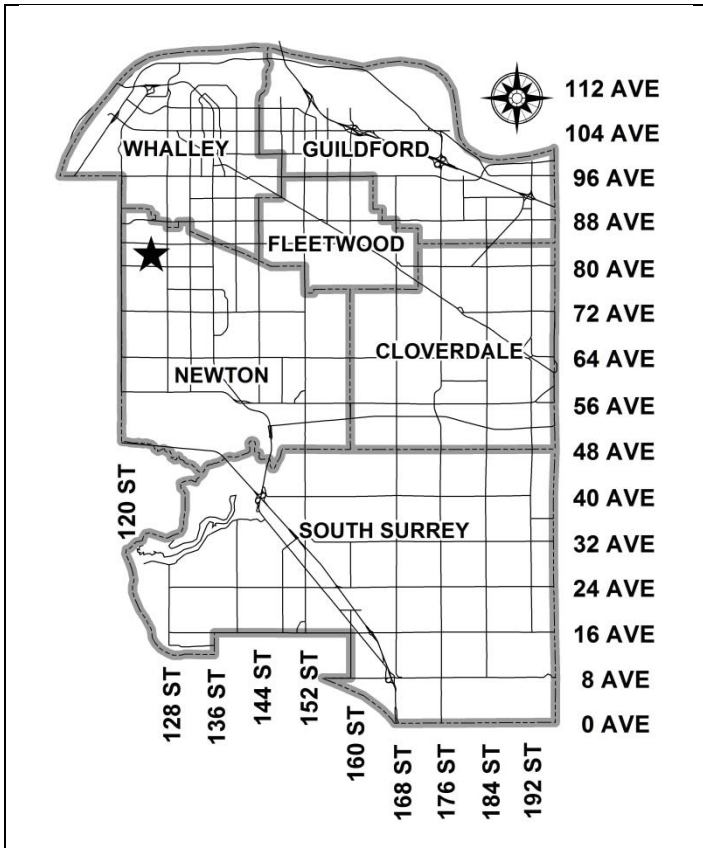


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0330-00

Planning Report Date: September 11, 2017



PROPOSAL:

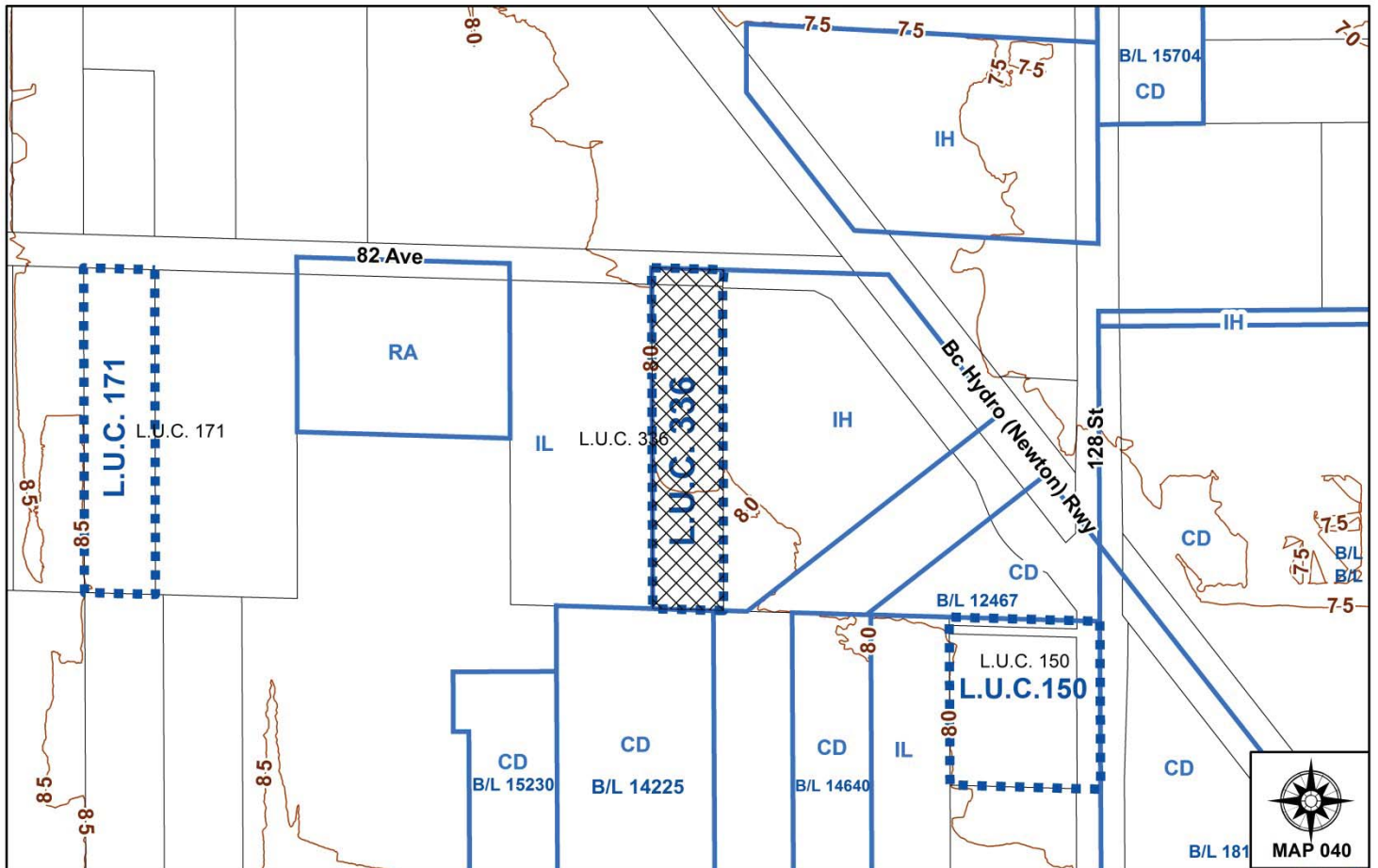
- **Terminate Land Use Contract No. 336**

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

LOCATION: 12682 and 12694 – 82 Avenue

LUC AND UNDERLYING ZONING: LUC No. 336 (IH Zone underlying)

OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 336.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- In 2014, the Provincial Government adopted changes to the *Local Government Act* to 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 before 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. 336 was adopted by Authorization By-law No. 5146 on May 30, 1977.
- LUC No. 336 permits light industrial and warehouse uses, together with permitted accessory uses as set out in "Part XIII A – I-3 Industrial Zone Number Three" of the 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 for the by-law, resulting in a grace period.
- Once LUC No. 336 is terminated and the one-year grace period ends, the current underlying "High Impact Industrial Zone (IH)" will automatically come into effect and will regulate the subject lot.
- The "High Impact Industrial Zone (IH)" is intended to accommodate and regulate the development of all industrial uses, including high impact industry and incidental sales activities (See Appendix I for a complete list of 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. 336 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 cases, the subdivision and development control as well.
- Although LUCs are an agreements 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* to terminate all 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. 336 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. 336, informing them that Council is considering termination the LUC. In addition, the Public Hearing notice will be published in two consecutive issues of the Peace Arch News.

SITE CHARACTERISTICS

Existing Land Use: Various light industrial uses

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 82 Avenue):	BC Hydro Service Lot	Industrial	IL
East:	Iron works	Industrial	IH
South:	Light impact industrial and office uses	Industrial	CD Zone (By-law No. 14225)
West:	Light impact industrial uses	Industrial	IL

DISCUSSION

- LUC No. 336 was adopted by Authorization By-law No. 5146 on May 30, 1977.
- LUC No. 336 regulates one (1) industrial lot. The subject area is located in Newton at civic address 12682 – 82 Avenue.
- The subject area is designated Industrial under the Official Community Plan (OCP) and has an underlying "High Impact Industrial Zone (IH)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 336 permits light industrial and warehouse uses, and associated accessory uses permitted in "Part XIII A – I-3 Industrial Zone Number Three" of the 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. 336 is terminated and the one-year grace period ends, the current underlying "High Impact Industrial Zone (IH)" will come into effect and will regulate the use of the land.
- The "High Impact Industrial Zone (IH)" is intended to accommodate and regulate the development of all industrial uses, including high impact industry and incidental sales activities (See Appendix I for a complete list of 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 49 "High Impact Industrial Zone (IH)" of Surrey Zoning By-law, 1993, No. 12000, as amended.

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 336.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

DZ/da



Part 49 - IH, High Impact Industrial Zone

High Impact Industrial Zone

Part 49

IH

A. Intent

This Zone is intended to accommodate and regulate the development of all industrial uses, including high impact industry and incidental sales activities.

B. Permitted Uses

Amendments: 13703, 05/17/99; 17704, 07/23/12; 18414, 03/23/15; 18487, 05/16/16

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

1. High impact uses limited to the following:
 - (a) Abattoir;
 - (b) Asphalt, tar and tar products manufacturing;
 - (c) Cement, lime gypsum, plaster of paris manufacturing;
 - (d) Chemical plant;
 - (e) Distillation of bones;
 - (f) Fat rendering;
 - (g) Fertilizer manufacturing;
 - (h) Garbage, dead animal reduction;
 - (i) Petroleum refining and storage;

- (j) Planer mills;
 - (k) Stockyard or feeding pens; and
 - (l) Tannery or curing and storage of hides.
2. Heliport.
 3. *Light impact industry.*
 4. *Recycling depots, excluding the storage of used tires.*
 5. *Recycling plant.*
 6. Soil processing.
 7. Storage and handling of *dangerous goods* and *special wastes*, provided that the use is:
 - (a) Authorized by and in compliance with a permit issued by the Environmental Standards Branch of the Ministry of Environment; and
 - (b) In conformity with the regulations of the "Surrey Fire Prevention By-law".
 8. *Transportation industry* including warehouses, distributing centres, port and railway facilities, bus terminals, truck refuelling facilities, and the sales and service of *vehicles* exceeding 5,000 kilograms [11,023 lbs.] *G.V.W.*
 9. *Automotive service uses.*
 10. Automobile painting and body work.
 11. *Vehicle* storage including recreational *vehicle* storage.
 12. *Warehouse uses.*
 13. *Distribution centres.*
 14. General contractor offices.
 15. *Accessory uses* including the following:
 - (a) *Recreation facilities*; and

- (b) *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):
- i. Contained within a *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.15 (b) 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.9 (b) 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.

C. Lot Area

Not applicable to this Zone.

D. Density

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

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

Use	<i>Setback*</i>	<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.]	3.6 m.* [12 ft.]	7.5 m. [25 ft.]

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

* Notwithstanding the above *setbacks*, the use and *structure* shall be located not less than 150 metres [492 ft.] from the boundary of a *residential lot* and not less than 25 metres [80 ft.] from any other Zone where such uses as permitted under this Zone are prohibited.

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 18 metres [60 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: 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*.
5. Loading areas, garbage containers and *passive recycling containers* shall be screened from any adjacent *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. Outdoor storage in the *rear* and *side yards* shall be completely screened to a height of at least 2.5 metres [8 ft.] by *buildings* and/or solid decorative fence and/or *landscaping* at least 2.5 metres [8 ft.] high.
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

1. **Soundproofing:** Where industrial *buildings* abut *lots* other than *industrial lots*, for any noise generated on the *lot*, the noise level shall not exceed 60 dB(A) measured at any point on the boundary of the *lot* on which the use is located.

2. Outdoor storage: Outdoor storage of goods, materials or supplies is specifically prohibited between the front of the *principal building* and the *highway*.

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>
4,000 sq. m. [1.0 acre]	40 metres [130 ft.]	60 metres [200 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; 18414, 03/23/15

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.