

AGENDA FOR THE 2004-AUG-19 MEETING
OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE,
TO BE HELD IN THE BOARD ROOM, CITY HALL, COMMENCING AT 3:30 P.M.

1. ADOPTION OF MINUTES:

Minutes of the 2004-JUN-10 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall, 3:35 p.m.

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 & DEVELOPMENT STANDING COMMITTEE

2004-AUG-19

TO: The Members of the Committee

(5) CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) OCP Amendments – Review Period May 2004-October 2004

The following Official Community Plan (OCP) amendment applications are being forwarded to Planning, Environment and Development Standing Committee (PEDSC) for review and consideration as part of the current OCP amendment round:

1. one (1) external application;
2. five (5) corporate initiated amendments; and
3. one (1) housekeeping amendment.

External Application:

1. 6151 and 6121 Hammond Bay Road

This applicant wishes to amend the OCP in order to facilitate the expansion of an existing care facility on the subject property.

Dover House, the existing 25-bed care facility, was built in 1998 on 6151 Hammond Bay Road following a rezoning of the property from RS-1 (Residential Single Family) to P-2 (Public/Institutional). The applicant has since purchased the adjacent property (6121 Hammond Bay Road) and proposes to expand the existing care facility. The proposed addition will accommodate another 50 beds for a total of 75 beds.

Proposed Amendment:

Section 1.2.2.1(10) of the OCP permits purpose-built residential facilities that fit within the neighbourhood's form and character. It is Staff's opinion that the proposed 75-bed facility is a larger scale facility than what was anticipated by the current plan. In order for the development to proceed, an amendment permitting a residential facility of this scale is required.

PNAC Comments: At its meeting held 2004-Jun-17, PNAC supported the subject amendment to the OCP, in principle, and recommended that the amendment be site specific within the neighbourhood designation. Also, as part of the review, PNAC recommended that any floodplain issues for the property be addressed.

Staff Comments: Staff concurs with PNAC's recommendation and recommend that PEDSC support this application. The OCP amendment, if successful, will be followed by a rezoning application for 6121 Hammond Bay Road. The rezoning process will provide an opportunity to review any technical issues such as servicing and floodplains.

Recommendation: That the PEDSC support the subject OCP amendment, in principle, to expand the care facility at 6151 and 6121 Hammond Bay Road.

Corporate Amendments:

2. Wall and Holly Streets

Council, at their meeting of 2004-APR-19, directed that any further action on the Wall/Holly project cease and the OCP be amended to remove the Wall/Holly Corridor road network as a major connector.

Proposed Amendment:

Amend Schedule 'A' – Future Land Use and Mobility by removing the Wall/Holly corridor road network between Comox and Townsite as a major connector (see Schedule B attached to the report).

PNAC Comments: PNAC, at its meeting held 2004-JUN-17, recommended that the application be supported. PNAC also recommended that Council re-examine the traffic issues and concerns raised by the community and formulate a solution in consultation with the neighbourhood.

Recommendation: That the PEDSC support the OCP amendment to amend Schedule "A" – Future Land Use and Mobility by removing the Wall/Holly corridor road network between Comox and Townsite as a major connector.

3. 4191, 4181, 4171, and 4169 Wellington Road

The purpose of this amendment is to redesignate the four single-family lots on the west end of Wellington Road from "Neighbourhood" to "Service Industrial".

In 1998, the adjacent lot, 4151 Wellington Road, was redesignated and rezoned to expand the neighbouring car dealership. The four subject lots were not redesignated at that time. In addition to the lands to the west, the property opposite the lots on Wellington are also designated Service Industrial. To the east and south is a park and school, which provide an appropriate separation to the neighbourhood beyond.

The City has received an associated rezoning application for three of the four lots (4169, 4171, and 4181 Wellington). The rezoning, which is being requested in order to permit expansion of the adjacent automobile dealership, will be the subject of a separate report.

Proposed Amendment:

That 4191, 4181, 4171, and 4169 Wellington Road be redesignated from "Neighbourhood" to "Service Industrial."

PNAC Comments: At its meeting held 2004-JUN-17, PNAC recommended that the application be supported as presented.

Staff Comments: Staff concurs with PNAC's recommendation and recommends PEDSC support this amendment.

Recommendation: That the PEDSC support the OCP amendment to redesignate the four single-family lots at 4191, 4181, 4171 and 4169 Wellington Road from "Neighbourhood" to "Service Industrial."

4. Old City Neighbourhood and Downtown Plan

The Old City Neighbourhood Plan was adopted in January 1992 and the Downtown Plan was adopted in May 2002. The boundaries of the Downtown Plan encompass some of the area included in the Old City Neighbourhood Plan. The purpose of this amendment is to modify the boundaries of the Old City Neighbourhood Plan and remove the areas that are now superseded by the Downtown Plan.

Proposed Amendment:

Amend Schedule 'A' 7.1 – Future Land Use and Mobility to modify the Old City Neighbourhood Plan Boundaries and delete sections that are superseded by the Downtown Plan.

PNAC Comments: At its meeting held 2004-JUN-17, PNAC recommended that the amendment be supported as presented.

Staff Comments: Staff concurs with PNAC's recommendation and recommend PEDSC support this amendment.

Recommendation: That the PEDSC support the OCP amendment to amend Schedule 'A' 7.1 – Future Land Use and Mobility to modify the Old City Neighbourhood Plan Boundaries and delete sections that are superceded by the Downtown Plan.

5. Development Permit Exemptions

Recent development and renovation projects have revealed some inequities in the current OCP regulations regarding Development Permit Area exemptions. This has resulted in some proposed revisions in the Development Permit Area policies.

At present, the Bylaw exempts renovations which are less than \$100,000.00 or 25 percent of the assessed value of the building, whichever is greater. The 25 percent of assessed value figure can be quite high when the renovations being considered are too large developments such as malls. The proposed amendment removes the 25 percent figure in favour of a maximum building permit value of \$100,000.00. Also, the proposed amendment caps the size of an addition permitted prior to requiring a development permit to 200 square metres (2,152 square feet).

Proposed Amendment:
Amend Section 8.2.21 as follows:

5. Exemptions

Where there is inconsistency between the regulations of this Development Permit Area and another, coincidental Development Permit Area, the regulations of the other Development Permit Area will generally prevail.

1. In areas of the City where DPA 21 applies, a development permit for form and character will not be required in the following circumstances:

where there are alterations or additions to a building that:

- (a) do not result in an alteration to the exterior of the building or;
- (b) alter the exterior of a building but have a value of less than \$100 000 when taken together with all external alterations and additions to the building made within the previous period of five years or;

- (c) do not result in an addition greater than ten percent of the existing gross floor area to a maximum of 200m² (2152 ft²) when taken together with all additions to the building made within the previous period of five years or;
- (d) is determined by the General Manager of Development Services to comply with a previously approved Form and Character Development Permit;

where the proposed construction is a duplex;

where the proposed construction is for a form of building that has been otherwise exempted from the requirement to obtain a development permit by City Council;

where the proposed construction or renovation is for a public school operated by School District No. 68; and

where the building is included on the Schedule of Buildings for Heritage Conservation Area 1 in section 8.3.1(5). (6000.027; 2000-MAY-15).

PNAC Comments: At its meeting held 2004-JUN-17, PNAC recommended that the amendment be supported as presented.

Staff Comments: Staff concurs with PNAC's recommendation and recommend that PEDSC support this proposed amendment.

Recommendation: That the PEDSC support the OCP amendment to remove the 25 percent figure in favour of a maximum building permit value of \$100,000.00 and to cap the size of an addition permitted prior to requiring a development permit to 200 square metres (2,152 square feet).

6. Building Height Restrictions:

The OCP currently restricts buildings throughout the city to less than 16 storeys. The proposed amendment is to remove the cap, thus permitting each application to be evaluated on its own merits.

Proposed Amendment:

The purpose of this amendment is to remove blanket restrictions on building heights as found in Section 1.1.2.2 (8) in order to permit site specific evaluation of developments.

PNAC Comments: At its meeting held 2004-JUN-17, PNAC recommended that the subject amendment to the OCP be supported.

Forwarded to Council:

Given the requirement for Council to consider this amendment in advance of a current high rise application, this amendment was forwarded to Council at their meeting of 2004-AUG-16. As such, no direction from PEDSC is required.

Housekeeping:

7. Updates for Schedules A and B

Some digital mapping layers have remained static since 1998 and need to be updated. Certain layers need to reflect physical and jurisdictional changes that have occurred over the last 6 years. In other cases, recent projects have generated more accurate mapping data that should be reflected in the OCP.

Proposed Amendment:

Schedules A and B will be updated to display proposed and existing schools, roads, parks, trails, neighbourhood plans, sensitive habitat inventory mapping (SHIM) and environmentally sensitive areas (ESAs).

PNAC Comments: At its meeting held 2004-JUN-17, PNAC recommended that the amendment be supported.

Staff Comments: Staff concurs with PNAC's recommendation and recommend this amendment be supported by PEDSC.

Recommendation: That the PEDSC support the OCP amendment to update Schedules "A" and "B" to display proposed and existing schools, roads, parks, trails, neighbourhood plans, sensitive habitat inventory mapping (SHIM) and environmentally sensitive areas (ESAs).

(2) Report of Routine Amendments to "ZONING BYLAW 1993 NO. 4000" and "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541"

The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" was adopted by Council at its regular meeting of 1993-JUL-26. Historically, Council has recognized that the Bylaw is subject to revisions brought about by changing circumstances and public needs. Periodic amendments are therefore required to maintain the effectiveness and relativity of the zoning regulations. Council considered the last set of routine amendments in 2002. The proposed changes addressed in this report include both text amendments and map amendments.

The City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541" was adopted by Council at its regular meeting of 2002-MAR-25 and the proposed changes will be the first set of amendments to this bylaw.

Zoning Bylaw No. 4000 Text Amendments:

If adopted, the proposed changes listed below will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

Amendment No. 1

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Proposal: include "Amusement Centre" and "Recreational Facility" as permitted uses in the Community Shopping Centre Commercial Zone (C-7).

Rationale: The intent of the Community Shopping Centre Commercial Zone (C-7) is to provide for the shopping needs of the community at large. Permitted uses currently include items such as Arcades, Bingo Halls, Daycare Facilities and Shopping Centres. Given that a Shopping Centre specifically allows for uses such as cinemas and exercise studios, providing additional opportunity for recreational uses is a valid extension to this C-7 zone.

Amendment No. 2

Proposal: Amend the Residential Duplex Zone (RM-1) to specify a floor area ratio (FAR) of 0.55 for a duplex instead of a principal dwelling, and amend the Residential Triplex and Quadruplex Zone (RM-2) to include a FAR of 0.55 for duplexes.

Rationale: The RM-1 zone currently makes provision for a FAR of 0.55 for a principal dwelling, and for a lot coverage of 40 percent. However, it is difficult to apply the term 'principal dwelling' to a duplex, and depending upon the size of the parcel, lot coverage alone may provide for a very large building. Replacing 'principal dwelling' with 'duplex' will set a maximum FAR of 0.55 for these structures, thereby controlling the size of the building and keeping it consistent with the FAR established for single family dwellings (RM-1).

The RM-2 zone is similar in terms of providing a 40 percent lot coverage and setting a FAR of 0.55 for triplexes and 0.65 for quadruplexes. However, no FAR requirement has been established for duplexes, resulting in a similar situation as noted for RM-1 above. Therefore, staff recommend a FAR of 0.55 be established for duplex structures.

Amendment No. 3

Proposal: Remove Subsection 5.2.2. from Part 5 General Regulations, as per reference to yard requirements and Ministry of Transportation requirements for setbacks from Provincial highways.

Rationale: The Ministry of Transportation (MOT) requires setbacks from a provincial road right-of-way, as designated under the *Highway Act*. However, MOT also has the authority to grant a relaxation of these setbacks. Subsection 5.2.2. of Zoning Bylaw No. 4000 currently

stipulates that no reduction to yard requirements will be considered where a parcel is sited adjacent to a major road. Removing this subsection will allow flexibility in considering individual applications where MOT has granted a relaxation to the provincial setback requirement.

Amendment No. 4

Proposal: Add 'Nature Sanctuary' as a permitted use in all zones to recognize the use of land by groups such as the Nature Trust of BC (ie. Morrell Nature Sanctuary).

Add the following definitions to Section 4.1 Definitions:

"Nature Sanctuary means the use of land, buildings or structures for the preservation of plant and animal life, operated by a public or non-profit group or organization, and may also include, as accessory uses, Nature Centre and Caretaker's Dwelling Unit."

"Nature Centre means the use of land, buildings or structures for the use of educational programs and tours, special events and exhibits, galleries and theatres, and accessory offices, and operated accessory to a Nature Sanctuary by a public or non-profit group or organization."

Rationale: Council, at its meeting held 2003-NOV-03, directed Staff to bring forward the appropriate Zoning Bylaw amendments in the next round of Zoning Bylaw housekeeping amendments in order to recognize the use of land by such groups as the Nature Trust of British Columbia. The zoning bylaw does not currently address nature sanctuaries or nature centres and their related uses. This creates a situation whereby existing nature sanctuaries are regulated by the requirements of the zone in which they are sited, including permitted uses. Given the environmental significance and rather benign nature of these uses, and given the recommendation from Council to recognize this use of land, Staff recommend nature sanctuaries be permitted in all zones, subject to the regulations set out in that particular zone, and subject to the regulations set out in the Parking Regulations Bylaw No. 5541.

Amendment No. 5

Proposal: Include "Personal Service Use" as a component of the "Retail Store" definition.

Rationale: A "Retail Store" is defined as "a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored and sold from within a building..." A "Personal Service Use" also includes the sale of goods, wares, personal merchandise and articles. Personal Service tends to be a relatively low-impact use; therefore, incorporating this use into the definition for "Retail Store" would allow for a harmonious mix of uses, including items such as a day spa within a retail centre.

Amendment No. 6

Proposal: Include "Furniture and Appliance Sales" as a component of the "Retail Store" definition.

Add the following definition to Section 4.1 Definitions:

"Furniture and Appliance Sales means the use of land, buildings or structures for retail sales or rental of household furniture, major and minor household appliances, and household furnishings such as carpets and draperies."

Rationale: 'Furniture and Appliance Sales' was originally implemented as a permitted use in two commercial zones to address larger scale outlets. This prevents smaller stores from locating in other zones where retail stores are allowed. Therefore, incorporating this use into the definition of "Retail Store" would permit the siting of relatively unobtrusive uses in other commercial zones.

Amendment No. 7

Proposal: Include Landscaping and Screening provisions for the Old City Central Commercial Zone (C-18).

Rationale: The Zoning Bylaw does not currently make provision for landscaping and screening for parcels within the Old City Central Commercial Zone (C-18). Including requirements for landscaping and screening within the zone, and within Part 14 Landscaping and Screening, will ensure the placement of street trees within the front yard of lots that abut a highway.

Amendment No. 8

Proposal: Expand the existing regulations addressing landscaping and screening of dumpsters to include architectural features. Proposed regulations will require adequate screening consisting of masonry materials and trellises, with guardposts installed to protect vegetation.

Rationale: Landscaping and screening requirements currently state that, in relation to dumpsters, containers, and similar large receptacles, these items shall be fully screened from view by wood fence or masonry walls. These requirements have proven inadequate as simple wooden structures quickly deteriorate and become visually unappealing. The intent of this amendment is to create an architectural feature on a given property, while still fulfilling the basic intent of screening these features. Illustrations provided for information only will serve to clarify the landscaping and screening requirements.

Amendment No. 9

Proposal: Amend Part 5 General Regulations to clarify that the parking or storage of vehicles for each Single Family Dwelling sited on a lot shall not exceed a combined total of more than four motor vehicles, recreational vehicles, and recreational boats.

Rationale: Current regulations contained within Subsection 5.12.5. specify that "no lot zoned Residential shall be used for the parking or storage of a combined total of more than 4 motor vehicles, recreational vehicles, and recreational boats." This proves problematic for residential zones that allow for multi-family dwellings. The intent of this amendment is to specify that the restriction of four motor vehicles pertains to development of a single-family dwelling. Multi-family dwelling development will be subject to the requirements of Parking Bylaw No. 5541.

Amendment No. 10

Proposal: Amend Part 5 General Regulations to clarify that open decks can project only into flanking side yards.

Rationale: Zoning Bylaw No. 4000 currently allows an open deck to project into the side yard of a corner lot, or the side yard of a lot zoned for multiple family dwellings, which results in the potential for construction within the interior side yard. As the intent was not to allow for development into an interior side yard, this amendment would clarify that an open deck can project only into the flanking side yard setback, thereby reducing potential conflict with adjacent properties.

Amendment No. 11

Proposal: Amend Part 5 General Regulations to remove two of the conditions for 'Hutch' projections into side and rear yard setbacks.

Rationale: Existing conditions placed on siting of a hutch specify that the hutch be cantilevered, and that the hutch contain no windows where it projects into a side yard. The definition for a 'Hutch' also addresses these requirements, therefore a duplication of requirements has occurred. This is causing confusion during the construction phase of a building, where a presumption is made that windows could be permitted in a rear yard as they are not specifically addressed. Therefore, to avoid further confusion, Staff recommend the conditions set out in Subsection 5.4.1 be deleted.

Amendment No. 12

Proposal: Amend Part 5 General Regulations to remove the conditions for placement of swimming pools within side and rear yard setbacks.

Rationale: Subsection 5.4.1 of the bylaw includes conditions for setbacks affecting non-permanent covered or uncovered swimming pools within side yard and rear yard setbacks. These conditions are in conflict with other setback requirements set out in this section, potentially causing a situation where placement of these pools could not occur. To clarify setback requirements, Staff recommend the conditions set out in Subsection 5.4.1 be removed, thereby allowing the requirements of Subsections 5.4.2 and 5.4.3 to prevail. As such, temporary pools will be allowed to project into side and rear yards, while permanent pools must comply with the setback requirements of a given zone.

Amendment No. 13

Proposal: Amend Subsection 5.10 Swimming Pools to update the reference to Section 23 of the Building Bylaw, adopted as "BUILDING BYLAW 2003 NO. 5693."

Rationale: The City of Nanaimo Building Bylaw was adopted in 2003, replacing the Building Bylaw adopted in 1988 and currently referred to in Subsection 5.10.2. of the Zoning Bylaw. This subsection will be updated to reference Bylaw No. 5693.

Amendment No. 14

Proposal: Delete Subsection 5.1.3 General Regulations as it pertains to siting of detached accessory buildings in relation to a residential building.

Rationale: Subsection 5.1.3 Location and Siting of Buildings and Structures, and Subsection 5.5.4 Accessory Buildings and Structures duplicate requirements that accessory buildings shall not be located closer than 1.2 metres (3.94 feet) to a residential use building. For clarification, Subsection 5.1.3 will be deleted, while Subsection 5.5.4 remains grouped with other accessory building requirements.

Amendment No. 15

Proposal: Replace the term 'proportion' with 'portion' in the Low Density Multiple Family Residential (High-Rise) Zone (RM-4).

Rationale: The intent of this revision is to ensure grammatical consistency between the zones. In this instance, Subsection 7.4.3. Density will be amended to "the maximum density shall not exceed a ratio of 42 dwelling units per gross hectare of land or *portion* thereof."

Amendment No. 16

Proposal: Replace the phrase "the wall face" to "a wall face" within the Single Family Residential Zone (RS-1) [Subsections 6.1.8.1.(c) and 6.1.8.2.(c)], and within the Single Family Residential Zone (large lot) (RS-2) [6.2.8.1.(c) and 6.2.8.2.(c)].

Rationale: The intent of this revision is to ensure grammatical consistency within zones that share this reference to maximum perimeter wall heights. The current wording may lead to a presumption that the regulations apply to only one wall face rather than all applicable wall faces.

Amendment No. 17

Proposal: For RS-1 to RS-6, RM-1 to RM-3, RM-5 to RM-7, RM-9 to RM-11, and C-18 zones, clarify the height requirements for fences sited along flanking streets by referencing the fence as "sited in a flanking side yard."

Rationale: The fence requirements for the above-noted zones currently refer to the height of a fence not exceeding a given height "along the side adjoining the flanking street". This reference to 'adjoining' creates confusion as to which fence is subject to the maximum height stated in the zone. The intent of this amendment is to clarify the wording of this section by referencing the fence as 'sited in a flanking side yard'.

Amendment No. 18

Proposal: Amend "Condition of Use" heading for RS-1, RS-2, RS-6, RM-1 and C-13 zones to "Conditions of Use" to indicate more than one condition is specified.

Rationale: As zones are amended, conditions have been added but the section heading has not been revised to reflect these additions. To ensure consistency and accuracy within the bylaw, section headings for RS-1, RS-2, RS-6, RM-1 and C-13 zones will be amended from "Condition of Use" to "Conditions of Use", thereby indicating the presence of more than one condition.

Amendment No. 19

Proposal: Amend the Conditions of Use within the Residential Triplex and Quadruplex Zone (RM-2) to specify that attached parking structures are included as part of the gross floor area of the first storey.

Rationale: Conditions of use within the RM-2 zone require that the maximum gross floor area for each storey above the first storey shall not exceed 80 percent of the gross floor area of the first storey. To ensure consistency amongst developments with the change in gradient, a clause is recommended stipulating that attached parking structures are included within the 80 percent. This will then encompass both developments with or without parking structures (attached garages and attached carports).

Amendment No. 20

Proposal: Amend Section 5.5 Accessory Buildings and Structures to include a maximum gross floor area of 70 m² (753.5 ft²) for accessory buildings located in RM-1, RM-2, RM-9, RM-11, and single family residential zones.

Rationale: Subsection 5.5.5 of the Zoning Bylaw No. 4000 currently stipulates a maximum gross floor area of 70 m² (753.5 ft²) for accessory buildings sited on single family residential zoned properties. However, there is no provision to address the maximum size of accessory buildings located in the above-noted multiple family residential zones. Historically, many of the storage and parking uses associated with a multiple family development have been contained within the principal buildings; therefore, it is recommended that the same maximum gross floor area of 70 m² (753.5 ft²) be implemented for accessory buildings sited within these multiple family zones.

Amendment No. 21

Proposal: Add the following definitions to Section 4.1 Definitions:

“Household Animal means a domesticated animal kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit, and includes a dog and cat, but specifically excludes Livestock.”

“Livestock means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, may include a cow, donkey, goat, horse, mule, ox, sheep or swine, but specifically excludes a Household Animal.”

“Food and Beverage Processing means the use of land, buildings or structures for the processing, warehousing and distribution of food and beverage products, but specifically excludes Livestock Processing and the slaughter and/or processing of Household Animals, fish, poultry, and other fowl.”

“Livestock Processing means the use of land, buildings or structures for the processing, warehousing and distribution of fish, poultry, and other fowl, but specifically excludes the slaughter and/or processing of Household Animals.”

Amend the definition of Agriculture to specifically exclude the slaughter and/or processing of ‘Household Animals’.

Add ‘Livestock Processing’ as a permitted use within the General Industrial Zone (I-3) and Heavy Industrial Zone (I-4).

Rationale: The Province is enacting a new *Food Safety Act* and Meat Inspection Regulation, effective September 1, 2004, which has broadened the definition of ‘animal’ as one that is “raised for food.” As a result, this amendment is intended to reaffirm the intent of the Zoning Bylaw by differentiating between those animals considered ‘livestock’ and those considered ‘household pets’. These amendments are also intended to prohibit the slaughter and/or processing of live animals in those zones where “Food and Beverage Processing” is a permitted use.

Zoning Bylaw No. 4000 Map Amendments:

Proposed amendments are necessary in order to recognize minor boundary adjustments and address specific land uses, as indicated on Schedule A of the “ZONING BYLAW 1993 NO. 4000.” If adopted, the proposed changes listed below will amend the City of Nanaimo “ZONING BYLAW 1993 NO. 4000” as follows:

1. Rezone 1800 Richardson Road from Single Family Residential Zone (Large lot) (RS-2) to Public Institution Zone (P-2) to reflect siting of Cinnabar Valley Elementary School, attached as Schedule ‘A’.
2. Rezone 5199 Dunster Road (portion thereof) from Single Family Residential Zone (RS-1) to Medium Density Multiple Family Residential (Suburban) Zone (RM-5) to align zoning boundary with road right-of-way, attached as Schedule ‘B’.

3. Amend 284 Westwood Road from Single Family Mobile Home Residential Zone (RS-3) to Single Family Residential Zone (RS-1) to align zoning boundary with road right-of-way, to avoid split zoning due to road closure, attached as Schedule 'C'.
4. Amend 5800 Turner Road (portion thereof) from Community Shopping Centre Commercial Zone (C-7) to Town Centre Commercial Zone (C-23) to align zoning boundary with road right-of-way, attached as Schedule 'D'.

Parking Bylaw No. 5541 Text Amendments:

If adopted, the proposed changes listed below will amend the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541" as follows:

Amendment No. 1

Proposal: Amend Schedule 'A', Commercial Service to specify one parking space for each three seats for Neighbourhood public houses and marine public houses.

Rationale: Parking requirements for neighbourhood public houses and marine public houses is currently set at one parking space for each two seats. This results in excessive parking areas. A review of other municipalities indicates an average of 1 space for each 3 seats. Therefore, an amendment is recommended to reduce this requirement for parking.

Amendment No. 2

Proposal: Amend Schedule 'A', Assembly, Cultural and Recreational to add Nature Sanctuary, specifying a parking requirement of one parking space for every 40 m² (431 ft²) of gross floor area.


Rationale: It is anticipated that a Nature Sanctuary will generate a similar amount of traffic as that seen with a library or museum facility. As such, Staff recommends parking requirements be set at the same level, that is, one parking space for every 40 m² (431 ft²) of gross floor area.

Recommendation: That the PEDSC recommend that Council:

1. give first and second readings to the proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000"; and,
2. give first and second readings to the proposed amendments to the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541".

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Karen Berry". The signature is fluid and cursive.

 G. D. Berry
CITY MANAGER

FOR CITY MANAGER'S REPORT

REPORT TO: PLANNING, ENVIRONMENT & DEVELOPMENT STANDING COMMITTEE

FROM: DALE LINDSAY, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: OFFICIAL COMMUNITY PLAN AMENDMENTS
REVIEW PERIOD MAY 2004-OCTOBER 2004

RECOMMENDATION:

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

1. receive this report; and,
2. recommend that Council give First and Second Reading to the proposed OCP amendment applications as outlined in this report.

BACKGROUND:

The following OCP amendment applications are being forwarded to PEDSC for its review and consideration as part of the current OCP amendment round:

- one (1) external application;
- five (5) corporate initiated amendments; and
- one (1) housekeeping amendment.

The details of these OCP amendment applications, along with Staff and the Plan Nanaimo Advisory Committee's (PNAC) recommendations, are outlined in this report.

This report is provided to PEDSC to give background information and recommendations on each application. Based on PEDSC's recommendation for each of these applications, staff will prepare the associated OCP amendment bylaws for Council's consideration at its next regular meeting.

External Application:

1. 6151 and 6121 Hammond Bay Road

This applicant wishes to amend the OCP in order to facilitate the expansion of an existing care facility on the subject property (Schedule A).

Dover House, the existing 25-bed care facility, was built in 1998 on 6151 Hammond Bay Road following a rezoning of the property from RS-1 (Residential Single Family) to P-2 (Public/Institutional). The applicant has since purchased the adjacent property (6121 Hammond Bay Road) and proposes to expand the existing care facility. The proposed addition

will accommodate another 50 beds for a total of 75 beds. The development, if approved, will be accessed off Hammond Bay Road; consequently, traffic patterns within the adjacent residential areas will not be impacted.

Proposed Amendment:

Section 1.2.2.1(10) of the OCP permits purpose-built residential facilities that fit within the neighbourhood's form and character. It is staff's opinion that the proposed 75-bed facility is a larger scale facility than what was anticipated by the current plan. In order for the development to proceed, an amendment permitting a residential facility of this scale is required.

PNAC Recommendation:

At its meeting held 2004-Jun-17, PNAC supported the subject amendment to the OCP in principle and recommended that the amendment be site specific within the neighbourhood designation. Also, as part of the review, PNAC recommended that any floodplain issues for the property be addressed.

Staff Recommendation:

Staff concurs with PNAC's recommendation and recommend that PEDSC support this application. The OCP amendment, if successful, will be followed by a rezoning application for 6121 Hammond Bay Road. The rezoning process will provide an opportunity to review any technical issues such as servicing and floodplains.

Corporate Amendments:

2. Wall and Holly Streets

Council, at their meeting of 2004-APR-19, directed that any further action on the Wall/Holly project cease and the OCP be amended to remove the Wall/Holly Corridor road network as a major connector.

Proposed Amendment:

Amend Schedule 'A' – Future Land Use and Mobility by removing the Wall/Holly corridor road network between Comox and Townsite as a major connector (see Schedule B).

PNAC Recommendation:

PNAC, at its meeting held 2004-JUN-17, recommended that the application be supported. PNAC also recommended that Council re-examine the traffic issues and concerns raised by the community and formulate a solution in consultation with the neighbourhood.

3. 4191, 4181, 4171, and 4169 Wellington Road

The purpose of this amendment is to redesignate the four single family lots on the west end of Wellington Road from "Neighbourhood" to "Service Industrial" (Schedule C).

In 1998, the adjacent lot, 4151 Wellington Road, was redesignated and rezoned to expand the neighbouring car dealership. The four subject lots were not redesignated at that time. In addition to the lands to the west, the property opposite the lots on Wellington are also designated Service Industrial. To the east and south is a park and school, which provide an appropriate separation to the neighbourhood beyond.

The City has received an associated rezoning application for three of the four lots (4169, 4171, and 4181 Wellington). The rezoning, which is being requested in order to permit expansion of the adjacent automobile dealership, will be the subject of a separate report.

Proposed Amendment:

That 4191, 4181, 4171, and 4169 Wellington Road be redesignated from "Neighbourhood" to "Service Industrial."

PNAC Recommendation:

At its meeting held 2004-JUN-17, PNAC recommended that the application be supported as presented.

Staff Recommendation:

Staff concurs with PNAC's recommendation and recommends PEDSC support this amendment.

4. Old City Neighbourhood and Downtown Plan:

The Old City Neighbourhood Plan was adopted in January 1992 and the Downtown Plan was adopted in May 2002. The boundaries of the Downtown Plan encompass some of the area included in the Old City Neighbourhood Plan. The purpose of this amendment is to modify the boundaries of the Old City Neighbourhood Plan and remove the areas that are now superceded by the Downtown Plan.

Proposed Amendment:

Amend Schedule 'A' 7.1 – Future Land Use and Mobility to modify the Old City Neighbourhood Plan Boundaries and delete sections that are superceded by the Downtown Plan (see Schedule D).

PNAC Recommendation:

At its meeting held 2004-JUN-17, PNAC recommended that the amendment be supported as presented.

Staff Recommendation:

Staff concurs with PNAC's recommendation and recommend PEDSC support this amendment.

5. Development Permit Exemptions:

Recent development and renovation projects have revealed some inequities in the current OCP regulations regarding Development Permit Area exemptions. This has resulted in some proposed revisions in the Development Permit Area policies.

At present, the Bylaw exempts renovations which are less than \$100,000.00 or 25% of the assessed value of the building, whichever is greater. The 25% of assessed value figure can be quite high when the renovations being considered are to large developments such as malls. The proposed amendment removes the 25% figure in favour of a maximum building permit value of \$100,000.00. Also, the proposed amendment caps the size of an addition permitted prior to requiring a development permit to 200 square metres (2,152 square feet).

Proposed Amendment:

Amend Section 8.2.21 as follows:

5. Exemptions

Where there is inconsistency between the regulations of this Development Permit Area and another, coincidental Development Permit Area, the regulations of the other Development Permit Area will generally prevail.

1. In areas of the City where DPA 21 applies, a development permit for form and character will not be required in the following circumstances:
 - where there are alterations or additions to a building that:
 - (a) do not result in an alteration to the exterior of the building or;
 - (b) alter the exterior of a building but have a value of less than \$100 000 when taken together with all external alterations and additions to the building made within the previous period of five years or;
 - (c) do not result in an addition greater than ten percent of the existing gross floor area to a maximum of 200m² (2152 ft²) when taken together with all additions to the building made within the previous period of five years or;
 - (d) is determined by the General Manager of Development Services to comply with a previously approved Form and Character Development Permit;
 - where the proposed construction is a duplex;
 - where the proposed construction is for a form of building that has been otherwise exempted from the requirement to obtain a development permit by City Council;
 - where the proposed construction or renovation is for a public school operated by School District No. 68; and
 - where the building is included on the Schedule of Buildings for Heritage Conservation Area 1 in section 8.3.1(5). (6000.027; 2000-MAY-15).

PNAC Recommendation:

At its meeting held 2004-JUN-17, PNAC recommended that the amendment be supported as presented.

Staff Recommendation:

Staff concurs with PNAC's recommendation and recommend that PEDSC support this proposed amendment.

6. Building Height Restrictions:

The OCP currently restricts buildings throughout the city to less than 16 storeys. The proposed amendment is to remove the cap, thus permitting each application to be evaluated on its own merits.

Proposed Amendment:

- The purpose of this amendment is to remove blanket restrictions on building heights as found in Section 1.1.2.2 (8) in order to permit site specific evaluation of developments (see Schedule E).

PNAC Recommendation:

At its meeting held 2004-JUN-17, PNAC recommended that the subject amendment to the OCP be supported.

Forwarded to Council:

Given the requirement for Council to consider this amendment in advance of a current high rise application, this amendment was forwarded to Council at their meeting of 2004-AUG-16. As such, no direction from PEDSC is required.

Housekeeping

7. Updates for Schedules A and B

Some digital mapping layers have remained static since 1998 and need to be updated. Certain layers need to reflect physical and jurisdictional changes that have occurred over the last 6 years. In other cases, recent projects have generated more accurate mapping data that should be reflected in the OCP.

Proposed Amendment:

Schedules A and B will be updated to display proposed and existing schools, roads, parks, trails, neighbourhood plans, sensitive habitat inventory mapping (SHIM) and environmentally sensitive areas (ESAs).

PNAC Recommendation:

At its meeting held 2004-JUN-17, PNAC recommended that the amendment be supported.

Staff Recommendation


Staff concurs with PNAC's recommendation and recommend this amendment be supported by PEDSC.

RECOMMENDATION:

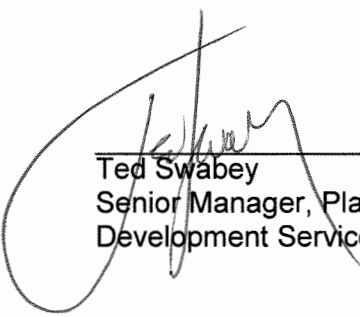
That the Planning, Environment and Development Standing Committee:

1. receive this report; and,
2. recommend that Council give First and Second Reading to the proposed OCP amendment applications as outlined in this report.

Respectfully submitted,



Dale Lindsay
Manager, Planning Division
Development Services Department



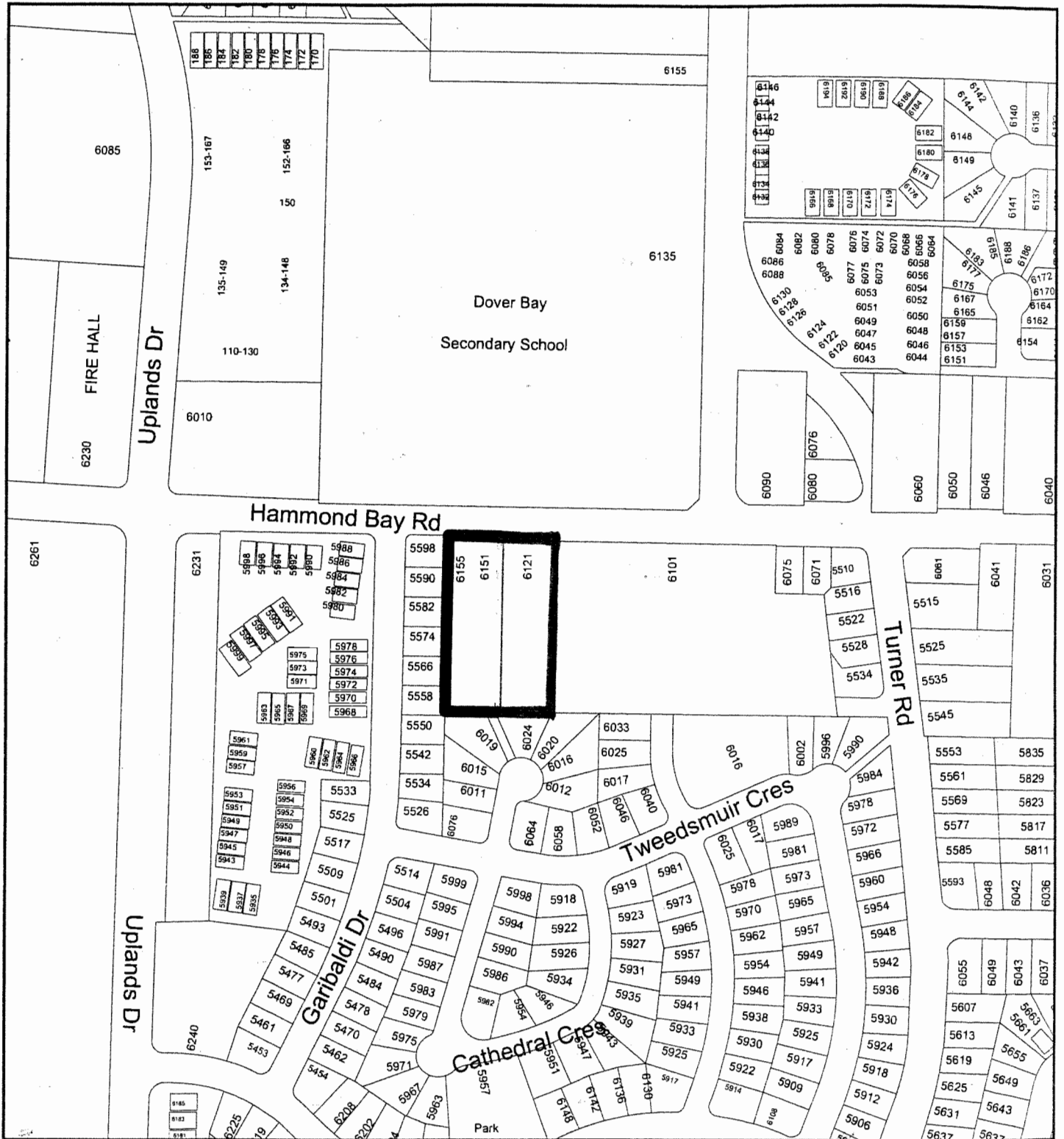
Ted Swabey
Senior Manager, Planning & Development
Development Services Department

KM/DL/TS/pm/hp/asr

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S(1)6

Schedule A

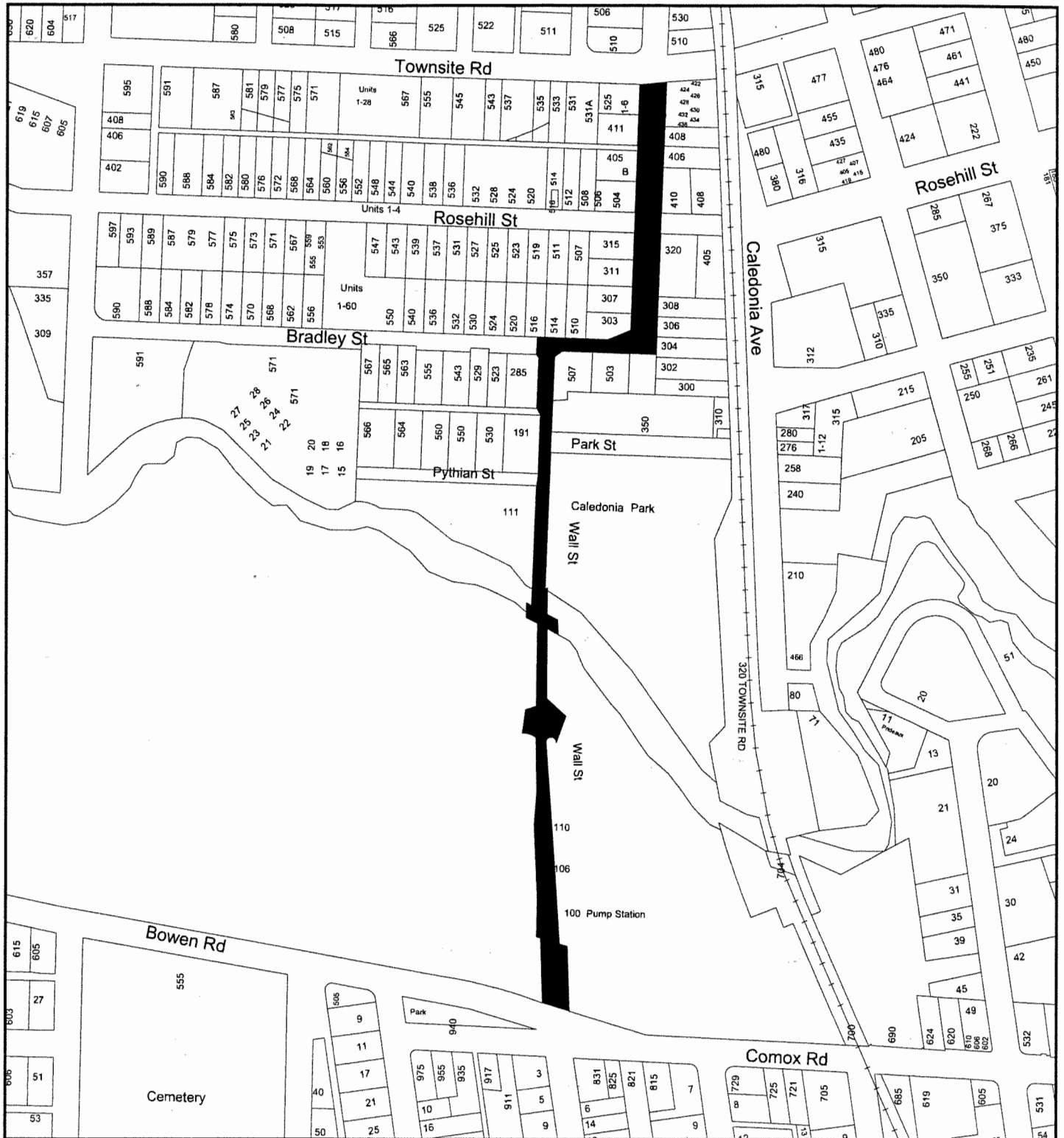


Civic: 6151 Hammond Bay Road

 Subject Property

5(1)7

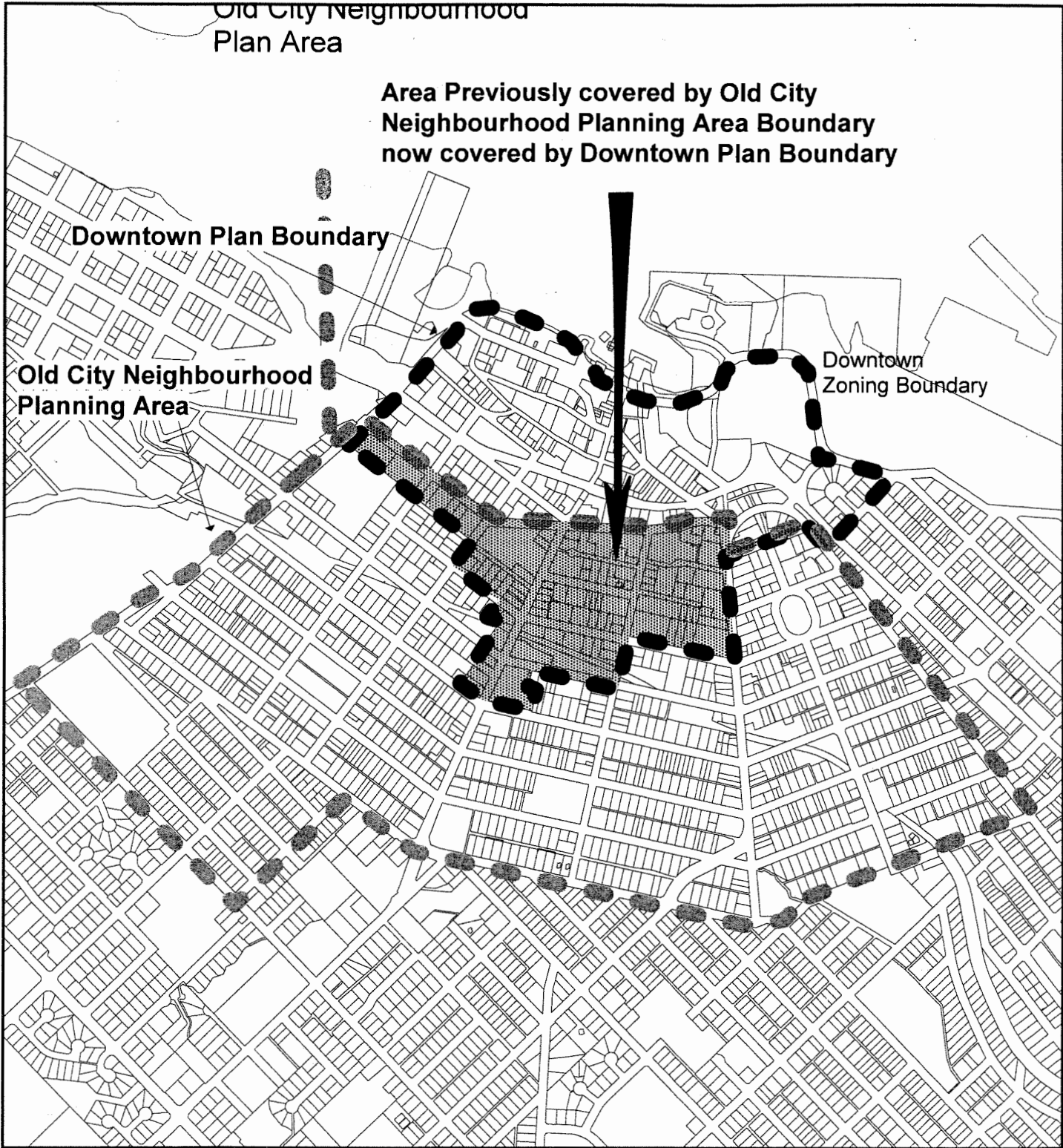
Schedule B



5(1)8

 Subject Property

SCHEDULE D



5(1)10

SCHEDULE E

Corporate Amendment

Item 3

City wide – Remove restrictions on building heights as found in Section 1.1.2.2 (8) in order to permit site specific evaluation.

Existing Wording:

High rises may be approved in core districts of Town Centres and Regional Shopping Town Centres, consistent with the following criteria:

- buildings are less than 16 storeys in height;
- parking is underground;
- siting takes advantage of opportunities to create new views, and does not significantly block existing views, particularly public view corridors down street ends;
- buildings front the street with well defined, architecturally detailed, pedestrian scale entryways;
- lower floor use is commercial where located in a commercial context; and siting minimizes shading and privacy impacts on adjacent land uses.

Proposed Wording:

High rises may be approved in core districts of Town Centres and Regional Shopping Town Centres, consistent with the following criteria:

- majority of required parking is underground;
- siting takes advantage of opportunities to create new views, and does not significantly block existing views, particularly public view corridors down street ends;
- buildings front the street with well defined, architecturally detailed, pedestrian scale entryways;
- lower floor use is commercial where located in a commercial context; and siting minimizes shading and privacy impacts on adjacent land uses.
- Project is visually compatible with its surroundings and it fits in with the dominant architecture and visual characteristics of the area (scale, landscaping, building materials, colors etc.)

FOR CITY MANAGERS REPORT

REPORT TO: PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE

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

RE: ROUTINE AMENDMENTS TO ZONING BYLAW NO. 4000, PARKING BYLAW NO. 5541

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. Give first and second readings to the proposed amendments to the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541".

BACKGROUND:

The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" was adopted by Council at its regular meeting of 1993-JUL-26. Historically, Council has recognized that the Bylaw is subject to revisions brought about by changing circumstances and public needs. Periodic amendments are therefore required to maintain the effectiveness and relativity of the zoning regulations. Council considered the last set of routine amendments in 2002. The proposed changes addressed in this report include both text amendments and map amendments.

The City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541" was adopted by Council at its regular meeting of 2002-MAR-25. While it can be expected that this bylaw will also require periodic amendments, the proposed changes discussed in this report will be the first set of amendments to this bylaw.

DISCUSSION:

Zoning Bylaw No. 4000 Text Amendments

If adopted, the proposed changes listed below will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

Amendment No. 1

Proposal: Include "Amusement Centre" and "Recreational Facility" as permitted uses in the Community Shopping Centre Commercial Zone (C-7).

Rationale: The intent of the Community Shopping Centre Commercial Zone (C-7) is to provide for the shopping needs of the community at large. Permitted uses currently include items such as Arcades, Bingo Halls, Daycare Facilities and Shopping Centres. Given that a Shopping Centre specifically allows for uses such as cinemas and exercise studios, providing additional opportunity for recreational uses is a valid extension to this C-7 zone.

Amendment No. 2

Proposal: Amend the Residential Duplex Zone (RM-1) to specify a floor area ratio (FAR) of 0.55 for a duplex instead of a principal dwelling, and amend the Residential Triplex and Quadruplex Zone (RM-2) to include a FAR of 0.55 for duplexes.

Rationale: The RM-1 zone currently makes provision for a FAR of 0.55 for a principal dwelling, and for a lot coverage of 40%. However, it is difficult to apply the term 'principal dwelling' to a duplex, and depending upon the size of the parcel, lot coverage alone may provide for a very large building. Replacing 'principal dwelling' with 'duplex' will set a maximum FAR of 0.55 for these structures, thereby controlling the size of the building and keeping it consistent with the FAR established for single family dwellings (RM-1).

The RM-2 zone is similar in terms of providing a 40% lot coverage and setting a FAR of 0.55 for triplexes and 0.65 for quadruplexes. However, no FAR requirement has been established for duplexes, resulting in a similar situation as noted for RM-1 above. Therefore, staff recommend a FAR of 0.55 be established for duplex structures.

Amendment No. 3

Proposal: Remove Subsection 5.2.2. from Part 5 General Regulations, as per reference to yard requirements and Ministry of Transportation requirements for setbacks from Provincial highways.

Rationale: The Ministry of Transportation (MOT) requires setbacks from a provincial road right-of-way, as designated under the *Highway Act*. However, MOT also has the authority to grant a relaxation of these setbacks. Subsection 5.2.2. of Zoning Bylaw No. 4000 currently stipulates that no reduction to yard requirements will be considered where a parcel is sited adjacent to a major road. Removing this subsection will allow flexibility in considering individual applications where MOT has granted a relaxation to the provincial setback requirement.

Amendment No. 4

Proposal: Add 'Nature Sanctuary' as a permitted use in all zones to recognize the use of land by groups such as the Nature Trust of BC (ie. Morrell Nature Sanctuary).

Add the following definitions to Section 4.1 Definitions:

"Nature Sanctuary means the use of land, buildings or structures for the preservation of plant and animal life, operated by a public or non-profit group or organization, and may also include, as accessory uses, Nature Centre and Caretaker's Dwelling Unit."

"Nature Centre means the use of land, buildings or structures for the use of educational programs and tours, special events and exhibits, galleries and theatres, and accessory offices, and operated accessory to a Nature Sanctuary by a public or non-profit group or organization."

Rationale: Council, at its meeting held 2003-NOV-03, directed Staff to bring forward the appropriate Zoning Bylaw amendments in the next round of Zoning Bylaw housekeeping amendments in order to recognize the use of land by such groups as the Nature Trust of British Columbia. The zoning bylaw does not currently address nature sanctuaries or nature centres and their related uses. This creates a situation whereby existing nature sanctuaries are regulated by the requirements of the zone in which they are sited, including permitted uses. Given the environmental significance and rather benign nature of these uses, and given the recommendation from Council to recognize this use of land, Staff recommend nature sanctuaries be permitted in all zones, subject to the regulations set out in that particular zone, and subject to the regulations set out in the Parking Regulations Bylaw No. 5541.

Amendment No. 5

Proposal: Include "Personal Service Use" as a component of the "Retail Store" definition.

Rationale: A "Retail Store" is defined as "a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored and sold from within a building..." A "Personal Service Use" also includes the sale of goods, wares, personal merchandise and articles. Personal Service tends to be a relatively low-impact use; therefore, incorporating this use into the definition for "Retail Store" would allow for a harmonious mix of uses, including items such as a day spa within a retail centre.

Amendment No. 6

Proposal: Include "Furniture and Appliance Sales" as a component of the "Retail Store" definition.

Add the following definition to Section 4.1 Definitions:

"Furniture and Appliance Sales means the use of land, buildings or structures for retail sales or rental of household furniture, major and minor household appliances, and household furnishings such as carpets and draperies."

Rationale: 'Furniture and Appliance Sales' was originally implemented as a permitted use in two commercial zones to address larger scale outlets. This prevents smaller stores from locating in other zones where retail stores are allowed. Therefore, incorporating this use into the definition of "Retail Store" would permit the siting of relatively unobtrusive uses in other commercial zones.

Amendment No. 7

Proposal: Include Landscaping and Screening provisions for the Old City Central Commercial Zone (C-18).

Rationale: The Zoning Bylaw does not currently make provision for landscaping and screening for parcels within the Old City Central Commercial Zone (C-18). Including requirements for landscaping and screening within the zone, and within Part 14 Landscaping and Screening, will ensure the placement of street trees within the front yard of lots that abut a highway.

Amendment No. 8

Proposal: Expand the existing regulations addressing landscaping and screening of dumpsters to include architectural features. Proposed regulations will require adequate screening consisting of masonry materials and trellises, with guardposts installed to protect vegetation.

Rationale: Landscaping and screening requirements currently state that, in relation to dumpsters, containers, and similar large receptacles, these items shall be fully screened from view by wood fence or masonry walls. These requirements have proven inadequate as simple wooden structures quickly deteriorate and become visually unappealing. The intent of this amendment is to create an architectural feature on a given property, while still fulfilling the basic intent of screening these features. Illustrations provided for information only will serve to clarify the landscaping and screening requirements.

Amendment No. 9

Proposal: Amend Part 5 General Regulations to clarify that the parking or storage of vehicles for each Single Family Dwelling sited on a lot shall not exceed a combined total of more than four motor vehicles, recreational vehicles, and recreational boats.

Rationale: Current regulations contained within Subsection 5.12.5. specify that "no lot zoned Residential shall be used for the parking or storage of a combined total of more than 4 motor vehicles, recreational vehicles, and recreational boats." This proves problematic for residential zones that allow for multi-family dwellings. The intent of this amendment is to specify that the restriction of four motor vehicles pertains to development of a single family dwelling. Multi-family dwelling development will be subject to the requirements of Parking Bylaw No. 5541.

Amendment No. 10

Proposal: Amend Part 5 General Regulations to clarify that open decks can project only into flanking side yards.

Rationale: Zoning Bylaw No. 4000 currently allows an open deck to project into the side yard of a corner lot, or the side yard of a lot zoned for multiple family dwellings, which results in the potential for construction within the interior side yard. As the intent was not to allow for development into an interior side yard, this amendment would clarify that an open deck can project only into the flanking side yard setback, thereby reducing potential conflict with adjacent properties.

Amendment No. 11

Proposal: Amend Part 5 General Regulations to remove two of the conditions for 'Hutch' projections into side and rear yard setbacks.

Rationale: Existing conditions placed on siting of a hutch specify that the hutch be cantilevered, and that the hutch contain no windows where it projects into a side yard. The definition for a 'Hutch' also addresses these requirements, therefore a duplication of requirements has occurred. This is causing confusion during the construction phase of a building, where a presumption is made that windows could be permitted in a rear yard as they are not specifically addressed. Therefore, to avoid further confusion, Staff recommend the conditions set out in Subsection 5.4.1 be deleted.

Amendment No. 12

Proposal: Amend Part 5 General Regulations to remove the conditions for placement of swimming pools within side and rear yard setbacks.

Rationale: Subsection 5.4.1 of the bylaw includes conditions for setbacks affecting non-permanent covered or uncovered swimming pools within side yard and rear yard setbacks. These conditions are in conflict with other setback requirements set out in this section, potentially causing a situation where placement of these pools could not occur. To clarify setback requirements, Staff recommend the conditions set out in Subsection 5.4.1 be removed, thereby allowing the requirements of Subsections 5.4.2 and 5.4.3 to prevail. As such, temporary pools will be allowed to project into side and rear yards, while permanent pools must comply with the setback requirements of a given zone.

Amendment No. 13

Proposal: Amend Subsection 5.10 Swimming Pools to update the reference to Section 23 of the Building Bylaw, adopted as "BUILDING BYLAW 2003 NO. 5693."

Rationale: The City of Nanaimo Building Bylaw was adopted in 2003, replacing the Building Bylaw adopted in 1988 and currently referred to in Subsection 5.10.2. of the Zoning Bylaw. This subsection will be updated to reference Bylaw No. 5693.

Amendment No. 14

Proposal: Delete Subsection 5.1.3 General Regulations as it pertains to siting of detached accessory buildings in relation to a residential building.

Rationale: Subsection 5.1.3 Location and Siting of Buildings and Structures, and Subsection 5.5.4 Accessory Buildings and Structures duplicate requirements that accessory buildings shall not be located closer than 1.2 metres (3.94 feet) to a residential use building. For clarification, Subsection 5.1.3 will be deleted, while Subsection 5.5.4 remains grouped with other accessory building requirements.

Amendment No. 15

Proposal: Replace the term 'proportion' with 'portion' in the Low Density Multiple Family Residential (High-Rise) Zone (RM-4).

Rationale: The intent of this revision is to ensure grammatical consistency between the zones. In this instance, Subsection 7.4.3. Density will be amended to "the maximum density shall not exceed a ratio of 42 dwelling units per gross hectare of land or **portion** thereof."

Amendment No. 16

Proposal: Replace the phrase "the wall face" to "a wall face" within the Single Family Residential Zone (RS-1) [Subsections 6.1.8.1.(c) and 6.1.8.2.(c)], and within the Single Family Residential Zone (large lot) (RS-2) [6.2.8.1.(c) and 6.2.8.2.(c)].

Rationale: The intent of this revision is to ensure grammatical consistency within zones that share this reference to maximum perimeter wall heights. The current wording may lead to a presumption that the regulations apply to only one wall face rather than all applicable wall faces.

Amendment No. 17

Proposal: For RS-1 to RS-6, RM-1 to RM-3, RM-5 to RM-7, RM-9 to RM-11, and C-18 zones, clarify the height requirements for fences sited along flanking streets by referencing the fence as "sited in a flanking side yard."

Rationale: The fence requirements for the above-noted zones currently refer to the height of a fence not exceeding a given height "along the side adjoining the flanking street". This reference to 'adjoining' creates confusion as to which fence is subject to the maximum height stated in the zone. The intent of this amendment is to clarify the wording of this section by referencing the fence as 'sited in a flanking side yard'.

Amendment No. 18

Proposal: Amend "Condition of Use" heading for RS-1, RS-2, RS-6, RM-1 and C-13 zones to "Conditions of Use" to indicate more than one condition is specified.

Rationale: As zones are amended, conditions have been added but the section heading has not been revised to reflect these additions. To ensure consistency and accuracy within the bylaw, section headings for RS-1, RS-2, RS-6, RM-1 and C-13 zones will be amended from "Condition of Use" to "Conditions of Use", thereby indicating the presence of more than one condition.

Amendment No. 19

Proposal: Amend the Conditions of Use within the Residential Triplex and Quadruplex Zone (RM-2) to specify that attached parking structures are included as part of the gross floor area of the first storey.

Rationale: Conditions of use within the RM-2 zone require that the maximum gross floor area for each storey above the first storey shall not exceed 80% of the gross floor area of the first storey. To ensure consistency amongst developments with the change in gradient, a clause is recommended stipulating that attached parking structures are included within the 80%. This will then encompass both developments with or without parking structures (attached garages and attached carports).

Amendment No. 20

Proposal: Amend Section 5.5 Accessory Buildings and Structures to include a maximum gross floor area of 70 m² (753.5 ft²) for accessory buildings located in RM-1, RM-2, RM-9, RM-11, and single family residential zones.

Rationale: Subsection 5.5.5 of the Zoning Bylaw No. 4000 currently stipulates a maximum gross floor area of 70 m² (753.5 ft²) for accessory buildings sited on single family residential zoned properties. However, there is no provision to address the maximum size of accessory buildings located in the above-noted multiple family residential zones. Historically, many of the storage and parking uses associated with a multiple family development have been contained within the principal buildings; therefore, it is recommended that the same maximum gross floor area of 70 m² (753.5 ft²) be implemented for accessory buildings sited within these multiple family zones.

Amendment No. 21

Proposal: Add the following definitions to Section 4.1 Definitions:

"Household Animal means a domesticated animal kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit, and includes a dog and cat, but specifically excludes Livestock."

"Livestock means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, may include a cow, donkey, goat, horse, mule, ox, sheep or swine, but specifically excludes a Household Animal."

"Food and Beverage Processing means the use of land, buildings or structures for the processing, warehousing and distribution of food and beverage products, but specifically excludes Livestock Processing and the slaughter and/or processing of Household Animals, fish, poultry, and other fowl."

"Livestock Processing means the use of land, buildings or structures for the processing, warehousing and distribution of fish, poultry, and other fowl, but specifically excludes the slaughter and/or processing of Household Animals."

Amend the definition of Agriculture to specifically exclude the slaughter and/or processing of 'Household Animals'.

Add 'Livestock Processing' as a permitted use within the General Industrial Zone (I-3) and Heavy Industrial Zone (I-4).

Rationale: The Province is enacting a new *Food Safety Act* and *Meat Inspection Regulation*, effective September 1, 2004, which has broadened the definition of 'animal' as one that is "raised for food." As a result, this amendment is intended to reaffirm the intent of the Zoning Bylaw by differentiating between those animals considered 'livestock' and those considered 'household pets'. These amendments are also intended to prohibit the slaughter and/or processing of live animals in those zones where "Food and Beverage Processing" is a permitted use.

Zoning Bylaw No. 4000 Map Amendments

Proposed amendments are necessary in order to recognize minor boundary adjustments and address specific land uses, as indicated on Schedule A of the "ZONING BYLAW 1993 NO. 4000." If adopted, the proposed changes listed below will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

1. Rezone 1800 Richardson Road from Single Family Residential Zone (Large lot) (RS-2) to Public Institution Zone (P-2) to reflect siting of Cinnabar Valley Elementary School, attached as Schedule 'A'.
2. Rezone 5199 Dunster Road (portion thereof) from Single Family Residential Zone (RS-1) to Medium Density Multiple Family Residential (Suburban) Zone (RM-5) to align zoning boundary with road right-of-way, attached as Schedule 'B'.
3. Amend 284 Westwood Road from Single Family Mobile Home Residential Zone (RS-3) to Single Family Residential Zone (RS-1) to align zoning boundary with road right-of-way, to avoid split zoning due to road closure, attached as Schedule 'C'.

- Amend 5800 Turner Road (portion thereof) from Community Shopping Centre Commercial Zone (C-7) to Town Centre Commercial Zone (C-23) to align zoning boundary with road right-of-way, attached as Schedule 'D'.

Parking Bylaw No. 5541 Text Amendments

If adopted, the proposed changes listed below will amend the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541" as follows:

Amendment No. 1

Proposal: Amend Schedule 'A', Commercial Service to specify one parking space for each three seats for Neighbourhood public houses and marine public houses.

Rationale: Parking requirements for neighbourhood public houses and marine public houses is currently set at one parking space for each two seats. This results in excessive parking areas. A review of other municipalities indicates an average of 1 space for each 3 seats. Therefore, an amendment is recommended to reduce this requirement for parking.

Amendment No. 2

Proposal: Amend Schedule 'A', Assembly, Cultural and Recreational to add Nature Sanctuary, specifying a parking requirement of one parking space for every 40 m² (431 ft²) of gross floor area.

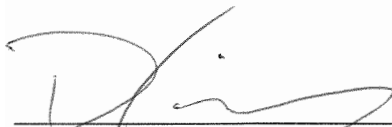
Rationale: It is anticipated that a Nature Sanctuary will generate a similar amount of traffic as that seen with a library or museum facility. As such, Staff recommends parking requirements be set at the same level, that is, one parking space for every 40 m² (431 ft²) of gross floor area.

RECOMMENDATION:

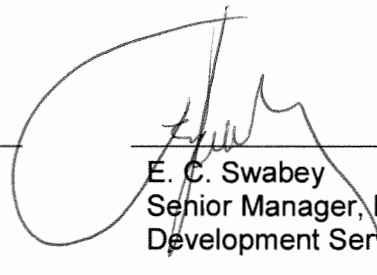
The PEDSC recommends that Council:

- Give first and second readings to the proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000"; and
- Give first and second readings to the proposed amendments to the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2002 NO. 5541".

Respectfully submitted,



Dale Lindsay
Manager of Planning
Development Services Department



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

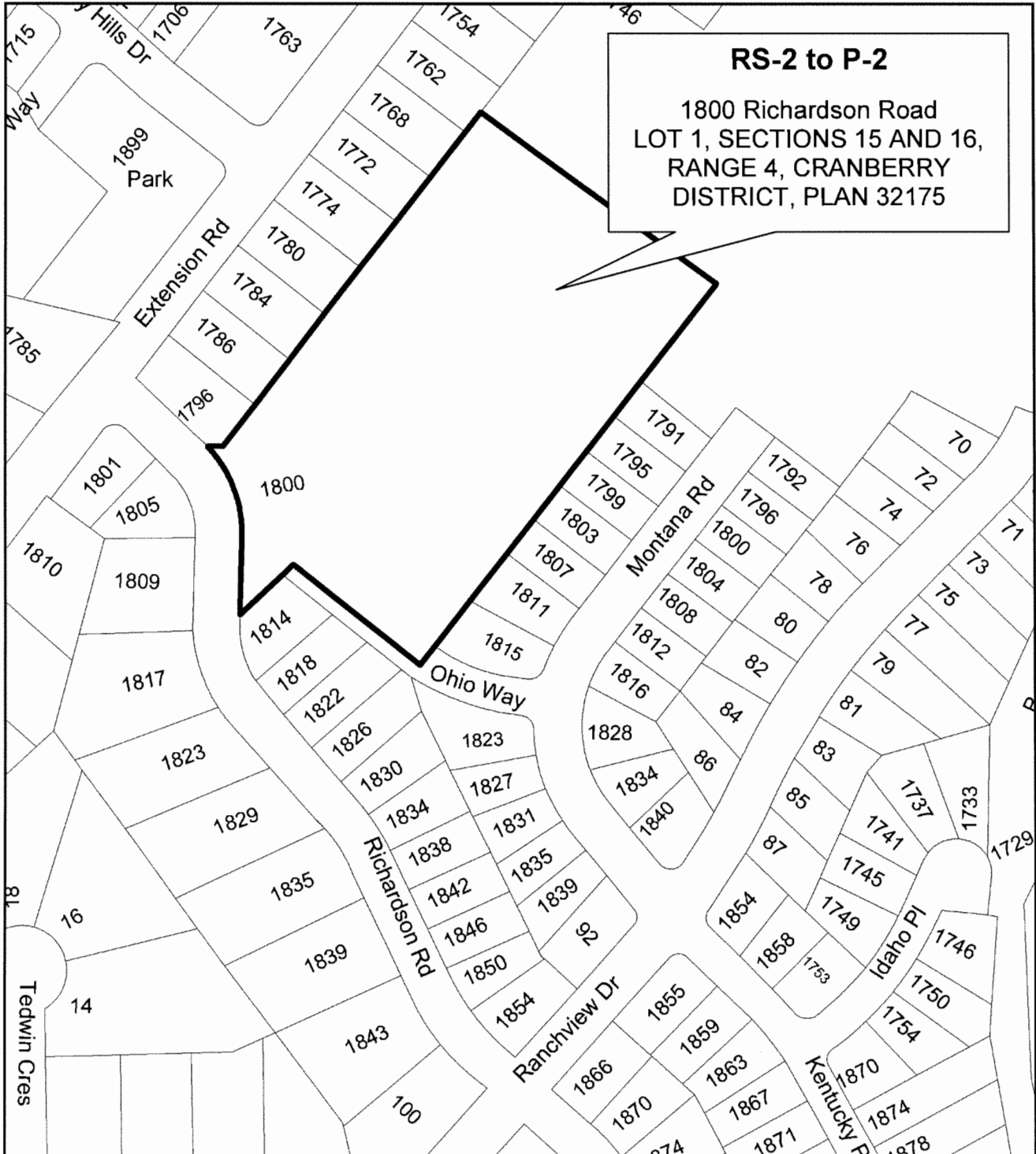
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Council: 2004-AUG-19

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5(2)8

Schedule 'A'
1800 Richardson Road

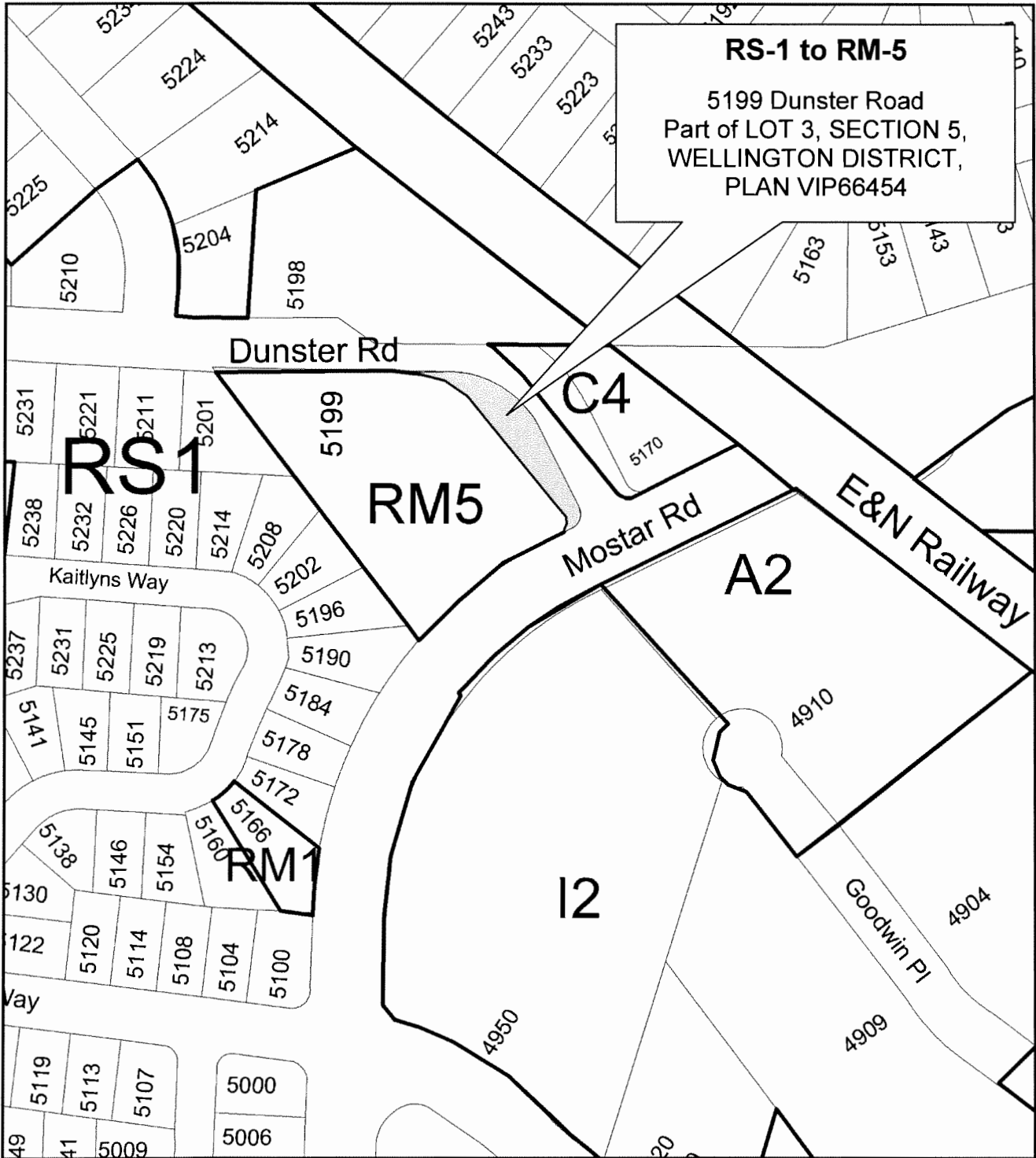


Civic: 1800 Richardson Road

 SUBJECT PROPERTY

5(2)9

Schedule 'B'
5199 Dunster Road

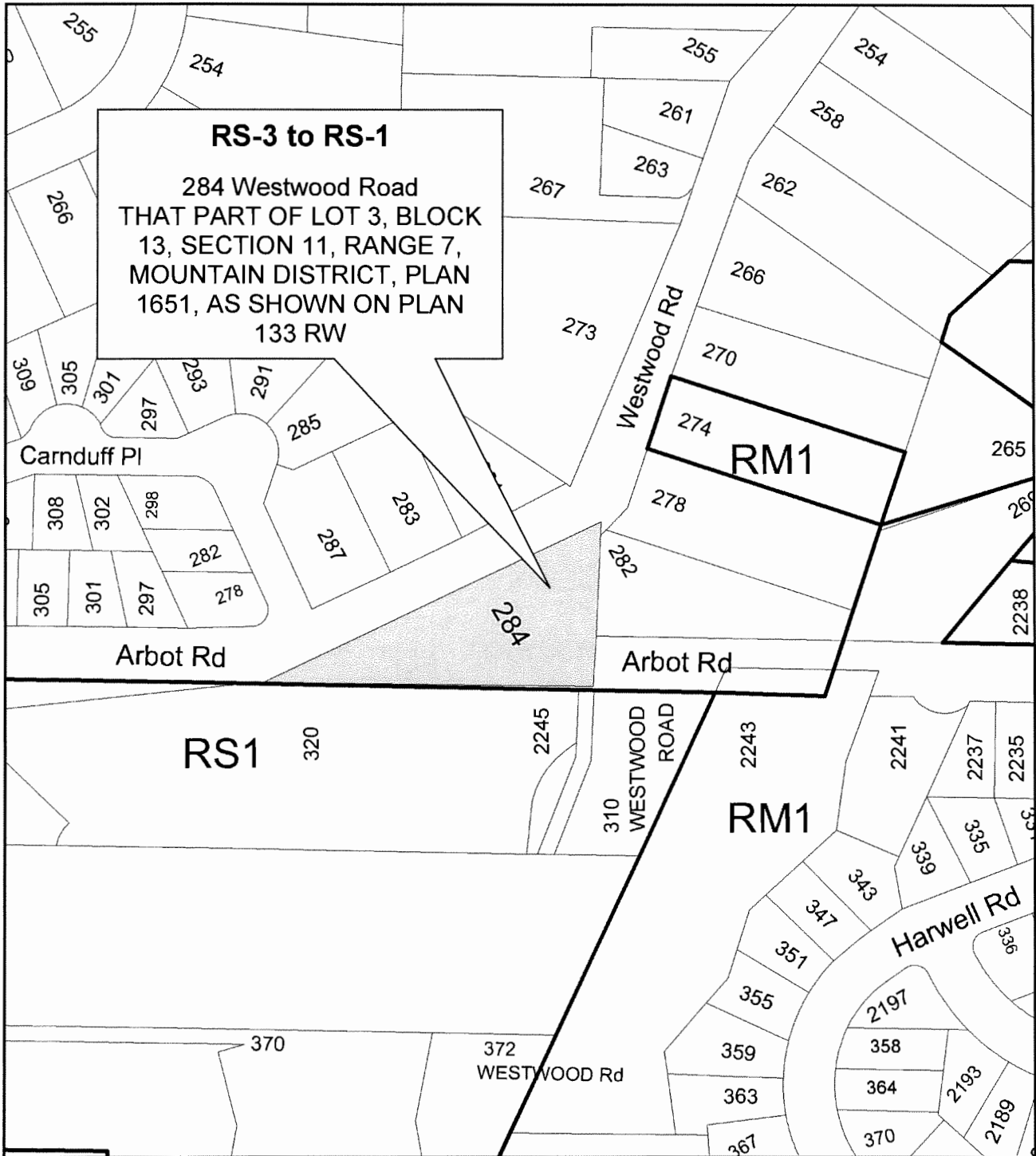


Civic: 5199 Dunster Road
PID 023-988-461

 **SUBJECT
PROPERTY**

5(2)10

Schedule 'C'
284 Westwood Road



Civic: 284 Westwood Road
PID 007-205-201

 **SUBJECT
PROPERTY**

5(2)11

