Three and Four Unit Residential (R5) Zone

Guide for Property Owners

NOTE: This information is summarized for convenience only. Please refer to applicable bylaws, Provincial laws, and BC Building Code for all relevant information.

OVERVIEW

This guide is a summary of relevant information for property owners planning to build in the City of Nanaimo in the R5 zone. This guide is not meant for properties that are in other residential zones. The R5 zone allows 3 or 4 dwelling units on most properties in the City that prior to June 2024 only permitted single residential dwellings or duplexes.

1 – Confirm Site Particulars

ZONING

One of the first steps before deciding to build on a property is to confirm the land use zoning identified in the City's Zoning Bylaw[1]. Most residential properties in Nanaimo are in the Three and Four Unit Residential (R5) zone but not all properties are zoned R5. There are a number of residential zones, each with unique regulations. To confirm the zoning of a specific property, please refer to the Zoning layer on the NanaimoMap online mapping tool: https://nanmap.nanaimo.ca/

Where zoning does not allow 3 or 4 dwelling units, a rezoning application may be considered if supported by City Plan[2]. Please consult with Staff in the Current Planning Section for more information about rezoning.

DEVELOPMENT PERMIT AREAS

Additional guidelines may apply in certain areas of the City as outlined in Part E3 of City Plan and Part 18 of the Zoning Bylaw, where lots are identified under the following Development Permit Areas: Environmentally Sensitive Areas, Hazardous Slopes, Sea Level Rise, Abandoned Mine Workings, Wildfire Hazards, Steep Slopes, and Nanaimo Parkway Design.

PROPERTY TITLE

In addition to bylaw regulations, restrictions on the use of a property may be registered on the property title with the Land Title and Survey Authority of BC[3]. The City of Nanaimo may not be aware of all restrictions on title, such as private restrictive covenants or building schemes, and it is the property owner's responsibility to be informed of charges on title.

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[1] www.nanaimo.ca/property-development/land-use-bylaws/zoning

[2] www.nanaimo.ca/property-development/sustainability/city-plan

[3] www.ltsa.ca

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UNDERSTAND YOUR SITE

All properties are different, and while the Zoning Bylaw regulates permitted use and density, the maximum permitted density may not be physically feasible or financially viable on all properties. There are many site-specific elements to consider when assessing the feasibility of development on a property, including but not limited to:

- *Lot size and configuration* – While typical properties are rectangular in shape and meet standard lot size dimensions, many properties in Nanaimo are irregular in shape or are smaller than typical. In some cases, the maximum permitted density may not be achievable due to the lot size or shape.
- *Physical features* – Nanaimo has variable topography and a number of properties are impacted by physical features including steep slopes, rocky outcrops, floodplains, and waterbodies (wetlands, lakes, creeks, etc.). Where present, these features may limit what can be built or provide design challenges unless a variance is sought.
- *Site servicing* – Most lots previously zoned for single family dwellings were originally serviced to allow for only one or two dwelling units, and upgrades to site servicing (water, sanitary sewer, stormwater, etc.) may be required at the property owner's expense to facilitate additional density. Depending on the scale of upgrades, works could be cost-prohibitive. (See also "Fire Flows" information, to the right)

Fire Flows

The City of Nanaimo has completed high-level modelling and identified some properties that may not have adequate water supply available for firefighting at the nearest fire hydrant for small-scale infill development. These properties have been identified on NanaimoMap under the Zoning Bylaw layer: https://nanmap.nanaimo.ca/ *("SSMUH Parcels With Less Than 150 l/s Fire Flow Available")*

In these locations, the property owner will be required to have an engineer determine necessary fire flows and in cases where available flows are less than necessary flows, the owner may be required to:

a) complete off-site upgrades to *increase* available fire flows; or
b) incorporate building design solutions to *decrease* required fire flows (e.g. reduce building size, increase spatial separation, use non-combustible materials, etc.).

2 – Review Regulations

TENURE & TENANCY

An important consideration when deciding to build is the tenure of new dwelling units. Any new secondary suites and most new principal dwelling units on a property with an existing dwelling[4] will be under one ownership entity. Therefore, new units will be rental units (unless for private or family use) and the property owner will need to familiarize themselves with the Provincial *Residential Tenancy Act*[5]. While renting out suites or units may be attractive to help with mortgage payments, the renting of suites

[4] In order to sell units on a lot independently, a building strata is required; however, an application to stratify an existing dwelling unit ("Strata Conversion") requires upgrading the unit to substantially comply with present-day BC Building Code which is often cost-prohibitive.

[5] www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies

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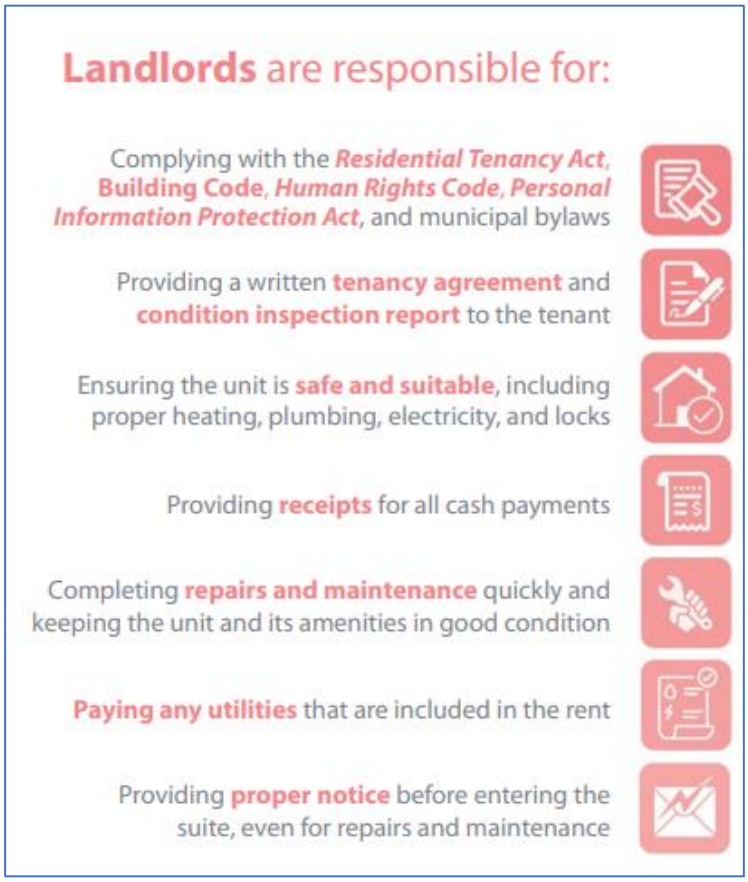
and units cannot be considered "passive income" as there are roles and responsibilities in becoming a landlord. Provincial law requires compliance with the *Residential Tenancy Act*.

To help property owners understand the implications of renting a suite and becoming a landlord, the Province of British Columbia has developed a helpful guide titled "Home Suite Home" available online: www2.gov.bc.ca/gov/content/housing-tenancy/secondary-suites

For property owners interested in creating a secondary suite on their property, BC Housing offers the Secondary Suite Incentive Program for eligible properties: www.bchousing.org/housing-assistance/secondary-suite

In situations where all dwelling units on a lot are newly constructed, dwelling units may be stratified and sold independently (secondary suites excepted) by registering under the Provincial *Strata Property Act*[6]. Stratification of an existing building requires a subdivision application to the City as a Strata Conversion[7].

Excerpt from the Provincial Home Suite Home guide, Ministry of Housing, 2023:



SHORT-TERM RENTALS

A Short-Term Rental (STR) is only permitted in a dwelling unit that is the STR operator's Primary Residence, or in a suite that is accessory to the Primary Residence. A Primary Residence is where a person lives at least eight months in a calendar year. An STR requires a business license to operate in Nanaimo. See the following link for more information regarding STRs: www.nanaimo.ca/doing-business/business-licences/short-term-rentals

BUILDING FORMS AND UNITS

A variety of building form and site layout configurations are available to achieve up to 3 units on all R5-zoned lots, with additional options for up to 4 units on lots that have an area of 280m^2 (3,014 ft^2) or greater. The table on the following page summarizes some of the permitted scenarios for the R5 zone. Note that other configurations may be possible in other zones.

[6] www2.gov.bc.ca/gov/content/housing-tenancy/strata-housing/legislation-and-changes/strata-legislation

[7] www.nanaimo.ca/property-development/development-applications/subdivision/subdivision-101

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Building forms permitted on all lots[8]

- ✓ Single Residential Dwelling (i.e. a house)
- ✓ Single Residential Dwelling with a secondary suite
- ✓ Single Residential Dwelling with a detached suite (i.e. a carriage house)
- ✓ * Single Residential Dwelling with a secondary suite and a detached suite
- ✓ Two Single Residential Dwellings (i.e. a detached duplex)
- ✓ * Two Single Residential Dwellings with a secondary suite in each
- ✓ * Duplex
- ✓ * Duplex with secondary suites
- ✓ * Three Dwelling Units in one building (i.e. a triplex)
- ✓ * Single Residential Dwelling and a Duplex (Three Dwelling Units in two buildings)

Building forms not permitted

- ✗ Single Residential Dwelling with two secondary suites in the same building
- ✗ Single Residential Dwelling with more than one detached suite
- ✗ Duplex with a detached suite
- ✗ Two Single Residential Dwellings with detached suites
- ✗ Three or four Dwelling Units with secondary or detached suites
- ✗ Three or four Dwelling Units in more than two buildings *(unless with variance)*[9]

Additional Building forms permitted on lots with an area of 280m^2 or greater

- ✓ * Four Dwelling Units in one building (i.e. a fourplex)
- ✓ * Four Dwelling Units in two buildings (i.e. a Single Residential Dwelling and building with Three Dwelling Units, or two Duplexes)

*Building forms indicated with * may require an automated fire suppression system, see "Building Requirements" on page 6.*

See page 10 for examples of building form configurations where there is an existing house or duplex.

PARKING

Parking on-site is required for development in Nanaimo per the Off-Street Parking Bylaw[10]. Parking rates vary depending on the size of the units and the location in the City. Where there are additional uses on the property (e.g. daycare, home-based business, short-term rental, secondary suite, etc.), the required parking for all uses must be provided on-site. Vehicle parking requirements per dwelling unit for 3-4 units[11] are as shown in the table above (Parking Bylaw section 7.1), and the areas are mapped in 'Schedule A'[12] of the Parking Bylaw.

# of Bedrooms	Parking Requirement (m)				
	Area 1	*Area 2*	*Area 3*	*Area 4*	*Area 5*
3+	2.00	1.84	1.68	1.52	1.20
2	1.80	1.62	1.44	1.26	0.90
1	1.45	1.26	1.07	0.88	0.50
Studio/ Micro	1.20	1.05	0.90	0.75	0.45

[8] See the R5 Zone FAQ for illustrations of permitted building forms: www.nanaimo.ca/docs/your-government/projects/small-scale-multi-unit-housing/r5-zone---handout.pdf

[9] As a condition of use for multi-family residential in the R5 zone, section 7.2.1 of Zoning Bylaw limits a maximum of two principal buildings on a lot. A variance to waive this requirement may be considered on a case-by-case basis through a form and character development permit process.

[10] www.nanaimo.ca/bylaws/ViewBylaw/7266.pdf

[11] Note that a single residential dwelling requires 2 spaces, a duplex requires 4 spaces, and an additional 1 space is required for any secondary suite.

[12] www.nanaimo.ca/docs/property-development/community-planning-and-zoning/schedule-a-multiple-family-parking-map-2024.pdf

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Additional requirements can be found in the Parking Bylaw including Electrical Vehicle (EV) charging in private garages (section 7.7.iii) and 0.5 long-term bicycle storage spaces per dwelling unit (section 7.6).

BUILDING SIZE & SITING

As of June 17, 2024, there is no maximum Floor Area Ratio (FAR) in the R5 zone. The size of a building will be determined by zoning regulations including lot coverage, yard setbacks, and building height. For principal buildings, this is found in sections 7.3, 7.5, and 7.6 of the Zoning Bylaw. For accessory buildings, this is found in section 6.6. See the table below for a summary of regulations:

Zoning Regulation	Principal Building	Accessory Building (detached suite)
Maximum Building Size[13]	n/a	100m^2 142m^2 if no garage or carport in the principal building
Maximum Lot Coverage	50% (total all structures)	
*Maximum Building Height**	9.0m (flat roof < 4:12 pitch) 10.5m (sloped roof ≥ 4:12 pitch)	7.0m where certain criteria are met[14] 4.5m-5.5m where criteria cannot be met, depending on roof pitch[15]
*Minimum Front Yard Setback**	3.0m 6.0m for garage door or carport entry	
*Minimum Side Yard Setback**	1.5m	
Minimum Flanking Side Yard Setback (side street on a corner lot)*	2.5m 6.0m for garage door or carport entry	
*Minimum Rear Yard Setback**	7.5m	1.5m 1.0m adjacent to lane[16]
Minimum Setback between detached suite and principal building	3.0m	
* R1 zone building height and setback requirements will still apply where the principal use is Single Residential Dwelling (Zoning Bylaw sections 7.5.7 and 7.6.5). Additional setbacks may be required from major roads where required dedication has not taken place (Zoning Bylaw section 7.5.4) and from watercourses and waterbodies (as identified in 'Schedule C' of the Zoning Bylaw).		

[13] Accessory building area is total floor area for all accessory structures. The maximum 100m^2 floor area can be increased by 42m^2 only for the purpose of parking where no garage or carport is attached to principal building.

[14] Where the floor area on the second floor of the accessory building does not exceed 80% of the floor area on first floor, or where the accessory building is not located in the required yard setbacks for a principal building. See section 6.6.5.1 of the Zoning Bylaw.

[15] 4.5m for a roof pitch < 6:12, 5.0m for a roof pitch ≥ 6:12 and < 8:12, and 5.5.m for a roof pitch ≥ 8:12.

[16] Accessory building setback from the property line adjacent to a lane increases to 3.0m where the required lane dedication has not been achieved.

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Detached suites require a minimum of 30m^2 of private open space for the suite tenant(s), which can be in the form of yards, patios, and/or open decks, and may be permitted within the setbacks.

BUILDING CODE REQUIREMENTS

Residential buildings will be required to meet BC Building Code (BCBC)[17]. Most buildings in the R5 zone will fall under Part 9 of the BCBC.

Additional regulations under the City of Nanaimo Building Bylaw[18] will apply including fire suppression requirements ("sprinklering") where two or more dwelling units are in a single building and there are multiple residential buildings on the property.

BC HYDRO

Electrical service is provided by BC Hydro and it is the property owner's responsibility to contact BC Hydro to confirm electrical capacity before submitting any application of 4 or more units. In some cases, a pad-mounted transformer (PMT) may be required which will impact site design. Where there is an overhead (pole-mounted) transformer nearby, a safety clearance of 6m is required per the *Canadian Electrical Code*. BC Hydro can be contacted through the MyHydro web page: app.bchydro.com/accounts-billing/electrical-connections/connection-requests/design.html

To suite or not to suite? Where either detached suites or a second single residential dwelling are permitted, it will be important to determine what unit type you are proposing before preparing building plans as it will have impacts on zoning, parking, and building regulations. See comparison below.

	Detached Suite ("Carriage House")	**Separate Single Residential Dwelling**
Tenure	Cannot be sold independently	Can be stratified and sold independently
Unit Size	Maximum floor area of 100m^2 and maximum three bedrooms	No maximum floor area
Parking	One parking space required per suite	Variable parking rate depending on location and size of unit *(see pg. 4)*, ranging from 0.45 to 2.00 spaces per unit
Rear Yard Setback	Variable minimum rear yard setback of 1.0m to 3.0m *(see pg. 5)*	7.5m minimum rear yard setback
Building Height	Maximum 4.5.m-7.0m *(see pg. 5)*	Maximum 9.0m-10.5m *(see pg. 5)*
Development Cost Charges (DCC)	No DCC for suites are charged at this time	DCC charged at the multi-family rate up to a maximum floor area of 170m^2 *(see pg. 9)*
Fire Suppression (Sprinklering)	Fire suppression system not required for a detached building with an area less than 100m^2	Fire suppression system may be required if any building contains a suite
Building Code	No difference under BCBC	
Short-Term Rental (STR)	Can be operated as an STR where accessory to a Primary Residence and no other STR is on the property	Can only be rented as an STR by the occupant if a Primary Residence; cannot be operated by the occupant of a separate dwelling unit

[17] www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards/bc-codes

[18] www.nanaimo.ca/bylaws/ViewBylaw/7224.pdf

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WASTE COLLECTION

Three-stream waste collection (garbage, recycling, and organics) is required in the Nanaimo region. Properties containing 4 units or less will be eligible for City curbside collection. Separate bins for each unit may be possible in some cases, while on smaller lots combined bins for all units may be required. For more information, visit:
www.nanaimo.ca/city-services/garbage-recycling

STORMWATER MANAGEMENT

Some lots may already have stormwater management, but where there are more than 2 dwelling units on a property, stormwater management will be required in accordance with the Manual of Engineering Standards and Specifications (MoESS)[19] Section 7. Stormwater runoff post-development must be maintained to pre-development conditions (detention), and retention may be required depending on whether the subject property is tributary to a watercourse or not. Owners are encouraged to consult the MoESS or engage with an engineering consultant to determine the stormwater management requirements.

TREE MANAGEMENT

The City's Tree Management and Protection Bylaw[20] requires a Tree Removal Permit (TRP) for any trees removed as part of site development, and tree replacement on-site. Property owners are encouraged to avoid tree removal where possible.

BUSINESS LICENCE

If you are renting out any suites or dwelling units on your property you are operating a business. In Nanaimo, a Residential Revenue Property business licence is required where 2 or more units are being rented on the same property. A licence is also required for operating a Short-Term Rental (a rental of less than 30 consecutive days). More information about licensing can be found online at:
www.nanaimo.ca/doing-business/business-licences

SUBDIVISION

In most cases, subdivision will not be involved in the development of a R5 property. Where Strata Conversion is proposed (turning a previously occupied dwelling unit into a strata), an application is required to the Subdivision Section.

Note: on larger properties – typically at least 1,200m^2, with existing lot frontage and lot depth of at least 30m – subdivision into 2 or more properties may be viable (see Zoning Bylaw section 7.4.1 for minimum lot dimensions). More information about subdivision in Nanaimo can be found online at:
www.nanaimo.ca/property-development/development-applications/subdivision

For more detailed technical summaries, please see the links below to other City of Nanaimo handouts:

Secondary Suites

www.nanaimo.ca/docs/property-development/building-permits/secondarysuitesbuildingcoderequirements.pdf

Accessory Buildings

www.nanaimo.ca/docs/property-development/building-permits/accessorybuildingrequirements.pdf

[19] www.nanaimo.ca/doing-business/doing-business-with-the-city/manual-of-engineering-standards-and-specifications

[20] www.nanaimo.ca/bylaws/ViewBylaw/7126.pdf

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3 – Prepare Plans

DRAWINGS

Prior to submitting any permit application for more than two dwelling units, plans must be prepared by a qualified building designer or architect. Plans will need to show all required municipal and BC Building Code information as outlined in the City of Nanaimo Plan Requirement Checklist:
www.nanaimo.ca/docs/property-development/building-permits/planrequirementchecklist.pdf

For all residential development in the R5 zone it is necessary to show where required parking (pg. 4) will be located with dimensions on the site plan or building floor plans, to be reviewed by Staff.

QUALIFIED PROFESSIONALS

In addition to any building designer, other professionals to consider for new construction include:

- Contractor with a registered homebuilder certificate, unless the property owner is registered as an Owner Builder through BC Housing[21].
- Civil Engineer to complete a servicing assessment for any project of three or more principal dwelling units with the following information:
  - a Fire Underwriters' Survey (FUS) Fire Flow Calculation Sheet[22];
  - a Water Meter Sizing Calculation Sheet[23];
  - a site civil plan for utilities connections;
  - a stormwater management plan;
  - a vehicle tracking sheet where necessary to demonstrate viable vehicle movement; and
  - access permit information for any new or expanded driveways.
- Energy Advisor to complete an Energy Efficiency Compliance Report in accordance with the Energy Step Code and Zero Carbon Step Code requirements.
- Arborist to assess and provide recommendations on any tree on the property or where the critical root zone of a tree on a neighbouring property is impacted by the building footprint.
- BCLS Surveyor to confirm that the building footprint is outside of the required setbacks and that the building does not exceed the maximum building height.
- Others on a case-by-basis depending on site particulars and type of development proposed (fire suppression designer, environmental consultant, geotechnical engineer, structural engineer, land use planning consultant, and more).

A list of professionals operating within Nanaimo can be found online at:
www.nanaimo.ca/docs/property-development/building-permits/professionalslisting.pdf

[21] www.bchousing.org/licensing-consumer-services/owner-builder
[22] Manual of Engineering Standards and Specifications "Appendix H3"
[23] Manual of Engineering Standards and Specifications "Appendix H4"

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4 – Make an Application

DEVELOPMENT PERMIT

A Development Permit (DP) may be required in certain scenarios, including where:

- two or more dwelling units are proposed and a variance is requested (e.g. to reduce a minimum setback, increase the maximum building height, increase the maximum number of buildings, reduce the minimum required parking, etc.); or
- the subject property is located in another Development Permit Area and is not otherwise exempt from aDP (see pg. 1).

Please contact Planning Staff if you are unsure as to whether a DP is required.

BUILDING PERMIT

A Building Permit (BP) is required for any new construction or addition to an existing building. Depending on what you are proposing, a new permit will be processed through either of the following BP streams:

- The residential stream for 1-2 principal dwelling units (e.g. a house or duplex, with or without suites); or
- The commercial (multi-residential) stream for 3-4 principal dwellings (e.g. a triplex, two duplexes, or a fourplex).

For BP application requirements, please review the applicable City of Nanaimo guide:

Residential
www.nanaimo.ca/docs/property-development/building-permits/residentialbuildingpermitapplicationguide.pdf

Commercial (multi-residential)
www.nanaimo.ca/docs/property-development/building-permits/detailedguidetocommercialbpapps.pdf

PRE-APPLICATION MEETING

Prior to submitting a BP application for the commercial (multi-residential) stream (3-4 principal dwelling units), you will be required to schedule a pre-application meeting with Planning Staff. Meeting requests should be emailed to Planning@nanaimo.ca with preliminary proposal details (e.g. conceptual site plan) attached.

DEVELOPMENT COST CHARGES

Development Cost Charges (DCCs) are payable prior to BP issuance for any new residential dwelling units or residential floor area. DCCs are calculated at the time of BP application and are based on the rates set out by the City of Nanaimo and the Regional District of Nanaimo in our respective DCC bylaws[24]. A table including current DCC rates is available at the below link:
www.nanaimo.ca/docs/property-development/building-permits/dcctablewithmap.pdf

Please note that the City's DCC bylaw is currently under review and new DCC bylaw is expected to come into effect later in the near future.

TREE REMOVAL

A Tree Removal Permit (TRP) is required where trees are proposed to be removed for new construction. If the critical root zone of a neighbour's tree is impacted, authorization from that property owner is required prior to tree removal. TRP information can be found online at:
www.nanaimo.ca/green-initiatives/urban-forestry/animals-trees-gardens/home-tree-care

[24] www.nanaimo.ca/bylaws/ViewBylaw/7252.pdf and www.rdn.bc.ca/sites/default/files/inline-files/1547%20%28consolidated%20to%20.02%29%20Schedules%20B%20and%20C%20included.pdf

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OTHERS

In addition to City of Nanaimo permitting, additional approvals may be required from:

- Technical Safety BC for an Electrical Installation Permit[25];
- BC Hydro for an electrical service connection request[26]; and
- New Home Registration from BC Housing[27].

APPENDIX – Scenarios for Existing Properties

In scenarios where there is an **existing single residential dwelling** or **duplex** on a property, see below example configurations that could be considered without significant alteration to existing structures:

Existing Single Residential Dwelling (no suites)	Existing Single Residential Dwelling (with secondary suite)	Existing Single Residential Dwelling (with detached suite)	Existing Duplex
• Add secondary suite and/or detached suite; • Add second single residential dwelling (with or without suite); • Add secondary suite and second single residential dwelling; • Add duplex; or • Add three dwelling units in one building (lots $\geq$280m^2 only)	• Add detached suite; • Add second single residential dwelling (with or without suite); • Remove secondary suite and add duplex; or • Remove secondary suite and add three dwelling units in one building (lots $\geq$280m^2 only)	• Add secondary suite; or • Convert detached suite into single residential dwelling and add secondary suite in both buildings	• Add one secondary suite in each unit (side-by-side duplex only); • Add a single residential dwelling; or • Add a second duplex (lots $\geq$280m^2 only)

Questions?

The information in this guide has been summarized for convenience only. Please consult applicable bylaws for more information regarding any of topics referenced by this guide.

City of Nanaimo Staff can be reached by email:

- planning@nanaimo.ca for any questions regarding zoning or parking requirements;
- building.inspections@nanaimo.ca for any questions regarding building permit requirements;
- developmentengineering@nanaimo.ca for any questions regarding engineering requirements;
- subdivision@nanaimo.ca for any questions regarding subdivision; and
- business.licence@nanaimo.ca for any questions regarding business licences.

[25] www.technicalsafetybc.ca/technologies/electrical/installation-permits

[26] app.bchydro.com/accounts-billing/electrical-connections.html

[27] www.bchousing.org/licensing-consumer-services/builder-licensing/register-new-home