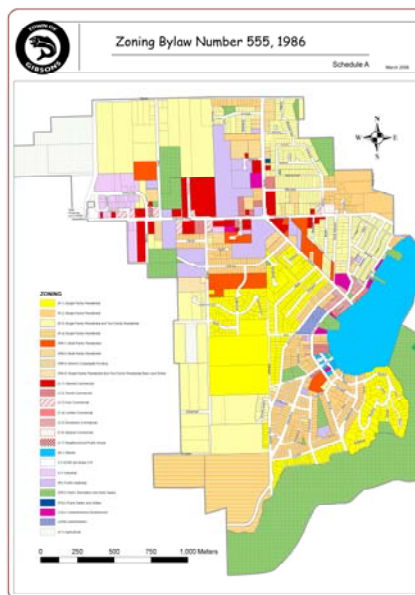




REZONING APPLICATION



Town of Gibsons
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This brochure is meant for general guidance only. Applicants are advised to consult early in their project with the Planning Staff, *Local Government Act, Land Title Act, Zoning Bylaw, Subdivision & Development Bylaw*, and other municipal bylaws for definite requirements and procedures. For more specific information related to individual applications contact the Planning staff at the Town of Gibsons.

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 (AKA. RE-ZONING) REQUIRED?

Before proceeding with any development or purchasing a property, you should check with the Town to review these 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 to a C-1 zone to accommodate a commercial use.

However, 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 an 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.

STEPS TO ADOPTION OF A ZONING AMENDMENT

- Step 1 – Pre-Application Meeting
- Step 2 – Preliminary Planning Committee Review
- Step 3 – Public Information Meeting, if required
- Step 4 – Application Submission
- Step 5 – Application Review
- Step 6 – Planning Committee
- Step 7 – Council Authorization of Bylaw & Public Hearing Date
- Step 8 – First Reading
- Step 9 – Public Hearing
- Step 10 – Second & Third Reading
- Step 11 – Referral to MOT (if required)
- Step 12 – Final Adoption of Zoning Bylaw Amendment



CONTACTS

Chris Marshall: Director of Planning – 604.886.2274
Jeff Paleczny: Assistant Planner – 604.886.2274
Dave Newman: Director of Engineering – 604.886.2274
Marvin Friesen: Building Inspector – 604.886.2274
Bob Stevens: Fire Chief – 604.886.7777
Ministry of Transportation: Sharon Goddard - 604.740.8985
BC Hydro – 1.877.520.1355
Terasen Gas – 1.866.703.3295
Coast Cable – 604.885.3224
DFO (Riparian): Dave Nanson – 604.666.3363
DFO (Marine Shore): Bruce Clark – 604.666.6140
Ministry of Environment – 1.800.663.7867
Direct Disposal – 604.885.4246
Archaeology Branch – 1.250.952.5021

APPLICATION FEE

Current fees as of September 2005 are:

- ✚ \$1,000 basic fee, plus
- ✚ \$100 per dwelling unit
- ✚ \$100 per 300 m² for commercial, industrial, & non-residential zoned site area to a maximum of \$10,000

GST is applicable to zoning amendment fees

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.

TIME REQUIRED FOR REZONING

- ✚ The rezoning process requires at least four to six months to complete. 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 Highways 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.

- ✚ Planning Committee meetings are held the 2nd Tuesday of each month and Council meetings are held the 1st and 3rd Tuesdays 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.

OTHER APPLICATIONS NEEDED

Many projects involve several concurrent applications such as Subdivision or a Development Permit. The Planning Department will advise you on the appropriate sequence of applications.

OTHER THINGS TO CONSIDER

- ✚ Check the Trail and Cycle Network Master Plan to determine whether or not a trail is required through the site. If a trail connection is required, it will need to be incorporated into the development plans.
- ✚ Applicants should consider what contributions they can make to community amenities, parks, and affordable housing as part of their zoning amendment application. Such contributions provide a benefit to the entire community as a result of the development.
- ✚ Applicants are advised to consult with the federal Department of Fisheries and Oceans early in the process for development along the marine shore.

ZONING AMENDMENT APPLICATION PROCESS

The following is an outline of the major steps involved in the zoning amendment application process:

Step 1 - PRE-APPLICATION MEETING

Please review your proposal with the Planning Department early in the process to review the issues related to your proposal or development. These include:

- ✚ Application costs.
- ✚ Official Community Plan (OCP) designations and whether the proposed development fits with the Official Community Plan.
- ✚ Meets sustainability criteria set out in Smart Development Checklist and OCP
- ✚ Determine whether any other development applications need to be completed concurrently with the zoning amendment (ie. OCP amendment, Development Variance Permit, or Development Permit).
- ✚ Review the OCP to ensure your proposal meets with the land use plan. If the property is in a Development Permit Area (DPA), it is usually recommended that you apply for a Development Permit concurrently with the rezoning application.
- ✚ Approvals that may be required from other agencies such as the Ministry of



Transportation, the Ministry of Environment, the Federal Department of Fisheries, and/or the Fire Department.

- ✚ Neighbourhood issues & requirement to meet with surrounding property owners.
- ✚ 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 – PRELIMINARY PLANNING COMMITTEE REVIEW

- ✚ The Planning Department coordinates the review of the application. The applicant will be invited to attend a meeting of the Planning Committee to discuss the proposal while in its preliminary review stages.
- ✚ The Planning Committee will recommend whether the applicant shall hold an informal public meeting in the neighbourhood. The intent of such meetings is to familiarize local residents with the proposal and seek input on the project.

Step 3 - PUBLIC INFORMATION MEETING

- ✚ If required by the Planning Committee, a Public Information Meeting must be held and information from the meeting recorded prior to formal submission of the application.
- ✚ Information recorded at the public information meeting should be submitted as part of the formal application.

Step 4 - SUBMISSION OF APPLICATION

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 (don't forget to add the GST!).
- ✚ Certificate of Title. Must be dated within 30 days of application.
- ✚ Site Plan. Six copies drawn to scale (maximum size 11" x 17") showing the dimensions of the proposed development, including:
 - Dimensions of the property, existing and proposed roads;
 - 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;
 - Any easements or statutory Rights-of-Way.
- ✚ 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. The proposal should also be justified in terms of its benefit to the community and impact on the land use pattern. Where a Development Variance Permit is requested, justification for the variance is to be provided.

- ✚ 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. **Six sets of fully dimensioned plans required, plus one set of reduced drawings (maximum size 11" x 17") required.**
- ✚ Provide a site profile in accordance with the Contaminated Sites Regulation.
- ✚ Provide a completed Smart Development Checklist, including details of how the proposal is environmentally, socially, and economically sustainable.

Step 5 – 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 Fire Department, Municipal Engineer, and Ministry of Transportation for comment.
- ✚ 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, discusses issues raised at the public information meeting, and makes a recommendation.

Step 6 – PLANNING COMMITTEE REVIEW

- ✚ The Planning Committee receives the staff report. The Committee gives thorough consideration to the issues and forwards a recommendation to Council.

Step 7 – COUNCIL

- ✚ Council reviews the Committee recommendation and either authorizes staff to write the bylaw for First Reading, rejects the application, or refers it back to the Planning Committee for further discussions or to the applicant for further revision.

Step 8 – FIRST READING

- ✚ At the next Council meeting the bylaw is given First Reading and a Public Hearing date is set (usually one month later). If required, the bylaw is referred to the Ministry of Transportation or other agencies with interest in the application.



Step 9 – PUBLIC HEARING

- ✚ All rezoning applications are subject to a statutory Public Hearing held before Town Council, as per Division 4 of the *Local Government Act*.
- ✚ Applicants will be requested to post a rezoning sign on the property indicating the type of proposed development at least ten days prior to the Public Hearing, as per the Town's Planning Policy 3.6 – Public Notification for Development Applications. This policy is available on the Town's website or from staff.
- ✚ The owners of all properties located within 150 feet (50 metres) of the subject property are formally notified of the Public Hearing, as per Section 892 of the *Local Government Act*.
- ✚ However, 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 and written notification to be both mailed and hand delivered to surrounding properties. This step normally requires four weeks prior to 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.
- ✚ 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 fully prepared and detailed prior to Public Hearing.

Step 10 – SECOND AND THIRD READING

- ✚ After the Public Hearing, the bylaw is referred to Council for consideration of Second and Third Readings or to the Planning Committee for further discussion. Council either gives Second and Third Readings to the bylaw or defeats it.

Step 11 – REFERRAL TO MOT

- ✚ The bylaw is referred to the Ministry of Transportation for signature if the property is within 800 metres of a controlled intersection.

Step 11 – FINAL ADOPTION

- ✚ If the majority of Council members are satisfied that the development proposal is beneficial to the community, 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.



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 (see Development Permit Brochure)) 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 (See Subdivision & Development Bylaw).**

SUMMARY OF APPLICATION PROCESS

Pre-application meetings and preparation
Preliminary review by Planning Committee
Neighbourhood “Open House” where required
Prepare complete submission
Staff review of application, external referrals, public comments
Planning Committee review
Recommend bylaw to First Reading or application denied
First Reading of bylaw by Council
Applicant posts signs on property
Public Hearing
Second and Third Reading of bylaw or bylaw defeated
Bylaw signed by MOT (if required)
Applicant completes any other requirements
Final Reading of bylaw



MORE INFORMATION

This brochure is meant for guidance only and applicants should obtain copies of the relevant bylaws before proceeding with development applications. For specific information, please contact the staff at:

Town of Gibsons
474 South Fletcher Road, Box 340, Gibsons, BC V0N 1V0
Telephone: 604-886-2274 - Fax: 604-886-9735

All Bylaws referenced in this Development Procedure Guide are available on the Town's website at www.gibsons.ca