

## **What is Zoning?**

Zoning is the division of land into districts which designate the permitted and discretionary uses for an area. Zoning is used as a tool to separate incompatible uses from each other. Zoning regulations will include the types of developments that are allowed, and the minimum setback requirements that are required from each property line. All of the land within the Town of Bashaw is zoned for a particular use. Zoning is part of the Town's Land Use Bylaw and is approved by Town Council.

## **When is Rezoning Necessary?**

Rezoning your land may be necessary in two situations: you wish to develop your land, without subdividing, in a way that is not allowable under your current zone; or you wish to subdivide land into parcels used for a different purpose. Therefore in many cases, a rezoning application may be accompanied by a subdivision or development permit application.

### Example

1. Your property is currently zoned as Low Density Residential (R-1) and you wish to construct a four-plex on the property. The property will need to be rezoned to Medium Density Residential (R3).

## **Concurrent Rezoning and Subdivision Applications**

If you are planning on subdividing your land and are required to rezone your land, both applications can be dealt with concurrently. However, prior to receiving subdivision approval, Town Council must approve the rezoning application. In the event the rezoning application does not get approved, the subdivision application will not move forward for approval. In the case of a rezoning application being refused any fees paid for rezoning will not be refunded, any subdivision fees may be refunded upon request. If the rezoning application is approved, the subdivision will go before the subdivision approval authority, the Bashaw Town Council, at its next meeting date. Please note that rezoning and subdivision approval will not occur on the same day.

## Rezoning Requirements

In order to understand the impact of the change, the following information is required by the Town of Bashaw in order to evaluate and process a land use bylaw amendment.

1. A current certificate of title of the land to be rezoned.
2. Name and addresses of all encumbrances listed on title.
3. A completed application form signed by the applicant or their agent who is authorized in writing.
4. An application fee as prescribed by Town Council.
5. Three 8½" X 11" copies, 1 – 24" X 36" copy and a digital copy, on disk, in Autocad format of a properly scaled rezoning map showing:
  - a) the location, dimensions, and boundaries of the affected site, and its relationship to existing land uses on adjacent properties;
  - b) the dimensions and boundaries of existing rights-of-way of each public utility or other rights-of-way (i.e.: roads, pipelines, railways, etc.);
  - c) the location, use and dimension of buildings on the land and specifying those buildings that are proposed to be demolished or moved;
  - d) the location or surveyed boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land, including the top of bank;
  - e) the location of any existing or proposed water wells, the location and type of any private sewage disposal system and the distance from these to existing or proposed buildings and property lines;
  - f) the location of existing and proposed accesses to the property;
  - g) the location of any sour gas facilities situated within 1.5 km of the proposed rezoning;
  - h) the location of any sanitary landfill, hazardous waste management facility, or dry waste facility situated within 450 metres of the proposed rezoning;
  - i) the location of any operating wastewater treatment plant situated within 300 metres of the proposed rezoning;
  - j) the scale of the plan or map; and,
  - k) a key map showing the location of the property within the Town
6. A description of the use or uses proposed for the land that is the subject of the application.
7. A statement of the purpose and reasons for the application to amend the Bylaw.
8. Council may require, prior to considering a proposed amendment to the Bylaw, that an Area Structure Plan be prepared or amended in accordance with the Act or an Outline Plan be prepared in accordance with the Municipal Development Plan. The Area Structure Plan or Outline Plan shall address all those issues considered necessary for the proper consideration of development within the area covered by the Area Structure Plan or Outline Plan.
9. Such additional information as the Development Authority or referral agencies may require, including, but not limited to reports and studies such as topographic contours

mapping, an assessment of subsurface characteristics, conceptual scheme that relates the application to future development of adjacent areas, or a drainage plan.

## **Fee Schedule**

Application Fees:

- a. Rezoning \$500.00
- b. Subdivision \$500.00 plus \$200.00 for each parcel and \$100.00 for endorsement

## **Application Processes**

### Rezoning

1. The application must be deemed as complete by municipal/planning staff prior to moving forward
2. Application is circulated to different agencies that may be affected by the application; each of the agencies will have 30 days to submit comments back to the Town.
3. After the 30 days, a staff member/planner will then review the agency comments and the application. The staff member/planner must consider the following when reviewing the application:

### Residential

- a) The suitability of the site to accommodate the proposed use
- b) The soils, topography and site characteristics
- c) The availability and adequacy of water supply
- d) The proposed method of sewage disposal
- e) Access to the proposed parcels
- f) The impact and adequacy of the road networks leading to the area
- g) The potential conflicts with adjacent landowners
- h) Conformity to all legislative requirements
- i) The nature of the proposal to other adjacent uses
- j) Drainage patterns within the application and the impact to adjacent lands

### Industrial/Commercial

- a) The proximity to a paved road
  - b) Access to rail service
  - c) The assessment on the lands
  - d) The location of major utility lines
  - e) The location relative to any environmentally sensitive areas
  - f) The availability and adequacy of water supply
  - g) The proposed method of sewage disposal
  - h) Conformity to all legislative requirements
4. The application is scheduled for a public hearing at an upcoming Town Council meeting
  5. Three weeks prior to the public hearing the application is circulated to adjacent landowners for comments and is advertised in the local newspaper

6. At the date of the public hearing a staff member/planner will provide a summary of with application with a recommendation to Council, the applicant is then allowed to make a presentation. Once the applicant has spoken any other person wishing to make a presentation will be allowed to do so. Council will ask any necessary questions and then vote on the application. Because rezoning is an amendment to the Town's Land Use Bylaw, to receive approval, the amending bylaw will need to receive 3 readings by Council
7. If the application is approved, the rezoning takes effect immediately. If refused, the decision cannot be appealed

## **Approval Time Frame**

The average time frame from submitting the application to approval varies greatly. Because each application is unique, the Town cannot guarantee a specific time frame. If you have questions regarding the status of your application please feel free to contact the municipal office.