

AGENDA FOR THE 2004-DEC-06 MEETING  
OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE,  
TO BE HELD IN THE BOARD ROOM, CITY HALL, COMMENCING AT 3:30 P.M.

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1. ADOPTION OF MINUTES:
2. INTRODUCTION OF LATE ITEMS:
3. RECEIVING OF DELEGATIONS: *(green)* (10 MINUTES)
4. REPORTS OF ADVISORY BODIES: *(tan)*
5. CITY MANAGER'S REPORT: *(blue)*  
As attached.
6. INFORMATION ONLY ITEMS: *(white)*
7. CORRESPONDENCE: *(pink)*
8. NOTICE OF MOTION:
9. CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:
10. QUESTION PERIOD: *(Agenda Items Only)*
11. ADJOURNMENT:

## PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE

2004 DEC 06

TO: The Members of the Committee

(5) **CITY MANAGER'S REPORT:**

**DEVELOPMENT SERVICES:**

**PLANNING:**

(1) **Amendments to Zoning Bylaw - Downtown Zoning**

In recognition of the impact of changing market conditions on Nanaimo's downtown, the area has been subject to many years of research and review that included extensive public consultation and resulted in the publication of numerous planning documents. For example, Downtown Design Guidelines were produced in the mid 1980's, followed by a Downtown Concept Plan in 1993 and a Height and Density Study in 1994.

Following publication of these reference documents, the Spaxman Consulting Group was involved with the creation of the Nanaimo Downtown Plan Reference Document, with the intent being that this document form the policy basis for the implementation of new Downtown zoning. This report addresses both minor refinements to the Nanaimo Downtown Plan, and the development of the proposed downtown zones.

With the completion of the Nanaimo Downtown Plan, the Spaxman Consulting Group was subsequently hired to prepare a draft of the new downtown zones. In order to assist in the review of the draft zoning, a Downtown Zoning Stakeholders Group was formed. This Stakeholders Group involved residents of Nanaimo, including the Nanaimo Old City Quarter Association, the Nanaimo City Centre Association, the Nanaimo Old City Neighbourhood Association, the Neighbours of Nob Hill, the Downtown Nanaimo Partnership, the Southend Citizen's Association, the Neighbourhood Enhancement Action Team, as well as business and property owners, City Councillors, and the general public. The Spaxman Consulting Group met regularly with the Stakeholders Group to review the zoning and receive input. Following this, a public open house was held to receive input from the community at large. The initial public consultation phase ended October 2003, and since that time Staff have been working on refinements of the document itself.

The Nanaimo Downtown Plan Reference Document expresses a vision for the downtown area, which can be summarized into six guiding principles:

- Encourage living Downtown;
- Improve and stabilize the Downtown economy;
- Integrate and coordinate arts, culture and entertainment facilities and programs;
- Provide better linkages within Downtown and the Waterfront;
- Conserve and enhance the scale and historic character of Commercial Street; and
- Provide convenient public transportation.

As well, where the Downtown had previously been treated as a "blanket" area, this new Plan recognizes that the downtown is made up of unique character areas, and provides development guidelines to strengthen the special characteristics for each of these. For example, the Plan discusses the various uses, densities, and design guidelines that may be appropriate for each of the character areas in order to reflect the existing character and focus of each.

It should also be noted that, while the Nanaimo Downtown Plan remains a reference document, portions of this Plan have been incorporated into the City's Official Community Plan. Specifically, that portion of the Plan dealing with policies for: economic development; arts, culture and entertainment; housing and community development; transportation systems; parks, open space and recreation; historic preservation; natural environment; and urban design were adopted as Section 7.0 of the Official Community Plan in May of 2002.

Following completion of this Plan, work continued on developing new zones for the downtown area. During this review, it was noted that several refinements to the Plan were necessary in order to preserve the character of the area. Proposed amendments to the Plan include refinement of those areas identified for high rise development, and inclusion of development guidelines for these areas.

The Plan originally identified three locations for development of high rise buildings in the downtown area. These included Chapel Front, Harbour Park, and Quennell Square. Input received from the public and various agencies during initial development of the downtown zones has resulted in the Downtown Stakeholders Group recommending proposed revisions to the high rise areas. Specifically, it was recommended that no high rise area be identified for Quennell Square, and that the Chapel Front area be amended to include those properties adjacent to Front Street.

In addition to the above-noted amendments, the updates to the Downtown Plan are also intended to recognize the hotel tower that is to be constructed as part of the conference centre development.

The proposed development guidelines for the high rise areas, which are proposed to be included within the Downtown Reference Document, will further address minimum lot area, height and setbacks, separation between towers, and maximum floor plates.

A total of seven new zones (C-24 to C-30) are proposed for the downtown area and inclusion into the City's Zoning Bylaw. These new zones are a marked departure from existing regulations as they are designed to reflect the character of each individual area. Each of the seven new zones allows for a number of permitted uses that are considered to result in positive development and activities within a given area. At the same time, maximum heights and densities, conditions of use, and yard requirements are designed to reflect the character of an area. For those areas affected by the high rise zones, maximum heights have been set at six storeys. Any proposal for a building in excess of this limit would be required to make application for a zoning amendment.

It should also be noted that these proposed zones are subject to new formatting that is very distinct from the majority of the zoning bylaw. These zones are designed to include a location map for quick reference to the area in question, and to include a series of diagrams to visually assist in determining heights and setbacks. These maps and diagrams are not intended to be adopted as part of the regulatory aspect of the bylaw, but rather, to act as an informational tool. This new formatting is intended to enhance the Zoning Bylaw by creating a more efficient, effective document. This formatting will be incorporated into the remainder of the Bylaw as periodic amendments take place.

Finally, should these proposed downtown zones be adopted, the next stage of this process for enhancing the downtown area will be to create new design guidelines for the area. It is expected that this will take place over the next 12 months.

Recommendations: That the Planning, Environment and Development Standing Committee recommend that Council:

1. consider giving first and second readings to "ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.365" (see Schedule "B" attached - formal bylaw to be distributed at the meeting); and
2. approve the proposed amendments to the "Nanaimo Downtown Plan Reference Document, April 2002 (see Schedule "A" attached).

(2) Stratification of Recreational Vehicle and Mobile Home Parks

At the Regular Meeting of Council held 2004-SEP-27, Council received a Staff report regarding stratification of RV parks and the applicability of Council's existing strata policy. At the meeting, Council directed Staff to bring forward a further report to the PEDSC with options for revising this policy.

Council has had a long-standing policy (adopted August, 1990) that strata conversion will not be supported when the vacancy rate is below 4 percent. The primary purpose of this policy is to ensure an adequate stock of affordable rental accommodation within the community (Plan Nanaimo also contains policy for reviewing stratification of rental buildings however it differs in both wording and vacancy rate [3 percent]).

Plan Nanaimo refers to the conversion of "Rental Buildings" versus Council's policy as it relates to "Strata Conversion" in general. Staff believe these two policies need to be consolidated in wording and intent.

The purpose of Council's vacancy policies, which discourage stratification during times of low vacancy rates, is one tool used to encourage housing affordability. The vacancy rate in Nanaimo is approximately 1.2 percent (CMHC October, 2002 - 2004 rates are to be released end of December). As such, Council's policies discourage strata conversion at this time.

The vacancy rate is established based on vacancies within rental accommodations. The rate does not include vacancies in mobile homes or recreational vehicle parks.

As existing RV parks are either extensions of existing campgrounds or have evolved from previous campgrounds, vacancy rates are likely low in the summer tourist season with expected higher vacancies in the winter or off-season.

Staff believe the CMHC vacancy rate, although not specific to mobile home or recreational vehicle parks, does not provide a suitable snapshot to evaluate the availability of housing rental stock.

In addition to affordability, existing housing policies focus on providing housing options throughout the community. This includes options for both form and tenure. While there are a number of mobile home parks within Nanaimo, there are presently only three recreational vehicle parks in the community.

- Resort on the Lake, (150 sites)
- Westwood Lake RV Park (28 sites)
- Living Forest RV Park (200 sites)

Although all mobile home parks within Nanaimo are rental, the zoning does provide for the ability to stratify. Unlike the RM8 (Mobile Home Park Zone), the RV1 (Recreational Vehicle Park Zone) does not permit stratification. By maintaining the status quo in permitting strata in only mobile home parks, Council is able to ensure a long-term housing choice within the mobile housing form.

Campgrounds and RV parks have been historically treated as transitional uses or holding properties when included within municipal boundaries. As growth increases and areas densify, campgrounds are redeveloped in keeping with the surrounding land uses. However once stratified, ownership divided among strata members would become extremely unlikely that the use would discontinue in the foreseeable future. What was once a temporary or transitional use would now become a permanent fixture within the fabric of the community.

With respect to Council's original direction, there are three principal options:

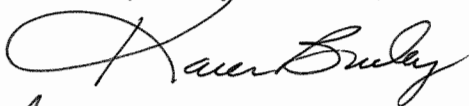

- A. Amend the current Council policy to clarify that it does apply to mobile home and RV parks (no strata based on current vacancy rates).
- B. Amend current Council policy to clarify that it does not apply to mobile home or RV parks.
- C. Establish a new policy for stratification for mobile home and RV park applications requiring applications to be considered on their own merits with consideration given to
  - demonstrated availability of rental pads within the community,
  - ability to comply with the RV or Mobile Homes Parks Bylaw,
  - impact on surrounding community, and
  - compliance with goals and objectives of the Official Community Plan
- D. Clarify that Council does not support the stratification of recreational vehicle parks.

Staff recommend Option D and that the strata conversion policies be consolidated in regards to wording and intent.

Recommendations: That the Planning, Environment and Development Standing Committee recommend that Council:

1. amend Council's strata policy line to 3 percent as per the Official Community Plan (OCP);
2. amend the OCP Strata Conversion wording to include all residential development; and
3. adopt a new policy not supporting the stratification of recreational vehicle parks.

Respectfully Submitted,

  
 G. D. Berry  
CITY MANAGER

## FOR CITY MANAGER'S REPORT

REPORT TO: PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE

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

RE: AMENDMENTS TO ZONING BYLAW NO. 4000 (DOWNTOWN ZONING)

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### RECOMMENDATION:

The PEDSC recommends that Council:

1. Give first and second readings to the proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000"; and
2. Approve the proposed amendments to the Nanaimo Downtown Plan Reference Document, April 2002.

### BACKGROUND:

In recognition of the impact of changing market conditions on Nanaimo's downtown, the area has been subject to many years of research and review that included extensive public consultation and resulted in the publication of numerous planning documents. For example, Downtown Design Guidelines were produced in the mid 1980's, followed by a Downtown Concept Plan in 1993 and a Height and Density Study in 1994.

Following publication of these reference documents, the Spaxman Consulting Group was involved with the creation of the Nanaimo Downtown Plan Reference Document with the intent being that this document form the policy basis for the implementation of new Downtown zoning. This report addresses both minor refinements to the Nanaimo Downtown Plan, and the development of the proposed downtown zones.

With the completion of the Nanaimo Downtown Plan, the Spaxman Consulting Group was subsequently hired to prepare a draft of the new downtown zones. In order to assist in the review of the draft zoning, a Downtown Zoning Stakeholders Group was formed. This Stakeholders Group involved residents of Nanaimo, including the Nanaimo Old City Quarter Association, the Nanaimo City Centre Association, the Nanaimo Old City Neighbourhood Association, the Neighbours of Nob Hill, the Downtown Nanaimo Partnership, the Southend Citizen's Association, the Neighbourhood Enhancement Action Team, as well as business and property owners, city councillors, and the general public. The Spaxman Consulting Group met regularly with the Stakeholders Group to review the zoning and receive input. Following this, a public open house was held to receive input from the community at large. The draft bylaw is a reflection of all input received throughout the process. The initial public consultation phase ended October 2003, and since that time, staff has been working on refinements of the document itself.

☐ Council  
☒ Committee PEDSC  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2004-DEC-06

5(1)1

### Nanaimo Downtown Plan Reference Document

The Nanaimo Downtown Plan Reference Document expresses a vision for the downtown area, which can be summarized into six guiding principles:

1. Encourage living Downtown;
2. Improve and stabilize the Downtown economy;
3. Integrate and coordinate arts, culture and entertainment facilities and programs;
4. Provide better linkages within Downtown and the Waterfront;
5. Conserve and enhance the scale and historic character of Commercial Street; and
6. Provide convenient public transportation.

As well, where the Downtown had previously been treated as a “blanket” area, this new Plan recognizes that the downtown is made up of unique character areas, and provides development guidelines to strengthen the special characteristics for each of these. For example, the Plan discusses the various uses, densities, and design guidelines that may be appropriate for each of the character areas in order to reflect the existing character and focus of each.

It should also be noted that, while the Nanaimo Downtown Plan remains a reference document, portions of this Plan have been incorporated into the City of Nanaimo “OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000.” Specifically, that portion of the Plan dealing with policies for: economic development; arts, culture and entertainment; housing and community development; transportation systems; parks, open space and recreation; historic preservation; natural environment; and urban design were adopted as Section 7.0 of the Official Community Plan in May of 2002.

Following completion of this Plan, work continued on developing new zones for the downtown area. During this review, it was noted that several refinements to the Plan were necessary in order to preserve the character of the area. Proposed amendments to the Plan (*see Schedule 'A'*) include refinement of those areas identified for high rise development, and inclusion of development guidelines for these areas.

The Plan originally identified three locations for development of high rise buildings in the downtown area. These included Chapel Front, Harbour Park, and Quennell Square. Input received from the public and various agencies during initial development of the downtown zones has resulted in the Downtown Stakeholders Group recommending proposed revisions to the high rise areas. Specifically, it was recommended that no high rise area be identified for Quennell Square, and that the Chapel Front area be amended to include those properties adjacent to Front Street. The recent approval of the Nanaimo Conference Centre also lends itself to identification of a new high rise area specifically for development of the hotel attached to the conference centre.

The proposed development guidelines for the high rise areas are intended to further address minimum lot area, height and setbacks, separation between towers, and maximum floor plates.



### Proposed Downtown Zones

As previously mentioned, the development of new downtown zones is intended to supplement those policies and actions contained within the Nanaimo Downtown Plan. Originally developed by the Spaxman Consulting Group, the proposed zones have continued to be refined, and input received from various groups, including neighbourhood associations, business and property owners, city councillors, the Nanaimo Port Authority, Ministry of Transportation, and the general public. In addition to numerous meetings of the Downtown Stakeholders Group, a series of working lunches and open houses have also taken place.

A total of seven new zones (C-24 to C-30) are proposed for the downtown area and inclusion into the CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000", with one of these, C-29, including a sub-designation to specifically address the hotel proposed as part of the future Nanaimo Conference Centre. While this sub-designation is subject to the regulations set out in the C-29 zone, it retains its own set of requirements with respect to height and density.

New uses have also been identified and included as part of these amendments. This is a result of trying to address the form of development that is desired and/or needed within the downtown area. New uses include artist studios, live/work studios, bingo halls and theatres, and laboratories and drug addiction treatment facilities.

These new zones are a marked departure from existing regulations as they are designed to reflect the character of each individual area. As shown in *Schedule 'B'*, each of the seven new zones allows for a number of permitted uses that are considered to result in positive development and activities within a given area. At the same time, maximum heights and densities, conditions of use, and yard requirements are designed to reflect the character of an area. For those areas affected by the high rise zones, maximum heights have been set at six storeys. Any proposal for a building in excess of this limit would be required to make application for a zoning amendment.

Staff recognize that some existing uses may not conform with the proposed zones. It is noted that these particular activities would retain a lawful non-conforming status until such time that the use is discontinued for a period of six months or more. Other uses that have already undergone a site specific zoning amendment are still identified on a site specific basis where the zoning does not include that specific use, thereby retaining a lawful conforming status.

It should also be noted that these proposed zones are subject to new formatting that is very distinct from the majority of the zoning bylaw. These zones are designed to include a location map for quick reference to the area in question, and to include a series of diagrams to visually assist in determining heights and setbacks. These maps and diagrams are not intended to be adopted as part of the regulatory aspect of the bylaw, but rather, to act as an informational tool. This new formatting is intended to enhance the Zoning Bylaw by creating a more efficient, effective document. This formatting will be incorporated into the remainder of the Bylaw as periodic amendments take place.

Finally, should these proposed downtown zones be adopted, the next stage of this process for enhancing the downtown area will be to create new design guidelines for the area. It is expected that this will take place over the next 12 months.

RECOMMENDATION:

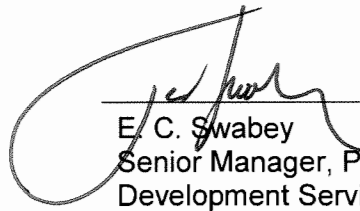
The PEDSC recommends that Council:

1. Give first and second readings to the proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000"; and
2. Approve the proposed amendments to the "Nanaimo Downtown Plan Reference Document, April 2002."

Respectfully submitted,



D.C. Lindsay  
Manager of Planning  
Development Services Department



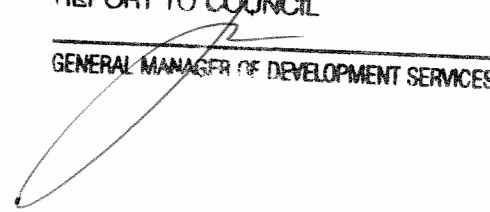
E. C. Swabey  
Senior Manager, Planning & Development  
Development Services Department

DL/dj

Council: 2004-DEC-13

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

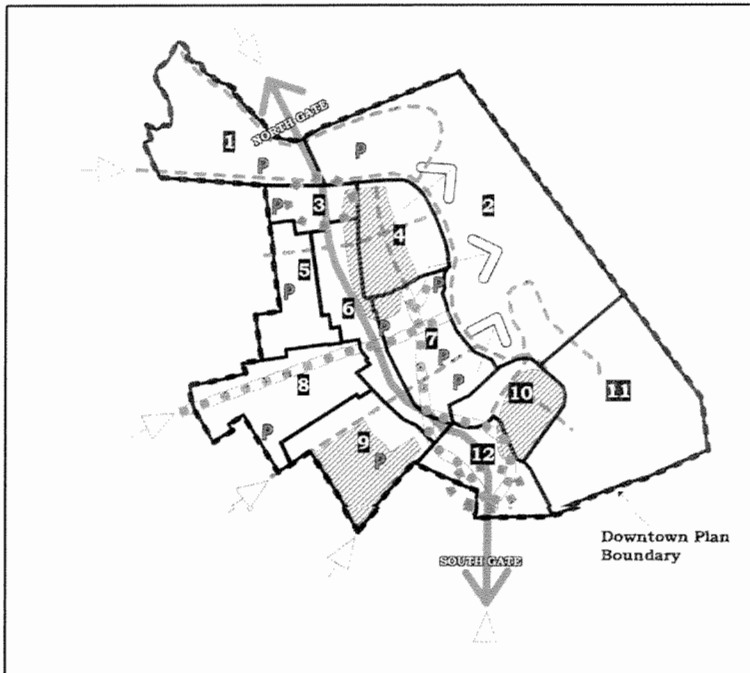


GENERAL MANAGER OF DEVELOPMENT SERVICES

**Schedule 'A'**  
**Proposed Amendments to Downtown Reference Plan**  
 (Page 1 of 4)

Amend the map Downtown Concept Plan in Section 3.2, The New Concept Plan, to reflect the revised boundaries for the high rise areas.

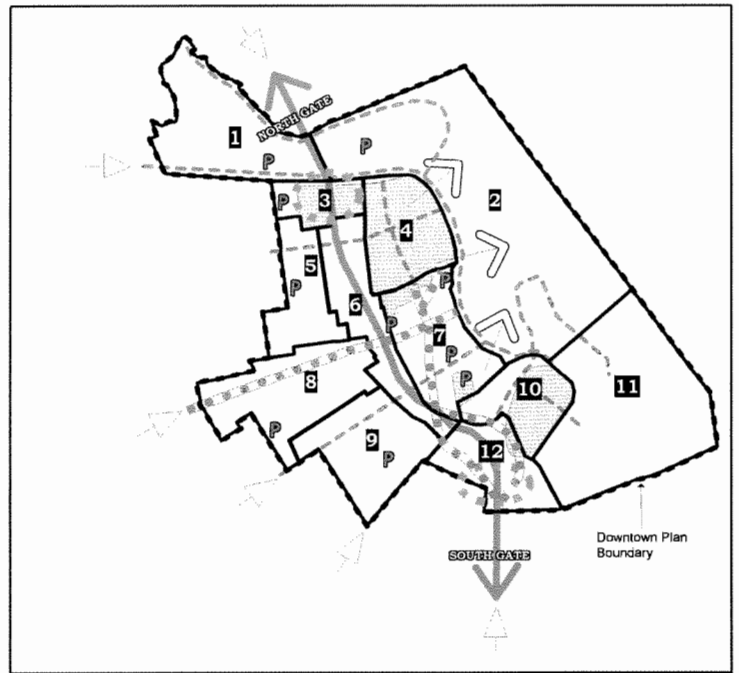
**Existing**



**Downtown Concept Plan**

- Distinct Character Areas
- High rise zone
- Gateways
- Enhance Entry Routes
- Orient developments to the waterfront
- Continuous retail frontages and weather protection
- Clarify the street hierarchy
- Parking
- Provide continuous walkways between all areas

**Proposed**



**Downtown Concept Plan**

- Distinct Character Areas
- High rise zone
- Gateways
- Enhance Entry Routes
- Orient developments to the waterfront
- Continuous retail frontages and weather protection
- Clarify the street hierarchy
- Parking
- Provide continuous walkways between all areas

**Schedule 'A'**  
**Proposed Amendments to Downtown Reference Plan**  
**(Page 2 of 4)**

Amend Section 4.9, Character Areas, to add guidelines for the development of highrises in specified areas, as noted below.

1. Add the following to Subsection 4.9.3 North Gate, after the first paragraph:

Higher density in the form of highrises is supported in portions of the North Gate area, as identified in Section 5.1 "Land Use."

Guidelines for the development of highrises in the character area include the following:

Minimum Lot Area:	1300.6 square metres (14,000 square feet)
Setbacks:	7.5 metres (24.6 feet) for all yards
Separation Between Towers:	30.48 metres (100 feet)
Maximum Floor Plate:	594.56 square metres (6400 square feet) for those floors six storeys or above, with a maximum depth and width of 24.38 metres (80 feet).

2. Add the following to Subsection 4.9.4 Chapel Front, after the first paragraph:

Higher density in the form of highrises is supported in portions of the Chapel Front area, as identified in Section 5.1 "Land Use."

Guidelines for the development of highrises in the character area include the following:

Minimum Lot Area:	2787 square metres (30,000 square feet)
Setbacks:	4.6 metres (15 feet) for all yards
Separation Between Towers:	30.48 metres (100 feet)
Maximum Floor Plate:	594.56 square metres (6400 square feet) for those floors six storeys or above, with a maximum depth and width of 24.38 metres (80 feet).

3. Add the following to Subsection 4.9.10 Harbour Park, after the second paragraph:

Higher density in the form of highrises is supported in portions of the Harbour Park area, as identified in Section 5.1 "Land Use."

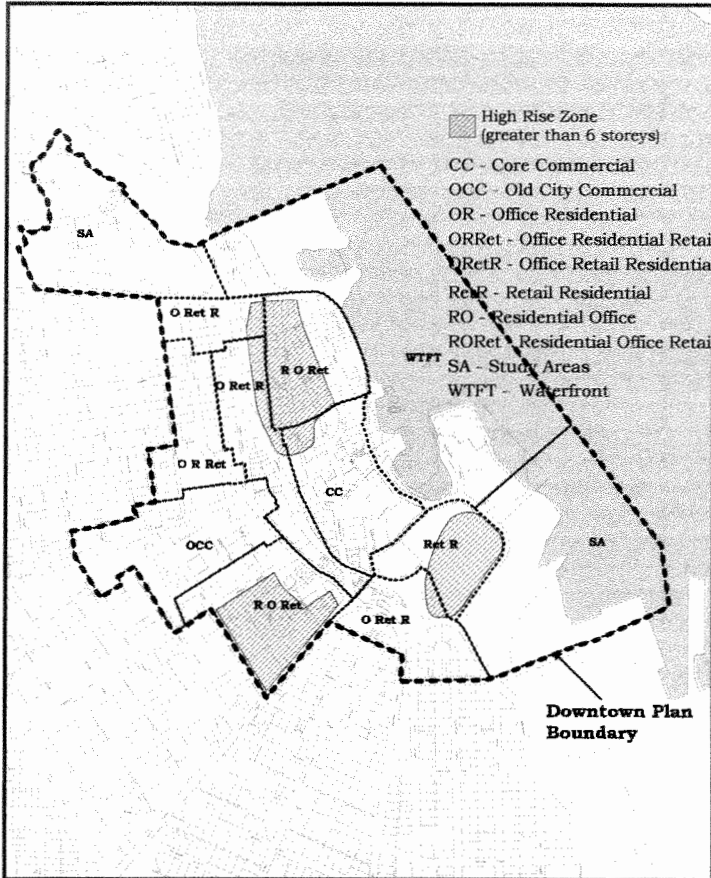
Guidelines for the development of highrises in the character area include the following:

Minimum Lot Area:	4180.5 square metres (45,000 square feet)
Setbacks:	23 metres (75 feet) for all yards
Separation Between Towers:	45.72 metres (150 feet)
Maximum Floor Plate:	594.56 square metres (6400 square feet) for those floors six storeys or above, with a maximum depth and width of 24.38 metres (80 feet).

**Schedule 'A'**  
**Proposed Amendments to Downtown Reference Plan**  
**(Page 3 of 4)**

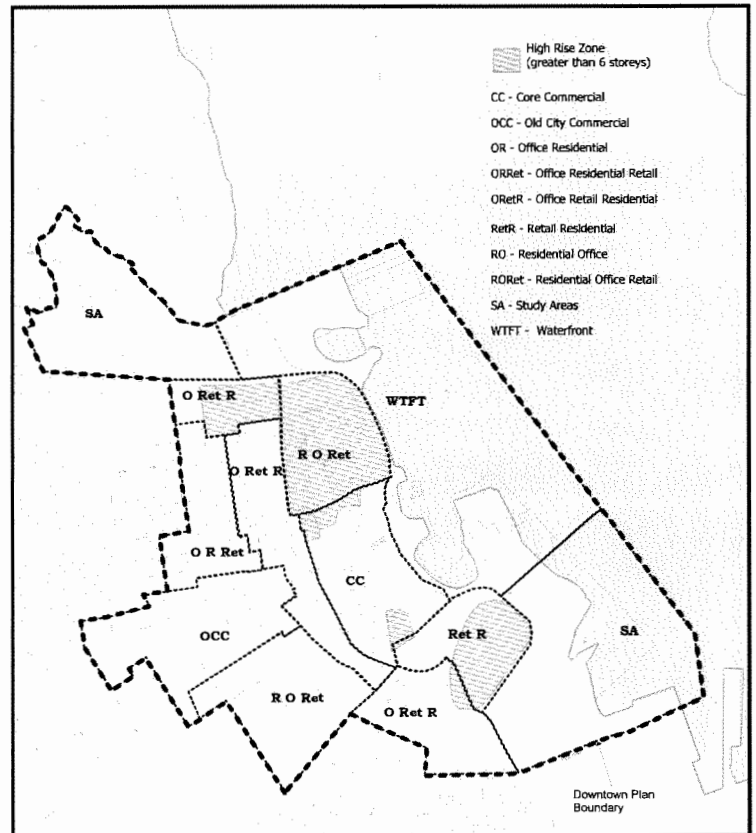
Amend the map Land Use and Form in Section 5.1, Land Use, to reflect the revised boundaries for the high rise areas.

**Existing**



**Land Use and Form**

**Proposed**

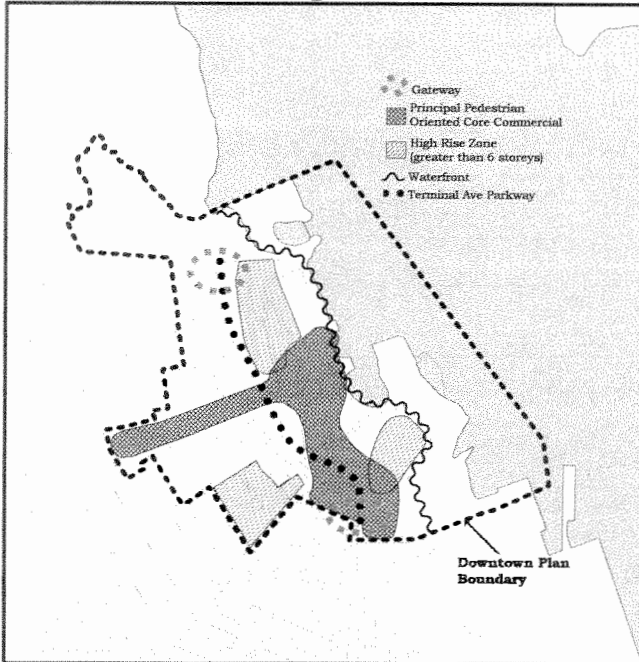


**Land Use and Form**

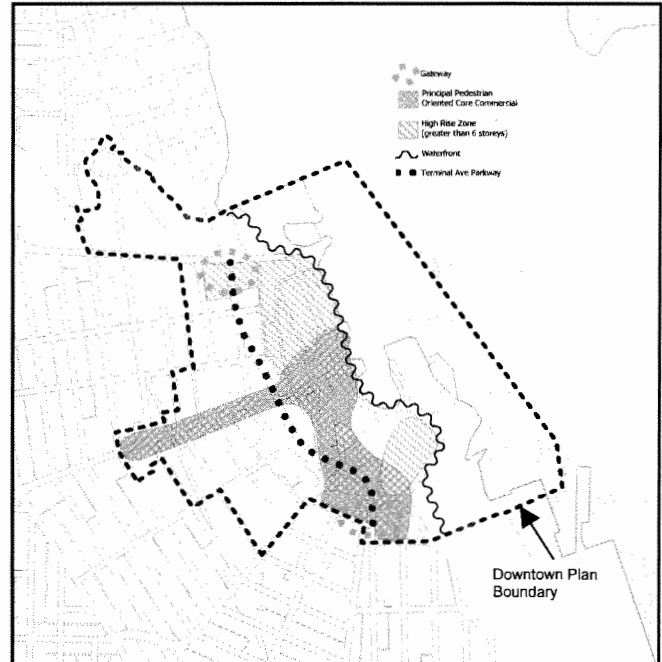
# **Schedule 'A'** **Proposed Amendments to Downtown Reference Plan** **(Page 4 of 4)**

Amend the maps (2) in Section 5.2, Density and Form, to reflect the revised boundaries for the high rise areas.

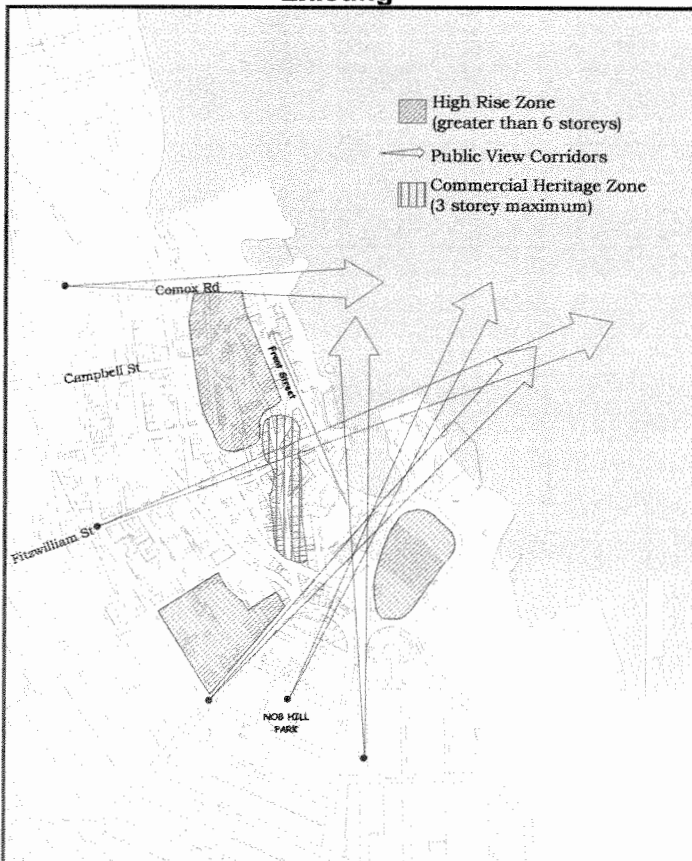
**Existing**



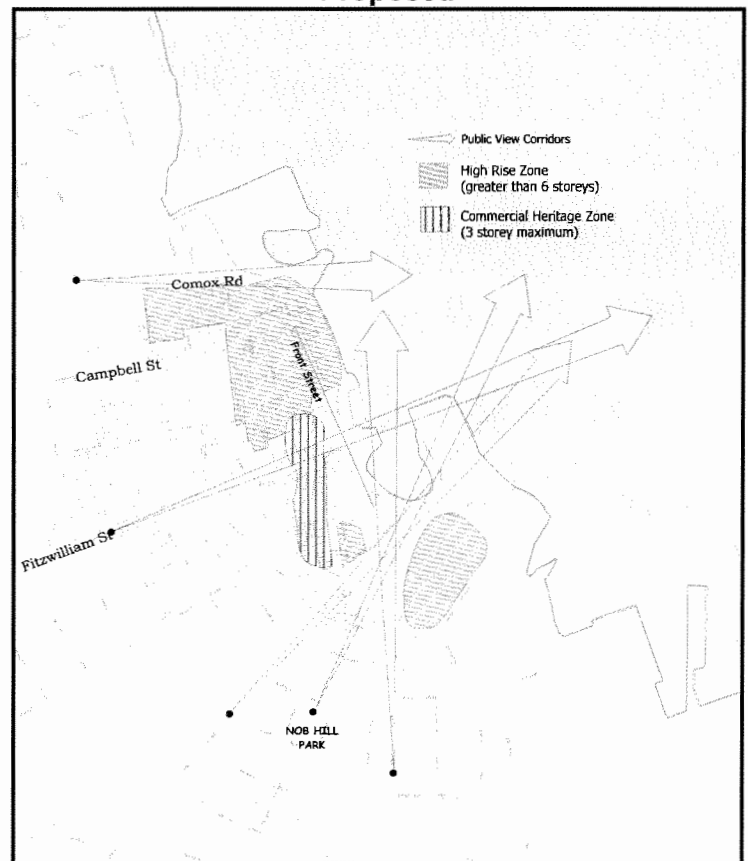
**Proposed**



**Existing**



**Proposed**



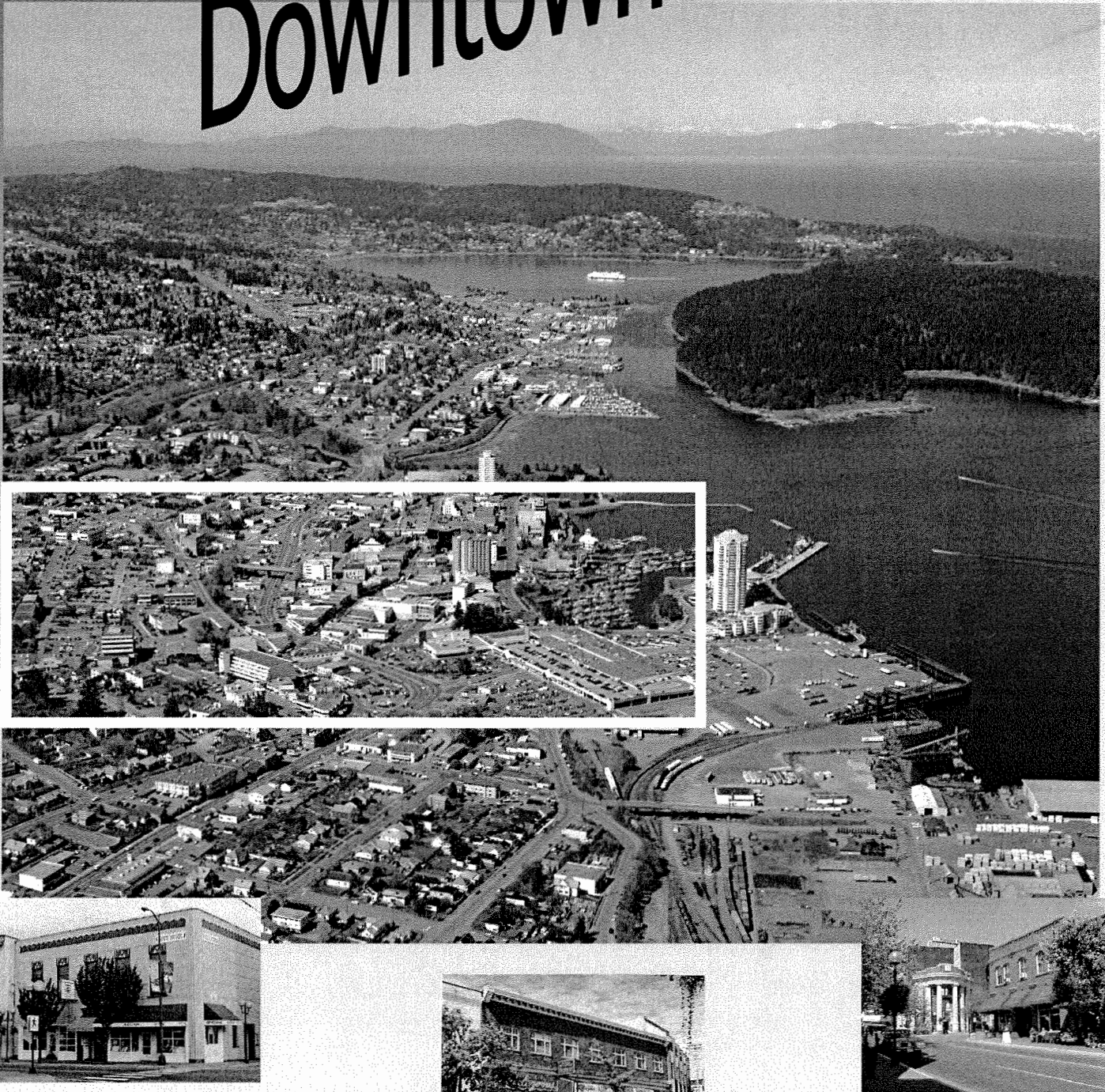
**Schedule 'B'**  
**Proposed Downtown Zones**  
**(Attached)**



Draft



# Downtown Zoning



5(i)10

December 2004



## 9.24 CORE ZONE

The intent of this zone is to provide for a wide range of businesses and services that require a downtown location to serve the needs of the community at large, to provide for adaptive re-use of character buildings, and new development through compatible infill of offices, live/work studios and housing designed compatibly with the commercial uses, while maintaining the scale and character of the area. Emphasis is placed on requiring the external design of buildings to be oriented to the pedestrian in terms of scale and functional considerations.

This is the area of Downtown that can best accommodate a mix of uses, and where residents expect to live in an environment where clubs, cultural and entertainment uses and shopping exist compatibly.



### 9.24.1 Permitted Uses

*Accessory Dwelling Unit*  
*Artist Studio*  
*Assembly Hall*  
*Automotive Rentals, Sales and Service*  
*Bed and Breakfast*  
*Bingo Hall*  
*Boarding and Lodging*  
*Church*  
*Club or Lodge*  
*Commercial School*  
*Convention Centre*  
*Court of Law*  
*Cultural Facilities*  
*Custom Workshop*  
*Day Care Facility*  
*Dry Cleaner*  
*Entertainment Use*  
*Financial Institution*  
*Funeral Parlour and Related Facilities*  
*Hotel*  
*Laboratory*  
*Laundromat*  
*Library*

*Live/Work Studio*  
*Lounge*  
*Micro-Brewery*  
*Multiple Family Dwellings*  
*Neighbourhood Pub*  
*Office*  
*Parking Lot and Parkade*  
*Personal Care Facility*  
*Printing and Publishing Facilities*  
*Private School*  
*Recreational Facility*  
*Repair Shop*  
*Restaurant*  
*Retail Store*  
*Shopping Centre*  
*Single Family Dwelling As A Principal Use*  
*Social Services Centre*  
*Teletheatre Outlet*  
*Transportation Terminal*  
*Universities, Colleges, Technical Schools*  
*Veterinary Clinic*  
*Wholesale*

*Unless otherwise specified, maps and diagrams are provided for information purposes only, and do not form part of this Bylaw. The text of the Bylaw shall prevail over discrepancies. Contact the Planning Department for more information.*

### 9.24.2 Conditions of Use

- 9.24.2.1 The sum total of the *gross floor area* used for *micro-breweries* shall not exceed 278.7 square metres (3,000 square feet) on a *lot*.
- 9.24.2.2 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.24.2.3 *Teletheatre outlets* shall be contained within a *neighbourhood pub* and shall only be accessible to the public from within the *neighbourhood pub*.
- 9.24.2.4 The surface display / storage of vehicles for the purpose of sales, service or rental shall be limited in number to four vehicles on a *lot*.
- 9.24.2.5 Any *use* fronting on Commercial Street shall not have a frontage of greater than 20 metres (65.6 feet).

### 9.24.3 Density

- 9.24.3.1 The maximum permitted *floor area ratio* is 3.0.
- 9.24.3.2 Notwithstanding Subsection 9.24.3.1, in the case of Lot 1, Section 1, Nanaimo District, Plan 40829 (11 Bastion Street), a maximum permitted *floor area ratio* shall not apply.

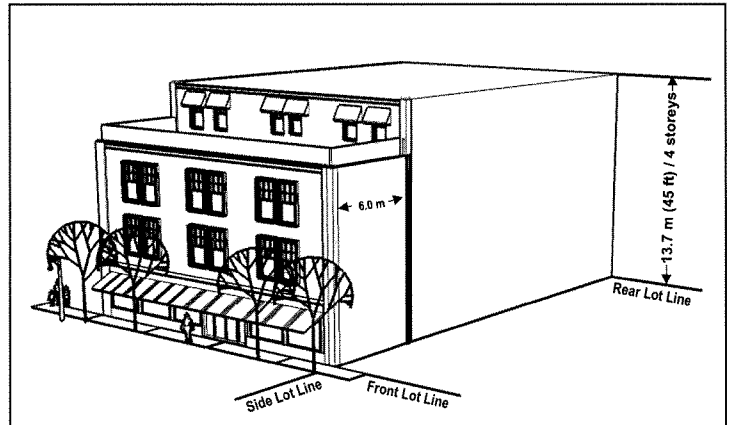


### 9.24.4 Lot Area

- 9.24.4.1 The minimum *lot area* shall not be less than 371.6 square metres (4,000 square feet).

### 9.24.5 Yard Requirements

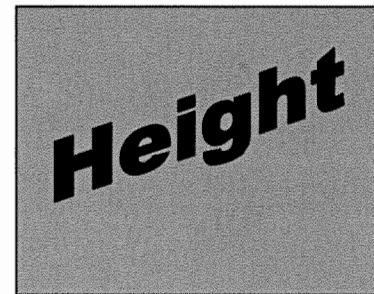
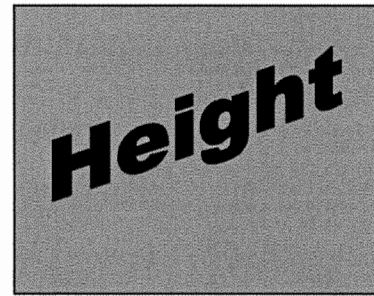
- 9.24.5.1 No *front yard setback* is required.
- 9.24.5.2 No *side yard setback* is required.
- 9.24.5.3 No *rear yard setback* is required.
- 9.24.5.4 Notwithstanding Subsection 9.24.5.1, a *front yard setback* of 4.5 metres (15 feet) shall be required for properties fronting on Terminal Avenue.



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#### 9.24.6 Height of Buildings

- 9.24.6.1 The *height* of a *building* shall not exceed 13.7 metres (45 feet) and shall not consist of more than four *storeys*.
- 9.24.6.2 Notwithstanding Subsection 9.24.6.1, any portion of a *building* greater than 10.7 metres (35 feet) in *height* must have a *setback* of 6.0 metres (20 feet) from the *front lot line*.
- 9.24.6.3 Notwithstanding Subsections 9.24.6.1 and 9.24.6.2, the maximum *height* in the case of Lot 1, Section 1, Nanaimo District, Plan 40829 (11 Bastion Street) shall not exceed 50 metres (164 feet).



#### 9.24.7 Height of Fences

- 9.24.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.24.7.2 Notwithstanding Subsection 9.24.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.

#### 9.24.8 Screening and Landscaping

- 9.24.8.1 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.
- 9.24.8.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

#### 9.24.9 Parking

- 9.24.9.1 *Parking Lot* and *Parkade uses* are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.24.9.2 Notwithstanding Subsection 9.24.9.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.24.9.3 Notwithstanding Subsections 9.24.9.1 and 9.24.9.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.

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## 9.25 FITZWILLIAM ZONE

This zone provides for mixed commercial and residential uses, and forms of development which are compatible with the established mixed-use and old style shopping character of the area through infill, low rise apartments and townhouses, and consolidation of the shopping street. It is intended to provide for the adaptive re-use of character buildings. Emphasis is placed on requiring the external design of buildings to be oriented to the pedestrian in terms of scale and functional considerations.



### 9.25.1 Permitted Uses

Accessory Dwelling Unit  
 Artist Studio  
 Assembly Hall  
 Automotive Rentals and Sales  
 Bed and Breakfast  
 Bingo Hall  
 Boarding and Lodging  
 Church  
 Club or Lodge  
 Commercial School  
 Convention Centre  
 Court of Law  
 Day Care Facility  
 Dry Cleaner  
 Financial Institution  
 Funeral Parlour and Related Facilities  
 Hotel  
 Laboratory  
 Laundromat  
 Library  
 Live/Work Studio  
 Lounge

Micro-Brewery  
 Multiple Family Dwellings  
 Museums  
 Neighbourhood Pub  
 Office  
 Parking Lot and Parkade  
 Personal Care Facility  
 Printing and Publishing Facilities  
 Private School  
 Recreational Facility  
 Repair Shop  
 Restaurant  
 Retail Store  
 Shopping Centre  
 Single Family Dwelling As a Principal Use  
 Social Services Centre  
 Teletheatre Outlet  
 Theatre  
 Transportation Terminal  
 Universities, Colleges, Technical Schools  
 Veterinary Clinic  
 Wholesale

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## **9.25.2 Conditions of Use**

- 9.25.2.1 The sum total of the *gross floor area* used for *micro-breweries* shall not exceed 278.7 square metres (3,000 square feet) on a *lot*.
- 9.25.2.2 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.25.2.3 *Teletheatre outlets* shall be contained within a *hotel pub* or *neighbourhood pub*, and shall only be accessible to the public from within the *hotel* or *neighbourhood pub*.
- 9.25.2.4 The surface display / storage of vehicles for the purposes of sales or rental shall be limited in number to four vehicles on a *lot*.

## **9.25.3 Density**

- 9.25.3.1 The maximum permitted *floor area ratio* is 2.5.

## **9.25.4 Lot Area**

- 9.25.4.1 The minimum *lot area* shall not be less than 371.6 square metres (4,000 square feet).

## **9.25.5 Yard Requirements**

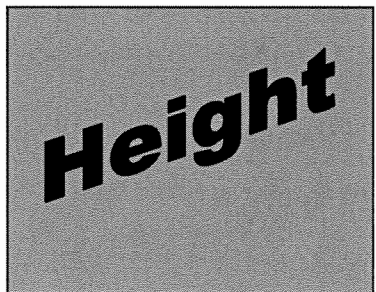
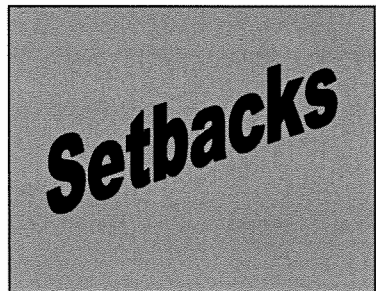
- 9.25.5.1 No *front yard setback* is required.
- 9.25.5.2 No *side yard setback* is required.
- 9.25.5.3 No *rear yard setback* is required.

## **9.25.6 Height of Buildings**

- 9.25.6.1 The *height* of a *building* shall not exceed 13.7 metres (45 feet) and shall not consist of more than four *storeys*.
- 9.25.6.2 Notwithstanding Subsection 9.25.6.1, any portion of a *building* greater than 10.7 metres (35 feet) in *height* must have a *setback* of 6.0 metres (20 feet) from the *front lot line*.

## **9.25.7 Height of Fences**

- 9.25.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.25.7.2 Notwithstanding Subsection 9.25.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.



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### **9.25.8 Screening and Landscaping**

- 9.25.8.1 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*.
- 9.25.8.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

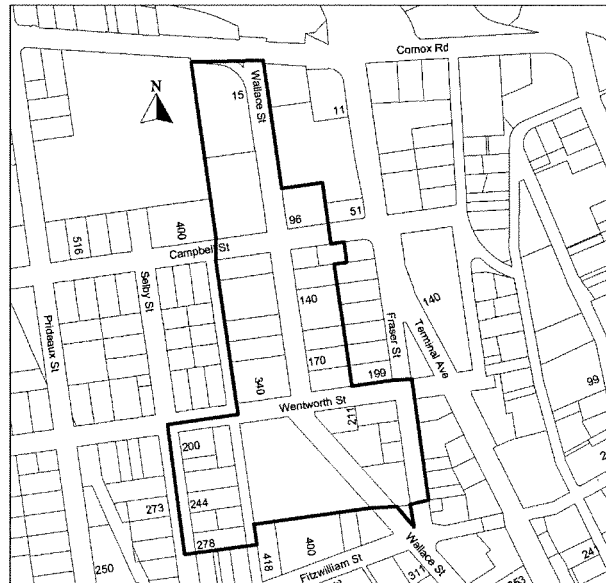
### **9.25.9 Parking**

- 9.25.9.1 *Parking Lot* and *Parkade uses* are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.25.9.2 Notwithstanding Subsection 9.25.9.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.25.9.3 Notwithstanding Subsections 9.25.9.1 and 9.25.9.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.

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## 9.26 WALLACE ZONE

The intent of this zone is to provide for office and residential uses at a density compatible with three to four storey design. Street wall related buildings should be created with first storey retail uses designed to service the surrounding office and residential uses.



### 9.26.1 Permitted Uses

*Accessory Dwelling Unit*  
*Artist Studio*  
*Assembly Hall*  
*Automotive Rentals and Sales*  
*Bed and Breakfast*  
*Bingo Hall*  
*Boarding and Lodging*  
*Church*  
*Club or Lodge*  
*Commercial School*  
*Convention Centre*  
*Court of Law*  
*Cultural Facilities*  
*Day Care Facility*  
*Dry Cleaner*  
*Financial Institution*  
*Funeral Parlour and Related Facilities*  
*Hotel*  
*Laboratory*  
*Library*

*Live/Work Studio*  
*Lounge*  
*Multiple Family Dwellings*  
*Neighbourhood Pub*  
*Office*  
*Parking Lot and Parkade*  
*Personal Care Facility*  
*Printing and Publishing Facilities*  
*Private School*  
*Public / Private Hospital*  
*Recreational Facility*  
*Restaurant*  
*Retail Store*  
*Single Family Dwelling As A Principal Use*  
*Social Services Centre*  
*Universities, Colleges, Technical Schools*  
*Veterinary Clinic*  
*Wholesale*

### Site Specific

*Fast Food Restaurant*

On lands legally described as Lots 8-12, Block 44, Section 1, Nanaimo District, Plan 584, Except That Part in Plan 47999 (15 Wallace Street)

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### 9.26.2 Conditions of Use

- 9.26.2.1 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.26.2.2 The surface display / storage of vehicles for the purposes of sales or rental shall be limited in number to four vehicles on a *lot*.

### 9.26.3 Density

- 9.26.3.1 The maximum permitted *floor area ratio* is 2.75.

### 9.26.4 Lot Area

- 9.26.4.1 The minimum *lot area* shall not be less than 371.6 square metres (4,000 square feet).

### 9.26.5 Yard Requirements

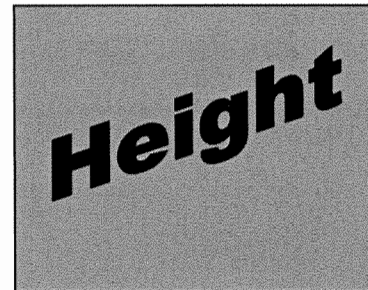
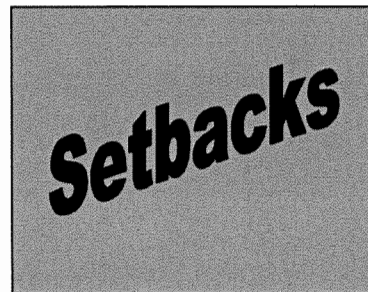
- 9.26.5.1 A *front yard setback* of not less than 3.0 metres (10 feet) shall be provided.
- 9.26.5.2 No *side yard setback* is required.
- 9.26.5.3 A *rear yard setback* of not less than 10.7 metres (35 feet) shall be provided.
- 9.26.5.4 Notwithstanding Subsection 9.26.5.2, in the case of a *corner lot*, a *setback* of not less than 3.0 metres (10 feet) shall be provided for the *side yard* adjoining the flanking street.

### 9.26.6 Height of Buildings

- 9.26.6.1 The *height* of a *building* shall not exceed 13.7 metres (45 feet) and shall not consist of more than four *storeys*.

### 9.26.7 Height of Fences

- 9.26.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.26.7.2 Notwithstanding Subsection 9.26.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.





### **9.26.8 Amenity Areas for Residential**

- 9.26.8.1 Where a *lot* is less than 1800 square metres (19,375.67 square feet) in size, and where more than 25% of the *gross floor area* is residential *use*, no less than 5% of the *lot area* shall be required as *amenity area*. This *amenity area* shall be permitted in the required *yard setbacks*.
- 9.26.8.2 Where a *lot* exceeds 1800 square metres (19,375.67 square feet), and where more than 25% of the *gross floor area* is residential *use*, no less than 5% of the *lot area* shall be required as *amenity area* in addition to the required *yard setbacks*.
- 9.26.8.3 The minimum size of any required *amenity area* shall be 37 square metres (400 square feet) for outdoor space and 25 square metres (269 square feet) for indoor space.
- 9.26.8.4 For the purpose of calculating *amenity area* requirements, any indoor space or facility provided may be counted as double the actual area.
- 9.26.8.5 Exterior *amenity areas* shall be grassed or *landscaped* and be designed for the planned occupancy of the *building(s)* and shall not include storage areas, *off-street parking areas*, or *driveways*.

### **9.26.9 Screening and Landscaping**

- 9.26.9.1 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.
- 9.26.9.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

### **9.26.10 Parking**

- 9.26.10.1 *Parking Lot* and *Parkade uses* are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.26.10.2 Notwithstanding Subsection 9.26.10.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.26.10.3 Notwithstanding Subsections 9.26.10.1 and 9.26.10.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.

## 9.27 TERMINAL AVENUE ZONE

The intent of this zone is to provide for a predominantly mixed office and retail area with three to six storey, street wall related buildings. Three distinct areas, the north and south gateways and the Terminal Avenue area, are contained within the zone with different intent emphasis, as stated below.

### North Gate

Emphasis is placed on new comprehensive development that expresses the Gateway theme to this entry to Downtown. As outlined in the Downtown Reference Plan, Council may consider rezoning in order to achieve higher density, including highrises, within the Gateway area.

### Terminal Avenue

Emphasis is placed on converting Terminal Avenue into an attractive urban place through the provision of a greenway achieved by a treescape buffer on the street right of way and building setbacks, and providing for new medium rise, terraced and mixed use developments along its edges.

### South Gate

Emphasis is placed on recognizing this area as the main entrance route from the south to Downtown through new comprehensive development on either side of the entry and creating a new major public urban square, park and gateway buildings with a common architectural theme.



### 9.27.1 Permitted Uses

Accessory Dwelling Unit  
Artist Studio  
Assembly Hall  
Automotive Rentals and Sales  
Automotive Repair Shop  
Bed and Breakfast  
Bingo Hall  
Boarding and Lodging  
Car Wash  
Church  
Club or Lodge  
Commercial School  
Convention Centre  
Court of Law  
Cultural Facilities  
Custom Workshop

Day Care Facility  
Dry Cleaner  
Entertainment Use  
Fast Food Restaurant  
Financial Institution  
Funeral Parlour and Related Facilities  
Gasoline Station  
Hotel  
Laboratory  
Laundromat  
Library  
Live/Work Studio  
Lounge  
Micro-Brewery  
Multiple Family Dwellings  
Neighbourhood Pub

(continued on next page)

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### 9.27.1 Permitted Uses (cont'd)

Office  
 Parking Lot and Parkade  
 Personal Care Facility  
 Printing and Publishing Facilities  
 Private School  
 Public Utilities  
 Recreational Facility  
 Refund Container Recycling Depot  
 Repair Shop  
 Restaurant

Retail Store  
 Sign Shop  
 Single Family Dwelling As A Principal Use  
 Social Services Centre  
 Teletheatre Outlet  
 Tools and Equipment Sales and Rentals  
 Transportation Terminal  
 Universities, Colleges, Technical Schools  
 Veterinary Clinic  
 Wholesale

#### Site Specific

<i>Emergency Shelter</i>	On lands legally described as Lot B (DD EM34637), Block 12, Section 1, Nanaimo District, Plan 584 (19 Nicol Street)
<i>Liquor Store</i>	On lands legally described as Lot 1, Section 1, Nanaimo District, Plan VIP58812 (125 Comox Road)
<i>Social Services Resource Centre</i>	On lands legally described as Lot B (DD EM34637), Block 12, Section 1, Nanaimo District, Plan 584 (19 Nicol Street)

### 9.27.2 Conditions of Use

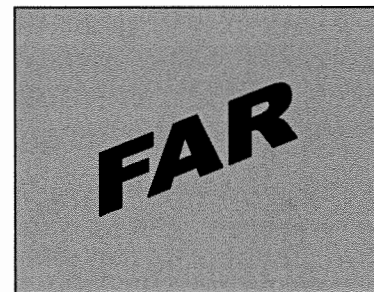
- 9.27.2.1 The sum total of the *gross floor area* used for *micro-breweries* shall not exceed 278.7 square metres (3,000 square feet) on a *lot*.
- 9.27.2.2 *Refund container recycling depots* must be wholly enclosed within a *building*.
- 9.27.2.3 The *gross floor area* of a *refund container recycling depot* shall not exceed 140 square metres (1,507 square feet).
- 9.27.2.4 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.27.2.5 *Teletheatre outlets* shall be contained within a *hotel pub* or *neighbourhood pub* and shall only be accessible to the public from within the *hotel* or *neighbourhood pub*.

### 9.27.3 Density

- 9.27.3.1 The maximum permitted *floor area ratio* is 2.5.

### 9.27.4 Lot Area

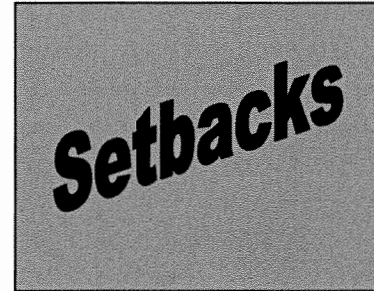
- 9.27.4.1 The minimum *lot area* shall not be less than 371.6 square metres (4,000 square feet).



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### 9.27.5 Yard Requirements

- 9.27.5.1 No *front yard setback* is required.
- 9.27.5.2 No *side yard setback* is required.
- 9.27.5.3 No *rear yard setback* is required.
- 9.27.5.4 Notwithstanding Subsection 9.27.5.1, a *front yard setback* of 4.5 metres (15 feet) shall be required for properties fronting on Terminal Avenue or Nicol Street.



### 9.27.6 Height of Buildings

- 9.27.6.1 The *height* of a *building* shall not exceed 19.8 metres (65 feet) and shall not consist of more than six *storeys*.
- 9.27.6.2 Notwithstanding Subsection 9.27.6.1, for properties fronting on Terminal Avenue, any portion of a *building* greater than 10.7 metres (35 feet) in *height* must have a *setback* of 6.0 metres (20 feet) from the exterior wall face immediately below that faces Terminal Avenue.
- 9.27.6.3 Notwithstanding Subsections 9.27.6.1 and 9.27.6.2, for properties fronting on Terminal Avenue, any portion of a *building* greater than 16.7 metres (55 feet) in *height* must have a *setback* of 3.6 metres (12 feet) from the exterior wall face immediately below that faces Terminal Avenue.



### 9.27.7 Height of Fences

- 9.27.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.27.7.2 Notwithstanding Subsection 9.27.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.

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### **9.27.8 Amenity Areas for Residential**

- 9.27.8.1 Where a *lot* is less than 1800 square metres (19,375.67 square feet) in size, and where more than 25% of the *gross floor area* is residential use, no less than 5% of the *lot area* shall be required as *amenity area*. This *amenity area* shall be permitted in the required *yard setbacks*.
- 9.27.8.2 Where a *lot* exceeds 1800 square metres (19,375.67 square feet), and where more than 25% of the *gross floor area* is residential use, no less than 5% of the *lot area* shall be required as *amenity area* in addition to the required *yard setbacks*.
- 9.27.8.3 The minimum size of any required *amenity area* shall be 37 square metres (400 square feet) for outdoor space and 25 square metres (269 square feet) for indoor space. For the purpose of calculating *amenity area* requirements, any indoor space or facility provided may be counted as double the actual area.
- 9.27.8.4 Exterior *amenity areas* shall be grassed or *landscaped* and be designed for the planned occupancy of the *building(s)* and shall not include storage areas, *off-street parking areas*, or *driveways*.

### **9.27.9 Screening and Landscaping**

- 9.27.9.1 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.
- 9.27.9.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.
- 9.27.9.3 Where a C-27 zone abuts Terminal Avenue, screening and *landscaping* shall be provided in accordance with Part 14 of this Bylaw.

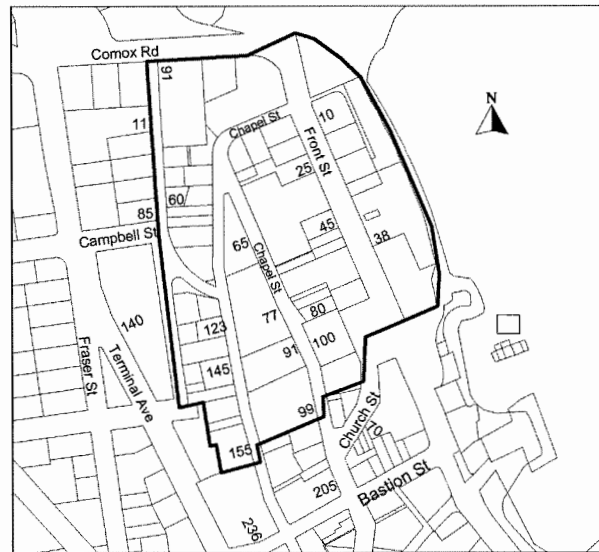
### **9.27.10 Parking**

- 9.27.10.1 *Parking Lot* and *Parkade* uses are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.27.10.2 Notwithstanding Subsection 9.27.10.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.27.10.3 Notwithstanding Subsections 9.27.10.1 and 9.27.10.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.

## 9.28 CHAPEL FRONT ZONE

The intent of this zone is to provide for higher density residential developments and some compatible office, retail, cultural, recreational, service and institutional uses. Emphasis is placed on achieving development that is compatible with neighbouring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy.

Emphasis is placed on new comprehensive mixed use development that provides for continuous low scale street frontages with a variety of offices, stores, live/work studios, townhouses and apartments. As outlined in the Downtown Reference Plan, Council may consider rezoning in order to achieve higher density, including highrises, within the area covered by the Chapel Front zone.



This area contains a number of significant heritage buildings, including the Courthouse.

### 9.28.1 Permitted Uses

*Accessory Dwelling Unit*  
*Artist Studio*  
*Assembly Hall*  
*Automotive Rentals and Sales*  
*Bed and Breakfast*  
*Boarding and Lodging*  
*Church*  
*Club or Lodge*  
*Commercial School*  
*Convention Centre*  
*Court of Law*  
*Cultural Facilities*  
*Day Care Facility*  
*Dry Cleaner*  
*Financial Institution*  
*Funeral Parlour and Related Facilities*  
*Hotel*  
*Library*

*Live/Work Studio*  
*Lounge*  
*Multiple Family Dwellings*  
*Neighbourhood Pub*  
*Office*  
*Parking Lot and Parkade*  
*Personal Care Facility*  
*Printing and Publishing Facilities*  
*Private School*  
*Public / Private Hospital*  
*Recreational Facility*  
*Restaurant*  
*Retail Store*  
*Single Family Dwelling As A Principal Use*  
*Social Services Centre*  
*Universities, Colleges, Technical Schools*  
*Veterinary Clinic*

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## **9.28.2 Conditions of Use**

- 9.28.2.1 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.28.2.2 The surface display / storage of vehicles for the purpose of sales or rental shall be limited in number to four vehicles on a *lot*.

## **9.28.3 Density**

- 9.28.3.1 The maximum permitted *floor area ratio* is 2.5.
- 9.28.3.2 Notwithstanding Subsection 9.28.3.1, in the case of Lot 1, Section 1, Nanaimo District, Plan 17321 (1 Chapel Street), a maximum permitted *floor area ratio* shall not exceed 5.0.
- 9.28.3.3 Notwithstanding Subsection 9.28.3.1, in the case of The Westerly 100 Feet of Lots 20, 21 & 22, Block 56, Section 1, Nanaimo District, Plan 584, and Lots 1 & 11, Section 1, Nanaimo District, Plan 4462 (10 & 20 Front Street), a maximum permitted *floor area ratio* shall not exceed 6.40.
- 9.28.3.4 Notwithstanding Subsection 9.28.3.1, in the case of Lot A, Section 1, Nanaimo District, Plan VIP63943 (38 Front Street), a maximum permitted *floor area ratio* shall not exceed 5.30.

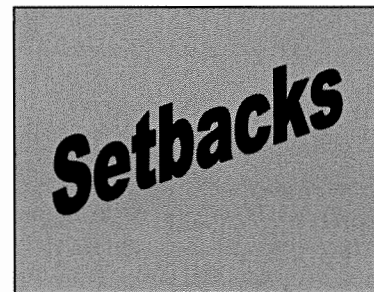


## **9.28.4 Lot Area**

- 9.28.4.1 The minimum *lot area* shall not be less than 371.6 square metres (4,000 square feet).

## **9.28.5 Yard Requirements**

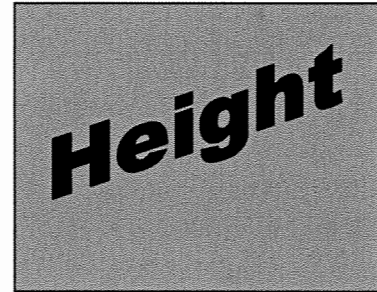
- 9.28.5.1 A *front yard setback* of not less than 1.5 metres (5 feet) in depth shall be provided, except on Front Street where no *setback* is required.
- 9.28.5.2 No *side yard setback* is required.
- 9.28.5.3 No *rear yard setback* is required.
- 9.28.5.4 Notwithstanding Subsection 9.28.5.2, in the case of a *corner lot*, a *setback* of not less than 1.5 metres (5 feet) shall be provided for the *side yard* adjoining the flanking street.



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## **9.28.6 Height of Buildings**

- 9.28.6.1 The *height* of a *building* shall not exceed 19.8 metres (65 feet) and shall not consist of more than six *storeys*.
- 9.28.6.2 Notwithstanding Subsections 9.28.6.1, all floors above the fifth floor shall not exceed 594.6 square metres (6,400 square feet) nor a maximum depth and width of 24.4 metres (80 feet) as measured to the exterior face of the exterior walls of the *building*.
- 9.28.6.3 Notwithstanding Subsection 9.28.6.1 and 9.28.6.2, the maximum *height* in the case of Lot 1, Section 1, Nanaimo District, Plan 17321 (1 Chapel Street) shall not exceed 50 metres (164 feet).
- 9.28.6.4 Notwithstanding Subsections 9.28.6.1 and 9.28.6.2, the maximum *height* in the case of The Westerly 100 Feet of Lots 20, 21 & 22, Block 56, Section 1, Nanaimo District, Plan 584, and Lots 1 & 11, Section 1, Nanaimo District, Plan 4462 (10 & 20 Front Street) shall not exceed 74.5 metres (244.4 feet) above the midpoint of the *lot* fronting on Front Street.
- 9.28.6.5 Notwithstanding Subsections 9.28.6.1 and 9.28.6.2, the maximum *height* in the case of Lot A, Section 1, Nanaimo District, Plan VIP63943 (38 Front Street) shall not exceed 49 metres (160.8 feet).



## **9.28.7 Height of Fences**

- 9.28.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.28.7.2 Notwithstanding Subsection 9.28.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.

## **9.28.8 Amenity Areas for Residential**

- 9.28.8.1 Where a *lot* is less than 1800 square metres (19,375.67 square feet) in size, and where more than 25% of the *gross floor area* is residential *use*, no less than 5% of the *lot area* shall be required as *amenity area*. This *amenity area* shall be permitted in the required *yard setbacks*.
- 9.28.8.2 Where a *lot* exceeds 1800 square metres (19,375.67 square feet), and where more than 25% of the *gross floor area* is residential *use*, no less than 5% of the *lot area* shall be required as *amenity area* in addition to the required *yard setbacks*.
- 9.28.8.3 The minimum size of any required *amenity area* shall be 37 square metres (400 square feet) for outdoor space and 25 square metres (269 square feet) for indoor space.
- 9.28.8.4 For the purpose of calculating *amenity area* requirements, any indoor space or facility provided may be counted as double the actual area.
- 9.28.8.5 Exterior *amenity areas* shall be grassed or *landscaped* and be designed for the planned occupancy of the *building(s)* and shall not include storage areas, *off-street parking areas*, or *driveways*.

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### **9.28.9 Screening and Landscaping**

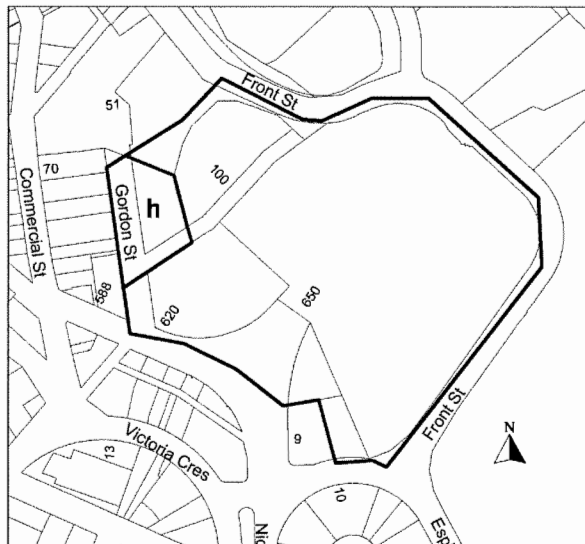
- 9.28.9.1 All mechanical, electrical or other service equipment located outside or on the roof of a *building* shall be screened from adjacent properties and *streets* by ornamental *structures, landscaping*, or other means.
- 9.28.9.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

### **9.28.10 Parking**

- 9.28.10.1 *Parking Lot* and *Parkade* uses are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.28.10.2 Notwithstanding Subsection 9.28.10.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.28.10.3 Notwithstanding Subsections 9.28.10.1 and 9.28.10.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.

## 9.29 HARBOUR PARK ZONE

The intent of this zone is to provide for an integrated residential and commercial community to anchor the south end of Downtown, through a comprehensive plan of development, including major retail and new residential uses. It is also intended to provide linkages to the waterfront walkway system and the primary Commercial Street shopping and cultural area. As outlined in the Downtown Reference Plan, Council may consider rezoning portions of the Harbour Park Zone in order to achieve higher density, including highrises.



### 9.29.1 Permitted Uses

Accessory Dwelling Unit	Library
Arcade	Live/Work Studio
Artist Studio	Lounge
Assembly Hall	Micro-Brewery
Automotive Rentals and Sales	Multiple Family Dwellings
Bed and Breakfast	Neighbourhood Pub
Bingo Hall	Office
Boarding and Lodging	Parking Lot and Parkade
Casino	Personal Care Facility
Church	Printing and Publishing Facilities
Club or Lodge	Private School
Commercial School	Public / Private Hospital
Convention Centre	Recreational Facility
Court of Law	Refund Container Recycling Depot
Cultural Facilities	Repair Shop
Day Care Facility	Restaurant
Dry Cleaner	Retail Store
Entertainment Use	Shopping Centre
Fast Food Restaurant	Single Family Dwelling As A Principal Use
Financial Institution	Social Services Centre
Funeral Parlour and Related Facilities	Teletheatre Outlet
Gasoline Station	Transportation Terminal
Hotel	Universities, Colleges, Technical Schools
Laboratory	Veterinary Clinic
Laundromat	Wholesale

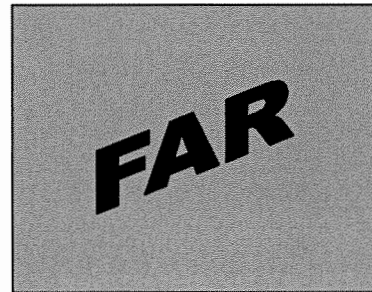
*Unless otherwise specified, maps and diagrams are provided for information purposes only, and do not form part of this Bylaw. The text of the Bylaw shall prevail over discrepancies. Contact the Planning Department for more information.*

### 9.29.2 Conditions of Use

- 9.29.2.1 The sum total of the *gross floor area* used for *micro-breweries* shall not exceed 278.7 square metres (3,000 square feet) on a *lot*.
- 9.29.2.2 *Refund container recycling depots* must be wholly enclosed within a *building*.
- 9.29.2.3 The *gross floor area* of a *refund container recycling depot* shall not exceed 140 square metres (1,507 square feet).
- 9.29.2.4 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.29.2.5 *Teletheatre outlets* shall be contained within a *hotel pub* or *neighbourhood pub* and shall only be accessible to the public from within the *hotel* or *neighbourhood pub*.
- 9.29.2.6 The surface display / storage of vehicles for the purpose of sales or rental shall be limited in number to four vehicles on a *lot*.

### 9.29.3 Density

- 9.29.3.1 The maximum permitted *floor area ratio* is 2.5.
- 9.29.3.2 Notwithstanding Subsection 9.29.3.1, on those properties with a sub-designation 'h', a *floor area ratio* shall not apply.

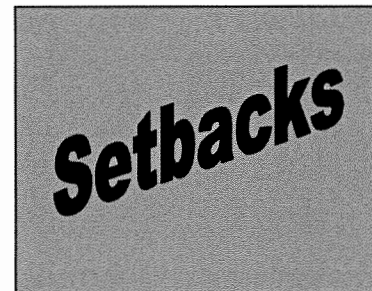


### 9.29.4 Lot Area

- 9.29.4.1 The minimum *lot area* shall not be less than 743 square metres (8,000 square feet).

### 9.29.5 Yard Requirements

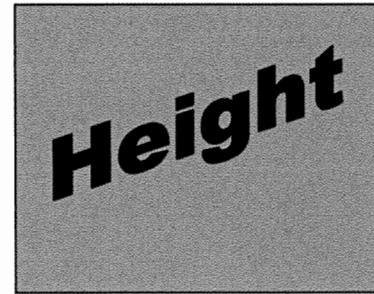
- 9.29.5.1 No *front yard setback* is required.
- 9.29.5.2 No *side yard setback* is required.
- 9.29.5.3 No *rear yard setback* is required.
- 9.29.5.4 Notwithstanding Subsection 9.29.5.1, a *front yard setback* of 4.5 metres (15 feet) shall be required for properties fronting on Terminal Avenue.



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### **9.29.6 Height of Buildings**

- 9.29.6.1 The *height* of a *building* shall not exceed 19.8 metres (65 feet) and shall not consist of more than six *storeys*.
- 9.29.6.2 Notwithstanding Subsection 9.29.6.1, on those properties with a sub-designation 'h', the *height* of a *building* shall not exceed 87 metres (285 feet).



### **9.29.7 Height of Fences**

- 9.29.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.29.7.2 Notwithstanding Subsection 9.29.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.

### **9.29.8 Amenity Areas for Residential**

- 9.29.8.1 Where a *lot* is less than 1800 square metres (19,375.67 square feet) in size, and where more than 25% of the *gross floor area* is residential *use*, no less than 5% of the *lot area* shall be required as *amenity area*. This *amenity area* shall be permitted in the required *yard setbacks*.
- 9.29.8.2 Where a *lot* exceeds 1800 square metres (19,375.67 square feet), and where more than 25% of the *gross floor area* is residential *use*, no less than 5% of the *lot area* shall be required as *amenity area* in addition to the required *yard setbacks*.
- 9.29.8.3 The minimum size of any required *amenity area* shall be 37 square metres (400 square feet) for outdoor space and 25 square metres (269 square feet) for indoor space.
- 9.29.8.4 For the purpose of calculating *amenity area* requirements, any indoor space or facility provided may be counted as double the actual area.
- 9.29.8.5 Exterior *amenity areas* shall be grassed or *landscaped* and be designed for the planned occupancy of the *building(s)* and shall not include storage areas, *off-street parking areas*, or *driveways*.

### **9.29.9 Screening and Landscaping**

- 9.29.9.1 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.
- 9.29.9.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

*Unless otherwise specified, maps and diagrams are provided for information purposes only, and do not form part of this Bylaw. The text of the Bylaw shall prevail over discrepancies. Contact the Planning Department for more information.*

### 9.29.10 Parking

- 9.29.10.1 *Parking Lot* and *Parkade* uses are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.29.10.2 Notwithstanding Subsection 9.29.10.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.29.10.3 Notwithstanding Subsections 9.29.10.1 and 9.29.10.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.

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## 9.30 QUENNEL SQUARE ZONE

The intent of this zone is to provide for residential development and some compatible office, retail, cultural, recreational, service and institutional uses, and achieve development that is compatible with neighbouring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy.

Emphasis is placed on creating an environment conducive to housing and offices that complements the existing major civic enclave, through comprehensive site planning of large sites.



### 9.30.1 Permitted Uses

*Accessory Dwelling Unit*  
*Artist Studio*  
*Assembly Hall*  
*Automotive Rentals and Sales*  
*Bed and Breakfast*  
*Boarding and Lodging*  
*Church*  
*Club or Lodge*  
*Commercial School*  
*Convention Centre*  
*Court of Law*  
*Cultural Facilities*  
*Day Care Facility*  
*Dry Cleaner*  
*Financial Institution*  
*Funeral Parlour and Related Facilities*  
*Hotel*

*Library*  
*Live/Work Studio*  
*Lounge*  
*Multiple Family Dwellings*  
*Neighbourhood Pub*  
*Office*  
*Parking Lot and Parkade*  
*Personal Care Facility*  
*Printing and Publishing Facilities*  
*Private School*  
*Public / Private Hospital*  
*Recreational Facility*  
*Restaurant*  
*Retail Store*  
*Single Family Dwelling As A Principal Use*  
*Social Services Centre*  
*Universities, Colleges, Technical Schools*

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### **9.30.2 Conditions of Use**

- 9.30.2.1 No storage or refuse receptacle area shall be located between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.
- 9.30.2.2 The surface display / storage of vehicles for the purposes of sales or rental shall be limited in number to four vehicles on a *lot*.

### **9.30.3 Density**

- 9.30.3.1 The maximum permitted *floor area ratio* is 2.5.

### **9.30.4 Lot Area**

- 9.30.4.1 The minimum *lot area* shall not be less than 371.6 square metres (4,000 square feet).

### **9.30.5 Yard Requirements**

- 9.30.5.1 A *front yard setback* of not less than 4.6 metres (15 feet) is required.
- 9.30.5.2 A *side yard setback* of not less than 1.8 metres (6 feet) is required.
- 9.30.5.3 A *rear yard setback* of not less than 7.5 metres (24.6 feet) is required.
- 9.30.5.4 Notwithstanding Subsection 9.30.5.2, in the case of a *corner lot*, a *setback* of not less than 4.6 metres (15 feet) shall be provided for the *side yard* adjoining the flanking street.

### **9.30.6 Height of Buildings**

- 9.30.6.1 The *height* of a *building* shall not exceed 13.7 metres (45 feet) and shall not consist of more than four *storeys*.

### **9.30.7 Height of Fences**

- 9.30.7.1 The *height* of a *fence* shall not exceed 1.8 metres (5.9 feet) in any *side yard* or *rear yard*.
- 9.30.7.2 Notwithstanding Subsection 9.30.7.1, no *fences* shall be permitted between the front of a *building* and any adjacent *highway*.



***FAR***



***Setbacks***



***Height***

### **9.30.8 Amenity Areas for Residential**

- 9.30.8.1 Where a *lot* is less than 1800 square metres (19,375.67 square feet) in size, and where more than 25% of the *gross floor area* is residential use, no less than 5% of the *lot area* shall be required as *amenity area*. This *amenity area* shall be permitted in the required *yard setbacks*.
- 9.30.8.2 Where a *lot* exceeds 1800 square metres (19,375.67 square feet), and where more than 25% of the *gross floor area* is residential use, no less than 5% of the *lot area* shall be required as *amenity area* in addition to the required *yard setbacks*.
- 9.30.8.3 The minimum size of any required *amenity area* shall be 37 square metres (400 square feet) for outdoor space and 25 square metres (269 square feet) for indoor space.
- 9.30.8.4 For the purpose of calculating *amenity area* requirements, any indoor space or facility provided may be counted as double the actual area.
- 9.30.8.5 Exterior *amenity areas* shall be grassed or *landscaped* and be designed for the planned occupancy of the *building(s)* and shall not include storage areas, *off-street parking* areas, or *driveways*.

### **9.30.9 Screening and Landscaping**

- 9.30.9.1 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.
- 9.30.9.2 All outdoor storage and refuse receptacle areas shall be screened in accordance with Part 14 of this Bylaw.

### **9.30.10 Parking**

- 9.30.10.1 *Parking Lot* and *Parkade* uses are subject to Subsections 12.1.2., 12.1.3., and 12.1.4. of this Bylaw.
- 9.30.10.2 Notwithstanding Subsection 9.30.10.1, surface *parking lots* and above grade *parkades* as a *principal use* shall not be permitted on *lots* with a *lot area* greater than 1800 square metres (19,375.67 square feet).
- 9.30.10.3 Notwithstanding Subsections 9.30.10.1 and 9.30.10.2, no *parking spaces* shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a *highway* does not include a *lane*.



## Jeremy Holm

---

**From:** Aurelia MacInnis [amacinnis@sms.bc.ca]  
**Sent:** Friday, November 26, 2004 3:36 PM  
**To:** Jeremy Holm  
**Cc:** Lui Carvello  
**Subject:** 39 Front Street - Covenant



Form C\_D\_E.pdf



767\_Covenant(Jordan Ave)\_v3.pdf...  
Attention: Jeremy Holm

Please see the attached:

1. Form C, D and E of the Covenant
2. Terms of the Covenant.

Please print two copies of the above in order to have two originally executed covenants. Please be sure to attached Schedule "A" prior to execution.

Once we have the covenant returned to us we will attend to registration at the Victoria Land Title Office.

Please feel free to contact us should you have any questions.

Aurelia

If you are unable to open or do not receive the attachment, please contact Aurelia.

Our File No. 194 767

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Aurelia MacInnis  
Secretary for Lui Carvello  
Staples McDannold Stewart  
Barristers & Solicitors  
837 Burdett Avenue, 2nd Floor  
Victoria, BC, Canada V8W 1B3  
Tel (250) 380-7744  
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logolaw@sms.bc.ca

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## FOR CITY MANAGER'S REPORT

REPORT TO: E. C. SWABEY, SENIOR MANAGER, PLANNING AND DEVELOPMENT

FROM: D. LINDSAY, MANAGER, PLANNING

RE: STRATIFICATION OF RECREATIONAL VEHICLE AND MOBILE HOME PARKS

---

### RECOMMENDATION:

That the Planning, Environment and Development Standing Committee (PEDSC) recommend that Council:

1. Amend Council's strata policy line to 3 percent as per the Official Community Plan (OCP);
2. Amend the OCP Strata Conversion wording to include all residential development; and
3. Adopt a new policy not supporting the stratification of recreational vehicle parks.

### BACKGROUND

Council, at its regular meeting of 2004-SEP-27, received a Staff report regarding stratification of RV parks and the applicability of Council's existing strata policy. At the meeting, Council directed Staff to bring forward a further report to the PEDSC with options for revising this policy.

### DISCUSSION

#### ***Council Policy***

Council has had a long-standing policy (adopted August, 1990) that strata conversion will not be supported when the vacancy rate is below 4 percent. The primary purpose of this policy is to ensure an adequate stock of affordable rental accommodation within the community (Plan Nanaimo also contains policy for reviewing stratification of rental buildings however it differs in both wording and vacancy rate [3 percent]).

Plan Nanaimo refers to the conversion of "Rental Buildings" versus Council's policy as it relates to "Strata Conversion" in general. Staff believe these two policies need to be consolidated in wording and intent.

#### ***Housing Affordability***

The purpose of Council's vacancy policies, which discourage stratification during times of low vacancy rates, is one tool used to encourage housing affordability. The vacancy rate in Nanaimo is approximately 1.2 percent (CMHC October, 2002 - 2004 rates are to be released end of December). As such, Council's policies discourage strata conversion at this time.

The vacancy rate is established based on vacancies within rental accommodations. The rate does not include vacancies in mobile homes or recreational vehicle parks. CMHC does not monitor vacancy rates within these types of residential uses.

☐ Council  
☒ Committee PEDSC  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2004-DEC-06

Although there is no statistical evidence, it is Staff's belief that the vacancy rates of mobile home parks within Nanaimo tend to be very low. As existing RV parks are either extensions of existing campgrounds or have evolved from previous campgrounds, vacancy rates are likely low in the summer tourist season with expected higher vacancies in the winter or off-season.

Staff believe the CMHC vacancy rate, although not specific to mobile home or recreational vehicle parks, does not provide a suitable snapshot to evaluate the availability of housing rental stock.

### ***Housing Choice***

In addition to affordability, existing housing policies focus on providing housing options throughout the community. This includes options for both form and tenure. While there are a number of mobile home parks within Nanaimo, there are presently only three recreational vehicle parks in the community.

- Resort on the Lake, (150 sites)
- Westwood Lake RV Park (28 sites)
- Living Forest RV Park (200 sites)

Although all mobile home parks within Nanaimo are rental, the zoning does provide for the ability to stratify. Unlike the RM8 (Mobile Home Park Zone), the RV1 (Recreational Vehicle Park Zone) does not permit stratification. By maintaining the status quo in permitting strata in only mobile home parks, Council is able to ensure a long-term housing choice within the mobile housing form.

### ***Long Term Land Use***

Campgrounds and RV parks have been historically treated as transitional uses or holding properties when included within municipal boundaries. As growth increases and areas densify, campgrounds are redeveloped in keeping with the surrounding land uses. However once stratified, ownership divided among strata members would become extremely unlikely that the use would discontinue in the foreseeable future. What was once a temporary or transitional use would now become a permanent fixture within the fabric of the community.

## **OPTIONS**

With respect to Council's original direction, there are three principal options:

- A. Amend the current Council policy to clarify that it does apply to mobile home and RV parks (no strata based on current vacancy rates).
- B. Amend current Council policy to clarify that it does not apply to mobile home or RV parks.
- C. Establish a new policy for stratification for mobile home and RV park applications requiring applications to be considered on their own merits with consideration given to
  - demonstrated availability of rental pads within the community,
  - ability to comply with the RV or Mobile Homes Parks Bylaw,
  - impact on surrounding community, and
  - compliance with goals and objectives of the Official Community Plan
- D. Clarify that Council does not support the stratification of recreational vehicle parks.

Staff recommend Option D and that the strata conversion policies be consolidated in regards to wording and intent.

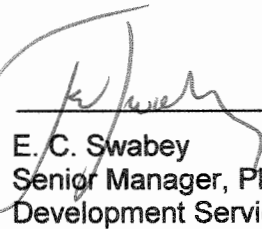
RECOMMENDATION:

That the Planning, Environment and Development Standing Committee (PEDSC) recommend that Council:

1. Amend Council's strata policy line to 3 percent as per the Official Community Plan (OCP);
2. Amend the OCP Strata Conversion wording to include all residential development; and
3. Adopt a new policy not supporting the stratification of recreational vehicle parks.

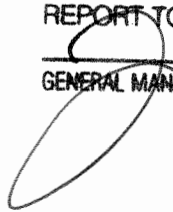
Respectfully Submitted,

  
\_\_\_\_\_  
D. Lindsay  
Manager of Planning, Planning Division  
Development Services Department

  
\_\_\_\_\_  
E. C. Swabey  
Senior Manager, Planning & Development  
Development Services Department

DL/ld/pm  
File: 3900-30-ZA1-08  
PEDSC: 2004-DEC-06

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

  
\_\_\_\_\_  
GENERAL MANAGER OF DEVELOPMENT SERVICES