwelling unit. All local governments that have zoning bylaws must allow a secondary suite in all zones that allow a single dwelling unit or duplex dwellings. These zoning amendments must be completed by June 30, 2024. For the RDN this will require amendments to some zones. Most zones in the electoral areas already permit a secondary suite.

Small Scale Multi-Unit (SSMU) Housing – Local governments must undertake zoning amendments to allow for 3, 4 or 6 dwelling units on lots currently zoned for single dwelling units or duplexes. For the RDN, this requirement only applies to areas that are within the growth containment boundary and are serviced by community water and community sewer provided by the RDN. These zoning amendments must be completed by June 30, 2024.

Housing Needs Report (HNR) – Updates to housing needs reports are required for all local governments. The updated HNR will be based on a standard method and must have a 20 year time frame. The deadline for the updated HNRs is December 31, 2024.

Updates to Official Community Plans (OCPs) – All official community plans must be updated to include policies on housing based on the housing needs report. All OCPs must plan for enough homes for 20 years and include policies to provide for a range of housing types. The RDN has seven OCPs and four village/neighbourhood plans for the electoral areas. The deadline for update of all OCPs is December 31, 2025.

Implementation of the updated OCPs – After the OCPs have been updated the requirement is for zoning bylaws to match housing policies in the OCP. The expectation is that lands for residential use will be pre - zoned by the local government meaning that property owners will not have to go through the zoning amendment process. The deadline for update of all zoning bylaws is December 31, 2025.

A few other legislative changes are:

- Reducing or eliminating parking requirements based on proximity to transit;
- Public hearings will not be permitted for zoning amendments for housing projects that are consistent with the OCP;
- Public hearings will only be required for changes to OCPs or zoning changes that are not consistent with the OCP.

The Province has committed to providing a policy manual immediately after the SSMU regulations are released to support local governments in implementing the required bylaw changes. Staff continue to

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monitor and wait for the release of information related to the above legislation and share information related to the new bills and implications for our region. Below is a link to the slides from the technical briefing provided by the province.

[https://news.gov.bc.ca/files/Housing\\_Tech\\_Brief\\_Nov\\_01\\_2023.pdf](https://news.gov.bc.ca/files/Housing_Tech_Brief_Nov_01_2023.pdf)

As there is still some uncertainty with respect to how the new provincial legislation will roll out and due to the timing of the adoption of Bylaw 2500, it is recommended that an amendment to Bylaw 2500 be brought to the Board at a later date, which may be at 2<sup>nd</sup> reading or soon after its adoption. This will ensure compliance with provincial requirements.

***Land Use Contracts***

In 1971, the Province of British Columbia adopted legislation to allow local governments to enter into Land Use Contract (LUC) agreements with landowners and developers to address how land would be used and developed. These comprehensive agreements replaced the regulations that had previously governed the use and development of the land. They included regulations similar to those found in zoning bylaws, development permits, subdivision and servicing bylaws. The LUC had to be followed and registered on the Certificate of Title to the land.

The Province has mandated, through Section 547 of the *Local Government Act* (LGA), that LUCs be terminated June 30, 2024. The LGA requires Local governments to have underlying zoning in place, by June 30, 2022, for those properties currently governed by an LUC. All properties within the RDN have been assigned an underlying zone from Bylaw 500 or Bylaw 1285, including those properties that are governed by a LUC. Although all properties regulated by a LUC have an underlying zone, depending on the language in the LUC, the underlying zone may or may not have an effect on the land uses, density or building siting until the LUC is terminated or discharged.

Compliance will require a review of the LUCs in the RDN to identify any potential amendments to the underlying zoning. These amendments are proposed to be brought forward as an amendment to Bylaw 2500.

***Manufactured Home Park Bylaw Update***

Schedule 3D – Residential Mobile Home Park Regulations and Standards of Bylaw 500 currently contains regulations that apply to the construction of new or expanded manufactured home parks. This section of the Bylaw provides technical requirements for internal roads, servicing, separation between units, etc. These regulations do not belong within a zoning bylaw as the authority to adopt manufactured home park regulations comes from Section 298 of the LGA, which is applicable to building regulations bylaws.

In 2016, the RDN adopted “Regional District of Nanaimo Electoral Area ‘F’ Manufactured Home Park Regulations Bylaw No. 1738, 2016” (Bylaw 1738) as part of a zoning amendment that proposed an expansion to an existing manufactured home park in Electoral Area F. Bylaw 1738 is based on the content contained in Schedule 3D of Bylaw 500.

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The intent is to either expand the applicability of Bylaw 1738 to lands covered by Bylaw 2500 or alternatively to adopt a very similar bylaw. The proposed bylaw amendment would come forward following adoption of Bylaw 2500.

It should be noted that this item does not appear to be as time sensitive as some of the other identified amendments as we have not received any proposals for new manufactured home parks for at least 10 years.

***Rescinding of Sign Bylaw***

In addition to Bylaw 500, signs are also regulated by “Regional District of Nanaimo Sign Bylaw No. 993, 1995” (Bylaw 993). Bylaw 2500 proposes to move the regulation from Bylaw 993 to Bylaw 2500. In doing so, Bylaw 993 will no longer be required and will need to be rescinded.

***Consolidation of Resource Management Zones***

One of the focus areas included in the Bylaw 500 Review and Update Project is zone consolidation. The intent of zone consolidation is to reduce the number of zones and create greater differentiation between zones while also proving opportunities for zone modernization. Specifically, draft Bylaw 2500 targeted the Commercial, Rural, and Industrial zones for consolidation as a first step.

Upon further review, an opportunity to consolidate the Resource Management Zones was identified. There are currently 9 Resource Management Zones in Bylaw 500 with very little differentiation between them. Based on a preliminary assessment, we believe that this number could be reduced to 3, with the use of a small number of subzones to address unique provisions that occur in some zones.

Staff are proposing to bring forward a future amendment to Bylaw 2500 for the Board to consider consolidating the Resource Management Zones.

***Regulations Contained in Definitions***

Staff intend to review the definitions in Bylaw 500 and consider amending any definitions that contain regulations such as maximum floor area requirements. This will require further assessment of the potential implications of such amendments.

***Commercial Zone Rationalization***

There are some inconsistencies in how Commercial zones were originally applied in Bylaw 500 in relation to growth containment boundaries (GCB). Further, the proposed zone consolidation has resulted in a small number of situations where the Commercial (CM1) zone was applied to lands within the GCB next to a parcel zoned to the more restrictive Commercial Retail & Service (CRS), also on lands within the GCB. Staff are also aware of other lands currently zoned Commercial that are located outside of the GCB that, due to constraints such as access and servicing, are not likely to be developed for commercial uses and may no longer be considered appropriate for commercial uses.

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In order to address Commercial zone rationalization, an assessment of Official Community Plan policies would be required. Each Commercial zoned parcel would need to be assessed against the OCP policy and in consideration of lot constraints with the aim of creating consistency and an approach that reflects the reality on the ground.