

CITY OF NANAIMO

BYLAW NO. 7353.04

BYLAW TO AMEND THE "OFFICER DESIGNATION AND DELEGATION OF AUTHORITY BYLAW,  
2022 NO. 7353"

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That Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "OFFICER DESIGNATION AND DELEGATION OF AUTHORITY AMENDMENT BYLAW 2025 NO. 7353.04".
2. The "OFFICER DESIGNATION AND DELEGATION OF AUTHORITY BYLAW, 2022 NO. 7353" is hereby amended as follows:

- (1) By deleting Section 22. Development Permits in its entirety and replacing it with the following:

"22. Development Permits

22.1 Subject to Sections 22.2, 22.3, and 22.4, the Director, Planning & Development is delegated the power to issue a development permit under [Division 7 of Part 14](#) of the *Local Government Act*.

22.2 The Director, Planning & Development is delegated the power to issue a development permit that includes a variance for one or more of the following:

- a) Zoning Bylaw:
  - i. A leave strip variance not exceeding 20 percent;
  - ii. A building height variance not exceeding 15 percent;
  - iii. A landscaping variance up to 100 percent; or
  - iv. Any other variance not exceeding 50 percent of the bylaw standard.
- b) Parking Bylaw:
  - i. A variance to the number of required off-street parking spaces not exceeding 2 spaces or 15%, whichever is greater;
  - ii. Any other variance that is no more than 50 percent of the bylaw standard.
- c) Any variance not exceeding 50 percent of the Sign Bylaw standard but does not include animated signage, or signage in the Nanaimo Parkway Buffer.

22.3 The delegation does not include development permits within a Development Permit Area created under [Section 488\(1\)\(f\)](#) of the *Local Government Act* in relation to form and character of multi-family development, where the number of dwelling units proposed exceeds 150 units.

22.4 The Director, Planning & Development is delegated the power to renew a development permit, regardless whether the permit was originally issued by Council or a delegate, provided the Director issues the renewal prior to permit expiry.

22.5 Without limiting the generality of the delegation of authority in Section 22.1, the authority delegated includes the authority to require an Applicant for a development permit to provide:

- a) a report or other information required by the Director, Planning & Development to evaluate the proposed development or subdivision; and
- b) a security as condition of permit issuance pursuant to Section 502 of the *Local Government Act* as follows:
  - i. Where a landscape security is required, the security shall be equal to a minimum of 100% of the landscape cost estimate.
  - ii. Where a landscape security for restoration is required, the security shall be equal to a minimum of 125% of the landscape cost estimate.

22.6 An Applicant who is subject to a decision of the Director, Planning & Development under Section 22.1 is entitled to have the decision reconsidered by Council in accordance with the City's Appeal Procedure Bylaw."

- (2) By adding a new Section 23 Development Variance Permits as follows and renumbering subsequent Sections accordingly:

"23. Development Variance Permits

23.1 The Director, Planning & Development is delegated the power to issue a development variance permit under [Division 9 of Part 14](#) of the *Local Government Act* for one or more of the following:

- a) A building or structure setback variance not exceeding 25 percent of the Zoning Bylaw standard.
- b) A fence height variance not exceeding 50 percent of the Zoning Bylaw standard.
- c) A variance not exceeding 50 percent of the Parking Bylaw standard but does not include a variance to the number of required off-street parking spaces that is greater than 2 spaces,
- d) Any variance not exceeding 50 percent of the Sign Bylaw standard but does not include animated signage, or signage in the Nanaimo Parkway Buffer.

23.2 The Director, Planning & Development must consider the following general guidelines in deciding whether to issue a development variance permit:

- a) Whether the variance is consistent with the general purpose and intent of applicable bylaws and City Plan policies or other applicable City policies.
- b) Whether the scope and scale of the variance result in inappropriate development of the site.

- c) Whether the variance substantially affects the use and enjoyment of adjacent land.
- d) Whether the variance creates a hazardous condition or adversely affects the natural environment.
- e) Whether strict compliance with the applicable bylaw(s) is unreasonable.

23.3 Without limiting the generality of the delegation of authority in Section 23.1, the authority delegated includes the authority to require an Applicant for a development variance permit to provide a report or other information required by the Director, Planning & Development to evaluate the proposed development.

23.4 An Applicant who is subject to a decision of the Director, Planning & Development under Section 23.1 is entitled to have the decision reconsidered by Council in accordance with the City's Appeal Procedure Bylaw.

(3) By adding the following to "Schedule "A" City Bylaws Delegating Authority":

Bylaw	General Description of Authority	Position
<a href="#">Off-Street Parking Regulations Bylaw</a>	Issue Development Permits and Development Variance Permits	Director, Planning & Development
<a href="#">Sign Bylaw</a>	Issue sign permits  Remove signs. Authority to enter on a property to determine whether the provisions of the bylaw are being complied with	Building Inspector Director, Planning & Development  Bylaw Enforcement Officers Building Inspector
<a href="#">Zoning Bylaw</a>	Issue Development Permits and Development Variance Permits	Director, Planning & Development

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER