

City of Chilliwack

Bylaw No. 3004

**Bylaw to establish procedures for public hearing and
public information meetings**

WHEREAS the *Local Government Act*, *Land Title Act* and *Licensing Act* authorize Council, by bylaw, to provide procedures for processing applications and receiving public representations;

NOW THEREFORE the Council of the City of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as **“Public Hearing/Public Information Meeting Procedural Bylaw 2004, No. 3004”**
2. “Public Hearing/Information Meeting Procedural Bylaw 1998, No. 2557”, and amendments thereto, is hereby repealed.

INTERPRETATION

3. In this bylaw:

“*Corporate Officer*” means the *Corporate Officer* of the City of Chilliwack or designate; (AB#4790)

“*Council*” means the Council of the City of Chilliwack;

“*Owner*” means the registered owner(s) of property or their representative authorized in writing by the registered owner. (AB#4259)

PUBLIC RECORDS

4. The City shall maintain and make available for public inspection during normal business hours a current list of:
 - (1) every Zoning Bylaw Amendment and Official Community Plan Bylaw Amendment in effect;
 - (2) every Zoning Bylaw Amendment and Official Community Plan Bylaw Amendment that has received first reading; and,
 - (3) Every Development Permit, Development Variance Permit or *Temporary Use Permit* issued. (AB#3741)

The list shall contain a general description of the purpose of the bylaw or permit, the proposed change in status and the current status of each bylaw or permit application.

PROCEDURES TO INITIATE ZONING/OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT

5. Owner(s) may request a change in the status of their property as follows:
 - (1) An owner may make application to rezone or redesignate their property or any person may make application to amend the text of the Zoning Bylaw or Official Community Plan Bylaw.
 - (2) Applications to amend the Zoning Bylaw or Official Community Plan Bylaw shall be made on the form as provided and submitted to the *Planning and Strategic Initiatives Department*. (AB#3741)
 - (3) At the time of application to amend the Zoning Bylaw or Official Community Plan Bylaw, the *owner* shall pay to the City an application fee in the amount set out in the Development Application Fee Bylaw, in force from time to time. (AB#4259)
 - (4) An application to amend the Zoning Bylaw or the Official Community Plan Bylaw shall be referred to Council by the *Planning and Strategic Initiatives Department* with a report and recommendation.
 - (5) The Council may, upon receipt of the report from the *Planning and Strategic Initiatives Department*, proceed with an amendment bylaw or deny the request. (AB#3741)

PUBLIC HEARINGS

Zoning Bylaw and Official Community Plan Bylaw Procedures:

6. Signage requirements on all properties for which an application to rezone or redesignate has been received, or, as determined necessary by the *Director of Planning and Engineering* where an application for other land use amendments has been received, are as follows: (AB#3741) (AB#4790)
 - (1) Signs advising of the proposal, and to the standards set out in Schedule “A” attached *hereto* and forming part of this Bylaw, shall be posted on the subject lands at least 14 days before the anticipated date of *first reading* of the appropriate bylaw; (AB#4790)
 - (2) The *owner* shall be responsible to physically attach, to the notification sign, an information panel indicating the date of the Public Hearing once this date is obtained from the *Planning and Strategic Initiatives Department*. This panel must be displayed no less than 7 days prior to the Public Hearing. *The owner is required to maintain, repair, and replace the sign during the sign notice period.* (AB#4259)
 - (3) Signs must be fully visible from the highway on which the lands front;

Zoning Bylaw and Official Community Plan Bylaw Procedures: (continued)

- (4) If the subject lands are more than 1 hectare in area, additional signs may be required, at the City’s discretion, to provide adequate exposure to travelled public highway.
 - (5) The *owner* is required to submit to the City written confirmation by a professional sign maker that the sign has been posted in accordance with the provisions of this Bylaw. (AB#4259)
 - (6) If, after posting on the subject lands, the sign(s) is destroyed, vandalized, damaged or stolen, the Public Hearing process will not be affected.
 - (7) The sign(s) shall be removed by the applicant or their contractor within 5 days of:
 - (a) the conclusion of the Public Hearing process;
 - (b) denial of the application by Council; or
 - (c) withdrawal of the application by the applicant
 - (8) Signs required under this Bylaw shall not require a building/siting permit; however, all costs associated with the manufacture, installation and removal, and third party liability insurance shall be the responsibility of the owner.
7. A Public Hearing is required for an amendment to the *Official Community Plan Bylaw or Zoning Bylaw* and before third reading. (AB#4259) (AB#4790)
- (1) A Public Hearing shall be called after *second* reading of the bylaw(s) and before third reading. (AB#4259)
 - (2) A notice of Public Hearing shall be issued stating:
 - (a) the time, date and place of the Public Hearing;
 - (b) in general terms, the purpose of the bylaw;
 - (c) if applicable, the land(s) that are the subject of the bylaw including a sketch of the land(s) if the area which is the subject of the bylaw amendment cannot be clearly identified in another manner; and,
 - (d) *the time, date and place where the proposed bylaw may be inspected.* (AB#4259)
 - (3) The notice of Public Hearing shall be published in 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Hearing.

Zoning Bylaw and Official Community Plan Bylaw Procedures: (continued)

- (4) Where the bylaw alters a permitted use or density, the notice shall:
 - (a) be mailed or otherwise delivered, at least 10 days prior to the Public Hearing, to the owners and tenants in occupation of parcels directly affected by the bylaw and of all parcels, any part of which is within 30 meters of the area subject to the rezoning;
 - (b) include, where applicable, a sketch of the area to be rezoned including the name(s) of adjacent roads; and
 - (c) paragraph (4)(a) does not apply if 10 or more parcels owned by 10 or more owners are the subject of the bylaw amendment.
- (5) *Where a Development Variance Permit is to be heard concurrently with a rezoning/redesignation application, the notice will include the required information for both applications. (AB#4259)*
- (6) At a Public Hearing all persons who believe that their interest in property is affected by the proposed bylaw shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.
- (7) Minutes of each Public Hearing containing a summary of the nature of representations made at the hearing, respecting the bylaw, shall be prepared and maintained as a public record.
- (8) A Public Hearing may be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing is stated to those present at the time the hearing is adjourned.
- (9) After the Public Hearing, Council may, without further notice of hearing:
 - (a) adopt or defeat the bylaw, or
 - (b) *amend* and then adopt the bylaw, provided that the amendment does not alter the permitted use, increase the density, or without the owner’s consent, decrease the density of any area from that originally specified in the bylaw. (AB#4259)

Temporary Use Permit Procedures:

8. A Public Hearing is required for *Temporary Use Permit* applications and the following procedures shall apply:
 - (1) Prior to considering an application for a *Temporary Use Permit*, Council shall hold a Public Hearing and must give notice in accordance with Sections 8(2), 8(3), and 8(4) of this Bylaw. (AB#4259)

Temporary Use Permit Procedures: (continued)

- (2) *A notice shall be mailed or otherwise delivered at least 10 days prior to a Public Hearing to the owners, as shown on the assessment roll as at the date of the application for the permit; and any tenants in occupation of lands directly affected by the permit, as at the date of the mailing or delivery of the notice; and of each parcel, any part of which is within 30 meters of that part of the land that is subject to the permit. (AB#3741)*
- (3) A notice shall be published in a newspaper not less than three days and no more than 14 days before the adoption of the resolution to issue the permit. (AB#3741)
- (4) A notice shall state:
 - (a) in general terms, the purposes of the proposed permit;
 - (b) the lands that are the subject of the proposed permit;
 - (c) the time, place and dates when copies of the proposed permit may be inspected; and,
 - (d) the date, time and place when the resolution will be considered.
- (5) Council shall consider the application for a *Temporary Use Permit* at the regular meeting of Council following the conclusion of the Public Hearing unless deferred by Council.
- (6) A *Temporary Use Permit* issued under this Section may be renewed only once. (AB#3741)

PUBLIC INFORMATION MEETINGS

Development Variance Permit Procedures:

9. A Public Information Meeting is required for Development Variance Permit applications and the following procedures shall apply:
 - (1) Prior to considering an application for a Development Variance Permit, Council shall hold a Public Information Meeting and must give notice in accordance with Sections 9(2) and 9(3) of this Bylaw.
 - (2) A notice shall be mailed or otherwise delivered at least 10 days prior to a Public Information Meeting to owners, as shown on the assessment roll as at the date of application for the permit; and any tenants in occupation of lands directly affected by the permit, as at the date of the mailing or delivery of the notice; and of each parcel, any part of which is within 30 meters of that part of the land that is subject to the permit.
 - (3) The notice shall state:
 - (a) in general terms, the purposes of the proposed permit;
 - (b) the land or lands that are the subject of the proposed permit; and,

Development Variance Permit Procedures: (continued)

- (c) the time, place and dates when copies of the proposed permit may be inspected.
- (4) *Where a Development Variance Permit is to be heard concurrently with a rezoning/redesignation application, notice must be given in accordance with Sections 7(2), 7(3) and 7(4) of this bylaw and will include the required information for both applications. (AB#4259)*
- (5) *Where a Development Variance Permit is to be heard concurrently with a Temporary Use Permit application, notice must be given in accordance with Sections 8(2), 8(3), and 8(4) of this bylaw and will include the required information for both applications. (AB#4259)*
- (6) Council shall consider the application for a Development Variance Permit at the regular meeting of Council following the conclusion of the Public Information Meeting unless deferred by Council.

LIQUOR LICENSING REFERRAL PROCEDURES

10. The following procedures shall apply:

- (1) Applications for a Liquor License or amendments to an existing License shall be submitted to the City in writing on the application form provided, together with the applicable fees as set out in the Development Application Fee Bylaw, in force from time to time. Applications for amendments shall be accompanied by a copy of the affected License.
- (2) Upon receipt of the application it will be forwarded to Council who may, subject to City bylaws and *Liquor Control and Licensing Act* and Regulations, carry out the following:
 - (a) opt out of comment;
 - (b) provide comment with respect to whether or not to recommend approval of the application; and (AB#4259)
 - (c) *call a Public Information Meeting to gather the views of the public. (AB#4259)*
- (3) If Council directs that the application be forwarded to a Public Information Meeting, the following shall occur:
 - (a) Council shall set the Public Information Meeting for 7:00 p.m. at a Regular Meeting of Council and following any Public Hearing scheduled for the same date and time;
 - (b) a notice shall be published in a local newspaper prior to the Public Information Meeting;
 - (c) the notice shall state:

LIQUOR LICENSING REFERRAL PROCEDURES (continued)

- (i) in general terms, the effect of the application;
 - (ii) the civic address of the property that is the subject of the application;
 - (iii) the time, place and date at which the Public Information Meeting will be held; and
 - (d) a notice shall be mailed 10 days prior to a Public Information Meeting to owners, as shown on the assessment roll at the date of application for the permit; and any tenants in occupation of lands directly affected by the application, as at the date of mailing or delivery of the notice; and of each parcel, any part of which is within 30 meters of that part of the land that is subject to the application.
- (4) Council shall consider the application at the regular meeting of Council immediately following the Public Information Meeting unless the Public Information Meeting has been recessed or adjourned to a later date. The resulting resolution will be forwarded to the Liquor Control and Licensing Branch for final consideration.
11. Council may call, by resolution, Public Information Meetings for any other purpose that Council deems necessary.

RULES OF CONDUCT

12. *The “Rules of Conduct” for Public Hearing and Public Information Meetings in Schedule “B” and Schedule “C”, attached hereto and forming part of this Bylaw shall apply to the conduct of Public Hearing and Public Information Meetings, respectively.*
(AB#4790)

“Public Hearing/Public Information Meeting Procedural Bylaw 2004, No. 3004” adopted on the 19th say of April, 2004.

Amendment Bylaw No. 3259 adopted on the 18th day of April, 2006.

Amendment Bylaw No. 3741 adopted on the 5th day of July, 2011.

Amendment Bylaw No. 3885 adopted on the 16th day of October, 2012.

Amendment Bylaw No. 3886 adopted on the 16th day of October, 2012.

Amendment Bylaw No. 4259 adopted on the 20th day of September, 2016.

Amendment Bylaw No. 4790 adopted on the 17th day of March, 2020.


“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk

Schedule “A”
Rezoning Notification Sign – Specifications

	<h1>City of Chilliwack</h1>
	REZONING APPLICATION NO. RZXXXXXX
	<p><u>Text</u> (Insert purpose of the Rezoning – to be supplied by the applicant)</p>
<p>MAP</p> <p>(Minimum size:</p>	<p>Decal to be affixed here and to include the following:</p> <p>Public Hearing on (“Zoning Bylaw Amendment Bylaw XXXX, No. XXXX) at 7:00 p.m. on (Day of week), (Month, Day), (Year).</p>
	<p>For more information contact::</p> <p>(Insert name of Applicant) Phone: XXX-XXX-XXXX (or) Planning and Strategic Initiatives Department Phone: 604-793-2906</p>

SIGN FAÇADE – 1.2m x 2.4m (4’ X 8’)

SPECIFICATIONS

- Sign shall be produced by a sign company licensed to do business within the City of Chilliwack and shall remain the property of the sign company
- Sign board to be minimum 12mm (½”) plywood, good-one-side or better, painted or coated with semi-gloss white enamel or equivalent
- A 5cm (2”) #355 green border shall be painted around perimeter of sign
- A City of Chilliwack Logo 30cm (12”) or larger, shall be affixed to the upper left corner of the sign
- “City of Chilliwack” and Rezoning Application Number (assigned by the City) to be 15cm (6”) high Helvetica Medium in #355 green
- Map area to be 0.6m x 0.6m (or larger) with 2.5cm (1”) wide black outline, map detail to be in black, showing adjoining road(s), land involved and north arrow
- Text of “purpose of rezoning” to be 7.5cm (3”) high black Helvetica Medium
- “For more information.” to be 5cm (2”) high Helvetica Medium

SIGN INSTALLATION

- Sign shall be erected at the center of the property frontage or at closest road access to the property 1m to 3m inside the front property line
- Sign shall be supported by 2 – 100mm x 100mm (4x4) posts and shall be a minimum of 1.2m (4’) above ground level
- Sign shall be clearly visible from the road

Where the property or properties abut more than one road, a 2nd sign may be required

Schedule “B”

Public Hearing Rules of Conduct

- *This Public Hearing falls under Section 465 of the Local Government Act.*
- *Copies of written submissions are on display at the Reception Desk near the entrance to City Hall.*
- *During this Public Hearing, anyone who believes their interest is affected by the proposed bylaw or temporary use permit will be given a reasonable opportunity to be heard.*
- *Please restrict comments to the issues related specifically to the proposed application.*
- *Each time you come forward to speak, please provide your name and address, which will be recorded and form part of the official record.*
- *To start, all speakers will have up to 10 minutes to make their presentation.*
- *After everyone that wants to speak has spoken once, there will be a second opportunity to speak. This time speakers will have up to five minutes. This process will continue until there are no further comments for Council’s consideration.*
- *We want to hear from everyone and no one should feel discouraged or prevented from making their views known.*
- *Members of Council may ask questions of a speaker for clarification, but the main function of Council members this evening is to listen to the views of the public with an open mind and not engage in debate with speakers.*
- *Please refrain from applause or other expression of approval or disapproval.*
- *After this Public Hearing has concluded, Council may immediately discuss the application and make a decision.*
- *If Council needs more time to consider what they have heard, or require further information, the discussion and decision will take place at a later date. (AB#4790)*

Schedule “C”

Public Information Meeting Rules of Conduct

- *This Public Information Meeting is guided by our “Public Hearing/Public Information Meeting Procedural Bylaw 2004, No. 3004”.*
- *Copies of written submissions are on display at the Reception Desk near the entrance to City Hall.*
- *During this Public Information Meeting, anyone who believes their interest is affected by the proposed application will be given a reasonable opportunity to be heard.*
- *Please restrict comments to the issues related specifically to the proposed application.*
- *Each time you come forward to speak, please provide your name and address, which will be recorded and form part of the official record.*
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