



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. However, a DVP cannot be used to vary the permitted use or density of land as outlined in the Zoning Bylaw. (See 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. If the proposed amendment does not align with the OCP, then an application to amend to the OCP would also be required.

Who can apply?

A property owner can apply for a Zoning Amendment, or they can authorize someone else to make the application on their behalf. Authorization must be received in writing. Where a property is owned by a company or society, the application must be signed by a person with signing authority and must include a copy of the corporate registry naming the individuals with signing authority. Where a property is owned by more than one person, signatures of all owners are required. For strata 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 and checklist from the Town Hall, or the Town of Sidney website (www.sidney.ca) and return them 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. To make an appointment, or for more information, contact the Development Services Department at 250-656-1725 or developmentsservices@sidney.ca.

How long does it take?

Zoning amendment applications take approximately four to six months to process. However, this time may vary depending on whether or not the submitted application package is complete, its complexity, and the number of other applications under review.

Guide to Amending the Zoning Bylaw

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 to \$1700, plus a \$1500 public hearing fee and a \$300 mail-out deposit.

If the application is a joint OCP amendment and Zoning Bylaw amendment, the combined application fee ranges from \$1800 to \$2500, plus a \$1500 public hearing fee and a \$300 mail-out deposit. Fees are set in Land Use Procedures Bylaw No. 1380.

Please note that all application fees are non-refundable.

Who makes the decision?

The decision on whether to approve a Zoning Bylaw amendment application is made by Council.

What is the process of 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 flowchart.

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 Department planning staff to discuss the proposed project and review applicable planning regulations.
- **Application received:** The applicant submits an application form, drawings, fees, and other required information. 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 package will be accepted as complete and proceeds for review.
- **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 must remain on the property for the duration of the Zoning Amendment application process.
- **Radius Mail-out Notice:** Once a completed application package is received, if the proposal is not in alignment with the Official Community Plan, then staff will mail a Notice of New Development Application within two weeks to residents and property owners within a 100 metre (328 foot) radius of the subject property, as per section 3.8 of Land Use Procedures Bylaw No. 1380.

Guide to Amending the Zoning Bylaw

2. Application Review & Report

- **Staff Review:** Planning staff will conduct an initial review of the application.
- **Referrals:** Applications may be referred to other Town of Sidney departments (Building Inspection, Engineering, Fire, Parks, and Public Works). Applications may also be referred to other agencies if relevant, such as the RCMP or Provincial ministries or to third party utility providers (BC Hydro, Telus, etc.). This allows for the input of comments or concerns relating to 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. Planning staff gather comments and provide a summary to the applicant.
- **Detailed Report:** Staff check the proposal for conformance with relevant Town bylaws, such as the Official Community Plan, 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 link to the meeting agenda package which includes the staff report is sent to 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 at the meeting and submit any presentation materials (e.g. PowerPoint/PDF presentation, drawings, etc.) by 12:00pm on Tuesday prior to the meeting. The Committee of the Whole may refer the application to the Advisory Planning Commission for comment, or directly to Council with a recommendation. Committee of the Whole's recommendation is received by the Mayor and Council at a Regular Council meeting, where Council considers it and makes a resolution(s) on the matter.
- **Advisory Planning Commission (APC):** The APC usually meets on the first and third Tuesday of each month at 2:00 pm and provides recommendations to Council on matters relating to planning and land use. Applications are usually referred to the APC:
 1. if they propose new development in a designated development permit area: Intensive Neighbourhood Residential, Neighbourhood Townhouse, Multi-Unit Residential, Neighbourhood Commercial, Downtown Commercial, West Sidney Mixed Use Village, West Side Industrial, and Harbour Road 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 and submit the presentation by 12:00pm on the day before the meeting.

Guide to Amending the Zoning Bylaw

Council: Council meetings are usually held at 6:00 p.m. in Council Chambers at the Town Hall 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). If any revisions are made to the drawings after the initial submission, applicants must submit updated hard copies before the permit can be issued.

4. Bylaw Adoption Process

As part of recent updates to provincial housing legislation, municipalities are no longer permitted to hold a public hearing for zoning amendment applications that are consistent with the Official Community Plan and that include a residential component that accounts for at least half of the gross floor area of all proposed buildings and structures. In alignment with this, if a proposed residential development aligns with the OCP designation, the public hearing requirement is waived to streamline approvals and support housing delivery. However, the bylaw to allow the zoning amendment still needs to receive three readings and be adopted by Council. The next steps in the process for a zoning amendment application related to a residential development are as follows:

- **Preparation of draft bylaw amendment:** Planning staff draft a bylaw which would amend the Zoning Bylaw to allow the proposed development.
- **Radius Mail-out Notice & Advertise in Newspaper:** Prior to consideration of first reading of the bylaw, notification of the proposed amendments (1) is advertised in two consecutive editions of a local newspaper, and (2) in most situations will be mailed to neighbouring residents and property owners within 100 metres of the subject property. Development Services staff prepare and send the radius mail out and the newspaper advertisement.
- **Bylaw 1st, 2nd, and 3rd Reading:** The draft bylaw is placed on a Council meeting agenda for consideration. Council can consider three readings of the bylaw at one meeting. Adoption of the bylaw is usually considered at a subsequent Council meeting.
- **Statutory Reviews & Referrals:** In accordance with Provincial requirements, amendments to the Zoning Bylaw may be referred to other government bodies such as the Ministry of Transportation and Transit, 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.
- **Council Adoption/Rejection:** Council considers all public input on the proposed zoning amendment and typically:
 - gives the bylaw final consideration and then adopts it; or
 - rejects the application.

For zoning amendment applications that do not involve residential development, a public hearing is required. The next steps in the process for that type of application are as follows:

- **Preparation of draft bylaw amendment:** Planning staff draft a bylaw which would amend the Zoning Bylaw to allow the proposed development.
- **Bylaw 1st and 2nd 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.

Guide to Amending the Zoning Bylaw

- **Statutory Reviews & Referrals:** In accordance with Provincial requirements, amendments to the Zoning Bylaw may be referred to other government bodies such as the Ministry of Transportation and Transit, 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.
- **Radius Mail-out Notice & Advertise in Newspaper:** Prior to the public hearing, notification of the proposed amendments (1) is advertised in two consecutive editions of a local newspaper, and (2) in most situations will be mailed to neighbouring residents and property owners within 100 metres of the subject property. Development Services staff prepare and send the radius mail out and the newspaper advertisement. 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. The applicant is expected to answer questions regarding the proposal.
- **Council-3rd 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.

Contact Us:

Development Services Department

By Email: developmentsservices@sidney.ca

By Phone: 250-656-1725

In Person: 2440 Sidney Ave, Sidney BC V8L 1Y7

(Monday to Friday 8:30 am – 4:00 pm excluding statutory holidays)

www.sidney.ca



Zoning Bylaw Amendment Application Process

