

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1776, 2018

A BYLAW TO ESTABLISH DEVELOPMENT APPLICATION AND NOTIFICATION PROCEDURES

WHEREAS Section 460 of the *Local Government Act* provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit under Part 14 of the *Local Government Act*;

NOW THEREFORE, The Board of the Regional District of Nanaimo, in open meeting assembled, enacts the following:

1. Citation

This Bylaw may be cited as "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018."

2. Schedules

The following schedules attached to this bylaw form an integral part of this bylaw and are enforceable in the same manner as this bylaw:

2.1. Schedule A – Development Application Notice Specifications

3. Application and Repeal

3.1 This bylaw applies to the types of matters referred to in section 5.1 of this bylaw within Electoral Areas A, C, E, F, G, and H of the Regional District.

3.2 "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" is hereby repealed.

4. Definitions

4.1. For the purpose of this bylaw, the following definitions apply:

"Applicant" means a person applying for a Bylaw Amendment, a permit under Part 14 of the *Local Government Act*, a phased development agreement bylaw or another matter or decision of the Regional District to which this bylaw applies;

"Building setback" means a setback for the construction of a building or other structure established under a land use bylaw or under a bylaw establishing a floodplain;

"Building elevation" means an elevation for a structural support system established under a bylaw establishing a floodplain;

"Bylaw amendment" means an amendment to one or both of a zoning bylaw or an official community plan bylaw;

"Parcel" or "Subject Parcel" means one or more lots, or parts of lots, that are the subject of an application for a Bylaw amendment, permit, approval or other decision of the Regional Board;

"Property Declaration Form" means a form setting out the owner's confirmation regarding the subject parcel;

"Regional Board" means the Board of the Regional District;

"Regional District" means the Regional District of Nanaimo.

- 4.2 A reference in this bylaw to any bylaw, policy or form of the Regional District is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

5. Application Requirements

- 5.1 This bylaw applies to applications for:

- (a) a bylaw amendment;
- (b) issuance or amendment of a permit under Part 14 of the *Local Government Act*; and
- (c) adoption of a bylaw to authorize a phased development agreement.

- 5.2 An owner of land may authorize an agent in writing to act on behalf of the owner and must notify the Regional District in writing if the owner changes.

- 5.3 An applicant requesting a bylaw amendment, permit or approval referred to in Section 5.1 must submit information required by the Regional District which includes at a minimum the following:

- (a) a completed application form provided by the Regional District;
- (b) a copy of state of title certificate(s) dated within 30 days of the date of application;
- (c) a corporate registry search if the owner is a corporation, current to within 30 days;
- (d) a copy of all covenants, easements, and rights of way and any other encumbrance affecting the use of land registered against the title;
- (e) confirmation that the land is not land to which the *Private Managed Forest Land Act* (British Columbia) applies;
- (f) a copy of approval or permission for the proposed use or development under any applicable provincial enactment;
- (g) two (2) copies of a detailed site plan prepared by a BC Land Surveyor drawn to a maximum scale of 1:500 showing all information applicable to the parcel including:
 - (i) boundaries and dimensions of the parcel(s);
 - (ii) proposed subdivision of parcel(s);
 - (iii) location of existing and proposed roads;
 - (iv) location and type of existing and proposed easements, rights of way and covenants;
 - (v) location of watercourses, environmentally sensitive areas, eagle and heron nests, natural hazard areas, and their associated setbacks;
 - (vi) size and location of an existing and proposed building, or structure and their use or proposed use;
 - (vii) applicable building setbacks;

- (viii) applicable development permit areas;
- (ix) location of existing and proposed vehicular, cycling, and pedestrian internal routes and access points;
- (x) location of existing and proposed off-street parking and loading spaces, garbage and recycling provisions;
- (xi) location and type of existing and proposed landscaping;
- (xii) existing and proposed on-site water or wastewater services; and
- (xiii) location and type of existing and proposed signage;
- (h) a detailed plan of building elevations drawn to a scale not larger than 1:100;
- (i) electronic copies of all plans;
- (j) site profile pursuant to the *Environmental Management Act*, if applicable;
- (k) Property Declaration Form pertaining to presence or absence of riparian areas, and eagle and heron nesting trees, and contaminated sites on the subject property;
- (l) professional reports to be provided under “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”, or otherwise requested by the Regional District or an accepted Impact Report Proposal;
- (m) written authorization from an owner for an agent to act on behalf of the owner under Section 5.2 of this bylaw; and
- (n) the applicable application fee set out in “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002”.

6 Public Notification

6.2 In accordance with the *Local Government Act*, where notice is required to be given by the Regional District to owners and tenants in occupation of the subject parcel and other parcels, the parcels within the distances from the lot lines of the subject parcel as set out in Column III of the following table will be included in the notification:

I Electoral Area(s)	II Application Type	III Distance measured from the lot lines of the subject parcel
F	Bylaw amendment	500 metres
A, C, E, G and H	Bylaw amendment that would allow for less than 20 additional residential units on the subject parcel; or affects a subject parcel having an area less than 4000 m ² zoned or to be zoned for the purpose of commercial or industrial development	200 metres
	Bylaw amendment that would allow for 20 or more additional residential units; or affects a parcel area equal to or greater than 4000 m ² for the purpose of commercial or industrial	500 metres

	development	
All	Phased Development Agreement or amendment other than a minor amendment	500 metres
All	Development Variance Permit	50 metres
All	Temporary Use Permit	200 metres

7 Development Notice Signage

- 7.1 For a Bylaw amendment application, the applicant shall, at their cost, post signage a minimum of 10 days prior to a scheduled public information meeting in respect of the application or where there is no public information meeting, a minimum of 10 days prior to the Electoral Area Services Committee meeting at which the application will be first considered.
- 7.2 The signage shall be made of weather resistant material and shall be in accordance with the specifications outlined in Schedule A attached to and forming part of this bylaw.
- 7.3 A minimum of one sign per parcel being considered as part of the amendment application in a location that provides an unobstructed view from the nearest constructed highway.
- 7.4 Notwithstanding subsection 7.3 above, in the case of a parcel having more than one highway abutting the parcel, a minimum of one sign for each highway frontage in locations that provide unobstructed views from the said highways.
- 7.5 Notwithstanding subsections 7.3 and 7.4 above, where a parcel abuts intersecting highways, provided the sign is posted at the corner of the intersecting highways in such a manner as to provide an unobstructed view from the both highways, the posting of one sign will be considered sufficient.
- 7.6 The applicant must submit photographs to the Regional District showing all installed signs within 48 hours of the signs being posted.
- 7.7 The sign or signs must be promptly removed at the expense of the applicant after the completion of the public hearing.

8 Public Information Meetings

A public information meeting may be held for any application described in this bylaw as determined by the Regional District. A notice of the meeting shall be placed in a minimum of one (1) edition of a local newspaper at least 3 and not more than 10 days prior to the meeting, and shall be mailed at least 10 days prior to the meeting to the owners and tenants of the subject parcel and owners and tenants of nearby parcels as indicated in Section 6.

9 Effective Date

This bylaw shall come into effect upon adoption.

Introduced and read three times this 18th day of September 2018.

Adopted this 16th day of October, 2018.



CHAIR



CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo
Development Application and Notification Procedures Bylaw No.
1776, 2018".


Chair


Corporate Officer

Schedule A

Development Application Notice Specifications (page 1 of 2)

DEVELOPMENT APPLICATION SIGN

Line

1	DEVELOPMENT APPLICATION	
2	AN APPLICATION HAS BEEN SUBMITTED TO THE REGIONAL DISTRICT OF NANAIMO	
3	TO (REZONE/REDESIGNATE) THIS PROPERTY FROM _____ TO _____	
4	<div style="border: 1px solid black; padding: 5px;"> Location Map Civic Address/Legal Description </div>	FOR FURTHER INFORMATION CONTACT:
5		APPLICANT:
6		NAME:
7		ADDRESS:
8		PHONE:
9	A PUBLIC HEARING¹ WILL BE HELD	REGIONAL DISTRICT OF NANAIMO
10	DATE:	STRATEGIC AND COMMUNITY DEVELOPMENT
11	TIME:	6300 HAMMOND BAY ROAD
12	LOCATION:	NANAIMO, BC V9T 6N2
13	ADDRESS:	PHONE: 390-6510 <u>or</u> 1-877-607-4111
14		planning@rdn.bc.ca

- 1 Where a public information meeting is to be held, the sign will indicate the date, time and place of that meeting. Where a public hearing is to be held after the public information meeting, the applicant will change the sign to indicate the date, time and place of the hearing.

Schedule A

Development Application Sign Specifications (page 2 of 2)

DEVELOPMENT APPLICATION SIGN DETAIL

Lettering:

White Background / Royal Blue Lettering
Royal Blue Border around Sign

Royal blue colour codes for printer as follows: PANTONE® #301C
CMYK - 100/40/0/40
RGB - 0/82/147
HEX - 005293
Printing on Uncoated
PANTONE® #2945U
CMYK - 100/40/0/50

Lettering in BLOCK CALIBRI CAPITALS with the following minimum height sizes for each Notice:

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

Notice Installation:

