



BYLAW 906

PROCEDURES BYLAW

This Bylaw has been consolidated for convenience only and includes all amendments to the text up to:

August 6, 2009

Regional District of Okanagan-Similkameen

PROCEDURES BYLAW NO. 906

A Bylaw to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw or to issue a Permit under Part 29 of the Municipal Act.

WHEREAS the Regional Board has adopted Official Community Plans, Zoning Bylaws and Rural Land Use Bylaws;

AND WHEREAS the Regional Board has designated areas within which Temporary Commercial and Industrial Permits are required;

AND WHEREAS the Regional Board shall, under Section 954(1) of the Municipal Act, by bylaw establish procedures to amend a plan, bylaw or issue a permit;

NOW THEREFORE the Regional Board of the Regional District of Okanagan-Similkameen in open meeting assembled HEREBY ENACTS AS FOLLOWS:

Title

1. This bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Procedures Bylaw No. 906, 1986"

Scope

2. This bylaw shall apply to the following:
 - (1) Amendments to:
 - (a) an official community plan;
 - (b) a zoning bylaw; and
 - (c) a rural land use bylaw.
 - (2) Issuance of:
 - (a) development variance permits; and
 - (b) temporary commercial and industrial permits.

Application

3. (1) Applications for an amendment or a permit shall be made by the owner of the land involved or by a person authorized by the owner.

- (3) Applications for amendments or permits shall be made to the Planning Director or the Regional District and shall contain:
 - name of applicant
 - name of registered owner
 - legal description
 - general location
 - present zoning and community plan designation
 - proposed amendment or type of permit being sought
 - description of existing use
 - description of proposed use
 - services available, and
 - reasons or comments in support of the application.

"Section 4 deleted and replaced by authority of Bylaw No. 1584, as adopted by the Regional District Board on March 16, 1995."

"Section 4.1(ii) is deleted and replaced by authority of Bylaw No. 2042, as adopted by the Regional District Board on January 4, 2001."

Notice

- 4.1 Notice of a public hearing on the adoption or amendment of a plan or bylaw or notice that the Regional Board proposes by resolution to issue a permit, shall be mailed to owners and tenants in occupation of all parcels:
 - (i) within the area that is the subject of the bylaw, plan or permit; and
 - (ii) within a distance of 200 feet (60 metres) from the land that is the subject of the bylaw, plan or permit.

"Section 4.2 is deleted in its entirety by authority of Bylaw No. 2042, as adopted by the Regional District Board on January 4, 2001."

"Section 4.2 is added by authority of Bylaw No. 906.03, as adopted by the Regional District Board on November 2, 2006."

- 4.2 On parcels subject to an amendment to an official community plan, zoning or rural land use bylaw, a sign shall be placed on the subject property at least 10 days prior to the Board meeting to consider the application, and in accordance with the Notice of Development Sign Requirements as set out in Schedule 'A' of this bylaw.

"Section 5 amended by authority of Bylaw No. 1584 as adopted by the Regional Board on March 16, 1995."

Fee

5. At the time of application for an amendment or permit, the applicant shall pay to the Regional District an application fee in the amount as set out in the Schedule 'B' of this Bylaw.

"Sections 6 to 10 inclusive rescinded and replaced by authority of Bylaw No. 1565 as adopted by the Regional District Board on January 19, 1995."

Process

6. Every application shall be processed by the Planning Director of the Regional District who shall present a report to the Regional Board for its consideration. The report shall contain details of the application and of the proposed amendment or permit and any additional relevant information.

Amendments – Approval or Refusal

7. The Regional Board may, upon receipt of the report under Section (6) of this bylaw, proceed with an amendment bylaw; reject the application and not proceed with an amendment bylaw; or postpone readings to an amendment bylaw, pending the receipt of additional reports or information.
 - (1) Notwithstanding Section (7) of this bylaw, the Regional Board may, by resolution, agree to postpone giving consideration to individual amendments to Official Community Plans or Rural Land Use Bylaws upon completion of any major review that the said bylaw may be undergoing at the time of the request.
 - (2) Notwithstanding Section (7) of this bylaw, an Official Community Plan or Rural Land Use Bylaw may be considered for amendment at such time(s) as may be specifically noted within the respective bylaw. The time(s) noted within the respective Official Community Plan or Rural Land Use Bylaw shall hereby supersede the provisions outlined in Section (7) of this bylaw.

Permits – Issuance or Refusal

8. The Regional Board may, upon receipt of the report under Section (6) of this bylaw:
 - (a) authorize the issuance of the permit;
 - (b) authorize the issuance of the proposed permit as amended by the Regional Board in its resolution;
 - (c) refuse to authorize the issuance of the permit.

Refusal – Amendment and Permits

9. Where an application, amendment bylaw or a permit has been refused by the Regional Board, the Planning Director shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal and shall give reasons for the refusal.

Reapplication

10. Subject to Section 954 (3) of the Municipal Act, reapplication for an amendment or permit that has been refused by the Regional Board shall not be considered within a six (6) month period immediately following the date of refusal.

READ a FIRST time this 24th day of July, 1986.

READ a SECOND time this 24th day of July, 1986.

READ a THIRD time this 24th day of July, 1986.

RECONSIDERED AND ADOPTED this 24th day of July, 1986.

Chairman

Secretary

*"Schedule 'A' added by authority of Bylaw No. 1584 adopted by the Board March 16, 1995."
Schedule 'A' replaced by authority of Bylaw No. 1176 adopted by the Board Dec. 13/90.
Schedule 'A' replaced by authority of Bylaw No. 1308 adopted by the Board Apr. 16/92.
Schedule 'A' replaced by authority of Bylaw No. 1491 adopted by the Board May 19/94.
Schedule 'A' changed to Schedule 'B' by authority of Bylaw No. 1584 adopted by the Board March 16, 1995.
"Schedule A (Notice of Development Sign Requirements) is deleted by authority of Bylaw No. 2042, as adopted by the Regional District Board on January 4, 2001."
Schedule 'A' added by authority of Bylaw No. 906.3 adopted by the Board November 2, 2006*

SCHEDULE 'A'

NOTICE OF DEVELOPMENT SIGN REQUIREMENTS

For Rural Land Use, Zoning and Official Community Plan Bylaw Amendments

Specifications:

These requirements and a Notice of Development Sign Format Sheet will be attached to applications for a rural land use bylaw amendment, zoning bylaw and/or official community plan bylaw amendment. The Notice of Development sign(s) shall be 1.2 metres x 1.2 m. in size and constructed of 1.3 cm. (1/2 inch) plywood or other durable material with a white background and black letters. The Format Sheet specifies the requirements regarding the materials and format of the Notice of Development sign(s).

Installation:

All Notice of Development signs must be installed in a sound manner. Signs must be capable of withstanding wind and weather. The sign board shall be located a minimum of 1.2 metres up from the ground and be securely fixed to the ground.

Location:

A Notice of Development sign shall be located on each road frontage of the site to inform the public about the nature and purpose of the application(s). Corner sites smaller than 1.0 hectare may be permitted to have only one sign. The sign(s) shall be located within 3 m. of the road frontage and at approximately the mid-point of the frontage of the subject property. The sign(s) shall be clearly visible from the road. No Notice of Development sign shall create a hazard or interfere with pedestrian or vehicular traffic, or obstruct visibility from roads, walkways or driveways.

Timing:

The sign(s) shall be installed on the site no less than ten working days before the Board considers the development application for a rural land use bylaw amendment, zoning bylaw and/or official community plan bylaw amendment.

Proof:

It is the applicants' responsibility to inform the Regional District with proof of installation that the sign has been erected on the property according to specifications: proof of installation consists of a photograph of the sign(s) located on the property (close-up photograph sufficient to read sign details, and distant photograph of sign(s) on site) or a signed affidavit sworn before a Commissioner.

All sign(s) shall remain in place continuously until the public hearing is held, and must be removed by the applicant within seven working days after the public hearing.

Posting:

It is the responsibility of the applicant to make, buy, or rent the sign(s) and to post the same. Failure to install the sign(s) according to these requirements will result in the postponement of consideration of the application. Any costs incurred by the Regional District for a delay for public notification or other, shall be the responsibility of the applicant.

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN
NOTICE OF DEVELOPMENT SIGN
FORMAT SHEET

**NOTICE
OF
DEVELOPMENT** *[7.6cm (3")]*

SUBJECT PROPERTY: *[3.8cm (1 1.2")]*

DEVELOPMENT PROPOSAL: *[3.8cm (1 1.2")]*

FROM: *[3.8cm (1 1.2")]*

TO: *[3.8cm (1 1.2")]*

ADDITIONAL INFORMATION: *[3.8cm (1 1.2")]*

FOR FURTHER INFORMATION CONTACT *[2 cm (0.75")]*

PLANNING SERVICES *[3.8cm (1 1.2")]*

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

1-877-610-3737 or 250-490-4107 or planning@rdos.bc.ca

[3.8cm (1 1.2")]

Notice of Development Sign Specifications:

Sign material: 1.3 cm (½") plywood or durable material
Sign size: 122 cm X 122 cm (48" X 48")
Sign lettering: black enamel paint or black vinyl block lettering
(e.g., Arial or Helvetica)
Lettering size: as noted in *italics* above on Sign Format Sheet

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN
AFFIDAVIT FOR THE INSTALLATION OF
NOTICE OF DEVELOPMENT SIGN(S)**

I, _____ of _____
(name in full) (address)

HEREBY CERTIFY that I did post _____ Notice of Development Sign(s) for
(number of signs)

the property described as _____
(legal description)

in accordance with requirements of the Regional District Okanagan-Similkameen

on the _____ day of _____, 2_____

at _____ a.m./p.m.

SWORN before me at _____ B.C.

This _____ day of _____, 2_____

Signature of Applicant

Commissioner for taking Affidavits
In the Province of British Columbia

SCHEDULE 'B'

APPLICATION FEES

1. For Amendment to a Plan, Bylaw or Land Use Contract:

- | | | |
|-----|--|------------|
| (a) | Official Community Plan | \$ 1000.00 |
| (b) | Rural Land Use Bylaw | \$ 1000.00 |
| (c) | Zoning Bylaw | \$ 1000.00 |
| (d) | Joint Official Community Plan and Zoning Bylaw | \$ 1500.00 |
| (e) | Land Use Contracts | \$ 1000.00 |
- (f) 50% of the application fee for amendments to Plans or Bylaws listed in Section (a) to (e) inclusive shall be refunded, provided the application is withdrawn by the applicant, or is denied by the Regional District Board of Directors, prior to the Regional District incurring expenses towards public notifications of an information meeting or a public hearing.
- (g) In addition to the application fees outlined in sub-sections 1(b) (c) and (e) above, the applicant shall pay a fee of \$25.00 per dwelling unit and/or parcel in excess of four (4), as permitted within the proposed zone or land use designation.

2. The number of dwelling units and/or parcels outlined in sub-section 1 (g) shall be determined by either using the maximum density of dwelling units permitted per hectare of land in the proposed zone or designation, or by dividing the area of the land proposed to be redesignated or zoned by the minimum parcel size requirement of the proposed zone or designation, whichever yields the greatest number.

3. Examination Fees for the Subdivision of Land:

Section 3 (a) and (b), Schedule 'B' Application Fees deleted and replaced with the following by authority of Amendment Bylaw No. 906.01, adopted February 9, 2006.

- | | | |
|-----|---|-----------|
| (a) | Subdivision Administration Fee | \$ 300.00 |
| (b) | Simple lot intended to be created | \$ 100.00 |
| (c) | Strata lot/unit intended to be created | \$ 50.00 |
| (d) | Boundary Adjustments, per lot altered | \$ 25.00 |
| (e) | Revision of subdivision referrals, each | \$ 150.00 |

Amended by authority of Bylaw No. 1565 adopted by the Board Jan. 19/95.

4. For Permits:

- | | | |
|-----|---|-----------|
| (a) | Development Permit | \$ 600.00 |
| (b) | Development Variance Permit | \$ 400.00 |
| (c) | Temporary Commercial or Industrial Permit | \$ 700.00 |

Section 4 (d) deleted and replaced with the following by authority of Amendment Bylaw No. 906.02, adopted February 9, 2006.

Section 4(d) amended by the authority of Amendment Bylaw No. 906.04, adopted August 6, 2009.

- | | | |
|-----|-------------------|-----------|
| (d) | Board of Variance | \$ 800.00 |
|-----|-------------------|-----------|
- (e) 50% of the Permit application fees listed in Section 4 (a) to 4 (c) inclusive, shall be refunded if the application is withdrawn prior to the Regional District incurring expenses towards public notification or holding an information meeting.