

## Zoning Bylaw Amendment Process



*This pamphlet is intended for general guidance. Sources may include the Local Government Act, the Community Charter, the Land Titles Act, the Town of Creston Official Community Plan, Zoning Bylaw, and other municipal bylaws.*

## ZONING BACKGROUND

### What is Zoning?

The Town Council uses zoning as a method of directing growth and development within the community. The Zoning Bylaw zones properties for a specific range of permitted uses: densities; sitings; and, building forms.

### The purpose of Zoning is:

- ◆ Efficiently manage land-use in the community;
- ◆ To establish and promote minimum standards for the convenience (such as parking spaces) and the welfare of the public;
- ◆ To prevent overcrowding of land;
- ◆ To secure adequate light, air and access; and,
- ◆ To protect property values and prevent land-use conflicts.

### What is Rezoning?

Rezoning is the process of changing the zoning of property. A property owner may request a change in his/her property's zoning to allow a use or a density that could otherwise not be permitted under the present zoning. Zoning can only be changed by means of an amendment to the Zoning Bylaw, and a Public Hearing is required in the rezoning process.

The basis and guide for rezoning decisions is the Official Community Plan (OCP). The OCP is a document which outlines the community's long-term land-use goals and objectives.

Town Council can approve a rezoning application only if it conforms with the OCP. Therefore, it is sometimes necessary to also amend the OCP.

Both Zoning Bylaw and OCP Bylaw amendments require a bylaw to be passed by the Town Council.

### What if my Application is rejected?

Where an amendment bylaw has been refused by Town Council, the Development Services department will notify the applicant in writing within fifteen (15) days immediately following date of refusal, that the requested change in land-use was denied.



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# REZONING



## A Guide to Rezoning in Creston

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This pamphlet is prepared for information purposes only, and the Town of Creston disclaims any liability arising from reliance on information contained in this guide. This pamphlet is not a procedures manual pursuant to section 895 of the *Local Government Act*.

Any person being the owner of land or having the written permission of the owner may apply to amend the Zoning Bylaw (rezone a property or change a zoning regulation).

Copies of the Zoning Bylaw, which governs the use of land within the Town of Creston, may be obtained at the Town Hall located at 238 - 10th Avenue North.

Zoning Bylaw amendment are approved by Town Council and require a Public Hearing. The approval of the Ministry of Transportation and Infrastructure may also be required. Applications are processed with the involvement of other Town departments and external agencies, as required.

#### APPLICATION FEE

Zoning Bylaw amendment only ..... \$1,500.00

Both OCP and Zoning amendments together ..... \$2,500.00

The following guide is intended to generally illustrate the procedure involved in a zoning amendment application. It does not cover the numerous technical details often encountered during the amendment process.

#### PROCEDURE FOR ZONING AMENDMENTS

1. The applicant makes a preliminary enquiry to the Development Services department regarding a development proposal.
2. If the proposal is inconsistent with the provisions of the Zoning Bylaw, the applicant completes the "Zoning Amendment Application" and submits the required fee and any other necessary material (e.g., additional applications and fees; Land Title certificate for the subject property; project or site plans; authorization of the registered property owner/s; etc.) to the Town of Creston.
3. Town of Creston's Development Services department processes and reviews the application and submits it for technical review to other departments and agencies, as necessary. Factors considered included adequacy of proposed land use, utility services, OCP and other bylaws, flood plain, soil stability, access and impact on road network, environmental impact and history/cultural heritage issues.
4. Contaminated Sites Legislation which became effective April 1, 1997 requires that in some cases a Site Profile must be submitted to the Municipality, assessed by the Ministry of Environment, and Ministry approval received before a zoning amendment can be approved. Town staff will advise whether or not a Site Profile is required.

5. A report is prepared by the Development Services department providing background information on the application. The report usually includes a bylaw that amends the current Zoning Bylaw. The applicant may be required to submit additional information for technical review and presentation to Town Council.
6. Town Council receives the Development Services report and either denies the application or proceeds to first and second reading of the bylaw, which amends the Zoning Bylaw. If the amending bylaw is given first and second reading, Council will authorize the calling of a Public Hearing.
7. If the proposed development has a frontage on a Provincial Highway, the application is sent to the Ministry of Transportation and Infrastructure for their comments.
8. The date, time and place of the Public Hearing is published in the local newspaper and notice is given to the adjacent property owners/tenants in occupation within 197 feet or 60 metres.
9. Following input from all agencies, and after the Public hearing is held, the bylaw amending the Zoning Bylaw is either defeated or given third reading.
10. As soon as practical, the Zoning Bylaw Amendment is adopted by Council.
11. The applicant is notified. Subject to section 895(3) of the *Local Government Act*, a reapplication for an amendment that has been refused by the Council shall not be considered within a 6-month period immediately following the date of refusal.