

A Guide to Zoning Amendments



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About Zoning

Every property in the Municipality of North Cowichan falls under a zoning category. Each zoning category specifies the activities that can take place on the properties within it. Zoning categories also specify maximum floor area and height of buildings, minimum distances between buildings and property lines, the amount of off-street parking required, and other factors of land use.

How Zoning Works

Zoning ensures that specific types of land use (e.g. industrial, commercial, residential) occur in appropriate areas, and that the type of building on any property does not conflict with land uses on surrounding properties. Zoning maps show the zoning category for every property in North Cowichan and the zoning bylaw contains development regulations for each zoning category. You can review both at the Planning department office.

How Zoning Can be Changed

Before any property can be developed (e.g. by constructing a new building, or by changing the land use) the owner should first check the current zoning regulations for that property. If the proposed development is not permitted under existing zoning, the property owner - or an agent of the property owner - can apply for a zoning amendment. A zoning amendment can legally change either the zoning category of a property or the zoning regulations within a zone.

Applying for a Zoning Amendment - Summary

1. Pre-Application Check

Before submitting an application, review the pertinent zoning and development regulations.

2. Submitting an Application

Submit your plan and application along with the application fee.

3. Application Review

The Planning department circulates your application among appropriate departments and agencies for an initial review.

4. Technical Planning Committee Review

The Technical Planning Committee (TPC) holds a review meeting at which you can present your proposal and answer questions.

5. Council Review

The Council considers the TPC's recommendations, and decides either to proceed or deny the application.

6. Neighbourhood Information Meeting

This optional meeting precedes the public hearing, allowing you to explain your proposal informally to neighbours of your proposed development.

7. Public Hearing

Anybody whose interests may be affected by the proposed development has an opportunity to speak for public record on your proposal.

8. Final Decision

If the Council is satisfied that the project serves the community's best interests, and all conditions are met, the bylaw amendment is approved.



Application Guidelines

Step 1: Pre-Application Check

Before submitting a zoning application, plan your development proposal thoroughly and carefully. In preparing your proposal, you should be aware of the Municipality's plans, policies, and regulations that may affect your property, including:

- **Official Community Plan:**

North Cowichan's official community plan (OCP) divides the municipality into designated land use areas. Check the OCP for your property's designation. If the OCP does not permit the activity you propose, then you must apply for an OCP amendment and receive approval before your zoning amendment application can be considered by Council. You can apply for an OCP amendment concurrently with your zoning application.

- **Development Permit Areas and Guidelines:**

The OCP contains specific design guidelines that might affect your application. You may review development permit area maps and guidelines at the Planning department office.

- **Works and Services:**

All developments must include utilities (e.g. sewer and water) at the developer's expense. Check with the Planning and Engineering departments on the availability of the required services, and whether additional servicing is necessary.

Step 2: Submitting an Application

Once you have prepared your proposal, you may complete an application form and pay the application fee (\$750). For your application to be processed without delay, you must provide all of the required information:

- The property owner's name and address. If, as the property owner, you designate an agent to apply on your behalf, fill out the provided consent form. You and your agent must both sign this form.
- The civic address and legal description of the property.
- Descriptions of the present use and proposed use of the site and the reasons for its proposed development, including benefits to the community.
- A location sketch showing the property in relation to the surrounding neighbourhood.
- A site plan diagram showing:
 - lot dimensions and all property lines, with the scale and date indicated
 - dimensions, elevation, and setbacks of proposed and existing buildings
 - off-street parking and loading spaces
 - access points to the site, plus rights-of-way or easements
 - any significant natural features (e.g. slopes, watercourses, tree cover).
- Concept plans and drawings including grading plan and landscape plan. These should clearly illustrate the proposed development so that Council can assess the impact of the project.
- Development data. Include site area, site coverage, total floor space, floor space ratio, parking requirements, number of units, height of building, and details of open spaces.
- Servicing information. Indicate existing and proposed water, sanitary and storm sewer services on site, as well as off-site connection points. Information on the capacity of existing services to the proposed development may also be required.
- Legal Information. Provide a copy of the current Certificate of Title and copies of all statutory rights-of-way and covenants. Also indicate whether the land lies within the Agricultural Land Reserve.



Provide five sets of plans with all dimensions in a metric scale, and include one set reduced to letter size. All must be legible.

Step 3: Application Review

Once the Planning department receives your application, it circulates copies to other departments and agencies for review. During this process, you may be asked for clarification, further information, or plan revisions if your proposal is considered incomplete. After this initial review, you will be notified of the status of your application, and a staff report will be prepared for the Technical Planning Committee (TPC). This report will include an assessment of the application, a recommendation for the application to proceed or be denied, and notes on any issues that must be addressed.

Step 4: Technical Planning Committee Review

The report from stage three goes to the next TPC meeting. You will have an opportunity to present your proposal and answer any questions at that meeting. After reviewing your proposal, the TPC will decide whether to recommend to Council that the application be approved, be tabled pending further information, or be denied. A planner will review the committee's recommendation with you.

Step 5: Council Review

At the first opportunity, Council will consider the TPC recommendations. Council will either deny the application or recommend that staff prepare a bylaw for first reading. Council will also set a public hearing date. By proceeding with a public hearing, Council does not necessarily approve the proposal, but allows the application to proceed.

Step 6: Neighbourhood Information Meeting

You should hold a neighbourhood meeting before the public hearing. A neighborhood meeting gives you a chance to explain your proposal informally, and to allow neighbours to ask questions, voice comments, and air concerns. This can help you prepare for the public hearing.

Step 7: Public Hearing

All applications to rezone a property must undergo a public hearing held before Council. The owners and occupants of all properties located within 61 meters (200 feet) of the property are notified directly of this hearing. The Municipality places advertisements in local newspapers, and posts a Development Proposal sign on the property before the public hearing date. Anybody who believes that his or her interests may be affected by the proposed development is given an opportunity to speak, or to present a written submission for Council consideration. You or your representative should attend the public hearing prepared to respond to questions. After the public hearing, legal considerations prevent Council from receiving any further representations regarding the application.

Step 8: Final Decision

After the public hearing, Council reviews all submissions received at the hearing, clarifies any outstanding issues with staff, then reconsiders the application by voting on a third reading of the bylaw. By giving a zoning bylaw a third reading, Council indicates substantial support for the application.

At the fourth reading, Council grants final approval of the application and adopts the bylaw. This last step receives consideration after any outstanding legal requirements or conditions imposed by Council have been met. For example, if the property lies within 800 meters of a provincial highway, or if the application is for a zoning text amendment, your proposal must receive approval from the BC Ministry of Transportation and Highways before Council can give final approval. You will be notified by letter after fourth reading and approval.

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Time Line



Planning Department, District of North Cowichan
7030 Trans Canada Highway, Box 278, Duncan, BC V9L 3X4
tel: 250-746-3100, 8:30 AM to 4:30 PM, Monday to Friday
fax: 250-746-3154
www.northcowichan.bc.ca



District of
North Cowichan
Planning Department

7030 Trans Canada Hwy, Duncan, BC
Mail to: P.O. Box 278 Duncan, BC, V9L 3X4

APPLICATION FOR:

- Subdivision Zoning Amendment
 Development Permit Official Community Plan Amendment
 Development Variance Permit

Date: _____

Folio No: _____

File No: _____

APPLICATION INFORMATION

Name of Applicant(s): _____

Applicant's Address: _____

City: _____ Postal Code: _____

Telephone: _____ Fax Number: _____

DESCRIPTION OF PROPERTY

Civic Address: _____

Legal Description of Property:(must match title)

SUBDIVISION

- Fee Simple Subdivision Section 946 (for a relative) Bare Land Strata Strata Conversion Lot line Adjustment

How many lots do you propose to create? _____

NOTE: Drawings and technical information are required for this application (5 sets) SEE ATTACHED GUIDE

OFFICIAL COMMUNITY PLAN AMENDMENT

Current Plan designation: _____

Proposed Plan designation: _____

NOTE: Drawings and technical information are required for this application (5 sets) SEE ATTACHED GUIDE

ZONING AMENDMENT

Current Zoning: _____

Proposed Zoning: _____

DEVELOPMENT VARIANCE PERMIT

Which bylaw do you want to vary?: Zoning Subdivision Sign Other _____

What is the current requirement? _____

What is the variance you are seeking? _____

NOTE: Drawings and technical information are required for this application (5 sets) SEE ATTACHED GUIDE

DEVELOPMENT PERMIT APPLICATION

Describe project: _____

What Development Permit categories will your project fall under:

- Commercial Multi Family/Care Facility Industrial Environmental Protection Adjacent to Municipal Forest
 Other (specify) _____

NOTE: Drawings and technical information are required for this application (5 sets) SEE ATTACHED GUIDE

AUTHORIZATION

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.

Owner's address: _____ Telephone number: _____

Date: _____ Registered owner of subject property: _____

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

The District reserves the right to reject or postpone the review of an incomplete application. The above information will be only be used for the purpose for which it was obtained.