

CITY OF NANAIMO

BYLAW NO. 7375

A BYLAW TO ESTABLISH DEVELOPMENT AND NOTIFICATION PROCEDURES
PURSUANT TO THE *LOCAL GOVERNMENT ACT*

The municipal Council of the City of Nanaimo in open meeting assembled; hereby ENACTS AS FOLLOWS:

1. Title

- 1.1 This Bylaw may be cited as the City of Nanaimo "DEVELOPMENT PROCEDURES AND NOTIFICATION BYLAW 2024 NO. 7375"

2. Interpretation

- 2.1 In this Bylaw, unless the context requires otherwise:

"COMPLETE APPLICATION" means an application which complies with all of the requirements of Section 4.2 of this Bylaw.

"DELEGATED APPROVAL" means a land use approval or permit for which the authority to execute or issue has been delegated by Council pursuant to the "Officer Designation and Delegation of Authority Bylaw" or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

"DEVELOPMENT APPROVAL INFORMATION BYLAW" means the City of Nanaimo "Development Approval Information Bylaw 2022 No. 7346" or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

"DEVELOPMENT PERMIT" means a permit authorized by Section 490 of the *Local Government Act*.

"DEVELOPMENT VARIANCE PERMIT" means a permit authorized by Section 498 of the *Local Government Act*.

"DIRECTOR OF PLANNING & DEVELOPMENT" means the Director of Planning & Development for the City of Nanaimo and includes any employee authorized to act on their behalf.

"FEES AND CHARGES BYLAW" means the City of Nanaimo "Fees and Charges Bylaw 2021 No. 7336" or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

"HERITAGE ALTERATION PERMIT" means a permit authorized by Section 617 of the *Local Government Act*.

“HERITAGE REVITALIZATION AGREEMENT”	means a permit authorized by Section 610 of the <i>Local Government Act</i> .
"LOCAL GOVERNMENT ACT "	means the <i>Local Government Act</i> and amendments thereto.
“OFFICIAL COMMUNITY PLAN”	means the “City Plan Bylaw 2022 No. 6600: Nanaimo ReImagined” or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.
“PHASED DEVELOPMENT AGREEMENT”	means a phased development agreement under Section 516 of the <i>Local Government Act</i> .
“TEMPORARY USE PERMIT”	means a permit authorized by Section 493 of the <i>Local Government Act</i> .
“PRE-APPLICATION MEETING”	means a meeting with Planning & Development and other departments, as applicable, prior to the submission of any application which falls under the scope of this Bylaw.
“ZONING BYLAW”	means the “City of Nanaimo Zoning Bylaw 2011 No. 4500” or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

3. Scope

3.1 This Bylaw applies to the following applications related to all lands within the boundaries of the City of Nanaimo:

- (a) an application for:
 - (i) an amendment to the Official Community Plan
 - (ii) an amendment to the Zoning Bylaw
 - (iii) a Heritage Revitalization Agreement
 - (iv) a Phased Development Agreement
- (b) an application for:
 - (i) a Heritage Alteration Permit
 - (ii) a Development Permit
 - (iii) a Development Variance Permit
 - (iv) a Temporary Use Permit

4. Application Procedure

- 4.1 An applicant for an application described in Section 3 of this Bylaw shall attend a Pre-application Meeting unless this requirement is waived by the Director of Planning & Development.
- 4.2 Each application described in Section 3 of this Bylaw shall be made to the Director of Planning & Development and shall be:
 - (a) signed by the owner of the lands involved or by a person authorized in writing by the owner to act as their agent;
 - (b) made on the application form prescribed by the Director of Planning & Development;
 - (c) accompanied by all the information and supporting documents specified in the application form, the Development Approval Information Bylaw or as required by the Director of Planning & Development to evaluate the application; and,
 - (d) accompanied by the applicable application fee as set out in the Fees and Charges Bylaw.
- 4.3 Every Complete Application described in Section 3 of this Bylaw shall be processed by the Director of Planning & Development who will present a report to Council for consideration, other than an application for Delegated Approval.
- 4.4 When processing an application, the Director of Planning & Development may forward the application to other departments in the City of Nanaimo, to external agencies, associations, or committees as required.
- 4.5 Every applicant for a bylaw amendment to the Official Community Plan or the Zoning Bylaw, or a Development Permit with associated variances that cannot be delegated for approval, shall hold a public information meeting unless this requirement is waived by the Director of Planning & Development.

5. Public Notification Sign

- 5.1 For an application made under Section 3.1(a) of this Bylaw, the applicant shall prepare and post notice of the application in accordance with the sign specifications as outlined in Schedule 'A' a minimum of ten (10) calendar days prior to Council consideration of first reading of the proposed bylaw and provide photographic confirmation that the signs have been installed.
- 5.2 Where concurrent applications require a public notification sign, the applications can be posted on the same sign.
- 5.3 The sign shall be a minimum height of 1.2 metres and a minimum width of 2.4 metres.
- 5.4 The required sign shall be posted on the property subject to an application in a location unobstructed to view from the street no more than 6.0 metres from the property line and:

- (a) where the property abuts two or more streets, excluding lanes, a sign shall be posted from each abutting street or alternatively, from the intersection point of the two streets at a 45-degree angle; and,
 - (b) where placement of a required sign on a property is not feasible, the sign may be posted on an abutting road right-of-way, subject to approval by the Director of Planning & Development; and,
 - (c) Despite Section 5.4(a), where a property abuts the Nanaimo Parkway and at least one other street, a sign is not required to be posted along any property line abutting the Nanaimo Parkway.
- 5.5 Where a sign is mounted on a building or fence, it shall be unobstructed from the street, and the bottom edge shall be a minimum of 1.2 metres and a maximum of 3.0 metres from the ground.
- 5.6 Where a public hearing must be held or where Council chooses to hold a public hearing:
- (a) The date of the public hearing shall be identified on the sign no less than ten (10) calendar days prior to the scheduled public hearing date.
 - (b) Failure to post a sign pursuant to this Bylaw will result in the removal of the application from the agenda.
 - (c) Where a proposed bylaw has been removed from the public hearing agenda because of failure to post a sign:
 - (i) No refund of the public hearing fee as set out in the Fees and Charges Bylaw will be granted.
 - (ii) An additional public hearing fee as set out in the Fees and Charges Bylaw shall be paid prior to a new public hearing.
 - (d) An application may not be removed from a public hearing agenda less than ten (10) days prior to the public hearing date except where failure to post a sign has occurred.
- 5.7 Any sign required to be erected on a property shall be removed no later than thirty (30) calendar days after the date of third reading of the proposed bylaw.

6. Notice of Public Hearing or Proposed Bylaw

- 6.1 Notices pursuant to Section 466 of the *Local Government Act* (where a public hearing is held) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within one hundred (100) metres from the parcel(s) that is subject to the proposed bylaw.
- 6.2 Notices pursuant to Section 467 of the *Local Government Act* (where a public hearing is prohibited or is not held) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within one hundred (100) metres from the parcel(s) that is subject to the proposed bylaw.

7. Notice of Permits

- 7.1 Notices pursuant to Section 499 of the *Local Government Act* (where Council proposes to pass a resolution to issue a Development Variance Permit) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within a distance of ten (10) metres from the parcel(s) or the width of an abutting highway plus ten (10) metres, that is subject to the proposed permit.
- 7.2 Notices pursuant to Section 494 of the *Local Government Act* (where Council proposes to pass a resolution to issue a Temporary Use Permit) shall be mailed or otherwise delivered to owners and tenants in occupation of all parcels, or any part of which, is within a distance of ten (10) metres from the parcel(s) or the width of an abutting highway plus ten (10) metres, that is subject to the proposed permit.

8. Inactive Applications

- 8.1 Where an applicant for a Complete Application does not provide the development approval information requested by the Director of Planning & Development within six (6) months from the date of the request, the application will be deemed inactive and may be closed at the discretion of the Director of Planning & Development.
- 8.2 Where a bylaw amendment to the Official Community Plan or the Zoning Bylaw has not been given final adoption by Council within one (1) year after the date of the last consideration by Council, the associated application will be deemed to have lapsed and the application closed.
- 8.3 If a written request from an applicant is received thirty (30) calendar days prior to the lapse of the application for a bylaw amendment to the Official Community Plan or the Zoning Bylaw, Council may extend the deadline for a period of one (1) year by passing a resolution to enable the applicant to complete the requirements for final adoption.

9. Reapplication

- 9.1 In order for an application that has been closed under Section 8 of this Bylaw to proceed, a new application and application fee as set out in the Fees and Charges Bylaw will be required.
- 9.2 Where an application under Section 3 of this Bylaw has been denied by Council, no subsequent application for the same bylaw amendment or permit may be submitted for a period of six (6) months immediately following the date of refusal unless an affirmative vote of at least two-thirds of the members of Council eligible to vote on the reapplication has been passed pursuant to Section 460(3) of the *Local Government Act*.

10. Repeal

10.1 The City of Nanaimo "Development Approval Procedures and Notification Bylaw 1991 No. 3892" and all amendments thereto are hereby repealed.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE 'A'

PUBLIC NOTIFICATION SIGN SPECIFICATIONS

SIGN SPECIFICATIONS

Dimensions and material: 1.2 metres x 2.4 metres (4' x 8') on durable material

Lettering

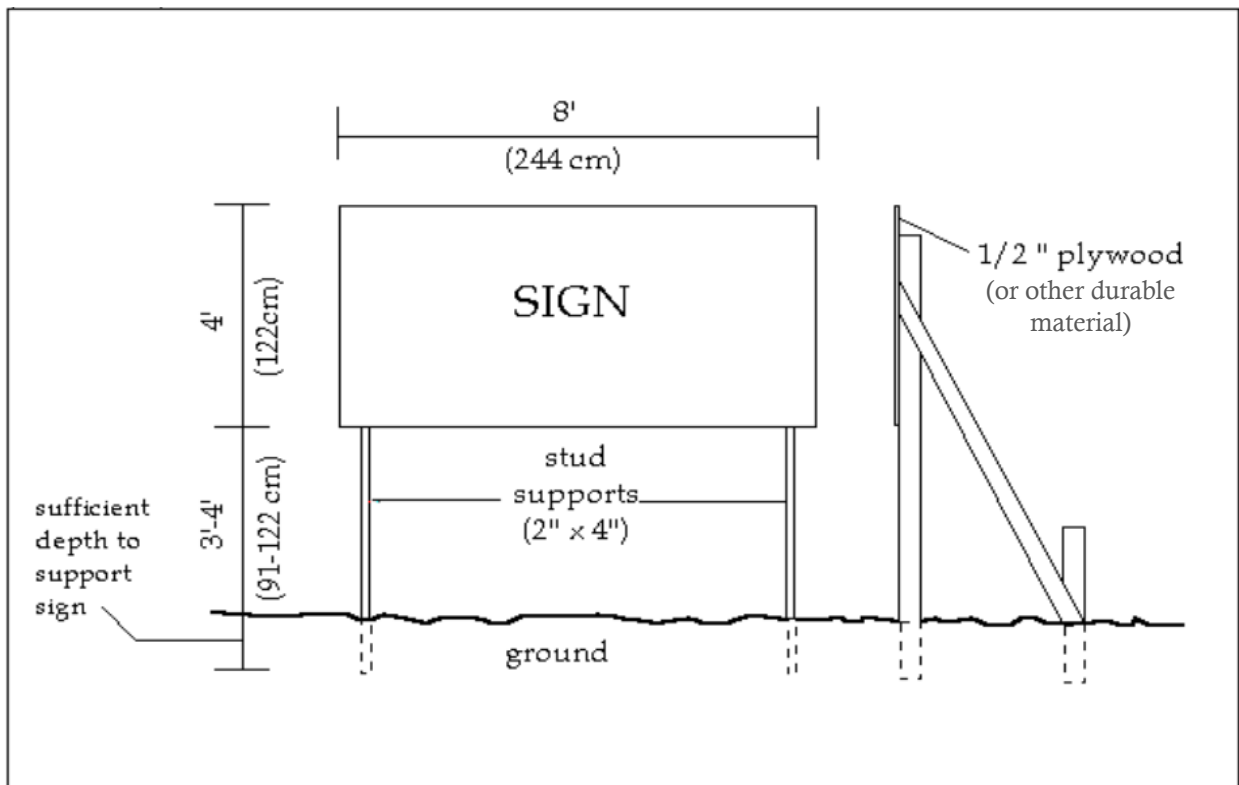
Header: Blue background (Pantone 293 U) with white lettering

- Font: Arial
- Minimum Font Height 7.5cm (3")








Sign Contents: Black Lettering

- Font: Arial
- Minimum Font Height: 4.0cm (1.5")

INSTALLATION SPECIFICATIONS



SAMPLE DEVELOPMENT APPLICATION SIGN

DEVELOPMENT APPLICATION [APPLICATION TYPE]		FOR MORE INFORMATION: Visit www.nanaimo.ca/whatsbuilding Or scan the QR code 	
ADDRESS:			
APPLICATION NUMBER:			
PROPOSAL:			
PUBLIC HEARING: [Public Hearing details, must specify if 1, 2, or 3 from below]			
	(IMAGE)	(IMAGE)	
	LOCATION MAP	CONCEPTUAL IMAGE	
	APPLICANT  	CITY  planning@nanaimo.ca  250-755-4429  411 Dunsmuir Street, Nanaimo	

1. A Public Hearing will be held on [DATE] at [TIME] in [LOCATION] i.e. The Vancouver Island Conference Centre (Shaw Auditorium) 80 Commercial Street, Nanaimo]. For more information, please visit www.nanaimo.ca/publichearing.
2. A Public Hearing will not be held pursuant to section 464 (2) of the *Local Government Act*. Council will consider first reading of the amendment bylaw on [DATE] at [TIME] in [LOCATION].
3. A Public Hearing is prohibited pursuant to section 464 (3) of the *Local Government Act*. Council will consider first reading of the amendment bylaw on [DATE] at [TIME] in [LOCATION].