

DATE OF MEETING | May 6, 2024 |

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING |

**SUBJECT DEVELOPMENT PROCEDURES AND NOTIFICATION BYLAW
UPDATE**

OVERVIEW

Purpose of Report

To present for Council consideration a new Development Procedures and Notification Bylaw to replace "Development Approval Procedures and Notification Bylaw 1991 No. 3892".

Recommendation

That:

1. "Development Procedures and Notification Bylaw 2024 No. 7375" (to establish development and notification procedures) pass first reading;
2. "Development Procedures and Notification Bylaw 2024 No. 7375" pass second reading; and,
3. "Development Procedures and Notification Bylaw 2024 No. 7375" pass third reading.

BACKGROUND

The City of Nanaimo "Development Approval Procedures and Notification Bylaw 1991 No. 3892" was adopted in 1991 and last updated in 2022. The bylaw outlines the requirements for development application submissions, public notification, and other administrative matters. As identified in the 2023 and 2024 Development Services Business Plans, and broader Development Approval Process Review (DAPR), Staff engaged a consultant and established a working group to initiate a review of best practices and recommend bylaw amendments. The purpose of the bylaw review is to modernize the bylaw language, introduce new procedures to support development application reviews, and update administrative templates. In November 2023, the Province enacted *Bill 44, Housing Statutes (Residential Development) Amendment Act, 2023* ("Bill 44"), which necessitated further consideration. At the 2024-MAR-11 Governance and Priorities Committee (GPC) meeting, Staff presented an overview of the proposed bylaw amendments and implications of Bill 44. The Committee provided recommendations on requiring Public Information Meetings (PIMs) and notification distances for Official Community Plan (OCP) and zoning bylaw amendments which have been incorporated into the bylaw for Council's consideration.

DISCUSSION

If adopted, "Development Procedures and Notification Bylaw 2024 No. 7375" ("Procedures and Notification Bylaw") will repeal and replace "Development Approval Procedures and Notification Bylaw 1991 No. 3892". A number of new procedures and administrative updates are proposed to the Procedures and Notification Bylaw including:

- Updated citations to applicable sections of the *Local Government Act*;
- Clarified and modernized language, removing regulations contained in other bylaws (i.e. the Fees Bylaw);
- Updated application types, staff titles and bylaw references
- Expanded definitions;
- New regulations for public notification to address Bill 44;
- Removed references to Land Use Contracts which will be terminated on 2024-JUN-30 in accordance with Section 547 of the *Local Government Act*;
- New requirements for pre-application meetings between City Staff and applicants, as recommended in the draft “Development Approval Process Review” report presented to the Governance and Priorities Committee on 2024-MAR-25.
- New requirements for applicant-led PIMs for OCP amendments, zoning bylaw amendments, and Development Permits with variances that cannot be delegated for approval (may be waived at the discretion of the Director of Planning & Development);
- Increased the notification distances for OCP amendment and zoning bylaw amendments from 10 metres (or road width plus 10 metres) to 100 metres from the subject parcel, and added a Temporary Use Permit notification distance section;
- New regulations to manage inactive applications;
- Removed application forms as attachments (current versions are online); and,
- Updated development proposal signage templates.

Following the enactment of Bill 44, Staff also undertook the following supplementary work in conjunction with Legislative Services regarding public hearings:

- Updated public hearing notice templates (mandatory, discretionary, or prohibited public hearings);
- Reviewed the City’s Public Hearing Process Policy respective of the new legislation and determined no updates were required; and,
- Proposed amendments to the “Council Procedure Bylaw 2018 No. 7272” respective of delegations and correspondence when Council decides not to hold a public hearing or a public hearing is prohibited.

Staff have completed a review of the bylaw and the procedural implications of Bill 44, and have prepared a new Procedures and Notification Bylaw for Council’s consideration which clarifies and modernizes the development procedures and notification requirements, reflects current best practices, and aligns with new provincial legislation. |

NEXT STEPS

|Should Council pass first, second, and third reading of the proposed bylaw, the bylaw will be put forward for Council consideration of adoption at a future meeting. |

OPTIONS

|1. That:

“Development Procedures and Notification Bylaw 2024 No. 7375” (to establish development and notification procedures) pass first reading;

“Development Procedures and Notification Bylaw 2024 No. 7375” pass second reading;
and
“Development Procedures and Notification Bylaw 2024 No. 7375” pass third reading.

- The advantages of this option: The City’s Procedures and Notification Bylaw will be updated and include new procedures to reflect current best practices and changes in provincial legislation.
- The disadvantages of this option: None identified.

2. That Council provide alternative direction. |

SUMMARY POINTS

- If adopted, “Development Procedures and Notification Bylaw 2024 No. 7375” will repeal and replace “Development Approval Procedures and Notification Bylaw 1991 No. 3892”.
- The bylaw outlines the requirements for development application submissions, public notification, and other administrative matters.

ATTACHMENTS:

“Development Procedures and Notification Bylaw 2024 No. 7375” |

Submitted by:

Lainya Rowett
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Concurrence by:

Jeremy Holm
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