



Village of Port Clements
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Port Clements, BC V0T 1R0
Office: (250) 557-4295

TEMPORARY USE PERMIT PROCESS

Land Development Application Form Policy Schedule C

The Village of Port Clements is divided into designated land use categories or 'zones', pursuant to the Zoning Bylaw No. 444, 2024. The zoning bylaw sets out the regulations for development, including specifications for permitted uses, lot size and density, siting, setbacks, height or dimensions of buildings, parking regulations, screening provisions, sign regulations, frontage requirements, servicing, etc.

The Land Development Application Procedures Bylaw No. 476, 2022, establishes the processes that will be followed for land development applications. **A Temporary Use Permit authorizes a temporary commercial or industrial use that is not otherwise permitted in a Zoning Bylaw, without the need for a Zoning Amendment due to the temporary nature.**

Authority to approve Temporary Use Permits is granted to the Council under the *Local Government Act*. For most applications, the process is as follows (please note that these timeframes are approximate and that more complex applications can take up to 12 months or longer). Conditions of Temporary Use Permits are binding on all existing and future property owners during the period specified in the permit.

STEP 1 - Pre-Application Meeting

This initial discussion with staff to review your intentions is your opportunity to seek more information and determine whether you will need complete an application for a Temporary Use Permit. To make the best use of your time, provide a sketch plan and prepare specific questions in advance. Be prepared and knowledgeable about your proposed land use. The more information gathered before applying, the more efficiently the process is likely to run.

Staff may suggest changes to the proposal, or explain the process for applying for a Development Variance Permit, a Development Permit, a Temporary Use Permit, Preliminary Subdivision Approval, or amending the OCP and/or Zoning Bylaws as appropriate.

STEP 2 - Application Submission

If you want to use your property temporarily (up to 3 years) for a commercial or industrial use that does not comply with zoning requirements, you may apply for a Temporary Use Permit to seek approval. Included in the Application form is a checklist outlining required documents and plan criteria that must accompany your submission. Incomplete applications will not be accepted. Applications that are inactive for a period of 18 months may be closed at the discretion of the Village.

STEP 3 - Staff Review (7 to 11 weeks)

The Village's Chief Administrative Officer (CAO) reviews the application and refers it to internal departments for comments. The CAO may also refer the application to external agencies for comment and their respective approval requirements. It is the Applicant's responsibility to fulfill external agency requirements and obtain all necessary approvals, studies or permits for the proposed temporary land use. Note: a permit will not be approved where the Ministry of Transportation and Infrastructure indicates that it has objections related to traffic safety.

Village staff will collect, compile, and review all internal and external review comments, and review relevant legislation and Village bylaws. Referrals are returned to the Applicant to allow for outstanding issues to be addressed. Staff may conduct a site visit to view the property as part of the review.

STEP 4 – Notify Public (10 days prior to Council Meeting)

No later than 10 days prior to the application being considered by the Council, the Applicant is required to erect a Notice of Development sign in accordance with the requirements of the Land Development Application Procedures Bylaw No. 476, 2022.

STEP 5 – Staff Report, Council Meeting, and Public Hearing (2 to 6 weeks)

Once all referrals have been addressed, the CAO prepares a report for Council. Council considers the report at their next scheduled regular meeting(s) of Council.

Subject to Section 502 of the Local Government Act, recommendation(s) in the staff report may identify, as a condition of the issuance of a permit, that the Applicant provide security in the amount stated in the permit, to guarantee the performance of the terms of the permit.

If a public hearing is required, a date is set and the CAO notifies all owners and occupants within 100 m of the subject property (2-4 weeks). Council will consider issuing the permit following the public hearing.

STEP 6 – Council Decision

Village staff will work with the Applicant regarding the preparation of any required easements, covenants, statutory rights of way, phased development or development agreements. All legal fees incurred by the Village shall be reimbursed by the Applicant prior to the final consideration by Council. Council will consider the staff report and may, by resolution, grant or deny the requested permit, or alternatively refer, or table the Application.

If the permit is approved a Notice of Permit will be registered against the title of the property(ies) at the Land Title Office. If it is denied, no substantially similar application will be considered by Council for 6 months. The applicant is notified in writing of the decision.

The Owner of the land to which a Temporary Use Permit has been issued shall have the right to put the land to the use described in the permit for a period of 3 years, or until the date specified in the permit, whichever is the lesser period.