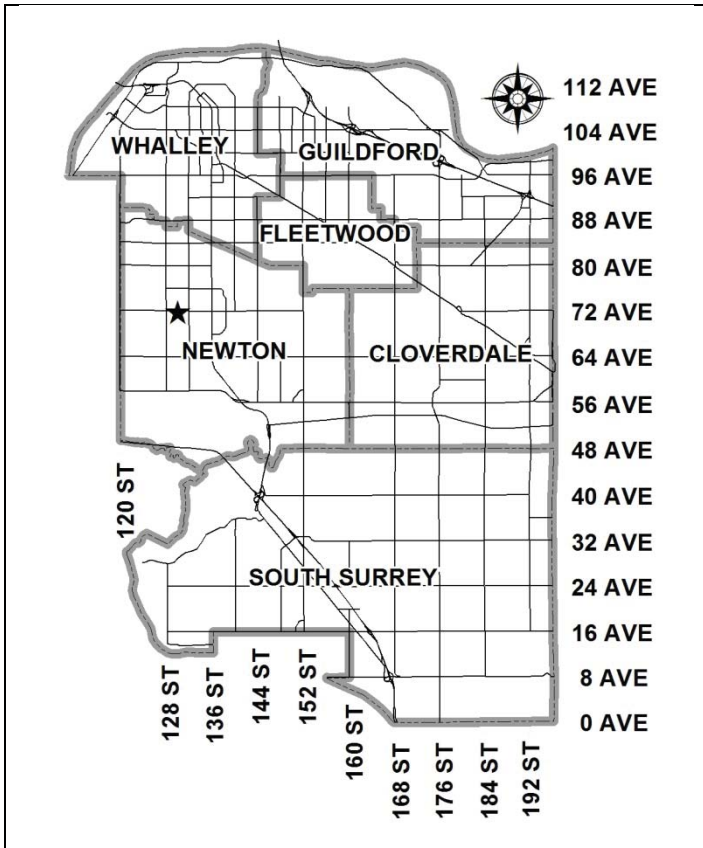


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0051-00

Planning Report Date: May 29, 2017



PROPOSAL:

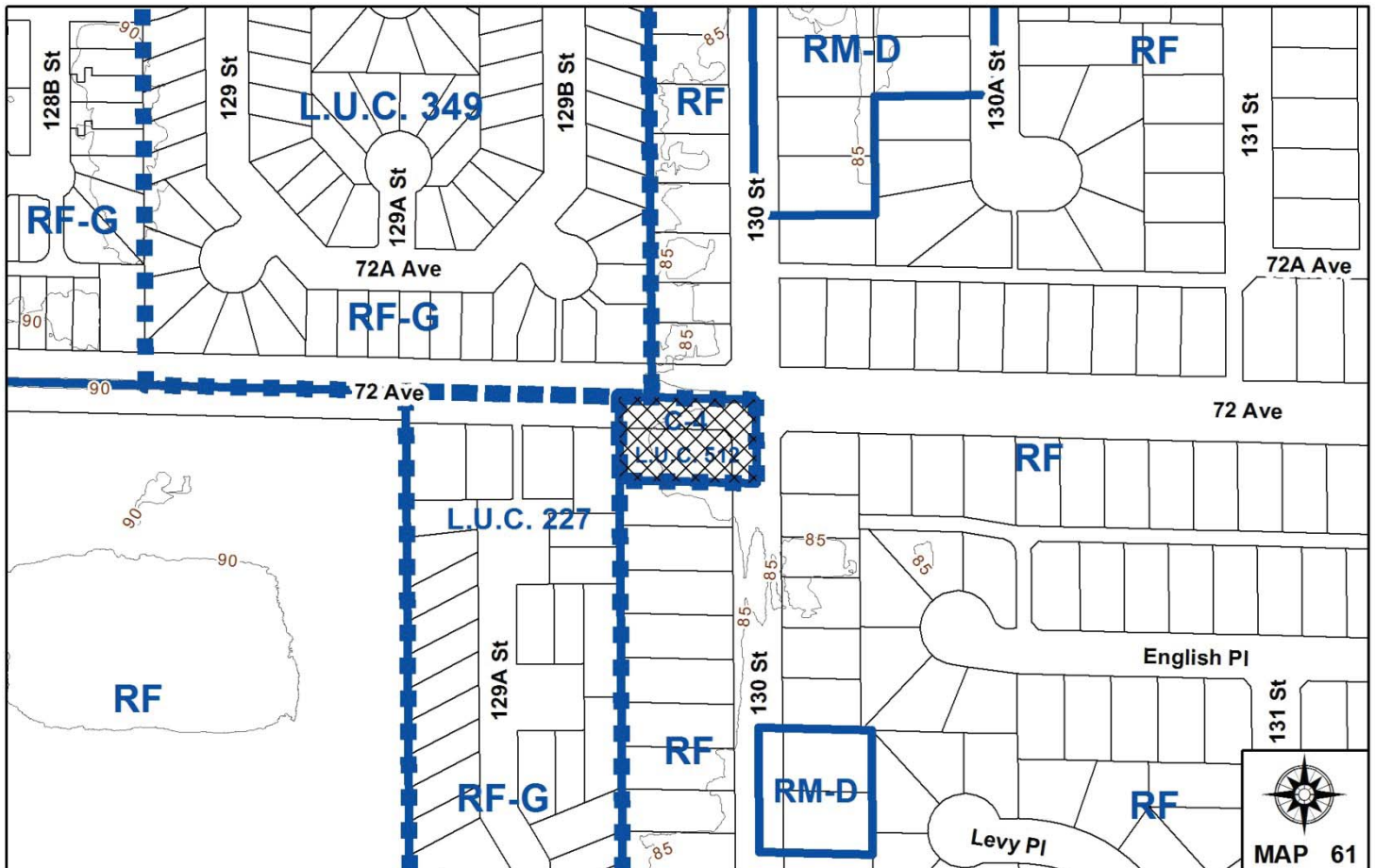
- **Terminate Land Use Contract No. 512**

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

LOCATION: 12990 - 72 Avenue

LUC AND UNDERLYING ZONING: LUC No. 512
 (C-4 Zone underlying)

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 512.

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. 512 was adopted by Authorization By-law No. 5685 on November 20, 1978.
- LUC No. 512 permits a neighbourhood grocery store, as per Part XII of Surrey Zoning By-law, 1964, No. 2265.
- 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. 512 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)" is intended to accommodate and regulate the development of local small scale commercial developments to serve the immediate neighbourhood.
- 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. 512 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. It should be noted, however, that most of the LUCs in Surrey have had Termination By-laws adopted by Council following a Public Hearing and are within the one-year grace period.
- 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. 512 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. 512, 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: Small scale grocery and produce store.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 72 Avenue):	Single family dwellings.	Urban	LUC No. 349 (RF-G Zone underlying), RF
East (Across 130 Street):	Single family dwelling.	Urban	RF
South:	Single family dwelling.	Urban	RF
West:	Single family dwelling.	Urban	LUC No. 227 (RF-G Zone underlying)

DISCUSSION

- LUC No. 512 was adopted by Authorization By-law No. 5685 on November 20, 1978.
- LUC No. 512 regulates one (1) commercial lot. The subject area is located in Newton at civic address 12990 – 72 Avenue.
- The subject area is designated Urban under the Official Community Plan (OCP) and has an underlying "Local Commercial Zone (C-4)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 512 permits a neighbourhood grocery store, as per Part XII of Surrey Zoning By-law, 1964, No. 2265.
- 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. 512 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)" is intended to accommodate and regulate the development of local small scale commercial developments to serve the immediate neighbourhood.
- 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 34 "Local Commercial Zone (C-4)" of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 512.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/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	Front Yard	Rear Yard	Side Yard	Side Yard on Flanking Street
<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*.