

## **REZONING**

### A Guide to the Municipal Approvals Process in Chilliwack May 2021

The City of Chilliwack has prepared this brochure to assist you in understanding the City's Rezoning procedure.

This Brochure describes:

- ◆ Zoning;
- ◆ The Rezoning Process; and
- ◆ Where to obtain additional information.

Upon review of the following information, anyone intending to submit a rezoning application is urged to contact the Planning & Strategic Initiatives Department for assistance.

#### **Zoning**

Zoning is a way of regulating the use of land by designating properties for a specific range of permitted uses, densities, sitings and building forms. In Chilliwack all properties are assigned a specific zone, which is described in the Zoning Bylaw.

The basis of zoning decisions is the Official Community Plan, which outlines a growth strategy for the City of Chilliwack.

#### **When is Rezoning Necessary?**

In the case where a property owner wants to use his or her land in a manner that is not permitted under the present zoning, a change in the zoning classification for the subject lands through a formal amendment of the City's Zoning Bylaw of the property is required. This process is called Rezoning.

#### **What is the Purpose of the Process?**

The rezoning process enable the Council to thoroughly review the potential impacts that a change in land use, density or building form may have on the local neighbourhood and the community at large. Furthermore, the review process will:

- ◆ provide the general public with an opportunity to express its view on a proposed change; and
- ◆ endeavor to ensure that the change will be a positive contribution to the community and meet the community's standards for development by using professional City staff to examine the impact of the proposed rezoning.

## **General Rezoning Process**

### **1. Pre-application Stage**

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

- ◆ the current zoning of your property;
- ◆ the current Official Community Plan (OCP) designation of your 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 proposed development.

### **1. Application Submission**

A completed application for Rezoning is submitted by the Applicant to the Planning & Strategic Initiatives Department and includes the following:

- ◆ a complete Rezoning Application Form including full name and contact information for the owner and applicant (if different);
- ◆ the subject lands – civic address;
- ◆ the zoning change you request;
- ◆ proof of ownership as evidenced by a Title Search dated within 1 week (7 days) of application submission. Should a copy of the property title not be provided, a \$15 charge will be included within the application fee.
- ◆ 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.
- ◆ letter outlining a description of the proposed development;
- ◆ an authorization form should the owner of the property have an agent act on their behalf;
- ◆ a Release Form for the release of documentation through the application process; and,
- ◆ a Rezoning 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 No. 2554.

### **2. Application Review and Reporting**

The Planning & Strategic Initiatives Department coordinates the review of your application, which may involve other municipal departments and outside agencies, such as Ministry of Environment, Ministry of Health, Ministry of Transportation and others.

Having reviewed all technical evaluations the Planning & Strategic Initiatives Department will then submit an assessment report together with recommendations to Council.

**PLEASE NOTE: The applicant is responsible for posting rezoning notification signage on the subject property at least fourteen (14) days prior to introduction. Sign specifications are described in the “Public Hearing/Public Information Meeting Procedural Bylaw”.**

You will be notified regarding staff recommendations and the impending review of your application at a regular Council meeting. Should you wish to make a presentation at the meeting, you must make prior arrangements (two business days before the meeting) with the Clerk's department. If you cannot attend the meeting, you may request alternative representation on your behalf.

### **3. Initial Bylaw Readings and Public Hearings**

At the regular Council meeting on a Tuesday that is open to the public, Council may refuse the application, request revisions or consider the application favourably.

If Council refuses the application or requests revisions to the proposal at the meeting, you will be informed. If you withdraw your application before introduction part of the rezoning fee may be refunded. Once Council considers the application favourable, it will give the rezoning bylaw first reading and set a Public Hearing date.

The Hearing date will normally be two weeks from the date of First Reading. The Hearing will be advertised in a local newspaper for two weeks and the applicant and the owners/occupants of all properties within 30 metres of the subject property will also be notified.

During the Public Hearing, held at 7:00pm, a party can make a presentation regarding the application. The City will also accept written submissions prior to the Hearing. After the hearing, Council will not accept or otherwise consider any submissions. It is advisable that you attend the Public Hearing, in case you need to clarify your proposal or respond to issues that may arise from the Public Hearing since Council, upon consideration of the public's concerns, may alter its decision or require changes in the proposal.

### **4. Satisfying the Prerequisites**

Following the Public Hearing, Council either rejects the application or gives second and third reading to the bylaw outlining prerequisites prior to final adoption. For example, if the application involves an OCP amendment or if the property is within 800 metres of the Trans Canada Highway, it will be referred to the Provincial Government for approval before proceeding to fourth reading.

Requirements, which involve preparing other bylaw and permits and obtaining approval from outside agencies, are staff's responsibility.

Requirements that involve providing more information, preparing design plans or submission plans are the applicant's responsibility.

If no provincial agencies are involved and prerequisites are met, the Rezoning will usually be referred to the following Council meeting for fourth reading and adoption.

### **5. Final Bylaw Adoption**

If necessary, the applicant proceeds to fully complete the prerequisite conditions and submits the required information to the Planning & Strategic Initiatives Department.

Planning Division staff undertake a final review and once all the prerequisites have been satisfied, recommend to Council that the Final Adoption of the bylaw be given.

Upon receipt of the above recommendations, Council will usually give fourth reading and adoption of the bylaw at the next regular Council meeting. You are notified when this is done. However, the amendment bylaw is subject to a 30-day quashing period.

You are then able to apply for a Building Permit.

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

The amount of time to process a rezoning 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 zoning prerequisites as established by Council and the Planning Division.

### **What Are The Next Steps In The Development Approval Process?**

You may require additional approvals prior to beginning construction.

- ◆ Subdivision or consolidation of lots may be required to accommodate the proposed development.
- ◆ Building Permit approval is required for construction of all buildings.

### **How Can I Find Out More?**

For information related to your specific application and the time it will take to process your proposal for rezoning, contact:

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

Phone: 604-793-2906  
Fax : 604-793-2285

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

Other brochures available from the City include:

- ◆ Subdivision
- ◆ Business Licensing
- ◆ Building Permits & Inspections
- ◆ Development Variance Permits
- ◆ Tree and Green Space Management Plans.

**This brochure has been prepared to provide guidance only. It is neither a bylaw nor legal documents. Please consult the *Local Government Act* and its Regulations, and**

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the City of Chilliwack Zoning Bylaw and applicable codes for definite requirements and procedures.

**GENERAL REZONING PROCESS**

