

**"DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW 1991
NO. 3892"**

Consolidated Version

2003-JUL-10

Includes Amendments: 4531, 4773, 4961, 5123, 5176, 5206, 5263, 5301, 5477, 5582, 5357

CITY OF NANAIMO

BYLAW NO. 3892

A BYLAW TO ESTABLISH PROCEDURES FOR APPLYING TO AMEND THE OFFICIAL COMMUNITY PLAN, THE ZONING BYLAW OR A LAND USE CONTRACT OR ISSUE A PERMIT UNDER PART 29 OF THE *MUNICIPAL ACT* AND TO PROVIDE FOR NOTIFICATION OF PUBLIC HEARINGS AND BYLAW AMENDMENTS

WHEREAS Sections 954, 982, 980, 988 and 957 of the *Municipal Act* provide for application for amending the Official Community Plan, the Zoning Bylaw, the issuance of Development Variance Permits, the establishment of procedures pertaining to these, and the notification of adjacent property owners;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited as the City of Nanaimo "DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW 1991 NO. 3892".

Interpretation

2. In this Bylaw, unless the context requires otherwise:

"Act"	means the <i>Municipal Act</i> , R.S.B.C. 1979 and amendments thereto.
"Development Permit"	means a permit authorized by Section 976 of the <i>Act</i> .
"Development Variance Permit"	means a permit authorized by Section 974 of the <i>Act</i> .
"Official Community Plan"	means the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000". (<i>Bylaw 5176</i>)
"Zoning Bylaw"	means the City Of Nanaimo "ZONING BYLAW 1993 NO. 4000". (<i>Bylaw 5176</i>)

Applications for Amendment to the Provision of the Official Community Plan, the Zoning Bylaw, or a Land Use Contract

3. An application for amendment to:
- (a) the Official Community Plan
 - (b) a Land Use Contract
 - (c) the Zoning Bylaw

shall be made in the form set out in Schedule 'A' and Schedule 'G' (as applicable) attached hereto and forming part of this Bylaw, and shall include such information as required on and by the form. (*Bylaw 5176*)

Application for the Issuance of a Permit

4. An application for a:
- (a) Development Permit
 - (b) Development Variance Permit

shall be made in the form set out in Schedule 'B' attached hereto and forming part of this Bylaw, and shall include such information as required on and by the form.

Report to Council

5. Where applications under Sections 3 or 4 have been made in conformance with the provisions of this Bylaw, and the required fees have been paid, the Director of Planning and Development shall prepare a report to Council to accompany the application when it is referred to Council.

Form of Development Permit

6. A Development Permit shall be in the form set out in Schedule 'C' attached hereto and forming part of this Bylaw.

Form of Development Variance Permit

7. A Development Variance Permit shall be in the form set out in Schedule 'D' attached hereto and forming part of this Bylaw.

Notification of Application, Public Hearing and Development Variance Permits

8. For the purposes of Section 956 to 958 inclusive of the *Act*, notices shall be mailed or otherwise delivered to the owners and to any tenants in occupation of all parcels, any part of which is the subject of the Bylaw alteration, and within a distance of ten metres, or the width of an abutting road plus ten metres, that is subject to the Bylaw alteration.
9. (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 purposes of posting the 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 5301*)
 - (2) (a) The notice shall be posted a minimum of seven days prior to the application advancing to the Plan Nanaimo Advisory Committee or Rezoning Advisory Committee (as applicable). (*Bylaw 5582*)
 - (b) Notwithstanding Section 9(2)(a), the notice for duplex rezoning shall be posted a minimum of ten days prior to Council's consideration of the required amendment bylaw. (*Bylaw 5123*)
 - (c) The date of public hearing shall be identified on the on-site signage no less than ten days prior to the scheduled public hearing date. (*Bylaw 5206*)
- (3) The notice shall be posted in a location unobstructed to view from the street, and
 - (a) no further than six 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 metres from each abutting street or alternatively, from the intersection point of the two streets at a 45 degree angle.
 - (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. (*Bylaw 5123*)
 - (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 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.
 - (7) Section 9(1) - (6) shall not apply where ten or more parcels owned by ten or more persons are the subject of the bylaw alteration. *(Bylaw 5123)*
 - (8) A Bylaw may not be removed from a Public Hearing agenda less than ten days prior to the public hearing date without Council authorization except where failure to post notice has occurred. *(Bylaw 5206)*
 - (9) Any notice required to be erected on a property shall be removed no later than thirty days after the date of the public hearing at which the bylaw is considered. *(Bylaw 5206)*
10. For the purposes of Section 980 of the *Act*, notices shall be mailed or otherwise delivered to the owners and to any tenants in occupation of all parcels, any part of which is the subject of the Development Variance Permit, and within a distance of ten metres from that part of the land or the width of an abutting street plus ten metres, that is the subject of the Permit.

Application Fees

11. (1) There are hereby imposed application fees for:
- (a) applications to initiate changes to the provisions of the Official Community Plan, the Zoning Bylaw, a Land Use Contract; and
 - (b) applications for the issuance of a Development Permit, Development Variance Permit;
- as set out in Schedule 'A' of the City of Nanaimo "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 1999 NO. 5357". *(Bylaw 5357)*
- (2) All application fees under this Section are non-refundable.
 - (3) All application fees under this Section are payable in advance and shall accompany the application.

Reapplication

12. Where an application under Section 3 or 4 has been refused by Council, no subsequent application for the same amendment or permit may be submitted for a period of six months immediately following the date of refusal.

Repeal

13. The following Bylaws are hereby repealed:
"NOTIFICATION PROCEDURE BYLAW 1987 NO. 3228" and "DEVELOPMENT APPROVAL PROCEDURE BYLAW 1987 NO. 3232".

SUPPORTING DOCUMENTS AND PLANS

1. Land Status

- Official Community Plan conformity.
- Are there covenants registered?
If so they must be submitted.
- Is the property within 800 metres of the Island Highway or Stewart Avenue?
- Is the land in the A.L.R.?
- Does the land require consolidation?
- Is there a unique or historical feature of this property?
- Adjacent land uses.

2. Terrain Analysis - 3 Copies

- Provide information on:
- slopes.
 - any features relevant to the application.
 - the natural boundary of the watercourse.
 - the wetland boundary of the watercourse.
 - the top of bank of the watercourse.
 - the boundaries of the leave strip.
 - a geotechnical report assessing the suitability of the site if land stability problems and/or coal workings are present (3 copies of the report shall be submitted).

Where the location of a natural boundary, wetland boundary, top of bank or the boundary of the leave strip of a watercourse cannot be verified to the reasonable satisfaction of the Director of Development Services or another person appointed by the Council of the City of Nanaimo, the applicant must submit a site plan certified by both a British Columbia Land Surveyor and a professional biologist (or a biological expert with equivalent knowledge) identifying those boundaries that are not verified. The cost of verification shall be assumed by the land owner.

3. Traffic Studies - 3 Copies

- Traffic congestion has become a major concern to the community. A traffic impact study is required to assess the effect of your proposal on:
- Area traffic patterns.
 - The additional loading on local and major intersections.
 - Proposed improvements to area street system.
 - The expected increase in traffic generated by the project.
 - A rationale for access points and internal traffic movement.

This information must be provided by a Professional Engineer.

4. Environmental Impact Assessment - 3 Copies

- Environmental Study - Level 1.
- Watercourses, wildlife, and bird habitat.
- Discharges to air & water.
- Land disturbance and clearing.
- Proposed mitigation.
- Tree Management Plan.
- If a designated watercourse is present on site, a British Columbia Land Surveyor must determine required setbacks.

All reports are to be certified by a professional in the field.

5. Neighbourhood Assessment

- This assessment will identify the proposal's effects on:
- School enrollment.
 - Transit system and commercial services.
 - For housing projects, the intended market.
 - View impact.
 - Use of local parks.
 - What amenities the project will provide to residents, customers, staff, etc.

SIGNATURE FOR REZONING REVIEW

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 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

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

SCHEDULE 'B'

CITY OF NANAIMO

APPLICATION FOR PERMIT

This is an application for:

Development Variance Permit

Development Permit

APPLICANT

Name of Applicant: _____

Address: _____

_____ Telephone: _____

Name of Owner: _____

Address: _____

_____ Telephone: _____

PROPERTY

Legal Description of Property: _____

Zoning of Property: _____

APPLICATION REQUIREMENTS FOR DEVELOPMENT VARIANCE PERMIT

1. The requirement and the proposed variance is: _____

2. The purpose of the request, including a full description of the proposed development, is:

3. Submit a scaled site plan showing all parking, access points, buildings, landscaping and elevations.
4. For sign variances, submit a drawing to scale of the sign and its location on the property.
5. Submit a copy of the State of Title Certificate.
6. The application will be accompanied by the fee identified in Schedule 'F'.

APPLICATION REQUIREMENTS FOR A DEVELOPMENT PERMIT

1. The property is in Development Permit Area No. _____.
2. Submit four sets of plans to scale showing the following:
- Site plan.
 - Landscaping plan.
 - Detailed renderings from all sides.
3. For lands within a Natural Environment or Natural Hazard Development Permit Area, submit the appropriate environmental and/or geotechnical study to respond to the objectives of the Development Permit Area.
4. A site grading plan.
5. For lands within a Heritage or Form and Character Development Permit Area, submit detailed landscaping plans and detailed architectural renderings of the exterior of the building and detailed site plan.
6. The application will be accompanied by a fee identified in Schedule 'F'.

SCHEDULE 'C'
CITY OF NANAIMO
DEVELOPMENT PERMIT

No. _____

To: (Name and Address) _____

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit.

2. This Development Permit applies to and only to those lands within the Municipality described below, and any and all building structures and other developments thereon:

Legal Description: _____

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit and any plans and specifications thereto which shall form a part thereof.

- (a) If the applicant does not substantially commence the development permitted by this Permit within two years of the date of this Permit, the Permit shall lapse.
 - (b) As a condition of issuance of this Permit, the Permittee shall provide security by an irrevocable Letter of Credit or the deposit of securities in a form satisfactory to the City of Nanaimo in the amount of \$_____ to ensure that all terms and conditions of this Permit respecting landscaping are complete or to correct any unsafe conditions resulting from the contravention of a condition in this Permit.
 - (c) The security, together with any interest earned thereon, shall be returned to the Permittee upon completion of the conditions of the Permit to the satisfaction of the City. Should the Permittee fail to undertake and complete any works required to satisfy a landscaping condition or carry out any construction to correct an unsafe condition, the City may use the security to carry out the work by its agents or contractors and any expense incurred beyond the value of the security may be recovered in the manner as municipal taxes and any surplus shall be paid over to the Permittee.
4. This Permit is not a building permit nor does it constitute approval of any signage. Separate application must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL the ____ day of _____, 19____.

CITY CLERK

DATE

SCHEDULE 'D'
CITY OF NANAIMO

DEVELOPMENT VARIANCE PERMIT NO. _____

(Name of Owner of the Land)
(PERMITTEE)

Address: _____

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Municipality described below, and any and all buildings, structures, and other development thereon:

Legal Description: _____

3. The provisions of:

(a) The City of Nanaimo "ZONING BYLAW 1981 NO. 2370" are hereby varied as follows: _____

(b) Other bylaws adopted under Division 4 or 7 of Part 29 of the *Municipal Act* are varied as follows: _____

(c) A development permit issued under old Section 717(2) of the *Municipal Act* RSBC 1979, Chapter 20 is varied as follows: _____

4. The Permittee, as a condition of the issuance of this Permit, shall develop the land herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

5. If the Permittee does not substantially commence the construction permitted by this Permit within two years of the date of this Permit, the Permit shall lapse.
6. As a condition of issuance of this Permit, the Permittee shall provide security by an irrevocable Letter of Credit or the deposit of securities in a form satisfactory to the City in the amount of \$_____ to ensure that any terms and conditions of the Permit respecting landscaping are completed or to correct any unsafe conditions resulting from the contravention of a condition in this Permit.
7. The security, together with any interest earned thereon, shall be returned to the Permittee upon completion of the conditions of the Permit to the satisfaction of the City. Should the Permittee fail to undertake and complete any works required to satisfy a landscaping condition or carry out any construction to correct an unsafe condition, the City may use the security to carry out the work by its agents or contractors and any expense incurred beyond the value of the security may be recovered in the manner as municipal taxes and any surplus shall be paid over to the Permittee.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL the ____ day of _____, 19__.

ISSUED THIS _____ day of _____, 19__.

CITY CLERK

DATE

SCHEDULE 'E'

LINE		
1	REZONING APPLICATION	
2	AN APPLICATION HAS BEEN SUBMITTED TO THE CITY OF NANAIMO	
3	TO REZONE THIS PROPERTY FROM _____ TO _____	
4	TO _____.	
5		FOR FURTHER INFORMATION CONTACT:
6		THE APPLICANT
7	Location plan and legal	NAME:
8	description/or civic address.	ADDRESS:
9		PHONE:
10	A PUBLIC HEARING WILL BE HELD	THE CITY OF NANAIMO
11	ON: TIME:	DEVELOPMENT SERVICES DEPARTMENT
12	PLACE:	238 FRANKLYN STREET, NANAIMO, B.C.
13	LOCATION:	(755-4429)

SIGN CONTENT

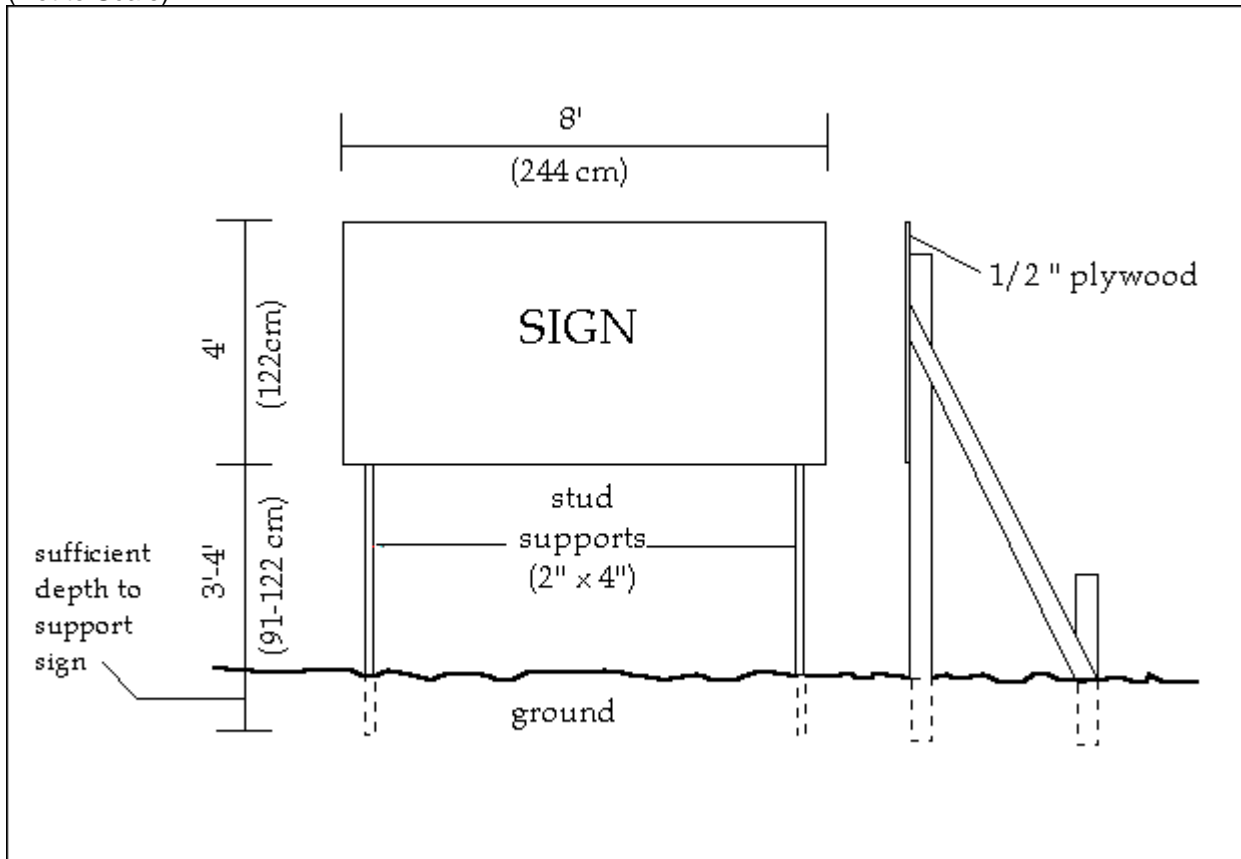
Lettering.

White Background / Royal Blue Lettering
Royal Blue 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")

SIGN ERECTION: (Not to Scale)



SCHEDULE 'F'

PLANNING AND DEVELOPMENT

(DELETED BY BYLAW 5582)

The information on this form is collected under the authority of the Municipal Act s.945. The information provided will be used to process your application for an OCP Amendment. If you have any questions about the collection and use of this information, contact the Community Development Planner, Strategic Planning, Engineering and Economic Department, 755-4483.

SCHEDULE 'G'

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

FILE NO:

DATE:

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		
<i>[NOTE: Incomplete applications will be returned to the applicant.]</i>		
<ul style="list-style-type: none"> <input type="checkbox"/> Pre-Application meeting with a Community Development Planner <input type="checkbox"/> Signed Agency Agreement (where applicant is other than the registered owner) <input type="checkbox"/> Application Fee Paid Receipt (\$535 including GST) <input type="checkbox"/> Certificate of Title dated not more than two weeks prior to date of submission <input type="checkbox"/> Copies of all Covenants listed on title <input type="checkbox"/> Location Plan <input type="checkbox"/> Proposal description (complete on following page) 		

Describe OCP amendment requested: _____

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

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 & 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.

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")
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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 Strategic Planning Department.

SIGN ERECTION:
(Not to Scale)

