



REGIONAL DISTRICT OF NORTH OKANAGAN

BOARD of DIRECTORS MEETING

Wednesday, May 16, 2012

4:00 pm

PUBLIC HEARING AGENDA

A. CALL PUBLIC HEARING TO ORDER

B. INTRODUCTION OF BYLAWS

1. Zoning Bylaw Text Amendment

WIEBE, John and Susan [11-0136-B-RZ]

- Staff report dated April 23, 2012

Bylaw 2542, 2012 – Rezoning

Purpose: to amend the text of the Residential Two Family Zone [R.2] of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to allow a tractor dealership and the manufacturing of lumber marking machines on the property legally described as Lot 1, Sec 23, Twp 8, ODYD, Plan 12429 Except Plan H17039 and located at 7575 Highway 97, Electoral Area “B” be considered for Third Reading.

C. PUBLIC PRESENTATIONS

D. CLOSE PUBLIC HEARING



**REGIONAL DISTRICT
of
NORTH OKANAGAN**

REPORT

File No.: 11-0136-B-RZ

TO: Board of Directors
FROM: Planning Department
DATE: April 23, 2012
SUBJECT: Zoning Bylaw Text Amendment No. 2542, 2012 [Wiebe]

RECOMMENDATION:

That following consideration of comments received at the Public Hearing, Zoning Bylaw Text Amendment No. 2542, 2012 which proposes to amend the text of the Residential Two Family Zone [R.2] of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to allow a tractor dealership and the manufacturing of lumber marking machines on the property legally described as Lot 1, Sec 23, Twp 8, ODYD, Plan 12429 Except Plan H17039 and located at 7575 Highway 97, Electoral Area "B" be considered for Third Reading.

BACKGROUND:

At the Regular Meeting of April 18, 2012 the Board of Directors gave First and Second Readings to Zoning Bylaw Text Amendment No. 2542, 2012 and also resolved to forward the Bylaw to a Public Hearing. The Board also resolved that Adoption of Zoning Bylaw Text Amendment No. 2542, 2012 be withheld until the owners satisfy the following conditions:

1. registration of a Section 219 Restrictive Covenant against the title of the property limiting the use of the property to farm equipment sales (including service) and manufacturing of lumber printing machines; to restrict the use of the property to a use that does not exceed a maximum daily sewage flow of 1400 litres per day; and requires the owners hook up to sewer once the City of Vernon implements a sewer system in the area;
2. that a holding tank or an engineered septic system be placed on the property;
3. satisfying the conditions of Greater Vernon Water Utility; and
4. obtaining the required approvals of Development Permits (or Development Permit with Variances) for the proposed development.

The applicant has submitted a Development Notification Certificate which confirms that on April 19, 2012, a Development Notice was posted on the subject property in accordance with the *Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008*. The Public Hearing for the application and associated Bylaw has been advertised in the local newspapers and the adjacent land owners have been notified by letter of the Public Hearing, all in accordance with the Regional District Development Application Procedures and Administrative Fees Bylaw and the provisions of the *Local Government Act*.

DISCUSSION:

No conditions were associated with forwarding this application to a Public Hearing. The Planning Department recommends that upon consideration of comments received at the Public Hearing, Zoning Bylaw Text Amendment No. 2542, 2012 be considered for Third Reading. Once the Board's conditions have been satisfied and the Ministry of Transportation and Infrastructure endorses the bylaw, Bylaw 2542 can be considered for Adoption.

SUMMARY:

As the applicant has addressed the conditions that are required to be met prior to Public Hearing of Zoning Bylaw Text Amendment No. 2542, it is recommended that upon consideration of comments received at the Public Hearing, Bylaw No. 2542 be considered for Third Reading. Adoption of Bylaw No. 2542 will be withheld until the applicant has fully satisfied the Board's conditions of approval of this application and Bylaw No. 2542 has been signed by the Ministry of Transportation and Infrastructure.


Submitted by:




Jennifer deGroot, B.Sc.
Planning Assistant

Approved For Inclusion:

Endorsed by:

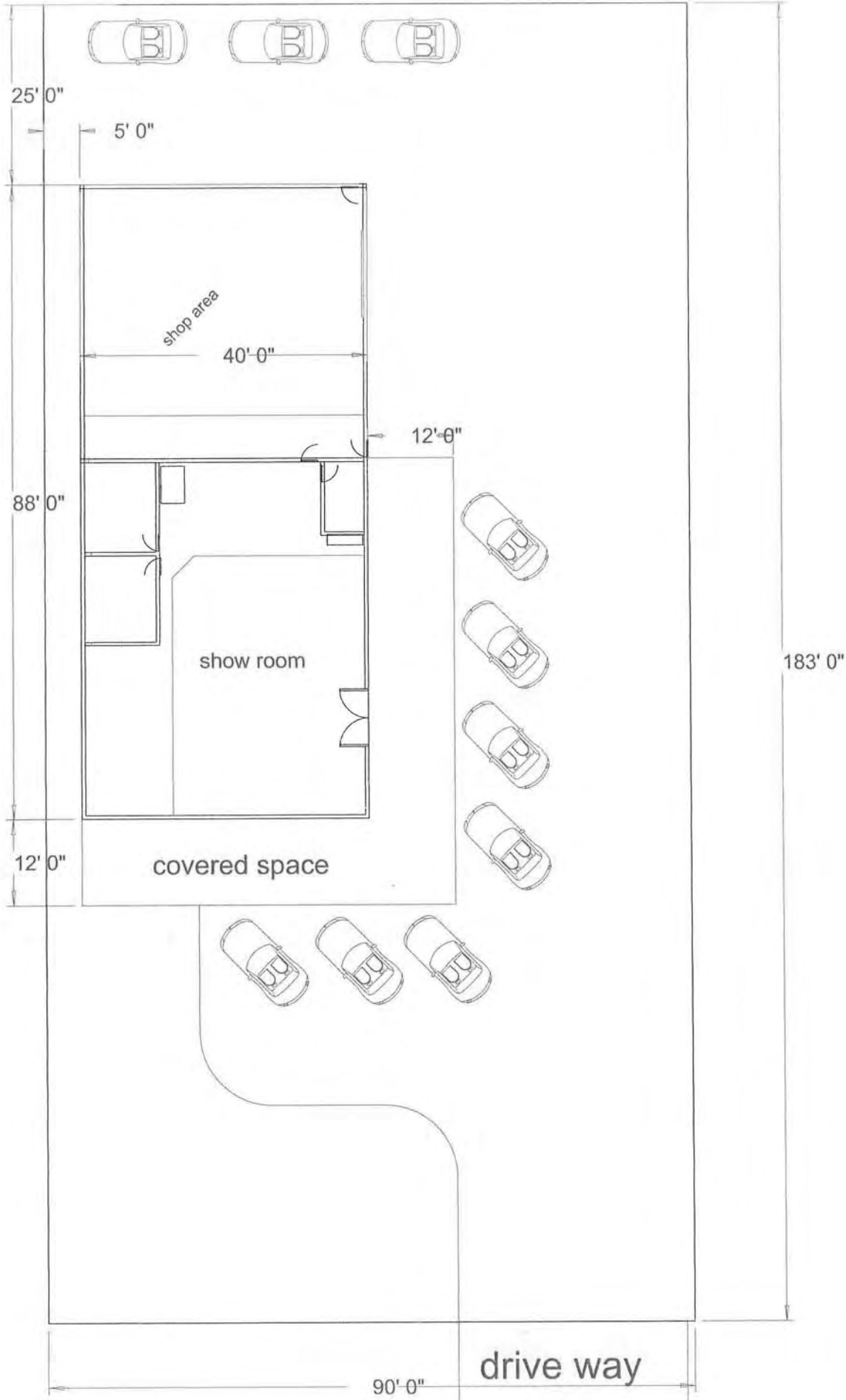


Rob Smailes, MCIP
General Manager, Planning and Building



Trafford Hall, Administrator

PROPOSED



REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2542

A bylaw to amend the text of Zoning Bylaw No. 1888 to allow farm equipment sales (including service) and manufacturing of lumber marking machines as a permitted use on the subject property

WHEREAS pursuant to Section 903 [Zoning bylaws] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888 being the "*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*" and amendments thereto;

AND WHEREAS, pursuant to Section 895 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto*" to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

AND WHEREAS the Board is desirous to amend the text of Zoning Bylaw No. 1888 to allow farm equipment sales (including service) and manufacturing of lumber printing machines as a permitted use on the subject property;

NOW THEREFORE, the Board of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

GENERAL:

1. This Bylaw may be cited as "**Zoning Bylaw Text Amendment No. 2542, 2012**".

TEXT AMENDMENTS:

2. Amend Division Seven, Section 702, Residential Two Family Zone (R.2) of Zoning Bylaw No. 1888, 2003 by adding the following:

702.10.d Subject to the regulations in Section 504, Service Commercial Zone (C.4) of this bylaw, farm equipment sales (including service) and manufacturing of lumber marking machines shall be permitted on the property legally described as Lot 1, Section 23, Township 8, O.D.Y.D, Plan 12429 Except Plan H17039 and located at 7575 Highway 97, Electoral Area "B".

Read a First and Second time

this 18th day of April, 2012

Advertised on

this 9th day of May, 2012, and
this 11th day of May, 2012

Public Hearing held pursuant to the provisions of
Section 890 of the *Local Government Act* on

this 16th day of May, 2012

Read a THIRD Time

this day of , 2012

**APPROVED by Ministry of
Transportation & Infrastructure**
(Transportation Act, Sec. 52(3))

this day of , 2012

ADOPTED

this day of , 2012

Chair

Corporate Officer