

J Integrated Zoning Scheme By-Law Chapter 24

CHAPTER 24: SUBDIVISIONAL AREA OVERLAY ZONE

238. Zone name and designation on map

- (1) The Subdivision Area Overlay zone may be referred to by the code (SAO) and shall be indicated on the zoning map as black hatching, retaining the colour of the base zone before the land was rezoned to subdivisional area.



239. Purpose of the zone

- (1) This overlay zone designates land for future subdivision where a change of zoning from the pre-existing base zone will be required once the subdivision is approved and where the principle of future subdivision has been approved through a rezoning process, but the subdivision plan itself has not yet been approved.

240. Land use within this zone

- (1) Notwithstanding the conditions imposed when rezoning land to Subdivisional Area, a property may continue to be used for the purposes set out in the base zone prior to rezoning until the rezoning approval is being acted on and the subdivision or portions thereof have been confirmed.
- (2) Upon confirmation of the subdivision the permitted primary, additional or consent uses as permitted by the applicable new base zones as approved in the rezoning application, shall apply to the confirmed land units unless the conditions of approval stipulate additional restrictions.

241. Designation of land and development parameters

- (1) An owner shall apply to rezone land to this Overlay zone in accordance with Planning Law if it is proposed to subdivide and develop land where more than one new zoning will be allocated to the land units falling inside the development area after subdivision and where subdivision will create additional rights (for example residential subdivision).
- (2) When land to be subdivided for new development will not require allocation of more than one new zoning rezoning to this overlay zone is not required.
- (3) Upon approval of an application to rezone land to Subdivisional Area, the Municipality shall impose conditions of rezoning which will specify at least the following information:
 - (a) the permitted mix of land uses and zoning;
 - (b) the permitted density in the case of residential development;
 - (c) the permitted floor area in the case of business, industrial and other significant land uses;
 - (d) the approximate ratio of open space and public road, if required by the development;
 - (e) any departures from the development rules which may be required by the intended development;
 - (f) provisions for the supply of external and internal municipal engineering services and development charges;
 - (g) any other conditions the Municipality deems fit to inform the intended subdivision of land including, but not limited to, environmental, heritage, landscaping, parking and access parameters.
- (4) Land zoned as subdivisional area may be subdivided as contemplated by Planning By-law in accordance with the conditions imposed.
- (5) A plan of subdivision shall be submitted for approval in terms of the Planning By-law for land which is zoned Subdivisional Area Overlay zone; and:
 - (a) the plan of subdivision shall indicate the zoning of each of the proposed land units in accordance with the zones of the Scheme;

- (b) the plan of subdivision shall not require to be advertised in the event that the subdivision plan conforms to all the conditions of approval and is generally in accordance with the proposed development framework indicated in the original application for rezoning to Subdivisional Area Overlay zone;
- (c) it may identify land parcels (superblocks) which may be further subdivided in future and identify these as Subdivisional Area Overlay zoned land units;
- (d) the development may be phased and if so indicated on the plan of subdivision, the remainder of land which is set aside for subsequent phases may be indicated as Subdivisional Area on the subdivision plan. In this case, the application shall clearly indicate which portion of development rights have been taken up by the development and which development rights remain available for allocation to subsequent phases.

242. Updating of the zoning map

- (1) The Municipality shall in every instance where a subdivision requires a change of zoning to more than one new zone, rezone land in terms of the Planning By-law to Subdivisional Area Overlay zone. The land unit(s) rezoned as Subdivisional Area shall be indicated accordingly on the zoning map.
- (2) Upon confirmation of the subdivision or part thereof, the said subdivision or part thereof shall be allocated the appropriate base zones on the zoning map, replacing the Subdivisional Overlay zone designation.