



**CITY OF NANAIMO
OFFICIAL COMMUNITY PLAN AMENDMENT PROCEDURE**

Information Package

Development Services Department

April 2007

OFFICIAL COMMUNITY PLAN AMENDMENT PROCEDURE

Plan Nanaimo is the Official Community Plan (OCP) for the City of Nanaimo. Plan Nanaimo sets out an amendment procedure that allows OCP amendment applications twice a year.

Why would you need to amend the Plan?

OCP amendments are usually triggered by site-specific rezoning proposals that are inconsistent with the OCP. Other changes to the OCP may be proposed by City staff to keep the Plan up-to-date and to meet the needs of a changing community.

Who is PNAC?

The Plan Nanaimo Advisory Committee (PNAC) provides advice to Council on amendments to the OCP. PNAC is a committee which represents broad community interests. Their mandate is “to review and advise Council on OCP amendments, within the context of the existing Plan Nanaimo and community input”.

PNAC has a membership of community representatives. Council appoints members to PNAC for a two-year term and considers their recommendations when making Plan amendment decisions twice each year. Appointments overlap to provide continuity on the committee.

Why is PNAC important?

Consideration of OCP amendment applications by PNAC will:

- **Maintain a broad community context** for OCP land use decisions by separating OCP amendment decisions from rezoning applications. Site specific rezoning considerations often obscure the broader question of what is good for the community as a whole.
- **Provide consistency** in processing OCP amendments. This is important to ensure all applications are considered equally and fully, in a timely manner.
- **Build a sense of certainty** for future land use decisions. Council, the development community and the public can better assess the probable future outcome of future land use decisions through a strong and community based OCP.

Are there public participation opportunities?

There are two opportunities for the applicant and the general public to comment on a proposed amendment to the OCP (see the diagram on the next page):

- a presentation or written submission to PNAC at their open meetings (usually in June and January of each year) during the Analysis and Review phase of the Plan amendment process; and
- a presentation or written submission to Council at the Public Hearing during the Bylaw phase of the Plan amendment process.

When can rezoning applications be submitted?

The earliest any rezoning applications, which are inconsistent with the OCP, can be submitted is after the OCP Public Hearing has been concluded.

HOW TO MAKE AN OCP AMENDMENT APPLICATION

The following steps will assist you through the OCP Amendment process:

1. Pre-Application Meeting

- Application requirements and process reviewed with City of Nanaimo Planning staff.

2. Application Submission

- All applications to amend the OCP must be submitted by May 1 or November 1.
- Completed application form with all supporting documentation.
- Community Plan amendment application fee.

3. Review Period

- Referrals made to appropriate City Departments.
- Preparation of staff report to PNAC.
- Letter sent to applicant, which includes the staff report to PNAC and PNAC meeting schedule.

4. Plan Nanaimo Advisory Committee (PNAC) Review

- Application presented to PNAC, by both the applicant and staff at an open meeting of PNAC, for their review and recommendation. PNAC may hear public presentations about your application at this meeting.
- On-site signage is required seven (7) days (not including Sundays and holidays) before the open meeting of PNAC. Erecting the sign is the responsibility of the applicant (format and content of the sign is included in this package).
- PNAC will make its recommendations to City Council in February or July.

5. OCP Amendment Bylaw

- Report from staff including the recommendation of PNAC goes to Council for consideration.
- Council may give first and second readings to the OCP Amendment Bylaw at this time, usually in March or August.

6. Public Hearing

- Hearing fee due once the Public Hearing has been called by Council.
- Presentation by applicant can be made to Council at the Hearing. Please note that a presentation is not a requirement; however, it is prudent to be available to answer any questions from Council.
- Please note that after the Public Hearing, Council is not permitted to receive any additional information regarding the application.

7. Adoption of the Bylaw

- Council makes its final decision regarding the proposed OCP amendment. If successful, Council will give the OCP Bylaw third reading and adoption. Bylaw adoption usually occurs prior to May 1 for applications made by November 1, or by November 1 for applications made by May 1.

What Will It Cost To Make An OCP Amendment Application?

- The cost of assembling supporting documentation for the application.
- Two step fee:
 1. \$500.00 Official Community Plan amendment application fee.
 2. \$500.00 Public Hearing fee, plus the cost of any presentation materials needed at the Hearing if applicable.
- The cost of on-site signage.

Other Development Applications Which You May Need

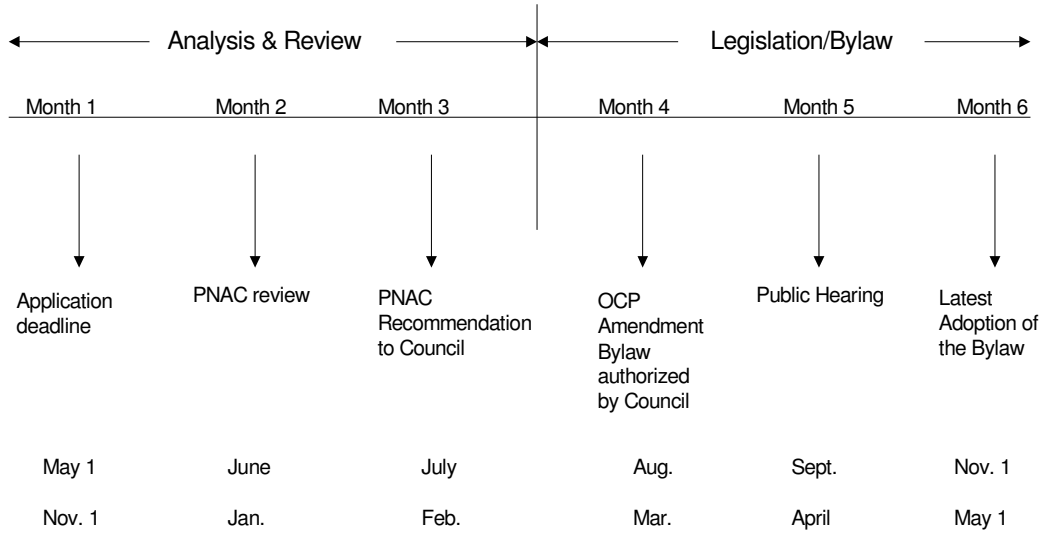
- Rezoning
- Development Permit
- Subdivision
- Building Permit – For further information on these processes, please contact the City of Nanaimo Planning Department at 755-4429.

PLAN AMENDMENT PROCESS TIMELINE

The OCP amendment process is divided into two parts, each taking approximately three months:

- Analysis by staff and review by PNAC.
- OCP amendment bylaw consideration and adoption by City Council.

There are two opportunities each year to amend the OCP. The diagram below shows the schedule for processing OCP amendment applications.



REQUIRED DOCUMENTS

The following documents must be completed and accompany an application to amend the OCP:

- An **OCP Amendment application form** signed by **all** of the owners of the subject property. If a consultant is acting on the owner(s) behalf, an **Agency Agreement form**, which authorizes the consultant to act on the owner(s) behalf, is required to formally recognize the consultant as an agent of the owner.
- An **Application fee receipt** (\$500.00) - this fee covers the cost of processing the application.
- A **Title** for the subject property - the Title can be no older than two (2) weeks at the time your application is submitted to ensure up-to-date information about ownership.
- All **relevant Covenants** associated with the property - this will identify any restrictions for development that may already be registered on title for the property.
- A **location plan** indicating where the property lies in relation to the surrounding neighbourhood - this information is necessary to provide a clear understanding of where your proposed land use change is to occur.
- A **statement of intent** which indicates the current OCP designation and the proposed OCP designation - the statement should also provide a brief rationale for the request in relation to five (5) goals of Plan Nanaimo.

OCP AMENDMENT ASSESSMENT CRITERIA

Applications will be assessed on the ability of the amendment to maintain or achieve one or more of the goals of Plan Nanaimo. Applications have the greatest opportunity for success if the proposal is consistent with the following goals of the Plan:

Goal 1 Build Complete, Viable Communities - with a mix of land uses at urban densities in identified growth centres in a way that reflects local character, and enhances livability and employment opportunities.

Goal 2 Protect the Environment - by identifying and protecting natural diversity and ecosystems in the course of land use and development.

Goal 3 Manage Urban Growth - by focusing future urban development to Town Centres and Neighbourhood Villages, thus preventing the spread of residential and commercial development into the rural land areas.

Goal 4 Improve Mobility and Servicing - by creating greater accessibility and more opportunity for safe and convenient movement around the city, and by making effective use of existing road, sewer, water, storm and other municipal services.

Goal 5 Ongoing Planning and Community Involvement - through the initiation of public involvement in the maintenance and achievement of OCP goals, and involvement in the preparation of neighbourhood plans.

PUBLIC NOTICE FOR AN OCP AMENDMENT PUBLIC HEARING

The applicant is responsible for:

- Posting a sign on the property affected by the proposed OCP amendment, according to DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW NO. 3892 (as amended), and as directed under the Local Government Act.

Sample sign formats, specifications and content are included on pages 8 and 9 of this information package.

Those sections of the DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW NO. 3892 apply to the applicant's responsibilities for providing notification of Public Hearings. More information is included on the next page.

The City of Nanaimo is responsible for giving notice of the Hearing, in accordance with s.890 of the Local Government Act as follows:

- publish the announcement of the Hearing, including all information as specified in the Local Government Act s.892, in at least two consecutive issues of a newspaper, and the last publication to appear not less than three (3) and not more than ten (10) days before the Public Hearing.
- where the proposed amendment alters the permitted use or density of any area, the notice shall be mailed or otherwise delivered at least ten (10) days before a Public Hearing to:

the owners and tenants occupying all affected parcels, in accordance with the Local Government Act s.892 and the DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW NO. 3892 as amended, and

affected parcels, which include any parcel or part of a parcel that is the subject of the Bylaw amendment, and within a distance of ten (10) metres, or the width of an abutting road plus ten (10) metres, that is subject to the Bylaw alteration (Bylaw No. 3892[8]).

Subsection (4) of s.892 Local Government Act does not apply if ten (10) or more parcels owned by ten (10) or more persons are the subject of the bylaw alteration.

BYLAW GUIDELINES FOR AN AMENDMENT NOTIFICATION SIGN POSTING

Section 9 of the DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW NO. 3892 (as amended) states:

- (1) Where, pursuant to an application under Section 3 above, Council has introduced a Bylaw to amend the Zoning Bylaw or a Land Use Contract, the applicant shall post notice of the application in accordance with the specifications outlined in Schedule `E`. For the purpose of posting this notice, application to amend a Land Use Contract shall be considered a rezoning application. Where, pursuant to an application under Section 3 above, Council has introduced a Bylaw to amend the Official Community Plan, the applicant shall post notice of the application in accordance with specifications outlined in Schedule `H`. (Bylaw No. 5301)
- (2)
 - (a) The notice shall be posted a minimum of seven (7) days prior to the application advancing to the Plan Nanaimo Advisory Committee or Rezoning Committee (as applicable). (Bylaw No. 5582)
 - (b) Notwithstanding Section 9(2)(a), the notice for duplex rezoning shall be posted a minimum of ten (10) days prior to Council's consideration of the required amendment bylaw. (Bylaw No. 5123)
 - (c) The date of public hearing shall be identified on the on-site signage no less than ten (10) days prior to the scheduled public hearing date. (Bylaw No. 5206)
- (3) The notice shall be posted in a location unobstructed to view from the street, and
 - (a) no further than six (6) metres from the property line abutting the street, and
 - (b) where the property abuts two or more streets, excluding lanes, a sign notice shall be posted no further than six (6) metres from each abutting street or alternatively, from the intersection point of the two streets at a 45 degree angle, and
 - (c) where placement of a required notice on a property is not feasible, the notice may be posted on an abutting road right-of-way, subject to approval by the City of Nanaimo, and
 - (d) Notwithstanding Section 9(3)(b), where a property abuts the Nanaimo Parkway and at least one other street, a sign notice is not required to be posted along any property line abutting the Nanaimo Parkway. (Bylaw No. 5477)
- (4) Where the notice is mounted on a building, it shall be unobstructed from the street, and the bottom edge shall be a minimum of 122 centimetres and a maximum of 304 centimetres from the ground.
- (5) Failure to post the sign in accordance with the Bylaw will result in the removal of the Bylaw from the agenda of the Public Hearing.
- (6) Where a Bylaw has been removed from the Public Hearing agenda because of failure to post the notice:
 - (a) No refund of the Public Hearing fee established in Schedule `F` of this Bylaw will be granted.
 - (b) An additional fee of \$250.00 shall be paid prior to a new Public Hearing.

BYLAW GUIDELINES
FOR AN AMENDMENT NOTIFICATION SIGN POSTING
(continued)

- (7) Section 9(1) - (6) shall not apply where ten (10) or more parcels owned by ten (10) or more persons are the subject of the bylaw alteration.
- (8) A Bylaw may not be removed from a Public Hearing agenda less than ten (10) days prior to the public hearing date without Council authorization except where failure to post notice has occurred. (Bylaw No. 5206)
- (9) Any notice required to be erected on a property shall be removed no later than thirty (30) days after the date of the public hearing at which the bylaw is considered. (Bylaw No. 5206)

SAMPLE OCP AMENDMENT APPLICATION SIGNAGE

LINE

1 OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION

2 AN APPLICATION HAS BEEN SUBMITTED TO THE CITY OF NANAIMO
3 TO REDESIGNATE THIS PROPERTY FROM _____
TO _____

Location Map and Civic Address

THE APPLICANT IS:

NAME:
ADDRESS:
PHONE:

8 A PUBLIC MEETING FOR PRESENTATION TO PLAN A PUBLIC HEARING WILL BE HELD
NANAIMO ADVISORY COMMITTEE WILL BE HELD

10 ON: _____ TIME: _____
11 PLACE: _____
12 LOCATION: _____

13 INFORMATION IS AVAILABLE FROM:
14 THE APPLICANT OR
15 DEVELOPMENT SERVICES DEPT.
16 CITY OF NANAIMO
17 238 FRANKLYN ST., NANAIMO 755-4429

SIGN CONTENT

Lettering.

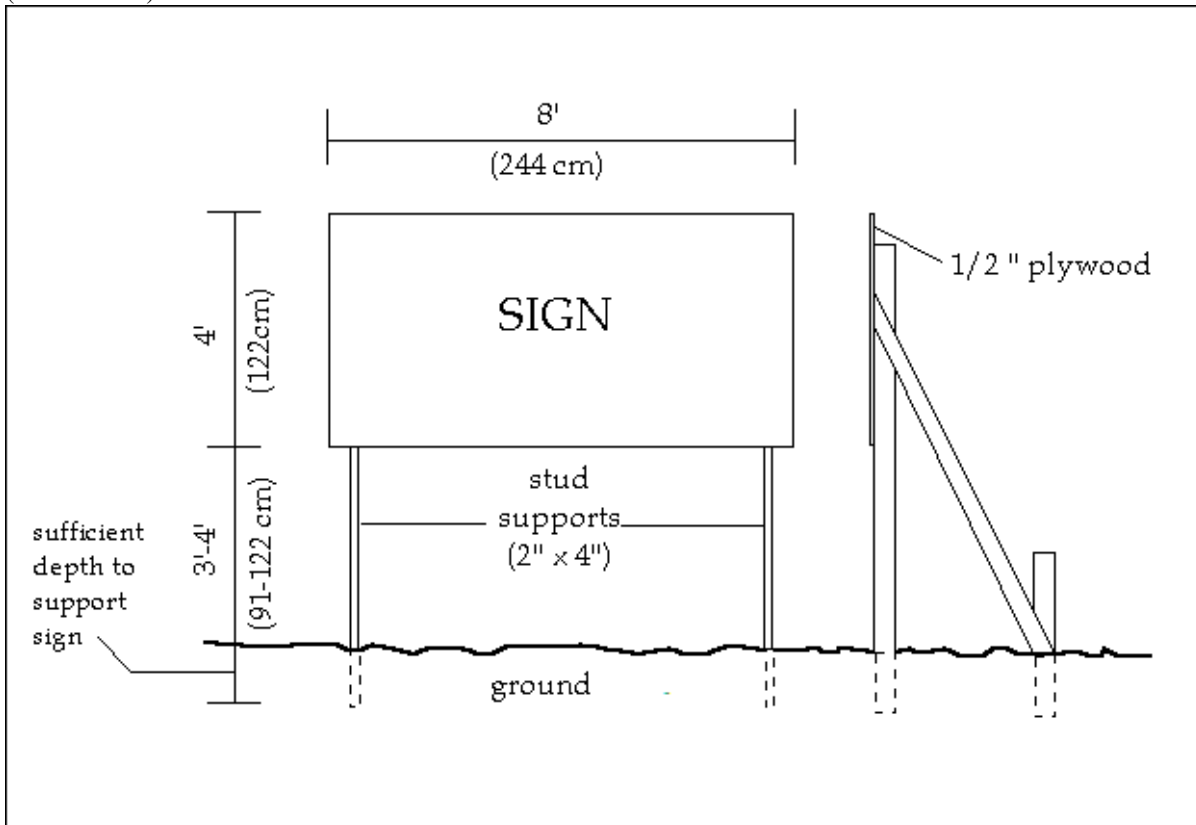
Royal Blue Background / White Lettering
White Border around sign

Lettering in BLOCK HELVETICA CAPITALS with the following
minimum height sizes for each sign:

Line 1	12.4cm (5")
Line 2	7.5cm (3")
Line 3	7.5cm (3")
Line 4	7.5cm (3")
Line 5	4.0cm (1.5")
Line 6	4.0cm (1.5")
Line 7	4.0cm (1.5")
Line 8	4.0cm (1.5")
Line 9	4.0cm (1.5")
Line 10	4.0cm (1.5")
Line 11	4.0cm (1.5")
Line 12	4.0cm (1.5")
Line 13	4.0cm (1.5")
Line 14	4.0cm (1.5")
Line 15	4.0cm (1.5")
Line 16	4.0cm (1.5")
Line 17	4.0cm (1.5")

* Plan Nanaimo symbol to be provided by City of Nanaimo Development Services Department, Current Planning Division.

SIGN ERECTION:
(Not to Scale)



AGENCY AGREEMENT

Date: _____

This is to confirm that I/we

appoint _____

as agent and contact with respect to the OCP Amendment application:

Registered Owner/Authorized Signatory and Mailing Address Seal (if applicable)

Registered Owner/Authorized Signatory and Mailing Address Seal (if applicable)

Registered Owner/Authorized Signatory and Mailing Address Seal (if applicable)

**APPLICATION TO AMEND THE OFFICIAL COMMUNITY PLAN
 (PLAN NANAIMO)**

APPLICATION INFORMATION	DESCRIPTION OF PROPERTY
NAME OF APPLICANT(S)/AGENT (including Company name if applicable):	CIVIC ADDRESS OF PROPERTY:
APPLICANT'S ADDRESS:	LEGAL DESCRIPTION OF PROPERTY (must match title):
CITY: POSTAL CODE:	APPLICANT'S FILE #:
TELEPHONE (work):	CONTACT PERSON:
TELEPHONE (alternate):	FAX:
APPLICANT/AGENT'S SIGNATURE:	DATE:

CHANGES REQUESTED

CURRENT OCP DESIGNATION:
PROPOSED DESIGNATION (if applicable):

OCP APPLICATION INFORMATION

[NOTE: Incomplete applications will be returned to the applicant.]

- Pre-Application meeting with Current Planning staff**
- Signed Agency Agreement (where applicant is other than the registered owner)**
- Application Fee Paid Receipt (\$500.00)**
- Certificate of Title dated not more than two weeks prior to date of submission**
- Copies of all Covenants listed on title**
- Location Plan**
- Proposal description (complete on following page)**

Describe OCP amendment requested: _____

Give reasons for OCP amendment (Rezoning, Development Permit, etc.): _____

Identify the specific Neighbourhood Area affected by the proposed amendment: _____

Describe how THE PROPOSED Plan Amendment is consistent with the 5 Goals of Plan Nanaimo

1. Build Complete, Viable Communities

2. Protect the Environment

3. Manage Urban Growth

4. Improve Mobility and Servicing

5. Ongoing Planning and Community Involvement

SIGNATURE FOR OFFICIAL COMMUNITY PLAN AMENDMENT REVIEW

In cases where the property is owned by more than one person, or where the contact person is someone other than the registered property owner(s), it is incumbent upon the Applicant to obtain the written consent of all owners to make application.

I/WE hereby declare that all of the above statements and information contained in the material submitted in support of this application are, to the best of my/our knowledge, true and correct in all respects.

_____ Date

_____ Applicant's Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT

_____ Date

_____ Registered Owner of Subject Property

Name of Owner(s): _____

Address: _____

_____ Postal Code: _____

Telephone: (W) _____ (R) _____ Fax _____

Where the applicant is not the REGISTERED OWNER, the application must be signed by the REGISTERED OWNER.