

DEVELOPING IN
CASTLEGAR

A GUIDE TO PROCEDURE

Any person being the owner of land or having the written permission of the owner may apply to amend the Zoning Bylaw (rezone a property or change a zoning regulation).@

Copies of the Zoning Bylaw, which governs the use of land within the City of Castlegar, may be obtained at City Hall.

Zoning Bylaw amendments are approved by City Council and require a Public Hearing. The approval of the Ministry of Transportation and Highways may also be required. Applications are processed by the Development Services Department, with the involvement of other City Departments, Provincial Ministries and outside agencies, as necessary.

SCHEDULE OF FEES	
Rezoning Application Fee	\$500.00
Official Community Plan Amendment (OCP) (if also required)	additional \$100.00

For additional information please contact:

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The following guide is intended to generally illustrate the procedure involved in a zoning amendment application. It does not cover the numerous technical details often encountered during the amendment process.

PROCEDURE FOR ZONING AMENDMENTS

1. The applicant makes preliminary enquiries to the Development Services Department regarding a development proposal.
2. If the proposal is inconsistent with the provisions of the Zoning Bylaw, the applicant completes the form *Zoning Amendment Application* and submits the required fee and any other necessary material (eg. additional applications and fees; State of Title Certificate for the subject property; project or site plans; authorization of the registered property owners; etc).
3. The Development Services Department processes and reviews the application and submits it for technical review to other City Departments and outside agencies, as necessary. Factors considered include adequacy of proposed land use, utility services, OCP and other bylaws, flood plain, soil stability, access and impact on road network, environmental impact and history/cultural heritage.
4. Contaminated Sites Legislation which became effective April 1, 1997 requires that **in some cases** a Site Profile must be submitted to the Municipality, assessed by the Ministry of Environment, and Ministry approval received before a zoning amendment can be approved. City staff will advise whether or not a Site Profile is required. If required, submit the completed Site Profile form, along with a \$50 application fee to the Development Services Department.
5. A report is prepared by the Development Services Department providing background information on the application. The report usually includes a bylaw that amends the current Zoning Bylaw. The applicant may be required to submit additional information for technical review and presentation to City Council.
6. City Council receives the Development Services Department's report and either denies the application or proceeds to first and second reading of the bylaw which amends the Zoning Bylaw. If the amending bylaw is given first and second reading, Council will authorize the calling of a Public Hearing.
7. The application will usually be referred to the Advisory Planning Commission (APC) for their recommendation to Council regarding the proposed development. If an APC meeting is to be held the applicant is given the opportunity to attend and be heard.
8. If the proposed development is within 800 m of an intersection of a Controlled Access Highway, or if the subject property has a frontage on a Provincial Highway, the application is sent to the Ministry of Transportation and Highways for their approval.
9. The date, time and place of the Public Hearing is published in the local newspaper and notice is given to the property owners/tenants in occupation located within 60 m of the subject property.
10. Following input from the APC and the other agencies, and after the Public Hearing is held, the bylaw amending the Zoning Bylaw is either defeated or given third reading.
11. As soon as practical, the Zoning Amendment Bylaw is adopted by Council.
12. The applicant is notified of Council's decision. Subject to Section 895(3) of the Municipal Act, a re-application for an amendment that has been refused by the Council shall not be considered within a six month period immediately following the date of refusal.

ZONING BACKGROUND

What is Zoning?

The Municipal Council uses zoning as a method of directing growth and development within the community. The Zoning Bylaw zones properties for a specific range of permitted uses, densities, sitings and building forms.

The purpose of zoning is:

- \$ to maintain order, efficiency and harmony in the use of land in the community;
- \$ to establish and promote minimum standards for the convenience (such as parking spaces), and the welfare of the public;
- \$ to prevent overcrowding of land;
- \$ to secure adequate light, air and access;
- \$ to protect property values.

What is Rezoning?

Rezoning is the process of changing the zoning of property. A property owner may request a change in his or her property's zoning to allow a use or a density that could otherwise not be permitted under the present zoning. Zoning can only be changed by means of an amendment to the Zoning Bylaw, and a Public Hearing is required in the rezoning process.

The basis for rezoning decisions is the Official Community Plan (OCP). The OCP is a document which outlines the community's future land use goals and objectives.

Municipal Council can approve a rezoning application only if it conforms with the OCP. Therefore it is sometimes necessary to also amend the OCP.

Both Zoning Bylaw and OCP Bylaw amendments require a bylaw to be passed by Municipal Council.

What if my Application is rejected?

Where an amendment bylaw has been refused by the Council, the Clerk will notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

Subject to Section 895(3) of the Municipal Act, a re-application for an amendment that has been refused by the Council shall not be considered within a six (6) month period immediately following the date of refusal.

What about my Application fee?

A refund of the rezoning application fee or some portion thereof, as the case may be, shall be granted, without interest, to the applicant provided as follows:

- (i) One Hundred (\$100.00) Dollars of the application fee shall be withheld by the City if the application is withdrawn or declined by Council prior to Council passing a resolution that a Public Hearing be held on the application.
- (ii) No refund shall be granted after the Council has authorized by resolution that a Public Hearing be held regarding the application.

NOTE: This pamphlet is prepared for information purposes only and the City of Castlegar disclaims any liability arising from reliance on information contained in this guide. This pamphlet is not a procedures manual pursuant to Section 895 of the Municipal Act.

ZONING BYLAW AMENDMENTS

FLOW CHART

ESTIMATED TIME

