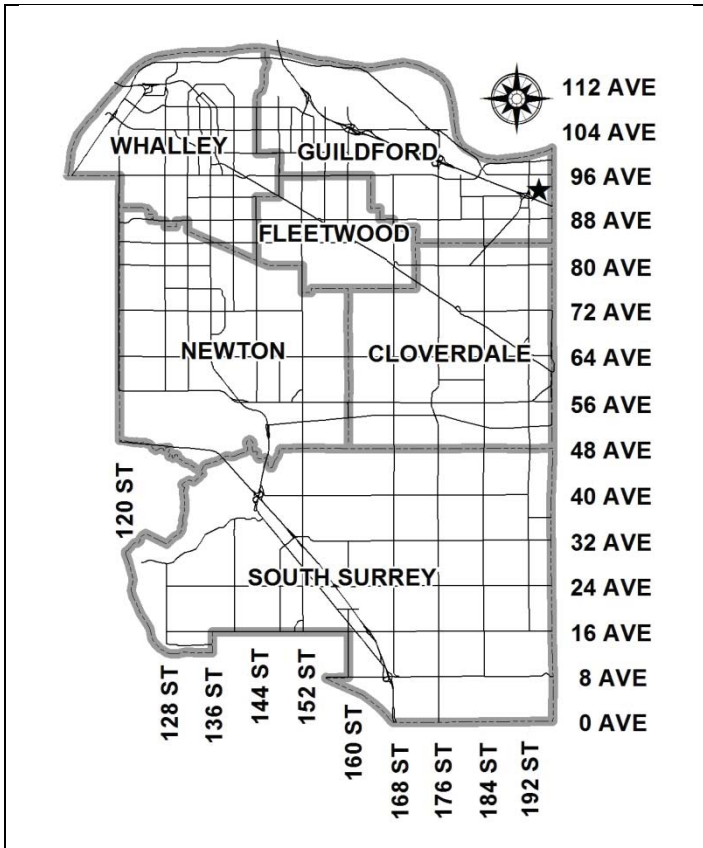


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7917-0324-00

Planning Report Date: September 11, 2017

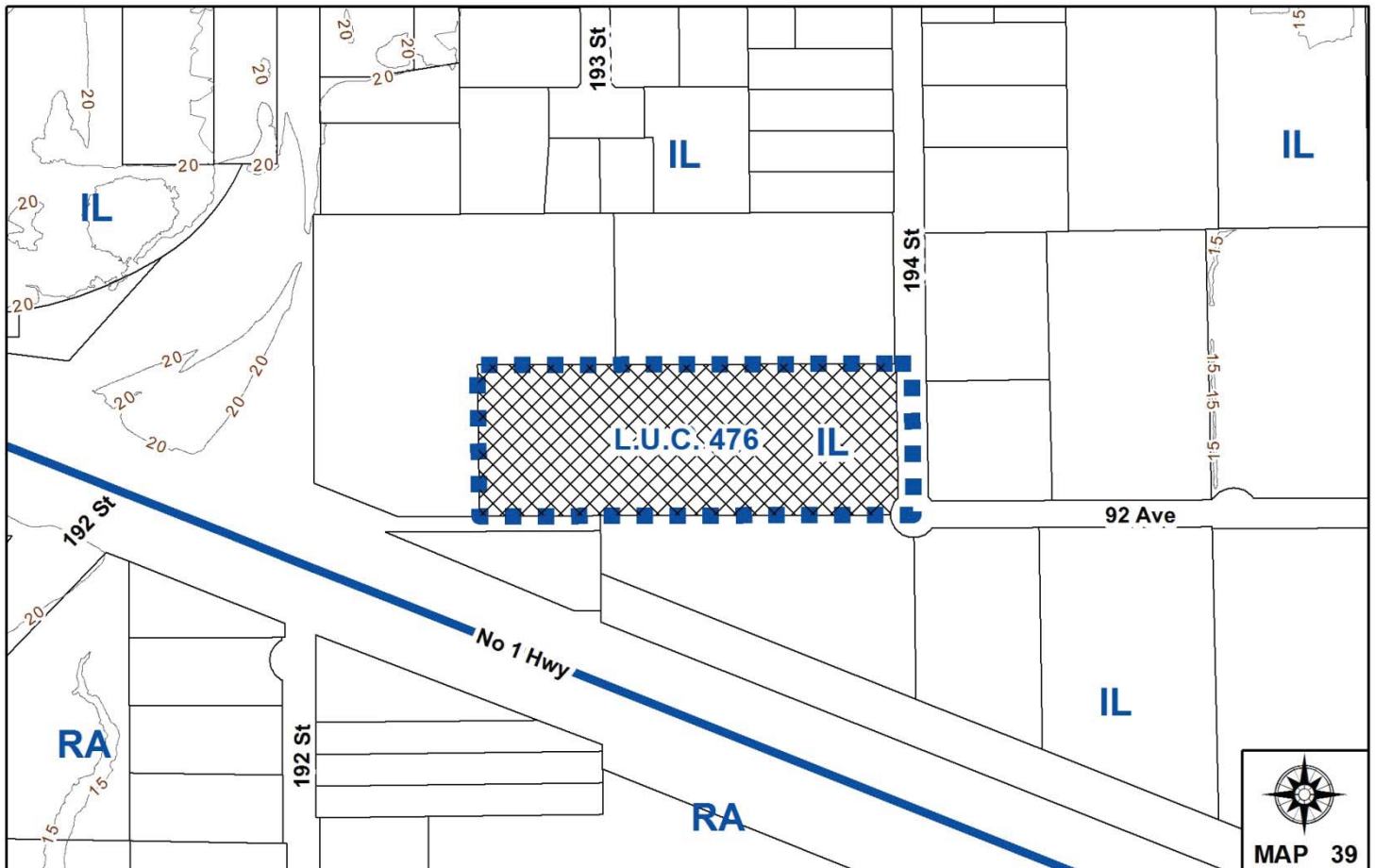


**PROPOSAL:**

- **Terminate Land Use Contract No. 476**

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

**LOCATION:** 9255 - 194 Street  
**LUC AND UNDERLYING ZONING:** LUC No. 476 (IL Zone underlying)  
**OCP DESIGNATION:** Industrial



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 476.

### 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. 476 was adopted by Authorization By-law, 1978, No. 5502 on June 19, 1978.
- LUC No. 476 permits a main building containing a service area for the purpose of maintaining and repairing trucks and other motor vehicles. LUC No. 476 also permits a building to accommodate a truck test station and a parking area for trucks, employees and visitors.
- 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. 476 is terminated and the one-year grace period ends, the current underlying "Light Impact Industrial Zone (IL)" will automatically come into effect and will regulate the one (1) subject lot.
- The "Light Impact Industrial Zone (IL)" permits a wide variety of light impact industrial, transportation, warehouse and distribution uses, with limited office and service 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. 476 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. 476 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. 476, 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: Industrial warehouse building.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Two-storey multi-tenant industrial buildings	Industrial	IL
East (Across 194 Street):	Two-storey multi-tenant industrial buildings	Industrial	IL
South:	Outdoor storage of construction waste bins (Under TUP No. 7914-0061-00)	Industrial	IL
West:	Employee parking lot for heavy truck sales, leasing and repair business	Industrial	IL

DISCUSSION

- LUC No. 476 was adopted by Authorization By-law, 1978, No. 5502 on June 19, 1978.
- LUC No. 476 currently regulates one (1) industrial lot located in Port Kells at 9255 - 194 Street.
- The subject site is designated "Industrial" in the Official Community Plan (OCP) with an underlying "Light Impact Industrial Zone (IL)".
- LUC No. 476 permits a main building containing a service area for the purpose of maintaining and repairing trucks and other motor vehicles. LUC No. 476 also permits a building to accommodate a truck test station and a parking area for trucks, employees and visitors.
- LUC No. 476 originally covered two (2) lots (Lots 14 & 15) and was adopted by Authorization By-law, 1978, No. 5502 on June 19, 1978. Subsequently, Lot 14 was subdivided into two (2) lots (Lots 1 & 2) by Subdivision Plan No. 73198 on November 27, 1986, Afterwards, Lot 2 (9277 - 194 Street) was discharged from the LUC by Partial Discharge By-law No. 11269 on August 24, 1992. Subsequently, Lot 1 and the westerly portion of Lot 15 were consolidated by Subdivision Plan No. 10690 on June 8, 1993 in order to create Lot A (9300 - 192 Street). Afterwards, Lot A (9300 - 192 Street) was discharged from the LUC by Partial Discharge By-law, 2006, No. 15885 on March 27, 2006.

- LUC No. 476 contained a clause which required that development occur within ten (10) calendar years from the registration date of the LUC. Subsequently, LUC No. 476 was amended by Amendment By-law, 1989, No. 9780 on December 11, 1989 in order to extend the terms of the development clause to fifteen (15) years. Even though the fifteen (15) year development clause has since lapsed, it was determined by City Staff that a Termination By-law is still warranted in order to ensure that Lot B (9255 – 194 Street) is fully discharged from LUC No. 476.
- 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. 476 is terminated and the one-year grace period ends, the current underlying "Light Impact Industrial Zone (IL)" will automatically come into effect and will regulate the one (1) subject lot.
- The "Light Impact Industrial Zone (IL)" permits a wide variety of light impact industrial, transportation, warehouse and distribution uses, with limited office and service 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 48 "Light Impact Industrial Zone (IL)" of Surrey Zoning By-law, 1993, No. 12000, as amended

#### INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 476.

*original signed by Ron Gill*

Jean Lamontagne  
General Manager  
Planning and Development

RT/da



Part 48 - IL, Light Impact Industrial Zone

## Light Impact Industrial Zone

### Part 48

IL

#### A. Intent

**Amendments: 16957, 06/29/09**

This Zone is intended to accommodate and regulate the development of *light impact industry, transportation industry, warehouses, distribution centres* and limited office and service uses.

#### B. Permitted Uses

**Amendments: 12333, 07/25/94; 12715, 12/04/95; 13201, 09/16/97; 13212, 10/06/97; 13703, 05/17/99; 13970, 04/17/00; 14835, 11/18/02; 15664, 05/18/05; 17704, 07/23/12; 18487, 05/16/16**

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

1. *Light impact industry.*
2. *Recycling depots* provided that:
  - (a) The use is confined to an enclosed *building*; and
  - (b) The storage of used tires is prohibited.
3. *Transportation industry.*
4. *Automotive service uses.*
5. Automobile painting and body work.
6. *Vehicle* storage including recreational *vehicle* storage.
7. *Industrial equipment rentals.*
8. *General service uses* limited to the following:
  - (a) Driving schools;

- (b) Taxi dispatch offices;
  - (c) Industrial first aid training; and
  - (d) Trade schools.
9. *Warehouse uses.*
10. *Distribution centres.*
11. Office uses limited to the following:
- (a) Architectural and landscape architectural offices;
  - (b) Engineering and surveying offices;
  - (c) General contractor offices;
  - (d) Government offices; and
  - (e) Utility company offices.
12. *Accessory uses* including the following:
- (a) *Coffee shops* provided that the seating capacity shall not exceed 35 and the said *coffee shop* is not licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended.
  - (b) *Recreation facilities*, excluding go-kart operations, drag racing and rifle ranges;
  - (c) *Community services*;
  - (d) *Assembly halls* limited to *churches*, provided that:
    - (i) the *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);
    - (ii) the *church* accommodates a maximum of 300 seats; and
    - (iii) there is not more than one *church* on a *lot*.
  - (e) *Child care centres*; and
  - (f) *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):

- i. Contained within the *principal building*;
  - ii. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
  - iii. Restricted to a maximum number of:
    - a. One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
    - b. Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
    - c. Notwithstanding Sub-sections B.12 (f) iii.a. and iii.b., the maximum number shall be two *dwelling units* for *lots* less than 4.0 hectares [10 acres] in area and three *dwelling units* for *lots* equal to or greater than 4.0 hectares [10 acres] in area.
  - iv. Restricted to a maximum floor area of:
    - a. 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500- sq. ft.] *dwelling unit* within the strata plan;
    - b. 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
    - c. Notwithstanding Sub-sections B.12 (f) iv.a. and iv.b., the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained.
- (g) Sales of rebuilt *vehicles* less than 5,000 kilograms [11,023 lbs.] *G.V.W.* provided that:
- i. it is part of an automobile painting and body work business;
  - ii. the number of rebuilt vehicles ready for sale shall not exceed 5 at any time;
  - iii. the business operator holds a current and valid Motor Dealer's certificate; and



- iv. the business operator is an approved Insurance Corporation of British Columbia Salvage Buyer.

**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* may be increased to a maximum *floor area ratio* of 1.00 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 1.00.

**E. Lot Coverage**

The maximum *lot coverage* shall be 60%.

**F. Yards and Setbacks**

**Amendments: 12333, 07/25/94; 17471, 10/03/11; 19261, 06/26/17**

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

<b>Use</b>	<b>Setback</b>	<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.]	7.5 m.* [25 ft.]	7.5 m. [25 ft.]

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

\* One (1) *side yard setback* shall be 7.5 metres [25 ft.] or 0.0 metre if the said *side yard* abuts land which is *commercial, mixed employment or industrial*.

**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 18 metres [60 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 6 metres [20 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**

**Amendments: 13201, 09/16/97; 17471, 10/03; 18487, 05/16/16**

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. 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. Screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide, or 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.
6. Open display and storage including the outdoor storage of damaged or *wrecked vehicles* shall be completely screened to a height of at least 2.5 metres [8 ft.] by *buildings* and/or solid decorative fencing and/or substantial *landscaping* strips of not less than 2.5 metres [8 ft.] in height and not less than 1.5 metres [5 ft.] in width. No display or storage of material shall be piled up to a height of 2.5 metres [8 ft.] within 5 metres [16 ft.] of the said screen and in no case shall these materials be piled up to the height of more than 3.5 metres [12 ft.].
7. Notwithstanding Sections I.1 to I.6 of this Zone, *truck parking facilities* must be screened to a height of not less than 1.5 metres [5 ft.] by *buildings* and/or solid fencing and/or *landscaping* strips along the *lot lines* that abut a *highway* or any *residential lot*, excluding *driveways*, and the screening must be maintained.

**J. Special Regulations**

**Amendments: 13657, 03/22/99; 17471, 10/03/11**

1. Land and *structures* shall be used for the uses permitted in this Zone only if such uses:
  - (a) Constitute no unusual fire, explosion or safety hazard;
  - (b) Do not emit noise in excess of 70 dB(A) measured at any point on any boundary of the *lot* on which the use is located, provided that where a *lot* abuts a *lot* other than an *industrial lot* the noise level shall not exceed 60 dB(A); and
  - (c) Do not produce heat or glare perceptible from any *lot line* of the *lot* on which the use is located.
2. Outdoor storage of any goods, materials or supplies is specifically prohibited between the front of the *principal building* and the *highway*, excluding *vehicles* exceeding 5,000 kilograms [11,023 lbs.] *G.V.W.* which are intended for sale.
3. The storage of damaged or *wrecked vehicles* shall be completely enclosed within a *building* or approved walled or fenced area; and
4. *Wrecked vehicles* shall not be visible from outside the *building* or the walled or fenced area in which they are stored.
5. Garbage containers and *passive recycling containers* shall not be located within any required *setback* adjacent any *residential lot*.
6. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.

**K. Subdivision**

**Amendments: 17471, 10/03/11**

*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>
1,800 sq. m. [0.5 acre]	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: 13201, 09/16/97; 13657, 03/22/99; 13774, 07/26/99; 17181, 06/07/10; 17471, 10/03/11**

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. Floodproofing regulations are as set out in Part 8 Floodproofing, of this By-law.
7. *Building* permits shall be subject to the "Surrey Building By-law" and the "Surrey Development Cost Charge By-law".
8. Development permits may be required in accordance with the *Official Community Plan*.
9. Safety regulations are as set out in the Health Act R.S.B.C. 1979, c. 161 and the "Surrey Fire Prevention By-law".
10. Permits may be required for the storage of *special wastes* in accordance with the Environmental Management Act, S.B.C. 2003, chapter 53, as amended.
11. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act, S.B.C., 2002, c.75, as amended and the Child Care Licensing Regulation set out under B.C. Reg. 95/2009, as amended.