



NOTICE OF PUBLIC HEARING

2006-SEP-07 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2006-SEP-07**, 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 "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", "ZONING BYLAW 1993 NO. 4000", "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013," and a covenant amendment.

1. BYLAW NO. 6000.070:

Purpose: To update Official Community Plan (OCP) text and mapping layers to include the Departure Bay Neighbourhood Plan.

Location(s): Various – See Area Within Dotted Line on Map 'A', Including Departure Bay Village Core

File No.: 6520 20 D01 G01

This bylaw, if adopted, will include text amendments and update mapping layers to include the Departure Bay Neighbourhood Plan within the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000". The purpose of this neighbourhood plan is to address neighbourhood issues and opportunities that were identified by residents and other stakeholders throughout the planning process, while working within the context of the Official Community Plan. The neighbourhood plan identifies areas of common concern, articulates the community's vision for change, and provides guidelines for new developments. Plan objectives address environment, traffic, safety and parking, development and redevelopment, and recreation. Proposed amendments to the Official Community Plan include:

- a) Add Section 7.5 to include the Departure Bay Neighbourhood Plan as part of the Official Community Plan.
- b) Amend Schedule A (Future Land Use and Mobility Map) of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to include Schedule A-7.4, the Departure Bay Neighbourhood Plan area, which refers to land use designations and mobility network within the Departure Bay Neighbourhood Plan area. In addition to existing land use designations, proposed land use designations include 3-Storey Mixed Use (Commercial/Multi-Family), 2-Storey Mixed Use (Commercial/Multi-Family), and 2-Storey Multi-Family Residential.
- c) Amend Section 8.2.21 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to specify that Area 21 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential development permits within the boundaries of the Departure Bay Village Core shall be in accordance with the Departure Bay Design Guidelines for Village Core of the Departure Bay Neighbourhood Plan.

[see Map 'A' next page]

Map A



PLEASE NOTE copies of the full City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" amendment bylaw are available at the Development Services Department located at 238 Franklyn Street.

2. BYLAW NO. 4000.399:

Purpose: To permit use of land for siting of heat pumps and central air conditioning units.

Location(s): Various

File No.: 3900 30 ZA1 76

This bylaw, if adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By deleting the existing Part 5 General Regulations that permit heat pumps and air conditioners to project into side and rear yard setbacks.
2. By adding a new subsection to the Part 5 General Regulations that require heat pumps and central air conditioning units to be located to the rear of a principal building and not be closer than 4.5 metres (14.7 feet) from side lot lines or 3.0 metres (9.8 feet) from the rear property line.

3. BYLAW NO. 4000.400:

Purpose: To amend the requirements for secondary suites.

Location(s): Various

File No.: 3900 30 ZA1 74

This bylaw, if adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By adding a new subsection to the Part 5 General Regulations to permit the siting of secondary suites in Part 7 – Multiple Family Residential Zones and Part 9 – Commercial Zones where only one principal dwelling, and no other uses, is sited on a lot.
2. By adding a new subsection to the Part 5 General Regulations to specify that secondary suites are not permitted in a principal dwelling where a bed and breakfast facility has been established or, conversely, that bed and breakfast facilities are not permitted in a principal dwelling where a secondary suite has been established.
3. By deleting Subsection 5.14.8.2. from the Part 5 General Regulations as home based business parking requirements are addressed through the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013."

4. BYLAW NO. 7013.01:

Purpose: To amend parking requirements for shopping centres and commercial plazas.

Location(s): Various

File No.: 3900 30 ZA1 75

This bylaw, if adopted, will amend the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013":

- 1) By adding the definition of "Retail Trade and Services Centre" in Section 8 Definitions as "means one or more buildings containing two or more retail, office or service-related uses, which share common services and parking on a lot, and which have a net floor area greater than 500 m² (5382 ft²).
- 2) By adding parking requirements for "Retail Trade and Services Centres" and amending parking requirements for "Shopping Centres" as follows:

Shopping Centres and Retail Trade and Services Centres	<ul style="list-style-type: none">• 4.3 spaces per 100 m² (1076 ft²) of net floor area, where the centre has a net floor area of less than 35,000 m² (376,749 ft²) but more than 500 m² (5382 ft²)• 5.4 spaces per 100 m² (1076 ft²) of net floor area, where the centre has a net floor area of 35,000 m² (376,749 ft²) or more
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- 3) By adding Subsection 13.3 to clarify that, where disparity exists with respect to parking calculations, metric measurements take precedence over the imperial equivalents.

5. BYLAW NO. 7013.02:

Purpose: To amend parking requirements for home based businesses.

Location(s): Various

File No.: 3900 30 ZA1 75

Periodic amendments are needed to maintain the effectiveness of the parking regulations. This bylaw, if adopted, will amend the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013":

1. By deleting duplication of single family dwelling parking requirements; and
2. By amending parking requirements for home based businesses to specify one parking space is required for home based business activity or, where home based businesses are located within both the principal dwelling and the secondary suite, one parking space is required for the home based business activity.

6. COVENANT AMENDMENT:

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

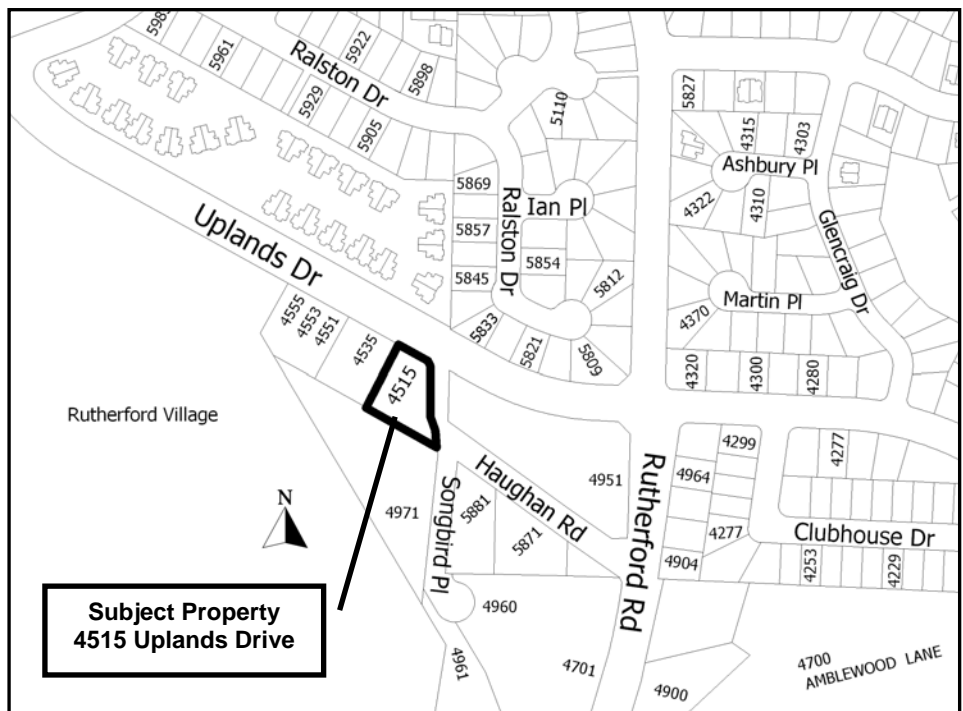
Location(s): 4515 Uplands Drive

File No.: RA166

An application has been received to amend an existing covenant (EH50026) registered on the title of the subject property located at 4515 Uplands Drive. If approved, the covenant amendment would increase the maximum permitted height by 3.45 metres. The applicant is proposing to construct a two-storey office building of approximately 11 metres in height.

The subject property is legally described as LOT C, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VIP70426, and is shown on Map 'B'.

Map B



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

The above bylaws, covenant amendment, relevant staff reports, and other background information may be inspected from 2006-AUG-25 to 2006-SEP-07, 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 or covenant amendment shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaws No. 6000.070, 4000.399, 4000.400, 7013.01, 7013.02 and the covenant amendment 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, 2006-SEP-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**

STAFF REPORT

REPORT TO: TED SWABEY, A/GENERAL MANAGER, DEVELOPMENT SERVICES

FROM: ANDREW TUCKER, A/DIRECTOR, PLANNING & DEVELOPMENT

RE: OCP AMENDMENT BYLAW TO ADOPT DEPARTURE BAY NEIGHBOUROOD PLAN

STAFF'S RECOMMENDATIONS:

That Council:

1. give first and second reading to Official Community Plan Bylaw Amendment Bylaw 2006 No. 6000.070"; and
2. direct staff to schedule a public hearing for the attached Official Community Plan Amendment bylaw to be held at 7:00 p.m. on Thursday, 2006-Sep-07 in the RDN Board Chambers.

EXECUTIVE SUMMARY:

This report introduces OCP Amendment Bylaw 2006 No. 6000.070 which will adopt the Departure Bay Neighbourhood Plan as part of the Official Community Plan. The report also outlines the implementation and monitoring strategy for the plan and highlights those actions likely to require additional capital funding to implement.

BACKGROUND:

OCP Amendment:

At its regular meeting held 2005-Sep-12, Council directed staff to prepare a neighbourhood plan for Departure Bay in association with the local community and a student planning team from the University of British Columbia's School of Community and Regional Planning.

Work formally started on the plan in September, 2005 and was completed on 2006-May-18 with a final meeting of the Departure Bay Neighbourhood Plan Working Group.

Council received the Departure Bay Neighbourhood Plan at its regular meeting held 2006-Jun-12 and directed staff to introduce a bylaw which will adopt the plan as part of the Official Community Plan.

Plan Implementation:

The purpose of the plan is to address neighbourhood issues and opportunities identified by residents and other stakeholders throughout the planning process, while working within the context of Plan Nanaimo. The plan identifies areas of common concern, articulates the community's vision for change, and provides design guidelines for new developments. The overarching goal is to provide direction to the City that will help guide capital funding allocations, development permit approvals, and amenity enhancements in the plan area.

In order to implement many of the plan objectives and actions, budget allotments for capital improvements will need to be made by the City over time. Currently, from a capital improvement perspective, there are no dedicated budget allotments that would specifically address the objectives and actions of the neighbourhood plan.

Community Planning staff will work with the City's Engineering, Parks, Recreation and Culture, and Planning and Development Departments to determine where specific neighbourhood plan actions can be implemented by means of existing operational funding. Where actions will require higher service level funding, Community Planning staff will work with the appropriate City department to determine what level of funding will be required and whether or not the funding request can be placed on the City's 5-year capital improvement budget for review by Council during its general budget discussions. An example includes review of the proposed 2007 Departure Bay Road upgrade project to determine where additional enhancements can be made to the project and budget to address actions identified in the neighbourhood plan.

For Council's reference, significant capital improvement actions recommended by the Departure Bay Neighbourhood Plan include the following:

Environment:

- Work with private landowners to restore and beautify Departure Creek behind properties at 2865 and 2875 Departure Bay Road.

Traffic, Safety and Parking:

- Reduce waterfront parking, but ensure adequate waterfront parking remains for winter enjoyment of the beach as well as providing space for handicapped parking and a pedestrian drop-off zone.
- Enhance any reclaimed parking space with landscaping and designate it as a recreational area.
- Improve the use of existing parking at the Centennial Park tennis courts by re-surfacing the parking lot and painting parking stall lines. Investigate new technology to mitigate pollution run-off.
- Implement appropriate traffic calming devices on Bay Street and other neighbourhood streets if there is an identified safety issue. Such measures could include curb extensions, lower speed limits, and more signage.
- In consultation with neighbourhood residents, explore the long-term goal of rerouting traffic away from the waterfront.
- Work with the Departure Bay Neighbourhood Association Traffic Committee to determine priorities for sidewalks in the neighbourhood, first considering Departure Bay Road and Bay Street, then Wingrove Street, Hammond Bay Road and Loat Street.

Development and Redevelopment:

- Increase public amenities and meeting areas along Wingrove Street, Departure Bay Road, and at the waterfront by providing benches and seating areas, courtyards, picnic tables, improved lighting, community notice boards, hanging baskets, banners and public art.

Recreation:

- Expand waterfront facilities to include improved changing rooms and better maintained toilets and showers (including lighting).
- Improve the accessibility of the existing beachfront walkway by decreasing the current cross slope, and improve access to the beach by upgrading the steps and railing from the walkway to the beach.
- Enhance the connectivity of recreational and retail areas by creating a north-south path between Bay and Wingrove Streets through Centennial Park.

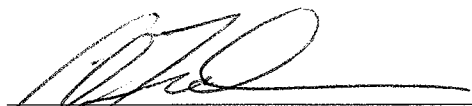
- Form a partnership with Snuneymuxw First Nation, the Kinsmen Association, the Departure Bay Shorekeepers, and Departure Bay residents to create a plan for the redevelopment of the Kin Hut and adjoining park area into a community centre and educational enviro-centre that is open to all and honours First Nations historic presence in the area.
- Work with Department of Parks, Recreation and Culture, community members, and the private sector to retro-fit the Activity Centre to create a space capable of supporting a more diverse array of activities, including simultaneous multiple uses. The renovation should include an additional games/meeting room.
- Improve children's play areas by either expanding the existing area in Centennial Park or creation a new play area elsewhere.
- Develop a new landscape plan for Kin Hut Park in consultation with the community.

Plan Monitoring:

As per the Neighbourhood Plan's implementation and monitoring strategy, an Action Implementation and Monitoring (AIM) Committee will be formed within the next year comprised of area residents, staff and a City Council representative to:

- review the neighbourhood plan annually to identify accomplishments as well as actions still needed under the plan;
- assess the impacts of development projects;
- develop a communications plan to insure goals and proposed actions of the neighbourhood plan are widely known, and that Council and the community are updated at least once a year on plan progress.

Respectfully submitted,



Andrew Tucker
Acting Director, Planning &
Development
Development Services Department



E.C. Swabey
Acting General Manager,
Development Services Department

CITY OF NANAIMO

BYLAW NO. 6000.070

A BYLAW TO AMEND THE CITY OF NANAIMO
"OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000"

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2006 NO. 6000.070".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" is hereby amended as set out in Schedules A, B, C to this Bylaw:

SCHEDULE A

Departure Bay Neighbourhood Plan Adoption

Section 7B – NEIGHBOURHOOD PLANS of the “OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000” is amended by:

1. Adding the following text as Section 7.5:

“7.5 Neighbourhood Plans – Departure Bay Neighbourhood Plan

The Departure Bay Neighbourhood Plan 2006 is attached hereto and made a part of the Plan. The policies and land designation of the Departure Bay Neighbourhood Plan constitute the Official Community Plan policies and designations for the Departure Bay planning area. The Departure Bay Neighbourhood Plan, policies and designations take precedence over, and replace, other policies of the OCP where they conflict.”

SCHEDULE B

Schedule A – Future Land Use and Mobility Map Amendment

Schedule A – Future Land Use and Mobility map of “OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000” is amended by adding Schedule A-7.4 (see attachment) as a Schedule of the OCP, and amending Schedule A accordingly.

SCHEDULE C

Departure Bay Village Core Design Guidelines

Section 8.2.21. of the "OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000" is amended by:

1. Adding the following text at the end of the Section 4. Guidelines:

"Development permits within the boundaries of the Departure Bay Village Core shall be in accordance with the following:

6. Appendix A – Departure Bay Design Guidelines for Village Core of the Departure Bay Neighbourhood Plan."

Schedule A-7.4

Departure Bay Neighbourhood Plan









Future Land Use and Mobility

Legend

Future Land Use

	3-Storey Mixed Use (Commercial/Multi-Family)
	2-Storey Mixed Use (Commercial/Multi-Family)
	2-Storey Multi-Family Residential
	Neighbourhoods
	Neighbourhood Village*
	City Parks
	Other Parks and Open Space
	Main Street
	Service Industrial Enterprise Area
	Urban Containment Boundary
	City Boundary
	School

Mobility

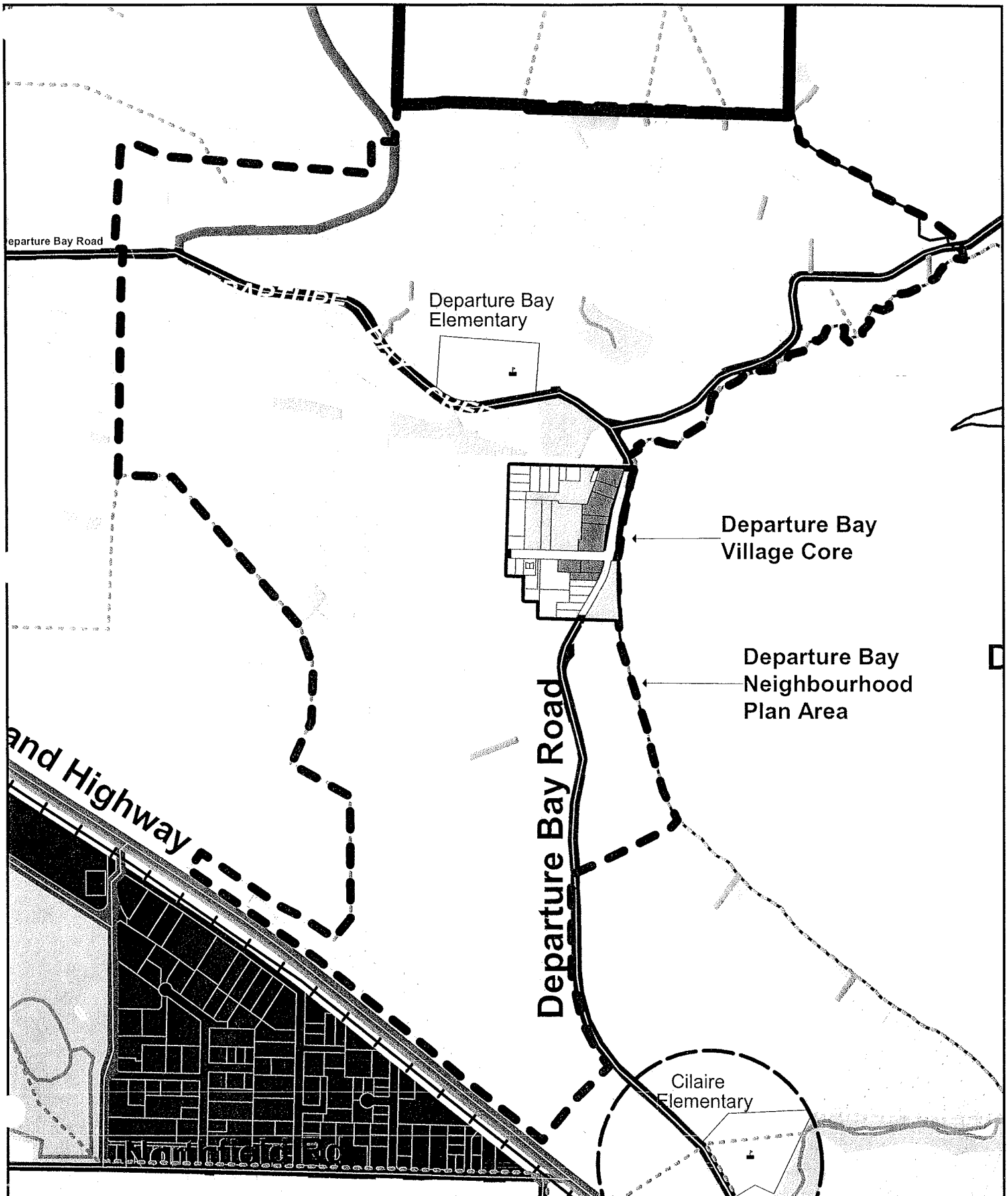
	Existing Trailways
	Proposed Trailway Connectors**
	Provincial Highway
	Urban Arterial
	Major Collector
	Minor Collector
	Railway
	On Road Bicycle Routes***

* Precise location and boundary of Neighbourhood Villages to be defined in future Neighbourhood Plans

** Possible location for negotiated trailway (see Sections 1.3.2 and 4.5.2)

*** Shown as white line on top of other colours

Schedule A-7.4
Departure Bay Neighbourhood Plan
Future Land Use and Mobility



SCHEDULE C

Departure Bay Village Core Design Guidelines

Section 8.2.21. of the "OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000" is amended by:

1. Adding the following text at the end of the Section 4. Guidelines:

"Development permits within the boundaries of the Departure Bay Village Core shall be in accordance with the following:

6. Appendix A – Departure Bay Design Guidelines for Village Core of the Departure Bay Neighbourhood Plan."

CITY OF NANAIMO

BYLAW NO. 6000.070

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WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2006 NO. 6000.070".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" is hereby amended as set out in Schedules A, B, C to this Bylaw.

PASSED FIRST AND SECOND READINGS 2006-AUG-14.

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

SCHEDULE A

Departure Bay Neighbourhood Plan Adoption

Section 7B – NEIGHBOURHOOD PLANS of the “OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000” is amended by:

1. Adding the following text as Section 7.5:

“7.5 Neighbourhood Plans – Departure Bay Neighbourhood Plan

The Departure Bay Neighbourhood Plan 2006 is attached hereto and made a part of the Plan. The policies and land designation of the Departure Bay Neighbourhood Plan constitute the Official Community Plan policies and designations for the Departure Bay planning area. The Departure Bay Neighbourhood Plan, policies and designations take precedence over, and replace, other policies of the OCP where they conflict.”

SCHEDULE B

Schedule A – Future Land Use and Mobility Map Amendment

Schedule A – Future Land Use and Mobility map of “OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000” is amended by adding Schedule A-7.4 (see attachment) as a Schedule of the OCP, and amending Schedule A accordingly.

SCHEDULE C

Departure Bay Village Core Design Guidelines

Section 8.2.21. of the "OFFICIAL COMMUNITY PLAN BYLAW 1996, NO. 6000" is amended by:

1. Adding the following text at the end of the Section 4. Guidelines:

"Development permits within the boundaries of the Departure Bay Village Core shall be in accordance with the following:









6. Appendix A – Departure Bay Design Guidelines for Village Core of the Departure Bay Neighbourhood Plan."

Schedule A-7.4 **Departure Bay Neighbourhood Plan** **Future Land Use and Mobility** **Legend**

Future Land Use

	3-Storey Mixed Use (Commercial/Multi-Family)
	2-Storey Mixed Use (Commercial/Multi-Family)
	2-Storey Multi-Family Residential
	Neighbourhoods
	Neighbourhood Village*
	City Parks
	Other Parks and Open Space
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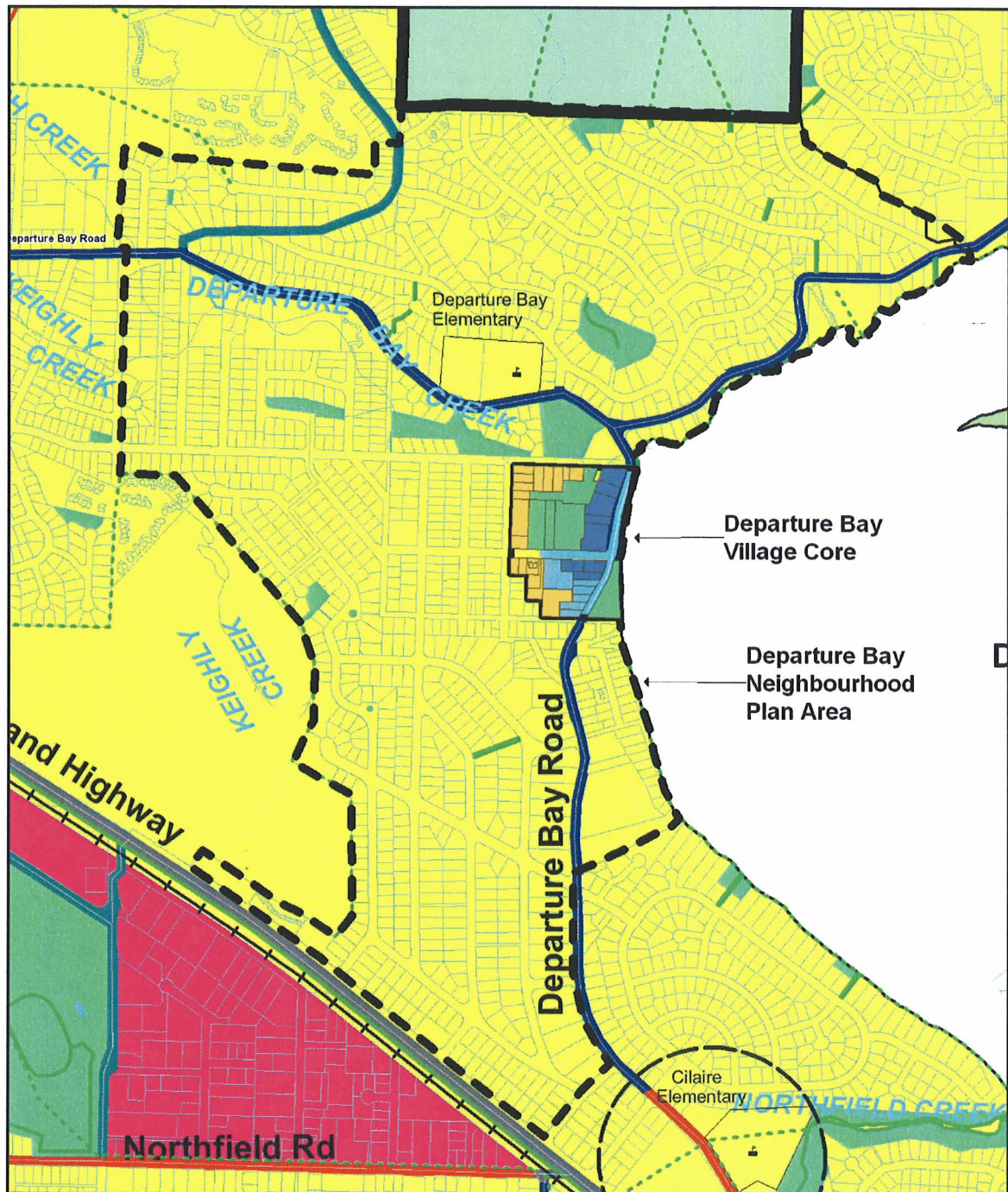
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* Precise location and boundary of Neighbourhood Villages to be defined in future Neighbourhood Plans

** Possible location for negotiated trailway (see Sections 1.3.2 and 4.5.2)

*** Shown as white line on top of other colours

Schedule A-7.4
Departure Bay Neighbourhood Plan
Future Land Use and Mobility



2006-AUG-04

STAFF REPORT

TO: A. TUCKER, ACTING DIRECTOR, PLANNING & DEVELOPMENT,
DEVELOPMENT SERVICES DEPARTMENT

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION,
DEVELOPMENT SERVICES DEPARTMENT

RE: SITING OF HEAT PUMPS

STAFF'S RECOMMENDATIONS:

That Council consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.399".

EXECUTIVE SUMMARY:

Council, at its regular meeting of 2006-MAY-29, received a report regarding noise abatement options for heat pumps. At this meeting, Council directed staff to prepare a zoning amendment bylaw that would further regulate the siting of these units. Zoning Amendment Bylaw No. 4000.394 was subsequently given First and Second Reading on 2006-JUN-12, sent to public hearing and the Ministry of Transportation for approval, and adopted on 2006-JUL-24. However, due to an administrative error, this amendment bylaw is not considered valid and a new amendment bylaw to regulate the siting of heat pumps is now presented to Council for its consideration.

The purpose of the amendment is to mitigate the impact of noise generated from heat pumps in residential neighbourhoods. The proposed amendment is based on previous discussions with Council regarding the potential of siting these units in the centre of the rear yard while providing some flexibility to the homeowner.

BACKGROUND:

In response to Council's recommendation, staff prepared an amendment bylaw (Bylaw No. 4000.394) to address the siting of heat pumps. This bylaw was adopted on 2006-JUL-24. However, due to an administrative error, an earlier draft of the bylaw was inadvertently placed on Council's agenda. This bylaw was not consistent with the setbacks recommended in staff's report, or the siting restrictions as outlined at the public hearing. As such, the bylaw amendment is not considered valid. To correct this inaccuracy, that bylaw (Bylaw No. 4000.394) must be repealed and a new amendment bylaw brought forward for First and Second Reading.

Existing Regulations

Heat pumps and central air conditioning units include exterior compressors which are often sited on the side or rear of a home. At present, Zoning Bylaw No. 4000 permits a heat pump or air conditioning unit to be sited anywhere within the building envelope and as a permitted projection up to 0.75 metres (2.5 feet) into a side yard or 2.0 metres (6.6 feet) into a rear yard (see *Schedule A*).

As a result, a heat pump or air conditioning unit can be as close as 2.25 metres (7.4 feet) to a neighbouring home. These regulations have been in place since 1993, with the adoption of Bylaw No. 4000. Although not specifically mentioned in the previous zoning bylaw (1982 to 1993), the bylaw did include an ability to have general projections into yard areas and could have been interpreted to include heat pumps or central air conditioning units.

Proposed Amendment

In response to Council's direction, staff has prepared a zoning bylaw amendment bylaw (Bylaw No. 4000.399) which, if adopted, will increase the required setback in side yards from 0.75 metres (2.5 feet) to 4.5 metres (14.76 feet). The amendment bylaw will also require the units to be placed to the rear of the home.

In response to this more restrictive siting, the bylaw will also permit greater flexibility in the siting of these units in the rear yard by allowing the units to be sited 3.0 metres (9.8 feet) from the rear property line (*see Schedule A*). Additionally, this amendment will require any new heat pump or central air conditioning to be a minimum of 4.5 metres (14.76 feet) from a neighbouring home and 6.0 metres (19.7 feet) in the majority of situations.

The amendment will also clarify that the setback does not apply to window-mount air conditioning units, which will continue to be permitted to project from windows into side yards.

Application

If adopted, the revised bylaw will apply only to the siting of new heat pumps or central air conditioning units. As these units do not require building permits, the owners / installers will be responsible to familiarize themselves with the bylaw requirements, similar to fences or small accessory buildings. As previously directed by Council, staff will be completing a community education program to educate suppliers, installers, builders and homeowners regarding the siting of heat pumps and methods to minimize noise.

As per Council's policy, staff will respond only to complaints regarding new, incorrectly sited units. Owners who have installed a unit which does not comply with the zoning setbacks, or those applicants who wish to install a unit within the required setbacks, can apply to the Board of Variance. The Board can legalize or permit a unit where, in its opinion, the bylaw creates an undue hardship for the applicant.

Public Hearing

If Council gives First and Second Reading to the proposed amendment bylaw, the item will be forwarded to the next available public hearing in order to receive input from the community.

Respectfully submitted,



D. Lindsay
Manager, Planning Division
Development Services Department



A. Tucker
Acting Director, Planning & Development
Development Services Department

DL/dj/pm

Council: 2006-AUG-14

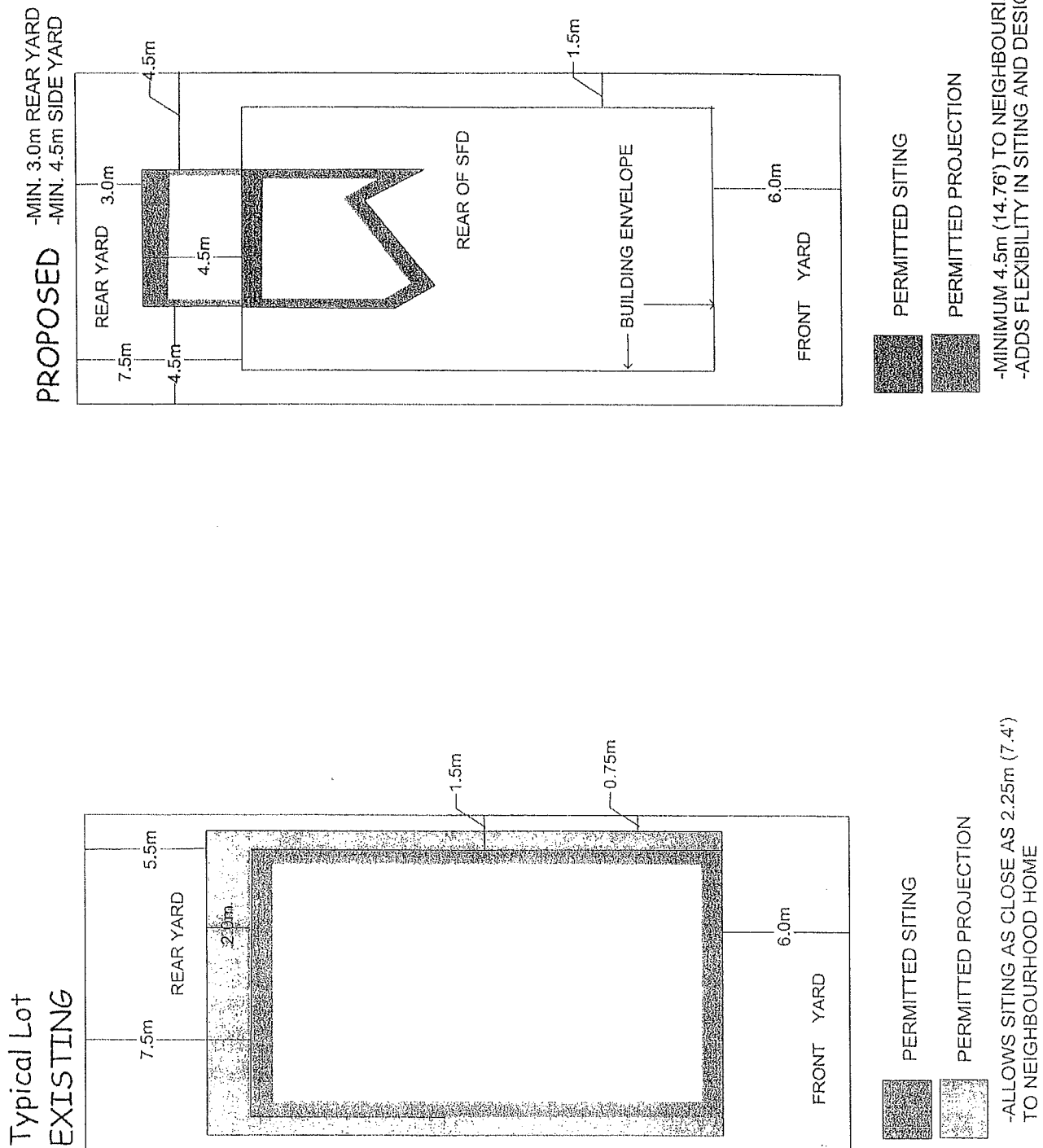
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CITY MANAGER

FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL

GENERAL MANAGER OF DEVELOPMENT SERVICES

SCHEDULE A



CITY OF NANAIMO

BYLAW NO. 4000.399

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 and 903 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. 4000.399".

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

(1) By deleting the following conditions for Air Conditioners / Heat Pumps from Subsection 5.4.1. (projections into yards):

Feature	Permitted in a required yard setback			Conditions
	Front	Side	Rear	
Air Conditioners / Heat Pumps	No	Yes	Yes	None

(2) By adding Subsection 5.5.8. as the following:

Heat pumps and central air conditioning units must be located to the rear of a principal building and shall not be closer than 4.5 metres (14.7 feet) from the side lot lines or 3.0 metres (9.8 feet) from the rear property line.

3. "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.394" is hereby repealed.

PASSED FIRST AND SECOND READINGS 2006-AUG-14.

PUBLIC HEARING HELD _____.

PASSED THIRD READING _____.

APPROVED BY MINISTRY OF TRANSPORTATION _____.

ADOPTED _____.

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

2006-AUG-09

STAFF REPORT

TO: A. TUCKER, ACTING DIRECTOR, PLANNING & DEVELOPMENT,
DEVELOPMENT SERVICES DEPARTMENT

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION,
DEVELOPMENT SERVICES DEPARTMENT

RE: SECONDARY SUITES – BYLAW REVIEW

STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading for "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.400";
2. consider First and Second Reading for "DEVELOPMENT PARKING REGULATIONS BYLAW AMENDMENT BYLAW 2006 NO. 7013.02" and
3. refer the Secondary Suite Task Force recommendation of a Standards of Maintenance Bylaw to budget deliberations.

EXECUTIVE SUMMARY:

Following the adoption of the Secondary Suite Bylaw on 2005-FEB-07, Council directed staff to complete a review of the program following the one-year anniversary of the bylaw adoption. In response to this direction, staff has reviewed the measurable impacts of the bylaw and has identified two amendments that will refine the Secondary Suite Bylaw. The proposed amendments address secondary suites in single-family dwellings that are zoned for multiple family and proposes the prohibition of single-family dwellings containing both a secondary suite and a bed and breakfast. The proposed amendments have been reviewed by the Secondary Suite Task Force. Staff concurs with the task force's recommendations.

In addition to the recommended bylaw amendments, the task force has also recommended that Council consider adopting a Standards of Maintenance Bylaw and that the issue be referred to upcoming budget deliberations.

BACKGROUND:

Following the adoption of the Secondary Suite Bylaw on 2005-FEB-07, Council directed staff to complete a review of the program on the one-year anniversary of the bylaw. This report is in response to that direction. In addition to outlining the measurable impacts of the Secondary Suite Bylaw, this report also identifies issues raised through the implementation and options for refinement or amendment of the existing regulations.

The findings of the one-year anniversary review were presented to the Secondary Suite Task Force at its meeting of 2006-JUN-08. The recommendations of the Secondary Suite Task Force are contained in this report.

Secondary Suite Permits - February 2005 to July 2006

Since the adoption of the Secondary Suite Bylaw, construction within the city has continued at a healthy pace with 662 permits issued for new single-family dwellings. Of the 662 homes, 126 included a secondary suite. In addition to the 126 suites, an additional 24 secondary suite permits were issued for additions or alterations within existing single-family dwellings.

<i>February 2005 to July 2006 New Legal Secondary Suites</i>	
Suites in new Single-Family Dwellings	126
Alterations for Additions to existing Single-Family Dwellings	24
<i>Total:</i>	<i>150</i>

Although to date, not all of the issued permits have been completed to occupancy, the first 18 months of Council's revised Secondary Suite Bylaw has resulted in a significant increase in the community's stock of code-compliant rental housing.

Location

Geographically, suites tend to be spread throughout the community, developing in all neighbourhoods and in most new subdivisions. This is not surprising as the 1200+ illegal suites of which the City is aware can be found throughout the community.

Upgrade Permits

In addition to the 150 permits issued for the creation of legal secondary suites, 51 permits have been issued to upgrade life and safety deficiencies in existing illegal suites.

As per Council's policy, suites existing prior to bylaw adoption could remain provided that:

1. the life and safety issues are addressed;
2. that a notice is registered on title identifying the work completed without a permit; and
3. that full user rates be paid for the suite.

Through staff's ongoing inspection of known illegal suites, upgrades to respond to life and safety issues are identified and are required to be completed. These 51 permits are primarily the result of the ongoing review and associated improvements for life and safety.

Although permits have been issued for the upgrades, these units are not considered legal as they were originally constructed without permits prior to the adoption of the Secondary Suite Bylaw and a permit cannot be issued retroactively. If these units wished to legalize, a portion of the suite would need to be deconstructed so the inspection could occur and the unit would need to be brought into compliance with both the Building Code and Zoning Bylaw.

Construction Value

In the year following the adoption of the bylaw, the average new single-family dwelling without a secondary suite had a reported construction value of \$202,189, while homes with a suite had a reported construction value of \$234,043. This represents an approximate 16% increase in construction cost.

Cost to Upgrade

The cost of bringing a suite up to code depends largely on the age and configuration of the house and can vary significantly based on:

- the amount of prior finished space available;
- the amount of remodelling required;
- the ratio of do-it-yourself versus contracted-out work; and
- the configuration of the existing home (existing access, ceiling height, etc.).

As noted above, 24 building permits were issued in the past year to legalize existing or construct new suites within existing single-family dwellings or additions. Of these 24 permits, 8 were for additions and the remaining 16 for suites within existing homes.

The reported construction value of the 16 permits for suites within an existing dwelling range from \$2,500 to \$29,000, with the average upgrade being \$15,000.

Enforcement

At the time of the adoption, Council directed staff to proceed with the enforcement of illegal suites and identify the following priorities for action:

1. suites with known safety hazards;
2. newly constructed suites;
3. suites located in multi-family dwellings;
4. suites in accessory buildings;
5. new complaints; and
6. suites identified by the Finance Department and not yet inspected.

Staff has been proceeding with the enforcement of secondary suites based on Council's established priorities.

For the one-year period from 2005-FEB-07 to 2006-FEB-07, staff has investigated over 100 calls for service files involving secondary suites. Many of these files are ongoing, however; Council has approved the placing of 50 Bylaw Contravention Notices on title and 28 Removal Orders on properties involving secondary suites.

Included within this group of enforcement files are a number of properties selected from the list of identified secondary suites maintained by the City's Finance Department. An initial group of 53 properties were selected from the 1200+ list on the basis of level of safety hazard and included properties with multiple secondary suites (more than one suite in a single-family dwelling, for example) and those with secondary suites within multi-family dwellings [suite(s) in duplexes, for example]. As part of this enforcement process, staff has identified a number of single-family homes on multi-family commercial and industrial zoned lands which contain suites. The bylaw and policy as adopted by Council does not permit secondary suites in these zones, regardless of the type of the building on the property. Staff is currently aware of approximately 120 such properties where permits for upgrading existing or establishing new suites cannot be undertaken. Staff believes that this issue requires further consideration by Council to allow the enforcement and/or approval process to move forward.

Standards of Maintenance Bylaw

As part of the task force's original recommendations to Council, it was recommended that owner occupancy not be required subject to the development and implementation of a Standards of Maintenance Bylaw. Staff's understanding was that by requiring a Standards of Maintenance Bylaw, the task force was attempting to address the deferred maintenance and unsightly concerns which were raised with respect to rental units. Although Council proceeded with the majority of the recommendations from the Secondary Suite Task Force, including the primary recommendation of legalizing secondary suites, Council did not direct staff to draft or implement a Standards of Maintenance Bylaw.

The City does not presently have a means of dealing with substandard housing. There is no mechanism in place which allows the City to require improvements to existing buildings nor undertake improvements and then charge costs back to the property owners. Complaints regarding substandard housing are currently dealt with in the same manner as illegal suites. If the property owner fails to take appropriate action of removal or bring the unit in conformance with the City bylaws, the matter is referred to Council for a placement of a Notice on Title and/or structural removal.

The implementation of a Standards of Maintenance Bylaw would provide a mechanism which would protect tenants, as well as a system which would assist in sustaining the current housing stock. The standards set out in the bylaw cannot impose higher standards than those already set out in the Provincial Building Codes, as these are recognized as reasonable and decent standards for residential premises. Therefore the bylaw must contain standards of maintenance to which tenanted properties must be maintained, but include only health and safety issues addressed in the current BC Building Code. In a report to Council in 1995, Staff estimated the annual cost of the implementation and enforcement of a Standards of Maintenance Bylaw as being within the range of \$85,000.00 per year.

Secondary Suite Task Force Recommendation:

As a result of its recent review of the Secondary Suite Bylaw, the task force is again recommending that Council consider the creation of a Standards of Maintenance Bylaw. At its meeting of 2006-JUN-08, the Secondary Suite Task Force adopted the following motion:

"That Council consider adopting a Standards of Maintenance Bylaw and that this item be forwarded to upcoming budget deliberations".

PROPOSED BYLAW AMENDMENTS:

Based on the review above, two issues were identified which required further consideration.

1. secondary suites in single-family dwellings on multi-family zoned land; and
2. cumulative parking demands for single-family dwellings and potential ancillary uses (i.e. secondary suites, bed and breakfasts, home-based businesses).

1. Secondary Suites in Single-Family Dwellings on Multi-Family Zoned Lands

The Secondary Suite Bylaw, as adopted, limits secondary suites in single-family dwellings to Single-Family (RS) and Agricultural (A) zoned land and does not permit suites on Multi-Family (RM), Commercial (C) or Industrial (I) zoned property. The bylaw was structured as such to clarify that secondary suites were not allowed in multi-family buildings as per the building code. However, this prohibits construction of suites in single-family dwellings that are located on multi-family or commercially zoned land.

Through the enforcement of the Secondary Suites Bylaw, Staff have become aware of a number of illegal suites in single-family dwellings on lands zoned multi-family. As zoning

does not permit suites there is no ability to permit and legalize the use. The only option currently available is to proceed with removal. In addition, Staff has been approached by a number of owners who wish to obtain a building permit to construct a suite in their single-family dwelling, but are unable to do so due to the zoning of the land as multi-family.

A typical scenario is that of an older character home in the Old City Neighbourhood on a multi-family duplex or fourplex lot. The home could be converted to accommodate a secondary suite as per the building code, but due to the increased requirements for a multi-family unit, a duplex permit could not be obtained without significant alterations or removal of the home.

Secondary Suite Task Force Recommendation

In order to address the situation, the Secondary Suite Task Force has recommended that the bylaw be amended to allow for secondary suites in single-family dwellings on lands zoned multi-family and commercial where the single-family dwelling is the only use on the property.

If the amendment were adopted, secondary suites would continue to be prohibited in multi-family dwellings (duplexes, triplexes, etc.). Because of the limitations by the building code and Zoning Bylaw, the secondary suite can only be contained within a single-family dwelling. If an owner of a home obtained a permit for a secondary suite, no further permits for multi-family could be obtained until such time that the suite was removed or brought up to multi-family standard.

Staff concur with the task forces' recommendation.

2. Cumulative Parking Demands for Single-Family Dwellings and Ancillary Uses

Through the initial review of secondary suites by the task force, the issue of ancillary uses in single-family dwellings (i.e. whether secondary suites and bed and breakfasts should be allowed) was raised, but no direction or recommendation was made to limit the number of ancillary uses. As such, the current bylaw allows secondary suites in all single-family zones, as well as those uses which were previously allowed (i.e. bed and breakfasts and home-based businesses).

Although the bylaw permits all uses, a restriction in the general regulations section of the Zoning Bylaw (5.13: Vehicle Regulations) limits parking or storage of vehicles on a single-family site to 4 (four). By default, this clause limits the number of ancillary uses on the lot.

Staff believes amendments are required in order to clarify the intent of this section. If it is desirous to prohibit a single-family dwelling from containing both a bed and breakfast and a secondary suite, the bylaw should be amended to clearly state this.

Secondary Suite Task Force Recommendation

The Secondary Suite Task Force has recommended that on-site parking continue to be limited to four parking stalls and that the additional parking space requirement for home-based business in a secondary suite be removed. The task force also recommends that the Zoning Bylaw be amended in order to clearly state that a single-family dwelling cannot contain both a secondary suite and a bed and breakfast.

Home-based business requirements were amended through the secondary suites review in order to ensure that the two home-based businesses (one in the principle and one in the secondary suite) would have no greater impact than one home-based business in a single-

family dwelling, which did not contain a secondary suite. The amendments required that the maximum floor area for the business be divided between the units and that the traffic to and from the site be maintained at the previously allowed levels. As such, consideration should be given to amending the parking bylaw to reduce the parking for home-based businesses to one for the site, even if a home-based business is in the principle and secondary unit.

This option would preclude a bed and breakfast in a home with a secondary suite. As such, the task force would recommend that the Zoning Bylaw be amended to clearly state this.

Staff concurs with the task force's recommendation.

Respectfully submitted,



D. Lindsay, Manager
Planning Division
DEVELOPMENT SERVICES DEPARTMENT

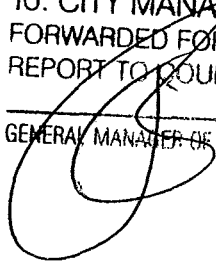
A. Tucker
Acting Director, Planning & Development
DEVELOPMENT SERVICES DEPARTMENT

DL/pm

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Council: 2006-Aug-14

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



GENERAL MANAGER OF DEVELOPMENT SERVICES

CITY OF NANAIMO

BYLAW NO. 4000.400

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 and 903 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. 4000.400".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By deleting Subsection 5.12.1. in its entirety and replacing with the following:
 - 5.12.1. Secondary suites shall be permitted in all Part 6 – Single Family Residential Zones, Part 7 – Multiple Family Residential Zones, Part 8 – Rural Agricultural/Residential Zones and Part 9 - Commercial Zones.
 - 5.12.2. Notwithstanding Subsection 5.12.1., secondary suites are permitted in Part 7 – Multiple Family Residential Zones and Part 9 – Commercial Zones where only one principal dwelling, and no other uses, is sited on a lot.
 - 5.12.3. Notwithstanding Subsections 5.12.1. and 5.12.2., secondary suites are subject to the following requirements:
 - 5.12.3.1. The secondary suite shall be completely contained within the principal dwelling, and shall not be located within an accessory building.
 - 5.12.3.2. Not more than one secondary suite shall be permitted in each principal dwelling.
 - 5.12.3.3. Notwithstanding Subsection 5.12.3.2., secondary suites are not permitted in a mobile home.
 - 5.12.3.4. Notwithstanding Subsection 5.12.3.2., secondary suites are not permitted in a principal dwelling where a bed and breakfast facility has been established.
 - 5.12.3.5. The density of the secondary suite shall not exceed 40% of the habitable floor space of the principal dwelling to a maximum of 90 square metres (968 square feet).

- (2) By deleting Subsection 5.14.8.2. in its entirety.
- (3) By adding Subsection 5.15.3. as the following:

5.15.3. Notwithstanding Subsection 5.15.1., bed and breakfast facilities are not permitted in a principal dwelling where a secondary suite has been established.

PASSED FIRST AND SECOND READINGS 2006-AUG-14.

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

APPROVED BY MINISTRY OF TRANSPORTATION _____

ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

CITY OF NANAIMO

BYLAW NO. 7013.02

A BYLAW TO AMEND THE CITY OF NANAIMO
“DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013”

The Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title
This Bylaw may be cited as the City of Nanaimo “DEVELOPMENT PARKING REGULATIONS BYLAW AMENDMENT BYLAW 2006 NO. 7013.02”.
2. Amendments
The City of Nanaimo “DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013” is hereby amended as follows:

- (1) By deleting ‘Commercial Residential’ in its entirety from Schedule ‘A’ and replacing with the following:

COMMERCIAL RESIDENTIAL USES

Administration Building for Strata Corporation	1 space per 20 m ² (215 ft ²) of gross floor area used for assembly purposes
Bed and Breakfast	1 space per sleeping unit used as a bed and breakfast
Boarding or Lodging	1 space for each 2 sleeping units
Campgrounds	1 space per camping space, plus 5 additional spaces
Home Based Business	1 space; or, 1 space where home based businesses are sited within both the principal dwelling and the secondary suite
Hotel	1 space per sleeping unit, plus 1 space for each 3 seats in a café, restaurant, cocktail lounge, bar or beer parlour, plus 1 space per 12 m ² (129 ft ²) of meeting area

Recreational Vehicle Park

2 spaces per recreational vehicle
space, plus 5 additional spaces

PASSED FIRST AND SECOND READINGS 2006-AUG-14.

PUBLIC HEARING HELD _____.

PASSED THIRD READING _____.

ADOPTED _____.

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: 3900-30-ZA1-75

2006-AUG-04

STAFF REPORT

TO: A. TUCKER, ACTING DIRECTOR, PLANNING AND DEVELOPMENT,
DEVELOPMENT SERVICES DEPARTMENT

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION.
DEVELOPMENT SERVICES DEPARTMENT

RE: PARKING REQUIREMENTS FOR COMMERCIAL CENTRES

STAFF'S RECOMMENDATION:

That Council reconsider and amend second reading of "DEVELOPMENT PARKING REGULATIONS BYLAW AMENDMENT BYLAW 2006 NO. 7013.01" and forward to a second public hearing dated 2006-SEP-07.

EXECUTIVE SUMMARY:

Council, at its regular meeting of 2005-NOV-28, provided a recommendation that amendments be made to the Parking Bylaw as a result of staff's proposal that a two-tiered parking strategy for shopping centres and multi-tenanted commercial complexes be implemented. Amendment Bylaw No. 7013.01, which addressed this two-tiered parking strategy, subsequently received First and Second reading on 2006-FEB-13, and went to public hearing on 2006-MAR-02. As a result of comments received at the public hearing with respect to the proposed parking ratios for small-scale commercial complexes, staff is now recommending Council consider minor amendments to Amendment Bylaw No. 7013.01, which would exclude any commercial complexes with a net floor area less than 500 m² (5382 ft²). If Council gives Second Reading to the proposed amendment bylaw, the item will be forwarded to a second public hearing dated 2006-SEP-07.

BACKGROUND:

In response to Council's recommendation, staff prepared a bylaw to address a two-tiered parking strategy for shopping centres and multi-tenanted commercial complexes. Subsequent to First and Second Reading on 2006-FEB-13 and the public hearing on 2006-MAR-02, staff is now proposing minor amendments that would exclude commercial complexes less than 500 m² (5382 ft²) net floor area from this two-tiered system. The proposed amendment would alleviate concerns with respect to potential negative impact on reduced parking ratios for small scale commercial complexes by:

1. Amending the proposed definition of "retail trade and services centre" to exclude commercial complexes that have a net floor area less than 500 m² (5382 ft²) net floor area.

2. Amending the proposed tiered off-street parking system for "shopping centres" and "retail trade and services centres" to the following:

- 4.3 spaces per 100 m² (1076 ft²) of net floor area, where the centre has a net floor area of less than 35,000 m² (376,749 ft²) but more than 500 m² (5382 ft²); and
- 5.4 spaces per 100 m² (1076 ft²) of net floor area, where the centre has a net floor area of 35,000 m² (376,749 ft²) or more.

The proposed amendments to Amendment Bylaw No. 7013.01 will satisfy the original intent of the proposed bylaw to clarify that both 'shopping centres' and 'retail trade and services centres' are subject to a multi-tiered parking system rather than being calculated cumulatively for each individual use on a site. However, the proposed amendments will also satisfy any concerns with respect to how this tiered system may negatively impact reduced parking for small scale commercial complexes.

Respectfully submitted,



D. Lindsay
Manager, Planning Division
Development Services Department



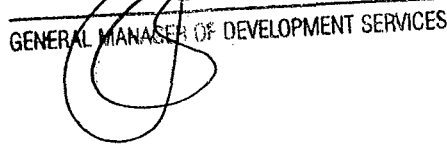
A. Tucker
Acting Director, Planning & Development
Development Services Department

DL/dj/pm

Council: 2006-AUG-14

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



GENERAL MANAGER OF DEVELOPMENT SERVICES

CITY OF NANAIMO

BYLAW NO. 7013.01

A BYLAW TO AMEND THE CITY OF NANAIMO
"DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013"

The Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW AMENDMENT BYLAW 2006 NO. 7013.01".

2. Amendments

The City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" is hereby amended as follows:

- (1) By adding the following to Section 8 Definitions, after "Parking Space":

"Retail Trade and Services Centre" – means one or more buildings containing two or more retail, office or service-related uses, which share common services and parking on a lot, and which have a net floor area greater than 500 m² (5382 ft²).

- (2) By adding Subsection 13.3. as the following:

13.3. Where disparity exists between a metric measurement and its imperial equivalent, the metric measurement shall take precedence.

- (3) By deleting Subsection 22.2.(a) in its entirety and replacing with the following:

22.2.(a) shopping centres and retail trade and services centres, where the parking space requirement for shopping centres and retail trade and services centres shall apply regardless of the uses within the shopping centre or retail trade and services centre; and

- (4) By deleting 'Offices and Financial Institutions', 'Commercial Retail' and 'Commercial Service' in their entirety from Schedule 'A' and replacing with the following:

COMMERCIAL AND SERVICE-RELATED USES

Animal Hospitals / Animal Shelters / Veterinary Clinics	1 space per 20 m ² (215 ft ²) of gross floor area
Animal Grooming, Training, and Daycare Facilities	1 space per 20 m ² (215 ft ²) of gross floor area
Appliance Repair Shops (excluding automotive)	1 space per 20 m ² (215 ft ²) of gross floor area

Automotive Sales, Service, Rentals and Repair Shops (including autobody shops)	1 space per 10 m ² (107 ft ²) of sales floor area, plus 1 space per service bay, plus 5 spaces
Boat Sales and Recreational Vehicles Sales and Service	1 space per 70 m ² (753 ft ²) of sales floor area, plus 1 space per service bay, plus 5 spaces
Deli / Specialty Food Stores	1 space per 20 m ² (215 ft ²) of gross floor area, with a minimum of 5 spaces for any use with a gross floor area less than 100 m ² (1076 ft ²)
Dry Cleaners	1 space per 20 m ² (215 ft ²) of gross floor area
Fast Food Restaurants	1 space per 3 seats, plus 15 additional spaces
Financial Institutions	1 space per 20 m ² (215 ft ²) of net floor area
Furniture and Appliance Store	1 space per 200 m ² (2153 ft ²) of sales floor area
Gasoline Station and Car Washes	1 space per 5 m ² (54 ft ²) of sales floor area, plus 2 spaces per service bay or car wash bay
Home Centre, Design Centre	1 space per 28.5 m ² (307 ft ²) of net floor area
Laundromat	1 space per 20 m ² (215 ft ²) of gross floor area
Licensee Retail Store (cold beer and wine stores)	1 space per 20 m ² (215 ft ²) of gross floor area
Lumber and Building Supply Yards	1 space per 20 m ² (215 ft ²) of gross floor area, or 8 spaces, whichever is greater
Machinery and Equipment Sales and Service	1 space per 100 m ² (1076 ft ²) of gross floor area
Neighbourhood Public Houses, Marine Public Houses	1 space per 3 seats
Offices Medical / Dental	1 space per 18 m ² (194 ft ²) of net floor area
Offices (all types, excluding medical and dental)	1 parking space per 22 m ² (237 ft ²) of net floor area for the first 1000 m ² (10,764 ft ²) of net floor area, and 1 space per 25 m ² (269 ft ²) of net floor area for the remainder
Restaurants	1 space per 3 seats, plus 1 space per 2 seats of lounge area

Retail Stores (including convenience stores), Personal Service Establishments	1 space per 20 m ² (215 ft ²) of gross floor area
Retail Warehouse	1 space per 18 m ² (194 ft ²) of net floor area
Salons, Beauty and Hair Care or Barber Shops	1 space per 10 m ² (107 ft ²) of gross floor area
Sign Shops	1 space per 40 m ² (431 ft ²) of gross floor area
Take-Out Restaurant	1 space per 25 m ² (269 ft ²) of gross floor area, with a minimum of 3 spaces for any use with a gross floor area less than 100 m ² (1076 ft ²)
Trucks, Trailers and Heavy Equipment Sales, Service and Rentals	1 space per 100 m ² (1076 ft ²) of sales floor area, plus 1 space per service bay, plus 5 spaces
Shopping Centres and Retail Trade and Services Centres	4.3 spaces per 100 m ² (1076 ft ²) of net floor area, where the centre has a net floor area of less than 35,000 m ² (376,749 ft ²) but more than 500 m ² (5382 ft ²) 5.4 spaces per 100 m ² (1076 ft ²) of net floor area, where the centre has a net floor area of 35,000 m ² (376,749 ft ²) or more

PASSED FIRST AND SECOND READINGS 2006-FEB-13

PUBLIC HEARING HELD 2006-MAR-02

RECONSIDERED AND AMENDED AT SECOND READING 2006-AUG-14.

PASSED SECOND READING, AS AMENDED 2006-AUG-14.

SECOND PUBLIC HEARING HELD _____

PASSED THIRD READING _____

ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

2006-AUG-04

STAFF REPORT

TO: A. TUCKER, ACTING DIRECTOR, PLANNING & DEVELOPMENT,
DEVELOPMENT SERVICES DEPARTMENT

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION,
DEVELOPMENT SERVICES DEPARTMENT

RE: RA175 – 4515 UPLANDS DRIVE – PROPOSED COVENANT AMENDMENT

STAFF'S RECOMMENDATION:

That Council consider the proposed covenant amendment and direct Staff to forward this item to the next regularly scheduled Public Hearing.

EXECUTIVE SUMMARY:

The City of Nanaimo has received a covenant amendment application from Dueck General Contracting, on behalf of Dash Developments Ltd. The applicant is proposing to increase the maximum permitted height on the subject property by 3.45 metres (11.3 feet) in order to construct a two storey office building.

Staff recommends that Council consider this application and direct Staff to forward it to the next regularly scheduled Public Hearing.

BACKGROUND:

The City has received an application from Dueck General Contracting on behalf of Dash Developments Ltd., to amend an existing covenant in order to increase the permitted height on the subject property by 3.45 metres (11.3 feet) in order to construct a two-storey office building. The subject property is presently zoned C-15 (Suburban Office Zone).

Existing Covenant

The existing covenant which limits height to 143.55 metres (geodetic datum) was registered as a condition of a previous rezoning that was approved in 1994. The intent of the covenant was to limit the height of the proposed buildings to two storeys. At present, the existing grade on site is approximately 135 metres (geodetic datum). As such, the maximum building height is approximately 8.55 metres (28 feet).

At the time of the rezoning, the three existing C-15 lots (4515, 4535 and 4555 Uplands Drive) were proposed as one lot containing one building. The height of the commercial

development was limited to two storeys in order to protect the views from the neighbouring townhomes opposite the site on Uplands Drive.

Subsequent to the rezoning of the property, the C-13 portion of the site was subdivided into three lots. At the time of subdivision, the covenant was transferred to each of these new properties. At present 4555 Uplands Drive is occupied by one two-storey commercial building; 4535 Uplands and 4515 Uplands (the subject property) are vacant.

Proposed Amendment

The applicant has proposed the existing covenant be amended in order to increase the permitted height from 143.55 metres to 147 metres (geodetic datum) in order to construct a two-storey building with a pitched roof (see Schedules 'B' – 'E'). The proposed building will be approximately 11 metres (36 feet) measured to the peak of the pitched roof.

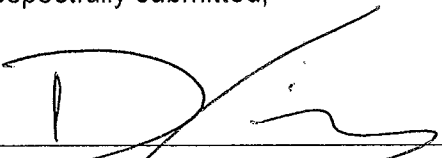
Staff Comment

The original covenant was registered at the time of rezoning and anticipated one commercial building on what was originally intended as one large lot. Following the rezoning, the property was subdivided into three smaller properties. The potential building mass has been significantly reduced as the subdivision will no longer permit one large building, but rather requires a minimum of three smaller buildings. Staff believes that the applicant's proposed development maintains the character of the original two-storey development.

The covenant was intended to protect the views from the townhomes opposite the site on Uplands Drive. The Strata Management Corporation for the townhomes has submitted a letter of support in favour of the proposed covenant amendment (see Schedule 'E').

Staff supports the application and recommends Council forward this item to the next regularly scheduled Public Hearing.

Respectfully submitted,

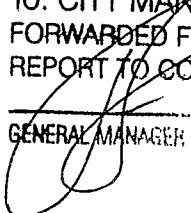


D. Lindsay
Manager, Planning Division
Development Services Department

A. Tucker
Acting Director, Planning & Development
Development Services Department

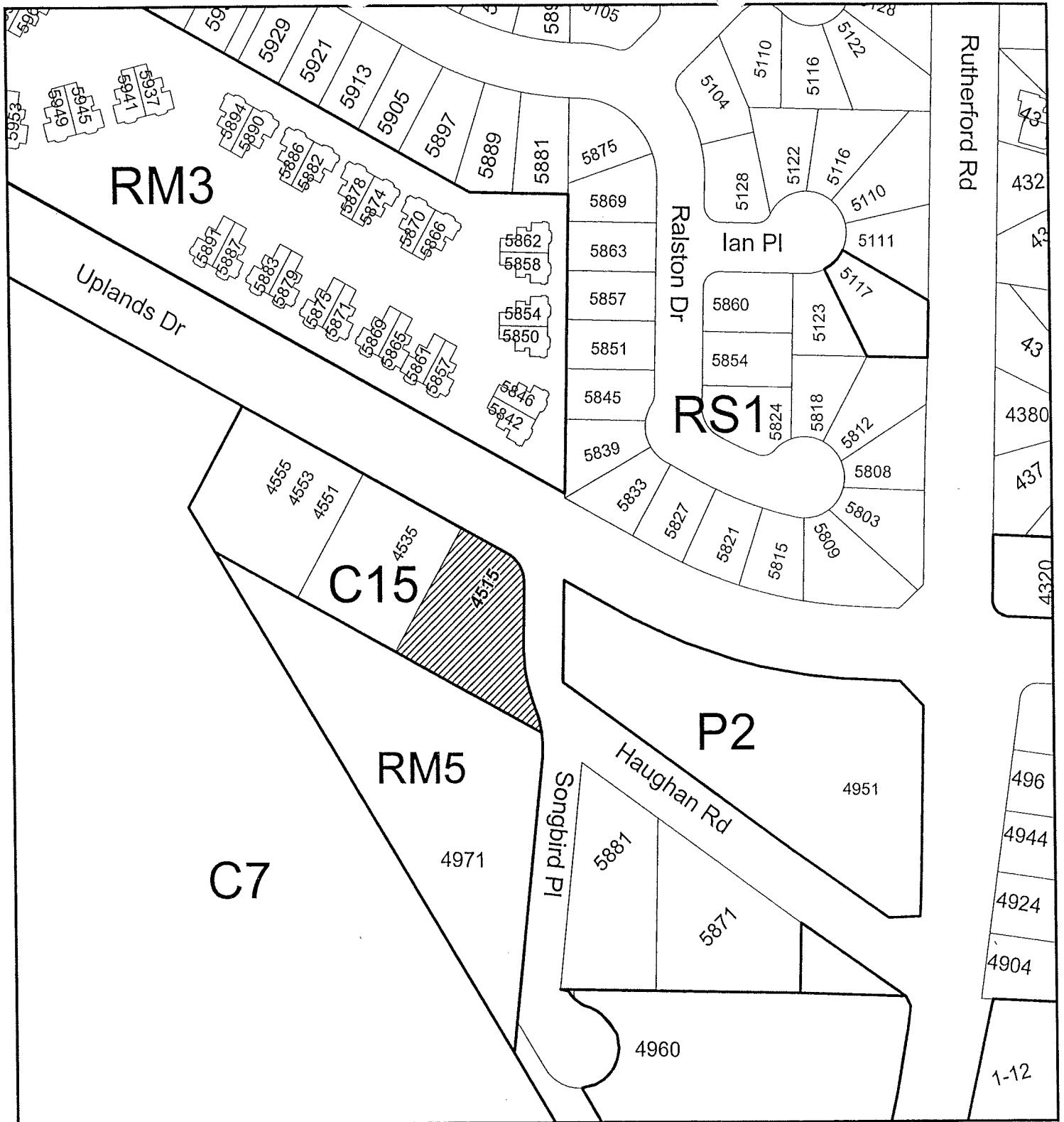
DL/hp
Prospero: RA175
Council: 2006-Aug-14

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



GENERAL MANAGER OF DEVELOPMENT SERVICES

SCHEDULE A



File: RA000175



LOCATION PLAN



Civic: 4515 Uplands Drive
 Lot C, District Lot 14, Wellington District,
 Plan VIP70426

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RECEIVED
JUL 28 2006
DEVELOPMENT SERVICES
CITY OF NANAIMO



4372 GERRARD ROAD, L40Y 5M1, SC. 100, 102
will metville
design
250-461-8894
REVISED: 03.13.05
Issued for review 09.09.05

SEP 14 2006

PROJECT:
Proposed Development

4515 Uplands Drive
Nanaimo, BC
JOB NUMBER:
d899.11.05

SCALE:
1:250 metric

DRAWN BY:
T.F.

DRAWING TITLE:
site plan

PAGE:

PR1

project data:
legal description:
Lot C, District Lot 14, Wellington District, Plan VIP70426

civic address:
4515 Uplands Drive, Nanaimo, BC

zoning:
suburban office C-15

land use:
office/personal service/financial institution

lot area:
19161 sq. ft./5840.3 sq.m.

building area:
main floor 4413.75 sq.ft.
upper floor 3004.38 sq.ft.
total 7418.13 sq.ft.

lot coverage:
38.7%

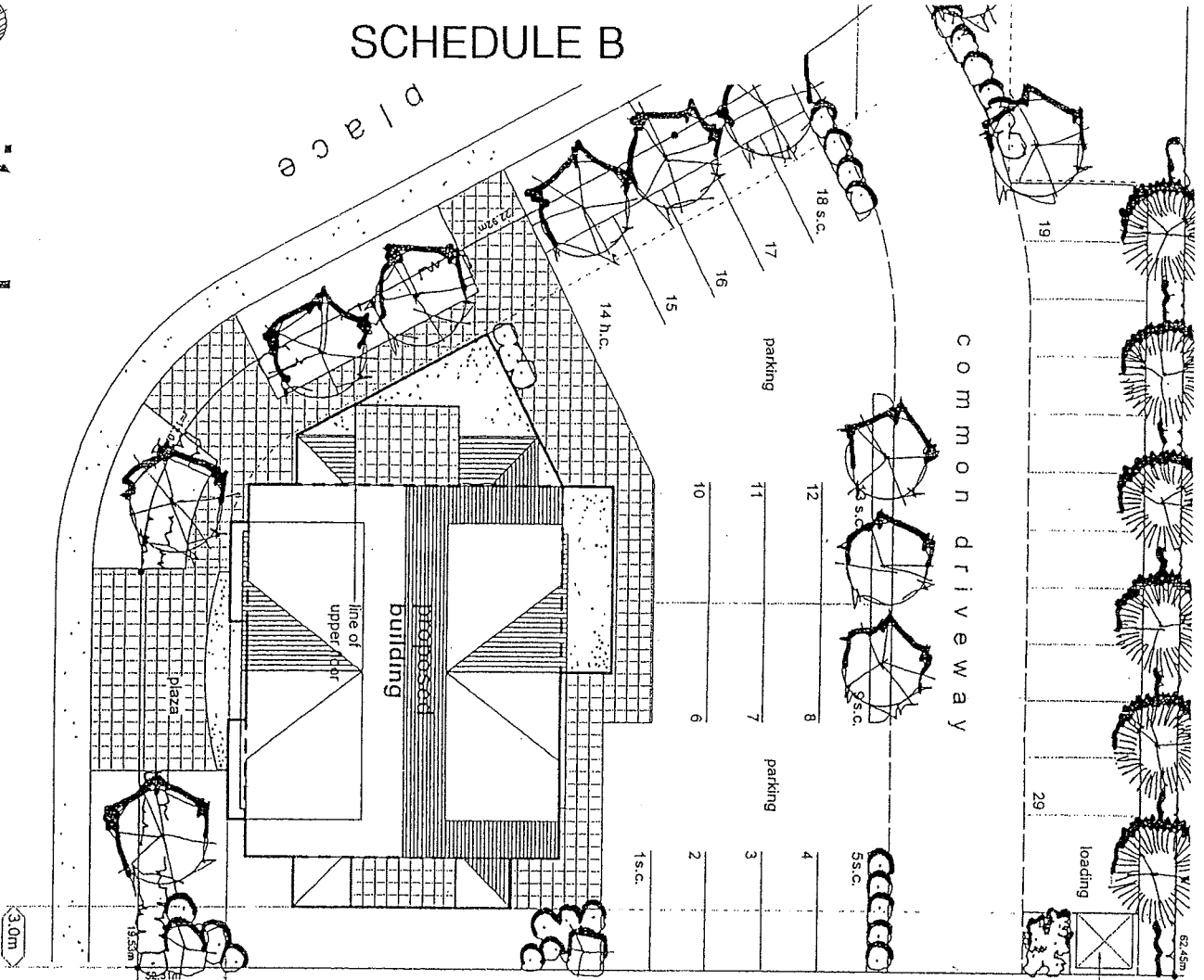
building height:
29.0 ft.

parking required:
medical office 1 per 18 sq. m.
office 1 per 22 sq. m.
financial institution 1 per 20 sq.m.

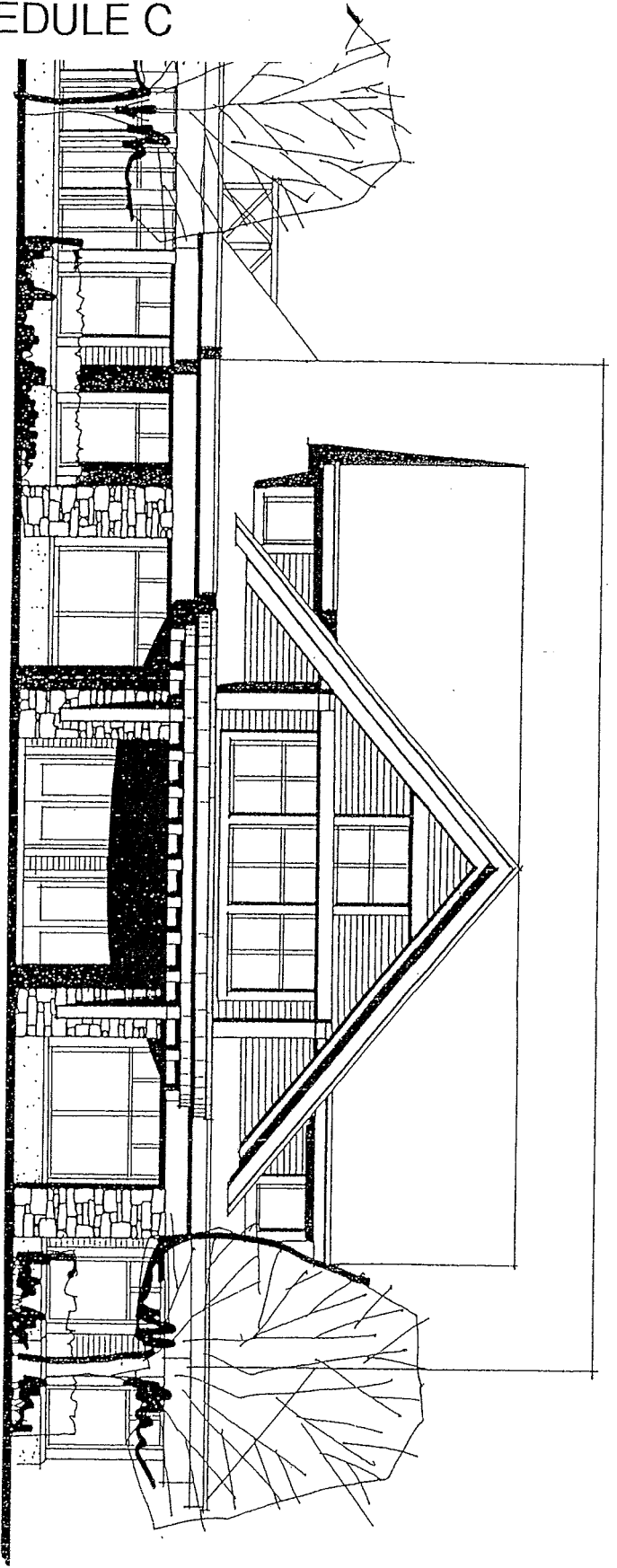
parking provided:
handicap parking 1
small car parking 5
standard parking 23
total 29

site plan
scale:1:250 metric

SCHEDULE B

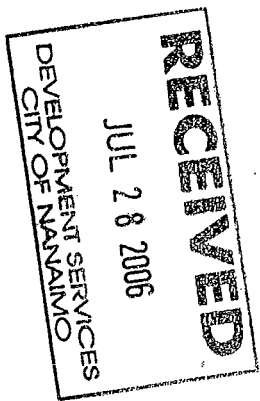


SCHEDULE C

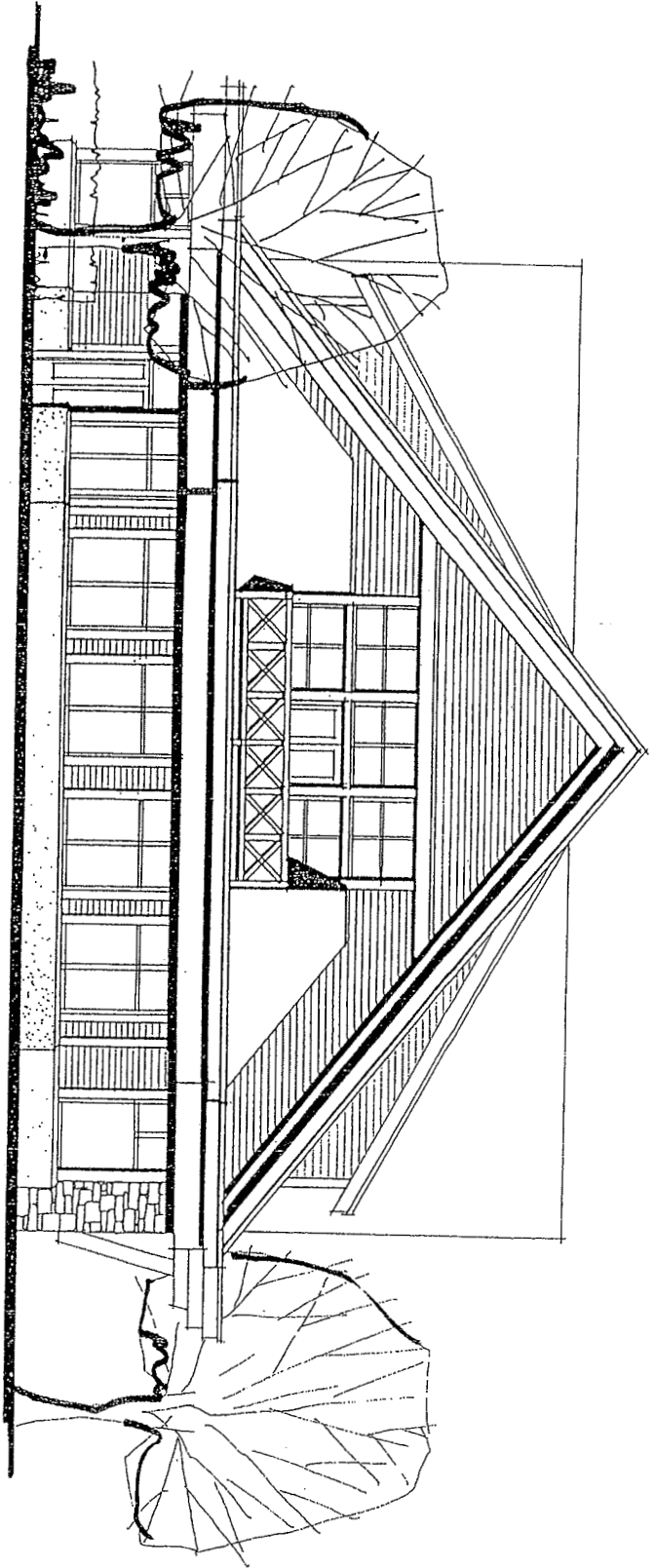


delinea
design consultants ltd

elevation – uplands drive

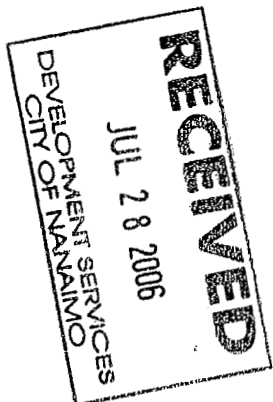


SCHEDULE D



delinea
design consultants ltd

elevation – songbird place





July 31, 2006

City of Nanaimo
Development Services
238 Franklyn Street
Nanaimo BC

Re: Proposed Building Plans and Development at 4515 uplands Drive

Dear Sir or Madam:

We write as Managing Agent on behalf of the Council, Strata Plan VIS 2684, Uplands Village, to advise you that we have no objections to the proposed plan by Dueck General Contracting for 4515 Uplands Drive including a variance for an over height building to be constructed on the site.

Should you have any questions or concerns please don't hesitate to call our office at 729-4910.

Yours truly,
CONCISE STRATA MANAGEMENT

Ron Reynolds,
As Agent for Strata Plan VIS 2684