



## REPORT TO MAYOR AND COUNCIL

<b>PRESENTED:</b>	SEPTEMBER 17, 2018 - REGULAR EVENING MEETING	<b>REPORT:</b>	18-136
<b>FROM:</b>	COMMUNITY DEVELOPMENT DIVISION	<b>FILE:</b>	BA 000020
<b>SUBJECT:</b>	TEMPORARY USE PERMITS		

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### RECOMMENDATION:

**That** Council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 and Township of Langley Development Application Fee Bylaw 1987 No. 2470 (Temporary Use Permit) Bylaw 2018 No. 5419, for the purpose of establishing Temporary Use Permit provisions; and authorize staff to schedule the required Public Hearing.

### EXECUTIVE SUMMARY:

Section 492 of the *Local Government Act* (LGA) provides Council the ability to issue Temporary Use Permits (TUPs). Temporary Use Permits are a tool that may be used to grant landowners temporary, conditional permission to engage in a use that is otherwise not permitted by the applicable zoning.

TUPs are issued by resolution of Council and are not required to be adopted following a bylaw process. Having said that, prior to issuing a TUP, the Township must give notice to the public in accordance with requirements of the LGA, but it does not have to conduct a public hearing.

This report provides information and Bylaw No. 5419 establishes provisions for the issuance of Temporary Use Permits through a resolution of Council.

The proposed bylaw amendment indicates that the 'designated areas where temporary uses may be allowed are all lands within the boundaries of the Township of Langley that are not located within the Agricultural Land Reserve'.

Staff have reviewed bylaws and practices of other local governments and engaged legal counsel to inform proposed Temporary Use Permit Bylaw 2018 No. 5419. Specifically staff note the cities of Surrey, Abbotsford, Coquitlam and Maple Ridge have all elected to provide for the consideration and issuance of TUPs.

### PURPOSE:

The purpose of this report is to provide Council with information and recommendations in order to establish Zoning Bylaw provisions for Council's consideration of Temporary Use Permits (TUPs).

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**BACKGROUND/HISTORY:**

Section 492 of the *Local Government Act* (LGA) provides Council the ability to issue Temporary Use Permits (TUPs). TUPs are a tool that may be used to grant landowners temporary, conditional permission to engage in a use that is otherwise not permitted by the applicable zoning.

The LGA requires that in order to issue a TUP either the Township's Official Community Plan (OCP) or Zoning Bylaw must incorporate designated areas where temporary uses may be allowed, and can specify conditions regarding TUPs in those areas.

Upon designation of those areas, Council may issue TUPs by resolution or may delegate authority to staff to issue. Should Council delegate its authority, landowners are entitled to seek Council reconsideration of a staff decision.

Prior to issuing a TUP, the Township must give notice consistent with a public hearing in accordance with the LGA, but it does not have to conduct a public hearing. TUPs are issued by resolution of Council and are not required to be adopted following a bylaw process.

A TUP may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;
- (b) specify conditions under which the temporary use may be carried on; and
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

TUPs may be issued for a term of up to 3 years, and may only be renewed once. The Township may, as a condition of TUP issuance, require a landowner to give an undertaking (to be attached to and form part of the TUP) to:

- (a) demolish or remove a building or other structure, and
- (b) restore land described in the permit to a condition specified in the permit by a date specified in the permit.

Should a landowner fail to comply with all undertakings, the Township may enter on the land and carry out the demolition, removal or restoration at the owner's expense.

The Township may also require security as a condition of TUP issuance. Should security be required, the TUP may provide for the form of security, the means for determining when there is default, and the amount of security that is forfeited in the event of default.

Staff also note that other applicable requirements must be met prior to engaging in the temporarily permitted use, including obtaining a development permit.

**DISCUSSION/ANALYSIS:**Local Government Practices

Staff have reviewed bylaws and practices of other local governments and engaged legal counsel to inform proposed Temporary Use Permit Bylaw 2018 No. 5419. Specifically staff note the cities of Surrey, Abbotsford, Coquitlam and Maple Ridge have all elected to provide for the consideration and issuance of TUPs.

## TEMPORARY USE PERMITS

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Proposed Bylaw

Consistent with Section 492 of the LGA, proposed Temporary Use Permit Bylaw 2018 No. 5419 amends Township of Langley Zoning Bylaw 1987 No. 2500 to provide for temporary uses. The proposed bylaw amendment indicates that the 'designated areas where temporary uses may be allowed are all lands within the boundaries of the Township of Langley that are not located within the Agricultural Land Reserve'.

The issuance of TUPs is not currently proposed to be delegated to staff, providing Council the ability to determine the appropriateness of TUP applications on their individual merits and potential delegation to staff at a future date at Council's discretion.

Pursuant to LGA Sections 460 and 462 the Township has established application procedures and fees under Development Application Fee Bylaw No. 2470 (as amended). Providing for the issuance of TUPs requires an amendment to the Bylaw which has been incorporated into proposed Bylaw No. 5419 to comply with LGA requirements and follow the existing Permit fee structure.

**FINANCIAL IMPLICATIONS:**

As noted above, proposed Temporary Use Permit Bylaw 2018 No. 5419 incorporates amendments to Development Application Fee Bylaw No. 2470 (as amended) providing for cost recovery for application processing.

**POLICY CONSIDERATIONS:**

Section 492 of the Local Government Act provides Council the ability to issue Temporary Use Permits. Temporary Use Permits are a flexible tool that may be used to grant landowners temporary, conditional permission to engage in a use that is otherwise not permitted by the applicable zoning. The proposed bylaw aligns with LGA requirements as well as other local government practices and provides Council the ability to determine the appropriateness of TUP applications on their individual merits.

Respectfully submitted,

Stephen Richardson  
DIRECTOR, DEVELOPMENT SERVICES  
for  
COMMUNITY DEVELOPMENT DIVISION

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500 AND  
TOWNSHIP OF LANGLEY DEVELOPMENT APPLICATION FEE BYLAW 1987 NO. 2470  
AMENDMENT (TEMPORARY USE PERMITS) BYLAW 2018 NO. 5419**

**EXPLANATORY NOTE**

Bylaw 2018 No. 5419 amends Township of Langley Zoning Bylaw 1987 No. 2500 and Township of Langley Development Application Fee Bylaw 1987 No. 2470 to designate areas where temporary uses may be allowed and establishes fees and procedures.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500 AND  
TOWNSHIP OF LANGLEY DEVELOPMENT APPLICATION FEE BYLAW 1987 NO. 2470  
AMENDMENT (TEMPORARY USE PERMITS) BYLAW 2018 NO. 5419**

A Bylaw to amend Township of Langley Zoning Bylaw 1987 No. 2500 and  
Township of Langley Development Application Fee Bylaw 1987 No. 2470

WHEREAS it is deemed necessary and desirable to amend "Township of Langley Zoning Bylaw 1987 No. 2500" and "Township of Langley Development Application Fee Bylaw 1987 No. 2470" as amended;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Township of Langley Zoning Bylaw 1987 No. 2500 and Township of Langley Development Application Fee Bylaw 1987 No. 2470 Amendment (Temporary Use Permits) Bylaw 2018 No. 5419".
2. The "Township of Langley Zoning Bylaw 1987 No. 2500" as amended is further amended:

- (1) By inserting the following as section 112:

**112 - Temporary Uses**

112.1 The designated areas where temporary uses may be allowed by a temporary use permit issued pursuant to the Local Government Act are all lands within the boundaries of the Township of Langley that are not located within the Agricultural Land Reserve

3. The "Township of Langley Development Application Fee Bylaw 1987 No. 2470" as amended is further amended:

- (1) by inserting a new Section 4 (18) as follows:

<b>18. Temporary Use Permit</b>	<b>\$ 2,000</b>	<b>N/A</b>	<b>N/A</b>
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- (2) by inserting in Section 10:

For Temporary Use Permits under Sec. 4 (18) notice shall be given in accordance with Section 494 of the Local Government Act

(3) by replacing existing Section 7. (2) with the following:

For applications under Section 4 (1) (2) (3) and (18), notices shall be mailed or otherwise delivered to the owners and tenants in occupation of all real property within a distance of 100 metres from the boundary of the subject property, and to a minimum of 5 properties measured along both sides of the road or roads on which the subject property is located.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PUBLIC HEARING HELD the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

RECONSIDERED AND ADOPTED \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
the \_\_\_\_\_

\_\_\_\_\_ Mayor \_\_\_\_\_ Township Clerk