



# TOWN OF SIDNEY

## Guide to Amending the Zoning Bylaw

### What is a Zoning bylaw?

The Town of Sidney Zoning Bylaw designates different areas, called *zones*, within the Town and provides specific regulations for each zone on such matters as permitted uses, maximum density, maximum height, minimum setbacks of buildings from each lot line, etc.

### When do I need to apply for an amendment?

All new developments must conform to the requirements of the zone in which they are located. If not, you may apply for an amendment to the Zoning Bylaw to:

1. “rezone” your property to a different zone; or
2. amend the requirements of the current zone.

Alternatively, you may be able to apply for a Development Variance Permit (DVP), to relax one or more Zoning Bylaw requirements for your property. (*Development Variance Permits are discussed in the document “Guide to Development Variance Permits”*).

The proposed amendment must correspond to the Official Community Plan (OCP) designation for the property. For example, a property which is designated for future residential use in the OCP cannot be “rezoned” for commercial use.

### Who can apply?

While the applicant need not be the property owner, the property owner must authorize the application. Where a property is owned by a company or society, the application must be signed by a person with signing authority. Where a property is owned by more than one person, signatures of all owners are required. For strata lots or buildings, approval is also required from the Strata Council.

## **How do I apply?**

To apply for an amendment to the Zoning Bylaw, obtain an application form from the Town Hall or Town of Sidney website ([www.sidney.ca](http://www.sidney.ca)), and return it with the application fee and all required information. Before you make a formal application, be sure to discuss your project with a Development Services Department staff person. To make an appointment or for more information, contact the Development Services department at 656-1725.

## **How long does it take?**

Zoning amendment applications take approximately three to four months to process. However, this time may vary depending on whether or not the application is complete, its complexity and the number of other applications before Council.

If the Zoning Amendment also requires an OCP Amendment, a Development Permit, or a Development Variance Permit, the applications can be run concurrently, thus streamlining the development process.

## **What is the cost?**

The cost of a Zoning amendment application ranges from \$1300.00 to \$1700.00, plus a \$900.00 public hearing fee and a \$200 mail-out deposit.

If the application is a joint OCP amendment and Zoning Bylaw amendment, the combined application fee ranges from \$1800.00 to \$2500.00, plus a \$900.00 public hearing fee and a \$200 mail-out deposit.

## **Who makes the decision?**

The decision of whether or not to approve a Zoning Bylaw amendment application is made by Council.

## **What is the process for amending the Zoning Bylaw?**

The following is a summary of the application procedure for an amendment to the Zoning Bylaw, as shown on the attached flow chart.

NOTE: At any time in the following process, Council or Committee of the Whole may table an application, refer it for comment or reject it.

### **1. Submission of Application**

- **Preliminary discussion (recommended):** The applicant meets with Development Services staff to discuss the proposed project and review applicable planning regulations.

- **Application received:** The applicant submits an application, drawings, fees and other required information.
- **Check application package:** Development Services staff review the application package to ensure all information has been provided. If there is missing information, staff will contact the applicant and require this information before the application will proceed.
- **Installation of Notice of Development Application Sign:** Once a completed application package is received, the applicant shall install a Notice of Development Application Sign on the subject property within two weeks, as per Section 3.5-7 of Land Use Procedures Bylaw No. 1380. The sign has to remain on the property for the duration of the Zoning Amendment application process.
- **Mail-out Notice:** Once a completed application package is received, staff mail a Notice of Development Application within two weeks to residents and property owners within a 75 metre (246 foot) radius of the subject property, as per Section 3.8 of Land Use Procedures Bylaw No. 1380.

## 2. Application Review & Report

- **Staff Review:** Development Services staff will conduct an initial review of the application.
- **Referrals:** Major applications may be referred to utility companies (BC Hydro, Telus and Fortis BC Gas) and other Town of Sidney departments (Building Inspection, Engineering, Fire and Parks). Applications may also be referred to other agencies if relevant, such as the RCMP or Provincial ministries. This allows for the input of comments or concerns relating to the design, location or other aspects of the proposal.
- **Development Review Committee (DRC):** The DRC is a committee made up of representatives of each Town of Sidney department. They review major planning applications and comment on matters relevant to their departments.
- **Detailed Report:** Staff checks the proposal for conformance with relevant Town bylaws, such as the OCP, Zoning, Off-Street Parking and Loading and Screening Bylaw. A report is prepared by staff for the Committee of the Whole, summarizing the project, outlining any areas which do not conform to Town bylaws or are of concern and providing recommendations. Once the Committee of the Whole agenda is finalized (usually the Thursday before a meeting), a copy of the report is sent to or made available for pickup by the applicant.

## 3. Committee & Council Review

- **Committee of the Whole:** The Committee of the Whole is a sub-committee of Council, which usually meets at 6:00 p.m. in Council Chambers on the first and third Monday of each month. The Committee of the Whole reviews the application and staff report. The applicant is expected to make a presentation to the Committee on their proposal. The Committee of the Whole may refer the application to one or more of the

Advisory Committees for comment or directly to Council with a recommendation.

- **Committee Referral:** The most common advisory committee that reviews planning applications in the Advisory Planning Commission:
  - **Advisory Planning Commission (APC):** The APC usually meets on the first and third Tuesday of each month, and provides recommendations to Council on matters relating to planning and land use. Applications are referred to the APC:
    1. if they involve single-family high-density, multi-family residential, commercial, industrial, or marine;
    2. if they involve properties designated as Heritage or Environmentally Sensitive; or
    3. at Council's discretion.Applicants are expected to make a brief presentation about their proposal to the Advisory Planning Commission.
- **Council:** Council usually meets at 7:00 p.m. in the Council Chambers on the second and fourth Monday of each month. They review the recommendations from the various committees. If Council is satisfied that the internal review is complete, they will initiate a public review of the application by authorizing staff to draft the amending bylaw for their consideration. This may be done subject to certain conditions being met (such as the submission of revised drawings).

#### 4. **Bylaw Adoption Process**

- **Bylaw 1<sup>st</sup> and 2<sup>nd</sup> Reading:** Once the amending bylaw is drafted, it is placed on a Council meeting agenda for their consideration. If the bylaw is given first and second reading, Council determines whether a public hearing is required, and sets the time and date.
- **Statutory Review & Referrals:** In accordance with Provincial requirements, an amendment to the Zoning Bylaw may be referred to other government bodies such as the Ministry of Transportation and Highways, School District, Capital Regional District or District of North Saanich. This ensures that all agencies and government bodies, which may be affected by the amendments are made aware of them and have opportunity for input.
- **Mail-Out Notice & Advertise in Newspaper:** Prior to third reading, notification of the proposed amendments (1) is advertised in two consecutive editions of a local newspaper, and (2) may in certain situations be mailed to neighbouring residents and property owners. If a public hearing is to be held, the notice will include the time and location of the public hearing.
- **Public Hearing:** Public hearings, which are held during regular Council meetings, allow for public input on the proposed amendment. Council receives both verbal and written presentations from any interested persons.

- **Council – 3<sup>rd</sup> Reading & Adoption/Rejection:** Council considers all public input on the proposed zoning amendment and typically:
  - gives the bylaw third reading , final consideration and then adopts it; or
  - rejects the application.

Prior to the adoption of the bylaw, any agreements, such as restrictive covenants, are signed.

# Zoning Bylaw Amendment Application Process

