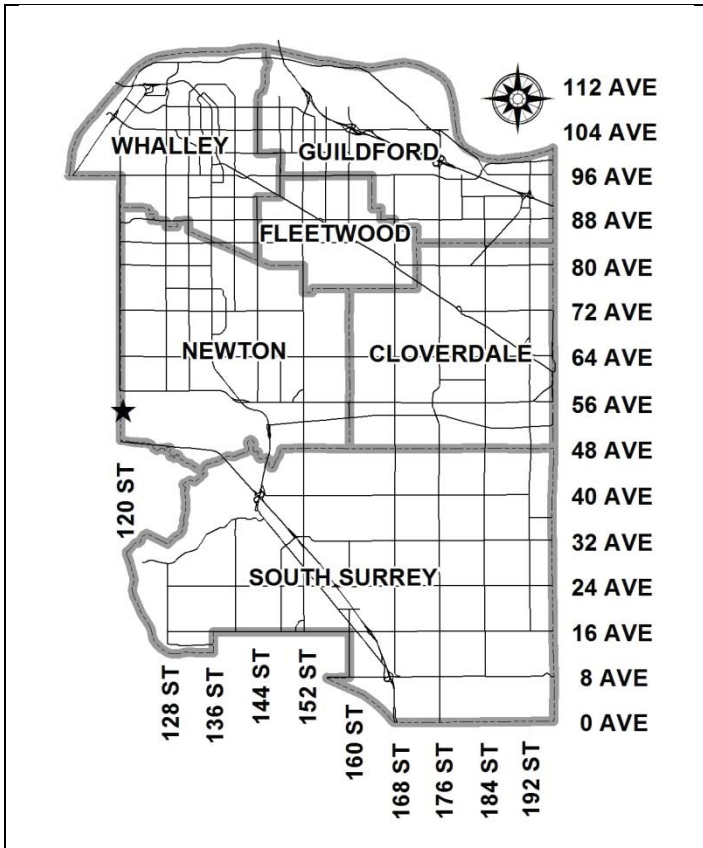


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0221-00

Planning Report Date: June 12, 2017



PROPOSAL:

- **Terminate Land Use Contract No. 480**

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

LOCATION:

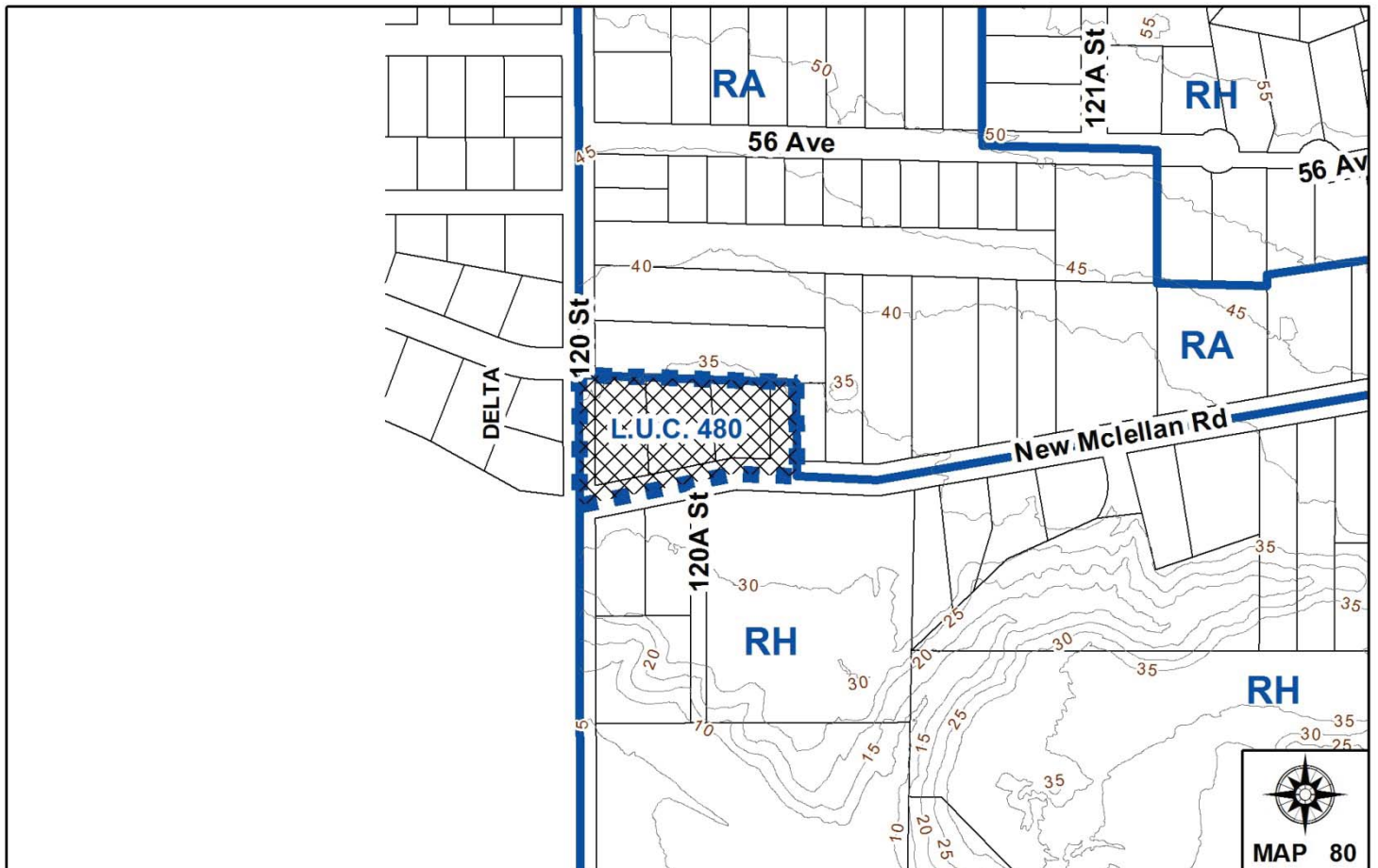
5520 - 120 Street
 12035 - New Mclellan Road
 12047 - New Mclellan Road

LUC AND UNDERLYING ZONING:

LUC No. 480
 (RH Zone underlying)

OCP

DESIGNATION: Suburban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 480.

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. 480 was adopted by Authorization By-law No. 5577 on September 11, 1978.
- LUC No. 480 permits single family dwellings and customary accessory uses.
- 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. 480 is terminated and the one-year grace period ends, the current underlying "Half-Acre Residential Zone (RH)" will automatically come into effect and will regulate the three subject lots.
- The "Half-Acre Residential Zone (RH)" permits single family dwellings, including one secondary suite, as well as a bed and breakfast operation and the keeping of boarders or lodgers as accessory 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. 480 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. 480 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. 480, informing them that Council is considering terminating 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: Single family dwellings.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling.	Suburban	RA
East:	City road dedication (unconstructed).	Suburban	RH
South (Across New Mclellan Road):	Single family dwellings and Delta View Park.	Suburban	RH
West (Across 120 Street):	Single family dwellings in the Corporation of Delta.	N/A	N/A

DISCUSSION

- LUC No. 480 was adopted by Authorization By-law No. 5577 on September 11, 1978.
- LUC No. 480 regulates three (3) lots. The subject area is located in South Surrey at civic addresses 12035 and 12047 - New Mclellan Road and 5520 - 120 Street.
- The subject area is designated Suburban under the Official Community Plan (OCP) and has an underlying "Half-Acre Residential Zone (RH)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 480 permits single family dwellings and customary accessory uses.
- LUC No. 480 permitted the original subject area to subdivide into three (3) residential lots. These lots were created under Subdivision Plan No. 55628 on October 2, 1978.
- 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. 480 is terminated and the one-year grace period ends, the current underlying "Half-Acre Residential Zone (RH)" will automatically come into effect and will regulate the three subject lots.
- The "Half-Acre Residential Zone (RH)" permits single family dwellings, including one secondary suite, as well as a bed and breakfast operation and the keeping of boarders or lodgers as accessory 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 14 "Half-Acre Residential Zone (RH)" of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 480.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da



Part 14 - RH, Half-Acre Residential Zone

Half-Acre Residential Zone

Part 14

RH

A. Intent

Amendments: 17471, 10/03/11

This Zone is intended for single family housing on suburban *lots* of one-half acre or larger.

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. Where the *lot* is 0.4047 hectare [1 acre] or more, one *hobby kennel*.
3. Where the *lot* is 2 hectares [5 acres] or more, *agricultural* and *horticultural* uses excluding *poultry farming*, *mushroom growing*, *piggeries* or *mink farms*.
4. *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: 13093, 05/12/97; 14390, 05/22/01; 14519, 10/15/01

1. For the purpose of subdivision in all Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F to this By-law, the *unit density* shall not exceed 2.5 *dwelling units* per hectare [1.0 u.p.a.] and the dimensions of the *lots* created in a subdivision shall be in accordance with Sub-section K.1 of this Zone. The *unit density* shall not exceed 5.0 *dwelling units* per hectare [2.0 u.p.a.] and Sub-section K.2 of this Zone shall apply if amenities are provided in accordance with Schedule G of this By-law.
2. In areas other than those specified in Sub-section D.1 of this Zone, the *unit density* shall not exceed 5.0 *dwelling units* per hectare [2.0 u.p.a.].
3. (a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, all covered areas used for parking shall be included in the calculation of *floor area ratio* unless the covered parking is located within the *basement*; and

(b) For *building* construction within a *lot*:
 - i. The *floor area ratio* shall not exceed 0.25, provided that, of the resulting allowable floor area, 67 square metres [720 sq.ft.] shall be reserved for use only as a garage or carport, and 28 square metres [300 sq.ft.] shall be reserved for use only as *accessory buildings* and *structures*; and
 - ii. Notwithstanding Sub-section D.3(b)(i), where the *lot* is 900 square metres [9,685 sq.ft.] in area or less, the requirements in Section D. Density of Part 16 Single Family Residential Zone RF shall apply.

E. Lot Coverage

Amendments: 13093, 05/12/97

The maximum *lot coverage* shall be 25%, except where the *lot* is 900 square metres [9,685 sq.ft.] in area or less, the requirements in Section D. Density of Part 16 Single Family Residential Zone RF shall apply.

F. Yards and Setbacks

Amendments: 13093, 05/12/97; 18414, 03/23/15

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 Building</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	4.5 m. [15 ft.]	7.5 m. [25 ft.]
<i>Accessory Buildings and Structures Greater Than 10 square metres [108 sq.ft.] in Size</i>		18.0 m. [60 ft.]	1.8 m [6 ft.]	1.0 m [3 ft.]	7.5 m [25 ft.]
<i>Other Accessory Buildings and Structures</i>		18.0 m [60 ft.]	0.0 m	0.0 m.	7.5 m. [25 ft.]
<i>Buildings for Uses Permitted Under Sec. B.2* & B.3 of this Zone</i>		36.0 m. [120 ft.]	7.5 m. [25 ft.]	7.5 m. [25 ft.]	36.0 m. [120 ft.]

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

* These *setback* requirements for *hobby kennels* do not apply if the *hobby kennel* forms part of or is attached to the *principal building*, however, the *hobby kennel* shall be located at the rear of the said *building*.

** Where the *lot* is 900 square metres [9,685 sq.ft.] in area or less, the requirements in Section F. Yards and Setbacks of Part 16 Single Family Residential Zone RF shall apply.

G. Height of Buildings

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

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

1. *Principal building*: The *building height* shall not exceed 9 metres [30 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; 17471, 10/03/11; 18719, 05/30/16

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 the residential use shall be limited as follows:
 - (a) A maximum of 2 cars or trucks;
 - (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.
3. No outside parking or storage of a *house trailer* or boat is permitted within the *front yard setback*, or within the required *side yards*, 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.

I. Landscaping**Amendments: 12333, 07/25/94**

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. 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**

1. 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: Inserted 14390, 05/22/01

1. For subdivision of the land in all Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F to this By-law, where amenities are not provided in accordance with Schedule G of this By-law, the *lots* created through subdivision shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
4,047 sq. m. [1 acre]	50 metres [164 ft.]	60 metres [200 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of this By-law.

2. For subdivision of the land in all Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F to 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. In areas other than those specified in Sub-sections D.1 and D.2 of this Zone, *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>
1,858 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: 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. *Hobby kennels* shall be subject to the "Surrey Kennel Regulation By-law".