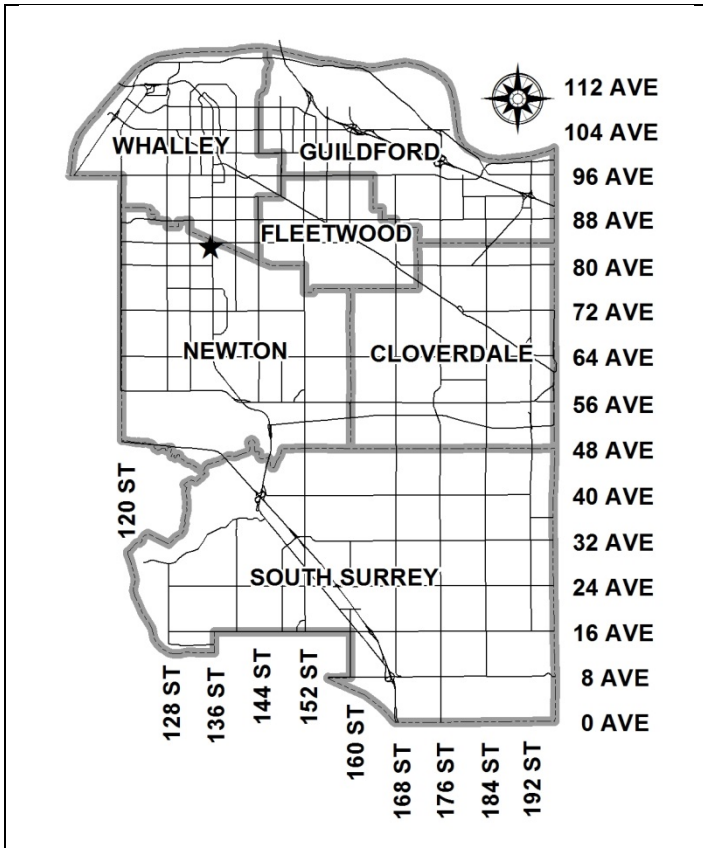


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0105-00

Planning Report Date: September 12, 2016



**PROPOSAL:**

- **Terminate Land Use Contract No. 346**  
 to permit the existing underlying CTA Zone to come into effect.

**LOCATION:**

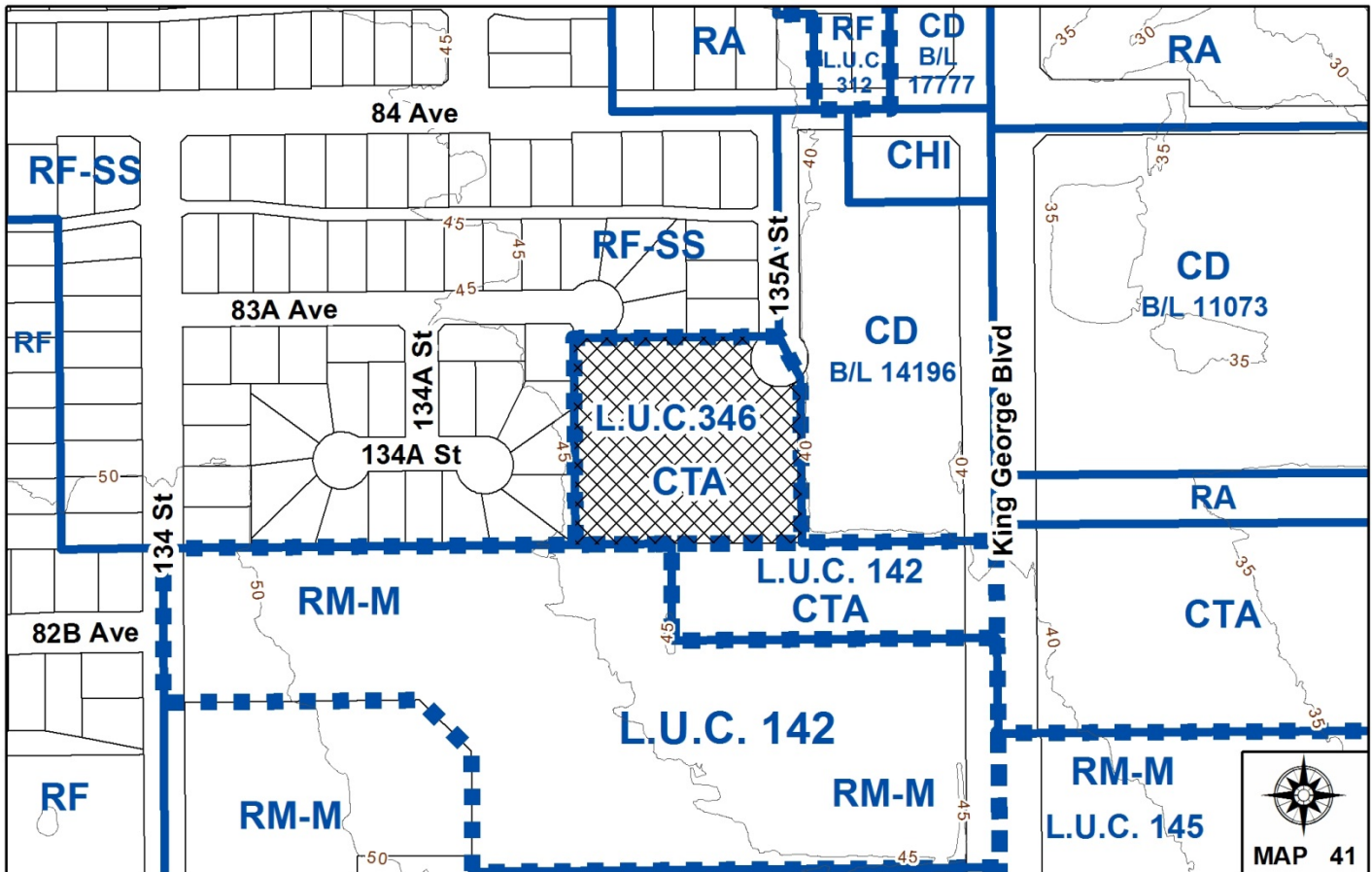
8345 135A Street

**LUC AND UNDERLYING ZONING:**

LUC No. 346  
 (CTA Zone underlying)

**OCP DESIGNATION:**

Urban



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 346.

### 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.
- LUC No. 346 was adopted by LUC Authorization By-law No. 5586 on January 8, 1979.
- LUC No. 346 permits a mini-warehouse together with an office building, which structures may contain one residential unit.
- In accordance with the legislation, 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.
- Once LUC No. 346 is terminated and the one-year grace period ends, the current underlying “Tourist Accommodation Zone” (CTA) will automatically come into effect and will regulate the subject lot.
- The “Tourist Accommodation Zone” (CTA) Zone permits tourist accommodation and tourist trailer park or camp-site, as well as eating establishments, convenience store and florist shop, personal service uses, and one single family dwelling for the manager of the tourist trailer park or camp-site as accessory uses.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City’s Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

### RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 346 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.
- As a result, City staff are moving forward with the termination of LUC No. 346 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. 346, 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. 346. In addition, the Public Hearing notice will be published in two consecutive issues of the Peace Arch News.

SITE CHARACTERISTICS

Existing Land Use: Manufactured home park.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwellings.	Urban	RF-SS
East:	Self-storage complex.	Mixed Employment	CD (By-law No. 14196)
South:	Manufactured home park and motel.	Urban	LUC No. 142 (CTA and RM-M underlying)
West:	Single family dwellings.	Urban	RF-SS

DISCUSSION

- LUC No. 346 was adopted by LUC Authorization By-law No. 5586 on January 8, 1979.
- LUC No. 346 regulates one lot in Newton, located at 8345 135A Street.
- The subject lot is designated Urban under the Official Community Plan (OCP) and has an underlying "Tourist Accommodation Zone" (CTA) under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 346 permits a mini-warehouse together with an office building, which structures may contain one residential unit.

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- LUC No. 346 originally permitted the creation of one lot by consolidation in the subject area with future subdivision subject to the approval of the Municipal Planner. The eastern portion of the lot was to be used for mini-warehouse purposes and the western portion of the lot to remain undeveloped until an application was submitted to the City. The subject area was subsequently subdivided into two lots under Plan No. 57624.
  - In 2000, Development Application No. 7900-0271-00 was received by the City to partially discharge LUC No. 346 from 13554 84 Avenue. This application was approved by Council under By-law No. 14196 on September 4, 2001.
  - A Development Application has never been approved for the remaining lot regulated by the LUC. However, it has been used as a manufactured home park in conjunction with 8293 King George Boulevard.
  - In accordance with the legislation, 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. 346 is terminated and the one-year grace period ends, the current underlying “Tourist Accommodation Zone” (CTA) Zone will come into effect and will regulate the use of the land.
  - The “Tourist Accommodation Zone” (CTA) Zone permits tourist accommodation and tourist trailer park or camp-site, as well as eating establishments, convenience store and florist shop, personal service uses, and one single family dwelling for the manager of the tourist trailer park or camp-site as accessory uses.
  - If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City’s Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 42 "Tourist Accommodation Zone" (CTA) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 346.

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

ARR/dk



[Part 42 - CTA, Tourist Accommodation Zone](#)

## Tourist Accommodation Zone

### Part 42

### CTA

#### A. Intent

This Zone is intended to accommodate and regulate the development of *tourist accommodation, tourist trailer parks* and *camp-sites* and shall be read in conjunction with the "Surrey Mobile Home and Trailer Regulations and Control By-law".

#### B. Permitted Uses

**Amendments: 13564, 11/16/98; 17471, 10/03/11**

Land and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Tourist accommodation.*
2. *Tourist trailer park* or *camp-site* provided that:
  - (a) The minimum area for each trailer or camping space shall be 85 square metres [915 sq.ft.] and a minimum width of 6 metres [20 ft.]; and
  - (b) A minimum of 7.5% of the total *lot* area or portion of the *lot* area designated or intended to be used for *tourist trailer park* or *camp-site* shall be devoted to playground or *open space* restricted to such use.
3. *Accessory uses* including the following:
  - (a) *Eating establishments*, excluding *drive-through restaurants*;
  - (b) *Retail stores* limited to the following:
    - i. *Convenience store*; and
    - ii. Florist shop;
  - (c) *Personal service uses* excluding *body rub parlours*; and

- (d) One *single family dwelling* for the manager of the *tourist trailer park* or *camp-site*, provided that the total floor area shall not exceed 260 square metres [2,800 sq.ft.].

### C. Lot Area

Not applicable to this Zone.

### D. Density

**Amendments: 12333, 07/25/94; 14390, 05/22/01**

1. In Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the *floor area ratio* shall not exceed 0.01 provided that the *gross floor area* on the *lot* does not exceed 15 square metres [161 sq. ft.]. If amenities are provided in accordance with Schedule G of this By-law, the *floor area ratio* shall not exceed the following:
  - (a) For the *lot* or portion of the *lot* used or intended to be used for *tourist accommodation* with or without *accessory uses* as permitted in Sections B.1 and B.3, the *floor area ratio* shall not exceed 0.50;
  - (b) For the *lot* or a portion of the *lot* used or intended to be used for *tourist trailer park* or *camp-site* with or without *accessory uses* as permitted in Sections B.2 and B.3:
    - i. The number of trailers and camping spaces shall not exceed 50 per hectare [20 per acre]; and
    - ii. The *floor area ratio* of the *accessory uses* as permitted in Section B.3 shall not exceed 0.1.
2. In areas other than those specified in Sub-section D.1 of this Zone:
  - (a) For the *lot* or portion of the *lot* used or intended to be used for *tourist accommodation* with or without *accessory uses* as permitted in Sections B.1 and B.3, the *floor area ratio* shall not exceed 0.50.
  - (b) For the *lot* or a portion of the *lot* used or intended to be used for *tourist trailer park* or *camp-site* with or without *accessory uses* as permitted in Sections B.2 and B.3:



- i. The number of trailers and camping spaces shall not exceed 50 per hectare [20 per acre]; and
- ii. The *floor area ratio* of the accessory *uses* as permitted in Section B.3 shall not exceed of 0.1.

**E. Lot Coverage**

- 1. For the *lot* or portion of the *lot* designated or intended to be used for *tourist accommodation* with or without *accessory uses* as permitted in B.1 and B.3, the maximum *lot coverage* shall be 50%.
- 2. For the *lot* or portion of the *lot* designated or intended to be used for *tourist trailer park* or *camp-site* with or without *accessory uses* permitted in B.2 and B.3, the maximum *lot coverage* shall be 10%.
- 3. Where the *lot* contains a combination of uses as permitted in B.1 and B.2, with or without *accessory uses*, the total maximum *lot coverage* permitted in E.1 and E.2 shall not exceed 50%.

**F. Yards and Setbacks**

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

<b>Use</b>	<b>Setback</b>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Side Yard on Flanking Street</b>
<i>Principal and Accessory Buildings and Structures</i>		20.0 m [65 ft.]	7.5 m. [25 ft.]	7.5 m. [25 ft.]	20.0 m. [65 ft.]

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

**G. Height of Buildings**

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

- 1. *Principal building*: The *height* shall not exceed 10.0 metres [33 ft.].

2. Accessory buildings and structures: The *height* shall not exceed 7.5 metres [25 ft.].

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

Amendments: 13774, 07/26/99; 18719, 05/30/16

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. No parking shall be permitted within the required *setbacks*.
3. *Tandem parking* may be permitted as specified:

For company fleet vehicles in all commercial, industrial and mixed-use developments (where commercial or industrial uses are part of the development) required *parking spaces* may be provided as *tandem parking*.

## I. Landscaping

1. 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.
2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 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 from any adjacent *residential lot*, 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. Garbage containers and *passive recycling containers* shall not be located along the boundary of any *residential lot*.

**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>
4,000 sq. m. [1 acre]	40 metres [130 ft.]	2 times the width of <i>lot</i>

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 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," the "Surrey Development Cost Charge By-law" and the "Surrey Mobile Home and Trailer Regulations and Control By-law".
7. Development permits may be required in accordance with the *Official Community Plan*.