



# NOTICE OF PUBLIC HEARING

2007-JAN-04 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2007-JAN-04**, 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. 4000.403:**

**Purpose:** To permit use of land for a multiple family development.

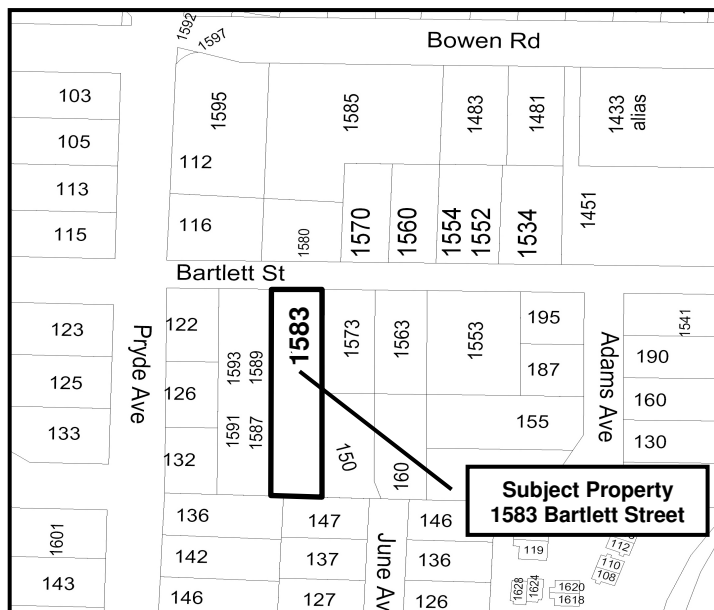
**Location(s):** 1583 Bartlett Street

**File No.:** RA164

This bylaw, if adopted, will allow for greater flexibility in site design and housing forms, and will rezone the subject property from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to permit a three unit residential development.

The subject property is legally described as LOT 3, SUBURBAN LOT 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 483 and is shown on Map 'A'.

**Map A**



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

The above bylaw, relevant staff report, and other background information may be inspected from 2006-DEC-20 to 2007-JAN-04, 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 bylaw shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaw No. 4000.403 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-JAN-04, 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**

CITY OF NANAIMO

BYLAW NO. 4000.403

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 2006 NO. 4000.403".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
  - (1) By rezoning land shown on the attached Schedule 'A' and legally described as LOT 3, SUBURBAN LOT 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 483 from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2).
  - (2) By deleting the following from Section 7.2.1 – Permitted Uses  
"Single Family Dwellings, subject to Subsections:  
    - 6.1.2. Condition of Use;
    - 6.1.3. Density;
    - 6.1.6. Yard Requirements;
    - 6.1.7 Height of Buildings; and
    - 6.1.8. Maximum Perimeter Wall Heights"  
and replacing it with the following:  
"Single Family Dwellings"
  - (3) By deleting Subsection 7.2.3.2. in its entirety and renumbering subsequent Subsections accordingly.

(4) By adding Subsection 7.2.2.4. as follows:

“Not more than 2 principal buildings shall be permitted on a lot.”

PASSED FIRST READING 2006-OCT-30.

PASSED SECOND READING 2006-OCT-30.

RECONSIDERED AND AMENDED AT SECOND READING 2006-DEC-04.

PASSED SECOND READING AS AMENDED 2006-DEC-04.

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

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

COVENANT REGISTERED \_\_\_\_\_.

ADOPTED \_\_\_\_\_.

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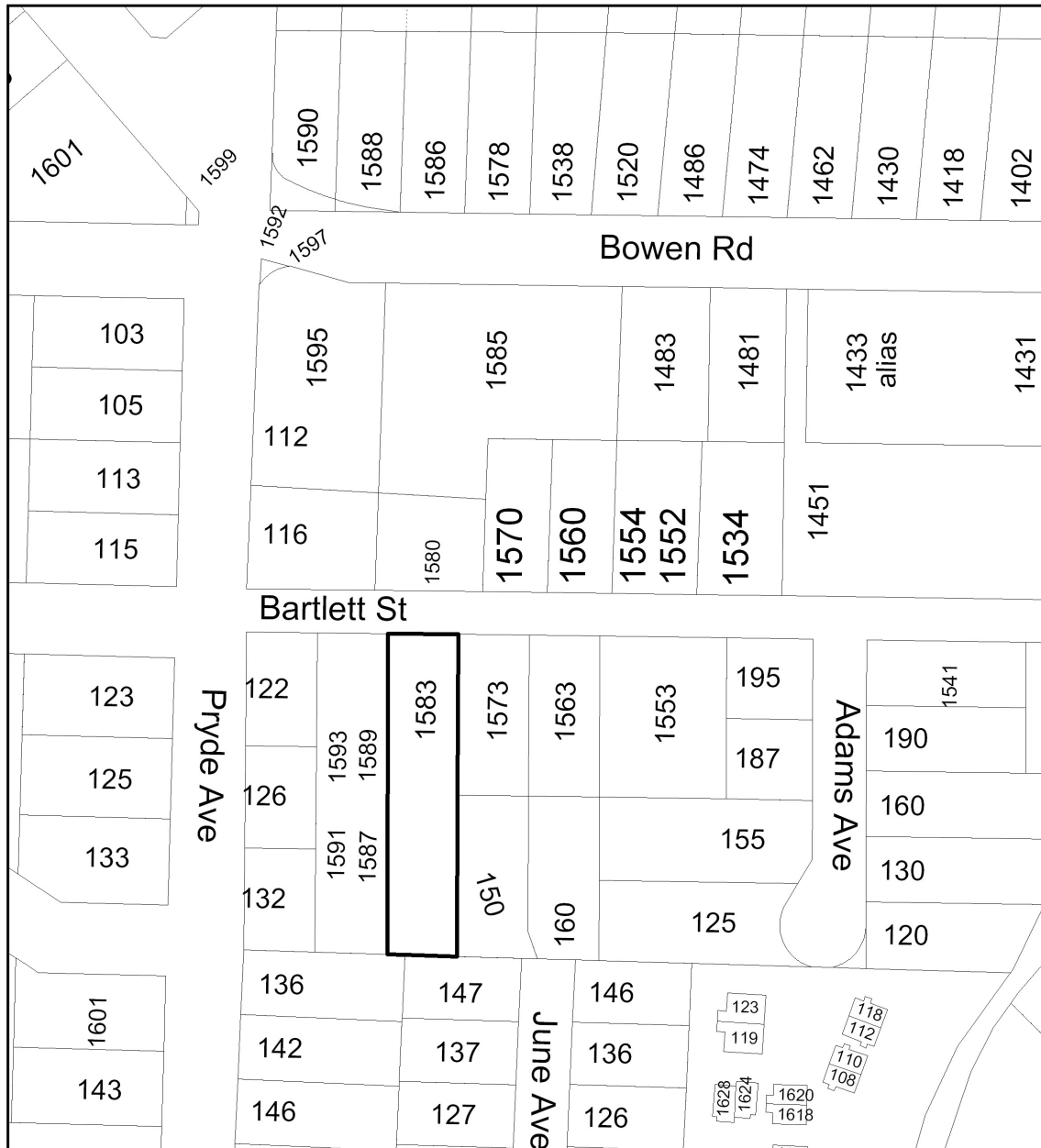
MAYOR

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DIRECTOR,  
LEGISLATIVE SERVICES

File: RA000164  
Address: 1583 Bartlett Street  
Applicant: Keith Brown

SCHEDULE A



**LOCATION PLAN**

Civic: 1583 Bartlett Street



**SUBJECT  
PROPERTY**

2006-NOV-24

## STAFF REPORT

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

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

RE: RA164 – 1583 BARTLETT STREET

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### STAFF'S RECOMMENDATION:

That Council reconsider this application and amend Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.403".

### EXECUTIVE SUMMARY:

Council at its regular meeting held 2006-OCT-30, gave First and Second Reading to Zoning Amendment Bylaw No. 4000.403. Due to a technical error, the amendment bylaw, as read by Council, did not include specific text amendments required to allow for the number of single family building forms proposed. Staff supports the proposed amendments and recommend that Council reconsider Second Reading to Bylaw No. 4000.403 as amended, and support the proposed rezoning.

### BACKGROUND:

#### ***Proposed Development***

Staff's report accompanying Bylaw No. 4000.403 identified that the applicant is requesting to rezone the subject property (Schedule A) from Single Family Residential Zone (RS-1) to Residential Triplex / Quadruplex Zone (RM-2) in order to permit development of three individual one-unit buildings.

It was the applicants original intention to develop one single family dwelling and a duplex, however, in response to feedback received from the local neighbourhood concerning the proposed duplex, the applicants amended their proposal to include three individual single family dwellings. The buildings are proposed to be distributed, equally across the site, with Building 'A' fronting along Bartlett Street, Building 'B' towards the centre of the property and Building 'C' located on the southern portion of the site (Schedule B).

#### ***RM-2 Zoning Guidelines***

Under the existing RM-2 zoning guidelines, small scale multiple family developments of up to four residential units are supported; however, not more than one single family housing form and not more than two principal buildings are permitted on a lot.

It is Staff's opinion that this restriction impacts the infill potential for the subject site and will also limit the future potential for infill development on other sites which better lend themselves to single family housing forms than duplex or triplex forms.

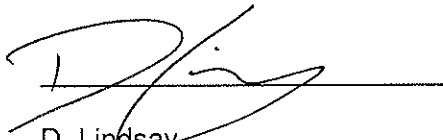
**Staff Comment**

It is Staff's belief that in order to meet the density objectives of the OCP neighbourhood designation, and in order to ensure that infill development is sensitive and acceptable on existing neighbourhoods, increased flexibility on housing types is required. Accordingly, Staff recommend that the conditional subsections associated with development of a single family dwelling on a RM-2 zoned property be removed, and that the restriction on the number of principal buildings on a lot be added as a Condition of Use rather than Density.

It is important to note that by amending the bylaw such that the restriction on the number of principal buildings on a lot is included as a Condition of Use rather than Density, a variance will be required for any development which proposes more than two principal buildings on a site. Accordingly, this will allow for both Staff and Council to review the proposal to ensure that the development is sensitive to, and fits within the character of the neighbourhood.

As the subject development will consist of three buildings, a variance will be required. This variance is identified for Council's information; Final approval of the variance will come through the development permit process.

Respectfully submitted,



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



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

JC/pm  
Council: 2006-OCT-30  
Prospero: RA164



CITY MANAGER  
FORWARDED FOR CITY MANAGER'S  
TO COUNCIL  
DEVELOPMENT SERVICES