

AGENDA

AGENDA FOR THE SPECIAL MEETING OF
THE COUNCIL OF THE CITY OF NANAIMO,
TO BE HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON THURSDAY, 2015-FEB-05, COMMENCING AT 7:00 P.M.

CHAIR: MAYOR MCKAY

ACTING MAYOR: COUNCILLOR KIPP (2015-JAN-19 TO 2015-MAR-08)

1. **CALL TO ORDER THE SPECIAL MEETING OF COUNCIL:**

2. **ADOPTION OF AGENDA:**

3. **CALL TO ORDER THE PUBLIC HEARING:**

4. **PUBLIC HEARING AGENDA:**

Mr. Bruce Anderson, Manager, Planning & Design Section to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*.

- (a) **Bylaw No. 6500.027** – OCP73 – Various Properties – to be introduced by Mr. Dave Stewart, Planner, Planning & Design Section. *Pg. 2-4*

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

- (b) **Bylaw No. 4500.073** – ZA1-51 – Various Properties – to be introduced by Mr. Dave Stewart, Planner, Planning & Design Section. *Pg. 5-7*

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "ZONING BYLAW 2011 NO. 4500".

5. **ADJOURNMENT OF THE PUBLIC HEARING:**

6. **BYLAWS:**

- (a) That "OFFICIAL COMMUNITY PLAN BYLAW 2014 NO. 6500.073" (OCP73 - to include text amendments and update mapping layers in order to increase the effectiveness of "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500") pass third and fourth readings. *Pg. 8-29*

- (b) That "ZONING AMENDMENT BYLAW 2014 NO. 4500.073" (ZA1-51 - to include text amendments and update mapping layers in order to increase the effectiveness of "ZONING BYLAW 2011 NO. 4500") pass third reading. *Pg. 30-42*

7. **ADJOURNMENT OF THE SPECIAL COUNCIL MEETING:**

NOTICE OF PUBLIC HEARING

February 5th 2015 at 7:00 pm



There will be a Public Hearing on Thursday, **February 5th 2015**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider proposed amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 6500.027 at the Public Hearing.

BYLAW NO. 6500.027

Purpose: To update Official Community Plan (OCP) text and mapping layers.

Location(s): Various

File No.: Official Community Plan Amendment Application – OCP00073

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500."

- a) Amend Part A, Section 1 and Part C, Section 3 to include "A Cultural Plan for a Creative Nanaimo." The Cultural Plan was adopted in 2014 and supports the City's OCP and Strategic Plan.
- b) Amend Part A, Sections 3 and 4, and Part C, Subsection 3.3 (Schools) to include updated demographic information for the City. This includes:
 - (1) Updating total land area for the city to 91.3 km²;
 - (2) Updating total population to 86,348;
 - (3) Updating growth projection rates to show a 6.5% growth rate between 2006 and 2011, and an estimated 30% growth to 113,000 by 2031; and
 - (4) Updating school age population to indicate it represents approximately 15% of the total population.
- c) Amend Part C, Subsection 2.3 (Neighbourhood) to include policy that sets criteria for evaluating small lot subdivision rezoning proposals. This criteria will address items such as:
 - (1) Existing and / or provision of adjacent lanes;
 - (2) Walking distance or accessibility by transit to services and neighbourhood amenities;
 - (3) Mix of housing types and lot sizes; and
 - (4) Provision of attractive, pedestrian oriented housing.
- d) Amend Part A, Section 1 to include the Community Sustainability Action Plan; and Part C, Subsection 5 (Energy and Emissions Management) greenhouse gas emission target policy to reduce emissions by 3% below 2007 levels by 2020 and 39% of 2007 levels by 2050, as recommended by the Community Sustainability Action Plan.
- e) Amend Part C, Goal 7 to reference the Nanaimo Advisory Planning Committee instead of the Plan Nanaimo Advisory Committee. This is the result of a committee name change.
- f) Update Part C, Subsection 7.4 (Development Permit Area 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development), to:
 - (1) Increase the exemption value for exterior alterations and additions done to a building from \$100,000 to \$150,000 to recognize increases in cost of construction and rate of inflation; and
 - (2) Amend the exemption for a duplex to reference two unit residential development on one lot.
- g) Add completion dates for the following items within Section 7.8, Table 6 (Implementation Strategy):

Develop Urban Node Plans – University	2009
Prepare Sustainability Framework for Action	2012
Review the Regional Context Statement	2013
Prepare City-Wide Transportation Plan	2014

h) Amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" to correct mapping inconsistencies and update mapping layers. This includes:

- (1) Add the Regional District of Nanaimo Growth Containment Boundary as a new layer.
- (2) Designate a portion of lands at 1931 Griffiths Road to 'Light Industrial' to reflect the addition of provincial road right of way as part of the property.
- (3) Redesignate property at 1885 Estevan Road from 'Corridor' to 'Parks and Open Space'.
- (4) Redesignate lands known as the Cable Bay Trail from 'Resort Centre' and 'Resource Protection' to 'Parks and Open Space'.
- (5) Redesignate properties from 'Urban Reserve' to 'Parks and Open Space'. This reflects the City's recent acquisition of lands in the Linley Valley area, including 3518 Hillside Avenue, 3665 Rock City Road and 5600 Vanderneuk Road
- (6) Redesignate properties from 'Neighbourhood' to 'Parks and Open Space'. The subject properties are known as:

3321 Departure Bay Road
3853 Glen Oaks Drive
265 Howard Avenue
2990 James Street
5431 Jeevans Road
5784 Linley Valley Drive
Part of 100 Lotus Pinnatus Way
2141 Mountain Vista Drive
Part of 5521 Noye Road
1209 Ocean Pearl Terrace
Part of 6000 Oliver Road

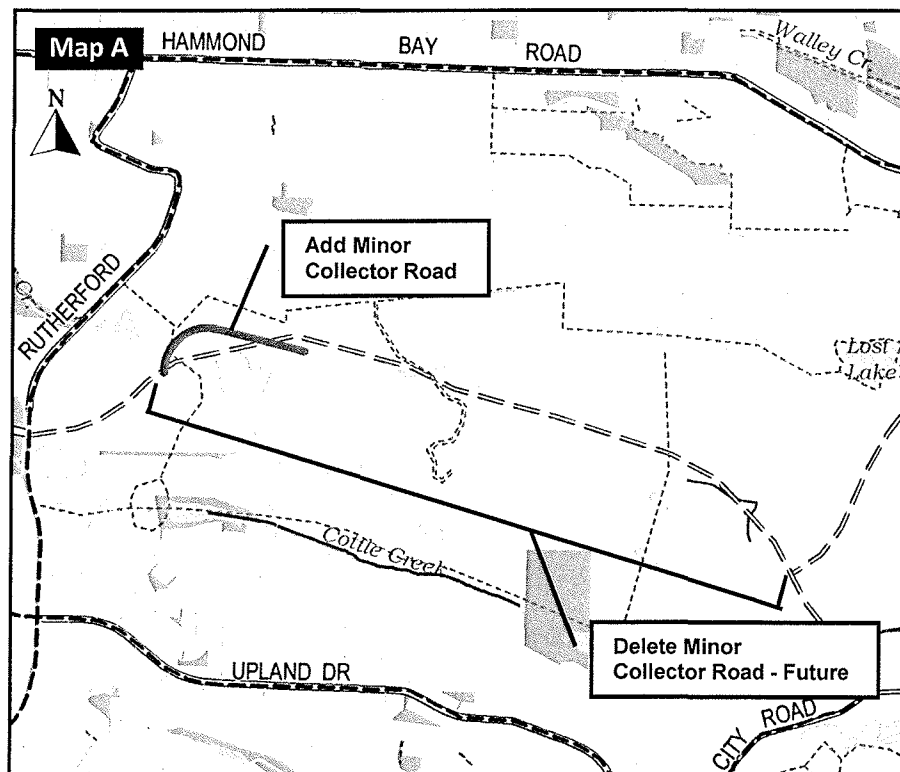
2930 / 2940 / 2950 / 2970 / 2980 Robson Road
2040 / 2050 Stonecrop Road
3840 / 3842 Stronach Drive
26 / 38 / 48 View Street
141 Westwood Road
Part of 372 Westwood Road
375 Westwood Road
385 Westwood Road
389 Westwood Road
115 Yon Place

i) Amend Map 2 (Mobility) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" in order to correct mapping inconsistencies and update road classifications. This includes:

- (1) Designate Howard Avenue, between Fifth Street and Seventh Street, as Minor Collector Road. This supports the vision as set out in the Harewood Neighbourhood Plan.
- (2) Delete a portion of Minor Collector Road – Future and add a portion of Minor Collector Road through Linley Valley to reflect both existing roadways and anticipated park use for the area (see Map A).

PLEASE NOTE:

Full details of the above-noted bylaw, including mapping for the park locations, are available online at www.nanaimo.ca or at the City of Nanaimo Community Development Department, located at 411 Dunsmuir Street.



WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from January 23rd 2015 to February 5th 2015, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Information associated with Bylaw No. 6500.027 can be found on page 30 of the December 15th 2014 Council Agenda.

If you would like more information about Public Hearings, please go to the City website at www.nanaimo.ca and use the search function to find the **Public Hearing Information Sheet**, which contains many frequently asked questions.

WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00 pm, **February 5th 2015**, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

IN PERSON: Drop off at the Service and Resource Centre, located at 411 Dunsmuir Street

EMAIL: Email should be sent to public.hearing@nanaimo.ca

WEBSITE: Submit comments directly through the City's website at www.nanaimo.ca/publichearing

MAIL: City of Nanaimo
Community Development Department
455 Wallace Street, Nanaimo, BC, V9R 5J6

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

City of Nanaimo
Community Development Department
Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC
Phone: (250) 755-4429 Fax: (250) 755-4439
www.nanaimo.ca

NOTICE OF PUBLIC HEARING

February 5th 2015 at 7:00 pm



There will be a Public Hearing on Thursday, **February 5th 2015**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500." All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.073 at the Public Hearing.

BYLAW NO. 4500.073

Purpose: To make 23 text and 6 mapping amendments to Zoning Bylaw 4500.

Location(s): Various

File No.: Zoning Bylaw Amendment – ZA1- 51

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO 4500" by:

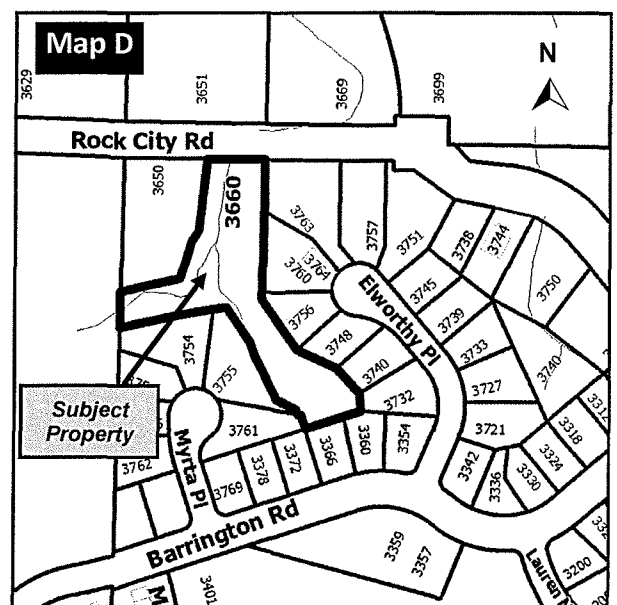
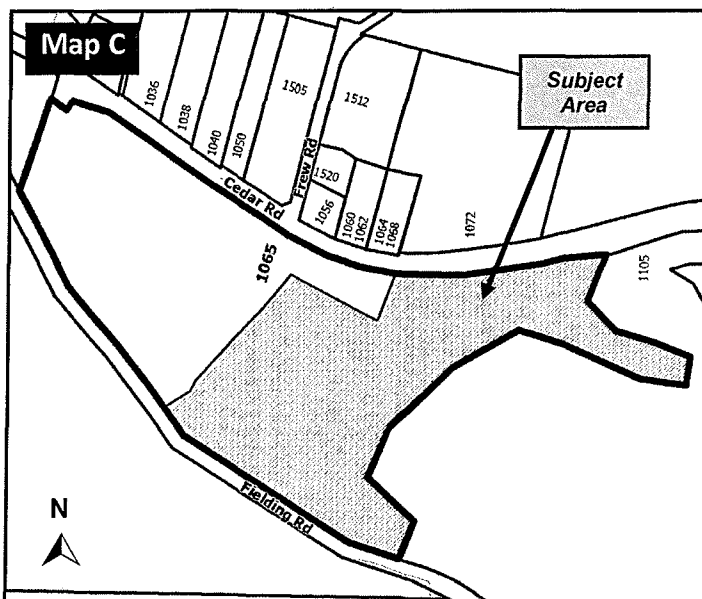
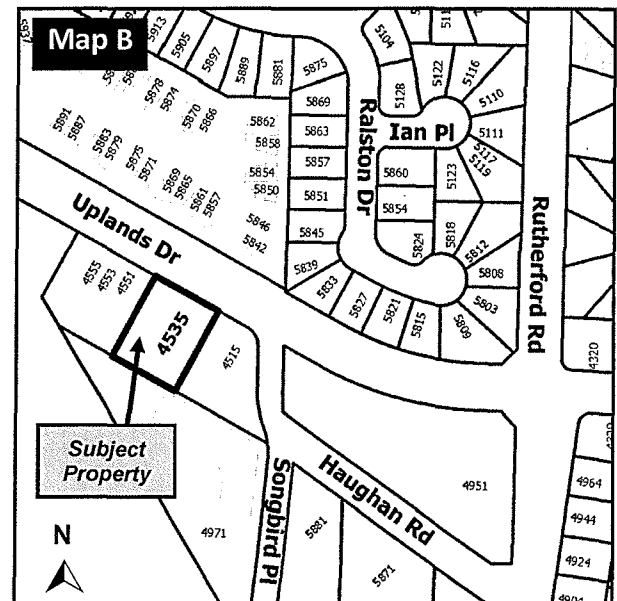
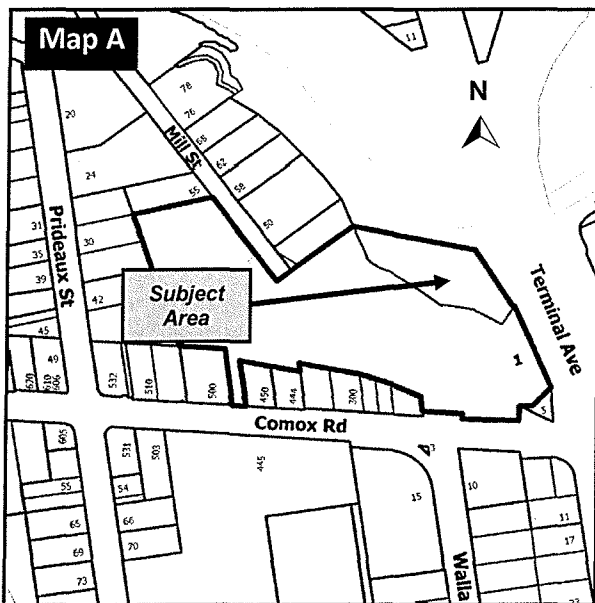
1. Renaming 'Highway' to 'Transportation Corridor' and including the term 'railway' within the definition.
2. Amending the definition of 'Street' by replacing the 'see Highway' reference with the following: "a dedicated road Right-of-Way available for motorized and non-motorized travel, including a highway, public road and a common access road within a bare land strata plan which has been subdivided pursuant to the *Strata Property Act*, but does not include a lane or Rights-of-Way on private property."
3. Replacing the term 'Highway' with 'Street' wherever it appears within the following definitions:

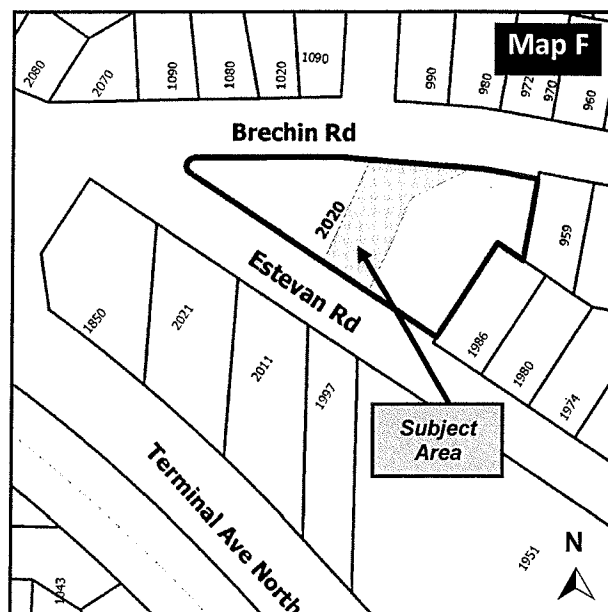
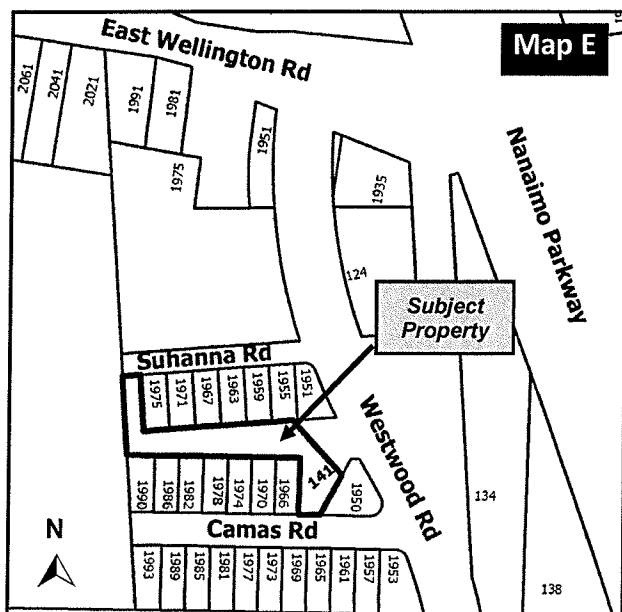
Buffer Area	Frontage	Motor Vehicle
Centre Line	Lot Line, Front	Road
Corner Lot	Lot Line, Flanking Side	Through Lot

And the following Sections:

- 6.9.1. (visibility at intersections)
- 7.5.3. (garage setback)
- 7.6.3., 15.6.2 (curb height)
- 16.2.5.2., 16.6.7.1., 17.1.1., 17.4.2., and 17.11.1. (landscaping and screening)
4. Amending the definition of 'Storage Yard' to clarify that a waste transfer station, compost facility and recycling depot are not permitted.
5. Amending the definition of 'Height, Building' to measure height from finished grade where it is lower than the approved grade in a grading plan.
6. Amending the definition of 'Agriculture' by removing 'Medical Marihuana Growing and Production'.
7. Adding Old City Duplex (R13) and Old City Fourplex (R14) to the list of zones in which an accessory building has a rear yard setback of 1.5m, or 1m where a lane exists.
8. Adding the Single Dwelling Residential (R1b) subzone to the list of zones in which accessory Gross Floor Area is limited to 13% or 90m².
9. Amending the Zoning Bylaw by clarifying that a mobile home cannot be used for a secondary suite within an accessory building.
10. Adding the following subsection regarding the subdivision of lands: "On lands not within the Agricultural Land Reserve, subdivision under Section 946 of the *Local Government Act* shall only be permitted on lots where the parent parcel size is a minimum of 10 hectares (ha)."
11. Clarifying that for the purposes of determining slope within the Steep Slope Residential (R10) zone, steep slope refers to a single direction of slope and not the average of both directions.
12. Allowing a single residential dwelling within the Medium Density Residential (R8) zone to meet the setback requirements for the Single Dwelling Residential (R1) zone, as opposed to the R8 setbacks.
13. Adding a home based business to the accessory use chart within the Agriculture Rural Residential, Commercial Centre, and Downtown zones.
14. Adding 'Restaurant' as a permitted use within the Local Service Centre (CC1) zone and limiting the floor area to no more than 500m².
15. Removing the site specific liquor store use for 6201 Doumont Road.
16. Adding 'Electric Vehicle Charge Station' as a permitted use in all downtown zones.
17. Amending the condition of use for micro brewery to increase Gross Floor Area limit from 55m² to 557m².
18. Adding a 2.5m additional setback requirement within downtown zones where a property abuts a major road and dedication has not been taken.

19. Amending the Condition of Use for a recycling depot to allow outside storage in the I4 zone.
20. Adding 'Seafood Processing' as a permitted use within the Industrial (I4) zone.
21. Increasing the exemption for landscaping and screening to a construction value of less than \$150,000, as opposed to the current \$100,000 limit.
22. Changing the zoning section reference within the Fine Schedule for encroachments into watercourse leavestrips from 6.3.1. to 6.3.5.
23. Adding a fine for fabric covered structures in excess of 120 days.
24. Rezoning a portion of 1 Terminal Avenue from Gateway (DT12) to Comprehensive Development District Zone Seven (CD7), as shown on Map A.
25. Rezoning 4535 Uplands Drive from Mixed Use Corridor (COR2) to Community Corridor (COR3), as shown on Map B.
26. Rezoning a portion of 1065 Cedar Road (Nanaimo Landfill) from Park, Recreation and Culture One (PRC1) to Community Service Two (CS2), as shown on Map C.
27. Rezoning 3660 Rock City Road from Single Dwelling Residential (R1) to Parks, Recreation and Culture One (PRC1), as shown on Map D.
28. Rezoning 141 Westwood Road from Single Dwelling Residential - Small Lot (R2) to Parks, Recreation and Culture One (PRC1), as shown on Map E.
29. Rezoning a portion of 2020 Estevan Road from Single Dwelling Residential (R1) to Community Service One (CS1), as shown on Map F.





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WEBSITE: Information associated with Bylaw No. 4500.073 can be found on page 29 of the January 19th 2015 Council Agenda.

If you would like more information about Public Hearings please go to the City's website at www.nanaimo.ca and use the search function to find the 'Public Hearing Information Sheet', which contains many frequently asked questions.

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

Please be advised that additional bylaws are scheduled for the Public Hearing. The complete list of public hearing items is available on the City's website and published in local newspapers.

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CITY OF NANAIMO

BYLAW NO. 6500.027

A BYLAW TO AMEND THE CITY OF NANAIMO
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2014 NO. 6500.027".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedules A to I to this Bylaw.

PASSED FIRST READING 2014-DEC-15
PASSED SECOND READING 2014-DEC-15
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: OCP73
Five Year Review General Amendments

SCHEDULE A

1. Part A, Section 1 Purpose and Content of an Official Community Plan, is amended by:
deleting Nanaimo Cultural Strategy
and replacing with
A Cultural Plan for a Creative Nanaimo
2. Part C, Goal Three, Encourage Social Enrichment, is amended by:
deleting Nanaimo Cultural Strategy
and replacing with
A Cultural Plan for a Creative Nanaimo
3. Part C, Section 3.5.1, is amended by:
deleting Nanaimo Cultural Strategy
and replacing with
A Cultural Plan for a Creative Nanaimo
4. Part C, Section 3.5.2, is amended by:
deleting Nanaimo Cultural Strategy
and replacing with
A Cultural Plan for a Creative Nanaimo

SCHEDULE B

1. Part A, Section 3 An Understanding of Land Capacity, is amended by:

deleting

The City of Nanaimo occupies a land mass of about 89 km² (Statistics Canada, 2006 Census land area 89.3 km²).

and replacing with

The City of Nanaimo occupies a land mass of about 91.3 km² (Statistics Canada, 2011 Census).

2. Part A, Section 4 An Overview of Population Growth and Change, is amended by:

- a) deleting

The City of Nanaimo is currently a community of about 79,000 people (Statistics Canada, 2006 Census population 78,692).

and replacing with

The City of Nanaimo is currently a community of about 86,000 people (Statistics Canada, 2011 Census population 83,810, and adjusted to 86,348).

- b) deleting

While the late 1990s saw more modest growth, recent population figures indicates growth rates higher than that in the rest of British Columbia – close to 8% over the five years between 2001 and 2006.

and replacing with

While the late 1990s saw more modest growth, recent population figures indicate growth rates lower than that in the rest of British Columbia – at 6.5% over the five years between 2006 and 2011.

- c) deleting

As part of the 10-Year Plan Nanaimo review process, Urban Futures Inc. prepared *Population and Housing Projections for the City of Nanaimo, 2006 to 2031* (November 2006). The report indicates that Nanaimo's population is projected to grow by almost 30% to 101,400 by 2016 and by almost 50% to 118,000 by 2031.

and replacing with

As part of the 10-Year Plan Nanaimo review process, Urban Futures Inc. prepared *Population and Housing Projections for the City of Nanaimo, 2006 to 2031* (November 2006). A subsequent study prepared by Urban Futures Inc., in support of the Nanaimo Transportation Master Plan, indicates that Nanaimo's population is projected to grow by approximately 30% to 113,000 by 2031.

3. Part C, Section 3.3 (Schools), is amended by:

a) deleting

While the city's overall growth has continued in the last decade, the change in school age children has not been as dramatic as in the prior decade (increasing from 9% to over 20% from 1986 to 1996). In fact, the relative number of population in this age group has dropped slightly to 18% of the total population in 2006, and is projected to drop further in the next decade.

and replacing with

While the city's overall growth has continued in the last decade, the change in school age children has not been as dramatic as in previous decades (increasing from 9% to over 20% from 1986 to 1996). In fact, the relative number of population in this age group has dropped slightly to 15% of the total population in 2011, and is projected to drop further in the next decade.

SCHEDULE C

1. Part C, Section 2.3 (Neighbourhood), is amended by adding the following:

17 Small lot, single family housing lots will be encouraged within neighbourhoods where:

- an adjacent lane exists or will be provided through site development, or the proposed small lot development is an infill development and all lots will be accessed from an existing city street;
- the site is within walking distance or accessible by transit to a local service centre, and neighbourhood amenities exist, such as a park, school or cultural facility;
- the proposed development contributes to a mix of housing types within the existing neighbourhood or within the proposed development, including a range of lot sizes; and
- the proposed development encourages attractive, pedestrian oriented housing.

SCHEDULE D

1. Part A, Section 1 Purpose and Content of an Official Community Plan, is amended by:

adding Community Sustainability Action Plan

after

A Cultural Plan for a Creative Nanaimo

2. Part C, Section 5.1.1 (Energy and Emissions Management) is deleted in its entirety and replaced with the following:

- 1 Greenhouse Gas Emission Target

The City of Nanaimo will work to reduce emissions by 3% below 2007 emissions levels by the year 2020. Over the long term, the City will continue to work toward reducing emissions by 39% of 2007 emissions levels by the year 2050. The *Sustainability Action Plan* identifies sustainability actions to achieve the City targets for GHG emission reduction.

SCHEDULE E

1. Part C, Goal Seven Work Towards a Sustainable Nanaimo, is amended by:
deleting Plan Nanaimo Advisory Committee
and replacing with
Nanaimo Advisory Planning Committee
2. Part C, Section 7.1.7 (Neighbourhood and Area Planning), is amended by:
deleting PNAC
and replacing with
Nanaimo Advisory Planning Committee (the 'Committee')
3. Part C, Section 7.2.1 (Amending the Plan), is amended by:
deleting Plan Nanaimo Advisory Committee (PNAC)
and replacing with
Nanaimo Advisory Planning Committee (the 'Committee')
4. Part C, Section 7.2.2 (Amending the Plan), is amended by:
deleting PNAC
and replacing with
The Committee
5. Part C, Section 7.2.3 (Amending the Plan), is amended by:
deleting PNAC
and replacing with
The Committee
6. Part C, Section 7.2.5 (Amending the Plan), is amended by:
deleting PNAC
and replacing with
the Committee
7. Part C, Section 7.2.6 (Amending the Plan), is amended by:
deleting Advisory
8. Part C, Section 7.2.8 (Amending the Plan), is amended by:
deleting Advisory
9. Part C, Section 7.8, Table 6 Implementation Strategy is amended by:
 - a) deleting Plan Nanaimo Advisory Committee
and replacing with
Nanaimo Advisory Planning Committee
 - b) deleting PNAC's
and replacing with
Nanaimo Advisory Planning Committee

SCHEDULE F

1. Part C, Section 7.4 Development Permit Areas, Area 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development (DPA9), Exemption 2, is amended by:

- a) deleting

alter the exterior of a building but have a value of less than \$100,000 when taken together with all external alterations and additions to the building made within the previous period of five years

and replacing with

alter the exterior of a building but have a value of less than \$150,000 when taken together with all external alterations and additions to the building made within the previous period of five years

- b) deleting

where the proposed construction is a duplex

and replacing with

where the proposed construction is a two unit residential development on one lot

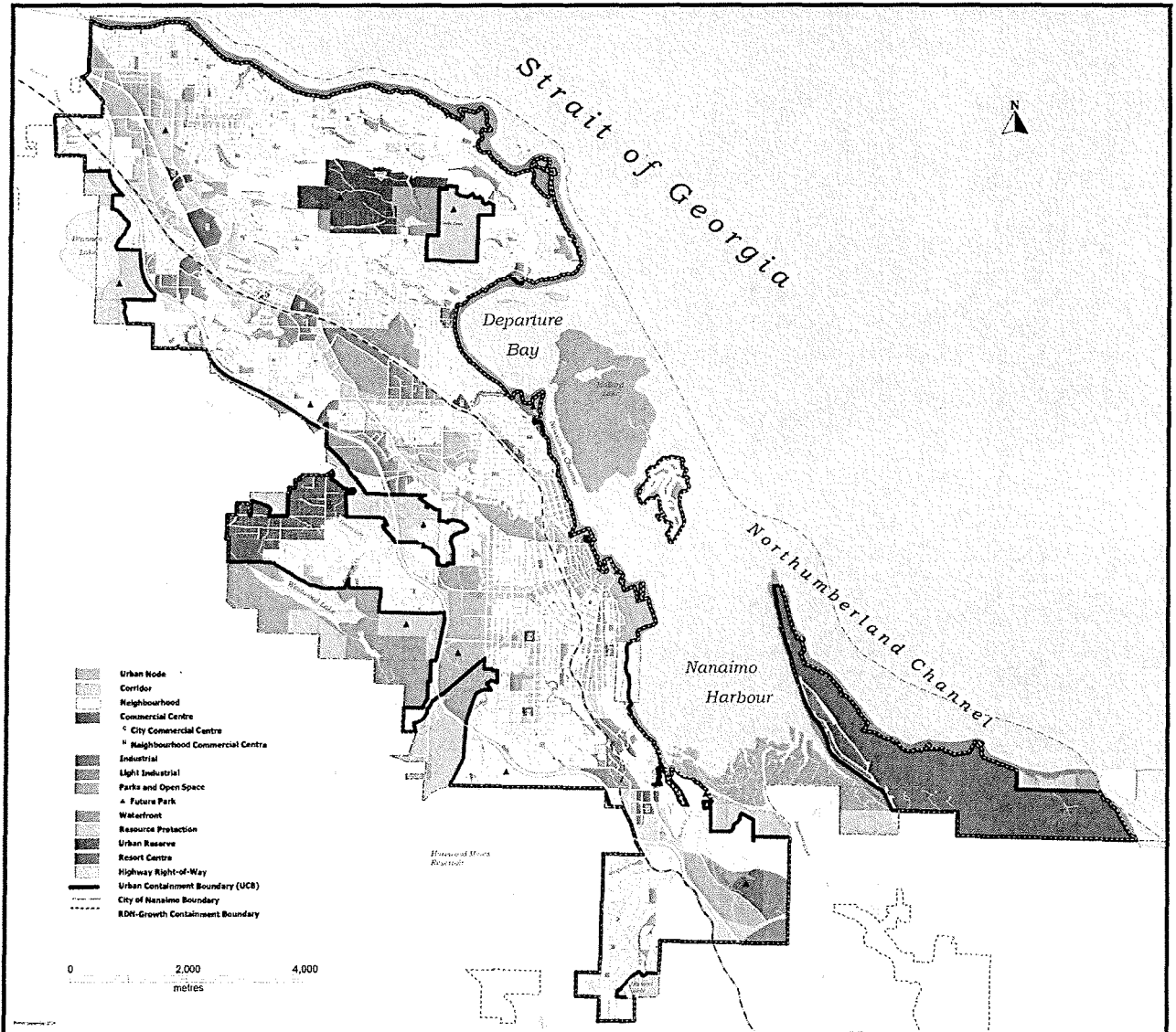
SCHEDULE G

1. Part C, Section 7.8 Table 6 (Implementation Strategy), of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended by:
 - a) Adding '2012' as a completion date for the Implementation Action
Prepare sustainability framework for action
 - b) Adding '2013' as a completion date for the Implementation Action
Review the Regional Context Statement jointly with the RDN
 - c) Adding '2009' as a completion date for the Implementation Action
Develop Urban Node plans – University
 - d) Adding '2014' as a completion date for the Implementation Action
Prepare city-wide transportation plan

SCHEDULE H

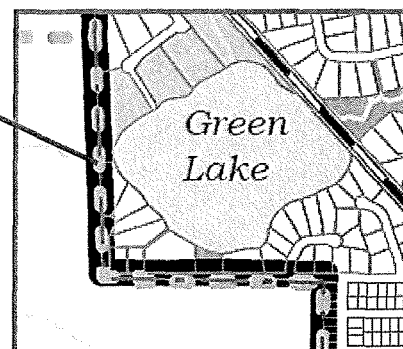
1. Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

- a) Adding the Regional District of Nanaimo Growth Containment Boundary.



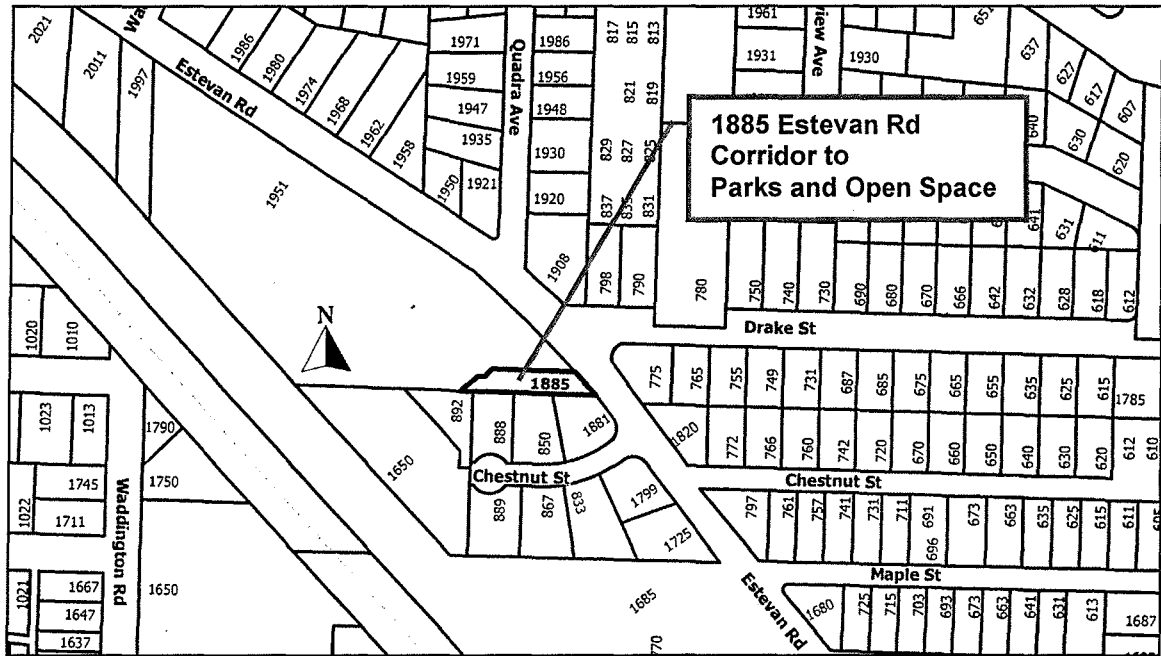
City of Nanaimo Official Community Plan
MAP 1: FUTURE LAND USE PLAN

Add
Growth Containment Boundary



2. Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

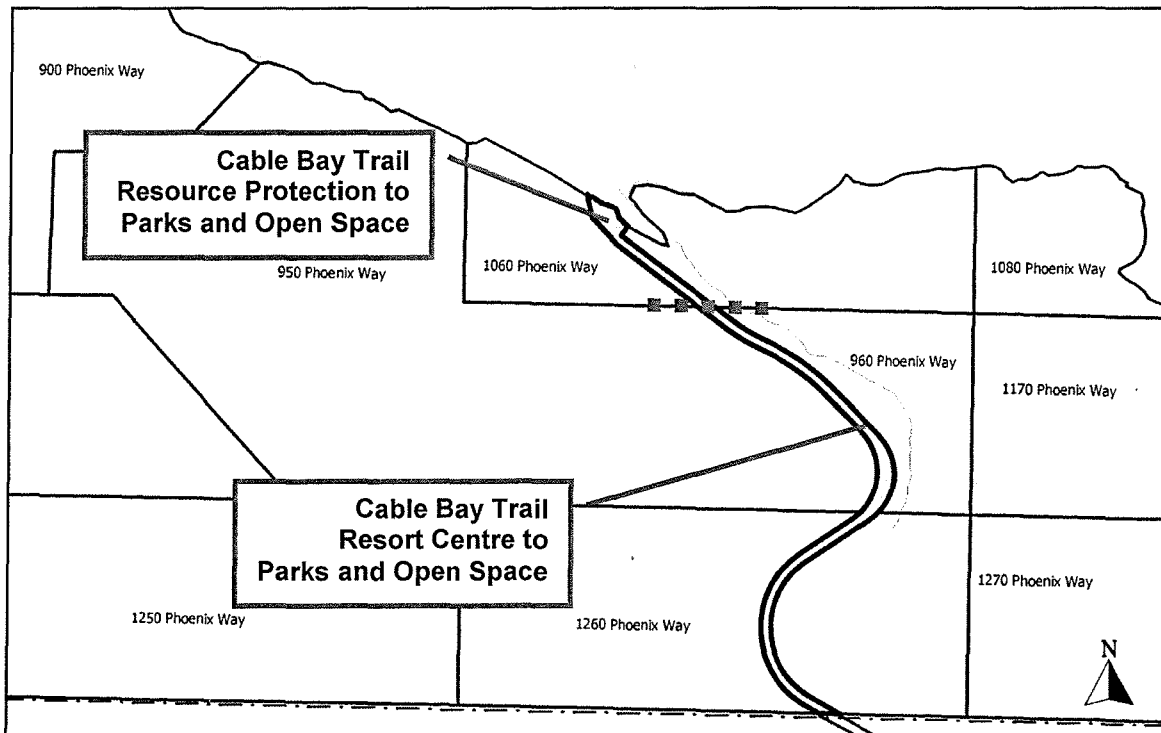
- a) Redesignate the subject property known as 1885 Estevan Road (Park Dedicated by Plan EPP5328) from 'Corridor' to 'Parks and Open Space'.



- b) Redesignate the subject properties known as

Cable Bay Trail (that area running through the lands at 960, 1060 and 1260 Phoenix Way)

from 'Resort Centre' and 'Resource Protection' to 'Parks and Open Space'.



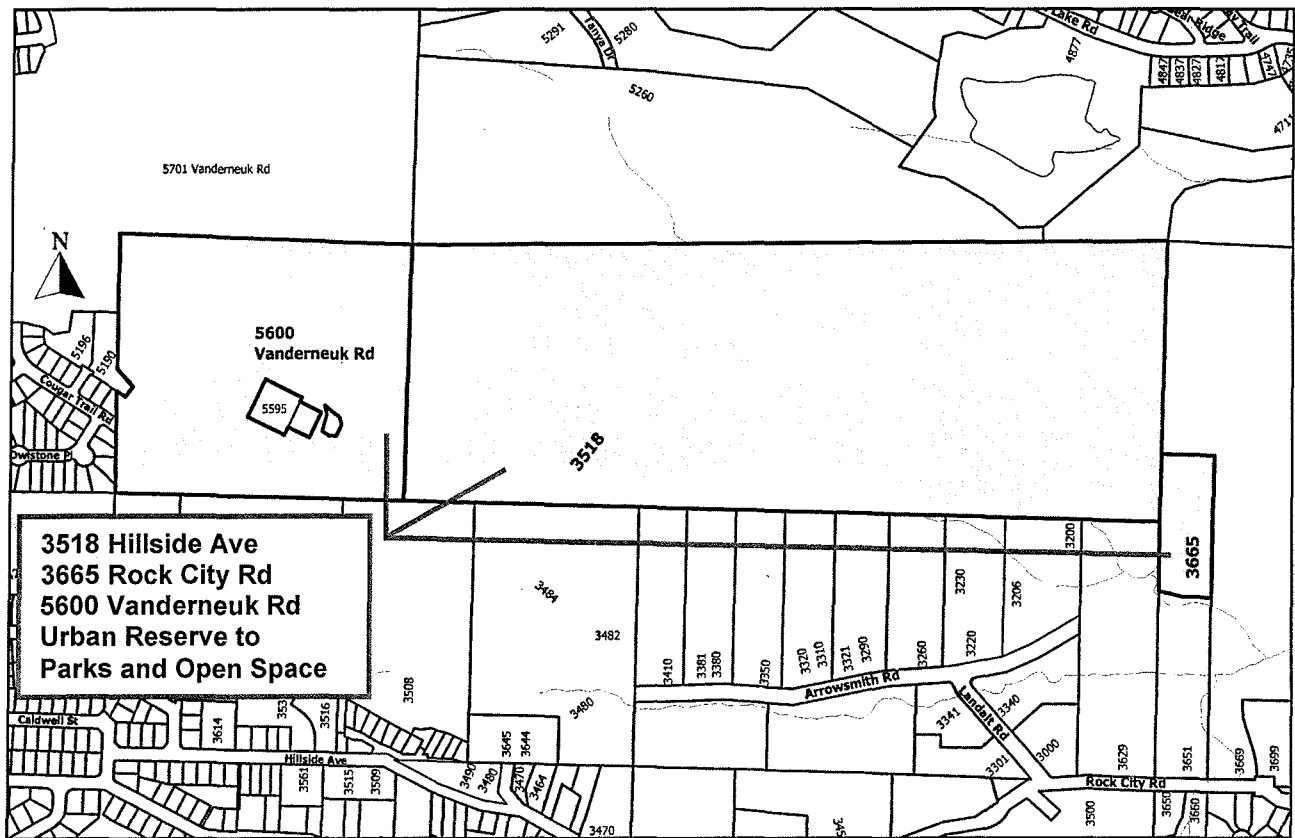
c) Redesignate the subject properties known as

3518 Hillside Avenue (That Part of District Lot 43, Wellington District, Lying to the East of the Production Southerly of the Most Easterly Boundary of District Lot 50, Wellington District; PID 000 095 711)

3665 Rock City Road (Lot A, Section 13, Wellington District, Plan EPP42202; PID 029 358 051)

5600 Vanderneuk Road (That Part of District Lot 43, Wellington District, Lying to the West of the Production Southerly of the Most Easterly Boundary of District Lot 50, Wellington District, Except Part Outlined Green on Plan 1610R and Except Part in Plans 22590, VIP51615 and VIP88753; PID 001 071 645)

from 'Urban Reserve' to 'Parks and Open Space'.



d) Redesignate the subject properties known as

3321 Departure Bay Road (Lot 1, Section 15, Wellington District, Plan VIP65257; PID 023 908 181)

3853 Glen Oaks Drive (Park Dedicated by Plan EPP20312)

265 Howard Avenue (Park Dedicated by Plan EPP32701)

2990 James Street (Lots 13 to 21, Block 1, Section 15, Wellington District, Plan 419; PIDs 009 082 093, 009 082 107, 009 082 123, 009 082 131, 009 082 140, 009 082 158, 009 082 166, 009 082 174, 009 082 182)

5431 Jeevans Road (Park Dedicated by Plan VIP88881)

5784 Linley Valley Drive (Park Dedicated by Plan EPP17439)

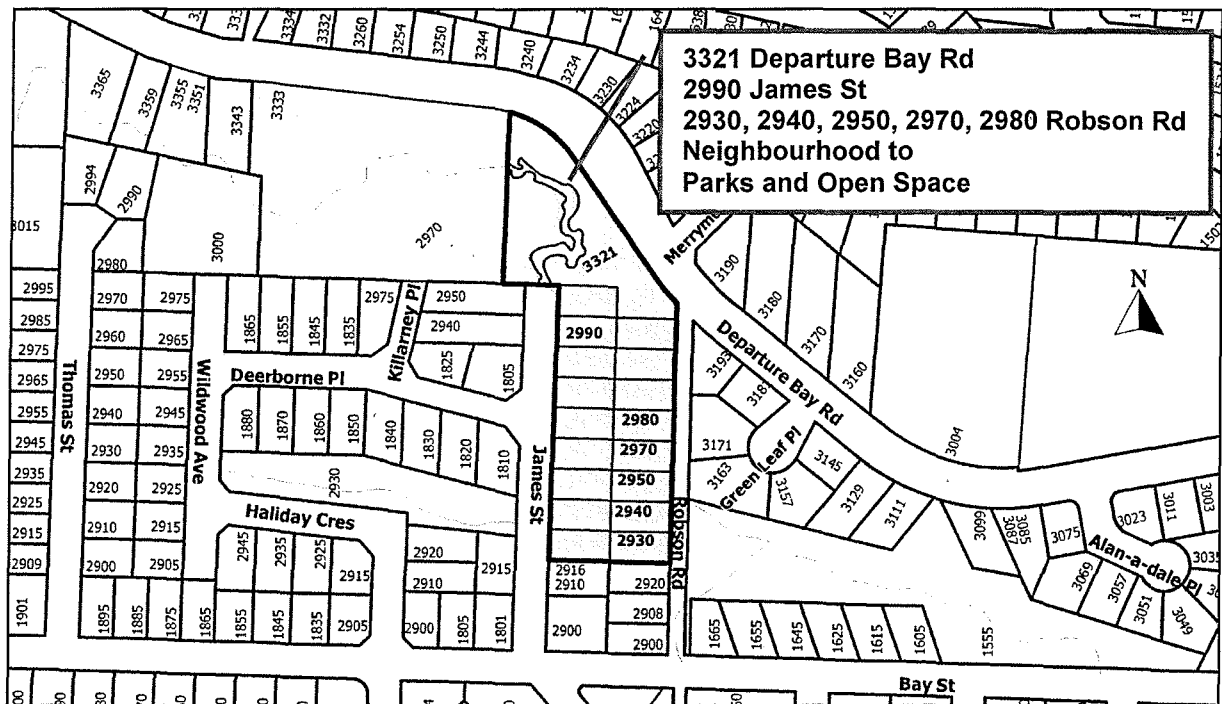
Part of 100 Lotus Pinnatus Way (Lot C, Section 1, Nanaimo District, Plan EPP22207; PID 028 927 460)

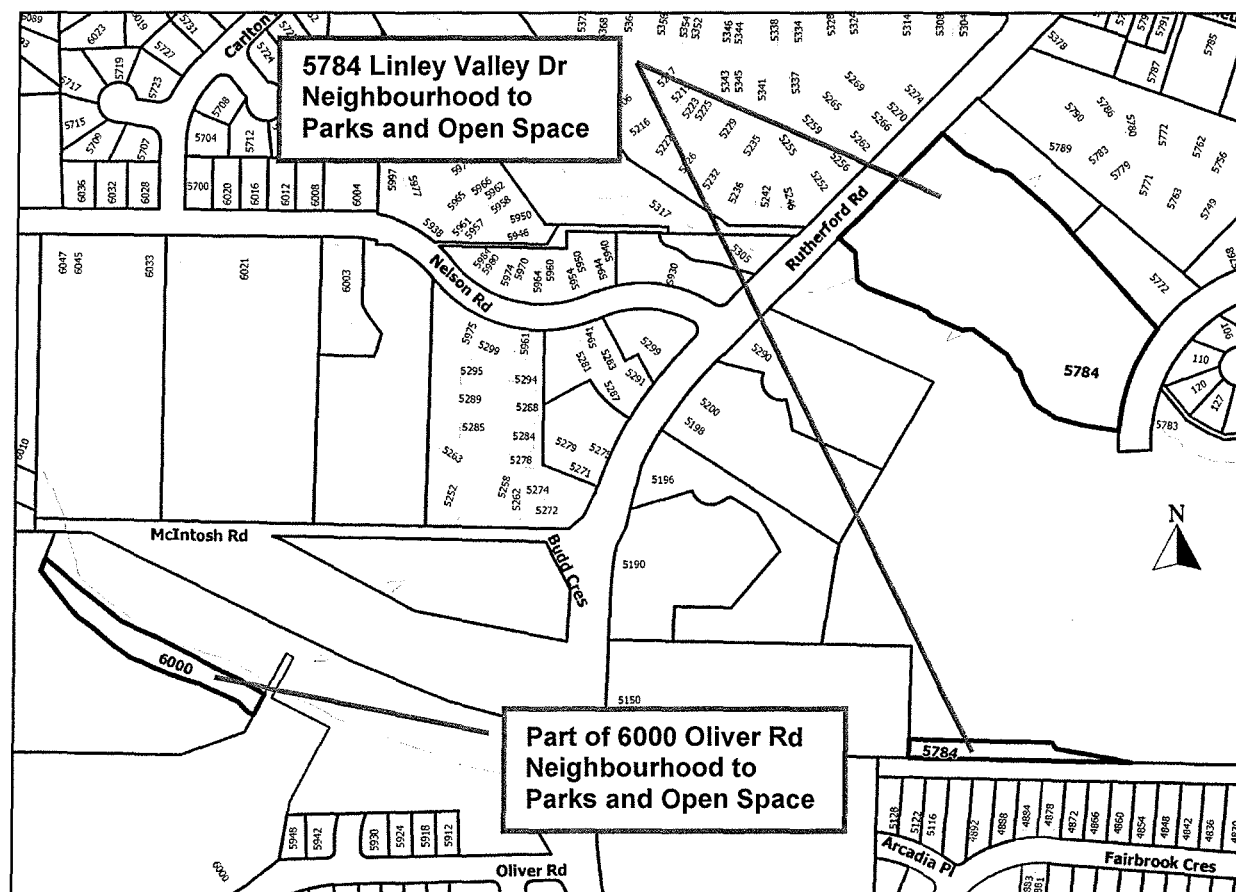
2141 Mountain Vista Drive (Lot 44, Section 18, Range 6, Mountain District, Plan VIP79784; PID 026 464 608)

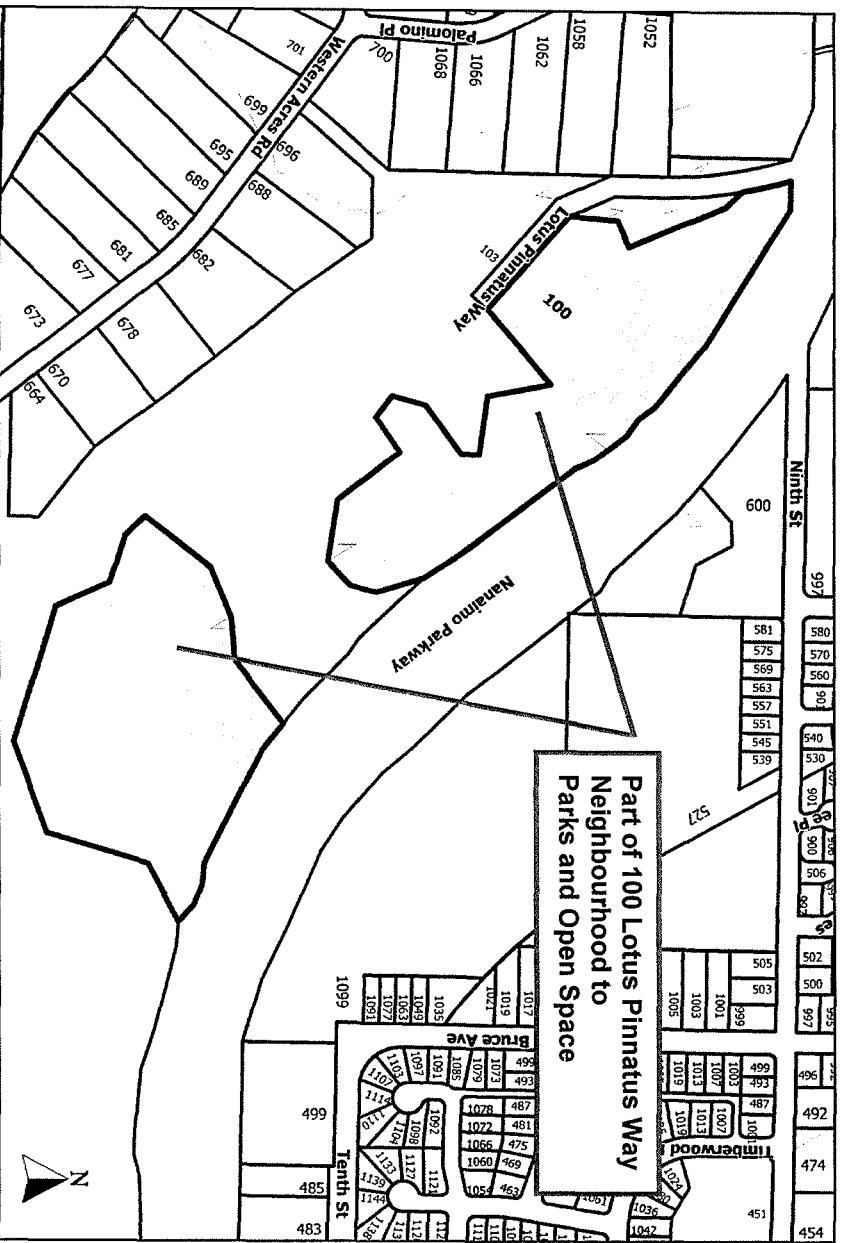
Part of 5521 Noye Road (Park Dedicated by Plan VIP88881)

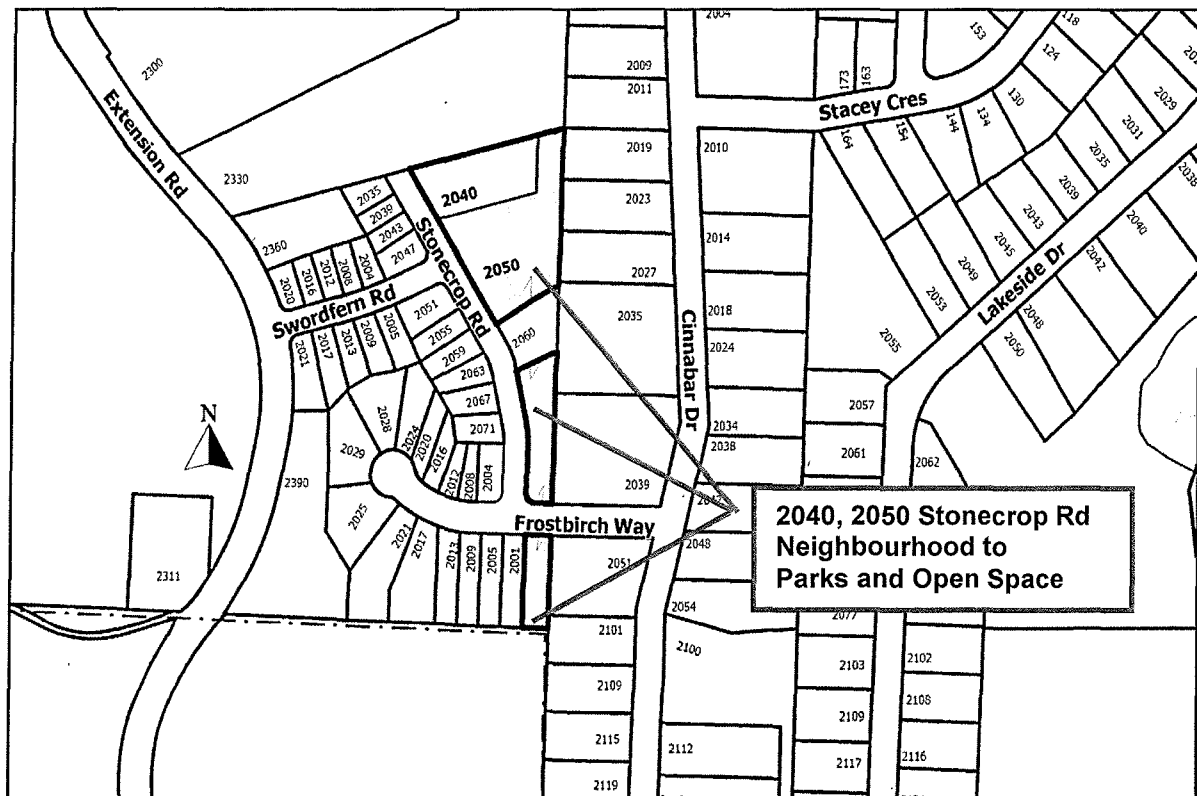
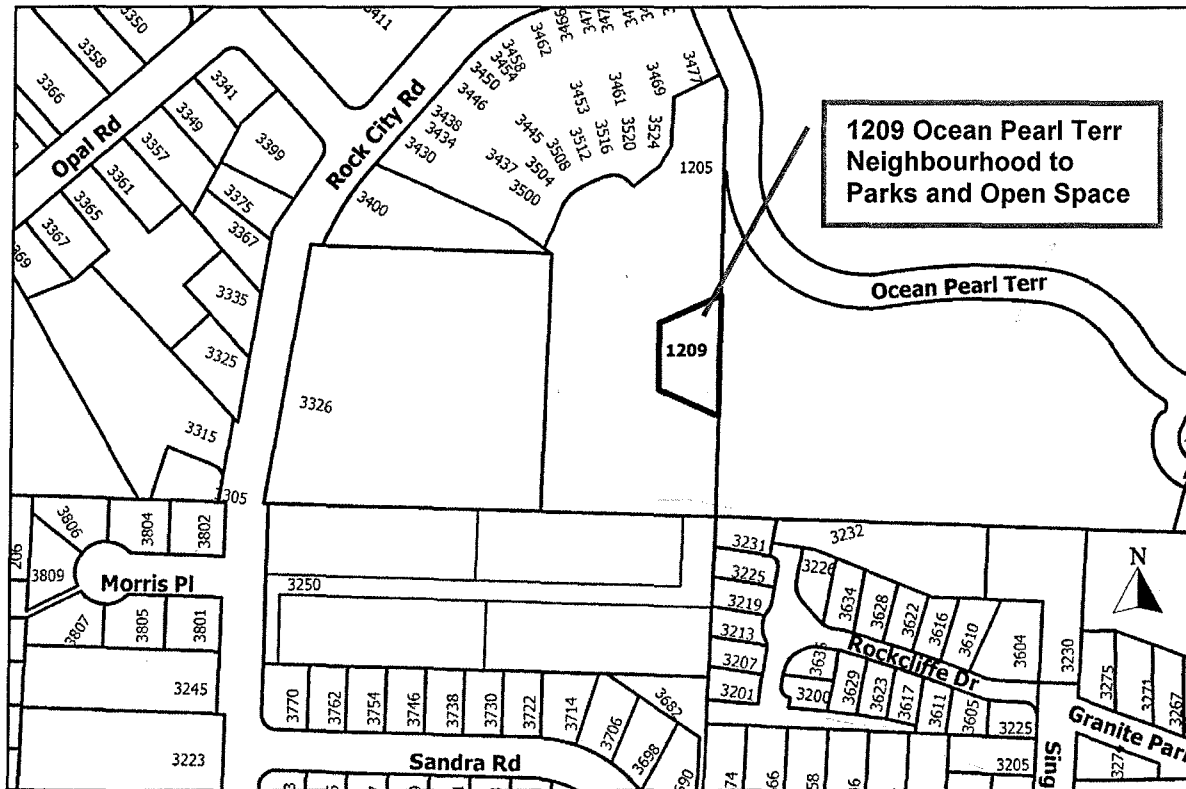
1209 Ocean Pearl Terrace (Park Dedicated by Plan VIP87421)
 Part of 6000 Oliver Road (Lot 1, District Lot 14, Wellington District, Plan EPP35447; PID 029 249 678)
 2930 Robson Road (Lot 4, Block 1, Section 15, Wellington District, Plan 419; PID 009 081 992)
 2940 Robson Road (Lot 5, Block 1, Section 15, Wellington District, Plan 419; PID 009 082 000)
 2950 Robson Road (Lot 6, Block 1, Section 15, Wellington District, Plan 419; PID 009 082 018)
 2970 Robson Road (Lot 7, Block 1, Section 15, Wellington District, Plan 419; PID 000 774 235)
 2980 Robson Road (Lots 8 to 11, Block 1, Section 15, Wellington District, Plan 419;
 PIDs 009 082 026, 009 082 034, 009 082 051, 009 082 069)
 2040 Stonecrop Road (Park Dedicated by Plan EPP28253)
 2050 Stonecrop Road (Lot 23, Section 13, Range 3, Cranberry District, Plan EPP28253;
 PID 029 107 041)
 3840 Stronach Drive (Park Dedicated by Plan EPP42203)
 3842 Stronach Drive (District Lot 36, Wellington District, Except That Part in Plans 28995, 31558,
 31860 and 35279; PID 009 432 698)
 26 View Street (Lot 21, Block 2, Section 1, Nanaimo District, Plan 1662; PID 007 109 016)
 38 View Street (Lot 20, Block 2, Section 1, Nanaimo District, Plan 1662; PID 007 108 664)
 48 View Street (Lot 19, Block 2, Section 1, Nanaimo District, Plan 1662; PID 007 108 958)
 141 Westwood Road (Park Dedicated by Plan EPP43066)
 Part of 372 Westwood Road (Park Dedicated by Plan VIP64275 and EPP32757)
 375 Westwood Road (Park Dedicated by Plan EPP7103)
 385 Westwood Road (Lot 3, Section 10, Range 7, Mountain District, Plan 1985, Except the
 Easterly 162 Feet and Except That Part Outlined in Red on Plan 151 RW; PID 000 089 770)
 389 Westwood Road (Lot 1, Section 10, Range 7, Mountain District, Plan 14248; PID 000 738 522)
 115 Yon Place (Park Dedicated by Plan EPP11448)

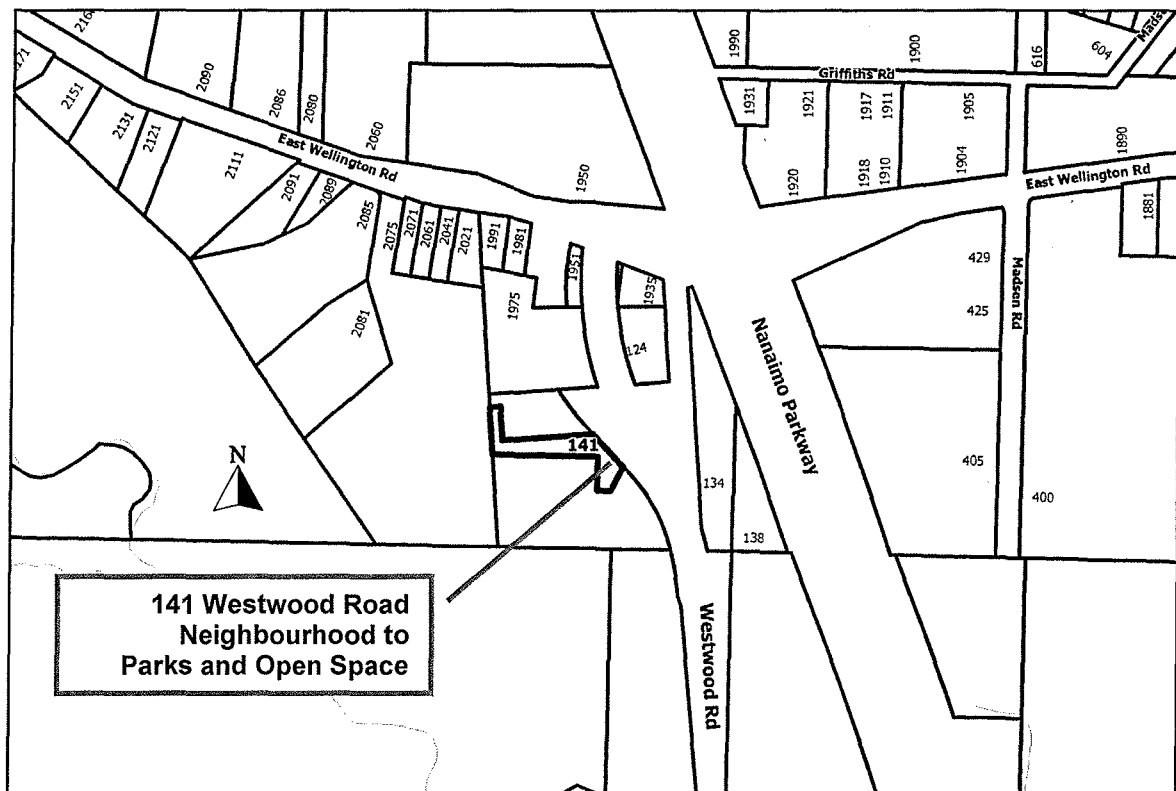
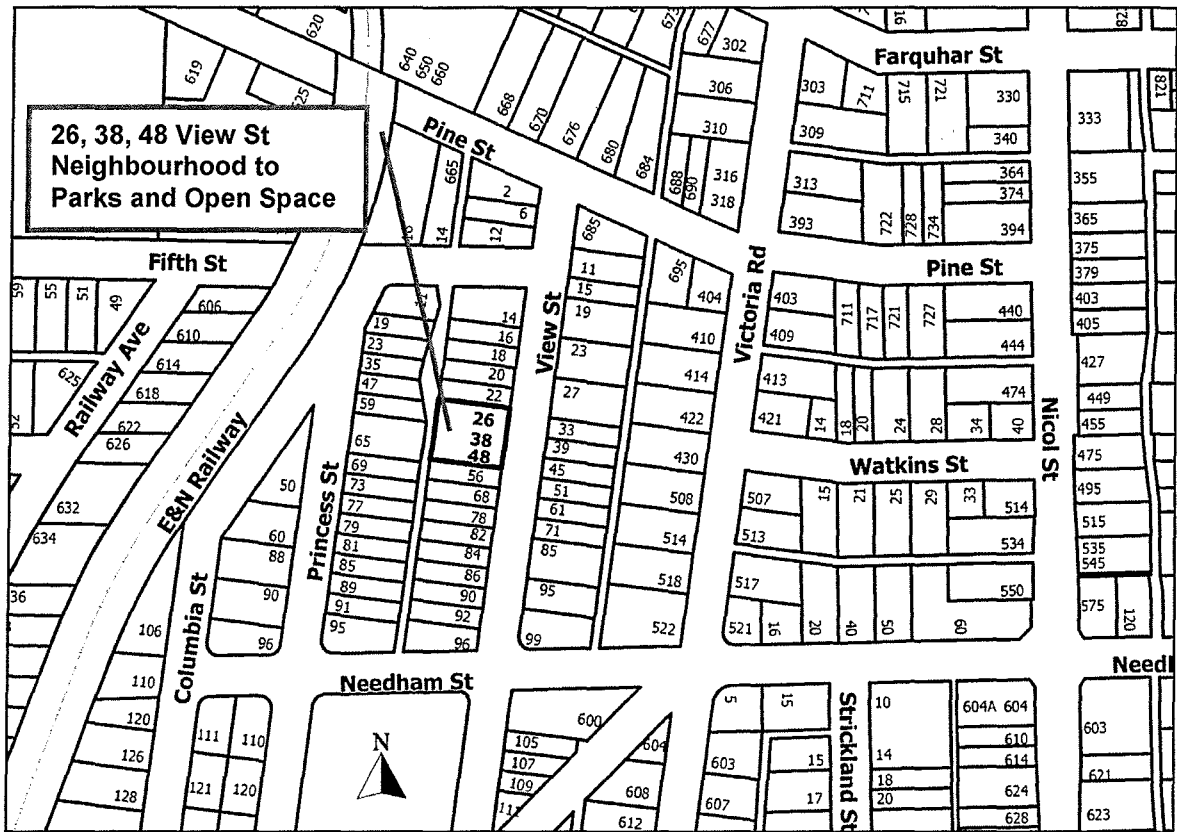
from 'Neighbourhood' to 'Parks and Open Space'.

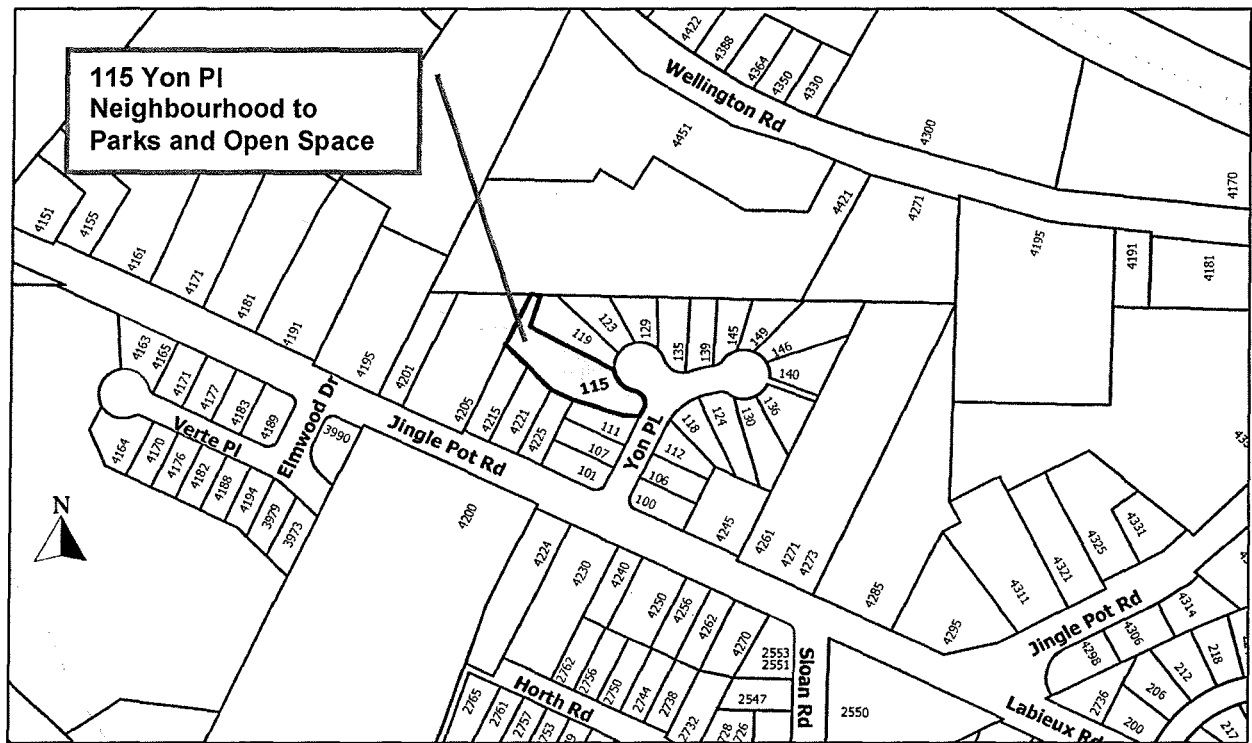
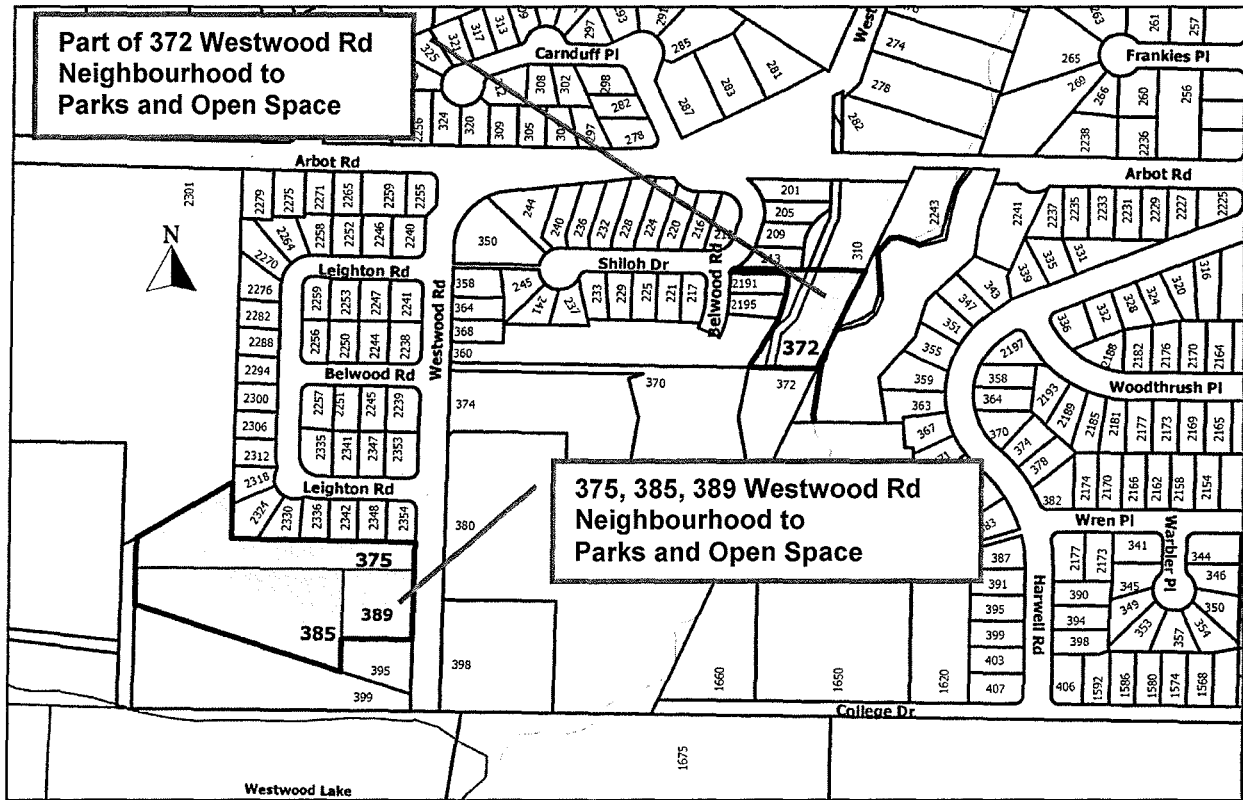


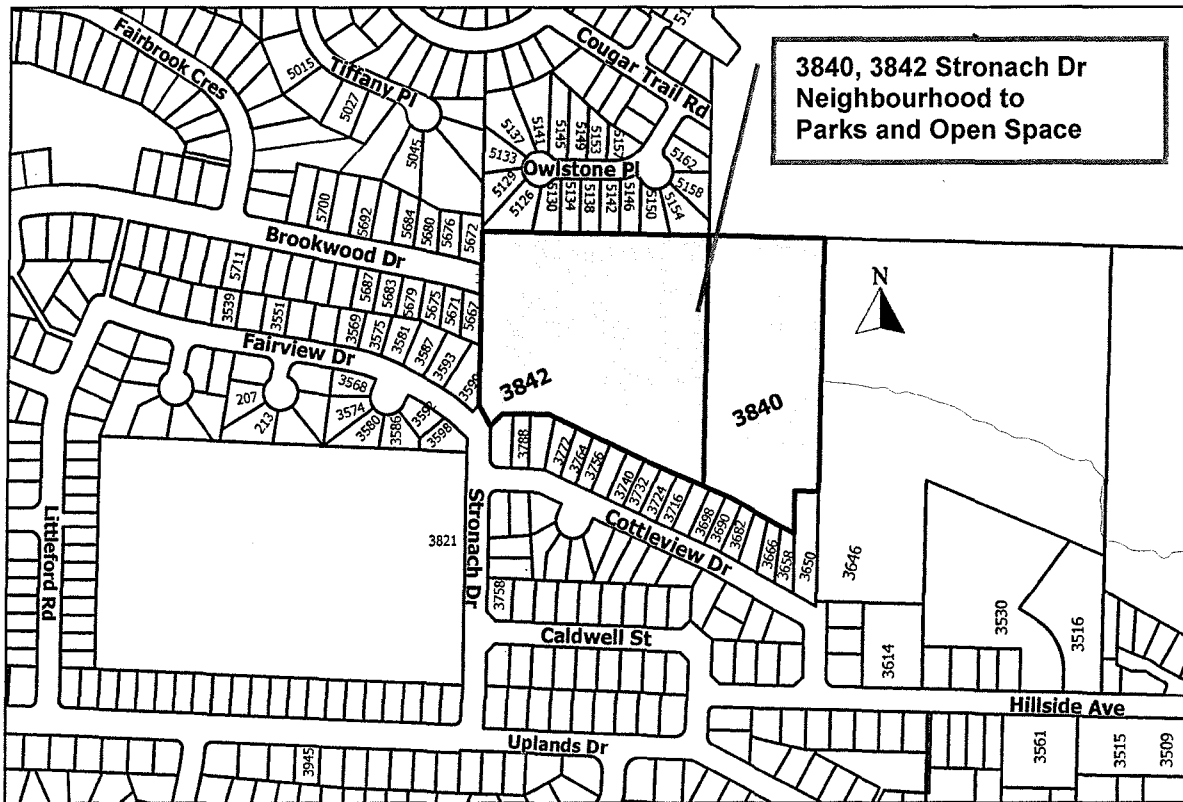




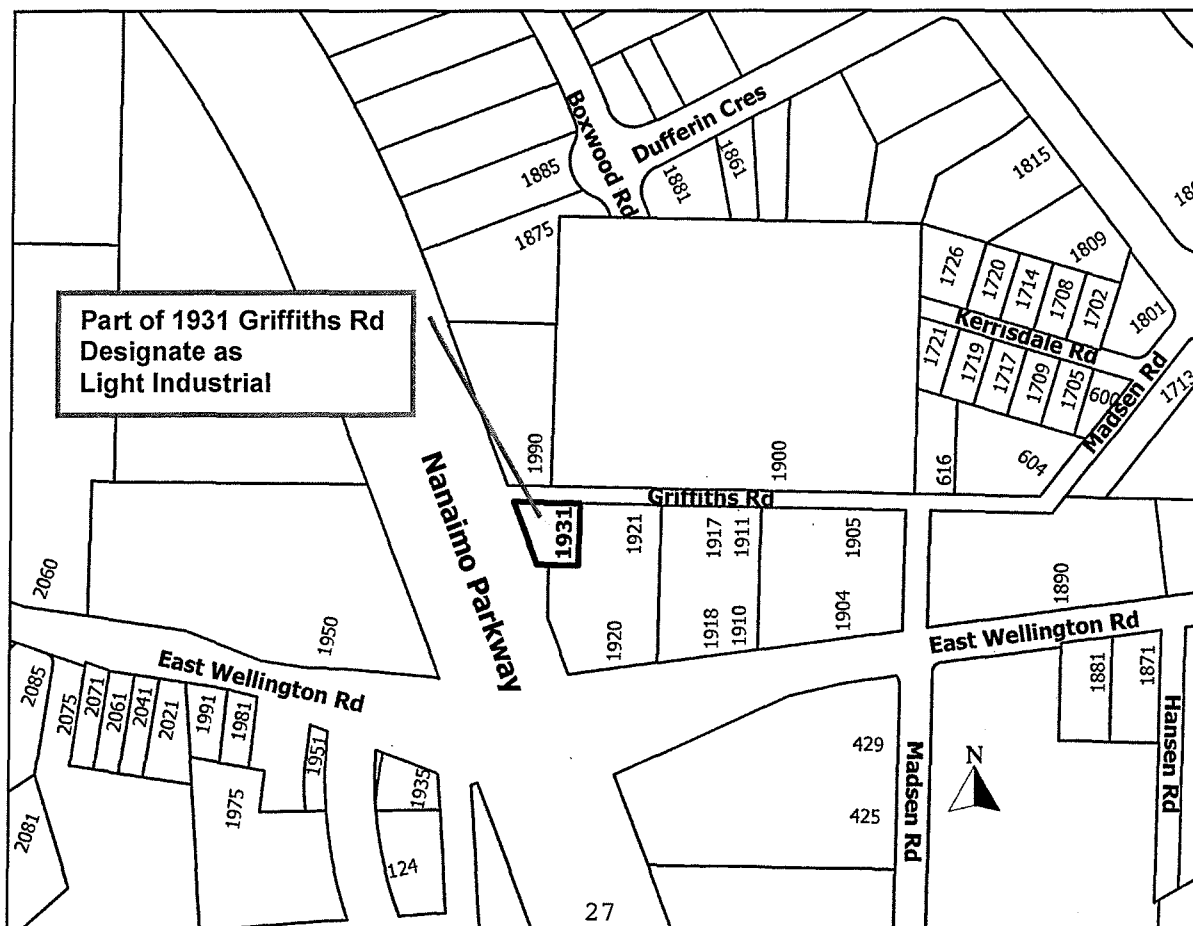








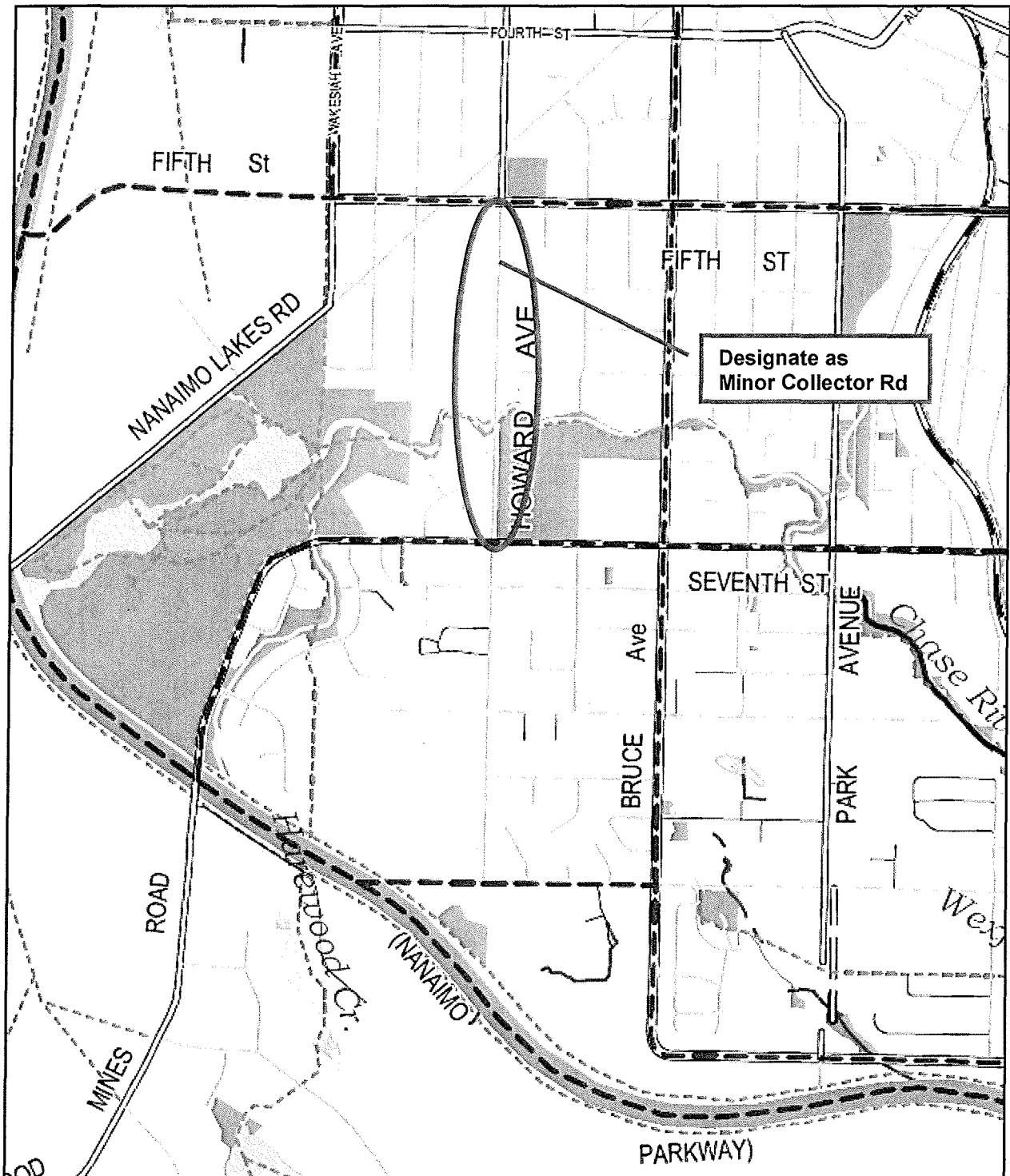
- e) Designate the subject property known as part of 1931 Griffiths Road (Lot 1, Section 14, Ranges 7 and 8, Mountain District, Plan VIP83175; PID 027 090 108) as 'Light Industrial'.



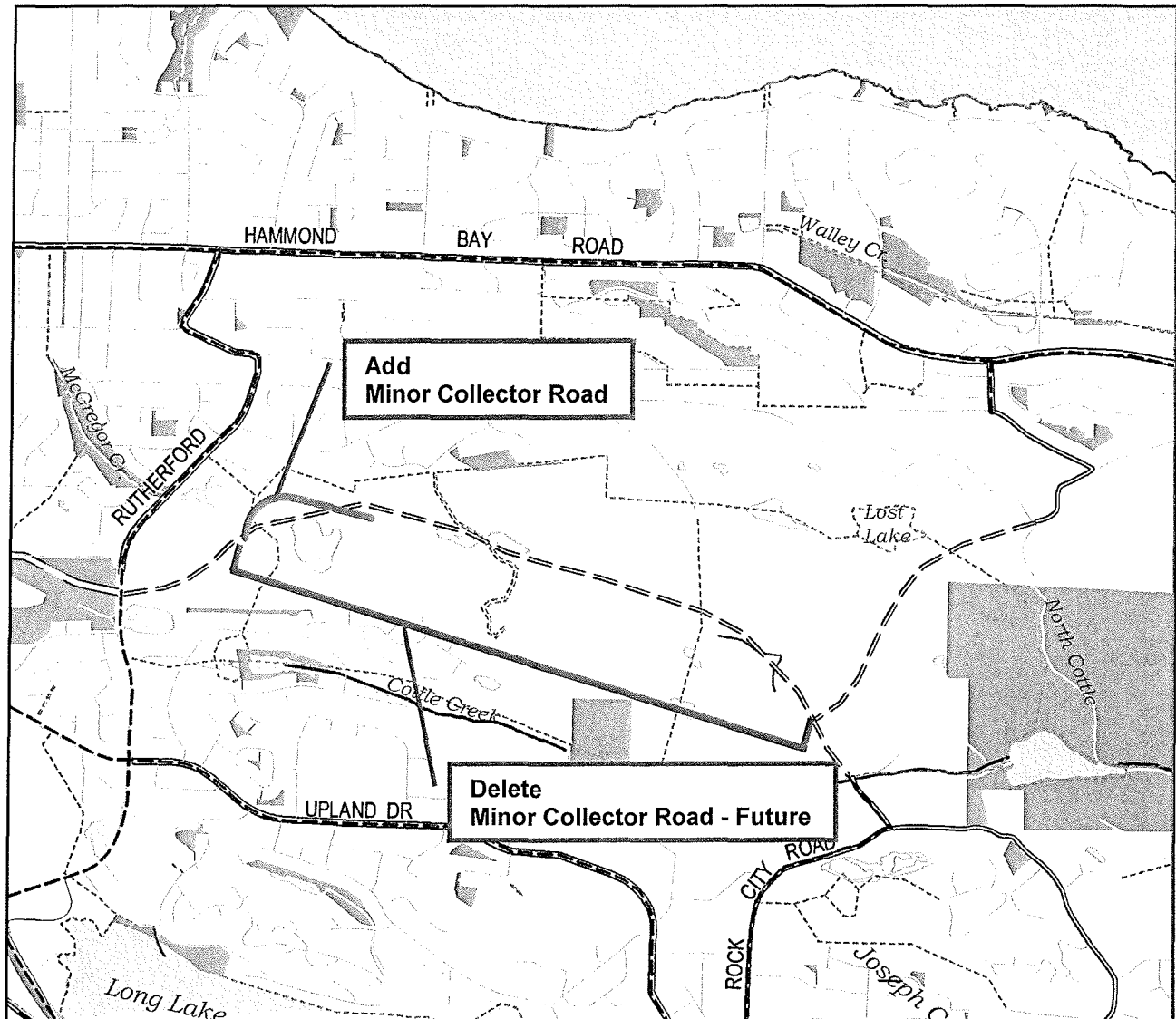
SCHEDULE I

3. Map 2 (Mobility) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

a) Designate a portion of Howard Avenue as Minor Collector Road



- b) Delete a portion of Minor Collector Road – Future, and add a portion of Minor Collector Road.



CITY OF NANAIMO

BYLAW NO. 4500.073

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

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 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 2015 NO. 4500.073".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

- (1) By deleting the definition of 'Highway'.
- (2) By adding the following definition of 'Transportation Corridor':

TRANSPORTATION CORRIDOR - includes a street, path, walkway, trail, lane, bridge, railway, road, thoroughfare and any other transportation right-of-way within a dedicated road reserve. 'Road' includes common access within a bare land strata plan which has been subdivided pursuant to the *Strata Property Act*, or any subsequent Act or Acts, which may be enacted in substitution therefore, but does not include other private Rights-of-Way on private property.

- (3) By deleting the definition of 'Street' and replacing it with the following:

STREET – means a dedicated road Right-of-Way available for motorized and non-motorized travel, including a highway, public road and a common access road within a bare land strata plan which has been subdivided pursuant to the *Strata Property Act*, but does not include a lane or private Rights-of-Way.

- (4) By deleting the definition of 'Buffer Area' and replacing it with the following:

BUFFER AREA - means a landscaped area; the purpose of which is to provide visual and physical separation in each zone along designated streets, to allow for screening from adjacent zones, and to mask or separate outdoor storage, refuse sites and utility kiosks.

- (5) By deleting the definition of 'Centre Line' and replacing it with the following:

CENTRE LINE - when used in reference to a street, 'Centre Line' means an imaginary line drawn between the boundaries of the street so that it is always equidistant from either boundary.

- (6) By deleting the definition of 'Corner Lot' and replacing it with the following:

CORNER LOT - means a lot whose front or rear lot line and at least one side lot line abut, or will abut, a street.

- (7) By deleting the definition of 'Frontage' and replacing it with the following:

FRONTAGE - means the portion of a property line which directly abuts a street.

- (8) By deleting the definition of 'Lot Line, Front' and replacing it with the following:

LOT LINE, FRONT - means the lot line abutting the street; and

1. in the case of a corner lot, either lot line which abuts the street may be considered the front lot line; however, the rear lot line must be opposite to the front line; and
2. in the case of a corner lot, only one front lot line need be provided, in which case the other lot line abutting a street becomes a flanking-side lot line; and
3. in the case of a through lot, the lines abutting the street shall be considered front lot lines.

- (9) By deleting the definition of 'Lot Line, Flanking Side' and replacing it with the following:

LOT LINE, FLANKING SIDE - means the lot line marking the boundary between a lot and street and which has one or both ends intersecting with a front lot line.

- (10) By deleting the definition of 'Motor Vehicle' and replacing with the following:

MOTOR VEHICLE - means a vehicle in, on or by which a person or thing may be transported on a street, except a vehicle designed to be moved by human power or used exclusively on stationary rails or tracks.

- (11) By deleting the definition of 'Road' and replacing it with the following:

ROAD - See 'Street'

- (12) By deleting the definition of 'Through Lot' and replacing it with the following:

THROUGH LOT - means a lot abutting two parallel or approximately parallel streets, or a corner lot abutting three streets which forms two corners.

- (13) By amending Subsections 6.9.1, 7.5.3, 7.6.3, 15.6.2, 16.2.5.2, 16.6.7.1, 17.1.1, 17.4.2 and 17.11.1 by replacing the term 'Highway' with 'Street' wherever it appears.

- (14) By deleting the definition of 'Storage Yard' and replacing it with the following:

STORAGE YARD - means an area outside of an enclosed building where construction materials and equipment, solid fuels, lumber, new building materials, monuments and stone products, public service and utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether a principal or accessory use; but

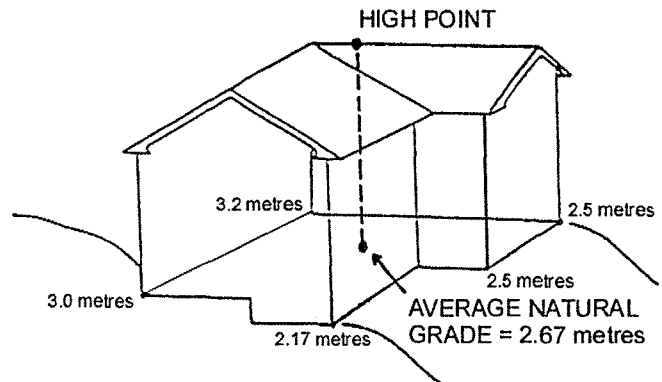
specifically excludes the use of containers. A storage yard does not include an automobile salvage or wrecking yard, a display yard, a junkyard, a recycling depot, waste transfer station, compost facility or log sorting and storage.

- (15) By deleting the definition of 'Height, Building' and replacing it with the following:

HEIGHT, BUILDING - except as otherwise defined in a zone means:

1. In residential zones:

- a) The distance measured vertically from the final lot grading plan or finished grade, whichever is lower, recorded at the outermost corners of the building, as determined by



survey and reference benchmark prior to site preparation, to the highest part of the building where a final lot grading plan has been approved by the Approving Officer at Subdivision stage.

- b) Where Council has approved a development permit for the building, the subdivision grading plan grade is replaced by the grade as shown on the approved development permit.
- c) Where no development permit or final lot grading plan exists, height means the distance measured vertically from the average natural or finished grade level, whichever is lower.

2. In all other zones height is the distance measured vertically from the average finished grade, recorded at the outermost corners of the building, to the highest part of the building.

- (16) By deleting the definition of 'Agriculture' and replacing it with the following:

AGRICULTURE - means the use of land or buildings for the growing, rearing, producing and harvesting of agricultural products, or the raising of livestock, but specifically excludes the processing of livestock. Agriculture includes the processing of crops grown on the land, the storage and repair of farm equipment used on the land, horticulture, nurseries and commercial greenhouses, and sale on the land of agricultural products produced on the land. In the context of this bylaw, agriculture also means aquaculture, horticulture, and silviculture.

- (17) By amending Subsection 6.6.3. by adding R13 and R14 after R10 to the list of zones in which an accessory building has a rear yard setback of 1.5m, or 1m where a lane exists.

- (18) By amending Subsection 6.6.6. by adding the R1b subzone after R1a to the list of zones in which Gross Floor Area for accessory buildings is limited to 13% or 90m².
- (19) By adding the following as Subsection 6.15.3.5.:
- 6.15.3.5 - The accessory building is not a mobile home and the suite is not included within a mobile home.
- (20) By adding the following as Subsection 6.22.7:
- 6.22.7. - On lands not within the Agricultural Land Reserve, subdivision under Section 946 of the *Local Government Act* shall only be permitted on lots where the parent parcel size is a minimum of 10 hectares (ha).
- (21) By amending Subsection 7.4.1. by deleting footnote 2 and replacing with the following:
- ² = Within the R10 zone, the lot area may be reduced to 325m² where the average slope of the lot does not exceed 5%, as measured on undisturbed natural grade between the centre points of each lot line in either direction and the subdivision does not result in a density greater than 16 dwelling units per hectare (excluding the watercourse leave strip area and excluding statutory park dedication) on the lot proposed for subdivision.*
- (22) By adding the following as Subsection 7.5.7:
- 7.5.7. - Notwithstanding Subsection 7.5.1., where a single residential dwelling exists within the R8 zone, the minimum required setback from the property lines shall be as specified within the R1 zone.
- (23) By amending Subsection 8.2.2. by adding 'Home Based Business', after 'Daycare' as a permitted accessory use within in the AR1 and AR2 zones.
- (24) By amending Subsection 10.2.3 by adding 'Home Based Business', after 'Boarding and Lodging' as a permitted accessory use within the CC1, CC2, CC3, CC4 and CC5 zones.
- (25) By amending Subsection 11.2.3 by adding 'Home Based Business', after 'Boarding and Lodging' as a permitted accessory use within all DT zones.
- (26) By amending Subsection 10.2.1 by adding 'Restaurant' as a permitted use within the CC1 zone; and adding the following as a condition of use to 'Restaurant': "within the CC1 zone, an individual restaurant use shall not exceed a Gross Floor Area of 500m²".
- (27) By amending Subsection 10.2.4 by removing the site specific liquor store use for '6201 Doumont Road'.
- (28) By amending Subsection 11.2.1 by adding 'Electric Vehicle Charge Station' as a permitted use in all zones.

- (29) By amending Subsection 11.2.1 by deleting the condition of use for 'Micro Brewery' and replacing it with the following: "The Gross Floor Area of a micro brewery shall not exceed 557m²."
- (30) By adding the following as Subsection 11.5.4:

11.5.4. - Notwithstanding Subsection 11.5.1, where the property abuts a major road, an additional 2.5m front yard setback is required where dedication to achieve the required Right-of-Way width has not occurred to facilitate the widening of the major road.
- (31) By amending Subsection 13.2.1 by deleting the condition of use for 'Recycling Depot' and replacing it with the following:

"Within the I2 zone, the use shall be contained within a completely enclosed building. No building materials may be located within 6m of a doorway or opening in a building greater than 1m in width or 1m in height; except when the doorway or opening remains completely closed when no vehicle or person is entering or exiting the building".
- (32) By amending Subsection 13.2.1 by adding 'Seafood Processing' after 'Restaurant' and adding 'Seafood Processing' as a permitted use within the I4 zone.
- (33) By deleting Subsection 17.1.5 and replacing with the following;

17.1.5. - Notwithstanding Subsection 17.1.4., in the case of cumulative external renovations or additions to a building or structure over a five-year period of time, requirements for landscaping and screening shall not apply where the building permit has a value less than \$150,000.00, or less than 25%, of the assessed value of the building or structure, whichever is greater.
- (34) By rezoning a portion of those lands as shown on Schedule A from the Gateway (DT12) zone to the Comprehensive Development District Zone Seven (CD7) zone.
- (35) By rezoning those lands as shown on Schedule B from the Mixed Use Corridor (COR2) zone to the Community Corridor (COR3) zone.
- (36) By rezoning a portion of those lands as shown on Schedule C from the Park, Recreation and Culture One (PRC1) zone to the Community Service Two (CS2) zone.
- (37) By rezoning those lands as shown on Schedule D from the Single Dwelling Residential (R1) zone to the Parks, Recreation and Culture One (PRC1) zone.
- (38) By rezoning those lands as shown on Schedule E from the Single Dwelling Residential – Small Lot (R2) zone to the Parks, Recreation and Culture One (PRC1) zone.
- (39) By rezoning those lands as shown on Schedule F from the Single Dwelling Residential (R1) zone to the Community Service One (CS1) zone.

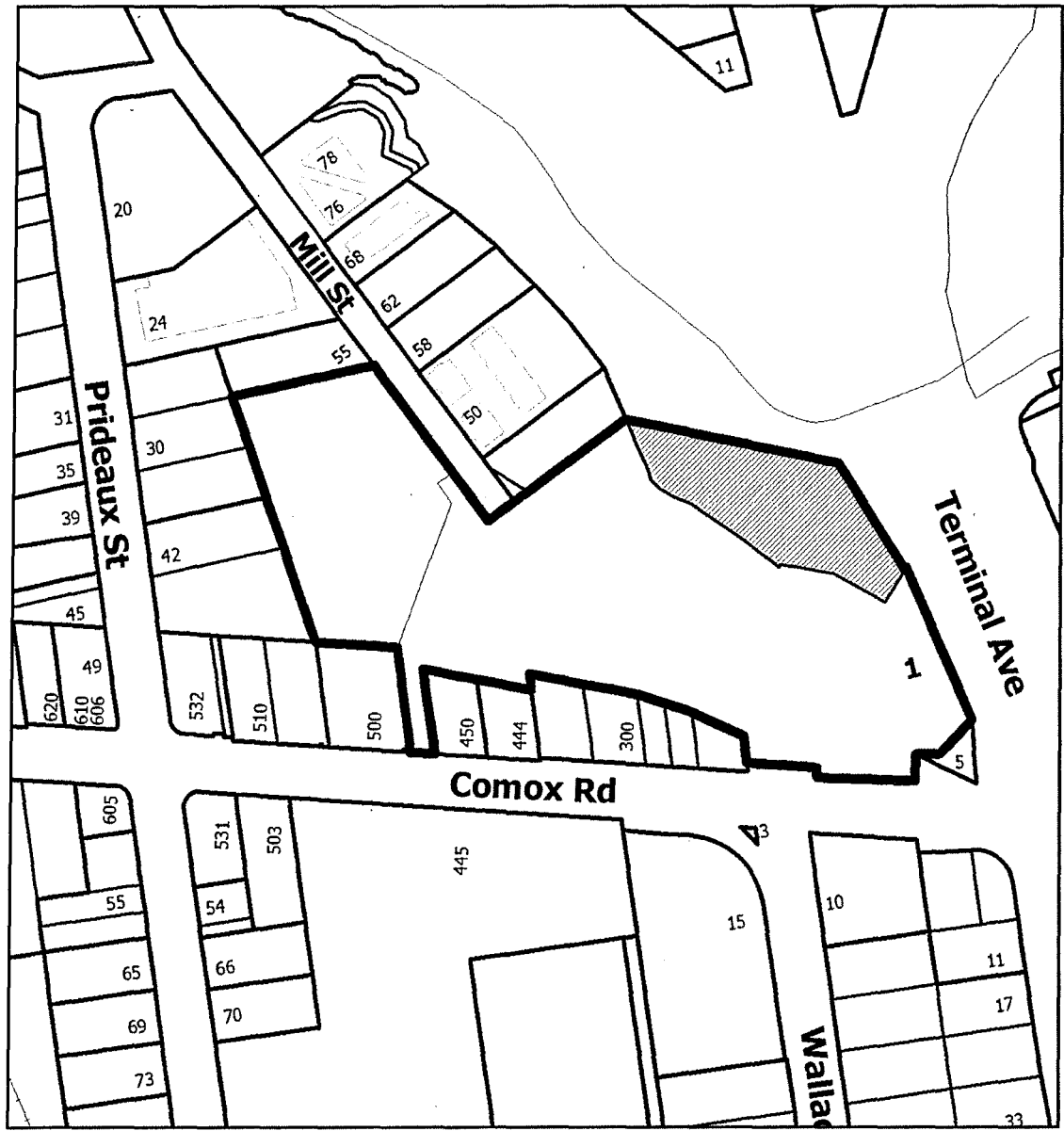
- (40) By deleting "Schedule B - Fine Schedule" in its entirety and replacing with the attached "Schedule B – Fine Schedule".

PASSED FIRST READING 2015-JAN-19
PASSED SECOND READING 2015-JAN-19
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
MOT APPROVAL _____
ADOPTED _____

MAYOR

CORPORATE OFFICER



Schedule A



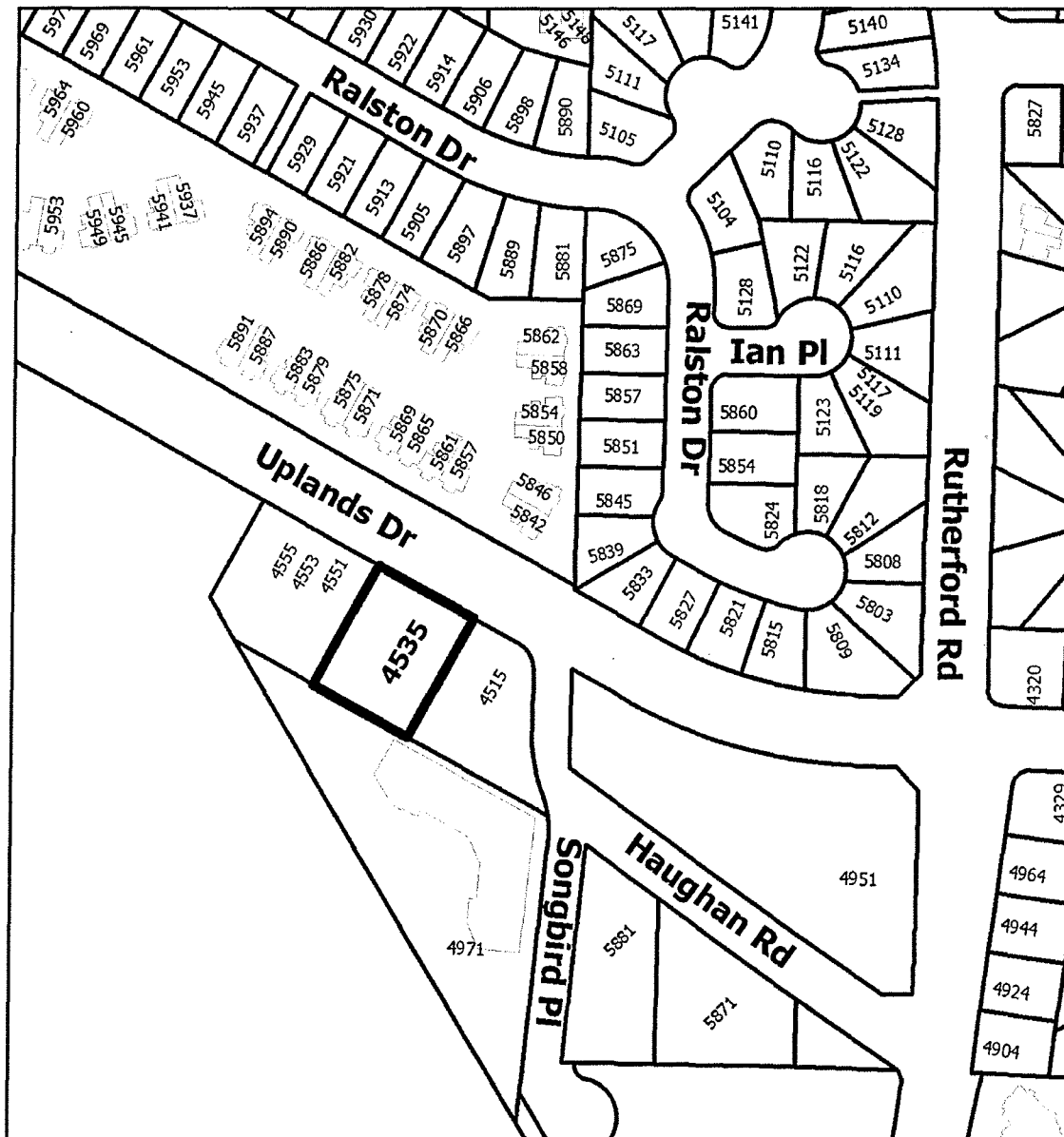
REZONING APPLICATION
LOCATION PLAN

Civic: Portion of 1 Terminal Avenue



-  Subject Property
-  Portion to be Rezoned

Schedule B



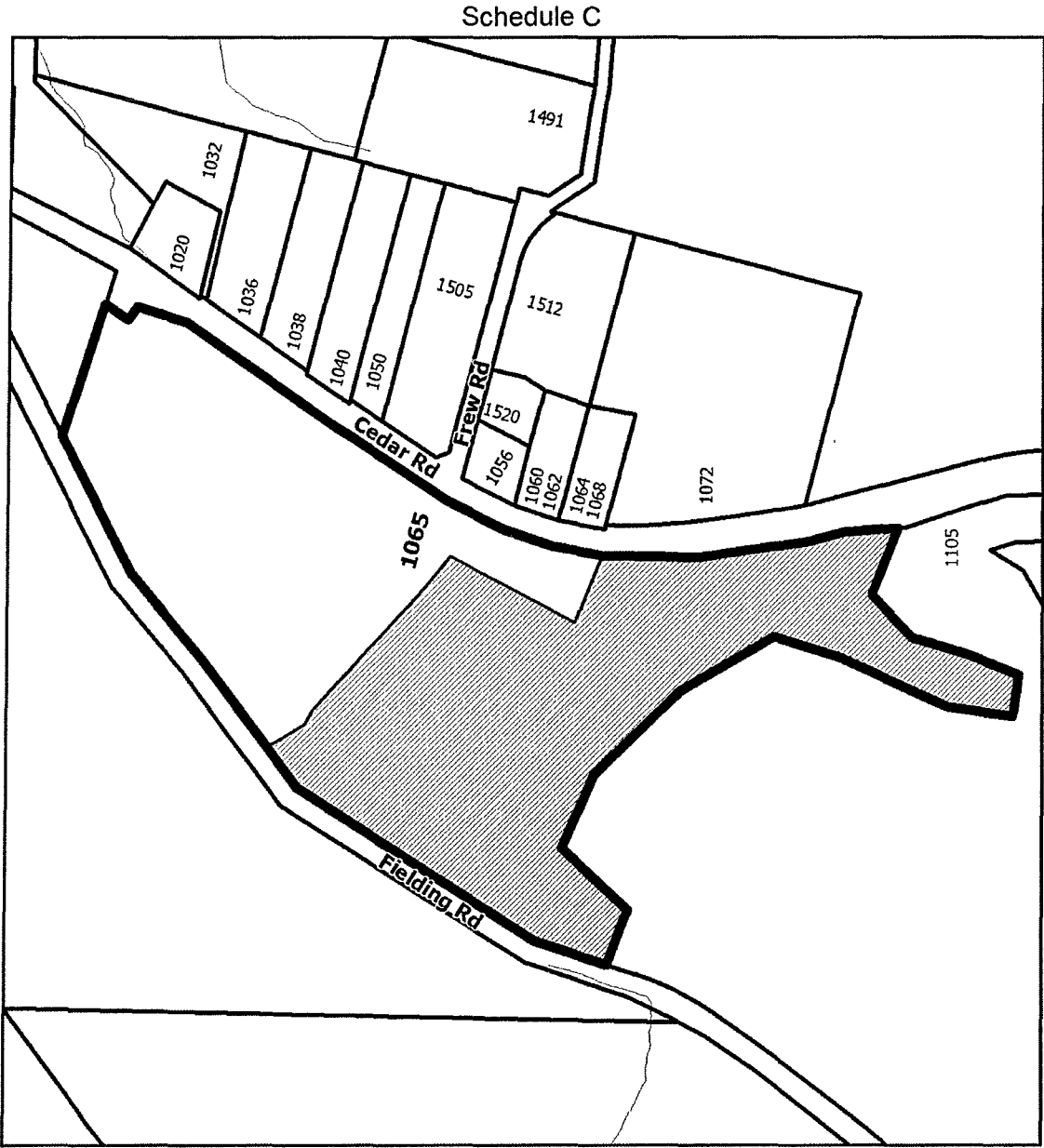
REZONING APPLICATION

LOCATION PLAN

Civic: 4535 Uplands Drive





 **Subject Property**



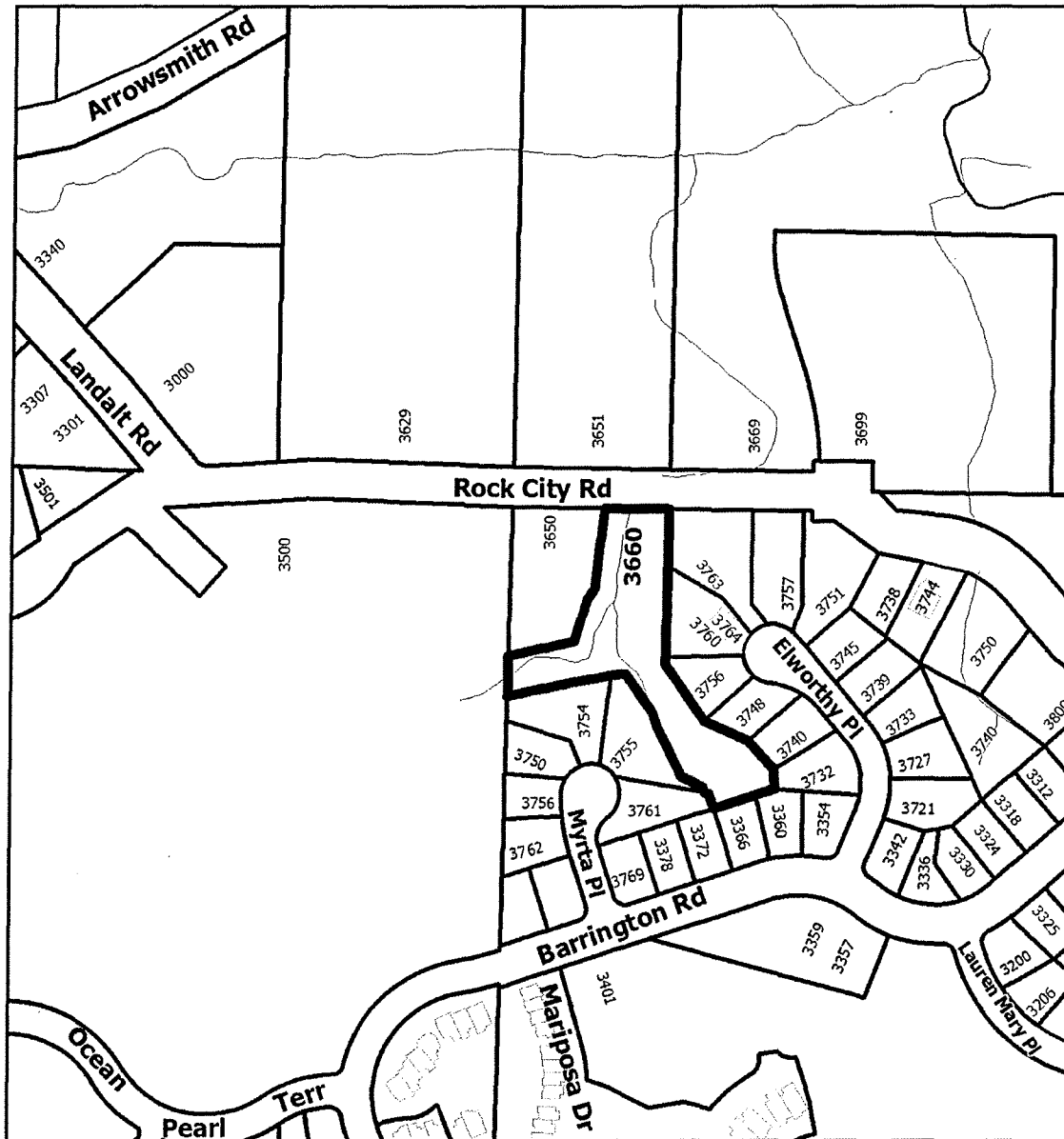
REZONING APPLICATION
LOCATION PLAN

Civic: 1065 Cedar Road



-  Subject Property
-  Portion to be Rezoned

Schedule D



REZONING APPLICATION

LOCATION PLAN

Civic: 3660 Rock City Road



 Subject Property



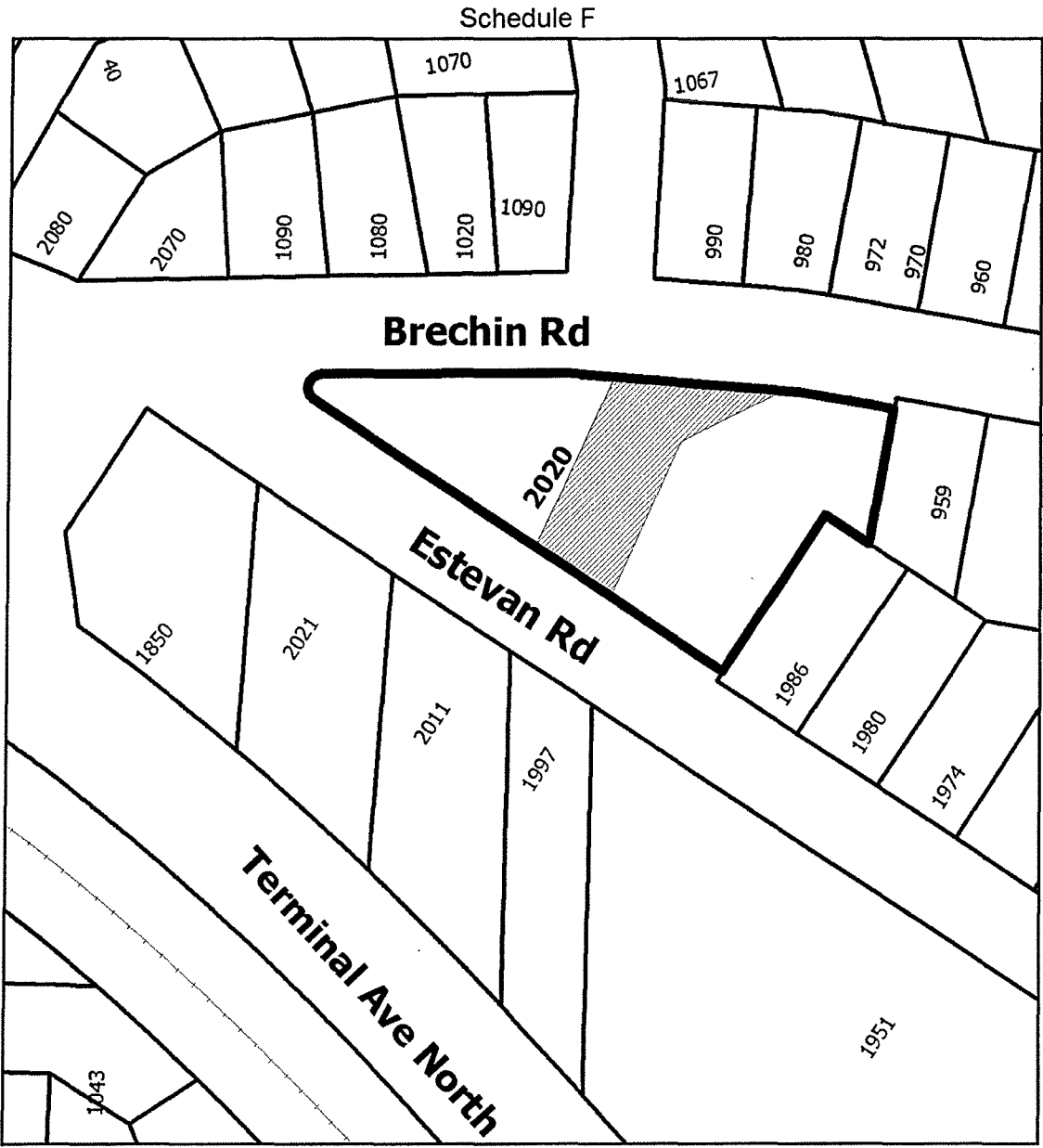
REZONING APPLICATION

LOCATION PLAN

Civic: 141 Westwood Road





 Subject Property



REZONING APPLICATION
LOCATION PLAN
Civic: 2020 Estevan Road



-  Subject Property
-  Portion to be Rezoned

SCHEDULE B Fine Schedule

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

Description of Offence	Section #	Amount of Fine
Use Not Permitted	N/A	\$200.00
Watercourse Leavestrip Encroachment	6.3.5	\$500.00
Occupying a Recreational Vehicle on a Lot for a Period Exceeding 42 Days in a Calendar Year	6.7.8	\$200.00
Derelict Vehicles on Property	6.12.1	\$200.00
Exceed Two Unlicensed Vehicles	6.12.1	\$200.00
Prohibited Vehicle on Residential Lot	6.12.2	\$200.00
Exceed 4 Vehicles for a Single Residential Dwelling Sited on a Lot	6.12.3	\$200.00
Home Based Business Exceeds One Non-Resident Employee	6.20.1.3	\$200.00
Home Based Business Exceeds Allowable Gross Floor Area	6.20.2	\$200.00
Storage Not Contained	6.20.2.7	\$200.00
Use not Permitted as a Home Based Business	6.20.3	\$200.00
Retail sales within a Home Based Business	6.20.3	\$200.00
Emit Noxious Matter	6.20.4	\$200.00
Home Based Business Exceeds 10 Vehicle Trips	6.20.5.1	\$200.00
Exceed 1 Commercial Vehicle on the Lot	6.20.6	\$200.00
Fabric Covered Structure in excess of 120 days	6.7.6	\$200.00