

CITY OF SURREY

BYLAW NO. 20620

A bylaw to establish procedures for the
delegation of council authority for minor development variance permits

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WHEREAS pursuant section 498.1 of the *Local Government Act*, R.S.B.C. 2015, c. 1 (the "*Local Government Act*"), Council may delegate powers, duties and functions to an officer or employee of the City to issue a minor Development Variance Permit.

NOW THEREFORE the Council of the City of Surrey, enacts as follows:

TITLE

1. This Bylaw may be cited as "Development Variance Permit Delegation Bylaw, 2023, No. 20620".

INTERPRETATION

2. In this Bylaw:

"City" means the City of Surrey;

"Delegated Official" means either the General Manager, Planning & Development, an Approving Officer for the City, appointed in accordance with the *Land Title Act*, R.S.B.C. 1996, c. 250, as amended, and acting in their capacity as a City employee, or the General Manager, Engineering;

"Development Variance Permit" means a permit under section 498 of the *Local Government Act*;

"Minor Development Variance Permit" means a Development Variance Permit that has been determined to be minor by the Delegated Official in accordance with the criteria set out in this Bylaw; and

"Zoning By-law" means the Surrey Zoning By-law, 1993, No. 12000, as amended.

3. In this Bylaw, any reference to an enactment will be a reference to that enactment as it may be amended or replaced from time to time.

4. Council hereby delegates to the Delegated Official the powers of Council to issue a Minor Development Variance Permit.

APPLICATION REVIEW PROCEDURE

5. An application for a Development Variance Permit shall be made by the owner to the City pursuant to Surrey Development Application Procedure By-law, 2011, No. 17409.

CRITERIA FOR MINOR DEVELOPMENT VARIANCE PERMITS

6. An application for a Development Variance Permit may be considered as one for a Minor Development Variance Permit by the Delegated Official if the requested variance(s) meets the following criteria:
 - (a) it pertains to one or more of the following regulations:
 - i. yards and setbacks under the Zoning By-law;
 - ii. height of buildings and structures under the Zoning By-law;
 - iii. Special regulations regarding the siting of basement access and basement wells under the Zoning By-law;
 - iv. landscaping and screening under the Zoning By-law;
 - v. Part 5, Off-Street Parking and Loading/Unloading, under the Zoning By-law; or
 - vi. signage regulations under Surrey Sign By-law, 1999, No. 13656 or Zoning By-law;
 - (b) it does not vary land use or density;
 - (c) it does not pertain to any regulations under Part 7A Streamside Protection, or Part 8 Floodproofing of the Zoning By-law;
 - (d) it is not associated with another development application type that needs to be considered by Council;
 - (e) it is consistent with the Surrey Official Community Plan Bylaw, 2013, No. 18020;
 - (f) it does not apply to a property subject to a Land Use Contract;
 - (g) it does not pertain to any regulations under the Surrey Subdivision and Development By-law, 1986, No. 8830;
 - (h) it does not apply to a property that contains a feature or characteristic of heritage conservation;
 - (i) it does not apply to a property for which a heritage revitalization agreement is in effect; and

- (j) where the requested variance(s) relates to Part 5, Off-Street Parking and Loading/Unloading, under the Zoning Bylaw, it does not seek to:
 - i. reduce the number of required parking spaces by ten (10) or more;
or
 - ii. vary the provisions under the heading "Alternative Parking Provision" under Part 5, Off-Street Parking and Loading/Unloading, of the Zoning Bylaw.

GUIDELINES FOR THE DELEGATED OFFICIAL

- 7. The Delegated Official must consider the following guidelines in deciding whether to issue a Minor Development Variance Permit:
 - (a) Comments received from the public, if any;
 - (b) Applicable City policies and guidelines;
 - (c) Neighbourhood context, including established neighbourhood character;
 - (d) Impacts to neighbouring properties; and
 - (e) Any other considerations that the Delegated Official considers to be relevant or appropriate.
- 8. If the Delegated Official has determined that the application satisfies the criteria set out in Section 6 for a Minor Development Variance Permit and has considered the guidelines in Section 7 of this Bylaw, the Delegated Official may in their discretion issue the Minor Development Variance Permit, and include any conditions the Delegated Official determines appropriate.

NOTICE

- 9. The obligation to give notice to affected property owners and tenants under Section 499 of the *Local Government Act* does not apply to Minor Development Variance Permits, however the Delegated Official may, if they determine that it is in the public interest, notify the owners and tenants of the subject property and land that is within 10 metres (30 feet) of the subject property, including those properties across dedicated rights-of-way and highways, prior to issuing the variance. The notice shall describe in general terms the variance applied for and instructions on how recipients of the notice may provide comments to the City.

REFERRAL BY DELEGATED OFFICIAL FOR COUNCIL CONSIDERATION

- 10. Where the Delegated Official has decided not to issue a Minor Development Variance Permit upon considering the criteria in Section 6 and guidelines in Section 7 of this Bylaw, the Delegated Official may refer the application to City Council for Council's consideration if the Delegated Official determines that it would be in the public interest to do so.

DECISION BY DELEGATED OFFICIAL AND COUNCIL RECONSIDERATION

- 11. Subject to the owner's right of reconsideration under Section 12 of this Bylaw, or unless Council resolves otherwise, the decision of the Delegated Official to issue or not to issue a Minor Development Variance Permit, or whether or not to refer the matter to Council, is final.
- 12. Council may reconsider the decision of the Delegated Official regarding the issuance or non-issuance of a Minor Development Permit if, within thirty (30) days from the decision, the owner of the property makes a written request to the Delegated Official to have the matter reconsidered by Council.
- 13. Upon receiving a request for reconsideration that complies with Section 12 of this Bylaw, the matter will be referred to Council.

PASSED FIRST READING on the 30th day of January, 2023.

PASSED SECOND READING on the 30th day of January, 2023.

PASSED THIRD READING on the 30th day of January, 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 13th day of February, 2023.

_____MAYOR

_____CLERK