

CITY OF NANAIMO

BYLAW NO. 4500.202

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "Zoning Bylaw Amendment Bylaw 2022 No. 4500.202".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By amending the table in subsection 6.10.2 to delete the text "CD9 and CD10" in the first column of the first row, and replacing it with "and CD9 to CD11".
 - 2) By amending the table in subsection 6.16.2 to delete the text "CD10" in the first column of the last row, and replacing it with "CD11".
 - 3) By adding '16.11 Comprehensive Development District Zone Eleven (CD11)' after section 16.10, as shown in Schedule A of this Bylaw.
 - 4) By amending the table in section 17.11 – Minimum Landscape Treatment Levels by adding the following row after the row labeled 'CD5':

| <i>Subject Property Zoned</i> | <i>Front Yard</i> | <i>Side Yard</i> | <i>Rear Yard</i> | <i>Storage / Landfill / Refuse Receptacles</i> |
|-------------------------------|-------------------|------------------|------------------|--|
| CD11 | 1 | 2 | 2 | 2 |

- 5) By rezoning the lands legally described as THE WEST 6 CHAINS OF SECTION 29, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630 (560 Fourth Street), THE EAST 2 CHAINS OF THE EAST 1/2 OF SECTIONS 29 AND 30, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630 (604 Fourth Street), and SECTION 30, RANGE 6, NANAIMO DISTRICT, PLAN 630, EXCEPT THOSE PARTS IN PLANS 824R & 825R & 7614 (361 Howard Avenue) from Single Dwelling Residential (R1) and Community Service One (CS1) to Comprehensive Development District Zone Eleven (CD11), as shown on Schedule B of this Bylaw.

PASSED FIRST READING: 2022-AUG-29
PASSED SECOND READING: 2022-AUG-29
PUBLIC HEARING HELD: 2022-SEP-29
PASSED THIRD READING: 2022-SEP-29
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000476 and RA000480
Address: 560, 604 Fourth Street, and 361 Howard Avenue

SCHEDULE A

16.11 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE ELEVEN (CD11)

The intent of this zone is to facilitate a residential townhouse development.

16.11.1 PERMITTED USES

| Principal Use | Conditions of Use |
|--------------------------|--|
| Multiple Family Dwelling | All dwelling units must have their primary entrance on the ground level. |

| Accessory Uses | Conditions of Use |
|---------------------|--------------------|
| Daycare | Subject to Part 6. |
| Home Based Business | Subject to Part 6. |
| Short-Term Rental | Subject to Part 6. |

16.11.2 DENSITY

Where the use is multiple family dwelling, the maximum Floor Area Ratio shall not exceed 1.00.

16.11.3 LOT AREA AND DIMENSIONS

Lot area and dimensions shall be generally as shown in the plans included within Subsection 16.11.8 of this Bylaw.

16.11.4 LOT COVERAGE

The maximum lot coverage shall be 70%.

16.11.5 SITING OF BUILDINGS

- 16.11.5.1 A principal building must be set back a minimum of 2.8m from all front and flanking side lot lines shared with the street known as Fourth Street.
- 16.11.5.2 A principal building must be set back a minimum of 2.0m from all front and flanking side lot lines shared with the street known as Watfield Avenue.
- 16.11.5.3 A principal building must be set back a minimum of 3.0m from all side and rear lot lines.
- 16.11.5.4 Notwithstanding Subsection 16.11.5.3, any portion of a principal building where the height is no greater than 9.0m must be set back a minimum of 2.0m from all side and rear lot lines.

SCHEDULE A

16.11.6 HEIGHT OF BUILDINGS

The maximum building height shall be:

- a) 9.0m for a building with a flat roof (with a roof pitch less than 4:12); and
- b) 11.7m for a building with a sloped roof (with a roof pitch equal to or greater than 4:12).

16.11.7 ACCESSORY BUILDINGS

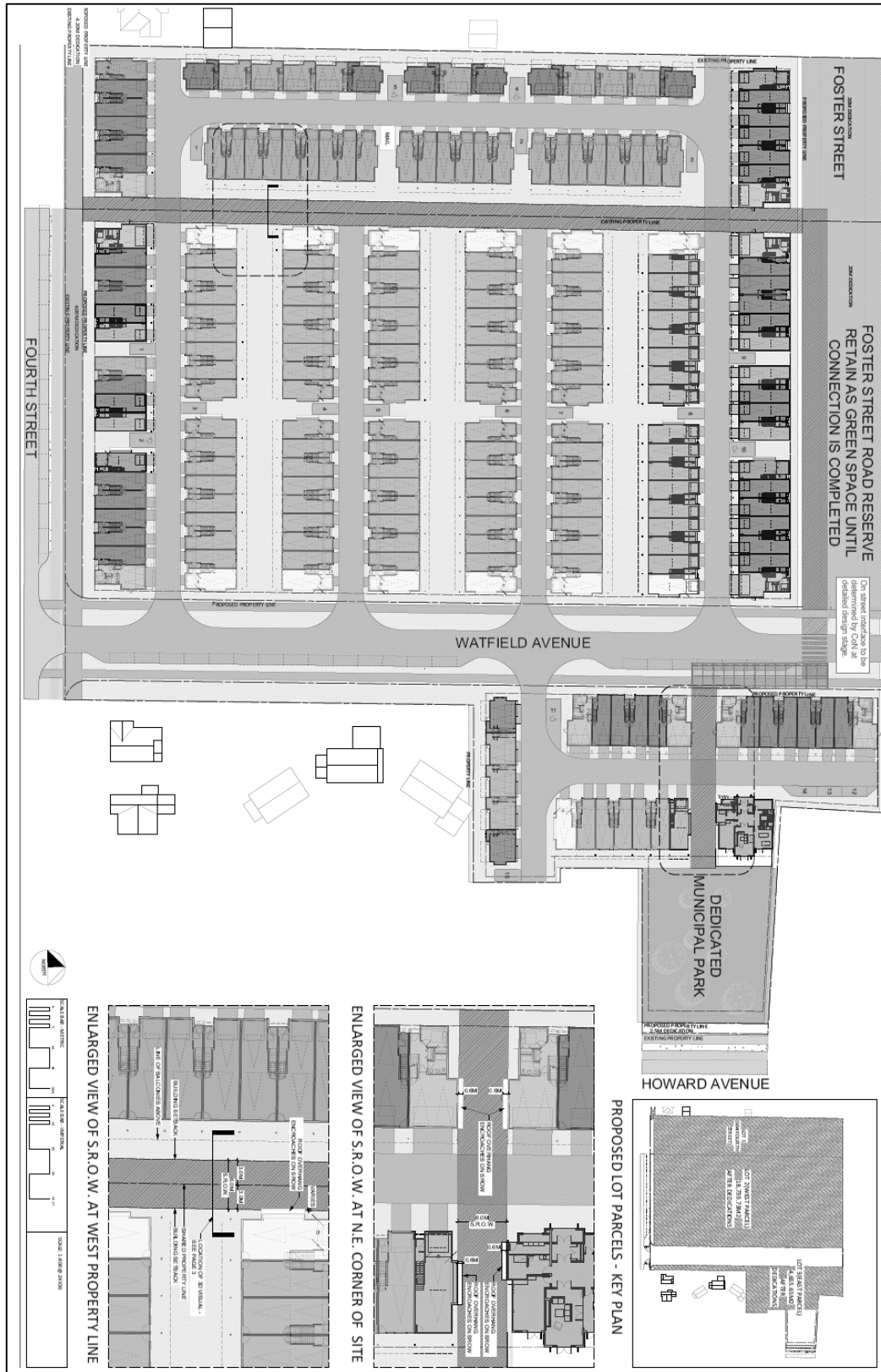
16.11.7.1 Notwithstanding Subsections 6.6.3 and 6.6.4, the minimum rear yard setback for an accessory building shall be 1.5m.

16.11.7.2 Notwithstanding Subsection 6.6.5, the maximum permitted height of an accessory building shall be 9.0m.

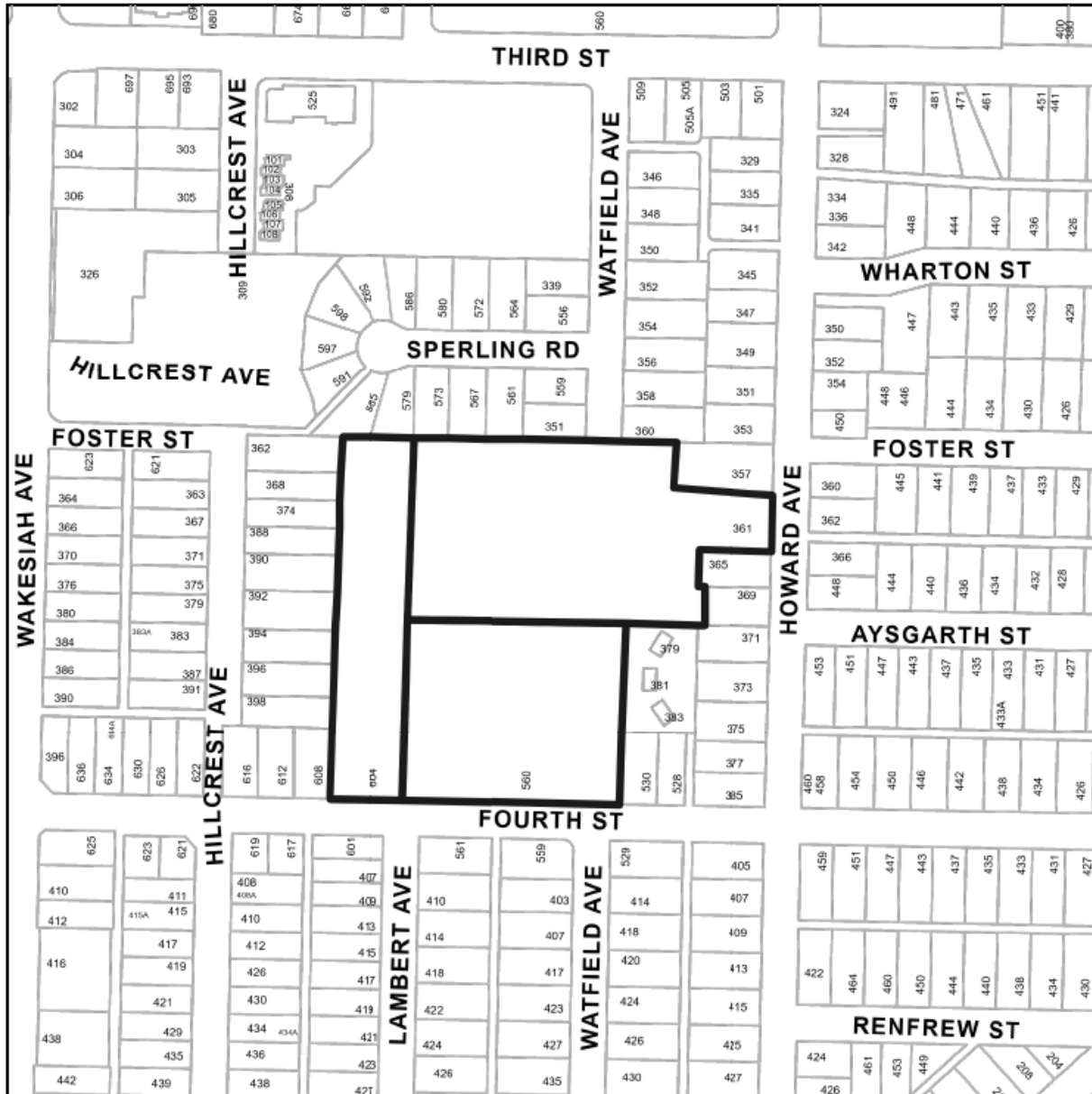
SCHEDULE A

16.11.8 PLANS

Within the CD11 zone area, lots shall be developed in general accordance with the following development plan:



SCHEDULE B



Subject Properties

REZONING APPLICATION NOs. RA00476 / RA000480

CIVIC: 560 AND 604 FOURTH STREET / 361 HOWARD AVENUE

LEGAL: THE WEST 6 CHAINS OF SECTION 29, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630; SECTION 30, RANGE 6, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, EXCEPT THOSE PARTS IN PLANS 824R, 825R AND 7614 and THE EAST 2 CHAINS OF THE EAST 1/2 OF SECTIONS 29 AND 30, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630