

Rezoning or subdividing properties takes a long time

Property owners who are looking to rezone their property for business use or subdivide to sell a portion of their land may be in for a longer ride than they initially expected. "Whether applying to rezone or subdivide a property, the application will need to follow a number of procedures before it is considered, which takes time," says Adrian Goslett of RE/MAX.

"The application will need to be submitted to the relevant local authority and can anywhere from two months to two years to be either approved or denied. Aside from the fact that the process is time-consuming, it is also a very arduous and complicated affair. The documentation required by the local authority is complex, and the fees that need to be paid can be expensive," says Goslett.

"Because of the complexity of the matter, most people that decide to go ahead use the services of an attorney or town planner to assist them through the process. The advantage here is that the application is handled by a specialist who understands all the aspects of the procedure - this will expedite the process to some degree."

Goslett explains that zoning refers to the rights of the property, regarding what you can do with that property. Property zoning is divided into levels of residential, business and industrial, each with its own set of rules and restrictions. When would rezoning be necessary?

Goslett answers: "If a homeowner is running a small business from their property with only two or three staff members and the occasional client visit, there is no need for them to look into rezoning their home. However, if the home business grows to the extent that the traffic from clients and the activities on the property begin to impact the lives of the neighbours, they will need to apply for rezoning."

He notes that subdivision and rezoning often go hand in hand because of the restrictions that come into play. "For example, if the owner of a large property of 2000m² decides to divide his land into four separate plots, he will be required to convert from a Residential 1 zoned property with only one dwelling per stand, to a property zoned for one dwelling per 500m²," says Goslett.

What does the process involve? Goslett says that the first thing a homeowner will need to do if they wish to rezone their property is submit a detailed report to local council motivating their reasons for wanting to rezone.

"Once the motivational report has been submitted, the homeowner will be required to advertise their application in the provisional Gazette, giving members of the public the opportunity to submit their objections," Goslett explains. "The local town planning department will consider the information that has been submitted, along with any objections that they receive. The town planning department will then refer the matter to the council committee and the provisional committee for the final decision."

With regard to subdividing a property, Goslett says that the homeowner and their architect will be required to meet with a town planner. Plans will need to be drawn up and submitted to the city council, along with a detailed report. The homeowner is then required to inform their neighbours of their intention to subdivide via register letter, and they also need to advertise it calling for objections. Once the neighbours have given their approval, the plans will need to be approved by the council.

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