

LAND USE

SECONDARY SUITES – REZONING APPLICATION

LAN.18

PROCEDURE

Date Procedure Implemented: February 26, 1991

Date Procedure Amended: September 6, 1995

Date Procedure Amended: October 9, 1996

Date Procedure Amended: February 17, 1997 (Council Resolution 97/168)

Date Procedure Amended: March 19, 2001

The following procedure describes how a Secondary Suite rezoning application is processed from the submission of an application to the actual adoption of a rezoning amendment bylaw.

1. The applicant should refer to the Zoning Bylaw (available for reference or purchase at the Community Development Department) for the development restrictions in the proposed suite zone and the District of Mission Secondary Suite Legitimization Policy. The application submission will have to clearly show that the proposed use meets the restrictions of the applicable suite zone and Policy and that the subject property is the principal residence of the property owner.
2. The information that is required to accompany the Application for Zoning Amendment Secondary Suites includes:
 - a) a recent copy of the title of the property dated within 30 days of the date of the application.

Note - a copy of the title may be obtained from:

Land Titles Office
88 - 6th Street
New Westminster, B.C.
V3L 5B3 (Phone No.: (604) 660-8141)

or a notary, lawyer or search company;

- b) consent of the property owner;
- c) legal description of the property;
- d) proposed uses;
- e) floor plan of the existing or proposed suite, including total floor area;

- f) a site plan showing proposed parking, access and building placement; and
- g) A copy of a NOTARIZED STATUTORY DECLARATION which CONFIRMS OWNER OCCUPANCY (Refer to Example in Schedule 'A').

NOTE: COPIES OF THE ABOVEMENTIONED PLANS REDUCED TO 8.5 X 11 MUST ALSO BE SUBMITTED. AN APPLICATION WHICH DOES NOT CONTAIN ALL REQUIRED INFORMATION CANNOT BE ACCEPTED.

Cost

An application fee as set by the District of Mission Procedures Bylaw is payable upon submission of the Secondary Suite Rezoning Application Form.

THE PROCESS

The following procedure describes how a Secondary Suite rezoning application is processed from the submission of an application to the actual adoption of a zoning amendment bylaw:

1. The applicant (being either the property owner or the owner's agent) must fill out an "Application for Zoning Amendment Secondary Suite" form, sign and submit it with all required information and fees to the Community Development Department by mail or in person. The application form must be signed by all registered owners of the subject property.

AN APPLICATION WHICH DOES NOT CONTAIN ALL REQUIRED INFORMATION CANNOT BE ACCEPTED.

The Development Notification Sign requirements are outlined in Schedule 'B' as attached.

2. The application is forwarded to District of Mission staff for evaluation of compliance with relevant municipal bylaws and policies.
3. Staff meet to review new applications and prepare a report and recommendation to the Committee of the Whole. **This report will recommend whether the rezoning application should be advanced for consideration of first reading of the appropriate bylaw, or advanced for consideration of first and second reading of the appropriate bylaw and public hearing, or rejected or deferred pending submission of further information.**

Council may consider giving first reading to the appropriate bylaw if it feels that with the information provided at this time there is no overwhelming public interest that would immediately preclude approval of the application. However, subsequent approvals will be subject to examination of the details necessary for the application to proceed to public hearing and public input during the public hearing process. First reading of the applicable bylaw does not indicate a commitment to any further approvals.

Council may consider giving first and second reading to the appropriate bylaw if it feels sufficient detail has been provided to proceed to public hearing and there is no overwhelming public interest that would immediately preclude approval of the

application. However, subsequent approvals will be subject to public input during the public hearing process. First and second readings of the applicable bylaw does not indicate a commitment to any further approvals. Only four rezoning applications will be forwarded to the Committee at one time.

The Committee of the Whole meeting, which normally meets on the first and third Monday of each month, is open to the public. The applicant is encouraged to attend. If the applicant wishes to appear as a delegation at the Committee Meeting, written communication must be received by the Clerk's Department by 4:30 p.m. on the Monday prior to the Committee meeting.

- 4. The Committee of the Whole reviews the application and makes a recommendation (advance to first reading, advance to first and second reading and public hearing, reject or defer) which is subject to ratification at a regular Council meeting.**
- 5. If the recommendation of the Committee of the Whole for the application to move forward to first reading is endorsed by Council, an appropriate Zoning Amending Bylaw (and/or Official Community Plan Amending Bylaw) will be prepared, and placed on the regular Council meeting agenda for consideration of first reading. Following first reading of the appropriate bylaw, the applicant will be required to provide the necessary information to satisfy Council that the bylaw should be forwarded for consideration of second reading and Public Hearing.**

If the recommendation of the Committee of the Whole for the application to move forward to first reading and second reading and Public Hearing is endorsed by Council, an appropriate Zoning Amending Bylaw (and/or Official Community Plan Amending Bylaw) will be prepared, placed on the regular Council meeting agenda for consideration of first and second readings, and forwarded to Public Hearing.

The Public Hearing is advertised in the local newspaper two consecutive weeks prior to the date of the Hearing. As well, the applicant and owners and occupants of land within 152 metres (500 feet) of the site of the rezoning are notified by mail of the Hearing in accordance with the requirements of the Municipal Act.

Failure to post the Development Notification Sign for the required notification period or with all of the pertinent information as required shall result in the cancellation of the proposed bylaw amendment from the scheduled Public Hearing agenda. The result will be a delay in the processing of the rezoning application.

- 6. Following the Public Hearing, Council will consider giving further readings to the Zoning Amendment Bylaw. If rejected at Third Reading, the applicant shall remove the unlawful suite within 60 days of Council's refusal. Correspondence confirming the 60 day deadline will be forwarded to the applicant by the Community Development Department.**
- 7. If given Third Reading, the applicant must then provide a deposit to the Municipality for a Building Inspection fee within 30 calendar days of the date of Third Reading. Building Inspection of the secondary suite premises may occur prior to Third Reading if the inspection fee is paid prior to that time.**

IF THE INSPECTION FEE IS PAID PRIOR TO THAT TIME HOWEVER, SUCH PAYMENT AND INSPECTION IS AT THE APPLICANT'S RISK AND SHOULD NOT BE IMPLIED AS PRELIMINARY APPROVAL OF THIRD READING FOR THE SECONDARY SUITE APPLICATION.

THE APPLICANT IS ADVISED TO CONTACT THE INSPECTION SERVICES DEPARTMENT REGARDING REQUIREMENTS FOR BUILDING CODE REQUIREMENTS.

8. The applicant has a total of four calendar months to upgrade the subject suite to Building Code fire safety standards from the date of Third Reading of the Zone Amending Bylaw and to arrange for inspection of the suite by the Inspection Services Department.
9. Adoption of the Zoning Bylaw Amendment will not be considered until the Community Development Department receives notification from the Inspection Services Department that the suite has been upgraded and approved by the Building Inspector, and evidence in the form of a new certificate of title showing the registered Restrictive Covenant document. The applicant is advised to proceed with preparation and registration of the Restrictive Covenant document immediately following Third Reading of the Zone Amending bylaw as it can take several weeks to receive confirmation of registration (a new certificate of title showing the registered document) from the Land Titles Office. A cash register imprint on a copy of the Restrictive Covenant Document will NOT be accepted as proof of registration. Schedule 'A' provides the required format for the Restrictive Covenant. A Priority Agreement may be required in conjunction with the Restrictive Covenant. You are advised to consult the Land titles Office, a solicitor or a notary public regarding requirements for this document.

Once these notifications have been received and other Zoning Bylaw requirements such as parking have been met, the Bylaw Amendment shall be forwarded to Council for approval.

If the subject suite is not upgraded within the four month timeframe, the suite will be required to be removed within 60 days of the expiration of the upgrading period. A letter will be sent to the applicant to confirm that the four month period for upgrading has expired. A final inspection by the Bylaw Enforcement Officer to confirm removal of the unlawful suite must be arranged by the applicant and held prior to the expiry of the 60 day period.

The Bylaw Enforcement Officer will place a copy of all relevant correspondence with the applicant relating to the cancellation of the rezoning application in the applicable rezoning file.

10. If the Zoning Amendment Bylaw is adopted (fourth reading) by Council, the applicant and the Canada Post Corporation are notified of the adoption and the new address of the secondary suite (civic address of the property with the suffix "B").

NOTE: THE INFORMATION IN THIS PROCEDURE GUIDE SUMMARIZES THE APPROVAL PROCESS WHEN THE GUIDE WAS PREPARED. IT IS THE RESPONSIBILITY OF AN APPLICANT TO CHECK WITH THE COMMUNITY DEVELOPMENT DEPARTMENT IF THERE HAVE BEEN ANY CHANGES TO THE APPROVAL PROCEDURES SINCE PUBLICATION OF THE GUIDE.

SCHEDULE 'A'
EXAMPLE OF STATUTORY DECLARATION

| | | |
|------------------|---|------------------------------|
| CANADA |) | IN THE MATTER OF DISTRICT OF |
| |) | MISSION ZONING BYLAW NO. |
| |) | 1831-1989 |
| |) | AND |
| |) | IN THE MATTER OF |
| PROVINCE OF |) | _____ |
| |) | (Civic Address of Property) |
| BRITISH COLUMBIA |) | DISTRICT OF MISSION, BRITISH |
| |) | COLUMBIA |
| |) | _____ |
| |) | (Legal Description) |
| |) | _____ |

I/WE, _____, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE that:

I/WE, the said _____, for myself/ourselves declare that I/WE own the above described property and have personal knowledge of the matters herein declared.

That the above described property is occupied by myself/ourselves on a permanent basis.

AND I/WE make this solemn declaration, conscientiously believing to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

| | | |
|----------------------------------|---|--------------------|
| DECLARED before me at |) | |
| Mission in the Province of |) | |
| British Columbia, this day) | | |
| of _____, 199 . |) | _____ |
| |) | Signature of Owner |
| _____ |) | |
| A Commissioner for taking |) | _____ |
| Affidavits for British Columbia) | | Signature of Owner |

*** SAMPLE ONLY ***

SCHEDULE 'B'

All rezoning applications submitted to the District of Mission shall be advertised by means of a Development Notification sign to be located on the subject property within ten working days of the date of application.

The following procedures apply to the preparation and placement of Development Notification signs:

1. The applicant is responsible for having a professional sign painter prepare a Development Notification sign to Municipal standards. One sign is required to be erected on the site by the applicant for each principal street frontage of the site.

The following information shall be prominently displayed on the sign:

- Rezoning Application File Number
- Intention of the proposal
- Contact for further information
 - Community Development Department
 - Applicant
 - (Name and Telephone Number)
- Outline map of the area covered by the application

The Development Notification sign shall be placed on the subject property within ten working days of the date of the application.

Failure to post the sign for the required notification period, or with all of the pertinent information as required, shall result in the cancellation of the proposed bylaw amendment from the schedule Public Hearing agenda.

All expenses associated with the construction, painting, erection and removal of the sign(s) are the responsibility of the applicant.

2. The Development Notification sign(s) must be removed within two working days following the Public Hearing. Should the sign(s) not be removed, the District will remove the sign(s) at the applicants expense.

DEVELOPMENT NOTIFICATION SIGNS MUST BE PREPARED ACCORDING TO THE SPECIFICATIONS ON THE FOLLOWING PAGES.

AUTHORIZATION LETTER

Date: _____

File: PRO.DEV.ZON R0 _____

ASM Printing Inc.
305 - 34252 Marshall Road
Abbotsford, B.C.
V2S 1L9

Dear Sir/Madam:

Re: Authorization for Use of Original Photomechanical Transfer

In accordance with the specifications of the District of Mission Policy and Procedures Manual, Development Notification signs must be provided in conjunction with all rezoning applications. The applicant is responsible for having a professional sign painter prepare a Development Notification sign to Municipal standards. The sign must be prepared according to the attached specifications and the original Photomechanical Transfer.

Authorization is hereby given to ASM Printing Inc. to provide the use of the original Photomechanical Transfer to _____ and the sign painter of the applicant's choice.

Yours truly,

Robert Ross
DIRECTOR OF COMMUNITY DEVELOPMENT

Attachment

SECONDARY SUITE REZONING PROCESS FLOWCHART

