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A Guide to the Municipal Approvals Process in Chilliwack

# Temporary Use Permit (TUP)



February 2023

## **Introduction**

The City of Chilliwack has prepared this brochure to assist you in understanding the process of Temporary Use Permits.

Upon review of the following information, anyone intending to submit a TUP Application is encouraged to contact the Planning Department for assistance.

## **What is a Temporary Use Permit?**

A TUP is a special permit issued by Council that allows a land use not permitted in the current zoning, as set by the Zoning Bylaw.

The TUP may permit the following:

- a specified commercial or industrial use; construction or use of buildings and structures to accommodate persons who work at the enterprise; and,
- specific conditions under which the permitted uses may be carried out.

Construction, demolition or land alteration associated with a TUP may not commence until the TUP is obtained for the proposed use.

The land may be used in accordance with the terms of the permit until the expiration date or three years after issuance of a permit, whichever comes first. Failure to meet conditions may lead to revocation. Permits may be renewed only once for an additional three-year term. For commercial uses on industrial properties, TUPs are only valid for 2 years with the potential for 1-year renewal, in accordance with the City's Industrial Land Policy.

Subsequently, a new application is required. Conditions of a temporary use permit are binding on all existing and future owners during the time period specified in a permit unless the business ceases.

## **When is a Temporary Use Permit Necessary?**

A TUP application is necessary to:

- commence a temporary use, including associated construction, demolition or land alteration on a property which is not permitted under current bylaws;
- renew an existing temporary use permit (permits may be renewed only once); and,
- alter an existing temporary use permit.

## Temporary Use Permit Approval Process

### 1. Pre-application Stage

Prior to submitting an application for rezoning, you should contact the Planning Department to identify the following:

- the current zoning of the property;
- the current Official Community Plan (OCP) designation of the property;
- general Bylaw requirements of the zone to be applied for;
- type of information that will be required to support an application; and,
- suitability of proposed zoning for the proposed development.

### 2. Application Submission

A completed application for a Temporary Use Permit is submitted by the Applicant to the Planning Department and includes the following:

- a complete Application Form including:
  - full name and contact information for all owners and the applicant (if different) including signatures;
  - civic address of the subject property(ies);
  - The specific details of the proposed use of the site;
- a completed letter of authorization and release of documents form;
- a detailed description of and/or rationale for the proposed use of the land;
- site plan and/or building elevations clearly indicating the proposed development. Additional plans may be required upon review of the proposal.
- proof of ownership as evidenced by a Title Search (for all parcels) dated within 1 week (7 days) of application submission. Should a copy of the property title not be provided, a \$15 charge for each parcel will be included within the application fee per title;
- a copy of each document (i.e. restrictive covenant, easement, statutory right-of-way, etc.) registered on title for the subject property(ies). Should a copy of the applicable documents not be provided, a \$15 charge will be included within the application fee for each item; and,
- a Temporary Use Permit Application Fee, payable to the City of Chilliwack, the amount of which is based upon a fee schedule available in the Development Application Fees Bylaw. This Bylaw is available on the City website at [www.chilliwack.com](http://www.chilliwack.com).

### **3. Application Review and Reporting**

Once a complete application has been received, Planning staff will evaluate the proposed development use against any applicable bylaws and zoning regulations that apply to the proposal.

The application review process may involve referrals to outside government agencies such as such as Ministry of Environment and Climate Change Strategy, Fraser Health Authority, Ministry of Transportation and Infrastructure and others.

The City also strongly encourages applicants to conduct public engagement and submit a summary of the public engagement results at this stage. While public engagement is not required for TUP applications, undertaking early applicant-to-neighbourhood engagement will help improve communication and build relationships between the applicant and neighbours by allowing neighbours to review proposals, ask questions, and provide comments or concerns directly to the applicant prior to receiving the notice of Public Information Meeting from the City. Please see the Guide to Undertaking Applicant-to-Neighbour Engagement for more information.

Staff will prepare a report for Council that includes background documentation, recommendations of the committees and agencies involved, and any comments received from the public. The report will provide an evaluation of the application and recommendations.

### **4. Public Hearing Meeting and Consideration by Council**

In accordance with the Local Government Act, the City of Chilliwack will publish a notice and location map in the local newspaper at least 3 and not more than 14 days prior to the public hearing and adoption of a resolution. Notices are also mailed to owners and occupants of properties within 30m of the subject property. At the public hearing, the public will have an opportunity to address any concerns or comments in regards to the proposal. Council will then consider the application, and may approve the permit, request additional information, or reject the proposal.

### **5. Temporary Use Permit Issuance**

Issuance of a TUP may be subject to certain conditions such as a letter of credit to restore land or to secure landscaping. The applicant may also be required to provide an undertaking to restore the land, demolish or remove any buildings or structures permitted by a TUP. Once these conditions are met, the TUP can be issued.

When the TUP is issued, staff will file a notice with the Land Titles Office that there is a TUP on the property and it will be registered on the land title. A copy of the Permit will be sent to the owner, to appropriate government agencies and a copy will be maintained on file at the City of Chilliwack.

## 5. Temporary Use Permit Issuance Con't

During final building or site inspection, the Permit will be compared with the actual development to ensure that all conditions of the Permit have been met and that the property development conforms to the conditions of the Permit. The TUP conditions will also be reviewed should a renewal of the TUP be requested.

### Other Permits & Approvals that May be Required

**Building Permit Approvals** – Building Permit approval is required prior to starting construction of all buildings.

**Business Licence** – a Business Licence will be required.

**Development Variance Permits** – a Development Variance Permit may be required to vary a provision of City Bylaws.

### How Can I Find Out More?

For information related to your specific application and the time it will take to process your proposal for a Temporary Use Permit (TUP), please contact:

City of Chilliwack  
Planning Department  
8550 Young Road  
Chilliwack BC V2P 8A4

Phone: 604-793-2906

Fax: 604-793-2285

Email: [planning@chilliwack.com](mailto:planning@chilliwack.com)

*This brochure has been prepared to provide guidance only. It is neither a bylaw nor legal a document. Please consult the Local Government Act and its Regulations, and the City of Chilliwack applicable codes for definite requirements and procedures.*

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