

City of Chilliwack

Bylaw No. 4726

A bylaw to authorize and regulate Temporary Use Permits for a second dwelling under construction in the Agricultural Land Reserve

WHEREAS a maximum of one structure for residential use is permitted per lot in the Agricultural Land Reserve pursuant to “Zoning Bylaw 2001, No. 2800”;

AND WHEREAS the City wishes to allow owners of land within the Agricultural Land Reserve to construct a new dwelling on their land while occupying an existing dwelling;

AND WHEREAS “Official Community Plan Bylaw 2014, No. 4025”, designates all areas of the City as areas where temporary uses may be allowed;

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

1. This Bylaw may be cited as “**Temporary Permission for Second Dwelling in the Agricultural Land Reserve Bylaw 2019, No. 4726**”.

PURPOSE

2. The purpose of this Bylaw is to authorize and regulate the issuance of Temporary Use Permits to permit the temporary occupancy of an existing dwelling during construction of a new dwelling on parcels located within the Agricultural Land Reserve in the City.
3. A person who complies with this Bylaw is not relieved from complying with the requirements that otherwise apply to the use and development of land in the Agricultural Land Reserve including the requirement to obtain Agricultural Land Commission approval of a Non-Adhering Residential Use.

APPLICATION

4. This Bylaw shall apply to all parcels within the boundaries of the City of Chilliwack that are located within the Agricultural Land Reserve.

CONDITIONS

5. A Temporary Use Permit issued pursuant to this Bylaw may:
 - (a) specify conditions under which the temporary use may be carried on;
 - (b) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued; and,

- (c) require the landowner to give an undertaking, attached hereto as Schedule “A” and forming part of this Bylaw, to demolish or remove a building or structure or restore land to a condition specified in the permit by a date specified in the permit.
- 6. Without limiting the generality of Section 5 of this Bylaw, it shall be a condition of every Temporary Use Permit issued pursuant to this Bylaw that the existing dwelling shall not be rented or leased to any third party.
- 7. Upon issuance of a Temporary Use Permit pursuant to this Bylaw the City shall file a notice on title to the subject property that the land is subject to the permit.
- 8. Every person to whom a Temporary Use Permit is issued must comply with the requirements of this Bylaw and the conditions of the permit and must not omit to do work required by this Bylaw or the conditions of a permit.

DELEGATION

- 9. The Director of Development and Regulatory Enforcement Services shall have the authority to issue or refuse to issue Temporary Use Permits pursuant to the provisions of this Bylaw.

RECONSIDERATION

- 10. An applicant for a Temporary Use Permit is entitled to request that City Council reconsider a decision made by the Director of Development and Regulatory Enforcement Services pursuant to this Bylaw.
- 11. An application for reconsideration shall be made to the Corporate Officer or their designate, in writing, and shall include the grounds for which reconsideration is being sought, within fourteen days of the decision by the Director of Development and Regulatory Enforcement Services.

FEES AND SECURITY

- 12. In addition to any fees required pursuant to an applicable Bylaw of the City, security in the amount of \$10,000.00 shall be paid as a condition of issuance of a Temporary Use Permit pursuant to this Bylaw in order to secure the performance of all requirements of the permit, this Bylaw and any applicable enactments.
- 13. Where a Temporary Use Permit issued pursuant to this Bylaw requires the occupation or use of an existing dwelling to cease within a specified time frame of issuance of an occupancy permit for the new dwelling, a contravention of this provision constitutes an event of default.
- 14. Where an event of default occurs, \$5,000.00 of the security shall be immediately forfeited to the City.
- 15. Where an event of default is not rectified within 30 days, the remaining \$5,000.00 in security shall be immediately forfeited to the City.

DEFAULT

16. In addition to any other penalty or remedy, if a person to whom a permit is issued pursuant to this Bylaw fails to comply with any of the requirements of the permit or this Bylaw, the City may enter on the land and fulfill the requirements at the expense of the owner and may recover the costs incurred as debt.
17. If an owner fails to pay the City's costs of acting in default prior to the 31st day of December in the year that the correction of the default was effected, the costs must be added to and form part of the taxable payable on the property as taxes in arrears.

OFFENCE AND PENALTY

18. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$10,000.00.
19. Each day that a violation continues to exist constitutes a separate offence.

Received first and second reading on the 20th day of August, 2019.
Received third reading on the 20th day of August, 2019.
Received adoption on the 3rd day of September, 2019.

“Ken Popove”

Mayor

“Jacqueline Morgan”

Corporate Officer

Schedule “A”

TO THE CITY OF CHILLIWACK

I, _____(Name of Owner)

Being the owner of _____

(Legal Description)

Known as _____

(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove the current, existing dwelling unit that is permitted to be used or occupied while a new dwelling unit is being constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described in the temporary use permit to a condition specified in that permit;

all of which shall be done not later than the termination date set out in the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its employees, agents or contractors may enter upon the land described in the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Chilliwack “Zoning Bylaw 2001, No. 2800”, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

(Owner)

Director of Development and
Regulatory Enforcement Services