

# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 3075

### A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 3075, 2022**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) That **Division 9, Adoption**, be renumbered to Division 11, to accommodate the inclusion of new Divisions as described below (k), and (l).
  - (b) That a **Division 9, Temporary Use Permit**, be added as follows:

#### **DIVISION 9, TEMPORARY USE PERMIT**

##### **Justification**

In accordance with the Local Government Act (Sections 492 & 493), the Zoning Bylaw designates areas allowing temporary uses, and specifies general conditions regarding the issuance of Temporary Use Permit in the areas.

##### **Objective:**

A Temporary Use Permit allows for flexible use of land, on a temporary basis, not otherwise permitted in the Zoning Bylaw. Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on such as addressing potential negative effects on existing residences, businesses, or other surrounding properties in terms of noise, lighting, parking, traffic, or other adverse impacts.

All Temporary Use Permits must conform to policy direction in the OCP, including fit within the character of the neighbourhood and surrounding uses. Upon expiry of a Temporary Use Permit, the permitted uses revert to those outlined in the Zoning Bylaw.

##### **Policies:**

1. All zones in the City are designated a Temporary Use Permit area.
2. The applicant must include the following relevant information at the time of the permit application:
  - a) Duration of the proposed temporary use including assurance that the use is temporary or seasonal in nature;
  - b) Map indicating the existing and surrounding land use;
  - c) Plan of the buildings or structures that may be used;

- d) Potential conflict with residential land uses;
  - e) Potential impacts on Environmentally Sensitive Areas;
  - f) Provision of adequate servicing that meets City requirements; and
  - g) Site rehabilitation plan.
3. TUPs may be issued for a period up to three (3) years, but generally shall be a maximum of two (2) years, and may be renewed once, subject to Council approval.
  4. Conditions under which a temporary use may be allowed are established in the permit and may include, but not be limited to: location, site design and layout, screening, landscaping, demolition, site restoration, and length of time the temporary use can occur.
  5. Security deposits may be required and included in the permit condition to ensure all the conditions are met and the subject land is properly rehabilitated upon cessation of the use.

(c) That a **Division 10, Development Permit Areas**, as shown in Schedule A, be added.

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 30<sup>th</sup> day of May, 2022

Read a second time this 30<sup>th</sup> day of May, 2022

Public Hearing held this 20<sup>th</sup> day of June, 2022

Read a third time this \_\_\_\_ day of \_\_\_\_, \_\_\_\_

Finally passed and adopted this \_\_\_\_ day of \_\_\_\_, \_\_\_\_

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Mayor Bob Wells

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Deputy Corporate Officer Adriana Proton