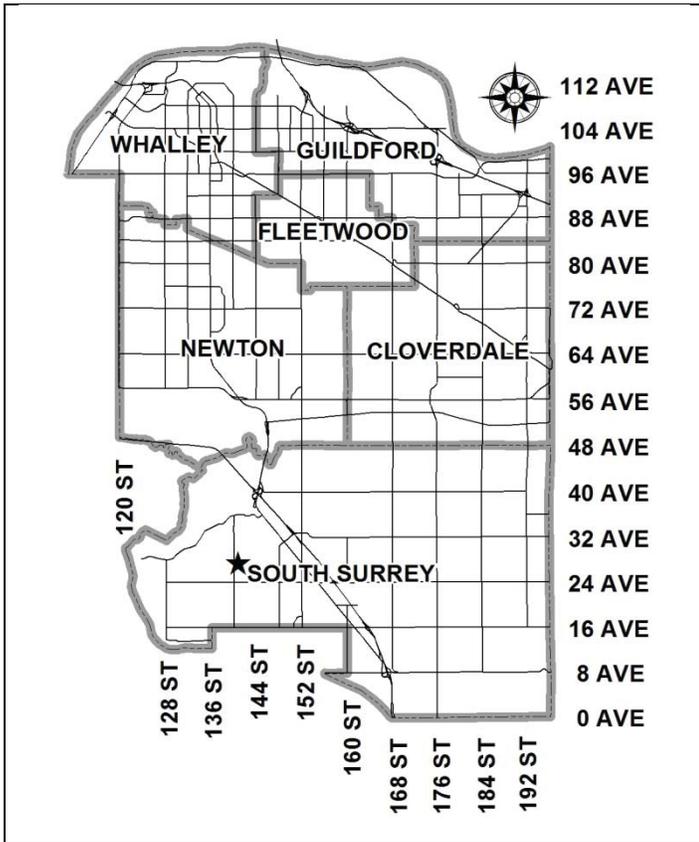


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0225-00

Planning Report Date: June 12, 2017



PROPOSAL:

- **Terminate Land Use Contract No. 558**

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

LOCATION:

Between 140 Street and 141 Street, and 27A Avenue and 28 Avenue

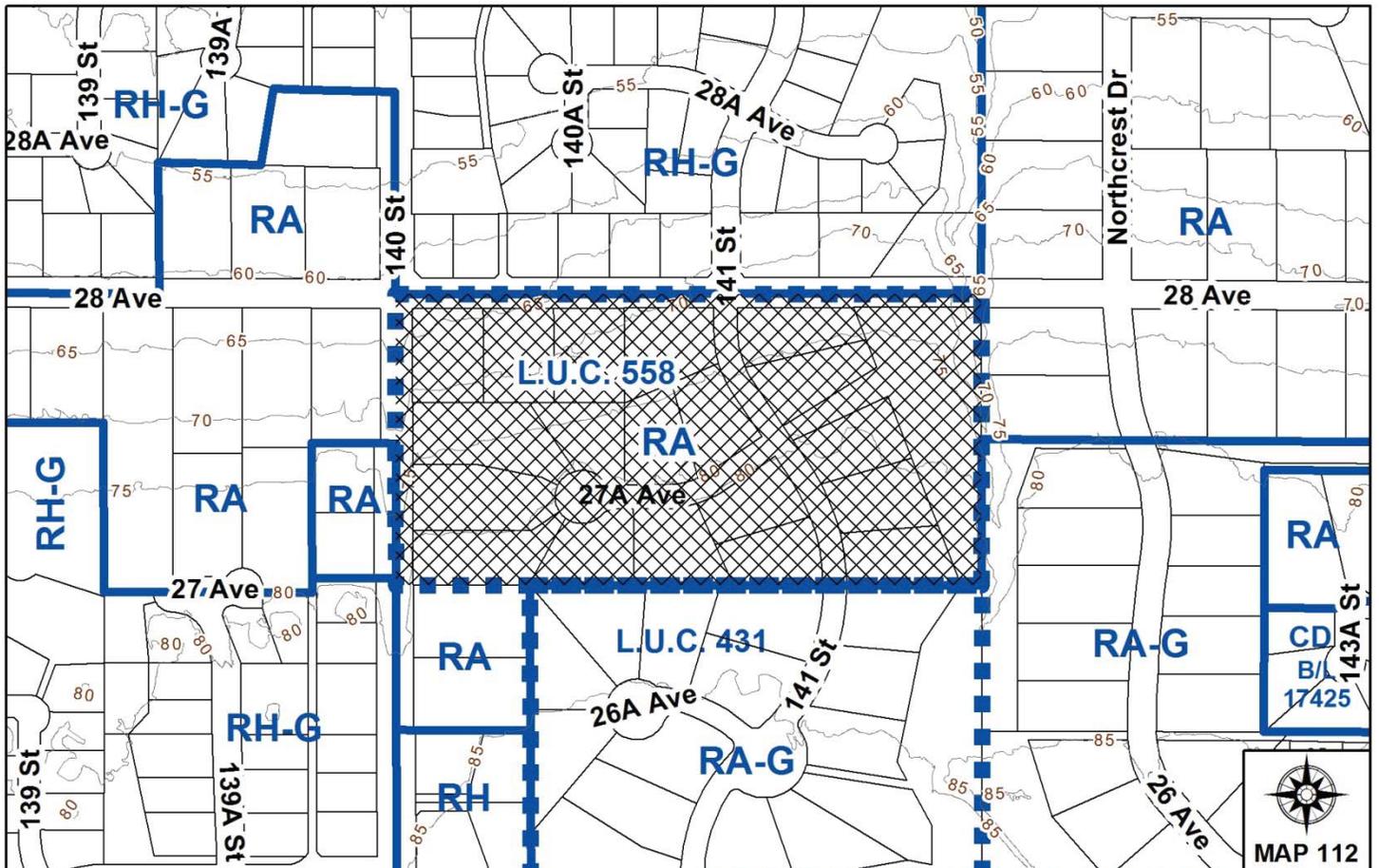
LUC AND UNDERLYING ZONING:

LUC No. 558
 (RA Zone underlying)

OC

DESIGNATION:

Suburban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 558.

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. 558 was adopted by Authorization By-law No. 5731 on December 18, 1978 and amended under Bylaw No. 10044 on January 8, 1990.
- LUC No. 558 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. 558 is terminated and the one-year grace period ends, the current underlying "One-Acre Residential Zone (RA)" will automatically come into effect and will regulate the 20 subject lots.
- The "One-Acre Residential Zone (RA)" 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. 558 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. 558 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. 558, 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 and City parkland.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 28 Avenue):	Single family dwellings.	Suburban	RH-G
East:	Single family dwellings and City parkland.	Suburban	RA, RA-G
South:	Single family dwellings and City parkland.	Suburban	LUC No. 431 (RA-G Zone underlying)
West (Across 140 Street):	Single family dwellings.	Suburban	RA, RH

DISCUSSION

- LUC No. 558 was adopted by Authorization By-law No. 5731 on December 18, 1978 and amended under Bylaw No. 10044 on January 8, 1990.
- LUC No. 558 regulates 20 lots; 19 single family lots and one City owned lot used for park purposes. The subject area is located in South Surrey, between 140 Street and 141 Street, and 27A Avenue and 28 Avenue.
- The subject area is designated Suburban under the Official Community Plan (OCP) and has an underlying "Single Family Residential Zone (RF)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 558 permits single family dwellings and customary accessory uses.
- LUC No. 558 permitted the original subject area to be subdivided into 18 single family lots and one (1) City owned lot for park purposes. These lots were created under Subdivision Plan No. 58381 on December 21, 1979. Subsequently, the LUC was amended by Bylaw No. 10044 on January 8, 1990 to allow the subdivision of one of the original LUC lots. This lot was subdivided into two (2) single family lots under Subdivision Plan No. 84128 on January 12, 1990. As a result, a total of 20 lots are currently regulated by LUC No. 558.
- 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. 558 is terminated and the one-year grace period ends, the current underlying "One-Acre Residential Zone (RA)" will come into effect and will regulate the use of the land.
- The "One-Acre Residential Zone (RA)" 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 12 "One-Acre Residential Zone (RA)" of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 558.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da



Part 12 - RA, One-Acre Residential Zone

One-Acre Residential Zone

Part 12

RA

A. Intent

This Zone is intended for single family housing on *suburban lots* of 1 acre or larger.

B. Permitted Uses

Amendments: 14891, 01/20/03; 15655, 03/07/05; 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.
4. Where the *lot* is 4 hectares [10 acres] or more, one additional *single family dwelling* or *duplex* for the employees of the *farm operation* permitted under Section B.3 of this Zone.
5. Where the *lot* is 0.9 hectare [2.2 acres] or more, one skateboard ramp *structure* in association with a *single family dwelling* as permitted in Sub-section B.1 and subject to the skateboard ramp *structure* being:
 - (a) a maximum of 173.4 sq. m. [1,865 sq. ft.] in area, a maximum of 5 metres [16 ft.] high, a maximum of 14.3 metres [47 ft.] long and a maximum of 12.2 metres [40 ft.] wide;
 - (b) sited behind the *single family dwelling*; and
 - (c) for the enjoyment of the residents of the *single family dwelling* on the *lot* and not for commercial purposes.
6. *Accessory uses* including the following:
 - (a) *Bed and breakfast* use in accordance with Section B.2, Part 4 General Provisions, of this By-law;

- (b) The keeping of *boarders* or *lodgers* in accordance with Section B.2, Part 4 General Provisions, of this By-law;
- (c) Horse-boarding; and
- (d) Display and retail sale of products provided all of the following are satisfied:
 - i. all of the products offered for sale shall be produced by the *farm operation* or at least 50% of the floor area for product sales and display shall be limited to product produced by the *farm operation*;
 - ii. products offered for sale shall be limited to *agricultural* and/or *horticultural* products, and shall exclude dressed fowl or poultry, butchered meat and/or preserved food unless dressed, butchered or preserved off-site;
 - iii. the cumulative maximum floor area for the display and sale of products shall not exceed 93 square metres [1,000 sq. ft.];
 - iv. all products offered for sale and related displays shall be located entirely within a *building*; and
 - v. products offered for sale and related displays shall be an *accessory use to a single family dwelling* and the *agricultural* and/or *horticultural* use of the *lot*.

C. Lot Area

Not applicable to this Zone.

D. Density

Amendments: 12517, 02/13/95; 12681, 12/04/95; 14101, 09/18/00; 14568, 12/10/01; 14757, 07/22/02; 19073, 02/20/17

- 1. For the purpose of subdivision:
 - (a) In all Areas as described and outlined on the maps attached as Schedule F of this By-law, the maximum *unit density* shall not exceed 1.2 *dwelling units* per hectare [0.5 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* shall be increased to 2.5 *dwelling units* per hectare [1.0 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; and

- (b) In all other areas, the maximum *unit density* shall be 2.5 *dwelling units* per hectare [1.0 u.p.a.].
2. For the purpose of *building* construction:
 - (a) Where the *lot* is 900 square metres [9,685 sq. ft.] in area or less for any *suburban lot*, the requirements of Sub-section D.2 Density of Part 16 Single Family Residential Zone (RF) shall apply;
 - (b) Where the *lot* is 1,858 square metres [0.5 acre] in area or less for any *urban* or *multiple residential lot*, the requirements of Sub-section D.2 Density of Part 16 Single Family Residential Zone (RF) shall apply;
 - (c) Where the *lot* is greater than 900 square metres [9,685 sq. ft.] in area for any *suburban lot*, *floor area ratio* is not applicable; and
 - (d) Where the *lot* is greater than 1,858 square metres [0.5 acre] in area for any *urban* or *multiple residential lot*, *floor area ratio* is not applicable.

E. Lot Coverage

Amendments: 12517, 02/13/95; 12681, 12/04/95; 14568, 12/10/01; 14757, 07/22/02

1. The maximum *lot coverage* shall be 20%.
2. Notwithstanding Sub-section E.1, the requirements of Section E. Lot Coverage of Part 16 Single Family Residential Zone (RF) shall apply as follows:
 - (a) Where the *lot* is 900 square metres [9,685 sq. ft.] in area or less for any *suburban lot*; and
 - (b) Where the *lot* is 1,858 square metres [0.5 acre] in area or less for any *urban* or *multiple residential lot*.

F. Yards and Setbacks

Amendments: 12517, 02/13/95; 12681, 12/04/95; 13093, 05/12/97; 14603, 01/21/02; 14757, 07/22/02; 14891, 01/20/03; 17471, 10/03/11; 18414, 03/23/15

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 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>Skateboard Ramp Structure</i>		18.0 m. [60 ft.]	36.0 m. [120 ft.]	7.5 m.*** [25 ft.]	36.0 m. [120 ft.]
<i>Buildings and Structures 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 for any *suburban lot*, or where the *lot* is 1,858 square metres [0.5 acres] in area or less for any *urban* or *multiple residential lot*, the requirements in Section F. Yards and Setbacks of Part 16 Single Family Residential Zone (RF) shall apply.
- *** One (1) *side yard setback* may be reduced to not less than 3.0 metres [10 ft.] if the opposite *side yard* on the *lot* is at least 15 metres [50 ft.] and the reduced *side yard* abuts land which is *suburban*.

G. Height of Buildings

Amendments: 14891, 01/20/03; 17471, 10/03/11; 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.].
1. *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.]
3. The height of a skateboard ramp *structure* shall be:
 - (a) no higher than the *building height* of the *single family dwelling* constructed on the *lot*; and
 - (b) a maximum of 5 metres [16 ft.] measured from *finished grade* to the top of the handrail.

H. Off-Street Parking and Loading/Unloading

Amendments: 12517, 02/13/95; 12681, 12/04/95; 13774, 07/26/99; 14568, 12/10/01; 18719, 05/30/16

1. For *lots* greater than 1,858 square metres [0.5 ac.] in area shall comply with the following:
 - (a) Parking requirements in Table C.1 of Part 5 Off-Street Parking and Loading/Unloading of this By-law shall apply; and

- (b) 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:
 - i. A maximum of 2 cars or trucks;
 - ii. *House trailers*, *campers* or boats, provided that the combined total shall not exceed 3; and
 - iii. The total amount permitted under (i) and (ii) shall not exceed 5.
2. For *lots*, 1,858 square metres [0.5 ac.] in area or less, the requirements in Section H of Part 16 Single Family Residential Zone RF shall apply.

I. Landscaping

Amendments: 12333, 07/25/94

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.

J. Special Regulations

Amendments: 14891, 01/20/03; 17290, 12/13/10; 17471, 10/03/11

1. The skateboard ramp *structure* permitted under Sub-section B.5 shall be completely enclosed by a fence measuring not less than 1.8 metres [6 ft.] and not more than 3.6 metres [12 ft.] in height along the perimeter of the ramp *structure*, or equipped with a security device to prohibit unauthorized use of the skateboard ramp *structure*.
2. 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: 14101, 09/18/00

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 of 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>
8,094 sq. m. [2 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 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:

<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.

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".