

AMENDED 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, 2013-JUN-06, COMMENCING AT 7:00 P.M.**

CHAIR: MAYOR RUTTAN

ACTING MAYOR: COUNCILLOR PATTJE (2013-APR-29 TO 2013-JUN-09)

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

- Amend wording of Item 6 (a) with the following: "That "OFFICIAL COMMUNITY PLAN 2013 NO. 6500.019" (OCP00059 and OCP00060 - to amend a portion of the Sub-Area 2 designation of the Nanaimo Old City Neighbourhood Concept Plan, by creating 'Sub-Area 2a Residential Infill', to allow for multiple family residential development) pass third reading."
- Amend wording of Item 6 (b) with the following: "That "OFFICIAL COMMUNITY PLAN 2013 NO. 6500.020" (OCP000070 - to amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by redesignating part of the subject property from 'Urban Reserve' to 'Neighbourhood' and 'Parks and Open Space' in order to facilitate a residential development and preservation of park land) pass third reading."

3. ADOPTION OF AGENDA: (Pattje/Greves)

4. CALL THE PUBLIC HEARING TO ORDER:

5. 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. 6500.019** – OCP00059 and OCP00060 – Various Properties – to be introduced by Ms. Deborah Jensen, Community Development Planner, Community Planning Section.

Pg. 4-5

This bylaw, if adopted, will amend a portion of the Sub-Area 2 designation of the Nanaimo Old City Neighbourhood Concept Plan, by creating 'Sub-Area 2a Residential Infill', to allow for multiple family residential development.

Bylaw No. 4500.041 – RA000306 and RA000307 – Various Properties – to be introduced by Ms. Deborah Jensen, Community Development Planner, Community Planning Section.

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by adding multiple family dwelling to the permitted uses section of the existing Old City Infill Service Commercial (DT11) zone. Several other additional uses are proposed for the zone, which include live/work, artist studio, day care, and personal service use. The density and size of building sections of the DT11 zone are also proposed to be amended to support medium density multi-family development.

- (b) **Bylaw No. 6500.020** – OCP000070 – Part of 3500 Hillside Avenue – to be introduced by Ms. Sheila Herrera, Planner, Planning & Design Section.

Pg. 6-7

This bylaw, if adopted, will amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by redesignating part of the subject property from 'Urban Reserve' to 'Neighbourhood' and 'Parks and Open Space' in order to facilitate a residential development and preservation of park land.

Bylaw No. 4500.040 – RA000310 – 3500 Hillside Avenue and 3520, 3516, 3510, 3502, 3488, 3480 and 3476 Pacific Edge Way – to be introduced by Ms. Sheila Herrera, Planner, Planning & Design Section.

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject properties from Urban Reserve (AR2) zone and Steep Slope Residential (R10) zone to Single Dwelling Residential (R1) zone and Parks, Recreation and Culture One (PRC-1) zone in order to facilitate a residential subdivision and creation of park land.

- (c) **Bylaw No. 4500.039** – ZA1-54 – Various Properties – to be introduced by Ms. Sheila Herrera, Planner, Planning & Design Section.

Pg. 8

This bylaw, if adopted, will add the definition of 'Medical Marihuana Growing and Production' to the definitions section of the Zoning Bylaw; amend the agriculture definition to clarify that medical marihuana is included within the definition of 'Agriculture'; and permit the use of Medical Marihuana Growing and Production within the Industrial (I4) zone.

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

6. **BYLAWS:**

- That "OFFICIAL COMMUNITY PLAN 2013 NO. 6500.019" (OCP00059 and OCP00060 - to amend a portion of the Sub-Area 2 designation of the Nanaimo Old City Neighbourhood Concept Plan, by creating 'Sub-Area 2a Residential Infill', to allow for multiple family residential development) pass third reading. *Pg. 9-10*

That "ZONING AMENDMENT BYLAW 2013 NO. 4500.041" (RA000306 and RA000307 – will amend "ZONING BYLAW 2011 NO. 4500" by adding multiple family dwelling to the permitted uses section of the existing Old City Infill Service Commercial (DT11) zone. Several other additional uses are proposed for the zone, which include live/work, artist studio, day care, and personal service use. The density and size of building sections of the DT11 zone are also proposed to be amended to support medium density multi-family development) pass third reading. *Pg. 11*
- That "OFFICIAL COMMUNITY PLAN 2013 NO. 6500.020" (OCP000070 - to amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by redesignating part of the subject property from 'Urban Reserve' to 'Neighbourhood' and 'Parks and Open Space' in order to facilitate a residential development and preservation of park land) pass third reading. *Pg. 12-13*

That "ZONING AMENDMENT BYLAW 2013 NO. 4500.040" (RA000310 – to amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject properties from Urban Reserve (AR2) zone and Steep Slope Residential (R10) zone to Single Dwelling Residential (R1) zone and Parks, Recreation and Culture One (PRC-1) zone in order to facilitate a residential subdivision and creation of park land) pass third reading. *Pg. 14-15*
- That "ZONING AMENDMENT BYLAW 2013 NO. 4500.039" (ZA1-54 – to add the definition of 'Medical Marihuana Growing and Production' to the definitions section of the Zoning Bylaw; amend the agriculture definition to clarify that medical marihuana is included within the definition of 'Agriculture'; and permit the use of Medical Marihuana Growing and Production within the Industrial (I4) zone) pass third reading. *Pg. 16*

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

NOTICE OF PUBLIC HEARING

June 6th 2013 at 7:00 pm



There will be a Public Hearing on Thursday, **June 6th 2013**, 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" and the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaws will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaws No. 6500.019 and 4500.041 at the Public Hearing.

BYLAW NO. 6500.019

Purpose: To permit the use of land for multiple family residential development.

Location(s): Various Properties

File No.: OCP00059 and OCP00060

This bylaw, if adopted, will amend a portion of the Sub-Area 2 designation of the Nanaimo Old City Neighbourhood Concept Plan, by creating 'Sub-Area 2a Residential Infill', to allow for multiple family residential development. The subject properties included in the proposed Sub-Area 2a are shown on Map A.

BYLAW NO. 4500.041

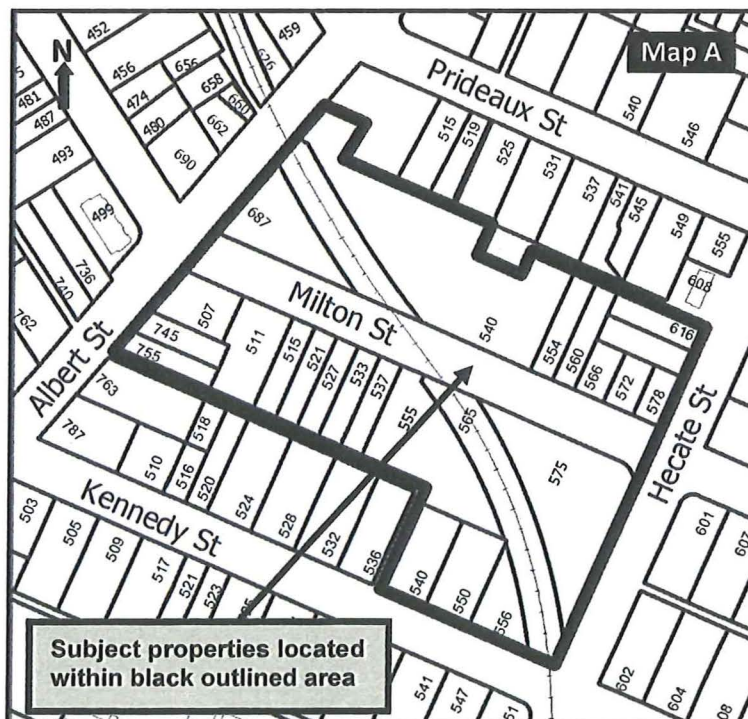
Purpose: To permit the use of land for residential development within the existing DT11 zone.

Location(s): Various Properties

File No.: RA000306 and RA000307

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by adding multiple family dwelling to the permitted uses section of the existing Old City Infill Service Commercial (DT11) zone. Several other additional uses are proposed for the zone, which include live/work, artist studio, day care, and personal service use. The density and size of buildings sections of the DT11 zone are also proposed to be amended to support medium density multi-family development.

The subject properties included within the existing DT11 zone are shown on Map A.



Please be advised that additional agenda items 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.

WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaws and related documents may be inspected from May 24th 2013 to June 6th 2013, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Safety & Development Division (Service and Resource Centre), located at 411 Dunsmuir Street.

WEBSITE: Information associated with these bylaws can be found in the May 13th 2013 Council Agenda. From the City's home page (www.nanaimo.ca) use the link titled 'Council Agenda/Minutes/Video'.

Application information associated with RA000306 and RA000307, can be accessed on the City's webpage:

What's Building In My Neighbourhood? www.nanaimo.ca/whatsbuilding

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, June 6th 2013, 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 reception desk in the Services and Resource Centre, located at 411 Dunsmuir Street

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

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

POSTAL MAIL: City of Nanaimo
Community Safety & Development Division
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 Safety & Development Division
Service and Resource Centre
411 Dunsmuir Street
Phone: (250) 755-4429
Fax: (250) 755-4439
www.nanaimo.ca**

June 6th 2013 at 7:00 pm



All persons who believe their interest in property is affected by the proposed bylaws will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaws No. 6500.020 and 4500.040 at the Public Hearing.

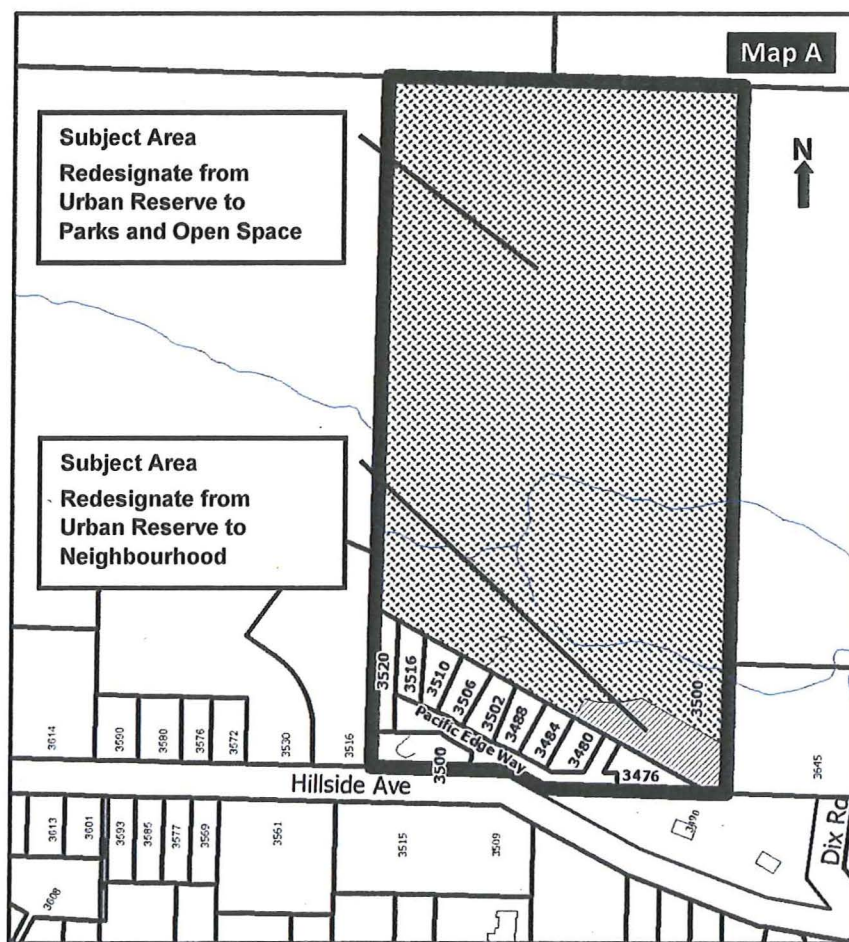
Purpose: To permit the use of land for a residential development.

Location(s): Part of 3500 Hillside Avenue

File No.: OCP00070

This bylaw, if adopted, will amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" by redesignating part of the subject property from 'Urban Reserve' to 'Neighbourhood' and 'Parks and Open Space' in order to facilitate a residential development and preservation of park land.

The subject property is legally described as part of Lot 1, District Lot 31, Wellington District, Plan EPP25170, and is shown on Map A.



Please be advised that additional agenda items 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.

BYLAW NO. 4500.040

Purpose: To permit the use of land for a residential development.

Location(s): 3500 Hillside Avenue and 3520, 3516, 3510, 3506, 3502, 3488 3484 3480 and 3476 Pacific Edge Way

File No.: RA000310

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject properties from Urban Reserve (AR2) and Steep Slope Residential (R10) to Single Dwelling Residential (R1) and Parks, Recreation and Culture One (PRC-1) in order to facilitate a residential subdivision and creation of park land.

The subject properties are legally described as Lot 1, District Lot 31, Wellington District, Plan EPP25170 and Strata Lots 1-9, District Lot 31, Wellington District, Strata Plan EPS1074, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, and are shown on Map B.

WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaws and related documents may be inspected from May 24th 2013 to June 6th 2013, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Safety & Development Division (Service and Resource Centre), located at 411 Dunsmuir Street.

WEBSITE: Information associated with these bylaws can be found in the May 13th 2013 Council Agenda. From the City's home page (www.nanaimo.ca) use the link titled 'Council Agenda/Minutes/Video'.

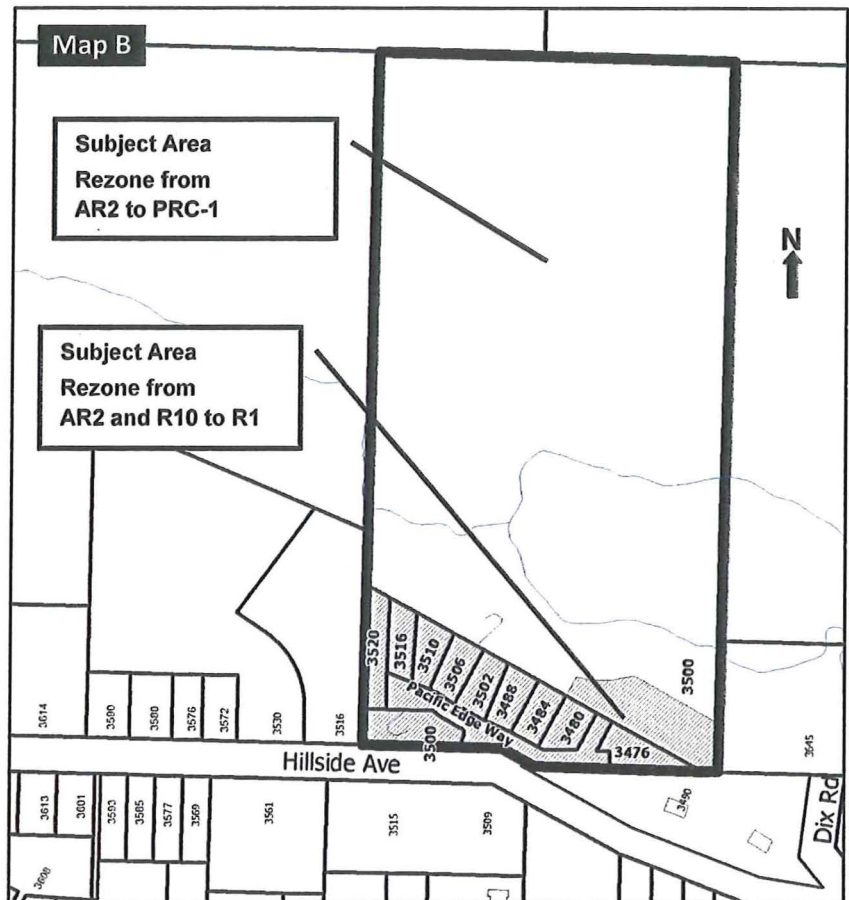
Application information associated with Bylaw No. 4500.040, including a copy of the bylaw, can also be accessed on the City's webpage: *What's Building In My Neighbourhood?* www.nanaimo.ca/whatsbuilding

QR CODE: Use this QR code on your mobile device to go directly to the online information for Bylaw No. 4500.040.



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

This Notice is published in accordance with Section 892 of the Local Government Act.
Notice Given by the Corporate Officer



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, June 6th 2013, 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 reception desk in the Service and Resource Centre, located at 411 Dunsmuir Street.

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

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NOTICE OF PUBLIC HEARING

June 6th 2013 at 7:00 pm



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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. 4500.039 at the Public Hearing.

BYLAW NO. 4500.039

Purpose: To permit the use of land for growing and production of medical marihuana.

Location(s): Various Properties

File No.: ZA1-54

This bylaw, if adopted, will add the definition of "Medical Marihuana Growing and Production" to the definitions section of the Zoning Bylaw; amend the agriculture definition to clarify that medical marihuana is included within the definition of 'Agriculture'; and permit the use of Medical Marihuana Growing and Production within the Industrial (I4) zone.

WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 24th 2013 to June 6th 2013, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Safety & Development Division, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Information associated with this bylaw can be found in the April 22nd 2013 Council Agenda. From the City's home page (www.nanaimo.ca) use the link titled 'Council Agenda/Minutes/Video'.

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, June 6th 2013, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

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Please be advised that additional agenda items are scheduled for the Public Hearing.

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CITY OF NANAIMO

BYLAW NO. 6500.019

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 2013 NO. 6500.019".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING 2013-MAY-13
PASSED SECOND READING 2013-MAY-13
PUBLIC HEARING HELD _____.
PASSED THIRD READING _____.
ADOPTED _____.

MAYOR

CORPORATE OFFICER

File: OCP00059 / OCP00060
Address: 533, 537, 555, 575 Milton Street
Applicant: Ian Niamath Architect

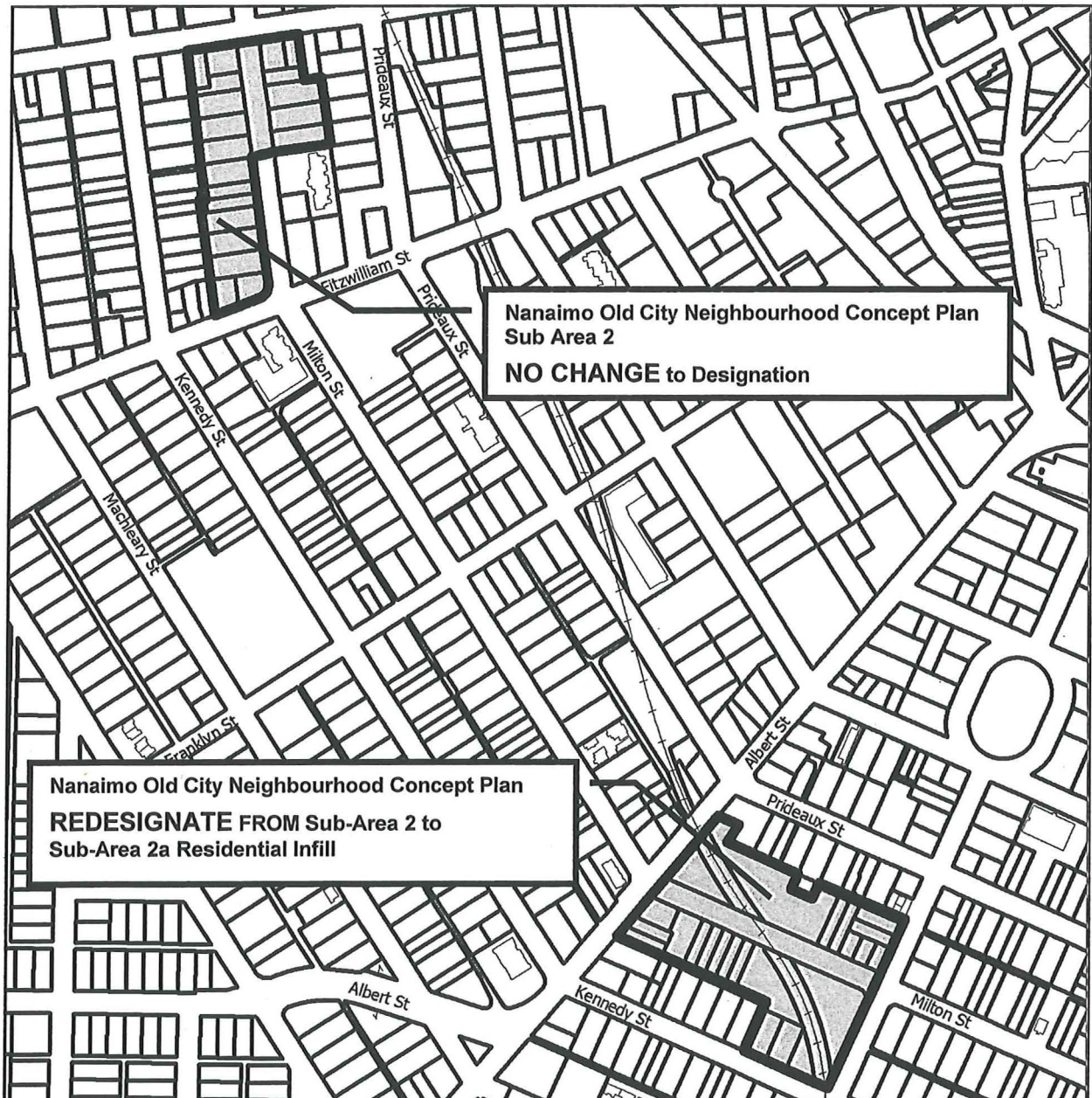
SCHEDULE A

1. Schedule B (Old City Neighbourhood Concept Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

- a) Amending Subsection 4.2.2 Land Use Designations by adding the following after Sub-Area 2. Infill Commercial:

Sub-Area 2a. Residential Infill	Business and professional offices, service commercial uses, and multiple family residential developments.
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- b) Amending Schedule A-7.1 Old City Neighbourhood (Land Use Concept Map) by redesignating the subject area from 'Sub-Area 2' to 'Sub-Area 2a'.



CITY OF NANAIMO

BYLAW NO. 4500.041

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 AMENDMENT BYLAW 2013 NO. 4500.041".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
 - (a) By amending Subsection 11.2.1 by adding "Multiple Family Dwelling", "Live/Work", "Artist Studio", "Daycare", and "Personal Service Use" as a permitted uses within the DT11 zone.
 - (b) By amending Subsection 11.3.1 by deleting the density provision for the DT11 zone and replacing with the following:

Zone	Maximum Allowable Density (Floor Area Ratio)	Additional Density		
		Mixed Use	Tier 1	Tier 2
DT11	0.85	N/A	+0.2	+0.25

- (c) By amending Subsection 11.7.1 by deleting the size of buildings provision for the DT11 zone and replacing with the following:

Zone	Lot Coverage	Maximum Allowable Height	Minimum Required Height
DT11	50%	10.5 m	N/A

PASSED FIRST READING 2013-MAY-13
PASSED SECOND READING 2013-MAY-13
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000306 & RA000307
Address: 533, 537, 555, & 575 Milton Street

CITY OF NANAIMO

BYLAW NO. 6500.020

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
2013 NO. 6500.020".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby
amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING 2013-MAY-13
PASSED SECOND READING 2013-MAY-13
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: OCP00070
Address: Part of 3500 Hillside Avenue
Applicant: Maureen Pilcher & Associates

SCHEDULE A

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

- a) Redesignate the subject area known as part of Lot 1, District Lot 31, Wellington District, Plan EPP25170 (PID 028 986 962) from 'Urban Reserve' to 'Neighbourhood' and 'Parks and Open Space'.



CITY OF NANAIMO

BYLAW NO. 4500.040

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 AMENDMENT BYLAW 2013 NO. 4500.040".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, DISTRICT LOT 31, WELLINGTON DISTRICT, PLAN EPP25170 (3500 Hillside Avenue); and STRATA LOTS 1 - 9, DISTRICT LOT 31, WELLINGTON DISTRICT, STRATA PLAN EPS1074, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (3520, 3516, 3510, 3506, 3502, 3488, 3484, 3480, and 3476 Pacific Edge Way) from Steep Slope Residential (R10) and Urban Reserve (AR2) to Single Dwelling Residential (R1) and Parks, Recreation and Culture One (PRC-1) as shown on Schedule A.

PASSED FIRST READING 2013-MAY-13
PASSED SECOND READING 2013-MAY-13
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000310
Address: 3500 Hillside Avenue and Pacific Edge Way properties

Schedule A



REZONING APPLICATION NO. RA000310

LOCATION PLAN

Civic: 3500 Hillside Ave and 3476,3480, 3484, 3488, 3502, 3506, 3510, 3516 and 3520 Pacific Edge Way



-  Subject Properties
-  Proposed R1 Zone
-  Proposed PRC1 Zone

CITY OF NANAIMO

BYLAW NO. 4500.039

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 2013 NO. 4500.039".

2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

(1) By adding the following definition of "Medical Marihuana Growing and Production":

MEDICAL MARIHUANA GROWING AND PRODUCTION – means the growing and production of marihuana for medical purposes, as permitted under the Marihuana for Medical Purposes Regulation (MMPR), and any subsequent regulations or acts which may be enacted in substitution therefore.

(2) By deleting the definition of "Agriculture" and replacing 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, silviculture and medical marihuana growing and production.

(3) By amending Subsection 13.2.1 by adding 'Medical Marihuana Growing and Production' as a permitted use within the Industrial (I4) Zone.

PASSED FIRST READING 2013-APR-22

PASSED SECOND READING 2013-APR-22

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MOT APPROVAL _____

ADOPTED _____

MAYOR

CORPORATE OFFICER