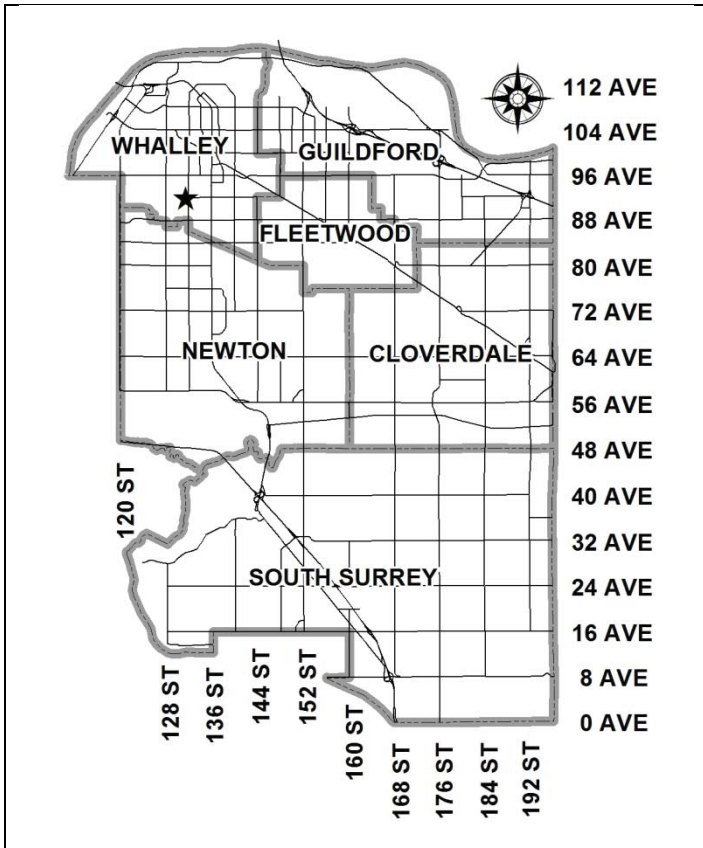


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0597-00

Planning Report Date: May 29, 2017



PROPOSAL:

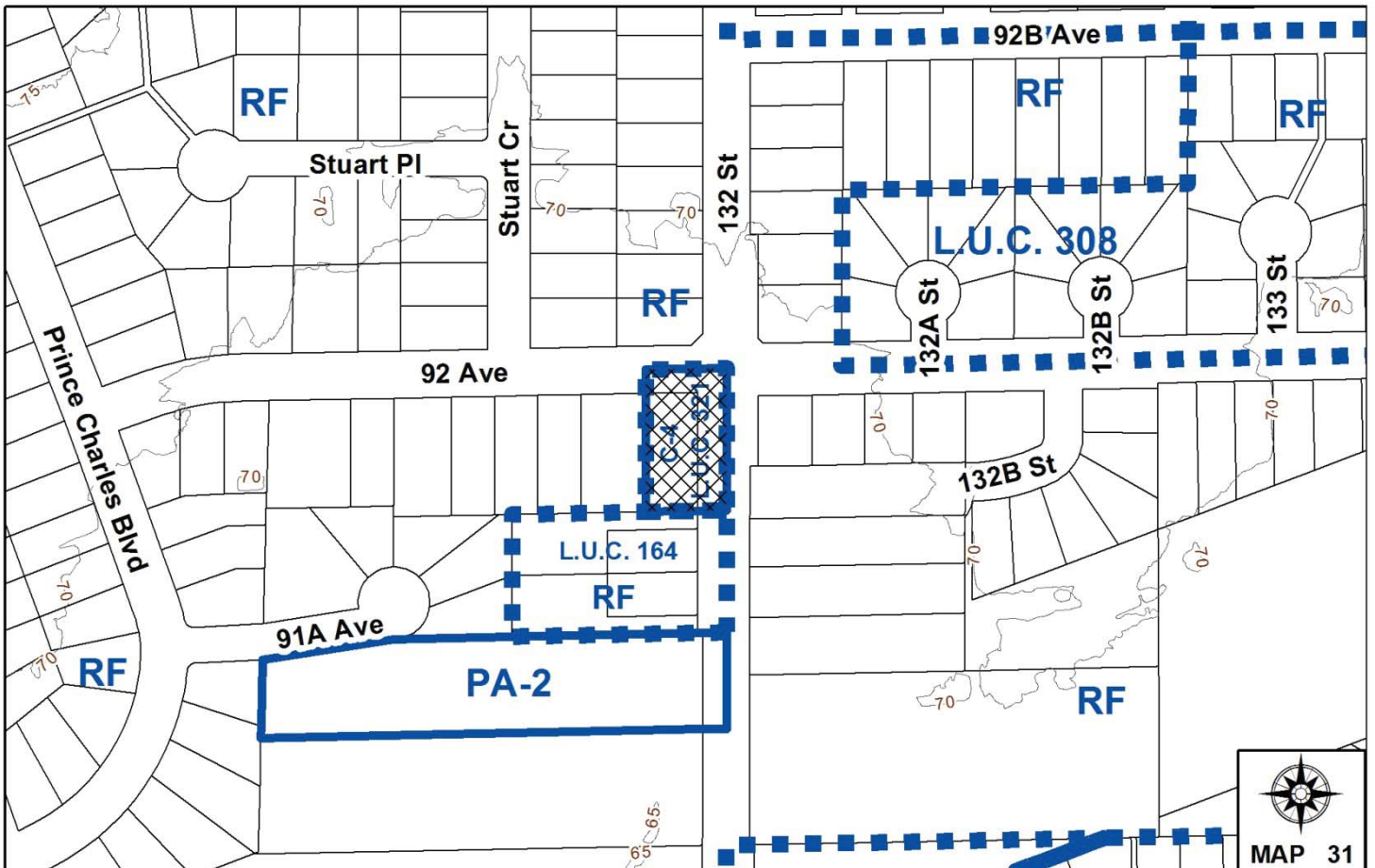
- **Terminate Land Use Contract No. 321**

to permit the existing underlying C-4 Zone to come into effect.

LOCATION: 13192 - 92 Avenue

LUC AND UNDERLYING ZONING: LUC No. 321
 (C-4 Zone underlying)

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 321.

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. 321 was adopted by Authorization By-law, 1977, No. 5264 on September 26, 1977.
- LUC No. 321 permits a convenience store and one (1) second storey dwelling unit to be occupied by the owner or owner's employee.
- 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. 321 is terminated and the one-year grace period ends, the current underlying "Local Commercial Zone (C-4)" will automatically come into effect and will regulate the subject lot.
- The "Local Commercial Zone (C-4)" permits small-scale, commercial developments, to a maximum floor area of 370 square metres (4,000 sq.ft.), including limited retail, eating establishment and personal service uses and one (1) dwelling unit to be contained in the principal building and occupied by the owner or owner's employees for the protection of permitted businesses on the lot.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 321 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. Over three-quarters of the LUCs in Surrey have now been presented to Council for early termination.
- As a result, City staff are moving forward with the termination of LUC No. 321 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. 321, informing them that Council is considering terminating the LUC. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now-Leader.

SITE CHARACTERISTICS

Existing Land Use: Convenience store and second storey dwelling unit.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 92 Avenue):	Single family dwelling	Urban	RF
East (Across 132 Street):	Single family dwellings	Urban	RF
South:	Duplex on panhandle lot	Urban	LUC No. 164 under LUC Termination Bylaw No. 19162 (RF Zone underlying)
West:	Single family dwelling	Urban	RF

DISCUSSION

- LUC No. 321 was adopted by Authorization By-law, 1977, No. 5264 on September 26, 1977.
- LUC No. 321 currently regulates one (1) subject lot at 13192 – 92 Avenue in Whalley.
- The subject lot is designated "Urban" in the Official Community Plan (OCP) with an underlying "Local Commercial Zone (C-4)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 321 permits a convenience store and one (1) second storey dwelling unit to be occupied by the owner or owner's employee. The convenience store is limited to 1,100 square feet (102 sq. m.), with 1,030 square feet (96 sq. m.) of accessory storage and office space and a 1,350-square foot (125 sq. m.) dwelling unit, for a total floor area of 3,480 square feet (323 sq. m.).

- 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. 321 is terminated and the one-year grace period ends, the current underlying "Local Commercial Zone (C-4)" will come into effect and will regulate the use of the subject lot.
- The "Local Commercial Zone (C-4)" permits small-scale, commercial developments, to a maximum floor area of 370 square metres (4,000 sq.ft.), including limited retail, eating establishment and personal service uses and one (1) dwelling unit per lot to be contained in the principal building and occupied by the owner or owner's employees for the protection of permitted businesses on the lot.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 34 Local Commercial Zone (C-4) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 321.

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RT/da



Part 34 - C-4, Local Commercial Zone

Local Commercial Zone

Part 34

C-4

A. Intent

This Zone is intended to accommodate and regulate the development of local small scale commercial developments.

B. Permitted Uses

Amendments: 14835, 11/18/02

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

1. The following uses are permitted, provided that the total floor area does not exceed 370 square metres [4,000 sq.ft.]:
 - (a) *Retail store* limited to the following:
 - i. *Convenience store*;
 - ii. Video rental; and
 - iii. Florist shop;
 - (b) *Eating establishment* excluding the following:
 - i. *Drive-through restaurant*; and
 - ii. *Eating establishment* licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended; and
 - (c) *Personal service uses* limited to the following:
 - i. Barbershop;
 - ii. Beauty parlour;
 - iii. Cleaning and repair of clothing; and

- iv. Shoe repair shop.
2. One *dwelling unit* per *lot* provided that the *dwelling unit* is:
 - (a) Contained within the *principal building*;
 - (b) Occupied by the owner or the owner's employee, for the protection of the businesses permitted on the *lot*.

C. Lot Area

Not applicable to this Zone.

D. Density

Amendments: 13155, 02/09/98; 18414, 03/23/15; 19073, 02/20/17

1. In Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the maximum *density* shall not exceed a *floor area ratio* of 0.1 or a *building area* of 300 square metres [3,230 sq. ft.] whichever is smaller. The maximum *density* area may be increased to a maximum *floor area ratio* of 0.40 if amenities are provided in accordance with Schedule G of this By-law.
2. In areas other than the ones in Sub-section D.1 of this Zone, the maximum *density* shall not exceed a *floor area ratio* of 0.40.

E. Lot Coverage

The maximum *lot coverage* shall be 40%.

F. Yards and Setbacks

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

Use	Setback	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal and Accessory Buildings and Structures</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	6.0 m.* [20 ft.]	7.5 m. [25 ft.]

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

* The *side yard setback* may be 3.0 metres [10 ft.] if the *side yard* adjoins a *lot* other than a *residential lot*.

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 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; 18719, 05/30/16

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. *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 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 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. Except in those portions where a *building* abuts the *lot line*, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along all *lot lines* separating the developed portion of the *lot* from any *residential lot*.
5. Loading areas, 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. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.

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>
1,500 sq. m. [16,000 sq.ft.]	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

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*.