



The Corporation of the Village of Silverton
421 Lake Avenue
Silverton, BC | V0G 1S0
Phone: 250-358-2472
Website: <http://www.silverton.ca>

PUBLIC HEARING AGENDA
December 10, 2024, 6:45 pm
Memorial Hall, 203 Lake Avenue, Silverton, BC

- 1. Open Public Hearing and Introduction of Bylaw**
- 2. Staff Report on Bylaw**
 - Bylaw #548, 2024
- 3. Representations from the public**
- 4. Close Public Hearing**

Attachments:

Staff Report on Bylaw #548, 2024 dated November 13, 2024
Bylaw # 548, 2024
Temporary Use Permit Application



REPORT TO COUNCIL

DATE: November 13, 2024
TO: Mayor & Council
FROM: Jonathan Schmidt, Planning Advisor
SUBJECT: Zoning Bylaw Amendment Bylaw No. 548, 2024
- Temporary Use Permit (TUPs)

Request for: Direction Decision Information

Recommendation:

THAT Council give first and second reading to Zoning Bylaw Amendment No. 548, 2024 to allow for the issuance of Temporary Use Permits (TUPs) within all zones of the Village of Silverton and direct Staff to schedule a public hearing.

Background:

The Local Government Act empowers municipalities to designate areas for temporary uses and to issue Temporary Use Permits (TUPs) to accommodate these activities. Presently, the Village of Silverton's Zoning Bylaw does not include provisions for such permits. This amendment would introduce the ability to issue TUPs, allowing for greater flexibility in accommodating temporary land uses currently not permitted within existing zones.

Introducing TUPs through this bylaw amendment provides an interim solution for short-term activities or projects while maintaining control over land use compatibility within the community.

Key Amendments

The proposed amendments to Zoning Bylaw No. 466-2011 include the following key changes:

1. Addition of a “**Temporary Use Permit**” to Part 2: **DEFINITIONS**, which allows a permit to be issued through the approval of Council for up to three (3) years.
2. Amendments to Part 4: **GENERAL REGULATIONS** to include conditions for reviewing and issuing TUPs.

3. Designating all zones for Temporary Use Permits, enabling flexibility in allowable uses across the district.

Discussion:

Allowing TUPs across all zones provides flexibility in managing temporary land uses without requiring rezoning amendments. It also enables testing new or experimental uses before considering long-term zoning changes. However, it should be used cautiously and carefully. While other permanent land uses are required to comply with the Village's Zoning Bylaw, TUPs can be issued in locations where a land use would otherwise not be permitted. If too many TUPs are issued and those land uses take on a permanent character, it can undermine the integrity of the Zoning Bylaw.

Prior to approving a TUP, Council should ensure the use meets the criteria set out in subsection (c) of the Bylaw amendment, which states:

- a) *Council may consider issuing a TUP where the following criteria has been assessed:*
 - (i) *The temporary use must operate at an intensity suitable for the surrounding area.*
 - (ii) *The temporary use is not for any Tourist Accommodation use in a Residential Zone.*
 - (iii) *There is adequate space on the Lot for the required off-street parking requirements.*
 - (iv) *The temporary use is compatible with the use, design and operation of the surrounding uses.*
 - (v) *The temporary will not negatively affect the surrounding uses or properties in terms of noise, lighting, parking, traffic or any health and safety impacts.*

Further, Council can place conditions on the permit to mitigate concerns or potential impacts to neighbouring properties. This can include, as per subsection (d), the following:

- (i) *Requiring the landowner to demolish or remove temporary structures, or restore the land by a date specified in the permit;*
- (ii) *Requiring security to guarantee the performance of the terms of the permit; and*
- (iii) *Limiting the permit duration to a maximum of three years, with an option for one renewal not exceeding an additional three years.*

The proposed evaluation criteria (cited above) ensures that temporary uses will not negatively affect surrounding properties, while the option to impose conditions offers additional safeguards for the community.

Council Strategic Priorities (alignment with):

Communication to the Public:

Should Council resolve to pass 1st and 2nd reading of this amendment, a public hearing will be required to gather input from residents before adoption. The hearing will allow the community to express support, concerns, or suggestions regarding the proposed changes to the zoning bylaw.

Options for Council's consideration:

Option 1: That Council give first and second reading to *Village of Silverton Land Use Amendment (Temporary Use Permits) Bylaw No. 548, 2024* and schedule a public hearing as required by the Local Government Act.

Option 2: No action is taken

Respectfully submitted for Council's consideration,

Jonathan Schmidt, Planning Advisor

Attachments:

1. Zoning Bylaw Amendment No. 548, 2024.
2. Temporary Use Application

VILLAGE OF SILVERTON,

421 Lake Avenue Silvertown, BC V0G 1S0 Phone 250-358-2472,
Fax 250-358-2472, Email: info@silvertown.ca

Official use only	
File no.	
Received Date:	
Receipt No:	

TEMPORARY USE PERMIT APPLICATION

Applicants are encouraged to consult with Planning Services staff before submitting an application. A pre-application meeting may be scheduled by providing the Planning Department with a detailed proposal summary and a concept plan of the proposed development.

APPLICANT:		OWNER (S):	
Name:		Name:	
Address:		Address:	
City/Town:		City/Town:	
Province:	Postal Code	Province:	Postal Code
Telephone contact:		Telephone contact:	
Email Address:		Email Address	

AGENT AUTHORIZATION	
If the registered owner(s) of the subject property elects to appoint a representative to act on their behalf in submitting this application, this section <u>must</u> be completed.	
As owner(s) of the land described in this application, I/we hereby authorize _____ to act as applicant in regard to this land development application.	
Signature of Owner:	Date:
Signature of Owner:	Date:

NOTICE OF COLLECTION OF PERSONAL INFORMATION:

The personal information on this form is being collected *in accordance with Section 26 of the Freedom of Information and Protection of Privacy Act (FIPPA)* and will be collected, used or disclosed only in a manner consistent with the administration of the Village of Silverton. If you have any questions about the collection, use or disclosure of this information, please us.

PROPERTY DESCRIPTION:

Civic Address:

Legal Description:

Lot: Plan: Block: District Lot: Section: Township:

OCP Designation: Zoning:

Surrounding land uses:

Current method of sewerage disposal:

Community Sewer Septic Tank Other

Current method of water supply:

Community Water Well Other

Any restrictive covenants registered on the subject property:

Yes No (if yes, provide details)

Any registered easements or rights-of-ways over the subject property:

Yes No (if yes, provide details)

Does the subject property possess a legal road access:

Yes No (if no, provide details)

Agricultural Land Reserve: Yes No

Riparian Area: Yes No

Environmentally Sensitive: Yes No

CURRENT LAND USE:

Provide a description of the current uses of the land and buildings found on the property (please attach as a separate sheet, as required):

PROPOSED TEMPORARY USE (*attach as a separate sheet*):

Describe the proposed temporary uses of the land and buildings.
Describe the time period required for the temporary use.
If the property is the subject of a lease, provide details of the lease.
Describe the reasons for the proposed temporary use.
Clearly describe any conditions that the proposed use will be limited to (such as floor area, affected land area, buildings to be used, parking, and hours of operation).

CESSATION OF TEMPORARY USE:

A Temporary Use Permit is not a substitute for an application to rezone a property. A Temporary Use Permit is only intended to allow for an activity over a limited period of time. At the conclusion of the Permit, it is intended that the temporary use will:

Cease.

Be moved to another site that is zoned (or designated) for that use.

During the time that the temporary permit is in effect, a rezoning application will be applied for in order to change the zone on the property, and therefore the site will be zoned (designated) to allow the use. If that application is unsuccessful and the temporary permit expires, the temporary use will be removed.

Other.

REQUIRED DOCUMENTATION

<input type="checkbox"/>	Certificate of Title	<p>A copy of the property title(s), issued no more than 30 days prior to the application date, must be submitted.</p> <p>Copies of titles can be obtained from the Land Titles Office, a Government Agent's Office, or through a notary, lawyer, or title search company.</p>
<input type="checkbox"/>	Location Map	<p>A map showing the area where the subject property is situated.</p>
<input type="checkbox"/>	Site Plan	<p>Drawn to scale and must include the following, if applicable:</p> <ul style="list-style-type: none"> • North arrow and scale • Property address, legal description, and PID (Parcel Identifier) • Dimensions and boundaries of property lines, rights of way, covenant areas, and easements • Location and dimensions of existing and proposed structures, including setbacks to parcel lines, rights of way, covenants, and easements • Location of existing access roads, driveways, parking spaces, pathways, screening, and fencing • Natural and finished grades of the site, including at buildings and retaining walls • Location of any physical or topographic constraints (e.g., watercourses, slopes, hazard areas) on or adjacent to the property • Location of all existing and proposed water lines, wells, septic fields, sanitary sewer, and storm drainage systems on or adjacent to the property.
<input type="checkbox"/>	Proposal Summary	<p>The summary must include:</p> <ul style="list-style-type: none"> • Proposed use of the property, including: <ul style="list-style-type: none"> ○ Location of the proposed use ○ Duration of operation (both periodic and total) • Remediation plan detailing how the property will be returned to its original or improved state, including: <ul style="list-style-type: none"> ○ Expected timeframe for remediation start ○ Ongoing monitoring plans, if required ○ Anticipated completion date for the remediation
<input type="checkbox"/>	Design Plans	<p>Temporary Use Permit Applications associated with a building that requires compliance with the BC Building Code should include the following (if applicable):</p> <ul style="list-style-type: none"> • Elevation drawings • Building sections • Floor plans
<input type="checkbox"/>	Landscape plans	<p>The drawing must be to scale and should include both the existing and proposed landscaping.</p>

- Additional material or more detailed information may be requested by the Village upon review of an application

DECLARATION:

I, the undersigned, hereby certify that the information provided with respect to this application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

Signature of Owner or Authorized Agent

Date

Print Name of Owner or Authorized Agent

VILLAGE OF SILVERTON

Bylaw Amendment No. 548, 2024

A Bylaw to amend Zoning Bylaw No. 466-2011

WHEREAS pursuant to the *Local Government Act*, Council may, by bylaw, amend the Zoning Bylaw;

AND WHEREAS the Council deems it desirable to amend the Village of Silverton "Zoning Bylaw No. 466-2011" to allow for the issuance of Temporary Use Permits (TUPs) across all zones;

AND WHEREAS section 492 of the *Local Government Act* authorizes a local government to designate to designate areas in a Zoning Bylaw for Temporary Use Permits;

NOW THEREFORE the Council of the Village of Silverton, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as the "**Village of Silverton Land Use Amendment (Temporary Use) Bylaw No. 548, 2024.**".

2. PART 2- DEFINITIONS is hereby amended to include:

"Temporary Use Permit (TUP)" means a permit that allows for the temporary use of land, buildings, or structures not otherwise permitted under the Zoning Bylaw. These permits may be issued for a period of up to three years from the date of approval by the Council.

3. PART 4- GENERAL REGULATIONS is hereby amended by adding the following to subsection 4.16

Temporary Use, Building and Structures

- a) Temporary buildings or structures incidental to the construction, maintenance, or alteration of a permanent structure for which a building or development permit has been issued may be placed in all zones, provided that:

- (i) The temporary structure meets all applicable building and fire regulation codes.
- (ii) The temporary structure is situated on the lot for which the building permit was issued.
- (iii) The temporary structure is removed within 30 days of the completion of the permanent facility or 12 months after its placement, whichever is the lesser period.
- (iv) The temporary structure is not used for residential purposes.

Temporary Use Permits (TUPs)

b) Pursuant to section 492 of the *Local Government Act*, all zones within the Village are designated as areas where TUPs may be issued.

c) Council may consider issuing a TUP where the following criteria has been assessed:

- (i) The temporary use must operate at an intensity suitable for the surrounding area.
- (ii) The temporary use is not for any Tourist Accommodation use in a Residential Zone.
- (iii) There is adequate space on the Lot for the required off-street parking requirements.
- (iv) The temporary use is compatible with the use, design and operation of the surrounding uses.
- (v) The temporary will not negatively affect the surrounding uses or properties in terms of noise, lighting, parking, traffic or any health and safety impacts.

d) Council may attach conditions to the permit, including but not limited to:

- (i) Requiring the landowner to demolish or remove temporary structures, or restore the land by a date specified in the permit;
- (ii) Requiring security to guarantee the performance of the terms of the permit; and
- (iii) Limiting the permit duration to a maximum of three years, with an option for one renewal not exceeding an additional three years.

4. This bylaw shall take effect upon the adoption by Council.

READ FIRST TIME this 13th day of November, 2024

READ SECOND TIME this 13th day of November, 2024

PUBLIC HEARING was held on the _____ day of _____, 2024

READ A THIRD TIME THIS _____ day of _____, 2024.

ADOPTED THIS _____ day of _____, 2024.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified to be a true copy of Bylaw No. XXX, XXX

This _____ day of _____, 2024

CORPORATE OFFICER