

CITY OF SALMON ARM

BYLAW NO. 3548

A Bylaw to Establish Procedures for Temporary Use Permits

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WHEREAS the Council of the City of Salmon Arm adopted Official Community Plan Bylaw No. 3000 in 2002, which was amended by Official Community Plan Amendment Bylaw No. 3531 in 2006 for the purpose of designating temporary commercial and industrial use permit areas;

AND WHEREAS Section 895 of the *Local Government Act* requires that, where a local government has adopted an Official Community Plan with designated temporary commercial and industrial use permit areas, it shall, by bylaw, define procedures under which an owner of land may apply for the issuance of a temporary commercial or industrial use permit ;

AND WHEREAS Section 921 of the *Local Government Act* establishes legislative parameters for temporary commercial and industrial use permits, in terms of Permit applicability, terms and conditions, public notification, issuance and security bonding.

NOW THEREFORE, the Municipal Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. Every completed application form for a Permit shall be reviewed by the Director of Development and Planning and considered by Council in the manner specified in this Bylaw.
2. Applications shall be made on the form "Temporary Use Permit Application Form", attached hereto as Schedule "A".
3. The following material and information shall be filed by the applicant with a Permit application:
  - a) A Current Title Search for the land under application (available from the Land Title Office or Government Agent's Office);
  - b) A Site Profile Form, pursuant to Provincial Government Contaminated Site Legislation;
  - c) One (1) 22" / 44" site plan and one (1) reduced 8.5" / 11" copy of the

site plan showing the subject property and existing buildings; the location and area of the proposed temporary use; any buildings, structures and equipment proposed for the temporary use; access, parking and loading; any watercourses, ponds, ditches and steep slopes greater than 30%; and a written description of the following:

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- i. The proposed start and completion dates of the temporary use;
- ii. The proposed business hours / hours of operation of the temporary use;
- iii. Methods proposed to mitigate the impact of the temporary use operation on neighbouring property (in terms of potential noise, odours, dust, pollution, lighting, aesthetics, parking and industrial traffic); and
- iv. Methods proposed to mitigate the impact of the proposed temporary use on the natural environment, if applicable.

The City may require any further information it deems necessary from the applicant; and

- d) In cases where approval by the Ministry of Transportation is required, the applicant shall submit a site plan including buildings, traffic circulation and parking areas and facilities, to the satisfaction of the Ministry.

4. The Permit application fee is set in the City's Fee for Service Bylaw and shall be paid by the applicant at the time an application for a Permit is made.

5. Upon receiving a completed "Temporary Use Application Form", the Director of Development and Planning will review and circulate the application to internal departments and those outside agencies deemed relevant.

6. After reviewing the application and receiving comments from internal departments and relevant outside agencies, the Director of Development and Planning will prepare a staff report for Council's review and consideration, inclusive of background information and recommended Permit terms and conditions, performance measures and security.

7. A copy of the staff report will be placed on the Development and Planning Services Committee and Council meeting agendas for review and consideration by the Committee and Council.

8. Prior to Council's consideration of the Permit, a Hearing will be scheduled on the same date of the Council meeting, wherein the applicant, property owner and

public shall have an opportunity to provide verbal or written input to Council in regards to the Permit application.

9. The Corporate Officer will give notice in accordance with Section 921 (5) and (6) of the *Local Government Act* of the date, time and place Council's consideration of the Permit application.

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10. The notice given under Section 9 will specify the date, time and place of the Hearing.

11. The notice given under Section 9 will be mailed or hand delivered by the City to the owners of land located within a 30 metre radius of the property boundaries of land under application for Permit.

12. The notice given under Section 9 will include the date, time and place when copies of the proposed Permit and staff report may be inspected prior to Council's consideration of the Permit application.

13. The City will publish the notice given under Section 9 in a local newspaper (The Salmon Arm Observer) at least three (3) and not more than fourteen (14) days prior to the date of Council's consideration of the Permit application.

14. The applicant shall, at his or her expense, post a notification sign on the property under application at least ten (10) days prior to the date of Council's consideration of the Permit application.

15. The notification sign posted by the applicant shall be manufactured by a professional sign company with the dimensions, format and content shown in Schedule "D" attached hereto.

16. The notification sign posted by the applicant shall remain on the property no longer than seven (7) days following Council's resolution on the Permit application.

17. Upon receipt of the report from the Director of Development and Planning and subsequent to hearing public input at a Hearing, Council may, by resolution:

- a) Authorize issuance of the Permit;
- b) Authorize issuance of the proposed Permit as amended by the Council resolution;

c) Refuse to authorize the issuance of the Permit.

18. Where an application for a Permit has been refused by Council, the applicant shall be notified in writing within fifteen (15) days immediately following the date of refusal.
19. Re-application for a Permit that has been refused by Council shall not be considered within a six (6) month period immediately following the date of refusal.
20. If authorized by Council, the Director of Development and Planning will complete the Permit and forward it to the Corporate Officer for issuance on behalf of the City.

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21. A Permit shall be in the form of Schedule "B" attached hereto.
22. As a condition for Permit issuance, Council may require that the owner of land provide an undertaking, prepared by a Lawyer or Notary Public, to adhere to the all terms and conditions of the Permit.
23. An undertaking under Section 22 shall be attached to and form part of the Permit.
24. As a condition for Permit issuance, Council may require the applicant to deposit monetary security in any amount is deems reasonable, in the form of an Irrevocable Letter of Credit issued by a Chartered Bank of Canada, to guarantee compliance with the terms and conditions of the Permit.
25. Where an applicant fails to comply with the undertaking given under Section 22, or the terms or conditions of a Permit, the City may enter on the land and carry out the demolition of buildings, removal of equipment and restoration of the property under application, at the expense of the owner, and drawn from the Irrevocable Letter of Credit.
26. The Permit may specify an amount of security to be forfeited to the City, and a forfeiting schedule, for a situation where or when the applicant defaults on any of the terms or conditions of a Permit.
27. In accordance with Section 26, any security forfeited to the City will be drawn from the Irrevocable Letter of Credit provided subject to Section 24.

28. The owner of land in respect of which a Permit has been issued has the right to put the land to the use described in the permit until:
- a) The date that the Permit expires; or
  - b) two (2) years after the permit was issued,
- whichever occurs first.
29. An owner of property to whom a Permit has been issued may re-apply to have the Permit renewed one (1) time only, and renewed for a period of time no longer than (2) years immediately following the date of Permit renewal approval, or a lesser time period specified by Council.
30. When a Permit expires, the City shall, subject to Sections 25 to 27, return to the applicant the full or remaining amount of any security provided under Section 24.
31. Permits may require the approval of the Ministry of Transportation prior to issuance.

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32. The Corporate Officer shall file in the Land Title Office a notice in the form of Schedule "C", attached hereto, that the land described in the notice is subject to a Permit.
33. The applicant shall not proceed with the temporary use until he or she has received a copy of the Permit from the Corporate Officer. The terms of the Permit or any amendment to it shall be binding on all persons who acquire an interest in the land affected by the Permit.
34. Council may authorize the issuance of more than one Permit for a property.
35. This bylaw may be cited for all purposes as "City of Salmon Arm Temporary Commercial and Industrial Use Permit Procedure Bylaw No. 3548."

READ A FIRST TIME THIS 27th DAY  
OF March 2006

READ A SECOND TIME THIS 27th DAY OF  
March 2006

READ A THIRD TIME THIS  
OF March 2006

27th DAY

ADOPTED BY COUNCIL THIS  
April 2006 10th

DAY OF

"M. BOOTSMA"  
MAYOR

"C. BANNISTER"  
CORPORATE OFFICER