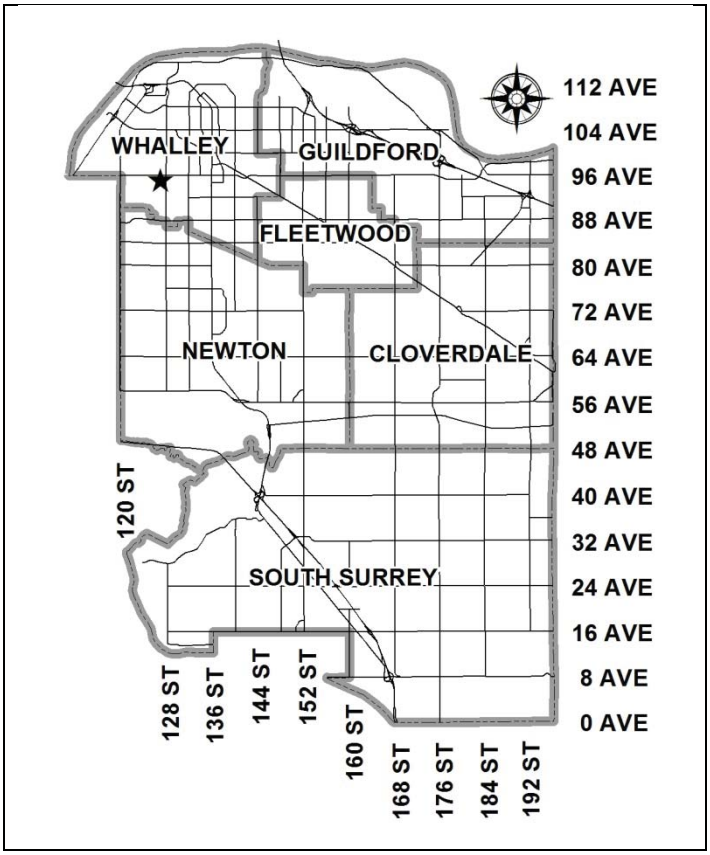


City of Surrey
PLANNING & DEVELOPMENT REPORT
File: 7916-0629-00

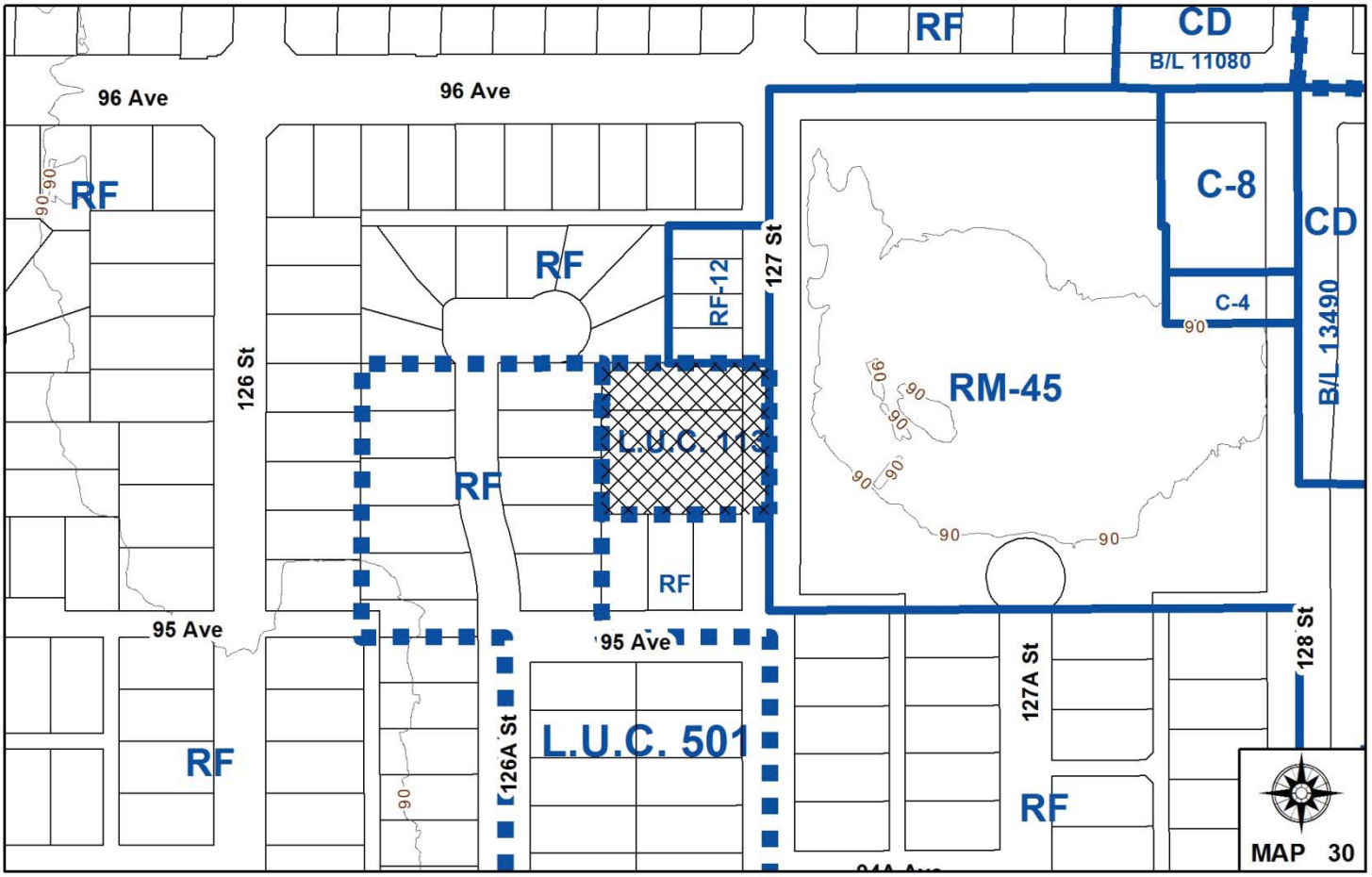
Planning Report Date: March 6, 2017

PROPOSAL:

- **Terminate Land Use Contract No. 113**

to permit the existing underlying RF Zone to come into effect.

LOCATION:	9533 and 9543 - 127 Street
LUC AND UNDERLYING ZONING:	LUC No. 113 (RF Zone underlying)
OCP DESIGNATION:	Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 113.

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. 113 was adopted by Authorization By-law, 1974, No. 4376 on November 4, 1974.

- LUC No. 113 permits single family and customary accessory uses only.

- 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. 113 is terminated and the one-year grace period ends, the current underlying "Single Family Residential Zone (RF)" will automatically come into effect and will regulate the two (2) subject lots.

- The "Single Family Residential Zone (RF)" permits a single family dwelling, including one (1) secondary suite, as well as a bed and breakfast operation and the keeping of boarders or lodgers as an accessory use.

- 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. 113 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 half 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. 113 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. 113, 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.

SITE CHARACTERISTICS

Existing Land Use: Single family dwellings, which will remain.

Adjacent Area:

Direction	**Existing Use**	**OCP Designation**	**Existing Zone**
North:	Single family dwellings	Urban	RF and RF-12
East:	Single family dwellings	Urban	RF
South:	Single family dwellings	Urban	RF
West (Across 127 Street):	3-storey apartment building	Multiple Residential	RM-45

DISCUSSION

- LUC No. 113 was adopted by Authorization By-law, 1974, No. 4376 on November 4, 1974.
- LUC No. 113 currently regulates two (2) single family lots in South Whalley, located at 9533 and 9543 - 127 Street.
- The subject site is designated as "Urban" under the Official Community Plan (OCP) with an underlying "Single Family Residential Zone (RF)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 113 permits residential single family and customary accessory uses only.
- LUC No. 113 permitted the original site to be subdivided into a maximum of 2 (two) single family lots, which were subsequently created.
- 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. 113 is terminated and the one-year grace period ends, the current underlying "Single Family Residential Zone (RF)" will come into effect and will regulate the two (2) single family lots.
- The "Single Family Residential Zone (RF)" permits a single family dwelling, including one (1) secondary suite, as well as a bed and breakfast operation and the keeping of boarders or lodgers as an accessory use.

- 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 16 "Single Family Residential Zone (RF)" of Surrey Zoning By-law, 1993, No. 12000, as amended.

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 113.

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RT/da

Single Family Residential Zone

Part 16 RF

A. Intent

Amendments: 12824, 06/24/96

This Zone is intended for *single family dwellings*.

B. Permitted Uses

Amendments: 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. *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

Not applicable to this Zone.

D. Density

Amendments: 12101, 07/11/94; 12681, 12/04/95; 12824, 06/24/96; 13093, 05/12/97; 14519, 10/15/01; 15587, 12/13/04; 16957, 06/29/09; 17471, 10/03/11; 17989, 29/07/13; 18050; 09/23/13; 18414, 03/23/15; 19073, 02/20/17

1. For the purpose of subdivision in all Areas as described and outlined on the map attached as Schedule F of this By-law, the maximum *unit density* is 2.5 *dwelling units* per hectare [1 u.p.a.] and the dimensions of the *lots* created in a subdivision shall be in accordance with Section K.1 of this Zone. The maximum *unit density* may be increased to14.8 *dwelling units* per hectare [6 u.p.a.] and Section K.2 of

this Zone shall apply if amenities are provided in accordance with Schedule G of this By-law.

2. (a) For *building* construction within a *lot*:

i. The *floor area ratio* must not exceed 0.60 for the first 560 square metres [6,000 sq. ft.] of *lot* area and 0.35 for the remaining *lot* area in excess of 560 square metres [6,000 sq. ft.], provided that 39 square metres [420 sq. ft.] must be reserved for use only as a garage or carport.

ii. Notwithstanding Sub-section D.2.(a)i., the maximum allowable floor area is as follows:

(a) 465 square metres [5,000 sq.ft.], except in the area shown in Schedule D.1.(a); and

(b) For *building* construction on a lot within the area shown in Schedule D.1.(a), the maximum allowable floor area is 84 square metres [900 sq.ft.] and a *basement* is not permitted on such *lot*.

iii. The maximum permitted floor area of a second storey for a *principal building* must not exceed 80% of the floor area of the main floor level including attached garage and that portion of any porch or veranda at the front that is covered by a sloped roof, but not including any portion of the *structure* located within 7.5 metres [25 ft.] of the *front lot line*. The reduced floor area of the second storey shall be accomplished by an offset at the second storey level from the wall at the main floor level from either the front or side walls or a combination thereof; and

iv. For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, the following must be included in the calculation of *floor area ratio*:

(a) Covered area used for parking unless the covered parking is located within the *basement*;

(b) The area of an *accessory building* in excess of 10 square metres [108 sq.ft.];

(c) Covered outdoor space with a height of 1.8 metres [6 ft.] or greater, except for a maximum of 10% of the maximum

allowable floor area of which 15 square metres [160 sq. ft.] must be reserved for a front porch or veranda; and

(d) Floor area with extended height including staircases, garages and covered parking, must be multiplied by 2, where the extended height exceeds 3.7 metres [12 ft.], except for a maximum of 19 square metres [200 sq.ft.] on the *lot*.

E. Lot Coverage

Amendments: 17989, 29/07/13; 18771, 07/25/16

1. For *lots* with a size of a 560 square metres [6,000 sq.ft.] or less, the maximum *lot coverage* is 40%.

2. For *lots* with a size greater than 560 square metres [6,000 sq. ft.], the maximum *lot coverage* is reduced at a rate of 2% for each 93 square metres [1,000 sq. ft.] of additional *lot* area until a *lot coverage* of 25% is reached, which is the maximum *lot coverage* for *lots* greater than 1,262 square metres [13,500 sq. ft.] in area.

F. Yards and Setbacks

Amendments: 12101, 07/11/94; 13093, 05/12/97; 17471, 10/03/11; 17704, 07/23/12; 17989, 07/29/13; 18414, 03/23/15; 18771, 07/25/16

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

Setback / ***Use***	*Front Yard*[1,2,3]	*Rear Yard*[4]	*Side Yard*	*Side Yard* on *Flanking Street*
Principal Building	7.5 m. [25 ft.]	7.5 m. [25 ft.]	1.8 m.[5] [6 ft.]	3.6 m. [12 ft.]
Accessory Buildings and *Structures* Greater Than 10 square metres [108 sq.ft.] in Size	18.0 m. [60 ft.]	1.8 m [6 ft.]	1.0 m [3 ft.]	7.5 m [25 ft.]

Other *Accessory Buildings* and *Structures*	18.0 m [60 ft.]	0.0 m	0.0 m.	7.5 m. [25 ft.]

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

1 Except for a garage, the *front yard setback* may be relaxed at the lower floor level to 5.5 metres [18 ft.] for a maximum of 50% of the width of the *principal building*. If a minimum of 50% of the width of the *principal building* is set back 9 metres [30 ft.], the setback to an attached garage may be relaxed to 6.7 metres [22 ft.].

2 With the exception of a garage with its main access doors facing a *side yard*, an attached garage to the *principal building* must not extend towards the *highway* for more than half the depth of the said garage, measured from the front face of the *principal building*, excluding any front face of the exterior wall above the said garage. If an attached garage with its main access doors facing a *highway* contains more than 2 parallel parking bays, the additional parking bay(s) and the garage entrance leading to the additional parking bay(s) must be set back at least 0.9 metre [3 ft.] from the front of the said garage.

3 The required *front yard setback* is increased to 11.0 metres [36 ft.] to the front face of an attached garage on *lots* that front onto a cul-de-sac bulb and which have a frontage of less than 8.0 metres [26 ft.], as determined by measuring a straight line drawn between the two front corners of the *lot*.

4 50% of the length of the rear *building* face may be *setback* a distance of 6.0 metres [20 ft.] from the *rear lot line* provided the remainder of the *building* face is *setback* at least 8.5 metres [28 ft.] from the *rear lot line*.

5 The *side yard setback* may be reduced to 1.2 metres [4 ft.] along one *side lot line* adjoining a *lot* zoned Single Family Residential (RF) provided that the *side yard setback* on the opposite side of the *lot* is increased to 2.4 metres [8 ft.].

G. Height of Buildings

Amendments: 12239, 04/18/94; 12101, 07/11/94; 18414, 03/23/15

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

1. <u>*Principal building*</u>:

   (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; 14120, 10/16/00; 18719, 05/30/16; 18771, 07/25/16; 18859, 10/03/16

1. Resident *parking spaces* shall be provided as stated in Table C.1 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 a residential use shall be limited as follows:

   (a) A maximum of 3 cars or trucks, which may be increased to a maximum of 4 cars or trucks on *lots* where the front face of an attached garage is set back a minimum of 11.0 metres [36 ft.] from the *front lot line*;

   (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, which may be increased to 4 where the front face of an attached garage is set back a minimum of 11.0 metres [36 ft.] from the *front lot line*.

3. *Vehicle* parking may be permitted in either the *front yard* or *side yard* subject to the following:

   (a) No off-street *parking space* shall be permitted within the required *front yard* or *side yard setback* except on a *driveway*. *Driveways* may be constructed off either the *frontage* or *flanking street;*

   (b) *Parking spaces* shall be located only on a *driveway* leading to a garage, carport or parking pad, in a garage, in a car port, or on a parking pad; and

   (c) The total area surfaced or paved for a *driveway* shall be as follows:

i. Every *lot* may have one *driveway* with a uniform width of 8.0 metres [26 ft.] extending from the *lot line* to the garage, car port, or parking pad on the *lot*;

ii. Notwithstanding Sub-section H.3.(c) (i) additional *driveway* width may also be allowed to provide access to additional *parking spaces* in a garage, carport or parking pad, where the garage, carport or parking pad has more than 2 side by side *parking spaces,* provided that such width is no more than 3 metres [10 ft.] times the number of adjacent side by side *parking spaces* measured at the required *front yard setback* and is uniformly tapered over the required *front yard* to a width of 8 metres [26 ft.] at the *front lot line;* and

iii. Notwithstanding Sub-sections H.3.(c) (i) and (ii), a *driveway* shall not exceed 53% of the total area of the *front yard* or required *side yard* within which the *driveway* is located;

iv. Where the *driveway* is constructed in a *side yard* off a *flanking street* all references to *front yard* within this Section shall be read as *side yard*; and

4. 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 unit*, 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.1 of Part 5 Off-Street Parking and Loading/Unloading of this By-law;

(b) Notwithstanding Sub-section H.4(a), no outside parking or storage of a *house trailer* or boat is permitted on *corner lots* 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 two *lot lines*; and

(c) Adequate screening, as described in Section I.2 of this Zone is provided.

I. Landscaping

Amendments: 12333, 07/25/94; 17989, 07/29/13; 18771, 07/25/16

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. A minimum of 30% of the *lot* must be covered by porous surfaces.

3. 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.

J. Special Regulations

Amendments: 17290, 12/13/10; 17989, 07/29/13; 18050, 09/23/13

1. For *lots* within designated floodplain in the Bridgeview area as referred to in Part 8 Floodproofing, of this By-law, the uses listed in Section B of this Zone shall be permitted only if the *lot* has a *frontage* of not less than 15 metres [50 ft.] and an area of not less than 464 square metres [5,000 sq.ft.].

2. Basement access and basement wells are permitted only between the *principal building* and the *rear lot line* and must not exceed a maximum area of 28 square metres [300 sq. ft.], including the stairs.

3. 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: 12824, 06/24/96

1. For subdivision of the land in all Neighbourhood Concept Plan and Infill Areas as 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 as 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:

	***Lot* Size**	***Lot* Width**	***Lot* Depth**
Subdivision	560 sq. m. [6,000 sq.ft.]	15 metres [50 ft.]	28 metres [90 ft.]
Lot Consolidation in Bridgeview's Designated Floodplain Areas	464 sq. m. [5,000 sq.ft.]	15 metres [50 ft.]	no minimum

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. 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.

8. Floodproofing shall be as set out in Part 8 Floodproofing, of this By-law.