



NOTICE OF PUBLIC HEARING

2008-OCT-16 at 7:00 pm

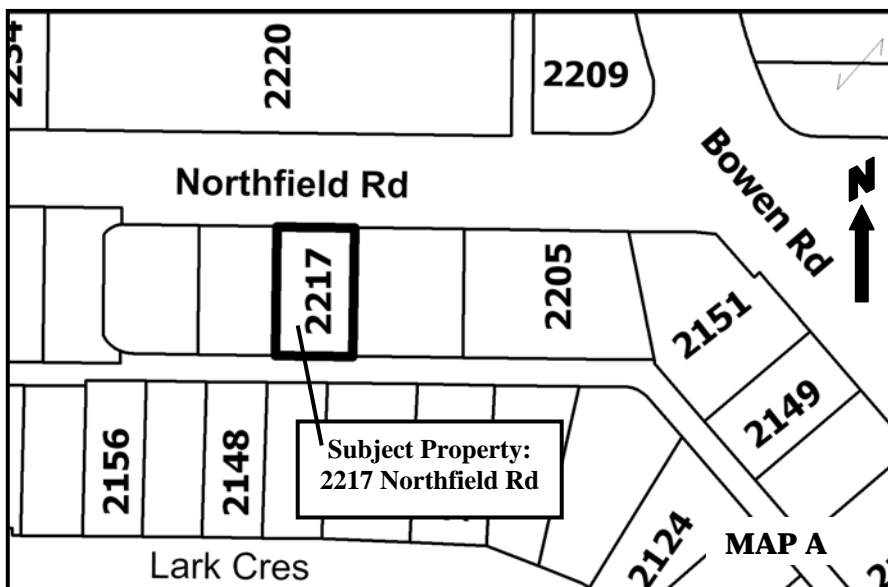
Notice is hereby given that a Public Hearing will be held on Thursday, **2008-OCT-16**, commencing at **1900 hours (7:00 pm)** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000."

1. BYLAW NO. 4000.442

Purpose: To permit use of land for a day care facility for physically and mentally challenged adults.
Location(s): 2217 Northfield Road
File No.: RA209

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Public Institution Zone (P-2) in order to permit the use of "Personal Care Facility" for a day care program for physically and mentally challenged adults.

The subject property is legally described as LOT A, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN 37650, EXCEPT PART IN PLAN VIP71195, and is shown on Map 'A'.

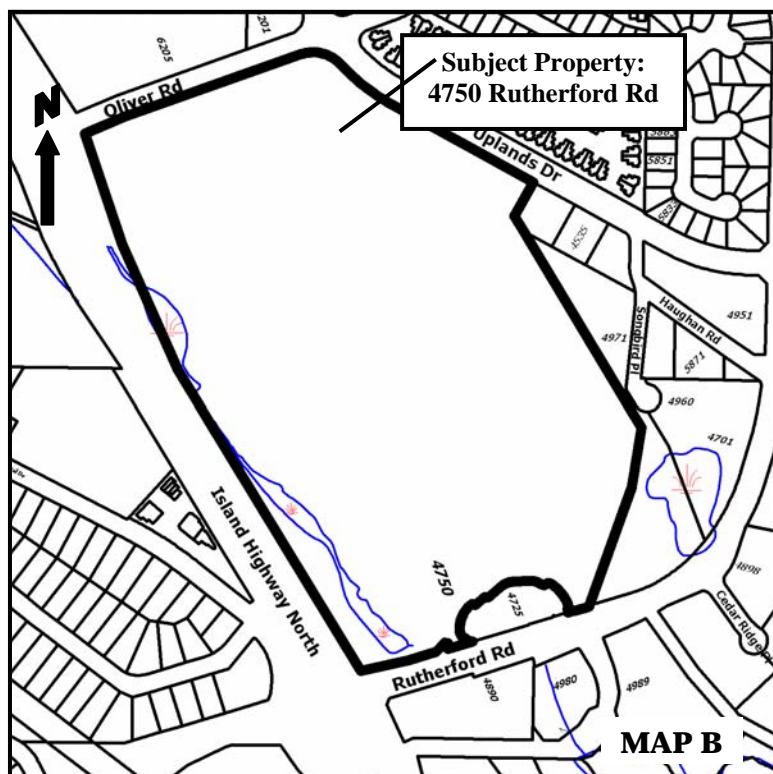


2. BYLAW NO. 4000.443

Purpose: To permit use of land for a retail liquor store.
Location(s): 4750 Rutherford Road
File No.: RA210

This bylaw, if adopted, will permit 'Liquor Store' as a site specific use within the Community Shopping Centre Commercial Zone (C-7) for property located at 4750 Rutherford Road, 'North Town Centre' (previously known as 'Rutherford Mall').

The subject property is legally described as LOT A OF SECTION 14 AND DISTRICT LOTS 14 AND 17 AND SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN VIP66202, and is shown on Map 'B'.



3. BYLAW NO. 4000.444

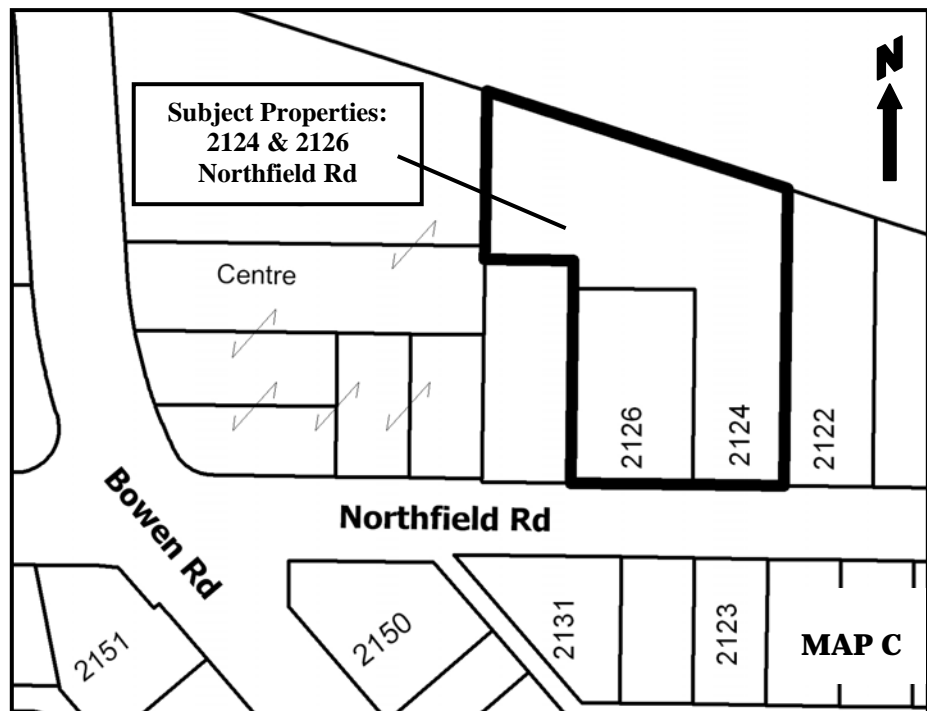
Purpose: To create a Corridor Zone and to permit use of land for a mixed residential and commercial development.

Location(s): 2124 & 2126 Northfield Road

File No.: RA206

This bylaw, if adopted, will create a new zone, Corridor Zone (C-31), and will rezone the subject properties from Transition Industrial Zone (I-1) to Corridor Zone (C-31) in order to facilitate the construction of a mixed use multi-family and commercial development.

The subject properties are legally described as LOT 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 23309 EXCEPT THAT PART IN PLAN 28820; and LOT A, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 28820, and are shown on Map 'C'.



4. BYLAW NO. 4000.441

Purpose: To make general text and mapping amendments to Zoning Bylaw 4000.

Location(s): Various

File No.: 3900-30-ZA1-79

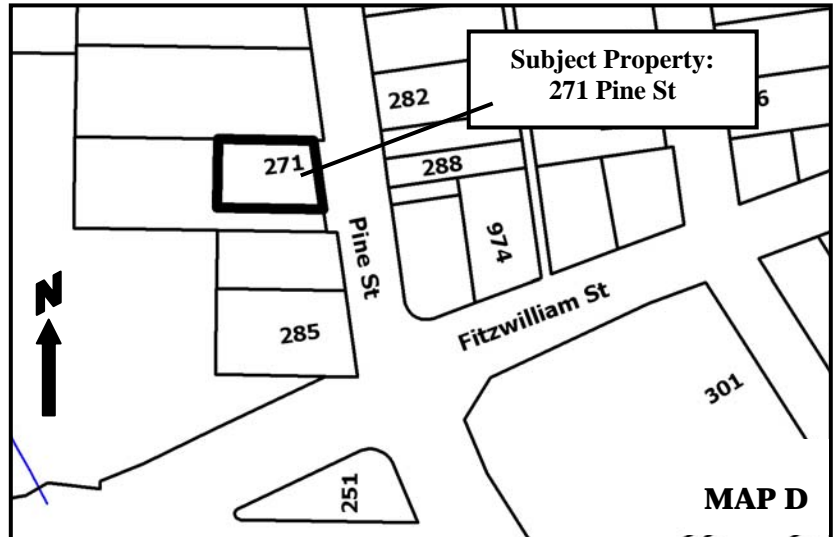
Council has recognized that periodic amendments to the zoning bylaw are needed to maintain the effectiveness and relativity of the zoning regulations. This bylaw if adopted, will:

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|-------------|---|
| Amendment 1 | Amend the definition of "Farm Building" to recognize the storage of commercial crops. |
| Amendment 2 | Remove the definition of "Lot, Panhandle". |
| Amendment 3 | Amend the definition of "Perimeter Wall Height" to clarify that wall height is measured from finished grade to the top of the wall plate. |
| Amendment 4 | Add the following definition to Part 4- Definitions: "PEDESTRIAN TRAIL"- means a place or passageway used only by pedestrian or cycle traffic". |
| Amendment 5 | Amend definition of "Lot" to clarify that phased boundaries are not considered lot boundaries and do not require setbacks. |
| Amendment 6 | Amend definition of "Shopping Centre" to allow temporary automobile sales as a permitted use. |
| Amendment 7 | Amend definition of "Yard" to clarify that a fence is not considered a structure and does not need to meet the required yard setback. |
| Amendment 8 | Amend the definition of "Campground" to include a restaurant as an accessory use. |

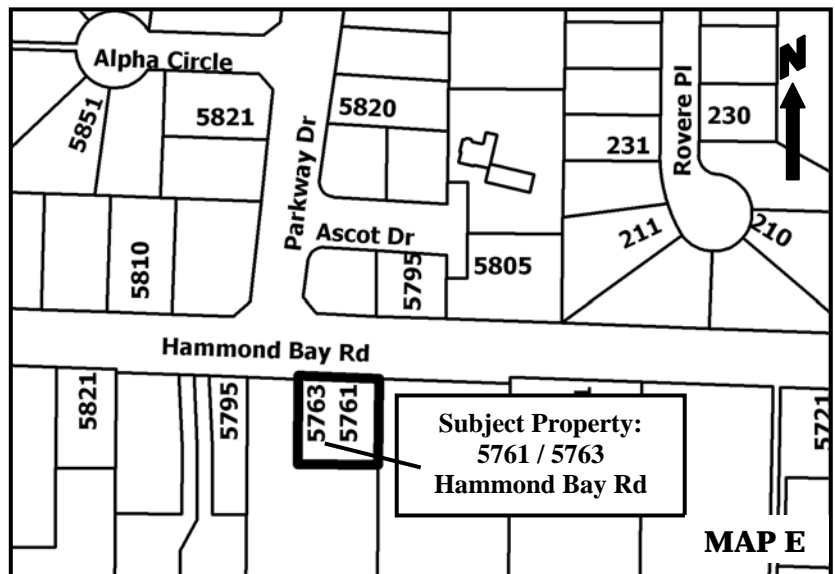
- Amendment 9 Amend Subsection 5.1.4 to correct notwithstanding references. The notwithstanding Subsection refers to Section 5.1.5, which does not exist; the subsection should be referring to 5.1.4.
- Amendment 10 Amend Section 5.9.1 (fence height) to allow a fence to be measured from final lot grading plan, or where no grading plan exists, from natural or finished grade, whichever is lower.
- Amendment 11 Amend Section 5.9.6 to reduce the maximum allowable height of a fence abutting a pedestrian trail from 2.4 metres (7.87 feet) to 1.8 metres (5.9 feet) in order to increase the safety along trailways by increasing the visibility of pedestrians to surrounding homeowners. The 1.8 metre fence height restriction is the same as that for fences abutting the flanking side yard of a corner lot.
- Amendment 12 Amend Subsection 5.12.2 (Secondary Suites) in order to allow a secondary suite within a Public Institution Zone where a single family dwelling is the only use on the lot.
- Amendment 13 Amend Subsection 5.13.3 (Vehicle Restrictions) to clarify that residential occupancy of a recreational vehicle is only permitted on a vacant lot where a building permit has been issued.
- Amendment 14 Add Subsection 5.14.4.4. (Home Based Business) to prohibit pet daycare and boarding kennels as a home based business.
- Amendment 15 Amend Subsection 5.18.3 (Subdivision) to allow the Subdivision Approving Officer to except a parcel from the minimum frontage requirements for a corner lot.
- Amendment 16 Amend Subsection 5.18.4 (Subdivision) to allow the Subdivision Approving Officer to exempt a parcel from the lot depth requirement.
- Amendment 17 Delete Subsection 5.18.9 (Subdivision) to discourage the creation of panhandle lots.
- Amendment 18 Amend Subsections 6.1.7.4, 6.2.7.4, 6.3.6.2, 6.4.7.2, 6.5.6.2, 6.6.8.3, 6.7.8.4. and 6.8.8.4 in order to increase the maximum height of an accessory building from 4.5 metres (14.76 feet) to 5.0 metres (16.4 feet) where the roof pitch is 6:12 or greater or to 5.5 metres (18.04 feet) where the roof pitch is greater than or equal to 8:12.
- Amendment 19 Amend Section 6.3 (RS-3) to include regulations limiting the maximum allowable gross floor area and floor area ratio for a single family home.
- Amendment 20 Amend Section 6.7.7.1, (RS-7) which regulates the siting of buildings, to include accessory buildings.
- Amendment 21 Amend Subsection 7.3.6.4 to reduce the required rear yard setback in the RM-3 (Townhouse) Zone from 10.5 metres (34.45 feet) to 7.5 metres (24.6 feet). The proposed amendment will allow townhouse setbacks to be the same as the rear yard setbacks in single family zones.
- Amendment 22 Amend Subsection 7.8.8.2 to reduce the maximum allowable height of a fence around a mobile home lot to 1.2 metres (3.94 feet) in order to match the existing fence height requirement within the Mobile Home Parks Bylaw.
- Amendment 23 Delete Subsections 9.4.2.5, 9.5.3.2, and 9.7.2.3 which restrict the total floor area used for financial institutions and offices within the C-4, C-5 and C-7 zones to 1,500 m² (16,146 ft²).
- Amendment 24 Amend Schedule E (Fine Schedule) to add a fine for a “use not permitted” and a “leave strip encroachment”.

This bylaw, if adopted will also rezone:

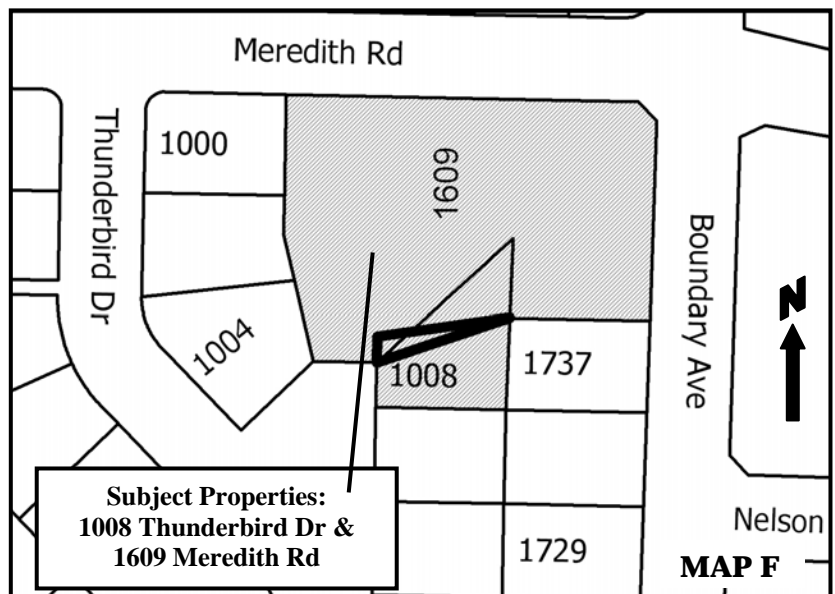
- i) 271 Pine Street, land legally described as LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP71136, from Single Family Residential Zone (RS-1a) to Public Institution Zone (P-2), as shown on Map 'D'.



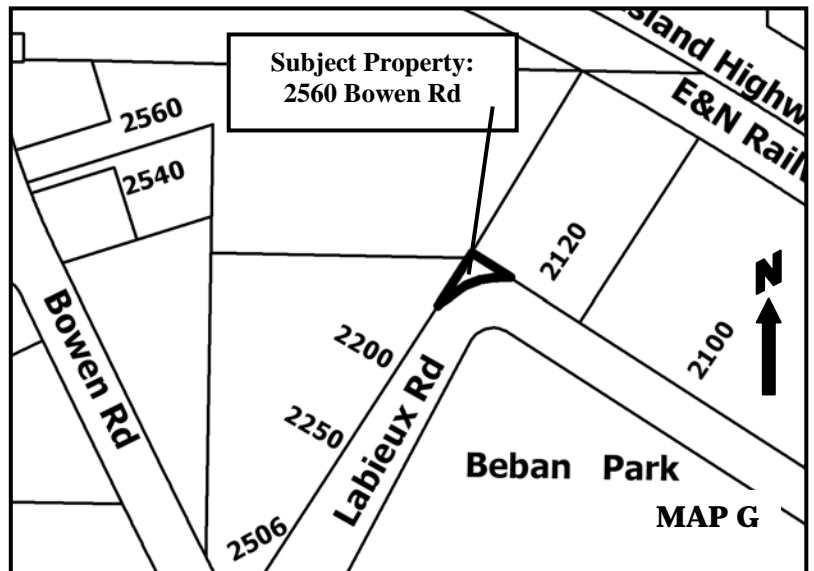
- ii) 5761 / 5763 Hammond Bay Road, land legally described as LOT 1, DISTRICT LOT 38, WELLINGTON DISTRICT, PLAN 46620, from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1), as shown on Map 'E'.



- iii) 1008 Thunderbird Drive & 1609 Meredith Road, lands legally described as LOT 49, SECTION 16, RANGE 8, MOUNTAIN DISTRICT, PLAN 14680; and LOT A, SECTION 16, RANGE 8, MOUNTAIN DISTRICT, PLAN VIP64036, from Public Institution Zone (P-2) to Single Family Residential Zone (RS-1), as shown on Map 'F'.



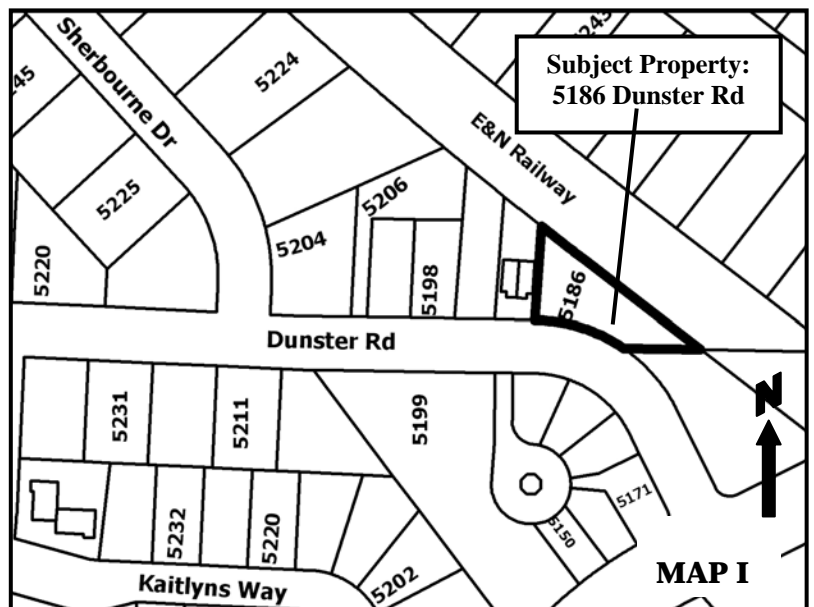
- iv) 2560 Bowen Road, land legally described as LOT B, SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN 43870, from Single Family Residential Zone (RS-1) to the General Industrial Zone (I-3), as shown on Map 'G'.



- v) 6021 Nelson Road, land legally described as LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN VIP56260, from Single Family Residential Zone (RS-1) to Public Institution Zone (P-2), as shown on Map 'H'.



- vi) 5186 Dunster Road, land legally described as LOT 6, SECTION 4, RANGE 4, DISTRICT PLAN VIP80527, from Residential Duplex Zone (RM-1) to Mixed Use Commercial Zone (C-4), as shown on Map 'I'.



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, 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. 4000.441, 4000.442, 4000.443, 4000.444 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**](mailto:public.hearing@nanaimo.ca), or submitted online at [**www.nanaimo.ca**](http://www.nanaimo.ca). These submissions must be received no later than 4:00 pm, 2008-OCT-16, 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**