CITY OF NANAIMO
THE HARBOUR CITY

Information Report

DATE OF MEETING May 9, 2022

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SUBJECT **DEVELOPMENT PERMIT AREA GUIDELINES – DRAFT BYLAW 4500.199**

OVERVIEW

Purpose of Report:

The purpose of this report is to present to the Governance and Priorities Committee the draft Zoning Bylaw amendment Bylaw 4500.199 containing development permit area guidelines, exemptions, and related definitions along with additional amendments for consistency with the draft City Plan.

BACKGROUND

Section 488 of the Local Government Act gives municipalities the authority to designate development permit areas (DPA) in the Official Community Plan (OCP). Similar to the City's current OCP, the draft City Plan establishes development permit areas for the following purposes:

- protection of the natural environment, its ecosystems, and biological diversity;
- protection of development from hazardous conditions;
- establishment of objectives for the form and character of commercial, industrial, or multi-family residential development;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation; and
- establishment of objectives to promote the reduction of greenhouse gas emissions.

The stated purpose, objectives, and justification for designating each DPA must be contained within an OCP. The draft City Plan includes appropriate objectives and justifications to designate DPAs for specific purposes and includes maps as schedules to indicate where the following DPAs are designated:

- DPA 1: Environmentally Sensitive Areas
- DPA 2: Hazardous Slopes
- DPA 3: Sea Level Rise
- DPA 4: Abandoned Mine Working Hazards
- DPA 5: Wildfire Hazard
- DPA 6: Steep Slope Development
- DPA 7: Nanaimo Parkway Design
- DPA 8: Form and Character

In an area where a DPA is designated, a development permit must first be obtained prior to certain types of development such as subdivision, construction, or land alteration.
The Local Government Act requires that DPAs are designated in the OCP, but allows for the DPA guidelines to be in either the OCP or the zoning bylaw. The City Plan has been drafted

with the intention of including the DPA guidelines in City of Nanaimo Zoning Bylaw 2011 No. 4500 (the Zoning Bylaw). Draft Zoning Bylaw amendment Bylaw 4500.199 contains DPA guidelines and related definitions intended to achieve the objectives of the DPAs proposed in City Plan. Draft Bylaw 4500.199 also includes DPA exemptions to specify conditions under which development can occur on a property within a DPA in a manner consistent with the DPA objectives without requiring a development permit. The draft Bylaw will also introduce a limited number of additional amendments for consistency with the City Plan, including an update to 'Schedule C' of the Zoning Bylaw to improve accuracy based on ground-truth data and to ensure consistency with the City Plan's Schedule 6 watercourse mapping.

DISCUSSION

While DPA guidelines have more traditionally been located within OCPs, such as is the case with the City's current OCP, it has become better practice to include DPA guidelines within a zoning bylaw. There are several benefits to including DPA guidelines in a zoning bylaw, including:

- Transparency, clarity, and ease of administration. A zoning bylaw is a regulatory bylaw and DPA guidelines are regulatory in nature. Interested parties will be able to reference the applicable zoning bylaw regulations, DPA guidelines, exemptions, and definitions in the same document.
- Update efficiency and harmonization. The City's Zoning Bylaw receives an annual review and update, which will allow for a more regular review and update to DPA guidelines to respond to evolving best practices and changing conditions. This will also improve harmonization between Zoning Bylaw regulations and DPA guidelines.

DPA guidelines specify how proposed subdivision, construction, or land alteration within a DPA can address the special conditions or objectives for which the DPA was established. Some DPA guidelines require a report from a professional, such as a biologist or engineer, or other information to ensure the proposed development complies with the applicable guidelines. The permit itself generally includes conditions that must be adhered to during or after development. DPAs typically include exemptions, which are a list of types of development that do not require a development permit.

In reviewing the existing DPA guidelines and exemptions for update, and in considering appropriate guidelines and exemptions to support the objectives of new DPAs proposed within City Plan, the following principles were applied:

1. Improve ease of interpretation for the users through clarification of known issues and use of consistent language across DPAs where possible;
2. Adopt current best practices for DPA guidelines; and
3. Streamline development approval processes through providing exemptions to the requirement for a development permit where the DPA objectives can be achieved by other means without requiring a development permit application.

The table included as Attachment A to this report, 'DPA Comparison: City Plan vs Current OCP', shows the DPAs in the draft City Plan and identifies the comparable DPA in the current OCP, where one exists. The table also identifies enhanced objectives for DPA1 and new objectives for new DPA3, DPA4, and DPA5. For DPA2, DPA6, DPA7, and DPA8 guideline drafting focused on updates to improve consistency, administrative efficiency, and clarity, as well as

adding updates to exemptions in response to best practices, and identified needs in a manner consistent with the DPA objectives.

Attachment B - draft Zoning Bylaw Amendment Bylaw 4500.199 contains the draft DPA guidelines, exemptions, and related definitions consistent with the purpose and intention to achieve the objectives of the City Plan DPAs. Draft Bylaw 4500.199 also includes a limited number of additional amendments for consistency with the City Plan, including an update to 'Schedule C' of the Zoning Bylaw to improve accuracy based on ground-truth data and to ensure consistency with the City Plan's Schedule 6 watercourse mapping.

CONCLUSION

Staff intend to bring draft Bylaw 4500.199 forward for Council's consideration concurrent with the introduction of the draft City Plan bylaw.

SUMMARY POINTS

- The draft City Plan includes appropriate objectives and justifications to designate DPAs for specific purposes and includes maps as schedules to indicate where DPAs are designated.
- The Local Government Act requires that DPAs are designated in the OCP, but allows for the DPA guidelines to be in either the OCP or the zoning bylaw. There are several benefits to including DPA guidelines in a zoning bylaw.
- DPA guidelines specify how proposed subdivision, construction, or land alteration within a DPA can address the special conditions or objectives for which the DPA was established. DPAs typically include exemptions, which are a list of types of development that do not require a development permit.
- Draft Zoning Bylaw Amendment Bylaw 4500.199 contains the draft DPA guidelines, exemptions, and related definitions consistent with the purpose and intention to achieve the objectives of the City Plan DPAs. Draft Bylaw 4500.199 also includes a limited number of additional amendments for consistency with the City Plan, including an update to 'Schedule C' of the Zoning Bylaw to improve accuracy and consistency with the City Plan's Schedule 6 watercourse mapping.

ATTACHMENTS

ATTACHMENT A: DPA Comparison: City Plan vs. Current OCP
ATTACHMENT B: Draft Zoning Bylaw Amendment Bylaw 4500.199

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ATTACHMENT A

DPA Comparison: City Plan vs. Current OCP

DRAFT CITY PLAN DPA	CURRENT OCP COMPARABLE DPA	DRAFT DPA GUIDELINES – OBJECTIVES, COMPARISON, HIGHLIGHTS (Draft Bylaw 4500.199)
DPA1: Environmentally Sensitive Areas – Watercourse, Terrestrial & Marine Foreshore (Identified on Schedule 6 of City Plan)	DPA1: Watercourses DPA2: Environmentally Sensitive Areas	a. Objectives - Provide guidance for the protection of watercourse ESAs, Terrestrial ESAs, and Marine Foreshore ESAs. b. Comparison - Enhanced objectives compared to current DPA1 and DPA2. c. Highlights - Draft guidelines updated to reflect Council 2022-Feb-07 supported enhancements to the City's regulatory framework for watercourse protection based on the following principles: i. Combine current DPA1 and DPA2 to provide consistent ESA protection and expand ESA values considered. ii. Prioritize avoidance of encroachment into ESA and setbacks, with mitigation and compensation required through DP only when encroachment cannot be avoided. iii. Improve transparency/clarity of factors considered in evaluating DP application. iv. Requirement for biophysical assessment to consider wildlife habitat, wildlife corridors, and ecological form and function of the ESA (in addition to the detailed RAPR assessment where applicable). v. “Net gain” in functional habitat to replace “no net loss” as principle for mitigation and compensation. vi. Inclusion of detailed restoration planting and maintenance standards rather than variable standards specified by QRP. vii. Requirement for QRP monitoring, post development inspection, and reporting.
DPA2: Hazardous Slopes (Identified on Schedule 7 of City Plan)	DPA3: Natural Hazard Lands	a. Objectives - Provide guidance for the protection of development from hazardous slope conditions. b. Comparison - Consistent with objectives of current DPA3: c. Highlights - Draft guidelines updated to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP. Reference to updated Guidelines for the Completion of Geotechnical Reports to reflect legislative framework and applicable professional practice guidelines.

DRAFT CITY PLAN DPA	CURRENT OCP COMPARABLE DPA	DRAFT DPA GUIDELINES – OBJECTIVES, COMPARISON, HIGHLIGHTS (Draft Bylaw 4500.199)
DPA3: Sea Level Rise (Identified on Schedule 8 of City Plan)	N/A	a. Objectives - Provide guidance for the protection of property and development from the impacts of sea level rise b. Comparison - New DPA per Climate Change Resilience Strategy Action 5.2.3. c. Highlights - Reference to Provincial Flood Hazard Area Land Use Management Guidelines and updated Guidelines for the Completion of Geotechnical Reports to reflect legislative framework and applicable professional practice guidelines.
DPA4: Abandoned Mine Working Hazards (Identified on Schedule 9 of City Plan)	N/A	a. Objectives - Provide guidance for avoiding or adequately addressing potential mining induced geological hazards. b. Comparison - New DPA to improve transparency and enhance protection of development from abandoned mine-working hazards. c. Highlights - Reference to proposed Guidelines for Geotechnical Assessments Above Abandoned Mine Workings and updated Guidelines for the Completion of Geotechnical Reports to reflect professional best practice considering the unique nature of the hazard.
DPA5: Wildfire Hazard (Identified on Schedule 10 of City Plan)	N/A	a. Objectives - Provide guidance to minimize the risk to people and property from wildfire hazard. b. Comparison - New DPA per Climate Change Resilience Strategy Action 5.2.1. c. Highlights - Requires an assessment and recommendations to protect development from wildfire interface hazard, prepared by a Qualified Registered Professional registered in British Columbia with specific training and experience working with wildfire interface protection, (unless exempted).
DPA6: Steep Slope (Identified on Schedule 11 of City Plan)	DPA5: Steep Slope Development	a. Objectives - Provide guidance to achieve environmentally sound and livable hillside neighbourhoods. b. Comparison - Consistent with objectives of current DPA5. c. Highlights - Draft guidelines updated to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP.

DRAFT CITY PLAN DPA	CURRENT OCP COMPARABLE DPA	DRAFT DPA GUIDELINES – OBJECTIVES, COMPARISON, HIGHLIGHTS (Draft Bylaw 4500.199)
DPA7: Nanaimo Parkway (Identified on Schedule 12 of City Plan)	DPA4: Nanaimo Parkway Design	a. Objectives - Provide guidance to maintain and reinforce a green aesthetic with the natural vegetative character along the full length of the Parkway. b. Comparison - Consistent with objectives of current DPA4. c. Highlights - Draft guidelines updated to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP.
DPA8: Form and Character (Identified on Schedule 13 of City Plan)	DPA6: Stewart Avenue Corridor DPA7: North Terminal Avenue Area DPA8: Old City Neighbourhood DPA9: Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development	a. Objectives - Provide guidance to ensure a high level of design and quality of construction of all future developments. b. Comparison - Consistent with objectives of current DPA6, DPA7, DPA8, and DPA9. Reference to existing form and character guidelines, such as City of Nanaimo General Development Permit Area Design Guidelines (1992) and relevant neighbourhood guidelines, provides design guidance consistent with current DPA6, DPA7, DPA8, and DPA9. c. Highlights - Draft guidelines update to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP. Notable revisions to DP exemptions include: i. Allowance for minor additions of the lesser of 25% of gross floor area or 100m^2, rather than current exemption for up to $150,000 external construction value. ii. Construction of up to 4 dwelling units a lot without requiring a DP, rather than current exemption for 2 dwelling units on a lot. This exemption does not apply in the Old City Neighbourhood, where DPs are currently required for 2 units or more on a lot. iii. Exemption for construction, alteration, or addition of an institutional building or structure, rather than current exemption for construction or renovation is for a public school operated by School District 68. iv. Exemption for the construction of an accessory commercial or industrial building of less than 100m^2 and not located between the front face of a principal structure and abutting street.

ATTACHMENT B

CITY OF NANAIMO

BYLAW NO. 4500.199

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

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 466, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

WHEREAS a zoning bylaw may specify guidelines to address special conditions or objectives of a development permit area, and specify conditions under which a development permit would not be required, pursuant to Section 488 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 the "Zoning Bylaw Amendment Bylaw 2022 No. 4500.199".

2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

   (1) By adding the following definition for 'Certified Arborist' after 'Centre Line':

   CERTIFIED ARBORIST – means a person certified under the *International Society of Arboriculture* (IAS) with specific training as a Certified Tree Risk Assessor and/or a Wildlife / Danger Tree Assessor.

   (2) By adding the following definition for 'City Plan' after 'City Park':

   CITY PLAN – means the "City of Nanaimo Official Community Plan Bylaw 2022 No. 6600" and any amendments thereto.

   (3) By adding the following definition for 'Environmentally Sensitive Area' after 'Entertainment Use':

   ENVIRONMENTALLY SENSITIVE AREA – means lands designated as having specific and identified environmental values requiring a higher level of protection, including lands initially defined by Environment Canada and the British Columbia Ministry of Environment as sensitive ecosystems.

   (4) By adding the following definition for 'Fill' after 'Fence':

   FILL – means soil, sand, gravel, rock, or other material that can be used to alter the contours of the land.

   (5) By deleting the definition of 'Flood Construction Level' and replacing it with the following:

   FLOOD CONSTRUCTION LEVEL – means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above the Natural Boundary of a watercourse or the sea, or any obstruction that could cause ponding.

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(6) By deleting the definition of ‘Floodplain Setback’.

(7) By adding the following definition for ‘Habitable Area’ after ‘Gross Floor Area, All Other Uses’:

HABITABLE AREA – means any room or space within a building or structure that is or can be used for human occupancy or building systems which would be subject to damage if flooded.

(8) By deleting the definition of ‘Leave Strip’ and replacing it with the following:

LEAVE STRIP – means a buffer of land, soil, and vegetation that is protected next to a watercourse, marine foreshore, or terrestrial environmentally sensitive area which is to be left in an undisturbed state.

(9) By deleting the definition of ‘Major Road’ and replacing it with the following:

MAJOR ROAD – means a Highway, an Urban Arterial, or a Mobility Arterial as designated by the City Plan “Schedule 4 – Road Classifications”.

(10) By deleting the definition of ‘Professional Engineer’.

(11) By adding the following definition for ‘Qualified Registered Professional’ after ‘Quadruplex’:

QUALIFIED REGISTERED PROFESSIONAL – means an individual who is registered under the *Professional Governance Act* as any of the following professionals:

1) an agrologist;
2) an applied science technologist or certified technician;
3) a registered professional biologist or registered biology technologist;
4) a professional engineer or professional engineering licensee;
5) a professional forester or registered forest technologist;
6) a professional geoscientist or professional geoscience licensee,
7) a professional engineer with training and experience in sea level rise; or
8) a professional engineering with training and experience in coal mining and subsidence due to coal workings;

And is in good standing with the regulatory body under that Act for the individual's profession, and when carrying out that part of the assessment, the individual is acting:

a) within the individual's area of expertise;
b) within the scope of professional practice for the individual's profession; and
c) under the code of ethics of the applicable regulatory body.

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(12) By adding the following definition for 'Soil' after 'Social Services Resource Centre':

SOIL – means the loose surface material at the earth's surface and includes sand, clay, gravel, rock, and other substances of which land is composed.

(13) By adding the following definition for 'Tree Bylaw' after 'Transient Tourist Accommodation':

TREE BYLAW – means the "Management and Protection of Trees Bylaw 2013 No. 7126" of the City of Nanaimo and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

(14) By deleting the definition of 'Watercourse' and replacing it with the following:

WATERCOURSE – means any course or source of water in a channel with defined continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, or source of groundwater, and including any portions that may be within a conduit or culvert.

(15) By deleting the title of section 6.3 and first sentence of subsection 6.3.1 and replacing with the following:

6.3 LOCATION AND SITING OF BUILDINGS AND STRUCTURES TO WATERCOURSES AND THE SEA

6.3.1 A leave strip from a watercourse or from the sea shall be required as follows:

(16) By deleting subsections 6.3.1.4 and 6.3.1.5 and replacing with the following:

6.3.1.4 The leave strip on each side of all watercourses identified in Schedule C shall include that area between the centre of the watercourse and a perpendicular line inland from the top of bank to the distance indicated on Schedule C for each watercourse.

(17) By amending subsection 6.10.4 by deleting the text "professional engineer" from clause b) and replacing with "Qualified Registered Professional".

(18) By amending subsection 6.3.3 by deleting the text "professional biologist (or a biological expert with equivalent knowledge)" and replacing with "Qualified Registered Professional".

(19) By adding 'Part 18 – Development Permit Area (DPA) Guidelines' after Part 17 - Landscaping, as shown in Schedule A of this Bylaw.

(20) By re-numbering existing 'Part 18 – Effective Date of Bylaw' as 'Part 19 – Effective Date of Bylaw'.

(21) By deleting 'Schedule C – Watercourses' and replacing it with 'Schedule C – Watercourses and Marine Foreshore', as shown in Schedule B of this Bylaw.

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(22) By deleting the row labelled “A” in Category 2: Retention and Restoration of Natural Features in ‘Schedule D – Amenity Requirements for Additional Density’, and replacing it with the following:

A	The subject property includes a Terrestrial Environmentally Sensitive Area (ESA), as designated by the City Plan “Schedule 6 – DPA1 Environmentally Sensitive Areas” and includes at least a 15m natural area buffer around the ESA.	2

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

_____
MAYOR

_____
CORPORATE OFFICER

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PART 18 – DEVELOPMENT PERMIT AREA (DPA) GUIDELINES

18.1 DPA1: ENVIRONMENTALLY SENSITIVE AREA (ESA) GUIDELINES – WATERCOURSE, TERRESTRIAL & MARINE FORESHORE

Application

18.1.1 *Environmentally Sensitive Areas* (*ESA*s) are identified on "Schedule 6 – DPA1: Environmentally Sensitive Areas" of the *City Plan*.

18.1.2 A development permit is required prior to any proposed development in DPA1: Environmentally Sensitive Areas.

18.1.3 The primary objective of DPA1 is to avoid disturbance and development within *ESA*s and the *leave strip* of *ESA*s.

18.1.4 If disturbance is not avoidable within or near an *ESA*, or in an *ESA leave strip*, the guidelines of DPA1 shall apply to ensure the maximum possible protection of functional habitat within the ESA or its leave strip through mitigation, and compensation.

18.1.5 DPA1 applies to the following *ESA*s:

a) Watercourse ESA
   i. The width of the *Watercourse ESA leave strip* shall be determined as specified on Schedule 6 of the *City Plan*.
   ii. The width of the *watercourse leave strip* is measured horizontally from, and at right angles to, the *top of bank* or *wetland* boundary of the *watercourse*.

b) Terrestrial ESA
   i. Properties impacted by known Terrestrial *ESA*s are shown on Schedule 6 DPA1: *Environmentally Sensitive Areas* of the *City Plan*, and the width of the terrestrial *ESA leave strip* shall be determined by a *Qualified Registered Professional* through a detailed biophysical assessment and approved by the Director of Development Approvals.

c) Marine Foreshore ESA
   i. Marine Foreshore *ESA*s are shown on Schedule 6 of the *City Plan*.

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Guidelines

18.1.6 If disturbance within an *ESA* or *ESA leave strip* cannot be avoided, the following information must be provided to support the DPA1 development permit application in order to ensure protection, connectivity and increased functional habitat through mitigation, compensation and restoration of the *ESA*:

a) A detailed biophysical assessment of the property, prepared by a *Qualified Registered Professional*.

b) A survey, completed by a registered BC Land Surveyor, of the *ESA* and *ESA leave strip* area.

c) A *Riparian Areas Protection Regulation* (RAPR) assessment report prepared by a *Qualified Registered Professional* where applicable.

d) An assessment of the proposed development's impact to the site hydrology completed by a *Qualified Registered Professional*.

e) An Executive Summary of the required strategy and recommended measures to protect the *ESA* prior to site disturbance, during the construction process and post construction must be included in the *Qualified Registered Professional* assessment.

f) A restoration and enhancement management plan and detailed cost estimate for any restoration works, prepared by a *Qualified Registered Professional*, for the disturbed portion of the *ESA* and *ESA leave strip*. The plan shall meet the following criteria:
   i. include restoration and enhancement of *ESA*s that were impacted by previous development activities;
   ii. utilize vegetation that is indigenous to Vancouver Island; and
   iii. meet or exceed the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS).

g) The principle of net gain will be followed, and a *Qualified Registered Professional* must demonstrate how an increase in the quality and quantity of functional habitat within the *ESA* and *ESA leave strip* will be achieved once the proposed development is complete, such that any areas restored shall be of better ecological value, and shall be contiguous with the original *ESA* and *ESA leave strip*. The following principles will apply to establishing net gain:
   i. *Net gain* outcomes through habitat creation, enhancement and/or restoration
   ii. Meet target conditions – functional habitat in 20 years
   iii. Measure - twice the area of encroachment divided by the temporal coefficient to meet target conditions (0.49)

18.1.7 To protect the *ESA* the following will be required:

a) Prior to site clearing and construction:
   i. permanent fencing shall be installed to sufficiently protect the *ESA* from construction and development activity;

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ii. the fencing must have signage that identifies the area as an environmentally sensitive area;
iii. runoff, erosion and sediment control must be installed adjacent to the *ESA leave strip*; and
iv. demarcation of wildlife corridors, wildlife trees, and significant trees as identified in the *Tree Bylaw* may also be required.

b) Provision shall be made, and works undertaken, to provide for the disposal of surface runoff and stormwater flowing over the land, contributed by either the proposed development or past development. Such works shall be required to divert drainage away from areas subject to sloughing. Post development surface flow and ground water must be maintained in volume and direction.

c) Restricting development activity during sensitive life cycle times, as determined by a *Qualified Registered Professional* and senior agency best management practices.

d) The property owner or applicant will retain a *Qualified Registered Professional* to monitor and inspect the site during construction and during site restoration, for the duration of the project and the specified maintenance period, which will be the greater of three years from completion of restoration and enhancement, or as recommended by the *Qualified Registered Professional*. Post-completion monitoring and inspection reports will be provided to the City on a regular basis at a minimum of once every six months, or more frequently if recommended by the *Qualified Registered Professional*.

e) Indigenous trees and vegetation, as well as their root zones, within the *ESA* and *ESA leave strip* should not be cut, pruned, altered, removed or damaged.

f) Development shall be located in the least environmentally sensitive areas, such as previously disturbed areas, to minimize impact on the ecology of the *ESA* and the *ESA leave strip*.

g) Maintaining the connectivity of forested corridors is a priority and is strongly encouraged

h) The ‘green shores’ principles and guidelines in the Stewardship Centre for British Columbia’s Green Shores for Home shall be applied to minimize impacts to the marine foreshore area.

i) Gravel, sand, *soil*s, and peat must not be removed from the *ESA*, or *ESA leave strip*, and *soil* or other *fill* must not be deposited in the *ESA* or *ESA leave strip*.

j) *ESA*s and *ESA leave strips* must not be impacted by blasting or run-off of sediments and construction-related contaminants.

k) To ensure long-term protection of the *ESA* and *ESA leave strip*, the registration of a restrictive covenant on the title of the property may be required.

l) Varying or relaxing other bylaw requirements (e.g., by allowing variances to yard setbacks, building height or parking requirements) will be considered to facilitate safeguarding an *ESA* and *ESA leave strip*, particularly where the relaxation can

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make possible the development of the remainder of the lot, while avoiding disturbance within the *ESA* and *ESA leave strip*.

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Exemptions

18.1.8 A development permit is not required for the following activities in DPA1:

a) Construction, alteration, or addition to a building or structure, or alteration of land occurring outside of an *ESA* and *ESA leave strip* on a lot, where the location of the *ESA* and *ESA leave strip* have been confirmed by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey, completed by a registered BC Land Surveyor. In addition, permanent fencing, signage, runoff and erosion and sediment control must installed prior to site clearing and construction to protect the *ESA* and *ESA leave strip*.

b) Internal alterations to an existing permitted building or structure.

c) External alterations to an existing permitted building or structure that do not alter its footprint.

d) The placement of temporary structures used for short-term special events and emergency facilities where no functional habitat is being disturbed.

e) Demolition of an existing building or structure located within the *ESA* and *ESA leave strip* on a lot provided no further disturbance of the *ESA* or *ESA leave strip* occurs outside of the footprint of the existing building or structure and provided the work performed in accordance with the guidelines or directions provided by the City of Nanaimo.

f) The erection of a sign or fence provided no native vegetation is removed or disturbed.

g) Routine maintenance of existing landscape conditions, such as lawn mowing, minor pruning of trees and shrubs, planting of vegetation, and minor soil disturbance that does not alter the general contour of the land, provided no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees occurs and provided no further impact to the *ESA* or *ESA leave strip* occurs.

h) Planting and maintenance of native (indigenous) trees, shrubs or groundcover and removal of invasive plants or noxious weeds (such as Scotch broom, Himalayan blackberry, morning glory and purple loosestrife) on a small scale for the purpose of restoring or enhancing habitat values and/or soil stability within the *ESA* and *ESA leave strip*, provided such planting is carried out in accordance with the guidelines and directions provided by the City of Nanaimo and meeting or exceeding the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS).

i) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw*.

j) Pedestrian trail construction within a *watercourse leave strip* or *marine foreshore* if:
    i. it is for access to water only;
    ii. only one trail is built;
    iii. the trail is for pedestrian, non-vehicular use;
    iv. the trail is less than 1.5 metres wide;
    v. no native trees are removed;

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vi. the trail's surface is pervious, including *soil*, mulch or gravel;
vii. the overall slope of the trail is less than 10% and where portions of the trail are greater than 10% the trail is designed to prevent erosion; and
viii. disturbance of *soil*, *fill,* or aggregates occurs within a corridor less than 2 metres in width.

k) Subdivision of land where:
   i. Minimum lot areas are met exclusive of the *watercourse leave strip*; and
   ii. Development activities related to the subdivision or servicing of lots does not occur in the *ESA* or *ESA leave strip*; and,
   iii. The *ESA* and the *ESA leave strip* has been protected through dedication, covenant or other provisions acceptable to the Approving Officer.
   iv. All requirements in accordance with the City of Nanaimo *Subdivision Control Bylaw* for identifying and marking *watercourses*, terrestrial *ESA*, *marine foreshore*, *natural boundary*, *top of bank*, *wetland boundary* and other *ESA* related features are met.

l) Lot consolidation, road dedication, or a boundary adjustment subdivision where: a new building footprint is not proposed, and provided lot area requirements are met exclusive of the *ESA* and the *ESA leave strip*.

m) The removal of culverts for *watercourse* daylighting projects, as approved by a Professional Engineer and *Qualified Registered Professional*, and approved by the Director of Development Approvals.

n) Commercial or industrial activity or marine or transportation facilities occurring on a filled foreshore on land appropriately zoned for the use.

o) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

p) Emergency procedures undertaken by the City of Nanaimo, including:
   i. Emergency flood, erosion or forest fire control protection works;
   ii. Protection, repair or replacement of public utilities;
   iii. Clearing of an obstruction from a bridge, culvert or drainage flow; and,
   iv. Repairs to bridges or safety fences.

q) Actions and activities necessary to prevent immediate threats to life or property provided any disturbance within the *ESA* and the *ESA leave strip* is immediately reported to the City. A development permit may be required for remediation once the emergency has passed.

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18.2 DPA 2: HAZARDOUS SLOPES GUIDELINES

Application

18.2.1 Hazardous Slopes are identified on Schedule 7 - DPA2: Hazardous Slopes of the *City Plan*.

18.2.2 A development permit is required prior to any proposed development within DPA2: Hazardous Slopes.

18.2.3 If a steep or unstable slope is identified by a *Qualified Registered Professional* during site assessment and investigation the guidelines of DPA 2 may apply to the proposed development.

Guidelines

18.2.4 The following information may be required to be provided to support the DPA2 development permit application:

a) A geotechnical report that provides recommendations to protect the development from hazardous conditions, in compliance with the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports,* prepared by a registered professional geotechnical engineer. A covenant with the geotechnical report may be required to be registered on title of the property.

b) A construction management plan with mitigation strategies to avoid impacts to steep and unstable slopes during construction. Mitigation strategies may include erosion protection, selective vegetation removal, restricting site access, and removal of debris or other measures as recommended by *Qualified Registered Professional*.

c) A vegetation restoration and management plan, prepared by a *Qualified Registered Professional*, that meets or exceeds the landscaping requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS).

18.2.5 To protect the development from hazardous conditions the following will be required:

a) No vegetation removal, no significant excavation or placement of *fill* shall be undertaken, nor shall any building or permanent structure of any kind be constructed or placed in areas subject to bank instability.

b) Buildings and structures shall be sited in accordance with building setbacks as established by a registered professional geotechnical engineer to avoid areas subject to unstable slope and/or ground instability.

Exemptions

18.2.5 A development permit is not required for the following activities in DPA2:

a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.

b) Internal alterations to existing permitted building or structure.

c) External alterations to an existing permitted building or structure that do not alter its footprint.

d) The construction of new accessory buildings or structures, not on permanent foundations, less than $10m^2$ in floor area.

e) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA2 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" covenant in favour of the City of Nanaimo, is registered on title.

f) The placement of temporary structures used for short-term special events and emergency facilities.

g) The erection of a sign or fence.

h) Routine maintenance of existing landscape conditions provided no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees occurs unless following the recommendations of and under the supervision of a *Qualified Registered Professional*.

i) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.

j) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA2 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" covenant in favour of the City of Nanaimo, is registered on title.

k) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

l) Actions and activities necessary to prevent immediate threats to life or property provided any disturbance within the *DPA* is immediately reported to the City. A development permit may be required for remediation and permanent protective works once the emergency has passed.

m) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

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18.3 DPA3: SEA LEVEL RISE GUIDELINES

Application

18.3.1 Areas of potential impact from sea level rise and the 2100 Flood Construction Areas are identified on Schedule 8 - DPA3: Sea Level Rise of the *City Plan*.

18.3.2 A development permit is required prior to any proposed development within DPA3: Sea Level Rise.

Guidelines

18.3.3 To protect development from sea level rise proposed buildings in DPA3 (along the shore and in areas at risk of coastal flooding, up to the year 2100) shall establish a required elevation to ensure that all habitable area is located above the sea level rise *flood construction level*.

18.3.4 The following information must be provided to support the DPA3 development permit application:

a) A report prepared by a *Qualified Registered Professional*, such as a Coastal Engineer, that provides recommendations to protect the development from sea level rise, is in compliance with the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports* and is in compliance with the provincial *Flood Hazard Area Land Use Management Guidelines* or any similar, successor or replacement guidelines that may exist from time to time. The report shall model wave and wind effects, and identify setbacks, elevations and other conditions to protect development from sea level rise, as well as detailed calculations of the required *flood construction level* as it applies to the entire property.

b) Should imported fill be required for site grading, the fill should be clean and free of debris and deleterious substances and adhere to fill specifications outlined by a *Qualified Registered Professional*.

c) If any landfill is proposed, it should be adequately compacted, and the face of the landfill slope should be adequately protected against erosion from flood flows, wave action, ice or other debris. The fill must not adversely impact neighbouring properties by increasing the surface water elevation or directing flows toward those properties.

d) Consider zoning bylaw variances in order to construct a home at the elevation of the calculated FCL or 15 metres from the future estimated natural boundary of the ocean at Year 2100, whichever is greater variances may include, but are not limited to, height and setback variances. Requested variances shall consider proximity to adjacent dwellings, as well as privacy and view impacts for neighbours.

e) Where changes in site grading are proposed to mitigate coastal flooding, landscaping shall address grade differences to adjacent properties to consider privacy including light, view, and overlook and proximity issues between properties. In addition, site grading should consider the topography of a site, reducing the need for major site preparation or earthwork, maintenance or enhancement of desirable site features (natural vegetation, trees, natural shoreline, or rock outcrops/bluffs). The use of exposed retaining walls shall be minimized with specific consideration for exposed retaining walls facing adjacent properties.

Exemptions

18.3.5 A development permit is not required for the following activities in DPA3:

a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.

b) Internal alterations to existing permitted building or structure.

c) External alterations to an existing permitted building or structure that do not alter its footprint.

d) The construction of an accessory building or structure for non-habitable area.

e) The addition, or alteration to an existing building or structure for non-habitable area.

f) The construction, or alteration by the City of Nanaimo, or its authorized agents of a recreation shelter, stand, washroom, and other outdoor facility designed to withstand periodic flooding.

g) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA3 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" covenant in favour of the City of Nanaimo, is registered on title.

h) The placement of temporary structures used for short-term special events and emergency facilities.

i) The erection of a sign or fence.

j) Routine maintenance of landscaping and minor soil disturbance that does not alter the general contour of the land.

k) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.

l) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.

n) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA3 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" covenant in favour of the City of Nanaimo, is registered on title.

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m) Lot consolidation, road dedication, or a boundary adjustment subdivision: where a new building footprint is not proposed, and provided lot area requirements are met exclusive of the *DPA*.

n) Commercial or industrial activity or marine or transportation facilities occurring on filled foreshore on land appropriately zoned for the use provided such activities are designed to withstand flooding.

o) Actions and activities necessary to prevent immediate threats to life or property provided such actions and activities within the *DPA* are immediately reported to the City. A development permit may be required for remediation and permanent protective works once the emergency has passed.

p) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

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18.4 DPA4: ABANDONED MINE WORKINGS HAZARDS GUIDELINES

Application

18.4.1 Abandoned mine workings are identified on Schedule 9 – DPA4: Abandoned Mine Workings Hazards of the City Plan.

18.4.2 A development permit is required for any proposed development within DPA4: Abandoned Mine Workings Hazards.

Guidelines

18.4.3 The following information may be required to be provided to support the DPA4 development permit application:

a) A geotechnical report that provides an assessment and recommendations to protect the development from hazardous conditions in relation to the abandoned mine workings. The geotechnical report must be completed by a registered qualified professional experienced with abandoned mine working hazards in conformance with the City of Nanaimo *Guidelines for Geotechnical Assessments Above Abandoned mine workings* and the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*. Where the qualified professional is not able to verify that the land may be used safely for the use intended, the assessment report shall identify the further investigations required to assess the site and/or present recommendations under which the land may be used safely for the use intended.

b) To ensure that geotechnical recommendations are adhered to for the long term, a covenant with the geotechnical report may be required to be registered on the title of the property.

Exemptions

18.4.4 A development permit is not required for the following activities in DPA 4:

a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.

b) Internal alterations to existing permitted building or structure.

c) External alterations to an existing permitted building or structure that do not alter its footprint.

d) The construction of an accessory building or structure for non-habitable area.

e) The addition, or alteration to an existing building or structure for non-habitable area.

o) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo Guidelines for the Completion of Geotechnical Reports, satisfies the objectives and guidelines for DPA4 and provides a set of recommendations to address the hazard, concluded in a report that the land can be

developed safely if the recommendations are followed and this report, together with a "save harmless" covenant in favour of the City of Nanaimo, is registered on title.

f) The placement of temporary structures as permitted under 6.7 of this Bylaw.

g) The erection of a sign or fence.

h) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.

i) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.

p) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo Guidelines for the Completion of Geotechnical Reports, satisfies the objectives and guidelines for DPA4 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a "save harmless" covenant in favour of the City of Nanaimo, is registered on title.

j) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

k) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

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18.5 DPA5: WILDFIRE HAZARD GUIDELINES

Application

18.5.1 Wildfire Hazard Areas are identified on Schedule 10 – DPA5: Wildfire Hazard Areas of the City Plan.

18.5.2 A Wildfire Hazard development permit is required prior to the construction of any residential building, or *subdivision* of land in the DPA5 wildfire hazard area.

Guidelines

18.5.3 The following information may be required to be provided to support the DPA5 development permit application:

a) A report that assesses risk and provides recommendations to protect development from the wildfire interface hazard, prepared by a *Qualified Registered Professional* registered in British Columbia with specific training and experience working with wildfire interface protection.

b) A detailed tree survey, prepared by a *Qualified Registered Professional*, or *Certified Arborist*, showing tree location, size, condition and species.

18.5.4 To protect development from hazardous conditions the following may be required:

a) Create a defensible space between development and the top of ridgelines, cliffs, ravines or slopes to reduce risk from approaching wildfire.

b) Consider the location of proposed new parcels and building footprints in relation to forested lands, and require roadways or trails to be placed as a buffer between new parcels and forested lands to provide a fire/fuel break.

c) Avoid gullies or draws that accumulate fuel and funnel winds in subdivision design.

d) Utilize fire resistive building materials (cladding, siding, roofing, and decking) and non-combustible fence materials.

e) Design and install landscaping to reduce fuel surrounding buildings, ensure appropriate gaps between tree canopies, and ground coverings, and plants with low amounts of sap or resin.

f) Maintain landscaping to ensure fuel reduction, such as regular pruning, and removing dead trees and shrubs.

g) Locate fire access routes and fire hydrants strategically to allow for evacuation and emergency services.

h) Ensure combustible materials, such as propane tanks and firewood are note located in close proximity to buildings.

i) Restrict construction during times of extreme fire hazard.

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j) To ensure that fire hazard risk recommendations are adhered to for the long term, a covenant may be required to be registered on the title of the property.

Exemptions

18.5.5 A development permit is not required for the following activities in DPA5:

a) Construction of a single residential dwelling, duplex, or related accessory buildings and structures on an existing lot.

b) Addition or alteration to an existing single residential dwelling or duplex.

c) For multi-family residential development:
   i. Construction which is limited to the addition, replacement or alteration of doors, windows, building trim, or roofs and which would have no impact on the form and character of the building and would not impact the existing landscaping or access provisions;
   ii. Interior building alterations;
   iii. Exterior building alterations involving 25% or less of the façade of an existing building;
   iv. A minor addition up to 50m^2 of the building's gross floor area, taken together with all additions to the building made within the previous five years; or
   v. Replacement of a building that has been destroyed by natural causes, in cases where replacement of the building is identical to the original in both form and location.

d) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw.*

e) Subdivision where a report that assesses risk and provides recommendations to design and protect development from the wildfire interface hazard has been prepared, to the satisfaction of the Approving Officer, by a *Qualified Registered Professional* registered in British Columbia with specific training and experience working with wildfire interface protection. The report may be required to be registered on title together with a "save harmless" covenant in favour of the City of Nanaimo, at the discretion of the Approving Officer.

f) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

g) Any development where, in the opinion of the Fire Chief, the development will mitigate wildfire hazard.

h) Where a *Land Title Act* Section 219 covenant is in place which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo. For the City to determine whether the proposed development qualifies for the exemption, applicants may be required to provide a report on the development and hazardous condition, prepared by a *Qualified Registered Professional*, registered in British Columbia with specific training and experience working with wildfire interface protection.

h) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have

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been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

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18.6 DPA6: STEEP SLOPES GUIDELINES

Application

18.6.1 Steep Slopes are identified on Schedule 11 – DPA6: Steep Slopes of the City Plan.

18.6.2 A development permit is required prior to any proposed development in DPA6: Steep Slopes.

Guidelines

18.6.3 New development in DPA6: Steep Slopes must follow the City of Nanaimo *Steep Slope Development Permit Area Guidelines.*

Exemptions

18.6.4 A development permit is not required for the following activities in DPA6:

a) Construction of two units or less on a lot.

b) Construction on a property less than 0.5ha in area.

c) Construction on a property which has less than 10% of the site with slopes of 20% or greater.

d) Alteration of a building that is limited to envelope repair, replacement or alteration of doors, windows, building trim, awnings, or roofs.

e) Alteration to site design, building design, and/or landscape design determined by the City to substantially comply with a previously approved Form and Character development permit.

f) A minor addition up to the lesser of 25% of the building's gross floor area or 100m^2, taken together with all additions to the building made within the previous five years, provided the addition is not undertaken within five years of building occupancy, or final approval being granted, and provided a variance is not required.

g) Where the proposed construction, alteration, or addition is for a form of building that has been otherwise exempted by Council from the requirement to obtain a development permit.

h) Temporary buildings and structures as permitted under 6.7 of this Bylaw.

i) The construction of new accessory buildings or structures, not on permanent foundations, less than 10m^2 in floor area.

j) The construction of an accessory building or structure for non-habitable area.

k) Temporary buildings and structures as permitted under 6.7 of this Bylaw.

l) Routine maintenance of landscaping and minor soil disturbance that does not alter the general contour of the land.

m) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.

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n) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.

o) Actions and activities necessary to prevent immediate threats to life or property provided such actions and activities within the DPA are immediately reported to the City. A development permit may be required for remediation once the emergency has passed.

p) Works undertaken by the City of Nanaimo or its authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

q) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

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18.7 DPA7: NANAIMO PARKWAY DESIGN GUIDELINES

Application

18.7.1 The Nanaimo Parkway Design development permit area is identified on Schedule 12 – DPA7: Nanaimo Parkway Design of the City Plan.

18.7.2 A development permit is required prior to any proposed development in DPA7: Nanaimo Parkway Design.

Guidelines

18.7.3 New development in DPA7: Nanaimo Parkway Design must respect the specific character zones and guidelines as set out in the *Nanaimo Parkway Design Guidelines*.

Exemptions

18.7.3 A development permit is not required for the following activities in DPA7:

a) The construction of, or an addition to, a single family dwelling or duplex on one lot.

b) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw* provided the cutting, pruning, or removal are performed in a manner consistent with the applicable development permit area guidelines

c) A boundary adjustment subdivision application that:
   i. does not result in an increase of the allowable density on the property; and,
   ii. has been determined by the Director of Development Approvals to conform to the *Nanaimo Parkway Design Guidelines*.

d) When the subject property or portion of the property being developed lies outside the Character Protection Area and Tree Protection Zone (unless the *Nanaimo Parkway Design Guidelines* view corridors are impacted).

e) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.

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18.8 DPA8: FORM AND CHARACTER GUIDELINES

Application

18.8.1 The Form and Character development permit area is all the land within the City of Nanaimo boundary, and is identified on Schedule 13 – DPA8: Form and Character of the City Plan.

18.8.2 A development permit is required for any proposed commercial, industrial, or multi-family development in DPA8: Form and Character.

Guidelines

18.8.3 Development in DPA8: Form and Character must respect the following guidelines:
- a) *City of Nanaimo General Development Permit Area Design Guidelines* (1992)
- b) *Innovative Housing for Neighbourhoods: Triplex and Quadruplex Infill Design Guidelines* (1995)

18.8.4 In addition to 18.8.3, the design guidelines in the following documents, which form part of the DPA8 guidelines, shall also apply to development in the areas shown on Schedule 13 of the *City Plan*:
- a) *Nanaimo's Old City Multi-Family Residential Design Guidelines* (1990)
- b) *Design Guide: Chase River Town Centre* (2000)
- c) *Departure Bay Neighbourhood Plan* (2006)
- d) *Downtown Urban Design Plan and Guidelines* (2008)
- e) *Newcastle + Brechin Neighbourhood Plan Urban Design Framework and Guidelines* (2011)
- f) *South End Neighbourhood Plan* (2010)
- g) *Harewood Neighbourhood Plan* (2013)
- h) *Port Drive Waterfront Master Plan* (2018)
- i) *Bowers District Master Plan* (2022)
- j) *Sandstone Master Plan* (2022)

Exemptions

18.8.7 A development permit is not required for the following activities in DPA8:

a) Alteration of a building that is limited to envelope repair, replacement or alteration of doors, windows, building trim, awnings, or roofs.

b) Alteration to site design, building design, and/or landscape design determined by the City to substantially comply with a previously approved Form and Character development permit.

c) A minor addition up to the lesser of 25% of the building's gross floor area or 100m^2, taken together with all additions to the building made within the previous five years, provided the addition is not undertaken within five years of building occupancy, or final approval being granted, and provided a variance is not required.

d) Construction that is limited to no more than a total of four dwelling units on one lot, provided the development is not located within the Old City Neighbourhood as shown on Schedule 13 of the *City Plan* and provided a variance is not required.

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e) Construction, alteration, or addition for a form of building that has been otherwise exempted by Council from the requirement to obtain a development permit.

f) Construction, alteration, or addition is for an institutional building, or structure.

g) Construction of an accessory commercial, or industrial building, or structure with a total gross floor area of less than $100m^2$ and not located between the front face of the principal structure and any abutting street and provided a variance is not required.

h) Temporary buildings and structures as permitted under 6.7 of this Bylaw.

i) Subdivision.

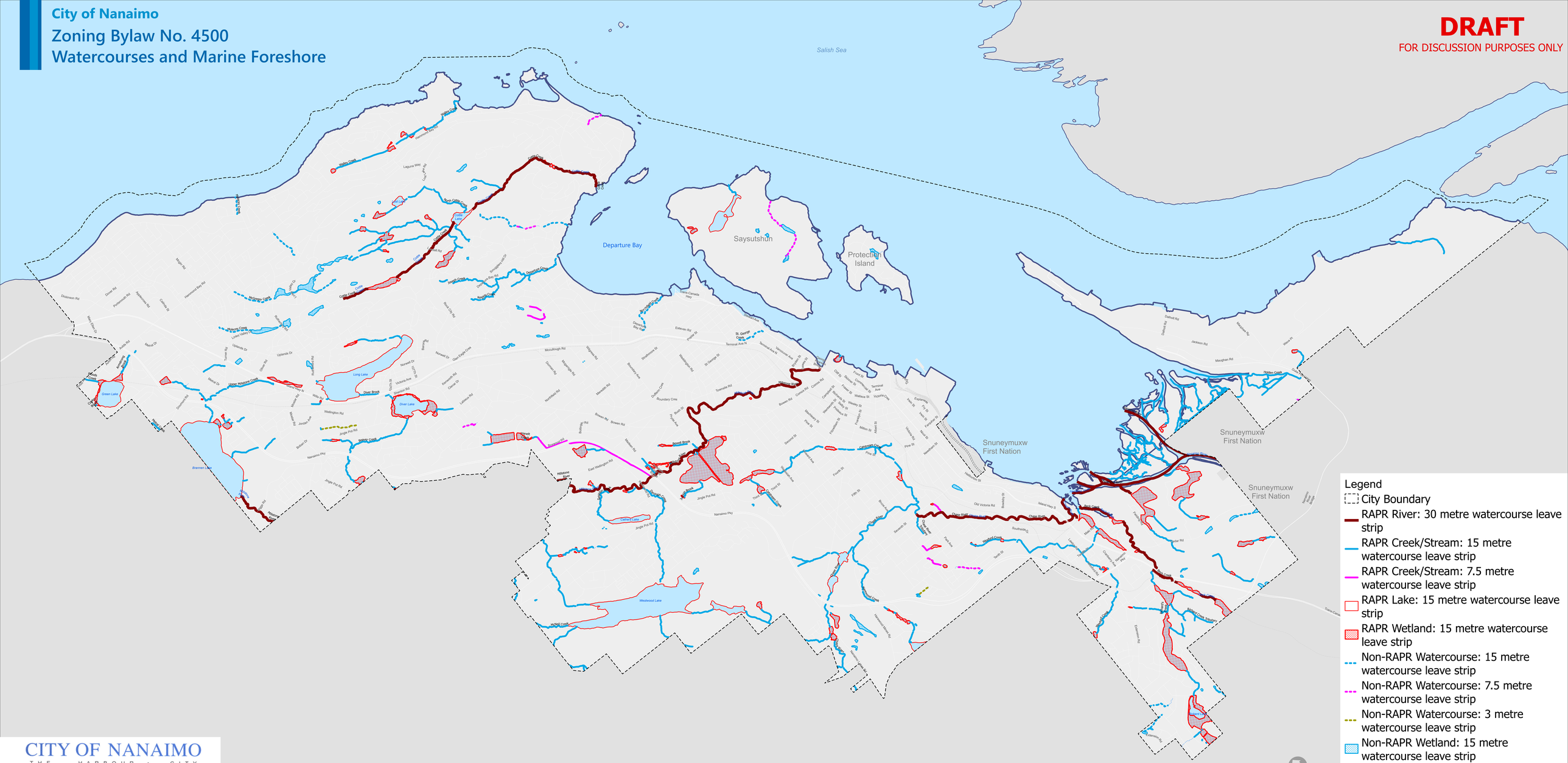
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Schedule C - Watercourses and Marine Foreshore

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City of Nanaimo
Zoning Bylaw No. 4500
Watercourses and Marine Foreshore

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FOR DISCUSSION PURPOSES ONLY



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