



NOTICE OF PUBLIC HEARING

2009-MAY-07 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2009-MAY-07**, commencing at **1900 hours (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 1993 NO.4000."

1. BYLAW NO. 4000.449

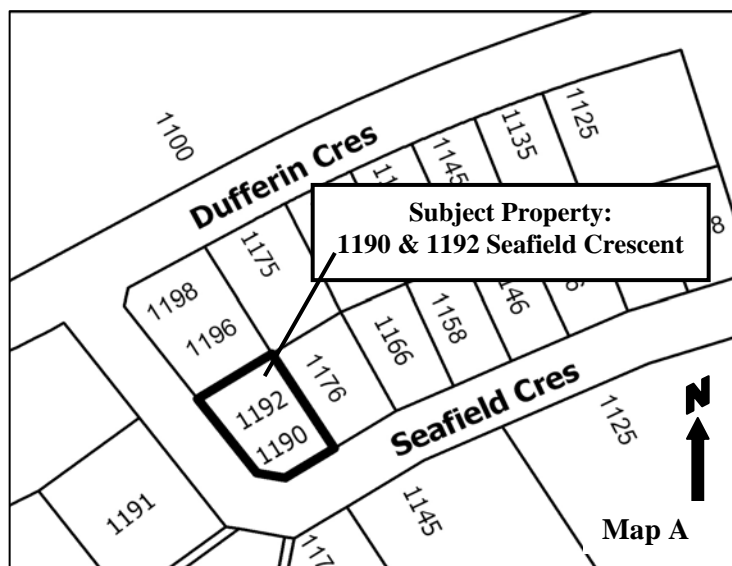
Purpose: To permit use of land for an administrative office.

Location(s): 1190 & 1192 Seafeld Crescent

File No.: RA207

This bylaw, if adopted, will rezone the subject property from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) in order to permit the use of an administrative office for the Vancouver Island Health Authority.

The subject property is legally described as LOT 35, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 18936 and is shown on Map 'A'.



2. BYLAW NO. 4000.452

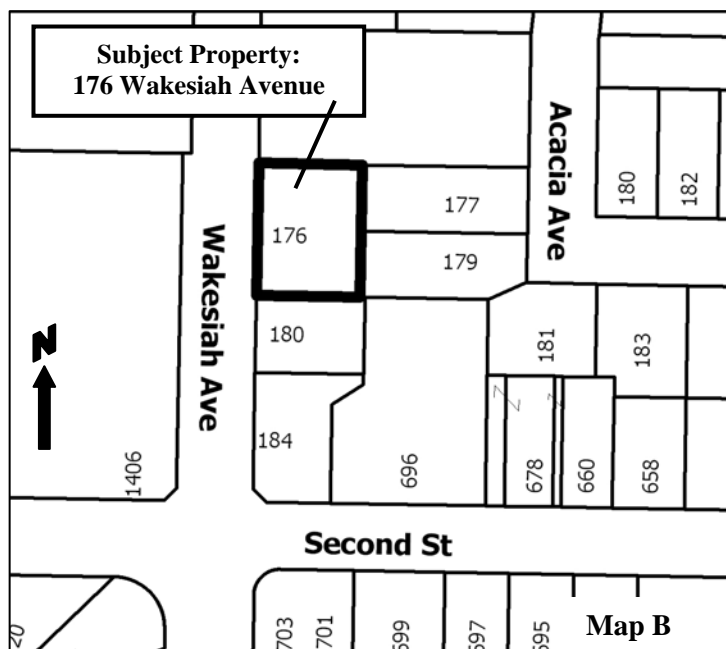
Purpose: To facilitate the subdivision of three single family lots.

Location(s): 176 Wakesiah Avenue

File No.: RA212

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1a) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a 3- lot subdivision.

The subject property is legally described as THE NORTHERLY 130 FEET OF THE WESTERLY 100 FEET OF SECTION 37, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630 and is shown on Map 'B'.



3. BYLAW NO. 4000.453

Purpose: To permit the use of land for a duplex.

Location(s): Part of 5244 Sherbourne Drive

File No.: RA215

This bylaw, if adopted, will rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to permit a duplex.

The subject property is legally described as part of LOT 8, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691 and is shown on Map 'C' (turn to Page 2 of 9).

4. BYLAW NO. 4000.425

Purpose: To amend the Zoning Bylaw to remove references to users of land.

Location(s): N/A

File No.: ZA1-16

This bylaw, if adopted, will amend Zoning Bylaw 1993 No.4000 in order to ensure that the Bylaw does not discriminate between users of the land and instead only regulates the use of the land. The amendments include:

1. Replacing the definition of 'Civic Use' with 'General Institutional Use' as follows:

"GENERAL INSTITUTIONAL USE" – means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; *nature parks*; and *community parks*.

2. Removing various references to users such as 'public' and 'private' from the Bylaw.

5. BYLAW NO. 4000.426

Purpose: To create three new zones for parks within the City of Nanaimo.

Location(s): Various

File No.: Z1-32

This bylaw, if adopted, will:

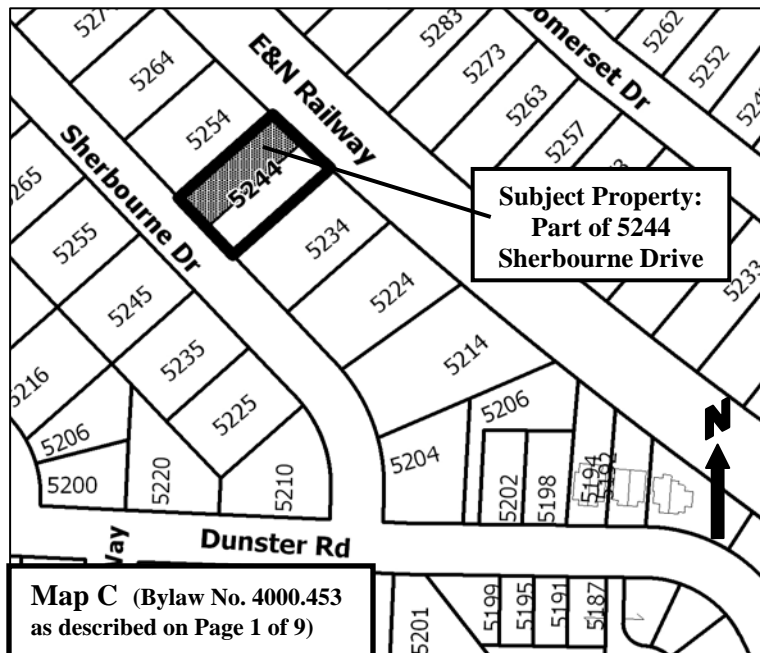
Create three new zones intended to reflect the current and potential use of the park properties as follows:

1. Parks, Recreation and Culture Zone One (PRC-1)
This zone provides opportunities for the conservation and enjoyment of natural spaces within City parks. The zone will allow for recreational and educational uses that are compatible with the natural features within the park.
2. Parks, Recreation and Culture Zone Two (PRC-2)
This zone provides for a park area for the recreational and cultural use and enjoyment by the general public.
3. Parks, Recreation and Culture Zone Three (PRC-3)
This zone provides for organized recreational and cultural activities in developed parks, playfields, or similar recreational facilities.

Add three new definitions to Part 4 - Definitions:

- i) "NATURE PARK" - means use of lands, buildings, or structures primarily for conservation. Uses can include boardwalks, trails, environmentally sensitive areas, nature centres, nature sanctuaries and the like.
- ii) "COMMUNITY PARK" - means use of lands, buildings, and structures for recreation including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, multi-purpose courts and the like.
- iii) "CITY PARK" - means use of the lands, buildings, or structures for participatory recreation and cultural activities including recreational facilities, waterslides, libraries, cultural facilities, golf courses, golf driving ranges, mini putt golf courses, assembly halls, horse riding stables, petting zoos, daycares and the like. This definition shall specifically include accessory uses of restaurant, office, retail, accessory dwelling unit, commercial school, lounge, and neighbourhood pub.

'Nature Parks' will be permitted in all PRC Zones; 'Community Parks' shall be permitted in PRC-2 and PRC-3 zones; and a 'City Park' will only be allowed within the PRC-3 zone.



The following table outlines the proposed zoning and location of existing parks:

Park Zone	Park Name	House	Street
PRC-2	Allison Way Park	3409	Allison Way
PRC-2	Amsterdam Park	5455	Arnhem Terrace
PRC-2	Applegreen Park	309	Applegreen Avenue
PRC-1	Arbot Road Park	2430	Arbot Road
PRC-2	Arbutus Park	291	Rovere Place
PRC-2	Ardoon Place Park	2702	Labieux Road
PRC-2	Barney Moriez Playground	450	Poplar Street
PRC-2	Barrington Park	3740	Rock City Road
PRC-2	Barrington Park	3750	Rock City Road
PRC-2	Barrington Park	3800	Rock City Road
PRC-1	Barsby Park	51	Barsby Avenue
PRC-3	Bastion Square Park	94	Front Street
PRC-1	Beach Estates Park	2140	Departure Bay Road
PRC-2	Beaufort Park	69	Lorne Place
PRC-1/PRC-3	Beban Park	2300	Bowen Road
PRC-1	Ben Gunn Park	120	Cutlass Lookout
PRC-1	Black Beard Park	46	Capt Morgans Boulevard
PRC-2	Black Diamond Park	281	Black Diamond Drive
PRC-2	Bob-O-Link Park	1663	Bob-O-Link Way
PRC-3	Bowen Park	500	Bowen Road
PRC-3	Bowen Park (Parcel X)	400	McKay Avenue
PRC-2	Brackenwood Park	2360	York Crescent
PRC-2	Brackenwood/Briarwood Park	2331	Briarwood Place
PRC-3	Brechin Boat	1890	Zorkin Road
PRC-2	Breonna/Schooner Park	5986	Breonna Drive
PRC-2	Broadway Park	5946	Broadway Road
PRC-1/PRC-2	Brookwood Park	5740	Brookwood Drive
PRC-1	Brookwood Park	4707	Fairbrook Crescent
PRC-2	Browns Lane Park	2350	Brackenwood Place
PRC-1	Bruce Avenue Park	329	Bruce Avenue
PRC-1	Bruce Park	330	Bruce Avenue
PRC-2	Butternut Park	4370	Butternut Drive
PRC-1	Buttertubs Marsh	200	Buttertubs
PRC-1	Buttertubs Marsh West	1780	Jingle Pot Road
PRC-1	Cable Bay Trail & Park	ROW	
PRC-3	Caledonia Park	110	Wall Street
PRC-2	Camcrest Park	2747	Camcrest Drive
PRC-2	Camcrest Park	2784	Sheffield Place
PRC-2	Capilano Playlot 1	910	Capilano Place
PRC-2	Capilano Playlot 2	972	Capilano Place
PRC-1	Captain Flint Park	153	Capt Morgans Boulevard
PRC-1	Captain Hook Park	49	Capt Morgans Boulevard
PRC-1	Captain Morgan Park	A-174	Pirates Lane
PRC-2	Carriage Way Park	5093	Carriage Drive
PRC-2	Carrington Park 1	5708	Carrington Road
PRC-2	Cathedral Grove Park/Parkwood Park	5957	Cathedral Crescent
PRC-1	Cathers Lake Park	2213	Michigan Way
PRC-1	Chase River Estuary Park	1160	Island Highway S.
PRC-1	Chase River Park	845	Park Avenue
PRC-1	Chase River Park	840	Park Ave
PRC-1	Chase River Park	351	Seventh Street
PRC-1	Chase River Park	418	Seventh Street

PRC-1	Chase River Watercourse	708	Bruce Avenue
PRC-1	Chesterlea Park	343	Chesterlea Avenue
PRC-1	Cilaire ParK #2	121	Cilaire Drive
PRC-1	Cilaire Parklot #1	181	Cilaire Drive
PRC-2	Cinnabar Valley Park	2004	Cinnabar Drive
PRC-2	Clarence Way	6074	Clarence Way
PRC-2	Cliffside Park	5527	Cliffside Road
PRC-1	Colborne Park	5380	Colbourne Drive
PRC-2	Colinwood Drive Park	5388	ColinWood Drive
PRC-1	Colliery Dam Park	635	Wakesiah Avenue
PRC-1	Colliery Dam Park	645	Wakesiah Avenue
PRC-2	Cottle Creek Park	605	Nottingham Drive
PRC-2	Country Club Park	3399	Country Club Drive
PRC-2	Country Club Park 1	3058	Rock City Road
PRC-2	Country Club Park 2	2912	Glen Eagle Crescent
PRC-2	Country Hills Drive Park	1899	White Blossom Way
PRC-1	Crescent View Drive Park	1701	Crescent View Drive
PRC-2	Crystal Brook Way	2449	Crystal Brook Way
PRC-3	Dallas Square	85/106	Church Street/Front
PRC-2	Davies Lane Park	123	Davies Lane
PRC-3	Departure Bay Centennial	1420	Bay Street
PRC-3	Departure Bay Centennial	1413	Wingrove Street
PRC-3	Departure Bay Centennial	1415	Wingrove Street
PRC-2	Deverill Square Park	200	Irwin Street
PRC-2	Diver Lake Park	2435	Black Franks Drive
PRC-2	Diver Lake Park	2436	Oriole Drive
PRC-2	Diver Lake Park	2477	Oriole Drive
PRC-2	Diver Lake Park	2440	Black Franks Drive
PRC-2	Diver Lake Park	2430	Black Franks Drive
PRC-1	Dogwood Park	849	Dogwood Road
PRC-2	Doreen Place	565	Doreen Place
PRC-1	Douglas & 8th Parklot	303	Eighth Street
PRC-1	Douglas Park	316	Eighth Street
PRC-1	Douglas Park	320	Eighth Street
PRC-2	Duggan Road Park	2161	Duggan Road
PRC-1	Duke & Robins Parklot	62	Duke Street
PRC-2	Dunbar Park	6636	Green Acres Way
PRC-2	Dunster Park (Brannen Woods)	5445	Dunster Road
PRC-1	Durham Park	423	Pine Street
PRC-1	Eagle view Park	3947	Gulf View Drive
PRC-1	Eagle view Park	3949	Gulf View Drive
PRC-3	Elaine Hamilton Park	1631	Naylor Crescent
PRC-1	Elmwood Park	3977	Elmwood Drive
PRC-2	Emery Way PARK	203	Emery Way
PRC-2	Entwhistle Park	5291	Entwhistle Drive
PRC-2	Entwhistle/Cabriolet Play	5250	Entwhistle Drive
PRC-2	Everest Drive Park	6635	Everest Drive
PRC-2	Fern Road Park	2235	Fern Road
PRC-2	Flagstone Park	1813	Flagstone Road
PRC-2	Forest Drive Park	2035	Forest Drive
PRC-3	Gallows Point Light	208	Colvilleton Trail
PRC-3	Georgia Park	6	Front Street
PRC-3	Georgia Park	18	Front Street
PRC-2	Georgia Triangle	6156	Shoreline Drive

PRC-1	Glen Oaks Park (1)	3655	Glen Oaks Drive
PRC-1	Glen Oaks Park (2)	3760	Glen Oaks Drive
PRC-2	Granite Park	3237	Granite Park Road
PRC-2	Groveland Park	6239	Groveland Drive
PRC-2	Groveland Park	6255	Groveland Drive
PRC-3	Gyro 1 (Comox)	445	Comox Road
PRC-2	Gyro Park	711	Waddington Road
PRC-3	Gyro Youth Park	850	Wentworth Street
PRC-3	Harbourfront Walkway	151	Promenade Drive
PRC-2	Harewood Centennial	740	Howard Avenue
PRC-2	Harewood Centennial	713	Bruce Avenue
PRC-2	Harewood Centennial Park	752	Howard Avenue
PRC-2	Harewood Centennial Park	772	Howard Avenue
PRC-2	Harewood Centennial Park	592	Seventh Street
PRC-2	Harewood Centennial Park	740	Howard Avenue
PRC-2	Harewood Centennial Park	739	Howard Avenue
PRC-1	Harewood Reservoir Park	713	Shorthorn Crescent
PRC-2	Harry Wipper Park	5050	Hammond Bay Road
PRC-2	Hawthorne Park	638	Sarum Rise Way
PRC-1	Hidden Treasure Park	13	Capt Morgans Boulevard
PRC-2	Holland Road Park	190	Holland Road
PRC-1	Horth Park	2745	Horth Road
PRC-1	Invermere Beach Access	6420	Invermere Road
PRC-1	Jack Point / Biggs Park	501	Duke Point Highway
PRC-2	Janes Park	859	BrookField Drive
PRC-2	Jesters Way Park	1392	Jesters Way
PRC-1/PRC-3	Jingle Pot Marsh	1651	Jingle Pot Road
PRC-2	Jingle Pot Park	3849	Jingle Pot Road
PRC-1	Joan Point Park	1080	Phoenix Way
PRC-3	John Weeks Park	1407	Island Highway S
PRC-2	Jordan Avenue Park	4851	Jordan Avenue
PRC-1	Jordan/Nova Park	827	Jordon Ave
PRC-2	Keighley Park	2019	Bay Street
PRC-2	Kenwill Park	5363	Kenwill Drive
PRC-2	Kerry Lane Park	5790	Kerry Lane
PRC-1	Kinette Evergreen Park	451	Ninth Street
PRC-1/PRC-2	Kinette Evergreen Park	1085	Park avenue
PRC-3	Kinsman Park	2730	Departure Bay Road
PRC-2	Knowles Park	68	Rainer Street
PRC-2	Knowles Park	76	Rainer Street
PRC-1	Koram Park	1610	Townsite Road
PRC-1	Labieux Park	2522	Labieux Road
PRC-2	Lagoon parklot	3710	Lagoon Road
PRC-2	Laguna 2	5310	Laguna Way
PRC-2	Laguna Park	4680	Laguna Way
PRC-2	Lakeside Park	6061	Garside Road
PRC-1	Lakeview Park	4351	Lakeview Road
PRC-1	Lakeview Park	4361	Lakeview Road
PRC-2	Lancashire Park	2106	Lancashire Avenue
PRC-2	Landmark Park	4000	Landmark Crescent
PRC-2	Lewis Park	6466	Lewis Road
PRC-1	Linley Valley (Cottle Lake) Park	3669	Rock City Road
PRC-1	Long John Silver Park	12A	Capt Kidds Terrace
PRC-2	Loudon Park	4295	Victoria Crescent

PRC-1	Loudon Walkway	4295	Victoria Crescent
PRC-3	Maffeo Sutton Park	50	Arena Street
PRC-3	Maffeo Sutton Park	72	Arena Street
PRC-3	Maffeo SuttonPark	10	Comox Road
PRC-2	Malibu Park	5685	Alder Way
PRC-2	Malibu Park	5747	Malibu Terrace
PRC-2	Malibu Park	5625	Porpoise Place
PRC-2	Mansfield Park	800	St Andrews Street
PRC-3	May Richards Bennett Park	6700	Dover Road
PRC-3	McGirr Park	6175	McGirr Road
PRC-2	McGirr Park	6277	McGirr Road
PRC-3	McGirr Park	6155	McGirr Road
PRC-2	McGirr Park	6257	McGirr Road
PRC-3	McGirr Park	6211	McRobb Avenue
PRC-3	Mcgregor Park	126	Front Street
PRC-2	Mckinnon Place Park	153	McKinnon Place
PRC-2	Millstone Park I	301	Millstone Avenue
PRC-2	Millstone Park II	680	Riverside Drive
PRC-1	Molly's Marsh	3700	Cavendish Place
PRC-1	Molly's Marsh	3742	Cavendish Place
PRC-2	MonasheePark	6040	Monashee Way
PRC-2	Montclair Park	1155	Tralee Road
PRC-2	Morningside Park	1001	Morningside Drive
PRC-1	Morrell Sanctuary	941	College Drive
PRC-1	Morrell Sanctuary	731	Dogwood Road
PRC-1	Morrell Sanctuary	787	Nanaimo Lakes Road
PRC-1	Morrell Sanctuary	201	Dogwood Road
PRC-3	Nanaimo Aquatic Center	741	Third Street
PRC-1	Nanaimo River Estuary		
PRC-1	Nanaimo River Estuary	901	Raines Road
PRC-1	Neck Point	4000	Shores Drive
PRC-1	Neck Point Park	1055	Morningside Drive
PRC-1/PRC-3	NIC	750	Third Street
PRC-1	Ninth Street Park	221	Ninth Street
PRC-1	Ninth Street Park	230	Ninth Street
PRC-2	Nob Hill Park	400	Milford Crescent
PRC-2	Norasea Park	5651	Norasea Road
PRC-2	Northfield Nature Park	2667	Starlight Trail
PRC-2	Northfield Rotary Lookout Park	2450	Northfield Road
PRC-2	Nottingham Drive Park	356	Nottingham Drive
PRC-2	Nottingham Park 2	454	Nottingham Drive
PRC-2	Nottingham Park 3	457	Nottingham Drive
PRC-2	Nova Park	536	Nova Street
PRC-2	Noye Road / Big Bear Park	5521	Noye Road
PRC-3	Oliver Road Park	6000	Oliver Road
PRC-2	Orchard Circle Park 1	4117	Orchard Circle
PRC-2	Orchard Circle Park 2	4154A	Orchard Circle
PRC-1	Park	724	Park avenue
PRC-1	Park Gully	2930	Haliday Crescent
PRC-2	Parkway Drive Park	6030	Parkway Drive
PRC-2	Parkway Park	6150	Parkway Drive
PRC-2	Pawson (Gyro) Park	410	Machleary Street
PRC-2	Pearson Park	ROW	Terminal Avenue
PRC-3	Piper Park	100	Cameron Road

PRC-1	Pipers Lagoon Park	3600	Place Road
PRC-2	Pirates Park	119a	Pirates Lane
PRC-1/PRC-2	Planta Park	3455	Planta Road
PRC-2	Pleasant Valley Park	6150	Doumont Road
PRC-2	Queen Elizabeth II Prm	ROW	Newcastle Avenue
PRC-2	Rafter Road Park	6074	Icarus Drive
PRC-2	Railway Park	730	Connaught Avenue
PRC-2	Railway Park	699	Railway Avenue
PRC-2	Ranchview Park	159	Ranchview Drive
PRC-2	Ranchview Park	165	Ranchview
PRC-1	Ravine Park Access	2669	Labieux Road
PRC-1	Richards Marsh Park	1729	Idaho Place
PRC-1	Richards Marsh Park	1920	Kells Bay
PRC-1	Richards Marsh Park	75	Porter Road
PRC-1	Richards Marsh Park	9	Ranchview Drive
PRC-1	Roberta Road Park	15	Roberta Road East
PRC-2	Robins Park	620	Park Avenue
PRC-1	Rocky Point 1	5021	Winchelsea Place
PRC-2	Rocky Point 2	5026	Winchelsea Place
PRC-1	Rosamond Park	1	Rosamond Park
PRC-2	Rosstown Road Park	2443A	Rosstown Road
PRC-2	Roxanne Park	4780	Roxanne Drive
PRC-2	Rutherford 2 Park	5633	Rutherford Road
PRC-1	Rutherford Park	5305	Rutherford Road
PRC-1	Rutherford Park	6002	Nelson Road
PRC-1	Rutherford Park	5317	Rutherford Road
PRC-1	Ryan Road Park	270	Ryan Road
PRC-2	Salal Park	4095	Salal Drive
PRC-2	Sandra Rd. Park	3682	Sandra Road
PRC-2	Saxer Park	6500	Dover Road
PRC-2	Schook Park	6748	Schook Road
PRC-2	Seabold Road Park	6695	Seabold Road
PRC-1	Sealand Park	6209	Sealand Road
PRC-1	Sealand Park	5901	Waldbank Road
PRC-1	Sealand Park	6100	Sealand Road
PRC-2	Sechelt/Icarus Drive Park	5981	Icarus Drive
PRC-2	Sechelt/Icarus Drive Park	6238	Sechelt Drive
PRC-2	Sechelt/Icarus Drive Park	6026	Waldbank Road
PRC-1/PRC-3	Serauxman Fields	850	Third Street
PRC-2	Shadow Mntn. Park	6021	Hammond Bay Road
PRC-2	Shaughnessy Park	630	Shaughnessy Place
PRC-1	Shenton Park	3831	Shenton Road
PRC-2	Sheridan Ridge Park	4695	Sheridan Ridge
PRC-2	Sierra Park	6051	Sierra Way
PRC-1	Smugglers Park	86	Capt Morgans Boulevard
PRC-2	Smugglers Park	116	Capt Morgans Boulevard
PRC-2	Smugglers Park	120	Capt Morgans Boulevard
PRC-2	Smugglers Park	124	Capt Morgans Boulevard
PRC-2	Smugglers Park	128	Capt Morgans Boulevard
PRC-2	Southampton Rd Park	6544	Southampton Road
PRC-2	Springfield Place Park	5373	Fillinger Crescent
PRC-1	St. George Ravine Park	980	Terminal Avenue
PRC-2	Staffordshire Park	2810	Staffordshire Terrace
PRC-1	Stephenson Point Park	3263	Stephenson Point Road

PRC-1	Stirling/Deering Park	850	Stirling Avenue
PRC-1	Stirling/Deering Park	840	Stirling Avenue
PRC-1	Sugarloaf Mtn Park	3160	Marion Way
PRC-1	Sun Valley Drive Park	2268	Sun Valley Drive
PRC-2	Sunrise Place Park	3675	Sunrise Place
PRC-1	Tamara/Goldfinch Park	2817	Tamara Drive
PRC-1	Taylor Place Park	273	Wakesiah Avenue
PRC-2	Theresa Terrace Park	2599	Theresa Crescent
PRC-2	Thunderbird Park 1	1100	Thunderbird Drive
PRC-2	Thunderbird Park 2	1130	Thunderbird Drive
PRC-2	Trailway between Hammond Bay and lane	5431	Hammond Bay Road
PRC-2	Tralee Park	1620	College Drive
PRC-2	Trillium Park	3960	Trillium Lane
PRC-2	Trinity Park	380	Cariboo Drive
PRC-2	Turner/Carlton Park	5697	Turner Road
PRC-2	Uplands Park 1	3608	Uplands Drive
PRC-2	Uplands Park 1	3597	Hillside Avenue
PRC-1	Valley Oak Park	1900	Jingle Pot Road
PRC-1	Walley Creek Trail Park	4665	McGuffie Road
PRC-1	Walley Creek Trail Park	4751	Vista View Crescent
PRC-1	Walley Creek Trail Park	5230	Williamson Road
PRC-1	Walley Creek Trail Park	4885	Logan's Run
PRC-2	Wardropper Park	2957	Departure Bay Road
PRC-1	Waterfront Park	4986	Fillinger Crescent
PRC-2	Wellington Park	3170	Ross Road
PRC-2	Wessex Lane Park	364	Wessex Lane
PRC-2	Westdale/Leslie Park	5409	Westdale Road
PRC-2	Westhaven Park(Bayshore)	5323	Bayshore Drive
PRC-2	Westhill Park	2361	Westhill Place
PRC-1	Westwood Lake Park	1655	College Drive
PRC-2	Westwood Lake Park	1675	College Drive
PRC-1	Westwood Lake Park	150	Dogwood Road
PRC-1	Westwood Lake Park	3850	Kilpatrick Road
PRC-1/PRC-2	Westwood Lake Park	3900	Kilpatrick Road
PRC-1	Westwood Lake Park	3940	Kilpatrick Road
PRC-2	Westwood Lake Park	395	Westwood Road
PRC-2	Westwood Lake Park	397	Westwood Road
PRC-2	Westwood Lake Park	399	Westwood Road
PRC-1	Westwood Lake Park	2431	Arbot Road
PRC-1	Westwood Lake Park	3800	Kilpatrick Road
PRC-1	Westwood Lake Park	3700	Kilpatrick Road
PRC-1	Westwood Lake Park	2431	Arbot Road
PRC-2	Westwood Lake Park	381	Westwood Road
PRC-1	Westwood Lake Park	1555	College Drive
PRC-1	Westwood Lake Park	3890	Kilpatrick Road
PRC-1	Westwood Ravine Park	2243	Arbot Road
PRC-1	Westwood Ravine Park	2245	Arbot Road
PRC-2	Westwood Ravine Park	284	Westwood Road
PRC-1	Westwood Ravine Park	310	Westwood Road
PRC-1	Westwood Ravine Park	372	Westwood Road
PRC-2	Wexford Park	2322	Glenford Place
PRC-2	Williamson Park	5250	Williamson Road
PRC-2	Williamson Park	5240	Williamson Road
PRC-1	Woodstream Park	1555	Bay Street

PLEASE NOTE full details of the above-noted bylaws are available at the City of Nanaimo Development Services Department, located at 238 Franklyn Street.

The above bylaws, relevant staff reports, and other background information may be inspected, between 8:00 am and 4:30 pm, Monday through Friday, excluding statutory holidays, in the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, BC.

All persons who believe their interest in property is affected by the proposed bylaws shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaws No. 4000.449, 4000.452, 4000.453, 4000.425, and 4000.426 at the Public Hearing.

Please note the following:

Written submissions may be sent to the City of Nanaimo, Development Services Department, 455 Wallace Street, Nanaimo, BC V9R 5J6.

Electronic submissions (email) should be sent to **public.hearing@nanaimo.ca**, or submitted online at **www.nanaimo.ca**. These submissions must be received no later than 4:00 pm, 2009-MAY-07, to ensure their availability to Council at the public hearing.

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.

**For more information, please contact the City of Nanaimo Development Services Department
Phone: (250) 755-4429 ♦ Fax: (250) 755-4439 ♦ Website www.nanaimo.ca
238 Franklyn Street, Nanaimo, BC V9R 5J6**

CITY OF NANAIMO

BYLAW NO. 4000.449

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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:

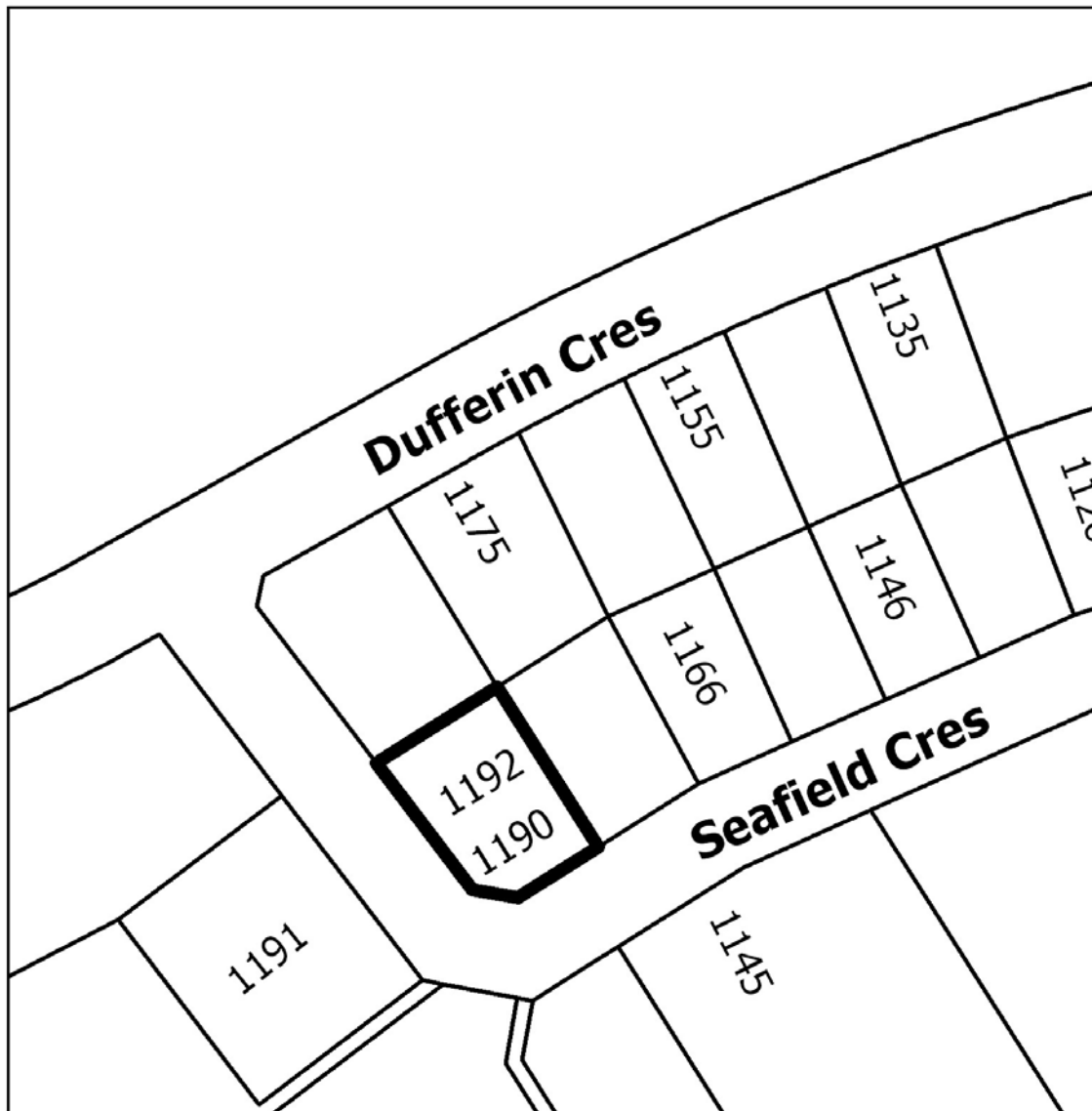
1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.449".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 35, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 18936 from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) as shown on the attached Schedule "A".

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
COVENANT REGISTERED _____
MINISTRY OF TRANSPORTATION APPROVAL _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

SCHEDULE A



File: RA000207
Civic: 1190 / 1192 Seafeld Crescent

LOCATION PLAN



2009-MAR-30

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: RA207 – 1190 & 1192 SEAFIELD CRESCENT

STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.449"; and
2. direct Staff to register a covenant to restrict use of the site and to secure landscaping improvements.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from David Poiron, on behalf of the Vancouver Island Health Authority (VIHA), to rezone the subject property from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) in order to permit the use of administrative offices. Staff support the application and recommend that Council approve the proposed rezoning.

BACKGROUND:

Subject Property and Surrounding Area

The subject property is located on the north side of Seafield Crescent with an approximate area of 931 m² (0.2 acres) (Schedule 'A'). The site is approximately 65 metres (213 feet) southeast of the Nanaimo Regional General Hospital and is currently occupied by a two storey duplex building. The Vancouver Island Health Authority (VIHA) currently occupies the building. A mix of uses surround the subject property including single family residential, multi-family, seniors housing, and commercial sites.

Official Community Plan (OCP)

The property falls within the Urban Node (Hospital) designation according to Map '1' of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Development form will recognize the hospital area as the core district for health services for the city and mid-Island region.
- Future health-related professional offices and services shall be encouraged to locate in the Hospital Urban Node.
- Parking and traffic issues in the Hospital Urban Node are recognized, and the development or redevelopment of lands within the node must provide for the safe and efficient movement of non-automobile travelers.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2009.APR.06

- New development or redevelopment of the lands within the Hospital Urban Node will contain measures to minimize any traffic impact on existing neighbourhoods and local roads.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) in order to permit the use of an administrative office for VIHA (Schedule 'B'). VIHA will make the necessary upgrades to convert the existing residential building to an office. The gross floor area of the existing building is approximately 426.6 m² (4,591.88 ft²).

The proposed Landscape Plan (Schedule 'C'), which consists of incorporating a hedge along the site frontage and several trees, combined with the existing landscaping generally meets the objectives of the landscaping and screening section of the Zoning Bylaw. Staff recommend that the Landscape Plan be secured via covenant and that bonding be provided as a condition of rezoning.

A total of 19 parking spaces are required for the proposed office use, however, the applicant has demonstrated that only 6 onsite parking spaces can be accommodated, a difference of 13 spaces. The proposed parking is considered acceptable as the office will operate in conjunction with the Nanaimo Regional General Hospital, which would provide for additional parking opportunities and the general public will not be accessing the site as the office is for administrative purposes. In addition, Staff recommend that as a condition of rezoning a covenant be registered to restrict the use of the site to 'Administrative Office'.

The proposed rezoning does not comply with two requirements of the P-2 Zone: lot area and yard requirements. Zoning Bylaw requirements are not varied through the rezoning process, however for the purposes of this rezoning, Staff is supportive in principle, and has provided the following details for Council's information:

Lot Area: The minimum lot area is 1,800 m² (19,376 ft²), however, the area subject site measures 928 m² (9,997 ft²); a difference of 872 m² (9,379 ft²).

Yard Requirements: The front and rear yard setbacks are required to be 6 metres (19.7 ft) and 7.5 metres (24.6 ft), respectively; a difference of 0.4 metres for the front yard and 2.1 metres for the rear yard.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant believes the services provided by the Vancouver Island Health Association serve as an ongoing community contribution. In addition, VIHA is improving the site landscaping at an estimated cost of \$3000.

Staff support this proposal and recommend that Council direct Staff to secure the landscaping improvements.

Rezoning Advisory Committee (RAC)

At its meeting of 2008-MAY-15, RAC recommended that the application be approved as presented. Staff concur with this recommendation and recommend that Council support the proposed rezoning.

Respectfully submitted,

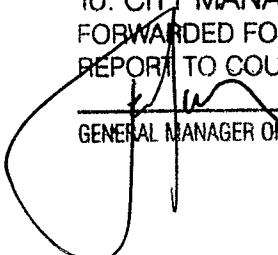


D. Lindsay
Manager, Planning Division
Development Services Department

A. Tucker
Director of Planning
Development Services Department

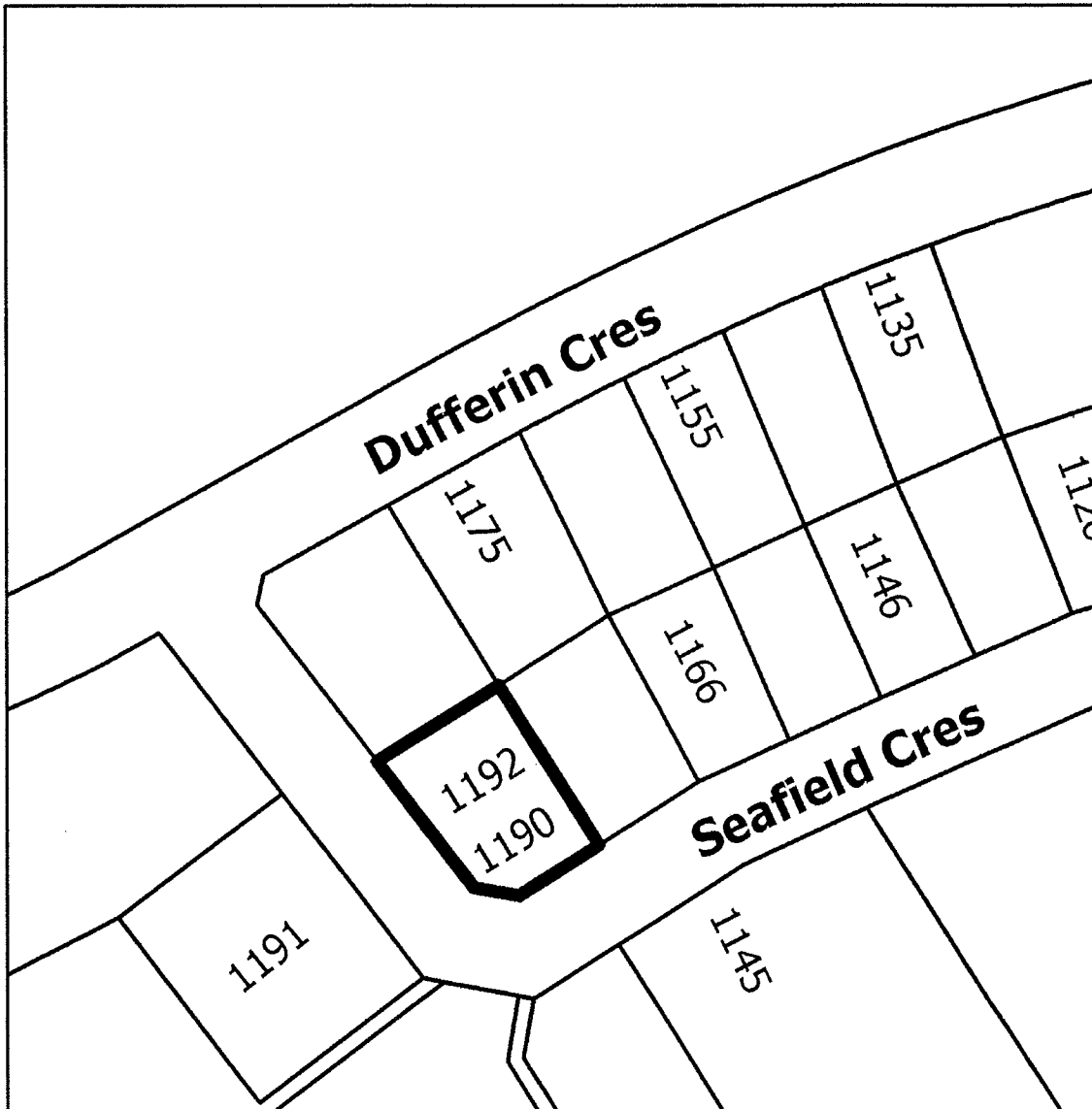
SH/pm
Council: 2009-APR-06
Prospero: RA207

TO: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL



GENERAL MANAGER OF DEVELOPMENT SERVICES

SCHEDULE A



File: RA000207

Civic: 1190 / 1192 Seafield Crescent

LOCATION PLAN



Project Data

Legal Description

Lot 35, District Lot 97G, Newcastle Reserve,
Section 1, Nanaimo District, Plan 18936

Civic Address

1190 and 1192 Seafield Crescent

PID

PID 003-813-673

Proposed

Existing / Required

Zoning	RM1	P2
Lot Size	19,376 sf	9,997 sf *
Density (GFALot Size)	one duplex	n/a
Lot Coverage	40.00 %	21.59 %
Setbacks		
Front	19.7 feet	18.4 feet *
Rear	24.6 feet	17.7 feet *
Side	13.1 feet	28.2 feet
Side (Flanking)	19.7 feet	31.5 feet
Building Height	39.4 feet	23.0 feet

*variance required

Location Plan



Not To Scale

Copyright reserved. All information of services shown plans and designs are and as of date remains the property of David Poiron Architect Inc. to be used only once for the project shown and may not be reproduced without consent.

David Poiron ARCHITECT INC.	Site Plan; Project Data; Location Plan	Scale	Drawn	Checked
David M. Poiron, M.A.S.C. B.E.S. M.A.S.T. 200-718-1983 phone 200-718-1987 fax 200-718-1985 email david@poironarchitect.com	Project Number and Name 0719 Seafield Offices	n/a	dp	dp
Issue 14 - Issued for Rezoning Application	Date 2008.04.10			
	Revision			

Note: dimensions in metres

Site Plan

scale: 1:200

A1.1

NOT FOR CONSTRUCTION - FOR REVIEW ONLY

CITY OF NANAIMO

BYLAW NO. 4000.452

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 2009 NO. 4000.452".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as THE NORTHERLY 130 FEET OF THE WESTERLY 100 FEET OF SECTION 37, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630 from Single Family Residential Zone (RS-1a) to Single Family Residential Small Lot Zone (RS-6) as shown on the attached Schedule "A".

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

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000212
Address: 176 Wakesiah Avenue

SCHEDULE A



File: RA000212
Civic: 176 Wakesiah Avenue

LOCATION PLAN

 **Subject
Property**

2009-APR-14

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: RA212- 176 WAKESIAH AVENUE

STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.452"; and
2. direct Staff to secure the road dedication and the proposed community contribution as conditions of rezoning.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Neil Cleave to rezone the subject property from Single Family Residential Zone (RS-1a) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a 3-lot subdivision. Staff support the application and recommend that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is located on the east side of Wakesiah Avenue approximately 60 metres (196.85 feet) north of the Second Street intersection (Schedule 'A'). The approximate area of the existing subject property is 1,217 m² (0.3 acres) and is occupied by a newly constructed single family dwelling. West of property, across the street, is the Hawthorne mixed use development. A church is located north of the site, and single family lots are located to the east and south.

Official Community Plan (OCP)

The property is designated as 'Corridor' according to Map 1 of the Official Community Plan (OCP). The proposed development is considered to contribute to a mix of residential forms in the surrounding area and will increase the density of the site from one dwelling to three new single family lots.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Single Family Residential Zone (RS-1a) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a 3-lot subdivision of the property. The existing dwelling, recently constructed, will remain on one of the RS-6 lots, and two new RS-6 lots will be created.

All of the proposed lots meet the lot area, lot dimensions, and yard requirements of the RS-6 Zone (Schedule 'B'). A shared vehicle access is proposed for lots B & C.

Road Dedication

The ultimate road design of Wakesiah Avenue requires road dedication be provided from the subject property in the amount of 2.38 metres (7.8 feet). As such, staff recommend that road dedication be secured as a condition of rezoning.

Community Contribution

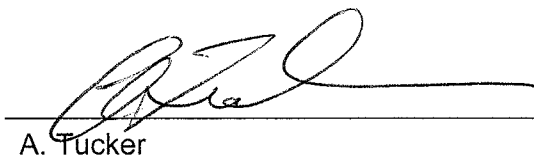
As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a \$2,000 monetary contribution towards the City of Nanaimo Housing Legacy Fund.

Staff support this proposal and recommend that Council direct Staff to secure the community contribution.

Respectfully submitted,



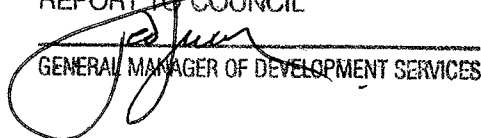
D. Lindsay
Manager, Planning Division
Development Services Department



A. Tucker
Director of Planning
Development Services Department

SH/pm
Council: 2009-APR-20
Prospero: RA212

To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL


GENERAL MANAGER OF DEVELOPMENT SERVICES

SCHEDULE A

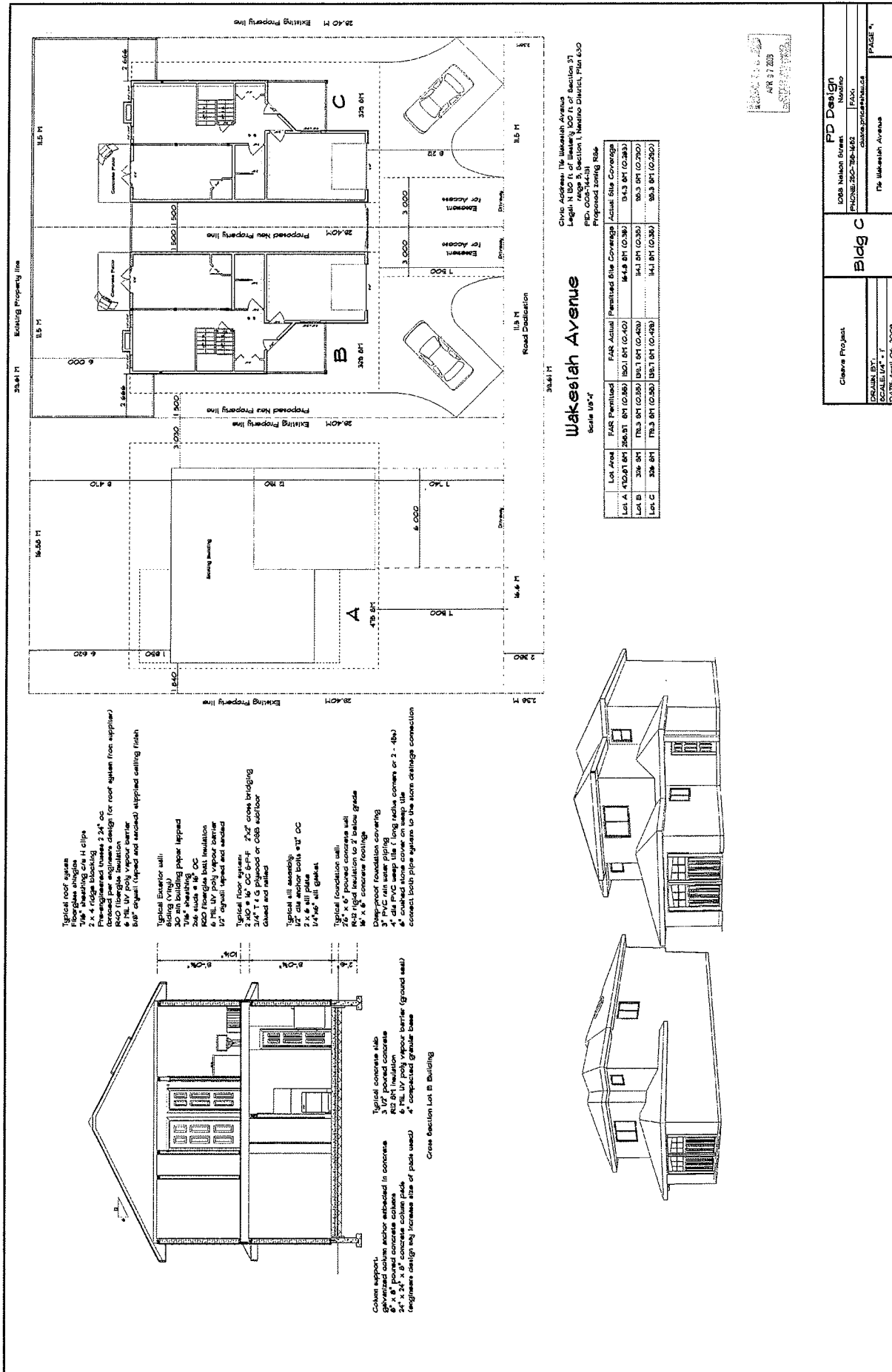


File: RA000212
Civic: 176 Wakesiah Avenue

LOCATION PLAN

 Subject Property

SCHEDULE B



CITY OF NANAIMO

BYLAW NO. 4000.453

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 2009 NO. 4000.453".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as part of LOT 8, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691 from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) as shown on the attached Schedule "A".

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
APPROVED BY THE MINISTRY OF TRANSPORTATION _____
ADOPTED _____

MAYOR



DIRECTOR,
LEGISLATIVE SERVICES

SCHEDULE A



File: RA000215
Civic: 5244 Sherbourne Drive

LOCATION PLAN

-  **Subject Property**
-  **Portion to be Rezoned**

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: RA215 – 5244 SHERBOURNE DRIVE

STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.453"; and
2. direct Staff to secure the proposed community contribution as a condition of rezoning.

EXECUTIVE SUMMARY:

The City has received an application from Beg Holdings Ltd. to rezone a portion of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to construct a duplex. Staff support the application and recommend that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is presently occupied by an existing mobile home and is approximately 1,499 m² (0.37 acres) in area (Schedule 'A'). The property is located within an established residential neighbourhood which is comprised of primarily single-family lots. The E&N railway is located to the rear of the property.

Official Community Plan (OCP)

The property is designated as 'Neighbourhood' according to Map 1 of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Development in neighbourhoods will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in two to four storey building forms, will be supported in neighbourhoods.
- The development or redevelopment of lands within existing 'Neighbourhood' designated areas shall consider the surrounding context, including architecture, scale, densities, and lot and lane configuration, when creating innovative designs which fit a variety of housing forms and enhance the liveability of the area.
- The infill of residential lots is encouraged and will be designed to compliment existing neighbourhood character, including the ground oriented nature of existing housing.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant is proposing to rezone a portion of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to construct a duplex (Schedule 'B'). Preliminary approval has been given to subdivide the site into two fee simple RS-3 lots, the rezoning relates to proposed lot A. The existing mobile home will remain on Lot B and a duplex is proposed for Lot A. The proposed development complies with RM-1 Zone requirements.

Community Contribution

As outlined in Section 7.3 of the Official Community Plan (OCP), in exchange for value conferred on land through rezoning, the applicant should provide a community contribution. In response to this policy, the applicant is proposing a \$1,000 monetary contribution towards the City of Nanaimo's Housing Legacy Fund.

Staff support this community contribution proposal and recommend that this item be secured as a condition of rezoning.

planNanaimo Advisory Committee (PNAC)

At its meeting held 2009-MAR-24, PNAC recommended that the application be approved as presented.

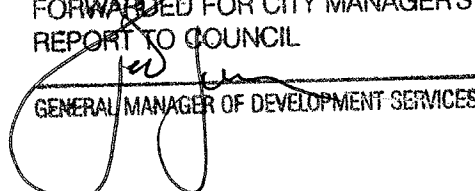
Respectfully submitted,


D. Lindsay
Manager, Planning Division
Development Services Department


A. Tucker
Director of Planning
Development Services Department

SH/pm
Council: 2009-APR-20
Prospero: RA215

TO: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL


GENERAL MANAGER OF DEVELOPMENT SERVICES

LOCATION PLAN



**Portion to
be Rezoned**

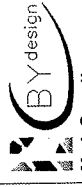
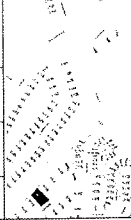
SCHEDULE B

SHERBOURNE DR. REZONING DUPLEX

Parcel: 07002-011
 Project: 15 SHERBOURNE DRIVE
 Size: 37 ACRES PID: 000-441-181
 Legal Description: LOT 8, SECTION 4, RANGE
 4, WELLINGTON DISTRICT, PLAN 21891, MRR
 90181 EXEMPT, 2005
 WINFIELD/OKANAGAN
 LOT "A"

Zoning: SINGLE FAMILY MOBILE HOME
 RESIDENTIAL ZONE - RS-3
 PROPOSED REZONING TO RM-1
 RESIDENTIAL DUPLEX ZONE

SIZE	AREA	PERMITS
2nd Floor	1,300 sq. ft.	
1st Floor	1,300 sq. ft.	
TOTAL	2,600 sq. ft.	



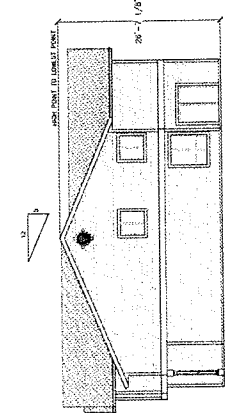
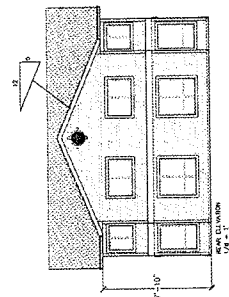
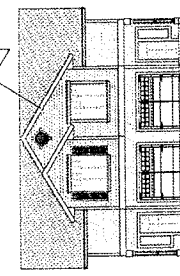
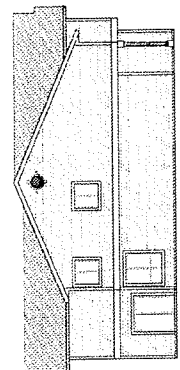
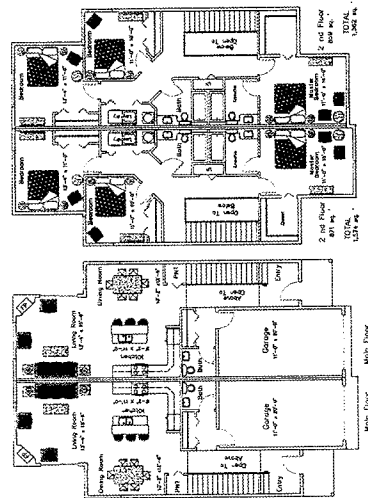
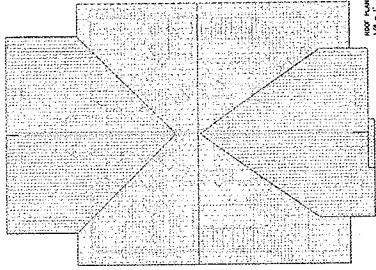
PROJECT CONSULTANT
 4821 Parkway Dr., Nanaimo, B.C. V9T 1G2
 (250) 750-1027 Fax: (250) 750-1027 Cell
 email: markgarrettbydesign@yahoo.com

Mark Garrett, the principal designer of this plan, is a member of the British Columbia Association of Professional Engineers and Geoscientists. He is also a member of the American Society of Professional Engineers and the American Society of Civil Engineers. He has over 20 years of experience in the design and construction of residential and commercial buildings. He is a registered professional engineer and geoscientist in the Province of British Columbia.

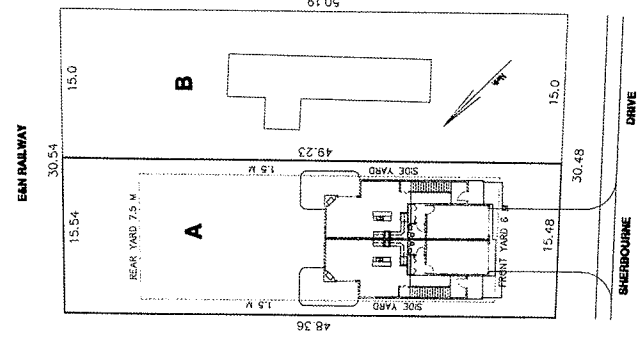
PERMITS	MARK GARRETT
DATE	1/1/11
SCALE	1/8" = 1'
PROJECT NO.	21891-011

REVISIONS

Plans



SITE STATISTICS
 TYPICAL
 1 ATTACHED DUPLEX
 DENSITY
 2 UNITS
 LOT AREA 7500 A SQ.
 F.A.R. 281.34, LIVABLE 38
 LOT COVERAGE 184.88 SQ. * 24.5 %
 BUILDING HEIGHT (MAIN) 26' 7 1/8"
 PARKING
 4 CAR



SITE PLAN
 1/8" = 1'

CITY OF NANAIMO

BYLAW NO. 4000.425

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 2007 NO. 4000.425".

2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:

(1) By deleting Section 3.5 and replacing with the following:

3.5 LOT AREA EXEMPTIONS

Lot area requirements do not apply to a lot created for an unattended utility. Unattended shall mean there is no attendant or employee present on the lot.

(2) By deleting Subsection 3.6.1. and replacing with the following:

3.6.1 The following uses are permitted in all zones:

3.6.1.1. *General Institutional Uses* subject to the regulations contained in the (P-2) Public Institution Zone.

3.6.1.2. Utility corridors including highways, gas lines, telephone lines, electrical lines, and railways.

3.6.1.3. Unattended utility buildings. In this case, unattended shall mean there is no attendant or employee present on the lot.

3.6.1.4. Nature Sanctuary

(3) By deleting the definition of "Civic Use" from Section 4.1

(4) By adding the following definition of "General Institutional Use" in Section 4.1:

"GENERAL INSTITUTIONAL USE"- means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; *nature parks*; and *community parks*.

- (5) By deleting the definition of “Highway” from Section 4.1 and replacing with the following:

“HIGHWAY”- includes a street, path, walkway, trail, lane, bridge, road, thoroughfare and any other transportation right-of-way, but does not include a place or passageway used exclusively by pedestrian or cycle traffic. Highway includes common access within a bare land strata plan which has been subdivided pursuant to the Strata Property Act, but does not include other private rights-of-way on private property.

- (6) By deleting the definition of “Nature Centre” from Section 4.1 and replacing with the following:

“NATURE CENTRE”- means the use of land, buildings or structures for the use of educational programs and tours, special events and exhibits, galleries and theatres, and accessory offices, and operated accessory to a *Nature Sanctuary*

- (7) By deleting the definition of “Nature Sanctuary” from Section 4.1 and replacing with the following:

“NATURE SANCTUARY”- means the non-commercial use of land, buildings or structures for the preservation of plant and animal life and may also include, as accessory uses, *Nature Centre* and *Caretaker’s Dwelling Unit*.

- (8) By deleting the definition of “Public Utilities” from Section 4.1 and replacing with the following:

“UTILITIES”- means the use of lands, buildings or structures for utilities which furnish services and facilities available at approved rates to or for the use of the inhabitants of the City. Such services and facilities shall be limited to the production, transmission, delivery or furnishing of water, gas, electricity or communication to the public; collection and disposal of sewage, garbage, and other waste; local transportation by bus, trolley, or other vehicle which operate scheduled services for the public at large.

- (9) By deleting the definitions of “School- Private” and “School- Public” and adding the following definition of “School- Academic” to Section 4.1:

“SCHOOL- ACADEMIC”- means an institution with no residential component or temporary accommodation, providing a curriculum for academic instruction up to completion of Grade 12, and which consists of a body of students organized as a unit for educational purposes. Students attending the school shall have an opportunity to earn a diploma provided by the British Columbia Ministry of Education.

- (10) By deleting the definition of “School- Commercial” from Section 4.1 and replacing with the following:

“SCHOOL- COMMERCIAL”- means the use of land and buildings as a school conducted for hire or gain other than an *academic school*, and includes a dance studio, an art school, golf school, school of callisthenics, business school, language school, music school, martial arts school, animal training, computer training centre, and any other specialized school conducted for hire or gain.

- (11) By deleting the definition of “Park” from Section 4.1

- (12) By deleting the definition of “Private Restaurant” from Section 4.1

- (13) By deleting the definition of “Private Recreational Facility” from Section 4.1

- (14) By deleting the definition of “Micro- Brewery” from Section 4.1 and replacing with the following:

“MICRO- BREWERY”- means a small scale brewery dedicated to producing low volumes of high quality beer for sale to a number of licensed establishments and/or licensed liquor stores, but often confined to a relatively small geographic area.

- (15) By deleting the definition of “Private Hospital” from Section 4.1 and replacing with the definition of “Hospital”

“HOSPITAL”- means a use or intended use of lands and buildings as defined in the Hospital Act.

- (16) By deleting the definition of “Caretaker’s Dwelling Unit” from Section 4.1

- (17) By removing the permitted use “Caretaker’s Dwelling Unit” from Subsections 8.2.1, 8.3.1, 9.13.1, 10.2.1, 10.3.1, 11.2.1, 11.3.1, 11.4.1, 11.5.1, and replacing it with “Accessory Dwelling Unit”

- (17) By deleting Subsection 5.6.1.1 and replacing with the following:

5.6.1.1. Temporary structures or buildings erected for the purpose of:

- (a) temporary office space in a zone permitting the office use subject to other requirements of this Bylaw; or
- (b) shelter for construction or maintenance crews; or
- (c) temporary buildings or structures for the housing of a security guard or night watchman; or
- (d) sales office for subdivision, provided the office does not exceed a gross floor area of 70 square metres (753.5 square feet); or
- (e) the storage of materials for the construction or maintenance of any utility, or a building or structure for which a required building permit has been obtained; provided the temporary structure or building is removed within 30 days of completion of the

permanent utility, building or structure or 12 months after the temporary building is erected or installed, whichever is the lesser period.

- (18) By deleting Subsection 5.6.1.2 and replacing with the following:

Temporary buildings or structures for classrooms on property zoned for *academic schools* and subject to the parking requirements for the facility.

- (19) By deleting Subsection 5.9.5 and replacing with the following:

Open mesh or chain link type fences erected on a nature park, community park, city park, academic school, utility, and properties zoned Industrial are exempt from height restrictions.

- (20) By deleting Subsection 5.16.2.1.

- (21) By deleting the permitted use "Administration and Recreation Buildings for a Strata Corporation" from Subsection 6.5.1 and replacing it with "Administration and Recreation Buildings Accessory to a Strata Use".

- (22) By deleting Subsection 9.10.2.2. and replacing with the following:

Residential Hotels may include a dining area or accessory restaurant provided the restaurant or dining area is completely contained within the Residential Hotel and can only be accessed from within the Residential Hotel.

- (23) By deleting the permitted use "private school" from Subsections 9.26.1, 9.28.1, 9.29.1, 9.30.1 and replace with "academic school"

- (21) By deleting the permitted use of "public/ private hospital" from Subsections 9.27.1, 9.28.1, 9.29.1, 9.30.1 and replace with "hospital"

- (22) By deleting Subsection 12.2.1 and replacing with the following:

12.2.1 **PERMITTED USES**

Administrative Offices
Accessory Dwelling Unit
Assembly Halls
Churches
Club or Lodge
Helicopter Landing Pads
Libraries
Museums
Personal Care Facilities, subject to 7.5.3 Density
Health Units and Clinics
Academic Schools
Seniors Congregate Housing, subject to Part 6 and Subsection:
-7.5.3 Density;
Social Service Resource Centre
Universities, Colleges, Technical Schools.

(23) By deleting Subsection 12.3.1 and replacing with the following:

12.3.1 **PERMITTED USES**

Accessory Dwelling Unit
Cemeteries and Related Facilities
Jails, Prisons and Correctional Centres
Laboratories
Motor Vehicle Testing Stations
Utilities
Storage and Works Yard

(24) By deleting Subsection 12.4.1 and replacing with the following:

12.4.1 **PERMITTED USES**

Helicopter Landing Pads
Railway Yards
Unoccupied Utility Buildings
Transportation Equipment Industry and Storage
Transportation Terminal and related facilities

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
MINISTRY OF TRANSPORTATION APPROVAL _____
ADOPTED _____

File: 3900-30-ZA1-78

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR, PLANNING & DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: CITY OF NANAIMO ZONING BYLAW GENERAL AMENDMENTS

STAFF'S RECOMMENDATION:

That Council reconsider "ZONING BYLAW AMENDMENT BYLAW 2007 NO. 4000.425" at Second Reading and pass Second Reading, as amended.

EXECUTIVE SUMMARY:

On 2007-NOV-19 Council gave First and Second reading to Bylaws 4000.425 (General Amendments) and 4000.426 (Park Zoning). Bylaw 4000.426, if adopted, will rezone numerous municipal parks to one of three new Park Zones. Bylaw 4000.425 (the subject of this report), if adopted, will make a number of changes to the "CITY OF NANAIMO ZONING BYLAW 1993 NO. 4000". The changes are primarily intended to ensure the bylaw does not discriminate between users of the land and instead only regulates the use of the land. If adopted Bylaw 4000.425 will remove the definition of 'Parks' from the Zoning Bylaw and replace it with the proposed park definitions contained within Bylaw 4000.426. As Bylaw 4000.425 and 4000.426 are so interrelated it is imperative that these bylaws be adopted concurrently.

BACKGROUND:

A recent BC Court of Appeal decision involving School District 61 versus District of Oak Bay ruled that Zoning Bylaws that rely on the use of terms such as "Civic" or "Public" are unlawful as they discriminate between users. The Court ruling emphasized that the *Local Government Act* does not authorize a municipality to regulate the **user** of land, or **who** uses a property, but rather **only the use of land**.

This ruling poses a potential problem regarding the Zoning Bylaw which relies heavily upon the qualifier that the uses are permitted subject to being operated by a "public" or "government" body. Based on this ruling, Council previously directed Staff to review the existing Zoning Bylaw and specifically the definition of "Civic Use" in order to determine necessary amendments. A review of the Zoning Bylaw has been completed and has resulted in a number of proposed changes (Schedule 'A').

Parks Zoning

Also on this evening's agenda is a separate but related report regarding zoning for parkland. Parks zoning is related to the issue of Use versus User as the current definition of "Park" refers to government-owned land permitted in all zones. The subject bylaw will remove the current definition of "Park" and "Civic Use", while Bylaw 4000.426 (the parks bylaw) will create three parks zones and three definitions to reflect the uses permitted within these zones.

Amendments to Bylaw 4000.425

Since Bylaw 4000.425 received First and Second Reading, Staff have made two minor changes to the bylaw. The amendments are as follows:

Section Amended	Amendment	Rationale
Section (8)	Amend the proposed definition of "Utilities" by removing the highlighted phrase (below) from the definition: "UTILITIES" – means the use of lands, buildings or structures for utilities which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City. Such services and facilities shall be limited to the production, transmission, delivery or furnishing of water, gas, electricity or communication to the public; collection and disposal of sewage, garbage, and other waste; local transportation by bus, trolley, or other vehicle which operate scheduled services the public at large."	In order to ensure the bylaw does not discriminate between the users and only reflects the use of the land.
Section (16)	Removed subsections 8.2.1 and 8.3.1.	Caretaker dwelling units are no longer a permitted use in subsections 8.2.1. and 8.3.1. (A-2 and A-3).

Rezoning Advisory Committee (RAC)

The proposed amendments were presented to the RAC on 2007-NOV-01. During the meeting the Committee unanimously supported the amendments as proposed. Staff concur with RAC and recommend that Council consider First and Second reading to the associated Amendment Bylaw.

Respectfully submitted,




D. Lindsay
Manager, Planning Division
Development Services Department



A. Tucker
Director of Planning
Development Services Department

DS/pm
Council: 2008-MAR-23
3900-30-ZA1-78/2009Mar23 Cncl Rpt ZA1-78.doc

To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL

GENERAL MANAGER OF DEVELOPMENT SERVICES

Schedule A

Section	Existing wording	Proposed Change
3.5	Lot area requirements do not apply to a lot created for an unattended public utility. Unattended shall mean there is no attendant or employee present on the lot.	Remove the term "public".
3.6.1	<p>3.6.1. The following uses are permitted in all zones:</p> <p>3.6.1.1. Civic uses subject to the regulations contained in the (P-2) Public Institution Zone.</p> <p>3.6.1.2. Utility corridors including highways, gas lines, telephone lines, electrical lines, and railways.</p> <p>3.6.1.3. Unattended public utility buildings. In this case, unattended shall mean there is no attendant or employee present on the lot.</p> <p>3.6.1.4. Nature Sanctuary.</p>	Remove the term "public" and replace "Civic Use" with proposed new definition of "General Institutional Use".
4.1	<p>Definition of "Civic Use":</p> <p>"CIVIC USE" - means the use of a building, structure, or lot for the following public functions which are under the auspices of a public body: elementary and secondary schools, fire stations, police stations, ambulance stations and all functions and uses under the auspices of the City of Nanaimo, The Regional District of Nanaimo, or The Greater Nanaimo Water District, with the exception of sanitary landfills, sewage treatment plants, and waste transfer stations.</p>	<p>Definition of "General Institutional Use":</p> <p>"GENERAL INSTITUTIONAL USE"- means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; <i>nature parks</i>; and <i>community parks</i>.</p>
4.1	<p>Definition of "Caretakers Dwelling Unit":</p> <p>"CARETAKER'S DWELLING UNIT" - means a single family dwelling or mobile home which is used as a residence by a caretaker or watchman or which is merely inhabited in order to provide added security to the premises.</p>	Remove definition from the Bylaw.

4.1	<p>Definition of "Highway":</p> <p>"HIGHWAY"- includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way. It includes a place or passageway owned and operated by the City of Nanaimo for the purpose of providing off-street parking, but does not include a place or passageway used only by pedestrian or cycle traffic. Highway includes common access within a bare land strata plan which has been subdivided pursuant to the Condominium Act, but does not include other private rights-of-way on private property</p>	<p>Proposed definition of "Highway":</p> <p>"HIGHWAY"- includes a street, path, walkway, trail, lane, bridge, road, thoroughfare and any other transportation right-of-way, but does not include a place or passageway used exclusively by pedestrian or cycle traffic. Highway includes common access within a bare land strata plan which has been subdivided pursuant to the Condominium Act, but does not include other private rights-of-way on private property.</p>
4.1	<p>Definition of Nature Centre:</p> <p>"NATURE CENTRE" – means the use of land, buildings or structures for the use of educational programs and tours, special events and exhibits, galleries and theatres, and accessory offices, and operated accessory to a <i>Nature Sanctuary</i> by a public or non-profit group or organization.</p>	<p>Remove phrase "by a public or non-profit group or organization".</p>
4.1	<p>Definition of Nature Sanctuary:</p> <p>"NATURE SANCTUARY" – means the non-commercial use of land, buildings or structures for the preservation of plant and animal life, operated by a public or non-profit group or organization, and may also include, as accessory uses, <i>Nature Centre</i> and <i>Caretaker's Dwelling Unit</i>.</p>	<p>Proposed definition of Nature Sanctuary:</p> <p>"NATURE SANCTUARY"- means the non-commercial use of land, buildings or structures for the preservation of plant and animal life and may also include, as accessory uses, <i>Nature Centre</i> and <i>Caretaker's Dwelling Unit</i></p>
4.1	<p>Definition of Park:</p> <p>"PARK" - means a government owned lot which is used or intended to be used for recreation and enjoyment of the public and may be developed with recreational facilities or may be in a natural state.</p>	<p>Remove definition from Bylaw. Definition to be replaced with three new Park definitions which will be created through the Parks Zoning Amendment Bylaw.</p>

4.1	<p>Definition of Public Utilities: "PUBLIC UTILITIES" - means utilities which are operated by the City of Nanaimo or the Regional District of Nanaimo, the Greater Nanaimo Water District or are regulated under the Utilities Commission Act. Such utilities include a system, works, plant, equipment or service, owned and operated by or for the City, or by a corporation under agreement with or under a franchise from the City, or under a Federal or Provincial statute which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City, including but not limited to:</p> <ul style="list-style-type: none"> (1) public transportation by bus or trolley coach or other vehicles; (2) production, transmission, delivery or furnishing of water, gas, electricity or communication to the public at large; (3) collection and disposal of sewage, garbage, and other waste. 	<p>Definition of Utilities: "UTILITIES"- means the use of lands, buildings or structures for utilities which furnishes services and facilities available at approved rates. Such services and facilities shall be limited to the production, transmission, delivery or furnishing of water, gas, electricity or communication to the public; collection and disposal of sewage, garbage, and other waste; local transportation by bus, trolley, or other vehicle which operate scheduled services for the public at large.</p>
4.1	<p>Definition of School- Public and School-Private "SCHOOL - PRIVATE" - means an academic school for grades 1 to 12 not being a public school. "SCHOOL - PUBLIC" - means a public school as defined by the Schools Act.</p>	<p>Definition of School- Academic "SCHOOL- ACADEMIC"- Means an institution with no residential component or temporary accommodation, providing a curriculum, for academic instruction up to completion of Grade 12, and which consists of a body of students, organized as a unit for educational purposes. Students attending the school shall have an opportunity to earn a diploma provided by the British Columbia Ministry of Education.</p>
4.1	<p>Definition of School- Commercial: "SCHOOL - COMMERCIAL" - means the use of land and buildings as a school conducted for hire or gain other than a private academic, religious, or philanthropic school, and includes a dance studio, an art school, golf school, school of callisthenics, business school, music school, martial arts school, computer training centre, and any other specialized school conducted for hire or gain. For the purposes of this Bylaw, Commercial School includes animal training.</p>	<p>Proposed definition of School- Commercial: "SCHOOL- COMMERCIAL"- means the use of land and buildings as a school conducted for hire or gain other than an <i>academic school</i>, and includes a dance studio, an art school, golf school, school of callisthenics, business school, language school, music school, martial arts school, animal training, computer training centre and any other specialized school conducted for hire or gain.</p>

4.1	Definition of "Private- Restaurant": "PRIVATE RESTAURANT" - means a building or lot or portion thereof used or intended to be used for the purpose of providing meals to tenants or guests residing in the same building.	Remove definition from the Bylaw.
4.1	Definition of "Private Recreation Facility": "PRIVATE RECREATIONAL FACILITY"- means a recreational facility provided for the use of residents or guests, residing on a permanent or temporary basis on the same lot.	Remove definition from the Bylaw.
4.1	Definition of "Micro- Brewery": "MICRO-BREWERY" - means a small scale brewery dedicated to producing low volumes of high quality beer for sale to a number of licensed establishments and/or government liquor stores, but often confined to a relatively small geographic area.	Definition of "Micro- Brewery": "MICRO- BREWERY"- means a small scale brewery dedicated to producing low volumes of high quality beer for sale to a number of licensed establishments and/or licensed liquor stores, but often confined to a relatively small geographic area.
4.1	Definition of "Private Hospital": "PRIVATE HOSPITAL" - means a use or intended use of lands and buildings as defined in the Hospital Act, but not operated as a government institution.	Definition of "Hospital": "HOSPITAL"- means a use or intended use of lands and buildings as defined in the Hospital Act.
5.6.1.1.	Temporary structures: 5.6.1. The following uses, buildings or structures are permitted to the extent specifically stated: 5.6.1.1. Temporary structures or buildings erected for the purpose of: (e) the storage of materials for the construction or maintenance of any private or public utility, or a building or structure for which a required building permit has been obtained; provided the temporary structure or building is removed within 30 days of completion of the permanent utility, building or structure or 12 months after the temporary building is erected or installed, whichever is the lesser period.	Remove phrase "private or public".

5.6.1.2.	Temporary buildings or structures for classrooms on property zoned for public schools and subject to the parking requirements for the facility.	Replace the term 'public schools' with 'academic schools'.
5.9.5.	Open mesh or chain link type fences erected on tennis courts, public swimming pools, public parks , playgrounds, public schools , public utilities on properties zoned Industrial are exempt from height restrictions.	Open mesh or chain link type fences erected on a nature park, community park, city park, academic school, utility, and properties zoned Industrial are exempt from height restrictions.
5.16.2.1	The residential shelter is operated by a non-profit society or is licensed or operated by a Provincial or Federal Agency.	Remove Subsection from the Bylaw.
6.5.1.	Permitted use: Administration and Recreation Buildings for the Strata Corporation.	Replace the permitted use of 'Administration and Recreation Buildings for the Strata Corporation' with 'Administration and Recreation Buildings Accessory to a Strata Use'.
9.13.1; 10.2.1; 10.3.1; 11.2.1; 11.3.1; 11.4.1; 11.5.1;	Permitted Use: Caretaker's Dwelling Unit.	Replace with the permitted use of 'Accessory Dwelling Unit'.
9.10.2.2	Residential hotels may include a private restaurant or dining area for the use of patron's resident therein.	Residential hotels may include a dining area or accessory restaurant provided the restaurant or dining area is completely contained within the Residential Hotel and can only be accessed from within the Residential Hotel.
9.26.1; 9.27.1; 9.28.1; 9.29.1; 9.30.1	Permitted Uses: Private School Public/ Private Hospital	Replace the term 'Private School' with 'Academic School' and the term 'Public/ Private Hospital' with 'Hospital'.

12.2.1	<p>Permitted Uses:</p> <p>Helicopter Landing Pads in association with Public/Private Hospitals</p> <p>Provincial and Federal Health Units and Clinics</p> <p>Public/Private Hospitals</p> <p>Public/Private Schools</p>	<p>Reword permitted uses as follows:</p> <p>Helicopter Landing Pads in association with Hospitals</p> <p>Health Units and Clinics</p> <p>Hospitals</p> <p>Academic Schools</p>
12.3.1	<p>Permitted Uses:</p> <p>Public Utilities</p> <p>Public Storage and Works Yard</p>	<p>Remove term 'Public' from the permitted uses of 'Public Utilities' and 'Public Storage and Works Yard'.</p>
12.4.1	<p>Permitted Uses:</p> <p>Airports</p> <p>Car and Truck Ferry Terminals and related facilities</p> <p>Helicopter Landing Pads</p> <p>Railway Yards</p> <p>Seaplane Terminals, Services and related facilities</p> <p>Truck Terminal</p> <p>Unoccupied Utility Buildings</p> <p>Bus Terminal/Stations</p> <p>Transportation Equipment Industry and Storage</p>	<p>Remove the permitted uses of 'Airports', 'Car and Truck Ferry Terminals and related facilities', 'Seaplane Terminals, Services and related facilities', 'Truck Terminal' and 'Bus Terminal/Stations'</p> <p>Add the permitted use of: 'Transportation Terminal and related facilities'</p>

CITY OF NANAIMO

BYLAW NO. 4000.426

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 2007 NO. 4000.426".

2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:

(1) By deleting "13 Off-Street Parking" from the Table of Contents and replacing with the following:

13. Parks, Recreation and Culture Zones

13.1 Parks, Recreation and Culture Zone One - (PRC-1)

13.2 Parks, Recreation and Culture Zone Two - (PRC-2)

13.3 Parks, Recreation and Culture Zone Three - (PRC-3)

(2) By adding the following to Subsection 3.1 after "Part 12 - Public Institution Zones"

Part 13 - Parks, Recreation and Culture Zones

Parks, Recreation and Culture Zone One	(PRC-1)	13-1
Parks, Recreation and Culture Zone Two	(PRC-2)	13-2
Parks, Recreation and Culture Zone Three	(PRC-3)	13-3

(3) By adding the following definitions in Section 4.1:

"CITY PARK" - means use of land, buildings or structures for participatory recreation and cultural activities including *recreational facilities*, water slides, libraries, *cultural facilities*, *golf courses*, *golf driving range*, mini putt golf, *assembly halls*, horse riding stables, petting zoo's, *daycares* and the like. This definition shall specifically include accessory uses of *restaurant*, *office*, *retail*, *accessory dwelling unit*, *commercial school*, *lounge*, and *neighbourhood pub*.

"COMMUNITY PARK" - means use of land, buildings or structures primarily for recreation, including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, field houses, multi-purpose courts and the like.

“NATURE PARK” - means use of land, buildings or structures primarily for conservation and enjoyment of natural areas. Uses can include boardwalks, trails, environmentally sensitive areas, *nature sanctuaries* and the like.

- (4) By adding the following after Section 12.6:

Part 13- Parks, Recreation and Culture Zones

13.1 Parks, Recreation and Culture Zone One - (PRC-1)

This zone provides opportunities for the conservation and enjoyment of natural spaces within City parks. The zone will allow for recreational and educational uses that are compatible with the natural features within the park.

13.1.1 Permitted Uses
Nature Park

13.1.2 Lot Coverage

13.1.2.1 The maximum lot coverage shall not exceed 20% of the lot area

13.2 Parks, Recreation and Culture Zone Two - (PRC-2)

This zone provides for a park area for the recreational and cultural use and enjoyment by the general public.

13.2.1 Permitted Uses
Nature Park
Community Park

13.2.2 Lot Coverage

13.2.2.1 The maximum lot coverage shall not exceed 20% of the lot area

13.2.3 Yard Requirements

13.2.3.1 Front, rear and side yards shall be provided of not less than 3.0 metres (9.84 feet) in depth

13.3 Parks, Recreation and Culture Zone Three – (PRC-3)

This zone provides for organized recreational and cultural activities in developed parks, playfields, or similar recreational facilities.

13.3.1 Permitted Uses
Nature Park
Community Park

City Park

13.3.2 Conditions of Use

13.3.2.1 Neighbourhood pubs shall be contained within a recreational facility and shall only be accessible to the public from within a recreational facility.

13.3.3 Lot Coverage

13.3.3.1 The maximum lot coverage shall not exceed 40% of the lot area

13.3.4 Yard Requirements

13.3.4.1 Front, rear, and side yards shall be provided of not less than 3.0 metres (9.84 feet) in depth.

- (5) By rezoning all land within those areas outlined on the attached Schedules "A" to "MM" to Parks, Recreation and Culture Zone One (PRC-1), Parks, Recreation and Culture Zone Two (PRC-2), or Parks, Recreation and Culture Zone Three (PRC-3), and amending the "ZONING BYLAW 1993 NO. 4000" Schedule 'A' Zoning to include the PRC-1, PRC-2 and PRC-3 zones.

PASSED FIRST READING 2007-NOV-19.

PASSED SECOND READING 2007-NOV-19.

RECONSIDERED AND AMENDED AT SECOND READING _____

PASSED SECOND READING AS AMENDED _____

PUBLIC HEARING HELD _____

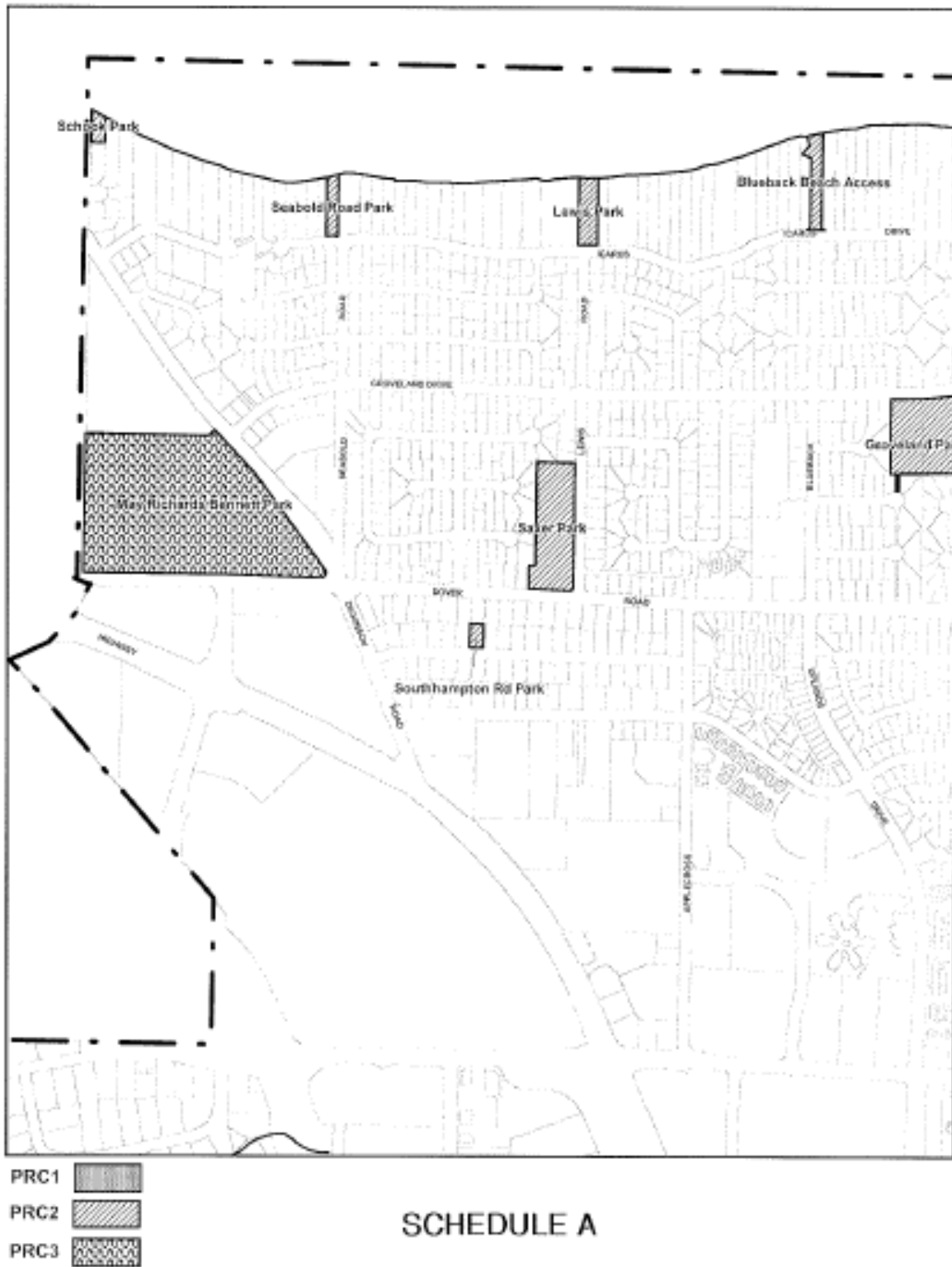
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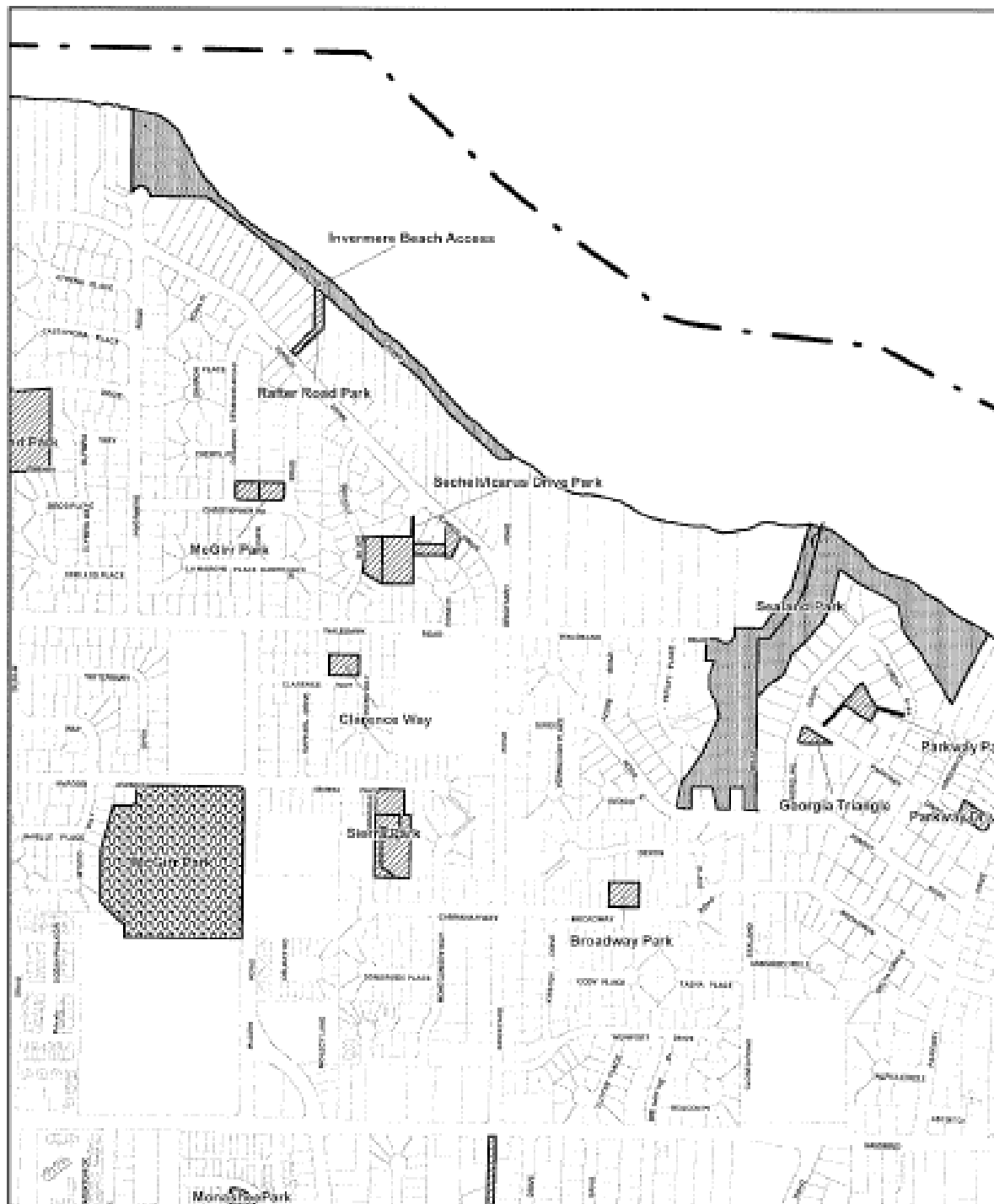
APPROVED BY THE MINISTRY OF TRANSPORTATION _____

ADOPTED _____

MAYOR


DIRECTOR,
LEGISLATIVE SERVICES







- PRC1 
- PRC2 
- PRC3 

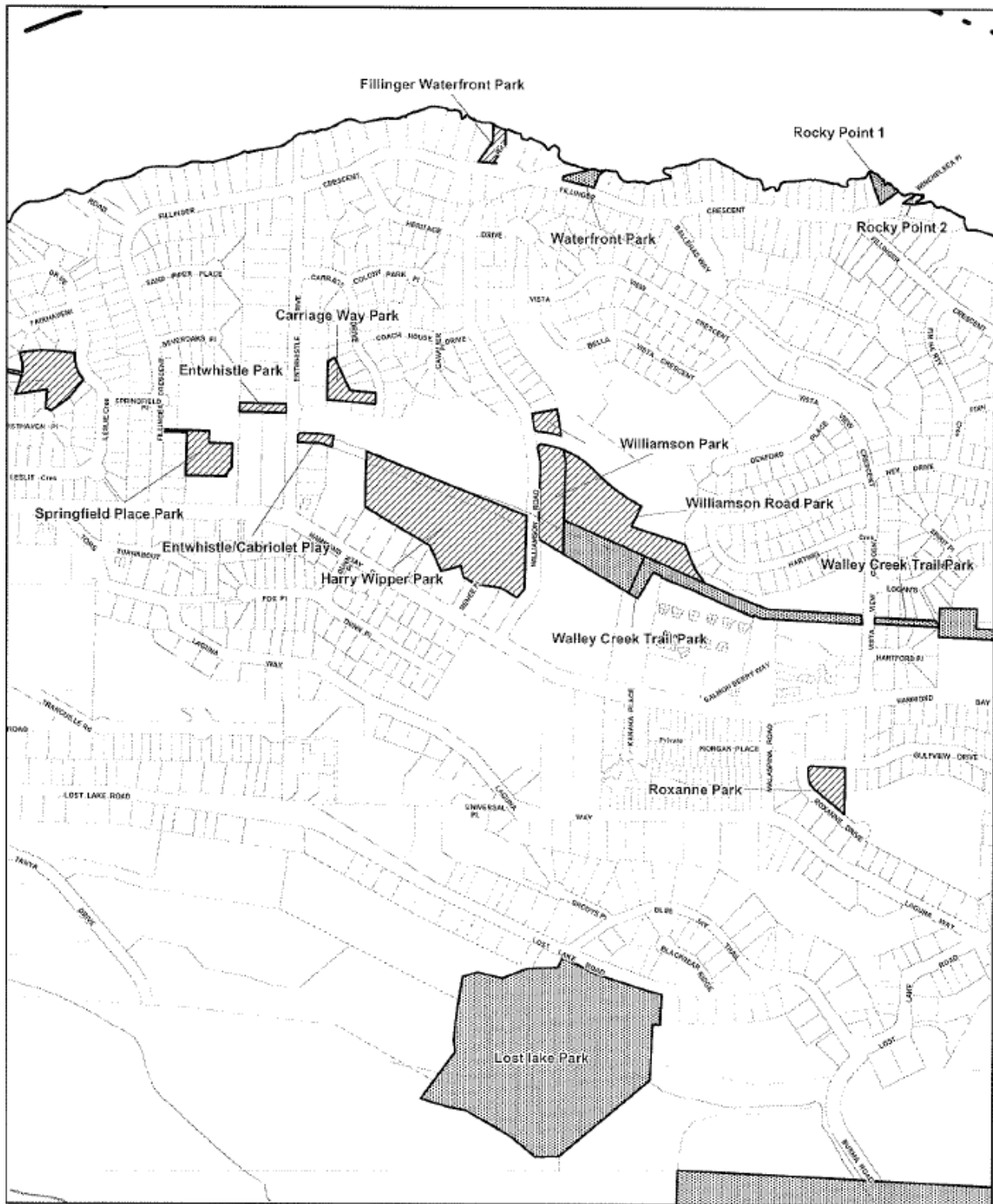
SCHEDULE B




PRC1 

PRC2 

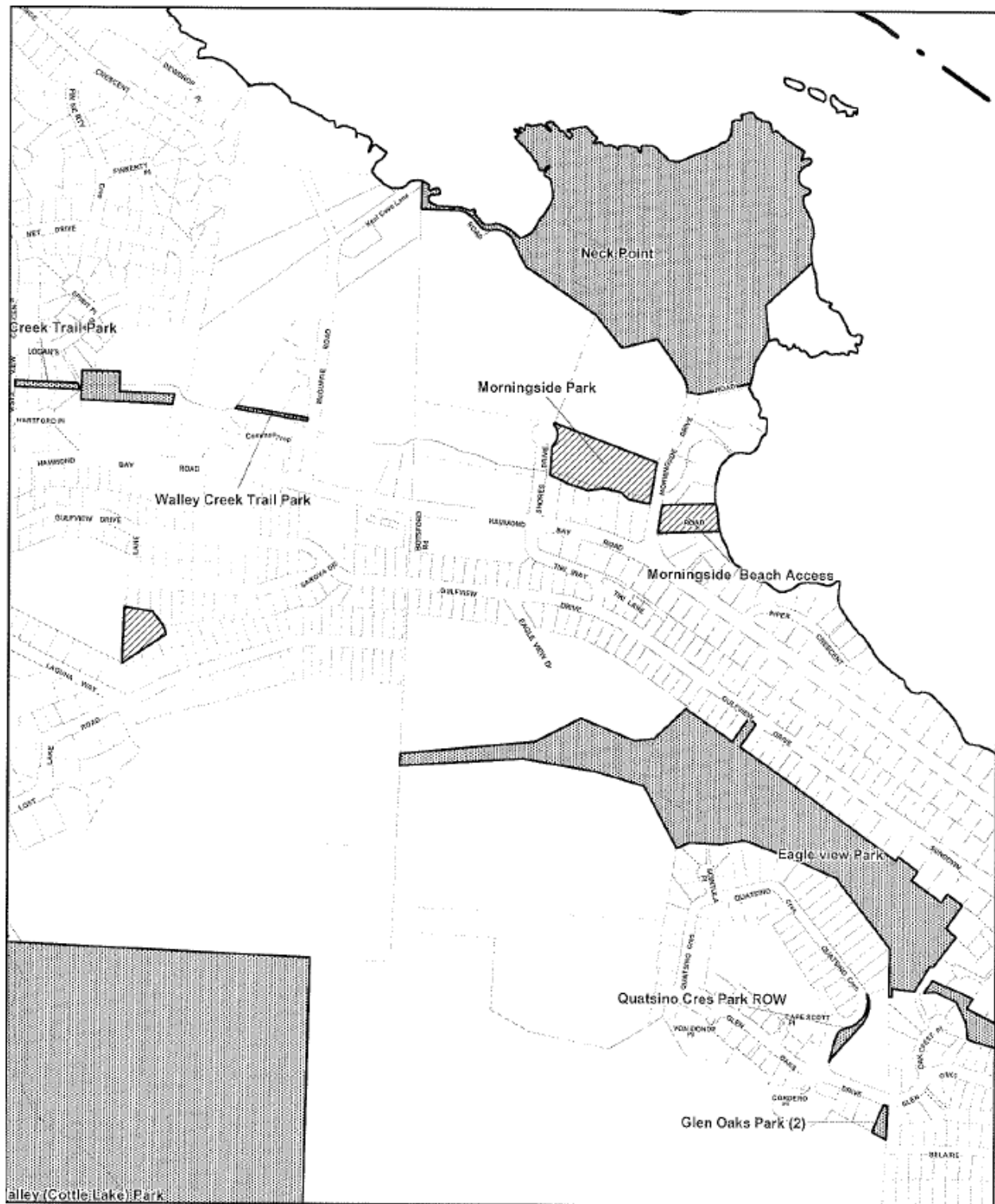
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
SCHEDULE C





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SCHEDULE D

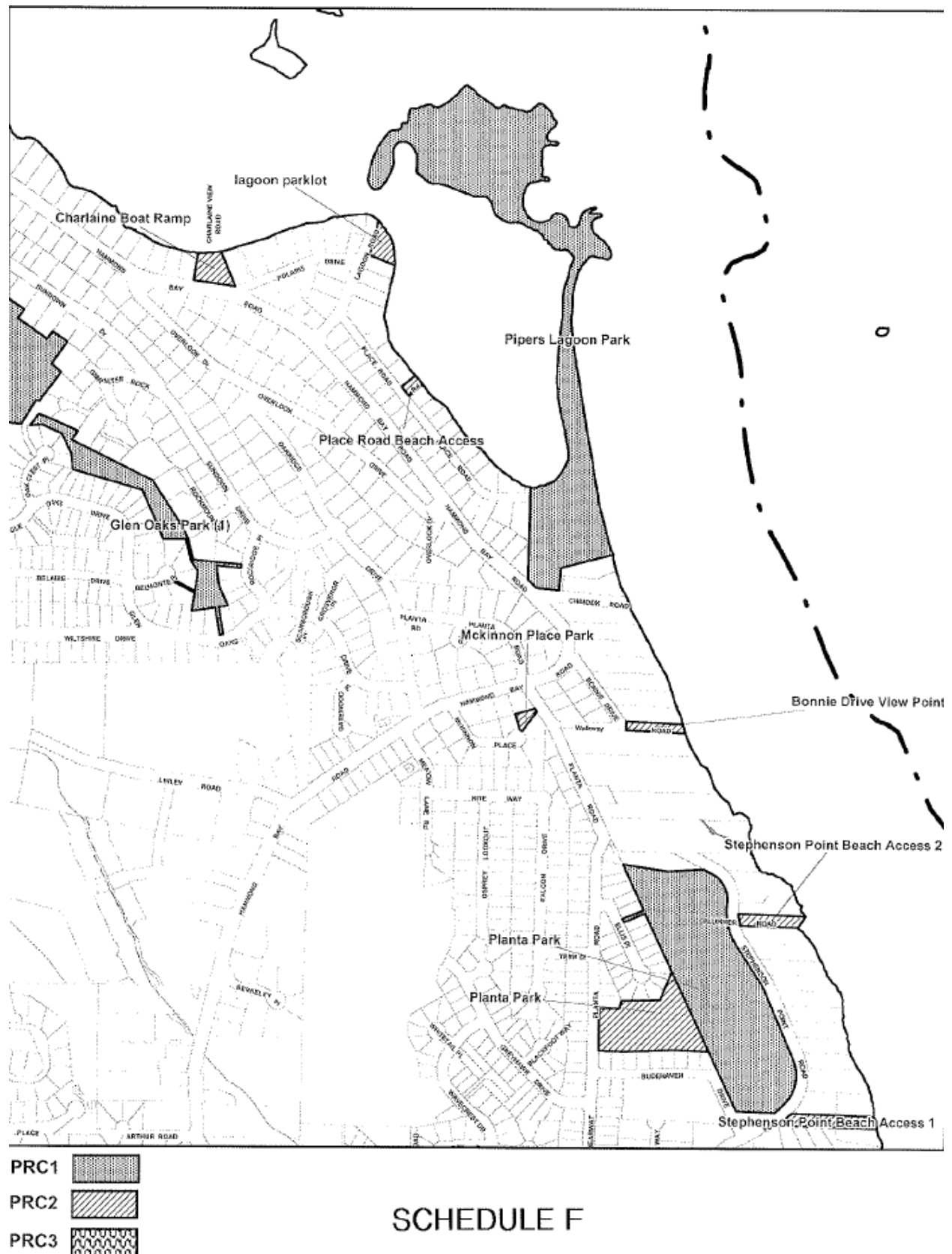


PRC1 




PRC2 

PRC3 

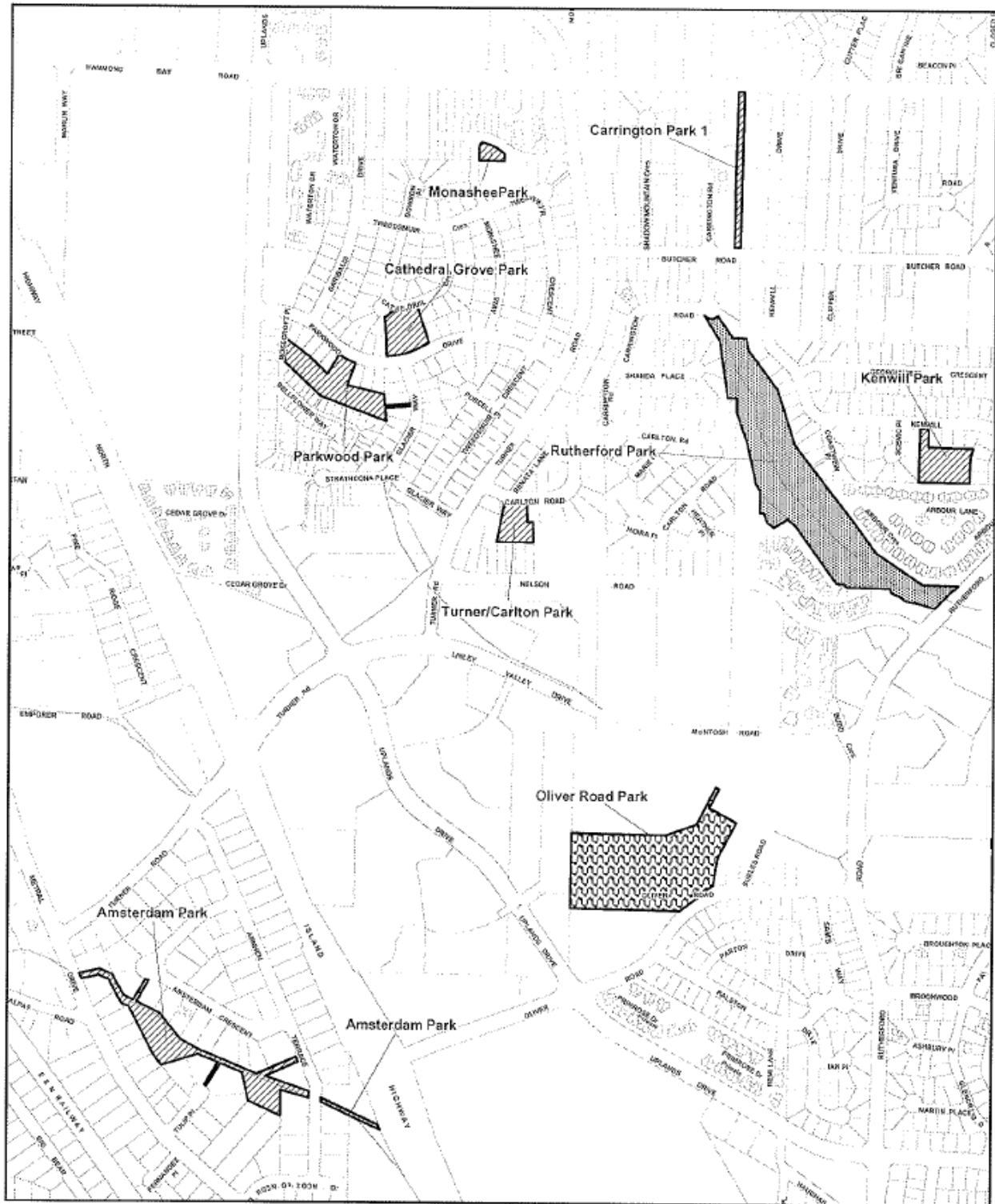
SCHEDULE E





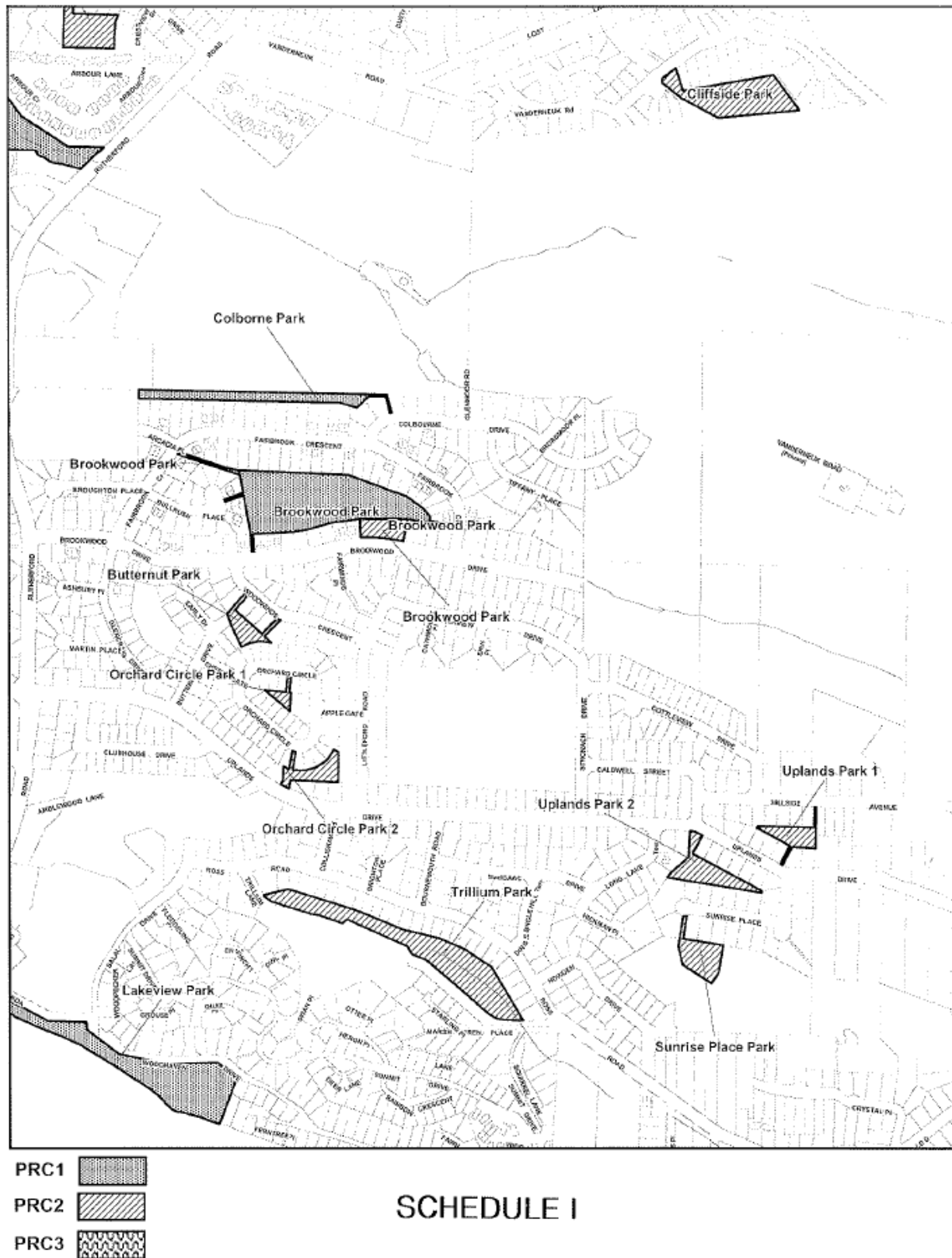
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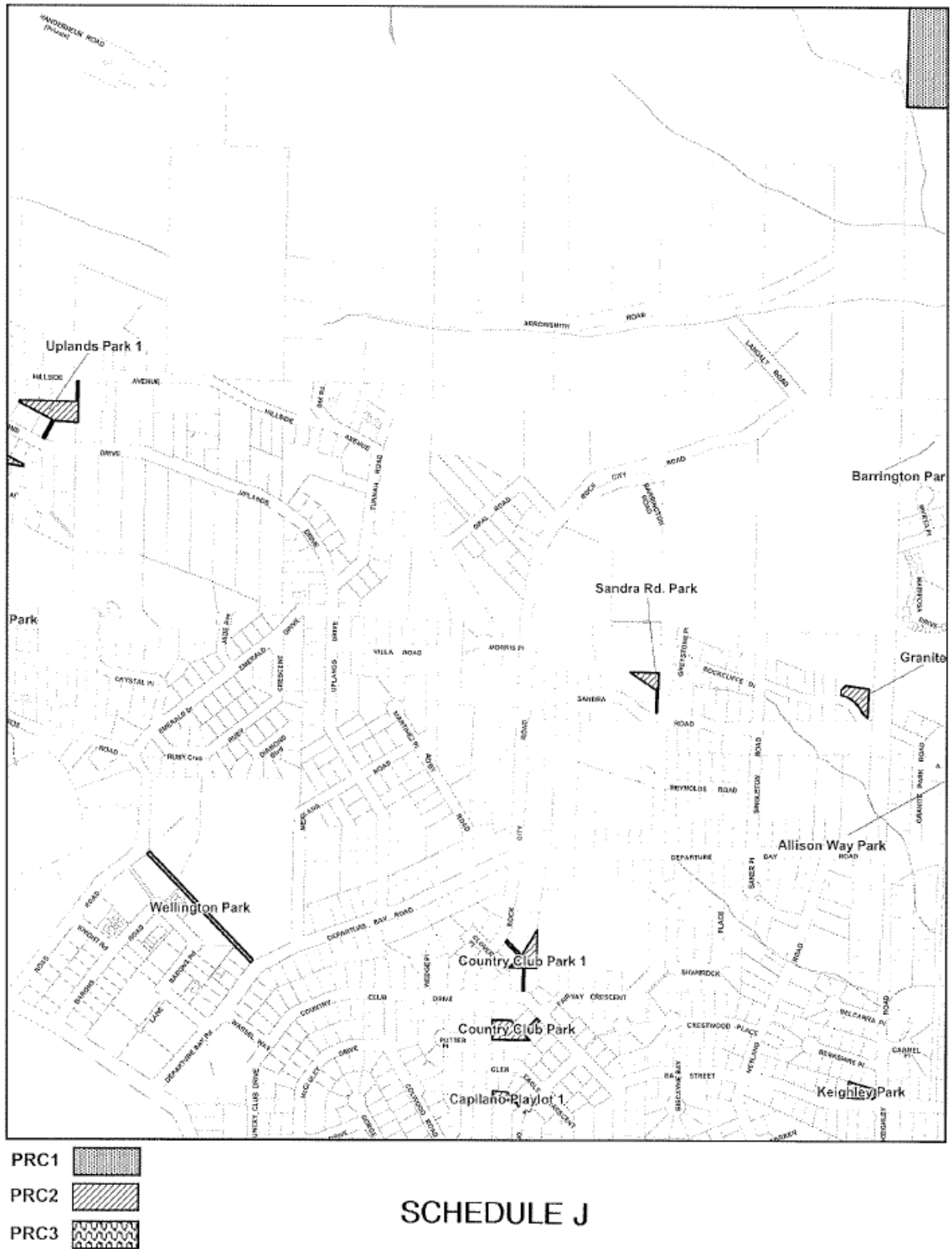
SCHEDULE G

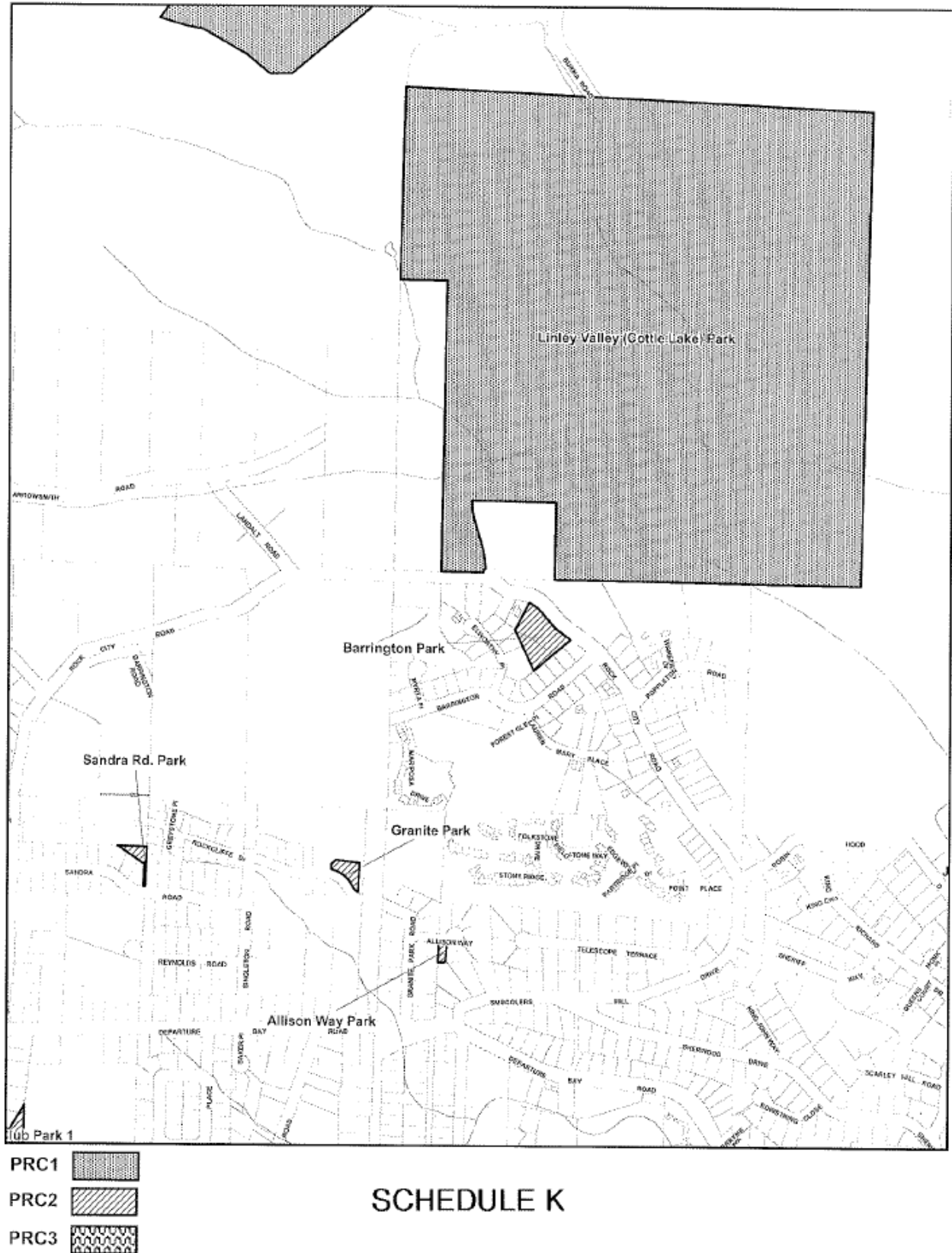


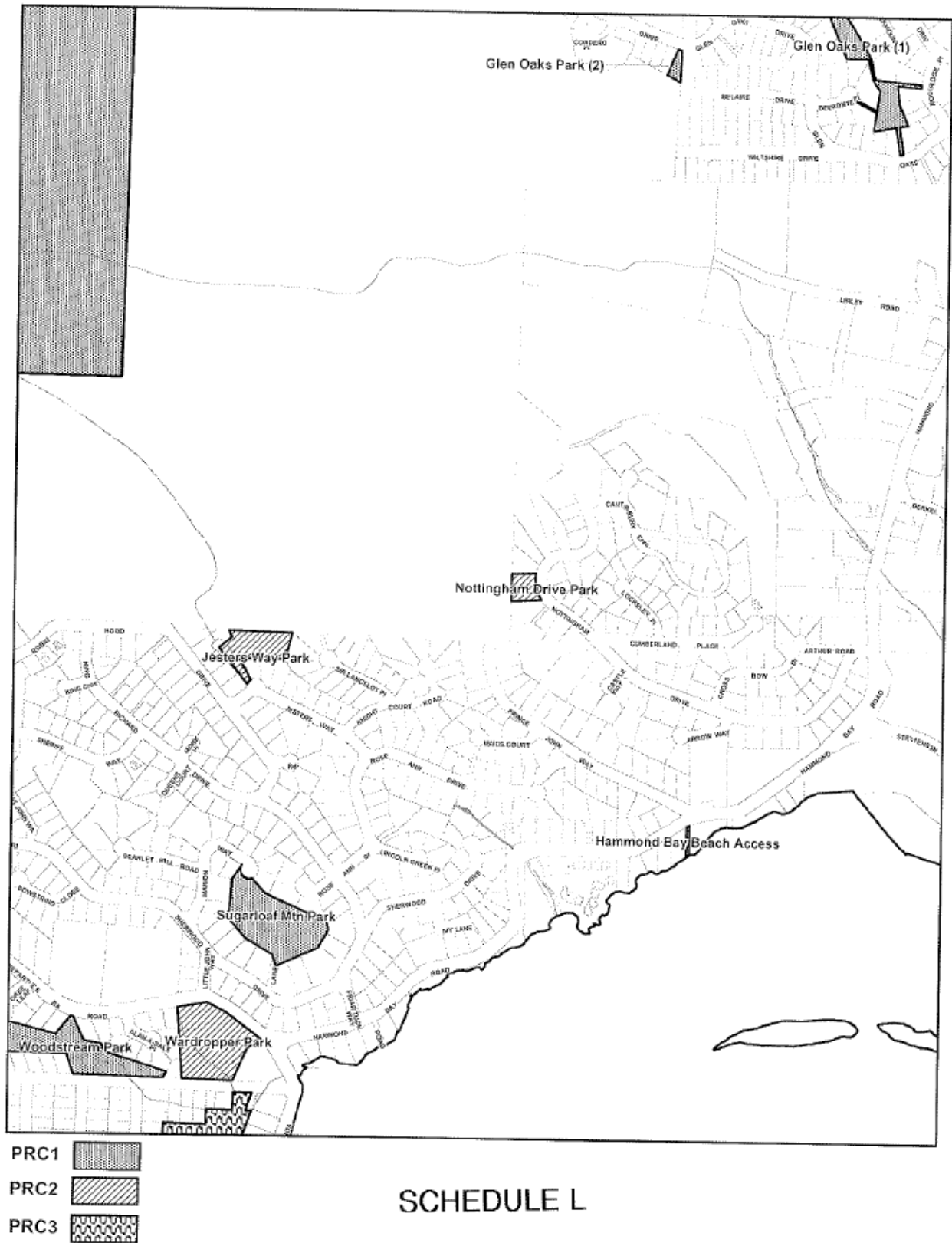
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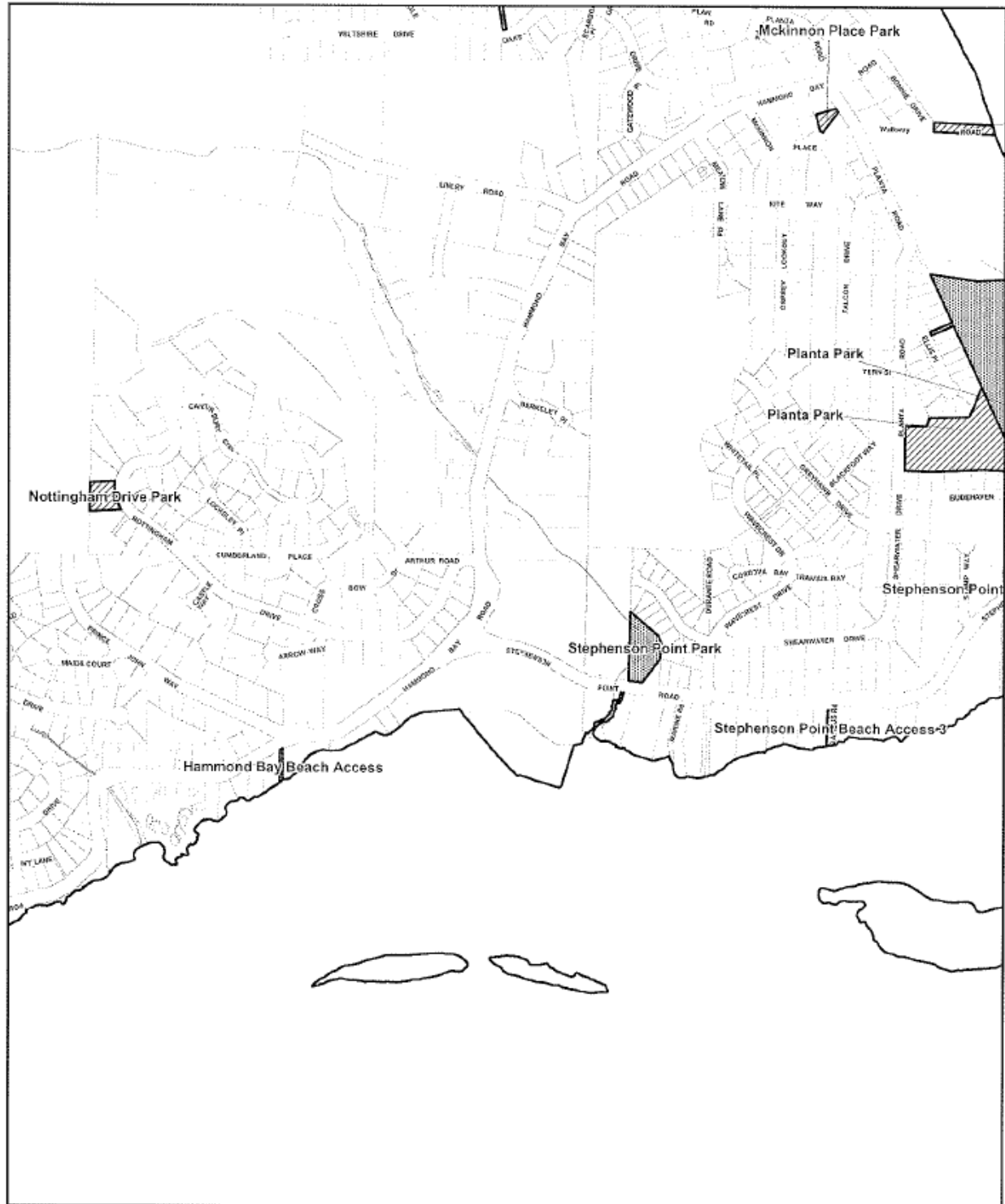
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




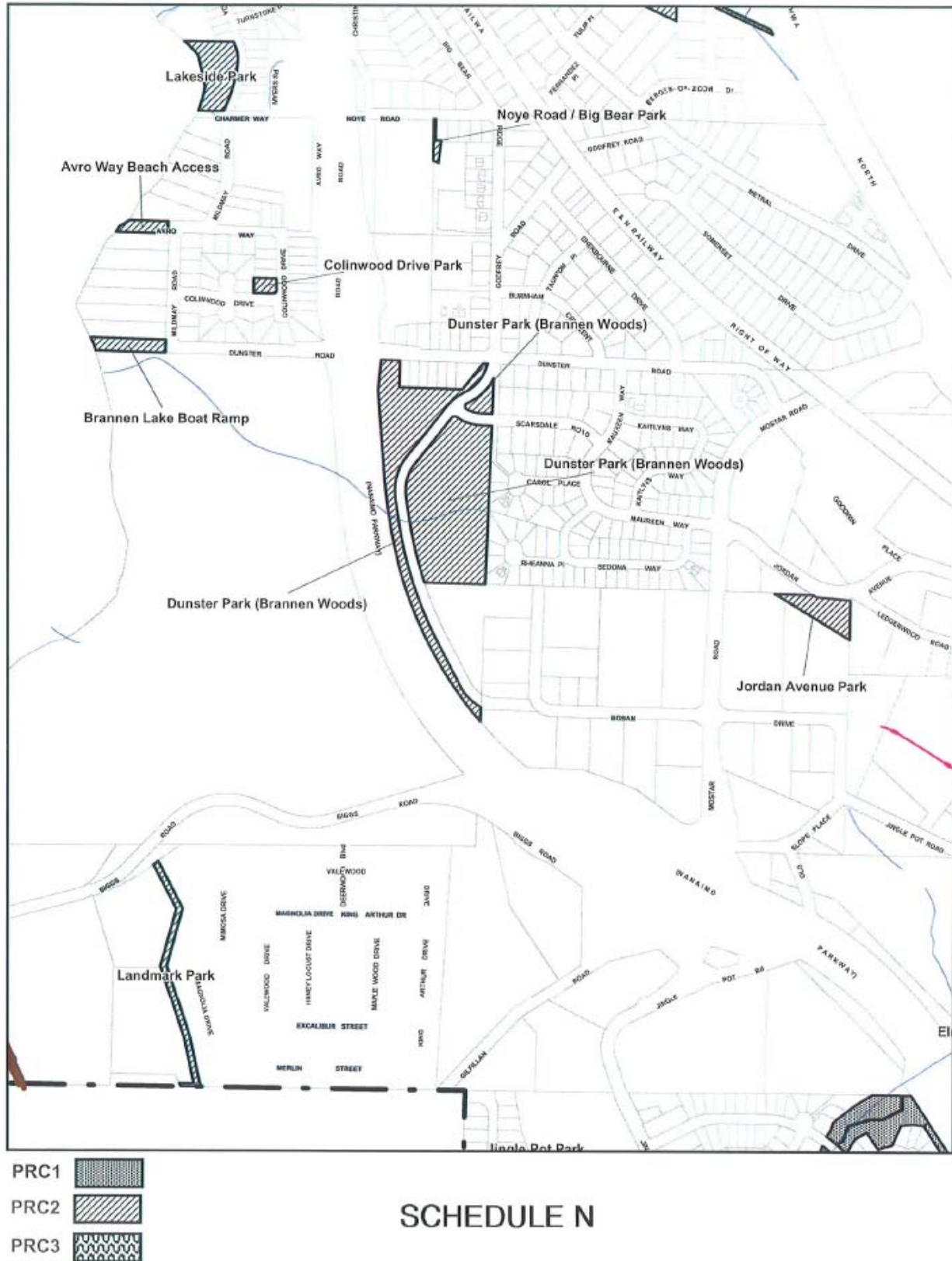




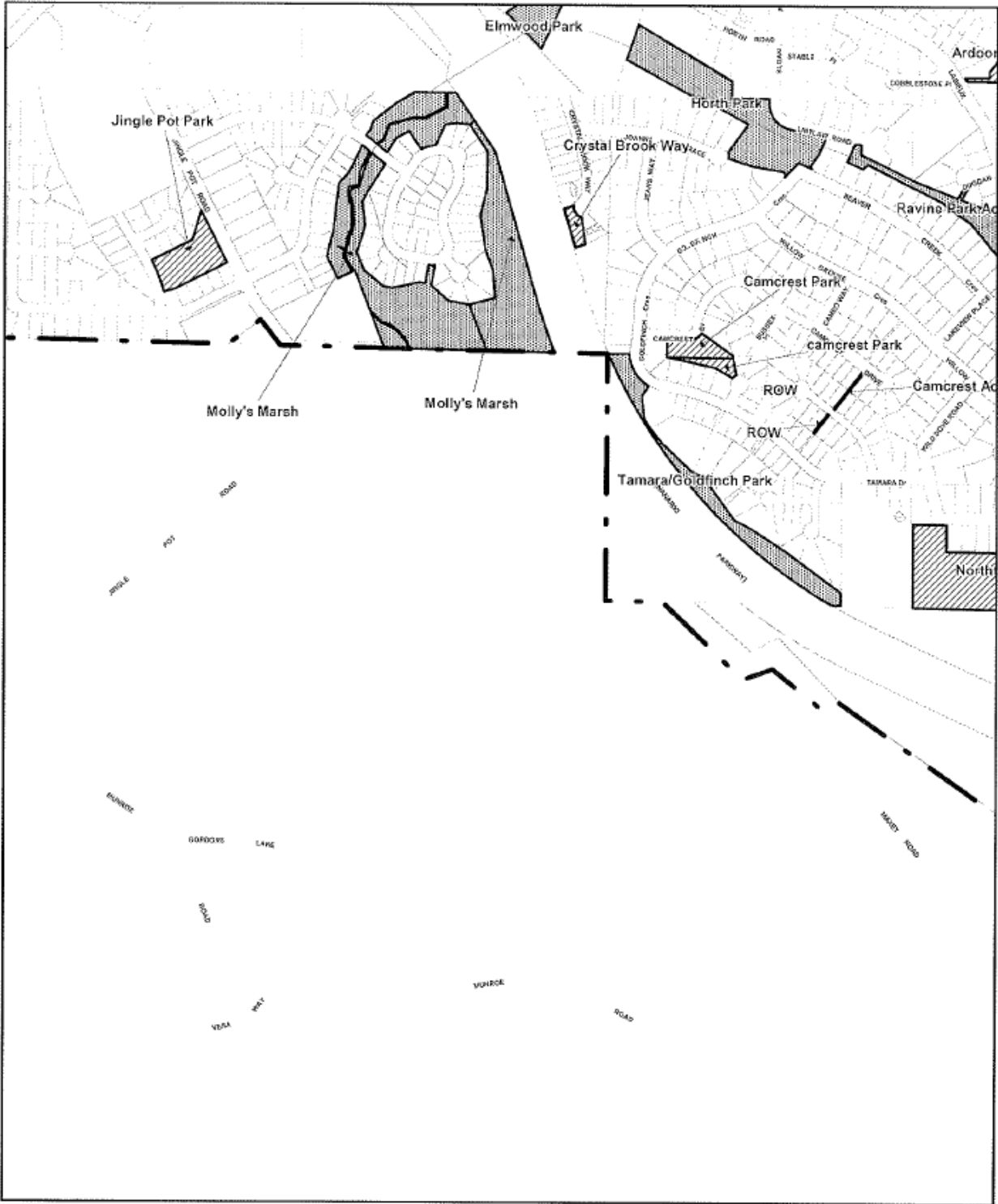


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SCHEDULE M










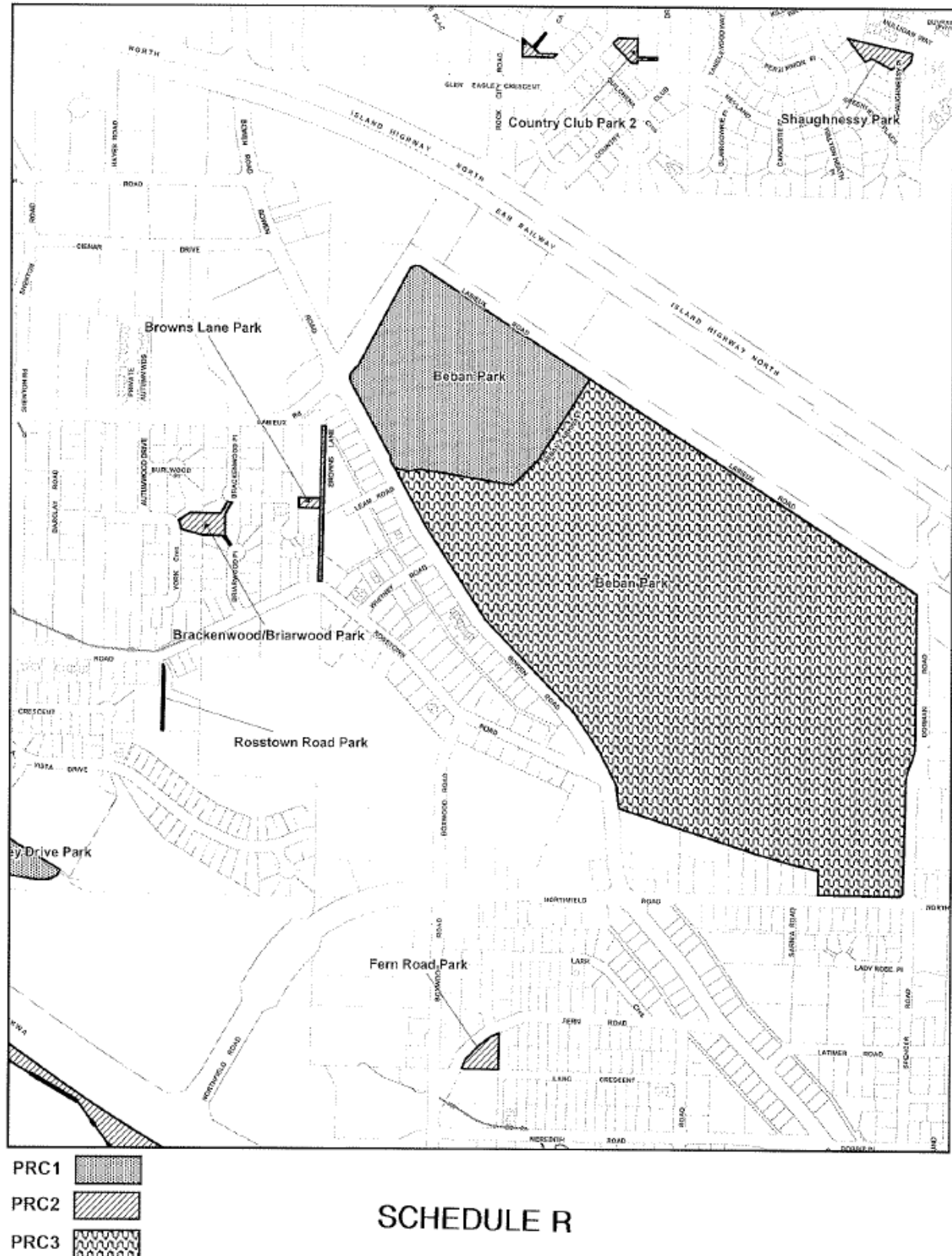
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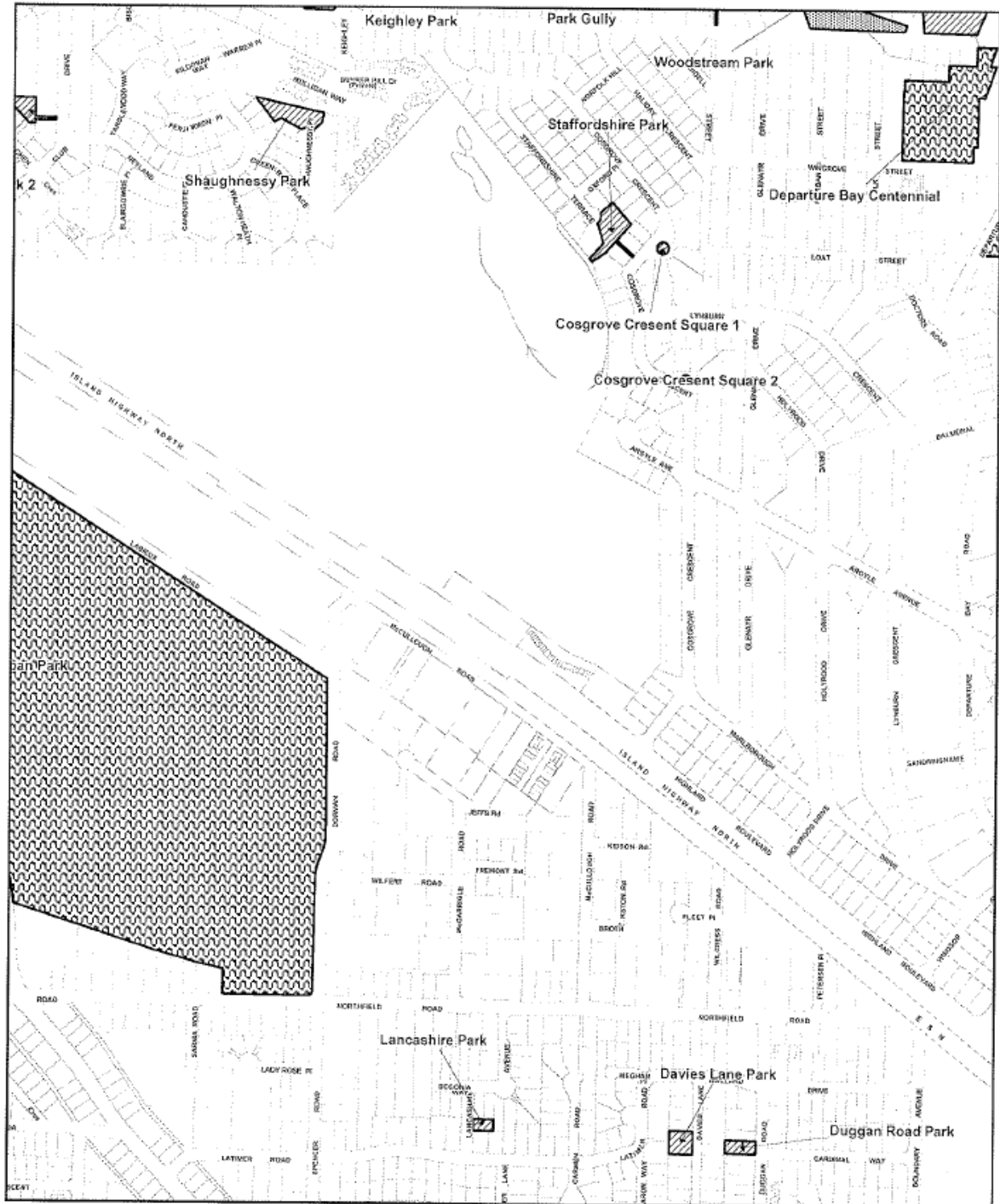
SCHEDULE P






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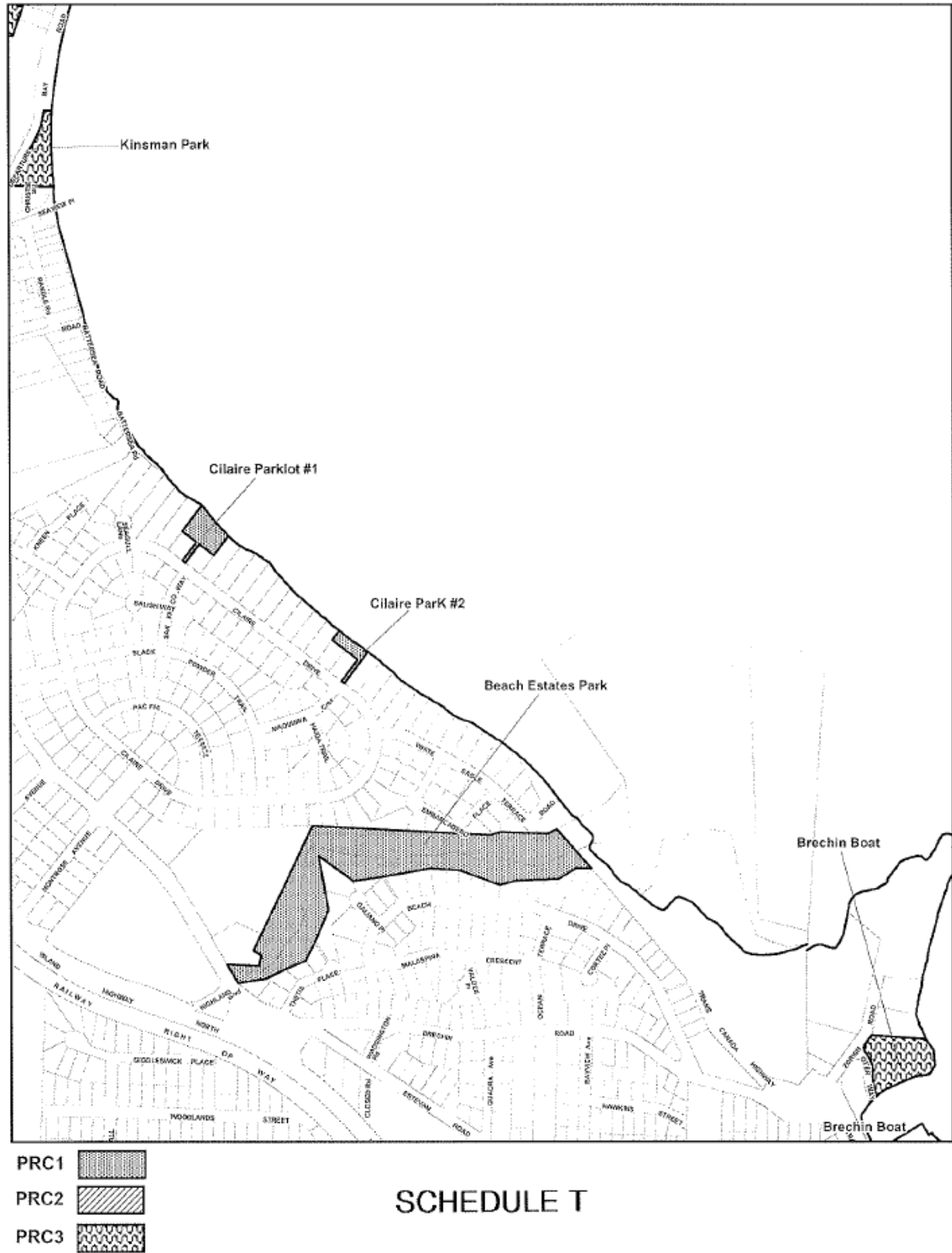
SCHEDULE Q








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- PRC3 

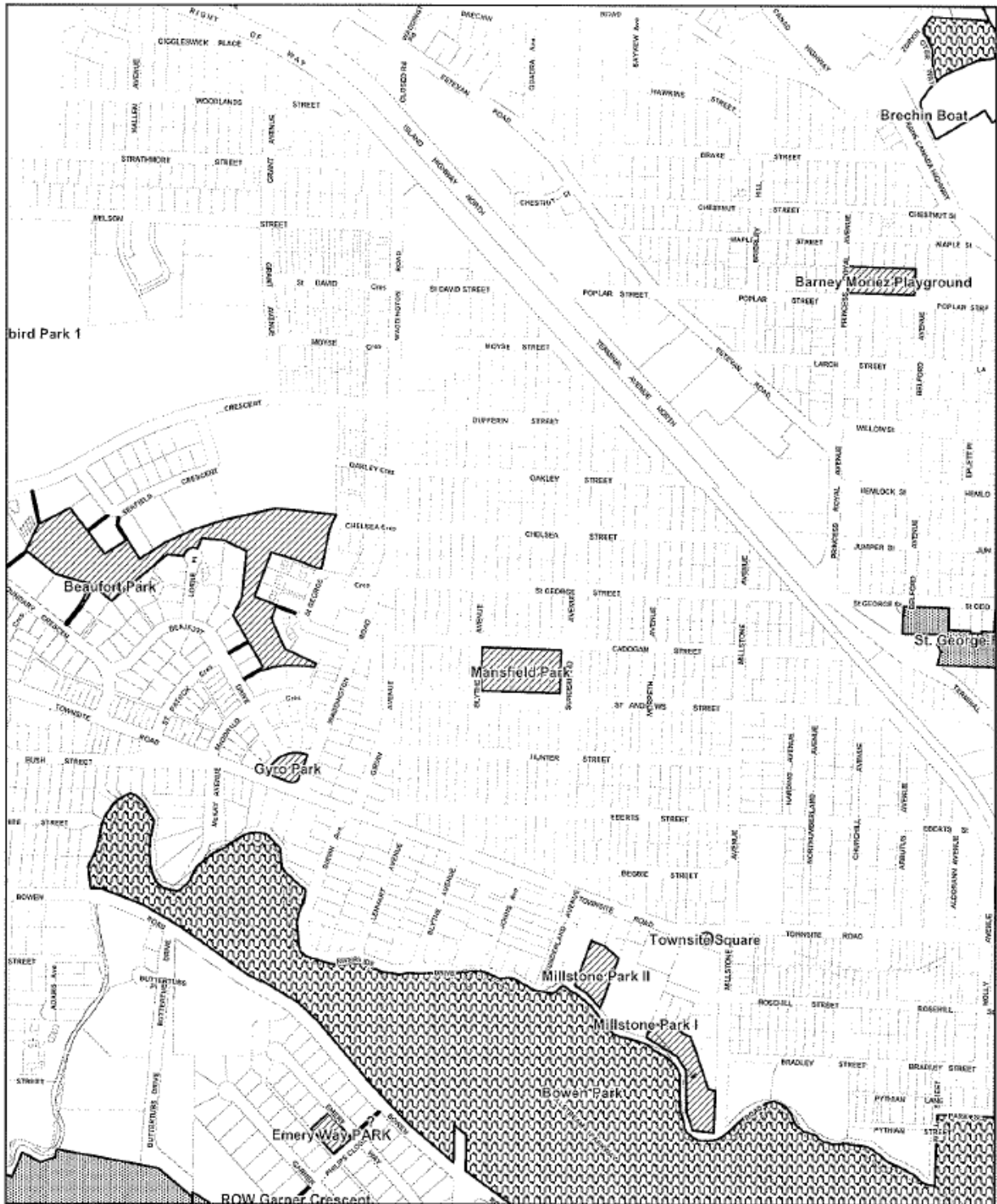
SCHEDULE S








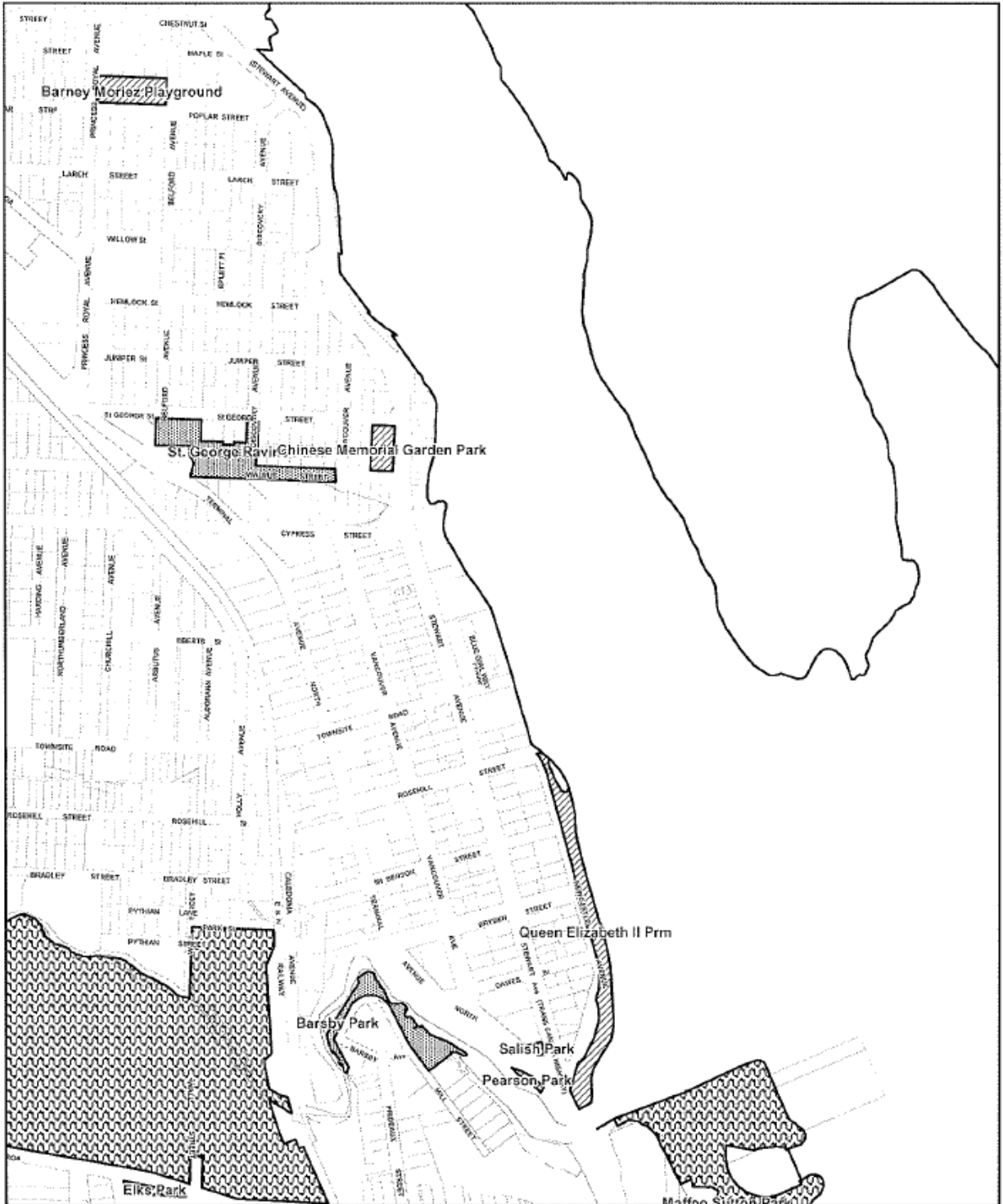
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SCHEDULE U



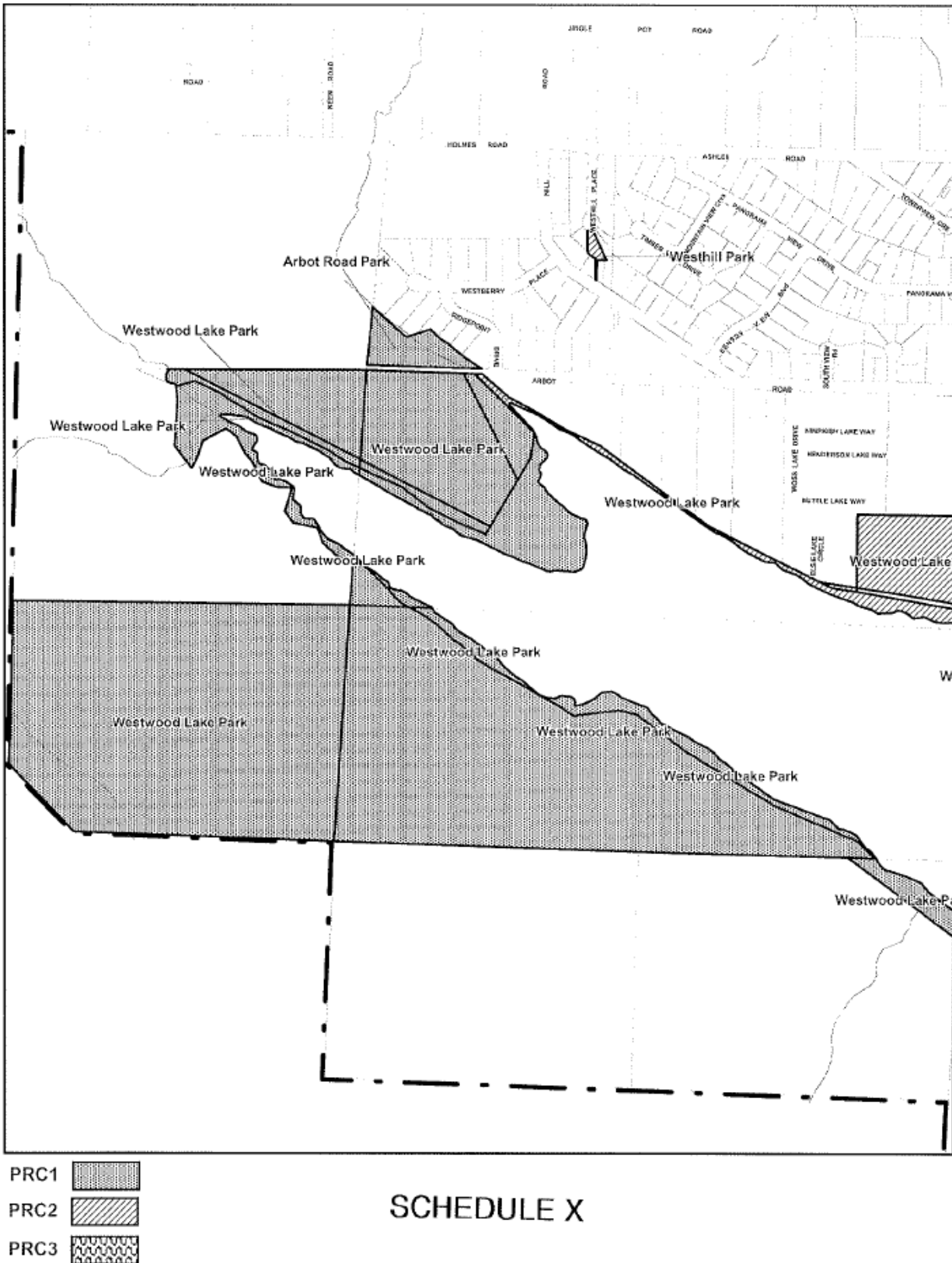
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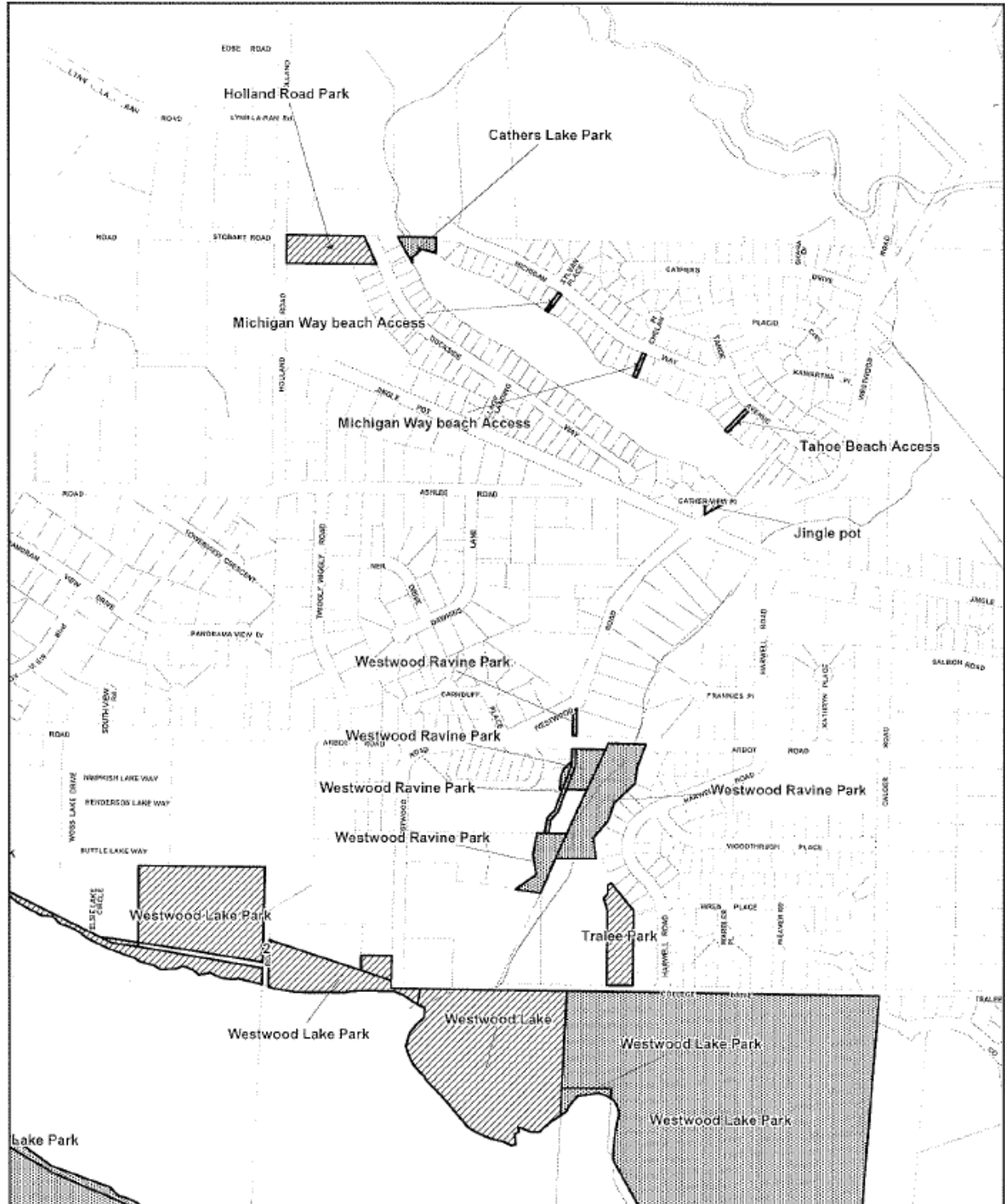
SCHEDULE V






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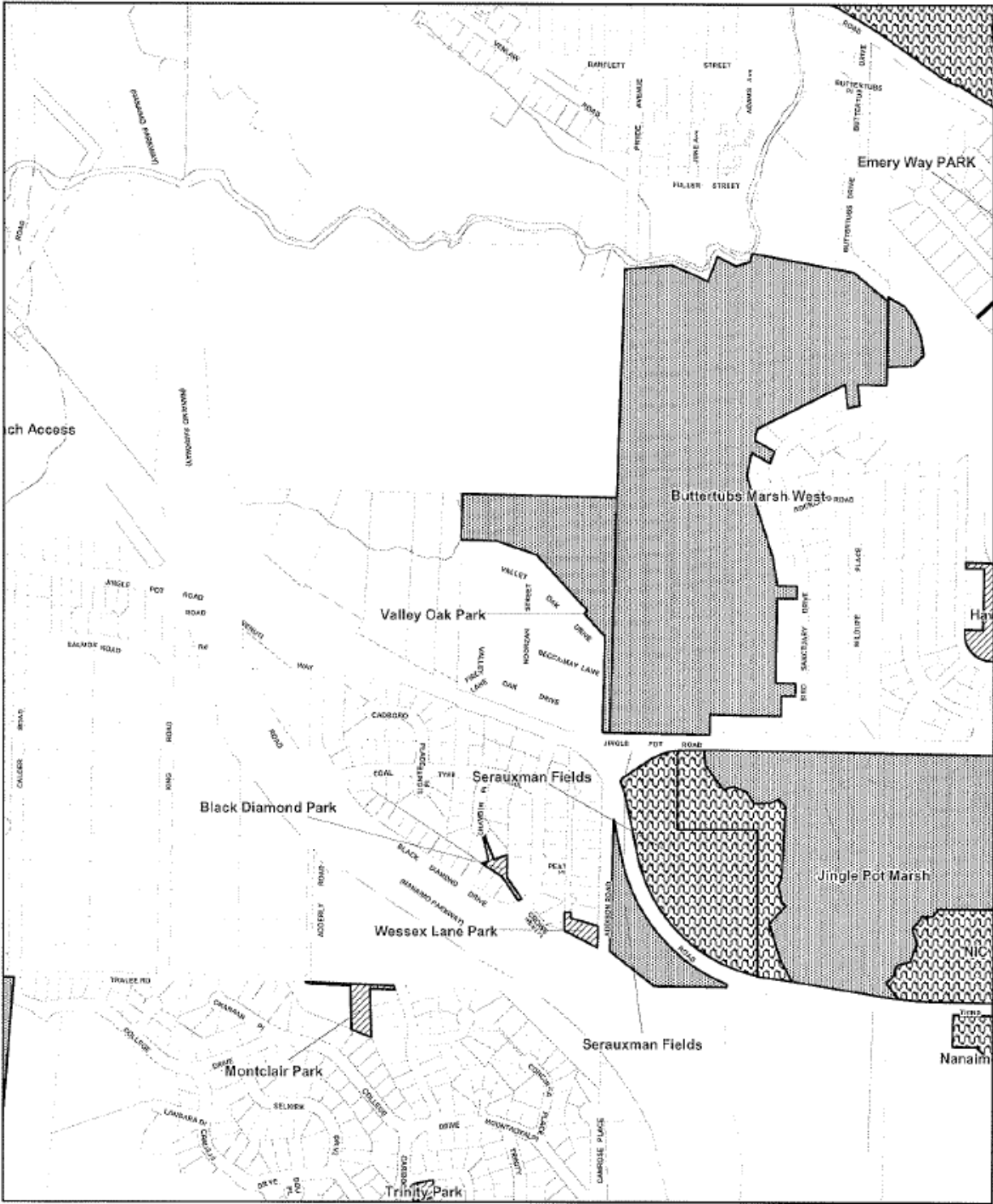
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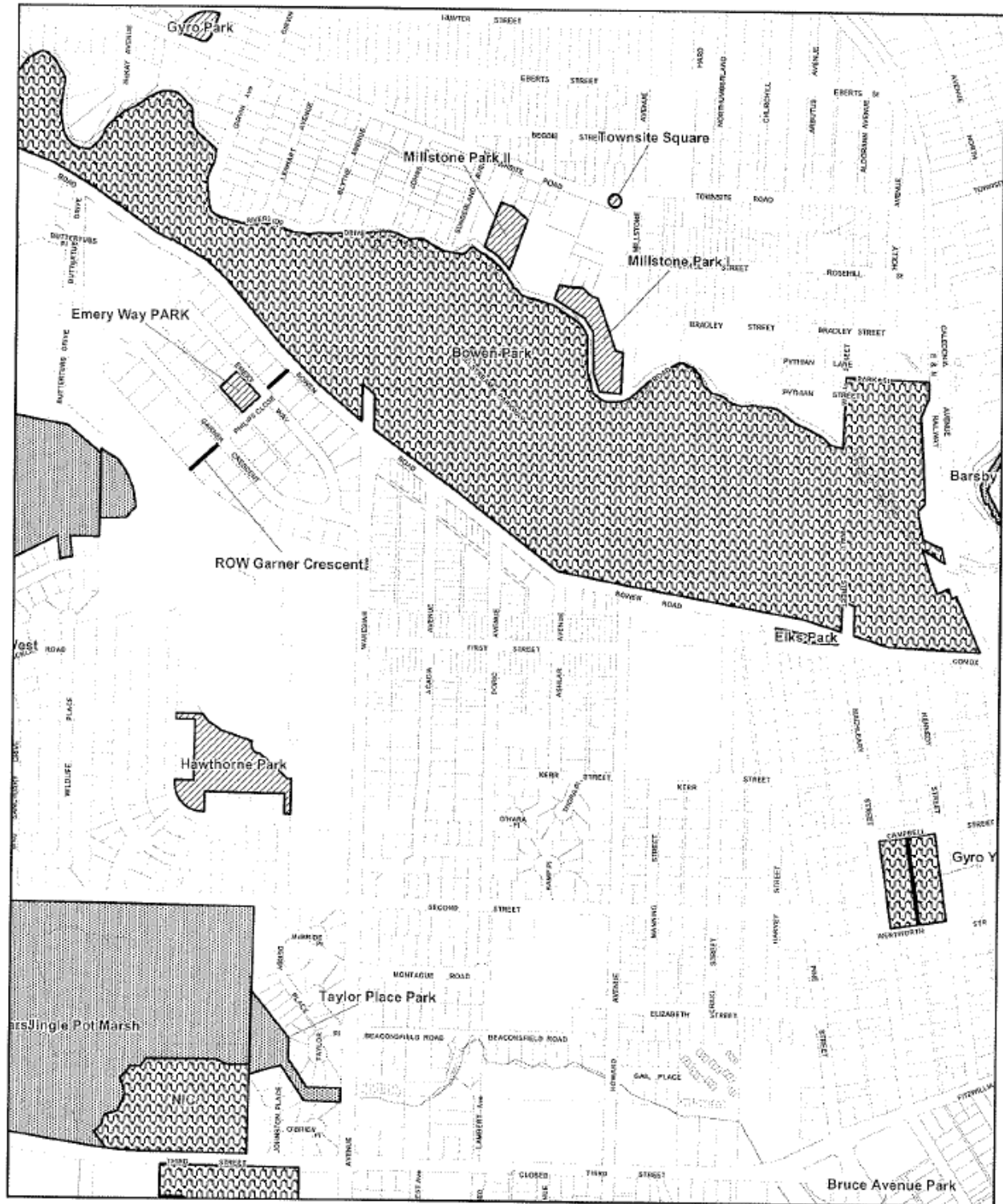
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

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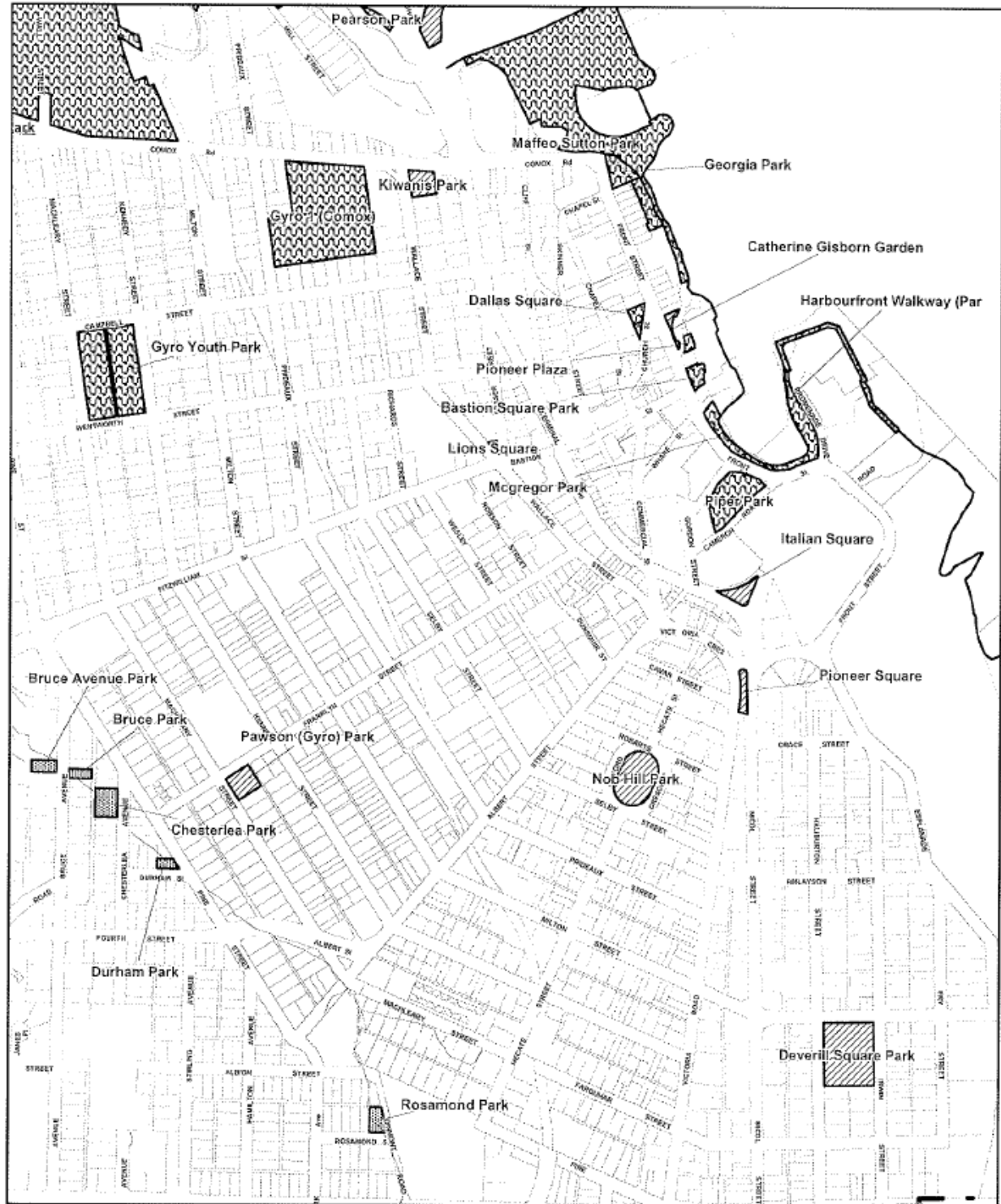
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
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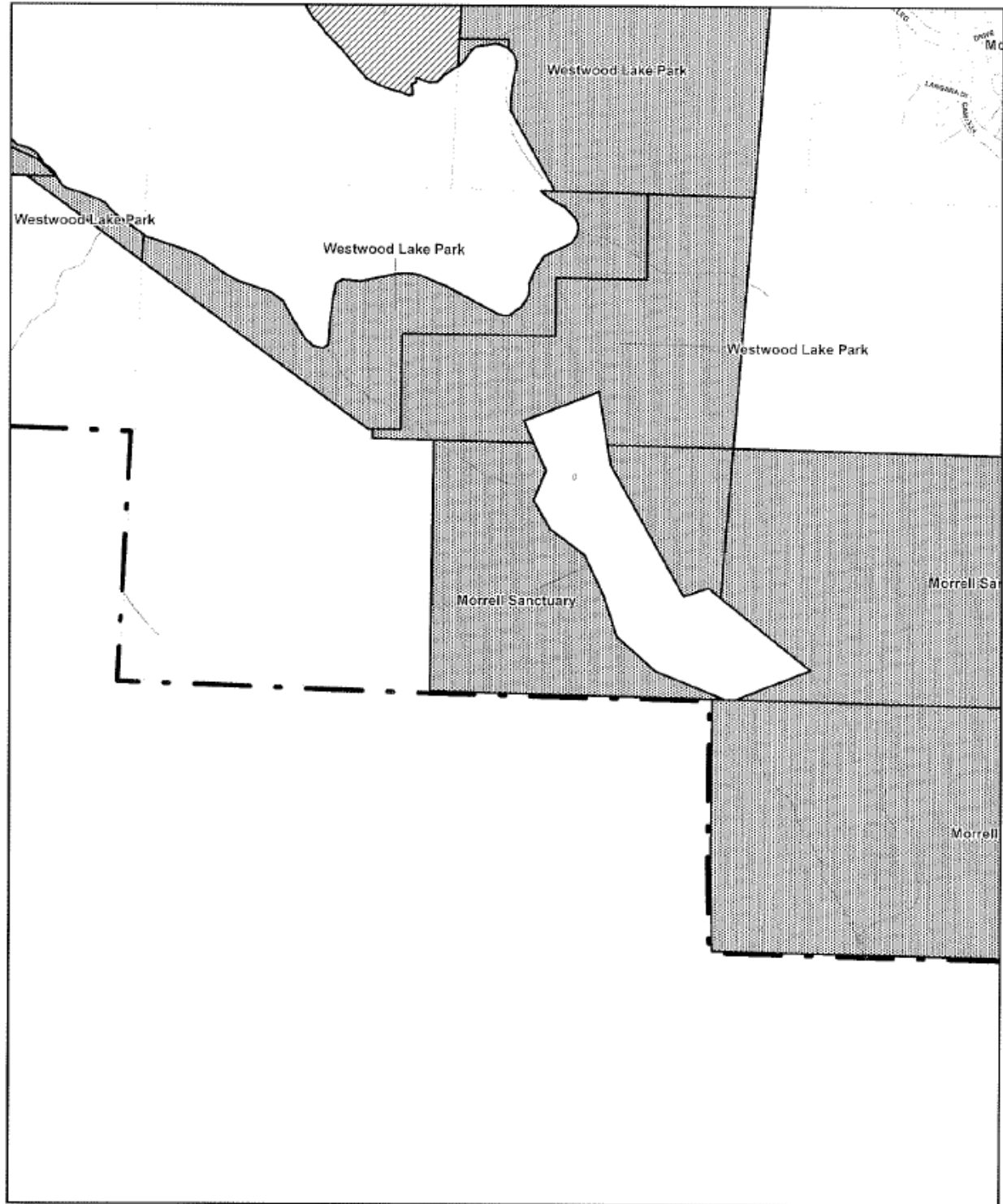
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SCHEDULE AA



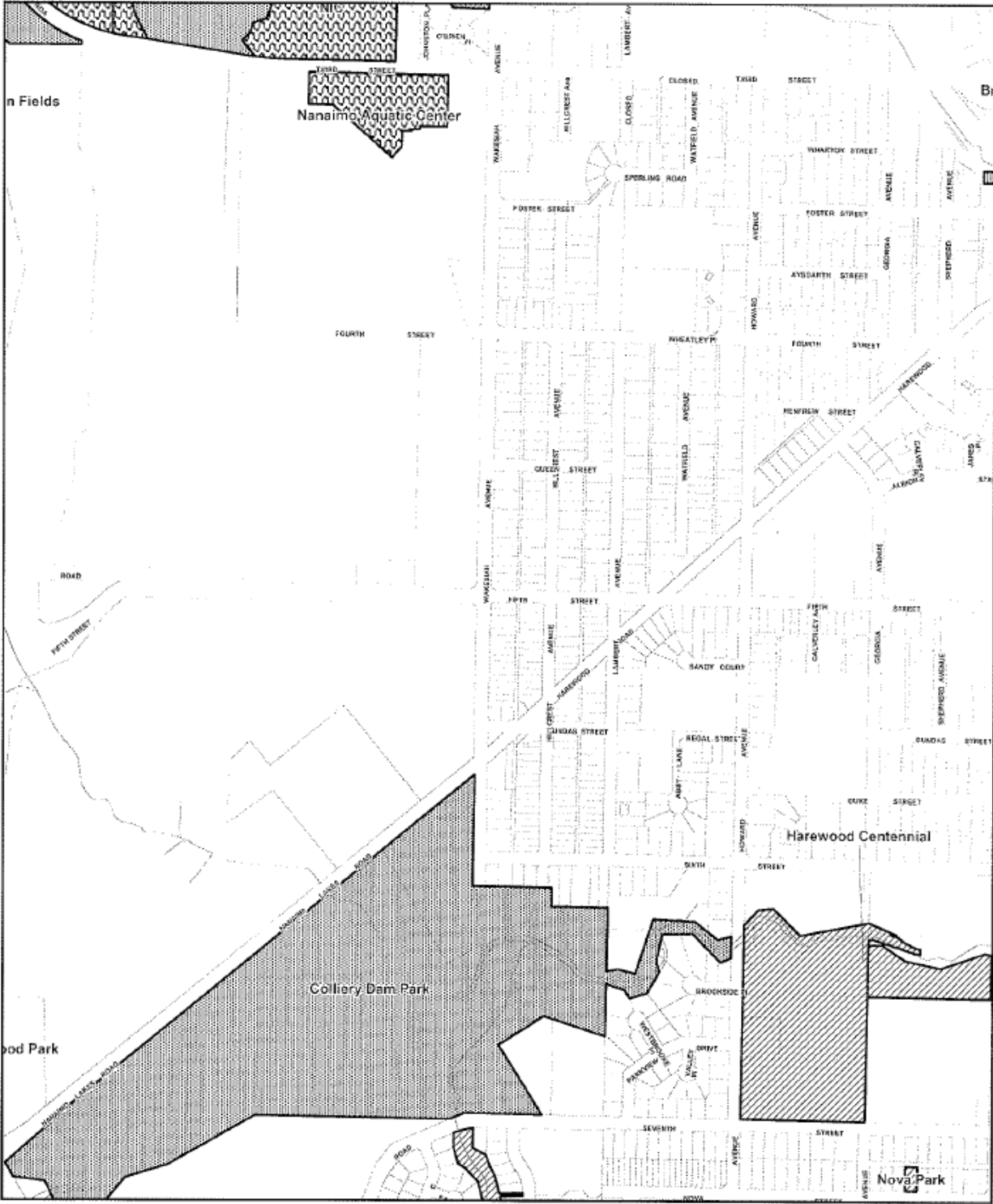
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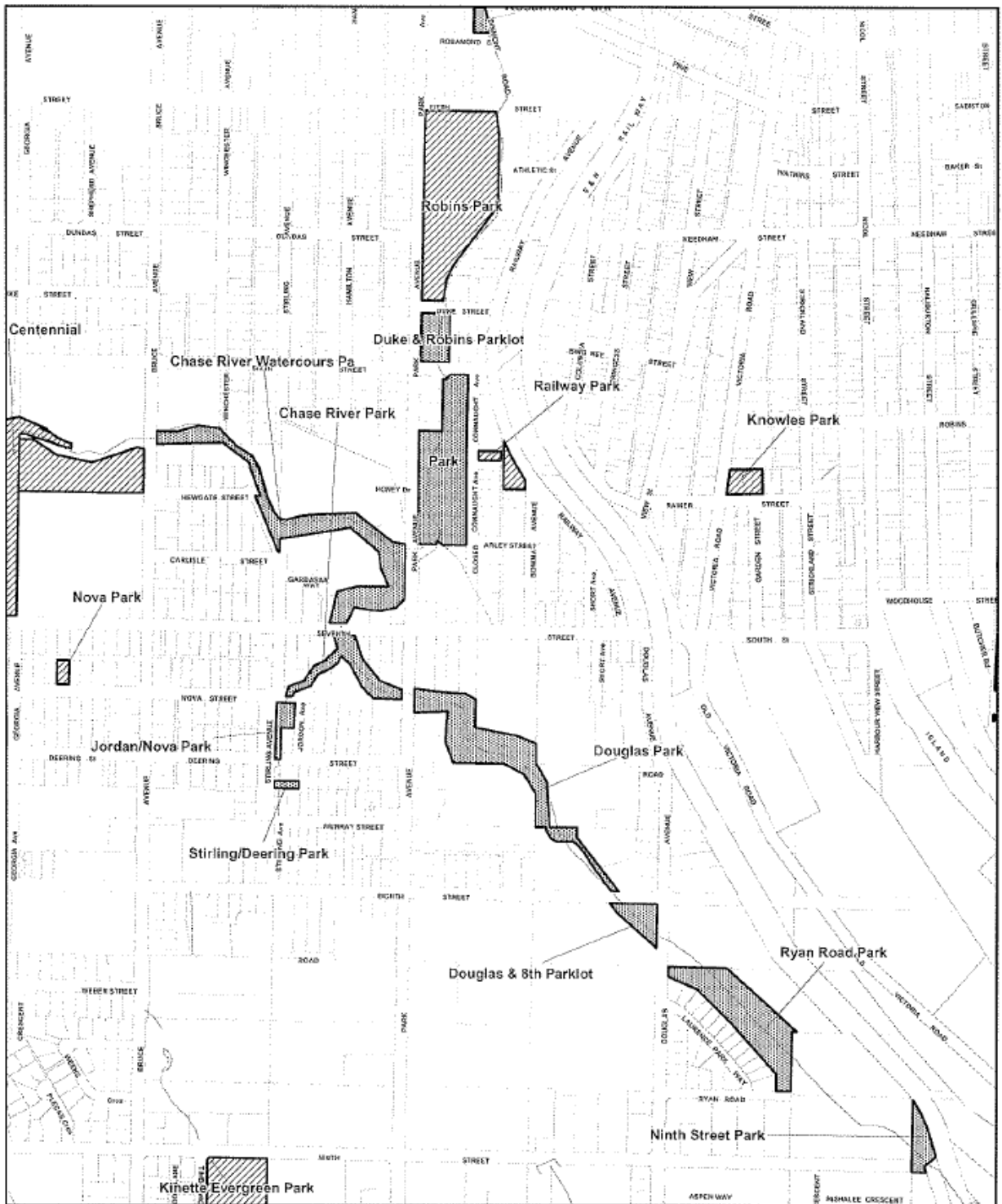
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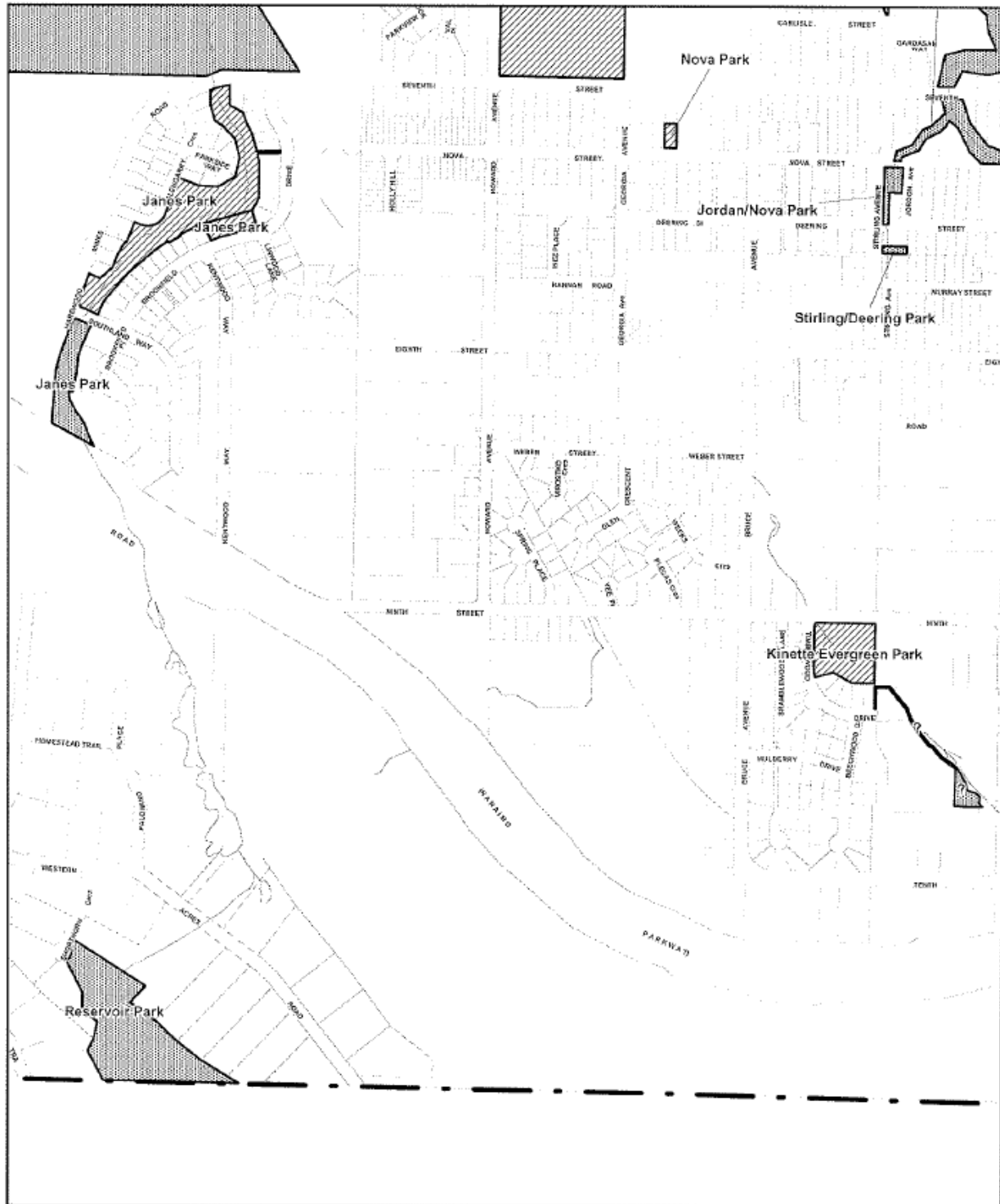
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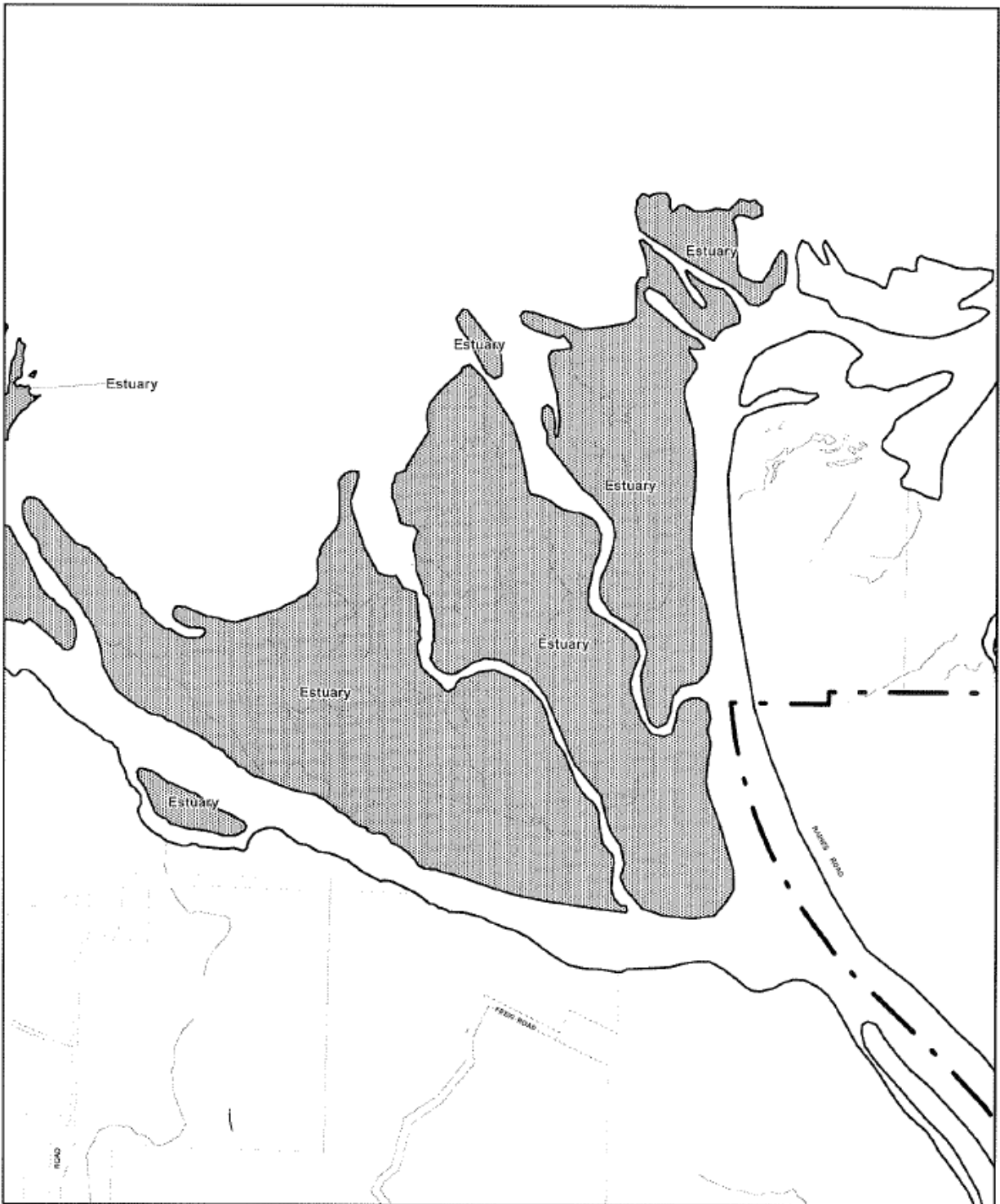
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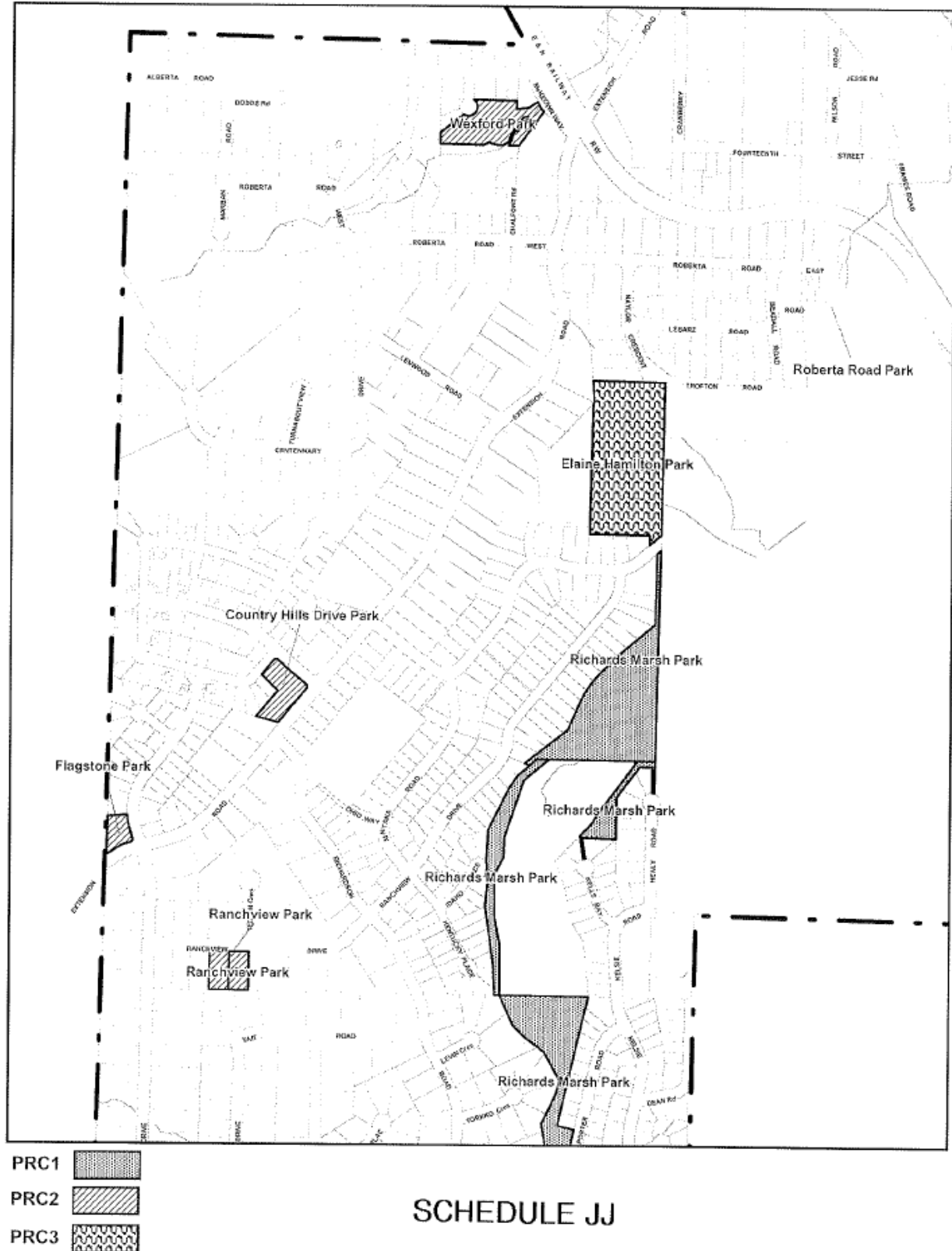
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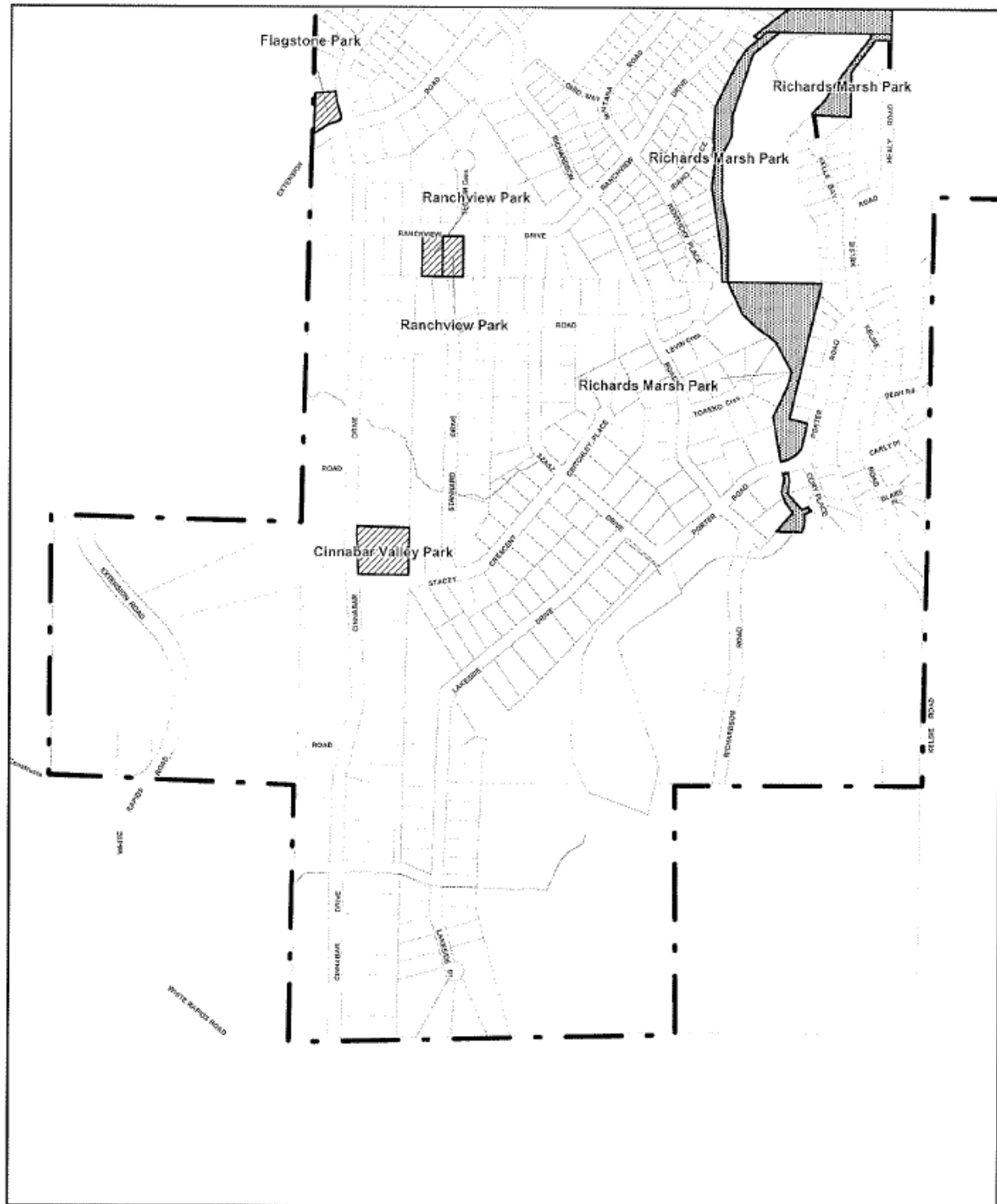
SCHEDULE GG





- PRC1 
- PRC2 
- PRC3 


SCHEDULE II



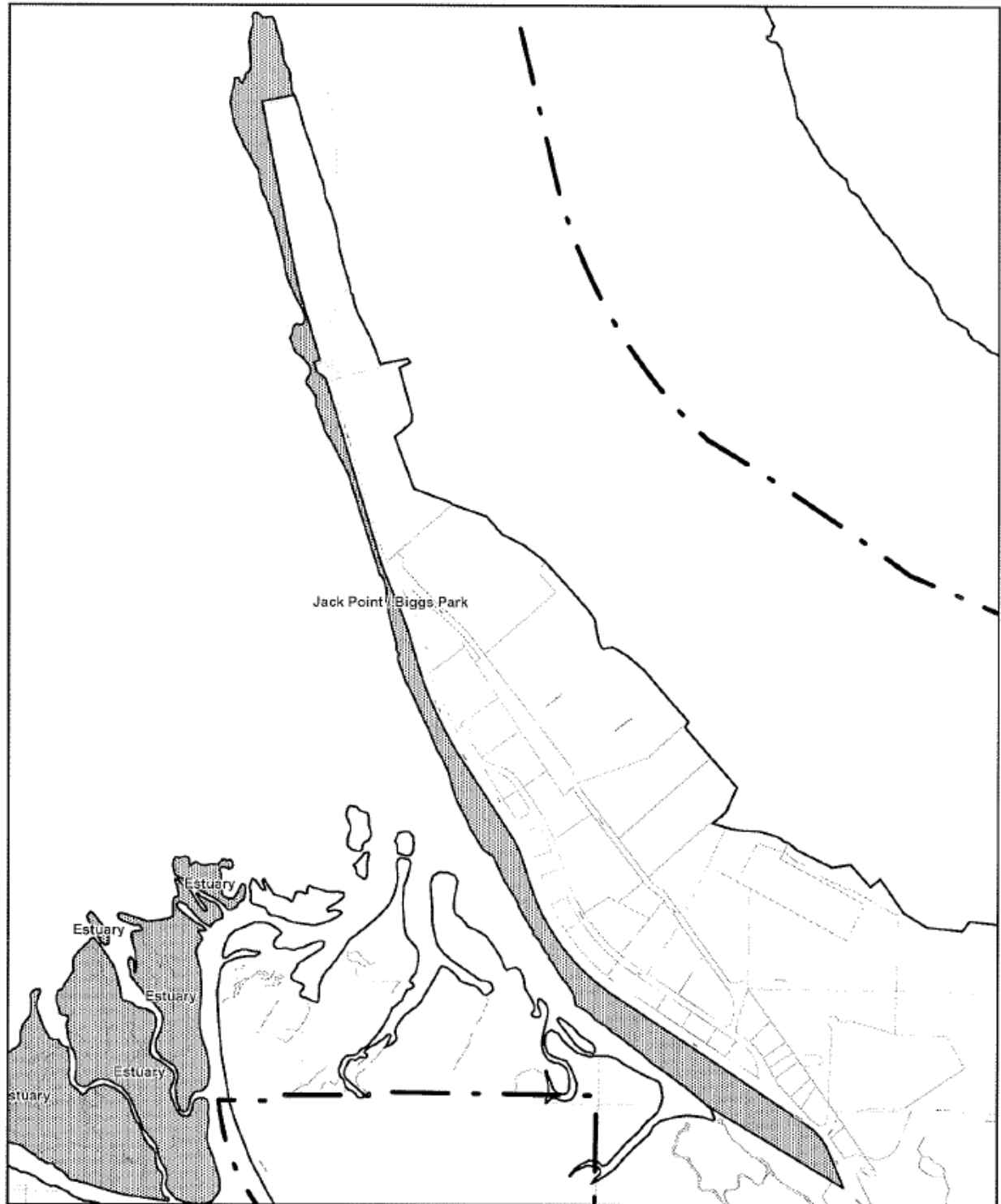





PRC1 

PRC2 

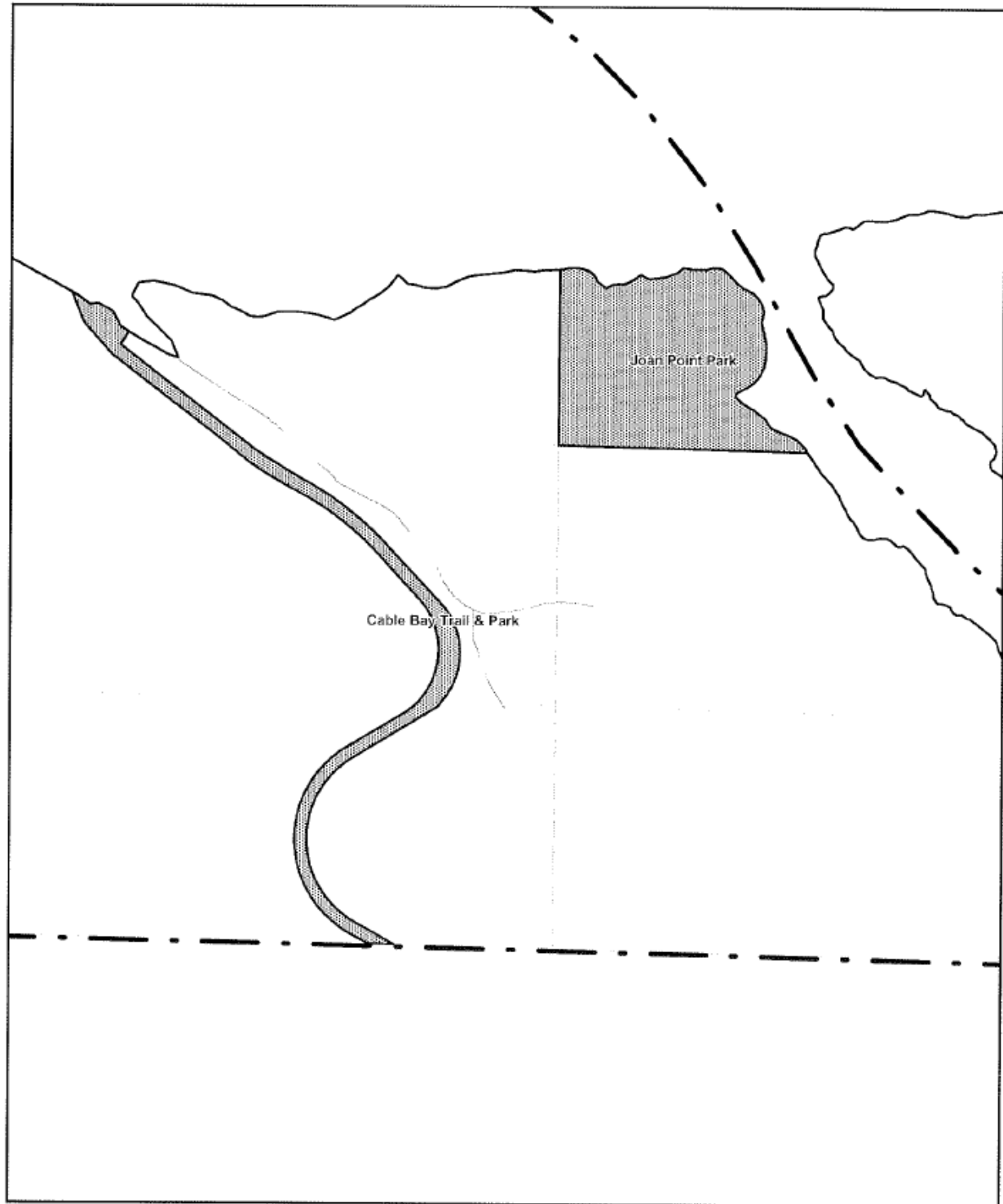
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
SCHEDULE KK



- PRC1 
- PRC2 
- PRC3 

SCHEDULE LL



- PRC1 
- PRC2 
- PRC3 

SCHEDULE MM

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR, PLANNING & DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: Z1-32 - PARKS ZONING

STAFF'S RECOMMENDATION:

That Council reconsider "ZONING BYLAW AMENDMENT BYLAW 2007 NO. 4000.426" at Second Reading and pass Second Reading, as amended.

EXECUTIVE SUMMARY:

At the Parks, Recreation and Culture Commission (PRCC) meeting of 2007-JUN-27, the Commission received a report from Staff regarding the creation of three Park Zones. The PRCC approved the draft park zoning for public review and directed Staff to host a public open house to receive input. PRCC and the Development Services Department held an open house on 2007-OCT-10. The draft park zoning was also presented to the Plan Nanaimo Advisory Committee (PNAC) at their meeting held 2007-SEP-18. The PRCC, at their regular meeting of 2007-OCT-24, received the open house comments and recommended that Council proceed with the park zoning process.

On 2007-NOV-19, Council gave First and Second Reading to Bylaw 4000.426 in order to rezone numerous park properties within Nanaimo. Following First and Second Readings it became apparent that the improvements at the Departure Bay Ferry Terminal and the associated boundary adjustment to the neighbouring Brechin Boat Ramp required an amendment to the bylaw. In addition to amending the revised Brechin Boat Ramp boundary, the amended bylaw will also correct a minor mapping error found at John Weekes Park.

Concurrent with this process, the city undertook a review of the land tenure of parks throughout the city. This review is now complete and the need for additional amendments to the proposed Park Zoning Bylaw was identified. Specifically, since the Park Zoning process began, an additional 10 properties have been dedicated as parkland through the subdivision process. In addition, the review identified that parks exist under a wide variety of land tenures in the city.

It is recommended that the Parks Zoning Bylaw be amended at Second Reading and proceed to Public Hearing.

BACKGROUND:

The current Zoning Bylaw does not contain zoning specifically for parkland. In the past, parkland and the uses within those parks have been permitted within numerous zones as 'Civic Use'.

A recent BC Court of Appeal decision involving School District No. 61 versus the District of Oak Bay ruled that Zoning Bylaws that rely on the use of terms such as 'Civic' are unlawful as they discriminate between users rather than use.

Based on this decision, Staff has prepared a bylaw that will remove the term 'Civic Use' from the Zoning Bylaw. This bylaw was given First and Second Reading by Council on 2007-NOV-19 and will proceed to Public Hearing concurrently with the Parks Zoning Bylaw.

At its regular meeting of 2006-JUL-18, the PRCC approved the development of Park Zoning within the Zoning Bylaw using the following process:

1. Staff to review the Zoning Bylaw of other BC municipalities and develop a draft Park Zoning Bylaw for Nanaimo.
2. Present the draft Park Zoning Bylaw to the PRCC and PNAC.
3. Host a public open house to receive community input for PRCC consideration.
4. PRCC to make a recommendation to Council. Council to consider the recommendation and if adopted, the bylaw to be given First and Second Reading.
5. A Public Hearing held to provide Council with additional public input.
6. Bylaw given Third Reading and Final Adoption from Council.

After reviewing the Zoning Bylaw of other BC municipalities, three Park Zones were developed for public consultation and review. The proposed zones are intended to reflect the varying levels of use on city parkland.

An open house was held on 2007-OCT-10 at Bowen Park to present the following three proposed Park Zones to the public:

1. ***Parks, Recreation and Culture Zone One (PRC-1)***: The primary intent of this zone is to provide for the conservation of natural spaces within city parks. Where possible, the zone will allow for recreational and educational use when compatible with the preservation of natural features within the park.
2. ***Parks, Recreation and Culture Zone Two (PRC-2)***: This zone will provide park areas which allow for organized and unorganized outdoor recreational activities. Parks within this zone shall include playgrounds, sports fields, and undeveloped parks with limited ecological value.
3. ***Parks, Recreation and Culture Zone Three (PRC-3)***: This zone recognizes the wide variety of uses which exist within the city's developed parks. The primary intent of this zone is to provide opportunities for organized recreational and cultural activities.

Maps indicating the location of the draft Park Zones were available for public review at the open house. A copy of the comments received during the open house is attached (Schedule 'A').

In addition to creating the above zones, the amendments will create three new definitions that reflect the uses which will be permitted in each of the above zones:

"Nature Park" means use of lands, buildings, or structures primarily for conservation. Uses can include boardwalks, trails, environmentally sensitive areas, nature centres, nature sanctuaries, and the like.

"Community Park" means use of lands, buildings, and structures for recreation including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, multi-purpose courts and the like.

"City Park" means use of the lands, buildings, or structures for participatory recreation and cultural activities including recreational facilities, waterslides, libraries, cultural facilities, golf courses, golf driving ranges, mini putt golf courses, assembly halls, horse riding stables, petting zoos, daycares and the like. This definition shall specifically include accessory uses of restaurant, office, retail, caretakers dwelling unit, commercial school and lounge.

The recommended zones will also recognize PRCC's traditional role in hosting special events within city parks. The temporary use of lands, buildings or structures for assembly will be permitted on all PRC zoned lands in order to host special events.

'Nature Parks' will be permitted in all PRC Zones; 'Community Parks' shall be permitted in PRC-2 and PRC-3 Zones; and a 'City Park' will only be allowed with the PRC-3 Zone. Mapping of the proposed zones is intended to reflect the current and potential use of the park properties. A map of the parks and their proposed zones is attached to the amendment bylaw on this evening's agenda.

The proposed Park Zones were given First and Second Reading on 2007-NOV-19. Following First and Second Readings, it became apparent that the improvements at the Departure Bay Ferry Terminal and the associated boundary adjustment to the neighbouring Brechin Boat Ramp required an amendment to the bylaw. In addition to amending the revised Brechin Boat Ramp boundary, the amended bylaw will also correct a minor mapping error found at John Weekes Park. Ten new parks have been created through the subdivision process since 2007 when the Park Zoning project began.

City Staff have also completed a review of park space in relation to land tenure. Parks exist under a variety of tenures including;

- 24 properties dedicated by Park Bylaws (No. 735, 2255, 2671, or 2803).
- 172 properties dedicated by plan of subdivision.
- 2 properties that are dedicated road.
- 53 properties that are held by the City in fee simple for park purposes.
- 20 properties owned or managed by third parties that have consented to Park Zoning.

The city's land inventory for each of these parcels has been updated and documented.

In addition, there are a number of parcels that are managed by PRCC that are not included in the proposed Park Zoning. This includes lands managed as part of the city's water supply system and beach access walkways located in road rights-of-ways. Newcastle Island, which is managed under a joint management agreement between the province, the Snuneymuxw First Nation and the city, has also been omitted from the Park Zone

The Park Zones (Bylaw No. 4000.426) were given First and Second Reading on 2007-NOV-19. Due to the changes noted above, it is recommended that Council rescind Second Reading, amend the schedules attached to the bylaw and proceed with Second Reading, as amended. (Copies of the revised schedules will be distributed separately.)

Respectfully submitted,

TO: CITY MANAGER

FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL

GENERAL MANAGER OF DEVELOPMENT SERVICES

for:

D. Lindsay
Manager, Planning Division
Development Services Department

A. Tucker
Director of Planning
Development Services Department

SCHEDULE A

PARKS ZONING OPEN HOUSE 2007-SEPTEMBER-26 COMMENTS

To provide you an opportunity to offer input into the three newly proposed park zones, please take a few minutes to complete this Comments Sheet...

Any suggestions/opinions you may have regarding zoning for parkland will be greatly appreciated.

Do you have any comments on the proposed parks zones, and the uses permitted within those zones? Are there any changes you would like to see made?

- We attended the open house last night and on closer review of the handouts, we have the following recommendation: The Fillinger Waterfront Park should be zoned PRC-1, not PRC-2, as it's primary purpose is conservation and enjoyment of natural spaces (PRC-1), not provision of park area for outdoor recreational activities (PRC-2). We did add a sticker to the map on this point during the open house. Thanks for the opportunity to comment. Warm regards, Don and Pat Martin, 160 Heritage Drive (Effective Dec 1) 250-667-0821.
- We live near Neck Point Park, Pipers Lagoon. We feel these parks are zoned correctly.
- Thank you for the presentation. Protection of natural walking areas is of importance. Continued efforts to deal with broom, blackberry, etc. is also desired and appreciated.
- This is a great idea. Who would have guessed that our parks are not protected in perpetuity as parks. Park zoning should be done ASAP. Chris Aronson, 716-1462.
- I strongly support this proposal as shown on the map. In addition I would like to see the land from the old arena and foundry zoned parkland.
- Please proceed with this proposed zoning plan. We will all benefit!
- Wardropper Park should be PRC1 only.
- Although I am new to the community, I was drawn to purchase a home in Nanaimo because of their great parks. I hope in all your park zoning there will be a reserved portion to allow for green space. Bowen Park is lovely and attractive, but most of its beauty is the natural and green spaces along the waterway. I feel it is extremely important to keep nature as a priority in all planning.
- Saving park space is great. Lets hope that the municipalities vito TILMA so no developers can rezone in Nanaimo. I don't think this is enough to keep development out. We need strong council persons.

- I would very much like to see this process used for all our parks and green spaces. They are a great asset to Nanaimo and greatly enjoyed by the citizens.
- Zone 1 nature parks should be “designated parks” and only subject to change through referendum with no potential for change through the rezoning process. Bottom line is that even if zoned PRC1, 2 or 3 the zonings can be changed through the existing rezoning process.
- I fully support the zoning of all proposed PRC zoning. There should be no cycling permitted on PRC1 areas that are primarily for walking as these are a hazard to elderly walkers. PRC1 areas should require a referendum before they could ever be used for other purposes than those intended. This would recognize the efforts of the public who collected and donated 1 million dollars to purchase Neck Point Park. L.H. Cruttenden, 3911 Hammond Bay Rd.
- I don't like what is included in Zone 3 viz – restaurants, offices, retail, dwelling units, commercial schools, lounges and neighbourhood pubs. There should be no commercial use in parks – NAC and NIC aren't really parks. Bowen Park should not be Zone 3 but mostly Zone 1 with the existing recreational facilities separately zoned like has been proposed for the 3rd Street properties. On Protection Island Smugglers Park should be Zone 1 not Zone 2 (There are no recreational facilities there). Cable Bay Trail is not really Zone 1 but will exist soon as a thin walkway through an urban area. Our parks are special and a limited resource especially those in more pristine natural condition. We don't want commercial development there, on the future possibility of same. ON the basis of these proposals the former Civic Arena land would be protected and in there should still not be allowed for development. These proposals are too business friendly. We ought to be zoning with ecological protection in mind.
- I thought that there were to be 3 new parks!! Obviously didn't read the announcement carefully. This dividing of parks according to their uses is a good idea and gives everyone information as to activities which are permissible. Very nice to be informed of the planning before it actually happens. A good job. J.W.M.
- Very grateful that we will hopefully have our parklands protected. We are lucky in Nanaimo to have time to dedicate parks/trails/bike paths before densification makes it impossible and I support this effort to protect what we have.
- I feel the park zoning was well explained. I agree with the zoning. I feel very strong about protecting our green space. We live in a very beautiful place. Our parks let us enjoy it even more. Thank you for the presentation.
- It's very important to have bylaws to protect our precious parkland from any development. The proposed park zones seem logical. Thank you for the fine displays and ideas.
- Need further protection of ESA's within Parks. Do you need a separate “Park” (designation) for restricted use? I see a lot of use of Neck Point/Linley Valley where it should not occur (ie on sensitive areas) walking/hiking/fires/etc. and wonder if in the future these areas should be fenced off or trails established at a further distance from these sensitive areas. I just would like us to preserve these gems we have and not end

up with bare rocky areas trampled by visitors, and garbage dumped as I see in Departure Bay Creek. Good luck. Thank you, Ingrid Perry.

- I believe as Nanaimo is a rapidly growing city, that we need more nature parks than at present available and would expect the city to secure for all time access to those parks we already have and keep them in a natural state. I hope Linley Valley will be expanded as it's a jewel for the city. Newcastle Island should also be more easily accessible with affordable boating costs for families. I understand it was donated for \$1 originally and was meant to be kept within the city's control. I do enjoy the new Nanaimo pool.
- So glad to see that the parks we live near have been zoned PRC1 – Neck Point and Pipers. We frequent them and enjoy their natural beauty. Mike and Georgia Brown.
- I propose that no developments ie housing and/or industrial/commercial take place in the existing parks of Nanaimo namely; Neck Point, Buttertubs Marsh, Pipers Lagoon, Linley Valley and Cable Bay Trail and Park. Also I would like to see more green spaces be preserved as parks. Newcastle Island access should be funded by the Province as it is expensive today for young families to pay for the "ferry".
- The areas to be designated PRC1 should not be subject to rezoning these after without a full referendum. Bicycles should not be permitted on PRC1 parks as they are a hazard to walkers. Cycling could be included on PRC2 areas. Hilda Cruttenden, 3911 Hammond Bay Rd.
- Wardropper Park to be PRC1.
- Nanaimo should provide the strongest levels of park protection possible. This must be one of the highest priorities this city will face. What is proposed alongside the access to Cable Bay must be prevented. As well, this is our legacy and short term gains must be avoided to ensure long term sustainability.
- I am glad you are taking the time to explain the zoning and what and how areas are protected. Have this again at Beban. Also put the map and explanation in a newspaper pullout and ask for comments and e-mail suggestions.
- Great to see this process going on. I'd like to see even more protection for especially the PRC1 zone. It would be desirable to have some kind of covenant designation so that parts couldn't be carved off and sold for other uses