



MONCTON

YOUR GUIDE TO REZONING APPLICATIONS





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Rezoning Simplified

1. Set up a pre-application meeting with the staff of the Urban Planning Department. If your project is large or complex, there may be a need for additional meetings to ensure that the information required to evaluate the project has been provided. The goal is to help you put together a complete application that has the best chance of success. At this stage we can also determine whether a Municipal Plan amendment is required in addition to the rezoning.
2. Submit a complete application with the appropriate fees to City of Moncton. You should expect a rezoning to take a minimum of 4 to 6 months from the day you submit a complete application. Please note: there is no way to "fast-track" a rezoning! If you're planning to start building in May, you should come see us the previous September or earlier.
3. If it's a complex project, we may undertake a Development Review process to evaluate the application. In this process, City staff examine the complete application in order to detect any problems or issues before we make our first report to Council. At this stage we may find that we need more information; this process gives you a chance to address these issues before we report to Council.
4. Planning staff makes a written report to City Council. You will also receive a copy of the report prior to the Council meeting.
5. Council formally refers the application to the Planning Advisory Committee (PAC) for its written views and recommendations.
6. The Planning Advisory Committee provides its written views and recommendations to Moncton City Council.
7. The rezoning process may involve a Public Presentation when an amendment to the Municipal Development Plan is required. This adds some time to the whole process.
8. The rezoning process always involves a Public Hearing and a Conditional Zoning Agreement. Members of the public have a set period (about three to four weeks) to present written objections or letters of support.
9. Council deliberates and decides whether to grant the rezoning or not.
10. If Council decides to grant the rezoning, the process of adopting the amendment (including three public readings and registration of the amending by-law and Conditional Zoning Agreement) takes several weeks.

Additional resources on planning are available on the City of Moncton website at www.moncton.ca.



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Zoning & Rezoning

When is a rezoning necessary?

The Zoning By-law divides the city into zones; a zone may cover one property or a whole neighbourhood. Each zone prescribes a set of land uses (e.g. single-unit dwelling, restaurant, or manufacturing) as well as development standards (e.g. minimum setbacks and maximum building heights.)

In general, if you want to develop a land use that is not allowed in the zone in which you are located, you need a rezoning. For example, the R-2 zone allows a single- or two-unit dwelling; but if you want to build a six-unit apartment building, you need to get that land re-zoned.

If the land use is allowed but you can't meet the development standard—say, because the lot is of an unusual shape—you can apply for a variance from the development standards. So, if the R-2 zone requires buildings to be 6 metres from the street and you want to build one 5.5 metres from the street, you would apply for a variance. This is a different, and much shorter and simpler, process from a rezoning.

How do I find out the current zoning on my property?

The Urban Planning Department cannot legally tell you your zoning over the phone or by e-mail. To find out your zoning, you have three options:

1. Come to the Urban Planning office at City Hall and look at the zoning map;
2. Look at the Zoning Map on the City's website at www.moncton.ca; or
3. Request a zoning certificate.

To request a certificate, send a letter to the Urban Planning Department, identifying the property by its PID (Property Identification Number—this is a six- or eight-digit number on the property tax bill.) If the property has a civic number (street address) mention that too. If you have a specific land use in mind for the property, you can indicate this in the letter. There is a fee of \$125 for zoning certificates. The Urban Planning Department will respond with an official letter confirming the zoning on your property, as well as a list of the permitted land uses in the zone. This usually takes a couple of working days.

How do I know if my rezoning will succeed? What factors affect whether my rezoning is approved or not?

The final decision whether to rezone a piece of land is made by Moncton City Council after consulting the Planning Advisory Committee, various City departments such as Urban Planning, Engineering, Fire Department, Recreation Parks Tourism & Culture, and the general public. Some of the major considerations include:

- whether the proposal is generally in line with the goals of the Municipal Development Plan;
- whether there is adequate infrastructure (e.g. roads, sewer, water) in place to support the proposed development;



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- whether the proposed land use would be in conflict with the neighbouring land uses (for example, rezoning land for a factory right next door to a residential neighbourhood);
- whether there is already land zoned for the proposed use in more suitable locations;
- objections from the neighbours or the general public; and
- whether the project is generally a good idea from a city planning perspective.

We can't promise whether any rezoning will be successful or not--that's up to Council--but we'll do our best to provide feedback on your application.

How long will the application process take?

Every project is unique and so there's no way to know for sure how long the rezoning will take.. Factors that influence the speed of application processing include:

- the type, size and complexity of the project
- the number of applications in progress
- your ability to provide complete and timely information

As a rule of thumb, simple applications take a minimum of 4 to 6 months, while more complex applications involving a Development Agreement and Servicing Agreement may take much longer to finalize.

Approvals required from outside agencies, such as Department of Transportation, or Department of Environment, may also extend the process. You can minimize unnecessary delays by:

- meeting with us well in advance (i.e. if you're planning to build in May, come see us the previous September;)
- discussing your project with Greater Moncton Planning District Commission planning staff;
- providing information in a timely manner; and
- employing professionals like planners, architects, engineers, landscape architects and land surveyors.

What information do I need to submit?

The following list represents the basic information required to start a rezoning. We may require further information as determined by the pre-application meeting or meetings. As well, questions may arise during the process, which will require more information to be submitted.

1. Application fee of \$2,750 payable to the City of Moncton;
2. Civic address of the property to be re-zoned (if applicable);
3. Property Identification Number (PID) of property to be re-zoned;
4. Name and address of registered property owner(s), including Certificate of Registered Ownership or a registered deed;



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5. Name and address, if applicable, of any agents or applicants other than property owner(s);
6. A description of the existing use and the intended use(s) of the property. The more detail you can provide in this letter, the better we'll be able to understand your project;
7. A detailed site plan, drawn to scale, including a graphical scale bar in metric units. This should show:
 - the size and dimensions of the lot;
 - footprint of existing and proposed buildings, including stairways and wheelchair ramps and their setback from property lines and other buildings;
 - the general location of buildings on abutting lots;
 - any easements or right-of-ways across the property;
 - surface drainage, including catch basins if applicable;
 - watercourses or waterbodies on or adjacent to the property;
 - the location and dimensions of driveways and parking / loading areas;
 - existing trees and proposed vegetation and landscaping; and
 - location and details of all signs and exterior lighting.
8. Building plans. These need not be working drawings for construction purposes, but must be drawn to an appropriate scale to show the project concept and include floor plans and elevation drawings. Floor plans should show rooms and room sizes and the use or intended use of each room. Elevation drawings should show windows and door locations, types of materials used for cladding (including colour), roof materials, height of walls and overall height of building(s);
9. Project commencement and completion date. Please note that if you are proposing a large project with several phases, Moncton will only re-zone for the part of the project that is set to begin within two years and be completed within five years.
10. Where applicable, any other information or material requested by the Development Officer or required by Provincial departments as determined at the pre-application meeting(s), such as:
 - Watercourse Alteration Permit (Department of Environment)
 - Setback Certificate (Department of Transportation)
 - Septic tank approval (Department of Health and Wellness)
 - Environmental Impact Assessment or other environment-related report
 - Hydrology study
 - Geotechnical Report
 - A Municipal Services Infrastructure Study
 - Traffic impact study
 - Topographical and cut/fill information
 - Tentative Subdivision Plan
 - Drainage Agreement/Plan
 - Landscaping Plan
 - etc.

The zoning checklist is available online at www.moncton.ca.



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How much will a rezoning cost?

Rezoning Application Fee

The Rezoning application fee is \$2,750.00. This cost helps us cover the cost of publishing notice of the required public presentations and public hearings, and for final approved by-law amendments.

Refundable Performance Fee for Conditional Zoning Agreements

All rezonings in the City of Moncton require a Conditional Zoning Agreement and a \$1,000.00 performance deposit which is deposited in trust with the City of Moncton. This fee is intended to cover the costs of reversing a rezoning whose owner has not met their conditions of the zoning agreement, without incurring an expense to the City. This fee must be paid at the time the Conditional Zoning Agreement is being prepared and is refunded once all the critical conditions of the Conditional Zoning Agreement have been met.

Registry Office Fees

There are also minor fees involved with registering the final adopted by-law amendment(s) and Conditional Zoning Agreement with the Provincial Registry office.

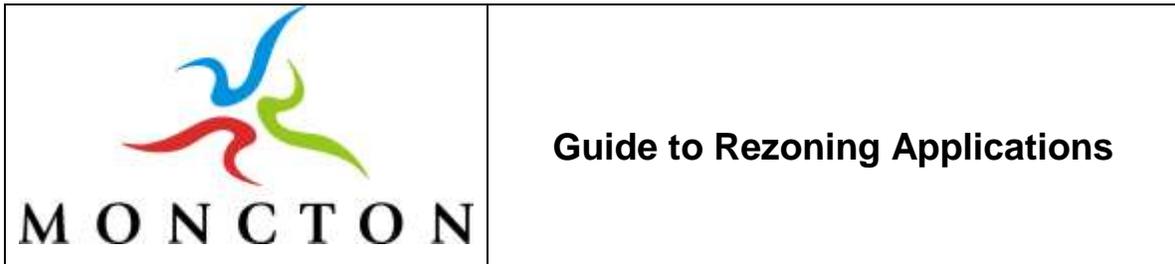
Other Costs

If the development requires off-site infrastructure improvements to make the property serviceable and in conformity with the city's urban development standards, the Conditional Zoning Agreement may also require the developer to be responsible for the additional costs to make a development serviceable.

There may be other costs to consider following rezoning, such as development permit and building permit application fees, development cost charges and subdivision fees. We encourage you to talk to professionals before making any financial or other commitments.

Twelve Steps to a Rezoning

1. One or more pre-application meetings;
2. Complete application is filed with City of Moncton – Urban Planning Department
3. Development Review Committee reviews the rezoning application;
4. Council considers the rezoning application & planning staff report;
5. Amending by-law(s) & Conditional Zoning Agreement are prepared;
6. Council approves amending by-laws and Conditional Zoning Agreement, and proceeds with the public process
7. Public presentation at Council Meeting (if a plan amendment is required.)
8. Planning Advisory Committee reviews the application and provides its written views to Council.
9. Council conducts a public hearing to consider objections to the by-law amendment(s).



10. Council's decision to enact by-law amendment(s)
11. Plan amendments are submitted for the Minister of Environment's approval prior to filing at the Registry Office.
12. Certified copies of by-law amendment(s) are registered at the Registry Office and sent to the Planning Commission. A notice is published in the local newspaper(s) informing the public that the by-law(s) have been amended.

Step 1: Schedule a Pre-Application Meeting

- Contact the Urban Planning Department to schedule your meeting with staff.
- This meeting will help you understand how the City's plans and policies might affect your proposal. The development officer and planning staff will go over the process you'll need to follow, identify involvement of other government agencies, and provide a general idea of your timeline.
- City staff from various departments will comment on the proposal and make informal recommendations should the applicant/representative decide to go forward with the submission of an application.
- Pay particular attention to ensuring that your proposed development plans are consistent with City objectives and guidelines for the area. Generally, the more a development proposal conforms to City objectives, the less time it takes to process and the greater the chance of it being approved without major revisions.
- You may need to retain the services of an architect, landscape architect, planner, engineer, land surveyor, environmental consultant or other design professional to assist you with your application. One person (either you or a member of your design team) should be assigned the responsibility of coordinating the application process. Applicants are reminded that the submission of complete high quality plans will assist in the successful and timely consideration of your application.

What materials do I need to submit when I schedule a pre-application meeting?

In order to make the pre-application meeting as productive as possible, the request for a pre-application meeting should be done in writing and include copies the following:

- sketch map(s) of the site;
- description of proposed project or use;
- description of existing environmental, topographical, and structural features on the site to the extent they are known; and
- graphics illustrating the scale, location, and design of any buildings or structures to the extent they are known.

Please note: information obtained in your meeting should not be used as a basis for making financial or other commitments without first obtaining your own professional legal, planning, and engineering advice.



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Step 2: File a complete application with Urban Planning Department

An application form and checklist is available at the Urban Planning office or at its website www.moncton.ca. Submit the complete application with the applicable fees and supporting information to:

City of Moncton – Urban Planning Department
Moncton City Hall, 2nd Floor
655 Main Street
Moncton, NB
E1C 1E8

Step 3: Development Review Committee reviews the application

After you've submitted your application, it will be reviewed by Urban Planning staff and other city departments such as Building Inspection, Engineering, Legal, Community Services, and Fire Department. External agencies such as the Department of Environment and Department of Transportation may also be involved.

- At this stage expect approximately 2 to 4 weeks for circulation and review.
- A report will then be prepared and discussed with you prior to its presentation to the Council.
- You will be notified of the meeting time and date and receive a copy of the report on the Friday before the following Monday Council meeting.

Step 4: Council considers the rezoning application and staff report

At this public meeting, the Council will consider your application. We strongly recommend that you attend this Council meeting so that you can address any concerns or questions the Council may have. Possible outcomes at this stage include:

- proceed with the application, set a hearing and/or presentation date and refer the application to the Planning Advisory Committee;
- defer the application for more information; or,
- deny the application.

If Council denies the application, the process ends here. You will in any case be notified of the Council resolution.

Where the Council agrees to give further consideration to your application, they will direct staff to prepare and submit to Council the required amending by-laws and Conditional Zoning Agreement.

Step 5: Preparation of amending by-laws & Conditional Zoning Agreement

In order to proceed with a rezoning, formal by-law amendment(s) and a Conditional Zoning Agreement are prepared by staff and the City Legal Department.



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- The Municipal Plan requires that all rezonings be subject to a Conditional Zoning Agreement. Before the first notice of the public hearing notice is published, it will be required that the Owner execute the Conditional Zoning Agreement thereby agreeing with the conditions that will go before Council at the Public Hearing. If changes to the agreement are required as a result of the public hearing, the agreement will be modified at that time.
- A Conditional Zoning Agreement generally contains various site development standards for servicing and building, deadlines for beginning and completing the development; and, in some cases, requires the developer to address off-site services and infrastructure required to support the development.
- A \$1000 performance deposit is also collected at the time the applicant signs the Conditional Zoning Agreement. This performance deposit, , will be refunded once the development is substantially completed. If the development does not begin by the time specified (usually two years from the date the rezoning is concluded) the performance deposit is forfeited and used to cover the costs of reversing the rezoning.

Step 6: Council approves amending by-laws and Conditional Zoning Agreement, and proceeds with public hearing and/or presentation

- Council approves the amending by-laws and Conditional Zoning Agreement by setting a date and location for the public presentation (if required); sets the date and location for Public Hearing; and requests the Planning Advisory Committee written views of the proposed amendment(s).
- In addition to the public notice requirements under the Community Planning Act , the applicant is required to post a sign on the site, informing the public of the proposed rezoning.

Step 7: Public presentation (if applicable) at Council Meeting

- A public presentation is only required when a proposed rezoning also involves an amendment to the Municipal Development Plan.
- Notice of the public presentation is advertised in the newspaper between 10 and 14 days before the scheduled presentation date.
- Planning staff will make the presentation at a Council meeting. The applicant may also present.

Step 8: Planning Advisory Committee reviews the application and provides its written views to Council

- As per section 66 of the Community Planning Act, Council is required to request written views of the Planning Advisory Committee on the proposed by-laws before Council enacts the by-law amendments.
- Planning staff prepares a comprehensive planning report of the proposed amendments with recommendations for the Planning Advisory Committee's consideration.
- The Planning Advisory Committee meets the fourth Wednesday of every month to consider zoning applications.



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Step 9: Council conducts a public hearing to consider objections to by-law amendment(s)

- All rezoning applications are subject to a public hearing before Council.
- The hearing is advertised between 21 and 30 days before the scheduled hearing date.
- As well, owners of all properties located within 100 metres of the subject property are notified of the public hearing by mail.
- The purpose of the hearing is to consider any written objections submitted by members of the public. Any person may submit an objection and any person may speak to any written objection at the hearing.
- You also have the opportunity to present a summary of your proposal, and to address any concerns raised by objectors, at the public hearing.
- The public hearing is the last opportunity for Council to receive input from you or the public before making a final decision on the bylaw. Once the public hearing has concluded, Council is not permitted to receive or consider any further representations on the bylaw unless another public hearing is held.

Step 10: Council's decision to enact, deny or defer the by-law amendment(s)

Following the public hearing, Council considers the input received at the hearing and decides to either:

- Allow your application to proceed by enacting By-law amendment(s);
- Require that the bylaw or development plans be amended; or
- Deny the application.

If Council decides to enact the by-law amendment, it is required to read the by-law aloud three times over the course of two separate Council meetings. First reading may occur on the same night as the hearing; however, the second and third readings must be performed on a different night.

Step 11: Municipal Plan amendments are submitted for the Minister of Environment's approval prior to filing at the Registry Office

When a plan amendment is involved, the Minister of Environment's approval is required after Council gives the by-law third reading before the by-law amendment(s) can be registered. This approval can take between 4 to 6 weeks to be finalized by the Minister.

Step 12: The Conditional Zoning Agreement and certified copies of by-law amendment(s) are registered at the Registry Office and the Planning Commission office. Notice is published of the successful by-law amendment(s).

The City Clerk registers the Conditional Zoning Agreement and certified copies of the by-law amendment(s) in the Registry Office, sends certified copies to the Planning office, and publishes a notice in the newspaper that the by-law(s) have been amended.



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What resources are available to assist you?

Before you prepare your submission, be sure to familiarize yourself with relevant regulations, as these may affect your project. Speak with Planning staff who will help guide you through the application process. The City of Moncton's Municipal Plan, Zoning By-law and associated maps are located on the city's web site at www.moncton.ca.

Questions?

We've got the answers!

We are here to help make the rezoning process as smooth as possible. If you have questions on the rezoning process, please contact us at:

City of Moncton – Urban Planning Department
Moncton City Hall, 2nd Floor
655 Main Street
Moncton NB
E1C 1E8

Tel.: (506) 853-3533
Fax: (506) 859-2683

www.moncton.ca