

## **TEMPORARY USE PERMITS (TUP)**

A Guide to the Municipal Approvals Process in Chilliwack  
September 2014

### **Introduction**

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

- ◆ Temporary Use Permit (TUP);
- ◆ Permit Approval Process; and
- ◆ Where to obtain additional information.

Upon review of the following information anyone intending to submit a TUP Application is encouraged to contact the Planning & Strategic Initiatives Department to ensure all obligations are understood in order to expedite the approval process.

### **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.

The permit 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 a permit is obtained for the proposed use.

The applicant may be required to provide an undertaking to restore the land, demolish or remove any buildings or structures permitted by a temporary use permit. The applicant may further be required to provide an undertaking to guarantee the performance of the terms of a permit. The undertaking is returned when the project is completed in accordance with the conditions in the Temporary Use Permit or if the project has not substantially commenced prior to the expiration of the Permit.

The owner can use the land 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.

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.

In addition to obtaining a TUP you may need to apply for a building permit prior to commencing the construction or use of buildings allowed under a temporary use permit. A business license is also required.

### **When Do You Need to Apply For a Temporary Use Permit?**

You need to apply for a temporary use permit when you want to:

- ◆ commence a temporary use, including associated construction, demolition or land alteration on your 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**

#### **Step 1 - Pre-Application Stage**

Prior to submitting an application for a Temporary Use Permit, you may wish to contact the City of Chilliwack Planning Staff to review bylaws, policies, and regulations that may affect your proposal. You will need to consider the following:

- ◆ **Zoning and other applicable Bylaws.** Each property within the boundaries of the City of Chilliwack is subject to specific regulations. Regulations such as site coverage, setbacks, building height and parking may impact your proposal. It may also be useful to review the applicable official community plan policies for the area.
- ◆ **Other Regulations.** It may be necessary to contact other agencies to ensure matters such as adequate services to the site, access to highways and building code requirements are adequately addressed; and,
- ◆ **Specific Requirements.** In some instances, you may be advised to secure the services of a qualified consultant to address specific concerns with your application. Such consultants may include engineers, biologists, architects, or planners, depending on the location of your property and the nature of your proposal.
- ◆ *Local Government Act, Land Title Act* and other Provincial legislation requirements

To assist staff in this preliminary discussion, submit a sketch of your property. The sketch should:

- ◆ be no larger than 11 x 17 (27.9 cm x 43.1 cm);
- ◆ show location and size of all buildings, septic fields/tanks and other features of land; and
- ◆ indicate proposed changes you wish to make through the TUP process, if any.

Please use a convenient scale for the sketch.

#### **Step 2 - Application Submission**

Once you have reviewed all applicable regulations and completed your project plans, you must complete a temporary use permit application form and submit it to the City of Chilliwack Planning & Strategic Initiatives Department. Staff will be available to assist you; however, you will be expected to provide the following:

- ◆ a TUP Application form identifying name the purpose of the application, subject property or properties civic addresses;
- ◆ owner's and applicant's name, address and signature; and

- ◆ letter of authorization from the owner if applicant is operating as agent for owner.

Please note that staff will not begin processing your application until all information required on the application form has been provided and the appropriate fee has been paid.

In some circumstances, there may be additional requirements of which you shall be advised. These may include detailed elevation and landscaping plans, and a letter of credit to guarantee completion of any required work.

### **Step 3 - Application Review**

Once a complete application has been received, Planning Staff will evaluate your proposed development against any applicable bylaws and zoning regulations that apply to your proposal. The application review process may involve referrals to outside government agencies such as the Ministry of Transportation, Ministry of Environment, Department of Fisheries and Oceans, Fraser Valley Regional District and the Regional Health Authority.

### **Step 4 - Public Information Meeting**

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 adoption of a resolution and mail notices to property owners within 30m of the subject property. At this meeting the public will have an opportunity to address any concerns or comments in regards to the proposal.

### **Step 5 - Consideration by City of Chilliwack**

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. Council will then consider the application on the date specified in the Notice, and may issue the permit, request additional information, or reject the proposal.

### **Step 6 - Temporary Use Permit Issuance**

Approval of a TUP may be subject to certain conditions such as a letter of credit to restore land or to secure landscaping. Once these conditions are met, the permit can be issued. When the Permit is issued, City Staff will file a notice with the Land Titles Office that there is a temporary use permit 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.

During final building or site inspection, the Permit may 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. When all set conditions have been met, any posted securities deposited with the City of Chilliwack will be returned. The TUP conditions will also be reviewed should a renewal of the TUP be requested.

### **How Much Time Does The Process Take?**

The amount of time to process a TUP Application is largely dependent upon the complexity of the Application. In addition, the time frame is affected by how long it takes you to meet specific servicing and other requirements detailed in the technical review process. On

average, a TUP Application takes 6 weeks to receive Final Approval once an Application has been submitted.

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

**Business License** – A Business License will be required.

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

**For Further Information**

This information is intended to provide guidance only and should not be interpreted as a right to a temporary use permit if the steps indicated are followed. Please consult the *Local Government Act* and its regulations, as well as the other City of Chilliwack applicable bylaws for the definitive requirements and procedures. For information related to your specific application contact:

For further information please contact:

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

Telephone: 604-793-2906  
Fax: 604-793-2285

This is one in a series of public information brochures covering the Municipal Approvals process in the City of Chilliwack.

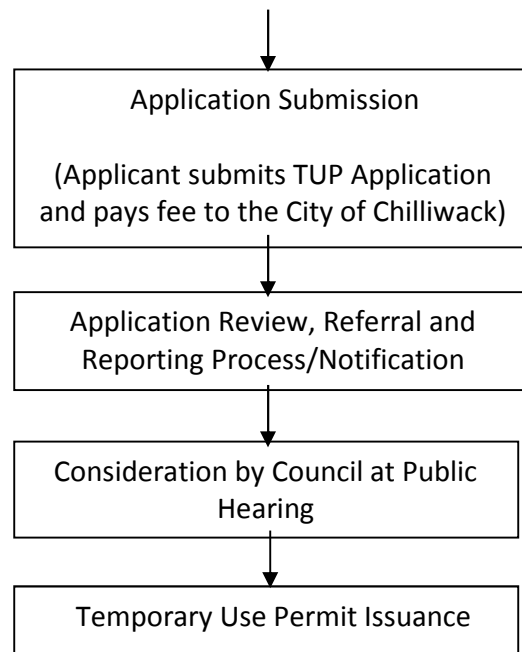
Other brochures available from the City include:

- ◆ Building Permits and Inspections
- ◆ Business Licensing
- ◆ Subdivision
- ◆ Rezoning
- ◆ Development Variance Permits

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**General TUP Process**

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| <p>Pre-Application Stage</p> <p>(Applicant initiates discussion with Planning &amp; Strategic Initiatives Department and provides a general overview of the proposal)</p> |
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