

NO: R122

COUNCIL DATE: **JUNE 15, 2015**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **June 15, 2015**

FROM: **General Manager, Planning and Development**

FILE: **6880-55 (LUC)**

SUBJECT: **Proposed Process For the Termination of Land Use Contracts**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information.
2. Direct staff to proceed with the process for the termination of Land Use Contracts outlined in this report and illustrated in Appendix I.

INTENT

The purpose of this report is to outline a general process for the early termination of Land Use Contracts ("LUCs") in order to ensure that the land uses permitted on all properties in Surrey are consistent with the zones and regulations of Surrey Zoning By-law, 1993, No. 12000 ("Zoning By-law No. 12000"). Having all lands in Surrey regulated by the Zoning By-law No. 12000 zones, rather than having some lands regulated by complex, site-specific, LUCs, which are not available on-line and are often difficult to interpret, will eliminate problems of interpretation for both staff and the public. This will result in improved responses to public enquiries and increased transparency through the public's ability to access zoning regulations through the City's web-site.

BACKGROUND

In the 1970s there were few legislative options for municipalities to create tailor-made zones for specific sites that differed from existing zones within a zoning by-law, to control the form and character of buildings and the landscaping of sites, and to enter into detailed servicing agreements with developers. In response to this situation, the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into LUCs with land owners and/or developers that incorporated zoning, development control and servicing issues into one document. As a result, on lands within an LUC, the LUC became the governing land use control and, in some instances, the subdivision and development control as well.

Although LUCs are an agreement between the City and land owners/and developers, all LUCs were adopted by by-law. The first LUC in Surrey was adopted by Council on August 7, 1972 and the last LUC was adopted on January 8, 1979. Approximately 370 LUCs were adopted in Surrey during this seven year period. Almost all properties regulated by an LUC have a notation on title

indicating that the property forms part of an LUC. All properties regulated by an LUC were to have this notation on title, but, in some instances, such a notation was never registered.

In the late 1970s the Provincial Government adopted changes to the *Municipal Act*, eliminating the ability of municipalities to enter into LUCs.

DISCUSSION

Recent Legislative Changes

On May 29, 2014, the Provincial Government adopted amendments to the *Local Government Act*, which included the termination of existing LUCs. The Provincial Government prepared a bulletin outlining these amendments, which is attached as Appendix II. Under these amendments, all LUCs in the Province will terminate by June 30, 2024. However, these amendments also allow individual municipalities to initiate early termination of LUCs in advance of this June 30, 2024 date.

Distribution of Land Use Contracts

Over the years, approximate 73 of the LUCs in Surrey have been discharged in their entirety following an owner-initiated discharge application process. As a result, a total of 297 LUCs still remain active in Surrey. It should be noted that, in some instances, individual properties have been removed from some LUCs so that, although the LUC remains in effect, the LUC may not regulate as many properties as it did when the LUC was adopted.

LUCs cover a wide range of land uses including single family subdivisions; multi-family developments, both rental and strata; commercial developments; and industrial developments. The distribution of the various types of land uses covered by LUCs is outlined in the following table:

| LUCs by Land Use | Number of LUCs | Approximate No. of Owners of Fee Simple and Strata Lots |
|------------------|----------------|---|
| Single Family | | |
| Suburban | 26 | 642 |
| Urban | 217 | 6,944 |
| Sub-Total | 243 | 7,586 |
| Agricultural | 4 | 10 |
| Duplex | 20 | 50 |
| Mobile Home | 7 | 9 |
| Multi-Family | 20 | N/A |
| Industrial | 16 | 75 |
| Commercial | 53 | 138 |
| Institutional | 2 | 3 |
| TOTAL | 297 * | 8,278 |

* The total number of LUCs is not a cumulative of the "LUCs by Land Use" as some LUCs have a combination of land uses.

Underlying Zoning

If a property lies within the boundaries of an LUC, the LUC becomes the de facto zone for that property.

However, when Surrey Zoning By-law No. 5942 was adopted in 1979, all properties in Surrey were assigned a Zoning By-law No. 5942 zone, including those properties that were regulated by LUCs. The zone assigned to properties that were already regulated by an LUC is referred to as an "underlying zone". Although all properties regulated by LUCs have underlying zoning, the underlying zone has absolutely no effect as the properties within LUCs are governed solely by the provisions, such as building height, setbacks, etc., set out within each LUC.

As with Zoning By-law No. 5942, when Surrey Zoning By-law No. 12000 was adopted in 1993, each property regulated by an LUC was assigned an underlying zone, based on a Zoning By-law No. 12000 zone that was considered comparable to the uses permitted under the provisions of the applicable LUC. Although, in most instances, the uses permitted by an LUC closely match the uses permitted in a Zoning By-law No. 12000 zone, there are some instances in which the type of uses, or the range of uses, are so unique that they are not equivalent to any Zoning By-law No. 12000 zone. In such instances an underlying zone was assigned that best reflected the dominant land use permitted by the LUC.

Once an LUC is terminated, the current underlying zoning for the properties within the LUC automatically comes into effect.

The boundaries of LUCs are identified on COSMOS maps on the City's web-site the same way zoning designations are identified. However, although the rules and regulations of each zoning designation can be found on-line, LUCs are not available on the web-site. Whereas zoning designations are only a few pages in length and relatively easy to understand, LUCs are dozens of pages in length, are complex and difficult to understand, and often require interpretation by Planning and Development Department or Legal Services Division staff. The elimination of LUCs through the early termination process and the replacement of these LUCs with Zoning By-law No. 12000 zones will eliminate the uncertainty and ambiguity surrounding many LUCs, making it easier for the public to ascertain what can be developed on a particular property, and making it simpler and more efficient for City staff to evaluate development proposals.

Legislative Requirements

Should an LUC be considered for early termination in accordance with the *Local Government Act*, each such LUC will require its own, separate, termination by-law. Provincial legislation requires that a Public Hearing be held for every LUC termination and that a Public Hearing Notice be delivered to all residents and tenants of properties within the LUC. Notice of the Public Hearing must also be delivered to adjoining property owners and tenants in accordance with the City's Procedure By-law with respect to Public Hearing notification. In accordance with Surrey's regulations, all owners and tenants of property within 100 metres of the boundaries of the LUC being terminated must be notified. Under Provincial legislation, Public Hearing notices for LUC termination by-laws must contain a map of the LUC being discharged, as well as the names of roads adjacent to the LUC. The Public Hearing notice will also be published in two consecutive issues of the local newspaper in accordance with Provincial legislation.

Unlike most other by-laws, including LUC discharge by-laws resulting from owner-initiated land development applications, each LUC termination by-law must contain a section that indicates the date at which the termination by-law comes into effect. The date at which the LUC termination by-law comes into effect can be any time set by City Council, but must not be less than one year from the date the LUC termination by-law is adopted and not later than June 30, 2024. It is recommended that all LUC termination by-laws in Surrey come into effect as soon as possible, which is one year from the date the LUC termination by-law is adopted.

Once an LUC termination by-law is adopted, the City is required to provide a notice to the Land Title Office. The City is also required to provide a notification to all property owners within the LUC that was terminated. This notice must also advise landowners that they have the right to apply to the Board of Variance for an exemption under the provisions of Section 901.1 of the *Local Government Act*. Under Section 901.1, an owner of property within an LUC that has been terminated has the right to appeal to the Board of Variance within six months of the adoption of the termination by-law if the property owner alleges that the timing of the termination of the LUC would cause the owner hardship with respect to land use and building construction.

Proposed Process to Terminate LUCs

Each LUC termination by-law will be presented to Council through a Planning Report at a Regular Council – Land Use meeting.

As there are so many active LUCs in Surrey, it will be necessary to present a number of Planning Reports dealing with LUC terminations at each Council meeting in order to expedite the process. On some occasions, it is anticipated that 10 or more LUC termination Planning Reports could be presented to Council at a Regular Council – Land Use meeting. In some instances, it may be appropriate to group the LUCs being presented to Council by geographic area to facilitate public notification and to simplify neighbourhood involvement in the process.

Depending on the number of properties involved in the LUC proposed to be terminated, a Public Hearing for the LUC termination by-law will be held either at the next scheduled Council meeting or a month following presentation of the Planning Report. The public notification for the Public Hearings for groupings of LUCs that cover several hundred properties will require additional administrative time by the City Clerk's office to complete, in which case holding a Public Hearing a month following the consideration of the Planning Report may be appropriate compared to those groupings that involve only a few dozen properties. Public Hearings with respect to LUC termination by-laws will be grouped together on the Public Hearing agenda.

Legal Services and the City Clerk have been consulted and concur with the proposed process.

Proposed Sequencing of LUC Terminations

Due to the complexity of terminating LUCs and the administrative steps necessary to meet legislative requirements, it is recommended that the termination process be prioritized based on business development or the simplicity of termination.

Many of the LUCs that affect industrial lands are more restrictive, in terms of permitted uses, than the underlying Zoning By-law No. 12000 zones. As a result, over time, a number of land owners have applied to have industrial LUCs discharged or amended to allow for a wider range of uses, or to allow more flexibility in terms of building location and design and site layout.

Therefore, in order to provide the industrial business community in Surrey a greater range of uses, it is recommended that the termination of LUCs in Surrey commence with those LUCs with underlying industrial zones. Similarly, those LUCs with underlying agricultural zones will be processed in conjunction with those LUCs with underlying industrial zones. In addition, due to their anticipated simplicity, LUCs with underlying institutional uses are proposed to be terminated early in the process as well.

Once those LUCs with underlying industrial, agricultural and institutional zones have been terminated, LUCs with underlying multiple residential, mobile home and duplex zones will move forward for termination, followed by LUCs with underlying suburban and urban single family residential zones.

Following the termination of LUCs with underlying suburban and urban single family residential zones, LUCs with underlying commercial zones will be addressed. Although LUCs with underlying commercial zones have impacts on the business community in Surrey, the termination of LUCs with underlying commercial zones is not being addressed earlier in the process, due to the anticipated complexities of such terminations. Most LUCs with underlying commercial zoning are large and contain a variety of uses, which will require extensive review to determine if the existing underlying zoning, a different zone under Zoning By-law No. 12000, or a Comprehensive Development (CD) Zone, is the most appropriate zone for the site. Therefore, rather than delay the termination of LUCs with non-commercial underlying zones, as they constitute the vast majority of LUCs in Surrey, LUCs with underlying commercial zones will be considered closer to the end of the termination process.

There are properties within some LUCs that do not correspond well to the underlying zoning that has been assigned to the site, or that contain uses that are not equivalent to the uses, or mix of uses, contained within existing zones under Zoning By-law No. 12000. This situation applies to the full range of LUCs in Surrey, including those LUCs with underlying industrial, residential, etc. zones. In such instances, in conjunction with the termination of the LUC, these properties will have to be rezoned to either a more appropriate zone under Zoning By-law No. 12000, or to a CD Zone. Such situations will have to be dealt with separately and, as a result, the termination of such LUCs will be the last to be completed, either concurrently with, or after the termination of commercial LUCs.

In some instances, however, it may be appropriate to proceed with the termination of a particular LUC outside of the proposed sequence.

The termination of an LUC will not proceed on any property on which there is an active Land Development application for the discharge or amendment of the LUC. However, if the application to discharge or amendment has been inactive for some time, staff may recommend the closure of the application to enable the LUC to be terminated. Conversely, land owners will continue to have the right to submit a Land Development application for an LUC discharge in advance of the proposed sequence for the termination of the LUC.

As noted previously, a total of 297 LUCs remain active in Surrey. While some LUCs cover only a few lots, the vast majority of LUCs regulate large numbers of lots. Many LUCs with underlying single family zoning regulate lands where the number of lots sometimes may be into the hundreds and, altogether, may total more than 7,000 lots. Similarly, some LUCs with underlying multiple residential zoning regulate hundreds of strata or rental units. As each LUC that is to be

terminated will require its own Planning Report and by-law, the process of bringing all 297 LUCs before Council for consideration will be problematic. Even if Planning Reports are grouped together and 10 or more are brought to Council at every Council meeting, the process of dealing with the termination of LUCs with appropriate underlying zoning could easily take approximately two and one-half years, or until the end of 2018. Further, the fact that the termination of some groups of LUC may involve the notification of hundreds, or thousands of owners and tenants within the area regulated by the LUCs and within the notification area, may mean that Legislative Services will require additional time to effect the required notification, which also impacts the time required to complete the termination process.

Informing the Public

To assist the general public in understanding the process and the impact on individual properties currently regulated by an LUC, a bulletin (Appendix III) will be placed on the City's website and will also be available at City Hall, outlining the LUC termination process, providing answers to frequently asked questions, and providing staff contact information.

SUSTAINABILITY CONSIDERATIONS

The proposed termination of LUCs will assist in achieving the objectives of Surrey's Sustainability Charter and, in particular, supports the following Charter Scope action items:

- SC12: Adapting to Demographic Change;
- EC2: Economic Development Strategy and an Employment Land Strategy;
- EC9: Quality of Design in New Development and Redevelopment;
- EC11: Surrey's Employment Land Base; and
- EN9: Sustainable Land Use Planning and Development Practices.

CONCLUSION

Recent changes in Provincial legislation allow municipalities to proceed with the early termination of LUCs, without the consent of land owners, in advance of June 30, 2024 when all LUCs in the Province will expire. It may be appropriate to proceed with the termination of LUCs in advance of this date in order to assist business, to simplify the land development process, and to ensure that properties currently within LUCs reflect appropriate land uses and design.

As a result, a process to deal with the termination of LUCs is being proposed. This process incorporates Provincial legislative requirements for the early termination of LUCs and combines it with Surrey's usual Land Use Development and Public Hearing procedures. LUCs will be grouped, for the purpose of termination and presented to Council at Regular Council – Land Use meetings, by type of land use, geographic area, and appropriateness of the underlying zoning.

Based on the above discussion it is recommended that Council direct staff to proceed with the process for the termination of LUCs outlined in this report and illustrated in Appendix I.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

Appendix I Proposed Process for Early LUC Terminations
Appendix II Provincial Bulletin
Appendix III City Bulletin

**Surrey's Proposed Process for LUC Terminations
and Estimated Timing**

| Prioritize Termination of Existing LUCs by Land Use and Complexity | Planning Report, including LUC Termination By-law, presented to Council for By-law Introduction and scheduling of Public Hearing | Public Hearing Notice mailed to affected LUC owners and tenants and owners within 100 metres of LUC boundary | Public Hearing held for LUC Termination By-law within 2-4 weeks of By-law Introduction | Final Adoption of each LUC Termination By-law (however LUC remains in effect for 1 year) | City Clerk gives written notice to Land Title Office within 30 days of By-law Adoption | City Clerk gives written notice to affected owners of LUC termination (taking effect in 1 year) and right to apply to the BoV for an exemption | Underlying zoning comes into effect 1 year from date of Final Adoption of LUC Termination By-law and City zoning map adjusted accordingly |
|--|--|--|--|--|--|--|---|
| Industrial (16) | 3 rd Quarter 2015 | | | | | | 4 th Quarter 2016 |
| Agricultural (4) | 3 rd Quarter 2015 | | | | | | 4 th Quarter 2016 |
| Institutional (2) | 3 rd Quarter 2015 | | | | | | 4 th Quarter 2016 |
| Multiple Residential (20) | 4 th Quarter 2015 | | | | | | 1 st Quarter 2017 |
| Mobile Home (7) | 4 th Quarter 2015 | | | | | | 1 st Quarter 2017 |
| Duplex (20) | 4 th Quarter 2015 | | | | | | 1 st Quarter 2017 |
| Suburban Single Family (26) | 4 th Quarter 2015 | | | | | | 1 st Quarter 2017 |
| Urban Single Family (217) | 2016 | | | | | | 2017 |
| Commercial (53) | 2017 | | | | | | 2018 |
| Rezoning Required | 2018 | | | | | | 2019 |



BULLETIN

Miscellaneous Statutes Amendment Act, 2014

(Bill 17, 2014)

Royal Assent – May 29, 2014

AMENDMENTS NOW IN FORCE

Miscellaneous Statutes Amendment Act, 2014 (Bill 17, 2014)

Amendments to Local Government Act, Community Charter and Vancouver Charter are now in force (as of the date of Royal Assent-May 29, 2014)

Bill 17, 2014, the ***Miscellaneous Statutes Amendment Act, 2014*** includes amendments to streamline local and provincial government land use planning and development approvals, modernize outdated legislative tools and provide greater certainty and transparency for residents and those who develop and build within communities. Specifically, Bill 17 introduced amendments to the *Local Government Act, Community Charter* and *Vancouver Charter* to remove unnecessary ministerial approvals for certain land use planning and development bylaws; allow modern land use policies and practices to replace land use contracts; and, protect developers from increases in development cost charges (DCC) (or development cost levies (DCL) in the City of Vancouver) for 12 months after DCC/DCL rate increases are made, where a rezoning or development permit application is in process.

Amendments:

Amendments to the *Local Government Act, Community Charter* and *Vancouver Charter*:

Removing the requirement for Ministerial approval for Regional District (RD) land use bylaws

The following amendments remove the requirement for Ministerial approval of certain RD land use bylaws, streamlining the RD bylaw approval process. They also broaden the authority of the Minister to develop provincial policy guidelines in relation to RD land use bylaws, providing an opportunity to provide clarity regarding provincial interests and support the appropriate notification and referral of regional district bylaws to Provincial ministries and agencies.

- Removes requirement for Ministerial approval of RD OCP, zoning, subdivision servicing and temporary use bylaws (*LGA* s. 882, 913, 921, 930, 938).
- Provides discretionary authority for the Minister to require approval of RD bylaws (*LGA* s. 874.1).
- Broadens the existing authority of the Minister to develop provincial policy guidelines in relation to RD zoning, subdivision servicing and temporary use bylaws (*LGA* s.873.2).
- Removes the requirement for the minister responsible for the *Transportation Act* to approve subdivision servicing bylaws, if a regional district provides the subdivision approving officer services, and provides discretionary regulatory authority for that minister to require approval of such bylaws (*LGA* s. 938(3.1)).

Removing Ministerial approval for soil removal and deposit bylaws that include fees

- Removes the requirement for the Minister to approve the application of fees within *municipal* soil removal and deposit bylaws (*CC* s. 195(3)), and for such *regional district* bylaws (*LGA* s. 723(7)).
- Note: The Ministry of Environment maintains its approval role for soil deposit bylaws, and the Ministry of Energy and Mines maintains its approval role for soil removal bylaws.

Terminating Land Use Contracts (LUC)

- Provides for the termination of all land use contracts in affected BC municipalities and regional districts on the "sunset" date of June 30, 2024 and requires all local governments to have zoning in place for lands covered by land use contracts by June 30, 2022 (*LGA* Part 26, Division 7.1, s. 914.1).
- Enables local governments to undertake early termination of land use contracts under certain conditions (*LGA*, Division 7.1, s. 914.2), namely:
 - Early termination bylaw is adopted on or before June 30, 2022;
 - Early termination bylaw comes into force at least one year after it is adopted;
 - A public hearing, which cannot be waived, is held (*LGA* s. 892, 893);
 - Zoning is in place where land use contracts are to be terminated; and
 - Proper land title office is notified of early termination bylaw within 30 days of its adoption.
- Requires local governments to give written notice of land use contract termination, when land use contracts are terminated early or in advance of the sunset date of June 30, 2024 (*LGA* s. 914.3).
- Provides Boards of Variance with new authority to extend the dates set in early termination bylaws for reasons of hardship, up to the sunset date of June 30, 2024 at the latest (*LGA* s.901.1).
- Provides non-conforming use status to land, buildings and structures that are on land subject to a land use contract after land use contracts are terminated (*LGA* s. 911).
- Provides that compensation is not payable with regard to land use decisions for the termination of land use contracts, which extends the current no-compensation provisions currently provided in relation to land use bylaws (*LGA* s. 914).
- Note: this amendment does not impact the City of Vancouver, as there are no lands affected by land use contracts in the City.

Providing in-stream protection from DCC/DCL rate changes

- Provides developers with 12 months protection from increases to development cost charges (DCCs) if a DCC bylaw is adopted after an application for a rezoning or a development permit has been submitted to a local government for approval (in a form acceptable to the local government and fees paid) (*LGA* s.937.001).
 - The same level of protection currently exists for subdivision (*LGA* s. 943) and building permit applications (*LGA* s. 937.001).
- Provides that the same 12-month protection applies to development cost levy (DCL) rate changes in the City of Vancouver for development permit and rezoning applications (in a form acceptable to the City and fees paid) (*VC* s.523D).
 - The City of Vancouver currently has the same level of protection for building permit applications (*VC* s. 523D (8.2)).

Practical Considerations:

- The changes came into force on the date that the *Miscellaneous Statutes Amendment Act, 2014* (Bill 17) receives Royal Assent. Royal Assent was received on May 29, 2014.

Statutes amended:

Local Government Act: sections 5, 723, 870, 873.2, 874.1, 876, 882, 890, 892, 893, 900, 901.1, 911, 913, 914, 914.1, 914.2, 914.3, 914.4, 921, 930, 937.001, 938

Community Charter: section 195

Vancouver Charter: sections 2.1, 523D **Link to Bill 17, 2014**

http://leg.bc.ca/40th2nd/3rd_read/gov17-3.htm

TERMINATION OF LAND USE CONTRACTS

In 1972, the Province adopted legislation to allow municipalities to enter into agreements with landowners and developers to address the various aspects of land development. These agreements are called Land Use Contracts (LUCs). These LUCs are zoning, development permits, subdivision layouts and servicing agreements all rolled into one document. By the end of the 1970's, the Province revised the legislation to discontinue municipalities from entering into further LUCs with landowners and developers.

LUCs have continued to be in effect as the de facto zoning, unless the LUCs were discharged by City Council following an owner-initiated discharge application process. A total of 297 LUCs still remain active in Surrey. Up until recently, only the land owner could initiate an LUC discharge.

On May 29, 2014, the Province adopted legislation to terminate LUCs by no later than June 30, 2024. However, legislation allows municipalities to initiate early termination of LUCs through a specified process. Surrey City Council has chosen to pursue early termination of LUCs, as described in Corporate Report No. R____, which was presented to Council on June 15, 2015. [\(provide hot link to the corporate report\)](#)

If a property lies within the boundaries of an LUC, all land use regulations are prescribed in the LUC. Nevertheless, all properties in Surrey are assigned a Zoning By-law No. 12000 zone, including those properties that are governed by LUCs. The zone assigned to a property that is regulated by an LUC is referred to as an "underlying zone". Although all properties regulated by LUCs have underlying zoning, the underlying zone is to provide a general guide and has absolutely no effect on the land uses, density or building siting.

Once an LUC is terminated, the underlying zoning for the property automatically comes into effect. However, there are properties within some LUCs that do not correspond well to the underlying zoning that has been assigned to the property, or that contain uses that are not equivalent to the uses, or mix of uses, contained within existing zones under Zoning By-law No. 12000. In such instances, in conjunction with the termination of the LUC, these properties will be rezoned to either a more appropriate zone under Zoning By-law No. 12000, or to a site specific Comprehensive Development (CD) Zone.

Each LUC being considered for early termination will require its own, separate, Termination By-law. Each LUC Termination By-law will be presented to Council through a Planning Report at a Regular Council – Land Use meeting. Provincial Legislation requires that a Public Hearing be held for every LUC termination and that a Public Hearing Notice be delivered to all residents and tenants of properties within the LUC. Notice of the Public Hearing must also be delivered to adjoining property owners and tenants in accordance with the City's Procedure By-law with respect to Public Hearing notification. In accordance with Surrey's regulations, all owners and tenants of property within 100 metres of the boundaries of the LUC being terminated must be

notified. The Public Hearing notice will also be published in two consecutive issues of the local newspaper.

The timing of the early termination of LUCs will be based on the type of underlying land uses. Termination will commence with LUCs with underlying industrial, agricultural and institutional zones, followed by those properties with underlying multiple residential, mobile home, and duplex zones. Those properties with underlying suburban and urban single family residential zones will follow next, and then those properties with underlying commercial zones. Those LUCs that require rezoning in addition to the LUC termination will be done last. As there are a large number of LUCs in Surrey involving many thousands of properties, it is anticipated that this process will take several years, with the last LUC being terminated in late 2017 or early 2018.

FREQUENTLY ASKED QUESTIONS

| | |
|--|---|
| <i>Does the City require the consent of landowners within an LUC before an LUC can be terminated?</i> | No, unlike LUC discharges which require the consent of the landowner, recent legislation allows City Council to terminate LUCs without the consent of the landowner. |
| <i>Will I be notified if Council proposes to terminate the LUC in which my property is located?</i> | Yes, once a Planning Report with respect to the termination of a specific LUC has been presented to Council and once Council has given First and Second Readings to the LUC Termination By-law, all property owners and tenants within the LUC to be terminated will receive written notification by the City Clerk. All property owners and tenants of property within 100 metres of the LUC proposed to be terminated will also be notified by letter and ads will be placed in the local newspaper. Property owners, tenants and the general public have the right to make their feelings known, either in person or in writing, at the Public Hearing that will be held by Council. |
| <i>When an LUC Termination By-law is adopted by Council, does the underlying zoning come into effect immediately?</i> | No, LUC Termination By-laws come into effect one year after they are adopted. During this year the rules and regulations of the LUC that is being terminated will continue to apply. |
| <i>If the LUC in which my property is located is terminated and I want to construct a building that is not permitted by the underlying zoning, is there any way to appeal?</i> | Yes, property owners can appeal to the Board of Variance if the property owner feels that the timing of the termination of the Land Use Contract would cause the owner hardship with respect to land use and building construction. However, <u>this appeal must be made within 6 months of the adoption of the LUC Termination By-law.</u> |
| <i>If the LUC in which my property is located does not get terminated, does the LUC go on forever?</i> | No, all LUCs in British Columbia terminate on June 30, 2024, at which time the underlying zoning will automatically come into effect. |