

ATTACHMENT A

SUMMARY OF PROPOSED AMENDMENTS TO THE DELEGATION BYLAW

CURRENT BYLAW PROVISIONS	PROPOSED BYLAW PROVISIONS	RATIONALE
22.1 Subject to Section 22.3, the Director, Planning & Development is delegated the power to issue a development permit under Division 7 of Part 14 of the Local Government Act.	22.1 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 <i>Local Government Act</i> .	Formatting/administrative update
<p>22.3 The delegation does not include:</p> <ul style="list-style-type: none"> a) development permits within the Development Permit Area DPA 2 (Hazardous Slopes), created to protect development from hazardous conditions under section 488(1)(b) of the Local Government Act where the estimated cost is greater than \$400,000; b) development permits within the Development Permit Area DPA1 (Environmentally Sensitive Area), created to protect the natural environment, its ecosystems and biological diversity under section 488(1)(a) of the Local Government Act and to protect development from hazardous conditions under section 488(1)(b) of the Local Government Act where one or more of the following is applicable: <ul style="list-style-type: none"> i. the applicant has requested a variance greater than 20 percent from the Zoning Bylaw standard or requirement for leave strips; or ii. (ii) a variance in excess of 50% of any other Zoning Bylaw standard or requirement. c) 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 one or more of the following is applicable: 	<p>22.4 The Director, Planning & Development is delegated the power to issue a development permit that includes a variance for one or more of the following:</p> <ul style="list-style-type: none"> a) Zoning Bylaw: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. <p>22.5 The delegation does not include development permits within a Development Permit Area created under Section 488(1)(f) of the <i>Local Government Act</i> in relation to form and character of multi-family development, where the number of dwelling units proposed exceeds 150 units.</p>	<ul style="list-style-type: none"> • Expanded authority to delegate DPs in DPA2 (which rely on technical assessments to meet guidelines as in other DPAs). • Zoning Bylaw: same leave strip threshold. • 50% threshold for fences (could be more or less than 1m). • Change threshold for building height from 1m to 15% (to allow a proportional approach based on site context). • Increase from 50% to 100% for landscaping (to allow flexibility for site specific conditions). • Zoning Bylaw: with the exception of above, same 50% threshold. • Added consideration of minor parking variances that don't trigger a parking study. • Clarified 50% signage threshold with the exception of animated signs or signs in the Nanaimo Parkway Buffer • Increase number of multi-family dwelling units that may be delegated from 100 to 150

<ul style="list-style-type: none"> i. the number of dwelling units proposed exceeds 100 units; or ii. the Applicant has requested a variance greater than 50 percent of the Zoning Bylaw standard or requirement; d) 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 industrial development where the following is applicable: <ul style="list-style-type: none"> i. the Applicant has requested a variance greater than 50 percent of the Zoning Bylaw standard or requirement; e) development permits where the Applicant has requested a variance for signage that is not considered by the Director, Planning & Development to be an integral part of a building's design; f) development permits where the Applicant has requested a variance to increase height greater than one metre above the Zoning Bylaw standard or requirement. 		
	<p>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.</p>	<ul style="list-style-type: none"> • Added flexibility to renew previously issued DPs prior to expiry.
<p>22.2 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:</p> <ul style="list-style-type: none"> a) a report or other information required by the Director, Planning & Development to evaluate the proposed development or subdivision; and b) security in an amount stated in the development permit by way of an irrevocable 	<p>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:</p> <ul style="list-style-type: none"> a) a report or other information required by the Director, Planning & Development to evaluate the proposed development or subdivision; and 	<ul style="list-style-type: none"> • (a) No Change. • (b) Simplified language and added guidelines for landscape security (to be assessed in combination with an Administrative Landscape Policy).

letter of credit or the deposit of other securities in a form satisfactory to the Director, Planning & Development.	<p>b) a security as condition of permit issuance pursuant to Section 502 of the <i>Local Government</i> as follows:</p> <p>i. Where a landscape security is required, the security shall be equal to a minimum of 100% of the landscape cost estimate.</p> <p>ii. Where a landscape security for restoration is required, the security shall be equal to a minimum of 125% of the landscape cost estimate.</p>	
22.4 The 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.	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.	No Change

Delegated Development Variance Permit Section

<p>23.1 The Director, Planning & Development is delegated the power to issue a development variance permit under Division 9 of Part 14 of the <i>Local Government Act</i> for one or more of the following:</p> <p>a) A building or structure setback variance not exceeding 25 percent of the Zoning Bylaw standard.</p> <p>b) A fence height variance not exceeding 50 percent of the Zoning Bylaw standard.</p> <p>c) A variance not exceeding 50 percent of the Parking Bylaw standard except a variance to the number of required off-street parking spaces that is greater than 2 spaces,</p> <p>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.</p>	Allow delegation of minor variances to streamline approvals in combination with the Consideration of Variances Policy.
<p>23.2 The Director, Planning & Development must consider the following general guidelines in deciding whether to issue a development variance permit:</p> <p>a) Whether the variance is consistent with the general purpose and intent of applicable bylaws and City Plan policies or other applicable City policies.</p> <p>b) The scope and scale of the variance.</p> <p>c) The impacts to neighbouring properties.</p> <p>d) Whether the variance creates a hazardous condition.</p> <p>e) Whether strict compliance with the Zoning Bylaw is unreasonable.</p>	
<p>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.</p>	

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.

Proposed amendments to “Schedule A” (City Bylaws Delegating Authority):

Bylaw	General Description of Authority	Position	a) Added Off-Street Parking Regulations Bylaw b) Updated sign bylaw to include Director, Planning & Development c) Added Zoning Bylaw
Off-Street Parking Regulations Bylaw	Issue Development Permits and Development Variance Permits	Director, Planning & Development	
Sign Bylaw	Issue sign permits	Building Inspector Director, Planning & Development	
	Remove signs. Authority to enter on a property to determine whether the provisions of the bylaw are being complied with	Bylaw Enforcement Officers Building Inspector	
Zoning Bylaw	Issue Development Permits and Development Variance Permits	Director, Planning & Development	