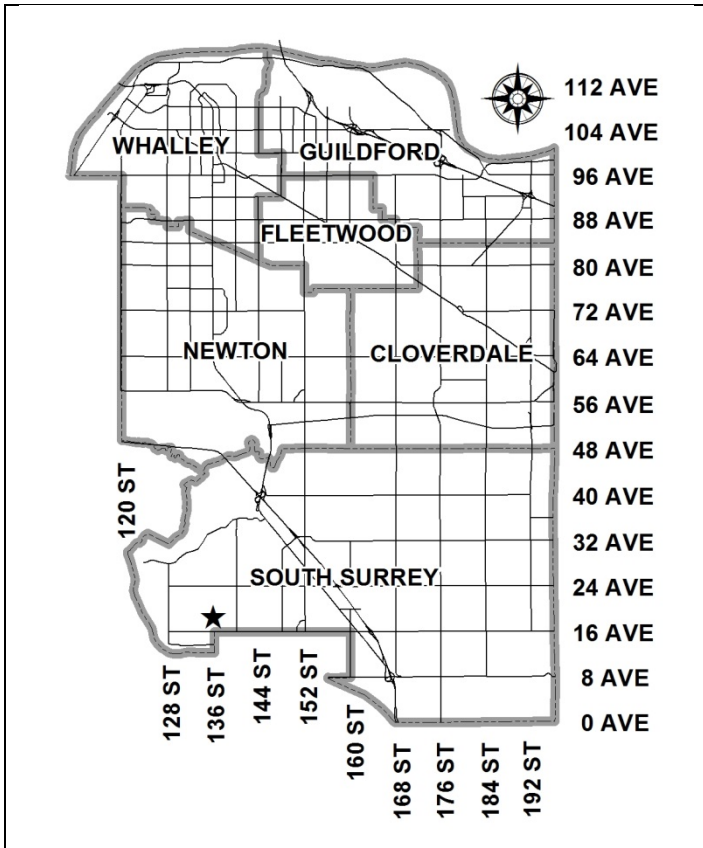


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0123-00

Planning Report Date: June 13, 2016



**PROPOSAL:**

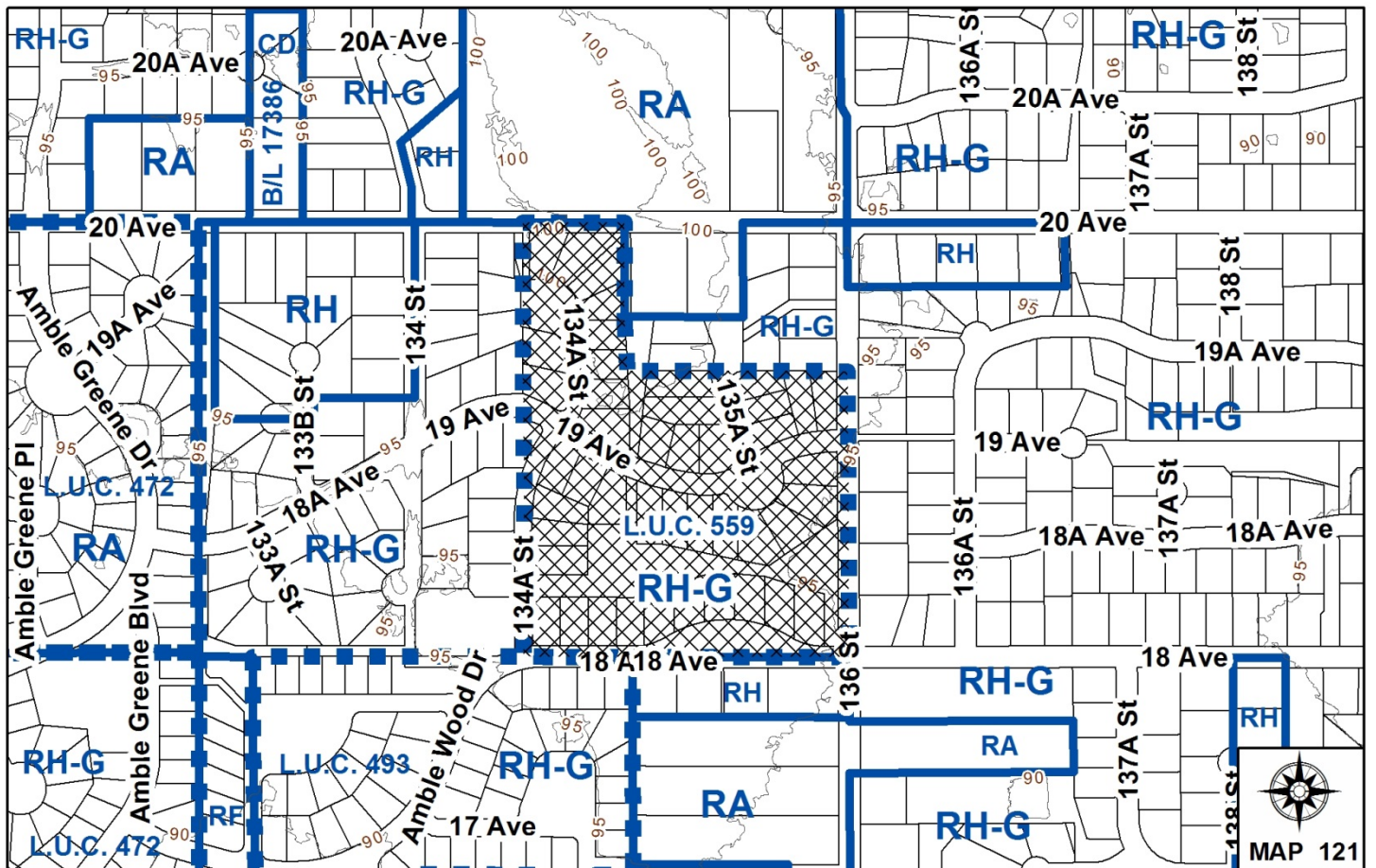
- Terminate Land Use Contract No. 559

to permit the existing underlying RH-G Zone to come into effect.

**LOCATION:** 135A Street and 19 Avenue

**LUC AND UNDERLYING ZONING:** LUC No. 559 (RH-G Zone underlying)

**OCP DESIGNATION:** Suburban



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 559.

### 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 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. 559 was adopted by By-law No. 5745, on January 2, 1979.
- LUC No. 559 permits single family residential uses and customary accessory uses.
- Once LUC No. 559 is terminated and the one-year grace period ends, the current underlying “Half-Acre Residential Gross Density Zone (RH-G)” will come into effect and will regulate the subject lots.
- It is now in order for LUC No. 559 to be considered for early termination.

## RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 559 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. 559 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. 559, 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. 559. In addition, the Public Hearing notice will be published in two consecutive issues the Peace Arch News.

## DISCUSSION

- LUC No. 559 was adopted by LUC Authorization By-law, 1978, No. 5745, on January 2, 1979.
- LUC No. 559 currently regulates 45 single family lots and 3 lots which are owned by the City of Surrey and used for park purposes. The subject area is located in South Surrey, between 20 Avenue and 18 Avenue, at approximately 135 Street.
- The subject site is designated Suburban under the Official Community Plan and has an underlying “Half-Acre Residential Gross Density Zone (RH-G)” under Surrey Zoning By-law, 1993, No. 12000, as amended.
- The subject site is bordered to the north, east, south and west by single family dwellings.
- LUC No. 559 permits single family residential uses and customary accessory uses.
- LUC No. 559 permitted the original site to be subdivided into a maximum of 44 single family lots and 3 lots that were to be transferred to the City for park purposes.
- Due to the curve of 19 Avenue and the subdivision of adjoining lands to the west, the lot at 13446 - 19 Avenue is partially regulated by LUC No. 559 as well.
- 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. 559 is terminated and the one-year grace period ends, the current underlying “Half-Acre Residential Gross Density Zone (RH-G)” will come into effect and will regulate the use of the land.
- The “Half-Acre Residential Gross Density (RH-G)” permits single family dwellings, including one secondary suite, as well as a bed and breakfast operation and the keeping of boarders or lodgers as accessory uses.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 15 “Half-Acre Residential Gross Density Zone (RH-G)” of Surrey Zoning By-law, 1993, No. 12000, as amended.

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 559.

*original signed by Ron Hintsche*

Jean Lamontagne  
General Manager  
Planning and Development

CL/ar

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## Half-Acre Residential Gross Density Zone

*Part 15 - RH-G, Half-Acre Residential Gross Density Zone*

### Part 15

**RH-G**

#### A. Intent

This Zone is intended for single family housing on small *suburban lots*, with substantial public *open space* set aside within the subdivision. This Zone shall only be considered if there are special characteristics on the *lot*, such as mature vegetation, watercourses, ravines, heritage *buildings* or other features worthy of preservation and/or there will be a significant contribution to a park designated in the *Official Community Plan*.

#### B. Permitted Uses

**Amendments: 13155, 02/09/98; 17290, 12/13/10**

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

1. *One single family dwelling* which may contain 1 *secondary suite*.
2. The following uses are permitted within the *open space* set aside pursuant to Section D.2 of this Zone, provided that these uses do not infringe upon the quality of the features being preserved and are for the enjoyment of the residents within the subdivision and do not constitute a commercial undertaking:
  - (a) Tennis court, swimming pool, play ground, fitness trail, baseball diamond, picnic area, putting green and pitch and putt course, provided that the enclosed or covered portion of the said facility does not exceed 5% of the total *open space* set aside; and
  - (b) Equestrian facilities, both open and covered, provided however, that the enclosed or covered portion of this facility does not exceed 10% of the total *open space* set aside.
3. *Accessory uses* including the following:
  - (a) *Bed and breakfast* use in accordance with Section B.2, Part 4 General Provisions, of this By-law; and

- (b) The keeping of *boarders* or *lodgers* in accordance with Section B.2, Part 4 General Provisions, of this By-law.

### C. Lot Area

The minimum *site area for subdivision* shall be 1 hectare [2.5 acres], except in the case of a remainder *lot*, where the *lots* including the remainder *lot* which were created by the same plan of subdivision are zoned RH-G.

### D. Density

Amendments: 13155, 02/09/98; 14519, 10/15/01; 18414, 03/23/15

1. For the purpose of subdivision:
  - (a) In Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the maximum *density* shall not exceed 2.5 *dwelling units* per gross hectare [1 u.p.a.]. The maximum *density* may be increased to 3.95 *dwelling units* per hectare [1.6 u.p.a.], calculated on the basis of the entire *lot*, if amenities are provided in accordance with Schedule G of this By-law.
  - (b) In areas other than the ones in Sub-section D.1(a) of this Zone, the maximum *density* shall not exceed 3.95 *dwelling units* per hectare [1.6 u.p.a.], calculated on the basis of the entire *lot*.
2. The maximum *density* may be increased from 3.95 *dwelling units* per hectare [1.6 u.p.a.] to 5 *dwelling units* per hectare [2.0 u.p.a.], both calculated on the basis of the entire *lot*, provided:
  - (a) *Open space* in an amount of not less than 15% of the *lot* area is preserved in its natural state or retained for park and recreational purposes;
  - (b) The said *open space* shall contain natural features such as a stream, ravine, stands of mature trees, or other land forms worthy of preservation, and/or contain heritage *buildings* or features, and/or contribute to a park designated in the *Official Community Plan*; and
  - (c) The said *open space* shall be accessible by the public from a *highway*.

3. *Undevelopable areas* may be included in the *open space* set aside in Sub-section D.1(a), however, this *undevelopable area* shall be discounted by 50%.
4. (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*; and  
  
(b) For *building* construction within a *lot* the *floor area ratio* shall not exceed 0.32, provided that, of the resulting allowable floor area, 45 square metres [480 sq.ft.] shall be reserved for use only as a garage or carport, and 10 square metres [105 sq.ft.] shall be reserved for use only as *accessory buildings* and *structures*.

#### **E. Lot Coverage**

The maximum *lot coverage* shall be 25%.



## 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>	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Side Yard on Flanking Street</b>
<i>Principal Building</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	3.0 m. [10 ft.]	7.5 m. [25 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.]
<i>Buildings and Structures For Uses Permitted Under Section. B.2 of this Zone</i>		7.5 m. [25 ft.]	30.0 m. [100 ft.]	15.0 m. [50 ft.]	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; 18414, 03/23/15**

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

1. ***Principal building:***
  - (a) The *building height* shall not exceed 9 metres [30 ft.].
  - (b) The *building height* of any portion of a *principal building* with a roof slope of less than 1:4 shall not exceed 7.3 metres [24 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; 13093, 05/12/97; 13774, 07/26/99; 17471, 10/03/11**

1. Resident and visitor *parking spaces* shall be provided as stated in Table C.6 of 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 the residential use, 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
  - (c) The total amount permitted under (a) and (b) shall not exceed 3.
3. No outside parking or storage of a *house trailer* or boat is permitted within the *front yard setback*, or within the required *side yards* adjacent the *dwelling*, 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.

## I. Landscaping

**Amendments: 12333, 07/25/94; 13155, 02/09/98**

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. 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.
3. The *open space* set aside pursuant to Section D.2(a) of this Zone, shall be improved with a basic level of *landscaping* work including brushing and seeding of the ground, limbing of low branches on trees and providing and constructing paths for public passage, wherever appropriate.

## J. Special Regulations

**Amendments: 17290, 12/13/10**

1. A *secondary suite* shall:
  - (a) Not exceed 90 square metres [968 sq.ft.] in floor area; and
  - (b) Occupy less than 40% of the habitable floor area of the *building*.

**K. Subdivision**

**Amendments: 13155, 02/09/98**

1. For the purpose of subdivision:
  - (a) 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.
  - (b) 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-sections K.2 or K.3 of this Zone.
2. *Lots* created through subdivision shall meet the dimensional requirements of the RH Zone.
3. *Lots* created through subdivision in accordance with Section D.2.(a) of this Zone, shall conform to the following minimum standards:

	<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
Regular Standard <i>Lots</i>	1,300 sq. m. [14,000 sq.ft.]	30 metres [100 ft.]	30 metres [100 ft.]
Permissible Reduction as set out below*	1,120 sq. m. [12,000 sq.ft.]	24 metres [80 ft.]	30 metres [100 ft.]

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

\* Permissible reduction for up to 50% of the *lots* within a plan of subdivision where 15% or more of the lands subdivided are set aside as *open space* pursuant to Section D.2.(a) of this Zone.

**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.