

# REZONING DEVELOPMENT GUIDE

## CVRD Planning and Development Department



### What is a Zoning Bylaw?

Zoning Bylaws help make our communities more livable, harmonious and efficient, by ensuring that land uses and densities are compatible with each other, with the natural environment and with the values and aspirations of the community. All lands within the CVRD electoral areas are divided into zones which regulate:

- ◇ The principal and accessory land uses permitted on a parcel in the zone;
- ◇ The minimum parcel size in the zone;
- ◇ The degree of parcel coverage for all buildings and structures on a parcel;
- ◇ The height of buildings and structures;
- ◇ The minimum setbacks for uses, buildings and structures from parcel lines; and
- ◇ For some uses (e.g. secondary dwelling units) the size and dimensions of the use;



CVRD Zoning Bylaws also regulate many other aspects of land use and development, including:

- ◇ the prohibition of any use of land, buildings or structure
- ◇ Parking and loading requirements;
- ◇ Maximum allowable impervious surfaces;
- ◇ Home based businesses;
- ◇ Fencing and screening.

Certain zones, generally referred to as Density Bonus Zones, have different minimum parcel sizes that relate to the provision of community amenities, such as affordable housing.

### Applying to Rezone

Rezoning a parcel means changing its zoning designation from one zone to another. The rezoning process allows the CVRD and the community to consider the potential impacts of a development proposal on the community and the environment before determining whether a change in land use or density should be approved. *CVRD Development Application Procedures and Fees Bylaw No.3275* sets out the requirements of the rezoning process.

Prior to preparing a detailed proposal or submitting a formal application, you are advised to meet with a Planner, to determine the best manner in which to proceed. Among the preliminary considerations are the following:

- ◇ Is the proposal consistent with the community vision, objectives and policies of the Official Community Plan (OCP)? Check the OCP designation - an amendment to the OCP may be required if the proposal is approved.
- ◇ For land in the Agricultural Land Reserve, the approval of the provincial Agricultural Land Commission may be required.
- ◇ Make sure there is adequate servicing. All development proposals must include provisions for required infrastructure such as sewer, water, drainage, and road access. You may wish to discuss the proposal with the CVRD Engineering Department or local service providers.

To apply, an application form should be completed in full and submitted to the CVRD Planning and Development Department. The application must include:

- ◇ A scale plan of the property showing true dimensions and shape of the property, the site location of existing and proposed buildings, and where applicable additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. Submissions of drawings and maps should be provided electronically to allow for scaling;
- ◇ A copy of the legal plan of the property;
- ◇ The approximate location of buildings and land uses on adjoining properties;
- ◇ A state of Title Certificate (available from the Land Titles Office or through a title search company, notary or lawyer) and copies of all easement, covenant, right-of-way documents etc. on the title;
- ◇ Payment of the applicable development application fee;
- ◇ A waiver (on the rezoning application form) or a completed site profile as per the Site Contamination Regulation of the *Environment Management Act* (if required);
- ◇ Additional material, certified resolutions or comments in support of the application. These may include engineer drawings, biologist reports or other supportive or required materials.

The rezoning process can be complex and time-consuming. You may wish to consider hiring a professional consultant.

## Rezoning Application Fees

The zoning bylaw amendment application fee, as set out in *Procedures and Fees Bylaw 3275*, is \$2,200 (\$2,400 if an OCP amendment is also required) and:

- ◇ For rezoning that allows three or more new dwellings or parcels: \$80.00 plus a further \$80.00 for each dwelling or parcel (density unit) permitted by the amendment bylaw;
- ◇ For rezoning for commercial or industrial (parcels 0.3 ha or larger): \$120.00 plus a further \$120.00 for each additional 0.1 ha of parcel area.

In cases where environmental or geotechnical reports have been submitted by the applicant as part of the application, these reports may require an independent review, for which the costs will be incurred by the applicant. For more information consult *CVRD Development Application Procedures and Fees Bylaw No. 3275*.

The refund policy for applications that are withdrawn, denied by the Board, or deemed inactive prior to the CVRD having caused a newspaper notice to be published, is:

- ◇ \$1,500 plus an additional 33% of fees paid for additional densities of dwelling unit, parcel, and/or commercial or industrial space;
- ◇ A full refund for applications that have not been acted upon by CVRD planning staff.



A rezoning application that has been inactive for more than one calendar year is considered to be defunct and closed, unless otherwise determined by the Regional Board. Should an applicant wish to reactivate an application, he or she must reapply and submit the required fees.

## Posting of a Development Application Sign

A development application sign must be posted on the subject property, as soon as possible after an application has been made, to notify the community that a site-specific zoning change is being proposed. Specifications are set out in *CVRD Development Application Procedures and Fees Bylaw No. 3275*. Properties with more than one adjoining road may require additional signs.



## Evaluation

Upon submission, an application is assigned to a CVRD planner, who will contact the applicant to discuss the status of the application, the process and, if necessary, the need for more information.

The planner may undertake one or more site visits to examine the subject property, and may consult with other CVRD Departments or outside agencies, such as the Agricultural Land Commission, Ministry of Environment, and Ministry of Transportation and Infrastructure.



Rezoning applications are also sent to the Advisory Planning Commission (APC) for comments and recommendations. The applicant is invited to attend an APC meeting to discuss the proposal or answer questions.

## The EASC

The planner will then prepare a report based upon findings from site reviews, referrals, research and the APC motions for the Electoral Area Services Committee (EASC), composed of the electoral area members of the Regional Board of Directors. The EASC recommends to the Regional Board on whether the rezoning application should proceed to a public process,

be rejected, or be referred back to staff for further information, amendment or clarification. The applicant is strongly advised to attend the EASC meeting and to present the proposal or answer questions posed by the Committee.

## The Amendment Bylaw

The Regional Board will review the EASC motion, and pass a resolution that either:

- ◇ Tables the rezoning application pending additional information;
- ◇ Denies the application; or
- ◇ Authorizes staff to prepare a zoning amendment bylaw for consideration of first and second readings, and a public hearing or public notification process.

## Public Hearing/Notification

Public hearings are designed to allow the public to make comments and recommendations to the CVRD respecting the rezoning application. They are usually held in a public facility located within the community where the rezoning is proposed.

At a public hearing, all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard, or to present written submissions respecting matters contained in the bylaw. Public hearings are advertised in local newspapers and, in most cases, notices are also delivered or mailed to adjacent residents and land owners.

The Board generally delegates three Board members to the hearing. They then report the views expressed at the hearing to the Regional Board, usually at the next regular Board meeting.

In limited cases, the Board may choose to authorize a public notification process in lieu of a public hearing. In such cases, prior to third reading, public notices are mailed or delivered to adjacent residents and landowners, and advertisements are placed in a local newspaper, informing residents and landowners where and when the Board will consider the Zoning Amendment Bylaw.

## Third Reading

The Regional Board will consider the public hearing report and minutes, prior to determining whether to pass third reading or deny the application. Rezoning applications that pass third reading are often subject to a variety of conditions. Examples include the application of best management practices or engineering standards, provision of amenities, parkland dedication, and other measures, to ensure a high quality development that best benefits both the community and the applicant. In such cases, fourth and final reading will occur only after these specific conditions are met.

## Fourth Reading

Once all conditions are met, the Board may pass fourth reading (or final adoption) of the proposed

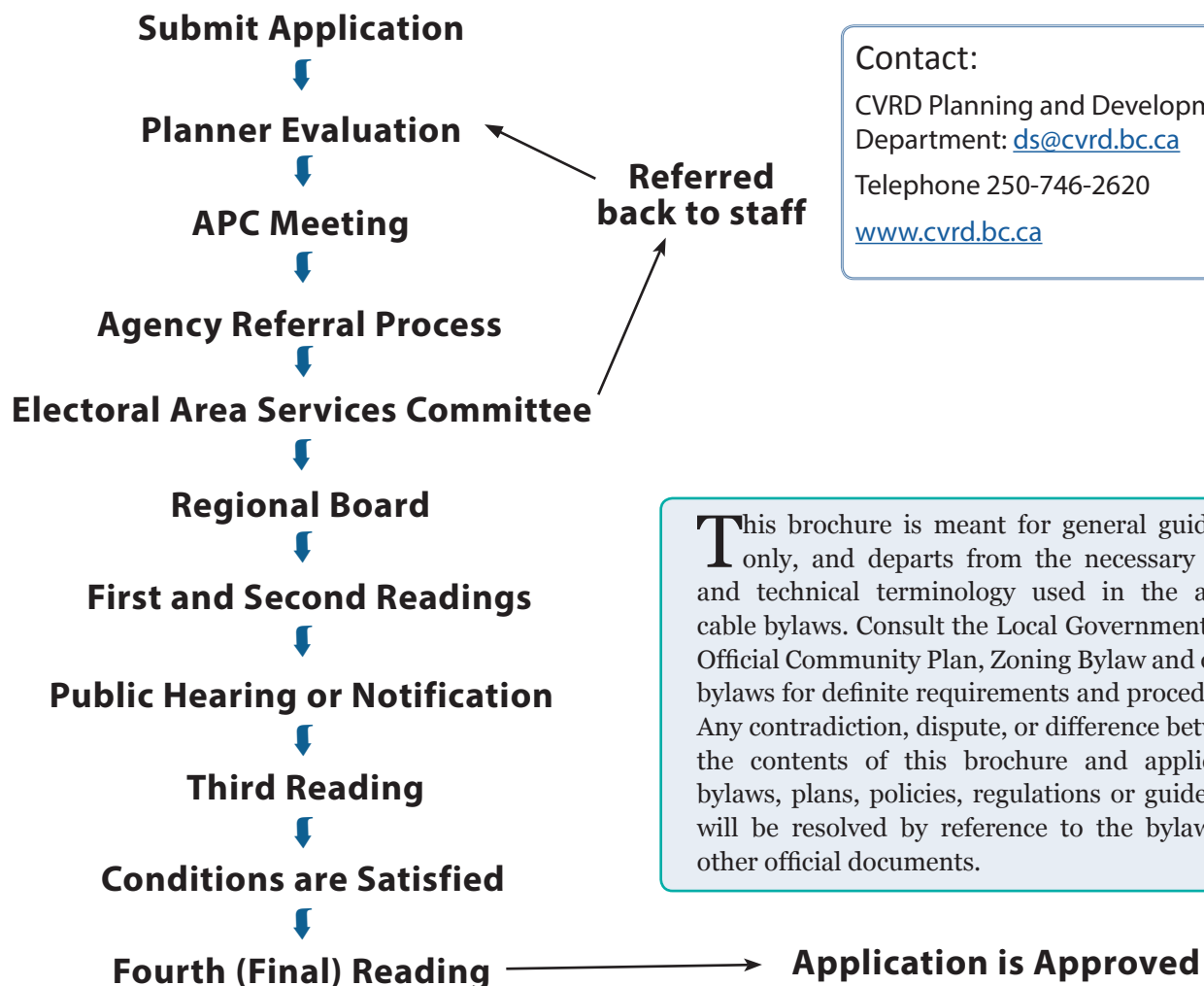
zoning amendment bylaw. The subject property has then been successfully rezoned.

## Timing

The Regional District tries to ensure that applications are dealt with in a timely manner, hence, many rezoning applications are processed well within a six month time-frame. Factors that influence the speed of application processing are:

- ◇ The type, size and complexity of the proposal;
- ◇ Whether the proposal is an individual application or is linked to an OCP amendment application.
- ◇ The number of applications in progress. The completeness and quality of required submission materials:
- ◇ The ability of referral agencies to respond within specific time-frames;

## Zoning Bylaw Amendment Process



This brochure is meant for general guidance only, and departs from the necessary legal and technical terminology used in the applicable bylaws. Consult the Local Government Act, Official Community Plan, Zoning Bylaw and other bylaws for definite requirements and procedures. Any contradiction, dispute, or difference between the contents of this brochure and applicable bylaws, plans, policies, regulations or guidelines will be resolved by reference to the bylaws or other official documents.