

DATE OF MEETING May 6, 2024

AUTHORED BY KASIA BIEGUN, PLANNER, COMMUNITY PLANNING

LISA BRINKMAN, MANAGER, COMMUNITY PLANNING

**SUBJECT TRANSIT-ORIENTED AREA DESIGNATION BYLAW AND  
OFF-STREET PARKING BYLAW AMENDMENTS**

## **OVERVIEW**

### **Purpose of Report**

The purpose of this report is to present a Transit-Oriented Areas Designation Bylaw and amendments to the 'Off-Street Parking Regulations Bylaw 2018, No 7266' in order to implement Bill 47 – Housing Statutes (Transit-Oriented Areas) regulations now required in the Local Government Act and associated Regulations 674 and 678. |

### **Recommendation**

That:

1. "Transit-Oriented Areas Designation Bylaw 2024 No. 7382" pass first reading;
2. "Transit-Oriented Areas Designation Bylaw 2024 No. 7382" pass second reading;
3. "Transit-Oriented Areas Designation Bylaw 2024 No. 7382" pass third reading;
4. "Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03" pass first reading;
5. "Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03" pass second reading; and,
6. Council direct Staff to proceed to a public hearing for Bylaw 7266.03 prior to consideration of third reading and final adoption, as required by Section 2.3 of the "Off-Street Parking Regulations Bylaw 2018, No. 7266".

## **BACKGROUND**

On 2024-MAR-25, Staff presented an overview of Bill 47 – Housing Statutes (Transit-Oriented Areas), and at the 2024-APR-08 meeting, Council passed the following motion:

*"direct Staff to prepare a Transit-Oriented Areas designation bylaw and amendments to the "Off-Street Parking Regulations Bylaw 2018 No. 7266" as outlined in the Staff report titled "Transit-Oriented Areas", dated 2024-MAR-25."*

The direction is based on requirements set out in the *Local Government Act and Regulations 674 and 678* for local governments to designate Transit-Oriented Areas (TOA) and align new off-street parking requirements by 2024-JUN-30. |

## **DISCUSSION**

This section provides an overview of the proposed “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” and the proposed “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03”.

### **Transit-Oriented Areas Designation Bylaw 2024 No. 7382**

In accordance with the *Local Government Act* and *Regulations 674 and 678*, Staff have prepared a “Transit-Oriented Areas Designation Bylaw 2024 No. 7382”. The bylaw includes the following key elements:

- A definition of ‘floor area ratio’ and ‘storey’;
- Mapping of the three prescribed TOAs (Woodgrove, Country Club, and Vancouver Island University [VIU]); and,
- The prescribed minimum density and height framework.

The mapping to designate the TOAs is reflective of the *Local Government Act* requirements. Parcels where exemptions and limitation to the minimum density framework apply are not shown on the mapping to reflect the range of municipal, Provincial and Federal requirements and statutes that may supersede or have a limiting effect on the TOA framework overtime. Exemptions and limitations that currently apply include lands zoned to permit a residential use that is ancillary or secondary to industrial or agricultural use as well as Federal Crown Land.

The proposed “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” identifies the new minimum allowable densities and heights that must be adhered to when exercising zoning authority in relation to rezoning applications or amendments to zoning bylaws. The Bylaw does not preclude the need for a rezoning application where a development proposes a density or height greater than what is permitted by current zoning. The minimum densities and heights may include other uses such as commercial, in the case of mixed-use developments. While an envelope of allowable densities and heights are available for rezoning applicants to work within, a local government may not reject a rezoning proposal based on the density or height allowed by the proposed “Transit-Oriented Areas Designation Bylaw”. Local governments retain the authority to 1) establish densities and heights greater than those prescribed by the provincial regulations; 2) secure conditions such as road dedication, non-market housing, and parkland; and, 3) consider factors such as the infrastructure deficiencies, hazardous conditions, and preservation of heritage buildings and features.

As an interim measure, the Province has granted local governments the continued use of the density bonus tool within the minimum allowable density framework. This will provide local governments with time to develop and implement new proactive planning tools, such as inclusionary zoning.

### **Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03**

In accordance with Section 525.1 of the *Local Government Act*, the City must not require off-street vehicle parking spaces for any residential use in a TOA, other than accessible parking spaces. The City may still apply parking space design requirements, as well as:

- vehicle parking spaces for other uses in TOAs;
- long- and short-term bicycle parking;
- visitor parking; and,

- electric vehicle charge receptacles and electrical outlet boxes.

Staff have reviewed the Provincial Policy Manual for Transit-Oriented Areas, as well as the ‘Off-Street Parking Regulations Bylaw 2018 No. 7266’, and have proposed a series of amendments to ensure the City is in compliance with the new legislation. The “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” contains the proposed amendments, and the rationale for each proposed amendment can be found in Attachment A.

To support the objective of reducing a reliance on vehicles in TOAs, one key change to note is that Staff is recommending that one long-term bicycle parking space be provided per multiple family dwelling unit in a TOA. This is an increase from the current rate of 0.5 long-term bicycle parking spaces per multiple-family dwelling unit in other areas of the city. The proposed rate is consistent with what is currently required in Kelowna, Victoria, and Burnaby. A long-term bicycle parking space is a secure indoor location to store a bike.

### **NEXT STEPS**

- If Council passes first and second reading of the proposed “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03”, Section 2.3 of the Off-Street Parking Bylaw requires that a public hearing be held prior to consideration of third reading and final adoption.
- To ensure compliance with the new legislation requirements, local governments are required to notify the Ministry of Transportation and Infrastructure once final adoption of the “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” occurs.

### **OPTIONS**

1. That:

1. “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” pass first reading;
  2. “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” pass second reading;
  3. “Transit-Oriented Areas Designation Bylaw 2024 No. 7382” pass third reading;
  4. “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” pass first reading;
  5. “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” pass second reading; and,
  6. Council direct Staff to proceed to a public hearing for Bylaw 7266.03 prior to consideration of third reading and final adoption, as required by Section 2.3 of the “Off-Street Parking Regulations Bylaw 2018 No. 7266”.
- The advantages of this option: Supporting the two proposed bylaws will ensure that the City is in compliance with Bill 47 TOA legislative requirements.
  - The disadvantages of this option: The TOA catchment areas are larger than the City Plan Urban Centre designation areas for Woodgrove, Country Club, and VIU, which have implications for City Plan policies.
  - Financial Implications: Staff resources are required to comply with the Provincial Housing Legislation in 2024 and 2025.

2. That Council provide alternative direction.

**SUMMARY POINTS**

- The Bill 47 – Housing Statutes (Transit-Oriented Areas) Amendments to the *Local Government Act*, and associated regulations, identify three bus exchanges and surrounding areas in Nanaimo that are subject to minimum densities, heights, and off-street residential parking requirements.
- To ensure the City is in compliance with the legislation by 2024-JUN-30, Staff are recommending first, second, and third reading of “Transit-Oriented Area Designation Bylaw No. 7382”; and first and second reading of the “Off-Street Parking Amendment Bylaw 2024 No. 7266.03”.
- A public hearing is required prior to consideration of third reading and adoption of the proposed “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03.

**ATTACHMENTS:**

ATTACHMENT A: Summary of Proposed TOA Amendments to the Off-Street Parking Bylaw

“Transit-Oriented Areas Designation Bylaw 2024 No. 7382”

“Off-Street Parking Amendment Bylaw 2024 No. 7266.03”

**Submitted by:**

Lisa Brinkman  
Manager, Community Planning

**Concurrence by:**

Lainya Rowett  
Manager, Current Planning

Jeremy Holm  
Director, Planning & Development

# ATTACHMENT A

## Summary of Proposed Transit-Oriented Area (TOA) Amendments to the Off-Street Parking Bylaw

	Off-Street Parking Bylaw No. 7266	Proposed Amendment to Off-Street Parking Bylaw	Rationale
1.	Section 1.6 Definitions	To improve the definition of “Off-Street Parking Plan” by stating that the plan must be approved by the City, and removing reference to “required” parking spaces and instead referring to all parking spaces to be provided on the lot.	The term ‘Off-Street Parking Plan’ is proposed to be used more frequently in the parking bylaw to accommodate the necessary TOA changes. Since residential parking is not required in TOAs, the term ‘required’ is detrimental in the current definition, and it is better to refer to <u>all</u> parking spaces to be provided on the lot.
2.	Section 1.6 Definitions	Adding a definition of Transit-Oriented Area.	The term Transit-Oriented Area is proposed to be used several times in the parking bylaw, thus a definition is needed.
3.	Section 4.3 “Small Car Spaces”	To clarify that 40% of parking spaces shown on Off-Street Parking Plan may be small car spaces.	Currently the parking bylaw states that 40% of “required” parking spaces may be small car spaces, however in a TOA residential parking is not “required”, so this change will allow for the same percentage of small car spaces in relation to all vehicle parking spaces provided in a TOA.
4.	Section 5.2 “Drainage and Grading”	To remove the word “required” and instead to refer to the Off-Street Parking Plan.	These three sections, ‘Drainage and Grading’, ‘Paving’, and ‘Signs and Markings’ all refer to “required” parking spaces, and to ensure these design requirements also apply to TOA areas it is recommended to instead refer to the Off-Street Parking Plan. This change will also allow for consistency throughout the bylaw.
5.	Section 5.3 “Paving”		
6.	Section 5.6 “Signs and Markings”		
7.	Section 7.1 “Multiple-Family Dwelling Parking Table”	To add that the vehicle parking rate for a multiple-family dwelling use in a TOA is 0 parking spaces per unit.	These changes are required to accommodate the Bill 47 amendments to the Local Government Act which state that the City may not require vehicle parking spaces for “any” residential use in a TOA. Accessible parking, bicycle parking, visitor parking, and electric vehicle charging facilities will still be required in accordance with the parking bylaw.
8.	Section 7.2 “All Other Uses Parking Table”	To capture other forms of residential use in a TOA, Section 7.2 must be amended to state that 0 vehicle parking spaces are required per dwelling unit in a TOA.	
9.	Table 4 in Section 7.2 “All Other Uses Parking Table”	To capture student housing in the Vancouver Island University (VIU) TOA, Table 4 must be amended to state that 0 parking spaces are required per bed in the VIU TOA.	
10.	Section 7.3(i) “Shared Parking”	To clarify that a reduction in required parking spaces, through the shared parking option, is not supported in TOAs for multiple family dwelling units.	Section 7.3 promotes efficient use of parking areas by offering reduced parking rates when more than one use is located on the same lot. In a TOA parking is not required for multiple-family dwelling use, thus shared parking is not appropriate.

	<b>Off-Street Parking Bylaw No. 7266</b>	<b>Proposed Amendment to Off-Street Parking Bylaw</b>	<b>Rationale</b>
11.	Section 7.3(iii) "Cash-in-lieu"	To clarify that the cash in lieu option is not available to any proposed development with residential use in a TOA.	Since off-street parking for a residential use is not permitted in a TOA, it is not recommended to allow the option to purchase parking spaces in a development that contains residential use in a TOA.
12.	Section 7.4 "Visitor Parking"	To revise the paragraph such that the multiple-family use ratio of visitor parking is 1 space per 22 residential parking spaces on the Off-Street Parking Plan, rather than 1 space per 22 required parking spaces.	This change will allow for the same ratio of visitor parking spaces in relation to all vehicle parking spaces provided, as shown on the Off-Street Parking Plan (and not just required parking spaces). This change would apply to all multiple-family developments in the city.
13.	Table 6 in Section 7.5 "Accessible Parking"	To replace the headings of Table 6 such that the required ratio of accessible parking is based on all vehicle parking spaces shown on the Off-Street Parking Plan.	In accordance with the TOA Provincial Policy Manual, this change will allow for the same ratio of accessible parking spaces in relation to all vehicle parking spaces provided, as shown on the Off-Street Parking Plan (and not just required parking spaces).
14.	Table 7 in Section 7.6 "Bicycle Parking"	In a TOA, to require that one long-term bicycle parking space be provided per multiple-family dwelling unit.	In accordance with the TOA Provincial Policy Manual, this change will ensure that a resident of a multiple-family dwelling unit in a TOA has a secure indoor location to store a bike. This is important as the City cannot require that a vehicle parking space be provided in a TOA. This is an increase from the current requirement of 0.5 long-term bicycle parking spaces per multiple-family dwelling unit in Nanaimo. Kelowna updated their parking bylaw to require one long-term bike space per unit in a TOA. Victoria requires 1-1.25 long-term bike spaces per unit, and Burnaby requires 2 long-term bike spaces per unit.
15.	Section 7.7 "Electric Vehicle Parking"	To replace three of the clauses in Section 7.7 such that the requirements for electric vehicle charging receptacles are based on all vehicle parking spaces shown on the Off-Street Parking Plan.	This change will allow for the same percentage of electric vehicle charging receptacles in relation to all vehicle parking spaces provided, as shown on the Off-Street Parking Plan (and not just required parking spaces).
16.	Schedule A – Multiple-Family Parking Map	To amend the Multiple-Family Parking Map by showing the three TOAs (Woodgrove, Country Club, and VIU).	This change will show the three TOAs on the Multiple-Family Parking Map, to clearly show where the vehicle parking rate for a multiple-family dwelling use is 0 parking spaces per residential unit.
17.	Schedule B – Student Housing Parking Map	To amend the Student Housing Parking Map by showing the VIU TOA on the map as Area 3.	This change will show the VIU TOA on the Student Housing Parking Map to clearly show where the vehicle parking rate for student housing is 0 parking spaces per bed.

CITY OF NANAIMO

BYLAW NO. 7382

A BYLAW TO DESIGNATE TRANSIT-ORIENTED AREAS

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WHEREAS a local government must designate transit-oriented areas;

AND WHEREAS the City of Nanaimo has considered the applicable policy guidelines pursuant to the *Local Government Act*;

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 “Transit-Oriented Areas Designation Bylaw 2024 No. 7382”.

2. Definitions

In this Bylaw, the following words shall have the respective meaning:

“FLOOR AREA RATIO” means the figure obtained when the gross floor area on a lot is divided by the area of the lot.

“STOREY” means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

3. Designation of Transit-Oriented Areas

a) Pursuant to the *Local Government Act*, the following three areas are designated as Transit-Oriented Areas:

- i. Woodgrove Transit-Oriented Area – The location and extent is shown on Schedule ‘A’.
- ii. Country Club Transit-Oriented Area – The location and extent is shown on Schedule ‘B’.
- iii. Vancouver Island University Transit-Oriented Area – The location and extent is shown on Schedule ‘C’.

4. Density and Height in a Transit-Oriented Area

a) Pursuant to the *Local Government Transit-Oriented Areas Regulation*, the prescribed densities and heights for each designated Transit-Oriented Area are as follows:

<b>Distance from Transit Station (metres)</b>	<b>Density (floor area ratio)</b>	<b>Height (storeys)</b>
Less than 200 m	3.5	Up to 10 storeys
200 m – 400 m	2.5	Up to 6 storeys

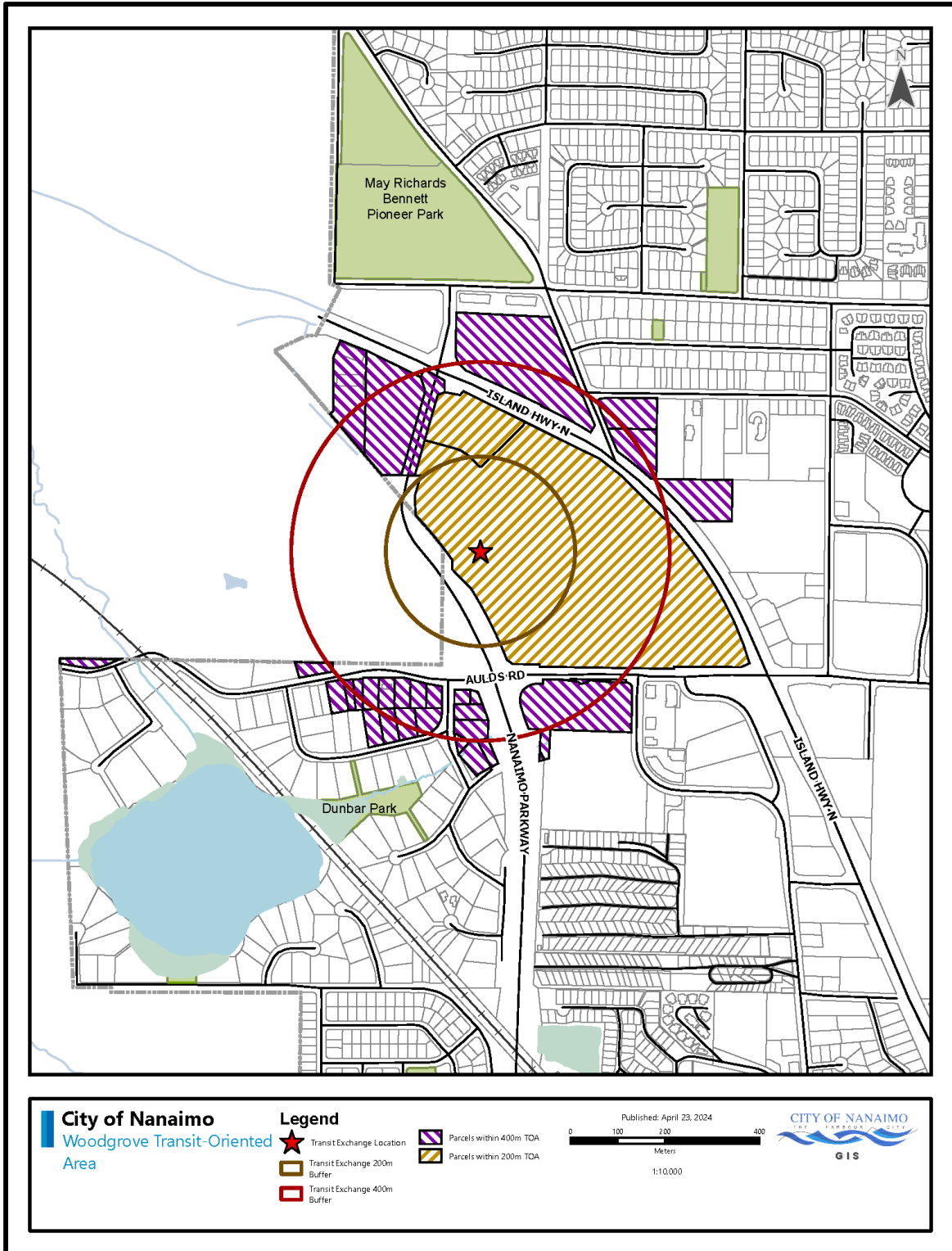
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MAYOR

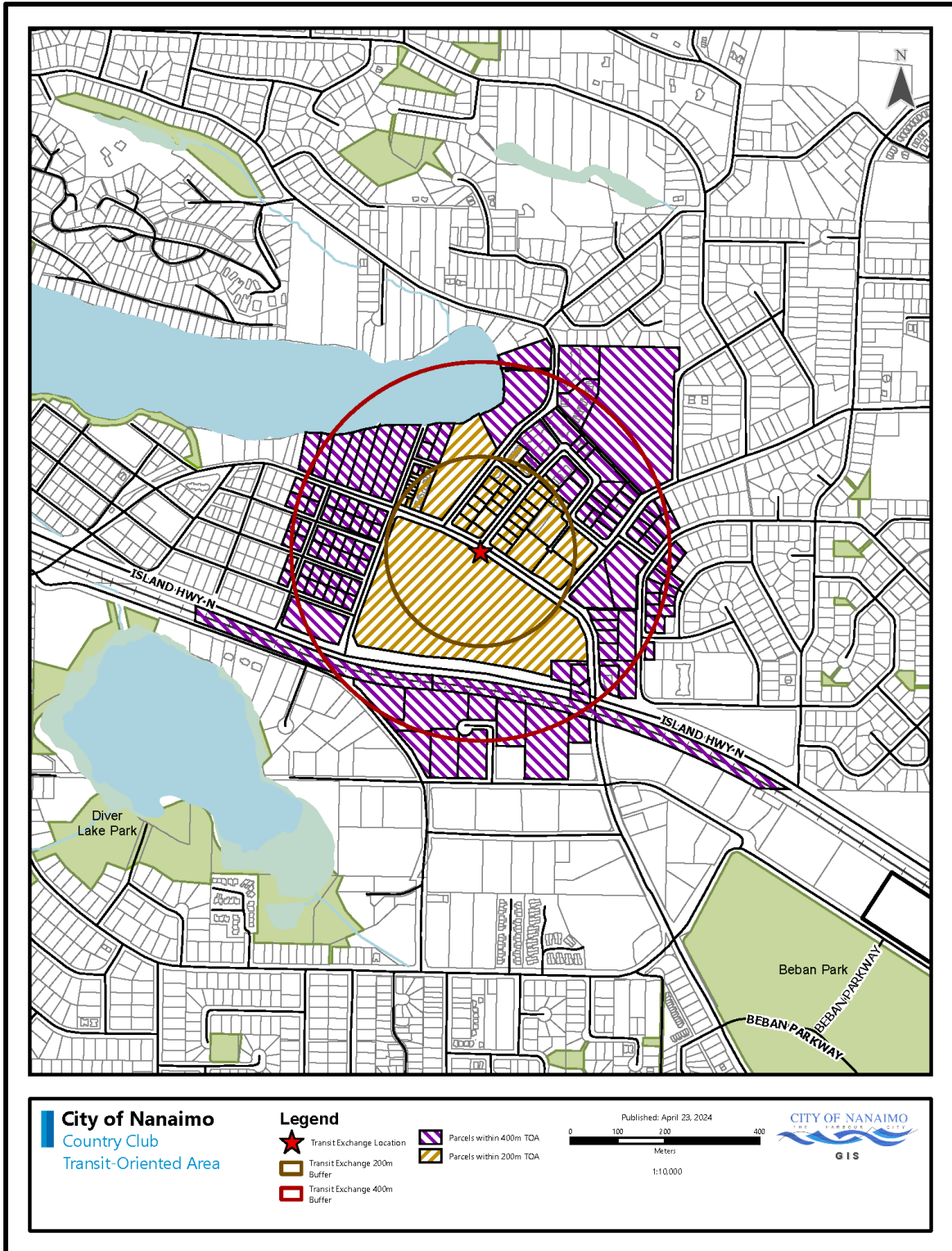
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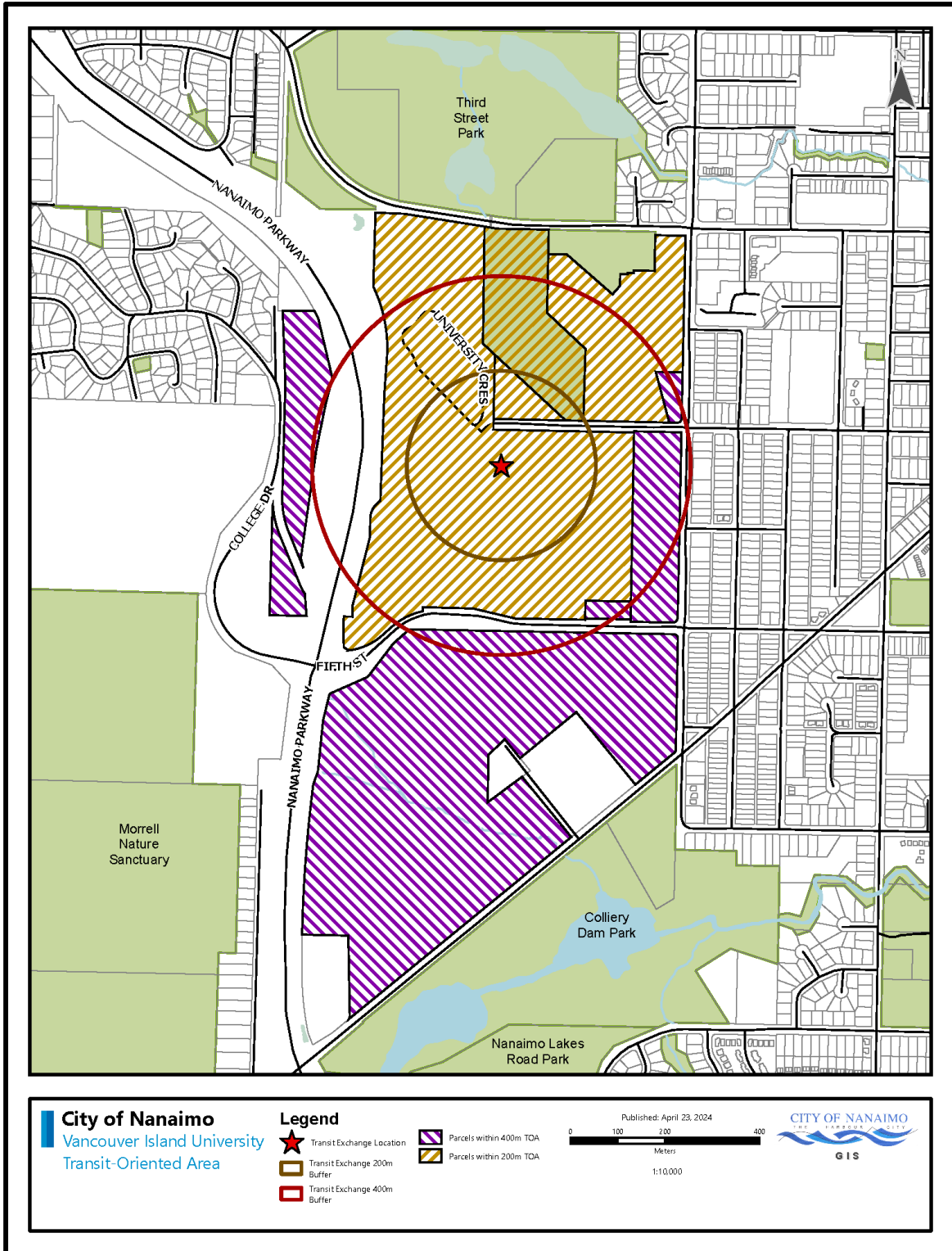
**SCHEDULE 'A'**



**SCHEDULE 'B'**



**SCHEDULE 'C'**



CITY OF NANAIMO

BYLAW NO. 7266.03

A BYLAW TO AMEND CITY OF NANAIMO "OFF-STREET PARKING REGULATIONS  
BYLAW 2018 NO. 7266"

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

1. This Bylaw may be cited as the "Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03".
2. The City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" is hereby amended as follows:
  - (1) Section 1.6 "Definitions" is amended by replacing the definition of "OFF-STREET PARKING PLAN" with the following:

"means a plan that illustrates the provision of off-street parking to be provided on the lot, is prepared by or on behalf of an owner, and is approved by the City prior to the use of the land, building, or structure."
  - (2) Section 1.6 "Definitions" is amended by adding the following definition in alphabetical order:

"TRANSIT-ORIENTED AREA"

"means a lot that is located within 400 metres of a bus exchange, as defined in the *Local Government Act* and regulations thereto."
  - (3) Section 4.3 "Small Car Spaces" is amended by replacing the paragraph under Table 2 with the following:

"A maximum of 40% of the off-street vehicle parking spaces in the Off-Street Parking Plan may be reduced in size to accommodate small cars in accordance with the dimension requirements outlined in Table 2. Each off-street parking space and each off-street parking area for small cars shall be clearly identified."
  - (4) Section 5.2 "Drainage and Grading" is amended by replacing clause iv. and v. with the following:
    - "iv. the maximum grade and cross slope for a parking space or parking lot as shown in the Off-Street Parking Plan shall not exceed 8%;
    - v. that portion of any lot used as a driveway from the property line to a required parking space, garage or carport or as shown in the Off-Street Parking Plan shall not exceed a grade of 20%;

- (5) Section 5.3 “Paving” is amended by replacing clause i. with the following:
- “i. all off-street parking and loading areas as shown on the Off-Street Parking Plan, except those accessory to single family dwellings, are surfaced with asphalt, concrete, pavers or similar durable, dust free surface;”
- (6) Section 5.6 “Signs and Markings” is amended by replacing clause i. with the following:
- “i. the borders of all off-street parking and loading spaces, as shown on the Off-Street Parking Plan, are marked with durable painted lines at least 100mm wide and extending the length of the space or by curbs or other means approved by the Director of Planning & Development or designate to indicate individual spaces;”
- (7) Section 7.1 “Multiple-Family Dwelling Parking Table” is amended by adding the following clause:
- “i. In a Transit-Oriented Area the minimum number of off-street vehicle parking spaces for a multiple-family dwelling use is 0 parking spaces per unit.”
- (8) Section 7.2 “All Other Uses Parking Table” is amended by adding the following clause:
- “i. In a Transit-Oriented Area the minimum number of off-street vehicle parking spaces for any residential use is 0 parking spaces per dwelling unit.”
- (9) Table 4 in Section 7.2 “All Other Uses Parking Table” is amended by replacing the row regarding Student housing with the following:

Student housing	The required parking rate for student housing varies based on location as shown on Schedule B Area 1 – 0.2 spaces per bed Area 2 – 0.4 spaces per bed Area 3 – Transit Oriented Area (TOA) – 0 spaces per bed Lands outside of Area 1, 2 and 3 (and not in a TOA) – 0.65 spaces per bed
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- (10) Section 7.3 i. “Shared Parking” is amended by adding the following:
- “f) In a Transit-Oriented Area shared parking for a multiple-family dwelling use is not permitted.”
- (11) Section 7.3 iii. “Cash-in-lieu” is amended by adding the following:
- a) Despite section 7.3(iii), the cash-in-lieu option is not available to an owner or occupier of property in a Transit-Oriented Area where a residential use is located on the lot.

- (12) Section 7.4 “Visitor Parking” is amended by replacing the paragraph in its entirety with the following:

“Where a lot is developed for multiple-family residential use, designated visitor vehicle parking shall be assigned and identified for this purpose at a ratio of 1 space for every 22 residential parking spaces (or portion thereof) on the Off-Street Parking Plan. The number of visitor parking spaces may count towards the total number of required off-street parking spaces.”

- (13) Table 6 in Section 7.5 “Accessible Parking” is amended by replacing the column headings with the following:

Number of Vehicle Parking Spaces on Off-Street Parking Plan	Number of Required Accessible Parking Spaces
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- (14) Table 7 “Bicycle Parking Requirements” is amended by adding the following row after “Multiple-Family Dwelling/ Student Housing”:

Multiple-Family Dwelling / Student Housing in a Transit-Oriented Area	0.1 space per dwelling	1 per dwelling unit
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- (15) Section 7.7 “Electric Vehicle Parking” is amended by replacing clause i, ii, and iii with the following:

- i. A minimum of 25% of all off-street vehicle parking spaces within any common parking areas for multiple-family residential, seniors’ congregate housing, and student housing uses, as shown on the Off-Street Parking Plan, shall have shared access to a Level 2 Electric Vehicle Charge Receptacle or more efficient charger.
- ii. All remaining off-street vehicle parking spaces within any common parking areas for multiple-family residential, seniors’ congregate housing, and student housing uses, as shown on the Off-Street Parking Plan, shall be provided with an electrical outlet box wired with a separate branch circuit capable of supplying electricity to support the installation of a Level 2 Electric Vehicle Charge Receptacle.
- iii. All off-street vehicle parking spaces within a single residential dwelling or dedicated multiple-family dwelling parking space, such as a garage for an individual unit, shall include an electric outlet box wired with a separate branch circuit capable of supplying electricity to support the installation of a Level 1 Electric Vehicle Charge Receptacle.”

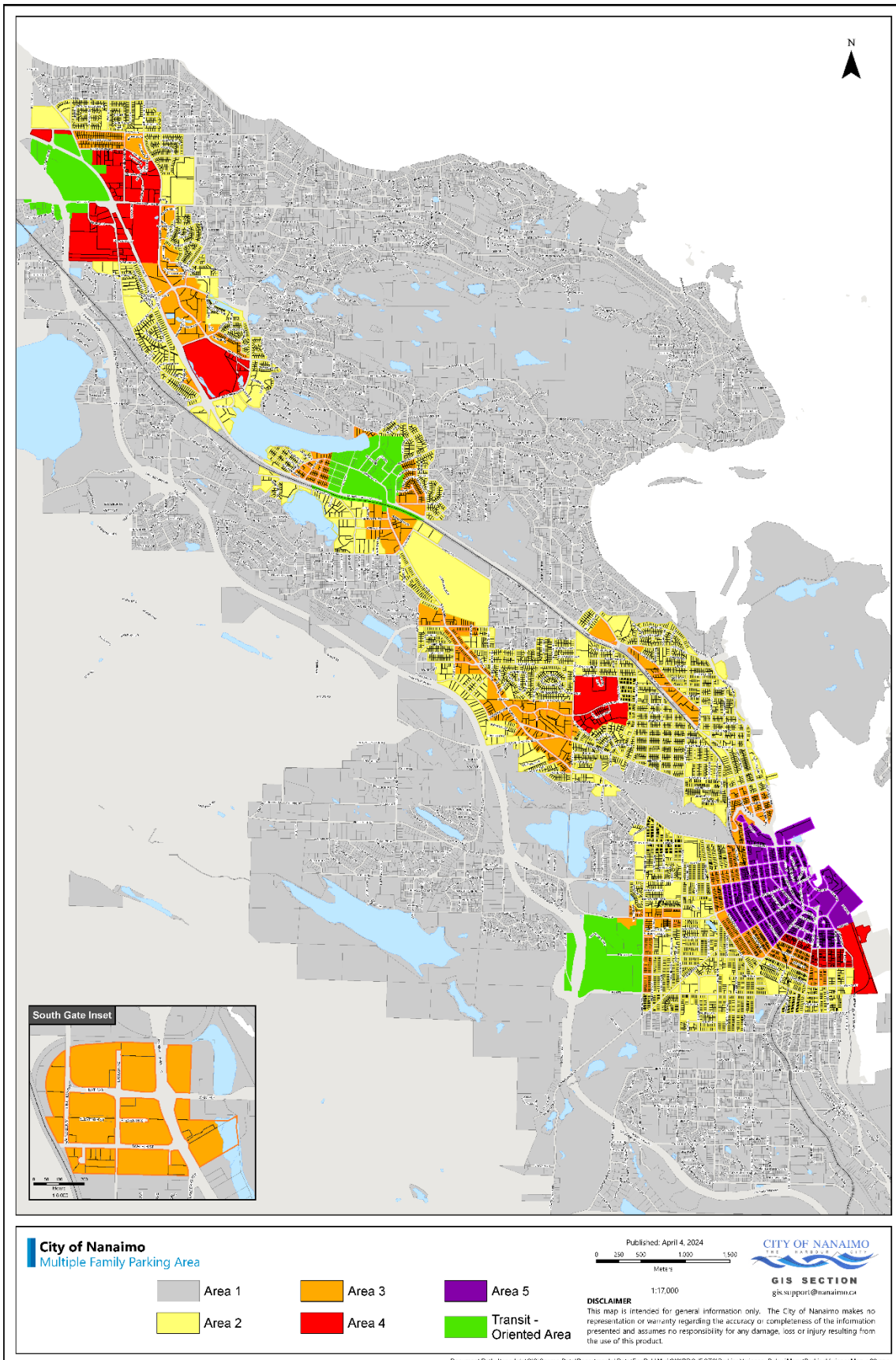
- (16) 'SCHEDULE A – MULTIPLE-FAMILY PARKING MAP' is replaced with the "Schedule A – Multiple-Family Parking Map" of this bylaw.
- (17) 'SCHEDULE B – STUDENT HOUSING PARKING MAP' is replaced with the "Schedule B – Student Housing Parking Map" of this bylaw.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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MAYOR

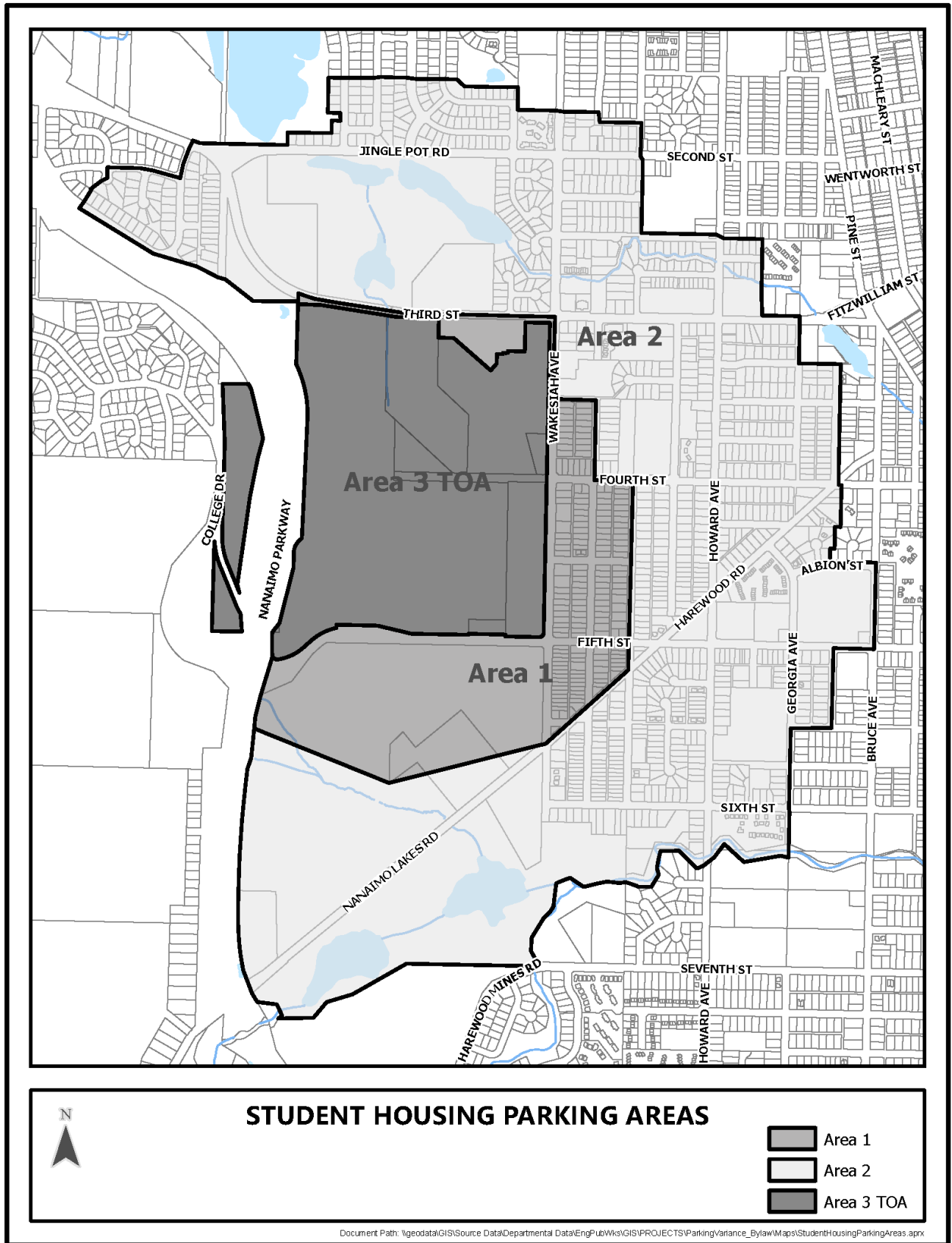
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### SCHEDULE A – Multiple-Family Parking Map





### SCHEDULE B – Student Housing Parking Map



CITY OF NANAIMO

BYLAW NO. 4500.216

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 "ZONING AMENDMENT BYLAW 2023 NO. 4500.216".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 8, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN 15012 (6074 Metral Drive) from Single Dwelling Residential (R1) to Residential Corridor (COR1) as shown on Schedule A.

PASSED FIRST READING: 2023-OCT-16

PASSED SECOND READING: 2023-OCT-16

PUBLIC HEARING HELD: 2023-NOV-16

PASSED THIRD READING: 2023-NOV-16

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2023-NOV-28

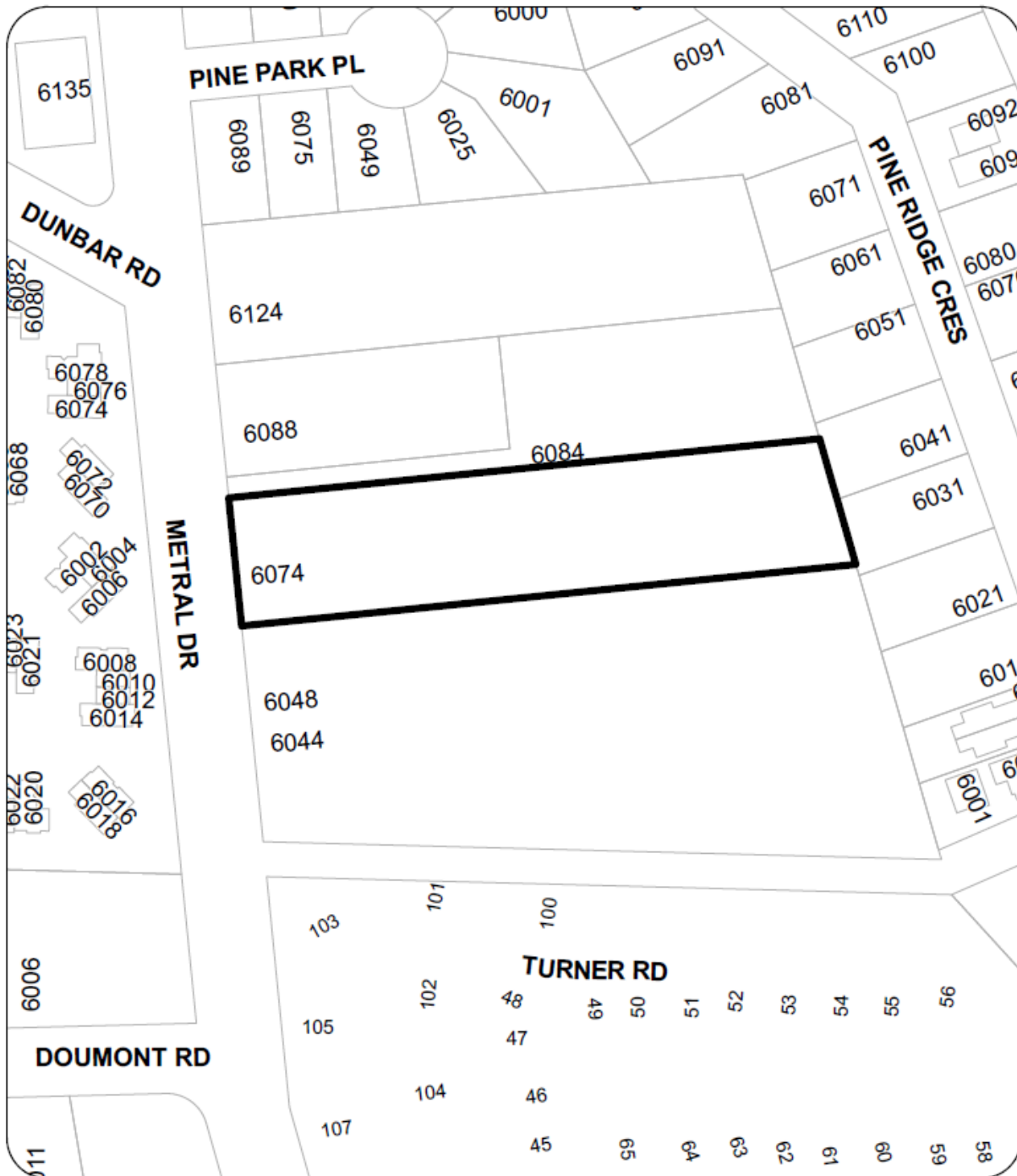
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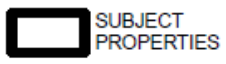
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File: RA000492  
Address: 6074 Metral Drive

### SCHEDULE A



### REZONING APPLICATION NO. RA000492



CIVIC: 6074 METRAL DRIVE  
LEGAL: LOT 8, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN 15012

CITY OF NANAIMO

BYLAW NO. 7371.01

A BYLAW TO CONFIRM AND ADOPT THE FINANCIAL PLAN

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The Municipal Council of the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the “Financial Plan Amendment Bylaw 2024 No. 7371.01”.

2. Amendments

“Financial Plan Bylaw 2023 No. 7371” is hereby amended as follows:

- (1) Delete Schedule “A” in its entirety and replace with the attached Schedule “A”.
- (2) Delete Schedule “B” in its entirety and replace with the attached Schedule “B”.

PASSED FIRST READING: 2024-APR-29

PASSED SECOND READING: 2024-APR-29

PASSED THIRD READING: 2024-APR-29

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**Schedule A**  
**City of Nanaimo**  
**2024 - 2028 Financial Plan**

	2024	2025	2026	2027	2028
Revenues:					
Revenue from Property Value Taxes	154,811,457	167,000,562	175,078,295	180,680,180	186,823,737
Revenue from Parcel Taxes	209,980	212,840	58,095	2,904	2,904
Revenue from Fees & Charges	61,961,575	64,187,645	67,681,324	69,366,455	70,940,409
Revenue from Other Sources	50,706,230	36,560,592	32,393,037	31,787,791	30,954,619
	<u>267,689,242</u>	<u>267,961,639</u>	<u>275,210,751</u>	<u>281,837,330</u>	<u>288,721,669</u>
Expenses:					
General Operating Expenditures	203,957,849	185,196,276	191,444,685	195,063,168	201,504,102
Sanitary Sewer Operating Expenditure:	5,565,654	5,133,918	5,286,632	5,340,885	5,398,154
Waterworks Operating Expenditures	14,291,505	13,878,576	13,521,979	13,923,840	13,616,697
Interest Payment on Municipal Debt	2,355,349	2,579,329	2,475,616	1,853,895	1,516,149
Amortization	32,277,097	33,035,013	34,164,334	34,160,680	35,470,153
	<u>9,241,788</u>	<u>28,138,527</u>	<u>28,317,505</u>	<u>31,494,862</u>	<u>31,216,414</u>
Annual Surplus/Deficit					
Add back:					
Amortization	32,277,097	33,035,013	34,164,334	34,160,680	35,470,153
Capital Expenditures					
General Capital Expenditures	92,153,149	39,498,890	30,388,461	25,846,147	28,516,502
Sanitary Sewer Capital Expenditures	8,025,592	10,408,200	4,580,300	5,059,600	6,776,300
Waterworks Capital Expenditures	34,969,001	10,301,600	16,322,100	8,850,900	10,991,800
Proceeds from Municipal Borrowing	(4,083,150)	-	-	-	-
Principal Payment on Municipal Debt	4,364,028	5,192,228	5,310,053	4,406,790	3,160,728
Transfers between Funds:					
Reserve Funds	-	-	-	-	-
DCC Funds	-	-	-	-	-
Transfers to/(from) Accumulated Surplus	<u>(93,909,735)</u>	<u>(4,227,378)</u>	<u>5,880,925</u>	<u>21,492,105</u>	<u>17,241,237</u>
Financial Plan Balance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

**Schedule B**  
**City of Nanaimo**  
**Statement of Revenue Objectives & Policies**

**1. Proportion of Revenue by Source**

The City receives revenues from a variety of sources including property taxes and user fees. This funding pays for such services as police and fire protection, solid waste collection, management of roads, drainage, sanitary sewer, waterworks and parks infrastructure, along with the delivery of leisure and cultural services. Property taxes are the largest source of revenue as detailed in Table 1.

Table 1: Sources of Revenue

Revenue Source	\$ Total Revenue	% Total Revenue
Property Value Taxes	154,811,457	58%
Parcel Taxes	209,980	0%
Fees & Charges	61,961,575	23%
Other Sources	50,706,230	19%
<b>Total</b>	<b>267,689,242</b>	<b>100%</b>

**Policies and Objectives**

**Property Taxes**

- The City will attempt to keep the proportional share of revenue from property taxes at a level similar to the average of comparable municipalities.
- Where new sources of revenue are made available to the City from senior governments, wherever possible these revenues will be used to reduce dependency on property taxation revenue.

**Parcel Taxes**

- Parcel taxes will be used whenever Council determines that they are more appropriate than property taxes.

**Fees & Charges**

- Wherever possible, fees & charges will be used to assign costs to those who benefit from the service provided. The proportion of the costs recovered by fees and charges will vary with the nature of the service provided.

**Proceeds of Borrowing**

- Borrowing will be considered when determining the funding sources of large capital projects that provide benefits to taxpayers over a long period of time (20 years or more).
- Borrowing will be consistent with the City's Debt Management Policy.

**Other Sources of Revenue**

- The City will continue to seek other sources of revenue in order to reduce reliance on property taxes.
- The City will consider hydroelectric power generation where practical and environmentally supportable.

**2. Distribution of Property Taxes Among the Classes**

Table 2 outlines the projected distribution of property taxes amongst the property classes. Projected revenue from residential provides the largest proportion of property tax revenue. This class represents the largest portion of the tax base and utilizes the majority of City services. Between 2009 and 2013, the light and major industrial tax rates were reduced to the same level as the commercial tax rate.

Table 2: Projected Distribution of Property Tax Rates and Tax Class Ratios

Property Class	\$ Property Taxes	% of Total Property Taxation	Tax Class Ratios
Residential (1)	106,064,092	68.51%	1.000
Utilities (2)	843,870	0.55%	9.966
Supportive Housing (3)	-	0.00%	-
Major Industry (4)	2,037,715	1.32%	3.285
Light Industry (5)	2,780,382	1.80%	3.285
Business and Other (6)	42,705,003	27.59%	3.285
Managed Forest Land (7)	3,828	0.00%	5.480
Recreational/Non-Profit (8)	376,400	0.24%	2.594
Farm (9)	167	0.00%	0.132
<b>Total</b>	<b>154,811,457</b>	<b>100%</b>	

**Policies and Objectives**

- The City will attempt to keep the percentage of property taxes received from residential taxpayers at a level comparable to the average of similar municipalities.
- The City will attempt, over time, to reduce the commercial tax rate to the average of all BC municipalities.

**3. Permissive Tax Exemptions**

The City believes that permissive tax exemptions are an appropriate way to recognize the value of the services provided to the community by non-profit organizations. Each year, a list of these exemptions is included in the City’s Annual Report.

**Policies and Objectives:**

- Permissive tax exemptions are governed by the City’s Grants Policy and Guidelines, which outlines the criteria for which property tax exemptions may be granted.
- Permissive tax exemption requests will be reviewed by the Finance and Audit Committee and the Committee will make recommendations to Council.
- Permissive tax exemptions will be reviewed at least every three years to ensure that

the organization and property still meets the criteria established by Council.

**4. Revitalization Tax Exemptions**

The City believes that revitalization tax exemptions are an appropriate tool to assist the City in realizing its strategic objectives.

**Policies and Objectives:**

- The City can exempt municipal taxes for up to ten years for projects undertaken by landowners, where the project meets defined objectives of a City strategy.
- Recipients of exemptions must enter into a Revitalization Tax Exemption Agreement with the City.
- Every revitalization tax exemption must be approved by Council.



CITY OF NANAIMO

BYLAW NO. 7380

A BYLAW TO FIX THE TAX RATES UPON REAL PROPERTY IN THE CITY OF NANAIMO  
AND TO PROVIDE FOR THE PAYMENT OF TAXES FOR THE YEAR 2024

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WHEREAS the Council shall, pursuant to Section 197 of the *Community Charter*, in each year, adopt a bylaw to impose rates on all taxable land and improvements according to their assessed value to provide the money required for purposes specified in the *Charter*;

WHEREAS the Council may, pursuant to Section 235 of the *Community Charter*, establish an Alternative Municipal Tax Collection Scheme, including penalties to be applied in relation to payments made after a tax due date established by such bylaw;

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

1. Title

This Bylaw may be cited as the “Property Tax Rates Bylaw 2024 No. 7380”.

2. Definition

“COLLECTOR” means the person duly appointed as such from time to time by Council, and includes all persons appointed or designated by the Collector to act on her behalf.

“ALTERNATIVE MUNICIPAL TAX SCHEME” means the Scheme for the payment of taxes established under sections 10, 12, and 13.2 of this bylaw.

3. Tax Rates for General Municipal Purposes

Tax rates for all lawful general purposes, as shown in column ‘A’ of Schedule ‘A’ attached hereto and forming a part of this Bylaw, are hereby imposed and levied on taxable land and improvements according to their assessed value as shown upon the Real Property Tax Roll for general municipal purposes for the City of Nanaimo for 2024.

4. Tax Rates for General Debt

Tax rates for the payment of interest and principal on debts incurred by the City for municipal purposes as shown in column ‘B’ of Schedule ‘A’ attached hereto and forming a part of this Bylaw, are hereby imposed and levied on all taxable land and improvements according to their assessed value as shown upon the Real Property Tax Roll for general municipal purposes for the City of Nanaimo for 2024.

5. Tax Rates for Library

Tax rates for the payment of the Vancouver Island Regional Library requisition for the Library function as shown in column 'C' of Schedule 'A' attached hereto and forming a part of this Bylaw, are hereby imposed and levied on taxable land and improvements according to their assessed value as shown upon the Real Property Tax Roll for general municipal purposes for the City of Nanaimo for 2024.

6. Specified Area Tax Rates

(1) Tax rates for sewer/wastewater utility purposes including all debts incurred for such function, as shown in column 'D' of Schedule 'A' attached hereto and forming part of this Bylaw, are hereby imposed and levied on taxable land and improvements liable to be specially charged by virtue of being located within the specified area as defined by the Regional District of Nanaimo pursuant to Bylaw No. 1216 and amendments thereto, according to their assessed value as shown upon the Real Property Tax Roll for general municipal purposes for the City of Nanaimo for 2024.

(2) Tax rates for the purposes outlined in Regional District of Nanaimo bylaw, known as "Duke Point Sewer Local Service Area Establishment Bylaw No. 1004, 1996" and amendments thereto, are hereby imposed and levied on taxable land and improvements liable to be specially charged pursuant to that bylaw as shown in column 'H' of Schedule 'A' attached hereto and forming a part of this Bylaw, according to their assessed value on the basis provided under Section 26 of the *Hospital District Act* and as shown upon the Real Property Tax Roll for the City of Nanaimo for 2024.

7. Tax Rates for Regional Parks Function

Tax rates for the payment of the Regional District of Nanaimo requisition for the Regional Parks Function as shown in column 'E' of Schedule 'A' attached hereto and forming a part of this Bylaw are hereby imposed and levied on taxable land and improvements according to their assessed value as shown upon the Real Property Tax Roll for general municipal purposes for the City of Nanaimo for 2024.

8. Tax Rates for Regional District of Nanaimo

Tax rates for the payment of the Regional District of Nanaimo requisition, excluding tax rates for the Regional Parks Function under Section 6, as shown in column 'F' of Schedule 'A' attached hereto and forming part of this Bylaw, are hereby imposed and levied on taxable land and improvements according to their assessed value on the basis provided under Section 26 of the *Hospital District Act* and as shown upon the Real Property Tax Roll for the City of Nanaimo for 2024.

9. Tax Rates for Nanaimo Regional Hospital District

Tax rates for the payment of the Nanaimo Regional Hospital District requisition, as shown in column 'G' of Schedule 'A' attached hereto and forming part of this Bylaw are hereby imposed and levied on taxable land and improvements according to their assessed value on the basis provided by Section 26 of the *Hospital District Act* and as shown upon the Real Property Tax Roll for the City of Nanaimo for 2024.

10. Alternative Municipal Tax Scheme

- (1) Unless section 10.3 applies, the rates and taxes named under this Bylaw are due and shall be paid in accordance with sections 10, 11, and 12 of this Bylaw on or before July 2, 2024.
- (2) An owner may elect to pay the rates and taxes named under this Bylaw in accordance with the Alternative Municipal Tax Collections Scheme by providing written notice of that election to the Collector at her office at the Service and Resource Centre, Nanaimo BC, on or before June 14, 2024.
- (3) An owner may elect to pay the rates and taxes named under this Bylaw in accordance with the General Municipal Tax Collection Scheme established under Division 10 of Part 7 of the *Community Charter* by giving written notice of that election to the Collector at her office at the Service and Resource Centre, Nanaimo BC, on or before June 14, 2024.
- (4) If an Owner does not make an election under Section 10.2 or 10.3, the Alternative Municipal Collection Scheme applies to the rates and taxes payable to that owner.

11. Rates and Taxes Payable to Collector

The rates and taxes named under this Bylaw shall be levied, raised and collected for the purposes stated, and shall be payable in Canadian funds to the Collector at the Service and Resource Centre, Nanaimo, BC.

12. Penalties

- (1) Upon the 3<sup>rd</sup> day of July, 2024, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes, in respect of each parcel of land and the improvements as shown upon the Real Property Tax Roll of the City for 2024, two (2) percent of the amount unpaid as of the end of the 2<sup>nd</sup> day of July, 2024.
- (2) Upon the 31<sup>st</sup> day of August, 2024, or as soon thereafter as is practicable, the Collector shall add to the then unpaid balance of the current year's taxes, in respect of each parcel of land and the improvements as shown upon the Real Property Tax Roll of the City for 2024, an additional eight (8) percent of the amount unpaid as of the end of the 30<sup>th</sup> day of August, 2024.

13. Supplementary Tax Rolls

- (1) Upon receipt of a Supplementary Tax Roll from B.C. Assessment, the Collector shall levy taxes in accordance with the rates specified in Schedule 'A' of this Bylaw according to the taxable values as shown on the Supplementary Tax Rolls.
- (2) For each Supplementary Tax Roll, the Collector shall add penalties to the unpaid amounts as follows:
  - (a) where Supplementary Tax Notices are sent before the 1<sup>st</sup> day of June, 2024, penalties shall be added as set out in Section 12 of this Bylaw.
  - (b) where Supplementary Tax Notices are sent after the 1<sup>st</sup> day of June, 2024 and before the 2<sup>nd</sup> day of July, 2024; two (2) percent shall be added on any amount unpaid after thirty (30) days. An additional eight (8) percent shall be added on the amount unpaid as of the 30<sup>th</sup> day of August, 2024.
  - (c) where Supplementary Tax Notices are sent on or after the 3<sup>rd</sup> day of July, 2024, ten (10) percent shall be added on any amount unpaid after sixty (60) days.

PASSED FIRST READING: 2024-APR-29  
PASSED SECOND READING: 2024-APR-29  
PASSED THIRD READING: 2024-APR-29  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE 'A'**

**2024 TAX RATES**

<b>CLASS</b>	<b>DESCRIPTION</b>	<b>GENERAL MUNICIPAL</b>	<b>GENERAL MUNICIPAL - DEBT</b>	<b>LIBRARY</b>	<b>REGIONAL SEWER (B AREA)</b>	<b>REGIONAL DISTRICT - PARKS</b>	<b>REGIONAL DISTRICT</b>	<b>REGIONAL DISTRICT HOSPITAL</b>	<b>DUKE POINT SEWER L.A.S.</b>	
		<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D)</b>	<b>(E)</b>	<b>(F)</b>	<b>(G)</b>	<b>(H)</b>	
1	Residential	Rate	3.572950	0.054510	0.157000	0.311150	0.071730	0.502060	0.407230	0.675920
2	Utilities	Rate	32.399870	0.494290	1.423660	2.821520	0.650400	1.757220	1.425310	2.365710
3	Supportive Housing	Rate	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
4	Major Industry	Rate	11.749210	0.179240	0.516260	1.023060	0.235830	1.707010	1.384590	2.298120
5	Light Industry	Rate	11.749210	0.179240	0.516260	1.023060	0.235830	1.707010	1.384590	2.298120
6	Business/Other	Rate	11.749210	0.179240	0.516260	1.023060	0.235830	1.230050	0.997720	1.656000
7	Managed Forest Land	Rate	19.580070	0.298710	0.860350	1.705110	0.393050	1.506190	1.221700	2.027750
8	Recreation/Non-Profit	Rate	9.267720	0.141390	0.407230	0.807130	0.186050	0.502060	0.407230	0.675920
9	Farm	Rate	0.471920	0.007200	0.020740	0.041070	0.009470	0.502060	0.407230	0.675920



**OMBUDSPERSON**  
BRITISH COLUMBIA

The *Ombudsperson Act* requires that investigations be conducted in private. Ombudsperson investigation documents are not available through the *Freedom of Information and Protection of Privacy Act* and may be subject to rules preventing their use in court and tribunal proceedings. **Please contact the Office of the Ombudsperson before disclosing this document, or any responses, to any third parties.**

RECEIVED

APR 09 2024

February 29, 2024

Mayor Leonard Krog

City of Nanaimo  
455 Wallace St.  
NANAIMO BC V9R5J6

Dear Mayor Leonard Krog:

Re: Office of the Ombudsperson Quarterly Report: October 1 - December 31,  
2023

This package of documents details the complaint files the Office of the Ombudsperson closed for City of Nanaimo between October 1 and December 31, 2023. Though no action is required on your part, we hope that you will find this information useful and share it within your organization.

These reports provide information about the complaint files we closed regarding your organization within the last quarter, including both files we investigated and files we closed without investigation. Files currently open with the office are not included in these reports.

Enclosed you will find detailed reports containing the following:

- A one-page report listing the number of files closed and the category under which they were closed. The categories we use to close files are based on the sections of the *Ombudsperson Act*, which gives the Ombudsperson the authority to investigate complaints from the public regarding authorities under our jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/assets/media/QR-Glossary.pdf>.
- If applicable: Copies of closing summaries written about the complaint files we investigated. These summaries provide an overview of the complaint received, our investigation and the outcome. Our office produces closing summaries for investigated files only, and not for enquiries or those complaints we chose not to investigate.
- If applicable: A summary of the topics identified in the complaint files closed during the quarter. We track general complaint topics for all complaints we receive, and when applicable, we include authority-specific and/or sector-specific topics for your organization and/or sector. Our office tracks the topics of complaints we investigate and



those we close without investigation, but not for enquiries. Because complaints to our office are confidential, we do not share complaint topic information if we received too few complaints to preserve the complainants' anonymity.

If your organization received too few complaints to produce a summary of complaint topics but you would like further information about the complaints our office received about your organization, our Public Authority Consultation and Training (PACT) Team can provide further details upon request. Please contact the PACT Team at 250-508-2950 or [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca)

If you wish to update your organization's contact information, or if you notice any inaccuracies in the data provided, please contact us at [info@bcombudsperson.ca](mailto:info@bcombudsperson.ca).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jay Chalke".

Jay Chalke  
Ombudsperson  
Province of British Columbia

Enclosures



Type of complaint closure for Authority: City of Nanaimo	# closed
<b>Enquiries</b> – Many people who contact us are not calling to make a complaint, but are seeking information or advice. These contacts are classified as <i>Enquiries</i> to distinguish them from <i>Complaints</i> , which are requests that our office conduct an investigation.	1
<b>Complaints with No Investigation</b> – Our office does not investigate every complaint it receives. First, we determine whether we have authority to investigate the complaint under the <i>Ombudsperson Act</i> . We also have discretion to decline to investigate for other reasons specified in the <i>Ombudsperson Act</i> .	0
<b>Early Resolution Investigations</b> – Early Resolution investigations provide an expedited process for dealing with complaints when it appears that an opportunity exists for the authority to take immediate action to resolve the issue. Typical issues that are addressed through Early Resolution include timeliness, communication, and opportunities for internal review.	0
<b>Complaint Investigations</b> – When we investigate a complaint we may conclude with a determination that a complaint is not substantiated, or with a negotiated settlement of the complaint, or with public findings and recommendations. We may also exercise discretion to cease investigation for a number of other reasons specified in the <i>Ombudsperson Act</i> .	0
<b>Reason for closing an Investigation</b>	
Pre-empted by existing statutory right of appeal, objection or review.	0
Investigation ceased with no formal findings under the <i>Ombudsperson Act</i> .	
More than one year between event and complaint	0
Insufficient personal interest	0
Available remedy	0
Frivolous/vexatious/trivial matter	0
Can consider without further investigation	0
No benefit to complainant or person aggrieved	0
Complaint abandoned	0
Complaint withdrawn	0
<b>Complaint settled in consultation with the authority</b> – When an	0





investigation leads us to conclude that action is required to resolve the complaint, we try to achieve that resolution by obtaining the voluntary agreement of the authority to settle the complaint. This allows matters to be resolved fairly for the complainant and authority without requiring a formal finding of maladministration.

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Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
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Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
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**Ombudsperson Initiated Investigations** – The Ombudsperson has the authority to initiate investigations independently from our process for responding to complaints from the public. These investigations may be ceased at the discretion of the Ombudsperson or concluded with formal findings and recommendations.

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*The tables below summarize the complaint topics we are tracking for your sector and/or authority and the number of times this topic was identified in the files (investigated and non-investigated complaints) that were closed in the most recent quarter.*

If you would like more information on the types of complaints we receive, please contact our Public Authority Consultation and Training Team: email us at [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca) or call us at 250-508-2950.

### Sector-Specific Complaint Topics – All Local Government

Business Licensing	3	2%
Bylaw Enforcement	52	33%
Council Member Conduct (incl. Conflict of Interest)	18	11%
Fees/Charges (incl. Taxes)	18	11%
Official Community Plan/Zoning/Development	24	15%
Open Meetings	7	4%
Other	16	10%
Procurement	1	1%
Response to Damages Claim	2	1%
Services (incl. Garbage, Sewer, Water)	17	11%

### General Complaint Topics – All Local Government

Accessibility	11	5%
Administrative Error	5	2%
Communication	34	15%
Delay	7	3%
Disagreement with Decision or Outcome	73	33%
Discrimination	5	2%
Employment or Labour Relations	1	0%
Other	5	2%
Process or Procedure	57	26%



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Review or Appeal Process	4	2%
Treatment by Staff	21	9%