

REZONING GUIDE

Introduction

Zoning is a set of rules that control how land can be used and how buildings can be constructed. It determines things like where buildings can be placed, how big they can be, and what they can be used for. Zoning ensures compatibility between land uses, and promotes public health, safety, and the overall vision for the community. Every property in Cumberland has a specific zoning classification that tells you what activities are permitted on that property.

What is the Zoning Bylaw?

The [Zoning Bylaw](#) is a legal document that establishes rules and regulations regarding land use, building construction, and permitted activities in different areas of the Village. The Zoning Bylaw is used as a tool to implement the goals and objectives of the [Official Community Plan](#) (OCP). It includes conditions of use such as:

- Density
- Building height and setbacks
- Parking
- Signage
- Environmental considerations

When do you need a Rezoning Application?

A rezoning application (also known as a zoning bylaw amendment) is needed to change the existing zoning of a property when the land use or density does not match what is allowed in the Zoning Bylaw. You may consider applying for a Zoning Bylaw amendment if you want to:

- Alter the zoning designation of a property.
- Modify the building form or siting.
- Add or restrict a specific use for a particular property; or
- Increase or decrease the maximum allowed density on a specific property.

To change a property's zone or amend a specific regulation in the Zoning Bylaw, the applicant must demonstrate that the new zoning that is proposed aligns with the Village's OCP and the long-term vision for the future. If the proposed zone does not correspond to the OCP designation, an OCP amendment is also required. It is important to verify with staff if this is required. The final decision on a rezoning application is made by the Village Council.



Prior to Making an Application

Applicants should be well informed of the Village of Cumberland policies and procedures before preparing a Zoning Amendment Application. Prior to applying, the applicant should review the following:

- **Zoning Maps and [Zoning Bylaw](#)** – Check the [Village's Interactive Map](#) to find the zoning designation and zoning requirements for the property. This will help the applicant to determine what will need to be amended.
- **[OCP](#) – Land Use Designations**– Check the [Village's Interactive Map](#) to identify the land use designation of the property and review the types of land uses allowed within that corresponding land use designation as well as the policies in the OCP. This will help the applicant determine if their proposal aligns with the policy in the OCP. If the proposal does not align with the OCP, an OCP Amendment must be made before the zoning can be changed. These amendment applications can occur concurrently.

Contact the Development Services Department – Contact the development services department to discuss your proposed development and determine if a formal Pre-Application Meeting and OCP Amendment are required. If it is determined that a Pre-Application Meeting is required, submission requirements can be found on the Pre-Application Scheduling Form. Staff will provide guidance throughout the application process and determine if any revisions are required prior to submission.

Zoning Bylaw Amendment Costs

The cost of a rezoning application can vary depending upon the complexity of the application. An application fee, as outlined in the [Fees Amendment Bylaw](#), will always be required. Other costs can include:

- Actual cost of any third-party professional review of applications.
- Any plans needed to meet the application requirements (i.e., site plan, landscape plans, elevations, Surveyors Certificate).
- Village of Cumberland Development Cost Charges, as per the [Development Cost Charges Bylaw](#), at time of building permit or subdivision approval.
- Village bonding requirements for landscaping agreements, remediation, or performance security.
- Professional reports (i.e., geotechnical assessment, engineered stormwater management plan, planning rationale).
- [Public notification fees](#) (i.e., signage, advertising).
- Legal fees (i.e., Land Title registration, covenants).
- Off-site requirements (i.e., road improvements).



Application Process and Processing Timelines

Applicants are encouraged to submit their application by email, if possible. **Incomplete applications will not be accepted.** The following processing timelines are established from the date of receipt for a complete application.

Minor Rezoning Applications: 6 months.

Major Rezoning Applications: 8-10 months.

While this is a target, it is understood that different circumstances (i.e., revisions, new plans, complexity of application, provincial approvals) may alter timelines to be shorter or longer than outlined below. It is essential for applicants to submit a complete application and respond to staff requests for information to ensure that it is processed in a timely manner. Applicants will be able to track their application online to view what stage of the process they are at. For more information about what to expect at each stage of the application process, see the Detailed Application Process below.

* Rezoning applications that align with the OCP are not required to have a Public Hearing unless directed by Council. This step may not be required.



Detailed Application Process

1. Pre-Application Meeting

A pre-application meeting is required for a rezoning application. Prior to submitting your application, you will need to schedule a pre-application meeting with Development Services staff to discuss your proposal and application requirements. The applicant must fill out a Pre-Application Scheduling Form and is expected to come to the meeting prepared (tips for preparation are outlined in the Meeting Guide).

2. Submit Application

The applicant is encouraged to submit the application by email, if possible. Please refer to the Pre-Application Checklist received after the pre-application meeting to ensure you are submitting all required documents and fees. Incomplete applications will not be accepted. Once submitted, staff will review the application to determine whether it is complete at this stage (i.e., all required documents and fees) and, if incomplete, staff will request the required information from the applicant. Once a file has been opened, staff will issue a receipt to the applicant.

3. Notice Signage

The applicant is required to post a Notice of Application Sign on the property to notify other property owners and residents of the proposal. The sign must follow the requirements identified on the Sign Format Sheet. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the Staff of the posted sign within 10 days of staff's approval of the mock-up.

4. Application Review

The application is reviewed by the development services department, and all applicable Village departments, advisory committees, development review team (DRT), government ministries, agencies, and organizations to provide the applicant with comprehensive feedback on the application. Revised plans and additional documents may be required from the applicant or the applicant's architect, engineer, or other coordinating professionals. The timing of the review will depend on how quickly the applicant can provide additional information to staff as requested.



5. Public Information Meeting

Applicants may be required to hold a public information meeting (PIM) for rezoning applications. It is the responsibility of the applicant to arrange and conduct the meeting at their expense. The PIM is an opportunity for the applicant to get feedback from the public on the proposal and address any issues early in the process. More information about the PIM can be found in the PIM guide.

6. Staff Report and Amending Bylaw

Staff will compile all feedback from internal and external agencies. Staff will prepare a report and the amending bylaw into a report for consideration by the Village Council. Staff will communicate with the applicant to ensure they are aware of the associated staff recommendation.

*Rezoning applications that align with the OCP are not required to have a public hearing unless directed by Council. If a rezoning application does not require a public hearing, notices will be sent out to the public advising of the date when the application will be considered by Council for First Reading. After the notice period, Council can consider giving first, second and third readings to the bylaw during the same meeting.

7. Council Review (1st and 2nd)

The proposed bylaw will be brought to Council, and they will evaluate it and decide. If Council is in favor of the amending bylaw, they have the option to proceed with first and second reading of the bylaw and refer it to a public hearing. However, if Council does not support the amending bylaw, they may deny it or require amendments to the proposal. In the case requiring amendments, the applicant would be required to make the necessary changes as directed by Council.

8. Public Hearing

The public hearing process provides the public with the opportunity to speak or provide written submissions regarding the proposed rezoning. The purpose of the public hearing is to gather the opinions of the public, which Council will use as additional information to help them in their decision to give third reading to the amending bylaw. Village staff are responsible for preparing for and facilitating the public hearing.



If Council continues to be supportive of the bylaw, they have the option to give the amending bylaw third reading right after the public hearing or at a future Council meeting. If Council gives third reading, then staff will prepare a report and the bylaw for adoption to be presented at a future Council meeting for a final decision. Before Council can give final approval, any conditions must be resolved or secured and some applications must be referred to provincial minister(s). Staff will communicate with the applicant to ensure they are aware of Council's decision.



Questions?

If you have any questions about heritage designations or applying for a permit, please contact us.

Village of Cumberland – Development Services

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This guide is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable Village bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.

