COUNCIL REPORT

Date: October 14, 2015
From: Lisa Berg, Senior Community Planner
Subject: Temporary Use Permits

RECOMMENDED THAT:

1. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4854, 2015" to establish regulations regarding temporary use permits be read a first time;

2. Proposed "Development Procedures Bylaw No. 3984, 1996, Amendment Bylaw No. 4827, 2015" to establish procedures regarding temporary use permits be read a first time; and

3. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4854, 2015" be presented at a public hearing scheduled for November 30, 2015 at 6:00 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give statutory notice of the scheduled Public Hearing.

Purpose

The purpose of this report is to:

- provide information to Council on Temporary Use Permits;
- give first reading to a zoning bylaw amendment that would establish regulations and give Council authority to consider a Temporary Use Permit; and
- give first reading to a procedures bylaw amendment that would establish procedures related to the processing of temporary use permits.

1.0 Background

1.1 Prior Resolutions – none.

1.2 History – not applicable.

2.0 Policy

2.1 Policy – There is no current policy regarding the issuance of temporary use permits.
2.2 **Bylaw**

Under section 920.2 of the *Local Government Act*, the Zoning Bylaw may designate areas where temporary uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas.

**3.0 Analysis**

3.1 **Discussion**

A Temporary Use Permit (TUP) is a mechanism by which a local government can allow a use that is not otherwise permitted in a zone by issuing a permit for up to three years, renewable for an additional three years.

A temporary use permit application process could allow requests to be considered on a case-by-case basis and would allow Council to establish conditions when issuing permits. It also has the advantage of keeping the underlying zoning intact.

The rationale for the District initiating this amendment includes:

- The Zoning Bylaw provides minimal, if any, flexibility for consideration of temporary uses or buildings;
- Establishing TUPs would streamline the process of consideration as Council would be able to issue them via resolution; and
- It would provide clarity for applicants, and guidance for planning staff and Council in assessing applications.

The District has been approached by potential applicants who wish to use land on a temporary basis (i.e. parking within commercial areas, a presentation sales centre, and a small independent school), but are unable to do so because of zoning restrictions. As the restrictions cannot be varied, the only options that presently exist for considering such requests are a site specific zoning amendment or broader amendments that would affect certain zones. Staff do not consider either option to be appropriate and believe a temporary use permit process a better way of considering such requests.

The attached draft bylaw amendments (Appendix A and B) would:

- Enable Council to issue a temporary use permit;
- Establish the criteria that Council may specify in the permit including: conditions regarding the days and hours of operation; the siting and form and character of any buildings or structures; parking requirements; land alteration; access; signage and advertising; and restoration of the land; and
• Ensure that temporary uses: operate at an intensity that is suitable to the surrounding area; be compatible with regard to the use, design and operation of the temporary use and the surrounding area; and that they operate on a temporary basis and measures (i.e. financial securities) are in place to deal with site remediation upon expiry of the permit.

3.2 Sustainability – not applicable.

3.3 Consultation

Should Council choose to consider first reading of the bylaws, District staff will make preparations for a Public Hearing and provide required notification to residents.

3.4 Communications Process – not applicable.

4.0 Options

(as recommended by staff)

A. Give first reading to the amending bylaws (Appendices A and B) and set November 30, 2015 as the date for the Public Hearing;

(or, alternatively)

B. Same as Option A, but set a different Public Hearing date; or

C. Provide different or modified direction (to be specified) and/or request additional information (to be specified); or

D. Reject the bylaws.

Author:

Lisa Berg, Senior Community Planner

Concurrence

Chris Bishop, Manager of Development Planning

Appendices:

A. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4854, 2015"
B. Proposed "Development Procedures Bylaw No. 3984, 1996, Amendment Bylaw No. 4827, 2015"
Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4854, 2015
(Temporary Use Permits)

Effective Date:
District of West Vancouver

Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 4854, 2015

A bylaw to provide for Temporary Use Permits within the municipality.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4689, 4701, 4680, 4710, 4697, 4716, 4712, 4737, 4726, 4736, 4757, 4752, 4767, 4787, 4788, 4784, 4772, 4791, 4805, 4809, and 4828.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for amendments to the Zoning Bylaw;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1  Citation

1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4854, 2015.

Part 2  Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3  Temporary Uses and Buildings

3.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 120 is amended by deleting section 120.15 ‘Restriction of Temporary Buildings’ and replacing it with section 120.15 ‘Temporary Uses and Buildings’:

(1) With the exception of temporary classroom buildings (i.e. "portable classroom") on sites zoned for school uses that are sited in accordance with the requirements for the applicable zone, the erection, construction and location of temporary buildings, structures and uses are prohibited except where expressly permitted by this Zoning Bylaw.
(2) The temporary use of permanent buildings or structures, and the erection or construction of temporary buildings or structures, or the use of the site for temporary uses may be permitted by a Temporary Use Permit in any zone:

(a) Subject to any conditions that Council may specify in the permit including conditions respecting:

(i) the permitted days and hours of operations;

(ii) the siting of any temporary building or structure or use;

(iii) the form and character of any temporary building or structure, including without limitation the particulars of landscaping and a landscape security and the size, dimensions, exterior design and the finish of the building;

(iv) the alteration of any land, including but not limited to tree cutting, vegetation removal, grading and retention;

(v) the provision of on-site parking spaces, including standards respecting size, surfacing and lighting of the spaces;

(vi) on-site signage and any advertising;

(vii) access to the site; and

(viii) the restoration and landscaping of the land, and that any buildings or structures have been removed, and the temporary use has been discontinued prior to or upon the expiry of the permit.

(b) When considering the issuance of a Temporary Use Permit, Council may consider that the temporary use will:

(i) operate at an intensity of use suitable to the surrounding area;

(ii) be compatible with regard to the use, design and operation of the temporary use with other surrounding land use; and
(iii) operate on a temporary basis only and includes plans, or a letter of undertaking, to terminate the use prior to the expiry date of the permit,

and that a financial security is in place to ensure that the temporary use is removed and the site is appropriately restored.

3.2 Zoning Bylaw No. 4662, 2010, Schedule A, Section 100, ‘Table of Contents’ is amended accordingly.

READ A FIRST TIME on

PUBLICATION OF NOTICE OF PUBLIC HEARING on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

______________________________
Mayor

______________________________
Municipal Clerk
Development Procedures Bylaw No. 3984, 1996,
Amendment Bylaw No. 4827, 2015
(Temporary Use Permits)

Effective Date:
District of West Vancouver

Development Procedures Bylaw No. 3984, 1996, Amendment Bylaw No. 4827, 2015

A bylaw to establish development procedures for temporary use permits.

Previous amendments: Amendment bylaws 4188, 4434 and 4806.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an amendment to the Development Procedures Bylaw;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Development Procedures Bylaw No. 3984, 1996, Amendment Bylaw No. 4827, 2015.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Scope

3.1 Development Procedures Bylaw No. 3984, 1996, section 1(b) “Scope” is amended by adding the following:

iv. a Temporary Use Permit.
Part 4 Amends Public Hearing and Meetings

4.1 Development Procedures Bylaw No. 3984, 1996, section 9 is amended by adding the words 'Temporary Use Permit' after the words 'Development Permit.'

Part 5 Amends Notification

5.1 Development Procedures Bylaw No. 3984, 1996 is amended by adding Section 15.1:

Notice of Council consideration of a Temporary Use Permit or renewal shall be given to owners and occupants of all parcels of land, any part of which is the subject of the application or is situated within 50 metres of the perimeter of the subject parcel.

Part 6 Amends Renewal

6.1 Development Procedures Bylaw No. 3984, 1996, section 17 is amended by inserting the words 'Temporary Use Permit' after the words 'Development Permit'.

6.2 Development Procedures Bylaw No. 3984, 1996 is amended by adding Section 19.1:

A Temporary Use Permit may only be renewed once.

Part 7 Amends Consideration

7.1 Development Procedures Bylaw No. 3984, 1996, Section 21 is amended by adding 'Temporary Use Permit' after the words 'Development Permit'.

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(iii) the form and character of any temporary building or structure, including without limitation the particulars of landscaping and a landscape security and the size, dimensions, exterior design and the finish of the building;

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3.2 Zoning Bylaw No. 4662, 2010, Schedule A, Section 100, ‘Table of Contents’ is amended accordingly.

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