



# **TOWN OF SIDNEY**

## **Guide to Applying for a Temporary Commercial or Industrial Permit**

### **What is a Temporary Commercial or Industrial Permit?**

The Town of Sidney Official Community Plan (OCP) designates areas where temporary commercial or industrial uses may be allowed, provided that a Temporary Commercial or Industrial Permit has been issued. Temporary Permits are generally issued for special events, and are valid only for a specific period of time. This allows for temporary uses that do not conform to Zoning Bylaw regulations, without the need for a zoning amendment. Temporary tourist accommodation for a special sports event is an example of a use which might require a Temporary commercial Permit.

### **When do I need to apply for a Temporary Permit?**

You may apply for a Temporary Commercial or Industrial Permit if you are proposing a temporary use (1) on a property designated for temporary commercial or industrial use in the OCP, and (2) which conforms to any conditions listed in the OCP.

### **Who can apply?**

While the applicant need not be the property owner, the property owner must authorize the application. Where a property is owned by a company or society, the application must be signed by a person with signing authority. Where a property is owned by more than one person, signatures of all owners are required. For strata lots or buildings, approval is also required from the Strata Council.

### **How do I apply?**

To apply for a Development Permit, obtain an application form and checklist from the Town Hall, or the Town of Sidney website ([www.sidney.ca](http://www.sidney.ca)), and return them with the application fee and all required information. Before you make a formal application be sure to discuss your project with a Development Services Department staff person. To make an appointment, or for more information, contact the Development Services Department at 656-1725.

## How long does it take?

Temporary Commercial or Industrial Permit applications take approximately two to four months to process. However, this time may vary depending on whether or not the application is complete, its complexity and the number of other applications before Council.

## What is the cost?

The cost of a Temporary Commercial or Industrial Permit application is \$1,700.

## Who makes the decision?

The decision of whether or not to approve an application for a Temporary Commercial or Industrial Permit is made by Council.

## What is the Temporary Commercial or Industrial Permit process?

The following is a summary of the application procedure for a Temporary Commercial or Industrial Permit, as shown in the flowchart. (Figure 5)

NOTE: At any time in the following process, Council or Committee of the Whole may table an application, refer it for comment or reject it.

### 1. Submission of Application

- **Preliminary discussion (recommended):** The applicant meets the Development Services Department staff to discuss the proposed project and review applicable planning regulations.
- **Application Received:** The applicant submits an application, checklist, drawings, fees and other required information.
- **Check application package:** Development Services staff review the application package to ensure all information has been provided. If there is missing information, staff will contact the applicant and require this information before the application will proceed.

### 2. Application Review & Report

- **Staff Review:** Staff prepares a brief summary of the application for referral.
- **Referrals:** Major applications may be referred to utility companies (BC Hydro, Telus and Terasen Gas) and other Town of Sidney departments (Building Inspection, Engineering, Fire and Parks), Applications may also be referred to other agencies if relevant, such as the RCMP or Provincial ministries. This allows for the input of comments or concerns relating to the design, location or other aspect of the proposal.
- **Development Review Committee (DRC):** The DRC is a committee made up of representatives of each Town of Sidney department. They review the application and comment on matters relevant to their departments.

- **Detailed Report:** Staff checks the proposal for conformance with relevant Town bylaws, such as the Official Community Plan, Zoning Bylaw, Off-Street Parking and Loading Bylaw, and Screening Bylaw. A report is prepared by staff for the Committee of the Whole, summarizing the project, outlining any areas which do not conform to Town bylaws or are of concern, and providing recommendations. Once the Committee of the Whole agenda is finalized (usually the Thursday before a meeting), a copy of the report is faxed to or made available for pickup by the applicant.

### 3. **Committee & Council Review**

- **Committee of the Whole:** The Committee of the Whole is a sub-committee of Council, which usually meets at 6:00 p.m. in the Council Chambers on the first and third Monday of each month. The Committee of the Whole reviews the application and staff report. The applicant is expected to make a presentation to the Committee on their proposal at the meeting. The Committee of the Whole may refer the application to one or more of the Advisory Committees for comment, or directly to Council with a recommendation.
- **Committee Referral:** The most common advisory committee that reviews planning applications is the Advisory Planning Commission:
  - **Advisory Planning Commission (APC):** The APC usually meets on the first and third Tuesday of each month, and provides recommendations to Council on matters relating to planning and land use. Applications are referred to the APC:
    1. if they involve single-family high-density, multi-family residential, commercial, industrial, or marine;
    2. if they involve properties designated as Heritage or Environmentally Sensitive; or
    3. at Council's discretion.
 Applicants are expected to make a brief presentation about their proposal to the Advisory Planning Commission.
- **Council:** Council usually meets at 7:00 p.m. in Council Chambers on the second and fourth Monday of each month. They review the recommendations from the various committees. If Council is satisfied that the internal review is complete, they will initiate a public review of the application by authorizing staff to draft and advertise the proposed permit. This may be done subject to certain conditions being met (such as the submission of revised drawings). Furthermore, Council may:

or

1. instructed staff to include certain conditions of use in the permit;
2. require, prior to the issuance of the permit, that the applicant,
  - a) undertake certain actions; or
  - b) provide bonding to guarantee conformance to the permit.

### 4. **Public Consultation**

- **Mail-out Notice & Advertise in newspaper:** Prior to the public hearing, notification of the proposed permit and public hearing is (1) advertised in two

- consecutive editions of the local newspaper, and (2) mailed to residents and property owners within a 75 metre (246 foot) radius of the subject property.
- **Public Hearing:** A public hearing is held to allow for public input on the proposed temporary permit. Council receives both verbal and written presentations from any interested persons. The applicant is expected to be prepared to answer questions on the proposal.
  - **Council:** Council considers all public input on the proposed permit and either,
    - authorizes staff to issue a Temporary Commercial or Industrial Permit; or
    - rejects the application.

5. **Permit Completion**

- **Issue Permit:** Staff issues the permit and a Notice of Permit is registered on the title of the property. Upon confirmation by the Land Titles Office that the Notice of Permit has been registered, the applicant is notified and sent a copy of the Notice of Registration. The permit itself remains on file at the Town Hall.

# Temporary Commercial or Industrial Permit Application Process

