

NO: R102

COUNCIL DATE: May 30, 2011

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **May 30, 2011**
FROM: **General Manager, Planning and Development** FILE: **6880-01**
SUBJECT: **Stream-lining Land Development Application Procedures**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Authorize the City Clerk to bring forward for the required readings a new Development Application Procedure By-law as documented in Appendix 1 to this report;
3. Authorize the City Clerk to take all necessary actions to cause Surrey Development Application Procedure By-law, 1997, No. 13196, as amended, to be repealed at the same time as the By-law referenced in recommendation 2. is adopted;
4. Rescind City Policy No. O-5 - "Procedure for Land Development Applications" and adopt a replacement City Policy No. O-5 - "Procedure for Land Development Applications" as documented in Appendix 2 to this report; and
5. Authorize staff to take all necessary actions to implement the revised procedure as described in this report with respect to the issuance of Development Variance Permits.

INTENT

The purpose of the report is to obtain Council approval:

- to replace each of the City's Development Application Procedure By-law and City Policy No. O-5, to ensure that both the By-law and the Policy are current with the requirements of Provincial legislation and are consistent with City practices and procedures; and
- for a change in the process for issuing Development Variance Permits.

DISCUSSION

Development Application Procedure By-law

The current Surrey Development Application Procedure By-law, 1997, No. 13196 ("By-law No. 13196"), was adopted in 1997. The purpose of By-law No. 13196 is to prescribe the standard forms and procedures for Land Development Applications and Development Permits, Development Variance Permits, and Temporary Use Permits. The forms are attached as schedules to By-law No. 13196.

Provincial legislation has been amended or new legislation adopted such that sections of By-law No. 13196 that reference Provincial legislation require amendments to ensure that the correct legislation is cited. Further, over the years, changes have been made to City policies and procedures that have necessitated modifications to the forms for each of Development Permits, Development Variance Permits and Temporary Use Permits. The necessary amendments have been incorporated in the proposed Development Application Procedure By-law, which is attached as Appendix 1. The proposed By-law does not incorporate the standard Land Development Application form so as to allow amendments to be made to the form without unnecessary "red tape" related to such amendments.

Land Development Application Form

The revised Land Development Application form incorporates a specific provision that facilitates a new owner of a parcel of land taking over an active land development application from a previous owner, including all plans, reports and other material associated with the application. Without this revision, when ownership changes occur for active land development applications, confirmation from the previous owner can be onerous.

Another revision to the Land Development Application form is the requirement for the applicant to designate a project manager to act as their single point of contact. The objective is to streamline communications between the City, through the project coordinator (i.e., the planner assigned to process the application) and the applicant, through the project manager. Specifying a project manager will provide clarity to staff and to the applicant's various consultants.

Policy No. O-5 - Procedure for Development Applications

City Policy No. O-5, titled "Procedure for Development Applications" was first adopted in 1991 and amended in 1992. Over the years a number of changes to development application procedures have been made. On this basis, Policy No O-5 is proposed to be replaced with a completely new policy that reflects current procedures.

A significantly revised section in the proposed new Policy relates to the closure of inactive applications. Under the proposed Policy, applications would not be considered inactive unless there is no evidence of an applicant actively pursuing completion of an application for a period of two years, compared to the five months currently prescribed under the current Policy. Increasing the period before an application is considered inactive recognizes the current uncertain economic climate and avoids unnecessary administration.

Under the proposed Policy, staff will have the authority to close a project and all associated land development applications, after proper notification, if the application has not come before Council for consideration. This procedural change will allow a new application to be submitted for the lands without awaiting formal closure by Council of the dormant project, as is required currently.

Development Variance Permits

A Development Variance Permit application, whether it is associated with other land development applications or is stand-alone, is presented to Council for consideration by way of a Planning Report. Council is typically requested to authorize the Development Variance Permit to proceed to public notification as a recommendation within the related Planning Report. Owners of properties that are adjacent to the lot on which a variance or variances is/are proposed are notified in writing of the proposed variance(s) and are given two weeks to notify the City in writing of any concerns that they have with the proposed variance(s). At the next Regular Council meeting following the two-week notification period, Council reviews any written submissions that have been received.

Where the Development Variance Permit application is being considered in conjunction with a Rezoning Application, approval of the Development Variance Permit is considered at the same Council meeting as the Public Hearing for the proposed rezoning by-law. As such, Council issues the Development Variance Permit at the same meeting at which it would normally give third reading to the related rezoning by-law. This process acts to formalize a variance related to a by-law that is not yet adopted for a lot. The new Policy recommended in this report stipulates that where a Development Variance Permit is proceeding in conjunction with a Rezoning Application, issuance of the related Development Variance Permit will be held until Council has adopted the related rezoning by-law for the site to which the variance applies. The new Policy proposes that Council, at the meeting at which third reading is given to the related rezoning by-law, adopt a resolution that indicates support of the Development Variance Permit and authorizes staff to bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk in conjunction with final adoption of the related rezoning by-law.

In cases where the Development Variance Permit application is proceeding in conjunction applications other than a rezoning that require Council approval, it is proposed that the Development Variance Permit be brought forward for issuance and execution by the Mayor and City Clerk in conjunction with (at the same time as) final approval by Council of the other applications related to the same project (e.g., Development Permit application).

Legal Services Review

Legal Services has reviewed this report and the attachments and has no concerns.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Authorize the City Clerk to bring forward for the required readings a new Development Application Procedure By-law as documented in Appendix 1 to this report;

- Authorize the City Clerk to take all necessary actions to cause Surrey Development Application Procedure By-law, 1997, No. 13196, as amended, to be repealed at the same time as the By-law referenced in the first bullet point is adopted;
- Rescind City Policy No. O-5 – "Procedure for Land Development Applications" and adopt a replacement City Policy No. O-5 – "Procedure for Land Development Applications" as documented in Appendix 2 to this report; and
- Authorize staff to take all necessary actions to implement the revised procedure as described in this report with respect to the issuance of Development Variance Permits.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

GAG:saw

Attachments:

Appendix 1	Proposed New Development Application Procedure By-law
Appendix 2	Revised City Policy O-5 Procedure for Development Applications
Appendix 3	Revised Land Development Application Form

CITY OF SURREY

BY-LAW NO. _____

Development Application Procedure By-law, 2011

.....

- (a) WHEREAS the City wishes to update its development application forms from time to time;
- (b) AND WHEREAS the City wishes to ensure that its permit forms are standardized and up-to-date; and
- (c) AND WHEREAS the City is committed to improving the quality and effectiveness of its development process;

Under its statutory powers, including Part 26 of the *Local Government Act*, R.S.B.C. 1996, c.323, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to improve the quality and effectiveness of the development process in the City;
- (b) to provide a standard procedure for development applications and to allow changes to the City's application forms from time to time to best accomplish that intention; and
- (c) to provide a standard form of development permit, development variance permit and temporary use permit.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as the "Surrey Development Application Procedure By-law, 2011, No. _____".

Definitions

2. In this By-law,

"Agricultural Land Reserve"

means lands established and regulated by the *Agricultural Land Commission Act*, R.S.B.C. 1996, c. 10, as amended.

"Applicant"

means any person who makes application for development under the provisions of this By-law.

"City"

means the City of Surrey.

"Council"

means the City Council of the City of Surrey.

"Land Use Contract"

means a land use contract adopted by by-law by the Council.

"Liquor Permit"

means a licence under the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, as amended.

"Local Government Act"

means the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended.

"Neighbourhood Concept Plan"

means a neighbourhood concept plan adopted by Council.

"Official Community Plan"

means Surrey Official Community Plan By-law, 1996, No. 12900, as amended.

"Owner"

means, in respect of property,:

- (a) the registered owner of an estate in fee simple;
- (b) the tenant for life under a registered life estate;
- (c) the registered holder of the last registered agreement for sale;
- (d) the holder or occupier of land held in the manner mentioned in section 228 or section 229 of the *Local Government Act*; and
- (e) an Indian who is an owner under the letters patent of a municipality incorporated under Section 12 of the *Local Government Act*.

"Person"

includes natural persons of either sex, associations, corporations, bodies politic, partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.

"Property"

means all real property in the City of Surrey.

"Restrictive Covenant"

means a restrictive covenant registered against title to property under the provisions of Section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250, as amended.

"Rezoning"

means an amendment to Surrey Zoning By-law, 1979, No. 5942, as amended, or to Surrey Zoning By-law, 1993, No. 12000, as amended, changing the zone applicable to a property or the provisions of a comprehensive development zone applicable to a property.

"Subdivision"

means a subdivision of property in accordance with Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.

"Temporary Use Permit"

includes temporary commercial use permits and industrial use permits.

Part 2 Development Applications

Development Application Form

3. Every application to the City for:
- (a) a development permit for property;
 - (b) a development variance permit for property;
 - (c) a temporary use permit for property;
 - (d) an amendment to the official community plan;
 - (e) an amendment to a neighbourhood concept plan;
 - (f) a rezoning of property;
 - (g) a subdivision of property;
 - (h) an amendment or discharge of a land use contract affecting property;
 - (i) a liquor permit for property;
 - (j) a gaming permit for property;
 - (k) an amendment or discharge of a restrictive covenant affecting property;
 - (l) an amendment or discharge of a building scheme affecting property;
 - (m) a development of property within the agricultural land reserve;
 - (n) the creation of a heritage revitalization agreement affecting property; or
 - (o) a heritage alteration permit for property,

shall be made by the owner of the property in the form of development application provided by the City from time to time for that purpose.

Authority of General Manager to Provide Forms

4. The General Manager, Planning and Development, is authorized to create and amend the form of development application to be used from time to time.

Development Application Fees

5. At the time of application, the applicant shall pay to the City the application fee set out in Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, as may be amended or replaced from time to time.

**Part 3
Development Permits**

Council Approval

6. Development permits shall be issued by Council resolution in accordance with the provisions of Section 920 of the *Local Government Act*.

Form of Development Permit

7. Development permits shall be generally in the form of permit attached as Schedule "A" to this By-law.

**Part 4
Development Variance Permits**

Council Approval

8. Development variance permits shall be issued by Council resolution in accordance with the provisions of Section 922 of the *Local Government Act*.

Form of Development Variance Permits

9. Development variance permits shall be generally in the form of permit attached as Schedule "B" to this By-law.

**Part 5
Temporary Use Permits**

Council Approval

10. Temporary use permits shall be issued by Council resolution in accordance with the provisions of Section 921 of the *Local Government Act*.

Form of Temporary Use Permits

11. Temporary use permits shall be generally in the form of permit attached as Schedule "C" to this By-law.

**Part 6
General Provisions**

Repeal

12. Surrey Development Application Procedure By-law, 1997, No. 13196, as amended, is hereby repealed.

Commencement

13. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the day of 20, .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 20 .

_____ MAYOR

_____ CLERK

CITY OF SURREY

(the "City")

DEVELOPMENT PERMIT

NO. _____

Issued To:

(the "Owner")

Address of Owner:

1. This development permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development permit.

2. This development permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

(WRITE LEGAL IN FULL - DO NOT ABBREVIATE)

Parcel Identifier: _____

_____ **LEGAL**

_____ **CIVIC**

(the "Land")

3. (a) As the legal description of the Land will change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier: _____

_____ **LEGAL**

- (b) If the civic address(es) of the Land change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

_____ **CIVIC**

4. This development permit applies to only **[the portion of the Land] [to that portion of the buildings and structures on the Land]** shown on Schedule A which is attached hereto and forms part of this development permit.
5. The Land has been designated as a development permit area in Surrey Official Community Plan, 1996, No. 12900, as amended.
6. The character of the development including landscaping and the siting, form, exterior design and finish of buildings and structures on the Land shall be in accordance with the drawings numbered _____ (A) through to and including _____ (the "Drawings") which are attached hereto and form part of this development permit.
7. Minor changes to the Drawings that do not affect the general form and character of the landscaping and the siting, form, exterior design and finish of buildings and structures on the Land, may be permitted subject to the approval of the City.
8.
 - (a) The landscaping shall conform to drawings numbered _____ () through to and including _____ (the "Landscaping").
 - (b) The Landscaping shall be completed within six (6) months after the date of the final inspection of the buildings and structures referred to in the Drawings.
 - (c) Prior to the issuance of the building permit for this development, security is to be submitted to ensure satisfactory completion of the Landscaping. The security for the Landscaping is to be submitted as follows:

Cash in the amount of \$ _____

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$ _____

(the "Security")
 - (d) The Security is for:
 - i. Phase I _____
 - ii. Phase II _____
 - (e)
 - i. When the Landscaping is substantially complete as determined by the City, without the City having to use the Security, 90% of the original Security will be returned. When the Landscaping receives final approval by the City, not earlier than twelve (12) months after the date of substantial completion of the Landscaping, 10% of the original Security will be returned.
 - ii. If final approval of the Landscaping is not given by the City, the City has the option of using the Security to complete the Landscaping and any remaining

money shall be returned. The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Landscaping.

- iii. If the City elects not to enter upon the Land to complete the Landscaping and the Owner does not complete the Landscaping, the Security is forfeited to the City five (5) years after the date of the provisional or final inspection of the buildings and structures referred to in the Drawings.

___9. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

___ (a) The required indoor amenity space is eliminated.

OR

___ (b) The required indoor amenity space is reduced from _____ square metres (_____ square feet) to _____ square metres (_____ square feet).

___10. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

___ (a) The required outdoor amenity space is eliminated.

OR

___ (b) The required outdoor amenity space is reduced from _____ square metres (_____ square feet) to _____ square metres (_____ square feet).

___11. This development permit supplements/amends Development Permit No(s).

_____, _____.

- 12. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development permit.
- 13. This development permit shall lapse if the Owner does not substantially start any construction with respect to which this development permit is issued within two (2) years after the date this development permit is issued.
- 14. The terms of this development permit, and any amendment to it, are binding on all persons who acquire an interest in the Land.

15. This development permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor

City Clerk

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS DEVELOPMENT PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS DEVELOPMENT PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: (Signature)

Name: (Please Print)

OR

Owner: (Signature)

Name: (Please Print)

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.

Issued To:

(the "Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

(WRITE LEGAL IN FULL - DO NOT ABBREVIATE)

Parcel Identifier: _____

_____ (LEGAL)

_____ (CIVIC)

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier: _____

_____ (LEGAL)

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:

_____ (CIVIC)

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

a3___ (a) In Section _____ of Part 5 Off-Street Parking, the number of required off-street parking spaces is reduced from _____ to _____; and

a1___ (b) In Section _____ of Part _____ Zone (_____) the minimum _____ yard setback is reduced from _____ metres (____ ft.) to _____ metres (____ ft.); and

a1___ (c) In Section _____ of Part _____ Zone (_____) the minimum _____ yard setback is reduced from _____ metres (____ ft.) to _____ metres (____ ft.); and

a2___ (d) In Section _____ of Part _____ Zone (_____) the maximum building height is increased from _____ metres (____ ft.) to _____ metres (____ ft.); and

___ Surrey Subdivision and Development By-law, 1986, No. 8830, as amended is varied as follows:

b1___ (a) In Part II - General Requirements, Section 12(b), the requirement to provide **[CHOOSE] vehicular highway systems, pedestrian highway systems, water supply, sanitary sewer, drainage works, underground wiring, and street lighting systems** is waived.

b2___ (b) In Part V - Highway Dedication, Servicing and Construction Standards, Section 24(a), the requirement to provide **[CHOOSE] vehicular highway systems, pedestrian highway systems, water supply, sanitary sewer, drainage works, underground wiring, and street lighting systems** is waived.

___ Surrey Sign By-law, 1999, No. 13656, as amended is varied as follows:

____ Surrey Land Use Contract No. _____ Authorization By-law No. _____ is varied as follows:

___5. The landscaping and the siting of buildings and structures shall be in accordance with the drawings numbered _____ (A) through to and including _____ (the "Drawings") which are attached hereto and form part of this development variance permit.

___6. This development variance permit applies to only **[the portion of the Land] [that portion of the buildings and structures on the Land]** shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule _____, which is attached hereto and forms part of this development variance permit.

___7. (a) The landscaping shall conform to drawings numbered _____ () through to and including _____ (the "Landscaping").

(b) The Landscaping shall be completed within six (6) months after the date of the final inspection of the buildings and structures referred to in the Drawings.

(c) Prior to the issuance of the building permit for this development, security is to be submitted to ensure satisfactory completion of the Landscaping. The security for the Landscaping is to be submitted as follows:

Cash in the amount of \$ _____

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$ _____

(the "Security")

(c) The Security is for:

i. Phase I _____

ii. Phase II _____

(d) i. When the Landscaping is substantially complete as determined by the City, without the City having to use the Security, 90% of the original Security will be returned. When the Landscaping receives final approval by the City, not earlier than twelve (12) months after the date of substantial completion of the Landscaping, 10% of the original Security will be returned.

ii. If final approval of the Landscaping is not given by the City, the City has the option of using the Security to complete the Landscaping and any remaining money shall be returned. The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Landscaping.

- iii. If the City elects not to enter upon the Land to complete the Landscaping and the Owner does not complete the Landscaping, the Security is forfeited to the City five (5) years after the date of the provisional or final inspection of the buildings and structures referred to in the Drawings.
- 8. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
- 9. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.

OR

This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule ____ which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.

- 10. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
- 11. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor

City Clerk

CITY OF SURREY

(the "City")

TEMPORARY USE PERMIT

NO. _____

Issued To:

(the "Owner")

Address of Owner:

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

(WRITE LEGAL IN FULL - DO NOT ABBREVIATE)

Parcel Identifier: _____

_____ **LEGAL**

_____ **CIVIC**

(the "Land")

3. The Land has been designated as a Temporary Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
4. The temporary use permitted on the Land shall be:
(Describe Temporary Use)
5. The temporary use shall be carried out according to the following conditions:
(List conditions)

6. As a condition of the issuance of this temporary use permit, Council is holding security set out below (the "Security") to ensure that the temporary use is carried out in accordance with the terms and conditions of this temporary use permit. Should the Owner fail to comply with the terms and conditions of this temporary use permit within the time provided, the amount of the Security shall be forfeited to the City. The City has the option of using the Security to enter upon the Land and perform such works as is necessary to eliminate the temporary use and bring the use and occupancy of the Land into compliance with Surrey Zoning By-law, 1993, No. 12000, as amended (the "Works"). The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Works. There is submitted accordingly:

Cash in the amount of \$_____

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$_____

7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.

8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.

9. This temporary use permit is not transferable.

10. This temporary use permit shall lapse on or before

_____ three years from date of issuance
_____ (if less than three years, specify from date of issuance).

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE _____ DAY OF _____, 20 .

ISSUED THIS _____ DAY OF _____, 20 .

Mayor

City Clerk

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature

Name: (Please Print)

TO THE CITY OF SURREY:

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 all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on 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 on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on 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 Surrey Zoning By-law, 1993, No. 12000, 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)

(Witness)

REFERENCE:

APPROVED BY:

CITY COUNCIL

DATE:

HISTORY:

September 23, 1991

May 6, 1991

March 2, 1992

TITLE: PROCEDURES FOR LAND DEVELOPMENT APPLICATIONS

1. Land Development Inquiries and Submission of Land Development Applications

All inquiries and applications for Official Community Plan Amendments, Rezoning, Subdivision, Development Permits, Development Variance Permits, Temporary Use Permits and other land use applications, shall be submitted to the Planning & Development Department.

2. Authorized Land Development Applications

Land Development applications will be accepted from only the registered owner(s), or an agent authorized by the registered owner(s) of the parcel(s) of land for which the application is being submitted.

3. Complete Land Development Application

Land Development Applications will not be accepted unless accompanied by a properly completed land development application form signed by the registered owner(s), all required Land Development Application fees, a properly completed Lobbyist Registration Form, a properly completed Contaminated Soils Questionnaire if the development proposal will result in soil disturbance and data sheets and a preliminary engineering servicing concept. In order for a project to be given a full review under the land development application review process, the applicant must also submit additional information and documentation as deemed necessary by the General Manager, Planning and Development.

4. Concurrent Applications

If a development project consists of more than one Land Development Application type, all Land Development Applications, including the payment of all fees, must be submitted concurrently.

5. Number of Applications

Land Development Applications for only one project will be permitted on a property at any one time.

However, Land Development Applications for more than one project MAY be permitted on a property under the following circumstances:

- a. If the new project and associated Land Development Applications are meant to replace the original project and the intent is to close the Land Development Application for the original project; or
- b. If only a portion of the property is included in a project under separate Land Development Application; or
- c. If the second project is for a Temporary Use that is intended to operate on the site while processing of the original Land Development Application is taking place; or
- d. Unique circumstances which are acceptable to the General Manager, Planning and Development.

6. Council Consideration of Applications:

All applications requiring a decision by Council shall be forwarded to Council by the Planning & Development Department through a Planning Report to Council.

7. Public Hearings

- a. Where a Land Development Application requires a By-law requiring four readings and a Public Hearing, Public Hearings will be held between Second and Third readings of the By-law.
- b. Council will not receive any information or presentation from any party, subsequent to the Public Hearing, other than advice from City staff.

8. Final Approvals

- a. Where Council has identified conditions to be met as a prerequisite to final approval, the meeting of such conditions shall be reported to Council prior to the resolution to grant final approval.
- b. Where Council passes a resolution to issue a Development Permit, Development Variance Permit, or Temporary Use Permit, the date of that resolution shall be deemed to be the date of issuance.

9. Denials and Reconsiderations of Applications

- a. Where Council denies an application, that application cannot be reopened or reconsidered at any time, except under one of the following circumstances:

- i. The Mayor, within one month of the date of the denial, in accordance with Section 240 of the Local Government Act;
 - ii. A member of Council, on the prevailing side, at the next Regular meeting of Council, gives notice of their intention to bring the matter back for reconsideration; or
 - iii. The majority of Council, within three months of the date of the denial, passes a resolution to rescind the denial and reconsider the application.
- b. An application may only be reconsidered once. Where an application is reconsidered and is denied, any further development proposal must be the subject of a new application.
 - c. Where a resolution to approve an application fails to gain the necessary majority, the application shall be deemed to be denied.
 - d. When an application is denied, a Land Development Application for the same, or similar, development cannot be submitted for 6 months from the date the original application was denied.

10. New Public Hearings

If an application does not receive final approval within twenty-four (24) months of the Public Hearing held respecting that application, Council may rescind Third Reading of any by-law granted for the application and may refer the application to a new Public Hearing.

11. Closure of Inactive Applications

- a. For Applications Reviewed by Council:
 - i. If, in the opinion of the General Manager, Planning & Development, there is no evidence of an applicant actively pursuing the completion of an application for a period of two years, the General Manager, Planning & Development shall notify the applicant of the intent to report such inactivity to Council. For the purposes of this policy, the mailing of a registered letter to the applicant's address as shown on the application form shall be deemed to be notification to the applicant.
 - ii. If, after the notification referred to in Section 11.a.i., a further month elapses without evidence of active pursuit of completion of an application, the General Manager, Planning & Development shall report this matter to Council with a request that the application be closed.
 - iii. If Council closes an application, all land development applications associated with the application are deemed to be automatically closed.
- b. For Applications Not Reviewed by Council:

- i. If, in the opinion of the General Manager, Planning & Development, there is no evidence of an applicant actively pursuing the completion of an application for a period of two years, the General Manager, Planning & Development shall notify the applicant of the inactivity. For the purposes of this policy, the mailing of a registered letter to the applicant's address as shown on the application form shall be deemed to be notification to the applicant.
- ii. If, after the notification referred to in Section u.b.i., a further month elapses without evidence of active pursuit of completion of an application, the General Manager, Planning & Development shall close the application.
- iii. If the Planning and Development Department closes an application, all land development applications associated with the application are deemed to be automatically closed.

PROPERTIES INCLUDED IN THE APPLICATION

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Facsimile: _____
Cellular Phone: _____ E-mail: _____

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Facsimile: _____
Cellular Phone: _____ E-mail: _____

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Facsimile: _____
Cellular Phone: _____ E-mail: _____

Subject Property:

Civic Address: _____
Legal Description: _____
Name of Owner: _____
Contact Person (if a company): _____
Address: _____
City: _____ Postal Code: _____
Telephone: _____ Facsimile: _____
Cellular Phone: _____ E-mail: _____

Note: Each property included in the application must be listed separately. If the owner of the properties is the same, just fill in "owner" section - "same as above". If more than four (4) properties are involved, please use additional sheets.



LETTER OF AUTHORIZATION

Planning & Development Department 14245 – 56 Avenue, Surrey British Columbia, Canada V3X 3A2

Telephone: (604) 591-4441 Fax: (604) 591-2507

File No. _____

(PLEASE PRINT)

As registered owner(s) of the following property,

Civic Address: _____

Legal Description: _____

I/We hereby authorize the following person to act as an authorized agent on my/our behalf on all matters pertaining to the application for the above-noted property/properties and to act as Project Manager for the application and therefore the sole person of contact.

Contact Person: _____

Company Name: _____

Address: _____

City: _____ Postal Code: _____

Telephone: _____ Fax No: _____

Cellular Phone: _____ E-Mail: _____

Name of Registered Owner:

Address: _____

City: _____

Postal Code: _____

Telephone: _____

Cell Phone: _____

E-mail: _____

Signature: _____

Name of Registered Owner:

Address: _____

City: _____

Postal Code: _____

Telephone: _____

Cell Phone: _____

E-mail: _____

Signature: _____

Name of Registered Owner:

Address: _____

City: _____

Postal Code: _____

Telephone: _____

Cell Phone: _____

E-mail: _____

Signature: _____

Name of Registered Owner:

Address: _____

City: _____

Postal Code: _____

Telephone: _____

Cell Phone: _____

E-mail: _____

Signature: _____

Note: One letter of Authorization must be provided for each property, if the property is owned by different people. **All** registered owners of a property must sign the Letter of Authorization. Use additional sheets if necessary