



# CASTLEGAR

## 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 for a fee of \$10 + HST. The bylaw may also be viewed on the Internet at [www.castlegar.ca/bylaws.php](http://www.castlegar.ca/bylaws.php)

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

Zoning Amendment Application Fee	\$600.00 <i>plus advertising costs</i>
Zoning Bylaw Amendment with OCP Amendment	\$815.00 <i>plus advertising costs</i>

For additional information please contact:

THE CITY OF CASTLEGAR  
460 Columbia Avenue  
Castlegar BC V1N 1G7  
Phone: (250) 365-7227  
Fax: (250) 365-4810  
E-Mail: [devserv@castlegar.ca](mailto:devserv@castlegar.ca)

## 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 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 Director of Corporate Services will notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

Subject to Section 895(3) of the Local Government 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 Local Government Act.

**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 800m 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 60m of the subject property.

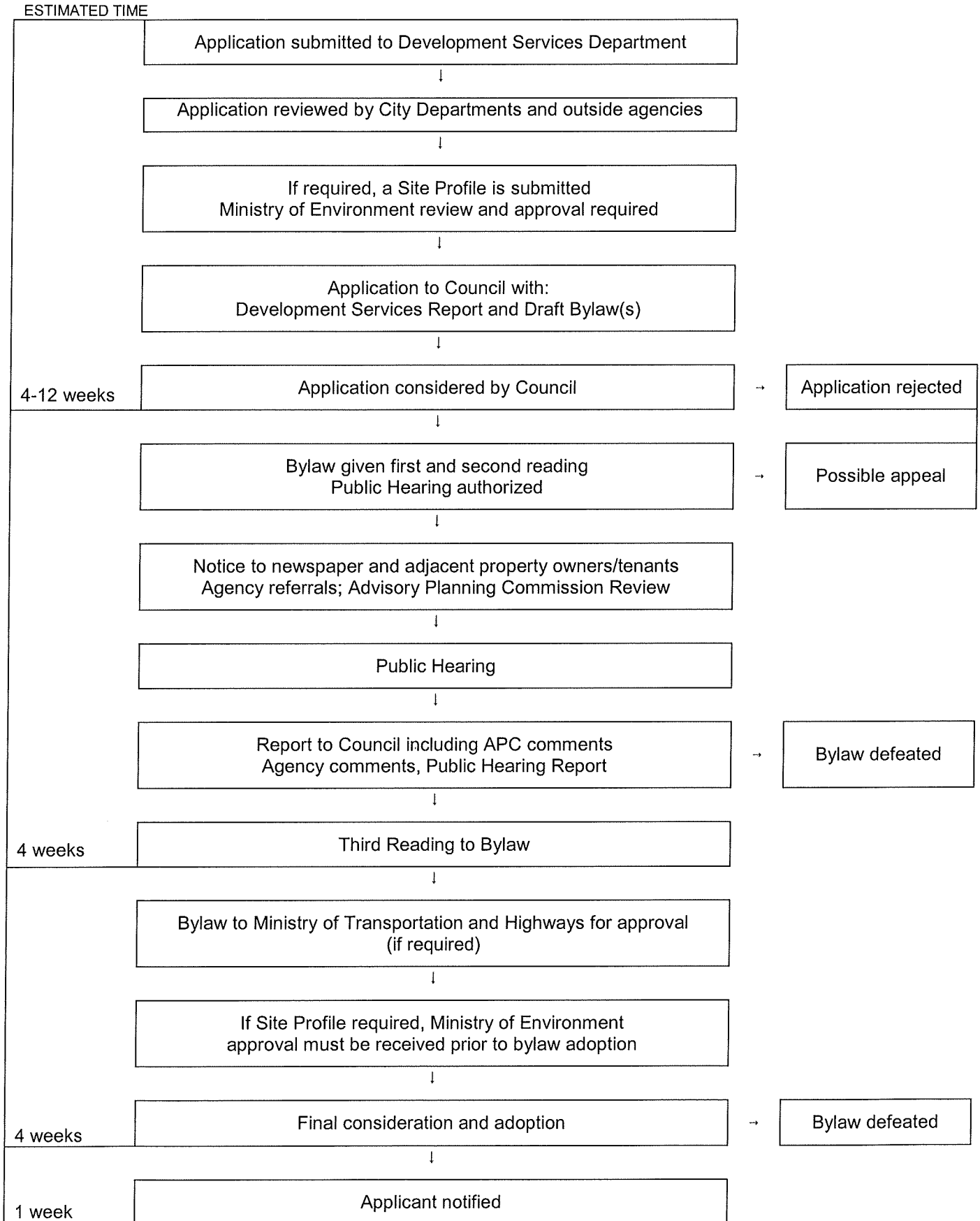
10. Following input from the APC and other agencies, and after the Public Hearing is held, the bylaw amending the Zoning Bylaw is either defeated or given third reading.

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 Local Government 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 BYLAW AMENDMENTS

## *FLOW CHART*





# CASTLEGAR

## DEVELOPING IN CASTLEGAR

### A General Guide to Obtaining Municipal Approvals

#### **A Partnership Approach**

The City of Castlegar encourages development... each new development adds to the community and helps make the future happen now. Development brings jobs, people, facilities, well-being and greater community security.

A partnership between you and the municipality can ensure that your development is a positive contribution to Castlegar, as well as a benefit to you. Municipal staff are trained to answer your questions, to tell you what requirements you will be expected to meet and, in general, to help you make an application which will be successful.

#### **So you want to develop...?**

If you are thinking of developing your property, this brochure will explain how to go about it, why certain things must be done, and where you can get more information. It is a general guide only, meant to help you get started "on the right foot" and is not meant to replace Bylaws or other legal documents. It will be of help if you want to:

- subdivide land;
- change how the land is used;
- request relaxation of development standards and requirements;
- and other land development applications.

#### **Why are Approvals Needed?**

Everyone wanting to develop land in Castlegar, or to change the use of land, must obtain approval from the City of Castlegar. Municipalities across British Columbia are given the authority to plan for their future, and to ensure that all developments are compatible and consistent with the relevant plans and with certain standards designed to protect the overall well-being of the community.

#### ***This Guide deals with:***

- ***Why approvals are needed;***
- ***The general system of procedures;***
- ***Where to obtain additional information.***

#### **Doing Your Part**

To do your part in this partnership, you should first:

- read our brochures relating to your development;
- see if your ideas are acceptable, as far as the Official Community Plan and Zoning Bylaw are concerned, or
- consider modifying your ideas so your proposed development fits with community policies;
- find out what costs you will be expected to bear and the time required to get your proposal approved;
- consult with municipal staff early.

Once you have decided to proceed, you should submit an application. Please remember that the more information you can provide when you submit your application, the faster it will be dealt with by staff. Following these general procedures will help you get your proposal dealt with as quickly as possible.

*This guide is meant for guidance only and should not be construed by anyone as a right to a development approval if the steps indicated are followed.*

*Development requirements are set out in the Official Community Plan, the Zoning Bylaw, Subdivision and Development Bylaw, and other public documents. These bylaws were adopted by Council, after public hearings, and govern how Castlegar should develop in the future. Copies of these bylaws can be obtained or viewed at City Hall or on the Internet at*

<http://www.castlegar.ca/bylaws.php>

*Municipal staff will assist you in understanding the bylaws and the process of implementation.*

## General Procedures to Follow

### 1. Before you start, check the following:

- The zoning of your property

The Zoning Bylaw outlines the basic rules for development on your property, such as uses allowed, maximum height of buildings, maximum number of dwelling units, limits on amount of floor area, building setbacks, parking, etc.

- Official Community Plan (OCP) designation

The OCP outlines the range of uses intended for your area in the future. This plan should be checked especially when the use you want is not allowed within the present zoning regulations for your property. If that is the case then an OCP amendment is required. The OCP also outlines areas which require Development Permit approval.

- Services

All developments must be provided with sufficient services for sewage and storm water disposal, water, and roads at the developer's cost. Check what services are currently available and how much additional servicing your development may need.

### 2. Prepare your proposal

Depending on the magnitude of your development proposal, you may or may not need a consultant to prepare your proposal.

### 3. Make your application

The Development Services Department staff will assist you in filling out an application form. Enclose at least three (3) copies of your drawings. Submit your application fee with the accompanying documents.

### 4. Follow through on your application

How to follow through on your application depends on the type of application you are making and the procedure for that application. Read the appropriate brochure to determine the particular procedure for your type of application. Municipal staff will advise you of the process and timing required to accommodate your development.

## 8 Steps to Success

In order to reduce the time it requires to get your proposed development approved, we suggest you follow these 8 steps:

1. Consult with staff prior to submitting an application.
2. Submit a complete application with accurate information and the applicable application fee.
3. Familiarize yourself with the review process involved with your particular application.
4. Make a note of the "average processing time" for your type of application, and expect that it may take at least that long for yours to be processed.
5. Keep a record of approvals, correspondence and decisions from meetings so you know the status of your application and if there are further items which you must provide.

6. It does not hurt for you to follow up with outside agencies on the status of your application. Check with the Development Services Department for the contact person in the outside agency, the file number, and when the referral was made.
7. Remember that, in most cases, (except subdivision approval) your application will be considered by City Council, and they will decide whether to give it approval or not. Staff will do all they can to help process your application, but we can only advise you and Council. Council has the responsibility to make the decision.
8. Be patient...all applications are dealt with on a "first come/first served" basis and there will be applications ahead of yours. City Council is very receptive to holding special meetings in order to expedite applications.

**For further information contact:**

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 Development Services Department  
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