

About Zoning

Every property in the Municipality of North Cowichan falls under a zoning category. Each zoning category specifies the activities that can 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.

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

Step 1: Pre-Application Meeting

Before submitting your proposal, a pre-application meeting and site visit of the subject property should be arranged with a Planner. The meeting will help to determine what supporting documents, reports, etc. will be needed. The Planner will provide you with a checklist of items that will be necessary to make a complete application and provide you with the correct fee amount that accompanies your proposal.

Step 2: Submitting an Application

Submit your plan, and application along with the application fee. Application forms are available from the Development Services Department or through the municipality's website www.northcowichan.ca.

As a minimum, the following information should be submitted:

- 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
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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, elevations, 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.

Your application and supporting documentation may be returned if your application is incomplete and/or if fees are unpaid - refer to the checklist provided to you by the Planner.

Additional information may be requested, following an application review.

Step 3: Application Review

Once Development Services receives your complete application, a file is started and it is circulated to other departments and agencies for review. During this process, these departments/agencies will review the application and provide the Planner with feedback as to what is required in order to move forward with the development. This information is compiled into a Detailed Team Review letter which may require clarification, further information, or plan revisions. If further information is required, you will need to provide it within 30 days to keep your file active. If no further information is required, your application can proceed to a decision.

Step 4: Community Advisory Planning Committee

The report from Step 3 will go to the next Community Advisory Planning Committee (CPAC). You will have a chance to present your proposal and answer any questions at that meeting. After reviewing your proposal, the CPAC will decide whether to recommend to Council that the application be approved, tabled pending further information, or denied. A Planner will review the Committee's recommendation with you.

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Step 5: Council Review

At the first opportunity, Council will consider the CPAC 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 neighbourhood 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: Council Review

All applications to rezone a property must undergo a public hearing held before Council. The owners and occupants of all properties located within 60 metres (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 third reading, Council indicates substantial support for the application.

At its 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 metres 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.

How Long It Takes

An application that is correct and complete can be processed in 6 to 12 months depending on Staff workloads at the time of submission.

Remember ...

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:



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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 activity you propose is not permitted by the OCP, then you must apply for an OCP Amendment and receive approval before your zoning amendment application can be considered.

Development Permit Area Guidelines

Community Plan contains specific design guidelines that affect your application. You may review development area maps and guidelines through the municipality's website www.northcowichan.ca or visit the Development Services Department.

Works and Services

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

Zoning Bylaw

Zoning regulations apply to every property in the municipality. In each zone, specific uses and activities are permitted. Check the bylaw to determine the zoning regulations that apply to your application. The use and density of a site cannot be varied by a Development Variance Permit.

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