

CITY OF NANAIMO

MINUTES OF THE MEETING OF THE REZONING ADVISORY COMMITTEE HELD ON THURSDAY, 2006-SEP-07, AT 4:45 P.M. IN THE BOARD ROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

PRESENT:

Bill Forbes (Chair)
Ralph Meyerhoff
Brian Anderson

APPLICANT(S):

Peter Dandyk – Century Holdings Ltd.
Frank Johnson – Realtor / Owner Representative
Sodhi Jaswal - J. Drab Development / Owner
Deena Brown – Good Samaritan Canada
Alice Blackburn – Good Samaritan Canada
Garth Balint – Stantec Architects / Applicant Architect

STAFF:

Dale Lindsay, Manager, Planning Division, DSD
Jason Carvalho, Planner, Planning Division, DSD
Penny Masse, Planning Clerk, Planning Division, DSD

1. CALL TO ORDER

The meeting was called to order at 4:48 p.m.

2. ADOPTION OF MINUTES

MOVED by Mr. Meyerhoff, SECONDED by Mr. Anderson, that the minutes of the 2006-AUG-17 Rezoning Advisory Committee meeting be adopted.

CARRIED

3. NEW AND PENDING APPLICATIONS

RA167:

Mr. Peter Dandyk, on behalf of Century Holdings, has submitted an application to rezoning part of 3800 Wiltshire Drive and lots 1-77 within Glen Oaks Subdivision Phase II, in order to develop a comprehensive multi-family and single-family steep slope development.

Mr. Carvalho gave a brief presentation on the property and application:

- Properties were previously subdivided in 1996. At that time City bylaws allowed for bonding of subdivision works, therefore these lots were legally created; however they are not physically developed at this time and they remain in their natural state.
- An OCP amendment was approved 2005-OCT-03 to allow for a multi-family and single-family development of 25 units per hectare with a gross neighbourhood density of 12 units per hectare.
- The property will be developed in conjunction with the existing RS-7 zoned properties to the west. A site plan has been provided which identifies the proposed area to be developed. The existing RS-7 zoned portion of the property was rezoned under the adoption of the Steep Slopes Bylaw.
- Although the subject property has the presence of steep slopes, it was excluded from the bylaw due to lot area. The bylaw required a 0.5 hectare lot area and due to the previous subdivision creating the single-family lots of 700 m², the subject properties were excluded.
- Intention is to preserve the natural features and characteristics of the property by allowing for cluster development. Proposal calls for approximately 100 multi-family units and 57 single-family units.
- Through the OCP amendment process concerns were raised by the Glen Oaks neighbours regarding increased vehicle traffic. The applicant made a commitment to restrict development on the subject properties to no more than 77 units until such time as an extension on Glen Oaks is connected to the lands under development to the west.

Mr. Peter Dandyk (representing the owner, Century Holdings Ltd.) gave a brief presentation on the property and application:

- Rezoning the existing property rather than traditional subdivision. Subdivision was very traditional in terms of street plan, etc., which disregarded the natural features on the properties.
- Would like to create a high-quality development that saves the natural features and focus the development away from strictly single-family.
- Clusters allows for significant retainment of open spaces. Density is not being changed, only being concentrated. All single-family will be located on lands with slopes less than 25%, and clusters will contain 2-3 units at most.
- Craftsman style of housing using natural materials, including levelling up slopes to allow for views with natural contours (i.e.: no tall retaining walls).
- Proposal has an overall pedestrian environment.
- Provided a 15 metre overall right-of-way plus a 15-foot lane on either side (protected parking) and planting which would buffer the parking lanes.
- Parking off the carriageway and driving lanes in both direction clear for both service or emergency vehicles.
- Terracing along the northern edge following the slope of the hillside as well as the plant material. Anything modified will be restored using natural and local materials.

Mr. Meyerhoff asked for clarification on parking within the "stacked" homes, regarding its interphase with the road.

Mr. Dandyk stated that it is a narrow roadway with a single walkway on one side. They have tried to balance the housing into the side of the slope. Parking for those units are concealed underneath the lower level homes into the side of the slope.

Mr. Meyerhoff had some concerns on the "seasonal" watercourse being proposed and where it would go at its highest point. Added that he had some concerns regarding future connection road and where it would exit onto.

Mr. Carvalho noted that the future road would extend out through to the subdivision currently under development and connect with Laguna and Lost Lake Road.

Mr. Meyerhoff noted his concern for the amount of traffic that will be generated and the accesses inability to handle such traffic.

Mr. Lindsay noted that a traffic study was completed for this application and can be circulated if needed.

Mr. Dandyk noted that they had looked at both development scenarios and the impact on traffic and access; overall impact was modest.

Mr. Carvalho noted that the traffic study does note limited impact on the road networking based on the increased density.

Mr. Anderson asked for clarification regarding methods of storm water retention and whether alternative methods would be looked at.

Mr. Dandyk noted that storm water retention has been a focus for the development; sensitive to the issue and is part of their objective. Maintaining natural catchment areas and only paving the parking areas and using more porous elements elsewhere. Happy to refine the irrigation system, using rain water, with the Engineering Department.

MOVED by Mr. Meyerhoff that the application be approved as presented. SECONDED by Mr. Anderson.

CARRIED

RA174: Good Samaritan Cananda, on behalf of Sodhi Jaswal and J. Drab Development, have submitted an application to rezone 80 and 90 Tenth Street in order to develop a personal care facility and seniors' congregate housing.

Mr. Carvalho gave a brief presentation on the property and application:

- Rezoning properties from existing I-2 to RM-5 in order to develop a senior's congregate housing and personal care facility.
- Subject property currently contains split designation under the OCP Chase River Neighbourhood plan. A portion of the property currently has Medium High Density Residential designation which supports the future rezoning for multi-family developments, however, the remaining portion of the site is currently designated as Mainstreet which supports multi-family developments only when together with a commercial use.

- The Mainstreet designated lands will be covered by a covenant that restricts any future building or use until either the property is redesignated through an OCP amendment or commercial development is incorporated on the lands.
- 80 Tenth Street = 2.95 acres, 90 Tenth Street = 4.21 acres.
- Access is from Lawlor Road, through the undeveloped Mainstreet portion. One larger two storey building will accommodate 80 personal care units and 40 senior congregate care units.
- Three smaller one-storey personal care units to be constructed, each consisting of 10 beds.

Ms. Alice Blackburn (representing Good Samaritan Canada) gave a brief presentation of the project:

- Provided history of Good Samaritan Canada. New to Vancouver Island.
- Chose site due to location: south end development is good for the City and the location is in close proximity to the services needed for a care facility.
- Use falls in line Neighbourhood Plan and the OCP.

Mr. Garth Balint (Stantec Architecture) gave a brief background of his previous work with Good Samaritan Canada (this is their fifth project together).

- Main configurations that drove the site plan is the existing creek (Wexford) which has a riparian setback of 15. Development works with the slope on the site and is only between 1-2 metres from highest to lowest.

Ms. Deena Kellor (Stantec Architecture) gave a brief overview of the proposal:

- Noted covered drop off area at the main entrance, also noted driveway allows for vehicles to turn around fully and backup.
- Common garden space for the assisted living residents. Each of the complex care units (four on each floor) each has access to a secure courtyard.
- Retain the existing buffer along the E&N railway. Native plant materials will be used along the edging as well as a resident's walkway surrounding the development.
- No buildings above two storeys. Adhere to both the Chase River Plan and the character of the existing neighbourhood.

Mr. Meyerhoff asked if there was only one access to the site.

Ms. Kellor stated that there is one access to the site, noting that the riparian setback prevented them from developing any other access.

Mr. Meyerhoff asked if the developers had met with the Chase River Neighbourhood Association.

Ms. Kellor noted that a meeting with the neighbourhood is scheduled 2006-SEP-13; however they had already met with Mike Parker (President, Chase River Neighbourhood Association) who was positive about the project.

Mr. Meyerhoff asked if the developers would be amenable to any changes that the neighbourhood association may suggest.

Ms. Kellor noted that they would be open to suggestions.

Mr. Anderson asked for clarification on whether or not the two separate titles would be consolidated.

Mr. Carvalho stated that they would be consolidated as a part of this development.

Mr. Anderson asked if the commercial development be subdivided and carry its own zoning.

Mr. Carvalho noted that the remaining portion would carry the existing I-2 zoning with a covenant registered on that portion of the property to limit any future use until such time as either the property was redesignated to allow solely multi-family, or the applicants come forward with an application that considers the Mainstreet design guidelines and includes commercial on the first storey with residential above.

Mr. Anderson stated that he did not believe that Lawlor Road should be Mainstreet as it is a dead end.

Mr. Lindsay noted that the long-term plan is to extend Lawlor Road through the existing mobile home parks to the south, connecting ultimately to Cranberry Avenue. It is a DCC project and is not currently in the five year planned budget.

Mr. Anderson asked for clarification on rezoning 80% of property now and leave incompatible zoning on the property for the remainder of the property.

Mr. Carvalho noted that the OCP does not support rezoning of the commercial to RM-5. In order to rezone a property the OCP must support the type of use being proposed. Because this portion of the property contains a commercial designation we would not be able to rezone it to allow only multi-family.

Mr. Lindsay further noted that we could introduce a bylaw tomorrow that rezoned the land to commercial in compliance with the OCP. Typically, Staff does not rezone properties unless a proposal is put forward. The only proposal in place is for the north end of the site. We have agreed to review and, possibly, rezone this property and leave the balance of the lands for future consideration. Added that because the long-term plans for the dead end are unknown at this time and because an alternate proposal is not on the table that Mainstreet may not be the best zoning for this property. However, a covenant will allow this project to proceed while allowing Staff to best evaluate what is possible for the remaining lands.

Mr. Anderson asked for clarification regarding the railway line and whether or not berming is required.

Mr. Balint noted that currently there is a lot of ground cover causing a natural depression at the north property line. Not altering any of the grading beyond property lines and will be creating a minimal disturbance of the existing greenery as it is a natural noise buffer.

MOVED by Mr. Anderson that the application be approved as presented. SECONDED by Mr. Meyerhoff.

CARRIED

5. **ADJOURNMENT**

Mr. Meyerhoff MOVED that the meeting be adjourned at 5:48 p.m. SECONDED
by Mr. Anderson.

CARRIED

APPROVED:

Chair

Date

/pm

Files: 0360-20-R01-03 / RA167, RA174

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CITY OF NANAIMO

MINUTES OF THE MEETING OF THE REZONING ADVISORY COMMITTEE HELD ON THURSDAY, 2006-OCT-05, AT 4:45 P.M. IN THE BOARD ROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

PRESENT: Chris Erb
Brian Anderson

APPLICANT(S): Gary Dunphy, Malaview Developments

STAFF: Gary Noble, Development Approval Planner, Planning Division, DSD
Jason Carvalho, Planner, Planning Division, DSD

1. CALL TO ORDER

The meeting was called to order at 4:45 p.m.

2. ADOPTION OF MINUTES

The minutes of the 2006-SEP-07 Rezoning Advisory Committee could not be Adopted as there was not a quorum.

3. NEW AND PENDING APPLICATIONS

RA177: Gary Dunphy, on behalf of Malaview Developments Ltd., has submitted an application to discharge a Land Use Contract and rezone the above noted property from A-2 to I-2 in order to expand the development on the neighbouring property.

Mr. Noble gave a brief presentation on the property and application:

- Goodwin property covered under LUC, within terms of uses is very similar to I-2.
- Idea is to have the whole area become consolidated with Slegg Lumber's property.
- Road closure being discussed with Land Division. Landscape Architect currently working on undetermined issue of screening on-site storage.
- Building location on-site currently undetermined, depends on whether Goodwin Road is obtained and rezoning approved.
- OCP supports rezoning to I-2. Appropriate land use for property.

Mr. Erb asked what the nearby towing company recently rezoned to.

Mr. Noble noted it was rezoned to I-2. Added that this area has turned into an enclave of light industrial uses.

Mr. Erb noted that this last remaining parcel would tie up the area nicely.

Mr. Gary Dunphy gave a brief presentation on the property and application:

- Goodwin Road previously built by Slegg Lumber and the land given to the City as a condition of development on adjacent parcels in order for the land to be used.
- Would like to acquire Goodwin Road again as it would make it a good use and no access would be required for the other lot if properties consolidated.
- Rezoning primarily based on wanting to make more efficient use of the land for Slegg Lumber.
- LUC has some advantages as it does have DCC's. Willing to give up that advantage and rezone it for the purposes needed. Would like to consolidate all lots.

Believes Goodwin Road is not necessary, especially since Slegg Lumber has purchased all surrounding parcels. Asked if the City had any issues with the application.

Mr. Noble noted that it is being worked through without any notable issues. Community contribution is being discussed; possible landscaping may be added to boundary of site.

Mr. Erb noted he does not see the need for a landscape buffer along the E&N railway. Will they use Goodwin Road for tractors, etc.?

Mr. Dunphy agreed that they would be using the road for tractors and noted that the existing road would function as a private driveway through the site and likely would not undergo too much change.

Mr. Noble noted that some areas of grade change may require rock retaining features which could be done in a decorative way. Landscape plan will identify into the most critical areas, keeping in mind that it is an industrial site. The City appreciates the effort by Mr. Dunphy to address the landscaping issues on site.

APPROVED:

Chair

Date

/pm

Files: 0360-20-R01-03 / RA167, RA174

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REZONING ADVISORY COMMITTEE

2006-NOV-02

File Number: RA170

Project Address: 2102, 2104 and 2106 Bowen Road (Schedule 'A')

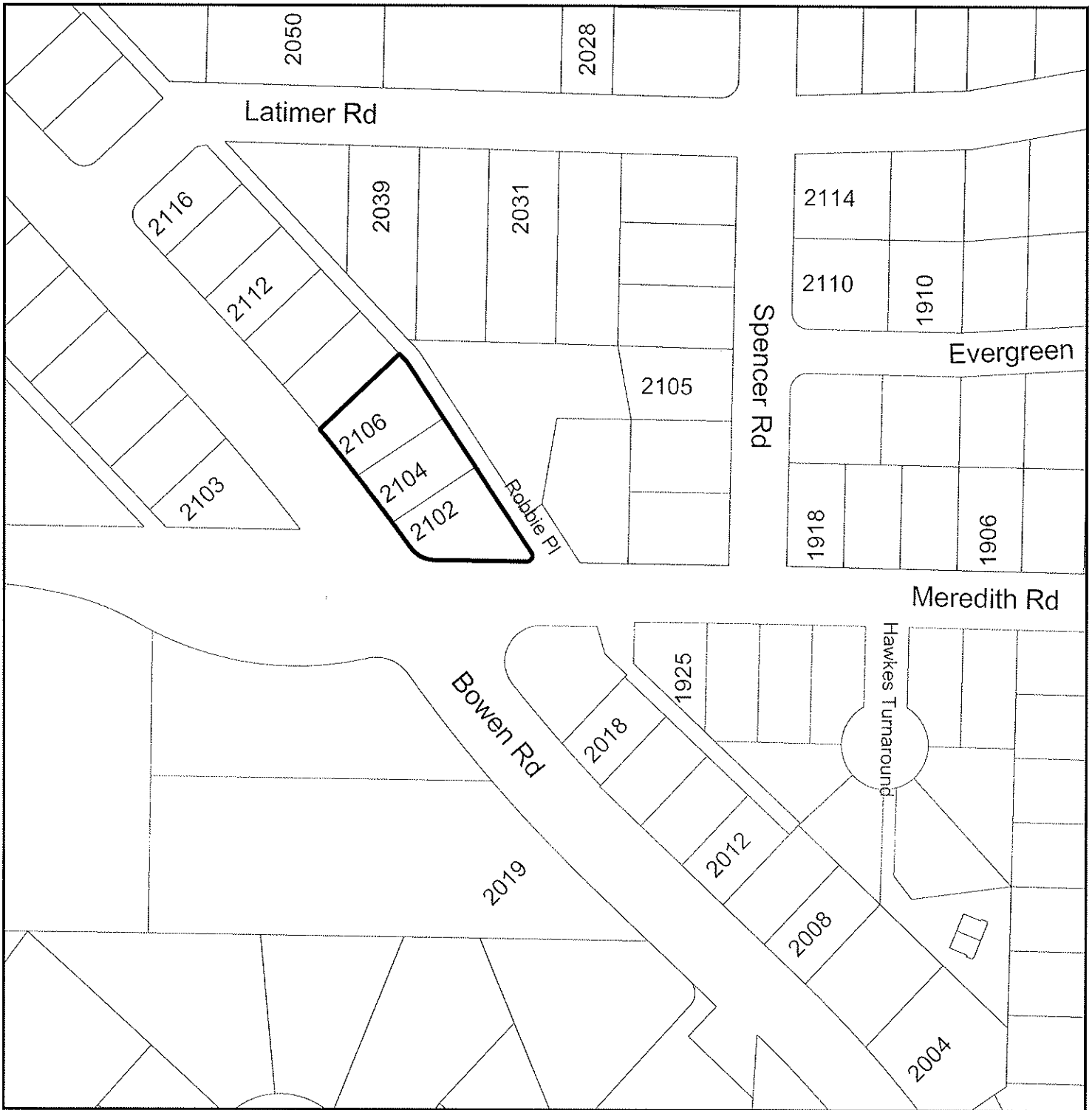
Proposed Development: The City of Nanaimo is proposing to rezone the above noted properties in order to accommodate a multi-family development. A site plan of the proposed development is attached for your reference as Schedule 'B'.

OCP Designation: Neighbourhood (Schedule 'C')

Current Zoning: Single Family Residential Zone (RS-1) (Schedule 'D')

Proposed Zoning: Low Density Multiple Family Residential (Townhouse) Zone (RM-3) (Schedule 'E')

SCHEDULE A



File : RA000170

Civic: 2102, 2104 and 2106 Bowen Road

Lot 32, 33 and 34, Block 1, Section 17, Range 7, Mountain District,
Plan 526, Except parts in Plan VIP54414, VIP54485 and VIP54603

For Road Purposes

 Subject
Property

A

SCHEDULE C

1.2.2 Policies:

1.2.2.1 Neighbourhood Designation:

1. The predominant use in Neighbourhoods will be low density residential land uses. Other uses such as commercial or industrial uses will not generally be approved, except for commercial uses as otherwise permitted below and in section 1.1.2.4 Local Service Centres.
2. The target gross unit density for Neighbourhoods is 15 units per ha. (6 units per acre). For purposes of rezoning specific sites, average density should take into account the density of surrounding Neighbourhood designated land within approximately a 250 metre radius of the subject site. (6000.001; 1996-Nov.-25)
 - 2.1 A target mix of 60% single family and 40% multi-family should be used as a guide for achieving neighbourhood densities of 15 units per hectare. Land use patterns, which will evolve with the mixed housing form and densities proposed in Neighbourhood designated areas, may form a scattered, small block pattern rather than large areas of single family housing form and/or density. Redevelopment in existing Neighbourhood designated areas should consider the surrounding architecture, scale, densities, and lot and lane configuration when creating innovative designs which fit a variety of housing forms together and enhance the livability of the area. Details about the character of the mix of housing, whether fine-grain or block development, will be determined through Neighbourhood Planning. (6000.019; 1998-Oct-5)
 - 2.2 Notwithstanding policies 1.2.2.1 (2) and (5), a gross Neighbourhood density greater than 15 units per hectare is permitted in relation to density development calculations for properties known as 3199 and 3205 Granite Park Road (Parcel A [DD 382383]) of Lot 1, Section 15, Wellington District, Plan 4509, except part in Plan 26067: AND Lot 2, Section 5, Wellington District, Plan 35119) and may be adjacent to existing multi-family zoned properties. (6000.050, 2004-May-17)
 - 2.3 Notwithstanding policies 1.2.2.1 (2) and (5), a gross Neighbourhood density of 12 units per hectare, with individual sites having a maximum net density of up to 25 units per hectare, is permitted on lots 1 - 77 contained within Plan VIP64065 (Lots 1 to 20, 43 to 56, and 67 to 77, District Lot 56, Wellington District, Plan VIP64065, AND Lots 38 to 42, 57 to 58, and 66, District Lots 41 AND 56, Wellington District, Plan VIP64065, AND Lots 21 to 37, 59 to 65, District Lot 41, Wellington District, Plan VIP64065) AND part of property known as 3800 Wiltshire Drive (part of Block B of District Lot 56, Wellington District, Except part in Plans VIP62182, VIP64065 and VIP64066). (Bylaw 6000.066, 2005-Oct-03)
3. Residential uses on Neighbourhood designated lands will include detached and semi-detached dwelling units, secondary suites, mobile homes, duplexes, triplexes, quadruplexes and ground-oriented townhouses.
 - 3.1 Properties where triplex and quadruplex housing forms are proposed must meet the following conditions:
 - quadruplex (four unit) developments are only encouraged on lots with lane access or on a corner lot. Notwithstanding, quadruplexes will be considered on large mid-block lots where the objectives of the Innovative Housing For Neighbourhood Guidelines are met. (6000.035, 2002-Apr.-08);

- mid-block lots without lane access may be considered for multiple family development provided they can comply with all requirements of section 1.2.2.1(5). (6000.011; 1998-Apr-20)
 - triplex (three units) and quadruplex (four units) developments must be consistent with the Innovative Housing for Neighbourhood Guidelines of section 8.2.21 of the Plan. (6000.011; 1998-Apr-20)
4. In detached housing areas, infill development will be designed to complement existing neighbourhood character and will maintain the ground oriented character of existing housing.
5. Rezoning for townhouse residential forms to a maximum density (net) of 25 units per ha. (10 units per acres) will be considered in Neighbourhood areas if: (6000.010; 1997-Sept.-22) (6000.011; 1998-Apr-20)
- the site generated traffic will not impact unduly on neighbourhood streets;
 - the site, or combined sites affected, are less than 1 ha.(2.47 acres) in total area; and
 - the site is well separated from other sites and would not result in a concentration of development at higher than the target density outlined in section 1.2.2.1 (2). (6000.001; 1996-Nov.-25)
- 5.1 Notwithstanding the above noted policies, "cluster/green space development" is permitted in "Neighbourhood" designated areas based on the following conditions:
- where significant stands of trees and/or large blocks of open space are secured;
 - where public access to these areas, where appropriate, is secured;
 - the form of "cluster/green space development" is either small lot single family dwellings (RS-6) or townhouses;
 - the height of dwellings does not exceed that of a standard single family dwelling;
 - the density of the development does not exceed the density possible based on subdivision of the parcel under existing zoning, and taking into account other relevant City policies and standard development requirements (i.e. net density not gross); and
 - the lot being considered for "cluster/green space development" is not so large as to negatively affect the character of the existing Neighbourhood.
- (6000.040; 2002-Sept-16)
- where Environmentally Sensitive Areas are present as defined in Schedule B – Development Permit Areas and Sensitive Areas. (6000.059; 2005-Apr-04)
- 5.2 Rezoning for triplex, quadruplex, townhouses and apartments to a maximum density of up to 0.45 floor area ratio and which will not be subject to the density limitations of other policies of this section or be considered in target density calculations of section 1.2.2.1 on adjacent Neighbourhood areas, may be considered where it is demonstrated that such development will enhance the appearance of development when viewed by the public from adjacent arterial roadways. Rezoning and development under this policy must:
- be consistent with design guidelines in section 8.2.21(4); and
 - have vehicle access to the site without routing traffic through adjacent attached residential dwelling areas.

Rezoning under this policy may be considered on:

- lands designated "Neighbourhood" on Schedule A and fronting on Northfield Road or fronting on Bowen Road between Meredith Road and Labieux Road; and
- the property known as 6010 Uplands Drive (Lot A, District Lot 48, Wellington District, Plan VIP53807), and (6000.061; 2005-Apr-04)
- The property known as 6231 Hammond Bay Road (Lot 7, District Lot 20, Wellington District, Plan 10912, Except part in Plan VIP55954). (6000.067, 2005-Oct-03)

5.3 Steep slope properties included in Development Permit Area 25 are exempt from policy 1.2.2.1 (5). Rezoning of these properties may be considered for additional density in exchange for the preservation of open space, provided:

- The building does not exceed four storeys in height; and
- The density does not exceed 20 units per hectare (8 units per acre), as outlined below.

% of Permanent Open Space**	20	30	40	50
Maximum Gross Density (upha)***	12.0 upha	13.5 upha	15.0 upha	20.0 upha
Density on Portion Exclusive of Open Space	15 upha	19 upha	25 upha	40 upha

** Open space shall be secured and shall not be further developed. Dedication of open space as park is preferred, however management through a land trust or strata corporation may be considered.

*** units per hectare" (6000.064; 2005-Aug-29)

5.4 Notwithstanding policy 1.2.2.1(5), a townhouse development up to 30 dwelling units is permitted on the properties known as 2450 Labieux Road AND Part of 2350 Labieux Road AND Part of 2517 Bowen Road (That part of Lot 1, Section 20, Range 6, Mountain District, Plan 10208, lying to the east of a boundary parallel to and perpendicularly distant 132 feet from the easterly boundary of said Lot, AND Part of Lot 3, Section 20, Range 6, Mountain District, Plan 44097 AND Part of Lot 1, Section 20, Range 6, Mountain District, Plan 44097) and may be adjacent to the existing townhouse development. (6000.044; 2004-Apr-19)

5.5 Notwithstanding policy 1.2.2.1 (1), Office is a permitted use on the properties known as 3679 Shenton Road AND 3701 Shenton Road AND 3711 Shenton Road AND 3721 Shenton Road AND 3767 Shenton Road AND 3789 Shenton Road (Lot 2, Section 3, Wellington District, Plan 13166, AND Lot 1, Section 3, Wellington District, Plan 13166 AND Lot D, Section 3, Wellington District, Plan 16387 AND Lot C, Section 3, Wellington District, Plan 16387 AND Lot B, Section 3, Wellington District, Plan 16387, except that part in Plan VIP64719 AND Lot A, Section 3, Wellington District, Plan 16387) (6000.059; 2005-Apr-04)

6. Home-based business secondary to the principal residence will be permitted provided that such businesses are compatible with existing adjacent uses and the environment. (6000.001; 1996-Nov-25)

6.1 Churches which provide a place of worship and associated activities are permitted under site specific conditions which maintain the neighbourhood character. (6000.001; 1996-Nov-25)

7. Building height will be limited to that generally permitted by zoning for detached dwellings.
8. Through the neighbourhood planning process, residential densities of up to 50 units per ha (20 units per acre) will be considered on non local roads close to Town Centre boundaries where:
 - the general livability of existing neighbourhoods is enhanced;
 - areas are already in transition to higher density residential and commercial uses; and
 - the area is well serviced (i.e. has excess capacity) with schools or committed school sites, parks and open space and community facilities.
9. In new development and subdivisions, a variety of lot sizes and building forms will be encouraged.
10. Residential facilities in existing single family dwellings and/or purpose-built facilities that fit within the neighbourhood's form and character will be encouraged and will be equitably distributed among neighbourhoods. (6000.024; 1999-Oct-04)
- 10.1 Notwithstanding policy 1.2.2.1 (10), a Seniors' Residential Facility of up to 75 rooms is a permitted use on the site collectively known as 6121 Hammond Bay Road (All That Part of Lot 4, District Lot 20, Wellington District, Plan 10912 Lying to the East of a Boundary Parallel to and Perpendicularly Distant 121 Feet Westerly from the East Boundary of Said Lot 4, PID 001-428-268) and 6151 Hammond Bay Road (That Part of Lot 4, District Lot 20, Wellington District, Plan 10912, Lying to the West of a Boundary Parallel to and Perpendicularly Distant 121 Feet from the East Boundary of Said Lot, PID 005-157-307) (6000.056; 2004-Oct-18)
11. Historic structures, places and trees will be preserved in neighbourhoods throughout the city. (see Heritage and Tree Bylaw).
12. Opportunities for outdoor recreation will be enhanced. (see section 1.3 Parks and Open Space).
13. Commercial services are permitted in Neighbourhood designated areas in accordance with the following conditions: (6000.001; 1996-Nov.-25)
 - They are located only in designated Local Service Centres or Corner Stores.
 - The general location of Local Service Centres are shown on Schedule A Future Land Use and Mobility (see section 1.1.2.4 Local Service Centre Designation).
 - Corner stores are retail stores intended for meeting local shopping needs of neighbourhood residents with a net retail floor area of generally less than 100 sq. metres (1,076 sq.ft.). They will be permitted in all neighbourhoods. (6000.009; 1997-Sept.-22)
 - The location of Corner Stores will be determined through neighbourhood review of zoning proposals or the development of neighbourhood plans in existing neighbourhoods and through the process of subdivision design and approval in new neighbourhoods.
 - Corner Stores will not generally be required to have off-street parking.
 - Only residential uses will be permitted in second and third storeys above Corner Stores.

14. Where Neighbourhoods abut Enterprise Areas, future land use approvals and subdivision should provide for adequate buffers and setbacks between residential and industrial activities.
15. Secured and gated developments will not be permitted in either Neighbourhood or Suburban Neighbourhood designation.
16. Open spaces generated as part of a patio home/townhouse development can permit either public or private use. Staff is encouraged to negotiate the best option for all. The residents' preferred option would be for this land to be made available for public use.
17. Developers are encouraged to maintain large stands of natural vegetation (trees and ground cover) as part of their development.
18. Rock outcrops and other significant topographic features should be sensitively incorporated into developments.
19. Significant manipulation of a site's natural contours and topographic features is discouraged. (6000.034; 2001-Oct.-22)

Chase River Neighbourhood

Housing

20. Development of housing in "Neighbourhood" designated areas will continue to be regulated through the policies of the Official Community Plan.
21. In an effort to achieve additional onsite open space and/or protect environmentally sensitive areas, cluster housing and cluster subdivisions are strongly encouraged.

Special Needs Housing

Examples of special needs housing are: a seniors' facility; a transition house for battered women, drug and alcohol rehabilitation facility or a group home for people who are mentally and/or physically challenged.

22. Special Needs Housing, will be supported in "Neighbourhood" designated areas if it complies with the housing and Neighbourhood policies outlined in the Official Community Plan.

Road Network

The majority of Chase River residents live along the Extension Road corridor. Residents of this area have limited vehicular access to their neighbourhood. The existing access to the Cinnabar Valley is not considered adequate by residents in regard to safety (i.e. access for emergency vehicles.) Given the low densities proposed, additional road access is a long-term goal.

23. Consideration should be given to developing an emergency access, in the event that the primary access along Cranberry Avenue/Extension Road becomes blocked.
24. Should the City of Nanaimo undertake a review of options for the alignment and design of a secondary road access from the Cinnabar Valley, a public participation component must be undertaken.

Road and Boulevard Design

SCHEDULE D

PART 6- SINGLE FAMILY RESIDENTIAL ZONES

6.1. SINGLE FAMILY RESIDENTIAL ZONE - (RS-1/RS-1a) (4000.275; 2001-Jan-08)

This zone provides for low density urban or suburban type residential development.

6.1.1. PERMITTED USES (4000.075; 1995-Jan-23) (4000.178; 1998-Feb-02)

Bed and Breakfast, subject to Part 5
Boarding or Lodging, subject to Part 5
Secondary Suite (4000.366; 2005-Feb-07)
Single Family Dwellings

"City of Nanaimo Document
EXCERPT ONLY
should be read in conjunction
with the complete document"

6.1.2. CONDITIONS OF USE (4000.327; 2003-Aug-18) (4000.362; 2004-Nov-01)

6.1.2.1. The gross floor area of a single-family dwelling shall exceed a gross floor area of 87 square metres (936.49 square feet).

6.1.2.2. The floor area ratio of a principal dwelling shall not exceed 0.55 or a gross floor area of 390.18 square metres (4,200 square feet).

6.1.2.3. Notwithstanding Subsection 6.1.2.2., where a dwelling consists of three or more storeys entirely above finished grade on the rear elevation, the gross floor area may be increased as follows provided that the building footprint does not exceed 185.8 square metres (2,000 square feet):

Lot Size	Maximum Gross Floor Area
< 1,000 square metres (10,764 square feet)	390.18 square metres (4,200 square feet)
≥ 1,000 square metres (10,764 square feet)	464.5 square metres (5,000 square feet)

6.1.2.4. Notwithstanding Subsection 6.1.2.2. and 6.1.2.3., on those properties with a sub-designation "a" the floor area ratio of the principal dwelling shall not exceed 0.4 or a maximum gross floor area of 300 square metres (3,229 square feet).

6.1.2.5. Lots equal to or exceeding 1,666.66 square metres (17,940 square feet) in area are exempt from the requirements of Subsections 6.1.2.2. through 6.1.2.4.. For the purposes of this subsection, where a lot abuts a watercourse identified in Schedule "G" or a lot is subject to a geotechnical setback, the required leavestrip(s) shall not be included in the calculation of lot area.

6.1.3. DENSITY

6.1.3.1. Not more than one single family dwelling shall be permitted per lot.

6.1.3.2. Notwithstanding Subsection 6.1.3.1., one additional single family dwelling shall be permitted on a lot exceeding 0.4 hectares (one acre) in area.

"City of Nanaimo Document
EXCERPT ONLY

should be read in conjunction
with the complete document"

6.1.4. LOT AREA

- 6.1.4.1. The minimum lot area shall not be less than 600 square metres (6,459 square feet), serviced by a community water system, a community sanitary sewer system and a storm drainage system.
- 6.1.4.2. Notwithstanding Subsection 6.1.4.1., where a lot contains or abuts a watercourse identified in Schedule G, the required leave strip shall not be included in the calculation of minimum lot area. (4000.255; 1999-Sep-13) (4000.303; 2002-Jul-29)
- 6.1.4.3. Deleted (4000.126; 1995-Dec-18) (4000.255; 1999-Sep-13)

6.1.5. LOT COVERAGE

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

6.1.6. YARD REQUIREMENTS

- 6.1.6.1. A front yard of not less than 6 metres (19.69 feet) shall be provided.
- 6.1.6.2. Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet).
- (a) Notwithstanding Subsection 6.1.6.2., the side yard adjoining the flanking street shall not be less than 1.5 metres (4.92 feet) if the flanking street is a lane. (4000.075; 1995-Jan-23)
- 6.1.6.3. A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres (4.92 feet) shall be provided for an accessory building. (4000.178; 1998-Feb-02)
- 6.1.6.4. Notwithstanding Subsections 6.1.6.1. to 6.1.6.3., general provisions in Part 5 for the siting of buildings on watercourses and major roads will also apply.

6.1.7. HEIGHT OF BUILDINGS (4000.275; 2001-Jan-08)

- 6.1.7.1. The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (\geq 4:12) *	8.25 metres (27.06 feet)

* for an area of at least 80% of all roof surfaces measured in plan view.

- 6.1.7.2. In addition to Subsection 6.1.7.1., for those properties identified on Schedule H, the maximum height of a principal building may be increased as shown in the following table:

Roof Pitch	Maximum Height
A sloped roof ($\geq 8:12$) *	8.53 metres (28 feet)
A sloped roof ($\geq 10:12$) *	9.14 metres (30 feet)

* for an area of at least 80% of all roof surfaces measured in plan view.

- 6.1.7.3 Notwithstanding Subsection 6.1.7.1. and 6.1.7.2., on lots less than 1,666.66 square metres (17,940.36 square feet) the height of a principal dwelling may also be measured from curb level of the highest street abutting the property as outlined in the following table:

Roof Pitch	Maximum Height
A flat roof ($< 4:12$)	3 metres (9.84 feet)
A sloped roof ($\geq 4:12$) *	5 metres (16.4 feet)

* for an area of at least 80% of all roof surfaces measured in plan view.

(4000.327; 2003-Aug-18)

- 6.1.7.4. The height of an accessory building shall not exceed 4.5 metres (14.76 feet).

6.1.8. MAXIMUM PERIMETER WALL HEIGHTS (4000.275; 2001-Jan-08)

- 6.1.8.1. The perimeter wall height of the principal dwelling shall not exceed 7.32 metres (24 feet). The maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14 metres (30 feet), provided:

- (a) any rear wall face over 7.32 metres (24 feet) in height is a minimum of 10 metres (32.8 feet) from the rear property line;
 - (b) no wall face over 7.32 metres (24 feet) in height shall exceed 7.32 metres (24 feet) in width and must be offset by a minimum of .61 metres (2 feet) from any adjacent wall over 7.32 metres (24 feet) in height;
 - (c) any eave or gable end associated with a wall face over 7.32 metres (24 feet) in height must not exceed 8.53 metres (28 feet) in width and must be offset by at least 0.61 metres (2 feet) from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32 metres (24 feet) in height.
- (4000.327; 2003-Aug-18) (4000.362; 2004-Nov-01)

- 6.1.8.2. Notwithstanding 6.1.8.1., for those properties with a sub-designation "a" the perimeter wall height shall not exceed 6.1 metres (20 feet). The maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 7.32 metres (24 feet) provided:

- (a) any rear wall face over 6.1 metres (20 feet) in height is a minimum of 10 metres (32.8 feet) from the rear property line;
- (b) no wall face over 6.1 metres (20 feet) in height shall exceed 7.32 metres (24 feet) in width and must be offset by a minimum of .61 metres (2 feet) from any adjacent wall over 6.1 metres (20 feet) in height;

- (c) any eave or gable end associated with a wall face over 6.1 metres (20 feet) in height must not exceed 8.53 metres (28 feet) in width and must be offset by at least 0.61 metres (2 feet) from any adjacent eave or gable end which is associated with any adjacent wall face over 6.1 metres (20 feet) in height.
(4000.327; 2003-Aug-18) (4000.362; 2004-Nov-01)

6.1.8.3. The following are exempt from the calculation of perimeter wall height:

1. Gable ends;
2. Dormers, to a maximum of 25% of the wall length; and
3. Localized depressions.

6.1.8.4. Dormers, covered decks, or additional wall height above the maximum perimeter wall height must be setback a minimum of 2.44 metres (8 feet) from the perimeter wall.

6.1.8.5. Notwithstanding Section 6.1.8.3., when a principle dwelling exceeds 8.25 metres in height, any gable end, dormer, covered deck, or wall face above the maximum perimeter wall face must be setback a minimum of 3.96 metres (13 feet) from any internal side lot line.

6.1.9. HEIGHT OF FENCES

6.1.9.1. The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard.

6.1.9.2. The height of a fence shall not exceed 2.4 metres (7.87 ft.) in any side or rear yard.

6.1.9.3. In the case of a corner lot, the height of a fence shall not exceed 1.8 metres (5.9 feet) when sited in a flanking side yard. (4000.075; 1995-Jan-23) (4000.362; 2004-Nov-01)

6.1.9.4. Notwithstanding Subsections 6.1.9.1. to 6.1.9.3., fence heights are subject to the general provisions set out in Part 5, "Visibility at Intersections", "Fence Heights", and "Height Exemptions".

6.1.10. OFF-STREET PARKING

Deleted (4000.296; 2002-Apr-22)

"City of Nanaimo Document
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SCHEDULE E

7.3. LOW DENSITY MULTIPLE FAMILY RESIDENTIAL (TOWNHOUSE) ZONE - (RM-3)

This zone provides for a mixture of low density multiple family development on lots compatible with the residential areas of the community.

7.3.1. PERMITTED USES (4000.086; 1994-Nov-28)(4000.075; 1995-Jan-23)(4000.218; 2001-Aug-13)

Bed and Breakfast, subject to Part 5

Boarding or Lodging, Subject to Part 5

Multiple Family Dwellings

Single Family Dwellings, subject to Subsections: (4000.275; 2001-Jan-08)

- 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

7.3.2. CONDITIONS OF USE

No storage or refuse receptacle area shall be permitted in a front yard setback.

7.3.3. DENSITY

The maximum floor area ratio shall not exceed 0.45 except where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than .8 metres above the adjacent finished grade), in which case an amount may be added to the floor area ratio equal to .25 multiplied by the percentage of the total parking spaces which are provided underground. (4000.086; 1994-Nov-28).

7.3.4. LOT AREA

7.3.4.1. The minimum lot area shall not be less than 1,800 square metres (19,375.67 square feet), serviced by a community water system, a community sanitary sewer system, and a storm drainage system.

7.3.4.2. Notwithstanding Subsection 7.3.4.1., where a lot contains or abuts a watercourse identified in Schedule G, the required leave strip shall not be included in the calculation of minimum lot area. (4000.126; 1995-Dec-18) (4000.303; 2002-Jul-29)

7.3.5. LOT COVERAGE

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

7.3.6. YARD REQUIREMENTS

- 7.3.6.1. A front yard of not less than 6 metres (19.69 feet) shall be provided.
- 7.3.6.2. Side yards of not less than 3 metres (9.84 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet).
- 7.3.6.3. Notwithstanding Subsection 7.3.6.2., where RM-3 is being developed within the Mixed-Use Commercial Zone (C-4), a side yard shall be provided on each side yard of a building equal to 0.5 multiplied by the height of the building. In no case shall the width of each side yard be less than 3 metres (9.84 feet). In the case of a corner lot, the side adjoining the flanking street shall not be less than 4 metres (13.12 feet) in width.
- 7.3.6.4. A rear yard of not less than 10.5 metres (34.45 feet) shall be provided for a principal building. A rear yard of not less than 3 metres (9.84 feet) shall be provided for an accessory building.
- 7.3.6.5. Notwithstanding Subsections 7.3.6.1. to 7.3.6.4., general provisions in Part 5 for the siting of buildings on watercourses and major roads will also apply.

7.3.7. HEIGHT OF BUILDINGS

- 7.3.7.1. The height of a principal building shall not exceed the maximum height shown in the following table: (4000.303; 2002-Jul-29)

Roof Pitch	Maximum Height
A flat roof (< 4:12) *	6.71 metres (22 feet)
A sloped roof (\geq 4:12) *	9 metres (29.53 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

- 7.3.7.2. The height of an accessory building shall not exceed 4.5 metres (14.76 feet).

7.3.8. HEIGHT OF FENCES

- 7.3.8.1. The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard.
- 7.3.8.2. The height of a fence shall not exceed 2.4 metres (7.87 feet) in any side or rear yard.
- 7.3.8.3. In the case of a corner lot, the height of a fence shall not exceed 1.8 metres (5.9 feet) when sited in a flanking side yard. (4000.075; 1995-Jan-23) (4000.362; 2004-Nov-01)
- 7.3.8.4. Notwithstanding Subsections 7.3.8.1. to 7.3.8.3., fence heights are subject to the general provisions set out in Part 5, "Visibility at Intersections", "Fence Heights", and "Height Exemptions".

7.3.9. **AMENITY AREAS**

- 7.3.9.1. Where a lot is under 1,800 square metres (19,375.67 square feet) in size, no less than 10% of the gross lot area shall be dedicated to usable open space. This open space shall be permitted in the required yard setbacks.
- 7.3.9.2. Where a lot exceeds 1,800 square metres (19,375.67 square feet), no less than 5% of the gross lot area shall be required as usable open space in addition to the required yard setbacks.
- 7.3.9.3. The minimum size of any required open space recreation area shall be 75 square metres (807 square feet) for outdoor recreation space and 25 square metres (269 square feet) for indoor recreation space.
- 7.3.9.4. For the purpose of calculating open space recreation area requirements, any indoor recreational space or facility provided may be counted as double the actual area.
- 7.3.9.5. Open space recreation area requirements may be reduced by 50% where proposed developments are within a 400 metres (1,312 feet) walking distance of Bowen Park or Beban Park.
- 7.3.9.6. Notwithstanding Subsections 7.3.9.1. and 7.3.9.2., where the use of a lot includes both commercial and multiple family residential uses, 20 square metres (215 square feet) of usable open space recreation area in addition to the required yard setbacks shall be provided on the lot for each dwelling unit provided the number of dwelling units per lot does not exceed 8. (4000.178; 1998-Feb-02)

7.3.10. **OFF-STREET PARKING** Deleted (4000.296; 2002-Apr-22)

7.3.11. **SCREENING AND LANDSCAPING**

- 7.3.11.1. All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.
- 7.3.11.2. All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.
- 7.3.11.3. Where an RM-3 Zone abuts a highway screening and landscaping shall be provided in accordance with the requirements of Part 14 of this Bylaw. (4000.122; 1995-Oct-30)
- 7.3.11.4. Where an RM-3 Zone abuts, or is across a highway from an RS, A, C, MA, I or P Zone, screening shall be provided in accordance with Part 14 of this Bylaw.

REZONING ADVISORY COMMITTEE

2006-NOV-02

File Number: RA179

Project Address: 2211 Jingle Pot Road (Schedule 'A')

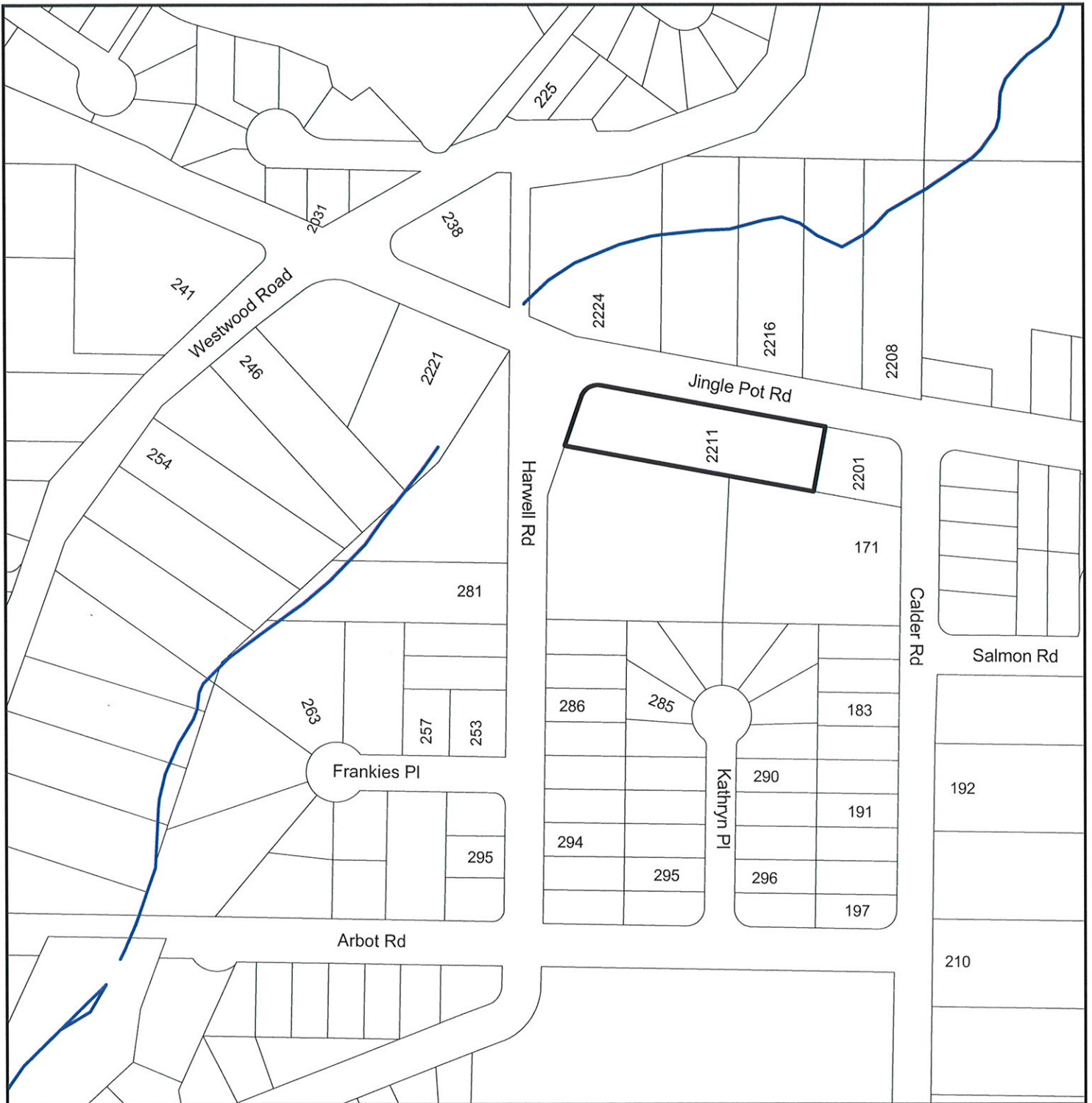
Proposed Development: Brian Phillips (Jingle Pot Pub) has submitted an application for a site-specific zoning amendment to permit the use of a teletheatre outlet for an off-track betting lounge within the Jingle Pot Pub. A seating plan of the proposed development is attached for your reference (Schedule 'B').

OCP Designation: Local Service Centre (Schedule 'C')

Current Zoning: Tourist and Public House Commercial Zone (C-6) (Schedule 'D')

Proposed Zoning: (Site-specific zoning amendment) to the Tourist and Public House Commercial Zone.

SCHEDULE A



File : RA000179
Civic: 2211 Jingle Pot Road
Lot A, Section 11, Range 7, Mountain District,
Plan 45118, for Bylaw 3155 in Plan 44656

 Subject
Property

SCHEDULE B

CITY OF NANAIMO
BUILDING INSPECTION
DIVISION

PLANS REVIEWED

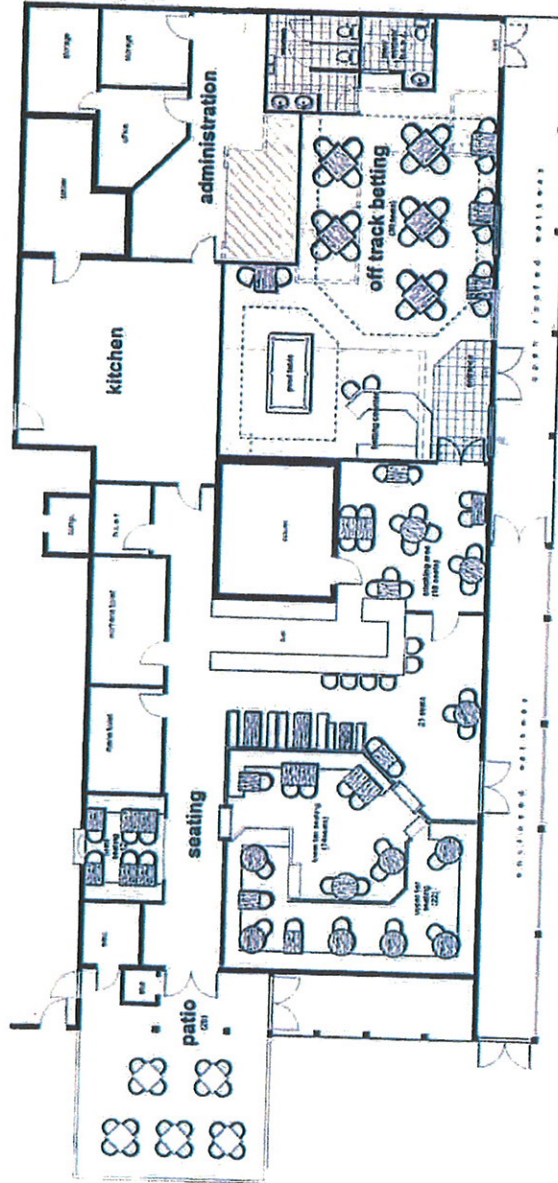
OCCUPATIONAL LOAD 150 persons including deck, seating area and betting area.

DATE: Aug 30, 2006

SIGNED: [Signature]

Liquor Privilege

Occupant load number is subject to issuance of a building permit for renovations an occupancy permit compliance with BC Co. 1468 and zoning bylaws.



Jingle Pot Pub - Seating Plan

Scale: 3/32" = 1'-0"

Pub Seating:	47
Patio:	20
Off-Track Betting:	30
Total Seating:	145 seats



APR 11 2006

Project: Jingle Pot Pub

Client: Jingle Pot Pub

Address: 1111 Commercial Unit 1000

City: Nanaimo BC

Scale: 3/32" = 1'-0"

As noted

Drawn by: A.V.

Checked by: A.V.

Project Title: Jingle Pot Pub

Existing and new seating plan

Page: 1

PR1

SCHEDULE C

recognizing a significant portion of the lands are provincial crown lands subject to Nanaimo Port Authority authority. (6000.033; 2001-April-23)

28. Due to the small land area on this site, the population in this Neighbourhood Village will be less than most other Neighbourhood Villages.

Departure Bay

29. Departure Bay and lower sections of Wingrove and Bay Streets are designated as Mainstreet as shown on Schedule A Future Land Use and Mobility.
30. Village design will focus on the waterfront amenity and include opportunities for greater public access and use.

Northfield and Bowen Road

31. Highway commercial design should complement the Neighbourhood Village context.
32. Extension of the village boundaries northwest to include the vacant lands should be considered in the Neighbourhood Village Context Plan.

Wellington Townsite

33. Norwell Drive from Victoria Avenue to Wellesley Avenue, including all four corners at the two intersections, is designated as Mainstreet on Schedule A Future Land Use and Mobility. (6000.019; 1998-Oct-5)
34. A pedestrian oriented focal point for the Village should be created in the area of the Wellington Hotel parking site.
35. Establishing linear parks and improving access to Long Lake will be primary open space design objectives.

Southside

36. A Neighbourhood Village is designated at Tenth Street and Douglas Avenue.

1.1.2.4 Local Service Centre Designation:

1. The Local Service Centre Designation is intended to identify the general area where zoning for neighbourhood conveniences set out in the designation may be approved. All the provisions of this Plan for the "Neighbourhood" designation underlying the Local Service Centre designation remain in effect (e.g. are not displaced by the local Service Centre Designation).
2. The location of Local Service Centres will be:
 - as identified in neighbourhood plans; or
 - as generally designated on the Schedule A Future Land Use and Mobility. These designations are intended to indicate general location, usually at an intersection, and are not intended to designate specific building lots.

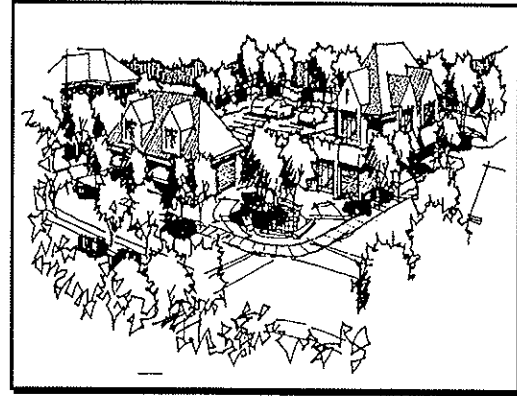
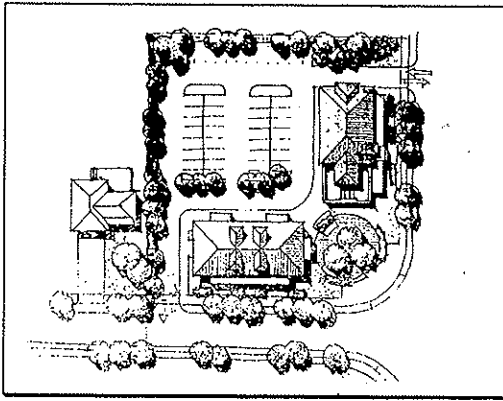


Figure 7: Local Service Centre

3. Permitted uses in Local Service Centres will include:
 - community services and facilities including: child or elder care facilities, community halls, clubs or lodges, churches, public and community schools; and
 - commercial and retail services for local services including: retail or corner stores, personal services such as hairdressing, health care and support, video rental, restaurants, cafes and pubs.
4. The total commercial floor area in Local Service Centres should be less than approximately 2000 sq.m. (21,500 sq.ft.).
5. Building height will be limited to three storeys.
6. Residential uses will only be permitted in second and third storeys above commercial space in Local Service Centres (See Figure 7). (6000.019; 1998-Oct-5)
7. Access to Local Service Centres by alternative modes of transportation should be facilitated in future planning. (6000.034; 2001-Oct.-22)

Chase River Neighbourhood

8. A maximum of two (2) Local Service Centres are supported within the Chase River Neighbourhood as generally designated on Schedule A-3 Chase River Neighbourhood.
9. A Local Service Centre is supported in both of the following general locations:
 - on Extension Road between the intersections of Roberta Road/Roberta Road East and Cinnabar Drive; and
 - on Cedar Road at the intersection of either Fielding Road or Frew Road. No direct access to Cedar Road will be permitted as part of the development of a Local Service Centre at either of these locations.
10. Local Service Centres can build out slowly over time, based on market demands. A "corner store" with a residential unit(s) above is the minimum land use requirement for developing under the Local Service Centre designation.
11. Building(s) must be sited close to the street with all on-site parking located to the rear of the building(s).
12. On-street parking is encouraged.

SCHEDULE D

9.6. TOURIST AND PUBLIC HOUSE COMMERCIAL ZONE - (C-6)

This zone provides for the establishment of neighbourhood public houses in locations compatible with adjacent land uses.

9.6.1. PERMITTED USES (4000.178; 1998-Feb-02) (4000.335; 2004-Jan-26)

Accessory Dwelling Unit
Accessory Restaurants (4000.168; 1996-Sep-09)
Hotels
Liquor Stores (4000.315; 2003-Feb-10)
Neighbourhood Pubs

9.6.2. DENSITY

Only one accessory dwelling unit shall be permitted in conjunction with one of the permitted uses on the same lot.

9.6.3. LOT AREA

9.6.3.1. The minimum lot area shall not be less than 1,800 square metres (19,375.67 square feet), serviced by a community water system, a community sanitary sewer system, and a storm drainage system.

9.6.3.2. Notwithstanding Subsection 9.6.3.1., where a lot contains or abuts a watercourse identified in Schedule G, the required leave strip shall not be included in the calculation of minimum lot area. (4000.126; 1995-Dec-18) (4000.303; 2002-Jul-29)

9.6.4. LOT COVERAGE

The maximum lot coverage shall not exceed 50% of the lot area.

9.6.5. YARD REQUIREMENTS

9.6.5.1. A front yard of not less than 6 metres (19.69 feet) shall be provided, except where the area between a building and front lot line is landscaped and not used for off-street parking, the minimum setback may be reduced to 4.5 metres (14.76 feet).

9.6.5.2. A side yard shall be provided of not less than 3 metres (9.84 feet) in depth for one side yard and 0 metres for the other.

(a) In the case of a corner lot, the side adjoining the flanking street shall be subject to the regulations in Subsection 9.6.5.1.

(b) Where a lot abuts a lot in an Agricultural or Residential Zone, a side yard shall be provided of not less than 4.5 metres (14.76 feet) in depth.

- 9.6.5.3. A rear yard shall be provided of not less than 3 metres (9.84 feet) in depth.
- 9.6.5.4. Where commercial uses are combined with a residential use, the residential portion of the building shall be not closer than 1.5 metres (4.92 feet) to any lot line.
- 9.6.5.5. Notwithstanding Subsections 9.6.5.1. to 9.6.5.4., the general provisions of Part 5, pertaining to the location and siting of buildings and structures to watercourses and major roads will also apply.

9.6.6. **HEIGHT OF BUILDINGS**

- 9.6.6.1. The height of a principal building shall not exceed 9 metres (29.53 feet).
- 9.6.6.2. The height of an accessory building shall not exceed 4.5 metres (14.76 feet).

9.6.7. **HEIGHT OF FENCES**

- 9.6.7.1. The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard.
- 9.6.7.2. The height of a fence shall not exceed 1.8 metres (5.90 feet) in any side or rear yard.
- 9.6.7.3. Notwithstanding Subsection 9.6.7.1. and 9.6.7.2., fences are subject to the general provisions set out in Part 5, "Visibility at Intersections", "Fence Heights", and "Height Exemptions".

9.6.8. **OFF-STREET PARKING**

Deleted (4000.296; 2002-Apr-22)

9.6.9. **SCREENING AND LANDSCAPING**

- 9.6.9.1. All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by ornamental structures, landscaping, or other means.
- 9.6.9.2. All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.
- 9.6.9.3. Where a C-6 Zone abuts a highway screening and landscaping shall be provided in accordance with Part 14 of this Bylaw. (4000.122; 1995-Oct-30)
- 9.6.9.4. Where a C-6 Zone abuts, or is across a highway from an RS, A, RM, MA, I or P Zone, screening shall be provided in accordance with Part 14 of this Bylaw.

REZONING ADVISORY COMMITTEE

2006-NOV-02

File Number: RA180

Project Address: 5640 Hammond Bay Road (Schedule 'A')

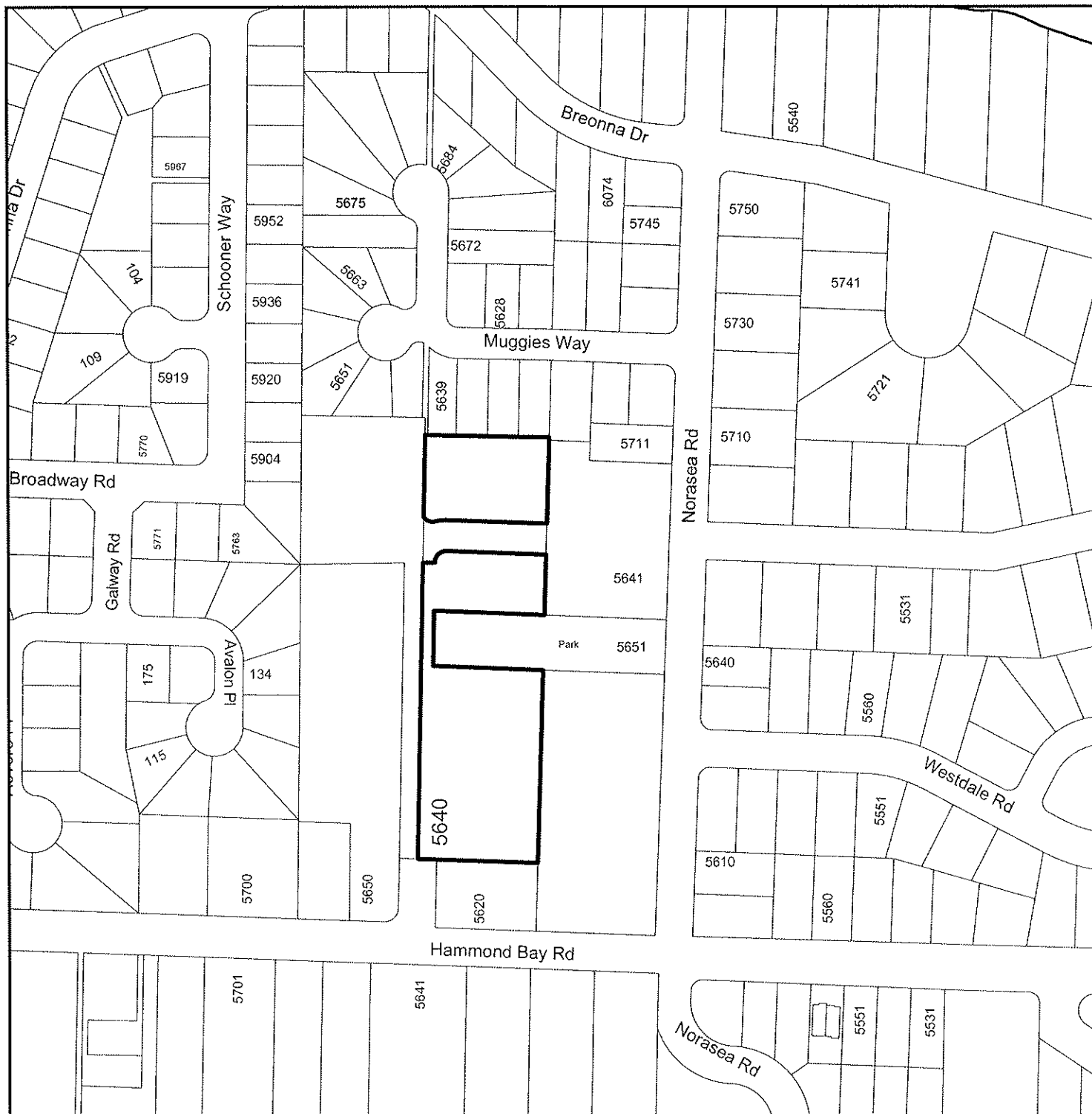
Proposed Development: Ivan Plavetic has submitted an application to rezone three individual lots within a proposed subdivision from RS-1 to RM-1 in order to develop three duplexes. A location plan of the proposed property is attached as Schedule 'B'. A Preliminary Plan of Subdivision identifying the three proposed duplex lots is attached as Schedule 'C'.

OCP Designation: Neighbourhood (Schedule 'D')

Current Zoning: Single Family Residential Zone (RS-1) (Schedule 'E')

Proposed Zoning: Residential Duplex Zone (RM-1) (Schedule 'F')

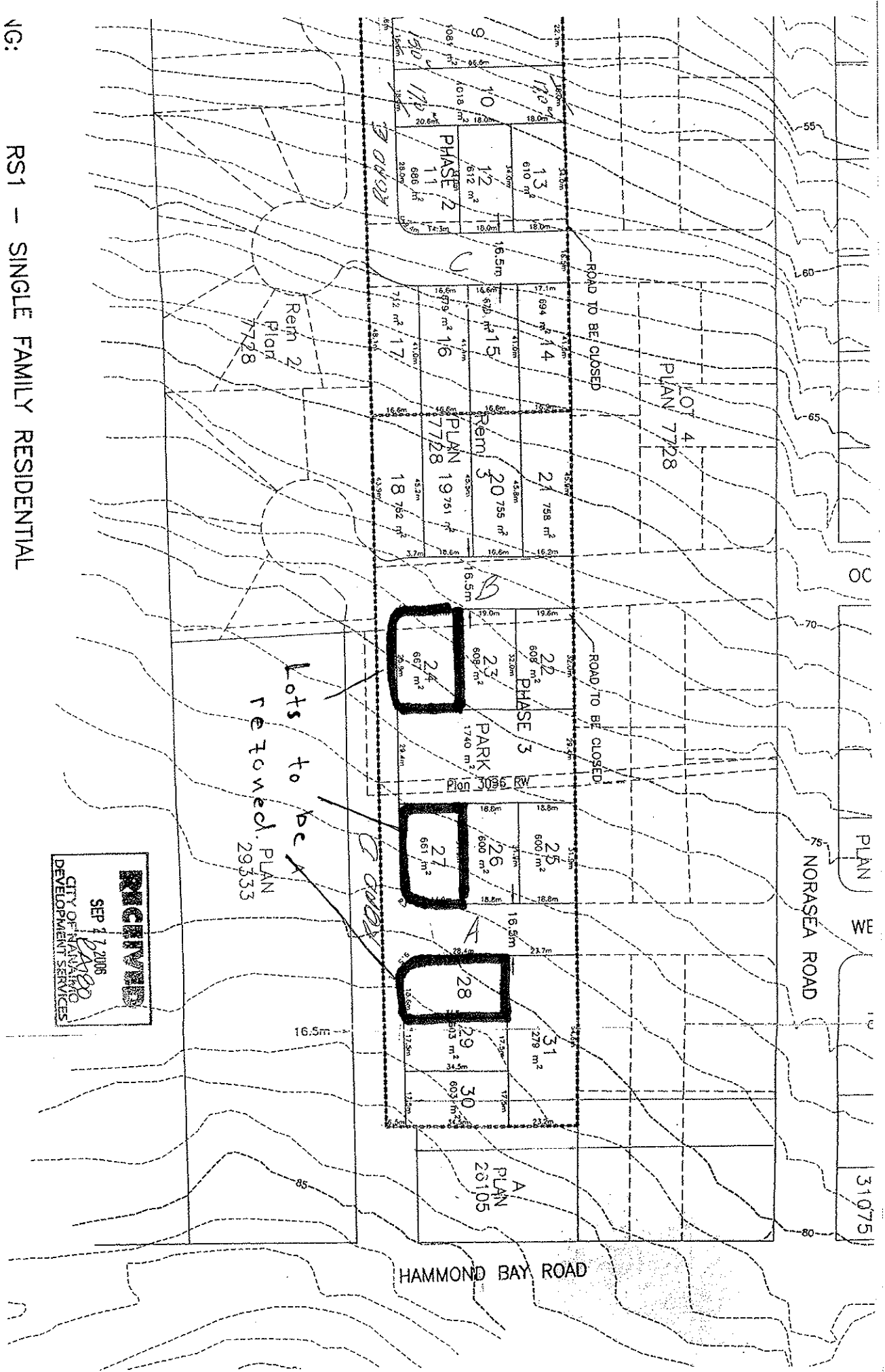
SCHEDULE A



File : RA000180
 Civic: 5640 Hammond Bay Road
 Lot 3, District Lot 40, Wellington District,
 Plan 7728, Except Plan 26105 and VIP76263 Park,
 VIP76265 and VIP76305

 Subject
 Property

SCHEDULE B



1G: RS1 - SINGLE FAMILY RESIDENTIAL

SCHEDULE C

1.2.2 Policies:

1.2.2.1 Neighbourhood Designation:

1. The predominant use in Neighbourhoods will be low density residential land uses. Other uses such as commercial or industrial uses will not generally be approved, except for commercial uses as otherwise permitted below and in section 1.1.2.4 Local Service Centres.
2. The target gross unit density for Neighbourhoods is 15 units per ha. (6 units per acre). For purposes of rezoning specific sites, average density should take into account the density of surrounding Neighbourhood designated land within approximately a 250 metre radius of the subject site. (6000.001; 1996-Nov.-25)
 - 2.1 A target mix of 60% single family and 40% multi-family should be used as a guide for achieving neighbourhood densities of 15 units per hectare. Land use patterns, which will evolve with the mixed housing form and densities proposed in Neighbourhood designated areas, may form a scattered, small block pattern rather than large areas of single family housing form and/or density. Redevelopment in existing Neighbourhood designated areas should consider the surrounding architecture, scale, densities, and lot and lane configuration when creating innovative designs which fit a variety of housing forms together and enhance the livability of the area. Details about the character of the mix of housing, whether fine-grain or block development, will be determined through Neighbourhood Planning. (6000.019; 1998-Oct-5)
 - 2.2 Notwithstanding policies 1.2.2.1 (2) and (5), a gross Neighbourhood density greater than 15 units per hectare is permitted in relation to density development calculations for properties known as 3199 and 3205 Granite Park Road (Parcel A [DD 382383] of Lot 1, Section 15, Wellington District, Plan 4509, except part in Plan 26067: AND Lot 2, Section 5, Wellington District, Plan 35119) and may be adjacent to existing multi-family zoned properties. (6000.050, 2004-May-17)
 - 2.3 Notwithstanding policies 1.2.2.1 (2) and (5), a gross Neighbourhood density of 12 units per hectare, with individual sites having a maximum net density of up to 25 units per hectare, is permitted on lots 1 - 77 contained within Plan VIP64065 (Lots 1 to 20, 43 to 56, and 67 to 77, District Lot 56, Wellington District, Plan VIP64065, AND Lots 38 to 42, 57 to 58, and 66, District Lots 41 AND 56, Wellington District, Plan VIP64065, AND Lots 21 to 37, 59 to 65, District Lot 41, Wellington District, Plan VIP64065) AND part of property known as 3800 Wiltshire Drive (part of Block B of District Lot 56, Wellington District, Except part in Plans VIP62182, VIP64065 and VIP64066). (Bylaw 6000.066, 2005-Oct-03)
3. Residential uses on Neighbourhood designated lands will include detached and semi-detached dwelling units, secondary suites, mobile homes, duplexes, triplexes, quadruplexes and ground-oriented townhouses.
 - 3.1 Properties where triplex and quadruplex housing forms are proposed must meet the following conditions:
 - quadruplex (four unit) developments are only encouraged on lots with lane access or on a corner lot. Notwithstanding, quadruplexes will be considered on large mid-block lots where the objectives of the Innovative Housing For Neighbourhood Guidelines are met. (6000.035, 2002-Apr.-08);

- mid-block lots without lane access may be considered for multiple family development provided they can comply with all requirements of section 1.2.2.1(5). (6000.011; 1998-Apr-20)
 - triplex (three units) and quadruplex (four units) developments must be consistent with the Innovative Housing for Neighbourhood Guidelines of section 8.2.21 of the Plan. (6000.011; 1998-Apr-20)
4. In detached housing areas, infill development will be designed to complement existing neighbourhood character and will maintain the ground oriented character of existing housing.
5. Rezoning for townhouse residential forms to a maximum density (net) of 25 units per ha. (10 units per acres) will be considered in Neighbourhood areas if: (6000.010; 1997-Sept.-22) (6000.011; 1998-Apr-20)
- the site generated traffic will not impact unduly on neighbourhood streets;
 - the site, or combined sites affected, are less than 1 ha.(2.47 acres) in total area; and
 - the site is well separated from other sites and would not result in a concentration of development at higher than the target density outlined in section 1.2.2.1 (2). (6000.001; 1996-Nov.-25)
- 5.1 Notwithstanding the above noted policies, "cluster/green space development" is permitted in "Neighbourhood" designated areas based on the following conditions:
- where significant stands of trees and/or large blocks of open space are secured;
 - where public access to these areas, where appropriate, is secured;
 - the form of "cluster/green space development" is either small lot single family dwellings (RS-6) or townhouses;
 - the height of dwellings does not exceed that of a standard single family dwelling;
 - the density of the development does not exceed the density possible based on subdivision of the parcel under existing zoning, and taking into account other relevant City policies and standard development requirements (i.e. net density not gross); and
 - the lot being considered for "cluster/green space development" is not so large as to negatively affect the character of the existing Neighbourhood.
(6000.040; 2002-Sept-16)
 - where Environmentally Sensitive Areas are present as defined in Schedule B – Development Permit Areas and Sensitive Areas. (6000.059; 2005-Apr-04)
- 5.2 Rezoning for triplex, quadruplex, townhouses and apartments to a maximum density of up to 0.45 floor area ratio and which will not be subject to the density limitations of other policies of this section or be considered in target density calculations of section 1.2.2.1 on adjacent Neighbourhood areas, may be considered where it is demonstrated that such development will enhance the appearance of development when viewed by the public from adjacent arterial roadways. Rezoning and development under this policy must:
- be consistent with design guidelines in section 8.2.21(4); and
 - have vehicle access to the site without routing traffic through adjacent attached residential dwelling areas.

Rezoning under this policy may be considered on:

- lands designated "Neighbourhood" on Schedule A and fronting on Northfield Road or fronting on Bowen Road between Meredith Road and Labieux Road; and
- the property known as 6010 Uplands Drive (Lot A, District Lot 48, Wellington District, Plan VIP53807), and (6000.061; 2005-Apr-04)
- The property known as 6231 Hammond Bay Road (Lot 7, District Lot 20, Wellington District, Plan 10912, Except part in Plan VIP55954). (6000.067, 2005-Oct-03)

5.3 Steep slope properties included in Development Permit Area 25 are exempt from policy 1.2.2.1 (5). Rezoning of these properties may be considered for additional density in exchange for the preservation of open space, provided:

- The building does not exceed four storeys in height; and
- The density does not exceed 20 units per hectare (8 units per acre), as outlined below.

% of Permanent Open Space**	20	30	40	50
Maximum Gross Density (upha)***	12.0 upha	13.5 upha	15.0 upha	20.0 upha
Density on Portion Exclusive of Open Space	15 upha	19 upha	25 upha	40 upha

** Open space shall be secured and shall not be further developed. Dedication of open space as park is preferred, however management through a land trust or strata corporation may be considered.

*** units per hectare" (6000.064; 2005-Aug-29)

5.4 Notwithstanding policy 1.2.2.1(5), a townhouse development up to 30 dwelling units is permitted on the properties known as 2450 Labieux Road AND Part of 2350 Labieux Road AND Part of 2517 Bowen Road (That part of Lot 1, Section 20, Range 6, Mountain District, Plan 10208, lying to the east of a boundary parallel to and perpendicularly distant 132 feet from the easterly boundary of said Lot, AND Part of Lot 3, Section 20, Range 6, Mountain District, Plan 44097 AND Part of Lot 1, Section 20, Range 6, Mountain District, Plan 44097) and may be adjacent to the existing townhouse development. (6000.044; 2004-Apr-19)

5.5 Notwithstanding policy 1.2.2.1 (1), Office is a permitted use on the properties known as 3679 Shenton Road AND 3701 Shenton Road AND 3711 Shenton Road AND 3721 Shenton Road AND 3767 Shenton Road AND 3789 Shenton Road (Lot 2, Section 3, Wellington District, Plan 13166, AND Lot 1, Section 3, Wellington District, Plan 13166 AND Lot D, Section 3, Wellington District, Plan 16387 AND Lot C, Section 3, Wellington District, Plan 16387 AND Lot B, Section 3, Wellington District, Plan 16387, except that part in Plan VIP64719 AND Lot A, Section 3, Wellington District, Plan 16387) (6000.059; 2005-Apr-04)

6. Home-based business secondary to the principal residence will be permitted provided that such businesses are compatible with existing adjacent uses and the environment. (6000.001; 1996-Nov-25)

6.1 Churches which provide a place of worship and associated activities are permitted under site specific conditions which maintain the neighbourhood character. (6000.001; 1996-Nov-25)

7. Building height will be limited to that generally permitted by zoning for detached dwellings.
8. Through the neighbourhood planning process, residential densities of up to 50 units per ha (20 units per acre) will be considered on non local roads close to Town Centre boundaries where:
 - the general livability of existing neighbourhoods is enhanced;
 - areas are already in transition to higher density residential and commercial uses; and
 - the area is well serviced (i.e. has excess capacity) with schools or committed school sites, parks and open space and community facilities.
9. In new development and subdivisions, a variety of lot sizes and building forms will be encouraged.
10. Residential facilities in existing single family dwellings and/or purpose-built facilities that fit within the neighbourhood's form and character will be encouraged and will be equitably distributed among neighbourhoods. (6000.024; 1999-Oct-04)
- 10.1 Notwithstanding policy 1.2.2.1 (10), a Seniors' Residential Facility of up to 75 rooms is a permitted use on the site collectively known as 6121 Hammond Bay Road (All That Part of Lot 4, District Lot 20, Wellington District, Plan 10912 Lying to the East of a Boundary Parallel to and Perpendicularly Distant 121 Feet Westerly from the East Boundary of Said Lot 4, PID 001-428-268) and 6151 Hammond Bay Road (That Part of Lot 4, District Lot 20, Wellington District, Plan 10912, Lying to the West of a Boundary Parallel to and Perpendicularly Distant 121 Feet from the East Boundary of Said Lot, PID 005-157-307) (6000.056; 2004-Oct-18)
11. Historic structures, places and trees will be preserved in neighbourhoods throughout the city. (see Heritage and Tree Bylaw).
12. Opportunities for outdoor recreation will be enhanced. (see section 1.3 Parks and Open Space).
13. Commercial services are permitted in Neighbourhood designated areas in accordance with the following conditions: (6000.001; 1996-Nov.-25)
 - They are located only in designated Local Service Centres or Corner Stores.
 - The general location of Local Service Centres are shown on Schedule A Future Land Use and Mobility (see section 1.1.2.4 Local Service Centre Designation).
 - Corner stores are retail stores intended for meeting local shopping needs of neighbourhood residents with a net retail floor area of generally less than 100 sq. metres (1,076 sq.ft.). They will be permitted in all neighbourhoods. (6000.009; 1997-Sept.-22)
 - The location of Corner Stores will be determined through neighbourhood review of zoning proposals or the development of neighbourhood plans in existing neighbourhoods and through the process of subdivision design and approval in new neighbourhoods.
 - Corner Stores will not generally be required to have off-street parking.
 - Only residential uses will be permitted in second and third storeys above Corner Stores.

14. Where Neighbourhoods abut Enterprise Areas, future land use approvals and subdivision should provide for adequate buffers and setbacks between residential and industrial activities.
15. Secured and gated developments will not be permitted in either Neighbourhood or Suburban Neighbourhood designation.
16. Open spaces generated as part of a patio home/townhouse development can permit either public or private use. Staff is encouraged to negotiate the best option for all. The residents' preferred option would be for this land to be made available for public use.
17. Developers are encouraged to maintain large stands of natural vegetation (trees and ground cover) as part of their development.
18. Rock outcrops and other significant topographic features should be sensitively incorporated into developments.
19. Significant manipulation of a site's natural contours and topographic features is discouraged. (6000.034; 2001-Oct.-22)

Chase River Neighbourhood

Housing

20. Development of housing in "Neighbourhood" designated areas will continue to be regulated through the policies of the Official Community Plan.
21. In an effort to achieve additional onsite open space and/or protect environmentally sensitive areas, cluster housing and cluster subdivisions are strongly encouraged.

Special Needs Housing

Examples of special needs housing are: a seniors' facility; a transition house for battered women, drug and alcohol rehabilitation facility or a group home for people who are mentally and/or physically challenged.

22. Special Needs Housing, will be supported in "Neighbourhood" designated areas if it complies with the housing and Neighbourhood policies outlined in the Official Community Plan.

Road Network

The majority of Chase River residents live along the Extension Road corridor. Residents of this area have limited vehicular access to their neighbourhood. The existing access to the Cinnabar Valley is not considered adequate by residents in regard to safety (i.e. access for emergency vehicles.) Given the low densities proposed, additional road access is a long-term goal.

23. Consideration should be given to developing an emergency access, in the event that the primary access along Cranberry Avenue/Extension Road becomes blocked.
24. Should the City of Nanaimo undertake a review of options for the alignment and design of a secondary road access from the Cinnabar Valley, a public participation component must be undertaken.

Road and Boulevard Design

25. The implementation of "Landscaping in City Streets" guidelines is required as part of subdivision, development permit and rezoning applications.
26. Where appropriate, the use of traffic calming measures, per the specifications outlined in the Transportation Association of Canada document titled "Canadian Guidelines For Traffic Calming" is encouraged.
27. All medians and areas between the edge of pavement and private property lines must be landscaped (i.e. vegetation and/or ornamental paved treatment, e.g. river rock.)
28. Raised concrete is preferred over asphalt walking shoulders as part of any road rehabilitation projects. Asphalt walking shoulders are not supported due to the ease with which they can be mounted by vehicles and/or utilized for road side parking. (6000.023; 1999-Apr-26)

1.2.2.2 Suburban Neighbourhood Designation

1. Lands outside the Parkway but within the UCB with suburban zoning (such as RS1) at the time the Plan is adopted are generally designated "Suburban Neighbourhood".
2. Rezoning of Suburban Neighbourhood Designated lands to permit single detached dwellings or cluster housing, may be considered provided that the maximum number of residential units on a site is eight (8) units per hectare multiplied by the total site area. (6000.011; 1998-Apr-20)
- 2.1 RV Parks and Campgrounds will not be subject to the density limitations of section 1.2.2.2 (2). (6000.015; 1998-May-11)
3. A clustered design of suburban subdivision is encouraged in order to better protect environmentally sensitive features, agricultural and forest activities and rural character. Clustered housing (see 0.3 Glossary) in these circumstances, may include townhouse building form. This may enable the maximum unit density of eight (8) units per hectare to be achieved on sites where other regulations such as leave strips are in effect. (6000.011; 1998-Apr-20)
4. The predominant use in Suburban Neighbourhoods will be low density residential land uses including:
 - single detached dwellings;
 - clustered housing (see glossary);
 - mobile homes;
 - RV Parks and Campgrounds; (6000.015; 1998-May-11)
 - park and recreation uses; and
 - resources uses that are compatible with Suburban land use (e.g., small scale farming, woodlots).
5. Building height will be limited to that generally permitted by zoning for detached dwellings. (6000.011; 1998-Apr-20)
6. Corner Stores and Local Service Centres will be permitted in the Suburban designation subject to section 1.1.2.4 and section 1.2.2.1(13).
7. Residential facilities in existing single family dwellings and/or purpose-built facilities that fit within the neighbourhood's form and character will be encouraged. Such facilities are to be equitably distributed among Neighbourhoods. Such facilities are

SCHEDULE D

PART 6- SINGLE FAMILY RESIDENTIAL ZONES

6.1. SINGLE FAMILY RESIDENTIAL ZONE - (RS-1/RS-1a) (4000.275; 2001-Jan-08)

This zone provides for low density urban or suburban type residential development.

6.1.1. PERMITTED USES (4000.075; 1995-Jan-23) (4000.178; 1998-Feb-02)

Bed and Breakfast, subject to Part 5
Boarding or Lodging, subject to Part 5
Secondary Suite (4000.366; 2005-Feb-07)
Single Family Dwellings

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6.1.2. CONDITIONS OF USE (4000.327; 2003-Aug-18) (4000.362; 2004-Nov-01)

- 6.1.2.1. The gross floor area of a single-family dwelling shall exceed a gross floor area of 87 square metres (936.49 square feet).
- 6.1.2.2. The floor area ratio of a principal dwelling shall not exceed 0.55 or a gross floor area of 390.18 square metres (4,200 square feet).
- 6.1.2.3. Notwithstanding Subsection 6.1.2.2., where a dwelling consists of three or more storeys entirely above finished grade on the rear elevation, the gross floor area may be increased as follows provided that the building footprint does not exceed 185.8 square metres (2,000 square feet):

Lot Size	Maximum Gross Floor Area
< 1,000 square metres (10,764 square feet)	390.18 square metres (4,200 square feet)
≥ 1,000 square metres (10,764 square feet)	464.5 square metres (5,000 square feet)

- 6.1.2.4. Notwithstanding Subsection 6.1.2.2. and 6.1.2.3., on those properties with a sub-designation "a" the floor area ratio of the principal dwelling shall not exceed 0.4 or a maximum gross floor area of 300 square metres (3,229 square feet).
- 6.1.2.5. Lots equal to or exceeding 1,666.66 square metres (17,940 square feet) in area are exempt from the requirements of Subsections 6.1.2.2. through 6.1.2.4.. For the purposes of this subsection, where a lot abuts a watercourse identified in Schedule "G" or a lot is subject to a geotechnical setback, the required leavestrip(s) shall not be included in the calculation of lot area.

6.1.3. DENSITY

- 6.1.3.1. Not more than one single family dwelling shall be permitted per lot.
- 6.1.3.2. Notwithstanding Subsection 6.1.3.1., one additional single family dwelling shall be permitted on a lot exceeding 0.4 hectares (one acre) in area.

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6.1.4. LOT AREA

- 6.1.4.1. The minimum lot area shall not be less than 600 square metres (6,459 square feet), serviced by a community water system, a community sanitary sewer system and a storm drainage system.
- 6.1.4.2. Notwithstanding Subsection 6.1.4.1., where a lot contains or abuts a watercourse identified in Schedule G, the required leave strip shall not be included in the calculation of minimum lot area. (4000.255; 1999-Sep-13) (4000.303; 2002-Jul-29)
- 6.1.4.3. Deleted (4000.126; 1995-Dec-18) (4000.255; 1999-Sep-13)

6.1.5. LOT COVERAGE

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

6.1.6. YARD REQUIREMENTS

- 6.1.6.1. A front yard of not less than 6 metres (19.69 feet) shall be provided.
- 6.1.6.2. Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet).
- (a) Notwithstanding Subsection 6.1.6.2., the side yard adjoining the flanking street shall not be less than 1.5 metres (4.92 feet) if the flanking street is a lane. (4000.075; 1995-Jan-23)
- 6.1.6.3. A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres (4.92 feet) shall be provided for an accessory building. (4000.178; 1998-Feb-02)
- 6.1.6.4. Notwithstanding Subsections 6.1.6.1. to 6.1.6.3., general provisions in Part 5 for the siting of buildings on watercourses and major roads will also apply.

6.1.7. HEIGHT OF BUILDINGS (4000.275; 2001-Jan-08)

- 6.1.7.1. The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (\geq 4:12) *	8.25 metres (27.06 feet)

* for an area of at least 80% of all roof surfaces measured in plan view.

- 6.1.7.2. In addition to Subsection 6.1.7.1., for those properties identified on Schedule H, the maximum height of a principal building may be increased as shown in the following table:

Roof Pitch	Maximum Height
A sloped roof ($\geq 8:12$) *	8.53 metres (28 feet)
A sloped roof ($\geq 10:12$) *	9.14 metres (30 feet)

* for an area of at least 80% of all roof surfaces measured in plan view.

- 6.1.7.3 Notwithstanding Subsection 6.1.7.1. and 6.1.7.2., on lots less than 1,666.66 square metres (17,940.36 square feet) the height of a principal dwelling may also be measured from curb level of the highest street abutting the property as outlined in the following table:

Roof Pitch	Maximum Height
A flat roof ($< 4:12$)	3 metres (9.84 feet)
A sloped roof ($\geq 4:12$) *	5 metres (16.4 feet)

* for an area of at least 80% of all roof surfaces measured in plan view.

(4000.327; 2003-Aug-18)

- 6.1.7.4. The height of an accessory building shall not exceed 4.5 metres (14.76 feet).

6.1.8. MAXIMUM PERIMETER WALL HEIGHTS (4000.275; 2001-Jan-08)

- 6.1.8.1. The perimeter wall height of the principal dwelling shall not exceed 7.32 metres (24 feet). The maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14 metres (30 feet), provided:

- (a) any rear wall face over 7.32 metres (24 feet) in height is a minimum of 10 metres (32.8 feet) from the rear property line;
 - (b) no wall face over 7.32 metres (24 feet) in height shall exceed 7.32 metres (24 feet) in width and must be offset by a minimum of .61 metres (2 feet) from any adjacent wall over 7.32 metres (24 feet) in height;
 - (c) any eave or gable end associated with a wall face over 7.32 metres (24 feet) in height must not exceed 8.53 metres (28 feet) in width and must be offset by at least 0.61 metres (2 feet) from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32 metres (24 feet) in height.
- (4000.327; 2003-Aug-18) (4000.362; 2004-Nov-01)

- 6.1.8.2. Notwithstanding 6.1.8.1., for those properties with a sub-designation "a" the perimeter wall height shall not exceed 6.1 metres (20 feet). The maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 7.32 metres (24 feet) provided:

- (a) any rear wall face over 6.1 metres (20 feet) in height is a minimum of 10 metres (32.8 feet) from the rear property line;
- (b) no wall face over 6.1 metres (20 feet) in height shall exceed 7.32 metres (24 feet) in width and must be offset by a minimum of .61 metres (2 feet) from any adjacent wall over 6.1 metres (20 feet) in height;

- (c) any eave or gable end associated with a wall face over 6.1 metres (20 feet) in height must not exceed 8.53 metres (28 feet) in width and must be offset by at least 0.61 metres (2 feet) from any adjacent eave or gable end which is associated with any adjacent wall face over 6.1 metres (20 feet) in height.
(4000.327; 2003-Aug-18) (4000.362; 2004-Nov-01)

6.1.8.3. The following are exempt from the calculation of perimeter wall height:

1. Gable ends;
2. Dormers, to a maximum of 25% of the wall length; and
3. Localized depressions.

6.1.8.4. Dormers, covered decks, or additional wall height above the maximum perimeter wall height must be setback a minimum of 2.44 metres (8 feet) from the perimeter wall.

6.1.8.5. Notwithstanding Section 6.1.8.3., when a principle dwelling exceeds 8.25 metres in height, any gable end, dormer, covered deck, or wall face above the maximum perimeter wall face must be setback a minimum of 3.96 metres (13 feet) from any internal side lot line.

6.1.9. HEIGHT OF FENCES

6.1.9.1. The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard.

6.1.9.2. The height of a fence shall not exceed 2.4 metres (7.87 ft.) in any side or rear yard.

6.1.9.3. In the case of a corner lot, the height of a fence shall not exceed 1.8 metres (5.9 feet) when sited in a flanking side yard. (4000.075; 1995-Jan-23) (4000.362; 2004-Nov-01)

6.1.9.4. Notwithstanding Subsections 6.1.9.1. to 6.1.9.3., fence heights are subject to the general provisions set out in Part 5, "Visibility at Intersections", "Fence Heights", and "Height Exemptions".

6.1.10. OFF-STREET PARKING

Deleted (4000.296; 2002-Apr-22)

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SCHEDULE E

PART 7 - MULTIPLE FAMILY RESIDENTIAL ZONES

7.1. RESIDENTIAL DUPLEX ZONE - (RM-1/RM-1a) (4000.275; 2001-Jan-08)

This zone provides for two family dwellings on a residential lot.

7.1.1. PERMITTED USES (4000.075; 1995-Jan-23) (4000.178; 1998-Feb-02)

Bed and Breakfast, subject to Part 5

Boarding or Lodging, Subject to Part 5

Duplex

Single Family Dwellings, subject to Subsections: (4000.275; 2001-Jan-08)

- 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

7.1.2. CONDITIONS OF USE (4000.275; 2001-Jan-08) (4000.362; 2004-Nov-01)

- 7.1.2.1. No storage or refuse receptacle area shall be permitted in the front yard setback.
- 7.1.2.2. The floor area ratio of a duplex shall not exceed 0.55, or a gross floor area of 418 square metres (4,500 square feet). (4000.362; 2004-Nov-01)
- 7.1.2.3. Notwithstanding Subsection 7.1.2.2., on those properties with a sub-designation 'a', the floor area ratio of the principal dwelling shall not exceed 0.4, or a maximum gross floor area of 353 square metres (3,800 square feet).
- 7.1.2.4. Lots equal to or exceeding 0.2 hectares (0.49 acres) in area are exempt from the requirements of Subsections 7.1.2.2. and 7.1.2.3. For the purposes of this section, where a lot abuts a watercourse identified in Schedule G, or where a lot is subject to a geotechnical setback, the required leave strip(s) shall not be included in the calculation of lot area.

7.1.3. DENSITY

Not more than one duplex shall be permitted per lot.

7.1.4. LOT AREA

- 7.1.4.1. The minimum lot area shall not be less than 750 square metres (8,073 square feet), serviced by a community water system, a community sanitary sewer system, and a storm drainage system.
- 7.1.4.2. Notwithstanding Subsection 7.1.4.1., where a lot contains or abuts a watercourse identified in Schedule G, the required leave strip shall not be included in the calculation of minimum lot area. (4000.255; 1999-Sep-13) (4000.303; 2002-Jul-29)
- 7.1.4.3. Deleted (4000.126; 1995-Dec-18) (4000.255; 1999-Sep-13)

7.1.5. **LOT COVERAGE**

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

7.1.6. **YARD REQUIREMENTS**

- 7.1.6.1. A front yard of not less than 6 metres (19.69 feet) shall be provided.
- 7.1.6.2. Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet).
- 7.1.6.3. A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building. A rear yard of not less than 3 metres (9.84 feet) shall be provided for an accessory building.
- 7.1.6.4. Notwithstanding Subsections 7.1.6.1. to 7.1.6.3., general regulations in Part 5 for the siting of buildings on watercourses and major roads will also apply.

7.1.7. **HEIGHT OF BUILDINGS (4000.275; 2001-Jan-08)**

- 7.1.7.1. The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (\geq 4:12) *	8.25 metres (27.06 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

- 7.1.7.2. In addition to Subsection 7.1.7.1., for those properties identified on Schedule H, the maximum height of a principal building may be increased as shown in the following table:

Roof Pitch	Maximum Height
A sloped roof (\geq 8:12) *	8.53 metres (28 feet)
A sloped roof (\geq 10:12) *	9.14 metres (30 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

- 7.1.7.3. The height of an accessory building shall not exceed 4.5 metres (14.76 feet).

7.1.8. **MAXIMUM PERIMETER WALL HEIGHTS (4000.275; 2001-Jan-08)**

- 7.1.8.1. The perimeter wall height of the principal building shall not exceed 7.32 metres (24 feet).
- 7.1.8.2. Notwithstanding 7.1.8.1., for those properties with a sub-designation 'a', the perimeter wall height shall not exceed 6.1 metres (20 feet).

7.1.8.3. The following are exempt from the calculation of perimeter wall height:

1. Gable ends;
2. Dormers, to a maximum of 25% of the wall length; and
3. Localized depressions.

7.1.8.4. Dormers, covered decks, or additional wall height above the maximum perimeter wall height must be setback a minimum of 2.44 metres (8 feet) from the perimeter wall.

7.1.8.5. Notwithstanding Section 7.1.8.3., when a principle dwelling exceeds 8.25 metres in height, any gable end, dormer, covered deck, or wall face above the maximum perimeter wall face must be setback a minimum of 3.96 metres (13 feet) from any internal side lot line.

7.1.9. **HEIGHT OF FENCES** (4000.275; 2001-Jan-08)

7.1.9.1. The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard.

7.1.9.2. The height of a fence shall not exceed 2.4 metres (7.87 feet) in any side or rear yard.

7.1.9.3. In the case of a corner lot, the height of a fence shall not exceed 1.8 metres (5.9 feet) when sited in a flanking side yard. (4000.075; 1995-Jan-23) (4000.362; 2004-Nov-01)

7.1.9.4. Notwithstanding Subsections 7.1.8.1. to 7.1.8.3., fence heights are subject to the general provisions set out in Part 5, "Visibility at Intersections", "Fence Heights", and "Height Exemptions".

7.1.10. **OFF-STREET PARKING** (4000.275; 2001-Jan-08) Deleted (4000.296; 2002-Apr-22)