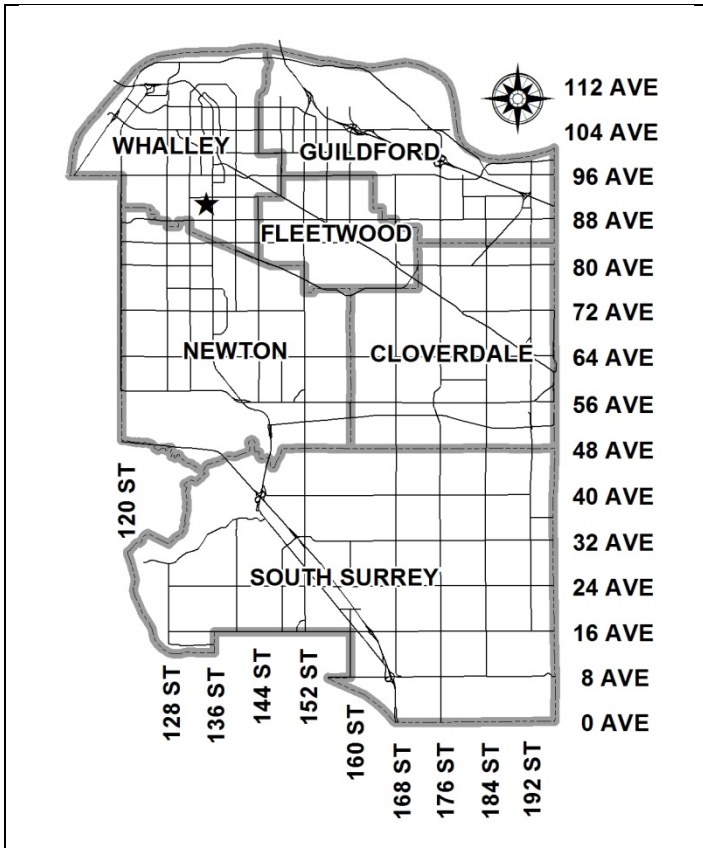


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7915-0386-00

Planning Report Date: March 7, 2016



**PROPOSAL:**

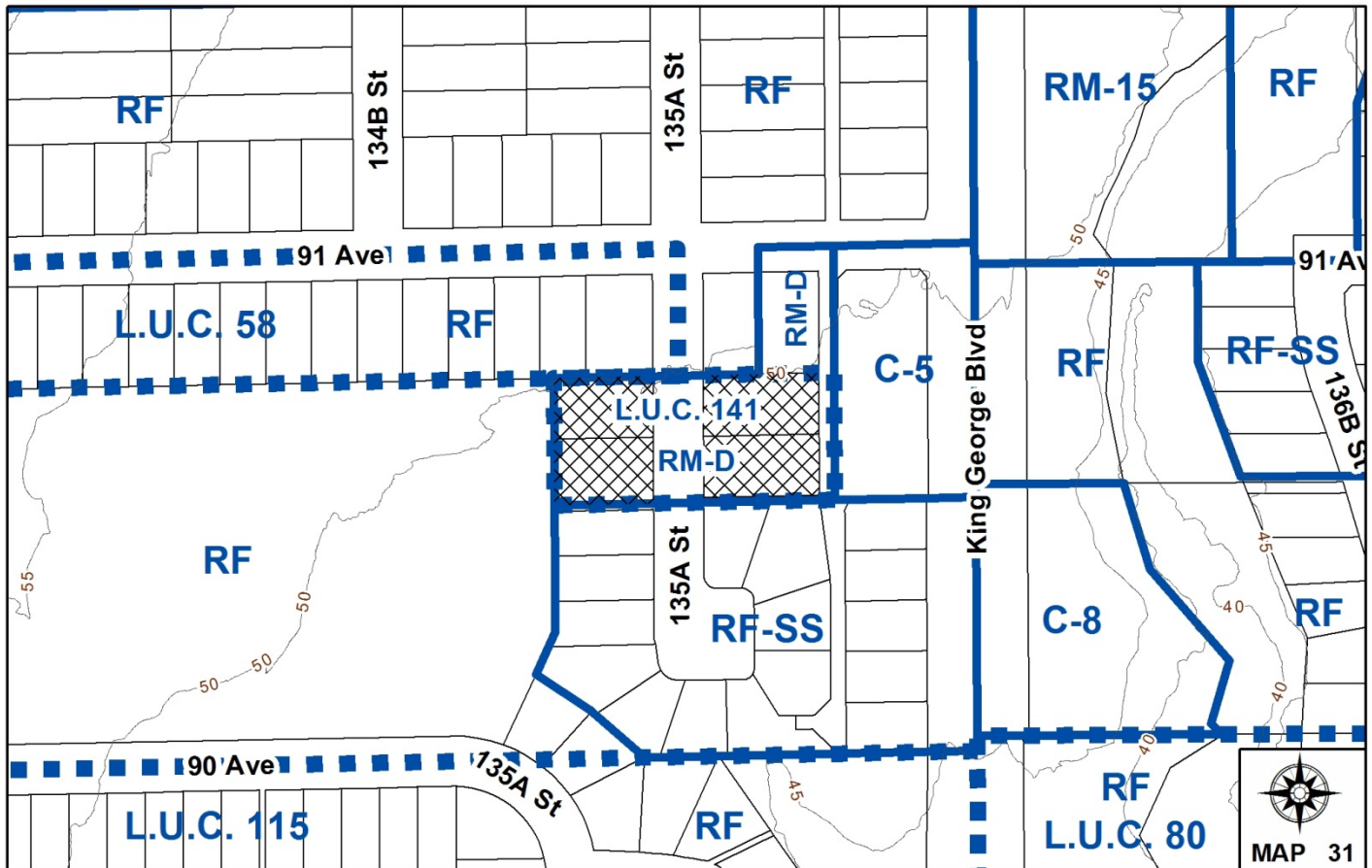
- **Terminate Land Use Contract No. 141**

to permit the existing underlying RM-D Zone to come into effect.

**LOCATION:** 9060 to 9077 - 135A Street

**LUC NO. AND UNDERLYING ZONING:** LUC No. 141 (RM-D Zone underlying)

**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 141.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

### RATIONALE OF RECOMMENDATION

- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024.
- On June 15, 2015, City Council endorsed the recommendations in Corporate Report No. R122, which outlined a process with respect to the early termination of LUCs in Surrey.
- In accordance with recent legislative changes, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period.
- City staff are now moving forward with the first group of LUCs to be terminated, in accordance with the approved process described in Corporate Report No. R122, which prioritizes based on business development or the simplicity of the termination.
- LUC No. 141 was adopted by By-law No. 4803 on August 9, 1976.
- LUC No. 141 permitted the creation of four duplex lots and permits a two-family housing development (i.e. duplex) and customary associated uses on each lot.
- In 1978, the 4 subject duplexes were each stratified into two strata lots, resulting in a total of 8 strata lots regulated by LUC No. 141.
- Once LUC No. 141 is terminated and the one-year grace period ends, the current underlying RM-D Zone will come into effect and will regulate the subject site.

## RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 141 and a date be set for Public Hearing.

## BACKGROUND

- In the early 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts (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 City Council by By-law on August 7, 1972.
- In the late 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*), eliminating the ability of municipalities to enter into LUCs.
- Approximately 370 LUCs were adopted in Surrey, most of which remain in effect.
- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024, should they choose to do so.
- On June 15, 2015, Council approved the recommendations in Corporate Report No. R122, which outlined a proposed process with respect to the early termination of LUCs in Surrey, which prioritizes based on business development or the simplicity of the termination.
- As a result, City staff are moving forward with the termination of LUC No. 141 in accordance with the approved process.

## PUBLIC NOTIFICATION

Early termination of LUCs is a Council-initiated project that does not require the consent of landowners within the LUC being terminated. A Development Proposal Sign has not been installed and no pre-notification letters have been mailed.

However, the LUC Termination By-law is required to have its own Public Hearing. As a result, the Public Hearing Notice will be delivered to all owners and tenants of properties within LUC No. 141, informing them that Council is considering terminating the LUC. Notice of the Public Hearing will also be delivered to adjoining property owners and tenants within 100 metres (or 3-lot depth, whichever is greater) of the boundaries of LUC No. 141. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now newspaper.

## DISCUSSION

- It is now in order for LUC No. 141 to be considered for early termination.
- LUC No. 141 was adopted by LUC Authorization By-law, 1973, No. 4803 on August 9, 1976.
- The lands regulated by LUC No. 141 are located just to the west of King George Boulevard and just south of Surrey City Centre, in a predominantly single family residential area of the Whalley neighbourhood.
- The subject lands are designated “Urban” under the Official Community Plan (OCP). All four lots have an underlying RM-D Zone under Surrey Zoning By-law, 1993, 12000, as amended.
- LUC No. 141 permitted the creation of four duplex lots on a portion of the original parent parcel. The creation of these four duplex lots resulted in a remnant of the parent parcel to the east along King George Boulevard that now contains a commercial building, and a remnant parcel to the west that was eventually incorporated into the Cindrich Elementary School site.
- LUC No. 141 permits two-family housing (duplex) buildings and customary associated uses.
- Each of the four lots created under LUC No. 141 are occupied by duplex dwellings. All four of these duplexes were stratified in 1978.
- In accordance with the recent legislative changes, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period. The subject Termination By-law has a one-year grace period.
- Once LUC No. 141 is terminated and the one-year grace period ends, the current underlying Duplex Residential (RM-D) Zone will come into effect and will regulate the use of the land.
- The RM-D Zone permits one duplex provided the lot has a minimum lot size of 930 square metres (10,000 sq. ft.) and a minimum lot width of 24 metres (80 ft.).
- The subject lots comply with the RM-D Zone and range in lot size from 966 square metres (10,394 sq. ft.) to 1,126 square metres (12,116 sq. ft.) and lot width from 24.4 metres (80 ft.) to 26.4 metres (87 ft.).

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 18 Duplex Residential Zone (RM-D) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 141.

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

RC/dk

\\file-server1\net-data\csdc\generate\areaproduct\save\3400377074.doc



Part 18 - RM-D, Duplex Residential Zone

## Duplex Residential Zone

### Part 18

### RM-D

#### A. Intent

This Zone is intended to accommodate and regulate *duplex* dwellings on *urban lots*.

#### B. Permitted Uses

**Amendments: 12737, 01/15/96**

Land and *structures* shall be used for the following uses only:

1. One (1) *duplex* provided that the minimum *lot* size shall be 930 square metres [10,000 sq. ft.] and minimum *lot* width shall be 24 metres [80 ft.]. Where the *lot* under this zone is subdivided into strata lots, only 1 *dwelling unit* shall be permitted within each of the strata lots and in the case of such a subdivision, each of the permitted *dwelling units* must form part of the *duplex* constructed on the *lot* as it existed prior to the subdivision.

#### C. Lot Area

Not applicable to this Zone.

#### D. Density

**Amendments: 14519, 10/15/01; 15896, 01/09/06**

1. (a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, all covered areas used for parking shall be included in the calculation of *floor area ratio* unless the covered parking is located within the *basement*;
- (b) For *building* construction within a *corner lot*, the maximum allowable floor area shall be 446 sq. m. [4,800 sq. ft.], provided that, of the allowable maximum floor area, 90 sq. m. [960 sq. ft.] shall be reserved for garage(s) or carport(s), and 20 sq. m. [210 sq. ft.] shall be reserved for use only as *accessory buildings* and *structures*; and.
- (c) For *building* construction within a *lot* other than a *corner lot*, the maximum allowable floor area shall be 372 sq. m. [4,000 sq. ft.], provided that, of the allowable maximum floor area, 90 sq. m. [960 sq. ft.] shall be

reserved for garage(s) or carport(s) and 20 sq. m. [210 sq. ft.] shall be reserved for use only as *accessory buildings and structures*.

**E. Lot Coverage**

The maximum *lot coverage* shall be 33%.

**F. Yards and Setbacks**

**Amendments: 13093, 05/12/97; 18414, 03/23/15**

*Buildings and structures* shall be sited in accordance with the following minimum *setbacks*:

<b>Use</b>	<b>Setback</b>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal Building</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	1.8 m. [6 ft.]	3.6 m. [12 ft.]
<i>Accessory Buildings and Structures Greater Than 10 square metres [108 sq.ft.] in Size</i>		18.0 m. [60 ft.]	1.8 m [6 ft.]	1.0 m [3 ft.]	7.5 m [25 ft.]
<i>Other Accessory Buildings and Structures</i>		18.0 m [60 ft.]	0.0 m	0.0 m.	7.5 m. [25 ft.]

Measurements to be determined as per Part 1 Definitions, of this By-law.

**G. Height of Buildings**

**Amendments: 12239, 04/18/94**

Measurements to be determined as per Part 1 Definitions, of this By-law:

1. *Principal building*: The *height* shall not exceed 9 metres [30 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 4 metres [13 ft.] except that where the roof slope and construction materials of an *accessory building* are the same as that of the *principal building*, the *building height* of the *accessory building* may be increased to 5 metres [16.5 ft.]

**H. Off-Street Parking and Loading/Unloading**

**Amendments: 12333, 07/25/94; 13774, 07/26/99; 15896, 01/09/06**

1. Resident and visitor *parking spaces* shall be provided as stated in Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. Outside parking or storage of *campers*, boats and *vehicles* including cars, trucks and *house trailers* ancillary to a *dwelling unit* shall be limited to:
  - (a) A maximum of 2 cars or trucks;
  - (b) *House trailer, camper* or boat, provided that the combined total shall not exceed 1; and
  - (d) The total amount permitted under (a) and (b) shall not exceed 2.
3. On a *corner lot*, *vehicle* parking is permitted in either the *front yard* or *side yard*, subject to the following:
  - (a) No off-street *parking space* shall be permitted within the required *front yard* or *side yard setback* except on a *driveway*;
  - (b) *Parking spaces* shall be located only on a *driveway* leading to a garage, carport or parking pad and in a garage, in a carport, or on a parking pad;
  - (c) *Vehicle* access to each *dwelling unit* within the *duplex* shall be provided from a separate *driveway* with one of the two *driveways* constructed off



the *frontage* street and the second *driveway* constructed off the *flanking street*, except where there is a lane up to or along the *rear lot line* or *side lot line*, in which case a minimum of one of the two *driveways* shall be constructed off the lane;

- (d) Where either the fronting *highway* or *flanking street* is designated an *arterial highway*, *vehicle* access to the *lot* shall be provided only as stipulated by Surrey Highway and Traffic By-law, 1997, No. 13007, as amended;
  - (e) The total area of a *driveway* shall be as follows:
    - i. Each *dwelling unit* within the *duplex* may have one *driveway* with a maximum width of 6 metres [20 ft.], extending from the *lot line* to the garage, carport, or parking pad on the *lot*; and
    - ii. Where the *driveway* is constructed in a *side yard* off a *flanking street* all references to *front yard* within this section shall be read as *side yard*; and
  - (f) The total number of *vehicles* parked on a *driveway* within the *front yard* or *side yard* shall not exceed two for each *dwelling unit* within the *duplex*.
4. On a *lot* other than a *corner lot*, *vehicle* parking may be permitted in either the *front yard* or *side yard*, subject to the following:
- (a) No off-street *parking space* shall be permitted within the required *front yard* or *side yard setback* except on a *driveway*;
  - (b) *Parking spaces* shall be located only on a *driveway* leading to a garage, carport or parking pad and in a garage, in a carport, or on a parking pad;
  - (c) *Vehicle* access to each *dwelling unit* within the *duplex* may be provided by a *driveway* with a maximum width of 6 metres [20 ft.] extending from the *lot line* to the face of the garage, carport, or parking pad on the *lot*, provided that the *driveways* on the same *lot* must have a minimum landscaped separation of 3.5 metres [12 ft.] along the entire length of the two *driveways*;
  - (d) As an alternative to 4(c), a single *driveway* may be used to provide access to both *dwelling units* on the *lot* provided that the *driveway* has a maximum width of 6.0 metres [20 ft.] at the *front lot line* and tapers uniformly to a total width no greater than 12.0 metres [40 ft.] at the face of the garages, carports or parking pads; and

- (e) The total number of *vehicles* parked on a *driveway* within the *front yard* or *side yard* shall not exceed two for each *dwelling unit* within the *duplex*.
- 5. Notwithstanding subsection H.4., where there is a lane up to or along the *rear lot line* or *side lot line*, *vehicle* access to a *lot* other than a *corner lot* is permitted only from the lane.
- 6. A single or double garage or a single or double carport is permitted for each unit on a *duplex lot*.
- 7. No outside parking or storage of a *house trailer* or boat is permitted within the *front yard setback*, or within the required *side yards* or within 1 metre [3 ft.] of the *side lot line*, except as follows:
  - (a) On *lots* which have no vehicular access to the *rear yard* or where access is not feasible through modification of *landscaping* or fencing or both, either 1 *house trailer* or 1 boat may be parked in the front *driveway* or to the side of the front *driveway* or in the *side yard*, but no closer than 1 metre [3 ft.] to a *side lot line* nor within 1 metre [3 ft.] of the *front lot line* subject to the residential parking requirements stated in Table C.6 of Part 5 Off-Street Parking and Loading/Unloading of this By-law.
  - (b) Notwithstanding Sub-section H.3(a), no outside parking or storage of a *house trailer* or boat is permitted on *corner lots* in an area bounded by the intersecting *lot lines* at a street corner and a straight line joining points 9 metres [30 ft.] along the said *lot lines* from the point of intersection of the two *lot lines*; and
  - (c) Adequate screening, as described in Section I.1 of this Zone is provided.

## I. Landscaping

- 1. The parking or storage of *house trailers* or boats shall be adequately screened by compact evergreen trees or shrubs at least 1.8 metres [6 ft.] in height and located between the said *house trailer* or boat and any point on the *lot line* within 7.5 metres [25 ft.] of the said *house trailer* or boat, in order to obscure the view from the abutting *lot* or street, except:
  - (a) on a *corner lot*, this required landscape screening shall not be located in an area bounded by the intersecting *lot lines* at a street corner and a straight line joining points 9 metres [30 ft.] along the said *lot lines* from the point of intersection of the 2 *lot lines*;

- (b) where the *driveway* or the parking area is used for parking or storage of a *house trailer* or boat, the landscape screen is not required within the said *driveway*; and
  - (c) in the case of *rear yards*, this screening requirement may be provided by a 1.8 metre [6 ft.] high solid fence.
2. All portions of the *lot* not covered by *buildings*, *structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.

**J. Special Regulations**

Not applicable to this Zone.

**K. Subdivision**

*Lots* created through subdivision in this Zone shall conform to the following minimum standards:

---

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
930 sq. m. [10,000 sq.ft.]	24 metres [80 ft.]	28 metres [90 ft.]

---

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of this By-law.

**L. Other Regulations**

**Amendments: 13657, 03/22/99; 13774, 07/26/99**

In addition, land use regulations including the following are applicable:

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited, of this By-law and in accordance with the "Surrey Subdivision and Development By-law".
2. General provisions on use are as set out in Part 4 General Provisions, of this By-law.
3. Additional off-street parking and loading/unloading requirements are as set out in Part 5, Off-Street Parking and Loading/Unloading, of this By-law.
4. Subdivisions shall be subject to the "Surrey Development Cost Charge By-law" and the "Tree Preservation By-law".
5. *Building* permits shall be subject to the "Surrey Building By-law".
6. Sign regulations are as provided in Surrey Sign By-law No. 13656.
7. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of this By-law.
8. Development permits may be required in accordance with the *Official Community Plan*.

This page left intentionally blank