



Staff Report

DEVELOPMENT SERVICES DEPARTMENT

To: Council

From: Phil Armstrong, MDS/Planner

Subject: Temporary Use Permits Zoning Amendment

File: Bylaw 1423, 2019

Date: December 17, 2019

RECOMMENDATIONS

THAT per the December 17th, 2019 Staff Report, from the Manager of Development Services, Council consider PASSING first and second reading to “*Town of Golden Zoning Amendment Bylaw No. 1423, 2019 – temporary use permits*” and to proceed to public hearing.

CAO COMMENTS

I support the recommendation. Having the ability to issue Temporary Use Permits by Council is a prudent move in expanding the development permitting “toolkit” it can have at its disposal.

BACKGROUND

A Temporary Use Permit (TUP) is a type of permit, as per *Local Government Act* section 492, which enables municipalities to approve temporary “uses” in zones where they are not permitted by the Zoning Bylaw.

The Town’s Development Procedures Bylaw 1302, 2013, has procedures in place for the processing of this type of land use and development application. Additionally, the fees for the processing of a TUP are set in the Development Applications Fees Bylaw Number 1151, 2005.

In order for a TUP to be processed and issued by Council, lands within a given municipality must first be designated as Temporary Use Permit Areas. Currently, no lands within the Town of Golden are designated.

DISCUSSION

Recent stakeholder interest in further developing and fostering a fitness business in the M2 – Light Industrial zone while actively exploring constructing a commercial location has prompted staff to seek Council approval for the designation of lands in the M1 Zone as Temporary Use Permit Areas.

Additionally, the Kicking Horse Canyon Phase 4 Highway Project *may* present an application for the establishment of temporary work camps within Town limits. The most logical lands for the camps to occur on would include be lands zoned M1 (examples: 11th Avenue North or lands west of Rona) or the I1 – Community Utilities and Services zone (example: Old Town Works Yard).

Therefore, the purpose of the proposed *Town of Golden Zoning Amendment Bylaw No. 1423, 2019 – temporary use permits* is to to designate all lands within the Town of Golden zoned M2 - Light Industrial and I1 – Community Utilities and Services as “Temporary Use Permit Areas.”

TUP applications are brought forward for consideration by Council on a site specific, case by case basis and such consideration may be take into account the proposed use with due regard for compatibility with adjacent uses, the intensity of the proposed use as well as other factors deemed to be relevant.

A TUP is valid for a period of three (3) years and may be renewed, without notice, on a one time basis and then a new application is required.

Conditions may be set by Council and financial securities held to ensure compliance with these conditions.

In closing, staff is recommending first and second reading of the bylaw and to target a public hearing on January 7th, 2020.

IMPLICATIONS

Strategic

Strategic Priority – Highway 1 Impacts Objective: *Ensure community impacts as a result of the Canyon Project are mitigated.*

OCP Community Economic Development:

Objectives:

2. ... *small business retention / expansion...*

7. *To build on a business-friendly environment through streamlined approval processes, open and responsive governance...*

Policy:

3. *Commercial development is directed principally to the downtown core areas, revitalization areas as well as —the corridor.*

Financial

-The fees for processing TUP applications are \$890 and \$300 for a renewal.

Administrative

-Part of the MDS's work plan.

OPTIONS

1. THAT Council consider **PASSING** first and second reading *Town of Golden Zoning Amendment Bylaw No. 1423, 2019 – temporary use permits* and to proceed to public hearing.
2. Council selects another course of action.

Respectfully Submitted,



Phil Armstrong MCIP, RPP

Manager of Development Services / Planner

Attachments:

- ✓ *Town of Golden Zoning Amendment Bylaw No. 1423, 2019 – temporary use permits*



BYLAW RATIONALE STATEMENT

Town of Golden Zoning Amendment Bylaw No. 1423, 2019 – temporary use permits

The purpose of this bylaw is to designate lands within the Town of Golden zoned M2 - Light Industrial and I1 – Community Utilities and Services as Temporary Use Permit Areas.

TOWN OF GOLDEN
BYLAW NUMBER 1423, 2019
ZONING BYLAW AMENDMENT

A Bylaw to amend the “*Town of Golden Zoning Bylaw No. 1294, 2011*”

The Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited for all purposes as the “*Town of Golden Zoning Amendment Bylaw No. 1423, 2019 – temporary use permits*”

2. TEXT AMENDMENT

2.1 That a new “Section 10 Temporary Use Permits” appended to this amendment bylaw as schedule A be added and the existing section 10 and subsequent sections be renumbered accordingly.

3. SEVERABILITY

If any portion of this bylaw is found invalid by a court of competent jurisdiction, the invalid portion is severed without effect on the remaining portions of the bylaw.

READ A FIRST TIME THIS	DAY OF	,	2019.
READ A SECOND TIME THIS	DAY OF	,	2020.
PUBLIC HEARING ON THIS	DAY OF	,	2020.
READ A THIRD TIME THIS	DAY OF	,	2020.
ADOPTED THIS	DAY OF	,	2020.

MAYOR

CORPORATE OFFICER

Section 10 Temporary Use Permits

10.1 Designated Areas

1) In accordance with the *Local Government Act*, all lands within the Town of Golden zoned M2 - Light Industrial and I1 – Community Utilities and Services, are designated areas for the consideration of Temporary Use Permits; and

10.2 Conditions

1) In considering the issuance of a Temporary Use Permit, **Council** may specify conditions it deems reasonable including but not limited to:

- a. that the temporary use will operate at an intensity of use suitable to the surrounding area;
- b. that the temporary use will be compatible with regard to use, design and operation with other surrounding land uses;
- c. that the temporary use will operate on a temporary basis only and includes plans, or a letter of intent, to terminate the use prior to the expiry date of the permit;
- d. a financial security to ensure the temporary use is removed and the site appropriately restored.