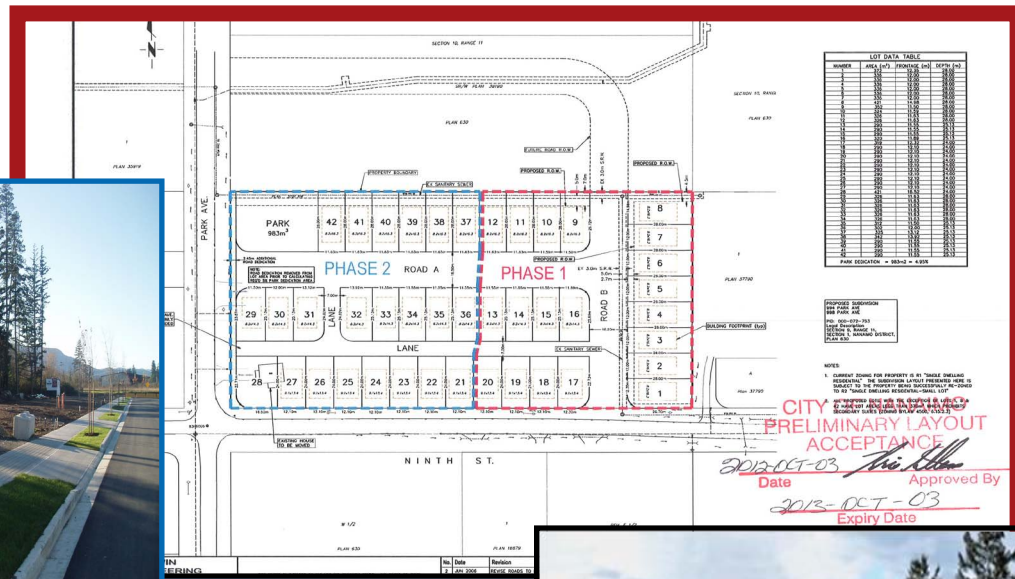


# SUBDIVISION

# A Guide to **SUBDIVIDING** in **Nanaimo**





**Community Development**

# TABLE OF CONTENTS

**Where to Begin . . . . . 1**

**Getting to Know Your Lot . . . . . 2-6**

    Zoning . . . . . 2

    Development Permit Areas . . . . . 3

    Easements / Right-of-Ways . . . . . 4

    Covenants . . . . . 5

    Building Schemes . . . . . 5

    Access . . . . . 6

    City Services . . . . . 6

    Topography . . . . . 6

**What is a Subdivision? . . . . . 7-10**

    Diagram of Subdivision Types . . . . . 7

    Why is City Approval Required? . . . . . 8

    The Subdivision Approving Officer . . . . . 8

**The Subdivision Approval Process . . . . . 9-18**

    Flow Chart . . . . . 9

    Pre-application Meeting . . . . . 10

    Application Submission . . . . . 11-12

    Preliminary Layout Acceptance (PLA) . . . . . 13

    Design Stage Acceptance (DSA) . . . . . 14

    Substantial Completion . . . . . 15-16

    Final Approval . . . . . 17

    Registration at LTO . . . . . 18

    Release of Security . . . . . 18

**Frequently Asked Questions . . . . . 19-24**

    What are the Costs of Subdividing? . . . . . 19

    How long does the Subdivision Process Take? . . . . 20

    What is Evaluated in a Subdivision Application? . . . 21

    What is a Development Cost Charge (DCC)? . . . . 22

    Can I Build while Under Active Subdivision? . . . . 22

    What Triggers Park Dedication? . . . . . 23

    Consideration for Neighbouring Properties . . . . . 24

    Environmentally Sensitive Areas . . . . . 24

**Where are We Located? . . . . . 25**

**Links and Contact Info . . . . . 26**

**Revised Date:**



The City of Nanaimo, known as "The Harbour City", is located on the beautiful east coast of Vancouver Island. The second largest urban centre on Vancouver Island, Nanaimo is situated between the Strait of Georgia to the east and mountains to the west. Made up of a varied economic base, Nanaimo is the ideal location to set up your home. With many parks, trails and opportunity for leisure, whether indoor or out, Nanaimo is a destination city worth checking out.



This Guide is a publication of the City of Nanaimo Engineering & Subdivision Section and is provided free of charge.

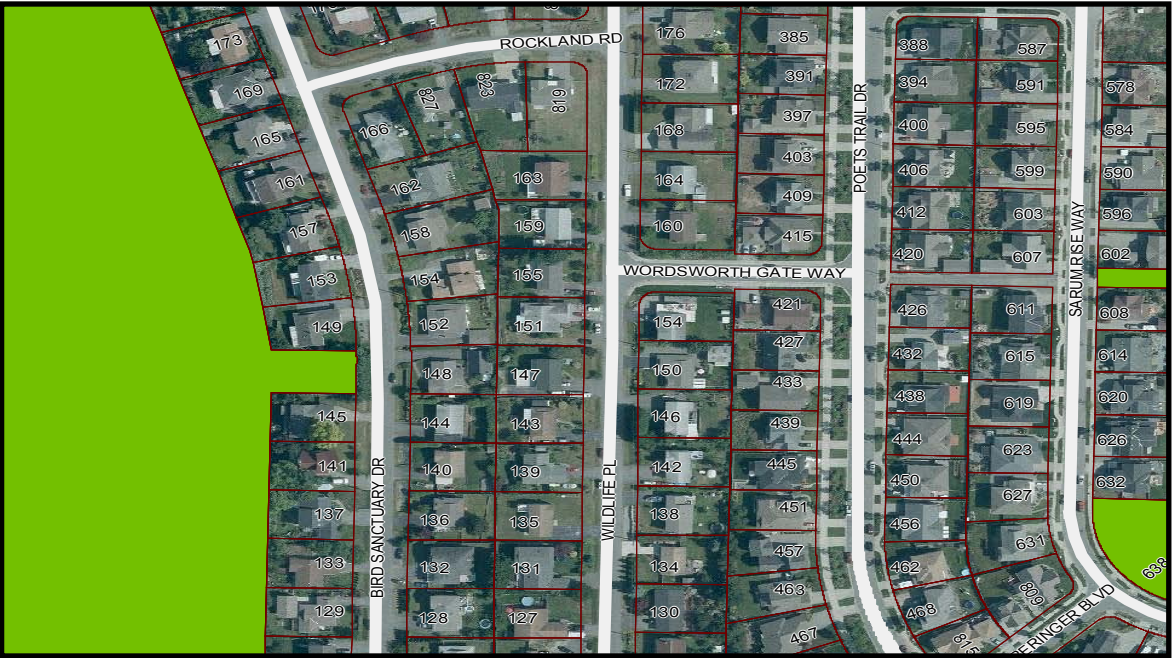


**City of Nanaimo  
Engineering & Subdivision**  
*Creating Liveable Communities Through  
Sustainable Subdivision Design*



Where to Begin . . . . .

Subdividing your property can be a complicated process, requiring the help and guidance of numerous professionals. This guide is intended to answer common questions associated with subdivision development, provide you with resource information, and to guide you through the subdivision process.



*\*Note that this is a general guide intended to provide a broad overview of the subdivision process. Applicants should not rely solely on this document, and should seek staff direction. For more details, please contact our office.*

1

Getting to Know Your Lot

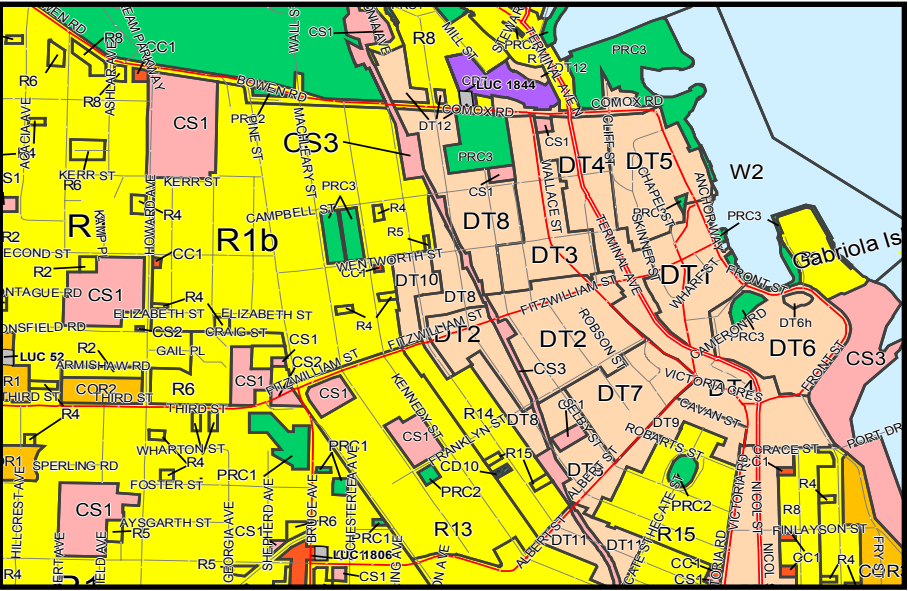
It is important to understand the regulations and restrictions that may impact your subdivision design. Your subdiviision must be designed respecting the unique requirements of your lot.

Tip!

A great tool to help you quickly determine the zoning for your lot is to check out the [NanaimoMap](#) on our web page at [www.nanaimo.ca/NanaimoMap](http://www.nanaimo.ca/NanaimoMap)

Zoning

The Zoning Bylaw regulates the permitted uses of land and includes restrictions, such as minimum lot area, depth and frontage required for each lot, as well as siting of existing buildings from new lot lines.



- ZONES**
- Single Dwelling Residential
  - Agriculture Rural Residential
  - Corridor
  - Commercial Centre
  - Downtown
  - Parks, Recreation & Culture
  - Industrial
  - Community Service
  - Waterfront

As part of getting to know your lot(s), you need to determine the zoning of the lot(s) and obtain a copy of the applicable regulations that will impact your subdivision design and siting of buildings.

The City’s zoning bylaw “[ZONING BYLAW 2011, NO. 4500](#)” can be accessed through the City website at [www.nanaimo.ca](http://www.nanaimo.ca), and the associated zoning map can be viewed by using [NanaimoMap](#). Zoning of a property can be confirmed through the Service Centre.

1

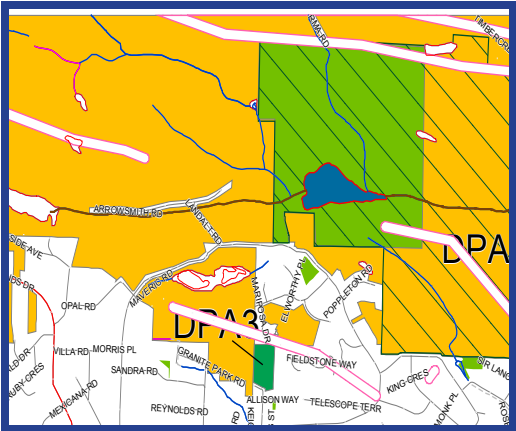
Getting to Know Your Lot

Development Permit Areas

As an implementation tool to realize the goals and policies outlined in the Official Community Plan, the City of Nanaimo has established 9 Development Permit Areas, and associated Guidelines, to regulate land development.

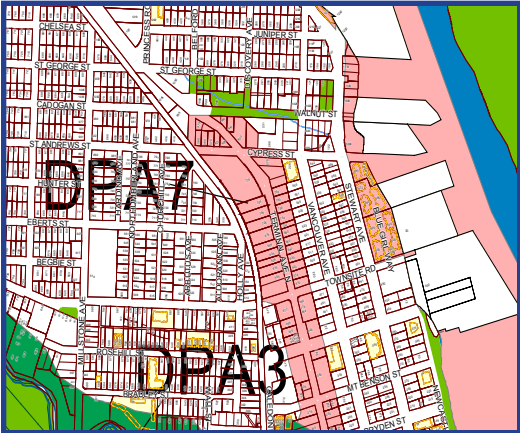
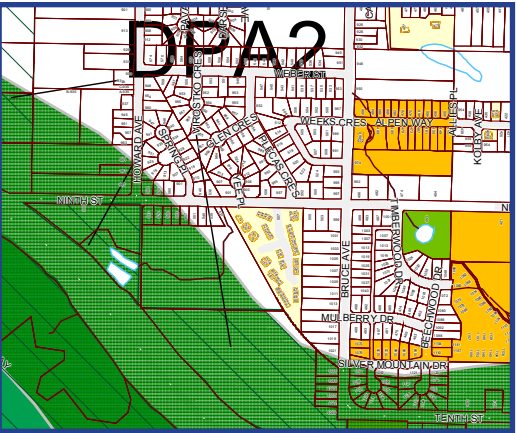
The Development Permit Areas (DPAs) are:

- Watercourses (DPA1)
- Environmentally Sensitive Areas (DPA2)
- Natural Hazard Lands (DPA3)
- Nanaimo Parkway Design (DPA4)
- Steep Slope Development (DPA5)
- Stewart Avenue Corridor (DPA6)
- North Terminal Avenue Area (DPA7)
- Old City Neighbourhood (DPA8)
- Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development (DPA9)



DPAs can be identified on-line using [NanaimoMap](#) and further information regarding Development Permit Areas and their requirements is included in the [Official Community Plan](#).

Subdivision staff can assist you in confirming if a Development Permit is required for your lot.



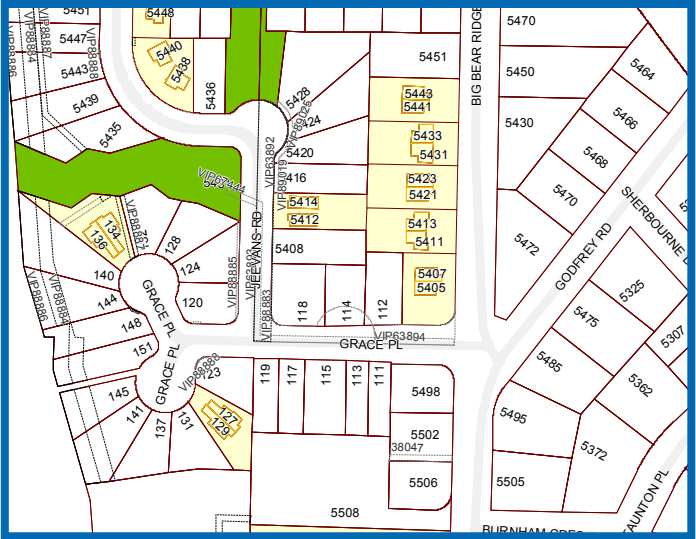
1

Getting to Know Your Lot

Easements / Rights-of-Way

Your lot's Certificate of Title may identify the presence of easements or rights-of-way on your lot. It is important to identify easements and rights-of-way as they may affect lot layout or the siting of future buildings.

The City has registered rights-of-way on a number of properties within the municipality, most commonly to permit servicing (water/sewer lines) to extend through a property. You may be able to view the location of a right-of-way on the City website using [NanaimoMap](#) (choose the "Legal" theme), or information can be obtained from our Service Centre.



An easement is a right which one landowner has with respect to the lands of another; either the right to do something on the other's land, or the right to prevent the other owner from using their land in a particular way.

Tip!

To determine if there are any restrictions on the lot, you can obtain a copy of the Certificate of Title. The Title will identify the presence of any easements, rights-of-way, covenants, or building schemes. For a minimal fee, you can obtain a copy of the Certificate of Title from Service BC, which is located at 460 Selby Street in Nanaimo, phone 250-741-3636, or search their [website](#) at [www.servicebc.gov.bc.ca](#) for more information. Be prepared with your P.I.D. number (available from City staff and soon to be available on [NanaimoMap](#)).



1

Getting to Know Your Lot

Covenants

A covenant is a contractual agreement registered against the title of the land that stipulates conditions on how the land can or cannot be developed or used. The covenant may be negative (restrictions) or positive (requirements) in nature and may include provisions in respect of the use of the land; the use of buildings on, or to be built on, the land; how the land can or cannot be built on; whether or not the land can be subdivided; the protection, preservation, conservation, maintenance, enhancement or restoration of the land or a specified amenity.

A review of the property title may identify the presence of covenants that are registered on your lot. All covenants should be reviewed as they may contain requirements or restrictions that will impact the use of the lot or siting of future buildings. If the Covenant is registered in favour of the City, Staff in the Service Centre may be able to provide you with a copy of the document.

FORM 510 (2019)

LAND TITLE ACT  
FORM C (Section 220) CHARGE  
GENERAL INSTRUMENT - PART 1 Province of British Columbia PAGE: 1 OF 10 PAGES

Your electronic signature is a representation that you are a solicitor as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

BARRISTERS & SOLICITORS File No.:  
BC Tel.: ☐ Delist LTA/SA Fee? Yes ☒

2. PART 1: IDENTIFIER AND LEGAL DESCRIPTION OF LAND (LEGAL DESCRIPTION)  
SEE SCHEDULE  
SEC? YES ☐

3. NATURE OF INSTRUMENT CHARGE NO. ADDITIONAL INFORMATION  
SEE SCHEDULE

4. TERMS: Part 2 of this instrument contains (select one only)  
(a) ☐ Final Standard Charge Terms (S.F. No. ☐) (b) ☒ Express Charge Terms Attached as Part 2  
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule attached to this instrument.

5. TRANSFERORS:  
CITY OF NANAIMO

6. TRANSFERREES: (including postal address(es) and postal order(s))  
CITY OF NANAIMO  
455 WALLACE STREET  
NANAIMO BRITISH COLUMBIA  
V9R 5J6 CANADA

7. ADDITIONAL OR MODIFIED TERMS:  
N/A

8. EXECUTION: This instrument creates, assigns, modifies, charges, discharges or governs the priority of the interest(s) described in Item 5 and the Transferor(s) and every other signatory agree to be bound by this instrument, and to acknowledge receipt of a true copy of the final standard charge terms, if any.  
Office Signature(s) Execution Date: Y M D Transferor(s) Signature(s)  
CITY OF NANAIMO by its authorized signatories:  
- General Manager, Community Safety & Development  
- Manager, Legislative Services

OFFICER CERTIFICATION:  
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Financial Institutions Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 2 of the Land Title Act as they pertain to the execution of this instrument.



Building Schemes

Building schemes are charges on title registered by the developer which limit what an owner can do with his property. As the City of Nanaimo is not party to the drafting or registration of building schemes, they are not enforced by the City.

1

Getting to Know Your Lot

Access

When considering lot layout and the design and placement of your home on your lot, be sure to keep in mind there are criteria which govern locations of driveways, which are outlined in “[CROSSING CONTROL BYLAW 1996 NO. 5174](#)”. For example, the driveway access cannot be in the same location as a bus stop, nor can the access be through the corner of the lot.

**Tip!**  
To explore the different regulations in the City, you may want to check out our “[Bylaw Search](#)” feature at [www.nanaimo.ca/bylaws/bylaws.aspx](#). If you leave the search string blank and press enter, a list of City Bylaws is displayed.

City Services

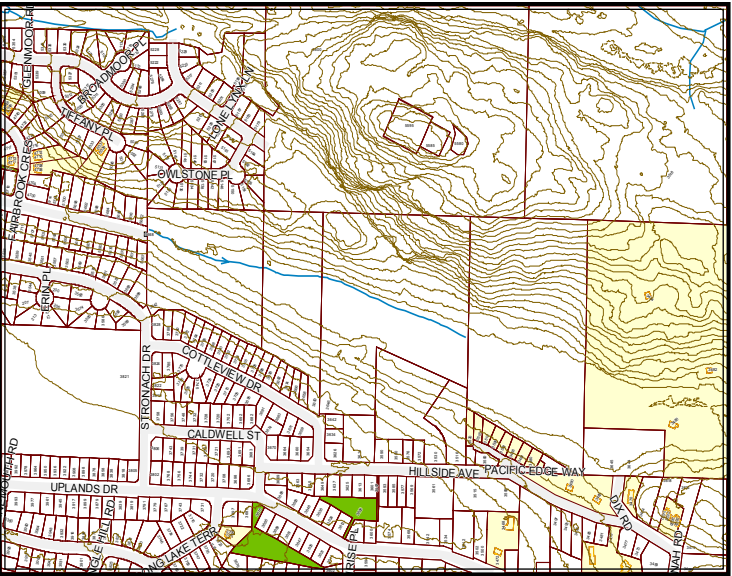
All new lots are required to be serviced by community water, sewer, and storm services, where available. Service Centre staff can help you locate existing services and provide you with information regarding servicing a new development.

Topography and Natural Features

Most lots are found to contain some natural or manipulated slope. It is important to understand the slope of the property as it may have implications for the design/layout of your subdivision.

In cases where the lot includes or is adjacent to natural or man-made hazards, a geotechnical engineer may be required to assist in identifying requirements to ensure lots are safe and suitable for the intended use.

Natural features, such as steep slopes, floodplains or watercourses (ocean, lakes, wetlands, rivers, streams, etc.), may result in additional restrictions with respect to the design of subdivision. Lots within the proximity of a watercourse or steep slope may have additional setbacks and requirements.



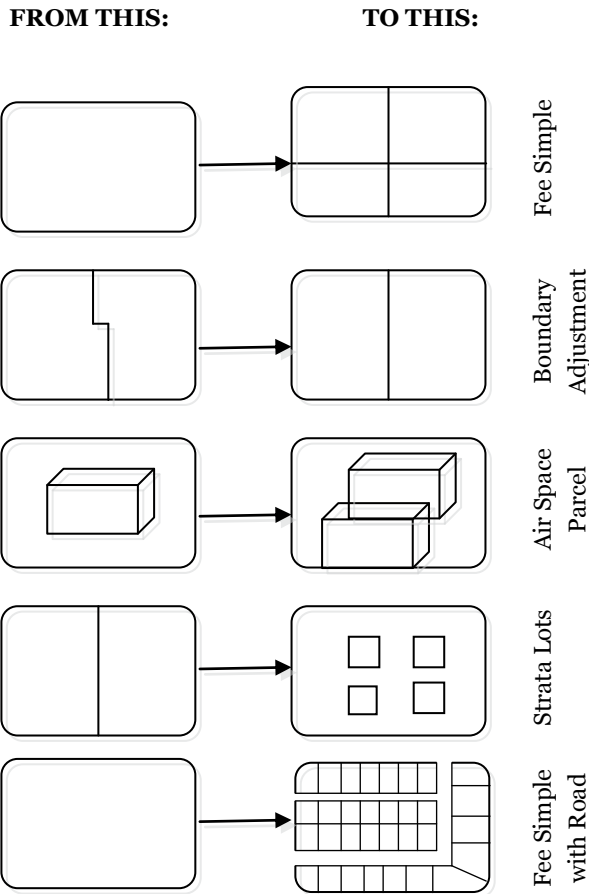
2

What is a Subdivision?

Any time you change the boundaries of a parcel of land, you are subdividing.

Typically "subdivision" is thought of as the creation of two or more parcels of land from a larger parent parcel. It can also include the realignment of existing property lines (boundary adjustment), the creation of individual units within a multi-family development (building strata), the creation of parcels of land with commonly owned private areas (bare land strata), the conversion of existing rental building into individual units for independent ownership (strata conversion), and so on.

What is a Subdivision?



2

What is a Subdivision?

Why is City Approval required?

The *Land Title Act* stipulates that for land within a municipality, the municipal council must appoint an Approving Officer. The Approving Officer is responsible for administering and approving/rejecting applications to subdivide lands.

Legislation regulating the subdivision process can be found in the *Local Government Act*, the *Land Title Act*, and the *Strata Property Act*.

The City's *Subdivision Control Bylaw* sets further standards for subdivision access and works & services requirements.



*\*Plans which cancel interior lot lines within the same plan or consolidate adjoining parcels do not require approval by the Approving Officer and can be registered at the Land Title Office by a BC Land Surveyor.*

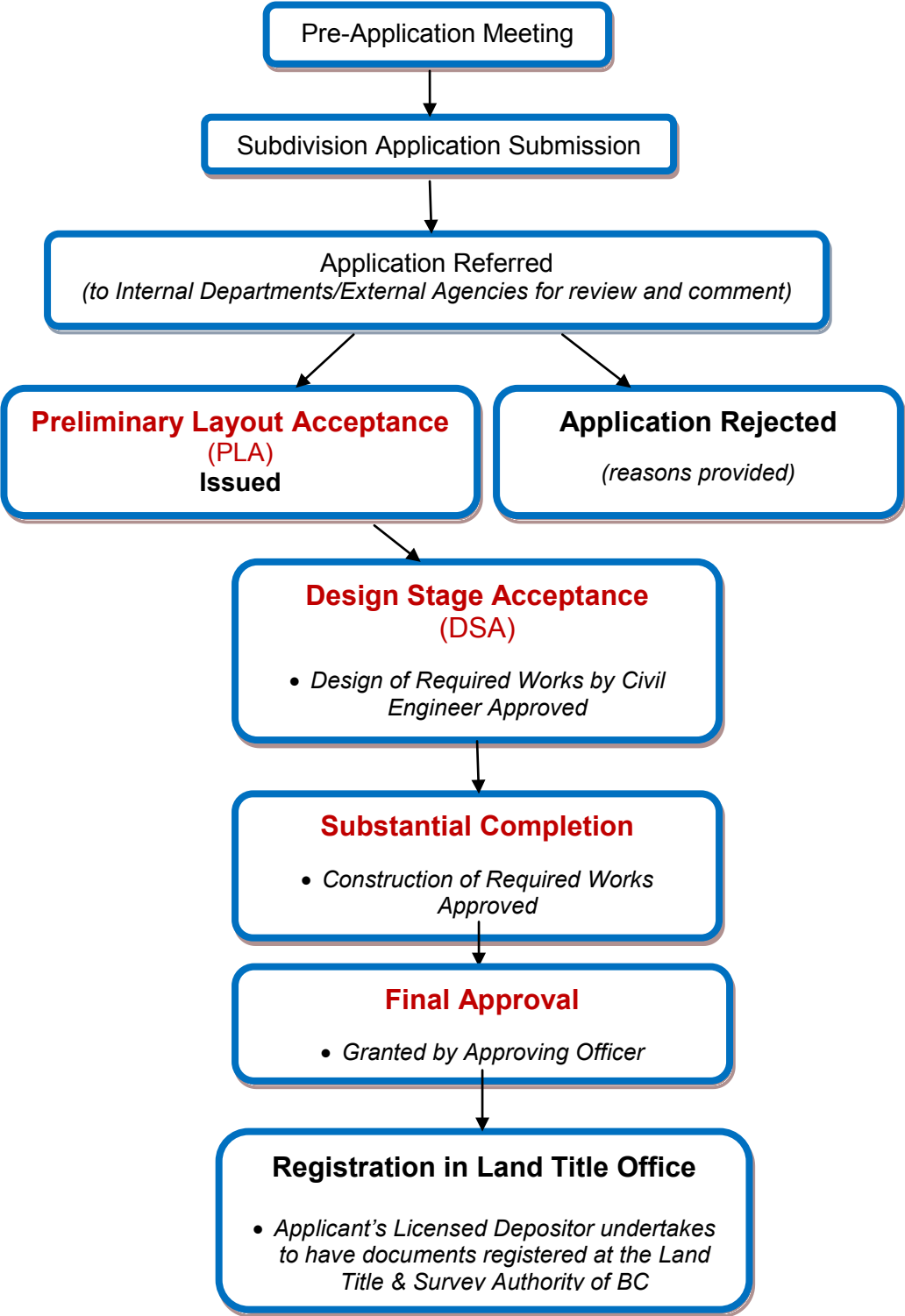
The Subdivision Approving Officer

The Approving Officer is responsible for ensuring that:

- ☐ The subdivision complies with all applicable federal and provincial regulations & statutes and municipal bylaws.
- ☐ All lots are adequately serviced with water, sanitary sewer, and storm.
- ☐ The property has adequate roads/traffic flow, access, and pedestrian interconnectivity with adjacent lands.
- ☐ The subdivision meets the minimum requirements under the Zoning Bylaw (e.g. lot size, frontage, depth etc.)
- ☐ The subdivision supports future development of neighbouring properties.
- ☐ Natural features and amenities (i.e. trees, environmentally sensitive areas, landmarks etc.) are protected.
- ☐ Adequate open space is provided.
- ☐ The subdivision is consistent with the requirements of the City's Official Community Plan, and City Guidelines and Policies.



### The Subdivision Approval Process



### The Subdivision Approval Process

#### Pre-application Meeting

To ensure your application for Preliminary Layout Acceptance (PLA) is processed as quickly as possible, it is important to have all the required documentation submitted along with your application. A pre-application meeting gives the applicant/owner the opportunity to present their proposal to City staff and go over any issues/requirements that may need to be addressed prior to formal submission. It also gives City staff the opportunity to answer questions or concerns the applicant may have, and to identify any outstanding items that are required as part of the application submission.

**Tip!**  
To set up a pre-application meeting with Subdivision & Engineering staff, call (250) 755-4429, ext. 4213 or ext. 4214

If you have retained a professional consultant to assist you with your subdivision application, you are encouraged to have the consultant attend the pre-application meeting to discuss items relevant to your subdivision, such as:

- ☐ Ensuring the proposed subdivision meets the goals and objectives of the Official Community Plan (OCP) and any Neighbourhood Plan adopted for your area.
- ☐ Identifying and addressing any variances that may be required.
- ☐ Identifying required road networking and engineering services to ensure the subdivision is adequately accessed and serviced and to ensure that development opportunities of adjacent properties is maintained.
- ☐ Identifying requirements for tree preservation/retention and ensuring the impacts of the Tree Protection Bylaw and Urban Forestry Strategy are understood.
- ☐ Identifying any other potential impacts and studies for inclusion with your PLA submission (e.g. Geotechnical Reports, Acoustic studies, Archaeological Reports, Traffic Impact Analysis Reports, etc.)



3

The Subdivision Approval Process

Application Submission

After any issues/outstanding items have been addressed through the pre-application meeting, a formal application may be submitted.

Required documentation includes (but is not limited to):

**Subdivision Application Form**

☐ Preliminary Layout Acceptance   ☐ PLA Extension   ☐ PLA Amendment  
☐ Strata Conversion   ☐ Form P   ☐ Form P Amendment  
☐ Final Approval

**Contact Information**  
Name of Applicant (Contact Person):  
*"If the applicant is not the registered owner an Appointment of Agent form (Schedule A) will be required"*  
Company Name (if applicable):  
Company Search (if applicable):  
Phone 1:   Phone 2:  
Fax:   Email:  
Mailing Address:  
Please indicate preferred method of correspondence: ☐ Email   ☐ Post   ☐ Fax

**Property**  
Civic Address of Property:  
Zoning of Property:  
Subdivision Type:  
All PLA submission applications must have previously completed a pre-application meeting.  
Please ensure you have completed and signed the PLA or Final Application and Checklist as part of your submission.  
Signature for Subdivision Review  
I / we hereby declare that all of the above statements and the information and materials submitted in support of this application are, to the best of my knowledge, true and correct in all aspects.  
Date   Applicant Signature (print name also)  
Date   Applicant Signature (print name also)

Page 1 of 12

- ☐ Application form, signed by all registered owners of the property.
- ☐ Appointment of Agent (if applicable).
- ☐ Payment of applicable fees.
- ☐ Certificate of Title, with Lawyers review of charges (where applicable).
- ☐ Paper prints of proposed Layout Plan (see application form for specifics).
- ☐ Site Profile or Declaration Regarding Contaminated Sites.
- ☐ Supporting Plans/Studies, if any, as identified through pre-application meeting (e.g. Tree Management Plan, Geotechnical Report, Servicing Report, etc.).



3

The Subdivision Approval Process

Once a complete submission is received, a preliminary review is undertaken. The application is then referred out to City departments and, if applicable, external agencies. (Possible agencies to be referred include Ministry of Health, Ministry of Transportation, Provincial Archaeological Branch, Ministry of Environment, Agricultural Land Reserve, etc.).

Throughout the review process, Subdivision staff may contact you or your appointed agent to request clarification or additional information that may be required to complete the review or address concerns that may arise.

The duration of this stage will vary depending on the complexity of the subdivision and whether additional reports or studies are required. If additional information is required and this information fundamentally alters the proposed subdivision, the referral process may need to be repeated for the revised proposal.



3

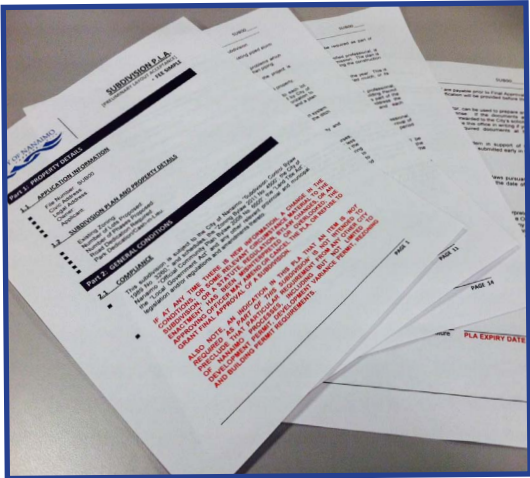
The Subdivision Approval Process

Preliminary Layout Acceptance (PLA)

Upon completion of the application review, a PLA may be granted by the Approving Officer. The PLA is essentially a "shopping list" outlining the requirements established through formal review that the applicant must fulfill before Final Approval of the subdivision can be granted.

A PLA is valid for 12 months and typically contains the following conditions/requirements necessary to obtain Final Approval:

- ☐ Construction requirements for Works and Services (road standards including curb, gutter, sidewalk, street lighting).
- ☐ Servicing requirements (water, sanitary, storm).
- ☐ Tree Management (removal/retention).
- ☐ Aquatic Setback requirements.
- ☐ Dedication of Parkland or cash-in-lieu of park (if required), linear open spaces and walkway, etc.
- ☐ Required reports (geotechnical, environmental etc.)
- ☐ Identification of required legal documents (rights-of-way, easements, restrictive covenants, etc.)
- ☐ Requirements from external Agencies (Min. of Environment, Min. of Transportation, Min. of Health, Agricultural Land Commission, etc.)
- ☐ Payment of Development Cost Charges (DCCs), Final application fees, taxes outstanding accounts payable, etc.
- ☐ Other approvals required to facilitate subdivision (e.g. Development Permits, Development Variance Permits, Rezoning Approval, etc.)



*If the subdivision cannot be completed within the one year time frame, an application (prior to the PLA expiry date) for PLA Renewal will be required in order to keep the application active.*

3

The Subdivision Approval Process

Design Stage Acceptance (DSA)

After the conditions of subdivision are identified in the PLA, the applicant/owner must retain a professional civil Engineer to work with City Engineering staff to prepare and submit detailed design drawings for the design of any roads, services and utilities.



The Engineering staff will review and coordinate the requirements, design, cost estimates etc. with the Engineering consultant, involving other City departments and external agencies as necessary.

The detailed design drawings must indicate the location of all future City owned infrastructure (i.e. road works, street lighting, storm drainage system, sanitary sewers, water mains, landscaping, etc.), an erosion and sediment control plan, lot grading plan, tree management plan as well as BC Hydro, Telus, Fortis Gas and Shaw Cable utilities.

Once the drawings meet City approval, Design Stage Acceptance (DSA) can be issued.





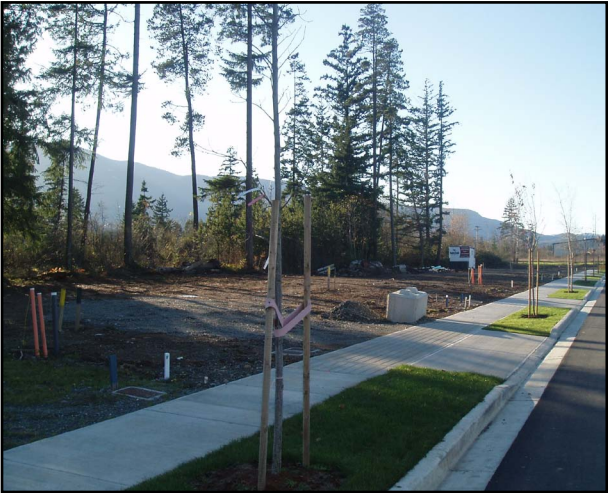
3

The Subdivision Approval Process

Substantial Completion

Once DSA has been issued, the applicant will hire a contractor to complete the construction of the Works and Services. The applicant's Engineer will arrange a pre-construction meeting through City Engineering staff.

The contractor will need to apply for, and be issued, a Works in City Streets permit prior to commencement of construction. The contractor will also provide liability insurance naming the City as an additional Insured, covered by the policy, and security equal to 10% of the estimated value of the works to be contracted within City lands (i.e. road dedication, title property or within City statutory right-of-way areas).



Throughout construction, the applicant's Engineer oversees and inspects the Works & Services being constructed, and reports any issues that arise to the City Engineering section.

When the consulting Engineer is satisfied that all works have been completed in accordance with the approved design drawings and City requirements, a Final Inspection is requested through the City's Municipal Service Inspector. All deficient items must be corrected prior to submission for review and approval.

The consulting Engineer will provide a Certification of Installed Works, as well as a Statistics Sheet for the Works & Services that itemizes the quantity and value of the various components, so that the City's Engineering section can determine the security required (usually 10% of the value of the City works constructed + engineering and contingency) for the Maintenance Agreement required for the Maintenance Period.

A "Certificate of Substantial Completion" will be issued upon completion of all the service, utility and road works related to the project, and final inspection by the City of Nanaimo's Engineering section.

3

The Subdivision Approval Process

The consulting Engineer is responsible for maintaining and/or correcting the work against any defects arising from installation, materials, workmanship, or engineering design, which may appear after the Certification of Installed Works is signed and until the end of the Maintenance Period, which is a minimum of 1 year.

NOTE:

*Final Approval is generally not applied for until after the works have been constructed and a Maintenance Agreement, as outlined above, is provided. However, the Approving Officer may accept an application for Final Approval under the following conditions:*

- *25% of the Works & Services have been constructed,*
- *an estimate for the value of the remaining Works & Services - and works on private property (e.g. lot grading, common driveways, etc.) - has been provided, and*
- *the applicant has entered into a Construction Agreement, providing security equal to 100% of the remaining works + engineering contingency.*

*The Approving Officer will also require that the applicant provide a "No-Build/No Independent Sale" restrictive covenant to ensure the works are complete before any building permits can be applied for and the title of the newly created lots cannot be sold to multiple parties.*







## The Subdivision Approval Process

### Final Approval

An application for Final Approval must include:

- ☐ Completed application form.
- ☐ Payment of Final Approval application fees.
- ☐ Payment of Development Cost Charges (DCCs).
- ☐ Payment of any outstanding accounts payable and taxes.
- ☐ Maintenance Agreement or Construction Agreement and related security. *(Security must be in the form of an automatically renewing Irrevocable Letter of Credit in a form acceptable to the City or a Certified Cheque in an amount accepted by the Engineering Section).*
- ☐ Survey plan of the subdivision and all rights-of-way, easement or covenant areas prepared by a registered BC Land Surveyor.
- ☐ Any required legal documents prepared by a Lawyer.

Once the Approving Officer has reviewed the plans and supporting documentation and is satisfied that all requirements of the PLA have been met, the plans and documents will be executed by the Approving Officer and City as necessary, and returned to the applicant's Licenced Depositor (any Surveyor, Lawyer, Engineer etc. registered with the Land Title & Survey Authority of BC to deposit plans) with a Letter of Undertaking.

The Letter of Undertaking will specify that the plans and supporting documents will be registered at the Land Title Office within 60 days of signature by the Approving Officer and that Proof of Registration will be provided to the Approving Officer.



## The Subdivision Approval Process

Upon the issuance of Final Approval and receipt of the Proof of Registration, the Approving Officer's involvement in the subdivision is reduced and the responsibility for release of security provided for the Maintenance Period transfers to the Engineering Section.

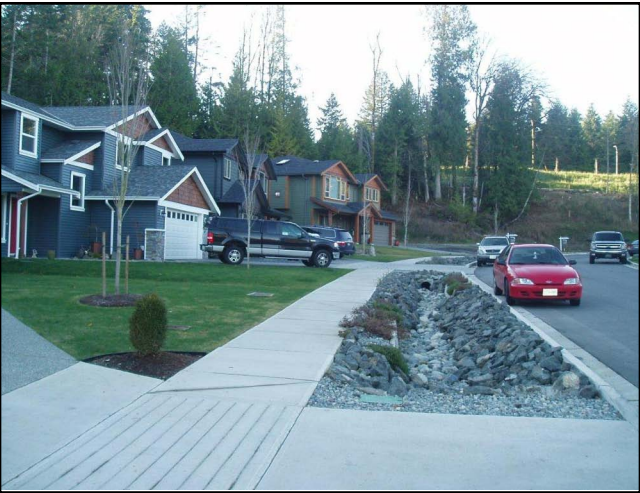
### Registration at the Land Title Office (LTO)

The Licenced Depositor takes the plan of subdivision and all other associated legal documentation to be registered at the Land Title and Survey Authority Office of BC (LTO). You now have separate title to each new lot.

### Release of Security

One month prior to completion of the Maintenance Period, the Engineering Section will contact the project Engineer to remind them that an End of Maintenance Inspection is now due. The Engineer is then to coordinate a Final Inspection of the works. If the City's Municipal Inspector agrees that the works are to the City's satisfaction, the Engineering Section will issue a Certificate of Acceptance for the works and release the Maintenance Security. If a deficiency(ies) is found, the deficiency(ies) is to be corrected. If the deficiency is minor, the security will be released upon confirmation that it has been repaired. If the deficiency is major, the Maintenance Period may be extended, and the security may be reduced to cover the continued maintenance of the repaired deficiency.

Once the Maintenance Security has been released, your subdivision is complete.



# 4 Frequently Asked Questions...

## What are the Costs Involved in Subdividing?

The cost of subdivision can vary greatly depending on the complexity of the application. Typical examples of costs incurred are:

- ☐ Preliminary Layout Acceptance (PLA) application fee (see subdivision application form for Fee Schedule) **(payable to City)**
- ☐ Legal and Survey fees (covenants, rights-of-way, survey plan, plan registration).
- ☐ Consultant fees.
- ☐ Professional studies/reports (e.g. *Geotechnical Report, Environmental Assessment, Tree Management Plan, Servicing Study, etc.*)
- ☐ Costs associated with any additional approvals required to facilitate subdivision (e.g. Development Permit, Rezoning Application, Development Variance Permit) **(payable to City)**
- ☐ Engineering & professional drawings.
- ☐ Construction costs for any Works & Services required.
- ☐ Service Connection Fees (water, sewer, storm). **(payable to City)**
- ☐ Final Approval application fee. **(payable to City)**
- ☐ Development Cost Charges. **(payable to City)**
- ☐ Cash in lieu of Parkland dedication (certain subdivisions may trigger the requirement to provide park dedication or cash in lieu, pursuant to Section 941 of the *Local Government Act*). **(payable to City)**
- ☐ Costs to other Agencies such as Hydro, Telus, Fortis & Shaw.



# 4 Frequently Asked Questions...

## How Long Does the Subdivision Process Take?

Every application is unique, therefore definite timelines cannot be provided. Factors that can influence application processing times are:

- ☐ Type, size and complexity of project.
- ☐ Whether or not the application submission is complete.
- ☐ Time required to obtain any additional studies/reports that may be identified through detailed reviews.
- ☐ Number of other applications in progress.

Subdivision staff do their best to ensure that your application is dealt with in a timely manner. After a preliminary review by Subdivision staff, referrals are sent out to various City departments and external agencies. Any additional items identified at that time will be brought to the applicant's attention. Once all requirements are satisfied, the application is put in a queue for drafting of the PLA by the Subdivision Planner, and review and acceptance by the Approving Officer. From the time of a complete application submission to issuance of PLA is approximately 8 weeks.



The time it takes to complete the requirements of subdivision is largely dependent upon the applicant. The applicant must complete all of the requirements listed in the PLA before the Approving Officer can grant Final Approval of the subdivision.



4

Frequently Asked Questions...

What is Evaluated in a Subdivision Application?

Subdivision application review includes, but is not limited to:

- ☐ Ensuring conformance with lot sizes, frontage requirements, setbacks from existing buildings, setbacks from watercourses, etc.
- ☐ Reviewing wildlife/environmental impacts and geotechnical hazards (subsidence, rockfall, slope stability, etc.)
- ☐ Establishing whether Development Permits/Development Variance Permits are required.
- ☐ Determining whether the property is within the Agricultural Land Reserve (ALR), and if so, ensuring ALR approval is obtained.
- ☐ Confirming any additional requirements/approvals from any other external agencies.
- ☐ Ensuring conformance with the Official Community Plan, including sensitive hillside development, trail and walkway connections, etc.
- ☐ Determining whether park dedication is required (The *Local Government Act* requires 5% of land for park for subdivisions creating 3 (or more) additional parcels).
- ☐ Reviewing any charges on Title that may affect the subdivision.
- ☐ Evaluating standards and requirements for Works & Services such as curb, gutter, street lighting, sidewalk, etc.
- ☐ Determining whether any rights-of-way or easements are required.
- ☐ Access/servicing to lands beyond.
- ☐ Ensuring development does not negatively impact development potential of adjacent lands.



Frequently Asked Questions...

What is a Development Cost Charge (DCC)?

Development cost charges (DCCs) are monies that municipalities and regional districts collect from land developers to help offset future capital costs for the construction, alteration or expansion of roads, drainage systems, water mains, sewer mains and parks necessary to accommodate growth City-wide.

DCCs are imposed by Bylaw pursuant to the *Local Government Act*.

DCCs associated with subdivision are collected at Final Approval.

NOTE: The costs associated with the construction of frontage works & services required through subdivision development (i.e. curb, gutter, sidewalks and street lighting) are separate from, and in addition to, the required Development Cost Charges.



Can I Build While Under Active Subdivision?

Generally speaking, you cannot apply for a Building Permit while under active subdivision.

However, building permit applications *may* be accepted prior to registration of subdivision for the number of homes permitted under the Zoning of the parent parcel, provided:

- ☐ The applicant has made application for Final Approval of the subdivision and the Approving Officer has deemed the application complete,
- ☐ the subdivision has received Substantial Completion, and
- ☐ the subdivision is proceeding in a timely manner and there is not anticipated to be any time delays in the registration of the plan.



4

Frequently Asked Questions...

What Triggers Park Dedication?



As per Section 941 of the *Local Government Act*, the owner of land being subdivided must provide park land, or cash-in-lieu of park land, where 3 (or more) additional lots are being created by subdivision.

In determining whether park, or cash-in-lieu of park should be provided, City staff look to the Parks, Recreation & Culture Master Plan as a guiding document. Land is acquired to fulfill park needs in the area and complement the City's park and trail system. Cash in lieu is considered where the 5% of park land dedication would be too small for a park, the parcel would not complement an existing park or trail system, or no local park land needs have been identified.

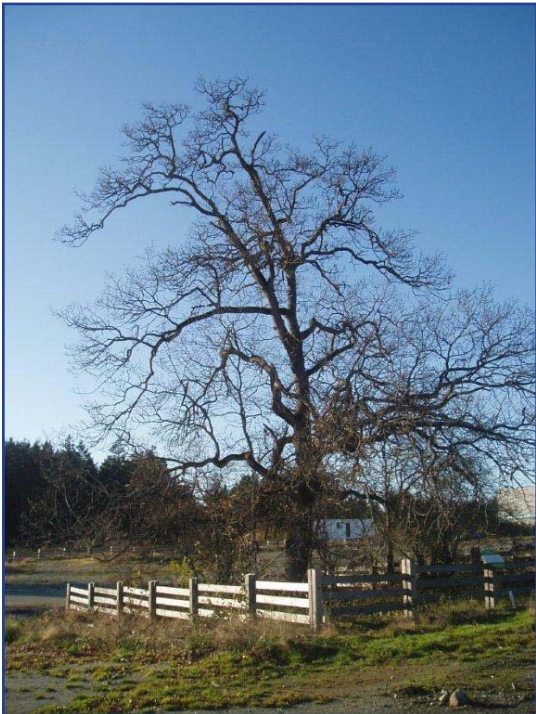


4

Frequently Asked Questions...

Why do I Need to Consider Neighbouring Properties when I Just Want to Subdivide My Lot?

Section 75 of the *Land Title Act* states that land being subdivided must provide necessary and reasonable access to all new parcels, including access through the land being subdivided to land lying beyond or around the subdivided land.



This requirement gives due consideration to neighbouring properties to ensure the development does not compromise the ability of owners of lands beyond to have equally feasible development rights in the future. It also assists in the creation of functional and permeable road networks that provide for multiple modes of transportation, with a focus on pedestrian connectivity.

My Property Has an Environmentally Sensitive Area (ESA). How Does This Affect My Subdivision?

ESAs are areas that provide productive fish or wildlife habitat, contain sensitive, rare or depleted ecosystems or represent sites of natural diversity that are in danger of disappearing. (E.g. watercourses, wildlife trees, rare woodlands such as Garry oak and Arbutus groves, special landforms such as coastal bluffs, etc.).

The City makes every effort to protect and preserve ESAs. If your property contains an ESA, you will be required to provide an Environmental Assessment of the land being developed as part of your application for subdivision. The Assessment will identify the environmentally sensitive characteristics of the site and provide suggestions to protection environmental features, minimize and/or mitigate environmental impacts, as well as specify measures to restore habitat damaged during development.

Pursuant to the *Income Tax Act*, you may be eligible for tax benefits by donating ecologically sensitive land to a qualified recipient. For more information, please see Environment Canada's [Ecological Gifts Program](#).



# Where Are We Located?...

The City of Nanaimo Service and Resource Centre is located at

411 Dunsmuir Street

We are directly across the street from the rear of the main City Hall building.

Phone: 250-755-4429

General inquiries can be directed to the Service Centre on the main floor.



# Links and Contact Info

For online viewers of this publication, below is a quick list of some links that may assist you in the subdivision process:

- **City of Nanaimo** - [www.nanaimo.ca](http://www.nanaimo.ca)
  - [Subdivision Publications and Forms](#) page for a listing of documents related to subdivision, including the [Subdivision Application Form](#).
  - [Urban Forestry](#), including [Application for Tree Removal Permit](#) and [Tree Management Plan](#) requirements.
  - [Planning & Design Publications and Forms](#) page to access applications for Development Permit, Development Variance Permit, and Zoning regulations.
  - [What's Building in my Neighbourhood?](#) page.
  - [Zoning Bylaw](#)
  - [Bylaw Search](#) page.
  - [Official Community Plan](#) (OCP)
- **Service BC** - [www.servicebc.gov.bc.ca](http://www.servicebc.gov.bc.ca) / 250-741-3636
  - Information on obtaining a [Certificate of Title](#) for your property.

