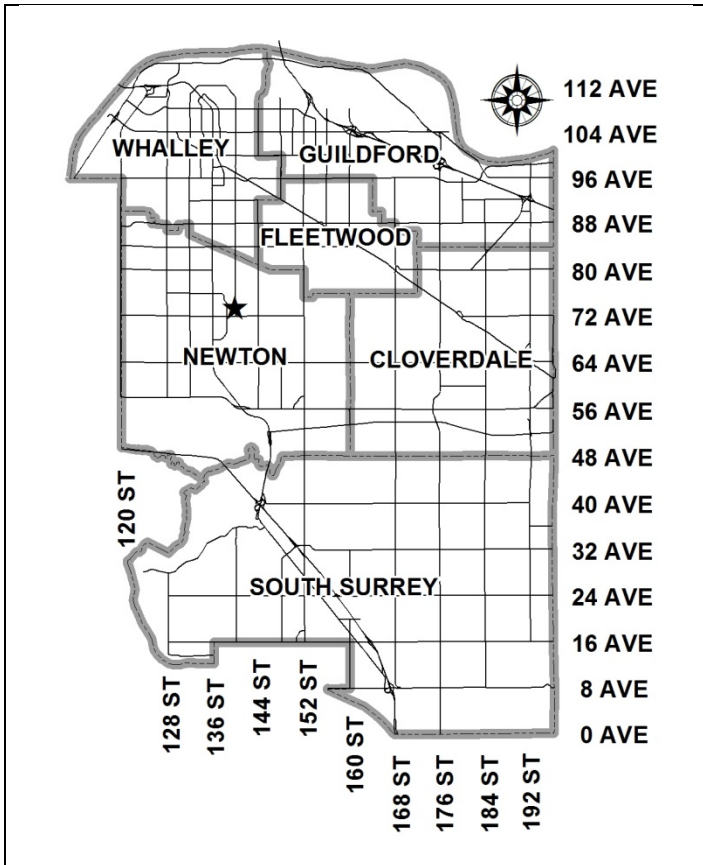


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0086-00

Planning Report Date: April 18, 2016



PROPOSAL:

- Terminate Land Use Contract No. 417

to permit the existing underlying RM-15 Zone to come into effect.

LOCATION:

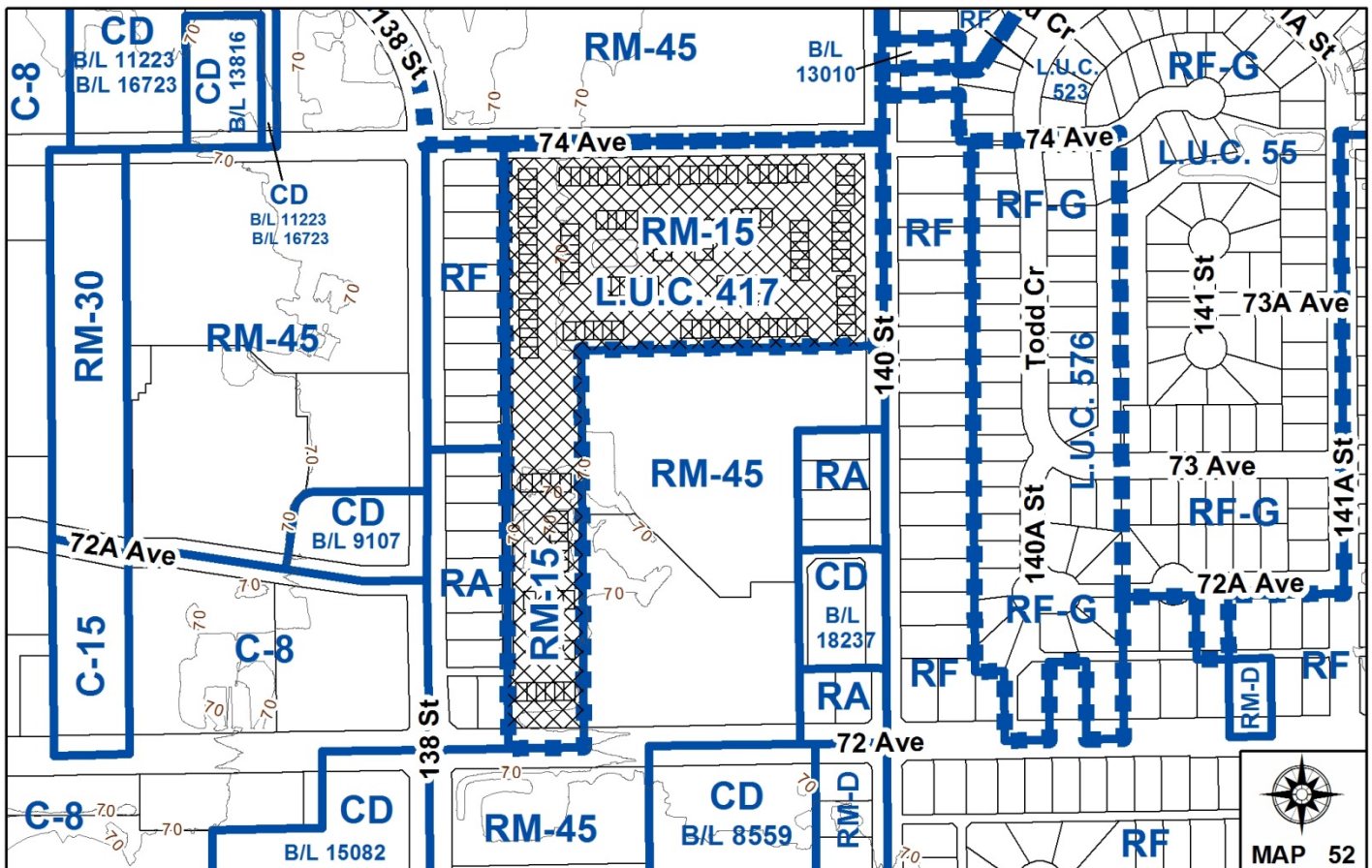
13880 - 74 Avenue
 (includes mailing address of
 13990 - 74 Avenue)

**LUC AND
 UNDERLYING
 ZONING:**

LUC No. 417
 (RM-15 Zone underlying)

**OCP
 DESIGNATION:**

Multiple Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 417.

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 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. 417 was adopted by By-law No. 5324 on November 20, 1978.
- LUC No. 417 permits 140 townhouse units and customary accessory buildings and structures.
- Once LUC No. 417 is terminated and the one-year grace period ends, the current underlying RM-15 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. 417 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. 417 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. 417, 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. 417. In addition, the Public Hearing notice will be published in two consecutive issues of either the Surrey Now or the Peace Arch News.

DISCUSSION

- LUC No. 417 was adopted by LUC Authorization By-law, 1977, No. 5324 on November 20, 1978.
- LUC No. 417 regulates a lot just to the east of Newton Town Centre.
- The subject lot contains a bare land strata townhouse project consisting of 140 townhouse units and common recreation space.
- The townhouse project was stratified by a bare land strata plan under Strata Plan NW1220 in December 1978.
- The subject lot is designated Multiple Residential under the Official Community Plan and has an underlying Multiple Residential 15 Zone (RM-15) under Surrey Zoning By-law, 1993, No. 12000, as amended.
- The area regulated by LUC No. 417 is bordered to the east by single family dwellings, to the south by a townhouse project, to the west by single family dwellings, and to the north by a multi-family development consisting of townhouses and apartment buildings.
- LUC No. 417 permits a total of 140 strata townhouses together with customary accessory buildings and structures.
- Stata Lot 5 (13990 – 74 Avenue, Unit #5) does not have a notation with respect to Land Use Contract No. 417 registered against title. It was unclear if this oversight had any bearing on this LUC Termination By-law. However, Legal Services has advised that Strata Lot 5 should be included in this LUC Termination Bylaw.
- 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. 417 is terminated and the one-year grace period ends, the current underlying RM-15 Zone will come into effect and will regulate the use of the land.
- The RM-15 Zone permits ground-oriented multiple unit residential buildings, and child care centres.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 21 Multiple Residential 15 Zone (RM-15) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 417.

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

MRJ/ar

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Part 21 - RM-15, Multiple Residential 15 Zone

Multiple Residential 15 Zone

Part 21

RM-15

A. Intent

Amendments: 12824, 06/24/96

This Zone is intended to accommodate and regulate the development of *family-oriented, low density, ground-oriented multiple unit residential buildings* and related *amenity spaces*, which are to be developed in accordance with a *comprehensive design* in existing *urban* areas and in new *urban* areas where *density* bonus is provided.

B. Permitted Uses

Amendments: 13774, 07/26/99

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. *Ground-oriented multiple unit residential buildings.*
2. *Child care centres*, provided that such centres:
 - (a) Do not constitute a singular use on the *lot*; and
 - (b) Do not exceed a total area of 3.0 square metres [32 sq.ft.] per *dwelling unit*.

C. Lot Area

Refer to Sections D and E of this Zone.

D. Density

Amendments: 12333, 07/25/94; 12824, 06/24/96; 17462, 09/12/11; 17471, 10/03/11; 18414, 03/23/15

For the purpose of *building* construction:

1. For the purpose of *building* construction in all Neighbourhood Concept Plan and Infill Areas described and outlined on the map attached as Schedule F of this By-law, the maximum *density* shall be 1 *dwelling unit* per acre and the dimensions of the *lots* created in a subdivision shall be in accordance with Section K.1 of this Zone. The maximum *density* shall be increased to that prescribed in Section D.2 of this Zone if amenities are provided in accordance with Schedule G of this By-law.
2. Ground-Oriented Multiple Unit Residential Buildings: The maximum *density* shall not exceed a *floor area ratio* of 0.6 and 37 *dwelling units* per hectare [15 u.p.a.].
3. Indoor Amenity Space: The space required in Sub-section J.1(b) of this Zone, is excluded from the calculation of the *floor area ratio*.

E. Lot Coverage

Amendments: 12333, 07/25/94; 17704, 07/23/12

The maximum *lot coverage* shall be 45%.

F. Yards and Setbacks

Amendments: 17471, 10/03/11

Buildings and *structures* shall be sited not less than 7.5 metres [25 ft.] from all *lot lines* (measurements to be determined as per Part 1 Definitions, of this By-law).

G. Height of Buildings

Amendments: 13094, 05/12/97; 17471, 10/03/11

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

1. Principal buildings: The *height* shall not exceed 11 metres [36 ft.].
2. Accessory buildings and structures:

- (a) Indoor *amenity space buildings*: The height shall not exceed 11 metres [36 ft.]; and
- (b) Other *accessory buildings and structures*: The height shall not exceed 4.5 metres [15 ft.].

H. Off-Street Parking and Loading/Unloading

Amendments: 12333, 07/25/94; 13094, 05/12/97; 13774, 07/26/99; 14120, 10/16/00; 17471, 10/03/11; 18414, 03/23/15; 18434, 04/27/15

1. Resident, visitor and employee *parking spaces* shall be provided as stated in Table C. 6, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. Fifty percent (50%) of all required resident *parking spaces* shall be provided as *underground parking* or as parking within the *building envelope*.
3. Parking within the required *setbacks* is not permitted.
4. *Tandem parking* for *ground-oriented multiple unit residential buildings* shall be permitted as follows:
 - (a) A maximum of fifty percent (50%) of all required resident *parking spaces* may be provided as *tandem parking spaces*, excluding *parking spaces* provided as *underground parking*. For *underground parking* a maximum of ten percent (10%) of all required resident *parking spaces* may be provided as *tandem parking spaces*;
 - (b) *Dwelling units* with *tandem parking spaces* shall not be permitted direct vehicular access to an adjacent *highway*;
 - (c) *Tandem parking spaces* must be attached to each *dwelling unit*, excluding *parking spaces* provided as *underground parking*; and
 - (d) Both *tandem parking spaces* must be held by the same owner.

I. Landscaping

1. All developed 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.

2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less 1.5 metres [5 ft.] in width shall be provided within the *lot*.
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*, of which a maximum of 1.5 square metres [16 sq.ft.] per *dwelling unit* may be devoted to a *child care centre*.
2. *Child care centres* shall be located on the *lot* such that these centres:
 - (a) Are accessed from a *highway*, independent from the access to the residential uses permitted in Section B of this Zone; and
 - (b) Have direct access to an *open space* and play area within the *lot*.

K. Subdivision

Amendments: 12824, 06/24/96

1. For subdivision of the land in all Neighbourhood Concept Plan and Infill Areas described and outlined on the map attached as Schedule F of this By-law where amenities are not provided in accordance with Schedule G of this By-law, the *lots* created shall conform to the minimum standards prescribed in Section K of Part 12 One-Acre Residential Zone RA of this By-law.
2. For subdivision of the land in all Neighbourhood Concept Plan and Infill Areas described and outlined on the map attached as Schedule F of this By-law where amenities are provided in accordance with Schedule G of this By-law, the *lots*

created shall conform to the minimum standards prescribed in sub-section K.3 of this Zone.

3. *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>
2,000 sq. m. [0.5 acre]	30 metres [100 ft.]	30 metres [100 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; 17181, 06/07/10

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. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act, S.B.C., 2002, c.75, as amended and the Child Care Licensing Regulation set out under B.C. Reg. 95/2009, as amended.

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