



TEMPORARY USE PERMIT APPLICATION GUIDE

Introduction

A Temporary Use Permit (TUP) is a permit issued by Council that can be used to address non-permanent and unique development proposals. A TUP may allow a use not permitted by the Village's Zoning Bylaw, specify conditions under which the temporary use may be carried on, or allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. The objective of TUPs is to:

- Avoid conflicts between different types of uses (i.e., residential, commercial, and industrial)
- Provide for temporary approval of transition uses, or uses where uncertainty exists.
- Respect appropriateness or viability of the use where it is premature to decide upon rezoning and long-term land use rights.
- Ensure that TUPs are not considered a substitute for a rezoning application.

When Is a Temporary Use Permit Required?

The [Official Community Plan](#) (OCP) allows for the application of TUPs in all designations within the limits of the Village Boundaries. However, TUPs are considered in unique circumstances for uses that are temporary in nature, and where a TUP is deemed by the Village to be the most suitable planning tool available to accommodate a desired use.

How Long Is a Temporary Use Permit Valid?

A TUP is valid for a maximum of three (3) years after it is issued and may be renewed by Council once for up to no more than an additional three (3) years. The three (3) years is the maximum time frame permitted under the *Local Government Act*; Council may wish to issue a TUP for less than the maximum three (3) years. A TUP is not a substitute for a rezoning application.

Prior To Making an Application

Applicants should ensure they understand the Village of Cumberland's policies, procedures, and regulations before preparing a TUP application. Prior to applying, the applicant should review the following:



- **Official Community Plan (OCP) - Land Use Designation:** Check the [Village's Interactive Map](#) online to identify the property's land use designation, types of uses allowed within that corresponding land use designation and well the policies applicable to TUPs in Part 9 Section 9.8.
- **Zoning Maps and Zoning Bylaw** – Check the [Village's Interactive Map](#) to find the zoning designation and zoning requirements for the property. This will help the applicant determine if the proposal aligns with the zoning and if the zoning will need to be varied.
 - Ensure that your proposal meets the required Zoning Regulations (i.e., Use, density, lot coverage, setbacks, height, condition of uses).

Contact the Development Services Department: Contact the development services department to discuss your proposed development and determine if a formal Pre-Application Meeting and TUP are required. If it is determined that a Pre-Application meeting is required, submission requirements can be found on the Pre-Application Scheduling Form. Staff will provide guidance throughout the application process and determine if any revisions are required prior to submission.

Temporary Use Permit Costs

Application costs can vary depending upon the complexity of the application. An application fee, as outlined in the [Fees Amendment Bylaw](#), will always be required. There are different fees for an application and for a renewal. Other costs can include:

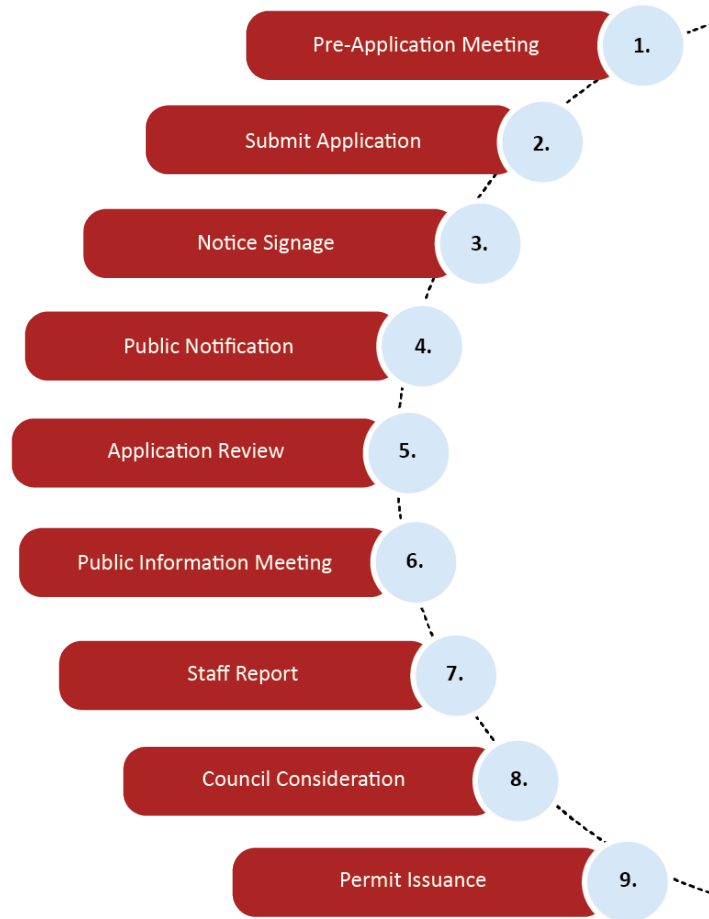
- Actual cost of any third-party professional review of applications.
- Any plans needed to meet the application requirements (i.e., site plan, landscape plans, elevations, Surveyors Certificate).
- Village bonding requirements for landscaping agreements, remediation, or performance security.
- Professional reports (i.e., geotechnical assessment, engineered stormwater management plan, planning rationale).
- Public notification fees (i.e., signage, advertising).
- Legal fees (i.e., Land Title registration, covenants).

Application Process and Processing Timelines

Applicants are encouraged to submit their application by email, if possible. **Incomplete applications will not be accepted.** The following processing timelines are established from the date of receipt for a complete application.

- **Temporary Use Permit:** 4-6 months.

While this is a target, it is understood that different circumstances (i.e., revisions, new plans, complexity of application, provincial approvals) may alter timelines to be shorter or longer than outlined below. It is essential for applicants to respond to staff requests for information to ensure that it is processed in a timely manner. Applicants will be able to track their application online to view what stage of the process they are at. For more information about what to expect at each stage of the application process, see the Detailed Application Process below.



Detailed Application Process

Pre-Application Meeting 1.

Contact the Village to determine if a formal Pre-Application Meeting is required. If yes, schedule a Pre-Application Meeting with development services staff to discuss the proposal and application requirements. The applicant must fill out a Pre-Application Scheduling Form and is expected to come to the meeting prepared (tips for preparation are outlined in the Meeting Guide).

Submit Application 2.

Applicants are encouraged to submit the application by email, if possible. Please refer to the Pre-Application Checklist received after the pre-application meeting to ensure you are submitting all required documents and fees. Incomplete applications will not be accepted. Once submitted, staff will review the application to determine whether it is complete at this stage (i.e., all required documents

and fees) and, if incomplete, staff will request the required information from the applicant. Once a file has been opened, staff will issue a receipt to the applicant.

Notice Signage

3.

The applicant is required to post a Notice of Application Sign on the property to notify other property owners and residents of the proposal. The sign must follow the requirements identified on the Village Sign Format Sheet. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the Staff of the posted sign within 10 days of staff's approval of the mock-up.

Public Notification

4.

Staff will prepare a notice describing the proposed TUP, with an information package that will be available online and in the office for the public to review. The notice will be mailed to property owners and tenants within a 75 metres radius of the subject property. Notices will be mailed prior to the consideration of the application and any public comments will be added to the staff report for consideration. Notification must be mailed or otherwise delivered at least 10 days prior to the Council meeting.

Application Review

5.

The Temporary Use Permit application is reviewed by the development services department, and all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations to provide the applicant with comprehensive feedback on the application. Revised plans and additional documents may be required from the applicant or the applicant's architect, engineer, or other coordinating professional. The timing of the review will depend on how quickly the applicant can provide additional information to staff as requested.

Public Information Meeting

6.

Applicants may be required to hold a public information meeting for TUP applications. It is the responsibility of the applicant to arrange and conduct the meeting at their expense. The public information meeting is an opportunity for the applicant to get an understanding of the public's position

on the proposal and address any issues early in the process. More information about the PIM can be found in the PIM guide.

Staff Report

7.

Once staff have received all feedback from internal and external agencies and completed their review of the application, staff will prepare a report for consideration by Council. The staff report takes into consideration any input received from other staff departments, referral agencies, policies in the Official Community Plan, and applicable regulations in the Zoning Bylaw. Staff will communicate with the applicant to ensure they are aware of the associated staff recommendation.

Council Consideration

8.

Council will consider the staff report and recommendations. Council may choose to refer the application to the Advisory Planning Commission, and/or other committees of Council for comment before making a final decision on the permit. If the application is referred to a committee, the report and permit will need to be presented to Council a second time for consideration.

The outcome may be approval to issue the permit, conditions to issuance of the permit, or amendments / revisions to the permit. If the outcome is amendments / revision to the permit, the permit will need to be revised before being presented a second or third time for consideration.

Permit Issuance

9.

If authorized, staff will prepare the required Temporary Use Permit and related schedules for signature and obtain a security deposit, if required. A Notice of Permit will be registered against the title of the property at the Land Title Office by staff. The applicant will receive a copy of the signed permit via email or post once registration on title has been confirmed.

Questions?

If you have any questions about temporary use permit or applying for a permit, please contact us.

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<https://cumberland.ca/temporary-use-permit/>

This guide is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable Village bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.