

Zoning Amendment

A guide to rezoning property

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Okanagan

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What is the Zoning
Bylaw?

How is a zone
changed?

What is the
amendment
process?

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This Guide explains:

- The purpose of the Zoning Bylaw
- Zoning amendment applications
- The amendment process
- Commonly asked questions

What is the Zoning Bylaw?

There are several bylaws the Regional District uses to reflect the communities' goals and objectives. One of these is Zoning Bylaw No. 871, 2000. The purpose of a zoning bylaw is to group compatible land uses together and provide regulations that manage those uses.

The zoning bylaw provides the community with:

- The types of land uses in the Regional District (Joe Rich area not included), and
- Regulations for setbacks, height, parking, buffering, fencing etc. that will manage those uses.

The zoning bylaw is comprised of mapping and text. The mapping outlines the zone on all properties in the Regional District and the text provides a list of permitted uses for each zone (such as residential, commercial, or industrial). Each zone also has a set of regulations (such as the number of residential units permitted, building height, or setbacks).

How is a zone changed?

To change from one zone to another (from one set of permitted land uses to another) requires a zoning amendment application to the Regional District.

What is the amendment process?

The Local Government Act regulates the process for a zoning amendment application. A summary of the process is outlined on a flow chart in this brochure.

Included in the process are public notification, public hearing, and four (4) opportunities for consideration of the application by the Regional Board (called 'readings'). The application is approved when given fourth and final reading.

It is important to remember that submitting an application does not guarantee approval.

Do Official Community Plans affect zoning amendments?

An Official Community Plan (OCP) is a bylaw of policies providing a framework for making land use decisions. The Regional District has three (3) OCPs and most areas are covered by one of them. The policies of an OCP are used in evaluating applications and reviewing proposed changes in land use. All development must conform to the relevant policies of the applicable OCP.

If the requested zoning amendment does not conform to the OCP for the area, an OCP bylaw amendment application will also be required. Both applications may proceed simultaneously.

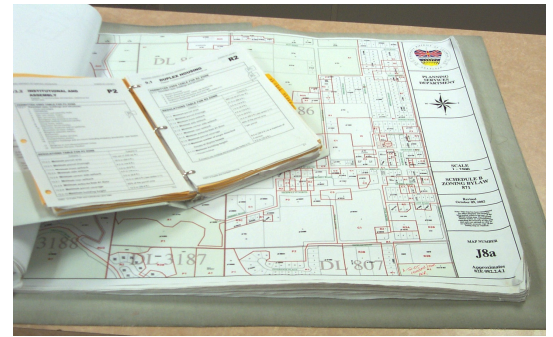
It is important to remember that an OCP reflects the objectives of the community and is the result of a long process involving considerable public input. An application to change a designation in the OCP will be carefully considered in light of the overall policies and objectives of the OCP.



How is a zoning amendment application made?

The Development Services Department has application packages that outline the required information, drawings, and fees. It is important to make an appointment with planning staff before submitting a formal application. Staff will be pleased to review requirements and provide information. This will ensure a complete application and prevent unnecessary delays.

If the Regional Board defeats an application, there is a 6-month waiting period before an applicant can re-apply.



What are the application costs?

The cost of a zoning amendment application can vary greatly depending upon the complexity of the application. Some typical costs are:

- The application fee. Please refer to the "Application Fee Schedule"
- Any document/plans necessary to complete application requirements, such as legal surveys, site plans, etc.
- Any professional reports or information required by the Development Services Department or the Regional Board
- Assessment of offsite requirements such as road improvements, drainage issues or fire fighting needs
- Any legal fees such as legal interpretation, or the registering of amendments or restrictive covenants on the title of the subject property

How long does the application process take?

Regional District staff does their best to ensure that applications are dealt with in a timely manner. Most typical applications take approximately 6 to 8 months to proceed through the evaluation and approval process. More complex applications may take up to 12 months.

Additional information may be requested at any time during the process and the application cannot proceed before that information is provided. An applicant can considerably reduce any delays by supplying prompt replies with complete information.

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Do Official Community Plans affect applications?

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What are the application costs?

How long does the application process take?

What advisory groups does the Regional District have?

The Regional District has three (3) advisory groups, which provide comments on the various applications/referrals. These comments are considered in any decision made by the Regional Board.

Members of an advisory group are appointed by the Regional Board based on their background of civic activity, interest or expertise.

Applications may be referred to one or more of the following advisory groups:

- Advisory Planning Commission
 - Central Okanagan East
 - Central Okanagan West
- Agricultural Advisory Committee
- Environmental Advisory Committee

Applicants are informed when their application is being reviewed by an advisory group. Applicants have the right to speak and be heard at these meetings.

What is the role of the Ministry of Transportation?

Ministry of Transportation & Infrastructure (MoT) is responsible for all public roads within the Regional District (except on First Nation land or the incorporated areas of Peachland, Kelowna, and Lake Country).

This means that MoT has an important role in zoning amendment applications and meeting their requirements is important. The Ministry can be contacted at:

Ministry of Transportation & Infrastructure
#300 – 1358 St. Paul Street
Kelowna, B.C. V1Y 2E1
Phone (250) 712-3660

or

Ministry of Transportation & Infrastructure
4791 – 23rd Street
Vernon, BC V1T 4K9
Phone (250) 503-3664

(Vernon MoT is responsible for properties in the general vicinity of Caesars Landing and north up to and including Westshore Estates)

The Rezoning Process

Discuss the proposal with Planning staff

Submit a complete application

Application reviewed

Staff, relevant government agencies, and the Advisory Planning Commission (plus other applicable advisory groups) are asked to provide comments. Planning staff then prepares a report to the Regional Board.

Public Notification

The applicant is required to place a notification sign(s) on the property. Prior to Public Hearing the RDCO notifies the community through ads and letters.

Consideration of 1st reading by the Regional Board

At first reading the Regional Board may:

- Not approve the bylaw,
- Defer and request more information, or
- Give first reading to the bylaw. The Regional Board may require certain conditions be met before setting a date for the public hearing.

Public hearing

An official public hearing provides the opportunity for the public and the applicant to present their comments to the Regional Board.

Consideration of 2nd and 3rd readings by the Regional Board

The Regional Board may:

- Not approve the bylaw,
- Give further reading(s) to the bylaw. The Regional Board may require that certain conditions be met prior to further consideration.

Consideration of 4th and final reading

This is the final step in the process. Granting of fourth reading means that the amendment is officially changed.

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What advisory groups does the Regional District have?

What is the role of the MoT?

The amendment process flowchart

For more information...

For more information, please contact planning staff at the Development & Environment Services Department at (250) 469-6227. We will be pleased to help you and answer any questions that you might have.

This brochure is to be used in conjunction with our other informational brochures and as an aid in discussions with staff. It is general in nature, and is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.

This brochure does not apply to incorporated areas within the Regional District of Central Okanagan such as Peachland, Kelowna, or Lake Country, nor does it apply to First Nation land.

You should always refer to the official copies of the Official Community Plans, Zoning Bylaw, Subdivision and Development Bylaw and other formal Regional District documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

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How to find more information