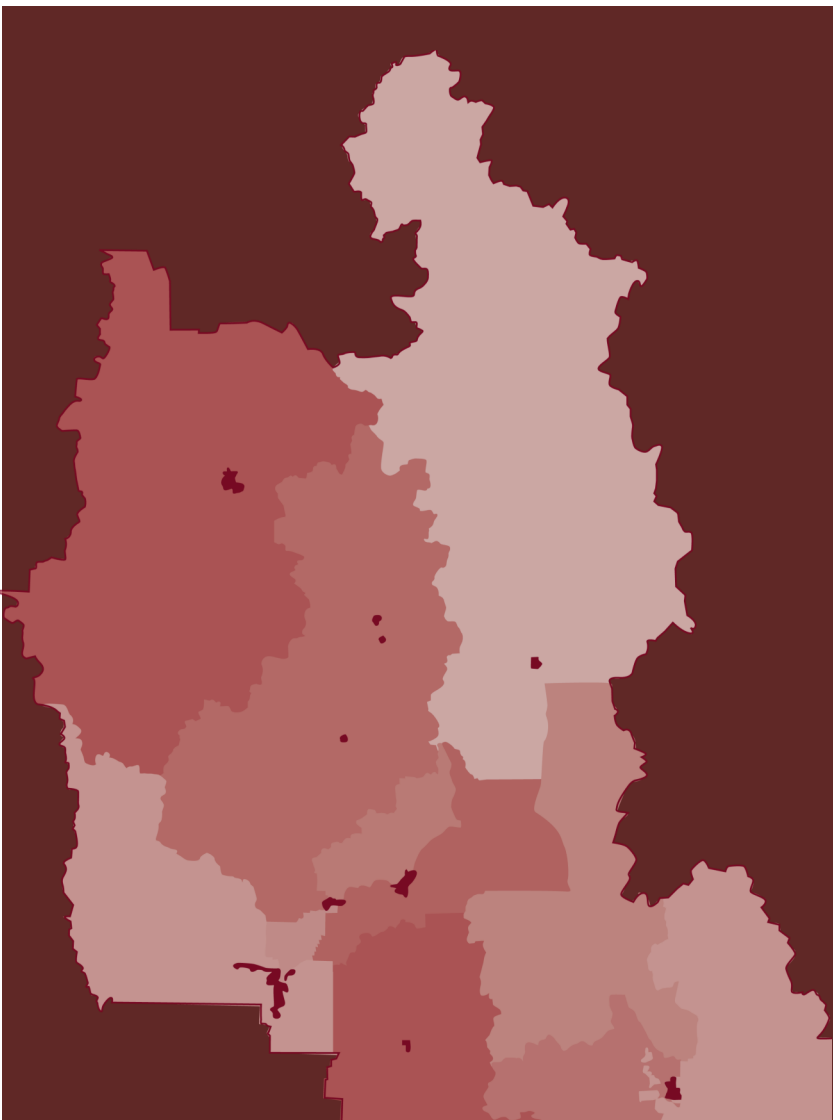


ZONING AND OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION



This brochure provides information regarding the Zoning and Official Community Plan Amendment process for properties located in RURAL AREAS of the Regional District of Central Kootenay.

For details of all pertinent regulations consult the relevant Regional District of Central Kootenay Bylaws and the Local Government Act.

What is Zoning?

Zoning is Land Use regulations established by bylaw as permitted by the British Columbia Local Government Act. Regional Districts and municipalities may regulate the use of land and set minimum lot sizes within a defined area. One prime purpose of zoning is to provide property owners protection against changes in the use of neighbouring parcels of land that may result in a conflict and devaluation of their property, affect their environment, or way of life. This protection is achieved by requiring a property owner who proposes a change in the use of land to make application to the RDCK and provide opportunity for public comment.

What Information, Costs and Time are involved?

The applicant should refer to the applicable Regional District Official Community Plan and Zoning Bylaw for the development restrictions in the applicable land use designation. Bylaws can be downloaded from the RDCK web site, or are available for purchase or reference in the Planning Department. The application submission must include a site plan and written material which clearly explains the proposed development and, if applicable, any variances requested.

INFORMATION

The information required to accompany the Temporary Use Permit Application form includes:

- A. A copy of the Certificate of Title for the property under application, dated within 30 days of the date of the application;
- B. Consent of the property owner(s);
- C. Application Fee;
- D. Provincial Site Profile;
- E. Proposal summary;
- F. A site plan drawn approximately to scale showing:
 - the house number and full legal description of the property
 - lot dimensions - frontage and depth;
 - the location of existing or required rights-of-way or easements;
 - the location and dimensions of existing and proposed buildings and structures on the property, including setbacks
 - detailed drawings of the proposed development, including building sections, elevations and floor plans;
 - location of existing wells or other water sources on the property;
 - location of existing or proposed septic fields;
 - location of any watercourses, steep banks or slopes on or adjacent to the property;

- Location of any existing or proposed access(es) to the property, driveways, maneuvering aisles and parking layout
- G. Landscape plan showing existing and proposed screening, landscaping and/or fencing;
 - H. Notice of Development sign

COST

An application fee of \$1600.00 is required for a Community Plan or Zoning Amendment application. A joint Community Plan and Zoning Amendment has an application fee of \$1800.00

If the application is withdrawn by the applicant or is denied by the Regional District Board prior to the Regional District incurring expenses towards public notifications of a Public Hearing, 50% of the application fee will be refunded.

In addition to the application fees listed for (b), (c), and (d) above, there is a fee of **\$25** for each dwelling unit and/or parcel in excess of four (4) up to a maximum of **\$1,000**, as permitted within the proposed zone or land use designation.

In addition to the fees listed above, if the application is required to go before additional public hearings, the applicant shall pay for the advertising costs of \$400.00 (per additional public hearing).

TIME

Regional District staff refer the proposal to various Provincial Agencies, First Nations (where applicable), the Local Area Director, Local Advisory Planning Commission and other RDCK Departments for comment or technical advice for a period of 30 days. A minimum of three to four months may be required to complete the process before other land use approvals can be provided.

PLEASE NOTE:

AN APPLICATION WHICH DOES NOT CONTAIN ALL REQUIRED INFORMATION CANNOT BE ACCEPTED.

Land Use Amendment Procedures

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the



required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.

3. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'C' of this Bylaw.
4. RDCK planning staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
6. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee

(RAC) of the Board.

7. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the amendment application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
8. The Board will, upon receipt, consider RAC's recommendation. If the Board decides to proceed with the amendment application, an amending bylaw will be prepared and given two readings. The Board may alternatively decide to refer, table, or deny the application.
9. The Board may request that an applicant advertise and host a public information session, open house or public meeting at his or her expense. Staff members of the Regional District may or may not be delegated to attend.
10. After the amending bylaw receives first and second reading, it will be advertised in an appropriate newspaper and if required, a Public Hearing will be held to permit the public to comment on the application. Notice of a Public Hearing will be given pursuant to the *Local Government Act* to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the property subject to the bylaw amendment.
11. The minutes of the Public Hearing will be presented on the next available Board agenda.
12. Following receipt of the Public Hearing minutes the Board will consider the amendment bylaw and may proceed with third reading, refer, table or deny the application. Upon third reading, a zoning amendment bylaw may be forwarded to the Province for approvals as required before proceeding to the Board for adoption.
13. Once the applicant has adequately addressed all of the conditions identified at third reading, the Board will consider the adoption of the bylaw(s).
14. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.

Notice to Applicants

Applicants are advised that the issuance of a permit or approval of any kind pursuant to this application is subject to all applicable laws, regulations and orders of the Federal and Provincial governments and of all authorities having jurisdiction including the Regional District. Any permit or approval received as a result of this application does not and is not to be taken or understood to be a permission or approval for all development purposes and applicants are advised to seek advice from their own consultants and check with any and all appropriate Federal or Provincial agencies that may have jurisdiction relating to the use, development or alteration of land, buildings and structures. Without limiting the above, applicants should be aware of the prohibitions, restrictions and obligations that do arise pursuant to the Heritage Conservation Act.

Questions?

If you have questions regarding information presented in this brochure, please contact or visit the Regional District of Central Kootenay Planning Department.



PHONE NUMBER: (250) 352.8165 or
1.800.268.7325

FAX NUMBER: (250) 352.9300

WEBSITE: www.rdck.ca

EMAIL: plandept@rdck.bc.ca (Planning) or
rdck@rdck.bc.ca

ADDRESS: **Planning Department**
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
NELSON BC V1L 5R4

OFFICE HOURS: 8:30 a.m. to 4:30 p.m., Monday to Friday
Except Statutory Holidays

NOTE:

The information provided in this procedure guide summarizes the approval process when the guide was prepared. It is the responsibility of an applicant to check with the planning department to determine if there have been any changes to the approval procedures since publication of the guide.