

# NOTICE OF PUBLIC HEARING

2007-APR-05 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2007-APR-05**, commencing at **1900 hours (7:00 pm)** in the **Board Chambers of the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

## 1. BYLAW NO. 4000.410:

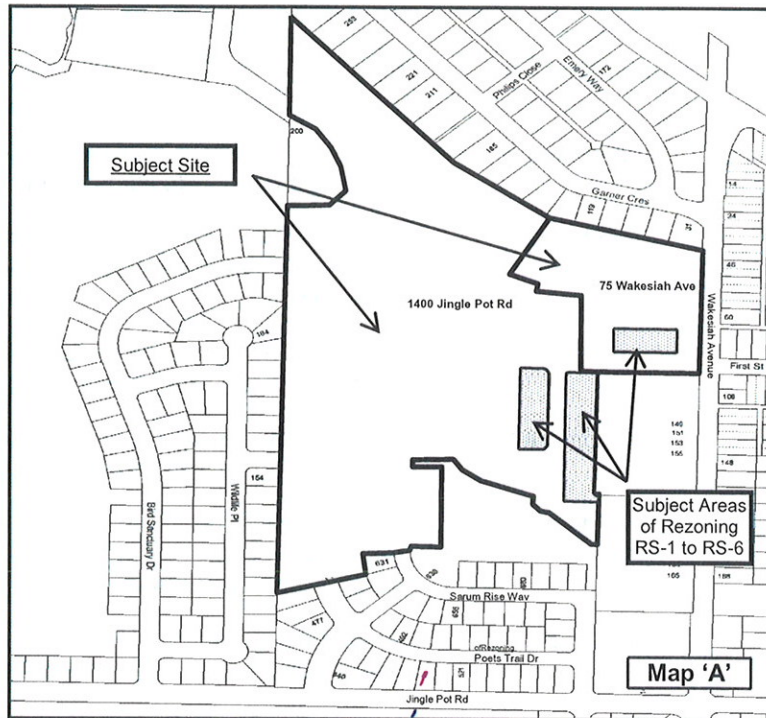
**Purpose:** To Facilitate Subdivision of Single Family 'Small' Lots

**Location(s):** Parts of 75 Wakesiah Avenue  
& 1400 Jingle Pot Road

**File No.:** RA184

This Bylaw, if adopted, will rezone parts of the subject properties from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6), in order to facilitate subdivision of 24 single family 'small lots'. If approved, the proposed lots will range in area from 382 m<sup>2</sup> (4,112 ft<sup>2</sup>) to 529 m<sup>2</sup> (5,694 ft<sup>2</sup>).

The subject properties are legally described as part of LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP79548, EXCEPT PART IN PLAN VIP79549 AND VIP82272 and part of LOT B, SECTION 1, NANAIMO DISTRICT, PLAN VIP63268, and are shown on Map 'A'.



## 2. BYLAW NO. 4000.411:

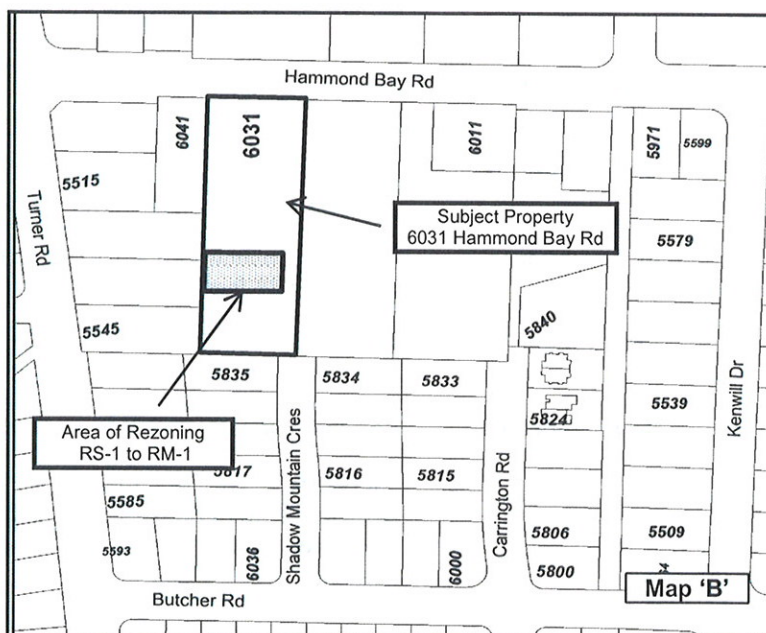
**Purpose:** To Permit Development of a Duplex

**Location(s):** 6031 Hammond Bay Road

**File No.:** RA185

This Bylaw, if adopted, will rezone part of the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to allow for the construction a duplex on a proposed new subdivided lot.

The subject property is legally described as part of LOT 3, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN 18371, and is shown on Map 'B'.



### 3. BYLAW NO. 4000.412:

**Purpose:** Routine Housekeeping Text and Mapping Amendments

**Location(s):** Various

**File No.:** 3900-30-Z1-51:

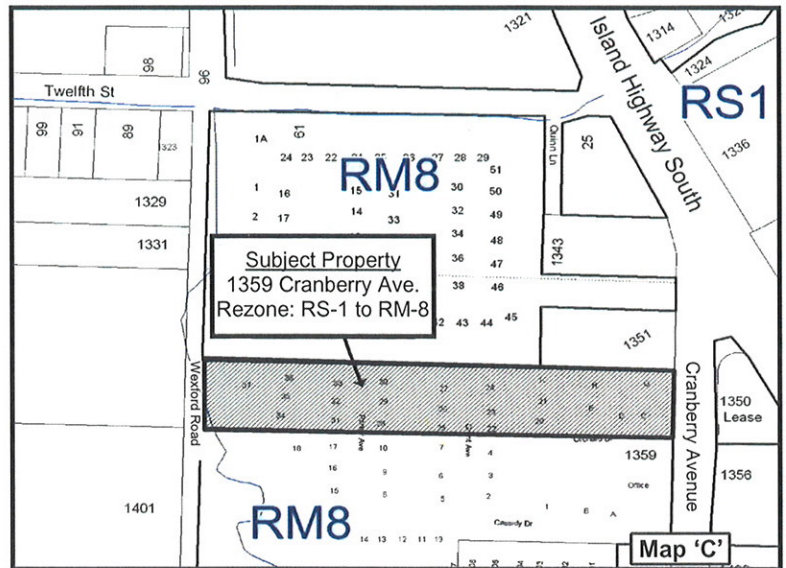
Council has recognized that periodic amendments to the zoning bylaw are needed to maintain the effectiveness and relativity of the zoning regulations. This bylaw, if adopted, will:

- |              |   |
|--------------|---|
| Amendment 1  | Remove "Casino" as a permitted use within the Core Area Commercial Zone (C-11).   |
| Amendment 2  | Remove Subsection 8.1.4.2 which references the minimum lot area for campsites as they are not a permitted use within the Rural Agricultural/Residential Zone (A-1).   |
| Amendment 3  | Remove the definition of "Row Housing" from Part 4 Definitions as the housing form is permissible under the existing definition of 'Multiple Family Dwelling'.  |
| Amendment 4  | Add the Woodgrove Pines Zone (CD-2) to Section 14.12 to specify a minimum landscape treatment level for yards within the zone.  |
| Amendment 5  | Replace the term "Nanaimo Parkway" with "major roads" within Subsection 6.6.7.4 of the Single Family Residential Small Lot Zone (RS-6).   |
| Amendment 6  | Amend Subsection 7.11.9.2 of the RM-11 zone to remove the term "not" from the phrase "off street parking for residential use will not be provided in accordance with the following".  |
| Amendment 7  | Replace the term "on" with "abutting" in Subsection 14.12.1 to clarify that a landscape treatment level is required for side yards which abut a highway.  |
| Amendment 8  | Remove the terms "atriums", "domes" and "observation towers" from Subsection 5.7.1.1 (Height Exemptions).   |
| Amendment 9  | Add Subsections 7.10.6.4 and 7.11.6.4 in the RM-10 and RM-11 Zones in order to reference general provisions from Part 5 for the siting of buildings abutting watercourses and major roads.  |
| Amendment 10 | Amend the definition of "Lot, Corner" in Section 4.1 to include the phrase "In this case a lane is not considered a highway".   |
| Amendment 11 | Update the fine schedule (Appendix E) to reference the appropriate sections of the zoning bylaw and remove the reference to fascia signs as they are addressed through the sign bylaw.  |
| Amendment 12 | Amend Subsections 11.2.2.3 and 11.4.2.4 to clarify the type of enclosure required for the storage of materials for a recycling depot.   |
| Amendment 13 | Amend Subsection 5.13.5 to restrict the maximum number of vehicles which can be parked or stored on a duplex lot to 3 vehicles per dwelling unit.   |
| Amendment 14 | Amend Subsection 5.4.1 to increase the maximum height of a hutch projection to 3.0 metres (9.84 feet).  |
| Amendment 15 | Amend the definition of "Floor Area Gross" to add 'covered decks' in the calculation of gross floor area and to clarify that 'open decks' are excluded.   |
| Amendment 16 | Add the following definition to Part 4 Definitions:<br><br>"COVERED DECK"- means a structure connected to the principal use which is elevated a minimum of 0.6 metres (1.97 feet) from ground level; is supported on structures or is cantilevered; and is covered by part of the roof system of the principal use (see "Open Deck"). |

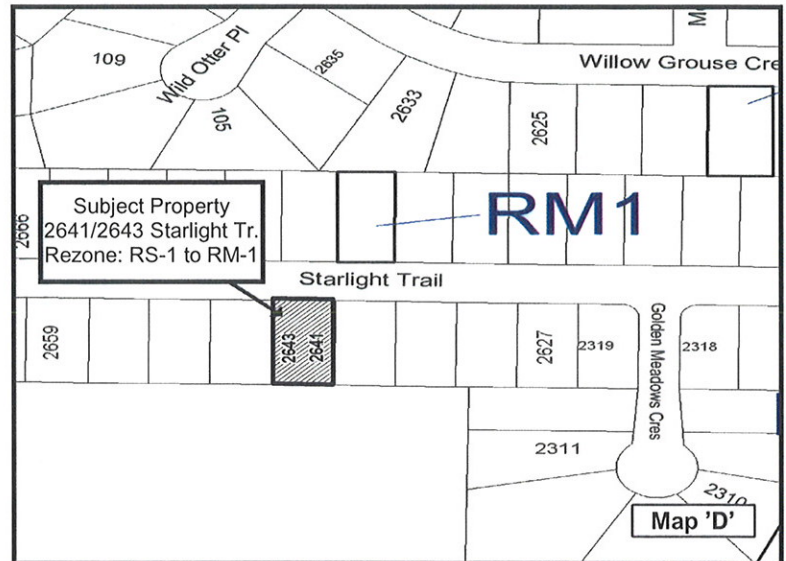


This bylaw, if adopted, will also rezone:

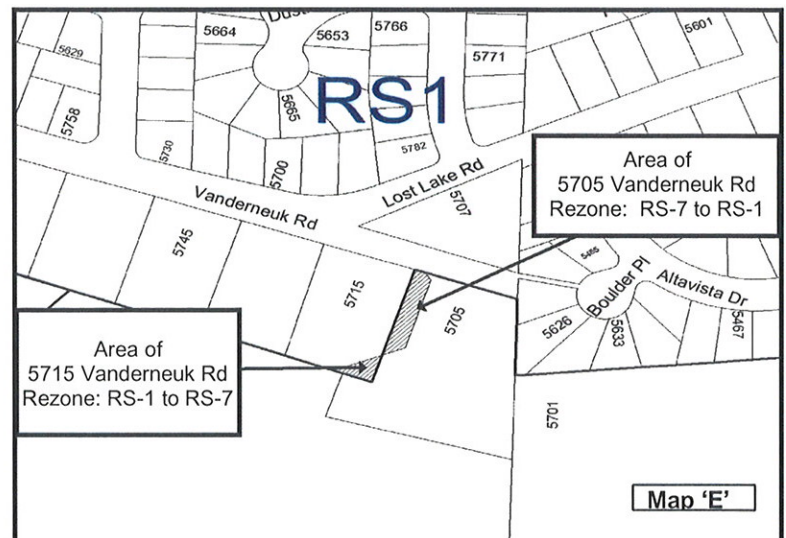
- i) lands legally described as THE SOUTH 141.43 FEET OF SECTION 24, RANGE 18, OF SECTION 20, RANGE 4, CRANBERRY DISTRICT, PLAN 1332 (1359 Cranberry Avenue) from Single Family Residential (RS-1) to Mobile Home Park Subdivision Zone (RM-8), as shown on Map 'C'



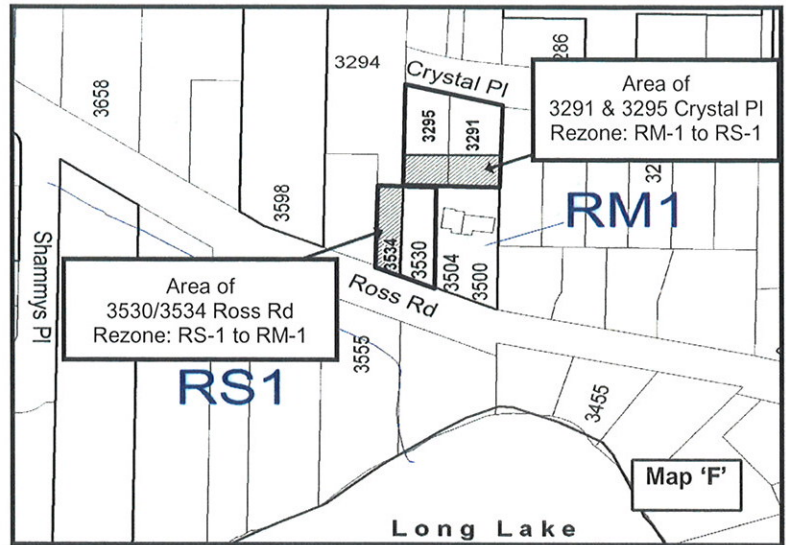
- ii) land legally described as LOT 23, SECTION 19, RANGE 5, MOUNTAIN DISTRICT, PLAN 25626 (2643/2641 Starlight Trail) from Single Family Residential (RS-1) to Residential Duplex Zone (RM-1), as shown on Map 'D'



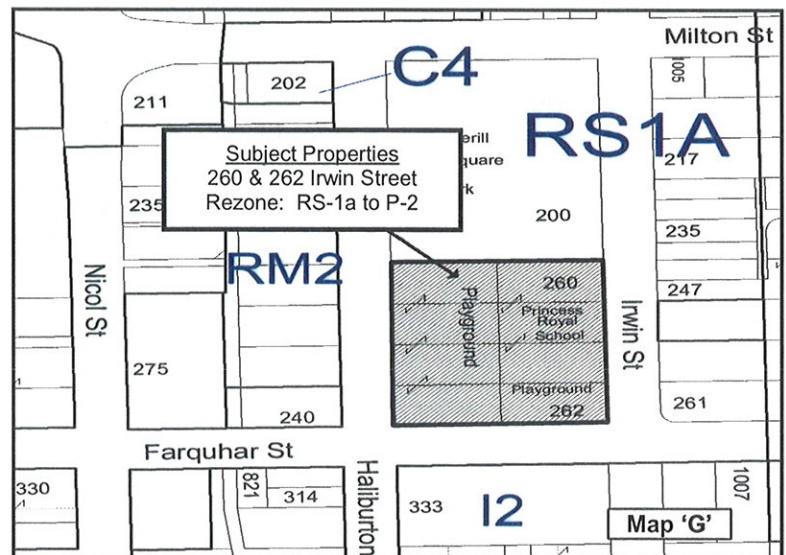
- iii) land legally described as part of LOT 2, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 39987 (5715 Vanderneuk Road) from Single Family Residential (RS-1) to Steep Slope Residential (RS-7) and by rezoning part of lands legally described as LOT D, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 18479 (5705 Vanderneuk Road) from Steep Slope Residential (RS-7) to Single Family Residential (RS-1), as shown on Map 'E'



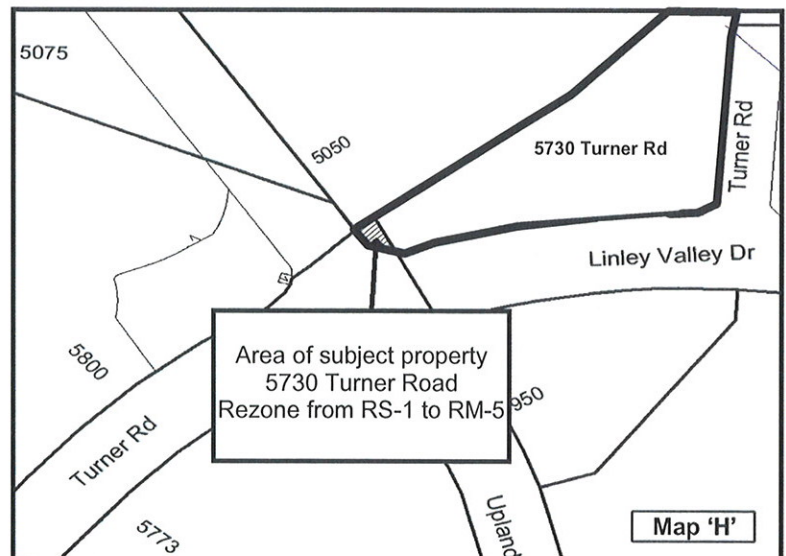
- iv) lands legally described as part of LOT D, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3534/3530 Ross Road) from Single Family Residential (RS-1) to Residential Duplex (RM-1) and lands legally described as part of LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3295 Crystal Place) and part of LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3291 Crystal Place) from Residential Duplex (RM-1) to Single Family Residential (RS-1), as shown on Map 'F'



- v) lands legally described as LOTS 1-4 & 10-13, BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 584 (260 and 262 Irwin Street) from Single Family Residential (RS-1a) to Public Institution (P-2), as shown on Map 'G'

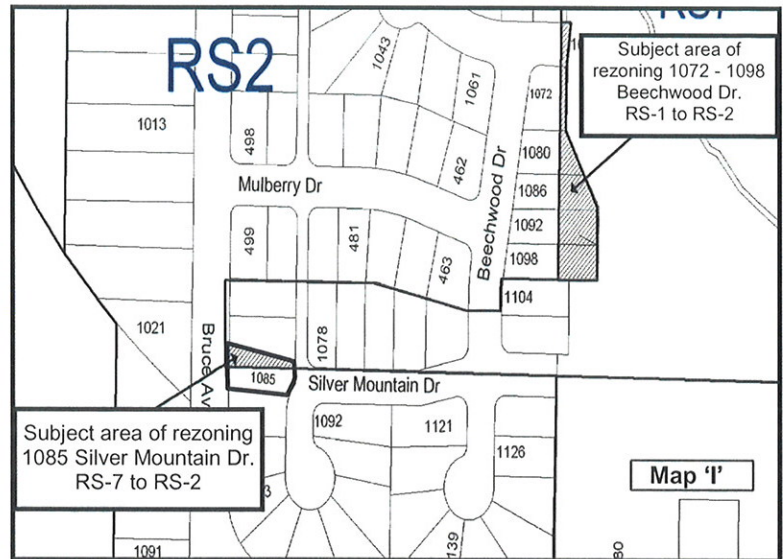


- vi) lands legally described as part of LOT 10, DISTRICT LOTS 20 & 30, WELLINGTON DISTRICT, PLAN VIP65104 (5730 Turner Road) from Single Family Residential (RS-1) to Medium Density Multiple Family (Suburban) Residential (RM-5), as shown on Map 'H'

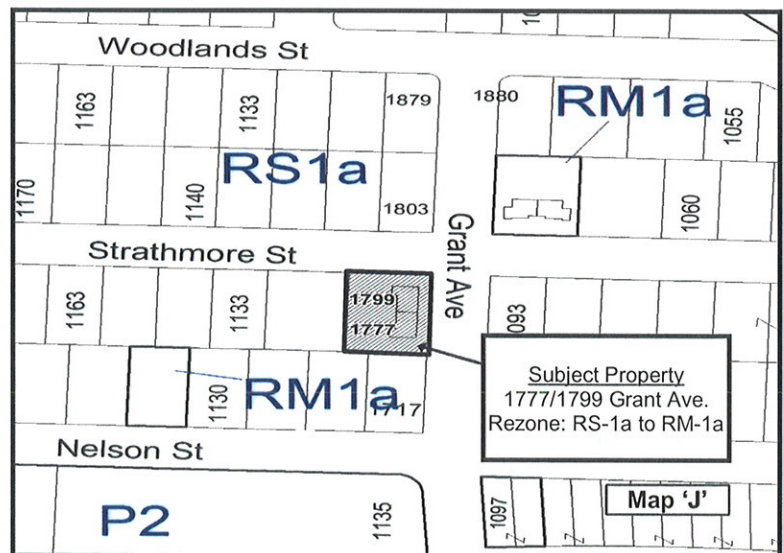




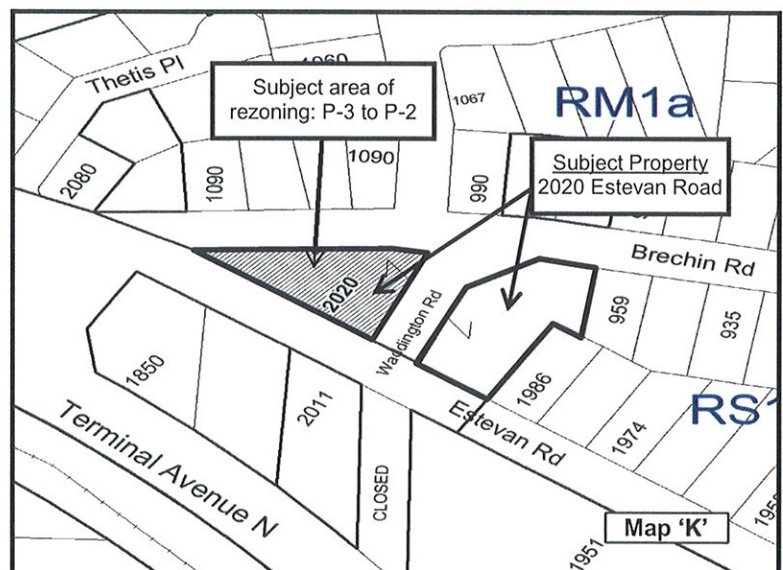
- vii) lands legally described as parts of LOTS 35-39, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686 (1072-1098 Beechwood Dr.) from Single Family Residential (RS-1) to Single Family Residential (Large Lot) (RS-2), and land legally described as part of LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN VIP82107 (1085 Silver Mountain Dr.) from Steep Slope Residential (RS-7) to Single Family Residential (Large Lot) (RS-2), as shown on Map 'I'



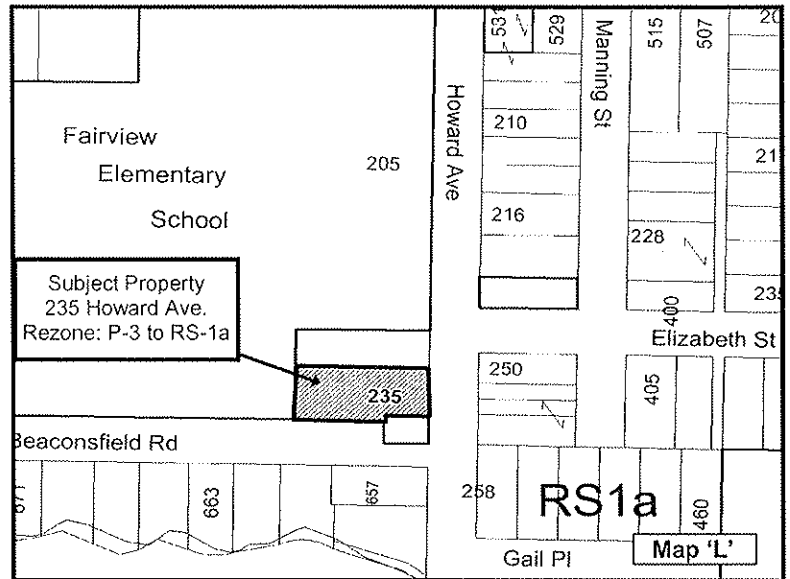
- viii) lands legally described as STRATA LOTS 1 and 2, SECTION 1, NANAIMO DISTRICT, STRATA PLAN 1381 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 (1777/1799 Grant Ave) from Single Family Residential (RS-1a) to Residential Duplex (RM-1a), as shown on Map 'J'



- iv) land legally described as part of LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63929 (2020 Estevan Road) from Government Industry Services (P-3) to Public Institution (P-2), as shown on Map 'K'



- x) land legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 19119 (235 Howard Avenue) from Government Industry Services (P-3) to Single Family Residential (RS-1a), as shown on Map 'L'



*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 from 2007-MAR-23 to 2007-APR-05, 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. 4000.410, 4000.411 and 4000.412 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, 2007-APR-05, 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](http://www.nanaimo.ca)**  
**238 Franklyn Street, Nanaimo, BC V9R 5J6**

2007-FEB-20

## STAFF REPORT

TO: A. TUCKER, DIRECTOR, PLANNING AND DEVELOPMENT, DSD

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

RE: RA184 – PART OF 1400 JINGLE POT ROAD AND PART OF 75 WAKESIAH AVENUE

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### STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2007 NO. 4000.410"; and
2. direct Staff to secure the proposed access easement as a condition of rezoning.

### EXECUTIVE SUMMARY:

The City has received a rezoning application from Insight Holdings to rezone parts of the subject properties from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6), in order to facilitate subdivision of 24 single-family 'small lots' within an approved 231-lot single-family subdivision. Staff support the application and recommend that Council approve the proposed rezoning.

### BACKGROUND:

#### ***Subject Property***

The subject site is approximately 12.09 hectares (29.87 acres) in area and is presently under active subdivision to create 231 single-family lots, 24 of which, subject to approval of this application, are proposed to be rezoned to facilitate small-lot single-family development (Schedule 'A'). The total area of the site proposed to be rezoned is approximately 1 hectare (2.47 acres).

The subject site is bordered by an existing single-family neighbourhood to the north, an existing multi-family townhouse development and established single-family neighbourhood across Wakesiah Avenue to the east, a vacant Comprehensive Development zoned property and an existing single-family neighbourhood across Jingle Pot Road to the south, and a single-family neighbourhood and Buttertubs Marsh to the west.

#### ***Official Community Plan (OCP)***

The subject properties are designated as 'Neighbourhood', with portions of the site located within the Wakesiah and Jingle Pot Neighbourhood Village, according to Schedule 'A' of the OCP. General neighbourhood and Neighbourhood Village policies encourage new subdivisions to include a variety of lot sizes and building forms.

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

### ***Proposed Development***

The applicant is proposing to rezone parts of the subject sites in order to facilitate the subdivision of 24 single-family 'small lots', within a 231-lot single-family subdivision, preliminary approval for which was issued 2004-JUN-17, and which is currently under active development (Schedule 'B').

Under the original plan of subdivision, extensive development was proposed adjacent to and along the boundary of Buttertubs Marsh. Given the ecological sensitivity and importance of limiting development adjacent to the marsh, the applicants have amended their subdivision plan to decrease the number of lots abutting the marsh. In order to achieve the lot yield originally approved through the subdivision and as a means of introducing a variety of lot sizes in the subdivision, the applicants have proposed to rezone portions of the site away from the marsh to allow for small lot development. The proposed lots will range in area from 382 m<sup>2</sup> (4,112 ft<sup>2</sup>) to 529 m<sup>2</sup> (5,694 ft<sup>2</sup>), and if approved, will not result in an increase in the overall lot yield on this site.

### ***Access***

The applicant is proposing to register a 5-metre (16.40 feet) common access easement along the rear yard of proposed lots 62-84, which is intended to function as a rear laneway for the properties. It is Staff's belief that incorporating the 5-metre access easement will provide for a greater variety of housing and site designs in the neighbourhood, reduce the impact of driveways on the site, and strengthen the residential streetscape. Accordingly, Staff recommend that Council secure the proposed 5-metre easement via covenant as a condition of rezoning. This will include restricting direct access to the lots from the abutting roadways.

### ***Community Contribution***

Section 6.2 of the OCP recommends that an applicant provide a community contribution in exchange for value conferred on land through a rezoning. It is the applicant's position that given that the proposed rezoning will not result in an increase in the net density of the overall subdivision, there is no net value being conferred on the lands. Also, the applicants have asked that the amenities offered through the comprehensive development rezoning at the corner of Jingle Pot Road and Wakesiah Avenue, and through the subdivision of the overall site, be recognized towards the subject rezoning.

Staff concurs with the applicant's position and recommends that no community contribution be secured through this rezoning.

Respectfully submitted,

  
for: D. Lindsay  
Manager, Planning Division  
**DEVELOPMENT SERVICES DEPARTMENT**

  
A. Tucker  
Acting Director, Planning & Development  
**DEVELOPMENT SERVICES DEPARTMENT**

Council: 2007-FEB-12  
Prospero: RA184

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

  
GENERAL MANAGER OF DEVELOPMENT SERVICES



# SCHEDULE A



File : RA000184  
Civic: 1400 Jingle Pot Road and 75 Wakesiah Ave.

□ Subject  
Property

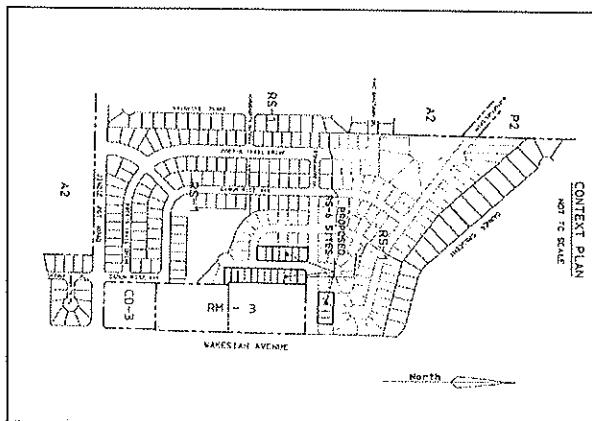
▨ Proposed Rezoning RS-1 to RS-6



# SCHEDULE B



## WAKESIAH AVENUE



### SITE STATISTICS

1400 JINGLE POT ROAD (REH. 1 PLAN VEP9548) - RS-1  
 AREA = 9.58 ha  
 75 WAKESIAH AVENUE (LOT 8 PLAN VEP9548) - RS-1  
 AREA = 2.51 ha  
 TOTAL OF EXISTING RS-1 SITE AREAS: 12.09 ha  
 TOTAL OF PROPOSED RS-6 SITE AREAS WITHIN  
 EXISTING RS-1 SITE AREAS: 1.00 ha (8.3% OF EXISTING)  
 NO NET CHANGE IN LOT DENSITY PER S1900475.

**RECEIVED**  
 JUL 11 2007  
 OFFICE OF THE  
 DEVELOPMENT SERVICES

NO.	DATE	DESCRIPTION
1	10/16/06	PRELIMINARY
2	10/16/06	REVISIONS
3	10/16/06	REVISIONS
4	10/16/06	REVISIONS
5	10/16/06	REVISIONS
6	10/16/06	REVISIONS
7	10/16/06	REVISIONS
8	10/16/06	REVISIONS
9	10/16/06	REVISIONS
10	10/16/06	REVISIONS

PROJECT: HAYTHORNE - PROPOSED RS-1 TO RS-6 RESIDENTIAL REZONING.  
 CLIENT: INSIGHT HOLDINGS LTD.  
 DATE: OCT. 16/06  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 SCALE: 1"=50'

CITY OF NANAIMO

BYLAW NO. 4000.410

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

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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. 4000.410".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended by rezoning parts of lands shown on the attached Schedule 'A' and legally described as LOT 1 SECTION 1 NANAIMO DISTRICT PLAN VIP79548 EXCEPT PART IN PLAN VIP79549 AND VIP82272 and LOT B SECTION 1 NANAIMO DISTRICT PLAN VIP63268 from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6).

PASSED FIRST READING 2007-FEB-26.

PASSED SECOND READING 2007-FEB-26.

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

EASEMENT REGISTERED \_\_\_\_\_

ADOPTED \_\_\_\_\_

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MAYOR

---

DIRECTOR,  
LEGISLATIVE SERVICES

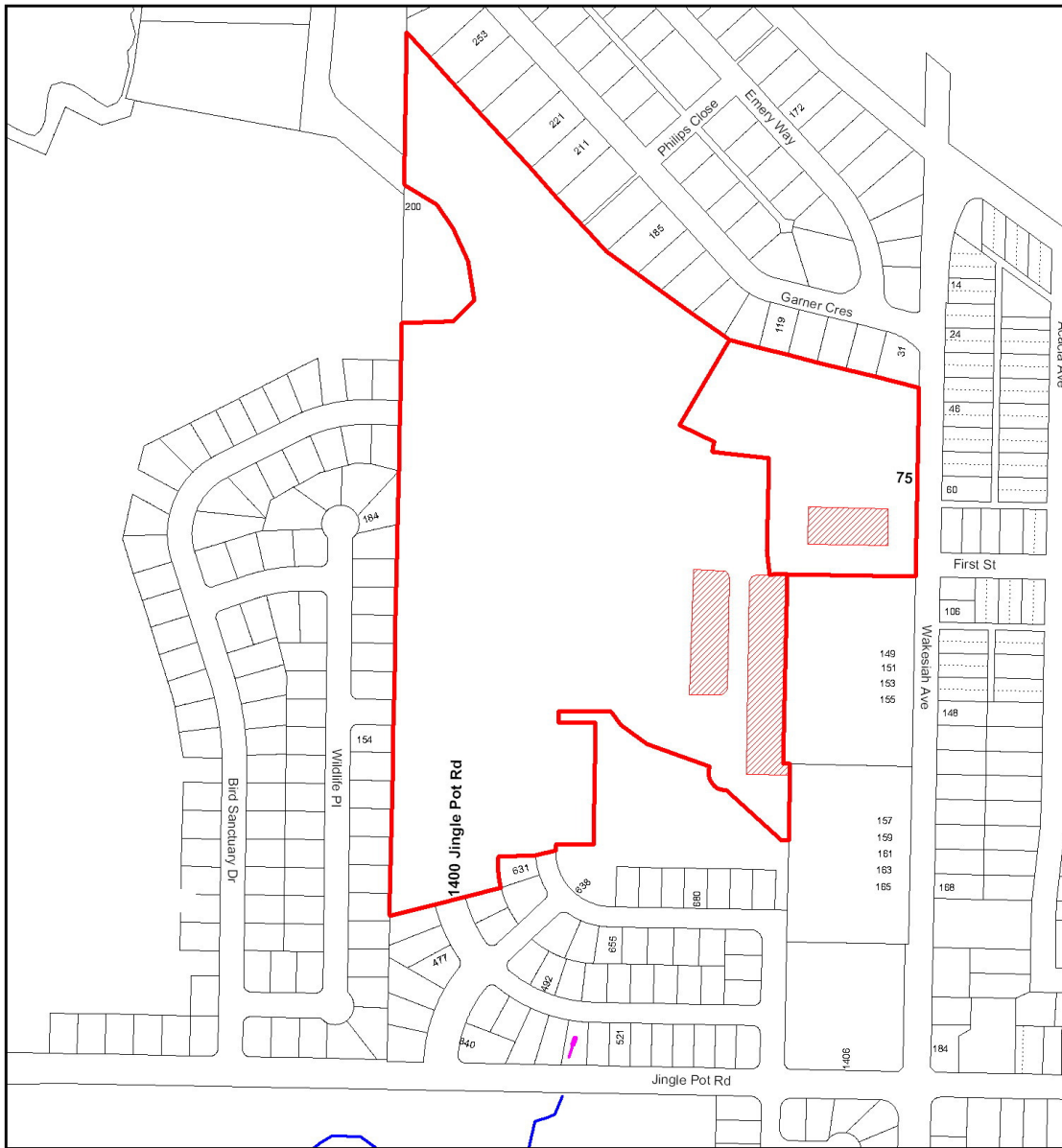
File: RA000184

Address: 1400 Jingle Pot Road & 75 Wakesiah Avenue

Applicant: Insight Holdings Ltd.



SCHEDULE A



File : RA000184

Civ



**Subject  
Property**



**Proposed Rezoning RS-1 to RS-6**

2006-FEB-20

## STAFF REPORT

TO: A. TUCKER, DIRECTOR, PLANNING AND DEVELOPMENT, DSD

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

RE: RA185 – 6031 HAMMOND BAY ROAD

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### STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2007 NO. 4000.411"; and
2. direct Staff to secure subdivision completion and the proposed community contribution as a condition of rezoning.

### EXECUTIVE SUMMARY:

The City has received an application from Ivan Plavetic to rezone part of the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to allow for the construction a duplex on a proposed new subdivided lot.

Staff support the application and recommend that Council approve the proposed rezoning.

### BACKGROUND:

#### ***Subject Property***

The subject property is approximately 0.61 hectares (1.50 acres) in area, and is currently occupied by a single-family dwelling (Schedule 'A'). An application for subdivision of this property, together with the adjacent property at 6021 Hammond Bay Road, is presently active and has received Preliminary Layout Approval (PLA) for 14 single-family residential lots, one of which, subject to approval of the rezoning, is proposed to accommodate a duplex (Schedule 'B').

The subject property is bordered by Hammond Bay Road and large lot single-family zoned properties to the north, single-family neighbourhood and multi-family development to the west, an established single-family neighbourhood to the south, and large lot single-family residential zoned property to the east. As noted above, the residential zoned property directly to the east is included as part of the proposed subdivision.

#### ***Official Community Plan (OCP)***

The subject property is designated as "Neighbourhood" according to Schedule 'A' of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Predominant uses in Neighbourhoods will be low-density residential land uses.
- The target gross unit density for Neighbourhoods is 15 units per hectare (6 units per acre).
- A target mix of 60% single-family and 40% multiple family should be used as a guide for achieving Neighbourhood densities of 15 units per hectare.

- Residential uses on Neighbourhood designated lands will include detached and semi-detached dwelling units, secondary suites, mobile homes, duplexes, triplexes, quadraplexes or ground oriented townhomes.
- In detached housing areas, infill development will be designed to complement existing neighbourhood character and will maintain the ground-oriented character of existing housing.
- Building height will be limited to that generally permitted by zoning for detached dwellings.

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

***Proposed Development***

The applicant is proposing to rezone one lot within a preliminarily approved 14-lot subdivision, in order to allow for the construction of a duplex. The balance of the lots are proposed to retain their existing single-family zoning.

The applicant has provided a concept design of the proposed duplex, which is approximately 288 m<sup>2</sup> (3,100 ft<sup>2</sup>) (Schedule 'C'). Based on the concept plan provided, the proposed development complies with the lot coverage, building heights, setbacks, floor area ratio, and parking requirements of the RM-1 Zone.

***Development Cost Charges (DCC's)***

As Council is aware, DCC's will be payable at the current bylaw rate of \$13,410.79 for the creation of the additional lots upon completion of the subdivision. As residential multi-family lots are exempt from DCC's, and the construction of a duplex would not trigger DCC's at building permit stage, Staff recommends that completion of the subdivision be secured as a condition of rezoning.

***Community Contribution***

As outlined in Section 6.2 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 \$1,250 monetary contribution towards local parks programs.

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

Respectfully submitted,



for: D. Lindsay  
Manager, Planning Division  
**DEVELOPMENT SERVICES DEPARTMENT**



A. Tucker  
Director, Planning & Development  
**DEVELOPMENT SERVICES DEPARTMENT**

JC/pm  
Council: 2007-FEB-26  
Prospero: RA185

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



GENERAL MANAGER OF DEVELOPMENT SERVICES





# SCHEDULE A



File : RA000185  
Civic: 6031 Hammond Bay Road



-  Subject Property
-  Area of Proposed Rezoning

# SCHEDULE B

**Subject Site**  
6031 Hammond Bay Rd.

HAMMOND BAY ROAD

1  
PLAN  
19505

**Proposed  
Duplex Lot**

PLAN

REM. 1  
PLAN 11995

3

4  
19006

PLAN

16

17  
PLAN

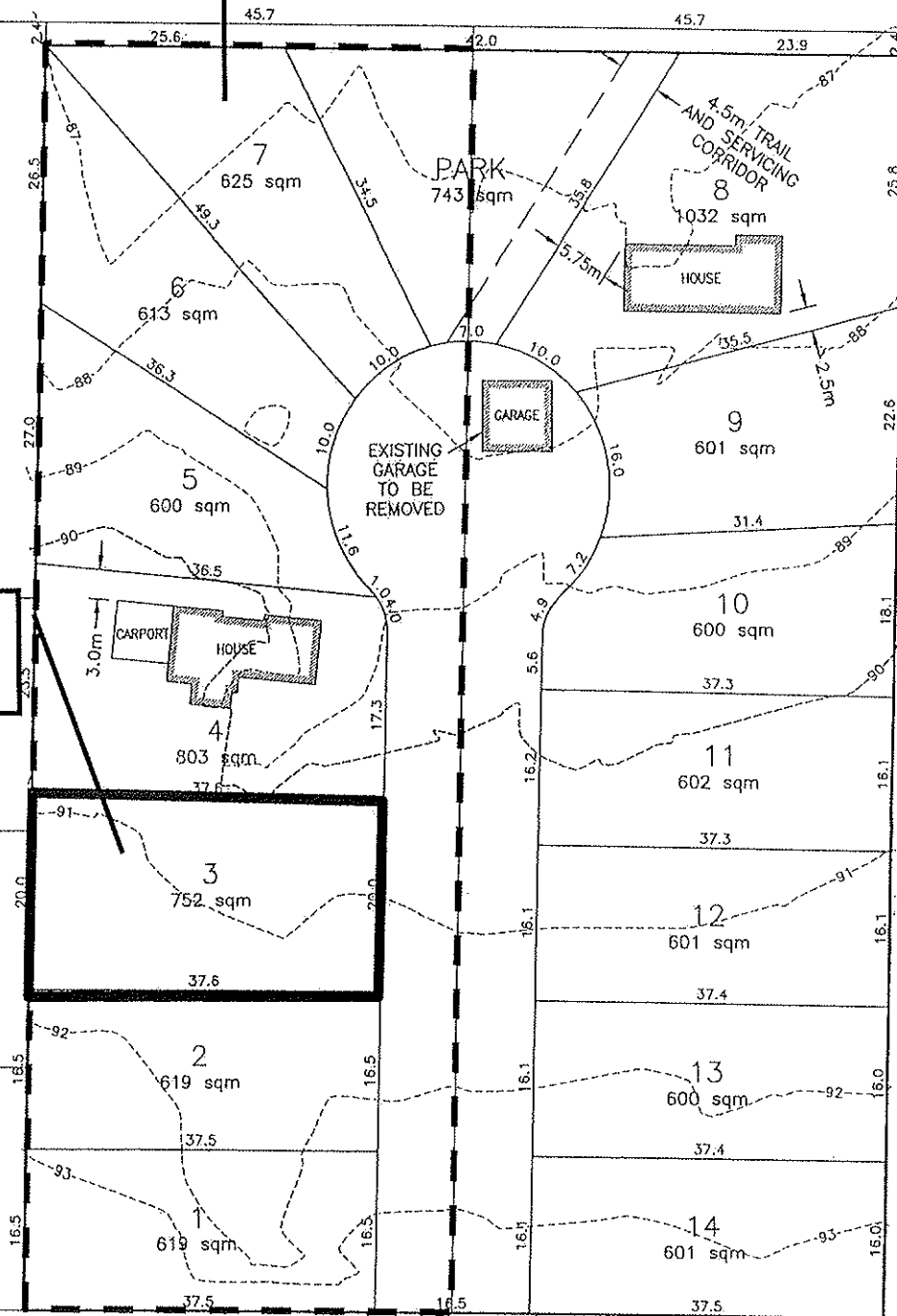
SHADOW MOUNTAIN  
CRESCENT

51160

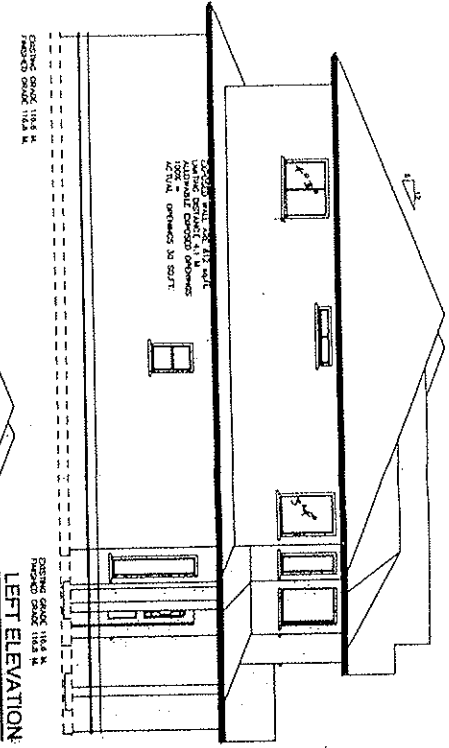
96

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VIP55831

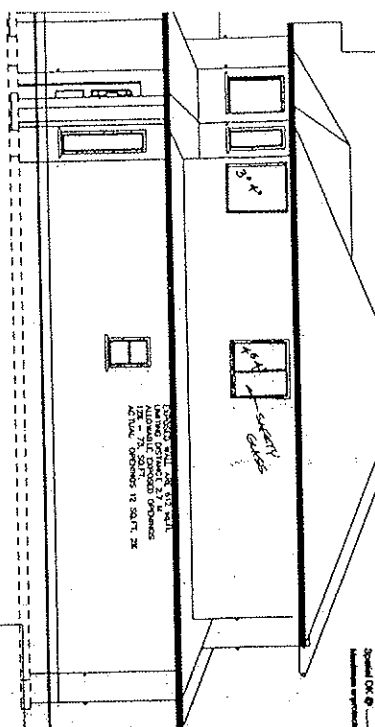
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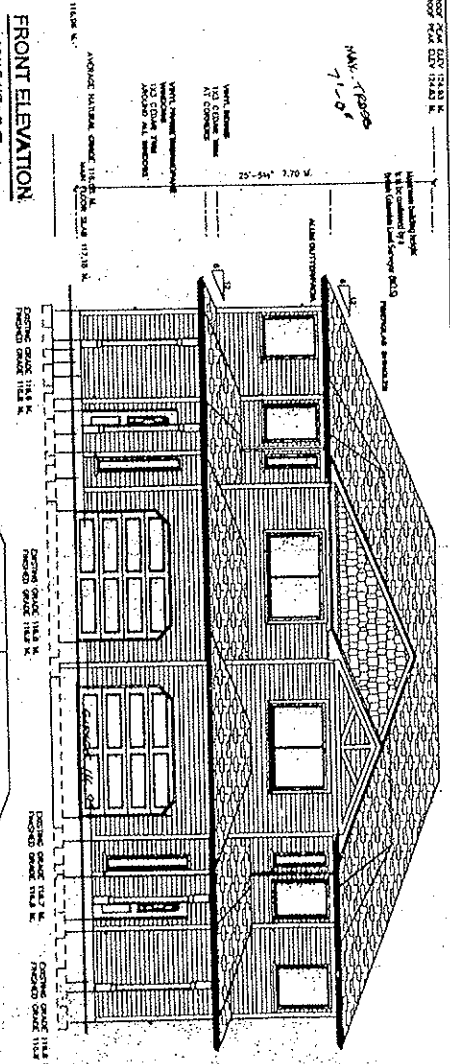
# SCHEDULE C



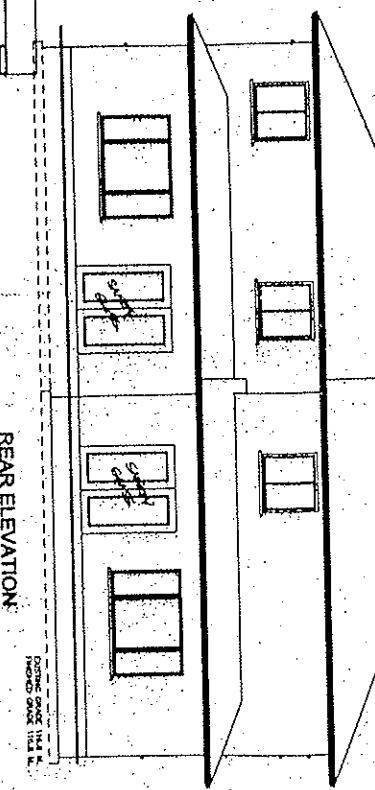
RIGHT ELEVATION



LEFT ELEVATION



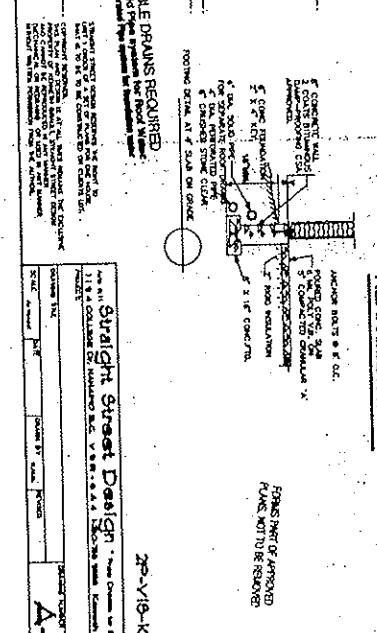
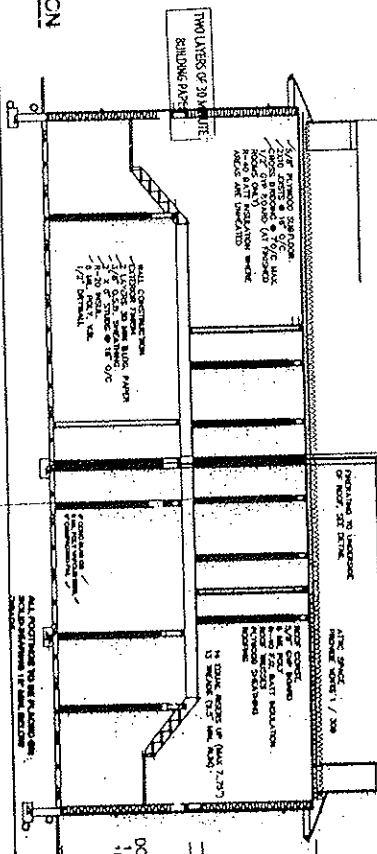
FRONT ELEVATION



REAR ELEVATION

TYPICAL BUILDING SECTION

SCALE 1/4" = 1'-0"



25-V18-10  
Straight Street Design  
1184 COLLEGE RD. SUITE 100  
ANN ARBOR, MI 48106  
248-766-1111  
www.straightstreetdesign.com

A-1



CITY OF NANAIMO

BYLAW NO. 4000.411

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

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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. 4000.411".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended by rezoning part of land shown on the attached Schedule 'A' and legally described as LOT 3, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN 18371 from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1).

PASSED FIRST READING 2007-FEB-26.

PASSED SECOND READING 2007-FEB-26

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

ADOPTED \_\_\_\_\_

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MAYOR

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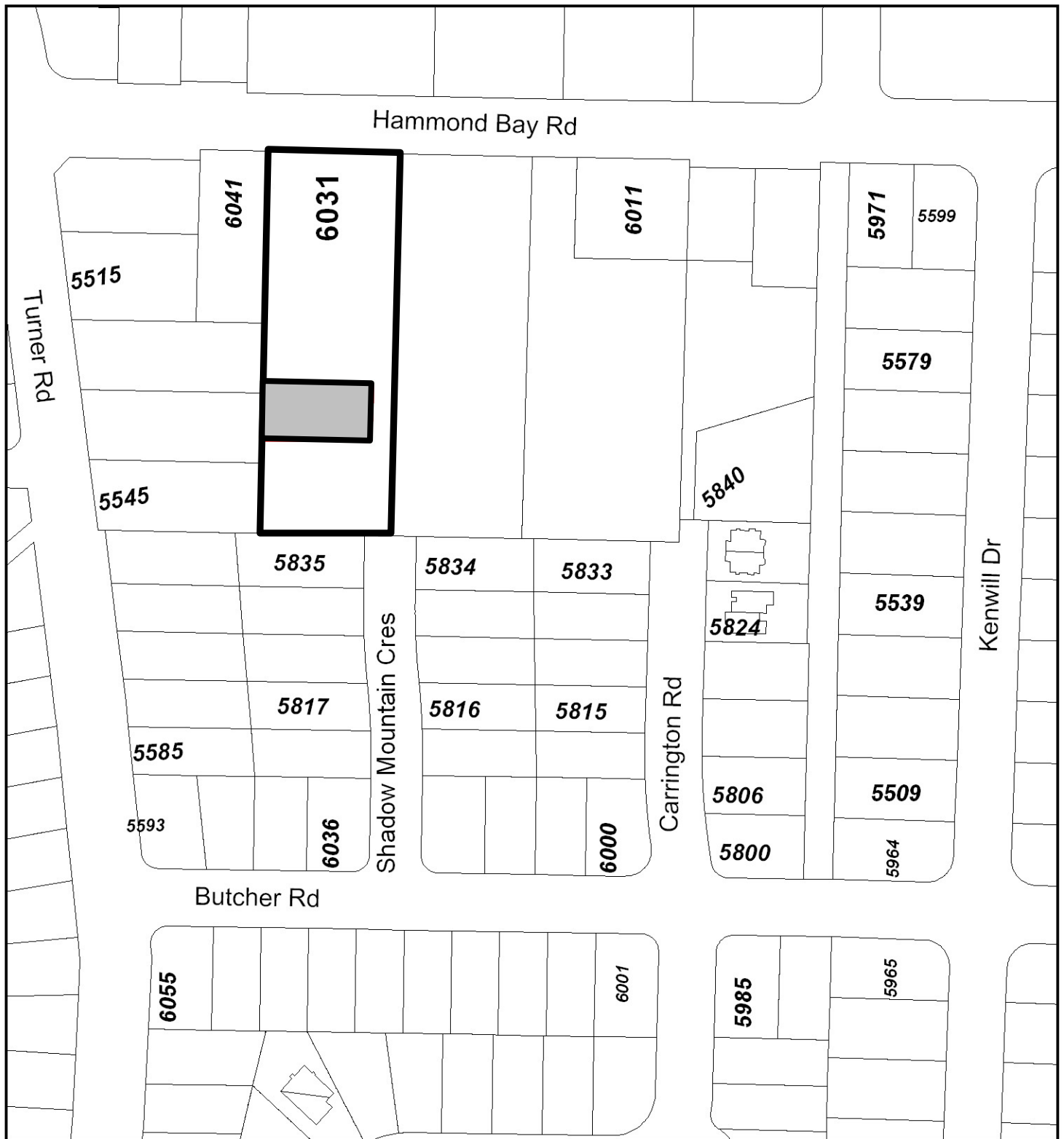
DIRECTOR,  
LEGISLATIVE SERVICES

File: RA000185

Address: Part of 6031 Hammond Bay Road



Applicant: Ivan Plavetic

# SCHEDULE A



File : RA000185  
Civic: 6031 Hammond Bay Road



-  Subject Property
-  Area of Proposed Rezoning

2007-MAR-12

## STAFF REPORT

REPORT TO A. TUCKER, DIRECTOR, PLANNING DIVISION

FROM D. LINDSAY, MANAGER, CURRENT PLANNING

RE: AMENDMENTS TO CITY OF NANAIMO ZONING BYLAW 1993 NO. 4000

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### STAFF'S RECOMMENDATION:

That Council give First and Second Readings to "ZONING BYLAW AMENDMENT BYLAW 2007 NO. 4000.412".

### EXECUTIVE SUMMARY:

Amendment Bylaw 4000.412, if Adopted, will make 26 separate revisions to City of Nanaimo Zoning Bylaw 1993 No. 4000. The amendments are presented in two categories: general text amendments and map amendments. These are primarily minor amendments which will contribute to a clearer understanding and more effective enforcement of the City's existing land use regulations.

### BACKGROUND:

City of Nanaimo Zoning Bylaw 1193 No. 4000 was Adopted by Council at its regular meeting held 1993-JUL-26. The last routine amendment bylaw was Adopted by Council 2004-NOV-01. In the past, Council has recognized that the Zoning Bylaw is subject to revision brought about by changing circumstances and the need for improved clarity. Periodic amendments are often the only way to maintain the effectiveness and relevancy of the zoning regulations. The proposed amendments were presented to the Rezoning Advisory Committee (RAC) 2007-MAR-01. Although RAC was unable to form a quorum and therefore could not make a motion, the members that were present indicated their support for the proposed amendments. The following highlights the proposed amendments and provides a rationale for each:

#### *Amendment No. 1 (Subsection 9.11.1.)*

Proposal: Remove "Casino" as a permitted use within the Core Area Commercial Zone (C-11)

Rationale: Casino's were included within the C-11 zone to allow for the Casino located at Port Place Mall (620 Terminal Avenue), this property is now included within the Harbour Park Zone (C-29).

#### *Amendment No. 2 (Subsection 8.1.4.2.)*

Proposal: Delete Subsection 8.1.4.2

Rationale: This subsection regulates a minimum lot area for campsites within the Rural Agriculture/ Residential Zone (A-1), campsites are not a permitted use within this zone.



*Amendment No. 3 (Section 4.1)*

Proposal: Remove definition of Row Housing from Part 4- Definitions

Rationale: Aside from the definition, there is no reference to row housing within the bylaw.

*Amendment No. 4 (Subsection 14.12)*

Proposal: Amend Section 14.12 to include the Woodgrove Pines Zone (CD-2) within the table which specifies the level of landscaping required. Treatment levels should be level 1 for the front yard and level 2 for storage/landfill/refuse receptacles and side and rear yards. This level of treatment is consistent with most multiple family zones.

Rationale: The CD-2 zone refers to Part 14 of the Zoning Bylaw but CD-2 is not referenced anywhere within this section.

*Amendment No. 5 (Subsection 6.6.7.4.)*

Proposal: Amend Subsection 6.6.7.4 to replace the term "Nanaimo Parkway" with "major roads" within the Single Family Residential Small Lot Zone (RS-6)

Rationale: Major road setbacks are not limited to the Nanaimo Parkway only; Section 5.2 establishes setbacks from all major roads. Replacing "Nanaimo Parkway" with "major roads" will allow this section to be consistent with yard requirements within other zones.

*Amendment No. 6 (Subsection 7.11.9.2)*

Proposal: Amend Subsection 7.11.9.2 to remove term "not" from the phrase "off street parking for residential use will not be provided in accordance with the following"

Rationale: Term defeats the intent of this subsection which is to ensure:

- a) No parking spaces shall be permitted in the front yard
- b) For lots abutting a lane, parking shall be accessed from the lane only
- c) Parking access shall be restricted to a single driveway entry from the street or lane.

*Amendment No. 7 (Subsection 14.12.1)*

Proposal: Amend Subsection 14.12.1 to replace term "on" with "abutting"

Rationale: Intent of bylaw is to refer to side yards abutting a highway not on a highway. Subsection 14.12.1 should read as follows: "Notwithstanding Subsection 14.12., all side yards abutting a highway shall provide screening at Level 1 for that yard"

*Amendment No. 8 (Subsection 5.7.1.1)*

Proposal: Remove the terms "atriums", "domes" and "observation towers" from Subsection 5.7.1.1 within Section 5.7- Height Exemptions.

Rationale: It is staffs opinion that it would not be appropriate for atrioms, domes or observation towers to be exempt from the height requirements within the applicable zone. Any application which proposes to include an over height atrium or observation tower can be addressed though the Board of Variance or a development variance permit.

*Amendment No. 9 (Subsections 7.10.6.4 and 7.11.6.4)*

Proposal: Add Subsections 7.10.6.4 and 7.11.6.4 in order to reference general provisions from Part 5 for the siting of buildings abutting watercourses and major roads

Rationale: This will ensure that when the public are reviewing the RM-10 or RM-11 zones they will be aware that additional setbacks will be applied to properties, which abut major roads or are located near a watercourse. The amendment will provide for greater consistency with other zones which currently reference major road and watercourse setbacks.

*Amendment No. 10 (Section 4.1)*

Proposal: Amend definition of Lot, Corner to include "In this case a lane is not considered a highway". Definition to read:

"means a lot whose front or rear lot line and at least one side lot line abut, or will abut, a highway. In this case a lane is not considered a highway."

Rationale: To allow for consistency with the definition of "Lot, Through" which does not consider a lane a highway.

*Amendment No. 11 (Appendix E of Bylaw 4000)*

Proposal: Revise fine Appendix (Appendix E of Bylaw 4000) so that it references the correct sections from Part 5 of the Zoning Bylaw and remove fine reference for fascia signs.

Rationale: Due to recent changes to Part 5 of the Zoning Bylaw the section numbers referenced within Appendix E no longer correspond to the description of the offence. Signage is addressed in Bylaw 2850 not Bylaw 4000.

*Amendment No. 12 (Subsections 11.2.2.3 and 11.4.2.4)*

Proposal: Amend Subsections 11.2.2.3. and 11.4.2.4. to read as follows:

"Materials collected at a recycling depot shall be contained within a completely enclosed building. No materials may be located within 6 metres of a doorway or opening in the building greater than 1 metre in width or 1 metre in height; except where the doorways or openings remain closed when no vehicle or person is entering or exiting the building."

Rationale: The Zoning Bylaw currently requires materials collected at a recycling depot to be stored within a building or otherwise enclosed if stored outside a building. It is unclear what was meant by "otherwise enclosed". The intent of this amendment is to clarify the type of enclosure required for the storage of materials for a recycling depot. The rewording of this subsection will provide staff with a clear framework when addressing complaints related to outside storage for recycling depots.

*Amendment No. 13 (Subsection 5.13.5)*

Proposal: Amend Subsection 5.13.5 to restrict the maximum number of vehicles which can be parked or stored on a duplex lot. Subsection to read as follows:

"Parking or storage of vehicles for each Single Family Dwelling sited on a lot shall not exceed a combined total of more than four motor vehicles, recreational vehicles, and recreational boats. Where a duplex is located on a lot the combined total of vehicles to be parked or stored on the lot shall not exceed 3 per dwelling unit."

Rationale: The City's Bylaw Services Department has received complaints regarding the number of vehicles parked and stored on duplex lots. As the current bylaw only restricted the number of vehicles to be parked or stored on single family lots, the City has been unable to act on these complaints.

**Amendment No. 14 (Subsection 5.4.1)**

**Proposal:** Amend Subsection 5.4.1 to increase the maximum allowable height of a hutch feature permitted to encroach into a side and rear yard setback from 2.4 metres (7.87 feet) to 3.0 metres (9.84 feet).

**Rationale:** Typically a hutch is located under the overhang of the main roof and is only one storey in height. Most single family dwellings have ceiling heights of 8 feet, however, building inspections staff are increasing seeing plans with 9 foot ceilings. The floor system and the finished floor to finished ceiling height will almost always put the projection outside of the maximum height currently allowable of 2.4m. (7.87 feet).

**Amendment No. 15 (Subsection 4.1)**

**Proposal:** Amend definition of "Floor Area Gross" to add "including covered decks". Amended definition to read as follows:

"FLOOR AREA, GROSS" – for the purposes of calculating floor area ratio in the RS and RM-1 Zones, gross floor area means the total of all the floors, measured to the exterior face of the exterior walls of the building, including covered decks but excluding:

- (1) Accessory buildings;
- (2) Attached garages or carports, to a maximum of 41.8 square metres (450 square feet);
- (3) All rooms having a floor to ceiling height less than or equal to 1.5 metres (5 feet);
- (4) Covered porches, to a maximum of 11.15 square metres (120 square feet); and
- (5) Basements which have a ceiling height of 0.6 metres (2 feet) or less above the adjacent finished grade, excluding localized depressions, on all elevations
- (6) Open decks.

In the case of rooms having ceilings greater than 3.66 metres (12 feet) above the level of the floor below, that area above 3.66 metres (12 feet) shall be counted as if it were additional floor area.

In all other zones, Gross Floor Area means the total area of all the floors, measured to the exterior face of the exterior walls of the buildings including covered decks and accessory buildings, excluding:

- (1) Any portion of a building or structure used for parking purposes or for a swimming pool, unless such parking or swimming pool is a principal use.
- (2) Open deck or patio areas, which are at least in part, through the absence of full walls or windows, open to the outside.
- (3) One entrance lobby used as the main entrance to a building or structure.
- (4) All rooms having a floor to ceiling height less than or equal to 1.5 metres (5 feet).

**Rationale:** The amendment is intended to clarify that covered decks are to be included in the calculation of gross floor area. This has always been staffs' interpretation and the amendment is intended simply to provide clarity.

**Amendment No. 16 (Subsection 4.1)**

**Proposal:** Add a definition of "Covered Deck" to read as follows:  
"COVERED DECK"- means a structure connected to the principal use which is elevated a minimum of 0.6 metres (1.97 feet) from ground level; is supported on structures or is cantilevered; and is covered by part of the roof system of the principal use (see "Open Deck").

**Rationale:** Definition needed to clarify the difference between a covered and open deck.

**Map Amendments****Map Amendment No. 1**

**Proposal:** Rezone portion of property located at 1359 Cranberry Avenue (SOUTHERLY 141.43 FT OF SECTION 24, RANGE 18 & 4, NANAIMO DISTRICT, PLAN 1332) from RS-1 to RM-8, attached as Appendix '1'

**Rationale:** A review of our records indicates that the mobile home park was established prior to the City's amalgamation, under *Order in Council Bylaw 2929*, which permitted the establishment of mobile home parks in residential zones. Our records also indicate that a business license was issued in 1975-Jun-12 for 51 mobile home pads at the above-noted address. Staff is of the opinion that due to a mapping error, the RS-1 zoned property was inadvertently excluded as being rezoned to support the existing mobile home park use, at the time of the adoption of *Mobile Home Parks Bylaw 1619* (1975-MAY-26).

**Map Amendment No. 2**

**Proposal:** Rezone 2643/2641 Starlight Trail (LOT 23, SECTION 19, RANGE 5, MOUNTAIN DISTRICT, PLAN 25626) from RS-1 to RM-1, attached as Appendix '2'

**Rationale:** Our records indicate that a building permit application was received 1993-May-18<sup>th</sup>, prior to Council's adoption of Zoning Bylaw 4000 (1993-July-26<sup>th</sup>), for the conversion from a single family dwelling to a duplex. At this time Council also endorsed a recommendation to permit all duplex permit applications submitted prior to 1993-July-26<sup>th</sup> to proceed under Zoning Bylaw 2370. This recommendation effectively permitted the processing and issuance of the above noted building permit application, however, the zoning of the property was not changed under Bylaw 4000 to reflect the duplex use.

**Map Amendment No. 3**

**Proposal:** Rezone a portion of 5715 Vanderneuk Road from RS-1 to RS-7 and a portion of 5705 Vanderneuk Road from RS-7 to RS-1, attached as Appendix '3'

**Rationale:** Staff currently has an application for a boundary adjustment (SUB00587) for the two above noted properties, in order to allow for the retention of the fill slope and unrestricted access to the property located at 5705 Vanderneuk Road. The boundary adjustment will also allow an additional single family dwelling to be constructed on 5715 Vanderneuk, as the new property boundary will be over an acre. If approved the boundary adjustment will result in a split zoning on the site, staff supports amending the zoning boundary to match the newly proposed property lines.



*Map Amendment No. 4*

**Proposal:** Rezone portion of the property known as 3530/3554 Ross Road (LOT D, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293) from RS-1 to RM-1. Rezone portion of properties known as 3295 Crystal Place (LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293) and 3291 Crystal Place (LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293) from RM-1 to RS-1, attached as Appendix '4'.

**Rationale:** Properties are split zoned RM-1/RS-1. Split zoning was a result of subdivision (SUB00030/SUB00167). A portion of what was known as 3294 Ross Road was split off and became part of 3500 Ross Road. 3294 Ross Road was zoned RS-1 at this time, 3500 Ross Road was zoned RM-1. 3500 Ross Road was later subdivided into 4 lots. During this subdivision the split zoning on 3530/3554 Ross Road (Lot D) was never corrected, however correspondence indicates staff felt the property would fit within the RM-1 zoning boundaries. 3295 and 3291 Crystal Place were also split zoned but a covenant was registered on these lots restricting the use to Single Family Dwellings only. The proposed rezoning will clear up the split zoning on the properties well ensuring the existing uses conform to the Zoning Bylaw.

*Map Amendment No. 5*

**Proposal:** Rezone 260 and 262 Irvin Street (Princess Royal School) from RS-1a to P-2, attached as Appendix '5'

**Rationale:** School is no longer in use but zoning should reflect the institutional use of the property.

*Map Amendment No. 6*

**Proposal:** Rezone portion of 5730 Turner Road (LOT 10, DISTRICT LOTS 20 & 30, WELLINGTON DISTRICT, PLAN VIP65104) from RS-1 to RM-5, Appendix '6'

**Rationale:** Property is split zoned, small section of the property is zoned Single Family Residential (RS-1) while the remainder is zoned RM-5. Split zoning was likely caused by a mapping error, rezoning will allow zoning to conform with lot lines.

*Map Amendment No. 7*

**Proposal:** Rezone portion of 1098, 1092, 1086, 1080 and 1072 Beechwood Drive (LOT 39, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686; LOT 38, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686; LOT 37, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686; LOT 36, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686; LOT 35, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686) from RS-1 to RS-2, and rezone a portion of 1085 Silver Mountain (LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN VIP82107) from RS-7 to RS-2 attached as Appendix '7'

**Rationale:** Properties are split zoned, front portion of the properties are zoned RS-2 while the rear yard areas are zoned RS-1. The properties on Beechwood Drive are part of a larger subdivision which was created in 1994. During this subdivision the subject property boundaries encroached past an existing zoning boundary thus resulting in the split zoning. When the RS-7 zoning was created on 2005-August-29<sup>th</sup> the zoning boundary in this area was drawn along the legal Section line and not the lot lines, this resulted in the split zoning of 1085 Silver Mountain, the amendment is intended to correct this split zoning.

**Map Amendment No. 8**

**Proposal:** Rezone 1777 and 1799 Grant Avenue (STRATA LOTS 1 and 2, SECTION 1, NANAIMO DISTRICT, STRATA PLAN 1381 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1) from RS-1a to RM-1a, attached as Appendix '8'

**Rationale:** Our records indicate a legal non-conforming duplex exists on the property. The duplex was stratified in 1984 (at this time the duplex was permitted under Bylaw 2370) but did not receive the correct zoning when Bylaw 4000 was adopted. The rezoning will correct this oversight and recognize the existing use of the property.

**Map Amendment No. 9**

**Proposal:** Rezone a portion of 2020 Estevan Road (LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63929) from P-3 to P-2, attached as Appendix '9'

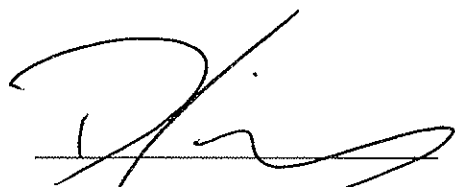
**Rationale:** The property is currently split zoned with the church portion of the property zoned P-2 and the remaining portion zoned P-3. The rezoning will correct the split zoning and reflect the church use of the property.

**Map Amendment No. 10**

**Proposal:** Rezone 235 Howard Avenue (LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 19119) from P-3 to RS-1a, attached as Appendix '10'

**Rationale:** The use on the property is currently a Single Family Dwelling and the property is privately owned. The property was formally owned by the School District. The P-3 zone is intended to provide for institutional services. The Rezoning will reflect the current use of the property.

Respectfully submitted,



D. Lindsay  
Manager, Planning Division  
**DEVELOPMENT SERVICES DEPARTMENT**

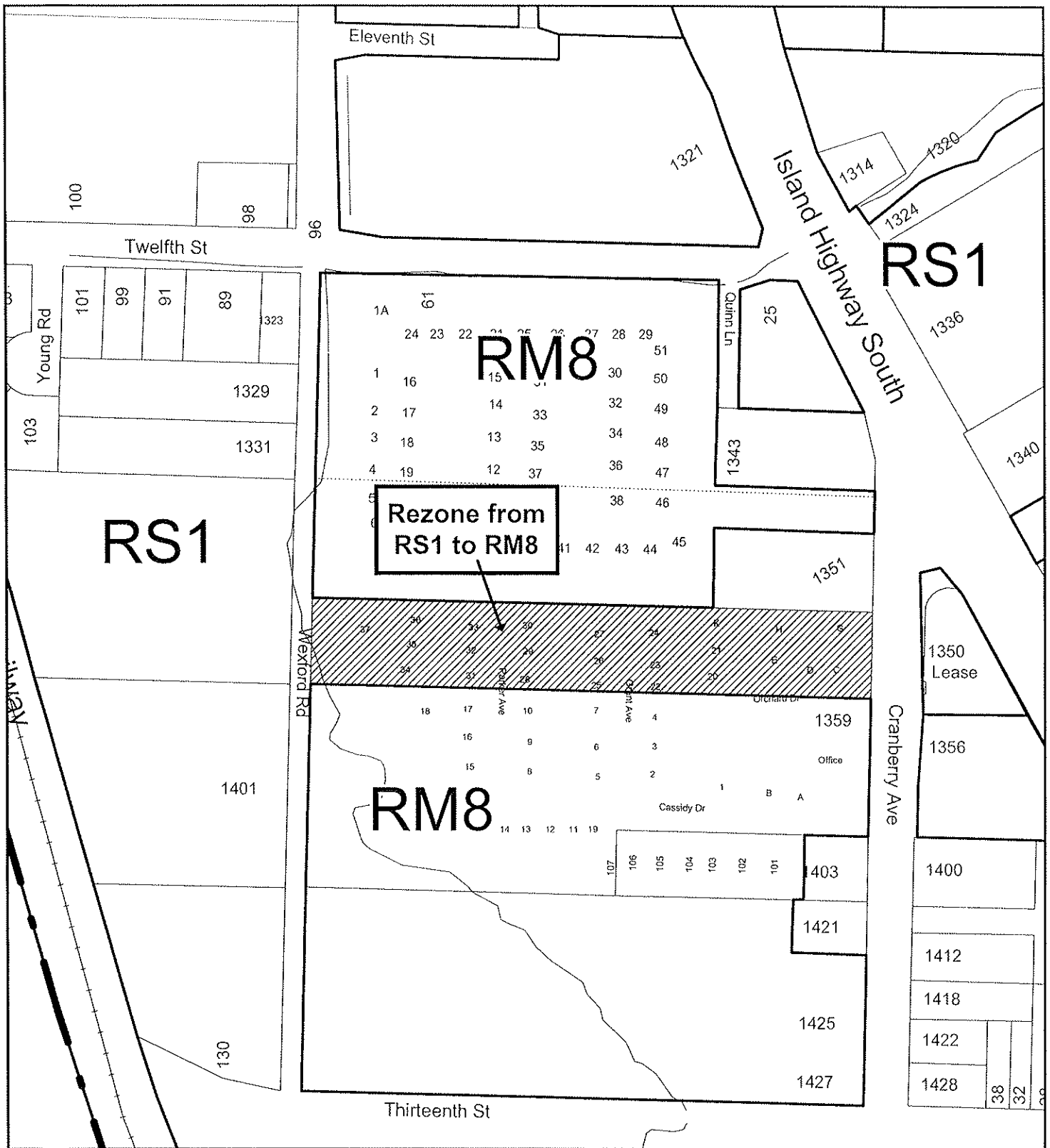


A. Tucker  
Director, Planning & Development  
**DEVELOPMENT SERVICES DEPARTMENT**

DS/pm

Council: 2007-MAR-12

G: Devplan/Files/Legis/3900/30/Z1/51/2007Mar12CnclRptZoningBylawAmendments.doc

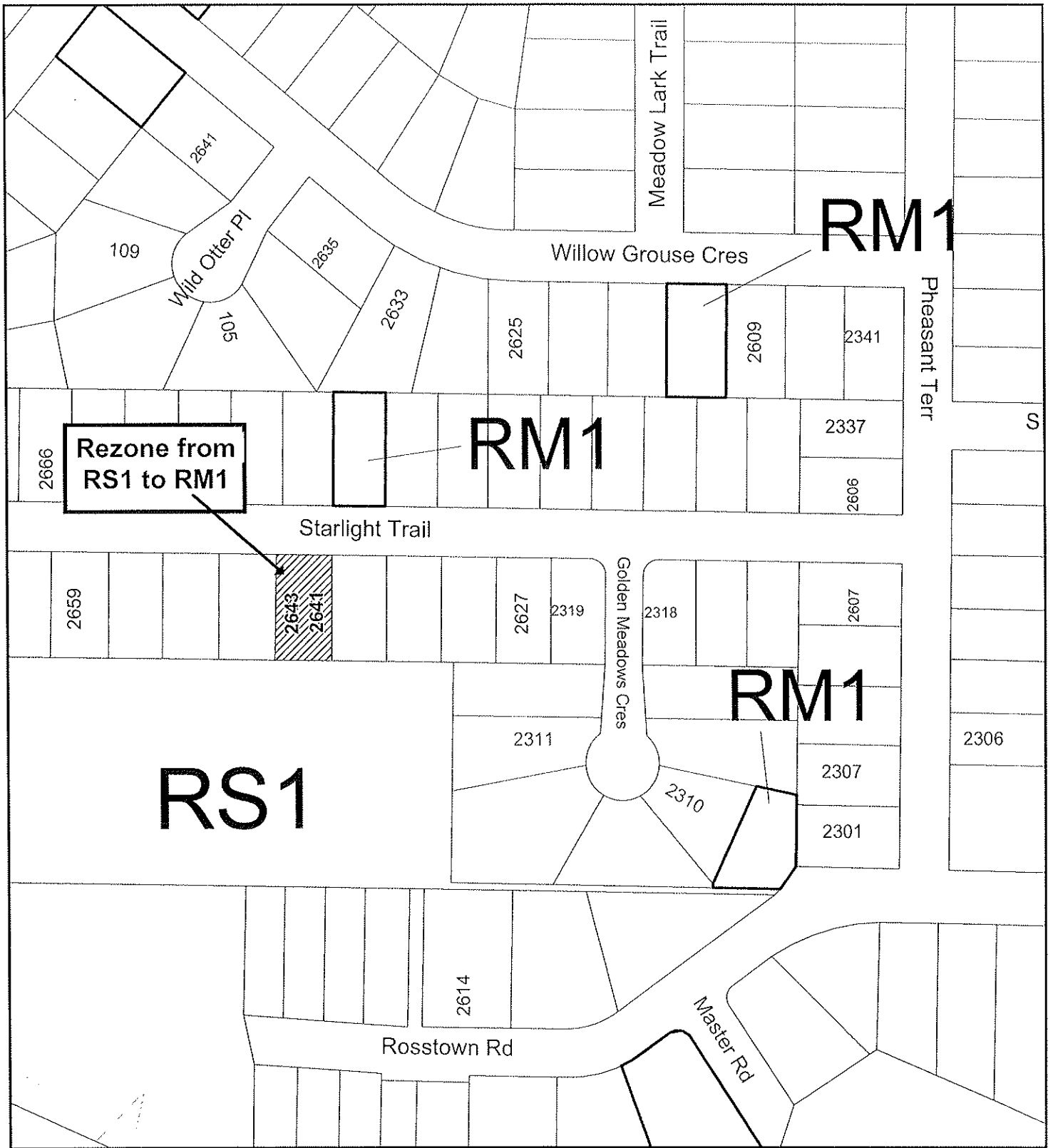


## LOCATION PLAN

Civic: 1359 Cranberry Avenue



 **SUBJECT  
PROPERTY**



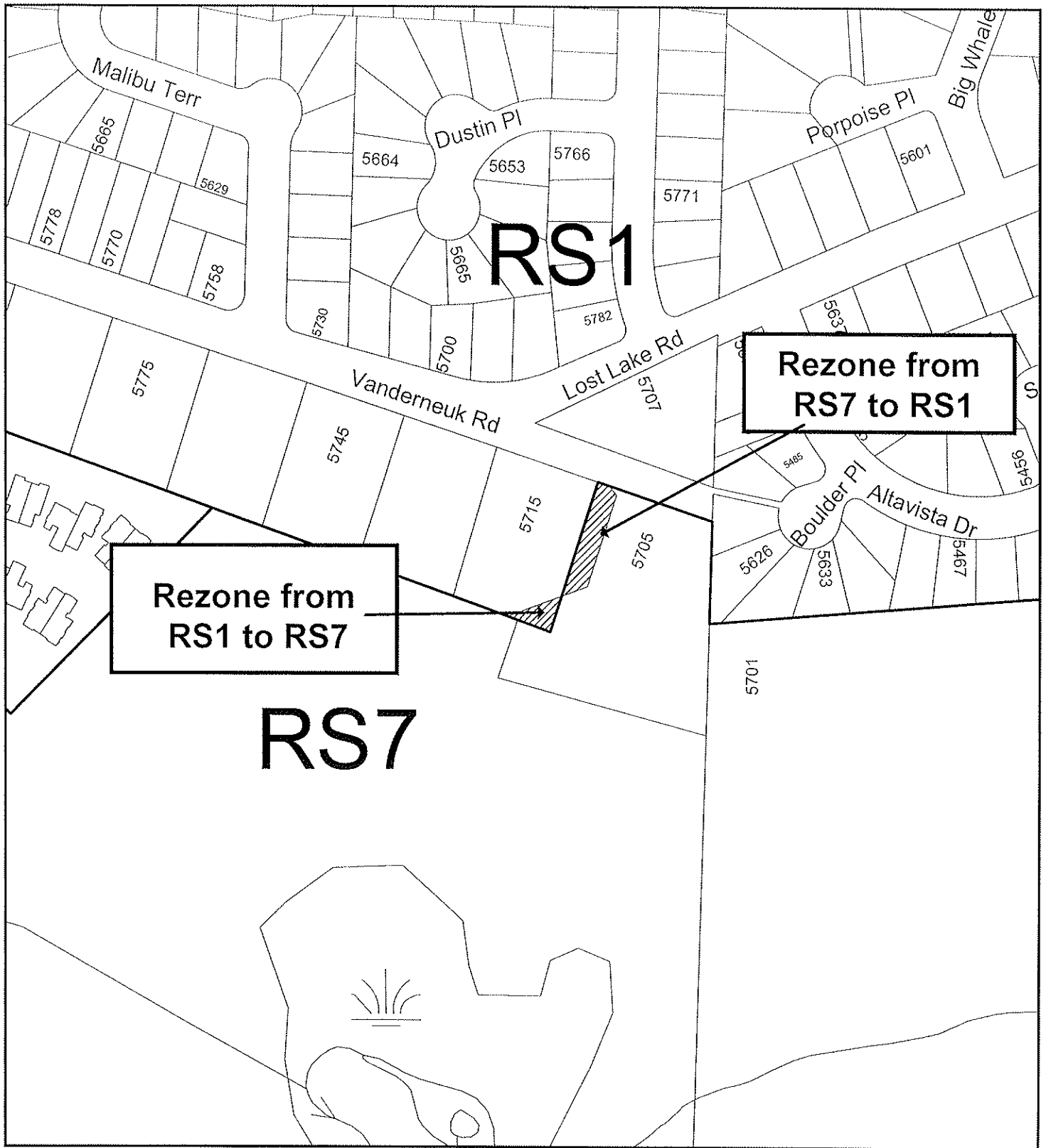
## LOCATION PLAN



Civic: 2641 and 2643 Starlight Trail

 **SUBJECT  
PROPERTY**



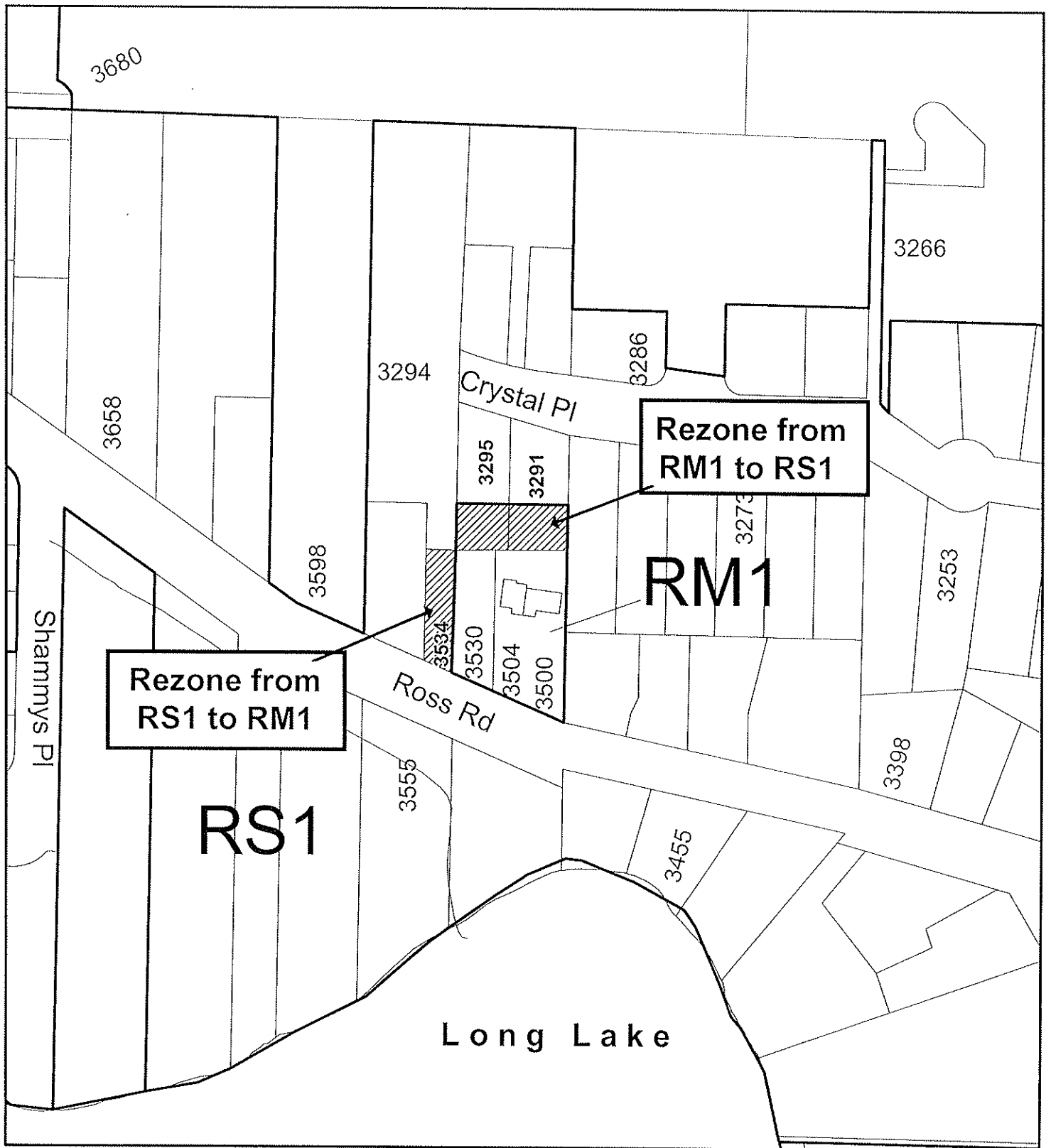


## LOCATION PLAN



Civic: 5705 and 5715 Vanderneuk Road

 **SUBJECT  
PROPERTIES**



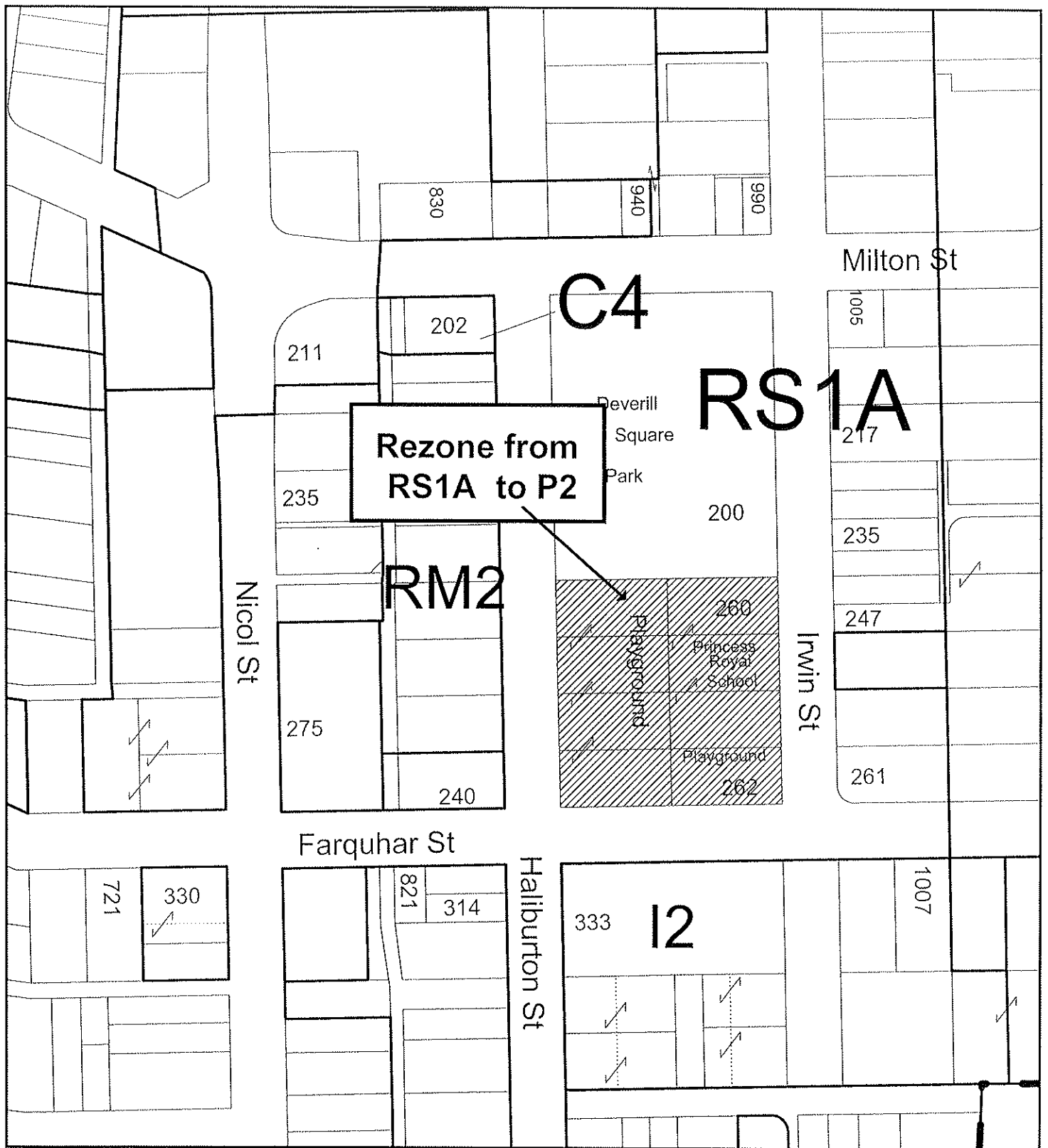
## LOCATION PLAN

Civic: 3534 Ross Road and  
3291 and 3295 Crystal Place



**NORTH**

 **SUBJECT  
PROPERTIES**

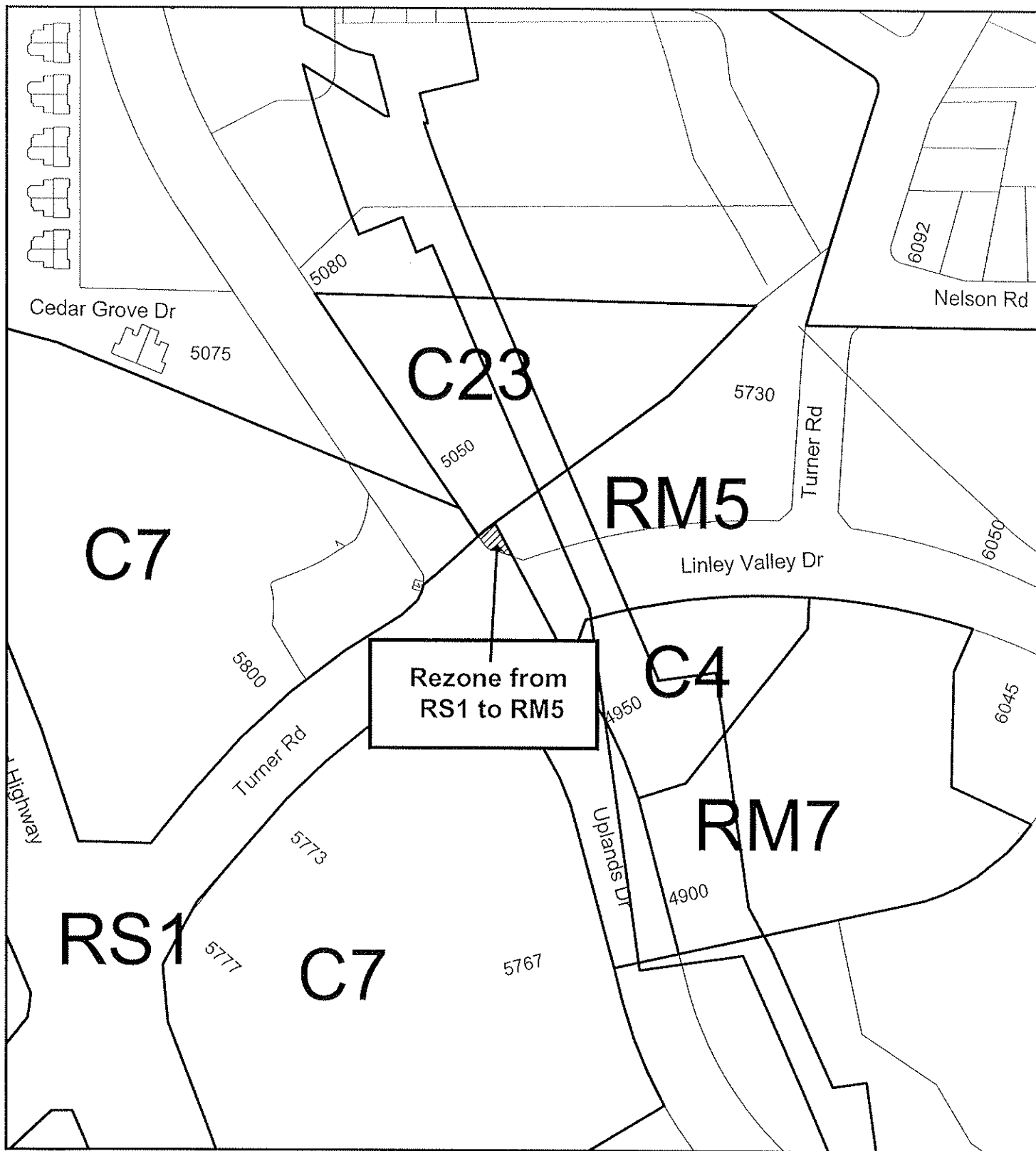


## LOCATION PLAN



Civic: 260 and 262 Irwin Street

 **SUBJECT  
PROPERTIES**



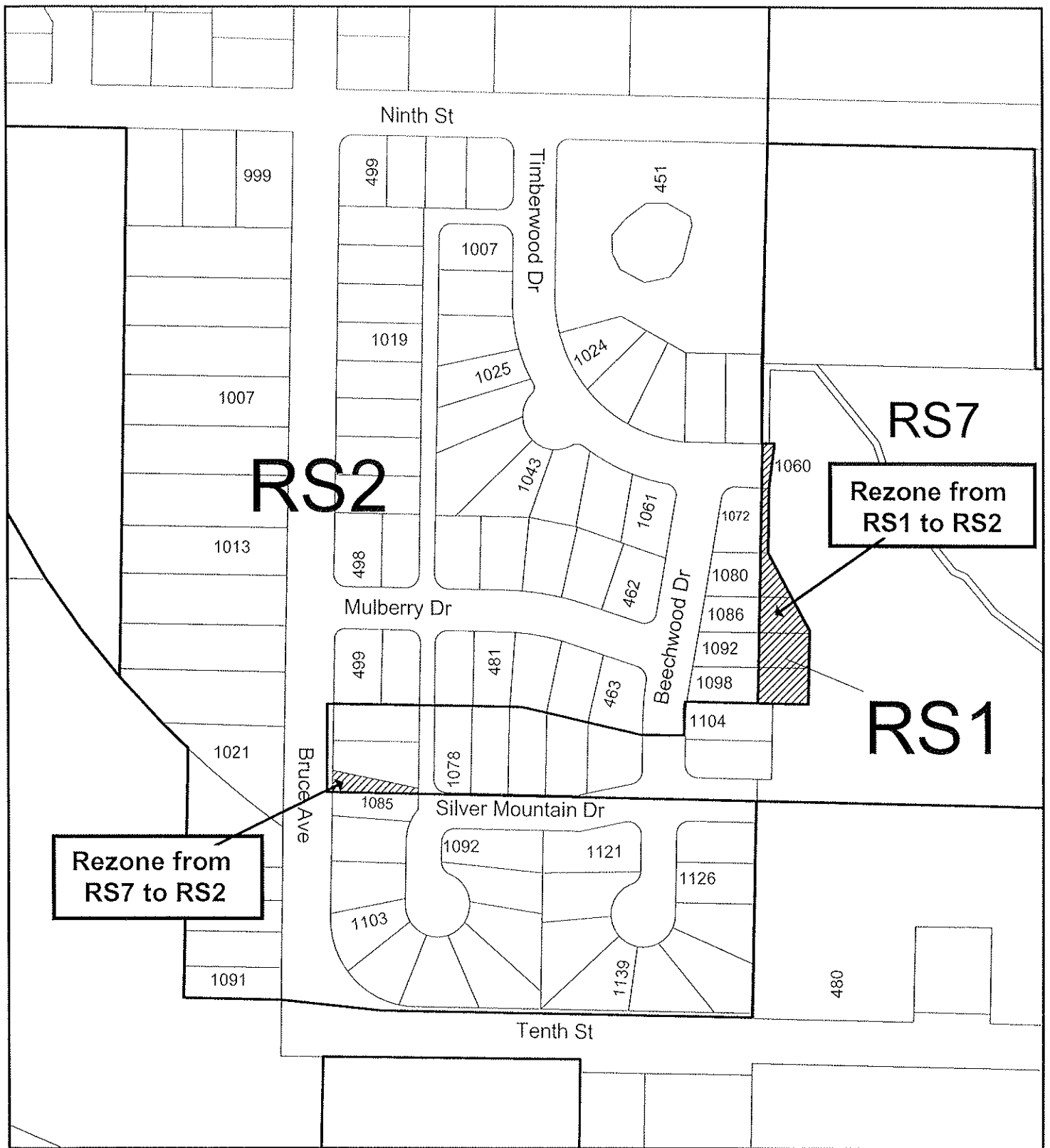
## LOCATION PLAN

Civic: 5730 Turner Road



 **SUBJECT  
PROPERTIES**





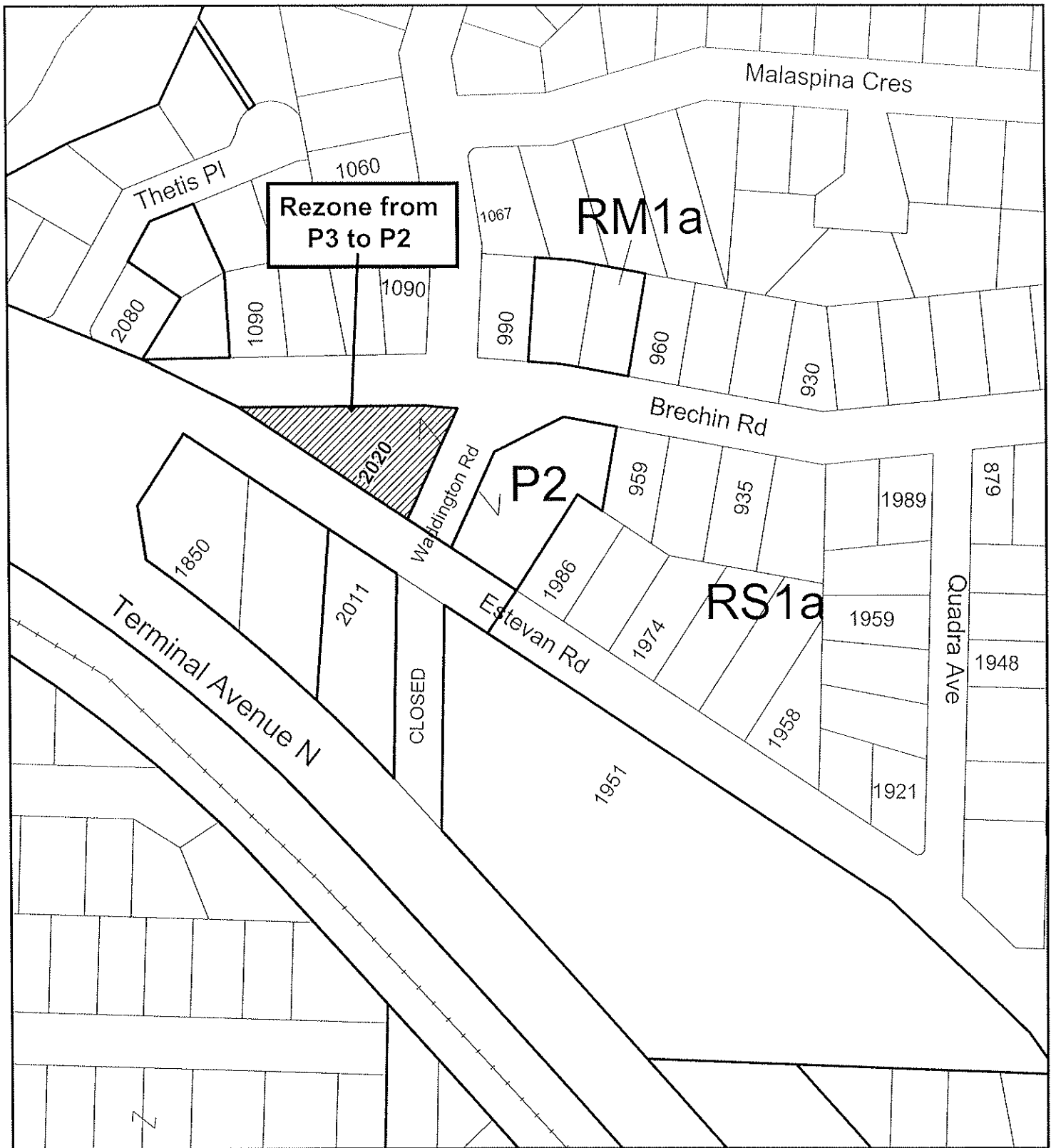
## LOCATION PLAN

Civic: 1072, 1080, 1086, 1092 and  
1098 Beechwood Drive and  
1085 Silver Mountain Drive



 SUBJECT  
PROPERTIES



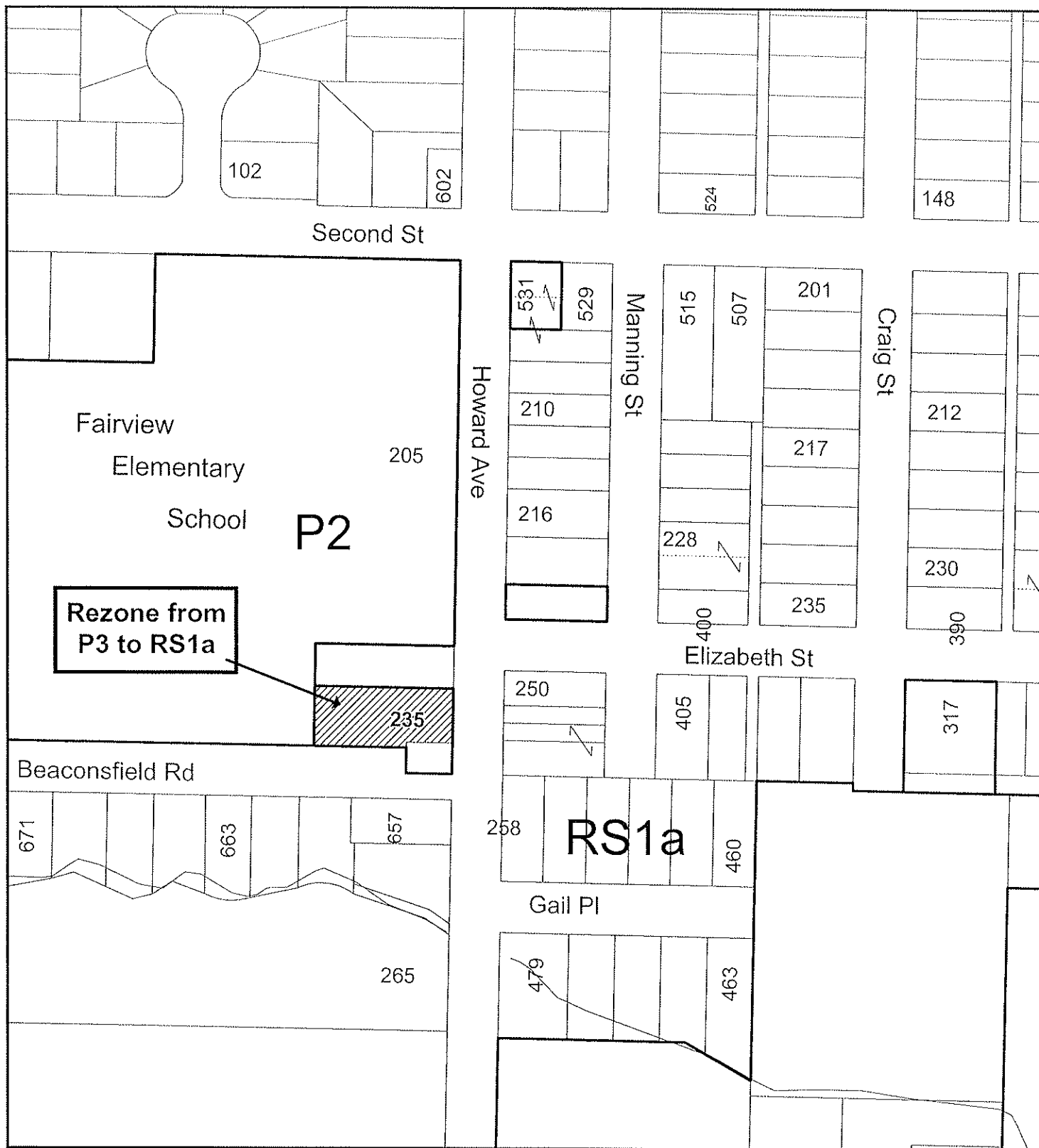


## LOCATION PLAN

Civic: 2020 Estevan Road



 SUBJECT PROPERTIES



## LOCATION PLAN

Civic: 235 Howard Avenue



 **SUBJECT  
PROPERTIES**

CITY OF NANAIMO

BYLAW NO. 4000.412

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

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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. 4000.412".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
  - (1) By deleting the permitted use of "Casino" from Subsection 9.11.1.
  - (2) By deleting Subsection 8.1.4.2
  - (3) By deleting the definition of "Row Housing" from Section 4.1
  - (4) By adding the following to Subsection 14.12 Minimum Landscape Treatment Levels after RS-7, RS-8:

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage/Landfill /Refuse Receptacles
CD-2	1	2	2	2

- (5) By deleting Subsection 6.6.7.4. and replacing with the following:

Notwithstanding Subsections 6.6.7.1 to 6.6.7.3, general provisions in Part 5 for the siting of buildings and structures in relation to watercourses and major roads will also apply.
- (6) By deleting Subsection 7.11.9.2 and replacing with the following:

Off-street parking for residential use will be provided in accordance with the following:

  - (a) No parking spaces shall be permitted in the front yard
  - (b) For lots abutting a lane, parking shall be accessed from the lane only



- (c) Parking access shall be restricted to a single driveway entry from the street or lane
- (7) By deleting Subsection 14.12.1 and replacing with the following:

Notwithstanding Subsection 14.12, all side yards abutting a highway shall provide screening at Level 1 for that yard.
- (8) By deleting Subsection 5.7.1.1 and replacing with the following:

Church spires, belfries, monuments, fire and hose towers, stadiums, transmission towers, chimneys, flag poles, radio towers, radio masts, aerials, water tanks, cooling towers, elevator and ventilating machinery or enclosures for such structures or structural parts provided that no such structure shall cover more than 20 percent of the lot or, if located on a building, not more than 10 percent of the roof area.
- (9) By Adding Subsection 7.10.6.4 as the following:

Notwithstanding Subsections 7.10.6.1 to 7.10.6.3., general provisions in Part 5 for the siting of buildings on natural watercourses and major roads will also apply.
- (10) By deleting the definition of "Lot, Corner" in Section 4.1 and replacing it with the following:

"LOT CORNER" - means a lot whose front or rear lot line and at least one side lot line abut, or will abut, a highway. In this case a lane is not considered a highway.
- (11) By deleting Schedule "E" (Fine Schedule) in its entirety and substituting the attached Schedule "E" therefore.
- (12) By deleting Subsections 11.2.2.3. and 11.4.2.4. and replacing with the following:

Recycling Depots use shall be contained within a completely enclosed building. No materials may be located within 6 metres (19.69 feet) of a doorway or opening in the building greater than 1 metre (3.28 feet) in width or 1 metre (3.28 feet) in height; except where the doorways or openings remain completely closed when no vehicle or person is entering or exiting the building.
- (13) By deleting Subsection 5.13.5 and replacing with the following:

Parking or storage of vehicles for each Single Family Dwelling sited on a lot shall not exceed a combined total of more than four motor vehicles, recreational vehicles, and recreational boats. Where a duplex is located on a lot the combined total of vehicles shall not exceed three per dwelling unit.

- (14) By amending the Conditions for Hutches in Subsection 5.4.1. (Projections into Yards) and replacing with the following:

Feature	Permitted in a required yard setback			Conditions
	Front	Side	Rear	
Hutch	No	Yes	Yes	<ul style="list-style-type: none"> <li>- only one such feature per dwelling unit.</li> <li>- maximum length of projected feature shall be 3.0 m.</li> <li>- maximum height of projected feature shall be 3.0 m.</li> </ul>

- (15) By deleting the definition of "Floor Area, Gross" from Section 4.1 and replacing it with the following:

"FLOOR AREA, GROSS" – for the purposes of calculating floor area ratio in the RS and RM-1 Zones, gross floor area means the total of all the floors, measured to the exterior face of the exterior walls of the building, including covered decks but excluding:

- (1) Accessory buildings;
- (2) Attached garages or carports, to a maximum of 41.8 square metres (450 square feet);
- (3) All rooms having a floor to ceiling height less than or equal to 1.5 metres (5 feet);
- (4) Covered porches, to a maximum of 11.15 square metres (120 square feet);
- (5) Basements which have a ceiling height of 0.6 metres (2 feet) or less above the adjacent finished grade, excluding localized depressions, on all elevations; and
- (6) Open decks.

In the case of rooms having ceilings greater than 3.66 metres (12 feet) above the level of the floor below, that area above 3.66 metres (12 feet) shall be counted as if it were additional floor area.

In all other zones, Gross Floor Area means the total area of all the floors, measured to the exterior face of the exterior walls of the buildings, including covered decks and accessory buildings, excluding:

- (1) Any portion of a building or structure used for parking purposes or for a swimming pool, unless such parking or swimming pool is a principal use.

- (2) Open deck or patio areas, which are at least in part, through the absence of full walls or windows, open to the outside.
  - (3) One entrance lobby used as the main entrance to a building or structure.
  - (4) All rooms having a floor to ceiling height less than or equal to 1.5 metres (5 feet).
- (16) By adding the following definition for “Covered Deck” in Section 4.1:
- “COVERED DECK”- means a structure connected to the principal use and which is elevated a minimum of 0.6 metres (1.97 feet) from ground level; is supported on structures or is cantilevered; and is covered by part of the roof system of the principal use (see also “OPEN DECK”)
- (17) By rezoning lands legally described as THE SOUTH 141.43 FEET OF SECTION 24, RANGE 18, OF SECTION 20, RANGE 4, CRANBERRY DISTRICT, PLAN 1332 from Single Family Residential (RS-1) to Mobile Home Park Subdivision (RM-8), as shown on the attached Appendix 1.
  - (18) By rezoning lands legally described as LOT 23, SECTION 19, RANGE 5, MOUNTAIN DISTRICT, PLAN 25626 from Single Family Residential (RS-1) to Residential Duplex Zone (RM-1), as shown on the attached Appendix 2.
  - (19) By rezoning a portion of the lands legally described as LOT 2, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 39987 from Single Family Residential (RS-1) to Steep Slope Residential (RS-7) and by rezoning a portion of the lands legally described as LOT D, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 18479 from Steep Slope Residential (RS-7) to Single Family Residential (RS-1), as shown on the attached Appendix 3.
  - (20) By rezoning a portion of the lands legally described as LOT D, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 from Single Family Residential (RS-1) to Residential Duplex (RM-1) and a portion of the properties legally described as LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 and LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 from Residential Duplex (RM-1) to Single Family Residential (RS-1), as shown on the attached Appendix 4.
  - (21) By rezoning lands legally described as LOTS 11, 12, 13, BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 584 and LOT 10, BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 584 and LOTS 1-4, BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 584 from Single Family Residential (RS-1a) to Public Institution (P-2), as shown on the attached Appendix 5.
  - (22) By rezoning a portion of the lands legally described as LOT 10, DISTRICT LOTS 20 & 30, WELLINGTON DISTRICT, PLAN VIP65104 from Single Family Residential (RS-1) to Medium Density Multiple Family (Suburban) Residential (RM-5), as shown on the attached Appendix 6.

- (23) By rezoning a portion of the lands legally described as LOTS 35-39, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686; from Single Family Residential (RS-1) to Single Family Residential (Large Lot) (RS-2), as shown on the attached Schedule 'G' and a portion of the land legally described as LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN VIPVIP82107 from Steep Slope Residential (RS-7) to Single Family Residential (Large Lot) (RS-2) as shown on the attached Appendix 7.
- (24) By rezoning lands legally described as STRATA LOTS 1 and 2, SECTION 1, NANAIMO DISTRICT, STRATA PLAN 1381 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 from Single Family Residential (RS-1a) to Residential Duplex (RM-1a), as shown on the attached Appendix 8.
- (25) By rezoning a portion of the lands legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63929 from Government Industry Services (P-3) to Public Institution (P-2), as shown on the attached Appendix 9.
- (26) By rezoning lands legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 19119 from Government Industry Services (P-3) to Single Family Residential (RS-1a), as shown on the attached Appendix 10.

PASSED FIRST READING 2007-MAR-12.  
PASSED SECOND READING 2007-MAR-12.  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
MOT APPROVAL \_\_\_\_\_  
ADOPTED \_\_\_\_\_

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MAYOR

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DIRECTOR,  
LEGISLATIVE SERVICES

## SCHEDULE E

### Fine Schedule

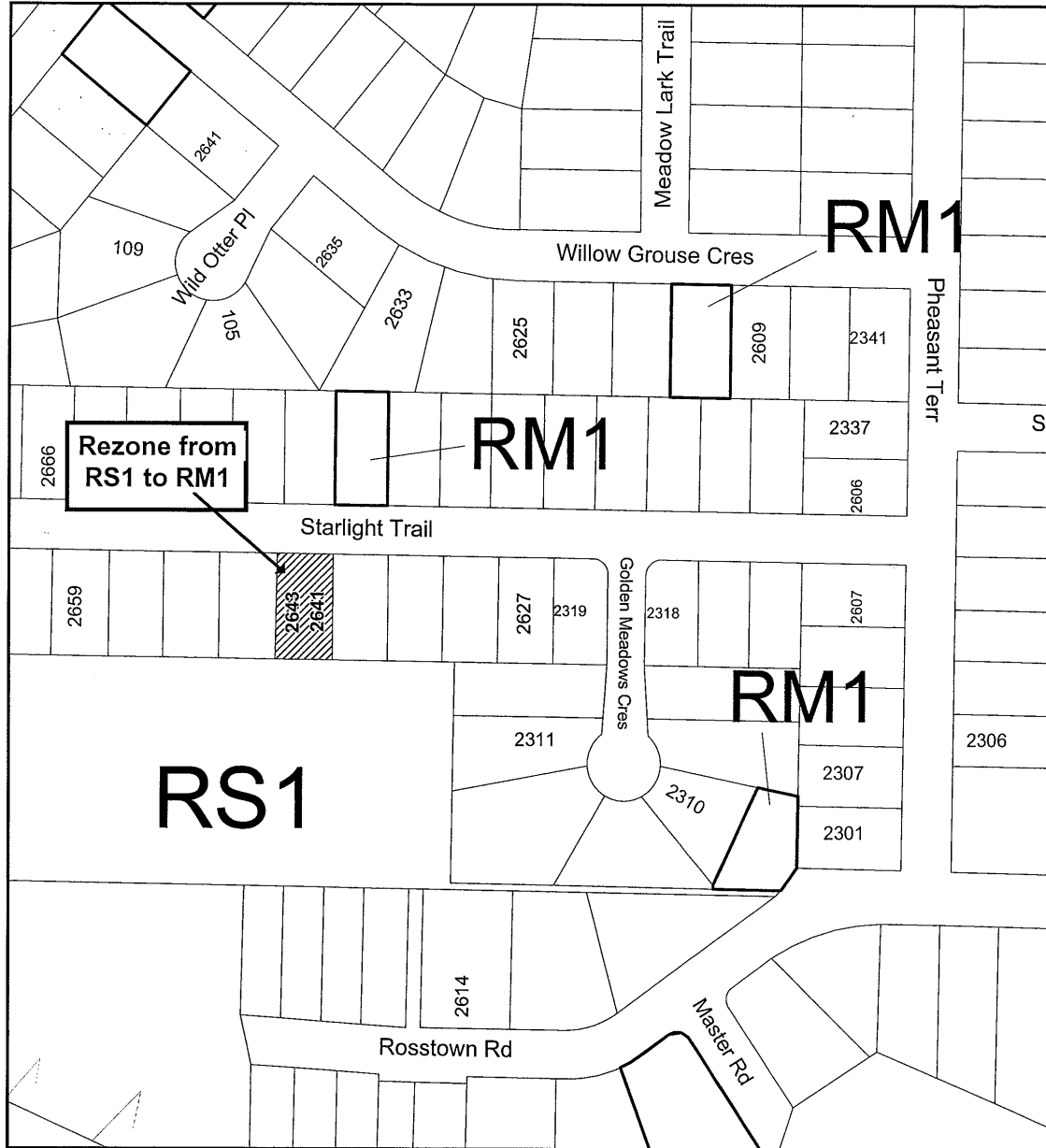
Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<b><u>Description of Offence</u></b>	<b><u>Section No.</u></b>	<b><u>Amount of Fine</u></b>
Derelict Vehicles on Property	5.13.1	\$100.00
Exceed Two Unlicensed Vehicles	5.13.1	\$100.00
Prohibited Vehicle on Residential Lot	5.13.2	\$100.00
Occupy Recreational Vehicle on Lot	5.13.3	\$100.00
Exceed Four Vehicles for Single Family Dwelling Sited on Lot	5.13.5	\$100.00
Exceed Three Vehicles per Dwelling Unit Where a Duplex is Sited on a lot	5.13.5	\$100.00
Home Based Business Exceed 100 Square Metres	5.14.2.1	\$100.00
Exceed One Non-Resident Employee	5.14.1.2	\$100.00
Retail Sales From Home Occupation	5.14.4	\$100.00
Emit Noxious Matter	5.14.5	\$100.00
Exceed 10 Vehicle Trips	5.14.7.1	\$100.00
Prohibited Vehicle Trips	5.14.7.1	\$100.00
Exceed One Commercial Vehicle on Lot	5.14.8	\$100.00
Storage Not Contained	5.14.2.7	\$100.00





Appendix 2



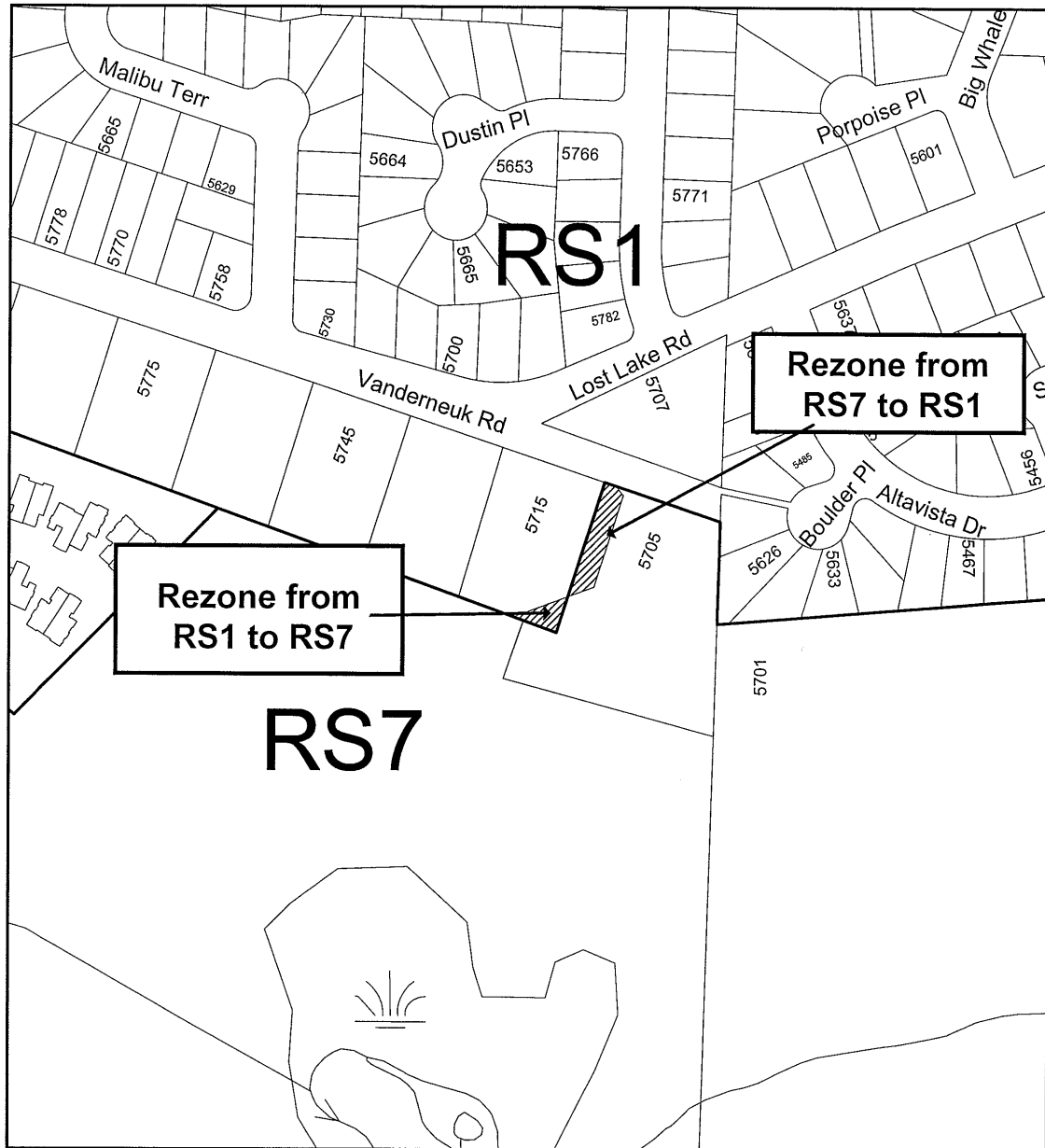
LOCATION PLAN



Civic: 2641 and 2643 Starlight Trail

 **SUBJECT  
PROPERTY**

Appendix 3



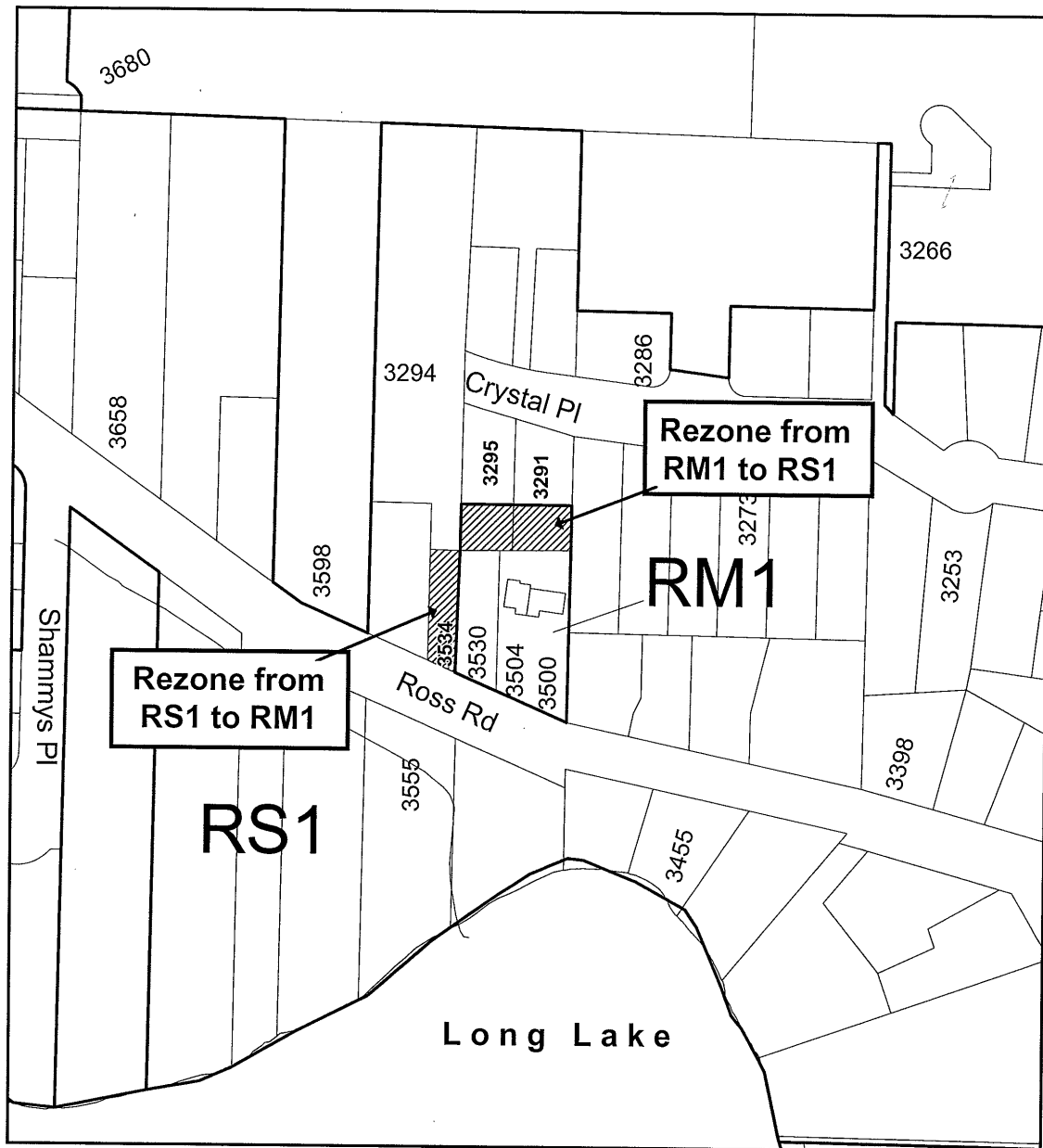
LOCATION PLAN



Civic: 5705 and 5715 Vanderneuk Road

 **SUBJECT  
PROPERTIES**

Appendix 4



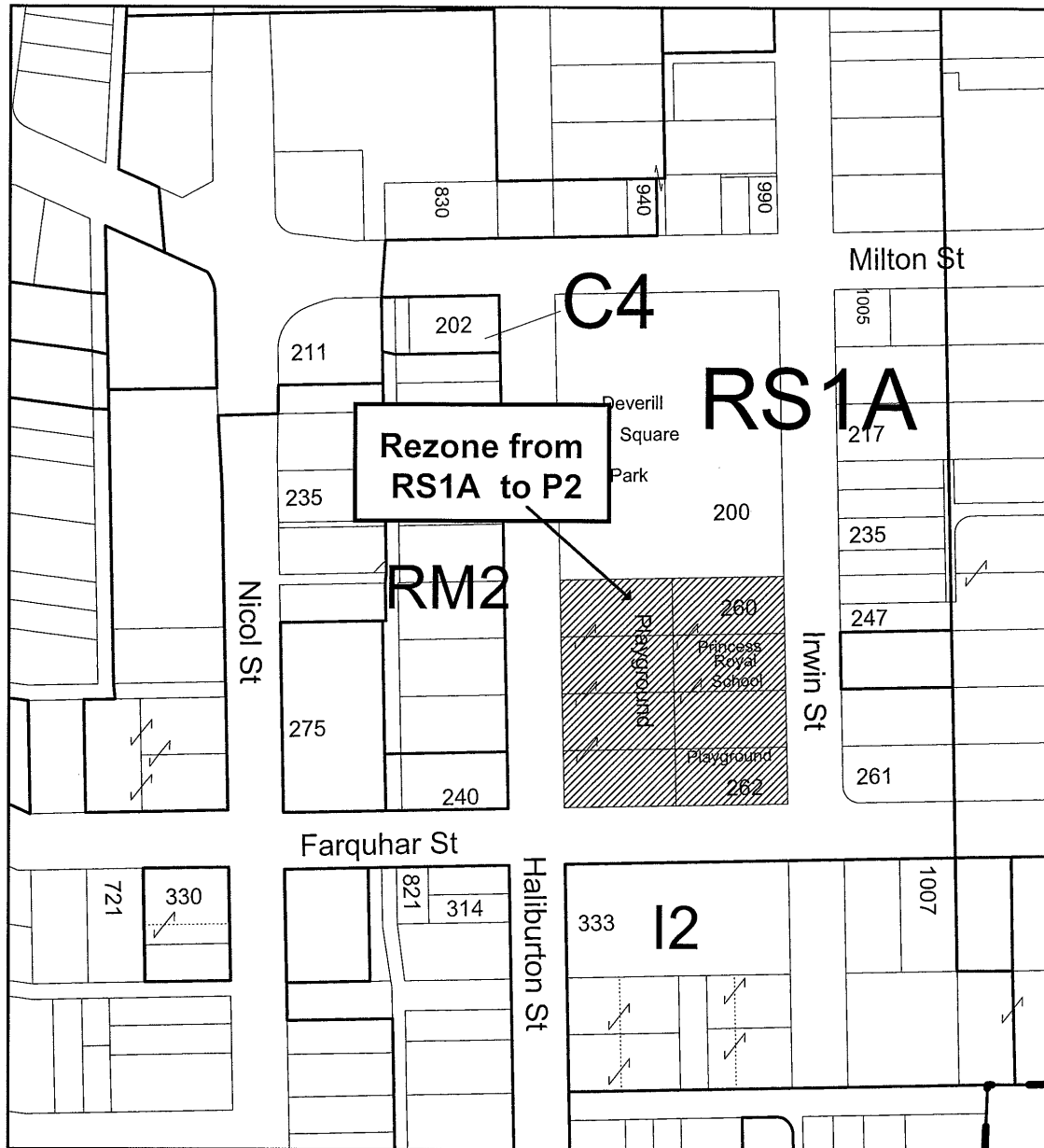
**LOCATION PLAN**



Civic: 3534 Ross Road and  
3291 and 3295 Crystal Place

 **SUBJECT  
PROPERTIES**

Appendix 5



LOCATION PLAN

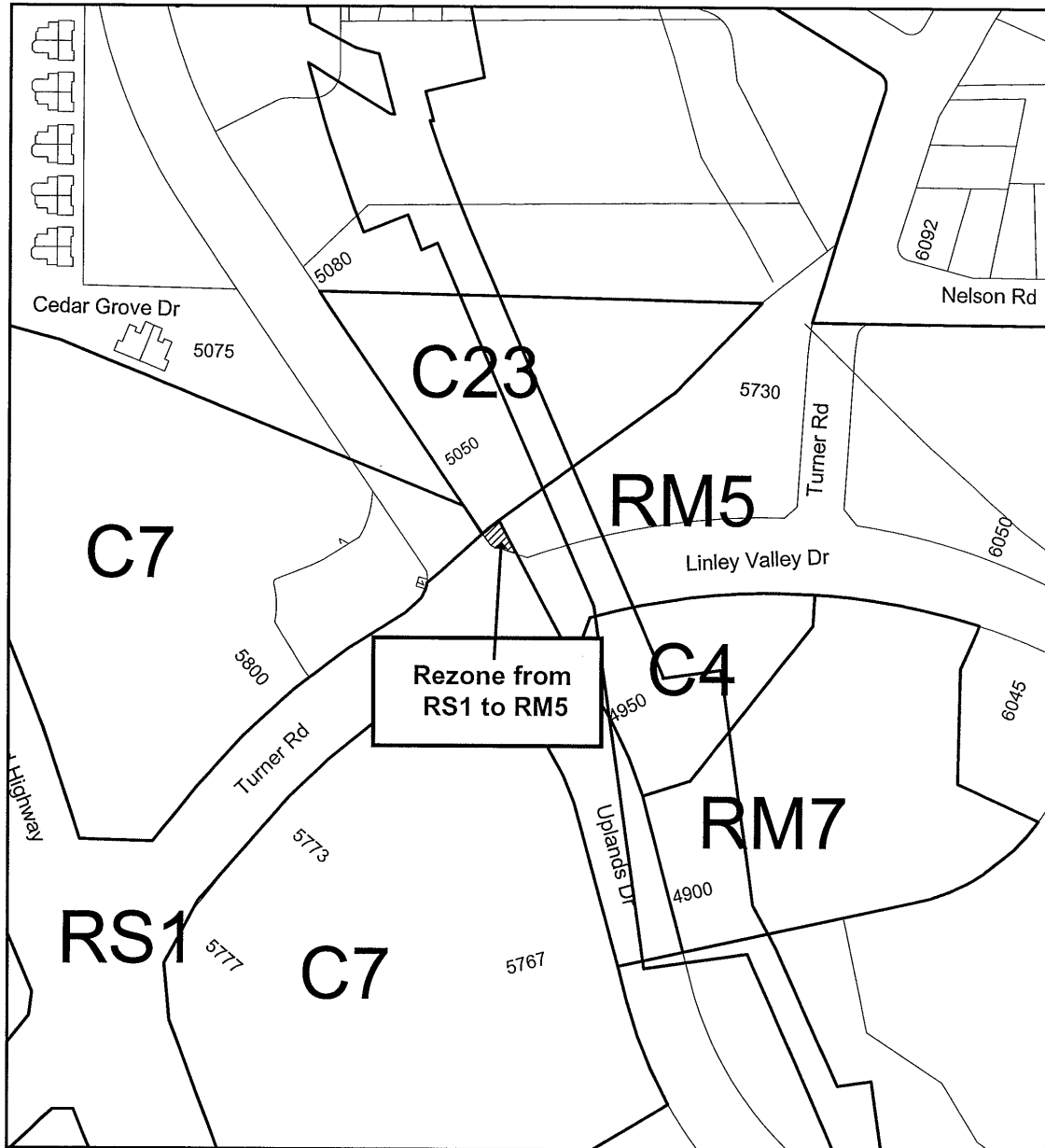


Civic: 260 and 262 Irwin Street

 **SUBJECT PROPERTIES**



Appendix 6



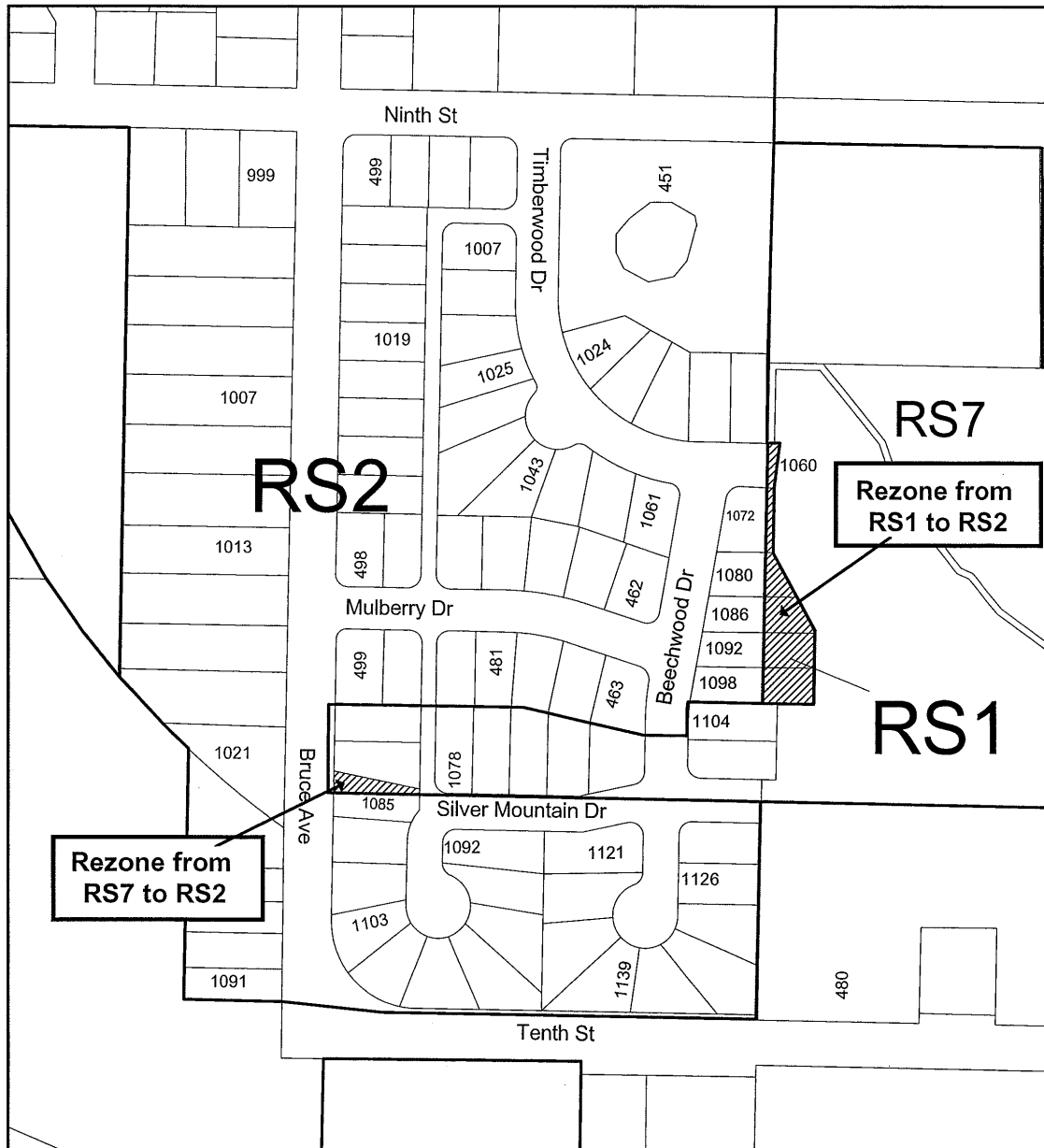
LOCATION PLAN

Civic: 5730 Turner Road



 **SUBJECT  
PROPERTIES**

Appendix 7



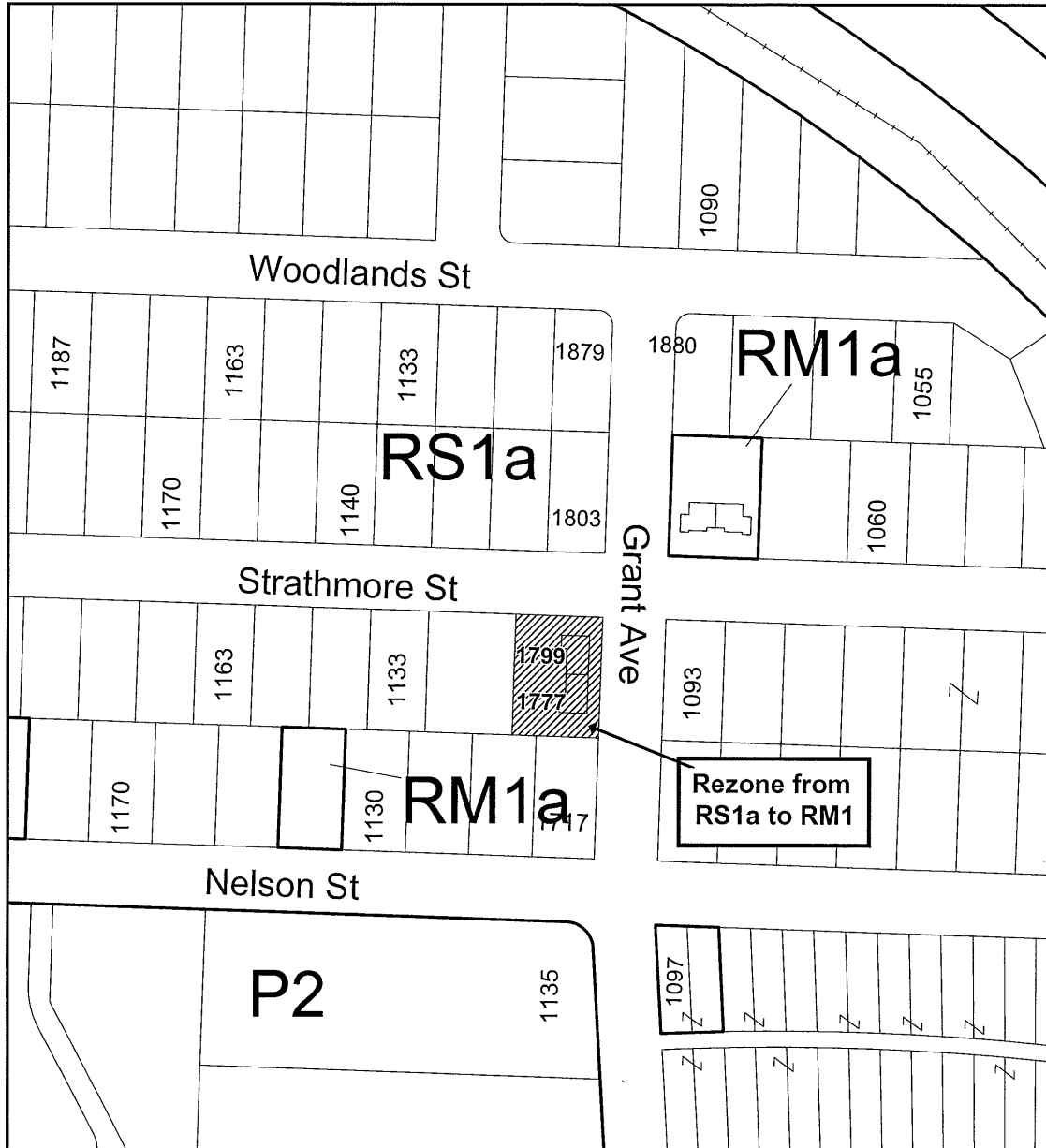
**LOCATION PLAN**

Civic: 1072, 1080, 1086, 1092 and  
1098 Beechwood Drive and  
1085 Silver Mountain Drive



 **SUBJECT  
PROPERTIES**

Appendix 8



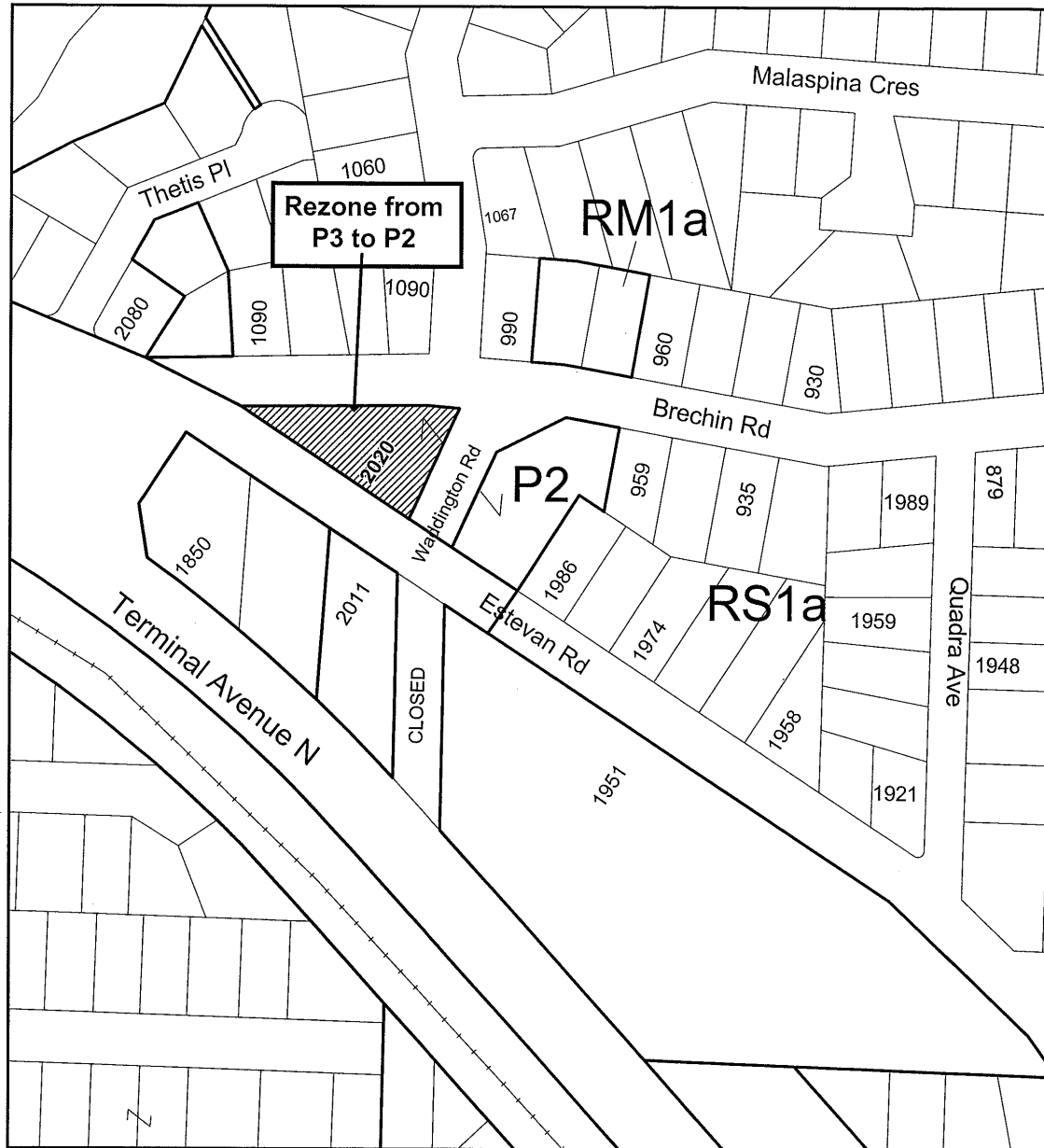
**LOCATION PLAN**

Civic: 1777 and 1799 Grant Avenue



 **SUBJECT  
PROPERTIES**

Appendix 9



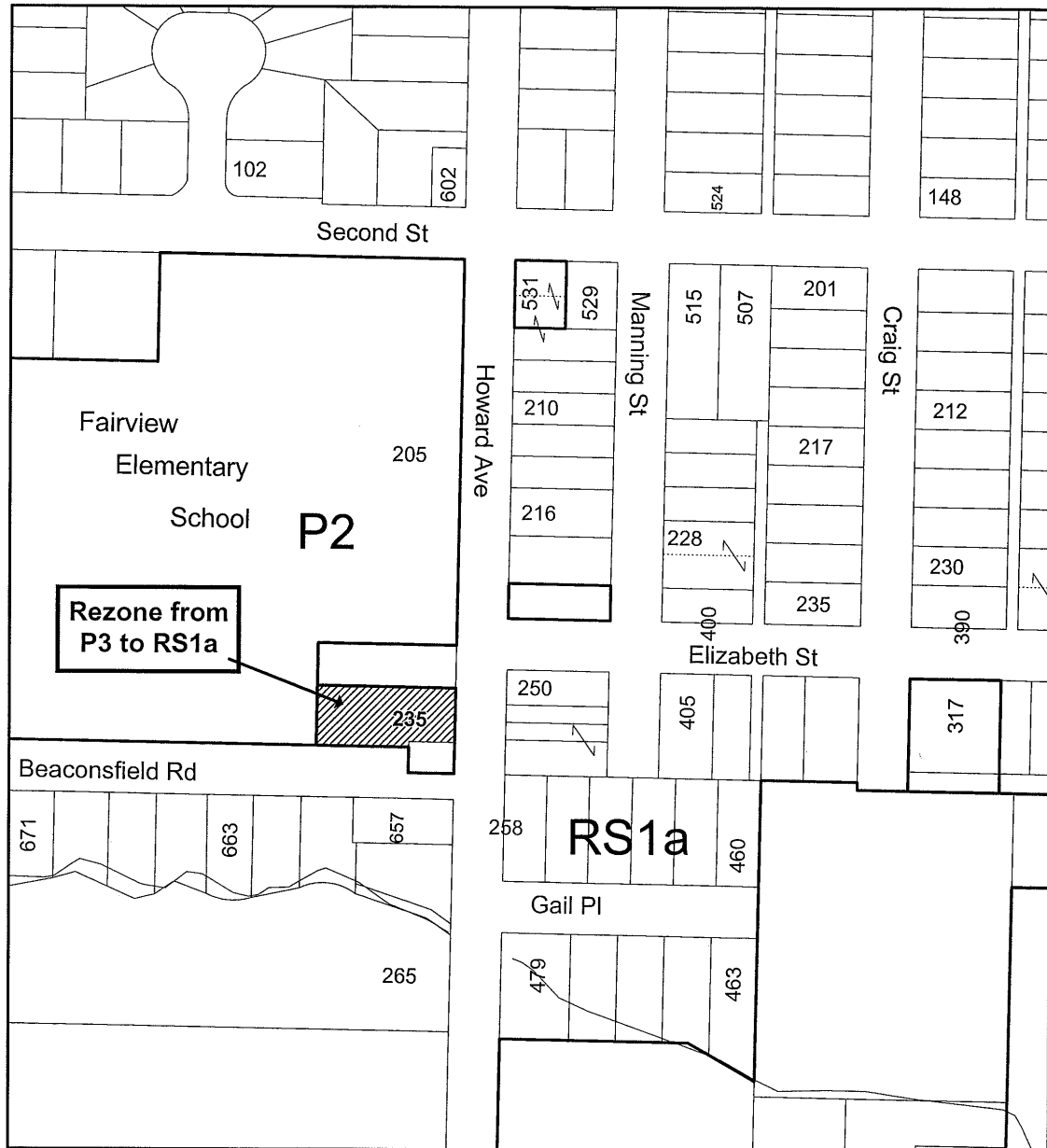
**LOCATION PLAN**

Civic: 2020 Estevan Road



 **SUBJECT  
PROPERTIES**

Appendix 10



**LOCATION PLAN**

Civic: 235 Howard Avenue



 **SUBJECT PROPERTIES**