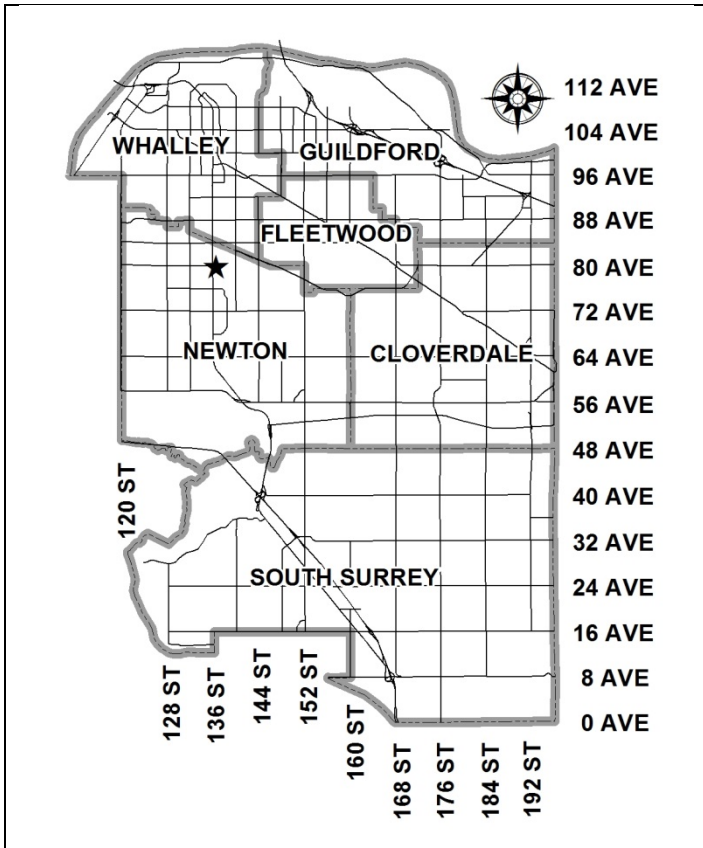


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7915-0407-00

Planning Report Date: March 7, 2016



PROPOSAL:

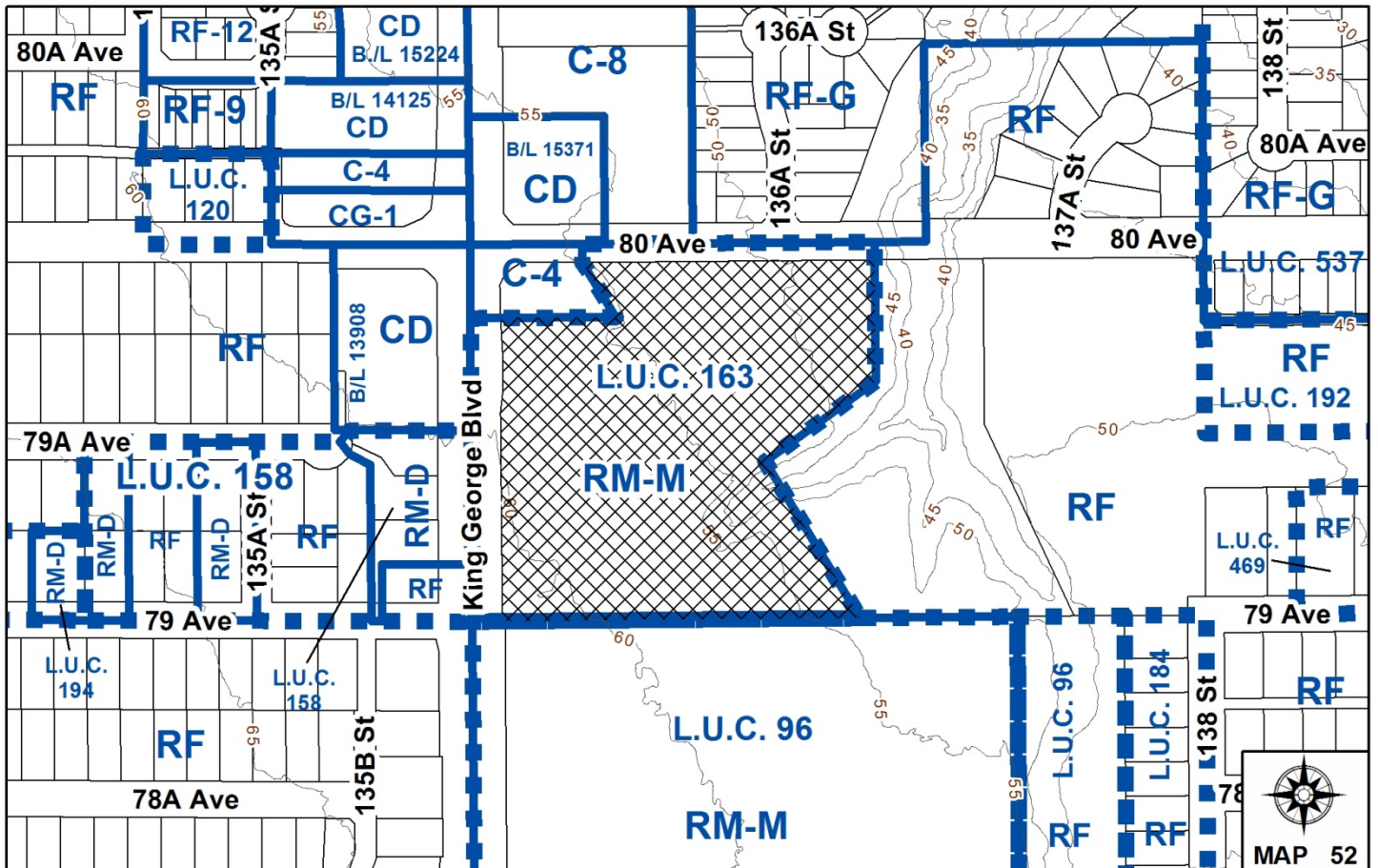
- Terminate Land Use Contract No. 163

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

LOCATION: 13650 - 80 Avenue

LUC NO. AND UNDERLYING ZONING: LUC No. 163 (RM-M Zone underlying)

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 163.

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. 163 was adopted by By-law No. 4570 on March 27, 1976.
- LUC No. 163 permits the development of a mobile home park.
- Once LUC No. 163 is terminated and the one-year grace period ends, the current underlying RM-M Zone will come into effect and will regulate the subject lot.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 163 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 now moving forward with the termination of LUC No. 163 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 residents and tenants of properties within LUC No. 163, 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. 163. In addition, the Public Hearing notice will be published in two consecutive issues of either the Surrey Now or the Peace Arch News.

DISCUSSION

- It is now in order for LUC No. 163 to be considered for early termination.
- LUC No. 163 was adopted by LUC Authorization By-law, 1976, No. 4570 on March 27, 1976.
- LUC No.163 regulates one large lot (13650-80 Avenue) on the south side of 80 Avenue, along King George Boulevard, in Newton.
- The subject site is designated Urban under the Official Community Plan and has an underlying Manufactured Home Residential Zone (RM-M) under Surrey Zoning By-law, 1993, No. 12000, as amended.
- The subject site is bordered to the north and west by a mix of commercial developments and single family dwellings, to the south by another mobile home park, and to the east by Hunt Creek.
- LUC No. 163 permits a rental mobile home park providing accommodation for a single family residential uses with customary permitted ancillary uses thereto.
- LUC No. 163 also restricts the maximum number of mobile home units on the site to 54, with 26 of these units being single pads and 28 of these units being double pads.
- 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. 163 is terminated and the one-year grace period ends, the current underlying RM-M Zone will come into effect and will regulate the use of the land.
- The RM-M Zone permits manufactured home parks, along with a single family dwelling for the manager of the manufactured home park.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 19 Manufactured Home Residential Zone (RM-M) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 163.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

EM/dk



Manufactured Home Residential Zone

Part 19 - RM-M, Manufactured Home Residential Zone

Part 19

RM-M

A. Intent

This Zone is intended for the provision of *manufactured home parks* and should be read in conjunction with the "Surrey Mobile Homes and Trailer Regulation and Control By-law".

B. Permitted Uses

Land and *structures* shall be used for the following uses only, or for a combination of such uses, provided such combined uses are part of a *comprehensive design*:

1. *Manufactured home park*, provided that the minimum area for each *manufactured home space* shall be 225 square metres [2,420 sq.ft.] with a minimum width of 12 metres [40 ft.].
2. One *single family dwelling* for the manager of the *manufactured home park*.

C. Lot Area

Not applicable to this Zone.

D. Density

The maximum *density* shall not exceed 22 *dwelling units* per hectare [9 u.p.a.].

E. Lot Coverage

The maximum *lot coverage* for one *single family dwelling* and the indoor *amenity space building*, shall be 5%.

F. Yards and Setbacks

Amendments: 17471, 10/03/11

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

1. *Buildings and structures* shall be sited not less than 7.5 metres [25 ft.] from all *lot lines*.
2. In the case of a *manufactured home park* in a bare land strata development, Section F.1 does not apply to the placement of a *manufactured home* within a bare land strata *lot*, other than in the case of a bare land strata *lot line* which forms the boundary of the *manufactured home park*.
3. Where a *lot* abuts another *lot* zoned RM-M and which is used as a *manufactured home park*, the abutting *yards* may be reduced to not less than 3 metres [10 ft.].

G. Height of Buildings

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

1. *Principal buildings*:
 - (a) *Manufactured Homes*: The *height* shall not exceed 4.5 metres [15 ft.].
 - (b) *Single Family Dwelling*: The *height* shall not exceed 9 metres [30 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 4 metres [13 ft.].

H. Off-Street Parking and Loading/Unloading

Amendments: 13774, 07/26/99

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. No parking shall be permitted within the required *setbacks*.

I. Landscaping

1. All developed portions of the developed *lot* not covered by *buildings, structures, parking areas, roadways* and designated *manufactured home spaces* shall be landscaped and maintained, including the retention of mature trees.
2. The required *setback* area shall be fully landscaped and adequately maintained.
3. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.
4. Garbage containers and *passive recycling containers* shall be screened to a height of at least 2.5 metres [8 ft.] by *buildings, a landscaping screen, a solid decorative fence, or a combination thereof*.

J. Special Regulations

1. *Amenity space* shall be provided on the *lot* as follows:
 - (a) *Outdoor amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit* and shall not be located within the required *setbacks*; and
 - (b) *Indoor amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit*.

K. Subdivision

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

	Lot Size	Lot Width	Lot Depth
Fee Simple <i>Lots</i>	2 hectares [5 acres]	50 metres [165 ft.]	50 metres [165 ft.]
Bare Land Strata <i>Lots</i>	225 sq. m. [2,420 sq.ft.]	12 metres [40 ft.]	15 metres [50 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. Sign regulations are as provided in Surrey Sign By-law No. 13656.
5. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of this By-law.
6. *Building* permits shall be subject to the "Surrey Building By-law" and the "Surrey Development Cost Charge By-law".
7. Development permits may be required in accordance with the *Official Community Plan*.
8. *Manufactured home parks* shall be subject to the "Surrey Mobile Homes and Trailer Regulation and Control By-law".