CITY OF NANAIMO
THE HARBOUR CITY

Staff Report for Decision

DATE OF MEETING May 26, 2025

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SUBJECT FORM AND CHARACTER DESIGN GUIDELINES PROJECT

OVERVIEW

Purpose of Report

To present an amendment to the Zoning Bylaw to update Development Permit Area 8 (DPA8) and present the new Form and Character Design Guidelines, and related amendments to the landscape regulations.

Recommendation

That:

1. "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" (a bylaw to amend the landscape regulations and to replace DPA8 design guidelines) pass first reading.
2. "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" pass second reading.
3. Council direct Staff to proceed to a public hearing for "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" prior to consideration of third reading and final adoption, as required by Section 464 of the *Local Government Act;* and,
4. Council endorse the Form and Character Design Guidelines (2025) as attached to the Staff Report titled "Form and Character Design Guidelines Project", dated 2025-MAY-26.

BACKGROUND

The Form and Character Design Guidelines project commenced in February 2024, and two rounds of public engagement were completed in 2024. The proposed final version of the document was drafted in early 2025, and consultation with key user groups was completed in February and March 2025. The April 2025 draft was presented at the 2025-APR-14 Governance and Priorities Committee (GPC) meeting, where the following motion was passed:

> *"that the Governance and Priorities Committee recommend that Council direct Staff to proceed with preparing a bylaw to amend Zoning Bylaw No. 4500 with the updated Development Permit Area 8 (DPA8) Form and Character Design Guidelines, and related amendments to the landscape regulations; and a bylaw to amend the "Development Procedures and Notification Bylaw 2024 No. 7375", as outlined in the Staff Report dated 2025-APR-14."*

In accordance with the *Local Government Act*, the City's Official Community Plan (City Plan) provides the justification and objectives for the City's development permit areas. The City's development permit area guidelines are within Part 18 of the City of Nanaimo "Zoning Bylaw 2011

No. 4500". The purpose of the Form and Character Design Guidelines project is to update the design guidelines in Development Permit Area 8 (DPA8) specifically, to better align with City Plan policies and to reinforce the five City Plan goals in the built form. The form and character design guidelines provide clarity for the development community and City Staff to understand the City of Nanaimo's expectations for site, building and landscape design in new development. DPA8 establishes guidelines for the form and character of commercial; industrial; multi-family residential (which includes intensive residential); and, mixed-use development. DPA8 also promotes energy and water conservation, and the reduction of greenhouse gas emissions in the design of new development.

DISCUSSION

The following section provides an overview of the proposed "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235", a bylaw to amend the landscape regulations and to replace DPA8 design guidelines. The proposed amendments to the Zoning Bylaw are also outlined in Attachment A.

In general, "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" proposes:

Landscaping

- Updates to the requirements and definitions related to landscape buffers, waste management enclosures, and the provision of public plazas.
- Clarification to requirements for fencing adjacent to public parks.
- Updates to Part 17 – Landscaping. Staff found that many aspects in this section can be removed because they have, over time, been addressed by other City bylaws such as the "Management and Protection of Trees Bylaw 2013 No. 7126", "Off-Street Parking Regulations Bylaw 2018 No. 7266", and the "Development Procedures and Notification Bylaw 2024 No. 7375", as well as the Manual of Engineering Standards and Specifications. In addition, the proposed new form and character design guidelines include greater clarity on expectations for landscape design, and flexibility to adapt to specific site conditions.
- Clarifying that a 'mixed-use development' also requires a form and character development permit.

Form and Character Design Guidelines

- To replace the General Development Permit Area Design Guidelines (1992), and the Triplex and Quadruplex Infill Design Guidelines (1995) with the proposed new 'Form and Character Design Guidelines' (2025).
- To remove the reference to the design guidelines in the neighbourhood plans, because the proposed new 'Form and Character Design Guidelines' have been drafted to include the guidelines embedded within the numerous plans into one document.
- A new Schedule 'E' map to show only the Area Plan areas (that form part of City Plan) for clarity.

Following the 2025-APR-14 GPC meeting, the "Form and Character Design Guidelines" have been improved by replacing a few photos; improving reference to views in Part 3; simplifying the consideration of variances (section 1.4); reordering clauses for clarity; and, improving grammar and spelling in several clauses.

Landscape Security Procedures

The 2025-APR-14 Staff Report outlined anticipated amendments to the Development Procedures and Notification Bylaw to update the landscape security requirements. The best practice advice Staff have received since that time is to include landscaping security requirements in an administrative policy (rather than in a bylaw).

The propose new practice is to:

- Increase general landscape securities from 65% of the cost estimate with a maximum of $100,000, to 100% of the cost estimate with no maximum;
- Increase environmentally sensitive area restoration landscape security from 100% of the cost estimate to 125% of the cost estimate; and,
- Establish a security release schedule.

The proposed landscape security requirements and phased security release schedule approach is consistent with the practice in other jurisdictions and will more effectively support the installation and maintenance of landscaping in new developments.

Next Steps

The next steps are Council consideration of first and second reading of "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235", and to give direction to proceed to public hearing. Following adoption, Staff will communicate the bylaw updates and new design guidelines to relevant stakeholders and user groups such as neighbourhood associations, developers, and the City's Design Advisory Panel.

OPTIONS

1. That:
    1. "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" (a bylaw to amend the landscape regulations and to replace DPA8 design guidelines) pass first reading.
    2. "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" pass second reading.
    3. Council direct Staff to proceed to a public hearing for "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235" prior to consideration of third reading and final adoption, as required by Section 464 of the *Local Government Act*; and,
    4. Council endorse the Form and Character Design Guidelines (2025) as attached to the Staff Report titled "Form and Character Design Guidelines Project", dated 2025-MAY-26.

        - The advantages of this option: The proposed DPA8 Form and Character Design Guidelines are an effective tool for implementing City Plan policy and will provide clarity and certainty for the development community to understand the City of Nanaimo's expectation for urban design. The proposed revisions to the Zoning Bylaw Part 17 'Landscaping', and proposed new DPA8 landscape guidelines will allow for flexibility in responding to site conditions.
        - The disadvantages of this option: If the proposed guidelines do not provide the right balance to ensure appropriate development in the city, Council may wish to direct staff to revise the proposed DPA8 Form and Character Design Guidelines.
        - Financial Implications: The contract with the consultant is complete, and staff are taking on the final steps to complete the project.

2. That Council provide alternate direction.

SUMMARY POINTS

- The purpose of the Form and Character Design Guidelines project is to update the design guidelines in Development Permit Area 8 (DPA8).
- With the updated and more comprehensive landscaping guidance in the proposed DPA8 Form and Character Design Guidelines, amendments to Part 17 'Landscaping' of the Zoning Bylaw and Development Procedures and Notification Bylaw are also proposed.
- It is recommended that Council proceed with first and second reading of "Zoning Bylaw Amendment Bylaw 2025 No. 4500.235", and to give direction to proceed to public hearing.

ATTACHMENTS:

ATTACHMENT A: Summary of Proposed Amendments to the Zoning Bylaw
ATTACHMENT B: Form and Character Design Guidelines (2025)
'Zoning Amendment Bylaw 2025 No. 4500.235'

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