



Zoning Amendment Application Guide

# Zoning Amendment

This brochure provides an overview of the steps involved in the Development Permit application process. This is a general guide only. It is not meant to replace bylaws or other legal documents. Applicants are advised to meet with the Planning Department to discuss their specific development proposal and to consult the relevant bylaws referenced in this document prior to submitting an application.

## WHAT IS ZONING?

The purpose of zoning is to regulate land use and development standards for properties within each zone. Zoning specifies the range of permitted uses in each zone, as well as regulations for building heights, setbacks from property lines and other requirements such as minimum lot size.

## WHEN IS A ZONING AMENDMENT (RE-ZONING) REQUIRED?

Before proceeding with any development or purchasing a property, you should check with the Town to review zoning provisions. If you wish to undertake a use or development which is not permitted in the current zone, you must apply for a zoning amendment. If a change to the Zoning Bylaw is needed that does not affect use or density, a Development Variance Permit may be applied for.

Typically, zoning amendments involve a change from the existing zone to another zone in the Bylaw. For example, you may request a change from the R-2 zone (Single-Family Residential Zone 2) to a C-1 (General Commercial Zone) zone to accommodate a commercial use. In some cases, the change needed can be achieved through an amendment to the wording of the bylaw, for example, to permit a new activity within existing commercial zone. In some unique situations, a new zone may be needed that is specific to your proposal, particularly for comprehensive developments or mixed use developments.

## APPLICATION FEES

### *Zoning Amendments*

\$2,500 base fee per application, plus:

- \$100 per dwelling unit (base and additional fees shall not exceed \$25,000)
- \$300 per 300 m<sup>2</sup> of land for commercial, industrial, and non-residential zoned site area (base and additional fees shall not exceed \$25,000)

### *Combined OCP and Zoning Amendment*

\$4,000 base fee per application, plus:

- \$100 per dwelling unit (base and additional fees shall not exceed \$30,000)
- \$300 per 300 m<sup>2</sup> of land for commercial, industrial, and non-residential zoned site area (base and additional fees shall not exceed \$30,000)

Applicants should be aware of other costs involved in the process, which may include professional services such as lawyer, architect, civil engineer, and/or B.C. Land Surveyor.

## STEPS TO ADOPTION OF A ZONING AMENDMENT

### □ **STEP 1 - PRE-APPLICATION MEETING**

Before proceeding with a Rezoning Application, owners are encouraged to meet with staff to gather information on processes, policy and regulation interpretation, and potential impacts and constraints on the proposal, including:

- Application costs;
- Official Community Plan (OCP) designations and whether the proposed development fits with the Official Community Plan;
- Determine whether any other development applications need to be completed concurrently with the zoning amendment (i.e. OCP amendment, Development Variance Permit, or Development Permit);
- Approvals that may be required from other agencies such as the Ministry of Transportation and Infrastructure, the Ministry of Environment, the Federal Department of Fisheries, and/or the Gibsons and District Volunteer Fire Department;
- Neighbourhood issues and requirement to meet with surrounding property owners; and,
- You will also need to hire a consultant, such as an independent civil engineering firm, to design the servicing and assist with the application requirements (for certain applications this may not be necessary).

### □ **STEP 2 – APPLICATION SUBMISSION**

Applications for amendment of the Zoning Bylaw must be accompanied by a detailed description and drawings of the proposed land use. Application forms are available from the Planning Department that indicate the specific attachments needed, including:

- Completed application form signed by registered owner of the property. If applicable, written authorization for an agent to act on behalf of the registered owner(s) of the subject property may be required;
- Payment of Application Fee; • Certificate of Title. Must be dated within 30 days of application. The Town can obtain this for a fee;
- Site Plan: Showing the dimensions of the proposed development in metric scale;
- Proposal Summary outlining the nature of the proposed development, how the development fits within the neighbourhood, and the design character of the housing, neighbourhood, or commercial use proposed.

- For all multi-family or commercial developments over 3 stories or 12m in height, provide a shadow study. Analyze shadows for the solstices (June 21st and Dec 21st) and March 21st at 9:00am, 12:00 noon, and 3:00pm
- For all developments over 3 stories or 12m in height, provide perspective renderings of the development taken from pedestrian eye level at key viewpoints onto the development.
- Development Plans. Detailed drawings of the proposed development, including building sections and elevations, parking layout and access, proposed means of servicing, existing vegetation and landscaped areas. Must also include a project summary sheet outlining gross site area, density and number of dwelling units, site coverage, heights, setbacks and other relevant data.
  - One digital set of fully dimensioned plans required (in PDF, EPS, TIFF or JPEG format) including:
    - Dimensions of the property, existing and proposed roads, in metric scale; Location and dimensions (including setbacks) of existing and proposed buildings on site (a recent survey plan is required);
    - The location of any watercourses, steep banks or slopes; and,
    - Any easements or statutory Rights-of-Way.
    - If development plans are included, where required by BC Building code, plans must be sealed by a Registered Architect.
- Pursuant to the BC Contaminated Sites Regulation, all development applications to the Town include a completed Site Disclosure Statement.
  - A Site Disclosure Statement is a form that requires readily available information about the past and present Schedule 2 uses of a site, as well as basic land descriptions. The site owner, operator or agent can fill out the form, but only the site owner or operator can sign the form.
  - The Town will review the statement prior to proceeding with the application to determine if further review is required by the Province.

### □ **STEP 3 – APPLICATION REVIEW**

Before review begins, applications are checked for completeness and will be returned without review if any required items are missing. The proposal is referred to other staff and outside agencies such as the Gibsons and District Volunteer Fire Department, Director of Infrastructure Services, and Ministry of Transportation for comment.

Applicants will be requested to post a rezoning sign on the property indicating the type of proposed development, as per the Town's *Development Application Procedures Bylaw No. 1166, 2014*. This policy is available on the Town's website or from staff;

Upon receipt of all staff and referral comments, together with a summary report of the neighbourhood meeting, a detailed staff report is prepared. The Planning Department report

summarizes the proposal, includes staff comments, analyzes the proposal for consistency with the Town's Official Community Plan and sustainability criteria, and makes a recommendation.

#### □ **STEP 4 – COMMITTEE**

The Committee of the Whole receives the staff report. The Committee gives thorough consideration to the issues and forwards a recommendation to Council, and either authorizes staff to write the bylaw for First Reading, rejects the application, or refers it back to the applicant for further revision. At this time, the Committee may request additional public consultation.

At the next Council meeting the bylaw is given First Reading. The bylaw is often read a second time before a Public Hearing date is set. If required, the bylaw is referred to the Ministry of Transportation and Infrastructure or other agencies whose interests are affected by the application.

#### □ **STEP 5 – PUBLIC HEARING**

All rezoning applications are subject to a statutory Public Hearing held before Town Council, as per the *Local Government Act*;

- Any person who deems their interests may be affected by the proposed development may express their concerns to Council;
- The Town prepares the required newspaper advertising. Written notification is mailed or hand delivered to surrounding properties located within 100 metres of the subject property at least 10 days before the Public Hearing.
- You or your representative should attend the Public Hearing and be prepared to respond to any questions;
- The Public Hearing is a formal hearing subject to *Local Government Act* procedures. Applicants are requested to attend the Public Hearing to be available to answer questions; and,
- The Public Hearing is the last opportunity for Council to receive input from the applicant or the public before making a final decision on the application. Applications should be finalized prior to Public Hearing.

#### □ **STEP 6 – THIRD READING**

After the Public Hearing, the bylaw is referred to Council for consideration of Third Reading or to the Committee of the Whole for further discussion. Council gives Third Reading to the bylaw or defeats it. If referred for further discussion, a new hearing date is scheduled.

#### □ **STEP 7 – REFERRAL TO THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE (IF REQUIRED)**

The bylaw is referred to the Ministry of Transportation and Infrastructure for signature if the property is within 800 metres of a controlled access highway (i.e. Highway 101).

## □ **STEP 8 – FINAL ADOPTION OF ZONING BYLAW AMENDMENT**

If the majority of Council members are satisfied that the development proposal is beneficial to the community, consistent with the Official Community Plan, and that all legal requirements and conditions are met, Council may vote in favour of Final Reading of the zoning amendment. You are notified when this is complete.

### **APPLICATION TIMING**

- The rezoning process timeline varies from project to project. Applicants are advised that timing is most affected by the adequacy of the submission and dependent upon the complexity of the issue, current workload of staff and Council, and timing of Council meetings;
- Applications that address the policy issues, support the principles of the OCP, provide a high standard of urban design, and address neighbourhood concerns proceed more quickly;
- Applicants are advised to meet directly with other relevant agencies, such as the Ministry of Transportation and Infrastructure or Environment early in their project, prior to their formal application;
- Considerable time is spent if numerous revisions are required, plans are incomplete or if the concerns of the surrounding neighbourhood are not addressed; and,
- Council meetings are held the 1st and 3rd Tuesday of each month. Agendas for these meetings are completed the Wednesday prior to each meeting. These dates should be kept in mind when creating timelines for your application.

### **WHAT'S NEXT?**

As you develop your property, it will be inspected to ensure compliance with the servicing plan requirements. When services are completed to the satisfaction of the Public Works Department, the Security Deposit for servicing (submitted as part of your Servicing Agreement during the Development Permit process) will be released, less a "Maintenance Holdback" that is held for a period of 12 months from the date of issuance of the Certificate of Substantial Completion.

As-built drawings for services installed as part of the development are required in both electronic and paper format.

All required services must be completed and approved before Building Permits will be issued (refer to the Subdivision and Development Servicing and Stormwater Management Bylaw).

## CONTACTS

**Town of Gibsons Planning Department:** 604-886-2274

**Town of Gibsons Infrastructure Services Department:** 604-886-2274

**Town of Gibsons Building Department:** 604-886-2274

**Gibsons and District Volunteer Fire Department:** 604-885-6870

**Ministry of Transportation and Infrastructure:** 604-740-8987

This brochure is meant for guidance only and is not intended to replace the requirements of the *Local Government Act* and applicants should obtain copies of the relevant bylaws before proceeding with development applications. For specific information, please contact the staff at:

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